P R O C E E D I N G S O F T H E

G I B R A L T A R P A R L I A M E N T

MORNING SESSION: 10.00 a.m. – 12.57 p.m.

Gibraltar, Tuesday, 23rd September 2025

Contents

Prayer 2

Order of the Day 2

Confirmation of Minutes 2

PAPERS TO BE LAID 2

SUSPENSION OF STANDING ORDERS 3

GOVERNMENT MOTIONS 3

Adjournment 34

The House adjourned at 12.57 p.m. 34

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The Parliament met at 10.00 a.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: P A Borge McCarthy Esq *in attendance*]

PRAYER
Madam Speaker

Order of the Day

CONFIRMATION OF MINUTES

Madam Speaker: Almighty and merciful God, from whom comes all counsel, wisdom and understanding, we humbly ask you to guide and assist us in our deliberations and in our work. May all our efforts be directed to the welfare and good of our community and our country.

May we act honourably in pursuit of true justice for all our people, now and for the future and for generations still to come. Amen.

Clerk: Meeting of Parliament, Tuesday 23rd September 2025. Order of Proceedings. Oath of Allegiance. Confirmation of Minutes. The Minutes of the Seventeenth meeting of the Fifteenth Parliament which was held on the 23rd, 24th, 25th, 26th, 30th of June and 1st, 2nd, 3rd, 4th, 7th and 8th of July 2025.

Madam Speaker: May I sign the minutes as correct? (**Members:** Aye)

Clerk: Communications from the Chair. Petitions. Announcements. Papers to be laid. The Hon. the Chief Minister.

PAPERS TO BE LAID

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to lay on the table the High Executive Possessing Specialist Skills (Amendment) Rules 2025, the Qualifying (Category 2) Individuals (Amendment) Rules 2025.

Madam Speaker: Ordered to lie.

Clerk: The Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): I have the honour to lay on the table the Audited Accounts for the Gibraltar Electricity Authority for the financial year ending 31st of March 2017.

Madam Speaker: Ordered to lie.

SUSPENSION OF STANDING ORDERS

Clerk: Reports of Committees. Suspension of Standing Orders. The Hon. The Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with Government Motions.

Madam Speaker: Those in favour? (**Government Members:** Aye.)

Hon. D J Bossino: No, no.

Hon R M Clinton: Division, Madam Speaker.

Madam Speaker: I beg your pardon? Division.

Hon R M Clinton: Division.

Voting resulted as follows:

FOR	AGAINST	ABSENT
Hon. G Arias-Vasquez	Hon. D J Bossino	Hon. Dr K Azopardi
Hon. Sir J J Bossano	Hon. R M Clinton	Hon. Dr J J Garcia
Hon. L M Bruzon	Hon. J Ladislaus	
Hon. Prof. J E Cortes	Hon. G Origo	
Hon. N Feetham	Hon. E J Reyes	
Hon. P A Orfila	Hon. C A Sacarello	
Hon. F R Picardo	Hon. A Sanchez	
Hon. C P Santos		

Madam Speaker: The ayes have it.

GOVERNMENT MOTIONS

Clerk: Government Motions. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): I have the honour to move the Motion standing in my name, which reads as follows.

"THIS HOUSE:

CONSIDERS that the Principal Auditor's Report for Financial Year 2018 / 2019 fails, in many material respects, in both form and substance, to conform to standards of independence and objectivity;

FURTHER CONSIDERS THAT the said report contains material errors that reflect both (a) a lack of competence in its finalisation by the former Principal Auditor, and (b) that it has been presented in a manner that is designed to be politically biased against the political parties that make up the Government and to align with the policies of the Opposition in a manner that is outside the bounds of an Auditor's report thereby further illustrating a failure of independence and objectivity;

CONCLUDES THAT, as a result, such transparent bias significantly and completely compromises the accuracy and reliability of the Report and significantly constrains and limits of any reliance that this House can place on it;

AND THEREFORE rejects the criticism of the Government contained therein and the Report itself as not being in keeping with the rigour, objectivity and independence required Constitutionally from a Principal Auditor's Report."

Madam Speaker, on 17 July 2025 I wrote to give you notice of my intention to move this Motion in respect of the accuracy and reliability of the Principal Auditor's Report at the next meeting of Parliament.

Madam Speaker, we have been in correspondence and I have confirmed to you that it is my intention to amend the text of the Motion as it currently stands. We will not be rejecting the report as a whole, although we believe we would be entitled to do so. The Motion as currently drafted proposes that the report fails in both its form and substance to conform to the standards of independence and objectivity that are both expected and required.

It further moves that this House considers the material errors of the report that reflect a lack of competence on the part of its author and the politically biased manner of its presentation that further illustrate a failure of independence and objectivity. The Motion calls on the House to conclude that the report's clear bias significantly and completely compromises its accuracy and reliability and to reject it as not being in keeping with the rigour, objectivity and independence required constitutionally from a Principal Auditor's Report. Since the Motion was initially drafted, the Government has received legal advice which confirms our initial views, but also goes further in helping us to confirm that our views were accurate.

I will be referring at length to that legal opinion in ensuring that the House are aware of the precise legal grounds on which we rely. Additionally, as all hon. Members will have heard me say outside of this place as part of the media reporting of this matter, the report gives us a clean bill of health on the accounts of the Government. That is fundamental, and of course, Madam Speaker, we do not reject that part of the report.

Indeed, we set that up to the light and juxtapose it to the remarkable, mutually exclusive findings in the report which we find so objectionable. I will therefore be moving an amendment which will reflect that the Government is rejecting aspects of the report, but not the whole of it. I shall move the amendment once I have finished presenting to the House the Government's reasoning for the rejection of the relevant parts of the report which fail to apply the standards expected and required of a Principal Auditor's Report.

I will be making further amendments also which will reflect on the face of the Motion the exact parts of the report which we reject, and the reasons for that. I will of course, Madam Speaker, as required by the Standing Orders and Rules of the House, move those amendments in writing when I do so.

Madam Speaker, I was moved by being reminded when you entered the Chamber of the words that we all reflect on when we start each session, that all our efforts should be directed to the welfare and good of our community and our country, and that we should act honourably in pursuit of true justice for all our people, now and for future generations still to come.

It is in that spirit, Madam Speaker, that I rise today to address the House in respect of this Motion. I do not know that we added much value to this debate by having a division on the vote to see whether the Government was going to prevail or not on suspending standing orders. It was obvious that we would.

But Madam Speaker, it is important that I highlight at the very outset of my intervention today as Leader of the House and as Chief Minister, that I very much welcome scrutiny, as do all members of my Government. But when that scrutiny is not accurate, when it is not fair, when it is not objective, and when it is not free from bias, we will not hesitate to point it out. Indeed, Madam Speaker, it is our duty to do so.

And to do so, Madam Speaker, in trenchant terms. Madam Speaker, we introduced monthly meetings of this House, and the televising of the monthly meetings of this House, because we welcome scrutiny and we have no fear of it. We wanted our people to see what was happening here, because we have absolutely nothing to hide here or anywhere else.

No one, however, on this side of the House, whether we have been on this side of the House or on that side of the House, has ever pretended to be perfect. And wherever there are lessons to be learnt from any quarter, be it from the Report, the author of it, or any other reliable source, we will do our utmost to learn those lessons and improve on how we spend taxpayers' money on our valued and cherished public services. Indeed, I will take the House, Madam Speaker, through various examples where the Government agrees with the Report's recommendations and I'll reflect on the work that the Government has already undertaken, in some instances even before the publication of the Report, to implement such recommendations. No one should pretend, for their own partisan purposes, that we are somehow arrogantly saying that we believe we are going to learn nothing from this report or not implement anything in it. Already, Madam Speaker, when I say that, I hear nervous utterings from the benches opposite, who are obviously going to try and do no more than that. And in doing so, Madam Speaker, give credence to the things that we are going to say about the way that the report has been confected.

Additionally, Madam Speaker, I think most people will also see that in many instances, this report reflects complaints and criticisms of things which the author will have known we had already changed before the publication of it. And yet the reporting of those matters appears to ignore the changes affected.

For what purpose would a fair and balanced report continue to highlight problems that have already been dealt with, I ask? It would only appear to be a desire to press on with criticisms which in such circumstances can never accurately be described as constructive. In fact, quite the opposite.

And for that reason, and having said that, Madam Speaker, it would be not right or proper to allow inaccurate, unfair, outdated, subjective and biased reporting to remain unanswered. The Report, Madam Speaker, is laid in this House. Indeed, I laid it in this House. It will remain laid in this House. But the Government is as entitled as it is obliged to set out its own version of the events heralded in the Report and to do so here, in Parliament, where the Report is part of the record. And to do so, Madam Speaker, in a manner that will also indelibly form part of the record of this Parliament.

And not just in press releases and interviews outside of this place, because the Report, Madam Speaker, is indelibly a part of the record of this Parliament. I have therefore absolutely, Madam Speaker, no sympathy whatsoever with the foolishly misguided comment that suggests that this Parliament is not exactly the right place to debate these matters. That we are somehow curtailed in our ability to debate these matters here, in the home of our democracy, and the very place in which this report has been laid by me - where better, and where else, Madam Speaker? In fact, Madam Speaker, to remain silent would be tantamount to accepting that the Government has

committed irregularities. That when those alleged wrongs are investigated rationally, demonstrate that, in fact, the Government has attended to matters sensibly, fairly, proportionately, and always based on the best legal and other advice.

That is to say, the objective reality is the complete opposite of the subjective fiction that makes up some of the most objectionable parts of the report. Failure to address such matters in the report would also be tantamount to confirming to the world at large, beyond our frontiers, that the Government accepts it has engaged in practises which are not of the standards that the world has come to expect from us. The very highest standards of international best practise, which is what we pursue in Gibraltar, and we have pursued in Gibraltar, at least since 9 December 2011, which is my period of responsibility - I am not suggesting it was not the case before, but I can only speak for myself.

That, Madam Speaker, would be hugely damaging to Gibraltar's reputation. Indeed, aspects of the report have already been hugely damaging to Gibraltar's reputation internationally.

Madam Speaker, the Government has an obligation to show that those criticisms are wrongly founded, in fact and in law, in order to ensure that our nation is not further damaged by the relevant, incorrect aspects of the report that have had, and will continue to have if we do not counter them, that pernicious effect. Indeed, Madam Speaker, I will highlight the potential consequences, including potential blacklisting of Gibraltar, with all its dangerous effects for our economy and public finances, that we are unforgivably at risk of as a result of some of the worst excesses, errors and overreach in the report. And it is, therefore, the Government's duty and obligation to reflect our strongly held, reasonably based and factually correct contrary views to those expressed in the report.

Amusing, though some members of the Opposition seem to find those issues which are so hugely dangerous to Gibraltar. And it is trite, Madam Speaker, but equally important that we should do so, reminding the House and those outside it that we are as constitutionally independent of the office of the Principal Auditor as it is of us. That is to say, there is nothing in the report, nothing in the report, which binds the Government.

The report may inform the Government. Indeed, it may, as we venture it might have been designed to do, embarrass the Government or seek to embarrass the Government. It can have a political effect on the community.

It can have a political effect beyond our shores. And for all of those reasons, a Government may choose or be compelled to act in consequence of such a report. But that is the realm of politics.

It is the *realpolitik* of the effect of this or any similar report by anybody external to the Government. But none of that, Madam Speaker, makes anything in the report binding on the Government. And it is important that that be reflected in the community's understanding of the nature and standing and the effect of this report.

The report is not a judgement in any judicial or binding sense. Even when it is otherwise unobjectionable, a Principal Auditor's report is not a binding finding in respect of any matter. It is never better said, Madam Speaker, an audit opinion.

Equally as importantly, Madam Speaker, it would not be right or proper for the Government not to speak today also, not just on its own behalf, but also on behalf of the very many dedicated public servants who work faithfully and competently on behalf of our community and who had not been afforded a genuine opportunity to respond to requests for information, but who were nonetheless criticised in the report. And here, and in this respect, Madam Speaker, I will provide to the House the relevant timeline which will show a shocking disregard for the principles that require an auditor to give people a reasonable time to reply.

You will see evidence, Madam Speaker, of letters with many pages of queries sent after the close of business on Friday 30 May this year, asking for a response on certain points. The former Principal Auditor's last working day in Office was that very Friday. He was *functus officio* on 31 May.

Yet letters were sent, which I will refer to the House, on 30 May. And then, in the report, we read complaints that timely replies have not been received. Madam Speaker, as I will demonstrate when I get into the facts of this matter, what had not been received were timely requests for information.

The situation is therefore not one of an audit impeded. It is a situation of an audit not properly planned or timeously conducted. Not to give any person the right to respond before he is criticised in a public report is a flagrant breach of one of the more fundamental principles of our system of laws, namely the principle of natural justice.

And I will have quite a bit to say about these principles later on in my speech when considering one of the principal areas of concern for the Government. There was, Madam Speaker, to use a more topical term, there was not even an audit equivalent of the opportunity for maxwellisation for many here. Again, a further breach of natural justice.

As a result, Madam Speaker, I intend to take the House through the many instances in the report, and there are many examples that are plainly wrong, inaccurate, unfair, subjective, and biassed. And Madam Speaker, I intend to do so by studying and analysing the contents of the report carefully, slowly, and dispassionately for the whole House and the whole community. And in doing so, Madam Speaker, I will show that the Government as a whole, Government Ministers in particular, and Government officials also, have acted properly, diligently, and carefully, always in the spending of public money.

We have acted to save money, not to be profligate in spending it. And we have acted properly in replying to audit queries as we have all auditors' queries, whether from the former principal auditor, his predecessors, and his successors. And that we have, and that I in particular, Madam Speaker, have acted constitutionally and entirely properly in every single regard, never impeding any proper discharge of an auditor's functions, always acting in keeping with the provisions of the Constitution that is permanently on my desk.

And furthermore, as a result, the public will see that the allegations made against us, against me, and against our officials, are wrong and factually and legally improper. Indeed, any fair-minded observer is likely, Madam Speaker, in all good conscience, having heard what I am going to say, to consider that many of the allegations, accusations, and innuendos contained in the report should properly be withdrawn. That is the legal advice that we have, as I will show during the course of this debate.

At the very least, Madam Speaker, I am confident that once subjected to proper scrutiny, the unfair, inappropriate, and unsubstantiated allegations, accusations, and innuendos in the report will be deemed by the public to be so unsustainable as to be unworthy of being considered reliable in any regard whatsoever. I am convinced also, Madam Speaker, that once the House and the public have watched, heard, or read the material that I am to put before it, they will question whether there was ever any basis on which to properly even raise many of these issues in the report. Let alone, Madam Speaker, issue a report that reads, in part, like an indictment fit only for a kangaroo court.

An indictment issued with what appears to be the purpose only of damning those charged with allegedly unconstitutional behaviour. And additionally, Madam Speaker, expressed as if determined by a tribunal whose views are unchallengeable. Although, for all the reasons I have already highlighted, the report is not a judgement.

It is not a binding finding on the Government. It is not a sentence. Nor does it have any judicial or quasi-judicial authority of any type or form.

And so, Madam Speaker, starting today but not ending today, I will provide the House, and from this place to the wider community, the benefit of the analysis that has been provided to me by my senior officials as to the facts and how badly wrong the report reflects those realities. Additionally, and crucially, Madam Speaker, I will also provide the reflections and opinion of leading counsel in London on principles relating to audits, and in particular, audits of the different emanations of the state. I will have more to say of Mr. Jonathan Fisher KC's legal analysis in due course. But I will highlight that the legal analysis I will present to the House is based directly on

the advice received from him. The principal reason for undertaking this analysis is to allow the community to decide for themselves whether the report for 2018/2019 has met the standards that apply to auditors' reports. The standards of impartiality and independence, which I highlighted in my responses to the report in my various interviews outside of this place.

I will say already, Madam Speaker, that having received the detailed legal advice from Mr. Fisher KC, I am now even clearer about one of the most basic requirements as to independence and impartiality. In reaching that conclusion, and in inviting all hon. Members and the wider community to join me in reaching the same conclusion, I will descend to three types of particulars. I will deal with factual particulars, I will deal with legal particulars, and I will deal with the particulars of audit standards both in the audit of public bodies and internationally accepted standards and I will, of course, also deal, Madam Speaker, with parliamentary rules, practise and procedures.

My request to my fellow citizens and to all hon. Members, Madam Speaker, is that they afford me the opportunity to listen to my responses to the report. Let the good men and women of Gibraltar decide for themselves, having heard the facts and the law I am going to put before the House, whether the report is genuinely, genuinely, the impartial and objective piece of work that we, in this House and outside it, are entitled to expect from a constitutional postholder in the role of Principal Auditor.

That decision, which is one for each hon. Member and each citizen to make for themselves, can only be made properly and fairly if it is made in the light of the cold facts, all of them, and in the light of all of the relevant legal principles and parliamentary rules and procedures - all of them. That is the relevant information to have before us as we carry out this important analysis.

I will make one point, Madam Speaker, which should serve as a warning to my party-political opponents. Madam Speaker, we thrive today in a Westminster-style model of adversarial confrontational politics. I have no problem with that.

Armed with the report of the Hon. Leader of the Opposition clearly felt he had an axe with which to beat the Government and me in particular. I fully understand that. We are each paid to fulfil a role and as Leader of the Opposition, the report gave the hon. Member ammunition to make hay in the slow news summer months.

I get it. As a person who has lived in politics by the sword, I make no complaint whatsoever about someone coming to make me die by the sword. That is the nature of our adversarial system of Government and Opposition.

But there is a further issue to be contended with here beyond the simple issue of adversarial politics and it extends to the party-political tribes outside of this House as much as it extends to the party-political nature of the debate inside this House. If a report on which the harshest attacks have been deployed is a flawed report, then the attacks in retrospect are as blunt as the report is flawed.

But additionally, to persist in the attacks once the report has been shown to be legally, factually and procedurally flawed, as I contend it will be by the time I have sat down, is to persist to attack on a demonstrably false premise. To do that is likely to backfire in a number of ways. First, because the public will see that the report is flawed after I have gone through the detail.

Fatally flawed. The public, Madam Speaker, are fairer to each of us than we are to each other as party-political opponents and then the party-political tribes are to each other on social media or on the streets.

And the public, Madam Speaker, will not take kindly to an Opposition persisting in its pursuit of the Government based on a report that will have been shown to be discredited and unreliable in respect of the most incendiary and controversial of its allegations. Moreover, Madam Speaker, if having established just how legally, factually and procedurally flawed the report is, if the current hon. Members of the Opposition persist in using it as a weapon against the current hon. Members of the Government, what are they going to be establishing from here on in as the ground rules for politics in this community? Clearly, that factually, legally and procedurally flawed material will be fair game in the future to be used against them.

In doing so, hon. Members will be responsible for a further breakdown of trust between the political class and the public. Indeed, Madam Speaker, for all of those reasons I will contend that the current report will already be part of the breakdown of trust because once I have finished my analysis, which as I say is based on the objective legal advice of Mr Fisher KC, not my own self-serving assessment but an objective assessment, the public is very likely to suffer a huge disappointment at the way that the 2018/2019 report has been settled.

That disappointment will lead to a diminution of the trust and confidence that the public can have in future reports. The Spanish saying that the just pay for the sins of the sinner *paga justo por pecador* is apposite Madam Speaker. But I will implore the public not to feel that way despite the devastating demonstration of the failure of objectivity, independence and impartiality which I will show that the 2018/2019 report suffers from.

I believe Madam Speaker that this report is an utter aberration and that for that reason the Opposition should cautiously withdraw from reliance on it for its attacks on the Government and that the public should rest assured that it can ignore its most incendiary unsustainable and sometimes even nonsensical allegations. Moreover Madam Speaker, that the public can have confidence in the Office of the Principal Auditor including its current post holder and his members of staff who are not infected with any permanent desire to produce reports that are as patently deficient of the key requirements of independence and impartiality as this 2018/2019 report is. Of that I am convinced Madam Speaker.

Madam Speaker in order that I should orient hon. Members as to the structure of my address I wish to explain at the outset that I will start by explaining the nature of a Principal Auditor's role and function and the legal principles that apply to his work. I will then proceed Madam Speaker to present a summary account of the Principal Auditor's report and I will then take the House to the Government's views of it. In light of the fact that the relevant part of the former Principal's report is 255 pages, the remainder of the report constitutes the public accounts of Gibraltar in respect of the financial year 2018/2019 which the former Principal Auditor gave as a clean bill of health on Madam Speaker, I will present a detailed analysis of nine or 11, depends how you break them down, aspects of Government activity identified by the former Principal Auditor in the report as areas of concern. I will then proceed to set out the Government's conclusions in respect of those parts of the report. Madam Speaker to do this properly, and to reflect the importance that the Government ascribes to the role of external audit, I will do this exercise in a manner that is designed to ensure that each part is meticulously explained.

That means that I will be dealing with each aspect of the elements I have set out in great detail and to do that properly Madam Speaker, I expect that my address in presenting this Motion will not be dealt with just today. The Government is Madam Speaker, as we speak of course, seeking to finalise the text of the UK-EU Treaty on Gibraltar. There are meetings in that respect already on foot and there will be during the course of this week and next - we are working to settle the text as soon as possible. That requires considerable work and many hours dedicated to decision-making on that. Indeed, Madam Speaker, this is an issue that has dominated the Cabinet sessions since the return of the summer.

Additionally, Madam Speaker, we are in a period when we are attending Party conferences. This is a critical year in respect of the attendance of Party conferences and the opportunity to engage with Party leaders and senior members of political parties, in particular those front-bench Opposition members and front-bench members of the Government. The Deputy Chief Minister is today returning from the Liberal Party conference in Bournemouth.

Those who follow our current affairs, Madam Speaker, will have seen that yesterday the Deputy Chief Minister spoke at a fringe event at the Liberal Party conference and has had an opportunity of engaging with front-bench Liberal Party spokespeople. I will be at the Labour Party conference in Liverpool next week to host the Gibraltar reception and to meet senior Ministers. The following week, Madam Speaker, the Deputy Chief Minister will be at the Conservative Party conference, which coincides with the United Nations Fourth Committee of the General Assembly in New York, which I will attend.

All those, Madam Speaker, require work to prepare, planning and travel. For all of those reasons, Madam Speaker, I expect that the debate on this Motion will occupy us for a number of days. For good reason, Madam Speaker, that I do not criticise, the Hon. Leader of the Opposition is not in the House today.

He asked that I should adjourn for him to reply immediately after my address, and I have undertaken to him that I will do so. I expect to be, Madam Speaker, addressing the House for the rest of this morning. I expect I will return tomorrow morning to continue my address, and, if necessary, will return again on Thursday morning to continue.

If necessary, we will meet after that day also for me to continue, or for other hon. Members to start making their contributions. I am mindful, Madam Speaker, and respectful, of course, of the fact that the Opening of the Legal Year is on Friday, and for that reason I do not intend that the House should sit on that day. I therefore expect to return to continue my address, if necessary, next week, or to consider other hon. Members' contributions before my reply.

I am conscious also, Madam Speaker, that I will be moving an amendment also, which will enable all hon. Members to speak on the amendment before we return to the Motion as it will then be. The long and the short of it, Madam Speaker, is that I expect that the September and October sessions will therefore be one and the same. We will deal with questions after the Motion, then questions, Madam Speaker, legislation and then a further Government Motion followed by the Leader of the Opposition's Motion, should he wish to proceed with it.

I expect, Madam Speaker, that because of the aforementioned ministerial travel, we will be returning at different times and dates, and we will not, this month and next, be able to stick to our preferred rhythm. But I want to be clear that the Government understands that the incendiary nature of the unsustainable and improper allegations made caused huge concern in the community after the publication of the report. Whether they were or they were not designed to do so, we will see what conclusions we all reach by the time that we finish this debate, they had that effect.

And the pressing by hon. Members opposite, outside of this place, of those erroneous, unfair and unsustainable accusations outside of this House, means that in the unanimous judgement of the whole Cabinet, we feel it is essential to start this parliamentary session with this careful, proper and legally well-founded rebuttal of the worst of the things that have been said against the Government in the report. Against me, against each of us, and against the Government's most senior and hard-working officials. Fairness and constitutional propriety requires nothing less that we challenge the erroneous findings in the report, and we will not fail to address each of the relevant points arising.

So, Madam Speaker, with that timetabling element dealt with, I need to move on. But perhaps, Madam Speaker,

Hon. D J Bossino: Perhaps the Chief Minister will give way?

Hon. Chief Minister: No. Not without reflecting on the fact that there has been some element of comment about the absence of the Leader of the Opposition today, which I have said I do not criticise, but I would just gently reflect that all of the debate on the report – and this is a debate on the report in the House – but all of the debate on the report outside of this House was led by Members Opposite when I was not in the jurisdiction. And so, Madam Speaker, I will be forgiven for having simply pursued the Government's timetable, which is fixed for all of the reasons that I have set out in the most difficult two months of the year for ministerial travel except for June and July, looking at the importance of the work that the Government does also outside of this place and ensuring that the Government and the public and Members Opposite have the most time available to consider the issues that I am raising in this report.

But as I say, Madam Speaker, and as I have said already expressly, I make absolutely no criticism of the absence of the Leader of the Opposition as I have said. I believe that he is away for a good reason, as I have also said outside of this place and I am happy to repeat here, I congratulate his

family for the happy reason for which he is travelling today. Madam Speaker, what I need to do now is to go on to something called the audit principles.

As I have just said, before I take the House of the Government's analysis of the report, it is fundamental for me to start by setting out the legal architecture and the legal principles that apply to the functions of the officer that holds the hugely important constitutional position of Principal Auditor. Madam Speaker, this is not designed to be an arid academic exercise, but I recognise it will not be the most politically riveting part of my address. That, I hope, will come later.

But it is, may please you, an important first step in allowing the Government to explain the various reasons why it has asserted, and why we continue to assert that the report is biased, and does not meet by any serious measure the important standards that apply to auditors of impartiality and independence. It is an essential part of how we will prove also that we have acted entirely properly in the way in which we have administered, spent, and dispersed public money. Our people's money.

The money that we are bound to administer properly and efficiently, which is exactly what we have done, and which is what any audit which is independent and impartial would have found. Indeed, that is why we were given the clean bill of health in other parts of the report, which I'll come to. The principles that I will analyse, and the question that I am asking the people of Gibraltar to consider, is whether the report adheres to the well-recognised standards of auditor independence, impartiality, and professional accounting, ethical and audit standards expected when an auditor presents a report to the House.

Once I have set out these principles, and set out the facts, I have no doubt that the public and any honest and objective member opposite will say that actually they agree that the report fails all of that essential and fundamental criterion. Madam Speaker, it cannot be forgotten in doing that analysis that the person who occupies the post of Principal Auditor occupies a post that is enshrined in our Constitution.

And the Constitution, Madam Speaker, is not just the law. It is our principle and overriding enactment. It is, Madam Speaker, in the pyramid of our laws. It is at the top of the hierarchy of our laws. Our whole *corpus uris* flows from it.

That means that if there is a conflict between a law made by Parliament, a statute, an Act, and the Constitution, then the Constitution will prevail. So, as a result, Madam Speaker, persons appointed under the Constitution hold hugely important posts of responsibility in our legal and political, and indeed, social hierarchy. The post of Principal Auditor is such a post by virtue of Section 25(3) of the Constitution. The person so appointed by that provision is also an officer of the House, and it is right that we should all expect that such a person will conduct his or her affairs in adherence to the highest ethical standards.

That is a given, Madam Speaker. Such a post, Madam Speaker, however, does not only demand the highest standards of professional conduct and competence. The person who occupies the post must also discharge his functions by reference to well-recognised and universally accepted legal principles, to which I will speak later in my address. And I would add, Madam Speaker, that that is not only applicable to the post of Principal Auditor, it applies also to the post of Chief Minister.

To finalise the picture, Madam Speaker, under Section 56 of the Constitution, the appointment of the Principal Auditor from time to time, is done by the Governor, acting on the advice of the specified appointments commission. Madam Speaker, I am referring to many sections of the Constitution and telling the House what they say.

If I was addressing you somewhere else, I would have taken you to the section and read it. I think for the purposes of this debate, it is sufficient, in particular, in respect of these uncontroversial aspects, that I do not take you to the text of the Constitution and read it. I think, in any event, you are familiar with it, and so will be most Members, given the topicality of the issue, and most will have referred to those sections already.

These days, hopefully, all of these things are available online. If anyone watching wants to read the sections, by simply typing them into the Google search engine or the AIs, they will be able to read those sections, and, as I have said, until now, I haven't come into any part of controversy in

the interpretation of sections, so I do not think it is necessary for me to take you to the sections. But, moreover, Madam Speaker, in continuing that analysis, under section 72 of the Constitution, the salary of the principal auditor is a first charge on the consolidated fund, together with that of certain other officers, not the Chief Justice.

Madam Speaker, pursuant to section 74(1) of the Constitution, the principal auditor is obliged to audit and report on the public accounts of Gibraltar. That is the role the Constitution gives him after we have set out how he is appointed and how he is paid and what is expected of him. This obligation, Madam Speaker, includes the auditing and reporting on all accounts of courts of law and all authorities and offices of the Government.

For this purpose, pursuant to section 74(2) of the Constitution, the principal auditor must be afforded access to all books, records, reports, and other documents relating to those accounts. And under 74(3) of the Constitution, the Principal Auditor must submit and lay his reports before Parliament, and in the exercise of his functions, the Principal Auditor must not be subject to the direction or control of any other person or authority. Of course, Madam Speaker, that section 74is the section that we will come back to later in my analysis in days to come when we look at what was and was not done and the comment in the report about those things. It naturally follows, Madam Speaker, that the Principal Auditor's role is independent of any governmental or political influence, and it must be and continue to be, which is entirely harmonious and consistent with the designation of the Principal Auditor as an officer of this Parliament under 25(3) and as an external auditor to the Government.

I am reminded, Madam Speaker, that sometime in 2015/2016, some of the hon. Members opposite still here, seemed not to be aware that we had an external auditor to the Government, and if necessary, I may reflect on that in my reply.

Madam Speaker, whilst hon. Members may well consider that setting out the provisions of the Constitution is a little otiose in light of the media scrutiny of the report, the headline issues, et cetera, going back to the Constitution and the appointment seems perhaps a little bit rarefied, it is actually vitally important to detail these technical legal aspects for the purposes of the record of the House and to set the foundation for understanding of the rest of the debate. Additionally, Madam Speaker, for the reasons that will become clear as I proceed with the Government's analysis of the report, the provisions in the Constitution are germane in the context of analysing whether the audits that are referred to in the report were conducted in keeping with the relevant sections of the Constitution and the applicable standards. For all the reasons that I will demonstrate to all hon. Members, it is the considered opinion of this side of the House that the report, regrettably, and I mean that sincerely, Madam Speaker, regrettably, the report does not adhere to the Constitutional provisions that govern its office and functions.

It is our view and we are advised, Madam Speaker, that certain aspects of the work that led to the report were conducted in a manner that was itself unconstitutional. They were outside of the limits of the actual or ostensible Constitutional and statutory authority of the author of the report. They were ultra vires, the powers of the office of the Principal Auditor.

And Madam Speaker, I repeat my request to the people of Gibraltar to consider the analysis that I am undertaking today in this House and assert for themselves whether, once they have heard me, they believe or continue to believe that the report adheres to the Constitutional provisions that govern and discharge its author's functions. Judged fairly, I believe that the majority will agree that it does not. That, in fact, the report strays beyond the Constitutional, statutory, and parliamentary ambit of the office of the Principal Auditor.

Madam Speaker, the legal background, does not end with a consideration of the Constitutional provisions. It is equally important to address some of the relevant provision of the Public Finance Control and Audit Act. In this respect, Madam Speaker, Sections 55 to 65 of that Act supplement the procedural provisions for the proper discharge of the Principal Auditor's obligations.

Here, I will go, Madam Speaker, to some of the text. Section 57 of the Act, which describes the nature of the audit, provides as follows:

All reasonable steps have been taken to secure the due collection of revenues and of all other public monies due and owing to the Government and the provisions of the Constitution and of this Act and any regulations and instructions relating to such collection have been complied with.

All monies which have been appropriated and dispersed have been applied for the purposes of which they were appropriated and the expenditure conforms with the authority which governs it. Public monies, other than those which have been appropriated, have been dealt with in accordance with proper authority. All reasonable precautions have been taken to safeguard the proper receipt, custody, issue, and proper use of cash, stamps, securities, and stores and the regulations and instructions relating thereto are sufficient and have been duly observed.

The regulations, directions, and instructions in force relating to the issue and payment of public monies are sufficient to secure effective control over expenditure and such regulations, directions, and instructions have been duly observed by the public officers concerned therewith. And the regulations, directions, and instructions in force relating to the accounting for public monies, stores, and other Government property are adequate and such regulations and instructions have been duly observed by the public officers concerned therewith.

That is what the Principal Auditor is charged with checking - additionally, as paragraph 1.31 of the report itself notes:

The Principal Auditor has discretion as to the form and content of his annual report on the public accounts of Gibraltar.

Direct quote.

However, and continuing my quote:

He generally restricts himself to reporting matters that he considers significant and or constituting an actual or potential loss of public resources, a lack of financial control, an impairment of accountability and the breach of or non-compliance with legislative or other requirements.

He does not generally,

and this is a quote from his report:

He does not generally report areas or deficiencies that in his opinion have been or are being satisfactorily rectified, except where deficiencies have resulted in a loss to the public purse.

Madam Speaker, having now necessarily addressed the House first on the applicable constitutional and statutory principles that apply to the work of the Principal Auditor, I need to take some time to reflect on what those sections mean in practise.

In the first place, quite plainly, the Principal Auditor, of course, may advise as to the need for improvements in accounting processes and governance within His Majesty's Government of Gibraltar's departments, agencies, and authorities. It is important to underline, however, that such advice must be consistent with his role as an independent servant of the Parliament. As a result, Madam Speaker, it is, of course, axiomatic that any concerns expressed by a Principal Auditor must be free from political influence or bias and based on a correct understanding of the legal and accounting framework in which a Principal Auditor is required to act.

Madam Speaker, when one talks about bias, one is talking not just about actual bias but also about perceived bias, something which I will come to, is detailed in case law and which I will detail also in the course of my address. The requirement to act independently is to conduct an audit free from any outside interests or controls. The Committee on Corporate Governance, Madam Speaker, known as the Hampel Report, which was chaired by a former Chairman of ICI, made clear that the basic statutory duty of an Auditor, whether he is a public Auditor or an Auditor in the commercial world, is to report on whether an organisation's annual accounts are properly prepared.

Madam Speaker, I should also say that it is my intention to issue the full text of my address today and that it will contain footnote references to each of the areas of the case law, of the statute, the constitution and the reports that I will be referring to the House should hon. Members

or anybody who is listening wish to follow that and wish to dig deeper into those reports and indeed, Madam Speaker, to give the Leader of the Opposition something to read on the plane on the way back.

Madam Speaker, any Auditor should, the Hampel Report said, report on any inconsistencies and report privately to the Directors any observations on internal controls resulting from an audit. That is in the commercial world, not in the sphere of a public audit. I'll come to those principles later.

The Hampel Report explained that these are the extensive responsibilities which apply to auditors and which require auditors to demonstrate both their financial expertise and the skills of objective enquiry, analysis and the ability to report. Key word there Madam Speaker is objective and with reference to an auditor's independence, a quote from the report importantly says as follows from paragraph 6.8 of the report:

> Everyone concerned accepts the principle that auditors must be objective and thus remain independent from company management. Statutory provisions, auditing standards and professional guidance all aim to ensure that this principle is applied in practise.

The emphasis Madam Speaker on the importance of an auditor discharging his role objectively is to be particularly noted. To summarise the position Madam Speaker that we have got to so far. Auditors through their systematic examination of processes, operations and financial records should identify weaknesses in internal controls, inefficiencies in operations and areas for potential improvement. Auditors can often include recommendations in their audit reports to address the identified issues and enhance an organisation's performance. These recommendations might focus on improving those internal controls, streamlining processes to make them more efficient, more value for money, reducing waste or generally enhancing efficiency. Auditors can also work with management and stakeholders to help to implement the suggestions that they make and align operations with the organisation's objectives.

Madam Speaker where an auditor operates within those boundaries the performance and outcome of an audit will be uncontroversial. However, where an auditor of a public body in particular expresses an opinion that trespasses outside of his traditional task of a review of financial statements, regulatory issues or value for money considerations, an auditor is breaching the standards of professional conduct that he is meant to uphold.

In such a situation Madam Speaker, an auditor must take care to ensure that his objectivity and independence is not compromised and that the correct legal principles have been applied at all times. The Government, however, I am sorry to have to inform the House, is advised that the report does not only stray outside of the boundaries that limit its author's professional responsibilities, but it also considerably exceeds such limits. Again, Madam Speaker, this is a highly regrettable state of affairs, not least because of the wholly unnecessary damage that the report has caused to the good reputation of the integrity of our nation and our institutions.

Indeed, the huge risk that the report has created for Gibraltar as a jurisdiction, which I will address when I deal with matters related to the Gibraltar Savings Bank and which the Hon. Sir Joe Bossano, the Father of the House, who has ministerial responsibility for the bank, and the Hon. Nigel Feetham who has ministerial responsibility for financial services, will also address. To the mind of hon. Members on this side of the House, it is a striking feature of the report that many sections reflect many of the same policy positions repeatedly espoused by hon. Members opposite. It is the considered opinion of the Government that it cannot be a close synergy, indeed symmetry, between several sections of the report and the GSD's statements in this place and outside it.

On policy issues Madam Speaker, on policy issues it is important that I emphasise that to Members opposite. These comments relate to policy issues. The word policy has a meaning. We will come to analyse it and what the courts have said about auditors who talk about matters of policy.

Again, our concern, in respect of many areas, is that those sections stray beyond the aspects on which an audit should or can opine. I will deal with the aspects of this matter that relates to the Public Accounts Committee and my analysis of the case law which limits an auditor's rights to opine on matters of policy in his audit report.

I am not going to be asking the astute people of Gibraltar to take my words at face value. I do that even though, as their Chief Minister, the public should have the deepest trust and conviction that I would never mislead them or this Parliament. They should comfortably take my words at face value.

But these are times of a worldwide loss of trust and faith in institutions, in politics and all politicians. These are times of absolutely mindless indeed, Madam Speaker, I want to be explicit. These are times of moronic conspiracy theories given wings by social media and sometimes by irresponsible Oppositions and politicians.

And in any event, Madam Speaker, I have far too much respect for this place, for you, Madam Speaker, for all hon. Members, for all our citizens and for the seat here of our proud democratic traditions to ever mislead this house or my community. Of that, Madam Speaker, Hon. members and the public should have absolutely no doubt, even those who might feel that because of our adversarial system, they need to get up and say the opposite. But they know in their heart of hearts that I would never stray into misleading this house or the public.

But what I will do, Madam Speaker, instead of asking people to take me at my word, is that I will prove each of my points. I will ask my fellow Gibraltarians to look at parts of the report and then look at the GSD's statements, literally to place them side by side and then decide for themselves whether the Government is right or wrong to conclude that several sections of the report are nothing more and nothing less than a channel for the partisan views of hon. Members' opposites, policy positions. Policy positions.

And it is key to keep that in mind. A channel for the partisan views of hon. Members' opposites, policy positions.

I note that it appears that some hon. Members' opposites find that amusing. Well, perhaps it is funny for them, despite the huge institutional damage that has been done in the past few months by that confluence of interest, which is obvious, from parts of the report and hon. Members in respect of policy matters. Should the public, Madam Speaker, as I believe they will, inevitably come to the same conclusions as we have, then the rest of the community, too, will come to hugely regret that they should ever have been placed in a position of having to doubt the word of their elected representatives and the many outstanding men and women in the public service that administer their affairs. Again, Madam Speaker, when I say these things, it causes mirth on the Opposition benches.

Surprising, because I would have thought that if there was one area where there was agreement between Members opposite and this side of the House, is that we have many outstanding men and women in the public service that administer our affairs. If my fellow Gibraltarians come to the same conclusions that we have, Madam Speaker, if hon. Members here come to the same conclusion that we have and put their partisan interests aside, then they will also come to hugely regret that there should have been an insidious attempt to pull the wool over their eyes and mislead them, in some cases, Madam Speaker, quite unforgivably in respect of the use of their money. Madam Speaker, it must be said that Gibraltar's institutions are robust enough to withstand criticism, but the public deserves that criticism to be neutral and grounded in fact, objective, independent, impartial and when those criteria are not met in the report, we do not consider such unwarranted criticism to represent idle gossip or harmless rumour that can be safely ignored.

Such unsupported and unfounded criticism in a report from a constitutional postholder hurts the fabric of our nation. It gratuitously and unnecessarily undermines the trust and faith that our community has in its institutions, and it does so at a time when that trust is already fraught for reasons which relate more to the insidious nature of social media and to anything else. But

remarkably, Madam Speaker, in this report, we have one part of the constitutional edifice of the state casting unwarranted aspersions on another.

Friendly fire, so to speak, Madam Speaker. Although it hasn't felt very friendly to us, I have to say.

Madam Speaker, the people of Gibraltar need not take from me at face value, as I say, the very real dangers that can potentially arise when an auditor trespasses outside the limits of his professional duties. In this respect, it is important that I should take the House through some of the relevant jurisprudential principles that apply in such circumstances.

Madam Speaker, I am about to embark on more legal detail but I promise you, Madam Speaker, the next part of my speech is all about the facts but it is important that I put these building blocks in place because that is the basis on which the filter through which and the lens through which we have to see the facts.

So, Madam Speaker, it is important that I should do this because the words of the Constitution and the Public Finance (Control and Audit) Act, which are the things I have referred you to already, or very similar words in constitutions and statutes have been interpreted already in cases in other common law jurisdictions with similar or identical laws. And those cases are crucial in understanding what courts have said, the meaning of those words, those legislative provisions mean in practise.

The first case, we call them authorities, Madam Speaker, in courts, the first case that I wish to refer to the House is: *Williamson and another versus the Port Authority of Jamaica*, which was heard in the Court of Appeal in Jamaica in 2019. Port Authority of Jamaica is then referred to as PAJ, as I will read you the relevant parts. The Court, Madam Speaker, in that case, had been asked to determine whether an employer, in this case, a public sector employer, the PAJ, the Public Authority of Jamaica, had acted irrationally when declining to make an award to the claimant on their retirement.

So that is to say an individual retires and the Port Authority of Jamaica says we are not giving you any money on your retirement and this is challenged. Instead of helping to clarify the situation, the dispute was complicated by the involvement of the Auditor General of Jamaica, the equivalent of a Principal Auditor, who when when she was asked about the matter, had come to the view that no award should be made in circumstances where the making of awards was prohibited by guidelines issued by the Ministry of Finance and the Public Service.

Madam Speaker, this is not analogous, but it is not dissimilar to the issue of the ex-gratia payments which is referred to in the report, which I'll deal with in more detail later, but that is one of the areas of focus that we will need to use this case to analyse, but the case goes further than that in setting out principles. This is the important point, however, Madam Speaker. The Auditor General's view, the Principal Auditor's equivalent in Jamaica, the Auditor General's view was found not to be determinative.

Morrison, the President of the Jamaican Court of Appeal, Justice Morrison, made this point, and I quote it:

> Despite the undoubted importance of the office and role of the Auditor General, her views on whether retirement benefits should be paid to the appellants in this case was only one of the considerations, albeit of course an important one, which the PAJ was obliged to take into account. In my respectful view,

said the President of the Court,

> by treating the Auditor General's advice as decisive of the issue which it had to determine, the PAJ excluded from its purview other obviously relevant considerations and thereby acted irrationally.

So, a public body acted irrationally because it followed the advice of a Principal Auditor as if it were a binding finding. It is not. It is quite clear from the passage of the judgement that I have just quoted that notwithstanding the independent nature of the role, an Auditor General's conduct will not be immune from challenge by the executive and indeed review in the courts when that is

appropriate. Interestingly, Madam Speaker, as I indicated, the case dealt with facts which are not dissimilar with this question of the exgratia payments that we will deal with later on as part of the report, the exgratia payments and the police officers move - the whistleblowers.

The Government's view, Madam Speaker, is further reinforced by additional case law, which I am about to start to analyse. Madam Speaker, I do not need a comfort break, but if you do, I am very happy that this would be an appropriate moment. I think I am halfway through what I intend to say this morning, and if this was a good point to break for 10 minutes, we could.

Madam Speaker: For my part, I do not need a comfort break…

Hon. Chief Minister: Madam Speaker, let us stop for 10 minutes and then come back. I am conscious that we are halfway through the morning. I do not need a comfort break, but it might be a good moment to break.

Madam Speaker: So, I move that the House should recess for 10 minutes.

The House recessed at 11.15 a.m. and resumed its sitting at 11.29 a.m.

Hon. Chief Minister: Madam Speaker, thank you. I had just dealt with Williamson and the Port Authority of Jamaica, and I was moving on to deal with more case law.

In this case, Madam Speaker, the case of *Ramdas versus the Minister of Finance and another* in Trinidad and Tobago in this year, in 2025. Madam Speaker, in that case, the Ministry of Finance in Trinidad and Tobago had understated revenue by $2.6 billion in the public accounts for the financial year 2023. What the what the Father of the House might say, Madam Speaker, it would be a nice problem to have understating your revenue by $2.6 billion.

The Auditor General, Madam Speaker, was required to audit the public accounts and submit a report the same as the Principal Auditor in Gibraltar. After being notified of the understatement, the Auditor General accepted revised public accounts but issued a qualified audit report. That is to say, the Auditor General in Trinidad and Tobago did not give the clean bill of health that we have received from the former Principal Auditor in the report as to the accounts - She qualified the audit report.

In audit language, Madam Speaker, when you say that something is qualified, it is that you have got a black mark and the Auditor is saying something is wrong there and, in this case, Madam Speaker, something was very wrong as the Government of Trinidad and Tobago had admitted because they had understated their revenue by $2.6 billion. Would, Madam Speaker, that we would enjoy such a black mark by having found $2.6 billion?

I would happily take a qualified audit in that respect. But the Trinidad and Tobago Government, Madam Speaker, decided to challenge the Auditor-General's decision and appointed its own investigating team to examine the treatment of the understatement. In response, Madam Speaker, the Auditor-General there sought leave to quash the Government's decision to investigate her decision, and in a procedural ruling, the Privy Council – Trinidad and Tobago still goes to the Privy Council in the United Kingdom, Madam Speaker, the old House of Lords, now the Supreme Court, the Privy Council – made clear that the Auditor-General was entitled to challenge the

General contended that the Government's approach was flawed because it displayed bias and disregarded constitutional convention regarding the independence of an auditor.

So, Madam Speaker, whilst that substantive issue is still live in the Privy Council, it is clear, both from Williamson and Ramdas, that a challenge to the content of an Auditor's report is not, as we have been told in some of the more expansive remarks one has heard, a challenge to an Auditor's report is not an assault on democracy, as we have been told, or anything of the sort. Actually,

there's a lot of these cases I'm referring to that are most relevant, but there's a lot of them. And none of them have been referred to as an assault on democracy, as we've heard in Gibraltar, because the Government has the temerity to say that there are things in the report with which we do not agree.

It's important, Madam Speaker, to remind ourselves of that and put in proper context the things that have been said after the report has been issued. This type of challenge, Madam Speaker, to an Auditor is not at all unprecedented, even a public Auditor. Indeed, Madam Speaker, these cases illustrate other situations where even legal proceedings have been pursued for the Court to consider in the facts of a given case whether an Auditor has acted within or outside the parameters of his legal framework.

In fact, Madam Speaker, I feel obliged and duty-bound to tell the House that one of my Ministers rightly sought legal advice from local council, who advised him in no uncertain terms that in so far as the sections of the report refer to him personally and to his department, it breached well-recognised and accepted principles of procedural fairness. I will have significantly more to say on this question, Madam Speaker, when I get to the relevant part. Suffice to say that the only reason why the Gibraltar Audit Office is not presently a respondent to a judicial review claim is because I stopped the Minister from commencing the proceedings.

I have no doubt, Madam Speaker, that if the Minister had proceeded in his legal challenge, he would have prevailed in it. I will also explain, Madam Speaker, my reasons for advising that matters should not proceed to Court when I get to the relevant part of my speech. In any case, Madam Speaker, there is a more relevant case law of which all hon. Members should be aware.

I am referring to the House of Lords decision in 2002 of Porter v Magill. It is an authority that hon. Members who practise in the Bar and no doubt you will likely be aware of because it is the authoritative guidance on an auditor's independence, the appearance of bias and the limits of an auditor's role, although it goes a little further than that. Indeed, as I have already alluded to above and I will be alluding to throughout this debate and I hope it will not be an issue of difference between us and hon. Members opposite in this debate, the independence of an auditor is fundamental.

It is not a shield against scrutiny. It is a fundamental part of how an Auditor must operate. In Porter and Magill, the House of Lords reviewed the conduct of a District Auditor, it was a public Auditor, a District Auditor, who had accused councillors of gerrymandering and had pursued surcharges, financial penalties, against them for doing so.

As with the other cases I have described, the Law Lords firmly rejected the idea that the public Auditor's conclusions are unchallengeable simply by virtue of the office that he holds, as some seem to foolishly suggest is the case in Gibraltar. Because it has been said in the report, that is it. It is the damning judgement beyond which there can be no challenge, no different view, binding finding, sentence.

Far from it, Madam Speaker, far from it. To the contrary, Madam Speaker, actually Porter and Magill is clear and top-level jurisprudential authority for the proposition that an Auditor's independence does not immunise them from accountability. Their role is to hold us to account, but they too are accountable in that process.

Of course, we are all accountable to each other, Madam Speaker. If an Auditor oversteps his legal boundaries or appears biassed, of course he can be called to account. Can we imagine a world where the opposite would be true?

Even, Madam Speaker, as you know, judges' decisions are appealable, and a judge makes a decision which is a binding finding and is a sentence in appropriate cases. But there is an appeal process, and a court of appeal can look three judges at what one judge has decided, and they will make a binding finding, which is not what an Auditor makes or issue a sentence. And their decision is appealable to five judges who will issue a binding finding.

But in some circumstances, Madam Speaker, even that will be appealable, or before a binding finding will be referred to 17 judges in the European Court of Human Rights, or in the old days, Madam Speaker, would go to the Court of Justice of the European Communities. Even judges

whose decisions we are not entitled to challenge here in this Parliament under our rules when they relate to judicial matters heard in the Supreme Court. Even judges' own binding findings are challengeable because that is how we ensure in an adversarial system we keep accountability.

So the notion that an Auditor, a Public Auditor in particular, somehow makes findings against whom one cannot raise their voice and that what is set down in the book is unappealableley the truth is for the birds, or Madam Speaker, I might gently say, for the GSD Opposition. Because I do not think anybody believes that that is the case. In the professional world, and in perhaps the blogger world, that might be a truth that they might want to create.

In the Government haters world, that might be a truth that they might want to establish. Look, I fully get it. It is a, as I started saying, it is a, it is a sword to use against the Government.

But let us not pretend it is a sword made of platinum or stainless steel. It is a sword which can be bent out of shape once you get to the core of what metal makes it. So, Madam Speaker, what we are doing today in this motion, what we have done outside of this place, is simply saying, well, look, chaps, there are problems with this report.

It is not legally properly founded. It is not factually properly founded. The criticisms are unfair for the following reasons.

Nobody should argue that that is contrary to what democracy requires, and that somehow what we are doing is anti-democratic, even if we have had to go back to basics and look at the case law that establishes that to make clear that of course these issues can be reviewed. The Porter case, Madam Speaker, is actually quite a seminal case because it is the case that established the concept of the fair-minded and informed observer, which is the test for determining whether or not there is apparent bias. Madam Speaker, I am just going to pause there in my prepared remarks to remind ourselves that it was the great, if I may say so, John Alcantara who established that the reasonable test, which was the test of what the man on the Clapham omnibus might consider was appropriate, was best translated in Gibraltar as the test of what the reasonable man who read his Chronicle at the Piazza might determine. So, it would be the reasonable man in the context of Porter and Magill that would be making the determination of whether a fair-minded and informed observer would consider that there was apparent bias. In Gibraltar, Madam Speaker, it is not so much up here that we should be making that determination, maybe it is down there where people are reading their chronicles that people will be determining. I hope having heard the Government whether a fair-minded and informed observer would at the end of this process, having considered all issues, consider actually that apparently, I do think that this report is perhaps biassed.

Magill is the leading authority for that test of apparent bias in public decision-making, including but not limited to the work of Auditors. It is a case that has established a principle that goes beyond just Auditors.

The test for determining the existence of apparent bias is now well recognised and understood, namely this question of whether the fair-minded observer, fair-minded and informed observer, would conclude that there was a real possibility of bias. It is important, Madam Speaker, that the observer is both fair-minded and well-informed. Hence why, Madam Speaker, the Government considers it is essential that the public should have all of the information, which is what I will be doing in the next couple of days, which is go through the factual information so that at the end, Madam Speaker, having heard all hon. Members' views also of everything I have to say, the fair-minded and informed observer is, when he came to it, we hope, fair-minded and when he leaves the debate, well-informed. Then the public can make a determination, Madam Speaker.

Crucially, the House of Lords in Magill stressed that an Auditor's protestations of personal impartiality are legally irrelevant and beside the point. The assessment as to bias is an objective one. What does that mean?

It means that the court decided that whether the Auditor in question or in any other case of apparent bias, the professional or individual in question says, but honestly, I am not biassed. I did not mean to sound biassed. I am not biassed at all. I like them both as much or in this context, I

have never voted, I have poxed on both their houses, I hate all politicians of all sides. - It does not matter. What matters is that the assessment as to bias is an objective one.

It is the fruit of the work of the Auditor, whatever his motivation, that is to be judged objectively by the fair-minded and well-informed observer and the determination is made upon that fruit, not upon the individual. Hugely important because, Madam Speaker, this is not a judgement on an individual, current Auditor or former Principal Auditor. This is a judgement on the fruit of the work of the former Principal Auditor, which is in this House.

This is what we are judging in matters of bias. It matters not, as the House of Lords said, what the protestations of the individual Auditor in that case might be. We do not need to cross-examine or hear the arguments of the author of the text because what the House of Lords tells us we judge is the fruit, the text, and we apply fair-mindedness and information to that test objectively and then decide does it look biassed.

That is the sum total of what Porter and Magill tells us we must do. Madam Speaker, I think that is hugely important from the point of view of any idea that anybody might have that we are somehow here dealing with a trial of a person who is not present. That is not the issue.

Politics sometimes is about challenging each other, but this Motion is about this report and what is in it. Madam Speaker, I should also say for those who are listening that I am referring to the House of Lords in Porter and Magill because that was the nomenclature of what is now the Supreme Court in the United Kingdom. It was before the change of that well-known House of Lords structure to the Supreme Court structure in the UK.

Madam Speaker, the House of Lords decision there in Porter and Magill also illustrates that several factors can undermine an appearance of neutrality. That is also important, Madam Speaker, as the case confirms that an Auditor's methods and presentation may themselves undermine confidence in the neutrality of the office. As to methods, I will be going through a lot of material in coming days when I will show the exchanges of correspondence between the former Principal Auditor and Government officials.

As to presentation, I refer once again to what we are dealing with - it is this. Madam Speaker, although apparent bias was ultimately not established in Porter, on those facts, in the facts of that case, the case reinforced the principle that Auditors must refrain.

It is imperative language. The case showed that Auditors must refrain from conduct, and conduct includes the making of findings, that would lead an objective, well-informed observer to suspect bias. Objective, fair-minded, well-informed observer to suspect bias.

That is the test. That is what we are dealing with. Not the GSD says, the GSLP/Liberal says.

What does the objective, fair-minded, well-informed observer think, and what can he think, Madam Speaker? I will put it to all of us to consider. When Auditors are not supposed to talk about policy, the report talks about policy, and the policy is theirs, not ours.

To make the decision, you have to look at their policy, you have to look at our policy, and I have to take you, as I will in a moment, to the case that says that no public Auditor should ever talk about policy. But, Madam Speaker, the decision draws a line that I ask this House to bear in mind the House of Lords drew, as I conduct the Government's analysis of the former Principal Auditor's report, which is this, that even the appearance of prejudgment or partisanship can be fatal to the credibility of the report, unless the Auditor's behaviour clearly demonstrates caution and adherence to proper bounds. Those words are going to be fundamental when we do the factual test as well.

Caution and adherence to proper bounds, and I put it to all Members, Madam Speaker. I was going to say I put it to you, but you are not a witness, Madam Speaker. I put it to all hon. Members, that when they see the exchanges of correspondence and the text of them, both caution and adherence to proper bounds will be obviously things that were disregarded in the preparation of this report.

Unlike the District Auditor in Magill, who repeatedly emphasised actually that his findings were a provisional nature, this report presents some criticisms as in fact settled conclusions. So there, the Auditor who was challenged and whose case got to the House of Lords was saying in his

equivalent of the report, he was saying, but look, these are interim findings and I am prepared to listen to other points of view. Here, that which got the District Auditor in Magill his way out of the problem is not present.

These are final findings settled in this report. Settled conclusions. And that, Madam Speaker, is wrong. It is wrong in law and it is contrary to basic principles of natural justice also, of course. The relevant parts of the 2018/2019 report that I will consider in detail in my address to the House, did not use the cautious language of a preliminary assessment. Instead, Madam Speaker, it delivered definitive accusations without in many instances even waiting for evidence to be supplied.

Of course, you might say logically so, because if you send a request for information 45 minutes after the close of business on your last day in office, and you settled your report the following day, which is a Saturday, how can you obtain the information on the next working day? Well, I suppose, Madam Speaker, there is a way where people work in more of the overtime that you complain about. Madam Speaker, in some instances, as I will show, the information was requested, as I have said, after the close of business on the last working day, making things impossible.

And indeed, Madam Speaker, by adopting an overly accusatory tone of final assessment that aligns with one political side's publicly stated political opinions, those political public positions, which are known to all of us, and that was no secret that they take one view on some things and we take another, they tell the world, we tell the world, and in things which we have ventilated furiously between us in General Elections, etc., as we are right and expected to do, the report falls into serious error by taking one side and not the other, by seeking to choose a side on issues of policy. And that is not just a trifling mistake, Madam Speaker, or something that, you know, somebody might be forgiven on retirement to do, oh, damn it, I have been agreeing with them all along, I am going to put it in. This is a fundamental failure of constitutional obligation, which guts the 2018/2019 report of credibility in those respects.

It cannot be otherwise if we are going to operate as a serious jurisdiction going forward. In this respect, Madam Speaker, the report fails to maintain even the appearance of detachment expected from an impartial report. It is clear, Madam Speaker, that the correct practise would have been to step back from making any statements in the report where there is no doubt that any objective observer would say that the author was jumping into the political fray - in this case, on the side of hon. Members opposite.

The report, Madam Speaker, should not have strayed, as it does, into matters that any fair-minded and informed observer knew or must have known were current and hotly contested political battle lines drawn in successive General Elections in press statements and in debates in this house between the main political parties. Indeed, the report itself illustrates that the author of it is aware of that live political debate on policy issues between the political parties.

Incidentally, Madam Speaker, only one of which said political parties is celebrating its first half-century this year. But let me stick to the matters at hand. All hon. Members, and each one of the people of Gibraltar in this instance, are those fair-minded and well-informed observers, and I ask them once again, once they have heard what I have to say in respect of the report, whether they perceive a real possibility of the appearance of bias in its findings in the value for money section and in the Public Accounts Committee section.

Indeed, Madam Speaker, it may be easier if the public just asks themselves at the end of this debate whether there is any doubt about the obvious appearance of bias in the various value for money findings in the report and in the Public Accounts Committee section of the report. Because Madam Speaker, from some of the sections of the report that I will scrutinise during the course of the rest of the factual parts of my speech, it is simply impossible not to conclude that they are fully aligned in the clearest way with the policies espoused by The hon. Gentlemen and Ladies opposite. And that, Madam Speaker, is unusual to say the least.

Indeed, I challenge Members opposite in their responses to find one example, not two, not three, one example, in one Public Auditor's report in the United Kingdom or anywhere in the

Commonwealth, where a Public Auditor has staked his ground on a policy which is in dispute between any party-political rivals in that jurisdiction. Bring me one. Madam Speaker, I say to them.

One example where the National Audit Office has said the Tories are wrong, the Labour policy is right. One example where in Canada the Auditor has said I do not like what the Liberals are saying, the Labour party is right.

One example where without even mentioning the Tories or Labour or the Liberals or Labour, a policy position has been mentioned in a Public Auditor's report, a policy position which is a policy position of difference between the political parties and a Public Auditor has put in his report I prefer this one, not the other one. One example. They will never find it, Madam Speaker, it does not exist, because Public Auditors do not do that.

This report does. Madam Speaker, from some of the sections of the report that I will scrutinise during my speech, that is exactly what has been done in Gibraltar. Again, I will take the House to the relevant passages, when we are dealing with the Parts of the Valley for Money report, the dying question and on the issue of the Public Accounts Committee.

In that respect, Madam Speaker, Porter and Magill is of great relevance to a proper understanding of the legal principles that apply to the functions of the Principal Auditor and all the Public Auditors, and I therefore need to distil some additional points from it. It is important to highlight that in that case, the District Auditor was criticised for appearing to combine the roles of investigator, prosecutor and judge. That is what raised questions as to fairness.

Investigator, prosecutor and judge. The structural concern in Magill reinforces one of the Government's salient points, which we have made outside of this place and here, namely that simultaneously acting as Auditor, legal commentator, that can decide whether things are constitutional or unconstitutional, and political critic, choosing which policies to be preferred. A Public Auditor, if he did that, would perpetrate a huge disservice to his constitutional office as he would fundamentally compromise the necessary appearance of impartiality.

I have taken some time to explain that in great detail, Madam Speaker. I know, but it was important that I should do that because I had to explain the Auditor's statutory role is to audit and certify the accounts of the Government - that is it.

The Auditor's constitutional role is not to inappropriately insinuate corruption or accuse Government officials of constitutional impropriety in the manner of an advocate or a judge. If he had been an advocate or a judge, one could challenge his decisions in the court on appeal anyway. In fact, Madam Speaker, in accordance with section 58 of the Public Finance (Control and Audit) Act, there is a provision that the Principal Auditor in Gibraltar must follow if he encounters any of those things.

If at any time, and this is a direct quote from the section, Madam Speaker, 58:

> if at any time it appears to the Principal Auditor that irregularities have occurred in the receipt, custody, or expenditure of public monies, or in the receipt, custody, issue, sale, disposal, transfer, or delivery of any stamps, securities, stores, accountable documents, or other property of the Government, or in the accounting for the same, he may bring the matter to the notice of the Financial Secretary.

So he calls the Financial Secretary and says, look, I found these things. You have got to deal with them. That is the route.

That is the route. Accordingly, Madam Speaker, the allegation in the report that I somehow acted unconstitutionally, purporting to be a finding in that respect, is not an appropriate audit finding at all. Not least, Madam Speaker, because it is factually entirely misconceived, as I will show in detail, but also because it is a legal conclusion from a non-qualified person who is not a lawyer, seeking to determine something which is of huge importance, and outside his remit anyway.

Madam Speaker, it is not that the Chief Minister of Gibraltar cannot be accused of acting unconstitutionally. It is not that I may have inadvertently acted unconstitutionally, which is not the case here. I have not acted unconstitutionally. I have acted entirely properly. It is that if the

Chief Minister of Gibraltar acts unconstitutionally, it is not something to put in a report. It is something to take to the Supreme Court immediately, and there have the argument about whether something is constitutional or unconstitutional, and there have a binding finding of constitutionality or otherwise, which is appealable, and then take it to the Court of Appeal or to the Privy Council if necessary.

It is not something that somebody can do, even another lawyer. Another lawyer can say, I think you acted unconstitutionally, because this is how I read the constitution, and this is what I think you did. It is not just in the purview of lawyers, but you would have thought that you would have wanted somebody legally qualified.

Lawyers regularly, because we are vociferous sorts, put on Facebook things that they say are the law, and some of the things that I read some lawyers put on social media that they say are the law have never been the law, Madam Speaker. But look, people do that. Non-lawyers put things on social media that they say are the law.

It is not the law, and indeed, Madam Speaker, it is not the law until a judge says it is the law, and then you appeal it, and another judge might say that judge was wrong, and then you get to the final judge who says this is the law, and those are the most senior judges, and they make the determinations, and you cannot go beyond them, and if you do not like it, as The Hon. the Father of the House has repeatedly said, in some instances, you just have to lump it, right?

But this is not a finding or indeed an accusation for a report. Far from it, but it is irresponsible in our submission to put such a thing in a report, and I will show, Madam Speaker, it is particularly irresponsible when even the facts, when properly analysed, will not make out such a thing. Indeed, Madam Speaker, let me quickly short-circuit to that part of my address that will come, because what I will show there is that in the thing where the Principal Auditor`s report for 2018/2019 says I acted unconstitutionally, actually what I told him was exactly what he had told us in a letter.

I even used exactly the same words that he had used in a letter. Hon. Members, therefore, should wait to hear that before jumping on the bandwagon of Picardo having acted unconstitutionally, because they will find that what Picardo said was word for word what the former Principal Auditor had said. We will come to that, Madam Speaker.

This is an important exercise, an accusation against the most Senior Elected Official of His Majesty's Government of Gibraltar that he acted unconstitutionally by a fellow constitutional officer. It is hugely important, not something to determine based on stuff that you might read on social media, whoever might write it. Something to determine with all of the facts, and then to feel hugely disappointed when you find that that accusation was made by one constitutional officer against the other on flawed facts, and in fact that the accused constitutional officer had simply said to the accuser exactly that which the accuser had said using his own words.

But in any event, Madam Speaker, to put that sort of thing in their report is acting beyond remit, as Porter and Magill cautions against. In summary, Madam Speaker, what we will ask the community to ask themselves once they have listened to everything, read everything, heard hon. Members' assaults on the Government, is whether those of the report's findings which are in dispute fall squarely within the scenarios that actually the case law tells us the law provides against. And we are firmly advised, Madam Speaker, for all of the reasons I have dealt with already, and I will detail on my issue-by-issue analysis of the report, that the report's disputed findings fall well short of the required level of both objectivity and impartiality.

It cannot be forgotten, Madam Speaker, that in Magill the Auditor narrowly avoided that finding of apparent bias because he stayed within his investigative remit and continuously reminded the public that his findings were not final. That was his swim lane. He stayed within it.

He did not say, these are my findings. By comparison, and I will endeavour to demonstrate, the 2018/2019 report crosses those boundaries. It presents definitive accusations and legal conclusions without the tempering caution of provisional language.

Unlike Magill and the Auditor there, who was investigating an unlawful policy clearly within his jurisdiction, the report's author ventured beyond his jurisdiction in the 2018/2019 report. The combination of such actions, Madam Speaker, and by explicitly adopting the GSD's policy positions

in parts of the report that we say are the subject, in fact which are the subject of hotly contested political debate, we say, respectfully, shows that the report has been finalised in breach of the constitutional and statutory remits available to its author and his concomitant obligation of objectivity and impartiality.

That will be, when I have finished, Madam Speaker, so obvious that it would lead the objective and fair-minded observer that we are going to talk about a lot in the next couple of days to conclude that there is obviously no prospect of this being anything other than a report authored with a real possibility of more than just apparent bias. Madam Speaker, that is the case law. So we have looked at the Constitution, we have looked at the statute, we have now looked at the case law.

But there are much more than just legal principles that apply to how an Auditor, in particular a Public Auditor, must act and how he discharges his responsibility. It is important that I now also spend a little bit of time setting out and explaining the standards of conduct that we should all expect from the incumbent of a post of Auditor, in particular a Public Auditor, and the constitutional role of the Public Auditor. I'll be analysing those standards based on the relevant professional standards applicable to Auditors.

To do so, I want to set that in context by briefly talking about the context of the Gibraltar Audit Office's functions and to provide some relevant context. You will be happy to know, Madam Speaker, that this is the last part of what I intend to say this morning. The Principal Auditor heads the Gibraltar Audit Office (GAO), which describes itself as the watchdog of public spending in Gibraltar.

The Gibraltar Audit Office audits the public accounts of Gibraltar, which encompass Government departments and the statutory bodies. Madam Speaker, if you will give me a moment, I need the sip of something hot because we are not observing environmental etiquette and it is very, very, very cold in here. Madam Speaker, the GAO audits the public accounts of Gibraltar, which encompass the Government's departments and the statutory bodies.

The GAO's core function is to hold the Government to account for the use of public money. This is what the GAO website tells us. Parliament needs objective and fact-based information about how well Government raises and spends public funds.

The Gibraltar Audit Office, through the Principal Auditor, is an independent and reliable source of such information. Its principal role is to examine the receipt of public sector revenues and to scrutinise public spending on behalf of the Principal Auditor. I agree that that should be the role of the GAO and it has our full support in doing so, although unfortunately, some of the information that is in the report in question is not a reliable source of information, because I will also, during the course of my analysis, have to show that some of the numbers in the report are wrong.

Madam Speaker, this work is carried out by the good people of the Gibraltar Audit Office daily in the preparation of financial statements and audits of Government authorities and agencies, compliance audits of Government departments, value for money audits that promote efficient, effective and economic use of resources across Government departments and statutory corporations, authorities and agencies. That is exactly what they do.

The functions of an Auditor's role are essentially retrospective. An Auditor is looking at what you have done and how you have done it, not what you are going to do and how you are going to do it. That style, Madam Speaker, of the Gibraltar Audit Office and of the Principal Auditor's report follows, or should follow, the format for financial reporting established by the National Audit Office in England and Wales.

Essentially, there are two types of report, financial and audit reports and value for money reports. They both live in what we call the Principal Auditor's report that is tabled in Parliament. Those things are two different parts of the report.

Financial audit reports contain audit opinions on accounts across the public sector. Value for money reports provide independent and rigorous analysis, when they are done right, on the way public money has been spent to achieve the Government's objectives. As its overriding aim, the

National Audit Office in the UK supports the UK Parliament in holding the UK Government to account to help improve public services through high-quality audits.

In the UK, just as in Gibraltar, the NAO, the National Audit Office, is independent of Government and of the Civil Service, something which is not exactly the case here, although I am certainly open to pursuing that greater independence for the employees of the GAO, the Gibraltar Audit Office, who are presently also Civil Servants, not as is the case in the UK, something which I am certainly prepared to consider in the time that I have left as Chief Minister.

In the UK, the Principal Auditor is called the Controller and Auditor General, and he leads the National Audit Office. Like the Principal Auditor, the Controller and Auditor General is an officer of the House of Commons with statutory authority to audit and report on financial accounts of all Government departments and other public bodies and examine and report on the value for money of how public money has been spent. The Auditor General in the UK can carry out examinations into the economy, efficiency, and effectiveness of Government departments, although the scope of these examinations is not unlimited.

Now, this is perhaps the most important part of what I am going to tell the House this morning when it comes to matters of policy. Section 6(2) of the UK National Audit Act 1983 explicitly in the law stipulates that the power to examine shall not be construed as entitling the Controller and Auditor General to question the merits of the policy objective of any department, authority, or body in respect of which an examination is carried out. Let me just read that again, Madam Speaker.

UK Statute, National Audit Office Act section 6(2).

> The power to examine shall not be construed as entitling the Controller and Auditor General to question the merits of the policy objectives of any department, authority, or body in respect of which an examination is carried out.

This is a crucial point, Madam Speaker. It is a crucial point.

It is reinforced by section 7za(5) of the same Act, the UK National Audit Act 1983, that makes clear that the Controller and Auditor General is not entitled to question a. the merits of the policy objectives of any relevant authority in respect of which an examination is carried out, or b. the merits of Government policy.

The Auditor of the National Audit Office, the head of the National Audit Office in the United Kingdom, is not entitled to question the merits of the policy objectives of any relevant authority in respect of which an examination is carried out, or b. the merits of Government policy. That is the law, Madam Speaker, in the United Kingdom since 1983.

Our law is earlier than that. Our law does not contain that provision. Before hon. Members opposite get excited about the fact that that provision is not in our law, we are advised that actually those principles do apply to the Principal Auditor in Gibraltar, for a simple reason.

That law in 1983 in the United Kingdom, those statutory provisions in 1983 in the United Kingdom, were put into the statute because the case law had already said that that was the position of what the limits of the power of a Public Auditor were. That means, Madam Speaker, that although our Public Finance (Control and Audit) Act, which I think dates from 1977, does not contain these words, or those relevant parts seem to date from there, the decision in cases before that 1983 Act in the UK already made clear that that was how even our earlier Act had to be interpreted. Madam Speaker, when we have, the thing that we call the common law is the thing that is made up by decisions of judges who interpret statutes and earlier decisions, and we call that thing, apart from the Constitution and the legislation, the other branch of our law, which is the jurisprudence.

And the jurisprudence is fully applicable in Gibraltar as common law, interpreting sections which are identical to our Public Finance (Control and Audit) Act. And those cases go back to a case in 1908, the Crown and Roberts in the King's Bench Division, where Lord Justice Farrell clarified specifically, and this is the quote:

that Auditors cannot exercise control over questions of policy but are entitled to challenge administrative actions.

of course. So, you look at the administrative issue, you deal with that, but you do not challenge the policy.

In that case, Lord Justice Farrell illustrated this distinction by stating that the establishment of a Works Committee, which is what was in issue there, is a policy matter beyond an Auditor's remit. So the Auditor could not say it is right to establish the Works Committee, it is wrong to establish the Works Committee, I agree, I prefer the GSD view on the Works Committee, I prefer the GSLP liberal view on the Works Committee, or set out the GSD view on the Works Committee and say that is the right position instead of setting out the GSLP liberal view on the Works Committee. He could not do that.

Whereas the payment of abnormally high wages by the Works Committee certainly falls within the scope of administration, because that is something the Works Committee is doing, having been set up as a matter of policy, and the Auditor can look at that, of course he can. And that reasoning, Madam Speaker, in the Crown and Roberts, was affirmed almost 20 years later in Roberts versus Hopwood in the Court of Appeal, where it was affirmed that Auditors are bound to ensure that payments are lawful and proper, but must refrain from interfering with policy decisions. The case law sets out clearly that which the legislation picked up in 1983 in the United Kingdom, but that was already the law.

It was the law, Madam Speaker, before we had a Legislative Council. It was the law when we were a municipality. It was the law when the first House of Assembly was created, when the first Auditor was appointed in Gibraltar.

It was the law that that Auditor, the first one ever appointed, must refrain from interfering with policy decisions, even though it is not in our legislation. So, these are vital legal principles that must inform a Principal Auditor 's duties, and that hon. Members on both sides of the House should very much keep at the forefront of their minds as they consider the points I am making, uncomfortable though they may be, Madam Speaker. Because these cases establish two points that are internationally accepted.

The first, Madam Speaker, that the cases collectively underline the principle that Auditors are tasked with evaluating the implementation of policies, not the policies themselves, or which is to be preferred. That is a clear boundary between administrative oversight, on the one hand, definitely the Auditor's purview, any public Auditor's purview, and policymaking, let alone policymaking after something is in a manifesto, has been defended in four General Elections, and is the opposite of what is in the other manifesto, unsuccessfully proposed in four successive General Elections. No, I lie, Madam Speaker, and I must not, for one moment mislead the House.

Unsuccessfully set out in ten manifestos, some of them leading to success in the polls, but non-implementation of the policy, and some of them leading to failure in the polls, and non-acceptance of the policy by the public. So, this is not just an Auditor that says, I do not like the policy that the entity I am auditing is dealing with, which can happen in the private sector as much as it can happen in the public sector, but the word policy in the public sector means something different. So, this is not an Auditor that comes to this without regard to the hot public debate on the subject, and says, look, the Government's implemented this policy, I do not like it because of whatever reason.

Overreach, failure to comply with the principles in the UK, failure to comply with two sections of the Act, in Gibraltar, failure to comply with the common law in the rest of the Commonwealth, failure to comply to the common law. This is worse, Madam Speaker, as I will show when I get to it. This is an Auditor choosing one option in respect of a policy position, when we should not be anywhere near that part of the debate.

The second point that is internationally accepted as a result of these cases, Madam Speaker, is that it is hugely important in the observance of this boundary of an Auditor's activity in the preparation of an Auditor's report, is subject to judicial review on the grounds of legality, rationality, and procedural fairness, if breached. So, to just be abundantly clear as I come towards

my conclusions in this area, the case law applicable in Gibraltar to our Public Finance (Control and Audit) Act already makes clear that the Principal Auditor in Gibraltar is in exactly the same position as the Comptroller and Auditor General in the United Kingdom. They cannot question policy, one by statutory provision, the other by common law interpretation.

Policy is a matter for the politicians in Government, or for the directors in commercial entities. In this case, Madam Speaker, the policy is not even a matter for the politicians in Government. It is the binding obligation the politicians in Government have entered into with the public in a general election, on four successive successful occasions, and in particular with public servants, who are the subject of that policy, which we say is that there should not be a Public Accounts Committee, we are answerable in this place, and they say there should be a Public Accounts Committee, the public servants should come here to answer for things. So, for us, Madam Speaker, this is not even a policy position which we choose to take.

It is our obligation. Or, hon. Members opposite could say, should we accept their position in the Public Accounts Committee? Thank you for accepting our position in the Public Accounts Committee. By the way, the GSLP is failing in the manifesto commitment not to have a Public Accounts Committee, which they would undoubtedly do. They would both take the win on us deciding to accept the Public Accounts Committee, and then they would condemn us for breaching our manifesto commitment.

Finally, Madam Speaker, coming back to the structure of the National Audit Office (NAO), in the UK it is responsible for maintaining and publishing what is called the Code of Audit Practise, which is approved by the Parliament of the United Kingdom, and that Code, Madam Speaker, sets out what Auditors of local Government and health bodies are required to do to fulfil their statutory responsibilities.

The NAO Code is principle-based, and it is informative of the approach which the Principal Auditor should adopt in the preparation of the report. The guidance contained in the Code has some resonance for our role of Principal Auditor under the Constitution. Madam Speaker, I am going to underline some of the more germane principles, save that I should stress to the House that the principles I will now turn to highlight are not exhaustive.

There are more principles that apply. Forgive me, Madam Speaker, but I need to take you through these principles, which are in the National Audit Office standards, at least in some measure, so that it is clear that these are the principles that apply to Public Auditors in the United Kingdom and are informative of what should apply elsewhere. For instance, 1.7 says:

> the audit of a public sector organisation is wider in scope than that of a private sector body. Special accountability is attached to the use of public money and the conduct of public business. It is not part of the Auditor's responsibilities to question the merits of policy, but the Auditor does have the wider duties, depending upon the relevant legislation, to scrutinise and report not only upon the truth and fairness of financial statements, but also on aspects of stewardship of public funds. The Auditor carries out this work on behalf of the public and in the public interest.

> 1.8, the Auditor does not act as a substitute for the audited body's own responsibility for putting in place proper arrangements in support of the proper conduct of public business, and for ensuring that public money is safeguarded, properly accounted for, and used with due regard to value for money.

> 1.10, the Auditor's work should be risk-based and proportionate. It should be designed to meet the Auditor's statutory responsibilities, applying the Auditor's professional judgement to tailor their work to the circumstances in place at the audited body and the audit risks to which they give rise. The Auditor should also consider carefully the practical and resource implications for the audited body when framing recommendations arising from their work.

> 1.14, the Auditor should adopt a constructive approach to their work with the audited body. The Auditor should share and discuss their audit plan at an early stage with the audited body. The Auditor should build effective coordination arrangements with internal audit, using the work of internal audit where, in the Auditor's judgement and in line with professional standards, this is appropriate.

We do not have internal audit in Gibraltar. Another issue that we do need to consider is whether the Government needs internal audit.

The hon. Lady has proposed internal audit in the GHA, and that is working. It may be that we need to consider internal audit also coming into other parts of the Government in the future. As the GDP grows and the public finance of revenue and expenditure grows, internal audit may be necessary.

As I am going through these audit principles, I am so happy that I do not live with an Auditor who might want to have a discussion about these things of an evening over a glass of wine. At 1.17, which deals with independence, integrity and objectivity:

> the Auditor should carry out their work with integrity and objectivity to underpin their independence at all times.

Those words again, Madam Speaker, integrity and objectivity.

> Auditors also need to comply with the ethical framework applicable to Auditors, including any ethical standards set by a relevant regulatory body, along with any additional requirements set out by the Auditor's recognised supervisory body or any other body charged with oversight of the Auditor's independence. The Auditor should be, and should be seen to be, impartial and independent. Accordingly, the Auditor should not carry out anything outside of their statutory duties, or they might reasonably be perceived as not being impartial or independent.

On professionalism, at 1.18:

> The Auditor should carry out their work in compliance with the requirements of the Code.

I would ask, Madam Speaker, that all Members read 1.18.

1.19 on professional scepticism:

> In carrying out their work, the Auditor should exercise professional scepticism. They should obtain and document such information and explanations as they consider necessary to provide sufficient, appropriate evidence in support of their judgments, both in relation to their work on the financial statements and their work on arrangements to secure value for money.

When we look, Madam Speaker, at the detail of what was sought and what was given back, we will certainly question whether the report complies with that requirement for professionalism.

> The Auditor should meet the requirements of legislation, the Code, and where applicable professional standards, while also having regard to statutory guidance issued by the NAO on behalf of the Controller.

The responsibilities of the Auditor at 3.6:

> Auditors of the different types of local public bodies covered by the Code have a consistent statutory responsibility in respect of the Auditor's body's use of resources to satisfy themselves that the audited body has made proper arrangements for securing economy, efficiency, and effectiveness in its use of resources.

At 3.7:

> In practise, this means that the Auditor should have, in regard to the relevant statutory guidance issued by the NAO on behalf of the Auditor General, undertake sufficient work to be able to satisfy themselves as to whether, in the Auditor's view, the audited body has put in place arrangements that support the achievement of value for money in carrying out this work. The Auditor is not required to satisfy themselves that the audited body has achieved value for money during the reporting period. However, should evidence of poor value for money come to the Auditor's attention during the course of the audit, the Auditors should consider the implication of this for their work.

Importantly, Madam Speaker, at 3.13:

> In reviewing the audited body's value for money arrangements, it is not part of the Auditor's function to question the merits of the audited body's policy decisions.

This is important.

> In reviewing the audited body's value for money arrangements, it is not part of the Auditor's functions to question the merits of the audited body's policy decisions.

Not just in relation to the PAC issue. This goes to the excreta payments, the policies in place in that respect. However, the Code continues:

> …the Auditor may examine the arrangements by which policy decisions are reached and implemented. In making recommendations, the Auditor should avoid any perception that they have any role in the decision-making arrangements of the audited body.

At 3.15:

> When the Auditor identifies significant weaknesses, what should they do?

All of that, Madam Speaker, is hugely important because those are the National Audit Office's reporting standards. I apologise, Madam Speaker, for those extensive quotes, but as you have seen, it is important that I should set these important principles in the NAO Code out in a Hansard, as they will be a hugely important part of what I ask the House to keep in mind when I apply the relevant law and principles to the facts which are set out in the report so erroneously.

And then, Madam Speaker, the final string in this bow is the international auditing standards.

So, you have got the Constitution, you have got the legislation, you have got the case law, then you have got the National Audit Office Code, and then you have got International Auditing Standards. Generally accepted principles for the purposes of auditing, International Auditing Standards. So, I have taken you through the UK principles already, and Madam Speaker, I have to do this to show, of course, that the functions of a Public Auditor represent a highly regulated and codified function, as much in Gibraltar as in the UK and in every common law jurisdiction.

I do not mean to suggest it is not also the case outside of common law jurisdictions, it is done in a different way. In Spain they have a thing called *El Tribunal de Cuentas*, which is not identified in an individual in the same way as in the common law jurisdictions. But it is only by fully understanding these relevant principles that Gibraltarians can fully see and understand and put in context the criticisms in the report and why the Government has felt it has no choice but to respond.

So, Madam Speaker, these are, I must emphasise, well-recognised legal principles. These are not things that I am remembering now because it is convenient. These are the rules that apply every day to a Public Auditor doing his job, a Principal Auditor in the Gibraltar context.

And the information I am providing, Madam Speaker, is the legal advice received from leading counsel and also the principles that apply in Gibraltar generally. And that is no different, Madam Speaker, to the principles that have to guide the conduct of the Council of Ministers and the Ministerial Code of all hon. Members under the Code of Members of Parliament, of public servants under the Public Sector Code when it is adopted, or of other professionals. Barristers, Madam Speaker, and we have a lot of them here, solicitors, chartered accountants, all of professionals have a code that you have to respect, Madam Speaker.

As a barrister and former Supreme Court judge, you yourself will be intimately familiar with the high professional standards that you were required to adhere to as a lawyer in private practise, then a lawyer in public practise, and subsequently as a judge and now as Speaker of this Parliament. All of this, Madam Speaker, to say it is vital to understand all of those layers Govern what we all do. Constitutional layers that Govern what I do as Chief Minister, legal layers that Govern what we do as Ministers, professional layers and ethical principles that Govern what we do as Members of Parliament, as professionals in our private life, lawyers, ethical principles, all of those things, Madam Speaker, have to be in place also in respect of a Principal Auditor when he

prepares a report and in us when we assess the report and we respond to the report. So, the conclusion of all that, and I hope for this morning, will be the International Accounting Standards that apply.

On those, Madam Speaker, International Auditing Standards, the Principal Auditor has to have an eye to them, and some of them have special relevance. International Auditing Standard 260 (ISA 260), which focusses on:

> Ensuring open, timely and relevant dialogue between an Auditor and those charged with Governance, covering audit scope, significant findings, independence.

You will remember there was a very similar provision in the code for the NAO.

> The purpose of communication between the Auditor and the person with Governance responsibility is to ensure that the latter understand the scope and timing of the audit, the planned audit approach, key risks and when the audit will be performed. Communication can be oral or written. Written is to be preferred for significant matters, and it must be timely…

Before the Auditor's report is issued, not 45 minutes after the close of business on the last day when the Auditor is imposed as Auditor, no doubt.

> The Auditor is obliged to foster an effective dialogue, not just a one-way report seeking input from persons charged with Governance responsibilities.

Madam Speaker, ISA 260, stipulates that at paragraph 16, amongst other things:

> An Auditor must communicate with those charged with Governance about significant difficulties, if any, encountered during the audit, as well as any other significant matters arising during the audit that in the Auditor's professional judgement are relevant to the oversight of the financial reporting process.

And then international auditing standard 265, building on the communications importance set out in 260:

> An Auditor is obliged to communicate appropriately with those charged with Governance, and that to manage any deficiencies in internal control that the Auditor has identified during the audit, and that in the Auditor's professional judgement are important enough to merit their attention. Significant deficiencies should be communicated in writing to those charged with Governance on a timely basis, setting out a description of the deficiencies and an exploitation of their potential effects, but tempered by a statement that the purpose of the audit was to express an opinion on financial statements and not to identify all deficiencies.

But all of that, Madam Speaker, on a timely basis, not 45 minutes after the close of business on the last day.

And International Auditing Standard 450, on evaluation of misstatements identified during the audit, setting out very clearly that once again communication between the Auditor and the management is key, with misstatements communicated on a *timely basis* with a request for management to correct them. Timely basis, Madam Speaker, not 45 minutes after you are going to end your last working day. Madam Speaker, International Auditing Standard 700, about how to form an opinion and reporting on financial statements, which sets out the Auditor's responsibility to form an opinion on a complete set of general purpose financial statements and prescribes the form and content of that report, and guiding Auditors on what they should consider informing their opinion, emphasising a presentation for ethical responsibilities and the structure for delivery of the report, with the aim to support transparency, comparability and credibility in audit reporting globally, Madam Speaker.

Those are just an oversight of the relevant International Auditing Standards that apply. And so, Madam Speaker, having taken the time to properly explain the relevant constitutional, legal,

professional and other ethical principles, I now need to turn to consider the key findings of the 2018/2019 report. I will at least start to do this exercise today.

The first thing to highlight is, before I commence in earnest with the assessment of each of the relevant parts of the report, I begin by noting, Madam Speaker, that the report is an extraordinary piece of work. Less my statement might be misconceived by anybody in this place or otherwise, Madam Speaker, I do not mean extraordinary in any positive sense. I say, Madam Speaker, that it is extraordinary, because on the one hand, the author has conducted an audit of Gibraltar's accounts and concluded that:

> The public accounts properly represent the revenue collected and expenditure paid during the financial year ending 31st of March 2019.

Let us just stop there, Madam Speaker. Let us repeat this, and let us have this pinned to, or as they now say on social media, pinned to the top of our feed, as we have the rest of this debate. The Principal Auditor, the former Principal Auditor, has conducted an audit of Gibraltar's accounts and concluded that:

> The public accounts properly present the revenue collected and expenditure paid during the financial year ending 31st of March 2019.

Yet, in the same report, Madam Speaker, the report proceeds to identify multiple areas of concern, which, whilst not undermining the presentation of a positive audit opinion, nevertheless criticise the Government as the audited body in multiple ways, which are almost tantamount to that. It is with the report's areas of such alleged concern that we are taking strong issue, not with the finding that actually everything was properly done, which is what that finding is, the one that I have told you, Madam Speaker, we should all have pinned at the top of our feed for the purposes of this debate.

> The accounts properly present the revenue collected and expenditure paid during the financial year ending the 31st of March 2019.

What is extraordinary about the report is that it is characterised by the fact that in making these criticisms, the ones that are objectionable, the author has exceeded his limits and his remits for the reasons I have identified in law and which I will now marry to the facts. Indeed, far exceeded his remit and limit and made serious errors of law in the application of Gibraltar law and applicable case law. He has insinuated the presence of corrupt practises and displayed an apparent bias, Madam Speaker, in permanently aligning parts of the report with the Opposition on policy, which is where he should never have gone in very material respects.

And Madam Speaker, as I said at the beginning and throughout, when we saw these things and were startled by the nature of them, we took a view. But it is always important when you do not think you are perfect, as others might have done in the past, to check your view, to make sure that what your view is, is correct. That is also the view of highly experienced and independent London council, leading council, who were instructed for the purposes of making sure that what we were thinking and saying was not somehow wrong.

If we would been advised that we would got it wrong and the report was right, we would have taken it on the chin, learnt, applied the lessons and moved on. But the legal opinion that we have obtained, Madam Speaker, however, validated the response of the Government to the report. And I'll take the House, Madam Speaker, to each of the reasons why the Government's position has been vindicated in all material respects.

As a result, Madam Speaker, I want to stress to the House and those beyond here that the legal principles I have taken such care to explain are set out on the basis of expert legal advice received. Expert legal advice received. I want, Madam Speaker, before I go into those specific areas of

concern, to finish this morning's contribution, to share the overall conclusion of the highly experienced and independent London Silk that we instructed for this purpose.

Having considered the report, in his view, and I quote, Madam Speaker, this is not Fabian Picardo, the Chief Minister, Fabian Picardo, the lawyer, or Fabian Picardo, the citizen. This is the leading council in London in this field of audit. And he says this:

> The approach to production of the report is inconsistent with the fundamental norms of International Auditing Practise, which make clear that Auditors are tasked with evaluating the implementation of policies rather than reviewing the policies themselves, while at times maintaining a clear division between administrative oversight and policymaking.
>
> The approach to production of the report is inconsistent with the fundamental norms of International Auditing Practise, which make clear that Auditors are tasked with evaluating the implementation of policies rather than reviewing the policies themselves.

That is not me. That is leading council. Not from Gibraltar, Madam Speaker, not from the GSD, not from the GSLP, not from the Liberals, not from any other party. That is leading council, Madam Speaker, which apparently is going to be something that hon. Members are going to find funny. Okay, so be it, Madam Speaker.

Mr Fisher Casey continues with this:

> In my view...

and it is his view, as much as the report is the principal Auditor's view, again, it is Mr Fisher. It is not a binding finding, Madam Speaker but he says this:

> In my view, the report fails in these material respects in both form and substance to conform to international standards of independence and professional objectivity. The report contains material errors that reflect a lack of competence in its finalisation, and regrettably, in my view, the report fails to adhere to the principle of Auditor independence and professional accounting, ethical and auditing standards expected of a Principal Auditor. In consequence, the report is fatally flawed.

My goodness, if they find that funny, Madam Speaker, I do not know what concerned them. Madam Speaker, the last sentence of the conclusion that I have just read from Mr Fisher Casey bears repeating:

> The report contains material errors that reflect a lack of competence in its finalisation, and regrettably, in my view, the report fails to adhere to the principle of Auditor independence and professional accounting, ethical and auditing standards expected of a Principal Auditor. In consequence, the report is fatally flawed.

Yet, Madam Speaker, on the critical matter for the former principal Auditor to determine, which was the integrity of the accounts for Gibraltar, the report makes clear that the outcome of the auditing of Gibraltar's public accounts was satisfactory. Page 254 of the report says exactly that in these terms. This is the report, Madam Speaker, the 2018-19 report. This is not Fisher KC or Fabian Piccardo, this is the report:

> I certify that I have audited the public accounts of Gibraltar for the year ended 31st March 2019, as required by the provisions of Section 74.1 of the Gibraltar Constitution. These compromise the statements of accounts as specified in Section 52 of the Public Finance Control and Audit Act 1977. I have also audited the information in the Accountant General's report, the statement of the financial position of the Government of Gibraltar and the related notes. These public accounts have been prepared using the cash receipts and disbursement basis of accounting as modified by the accounting policies set out within them.

That is it. They have been prepared using the cash receipts and disbursement. So, at page 254 of the report, the former Principal Auditor recited that he conducted his audit in accordance with generally accepted Government accounting standards, the ones that I have referred you to before,

to give that assurance that the public accounts are free from material misstatement, whether caused by fraud or error.

That included an assessment of whether the accounting policies were appropriate to the Government of Gibraltar's circumstances and had been consistently applied and adequately disclosed. Additionally, the former Principal Auditor stated his full satisfaction *that in all material respects, monies that had been appropriated and disbursed had been applied to the purposes for which they were appropriated and the expenditure recorded in the public accounts conformed to the authorities that governed them.* That is the opinion on regularity, as it is known, Madam Speaker.

The previous one is the audit opinion, and then the opinion on the public accounts. At page 255, the former principal Auditor also states that he was *fully satisfied that the public accounts properly presented, the revenues collected, and expenditure paid during the financial year ended 31 March 2019 and that the assets and liabilities are set out at the end of that period are properly set out.* The audit opinion on the public accounts.

Madam Speaker, let hon. Members reflect on those certifications, because the report gives the public accounts of Gibraltar top marks, a clean bill of health. This is not a qualified account, Madam Speaker, on the accounts. It is not a qualified account in respect of the accounts.

But the value for money section, Madam Speaker, is fatally flawed. And if hon. Members had not realised that that distinction was the one I was making, they hadn't heard that I was saying that earlier on. The report states that the public accounts of Gibraltar, the accounts, are free from material misstatement, whether caused by fraud or error.

The report reflects that the former Principal Auditor has stated his full satisfaction that in all material respect, monies that have been appropriated and disbursed have been applied for the purposes for which they were appropriated. Listen to that. When we come here for the appropriation debate, which they vote against, we take money and appropriate it for ex-gratia payments.

And on respect of that head, Madam Speaker, the Auditor has said that we have acted in full satisfaction of the law and the rules, and that in all material respects, the money had been appropriated and disbursed have been applied for the purposes for which they had been appropriated. The ex-gratia payments, for example, Madam Speaker. The former Principal Auditor, in effect, in his report has stated that the expenditure recorded in the public accounts conformed to the authorities that Govern them.

That is to say, the authorities have spent the money that they were given to spend. He is given us, Madam Speaker, the report gives us the highest grades that he could possibly give to the different emanations of the state that comprises His Majesty's Government of Gibraltar. That is the true measure and reflection of the lawful and appropriate use of appropriated monies by the different entities that form the Government.

As a result, Madam Speaker, a fair and reasonably minded, well-informed observer, in the terms delineated by the House of Lords in Porter and Magill, would immediately see the incongruity of the Government's accounts and use of appropriated monies having been given a clean bill of health, on the one hand, and yet on the other hand, in relation to many and diverse other matters, the report containing serious criticism relating to unsubstantiated allegations of poor governance and lack of transparency and financial accountability. Madam Speaker, having said that, not everything is mutually exclusive. Sometimes many things can be true simultaneously, but this is not one of those occasions, Madam Speaker.

Either the public accounts are correct in all material respect, or there is a lack of transparency and financial accountability on the part of the Government. Both things cannot logically be true. And with that background, before turning to the detailed analysis of the principal areas of concerns for the Government in the report, let me provide the House with this high-level analysis of why we say the report's clean bill of health of the public accounts, on the one hand, and the accusation of lack of transparency and financial accountability on the part of the Government, on

the other hand, are by definition mutually exclusive. The report contained complaints about obstacles faced by Auditors when trying to access information during the audit process.

The report identified overspending issues and poor budget management. In addition, the report placed significant focus on what are called opaque financial practises. For example, the report alleged that the Government made a series of ex-gratia payments worth over £13 million between April 2018 and May 2025 without an adequate explanation.

But those are made under a Head, which he said has been properly provided for. The report describes these as excessive and, in many cases, unwarranted. Well, if they are unwarranted, they cannot be paid under the Head.

And he said that we have acted properly and made all the payments properly under the Head. The report further referenced instances of excessive ministerial interference, allegedly, including in areas like the Gibraltar Savings Bank and housing allocations. Indeed, as regards anti-money laundering, the report accused them of obstructing him, of obstructing the former Principal Auditor, in carrying out a review of the Gibraltar Savings Bank anti-money laundering process.

Nothing could be further from the truth, as I will show, Madam Speaker. In addition, the report emphasises strong support for the need for better parliamentary scrutiny mechanisms. It then goes on to advocate this policy difference of establishing a Public Accounts Committee and enacting a new public audit act matters of policy.

Well, Madam Speaker, outside of this House, we have already addressed these matters, but I must now deal with these criticisms in this House and in detail. So, having set out those criticisms as headlines, Madam Speaker, I must now also set out the Government's response. On behalf of the Government that I lead, I note that I have already strenuously rejected, outside of this place, the assertions contained in the report that have criticised my own conduct and that of Ministers and senior officials in my Government.

I will now move to do so in detail in this House, going through each of the relevant nine, maybe 10, 11 areas in dispute, one by one, and providing all of the facts necessary for all hon. Members to understand why the report is entirely wrong in fact and not in-keeping with the legal principles I have set out that should Govern its authorship, at least insofar as it relates to those areas that I will deal with, Madam Speaker.

In order, Madam Speaker, however, to accommodate other pressing work and the agenda of the Government, which I have set out at the beginning of today, I will not be able to do that today. Today, Madam Speaker, however, has been about the legal background to the role of Principal Auditor, how the constitution provides for it, how the statute provides for it, how in the United Kingdom we see how a statute provides for that, how the case law deals with all of those issues, and what standards apply, and setting out the areas of complaint.

Adjournment

Chief Minster (Hon. F R Picardo): I now move, Madam Speaker, that the House should adjourn until tomorrow at 10 a.m. when we return to start doing the factual work.

Madam Speaker: I now propose the question, which is that this House do adjourn to tomorrow morning at 10 a.m. I now put the question, which is that this House should adjourn to tomorrow morning at 10 a.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to tomorrow morning at 10 a.m.

The House adjourned at 12.57 p.m.

P R O C E E D I N G S O F T H E

G I B R A L T A R P A R L I A M E N T

MORNING SESSION: 10.02 a.m. – 11.43 a.m.

Gibraltar, Wednesday, 24th September 2025

Contents

Prayer 2

Order of the Day 2

GOVERNMENT MOTIONS 2

Adjournment 21

The House adjourned at 11.43 a.m. 21

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The Gibraltar Parliament

The Parliament met at 10.02 a.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: P A Borge McCarthy Esq *in attendance*]

PRAYER
Madam Speaker

Order of the Day

GOVERNMENT MOTIONS

Clerk: Meeting of Parliament, Wednesday the 24th of September 2025.

Madam Speaker: Yes, the Hon. the Chief Minister.

Hon. Chief Minister (F R Picardo): Thank You Madam Speaker. Well, continuing on the Motion on the Order Paper standing in my name, Madam Speaker, as I told the House yesterday, I now intend to go into the detail of those areas of the report, the 2018/2019 Principal Orders Report, which the Government takes factual and legal issue. Just to quickly summarise yesterday, what I told the House was that we saw how the Constitution establishes the office of the Principal Auditor and provides for his appointment by the SAC, the Specified Appointments Commission. It provides for his remuneration as a first charge on the consolidated fund and then it sets him up as an officer of this Parliament.

We also saw what he is empowered and required to do under the Constitution. We went through the Public Finance (Control and Audit) Act and what powers and obligations it gives to the auditor. Just pause there, Madam Speaker.

When we are talking about laws and statutory rights, we are talking about the rights under the Public Finance (Control and Audit) Act; they are quite different to constitutional rights, which are the rights under the Constitution. Then we also reviewed the case law that sets out the interpretations of that Constitution and that statute and explained in the jurisprudence of this area of law, what an auditor cannot comment on, namely policy matters.

And that whether or not an auditor is biased is determined based on the objective view of a fair-minded and well-informed observer and not that auditor's own protestations as his own subjective position, etc. That was the case of Porter and McGill that I took you through. And we saw, Madam Speaker, that objective judgement on bias is therefore made in respect of the output of an auditor, not who an auditor is and what he says.

In this case, Madam Speaker, what we are dealing with is the fruit of the former Principal Auditor's work, which is the 2018/2019 report. We also looked then at the relevant standards of

professional conduct applicable to auditors in Gibraltar, in the UK and internationally. I then, Madam Speaker, gave all of the details of that legal analysis throughout my address. And we ended up by looking at that perfect, clean bill of health, unqualified audit opinion that the report gives the GSLP Liberal Government for the financial year 2018/2019. And so today, Madam Speaker, I want to go on to address the relevant parts of the report which the Government takes issue with. It is at this juncture, Madam Speaker, that I can now turn to analyse the detail of the principal areas of concern for my Government.

The first of the areas that I am going to look at is the question of the accounts of the Gibraltar Savings Bank. I call that, Madam Speaker, an easy one. Madam Speaker, this is a fundamental difference of understanding as to whether the Gibraltar Savings Bank accounts should be delivered to Parliament rather than being published by the Minister with responsibility for the Savings Bank, who would then decide when the accounts should be published in the Gazette. Essentially, Madam Speaker, this is a question that turns on an interpretation of Section 12 of the Savings Bank Act. In support of the Government's position, Section 12 of the Savings Bank Act prescribes that the Principal Auditor, from time to time, audits the annual accounts of the GSB and that the accounts are, once audited and certified, laid before the Minister with responsibility for the Savings Bank, not later than the 31st day of October in each year and published in the Gibraltar Gazette. It is important that we look at the section in its entirety.

The section says this:

> Annual accounts of the revenue and expenditure of the Savings Bank and of the deposits received and repaid and interest credited to the depositors during the year ended on the 31st day of March, together with a statement of the assets and liabilities of the Savings Bank, shall be audited and certified by the Principal Auditor in compliance with any relevant and applicable standards and be laid before the Minister, not later than the 31st day of October, ensuing in every year, and be published in the Gazette.

The language is pretty clear.

Madam Speaker, for the anoraks, both inside and outside the room, amongst whom I, of course, proudly count myself, prior to the financial year 2018/2019, the statutory deadline for submitting the audited accounts of the Savings Bank was actually the 31st of August, two months earlier. The relevant amendment was in Bill No. 17 of 2019, which was passed on the 1st of April of 2019.

But notwithstanding the crystal-clear provisions of the Gibraltar Savings Bank Act, the report provides that the former Principal Auditor took a different view. Now, you will recall, Madam Speaker, that we looked yesterday in detail at many things that an auditor could not do. Not this auditor, an auditor cannot do. In particular, a public auditor. So, you may ask yourself whether, in fact, I am going to take you now to a policy matter, which I was very clear that the case law shows an auditor, in particular a public auditor, cannot deal with.

In fact, there was not just case law. There was, in the UK-specific legislation and specific guidance from the National Audit Office, that said an auditor cannot, in particular a public auditor, interfere, comment on policy. So if I am telling you there is a difference of opinion, you must, I assume, Madam Speaker, be thinking that I am going to tell you that there is a policy issue in play here and that the auditor should not have taken a different view to a Government policy. And yet, Madam Speaker, this case is not a case of an auditor taking issue with a policy. This is actually a completely different order of magnitude. Madam Speaker, here the report sets up its author in conflict, not with something as mundane as a policy, not with something as ethereal as a Government.

Here, the author is challenging a law and an author, who is a Member of this Parliament, challenging a law of this place because what you can read in the report, Madam Speaker, is a position which contradicts the legislation.

This is not a difference of opinion with me, with the Minister for the Savings Bank, or with you, although I will come to the detail of those differences of opinion. This is the auditor saying something which is different to what the letter of the law says. Let us look at the detail of that.

In paragraph 2.7.30 of the report, you will see the auditor's version of what he believes, and he tells us in his report, Section 12 of the Gibraltar Savings Bank Act should provide. He says:

> In my previous report to Parliament, I reported I had written to the Accountant General on the 19th January 2023 informing her that in my view once the auditor's examination of the Gibraltar Savings Bank accounts has been finalised and the accounts certified by me, the accounts should be published in the Gazette immediately and without delay.

Well, that is his view. It is his view. But, Madam Speaker, the report goes on to set out what the views of its author are about what should be the position of publication. The report, Madam Speaker, is in effect a policy position of a public auditor on what the author believes is his, in his view, better view to the position set out not just by the policymaker, who is the Minister here. Matters do not rest there. It is a conflict between the terms of the report and the legislation.

Indeed, Madam Speaker, you have what in our view is, given the case law that I told you about yesterday, that a public auditor cannot tread into questioning a policy, an unlawful, therefore, questioning of the Minister's policy as to when publication should occur. And then, Madam Speaker, in 2.7.44, it is crucial to note the conflict is not with the Minister or with the law.

I mean, having taken on the law itself, having taken on, I mean, I do not think anybody has ever suggested that there needed to be a jurisprudence to say that public auditors could not act contrary to the law and could not purport to challenge the law. They might give an opinion on whether laws should be changed, but not that they are going to require things to be done contrary to an existing law. But then, not just then challenging the policy of the Minister, which there is case law saying he cannot do, which the NAO guidelines say he cannot do, the NAO law would say he cannot do, then the conflict is with you, Madam Speaker.

That paragraph of the report sets out that you supported the Government's position, not unsurprisingly, given that all we were doing was reciting the law, and responded to him, to the author, in the following terms in respect of an exchange of correspondence, which is published in the report.

> Given the provisions of the Gibraltar Constitution Order 2006 and the Gibraltar Savings Bank Act 1935 as discussed, and taking into account parliamentary procedure, Rule 12 of the Gibraltar Parliament Standing Rules and Orders is best interpreted as meaning that the Principal Auditor and the Ombudsman may present their reports to the Clerk, who then notifies the Government of their wish to have their reports presented to Parliament through the relevant Minister.

That is about reports generally.

> In this regard, however, it is important to note that Parliament does not set the agenda for meetings, nor does it control the business timetable,

you told him. Not satisfied, Madam Speaker, with your interpretation in that respect, as to whether he could cause publication of the Savings Bank Accounts by forcing them to be laid in this Parliament, and not satisfied with your interpretation, which, in the Government's respectful view, is the correct interpretation, Madam Speaker.

The report then sets out the former Principal Auditor's reply as follows:

> In the final analysis…

and this is at paragraph 2.7.46:

> I expressed my concern to the Speaker that in regard to my request to have the Principal Auditor's report on the GSB accounts for the financial year ended 31st March 2024 tabled in Parliament, she had chosen to ask the Clerk of the Parliament to pass my report to Government for them to action, when, as I had already mentioned, it is a matter solely for Parliament to action by proceeding to lay my report at the next sitting of Parliament, and in this way uphold my constitutional independence and my position as an Officer of the Parliament.

Madam Speaker, I am surprised the report does not say that you have acted unconstitutionally, but we will come to how easily the author seems to spread allegations of that sort inappropriately in a few moments. I continue the quote, Madam Speaker:

> I therefore reiterated my request to the Speaker that she kindly proceed to lay the Gibraltar Savings Bank Act accounts for the financial year ended 31st March 2024 in Parliament in accordance with Section 74(2) of the Gibraltar Constitution.

Something, Madam Speaker, that you did not do because you continue to prefer your own view. And, of course, Madam Speaker, that view, which is expressed at 2.7.46 of the report, despite being so trenchantly expressed, is not a binding finding on you. It is a view. Despite it being expressed, Madam Speaker, in a letter to you, which reads almost as an instruction of what you should do, but you are not bound to follow that instruction. Of course, you too are independent.

It is not just a Principal Auditor that is constitutionally independent. So are you, Madam Speaker. You do not need me to tell you that, as all hon. Members of this House know. You have a different view, for good reason… You have expressed it, and you have stuck to it. And important, Madam Speaker, that I should set out that you reached that view, which I read in the report, and had been alerted to by your ruling in this House, without any discussion with me or with the Minister for the Savings Bank.

In fact, Madam Speaker, I think we all found out about that together. All hon. Members and the committee found out about that together when you made a ruling about this matter. What is also worth mentioning, Madam Speaker, is that I have asked the House to confirm when that communication referred to in the report was received in this House.

Paragraph 2.7.38 of the report is when the author of the report sets out what he did in respect of the letter that he sent you. It starts...

> On 30 May 2025, I replied to the Speaker.

Obviously, Madam Speaker, I have already referred to that date in letters from the former Principal Auditor on that date. A very busy day for the author of the report. Hon. Members will recall that I referred already to another lengthy letter sent on that date at 4.15pm, which I will deal with later on when I get to the relevant part of the facts. In respect of this communication with you, Madam Speaker, what is clear is that the report is explicit as to when it was sent. Now, remember, Madam Speaker, this is a report that is designed to test the accuracy of things that we do. And when we get a number wrong or a date wrong, the report will tell us the Government misreported a date, a time, a number.

This is the check. So, paragraph 2.7.38 reads as follows.

> On 30 May 2025, I replied to the Speaker informing her that all the Government and statutory accounts that I audit are required to be tabled in Parliament with a view that they are made public.

And then the whole of the letter, in effect, set out in the report, culminating in the part that I read you earlier. In fact, Madam Speaker, I have enquired of you and of your office as to the date of that communication. The stark reality is that the report is wrong.

The reply that 2.7.38 says, *on 30 May 2025, I replied to the Speaker*, was not sent on that date. Well, at least it was not received in this House on that date by email. In fact, it was not received until 14 minutes past 8 p.m. on Saturday 31 May. Not 30 May.

In fact, only 3 hours and 46 minutes before the final second on which the author of the report will be holding office under the Constitution. But the more interesting point is that the letter to which you are referred in the report, Madam Speaker, does appear to be dated 30 May. So, it appears that what we have is a backdated communication sent by the author of the report and referred to by its backdated date in the report instead of accurately being referred to by its

actual sent date. Backdating is not best practice, Madam Speaker. It is certainly not something which indicates transparency or accountability.

In fact, quite the opposite. So, let us be clear, Madam Speaker. The report contains many errors we have pointed out publicly and more that I will address in coming days.

I have just dealt with this issue of the position under Section 12 of the Savings Bank Act. I will have a little more to say about that in a minute. But in looking at the detail of how the report recites the difference of opinion that the author has with the legislation and with the interpretation of the legislation by you and by the Minister, we have also identified a backdating of communications.

That is, Madam Speaker, if I may put it no higher or lower than this, hugely disappointing. So, Madam Speaker, turning now to the substance of the issue that was in dispute between you and the former Principal Auditor as author of the report and indeed between him and the Minister for the Savings Bank, let us analyse the position set out in the report.

The policy position that the Minister was taking, which was simply to say that he was following the letter of the legislation. I mean, it is hardly a strange policy to have and the position that you set out as Speaker of this House, which you recited in the exchange of correspondence that you referred to us in one of your rulings.

First, Madam Speaker, let us remind ourselves. It is the law, the Gibraltar Savings Bank Act, that provides in Section 35 that the audited and certified annual accounts of revenue and expenditures of the Savings Bank shall be laid, it does not say before Parliament, Madam Speaker, shall be laid before the Minister not later than the 31st day of October and be published in the Gazette. Madam Speaker, the statutory language is unequivocal.

Well, the Principal Auditor is responsible for auditing and certifying the accounts because that is what the section says, it is the Minister for the Savings Bank that receives them, and he bears the obligation of ensuring their publication.

The law is clear. Deliver to the Minister, then publication in the Gazette. That is what the law says.

The Act contains no provision conferring upon any public auditor in Gibraltar none whatsoever, a right to table the accounts directly or to control the timing of their publication. Although Madam Speaker, the practice is built up that the author of the report includes them in his report. Nobody has complained about that. We have not said that a Principal Auditor cannot do that. He can put in his report the fruit of his work if he wishes to do so. But he cannot require that the Minister do something which is his power under the law at a time that he says the Minister must.

He can opine that it would be better to do it at a particular moment or not for purposes of efficiency, but he cannot direct a Minister to publish in a way that is not provided for in the law, let alone direct or instruct you to do so. The author of the report claims that as an Officer of the Parliament he has a constitutional right to insist that his report on the Savings Bank accounts be tabled directly in the Parliament.

That is what it amounts to and in support of that theory, Madam Speaker, he relies on Section 74(2) of the Constitution which states that the Principal Auditor shall submit and lay his reports plural, before the Parliament. Well, Madam Speaker, I venture to suggest that actually he might even have a better argument which I have not seen deployed in the report.

Namely, Madam Speaker, as I told the Parliament yesterday, the Constitution is the principal and overriding enactment. And if there is a conflict between the Constitution and an earlier or indeed even later Act, it would be the Constitution that prevails. This is the 1935 Act.

Change the Constitution, you might need to read the 1935 Act in a different way because the Constitution provides otherwise but if the Constitution provides otherwise. Not because you want the Constitution to provide otherwise, and it does not.

Because the fact is that there is no conflict between Section 74 of the Constitution and Section 12 of the Savings Bank Act. There is nothing in Section 74 of the Constitution that allows a Principal Auditor, past, present or future, to argue that the public accounts of Gibraltar include the accounts of the Gibraltar Savings Bank. These are not public accounts.

Indeed, Madam Speaker, an argument could be run, although I am not going to adopt this argument, but an argument could be run, that although the managers of the bank are the Government, the shareholders are its depositors. Although Madam Speaker, I will not say I accept or prefer that position. The fact is that the accounts of the Savings Bank are not the accounts of any agency or authority.

They are not the public accounts of Gibraltar. Public accounts of Gibraltar are the accounts of the Government. Agencies, Madam Speaker, have the word agency in their name. Authorities have the word authority in their name. Courts have the word courts in their name.

Those are the accounts that Section 74 provides for.

The public accounts of Gibraltar, including the accounts of the agencies, the authorities and the courts. Conversely, Madam Speaker, banks have the word bank in their name. So, Madam Speaker, whether it is a regulated bank or it is a statutory bank, the Gibraltar Savings Bank Act makes it a statutory bank.

The Gibraltar Savings Bank is not an agency, an authority or a court. Neither are its accounts, by any stretch of the imagination, part of the public accounts of Gibraltar. So, any auditor, Madam Speaker, must read his empowering instrument in its proper context.

And the words of the Constitution must be given their plain and ordinary meaning. Of course, Section 74(1) defines the auditor's constitutional remit and as I have already explained yesterday at the start of my address, it is to audit and report on the public accounts of Gibraltar, the courts and all authorities and offices of Government.

The reports referred to in Section 74(2) are his audit reports made under 74(1). Madam Speaker, these reports are different and not the same to the reports that he is preparing under a different enactment. The Principal Auditor of Gibraltar does not prepare the accounts of the Gibraltar Savings Bank under Section 74 of the Constitution. He audits them under Section 12 of the Gibraltar Savings Bank Act.

So, Madam Speaker, it is clear that the 1935 Act provides separate and specifically a regime for the preparation, certification, laying and publication of the Savings Bank audited accounts and it places the responsibility for publication on the Minister. And indeed, further, the interpretation of the Government is reinforced by the Standing Rules and Orders of Parliament.

Rule 12(1) of which provides that all papers shall be presented to the Parliament by a Minister. The sole exception, Madam Speaker, is in Rule 12(3) that provides that *the Principal Auditor and the Ombudsman may present their annual reports to the Parliament through the Clerk.* A separate issue for another debate.

But, Madam Speaker, their annual reports are the ones that can be presented, because the word is may, to the Parliament through the Clerk. Madam Speaker, we can have a different debate about whether they should be tabled directly, or they should be tabled through me. I know that we are in communication with the Leader of the Opposition and the new Principal Auditor in respect of that.

But none of that involves any discussion about any right of any past, present or future Principal Auditor to have the right to present not their annual reports, but the audited accounts of the Gibraltar Savings Bank for publication in this way. I mean, Madam Speaker, one would have thought it was perfectly plain that the exception does not extend to the statutory accounts of the Savings Bank, which are self-evidently not the Auditor's annual report. Accordingly, Madam Speaker, the position is clearly that the exception does not apply, and the general rule governs that the Savings Bank statutory accounts must be presented to the responsible Minister for him to publish in the Gazette.

The law does not say when they should be published in the Gazette. I know that the Father of the House has a strongly held view in that respect, which he has set out in Parliament before and which he will no doubt be referring us to later. But Madam Speaker, you said something during the course of your exchange of letters, and I think you have said in the course of your rulings here also, unless I have just read it so many times that I have imagined you saying it.

But you said this in your letter to the Principal Auditor, which is set out in the Principal Auditor's report, his actual annual report.

> Parliament does not set the agenda for meetings, nor does it control the business timetable.

Madam Speaker, I think respectfully that point is well made, and it accurately reflects even the Westminster practice.

Under the Westminster model of Government and Parliament, Government business takes precedence in Parliament, subject only to limited exceptions. Further still, the courts in the United Kingdom have confirmed that the question of what is laid before Parliament and when are matters of internal parliamentary procedure and are not for external officers to dictate. Remember again, Madam Speaker, that the author of the external audit report on the Government is obviously and perforce an external officer to the Government.

Now this is an extremely important point. It is wholly germane to this issue that I am setting out at the moment. I want to be clear with the House in setting out a further decision of the Court which is exactly on point, and which is relevant.

In *Bradlow v. Gossett* in 1884, Mr. Justice Stevens in the Court's Queen's Bench Division said this:

> The House of Commons has the exclusive power of interpreting the statute so far as the regulation of its own proceedings within its own walls is concerned and that, even if that interpretation should be erroneous, this Court has no power to interfere with directly or indirectly.

If I may put it differently, Madam Speaker, your word as to procedure once you have ruled is the law.

In British Railways Board and Picking in 1974, the Court of Appeal considered the matter again and Lord Morris said this:

> The function of the Court is to construe and apply the enactments of Parliament. The Court has no concern with the manner in which Parliament, or its officers carry out its Standing Orders to perform these functions.

Therefore, Madam Speaker, the authorities indisputably confirm that internal parliamentary procedure including the tabling of documents and the scheduling of business is for Parliament itself through its Standing Orders and not for external officers such as the Principal Auditor to dictate.

Hang on, you might say, Madam Speaker, but the Principal Auditor is a Member of this Parliament. He is therefore not externally trying to dictate. Yes, he is a Member of this Parliament, but not in his capacity as the Auditor of the Gibraltar Savings Bank because that he is doing not in his constitutional role, he is doing that under his statutory obligation to audit the Savings Bank which tells him, in the law, what he has to do with those audited accounts.

If the Principal Auditor, Madam Speaker, were free to impose his own will on Parliament and to tell us when things have to be done, well, Madam Speaker, that would make the office of the Principal Auditor the most powerful office in the land for a simple reason. He would be the only Member of this Parliament who could decide without requiring a majority what happens and when. On this analysis, Madam Speaker, therefore, we believe that your interpretation is therefore undoubtedly correct in law and consistent with constitutional practice both in Gibraltar and in the United Kingdom. And the procedure referred to in the report is flawed and erroneous in our respectful view.

Section 12 of the Savings Bank Act expressly places the duty to lay and publish the accounts upon the Minister and it leaves to him the discretion of when they should be published. The standing orders confirm that, say, for the Auditor's Annual Report, papers must be presented to Parliament by a Minister, although we can even consider how best to deal with annual reports in the future.

Section 74 of the Constitution secures the Auditor's independence in carrying out his audits and preparing his reports, but it does not displace the statutory scheme governing the laying of the Savings Bank Act accounts in Parliament. Madam Speaker, the Principal Order's independence, therefore, remains wholly guaranteed in that he can audit and report his findings freely, but the formal act of laying those accounts before Parliament and officially publish them is a task assigned by law to the Minister. This is not an assignment to the Minister by operation of policy.

The policy is when he decides to publish, but the designation of the Minister as the person who receives the accounts is set out in the law, and even that, even that, the report seeks to challenge.

On a straightforward analysis of constitutional convention and the relevant case law, it is the Government, and not Parliament nor the courts, that determines Parliament's agenda. I hope nobody needs to be persuaded of that, Madam Speaker.

It follows, Madam Speaker, that the report is wrong in law in suggesting otherwise. It is wrong, in fact, in referring to the wrong date to an important piece of correspondence between you and the author of the report. So important, in fact, Madam Speaker, that the whole text of the correspondence between you is set out by the author of the report.

And in this respect, Madam Speaker, in the Government's view and in the view of the legal advice we have received, this criticism in the report both of you and of us should be withdrawn or rejected. The amendment that I will make to the Motion as drafted will include a reference to this part of the report, therefore being rejected by the House.

Remarkably, Madam Speaker, I would say that that was probably the easiest and less controversial of the issues that I have to deal with. Just a small matter of the former Principal Auditor backdating a letter and telling us it was sent on the day it was not sent and challenging what has been set out in law since 1935. No more than that. But I will need to move on now, Madam Speaker, to a much more serious issue in the report.

Because additionally, the report raises an issue involving the Savings Bank's anti-money laundering procedures. This is a particularly important point and probably, I would say, Madam Speaker, the most important point I will deal with in the course of my address to the House in the presentation of this Motion.

Madam Speaker, in 2017, the Savings Bank Director formally requested the former Principal Auditor to perform an independent audit of the Savings Bank to be conducted for the purposes of testing the policies, controls, and procedures pursuant to Section 26(1A) of the Proceeds of Crime Act 2015.

Important to remember that in that year, the Savings Bank Director formally requested, asked for, sought, invited such an audit. The Director of the Savings Bank at the time added that this independent audit would be in addition to the audit of the Savings Bank's financial statements, which is what happens under the law we just considered, which is Section 12 of the Savings Bank Act. On 13 October 2021, the former Principal Auditor submitted his said report, which highlighted that although the Savings Bank met most of its obligations under the Proceeds of Crime Act 2015 effectively and efficiently, there were various areas where there was scope for improvement. that is normal in any audit of this type. it is usual. that is 2021.

Invited by the Savings Bank to carry out this audit finds that things are working well, effectively and efficiently, some areas that require more work. It is important that all hon. Members take note of those words, that the proceeds of crime obligations in the Savings Bank were being met effectively and efficiently in 2021. In his report in that year, Madam Speaker, the Principal Auditor also underlined that despite requests over a period of a year for evidence to be presented to him to show that the Financial Secretary as a supervisory authority of the Savings Bank had complied with his obligations under the Proceeds of Crime Act and the supervisory body's powers in Regulations 2017, no information had been provided to him by the Financial Secretary and the directors of the GSB of the Savings Bank had never replied to the issues raised in the audit report. It is also important, Madam Speaker, to remember where we were then. The former Principal Auditor, as we are told in the report, was complaining that he had not had this detail, that he had

started this audit in 2019 and he had not had the detail and he was reporting in early, I think in 2021, in October.

But, Madam Speaker, where were we then? Sometimes it is easy just to refer to a date, but we were then not just dealing with Brexit, we were dealing with the withdrawal agreement, the New Year's Eve framework agreement and we were dealing with COVID, with the BEAT payments. We had shut down Gibraltar in March, we shut it down again in December and we shut it down again in 2021 and in the core of the team dealing with those issues at that time was the former Financial Secretary.

It is important to keep those things in mind, Madam Speaker. Besides the Principal Auditor's appointment to undertake the Savings Bank independent audit, the Director of the Savings Bank also simultaneously commissioned a similar audit to be undertaken by a contracted private audit firm that had experience in this field and regularly audited banks, Madam Speaker, on Process of Crime Act issues. When the former Principal Auditor, the author of the report, as he tells us in the report and as he set out in the report, found out that there was also this appointment of a private sector firm, the former Principal Auditor questioned the logic and reason to commission a parallel audit and records that no reply was forthcoming.

The report also raises concerns that the Savings Bank does not have a separate and distinct Compliance Officer. But in any event, Madam Speaker, as we can see at 2.62, the report tells us this about that audit.

> In my view, it is unacceptable,

he says,

> that the Chief Minister has sought to prevent the Principal Auditor from undertaking an audit which it is my right to perform under the Gibraltar Constitution and Public Finance (Control and Audit) Act.

Well, Madam Speaker, what the report is referring to there is not the audit in 2021. It is the attempted re-audit that the Principal Auditor has sought to undertake in 2025. But no longer by invitation.

Indeed, the report continues as follows.

> I consider the Chief Minister's actions to be improper and unconstitutional. As indeed, Section 74(3) of the Constitution clearly states that in the exercise of his functions under this Constitution, the Principal Auditor shall not be subject to the direction or control of any other person or authority.

At 2.7.63,

> Even though my intention to undertake an anti-money laundering compliance audit of the Savings Bank has been obstructed, I can report that at present, the GSB does not have an appointed Compliance Officer. I am conscious that the Director of the Savings Bank has been persistently requesting the Government to appoint a Compliance Officer, but at present, this has not yet transpired. This clearly contravenes Section 9b of the Pursuit of Crime Act, which states a relevant financial business [such as the Gibraltar Savings Bank], which is a legal person or a legal arrangement other than a trust, must appoint a director, senior manager or partner, and it shall be that person's duty to ensure compliance with Part 2 of this part of the Act.

The words Gibraltar Savings Bank were added by the author of the report in square brackets because they did not appear in the text. Madam Speaker, the report also makes the point that the Financial Secretary undertakes functions related to the Savings Bank, which, in the Principal Auditor's opinion, as author of the report, stand in conflict with his separate role as the statutorily appointed supervisory authority of the Savings Bank under the Proceeds of Crime Act. Because you see, Madam Speaker, it is not that the Savings Bank does not have a Compliance Officer, it is that the view of the former Principal Auditor as author of this report is that the structure that we

have, which is that the Financial Secretary acts as the compliance officer, is not one that he considers is appropriate.

Madam Speaker, the report goes on to state as follows:

> The Financial Secretary's role as the supervisory authority of the Savings Bank under the Proceeds of Crime Act stands in conflict and is therefore incompatible with his statutory duties under the GSB and with his authorising functions relating to the withdrawal of funds and approval responsibilities in respect of large bank deposits.

Not, Madam Speaker, a binding finding, but a view expressed by the former Principal Auditor.

> In my opinion, those are the right words to give, in my opinion, the Financial Secretary should not be exercising his independent role as a supervisory authority for the Savings Bank under the Proceeds of Crime Act and the supervisory body's powers Regulations 2017 and at the same time directly performing duties relating to the same bank. That is conflictive.

End of quote.

So, that is the former Principal Auditor's view as set out in the report that is laid in this House. It does not mean, Madam Speaker, I emphasise again, that the Savings Bank does not have a compliance officer. It just means that the opinion set out in the report is that for the reasons I have just given, that is not satisfactory from the point of view of the Principal Auditor. Now, Madam Speaker, as the House is aware, the Government strongly rejects this part of the report in every regard. it is our view that the views expressed in the report are legally inaccurate outside the scope of the Office and the ostensible and actual authority of the Office Holder's statutory and constitutional remit and, in our view, Madam Speaker, do not stand scrutiny. In particular, we have stated, and we state again that the Principal Auditor under our laws and under the Constitution has no legal right or mandate to conduct compliance or Proceeds of Crime Act audits of the Savings Bank.

And I am going to go into the detail of that now because it is hugely important. And, Madam Speaker, that is not just the position of the Government, it is the position confirmed by successive financial secretaries. Indeed, Madam Speaker, it is the position of successive directors of the Savings Bank, usually the Accountant General, who have in the past invited the Principal Auditor to carry out such an audit.

There, Madam Speaker, the word *invited* is essential. Madam Speaker, because it shows explicitly that the invitation was required to be issued for the Principal Auditor to be able to become involved in carrying out the Proceeds of Crime or compliance audit because he had no constitutional or other statutory right to do so. Additionally, Madam Speaker, and actually perhaps most remarkably, that is the position acknowledged by the former Principal Auditor himself, the self-same author of the 2018/2019 report.

And he said it in prior correspondence. I know, Madam Speaker, that this may seem absolutely remarkable given the sections of the report that I have just read. The allegation that I was acting unconstitutionally and improperly in stopping him from doing the Proceeds of Crime or compliance audit.

And the very grave nature of those allegations, Madam Speaker, that I acted unconstitutionally simply by saying that we considered and were advised that he had no power to undertake a POCA or compliance audit of the Savings Bank unless he was invited to do so as we had previously invited him to do so. But I will read in a few moments, Madam Speaker, to the House exactly what the same author had said in prior correspondence. It will be, Madam Speaker, I guarantee, a jaw-dropping moment when we get to it.

For now, Madam Speaker, it is important for the House and those watching to please remember also that the reason I had said that we would not invite the Principal Auditor to undertake this POCA audit that he was seeking to carry out in 2025, a POCA compliance audit, was because we had already engaged PwC to carry out the self-same audit. We did not think it made financial sense to now have two entities carrying out the same audit. Indeed, Madam Speaker,

given that PwC had previously done this type of audit for the Savings Bank repeatedly before and had the necessary experience of carrying out such audits repeatedly for other banks also, it was not, in our view, an efficient use of money or resources.

It would have been, Madam Speaker, to put it another way and in topical terms in respect of the report, not value for money. It would have been a waste of time and resources. We knew we could not be far off the mark when we were saying that, Madam Speaker.

Having two auditors doing the same audit at the same time. But look at what the author of the report, the former Principal Auditor, said in a letter dated the 9th of February 2022 to the former Financial Secretary. This is a direct quote from that letter.

I will read this slowly in case anybody wants to make a note. I start the quote:

> It beggars belief that at the time when we were requesting him to do so, the director of the Savings Bank had already engaged the services of PwC with your consent by your own admission to undertake the same job.
>
> I ask, what is the sense of having two entities undertaking the same audit review, apart from being a waste of time and resources? Where is the value for money in this for the public purse?

That, Madam Speaker, is what the former Principal Auditor said to the Financial Secretary in 2022 about having PwC doing a POCA compliance audit at the same time as he had been invited to do so.

The author of the report that we are debating, Madam Speaker, was saying to the Financial Secretary in 2022 it was a waste of time and resources. He was asking where is the value for money for the public purse in inviting both the Gibraltar Audit Office to carry out the POCA compliance audit at the same time as having PwC undertaking such an exercise. Yet remarkably, Madam Speaker, in March 2025, three years and one month later, he is insisting, insisting on the opposite, on being appointed despite the Savings Bank having been satisfied with the work being done and undertaken by PwC.

As you can see, Madam Speaker, in 2025, we entirely agree with the position of the author of the report as he set it out in 2022 that it was a waste of time and resources to carry out the same audit review with the Gibraltar Audit Office and PwC. The only surprise, Madam Speaker, is that within three years and one month, the author of the report no longer agreed with himself on what he had said in 2022. It is obvious though, Madam Speaker, that a lot must have happened in that three-year interregnum because value for money in two entities carrying out the same audit was not the only thing that the author of the report seems to have changed his mind about, as we can see from the report.

Because let me be clear, my decision not to permit the POCA compliance audit of the Savings Bank outside the former Principal Auditor's remit was fully consistent with the Constitution. That is to say, the decision I communicated to the former Principal Auditor was a proper constitutional decision which had nothing improper or unconstitutional about it. As a result, Madam Speaker, framing my lawful decision as unconstitutional, as the report does at 2.7.59 to 2.7.62, is factually incorrect and misleading. I assert that, Madam Speaker, not just because I am independently advised that that is the case, but because I was independently advised of that before I communicated the decision to the former Principal Auditor as set out in the report. Indeed, Madam Speaker, I did not ring him to tell him. I met him, and I met him, Madam Speaker, with the Financial Secretary, with the Chief Secretary, with the Minister for the Savings Bank, and with a Private Secretary.

This was not a fly-by-night decision made as we walked along Main Street, met each other, and he said, Fabian, can I do a POCA audit of the Savings Bank? No, Tony, you cannot. PwC is already doing it.

And moreover, Madam Speaker, it was not my decision to communicate. It was a decision that I reached because the Senior Officials, the Director of the Savings Bank, the Financial Secretary, were telling us that they did not believe that it made any sense for the Gibraltar Audit Office to carry out this audit, and that there was no legal imperative that they should be allowed to do so.

But I particularly assert my position with full confidence in this House, because what I told him, Madam Speaker, was entirely consistent with what he had said in writing about his understanding of the position.

The author of the report that says that it was unconstitutional to stop him, and improper to stop him carrying out the audit because he was entitled constitutionally to do it, had said the opposite in writing himself. let us be very clear. My position was to inform the Principal Auditor, who is now the author of the report, that he had no legal rights to carry out a POCA compliance audit of the Savings Bank if he was not invited to do so.

Because you see, Madam Speaker, that is why I told you the word invitation was so important when we looked at what happened in 2019. That is how he had undertaken the earlier POCA compliance audit that he had carried out - by invitation.

Madam Speaker, the report says that I acted unconstitutionally because I told the former Principal Auditor that for the reasons he had been told by officials, we would not agree to invite him to carry out the POCA compliance audit. Now let us have a look at what the author of those words had said a few years before. let us put the two relevant statements side by side and see who is acting or trying to act unconstitutionally.

The words in the report, Madam Speaker, that bear repetition for the purposes of carrying out this analysis forensically, noxious though they are, read as follows at 2.7.62. I have read them before. I will read them again:

> In my view, it is unacceptable that the Chief Minister has sought to prevent the Principal Auditor from undertaking an audit, which it is my right to perform under the Gibraltar Constitution and the Public Finance (Control and Audit) Act.

An assertion, Madam Speaker, of a constitutional right and a statutory right.

> I consider that the Chief Minister's action to be improper and unconstitutional, as indeed Section 74(3) of the Constitution clearly states in the exercise of his functions under this Constitution, the Principal Auditor shall not be subject to the direction or control of any other person or authority.

Yet now look, Madam Speaker, at what the same author had said himself of his own powers in the earlier letter I have previously referred to the House. In that letter, the letter dated 9 February 2022, the former Principal Auditor said the following to the former Financial Secretary:

> After agreeing with Ms. Grisel Lima…

Then the Director of the Savings Bank, in 2018.

> …to undertake the POCA audit and in the absence of being formally engaged to undertake this task, I had on a few occasions verbally reminded the director of the GSB on the need to be formally appointed for this purpose. Needless to say, because the audit is not a statutory audit for me to undertake. The onus for the audit engagement lies with the Director of the GSB and not the other way around.
>
> Although you are correct in saying that it is not my statutory function to do this audit, I do not consider the audit we have undertaken to be an agreed upon procedures audit, but rather an independent compliance audit review carried out at the request of the Director of the GSB and with my agreement.

And yet when you tell him it back, you are acting improperly and unconstitutionally. Madam Speaker, I think it is important to emphasise this morass of contradictions.

The report says at 2.7.62 that it is the author's view that it is unacceptable that the Chief Minister has sought to prevent the Principal Auditor from undertaking an audit which it is his right, he says, to perform under the Gibraltar Constitution and the Public Finance (Control and Audit) Act. And as a result, he says, the Chief Minister is acting unconstitutionally. Yet the same author

writing about the same subject in a letter to the former Financial Secretary in February 2022 accurately records his position was the complete opposite.

In 2022, the same author said it was correct to say that it is not his statutory function to do such an audit. So in the report, Madam Speaker, the author of it says that I acted unconstitutionally because I said he had no statutory authority to carry out this audit of the Savings Bank, although I was only saying to him exactly what he had said to us. Exactly what he had said to us.

In fact, Madam Speaker, I can tell the House, the Hon. the Father of the House, is fully aware, as was the Chief Secretary and the Financial Secretary. I had with me the letter from the former Principal Auditor dated April 2022, when we had that meeting on 7 April. I was on the strongest possible ground.

I was communicating on behalf of the Chief Secretary, the Director of the Savings Bank, the Financial Secretary and the Minister of the Savings Bank to the former Principal Auditor the thing which he had said to us. I used the exact words he used in his letter in telling him what the position was. So how on earth can somebody make a point as serious as to suggest in a report to be laid in this Parliament that I had been acting unconstitutionally by committing the grievous sin of agreeing with him?

How on earth could I have been acting unconstitutionally by agreeing with the author of the letter of February 2022, who is the self-same author of the report that makes the serious, baseless and utterly defamatory allegation against me that I acted unconstitutionally or improperly? It is frankly, Madam Speaker, senseless. I confess that I quote the former Principal Auditor and the author of the report when he said in one part of his communication that this just beggars belief.

I still do not understand this, Madam Speaker. And in particular, I do not understand how anyone might think that we would not challenge such utter nonsense in the report before the House today. How could we not challenge that?

How could we not? And in this context, Madam Speaker, the House has to understand we are dealing with matters of international importance with huge potential consequences. If it were true, Madam Speaker, that a rogue Chief Minister has stood in the way of a constitutionally or statutorily empowered Principal Auditor to prevent a Proceeds of Crime Act or a compliance audit, then we should be a pariah state.

We would be the pirates that people who are enemies say that we are. Of course, it would make sense, I venture to suggest, to put us on every blacklist in the world if it were true. But that has never happened here.

It could never happen here because the officials who asked me to tell the former Principal Auditor that we did not wish to invite him to carry out this POCA compliance audit would never have asked me to do so if he had a legal right to carry out such an audit, whether it was a constitutional right or a statutory right. But what is remarkable, Madam Speaker, is that this report makes the extraordinary allegation against me without regard for the potential consequences for Gibraltar.

It is not an allegation against me. it is an allegation against a Gibraltar institution, the Government of Gibraltar, that one part of the constitutional edifice of Gibraltar is blocking another part of the constitutional edifice of Gibraltar from carrying out their constitutional functions.

The thing to now ask ourselves after hon. Members and those watching may have heard, Madam Speaker, or have heard what I have said, is what credibility can one ascribe to any part of the report if this most eye-catching and remarkable allegation, its most eye-catching complaint of interference, its most startling accusation against the highest elected politician in this nation can be shown to be, as I have shown it to be, entirely unreliable.

And not just because the Government's Senior Officials and Legal Advisors so advise us. Not just because the Government has a legal opinion that confirms it, but because the author of the report, making that remarkable allegation, couched in terms of a noxious, as I have described it, accusation of unconstitutionality, has himself said the opposite in writing. I mean, I do not know

whether the author of the 2018/2019 report that we are considering had forgotten his earlier authorship of the 2022 letter.

Could that be what we are dealing with? I mean, it really is remarkable, Madam Speaker. The legal position that I set out to the Principal Auditor in April 2025 is the position he set out to us. it is surely not, Madam Speaker, so outlandish or indeed unconstitutional for the Government to adopt in 2025 what its Principal Auditor had told it in 2022. It is not heinous or unconstitutional in 2025 to agree with the legal position that the Principal Auditor, the independent constitutional officer, had set out in writing in 2022. So, Madam Speaker, every Member of the House and of the community will no doubt forgive me for saying that the allegation of unconstitutionality levelled against me and therefore against the institution of Government in Gibraltar is hollow in every single material respect.

And moreover, Madam Speaker, I rely on the words of the former Principal Auditor himself in his letter of February 2022 in demonstrating that the words of the former Principal Auditor as author of the 2018/2019 report today before the House are entirely incorrect and unreliable and should be roundly rejected. Madam Speaker, that is not to say that the damage has not already been done. Of course it has.

Forget about my reputation. I have absolutely no regard for that in this respect. The allegation of unconstitutionality is rendered so ludicrous by the same author's previous statements that I am totally inured against it.

But the accusation of a Government unconstitutionally preventing a POCA compliance audit of a Government Savings Bank is so serious that it has already gone around the world. Rest assured, Madam Speaker, it is registered by concerned friends to whom we have had to explain matters, and it is registered by gleeful enemies who have used it to sharpen their cutlasses and load their cannon against us. It is that serious.

Gibraltarian ammunition for foreign cannon to fire at us. Indeed, Madam Speaker, the author of the report must have known this area to be one of high sensitivity given that the jurisdiction had been on the grey list of the Financial Action Task Force on the MoneyVal Examination. It would have been clear to anyone that the implication that a Government controlled entity does not take issues of proceeds of crime and compliance seriously has exceedingly wide implications.

Implications beyond our shores. Implications for future potential grey or black listing. So, Madam Speaker, it falls to me again having provided that background to assess some other aspects of the effect of this part of the report and what has happened now perhaps in a little bit more chronological and dispassionate order to leave the record clear, Madam Speaker.

We know that by 2021 the Gibraltar Savings Bank had been subject to two parallel compliance assessments. One by the Principal Auditor at the invitation of the GSB's Director in December 2017 pursuant to Section 26.1A of the Proceeds of Crime Act not pursuant to the Public Finance Control and Audit Act not pursuant to the Constitution pursuant to Section 26.1A of the Proceeds of Crime Act and another by PwC. Both confirmed that the Gibraltar Savings Bank was in general compliance with the Proceeds of Crime Act whilst recommending improvements. But things were being done effectively and efficiently when it came to compliance. After the POCA audit by the Audit Office the former Principal Auditor stated that the Savings Bank was generally compliant. Despite the fact that the report was of a generally compliant nature we still appointed once again PwC to treat the matter with the seriousness it deserved to get even better.

In 2025 however the former Principal Auditor sought to conduct a further anti-money laundering compliance audit of the GSB this time alleging his own constitutional authority as Principal Auditor rather than by invitation. Madam Speaker relying on legal advice not something written on the back of an envelope and at the request of Senior Officials so not at my whim or because I took that view myself I refuse consent in a meeting with the Principal Auditor on the basis that the Principal Auditor had no such constitutional or statutory power to carry out such a compliance examination under the existing legislation. Again, I had no desire, I had no wish and I had no time available to meet the former Principal Auditor for this purpose other than because I

was requested to do so by my Senior Officials. I was doing other things with the Deputy Chief Minister in particular in April 2025 things that thankfully bore fruit in June 2025.

I did so because Senior Officials took the view that there was an attempt at clear and previously self-admitted constitutional overreach in the actions of the former Principal Auditor. In essence, the Government's position was and remains that anti-money laundering compliance audits of the Savings Bank fall outside the Principal Auditor's remit as a constitutional officer in exercise of his constitutional powers or as a statutory officer in exercise of the public finance (control and audit) powers. And therefore, the Principal Auditor lacked a proper legal basis to insist on carrying out an audit if he had not been invited to do so.

But again, Madam Speaker, the people of Gibraltar should not take my statements at face value which is why I turn now to consider the relevant sections of the Proceeds of Crime Act. Section 26.1A of the Proceeds of Crime Act 2015 remember Madam Speaker that is the Act I told you the Principal Auditor had been appointed to carry out his audit when he was invited to carry it out by the Savings Bank. That section requires relevant financial businesses to maintain an independent audit function for the purposes of testing the policies, controls and procedures put in place to comply with the Act.

The Act does not designate the Principal Auditor to perform this function for the Savings Bank. So, there is no statutory or legal power derived from this Act or from the Public Finance Control and Audit Act that a holder of the Office of Principal Auditor can rely on to say that he has a right to carry out an audit under this law. There is certainly no constitutional right to do so because the Constitution is explicit about what it is that the Principal Auditor can and cannot do.

Instead, Madam Speaker, Section 29(2) of the Procedures of the Crime Act and Schedule 2 allocate supervisory responsibility to supervisory authorities but does not list or include the Principal Auditor as one of them. The Supervisory Bodies Powers Regulations 2017 at Regulation 11.2.14 empower those authorities that are listed to commission audits, require reports and enforce compliance. That does not include the Principal Auditor.

In practise, the Savings Bank can therefore hire qualified auditors to fulfil this obligation which it did by hiring and continue to hire PwC. By contrast, and as I have now already explained on a number of occasions Madam Speaker, the Principal Auditor's Remit derives where it does not derive from a statute from Section 74 of the Gibraltar Constitution. Sections 74(1) to (3) of the Constitution provide, as we have now looked at on a number of occasions and I am sorry to say we will be looking at on a number of more occasions, that the Principal Auditor must audit and report the public accounts of Gibraltar and all courts of law and all authorities and offices of the Government. Further, he shall submit and lay his reports before Parliament and shall not be subject to the direction or control of any other person or authority in doing so. Madam Speaker, the Public Finance Control and Audit Act in Sections 60 to 62 extend the Principal Auditor's powers to audit certain corporate and statutory bodies where public funds are involved thereby allowing him to certify accounts and report on them but only where the Act or other law expressly applies. Nothing in that Act, the Public Finance Control and Audit Act, or in the Constitution at Section 74 creates a freestanding power to conduct compliance audits under the Proceeds of Crime Act which operates as a separate statutory regime.

Nothing there mentions the Savings Bank in that respect. Indeed, Madam Speaker, this self-same distinction was acknowledged by the former Principal Auditor himself in his February 2022 letter where he plainly conceded, quite rightly as well, that he would need to be invited under POCA Section 26(1) to do such an audit. In other words, no law, that is to say no Act of Parliament, either the Process of Crime Law nor the Public Finance Control and Audit Act, and no section of the Constitution empowered the Principal Auditor to unilaterally carry out an anti-money laundering compliance review of the bank on his own motion and at his unilaterally decided insistence.

As a result, and quite clearly, Madam Speaker, if a Government Auditor lacks jurisdiction over a certain audit and the Government declines his request to carry it out, it cannot be correct by any definition to describe such a refusal as unconstitutional interference. let us be clear, Madam

Speaker. The Constitution does not furnish the former Principal Auditor carte blanche over any and all oversight matters that he may choose to undertake.

Absolutely not. The Constitution guarantees his protection against interference when he is discharging his legitimate duties in respect of specific powers. The powers he himself said he did not have under POCA and the compliance audit provisions of the Savings Bank.

The former Principal Auditor is not empowered to conduct a POCA compliance audit. Indeed, that sentence, Madam Speaker, should read that the Principal Auditor past, present, or future under the existing law is not empowered to conduct a POCA compliance audit so that he does not enjoy the protection of the Constitution when he purports to carry such an audit out.

Nevertheless, Madam Speaker, the Government was not ignoring this issue and appointed a third-party firm to make sure it was addressing the issues properly and that is why it brought a firm with the appropriate experience as is PwC, one of the Big Four, and a firm that performs these audits for commercial banks not only once but three times.

So, we have called them in, Madam Speaker, not once at the same time as the former Principal Auditor was carrying out his initial audit by invitation, but three times since then. Like in the United Kingdom, Madam Speaker, Gibraltar applies similar public law principles, not least that the principle that a public authority must act within the powers conferred by law. Public authorities, like a Principal Auditor, cannot abrogate to themselves a function merely because they deem such a function is desirable.

Madam Speaker, if wishing only made it so, life would be so much easier, but it is not quite like that. And as I have done on each and every occasion, Madam Speaker, I am not going to ask the community or Members of the House to take my arguments at face value. Again, the Government has arrived at this considered view in light of the applicable case law.

In the *Attorney General v Fulham Corporation*, in the Chancery Court, it was held that a council empowered to provide public wash houses could not go on to operate a commercial laundry. Even though the latter might serve the same general-purpose function, it was a qualitatively different function not authorised by Parliament. The Court held as follows, and the Judge said,

> It appears to me to be a completely different enterprise. It is clear to me that what the Council is doing is not only the carrying on of a business of a kind, but something which is…

and this is the real point,

> …which is not ancillary or consequential upon that which it is entitled to do under these Acts of Parliament.

So too here, Madam Speaker. A POCA compliance audit is not ancillary to or consequential to the audit of public accounts. But rather, a separate statutory function reserved under POCA to the appropriate supervisory authority.

More recently, Madam Speaker, in the *Crown Public Law Project v the Lord Chancellor in 2016*, the Court of Appeal considered the matter in which the UK Supreme Court then went on to hold that even where a Minister's power is expressed in wide general terms, the exercise of that power can still be ultra-virus if it introduces a criterion or function fundamentally different from that which Parliament contemplated.

In this case, Madam Speaker, the Lord Chancellor tried to use a power to vary or omit services under the Legal Aid, Sentencing and Punishment of Offenders Act to impose a residence test for legal aid. The Court of Appeal held that this was ultra-virus because Parliament had only authorised regulation of services by type and importance and not the exclusion of people based on personal status. Accordingly, Madam Speaker, it is the considered view of the Government in light of legal advice that it has received that the former Principal Auditor's attempt to re-characterise after his letter of February 22 said the opposite.

A POCA compliance audit as falling within his general audit of public account powers under the Public Finance (Control and Audit) Act 1977 is, was and will be, unless the law is changed, clearly

ultra-virus. That is to say, it was outside his powers, however drawn or defined. And his constitutional and statutory remit as defined by Section 74 of the Constitution and Sections 56 and 57 of the Public Finance (Control and Audit Act) is to audit public accounts.

That is his role, Madam Speaker, a hugely valuable and important role, but clearly defined and circumscribed in law. The POCA law does not draw him in and does not give him any new statutory standard. Indeed, anti-money laundering compliance oversight of relevant financial businesses, including the Savings Bank, is expressly vested in supervisory authorities, as I have told the House, under the POCA, the Proceeds of Crime Act 2015, Section 29 and Schedule 2, and operationalised through the 2017 regulations which I referred to earlier.

Accordingly, Madam Speaker, my refusal at the suit of relevant senior officials to permit a process of crime compliance audit did not contravene Section 74(3) of the Constitution because the Principal Auditor was not exercising a lawful function within his remit. The Government's leading counsel, Madam Speaker, is also quite clear in his qualitative assessment opining that the Government's points are soundly made. It is the view of this independent UK leading council on audit legal principles that the public accusation against me was made without legal basis and risked reputational damage and defamation, especially where the Principal Auditor's own written position set out in his letter of 9 February 2022 was that he needed to be invited to carry out an audit under Section 26 of the Proceeds of Crime Act.

It bears repeating, Madam Speaker, that the former Principal Auditor in that letter accepted that he did not have the authority to do this work under his then existing powers. Nothing had changed since then. And faced with this position, the former Principal Auditor sought consent instead to conduct an AML audit under his general powers set out in the Gibraltar Constitution and the Public Finance (Control and Audit) Act.

Those powers did not avail him of any empowerment to purport to act as he set out. Indeed, Madam Speaker, what I did was not unconstitutional. But what the former Principal Auditor was purporting to do, we are strongly advised, was outside of his constitutional powers. That is to say, Madam Speaker, he was the one who was seeking to act unconstitutionally.

Nonetheless, the specific requirements of the scope of the audit work that he proposed to carry out set out in his letter dated 28 March 2025 are, in fact, identical to those of the Section 26(1) Proceeds of Crime Act audit that he carried out as applicable to business, operation and internal systems. In other words, the former Principal Auditor did not even try to hide the fact that he was trying to circumvent the very powers he knew he did not have, further confirming what he had already stated in his letter of February 22.

It was on this basis that access was denied, which had little to do with limiting the Principal Auditor's rights under the Constitution, the Public Finance (Control and Audit) Act, but rather, not inviting him to carry out the Proceeds of Crime Act audit, as this work had been covered off several times by an independent international firm. Again, because that would have been simply unnecessary duplication of work. And yet, despite all that, the report nonetheless raises in this House the spectre of a Government blocking a constitutionally empowered public officer from carrying out an anti-money laundering audit.

As I have said, Madam Speaker, this does raise concerns about the effect of this allegation on future assessments of Gibraltar by international bodies for international compliance purposes. that is why I am setting this out clearly, Madam Speaker. We cannot sweep under the carpet that this is out there.

We have to now address it face on. Madam Speaker, we have all lived the consequences of grey listing. Harder access to banking, higher compliance costs for our economic operators, more cautious investment into Gibraltar.

Perhaps the most real-world effect for the normal citizen was that Revolut was not able to open new accounts for Gibraltar residents whilst we were blacklisted. let us not forget where we were at the time of grey listing. let us wind back the clock a little.

We were in a very delicate position with MoneyVal and the FATF fighting to have Gibraltar removed from the grey list which we had been unfairly put on account of one or two technical

points which were used to grey list us. Madam Speaker, hon. Members opposite used to think that this was so important that they were going to demand the head of the Minister for Financial Services if he did not deliver that we should be removed from those lists. A large factor that makes this community succeed, Madam Speaker, it is its vibrant economy.

That is how we fund our public services that we spend so much time debating. We should be spending more or less on whether we are giving enough in the Health Service, enough in Education. We get that because the economy is successful, and it produces the public finance revenue which enables us to fund those public services.

But those businesses rely on not being on the grey list or the blacklist. I do not think that people will readily understand Madam Speaker the implications but let me frame them for them in terms that are easier to comprehend. I repeat this because it bears repeating what the implications of being on the grey or blacklist are.

Banks would have difficulty with their corresponding bank relationships meaning banks considering their position in Gibraltar with the possible implications for availability of mortgages or simple banking functions. We face this when we were on the grey list if we were not to be removed. Banks like Revolut withdrawing and not opening new accounts for customers.

Financial services businesses having difficulty with their international connections having to explain the situation in Gibraltar. Borrowing in international markets becoming more expensive because of perceived risks with Gibraltar. Businesses here that operate at large scale internationally because it is viewed or we are viewed as a well-regulated centre needing to consider their presence.

For example, Madam Speaker hon. Members may not know indeed the whole community may not be aware, but the Minister of Financial Services has shared with me and with members of the Cabinet on Monday that roughly 35% of all dollars in actual circulation are distributed by a business in Gibraltar operating under licence from the United States Federal Reserve. 35% of all dollars in actual circulation. Those types of businesses which are very important to Gibraltar create jobs in Gibraltar leave revenue public finance revenue in Gibraltar those types of businesses might have difficulties if we go back on a grey or black list.

We should not be risking that in any way Madam Speaker. it is not just our future it is our children's future that is at risk. Having been on those lists the experience imposes a heightened duty of care on every responsible office holder most of all officers of this Parliament to ensure that findings read in London, Brussels, Madrid and beyond are fair proportionate and evidence based.

And in the end what was to be gained by this noxious, unsustainable, nonsensical allegation contained in the report that I or the Government had acted unconstitutionally to block a POCA or compliance audit what was to be gained? A headline? A happy bunch of opponents to the Government?

All for what Madam Speaker? In particular given that the allegation can easily be dismantled using the accuser's own written documentary trail of 36 months earlier where independent professional assurance from PwC finds compliance and the report itself records compliance and compliance which is effective and efficient it is simply in the Government's view unnecessary to proceed to cast any doubt and risk international consequences for all of us.

But that Madam Speaker is the sum total of what those erroneously based entirely unfair and improper sections of 2.7.49 to 2.7.65 of this report do in setting out the full attempted unjustifiable justification for what the author of the report attempted to unconstitutionally do. That is the reality.

Because Madam Speaker despite all the allegations the unnecessary incendiary and defamatory language against me and the reputational harm and risk to Gibraltar the report records compliance in anti-money laundering matters by the Savings Bank and in the end the allegation of unconstitutionality is rendered nonsensical when properly analysed.

In fact, these are the report's words not mine at 2.7.51

On the 13th of October 2021 I submitted to the directors of the Gibraltar Savings Bank my report on the audit carried out in accordance with section 26(1A) of the Proceeds of Crime Act 2015. The report highlighted that although the Gibraltar Savings Bank does meet most of its obligations under the Proceeds of Crime Act effectively and efficiently there were various areas where there was scope for improvement.

That is what you'd get in any audit that gave you a clean bill of health. That is what the audit says of every organisation that meets the highest standards in respect of anti-money laundering and compliance. that is what they say. Nothing is ever perfect.

Even if you are just shuffling two pieces of paper can you shuffle one? Instead of using a piece of paper can you use an electronic system? that is what those reports say.

Yet Madam Speaker the reputational harm caused by the words of the next paragraphs of the report are in my judgement Madam Speaker potentially without precedent in our modern history. It is that serious. That serious. No other solitary statement has inflicted comparable risk of damage on Gibraltar's good name and our ability to continue to avoid relisting in the future.

No other solitary statement by any Officer of this Parliament or by any Gibraltarian indeed I think for anybody outside of Gibraltar has inflicted comparable risk of damage on Gibraltar's good name and our ability to continue to avoid relisting in the future. It is that serious.

Worse still, the assertions in the report are for all the reasons I have already aired at great length and perhaps repeated Madam Speaker, but it bears repeating entirely factually, constitutionally and legally unfounded. Indeed, as the House will now have seen the best expose of that Madam Speaker is the former Principal Auditor`s own letter of February 2022. Madam Speaker if this were not so serious it would be nothing short of laughable.

But it is serious Madam Speaker very serious because such insinuations however laughable, nonsensical and unsustainable however contradictory in the mouth of the very author of them damage Gibraltar's reputation. They unsettle relationships with counterparts and institutions. As a result, Madam Speaker unchecked, unchallenged, this nonsense risks real livelihoods. For what purpose Madam Speaker? In the end for what? That is what I ask myself.

To have a pop at me? To show a good old tassel between constitutional office holders having a go at each other? To assert independence?

I confess Madam Speaker that three months on from having read the report for the first time I will not pretend to have been able to understand. Be that as it may Madam Speaker for all of the reasons that I have explained and also as stated in the professional opinion of Mr. Fisher KC the former Principal Auditor`s criticism in this section of the report should be rejected. For that reason, Madam Speaker, the amendment that I will propose to make of the motion as drafted will include a reference to this part of the report therefore being rejected by the House.

Finally, Madam Speaker, I think it is necessary for me to end my contribution for today on this issue. It is important that I should spend time now on the issues relating to treaty texts that are currently the subject of ongoing negotiations. I am happy to inform the House that after the conclusion of yesterday's proceedings I sent both the Hon. the Deputy Chief Minister and the Leader of the Opposition my verbatim speaking note although of course it has to be checked against delivery.

It is my intention to do so today again although I understand that the Leader of the Opposition is arriving in Gibraltar later today and happily the Deputy Chief Minister is back with us in Gibraltar after a very successful attendance at the Liberal Party conference in Bournemouth. I therefore now move Madam Speaker that the House should therefore adjourn now until tomorrow at 10 a.m.

Adjournment

Madam Speaker: I now propose the question, which is that this House do adjourn to tomorrow morning at 10 a.m. I now put the question, which is that this House should adjourn to tomorrow morning at 10 a.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to tomorrow morning at 10 a.m.

The House adjourned at 11.43 a.m.

P R O C E E D I N G S O F T H E

G I B R A L T A R P A R L I A M E N T

MORNING SESSION: 10.00 a.m. – 12.34 p.m.

Gibraltar, Thursday, 25th September 2025

Contents

Order of the Day **2**

GOVERNMENT MOTIONS 2

Adjournment 28

The House adjourned at 12.34 p.m. 28

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The Parliament met at 10.00 a.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: P A Borge McCarthy Esq *in attendance*]

Order of the Day

GOVERNMENT MOTIONS

Clerk: Meeting of Parliament, Thursday 25th of September 2025.

Madam Speaker: Before we begin, we are desperately trying to get the temperature in Parliament at a level where everybody is more or less happy, I keep getting complaints it is hot or cold, so if anybody is particularly uncomfortable, get a message to me with the temperature, the ambient temperature of the air conditioning, I am going to have to define every word, then get a message to us and we will see what we can do on that.

Yes, the Hon. Chief Minister.

Hon. Chief Minister (F R Picardo): Thank you very much Madam Speaker, and I do realise that a lot of what I am saying is making a lot of people uncomfortable, but that is what Parliament is all about, ventilating all of the issues that need to be ventilated in the appropriate place, where none of us need to get too hot under the collar, although all of us might be given what the temperature has been in the past couple of days. Madam Speaker, on Tuesday, when I started my address to the House on the Motion standing in my name, I set out the constitutional provisions that apply to the appointment, remuneration and functions of the Principal Auditor. I then went through relevant statutory powers, obligations of that holder of that post, and additionally I analysed the case law applicable to the relevant constitutional and statutory provisions.

I then ended with a review of the relevant rules of professional standards applicable to auditors generally, and to public auditors in particular. Yesterday, Madam Speaker, on the second day on which I addressed the House on this motion, I dealt with two areas which arose directly from the 2018/2019 report that is before the House today. Both of those areas related to the Gibraltar Savings Bank.

One was about the tabling of the accounts of it, as provided for by section 12 of the Savings Bank Act, and the other, Madam Speaker, with the very baseless allegation that I had somehow acted unconstitutionally in not allowing the Gibraltar Audit Office to carry out a POCA or compliance audit of the Gibraltar Savings Bank. Today, Madam Speaker, I am going to address three more areas of the report with which the Government takes serious issue.

I will deal first with the sections that deal with Wildlife Gibraltar Limited, second with the parts that deal with housing allocations, and finally the criticisms in the report arising in respect of Gibraltar Industrial Cleaners.

It is my intention to take those in turn and in that order, and I would propose, Madam Speaker, if the clock moves as I expect it will, that I will invite the House to recess after my contributions in respect of Wildlife Gibraltar Limited, Madam Speaker. Let me first then, Madam Speaker, deal with the references to Wildlife Gibraltar Limited.

The report refers to a memorandum that the former Principal Auditor issued on 30 May 2025. He is very busy, busy, Madam Speaker, final day, working day in office regarding contracted services within the Environmental Department. Based on that memorandum, Madam Speaker, the report raises concerns about contract management, potential conflicts of interest, and procurement practises, particularly in relation to Wildlife Gibraltar Limited, but not just in relation to Wildlife Gibraltar Limited. The report, Madam Speaker, as we read it and as it is obvious others have read it, given public comment in respect of it, suggests or implies somehow an element of impropriety.

It did so, Madam Speaker, relying principally, almost exclusively, in relation to Wildlife Gibraltar Limited, on the familial connection between the company's director and the Hon. Minister for the Environment, Professor Dr John Cortes. Madam Speaker, the memorandum had been issued, or the letter had been issued, the one that I am referring to, on 30 May, as I said earlier, at 16:25 hours. That is to say, 25 minutes past four in the afternoon on Friday 30 May.

That is an hour, Madam Speaker, after the close of business for Government offices. So, the memorandum is issued by the former Principal Auditor after the end of the close of business on his last working day in office. So, Madam Speaker, although there might be nothing remarkable about that on 30 May, when what is contained in the memorandum of 30 May makes its way into the report on 31 May, one might be surprised to read the first sentence of the letter.

Dear Stephen,

it says,

I shall be glad of your comments on the following points noted from a review of the contracted services of the Department of the Environment.

When are the comments invited for? Friday 30 May, 4.25 in the afternoon. The report on the public accounts of Gibraltar for 2018/2019. 31 May 2025. Saturday 31 May 2025.

Now, of course, Madam Speaker, there is no *ipso facto* connection between those two, because the former Principal Auditor can write this in on 30 May, the Friday after the close of business. The response can come to the next Principal Auditor and the rationed or the properly reasoned explanation be contained in the next Principal Auditor's report. Because in any event, this is asking about things that happened in 2025, not in 2018/2019.

But no. *"I shall be glad of your comments on the following points noted from a review of contracted services for the Department of the Environment."* Without the opportunity to read any of those comments, in here is everything that was in that letter.

I could sit down now, Madam Speaker, and that would be enough to entirely discredit everything that is in that report in relation to Wildlife Ltd. But actually, there is much, much more to discredit everything that is in that report in relation to Wildlife Ltd. And to bring it, in the Government's considered view, into utter disrepute, as I will demonstrate - Utter disrepute.

The report, Madam Speaker, references expired contracts, insurance gaps and additional services provided outside formal agreements. That is what it invites the comment on. That is what the former Principal Auditor, before he becomes formally the author of the report, asks the Department to comment on. On Friday at 4.25p.m., before at least on midnight on the 31st of March, the following day, issuing the report. And formally, therefore adopting as author of the report, the things he has raised and asked comment on, but not received comment on.

Madam Speaker, a lot, if not most, if not all, of everything that is raised in the letter is wrong. In fact, dates are wrong, suggestions are wrong, etc. They were so wrong, Madam Speaker, that it is fair to describe that failure to comply with factual accuracy as egregious, Madam Speaker.

And egregiously unfair, therefore, to the Minister, to all the members of his Department, but in particular, to third parties to the Department, referred to by name in the report. And if things are right, Madam Speaker, and there are references which are uncomfortable for a Minister to read, for his Department to read, for members of his family to read, for the Government to read, well look, they are right, and they are uncomfortable, and you get up and you defend them, and you say, look, it is uncomfortable that we did it for this reason. Because sometimes, Madam Speaker, being in Government is about doing the right thing, however uncomfortable.

Being in Government is not about going to the fair, eating candy floss, and enjoying the odd waffle, or a baked potato, as people seem to enjoy at the Gibraltar Fair more than any of those. Being in Government is about doing the thing you have to do. The right thing, in the right way, however uncomfortable.

And the way in which you do it, Madam Speaker, has to be right for the circumstances. And when you look at it through that filter, if there were anything in the report that was accurate, and that was uncomfortable, well look, you fess up to it, you say, I am sorry, it is uncomfortable, we had to do it, we had to do it for these reasons, and people will judge whether that was the right judgement or not, because being in Government is about making those judgements. But when what is in the report is not accurate, but purports to lead to conclusions, then those conclusions are perforce unfair.

And the Government is right to make uncomfortable those who have acted in that way. And if this makes anyone, which I am about to say, uncomfortable, Madam Speaker, well so be it. Because there is a duty in particular on individuals who are given the protection of the Gibraltar Constitution to always act fairly and properly, myself included.

If the allegations in the report were true, Madam Speaker, then they would not be unfair. But they are not true, and therefore they are unfair.

The contracted services the report referred to are the services provided by Wildlife Gibraltar Limited and those services are for the management and maintenance of Alameda Gardens, Commonwealth Park, Campion Park, the Upper Rock areas, as well as for the control of the gull population. Madam Speaker, if I can just, as an aside, remind the corporate memory of the House, that the control of the gull population is something that when we were in Opposition, we used to be on top of all of the time. There was not one budget session where we would not go to the line of the control of the gull population and analyse how every penny was being spent in that respect.

These are important things. Nobody's suggesting that they are not. We were in Opposition, by the way, when Wildlife Gibraltar Limited had responsibility for the management and maintenance of Alameda Gardens and the Upper Rock areas.

They were not responsible for Commonwealth Park or Campion Park because they did not exist. Madam Speaker, all of the relevant services under the contract, except those that relate to areas that did not exist, had been performed by Wildlife, pursuant to the original contract with Wildlife, which was put out to tender in 1990 to 1991.

For the purposes of ensuring the record is clear, at that time, the GSLP were in Government. I think that the GSD had only one Member of the House at that time. The Liberal Party were not represented in Government or in Opposition at all. In fact, we were at that stage about to be formed, with all of us in it together.

But, Madam Speaker, it is important to remember that the contract was awarded in 1990 to 1991 because what is important about that in particular is that now, thank God and by the grace of the Gibraltarians who put us here, the GSLP is back in Government with the Liberal Party. The GSD is in Opposition. But through that period, the Wildlife contract has been renewed - not just by the GSLP.

That is to say, all of the things that are being said are problematic, in this report about the Wildlife contract not having been re-tendered, if they were fair, would be a fair criticism, not of

the first GSLP administration, yes of the second GSLP Liberal administration, but also, perforce, of the GSD administrations. Because the contract fell through renewal in their time too. And they renewed it without tender. So, if it is now terrible that it has been renewed without tender, it must be as terrible that they renewed it without tender.

And all of the effusiveness that has accompanied the report, insofar as it deals with Wildlife Ltd having had its contract renewed without tender, as being an absolutely unacceptable thing, must be effusively unacceptable, as much about the GSLP Liberal Government as it was about the GSD Government. Although remarkably, much of the effusiveness has been led by people in the GSD, and indeed, people who were Members of the GSD Government, which I will come to, Madam Speaker. Anyway, due to the company's very satisfactory work, their specialist skillsets, and for the purposes of continuity, Madam Speaker, the Department of the Environment no longer considered it necessary to retender these services.

And the report sets out a disagreement with the Department as to how the Principal Auditor takes the view, the author of the report takes the view, that the matter should have been dealt with. The position in the report, Madam Speaker, at 3.7.15, is that by not going through the tendering process, although it does not say, through successive Governments, not going through the tendering process, no aspersions are cast on those who did not go through the tendering process before, or not re-tendering for a terminated contract, in order to ensure continuity of the existing service provider, the author of the report concludes that this omission carried legal, financial, reputational, operational, and strategic risks. The Government strongly disagrees, Madam Speaker. And I assume, Madam Speaker, that when I say, the Government there, I must be speaking, perhaps for the first time on a national issue rather than an international issue, I must be speaking for the GSD Government of 1996 to 2011, as much as I am speaking for the GSLP Liberal Government of 2011 to 2025 to date.

I must, Madam Speaker, unless the damascene conversion backwards, that hon. Members appear to have had in some of their public statements, is going to be brought into this house for analysis as well. So, on behalf, Madam Speaker, of the GSLP Liberal and the GSD administrations, of 1996 to 2025, the Government strongly disagrees. Because I am going to give the benefit to hon. Members of tarnishing them with the same brush that they have purported to tarnish us.

But it is a tarnish, Madam Speaker, that I would say is akin to varnish. Because we think it is the right thing to do, and they thought it is the right thing to do. It is only the report, Madam Speaker, that fails to identify that this failing is cross-administration and cross-party. And I will not speculate about why the report does that, Madam Speaker, because I do not think I have to. I think everybody can take their own view in that respect.

Madam Speaker, I am going to set out other areas of the report in respect to Wildlife Ltd, which the Government also strongly disagrees with, and then I am going to deal with the whole of the reasoning why.

You see, Madam Speaker, the report even referenced something it referred to as the perception of corruption. Not corruption. And I have seen that game played on many occasions, Madam Speaker.

Because there are Members of this house who have in the past referred not to corruption, and when They have been challenged on this, I am not talking about corruption. I am talking about the perception of corruption. That is to say, when somebody talks about corruption, they have to prove that they are saying there is a corrupt practise.

When somebody talks about the perception of corruption, what they are saying is there is no corruption. But it could look like there might be, even though there is not. Because if there is corruption, the route to deal with it is corruption.

Complaint, police, investigation, prosecution, or at least enquiry, debate in this House, reference. Of course, absolutely, That is what you should do if there is corruption. But what are you doing if you are saying perception of corruption?

What you are saying in a veiled way, and it is important for me to pull away the veil, and there may be up to seven of them that I have to pull away during the course of just this morning, there

is no corruption. So, what the author of the report tells us, if we are clear in our understanding of it, is there is no corruption. But there could be the perception of corruption.

In other words, you have not followed the right procedure. The procedure that we have not followed is the same one that they did not follow. The failure to retender.

So I will say, on behalf of successive administrations of Gibraltar since 1996 to 2025, that there is no corruption in the Wildlife LTD contract, and that is the position of successive Governments. But let us look at what the report says. 3.7.12. Perception of favouritism or corruption. Other suppliers or stakeholders, that is to say, not the author of the report. The author of the report is not saying that he perceives favouritism or corruption. The author of the report is putting himself in the presumptive mind of third parties.

And he has not exhibited in the report any letter of anyone else who has said that they have written in to him to complain. Or that somebody has written in to the Department of the Environment to complain.

Other suppliers or stakeholders…

Says the report at 3.7.12,

…may…

It is not that they will, it is that they could,

…view the decision not to retender as biassed, particularly in the case of the management and maintenance of the Alameda Gardens, Commonwealth Park, Campion Park, and Alameda Rock areas, where the family connection between the director of Wildlife Gibraltar Ltd. and the Minister of the Environment can lead to loss of trust in the procurement process.

Madam Speaker, that is so caveated that one wonders why the headline is so eye-catching. Perception of favouritism or corruption.

Others, suppliers or stakeholders. I wonder what that is, Madam Speaker, a stakeholder. Because a stakeholder is not a word that references anything or anybody in particular.

It is an open word. Supplier is easy. Supplier is somebody who supplies.

Stakeholder is wide. Is it the people of Gibraltar? Are stakeholders in Gibraltar PLC?

Is it somebody who is also in the business? Is it other Civil Servants? Who is it, Madam Speaker?

Who are suppliers or stakeholders? This is a report of a Principal Auditor. One expects absolute clarity and accuracy. No backdating of letters or anything like that, Madam Speaker. And certainly, clear language. *Suppliers or stakeholders may*, it does not say will obviously take the view.

It does not say that. It says *may view the decision not to retender as biassed*. So, it is not even the decision to do a direct grant.

Because the process has gone through tender just some time ago. The decision not to retender as biassed in those areas. *Where the family connection between the Director of Wildlife and the Minister for the Environment can lead to loss of trust in the procurement process.*

Madam Speaker, with the very greatest respect to the author of the text. There was no procurement process. So, the two sentences are contradictory.

Because the second sentence, or the second part of the sentence, is saying if there is a procurement process, the fact that one of the applicants is related to the Minister could lead to a loss of trust in the procurement process if they get it. But there was no procurement process. I mean the sentence does not bear analysis, Madam Speaker.

When the headline is imperative. The headline says, the title says, imperatively, perception of favouritism and corruption. It is clear.

It does not say, Madam Speaker, which would be a correct title for that paragraph, potential perception of favouritism or corruption. It says in the imperative, perception of favouritism or corruption. Madam Speaker, I am not going to do the analysis again, but I think it is clear that

sentence, which can have such a pernicious effect on trust in the procurement process, does not bear scrutiny.

In addition, Madam Speaker, the report states that the Barbary Partridge allowance being paid to Wildlife Ltd had not been formally incorporated into their agreement with the Department. Madam Speaker, the Barbary Partridge is an elusive species, as we have been told repeatedly in this House. The fact that the allowance has not been formally incorporated may be a fair thing to look at in terms of allowances, etc.

But the structure of the thing actually is designed, in the Government's view, to do that which it says on the face of it to guard against. That is to say, the sum total of this part of the report, read in its ordinary and plain meaning in the English language, in our view, if not designed, has the effect of creating a perception of favouritism or corruption. Not attacking it, not seeking to prevent it, not seeking to address it, but actually creating it.

Which, of course, Madam Speaker, is exactly what has happened. Not least, Madam Speaker, because of the public comments that we have seen, which demonstrates that whether or not it was the design that it should have that effect, that is the effect that it has had. I remind the House, Madam Speaker, of the references I made, which I will of course deal with again in my summing up, to bias being understood, not despite the protestations of an author that he is not biassed, but on the basis of the actual output and what it speaks to.

At 3.17, the report also attacks the provision of other services that were being paid on the basis of the draft expenditure budget presented by the company, yet these services had also not been incorporated into the main agreement that the department has with Wildlife Ltd, such as for the maintenance of Campion Park. Again, Madam Speaker, the report contains no suggestion that any of that is wrong, just that it is in the wrong place. For an auditor to say that a payment is in the wrong place or needs to be put in a different place is perfectly proper.

It is the sort of thing that you would expect in a constructive set of points made on feedback, which you can deal with in the course of the preparation of accounts. But when you put all these things together under the heading of perception of favouritism or corruption, then everything takes a different shape. The department, Madam Speaker, not just the Minister, not just the Government, and when I say the Government, I must mean, of course, the GSD Government as much as the GSLP liberal Government.

The Department and the officers in the Department strongly contest both the manner and the substance of the report. The Government, of course, the GSD and the GSLP liberal Government strongly contest the manner and style of the references to the contract. And the timing of the memorandum, Madam Speaker, when you put all those things together, if you are going to say these things, Madam Speaker, and you send the memorandum and ask for comments, after the close of business on your last day in office and the following day, 24 hours later, you are going to issue the report without receiving the comments and including all of the comments.

Madam Speaker, this does not just violate principles of procedural fairness, which I will come to, and which it, of course, violates violently. It is nothing short of ludicrous, Madam Speaker, ludicrous. Rendering this part of the report, for all of the reasons I have indicated already, and will continue to indicate, utterly disreputable, Madam Speaker.

So, the memorandum was received, as I have indicated, at 4.25 on 30 May by the head of the Department, Mr. Warr, from the former Principal Auditor. All Government offices were closed that day at 3.30. Madam Speaker, it was the last working day in office, as I have said, of the author of the report. But That is a bit of a trick, because the following day is the Saturday, and the report, Madam Speaker, is issued on the Saturday.

It cannot be issued. The report cannot be finalised. If it is to have the capacity to be admitted in this House as a constitutionally correct report, in keeping with the criteria established by the constitution, it cannot have been finalised one second after midnight on the 31st of May.

It can be fared after that. Of course, if there are printer's errors, if there are mistakes, of course one would say they can be dealt with. But one word written in that report, after the 31st of May, 2025, by the purported author of it, which was not what we might call in another place, something

that you could change under the slip rule, Madam Speaker, that would vitiate the report entirely, and it would then have to be out of this House.

A new report would have to be filed. And it would have to be filed here, under the name of the current Principal Auditor, Mr. Phil Sharman. It could not stand in the name of its current purported author, Mr. Sacramento. Because There is no constitutional capacity for the author to sign off on the report, if he has signed off on it after the 31st of May. There is no constitutional capacity. There is no ability to be extended, as a judge might, to finish off a judgement because they have heard a case.

That does not exist. That concept does not exist, in respect of constitutional office holders like the Principal Auditor or the Chief Minister. To put it in terms that people might find easier to understand.

I took my oath on the 9th of December. I think, it is all a bit blurry but too much champagne had been consumed but sometime after 11.30 on the morning of the 9th of December. Constitutionally, if there had been a crisis in Gibraltar, Sir Peter Caruana, Peter Caruana as he then was, was Chief Minister after the declaration in the John McIntosh Hall, before I took my oath from Sir Adrian Johns as Governor, as Chief Minister. He might, if there had been a crisis in that time, have wanted to consult me.

But if a Chief Minister was required to sign something in Gibraltar before I took my oath at circa 11.30 on the 9th of December, that signature would have to be Peter Caruana. After I have taken my oath, if there is no time to appoint any other Ministers, all of the portfolios are in me and I have to sign whatever I have to sign in respect of any matter. And that can be long.

In fact, we did not have Ministers until the Monday, because we all took our oath as Ministers, but nobody had portfolios except me until the Monday. This is just constitutional theory. In the same way, after midnight on the 31st of May 2025, the Principal Auditor of Gibraltar has a different name to the one on this letter.

And this report cannot stand if this letter had been backdated, like we saw the letter to you was backdated, or anything in here of substance has been added after the 31st of May. It requires a different letter with a different constitutional postholder. So, Madam Speaker, when the letter is sent to the department after the close of business on Friday, having, if it is going to be referred in this report to extract comments as is requested in the first sentence, then at the very least, that could be said, is, I know it is a long letter, I know I am making many points, four distinct points with many sub-points in it, about tenders, expired contracts, insurance cover, and provisions of additional services, but I need your comments before midday tomorrow, because I need to incorporate them in my report, and I have to finish my report by midnight tomorrow. There is not even that, Madam Speaker.

There is not even a reference to the fact that the comments are needed in the next 24 hours. Because, of course, they were not needed in the next 24 hours. They could be sent at any time, and the next Principal Auditor could incorporate the remarks, and could, with this feedback, also know what the Government was going to do to amend the things which might be raised which might be proper.

Not a bit of it, Madam Speaker. It is all in here, in the report. So, that is a highly irregular procedure to have followed, Madam Speaker.

Highly irregular. And you got the letter at 8.15 in the evening, 8.14 in the evening on the Saturday night, Madam Speaker, with hours to go for the report to be completed. The Department of the Environment got the letter the day before.

Madam Speaker, having alerted the House to that highly irregular procedure, I think the question that all hon. Members need to ask themselves, indeed, the question that everybody needs to ask themselves, in particular, given the candescent effect of this report, in some respects, in relation to this area, and others that I have dealt with and will deal with, everyone should ask themselves this in relation to this particular part of the report. Does it seem fair to anyone to send something making very, very serious allegations, send a letter making very, very serious

allegations, after the close of business on a Friday, and not tell the person that you are seeking the comments from that you need his comments by the next day? Does that seem fair?

Because the allegations are very, very serious, Madam Speaker. And if they do not look serious here, then, Madam Speaker, they look even more serious when they are put into the report under a heading of, not even potential, but perception of favouritism or corruption. Words, by the way, which are not referred to in the letter.

So the letter does not even alert the recipient that there is going to be a section headed, perception of favouritism or corruption, and that they need to give the feedback on that. Does that seem fair to anyone? Because, Madam Speaker, talking in the first person, it certainly does not seem fair to me.

But we all have different barometers of fairness. Maybe when things affect others, we care less. So we do not care about whether things are fair or not.

But when things affect us, we would expect to be given time to reply to an allegation as serious as that. We would expect at least to be told that we are expected to reply within 24 hours. We might not sleep in preparing the response in that period.

So, Madam Speaker, I mean, assuming, as we must, at least for now, but let us assume, let us give the benefit of the doubt that this report was finalised by midnight on 31 May 2025, and the author of it intended to finish it by 31 May 2025, as the Constitution required, perish the thought that anybody was expecting to act unconstitutionally in finalising the report, something I did not for one moment suggest, Madam Speaker, then the very least he could have done was say, Stephen, at least in the covering email, I have got to do this by tomorrow. Let me have the responses by tomorrow. I am sorry it caught up with me and I am sending it late, but I need something from you by tomorrow because I am intending to put this in my report.

I am not leaving it for the next incumbent to deal with. There was none of that. Anyone, in my mind, applying a fair mind to this, would think that that is not fair.

So, Madam Speaker, let us set that time period in context. The two time periods. The letter to you at 8.15, 8.14, on Saturday night, three hours before the report had to be finalised, and the letter to the department after the close of business on the last working day. let us set that in context. let us set those 24 hours and those 3 hours that you were given in context. What is the context, Madam Speaker?

The context is that the time for the preparation of this report started on 1 April 2018. Six years before. Six years and two months before.

So, the time available for the preparation of this report is six years and two months. And everything has to be dealt with in the last 24 hours, in respect of probably the most serious part of this report, bar the nonsensical, unsubstantiated allegation that the Government or the Chief Minister acted unconstitutionally, which I demolished yesterday. Six years.

Or it could have been dealt with in the next report, because another thing that I will refer the House to is that this relates to matters in 2025. It does not have to be dealt with in the report for 2018/2019. Whether it can, we will look at. Whether it should, clearly not. Especially if you are running against the clock on the last day.

So, Madam Speaker, it is my view, and as a constitutional officer of Gibraltar, I am entirely independent, and I am entitled to take independent views, just like others. It is my view that what is very, very clear, Madam Speaker, is that the author of the letter never intended to receive any comments in time to become the author of the report that contained all the allegations and none of the explanations. If I wanted to include something serious and serious explanations in my report, I would not send it on the last day before I have to finish my report. If I wanted, despite all that, because time had caught up with me, to have those comments and explanations, I would call or email saying, I am so sorry, I need the explanations, I am putting it in tomorrow.

It is, in my view, clear that the author of the letter of the 30th of May had no intention of reflecting comments in respect of the areas that he was inviting comment on in his report of the 31st of May, which, in my view, had to have been written already. So, Madam Speaker, that is not, that is not, Madam Speaker, good audit practise. It is clear to me, Madam Speaker, that the report

was designed to contain the allegations but not the explanations, because it could not be otherwise.

Otherwise, there would have been an attempt to seek the explanations in longer time or even in the short time by alerting to the short time. Because once you receive the explanations, Madam Speaker, it is very difficult to include the allegations, at least not without providing the explanations. Indeed, that would be abysmal audit practise.

Not that there are not examples of abysmal audit practise in this report, Madam Speaker, which I will come to today and in other days. That is why, Madam Speaker, the Government considers that there was no proper time given for comment on these unsustainable allegations. Allegations, Madam Speaker, as eye-catching as the one that we dealt with yesterday on alleged unconstitutionality, and as unsustainable, Madam Speaker, as many others that, in our view, have been shoehorned into the report.

And when we look under the bonnet of the report, we see all of this evidence. The advice that we have taken, Madam Speaker, and the legal opinion that we have in respect of the late delivery of this memorandum to the Department of the Environment and the lack of adequate time given to the Department to respond, we are advised breaches the right to be heard and the principles of natural justice, Madam Speaker. Madam Speaker, this is, as I told the House on my first day, one of those instances where the unfairness is so clear and so manifest that the fruit of the unfairness, which is the report that is before the House, cannot be deemed to be reliable in any way.

That is to say, Madam Speaker, the manner in which the relevant parts of the report dealing with Wildlife have been put together render all references to Wildlife in the report unreliable and unsustainable. And not least, Madam Speaker, because the relevant explanations actually vitiate, vitiate entirely the high-profile allegations made against the Department. But, Madam Speaker, just on the flawed procedure followed on the last working day in office of the author, that is enough for any assessment of this part of the report to be considered something that should be totally disregarded - That is enough.

But because it is such an eye-catching allegation, indeed, because it is such a scurrilous allegation that has been made, it must be dealt with not just procedurally but also substantively. Moreover, Madam Speaker, Mr. Fisher, KC, highlights to the Government that the Department had previously, in fact, addressed many of the issues in the report that are contained in it, providing factual qualifications and supporting documentation, making, Madam Speaker, the tenor of the references in the report really quite also unsustainable. And the fact that there was no desire, obviously, to receive the comments in respect of these issues raised in the memorandum further indicates that there was no desire to reflect in the report what those were. Because there is a course of dealings here between the Gibraltar Audit Office and the Department where officers of the Audit Office ask for information and they are provided with it. Sometimes it takes longer, sometimes it takes shorter.

I mean, sometimes you cannot have responses in ten minutes, but they are provided. So, Madam Speaker, the Government therefore finds it shocking, and I use that description advisedly, shocking that these explanations were not reflected in the published findings, because explanations have been given. And even the explanations that have been given months before are in some instances not reflected in the published findings.

So, why seek comments if you are not going to give time and if you are not going to reflect comments? So, why seek comments, get comments, and not reflect them in your findings? Start to see there, Madam Speaker, a behaviour building up that when you are looking at the report, which is the fruit of that behaviour, one cannot fairly say, I am going to rely on the report.

Of course, Madam Speaker, as I started saying, the report contains what, in our view, are improper insinuations against the Department and its officers, against the Hon. Minister and his wife. Mrs Cortes, Madam Speaker, holds no public role, and she should not have been subject to these highly unfair, highly inappropriate public allegations. And not because comment on such matters is not allowed.

Far from it, Madam Speaker. Perish the thought that we were ever to live in a community where it is not possible to say, hang on, it is the Minister's wife who is the director of the company. That is not the place in which we live.

Of course you can say that. Of course, those things can be addressed. But they can be addressed in different ways which are appropriate and ways which are not appropriate.

And the report of a Constitutional Officer in our community has to be a serious piece of work, properly compiled, that deals with things in the proper way. The report of a Principal Auditor is not a transcript of a chat in the Piazza, Madam Speaker. It is not a transcript of what a couple of people who do not like a Minister might say when They are having a chat.

Far from it. It is a serious, or should be, a serious piece of work. Madam Speaker, at page 36 of the Hansard, for Monday 17 May 2021, in answer to Question 20 of 2021, the Hon. Minister for the Environment, Sustainability, Climate Change and Education, as he then was, in the GSLP Liberal Administration of 2019-2023, answered a question from the Hon. D J Bossino, who was still then in Opposition, and it dealt with Commonwealth Park and the maintenance contract and the total amount, Madam Speaker, and a discussion about who were the directors led to a couple of points of order being made, etc., the usual cut and thrust of politics, Madam Speaker. On page 21 of the Hansard, for Friday 26 May 2023, in answer to Question 390 of 2023, the Hon. Minister for the Environment, Sustainability, Climate Change and Education, this is still under the 2019-2023 administration, answers a question from the Hon. Mr Bossino, also in relation to that subject, on Campion Park, the contract details and the running expenses, Madam Speaker. So, there is extensive discussion on that.

And then, Madam Speaker, further discussion in supplementaries in relation to Question 517 on 20 June 2023, at page 47 to 48. Further discussion also, Madam Speaker, on page 24 of the Hansard for 22 May 2024, in respect of Question 446 of 2024. And I think I can see, I am just trying to get the references right so that all hon. Members can then check this if they wish.

References, I think in budget speeches here, at pages 43 and 44 of the Hansard for 4 July 2024, and at page 20 of the Hansard of 2024, I think in answers to questions, Madam Speaker. So the matter is ventilated, Madam Speaker. Well before 31 May 2025, there was a lot of discussion in the Hansard about the issues.

Indeed, Madam Speaker, I will come to further explanations provided. But what you cannot do, Madam Speaker, if you are going to produce a fair piece of work, is ignore all of those explanations and just put all of the allegations. Because the work that you produce, the fruit of that, is then not a fair piece of work.

Especially if those things are in the public domain. And you might say, Madam Speaker, well, you know, what happens in Parliament is hardly the public domain, people are not watching, people are not listening. But I have been reminded repeatedly, Madam Speaker, by commentators outside this House, who did not need to remind me because I am fully aware of it, that the Principal Auditor is in this House.

And the Principal Auditor could be sitting here. He is a Member of this House. So is the Ombudsman.

So, things said in this House, although somebody sitting on Eastern Beach who has no interest in politics might say, *no me enterado,* I have not heard, I am not aware. A Member of this House who is not here because he is away doing something else might say, well, I was not there, but I recognise I am fixed with knowledge of it and if it is pointed out to me, it is in the Handsard, there it is. The Principal Auditor, who is a member of this House, when he puts his pen to authorship of a report, must be fixed with knowledge of all of the things said in this House.

Namely, the explanations for some of the things that he is raising specifically. And so, Madam Speaker, how can the report not demonstrate knowledge of explanations given in respect of those self-same issues set out in the report? How can it be written in apparent ignorance of those things?

Even if the explanations are not accepted, a fair audit report would reflect those explanations. Indeed, from recollection, although I have not had time to find them, Madam Speaker, I believe

that many of those exchanges were widely reported by the media, which might have been the reason why the questions were asked, Madam Speaker, by those who might want to be widely reported in the media. That is a matter for them.

But they were widely reported in the media. So, even the person at Eastern Beach that I referred to earlier, the person I hope to be very soon, Madam Speaker, sitting on Eastern Beach, not following the proceedings of this House, Madam Speaker, even they would have to have eschewed reading any local newspaper, watching any local television station, or glancing at social media and seeing the references by those media organisations in social media to say, well, I was not aware that this had been explained or dealt with in the House. It would be very unusual, Madam Speaker, if a Member of this House who is a Constitutionally Independent Officer of the Parliament is not aware of the fact that the things that he is going to put his pen to authorship of in the report has been debated in the House and at least reflect those explanations if he has not had time to wait for the explanations from the Department, unless he did not want to, Madam Speaker, wait for those responses or reflect the responses already given. Because the allegation, Madam Speaker, I mean, I seem to recall the allegation, and the title of the paragraph is not a million miles away from what has been suggested in this House. I mean, there is a remarkable synergy, Madam Speaker, between what the author of the report says here and what has been said in this House to us by hon. Members opposite - Remarkable synergy.

But look, Madam Speaker, oppositions do not always have to be wrong. Oppositions can be right. And if an Opposition is right and another Constitutional Officer of the Parliament says the Opposition is right for a reason, not a policy issue, because it cannot be on a policy issue that an auditor makes a comment. But if the Opposition is right that the treatment of something in the accounts is incorrect, then the Principal Auditor might say, without saying the Opposition is right, he might say, the treatment of this part of the account is incorrect and it should be treated in this way. The Opposition will then say, look, we said this in the House and the Principal Auditor said this.

This, which is in the Principal Auditor's remit to say accords to what we said. If the Principal Auditor goes off-piste and talks about things he should not be talking about, we will be dealing with a lot of those, Madam Speaker, in the next few days, well then the Opposition should be cautious in relying on his comments there. But here, Madam Speaker, what you have got is a comment in an auditor's report with a title not dissimilar to the things that Members of the Opposition are saying, ignoring, not saying, I prefer this argument or the other, which would be bad enough, actually ignoring everything that the other side have said happens to be the Government and happens to be the department feeding responses to the Gibraltar Audit Office in respect of some of these areas. Madam Speaker, following some of the exchanges that I have referred the House to here in Hansard, my hon. Friend wrote to the then Speaker of the House, I think your predecessor from the date, 4th of July, 2023, where he set out as follows:

> Wildlife Gibraltar Limited was created by me in 1991 with my holding 60% shares and my wife, Valerie, holding 40% shares. I was at the time managing director with a salary coming from my contract with Government at a level set by Government. Neither my wife nor I, either then or since 1991, have received any fees as directors. I run the company totally on a not-for-profit basis with any surplus of income over expenditure being redirected into further improvements in the Alameda Gardens.
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> This is on record and was well known by all previous Governments, including the GSD administration, when the hon. Leader of the Opposition was Minister for the Environment. On being Elected to the House, I immediately passed my 60% to Dr Keith Bensusan, then my Deputy Director. My wife retained the 40% as a nostalgic link to the company and Botanic Gardens that I had created, but still, and I repeat to this day, does not receive any benefit of any kind whatsoever, directly or indirectly, from any of the company activities.

That was also said by the Minister into Hansard and the Speaker. That is in Hansard. So, if somebody is going to say that the familial relationship between the Director and the Minister creates the perception of, or may create, does not even create, may create the perception of corruption in stakeholders and suppliers, they should say, in our view, to balance it, although the

shareholding does not produce any profit and the companies run on a not-for-profit basis reinvested into the Alameda Gardens.

Because that kills the suggestion that There is any potential, even perception of corruption. Madam Speaker, this is Gibraltar. When that is understood, when that is put into the melting pot, what there is a perception that Dr Cortes and his wife are foolish and they should be pocketing some of the money.

Because they must be one of the few people who do not take any Director's fees and who are putting everything back into the Gardens and putting nothing into their pocket. Nothing into their pocket. And you retender a contract and you put out that contract and you say, the contract is to do this and that and, by the way, that any profit should be reinvested into the Alameda Gardens.

The same people who are foolish enough in the perception of most Gibraltarians who quite like money in their pocket to put the money back into the Alameda Gardens now are likely to be the only person who would tender what you put it that way. Perception of corruption, perception of altruism, perception of acting properly, perception of being committed to the thing that has been the life's work of John Cortes, the Alameda Gardens. Find me more Gibraltarians who would be prepared to do a job not for profit.

None of the ones who come to my office to look for contracts or employment, Madam Speaker. And if there is criticism of this with the eye-catching headline perception of corruption, it is because people are saying, oh, what's that? It is very unfair because I should have had that contract.

That is Gibraltar, Madam Speaker. let us put it in its proper context. And when you put it in its proper context, it is unsustainable to put such an eye-catching, scurrilous, disreputable allegation against reputable people who are giving everything that they make back into the Alameda Gardens.

Not to even reflect that, not to even reflect that and say, but I still disagree because I am a stickler for procedure and I think you should put it out for tender again, even if you are the ones to get it. It is a position. But not to reflect that, which is in the public record, of the Parliament of which the author is a Member must set hares running.

My wife retained the 40% as a nostalgic link to the company and Botanic Gardens that I had created, but still, and I repeat to this day, does not receive any benefit of any kind whatsoever, directly or indirectly, from any of the company's activities. And all of the profit reinvested into the Alameda Gardens. I want to say, Madam Speaker, thank you to John Cortes and to Valerie Cortes for that.

That is what I want to say. I want to say it as a Gibraltarian who takes his children to the Alameda Gardens. Who wants his children to take their children to the Alameda Gardens.

And who sees how magnificent the Alameda Gardens are today. Now, Madam Speaker, moving on. Public procurement rules require open competition.

Of course they do. Absent narrow exceptions. But the narrow exceptions exist for a reason.

And indeed, those narrow exceptions in many instances are not our exceptions. We have not created them. Neither did hon. Members, although there was one particular contract which has never been mentioned in an auditor's report, which failed to comply even with those exceptions.

We can talk about that if hon. Members like, Madam Speaker, later on during the course of this debate. But the Gibraltar Procurement Public Sector Contracts Regulations 2016 implement EU rules. The regulations change as EU rules change whilst we were members of the European Union.

And those permit direct awards only in specific specified cases. For example, the regulations explicitly allow using the negotiated procedure without publication for additional deliveries by the original supplier of goods or services where changing the supplier would cause technical incompatibility or disproportionate difficulty. And Wildlife Gibraltar, Madam Speaker, has since 1990-91 provided highly specialised services in relation to Heritage Gardens and gull control.

On these facts, Madam Speaker, the department is entitled to rely on Regulation 32 to preserve continuity and avoid disproportionate disruption. We have another, Madam Speaker, similar contract. Another similar contract with Land Property Services.

It is been ongoing, Madam Speaker, for the same period. It is been extended by successive administrations. It was created by the first GSLP administration.

It was extended by the GSD administration. It is been extended by the GSLP Liberal administration. Exactly like the Wildlife contract, Madam Speaker.

Rightly, Madam Speaker, rightly, and I make absolutely zero criticism of this in respect of the good men and women of LPS who deliver an excellent, magnificent, ever-improving service to the people of Gibraltar. That is a for-profit contract. In other words, if there is any profit at the end of it, they do not plough it into the Land Registry.

They are not required to do so. The Government funds the Land Registry through the contract, just like it funds the gardens through the contracts. The Cortes family plough all their profits into the gardens.

I do not want to take my children for a walk around the land registry, Madam Speaker. It is a different beast, but it is a contract for profit, and it has been extended in the same way and not retendered in the same way as the Wildlife contract. And again, I make absolutely no criticism because Land Property Services is a success story of the first GSLP Liberal, the first GSLP administration with its contract extended by the GSD and by the GSLP Liberals in exactly the same way as the Wildlife contract with nobody saying that there is a problem in that respect.

Regulations 25(1) and (2) of the regulations I was referring to earlier, Madam Speaker, requires contracting authorities to prevent situations where officials' personal or family interests might be perceived to compromise impartiality and independence in the context of procurement procedure. That is very specific. But that does not mean, Madam Speaker, that any family connection automatically vitiates a contract.

It does not vitiate a contract. Why, Madam Speaker? Well, because there have to be exceptions even to that rule.

Not exceptions that we have set out in the GSLP Liberals to help Valerie and John. Exceptions that are set out by the EU and by the case law of the UK and the EU. In the Good Law Project v the Cabinet Office in 2022, the Court of Appeal rejected the argument that personal links alone establish illegality, holding that perception of bias must be assessed in context.

Critically, Madam Speaker, the Court confirmed that a mere personal link between decision-makers and the supplier does not itself prove bias or invalidate an award. Now, let us just pause for a second there, Madam Speaker. I have told the House.

This case was not Ignacio v Clinton in the Gibraltar Supreme Court. This case was not Picardo v Azopardi in the Supreme Court. Madam Speaker, this case was the Good Law Project v the Cabinet Office.

In the United Kingdom, a nation of 60 million people, in a nation of 60 million people, you might say, for goodness sake, could not you find someone who did not have a personal link to the person that is going to supply the contract? The claimant is the Good Law Project. The defendant is the Cabinet Office.

It is the United Kingdom Government That is the defendant to this. The United Kingdom Government has many people it can put on a board to determine whether a contract should be provided or not. And there are 60 million people to give the contract to.

In that context, Madam Speaker, 480 million people because the whole of the EU at that time would have been able to tender for the service. And yet, there was a familiar link between the person assessing the tender and the person who got the tender. You would have thought that people would understand that in a nation of 32, maybe 38 when the census finally reports, thousand people, sometimes it is harder to have people who are not linked to each other.

But even then, even then, That is not enough to, on its own, prove bias or invalidate an award. Not enough to make a perception of bias, which is what the suggestion of perception of favouritism, of corruption, set out in the report suggests. Not enough on its own.

It has to be put in context. And of course, the context is everything that I have told the House, everything that the Minister had told the House, everything that had been said in exchanges, everything that had been said in earlier correspondence with the author of the report, none of which is put into the context of the report. None of which.

So, Madam Speaker, for all of those reasons, the finding of the report is wrong when it is borne in mind that the Minister's wife held 40% of Wildlife Gibraltar Limited but derived no financial benefit and had no involvement in the award process. And that the Minister had no involvement in the award process at all, Madam Speaker. So, Madam Speaker, that makes entirely unsubstantiated the accusation of favouritism because a familial connection does not *ipso facto* equate to corruption.

The mere possibility of perceived conflict cannot displace a statutory procurement exception properly engaged. And the substance of the allegations, Madam Speaker, must be carefully considered further because as we have said, Mrs. Cortes, although she is related to the Minister, has no public office and is a private individual. And merely to suggest that she is improperly benefited when there is evidence already in the public domain that she is deriving no benefit from a Government contract without evidence is inappropriate and, in our view, potentially, if not actually, defamatory. The Defamation Act and the common law, Madam Speaker, protect private individuals from false statements that damage reputations. And that unsubstantiated insinuation of potential does not even say potential, but perception of corrupt practises is potentially defamatory, especially now as it lies on the public record because she received no financial benefit from the company and that was known and that was also on the public record.

It is as if, Madam Speaker, the report, instead of cataloguing and determining facts after serious investigation, is just a collection of enquiries sharing idle and unsubstantiated gossip. And, therefore, the report does not rise to meet the seriousness and standard which a report of this nature must necessarily actually be prepared to stand up to and set out only clear and objective facts, in particular in respect of Wildlife Ltd. And in this respect, Madam Speaker, the report does not just fall into massive error.

The report unfairly and improperly tarnishes the good reputation of a private citizen. That, Madam Speaker, must mean if we give the benefit of the doubt to the author, that there is a complete and total failure of diligence on his part, Madam Speaker. And that is giving the benefit of the doubt.

Because it becomes an unpardonable failure that entirely vitiates, in our view, Madam Speaker, the reliability that can be placed by any neutral, non-partisan observer on this part of the report. Just as any neutral, non-partisan observer will have determined that the parts I dealt with yesterday in relation to the Savings Bank also are not reliable.

Madam Speaker, in view of the fact that the advice we have is that retendering could disrupt service continuity and diminish quality, I am very clear, Madam Speaker, that improper application of Regulation 32 of the Procurement Regulation, which explicitly allows direct negotiation in such cases, and by the report's omission to consider that provision as relevant, it is right that the legal opinion that we have should tell us, as it does, that the criticism contained in that part of the report is fundamentally flawed in law also.

Our opinion states that the report in reaching this conclusion failed to consider relevant factors and fell into error as to the applicable legal principles. Additionally, Madam Speaker, we are advised that the omission of key factual contexts in the report that makes it strongly arguable that the former Principal Auditor's criticisms were misleading and unbalanced, Madam Speaker. Finally, Madam Speaker, we are advised and note that where contracts had technically expired and services continued under existing terms to prevent disruption, that is understood to be common and accepted practise.

Insurance coverage was in place for all but one provider, with compliance actively pursued. And again, these facts were omitted, resulting in a misleading portrayal of other aspects of the operation of the department. Therefore, Madam Speaker, what we have is a misleading portrayal, which leads only into one consequence, Madam Speaker, a misleading report in this respect.

That is what we are dealing with here, therefore, Madam Speaker, a misleading report. Madam Speaker, I just want to make sure that I have had an opportunity to refer the House to all of the pertinent documentation. I think there is one further thing I want to draw the attention of the House to.

Yes, Madam Speaker, and that is the detail that was provided by the Department of the Environment in a request to comment in October 2024, which dealt with many of the same issues and was extensively provided for. Then also requests for information in respect of procurement procedures generally, which also dealt with this department. I think that is better dealt with when I deal with the procurement aspect of the report because it then crosses into Northern Defences, etc, which I will deal with separately.

And perhaps most importantly, Madam Speaker, which I think it would be useful for the House to be aware of, the fact that I have it here somewhere. In July, let me just give the exact date so that the House has it for the purposes of the Hansard. On the 9th of July, 2025, the department, through its senior officer, the chief executive, rather, Stephen Warr, replied in detail to some of the issues referred to in the former Principal Auditor's letter to the current Principal Auditor, Mr. Phil Sharman. So, reports and replies were coming, Madam Speaker. They just had to be expected. But of course, they could not be expected in 24 hours, and one is led to wonder whether they were indeed explanations which were wanted by the author of the report, or whether he simply wanted to put out the allegations.

Madam Speaker, in these circumstances, it is also the view of leading counsel in London advising the Government that this section of the former Principal Auditor's report, the 2018/2019 report which we are considering, should be withdrawn. And for that reason, Madam Speaker, the amendment that I will propose to make of the motion as drafted will include a reference to this part of the report therefore being rejected by the House. Madam Speaker, before I move on to dealing with housing allocations and matters relating to GIC, Gibraltar Industrial Cleaners, I propose that the House should now recess for 15 minutes until 11.30 a.m.

Madam Speaker: We will recess until 11.30 a.m.

The House recessed at 11.18 a.m. and resumed at 11.32 a.m.

Madam Speaker: Yes, the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, thank you. I am now going to turn to the issue of housing allocations which has also been an area that has been referred to in the report by the former Principal Auditor and noting that the report for the first time in history has reviewed 25 Government housing allocations and reported several alleged irregularities.

Never before has any Principal Auditor reviewed housing allocations. Madam Speaker, we are going to go through what it is that is said about those. These include, Madam Speaker, allegations that there were no documented policies governing allocations concerns about aiding allocations made to applicants who were not first on the waiting list noting direct interventions by me in seven cases alleged discrepancies between Housing Allocation Committee minutes and outcome letters and a specific case involving a previous homeowner receiving an allocation.

So, I am going to go through all of those, Madam Speaker. The report, Madam Speaker, concludes that my involvement, the Office of the Chief Minister, in housing allocations may have been wrong and contrary to law citing the absence of formal gazette designation and suggesting a lack of procedural transparency. It also recommended, Madam Speaker, the creation of a formal documented policy to govern discretionary allocations of housing.

Madam Speaker, the House will also be aware, of course, that the Government has strongly refuted the report's conclusions outside of this place in exchanges with different organisations

and Members opposite. We have asserted and we continue to assert that the report has misinterpreted both the legal framework and long-standing ministerial practise. The Housing Allocation Scheme, Madam Speaker, and internal procedures do exist.

Indeed, they are about to be redone, and the Minister and I have had extensive discussions about policy matters. The Cabinet is to discuss the final outcome of those policy decisions and, indeed, there are serious international legal issues that arise. We have had to discuss matters with the Attorney General on a number of occasions.

It is included reference to the independent monetary authority set up under the withdrawal agreement which was providing for a protection mechanism in the United Kingdom and Gibraltar for those who had rights under the withdrawal agreement. So, there is a lot at play in respect of housing allocations and the Housing Allocation Scheme and the recasting of it, Madam Speaker. Moreover, it is absolutely true that ministerial discretion has been exercised in exceptional cases in relation to housing matters since 1969.

That is to say, since the House of Assembly was created and since we have Ministers. And that is legally supported, Madam Speaker, by section 2 of the Housing Act of 2007 made by hon. Members party when they were in Government which defines the Housing Authority and gives it a specific designation. So, everything that happens in respect of housing is done by the Housing Authority.

Now, the Housing Authority, Madam Speaker, might bring in mind an agency or a group of people acting together as the Housing Authority, the designated Housing Authority. It sounds like an organisation. It sounds like a group.

But what hon. Members opposite did when they passed the Housing Act in 2007 was that they designated as the Housing Authority the Minister with the responsibility for Housing or any person designated by Government. So, although in high highfalutin terms when you look at the act you see all these things and allocations being made by the Housing Authority and it brings in mind a group of people bringing their determination to the allocation, behind that by the artifice that hon. Members party brought into play in 2007 is just one person, the Minister for Housing. The act could just as easily have said the Minister for Housing shall do all the things that the Housing Authority shall do.

But of course, perception Madam Speaker, that word again, perception mattered to hon. Members opposite when they were in Government and they wanted to create the perception that this was not a GSD Minister doing these things, this was a Housing Authority doing these things. So, Madam Speaker, let us just cut to the chase here. The first thing to note Madam Speaker is that the Housing Act which I am referring to vests the general control of public housing in Gibraltar, general control of public housing in Gibraltar in the Housing Authority and it empowers the Housing Authority to publish the scheme in the Gazette.

So, all of that is power given to the Minister. So, what we have emphasised before Madam Speaker, outside of this place and I will confirm in this place, is that of course in the past Ministers have had to make direct allocations in appropriate cases. That is not just legally right because the Housing Authority is the Minister, and the Minister has general control of public housing.

It is also socially right, and it is also expected. That is to say this community believes that it is appropriate, it is proper, and it is acceptable that a Minister should make a housing allocation in the right circumstances. That is why Madam Speaker, in their time in Government and in our time in Government, most of the people that Chief Ministers, Ministers for Housing, will see are people coming to say I have got a huge housing problem, and the list just does not recognise how difficult my situation is.

The list fails to identify this issue as an issue that is immediate. Of course, to a very great extent Madam Speaker, apart from the international issue, Spain, self-determination, the United Nations, our relationship with the United Kingdom, now our relationship with the EU, the key thing in Gibraltar politics is housing. Probably just edging out, just edging out issues relating to health, probably just edging out issues relating to health because health is good and you are dealing with the problems, not with the thousand cases, but housing because of the size is always a challenge,

and definitely edging out, at least in our time, employment, because we have got four or five people unemployed, and therefore people do not come to ask to see us on employment issues so much, of course they do, on health issues so much, of course they do, they come to see us on housing issues.

And during elections it is our promises on housing that are as important as our promises on international issues and our commitment on international issues. The public expect that we are going to be engaged with them on housing issues. That it is the list, of course that matters, and where they are on the list, but sometimes things happen and the list fails to be the right mechanism for an allocation.

And people expect to be able to see someone to deal with it. Let me give you an example, Madam Speaker, of what I am talking about. People do not expect housing in Gibraltar to be dealt with by an algorithm.

And that is what the list is. The list is an algorithm. You get points based on certain factual things, and those points put you in different places on the list.

There are things that continue to happen, like you are on the list for a particular period, once you are on the list for another year, you get points. If you have another child, you get more points. If that child is a different sex to the other children, you get more points. If you get married, you get more points. If you are overcrowding, you get more points. All of these things give you points.

That is, in Gibraltar housing terms, not so much automated, but the algorithm that puts you in different places on the list and once you are in the top five, then you are getting allocations and offers based on each of the lists. There is not one list.

There are many lists. There is the 1RKB list, the 2RKB list, the 3RKB list, the 5RKB list, the 5RKB list, the 6RKB list, the "we do not even fit in the 6RKB list". There is the medical housing list, There is the social housing list, There is the medical A, B, C.

There is all of those lists, Madam Speaker. All of them have their particular algorithm that goes with them. The doctor has said this, the doctor has said that.

These are the issues, mobility issues, not mobility issues. You are on the medical list; you are on the social list. All of those things.

The court has ordered a social services report; there are issues with the children. You go further up the list but that gives you points.

It is the algorithm. Now, what nobody in Gibraltar expects is that we sit back, we let the algorithm do its job, and when you get to the top of what the algorithm says is your moment, a robot comes along, hands you keys, and that is your hope. That is not how housing works in Gibraltar.

Perish the thought that it ever should but it appears to be what the principle orders are suggesting should happen. I do not believe that would be a good system for Gibraltar.

I believe we have a good system, we are going to recast the allocation scheme to make it better. I hope that we will be able to brief hon. Members before we do it. I hope that we will be able to have unanimity on it.

But what we are recasting there is the algorithm. I would advise, Madam Speaker, that no-one on that side of the House or on this side of the House or anyone listening should ever think that it would be appropriate for the circumstances of Gibraltar, or indeed anywhere else, that there should not be a human being able to intervene in the right circumstances. Perhaps that is not even what the report suggests, because the report suggests, well, look, there were five instances where this was properly supported by documentation.

So, the report seems to say it is OK, because there was proper documentation that in these five instances the allocation was made because I understood how people had been taken, plucked out of the algorithm and immediately allocated a home. It is not something that is done easily, Madam Speaker. One of the things that we have to be most discerning about in politics in Gibraltar, and believe me, you learn by a fraction of time, is that people can try to pretend to have immediate circumstances requiring allocation and it is soul destroying when you find that that is not true.

It has happened to me on more occasions than I would care to remember. It has never happened to me, thanks to the diligence of the officers who work with me in my community unit, Denise, Louise-Anne, and Amy, because I usually tend to find out that I am being sold a pup before the pup has been given a kennel. But there are many, many, many instances where Ministers for Housing and Chief Ministers are the subject of attempted pup sales.

And you get taken in, Madam Speaker, because you are in politics because you have empathy for people, otherwise do not bother being in politics. And if you have that empathy and you want to help in the right circumstances, it is soul destroying when you find that you have been lied to. But, apart from dealing with the international issue, Madam Speaker, one of the reasons that I am in politics is to find those nuggets of gold, whether it is people who do fantastic work in our community that we can propose for recognition in state honours, those nuggets of gold are people who are nowhere to be seen, and yet they are doing the magnificent work that makes us the community that we are, or to find those people who really, really, really, really need help.

The ones to whom computer should not say no and even if computer is saying just not today, it is going to take another three months. In some instances, three months can mean the difference between life and death.

It can mean the difference between being battered again by a partner that is beating you every night, and the children watching or plucking you out and putting you in the right place immediately. That is what we are dealing with here and if in two cases, out of the many that I have dealt with, because the inspection dealt with 18, identified that five were properly dealt with when I intervened, and two were not.

If in two cases of all of that, the paperwork has not been put in order, well, Madam Speaker, fair enough, That is a recommendation that has to be followed to make sure that in those instances where the paperwork was not put in order, we go and put it in order now, and we ensure that in future we always put it in order. Sometimes you are running, Madam Speaker, especially when you are trying to save someone from a very difficult situation. And if sometimes we have run and have not put in place the paperwork, it does not vitiate the value of what we have done, it just vitiates the record, and the record must be corrected, and I have absolutely no complaint in that respect.

I have absolutely no complaint with the suggestion that the Principal Auditor makes in the report that we might want to put in place something that covers this in some way, so that people are objectively aware of it. It is not a bad idea, Madam Speaker but something already exists in that respect, which the author of the report appears to ignore.

Madam Speaker, I want to explain to the House how the allocation of ministerial portfolios works, before I get into the detail of what it is that I want to say in other respects, because it would make it easier to show how these things have been done entirely, legally, properly. And I want to go back, Madam Speaker, again, to the happy day I was referring the House to before, which is the 9th of December 2011. On the 9th of December 2011, when I took my oath as Chief Minister, I was the only person in the House who was holding portfolios.

All others were waiting to hear what those portfolios would provide for. The Deputy Chief Minister and I were working on that over the weekend, but indeed, even the post of Deputy Chief Minister is not a ministerial designation when you take the oath. You take the oath as Ministers.

Everyone takes the oath as Ministers. I take the oath as Chief Minister, something which will now only live in my memory, because it is never going to happen again. In that moment, the person who takes the oath as Chief Minister holds all of the portfolios.

So let me just give this example. On the 9th of December, when I was sworn in as Chief Minister, before I gave advice to His Excellency the Governor for particular directions under the Constitution, under Section 46(1), I was as much the Minister for Housing as I was the Minister for Health. I mean, everybody knew what they were going to get at that time, and just as Joseph and I worked on the less high-profile issues… the Deputy Chief Minister and I worked on the less high-profile issues, ministries that we wanted to distribute, but everybody knew what they were going to get.

But they could not go off to the hospital and be Minister for Health because there were no particular directions under the Constitution. So, if a document needed to be signed as an emergency by the Minister for Health, for example, between Friday the 9th of December and Monday the 12th of December, it would have had to be signed by me. Thereafter, Madam Speaker, particular directions are issued under the Constitution, it is issued in the Gazette, and then you know which Minister is responsible for what.

So, when you go to a law and it says, and the Minister for Finance shall do this, you know who the Minister for Finance is because you go back to the legal notice that sets out the particular directions under the Constitution and that tells you who is the Minister to sign. Let us look at the Minister for Financial Services, for example. The Minister for Financial Services has responsibility under the Constitution for financial services, gaming, taxation, all of the many other things that the Hon. Mr. Feetham does so ably, and at the bottom of his designation, the following words: *The administration of Government Departments charged with the aforesaid*. So, what is constitutionally the obligation of a Minister are the portfolios he has been given under the particular directions and the administration of Government Departments charged with the aforesaid. In the example I have given you…. Financial Services, Gaming, Taxation, Postal Services, Data Protection, the Chair of Gibtelecom and Justice and all the things that Justice provides for.

The administration of Government Departments charged with the aforesaid. That is repeated across all of the Ministries, including my own. So my responsibilities are the economy and financial stability, all of the other things that I do, and the Administration of Government Departments charged with the aforesaid.

The responsibility of Pat Orfila, the Hon. Pat Orfila, is Housing, the Housing Works Agency, the development of affordable co-ownership estates, the development of rental housing, the University of Gibraltar, and the Administration of Government Departments charged with the aforesaid. So, when the Housing Act says the Housing Authority shall be the Minister for Housing, the Minister for Housing when you go to the particular directions is Pat Orfila, the Hon. Pat Orfila, who has Housing. Housing Works Agency is designated by name to be Minister for Housing and has the administration of Government Departments charged with the aforesaid.

So, the Principal Auditor's report says, what was the Chief Minister doing making these allegations? Because he is not the Housing Authority. You need to put in place some legal power to do that.

Ah, but. Is it that this Member of this Parliament is not aware of what the Gazette says? Because what the Gazette says in the responsibilities, I have given myself in consultation with my Ministerial colleagues at the time of designation of portfolios says this at the end: *The administration of Government Departments charged with the aforesaid* but instead of a full stop, there is a comma, *Overall responsibility and supervision of Government Departments and Public Administration.* What does that mean?

Well, I have to tell you, Madam Speaker, I know unfortunately too well what that means. Because, as all hon. Members will know, we have the very sad situation where a Minister in one of our Governments passed away whilst in Government. The Hon. Charles Bruzon, who we always remember fondly.

So, we lived through having to understand what happens when a Minister dies and before you designate another Minister. What happens is that the Chief Minister signs any document that any Minister is not able to sign and I learnt it very quickly. I learnt it in the first two years. And then, actually, Madam Speaker, I realised that this was something that was going to keep coming back. Thank God, not because anybody would pass away, but because when Ministers are away, and documentation has to be signed, and a specific Minister's signature is required, the document is brought to me, and I sign it.

So, if a licencing of a bank became an issue, and the Hon. Mr Feetham were away from Gibraltar, and it had to happen and there was no way to do it, these days you have electronic signatures and all the rest of it, very simple you take it to the Chief Minister and the Chief Minister

signs in his name. I do not sign *for Minister for Financial Services*, I sign *Fabian Picardo, Chief Minister.*

And that is properly signed, and in keeping with the designation under the Constitution. Because the Chief Minister holds from the moment that he takes office, responsibility for all Government departments also. He has superintendence over all the departments.

On the day that he is sworn in as Chief Minister, before others get their portfolios, and thereafter also. That continues to be the case. It is politically, logically so.

Because imagine a different situation, which I cannot imagine in a cabinet of colleagues like we are but if there was a falling out and the Minister were to say, I am not prepared to sign that. Well, it is very simple, is not it?

Well, if you are not prepared to sign it as Minister for Timbuktu, tomorrow I will advise the Governor that I will be the Minister for Timbuktu and that is no longer in your portfolio, and I will sign it. You do not even need to do that. You can say give it to me; I will sign it.

You can carry on being Minister for Timbuktu. You are an excellent Minister for Timbuktu. You can continue to do the excellent job that you are doing. I am very sorry that we have had this disagreement. It is politically, logically so. It is legally, logically so.

And therefore, the suggestion that it is necessary to put in place a new law to give the Chief Minister a power that he already has is legally unnecessary. Surprisingly, that suggestion is made by an officer of this Parliament, who you would have thought was aware of that nuance in the way that the particular directions are issued under the Constitution and the consequence of it. But having said that, Madam Speaker, I do not think it is a bad idea.

I think it is a helpful suggestion that this should be recorded somewhere so that people understand it. I mean, obviously, if I have had to explain it here today, it is because people do not seem to understand it. Even other members of this Parliament, like the author of the report, who seems to be saying that you need legal cover for something which is already legally covered.

And which has led, Madam Speaker, to a suggestion by pressure groups that this is somehow legally unacceptable. So, Madam Speaker, it makes very little sense to me that we should have to be dealing with these things in the context of replying to the report. But it is obvious, I think, to anyone that successive Chief Ministers have exercised this discretion for decades and should continue to do so, alongside Ministers for Housing, who should continue to do so.

Even when there is no housing issue in Gibraltar, there will be people who need immediate help and there have to be responsible, duly elected representatives of the people with the power to act, Madam Speaker. And Gibraltar law already supports that housing allocations should be exercised flexibly and rationally in the public interest.

And to an extent, that was confirmed, Madam Speaker, in the Privy Council in the decision in Rodriguez v the Minister of Housing in 2009, which dealt with the Gibraltar case on housing, where same-sex partners' request for a joint tenancy was refused by the Housing Allocation Committee under what was then a very, very rigid policy, Madam Speaker, a very unprogressively rigid policy, Madam Speaker.

The Supreme Court of Gibraltar quashed that decision on the ground that the committee had unlawfully fettered its discretion by refusing to depart from blanket rules, even when circumstances might warrant it. That is just the algorithm, Madam Speaker, working and although Rodriguez focused on discrimination, Madam Speaker, it reaffirmed the fundamental principle that housing authorities must exercise discretion on a case-by-case basis and cannot apply rules inflexibly.

Critically, Rodriguez is a case where the Privy Council endorses the idea that rigidly sticking to procedural niceties is not required in every instance, a much better and more eloquent way of putting what I have tried to explain by reference to the algorithm, Madam Speaker and I say that without knowing whether you are the person who decided Rodriguez had first instance or not. I have not checked that.

Madam Speaker, of course the Court of Appeal insisted that the committee must abide by departmental policies, but the Privy Council remitted the decision for an exercise of true discretion

in the right circumstances, which underscores that personal circumstances can justify departure from waiting list order. But the policy is given to the Housing Allocation Committee. We are the policy makers, Madam Speaker.

The policy that the Principal Auditor, a Principal Auditor, an auditor, a public auditor cannot interfere with for all of the reasons I have already set out in reference to the case law and the NAO directions and the NAO law in the UK, which should be read as applicable in Gibraltar given that it is the reflection of the common law applicable already in Gibraltar. So, Madam Speaker, it is the Government's considered view on the basis of legal advice that we were right that allocations driven by documented urgent need would be upheld as lawful and rational, and that that aligns perfectly with settled administrative legal principles across the administrations from 1969. Madam Speaker, it is well established in administrative law that broad statutory discretion may only be overturned if it has been exercised unreasonably or for an improper purpose.

There is no suggestion of that, Madam Speaker, in the report, but comment on the report has tended to suggest that there might be some improper purpose anywhere. There is not. What there is an attempt to do exactly what I have told the House, that is to say, to act in the right circumstances, in the right way, to protect life in most instances or to protect children or the vulnerable from being subject to attack.

In a way, Madam Speaker, that does not always bear setting out in writing in the way that people would expect to third parties. So, that is to say, it is one thing for the Chief Minister's Office or the Minister's Office or the Housing Allocation Committee, wherever it is in the system, to record why something is being done, perhaps in broad terms, but it is not possible necessarily to record in a way that is going to be seen by third parties, not just because of data protection issues, but also because of safety and security issues, why something is being done. Now, the example I sometimes give to people, not a Principal Auditor, but sometimes I give an example to people on the street, because what is being said in the report is no different to the tittle-tattle one may hear when you are in the street and somebody will say, it is terrible, what little shame, said in Spanish, means something we all more easily understand, that Miss X has been given a three-bedroom in Laguna and my daughter has been waiting for four years.

What you cannot say, even in defending yourself, is, well, how do you know that? Well, because I saw Miss X at British Home Stores measuring for the curtains, very happy that she'd got the house. Well, what you cannot say when defending yourself against the allegation, what Miss X does not have to say when she is happily picking out the curtains or at least putting on a brave face, is Miss X was brutally anally raped by her partner four weeks ago. It was the third time that had happened in the past six months. The children were in the house. The partner then beat one of the older children, who tried to intervene to stop the attack.

Is that the sort of thing Miss X has to say to anybody at British Home Stores, because they might wonder that their daughter has waited for longer? Is it something that we have to put down in writing? Because people know the address.

So, Miss X is not Miss X. Miss X has a name and a surname and so does her oldest child. Now, I have dealt with cases, Madam Speaker, as harrowing and more harrowing than that.

So has, unfortunately, every Minister for Housing that I have dealt with, no doubt, Ministers for Housing opposite. So, when I am told, Madam Speaker, in the street that this is an issue, I can give that explanation. When I am told by a pressure group that the Government must publicly defend those things, I say look, the Government is elected and trusted by its people, entrusted by its people, to make those decisions.

Whether it is the GSD Government or the GSLP Liberal Government. That is what we are there for, Madam Speaker, in those cases, not in others. But look, if somebody is going to assume that there is abuse, then they would be wrong to do so.

And in fact, Madam Speaker, going to a case that is seminal and all of us who have been legally trained will know, Associated Provincial Picture Houses v Wednesbury Corporation, the concept of Wednesbury unreasonableness comes in, where Lord Green says that the courts will not substitute their judgement for that of the decision maker. Intervention is warranted only where

discretion is exercised unreasonably or ignoring relevant factors or considering irrelevant ones. Nobody would consider that those cases that I am referring to, and all of the cases that are referred to in the report are in that tenor, would be interfered with because it was not reasonable to exercise discretion in those circumstances.

So Madam Speaker, whether it is an auditor looking at these things saying, look, in two cases I do not have the information, I would like to think that the record can be corrected, the information can be provided and it should be provided, perhaps with not the level of detail that I have given to the House a Minister might have, but provided in some way, for good urgent reason, the details of which are contained in notes that will remain sealed for 20 years or whatever. But nobody would think that the allocations in scope would be lacking in little shame. They would be allocations that even the mother of the girl who had been waiting four years for a three-bedroom would say, no, no, no, you are absolutely right, give it to her, she needs it more.

That is what we are dealing with. Or is it that people believe that the Chief Minister, the people in the Chief Minister's office, the people in the Housing Department, the people in the Housing Works Agency and all of the people in the chain would not in such circumstances conspire together to do something with little shame, said in Spanish, to give to a friend or a relative in circumstances which are plain vanilla but just does not want to hang around, a home, instead of to the person who's number one on the housing waiting list.

I hear those allegations, Madam Speaker. They roll off the tongue, it is Gibraltar, it is very easy, Madam Speaker. We spend our lives here saying, *es una poca vergüenza se lo han dao a este en vez de a este; es una poco vergüenza este esta [inaudible] lo otro.* That is Gibraltar, Madam Speaker. That is Gibraltar.

If you are charged with nothing more serious than having a coffee at the piazza, you can say all that every day. You can say it of every politician, you can say it of everybody that you care to say it about.

When you are charged with the administration of all Government departments, entrusted to do so by the people, on four separate occasions, you would never countenance doing that. You would never countenance doing that and people can have that security, that every one of those cases would, when applied to Wednesbury principles, not be changed, either by a court or by an auditor or anyone else.

Madam Speaker, but the report simply says that it is critical of the absence of written justification and non-compliance with the waiting list order. The first, Madam Speaker, can be fixed and should be fixed, and if There have been some instances where sufficient information has not been provided, it needs to be.

The second is entirely wrong, because we must not stick to waiting list order in the right circumstances. We must be able to leapfrog, and we have always got to have that ability and therefore, the underlying allocations which are being referred to are not in any way somehow suspect.

Excuse me, Madam Speaker. The 18 allocations which were made outside of list order were proper, and they were even if not supported by appropriate documentation, Madam Speaker, that was in our view not something that would vitiate their allocation. In five out of seven cases which were private, the documentation was present and justified.

In two, they had bare referrals, and Madam Speaker, the facts were known to senior housing officials, and there were referrals, listen to this, from the Care Agency and the Royal Gibraltar Police. So again, not you know, whim referrals, not you know, *me da la gana*, I just wish to give. These were referrals involving the Care Agency and the Royal Gibraltar Police.

You know, serious cases requiring action, lawful humanitarian interventions, not political favours, which is what it appears has been suggested, at least if not in the report, Madam Speaker, in the comment on the report outside of this place, in particular by some pressure groups, Madam Speaker, who seem to think that they know better. Thank you, Madam Speaker. It is important that people realise that sometimes, because they are not privy to the data, they know nothing about the cases that they are talking about.

And when they insist on being told more, they do not realise that they are third parties to the information, and they cannot be provided with that information. It is just not possible, even privately, to give the information without breaching rules about data protection, which do become engaged, because Miss X is entitled not to have even the highly respected chair of any pressure group see her information. It is that simple.

You challenge the cases, and you are told there is information, which is sensitive, you cannot be given it, you cannot, as some pressure groups say, oh well if you do not give the information, we will assume that there is something inappropriate about it. And it would ill behove any politician who hopes to hold office to suggest that he would side with that pressure group, because he'll soon find, if he ever holds office, that he will be having to say to the pressure group, I cannot tell you why I have given Miss X a home. Or breach every rule in the book, if he tells them and breach his oath of office as a Minister, by the way.

So, Madam Speaker, to have put so much emphasis on the lack of more information on two out of five interventions makes the report misleading and unbalanced, and we are advised that that is the case. And therefore, in the opinion of those advising us, the report's portrayal of missing documentation, without acknowledging privacy obligations, risks defaming public officials by implying impropriety, where confidentiality was lawfully maintained.

Insofar, Madam Speaker, as there were administrative errors, these minor discrepancies in committee meetings and outcome letters were clerical in nature and have since been corrected through staff training. So, a good recommendation to deal with, Madam Speaker. In addition, Madam Speaker, it does not escape leading council's attention that the report fails to account for confidentiality obligations in cases involving domestic abuse and child protection cases, leading to misleading conclusions about missing documents.

They are not missing, Madam Speaker, they just cannot be made available. The report also omits reference to similar discretionary practises under previous administrations, resulting in skewed narratives, suggesting that these are things that just happen under us, when in fact they have always rightly happened. Here am I, Madam Speaker, defending them when they might have done it. When they are attacking us for things that they used to do but never mind.

Madam Speaker, the opinion that we have on how auditors should behave tells us that overall engagement at the senior level by the Gibraltar Audit Office, with senior managers at the Housing Department, would have addressed misconceptions and avoided a report that heavily implied political bias and favouritism in allocations, something which has not happened. And last but not certainly, Madam Speaker, leading council opines that the interpretation of section 2 of the Housing Act, as set out in the report, appears to be legally flawed and ignores established constitutional practise, and indeed it ignores the constitutional reality of the particular directions under section 46 of the Constitution.

Madam Speaker, it is the Government's considered view, therefore, that the omission in the report of any reference to historical precedent and similar practises under previous governments creates a politically prejudicial and selective presentation of facts, where the recommendation to change the historical precedent could still have been made without implying impropriety, as the report does. In the circumstances, Madam Speaker, it is again the view of leading council that this section of the report should also be withdrawn. For those reasons, Madam Speaker, the amendment that I will propose to make of the motion as drafted will include a reference to this part of the report, therefore being rejected by the House.

Madam Speaker, I now turn, noting that I do need to rise before one o'clock, I do now turn to another main area of concern for the Government in the report, which is the reference to Gibraltar Industrial Cleaners (GICC). Madam Speaker, on May the 22nd 2025, the former Principal Auditor issued a 10-page letter to the CEO of the Department of the Environment, raising concerns about pay and overtime arrangements within GICC, particularly in the refuse collection service. Madam Speaker, in the context of everything we have been seeing, who can complain about that?

A whole eight days before the report was to be settled, the CEO of the Department of the Ministry of the Environment received a letter from the author of the report, which set out the

concerns of the author of the report in respect of Gibraltar Industrial Cleaners. Here it is, it is a 10-page memorandum. Here, Madam Speaker, the date to keep in mind is the 22nd of May 2025, and the reply of the 9th of July from the Department, because of course what I am going to be showing the House, Madam Speaker, is that this was not a letter issued just with eight days to go before the report, and much of what I have been saying about letters from the author of the report sent out has been that they were issued on the 30th or the 31st of May, and there was very little time left for the report to be compiled by midnight on the on the 31st of May.

This is slightly different, because you see this letter is not eight days before the report. This letter is a month and a half after the Government has issued a press release saying all of this is history, and in a final paragraph there is a recognition that the Government has done something about it, and saying I cannot believe that you are going to save this money. Well, Madam Speaker, the Government was going to make the case in the budget in July about how we were going to save that money, and we did.

In May we are being told by the Principal Auditor that I cannot believe you are going to save that money. I look forward to your views and explanations. Well, the view and explanation of every part of this letter except the bit that says I cannot believe you are going to save the money.

You say you are going to save after you have said that you have done a deal. The reply to all of the letter before that paragraph is it is the past. We have issued a press release.

We have told you all of that we agree is a problem. That is why we identified it as a problem, and we have done a deal, because That is exactly what we are dealing with. All of the information set out in the letter from the Principal Auditor, the former Principal Auditor, to the Head of the Ministry of the Environment is all of the information that the Chief Secretary, the Minister for the Environment, I and the Cabinet sought long before this in January, had available and used, in fact in November, December, because we started then, to negotiate the new deal.

So, if the things that the former Principal Auditor was saying were a little shame, said in Spanish, they were as much a little shame, said in Spanish, to our view as they were to him. Except that we had dealt with that a little shame in April, but we are still being asked questions about it on the 22nd of May and being told that our proposal to reform that was not going to work and to please explain it. Look, that question is perfectly fair and in order.

But we are saying, okay, this is how we are going to do it. Eight days before the report was to be prepared. In fact, the answer, Madam Speaker, was sent to the Principal Auditor, the current Principal Auditor, on the 9th of July by Mr Warr of the Ministry of the Environment, the Department of the Environment, setting out our answer, which was the same answer that we were providing in Parliament in the course of the budget debate. So, Madam Speaker, the report findings in this respect focus on allegations of excessive overtime, especially for the manager of the legacy working practises, such as the 74-hour week, the finish and go culture, inefficiencies and the cost implications in staffing and scheduling and lack of reform in operational practises, Madam Speaker. So those were our concerns too. It does not appear that it had been the concerns of hon. Members when they were in Government, because whilst in Government, they perpetuated these practises.

Those were our concerns too. Concerns tempered, Madam Speaker, and I will always say this, as I have always said it, concerns tempered by the fact that the people in scope in respect of this criticism do a brilliant job in keeping Gibraltar clean. They do a magnificent job in the height of summer, when there might be roaches and rodents around the refuse, and they go and get it.

And in the height of winter, where there might be things might be almost flooded, and they have to wade into the places where we deposit our refuse to take it out. Also in Spanish, it is not paid, one might say, Madam Speaker, right but they do it, and they do it unfailingly, Madam Speaker.

And so, although we were concerned that there was not the right value for money there, and we had to address it in particular, in light of our potential hard Brexit, and indeed in light of potential new rules in the European Union as to recycling, etc. It had to be done. That is not to denigrate the excellent work that the men of Gibraltar Industrial Cleaners do.

But Madam Speaker, it is vital for us to highlight that other than two passing references at paragraph 5.3.48 and 5.4.29 of the report, to the collective agreement that we have now reached, the report does not study the collective agreements or any other recent changes or corrective actions, instead presenting the issues as ongoing and systematic. Well, as ongoing and systematic as they were when hon. Members opposite were in Government, right, because this is a successive administration thing. So, there is a reference, a passing reference, to these issues, but not in a way, Madam Speaker, that we believe demonstrates that this issue had been properly dealt with.

Madam Speaker, without rhyme or reason, additionally, the report referenced events and costs as recent as 2025, despite the audit scope being limited to the 2018/2019 period. This is something we have seen throughout the report. Again, Madam Speaker, we have not challenged that, because there are circumstances where you might say, well, this was happening in 2018/2019 as much as it was happening in 2025.

But the key point here is in 2025 it was fixed. In 2018/2019 it was a problem, and the issue in the report is the 2025 issue. So, we contest the portrayal in the report, Madam Speaker, asserting and underlining today again that the findings are outdated, incomplete.

The letter from the Principal Auditor to the CEO of the Department of the Environment was received, again, within sufficient time to respond before the report's calculation. Here there were eight days, but the former Principal Auditor was asking for detailed calculations of matters, and that was not possible to be provided in that time and procedural fairness required that the individual should have sufficient time, not 24 hours, not eight days, to provide that information.

And that the pay and overtime structures criticised were inherited from the previous administrations and embedded in contracts dating back over 20 years. Embedded in contracts. The Government cannot break contracts.

If the Government fails to pay under a contract, the first thing an auditor will say is the Government has failed to pay under the contract, and therefore the Government's liability is increasing because it will have to pay under the contract, because governments cannot fail to pay under contracts. So, the new collective agreement, Madam Speaker, was made on the 25th of April 2025, and it came into effect on the 1st of June 2025. The Government, Madam Speaker, agrees with the former Principal Auditor that these practises had to be dealt with.

But they were dealt with even before the former Principal Auditor started to ask about them, let alone recommend that they should be dealt with. This, Madam Speaker, is the Government that took the bull by the horns, only to find that it was about to be mauled by one of the other matadors, not the bull itself. I mean, it is really quite remarkable.

There has been no reference to this in any other Principal Auditor's report. Look, it might have been, I suppose, acceptable, and in keeping with audit practise, to highlight these things and say these practises have been ongoing, and to say there is now a new arrangement, and we should monitor how the arrangement works. That is how we are taking it.

We are going to monitor how the new arrangement works to ensure that the little shames do not happen again, Madam Speaker. But there is absolutely no analysis of that. Just a condemnation of the thing that is the wrong that we have had the gumption to undo, and that hon. Members presided over.

Departmental projections from March 2025 resolve most concerns and predict an annual saving of almost £700,000, £685,000, due to the elimination of the extra collection runs, the reduction of routes from five to four, the introduction of evening collections, the removal of five working public holidays, and the streamlining of vacant posts and adoption of a non-pensionable allowance model. None of that is cited in the report, Madam Speaker. So let us assess the findings.

The Principal Auditor, a Principal Auditor, a public auditor, is bound by the Public Finance Control and Audit Act and by internationally recognised accounting standards, including the ISA and the Code of Practise of the NAO. As I have explained, Madam Speaker, these frameworks require audit reports to be fair, balanced and evidence-based, reflecting both deficiencies and corrective actions. As a result, by presenting outdated contractual arrangements as if they remained current, and by failing to study and discuss in the report the March 2025 collective

agreement that abolished the criticised overtime practises and projected savings, the report must perforce, Madam Speaker, be seen to be incomplete and misleading.

As the House will also have heard me say, it is fundamental to public law that the principle of fairness should be read into everything that is done. In the Secretary of State for the Home Department, ex-party Woody, in 1994, the House of Lords held that persons subject to decisions with significant adverse impact are entitled to know the case against them and have a fair opportunity to respond. This is all part, Madam Speaker, of the principle of fairness requiring affected parties to be heard at a formative stage, not merely after the fact.

And that is the Crown v SSHD 2019 on the reference of *Balajigari*. Here, Madam Speaker, Gibraltar Industrial Cleaners Management and the Department of the Environment received only a few days' notice of the intended criticisms, hardly enough time for meaningful input. Although, of course, Madam Speaker, more time than they were given in respect of wildlife, which was 24 hours, and more time than you were given, which was three hours, in respect of their letter sent to you. Much more time, but still nowhere near a reasonable time.

In the Secretary of State for Education v. Tameside MBC, the House of Lords in 1977 made clear that a failure to properly inform oneself of relevant circumstances renders a decision unlawful.

The law requires that decision makers take account of material and relevant facts, Madam Speaker. Here, the relevant fact that needs to be considered and fully considered, not just mentioned, is the new arrangement and it is the new arrangement that requires analysis.

The Tameside duty is rooted in the broader public law principle that decision makers must consider all relevant facts and disregard irrelevant ones. Lord Diplock, in his judgement, articulated this principle, stating that the question for the Court is whether the decision maker asked himself the right question and took reasonable steps to acquaint himself with the relevant information to enable him to answer the question correctly. And in Wednesbury, Madam Speaker, which we talked about earlier, it was established that decisions are irrational if they disregard relevant considerations or take into account irrelevant ones.

The omission, therefore, of any study and discussion of the new arrangements in the report for the deal announced in April 2025, the new collective agreement, which is central to the reform of the criticised practises, is therefore a clear breach of these principles also, Madam Speaker. Further, Madam Speaker, as all hon. Members will note, the report selectively draws on events and costs from 2025 in a report formally scoped to the 2018/2019 period. Such reliance on post-scope data, without studying any and discussing intervening reforms, straight well beyond the former Principal Auditor's statutory remit, and in the considered view of the Government, is ultra-virus, as illustrated in Agee versus Fulham, which I referred to on the first day, where a public authority was held to act unlawfully by going outside its statutory functions.

Moreover, Madam Speaker, by conflating historic issues with current practises, it is the Government's considered view that the report mischaracterised the true state of affairs. Accordingly, it is the Government's view, in light of the legal principles I have already developed and explained to the House, that this section of the report is also unsustainable. It breaches principles of procedural fairness, fails to consider relevant facts, exceeds statutory remit, and mischaracterises lawful reforms.

Once again, Madam Speaker, I am not asking the people of Gibraltar to take me just at my word or my interpretation. It is the considered view of leading council advising the Government that the former Principal Auditor has failed to reflect the material reforms the Government has introduced, and in doing so, it is strongly arguable that he violated, once again, the international standards and the UK NAO standards, which require balanced, evidence-based reporting. The leading council is further of the view that the omission of the study and discussion of corrective actions distorts the public record and undermines Parliament's ability to assess the situation fairly when considering the report.

He also notes that reforming entrenched practises in a live public service context requires careful negotiation. Accordingly, we are advised that the Department acted lawfully and responsibly by balancing fiscal discipline with the need to maintain an essential service. Moreover,

Madam Speaker, the inclusion of recent data and events from 2025 in a report scoped to 2018/2019 would seem to have exceeded the former Principal Auditor's statutory remit under the Public Finance (Control and Audit) Act 1977. And we should note, importantly, that the author of the report saw fit to refer to certain items that occurred as recently as 2025, despite his report being for the period ending March 2019. And that is true not just of this aspect, Madam Speaker, but of others.

Selective reporting of such items, which ignores a study and discussion of the collective agreement, also impact adversely on the overall validity of the report and therefore, one should caution that the publication of outdated or incomplete information can damage reputations, especially if done without due care and exposes any auditor to claims, despite statutory protections. And there, Madam Speaker, any claims might not be from us. We are the ones who have dealt with this, but the people criticised in the report who might be identifiable and who are third parties to the Government.

And so, the failure to present a balanced account in breach of international auditing principles of completeness and relevance provides ground to challenge the report's findings as professionally deficient. Accordingly, Madam Speaker, and taking all of these matters into account, it is again the view of leading counsel that this section of the report should be withdrawn. Madam Speaker, I am not going to take the House through the exchange of correspondence of 22 May and 9 July between the former Principal Auditor and the Chief Executive of the Department of the Environment and the Department of the Environment and the current Principal Auditor, because we will consider that, despite the matter having already been referred to in this report, a matter which is a work in progress with the Office of the Principal Auditor, and he may wish to refer to in future reports. But I want the House to know that the Chief Executive of the Department of the Environment has, as ever, in his usual diligent, careful style, ensured that he has replied entirely to everything asked of him in the letter of 22 May.

Madam Speaker, for all of those reasons, the amendment that I will propose to make of the Motion will include a reference to this part of the report, therefore also being rejected by the House.

Adjournment

Chief Minister (Hon. F R Picardo): Finally, Madam Speaker, I think it is necessary for me to end my contribution for today on this matter, and I need to spend some time now with the Deputy Chief Minister on the burning matter of the issue of the treaty text. I am therefore happy to inform the House that, as I said on Tuesday when I commenced my address, and I tried to give a tentative timetable for people to be aware of, and in respectful recognition of the opening of the legal year tomorrow, we will not sit tomorrow in Parliament. I travel to the United Kingdom on Monday to host the Gibraltar reception at the Labour Party conference in Liverpool, and I return on Tuesday, so therefore we will have to renew the debate sometime in the middle of next week, and I now move, Madam Speaker, therefore, that the House should adjourn until next Wednesday, the 1st of October at 10.30 in the morning.

Madam Speaker: I now propose the question which is that this House do now adjourn to Wednesday the 1st of October at 10.30 a.m. I now put the question which is that this House do now adjourn to Wednesday the 1st of October at 10.30 a.m. Those in favour? (**Members:** Aye.) Those against?

This House will now adjourn to Wednesday the 1st of October at 10.30 a.m.

The House adjourned at 12.34 p.m.

P R O C E E D I N G S O F T H E

G I B R A L T A R P A R L I A M E N T

MORNING SESSION: 10.30 a.m. – 11.55 a.m.

Gibraltar, Wednesday, 1st October 2025

Contents

Order of the Day 2

GOVERNMENT STATEMENT 2

PAPERS TO BE LAID 4

GOVERNMENT MOTIONS 4

Adjournment 20

The House adjourned at 11.55 a.m. 20

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The Parliament met at 10.30 a.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: P A Borge McCarthy Esq *in attendance*]

Order of the Day

GOVERNMENT STATEMENT

Clerk: Meeting of Parliament Wednesday 1st October 2025.
Suspension of Standing Orders the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with a Government Statement

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

Chief Minister (Hon. F R Picardo): Madam Speaker, this morning I sought your leave to make this statement, and I have shared a copy with the Leader of the Opposition.

Madam Speaker, it is my honour today to reflect on a landmark moment in Gibraltar's sporting history: the successful hosting of the Netball World Youth Cup 2025.

For ten days, Gibraltar welcomed youth athletes, officials, friends and families from across the world. We showed, as we so often do, that Gibraltar is small in size but mighty in spirit.

When we opened the tournament, I welcomed and thanked the nineteen visiting teams for coming to Gibraltar, for bringing their ambition, their excitement and talent to the Rock. Their presence was the very essence of why we undertook this challenge. What some may have seen as a bold dream was in fact delivered as a strategic reality, made possible through the vision and dedication of Moira Gomez and the committee of the Gibraltar Netball Association.

This tournament marked the return of the competition after an eight-year gap and a hiatus caused by the global pandemic. Gibraltar had the privilege to host this revival, to stand at the heart of Netball's youth movement. As the President of World Netball, Dame Elizabeth Nicol, said in her opening speech, this was a very special event, not least because the 2021 edition had to be cancelled due to COVID.

We are proud to have hosted the return, Madam Speaker, and we are proud that Gibraltar will always be remembered as the place where the World Youth Cup was reborn.

Madam Speaker, none of this would have been possible without the vision and tireless determination of Moira Gomez, President of Gibraltar Netball, and the Netball Committee. It was her passion, advocacy and relentless drive—often driving her way into my office over the past three years—that brought this tournament to Gibraltar. She has not only given us this world-stage moment but has also built Netball into the second-largest sporting association on the Rock, with more than 1,100 members.

I ask this House to join me in recording our deepest thanks to Moira, as a community, for her outstanding service to sport and to Gibraltar.

Today we congratulate Australia, who were crowned champions of the Netball World Youth Cup 2025 after defeating New Zealand in the final by sixty-three goals to forty-eight. Their performance was exemplary, and I extend my sincere congratulations to them, to New Zealand as worthy finalists, and to all participating teams.

Madam Speaker, I had the opportunity to watch the final. It was absolutely riveting—an exciting match indeed. To Team Gibraltar, the Campions, our home team: thank you. You competed with courage, with dignity and with heart. You represented our community, and although the results may not always have gone your way, you earned the respect of all those attending from around the world.

I also thank the spectators, the schools and families who turned out in force. Their support gave energy to the courts and voice to our hosting.

One of the lasting memories of the event will be the anthem *Mighty as a Rock*, written by Simon Dumas and performed live at the opening ceremony by him together with the Gibraltar Choir Collective, which included some well-known faces in this place, Madam Speaker. The song captured the spirit of our nation and echoed through every venue, reminding all who heard it that Gibraltar may be small in size but is mighty in heart.

We also heard moving renditions of our national anthem performed beautifully by Andrea Simpson and Nathan Payas. Their voices showcased the depth of local talent and added dignity and pride to the occasion.

Our thanks also go to the local dance groups who brought colour, rhythm and energy to the ceremonies, to the sponsors whose support made this tournament possible, and to Dame Elizabeth Nicol for joining us here in Gibraltar. Her presence underscored the international importance of the event.

We must also place on record our gratitude for Gibraltar's brilliant sporting facilities. It is thanks to the investment that we have made in world-class venues that we are able to host this World Cup so successfully. These facilities are not just bricks and mortar. They are stages on which our young people can aspire, where international athletes can compete, and where Gibraltar can shine, Madam Speaker.

I look forward with confidence to Gibraltar hosting many more events of this kind in the future, bringing people from all over the world to our shores.

This competition reflected exactly what Gibraltar is about. In hosting this tournament, in uniting volunteers, players, officials, sponsors, supporters and fans, we showed the world once again what happens when Gibraltar comes together—because together we rise.

We cannot let this moment pass without acknowledging the extraordinary work behind the scenes, Madam Speaker. Departments across the Government, the GSLA, from logistics to security and hospitality, teamed up with Gibraltar Netball volunteers, sponsors and local businesses—all of them doing their little bit. Every shuttle bus, every court, every opening-ceremony moment, every detail, all contributed to the success we celebrate today.

We now carry forward this legacy. Hosting this Cup strengthens our capacity to host world-class events in other sports. It deepens sporting interest among our youth. It enhances our facilities and our institutional confidence, and it sends a clear message: when Gibraltar plots a course, we can execute it with professionalism and pride.

In closing, Madam Speaker, I ask the House to record its thanks to all the athletes, officials, volunteers, sponsors, staff and to all who witnessed and supported the event. Let this Cup be not an end point but the springboard for youth sport, for international engagement, and for Gibraltar remaining visible on the world stage.

The one thing that is essential, Madam Speaker, and which I do recommit the Government to—especially after this weekend's event—is seeking to deliver, during the lifetime of this Parliament, at last a home for Netball in Gibraltar.

Thank you, Madam Speaker, for permission to make this statement.

Hon. Dr K Azopardi: Madam Speaker, may I associate myself with the remarks of the Chief Minister on his statement. I thank him for sending me his statement.

It is a joy to see Gibraltar being used for sports tourism, and for young people to enjoy themselves from different nations participating at the highest level—as indeed this was. Certainly, on this side of the House I want to associate myself fully with the remarks of the Chief Minister.

I also wish to congratulate the organisers from Gibraltar Netball, and Moira Gomez specifically, for the reasons that the Chief Minister has outlined. It was fantastic to see the Gibraltar team compete at the highest level, and for Gibraltar to be the host nation for a tournament of such quality.

The Gibraltar team did Gibraltar proud. It was a credit to Gibraltar in the way the players conducted themselves, both on and off the court. They were ambassadors for Gibraltar.

We congratulate Australia for winning such a tight contest at the highest level against their great rivals New Zealand. We also thank the organisers at all levels—the GSLA, all Government departments, and everyone who played a part, from those working at ticketing level to those who entertained the crowd at various matches.

The venues worked, and the synergies of having so many nations in Gibraltar worked equally well. It was, I think, a source of pride for everyone in Gibraltar to see the tournament succeed so fully over the past couple of weeks.

So, Madam Speaker, on this side of the House we again associate ourselves with the remarks of the Chief Minister and place on record our thanks to everyone who worked very hard to make this tournament a reality.

Hon. Chief Minister: Well, Madam Speaker, I am very grateful to the hon. Gentleman for those words of association with everything that I have said in particular his reference to the magnificent sporting facilities that we have spent so much money on and they spend so much time criticising us for given that it is that investment which they spend so much time criticising us for that enables us to host the sort of events that we have hosted like the Netball Youth World Cup and I hope that that is a reflection that hon. Members opposite are realising how wrong they were in making that criticism when they made it.

PAPERS TO BE LAID

Clerk: Papers to be Laid, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to lay on the table the Ombudsman's Annual Report for the year ending 31st December 2024.

Madam Speaker: Ordered to lie.

Alright, we will now continue hearing from the Chief Minister on the subject of the motion that is before the House.

GOVERNMENT MOTIONS

Chief Minister (Hon. F R Picardo): Thank you, Madam Speaker. So, I do not think I need to do too much of a summary of where we are. On the first day, we went through the legal underpinning of the role of the Ombudsman. On the second, we started to look at some of the detail. We continued on the third day to look at more of that detail, and today I intend to look in greater detail also at the part of the report that deals with the question of a Public Accounts Committee.

After today, Madam Speaker, when we adjourn, I expect to come back to continue to deal with other aspects of the report in the coming days. It is important that I do that, Madam Speaker, and give this the detailed attention that I am giving it, because of the nature of the criticism contained in the report: its unfairness, its bias and its *ultra vires* nature in terms of the powers of the Ombudsman—so, the powers of the Principal Auditor.

Madam Speaker so now, dealing with another of the principal areas of concern for the Government—and what is clearly the high-water mark for the Government—of our assertion of the failures of the report, there are inherently two types of failures that I am going to be dealing with today, Madam Speaker.

The first is the obvious failure to refrain from commenting on matters of policy—that is about jurisdiction. I have dealt with the law on that during my address on the first day. I will deal with some elements of the law on that today again when I go to the relevant parts of the report.

The second is to have taken the step into commenting on policy in a manner that is, to boot—which is a posh way of saying *encima*, Madam Speaker, as we would say in Spanish—biased between the two main political groups contesting the last General Election. That, Madam Speaker, is directly and unanswerably reflected in the report in these recommendations that I am dealing with today, which are contained in the report about a Public Accounts Committee having to be established by the Parliament.

Within the context, Madam Speaker, of Gibraltarian politics, it is not surprising, of course, that leading counsel in London has advised the Government and has felt it appropriate to describe this aspect of the report as 'incendiary'. Of course it is incendiary, Madam Speaker, when a constitutionally independent officer, who is a Member of this Parliament under the terms of the Constitution, exceeds the power given to him under the Constitution and comments on something in a manner that is *ultra vires* and, to boot—that is to say *encima*—does so by taking one of the sides of this House, you could not get anything more improper, more illegal, more unconstitutional, more biased and more incendiary.

It is absolutely incendiary, Madam Speaker, for an allegedly impartial report to the Parliament on financial facts to make a recommendation on policy matters which adopts a party-political side on a hotly contested issue. How could it be otherwise? How could it be anything other than incendiary? Nothing could be further from the ambit of what the report is permitted to cover and what its author is entitled, as a matter of law, to comment upon in the report, and I want to be very, very clear about that.

There is no right or desire on the part of the Government to stifle any citizen's freedom of speech—far from it, Madam Speaker. The author of the report is entitled, in his personal capacity, to say what he likes, when he likes, to whom he likes, in his personal capacity. That personal capacity is also protected under the Constitution. We all have rights under the Constitution.

Chapter 1 of the Constitution, Madam Speaker—Section 10 of the Constitution, Madam Speaker—sets out that right which we know as the freedom of speech, which is actually referred to in legal terms as the freedom of expression. There it is in Section 10 of the Constitution and that section, Madam Speaker, as I had cause to consider yesterday, is curtailed only by the provisions of the Defamation Act and parts of the Crimes Act.

You cannot say things which you know are untrue about people. You cannot say things which are libellous or slanderous about people—slanderous if you say them; libellous if you write them down or if you publish them in a video. You cannot say things which are racist, or which are sexist, which bring about hate. You might have the freedom of speech—the freedom of expression—but you cannot use it to say things which are libellous, slanderous or (under the Crimes Act), Madam Speaker.

But the protections on independence that the Constitution provides also require adherence to serious responsibilities. And those, Madam Speaker, are just as applicable to the post as the protections which are equally applicable to the post and which so many like to refer to.

So, constitutional officers are independent, and nobody shall interfere with them in the exercise of their independence. But they are given that protection, and they are given that

independence in respect of the things that they can legally comment upon. Nobody, because they are constitutionally independent and protected, has the right to say things which none of us has the right to say.

And indeed, in those roles, we have the right to say the things which we are permitted to say and to talk about. Because Madam Speaker, in life—as in the Constitution—no one, not even the King, gets benefits without obligations, Madam Speaker. That is the reality. That is how society and community work. That is how our laws interact with each other, and I am surprised that I am having to set that out. But even that is under challenge today. Even that is under challenge.

And the holder, Madam Speaker—from time to time—of the post of Principal Auditor is no exception to that rule. He is no different to all of us, Madam Speaker.

And hence, Madam Speaker, the huge importance of the rules that I referred the House to in my address on the first day, when I dealt with the legal underpinning of the role of Principal Auditor: what the Principal Auditor can comment on according to the law; what the Principal Auditor cannot comment on according to the law. Not because the Chief Minister and the Government do not like what is in this report. Not because the public might be fascinated by this sort of comment and that sort of comment—we will deal with all of that, Madam Speaker. But it has got nothing to do with hon. Members in this place on that side or on this side. This is law which is beyond us. This is judge-made law from the turn of the century, all through the last century and this century. This is interpretation of what those powers are—where, if you stray beyond them, you are not acting as a Principal Auditor, because that is not what a Principal Auditor can do.

And to an extent, Madam Speaker, these are not just obligations on public auditors; they are also obligations in respect of all auditors, even commercial auditors, Madam Speaker. But here we are dealing with public auditors. Public auditors have protections under, for example—in our case—the Constitution, that a commercial auditor does not have.

So, it is very important, Madam Speaker, that I remind the House of that relevant legal backdrop. It is essential that I do so. I remind the House, Madam Speaker, that I told you in the case of *The Crown v Roberts* in 1908, Lord Justice Farwell clarified specifically that auditors cannot exercise control over questions of policy but are entitled to challenge administrative actions—auditors generally, auditors generally. And in that case, Madam Speaker, the judge actually went on to illustrate his distinction. He said that the establishment of a works committee—sounds like a Public Accounts Committee—the establishment of a works committee is a policy matter beyond the auditor's remit, whereas the payment of abnormally high wages by such a committee falls within the scope of administration and cannot be scrutinised.

So, Madam Speaker, in the same way, the establishment of a Public Accounts Committee is not a matter for an auditor. It is the issue of what a committee does with money that an auditor is able to address—if a committee like that were to deal with money. Not whether, or if, such a committee should—or, indeed, quoting the report, *must*—be established.

Ironically, Madam Speaker, although that rule which I referred you to in *Roberts* relates to auditors generally, it was actually in a case about a public auditor under the Public Health Act in the UK. In another case, *Roberts v Hopwood*, it was confirmed that auditors are bound to ensure that payments are lawful and proper but must refrain from interfering with policy decisions. One hopes, Madam Speaker, it was a different Roberts, and that he did not have to be told twice by the High Court.

That case applies directly, Madam Speaker, and therefore applies as much to private-sector auditors as it does to our public-sector auditor. It applies, Madam Speaker, to the output that we are reading in the report before the House.

That which has been codified, as I told the House, Madam Speaker, at Section 6(2) of the UK National Audit Act 1983, which, I told the House, explicitly stipulates that the power to examine by an auditor in the UK shall not be construed as entitling the Comptroller and Auditor General to question the merits of a policy objective of any department, authority or body in respect of which an examination is carried out.

You will also, no doubt, remember, Madam Speaker, that this has also been set out in Section 7ZA(5) of the 1983 Act in the UK, which makes clear that the Comptroller and Auditor General is not entitled to question:

(a) the merits of the policy objective of any relevant authority in respect of which an examination is carried out; or
(b) the merits of Government policy.

Codification in the UK of the common law as it was and is in respect of Gibraltar—that is why the Gibraltar principle says: I look at the UK codes because, although we do not have the same exact statutory provision, those statutory provisions are born from the same exact common law principles that apply.

You will recall, Madam Speaker, this is also, in fact, reflected in the NAO Code of Practice—which is the public auditors' Code of Practice that we are told auditors, public auditors around the Overseas Territories, look at. That Code, at 1.7, says it is not part of the auditor's responsibilities to question the merits of policy; and at 3.13, in reviewing the audited body's value-for-money arrangements, it is not part of the auditor's function to question the merits of the audited body's policy decisions.

Could not be clearer, Madam Speaker.

So, with that refreshed in our minds, let us turn to the report and look at what it says and how it has transgressed those lines.

The report says this: 'The Public Accounts Committee is a key institution of parliamentary systems around the world, especially in countries that operate under the Westminster Parliamentary model.' Madam Speaker, this is at paragraph 6.3.3.

> When comparing Gibraltar to other similar-sized and smaller Overseas Territories, such as St Helena, for instance, with a population of less than 5,000, it is notable that all have established Public Accounts Committees within their parliamentary structures. Gibraltar is currently the only UK Overseas Territory without this committee. I am aware and respect that there is not full support in Parliament for setting up a Public Accounts Committee in Gibraltar. Nevertheless, I must again insist…

—it is an important word, Madam Speaker—

> I must again insist and call upon Parliament to consider setting up this Standing Committee of the House to further strengthen accountability, transparency and responsible financial management.

Madam Speaker, there can be no clearer statement which offends both of the key principles I have just taken the House through: in terms of comment on matters of policy—that an auditor's report should not stray into matters of policy; and that a Principal Auditor, as I told the House on the first day when I went through, in particular, *Porter and McGill*, must be independent and impartial and must be seen to be independent and impartial. Nothing could be clearer, Madam Speaker.

And so much then, Madam Speaker, for the report referring to the author respecting the views of parliamentarians, because it is not, Madam Speaker—as the report says in paragraph 6.3.4—that there is

> not full support

in the Parliament for a Public Accounts Committee, because to say there is

> not full support

suggests that there is majority support, but not unanimous support. But that is not the position, Madam Speaker: there is no majority at all in this Parliament for a Public Accounts Committee, let alone unanimity, Madam Speaker. But the author of the report has not respected that; the report does not respect that. The author has not respected that policymaking is the prerogative of the House by majority—which is the established way that legislatures work in democracies, not just in the Overseas Territories, bigger or smaller; in the Commonwealth, bigger or smaller; in the world, Madam Speaker.

Since a man sat on a rock in central Greece and explained the principle of democracy, it has worked on the basis that the person who has more is the one that sets the policy. And—sorry to go back to basics, Madam Speaker, on democracy—but I do have to remind the House, and some elements of the public, I think, of the basics, because some people seem to have gone off on tangents suggesting that the Principal Auditor, from time to time—whoever he may be—is the only person in town who speaks from St Peter's Chair and cannot be challenged.

So, having corrected that already and shown that public auditors are challengeable in court, people, it appears, need to be reminded of how democracy works. It is a numbers game. It is a majority game and here, the author of the report has not respected the legislative majority, Madam Speaker. He has not respected the policymaking prerogative of the executive branch.

And what is worse, Madam Speaker—much, much worse; much, much worse—the author of the report has not respected the electorate. The report does not respect the obligation not to question policy. It falls on the side of one party over another and, in that way, it also fails the test of bias.

And then, to make matters even worse, the report fails to respect the public—the electorate—and their choices, for the reasons I am going to show, Madam Speaker because, indeed, everyone in this place, at least, will remember what the parties represented here have had to say on this subject at successive general elections, I assume. It is a key dividing line between the political parties; a key issue that has been debated in the programmes on the national broadcaster in the run-up to the general election.

Hon. Members, I assume, need not be reminded that the GSLP and Liberal parties have consistently taken the position that a Public Accounts Committee in Gibraltar is unnecessary. In our last election manifesto, we said this:

> The policy (that niggling word again, Madam Speaker): the policy of the GSLP–Liberals on the establishment of a Public Accounts Committee in the Gibraltar Parliament remains unchanged. In the past, such a committee existed for only one term because it became clear it was not suited to the size of our democracy and the way that our Parliament works. The Gibraltar Parliament already enjoys the power to examine expenditure in detail, both during the Budget debate and outside it. It is important to stress that the GSD do not make full use of the tools available to them at the moment in this respect. The establishment of a Public Accounts Committee chaired by an Opposition MP would lead to controlling officers and other civil servants being grilled in public by the Opposition. We believe that Ministers should be answerable to the electorate in Parliament for the performance of their departments and that civil servants should not be on the front line. We want to shield public servants from this unnecessary and unpleasant cross-examination.

Hon. Members opposite took to the people a dramatically different view in the last election manifesto. The GSD said this—the last election manifesto, which again did not prevail: the fourth consecutive failed GSD manifesto, which contained, for the fourth time, this policy which was rejected by the public. I think it was contained in every GSD manifesto since 1992—when they win elections they do not implement it; when they lose elections, they still have it.

> We are the only UK Overseas Territory without a Public Accounts Committee.

That is in their manifesto, Madam Speaker but actually, does it not sound a lot like what I have just read you from the report, Madam Speaker? Look at what the report says, Madam Speaker:

When comparing Gibraltar to other similarly sized and smaller Overseas Territories, such as St Helena, for instance, with a population of less than 5,000, it is notable that all have established Public Accounts Committees within their parliamentary structures. Gibraltar is currently the only UK Overseas Territory without this committee.

The GSD manifesto reads like the Principal Auditor's report—hang on, Madam Speaker, the Principal Auditor's report came later; I should have corrected myself—the Principal Auditor's report reads like the GSD manifesto:

'We are the only UK Overseas Territory without a Public Accounts Committee.'

That is the GSD manifesto, Madam Speaker - I know it is confusing. I want to make sure you know which is which.

We will ensure the establishment of a Public Accounts Committee in Parliament to scrutinise Government expenditure.

—sounds a lot like, Madam Speaker, the thing that I just read you from the Principal Auditor's report:

I must again insist and call upon Parliament to consider setting up the Standing Committee of the House to further strengthen accountability, transparency and responsible financial management.

Almost interchangeable.

And then their manifesto goes on:

The Public Accounts Committee will be chaired by a Member of the Opposition. The GSLP–Liberals have refused to establish a Public Accounts Committee and are philosophically against its creation.

At least they have understood that now, Madam Speaker.

If the Opposition refuses to participate in such a committee for their own party-political reasons.

—that is to say, our deeply held beliefs—

we will

—I continue quoting—

appoint a majority of independent persons to serve on the Public Accounts Committee and it will be chaired by a person independent of the Government.

That is their manifesto.

Well, Madam Speaker, against that backdrop, when you have seen the two manifestos and I have shown you how similar the GSD manifesto—Madam Speaker, to what the Principal Auditor's report said for 2018/2019 on that subject—I assume it was not surprising to anyone that that recommendation drew a sharp response from me, because I had to say this in public, and it is fundamental that I set out what I said in public here on the record of Hansard.

I have sought and won,

Madam Speaker, I said,

on four separate occasions, the support of the Gibraltar electorate for a policy on the Public Accounts Committee. The role of the Principal Auditor is to audit the public accounts of Gibraltar independently. It is not, on any interpretation, Madam Speaker, to give his opinion on what policies the Government should or should not adopt—especially when the view he decides to remark upon is party-political and against the express policy of the

> Government which the public have selected at a general election 20 months ago. This illustrates the former Principal Auditor's party-political bias to an unprecedented degree.'

That is a Government press release, Madam Speaker.

But, in fact, Madam Speaker, a full and proper analysis should not end there, because, returning to what the report says, there is reference in it by the author as follows—which it is important we look at—at 6.3.4, and I have read this before, but it is important I read it again:

> I am aware and respect that there is not full support in Parliament for setting up a Public Accounts Committee in Gibraltar.

Well, I have looked at this business of the 'full support'. Nevertheless—three key words then appear, Madam Speaker—

> I. Must. Again. Insist.

Those are imperative terms, said to us by the constitutionally independent Member of this Parliament, that is the Principal Auditor from time to time. He says:

> Nevertheless, I must again insist and call upon Parliament to consider setting up the Standing Committee of the House to further strengthen accountability, transparency and responsible financial management.

There is a reason, Madam Speaker, for the author's use of the word 'again'—again. In fact, Madam Speaker, perhaps you might want to cast your mind back, and you may recall that in the 2017/2018 report—which was delivered in one bundle of joy with the 2016/2017 report—there was also a reference to a Public Accounts Committee. In fact, Madam Speaker, it was in a slightly different style but to the same effect as the 2017/2018 report. In that report—the earlier report—the reference was as follows, at 6.3.5:

> As Principal Auditor, I cannot disagree more with the Commission on Democratic and Parliamentary Reform's conclusion and recommendation to Parliament. The Commission's view that a Public Accounts Committee is unnecessary, given that Opposition Members have the opportunity to examine Government expenditure and debate the Principal Auditor's report, is, with the utmost respect to the Commission, fundamentally flawed.

Well, Madam Speaker, the Commission was set up to advise the Parliament on policy. The Commission was not *ultra vires* in giving that opinion. The 2017/2018 report was *ultra vires* in containing that opinion. The 2018/2019 report is *ultra vires* in containing an opinion in respect of policy matters.

But how disrespectful, Madam Speaker, of the author of the 2017/2018 report of a Commission that was established with Adolfo Canepa as its head—a man who has been Chief Minister of Gibraltar, Leader of the Opposition in Gibraltar, Minister in Gibraltar, Speaker in Gibraltar, Madam Speaker. Incredible, Madam Speaker.

The Commission reasoned its views. It included not just Adolfo Canepa; Mr Charles Gomez; the Hon. George Mascarenhas; Mr Robert Vasquez, then QC, now KC; and the Hon. Fabian Vinet—three established and long-serving parliamentarians, all with extensive Government experience. One of them, Mr Vinet, having defended manifestos that called for the establishment of a Public Accounts Committee. One of them, Mr Mascarenhas, having been a Minister in the Government that was in office at the time that the Public Accounts Committee was established in Gibraltar. Indeed, so was Adolfo Canepa. Two staunchly independent lawyers, Madam Speaker—Mr Gomez and Mr Vasquez—both of whom have repeatedly failed to be elected to this Parliament when they have sought the support of the public.

So, people with huge parliamentary experience; people who have served in Governments subject to a Public Accounts Committee in Gibraltar and who have defended manifestos for a Public Accounts Committee in Gibraltar; and people with repeated experience of being rejected

by the public in their repeated failed attempts to be elected into Parliament. You cannot call that committee, Madam Speaker—that Commission—an establishment stitch-up by the GSLP, if you tried. One GSD Minister; two AACR Ministers; and two staunchly independent lawyers.

And what does that Commission do? That Commission's report says 'no' to a Public Accounts Committee.

But what does the report do in 2017/2018 and in 2018/2019? Well, in the first one, it says it respects the Commission's opinion but then totally trashes and disregards it—although the Commission's role is to advise on that policy, and the report's role is not to tread on policymaking.

But Madam Speaker, let us look at what the Commission actually said at 2.8 on Standing Committees:

> We have considered whether there is a need for an increase in the number of parliamentary Standing Committees, and whether one of these should be a general-purpose committee. The Standing Orders only make provision for one Standing Committee, that is to say, a Standing Rules Committee. We have also considered whether a Public Accounts Committee should be reintroduced, as it existed from 1980 to 1984. The Committee was composed of two Opposition Members—one of whom was their Chair—and two Government Members. There have been varied views from respondents, but in the main there has been support for a Public Accounts Committee, and there have been suggestions that such a Committee should be chaired by a Deputy Speaker and that backbenchers should form the backbone of that Committee. We are of the view that the 1980 to 1984 Public Accounts Committee proved ineffective, impractical and unworkable, particularly because Ministers were expected to scrutinise and question senior executives of their ministerial colleagues' departments. 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's accounts for every financial year.

That is the advice of a Committee set up specifically to advise this Parliament on its procedures, its Standing Rules, and whether it should have a Public Accounts Committee. That is what the whole House has accepted, Madam Speaker, when we made reference as a Select Committee dealing with these issues—because there was no dissenting opinion there, Madam Speaker—and when we had a Select Committee, the only recommendation we made to the Parliament dealt with backbenchers, with one dissenting opinion, which was the hon. Lady Malin Hassan Naon, who is no longer with us.

Well, Madam Speaker, in his earlier report—not the 2018/2019 report that we are looking at under the motion—in the 2017/2018 report at 6.3.5, we are told by the author of that report why he rejects the Canepa Commission's views. He says this, and I quote:

> I reject it because, in parliamentary debates, much as Opposition Members question Government Ministers on matters raised in my report, the issues are debated at a superficial level.

Says the author.

> In comparison to the probing and extensive scrutiny undertaken by a Public Accounts Committee, although I appreciate there is a certain level of enquiry and debate in Parliament on the Principal Auditor's report, this is not enough and does not go deep enough to scrutinise and report on the many issues raised and areas of concern highlighted in the Principal Auditor's report. As a result, Gibraltar continues to underperform when it comes to legislative scrutiny of audit reports.

Well, Madam Speaker, I assume—I think we can all safely assume and agree—the fact that we are taking enough time over the 2018/2019 report so that nobody can consider that we are being superficial in our analysis of it. No one can argue, I hope by the end of this debate, that I have been superficial in dealing with the issues in the 2018/2019 report.

But Madam Speaker, the author continues to take the view that the Commission's view can be disregarded. The earlier report also says this—Notwithstanding, at 6.3.7:

> Notwithstanding the Commission on Democratic and Parliamentary Reform recommendations to Parliament, it is my view that there is a critical need for a Select Committee, in the form of a Public Accounts Committee, to be established in the Gibraltar Parliament.

Well, Madam Speaker, I must say, with the very greatest of respect, that is a policy view. There is no constitutional power to tell us that view. But he continues:

> I can truly say that this is not only my view, but has been the professional view of all five previous individual Principal Auditors during the last 40 years, whom I have had the privilege to work with.

He tells us.

Well, Madam Speaker, ironically none of them ever said that publicly, because they knew they should not. So, we will just have to take the author's word for it. And, by the way, I do not doubt the author's word that that is what the former Principal Auditors may have told him. But the point is that those earlier Auditors, for 40 years, understood the basic reason why they could not say this in public: because it was policy and not their purview to opine upon. They might have said it after they retired. They might have joined a political party. They might have written a letter to the *Chronicle*. They might have led a political party and called it the Public Accounts Committee Party. They could do all of that, in exercise of their rights as individuals under the Constitution. But, as Principal Auditors, they knew they could not put that into their report. It is Auditor 101, Madam Speaker, that you could not do that.

But the report—the earlier report—actually went on, despite that, and said this at 6.3.9:

> I therefore kindly urge Parliament to give serious consideration to the reinstatement of a Standing Committee of the House in the form of a Public Accounts Committee, following best practice in the United Kingdom, the Commonwealth and indeed every prominent state in the Western world, to oversee Government accounts and ensure transparency and accountability in Government financial operations.

Well, Madam Speaker, that was the earlier report—the 2017/2018 report. Madam Speaker, that report was received by the Government in December 2023—two months after the last Election. The Hon. Leader of the Opposition has been quoted, I think even in this place, as saying that if that earlier report had been published before the 2023 Election, he would have won it.

Well, Madam Speaker, I genuinely doubt that. I mean, an Auditor`s report would not have cured the problems one of his candidates had with anti-Semitism, or the £100,000 of taxpayers' money lost by another one of his candidates on one phone call whilst pretending to be concerned about public money. But that is what the Leader of the Opposition has said: that if the 2016/2017, 2017/2018 report had been published before the Election in 2023, he would have won it.

But, Madam Speaker, with no Election between the publication of that report in December 2023 and the current report, what is it that could have happened, Madam Speaker? Reading the two reports—what happened?

Well, cast your mind back, Madam Speaker, to one of your earliest, no doubt painful, memories of a debate of a motion in this House. On 14 February 2024—the 14th of February, Madam Speaker, a day when he obviously had nothing better to write—the Hon. Mr Clinton moved a motion in part which read as follows:

> This House furthermore resolves that a Standing Committee be created to be designated as the Public Accounts Committee for the examination of the accounts shown; the appropriation of sums granted by Parliament to meet the public expenditure; and of such other accounts laid before Parliament as the Committee may think fit; to consist of four Members, two of whom shall be nominated by the Chief Minister and two of whom shall be nominated by the Leader of the Opposition, who shall be nominated at the commencement of every session—and of whom two shall be a quorum—and with the Chair to be held by an Opposition Member.

Madam Speaker, the House met at 3 p.m. on Monday 26 February to debate that Private Member's Motion. We dealt with a Communication from the Chair—from you—and with a

Ministerial Statement from me. The only other thing on the agenda was the hon. Member's Valentine's Day motion. We started at 3 p.m.; we ended at twenty past eleven at night. We spent eight hours debating up and down and round the Houses.

The House, Madam Speaker, at the prompt of the Hon. Mr Clinton, had—within two months of the report delivered in December 2023—dealt with the entreaty from the author of the earlier report to, in his words, 'kindly urge Parliament to give serious consideration to the reinstatement of a Standing Committee of the House in the form of a Public Accounts Committee', which is what he said in his earlier report.

After eight hours of debate, Madam Speaker, the House found its voice, as ever in a democracy, through the Government majority. Nobody should be surprised at that. On this issue, Madam Speaker, the motion was amended in many respects—because the motion dealt with other issues—but on this issue the motion was amended, and it said this:

> This House furthermore resolves that it is democratically right and essential to respect the fact that at the last Election the electorate selected a very clear <u>policy</u> set out on page 40 of the Election-winning GSLP–Liberal manifesto, which specifically provides that there should <u>not</u> be a Standing Committee created to be designated the Public Accounts Committee.

In fact, Madam Speaker, the House would not have been able to do anything else if it was going to uphold the will of the people expressed in the General Election held only five months before, in October 2023. It would have been a scandal, democratically, if the House had passed a motion which went against the policy of the Government that had won the Election five months earlier—expressly saying it was doing it to defend Public Servants. And Public Servants might have rioted, saying: '*What, now I am going to come to be cross-examined by Members of Parliament when you expressly promised—and I voted for you because you said—we were not going to do that?*' People might have been entitled to say: '*The Principal Auditor puts in the report something he is not entitled to put in the report because it is a policy issue; a Member of the Opposition puts a motion in the Parliament and you accept it, when you procured my vote telling me the opposite*.' It would have been a democratic scandal, Madam Speaker. They, having won the vote and our support for the establishment of the Public Accounts Committee, would have said: '*And, by the way, you have broken your manifesto commitment.*' It is that clear, Madam Speaker. It goes to the root of democratic consent to that extent.

But, ironically, Madam Speaker, when that motion was before the House and it was amended, the House also called upon the Office of the Principal Auditor to investigate, with the full co-operation of the Government, a number of contracts which we argued had been procured improperly. I have the original motion on Valentine's Day from the Hon. Mr Clinton. I have the amended motion of 26 February, Madam Speaker. Nothing has happened after a motion of this Parliament calling for an investigation of contracts improperly procured. When the House calls for that and seeks that from the Principal Auditor, that is no interference with his work, Madam Speaker, to ask him to do something. But nothing has happened in that respect.

But the fascinating thing, Madam Speaker—ignoring that for now at least—the fascinating thing, Madam Speaker, is that the 2018–19 report that we are considering ignores this motion completely, on the Public Accounts Committee. It does not refer to it. It turns a Nelsonian blind eye to a motion of this Parliament. It fails to consider the things that were debated in this Parliament. It does not recite it; it has no regard for it, Madam Speaker—a motion of this Parliament which says the opposite of what the earlier report says and what is in the report now before the House.

It is remarkable, Madam Speaker, that that should be the case. How can the report issued on 31 May 2025 completely ignore a motion debated in this House—of which the author of the report is a Member—and which deals with exactly the issue in question? In fact, the motion before the House was born from a comment in his earlier report asking the House to consider the

establishment of the Committee, and, in fact, his later report deals with it in a manner which is the opposite of the apparently heartfelt recommendation of the author of the report.

Well, Madam Speaker, at least in totally—and, in my view, disrespectfully—disregarding the views of the Commission on Parliamentary Reform, the author of the earlier report—who is the same author of the report that we are dealing with now—at least had regard to it and set out the findings of the Commission and said he did not agree with them, although it was *ultra vires* for him to do so, because all of this is about something that was completely *ultra vires*, outside of his remit. That was a Commission set up by Parliament to report to Parliament.

But what we were dealing with on 26 February 2024—at the specific request of the author of the report who wanted us to consider it, and at the suit of the Hon. Mr Clinton in his motion—is the whole of the Parliament specifically considering, amongst other things, the issue of a Public Accounts Committee and whether it should be established. It led us to an extensive debate. There were lengthy contributions from Members on both sides of the House. I disagreed with the things they said, but we took them into consideration, and we stayed here until almost midnight considering these matters.

A detailed debate was had. The Parliament considered—in its current, post-Election configuration—the question of whether or not we should have a Public Accounts Committee. But even if one had missed that, the matter was widely reported. That is to say, if the Officer of this Parliament—the former Principal Auditor—who urged the Parliament to consider this issue, did not realise that we had a debate on a motion from Mr Clinton—which I do not for one moment expect, but let us assume that he was one of the people who did not stay up to listen to our debate by watching it online, by hearing it; who did not read the Hansard; who did not go back to watch the YouTube of it (although it dealt with him and his recommendations)—the National Broadcaster reported as it was happening and thereafter.

So, on GBC, there is a headline for the day that says:

> Parliament Debates Transparency and Scrutiny of Public Accounts Following Clinton Motion.

That is the GBC headline, and the story says this:

> Parliament has debated the timing of the Principal Auditor's report, as well as the issue of whether the ROC needs a Public Accounts Committee. In a Private Member's Motion, the GSD's Roy Clinton said there was a need for a Select Committee as well as for reports to be published in a timely fashion. Sir Joe said there was not the remotest possibility that the GSLP–Liberals would break a manifesto commitment against such a committee, whilst the Chief Minister said it was shameful for the GSD to suggest the Government had deliberately delayed any reports. An amendment to the motion was put forward by Fabian Picardo which replaced the call for a Public Accounts Committee with a resolution that it is right to respect the manifesto position the GSLP–Liberals were voted in on. The debate continued until 11.20, when the amended motion was approved by Government majority with the Opposition voting against. Parliament has adjourned. Sine Die.

it is out there.

So, the author of the report did not follow the debate in this House—which I doubt, because it was a debate which he prompted in his earlier report. It was on GBC. I do not know—some people might not watch GBC. The *Gibraltar Chronicle*, by then unfortunately the only local daily, also reported, and it issued late at night, just after the end of the debate on the same day—later carried in its print editions, if not for the next day perhaps the one after, but certainly online—the following headline:

> Government and Opposition Pulls Apart as MPs Debate Audit Report.

and the *Chronicle* report—I am not going to read the whole of it—says this:

> If one clear thing emerged from a debate in Parliament on Monday on the Principal Auditor's report (referring to the 17–18 aspect of the report) and calls for a Public Accounts Committee.

It was this:

> In the words of Dr Joseph Garcia, the Deputy Chief Minister, the two sides of the Chamber are "poles apart". The debate was prompted by a motion tabled by GSD MP Roy Clinton calling on the Government to bring to Parliament any outstanding Supplementary Appropriation Bills and to establish a Public Accounts Committee to ensure proper financial scrutiny and oversight of public finances. At the heart of the motion was GSD criticism that deliberately engineered delays in bringing these Bills to Parliament had in turn slowed the work of the Principal Auditor and hindered the Opposition's ability to hold Ministers to account. Mr Clinton's motion also renewed his long-standing call, first made in 2016, for a Public Accounts Committee to be established to allow for in-depth scrutiny of public spending, including by questioning Heads of Department, to supplement the Principal Auditor's work and strengthen accountability. By the end of the session—after a debate that commenced at 3 p.m. and ran late into the night—the motion had been amended entirely. In its place, Chief Minister Fabian Picardo tabled an alternative text that welcomed the Principal Auditor's report and supported his work; commended the Government's support to that end; signalled the Government would bring two outstanding Supplementary Appropriation Bills to Parliament in March; noted that the Government's position not to establish a Public Accounts Committee was a manifesto commitment; noted that contracts to Medoc and other healthcare providers were the subject of tenders and negotiations; and called on the Principal Auditor to conduct an investigation into the legality of the contracts granted by the GSD to Master Services and for the airport tunnel roads and related works. The Government's view was that it was tackling abuse and waste that in large part had its roots in decisions taken during the GSD's time in office, and that many of the criticisms in the audit report highlighted by the GSD had valid and nuanced responses.

It said

> A Public Accounts Committee was not necessary because it was Ministers who should be held accountable for public spending.

That is in the national daily paper. How can it be, then, Madam Speaker, that the report that we are dealing with totally ignores this debate? Totally ignores this debate. That is worse than disrespectful, Madam Speaker, to the House. Seventy-five pages of debate on Hansard—discarded. Totally, utterly, completely disregarded by a fellow Member of the Parliament on the subject that the report directly addresses, *ultra vires*, without addressing the views of the elected Members of the Parliament—those of us in the Parliament who actually represent the people; directly elected by the people.

It is important to remember that, Madam Speaker, because—look—a fourth-term Chief Minister might be made out by some to be something other than the senior, directly Elected representative of the people. But that is exactly what I am. And as Ministers, that is exactly what we all are. And as Members of the House opposite, that is exactly what Members are, Madam Speaker, in Opposition—directly Elected representatives of the people.

And from both sides, Madam Speaker, there were, of course, meritorious contributions, even though I disagreed with theirs. But there were very clear statements—if they were needed, because it is so obvious that it is not needed—but there were very clear statements that this was an issue of policy that we were poles apart on. Policy.

There are too many relevant parts of the debate to quote, Madam Speaker. I am not going to read out the seventy-five pages of the debate—they are there; they are in Hansard; they are on the record. But let us look at what the Deputy Chief Minister said in one part of his intervention—at page 33 of the Hansard for 26 February 2024, at lines 1360 onwards:

> I want to move on now to make a few points about the motion,

says the Hon. Dr Garcia,

> which are in the motion. For the establishment of a Public Accounts Committee—this is an issue, as has been said by all Speakers, which divides the House. The Opposition believe that such a committee is necessary. The Government maintains that it is not. It is therefore a matter of policy, a question of principle. Indeed, as Hon. Members have already heard, there is a commitment in our manifesto not to establish a Public Accounts Committee, and the suggestion that we abandon this commitment, as I said earlier, is obviously profoundly unrealistic. Moreover, it has been the consistent position of this side of the House for decades.

Short, succinct—in the usual approach of the Deputy Chief Minister—could not be clearer.

And then, Madam Speaker, the Father of the House, Sir Joe—speaking on my amendment—brought his then meagre, at the time just fifty-two years of experience, Madam Speaker, to the debate—it is now fifty-three, and growing—when he said this at page 77 of the Hansard, at line 355:

> Well, if the hon. Members believe that because the Auditor may not agree with that analysis of the management, the Auditor is entitled to impose his views on management, on the Government, and get the policy changed, then that is not the role of the Auditor. The role of the Auditor is to make sure, principally, that the money that this Parliament has voted has been spent the way the book says it should be spent, which is the legal authority to use money from the Consolidated Fund.

Clearer statements, Madam Speaker, there could not be, that this is an issue of policy—the thing that Auditors are not competent in law to opine upon.

Indeed, Madam Speaker, Sir Joe even makes clear—should it not have been something that the former Principal Auditor was aware of—that policy is not a matter for Auditors. He does not go into all of the case law that I have had to go into this year, Madam Speaker, but he says: this is a matter of policy, and, by the way, policy is not for Auditors. Auditor 101. Public Auditor 101, Madam Speaker.

Surely, Madam Speaker, the author of the report heard the debate which arose from his earlier report. If he did not know, when he compiled the 2017/2018 report, that this was a matter of policy on which there was a huge division on both sides of the House—which, in fact, he clearly knew—he knew by the time that the report for 2018/2019 was compiled, either from hearing the debate or from reading the GBC report, or from reading the *Chronicle* report.

How can a Member of this House, in authoring and compiling an allegedly neutral, unbiased report which sticks to the issues on which that individual is empowered to stick, fail at least to reflect the fact and outcome of a debate prompted by his earlier report? To quote the author of the report, Madam Speaker—to quote, respectfully and very positively, Madam Speaker, and adopt his own language—I quote the former Principal Auditor, Madam Speaker: 'It beggars belief. It absolutely beggars belief.'

That is so wrong, Madam Speaker, that it unmasks any pretence that the report is somehow fair, impartial or objective. It reflects a failure to address the arguments put on the very subject which should not be in the later report. And all of this—let us remember, Madam Speaker—in respect of a matter which is of policy, and he should never have been considering, let alone opining upon. And which, he tells us, his predecessors took the view of, but never put in their reports either.

Madam Speaker, for the Government, this is a demonstration of unfairness writ large—of a failure of impartiality writ large, Madam Speaker. A demonstration that the report, in this section, emerges as an undeniably partisan document—biased to such an extent that it vitiates its credibility at its very root in a manner that renders it entirely indefensible in every single material respect where it is reflecting opinion. That is, frankly, Madam Speaker, unprecedented in our community and in our democracy.

And it marks a low point from which recovery and the regaining of confidence in the Office of the Principal Auditor can only, in the Government's view, come with wholesale reform of the legislation to ensure that the specific provisions contained in the UK Act are specifically reflected in the Gibraltar Act—that is to say, the provisions preventing, expressly (as already is provided for in common law anyway), any opining on matters of policy, and setting that out specifically in law, as they are in the United Kingdom. We can no longer rely on common law principles alone.

I want to be—sadly, Madam Speaker—very clear about what I am about to say next.

Our trust on this side of the House, and the trust of our supporters who have made up the majority in this House in the past sixteen years, and at least the minority since 1984 in this House, is broken as a result of this massive failure in the report to stick to rules on objectivity, balance, bias and *vires*. The failure of the author of the report to adhere to the clearest applicable principles

on the rules of an Auditor's inability to opine on matters of policy has broken our faith in the current legislative scheme as to the role of the Principal Auditor under the Public Finance (Control and Audit) Act.

In coming days, Madam Speaker—ensuring that our debate on these matters can never again be described, however unfairly and however disrespectfully, as 'superficial'—I will continue to show how wrong the author of this report is also in respect of *ex gratia* payments and procurement rules, and how superficial the analysis contained in the report actually is. How wrong the author of the report is in his superficial understanding of all of those areas is to come.

But what is now clear, Madam Speaker, is that the author seems to have had a less-than-superficial understanding of his own rules and powers—blithely, blithely opining on policy when he is not legally able to do that. And any opinion in that respect should properly be expunged, in our view, as *ultra vires* and contrary to law, Madam Speaker.

And, Madam Speaker, superficially analysing the arguments for and against the Public Accounts Committee and failing to reflect the consideration of the House—of which he was a Member—of a motion dealing with exactly that issue a year before the report now before the House. Indeed, I have seldom seen a piece of work, Madam Speaker, so deficient in its analysis and so unworthy of public presentation. And that, Madam Speaker, is either because the author has intentionally ignored the work of this House in debate on the subject of the Public Accounts Committee, or because the author forgot that debate when he was compiling his clearly *ultra vires* part of his consideration of the policy matters that he is not entitled, in his official capacity, to opine upon.

So, Madam Speaker, what to make, then, of the reiterated call in the report—indeed, insistence—for that Public Accounts Committee? Let us start with the obvious points, because I am not going to just break this down before I set out what I intend to do.

First: a Principal Auditor's independence is directed to the manner in which such an officer conducts audits. To be clear, therefore, Madam Speaker, the constitutionally guaranteed independence of a public auditor does not confer any general competence to propose structural reforms of Parliament. A Principal Auditor's constitutional protection is to guarantee his or her independence in the discharge of the officer's functions, so that he cannot be controlled by me or anyone else. Nothing in the Constitution gives a Principal Auditor a role in shaping parliamentary procedure or recommending legislative reform.

By recommending the establishment of a PAC, it is the considered view of the Government that the report trespasses into policy advocacy, which lies squarely within the prerogative of the Government, this Parliament and the electorate. I repeat once again, Madam Speaker, that Gibraltar, like the United Kingdom, applies public law principles, and a public authority must act within the powers conferred by statute.

I have already taken the House, in significant detail through the course of my speech, to some of the most important legal principles that apply to the discharge of the functions of a Principal Auditor and how such an officer should fulfil his powers and duties in the light of those very same legal principles. As I have had cause already to state in respect of other areas of concern for the Government, the former Principal Auditor cannot assume a function simply because it seems desirable to him. Indeed, a constitutional and statutory officer cannot stretch general audit powers to assume a distinct, expressly regulated function.

Further, Madam Speaker, public Auditors, like judges, are expected to remain neutral, and the common law principle of procedural propriety requires that oversight bodies confine themselves to their statutory remit and lawful functions. In *The Crown v Somerset County Council ex parte Fewings* (1995), the Court emphasised that public bodies must not act in a way that frustrates or distorts their statutory purpose. Here, the insistence in paragraph 6.3.4 of the report that Parliament must—that word is a quote—*must* establish a PAC mirrored almost verbatim the Opposition's manifesto. Moreover, it ignored the motion of 26 February 2004.

Madam Speaker, I know that the Hon. Members opposite do not want to hear the explanations that I have been providing to this House during the course of my intervention on this matter so

far. It must be said, however, that for a report that is prepared by a constitutionally independent officer to espouse a position that mirrors—identically—the policy position of a political party is an extraordinary state of affairs, especially when it is set out in a report which ignores a centrally relevant debate of this House.

The analysis of the Government is that for an audit report to clearly align itself with a political party and with a political view is already an extraordinary state of affairs—even if it was ours, Madam Speaker—which becomes even more extraordinary when one considers that political position is the publicly ventilated position of the Opposition party in Parliament, and that that position is in direct contradiction with the publicly stated political position of the governing parties.

Let us speak plainly, Madam Speaker. The situation is more than just a little extraordinary. It is wrong. It is wrong in law. It is constitutionally wrong. A constitutionally independent officer should fight to preserve his impartiality and stay well above the political fray. Such an officer should always strive not just to be impartial, but to be seen to be impartial, lest the important constitutional office of which he is incumbent is tarnished by politics—as the Office of the Principal Auditor has now been tarnished, in our view, by the report.

And, Madam Speaker, some may consider that this is not really a big issue, but it is. The moment an office is considered to be politically biased, then half—or more than half—of the fair-minded and properly informed electorate may view the report prepared by that office as tainted by political bias. Even if that were not even half of the electorate; even if it were just a part of the electorate—any relevant part of the fair-minded and properly informed electorate—then the office in question has failed to discharge its functions properly. The *Porter and McGill* test is failed.

It is the Government's view that this report fails that test in relation to this matter, abysmally; and that this part of the report falls into disrepute in that respect. That is to say, it fails both as to bias and because it addresses an *ultra vires* matter—namely, policy. It cannot survive legal scrutiny as the fruit of an officer holding the rank of Principal Auditor, who has no power to undertake such comment—and to do so in such an objectively biased manner.

As I said at the beginning of my address on the Government's motion, Madam Speaker, such a situation is highly regrettable because it means that the half of the community that views the office with suspicion will be sceptical about the contents of the report. When that happens—and I am very sorry to say, Madam Speaker, it most certainly has happened with this report—people lose trust, and they lose faith in their institutions. And, as Chief Minister of Gibraltar, this is an intolerable situation for me and for Members of my Government.

It is to protect the dignity of all constitutionally independent officers that I decided that my Government therefore had no choice but to scrutinise the report in this House, as we simply could not countenance those parts of the report that are legally and factually incorrect to stand uncorrected.

And to those who say that we are wrong to bring this motion and spend time on it—especially, Madam Speaker, some commenting lawyers, sometimes the same ones who have repeatedly failed to be elected to this place—I say that they are not just wrong; they forget the cardinal principle that both sides should be heard—always. *Audi alteram partem.* Hear, all sides. If not, Madam Speaker, there is no fairness. There is no natural justice. And there would be no fairness if this report was not challenged in this way—as it is right and essential for us to do—in order to ensure that our rights to be heard, in representation of the people, are not usurped by ill-informed social media comment on a complex and detailed matter, and on which we have been vilified by incorrect information in every respect in this report and by exceedance of jurisdiction by the officer compiling it.

It would be a joke—as we say in Spanish, *un pitorreo*—to think that we live in a place where one person is able to lay information in the public domain and that it cannot be challenged. That was the case at the time of the Inquisition, Madam Speaker, which some of those external commentators might wish us to be back at, with religion at the core of everything and their views unchallengeable. That is not where democracy is today. The fabric of our institutions could tear,

dissolve and break if the Government did not undertake the serious work of correcting the many, many incorrect legal and factual statements in this report.

We cannot accept that the errors, failings and excesses of jurisdiction in this report should go unchallenged. And why would anyone want errors and failings and excesses of jurisdiction to remain unchallenged? Who would benefit from the mistakes—from constitutional officers commenting on matters outside of the remit of their offices? How does that benefit the people? I get that it benefits the haters, Madam Speaker—the anti-GSLP-ers, the anti-Picardo bunch—but the truth would be the victim. And constitutional propriety would be the victim. And the people lose when those things are not properly protected. And however hard the fight, however sticky the argument, I—and we—are here and up for it.

At any rate, Madam Speaker, applying the *Porter and McGill* test, the Government has no doubt whatsoever—none—that a fair-minded and informed observer would conclude that there was a real possibility of bias, given the timing, language and political context of this recommendation.

Additionally, Madam Speaker, in *Secretary of State for Education v Tameside* (1977), a case I have already referred you to, the House of Lords made clear that a failure to properly inform oneself of relevant circumstances renders a decision unlawful. As the House is already aware The *Tameside* duty is rooted in the broader public law principle that decision-makers must consider all relevant facts and disregard irrelevant ones. By including partisan policy advocacy in a financial audit report, the report introduced wholly irrelevant considerations into a clearly defined statutory role.

Even the language is strikingly political. The report says, and I quote, *"I must again insist"*—as though, Madam Speaker, the former Principal Auditor, as author of the report, were empowered by law to force the Government to adopt his policy recommendations. Well, insisting does not change anything, not least the outcome of the motion that arose from a debate on this very matter in February 2024.

Madam Speaker, the former Principal Auditor is no more empowered to force the Government to adopt his policy advice than I am empowered to direct him on how to conduct his functions. It is not a binding finding. But I am entitled to rely on his sticking to his swim lane as much as he is entitled to rely on me sticking to mine. I stuck, and I stick, to mine. The report strays well outside his. It should have remained clearly in its lane, as I have always kept to mine.

But, egregiously, the report not only illustrates an exceedance of a Principal Auditor's remit; it also politicised—heavily politicised—an office constitutionally required to remain impartial. For all the reasons I have highlighted, Madam Speaker, this is highly regrettable.

As a result of all the above, Madam Speaker, leading counsel advises that there is a strong case for this section of the Principal Auditor's report to be withdrawn. He also opines that, as the Principal Auditor's statements to establish a Public Accounts Committee were *ultra vires* of his authority, they exceeded the legal remit in the Constitution and in the Public Finance (Control and Audit) Act, all of which limit a public auditor to auditing accounts, not prescribing parliamentary reforms.

Mr Fisher KC further opines that, by demanding the establishment of a Public Accounts Committee, the report creates the appearance of political partisanship and risks undermining the neutrality of the audit function. On well-established authorities, this represents statutory overreach and apparent bias. Indeed, in the considered expert opinion of leading counsel, there are strong arguments in favour of the Government's views in this respect.

Additionally, we advise that the Principal Auditor's mandate is to examine public accounts independently, not to propose governance reforms or comment on political matters. Recommending the creation of a Public Accounts Committee intrudes into the policy-making domain reserved for the Government, Parliament and the electorate, as I have already said.

Therefore, Madam Speaker, in the considered view of expert leading counsel, the former Principal Auditor's advocacy for a Public Accounts Committee exceeds the legal scope of the office under the statutory and constitutional provisions I have analysed. The Government's response to

such a call demonstrates, *par excellence*, the dangers that flow when a Principal Auditor exceeds his statutory limit and becomes involved in a highly contentious political issue.

It did not escape leading counsel, Madam Speaker, that the position mirrored the GSD's policy almost verbatim and created an impossible-to-dispel appearance of partisan alignment. Indeed, Madam Speaker, the alignment of the report's commentary with the Opposition's manifesto position compromises the neutrality expected of a constitutional and statutory role.

For all those reasons, Madam Speaker, the amendment that I will propose to the motion as drafted will include a reference to this part of the report being rejected by the House as *ultra vires* the power of the Principal Auditor.

Finally, Madam Speaker, it is necessary for me to end my contribution today on this issue, as I must deal with other matters. This is such a seminal part of the report—so unashamedly demonstrating partisanship and overreach—that I have only been able to address this section today. I wanted to ensure, Madam Speaker, that no one can ever suggest we have been superficial in our analysis.

Adjournment

Chief Minister (Hon. F R Picardo): I therefore now seek to adjourn the House to address other pressing Government business and propose that the House should adjourn until tomorrow, 2nd October, at 10.30 a.m.

Madam Speaker: I now propose the question, which is that this House do now adjourn until tomorrow, 2nd October, at 10.30 a.m.

I now put the question, which is that this House do now adjourn until 2nd October at 10.30 a.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn until 2nd October at 10.30 a.m.

The House adjourned at 11.55 a.m.

P R O C E E D I N G S O F T H E

G I B R A L T A R P A R L I A M E N T

MORNING SESSION: 10.31 a.m. – 12.12 p.m.

Gibraltar, Thursday, 2nd October 2025

Contents

The House recessed at 11.25 a.m. and resumed its sitting at 11:37 a.m. 11
Adjournment.....18
The House adjourned at 12.12 p.m......18

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The Gibraltar Parliament

The Parliament met at 10.31 a.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: P A Borge McCarthy Esq *in attendance*]

Clerk: Meeting of Parliament, Thursday 2nd October 2025.

Madam Speaker: Yes, the Hon. Chief Minister.

Hon. Chief Minister (F R Picardo): Thank you Madam Speaker. Madam Speaker, continuing on the issues that arise in the context of the motion standing in my name, which I am addressing, I now want to turn to another principal area of concern for the Government. One that is referred to in parts of the report, and one that is also often in the mouths of hon. Members opposite, and which I think it is important to also deal with in the context of the timing of Principal Auditors' report.

And that deals with the delays in the publication of the report. Now, when we had the session during the course of the Budget debate before the summer, we had some exchanges about delays in laying of the report. Now, that issue was ventilated at the time. We may need to come back to it in the context of things that might be said by other hon. Members during the course of this debate. I do not intend to go into the question of when reports are laid, and indeed it may be that we are able to resolve the issue that has arisen in that respect by discussion and establishment of a convention, if that were necessary. I am dealing with the issue of publication of the report, when a report is ready.

Madam Speaker, this is an area of concern that in our view has at times been used or manipulated by others, some of them in this House, some of them outside of this House, to pretend that they can inflict political damage on the Government because a report for 2018-2019 is published in 2025, because reports for 2016-2017 and 2017-2018 are published in 2023, as if the Government had something to do with the fact that there is now a backlog of reports. And I say now advisedly, Madam Speaker, because there has not been a backlog in respect to the preparation of these reports before. There has now, again importantly, now arisen a backlog in the preparation of these reports.

Madam Speaker, in fact the Hon. Leader of the Opposition has been keen to repeat at every possible opportunity that the delays in the publication of the report arise from the Government. Indeed, I recall reminding the House yesterday that when we saw the publication of the 2016-2017 and the 2017-2018 reports, which were bundled into one report, the Hon. Leader of the Opposition said in this House and outside of this House, that if that report had been published before the General Election, it would have been clear that the public would have supported his party and not our party. And I said yesterday the reasons why I thought that was in fact never going to have been the case, but that is an issue which is of course at large.

But let us look, Madam Speaker, at this allegation that the Government somehow stands in the way of the publication of these reports. Madam Speaker, none of the theories that anybody has advanced about why these delays are occasioned by the Government has any root in truth whatsoever. None whatsoever.

And indeed, Madam Speaker, I reminded myself yesterday that the debate of the 26th of February 2024 also dealt with those issues raised on the motion that Mr Clinton wrote on Valentine's Day of 2024, and which in its first recital or preamble referred to the delays in supplementary appropriation bills and how this was delaying the publication of reports, etc. Utter nonsense, Madam Speaker, for the reasons that we set out so clearly during the course of the debate on the 26th of February of 2024, and which I will go through again. Madam Speaker, as the House is perfectly aware, the annual accounts for the financial year 2018-2019 were submitted to Parliament by the Principal Auditor with a date of the 31st of May 2025.

That is the date on which you finished them, but we have dealt with this question of when they were actually brought to the House, etc., etc., and you have dealt with that also in rulings, Madam Speaker, so I do not intend to go behind that. All I am interested in establishing for the purposes of this morning's contribution is to say this is financial year 2018-2019, and sometime in May or June 2025, we receive the report in this House. That is a delay of six years, Madam Speaker.

Six years and three months, Madam Speaker, because the financial year ends on the 31st of March 2019, and the report arrives in this House May/June, June 2025. Now, Madam Speaker, that came nearly four years, not six, four years after the accounts were submitted to the Principal Auditor by the Accountant General on the 28th of July 2021. And that was following the enactment of the Supplementary Appropriation 2018-2019 Act 2021.

So, in Mr. Clinton's theory of the world, which he advanced in his motion on Valentine's Day of February 2024, it is the terrible Government that is not passing the Supplementary Appropriation Act, that is standing in the way of the Principal Auditor doing his work and the publication of his work. Of course, like most of Mr. Clinton's theories, if not all of them, it is completely nonsensical and failing to understand reality, Madam Speaker. It is important that I highlight that to the House, Madam Speaker.

Indeed, I should point out, so much time effluxed that the man who was the Accountant General had become the Financial Secretary by the time that the report for that year had been laid in this House and provided by the Principal Auditor. That, Madam Speaker, delay from 31st of March 2019 to June 2025 represents a record for the author of the report, perhaps not one he wants to be proud of. It is the longest recorded delay between the publication of a Supplementary Appropriation Act and the submission of audited accounts to Parliament by a Principal Auditor.

The longest recorded delay. So it is not that the Government fails to pass the Supplementary Appropriation Act and this is what is standing in the way of the Principal Auditor bringing us his report, the Clinton theory of the world, Madam Speaker, in respect to this matter. It is quite the opposite.

What we can show now, empirically, is that chronologically the record shows that actually the author of the report holds the record for the longest period of delay between the actual passing of the Supplementary Appropriation Act in 2021 and the submission of the report. And the 2021 Supplementary Appropriation Act is for 2018-2019. Now, Madam Speaker, let us recall that after 2019 it was not as if things were going swimmingly.

After 2019 we had the world stop and a worldwide pandemic and we take a bit of time to pass the Supplementary Appropriation Act. And is it that at that time the author of the report is ready with it and is saying, come on chaps in the GSLP/Liberal Government, pass me the Appropriation Act, the Supplementary Appropriation Act, because I am ready with my report to lay it on the Table or I just need to make some amendments to it to lay my report on the Table. Two years after the close of the financial year.

Not a bit of it, Madam Speaker. Absolutely not. There were still four long years to go.

48 months or more, Madam Speaker. The lifetime of a parliament. Four whole years.

Madam Speaker, I used to go around the estates asking people for four more years. I mean, it is as if the author of the report wanted to go around the estates asking for at least four years to submit his report. A whole four years.

In contrast, Madam Speaker, with previous years, for example, 2014-2015 to 2017-2018, also years when the GSLP/Liberals were in Government. No advance copy of the accounts was

submitted by the Accountant General for 2018-2019, because at the time the Audit Office was still working on the audits for 2016-2017 and 2017-2018. Which, Madam Speaker, you will recall, only came here in December 2023.

Neither was an advance copy of the accounts requested by the Principal Auditor. Historically, Madam Speaker, the submission of advance copies of accounts was part of a long-standing arrangement between the Accountant General and the Gibraltar Audit Office. Historically.

That is to say, not in the time of the GSLP/Liberals, not in the time of the GSD, not in the times of the GSLP, not in the times of just the AACR. This is how it has always worked, Madam Speaker. The advance copies of the accounts have always been passed by the Accountant General to the Gibraltar Audit Office.

Principally, to allow the Audit Office to start work on the accounts. That allowed the GAO, the Gibraltar Audit Office, to begin work before a Supplementary Appropriation Bill has been passed. Because the Supplementary Appropriation Bill brings to this House, in a legislative form, the thing that is reflected in the accounts.

Now, so that we all understand it, there are four phases to accounting that we need to bear in mind. The draft estimate, which is the white book that we circulate to all members at the end of each financial year, by April, by May, so that everyone can see what it is that we are going to debate in the appropriation debate. Then we have the Bill, which we bring to this place, we pass in this place after the budget debate, and we publish the estimates of expenditure.

So, draft estimates of expenditure, the white coloured book, estimates of expenditure after it has been passed by the House, different colour each year. Then, at the end of the year, those draft estimates are collated into an account. Once that account is done, that is what was actually spent in that year.

You can never say what is going to be spent in that year at the beginning of the year. That is why you go from draft estimate to estimate, but you go into the year with estimate. You end the year, Madam Speaker, and you have the account.

The account then produces two things. A Supplementary Appropriation, where you marry up the additional amounts that you needed, which were not in the original Appropriation Bill, because that was based on a draft and then an estimate, and you say, this is what was actually spent for that year. Those are the phases.

Madam Speaker, the Accountant General has always sent the account to the Audit Office, because the account is the final result of the year and then the Audit Office start working on the final result of the year. That is the way it is always happened.

The Parliament has to pass the legislation on the final account of the year, which is called the Supplementary Appropriation for that particular year and once that Supplementary Appropriation is passed, the report can be brought to Parliament. So, what I am demonstrating, Madam Speaker, is that it is not that the Supplementary Appropriation Act is the thing that was stopping the reports from being filed.

What was stopping the reports from being filed was something that was happening inside the Gibraltar Audit Office, not outside it. Not something that was not happening here, that is to say our failure to pass Supplementary Appropriation Bills. That has become irrelevant, Madam Speaker.

Completely irrelevant. Because what was happening was that the standard practise was no longer being followed. The historical practise was no longer being followed.

The practise of the Gibraltar Audit Office receiving the advanced accounts and starting to work on the year. This had been, in my Government's view, Madam Speaker, a perfectly sensible arrangement. I am going to do something that I never expected to do until I started in this debate.

I am going to talk for the GSD Government again, Madam Speaker. For the 16 years of GSD Government, this had appeared to be a perfectly sensible arrangement to the GSD. I commend them for that.

For the 8 years of the GSLP Government, it had seemed a perfectly sensible arrangement to the GSLP Government. For the 16 years of the AACR Government, it had seemed a perfectly

sensible arrangement to the AACR Government. For the 3 years of the IWBP Government, it had seemed like a perfectly sensible arrangement to the IWBP Government.

It continues to appear to me that the GSD, the GSLP, the AACR and the IWBP and the GSLP Liberals were absolutely right. It worked perfectly. In those situations, Madam Speaker, with the Gibraltar Audit Office having worked on the advance accounts, you could have found yourself in a situation where the Audit Office is saying, I have got the report ready.

I have worked on the advance accounts. You need to pass me the Supplementary Appropriation Bill. Otherwise, I cannot bring the reports to Parliament.

And then, Mr. Clinton's view of the world would have been right. It would have been the terrible GSLP Liberal Government not passing the Supplementary Appropriation Bill that was the gate stopping the arrival and the displace of the Principal Auditor's Report. But that was never the case.

It has never been the case. Whilst I have been in Government, and this is a chronological thing, not an opinion thing, that the thing stopping the submission to Parliament of a Principal Auditor's Report has been the failure to pass the Supplementary Appropriation Bill. Never.

Never. And it is therefore wrong and indeed untrue to suggest the opposite. And if anybody suggests that, they will be seeking to mislead the House.

If they got up and said that because they will be telling the House a lie, Madam Speaker. That has not been the thing that has stood in the way of the submission of reports.

In the case of the 2013-2014 and the 2014-2015 accounts, the audits were signed and submitted by the then Principal Auditor, Mr Jimmy Posso, within two months of the relevant Supplementary Appropriation Act being published. In fact, for the 2013-2014 accounts, the accounts were signed and submitted the very next day. These examples evidence, Madam Speaker, that in prior years, the Gibraltar Audit Office had commenced audit work ahead of formal legislative approval of the Supplementary Appropriation Bill.

The long-standing practise of accepting draft or advanced copies of the accounts was, however, formally discontinued by the author of the report in April 2023 for reasons that are best known to him. But let it be clear, Madam Speaker, that it was the former Principal Auditor's decision, it was the decision of the author of the report to decline to accept advanced submissions for the year 2019-2021 or for any subsequent years. His decision, the author of the report's decision, the former Principal Auditor's decision, despite being informed by the Accountant General that the draft accounts were ready.

Ready. Here they are. So the former Principal Auditor took the novel view that had not prevailed since 1969 that under Section 52(1) of the Public Finance Control and Audit Act the submission of accounts refers specifically to the formal delivery of finalised and signed accounts to his office. A view none of his predecessors had taken and indeed, a view he had not taken until then. Yesterday we read in the report that one of the key reasons why we should consider having a Public Accounts Committee was because all former Principal Auditors believed that we should have one.

Well, the fact that all former Principal Auditors took a view on this issue does not seem to have persuaded the author of the report that that was sufficiently compelling to put him in mind of a different interpretation. No. He has a novel view.

A view that prevails from that moment. That this view is novel is a matter for the former Principal Auditor and for him in his capacity as author of the report. It is, Madam Speaker, as novel view that Principal Auditors can opine on policy and take the side of one party over another.

Something that also seems to start to happen about that time. Novel indeed, Madam Speaker. Or as Sir Humphrey used to say to Prime Minister Hacker, very bold, Prime Minister.

A novel and very bold view. Except Hacker always said that. Oh, sorry. Humphrey always said that to Hacker when Hacker was about to hit the wall.

According to the new novel, very bold, Madam Speaker, interpretation, Accounts must be completed including all required adjustments and any supplementary appropriations to cover excess expenditure and submitted, Madam Speaker, within an extended period approved by the

Minister responsible for Finance or nine months. And then the Principal Auditor must be able to start work.

So what in essence the former Principal Auditor did as author of this report was maintain that only fully finalised, signed and completed accounts would be accepted for audit. And he then decided as a result that he was unwilling to accept any submission until the relevant supplementary appropriation bills have been passed. He took that view.

That is not a necessary view. And that is indeed not the, can we put it this way, Madam Speaker, constitutional convention that had developed since 1969 and since 1977 under the legislation, the Audit Act. And this is notwithstanding every predecessor's practise which ensured the timely preparation and publication of previous reports.

Madam Speaker, that is what has caused these inordinate delays. Madam Speaker, I assume that having explained that, the Hon. Leader of the Opposition will be very, very, very, very disappointed in the author of the report because he could have had his report for 2017-2018 long before December 2023 and he could, in his theory of the world, be sitting here if it was not for this novel approach which has led to this inordinate delay because given what hon. Members have said, they have only one person to blame that they did not win the last general election.

I used to think it was the Hon. Leader of the Opposition's failure to understand how badly he was putting together his slate. But no. No, Madam Speaker.

What becomes, in at least the Hon. Leader of the Opposition's theory of the world, blindingly obvious is that the key card that he needed, according to him, which was the 2017-2018 report. He said all these things in the debate on the 26th of February 2024. The key ace that he needed was denied him, not by the terrible Government that he was challenging and needed to replace, but by the novel interpretation of the author of the report who could otherwise have given him his ace with all the party political options chosen by the author of the report in a pro-GSD fashion long before the 13th of October, Friday the 13th of October 2023.

It might not have been such a nightmare Friday the 13th for the GSD if only they had had that 2017-2018 report that they pined about so much. But, Madam Speaker, I am sorry to say it was not me as a brilliant tactician failing to bring the Supplementary Appropriation Bill to this House that stopped the submission of the report. It was, in fact, the novel interpretation of the author of the report as to submission of accounts that denied them of that electoral ace for which they so pined.

So, Madam Speaker, hon. Members, in dealing with this part of what I am saying, might simply say, well look, Chief Minister, it is a matter entirely for the former Principal Auditor to take that view under Section 5(2) of the Public Finance (Control and Audit) Act. I could not agree more, Madam Speaker. It is entirely a matter for a Principal Auditor to interpret his legislation as long as he interprets it in a way that can be read and accepted in keeping with the common law and what the words on the page say.

Of course, it is most certainly a matter for the former Principal Auditor, for the author of the report, to decide. But if he decides it, and he is free to decide it, then they should criticise him for the delays in the submission of the report. Not me.

Let us be clear. They should criticise him for their failure to win the 2023 General Election. Not me.

Or indeed, they themselves should stop criticising each other as they do when the microphones are not rolling about who it was that got all the tactics wrong and chose the wrong candidates. They should now say, well it is a matter for the former Principal Auditor and we accept it was up to him and it did not work for us. According to them.

I think even with this 2017-2018 report, Madam Speaker, or this 2018-2019 report, we would of course have won the General Election. Of course we would because hon. Members opposite did not put up a slate that was ready to govern or that contained people suitable to govern.

And the public saw that and gave us their backing. So we do not challenge the novel approach, the interpretation, as something that is outside the boundaries of what a Principal Auditor can determine. But we want to be very clear that he is the one who is made that novel choice, that

novel decision, that novel interpretation and he is the one who therefore carries the can for the delays in the report. The author of the report before the House today can take this view, contrary to the view of his predecessors, and the current Principal Auditor can take this view or can take a different view. It is a matter for the incumbent.

What is not fair is not appropriate and cannot be tolerated, Madam Speaker, without challenge is that hon. Members should say that we are the ones who are causing the delay. And therefore, Madam Speaker, neither could the author of the report for one moment suggest, therefore, that we are standing in the way of reports. I am not going to go back to 1969, Madam Speaker.

But history matters, especially when you are dealing with what you say, as I say, is a constitutional convention that had been established in terms of the interpretation of the submission of reports. Let us just look at what was happening under them and under us. Under Mr. Jimmy Posso as Principal Auditor, reports were generally completed within 12 to 18 months of year end. Thereafter, completions lengthened materially. The importance of the tenure of Mr. Posso, Madam Speaker, is that it straddles two administrations. It straddles the GSD administration and it straddles the GSLP Liberal administration.

And therefore, it is important to look at that period to show how things changed, not because of the political change in the colour of the administration, but only because of the change of Principal Auditor. Let us look at the factual record. It says as follows:

In 2007 to 2008, in respect of the financial year ended on the 31st of March 2008, the report for the financial year 2007-2008 was laid in this House on the 20th of March 2009. So, one year later. 12 months, Madam Speaker, indeed, I would venture to say it was even less than 10 months. It was 11 months and 20 days; For the financial year 2008-2009, which is the year ended 31st of March 2009, on the 18th of March 2010, Mr. Posso laid his report in Parliament. That is even less. 11 months and 18 days; Madam Speaker, for the financial year 2009-2010, which ended on the 31st of March 2010, Mr. Posso laid his report on the 11th of March 2011. That is 11 months and 11 days, Madam Speaker; For the financial year 2010-2011, which ended on the 31st of March 2011, the report was filed on the 29th of March 2012; For the financial year 2011-2012, straddling the General Election, which ended on the 31st of March 2012, half a year under GSD administration, half a year under GSLP administration, the report was filed on the 5th of July 2013.

The important difference here, Madam Speaker, is that I started to take budgets a little later in the year. Budgets were taken earlier in the year, usually by the GSD, in about May-June. I started to take budgets later in the year.

For financial year 2012-2013, which ended on the 31st of March 2013, by the 11th of July 2014, we had the report; For 2013-2014, ended the 31st of March 2014, by the 26th of August 2015, we had the report; For the financial year 2014-2015, ended on the 31st of March 2015, by the 26th of September 2016, we had the report, Madam Speaker. One year. Under one year. One year and two months. One year and three months. Budgets a little later in the year. J C Posso. Change of Government? No change. A month or two more, because the budget has shifted. Change of auditor, Madam Speaker.

Financial year 2015-2016. Financial year ends 31st of March 2016. Report is filed 30th of January 2019. Almost three years after the end of the financial year.

Financial year 2016-2017. Ended on the 31st of March 2017. No pandemic. Report filed 21st of December 2023. No change of Government. Just a change of auditor. A six-year delay? A five-year delay, because it is 2017-2023. A five-year delay.

Financial year 2017-2018. Ended on the 31st of March 2018. Report, 21st of December 2023. The joined up, bundled report. A five-year delay.

2018-2019. The financial year ended 31st of March 2019. The report was submitted in July 2025. No change of Government. A change of auditor. No change of practise on the part of the Government. A change of practise on the part of the auditor. The chronology speaks for itself.

You can change a Government and still have your reports within a year. But if you change auditor and the auditor takes a novel approach, that is what causes the huge delay. It is a matter entirely for the auditor to take that novel approach.

But the blame for the delay does not lie on the part of the Government. Because the Government is acting exactly as it acted before. Exactly as it acted before.

Offering, tendering the accounts. That record, Madam Speaker, is what we used to say when Latin was allowed in court *res ipsa loquitur*.

The thing speaks for itself. You just have to look at it to see that it is neither the terrible Peter Caruana, nor the absolutely terrible Fabian Picardo, that have stood in the way of audit reports being provided within a year. Madam Speaker, it is even worse for the hon. Gentlemen.

If they are right, which they are not, but in their theory of the world they obviously are, they should have won the 2019 General Election. Let alone the 2023 General Election because they would have had their reports by then.

The things that they say were the things in the report for 2016 - 2018, because there was two in one, which would have won them the election. The things that the Leader of the Opposition blithely said. Sometimes I really do think, Madam Speaker, he does not think things through, or does not analyse things before saying them.

In February, would demonstrate that he would have won the election in 2023. Actually, I report he would have had in time to win the 2019 General Election. Because they relate to matters in 2016, 2017 and 2017, 2018.

And he would have had that by June or July or August of 2019, and the election was in the autumn. That is how much nonsense on stilts we are having to deal with Madam Speaker. Not just in the context of what the report might suggest are the reasons for delay, but in the things that were told by hon. Members are the reasons for delay.

Madam Speaker, forgetting this novel legal approach, leave those niceties aside. The former Principal Order was still working on the 2018-2019 accounts, up to, well the last one we saw I think Madam Speaker was with the very greatest of respect yours, up to quarter past eight in the evening on Saturday the 31st of May 2025. Madam Speaker, when I was at university, I have worked up to the last minute on an essay.

In private practise, I worked up to the last minute on the pleading, and went to court to make sure it is in on time. I have never been six years behind on something I am doing. I have never been working on something for 2018-2019 in May 2025.

And what implications does this have for the 2019-2021, 2021-2022 accounts, which were submitted already to his office in 2024, and they remain unaudited. And this with the Gibraltar Audit Office having full access to our financial records on a daily basis. Now it is not just that we submit the accounts, but they have full access to our financial records.

So why Madam Speaker, we ask ourselves on this side of the House, could anybody pretend that there is a practical need to delay commencement of audit work, until after the Supplementary Appropriation Bill has passed. We ask ourselves Madam Speaker, and I guess hon. Members, if they were true to themselves, would also ask themselves because every other Government, including the one of which the Hon. Leader of the Opposition was a member, has not considered this was necessary and no Principal Auditor has considered this was necessary.

But Madam Speaker, it is not the first time that I have reminded the House of this. I have told the House this already in the course of the earlier motion, when we considered these issues in great detail.

Madam Speaker, having now I think demonstrated empirically, by going through the chronology of that, it is clear that the change of Government from the GSD to the GSLP did not result in any meaningful delays in the submissions of Principal Auditor's reports to this House. I am going to move on to other allegations of reasons for delay that one can read in the report and this is a suggestion that senior public servants obstructed the audit process by failing to respond promptly or adequately to audit queries.

And the suggestion that delays in providing information hindered the audit is progress and transparency. But the report does not show the timeline of those communications between the auditor and those people he is asking the questions of. For example, there is no reference in the

report where the author of the report recites that he has written to the Speaker but has not had a reply.

He does not say, I wrote to the Speaker three hours and 45 minutes before I signed off this report on a Saturday evening and I did not give them time to reply. That would have been the courteous thing to do. To show me the report where you are saying, I did not get a reply 31st of May 2025. I did not get a reply, but I wrote two hours before I could not get a reply anymore. Or to say, I wrote to the head of the Department of the Environment on Friday at 4.15 in the afternoon, a day before he could reply. No, all you are told is, I have not had a reply.

You are also, Madam Speaker, not told. Actually, senior civil servants are very good at responding to me. And sometimes they respond to me at quarter to 11 in the evening when they are not at work, when they do not have to reply to me. But they go out of their way because I am the Principal Auditor to reply to me as quickly as they can. Or they apologise if they are dealing with something important and they cannot reply on time, but they reply thereafter. None of that is in the report.

The report just says I have not had a reply. I have had very great difficulty in obtaining replies. That is absolutely unfair and an untrue reflection of the record.

And to correct that, to ensure that senior civil servants are seen to have acted entirely properly, the Government will publish a timeline of all the communications between the former Principal Auditor and those who he alleges have not replied to him. To demonstrate that replies have gone in. Sometimes replies have been a little slower because of pressure and work, but have all gone in and those which are said not to have been responded to in the current report, because they were sent egregiously late, have been responded to. And we will publish that timeline because it is unfair, Madam Speaker, in the extreme, that it should be said about the hard-working senior civil servants of the Government of Gibraltar that they have failed to reply timeously to a Principal Auditor whose reports are no longer timely.

In other words, the man who takes six years to file his report says that somebody who does not reply in a day is somehow failing.

Madam Speaker, it is very easy to say that politicians lie, that politicians are corrupt, that this, that that. It is all so easy to say that. It is equally easy to say that civil servants are lazy. This plays directly into that prejudice. It is unfair. It is wrong. And will show that it is particularly wrong to have suggested that there were no replies in instances where there were always replies. And if they were delayed, they were delayed for good reason and with apology and with an excellent working relationship between senior civil servants and senior members of the audit office who are in almost constant communication on the work that they are doing.

This does not affect me. It does not affect the political Government. It affects the people we work with, who work as hard as they can for Gibraltar. People who are on grades, who you do not charge overtime, but you are still working at 11 at night, at 1 in the morning.

Sometimes, at that time, replying to a former Principal Auditor and none of that is reflected. Except of course, if you go to the end of his report, where he thanks all the civil servants of Gibraltar who have cooperated so greatly with him. A massive contradiction.

But those unsubstantiated allegations, Madam Speaker, of failure to respond are so unfair that anybody who finds them as amusing as the Leader of the Opposition appears to do, does not deserve to lead the public service in Gibraltar. Because they are not funny, Madam Speaker. They are actually a complete misrepresentation by one member of this Parliament to the rest of the members of the Parliament of the reality of what was happening in the process of the compilation of the report.

And that record must be corrected, Madam Speaker. Because, Madam Speaker, when Moynihan said that everyone is entitled to their own opinion, but not to their own facts, it could not have been more relevant to the report that we are considering. Because it is only by warping the facts and misrepresenting them that the report can suggest anything other than total cooperation on the part of senior civil servants.

Although, Madam Speaker, I have to say, it is remarkable that the former Principal Auditor for this report was asking questions on a 2018-2019 report about things that were happening in the last week of 2025. But so be it. But so be it.

In some instances, when he was asking about things that happened in 2018-2019, he would need to understand that people would have to go back six years to reply to him. Indeed, Madam Speaker, what the record that I have said we will put in the public domain will show is that acknowledgement and replies are typically provided within two to nine working days, many on the same or the next day, and despite the need sometimes for cross-Government input. And where timelines for reply were longer, the causes were proper operational factors, multi-agency inputs, archival retrieval, because the author had taken six years to prepare his report, legal or HR checks, bank holidays and parliamentary sittings, and not any unwillingness to respond in a timely manner. And it is just not acceptable that anybody should be left with the idea that senior public servants in Gibraltar have been anything other than fully cooperative with the author of the report. Far from obstructing scrutiny, officials invited audits to inspect primary records in situ and offered complete access to files. If those offers were not taken up, Madam Speaker, that cannot be laid at the public services door.

And indeed, Madam Speaker, none of those issues ever arose when reports were being published by all other Principal Auditors in a timely fashion. That is to say, when things were being dealt with almost in the year when they had occurred. It is only when the novel approach is introduced that we start to see these excruciating delays when these problems start to happen.

So, Madam Speaker, this entirely falls short of procedural fairness and the collaborative ethos expected in audit engagement. Personal cases, Madam Speaker, were handled properly. The Department of Personnel and Development followed independent occupational health advice, explored reasonable adjustments and alternatives, and communicated outcomes.

That is responsible, proper administration. Finance and governance queries, including large bundles of settlements and historical contracts, were compiled within reasonable administrative windows despite holidays, parliamentary periods, and front-line demands.

Yes, the pandemic.

Yes, Brexit. Especially affecting the very senior civil servants working with me and the Deputy Chief Minister. So, Madam Speaker, claims that the Government engineered audit delays by reducing capacity are also wrong.

Audit office staff are civil servants. Promotions and mobility apply as they do elsewhere. The compliment today is higher, not lower, higher than under the former administration.

And yet, under the former administration, under my administration, we had reports within one year under a different author of the report. So, Madam Speaker, we will find ways to make things easier, of course. And we will even introduce service-level timelines with the Audit Office if that is a good way to go forward.

But not because any of these criticisms are accurate, fair in any material respects. When the public look at the facts and the evidence, and I hope hon. Members here also will look at the facts and the evidence, they will see that our senior public servants and the entire public service have demonstrated cooperation, care and competence in their full cooperation with the Office of Gibraltar Auditors, the Gibraltar Audit Office. The Government therefore roundly rejects the characterisation of obstruction or delay and stands full square behind all of those senior officers in Government, Madam Speaker.

And I think I have demonstrated sufficiently that if hon. Members are now going to get up and just recant the things that they have said before in respect of these matters, they will be seen to be relying only on rhetoric and not on evidence or facts, Madam Speaker. Madam Speaker, I now intend to go on to a different part of the report, which deals with Government-owned companies. But I think it might be, given what I expect the time to be today, I think that might be a convenient moment to break for 10 minutes and return at 20 to 12.

Madam Speaker: Yes, we shall take a short recess, come back at 20 to 12.

The House recessed at 11.25 a.m. and resumed its sitting at 11:37 a.m.

Madam Speaker: Yes, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I am now going to turn to a different part of the report that deals with the question of Government-owned companies. In the section concerning general audit matters, the report is critical of the Government's failure to amend the law to oblige the Principal Auditor to undertake a yearly audit of Government-owned companies. Madam Speaker, in 1997, the then Principal Auditor submitted amendments to the legislation, I assume to the Government, improving the legal basis for public audit in Gibraltar, in addition to strengthening the independent position of the Principal Auditor and that of the Gibraltar Audit Office generally. We know that, Madam Speaker, from the report.

I place reliance on that in respect of what we are told, but of course I am very sceptical now about anything in the report because we were not in Government at the time, the Hon. Leader of the Opposition was, we did not receive these proposals and it may be that that is something that they received.

The proposals apparently also included provisions for promoting greater economy, efficiency and effectiveness in the use of public money by Government departments and other statutory authorities and agencies by way of performing value-for-money audits. And the Principal Auditor states that he has raised this matter with the Government. That is true, Madam Speaker, he has raised this matter with my Government.

Madam Speaker, let me just, before I continue, set the scene a little. Government-owned companies have been in use since the times of the AACR, when a company was incorporated dealing with issues on sands on the eastern side. A number of Government companies were then later established by the AACR also, and after 1996 the GSLP Government continued with the practise of using what one might call wholly-owned Government companies for certain purposes, in particular for asset-holding purposes, not for trading purposes.

The only trading companies as at 1996, I believe, were the GDC, which is a statutory body, it is a company but it is a statutory body, not a company on its own, not a freestanding commercial entity. After 1996, anybody who was an observer during the 1996 election and who had read the manifestos and had seen the leaflets issued by hon. Members defending the principles that the GSD were going to bring into Government in 1996, will recall that they said that they were going to get rid of what they then called the web of companies, they now call it a jungle, they try and find a different word to describe it every 20 years or so, but they describe it in what are negative terms when they are in Opposition and positive terms when they are in Government.

Because, of course, after 1996, instead of getting rid of the companies, they added more companies, and what they had called a web of companies, they now called a corporate structure, the Government's corporate structure. Of course, after they lost power in 2011, they started to refer to the self-same structure as a jungle of companies. So, either the web of companies under the GSLP, or the corporate structure of the Government, you have got to love the middle classes, Madam Speaker, or the jungle of companies, are the companies that the Government owns.

So, the companies that the Government owns, in 1997, we are told, the Principal Auditor approached the Government and said, look, I think I should audit them. The decision of the GSD in Government was not to change the law. Today, we inherited that GSD position.

The GSD's failure to take on the advice of the Principal Auditor in 1997, according to the Principal Auditor until May 2025, is the position that we inherited and is the position that submissions have been made on to me, by the former Principal Auditor, and the position that I have maintained, exactly as it was, under Sir Bob, Sir Joshua, Sir Joe, and Sir Peter. Not an entirely unreasonable position to take.

Indeed, I might say, as the author of the report says, praying in aid, support for his position on a Public Accounts Committee, and all of my predecessors believed the same. Perhaps I misspoke in relation to Sir Bob, because the Public Finance Control and Audit Act is 1977, and I have not researched what it was before, and whether it has changed, but I am sure it did not refer to Government companies. So, Madam Speaker, the annual contribution that the Consolidated Fund makes to Government-owned companies is around £30 million in our time.

In their time, it was more sporadic, and sometimes nothing. So, in expressing his concern that no legislative action had been taken, what the author of the report concluded was that it was clear to him that the Government has little or no political will to modernise the current audit legislation. Well, actually, Madam Speaker, that is not true. That is not true.

The Government does have an appetite to modernise the current audit legislation. It may or may not have an appetite to do it in the way that the former Principal Auditor in his report suggests.

We may actually have a meeting of minds with the current Principal Auditor, and yesterday, in any event, I have already told the House that we are going to modernise the audit legislation, because we are going to bring it up to speed with the UK legislation, in order to make very clear, as the UK legislation does, that an auditor cannot opine on matters of policy. Although we think that is already clearly the law, and nobody can pretend otherwise, but we will put it in legislation. So, I demonstrated in this debate that that suggestion that we are not going to modernise the audit legislation is entirely wrong.

Although, Madam Speaker, I have absolutely no doubt that when I propose an Act, or a Bill, for an Act that modernises our legislation, to make it like the UK legislation, in the respects that I said yesterday, I will be called the worst dictator since Mugabe, Madam Speaker. Because it happened when I reformed the Enquiries Act. I mean, I was told I was threatening the rule of law and all I was doing was bringing Tony Blair's Enquiries Act to Gibraltar.

When I bring the 2013, or whatever it is, sorry, the 1983 Audit Act to Gibraltar, I mean, they might call me a Thatcherite if they like, because it was 1983, and she was in power in the UK, and I am not a Thatcherite, but I have no doubt that they will call me Mugabe instead, Madam Speaker. And only, Madam Speaker, because Saddam did not have a National Audit Office.

I will be the worst thing, Madam Speaker, since Hiroshima. Because I am modernising the legislation in keeping with UK law. And so, having already told the House we are going to modernise, and we have an appetite to modernise, everything that I am going to tell you now that is in the report is obviously wrong. Obviously wrong. But the report quotes this. The lack of support and commitment demonstrated by the Government in regard to modernising and improving the public audit service by way of revising an audit legislation that is 48 years old, added to the human resourcing problems faced by the Gibraltar Audit Office, lead me to think that the Government has very little regard and consideration for the public audit function in Gibraltar.

Well, Madam Speaker, that is an absolutely remarkable statement. Absolutely remarkable because the Government does support changing of the legislation, perhaps not entirely as the former Principal Auditor might have proposed.

The Government has given more people in terms of compliments to the Gibraltar Audit Office than any other Government before. And as I demonstrated before the break, every other Principal Auditor has been able to bring in their reports within a year without having to say, I cannot do it because you do not change the law, I cannot do it because you have not given me enough resources. With less human resources, in a shorter time, reports have been timelessly delivered.

So the first paragraph that I have read, Madam Speaker, can be seen by the Parliament and any fair and objective observer that is not trying to exploit this report for their own pure party political interests as being absolutely unsustainable. Another report paragraph that is absolutely unsustainable. But the author goes on.

> In my view, the present system, whether drafting an enactment of a law relating to the Principal Auditor and his functions, is controlled and managed by the Government, is completely flawed, considering that the Principal Auditor is an officer of Parliament and particularly given his independence under the Gibraltar Constitution.

Madam Speaker, I do not think I have ever read more remarkable words. I am going to read the rest of the paragraph before I comment.

> I am strongly of the view that the draft Public Audit legislation should be channelled through a Select Committee of Parliament, in the absence of a Public Accounts Committee, made up of members from both sides of the House. This would uphold the principle of independence and ensure that the draft Public Audit legislation is fairly reviewed and discussed in advance and thereafter presented in Parliament without the risk of possible manipulation over the changes recommended by the Principal Auditor or delaying the enactment of the proposed Bill in any way.

That is nothing short of shocking. I do not know whether hon. Members realise what is being said to us in this paragraph of the report. But the Principal Auditor should have his laws made in a way that is different to all the laws being made.

That there should be a Select Committee, that we should receive what he sends us, we should discuss how to ensure it is passed and pass it. No other Member of this House is able to suggest that. So, you Madam Speaker, or indeed any other Member of this House, the Leader of the House, the Chief Minister of Gibraltar, comes here and has to persuade that an Act should pass.

He has to persuade his colleagues before it is published so that when he comes here he knows he has the majority. A Private Members' Bill has to come here and they have to persuade the majority. The Speaker, if we were debating a measure, might make a comment.

Ah, but not the Principal Auditor. The Principal Auditor is saying he should send his law as he thinks it should be. It should be considered by the Government and the Opposition together.

Oh, chummy chummy now, because it is the Principal Auditor. And then we pass it, without objection. It is absolutely democratically deficient to think that that is how laws pass in this House.

I am afraid I need to go back to basics again. Laws pass in this House for this community because the people who enjoy the majority of the support of the people vote for them. Sometimes we vote together, sometimes we vote apart because we have different views.

We have different views about Government companies, we have different views about a Public Accounts Committee. We will never accept that a Principal Auditor should send us a law and tell us to make it. That is not Democracy.

That would be Dictatorship from the Gibraltar Audit Office. That is what this frankly democratically despicable paragraph suggests. This is anathema to Democracy.

It is not fair that anybody should think that because we do not do what the Principal Auditor says we should do in passing his laws, we are somehow failing. Of course we want to modernise. Of course we want to advance. Of course we have disagreements. We are human beings. This is a Parliament.

The whole purpose of Parliament is to parley, not to pass that which we are sent from the World Trade Centre to this place to do by a Principal Auditor. Madam Speaker, I am strongly of the view that that would be absolutely inappropriate. Can we have a Select Committee to consider a law? Of course we can.

Can we have a Command Paper to consider a law? Of course we can.

Can we have a debate in this House when we consider a law? Of course we can.

Can we agree provisions as to the law? Of course we can.

We have said we are going to discuss with hon. Members opposite the Housing Act so that they know why we are going to do certain things in particular ways.

Can we find consensus in areas which are of social importance? Of course we can. Can we be told that we have to?

No, we cannot and we never must. Because I can offer hon. Members the opportunity to sit with me to consider any draft Bill, so can any Minister.

And hon. Members have the right to say, Okay, we will come. And the right to say they will not.

Because they take a different view on the subject matter or because they simply want to do politics that way. That is democracy. This, in the report, is not democracy.

This is *auditocracy*. And we will not accept it. It is not democracy.

It is the opposite of democracy.

But let us look now, Madam Speaker, at this question of how this affects Government companies.

> Referencing more specifically the position regarding Government companies, there were 44 such companies and a further 24 companies under the Gibraltar Development Corporation.

The former Principal Auditor was highly critical of the current arrangements, and he goes on to set out what those criticisms are, and I will go to them now. But I just want to remind the House that in the document I said was the second phase of how we do finance, this already appears.

The approved estimates, Madam Speaker, set out in the page that is the Summary of Government Finances, that which they have variously called the Web, the Structure or the Jungle. It is there.

Hon. Members should not look for it in the report. It is in the approved estimates, Madam Speaker. There it is. There it is.

This is about as secret as the fact that I fluctuate in weight, Madam Speaker. It is in a published document in this House.

So what does the report say? At 6.2.2, I am reminded, Madam Speaker, by the youngest member of the Government benches, of course, that this is online on the World Wide Web.

At 6.2.2, the report says this:

> The audit of these public companies is carried out by reputable external audit firms. However, the annual financial audits under the current scope, although acceptable for the purposes of ensuring that the yearly accounting transactions in the company books of accounts are accurately and completely reflected in the financial statements, does not subject the company to scrutiny in terms of adherence to best practise procedures and compliance with Government accounting regulations and procurement procedures.

Because they are not subject, Madam Speaker, to Government accounting regulations and procurement procedures.

That is the whole point of having a company instead of doing it through the Government, as successive governments, including the GSD Government, used to say. And I continue my quote:

> Nor to ensure that value for money is being obtained by each individual Government company.
> These other audit considerations are not undertaken by the contracted audit firms because their engagement, as determined by the Government, is basically to conduct a financial audit of each individual public company.

Of course it is, the word public company there, Madam Speaker, must not be misinterpreted.

They are public companies in the sense that they are owned by the Government. They are not owned by the public on a stock exchange, which is the other way to refer to a public company. At 6.2.3:

> It is because the engagement of financial audits carried out by private audit firms is not extended to allow them to perform compliance and value for money audits that certain aspects of the workings of a company can go unnoticed. What is more, even if independent auditors were to be engaged, not just to certify the accounts show a true and fair view, but also to scrutinise and probe the activities of each company to determine regulatory compliance, and if value for money is being obtained for the taxpayer, the private audit firms would be reporting to the shareholders of the companies, but not to the Gibraltar Parliament.

Exactly. That is another reason why the companies are established.

6.2.4, and that is confirmed, Madam Speaker, as a reason by both the GSD administration and the GSLP Liberal administration. And there is a ruling, Madam Speaker, of an earlier speaker, I think Sir Bob Peliza, confirmed by other speakers in that respect, and that is the practise not just in Gibraltar, but elsewhere. At 6.2.4:

> In my opinion, and in line with the audit of the public accounts of Gibraltar, it makes sense that the Principal Auditor should also be responsible for the audit of public company accounts.

In my opinion, and in line with the audit of public accounts of Gibraltar. Well, we do not agree, Madam Speaker, that this is in line with the audit of public accounts of Gibraltar. Neither are we interested in the opinion of the author of the report, other than in his capacity as a citizen.

This is not an audit opinion, because he is not auditing these companies. He is saying he wants to audit these companies. So, auditors can express an opinion about the things that they are auditing, not an opinion that they want to audit other things.

So, if somebody is going to reply and say to me, ah, but auditors of course express opinions, and auditors' opinions are things that you expect. Yes, of the things that they are auditing, not of the things that they would like to audit. That is a policy matter, Madam Speaker.

And so it continues:

> This would not only ensure that all companies are subjected to a financial audit, compliance audit and performance audit, value for money audit, but of vital importance is that once audited, the company accounts, together with my report, would be tabled in Parliament. This would ensure further transparency and accountability in the use of public monies, which at present does not exist, as filing an abridged and redacted set of accounts for each Government company in Companies House is insufficient for Parliament and taxpayers to know where public money is being spent and if it is being spent efficiently.

Madam Speaker, it is remarkable to read those words. For one moment, I wondered whether they had been written by the Hon. Mr Clinton.

It is exactly the same thing that he says in his voice, and which we say should not be the case. The Hon. Mr Clinton, from a sedentary position, says, I wonder why. Well, Madam Speaker, I too wonder why the former Principal Auditor's report is identical to the things that Mr Clinton says in this House, despite there being a division on policy with this side of the House.

I wonder why. The report reflects the GSD position, rather than saying, Madam Speaker, that this is an area of difference between Members of the House, at least, although it should not even be in the report. It should not even be in the report, because it is an opinion on policy.

And I am not going to take you again to all of the case law that I have taken you to and all of the references on policy. It should not be here, Madam Speaker.

An auditor expresses an opinion as to best practise in respect of the organisations that he audits, not in respect of the things that he would like to audit. So we could not disagree more strongly with this approach, Madam Speaker. We think it is entirely erroneous, and once again, the treading into policy areas by the author of the report. Since their inception, all Government-owned companies have been audited by reputable, licenced, private, external audit firms.

Now, Madam Speaker, under this Government, not a word of positive said, of course, at least we are filing the balance sheets, because the accounts are done. The author of the report does not even recognise that that has been done by the current administration, although it was not done by the previous administration. That is not, Madam Speaker, best practise.

That is compliance with the law, with the Companies Act, an amendment to the Companies Act that was passed in their time in office as a result of a European directive. They imposed it in Government on every company in Gibraltar, and then, without providing exemption in the law, failed to file for Government companies in their time in office. We come back, we take a number of years to catch up, we file the abridged balance sheets, and what do we find next?

Mr. Clinton says, and then magically, the report says, that is now not enough. Madam Speaker, a well-informed, that is to say, a person who has read what Mr. Clinton has said repeatedly in this House, read what he says in the media, and read what is in this report, an objective person, that is to say, they might say, not me, and not one of them, but a third party, a Martian, would say, "there appears to be bias in the way that this is set out". The fact that the Hon. Mr. Clinton and the author of the report are both auditors' changes nothing, Madam Speaker, because the rules on public auditors are the same, that they cannot opine on matters of policy. So, Mr. Clinton can get up and say what he likes as a member of this House, because he is not a Principal Auditor, he is just a member of this House, and he can say what he likes, because that is what he has been put here to say, Madam Speaker, and he can explain why he is saying what he likes, or he cannot

explain it, and I can challenge it, and he can challenge what I say, but a rule applies to the author of this report, Madam Speaker, and it is remarkable that the author of the report does not just transgress the principle that he cannot opine on policy, but that he then transgresses it further and is biased in the way that he sets it out by opining on their policy. That is what is remarkable, Madam Speaker. That is what is remarkable.

Madam Speaker, as I said since their inception, all Government companies have been audited by reputable licenced private external audit firms, and those firms are professionally qualified and capable of delivering audit certificates in accordance with international standards and in line with the requirements of the Companies Act. The obligations are very different when you are dealing with a company as opposed to when you are dealing with a public body, as accounting standards are complex and vary from relative simplicity of cash accounting used by Government to accrual and hybrid alternatives.

And the report, Madam Speaker, references a number of companies, but the figures in the report appear to be also inaccurate, Madam Speaker. The actual current breakdown is as follows: 46 companies ultimately owned by the Government; 17 by the Gibraltar Development Corporation; and 2 by the Gibraltar Savings Bank.

The reference, Madam Speaker, that I am referring to, I believe, is at paragraph 6.2.1 of the report, which apart from being, in our view, inappropriate for all of the reasons I have set out, is in any event factually, arithmetically incorrect as to the number of companies for the reasons I have given. It is not 44, it is 46.

Madam Speaker, qualitatively, what does this mean in respect of Government companies? I am afraid I must once again refer the House to the constitutional remit of the Principal Auditor of Gibraltar under Section 74(1) of the Constitution, which is to audit the public accounts of Gibraltar. And the provision reads as this, as follows:

> The public accounts of Gibraltar and of all courts of law and all authorities and offices of the Government shall be audited and reported on by the Principal Auditor.

And he is authorised to access all the records, etc. The constitutional remit is confined to public accounts and to authorities and offices of the Government. That does not extend, Madam Speaker, to companies.

It also does not extend to a role in recommending legislative reform in his report, Madam Speaker. Of course, the Principal Auditor can speak to the Government and make a proposal, but not in his report, Madam Speaker. And to comment on Government policy in respect of legislative reform.

And the principle of political neutrality, Madam Speaker, as I have already indicated, is essential and a fundamental part of the audit function, which is also breached in what I have read you, Madam Speaker. You will recall for this part, it is important just to be put in mind of, paragraph 3.13 of the NAO Code:

> It is not part of the auditor's function to question the merits of the audited body's policy decisions. And in making recommendations, the auditor should avoid any perception that they have any role in the decision-making arrangements of the audited body.

Let alone, Madam Speaker, insist or say that things must be done in a particular way. So, Madam Speaker, the criticism of the Government in respect of the Public Accounts Committee and not extending the power to Government offends all of those.

So, Madam Speaker, I was therefore a little struck when I read in the 2018-2019 report that it acknowledged that:

> Certain issues raised were not within the statutory authority of the auditor.

And that is a quote:

> Not within the statutory authority of the auditor.

Because that actually is an admission that everything that I am alleging is absolutely correct. It confirms in the words of the author of the report that what I am saying, that parts of the report are ultra vires, is actually his own view too. But he went ahead and did it.

But of course, what that does is show that what is in the report is wrong, is unlawful, and was in some instances intentionally so unlawful. Unlawful because it is contrary to the Constitution. Outside the functions of a Principal Auditor.

We all have our functions, Madam Speaker, in the institutional structure of Gibraltar. You have your function. I have mine. Ministers have theirs. Opposition Members have theirs. Auditors have theirs.

Ours, on this side of the House, is to design policy, to pass legislation, with or without the support of Members opposite, and lead our community.

Any Principal Auditor has nothing to do with policy. Nothing to do with designing laws. He can be consulted by the executive, but his role is not that. His role is to audit all the accounts that the Constitution says he should audit.

Finally, Madam Speaker, it is not as if the Companies Act gave the auditor this power. So if it is not a power contained in the Constitution, it is not a power contained in the Public Finance (Control and Audit) Act, it is not a power contained in the Gibraltar Savings Bank Act, because two of these companies are owned by the Savings Bank, is this a power that is somehow contained in the Companies Act? Is there anything in the Companies Act that says if the shareholder of a company is the Government, then the Principal Auditor is entitled to carry out that audit? No, Madam Speaker, there is nothing under the Companies Act, except for the provision under Section 255, that every company must be audited, and who is qualified to carry out those audits, and none of those references include references to the Principal Auditor.

So, Madam Speaker, in fact, those who audit under the Companies Act are particularly licenced as auditors under the Financial Services (Auditors) Act 2009 to carry out those audits. The Companies Act, therefore, does not include, and by not including, therefore excludes, the Principal Auditor of Gibraltar from being an auditor for company purposes. And, Madam Speaker, the officeholder in the post of Principal Auditor cannot ascribe to himself more powers than the statute gives him.

We looked at that. It is a very simple provision in English law in the Attorney General v Fulham Corporation, that I have told you about already.

They were empowered to create wash houses, but they tried to establish commercial laundries, and the court said you cannot do that. You have got a statutory power to establish wash houses. You cannot extend that power beyond what the statute has given you.

And that is, therefore, ultra-vires and that is exactly the reasoning behind my position on these matters being ultra-virus, the former Principal Auditor, Madam Speaker. We are confirmed in that view already.

Also, in the opinion that we have from leading counsel in London, and for all of those reasons, Madam Speaker, the amendment that I will move in respect of the motion as presently drafted will include a reference to this part of the report, therefore being rejected also by the House as ultra-vires, the powers of the Principal Auditor.

Finally, Madam Speaker, I now have to deal with other matters, and I have to end my contribution on this. Again, a contribution that has once again, unfortunately and disappointingly, had to highlight the unashamed demonstration of partisanship and overreach by the author of the report.

And I need, however, to continue my methodical analysis. I want to ensure that no one is ever again able to suggest that we in this House have been superficial in our analysis of a report, as the

report says. So I will therefore now seek to adjourn the House to enable the Deputy Chief Minister and I and all other Ministers to continue with urgent Government business.

This week and next week involves ministerial travel by me and by other Ministers. I am going to the United Nations, the Deputy Chief Minister is travelling to the Conservative Party Conference, and for that reason, Madam Speaker, the House will not be able to meet later this week or indeed next week to continue dealing with these matters. When we meet again, however, I am happy to advise the House I shall start by dealing with the detailed issue of the ex-gratia payments, which are criticised in the report also so unfairly, because they are properly done and when I finish my analysis I think most people will think that it is the report that fails to demonstrate how proper those payments were rather than the opposite.

Adjournment

Chief Minister (Hon. F R Picardo): So, I now move, Madam Speaker, that the House should adjourn to the second anniversary of the very happy result of the last General Election on 13 October at 10.30 a.m.

Madam Speaker: I now propose the question which is that this House do now adjourn to 13 October at 10.30 a.m. I now put the question which is that this House do now adjourn to 13 October at 10.30 a.m. Those in favour? (**Members:** Aye). Those against? Passed.

This House will now adjourn to 13 October at 10.30 a.m.

The House adjourned at 12.12 p.m.

P R O C E E D I N G S O F T H E

G I B R A L T A R P A R L I A M E N T

MORNING SESSION: 10.30 a.m. – 12.02 p.m.

Gibraltar, Monday, 13th October 2025

Contents

Order of the Day **2**

Standing Order 7(1) suspended to proceed with a Government Statement 2

COMMUNICATIONS FROM THE CHAIR 5

GOVERNMENT MOTIONS 6

Adjournment 21

The House adjourned at 12.02 p.m. 21

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The Parliament met at 10.30 a.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[ACTING CLERK TO THE PARLIAMENT: K Balban Esq *in attendance*]

Order of the Day

Standing Order 7(1) suspended to proceed with a Government Statement

Acting Clerk: Meeting of Parliament, Monday the 13th of October 2025. Suspension of Standing Orders. The Hon. the Chief Minister

Chief Minister (Hon. F R Picardo): Madam Speaker, the sad news will have reached all Members of the House that Admiral of the Fleet Sir Ben Bathurst, the father of His Excellency the Governor Lieutenant General, also Sir Ben Bathurst, passed away peacefully in his sleep in Gibraltar yesterday at the Convent. Our flags are at half-mast today as a result.

At this sad time, I have passed our collective condolences as a people to His Excellency the Governor. I know our thoughts will be with the Bathurst family at this time. The Admiral of the Fleet had been here for a short break and was at the Ceremony of the Keys on Thursday evening.

I am told by His Excellency that the Admiral of the Fleet often commented to his family how many times he had been to Gibraltar, in almost every job he did in the Royal Navy, and how much of a feature in his life the Rock was. As a mark of respect to the last Admiral of the Fleet, except for His Majesty the King himself, and as a mark of respect to His Excellency the Governor and his family, I propose that the House should hold a minute's silence as we commence the proceedings today.

Madam Speaker: Before we do so, did the Hon. the Leader of the Opposition want to speak?

Hon. Dr K Azopardi: Yes, with your indulgence, Madam Speaker, and given the sad news, and before we take the minute silence, may I associate myself with the comments of the Chief Minister from Members of this side of the House. The sad passing of the very illustrious Admiral of the Fleet, of course, is a very sad moment for his family, indeed for Gibraltar, and we also pass our condolences, as we already have, to His Excellency the Governor and all the family.

Madam Speaker: Yes, from my part, my condolences also to His Excellency and his family. The loss of a parent at any age is a painful blow, and I hope that the memories of good times past will be a source of comfort to him going forward. We will now have a minute silence.

Acting Clerk: Communications from the Chair.

Madam Speaker: No, I understand that the Hon. the Chief Minister had a statement he wanted to make. Yes.

Hon. Chief Minister: Madam Speaker, I beg to move Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with a Government statement.

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

Hon. Chief Minister: Madam Speaker, as the House is in session, I have asked your leave to make an announcement here, which the Government considers to be a hugely important one. Since the inception of the post of Gibraltar Representative in London, it has been a direct appointment by the Chief Minister. I have been very grateful for the opportunity to appoint a number of individuals to the role in the time that I have been in post.

Most recently, the post was discharged for 10 years by Mr Dominique Searle. His tenure could not have been more challenging, and I have thanked and thank him again for the work that he did in that time. Dominique ended his work just before the summer break but continues to support us as we transition to new leadership in London.

I am now delighted to announce my new appointee to the post, who I know will enjoy the support of the whole House and the whole community. I am very pleased to announce that I today designate Jonathan Scott, until now of GBC, to be Gibraltar's UK Representative and Head of Gibraltar House in London. Jonathan has informed the Acting Chief Executive of GBC some days ago when his discussions with the Chief Secretary on terms and conditions were substantially finalised.

This morning, he has informed all of his long-standing colleagues at GBC. Having spent almost 20 years at Gibraltar Broadcasting Corporation, the last 12 as a senior journalist in the newsroom, Jonathan has a deep understanding of Gibraltar's community and its political relationship with the United Kingdom. These are the qualities we are looking for in sending a person to London who can be the voice of the Government and the people of Gibraltar before Westminster, Whitehall and the Diplomatic Core in London.

Many will recognise Jonathan as the foundational face and voice, indeed now the face because radio is not just over the airwaves to be heard but also to be watched, of Gibraltar today, GBC's flagship radio on TV news and current affairs programme. More generally, he has been at the heart of the public broadcaster's coverage of the biggest news stories affecting Gibraltar in recent years, including General Election coverage, the Brexit and Abortion Referenda, the Covid pandemic and the treaty announcement in Brussels. Before Gibraltar today, Jonathan was the face of Viewpoint for many years also.

He has calmly and responsibly helped the community understand what is happening, earning a reputation for fairness across the political divide, which I suppose, Madam Speaker, is code for getting under the skin of all sides equally and without distinction, fear or favour. In setting out to appoint a UK representative, I have been looking for someone who enjoys respect across the political divide in Gibraltar and who will similarly be able to engender respect across the political divide in Westminster. Someone who can build relationships with British Members of the Parliament and of the House of Lords, who can help me continue to nurture and then perhaps most importantly transition and hand over the relationship with the British Government, in particular the Foreign Office.

Someone who can get along with people from all Overseas Territories and who can build trust and friendships with ambassadors of all other nations represented in London. In these modern times, I was also looking for someone who can communicate our message using modern technology, and that was no easy search. For that reason, we have had a short interregnum between Mr Searle stepping down and this designation.

I believe I found the right person in Jonathan, given that he is a talented communicator whose work for GBC has made him someone the community and the Government respects and trusts. I am confident he will bring great value to this role, continuing to serve the people of Gibraltar with sensitivity, creativity and energy. Madam Speaker, we have never been closer to the UK.

Both Governments worked hand in glove to deliver the Treaty Agreement with the EU in June. As we build on that relationship further still, the work of our London office will remain as

important as ever. Appointing Jonathan to the role will help me to ensure that the person representing my position in London genuinely understands the big and small key aspects of the politics we want to see implemented as part of the relationship.

This is therefore, in great measure, a seminal moment. We are about to finalise the text of a Treaty for consideration by the Cabinet, and thereafter, if the Government approves it, this Parliament. The ratification of the Treaty in the UK, at the request of this Parliament, should we so request, and the implementation of the Treaty, if it is ratified, will require us to work more closely than ever with King Charles Street and ministerial and official colleagues in London.

That work will be the key aspect of Jonathan's role, as well as the communication of all aspects of that to our many supporters and few detractors in the UK Parliament. I therefore thank Jonathan for taking up this role. It will not be easy.

But Gibraltar grows when Gibraltarians stretch themselves and step out of their comfort zones to serve our nation. I have no doubt that staying at GBC would be easier than moving to London for Jonathan. Jonathan will take up the post in coming weeks and will spend his time between London and Gibraltar, where his family will continue to reside.

So, I also want to thank his family for the changes that they will endure as a result. I, perhaps more than most, together with all Members of the Government, appreciate how serving Gibraltar affects those around us, and I am therefore sure I speak for all Government Members of this House in that respect. Madam Speaker, I have no doubt that the appointment of Jonathan is an excellent one, although I am also clear that I am undressing one saint in order to dress another, as we would say colloquially in Spanish.

So, I know our gain is GBC's loss, and we will of course all want to see the national broadcaster fill Jonathan's shoes properly, however hard that will be. Madam Speaker, additionally, today I am pleased to say that Tyrone Duarte, who has done a magnificent job in the time that he has been Deputy Head of Gibraltar House and Acting Head since Mr Searle retired, will now also step up to take a new and more executive role in our office in London. Ironically, Madam Speaker, overnight Tyrone Duarte has been hosting the Gibraltar Government's reception at the Scottish National Party's conference in Scotland and has been holding talks with the First Minister of Scotland.

Madam Speaker, Tyrone Duarte will become Executive Director of Gibraltar House and Head of Geostrategic Advice. In that role, he will continue to advise me, the Deputy Chief Minister, Ministers, the Chief Secretary and other Senior Officials, and not least of which will be the UK and Brussels representatives. Tyrone is also well known in London on the Westminster diplomatic and FCDO circuit.

His highly distinguished military career is a testament in itself to Gibraltarian's loyalty to the Crown and speaks for itself, gaining him credibility and respect amongst all he deals with, especially those with a background in the armed forces. I thank Tyrone for his dedication and support in the most difficult moments of the past fraught decade. That has always been as much personal as it has been political and professional.

I look forward to continuing working with him and with Jonathan in the period that I will remain as Chief Minister before the next General Election.

Hon. Dr K Azopardi: Madam Speaker, with your leave, can I just say three things on the statement. First of all, may I thank the Chief Minister for giving me advanced notice of the statement which he has just made. I wanted to thank Dominique Searle, at least for Members on this side of the House, associating myself with some of the remarks that the Chief Minister has made for Dominique Searle's work for Gibraltar over the last 10 years. When I read the line, I could hardly believe it had been 10 years already. I have to say I had to read it again.

I think I inscribed WOW next to the line because of the passage of time. Secondly, Gibraltar and GBC lose a consummate journalist and professional at GBC. But while it will be GBC's loss, I hope it will be Gibraltar's gain.

Certainly, on this side of the House, we see Jonathan Scott as a very dedicated professional, someone who has for many years proven his worth at GBC and a very intelligent and capable

individual. I hope he will fulfil his role in an excellent way for the Government of Gibraltar in this important time and indeed going forward. On Tyrone Duarte, may I also say that we look forward to seeing his new role develop and wish him all the best in his role.

I am not sure that I took from the statement precise timings of when these roles would take place. So, I am not sure the Chief Minister can indicate when the roles will in fact happen.

Hon. Chief Minister: Madam Speaker, I am grateful for the hon. Gentleman's remarks about the appointment we are making of Jonathan Scott and the work being done by Tyrone Duarte. Indeed, a decade is a very, very, very long time in politics. A decade and a half is particularly long.

But in terms of the appointment, I've said designate because Jonathan Scott is giving notice to GBC. There are, of course, important periods to be worked out there. After today's announcement, of course, it is very likely he is not going to be taking a frontline role and interviewing him or me, I am sure.

But there will be mechanics that have to be worked out. The Chief Secretary and Mr. Scott have already been able to hammer out, I think, most if not all of the terms of the contract. And I would therefore expect that we will see Mr. Scott taking up the role as soon as possible in coming weeks. With Mr. Duarte, I expect the change of role to be sooner than that. It is just a question of finalising slight changes to the job description.

COMMUNICATIONS FROM THE CHAIR

Madam Speaker: All right. Before I invite the Hon. the Chief Minister to continue with the debate, I just wanted to say a short few words. This session of Parliament commenced on Tuesday, the 23rd of September with a suspension of Standing Orders to allow for a motion to be moved.

As of today's date, Parliament continues to deal with that motion. On Thursday, the 2nd of October, the Opposition issued a press release commenting on the debate. The story was carried by GBC News on the same date and by the Chronicle on Friday, the 3rd of October.

Let me begin by saying clearly that it is not improper for the Opposition to issue press releases during a parliamentary debate. That said, any press releases must be done responsibly and in a way which does not interfere with the integrity of the debate. There is one particular aspect of what the Hon. the Leader of the Opposition has said and has been reported as saying that gives me cause for concern.

In their press release, the GSD called for a proper debate on the Principal Auditor's report and stated that *in no other sophisticated Parliament would this manipulation of the calendar be possible*. On the same date, GBC carried a story in which it reported that *Mr Azopardi accuses the Government of manipulating the parliamentary calendar* and that, according to Mr Azopardi, no *other mature Parliament would allow this*. I have discussed this with the Hon. the Leader of the Opposition, who assures me that he has been misquoted by GBC and that is not what he said.

I accept the Hon. the Leader of the Opposition's word unequivocally and would respectfully remind GBC of the importance of quoting accurately in their reports. Returning to the press release, calls for a proper debate on the grounds that this debate is one-sided gives the impression that Parliament is allowing a debate which is improper. That is not so.

As all hon. Members know, every debate starts with the mover speaking on the motion they are presenting. Parliament allows them the time they require to speak on it. That is the stage we are at in this debate.

When the mover has finished, the Opposition, normally beginning with the Leader of the Opposition, if the mover has been the Chief Minister, will reply. They will have as long as they require to make their reply. Thereafter, any other hon. Member from either side who wishes to speak may do so.

To imply that Parliament is not allowing a proper debate or that the debate is one-sided because we have only heard from its mover is incorrect and casts improper aspersions on Parliament. Comments that in no other sophisticated Parliament would manipulation of the calendar be possible may give an erroneous impression. The parliamentary calendar has always been set by the Leader of the House to accord with Government business.

As Members well know, Parliament does not set the calendar. hon. Members may advocate parliamentary reform but may not imply that Parliament does not conduct its business properly. In the lively political arena, criticism of the other side is permissible, but criticism of the conduct of Parliament is not.

I do not ignore that these comments were made outside Parliament, but if made by Members of this Parliament, all Members owe a duty to uphold the integrity of Parliament. Imputations which may impact upon the integrity of Parliament derogate from the legislature and must be avoided.

We will now proceed with the motion. The Hon. the Leader of the Opposition. Sorry, The Hon. Chief Minister.

GOVERNMENT MOTIONS

Hon. Chief Minister: Thank you, Madam Speaker. I was not going to fall for that one and I will not be doing that job again. I will hang on to the record of being the person who did it for the shortest period in our history.

Madam Speaker, before I turn to where I was on the motion, I feel, without knowing that you were going to make this ruling, I feel it is important for me to comment on things which have been said outside of this place since we last met to consider the issue of the motion. Those are two separate matters which have happened in that interregnum. That is, first of all, the statement which has been issued by Members opposite, which is what you have dealt with in the context of your ruling.

Second, remarks made outside of this House by Members of the Commission on Parliamentary Reform, which we call the Canepa Commission for shorthand, about the question of a Public Accounts Committee being established. Those were comments which were made to the National Broadcaster also. Madam Speaker, I will start with the statement issued by the party of Members opposite.

Madam Speaker, the statement that was issued by the GSD said that we were using the report as a pretext to say that the GSLP will pass a law to constrain the Auditor from commenting on certain issues. The quote there is:

> As a pretext to say that the GSLP will pass a law to constrain the Auditor from commenting on certain issues.

It goes on to say:

> That this is a self-serving lack of transparency and covering of tracks on speed. It is also just a further attempt to gag future criticism, and people are entitled to wonder why the GSLP are so nervous.

That is what the hon. Members opposite have said in a public statement outside of this place. Needless to say, Madam Speaker, the first thing that I have to reply to is that hon. Members opposite seem to have forgotten that this is a GSLP Liberal Government.

Having lost four Elections to us on the trot, one would have thought that they knew who they were losing to. But it helps to show the public, Madam Speaker, how unprepared they are, that they cannot even get right in their press releases the name of the parties that they have been facing since 1999 when Joseph Garcia was first Elected as part of the By-Election. And indeed,

Madam Speaker, on substance, the reality is that hon. Members opposite have done exactly, exactly as I predicted when we were last in Parliament and I said that we would amend our law.

It is not a good thing in politics to be predictable, Madam Speaker, in certain respects. Because if your enemy can predict exactly what you are going to do, it means one thing in local politics, it means a hell of a lot more in international politics. A hell of a lot more.

Madam Speaker, as I told the House when I last addressed it in respect of the amendment that we are committed to bringing, it would be one to equate the law of Gibraltar on public audit practise with the law of the United Kingdom on public audit practise, at least in relation to explicit references to non-opining on matters of policy. In fact, as I already said, that is already the law in Gibraltar as a matter of common law. We do not need to change the law.

That is the position in common law. But, given that it appears that the position in common law has not been sufficiently clear, we will have to do as the United Kingdom has done, not Eleutheria, a notional country that might not be committed to principles of transparency, but the United Kingdom. And all we would be doing is making Gibraltar law exactly the same as the UK law in that respect, which is ironically exactly the same model that the former Principal Auditor and author of the report has been asking us to pursue.

That is the modernisation. But of course, when I say it, what happens? When I say that we are going to change our law to the modern UK standard in a particular respect, Members opposite, exactly as I predicted they would, lash out at us and clearly without thinking, which is hugely dangerous in politics not to think your steps and your positions through, they accuse us, and this is another quote:

> of a self-serving lack of transparency and covering of tracks on speed, and of a further attempt to gag future criticism.

Madam Speaker, I guess that is what they think of modernisation, and that is what they think of the UK law. I have already read on a number of occasions the 1983 UK statute and the standards that apply.

I am not going to read them again. That is what I said we were going to do in Gibraltar, apply the UK standards. What do they tell us?

That that is an attempt to gag future criticism. When they have also told us that they support the former Principal Auditor's call for us to modernise our law, and he has asked us to make that law. It is just nonsensical Madam Speaker, and the nonsense now is not in the report, the nonsense is in the statement that hon. Members made after the last session of the House.

Because that criticism cannot be serious Madam Speaker, if what we are proposing is moving on this particular issue to the UK standard, which is in any event our implicit common law standard. And if a lay person got that wrong Madam Speaker, or believes such an argument, well so be it. But for one of his Majesty's Council for Gibraltar to advance this argument is frankly facile.

It is impossible to reconcile with logic. But if that were not enough, the Leader of the Opposition is reported to have said:

> The GSLP Government has presided over waste and abuse.

Again, not the GSLP Liberal Government, the GSLP Government has presided over waste and abuse.

I guess he is still trying to win the 1996 General Election, which is the only one that he was able to win apart from 2000, when he was part of a team that was facing the GSLP and not the GSLP Liberals. Well Madam Speaker, perhaps from a first reading of the report, hon. Members might want to talk about waste and abuse, but is he seriously going to ignore all the work that we have done and I've reported to this House, to rein in waste and abuse like on Gibraltar Industrial Cleaners? Which I've already talked about in this House at question time, and I've talked about during the budget, and I've talked about in the context of this debate.

Is he really going to act like the author of the report has done in some respects, and turn a Nelsonian blind eye to all the actions that we have taken to reverse that? And then Madam Speaker, in his statement to talk about alleged favouritism and cronyism, which clearly is a reference to matters on ex-gratia payments, the Hon. Leader of the Opposition has shown, actually he is not interested in hearing the explanations I am advancing to the House. He is not.

He thinks the debate is taking too long, because he is not interested in it, because he does not want to hear what we have to say. He is, Madam Speaker, casting himself in his press release, as a prosecutor who wants the jury only to listen to the indictment, and not consider the defence. And it is remarkable, Madam Speaker, that he is joined, or rather, not that he is joined, that he is joining, because he is really no leader, Madam Speaker.

He is joining many other lawyers who make public comment on political matters in that respect. They all seem to want the public only to listen to the political charges laid against us in the report. Full stop.

They are not interested in any balanced assessment by the public, once all of the facts are in the public domain. That is why the report is manna from heaven for them, because it is a detailed, however fatally flawed, indictment on which they wish to build all of their arguments. But like all castles built on sand, they will be shown to have been built on anything but the strongest foundations.

Indeed, the hon. Member's opposite statement goes on to say that we are trashing the Auditor. Trashing the Auditor. Well, in fact, Madam Speaker, it is quite something to hear that we are trashing anyone, or anything, simply because we are meticulously putting our arguments and countering those which have been trespassed against us.

What is unfair, Madam Speaker, and is not in the style of the Gibraltarian, is to suggest that it is acceptable for individuals, Senior Civil Servants, politicians and others, to have their reputations trashed based on erroneous facts. And that that should be it. And what is doubly unfair is that when one stands up to say, hang on, these facts are wrong.

Lawyers, Madam Speaker, those who should be defending the principles of natural justice, are the first ones to say, let us not listen to the defence. Let us just run with the indictment. Let us convict upon the indictment.

It is remarkable to read such nonsense coming from the Hon. Leader of the Opposition, Madam Speaker. Let alone others who pretend to be all about the rule of law. Those who pretend to be all about natural justice and defending the underdog, when all they ever wanted to do over the summer months was to have an Inquisition-style lynching of the Government, Senior Civil Servants and some individuals.

But what a way to try to win power, Madam Speaker. And even that does not work. So, it does not seem to work for him.

And then, Madam Speaker, in the same statement one has to endure a reference to grandiose motorcades as a veiled attempt to take a swipe at all Chief Ministers, theirs included, because we took four used cars to take us to the *Mancomunidad* event. That is what it was. There were no new cars -Four used cars.

Well, Madam Speaker, that was just the Leader of the Opposition putting into his press release on the motion a reference to his tweet on the subject matter of our conveyance to the *Mancomunidad* event. He said it would not happen if he were Chief Minister.

Well, I think that is probably right, Madam Speaker. First of all, because he was not and will not be Chief Minister and certainly will not be to celebrate the *Mancomunidad's* 40th anniversary. That has already happened.

And I bet my bottom dollar he will not be Chief Minister when they celebrate the 50th. But if he were to become Chief Minister, what would he do? What would he do?

Again, he has not thought through what he is going to say. He is seen something on Facebook which seems to be popular, and he wants to get on it and ride that. He would not use the Government fleet to convey the former Chief Ministers.

Because all of these cars that he is referring to, Madam Speaker, are in the Government fleet. Would he leave the cars in the Government fleet and rent other cars? Would he buy other cars just to go to the *Mancomunidad*?

Or Madam Speaker, perhaps because it might, in his mind, be slightly cheaper, he'd get us all a radio taxi from the Linea. Is that what he would propose? Or, on the bus, as they seem to be suggesting, they take us on the *Portillo* from Gibraltar to the *Mancomunidad* event.

That is Kieth Azopardi`s Gibraltar. That is what their press release on the subject of this motion, Madam Speaker, brought into play. That that would be how they would act.

To convey Chief Ministers without security and without support to a *Mancomunidad* event. What a good thing that it would not happen under him as Chief Minister because he is not Chief Minister.

Madam Speaker: I urge the Chief Minister to talk on the motion and not on the GSD statements because otherwise we are going to be here far too long. Could I urge the Hon. Chief Minister to speak on the motion?

Hon. Chief Minister: I will move on in a moment. I might just appeal the House one fact, which goes to the question of cost.

Although, of course, in their public statement, hon. Members mixed the motion with this issue too. The number plates for that motorcade cost £1.

I will show you the receipt if you like. The printing of the number plate cost £35.

So, three vehicles cost £36, Madam Speaker. One number plate, £1, and the printing of the number plate, £35, Madam Speaker. That is what all the fuss is about.

That is what all the fuss is about. And Madam Speaker, finally on that point, if I can finish there, all I would say to the hon. Gentleman is that he has to remember that the only one of us in this Chamber who voted to move from a Honda Civic G1 to a Jaguar Sovereign XJ extended long wheelbase was him, when he was in Government. And he voted the money to go to a longer and bigger G1.

So, so much for it will not happen if I am Chief Minister. Madam Speaker, what hon. Members' statements continue to say about the motion is that we are taking... that they do not like this mechanism that we are pursuing that you have reminded the House is perfectly proper.

And what is it that they do not like about the way that we are dealing with this motion? That we are taking our time to meticulously and respectfully and in keeping with Parliamentary Rules of Address properly challenge the things that are improperly and erroneously said about us. That is what they do not like.

Because I suppose what they do not want is for us to counter all the things that have been said about us. That is the only way that the Hon. Leader of the Opposition can justify saying that there is evidence of conflicts of interest in public contracts and payments. Obviously, only by ignoring everything that we have said about Wildlife Limited, which is the contract in question in that respect.

Or challenging it, which he might do when he replies. And if he challenges it, Madam Speaker, well, I would be very interested to see what the challenge is. How he suggests that the things that we have told the House about it being a not-for-profit company with all of the money being ploughed back into the gardens, how that gives rise to a conflict of interest.

And they call that, Madam Speaker, they call this debate a one-sided, slow, drip-fed monologue. Well, what is in that case fair about the report in the parts that we have shown and will show are just a one-sided monologue by the author of the report, which ignores the arguments put to him and did not give time for arguments to be replied to when he sent requests for information late. And what about the reporting of the report in the media, which was done by the press, and we make absolutely no complaint about this, Madam Speaker, in a slow, drip-fed way.

Because that is how journalists and bloggers do their job. It is a huge report. They could not report it on one day.

These matters are complex. It is right that the issues in the report should be drawn out, the media pick them out individually and report them individually. And that individual reporting of items was done over different days, over many weeks, spanning a couple of months in the hot summer months.

There is nothing wrong with that. Every bit of the unfair, as we see it, poison in the report was reported over a lengthy period of time. Poison, Madam Speaker.

P-O-I You got it, no? Why poison, Madam Speaker?

Because when things are set out contrary to the facts given to an Auditor, when an Auditor writes on the day before he finishes and says, please can I have a reply, and then in his report 24 hours later says, it is scandalous I have not had a reply to my 8-page letter sent after the close of business on the last day I was there, it is impossible to interpret it objectively in any different way. So, highlight the word and keep it for your reply. And in any event, Madam Speaker, if we are now slowly replying in the same way that the media reported to ensure meticulous breakdown and understanding of the reality, what is wrong with that?

Other than, of course, hon. Members not wanting people to hear the meticulous reply. It is not as if the debate is getting in the way of any urgent Parliamentary Business. First of all, we can suspend standing orders if we have to.

Second, hon. Members from the GSD are not seriously going to tell us that we should have more meetings for questions. Because they used to have one meeting a year in some years. Two.

Three at the most. And they've already had many more than that. So why is it unfair for us to give the public chapter and verse of our defence as methodically and meticulously as the biassed, erroneous, ultra-vires indictment against us, which is this report, was drip-fed to the public against us?

Of course, the fact is that this has become a very uncomfortable motion for hon. Members opposite. Because what was, in their view at least, a very clear and damning indictment is being seen slowly, perhaps, not to be as clear-cut. But what I can assure the Hon. Leader of the Opposition of is that the Government intends to continue taking this motion in this way until we have dealt with all relevant issues.

And that we will do so even if that means that hon. Members have to be here instead of at their desks doing their other day jobs. Because they were elected by the people to be here, and if they do not want to be here, they can resign their seats. Because we all stand for Election to be Members of the Parliament.

And it is very strange indeed to hear them complain that we are asking them to come to Parliament too much. Well, Madam Speaker, that is what they are elected to do, to come to Parliament. So, one would have thought that they want to come to Parliament.

Except, of course, it appears that they just want to come to Parliament to hear their own voices, not to hear anybody else's. That is not what Parliament is about. What they are uncomfortable with is that we are turning the jaundiced view around, Madam Speaker.

What they are uncomfortable with is that their attempts to manipulate the public narrative are being turned on their head. And what they can see is that they no longer have the hope of dominating the press and selling the public a one-sided view of things, as they did in the summer, when they tried to do maximum damage using the jaundiced instrument that is the report. But Madam Speaker, the most remarkable part of the statement from hon. Members opposite was the reference to them setting out their own explanations to people.

Because we were told that when they do, in the context of this debate, the public will see even more clearly how much of a nonsense the last few days have been. And the Hon. Leader of the Opposition is reaffirming himself in that position. In other words, the explanations that they will give to people.

Well, that is frankly incredible, Madam Speaker. It is absolutely incredible. Because this motion is not about them.

I am replying to their statement now. But this motion is not about them. What explanations are they called upon to give us?

What part of the report have they written that they need to explain? This is not their report. Or is it, Madam Speaker?

What explanations, therefore, are they going to give if they are not the authors of the report? They might give interpretations, but they cannot give explanations. The Government can give explanations because the report talks about things the Government has done or not done, given or not given to the author of the report.

But how can the Opposition give explanations about the report? It is absolutely remarkable. That is in their statement.

Or is it that the Leader of the Opposition, when he writes statements about things happening in this House, does not think through the words that he is using? Because as one of His Majesty's Councillors for Gibraltar, what we all do is think about the words that we use. No, I will not give way.

I am not misleading Parliament. I will not give way, Madam Speaker. How are they, how are Members of the Opposition, going to give an explanation of how you were written to at quarter past eight in the evening on the Saturday before the former Principal Auditor ended at midnight in his role and explain that it was proper to say that he has not received a reply to that letter?

How are the Opposition going to explain that the Head of the Department of the Environment received a communication, an eight-page communication, I think from memory, at quarter past four after the close of business on the last working day of the former Principal Auditor and that the report says that it is terrible that he did not have a reply to? How are the Opposition going to reply or explain that? How can explanations be forthcoming from the Opposition about a report that they have not authored?

They can give interpretations, of course. Everyone can give interpretations, but not explanations. Madam Speaker, that would suggest, their words would suggest, an element of collusion with the author of the report, which I am not alleging, but I am asking about as a result of the hon. Gentleman's public statement about provision of explanations.

So, the hon. Gentleman's public statements give rise to more questions than they answer. Anyway, it is remarkable that a Leader of the Opposition, in a sophisticated Parliament like this one, in a sophisticated democratic society like Gibraltar, and there are few societies as democratically sophisticated as Gibraltar, because here, everybody understands everything, should think that he can get away with saying that he is going to provide explanations about the report. And then Madam Speaker, the National Broadcaster also sought statements from members of the Commission on Parliamentary Reform, the Canepa Commission, about their views on the Public Accounts Committee.

I have spoken to the Chairman of that review, former Chief Minister Adolfo Canepa, last week, and he confirms to me that he remains of the view that he set out in that Commission. Not surprisingly, Madam Speaker, given that he is a person who, alongside the Father of the House, I think is the only qualified person to tell us about what happens when there is a Public Accounts Committee. He was a Minister when there was one, but surprisingly, GBC do not appear to have called Mr Canepa to ask him his views about a Public Accounts Committee and whether he has changed his views, although I have.

GBC have reached out to two members of the Commission, who I think, ironically, had already commented on social media, and asked them for their views. Ironically, those two individuals who gave their comments are the two members of the Commission who had never been elected to this Parliament, despite many efforts to be elected. But we do have the updated views, therefore, of Mr Gomez and Mr Vasquez KC.

Mr Gomez is quoted by GBC as saying that he had, and this is a quote:

> That had he imagined then the Government would so brazenly use networks of opaque companies to keep hundreds of millions of pounds out of the purview of Parliament, he would not only have insisted a Public Accounts Committee be formed, but it should be empowered to subpoena Ministers to attend and provide full disclosure on oath.

This is really quite a remarkable quote, Madam Speaker. You see, the network of companies is no more opaque now than it was in 2011. In fact, now, the accounts of all the companies are published when before they were not.

Additionally, it was always our position that we would continue to use Government companies. We have never pretended on being elected that we would stop using Government companies for anything. It was only ever Members opposite that pretended in 1996 that they would undo what they had called the web of companies, only to instead increase the number of companies in the web, and pass laws requiring them to publish accounts and not publish accounts.

So, Mr Gomez's view appears to be at odds with everything that was said and has actually happened since 2011. But the thing that is even more surprising is that Mr Gomez is referring to the spending of millions of pounds without at least wanting to highlight that more than one million has been spent on him and his firm in that time. In fact...

Madam Speaker: I am going to have to interrupt the Hon. Chief Minister and ask him to speak to the question because we are deviating.

Hon. Chief Minister: I am, Madam Speaker. I am speaking to the question of the Public Accounts Committee. I referred the Parliament when I was introducing the issue of the Public Accounts Committee to the findings of the Canepa Commission on Parliamentary Reform and I quoted what Mr Gomez, Mr Vasquez and the rest had said.

They have now said that they no longer hold that position. That is why I have to, on the record, deal with what they have said. Otherwise, the record would be incomplete.

I would crave your indulgence Madam Speaker and to set all this in context. Madam Speaker, until we had the Referendum on Abortion at the beginning of the McGrail Inquiry, Mr Gomez often acted for the Government. That had not been the case under the former Administration when the Hon. Leader of the Opposition was a Minister.

In that period Charles Gomez's legal fees excluding legal aid charges which come from the Consolidated Fund are as follows: In the year we were Elected we were only in Government for a quarter of the financial year. In Financial Year 2011-2012, £5,000; In Financial Year 2012-2013, £19,134; In Financial Year 2013-2014, £62,125; In Financial Year 2014-2015, £68,904; In Financial Year 2015-2016, £292,860; In Financial Year 2016-2017, £35,635; In Financial Year 2017-2018, £98,446; and in Financial Year 2018-2019, £9,046.

Madam Speaker, that is a total between Financial Years 2011-2012 to 2018-2019 of £591,150. And since then, in monies paid in respect of the McGrail Inquiry, not for the fees of external counsel but for the account of Gomez and Co for their work, £607,585.

Those are the figures I have from the Treasury, Madam Speaker. Roughly £1.2 million for the legal work done for the Government until 2018-2019 and the Enquiry since then. Not bad, Madam Speaker, for somebody's firm who says that we are wasting taxpayers' money and that we should take an oath to explain where the money is going. Which is what he told GBC. Well, Madam Speaker, well I swear by Almighty God that the information I've given is the information I've been given by the Treasury.

If some of the sums are disbursements, I do not have that information. He might have them. But that shows, Madam Speaker, that Mr Gomez is hardly one of those who can say that he has seen this Government spend money but has not been the recipient of it himself.

He does not appear to think that we are profligate in our spending when we are spending it on him. But Gibraltar's a small place. We all know each other, Madam Speaker.

We all know that after the Abortion Referendum, Mr Gomez broke with us ideologically and that he now hates everything that we do. But that is fine. That is what democracy is absolutely all about.

But what hypocrisy is all about is about saying someone is spending too much in the wrong way and forgetting to mention that some of what is being spent is being spent on you. I now await the howls that will come and the claims of how much of an opaque dictator I am for having the temerity to refer to the House these facts which are already published on the Government

website. But turning now to Mr Vasquez KC, and how he has changed his position, I have to say I take a different view.

Mr Vasquez has enjoyed, Madam Speaker, my fulsome support since the days that he set out to become Leader of the Bar, despite not being one of Her Majesty's Council at the time. He is contrary and consistent in his criticism of everything, in particular our system of Government and Parliament. I have no issue with him taking his positions, his blogs, or anything.

That is what democracy is about. I may strongly disagree with him on some and strongly agree with him on others. I obviously disagree with some of his current political positions, not least about me.

But Robert has been consistent in taking positions on democratic governance. And he is as consistent on that, Madam Speaker, as he is sometimes on changing his mind, which he is honest and transparent about. And in his statement of change of position he has given credence to himself because he says that under the GSLP Liberals he at least knows who the parties in Government are, quite unlike hon. Members opposite.

And this is a quote:

> Secret Government continues with companies being used to hide public finances.

When he says that he is acknowledging that the thing he is criticising as secret is continuing. That is to say, it was also the position under the GSD.

So, he is not criticising us for doing something, he is criticising us for continuing to do something. We do not originate it. But at least his position is consistent.

Although he does not say that at least we have filed and published the accounts of the companies. And of course, Madam Speaker, as many will know, Mr Vasquez had a bad turn last week. He is now out of hospital, and I wish him very well from his illness so that he can continue to blog out at his heart's content mostly unfairly at us, but never mind.

Madam Speaker, moving now on to the next question that I was going to address on the motion and having dealt with those two things that happened outside of the House. I want to return more directly to what I was dealing with before the adjournment. To recap, when I started my address on the motion, I set out the constitutional provisions that apply to the appointment, remuneration and functions of the Auditor.

I then went through the relevant constitutional, statutory and case law applicable to the holder of that important post in his report. I then reviewed the relevant rules of professional standards applicable to Auditors in general and to Public Auditors in particular. And then I went on to deal with issues relating to the savings bank, etc.

Then, with all of the other matters I have dealt with, moving to starting to deal with the issue of ex-gratia payments, which is where I am now. Madam Speaker, the first thing that I will have to do in dealing with this aspect of this matter is to explain what ex-gratia means, obviously. Because it would appear that the author of the report does not understand that.

The literal definition of ex-gratia is as a matter of or out of grace or as a favour. It comes from the Latin where ex means from, and gratia means grace or favour. In legal and financial context, an ex-gratia payment is one made voluntarily without legal obligation and without admitting liability.

In common use, the dictionary definition of ex-gratia payment is a sum of money given by a government, company or institution to someone who has suffered loss or harm, not because they are legally entitled to it, but as a gesture of goodwill. That is the mechanism by which lawyers advise that claims should be settled, even in cases where you might be found liable for something. So, even if you are likely to be condemned tomorrow in the court that you did do something, if you do a deal today to pay, you do it on the basis that you do not admit liability and you pay ex-gratia.

Because otherwise, if you were paying on the basis of liability, you would not be paying ex-gratia. Now, the reason why I've had to go through that, Madam Speaker, is because when you

look at the report, it appears that that is not understood as a basic concept. Indeed, in relation to one particular ex-gratia payment, the suggestion in the report is explicitly that the case should have proceeded to court, based on the author's analysis of the claim form.

Really, something quite remarkable. Not least, Madam Speaker, because the author of the report is not legally qualified, and it is not clear he is taken legal advice before purporting to give legal advice to the Government in the report. Which I think, Madam Speaker, under the old law, would be an offence.

But before I turn to analyse any of the individual ex-gratia payments cited in the report, I want to say one thing. I fully understand why so many in our community might have felt personally affronted by some of the payments referred to in the report. In fact, if what the report had set out was accurate and complete, I might have agreed with how some people felt.

But the affront that has been felt by many arises directly from the manner in which the report has been presenting such data. I am unable to judge whether this was a deliberate or careless failure. Both or either are just as bad reasons for the failure to present information fully and properly.

Because for all of the reasons I will now take the House through, the report is incomplete and therefore entirely misleading in its presentation in relation to the ex-gratia payments. And that is why it was a jaundiced view that creates impressions and reaches conclusions that are entirely unfair and erroneous. The report invites the reader, which is to say, the citizen or the Member of Parliament to reach conclusions which are equally unfair and erroneous about the Government's funding of these payments and about the recipients of the payments.

Indeed, Madam Speaker, in its review of the ex-gratia payments in respect to the Public Service, the report is highly critical of all amounts set out. It notes that a total of £11.08 million in ex-gratia payments were made during the six-year period of 2018 to 2024. Of these payments, 91.2% were in relation to settlements, compensation and damages, of which pension related payments were £5.52 million, representing 49.8% of all ex-gratia payments made, followed by employment related payments of £1.65 million and personal settlements of £1.95 million. The report states that this level of ex-gratia payments is too high. In this respect, the author states as follows, and this is I think at 5.2 or so:

> I consider the level of ex-gratia payments made during the six-year period April 2018 to March 2024, amounting to £11.08 million and £2.17 million paid from April 2024 to May 2025 to be excessive and in many cases unwarranted.

But actually, Madam Speaker, if you break it down, it amounts to £1.9 million a year, which does not appear to be excessive. If you look at the figure for 2011-2012, in fact, Madam Speaker, if you remove the £3.61 million of the Gibtelecom settlement, which is not criticised by the author, the figure goes down to £8.2 million over the six financial years, which is £1.36 million a year. Again, in a service that costs approximately £650 million a year, that is a modest dispute resolution sum across the board.

You are spending £650 million a year, and of that £650 million, £1.36 million is settlements. Settlements of damages claims, settlements of pensions claim, severance agreements, etc. But of course, the report does not break it down in this way.

The report just wants the headline figure of £11.8 million over six years. And then the report goes on as follows, and this is a quote:

> In the absence of justifiable explanations, of which there are many, it is my opinion that there was no obligation for Government to pay most of the ex-gratia payments highlighted. In particular, the voluntary separation agreements and severance termination payments paid to retiring officers, which can effectively be considered golden handshakes.

The author of the report seems to be against golden handshakes, but not against his, I assume. Of course, Madam Speaker, there are perfectly justifiable explanations and details behind all of the payments, all of them, so it is wrong to start by saying in the absence of justifiable

explanations, because there are for each of them. And the idea that there was no obligation for the Government to pay the ex-gratia payments highlighted is remarkable.

Of course there was not. That is why there are ex-gratia payments. If there is a judgement in court and you pay £500,000, that is not an ex-gratia payment, that is a payment under an order of the court.

If you settle and you pay £260,000 before you get to court, you save a quarter of a million, but you pay it excretion without an obligation to pay it in court. That is why I've had to do the analysis, because it is remarkable to read in an Auditor's report that there was no obligation to make the excretion payments. Of course, it is a non sequitur to say that.

If there was an obligation to pay the sums, it comes under a completely different head. But of course, the sum would be higher, because if you take these claims to court, when you've got £11.08 million, you might end up paying £20 million over the period. And the legal fees by the way. So, the Government estimate is that we have actually saved upwards of 25% on all of the amounts that we have paid ex-gratia. Upwards of 25%.

Although, in fact, and I will come to it in great detail, a one payment of £260,000 to which massive amounts of opprobrium and prejudice were put in the report. We were advised that we would potentially have had to pay much more than 25% more if the matter proceeded to a successful outcome in court for the claimant. So, the shock and scandal that we paid £260,000 plus £19,000 in legal fees without obligation, should be tempered by the fact that by doing so we did not have to pay nearly £400,000 or £500,000 or more.

But I will come to that case, and I will go penny by penny through the claim there, showing how wrong and illegally flawed the analysis set out in the report of that case is. And then the report says this.

> Without a written Government-wide policy on these types of payments, and on ex-gratia payments as a whole, I consider Government's decision to award these payments to have been unrestricted and uncontrolled.

That is as untrue, Madam Speaker, as it is wrong. There is nothing unrestricted or uncontrolled about it. In fact, as I've told the House, £3.65 million is paid under a manifesto commitment of the 11.08 million, 3.65 million is paid under a manifesto commitment. We went to an Election and won, on more than one occasion, because it took us time to do it, to get a mandate to settle the Gibtelecom pensions claim. So how is that evidence of anything being unrestricted or uncontrolled? The author of the report might not like it, but that is the democratic mandate that we have.

And in any event, how can something be unrestricted or uncontrolled when it is subject to the control of this House? I've gone back and done the exercise that perhaps the author of the report should have done. In 2018-2019, the words ex-gratia are not mentioned in the Hansard, because they did not ask in the Committee Stage of Third Reading.

In Financial Year 2019-2020, my friend now left this House, Mr Trevor Hammond, the Hon. Trevor Hammond at the time, asked us about this question of having just a £1,000 line in. Because the one thing that the Auditor says is it is uncontrolled and unrestrained because you just have a £1,000 line in:

> I believe that this will be facilitated to a certain extent by the departure to allocate an Approved Budget sum at the beginning of the Financial Year with only a token sum of £1,000 as the estimated expenditure in ex-gratia payments for the year.

He says it is uncontrolled because of that. But does the Principal Auditor, the former Principal Auditor as author of the report not check what is said in this House? Because in 2019-2020, we are asked by Mr Hammond, Mr Chairman, in the Committee Stage and Third Reading of the Appropriation Bill, the Committee Stage, with Mr Farrell in the Chair,

> Mr Chairman, based on the principle just described, I presume it has not been applied to line 14, where we have consistently seen actual or forecast payments of over half a million pounds, and yet only a nominal figure resides in the estimates column of £1,000.

That is the ex-gratia line. And I reply,

> Yes, Mr Chairman, it has been applied. It has been applied also to the one above, contract officers, where you will see that figure goes from 95 to 89 and then down to 41.
> Because the principle of an ex-gratia payment is that although you may see that you have consistently been paying about half a million, the very principle of an ex-gratia payment should suggest that you do not know what you are going to have to make it. And therefore, what we have decided is that as a matter of principle that has to be led by things that may happen and not be led by the idea that just because we have had half a million of ex-gratia payments, more or less in the past we should allow the line to be infected in that way.

And hon. Members can read the rest of what we discussed in the Hansard, which explains why we were going with a £1,000 Head for ex-gratia.

In Financial Year 2019-2021, they did not ask anything about ex-gratia. In July 2022, they did not ask about ex-gratia. Those are the payments that the Auditor is complaining about.

They had them before them in this house. They looked at them in the line, and they did not ask about them. On the 18th of July 2023, at the Committee Stage again, the Hon. Mr Azopardi says,

> Mr Chairman, can I also ask you on 22, I am not sure if this is in order, but the Chief Minister will say if he has the information, can you give us a bit more information on the outturn for 22-23 on ex-gratia payments, the general nature of those payments?

And I say,

> Mr Chairman, those total nine ex-gratia payments of different amounts. They are all of them potential claims which have been settled.

The Chairman then says, because the Hon. Leader of the Opposition, who is so scandalised now, was very relaxed about the whole thing,

> Head 2, Number 6 Convent Place, Subheads 1 and 2 Stand part of the Bill.

On the 9th of July 2024, the Hon. Leader of the Opposition raises the issue again in the Committee Stage.

> Yes, and then can I also ask, Madam Chair, on subhead 21 of 2 ex-gratia payments, £235,000, what that payment was in the nature of, is that a collective head for small payments or is it one payment on a particular issue?

And I say, Madam Speaker, confusing you for Madam Chair, as I should have.

> Again, this is all the ex-gratia payments that are done in respect of ex-gratia payments proper, so to speak, and there is a list of all those ex-gratia payments. Again, Madam Speaker, I cannot share that across the floor of the House, because these are ex-gratia payments subject to proceedings in some instances, but I have no difficulty with sharing a list confidentially with the hon. Gentleman.

And then he says nothing else, and then you say,

> Head 2, Stands part of the Bill.

And on the 8th of July of this year, Madam Speaker, before the publication of the report, Miss Ladislaus says,

> Madam Chair, on page 50 of the Hansard, I am at Subhead 2, we go down to the total, £3.61 million was the Forecast Outturn this year. The estimate for last year was £3.2 million, it is £410,000 over this year. For what reason have we gone back down to the estimate of £3.2 million?

And Mr Bruzon, the Hon. Mr Bruzon says,

> Madam Chair, the outturn includes ex-gratia payments for people retiring.

And then you say,

> Head 51, Stands part of the Bill.

No further questions.

So, there is a debate, there is a check. What is uncontrolled? What is unrestrained?

But how is it peculiar that we have a £1,000 Head? How do we know what opportunities there will be to settle claims? And hon. Members will just have read, this is GHA, it is not Government, but we will just have read that there was a statement about a settlement in a recent case with a judgement at £10 million.

Madam Speaker, how do you put in an estimates line that potential viability? People just need to understand this and what the former Auditor has said and how frankly implausible it is. This was not a claim against the Government, against the GHA, but you would see it in the GHA line.

If you receive a claim and the claimant is claiming £15 million for example or £20 million for example and you are denying liability, do you put in your ex-gratia line which suggests you would settle £10 million or £15 million? You have to put zero. But you know you might settle because if the opportunity comes to settle you will settle.

So, you put £1,000 so you have the ability to pay it. And these days as the hon. Gentleman knows because the Hon. Leader of the Opposition is threatening or suing the Government for clients on a number of occasions we live in a litigious society in a litigious world. There is lots of claims against the Government.

And some may or may not be settled this year. So, do we open a line and look at all of the potential liabilities and say we will settle them all at 50% and this is what the line should be? Or do we say £1,000?

Subject to the control of Senior Officers in the Government legal advice and the control of the Parliament which is what we have. What is it that the former Principal Auditor is suggesting in his report? It is nonsensical.

Madam Speaker, then the report goes on to say that the former Principal Auditor the author of the report has not received information. And he said this:

> I must also highlight the enormous difficulties, obstacles and delays I have encountered during the course of this review in obtaining information and documentary evidence from the Chief Secretary from the GDC Secretary and from the Director of Personnel and Development although invariably there are at times slight delays in obtaining information necessary for an audit.
>
> On this occasion it has been especially noticeable particularly because in the end much of the information requested has not been provided to me. I have to say that it is totally unacceptable that I have had to wait for many weeks and sometimes months in some cases for information which was required for this audit study which in many instances has not been submitted to me.

By the way many of which do not relate to the years 2018-2019 as we all know. And then he goes on:

> This is particularly the case in regard to information requested from the Office of the Chief Secretary I never received a response for requests in respect of 11 distinct excretion payment queries and other requests made to the GDC Secretary as well.

I will provide the House with a breakdown to demonstrate that that is not just wrong it is unfair and untrue and that those replies have been given. I do not know what explanations the Leader of the Opposition will have for that remark once I have shown that it is untrue and wrong but given that he has told the whole of Gibraltar and is going to provide us with explanations we will see how he explains that.

But it is so unfair Madam Speaker and such a poisoned reference to the Chief Secretary and the GDC Secretary to refer to their cooperation with the Auditor in that way that I want to affirm the confidence the Government has in those two magnificent Public Servants and indeed given that reference in the report the House will find it remarkable indeed to read the words of the author of the report when he thanks them for bending over backwards always to help him. I will bring evidence of that in direct messages between the author and those two individuals who he then goes on to criticise in the report but before I do that, which I will not do today, I just want to look at the contradiction between the reference at 6.6.4 in the same publication where the author thanks the very same Chief Secretary for their cooperation assistance and courtesy to him. It is frankly Madam Speaker schizophrenic to read what I've just told you is at 6.6.4.

> With this, it is relevant to note that when ignoring my request for information or delaying the submission of data, these Public Officers are acting unconstitutionally against the law.

That is what he says, and then two paragraphs later he thanks them for always cooperating with him. So, Madam Speaker, we roundly reject those unfair and improper criticisms of those two Senior Civil Servants and Public Servants.

Now, getting into the detail of the discretionary nature of these payments Madam Speaker by their very nature, ex-gratia payments have to be discretionary financial statements made without admitting legal liability and without any legal or contractual obligation. Ex-gratia payments are used for those purposes by businesses up and down the land to resolve claims where formal litigation is undesirable. They offer a pragmatic and flexible mechanism to address grievances without having to get to court.

And trying to find a solution which is not based on the rigid formula of going through a claim form and giving the answer that the court would give after many days of litigation and much more costs, and much more risk to the defendant, Madam Speaker. That is what is the question here, that you get out of the risk of losing in court. So, when the Government decides to make an ex-gratia payment, it does so because it is obtained legal advice from the relevant legal expert, and that expert has advised us to settle to avoid uncertainty inherent in litigation and to avoid costs.

In other words, Madam Speaker, when the Government decides to make an ex-gratia payment, it is because it would risk a greater financial burden if it did not make the payment. And indeed, it should be plainly obvious that in the Government's view early retirements and settlements reduce exposure to costly Employment Tribunals, disputes or long-drawn-out pensions litigation. A framework, I should also note, exists in the UK, Wales, Australia and the US to address hardship or litigation risks, and Madam Speaker, the Government will be looking at whether we can put out such a framework here.

What is important is that the public should have confidence that the public policy reasons underlying the ex-gratia payments are always there, and they constitute a legitimate public finance tool. And of course, as leading counsel advising the Government has astutely advised, whether or not to make an ex-gratia payment and determine the amount of an ex-gratia payment has to be, par excellence, a matter of policy for the Government and no one else. Secondly, Madam Speaker, while ex-gratia payments are not governed by a formal policy other than the common-sense principle of avoiding higher costs in a judgement or legal costs, such payments are typically approved at the highest level of Government by myself, the Chief Secretary and the Financial Secretary and usually, Madam Speaker, by all three of us together.

I would have thought that this centralised sign-off provides a degree of oversight and accountability that demonstrates that we are ensuring that decisions are not made without senior

scrutiny. They are not uncontrolled, and they are not unrestricted. Although I am happy to accept in this House, Madam Speaker, that this does not replace the need for a potential structured framework, but it does mitigate concerns about unchecked discretion and reinforces that these payments are not made lightly.

But you have to wonder, Madam Speaker, what would the structured framework that is being proposed say? I suppose it is a one-pager that says pay less by agreement if you can avoid paying more in court or in an Industrial Tribunal or in a claim by Unions. Settle for less if you can achieve that.

Avoid paying more legal costs if you can avoid it. Pay the employee to retire if you do not replace him and you therefore save monies going forward. It is pretty basic stuff.

It is what we have done in each of the cases. And moreover, Madam Speaker, as I will also demonstrate in great detail, the payments are not politically motivated in any way. There are examples of payments involving individuals aligned with the current Opposition, including ex-Ministers of the current Opposition.

They've received ex-gratia payments in the right circumstances because we are politicians, but we are human too. We have interactions with different parts of the Government, which can get things wrong. And we have claims.

And when claims are legitimate, it is right they should be settled without making someone go to court and incur further cost. And indeed, one of the things that the Hon. Leader of the Opposition will certainly understand, people might not understand, is that when you go to court, you also have to be ready to invest not just time and money, but a lot of emotion in it too. Because you are going to spend a lot of time preparing witness statements, going through things that have happened, going through documentation, that will not just add a huge amount of cost, a huge amount of cost, but it will add a whole lot of angst to parties too, both sides.

Because the Government will be defending what it has done, the claimant will be justifying what they have done, etc. And in some instances, where somebody is a card-carrying member of the GSD and they have a proper claim, what we have not done is say, you are on the other side, you are from the other tribe, you go through court, you take three years. We will appeal all the way to the Privy Council and make you go through hell and try and stop you from getting the money.

No, if the advice we have is that they have a claim, we have settled it, as we should, without asking to see what party political card they have, because that is not what Government is about, although that is the picture that the report tries to paint of us. And it is the picture that hon. Members have tried to paint for us, of us, in the way that they have interpreted the report outside of here. But we have done the opposite.

I wonder if they would have done the same. But we have acted properly, Madam Speaker, as our prayer every time we start suggests. Acting honourably on behalf of all of the people that we represent, whatever political card they carry.

So, if we have had to settle with somebody who is not aligned to any political party, does not even watch television news or read the Gibraltar Chronicle, we have settled with that party. If we have settled with a party that has been well known to be associated to hon. Members opposite, we have settled with that party. And if we have settled with an individual who is well known to be associated with us, we have settled with that individual looking at every penny making sure that nobody can make an allegation which has any substance to it, that we have settled with that person because they are a card-carrying member of our party in any particular amount.

That is the reality. But I will go through every penny of that settlement, Madam Speaker, to demonstrate it now. Madam Speaker but talking about the structure which the report says we should have, I've asked my officials to see whether it is possible to create such a written structure for ex-gratia payments, and we will of course consider the possibility of having that structure in place.

Another issue that is hugely important on ex-gratia payments Madam Speaker, that has been completely lost in the past three months in Gibraltar, and lost potentially forever now, and this is

a huge loss which the author of the report is solely responsible for, is confidentiality. Confidentiality is hugely important in the settlement of disputes Madam Speaker. Ex-gratia payments are by definition case specific; they are discretionary as we have said, and public disclosure of amounts can lead to copycat claims or to vitiating parts of an agreement.

It can create huge unfairness in particular in a small society. And it can create problems of manufactured claims, etc. So, privacy, confidentiality is an important part of how you deal with the settlement of claims.

Of course, now the report has been drafted in such a manner that it would be impossible not to identify who at least two of the individuals who are mentioned in this ex-gratia part are. And indeed, everybody knows who they are. Although I am not going to mention their names here.

But when you name one person by his rank and there is only one person holding that rank or you name another person in such a way that the national broadcaster can put a photograph of that person on their reports. You have completely vitiated the principle of confidentiality in settlements. And the pressures that you can create for those individuals are really, I have to say inhuman.

Improper. Unbefitting a report of this House. And we must never underestimate the damage that has been done to two individuals in particular by the improper way that this report has been fashioned to make them identifiable.

I think Madam Speaker that aspect of it together with the risk of the FATF blacklisting is what I would call the two most unforgivable aspects of the way that this report has been compiled. The consequences of which will echo for years to come on the lives of those individuals unfairly and improperly and in the way that Governments of whatever political complexion can do settlements going forward. And the confidence that people will have on the Government's ability to keep to confidentiality provisions.

Look at how careful I have been Madam Speaker in all the references I have made since we came under attack, and we had to defend ourselves about the identity of the person who was on the GSD Ministerial benches. No one can point to anything I have said that gives away who of the many people who have been GSD Ministers would be the one identifiable. And yet in what I think is a cardinal failure the report makes two individuals identifiable, and it makes them identifiable and then points at them for the sin of having been associated with us politically in the past.

We are no scarlet letter Madam Speaker. Red might be our colour but people are entitled to associate with us under the constitution. They are entitled to stand for Election with us.

They are entitled to support us and they are also entitled to have us or them deal with claims properly, objectively and fairly and settle them if they are proper claims without being held up for public approval and having their financial business spread across the front pages and the news reports. So, Madam Speaker I think there has been a huge disregard for the important principle of confidentiality there. Madam Speaker generally it must be understood, and I've done the exercise already that what we have delivered through these ex-gratia payments is a saving.

So, the thing to affirm is that if it is scandalous that we have paid £11.08 million over 6 years of which £3.65 million was Gibtelecom, £8 million was settlements over 6 years well it would have been even more scandalous to see us pay £20 million. We have settled two cases where we have had to pay in respect of the GHA, the numbers are much higher they do not appear here but how can anybody think that the Government brings these claims about, we do not ask for these claims, but we settle them to avoid higher liabilities. So finally, Madam Speaker to do a detailed qualitative analysis on the Principal Auditor's report it is important to look at once again at different principles that apply that we have not dealt with but in the concept of ex-gratia payments.

There is in the United Kingdom HM Treasury guidance on managing public money a 2025 update of which recognises that ex-gratia schemes arise where out of court settlements or other payments go beyond statutory cover, legal liability or administrative rules. So, this is not something that we have invented, it is the position in the UK and in other places. And this expressly

includes payments made to meet hardship caused by official failure or delay and out of court settlements made to avoid legal action or grounds of official inadequacy.

Further and crucially Madam Speaker, courts recognise that settlements, even where ex-gratia can be legitimate tools of Government management. Government's power to agree ex-gratia settlements is a discretionary function, not a fixed entitlement. Whereas the exercise of discretion by Government must not be arbitrary it can be wide if subject to high level law.

In Padfield v Minister of Agriculture in 1969 the House of Lords held that discretion must be exercised to promote the policy of the statute but courts respect Ministerial discretion where policy choices are involved which is what we were doing here. This principle was reinforced in Council of Civil Service Unions v Minister for the Civil Service, the GCHQ case which you will be familiar with which remains a foundational authority of the scope of judicial review. The House of Lords held that prerogative powers and by analogy discretionary settlement authority are reviewable only on the limited grounds of illegality or irrationality that is to say whether there is unreasonableness or procedural impropriety none of which is alleged in respect of any of the payments we have made.

Lord Diplock's tripartite classification of review makes clear that absent these faults courts will not substitute their judgement for that of the executive, and neither can an Auditor. Although the present matter is not a judicial review the analogy holds the former Principal Auditor as author of the report has no mandate or authority to substitute his personal judgement for that of the executive. Unless an ex-gratia payment decision is shown to be unlawful, made in bad faith or so unreasonable that no reasonable authority would approve it intervention in the report is inappropriate and risks exceeding the constitutional and statutory remit of a Principal Auditor.

Importantly a mere general assertion that a category of payments is unwarranted does not come close to establishing unlawfulness. Under whether there be principles a decision can only be struck down if it is so unreasonable that no reasonable authority could ever have come to it and that is not the case in respect of any of this.

Adjournment

Chief Minister: Madam Speaker having said all that there are two payments which I have referred to which are the ones which have become identifiable which are so detailed and impugned in the report that it is important for me to actually go through the detail to show that these were properly made absolutely properly made and that is what I will do Madam Speaker and in making the remarks that I have made Madam Speaker I am relying once again on the advice that the Government has from leading council in respect of this matter which we have taken to heart to be able to do the analysis Madam Speaker of the two payments I am going to ask that the House should now adjourn to Wednesday at 10.30 a.m.

Madam Speaker: I now propose the question which is that this House do now adjourn to Wednesday at 10.30 a.m. I now put the question which is that this House do now adjourn to Wednesday at 10.30 a.m. Those in favour? (**Members:** Aye). Those against? Passed.

This House will now adjourn to Wednesday at 10.30 a.m.

The House adjourned at 12.02 p.m.

P R O C E E D I N G S O F T H E

G I B R A L T A R P A R L I A M E N T

MORNING SESSION: 10.32 a.m. – 12.29 p.m.

Gibraltar, Wednesday, 15th October 2025

Contents

Order of the Day **2**
SUSPENSION OF STANDING ORDERS 2
GOVERNMENT STATEMENT 2
GOVERNMENT MOTION 8
Adjournment 26
The House adjourned at 12.29 p.m. 26

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The Parliament met at 10.32 a.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: P A Borge McCarthy Esq *in attendance*]

Order of the Day

SUSPENSION OF STANDING ORDERS

Clerk: Meeting of Parliament, Wednesday the 15th of October 2025. Suspension of Standing Orders. The Hon. Chief Minister

Chief Minister (Hon. F R Picardo): Madam Speaker, I beg to move on to Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with the Government statement.

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

GOVERNMENT STATEMENT

Chief Minister (Hon. F R Picardo): Madam Speaker, hon. Members will be aware of the Government's decision on 6th October 2025 to introduce a temporary administrative pause on new long-term residency registrations for EEA and UK nationals following publication in the Gazette of Legal Notice 246 of 2025, the Immigration (EU Exit) Regulations 2025. Madam Speaker, given the significant interest for local and international media and, in my view, unnecessary concern being expressed by some in Gibraltar, I wanted to make a Ministerial Statement today to provide further reassurance to our community and business community in particular.

Firstly, and most importantly, Gibraltar remains open for business. The measure we announced earlier this month is not a closing of our doors. It is the Government acting in the best interest of our community in a way that will manage the unprecedented demand for residency in Gibraltar. Over the past three years, Gibraltar has experienced an exceptional rise in new arrivals, with figures showing over 3,000 people migrating to Gibraltar between 2022 and 2024: 952 in 2022; 896 in 2023; and 1,245 in 2024.

The increase since the conclusion of the UK-EU Treaty negotiations and the agreement announced has been unprecedented. So much for limbo, Madam Speaker. The temporary suspension simply means that from 6 October, anyone without a valid registration certificate, residence card or permanent residence document and who had not applied before that date cannot now submit a new application.

Those who did so before 6th October remain unaffected and their applications will continue to be processed as normal. The Chief Minister will retain a statutory power to authorise new

residence documents in limited circumstances, such as where it is necessary to meet an international obligation, prevent extreme hardship or serve Gibraltar's economic interests. Those decisions will require my approval.

Following the publication of the regulations, the Department of Immigration and Home Affairs saw a sharp rise in attendance and enquiries, including from individuals whose documentation had long expired or who had not been in contact with the Department for several years. I want to make it absolutely clear that these measures are not intended to affect people who are legitimately living, working, investing or otherwise contributing to our community and economy. They are designed to prevent abuse of the system and to strengthen the integrity of our residence framework as Gibraltar prepares for the new treaty environment.

Madam Speaker, I also want to address the business community directly, because I know that this announcement has generated understandable but unnecessary questions from employers and investors, both here at home and overseas. Let me be very clear. Nothing in these regulations prevents legitimate business growth, relocation or the recruitment of necessary expertise.

Existing or new businesses, financial services firms, gaming operators, maritime companies and other sectors that rely on specialist talent will continue to operate without disruption. Where a business demonstrates an economic need to recruit, skills are not readily available locally, or where investment supports growth and employment in Gibraltar, such cases will of course continue to be considered under the provisions that allow authorisation in Gibraltar's economic interests. So, Madam Speaker, to be clear, if a local business needs to recruit someone from outside Gibraltar or if a new business wants to relocate to Gibraltar, this has not become an issue after 6 October 2025.

Madam Speaker, what we are trying to do is protect the integrity of our systems whilst ensuring that those who genuinely wish to live, work and invest here continue to find an open and welcoming Gibraltar. Madam Speaker, Gibraltar is open for business, and it will stay that way. I hope this now provides the House and the wider community with the additional reassurance that was being sought. Thank you, Madam Speaker.

Hon. Dr K Azopardi: Can I first thank the Chief Minister for, first of all, making the statement and providing me with a copy earlier this morning. I just have a few questions of clarification that perhaps he can address when he replies. Certainly, from where we sit, it was understandable as a concern that businesses were raising as a result of suspension of these powers or these rules because the Chief Minister indicates that there has been, in the last three years, an unprecedented growth in applications for residence.

But of course, if this has been happening for the last three years and the Government has been monitoring it, I suppose the first question is that the temporary suspension that happened on an unannounced basis on 6th October created a sense of drama that perhaps was unnecessary if the Government had been mapping out and tracking these trends for the last three years. Why could it not have been done on a more measured basis, announced basis, explained to business community and so on, rather than do it on a Monday, outside the ordinary Gazette, without real explanation, with a short statement accompanying it? But that did create a sense of concern, and he has got to understand that because some of the concerns that have been raised are understandable.

Can I ask him, he says that there has been an unprecedented demand and increase in new arrivals over the last three years and he gives some statistics. Does he have statistics about previous figures going backwards so that we can understand really the concern that the Government has so that people can put it in context? So, does he have those figures of previous years so that on an average we understand what that is?

Does he also, and in the Government's mapping of these increases, has there been any work done, I assume there has, has there been any work done that he can share with us as to the nature of these new arrivals? Are these new arrivals, have they been, can they be sub-categorised of 896 in 2023, 300 in relation to new businesses? Has there been that kind of work done to isolate so

that we know to what extent the new arrivals have been about adding business or about personal reasons to relocate to Gibraltar?

Does he have that and in respect of what areas, especially if it is related to business and the financial services industry, I welcome his assurance as I understand what he is saying is any person who has, for example, expired cards and so on should not be worried about these measures. The Department will continue business as usual in respect of residence applications for people who already have valid cards or have expired cards. I understand that to be his position.

Certainly, on this side of the House, to the extent that there is, of course, abuse, we would support any measures to crack down on abuse. I think it is important to distinguish between abuse and genuine interest in coming to Gibraltar, for example, business reasons. That is not in any stretch of the imagination abusive and that should be welcomed by all if we want to continue the expansion of our economy and so on.

There may be other good personal reasons why people relocate to Gibraltar. Can I ask him to what extent are any of these measures that have been taken suddenly because of interface of possible treaty agreements to be concluded, given that there has been discussion in the past about aspirations of others in those negotiations in relation to the grant of residence and so on? Then finally, Madam Speaker, the statement is welcome but in the advent of the Gibraltar Day in London week, it has now become a week, business will be interested in how Gibraltar is to be marketed.

So it is not just a question of giving a statement here but giving assurance to the business community when the various events happen in London and also perhaps explaining with a bit more detail how exactly this statement and the suspension will be reconciled in the marketing of Gibraltar because business will be reassured to some extent by this statement but we will want to understand precisely how, for example, the approach on these matters will be taken when it comes to, for example, considering inward investment into Gibraltar. I am grateful, Madam Speaker.

Hon. Chief Minister: Madam Speaker, I am grateful for the hon. Gentleman's questions. When I go through dealing with the issues that he has raised, I think he will understand why we think that these are not understandable concerns that are being raised because we have been heralding the fact that we are going to do this for some time. Indeed, I spoke during the course of my Budget speech about the concerns that we had about the abuse of residence already happening and how that was getting or likely to get worse.

I set up during the course of my Budget speech a new committee that would look at issues relating to residence and immigration, headed by the Father of the House, a committee that has met on a number of occasions and that is, in fact, a committee that has given rise to the request that this hiatus be put in place, a committee that also includes the Minister for Business. We are very clear that this is not about, in any way, being negative to business. Quite the opposite.

In fact, if I can just put it this way in shorthand so that everyone can understand, we are open for business, we are closed to freeloaders and that is what I am going to develop a little more as I answer the hon. Gentleman opposite, because there are a lot of freeloaders trying to come to Gibraltar and that is what we have to stop. We have to stop that because when the time comes, we want to be able to look after our people in the Health Authority, in Education and, in particular, in Elderly Care. If somebody who has been paying PAYE in Gibraltar and Social Insurance in Gibraltar for all of their lives requires elderly care and we have one of the most generous systems in the whole of Europe in respect of elderly care, they should not be told in five years' time or in ten years' time, sorry darling, there is no room for you at Mount Alvernia or at Rooke or wherever it is at the John Mackintosh wing or Hillsides, because there is somebody who arrived just after the treaty announcement who moved to Gibraltar, was able to buy a house, had enough money to buy a house, they have never contributed PAYE, they have never contributed social insurance, but they were here, they were now on their own because their partner had died and they have taken your place at Mount Alvernia or at the John Mackintosh wing.

That is what we are doing, Madam Speaker, that is what we are stopping, so much as it relates to elderly care. Of course, it also relates to schools where we have seen an influx, I think the figure I was given by the Department of Education and the Minister, the Father of the House, was something like 150 new registrations this year into our schools, sorry, 199 new registrations into our schools just this academic year, not the kids born in that year, it is the kids born in that year in Gibraltar and who were in schools plus an additional 199 starting in this September. So, we have got to deal with this, Madam Speaker. Now, insofar as we are dealing with people who are coming to Gibraltar to work, the children of people who are coming to Gibraltar to work, the elderly care eventually of the people who are coming to Gibraltar to work, who are contributing PAYE, who are contributing social insurance, there will be no problem there.

You are coming to be a contributing member of our society. But what we cannot have are people who are coming to Gibraltar, having never contributed PAYE, having never contributed social insurance, with no desire or expectation that they will do that, either because of age or because of how they are going to maintain themselves from investment income. Nonetheless, taking all of the advantages that our society provides for, either for themselves or their children or their elderly relatives.

So, Madam Speaker, the hon. Gentleman should therefore not for one moment think that what we are doing is trying to be closed to business. The whole ethos that drives what we do is to be open for business, to bring more business to Gibraltar, as we have demonstrated in the 14 years we have been in Government. Indeed, Madam Speaker, the hon. Gentleman asked me what the numbers were like in terms of immigration to Gibraltar in years before the numbers I have given, where it has been near 1,000 every year.

It was something like 500 a year for the 10 years before the numbers I have given, and 350 a year on average for the years before that decade. So, Madam Speaker, the numbers have gone up, ironically Madam Speaker, in the three years I have had to sit here, hearing the Hon. Leader of the Opposition tell me that I was leading an economy that was in limbo, actually the numbers of people seeking to immigrate to Gibraltar have gone up double from 500 to almost 1,000 a year. So, Madam Speaker, in any event, all of this is temporary.

All of this is temporary whilst we set out the new criteria that will apply to people who want to immigrate to Gibraltar, and not because Madam Speaker there is anything in the treaty that has led us to do this. The hon. Gentleman has suggested almost that we have had to do this because a treaty will provide for somebody else to approve residence in Gibraltar and therefore our hand has been moved to do this. Far from it Madam Speaker.

It is because of what we think is the excellent result that this treaty produces for Gibraltar and how interesting Gibraltar becomes as a place to reside in, and that is not just our interpretation, it is the interpretation of thousands of people outside of Gibraltar and the interpretation of thousands of professional advisors outside of Gibraltar that we have to say, hang on, let's set out the criteria of who we want to see come to Gibraltar, and by all means that means the people who are coming to Gibraltar to run a business from Gibraltar, because we are open for business. The people who are coming to work in those businesses if there is not somebody here who can work in those businesses, because unemployment is now in the region of five, Madam Speaker. All of that we are open to, but there will be a class of individuals who might very much like to come to Gibraltar, who you might have to say, I am sorry to, you cannot come to Gibraltar to live in Gibraltar, or the circumstances in which you come to Gibraltar to live in Gibraltar will not permit you to take certain advantage of the social care system in Gibraltar, and you might have to sign yourself out of that. Coming to Gibraltar to do business is not abusive, there is no question of us ever having suggested that, quite the opposite, Madam Speaker, quite the opposite.

And yes, this is entirely reconcilable with the message that we are going to sell in London next week, a Gibraltar week in London. Ironically, Madam Speaker, a Gibraltar week in London which is not funded by the taxpayer, as Gibraltar Day used to be when hon. Members were in Government and we used to have to pay for the highest *honchos* lunch, now the *honchos* pay for their own lunch, Madam Speaker. So, I am very pleased that this is the opportunity that we are

going to have to send exactly the same message in the City of London, because in the City of London, Madam Speaker, what we are trying to do, and we have done very successfully in other years, is attract businesses to Gibraltar, not freeloaders.

So, when we are there saying, come to Gibraltar to run your business, the best place to run your business, bring employees to Gibraltar to contribute PAYE and social insurance and to form part of the social fabric of Gibraltar, none of what we are stopping is going to be on the agenda, because they are not the freeloaders. And Madam Speaker, we will be setting out the new criteria very shortly, we are working on it very assiduously, the Hon. Father of the House is working on it very assiduously, also the Minister for Business is looking at it, the Minister for Financial Services also has an input in relation to special categories of taxpayers, and what that will demonstrate, Madam Speaker, is that we will not just have the best product from the point of view of the infrastructure that Gibraltar provides, the rule of law that Gibraltar provides, the access to the European Union that Gibraltar provides and the access to the whole of the Schengen area that being resident in Gibraltar will provide, it will be the best product also fiscally, because there are other places you can go and live in Europe, which give you access to Europe, but we will design this to be the most fiscally attractive product also, in keeping with the obligations that we are taking in respect of the treaty, which do not in any way affect personal taxation. So, Madam Speaker, I hope that is helpful for people to understand the Government's views and answers in respect of the issues raised by the Leader of the Opposition.

Madam Speaker: Any other hon. Members have any questions for the purposes of clarification? The Hon. Mr Clinton.

Hon. R M Clinton: Thank you, Madam Speaker. I was wondering if the Chief Minister would have to hand of the numbers of people coming to Gibraltar in the last few years some indication of nationality. Are they all coming from Europe or are they coming from the UK?

And also, it would be useful if we had any indication of age. Are these retirees over 60, 70? Is this what the concern is, is that we seem to be attracting maybe UK retirees who want to leave the UK?

I do not know. It would be interesting if the Chief Minister had that information. And of course, when the Chief Minister talks about freeloaders, it is in itself a loaded word, in that these people are coming here, as it were, with a view to abuse their residence in Gibraltar.

But it could be bona fide people who genuinely want to, for example, retire to Gibraltar, who have independent means and are not going to be a drain on society or on the taxpayer. And are these not people that we would wish to welcome? Because of course, if we say Gibraltar is closed to retirees, there may be a knock-on effect on the property market.

I mean, not everybody is coming here for business. I would be grateful for the Chief Minister's thoughts.

Hon. Chief Minister: I do not have that information with me, Madam Speaker, but the hon. Gentleman can ask a question, and we can give the breakdown in that way. It is clear that most countries do have provisions which do not just allow people to retire there. There are many countries that say you cannot immigrate unless you are under 50 and you are going to be economically active.

Gibraltar is a place which is 2.5 square miles by 1 mile, Madam Speaker, and we have to be careful of who we permit to come here, because the property market might be affected in a way that might be very negative indeed if we allow everyone to come here and the prices go up even more. Because we are the Socialist Party, we care about workers and their ability to afford houses. I suppose hon. Members opposite care more about the price of property going up, rather than whether it should be affordable to people in our community.

But Madam Speaker, all of this will be dealt with in the context of what we are going to set out, and all of these issues are live issues. I said, perhaps the hon. Gentleman did not hear, that when

we provide a new system, there may be a provision for people to come to live in Gibraltar, but not to have benefits in Gibraltar, and that might permit them to own a property here, to live here, but not have access to our Health Services, our Education Services, our Elderly Residential Services, or any other of the welfare services that are provided by the Government of Gibraltar. All of that will be set out in the new criteria.

Madam Speaker: Yes, the Hon. C Sacarello.

Hon. C Sacarello: Thank you very much Madam Speaker, and good morning. I very much welcome the Chief Minister's statement there, particularly on the business side of things. I think it is extremely important Madam Speaker that businesses are allowed to operate freely in order to grow, start up in the first place, and in doing so recruit the best candidate for the job.

Sometimes the opportunities come from abroad because the skill set is not available, as has been indicated by the Chief Minister. So great news to hear that Gibraltar remains open for business during this hiatus, the timeframe of which has not been indicated, but we assume there is a limited timeframe. I would ask, in the spirit of clarity and the provision of information, which the Chief Minister has been very open on, if he could offer a little bit more detail on the process and the procedure.

I understand that the Government is currently working on it, the Hon. Minister for Economic Development perhaps heading this up, but it would be interesting to know how onerous the test would be. The Chief Minister mentioned that the companies must demonstrate an economic need and that the talent is not locally available. Will this test be onerous?

Which department will it be run by? And how long will the process take so that businesses can proceed with their day-to-day running of their companies? Thank you.

Hon. Chief Minister: Well, Madam Speaker, the test is exactly the same as the test is today. There is no change. The only difference is that the Minister with responsibility for immigration now has the ability to stop attempted abuse of that test, because we have seen attempts to abuse that.

Not by the legitimate businesses that are doing good business in Gibraltar, but by people who purport to be businesses and are just sitting on their own in an apartment pretending to be a business, pretending to be self-sufficient, and actually all they are doing is employing other members of their family to try and bring them to Gibraltar. So, this is not in any way a test that is designed to stop a legitimate business from continuing to employ people that they need. We have said from the beginning that we take the approach that if people need to bring somebody from outside of Gibraltar, they immediately get the permit for that, because we have five people unemployed, because the Future Jobs Strategy was a huge success, because there are not now, as there were when the GSD was last in Government, 500 people unemployed, and therefore there will be absolutely no change to the test. So, Madam Speaker, it should not be news to hear that we continue to be open. It would be news if we were closed, because that would be a new thing.

We are continuing the position that we have set out when it comes to businesses and people who need to come to Gibraltar to work.

Madam Speaker: Does any other hon. Member have any more questions?

We can continue with the business of the House. I think we are back on the Motion. The Hon. Chief Minister.

GOVERNMENT MOTION

Chief Minister (Hon. F R Picardo): Thank you very much, Madam Speaker. I am going to continue now my detailed analysis of the section of the report that deals with ex-gratia payments, and today I am going to deal with one, and I am going to deal with it in very great detail, because the report deals with it in very, very great detail.

It is only fair, Madam Speaker, that given that the author of the report thought that it was necessary to spend 12 pages of closed text analysing one officer in the public service in Gibraltar, that the Government should also spend the same detailed period of time necessary to analyse what was said, and what was said were the Government's failings in dealing with certain of the issues that are raised in the report.

Madam Speaker, when we ended the last sitting, I dealt with all of the legal aspects affecting the ex-gratia payments. I have gone through the issue of the definition of ex-gratia payments and when they are used. I had explained why such payments, however large they may be, are actually designed to avoid having to make even larger payments.

So, in the case of any such payments, I shared with the House that we would anticipate that we are saving in the region of 25% when we agree to make a settlement payment, and that is at least, Madam Speaker. But I should be clear that on legal costs, when we make a settlement ex-gratia, we can be saving much, much more than 25%, because if you get a case at the early stages, the costs are very low. If you settle a case at the last minute, after lawyers have done all of their preparation, after they have taken all of the witness statements, after they have prepared for court and read all of the cases, etc., settled all of the arguments, etc., the savings that we make on legal costs could be in the region of 90% to 95%. So as most will understand, Madam Speaker, it is sensible to settle a case early if you can, and not allow lawyers to spend the money that you spend in preparing to go to trial, etc. And settling, in our view, Madam Speaker, where it is appropriate and necessary is always better than litigating and settling early is always cheaper than settling late. Now, so much should be obvious to everyone, but I think that there is so much that was not obvious to the author of the report that I am sorry to have to set these things out on the record.

So, Madam Speaker, when we do a settlement ex-gratia, we are not just settling the case or the issue that is brought to us, we are also settling the legal fees that would be attached to that case. And that was certainly the case in the matter that I will deal with today, Madam Speaker. And this is the settlement paid of £260,000 to one GDC officer.

Madam Speaker, perhaps for the first time in the history of this Parliament, a report from a Principal Auditor concentrates on one particular individual. The only reason I say perhaps, Madam Speaker, is because I have not been able to go all the way back to 1969. But I am sure that this is the first time in history that a report has concentrated on one particular officer in this way.

And not just, Madam Speaker, looking at one matter or one aspect of a particular officer's record. Looking at one particular officer's record. Looking at a whole employment record.

This is really, Madam Speaker, an unprecedented approach. And for the reasons I will show during the course of my address this morning, I hope it will be clear to everyone, even those who might wish to defend the author of the report and the report, that there are aspects of what is said in the report in relation to this officer that are clearly and completely unconstitutional, ultra vires and contrary to the Equal Opportunities Act.

To such an extent, Madam Speaker, that I doubt that once genuine thought and non-partisan reflection is brought to bear on these issues, even hon. Members opposite might say in respect to one particular part of what I am going to deal with, we all have to agree on that. We all have to agree on that. But the detail and length in which the report analyses this particular officer's record is absolutely remarkable.

It is remarkable. There is a whole 12 pages of tight text in the report which relate directly to one public servant. To one officer of the GDC.

One would be free almost, Madam Speaker, to speculate that there was something of the witch-hunt about the approach, just based on the length and concentration on the officer in the report. But hon. Members opposite might like to note that the Government's view is that this is not just something of a witch-hunt. This is a witch-hunt.

An absolute witch-hunt. Undeniably a witch-hunt. Because the way that the report is structured in this respect is as follows:

First, it analyses the relevant officer's employment record and looks at absences and overtime claims; Second, it analyses the relevant officer's legal claim against the Gibraltar Development Corporation; and third, it analyses the political activities of the relevant GDC officer.

Those are the three sections about one public servant in the Principal Auditor's Report for 2018-2019. And in doing so, Madam Speaker, the report is clearly authored to engineer the sending of a message to the reader. It is obvious.

Unfortunately, any messages the report is designed or engineered to send are clearly not based on an accurate factual analysis, as I will demonstrate. They are therefore unfair in the extreme. Let me deal with those three aspects of what the report analyses in detail and in order.

First, the officer's employment record. I am not going to comment on matters relating to attendance and overtime claims of one officer in the public service. They are not matters I can ask the House to fairly attend to.

If I did, Madam Speaker, the only way to measure whether the relevant officer's position is anomalous would be to do an analysis of the attendance and overtime records of all relevant officers. It would otherwise be supremely unfair. And that would mean that the House would have to look at the records of 5,000 people to decide if one was acting in a manner that required sanction or not.

Otherwise, you are just picking one out and dedicating 12 pages to that person without looking at how that compares to everybody else. Is this anomalous? Is this the only such situation?

Are there more such situations? Are there 10 such situations? Are there 100 such situations?

Are there 1,000 such situations? Is there an administrative problem in dealing with the 100 such situations? Or is it just because it is this officer?

What are the characteristics of this officer that make them the one that must be singled out for the purposes of this analysis? In any event, that is work that must be done by the relevant Human Resources Department. I certainly did not get into politics to come to Parliament to look at the attendance and overtime records of individual officers.

I am very sorry to say the hon. Members are disappointed and they thought I had come into politics. For that purpose, that is not what I came into politics for. I am not in politics to look at the attendance and overtime records of individual officers.

That is what the administration is for. That is what the Chief Secretary is for. The Human Resources Department is for.

The GDC Secretary is for. Ironically, Madam Speaker, it is not what a Principal Auditor is for, unless it relates to payments of overtime and salary in respect of an officer. But I make no complaint that the Gibraltar Audit Office should do this work.

I think it is entirely proper when it comes to payments that they look at whether somebody has been overpaid or not overpaid, but not just one person has been overpaid or not overpaid. I think it is unusual that this has only ever been done in relation to this one person. I think it is very peculiar indeed.

But so be it. That is the first point. That is the overtime record and all of the rest of it.

I intend to say no more about that. But the next point that is raised is the question of the proper settlement of the GDC officers' legal claims against the GDC. And on this, the analysis in the report is so seriously flawed in the way that it purports to deconstruct the claim that the same officer had made against the Gibraltar Development Corporation that it is worth going through in minute detail.

It is so fundamental for the House and for the wider public to understand exactly how wrong the report is on this issue, as it is fundamental for the public and the House to understand why

the ex-gratia payment was made in this case. So, I have to start by highlighting why this claim was brought about. There is none of that in the report.

It just talks about a claim was filed. But that is essential to understanding the nature and manner in which the whole thing starts. And what happened here, Madam Speaker, was that the relevant officer of the Gibraltar Development Corporation became the subject of allegations in the place of work.

Those allegations required investigation, as all allegations do. And that involved months when the officer was not at work on suspension, given the nature of the allegation and the then amount of stress that had been created as a result of the investigation when the investigation was concluded and the suspension ended. I do not want to say any more about the nature of the allegations because it would not be fair, for a simple reason.

They were not proven. The allegations were investigated and not made out. I also do not want to say more about the nature of the stress that they caused the officer in question, because it is not fair, it is not right, and it is not proper to talk about a medical state of mind of an individual in this place.

But much can be gleaned from the claims set out in the report about what the medical expenses that the officer claimed were for. But all of this, Madam Speaker, all of this genesis of this matter is ignored in the report. The report proceeds on the basis that the claim was somehow improper.

Indeed, the conclusion of this part of the report is to say the officer should have been told that she should have filed a grievance in her department. Madam Speaker, I do not know whether any advice was taken before those words were written. But in the place in which I live, which is the fantastic Rock of Gibraltar, nobody is entitled to say to anybody else, you cannot get a lawyer and start a claim against anybody else.

You have to go through a grievance procedure instead, which traps your rights to start a case against your employer. It is absolutely not the case. So, the idea, the flawed idea in the report, that somehow this was all wrong because the officer should simply have filed a grievance in her department is worse than nonsensical.

It makes everything that is written in respect of the settlement absolutely and entirely incorrect. People can go to law when they want to go to law. In fact, Madam Speaker, the advice that the Government had suggested that there was a very, very high likelihood that the claim presented could succeed at trial.

And this arose from some considerable procedural irregularities that had occurred during the course of the investigation. Nonetheless, the Government did not take the claim at face value. But already in having to get up in this House, Madam Speaker, the settlement that we did, which was ex-gratia with no admission of liability, I am now having to justify.

So, I am now having to get up in this House and say, yes, there was a very high likelihood of success in this claim. Something which is totally unnecessary and is not the way in which you settle cases, but because of the foolish way in which the report addresses this issue, I have to now deal with. But the Government does not take any claim, let alone this claim, at face value.

Contrary to what is said in the report, we did seek the views of the officers who the claimant refers to in her claim. The report says we did not. I'll go through that in detail now.

We checked each aspect of it and concluded, based on the information available and indeed a number of meetings with the claimant's lawyers, on the basis also of our own advice, that the claim had a prospect of succeeding. And this is where the report is dangerously wrong. In fact, it is completely wrong.

Because when we go through the heads of damage that were claimed and compare our advice in respect of those heads of damage with the things that are in the report about those heads of damage, you will see, Madam Speaker, and the House will see, that there's no correlation to the facts in what's in the report. Indeed, Madam Speaker, not only has no report ever gone in such detail into the career of one public servant, never has a Principal Auditor report gone into such detail in respect of a claim filed against the Government and settled. No report has ever X-rayed

a legal claim filed and tried to dissect the heads of damage as this report does in respect of this particular claim, in respect of this particular public servant.

But so be it. Given the report has gone there, the House must go there too. I do not think it's a challenge in this respect, an Auditor's right to do this analysis, because it's about money paid and it's a public account of Gibraltar.

But I do highlight, Madam Speaker, how peculiar it is that it's ever only been done in this case and in respect of this officer. And, Madam Speaker, I will show that the settlement was done properly and correctly and that the report is incorrect in its analysis. So, if I can take the House, Madam Speaker, to paragraph 4.3.19 of the report, that sets out a table which sets out the heads of damage claimed by the officer. It also shows the total at the end of schedule of loss, representing the total quantified amount of the claim, what we would call the liquidated claim, a quantified amount of the claim. The first Head of claim are General Damages. That's a general figure based on precedence and is fixed here by the relevant officer's lawyers at approximately £40,000.

And the report actually makes no adverse comment about that figure. It does not say the £40,000 is too high or the £40,000 is too low. I agree with the report, Madam Speaker, on the assessment of that figure.

It just sets out this is the amount claimed based on general principles of law, etc., etc. So General Damages, £40,000, the report says, okay. The next part is the liquidated claim, the quantified claim, based on loss of earnings.

That amount of the claim is fixed at £106,638. And the report breaks that figure down and takes issue with it in several respects. The key issue that is repeated several times in the table by the author of the report is the following when dealing with Overtime Substitution and On-Call allowance.

It says this:

> The standard practise when remunerating an Officer who is suspended from work is to pay basic salary only and does not include any hypothetical overtime the Officer could have been eligible for.

When paying an officer who is suspended from work. And that appears various times in the text of that table.

And it always appears, Madam Speaker, on Overtime, On-Call allowance and Substitution. Well, Madam Speaker, I confirm that I agree with the report in this regard also. That is the standard practise in relation to officers who are on suspension.

It is the standard practise remunerating an officer who is suspended from work to pay them basic salary only and not include the hypothetical overtime, on-call allowance and substitution. But what the author of the report fails to consider, Madam Speaker, or overlooks, or was not aware of, or did not take advice on, is what happens when the suspension has been found to have been based on facts which cannot be proven. So, not in the period of the suspension where you do only pay the basic salary.

At the end of the period of the suspension, when the suspension is found not to have been proper, the suspension is lifted, and the person has a claim for that period. What happens then? Then the officer has been suspended for no good reason.

And when that officer makes a claim, they are able, indeed they are entitled to say, hang on a minute, I accept you did not pay me the overtime, the on-call allowance and the substitution whilst I was suspended. But now that I have been found to have been improperly suspended, I claim for what I would have been able to receive if I had not been improperly suspended. And if the author of the report does not know that he has never had a meeting with a Union after they are representing a person or a member who has been improperly suspended.

And he has never spoken to a lawyer about what claims one makes in law arising from improper suspension in employment. So, the report and its author are right to state that these amounts are not paid during the period of suspension. But the report and its author are wrong to say that these

sums could not form part of a claim from the officer once the suspension has been found to be improper or unsustainable.

The report is also wrong to state that an officer who has been away for these reasons is unable to claim pension contributions just because they had not claimed them before. The fact is that the GDC permits officers to start pension contributions at any time. And when they do, the Government matches them.

For that reason, Madam Speaker, when a person makes a claim against the GDC, even if they had not been making pension contributions before, they are entitled to say, I was about to start making my pension contributions. So, in respect of my claim, I claim 8% less in respect of my salary, but 17% more from the Government. Because that is the amount the Government would be contributing.

The report would be right, Madam Speaker, perhaps it would not be right. The report might be legitimate in saying, wow, that is a bit sharp on the part of the officer. They did not make pension contributions before and now they say they would have been about to start.

Well, different people make different assessments about when they want to start making pension contributions. An officer might want to start making them at 21 or at 18, another at 30, another at 35, and another at 40. Indeed, we have many people now in the Public Service who come to us from other careers, usually in the Armed Forces, and they start their contributed pensions at 40.

This individual is below 40. But it would be perfectly legitimate, understandable, and reasonable for the report to say, goodness, it was a bit sharp, for the officer to now start claiming pension contributions when they had not contributed before. But it is not contrary to law, and the claim can be made, and therefore it is wrong to say that the claim cannot be made.

Indeed, Madam Speaker, at paragraph 4.3.21, it is therefore completely wrong to say that this somehow vitiates the statement of truth. Because this is what the report says at 4.3.21. It says:

> I further pointed out to the GDC Secretary that I found it surprising to see in the schedule of loss claim that the GDC Officer asserted in a statement of truth paragraph that the facts in the schedule of loss are true, when some of these facts are false, e.g. the loss of pension contributions, bearing in mind that the GDC Officer is not a contributor to a contributory pension scheme.

And it continues. But that part, Madam Speaker, that part is false in the pen of the author of the report.

Not in the mouth of the claimant in this claim. Because the schedule of loss is true, because the officer could, from that moment, have made a claim for pension contributions. Indeed, in some instances we may allow them to go backwards.

So, it does not vitiate the truth that this person made a claim for a pension contribution. And that is completely wrong. And the author of the report, in his report, challenges the oath of the person and the truth of what that person has said.

Wrongly. Because the report fails to reflect an understanding of the practise that can enable the individual to make the claim for the pension contribution. So, completely wrong in the analysis, Madam Speaker.

The rest of the analysis of the claim for liquidated damages made in the report is not suggesting that the sums are not justifiable, although there are suggestions that they should be challenged. Which is fair enough. But then there are three areas of claim which are unliquidated.

Now, for the non-legal, that means unquantified. They are things claimed without a number set against them. That's the most dangerous part of a claim like this.

The unliquidated damages. Because the specific damages, the liquidated damages, you know, that's what it is. That's my liability.

But I do not know, in respect of the things which are at large, where if I am found liable, the amount I could be found to pay is not yet fixed. Essentially what the claim is saying there is that the officer in question may find it impossible to return to work. Because the circumstances are

intolerable and therefore in employment law the employer has breached the contract and the claim is for the rest of the claimant's working life.

But that's not an easy claim to make out and one would not expect it to succeed at trial, Madam Speaker, in recovery of the earnings due until retirement. But that's what the claim is for. The claim is for the contract to be paid out as the analysis of the report actually indicates.

The report says this:

> A substantial continuing loss of earnings claim would be made if the GDC officer is unable to return to her pre-accident employment given her age and years left to retirement.

The report acknowledges that, but it makes no calculation of what that could be. Going back to the approved estimates for the year 2021-2022, which is the one we are dealing with, the relevant officer's salary as a grade 3 GDC at the top of the spine point would be £38,669 per annum.

The officer's age then was 35 years old. Therefore, the potential liability that opens up for the Government was up to 25 years at the time. But as I said a moment ago, it is very unlikely that a court would ever award that amount.

In other words, it's very unlikely a court would ever do 25 times £38,669. Because courts rarely award damages for the entire remaining term of the contract unless the employee can prove they couldn't reasonably find comparable work or indeed that the injury is such that they cannot go to any other work as a result of what has happened. But compensation would usually cover lost earnings during the reasonable job search period, benefits such as pensions and healthcare lost during that time or completely because this was a person in the Public Sector.

If they then had to go to the Private Sector, the benefits might be less and therefore there might be a claim for those benefits until retirement, any unpaid wages or notice. It's likely that anybody in Gibraltar would be able to get a job quickly but perhaps not on the same pay, terms and conditions as in the Public Sector. We cannot make that determination now.

It would require a whole trial of the quantum of this matter to determine what it is. But let's be clear that the £38,669 would not necessarily be the figure by which we would be multiplying here. It would be the salary plus the sum of the average overtime on-call allowance and substitution allowance that the officer could have proved she would be receiving and the pension contribution.

Well, Madam Speaker, when you come to the pension contribution, the report once again deals with that issue. Almost I can feel the author's anger at the claim for pension. The report shows us how the author of the report is incensed by the claim for pension by the officer who was not contributing to pension.

It says this under that line:

> The GDC Officer ascertained that there would be a substantial claim given her age and years left until retirement if she is unable to return to her pre-accident employment. The schedule of loss states that the amount of the loss will be valued upon receipt of information as to her prospective pension.

Once again, this is simply not true, given that as previously mentioned above, the GDC officer has not contributed and has never contributed to a Government contributory pension scheme.

Of course, in respect of an actual pension, the author is right. But there can be a claim, Madam Speaker, because there cannot be a claim for a pension if the pension has invested at the time that the person is going to retire. But, although the court might award very little in terms of pension, it might award pension contributions for the period because the officer could have started to make those contributions.

But even if there was a low award there, there might be something. Madam Speaker, there is also an element of claim for what is called future gratuitous care and assistance, which is the support that somebody who has had an accident needs, etc. And this is what the author of the report says:

Given the GDC's Officer's ongoing condition, there would also be a continuous claim for gratuitous care and assistance as she still requires help with some aspects of her everyday life.

So, the report is not challenging that potential head of future loss. The report is not actually challenging the potential claims for two future heads of damage, unquantified damage.

Loss of earnings and future care and assistance. It is only on the pension that the author of the report does not accept that there can be any amount paid. But it is fundamental in doing the analysis of this ex-gratia settlement that we remind ourselves that even the author of the report that criticises the amount paid is not challenging that there would be an amount paid in respect of the unliquidated damages due in respect of loss of earnings and future gratuitous care.

Those are the ones that could be the largest amounts of the claim. They would potentially dwarf the sums that the report and its author seem to be so affronted by in respect of pension contributions. So, it is important that when looking at the schedule of loss, which gives a number of £295,000 claimed, that is not the sum of the claim.

It is £295,000 plus the loss of earnings, plus the loss of future gratuitous care, plus the potential claim for at least the pension contributions. And that would make the claim worth much, much more. So, what would be the potential damages that the Government would suffer if we went to court?

It is the £295,000 plus the salary at £38,669 and the average overtime, the average on-call allowance and the substitution allowance. Let us do a calculation which is very, very, very ungenerous in respect of Overtime, On-Call and Substitution. And let us say that is just an extra £6,000 a year.

Very ungenerous but let us do it for the purposes of settling. And let us say, let us give a notional salary going forward of £45,000. So, that becomes the multiplicand for the loss of earnings, £45,000.

And then let us calculate the amount, not over 25 years. The only way that that claim could be made out is if the officer suggested that she could not ever go back to work anywhere, which is I think the beginning of what is said in this case, but we actually are able to avoid that. So, not 25 years, which would get her to 60, not even 15 years, not even 10 years.

Let us do the calculation very, very ungenerously to the claimant, generously to the Government. And let us say that the court were only to determine that they would give her five years of that claim. The officer would then have had to satisfy the court that she was not able to go back to work for at least five years.

And that the terms on which she would go back to work would not be as generous as the terms and conditions she had in the Public Sector. Just that would add, done as ungenerously as I have done it, would add £225,000 to the claim. That is multiplying by five.

If you multiply by 25, and if the officer had been able to convince the court that she could never go back to work because of what had happened to her, then multiply 225 by five. Then, on top of that, you have the gratuitous care and assistance claim and there, the way to understand what is likely to happen is you go back to the claim that was made for special damage for gratuitous care and assistance, which was £23,400 for three years.

That makes it £7,800 a year, and you take that forward. Again, she would only be able to get it for the rest of her life if she was able to convince the court that she could not go back to work and she needed this care for the rest of her life. So either 30 years, 25 years, et cetera, et cetera.

Let us be completely ungenerous. Let us just say five years. Okay, let us go to a low number.

Let us go to five years. £7,800 for five years, £39,000 is what would be added to the value of the claim. Now, when these claims are filed in the Supreme Court, you're asked whether your claim is likely to exceed half a million or not likely to exceed half a million.

It's one of the ways that you determine what court fees you pay. But even if you tick the box that you're going to not exceed half a million pounds, if the court then determines that you must be paid more than half a million pounds, you are paid more than half a million pounds. It does not matter what box you ticked.

Because now you can see, Madam Speaker, that the claim might reach half a million pounds ungenerously assessed as I am assessing it. The claim goes to close to £559,000 without legal fees. It could be more, or it could be less.

That is the dice that you roll in litigation. You look at all the applicable principles, you look at the comparable and you make a decision about whether you want to go into the battle for liability and if you lose the battle for liability, the battle for what is known as quantum, which is the amount that has to be paid.

So, what the report does, Madam Speaker, is it says all of these payments are excessive, improper, etc but it does not analyse the three heads which are set out as TBC to be confirmed. And they are not confirmed by the individual. They are confirmed by the court at the end of a trial. But the report does not challenge those. It does not say these are improper and it leaves them at large.

All the report says, the only thing it says after all of that detail analysis, and this is really, really remarkable, is that there was at least a chance that the claim would be rejected and thus public funds spared. That is the final sentence of 4.3.25. There was at least a chance. There is always a chance, Madam Speaker. Even when your lawyers have told you are going to lose in court, you do not stand a snowball's chance in hell. You go to court and there is always a chance that you could win.

Why? Because a document might come out that the other side had not disclosed. The judge might be particularly favourable to you.

The law might change in the interim because there is a case going through a Supreme Court in the UK and you want to take the chance. Of course, there is always a chance. If the Government conducted litigation on the basis that there is at least a chance that the claim would be rejected, we would never settle.

And what would happen? That in a case, for example, recently when we paid 10 million, we might pay 20. In a case also recently when we paid 10 million, we might have paid 15.

Is that the Russian roulette of litigation that the report is recommending to the Government and to the community? The idea that the Government should defend every single civil claim against the Crown on the basis that there is at least a chance that the claim would be rejected and thus public funds spared. Or is it just this one to which the author of the report would have this rule apply because it is this particular GDC officer?

The characteristics of whom I will come to towards the end of my address. In fact, Madam Speaker, if you read 4.3.25 carefully, what it must mean, perforce, is that there was at least a chance that the claim would be accepted and thus even more public funds would have had to be paid because if there is just a chance that it might be rejected, there must be more than just a chance that it will be accepted.

That is the reality and that is a necessary interpretation of what the report is saying. So, what leads to this very weak challenge in the report to the potential to avoid liability?

So, when the report says there was at least a chance that the claim might be rejected, on what is that based? What is in the report that tells us that there is a chance that it might be rejected? Well, it is all set out there, Madam Speaker, in 4.3.25 at the beginning of that paragraph.

In my letter,

says the author of the report:

> dated the 22nd of May 2025, I told the GDC Secretary that given the circumstances that transpired, I should be grateful to learn why the GDC did not in the first-place contest the claim against the corporation by filing a defence in court. The fab of the public officers named in the claim put forward by the GDC officer were committed to making representations that refuted the GDC officer's allegations against the way the GDC officer claimed she had been treated, suggested there was at least a chance the claim would be rejected and thus public funds spared.

At 4.3.26:

> I told the GDC Secretary that I found it most concerning that the GDC appeared to have willingly accepted not to file a defence in court, with a view of challenging the claim served by the GDC officer. Instead, the corporation proceeded to settle out of court without first undertaking a formal internal investigation into the matter by seeking the views of the officers that the GDC officer refers to in her court claim. Conducting such an investigation would have established whether the claim was right, justified and reasonable.

Every single aspect of those paragraphs is based on incorrect assumptions.

Every single one of them. And I will go through every phrase in those two paragraphs now to show that all of those assumptions are wrong. Of course, there are the questions.

Questions asked on the 22nd of May, Madam Speaker, 2025. But asked on the 22nd of May, 2025, about things that happened three years earlier, which was the settlement.

But about facts that had occurred in 2018-2019, Madam Speaker. Six years earlier. But between the 22nd of May and the 31st of May, there was no time to reply.

As you will have seen from the report, Madam Speaker, this involved me. It involved members of my team. How much time did I have this year from the 22nd of May to the 31st of May when the report was put to bed?

Remember, this was all in the run-up to the 11th of June agreement. This is two weeks, two and a half weeks before we actually get there. In fact, at that time, there had been a proposed earlier date for agreement, but because of ministerial diaries, it was not possible to have it.

I confess, Madam Speaker, I was not even told about this letter coming in. Rightly so, because first of all, I had a medical issue involving a very close individual to me. I was here in Parliament answering questions on the 22nd of May. I was preparing and conducting the negotiation. I do not think there has ever been a more difficult period.

Additionally, remember, that is the time when we are also preparing for the budget. We are also preparing to go to the United Nations in New York. So, this letter, which requires my input, was not given to me before the 31st of May. So, the author of the report had no reply to his letter.

But neither was it reasonable for him, Madam Speaker, in our view, to seek this level of information. This is a 23-page letter, Madam Speaker. This level of information, nine days before he puts his report to bed, in respect of a matter which had happened three years before, and which he had been investigating for some time, because he says he looked at the file in 2022, he looked at the file in 2024, etc.

But let us go through these things that are in the letter and in the report. 4.3.25:

> In my letter, dated the 22nd of May, I told the GDC Secretary that given the circumstances that transpired, I should be grateful to learn why the GDC did not in the first-place contest the claim against the Corporation by filing a defence in court.

Madam Speaker, that is wrong. The Government would have filed a defence if it had not been possible to settle the matter. The fact is, Madam Speaker, that judgement in default was entered because the claim was not a claim against the Crown under the Crown Proceedings Act, but a claim against the GDC and issues of proper service arose.

But the claimant filed for and obtained judgement in default because the claim had not been brought to the attention of relevant officers in the GDC. But we persuaded the claimant that we would succeed in setting aside that regularly obtained judgement in default, and that therefore it was better for her if she agreed to set aside the judgement and that was done.

So, the judgement was set aside, and then the matter was stayed, so that the Government did not have to file a defence if we could settle it. But we would try and settle it first, without needing to incur the cost of a defence and Madam Speaker, that is the reasonable position to take.

That is the way to save public money, not to settle a defence and spend a lot of money on lawyers settling a defence, if there is no need to do so because you can settle the matter. But the

answer to the question in the letter and now in the report is that if we were not able to settle, we would have been in a position to file a defence in court. Then 4.3.25 continued:

> The fact that the public officers named in the claim put forward by the GDC officer were committed to making representations that refuted the GDC officer's allegations against the way the GDC officer claimed she had been treated, suggested there was at least a chance that the claim would be rejected and thus public funds spared.

Well, I met with those officers. In fact, they themselves instructed their own lawyers. I saw them, I believe, with their lawyer. They had very clear views about the case. They were also the people who had been involved in the making of the allegations which had not been proven, and which had led to the claim.

So, Madam Speaker, already the issues that they were putting on the table had to an extent been litigated unsuccessfully for them, but to a different standard that would have been applied in civil proceedings Madam Speaker. That group of individuals insisted that the allegations made against them by the claimant should be withdrawn. They threatened litigation against the Government themselves if we did not procure the removal of those allegations from the record.

And therefore, as a result, the settlement included the thing that those individuals required, which was the withdrawal of the allegations made in the claim against them and the removal of that from the public record. So, it is wrong to suggest that we did not meet with those individuals and take their views. And then at 4.3.26:

> I told the GDC secretary that I found it most concerning that the GDC appeared to have willingly accepted not to file a defence in court with a view of challenging the claims served by the GDC officer.

As I have shown, that was not the case. We would have filed a defence and challenged the thing said had we not been persuaded that we would eventually have failed in that defence. That the chance of her succeeding and us failing was very much in her favour because that is all that the report tells us, that we would have had a chance. Not a very good chance or it very highly likely that the claim would not have succeeded. That is not what the report says rightly. It says just that there was a chance.

The responsible thing, therefore, Madam Speaker was to do exactly as we did. Set aside the judgement in default, enter the negotiations, talk to the people on the Government side who might give us information to be able to displace the claim.

But on the basis of advice, make the decision that we would likely lose. There was a very good chance that the claim would succeed and therefore settle. But with the proceedings stayed, because if we made a different decision, we could have filed a defence or we could have filed a defence if the settlement was not going in the way that we wanted to try and use that to try and lower the settlement claim.

But remember Madam Speaker, the other thing that we had in mind was that if we did not settle, just the costs would not be £19,000, it would likely be closer to £100,000. Just the costs. And then the report continues at point 26:

> Instead, the corporation proceeded to settle out of court without first undertaking a formal investigation into the matter by seeking the views of the officers that the GDC officer refers to in the court claim.

That is not true. It is a lie contained in the report to this Parliament. It is not true. I had those meetings. I did that internal investigation.

So all of the assumptions contained in 4.3.25 and 4.3.26 are flawed and the highly inflammatory, highly prejudicial and highly judgemental conclusions that the report reaches are therefore wrong, unreliable and misleading. It should be withdrawn because the next sentence says this Madam Speaker:

> Conducting such an investigation would have established whether the claim was right, justified and reasonable.

As I have already said, we carried out those investigations. We had those discussions. We determined, and it is us that should determine, not a third party marking our homework, that the claim was right, justified and reasonable to the extent that it might succeed.

The conclusion was that there was a serious risk that liability would be established against the Government in sums well in excess of the sums claimed as liquidated or unquantified damages. Not a conclusion, Madam Speaker that can be suggested to be unreasonable given that the author of the report himself tells us that he thinks that there is only a chance that the claim might have been rejected and remember that, Madam Speaker, he does not say there is a high chance, there is a good chance, there is a very good chance, there is a very high chance that the claim will be rejected.

He says just that there is a chance. He throws to the bottom rank of opportunity the likelihood that the claim would not succeed and yet he expects us to litigate and not settle.

That is a foolish way to suggest that the Government should go about spending public money. It is the wrong way to go about protecting the taxpayer's interests. So, Madam Speaker, in those circumstances, it seemed to me clear that the Government acted entirely properly in settling the claim as it did.

We acted to protect the public purse. And Madam Speaker, for all the reasons I set out on Monday in my legal analysis of ex-gratia settlements, this is exactly what the discretion provided to ministers and to Government to settle matters entails. We saved at least, if not more, than 50% of the sum that could have been the liability ordered against the taxpayer.

And whatever the identity or political persuasion of the claimant, acting properly and without political bias would have led a Government of any complexion to settle on these terms if they were genuinely looking after the interests of the taxpayer. That is the reality. That is the reality.

What I am saying, Madam Speaker, is that they, if they were here, would also have settled and probably for exactly the same amounts. And if any other Gibraltarian was in my chair and was faced with this advice and was faced with these issues, and if they had any logic about them and wanted to avoid paying more, they would have settled for these amounts. But Madam Speaker, I showed you I had here the letter of 22 May.

It is 23 pages long. It has three annexes. It is extraordinarily detailed in the information it seeks, and it was sent six working days before the finalisation of the report. It is not serious, Madam Speaker. Who does that? Who does that? But what is absolutely remarkable, Madam Speaker, what is absolutely remarkable is that I do not need to give you the letter to read, because the letter is word for word in the report. Apart from dear Secretary of the GDC, it is word for word in the report.

Any objective observer, Madam Speaker, might reasonably think this was a set up. I am not going to say it was. I am not going to make such an assertion.

Let us ask an objective, well-informed observer. The standard set out in Porter and McGill. Do you remember Porter and McGill that I referred you to, Madam Speaker, on the first day that I was addressing you?

In Porter and McGill, the standard is the objective observer who is well-informed. Well, if you are so well-informed, Madam Speaker, that you read the letter and you find that the letter is word for word in the report, you would very likely come to the conclusion that given that the letter was sent just six working days before the report, it requires input at the highest level of Government. It goes back three years as to the settlement and six years as to the issues.

This is not an attempt to get information. This is an attempt to skewer someone in the report. But if that is not remarkable enough, Madam Speaker, it is true of the other letters too.

The letter also of the 22nd of May 2025 to the CEO of the Environment Ministry is word for word in the report, starting at page 89 of the report, paragraph 5.4.1. Apart from dear Chief Executive Officer of the Ministry for the Environment, it is word for word in the report. The letter to the GDC Secretary is word for word in the report at 141, page 141, starting at paragraph 4.30.1. And what about, Madam Speaker, the letter of the 30th of May 2025 to the CEO of the Environment Ministry, which was sent after the close of business on the last day before the report

was filed? Word for word, page 135, paragraph 3.7.11. What about the other letter of the 30th of May 2025? I do not know whether he only sent the letter on a Thursday, to the Director of Personnel. Word for word in the report, page 210, paragraph 5.6. Too much of a coincidence, Madam Speaker. Too much of a coincidence.

In fact, the objective well-informed observer that Porter and McGill tells us is the standard by which we judge this, would look at this and say, it is a set-up. I am not, Madam Speaker, able to do the exact same analysis, because I have not got it, in respect of the letter that you were sent at quarter past eight in the evening, on the 31st of May, two hours before the report should have been finalised. But I am going to allow myself to do that which the author of the report does.

He does it unfairly and reaching a wrong conclusion. I will bet my bottom dollar, mine, not the taxpayers', that your letter is word for word in the report, with the cliffhanger at the end, I have not had a response to this letter in the two and a half hours since I sent it.

And I have no doubt it is more than one page, Madam Speaker. Tell it to the Marines, if anybody is going to try and persuade me that this is fair or proper audit practise. Tell it to the Marines.

Because, Madam Speaker, to set out questions with nigh impossible timelines for response, giving people there the detail of the criticism you are going to make without giving them a chance to reply, and then publishing that and not waiting perhaps for next year for the other auditor, when he has the information to deal with those issues, is not proper or appropriate audit practice, either in the public sector or in the private sector.

Any objective observer would say the person writing to you is not interested in your reply. They are only interested in making the allegation against you, which is the opposite of what audit practise should be. The report, Madam Speaker, in my subjective opinion, was already written by them.

These were not letters written as letters. These were letters written as paragraphs of the report. And the intention, Madam Speaker, as far as I can see, was that the report should be the most incendiary possible, making the most incendiary allegations and giving no time for reasonable answers to be provided.

But Madam Speaker, given what we were told by the Hon. the Leader of the Opposition last week, when he issued his statement, I am sure that he will be able to provide explanations for this, given that is what he told us he was going to do. And so, Madam Speaker, I am saddened, disappointed and concerned to have had to bring to the attention of this House this behaviour by the author of the report and every Gibraltarian, whoever they vote for, whatever they think of the things that were in the report, should be equally concerned to see an independent constitutional officer of the Government of Gibraltar, a member of this Parliament, acting in this way.

Because even if they do not like us and they are delighted with how the report has skewered us politically, they have to realise that if this behaviour is acceptable, it could be them next. Because there could be a change of Government, there could be a Government of a different political complexion, and the game is then to see how we can get a Principal Auditor to skewer the Government in this way, with all of this manifest unfairness and impropriety, Madam Speaker. But there is one part left for me to analyse.

And perhaps, although it may be shorter than my analysis in respect of the claim that was properly settled, as I have shown, for much less than the taxpayer was on the hook for, perhaps it is the most important, Madam Speaker, and it is the part that will sadden me the most to have to do. It's a part that should put all of us on enquiry, and it is a part that challenges not the Government, it challenges our democracy, it challenges our constitutional freedom of association, and it challenges our core right to have political belief. In the letter, there is a part, which of course is also in the report, it is the third part of what I told you I would deal with, which is a section about the relevant officers' involvement in politics, in political activity.

It is identical, the letter and the report, of course. None of what is in this part of the letter or this part of the report has anything to do by the widest, most generous stretch of the imagination with the public accounts of Gibraltar. None of this has anything to do with anything remotely the jurisdiction of an auditor, let alone a public auditor.

Section 74 of the Constitution, which we've read so many times, and we will no doubt hear about so much more during the course of this debate, sets out the constitutional jurisdiction of the auditor, and it sets it out very clearly.

> The public accounts of Gibraltar and of all courts of law and all authorities and offices of the Government shall be audited and reported on by the Principal Auditor. And for that purpose, the Principal Auditor or any person authorised by him in that behalf shall have access to all books, records, reports and other documents relating to those accounts.

That is the jurisdiction of the office, the public accounts of Gibraltar and of all courts of law and all authorities and offices of the Government. How is one particular GDC officer's compliance with General Orders, where it deals with political activity, an audit of the public accounts of Gibraltar? So, Madam Speaker, very clearly, any analysis of one public servant's compliance with the political activity part of General Orders is not within the constitutional jurisdiction of the Principal Auditor.

It is just impossible to suggest that it is. But there are other powers that the Principal Auditor has, not just the Constitution but they do not expand his constitutional jurisdiction.

It is worth ensuring, Madam Speaker, because of the nature and gravity of what I am going to say, that we do ensure that there is nothing else in the law, in the statutes, which empower the Principal Auditor before we say that he has acted entirely ultra vires. So let us look at the sections of the Gibraltar Public Finance (Control and Audit) Act, sections 56 to 62. I am sorry that we have to go through this, Madam Speaker, but this is seminally important. This goes to our human rights, our freedoms, each of us.

Section 56 says:

> The powers of the Principal Auditor, in the performance of his functions under the Constitution and under this Act, the Principal Auditor shall, (A) have access to all accounts, books, cash, documents, security stamps, scores, vouchers, or other Government property under the control or in the possession of any public officer, in the performance of his functions under the Constitution, to audit the public accounts of Gibraltar. (B) he may call upon any public officer for any explanations and information which he may require in order to enable him to discharge his duties in auditing the public accounts of Gibraltar. He may authorise in writing any person publicly carrying on the profession of accountant to conduct on his behalf any enquiry, examination, or audit, and such person shall report thereto to the Principal Auditor.
>
> He may, without payment of fees, cause such to be made, and extras to be taken from any book. He may lay before the Attorney General a case in writing as to any question of law, and the Attorney General shall give a written opinion upon such question.

Nothing there that says that he has any jurisdiction to look at whether a public officer is complying with General Orders on political activity. And all in the discharge of his constitutional authority, which is to audit the accounts, the public accounts of Gibraltar and its courts and agencies and authorities.

57 - The nature of the audit:

> In the performance of his functions under the Constitution and under this Act, the Principal Auditor shall have other powers as are reasonably necessary in order to satisfy himself whether or not, (A) all reasonable steps have been taken to secure the due collection of revenue and of all other public monies due and owing to the Government, and the provision of the Constitution and of this Act, and any regulations and instructions relating to such collection have been complied with, collection and spending of money.
>
> (B) All monies which have been appropriated and dispersed have been applied for the purpose of which they were appropriated and the expenditure conforms with the authority which it governs. That thing which he says we have done properly in the report, because he gives us that clean bill of health.
>
> (C) Public monies other than those which have been appropriated have been dealt with in accordance with proper authority. He also gives us a clean bill of health on that.
>
> (D) All reasonable precautions have been taken to safeguard the proper receipt, custody, issue and proper use of cash, stamps, securities and stores, and the regulations and instructions relating thereto are sufficient and have been duly observed. Nothing to do with officers keeping to General Orders.

(E)The regulations, directions and instructions in force relating to the issue and payment of public monies are sufficient to secure effective control over expenditure, and such regulations, directions and instructions have been duly observed by the public officers concerned therewith.

About money, nothing to do with political activity.
Section 58, Notification of Irregularities.

If at any time it appears to the Principal Auditor that any irregularities have occurred in the receipt, custody or expenditure of public monies or in the custody or disposal of Government property, he shall bring the matter to the notice of the Financial Secretary and the Minister responsible for Finance.

Nothing to do with civil servants and their code, the General Orders.
59, delegation.

Anything which under the authority of this Act is directed to be done by the Principal Auditor other than certifying of and reporting on accounts and exercise of the powers conferred upon the Principal Auditor by 56.1c may be done by any officer and his staff authorised by him.

Nothing.
Examination and Audit of Accounts of Corporate and Similar Bodies. This is Part 9, Section 60, subsection 1.

This part shall apply to every person or body that is in receipt of a contribution from any public monies, or in respect of whom the Government has given a guarantee to any person, or whose operations may impose or create a liability on any public monies, not being a body corporate whose accounts the Principal Auditor is for the time being specifically required or empowered to audit and report on under any law.

And then 61.

The Principal Auditor may audit and report on the accounts of any person or body to whom this part applies.

The Principal Auditor may audit and report on the accounts of any person or body to whom this applies. On the accounts, but not on their political activity and their compliance with General Orders.

In exercise of his powers under subsection 1 the Principal Auditor shall have in relation to any person or body to whom this part applies the same powers as are conferred on him under sections 56 and 57 in relation to public officers, public monies, stamps, securities, stores and other Government property.

62.

Where in accordance with the provisions of this part the Principal Auditor has or by virtue of directions given by him under the provisions of section 57C caused to be examined, enquired into and audited the accounts of any person or body, he may certify the accounts, prepare and sign a report on such audit if he considers such a report is necessary, transmit to the Minister responsible for finance all such certified accounts together with any report he may have made, and transmit the report to the person or body which is the subject of the report.

In respect of their accounts, this part of the letter and of the report does not ask anyone about the accounts of this individual. It talks about this individual's compliance with General Orders under Section of Political Activity. Where in the constitutional power in section 74 or in the legal power in the Public Finance Control and Audit Act is there the right, the power, the jurisdiction for the Principal Auditor to ask about let alone report on the compliance by one officer in the whole of the public service with the Political Activity provisions in General Orders. There is no such power. There is no such jurisdiction. This is all ultra vires.

And if there is such a power, why has it never been used since 1969? Why is there no report that deals with these issues before? At the time of the general strike when so many public servants were politically active, in 1988 the big change of Government, in 1996 in the big change of

Government. Why? No other report goes there because no other Principal Auditor has thought that he had the God-given power to do this because it must be God-given because there is no constitutional power.

There is no power from the Crown in the Constitution. The Queen did not give him the power, and this Parliament has not given him the power in the laws made in this Parliament.

Madam Speaker, and why only this officer? Is it because of the party that she is affiliated to? What about all the others in all the other parties?

What about the schoolteacher that goes around Catalan Bay sticking up posters for the GSD? Why is there nothing in the report about that? Why is it only one person in the Socialist Labour Party that is singled out for this treatment?

Look, even if you do not like this person, everybody knows who this person now is, even if you do not like this person, even if you do not like the Socialist Labour Party, even if you do not like me, if you have no affinity with the Socialist Labour Party or with the Liberal Party, even if you think reading the letter that something has gone wrong, which I will come to in a minute, none of that can be used to legally or intellectually justify what has been done in this part of the report by the former Principal Auditor. It is one thing and one thing only, ultra vires, any power his office has ever had and therefore, Madam Speaker, this part of the report is not within the power of the author to make it.

It should be rejected in the same way as we should reject the part on housing allocations, because housing allocations also have nothing to do with the accounts of Gibraltar etc. None of them have anything to do with the public accounts of Gibraltar. And the Principal Auditor is not a meandering referee that can get into anything he likes and comment on, certainly not in relation to matters of policy as you have seen.

There is a power, it is very clear, and it is very, very strong in relation to matters that relate to accounts. There is absolutely no power whatsoever in relation to these other matters. So, the Parliament has to consider what happens to these parts of the report.

Rejection may not be enough in relation to these parts of the report. In particular, not just that it deals with political activity which is outside the ambit and jurisdiction of a Principal Auditor, the fact that it does it singling out only one person and her relationship with one political party because that goes even further, Madam Speaker.

That is not just ultra vires. That starts to intrude on the fundamental constitutional right of the freedom of association which this officer and all of us enjoy. And this, Madam Speaker, will therefore be I think the most important part of everything I will say during the course of this debate because on that constitutional right, Madam Speaker, I have to ask the House to have regard to the protection that is afforded to all of us, and which has not been protected here.

Paragraphs 4.3.27 to 4.3.30 of the report should offend everyone, whichever political party or no political party they support because this part of the report is so heinous that I am challenging it, Madam Speaker, not in defence of this individual, officer of the GDC, but in defence of a principle that underpins our democracy. The right to political belief and affiliation without fear of selective reprisal.

Something that I know that if we were not in this debate and if we were not dealing with the party politics of Gibraltar today, the Leader of the Opposition would join me in defending. I have no doubt, however, that for reasons of party-political expedience, he will instead provide explanations on behalf of the author of the report, or purport to do so, and fail to stand up at this moment when actually individuals' constitutional rights have been put under attack. And they have been put under attack in this House by this report.

And I will be damned, Madam Speaker, if I will not stand up to defend all of our democratic rights because, again, the report is completely silent on any officers who might be having an affinity with them and that asymmetry is not for us merely a matter of omission.

It is clear that this is a case of blatant discrimination because on top of that, no such review has ever been undertaken of any officer. No doubt because it is ultra vires.

But our view, Madam Speaker, on the part of the Government, is that the report is therefore party politically discriminating against this individual. Political belief is protected, Madam Speaker, under the Equal Opportunities Act as a philosophical belief and that is set out, Madam Speaker, in Olivier v the Department of Work and Pensions.

In that case, the Tribunal found that belief in democratic socialism, akin to the values of the GSLP that I proudly represent, was worthy of respect in a democratic society, and thus shielded from democratic treatment. Section 8 of the Gibraltar Equal Opportunities Act is identical to the section being interpreted in Olivier v the Department of Work and Pensions in the UK's Opportunities Act and it says this:

> The meaning of discrimination on the ground of religion or belief, 8.1, a person A, discriminates against another person B, if on the grounds of religion or belief of B, or of any other person except A, whether or not it is also A's religion or belief, A treats B less favourably than A treats or would treat other persons.

A could stand for author. B could stand for the surname of this individual. And then subsection 2 says this in subsection 1:

> A reference to a person's religion or belief includes a reference to a religion or belief which he is thought to belong or subscribe.

Subsection 3:

> A person A, discriminates against another person B, if A applies to B a provision, criterion or practise, which A applies or would apply equally to persons not of B's religion, which puts persons of B's religion or belief at a disadvantage compared to some or others, which puts B at a disadvantage compared to some or all persons who are not of B's religion or belief, and which A cannot show to be an appropriate and necessary means of achieving a legitimate aim, because A, here the author, cannot say it is a legitimate aim to pursue these things in respect of General Orders because he has no constitutional or statutory power to do so.

And finally, subsection 4:

> A comparison of the case of B with that of another person in the subsection 1 or 3 must be such that the relevant circumstances in the one case are the same or not materially different in the other.

That is exactly what has happened here. Textbook discrimination.

The Equalities Act is 2008, by the way. They were in Government when they made it. It was a directive requirement of the European Union.

No A, no author of a report, of a Principal Author's report, has ever done such an analysis of any public servant's political activity of compliance. Not least because they knew they did not have the power to do it. But additionally, Madam Speaker, when we make these considerations, we have to bear in mind Redfern versus the United Kingdom in the Court of Human Rights, where it was held that discrimination based on political affiliation, even with controversial parties, in that case the British National Party, violated Article 11 of the Convention.

So not just a breach of the statute, a breach of Article 11 of the European Convention of Human Rights, which is the Article on Freedom of Assembly and Association, and of course that Convention applies in Gibraltar, and we have our written Constitution also, and the equivalent section is Section 12, which is almost identical to the Convention. All of this, Madam Speaker, leads me to the very prosaic view that what is good for the goose must be good for the gander. And if an auditor were being fair, if he genuinely believed that he had the power, I do not know who advised him that he did, but let us just assume for one moment that he genuinely believed that he had the power under the Constitution or the Public Finance (Control and Audit) Act to carry out an audit of an individual officer's political activity, then he should have carried it out in respect of more than just one officer. Also, those who support hon. Members opposite, to ensure that they were complying with the Code. Why is there no section on the public servants who go

around with the GSD at election time plastering posters? Why not? At least to say that they have complied with the rules, if they have complied with the rules.

Indeed, Madam Speaker, the reality is that the Principal Auditor should not be anywhere near this. This is only an issue for the Chief Secretary or the Head of Human Resources or the Secretary of the GDC, but not the Principal Auditor.

The author of the report has erred in law again. He has acted ultra vires again, and moreover now in a clearly discriminatory fashion, in another blatantly party-political manner, and in a way, Madam Speaker, that to take the Spanish colloquialism, we can see the author's duster.

So, Madam Speaker, I am not asking this House to exonerate a failure to comply with rules on political activity. If there has been a failure, it must be addressed, but by the right authority. And indeed, when you look at the failure, Madam Speaker, it is less than minor.

The officer in question actually registered and was permitted to carry out the political activity. The complaint of the author of the report is that she did not renew that when she got a temporary promotion and went back to a rank where she could do this, and then says, well, with the new promotion, I think she should be covered under the provisions of no political activity, although she is not formally covered. So, I mean, the extrapolation of what is done wrong and how he is advising that things should be done in relation to something which is not the position is really quite remarkable.

But what we have to do here, Madam Speaker, is ensure absolute fairness. People must be dealt with by the right authority if they must be dealt with. Scrutiny must be applied, but our civil and public servants, Madam Speaker, must be politically neutral.

They must not be politically neutered in how they act, which is what this report has attempted to do in respect of one individual, in respect of the support of one political party. And if these rules are going to be applied, as they are all the time, they must be applied evenly, as they are all the time, by the Chief Secretary, by the Secretary of the GDC and by the Human Resources Department. But if we pride ourselves, Madam Speaker, in this community on democratic maturity, we have to protect the rights of all citizens, regardless of party and that is just not the right of Freedom of Association and Assembly. It is also the right against selective censure. Not least, Madam Speaker, censure by an authority that has no authority at all in relation to this area.

And I do not wish, Madam Speaker, to over dramatise this, but the officer that we are dealing with was held up for public opprobrium in the manner that the report carried these 12 pages about her. 12 pages about one officer. By the way, not 18 pages, as the National Broadcaster says in their story on this issue.

It appears the National Broadcaster keeps getting the numbers wrong. It has recently published a poll that says that hon. Members opposite got eight into Parliament, first past the post, we got nine and they won the election. I will take that mathematics any time, Madam Speaker.

But the remarkable thing is that having named the officer in question, as a result of the abundance of information that makes her immediately identifiable in the report, as it does another officer that I will come to deal with, the National Broadcaster in its report ends saying this, having named her. Why was her political activism allowed? In fact, Madam Speaker, in my view, full investigative journalism might have led the National Broadcaster to say, or to ask, why is she being singled out?

Is she the only person in the public service who is politically active? What power has the Principal Auditor to address these matters? Instead, the question that the National Broadcaster asks at the end of its report is, and why was her political activism allowed?

But let me answer that question directly that the National Broadcaster posed as a result of this report. Her political activism was allowed because she has a constitutional right to it, and a European Convention right to it, and an Equal Opportunities Act right to it, and we all do. And she did seek permission in 2011 to be politically active.

And the issues that are raised in the report are just about her period of temporary promotion, and the question of whether, under her new terms and conditions, she should be included in the annex of people who are not permitted to be politically active, which she is not, but the author of

the report is suggesting that maybe she should be added to the annex of. Because the only thing that the report says in the end is that she continued to be politically active whilst temporarily promoted. So, it is saying, perhaps she should seek permission again, or perhaps her new role should not be permitted, but it is all perhaps.

And yet, despite that, Madam Speaker, what the report does in its 12 pages is serve up the scandal, nicely set up, designed to have the effect it had. Look, Madam Speaker, some people are popular, and some people are less popular. Some people are very popular with some and very unpopular with others.

I should know it, Madam Speaker, that is what politics is about. But what is important here is that we should all be treated the same and not pretend to dispense one type of justice to one or another, in particular when you have not even got that power, and you assert it to yourself and try and dispense it. So, Madam Speaker, I am going to defend this officer and her right to political activism, and not to have been named in this report, or not to have been identified if not named in this report, not because she's a GSLP activist, but because I would have done it even if she was a GSD activist, a Together Gibraltar activist, or an activist of any party that was not of my affiliation, let alone a Liberal Party activist. Because otherwise, if we do not do that, and we just allow the report to lie, what will happen is that all our rights will be eroded, and it will be too late.

And it is perhaps a little too oft-quoted, Madam Speaker, but it is bang on to refer to Naimola's First They Came:

> First they came for the communists, and I did not speak out, because I was not a communist. Then they came for the socialists, and I did not speak out, because I was not a socialist,

he says.

> Then they came for the trade unionists, and I did not speak out, because I was not a trade unionist. And then they came for the Jews, and I did not speak out, because I was not a Jew. And then they came for me, and there was no one left to speak for me.

That is the level to which things have gotten Gibraltar in respect of this report, and I will speak out for the communists, for the Jews, for the socialists, and for everyone. Because it is that level of fundamental attack on our democracy that this part of our report is responsible for, Madam Speaker. And it should be more than just rejected by this House, because it is entirely ultra vires, the power that the author has purported to ascribe to himself, and the manner in which he has set up this officer for public opprobrium.

Things like this, the singling out illegally of one public servant, clearly because of their political belief, is bad for our democracy and I call out this section for what it is, Madam Speaker. Ultra vires, unconstitutional, illegal, discriminatory, and party political.

It could not be worse, Madam Speaker. It denies the report any semblance of impartiality, and this section alone would lead a well-informed, impartial observer to the view that the report is biased. For that reason, Madam Speaker, the amendment that I will propose to make of the motion as drafted will include a reference to this part of the report, therefore being rejected by the House as ultra vires and unconstitutional.

Adjournment

Chief Minister (Hon. F R Picardo): Finally, Madam Speaker, it is necessary for me to end my contribution for today on this issue. It is important that I should spend time now on other matters with Government colleagues. Next, I will address the specific payments that I referred to in the report to one officer's retirement, as well as matters related to payments to all whistleblowers.

I will go through the report analysis of these payments in detail, and I move therefore now, Madam Speaker, that the House should adjourn to November 5th at 10.30 in the morning.

Madam Speaker: I now propose the question which is that this House do now adjourn to November 5th at 10.30 a.m. I now put the question which is that this House do now adjourn to November 5th at 10.30 a.m. Those in favour? (**Members:** Aye.) Those against? (**Members:** No) Passed.

This House will now adjourn to November 5th at 10.30 a.m.

The House adjourned at 12.29 p.m.

PROCEEDINGS OF THE

GIBRALTAR PARLIAMENT

MORNING SESSION: 10.34 a.m. – 12.44 a.m.

Gibraltar, Wednesday, 5th November 2025

Contents

Order of the Day **2**

SUSPENSION OF STANDING ORDERS 2

Civil Jurisdiction and Judgments (Amendment) Bill 2025 – First Reading approved 14

Civil Jurisdiction and Judgments (Amendment) Bill 2025 – Second Reading approved 14

Civil Jurisdiction and Judgments (Amendment) Bill 2025 – Committee Stage and Third Reading to be taken at this sitting 18

Electricity Infrastructure (Damage) Bill 2025 – First Reading approved 18

Electricity Infrastructure (Damage) Bill 2025– Second Reading approved 18

Electricity Infrastructure (Damage) Bill 2025– Committee Stage and Third Reading to be taken at this sitting 23

Committee Stage and Third Reading 24

Civil Jurisdiction and Judgments (Amendment) Bill 2025 – Clauses considered and approved 24

Electricity Infrastructure (Damage) Bill 2025 Clauses considered and approved 24

Civil Jurisdiction and Judgments (Amendment) Bill 2025; Electricity Infrastructure (Damage) Bill 2025 – Third Reading approved: Bills passed 26

Adjournment 26

The House adjourned at 12.44 p.m. 26

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The Parliament met at 10.34 a.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: P A Borge McCarthy Esq *in attendance*]

Order of the Day

SUSPENSION OF STANDING ORDERS

Clerk: Meeting of Parliament, Wednesday 5th of November 2025.
Suspension of Standing Orders, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I beg to move understanding order 7(3) to suspend standing order 7(1) in order to proceed with the laying of documents on the table.

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

PAPERS TO BE LAID

Clerk: Papers to be laid. The Hon. the Chief Minister.

Hon. Chief Minister (F R Picardo): Madam Speaker, I have the honour to lay on the table the Integrated Tariff (Amendment No 1) Regulations of 2025 and the Integrated Tariff (Amendment No 2) Regulations of 2025.

Madam Speaker: Ordered to lie.

Clerk: The Hon. the Minister for Economic Development, Enterprise and Telecommunications.

Minister for Inward Investment and the Gibraltar Savings Bank (Hon. Sir J J Bossano): Madam Speaker, I have the honour to lay on the table the Census of Gibraltar Report 2022 at least.

Madam Speaker: Order to lie.
All right, we will continue with the motion.

GOVERNMENT MOTION

Chief Minister (Hon. F R Picardo): So, Madam Speaker, thank you. When we ended the last sitting, I dealt with all of the factual aspects relating to one particular *ex-gratia* payment and in doing so, Madam Speaker, I think I demonstrated a number of things that helped to show that the report was flawed in the three aspects it raised in respect to one particular GDC officer that the report had made identifiable. The first was the singling out of the officer for an analysis of her attendance record in the GDC.

That was not a fair analysis because it stood alone and was not put on any moderated basis which compared to any other. I did not, however, Madam Speaker, as you may recall, challenge the ability of the author of the report or indeed of the Office of the Principal Auditor under law to carry out such an unfair and unbalanced analysis because it certainly had cash repercussions and therefore went to the accounts of Gibraltar. I was just pointing out that it was very unfair and singled out someone when no one else had ever been subject to such an analysis.

But certainly that part, I conceded, was well within the powers surrounding the Constitution and the Public Finance (Control and Audit) Act. Madam Speaker, I then went on to the second issue, which was this question of whether the GDC officer's legal claim against the Government had been properly settled or not. I think I demonstrated that the assessment in the report as to the damages payable was amateurish and reached the wrong conclusion about the potential quantum of the claim and therefore all the subsequent conclusions that it reached were wrong, in particular to suggest that there was anything other than absolute propriety in the way that the compromise and settlement of the case had been resolved. Finally, Madam Speaker, the third issue that I dealt with in respect of the same GDC officer was in relation to her permission to undertake political activity. Here, Madam Speaker, I was not just challenging the fact that the individual had been singled out when this had not been done in respect of any other officer in the past.

Indeed, what I was saying was this is entirely outside the jurisdiction of the Office of the Principal Auditor. The report should not have gone anywhere near this. There is no power in the Constitution or in the law for the report to look at these issues. These are issues of personnel and discipline of personnel and acting in keeping with rules and so entirely ultra-vires.

So that is where I was. Now I want to turn to some of the remaining matters raised by the report to ensure that the record of the House is properly and fully reflective of objective facts and reality and that it does not remain further sullied by the assumptions, the errors, the biases and the unfairness's that the unbalanced and frankly discredited parts of the report that I have already alluded to have subjected us to and that the rest of the parts that I need to address should not continue to subject us to.

Madam Speaker, now I am going to turn to paragraph 5.5.27 of the report, which purports to raise concerns about an *ex-gratia* payment made to the Government's Media Director on retirement. If I can just pause there, Madam Speaker, the Government's Media Director is one officer in our community who is entirely identifiable. In the Spanish Parliament we would say he has a forename and a surname and everybody knows who we are talking about. Once again, the report has done nothing to seek to anonymise that in any way, shape or form.

It has gone specifically for the officeholder, wanting to once again, in our view, highlight that particular individual and his individual characteristics and indeed, Madam Speaker, potentially also as a part of this witch hunt against some of those who hold party-political beliefs that accord with the party currently in Government and not with the party currently in Opposition. The worst possible party-political witch hunt pursuing, Madam Speaker, those who happen to have an inclination to the left.

Madam Speaker, paragraph 5.5.27 says this and it is very important that we appreciate the meaning of every word, in particular in the preambular part and sentence that I am going to read. Quote:

> A cursory review of the *ex-gratia* payments made during the 14-month period April 2024 to May 2025 revealed the following significant material transaction.

Before I carry on, Madam Speaker, I ask you to recall that this is the report for 2018-2019 but here we are dealing with payments in April 2024 to May 2025 in the report for 2018-2019.

But listen once again, Madam Speaker, to this, a cursory review.

The next paragraph says this:

> In April 2025, an *ex-gratia* payment of £664,383 was paid to the Government's Media Director on termination of contract due to his retirement. The Media Director's contract of employment does not stipulate the payment of a gratuity on termination, meaning that the payment of this lump sum is not related to a gratuity.
> Additionally, it was noted that the notice period and payment to Government of one month's salary in view of notice has been exceptionally waived. Despite numerous emails to No. 6 Convent Place requesting information on the nature and reasons relating to this payment to be provided, no reply has been forthcoming.

No reply has been forthcoming. No reply has been forthcoming. Those words are clear and unambiguous. No reply has been forthcoming. Okay, Madam Speaker, that paragraph that I have read you is riddled with inaccuracies, mischaracterisations and omissions to such an extent that I will prove in the next half hour or so that they amount, and I say this advisedly and on a motion, to an attempt to mislead the House. They are untrue.

It is a textbook example, Madam Speaker, of a jaundiced partial and legally flawed way of reporting that has plagued this report from start to finish. Perhaps, Madam Speaker, having heard me for the past seven days that I have been speaking in respect of this motion, one might not be surprised that I am saying that any more. But it is really woeful that people should not be surprised that we are dealing with a report that is jaundiced, partial, legally flawed and indeed, Madam Speaker, misleads the House.

Madam Speaker, well perhaps in this context and in this paragraph we might even allow the author of the report the way out that he is warning us at the beginning of his paragraph that his work is not serious. Because what auditor does a cursory review of anything? Why would a person who is to look at things in detail and is going to reach a conclusion of the sort that he reaches not in 5.5.27 but in 5.5.28, which is the list of conclusions, tell us when his conclusions are so serious and I will come to them, that his analysis leading to the conclusions is cursory. Perhaps to get himself off the hook that his conclusions are entirely lacking in credibility, misleading, mischaracterising and unreliable. Because at least if I say, look I have come to the conclusion that Mr. X is not somebody who is taking his obligations seriously, if I say, but that is just based on a cursory review of how he does things, I leave open that a proper review of how he has done them might lead me to the conclusion that he is in fact the most serious discharger of his obligations. I can only assume that is the reason for the author of the report having started this part of his report by saying that his review in respect to it is cursory.

Because somebody who is carrying out a review which is cursory is telling us that it is not a review to be relied upon. Exactly what the text says. Madam Speaker, let me remind you of 5.5.27:

> A cursory review of the *ex-gratia* payments made during the 14-month period.

What does the dictionary tell us cursory is? Well the dictionary definition of cursory is:

> Rapidly and often superficially performed or produced. Hasty.

So, let us read 5.5.27 again.

> A [rapidly and superficially performed and hastily produced] review of the *ex-gratia* payments made during the 14 month period revealed the following significant transaction.

Well Madam Speaker, okay, it is not what you pay auditors to do. Rapidly, superficially and hastily but at least he said that is what he is doing.

But my review Madam Speaker is not going to be cursory. My review of this work is going to be detailed because Madam Speaker, it is absolutely unacceptable. Not just that the report should reach these conclusions but that some should have reported it as if it were serious in its conclusions and others should place reliance on it to reach necessarily unfair, unfit and half-baked judgments on the Government and what is worse the people in it and I do not mean the nine of us Madam Speaker. I mean the 5,000 who come behind us.

So, let us look at the nature of this payment. The payment Madam Speaker was made on the basis of a termination agreement approved by the Office of the Chief Secretary, confirmed in correspondence on the 25th of September 2023 and formalised in a termination letter of the 31st of March 2025. And it comprises two components.

The first was pure gratuity. What is called the tax free lump sum. In the case of this contract office Madam Speaker, it amounted to a contractually agreed 25% of basic salary per year of service, excluding the period July 10 to June 23 in respect to which the gratuity had already been paid and this was expressly provided for in employment contracts dated the 18th of December 2013, May 2017 and the 6th of May 2021. It was provided for in the agreements.

The second element of the payment was in relation to overtime compensation and this was calculated on the basis of a net payment in lieu of overtime, calculated at 50% of basic salary from July 10 to June 23, adjusted for a deduction of income tax. And I am advised Madam Speaker that this element of the payment was calculated to reflect unpaid overtime that was not claimed during the tenure, despite extensive hours worked outside of the contractual period. Now, unless anybody believes in slave labour, nobody should ever work and not be paid.

So Madam Speaker, it should be clear that this was not a discretionary handout. It was a structured settlement grounded in contractual precedent and appropriate comparative practise. Therefore Madam Speaker, the claim in the report that the Media Director's contract does not stipulate the payment of a gratuity on termination is factually incorrect.

Clause 11 of the agreement dated the 6th of May 2021, which was the final contract, provides for a 25% gratuity per year of service, cumulative until termination. The same clauses appear in the prior agreements of 2013 and 2017. The only excluded period is the period between July 10 and June 13, when the difference was not that in that contract there was not a gratuity provision.

In fact, the difference was that then the gratuity was paid annually. They were paid 25% of the contract price each year at the end of the year as a lump sum. So the report's key assertion in relation to this payment, that the payment is not related to a gratuity, is therefore demonstrably false.

And I should add Madam Speaker, that when we were elected, we stopped the practise of the 25% gratuity. We introduced a pension scheme, which all contract officers could contribute to, and we stopped the 25% gratuity scheme. But the circumstances of this officer were different because he was older, and the circumstances of this officer were such that he wished to continue on the contract that he had already.

This was not a new contract. This was the renewal of an existing contract and what we changed was that we did not pay it annually anymore.

This business of the 25% gratuity, Madam Speaker, for contract officers, which apparently in respect to the analysis of this payment has scandalised so many. Scandalised us? That is why we stopped it.

We stopped it. There is no new contract officer after 2011, 9th of December 2011, with a 25% gratuity clause in their contracts. All of them date from May 1996 to December 2011.

That is the practise that dates from the time when the now Leader of the Opposition, who pretends to be scandalised about everything, was Deputy Chief Minister and Deputy Leader of this House. So I suppose Madam Speaker, if Members opposite are going to say that they are scandalised by the practise of the 25% gratuity, they are scandalised at the mathematics of what

they did being brought to light. Scandalised by the practise of their own Party, or pretending to be scandalised when they are not.

So much then, Madam Speaker, for the idea that the largest part of this payment, the gratuity, which we will later see, Madam Speaker, in a pejorative part of the text, the author of the report refers to as a golden handshake, as a way of making this look even worse, a golden handshake without any contractual obligation. Actually, it was their practise, and legally provided for, because it is in the contracts, based on the contracts that they did. But never in the field of auditors' reports between 1996 to 2018-2019 have we been told that there is anything wrong with a 25% gratuity clause.

Until we pay it, based on the contracts that they did and then the scandal is ours, the hot potato is in our hands. Well, straight back at them, Madam Speaker, it is their hot potato, not ours.

We know that we have done no contracts for the 25% gratuity, because we know that we stopped them. But so much for that. I can now show that that is legally provided for in the agreement.

We will come to why perhaps it is not referred to in the report. The other issue that is apparently somehow inappropriate is the waiver of the one month notice period. So the officer works one month and we waive, he does not have to work the final month.

Madam Speaker, well, I am told this is done in recognition of long-standing service and on the basis of precedent that we always tend to waive the last month, especially with contract officers and that has been a practise that has been the case for what is referred to as time immemorial, which usually means before you were in Government, Chief Minister. I do not know whether it was when others were Chief Minister or not.

Never heard the Leader of the House waive anything. He does not tend to let me get away with anything but certainly time immemorial, that is to say before I was Chief Minister.

So there is a waiver of the last month. But in any event, Madam Speaker, 31st of March, of course it makes sense. If you're going to do a termination, to do it on the 31st of March, effective on the 31st of March, not to have to work the additional month, not to go into the new financial year with the fellow in post paying one month and then 11 months to the new fellow.

So I think it makes absolute sense to finish the contract on the 31st of March and finish it on the 31st of March without requiring the additional month to be worked. But very little, if anything turns on that, Madam Speaker. Again, the remarkable thing is that it is picked up in respect of this individual and one is left with the fly behind one's ear to wonder whether it is simply because this man happens to have shown at one short stage an affinity with us on this side of the House, because it is only the woman who has shown an affinity with us on this side of the House, who is singled out for her political involvement, for the legal settlement, for when she has gone or not gone to work and the man who has shown an affinity to us that is singled out for the waiver of one month of work.

Is it because I am GSLP? One is left to ask. And the answer Madam Speaker, pretty obviously seems to be yes.

But all of this Madam Speaker, apparently arises, all of this inability to perhaps say the things that I am saying now arises because there is this question in the report, this claim in the report that numerous emails to No. 6 Convent Place requesting information received no reply. It is a familiar refrain.

You have seen that in the rest of the scandalous parts of the report. I asked for information, I did not get it. Like with you Madam Speaker, sent you a letter at quarter past eight on a Saturday evening at 12 o'clock is the cut-off for the report but he does not say that Madam Speaker in the report. And the letters to the Department of the Environment sent on the last working day and then say there is no reply. All of that, you have heard me say this before Madam Speaker.

Let us analyse what that means in this context. In this report for 2018-2019, when we are dealing with events in March-April 2025. Here Madam Speaker, the termination agreement was approved specifically by the Chief Secretary's office.

Now it is not by No. 6. It was approved by the Chief Secretary's office.

So the termination letter was copied to the Principal Auditor. Listen to this. The termination letter was copied to the Principal Auditor.

So it is not something that he finds out trying to see where the wrongdoing is. It is something he sent by the office of Chief Secretary. The payment is processed by the Treasury, which has oversight from the Accountant General and Commissioner of Income Tax.

So why not write to the Chief Secretary to ask him the questions about this settlement, this gratuity, this golden handshake? No. Instead, somebody in the author's team writes to the Controlling Officer of No.6.

Perfectly proper. Absolutely no difficulty with that but let us look at the chronology. The first email seeking information on this is sent on Thursday 8th May at midday. It is chased on the 13th of May at 9am, two working days later.

I mean, it is remarkably quick to chase in respect of one payment. In 2025, when you're doing the audit for 2018-2019. Okay, well Madam Speaker, maybe if they had said it is that the auditor finishes on the 31st and he wants the information by then. No reference to that whatsoever.

But Madam Speaker, the excellent Controlling Officer of No. 6 Convent Place replies on that day, on the 13th of May. Unlucky for some, the 13th. And he says:

> Dear, [and names the individual in the office of the Principal Auditor he is writing to] Apologies, I have not had the opportunity to check the below query.
> I am on annual leave the next three days and a Parliament session will begin tomorrow. I will refer it after the Parliament session. Best regards [The excellent Controlling Officer at No. 6 Convent Place].

Parliament finished on the 22nd of May, Thursday the 22nd of May and the next chaser is on the 2nd of June.

From memory, Madam Speaker, I would say that is a Monday. A Monday after the report should have been finalised at midnight on the Saturday. Nowhere in this email trail has the Controlling Officer of No. 6 Convent Place been told, look, you have said you are on annual leave and that Parliament finishes. I need these answers for the 31st because that is when the report is going to be finished and we want to put it in there. Nowhere.

After the chaser on the 2nd of June:

> Good morning, has there been any update on my query from the 8th of May with regard to the *ex-gratia* settlement to [the name of the Media Director]? Kind regards.

On the 7th of July:

> Dear [person at GAO], please attach, please find the Media Director's supporting documentation.

All of it sent.

Three days later:

> Many thanks for your help with this issue. In the supporting documentation, there is a reference to a schedule prepared by [this person] using salary figures prepared by Treasury. Would it be possible for us to have a copy of the schedule?

14th of July:

> Dear [person at GAO], attached please find the original table which was submitted by the Media Director. As you will see, this table where we went up to June 2023, Mr [Media Director] received the payment in April 2025. The figures were recalculated. This has also been attached for ease of reference.

Without having to ask for them.

Therefore, Madam Speaker, saying in the report that there have been no replies is not just unfair, it is untrue in the mouth of the author of the report. The report says this in its final phrase at 5.5.27:

> Despite numerous emails to No. 6 Convent Place requesting information on the nature and reasons relating to this payment to be provided, no reply has been forthcoming.

And that is untrue and therefore, Madam Speaker, I put it to this House that the report and its author are misleading this House.

You might say, Madam Speaker, but the substantive response was received after the 31st of May. Yes, I would say in reply to that, nobody told the person No. 6 Convent Place there was a deadline of the 31st of May. The last chaser was on the 13th of May.

And there was an answer on the 13th of May and therefore, it is not true. It is a lie that no reply has been forthcoming.

A lie contained in a report filed before this Parliament. I have laid this report on this table, Madam Speaker. I make myself responsible for that lie, and I shall ensure that the motion is amended to reflect that the House should not be misled by the use of those words by the author of the report.

And for all of those reasons, Madam Speaker, because there was a reply that said that details would be forthcoming, and for all of the reasons I have already indicated in the past days I have spoken on this subject, the report in this respect and all those I have already related to is unreliable and I am going to ask the House to reject this particular reference as untrue. And here what we are seeing, Madam Speaker, is no more and no less than a further scene in this part of the report, which is the act that deals with political theatre masquerading as financial scrutiny.

And Madam Speaker, whilst I remain Chief Minister and Minister with responsibility for the Public Service, I will not allow the excellent professionals in the civil and public service to be traduced with lies, as has been the attempted case in this report. But clearly, having done that analysis and having shown the House and quoted for the House the emails, this part of the report is now left with zero credibility.

Turning, Madam Speaker, to the value for money aspects of this, well look, Madam Speaker, the officer in question as Media Director served for almost 15 years, often working well beyond contracted hours and never claimed overtime. And I can tell you, Madam Speaker, that this is an officer I have worked with almost every day since I have been Chief Minister. I have worked with him until one and two in the morning. I have worked with him at seven in the morning.

We have been dealing with early interviews in the international press. We have been dealing with late reporting in the international press. We have been working together locally and going together to the studios of the local press and internationally and that has been a dedication recognised, not just by us because in the end, the clear thing here, Madam Speaker, is that this person, whose name everybody knows, was recruited by them because of his well-known dedication, his ability, his commitment.

And he was given his 25% gratuity by them. So Madam Speaker, in terms of value for money, I do not see that there is any issue here. The total payment was much less than the officer would have received if he had been paid annually with interest or overtime had been claimed regularly, much less.

So in the end, this very dedicated officer took less than he would have been entitled to. And much less, Madam Speaker, than those who are recruited through the Civil Service under the Pensions Act and given rise to a much higher payment to the individual in question if he had been recruited in that way. So I think it is important for the community to see that this is a value for money payment. And a value for money payment at much less than the individual would actually have been entitled to had he organised things in a different way.

Madam Speaker, I do not intend to go through this in great detail, but I have already established that in relation to *ex-gratia* claims, it is well established in law that the Government

has discretion to settle. Associated Provincial Picture Houses and Wednesbury Corporation shows that unless it is unreasonable, there is no reason to interfere with such a decision.

In Rodriguez v Minister of Housing, which I have also referred you to already, the discretion must be exercised on a case-by-case basis and no rigid adherence to policy is necessary. Indeed, it may be unlawful.

And in Secretary of State for the Home Department ex party duty, Lord Mustill made the clear point that fairness requires giving affected parties a chance to respond before adverse findings are made. Madam Speaker, the former Media Director was not contacted by the author of the report to be told that he was going to be publishing a report that suggested this. Neither was the Government contacted to be told that this was the case. Did we have a reason to explain our situation?

The email says: Can I please have the details? Sorry, I said, please can I have the details? You have not replied. Yes, sure. Sorry, I am on annual leave and Parliament starts tomorrow. I will let you have it as soon as I can. 2nd of June, report already done. Do you have the reports that I asked for? Yes, here they are. No question of an adverse finding. Do you want to comment in any way?

None of that, Madam Speaker, was done in the context of this particular finding either. There was none of those letters of the sort that we saw sent to others saying, I am going to make this finding. What do you have to say?

Well, Madam Speaker, you know what actually the best argument might be? The author sent us the ink and the paper because he would have sent a letter like that saying, I am going to make this adverse finding. Is there anything you want me to reflect before I do?

The day before he makes the adverse finding, not giving you time in any event to provide the information, but nonetheless a complete failure of auditing practise. The payment that was made to the Media Director was contractually well grounded. It was legally advised, was approved by the Chief Secretary, processed by the treasury, disclosed to the Principal Auditor, consistent with precedent, and it was fair and proportionate.

And the reports treatment of it is factually flawed, procedurally unfair, legally unsound, and clearly politically motivated, Madam Speaker. And that prejudicial reference to golden handshakes, which is exactly what every civil servant gets under the Pensions Act, because any pension can be described as a golden handshake. Any gratuity can be described as a golden handshake.

All of that is just trying to prejudice the reader against the Media Director and the Government that paid him. Although it is not the Government that agreed to pay him, because the Government that agreed to pay him is the Government that members opposite represented. Madam Speaker, look at 5.5.28 where the report states this.

This is the conclusions that are now reached after all that I have told you has been done, which is wrong in the report.

It goes further because at 5.5.27, he says all the things I have told you, but at 5.5.28, that leads him to conclusions, Madam Speaker and let me quote you those conclusions:

> In the absence of justifiable explanations, it is my opinion that there was no obligation for Government to pay most of the *ex-gratia* payments highlighted, in particular the voluntary separation agreements and severance termination payments paid to retiring officers, which can be effectively considered golden handshakes.

But there were justifiable explanations. They signed the contract that gives the justifiable explanation.

There was just no proper weight for it. So Madam Speaker, the phrase that I have just read the House is what leads the author to the next sentence in his report, which is the one that has been widely quoted, the one that has been widely relied upon. And it says this:

> Without a written Government-wide policy on these types of payments and on *ex-gratia* payments as a whole, I consider Government's decision to award these payments to have been unrestricted and uncontrolled.

Utter nonsense, Madam Speaker. As I have demonstrated, each of the payments has been carefully analysed, properly determined, negotiated downwards and therefore more than just properly controlled. If only the audit office had waited to see the documents and not rushed to judgement on the 31st of May, without even saying that they were going to go and make this finding on the 31st of May and needed the documents before then, they would have known that this was a totally justified and justifiable payment.

But it appears, Madam Speaker, that actually the preferred route was to try and draw political blood and pretend that there was somehow a partisan element in the way that the payments had been handled in respect of the two officers I have just dealt with. And Madam Speaker, therefore, as I have said, I will be moving the amendment to reflect that the House should not be misled and I shall do so without hesitation or apology, because the truth, Madam Speaker, must always be defended, even when it is inconvenient to those who prefer fiction or who need fiction to advance their cause. And it may be inconvenient in any other way, including affecting the parliamentary timetable. The truth matters more, Madam Speaker.

And now, Madam Speaker, I am going to turn to the final part that I will deal with today, which is the question of procurement procedures, which has also been dealt with in the context of the report. An area, Madam Speaker, which I know has attracted considerable media attention.

The report identifies four specific contracts: the Northern Defences; the Occupational Health Services; the Digital Health Records; and the Waste Management Facility, as allegedly exhibiting procedural irregularities and non-compliance with procurement regulations. Nothing could be further from the truth. I know that it is laborious to have to go through this, I have to point out everything that is wrong in the report, but it is an important report, it is before this Parliament, the Parliament must not be misled, and so I must now go through this part of the report. Because these are very serious allegations, Madam Speaker, and they deserve to be addressed with clarity, with candour and with the full weight of the legal advice that we have received in respect of them.

We strongly contest, Madam Speaker, from the Government, the conclusions drawn by the report in this regard. Indeed, in our respectful view, the report fails to take into account lawful exemptions, strategic imperatives and the broader public interest that inform the decisions in each of these cases, which I will take the House through.

But before I do so, I want to give the House some statistics and context in the context of procurement, Madam Speaker. Let us look at those facts. During the review period, the Government conducted no fewer than 270 public tenders and made 214 awards through open procedures.

270 public tenders. Those are not the statistics of a Government that is allergic to transparency, Madam Speaker, however much politically other Members of this House might wish to say that it is. Those are the statistics of a Government that embraces open competition as the norm, in full compliance with the Procurement (Public Sector Contracts) Regulations 2016.

And the four contracts cited in the report represent a fraction, indeed an infinitesimal fraction, of the Government's total procurement activity. And each of those four contracts, Madam Speaker, was handled transparently, lawfully and in accordance with the relevant legal framework. Let me take each of them by turn.

The Northern Defences Contract. That one was procured via public expressions of interest. The process was chosen because of the relevant sites' unique heritage value and structural complexity.

Can I just say, Madam Speaker, that I commend the Deputy Chief Minister and the Minister for Heritage for the remarkable work that has been done on the Northern Defences. It is the toast of the town and indeed the toast of many beyond the town who are coming to visit a site that was a jungle and is now, Madam Speaker, one of the prized heritage assets of our community. I do not expect to hear anything positive from Members opposite about it, Madam Speaker, but I do not expect to hear anything positive from them about anything.

But, on top of all that, it has been done with no public capital expenditure because that is what the expressions of interest sought to do, to find a commercial partner who would spend the

money so that the Government would not be the one spending the money and we have delivered that significant public benefit through private investment. Madam Speaker, that is not a failure of process to highlight in an audit report.

It is a success of policy to highlight in this House, to demonstrate how well we are doing our job defending our heritage assets and the taxpayers' purse. And I commend the Deputy Chief Minister and the Minister for Heritage for that work.

On the Occupational Health Service contract, the report fails to acknowledge that Maritime Medical Services was the only suitable local provider. There was no other. And this contract was needed to address urgent operational needs in the public service. Because the other alternative not to do this contract was to keep to have people on long-term sickness being paid indefinitely or not paid but at home, but filling a rank in the complement so that people say, ah, but you have got people acting and you do not fill the complement.

The person who is in the complement is at home for three years, out of pay, but still filling the place in the complement. Does not the audit report want to look at that and what that costs the public purse? That contract, the Occupational Health Service contract, was structured with clear key performance indicators and robust oversight mechanisms.

And indeed, in the context of the Director's conflict of interest, it was lawfully declared and managed in accordance with established protocols. And if I may say so, Madam Speaker, that had absolutely no political involvement whatsoever. This was purely a civil service-led initiative, one for which I commend the Chief Secretary and the Head of the Department of Professional Development, because it is the right way to move forward.

The EMIS contract, the Digital Health Records System, again, was critical and the report fails to understand the critical context. EMIS is the existing NHS platform provider. The payment in question, which was reported in the report, ensured continuity of service and safeguarded patient data.

Without that payment, which is criticised in the report by people who have no responsibility for anything other than just to look at papers, we would have lost patient data and had a risk of continuity of service for our community in matters of health. What would they have done if they were over here? They would have said, oh well, it does not matter if we lose patient data. It does not matter if we do not have continuity of service. Let us do a tender that takes six months. Is that really what we are being told?

That is a pen pusher approach that this Government will never take. We are there to protect our people. That means protecting our patients and protecting our GHA.

So that is not a procedural irregularity, Madam Speaker. It is a responsible act of governance. Because if we had switched providers midstream, we would have ended up with a serious risk to standing data and therefore patient care.

And then finally, Madam Speaker, the issue of the waste management facility. This contract was procured under an expression of interest and was exempt under Regulation 15(1)(b) of the 2016 regulations.

Why? Because it was a civil contingency project that was strategically necessary and lawfully executed. Regulation 15(1)(b) of the 2016 regulations. So Madam Speaker, the Government's considered view is that the 2018-2019 report mischaracterises those lawful exemptions as procedural failures.

It overlooks the operational realities of the public service and the delivery of it and it ignores the cost of delay, not just in financial terms, but in terms of human impact to patients and it fails to appreciate the strategic importance of these projects to our national interest.

The leading counsel is clear in the advice he has given the Government, and he considers that the report misrepresents lawful discretion as procedural failure. We are further advised that the report fails to reflect the evidence already provided to those involved in the audit process and indeed, we are advised that the report does not acknowledge the broader procurement context or the legal exemptions that were plainly applicable in these cases.

A leading counsel is not alone in that view, Madam Speaker. The Government too is firmly of the opinion that the report's conclusions are unsustainable when tested against the law and the facts. What is the law, Madam Speaker?

Well, the Procurement (Public Sector Contracts) Regulations 2016, which I referred you to before, derive from EU law. They are in our law from the time when we were still members of the European Union. It is EU Directive 2014/24 of the European Union establishing open competition as the default position.

But those rules also provide for specific exemptions and negotiated procedures in defined circumstances. Default position, 270 contracts going through it. Exemptions, 4, not going through it.

Regulation 32(a), for example, permits negotiated procedures without prior publication where justified circumstances exist. That means negotiating contracts without even publishing the fact that you need the service. Regulation 32(a), 2(b) allows a direct award where the works, supplies or services can be provided only by a particular economic operator, for instance, where unique technical solutions are required.

Regulation 32(a), 2(c) permits such an award in cases of extreme urgency.

Regulation 32(a), 5 allows limited tendering for extensions of existing systems or additional deliveries by the original supplier where switching would cause incompatibility or disproportionate technical difficulties. There is the EMIS contract, there is the OHS contract.

Regulation 15, meanwhile, provides for exemptions in cases involving civil contingencies or contracts subsidised by more than 50% by the Government for certain types of works. There is the waste management contract.

And these are not loopholes, Madam Speaker. This is the law. This is the law. So short of the Government having granted tenders in breach of procurement rules, the Government has acted exactly in keeping with procurement rules.

Default position, tender, 270. Exemptions, 4, within the legal provision for exemptions. Where's the procedural failure?

No. The failure is to understand the law. The failure is to understand the context in which the Government is operating. That is the failure.

The Court of Justice in *Pressetext Verlagsgesellschaft mbH v Republik Österreich* in case C-454/06 confirmed that only material amendments which alter essential terms or distort competition constitute unlawful new awards. That is the EMIS contract, Madam Speaker.

Minor or expected adjustments do not, in and of themselves, void the original procurement. The EMIS contract had come from an original tender, Madam Speaker. Then there is Lion Apparel Systems v Firebury, which is an important case where Morgan J made clear that while contracting authorities must comply with their obligations of equality, transparency and objectivity, they retain a margin of appreciation in matters of judgement or assessment.

So there will only be intervention where there is a manifest error, an error that is clear and obvious. There are no errors in these contracts. These are successfully dealt with in the margins of what is permitted by the law.

Indeed, you might even say required by the law because if we have the power to do what we did with EMIS and we do not do it and we go to a tender again and lose patient data and we cannot provide patient service, we have acted improperly because the first thing that would happen would be members opposite would say, how could you lose this patient data just to go to tender when you have the power to act in this way and not lose patient data.

So according to Morgan J's dicta in Lion Apparel, we acted entirely properly. Madam Speaker, Morgan J put it this way and I quote:

> The court must carry out its review with the appropriate degree of scrutiny to ensure that the above principles for public procurement have been complied with, that the facts relied upon by the authority are correct and that there is no manifest error of assessment or misuse of power, none of which is even alleged here because the law provides us with a route map of how to act.

So Madam Speaker, what is clear is that across the four cases in respect of procurement matters which I have referred to, the report appears to have either overlooked, unforgivable or downplayed, even less forgivable and once again the reason to have the fly behind one's ear saying, why is this happening to a GSLP Liberal Government when it never happened to the GSD when they acted outside of the law?

Because Madam Speaker, the one thing that we cannot forget is that these contracts were granted in keeping with the law, as I have explained, the report is wrong to say that there is any procedural failures but they, when they were in Government, acted illegally, illegally outside of the EU directive which had not been transposed into our law but which was directly effective because the transposition deadline had passed in granting the contract for the approach road and tunnels etc, which was a £1 billion contract awarded to a local contractor outside of procurement regulations, illegally. Madam Speaker, in public law, anybody must act fairly of course, including an oversight body. Here, the Gibraltar Audit Office under the stewardship of the author of the report failed to provide any relevant evidence to those given, being subject to criticism, a proper opportunity to respond.

Because as we know, a lot of this information was put in a letter at the last minute where it was impossible to respond at a key time and the deadline of 31 May was too short for responses to audit queries raised on 19-22 May in respect to this matter. These were complex, multi-department, multi-year issues which required more time to respond and by any serious measure, therefore, there has been a great unfairness done to those who are criticised in these parts of the report because they have not been able to put their side of the case which would simply say, you are wrong, you do not know your law, this is the law, this is how we acted and therefore, please confirm that your report is going to say that we acted entirely properly or that we are not going to feature in your report at all. So, Madam Speaker, for reasons of factual clarity and legal propriety, all of these parts of the report that deal with procurement are entirely wrong as a matter of legal principle, of procedural fairness and of institutional integrity. Therefore, I shall also be moving an amendment to deal with those matters that relate to procurement when I finish my main address in respect of this matter.

Finally, Madam Speaker, I know that the House needs to deal with other matters today. I am happy to clarify that I intend to spend the rest of this morning dealing with legislation that hon. Colleagues have to deal with, and then it is my intention to return tomorrow to deal with other parts that I need to deal with also. I think what I have to deal with now is just whistleblowers, the part of the report that we accept and are acting upon, and then the amendment, which I will move formally.

But Madam Speaker, for now, I move that the House should recess for 15 minutes and return to deal with legislation.

Madam Speaker: All right. We will break for 15 minutes and then come back.

The House recessed at 11.31 a.m. and resumed at 11.47 a.m.

SUSPENSION OF STANDING ORDERS

Clerk: Suspension of Standing Orders. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with Government Bills before the current motion is disposed of.

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

BILLS

FIRST AND SECOND READING

Civil Jurisdiction and Judgments (Amendment) Bill 2025 – First Reading approved

Clerk: Bills, First and Second reading. A Bill for an Act to amend the Civil Jurisdiction and Judgements Act 1993 to provide for the implementation of international agreements on private international law and for connected purposes. The Hon. the Minister for Justice, Trade and Industry.

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, I have the honour to move that a Bill for an Act to amend the Civil Jurisdiction and Judgements Act 1993 to provide for the implementation of international agreements on private international law and for connected purposes be read a first time.

Madam Speaker: I now put the question, which is that a Bill for an Act to amend the Civil Jurisdiction and Judgements Act 1993 to provide for the implementation of international agreements on private international law and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Civil Jurisdiction and Judgements (Amendment) Act 2025.

Civil Jurisdiction and Judgments (Amendment) Bill 2025 – Second Reading approved

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, I have the honour to move that a Bill for an Act to amend the Civil Jurisdiction and Judgements Act 1993 be read a second time.

The Bill amends the Civil Jurisdiction and Judgements Act of 1993 to reflect Gibraltar's legal position following exit from the European Union. It revokes references to the Brussels regime and the Lugano Convention, which no longer apply reciprocally to Gibraltar and introduces new provisions to facilitate the implementation of international agreements.

The Bill is the product of extensive consultation with the Law Council and reflects both legal necessity and practical concerns raised by practitioners. It aligns Gibraltar's legal framework with that of the UK, which has already revoked the Brussels regime and associated instruments. The judiciary has also been consulted.

Madam Speaker, by way of some background, the central pillars in the European regime concerning jurisdiction and enforcement of judgments are the recast Brussels Regulations, Reg EU 1215-2012 and the 2007 Lugano Convention. This regime established a system of uniform jurisdictional rules to identify the appropriate court in which to bring civil or commercial claims and a simplified mechanism to recognise and enforce the judgments of EU member states and EFTA State (European Free Trade Association) courts in civil and commercial cases, with a view to reducing costs for litigants and increasing efficiency. The Brussels regime operates on a reciprocal basis, without reciprocity and without the EU and EFTA States recognising Gibraltar for the purposes of the jurisdiction and recognition and enforcement rules following exit.

Gibraltar's only option until now was to apply the rules unilaterally. This would inevitably lead to an imbalance favouring other states in a way that is not reciprocated for the benefit of Gibraltar

litigants, who obtain a favourable judgement and then wish to recognise and enforce that judgement. The law follows the UK's approach and revokes the Brussels regime.

The UK also revoked the Council decision establishing the European Judicial Network in civil and commercial matters and the Government through this Bill will follow the UK approach also on this, as in practical terms Gibraltar is no longer able to access this. The Bill also removes references to the 2007 Lugano Convention, which is part of the Brussels regime, to clarify the law. The Lugano Convention applied to Gibraltar for the membership of the EU.

The UK has applied to join in its own right and has included Gibraltar in its application, but there is no certainty as to whether the Convention will be extended. In December 2020, the Government published the Civil Jurisdiction and Judgments (Lugano Convention) (EU Exit) Regulations 2020. The 1993 Act at the time contained references to the old Lugano Convention of 1989.

The EU Exit Regulations updated references to the current Lugano Convention 2007. The Government is now in a position to remove the references to Lugano from the 1993 Act, as the Convention has still not been extended. Should it be extended, the Government will enact the relevant legislation.

I will take each clause as they appear on the Bill. Part 1 of the Bill contains clauses 1 and 2. Clause 1 provides for the title.

Clause 2 is the provision for the entry into force of the Act.

Part 2 contains clause 3 and this clause seeks to make the relevant amendments to the 1993 Act for the purposes already explained. Clause 3.1 provides that the 1993 Act be amended in accordance with this section. Clauses 3.2 and 3.22 deal with the changes to the 1993 Act, which includes deletions of definitions and provisions tied to the 1968 Brussels Convention, the Lugano Convention, the EU Regulations Brussels 1 and Brussels 1A, removes references to EU member states, regulation states and contracting states, deletes outdated sections, introduces a new provision for interim relief in jurisdictional disputes and clarifies applicability to proceedings inside and outside the Hague Convention states.

These changes mirror those in the UK civil jurisdiction and judgments amended EU exit regulations 2019. Clause 3.23 replaces Part 5 of the 1993 Act. At the moment Part 5 provides for the arrangements between the UK and Gibraltar as if each were a separate regulation state and regulation is referring to Brussels recast.

In the new Part 5, Clause 39 sets out arrangements between the UK and Gibraltar based on provisions of the 1968 Convention as they stood before IP Completion Day for the purposes of regulating the arrangements between Gibraltar and the UK on the jurisdiction of courts and recognition of judgments. The rest of Clause 39 deals with how the UK and Gibraltar are to be treated, how to determine the meaning or effect of any provision and makes reference to the text of the provisions. Clause 40 deals with the registration and enforcement of UK judgments under Clause 39.

Clause 41 deals with the recognition and enforcement of UK maintenance orders. Clause 42 provides for appeals. Clause 43 deals with interest on registered judgments including costs and arrears.

Clause 44 establishes rules of proof and admissibility of judgments and related documents. The UK's recognition and enforcement of Gibraltar judgments is covered separately under the UK Civil Jurisdiction and Judgments Act 1982, Gibraltar Order 1997.

Clause 45 gives power to make rules of court for the recognition and enforcement of a UK judgement and the power for rules of court to make provisions for obtaining certified copies of the judgement and certificate giving particulars relating to the judgement and proceedings for the enforcement of Gibraltar judgments in the UK.

Clause 46 gives the Minister the power to make modifications to provisions of recognition or enforcement in Gibraltar of judgments to which provisions in Clause 39 applies in relation to documents and settlements with entitled form of the 1968 Convention as if they were judgments to which those provisions apply.

Finally, Clause 47 is the interpretation section which contains terms that are already familiar with and have been part of the 1993 Act. Clause 3.24 inserts a new Part 6 into the 1993 Act.

Clause 48 gives the Minister for Justice the power to make regulations to implement relevant international agreements and for other connected purposes and the power to amend the 1993 Act by regulation for those same purposes. The powers in Clause 48 are similar in nature to Section 25 of the Mutual Legal Assistance (International) Act 2005 and Section 30 of the Mutual Legal Assistance (Merida Convention) Act 2023.

Clause 49 is the interpretation section and Clause 50 makes provision for the Chief Justice to be able to make rules of court for the implementation of a relevant international agreement as is the case for Section 12 and Section 32 of the 1993 Act.

Clause 3.25 deletes from Schedule 1 of the 1993 Act specific articles to do with the Brussels Convention. Clause 3.26 deletes Schedules 2, 3, 4, 5, 6 and 10 which contain the text of those treaties within the Brussels Regime and the Regulation. Part 3 of the Bill contains Clause 4 which says that any rights, powers, liabilities, obligations, remedies, procedures etc. that are saved under Section 7 of the European Union Withdrawal Act 2019 and are derived from the Brussels Conventions and other conventions and agreements cease to be recognised or enforceable in Gibraltar law from IP Completion Day.

Part 4 of the Bill contains Clauses 5 to 13 and these revoke retained direct EU legislation including Brussels recast.

Part 5 of the Bill contains Clauses 14 to 21 and contains transitional and savings provisions.

This part follows very closely the provisions made by the UK in Part 6 of their Civil Jurisdiction and Judgements Amendment EU Exit Regulations 2019. Clause 14 preserves jurisdiction, recognition and enforcement rules for proceedings and judgements initiated before IP Completion Day. Clause 15 deals with modification of relevant instruments and derived domestic legislation saved by Clause 14. It makes various modifications in order to enable the Court to apply their provisions effectively in situations where there may be some difficulty with how the rules have been applied in other participating states in the light of the exit from the EU. This is designed to enable the Court to avoid an injustice. Clause 16 ensures that certain provisions of the EU Withdrawal Agreement continue to apply despite the amendments and revocations set out in the Bill.

Clause 17 makes specific saving provisions for cases concerning requests under Article 68 of the EU Withdrawal Agreement. Clauses 18 and 19, given the time that has elapsed since IP Completion Day, the Bill makes transitional provisions at Clauses 18 and 19 for cases commenced after IP Completion Day but before this Act comes into force. Clause 18 concerns regulation EU No. 1215-2012 and Clause 19 has to do with the Lugano Convention. Clause 20 deals with the continued application of the procedural rules in the context of transitional cases. Clause 21 provides interpretation guidance for Part V of the Act, which deals with transitional and savings provisions.

Madam Speaker, I commend the Bill to the House.

Madam Speaker: Before I put the question, does any hon. Member wish to speak on the general principles or merits of the Bill? The Hon. Mrs Ladislaus.

Hon. J Ladislaus: Madam Speaker, I rise simply to put on record what I am about to say, which is that it is no secret that this Bill deals with some extremely complex matters, which came under extremely complex conventions and instruments internationally and otherwise. So I rise because we on this side of the House cannot at this stage see the urgency with which this Bill has suddenly been brought before the House. And we are somewhat surprised given that it is been taken during a session when a motion is still ongoing, particularly in context of the fact that the next Bill which will be taken by this House, we were notified that that Bill was going to be taken by this House.

And so there is some surprise. Having said that, we just wish to be satisfied upon the reasons behind the urgency, because it is such a complex piece of legislation. But we do appreciate the

practical necessity of this Bill and of the amendments that are proposed to be made to ensure the running of the system continues as it is needed.

So on that basis, we would seek to vote in favour of it. But we would like to see what the urgency behind this is.

Madam Speaker: Would any hon. Member wish to speak? The Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Thank you, Madam Speaker. Just to clarify, I have not certified this Bill as urgent. This Bill has been published since 31 July.

It is now been in the public domain all of August, all of September, all of October and a part of November. So we are not saying that this Bill is urgent. We need to progress with it today, because there is a reason to progress with it today.

We are saying that the other Bill is urgent, and I have certified it as not being able to wait the six weeks of publication. But this Bill, from my quick calculation, and the Minister will be able to say more, has been published now for twice the time that it is required to be published, and it is not one which has been proceeding under a certificate of urgency.

Madam Speaker: Yes, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: We are not saying that, of course, it is not within the period. Of course it was published at the end of July. I think the point that my hon. Colleague raised, which is a point well made, is that we are in the middle of a debate that started seven weeks ago, which has been much vaunted and spoken about, and we are still on the original contribution.

We are suspending Standing Orders to take the electricity infrastructure Bill because for reasons that were made public, and the Minister, with responsibility, informed the public that she had persuaded the Chief Minister to take the matter urgently at this sitting of the House. But certainly we were not put on notice that we were going to suspend Standing Orders to take this Bill. There are a number of other Bills on the agenda.

So it kind of seems to us, because it was only this morning, a few minutes before we turned up, that we were told that this Bill would also be taken, that someone must have decided that of all the other Bills, actually this one should also come forward. So there must be a reason for that, even though it is not a formal certificate of urgency. And what we are asking the Minister is what that reason is, because otherwise we were turning up to hear the Chief Minister again on the motion, and indeed the Hon. Minister move her electricity Bill.

But we were not put on notice of this, and because we are in the middle of a particular piece of business, the motion, then we certainly did not expect this Bill to be taken. And while my hon. Colleague has indicated our general support for this Bill, we would like to enquire from the Minister as to why specifically he is putting it forward today, rather than in the ordinary course of business, which would have been at the end of the motion.

Madam Speaker: Any other hon. Member wish to speak? No? I then call on the mover to reply.

Hon. N Feetham: Madam Speaker, as the Hon. Chief Minister has pointed out, the Bill was published on 31 July, in other words, before the summer break. I mean, I am not one that likes holidays, I hate holidays, but I would have thought that the hon. Members would take a copy of the Bill to their own holiday, during their holiday break, to read such an important piece of legislation. By their own admission, this is a vitally important piece of legislation for Gibraltar.

It obviously shows that the hon. Members are not prepared, Madam Speaker, as they usually do. They come to this House unprepared, unprepared and making accusations about what the Government does at every turn. At every turn and corner, Madam Speaker.

I mean, that is the reality.

I mean, if we are talking about, Madam Speaker, the need for Gibraltar to comply with international obligations, you would have thought that it is obvious that if we bring a Bill of this nature, it is to do with the fact that Gibraltar takes international obligations seriously. It is as simple as that, Madam Speaker.

Madam Speaker: I now put the question, which is that a Bill for an Act to amend the Civil Jurisdiction and Judgements Act 1993 to provide for the implementation of international agreements on private international law and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Civil Jurisdiction and Judgements (Amendment) Act 2025.

Civil Jurisdiction and Judgments (Amendment) Bill 2025 –
Committee Stage and Third Reading to be taken at this sitting

Hon. N Feetham: Madam Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today if all hon. Members agree.

Madam Speaker: All hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today. (**Members:** Aye.)

Electricity Infrastructure (Damage) Bill 2025 –
First Reading approved

Clerk: A Bill for an Act to create the offence of damaging electrical infrastructure and to provide for the imposition of a financial penalty when such electrical infrastructure has been damaged. The Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I have the honour to move that a Bill for an Act to create the offence of damaging electrical infrastructure and to provide for the imposition of a financial penalty when such electrical infrastructure has been damaged be read a first time.

Madam Speaker: I now put the question, which is that a Bill for an Act to create the offence of damaging electrical infrastructure and to provide for the imposition of a financial penalty when such electrical infrastructure has been damaged be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Electricity Infrastructure (Damage) Act 2025.

Electricity Infrastructure (Damage) Bill 2025–
Second Reading approved

Chief Minister (Hon. F R Picardo): Madam Speaker, I believe that I have to indicate that I have certified this Bill as urgent.

Madam Speaker: Yes, and I can confirm I have the certification of urgency and I have received it.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I have the honour to move that a Bill for the Electricity Infrastructure (Damage) Bill 2025 be read a second time. Before I turn to the detail of the Bill, I want to explain why this legislation is necessary and indeed why it is also urgent and why it is essential that this House sends a united message that this kind of disruption will not be tolerated.

As hon. Members will know, in recent months, Gibraltar has endured a series of power outages that have caused real and widespread disruptions to families, to businesses and to our emergency services. These were not caused by a lack of power generation. These were entirely avoidable incidents caused by carelessness near critical electrical infrastructure.

Madam Speaker, the most recent such serious example occurred on 16 September 2025. Works carried out by SDE Ltd at Neil Piñero Road caused damage to three main high-voltage cables, despite the fact that the Gibraltar Electricity Authority had provided detailed maps of the cables in advance, in line with standard procedure. The result was a Gibraltar-wide blackout, lasting many hours, with power only able to be restored gradually, district by district, from around 7pm.

It is important that we are honest with the public about what this means in real terms. Hospital services ran on emergency generators. Lifts stopped mid-journey, leaving elderly residents trapped.

Businesses were forced to close. Families were left without power for hours. Madam Speaker, that is the scale of the consequence when someone digs through cables without due care.

I changed my planned travel to London that afternoon to be at the power station and oversee the restoration efforts. And, Madam Speaker, I commend the magnificent team at the Gibraltar Electricity Authority for their work in restoring power. The Government then took immediate steps to recover the full cost of the response, a total of £130,900.24, which covered emergency labour, repairs, materials, legal fees and Housing Department lift repairs. Madam Speaker, I am pleased to confirm that that sum has now been paid in full. The taxpayer did not, and will not, carry that burden. However, no amount of recovery can undo the impact of a Gibraltar-wide power outage.

Then, Madam Speaker, just five weeks later, on 25 October, we had another such incident. A contractor working on Devils Tower Road struck a live underground electricity cable, despite having been given plans before starting work. The result was another outage, albeit on a smaller scale.

Further disruption and entirely unnecessary risk to the individual drilling through that live cable. This was, once again, completely avoidable. Madam Speaker, as you know, I had already published this Bill.

I did so immediately after the incident in September. However, after the second incident of this kind in six weeks, and having discussed the matter with the Chief Minister, he agreed that he would certify the Bill as urgent and that we would debate it to today. I am grateful to the Chief Minister for doing so.

Madam Speaker, this is what makes these incidents all the more frustrating. This Government has invested hundreds of millions of pounds over the past decade in modernising Gibraltar's electrical infrastructure, from commissioning our state-of-the-art LNG Power Station to upgrading our grid and installing new high-voltage connections designed to serve Gibraltar safely for generations to come. These are investments made carefully, strategically and with public money.

And then, Madam Speaker, someone comes along, drills straight through a live cable and causes this damage. The cost is not just in repair. It is in the disruption, the risk and the sheer disregard for the infrastructure that the taxpayer has funded to protect our community and our future.

This is why the Bill matters so much. So these two incidents, both serious, both recent and both preventable, show a pattern that cannot be ignored. One incident of this scale would be concerning.

Two, in such quick succession, highlight a systemic problem in how contractors are interacting with our critical infrastructure. Madam Speaker, in my view, these events have shown us something very clearly. The current legal framework is not strong enough.

It does not provide a sufficient deterrent. It does not send out a strong enough message to those who work near our power network. When someone digs, drills or interferes with critical infrastructure, they must do so with care, because the consequences of getting this wrong are felt across Gibraltar within seconds.

This Bill is a turning point. It will provide that deterrence. Alongside this legislation, Madam Speaker, the Government is also reviewing and transforming the service clearance regime.

In fact, Madam Speaker, my colleague Minister Cortes and I met with officials on Monday on this issue. We are determined to create a system that is watertight, transparent and properly enforced, where contractors, agencies and departments all work to a single high standard. That is how we will prevent future incidents before they occur.

I sincerely hope that Members opposite will support us in this work. Protecting Gibraltar's electrical infrastructure should not be a partisan issue. It is for this reason that this legislation is being brought forward at a pace. It is decisive, it is proportionate and it reflects the expectations of the community, which are that those who damage Gibraltar's critical infrastructure should be held fully accountable.

Madam Speaker, this Bill amends the Gibraltar Electricity Authority Act 2003. Clause 3.3 inserts Section 38A, which, as this section heading suggests, creates the offence of damage that causes a power outage. This provision applies where Section 31, injuring works with intent to cut off the supply of electricity, and Section 32, wilful damage, do not apply. Those sections provide for offences where there is malicious intent. The new offence does not require the prosecution to prove that the damage was caused intentionally.

There is, therefore, a strict liability offence and Section 38B makes it clear that it is so. Section 38C extends a liability to an employer. Taken together, these two sections ought to send a very clear message to anyone undertaking an activity in or around Gibraltar's electrical infrastructure.

In parallel to the offence set out in Section 38A, new Section 38C empowers the GEA to issue financial penalties. These penalties may only be imposed in circumstances where the criminal route in 38A or 38C has not been followed. This protects against the possibility of a person being punished twice in respect of a single course of action.

The maximum amount that may be imposed by way of a financial penalty is significant, £100,000. This £100,000 fine is an automatic fine and it sits over and above any civil liability that may arise for negligence or damages. In other words, even where a contractor or a company may be held liable today under existing law for the cost of repairs or for negligence, this statutory penalty will still apply automatically as a separate and additional element.

Section 38E provides that any monies recovered through a financial penalty is to be paid into the consolidated fund. The Bill also inserts Schedule 4 into the Act. This Schedule sets out a procedure to be followed when a financial penalty is contemplated and when it is imposed.

It also sets out the procedure for appealing such a penalty. Madam Speaker, this is a moment for Parliament to show leadership. The people of Gibraltar expect us to protect the systems that protect them and this Bill does exactly that.

I therefore urge all hon. Members to support this Bill so that together we put in place a stronger, clearer and more responsible framework that safeguards our electricity network for the future. Our community deserves nothing less. Madam Speaker, I commend the Bill to the House.

Madam Speaker: Does any other hon. Member wish to speak on the general principles or merits of the Bill? The Hon. C Sacarello.

Hon. C Sacarello: Thank you, Madam Speaker. In response to the Government's laying of this emergency legislation, the Electricity Infrastructure (Damage) Act 2025, let me state clearly at the outset that His Majesty's Opposition recognises the seriousness of the recurring damage to Gibraltar's electricity infrastructure and the profound consequences that power outages have on residents, businesses and essential services alike. We therefore offer guarded support for this Bill.

But as with so much of this Government's approach to crisis management, it rather feels like shutting the stable door after the horse has already bolted. Time and again, this Administration finds itself reacting to events that were entirely foreseeable and preventable. Gibraltar's continued experience of major interruptions to power supply has become all too familiar and all too unacceptable.

This is a Bill that adopts a philosophy of hindsight and not foresight, a symptom endemic in this Government. On 16 September 2025, Gibraltar endured a total blackout, lasting some seven hours. The entire community was plunged into darkness, not as a result of some unforeseeable act of nature, but because a contractor severed power cables during groundworks.

Perhaps not astonishingly, scarcely a month later, on 25 October 2025, another large-scale blackout struck, this time affecting the northern area of Gibraltar, caused by precisely the same mistake, a contractor cutting through power cables once again. Madam Speaker, one might reasonably ask, when will the Government open its eyes and accept that the definition of madness is doing the same thing repeatedly and expecting a different result? We on this side of the House have consistently warned that the solution does not lie in retrospective finds or press releases after the fact.

It lies in proactive oversight, specifically in ensuring that a Gibraltar Electricity Authority official is physically present at the expense of the contractor whenever works of such critical nature are undertaken. We have said this before and we repeat it again today. Prevention is cheaper, safer and more reliable than punishments.

Turning to the contents of the Bill itself, we note that it introduces a strict liability offence, carrying a fine of up to £100,000. The intent of course is understandable, to deter negligence and ensure accountability, but there are some practical concerns. Many smaller contractors may simply not be able to absorb such a financial penalty.

Does the legislation, therefore, oblige them to carry the relevant insurance to cover such an eventuality? If not, we risk bankrupting small operators without necessarily improving safety outcomes. Equally, in the absence of a GEA official on site, the onus placed on the Office of Fair Trading becomes considerable.

The OFT must ensure not only that contractors hold the appropriate business licence, but that such licences are valid, current and supported by genuine technical competence. Let us not forget that the contractor responsible for the September 2025 total blackout, SDA Ltd, did not possess an up-to-date licence at the time of the incident. We therefore urge that the enforcement provisions under this Act be accompanied by a strengthened pre-clearance mechanism, one that requires verification not just of the contractor's paperwork, but of their capability and competency in excavating near-electricity-related infrastructure.

Madam Speaker, Gibraltar's energy system is too critical, too interconnected and too fragile to continue suffering the consequences of inadequate oversight. The community deserves both reliability and accountability. So yes, we will support this Bill in principle, because deterrence does have its place.

But we do so with clear reservations. Legislation alone will not prevent the next blackout. Only proper supervision, rigorous licencing, real-time oversight and a sustainable, robust infrastructure will. Thank you, Madam Speaker.

Madam Speaker: Any other hon. Member wish to speak? No? I will call the mover to reply. Yes, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: Yes, Madam Speaker… I am not going to add anything on the wider aspects which my hon. Colleague has spoken on but can I just ask the Minister speaking on the principal of one specific section… So perhaps she can deal with it in her contribution in reply, I was not sure why there was a need for 38D (4) on the principal of it because, for example, you can impose your penalty of £100,000, strict liability, for the reasons she has explained, the hon. Lady, but then it says that the authority cannot impose a financial penalty where the person has been convicted in respect of that conduct. That leads to the situation where if someone has not done criminal conduct, they get levied £100,000, but if it is criminal conduct, you cannot. It does not seem to me to follow.

And I wonder if the hon. Lady, on the general principle or at committee, might think that that may require amendment, because it can lead to a strange situation where if someone criminally does do this damage, they do not get fined another £100,000.

Madam Speaker: Any other hon. Member wish to speak? I call the mover to reply.

Hon. G Arias-Vasquez: Thank you, Madam Speaker. I wish to take up some of the points raised by the hon. Member opposite. The reason that we have not done this before is because there is a careful balancing act in play here, which in his capacity as Minister for Business, he should also be aware, and he alluded to in his speech.

The person we are fining here aren't large contractors. The people we will be fining here are small subcontractors. And the small subcontractors, if a fine of up to 100,000 pounds is incurred, will actually cripple subcontractors.

I have my hon. Friend and Colleague, Minister Santos, working tirelessly to create apprenticeships so that Gibraltarians can become electricians, so that electricity companies can flourish. And the last thing that we would want to do is to try and price them out of the market. So in that balancing act, it was decided at this point that given that there were two successive incidents, legislation would be brought.

But the legislation has not been brought previously because there is that balancing act. And may I remind the hon. Gentleman and the hon. Members opposite that there currently exists in law the ability, which we exercised in April, which we have exercised on this occasion, and which we will also exercise in respect to the power cut that occurred in October, to bring a case in negligence against the contractor. So what we have done to date, and what everyone is able to do to date, and the law does not change that, obviously, is to bring an action in negligence against any contractor to recover direct losses incurred as a result of the power cut.

So, therefore, the GEA has already recovered over £50,000 from the first power cut, £130,000 from the September power cut, and indeed will be recovering all damages from the latter power cut. This penalty sits over and above that, and I think it is necessary to make it abundantly clear that this penalty is meant as a pure deterrent. What we are looking to do here is to make absolutely certain that before anyone picks up a drill and starts digging absolutely anywhere near electrical infrastructure, or indeed starts digging anywhere in Gibraltar, they are certain that there are no cables in the vicinity because they know that we have the ability to impose a fine of up to £100,000.

So, this fine is meant as a deterrent so that every single electrical subcontractor knows that there is a fine there so that they are absolutely certain before they actually go on site of what they are doing. Now, the other important factor to note is to address this second point. As I actually mentioned in my introduction to the Bill, myself and Minister Cortes are already putting in place a revised service clearance regime so that what we are looking to do is that before technical services issue a permit to dig or before technical services give the subcontractor the permission to dig, the service clearances are already on site.

What we cannot do, and what the hon. Gentleman has stated a couple of times that we should be doing, is to have employees of the GEA there as they are digging. That is simply not practical. There are 500 such permissions issued a year and it cannot be done.

What needs to be done is that the GEA needs to be there before; the GEA, AquaGib amongst other departments, they need to be there before in order to make sure that absolutely everyone knows where all the services lie before they start drilling. There will be another regime that is put in place, another statutory regime that will be put in place in order for all those service clearances to be sought before anyone digs on the public highway. I would strongly defend that, and I would argue that actually what we have not done is simply react to a series of incidents.

What we have done is we have weighed up the pros and cons of actually enacting legislation such as this in order to make sure that all the interests that are actually at play are protected so that the small businesses that the hon. Member also represents, as do I, are also protected by this Act so that there is a fine of up to £100,000. Madam Speaker, the onus is not on the OFT. The onus is on the OFT to make sure that a company has a business licence, but the onus is and must be on the Gibraltar Electricity Authority.

The onus is and must be on AquaGib and the onus must be on Technical Services so that before any permission to dig is issued that each and every service provider is aware of what they are going to be digging and can inform the relevant contractor of exactly where the cables are, which is currently being done but is obviously not being done to a sufficient extent. So if that has to be marked out on the road, what we were discussing is that it has to be marked out it can be marked out, but the solution is not having people at each site because that would be an unbearable financial burden on the GEA and on AquaGib and it simply cannot be done.

Finally, Madam Speaker in order to address the Hon. Leader of the Opposition's point, which I addressed in my opening speech as well, it is an either or so that the contractor and or the employer does not pay twice so that it is either, and the wording of Section 38D actually says that the authority may impose a financial penalty on a person who is satisfied that the person's conduct amounts to an offence under Section 38A or Section 38C applies, the authority may alternatively so it is an either or so that there is never a situation where there is a penalty of £110,000 it is either we fine the person individually, the employee individually, because the individual has gone off on a frolic of its own and therefore there is a fine at Level 5 which is a £10,000 fine as you will be aware Madam Speaker or we impose a penalty of £100,000 on the employer it is either or, so the purpose of the legislation is that the individual or the company is not fined twice it is either £10,000 or £100,000 as I have said before, what we want to try and do here is make it as fair as possible for both sides and it is been determined and we have been advised by GLO that that is the fairest way to proceed.

Madam Speaker: I now put the question which is that a Bill for an Act to create the offence of damaging electrical infrastructure and to provide for the imposition of a financial penalty when such electrical infrastructure has been damaged, be read a second time those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Electricity Infrastructure (Damage) Act 2025.

Electricity Infrastructure (Damage) Bill 2025 – Committee Stage and Third Reading to be taken at this sitting

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today if all hon. Members agree.

Madam Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE AND THIRD READING

Clerk: Committee Stage and Third Reading. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause.

The Civil Jurisdiction and Judgements (Amendment) Act 2025 and the Electricity Infrastructure (Damage) Bill 2025.

In Committee of the whole House

Civil Jurisdiction and Judgments (Amendment) Bill 2025 –
Clauses considered and approved

Clerk: A Bill for an Act to amend the Civil Jurisdiction and Judgements Act 1993 to provide for the implementation of international agreements on private international law and for connected purposes Part 1 clauses 1 and 2.

Madam Chair: Part 1, clauses 1 and 2 stand part of the Bill.

Clerk: Part 2, clause 3.

Madam Chair: Part 2, clause 3 stands part of the Bill.

Clerk: Part 3, clause 4.

Madam Chair: Part 3, clause 4 stands part of the Bill.

Clerk: Part 4, clauses 5 to 13.

Madam Chair: Part 4, clauses 5 to 13 stand part of the Bill.

Clerk: Part 5, clauses 14 to 21.

Madam Chair: Part 5, clauses 14 to 21 stand part of the Bill.

Clerk: The Long Title.

Madam Chair: The Long Title stands part of the Bill.

Electricity Infrastructure (Damage) Bill 2025
Clauses considered and approved

Clerk: A Bill for an Act to create the offence of damaging electrical infrastructure and to provide for the imposition of a financial penalty when such electrical infrastructure has been damaged clauses 1 and 2.

Madam Chair: Clauses 1 and 2 stand part of the Bill.

Clerk: Clause 3.

Madam Chair: Clause 3 stands part of the Bill.

Hon. Dr K Azopardi: Madam Speaker, can I just speak on clause 3 if I may? Yes On clause 3 and specifically just speaking on the point that the Hon. Minister gave an explanation, so I am on 38D (4), now as I understand the explanation that the Minister gave is that the purpose of 38D is to do this alternative so you can impose a financial penalty on a person under 38D (1) if satisfied that the conduct amounts to an offence under section 38A or and where section 38C applies the authority may alternatively impose the financial penalty, so I get that but then if you jump to 38D (4), it says the authority may not impose the financial penalty in respect of any conduct amounting to the relevant offence if the person has been convicted so what that means then is that conduct that is deemed to be worse, so bad that it has led to the institution of criminal proceedings and a person has been convicted will engage a lesser penalty than where a person has not been convicted, so I just ask the Hon. Minister to reflect on that a bit further, if I may, because it may just simply require the deletion of 38D (4)(a), because if the issue is pending criminal proceedings, you do not want to impose the penalty, I would understand that on a natural justice basis, but 38D (4)(a) removes the ability of the authority to impose the penalty when it is worse conduct that is the point I was making.

Chief Minister (Hon. F R Picardo): Madam Speaker, the hon. Gentleman seems to think that being convicted of an offence means nothing, it makes a conviction something that is given a value in terms of whether level 5 on the standard scale is higher or lower than the amounts that might be imposed by the authority, and the fact of conviction is something that in money or money's worth cannot be quantified, because the individual would have been found to have broken the criminal law, and that Madam Speaker I think is something that would demonstrate the seriousness that the community through its legal infrastructure was apportioning in respect of that, if additionally there was also the administrative penalty then that would be very harsh indeed, and I think that is the view that we have taken.

Hon. Dr K Azopardi: May I? On that basis the point is, I think that if you look at the financial penalties that can be imposed by the courts it is never going to be, on a criminal basis, never going to be in excess of this sum, it tends to be, where you go from level 1 to level 5, it is probably going to be a few hundred pounds to maybe £10,000, that is the point that indeed, you might have a criminal conviction, but in terms of financial penalty, it would be lower if this is if there is a conviction.

Hon. Chief Minister: It would be lower, because it would be £10,000 pounds because the sum would be £10,000 pounds but, even though it would be lower it would be with a conviction attached and that is considerable, I mean, I do not think anyone would seriously say that they would rather pay £100,000 pounds or they had rather pay £10,000 pounds and be convicted than pay £100,000 pounds. In the time that I have been dealing with people since I have been in legal practise a conviction has meant something I think, actually, the opposite may be the case people might prefer to pay the £100,000 and avoid the conviction, even though that might expose them to less but, of course, the other thing that the hon. Gentleman does not set out is that a criminal conviction can lead to other things, so a criminal conviction can lead to that individual not being able to do other things in their life, can lead to problems with jobs, the enforcement of a debt in respect of a fine is different to the enforcement of a civil debt, as this would be so I think what we are doing here is we are dealing with the interplay of the criminal and the civil law, they should not be expected to be the same, I do not think it is possible to have both, I think if you have been exposed to a civil conviction and you paid your penalty there then having additionally on the same individual also an administrative penalty is probably not possible in law, there would be potential

even double jeopardy issues there, but in any event, we are dealing with different entities the individual is the one who would be subject to the criminal sanction, whilst the company, for example might be subject to the administrative sanction, so I do not see how the hon. Gentleman is unable to reconcile those two, as he knows, despite our very many disagreements I have a very high regard for him legally, but I think we have a legal disagreement.

Madam Chair: Anything else on clause 3? Clause 3 stands part of the Bill.

Clerk: Schedule 4.

Madam Chair: Schedule 4 stands part of the Bill.

Clerk: The Long Title.

Madam Chair: The Long Title stands part of the Bill.

Civil Jurisdiction and Judgments (Amendment) Bill 2025;
Electricity Infrastructure (Damage) Bill 2025 –
Third Reading approved: Bills passed

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to report that the Civil Jurisdiction and Judgements Amendment Act 2025 and the Electricity Infrastructure Damage Bill 2025 has been considered in committee and agreed to without amendments and I now move that they both be read a third time and passed.

Madam Speaker: I now put the question, which is that the Civil Jurisdiction and Judgements Amendment Act 2025 and the Electricity Infrastructure Damage Bill 2025 be read a third time and passed.

Those in favour of the Civil Jurisdiction and Judgements Amendment Act 2025? (**Members:** Aye.) Those against? Carried.

Those in favour of the Electricity Infrastructure Damage Bill 2025? (**Members:** Aye.) Those against? Carried.

Adjournment

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I now move that the House should now adjourn until tomorrow morning at 11am.

Madam Speaker: I now propose the question, which is that this House do now adjourn until tomorrow morning at 11am. I now put the question, which is that this House do now adjourn until tomorrow morning at 11am. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn until tomorrow morning at 11am.

The House adjourned at 12.44 p.m.

P R O C E E D I N G S O F T H E

G I B R A L T A R P A R L I A M E N T

MORNING SESSION: 11.09 a.m. – 12.30 p.m.

Gibraltar, Thursday, 6th November 2025

Contents

Order of the Day **2**

SUSPENSION OF STANDING ORDERS 2

ANNOUNCEMENTS 2

GOVERNMENT MOTION 5

Adjournment 20

The House adjourned at 12.30 p.m. 21

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The Parliament met at 11.09 a.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: P A Borge McCarthy Esq *in attendance*]

Order of the Day

SUSPENSION OF STANDING ORDERS

Clerk: Meeting of Parliament, Thursday the 6th of November 2025.
Suspension of Standing Orders, the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, good morning.

I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with a Government Statement.

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

ANNOUNCEMENTS

Clerk: The Hon. the Chief Minister.

Chief Minister (F R Picardo): Madam Speaker, the Chairman of the McGrail Enquiry has informed the Government that he intends to deliver his report today to the Government at around 4pm. I very much look forward, Madam Speaker, to receipt of the said Enquiry Report and to tabling it in this House in coming weeks as required by Section 26 of the Enquiries Act 2024.

Madam Speaker: Thank you. Are there any questions for the purposes of clarification?

Hon. D J Bossino: Yes, Madam Speaker. The Opposition, and indeed I think Gibraltar in its entirety, is also very much looking forward to the publication of the report and in that context, particularly because of the immense and significant public interest that has resulted as a result of the Enquiry, which deals with many aspects which affect the governing and the processes of this place. *(Interjection)*

Madam Speaker, the Hon. Chief Minister is rather nervous once again this morning and he is saying from a sedentary position that he is urging me to ask questions for clarification. It is normal practice in Parliaments to, before one poses questions to elicit clarification, to provide a preamble, which is precisely what I am doing in respect of a matter and an issue which is of great and significant public interest. And you are the Speaker and not the Chief Minister.

Madam Speaker, the point of clarification that I ask the Hon. Chief Minister to provide to this House and indeed to Gibraltar is this. Precisely because of the public interest which has been created as a result of the issues which the Enquiry has delved into and dealt with, I would ask whether he is able to be more precise in terms of when it is expected that the report will be published. I am assuming that the Hon. Chief Minister will have seen the report as a core participant and will have a view and will wish to use that time to see whether he will engage the provisions in the Enquiries Act as to whether he will be withholding any material which is the subject of the conclusions arrived at by the Chairman of the Enquiry.

But I would ask him specifically whether he is able to provide this House with information as to when he will intend to lay the report in this House.

And secondly, also related to the issue of public interest is this. The GBC, and indeed it is set out because I have managed to check it in the short period of time that I have had in order when we received notice that this was going to be happening today in the House, the Enquiry website says in its 11th press notice issued today in its final paragraph, and I quote:

> The Government has also agreed to give due consideration, nothing higher than that, due consideration to the Chairman's recommendation that it would be helpful to provide an advance copy to the press subject to suitable embargo terms.

Has the Government now given due consideration to that? And if so, is the Chief Minister able to say whether he has decided, on behalf of his Government, to provide an advance copy to the press, albeit under certain embargo terms?

Hon. Chief Minister: Madam Speaker, I am very grateful to the Hon. Mr Bossino, who I cannot call the Deputy Leader of the Opposition because he is not designated as that by his leader, for finally getting to the points that he wanted clarification on. I do note how he trembles when he gets the chance to get up to pretend to be leader of anything, let alone leader of something in this House*. (Interjection)* And I am delighted to be able to say to him, Madam Speaker, that…

Madam Speaker, may I remind the Hon. Mr Bossino that it was he who said a moment ago that I am the Chief Minister and you are the Speaker and I might suggest that he might realise that he is neither.

At least in his example, to me, I was one. Madam Speaker and give me the opportunity to reply to the two points that he made.

So, Madam Speaker, first of all, I hope that the Government's short statement today has paid to the nonsense akin to the type of nonsense one used to hear during the Covid period, that the Covid injection was somehow related to Microsoft tracking data that was being injected into our brains, that the Government has an intention to somehow not publish the report. The Government is not just intending to publish the report, the Government is intending to, of course, comply with its own Enquiries Act, which members opposite were so against, to lay the report in this House, Madam Speaker. And that is what I have indicated in the course of my short statement.

So we are going to be laying the report in this House, we are going to be publishing it. I hope not to have to read any more nonsense with the idea that we are not going to publish it.

Let us hope that that is been paid to that. Although I would say, Madam Speaker, that if only it had been true during the Covid period that we were injecting people with something from Microsoft, it might have been artificial intelligence and it might have helped some people to have an injection of artificial intelligence when they do not appear to have any of their own.

Second point, Madam Speaker, is to remind the House that this enquiry has cost in the region of £8 million of taxpayers' money. £8 million of taxpayers' money. Of course it is going to be published in its entirety, Madam Speaker. If there is a reason to redact a few words, it would be for reasons related to security. I do not anticipate, Madam Speaker, that there is any reason to redact any words at all whatsoever. But if there is, because the Government is advised by the police or it is advised by the Governor or it is advised by the Attorney General, Madam Speaker,

that there are issues related to national security, I would like to see who is the Gibraltarian who suggests that we should publish it without that redaction. But I have no reason to believe that there is anything in the report that will now touch upon national security because the notice that we gave dealt with those issues.

And the notice that we gave, which was only giveable under the Enquiries Act, which they so criticised and they told the international press, called into question the rule of law in Gibraltar, was something that the Chairman of the Enquiry said would not affect his ability to prepare the report or conduct the enquiry. So, again, Madam Speaker, more nonsense on stilts which has come to nothing. And finally, Madam Speaker, on the second point, it is my view that we should be able to provide to the national broadcaster and to other press in Gibraltar, probably the Gibraltar Chronicle, on terms of strict embargo, like a judgement, because this is a judgement, advanced copies so that they can go through it before the designated moment of publication, Madam Speaker.

That is my inclination. We have to take legal advice on it and on how the terms of embargo will be set out because, as I think is now public knowledge, the Government has agreed with the Chairman of the report to ensure that core participants and certain others have a copy of the enquiry report available to them before it is published. On what lawyers will know are the sort of usual embargo terms on which a judgement is handed down, but a judgement that is even 100 pages may be handed down a day or two before.

This is many hundreds of pages and therefore there is an obligation, which makes sense in the context of people preparing themselves for what is going to be said about them in the report, that they should have a longer lead-in period. Now, the lead-in period for a core participant or a third party who is not a core participant but is also a participant that is mentioned and the enquiry chairman has suggested should be included or has agreed should be included in the pre-publication distribution is not a broadcaster and is not a media outlet. So, different timings might apply to one and the other.

Those are the issues that we are dealing with. And let us put paid to the nonsense that this Government is not going to publish the report or is going to try and take bits out of the report to protect itself. It was always utter nonsense and on the day it is published they will have to realise, all of those who said it, what nonsense they spoke.

Thank you very much.

Hon. D J Bossino: Madam Speaker, I was asking to give way only because I do not think the hon. Gentleman has answered one point that I have raised but I am happy for one of my learned hon. Friends to pose the question because the Hon. the Chief Minister has not responded to one of my specific questions as to specifics.

Madam Speaker: The Hon. Mr Clinton.

Hon. Chief Minister: Madam Speaker**, s**peaking although it is not my turn to speak now please. I would speak Madam Speaker despite the rules of the House not providing that I can speak… (*interjection*)

Madam Speaker: The Hon. Mr Clinton had a question.

Hon. R M Clinton: Thank you Madam Speaker.

I have a question on timelines and also in terms of process. If the Chief Minister could clarify the relationship in the concept of publication and tabling in this House as to, I presume, and the Chief Minister can clarify, whether it is tabled in this House before it is issued for general publication or simultaneously? In which case can the Chief Minister give an indication of date? Are we talking about multiple dates in terms if it could be published on day 1 and then the House might Table it on day 10, I do not know… I am interested to hear if the Chief Minister can clarify

as to what the process will be for the dissemination of this report and his anticipated timeline. Thank you, Madam Speaker.

Hon. Chief Minister: Madam Speaker, that is a question about a matter that is public because section 26 of the Enquiries Act deals with it.

Madam Speaker: No. I am going to stop the hon. Member now and I am going to remind the House on the back of a statement we should not enter into a debate.

If there are any other specific questions from any other hon. Members I will allow them, but we are not going to debate the issue now. Does any other hon. Member on either side have any other questions to ask? (interjection) No, right, we will move on now. We are dealing with the motion, I think. Mr Clerk, is that where we are?

Yes. We will continue with the motion.

GOVERNMENT MOTION

Chief Minister (Hon. F R Picardo): Thank you very much, Madam Speaker. I never cease to be amazed by how little law some lawyers know. Madam Speaker, when we entered the session yesterday, I had dealt with all of the payments made to the former Media Director. I had also gone through the criticisms in relation to the procurement of four contracts, which are highlighted in the report and which I was able to show, actually, despite the things said in the report, were dealt with by the Government entirely in keeping with the law.

Can I just ask the Clerk to ask the usher to come in?

Madam Speaker, I will today deal with the issue of the former police officers who were transferred and those who received certain payments on retirement, and I shall also deal with the parts of the report that we have accepted and are acting upon. I will then round off the day with the amendments that I propose to make to the motion. I will deal with that later. I am sorry, but just to be conscious that I will be circulating my notice in writing towards the end of my contribution today.

Madam Speaker, therefore, I want to start today by looking at the issue of the transferred police officers, which are also referred to in the context of the report. Madam Speaker, this issue, which is known colloquially as the issue of the whistleblowers, has a history. Throughout the general election, we had Members opposite referring to this question of the whistleblowers. Indeed, it was raised with me by the Leader of the Opposition during the course of the Leaders' Debate. All of this, Madam Speaker, arose from a complaint from the former Commissioner of Police, Mr Ian McGrail, in the context of the enquiry that we have just been told today we will be receiving the report of this evening. The history, therefore, Madam Speaker, is well known to the House.

The relevance of it in this debate, Madam Speaker, is that the report also deals with these issues. Let me remind the House what it is that the report says about these issues. It deals first with *ex-gratia* payments that were made to certain officers, I think four of them, who were retiring because transferring them made no sense given their ages.

All of this was done lawfully, properly documented and properly authorised. But it was suggested, actually, that this was somehow, fictionally, because sometimes if you cannot attack Fabian Picardo, you cannot attack the GSLP, you cannot attack the Liberal Party, and you cannot attack the Government with facts. Many people fall back on attacking us with fiction. And with fiction, we were attacked on the basis that this was somehow part of a COVID-inducement scheme that had to be investigated. That, in fact, was the subject of Mr McGrail's complaint to the Royal Gibraltar Police, and that complaint has now been discredited. Because,

indeed, although that investigation was not conducted by the Government, it was conducted of the Government before the General Election.

It was conducted by the Royal Gibraltar Police, which was then led by Mr Ullger, who, in the course of his evidence, talked about Mr McGrail being his best friend. And he brought outside officers to investigate the man he said had been his best friend's complaint. That man was Mr John McVea of the Police Service of Northern Ireland.

And that investigation was independently reviewed by the National Crime Agency of the United Kingdom. It was legally scrutinised by a King's Counsel from London for the NCA and for the RGP and for Mr McVea and all three reached the same conclusion.

There was absolutely no criminal conduct, no prosecutable offence, no case to answer, let alone any case to bring. And yet, Madam Speaker, despite that finding, despite that finding, it did not deter the author of the report from once again addressing these very matters that had been investigated. But, you know, this is like a dog that eats its own tail.

Mr McGrail makes the report to the RGP. The RGP investigates it. We are entirely exonerated. But Mr McGrail says, well, I hope the Principal Auditor looks at it. And the Principal Auditor, who is entirely constitutionally independent but does what Mr McGrail says, investigates it and sets out in his report all of the things that he says are wrong with that. And then Mr McGrail says, given what is in the Principal Auditor's report, I hope the police reinvestigate it. And the police reinvestigate it.

But of course, Madam Speaker, what is important to confirm on the record of this House is that after that reinvestigation, that they have reviewed the parts of the report which are relevant, the RGP has confirmed publicly, I think in September, that there is no new evidence, because everything had already been given to the Royal Gibraltar Police by the Government of Gibraltar, of course, and that the evidential threshold for prosecution remains unmet. That means it is not that there is no case to answer at the end of a prosecution case. It is that there is nothing for the prosecution to deal with because nothing has been done wrong. Why? Because these payments were properly made.

They were made in keeping with established rules. They were made on disclosure to the Principal Auditor. They were made by the Treasury. They were made under the auspices of the Chief Secretary and of the Financial Secretary. And in some instances, Madam Speaker, the transfers were made at the request of the Commissioner of Police, in keeping with established practise. There was nothing secret here, let alone anything unlawful.

And certainly not part of any Machiavellian plot. And if anybody says otherwise, they are misleading this House, Madam Speaker because there has now been an investigation into whether that was the case, and the investigation has twice exonerated the Government of Gibraltar, and the first time with that investigation independently carried out, independently reviewed, and independently legally checked.

But mud sticks, Madam Speaker. And there is no worse politics, there is no worse tactic, even in the law, than throwing mud just for the sake that it might stick but it is a tactic. It is a tactic and mud sticks and that is the game that some have been playing.

But this Government, Madam Speaker, from the day that we were elected, have been entirely respectful of the rule of law, of ensuring that we have acted properly, and ensuring that the law that we passed to protect whistleblowers is properly and entirely well administered, Madam Speaker. And entirely politically impartially. Entirely politically impartially because in the same way as in relation to the *ex-gratia* payments, it is all very well for people to be scandalised because a payment has been made to somebody who in one period has identified as a supporter of the Socialist Labour Party. It is also very well to say, well look at the list, and look how many people who got *ex-gratia* payments have in the past identified as being supporters of the Social Democrats. It does not matter when you are dealing with *ex-gratia* payments.

If you have got an obligation to pay, and it is c heaper to pay than go to court, you pay, whether the person is a GSLP, Liberal Party, GSD, or PDP. Remember them? The ones who helped us to win the 2011 General Election.

It does not matter which party people are from. You act properly. You act in keeping with the principles that are set out.

You act in keeping with your obligations to protect the public purse. The identity of the claimant does not matter. If you do the same thing, Madam Speaker, when it comes to whistleblowers, it does not matter that one of them is represented by the Leader of the Opposition.

It does not matter that he is related to a sitting member of the Opposition. You protect them because you are not looking at their party political affiliation. You are looking at how they have been bullied. You are looking at how they have been prevented from seeking promotion improperly. And you protect them, despite the fact that they might support the wrong political party, Madam Speaker. That is how you act properly in Government.

You do not say, well, let him go to the crocodiles and let the crocodiles eat him. You protect him as much as you protect everybody else. But of course, the hypocrisy then is not on the part of the Government that has acted equally across the board.

The hypocrisy is on those who get up to criticise the Government, to say that it is terrible what we are doing with whistleblowers, even though one of the whistleblowers, we have done because they asked us to. It is just like getting up and saying that it is a scandal that we should pay an amount to a Media Director when the reasons why the amount has to be paid is because of the contract they gave him. They do the thing that they then call scandalous in relation to the Media Director.

They say the thing in relation to the whistleblowers is scandalous except they forget that one of the whistleblowers is one that they asked us to make a whistleblower. And you know what, Madam Speaker? Not only do I think that we acted properly in relation to the whistleblowers, all of them, the ones who retired and received a payment because they were not going to continue in public service are the ones that we moved to other parts of the public service.

And their move depended on which type of contract they had, what is known in the police as the old contract or the new contract, and whether they kept certain terms or whether they lost certain terms. I am very pleased, Madam Speaker, that we have done it in a way that has stood up to scrutiny when investigated externally from the Government and externally from Gibraltar, and that we have done it for their whistleblowers too because that is the right thing to do. I wonder, Madam Speaker, whether they will ever recognise that, at least. That this terrible Government that does these terrible dictatorial things that are so outside democracy held out its hand to help one of theirs too when he needed it. Because that was the right thing to do and I do not for one moment regret it. I do not for one moment regret it. Let us see whether they recognise it.

Or whether theirs is the only whistleblower who was entitled to be known as a whistleblower, is the only genuine case and all the 29 others were part of the Machiavellian plot. But that part of the report, Madam Speaker, rose to the bait of forming part of a debate that should never have needed to be had for one of the reasons that the double exoneration of the Government with the external review to the Government and the external review from Gibraltar has demonstrated. Madam Speaker, that concludes the parts of the report that I need to go through that are, in the Government's view, worthy of rejection and of putting in a different context.

There are parts of the report, Madam Speaker, that the Government has accepted. The idea that the Government somehow does not accept anything that it is told, that it fights every aspect of what is being told, even that in some of the areas where we dispute what is being said, we do not nonetheless think, well look, we dispute it but it is constructive, we are going to change how we do this. That politics is for the birds.

That is not the politics that is happening here, Madam Speaker. We are accepting a lot of what is said in the 2018-2019 report, which is not politically biassed, which is not factually incorrect, which is not legally outside the remit of the jurisdiction of the principal auditor, which is not legally flawed. We are accepting it and we are implementing it.

The idea that we are not is like the idea that we are going to spend £8 million on an enquiry and not publish what the enquiry has to say because it might criticise one of us, many of us, some of us, to one extent or to another. I do not know how these concepts take root in Gibraltar, Madam Speaker, but I have to say to hon. Members opposite that very often they are the ones fertilising it. So, the Government does accept many parts of the report.

It accepts parts of the report and it is implementing parts of the report which will lead to improvements in the public service. We recognise that external scrutiny of the Government, for as long as that scrutiny is accurate, fair, objective and impartial, is a very good thing. It is a very good thing.

I also made clear, Madam Speaker, at the very outset, that of course there are parts of the report where we believe that there are lessons to be learnt. And we will do our utmost to learn those lessons and to improve how we spend taxpayers' money and how we deliver a public service. In some areas, Madam Speaker, we might not agree, but we might take the point and we might say, well look, constructively this leads to a better situation.

So, let me take the House, Madam Speaker, through some of the various examples where the Government agrees with the report's recommendations and reflect on the work that the Government has already done to implement those recommendations. I think I have already set out some of the areas as I have gone, but I am now going to go in detail through those areas where the Government has implemented these changes. And I do so, Madam Speaker, in the context of feeling a great sense of pride in the Ministers that comprise my Government and a great sense of pride of the public officials that work with us up and down the different departments, the agencies, the authorities, the companies and those who work directly to us in delivering what these days, Madam Speaker, despite its flaws, can only genuinely be described as world-class services. Just have to see what the standard of services in health, in education, in housing are around the world.

Indeed, in Europe, Madam Speaker, to see that despite its flaws, all of which we want to make even better, this place is now delivering incredible world-class public services and that we should have a politics that is about an Opposition and a Government dancing on the pinhead of how to make things better. Of course we should. But that is the context in which we are having this debate.

And when a principal auditor sticks to his functions, to his jurisdiction and to his constitutional remit and makes recommendations in keeping with his powers, of course the Government is going to listen and act. But, Madam Speaker, where he does not, playing the ball, not the man, should not be seen to be inappropriate. It should be seen to be absolutely proper.

Absolutely proper and a defence, not just of the Government, a defence of this place because on. Members might now get up and actually say, well this was terrible.

They need to realise that what the Government is defending in many instances is the supremacy of Parliament and the Parliament's right to do things and the Executive's right to do things against those who have no legal, constitutional or other rights to do them and are pretending to usurp those rights from those who have it, that is to say all the 17 of us, not just the 9 of us here.

So, Madam Speaker, let me start with Housing. On housing rents and arrears, we have accepted that outdated standing orders and collection methods have contributed to arrears. My goodness, Madam Speaker, the world has changed so much. I mean, I think 10 years ago they would not take standing orders. We introduced the ability to take standing orders. These days you do not even go to a bank to do your banking. You do it all in the comfort of the palm of your hand. We no longer even have to say in the comfort of your living room when you used to have a PC that you used to sit at. You do it in the comfort of the palm of your hand. Of course we need to change the way that debit facilities are provided for and to improve collection facilities. At page 113, paragraph 3.4.73, the Principal Auditor said this:

> The Principal Housing Officer informed the former Principal Auditor that housing rents shortfall typically occur when a tenant does not update their rent payments in response to official notifications of rent increases. He explained that these notifications are sent via media announcements and official letters with at least one-months' notice before any rent increase takes effect.
>
> In response to this issue, the Housing Department has now introduced a direct debit facility which will help eliminate the gap between the new rent amount and a tenant that might be falling short.
>
> Although some tenants have yet to switch from standing orders to direct debit, the Department will continue to offer this option. He was confident that ultimately this initiative will streamline payments and address discrepancies caused by rent increases.

I hope my banking friends do not mind me saying, Madam Speaker, that of course there is also a big difference between a standing order and a direct debit.

A standing order costs you money whilst a direct debit does not cost you money and so those who are paying rent if they were before required to use a standing order would have been paying for that service whilst with a direct debit they do not need to pay for that service.

Madam Speaker, at page 104, at paragraph 3.4.38:

> I am glad that the Housing Department has committed to an arrears recovery strategy that aims to minimise the level of house rent arrears and to maximise the collection of rental income. Although the effectiveness of the strategy was evident in the first few years of its implementation, the recent trend of increasing house rent arrears emphasises the need to continue strict application of the strategy to avoid further escalation of house rent arrears. I am hopeful that the Department's officers will have a clear direction from management and the appropriate training support that will empower them to both manage and maintain an effective rent collection system.

In this respect, Madam Speaker, I refer the House to figure 62 of the report which hon. Members will find at page 97 of it, which they will see illustrates that rent arrears have declined from a peak of £5.76 million in 2016 to £4.91 million in 2019, the year after the direct debit system was introduced. After some stabilisation around the £5 million mark in 2021, which was the COVID period, the House will note that arrears dropped significantly to £4.59 million, an 8.4% reduction almost half a million pounds in 2022. There was a modest rise in 2023 to £4.73 million and in 2024 to £4.85 million. The overall trend demonstrates that the corrective measures, including the direct debit facility and stricter enforcement strategies as well, so carrot and stick, have contributed to reducing arrears compared with other years.

We do have the issue, Madam Speaker, in respect of that £5 million figure of aged debt and the need to write some of that off. That involves, because of the nature of Government accounting, a very senior decision having to be made, which is not with politicians, it is with officials, but they do have to write off amounts. Everyone is always very reticent to do that, but I would say that £5 million is not the real figure of arrears because a lot of that is aged and unrecoverable debt and therefore I do believe that what needs to be done is that we need to bite the bullet and deal with those aged debt issues and deal with the write-offs because we need to know what we are actually owed and what we are actually going to recover.

Something that we have been owed for longer than the Limitation Act enables us to recover or where there are social or other reasons, like bereavement for example, that prevent us from being able to recover that amount, we should know what the final actual figure is.

On housing allocation, Madam Speaker, the codification of the discretionary powers which in most instances were criticised because they were exercised by me as Chief Minister, although no previous Chief Minister has ever been criticised for it - you know what I think about political bias. Those are other areas where although I believe that the report is severely politically biased and I believe it is legally wrong because of how I explained that we can use all of the portfolios and can act in respect of the powers of any Minister and the Minister is the Housing Authority in the Act which hon. Members designed, I agree that actually there is no reason why this should not be something that we should do and that is although this is not an area where the Principal Auditor has any remit.

This is also entirely ultra-virus. The Principal Auditor has no power to say a Minister has the power to do this and has no power to do that. It has got nothing to do with the accounts of Gibraltar whatsoever.

It is completely outside his constitutional, statutory or other power. Despite that, in this context, although I reject what he says completely as being something that should be in his report, I do not see anything wrong with codifying how the power is actually exercised. So, I have asked that there should be some work done on the codification and therefore that this should be set out in a way that is clearer and indeed, I have publicly endorsed this on the basis of greater transparency.

On page 36 of the former Principal Auditor's report, there is a reference that says that the Government supports codifying and publishing discretionary powers to prevent future misinterpretation, a position already publicly endorsed by the Chief Minister. It is not unimportant, Madam Speaker, to remind those who are uncharitably minded against those of us who make up the Government that what we are doing here is the opposite of playing the man. This is actually accepting that although the man has committed a foul, we are going to play on and not demand the penalty because the penalty could be to say expunge all of that part of the report because you have absolutely no power under the Constitution to make that recommendation. But look, on this one we are saying no problem. We agree. Let us do it.

So, there were some recommendations from the Principal Housing Officer on how best to do this codification and how best to ensure that there is a trail of evidence leading to the decisions that are made and how the authority for that is provided for.

I think, Madam Speaker, that we are demonstrating how proactive we are prepared to be on things that even when they come from somebody who is not empowered to say them, look on balance, make for better public administration and better public accountability and favour those members of the public who require the discretion to perhaps be exercised in their favour to be able to have a record in the Government's files, because these are not things that should ever be public, that substantiates how the allocation has been done. I should also say, Madam Speaker, if anybody has the idea that there are edicts from No. 6 Convent Place to the Housing Department under this Minister or under previous Ministers, under this Principal Housing Officer and previous Principal Housing Officers, they would be wrong because when my officers got in touch and said, look, we have had this meeting with this constituent, we have been told all of these things, we have had a number of Principal Housing Officers who have said, hang on a minute, you have been sold a pup and as I have said to the House before, there is nothing more soul destroying than when you actually believe someone and you want to help them when you are shown by another part of the administration that we have been sold a pup. And Madam Speaker, of course in those instances we have listened to both sides and in most instances of course, the Principal Housing Officer has been absolutely right, and we have not proceeded with the allocation proposed from No.6 Convent Place or on which we were seeking information from No. 6 Convent Place.

So, Madam Speaker, again, listening to officials, acting properly, ensuring that the discretion is only exercised in exactly the right instances and in keeping with the law is what we have been doing. Overlaying a process to that which is more objective, we are not saying no even though the author of the report had no right to go there.

On enforcement, Madam Speaker, on facilities, this question of parking, sheds and berths, already the Housing Manager has confirmed that those are in place to recover arrears. They were controversial at the time and indeed, Madam Speaker, I remind Members, I do not know who was here and who was not, I know that the younger Members were not here, I do not know where Mr Bossino, because he has been in and out of this House so often in the past 20 years, but certainly Mr Reyes was here although he is not here today, that we brought to the House through Miss Sacramento who was then Minister for Housing, that we would include these provisions of withholding berths, withholding parking bays, which are ancillary facilities to a Government tenancy if the individual was not up to date in his payment of arrears and one of the things that we were able to agree on across the floor of this House was that we should do that all together

without us then subsequently seeing constituents that we might try and curry favour with by saying we would make representations, etc.

I hope that still stands with members opposite because they should understand that this is actually the process that the Principal Auditor agrees with us is an appropriate one. He goes a little further at paragraph 3.4.31 on page 102. The Principal Auditor acknowledges this and says:

> Additionally the Housing Department was currently initiating the process of reprocessing sheds from tenants in arrears.
> The Department is hopeful that this will result in the recovery of rent arrears outstanding.

On Gibraltar industrial cleaners, Madam Speaker, another area where the Government is very proud of how we have been able to resolve many issues. I do not know whether hon. Members follow the news outside of Gibraltar or whether they only read local blogs but if they do, they might see that in neighbouring countries there is now a huge issue huge issue with the increased cost of the collection of rubbish as new EU directives come into play which are implementing international obligations.

That is what we fought to obviate and as I said during the course of the budget debate either this year or the year before what we were doing in the New Deal in respect of refuse collection and the management of refuse is preparing not to cut costs alone but to prevent the increase in cost that was coming getting out of hand. Although there may be some increase in cost in the management of waste once it is deposited it is much less than the increase in cost we were going to suffer, and we could see coming down the road. So here there are savings not just in relation to the cost today where there are some savings in some sectors but in particular savings against the cost that were around the corner.

On this Madam Speaker we have acted to reduce the cost and the inherited inefficiencies from the previous administration and as you know I do not think we have been given enough credit for that but we really genuinely believe that the projected annual savings of £685,000 which we may or may not hit this year because it is the first year and we are going through different cycles and people are retiring at different times during the year and it is really something that is worth providing for.

The report reflects I think how fleetingly this new agreement where it states at section 5.4 page 42 a new collective agreement between GIC and Unite the Union was discussed months ago and signed prior to the report's release. This agreement abolished the manager's overtime, restructured staffing and introduced cost savings measures and therefore I think it is important the House should remember that we did it not because it was in the report but because it was our ongoing work. It was our work in progress and the report was reporting what we were identifying were the problems.

The report at pages 186 to 187 says:

> a new Gibraltar industrial cleaners limited collective agreement has been agreed as part of a wider waste management review, which is expected to reduce overtime costs significantly.

Again, not enough analysis or recognition of what we have done in that context, but we were doing it. So, we are taking the recommendation, although the recommendation was one that we had started to act upon even before there was a recommendation.

On procurement practises, documentation and exemptions, Madam Speaker, I've taken the House in detail through how correct the various departments' procurement processes have been in the four contracts that have been criticised out of the 270 that were done. So, despite us disputing those findings, we have, again, absolutely no compunction in saying, well, look, let's make sure we no longer have to have these issues. Let us make the relevant amendments.

And there, Madam Speaker, not only have we gone back and given detailed and transparent responses to the issues raised in the report, although in some instances after the closure of the report, because we were asked for those explanations hours, days before the report was going to

be completed without being told it was going to be completed on the 31st of May, but the Audit Office has got after the 31st of May in some instances, all of the transparent information that they needed, and I've given a lot of it to this House and a lot of it will also shortly be made public as hon. Members will see.

In this respect, Madam Speaker, Section 5.7 of the report, the Principal Auditor says in one of his paragraphs:

> The Government strongly contests the Auditor's conclusions, asserting the report fails to reflect the lawful exemptions, the strategic considerations and the broader public interest issues, but the departments accept the need to ensure clearer documentation, but we reject the implication that decisions taken were unlawful or improper.

Today, Madam Speaker, in the Gazette we are publishing the Public Finance (Control and Audit) Act, Procurement Public Sector Contracts (Amendment) Regulations 2025, and these regulations will amend the Procurement (Public Sector Contracts) Regulations 2016 in order to expand the circumstances in which the use of the negotiated procedure without publication may be used to award public contracts in circumstances which are in the public interest. That is a power that exists already.

Just so that before hon. Members have the apoplexy that they tend to have when they hear that the Government is going to legislate on anything, that is a power that already exists. The recommendation that we have had is that we should codify that and make it more clear if we were going to see certain references in it to set those out in the law. That is what we are doing, Madam Speaker.

We are setting those out in the law. That law is being published today. Indeed, I would say that we have not done badly, that we have only been criticised out of four out of 270 instances where we are able to show that we acted properly and in keeping with the law.

The political criticism is something different, Madam Speaker. The political criticism comes when you act entirely properly - the political criticism comes.

But we have been able to show that we have acted entirely properly even in the four in which we have been criticised. They, sitting opposite, Madam Speaker, will get up to attack us on this issue with the huge hole below their waterline that they granted a contract for £1 billion, not £1 million, £1 billion outside of the remit of the Procurement Act. It was the one on the approach road and extra works.

And they will never be able to point out, we have done that legally, because there was no legal provision for them to grant it. It was outside all of the exemptions. And when I asked the question in Parliament about that in 2011, the Government said it would not answer.

And when I was elected to Government and I checked, I saw, as I was entitled to by the way, nobody was showing me a file that I was not entitled to see, that the contract had been granted illegally, outside of the Procurement Act. And I called in the counterparty. And I told the counterparty that he had a choice. He either surrendered the contract, the illegal contract that they had granted, outside of the procurement rules, outside of the exemptions, or I would sue in the Supreme Court for rescission of the contract. The contract was cancelled by mutual agreement.

So, if they are going to get up to criticise us, because 4 of our 270 public procurement contracts had been criticised and we have been able to show, because we were not given the time by the Auditor to give him the information, that actually they were in keeping with the procurement rules, they should do so remembering that their posterior is made of hay on these issues.

And that they are holed below the waterline on this. Because the only Government, as I can see it, Madam Speaker, in the history of this Parliament, that has acted outside of the Procurement Act, was a GSD Government.

On matters related, Madam Speaker, to the overtime and staffing in the Environment Department. As the former Principal Auditor himself acknowledges and the recommendations

made, the Acting CEO confirmed that new staff had been hired and transferred to reduce overtime expenditure in the Upper Rock and Beaches section. Indeed, the Auditor recognises at page 186 of the report where he says:

> Numerous site officers have very recently been employed and transferred to this section, and according to the Acting Chief Executive Officer, this will result in a reduction in overtime expenditure.

On overtime controls generally, Madam Speaker, the Chief Secretary's Circular No. 9 of the 29th April 2025 deals with issues of overtime. The Chief Secretary, as ever, constructively has acknowledged the problem of overtime being improperly charged and had previously issued a Circular to strengthen approval and management controls, and he recently issued another Circular earlier this year, ahead of the report. The revised overtime and approval procedures were implemented with immediate effect from 29th April 2025.

This is reflected in page 187 of the report as follows, where it says:

> The Chief Secretary issued a Circular advising that the revised procedure for the approval and management of overtime was being implemented with immediate effect.

This is also very important. However, when we come here during the course of the Budget debate, and we talk about putting a £1,000 line in so that we have a better eye on overtime and this whole House is able to supervise it better, hon. Members seem to suddenly become Union Leaders on behalf of Public Servants and what they want is more overtime to be provided for, so they need to decide, Madam Speaker, whether they are Arthur or Martha in the context of these issues. On business continuity planning and risk management, Madam Speaker, the Director of Strategic Development, currently the Chief Secretary, acknowledged the need for improved business continuity planning and departmental guidance, one of the issues that the Auditor raised.

Indeed, as a result, His Majesty's Government is now committing to pursue ISO standards on those issues with clear internal guidance to strengthen resilience. On this, Madam Speaker, you will know that at pages 229 to 230 of the report, the Principal Auditor said:

> I agreed with the Director of Strategic Development that it might be beneficial that guidance should be as comprehensive as possible to eliminate any uncertainty.

We are doing that, Madam Speaker, and we are working on a policy for business continuity, and a recent circular and questionnaire was circulated to all Heads of Department.

On the public audit legislation, Madam Speaker, I think actually there exists consensus across political parties and indeed between this House and its absent Member, a Principal Auditor, that audit law requires modernisation. Except, Madam Speaker, that when I say that we are going to bring modernisation, in particular the sentence that says that an Auditor should not be advising on policy issues, which is what all modern auditing legislation says, in particular the model in the United Kingdom, hon. Members opposite seem to have apoplexy on local media saying that I am going to gag people. I cannot be gagging people, Madam Speaker, by agreeing to the reforms that they are asking for.

The Morello Proposals of 1997, Madam Speaker, remain on the table, of course, and the issue there is that if the Morello Proposals of 1997 on updating auditing laws remain on the table, it is not just because we have not actioned them in 14 years. It is because they did not action them in 16. In 16, Madam Speaker, politics *a la* GSD, do as I say and not as I do, Madam Speaker. Anyway, the former Principal Auditor has this to say at page 73:

> There has been broad agreement across successive administrations that Gibraltar's audit legislation is outdated and requires reform. A view expressed as far back as the Morello review [when Mr Morello was actually asked to carry out a review and advise on it] in 1997.

Although the Principal Auditor's role, Madam Speaker, in all of this is not to seek changes to legislation. It is to audit in keeping with legislation as it is.

On attendance and punctuality monitoring, Madam Speaker, this is the final area that I am going to go into. The former Principal Auditor's recommendations have already been implemented, Madam Speaker, but I want to stress, however, that the examples I have provided and this additional example I have now furnished to the House of how we are implementing recommendations are by no means the only instances where the Government has improved Public Services on the back of recommendations of former Principal Auditors, plural, and the former Principal Auditor, singular, in particular - There are more, of course.

In respect of attendance and punctuality, I note that the Chief Secretary has acknowledged the Principal Auditor's observations on attendance and punctuality. He did so in Circular No. 11 of 2025, which was published on 18 July 2025, after the publication of the Principal Auditor's report, and where the Chief Secretary requested all Heads of Departments to provide updated information on attendance monitoring arrangements.

The Government now has all the relevant information from Departments and will implement measures to ensure this matter is properly addressed.

Page 1, Madam Speaker, of the Chief Secretary's Circular states as follows:

> As part of ongoing efforts to improve accountability and operational efficiency across the public service, and further to observations raised in the Principal Auditor's report for financial year 2018-19, specifically in relation to attendance and punctuality, I am writing to request updated information regarding your Department's attendance monitoring arrangements.
>
> Once we have collated the responses, we will consider the implementation of a consistent and suitable monitoring system across the entire Public Service.

There it is, acting in keeping with the recommendations set out in the report. Who says we do not?

The same people who said that we were injecting them with Bill Gates' chips, the same people who said that there could not be an inquiry after we changed the Inquiries Act, the same people who said that the rule of law in Gibraltar is under threat, the same people, the same people, Madam Speaker. Nothing to do with reality.

And so, Madam Speaker, I conclude my contributions in respect of the former Principal Auditor's report, and in doing so, I will move the amendment that I presaged at the beginning of my contribution, which, Madam Speaker, I understand, in keeping with the rules, must be moved in writing, Madam Speaker.

And so, for that reason, I am providing you with a notice of amendment in writing to the motion, which I will take the House through, in order, Madam Speaker, to make it easier for Hon. Members to understand the way that I have structured the amendment. What I have done is I have provided a letter to you, in compliance with the rule that I should move the amendment in writing, and I have highlighted in red the words that I am adding. I have not been able to, because of my inability with the technology, to take out the words that I mean to take out, but I think only two or three words go out, and the majority of the text stays in, Madam Speaker.

The amendment would now make the whole of the motion read as follows, and I am very happy for it to be circulated to hon. Members, but that, as I was reminded by the Hon. Mr Bossino, I am only the Chief Minister and Leader of the House, and whether to circulate the amendment to Members is a matter for the Speaker, if you wished for it to be circulated.

Madam Speaker: I confirm that I will be circulating the amendments to hon. Members.

Hon. D J Bossino: I am grateful for it.

Hon. Chief Minister: This House considers that the Principal Auditor's Report for the financial year 2018-2019, and that include the new words, whilst providing a clean bill of health on the

public accounts of Gibraltar, fails in many material respects, in both form and substance, to conform to standards of independence and objectivity.

The next two paragraphs stay the same. Further considers that the said report contains material errors that reflect both: (a) a lack of competence in its finalisation by the former Principal Auditor; and (b) that it has been presented in a manner that is designed to be politically biassed against the political parties that make up the Government, and to align with the policies of the Opposition in a manner that is outside the bounds of an Auditor's Report, thereby further illustrating a failure of independence and objectivity. And concludes that, as a result, such transparent bias significantly and completely compromises the accuracy and reliability of the report, and significantly constrains and limits any reliance that this House can place on it.

And therefore rejects, and then I make a change, Madam Speaker, and say, those criticisms, plural, of the Government contained therein, and the relevant parts of the, and then it continues…

Madam Speaker: I`m going to stop the Hon. Chief Minister for a moment.

Hon. D J Bossino: Madam Speaker, would it be possible, given the, I am grateful to the Hon., the Chief Minister that he is going to be making a copy of the motion to the Opposition. Whilst he is going through it, would it be possible for copies to be made available to Members of the House?

At the moment the Hon. Chief Minister is rattling through his rather extensive amendments to the motion, but we are not able to follow it. So from a practical perspective, and I would have thought from a courtesy perspective, it would be right and proper for the copy of the motion to be before us on the table on this side of the House, if possible.

Madam Speaker: Yes, well I have no issue with asking that this be copied and circulated. What I would say, I did have a conversation with the Hon. Leader of the Opposition, behind the Speaker's Chair yesterday, and, I am sorry, there is one more page left here, that there is no disadvantage in any event to the Opposition, because after this amendment has been moved, we are going to adjourn, so there is nothing to be done or said on this today.

Hon. D J Bossino: I see, yes, and I am very grateful to the Hon. Chair for the clarification. I understand that is a position that we were briefed by the Leader of the Opposition in relation to what had been discussed behind the Speaker's Chair.

Madam Speaker: All right, given that, are the hon. Members happy for us to proceed so that we can carry on whilst the photocopies are being made?

Hon. Chief Minister: As the Leader of the House, I am happy to proceed, Madam Speaker. And to start by saying, Madam Speaker, that I am surprised that somebody who rabbits on quite like the hon. Gentleman would like to stand up to start saying that I am rattling on, because that is what sets the tone of my response to him and everything that he says. He has said that I am going through a huge number of amendments.

I have read 11 new words, and he was not able to follow, which is really quite remarkable. I mean, if he cannot follow 11 words, Madam Speaker, I can see why he is always continually rejected in his claims to want to be the leader of his party, because somebody who cannot follow 11 words cannot be Chief Minister of Gibraltar, and at least they have got that right in the GSD. Let us be clear.

And Madam Speaker, I have absolutely no difficulty with my amendment being circulated. It usually is when I hand it to the Chair, not as a matter of courtesy, as a matter of form, but I assume that the courtesy that was being impugned there was not mine, because I had complied with all of my obligations under the rules. And finally, Madam Speaker, the point that I would make is that it should be clear to everyone that I have agreed with the Leader of the Opposition that I would adjourn today when I move the amendment, because he is not here.

And he is not here, Madam Speaker, because he is doing something else. He is at work doing something else, earning hundreds of thousands of pounds, which I think is absolutely right and proper that he should do, because he is in court representing clients, and he is not here fulfilling his public function. That is all right, because this is not a full-time Parliament, but that is why he is not here.

On an issue which he has said is one of the most important issues to have befallen Gibraltar and one of the reasons why he has moved a motion of no confidence in me. But he is not here to hear my explanations. No problem.

I suppose he will be here, at least when he moves his Motion of No Confidence in me, when the time comes, and hopefully prepared. Anyway, Madam Speaker, I was under the paragraph. I hope the courtesy is going to be extended to members of the Government as well and not just to members of the Opposition, because at the end of the day, we are all members here and that the copies will be provided to everyone here.

Madam Speaker: Yes, I thought I had directed copies for everyone, but I am sure they will come if they can hear me in the back office, they will be making further copies.

Hon. Chief Minister: I am sure, Madam Speaker. So the paragraph gave those, and therefore rejects those criticisms of the Government...

Madam Speaker: No, if the Hon. Member wants to...

Will the hon. Member... they are photocopies, not coloured, but it is sufficient. It is going to be read out so the Hon. Member can follow.

Let's carry on.

Hon. D J Bossino: These are not 11 words. These are not 11 words. This is an extensive...

Madam Speaker: No, I am going to ask the Hon. Mr Bossino to sit, to take... I am asking the Hon. Mr Bossino to take his seat and not speak from a sedentary position. And the Hon. Chief Minister can carry on with the...

Hon. Chief Minister: Thank you very much, Madam Speaker. The hon. Gentleman has got up and spoken out of turn, which is something that he does often. We must, for one moment, realise that when people speak out of turn...

Madam Speaker: I am going to call the hon. Member to order. Please carry on. The Hon. Chief Minister has the floor.

Hon. Chief Minister: I note, Madam Speaker, that you have called Mr Bossino to order because he constantly speaks out of turn. We have to understand how dangerous that is because if we lose here, that when we speak, and we can all just get up and speak, this will be a free-for-all. And Mr Bossino is putting the whole of the Parliament in a very difficult position.

In this Parliament, Madam Speaker, we speak when we are able to speak because you permit us to speak and there are rules as to when we speak. The Hon. Mr Bossino thinks that we are in the Piazza, we are above the Piazza but we are not in the Piazza, and that we can shout at each other and he can get up and put on his microphone and speak when he likes. And I am very grateful, Madam Speaker, that you have ensured that I am able to continue with my speech as I am allowed to.

I was telling the House, Madam Speaker, in relation to what Mr Bossino said, that I had only read 11 words and he had not been able to follow 11 words. There are many more words to come, of course, but he had said that he was not able to follow and by then I had only proposed 11 words. That's why, Madam Speaker, that is why...

Hon. D J Bossino: (*interjections*)

Madam Speaker: Order, please. Order. Can we deal with this point and finish it? The Hon. Chief Minister, could I ask the Hon. Chief Minister to revert to his reading of the amendment?

Hon. Chief Minister: Yes, Madam Speaker, of course you can. I am very grateful and I am very grateful that the jester of the Opposition has been asked to shut up. Madam Speaker, I am therefore going to the paragraph that says, and therefore rejects, and then I am changing the tense of that paragraph by making a few changes, and it will read as follows, and therefore rejects those criticisms of the Government contained therein and the relevant parts of the report itself as not being in keeping with the rigour, objectivity and independence required constitutionally from a Principal Auditor's report.

So what is new there, Madam Speaker, is that the reference to the whole report being rejected is out and it is a reference to the relevant parts of the report. And then, Madam Speaker, I list the particular parts of the report that are the ones that we reject, because the paragraph before talks about the rejecting of the criticism of the relevant parts of the report, and then I list the relevant parts of the report. In particular, the parts of the report,

1. On the tabling of the Accounts of the Gibraltar Savings Bank, which is rejected for misinterpreting section 12 of the Gibraltar Savings Bank Act 1935 and parliamentary procedure, which is properly set out in the Speaker's interpretations and rulings in respect thereof;

2. On the Auditor's wish to carry out a Compliance Audit of the Gibraltar Savings Bank under the provisions of the Proceeds of Crime Act, which is ultra vires and constitutionally unfounded and without statutory authority;

3. On the unsubstantiated allegations made in respect of Wildlife (Gibraltar) Ltd which are rejected as procedurally unfair, factually incorrect and defamatory insinuations and innuendoes at the same time as it fails to reflect prior explanations publicly provided;

4. In respect of criticisms of Housing Allocations which are rejected for mischaracterising the exercise of lawful discretion and ignoring binding precedent;

5. In respect of criticisms Gibraltar Industrial Cleaners which is rejected for failing to properly and fully account for reforms already on foot and breaching principles of procedural fairness;

6. On the policy recommendations made in respect of the adoption of a Public Accounts Committee which are fully rejected as an entirely ultra vires politically biased, policy intrusion well outside the lawful remit, jurisdiction and functions of the office of Principal Auditor, including the specific references in case law and the pertinent NAO guidelines;

7. On the policy recommendations for legislative reform made in respect of Government Owned Companies which are fully rejected as an entirely ultra vires politically biased, policy intrusion well outside the lawful remit, jurisdiction and functions of the office of Principal Auditor, including the specific references in case law and the pertinent NAO guidelines;

8. In respect of the various ex-gratia payments analysed in the report, which analysis is rejected for misrepresenting properly and legally well founded discretionary settlements and ignoring legal standards as to the amounts of damages payable, the right of individuals to make certain claims and the manner in which the Government properly carried out correct calculations in respect thereof well within the Government's discretion to settle claims of the nature of those properly settled;

9. In relation to the parts of the report which cursorily analysed in negative terms, the payments to the retiring Media Director, which payments were entirely in keeping with the Government's contractual obligations to the Media Director as provided for in that officer's original contract as entered into by the former, GSD, administration, which analysis is therefore rejected for factual inaccuracy, procedural unfairness, and selective scrutiny suggesting further, improper, party political bias on the part of the author of the Report;

10. In relation to the part of the Report which states, in paragraph 5.5.27 that:

> Despite numerous emails to No. 6 Convent Place requesting information on the nature and reason(s) relating to this payment to be provided, no reply has been forthcoming.

given that this sentence MISLEADS THE HOUSE because it is UNTRUE as there had been a reply, before the 31st May 2025, which had alerted the Gibraltar Audit Office to reasons why a more substantive reply could not issue (and a full set of replies was issued in June and July 2025);

11. In relation to the parts of the report on Procurement, that these are rejected for a complete failure to contextualise that out of 270 contracts 4 had been adopted outside the full provision of the EU Directive derived Procurement Regulations (2016) and that these four contracts fell squarely within the application of provisions on the said legislation, which had been properly applied by the Government;

12. In relation to the GDC officer in respect of whose service the Report dedicates 12 full pages (as well as some annexes) from paragraphs 4.3.1 to 4.3.30, the Report is rejected as Ultra Vires and Constitutionally unfounded and without statutory authority in respect of the analysis at 4.3.27 to 4.3.30, as the Principal Auditor has no role whatsoever in respect of analysis of matters related to political activities of officers in the public service;

13. and in relation to the same parts of the Report (4.3.27 to 4.3.30) that they reflect a deep party political bias against the Gibraltar Socialist Labour Party (and, as a result, the Liberal Party of Gibraltar) by the author of the Report, tarnishing the said Report in its entirety in respect of the party political bias implicit in many more parts thereof,

AND THEREFORE NOW CALLS UPON THE GOVERNMENT to lay on the table a Counter Report for Financial Year 2018/2019 that addresses all of these matters and corrects the factually, financially and legally erroneous record created by the former Principal Auditor in the 2018/2019 Report, and which will include all the relevant correspondence referred to by the Government during the course of this debate and the Opinion of Leading Counsel, Mr Fisher KC, that has been relied upon by the Government in this debate.

End of amendment, Madam Speaker.

Now, in moving this amendment, Madam Speaker, the Government is trying to show on the face of the motion, in a succinct manner, the things that I have been required to set out in the nine days that I have been addressing this House in the course of this debate. This amendment, Madam Speaker, is necessary because the record, of course, of the Parliament is Hansard but the motion as originally drafted, which was drafted when we first saw the report and the issues that were being raised by hon. Members opposite in the media and which were being raised by the media, raised some issues. But when we looked in detail at the report, it also required other areas to be identified which I have gone through in great detail in the past nine sitting days that you have heard me, Madam Speaker.

I have also moved away from the rejection of the full report, something that you and I discussed concerned you. I think the Government is perfectly entitled to reject the full report. It does not expunge the record.

The report stays on the record. It just demonstrates that the Government rejects it, as in this case where we are not rejecting the whole report. We are rejecting parts of the report. Those parts of the report, even the most objectionable, ultra vires, improper and therefore illegal parts of the report, stay on the record. But we are specifically putting the focus on them and saying why we reject them. But nonetheless, Madam Speaker, it is important that the motion actually reflects that on the face of it and additionally, and that is why the motion ends as it ends, that the Government should lay on the table a counter-report.

That counter-report should therefore be on the table in Parliament so that the Parliament has in the future, in the context of documents laid, and this is a document laid, also the Government's view, not just in the Hansard but contained in what we would call the counter-report for the financial year 2018-19 that puts the things that I have said and indeed other Members of the Government will say about the report, that are wrong in the report, on the record of documents laid. And in structuring the amendment in this way, what I am doing is taking your advice not to reject the whole report but to reject those parts of the report which are set out specifically in this way and setting out on the face of the motion some of the more pertinent things that I have said in debating the motion and in the things that I have had to put before the House in the past nine working days that the House has dealt with this matter. Madam Speaker, I have agreed with the Leader of the Opposition that because he is not here, he is in court, he is unable to attend today because he is carrying out his professional function and cannot carry out his public function, that when I finish my presentation of the amendment, I would adjourn the House to a time that is, I know now, convenient to him in order to be able to enable him to start his reply in respect of the amendment and such other parts of the motion as we may then deal with in whatever procedure we may agree with you.

Madam Speaker, I recognise I have kept the House for some considerable time. I could have got up and delivered one speech over ten hours that would have dealt with all of these issues but the assessment of the Government and each Minister in it, together in Cabinet, was that we had to do this in a way that was digestible to the public because the issues in play were far too serious.

As I have said during the course of the past nine days, I have had to address issues of people being singled out because of their political belief. I have had to address issues of an author of a report to this House going outside the bounds of the power the law and the Constitution give him to report to this House things that are ultra vires. And I have had to report to this House, Madam Speaker, that a report to this House contains at least one sentence which is misleading and if it had been uttered by a Member of this House in this House would have led to a requirement for a correction by other Members.

And the former Principal Auditor, when he laid his report, or in the quality respect of which he laid his report, was a Member of this House and cannot mislead this House. And that is why there is that reference.

Adjournment

Chief Minster (Hon. F R Picardo): And so, Madam Speaker, on that basis, I would now end my contribution in the presentation of the motion and the presentation of the amendment and I would therefore, as a result of my agreement with the Leader of the Opposition, that I would adjourn the House.

Now move that the House should adjourn to... Let me make sure that I get the date exactly right. I do not want to get it wrong. *[interjections]* Let me just get the date. If the gesture of the House would just permit me to at least get the date right, Madam Speaker. I am just going to be moving the amendment, Madam Speaker, to the adjournment.

Sorry, I am going to be moving the adjournment to consider the amendment to next Thursday at 3.30 in the afternoon.

Madam Speaker: And the date of next Thursday is... the 13th.

Yes, the Hon. Mr Bossino.

Hon. D J Bossino: Madam Speaker, I am grateful. The one point of detail that I would raise with the House is this. Because the Hon. Chief Minister simply cannot help himself but to dig and have digs against me or indeed against the Leader of the Opposition and he does not...

Madam Speaker: This can be part of the reply. If there is a procedural point that I need to deal with, I will deal with it but I am not going to have a further debate - I want to go home.

Hon. D J Bossino: Indeed, we all have other things to do although this is clearly a very important aspect of the Public Service that we have to discharge and I know that all of us in this House do, including the Leader of the Opposition.

Given that the Hon. the Chief Minister is very careful, quite rightly, to ensure that the record of the House is accurate, I would ask him to confirm or otherwise amend the amendments that he is putting forward to his originally filed motion. And I think in relation to paragraph 13, which starts:

> …and in relation to the same parts of the report

and it goes on, the written version that we have before us states that and I quote:

> …that they reflect a deep party-political bias

But I think he said a deep-rooted party-political bias and I would ask him to confirm which version he is relying on to give us the opportunity and we look forward to being given the opportunity on Thursday to reply to all the nonsense that he has put forward in support of this amendment.

Madam Speaker: For the avoidance of doubt, I am not going to take that as a reply to the amendment I am going to take that as a question seeking clarification. My view is that the amendment has been circulated in writing, that the Hon. the Chief Minister has read it out and unless the Hon. the Chief Minister says otherwise, what stands is what is the amendment in writing. There is no reference to rooted in writing. So is that what the Hon. the Chief Minister says?

Hon. Chief Minister: Madam Speaker, I have no memory of having said rooted. If I said rooted, it is because of the deep-rooted roll of the tongue, but as the Hon. the Jester of the Opposition

knows, I do not take anything that he says for granted, Madam Speaker, so I would have to hear it on the hand side.

Madam Speaker: So for the avoidance of doubt, the amendment moved is as in writing, which we now all have a copy. So, I now propose the question which is at this House to now adjourn to Thursday 13th at 3.30pm. I now put the question which is at this House to now adjourn to Thursday 13th at 3.30pm. Those in favour? **(Members:** Aye.) Those against? Passed.

This House will now adjourn to Thursday 13th at 3.30pm. Thank you.

The House adjourned at 12.30 p.m.

P R O C E E D I N G S O F T H E

G I B R A L T A R P A R L I A M E N T

MORNING SESSION: 3.32 p.m. – 7.20 p.m.

Gibraltar, Thursday, 13th November 2025

Contents

Order of the Day **2**

SUSPENSION OF STANDING ORDERS 2

PAPERS TO BE LAID 2

COMMUNICATIONS FROM THE CHAIR 2

GOVERNMENT MOTION 4

The House recessed at 5.17 p.m. and resumed its sitting at 5.41 p.m. 19

Adjournment 35

The House adjourned at 7.20 p.m. 36

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The Parliament met at 3.32 p.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: P A Borge McCarthy Esq *in attendance*]

Order of the Day

SUSPENSION OF STANDING ORDERS

Clerk: Meeting of Parliament. Thursday 13th November 2025. Suspension of Standing Orders. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with the laying of a report on the table.

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

PAPERS TO BE LAID

Clerk: Papers to be laid. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to lay on the table the annual report of the Independent Monitoring Authority for Citizens' Rights on the 12-month period from January the 1st to December the 31st 2024.

COMMUNICATIONS FROM THE CHAIR

Madam Speaker: Ordered to lie… All right, before we continue with the motion, I have a short ruling to make.

The procedure governing motions and amendments can often, except in the simplest of cases, be subject to uncertainty which in turn can lead to some confusion.

I propose to set out some guidelines which I hope may be of use for members present and future. In this ruling, I deal only with a specific scenario which is before the House and which, for the sake of clarity, I set out below:

(1) The House has before it a Government motion moved by the Hon. the Chief Minister in relation to the Public Auditor's Report 2018-2019;

(2) The Hon. the Chief Minister has spoken on the motion and from the start of his address has indicated that he will be moving amendments which he has particularised during the course of his speech;

(3) At the conclusion of his address the Hon. the Chief Minister provided the Chair with his proposed amendments in writing, and these were circulated amongst members. The next step is for me to propose the amendments;

(4) Debate would then proceed on the amendments at the conclusion of which a vote would be taken;

(5) In the event that the amendments are not passed, the original motion would remain before the House and debate on it would ensue culminating in a vote; and

(6) In the event that the amendments are passed, they would become part of the main question and debate could then ensue on the original motion as amended, culminating in a vote.

In the situation currently before the House, the original motion and the amendments are inextricably related. The amendments are substantive and are *inter alia* a particularisation of general principles moved in the motion. What this translates to is that if there is a debate on the amendments, it is likely to be a *de facto* discussion of the original motion as amended.

From a strictly procedural point of view, it is perfectly permissible to have a debate on the amendments followed by, if the amendments are passed, a debate on the original motion as amended.

Standing Order 21(8) provides that when every amendment has been disposed of the Speaker shall either again propose the question upon the motion or shall propose the question upon the motion as amended, as the case may require, and after any further debate which may arise thereon, shall put the question for decision. Thus, the Speaker must put the motion as amended and may allow further debate if further debate arises.

Whether to allow further debate requires an exercise of discretion. A discretion as to whether matters have been sufficiently dealt with and a discretion which must be exercised cognisant of the responsibility to prevent repetitious debate. That is the view taken by Erskine May, supporting the general proposition of relevancy in debate and the avoidance of repetition, so that when an amendment has passed, the main question as amended may be debated further, unless it appears that the subject has already been adequately discussed in the course of the debate on the amendment.

Where therefore there has been a full debate at the amendment stage which has covered the full substance of the motion as amended, particularly where the motion and the amendment are closely interconnected, further debate on the motion as amended should not be allowed. But what happens where the debate on the amendment has not been a full debate, for example because one side elects not to speak on the amendment.

In the present case I have had discussions with the Hon. the Chief Minister and the Hon. the Leader of the Opposition behind the Speaker's Chair. I have indications from them, and I put it no higher than that, indications may change, that some may wish to speak on the amendments, and some do not wish to speak on the amendments but wish to speak on the original motion as amended.

If that is the case, it seems to me that the debate on the amendments would not be balanced and arguably not complete in the sense of a full debate, so that further debate on the original motion as amended would be necessary and allowed. This would mean any Members who have already spoken on the amendment would be able to speak again on the original motion as amended.

I do not ignore that depending on the content of their argument this could give rise to repetition over and above that which is reasonably acceptable. Should that occur, Members can expect to be interrupted. I take this opportunity to warn Members against embarking upon repetition of arguments already rehearsed.

By way of summary therefore:

(1) Procedurally once an amendment has been passed the House may debate the original motion as amended;

(2) In circumstances where the original motion and the motion as amended are inextricably linked and where there has been full debate on the amendments, the Chair is unlikely to allow further debate on the original motion as amended. The crucial question in exercising the discretion whether to allow further debate is whether there has been a full and complete debate at the amendment stage; and

(3) In the event that further debate is allowed, Members who have already spoken on the amendments may speak again but only if they do not re-argue points already advanced.

I hope that is of some help in clarifying the situation and now we will return to the motion.

Chief Minister (Hon. F R Picardo): The amendment…

Madam Speaker: Well, the motion which… contains the amendment, yes. What I was going to do now is propose the question on the amendments, so I now propose the question in terms of the amendments moved by the Hon. the Chief Minister. Does anybody wish to speak on the amendments?

Yes, the Hon. the Leader of the Opposition.

GOVERNMENT MOTION

Hon. Dr K Azopardi: Yes, Madam Speaker, I do want to speak, finally speak after seven and a half weeks, and I do not know, I have lost the count of the days that we have been waiting for this moment, because this has been an unprecedented debate, Madam Speaker, so far, unprecedented in so many ways. Unprecedented because of the nature of the assault on a constitutional officer, unprecedented because of the length, unprecedented because of the manipulation of a parliamentary calendar, so to stagger the debate in a way that can only have been self-serving and gratuitous, unprecedented because the issues at stake are fundamental, Madam Speaker, and it shows how much in disarray this Government is, and how far they are prepared to go. They now represent a danger to democratic governance, and this is only one example of a growing track record that demonstrates it.

Madam Speaker, the publication of this Principal Auditor's report a few months ago scandalised Gibraltar. Rightly, not just because of the examples of waste and abuse, but because of the stark contrast with people's daily lives, the people who were struggling to make ends meet, to deal with a cost-of-living crisis and instead see those examples of waste and abuse. The people who have not had wage rises to match inflation, who became angered by a Government that does not take care of its money properly, it does not take care of the people's money properly, not just by the opaqueness, not just because of the rampant lacks of control, not just because of the downright waste, but because it showed an increasing track record and of disarray and abuse that is tolerated by the Government. People were rightly angered, Madam Speaker, because it is not the first time.

I know there is a keenness on that side to portray this somehow as a seminal moment, but it is not. This is not the first time that we have complained about these things. This is not the first time that there has been a report pointing out lack of control or examples of waste and abuse, or intransparency.

They are supposed to, Madam Speaker, hold the people's money on sacred trust, but all they have done is in breach of that trust, in breach of your trust, the people's trust, in handling your money, and faced with these facts, Madam Speaker, they play the man, not the ball, but in a way that is dangerous to democracy and have created a shameless kangaroo court.

Madam Speaker, the methodology of the Government is transparent and discernible. They play the victim but are the aggressor. I am going to trace those methodologies, but a number of themes and of those methodologies already come through as we see through the smoke screen and rip off the Government's mask.

There are, in our view, in my view, three discernible tactics that they are following: The first one is that they trash talk their way, or they try to trash talk their way out of the serious spectre of waste, abuse, and corruption; The second tactic is to follow a methodology of systematic repetition, repeat, repeat, repeat, often enough that the Principal Auditor is a liar or politically partisan, to try to get people to believe it; and the third tactic is to stop at nothing, to be reckless as to the constitutional protections and safeguards, and that is the greatest issue of concern because they are so visceral in defending themselves, because they show such little regard to parliament, democracy, and the Constitution. Madam Speaker, that leads to four consequences, four consequences.

Consequence one, is who and what is next? It is a question that people ask themselves, who or what is next? If they are prepared to do this, Madam Speaker, what else are they prepared to do to save their political skins, to cover their tracks? Who else is in the firing line if they disagree?

Consequence two, is what else? That is another question that people are asking themselves, what else if they are reacting so aggressively over reports up to 2018–2019, albeit that there are contemporaneous now value for money assessments, what else is there to hide when everything is brought up to date, up to 2024–2025?

Consequence three, Madam Speaker, is the outcome, the outcome of this motion, because the outcome of this motion is not worth the paper it is going to be written on if it is passed. It is a piece of self-serving, politically partisan claptrap.

Consequence four, Madam Speaker, is that no Minister saves themselves if in this moment, in this constitutional moment, all Ministers support it, because it will be a shameful indictment of everyone on that side should they support it, and that includes those who aspire to lead that party after the incumbent has gone. The totality of those consequences, Madam Speaker, brings us to the ultimate consequence, that it demonstrates as a result why the GSLP must now go.

Madam Speaker, the heckling has already started on that side, it is an early sign of nervousness, there will be time, there will be quite a lot of time as they sit there, yes.

Madam Speaker, the nub, the nub of the amendment, the document that has been produced by the Chief Minister in moving his amendments, is in affirmative language, almost pretending that it is somehow a court judgement, seeking to make declarations as to the interpretation in law of certain things, or whether procedurally it is right or wrong, but the nub of it is that you either agree with them or you get chastised. But of course this motion, as we will show, does not gloss over the other issues or the fundamental issues in the report, but most fundamentally, Madam Speaker, what this motion demonstrates, together with their reaction and the content, when I get into it, shows that this is a constitutional outrage that cannot be tolerated, and I am going to get into the detail, but first I must put some preliminary remarks on the table.

Madam Speaker, far from making things better, the amendments enshrine the outrage because they reveal that with this Government you are either with them or against them. So, they think they can cherry-pick their way around the report, decide what they like, decide what they do not like, decide that they like that the Principal Auditor may have approved the accounts, decide what they do not like in the value for money, but that is not how it works, Madam Speaker. The Principal Auditor has a constitutional function which he fulfils to the best of his ability in the way that he decides, in his absolute discretion. They do not respect the Auditor's right to say what he wants, how he wants, whenever he wants, despite what they have said before, which I will take you to, and this is unprecedented, Madam Speaker, as an attack on a public servant.

It is unprecedented as an attack on constitutional protections. It usurps the role of the courts, it abuses the role of this Parliament, which is to hold the Government to account, and which should not be weaponised against public officers.

The affirmative legalistic language which we have been treated to as if it was some sort of judgement, without taking the risk, of course, without taking the risk that they will not succeed. And the final nail in the coffin of the, not just the motion, but the amendment, is the counter-report. So this is a report, this is an amendment that purports to set aside certain aspects of the Principal Auditor's report, and then worse still, seeks to produce an alternative counter-report.

Well, Madam Speaker, you will appreciate the point that this House cannot reject a report that the Auditor is bound to produce and bound to deliver. What certainly cannot happen is for someone else to produce an alternative counter-report when it is within the exclusive constitutional competence of the Principal Auditor to produce it. And that is why, in fact, the bottom line is that this motion brought by the Chief Minister is, at its heart, unconstitutional - all in all, it is a travesty, Madam Speaker.

Now people will be watching and saying, perhaps, so why does this matter to me? I want to spend a few minutes on that, because this is a constitutional outrage that people need to understand affects them. Because it affects the way this community is run, and it affects the decisions that are taken, it affects the accountability of the Government, and it affects the ability of anyone overseeing, supervising, or controlling how the affairs of this community are run.

Madam Speaker, we have a written Constitution that creates a balance of institutions between the Parliament, the Legislature, and the Executive - It is the first thing they teach you at constitutional school. It creates a document that also vests certain rights in certain officers. One of them is the Principal Auditor, who has constitutional rights. Those issues are defined. Those powers are defined. Those powers are for him. It is a matter of interpreting the Constitution and understanding what it says. Our Constitution, unlike in England, effectively creates a situation where in Gibraltar we do not have parliamentary sovereignty. I mean the Chief Minister said we have parliamentary sovereignty. What we have in Gibraltar is constitutional supremacy, not parliamentary sovereignty. Because section 32 of the Constitution says:

> Subject to the provisions of this Constitution, the Parliament makes laws for the peace, order, and good Government of this community.

Subject to the provisions of this Constitution - because the Constitution is supreme. The constitutional structures are supported by a charter of rights of the individual - part one of the Constitution. That charter sets out what the fundamental rights of people are, what they enjoy in Gibraltar. It is further supported by a set of checks and balances on the power of various institutions, most importantly the Government. Those checks and balances are there, although they could be improved.

One of the checks and balances is ensuring that the Principal Auditor audits the accounts of Gibraltar and does so exclusively and can say whatever he wants on them. That requirement in our Constitution was introduced for the first time in 1969. It was not present in the previous bodies of law that were constitutional in effect, either in 1950 or in 1964. It was introduced in 1969, although at that stage the laying of the report went through the Governor. Now it comes direct to this House, as it should.

This is important because we have fought very hard in this community to get here over the last 300 years in our move to self-governance. Once a year I have the privilege as part of the law course that they give lawyers to be in Gibraltar. I give the Constitutional Law Lecture. I always like to trace the history of where we have come from over the last 300 years and how the move to self-Government really was snail's pace at the beginning and it then acquired a degree of momentum, especially after 1921. Even bigger momentum post-war, where we had those four constitutional instruments culminating in the 2006 Constitution. But we have come a long way to strip absolute power away from the colonial master and that requires that degree of ensuring that there are checks and balances on the power of the Government, the elected Government, as it should be. And because that is in our interests, because that secures the rule of law in Gibraltar, because it is for all of us to protect those institutions, for all of us to ensure that the rights, the fundamental

rights, that the checks and balances are not only there, but they are also protected and they are indeed improved. So rather than trash and erode those constitutional structures, they should be protected and strengthened.

And again, why does it matter to you? Because if we do not do those things, Madam Speaker, we give the Government unbridled, unchecked power. Unbridled, unchecked power with your money, with your rights, with the decisions that affect you and that does not work for anybody. Because we replace the absolute colonial power for a system that allows the Executive to exercise unchecked power.

With unchecked power, Madam Speaker, they can do whatever they want, whenever they want, on any decision that affects you. And so that is why this is important, because it affects you, it affects every citizen of Gibraltar, it affects their rights, it affects the quality of decision making and the use of your money, which is at the heart of what the Principal Auditor must do. Because the Principal Auditor is an important part of that constitutional architecture of checks and balances.

In England, the system of the equivalent, the Auditor General, goes back more than 150 years. Here, around 50, because we have had, as I say, that finance part since 1969 and a specific legislation, more particular specific legislation, since 1977.

It is based on the premise, Madam Speaker, that the Government holds your money on sacred trust. But the Government cannot decide how to use it without first asking Parliament for permission to spend and that is why we come here once a year on the budget. And how they spend it gets checked by the Principal Auditor.

Without the control of anyone, still less the Government, because, and of course that would, if we did not have that, those controls, it would water down those protections. It would lead to Government using your money however they want, without even a review.

So already, Madam Speaker, we complain about opaqueness. Already we have had a huge time lag on the Principal Auditor reports engineered by this Government, and we have had previous debates in this House about how they have engineered that. There was comment in the previous Principal Auditor's report about it, how different Bills, Supplementary Appropriation Bills, had been published but they were never taken and how that slowed it all down. So, by the time of the last election, in 2023, we still did not even have the 2016–2017 report and we are still having a massive time lag. So already we complain about that, but this is part of their strategy, Madam Speaker, their strategy of intransparency.

First, they break down the system, now they trash the players. The result, Madam Speaker, is a dysfunctional system of accountability and a signal to others, a signal that we on this side of the House consider can only be deliberate. A signal that if you fall out of line and disagree with me, we fall on you like a tonne of bricks with all our executive power and that is shameful.

The only beneficiaries, Madam Speaker, is this opaque Government because they get to do what they want, when they want. And they get to do it without immediate contemporaneous scrutiny, with a huge time lag. Except of course for the value for money reports that have caused such consternation in the Government benches, and we are certainly not going to allow them to get away with that, Madam Speaker. We are not going to allow it because the fundamental point and let me be very clear about this because there will be a lot of detail that I will cover, but let me be very clear that the fundamental point is we should not be here today. We should not be here because the Principal Auditor is a constitutional officer and an officer of this Parliament, made an officer of this Parliament by our Constitution. He was not before. He has been made an officer of this Parliament 20 years ago now.

He is not subject to the direction or control of anyone, any person or any authority. Nobody here can subject the Principal Auditor to direction or control. And we should not be here, Madam Speaker, because this process that has been mounted by the Government abuses the protections, the independence of the Auditor and the process of this Parliament, which is to hold the Government to account.

What they do on the other side is to hijack Parliament because they are in a permanent executive majority, to then weaponise Parliament against the Principal Auditor in an unconstitutional way.

Because there is a very big difference, Madam Speaker, and I have said that publicly already, there is a very big difference between the ability of the Government to say that the Principal Auditor may be wrong, which we would respect and correct the record and abusing Parliament or seeking to exercise direction or control over the Auditor.

That is what this motion purports to do by seeking to set aside this report in part. That is what this motion seeks to do by saying we are going to write a counter-report on other things. They have no power under the Constitution to write a counter-report. The exclusive competence is of the Principal Auditor. The Government are abusing Parliament to get it to say that and that is why this is fundamentally unconstitutional.

So, while I will go into some of the detail, I am not going to go into every single point, because that would be to fall into their trap of inviting us into the weeds so that we do not see where we are going. I will have to look at some of the detail to show that some of the principal things said are nonsense; to debunk the theories but we cannot lose sight of the main point.

And the main point, Madam Speaker, is that it would be wrong as a matter of constitutional principle for this Parliament to pass a motion censuring the Principal Auditor in relation to his conduct, because that is a matter constitutionally only for the Specified Appointments and for the Governor, or to censure the Principal Auditor for his report which he is duty-bound to lay without any exercise of direction or control. And the motion seeks to do precisely that, not just to criticise parts of it, but to set aside parts as unconstitutional and it purports to exercise direction and control over the Principal Auditor, which, when he is beyond our control, that would be fundamentally wrong. And that is why this is a constitutional outrage, impermissible under our laws, impermissible under our Supreme Constitution.

Because Madam Speaker, boundaries are important, not just in life, in politics, and indeed constitutional boundaries are important.

As I say, criticism and correcting the record, okay. We may disagree, but okay. We accept this is a human process. He may have got things right; he may have got things wrong. So, pointing out issues, okay. Trashing the public officer personally and with such vitriol is not, because ultimately there needs to be an element of mutual respect between the Government and the Principal Auditor.

The boundaries are there, not just because there has to be mutual respect. The boundaries are there because there needs to be balance between the constitutional structures, between the constitutional institutions. Because Madam Speaker, if institutions and protections in the Constitution get trashed, then there is nothing holding the Government back ever, and nothing to protect the citizen from excesses.

The Auditor is the watchdog of the people's money and, Madam Speaker, this is the tip of the iceberg because if it is done here, it is a sign of intent for others and the future, and a disrespect of the institutions.

And looking at something unrelated, I came across the distinction on boundaries that a previous Speaker of this House had given in an interjection with the Father of the House many, many years ago. I mean, this is, I am trying to do the maths on this, but this is almost 50 years ago. But in an exchange about a report that was the subject of comment in this House in late 1976, the hon. the Father of the House got up to make a comment on the report and the Speaker, who at the time must have been Sir Alfred Vazquez, says:

> I will allow you to make remarks on the contents of the report, but I am not going to allow you to censure the person who has made the report on the excuse of replying to the Chief Minister.

Then the hon. the Father of the House says:

I am not censuring any person in particular, what I was censuring is that a report should have been require.

And the Speaker says:

We understand each other, you are quite free to say what you like on the contents of the report.

Clearly the tenor there was, the boundaries were, do not censure the person, say whatever you want, within limits, but this is not what is happening here, Madam Speaker. This is not what is happening here. For the reasons I have indicated, this goes far beyond that, far beyond those boundaries that is set by the Constitution, as I will go on in now greater detail to deal with.

Because there are a number of, I suppose, emerging themes here during the last seven and a half weeks of having to listen to what was a monologue and now no longer is.

There is a false premise, Madam Speaker, that this is somehow about correcting the record, but of course this goes well beyond it. The reasons I have indicated, this goes well beyond the correcting the record because of the language of the motion, that there is a massive distinction between correcting the record and this.

This has become, Madam Speaker, it had all the hallmarks of it, but as we have gone forward, I mean the Chief Minister said, I think on day one, that he was going to identify nine issues that he was going to speak to, we now look at the amendments, there are now 13. He got so excited that he enlarged the list as he went along. This has become a kangaroo court, Madam Speaker, with the Chief Minister donning different roles.

There were stages that he was a prosecutor, there were stages that he was his own defence counsel. I remember someone, a senior lawyer, telling me that if you get a dog you do not bark yourself. I am not sure he was doing himself favours trying to defend himself.

In the most one-sided kangaroo court ever, I mean this, the features of a kangaroo court, anyone will understand what I am saying, but the features of a kangaroo court is that these are predetermined verdicts, that there is bias and partiality, that it is an irregular procedure, that there is no judicial authority, that there is a lack of due process, and that there are harsh outcomes. Well, you know, here we are.

The motion reads like a charge sheet against a constitutional officer. It goes well beyond what is permissible, but it reads like a charge sheet. The learned Chief Minister accuses the Principal Auditor of running a kangaroo court style operation in the formulation of his report but then wheels out the biggest kangaroo of all of them. Everyone can see that the motion is probably predetermined unless we turn some of someone on the other side.

That is why they have come here in this way, because this is safe territory. If you control the process, if you have got an inbuilt majority, if you do not have the inconvenience of backbenchers to negotiate with, well then of course you can get, you can say whatever you want, and you can trash the constitutional protections, but it is a dangerous game, Madam Speaker. It is a very dangerous game for them to play, be playing with the Constitution in this way.

We have come a long way for them to trash the constitutional protections in this way just because it is an inconvenient report. Would it not have been easier for them to say, I do not agree with certain things, but look, that is his opinion, we are going to move ahead, we have got the business of Government to run. No, instead we have had the parliamentary calendar dominated for the last seven and a half weeks with this attempt to hijack Parliament to pass a motion which is unconstitutional. We have got important business of Government or of the Parliament to be done, there is a backlog of 350 questions waiting to be answered. The people who have concerns, who have come to us, and we have tabled questions in this House, are not getting answers because of the way that they are behaving. But that is what they want, because intransparency has now become their lifeblood, their lifeblood.

So, in this kangaroo court, Madam Speaker, there is extreme hyperbole and exaggeration. Gibraltar has never been more at risk than when the Principal Auditor uttered something in sub-

paragraph 3.5.6 of this report. Well, I can think of a few examples, Brexit, joint sovereignty, Covid, I mean, you know, let us tone down the language on that side of the House.

Because this is a deployed smokescreen, Madam Speaker, to hide what is going on, to hide the excesses, to soften the excesses, to delay, to delay and repeat, that is what they do. The ultimate question remains, Madam Speaker and people will want to ask themselves, did the things that the Principal Auditor complain about, did they actually happen? You know, was the overtime paid? Yes. Were the *ex gratia* payments made? Yes. Where is the 50 million? You know, are the things that are pointed out in that report, did they happen? And some of them is a mixture of the undenied and the undeniable and those that have had explanations by members, by the Hon. Chief Minister on that side, some of them are explanations that are castles in the air.

And so, in the time available, Madam Speaker, you know, I am not going to pick up every single strand of exaggeration or confusion. There were many. Indeed, that is part of the tactic, to send everyone down a rabbit hole, to chase false leads, to confuse by sleight of hand.

The task will be to try to retain the discipline of discerning the real issues and keep on that road to understand what is going on and what is at stake. And what is going on, Madam Speaker, is that this is an assault on the Constitution, an abuse of this Parliament, and a trashing of a constitutional officer. This is a self-serving *par excellence* amendment to a motion. The motion itself was self-serving. It is at its heart something that should not be done and entirely unacceptable.

Madam Speaker, no amount of whitewash is going to mask what is going on here. This is a shameless political attack on a respected career civil servant who, before April, was respected by both sides of this House. And now, suddenly, a few weeks later, because they do not like his report, he is now a politically partisan, heinous individual. Well, people will see through all that when I go through the detail of what I am about to say and people will say, well, to what end and why? You know, why are they so worried? Why are they kicking this up now? What have they got to worry about? Well, what they have got to worry about is that there are another six years of disclosures to come and maybe more value-for-money reports into different areas of Government that have not been untouched.

This is a bit like the Carlsberg advert. There may be parts of the Government that have not yet been reached by the Principal Auditor, and maybe that is what they are concerned about because these protections, Madam Speaker, are there for the people. They are not there to be wrecked by the servants of the people - they are servants of the people.

Madam Speaker, the functions of the auditor are to do precisely what he has done. To audit. To control. To critically look at value-for-money. To assess. To recommend and yes, to criticise when he sees something wrong. It is absolutely right that he should raise these things. I mean, after all, surely, we are not in the days of Caligula, who worked to undermine the checks on his power, was erratic and wanted to make his horse a consul. I certainly do not think the Chief Minister is Caligula… (*interjection*) Or Jonathan Scott a horse, says the Chief Minister, not under his breath, over his breath.

This has been an attempt, Madam Speaker, at legalistic confusion by the Chief Minister and I regret that I may have to set the record straight by getting into some of the law. But legalistic confusion, heavily manufactured and loaded.

But of course, this is not being tested by anyone. Maybe it was a dry run for the Chief Minister's return to litigation. Maybe that is what this has been over the last seven and a half weeks. He understands, as he says, he is leaving, and therefore maybe this is his dry run of getting a shot in. I can tell him that he would have been much more tested than he was over the last seven and a half weeks if he had purported to present those arguments in a court of law. Because today, there are no judges to probe or to ridicule his arguments. And if he is so confident, Madam Speaker, why does he not go to court?

I mean, there was a moment, I think it was day one, I lost track, there was a moment when he said, I had to stop a Minister. I had to stop a Minister who wanted to take judicial review and if we had done it, we would for sure have won.

I mean, that is the height of hubris, surely. The height of hubris because it is important to understand what this is and what this is not.

This is a parliament. It is not a court of law. I know he is trying to create it into a court, but it is his kangaroo court only because if they are so confident, well, then maybe they should go to court to set aside parts of this report. If he has got this opinion that he keeps talking about, well, maybe he should go to court. Maybe they do not go to court because they know they would lose. Because, well, I mean, at the end of the day, we will have a look at his lawyer, but I do not think his lawyer is a constitutional lawyer or a constitutional expert. He is still less a constitutional expert. I mean, as far as I can see, he is some kind of tax lawyer or financial crime specialist. Well, I mean, at the heart of this, this is about the Constitution of Gibraltar. That is a bit like saying, I need a heart bypass, I am going to go and see the knee specialist. Well, you might as well have asked the butcher for constitutional advice. So, this is not a court of law.

All this is a fake, selective, legalistic approach, which is out of place and it is not either, it is not either, a review panel of auditors. Not that, of course, the Principal Auditor could be reviewed by such a panel, because if he could be reviewed by such a panel, section 74 of the Constitution, would have a subsection 4. That would say the work of the Principal Auditor can be reviewed by a panel of auditors at the request of the Chief Minister or the Leader of the Opposition or the Parliament. It does not say that and therefore, this is not a panel of review either.

So, when the Chief Minister says that trust is broken, trust is broken because of them. If there is a breakdown of trust, Madam Speaker, it is because of the antics of the GSLP Governments. From presiding over waste and abuse, their opaque financial transactions, the political favouritism, the cronyism, the erosion of checks and balances, the intolerance to criticism or abuse of its power.

These antics manifest themselves from the trashing of the auditor to, yes, the grandiose motorcades disconnected from reality or the evidence of conflicts of interest in public contracts and payments. And I know he got a bit sensitive with the grandiose motorcades in one of his interventions. But yes, they were, in our view, pretentious and gave that appearance.

You know, you do not need to demonstrate that we are not the same as Mayors of *La Mancomunidad*. We are not. It is a constitutional fact that we are not the same.

The real issue, Madam Speaker, is he is so self-absorbed and his Government with the trappings of power and he said, well, if we were on that side of the House, we would have organised that. Well, Madam Speaker, maybe he is actually horrified at the idea of a car-share when we are in Government.

But I am not sure if he is worried about that. But if he is worried that he is going to share with me, you know, he can always share with his lawyer, who he seems to get on really well with nowadays.

Madam Speaker, trust is broken because of their shameless character assassination of this Principal Auditor. Trust is broken, Madam Speaker, because of their shameless character assassination of the Principal Auditor. Do they remember that only a few weeks ago they praised him? They said that he could say whatever he wants. In a press release of the 17th of April 2025, the Government said:

> The office of the Governor and His Majesty's Government of Gibraltar would like to take this opportunity to thank the outgoing Principal Auditor, Mr Tony Sacramento, for his many years of dedicated public service.

Well, either that was a lie, or a few weeks on, because they do not like the report, they turn on the guy like they turn on so many people.

On the 23rd of April, a few days later, they said:

> The Socialist Liberal Government…

that is the GSLP, the Gibraltar Socialist Liberal Party,

> …will continue to uphold and respect the independence of the office of the Principal Auditor and provide full cooperation in ensuring the audit of public finances continues in line with established practice and statutory responsibility. Furthermore, this GSLP liberal administration has demonstrated a greater commitment to transparency and accountability than any Government in Gibraltar's history.

I am not sure how he had the gall to write that, but fine, that is the press release. And then the Government's press release carries on:

> The office of the Principal Auditor must be protected from party-politics, and the Principal Auditor must be free to carry out his statutory responsibilities without being dragged into the political arena. He must be free to say and not say what he wants, when he wants, and should not be subjected to public statements by politicians suggesting one view or another as a better position.

Surely, he must regret what he wrote just a few weeks before. The problem Madam Speaker is that the Chief Minister forgets what he says, well, I do not think he forgets what he says, he is a clever guy, I have said it often enough, I value highly his intellect. So, he knows what he is doing.

The problem is that he creates, either these statements were insincere at the time, or they turn on the guy because they just do not like what he says. Just a few weeks later, this was the 23rd of April, Madam Speaker, a month before he finishes the report, three months before it gets published, and suddenly he becomes the subject of this motion, trashing him, calling him all names under the sun, and saying that he is politically biased. The guy who they thanked for his work, the guy who they said should be free to say what he wants, when he wants, that is what they said just a few weeks ago.

I mean, this is incredible. I really, every time I come to the House, Madam Speaker, I try to resist the temptation of mentioning George Orwell at all. I was nearly there on this occasion, I nearly was able to contain myself.

But then, Madam Speaker, I saw what they wrote in their 2023 manifesto. And in their 2023 manifesto, it says, under a big heading, "Enhanced Powers of the Principal Auditor", it says:

> We are committed to protecting our independent civil servants and public sector employees from political interrogations by the Opposition. We also fully support the Principal Auditor, who operates independently under the Constitution of Gibraltar. In this regard, if elected, we will bring legislation to Parliament to enhance the powers of the Principal Auditor on terms we have already consulted with the Auditor and his team.

Not only do they not bring the legislation, but they also now indicate they want to gag the Principal Auditor. Not only do they not protect the Principal Auditor, or fully support the Principal Auditor, who operates under their, in their manifesto, independently under the Constitution of Gibraltar, they now seek to trash him, and they seek to erode those constitutional protections.

Madam Speaker, their 2023 manifesto is a monument to double-speak and insincerity. It is layered over their statements just a few weeks ago, which are obviously in deep contradiction with what is going on today, here.

Madam Speaker, it is incredible that we have this situation. We have seen, Madam Speaker, over the last few weeks, and days within those weeks of missing the point. Again, because I think the Chief Minister is a very intelligent, capable individual, I believe he does so deliberately - It cannot be an accident. There has been an attempt at confusion and smokescreen. An invitation to, over the last seven and a half weeks, to come and stare at the weeds and stay there, do not look up because you might see the field of manure around you. Stay in the weed.

There have been seven and a half weeks of an invitation to get into a forest of paper and minutiae, to confuse and distract from the festering swamp all around us and the examples of waste and abuse, not just in this report, but in the previous report, and in other things that are all around us, festering. So, accidental or deliberate? Well, deliberate, probably. To mask those conclusions, to mask the growing litany of issues, and to mask the real points of this motion, Madam Speaker.

And so, the features over the last seven weeks, kangaroo court or star chamber, choose what you will, they are both the same. Government, judge, jury, executioner. We know there is an execution at the end of it. It is only a question of time, unless one of the Ministers on the other side turns.

So, enter a process, imagine as you will, enter a process that is entirely predetermined because of the way this parliament works, because of the way that they have an inbuilt executive majority. So, we know there will be a verdict of guilty, but of course we say that verdict of guilty will be not worth the paper it is written on.

There were stages when the Chief Minister went into detail, like things like, so he produced the audit rules of a National Audit Office. And he says, well, he came up with an argument that somehow they are applicable to standards in public audits in Gibraltar. So we say, as we will explain, they are inapplicable, they are plainly inapplicable to those matters. And then there are things that I will mention, if I will, at this stage in overview, but I am going to get into the detail of some of these as I go along today.

On the Public Accounts Committee, just because the Principal Auditor has a view, it does not make him biased. It is a view on an audit issue, it is a view on a parliamentary issue, it is a view that can make his function work better, it is a view. They do not agree, we have a different view, it is a view, it is not something that is worth condemning, censuring in a motion, it is a view, that is all it is. The Principal Auditor, does not have the power to bring anything about, he makes recommendations, that is all.

As I say, this is the aggressor complaining that the Government is the victim and bemoaning the standards that are applicable today and that is why he said, at one point in his intervention, that they were going to pass a law to make it clear even though it was clear, according to his leading counsel it was clear because it is convenient to argue it that way that it is clear and therefore you do not need it, but I am going to do it anyway. That may suggest that maybe it is necessary. But anyway, that aside, he has had 14 years to put these reforms in place. And anyway, by the way, his 2023 manifesto says he was going to put the reforms in place, and he would agree with the Principal Auditor. Maybe different ones.

The Government has a duty to cooperate with the Principal Auditor as a Government. And of course, it is obvious from the exchanges with the Principal Auditor that there is an element of backwards and forwards in the normal way, with public officials and the Principal Auditor.

Our gripe is not with those public officials, by the way. Our gripe is with the political Government. Because it is the political Government that has brought the motion to this House. It is not the civil servants that are bringing this motion to the House, it is the political Government.

So ultimately, are things said in the report that are untrue on spending, were these things spent or not, were the payments made? That is one of the issues. Madam Speaker, no one is above the law or accountability. So, no one is saying that they should not correct errors.

But the issue is, as I have said, that the Government are going well beyond that to trash the post-holder, collapse the constitutional protections, and destroy institutional confidence. Abusing Parliament along the way.

It is not the Principal Auditor who has risked Gibraltar's reputation. That is akin to accusing the person who reveals abuse and wrongdoing as being the perpetrator. And perhaps they should look closer to home.

And, as I have indicated, Madam Speaker, it is not wrong to correct the Principal Auditor. It is wrong to then take it upon themselves to come to this House to make the judgement in the name of Parliament. Because that is what this motion would do. It would say, this is not the Government doing it. This is why they are here. Because they have gone from not being satisfied with trying to correct the record in an unacceptable way, by the way, because they have done so in language that was unacceptable. They did not need to trash the Principal Auditor if they wanted to correct factual issues. They could issue press releases and say, for the following reasons, these things are not the case.

But not content with that because that bears the letterhead of the Government , they have come here because this now bears the stamp and seal of the Parliament.

So let us then say it is not just the executive saying so, it is the Parliament that is rejecting the report or parts of it. It is the Parliament that is censuring the Principal Auditor. Well, that is absolutely, in our view, unacceptable.

Madam Speaker, they have taken advice from Jonathan Fisher KC, who I looked up, and I saw from the amendments that they intend, in the counter-report, the famous counter-report, they are going to publish the report. Well, maybe they should publish the instructions as well, because it would be important to understand what Mr Fisher has been told, in respect of which he has replied in that particular way. And it would be interesting, has he been given the whole story or just some of the story, maybe a loaded story, a politically partisan story maybe.

Well, let us see what we get with this unacceptable counter-report anyway. That is not worth the paper it is written on. If the motion is not worth the paper it is written on, the counter-report is worth still less. But Mr Fisher, who I looked up and saw his personal profile, it says:

> Jonathan Fisher KC is a leading barrister specialising in financial crime and corporate crime cases.

Well, maybe he has got the right speciality. Maybe his gut reaction was to go for that speciality.

> He is recognised as one of the UK's most experienced white-collar crime specialists. He has got experience in tax and regulatory tribunals. Jonathan has a strong advisory practice in all types of financial crime and corporate crime cases.

OK, so he is a financial crime, corporate crime tax guy. Not obviously a constitutional expert or audit specialist. Again, I revert to my story of before. You need a heart bypass, you go and see the knee specialist.

Well, maybe by the time the Chief Minister replies at some point in this session, he will pluck another legal opinion out of a constitutional expert this time, given that the heart of this debate is constitutional. I say that in jest because I am not commending to him that he should spend any more of the taxpayers' money in this charade. I am not. Let us be clear.

Madam Speaker, as I was flying back from my daughter's graduation, thinking I was landing to reply, the day after the Chief Minister started, because that was my understanding of our exchanges, I may have got it wrong, I read the Chronicle on the plane. I was struck with the fact that he had identified in day one that he was going to make nine points and that he was going to expand on them. But of course, as I already said, that nine points, through hubris, has grown to 13. Maybe he got so excited as he was going along the way, or maybe whoever was drafting his speeches, helping him, got really excited and added points to them.

Madam Speaker, all this is, is an attempt to give this a semblance of respectability. A semblance of respectability to a wholly predetermined process on that side of the House. Trying to create a different image because the Government suffered significantly after the publication of this report, because of the public opprobrium, rightly so, because of the issues that were raised in this report. And this, now, is an attempt to, how can we make sure we try to get a crack at persuading people? Not sure it is working, by the way, but time will tell. But, how can we do it? So, let us make sure we, let us organise a, someone came up with a brainwave in Cabinet one day, let us organise a motion which will say whatever we want it to say, set aside the report, now set aside parts of the report.

Let us come up with our own report. Great idea, Chief Minister. What a whiz!

And let us come here and pass the motion. And how can we do it to make sure that we get all the media time possible? Well, let us make sure, Chief Minister, that you do it in stages, that you speak for a couple of hours, then you stop, make sure you stop from time to time.

And dominate the press, the written media and the TV every day and here we are, two months after we started having our first say on this issue. Well, Madam Speaker, time will tell as to whether their efforts to try to present this in a different way have worked.

We say that the issues are so clear and the outrage so plain that the right-thinking people of Gibraltar will reject the Government's efforts to masquerade and trash our constitutional protections. And time will tell to prove that.

Madam Speaker, that the report risked damage to Gibraltar's reputation was again an exaggeration. I mean, a lot of the things that they were saying are just impossible to fact-check because of the way that they are presenting the legal opinion. It is going to be published, apparently, in due course.

But why is it not published now, with the instructions, so we can fact-check what it said? Because if it is so obvious, well, let us have a look at it. And the Chief Minister says, it cannot be a coincidence that the Principal Auditor supports the Public Accounts Committee.

Well, look, ultimately you either support the Public Accounts Committee, or you do not. There are two views on it. I mean, if the Principal Auditor happened not to think that there should be a Public Accounts Committee, I certainly would not be getting up and saying, "Aha! This shows that the Principal Auditor is politically partisan to the GSLP." It is just, look, it is either A or B. It is a legitimate view, one way or the other.

That is all it is and to elevate it to this level is completely unnecessary. At the end of the day, while they are in Government, it is not going to happen. So, calm down. You know, and if it was such an aberration that it was politically partisan and worthy of a motion, well, why did they not say so in the last report?

We debated this last report last year. They did not say this, we debated the Public Accounts Committee. My hon. Colleague, Mr Clinton, presented a motion on the PAC. Well, why did they not amend it to say it is absolutely heinous and politically partisan for the Auditor to have said that there should be a Public Accounts Committee? Well, this is convenient as part of the emerging modern narrative. You know, in history, students of history can tell you, the Hon. Dr Garcia and I, who studied history at university, there is sometimes an element of revisionism in history. And, you know, last year, no, that was not the point. But now it fits with the narrative, the post-April narrative, because pre-April he was a hard-working civil servant who we had to thank or who could say whatever he wants whenever he wants. But post-April, no, post-July, there is a need for revisionism of history. And in this revisionism, he is a heinous, politically partisan individual who is obviously supporting the GSD. Well, of course, it is convenient. That is why it was not said last year. Say it this year. That is the issue.

All of this is just a sharp tool Madam Speaker, to scare people off. But worse still, to scare some people off, some people who hold important posts, so that there is less accountability, not more. So gone are the days of the new dawn, if we ever had one. We are now firmly into the night and the new dark.

They say that there is a fundamental contradiction between agreeing the accounts and then making the value for money criticisms. But, Madam Speaker, first of all, there is no contradiction. They are two very different things.

You can look at the accounts, form a view on them, and then you can produce value for money reports on specific things which you may have views and recommendations on, some of which they accept, some of which they do not accept. If you agree with me, I accept it. So, this motion actually says, I mean, it is incredible, that to the extent of the part on which we are agreed, that the Principal Auditor agrees with me, that is okay. So, if you agree with me, you are a good guy. If you do not agree with me, politically partisan, terrible individual, poison.

Madam Speaker, it is not a fundamental contradiction. They are different things and indeed, not only is it not a fundamental contradiction, it is precisely evidence of the reverse of what they are asserting because rather than this producing evidence of bias, it is evidence of neutrality, surely.

When a Principal Auditor produces a report in which he gives approval to the accounts, but in aspects of value for money makes recommendations and criticisms of the Government, it is a balanced report. In some aspects of the report, it is a very long report. In some aspects of the report, he acknowledges information flow to him, he acknowledges that things have been done in reply to him, to his enquiries. He acknowledges that there has been progress, that he has also made other criticisms. That is neutrality that is not bias. If it was bias, everything would be bad.

So, that completely collapses their arguments, and this is not new. There is a track record here. This is not this report. This is why I am saying there is an element of revisionism here because they did not like this one. For whatever reason, this one made them really angry. Last year, there was another report. So, this is not the first time that things have been said. There has been another report where other things were said.

That report was produced, the 2016–2017 and 2017–2018 reports were published in January last year. It was a delayed report, which was 900 pages long. There was a delay to that, which he explained. But he said he had issued his findings in a very extensive report, which ran to 903 pages, covering matters such as departmental audits, arrears of revenue, value-for-money audits, obstruction of obtaining information on Government companies, overspends on the music festival and the Gibraltar Savings Bank. And there are exchanges with officials about lack of information in relation to £25 million, for example.

There is quite a big segment about the engineered delay on why these reports are taking so long. Now, the Chief Minister may not agree with that view. And he explained why but the fact is, the Principal Auditor has a view. There is nothing wrong in him saying it. He is the auditor. He is allowed to say, I remind him, according to him, not so long ago, whatever he wants, when he wants. What he said was that, in effect, the Government were, as we said at the time, blocking financial accountability by systematically delaying taking certain legislation. The law, Madam Speaker, provides that the Minister of Finance, the Chief Minister, can extend time for the delivery of accounts to the Principal Auditor.

As reflected in last year's report, the Chief Minister extended the time until the Bills for Supplementary Appropriation for both financial years had been passed in Parliament. By subsequently not taking Bills in Parliament until July 2021, the Government blocked and delayed financial accountability by years. So, to give a clear example, the Supplementary Appropriation Bill for 2016–2017 was first published on 12 January 2018, and was not passed until three and a half years later, in July 2021.

That resulted in massive delays to the work of the Principal Auditor, and was the major reason why we only got to hear of the eyebrow-raising issues last year. So, it jumped two General Elections, 2019 and 2023, through that delay. The Supplementary Appropriation Bills for financial years 2019–2021 and 2021–2022, so we still do not have the Principal Auditor's report for those years, they were initially published on 17 February 2022 and 18 May 2023, but they were not proceeded with by the Government before the 2023 Election. So, they had to be re-Gazetted after the election, and they were re-Gazetted.

Madam Speaker, last year's Principal Auditor's report, and this goes to the theme that this is not isolated, and that is why it is relevant to these amendments, not isolated, there were complaints about the £4.8 million contracts for Meddoc that were awarded, that raised, what we said at the time, issues of good governance and transparency, because between 2015 and 2018, Meddoc were awarded three contracts to supply healthcare and elderly services to the GHA and the Care Agency. Those contracts were of a value in excess of £4.8 million. In the case of one of those contracts, there were variations that enlarged that contract to an additional value of more than £900,000. After an extensive investigation, the Principal Auditor concluded that he could not say that Meddoc had been the most competitive bid, and that there had been a breach of tendering rules, and he said why in his report, and that became the subject of questions in this Parliament in the following months.

There was raised in that report the double invoicing of the Europa Sports contract, a contract to finish, to renovate a tunnel under the Europa Sports Hall, because it was awarded outside the

tender process, and was then not supervised properly. So, the conclusion of the Principal Auditor in a spot-check value-for-money audit was that it was badly supervised and revealed a lax regime, because there were duplicated invoices that led to the contractor being overpaid, because the invoices had been paid twice. Well, thank God for the Principal Auditor looking at these things for value-for-money. He said that there was insufficient technical supervision or approval of the invoices submitted, that most of the invoices were approved by the Chief Minister personally, that there was no formal contract governing the project, that neither the GSLA, the Housing Ministry, the Sports Ministry nor the Office of the Chief Minister had contractual oversight, scrutiny or responsibility.

This was not an isolated experience, because there were other examples in the report of a similar nature, of lack of supervision.

There were concerns expressed last year in relation to the stock-taking at Pathology, because of a total of £4.5 million on purchasing lab equipment, scientific apparatus and solutions and reagents and testing equipment and the Principal Auditor concluded that there was a lack of controls that could lead to the waste of taxpayer money.

Now all of these things were said in his last report. So we simply do not buy that the… and he was not… they may have had a ding-dong with us about whether certain things were right or wrong, they may have corrected what they viewed as issues that needed correcting in answers to questions in this House, but what did not happen was a motion in this Parliament going the way that they want to go today. And that is the big difference, Madam Speaker.

If they really do believe that somehow the Principal Auditor has misbehaved, well, look, the Principal Auditor is not above accountability. He is subject to discipline by the proper entity and the entity that has disciplinary control over him is not the Government. It is the constitutionally created Specified Appointments Commission in consultation with the Governor. Not them. It is not for censure for him here. Or if they thought that they had some legal ground to set aside part of the report, well then go to the court.

But do not create a circus, a sideshow here. Where the Chief Minister plays the process and plays the calendar because he rarely tells us when we are going to sit. It almost becomes a favour to be told when we are going to sit. Selects the jury and the judges and drafts the verdict and then pays the prosecutor for self-serving advice so that he can stand up in this House. That is what he does. That is all that this is. Because, Madam Speaker, the real point of all this is the attack on the auditor. The unprecedented hatchet job.

A Principal Auditor with a long track record in public service who has no chance to defend himself because senior civil servants, in my experience, take very seriously that they should sign the Official Secrets Act. They take very seriously that they are not going to make public comment on things. Even when they retire. It takes a lot for a senior civil servant, even after retirement, to say something publicly. So he knows that the Principal Auditor is not going to defend himself. He cannot defend himself. He is not here in this House and yet he accuses him of all these things.

And by the way, let me just say now, not at the outset, but into my speech, that this nonsense of the Principal Auditor being politically biased, I am not sure I have ever spoken to Tony Sacramento. I mean, I may have in my younger days when I was on that side of the House. It may be that I came across him and he will forgive me if I cannot remember but I certainly have not sat down to speak to him. I do not have a relationship with him. I have not spoken to him about any of this. Indeed, I would absolutely make sure, now that I know that this issue is here, not to speak to him about these issues. And yet, somehow he is politically biased, I do not know how he votes. I have no idea.

So, this is an attack which is manufactured for political ends and inconsistent with the immediate past. They can congratulate Mr Sacramento and indeed, what the Chief Minister even said on the famous “Viewpoint” programme when he was somewhere else, because he did say that some of the elements of the reports were unobjectionable. Mr Sacramento has been subjected to some incredible language to serve their ends. So, to serve their ends, Madam Speaker, they have been willing to deploy the most reckless of language on a Principal Auditor, a

career civil servant they congratulated for dedicated service six weeks before this report, to attack his impartiality, to imply that he has views like the Opposition, carrying out an entire hatchet job in the darkest ways of the GSLP when they are the ones doing it as a classic distraction.

Madam Speaker, I have tried to make a note of all the hyperbole that we have endured in the description of Mr Sacramento or his report. I confess I was running out of paper because the list became so long but: ludicrous; utterly disreputable; designed to contain allegations but not explanations; shocking; improper insinuations; scurrilous; idle and unsubstantiated; misleading and unbalanced; risks defaming officials by alleging lack of propriety; democratically despicable; poisoned; "jaundiced instrument" that is the report; an element of collusion; inhuman; improper and unbefitting; unforgivable; witch hunt; heinous; blatant discrimination; fundamental attack on our democracy; worst possible witch hunt to pursue those with an inclination to the left; attempt to mislead the House; huge risk that the report created for Gibraltar as a jurisdiction; a breakdown of trust; unconstitutional; hurts the fabric of our nation; and undermines the trust and faith in institutions.

Madam Speaker, the hyperbole was at such a level of hysteria that I struggle to think, and I have not been able to find, that any public officer in our history has ever been described in this Parliament by an elected member of this House in that way, let alone by a serving Chief Minister. What a disgrace, Madam Speaker, what a let-down for public servants, the hard-working public servants who have got to hear that, who hold Mr Sacramento in esteem and respect, who know what he is, how dangerous it is for them to receive that subliminal message, that if you turn and disagree with the Government, the Government will use all its weight and power against you, and, ironically, your own resources by using taxpayers' money to instruct expensive lawyers against you. What a disgrace, Madam Speaker, that we are in that kind of Gibraltar, because beware, Big Brother is watching you.

Madam Speaker, in a famous court case which your Ladyship, Madam Speaker, will be familiar with, Lord Reid said during a hearing that a judgement which results from an unfair trial is written in water. This motion is written in water, because this is a kangaroo court. Let us be clear. It is at times confusing, because we have the language of having a debate, but not really, because we know where this is going, because the motion reads like a charge sheet, and the language is one of a trial, really, because it is really, really accusatory and biased towards the Principal Auditor. You had the original motion that accused the Principal Auditor of bias, of transparent bias, and rejected the criticisms and the report itself, so the whole thing.

Now you have got an amended motion which still seeks to set aside parts of the report, now says we are going to produce a counter-report on our own, not sure how, but reads like a real charge sheet of things that they want to achieve, so misinterpretation of the Savings Bank. He is charged with that. He is charged with constitutionally unfounded and without statutory authority making recommendations. He is charged with making procedurally unfair defamatory insinuations against "Wildlife". He is charged with mischaracterising the housing allocation process. He is charged with not accepting how the reforms were being done in the industrial cleaners, or ultra vires views on the Public Accounts Committee.

Perish the thought that anyone should have views. I thought that was the attitude of Eastern European Governments, to chastise people for views - It is just their view.

The report comments about Government-owned companies are ultra vires, a policy intrusion, and then seeks to defend *ex gratia* payments in particular in relation to a number of individuals but ignores all the other *ex gratia* payments. It reads like a charge sheet. It is accusatory.

There were a number of instances when the Chief Minister used, commented or suggested that there were letters that proved his case. Not that this is a case, but to adopt that language. But if he says that there are letters that prove differently, why are they not produced and published? Now. Not with a counter-report, now. And the opinion and the instructions? Now, not with a counter-report. But in fact, this is entirely a kangaroo process, where he chooses the jury, the prosecutor, the judge, the conclusion is certain and the effect of a motion, Madam Speaker, is to condemn, censure, accuse. This is not about correction. This is about persecution because

this is the only place where he is certain of a verdict. There is no other place in Gibraltar where he is certain of a verdict. Or at least certain, in inverted commas, depending on whether a Minister sees the light. But, assuming they do not, it is the only place where he is certain of a verdict. So, if there are all these letters let them be published, and so on.

Madam Speaker, some of the matters that we will get into, as we go on, just show a legitimate disagreement, a legitimate view, a legitimate comment by the Principal Auditor on important issues which are a matter for him. So, in particular, when we get to the Savings Bank audit, and so on, he has a legitimate view on these issues. He is the Principal Auditor. When we come to look at the detail, we will all see how he is right to be able to take a view on the Savings Bank and he is expressing legitimate frustration at delay. He may have disagreed with Madam Speaker on issues of timing or tabling.

Again, you know, it is a legitimate view. Both, in different roles, Madam Speaker, are called upon to express views within respective domains - that is not worthy of censure, It is a view - that is all it is.

Madam Speaker, the Chief Minister indicated just a few moments ago that he would, I think, suggest to take a ten-minute recess. I think now would be a good point, if he wanted to move that adjournment.

Chief Minister (Hon. F R Picardo): Madam Speaker I am grateful to the Leader of the Opposition I have absolutely no intention of seeking to intervene in the speech I am dealing with it as if it were a budget speech but I would move I was going to suggest a 20 minute break because there is something i have to do but I would suggest that we do it now and that we recess for 20 minutes and return at 5.40 p.m.

Madam Speaker: All right we will return at 5.40 p.m.

The House recessed at 5.17 p.m. and resumed its sitting at 5.41 p.m.

Madam Speaker: Yes, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: Thank you, Madam Speaker. I am going to get into the weeds, if I may now, of the report. And first, worth that we consider what the report says and what the main conclusions of the report are.

Now, that report was published in early July. And what the report showed in headline form was payments or the award of contracts to persons close to the GSLP in circumstances of deep concern to the auditor raising issues of political patronage or favouritism or the perception of political advantage. A number of questionable *ex gratia* payments, unexplained and unjustified in the auditor's eyes.

He described the actions of the Chief Minister and Senior Officials as unconstitutional or improper in some respects, in particular respects. He described a culture of obstructionism of the auditor and failures to respond to requests for information. He was critical of massive, poorly controlled overtime, breaches of tendering procedures, weaknesses in controls of Government contracts, opaque and unaccountable spending of millions of pounds, poor value for money and irregularities in or seemingly arbitrary decision making.

That was the thrust of what was a long report and a number of value for money sub-reports in that Principal Auditor's report that highlighted those conclusions. So, Madam Speaker, very quickly after that report was published, literally three or four days later, the Government went out on an onslaught to the Principal Auditor and we highlighted equally in our own press remarks that weeks previously they had praised the Principal Auditor.

But there were a number of issues that were raised and some of them the Chief Minister has given explanations about. So, for example, there was that payment of £260,000 plus legal costs made in 2022 to a GSLP executive member to settle a claim, which the auditor recorded in his report, was one where public officers thought there was a defence to and against the backdrop of his concern that claims submitted for unrelated overtime had numerous anomalies. He went on to say that some of the claims should not have been entertained.

He highlighted payments made to the Director of Media. He highlighted offers of appointments to the GDC of an individual closely related to a Government Minister. He raised issues of tendering in respect of a number of contracts and in particular used the phrase in relation to one that there was a perception of favouritism or corruption that could be created. That could lead to loss of trust in the procurement process.

Beyond all that, Madam Speaker, what we said at the time was that, of course, this is not isolated. Remarks and recommendations have been made before, and it has been our longstanding view that there need to be much tougher controls on conflicts of interest and on whether contracts can be awarded to certain individuals close to governing political parties. We say that's necessary because we need to ensure a tighter regime on the eligibility to tender and award of high value contracts. This should be open, conflicts declared and tender procedures followed.

It is, as I say, our longstanding policy and equally there is a similar need to adopt more robust protocols on the grant of ex gratia payments or settlements to persons closely connected to the Governing Party. Again, that would be basic good governance, Madam Speaker, because that would improve existing controls. When making payments or entering into settlements or granting contracts to certain individuals or entities in which politically connected individuals have interests, the circumstances should be public and objectively justifiable.

There were a number of critical press releases against the Principal Auditor by the Government that had by then decided by mid-July to play the man and not the ball. There was a press release where the Chief Minister said all of this had even led to death threats against him. We said at the time that of course we reject that anyone should receive threats of that type, which are reprehensible in nature but what the Chief Minister or the Government should not do is park the causes for that at the door of the Principal Auditor like they did in July because it created exaggerated imputations by the Government which created a sideshow, not about the substance of the issues in the report but rather about other things.

Madam Speaker, the report talked about that £19 million a year in overtime that was paid by the Government and the concerns that the Principal Auditor had as to the controls and his view that there might be excessive or uncontrolled overtime. The report highlighted in parts of it that there had been a transaction where £50.5 million pounds had been transferred through various entities. We issued a press release at the time asking to be told what that was for. The Government responded saying rather blandly that it was invested but without telling us where that money was. Again, due to the efforts of the Principal Auditor, luckily people know that there was that transaction. What we still do not know, however, and has not been answered so far in the debate, maybe it will at some point, is where is that £50.5 million pounds, where has it been invested and for what purpose?

So, Madam Speaker, their lines of attack have been trailed in a number of press releases, and I am going to go into that detail. I think it was day one, the Chief Minister said, before he went into the detail of it, he said that they just celebrated their 50th anniversary. At least one party on that side had just celebrated their 50th anniversary.

Madam Speaker, this is a common phenomenon with Members opposite that you almost need to fact check everything that they say. Not even that is wholly accurate, or maybe it is, but who knows. You have got to even fact check their birthdays if they told you. If they told you their name was Fabian, Nigel and Gemma, you would still have to fact check. Because there was a tweet by GSLP social on the 21st of September, saying that they had celebrated their 50th anniversary as a

party the day before, the day before being the 20th of September. Well, the GSLP website on the 21st of September, the day after their 50th anniversary, had this - It says:

> Our history. So, Joe Bossano founded the Gibraltar Democratic Movement in 1977. The GDM then became the Gibraltar Socialist Labour Party in 1978. And it has revolutionised and transformed local politics ever since.

Well, if it was 2027, then it is... if it is 77, the 50th is 27. If the GDM became the GSLP in 1978, it is 2028. So, how did the party happen on the 50th anniversary in 2025? Fact check.

Well, I looked at the website because I was intrigued, because as a slight anorak of history, I do remember Sir Joe Bossano. I was very young, but not that I remember him standing in 1976 with the Gibraltar Democratic Movement. I was only nine years old, but I do remember, as a student of history and as a political anorak, I knew that he had been the Leader of the Opposition for a short period of time, after the 1976 Election, the GDM got four seats elected. I remember at some point in my memory, I remembered that Sir Joe had once said in an interview that they were able to get four seats in the 1976 Election, having formed the party weeks before. I remember him saying that in an interview.

So, fine, out of interest, I went to their website. I did realise, however, in advance of this debate, that I went back to their website. The website no longer says what it said on the 21st of September. Now it says, Sir Joe Bossano founded the Gibraltar Democratic Movement in 1975. The GDM then became the Gibraltar Socialist Labour Party in 1977. So, kind of, let us make that align.

Well, so, and I thought to myself, how did that conversation go? You know, so over summer, I am having a really tough time with the Principal Auditor's reports, public or programme, nobody thinks good of us. What shall we do, guys? Well, let's throw a party, you know, because that will distract things. So, we need a bit of good news to distract. "*Un poco de* sparkle, *no*? *Vamos a ponerle* the cake, let's bring out the cake with the candles". And someone says, "*pero, pero* our website says that we're only 48 or 49, how can we celebrate the 50th anniversary?" "*No te preocupe, cambiamos el* website. *No se entera nadie*." Well, fine.

The problem is you have got to fact check everything that is said from the Members opposite. It may be accurate, look, I do not know. The Hon. Father of the House will know. It does not really accord with my recollection that he said that the party was founded in a few weeks in 1976. But, look, if they want to say they are 50, that is okay. They are the longest running party in active politics today. I accept that Madam Speaker. Happy 49th birthday.

Madam Speaker. The Principal Auditor is both a Public Officer and an Officer of the Parliament. As Public Officer, he is appointed by the Specified Appointments Commission, and he is under the disciplinary control of the Governor on advice of the Specified Appointments Commission. He has powers to exercise in respect of the Government under Section 74, which I am going to go and look at now. And, of course, as officer of the Parliament, he has powers and privileges. Ultimately, this is not about whether he got something wrong or is identifiably wrong, but whether it is right to actually censure him in this way and to do what the motion suggests should be done, which we say is unacceptable and well beyond the pale of the response of a reasonable Government.

Madam Speaker, before Tony Sacramento retired from the Service, there was a press release issued, which I assume was from the Audit Office, from the Government Service, which observed that he began his Civil Service career in 1975 and was transferred to the Audit Department in 1984, first doing a stint of 17 years in the Audit Department. After that, he spent five years in Treasury before returning to the Audit Office in 2005 as Deputy Principal Auditor and during that second spell, he was then seconded as Director of Social Security for six years. He then succeeded the Principal Auditor in 2017. So, by the time he retired in August this year, he had spent 50 years in the Civil Service. Well, he had spent, it says, the press release, he spent 37 years at the Audit Office. I can only speak to the accuracy, reading as I am. He said that in addition to auditing the full range of public sector accounts, he had placed particular emphasis on value for money audit and that focus had helped to highlight where public funds could be used more efficiently. That is

part of his role. He observed that there was increased level of public attention on the reports, but that that was important to bring greater accountability and transparency to Government expenditure.

He said in that press release in April, that:

> I am focused on finalising the 2018-19 report before I commence pre-retirement leave on the 1st of June.

So, when the Chief Minister said in one of his interventions that, well, he could have said that he was finishing his report, so that Public Officials were more responsive in some of the answers. Well, he did say, he said it publicly, the Audit Office said it publicly in April, that he was going on the 1st of June and intended to finish his report. So, I am not sure it was a secret, it was entirely in the public domain that that is what he was going to do.

Madam Speaker, Section 74 of the Constitution is the one that is most relevant to the auditor. I would first say that we would start the description of the sections that affect the Principal Auditor at Section 25, because Section 25 of the Constitution makes him an Officer of the Parliament.

And the Officers of the Parliament, it says, the Constitution:

> …have the powers that are prescribed by Act.

And we will come to those Acts. Section 56 of the Constitution makes clear that the appointment of the Principal Auditor is a specified appointments commission appointment.

And Section 56(3) says:

> The Governor acting in accordance with the advice of the Specified Appointments Commission shall exercise disciplinary control over any Public Officer appointed under this section.

So, the balance of relationships, Madam Speaker, is that it is an appointment by the Specified Appointments Commission and disciplinary control by the Governor. There is no disciplinary control by the Government in relation to the Principal Auditor, for good reason because he has an important independent constitutional function to follow.

Section 74 of the Constitution is in similar, although not identical terms, as the 1969 Constitution because it changed in one important material way that the reports can be laid in Parliament without going through the filter of the Governor. But Section 74 says this:

> The Public Accounts of Gibraltar and of all courts of law and all authorities and offices of the Government shall be audited and reported on by the Principal Auditor and for that purpose the Principal Auditor or any person authorised by him in that behalf shall have access to all books, records, reports and other documents relating to those accounts.

So, I just pause there, if I may, because there, there are two duties. The duty to audit and report and then also the duty of the Government to give the Principal Auditor access to all books, records, reports and documents relating to those accounts. So, these are duties that flow in different directions.

74(2) says:

> The Principal Auditor shall submit and lay his reports before the Parliament.

Reports in the plural and that is also relevant to the debate that we are having in some respects in relation to the Savings Bank audit because what we would say is, again it is a legitimate comment for him, he can take a view, he is the Principal Auditor, ultimately this is not the place for there to be a determinative view one way or the other on the question. But given that the Chief Minister has ventured forward his opinion, or rather assertively attempts to obtain a paragraph in his motion on it, I will venture my view. My view is that section 74(2) needs to be read widely in view of section 25(4) of the Constitution and other duties under other acts. And so

given the potential liability of the consolidated funds to the Savings Bank, and we are going to come to that in a second, it brings the Savings Bank very clearly within the section and so legitimately it could be read widely so that if a Minister defaults in not presenting or laying the Savings Bank audit then the auditor could do so.

Again, on the usual principle that constitutions should be read expansively if what they are trying to do is to secure freedoms and checks and balances on unbridled power. That is the important principle.

Section 74(3) of the Constitution says this:

> In the exercise of his functions under this Constitution the Principal Auditor shall not be subject to the direction or control of any other person or authority.

And I am going to talk to this section if I may, because we are concerned that the Government, in its objective, are seeking to usurp the functions of the Principal Auditor under this section of the Constitution and affecting them.

So, I want to make that very clear, we are debating a motion that the Parliament has deemed admissible and of course we accept that and that is why we are here in that respect. But equally we make the argument that in the way that the Government has proceeded, the Government is usurping the functions of the Principal Auditor or at least are attempting to do so.

Now the reason for 74(3): 'so in the exercise of his functions under this Constitution, the Principal Auditor shall not be subject to the direction or control of any other person or authority', the reason is obvious. The reason is, you know, the Principal Auditor, especially in a small community, the Principal Auditor is called upon to take all the information from the Government and with his team, because there is a team there behind him, he makes a report which can be fairly soft on the Government, or it can be critical. So, he has got a very important role, the Principal Auditor, and of course he should not be subject to the direction or control of any other person or authority and that means any other person or authority, anyone, that includes the Government.

The reason is to secure that independence, because it is important to secure that check and balance on constitutional power. So that is a crucial feature of our constitutional architecture. That was part of the constitutional bargain and the letter of our law, our supreme law since 1969, going on to the most recent Constitution.

Madam Speaker, different constitutional principles stem from our Constitution, but in a nutshell, they are these. Of course, section 74 defines what the Principal Auditor can do, but it is within the framework of a Constitution which includes the principle of separation of powers.

What does that mean? It means that the Legislature, the Executive and the Judiciary are independent, they take their own decisions, and you cannot conflate or encroach on the territory of each. The same principles apply when you have a ring-fenced constitutional officer that has a specific role earmarked on the Constitution. Because by doing it in the Constitution you are introducing, injecting it in our higher law that no Parliament can amend. This is the point. Our Parliament can amend any law. Our Parliament cannot amend the Constitution except in the human rights part if there is consensus between us. It cannot amend those sections because that is an enshrined check and balance on the power of the Executive. And constitutional powers, ring-fenced powers of the Principal Auditor cannot be usurped by the Government.

So, Madam Speaker, I just want to take you briefly to two particular cases that will highlight the issue of separation of powers and the principle that applies. So one is a case of the Privy Council called 'Lyanage', I am not sure if I am pronouncing that properly, but it is from the Supreme Court of Ceylon. But that is a case where the Privy Council said in a case where there was an attempt to pass legislation which allowed people to be arrested and tried in a particular way with minimum penalties, it says that:

> The acts directed as they were involved a usurpation and infringement by the legislature of judicial powers inconsistent with the written Constitution of Ceylon, which while not in terms vesting judicial functions in the judiciary, manifested an intention to secure in the judiciary a freedom from political, legislative and executive control.

Now what we say is that section 74 manifests that intention that the Principal Auditor should not be subject to any Government direction or control in relation to his work.

In that particular case, the Privy Council went on to say this on general principles, dealing with the Constitution of Ceylon, but as the people know, the Constitution of Overseas Territories and indeed a lot of countries that are now independent Commonwealth states all follow the same model as Gibraltar. They have the same parts, their language is the same because understandably when the Foreign Office enacted and introduced the first written constitutions in Nigeria or Ghana in the 1950s, they rolled them out as templates. We all use templates as lawyers and so they use the templates and there are differences when you look at granular issues in different constitutions, there are differences, but in general terms the structures are the same and largely the principles are the same. So, the Privy Council said this.

> These provisions manifest an intention to secure in the Judiciary a freedom from political, Legislative and Executive control. They are wholly appropriate in a Constitution which intends that judicial power shall be vested only in the judicature. They would be inappropriate in a Constitution in which it was intended that judicial power should be shared by the Executive or the Legislature. The Constitution's silence as to the vesting of judicial power is consistent with its remaining where it had lain for more than a century in the hands of the judicature. It is not consistent with any intention that henceforth it should pass to or be shared by the Executive or the Legislature. During the argument, analogies were naturally sought to be drawn from the British Constitution, but any analogy must be very indirect and provides no helpful guidance. The British Constitution is unwritten, whereas, in the case of Ceylon, their lordships have to interpret a written document from which alone the Legislature derives its legislative power.

And in that particular case, the Privy Council decided that the words usurped the judicial power of the judicature and said:

> In law, such usurpation would otherwise be contrary to the Constitution.

What we are saying clearly in this case is that the attempt by Governments to encroach on and usurp the functions of the Principal Auditor is also unacceptable, unconstitutional action by the Governments. Madame Speaker, in a case called Hines and DPP, which is another Privy Council case, this time in relation to other legislation from the Court of Appeal of Jamaica, the Privy Council held that the principle of separation of powers was implicit in the Constitution and Parliament had no power to transfer from the Judiciary to the review board, the majority of whose members were not qualified to exercise judicial powers a discretion to determine the severity of punishments to be inflicted. That is because they were considering legislation to deal with, again, punishments.

But in the course of the speeches of the Privy Council, they made these points of general principle applicable to separation of powers, to constitutions like ours and indeed to the situation in which we are in now where there is a constitutional officer with demarcated powers. So, the Privy Council said this,

> A written Constitution, like any other written instrument affecting legal rights or obligations, falls to be construed in the light of its subject matter and of the surrounding circumstances with reference to which it was made.

Then it went on to talk about constitutions in different places and then it added some differences and then it said this in relation to similarities:

> Nevertheless, all these constitutions have two things in common which have an important bearing on their interpretation. They differ fundamentally in their nature from ordinary legislation passed by the Parliament of a state. They embody what is in substance an agreement reached between representatives of the various shades of political opinion in the state as to the structure of the organs of Government through which the plenitude of the sovereign power of the state is to be exercised in future.

That is what section 74 is. It was in the 1969 Constitution which came about after constitutional conferences; it is in our 2006 Constitution which came about after the Select Committee worked for three and a half years the cross-party Select Committee after inter-Governmental negotiations with the UK after a referendum of the people of Gibraltar giving it the double legitimacy not just a bargain between representatives of various shades of a political opinion but carrying the legitimacy of the People of Gibraltar. That is the bargain that was enacted which we cannot tamper with that the Government should not usurp.

And the Privy Council continued:

> All of them were negotiated as well as drafted by persons nurtured in the tradition of that branch of a Common Law of England that is concerned with public law and familiar in particular with the basic concept of separation of legislative, executive and judicial power as it has been developed in the unwritten Constitution of the United Kingdom. As to their subject matter the peoples for whom new constitutions were being provided were already living under a system of public law in which their local institutions through which Government was carried on the legislature, executive and the courts reflected the same basic concept. The constitutions, [the Privy Council added] were evolutionary not revolutionary [which was our case, we are now on our effectively fourth constitutional instruments]. It is taken for granted [said the Privy Council] that the basic principle of separation of powers will apply to the exercise of their respective functions by these organs of Government. Nevertheless, so thus [he says] the Constitution does not normally contain any express prohibition upon the exercise of powers by the executive or of judicial powers by either the Executive or the Legislature. As respects to the judicature particularly if it is intended that the previously existing courts shall continue to function the Constitution itself may even omit any express provision conferring judicial power upon the judicature. But nevertheless, it is well established as a rule of construction applicable to constitutional instruments under which this Governmental structure is adopted that the absence of express words to that effect does not prevent the Legislative, the Executive and the judicial powers of the new state being exercisable exclusively by the Legislature, Executive and Judicature respectively. To seek to apply to constitutional instruments the canons of construction applicable to ordinary legislation in the fields of substantive criminal or civil law would in their lordships' view be misleading particularly those applicable to taxing statutes as to which it is well established as a principle that express words are needed to impose a charge upon the subject.

Madam Speaker finally in that case the Privy Council went on to say that:

> If consistently with the Constitution it is permissible for the Parliament to confer the discretion to determine [in this particular case] the length of custodial sentences for criminal offences upon a body composed of a review board it would equally be permissible to a less well intentioned Parliament to confer the same discretion upon any other person or body of persons not qualified to exercise judicial powers and in this way without any amendment of the Constitution to open the door to the exercise of arbitrary power by the executive in the field of Criminal Law [in that case].

What we say is this officer has ring-fenced power which is a separation of powers constitutionally if acts are done to usurp his functions those acts are unconstitutional those acts are being perpetrated by the Government.

Madam Speaker, I want to explain why we say and go on to now deal with the importance of the constitutional function of the Principal Auditor his audit function and to do that I need to get into the acts that regulate the powers of the Principal Auditor because what is at stake Madam Speaker is that the people's watchdog of their money is being assaulted by the Government and what is at stake is that if we were to not stand in this way the Government would acquire unbridled power because there is a value to these protections so let us look at those protections.

Madam Speaker as well-known textbooks on constitutional law will tell you quoting Erskine May in England in the United Kingdom it was a central feature of the historical development of parliamentary influence and power that the Sovereign was obliged to obtain the consent of Parliament to the levying of taxes to meet expenditure of the state but the role of Parliament in respect of state expenditure and taxation has never been one of initiation because it was for the Sovereign to demand money and for the Commons to respond to the demand.

So, it was for the Government to demand money which it does at Budget time and for the Parliament to respond. In the United Kingdom, for about 150 years because the original legislation goes back to 1866, the equivalent to the Principal Auditor is the Comptroller and Auditor General who is also, like the Principal Auditor, an Officer of the House of Commons, his independence and I am now reading from this constitutional book it is Hood Phillips by the way. His independence of the executive and Parliament is ensured in a number of ways so and it goes on to describe them, but one of the things it says is that:

> Subject to any statutory duties he has complete discretion in the discharge of his functions subject to the proviso that he takes into account proposals from the Committee of Public Accounts.

Well we do not have one but subject to that he has complete discretion so our Principal Auditor the equivalent being he has complete discretion, secondly the Auditor General in England through his staff at the National Audit Office, audits the Appropriation Accounts of central Government departments and various other public bodies such as the Regional Health Authorities or universities. The extent and nature of the audit was reformed by legislation, but the Auditor General has statutory authority first to conduct a finance and regulatory audit that is to ensure that expenditure was made for the purposes authorised by Parliament and report upon the accounts drawing attention to any irregularity that may have occurred upon the accounts. He is also able to conduct special investigations to examine the economy efficiency and effectiveness of the use of resources so economy efficiency effectiveness of the use of resources to discharge the functions of any of the bodies to which the National Audit legislation applies presenting the reports as value for money audits.

That is what the Principal Auditor has done he has looked at the accounts my hon. Colleague Mr. Clinton will speak to that he is more of an expert than I am, but he has produced some value for money audits that is what is done in England. It is not a big deal and in that and in those reports, there are things that are said which are commends the Government things that are criticised.

Well of course it would be rather strange actually if you had a report that said everything is fine. I suppose that is what they want with these things they want the Principal Auditor to say everything is fine, you know that is cloud cuckoo land surely and they will not rest until that moment arrives because they bludgeon the Principal Auditor into submission that everything is right is fine.

Madam Speaker there is a very recent publication called 'Holding Government to Account' which is actually a very interesting book which surveys the whole issue of the history of the evolution of National Audit in England in the United Kingdom and the tensions.

In England there are tensions also with the Government sometimes, but no Government has ever brought a motion to censure the Auditor General or to censure his report. I mean they may or may not take things on board, they may take it on board they may say, well we do not agree with this is a report it is not a legally binding contract. A legally binding verdict of a court it is a report and as a Government the day before and the day after the report you are still governing it has not affected the fact that you are still the Government. You can take the view I do not agree with these things and say so in a reasonable measured way without assaulting publicly the Principal Auditor or doing what you are seeking to do. Tension is normal when you look at this book, it is obvious it is normal but Madam Speaker it would be useful to read into the record some paragraphs from this publication because Members may find it useful.

In this publication, there is an interview with a leading MP on the issue of the Public Accounts Committee and in relation to the National Audit Office and the process he says:

> The National Audit Office and of course the Auditor General [here the Principal Auditor] is definitely seen as part of the infrastructure of democratic accountability.

Richard Bacon MP told us and I quote:

it is perfectly proper to see the National Audit Office as one of the constitutional pillars of a well-constructed polity I have always been extremely aware that there is a painting when you come into St. Stephen's Hall. You go up the steps into central lobby look at the painting on the right it is Thomas Moore talking to Cardinal Wolsey and the quote underneath says: Sir Thomas Moore as Speaker of the Commons in spite of Cardinal Wolsey's imperious demand refuses to grant King Henry VIII a subsidy without due debate. The painting makes the point that the people shall not be taxed without a say and that is the centre of what we are doing on the Public Accounts Committee and of what the National Audit Office does. I carry these things around in my head every time I walk into the Public Accounts Committee of the Public Accounts Commission.

That is what our Principal Auditor has done he should be commended not censured for doing his duty as a public officer. The page continues:

Steve Richard said that a consequence of the 1983 Act is that there is a mechanism the new National Audit Office for the Select Committees to scrutinise and analyse, to the same extent had this ammunition for reports.

Madam Speaker. The political, again I quote from that book:

The political community was anxious at particular junctures that debt should only have been incurred for expenditure that Parliament had authorised and therefore that was acceptable to the wider political community.

And in the well-known constitutional book by Dicey, he summarised the constitutional orthodoxy on spending in this way:

What may it be asked is the real security that the monies paid by the taxpayers are expended by the Government in accordance with the intention of Parliament. The answer is that this security is provided by an elaborate system of control and audit. Under this system, not a penny of public money can be obtained by the Government without the authority or sanction of persons, quite independent, be it remarked, of the cabinet, whose duty it is to see that no money is paid out of the exchequer except under legal authority. To the same official ultimately comes the knowledge of the way in which the money thus paid out is actually expended and they are bound to report to the Parliament upon any expenditure which is or may appear to be not authorised by the law. The centre of this system of parliamentary control is the Comptroller and Auditor General.

It is the same here. The centre of that control is our Principal Auditor that the Government seeks to censure. Carrying on, Madam Speaker:

In 1962, [it says] a Treasury Civil Servant summarised the constitutional position of the Accounting Officer charged with responding to the Auditor General as being the official who would have to answer after the event to the Public Accounts Committee of the House of Commons.

And as late as 1982, Sir Douglas Henley described:

The constitutionally fundamental distinction of Appropriation Accounts as to show in some detail that Government departments have spent the funds voted to them by Parliament for the purposes and within the amounts prescribed by law. The task was one of discerning judgement against the body of law, which made the Talamud a mere monograph. The Victorian emphasis, therefore, was on the Offices of Auditor General and Comptroller together as a mechanism for control over public spending, backed by the PAC and by the creation of Accounting Officers who were personally accountable for any breaches of control. Gladstone himself put this emphatically when he spoke of the 1866 Act establishing the Comptroller and Auditor General as closing the circle of control.

Rather than it be something that is bemoaned about, it is a cause of celebration that the system is in place and should be working in this jurisdiction. Madam Speaker, in that same book, the authors say in relation to the tension that crucially the Public Accounts Committee argued strongly for extending the Auditor General's role. They argued that

The dividing line between an examination of the department's procedures and an examination of the effectiveness of the policy itself is, in our opinion, impossible to maintain.

This is about the tensions. The Chief Minister is trying to create these fine distinctions. There were tensions in the UK. But the fine distinctions, which were the subject of tensions, are not the subject of motions of this type in the UK Parliament.

The National Audit Act established value for money audit for the first time and defined it as the audit of economy, efficiency and effectiveness. And as Lord Butler put it in his interview, who was Cabinet Secretary and Private Secretary to the Prime Minister in the 1980s:

> The creation of the National Audit Office was part of the modernisation of the British state, a move towards more efficient and managerial Civil Service.

Madam Speaker, on the issue of the change to the scope in value for money, the authors put it in this way, in terms of the history:

> There were three main changes to the scope of value for money during the period; The first was the growing confidence with which the National Audit Office pursued its value for money responsibilities; Secondly, there was a continual deepening of the National Audit Office's methodological diversity. The National Audit Office expanded what it meant by value for money through its work on service users and the costs they were bearing from of failed Government policy.

Let me just pause there. It was extended, not by legislation, but as a result of their work, organically, by practise, the National Audit extended its work because of failed Government policy, they took their view. No difference here. The Principal Auditor takes a view. He does value for money audits, can recommend, can make comments on it. And the authors carry on:

> Essentially, the audit of the effectiveness of politics fed back into consideration of its efficiency and economy; Thirdly, the National Audit Office became much more interested in a more systematic examination of what drove Government performance, led by the interest in how Government could stop repeating its mistakes.

Again, this is National Audit Office driven. Nothing to criticise the Principal Auditor for.

> The National Audit Office became more confident in the late 1990s and 2000s than it had been previously.

So, if there is growing confidence in our Principal Auditor, I suppose the only thing that could be said is he could have done it 20 years ago. Or 30 years ago.

> The National Audit Office in the 1980s had been cautious about how it exercised its responsibilities. Some of that caution survived into the 1990s. However, a series of reports illustrated the fact that the organisation was tackling increasingly difficult political issues. John Byrne [who I think was an Auditor General at some point] was much braver than we imagined at the time and was willing to tackle very tricky subjects. Clarke thought he was the bravest of the Auditor Generals, that he served during his NAO career, which lasted for 40 years.

So again, because Clarke identified the reports on Operation TELIC, the official name for the invasion of Iraq, came under their purview. Given the politics, and this is a direct quote from the interview:

> Given the politics that was going on around that, given the stuff that was going on with Blair, the views of the Chair, he had all of that, but yet we reported on it. [the Auditor General - Yet we reported on it]. We built up to it. But that was quite a brave thing. That was the only NAO report that's been debated on the floor of the House of Commons. It landed in the middle of all of this controversy and people from both sides of the debate used it. He had to have a certain amount of confidence in the NAO to deliver it and get the messaging right.

So, driven by the National Audit Office, on 40 difficult political subjects, no one bats an eyelid. It was the “only NAO report that's been debated on the floor of the House of Commons”. This has never been done in the House of Commons, because the Government's not attempted it in the United Kingdom, as they are here.

And then speaking about other tensions in relation to delay of information, the report, the book says:

> A significant turning point came with the arrival of Amias Morse. [Amias Morse was Auditor General, then became Sir Amias Morse.] Morse refused to let Civil Servants delay his reports and was much more willing to publish disagreed reports. This was crucial in shifting the balance of power between auditor and auditee and making audit teams feel supported at the highest level in making unpopular judgements. Taking his stand on professional competence, Morse was often willing to disagree with Permanent Secretaries and therefore the NAO's reports came out more quickly and the organisation became generally more assertive about its findings.

Assertive. Taking on the Government and the Permanent Secretaries, changing the balance. Changing the balance.

Nothing wrong with that. Again, the thrust of what the Government are criticising our public auditor for, are things that not only go on in the United Kingdom but almost don't bat an eyelid. And here, they have created *calumnia* against the Principal Auditor. And then finally, Madam Speaker, on this document:

> The relationship between the Government and Parliament and the inevitable strains shaped the way the National Audit Office had developed over the past 40 years. The two opposing aspects of the role of the National Audit Office. That it serves as Parliament's chief instrument of accountability and is the Executive's preferred consultant.

Worth pausing there. The Principal Auditor is an Officer of this Parliament, but he is a Public Officer as well. He is a Public Officer. Appointed by the Specified Appointments Commission and of course comes under the umbrella as a Public Officer of the Government. So the Executive's preferred, I suppose, person, Public Officer. But he is our Officer too, under the Constitution. It is the same in England. It is that opposing aspects of the role.

Because qua his role, Principal Auditor, as an Officer of this Parliament, the Parliament is holding the Government to account. So, what he is doing in his Principal Audit Report, which he lays before this Parliament, is not for the Government. He does not lay it for the exclusive use of the Government. He lays it in this Parliament. So that we can then hold the Government to account. It is entirely consistent with a role and indeed necessary.

Nothing that he has said, nothing, we are going to get into the detail, but a lot of what is being said against him, at its highest, could only be said that there might be things that he might have got wrong factually. Well, fine. That is not a cause for bringing down the House.

And then it carries on:

> Relationships between the executive and Parliament form the indispensable context for the National Audit Office role. For example, in the 2010s, the National Audit Office had to preserve its relationship with Government despite the open hostility between the Senior Civil Service and the Chair, Margaret Hodge, [of the PAC]. Likewise, splits in Parliament limit the National Audit Office's ability to speak freely. The National Audit Office was very cautious over Brexit, recognising that both PAC and Parliament were divided both between parties and across party lines. In 1988, John Byrne commented that the National Audit Office's role was naturally political. Naturally political. This is true in both the terms Bourne meant. [Bourne was an Auditor General]. That the Auditor General and the National Audit Office had to understand the political forces swirling around them. The failure to do so doomed the Audit Commission and make their way through that, [through the swirl] and that understanding the National Audit Office's role turns on understanding the role of the Legislature within the UK Constitution.

So, this is about the importance of the Auditor, the necessary tension with the Government. The UK Auditor saying it is naturally political, or political in the small piece sense, not because he is taking political sides, but ultimately, it is about the audit of Government. It is a subject matter.

The audit of Government, it might lead to recommendations, they are thorny subjects, it is about the verdict on policy, or as to the effectiveness of the policy, of the administration of policy, so someone might use it politically. That is not a surprise. But it cannot either be a cause for consternation by the Governments of the day.

It is what it is. And if you do not like the report, well, you do not like it. But you do not come to this House, or you do not try to usurp the functions of the auditor.

Madam Speaker, I have set out what the constitutional sections say about the Principal Auditor but as I explained, one of the sections says you have got the powers that you are given in legislation. I am going to go to that legislation now.

Madam Speaker, the first principal act that I want to go to is the Public Finance (Control and Audit) Act, which well known to my friend, Mr. Clinton, better known than… 1977…Yes, very good.

No need to fact check that. The Public Finance (Control and Audit) Act regulates, as it says in the title, the Control and Audit of Public Finances and creates a scheme of sections that set out provisions that regulate the Consolidated Fund or the Revenue of Public Undertaking Special Funds, Deposits, Accounting Officers, and so on but it also has a part in relation to the Principal Auditor.

I would first start with section 34 that says:

> The accounts of the fund [i.e. the Consolidated Fund] shall be audited, certified and reported on annually by the Principal Auditor.

The relevant part that deals with the Principal Auditor is from section 55 onwards, but important that I first pause over 52, which says that:

> the Accountant General shall within a period of nine months, or such longer period as the Minister responsible for finance shall allow, after the close of each financial year, sign and transmit to the Principal Auditor accounts showing fully the financial position of the Government of Gibraltar at the end of each financial year.

Of course, that provision that says such longer period as the Minister responsible for finance shall allow was the one that then led to the extensions. That led to delay. So, there is an interplay of relationships and duties, Chief Minister as Minister for Finance, Accountant General, and Principal Auditor and that is how it works.

Section 55 of the Public Finance (Control and Audit) Act makes clear that the Principal Auditor cannot do certain things while holding the office of Principal Auditor, but 56 sets out his powers at length.

And 56, in essence, paraphrased says, because I am not going to read it all, but in essence, it says, that in the performance of his functions under the Constitution, and under the Act, the Principal Auditor shall have access to all accounts, books, cash, documents, security stamps, stores, vouchers or other Government property under the control or in possession of any public officer. So that's A. B, may call upon any public officer for any explanations and information which he may require in order to enable him to discharge his duties. Under C, can authorise any person who is an accountant to conduct an enquiry or examination. Under D, can cause searches to be done and seek extracts of books or records. Under E, may lay before the attorney general a case in writing as to any question of law, and the Attorney General shall give a written opinion.

Now, 57 talks about the nature of the audit of the Principal Auditor. And it says that the Principal Auditor shall have such powers as are reasonably necessary in order to satisfy himself, whether or not, and there is an A to F, I just want to pick out some of them, because under A, he has got the power to satisfy himself whether reasonable steps have been taken to secure the due collection of revenue; Under B, he has got the power to satisfy himself as to whether monies which have been appropriated and disbursed, i.e. spent, have been applied for the purposes for which they were appropriated. And the expenditure conforms with the authority which governs it. So, he has got the ability to satisfy himself as to spending. He then can satisfy himself as to whether monies that have been appropriated have been dealt with in accordance with proper authority, whether there has been reasonable precautions on custody and issue of cash, etc. He has to satisfy himself as to whether there are sufficient measures in place to secure effective control over expenditure.

And so, Madam Speaker, at least in terms of the spending aspects, he has got powers to satisfy himself whether things that were said that would be appropriated for the buying of pharmacy medicines are used for the buying of pharmacy medicines and haven't been used to buy whatever else. For example, not that I am making allusions there.

He also can satisfy himself as to whether there is effective control. So, he has got wide powers to do that, to go in, review what people are doing, and then satisfy himself as to whether the spending is right, as you said you would spend, and it is effective. That is really the thrust of all this.

He has got an additional power under Section 58 that if at any time it appears to the Principal Auditor that irregularities have occurred in the receipt, custody or expenditure of public money, or in the receipt, custody, issue, sale, disposal, etc., he may bring the matter to the attention of the Financial Secretary, which presumably now would be the Financial Secretary. He then has power in respect of other bodies, because under Section 60 of the Public Finance (Control and Audit) Act, it says this part, and this is headed Examination and Audit of Accounts of Corporate and similar Bodies. So we know he has got power over the Government, so this is about corporate and similar bodies, and I take us there, because one of the issues is about the Savings Bank and so on and so forth.

And it says, Section 60:

> this part shall apply to every person or body. [And then jumping to C], there are different categories of body. [Jumping to C], 61(c), whose operations may impose or create a liability on any public monies.

And as we will see when I go to the Savings Bank, under Section 8 of the Savings Bank Act, there is a guarantee for the repayment of monies deposited in the Savings Bank by the Government, and therefore, because there is that potential liability on public monies, it comes under the purview of the Principal Auditor. And Section 61 says, 61(1),

> the Principal Auditor may audit and report on the accounts of any person or body to whom this part applies. So, within the purview.

And it also then says, 61(2),

> in the exercise of his powers under subsection 1, the Principal Auditor shall have, in relation to any person or body to whom this part applies, the same powers as are conferred on him under Sections 56 and 57, in relation to Public Officers, public monies, stamps and securities and other Government property.

So if you are a body that comes within his purview under Section 60-61, automatically, he has got the wide powers that he had under 56-57. And that is the reality with any Body that falls within his ambit.

We may disagree about whether they do or they do not. That may be the subject of it. But I think in relation to the Savings Bank, there is, I assume, common ground on it.

But to the extent that they fall within it, then he has got those powers. And then it says under Section 63:

> On receipt of any report of the Principal Auditor under Section 62, the Minister responsible for finance shall request the person or body for its comments to be supplied within such time being not less than 14 days from the date of request as may be specified therein or on any matter to which the Principal Auditor has called attention in such report.

So, the mechanics would be, if you come within his scope, he audits, sends the reports, Minister then consults the body.

Subsequently then, it says 64:

> A copy of every account and of any report of the Principal Auditor thereon transmitted to the Minister responsible for finance in accordance with the provisions of Section 62, together with the comments of any person or body and a copy of any document forming part of it shall be laid before the Parliament.

So that is the structure that is created by this system. Madam Speaker, under the Gibraltar Savings Bank Act, Section 3 of that Act makes clear the Savings Bank is deemed to be a Body corporate resident in Gibraltar.

Under Section 8 of the Savings Bank Act:

> The repayment of all monies deposited in the savings bank together with interest thereon is guaranteed by the Government and accordingly if at any time or times, the assets of the Savings Bank shall be insufficient to pay the lawful claims of every depositor, the Minister shall cause such deficiency to be met out of the Consolidated Fund and the Financial Secretary shall certify such deficiency to the Minister without delay.

So that satisfies the test in the Public Finance (Control and Audit) Act, comes within the purview of the Principal Auditor.

And in any event, Section 12 also makes clear that:

> Annual Accounts of the Revenue and Expenditure of the Savings Bank and of deposits received and repaid shall, after being audited and certified by the Principal Auditor in compliance with any relevant and applicable standards, be laid before the Minister no later than the 31st of October every year, be published in the Gazette.

Now, there may be a disagreement as to whether you then lay this in Parliament under 74 or you lay it under the Public Finance and Control Act. I do not need to express a view, I will, but again, the main point is that even if there is a different view, the auditor is entitled to a view and that is all.

Madam Speaker, I think I may have time - I agreed with the Chief Minister that because of a personal commitment that he has, I would signal to him when would be an appropriate time to adjourn if I didn't finish and I was still on my feet. And I think an appropriate time would probably be in a few minutes and I will signal that to him when I finish. Probably a point on this. I hope to get to at least this part. If I do, in the next half hour, then I will signal to him. I think it is important that I carry on for this short while because these points are linked.

Madam Speaker, having taken the House through the relevant legislation, the main thrust of our position when we look at the report is we understand that there are things that are said that the Government does not like. Equally, we read it and we think there are parts that agree with some of the things that the Government are doing at least on reforms and so on. There are some, we view, scandalous things that are said in this report but ultimately, you would ask yourself the question, is the Principal Auditor not just doing his job? He is not a perfect human being. So, I would not expect in a report that long for it to be immaculate and entirely impossible for anyone to raise their hand and say, when you said you received it on Thursday, you received it on Friday.

There may be things like that. But that does not mean or justify the assault on him that the Government are seeking to do. So, Madam Speaker, the theme for us, when you actually go through the detail, as I am getting into now, is that there will be things that are disagreements with the Government, that he has expressed views on, but that all it is, is legitimate comment, fair comment within his duty and powers and that is all.

In relation to the Savings Bank, should he be able to lay reports? Directly? Well, he has got a value judgement, he has got a legitimate view. Let us look at it in a bit more detail. The Government might take a different view. Madam Speaker has had correspondence with him that is quoted in the reports. Again, there is no need for me to express views on these issues, other than to say they are views. Everyone within their roles is expressing views. He is the Principal Auditor. He has certain powers under the legislation that I have just quoted. His constitutional power. He may take a view. Until someone makes a firm declaratory judgement in a court of law that binds everybody, they are just views. The practises of this House will be determined by Madam Speaker. The Principal Auditor will express his views within the realms of what he does.

Was the comment that he made in relation to the POCA report strong? Yes, it was. He says that the Chief Minister acted unconstitutionally. That was a strong comment. Again, is it within the bounds of what the Principal Auditor can say? Well, yes, he can say whatever he wants - it is up to him.

Madam Speaker, in relation to the issue of the laying of reports in this House, well, Section 74 makes clear that he should lay the reports in the House and indeed, the Standing Orders of this House were amended in 2007 after the Constitution came into effect, precisely to enable that Stnding Order 12(3), which says:

> The Principal Auditor and the Ombudsman may present their annual reports to the Parliament through the Clerk.

Created that mechanics for them to do so because the 2006 Constitution was the first time that the Principal Auditor did not have to go through the filter of the Governor. And it also created, for the first time, it established him as an Officer of the Parliament. The whole point about that was that there was consensus on both sides of the House that the Standing Orders should be changed to create those mechanics.

That consensus is obvious from looking at the motion in 2007, which was debated on 29 March 2007. It was a motion taken on a motion by the Chief Minister at the time, Peter Caruana, on the amendment of the Standing Orders and he said on that, and in respect particularly of this issue, which is the mechanics of introducing a rule that allowed the Principal Auditor to lay the reports directly through the Clerk, he said this:

> The section, the rule, is to recognise the fact that some people whose papers previously had to be laid can now lay it themselves because under the new Constitution, they have been made Officers of this House. So, for example, the Principal Auditor and the Ombudsman are now, by the terms of this Constitution, Officers of this House. They cannot come personally to lay the document, but they can lay it through the Clerk. In other words, rather than the Principal Auditor sending the audited accounts of Gibraltar to the Government, so that a Minister tables them, the Principal Auditor can send the reports directly to the Clerk, officer of the House to officer of the House, with the request that they be laid on the table. And I would envisage that the Clerk will include that in the [inaudible] of the House, to work out a mechanism for doing that. But I suppose they can just be recorded as laid on the table through the Office of the Clerk, pursuant to this rule. I mean, the whole idea of making them officers of the House is that people who serve constitutional functions that are supposed to be independent of the Government in the sense of almost being watchdogs of the Government, should not then have to channel their communications to Parliament through the Government themselves. Both the Public Services Ombudsman and the Principal Auditor exist primarily to assist in balancing the power between the state, so to speak, and the citizen. The Government and the citizen. And it is therefore appropriate that there should be a direct mechanism for them to lay documents in the House and indeed to be accountable to the House directly.

So that was Peter Caruana at the time. The motion was supported by the Opposition. The Leader of the Opposition at the time, the Father of the House now, said, we are going to be supporting this. And in relation to that specific section, he said:

> The only other point that I think I wish to raise is that in the provisions in the new subsection 3 of Rule 12, for the Principal Auditor to present the report to Parliament, it says may and I believe it should say shall. Given that section 74(2) of the Constitution says shall.

It is a good point, I thought, when I read this, by the way, it was not there.

> So, if it is mandatory by the Constitution, [Sir Joe continued] I do not see how we can make it discretionary by the rules of the House. Although I do not pretend to have legal expertise, I do not know whether there is a conflict. But whether we had it in the rule or not, it seems to me that there is no choice, given that the Constitution requires the Principal Auditor to present the report to Parliament. Although I do not think the Constitution actually says it has to be done through the Clerk. So it seems to me that doing it through the Clerk is what we are adding to the Constitution. Now, if the may were that the Principal Auditor may do it through the Clerk, or he may do it in some other way, then I do not see any conflict. But if what the may is saying, and I think that is what it is saying, it means grammatically, that he may present the report, or he may not, then I do not think the Principal Auditor has got a choice.

Now, in response, the Chief Minister then said,

> As to the first point, Rule 12(3), perhaps we should just change the language. Perhaps it should simply read, the Principal Auditor and the Ombudsman shall present their annual reports to the Parliament through the Clerk, so that it makes clear that what we are purporting to regulate is the route-ology and not the actual laying.

As Sir Joe responds,

> Section 74(2) of the Constitution makes it mandatory on the Principal Auditor, but not on the Ombudsman. It says the Principal Auditor shall submit and lay his report before Parliament - that is what the Constitution says. He has to do it, and it seems to me, that if we say the Principal Auditor may present to the Parliament the report, then we seem to be saying in our rules, that he has got a choice of doing it or not doing it. The Constitution says he has no choice.

The Chief Minister agrees. He says:

> No, it is not a matter of choice, that is clear. So we can only be providing in these rules the methodology of doing so. The methodology of it should not be up to him. It is up to us to say how this House wants to have papers laid before it by people who are not in it.

And then the Chief Minister continues. So there was an intervention by the Speaker at that stage who said:

> I think we really just need to move the words 'through the Clerk'. I think the way it is drafted, may, through the Clerk, falls incidentally. Put that at the end. May present to the Clerk.

And the Chief Minister says,

> Through the Clerk, making it clear that this is about the route and not about whether he needs to file it in the first place. So, if it were to read, the Principal Auditor and the Ombudsman may present their annual reports to the Parliament through the Clerk. I think it then reads as if it was intended to address the route rather than the action.

That is where it ended. There was consensus in this House that there was no choice. The reports had to be laid if they fell within 74(2), of course. And consensus to amend that Standing Order as well.

There may be disagreements, which is the height of this debate, as to whether the Savings Bank audit would fall within 74(2), or through the mechanism in another Act. If it is 74(2), then it would fall within the direct constitutional right to do so and if it is sections of the Public Finance and Control Act, not, although arguably, the way that the Standing Order now reads, it does not refer to his ability to present annual reports to the Parliament through the Clerk, only insofar as such reports that are deemed to be 74(2) reports. It says reports, generally, and there was consensus at the time. So why could it not really be meaning also other reports?

Again, it is a matter of opinion. For the Principal Auditor has a view, in our view, not sufficient to censure the Principal Auditor simply because he takes a particular view in relation to the Savings Bank issue. Whether the Government have obtained a self-serving legal opinion or not, with all due respect, that self-serving legal opinion is neither here nor there, because ultimately, it is not the report of the Government. It is the report of the Principal Auditor.

The Government's view on whether or not the Principal Auditor should lay it in this way or that way, is as good a view as ours. Really, there is only two people that are more relevant in this equation. There is the Principal Auditor, and then there is Madam Speaker, who has to construe the mechanics in accordance with the documents that are here, that is all. So, with all due respect, it is certainly not the case that you then elevate this to chastise the Principal Auditor in the way that the Government are seeking to do in their contributions. It is entirely inappropriate, given the respect that there needs to be for the role of the Principal Auditor.

That is the point that I want to end on today, because this is a relationship where, of course, the Principal Auditor will sometimes have a convivial, friendly flow of evasion, sometimes will take a combative view of the administration and effectiveness of financial policies of the Government as they impact on the taxpayer, for whom they are holding the people's money on sacred trust, and for whom he has to audit whether they are doing a good job, in accordance with the law. So, of course, there is going to be conflict, but in that conflict, there needs to be an element of mutual respect, but they are breaking down the walls of that relationship of mutual respect.

In another Privy Council case, Lawrence and Attorney General, specifically the Privy Council dealt with this issue of respect in the context of a very acrimonious relationship between an Auditor General in another jurisdiction and a Prime Minister of the day, which led to disciplinary procedures for that particular Auditor General, thankfully not the situation we have here but in terms of general comment, in that particular case, the Privy Council said this:

> The importance of the role of Director of Audit [in that particular case, our Principal Auditor] and of the role of Minister of Finance, makes it highly desirable, in the interests of good governance, that the holders of these two offices should have a due respect for one another. A lack of respect by the Director of Audit for the Minister of Finance and the senior civil servants in his department might endanger the objectivity that should inform the Director's audit reports. A lack of respect by the Minister for the Director might tend to diminish the respect paid by the Minister to the Director's reports. It seems to their Lordships plain, that a mutual lack of respect between the holders of the two offices would be inimical to good Governance.

And going on to deal with the legislation in that particular case, they commented that the constitutional provisions in that particular case were about buttressing the independence of the role of Principal Auditor. So, Madam Speaker, the reality here is, we will get into more detail as I continue tomorrow, but the Principal Auditor has wide powers. It is a very difficult job, especially in a small community. He does his best. He has worked for a long time in the Public Service.

To such an extent that his efforts are commended by the members opposite, a few weeks before he delivers this report. It cannot be a coincidence that what changes it is the publication of this report. But the publication of this report changes the narrative. It becomes a revisionist narrative. That somehow this is a politically biased civil servant, because they do not like what he says, when all he is really doing, as we get into more of the detail, is commenting as a Principal Auditor should because, as I have traced when I have gone through the detail of the National Audit legislation in England, these political tensions also arise in England. And yet, those tensions do not lead to this kind of debate. Because there is a need for that relationship of respect, but they are tearing it down. When all the Principal Auditor has tried to do, is do his job to the best of his ability.

That is not a cause for the Government's assault on him. It certainly does not justify it. The Government may be doing it for its own political ends, but the problem of doing it in the way that they are doing it, is that they are bringing the House down with all the constitutional protections to the Auditor, which they are seeking to attack.

Madam Speaker, I will deal in greater detail tomorrow now, as I understand, and I will give way to the Hon. Chief Minister to move the adjournment. I will deal with other issues of detail. I had hoped to finish today, but I understand the Chief Minister has a commitment. We have spoken and we have agreed that at an appropriate time in my contribution, I would stop and indicate to him that now is a good time. And I do so, so that he can move the adjournment.

Adjournment

Chief Minister (Hon. F R Picardo): Madam Speaker, I am grateful to the Hon. Lecturer of the Opposition. He says I am going to bring the House down.

Madam Speaker: The Leader of the Opposition, please, let us keep going.

Hon. Chief Minister: He says I am trying to bring the House down. I am just going to try and wake it up, as I announce that the House should now adjourn to tomorrow at 4.30 p.m.

Madam Speaker: I now propose the question, which is that this House do now adjourn to tomorrow at...

Hon. Dr K Azopardi: Madam Speaker, sorry. We had an exchange that it was at 3.30 p.m.

Hon. Chief Minister: Yes, but I also told the Hon. Leader of the Opposition that there was something I cannot tell him about until tomorrow, and that has been shifted a little. When he hears what it is, he will see it is an extraordinarily serious matter.

Madam Speaker: All right, I now propose the question, which is that this House do now adjourn to tomorrow at 4.30 p.m. I now put the question, which is that this House do now adjourn to tomorrow at 4.30 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to tomorrow at 4.30 p.m.

The House adjourned at 7.20 p.m.

P R O C E E D I N G S O F T H E

G I B R A L T A R P A R L I A M E N T

MORNING SESSION: 4.32 p.m. – 6.26 p.m.

Gibraltar, Friday, 14th November 2025

Contents

Order of the Day **2**

COMMUNICATIONS FROM THE CHAIR 2

Government Motion 2

Adjournment 21

The House adjourned at 6.26 p.m. 21

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The Parliament met at 4.32 p.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: P A Borge McCarthy Esq *in attendance*]

Order of the Day

Clerk: Meeting of Parliament, Friday the 14th of November 2025.

COMMUNICATIONS FROM THE CHAIR

Madam Speaker: Yes, before I invite the Hon. the Leader of the Opposition to resume his address, yesterday in the course of his address the Hon. the Leader of the Opposition said the following, they, meaning Government, have created *calumnia* against the Principal Auditor. I did not intervene at the time because I was unsure of the meaning of the word in the context in which it was being used. I have since taken the opportunity to consider the matter.

Calumnia or calumny in English is defined as the making of false and defamatory statements about someone in order to damage their reputation. I have formed the view that the use of that word in the context in which it was used was unparliamentary and I ask Members to take note of that for future reference. Now I invite the Hon. the Leader of the Opposition to resume his address.

GOVERNMENT MOTION

Hon. Dr K Azopardi: Thank you Madam Speaker and for your guidance on that issue.

Yesterday, Madam Speaker I dealt with a number of things and today I am going to go into a different part of my contribution on this important debate. I traced the nature of unprecedented debate, how we view this as a kangaroo court, the tactics of the Government, the consequences of the Government's actions, why this process matters to people, the importance of boundaries.

I talked about the causes of the breakdown of trust. I described how the Government made very different public pronouncements on the auditor just a few weeks before the report was published. I said that the fact that this is not an isolated case because I gave an overview of what the previous report had covered.

I described and listed by quoting what we deem to be the inflammatory trash talk on the auditor. I covered the constitutional principles of separation of powers. I dealt with the main

conclusions of this report and the backdrop of the Principal Auditor's long career as a public servant.

I went on to deal with the constitutional principles which safeguard those entrenched provisions. I dealt with the Principal Auditor's constitutional duties and how these were being usurped by the Government. I covered also the Principal Auditor's statutory duties, the principles of UK legislation and the provisions on audit and the Comptroller and Auditor General in England and the political tensions in the UK historically over the last few decades.

I dealt with the Savings Bank issues, the recommendations on POCA and also the laying of the of reports of the Savings Bank in this place and in particular went through the 2007 motion on the Standing Orders and how the Standing Orders were amended as a result of the constitution to deal specifically to provide for the laying of reports in this place.

Today I am going to deal with hopefully all the other points that I had envisaged to deal with and I am going to start with the debate on the housing part in the Principal Auditor's reports and

I start with this. It is certainly the case that politically, constitutionally I suppose, the Chief Minister, a Prime Minister, a Chief Minister would be vested with no portfolio and every portfolio as a matter of practise and so the responsibilities that Ministers have, it is true, would stem constitutionally from the assignment of those responsibilities which happens when the crown assigns those responsibilities having taken advice in accordance with the advice of the Chief Minister of the day. So it is certainly true that a Chief Minister is first among equals in a ministerial sense and therefore has an overarching responsibility and can of course guide or indeed take decisions or advise other Ministers that certain decisions should be taken in a particular way.

But I think the distinction that we see on this side of the House on the housing issues that the Principal Auditor has alighted on is that the powers that are vested in the Minister for Housing under the Housing Act are powers that are vested in her by statute precisely on allocation of housing. So it is the Minister for Housing that is the housing authority under the Housing Act. It is the authority, i.e. the Minister, that is responsible for allocation and because of that those what were originally prerogative powers of the Crown in terms of housing allocation have been abrogated by statute. What do I mean by that? I mean that once those provisions are put in a statute then it is a very different situation and it is not a situation on our view that where the Chief Minister can then necessarily exercise those powers. Certainly I am not putting a decisive position on it but all I am saying is that arguably the Principal Auditor has alighted quite rightly on an issue that might need to be resolved one way or another and it can be done through the codification that he has recommended which the Chief Minister indicated in his original contribution he might be willing to consider.

And so I think that is the issue whether there is now any longer specifically in relation to housing allocation an inherent power for the Chief Minister to overreach into what is by statute a decision which is vested in the Housing Minister. I appreciate entirely by the way that the successive Chief Ministers have exercised particular powers in relation to housing so this is not an issue of disagreement with us. All I am saying is that in the context of this debate which is really about whether the Principal Auditor was right or wrong to have said this or that well it should not be about this debate should really not be about whether he was right or wrong. It is about whether he makes legitimate comments and observations. It seems to us that this is a legitimate comment because of the vesting by statute into those powers to the Minister.

So the issue of codification or legal power is well made and, in any event, what should really happen is that the eligibility criteria should be modernised and published. I know we have had previous exchanges in this House about doing that and this is something that really should be done. I hope it is something that there is common ground between us should happen. The eligibility criteria, the original eligibility criteria goes back to the early 1970s. In some respects it has been adjusted through the years but in some respects it is very much like it was in the old days. It needs to be modernised, more responsive perhaps to the needs of this community, more responsive to the modern challenges and pressures of this community. But insofar as the specific

issue as to whether there is power or not, it is an issue that we think might be thrown in the mix and that should be considered by the Government.

And in terms of the point that I made earlier which is the fact that when you put the powers in statute you lose them. So there is a well-known principle of course, and I just quote from a particular case called what was then the Queen and ex parte Fire Brigades Union where the House of Lords in that case said this:

> My Lords it would be most surprising if at the present day prerogative powers could be validly exercised by the executive so as to frustrate the will of Parliament expressed in a statute.

And then the judges went on to say this:

> The constitutional history of this country is the history of the prerogative powers of the Crown being made subject to the overriding powers of the democratically elected legislature as the sovereign body.

Well you, Madam Speaker heard me yesterday to say that this is not parliamentary sovereignty in Gibraltar, it is constitutional supremacy.

But the judges went on to say this:

> The prerogative powers of the Crown remain in existence to the extent that Parliament has not expressly or by implication extinguished them. But under the principle in Attorney-General and De Keyser's Royal Hotel, if Parliament has conferred on the executive statutory powers to do a particular Act, that Act can only thereafter be done under the statutory powers so conferred. Any pre-existing prerogative power to do the same Act is *pro tanto* excluded.

So I think there is a plausible argument on this issue. That aside, Madam Speaker, the fact that the Principal Auditor has done a sample review of cases and has expressed concern about the administration of that particular policy, we say is something that is well within what he can do. It is administration of policy rather than questioning the policy itself and that is the big distinction here.

Madam Speaker, which brings me to the point of policy because at length the Chief Minister highlighted the Government's position on policy and went through, there was a point in his contribution where he talked about the National Audit Office Code which is plainly inapplicable to Gibraltar. I mean, first of all the National Audit Office Act, the modern Act, postdates our 1977 legislation and we have been calling on this side of the House for reforms for many years but it would be nonsense to take the view that the NAO Code applies even though it is obviously not the case when you read our statute because if that was the case, Madam Speaker, then there would be thousands of other codes out there under English legislation that somehow through some kind of side wind would be deemed to apply in Gibraltar and that plainly is not the case and would be a very strange way of reading English legislation with ours. So we consider that to be palpable nonsense which is not worth really replying to in any great sense.

The UK Parliament, Madam Speaker, has never, has certainly never found, not found, that the UK Parliament has rejected a National Audit Office report by motion in this way, would be unprecedented for this to happen with the UK Auditor General. In fact, I read those extracts from that very recent book published last year which makes precisely that point, that there is only been substantively one Auditor report that was debated on the floor of the House and certainly was not a debate of this type. So the answer really is to probe by scrutiny the issues that need correction and clarification.

In England, the United Kingdom, House of Commons Parliament, this happens through the Public Accounts Committee. Of course there is no Public Accounts Committee here because they do not want one. It is their policy, fair enough, and it is not going to happen while they are in office.

But before I turn to the Public Accounts Committee in any more significant way, I want to deal with the issue that is at the heart of at least this submission of the Chief Minister which is that the Principal Auditor cannot challenge policy.

Well, first of all, and I would say two things to him. First of all, I am not sure that this is really an explicit rule in Gibraltar in the way that he articulates it, and in any event, it is obvious when you go through the Principal Auditor's report that he is primarily questioning the administration of policy rather than the policy itself, and that is a very important distinction because it is obvious that he can criticise the administration of policy, and it is something that even happens in the United Kingdom where there is a statutory restriction on questioning the merits of a particular policy, but they can certainly look at the administration of the policy, and that is clear even from the case that he highlighted during the contribution that he made on this specific issue.

Madam Speaker, in essence what we say on this issue is this: First of all, that the common law did not prevent an evaluation of administration of policy. When we look at the common law, it is obvious that you can. That is the distinction made by the senior courts. That is what the Principal Auditor did here anyway; Secondly, the National Audit Office legislation which contains the statutory restriction on policy postdates our 1977 Act. That statutory restriction is not in our Public Finance (Control and Audit) Act, and therefore it cannot be injected into our statute as if we can pretend that it is there. It is not. We decided, or at least the best that can be said, is that as a matter of statutory law making practise, this House did not have in mind having that requirement or restriction in 1977 when it decided to legislate, and in the years since then, the 50 years since then, 14 of which the hon. Member has been Chief Minister, no Chief Minister has come to this House to say let us introduce this restriction into our legislation. So that we say that is not the case.

The common law, which obviously applies by virtue of our 1962 English Law (Application) Act, is subject to statutes, and because our statute went a different way to the English statute, that common law must be read subject to our statute, which is different to the English statute. So that is another reason why if there is any difference that is there in the source of a common law, it would be arguably again quite right to take the view that it is not exactly a carbon copy of the English position.

But in any event, all the common law cases that were cited by the Hon. Chief Minister in fact specific, on statutory interpretation in those circumstances, in those circumstances, and relevant to read it in those fact-specific contexts. Because the reality of the bottom line is that there is no restriction, and anyway, even if we disagree on it, it does not really matter whether we disagree or not. It is a point on which there can be disagreement.

The Principal Auditor, even if we disagree, was not criticising policy. He was looking at the administration of policy, which on any view is permissible even if you take the view, even if you take the view, that what applies is the carbon copy English position.

So however you look at it when the Principal Auditor is looking at the value for money parts of the report, he is looking at effectiveness of the administration of the policy. He is not saying there should not be overtime paid. He is not saying there should not be *ex gratia* payments made. He is looking at the effectiveness of the administration of that policy. He is not saying you should not allocate housing. He is looking at the effectiveness of the administration of that policy. He is looking at things which are well within what he can do.

Madam Speaker, just to slightly make good some of those points, if I may, Section 2 of the English Law (Application) Act in Gibraltar says that the Common Law of England applies, save to the extent to which the Common Law or any rule of equity may from time to time be modified or excluded by any Act. So modified by or excluded by.

You have got to therefore deal with the Common Law in the context of our own statute, which does not have the restriction on policy that is relevant and present in the National Audit Act of 1983, which says at Section 2 that the Comptroller Auditor General at 6.1 says:

> The Auditor General may carry out examinations into the economy, efficiency, and effectiveness with which any department, authority, or other body to which this section applies has used its resources in discharging its functions.

And then it says:

> Subsection 1 shall not be construed as entitling the Auditor General to question the merits of the policy objectives of any department, authority, or body in respect of which an examination is carried out.

So in England you can look at the effectiveness and efficiency and economy, but you cannot look at the merits of the policy objectives.

And of policy, which is relevant to this particular point, policy is defined in Section 6.7 of the same Act, and policy means:

> In relation to any such department includes any policy of the Government so far as relating to the functions of that department.

So I pause there because this is quite important in terms of the point on the Public Accounts Committee, because the one big concern of policy that they have is that the Principal Auditor should not express a view on whether as a matter of policy there should be a Public Accounts Committee or not. Well, let us try to dissect that.

The Principal Auditor is an Officer of this Parliament, and therefore can express a view about his audits, can express a view surely about the functions, the constitutional functions that he has, and how they could be made better as an Officer of this Parliament. He takes the view as an Officer of this Parliament that it would facilitate the audit function on a continuing basis for there to be a Public Accounts Committee. Government says we do not share that view, and this is an issue of policy, you cannot opine on it.

But even if we were to apply the National Audit Act legislative test, which we say does not apply, policy means in relation to any such department includes any policy of the Government so far as relating to the functions of that department, so far as relating to the functions of that department. Even if the English test applied, the Principal Auditor could not opine on policy so far as it relates to a Government department. The Parliament is not a Government department, it is a separate institution, it is a Parliament, constitutionally established, separate institution, separation of powers.

This is not a department of a Government, however much he might like it to behave towards it in that way. This is not a department of the Government, and therefore the statutory restriction applicable in England would not apply to the Auditor General in England expressing a view in relation to whether House of Commons practise in relation to the Public Accounts Committee in England. It would not restrict him because the Public Accounts Committee or the House of Commons is not a department of the Government, and therefore there is no such restriction, even if you apply the English test, which we say does not apply.

And so it is important not to conflate Parliament with a Government department, which it is not plainly so constitutionally, and therefore if the Principal Auditor has expressed a view about whether there is should or should not be a Public Accounts Committee, which would be a committee of this Parliament and not a Government department, and does not engage policy of a department of a Government, it is perfectly proper, perfectly proper for him to have expressed that view.

They do not share that view. We might share a view that there should be a Public Accounts Committee. I dare say, as I will say later, I have taken the view that there should have been a Public Accounts Committee for a long time before the Principal… I knew that this Principal Auditor stated it in his report, and members on this House have said so publicly before the Principal Auditor, so it cannot be the other way around. It cannot be that somehow we are in cahoots, we said it. I mean, he may have a view legitimately, perhaps previous Principal Auditors have all taken that view, and have indicated it informally or formally.

He has taken the view, the Principal Auditor, that he desires to say so publicly. He is not expressing a policy view in relation to a Government department. It is about this Parliament, and he is an Officer of the Parliament, and as an Officer of this Parliament, he deserves the respect of this House as well, to understand that when he expresses a view as an Officer of this Parliament, to the extent of constitutional duties that he holds, it would be respectful to listen to his view.

It does not mean that we are bound by it, and indeed the hon. Members are not bound by it, do not need to follow that view, and they are not going to follow that view. Again, as I said yesterday, they need to relax. They are in Government the day before the report, they are in Government the day after.

It is not binding. They can do whatever they want in relation to this issue, but it is certainly not a view of policy in the context of what policy means in relation to the restriction by statute under the National Audit Legislation in England. So let us be clear about that.

And in relation to policy itself generally, the case that the Chief Minister quoted, Carson Roberts, makes precisely the point that I was alluding to earlier, that there is a difference between commenting on policy and commenting on the administration of policy and what Carson Roberts says quite clearly, and this is the judgement of Lord Justice Farwell in that case, he says, giving an example of, for example, a works committee, that was the example that the judge said in that case, he says, in my opinion the establishment of a works committee would be a question of policy into which the auditor could not go, but the payment of abnormally high wages to the workmen employed by such committee would be a matter of administration.

The distinction is one which I have reason to believe is quite well understood in the audit by the Comptroller and Auditor General of War Office Accounts and that case demonstrates, it is a very clear example which demonstrates the distinction that the Principal Auditor can comment on the administration of policy.

So, for example, let us get a bit more granular on what I mean in relation to this report. Is it right for the Principal Auditor to comment on overtime issues? Well, why not? He is commenting on the administration of the overtime policy. He is not saying anywhere in the report there should not be overtime paid as a matter of policy. He is making critical observations in relation to the administration of the overtime policy. He is making critical comments about the administration of the *ex gratia* payments policy. He is not saying there should never be *ex gratia* payments. He has not said that and when I come to *ex gratia* payments, on some issues we will be agreed but he is saying that he disagrees or he has questions about the administration of the *ex gratia* policy. Or he is making recommendations in respect of possible savings that can be done in the administration of either the arrears policy of the Housing department or others.

He is talking about the procurement process. That is the administration of the tendering process. He is not saying there should not be a tender process. He is talking about the administration of the existing procurement process in a particular way.

He is talking about the award of jobs. He is not saying there should not be jobs, but it is the administration of the jobs, the administration of the contracts. When he raises issues about political patronage, those are issues about value for money in the administration of financial policy and the award and supervision of contracts or jobs or overtime or *ex gratia* payments.

That is what he is doing and that is what he should do. Madam Speaker, yesterday at length I read some extracts from the book on holding Government to account, to show that really what this is, is a shameless abuse by the hon. Members opposite to cover their own failings, really a smoke screen for their deals and transactions.

That is what this is. So play the man, not the ball, trash the auditor, create this big smoke screen, death charges everywhere, you know, while they submerge in a submarine to get away from the scene of the crime. Fair enough.

That is a turn of language, (*interjection by the Hon. Chief Minister*) like many that the Hon. Chief Minister has on the other side. There are lots of turn of language, pretty questionable while we sit here and regard the hon. Member. So he needs to perhaps just relax. (*Interjections*)

Madam Speaker, the nervousness of the Chief Minister can be felt from this side of the House.

There is of course a massive difference. The Principal Auditor has been accused of transparent bias and the test of course for apparent bias is indeed, there is a difference between actual bias and apparent bias, but you know, of course whether a fair-minded and informed observer would consider there was a real possibility of bias, but here they are actually saying it is transparent bias. It is designed somehow to hurt the political parties on the other side.

This is the guy they praised six weeks before. This is the guy that can say whatever he wants whenever he wants, but now suddenly because it is inconvenient, maybe inconvenient truths, we need the smokescreen of this transparent bias. Well, the report does not mention the GSD at all, by the way.

I mean, there was one comment that struck me actually, going through the report, where the Principal Auditor focusses on a commitment and says the Government has not met this manifesto commitment. It is the only manifesto commitment that the Government has not met, and I felt, well, that must be biased towards the Government, surely, if I really wanted to be paranoid about it, because I can think of many manifesto commitments that the Government has not performed on, but no one on this side of the House stands up and says, ergo, therefore the Principal Auditor is guilty of bias, because plainly it is so unsustainable to say so, and it is so much of a smokescreen for the hon. Members to say that he is biased. It is a complete disservice to someone who has dedicated their career to public service - a real disservice.

And then the Chief Minister says, well, maybe members on this side of the House should have made a big thing, because you know, there was delay. He tried to blame him, turn it round, because the delay of Principal Auditor's reports, we know, was because the Government delayed the passage of the supplementary appropriation legislation in this House, before the 2023 election, before the 2019 election.

The Hon. Chief Minister says, that actually the delay is the fault of the Principal Auditor and then he says, of course, that the members on this side of the House have often said, or insinuated, or implied, that had those reports been out, people might have taken a different view in 2023. Well, maybe they would but I tell you what, no one on this side of the House is going to stand up and say, ergo, the Principal Auditor is biased against the GSD, because he sat on the reports, the Chief Minister is right, the delay was not caused by the Government, it was caused by the Principal Auditor, the heinous Principal Auditor, who has denied us that emergence of information that would have guided the people of Gibraltar.

No, Madam Speaker, because on this side of the House, we understand that the Principal Auditor does a difficult job, which he discharges to the best of his ability, that he should have latitude to comment on these things and we understand, we see through the smokescreen, we see through the smokescreen on the issue of delay, it was their fault. And we see through the smokescreen of what they are trying to do today, and since the beginning of this motion, which is to trash the auditor, to create confusion from the real issues, and the real issues are the payments, the contracts, the administration of financial policy, the waste and the abuse that is now a burning, growing catalogue.

It hardly merits an answer, Madam Speaker, because it is so crass and simplistic, so crass and simplistic. The guy that they praise is suddenly a GSD sycophant. But do not judge us by your apparatchik standards, is what I would say. Just because you are paranoid, it does not mean that we are all following the same rules of practise that you do. It is a different matter.

Then the Hon. Chief Minister has often got quite edgy about me talking about the GSLP Government, you know. But this is a GSLP Government. This is a Government led by the GSLP, of course, they have their coalition partners, the Liberals, but really this is, in practise, a Gibraltar Socialist Liberal Party, because is not it, it behaves like one party in practise.

He was a Liberal once, and you know, he often likes to remind me of my past, I have no issue with that. He was a Liberal once, when the GSLP needed a leader, they took it from the Liberals, and it made sure that true Labour left, although they then came back in some form, and ergo we might have the recipe for a future interesting situation. But that is for another time, because there are different factions. (*Laughter*)

There is a Liberal at the helm of the GSLP, there is a Liberal at the helm of the Liberal Party, and then the question is, do we get a Socialist? But there may be ideological issues there. We will see, we will see, we will see. We are looking forward to the next few months, and see what happens. But look, if the parties act and behave like, and sound like one, there is never a wafer of difference between them. Indeed, the Deputy Chief Minister, I am sure may rise on this occasion, but generally, even if he does rise, he will not mind me saying, we go back a very long time, that there is never really a wafer of difference between what he says, and what the Chief Minister says, because there is nothing to mark a difference, and therefore, I make no apologies for abbreviating it, because it is a bit of a mouthful to say the GSLP Liberal Administration. It is easier for me to say GSLP, besides there is a character restriction on Twitter, it is easier to call it the GSLP and everybody understands it anyway. So, Madam Speaker, exactly, you have got to which is an extra character.

Madam Speaker, if the Public Accounts Committee did not happen in 1996, and of course it did not happen, and I was in this House, and so was the Father of the House. The Father of the House will know that that did not happen, because the Father of the House, he was Leader of the Opposition then, and expressed the view that he did not take the view that there should be a Public Accounts Committee, and did not want to cooperate in its establishment and that was a long, to his credit, it is been his long consistent policy. Now, 1996 was 30 years ago.

Since then, small jurisdictions have gone to develop systems which would allow the development of a future Public Accounts Committee that might be able to be established without necessarily the cooperation of the Opposition of the day, because there are other jurisdictions, important countries and states, some of them small, some of them big, that have Public Accounts Committee made up of non-parliamentary members and that is an option for us to consider in the future. What was not possible in 1996 might be possible in the future of 2027, and therefore, you know, while I respect the consistent view of members on that side of the House, I do not share it, and there are mechanical ways, mechanical reasons why it did not happen before, there are mechanical ways now that provide solutions for the future.

Madam Speaker, the whole issue of the Public Accounts Committee in the contribution of the Chief Minister, in my view, was massively overblown. I mean, this is a few paragraphs in 600 pages, so the Principal Auditor shares a view on the Public Accounts Committee with the GSD.

How does that somehow taint the whole report, indeed, taint even that report? But how does it taint the whole report? Were the payments that he is worried about, or the contracts that he is worried about, not made or awarded?

I mean, no one is believing this. You know, that the report sounds like a GSD view. Why? Because we share the view? Well, it is either A or B, you know. If he happens to take the view and put it in writing that he does not think that in a place like Gibraltar there should be a Public Accounts Committee, is he automatically biased towards the GSLP? No. There are senior politicians out there, retired politicians, who take the view, some of them were in the Commission for Democratic Reform, that there should not be a Public Accounts Committee. I do not consider them to be biased towards the GSLP. I do not share that view. That is it.

I have never described those politicians, senior politicians, in that pejorative way, because I consider they have a free mind, you know, and quite right that they should express a view on an important issue, as should the Principal Auditor, who is an Officer of this Parliament.

And then the Chief Minister says that they have won the election four times on the issue of having no Public Accounts Committee. He will forgive me for thinking that that will probably be quite low on the priorities of people going to vote. People might have voted on the issue of Brexit, on the issue of housing, on the issue of pensions, they might have been attracted by the commitment to lower pensions for men till 60, which they made in 2011, still have not met.

They might have been quite attracted to the commitment that they made to halve the level of gross debt, and then have been surprised that it was quadrupled. They might have been surprised by a number of commitments, which were then failures. Or they might have been voting for things which they delivered.

Look, but I suspect, I suspect that if we did a straw poll in Gibraltar, and maybe those who organise polls can do that, is ask how many people really put the Public Accounts Committee high on their list. I suspect it would be quite low, and people are voting on housing, on health, on jobs, and on other things. I am not going to teach the Hon. the Chief Minister politics, because he knows all this. He knows that that is the case. He knows perfectly well. He is a clever guy. He knows that this is how people vote, and that people are not really voting… So when he says that people have endorsed their position on the Public Accounts Committee by returning them on their policy of no Public Accounts Committee, I think it is a gross exaggeration and contortion of the analysis of why there have been election returns but, you know, a matter for him.

But I suspect a lot of people might agree with me on that issue. That the Principal Auditor commented on the position of the Commission on Democratic Reform. Well, again, that is legitimate. Why is it legitimate? Because in relation to this aspect, the Public Accounts Committee, it is a committee of this Parliament. It is not established yet, but it would be a committee of this Parliament, and it is something that plainly is within the Audit function.

So he, as an Officer of this Parliament, as Principal Auditor, has expressed a view. Why could he not throw in the mix a comment on the Commission of Democratic Reform? That is nothing more than being broad and more complete, acknowledging that there might be a different position out there.

And anyway, as I have said now and explained why, it is not an issue of policy restricted, because this is not the policy of a Government department. So he can comment as far as he wants relevant to this issue and then I found quite remarkable the Chief Minister's insistence on triumphalism on the issue of not introducing a Public Accounts Committee, as if it was a good thing.

Well, my analysis of that is that what he is saying to the people of Gibraltar is I am not going to have a Public Accounts Committee, and he is become the standard bearer for lack of transparency. That is the product of not really having one, because it would provide more contemporaneous audit and scrutiny of accounts, because he knows that the Principal Auditor scrutinises and provides value for money reports, but there is a time lag in his work. Necessarily, there is a time lag.

In question and answer, we are limited on the amount of supplementaries. At Committee Stage on budget, generally, there is a limit to the probing that we can make, either because they do not have the information and so on. Whereas a Public Accounts Committee is designed precisely for that purpose, and sometimes when we ask questions, well, I do not have the answer because, of course, I understand the Minister might not know the answer, because he is got to consult officials. But when there is a Public Accounts Committee that can ask officials more directly, that can follow up matters, that is precisely why it would improve the audit function and this would be good for Gibraltar, but that is for another day, because he is not convinced by it. But the effect of him saying, I do not want one, I say he becomes the standard bearer for lack of transparency.

And then, Madam Speaker, the Chief Minister said, the day that he said that trust was broken, and we say trust is broken because of his Government, he says he wants to pass laws to make it clear. Well, the effect of the passage of the laws, especially in the tenor of ways that he was suggesting, was to shut down criticism.

Instead of giving him, the Principal Auditor, more power, like he said in his manifesto, it is less power. That is the reality. This is a further example of a wrong purpose.

So, Madam Speaker, at the heart of all this Public Accounts Committee is the reality that the Principal Auditor can comment, this is not an issue of policy and therefore cannot be ultra vires, and it is because it is about Parliament. And so, that really is the end of that issue, because once we realise that this is not a Government department, and it really does not take too much realisation to see that this is not a department, then of course he can comment.

That the Principal Auditor is at fault for delays. What a load of nonsense, Madam Speaker. Given last year's report, I mean, last year there was a long report by the Principal Auditor, which combined two financial years, and in that report, which was more than 900 pages long, we then

had a debate in this House which went at length. We had a debate on the Public Accounts Committee, which was then amended by members opposite, but we debated, and I remember reading into the record, the times when Supplementary Appropriation Bills had been taken by the GSD in office, and how it had also got staggered and delayed in their time in office. So, it really beggars belief that somehow the Chief Minister should get up to try to turn it around, as if it is the fault of the Principal Auditor and by the way, if that is the case, why did not he say it last year, when we debated the issue extensively in this House?

Well, because last year there was no need for revisionist historical narrative. Fair enough. Now it is convenient that he was hoping to have a sweet transition between the retirement of this Auditor, I congratulate you on your sterling service, in six weeks' time you deliver your report, so you are a great guy, and the new one, and suddenly, oh my God, that spoiled the plan, so now we need a new narrative. And that is the reality of what is happening here, and it is so see-through and transparent that everyone can understand.

The Chief Minister says the Principal Auditor discontinued the practise of starting work on accounts in April 2023, and that was declined for the financial years 2019-2021, and subsequent years. Well, so that can only have affected the period after April 2023, and not these reports. Not these reports because if he declined the practise, as from 2019-2021, we still do not have that report, 2019-2021, and if he declined it from April 23, well, for those reports, this is the 2018-2019 report. So not even that can be right.

And not even that can be right anyway in relation to these reports, because the Principal Auditor says that the final approved accounts were given to him on the 29th of May 2025. So the Chief Minister, at length, went through, oh it is so late, you know, that the Principal Auditor was writing so late on issues. Well, two things…

First, that when you read a lot of the passages in proper context, you realise that yes, he was sending letters close to the deadline, but it was not the first letter. He had been writing for a long time on some issues but what about the Government who sent him the final approved accounts two days before he needs to deliver the report on the 29th of May 2025?

So, Madam Speaker, the Chief Minister, in another of his hyperbolic use of language, described the fact that the Principal Auditor suggested that it might be good for there to be an audit of Government-owned companies as democratically despicable. I mean, you have to say, wow the language because anyone who looks at what the Auditor General does in England, realises that the Auditor General provides an independent audit opinion on some 400 individual accounts across the public sector, including all Government departments, executive agencies, arm's length bodies, companies audited under statute or on a voluntary basis, and charities. There is a whole stack. So, God forbid that our Auditor should have the temerity of suggesting that there might be audit of Government-owned companies.

What is he afraid of, Madam Speaker? What are they trying to hide? Look, I mean, the Chief Minister has given us the statistic. There are 46 companies owned by the Government, and 17 owned by the GDC. We know already that there are hundreds of millions of pounds in opaque structures, where we do not get clarity of answer.

It is in the public interest, and there is absolutely nothing wrong with the Principal Auditor expressing a view about something which is obviously an audit issue as an officer of this Parliament, an entirely legitimate comment to say that companies should be audited, something that the National Audit Office and the Auditor General does to a large extent in England. We are clear that in Government we will change the law to allow the Principal Auditor to audit all those companies, because it is in the interest of the taxpayer that the watchdog of the public money should audit those companies to see, and trace, and administer, and supervise the spending of the people's money. So, it is entirely right that the Principal Auditor should express a view on these things.

All he is doing is maybe even reflecting what goes on in England, and look, they are big fans of what goes on in England sometimes. So, you should apply the NAO protocols. You should apply the statute on policy, even though our statute does not say so.

But look, you are either in or you are out, and if you want to apply at all, well, why do not you also remember that the Auditor General and the National Audit Office in England also audit a lot of companies. So, in for a penny, in for a grand, as the contest on TV says.

But maybe, Madam Speaker, it is just not convenient because the hon. Members on that side just want the jungle of companies to continue with Tarzan at its head, so that they can do whatever they want with minimal accountability. And by the way, through the smoke screen, I ask this question, because the Principal Auditor has highlighted a transaction of £50.5 million. So, where is that money?

The Government said in a press release that it is been invested, but now's a good chance, good opportunity for them to be much more upfront and accountable to the people. Or is it that we are creating the smoke screen about what the Principal Auditor said about this or that or the other, so as not to explain the biggest financial transaction on which the Principal Auditor put his finger? Because the biggest financial transaction on which the Auditor put his finger in this report is the £50.5 million, and we do not know where it is, where it has been invested, and the people of Gibraltar deserve an answer to that issue.

So, Madam Speaker, of course, we are glad that we finally got to having some debates on this issue, because for nine days and seven weeks, it did not seem to us to be a regular debate. It was certainly not regular in the way that debates have been done previously in this House, which have been in a kind of constrained package of time. This has been really strung out, and I have said why, in our view, it has been strung out because of their abuse of the Parliamentary calendar to dominate the press and so on. That is not an aspersion at all on the Parliament. It is because we say the Government control the Parliamentary Calendar and abuse it, and that is the reality. That is the reality of what is going on here, because by dint of the executive majority, they control the Calendar and do things in this House that perhaps, if the rules were tighter, they would not be able to get away with, and that is not any verdict on the Parliament or its staff, who work hard within the constraints of the rules. It is more about what they do to manipulate the Calendar, Madam Speaker.

And that is been clear and palpable, because, you know, this debate started on the 23rd of September, and I rose to reply as the first Speaker of the Opposition on the 13th of November. (*interjections*)

So, when we say where else would it be possible, it is because, I mean, clearly, it is a strange way to proceed, and I have never seen any debates in this House, certainly, or in any other House in that way, you know, where the Prime Minister gets up in the House of Commons and he keeps coming back for every week, and it would be okay. I mean, I think it would probably be the front page of the Daily Star or something like that, if the Daily Star is still published.

He made a number of ungenerous remarks, I have to say. I do not really want to go here too much, but he made a number of ungenerous remarks on an aside the other day as to the fact that I was in court the other day on something. Look, I take my public duty very seriously but he made pejorative comments about, you know, that I was in court and that I was earning hundreds of thousands. He knew I had a case on, because I told him weeks ago, Madam Speaker, before we set the date. So he had the opportunity to adjust, and he chose, he chose to put it on the day that he knew I could not do, even though I had told him that after those two days, I had a free calendar, I had no court days. So he chose to do it. It is up to him how he wants to manipulate it, but it is unacceptable. Look, I do not mind that he chooses the date that is convenient to him and not to anyone else. But I do not agree that there should not be notice of the calendar, because I think it disrupts everything, because I think people are entitled to have some indication of the calendar going forward. But look, if he chooses to be disruptive, what I think is beyond the pale is that he should then pretend that he does not know that I had told him about those dates. Anyway, the pejorative comments about me earning money or not earning money. Look, at least I work for my money. There are lawyers, there are people who receive hundreds of thousands of pounds from law firms that do not even go round or work for their money - but that is a different matter. (*interjections*) Yeah, well, I am sure he can figure it out.

Madam Speaker, it is safe to say that I suppose it would be fair to describe that I have been an anorak for political and parliamentary reform for some time, at least 25 years, I would say, because the nuts and bolts of the system matter.

I was heavily involved in the constitutional proposals in 1998. I was asked and I had the honour, I consider it an honour, to have drafted the 98 constitutional proposals, which was then discussed by the Select Committee. I did so with Ernest Montado, the late Ernest Montado, a great public servant of Gibraltar. Those were then discussed by the Select Committee between 1999 and 2002. And by then we had fairly clear proposals. Those talks led to the new Constitution.

But it is clear that that Constitution is not the end of the road. It is not the end of the road at different levels, not the end of the road perhaps on the road to self-Government, we will see. It is not the end of the road on the, or certainly not the end of the road, on the road to parliamentary reform and checks and balances, because it is important that our constitution be further amended to improve the checks and balances that this community should enjoy, which would better hold Government to account.

And that is also very clear, some of which are, you know, comments in relation to the Public Accounts Committee, but it is not just about the Public Accounts Committee, it is about the enlargement of this House, the better workings of this House, the improvement of the rules of this House. I know we are discussing some of this with the Deputy Chief Minister, the need for a calendar, but it is very clear that in the field of accountability as well, which is outside the scope of the committee with the Deputy Chief Minister, in the field of accountability itself, there should be changes at the constitutional level to better improve the checks and balances on accountability of the executive. And this, which is happening today, and has been happening since the 23rd of September, is a good example of why you need to improve those checks and balances because unrestricted, a Government of a particular bent is able to do things like this. And that, Madam Speaker, I think, is a lesson for the future as to things that we need to avoid by reform.

Madam Speaker, on ex gratia payments, all Governments, understandably, should have systems in place to compromise claims, and if necessary, settle them out of court to avoid litigation.

We have no issue with that. Clearly, that should be the case. It is always better to settle a case than to go to trial, run the risk of losing, losing, ending up paying twice, costs, etc.

So, clearly, there needs to be a system. There needs to be a system that works, that has the right checks and balances in it, and it is right also that, to the extent that the Principal Auditor wants to audit the system to see if he thinks it works, it is within his purview, because it is financial in nature, there are payments being made, and as Auditor, he is got the right to look at the systems and see, because it is about administration of the policy of ex gratia payments, whether or not the system works. Now, they say, in some respects, that the system could do with some improvement, codify practises, put in place a more structured framework. Well, we agree.

So, to that extent, the Principal Auditor was entirely right to comment as he did. But, like, throughout their whole treatment of this, Madam Speaker, they have used pretty wild language, pretty wild language, to describe views that the Principal Auditor has expressed in the context of ex gratia payments. So, poison, unforgivable.

In relation to one particular payment, they said, inhuman and improper. Well, I mean, that is all there, in the Hansard. When describing, they also said that when people are identified by name, by the way, they were not identified by name, they were identified by post, and I suppose, but I accept that by implication, at least in relation to one ex gratia payment, you could identify the individual in relation to the other. Not, but, you know, I suppose, we live in Gibraltar, so I understand that things can be worked out. But, when he said, there is psychological damage when people are identified by name, and yet, the Chief Minister stands in this House, alludes to people who are not even here in the chamber, by name, or by very direct allusion, and has no problem doing so. So, what is good for the goose is good for the gander.

I mean, if it is psychological effect, if he is worried about psychological effect, well, why is not he worried when he gets up and starts naming names? Why not? Or is he only worried about the people in his party?

Because, if he is the Chief Minister of Gibraltar, he should be worried about the people in all parties, but he only seems to get up to name people who are not in his party, and does not worry about those psychological effects, but no one calls him inhuman and improper. I am not, but he calls the Principal Auditor inhuman and improper, and that is okay.

The contracts, well, the contracts and the conflicts, I mean, there is a bit of fake outrage going on here, by turning the issue on the Principal Auditor for raising legitimate issues, because, Madam Speaker, conflicts can arise if people in power can award contracts or make payments to people close to them, politically or by blood.

I am not saying that these things have arisen. All I am saying is that if the Principal Auditor in the administration of policy, of financial policy, in the context of audits, in the context of understanding, whether people got paid, did not get paid, whether they got a contract, they did not get a contract, whether there was overtime policy, not overtime policy, in the context of that, whether they got a job, whether they did not get a job, if in the context of all that, the Principal Auditor has raised questions as to whether there are conflicts of interest, he is doing his job. There is nothing wrong with that. Why are they so edgy about their GSLP conflicts?

So, these are legitimate lines of inquiry, whether there is cronyism or patronage. If things are raised, the Principal Auditor is right to raise the issue of the process of award of contracts or jobs or anything that can affect financial payments, because that is directly relevant to his audits, as to the administration of that policy, as to whether the money has been properly spent, which is what he is statutorily supposed to do. So, why not?

Let us look at the circumstances. A long 20-year contract granted to an entity in which a GSLP Election Agent has an interest. It is a legitimate comment, or not? When the interview was done on GBC, the Minister does not recognise there is a conflict of interest. Plainly, there is a conflict of interest. The question is, have you navigated it? I am not saying that it was wrong to award the contract. The issue is, have you navigated the conflict of interest?

A significant lump-sum payment to a GSLP Executive Member, negotiated at stages, it appears, by the Chief Minister himself. Not a conflict of interest? Well, an obvious conflict of interest. The question is, have you navigated it? Was it right to settle? But because the Principal Auditor raises questions about it, it does not make it wrong for him to raise those questions. Because at first sight, it is clearly a legitimate comment to be made, especially because he feels that he is not getting answers. Or, it seems to him, on review of the papers, that some things are not right.

He is the person who is constitutionally endowed with those powers. So why is the Government seeking to question that? He has got those powers - it is right for him to do that.

Familial links to an Upper Rock contract. Sorry, familial links to an environment contract. Well, again, the fact that the Principal Auditor raises the issue is within his purview. Now, you can then look at the history, and in respect to any particular contract, if it is a historic contract, goes back a long time, it might, the historic award of the contracts through successive administrations, may point in the other direction. In other words, that it might not be wrong. But, the fact that he raises it, is not something that is wrong as a matter of principle, it is within his purview.

A big payment to the Media Director, a former GSLP candidate. Again, look, these are lines of inquiry, that is all they are. And is he entrusted, the Principal Auditor, of having those responsibilities? Yes, he is. Is it wrong for him to do so? Why should it be? You know, if he is the Principal Auditor of Gibraltar, and he sees that someone has received a payment of x thousands, and he is not satisfied about it, he can raise questions. He is doing a value for money audit in respect of those things. There may be things to say on each of those issues, as to justification. But the fact that questions are raised, or the manner of their raising, is not the issue. And this is the distinction that I was trying to make yesterday, and the distinction that I make throughout.

That if they do not like the report, they can seek to say, this is wrong, but it is the way that they are doing it, seeking to usurp the function of the auditor, in a way that is constitutionally improper, in my view.

The Chief Minister says, there was a point where he said, he almost asked the rhetorical question, as if he was Sacha Baron Cohen. Is it because I am GSLP?

Well, the answer to that must plainly be, yes, in the same way as if there was a GSD Chief Minister, it would be right for a Principal Auditor to look at the payments and say, you have paid a GSD Executive Member X. Because prima facie, if a GSD Chief Minister pays, authorises the payment of an ex gratia payment to a GSLP Executive Member, there is no conflict of interest. Prima facie.

But prima facie, if a GSD Chief Minister authorises and negotiates a payment with a GSD Executive Member, there is a prima facie conflict of interest that needs to be navigated. When you reverse that situation, this is precisely the point. If a GSLP Chief Minister negotiates a payment with a GSLP Executive Member, of course there is a conflict of interest. The question is, has it been navigated properly, authorised? Is there justification for the payment? But the fact that the Principal Auditor raises the issues is not wrong.

It is right for a Principal Auditor to scrutinise these things. And the Chief Minister sounds as if, only sounds as if, he deliberately does not understand the conflicts. But I struggle with that because I have said often enough, he is a clever guy. But maybe on this issue, he is got a mental block of not understanding conflicts in that way. Maybe that is the issue, but we will see. I do not know.

The Chief Minister's explanations have raised more questions than answers. In relation to the GSLP Executive Member, lump sum, I mean, there were hugely strained and convoluted attempts to explain away the pension claims. I mean, really convoluted. He tried to make the case that the claim could have been much larger than was paid, much larger, even though, apparently, the person themselves said it was over. So, to that extent, trying to persuade us that it would have been a bigger amount than the person actually said it was worth. Was this actual advice, or was he making it up as he went along? I mean, he said of paragraph, I think I took the note accurately, 4.3.26, that it was a lie that there was not an internal investigation. Because, I quote:

> I did those investigations.

So, he is now doing investigations? He is thoroughly conflicted on the issue. He is the Leader of the Party, investigating the claims of his own Executive Member that he is negotiating with, sometimes.

So, he said there was a conclusion of serious risk of substantial damages. So, okay, well, that might have been the case, but he was very, very convoluted. He criticised the late correspondence from the Principal Auditor, but omitted, because it is obvious from the report, he omitted that there was correspondence from the Principal Auditor as far back as October 2022, paragraph 4.3.3, 4.3.4, November 2024, or indeed the 19th of August 2019, paragraph 4.3.12. So, you know, yes, he is wrote some late letters, but there is long records of correspondence on some of these issues. The Principal Auditor has authority to look at value for money situations, and that includes, and indeed is especially relevant, to look at situations where there are possible conflicts of interest. It is right for the watchdog of the people's money to assess whether, in potential conflict situations, the administration of financial policy has been properly carried out.

The involvement in politics of that particular person was relevant in that context because of that. Then the Chief Minister says, that this is a case of blatant discrimination or intrusion on the rights of association of that person. I mean, that is a terrible twist, surely.

That is a terrible twist because the people for whom the Principal Auditor is the money watchdog, the people have a democratic right to ensure that political affiliation does not lead to favouritism or impeachable payments. So, it is legitimate comment, surely, by the Principal Auditor.

Madam Speaker, in relation to the Media Director, you know, I think we are all fond of the Media Director, but he explained that there were two bases for the payments that were made.

One was contractual, so he explained that it was historical contractual in relation to 25% gratuity of the basic salary, although in a couple of years it had already been paid. And then he said that there was a non-contractual overtime calculation. Well, what he did not do, Madam Speaker, is to publish the splits of the contracts. So, we do not know to what was attributed the contractual and to what was the non-contractual overtime calculation.

But, you know, just looking at it loosely, in financial year 2012-2013, the salary would have been £53,000. In 24-25, the salary would have been £85,000. Loosely speaking, I have not done the calculation scientifically because I do not have the figures, but it seems to us on this side that the 25% contractual gratuity is probably worth, I do not know, somewhere between £150,000 - £200,000. He can correct us if that is wrong and give us the precise figures. That would mean that the bulk, maybe even £450,000-£400,000 would be on the non-contractual.

If the Government... So, when he tries in his motion to blame the GSD for the contract, well, maybe the bulk of the payment was the bit that did not come under the contract. But he should be honest as well with the figures by putting it on the table in a transparent way in his explanation.

He said that there were two different pillars of the explanation. There were two different pillars for the explanation, contractual and non-contractual. And if they form the view that this payment was correct and should have been made for whatever reason, well, then he should come to this House, be man enough to defend the payment as it was and not finger point at the contract and the GSD when maybe most of the payment was not made under the contract.

It needs to be explained because the 25% gratuity issue, that is what it sounds like. Anyway, the Chief Minister wants to present the figures and the splits and do so and publish the contractual basis for the payments, then he should do so.

The point is that this is not even about, and I think that is part of the trap, this is not even about an analysis of whether how much of the money went under this part or that part or whether it was even justified as if we were some kind of court of panel of review of the 17 best auditors of Gibraltar.

This is not what this is. The issue at stake is, is it right for the Principal Auditor to have raised this? It is totally legitimate for the Principal Auditor to have raised these issues which are administration of financial policy.

That is the point. He saw something. He raised questions. He wanted to record it in his report. He is free to record whatever he wants in his report, say whatever he wants, when he wants, how he wants. That is what they said on the 23rd of April, which I endorse. He should be allowed to say whatever he wants. We have not changed our tune. They've changed their tune.

And then on the Northern Defence's contract, well, he has not published the instructions to his expensive lawyer, but did he tell his expensive butcher when he gave the advice that he awarded a contract to his Election Agent? Was that part of the instructions? So we would ask that the instructions be made public as well as the opinion.

The overall issue, Madam Speaker, is whether the Principal Auditor can make legitimate comments on these issues or raise legitimate value for money enquiries. Yes, he can, even though, because he may not agree, or at least at first sight he may not even have formed a view on these issues but wants answers to particular questions - so, he flags the issue.

We already heard yesterday the number of examples where the National Audit Office and the Auditor General came into conflict with Senior Officials or the Government of the day in England, precisely for flagging issues which were thorny, difficult political subjects. This is no different. The Principal Auditor has the right to do so.

This is not about anything else. He should not be on trial for doing his job. And indeed, most people would have acquitted him a long time ago and convicted the GSLP a long time ago in the Court of Public Opinion.

Madam Speaker, there are paragraphs in the Principal Auditor's report that allude to ex gratia payments made to people who gave statements in the McGrail inquiry. Well, again, we do not

know how many of those people were, but the fact that the Principal Auditor raises it, again, is a legitimate issue for comment. I mean, let me make it very clear that if people are suffering bullying they are entitled to protection under whistle blower legislation, of course.

But as we have been saying for some time, there is a difference with the situation where, in relation to people who received ex gratia payments, who made statements to the McGrail inquiry, the Chief Minister signed letters of assurance to those individuals. We know that. And to that extent, again, there were conflicts there.

We said that publicly. That is no secret. So that is the difference in relation to people like that. We do not know how many there were. It raises issues as to the improper, perhaps, inability to ring-fence conflicts. We'll see what the inquiry report says when it is published.

But there is a big distinction between the people who received those letters of assurance if they received ex-gratia payments because they had filed statements in the inquiry. It is a very big distinction. And he said, Chief Minister said precious little about those people who gave statements to the McGrail inquiry and for whom he signed letters of assurance or agreed payments or transfers, cash, jobs in other parts of the service.

Yes, of course, the NCA has reviewed the work of the police and did not find criminal conduct. But that does not mean that it was wrong for the Principal Auditor not to raise value for money issues because it is a different point. I mean, the recent press release of the RGP on the issue made very clear that the evidential threshold for a criminal prosecution, specifically misconduct in public office, had not been met. Hardly a ringing endorsement, but very clear on its terms.

As to that, which is a separate matter, got nothing to do with the financial aspects and the right of the Principal Auditor to perhaps flag whether there were payments made to people who had made statements in the McGrail inquiry. Nothing wrong with that.

Madam Speaker, in the same way as people are entitled to ask why this process is important to them, they are entitled to ask why the bottom line is so serious. And so, Madam Speaker, what we say is that, as we traced yesterday at length, this represents a constitutional erosion by the Government of the checks and balances on section 74 of the Constitution, which are there to protect the people, enshrine those separation of roles and competences of the Principal Auditor. That is why I say this is a constitutional outrage.

There are different effects of the motion. The motion attacks the auditor, very clearly so, in the language of it. Not just in the language of the motion, but also in the language of the contribution of the Chief Minister so far.

It erodes, usurps the functions of, erodes the important checks and balances because we say, well, the Principal Auditor is there as the watchdog of the people's money. You know, if we are trying to put pressure on him, question him in this way, and seek to produce a counter-report, clearly that is an erosion of the checks and balances, a usurpation of his functions. It concludes that parts of the report should be rejected.

Now, not only do we view that as dangerous, we are not sure, in effect, how the Government is even suggesting that because the role of the Principal Auditor is, it says, 74(1) says, that the public accounts of Gibraltar shall be audited and reported on by the Principal Auditor. So, that puts an obligation on him to audit and report. So, it is an obligation on him to report, and he is got that exclusive competence.

And it then says, in 74(2), the Principal Auditor shall submit and lay his reports before the Parliament. So, he is an Officer of the Parliament. He audits, reports, and must submit and lay. We cannot say, we do not want it. Surely. We have taken it; we have got a duty bound to accept his reports in the delivery. The Government may not agree with some things, but that is as far as it goes, surely. But the effect of the motion is to do those two things, to question parts of the report, reject those parts of the report. The word reject is very clear.

We say that it is tantamount to setting it aside in some ways. Why do we say that? Because the tail end of the motion suggests, calls upon the Government, not just suggest, calls upon the Government to produce a counter-report on those issues.

Okay. So, if it is a counter-report on those issues, it is because it is intended to replace those issues with those conclusions. That is, in effect, setting it aside with a counter-report, which in any event, as I explained yesterday, there cannot be a counter-report by the Government.

The only person who is got the power to produce a report on the accounts of Gibraltar is the Principal Auditor. 74(1) gives him that exclusive competence. There cannot be a counter-report by the Government.

They cannot mark their own homework. It is as simple as that. They cannot mark their own homework. They cannot just, you know, if they could mark their own homework, 74(1) would say, the public accounts of Gibraltar shall be audited and reported on by the Principal Auditor, and if the Government does not like it in any respect, they will produce a different report. But it does not say that. It says it will be done by Principal Auditor.

So, the question is, what is the constitutional purpose of that section? In line with long and distinguished authority. Well, the constitutional purpose of that section is to do at least two things.

First, to secure the independent scrutiny of the spending of the people's money; and secondly, to enshrine it. To enshrine it, so that the scheme cannot be altered by the Government of the day, because it is the constitutional bargain of the political parties, before the negotiations of the constitution ended, and this was put to the people to vote on, and they did, and they endorsed it.

So, it cannot be altered, unless there is another constitutional bargain. Never in those sections is there any indication that the Government has a role in producing a report on its own accounts, public accounts, audits, on its own accounts. So, they cannot mark their own homework, and that is why we say that seeking to usurp the functions of the Principal Auditor.

But, Madam Speaker, this is serious at another level as well. It is serious at this basic level, because this is a signal to other Civil Servants and Public Officers, when other bodies called upon to fulfil an important function of balance of power. The courts, statutory authorities, individuals, regulators or Civil Servants, all called upon to perform functions of administrative power.

Functions of administrative power, but not of being Ministerial pawns or stooges or apparatchiks. Ultimately and fundamentally, Madam Speaker, it displays a deep misunderstanding by the Government of why there is a need for these constitutional checks, and why this is so serious. Because they have power, they have been Elected, and that is a great privilege to be the Government of Gibraltar.

They hold the resources of the people on sacred trust. Another great privilege to hold the taxpayers' money on trust, to administer for the purpose of their policy. But the constitutional bargain then requires that they are then audited by someone in respect of the finances as to the spending of their money, so that there is control and accountability.

And that cannot be them, because they cannot mark their own homework. And so it requires mechanisms for information and audit and control. And so if there is a breach or a usurpation of those functions, it is dangerous because it affects the taxpayer, it affects the quality of the decisions, and it affects everything.

And that is why it led to the motion of confidence that is on the Order Paper, which I am not going to address in any detail because it is for another day. But it is precisely because of those serious issues that it led to that. Because the Government went too far.

This was not just a case where they kept more tightly within the framework of explaining their perspective on what they think are inaccuracies of the reports. They went further. They used intemperate language and then they assaulted the checks and balances with this motion.

This motion does not stop at explaining or correcting the records. It goes further for the reasons I have indicated. And the motion has a massive and constitutional sting in the tail, in the very last paragraph of the amendment put forward by the Hon. Chief Minister.

The intemperate language I have spoken about because the language was so wild and so unprecedented that it is worthy of note. And I read yesterday the number of references that were made, which were, we think, overboard. This was just an interference with a constitutional officer who is there to protect people and ensure the proper handling of the taxpayers' money.

Rather than deride him, Mr Sacramento should be praised for his job. At times there was a ritual on the other side in the Chief Minister's contribution. At times there were softer arguments.

But it does not mask what is going on here, or at least the attempts, because the mask fell off on several days when the language started to get more hysterical. I mean, in reality, this is about tearing down those protections. And they can be torn down brutally or by stealth.

And the latter is what is being tried here. And we should guard against, on this side, the People of Gibraltar should guard against the breaking down of constitutional protections by stealth. Because the mask of reasonableness wears thin on the whole way that this debate is being conducted or how the Government play the system, and indeed what is behind this.

So, the vote on this amendment, Madam Speaker, is a time for reflection for everyone in this House. Everyone. Everyone in this House needs to reflect on it.

And we are going to vote on the amendment at some point when the debate on the amendment finishes. But it is a chance for people to consider their positions and as to whether they are going to support this or not. And ultimately, if leadership aspirations are more important than safeguarding constitutional checks and balances, well, let people go down in history in that way.

The vote is a chance to reflect because we are still in time for the motion not to go forwards. We are still in time, surely. Because otherwise, as I said yesterday, what next and who next? Well, the Chief Minister says from a sedentary position, me. Well, of course, if that is what he wants, he can go after me. I am not worried.

So, who next and what next? Because this is about the erosion of powers and the signals to those exercising control of the Government that they are being watched. This is about consequences.

Instead of accepting that there should be constitutional watchdogs, they attack and trash the controls. Senseless and deliberate destruction. Legitimately, the next question is, what is next and who is next?

In the Enquiries Bill, Enquiries Act now, they gave themselves wide new powers. So, the question is, will they use them now? The Chief Minister did an interview with the Chronicle some weeks ago where he said, in relation to the McGrail Inquiry:

> I know what I did, why I did it, and I know what I did was right. Whether a third party agrees with me or not does not change that.

That read to me at the time as a signal, subliminal, that he might be contemplating doing the same to the McGrail Inquiry Chairman. So, because by that stage, presumably, he knew what letter he had received of proposed comments in the inquiry.

So, when he made that comment, did he do so with the knowledge that he had read parts that he maybe did not like? We'll see when it is published. But it read to me in that way. It read to me in that way.

So, is the McGrail Inquiry Chairman next? And then, of course, he did the interview on Viewpoint where he confirmed that, well, if he does not like something in the report, he might come to this House and do the same thing. Well, we will see.

Time will tell on that score. But people are entitled to ask the question, what next and who next? And is this how this Government now think it is perfectly okay to behave?

So, you set up a process which you then think you can underline. You participate in the creation of constitutional structures that you feel free to disregard.

We are going to talk about the time scale, no doubt, of the McGrail Inquiry Report in due course because so far there has not been precise timing given to anyone. It is all a bit vague and they seem to be sitting on the report. But that is for another day. But the issue is, who next?

Who is next in the path? Who is the next troublemaker? Because what seems to us on this side is that this is an exercise in eliminating troublemakers.

If you disagree with me, you are a troublemaker and you are in our sights. If you agree with us, then it is okay. So, they can still stop this process.

They can stop at the explanations. They do not need to attack the institutions or the Constitution. They do not need to conclude that the report should be ignored.

And they can reflect and I would ask them to reflect because everyone in this House needs to make their own decision or confirm that really we should deal with the Members opposite as one homogenous party.

So, my speaker, we are going to vote against the amendment and the motion if it comes, when it comes. We're going to vote against it. The amendments are a smokescreen from a much wider concern.

There are big questions that remain, Madam Speaker, because the amendments are a smokescreen and they do not answer the questions that people have. Have the payments been made? Yes.

Have the ex-gratia payments been made? Yes. Has the overtime been paid?

Yes. Are there concerns? Is the Principal Auditor right to have those concerns?

Yes. Is the 50 million transaction, did it exist or was it a fiction of his imagination? Well, it exists. We do not know where it is, but it exists. So, enough of the smokescreen. Let us have the proper answers to those questions.

We're going to vote against this amendment. We are going to vote against the motion when it comes. The 9 areas have become 13 by this process of hubris.

But in practise, it is all, we say, legitimate comment. In any event, before the legitimate comment, there is a usurpation of his functions at the tail end of the proposed amendment because of the counter reports. That is bizarre.

Madam Speaker, there may or may not be errors of fact in this report. I am sure there are errors of fact in plenty of reports out there, but they do not become the subject of a motion in this House for us to go through and then chastise the author. That would be wrong in principle.

The Government is the Government. Today, yesterday, and the day before and after the report, it will continue. It is not binding on the Government and there is nothing that endangers democracy in the reports. What endangers democracy is their reaction to it, and the separation of powers, and the lack of accountability to try to create this smokescreen. Because there is a lot of cherry picking here. The Chief Minister says, there are parts of the report that I agree with, and those are okay. Fantastic and we will see whether that is in fact the case when we analyse it more properly.

But to the extent that is even the case, the focus is clearly on the things that they disagree with. So, this is a very self-serving exercise. A very, very self-serving exercise indeed, Madam Speaker.

Madam Speaker, the presentation of this self-serving motion on the Principal Auditor is nothing short of a scandalous abuse by a desperate GSLP Government now fighting for its political survival. It is an act that is undemocratic and an abuse, an abuse of power. It is beyond a pale and unacceptable because it comes against the background of other simmering scandals, obvious from the evidence heard in the McGrail inquiry, and we will see what the conclusions of that are.

It goes well beyond an attempt to rewrite the narrative in the Auditor's report. It is the use of state power to squash criticism and silence individuals so that they can get on with the unquestioned use of power and taxpayer money. It is an unconstitutional abuse of power by the Government and a muscling down on the former Principal Auditor.

Worse still, it is a chilling message to everyone that dissent will not be tolerated by this GSLP Government. Independent, Constitutional Officers called upon to audit and supervise the Government should be respected. This has serious consequences for democracy, basic freedoms and our institutions.

This is a politically bankrupt administration that has totally lost its way and lost all respect for constitutional checks and balances and for those reasons they now need to go.

Madam Speaker: I am going to ask whether any other hon. Member wishes to speak on the amendment unless it is in the Hon the Chief Minister's mind to adjourn.

965

Adjournment

Chief Minister (Hon. F R Picardo): I rise to adjourn, having been told by the Hon. Leader of the Opposition, for which I am of course very grateful, that I have the most powerful tongue in history that is in itself, on its own, state power seeking to quash. Therefore, I call, Madam Speaker, that
970 we should adjourn to Thursday 20 November at 11 a.m. to continue with the debate.

Madam Speaker: I now propose the question which is that this House do now adjourn to Thursday 20 November at 11 a.m. I now put the question which is that this House do now adjourn to Thursday 20 November at 11 a.m. Those in favour? (**Members:** Aye.) Those against? Passed.
975 This House will now adjourn to Thursday 20 November at 11 a.m.

The House adjourned at 6.26 p.m.

P R O C E E D I N G S O F T H E

G I B R A L T A R P A R L I A M E N T

MORNING SESSION: 11.02 a.m. – 12.29 p.m.

Gibraltar, Thursday, 20th November 2025

Contents

Order of the Day **2**

Government Motion 2

Adjournment 18

The House adjourned at 12.29 p.m. 18

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The Parliament met at 11.02 a.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: P A Borge McCarthy Esq *in attendance*]

Order of the Day

Clerk: Meeting of Parliament, Thursday the 20th of November 2025.

GOVERNMENT MOTION

Madam Speaker: Alright, we are dealing with the proposed amendments. Does any hon. Member wish to speak on the amendments? Yes, the Hon. Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Yes, Madam Speaker, my hon. Friend the Chief Minister set out the views of the Government on the 2018-2019 report of the Principal Auditor. That exposition was exhaustive, it was forensic, it centred on the facts and it focused on the issues. And the thrust was both explanatory and informative.

The methodology of delivery, topic by topic, will have helped those outside this House to better distil the issues. In moving the motion, my hon. Friend made use of the Government's right to disagree. The House has given a very detailed explanation across a number of different issues.

This was backed up with evidence, with facts and with reasons. I have to say that I listened to the intervention of the Hon. Leader of the Opposition with considerable disappointment. There had been a call for explanations. Those explanations were provided, but then they were not given due weight in the response. So, there is an important distinction to be drawn here. A distinction between the political opinion we heard on Friday and the factual information which had been provided to this House before that. It was almost as if the Government had set out no reasoning at all.

So, Madam Speaker, in my own contribution I intend to make a number of wider political points. But there will inevitably be some overlap with what we have heard already.

In my 26 years in this House, never has a report by a Principal Auditor been the subject of such intense scrutiny. Some reports have been discussed in this Chamber before. Others have been referred to in question time or during debates and all of them have encompassed very similar recurring themes. So, the general subject matter of this particular report cannot have become as a surprise to anyone, Madam Speaker. I say this because these audits have highlighted such issues year in and year out. In addition to this, the House cannot lose sight of one important fact. The very purpose of this and other audit reports is precisely to identify deficiencies. This has traditionally meant that the tone is critical but constructive.

So given the similarity in content and the identical purpose, what has changed on this occasion? What is different this time round? In my view, a number of factors account for this.

The first is the attitude adopted by hon. Members opposite; The second, the way in which this specific report has been dealt with by the press; The third, the widespread use of social media and the consequent snowball effect; and the fourth, the actual catalysts, the style, the approach, the language used and the focus given to certain parts of the text.

So, this context, Madam Speaker, is important because the context has, to a degree, governed public reaction. It has set the parameters for the debates which followed and there is no doubt in my mind that the way this has unfolded fully justifies the policy decision taken to reply by motion. In short, this was necessary to set the record straight.

Madam Speaker, hon. Members will appreciate that there are always two sides to every argument. Indeed, sometimes there are more. And that the Government has a duty to put across its own position as well. Indeed, this is what the Opposition themselves have done. They have been very critical of this motion. They have described it as an assault on democracy. They have challenged its constitutional compatibility. They have called into question the parliamentary process which brought it about.

So, at the same time as they call for the language on this side of the House to be toned down, they themselves have pitched their own arguments pretty high up the scale. Their tone, their language and their imagery, even before this debate, does nobody any favours. Needless to say, they are of course perfectly entitled to their opinion. But there is a difference between the subjectivity of a view and the certainty of a fact. The Government is dealing in facts. So the point is that a degree of caution and of responsibility on their part will not come amiss.

Trashing the parliamentary system we have enjoyed since 1964 is hardly the way forward either. This place has always operated on the basis of a Government majority, whether we, they or others have formed the Government. That is the way our system has worked and what is revising history, Madam Speaker, is to pretend otherwise. There is an argument to be made as to whether the system could be improved in order to make it work better or more efficiently.

Indeed, as your hon. Member opposite has said, this is a process all sides of the House are currently engaged in. But that is not for this debate. We have what we have and we have what they had when they sat here and we sat over there on that side of the House. I do not recommend undermining this institution for the purposes of making political capital. The truth is that the dilemma facing the Government was a very simple one.

Faced with such a report, what else was the Government expected to do? Where else would it have been appropriate to put across our side of the argument? We have heard a full explanation from the Chief Minister in this House. A reasoned argument has been provided as to why some parts of the report are acceptable and why other parts are not. So given that the author of the report was an Officer of this House and that it has been laid in this House, it is perfectly legitimate and appropriate for the Government to respond to it through a motion in this Chamber - That is our policy. They are free to agree, to disagree or to advocate something different.

Madam Speaker, the position of the Government in relation to some of the content covered in the report was also set out during the summer. Much more detail has now been provided to Parliament during the course of this debate. Nobody can accuse the Government of not having provided information. Explanations have been given. Information has been provided. Indeed, the published record already shows this.

For example: the question of refuse collection reform was addressed in detail on 11 July; The Waste Management Facility procurement process was explained on 14 July; The criticism of the EMIS contract was countered on 14 July; The Government reaffirmed confidence in its public procurement record on 14 July too and data was published to put in context that the Auditor had singled out only four out of 270 public tenders. That day too, an explanation was provided in relation to the Occupational Health Services contract; On 15 July, Government corrected the record as regards the GHA audited accounts. That same day, it was made clear that overtime controls had been introduced before the Auditor had reported; The Government further

explained its position on the attempted compliance audit of the GSB on 16 July; On 17 July, the Government responded to the question of the housing allocation; and the measures taken over the years to improve public service attendance at work were set out on 18 July - As has already been made clear, a number of those matters were already being addressed before the report under discussion had been published.

Madam Speaker, I am grateful for the explanation given by my hon. Friend the Chief Minister in relation to the Northern Defences contract and I would like to add a few words of my own.

I do so both as the Minister responsible for the sites until October last year and as the Chair of the Panel which examined the different proposals. The South has received regular updates of the Northern Defences contract for many years now and my impression is that the Opposition have been generally supportive of the refurbishment and restoration works there. The Government has invited public expressions of interest in respect of the sites on four separate occasions. The first of these was in 2013, the latest was in 2024. The mechanics of this last expression of interest was set out transparently in some detail when the award was announced on 16 October 2024 in Press Release No. 680 of that year and a further explanation was provided on 14 July 2025 in response to the commentary in the report.

So, Madam Speaker, this is a project which has been ongoing for over a decade. In that time the site has been transformed from a rat-infested rubbish dump - a jungle, into a heritage jewel. This transformation was executed with the unanimous support of the Development and Planning Commission, and it has drawn praise from the Gibraltar Heritage Trust. Nonetheless, it has been exposed to unfair criticism in the report.

The House knows that the EOI was a public competitive process. It was advertised on each occasion. An expert panel evaluated the different submissions. That panel was made up of eight members. It included my colleagues, the Minister for the Environment, who is responsible for the tourist sites, as well as the Minister for Tourism. Also represented on the panel were officials from the Town Planning Department, Land Property Services Limited, the Ministry for Heritage, the Technical Services Department and Project Director Carl Viagas. Mr Viagas is himself an expert in this kind of heritage work in his own right.

There were three proposals received, but only one proposal met the required conditions. It was then selected for further discussion. This successful concept is based on private sector investment. That means that the project will be funded by the developer and by tourists. It will not be funded by the taxpayer. The award is also based on both an initial cash premium and an annual recurring premium to the Government. And importantly, the ownership of the site remains in public hands.

All the information requested was made available to the Audit Office. They were given the opportunity to examine all the bids, whether compliant or not. Significantly, the selection process and the outcome is not in dispute. The issue is not which company was awarded the contract. How could it be? It was effectively only one. The criticism of the report rested on two technical points.

The first was that the Procurement Office was not involved. Here it is worth noting that this was not a tender process. It was an expression of interest. In other words, there were no detailed technical submissions. The Government was looking for a vision from interested parties against general criteria. This was again set out fully and transparently in public. There cannot be any other way with the complex heritage sites of this kind.

The second point raised was the view that a VEAT notice should have been issued. A VEAT notice involves the announcement in the UK system of the intention to award a public contract without a competitive tender process. However, in this case there was a competitive process and a notice of award was nonetheless published locally by press release in October of last year.

Madam Speaker, there are exemptions in the law which set out when the publication of such a notice is not necessary, for instance, when the value of the contract does not exceed a threshold or when there is only one tenderer. It is worth noting too that this highly technical point had never been raised before, even though the site had gone out to public expression of interest four times

over a decade. hon. Members will have seen extracts in the report of the reply from the Chief Secretary to its author, so the Government is fully satisfied as to the process which was followed in this case. However, it is disappointing to have this highly technical point described as an irregularity in the report. The choice of word is likely to give the wrong impression to anyone reading it. It is also significant to note that the Head of Procurement himself described the non-publication of a VEAT notice as a simple oversight.

The officials most closely involved with the project, the Conservation Officer and the Director of Land Property Services Limited, were both supportive of the outcome when interviewed separately, and the Chief Secretary described it as an excellent deal. However, the report then goes on to express a value judgement in relation to the potential draw of the site as a tourist attraction. The Chief Secretary's expectation of an increase in tourism was described in point 5.7.15 as speculative, on the basis that, and I quote, inward tourism trends are dependent on many external factors and cannot be predicted.

But this view, Madam Speaker, surely crosses a line into what is a matter of policy for the elected Government. In this case, it is tourism and heritage policy. We want to open the site to visitors and are confident that this will generate income. Indeed, I understand from my colleague the Minister for Tourism that cruise lines are already very keen to see new tours of this particular attraction in operation. So, Madam Speaker, I am sorry to say that the Northern Defences have been dealt a heavy hand in the audit report. In the view of the Government, this is both uncalled for and unfair.

Moving on. I referred earlier to a list of Government press releases which have set out our side of the argument. Madam Speaker, carrying out this exercise by press release and public statement alone is not enough. The proper procedure is for the record to be corrected here, in this House, precisely because a report was tabled here as well. So far from being unparliamentary or even unconstitutional, I would argue that this motion is an integral part of our parliamentary and constitutional oversight procedures and the fact is that the Government has facilitated its preparation. It has done so even in areas where the author accepts that there is no legal basis for such work. It is also true that parliamentary and public discussion have allowed for increased scrutiny. This disagreement is part of what it means to operate in a democratic and accountable way.

The production of such a report, its tabling and the debate over its content is not a sign of failure. It is a sign of a functioning democracy. Indeed, the entire debate around the report demonstrates just how healthy and robust the state of that process continues to be. Nonetheless, among all the arguments, we must not lose sight of one vital point. This is that the arbiters of what is parliamentary and of what is constitutional are not the Elected Members of this House. The Government can have a view, the Opposition can have a view, and all are perfectly entitled to express that opinion. But something is not right or wrong simply because they say it is. A motion is not unconstitutional or unparliamentary on the back of their political opinion. Those whose role it is to make judgments of the constitutionality of such matters are not the politicians.

Madam Speaker, the intensity of this debate here is not too dissimilar to what has occurred in other places. It is not unusual for governments to make it known when they are unhappy with the conduct of an audit. Some through legal challenge, others through political comment. Again, the choice is a matter of policy. So this is not unique to Gibraltar.

The hon. Member did acknowledge the often-difficult relationship between an auditor and the subject of an audit. But I think it was not made clear that this tension has often developed well beyond a simple, mild-mannered disagreement. The House may recall, for example, how the Universal Credit roll-out audits in the United Kingdom generated considerable controversy. The criticisms of the NAO were that its reports were biased, used historical data, and failed to acknowledge recent improvements to the system.

At the time of the MP expenses scandal, there were Members of Parliament who accused auditors and investigators of conducting a political witch-hunt. There was also criticism of the UK National Audit Office after it was critical of PFI-funded projects.

The UK Treasury developed a significant methodological disagreement, because they did not consider the lower cost of Government borrowing to be a relevant factor when making financing decisions on PFI projects.

The NAO sometimes found that the UK Government publicly disagreed with its analysis. In 2018, for example, their findings that PF2 school projects were 40% more expensive were disputed publicly by the Treasury.

In 2012, UK Employment Minister Chris Grayling directly criticised the NAO over its report into a Government work scheme. He accused them of producing a report which was partially based on guesswork. And when in 2018 the UK NAO reported on massive delays to the Thameslink Rail Project, they were accused of sensationalising issues and ignoring their complexity.

Madam Speaker, the NAO took the unprecedented step of refusing to sign off the entire UK Government accounts for 2022-2023. This was based on claims of unreliable data and a backlog in local Government audits. The UK Government, in response, proceeded with plans which would allow some councils to simply bypass the formal sign-off of prior years' accounts.

In January this year, the UK Government accused the NAO of inaccuracies and omissions in relation to an audit of public sector buildings. The Ministry of Defence accounts for 2024-2025 were given a qualified opinion on the basis of what was described as a material omission. Indeed, the MOD has often challenged the way the NAO uses data in its audit reports.

There are other Commonwealth countries where audits have been subject to public criticism as well. When the Australian National Audit Office was critical of a welfare recovery scheme, it was accused of political activism and of targeting the Government unfairly. The dynamic here has led to the same underlying tensions as to whether an auditor is overstepping the role by commenting on the effectiveness of a policy rather than just on its implementation.

More recently, in the state of Victoria, the recommendations of a report by the Auditor General into its handling of a submission to hosts of Commonwealth Games led to a considerable controversy. That audit was rejected by the Office of the Premier and Cabinet as well as by the Department of Finance and the Treasury.

Madam Speaker, one thing is clear, in many cases, audits have been subjected to the cut and thrust of political debates. I have not seen a suggestion anywhere that such robust criticism constituted an assault on the constitutions of the UK or of Australia. Indeed, while the UK Government has strongly defended its policies and actions against a critical NAO report, this is seen as part of the accountability process. The European Union too has experienced issues of its own. Reports of the EU Court of Auditors have often led to all sorts of political controversy. There have been numerous instances where the European Commission has publicly contested, disputed or disagreed with audit findings.

In October 2022, for instance, the European Commission largely rejected audit findings over a new streamlined approach to spending and stood accused of misuse of public funds and wasting EU taxpayers' money. And in 2025, the funding of NGOs by the EU was described by auditors as opaque and as posing a reputational risk. The European Commission, as the Government has done here, accepted some points of criticism and rejected others. The Commission stressed it already had guidance in place regarding reputational risks.

So, Madam Speaker, it is very clear that those who believe an audit process has been unfairly conducted will come out and say so. And the methodology by which this happens will be directly proportional to the nature of the criticism received. The principle of scrutiny and transparency is indeed very important. But it is also universal and it cuts both ways. And that means that audits must be subject to scrutiny as well.

Madam Speaker, I referred earlier to the impact of social media. We have seen how online debate is often reduced to soundbites, headlines and one-liners. On some occasions, there is a lack of in-depth analysis. And with a degree of logic, many citizens across the world prefer to inform themselves by reading 20 words instead of reading 2,000. This, in turn, allows misinformation to take root and spread at a speed which is without precedent in human history. We can see how this phenomenon has assisted the rise of populists and the far-right everywhere.

The local context is not immune from that global trend. So how far is it possible, for example, that some who have chosen to comment on the report may not have actually read it? I also wonder whether those detailed Government explanations provided in July were completely lost in the ensuing political frenzy. The danger arises when views are shaped by second- or third-hand accounts based on a one-sided version of events. And this is never a credible way in which to form a sound opinion on any subject.

Madam Speaker, I realise that some of what we follow has already been said before. Nonetheless, it is important to emphasise a point. So for those who have not seen it, the report in question runs to 539 pages. It is divided into six parts. It is followed by an audit opinion and by the public accounts of the Principal Auditor of Gibraltar.

The public accounts of Gibraltar, as my hon. Friend has already made clear, have been given a clean bill of health. That means that the numbers and the figures are not in dispute. The dispute logic covers what are known as value-for-money audits (VFM). This constitutes a small proportion of the actual report book itself. It is worth recalling, in addition to this, that those audits lie outside the official reporting period. So, as we have heard, a report for 2018-2019 has included commentary on the year 2025.

In relation to VFM audits, the auditor has accepted on page 2 that he, and I quote:

> Does not yet have specific statutory authority to carry out VFM examinations.

He added, nonetheless, that those audits have taken place with the support of the Government since 1992. That means that there is no legal power or authority for the auditor to conduct this aspect of the work and that the Government itself has permitted and facilitated the production of those parts of the report which have generated the greatest controversy. So much then, Madam Speaker, for withholding information.

Madam Speaker, My hon. Friend the Chief Minister has already made it abundantly clear before this debate that the motion is aimed at parts of the report, not at all of it. This is important. There are parts with which the Government has no issue and, indeed, there are areas which were already being tackled before the report had even been published. The amendment moved by my hon. Friend the Chief Minister has provided that welcome clarity because it homes in very clearly on the specific concerns which have given rise to the motion on the Order Paper.

Madam Speaker, the Hon. Leader of the Opposition said that this is not the first time there has been a report which points out examples of waste and abuse. He is right, of course. An examination of different reports, including those which were published in that time in office, shows a litany of issues on waste, abuse and related matters – I will remind the House of some of them later. This means that some of the issues identified in this particular report are similar to those mentioned in previous ones. They are not new. However, what is new is the language and the presentation in certain parts and that is what has fuelled the debate.

But the House knows that the objective of those reports is very clear. It is to highlight means of securing improvements in financial controls and in value for money and in so doing, attention is drawn to management deficiencies. So the very purpose of an audit is to identify faults in the system. An audit is compiled in part to highlight what is wrong so that it can be put right. It draws attention to discrepancies and recommends new processes and procedures for improvement. That is the nature of the exercise. So given that content, and even allowing for the best of intentions, when language in parts of a report is charged in this way, it can certainly be open to misinterpretation and distortion very easily.

Madam Speaker, I will proceed to explore further a number of those recurring themes which have appeared in reports over the years.

The first is a claim that certain requests for information were not replied to. The impression given here is that data was deliberately concealed or withheld. My hon. Friend the Chief Minister has already dealt on this theme from a different perspective. He has made it clear that information was indeed supplied, but that on occasions the requests came in too late with little or no time

given to respond. Madam Speaker, this criticism aimed at the responsiveness of the Administration is not unique to the 2018-2019 report. It has been raised by different Principal Auditors in different language for decades. And this was also the case when the hon. Members themselves were in Office. So I will run through a few examples.

Starting with the 2001-2002 report, Madam Speaker, the then Principal Auditor complained that he had not received a reply to a Memorandum dated 4 April 2002. This was on the findings of the Housing audit and inspection for the year 1999-2001. In that same report, the Principal Auditor made the additional point again in relation to a different matter. He explained that having raised the findings of an audit inspection with the Principal Secretary of the Tourism and Transport Department on 31 October 2002, he was still waiting for a reply eight months later.

Now turning to the 2006-2007 report, the Principal Auditor reviewed the security arrangements for the transfer of cash from the General Post Office to the two Sub-Post Offices. He highlighted what he described as inconsistent and deficient procedures and made recommendations and then went on to say that no response was received at the close of the audit report. Later, on 8 January 2007, the then Principal Auditor wrote to the then Chief Secretary and to the then Chief Technical Officer, chasing up a response to a VFM audit review of the Government's Capital Works Programme. This referred to comments and findings from the 2005-2006 report. The answer? No response had been received at the time. This claim of non-responsiveness covered many areas of Government. The Principal Auditor stated at the close of that report that neither the Principal Secretary of the Employment Service nor the Principal Housing Officer had commented on the findings of a VFM audit which had been submitted to them. Was this a lack of transparency? Was it withholding, delaying or concealing information? The issue surfaces right up to the 2010-2011 report, which was the last full financial year of their tenure.

So, Madam Speaker, this question has been blown up out of all proportion in relation to the 2018-2019 report. The House has heard from the Chief Minister of departments which are simply not given enough time to reply. So, there are explanations today, and maybe there were explanations in their time. The difference lies in the approach which has been adopted on this occasion.

Madam Speaker, another theme around the 2018-2019 report which has given rise to political comment is the question of contracts and procurement. Again, this is a constant in many reports. The fact is that different auditors have had observations to make about different contracts and procurement methods in all the reports I have looked at. Practically every year, no matter who has been in Government.

By way of example, the 2001-2002 report refers to a review of service contracts entered into by the then Government. They had then been in office for some five years, since 1996. The objective of the service contract review in question was, and I quote:

> To establish the existence and operation of control systems for appraising the need for such contracts, for ensuring their proper negotiation, their subsequent management, and to assess the extent to which contracts met those objectives.

Madam Speaker, the Principal Auditor found that there was no register kept of contracts awarded, that detailed specifications were not provided in the contracts, that contract reviews, including value for money and risk assessments, were not undertaken, that in certain cases invoices were paid without supporting documentation, that instances were noted where payment for the same work was made under different contracts, that the accounts of contractors showed payments made to subcontractors, which were set up, owned and run, by the owners of the original contracting company, whose employees were either the same people or their close relatives. A series of conclusions and recommendations were made.

Madam Speaker, there was more about contracts in the same report. The observation was made that the Tourist Board employed an organisation to provide training in the School of

Tourism. There was no contract in place. The fees had been agreed verbally, and it was impossible to assess whether contract amounts had actually been paid. Elsewhere, the auditor described, quote:

A weak control environment

In relation to the collection of fees to enter the Nature Reserve. Shortcomings in security arrangements and accounting controls were observed at tourist sites.

And the Principal Auditor for 2006-2007 also made a series of claims in relation to procurement and contracts. Members opposite had then been in power for a decade. The Procurement Office at that time was unable to ensure that Government Departments were adhering to tender catalogues and complying with tender regulations.

The report pointed to a high turnover of staff and the complexity of Government tenders, which was placing a strain on resources. And this same matter continued uncorrected four years later, in 2010-2011, before the hon. Members opposite left Office.

That 2006-2007 report highlighted other tender issues as well. It pointed out that works carried out by companies exceeded the tender threshold at the time, without there being tender contracts awarded by the Procurement Office. More than that, two companies provided services to Housing, when none of them had contractual arrangements to undertake the services they were providing. And no tender contract was awarded by procurement.

The same report also questioned procurement procedures within the RGP. It found that payment vouchers sampled contained a variety of inconsistencies related to the preparation, maintenance and compliance with relevant Government instructions and proper budgetary control. The computerised store and uniforms database was found not to be password protected. Differences were detected in 50% of the items physically checked against the computer records when compared to the items in the physical stock. In another area, two companies who provided services to Heritage and Culture in 2007 were not covered by formal service contracts through appropriate tender procedures.

All this will sound very familiar, except that the concerns expressed referred to a period before we came into Office, and the approach adopted by hon. Members before 2011 was a very different one.

I would say now, in 2025, that they could have taken a step back and at least had the good grace to acknowledge some of those realities. So, still on the subject of contracts and procurement, and again some of this too will not fail to ring a bell. The 2010-2011 report was, as I said, the last one which covered a full financial year of that time in Office. They had been in power since 1996, for some 15 years. According to that report, a number of agreements for contracted services with the Department of the Environment had actually expired. Nonetheless, the services continued to be provided and paid for. The auditor said it was not possible to ascertain whether annual increases paid to a contractor had been correctly calculated. It was found that one company did not have the contractual arrangement to undertake the services being provided at all. And no tender contract had been awarded by the Procurement Office.

Madam Speaker, it is common for reports of this nature to look at the management of staff in the public service. The report being debated today does so as well. This has, over the years, covered areas like salaries, allowances, attendance, punctuality, sick leave and annual leave - these are all management issues, of course.

In the past, I have made reference to this aspect of the 2006-2007 report. It examined the management of levels of sick leave and annual leave in Government departments, including in the Gibraltar Health Authority. Three of those reviews were carried out between 2003 and 2006. In 2007, ten departments were examined on a sample test basis to ascertain the efficiency and effectiveness of the management of annual and sick leave. Eight of the ten departments were performing those procedures, according to the then Principal Auditor, in an inadequate manner and certainly below acceptable standards.

A further review of five departments showed that, in one case, the average sickness leave per employee in a four-year period was 61 days for non-industrial staff. It stood at 100 days for industrial staff. That worked out at 16 days of sick leave per employee per year for non-industrial staff and 25 days per year for industrial employees.

In another department, two officers with less than two years of service surpassed 100 days of sick leave. One officer with less than ten months' service had reached 80 days of sick leave. The Principal Auditor made the point that excessive absenteeism could have a serious negative impact, both on the cost and the delivery of the service provided, that it was therefore important to ensure the adoption of good practises in Sickness Management in order to maintain absenteeism at an acceptable level. A number of recommendations were made.

Elsewhere, in the Department of Social and Civic Affairs, an examination of departmental annual sick leave records revealed that 80% of the files sampled contained discrepancies. One officer with under four years of service had accumulated 111 days of sick leave, with seven uncertified sick leaves over the previous 12 months.

So, the point, once again, is that it is common for such an issue to be raised in audit reports, both in our time and in their time.

Madam Speaker, housing rent arrears is another example which I will look at very briefly. This has been reported upon by Principal Auditors over many decades.

In the 2006-2007 report, for instance, the Auditor expressed concern that housing rent arrears continued to increase at the time. He complained that the Treasury had relinquished their involvement in actively pursuing arrears by legal action. He made the point that loss of adequate legal backing could have a detrimental effect on the recovery of House rent arrears.

And indeed, some four years later, the 2010-2011 report also looked at exactly the same issue. The Principal Auditor observed that the House rent arrears position had actually deteriorated further compared to the previous report. The point was made that 31 tenants who owed over £1,000 each in rent arrears were nonetheless allocated new flats in Mid-Harbour Estate.

The then Auditor said that he was becoming gravely concerned at the weak recovery action. Madam Speaker, the House will know that this Government is implementing measures to recover what is owed. A number of those measures were listed in a statement issued on 30 July.

But the touch remains that, once again, this is not a new matter. And so, Madam Speaker, it is important not to lose sight of certain salient facts in this debate: First, that the very purpose of an audit is to identify deficiencies; Second, that the subject matter of this report is similar to previous ones; Third, that many of the issues raised now were raised when they were in office as well; Fourth, that a considerable amount of data and information has been provided in public; Fifth, that the Government itself facilitated the audits in the areas which have generated the greatest controversy; Sixth, that Governments and institutions often disagree with audit findings and they do so in public. Seventh, that the Government agrees with and supports significant parts of this report; Eighth, that the Government is already dealing with some areas highlighted in the report and is ready to act on others; and Ninth, that a Government response by motion is a perfectly legitimate part of the democratic debate. It is a policy decision.

Madam Speaker, none of this means that there is no room for improvement. Of course there is. There will always be. That is precisely why constructive suggestions have been and are being taken on board. The point is that all Governments make mistakes. And what is important is to learn from those mistakes and do things better going forward.

But I have to say that the approach of hon. Members opposite has not been constructive at all. The narrative has been negative and destructive. It appears to me that they have been quick to point the finger and stand in judgement. Even before the other side of the argument was made known. They could have pursued the same issue in a different way. In a manner which was less bitter and less divisive.

The Leader of the Opposition cautioned on the use of language. He would have done well to heed his own advice. But clearly it is not legitimate to criticise them for simply wanting to replace us. Which is what this is all about. That is not what Oppositions do. But it is perfectly legitimate to

call them out for the way in which they are going about it because their polarising discourse is damaging the fabric of our community. So, their words and their approach should indeed be more measured. Because their existing approach carries a risk Madam Speaker. And it comes at a cost.

The risk is that they continue to sow the seeds of discord and division deeper still. And that this generates a climate and distrust in the organs and the institutions of this country. The cost is that this could in turn undermine the very basis of the system of Government we have had in place since 1964. So, in my view Madam Speaker the threat to the Constitution lies not in this motion. This is a parliamentary response to a report tabled in this Parliament. A matter of policy. The threat lies in the political drama which is being staged and played out at the same time. This controversy is only a very small part of that bigger picture. Thank you Madam Speaker.

Madam Speaker: Any other hon. Member would like to speak? Yes the Hon. Mr Clinton.

Hon. R M Clinton: Thank you Madam Speaker.

Madam Speaker, the Chief Minister is wrong. He is wrong in bringing this motion as the Leader of the Opposition has laid out and not only that Madam Speaker, but he has got it wrong. He has got it wrong Madam Speaker to the extent that some of what he has said and in fact some of what we have just heard from the Deputy Chief Minister is tantamount to misleading the public Madam Speaker. Because there are factual inaccuracies in what they have said and I will go to demonstrate what those are. And I hope to do so Madam Speaker in a way where there can be no doubt about those mistakes. It is not a question of the Clinton view of the world as the Chief Minister puts it. It is a question of hard facts.

Madam Speaker, although I am not a lawyer, and I have no desire to be a lawyer, I hope to bring something to the debate which is perhaps more valuable in the context of what we are talking about today. And that is Madam Speaker that I am, albeit retired, I am a qualified professional auditor. I have worked as an auditor. I trained for Price Waterhouse in Nottingham some 30 years ago. So, I am 30 years post-qualified as a Chartered Accountant. I am a Fellow of the Institute of Chartered Accountants in England and Wales. And also, recently when I came into the House, I joined the Institute of Public Finance Accountants. So, I am duly qualified.

Now Madam Speaker, so what I am going to try and explain to the House and also to the general public is not a professional opinion which I am going to charge for because I am retired but the benefits of my experience Madam Speaker, as a practising auditor as I was, and I had a practising certificate so I could have set up my own firm Clinton & Co if I so wished, which I did not. The benefits of my experience and knowledge of audit, the practise of audit, the process of audit and the process of being audited.

Because Madam Speaker, when I left practise, I was at Price Waterhouse (PwC) in Nottingham and I came back to Gibraltar with KPMG. I spent, I think it was three years with them, auditing big banks and financial services. And then I went into private banking, and I spent the rest of my career there before retiring and entering this place, which I had to check was like 10 years ago.

And so, Madam Speaker, I have had what in LinkedIn terminology, what they call the C-suite type of experience. I have been Chief Financial Officer, I have been Chief Operating Officer, and I have been CEO of a bank at board level. So, when it comes to audit, I think I know a bit about the subject Madam Speaker.

And in that context Madam Speaker, I think I need to, for the general benefit of the public and also I think for this House, unless somebody here is also a qualified auditor who is 30 years post-qualified, whose opinion I would also like to hear, I think it is only fair to give the House a 101 introduction to auditing. Probably the one that the Chief Minister missed, and the Deputy Chief Minister missed. Because they do not understand what an audit is. I will explain it, it is really quite simple.

An audit, unlike what the Deputy Chief Minister just said about seeking out deficiencies, is actually to be considered in a different frame. It is not a negative process. Audit is actually a positive process. What an audit is about is obtaining assurance, obtaining comfort over, it could

be financial statements, it could be a system, and it could be something specific. But what the audit is trying to do is effectively, positively verify that the information is correct. It is not going out to find the negative.

Madam Speaker, the first thing I was taught in my induction course in PwC many years ago is that auditors are watchdogs. Auditors are not bloodhounds. They are not there to go out seeking fraud, finding the deficiencies. That is not what auditors are about. Auditors are about following a process to obtain evidence that whatever it is that they are giving comfort on, in their opinion, can be verified and you do that by obtaining audit evidence. Now what is audit evidence? It depends what it is you are trying to verify. If you are trying to verify the existence of this iPhone, you would say, well, can I touch it? Yes, it exists. Well, but does Mr. Clinton own it? Well, we will have to find his invoice. You know, is it out of date? Is it obsolete? These are sort of things you look for. And what auditors do is they have tests. It is almost like a science project, which the Hon. Minister for the Environment will understand as a scientist. You have your objectives, you have your methodology, and you have your results. And that is exactly what happens in each stage of an audit.

The other thing we were taught very early on, in the audit process, is no matter what you say, do or write, and bear in mind we were just fresh out of university, we were told, just remember what you are going to tell the judge. Because at the end of the day, what auditors do matters. And the cases you hear about auditors in court, are not about auditors who did too much, but auditors who did too little. Or auditors who made it up. Or did not do the work properly or were not competent in doing the work properly.

And so, if you were looking at verifying the ownership of an iPhone, you would actually sign a piece of paper, in my opinion, yes, I believe that is correct. So, each individual member of the audit team, would take responsibility for their particular element of the audit. And it is all about building up the evidence, so that ultimately the audit partner can sign that audit report saying, I am satisfied that in my opinion, this gives a true and fair view, of either the accounts, or whatever matter it is, that they want to, or have to give their opinion on.

This is one very important point. Unless it is a very small audit, Madam Speaker, audits are done in teams. If you are doing a multinational bank, I can guarantee you there will be a very, very large audit team. If you are doing a corner shop, well, maybe one person might do it with a partner signing off.

And so, when we have been debating here, over our lost track of how many weeks, and all we have ever heard is, the Principle Auditor to this, the Principle Auditor to that, we forget, Madam Speaker, that the work supporting this 500 odd page Report, as the Deputy Chief Minister just described, is actually the product of a team of people. It is a product of the Gibraltar Audit Office. There are 20 people, Madam Speaker, or 21 I think, from what I read on their website, in the Gibraltar Audit Office. And there is actually a structure chart, describing what they should do.

And so, Madam Speaker, when the criticism of the Government is levelled personally at Mr Sacramento, what they fail to appreciate, is they are condemning every single member of the Gibraltar Audit Office as being equally incompetent, equally biased, and equally apt to get the Government. That is just not credible, Madam Speaker. It is not credible.

And again, I emphasise the point. Auditors are not bloodhounds. They are watchdogs. The Gibraltar Audit Office is the watchdog of the public purse. They are there to do precisely what they have done. And the Government does not like it. Well, fine, they do not like it, as the Leader of the Opposition has said. They are perfectly entitled to disagree. But what they cannot do is trash the entire audit process, which is what they have done. And they have displayed their complete lack of understanding of what the audit is. (*Interjections*).

Well, look, Chief Minister, you might learn something. Oh, you see, I cannot even hear it.

Hon. D J Bossino: There you go. He does not like it.

Hon. R M Clinton: Anyway. Anyway… (*Interjections*) I am filtering out everything else. (*Interjections*)

Madam Speaker: Gentlemen, please. Thank you.

Hon. R M Clinton: Sorry, Madam Speaker.

So the audit process is the product, generally, of a team of people that puts it together. It is not a one-man show. And so when people talk about what we have been talking about, oh, Mr Sacramento did this, Mr... No! What he is done is, yes, he is put his name to the report, but the work was done by other people, especially in the value-for-money departments.

If you go to the Gibraltar Audit website, they have a structure chart, Madam Speaker. It is quite a detailed structure chart, which shows the various departments, or areas within the Audit Office. There is one that does...made up of four people, made up of looking at the authorities and agencies. There is one looking at the Treasury and GHA. There is one looking specifically at performance audit, in brackets, value-for-money and there are two teams looking at Government departments. And, of course, headed by the Assistant Principal Auditors and the Principal Auditor. But it is a process of oversight. But the work is done by a whole team of people. So, unless the suggestion is that the information in the Principal Auditor's report is a complete work of fiction of 20 people, it is just not credible.

So, what happens is, is the auditors will devise every year a work programme, Madam Speaker, in terms of what they need to do. This is where I need to explain a little bit about the different types of audits.

Now, in terms of private sector audits, the one which people are most familiar with, the private sector audit is really focussing on the profit and loss account, the balance sheet, you know, the earnings and the audit opinion is about getting to a true and fair view about whether what the directors are telling the shareholders is correct. If the directors say, we made a big profit, the shareholders want to know that is right or not. Or say, we made a loss, we want to know, well, how did that happen, is it true?

But when it comes to the public sector, Madam Speaker, it is slightly different and this is something I realised when I did the conversion into the Institute of Public Finance. In the public sector, it is not about profit and loss. It is about outcomes because by definition, when the Government's providing a public good, it does not expect to make a profit and the outcomes, Madam Speaker, which are about achieving the Government's policy, so, the policy setting might be, well, we want to do more HIP operations and we want to reduce the waiting list or we want to cut the Housing waiting list or we want to do whatever. These are outcomes that you can only measure the success, really, by using what they call performance audits or value-for-money audits.

And value-for-money is defined very simply; they call it the three Es: Economy; Efficiency; and Effectiveness. These are the value-for-money audits which the Principal Auditor has been conducting. As the Deputy Chief Minister said, he is been doing them by convention rather than actually by statute. But no-one's ever complained about him doing it. And in fact, in the public sector, it would be bizarre if he did not do them.

And then the other audit that is going on in the public sector are on the financial statements themselves, the public accounts of Gibraltar. And I think it is important, Madam Speaker, to separate the two. You have the public accounts of Gibraltar at a point in time, which is 31 March, in this case, of 2019 and then you have the value-for-money audits. In terms of time, they are entirely separate. You have the March 19 report and value-for-money audits.

Now, the value-for-money audits do not have to relate to that point in time. They can relate to the whole time series. And I think this is a very important point to make because there has been confusion, deliberate or not, that if a comment is made about something in 2015, it is not legitimate because it is all about 2019.

It is legitimate, Madam Speaker, because it is under value-for-money. And value-for-money is not constrained by time. I mean, I will give you a simple example of what a value-for-money audit could look at.

I mean, you could look at, for example, the purchasing of ink cartridges for printers across departments of Government. You say, well, Government prints a lot. How much does it cost to... Are we getting value-for-money on the purchase of ink cartridges? And so that year, the Department for Value for Money may do a specific audit on the purchasing practises on inkjet cartridges. Now, they will go to the department. They may do it over five years and say, well, what is the trend been over five years? You know, is the cost going up, down? Are we getting efficiencies? They might go and look and say, well, are you within budget? Yes, it is within the budget vote. How are you doing it? Well, we put out tenders and we get three quotes and we choose the lowest one. There you are getting your economy and your efficiency by buying in bulk for the year ahead.

But then, Madam Speaker, you say, well, that ticks all the boxes and, of course, in order to arrive at the position where there is or is not value-for-money, there will be evidence. You know, they will say, well, okay, you say you have been out and put out three tenders. Well, show me the tenders. You say, right, here are the tenders, there you go. Okay, show me the invoice that you paid to bulk purchase of these things. Okay, here is the invoice. Okay, show me the storeroom where the printers are, the inkjet cartridges. And you say, well, here is the storeroom, there you are. You can count them. And you say, wow, fantastic, great, yes. Ticks all the boxes.

But then, Madam Speaker, the auditor then asks the IT Department, are these inkjet cartridges obsolete or not? He says, well, we are buying new printers this year. So, actually, all those cartridges are useless. So, in theory, you have ticked all the boxes, but in reality, it is not effective because no one told the purchasing department that the IT department was changing all the printers.

And this is, Madam Speaker, where the value-for-money comes into its own. Sometimes Government departments, acting in silos, may not really realise that something that they are doing impacts another department and they do not see the big picture. And this is where, you know, the Principal Auditor, coming from outside, provides that value.

And if you think it is an extreme case, Madam Speaker, I cannot remember who it was that told me. I think it was maybe the Father of the House in what was an actual case in Gibraltar where it was discovered a store full of cast iron pipes in the old Public Works Department because no one had told the stores who were purchasing them that a long time ago they moved to plastic and they were still buying cast iron pipes long after they moved to plastic. And it is things like that. It does happen in reality. And this is the purpose and the value of these performance audits and value-for-money. But it is important to make the distinction between value-for-money and the audits of the accounts at that point in time.

It separate processes different things. And I wonder whether Mr Fisher has actually understood that when he makes some comments about, oh, and he is included stuff in 2015. Well, if he were to look carefully, he would realise that the bill he was criticising was actually a value-for-money audit. It did not have to relate to 2019. There was nothing wrong with it. And it is important, Madam Speaker, that we understand audits and the process of audits.

And, of course, there are different types of auditors. There is the external auditors, the internal auditor. And the Minister of Health now has an Internal Audit Department which reports to her. It is internal. The external auditor reports, by definition, externally. In the private sector, they report to the shareholders. In the public sector, they report to Parliament, Madam Speaker, which is why we are here today.

And so, Madam Speaker, that is the mechanics of audits. The auditor does not undertake witch hunts. The auditor is not a bloodhound. The auditor does not stumble on stuff by accident because he is following a set work programme. And the auditor is not there to discover deficiencies.

He is there to plan and conduct his work with a reasonable assurance of detecting anything that might be wrong. But not to actually go out hunting for mistakes. That is not what the auditor is about.

And I think we need to look at it in that context, in a positive way. Yes, there will be exceptions. It is very rare everything is perfect. In fact, you might be suspicious if everything was perfect because you say, well, that cannot be right. There has to be something wrong. But it does not mean to say you go looking for it. You conduct your tests, and if your tests throw up results, will you follow them up? In the case of the contracts, well, it was 270 contracts, only four came out. Well, I am sorry, four came out. That is just the way it is. Somebody asked me the other day, well, is there anything factually incorrect in the report in terms of whether payments made or not made? Well, as far as I can tell, all the financial, all the movements of cash, all the payments were actually made. I do not think anything of that is in dispute. There may be a disagreement now about policy. And about presentation and about interpretation. But the underlying facts are true.

And the same is in the private sector, Madam Speaker. There will be a file of documentation supporting all these conclusions. Each person in the Gibraltar Audit Office, will have their assigned work programmes, which they complete, it goes into a file, and it all stacks up to give the overall conclusion or whatever they are looking at. So, they might look at the value for money for, say, Gibraltar Industrial Cleaners, and say, well, here is the audit file, this is what we found. Was it value for money? Well, evidently not, because the Government themselves agree it was not value for money. So, what is so egregious about the fact that the work that the Principal Auditor has done actually uncovers what the Government now know and accept? There is nothing to argue about. They accept it. The auditors identified it. It was not value for money. The Government says they have addressed it. Fine. So why is the Government so upset? Why does Mr Fisher have to say, ah, but they looked at 2015. So what? It does not come into it.

And so, Madam Speaker, I am going to now deep dive a bit into the audit report. I am going to speak about the audit report, Madam Speaker. Then I am going to have a look about the Gibraltar Savings Bank, about how that was handled. And then we will go into my favourite subject, which is the Public Accounts Committee. Shall I give way? Yes, sure.

Chief Minister (Hon. F R Picardo): Madam Speaker, can I just indicate to the hon. Gentleman that I will need to raise the House at about 12.30. So, as he goes, if he could indicate a moment around that time when it might be convenient for me to move the recess.

Hon. R M Clinton: Yes, of course. Or maybe he may want to adjourn now, if he wants to do that. It depends when you think of coming back.

Hon. Chief Minister: I am thinking of coming back later this afternoon at some stage.

Hon. R M Clinton: Yes, do you have any idea of the time? Give me an idea.

Hon. Chief Minister: Yes, about four.

Hon. R M Clinton: Okay, I will speak for 15 minutes and then I will give way. Madam Speaker, the main point I was saying I was going to go through to Public Accounts Committee (PAC) and then, Madam Speaker, in reviewing the audit report, I have identified some 39 weaknesses, which I think the House should be made aware of. And I will show how those weaknesses really should be addressed by PAC. In fact, I was curious to hear the Deputy Leader of the Opposition say, well, we come here every year and it is the same things year after year after year. I said, well, I am not surprised, Madam Speaker, because we do not have a PAC that addresses these issues. And we can make sure that we do not keep on repeating the same mistakes. Anyway, we will come to that. But Madam Speaker, the main issue that I really want to deal with is that of the commentary that we have had repeatedly that the Government got a clean bill of health on the account.

Now, there is one thing I need to add to my explanation about audits, and that is audits' opinions. Now, Madam Speaker, audit opinions are a bit like legal judgments. They come in a variety of styles, but they all follow a set format. I cannot remember my law 101. You had your orbiter dicta, your *ratio decidendi*, and other Latin phrases that I failed to remember. But everybody who reads a legal opinion will know exactly what they are looking at and so it is for an audit report.

Now, there are various types of way you can report, and over the years a convention has arisen in terms of how an auditor reports. The simplest one is what they call an unmodified report, what is commonly called a clean audit report, in which case the auditor says, I have nothing to report, everything is fine, nothing to say and that is what is known commonly as an unmodified opinion, or a clean audit report.

The other type is, you would have guessed, the modified opinion, where the auditor is either not entirely happy, or not happy, or just cannot come to an opinion. And there are three types on the modified, and that is a qualified opinion - It says, well, the accounts are fine except for the fact, say in the private sector, you failed to disclose that one of your warehouses burnt down, but you are still carrying the value of the warehouse. Although it is not material to the overall accounts, I am raising it in my audit reports so the shareholders are aware of this matter. And that is where the auditor has a disagreement as to presentation in the accounts.

And the other one is an adverse opinion - It says, well, based on all the work I have done, I am sorry, but these do not give a true fair view of the actual state of play. It is an adverse opinion. And the rarest opinion, which I have only ever seen once in my life, is what they call a disclaimer of opinion and this is where the auditor says, well, you know what, I have done all these tests, I have done all this work, but I really do not know what on earth I am looking at. I cannot come to any opinion.

And that is because, you know, I am trying to remember the case I saw, because board minutes were not kept, the directors were not properly appointed, no accounts were kept. In other words, there is no way on this earth you can arrive at an audit view. Of course, those are very rare.

And so, when I speak, it is important to understand the formula and the format and the actual structure of an audit report to understand what it is that you are reading. And so, when you say it is a clean bill of health, it is a clean audit report, you then say, well, okay, fine. But if you read the report, and then it says, has the words except for, I am afraid I have to tell the House that is not a clean audit opinion. And Madam Speaker, I think it might be a time to give the Chief Minister time to adjourn, or shall I carry on? Oh, until 12.30, okay, fair enough. And so that is not a clean audit opinion.

And so, you know, we have heard both the Chief Minister and the Deputy, or rather the Deputy Chief Minister say repeatedly that the account's got a clean bill of health. And they have also repeated it in press releases. But the fact of the matter is, Madam Speaker, and in fact, he is even amending the motion, considers that the principles of the report for Actual Year 2018-2019, and he adds in red, whilst providing a clean bill of health on the public accounts of Gibraltar.

I am sorry, they do not. And this goes on in press releases. In his Press Release 680 of 2025 on the 23rd of September. “Government accounts for 2018 receive a clean bill of health”. It cannot accept the particular errors of publicly biased presentations of value for money audits, which undermine the... I mean, it is quite remarkable, because what the Government is saying is, I have got a clean bill of health on the accounts. How can the value for money audits possibly be wrong? There is nothing to understand there, Madam Speaker. They are entirely different processes.

And again, you know, on the key findings, he says, in his press release, the Chief Minister highlighted the central contradiction of the 18-19 report. On the one hand, the former Principal Auditor gave Gibraltar's accounts a clean bill of health. In bold, Madam Speaker, in bold.

In short, he confirmed the highest standards of financial integrity. And then, he says here, he says, reports cannot both give the accounts top marks. Top marks, Madam Speaker and simultaneously accused the Government of a lack of transparency and accountability, both positions cannot logically be true. Well, unfortunately, Madam Speaker, they can be true. They

can be true because they are different processes. And not just that, Madam Speaker, but he did not get top marks, as I will demonstrate. He did not get top marks.

And you can see that, Madam Speaker, when we look at the audit opinion. And the audit opinion is on page 255 of the 2018 accounts. And again, as I said, Madam Speaker, the opinion follows a formula and one thing which is unusual in public sector accounts is something they call the regularity opinion. And it is not regularity in the medical sense of the word, but in a different sense of the word. What regularity is, I am quoting from the National Audit Office,

> Spend is deemed regular when money provided by Parliament is spent on purposes intended by Parliament. The use of resources authorised by Parliament is deemed regular where resources have been used in the way Parliament intended and authorised.

And in that respect, Madam Speaker, there is a heading within the audit opinion which says opinion irregularity, which addresses that point. And so, Madam Speaker, as I said, there is a set format to these opinions.

So, he starts off with the certificate, the Principal Auditor, I have done this, respective responsibilities, what I have done, what you should do, what the scope of the audit is. And then you come to the opinion.

And the opinion irregularity is, starts off with the words 'except for' the relevant comments contained in my report and then the opinion on the public accounts starts off with 'except for' the relevant comments contained in my report.

Madam Speaker, unless something has changed in the last 30 years, my understanding is that is a qualified audit opinion. It is not a clean bill of health, Madam Speaker, it is a qualified opinion and I will dig deeper into why it is a qualified opinion. But Madam Speaker, you know, I I thought, well, you know, maybe the Chief Minister, obviously not being an auditor, may not realise that those words except for is in fact a qualification. But reading Hansard of the 23rd of September of 2025, where he says that the outcome of the auditing of Gibraltar's public accounts was satisfactory, and then he goes on to say on paragraph 1595 he then actually quotes from the report.

Now, what I found a bit disconcerting, Madam Speaker, is the way he quoted from the report. Because, as it is in legal judgments, Madam Speaker, I do not think you can selectively quote from a legal judgement. And so, it is an audited opinion.

Because in 15.95 he says additionally the former Principal Auditor has stated his full satisfaction and then he quotes that in all material respects monies that had been appropriated and disbursed had been applied for the purposes of which they were appropriated and the expenditure recorded in the public accounts confirmed to the authorities of Government. And so, Madam Speaker, he left out the opening words which reads except for the relevant comments contained in my report in my opinion in all he left it out. And then he adds the auditor also states he was fully satisfied.

I am sorry Madam Speaker, the auditor is actually stating the exact opposite. He was not fully satisfied. He was not fully satisfied.

He states his full satisfaction. Well, how? If he says except for the relevant comments contained in my report.

And then he goes on to the next opinion which is on the public accounts. The former Principal Auditor also states he was fully satisfied that the public accounts properly presented the revenues collected the expenditure paid during the financial year ended 31st March 2019 and the assets and liabilities that are set out at the end of that period are properly set out. Again, he left out except for the relevant comments contained in my report in my opinion the public accounts and pages were properly presented.

He never said fully satisfied. He never said it. In fact, he said except for and then the Chief Minister goes on Madam Speaker let hon. Members reflect on those certifications because the report gives the public accounts of Gibraltar top marks a clean bill of health. This is not a qualified account Madam Speaker on the accounts. It is not a qualified account in respect to the accounts.

I am sorry Madam Speaker but that is just not right. It is wrong. It is entirely wrong and Madam Speaker I might have been willing to give the Chief Minister the benefit of the doubt and say well it is an innocent mistake but the fact that he selectively quoted from the opinion and then inserted words into the Principal Auditor's mouth "fully satisfied" which is not what he said can only lead me to conclude Madam Speaker that that was deliberate. That was a deliberate way of presenting the information which as I have said unfortunately misrepresents the position to the public because on no view Madam Speaker were these a clean bill of health. On no view Madam Speaker did he get top marks.

Madam Speaker you know he does not have to take my word for it. He does not have to rely on the fact that hey here is a Member of Parliament who is been an auditor or ex-auditor who is been qualified for 30 years he can pick up the phone he can ask any auditor in the United Kingdom or Gibraltar and say is this a qualified opinion or not. Anyone.

He can phone up any of them in Gibraltar any of the big four firms anyone he wants and ask them. I can guarantee you Madam Speaker the answer is these are qualified accounts. This is not a clean bill of health Madam Speaker.

And so Madam Speaker your Members opposite have to ask themselves when they have to vote on a motion which has been amended by the Chief Minister amending his own motion they have to ask themselves are they comfortable are they comfortable actually voting on a motion which says whilst providing a clean bill of health in the public accounts of Gibraltar which they know to be false. Is that right? Is that what they are here to do Madam Speaker? To basically amass a political expediency, it does not matter really what is said in this place it does not matter whether there is any truth in what is being said. Have we become that cynical Madam Speaker in this place? It is all about scoring points and not about substance. Is that what it is about Madam Speaker? Because frankly that is not why I got into politics. I got into politics Madam Speaker precisely to avoid this kind of nonsense this kind of nonsense this distortion of truth in which reality is only the reality in which the Government of the day deems to be correct.

But in this case Madam Speaker there is no shadow of doubt it is not even a question of opinion or my opinion it is nothing to do with the Clinton view of the world. It is the way it is Madam Speaker. The accounts of Gibraltar for 18-19 did not receive a clean audit opinion.

I am happy to give way to the Chief Minister, and I will this afternoon explain why the accounts are qualified in the way they are.

Adjournment

Chief Minister (Hon. F R Picardo): Thank you Madam Speaker. So, I move that the House should now adjourn to 4 p.m. this afternoon.

Madam Speaker: Alright we will recess until 4 p.m.

The House adjourned at 12.29 p.m.

P R O C E E D I N G S O F T H E

G I B R A L T A R P A R L I A M E N T

AFTERNOON SESSION: 4.01 p.m. – 6.00 p.m.

Gibraltar, Thursday, 20th November 2025

Contents

Order of the Day **2**

Government Motion 2

Adjournment 24

The House adjourned at 6.00 p.m. 24

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The Parliament met at 4.01 p.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: P A Borge McCarthy Esq *in attendance*]

Order of the Day

GOVERNMENT MOTION

Chief Minister (Hon. F R Picardo): Madam Speaker, before Mr Clinton continues, if I can just give the House an indication of timetabling. It is my intention that the House should today sit until approximately 6 o'clock. We have the general meeting of the GSLP this evening, 50 years after we started, and we can take a comfort break at any convenient moment between 10 to and 10 past 5, when Mr Clinton sees that he is reached a convenient moment and then we would adjourn any time between 5 to and 5 past 6, at any time that we reach a particular point where Mr Clinton might think it is convenient to adjourn, unless he finishes before then.

Madam Speaker: All right, the Hon. Mr Clinton.

Hon. R M Clinton: Thank you, Madam Speaker. If I can just give a brief recap of where we got to this morning. I set out the Opposition's view, anyway, that much of the Government's position was wrong and that the Chief Minister had got some stuff wrong, as indeed, as I then pointed out, the Deputy Chief Minister has also got some stuff wrong.

I also went through, Madam Speaker, my background as a professional auditor. I am 30 years post-qualified, and I have practical experience, although I am retired, of the process of auditing and the process of being audited. I have been on both sides.

And then, Madam Speaker, I gave the House a brief Audit 101 introduction to auditing in terms of what an audit is and what an audit is not. An audit is not a witch hunt, an audit is a process in which you are trying to get positive assurance on the accounts and certain statements. It is not about finding things wrong.

I also went through, in terms of how you go about getting audit evidence, how an audit is usually performed by a team, certainly an audit of a Government account of this size, the Gibraltar Audit Office is made up of 20 people, and so the 500-page report is not the product of one person's work, but that of 20 people.

I also then went on, Madam Speaker, to explain the difference between public sector audits and private sector audits, and how in the public sector we have the concept of value-for-money audits, looking at economy, efficiency and effectiveness, and those are not time-limited. Those will look at any period of time to look at the particular theme that they are examining.

And I made the point, Madam Speaker, that those are different to a statutory audit point of time audit, and there is no discrepancy between one and the other, because they are different processes and are doing different things. The general public must not confuse or conflate the two

and any suggestion that if you are reporting on a statutory audit at a point in time, that you cannot have a value-for-money audit run in parallel, looking at other periods of time.

And then, Madam Speaker, I went on to look at the audit reports and the wording of the audit report, and the claim by Government that the audit report had got top marks and was a clean bill of health. And I made the point, Madam Speaker, looking at Hansard on 23 September 2025, that the quotation from the audit report was not a full statement of what was in the report, and that the words except for had been omitted. And the omission of the words except for, Madam Speaker, means that the audit report is qualified and therefore cannot be described as a clean bill of health or having achieved top marks. And this, Madam Speaker, is not my opinion. This is basically the convention as to how audit reports are written.

Madam Speaker, having said that, it is also important that I back up the assertion in the Principal Auditor`s report that there is a qualification. And, Madam Speaker, it is a process which will require the House to make reference to the Principal Auditor's report itself.

The Deputy Chief Minister made reference as to how the audit report is structured, and he said, quite rightly, there are six parts. The first part is a general introduction, which is part one, and part six is just general audit matters. So the real meat of the audit is in part two, which is the audit or the annual account statements, which relates to the point in time of 31st of March, 2019.

The other audits, especially in part five, those are value for money audits, which, as I said, do not have a particular timeframe ascribed to them. When I say the accounts are qualified, I draw the House's attention to, in part two, 2.3.1, Misallocations and Anomalies noted in the Public Accounts, which is on page 43. And, in fact, on page three, which is a general statement about the annual account statements, the Principal Auditor has this to say in 2.1.4. He says, apart from the bit about getting the final set of accounts on 30th of May, 2025, which the Leader of the Opposition has already referred to, and he says:

> I need to highlight that there were a number of audit adjustments relating to revenue and expenditure transactions that the Accountant General did not agree to adjust, which I have commented in paragraphs 2.13.1 to 2.13.13 of this report.

That is the section I just referred to, misallocations and anomalies noted in the public accounts, which is on page 43. If you go to page 43, and there is one thing that I want to make clear to the House, is if you were to look at last year's public accounts, on the bits about the annual account statements, there is not a similar provision to this year.

There is not, in the index, on the annual account statements, anything about any misallocations. In fact, last year it ends on Arrears of Revenue, which is 2.12.1 this year. So, 2.13.1 is, in fact, entirely new. This was not there last year and, Madam Speaker, there is a rather unkind joke about auditors, and the joke goes, why did the auditor cross the road? And the answer is, because he did it last year. Auditors are creatures of habit. They tend not to add things unless they have to. So, normally the format would follow exactly the same format as it probably has done for years.

But this year, there is an entirely new section that was not there last year and why is that? The reason is, there is £1.4 million of misallocations and anomalies. £1.4 million. And there is four of them. There is one which is highlighted in bold in 2.13.2, of a million pounds which is erroneously credited under the wrong subhead. Then, in 2.13.5, there is £267,259 which was over credited to revenue pending further investigation. Then, in 2.13.7, there is £34,150 which apparently was allocated under Head 2, Subhead 2(7)(b) Other Grants and Donations, but the principal says, should have been more accurately been recorded under Legal Fees. Then, on 2.13.9, there is £103,810 in bold, on a misallocation, again. Now, these misallocations and misclassifications are not disputed by the acting Accountant General.

But what has happened, Madam Speaker, is the Accountant General, contrary to the views of the Principal Auditor, refused to adjust them and Principal Auditor said this in 2.3.1.2:

> I reiterated to the Acting Accountant General that I did not consider that misallocations should be dealt with by way of adding explanatory notes to the accounts. The appropriate way was to correct these by way of journal entries.

And so, Madam Speaker, what happened was the Accountant General took the view that given the significant amount of time elapsed, which is in 2.13.11, and given the Treasury's resource constraints, she was of the view of not being efficient to proportionate use of resources to process the retrospective journal entries for transactions dating back five years, she believed that including explanatory notes in the accounts for each of the misallocations was a transparent and responsible approach. It ensured the reader of the accounts was fully informed, maintained the integrity of the historical financial data, and provided clear accountability without compromising system controls or diverted limited resources into the Treasury from current priorities.

But of course, Madam Speaker, that is a divergent view to the Principal Auditor. So what we have here, Madam Speaker, is a difference of opinion and this feeds through into the public accounts of Gibraltar, which are from page 259 onwards, where the Accountant General's report provides the year-end position for 31st of March 2019.

What is new in this account is on page 261, where there is an introductory note. An introductory note is basically relating to these four adjustments. The £1 million, the £267,000, the £103,000, and the £34,000.

And it is not a question of dispute, Madam Speaker. The Accountant General accepts that these are in the wrong place. It is just that the Acting Accountant General, decided that it was not going to be adjusted. These numbers, the Accountant General said, look, I am not going to adjust it. I am going to put it by way of note. And yes, the notes are there. The notes are there on page 283. There is a note about £267,000. There is a note on page 298 about the £34,000. There is a note on page 399 about the £103,000. And there is a note on 427,000 of the £1 million, which went to the wrong place. But Madam Speaker, it is a difference of opinion with the Principal Auditor. And so, Madam Speaker, the accounts are therefore qualified by way of disagreement.

Now, some may argue that I have misinterpreted this. Well, I do not think I have. But if you need any proof, Madam Speaker, you do not have to take my word for it. Because the Accountant General herself says on 3.5.12 on page 118, she says, however, while she understood that a notes-based approach might lead to a qualified opinion on the account, she had hoped that the rationale provided might support a more flexible resolution. I therefore verbally informed the Accountant General I maintained that the correct procedure was to adjust the misallocations by audit journals.

And so, Madam Speaker, here we have the Acting Accountant General herself, accepting that the accounts would be qualified because of this disagreement with the Principal Auditor.

And so, Madam Speaker, the opinion of the Principal Auditor on the public accounts of Gibraltar are therefore not clean. You just have to read the report for yourself. It is there. It says so itself on page 255, except for the relevant comments contained in my report. Now, as to regularity, we could have a whole debate as to whether legal fees should have ended up under Grants and Donations. And in fact, Madam Speaker, it is even more bizarre because on page 115, these legal fees continue into 2019, 2021, 2022, and 2023. It is a remarkable misallocation. And the rationale or the reasoning behind it is there. But it is £434,000 that is being described as Grants and Donations. I do not think that was the intention of Parliament to have legal fees paid and described as grants and donations and therefore, that speaks to regularity, Madam Speaker.

And so, Madam Speaker, just on this particular page, it is sufficient to explain why the accounts are qualified and, of course, there are other areas within the accounts or other areas within the audit for that particular year where the Principal Auditor has raised points, some of which I will deal with later. And so, Madam Speaker, let us just be clear. The accounts for 2018-19 are not clean. The Government did not get top marks. They are qualified. And as I said before, this is not my opinion. I mean, Government can get an opinion from any auditor you want. And we get the same answer.

I wonder, Madam Speaker, whether this top KC in London, Mr Fisher, has even read the audit opinion, or whether he has an opinion on the opinion. Or maybe he was not even shown the

opinion. I do not know. We do not know. We do not know what Mr Fisher has actually looked at or has not looked at. But, you know, the undeniable truth of it is, as I have set out, the opinion is qualified - It is not clean.

Madam Speaker, to what extent people can place any reliance on anything else the Government has said has to be looked at in that context. And indeed, Madam Speaker, I am grateful to the Chief Minister for having updated my Law 101 because the last time I heard of a concept was the citizen on the Clapham Omnibus. But it would appear now Porter and McGill has updated it to a fair-minded and informed observer. And so, Madam Speaker, I ask, what would a fair-minded and informed observer make of the Government's interpretation of the audit report?

And I will keep on mentioning this Porter and McGill, because it is rather useful. In fact, Madam Speaker, we should perhaps localise it and talk about the average family on the beach at Catalan Bay or Eastern Beach. What would they think of the Government's interpretation of the audit opinion? A fair-minded and informed observer.

And so, Madam Speaker, having dealt with the audit report itself, I now want to deal with some other matters. I am not going to repeat what the Hon. Leader of the Opposition has gone through. I would rather go and look at some areas in which I can perhaps add a different perspective and that is the Savings Bank.

Now, the Savings Bank, dare I call it saga, is unfortunate. And there is a couple of things I need to unpack there, because there are distinct issues that arise and that is the publication of the audited accounts of the Savings Bank and the concept of the compliance audit of the Savings Bank. They are two distinct but parallel issues. The first point I need to address, which, to a degree, goes to the heart of the matter, is the idea that the Savings Bank somehow does not form part of the public accounts of Gibraltar and the thing is, Madam Speaker, is that we have this bizarre situation. We have the Savings Bank Act of 1935 is updated, and then you have the Public Finance (Control and Audit) Act of 1977. But, in fact, there are overlaps. And the overlap is on the section, I believe, 52 of the Public Finance (Control and Audit) Act, where there is a list of what will be given to the Principal Auditor by the Accountant General and it includes, under 52, subsection 2, letter J, a statement to the account of each special fund, showing respect to each fund, investments or other assets.

Schedule A of the Public Finance (Control and Audit) Act actually lists the Savings Bank fund as being a special fund. And therefore, Madam Speaker, to say that the Savings Bank does not fall under the purview of the Principal Auditor, as has been said by the Chief Minister on the 24th of September, when he was talking about talking about the constitutional rights of the Principal Auditor. And he says:

> there is nothing in Section 74 of the Constitution that allows the Principal Auditor, past, present or future, to argue that the…

there is a typo here:

> the public accounts of Gibraltar include the accounts of the Savings Bank. These are not public accounts.

And then he goes on to say, on subparagraph 250:

> they are not the public accounts of Gibraltar.

And 260:

> neither are the accounts of any stretch of the imagination part of the public accounts of Gibraltar.

But Madam Speaker, by virtue of the Public Finance Control and Audit Act, they are. And furthermore, Madam Speaker, if you look at the Audit Certificate's opinion on page 254, he says,

> I certify I have audited the public accounts of Gibraltar for the year ended, as required by the provisions of Section 74(1) of the Constitution. These comprise the statements of accounts as specified in Section 52 of the Public Finance Control and Audit Act 1977.

And indeed, Madam Speaker, if you look at the back, on page 440, there are the accounts of the Savings Bank, in black and white. So, the Savings Bank, by quirk of accident, seems to be covered by two sets of legislation, but is most definitely part of the public accounts of Gibraltar. And if you need any other further proof, Madam Speaker, you need only look in the Estimates Book, every year, there is a page on the Savings Bank. Therefore, ergo, public accounts of Gibraltar. And so, that is not right, I do not think, Madam Speaker, to say they are not the public accounts of Gibraltar. They are.

And this is where it gets a bit convoluted, Madam Speaker. Because the Savings Bank Act, which dates back to 1935, obviously has evolved over time and so the Clause 12, which has been talked about, was still Clause 12 in 1935. And Clause 12 in 1935 said:

> Annual accounts of the revenue expenditure of the Savings Bank, and of deposits received and repaid, and interest credits of deposits during the year ended on the 31st day of December, together with statements of the assets, liabilities, and savings, shall, after being audited and certified by the auditor, be laid,

and this was not by the auditor in those days, by the Treasurer, before the Governor,

> not later than the 31st of May, ensuing in every year, and shall, as soon as practicable, thereafter be published in the Gazette, and submitted to a Secretary of State.

To a Secretary of State, Madam Speaker. That is how important these accounts were. And indeed are.

Now, over time, for some reason, the, as soon as practicable, disappeared from the Act and therefore, the current wording in the Act does not give a time frame for the gazetting of the accounts. But Madam Speaker, the thing about the gazetting of the accounts, and you have to remember that this was drafted in 1935, the original Act. In 1935, Madam Speaker, this place did not exist. We did not even have a Legislative Council, which I think is 1950, the Deputy will be able to fill me in on that and therefore, the only way of really making them public was to gazette them. There was no mechanism for tabling them, there was nowhere to table them, but they did go to a Secretary of State. And the reason they went to a Secretary of State is that they created a potential liability on the consolidated fund if there was a deficit to be made up. And therefore they were very important.

And they continue to be very important. Now, the Principal Auditor has made, and this is where common sense could have prevailed, but has not. The Principal Auditor makes the point on page 22 of his report, which in fact is part of the annual account statements, that the gazetting of the report is taking far too long.

I mean, he made the point when he did this report in 2018-2019, they were over five years overdue. Because the thing is, Madam Speaker, under the Act as amended, the Minister for the Savings Bank gets the audited accounts before the end of the following year. He has them in his possession and they are important accounts, Madam Speaker. We are talking about now somewhere close to two billion pounds of deposits. It is a very important institution and 99.99% of pensioners in Gibraltar have their life savings there. We know that.

So, originally in 1935, there was an intention they should be gazetted as soon as practical. The Minister for the Savings Bank, for whatever reason, like I really do not understand, has adopted a view that he will only gazette the accounts when the public accounts for Gibraltar are released. And the public accounts, he actually gazetted the accounts for 2018-2019 on the 10th of July this year. The 10th of July this year. There is no reason why they could not have been gazetted sooner. And the problem is this, Madam Speaker. This is a matter of real public interest. This is people's money. This is no longer about taxpayers' money. This is people's life savings.

Sir Joe, the Father of the House, used to produce a report on annual account. They used to send out to all the depositors, although he has not done so recently and in there, apart from a little message from him as the Minister of Responsibility for the Savings Bank, he would include the audit certificate, the balance sheet, but not the list of investments or the full report. But I guess it is better than nothing.

But this is the problem, Madam Speaker. We are getting nothing. We are getting nothing on a £2 billion special fund in which has a potential liability to the taxpayer. Not to mention that depositors have all their life savings there.

Madam Speaker, I am not for one minute suggesting there is anything untoward going on. But all I am saying is, given the original intention of the 1935 Act, given its importance, given the public interest, these accounts need to be public. Now, why the Minister for the Savings Bank does not do it is beyond me.

It is not that, you know, I read the Principal Auditor's report when it came out in the summer and I thought, wow, he is got a good point. No, Madam Speaker, the Minister for the Savings Bank will know that I have a bee in my bonnet about this and it is not that I have copied from the Principal Auditor or the Principal Auditor copied from me. It is just a fact.

In fact, Madam Speaker, back in, a while back now, I think it was 2017, yes. In February 2017, Madam Speaker, I introduced a private members' bill to the House and the private members' bill was a very simple amendment to Section 12B and that was to add the words, not later than 30th day of September, in suing in every year. My explanation was, basically, the bill adds a requirement for the Minister to publish within a month of the annual accounts of the revenue, blah, blah, blah.

Now, we had a debate about this on the 20th of February 2017. The Father of the House expressed his view and I expressed my view. But the problem is, Madam Speaker, the situation has not improved.

Madam Speaker, the fact that we are talking about the same accounts as appear in 2018 here, back on page, wherever it is, page 440 of the Principal Auditor's report this year, appear in last year's report because the Principal Auditor took it upon himself to publish them. And so, in his appendix, on page 68, you have got the identical accounts in fact, the identical accounts with the exception of the full notes that he counts. But the Principal took it upon himself to put them in last year. And not only did he put 2018-2019 in. He put in 2019-2020, 2020-2021, 2021-2022 and 2022-2023 and this year, he is put in 2023 and 2024. Why? Because the Minister for Savings Bank just will not do it. Why? I really cannot fathom.

Madam Speaker, there is a public interest in this. I do not think it is beyond dispute. It is very real interest to the general public that these accounts are made public.

Madam Speaker, what I find rather odd is the question as to how these accounts are to be made public. Because, Madam Speaker, the Principal Auditor, having put them in his report by way of appendix last year, thought he would try a different approach. He thought he would try and see if he can table them directly in this House.

What I find odd, Madam Speaker, is that the Chief Minister himself said, although, Madam Speaker, this is on Hansard of 24th September in paragraph 220:

> Although, Madam Speaker, the practise is built up that the author of the report includes them in his report, nobody has complained about that. We have not said that the Principal Auditor cannot do that. He can put in his report the fruit of his work, if he wishes to do so. But he cannot require the Minister to do something which is in his power to law the time it says the Minister must.

I do not think the Principal Auditor is trying to do that. What the Principal Auditor is doing is trying to address the public interest, in which he is saying there is an excessively prolonged time for the Government to place these accounts in the public domain.

And, Madam Speaker, all he is doing, and this is the heinous sin he is accused of, he is trying in 2.7.33, he says, why he is doing it, he says:

> In view of securing maximum public disclosure of the Gibraltar Savings Bank accounts.

Now, what on earth is wrong with that, I ask? These are important accounts, they are the public accounts of Gibraltar, as I have demonstrated, and they have practically everybody's life savings in them.

And so, Madam Speaker, the Principal Auditor is only trying to do that which he is really there to do, which is to be the watchdog of public finances. And I challenge the Chief Minister to go down Main Street and ask any fair-minded and informed observer whether or not that is a reasonable approach by the Principal Auditor. But, Madam Speaker, the thing is that all the Principal Auditor was trying to do was to make sure these accounts were in the public domain.

And, in fact, we end in this bizarre scenario whereby if the Principal Auditor puts it in his 500-page report, it is not a problem, but if he tries to table it by itself, it is a problem. And, Madam Speaker, I, again, a fair-minded observer might say, well, what is the issue? Because I do not see what the issue is. I mean, the Chief Minister seems to agree he can do it, the Opposition agree he can do it, let him do it, no big deal.

But we seem to have got into this complexity of arguments as to what he can and cannot do under the Constitution and whether the public accounts are not public, but they are public accounts. It is just that the Minister for Savings Bank, for his own reason, I find it hard to believe, Madam Speaker, I will find anything in the GSLP manifesto that says we will not publish the accounts of the Savings Bank until we choose.

Nor is it credible to suggest that this is somehow a reasonable policy of the Minister. In fact, if the Minister for Justice were here, I would suggest if he wants to conduct a judicial review, he should start with his colleague, because it does not make any sense, Madam Speaker. They are the accounts that relate to a very important institution, a much-loved institution in Gibraltar, in which the public are entitled to see the information. And the only reason, Madam Speaker, that the public can see the information today is because the Principal Auditor has put it in his report.

Madam Speaker, the Principal Auditor, and people may have forgotten this, was meant to retire last year. He was meant to retire last year. He was not meant to have finished this report. He was meant to be enjoying his retirement. And in fact, you know, he says at the end in his acknowledgement:

> In my last report, I informed I will be retiring on the 3rd of April 2024 but, [he says] due to circumstances that took place shortly after, which were beyond my control, I was asked by the Deputy Governor, on behalf of His Excellency the Governor, if I could extend my service until a successor was selected to replace me. I duly accepted to stay on, which meant that I could not effectively retire until a replacement could be substantially appointed.

And Madam Speaker, that is important, because if there is this allegation of incompetence and political bias, and all sorts of other crimes alleged against the Principal Auditor, and indeed, the same charge would have to be levelled against the 20 people in the Government's Audit Office, that would have been apparent last year, Madam Speaker because this would have been his valedictory report, not this one. Not this year. So, you have to put that into the balance, Madam Speaker.

And the Principal Auditor, if he wanted an easy, quiet life, he could have just said nothing about the Savings Bank accounts. I said, well look, what do I care? I am retiring anyway. I am actually beyond retirement. Why create difficulty?

But this is it, Madam Speaker. He is a professional. He is fully conscious of his constitutional position, which is to be the watchdog for the public. The watchdog for the public finances of Gibraltar.

And even post-retirement, because he was technically almost retired, he has the integrity to follow it up and say, I believe I am doing this to secure maximum public disclosure. And so he includes it as an annex in the report. Madam Speaker, consider this.

Supposing, I speculate, hypothetically, supposing there was an issue with the Savings Bank how would we find out? Because the accounts do not go to the Principal Auditor anymore, they go

directly to the Minister of Finance. How would we ever find out in time? Do we have to wait five years before they get published? And why the delay?

And in fact, Madam Speaker, you know, I talk about the accounts, the public accounts being qualified. But in fact, Madam Speaker, if you look at annex A to the annual account statements, and I will come back to it in more detail when I go through the 39 issues I have identified in the audit report, you will find that on page 47, the Principal Auditor says there are other matters he has to report. It is not entirely clean. This is almost like an emphasis of matter paragraph. When there is a cut-off issue relating to half a million pounds were not accounted for, and this was a further number of clients for another about half a million which had been receipted, accounted for, similarly held, pending reinvestments, these deposits were classified as investments. That is in the audit report, Madam Speaker.

But we would never see this report. I mean, the Minister himself will not, as he is told, or rather in fact as the Principal Auditor has told us, he does not gazette the full set of audited accounts because he does not take the view that the notes and the opinion form part of the full audited accounts.

And in fact, Madam Speaker, until I read that paragraph, I had not fully appreciated how much information is contained in the notes and in fact the Principal Auditor's report. Because in fact, Madam Speaker, without the notes to the Savings Bank accounts, which I will go into more depth later, I mean, I would not know, for example, that the interest that has been charged on Government debentures, i.e. those issued by the Government of Gibraltar, is in fact pretty low.

It was in fact significantly lower than I might have expected. Yes. On £372 million of borrowing in 2024, the Government paid 1.5% interest to the Savings Bank at a time when the base rate was 5.25%, Madam Speaker. So the Savings Bank is subsidising the Government. But of course, without the notes to the accounts, without the other information, we would be none the wiser. And there is more on the Savings Bank accounts which I will talk about later on.

So that is the one thread on the Savings Bank, and that is the publication of the accounts. But the other thread, Madam Speaker, is something that could have been completely avoided and that is the bit where, in his motion, the Chief Minister talks about:

> The Auditor's wish to carry out a compliance audit of the Savings Bank under the provisions of the Proceeds of Crime Act, which is *ultra vires* and constitutionally unfounded and without statutory authority.

Well, Madam Speaker, this could be entirely avoided. Entirely avoided is obviously a disagreement between the Government and the Principal Auditor but the way this has been handled is ham-fisted at the best.

Because, Madam Speaker, in my career in financial services, this is not the sort of thing that should happen. And if the Minister for Financial Services were here, he would probably be raising his eyebrows. Because, Madam Speaker, when you look at the discussion about the Savings Bank, and, Madam Speaker, before I go on, I have to emphasise a particular paragraph that the Chief Minister has omitted when he talks about the correspondence between the Principal Auditor and your office.

And that is in paragraph 2.7.47. The Principal Auditor says:

> I am, of course, mindful that I followed my last correspondence with the Speaker of the Gibraltar Parliament in the latter stage of finalising my report to Parliament, and therefore, understandably, she would not have the necessary time to issue a reply in time for inclusion in this report.

Madam Speaker, there is nothing underhand in the Principal Auditor's communication. I thought I would just put that on the record.

So, Madam Speaker, on page 27, on the audit of the Savings Bank under the Proceeds of Crime Act. This is quite remarkable. There is something that probably the Principal Auditor himself may

not have realised, and there is obviously a lack of audit experience in terms of practicalities in Government departments.

Because, Madam Speaker, when I looked at the evolution of the 1935 Act, which Sir Joe, the Father of the House, will be very familiar with, and there were, I think I can tell the House in a minute, there were five amendments over time. One in 1971, one in 1991, one in 1992, another one in 2008, and another one in 2019.

Now, the first one was really just an administrative amendment which was changing the year-end. Two and three were the GSLP. In 1991 and 1992, the Chief Minister, sorry, the Chief Minister at the time, Sir Joe Bossano, included certain provisions in terms of the objectives of the Savings Bank. The GSD in 2008 made some amendments in terms of how the money could be invested, and this is an interesting debate in which Sir Joe Bossano was particularly engaged in.

The interesting thing is, Madam Speaker, is if you were to read Section 12 of the Savings Bank Act, it says here, annual accounts, revenue expenditure… shall, after being audited and certified by a business auditor, but then it says, Madam Speaker, in compliance with any relevant and applicable standards and it says be laid before the Minister, before 31st day of October, and then be published in the Gazette.

But these particular words, I want to focus on, Madam Speaker, in compliance with any relevant and applicable standards. Now, Sir Joe will remember, because he has a photographic memory, I think, of a debate in 2008, because he made a particular contribution on the amendment. And the amendment was, his contribution was perhaps technical, because it had the words, require the accounts should be audited in compliance with the requirements in relation to the audited accounts of a credit institution.

And Sir Joe took exception to the words, credit institution. And Sir Joe will, I am sure at some point, explain to the House why the Savings Bank is not considered a credit institution. In fact, it is not regulated by the FSC.

It cannot lend on its own account, because it is a deposit taker. It is not a credit institution. And it has grandfathering provisions on the relevant parts of the financial services legislation.

But the bits I want to bring to the attention of the House is a bit where the Chief Minister at the time, which is Sir Peter Caruana, talking to the Leader of the Opposition, Sir Joe Bossano, talking about, it is not a point that has been addressed with me, and I am reading Hansard here of the 18th of July 2008. And Sir Peter goes on and says:

> I suppose it is arguable that even if it is not a credit institution, there is no harm in auditing it to the same high standards as if it were a credit institution. If the Leader of the Opposition prefers, we could just say, audit it to applicable and appropriate standards.

And this is the important point, Madam Speaker, leaving it to the Principal Auditor to decide what those applicable and appropriate standards are. And from what I can see, that amendment was (*inaudible*) but the intention was clear.

It is up to the Principal Auditor to decide what standards to apply when he is auditing the Savings Bank. And so, Madam Speaker, the Principal Auditor need not have relied on the Public Finance Control and Audit Act because he is empowered to audit to applicable standards that he sees fit. Now, Madam Speaker, I would be interested to hear what Mr Fisher has to say of an auditor, of a deposit taker, that does not consider anti-money laundering compliance risk.

Because, Madam Speaker, audit is based on a risk-based approach. If you do not consider the anti-money laundering risk in a deposit-taking institution, frankly, I think you might be technically negligent by not considering it. And so, Madam Speaker, whether under the Finance Control and Audit Act 1977 or under the Savings Bank Act 1935, I think the Principal Auditor has an entirely reasonable ability or power to decide how he is going to audit and what he is going to look at.

Madam Speaker, you know, audit is not just about numbers. It is about looking at systems and controls. Because, Madam Speaker, if there is a failure in those systems and controls, it will impact on the numbers.

It is logical, and so, Madam Speaker, a deposit-taking institution, the biggest risk, if you had to list them, apart from theft, would be anti-money laundering controls. And, Madam Speaker, the motion suggests that somehow the Principal Auditor is insisting under the provisions of the Proceeds of Crime Act, which is *ultra vires* constitutionally and unfounded without statutory authority.

Madam Speaker, if you read the Principal Auditor's report, what he is saying is, OK, fine, you do not want me to do the POCA audit but, as he told the director of the Savings Bank on page 28, I am going to conduct a compliance audit and he explains there are various types of audits. A financial audit, a compliance audit and a performance audit.

Performance audit being value for money. Compliance audit comprehensively reviews organisations and adheres to regulatory guidelines. And he said he was doing this under the Public Finance and Control Act. He clarified it was separate and independent of a director's obligation to appoint an independent audit to be carried out in accordance with Section 26.1A of the Proceeds of Crime Act. The acting director was thankful and appreciative of the clarification provided.

And so, you know, the Acting Director of the Savings Bank says, OK, fine, go ahead. And the Principal Auditor did not assert he is entitled under POCA to do it. He is just asserting, look, I am doing an audit of the Savings Bank. He feels he needs to do a compliance audit as a part of his audit procedures.

And I would be very interested to hear a legal opinion from a leading QC in London that says that the auditor of a deposit-taking institution should not be looking at AML controls. Because that would be ridiculous.

And so what I find astounding is, on 2.7.57, the Acting Director of the Savings Bank agreed and accepted I was empowered to carry out the compliance audit of the Savings Bank. Then they start talking about when they are going to arrange it. Then suddenly, Madam Speaker, on Sunday 6 April 2025, the Director of the Savings Bank says it is best to cancel and that a meeting had been scheduled next day it should be informed the Chief Minister wished to meet with me together with the Financial Secretary and her the following day on 7 April 2025.

But why, Madam Speaker? Why? Here you have the Principal Auditor undertaking his functions under both acts in the public interest to conduct compliance with AML. He is not saying, I insist on doing POCA. He says, no, look, I am doing a compliance audit with AML. You are perfectly entitled to do that, Madam Speaker.

But the problem is, Madam Speaker, and again this probably speaks to a lack of experience in the Government, we have two auditors who are doing similar work and this happens a lot with internal audit, Madam Speaker. If you have audit with a big multinational and the external auditor says, well, look, as part of my procedures, I am going to look at I do not know, petty cash and the client will say, well, hang on a minute, internal audit has already looked at petty cash. Surely you can rely on the procedures of internal audit and therefore, what you would do, as an external auditor, you would take you will get comfort over the working practises of internal audit. Are they up to the right standards? Do they have the right procedures? And having done that, and you get comfort, then you say, OK, I will rely on the work that internal audit does.

And, Madam Speaker, that is all that had to happen here. If there was genuinely a concern about cost, because nowhere in the Principal Auditor's report does he talk about there was a cost concern. All that had to happen was to say, well, look, Mr. Principal Auditor, here is the phone number of Price Waterhouse Coopers. Give them a call. Have a look at what they have done. And if you are not happy with it, either ask them to do more work or you can do the work yourself.

That is it, Madam Speaker and in the background context, the MoneyVal, what could be better than having two sets of eyes looking at this? I do not understand, Madam Speaker.

Instead of which, the Principal Auditor is summoned, which the Chief Minister has confirmed in Hansard, summoned to a meeting with himself, the Minister for Savings Bank, the Chief Secretary, the Financial Secretary and God knows who else. A sort of star chamber, Madam Speaker. Why? What heinous crime was the Principal Auditor committing? He was doing his statutory work, his statutory duty. The public interest is being defended and he has, I do not know

the accuracy of this because we do not have the minutes of the meeting. Perhaps the Minister, the Chief Minister, will include that when he tables whatever he is going to table. The Principal Auditor says here, the Chief Minister told me he had a duty to inform his view and explain his concerns that such an audit would bring about public loss of confidence in the Savings Bank.

I mean, seriously? Is that true? I mean, it should have the opposite effect. My God, it would be double audited, it would be great. But again, if it is about the cost, all that had to happen was the sharing of work between Price Waterhouse Coopers and the Principal Auditor and that would be the end of it.

Instead of which, we get the star chamber meeting with the Chief Minister, hauling in the Principal Auditor and giving him directions. Giving him directions, which as the Principal Auditor said on 2.7.62, they were unacceptable and that he considered the Chief Minister's actions to be improper.

This is what the Chief Minister calls defamatory but look, it is exactly what happened, was not it? Is not that what happened?

Chief Minister (Hon. F R Picardo): No!

Hon. R M Clinton: No? Well, give us a minute to the meeting.

Look, the Minister for the Savings Bank can laugh but we do not find it funny.

Hon. Chief Minister: It is funny!

Hon. R M Clinton: It is funny, thank you very much. I am sure the opposite of the Savings Bank will find it equally funny. (*Interjection*)

Yes, we are not complaining about them putting more money here. At the end of the day, Madam Speaker, this is a very serious matter. This is about £2 billion of money, which they seem to think, you know, cavalierly, they cannot disclose information on.

And Madam Speaker, in the light, in the background of MoneyVal, the private sector has been sweating blood to get off, Madam Speaker, to get off the grey list. This should even happen. My God, the Chief Minister, he should have told whoever thought it was an issue, go away, I have got better things to do.

Leave this to the Principal Auditor. We have had enough trouble with MoneyVal and now, Madam Speaker, MoneyVal will come looking at the public sector. Yes, they will, of course.

Hon. Chief Minister: Especially if you invite them.

Hon. R M Clinton: Well, yes, but you have.

Hon. Chief Minister: Are you inviting them?

Hon. R M Clinton: No, you are, Madam Speaker.

Hon. Chief Minister: Is that what you are inviting?

Hon. R M Clinton: No. No…

Hon. Chief Minister: Is that what you are inviting?

Hon. R M Clinton: No, because you are talking about public enemies.

Madam Speaker: Do not address each other across the floor.

Hon. Chief Minister: That is what you are inviting.

Madam Speaker: Order!

Hon. Chief Minister: That is what you are inviting?

Madam Speaker: Order!

Hon. Chief Minister: That is what you are inviting?

Madam Speaker: Yes, the Hon. Mr Clinton can carry on.

Hon. Chief Minister: MoneyVal can look at the public sector...

Madam Speaker: Order!

Hon. R M Clinton: Yes, that is going to happen.

Hon. Chief Minister: That is what you are inviting?

Hon. R M Clinton: I am not inviting anything...

Hon. Chief Minister: You are a bigger fool than I thought you are!

Hon. R M Clinton: ...You brought it upon yourself.

Madam Speaker: Just a moment. I am going to ask the Hon. the Chief Minister to retract that comment. It was made from a sedentary position, but we all heard it and it was unparliamentary.

Hon. Chief Minister: Madam Speaker, if you direct that I should withdraw that the hon. Gentleman is a bigger fool than I thought he was, I withdraw it. (*Interjections*)

Madam Speaker: Thank you. The Hon. Mr Clinton can continue.

Hon. R M Clinton: What can I say, Madam Speaker? (*Interjections in Spanish*)

Madam Speaker: Yes, the Hon. Mr Clinton has the floor. (*Interjections in Spanish*)

Hon. R M Clinton: And so Madam Speaker, just for record, I am not inviting anyone, they are because of their actions. (I*nterjections*) Yes, right but in fact you only have to go back to his Hansard who is practically spelling it out… And so Madam Speaker this is all avoidable if there had been an ounce of common sense on that side of the House. And in fact Madam Speaker, this whole star chamber thing resonates. It resonates, Madam Speaker, with another event which I am not going to refer to, but seems to have all the hallmarks of a Chief Minister. Bring the person in and give them a dressing down. That is the Chief Minister's way of doing things.

And then, Madam Speaker, they get a legal opinion about something that the Principal Auditor has not even asked about. He has not asked to do a POC audit. He said, I am going to do a compliance audit. And yet they get a legal opinion. This is Government by legal opinion.

Do they not have an ounce of common sense between them, I ask, Madam Speaker because they do not and then, you know, there is a very serious point here about the compliance officer, but I will come back to that later on.

And so, Madam Speaker, the Savings Bank saga, because that is all I can describe it as, is something entirely of the Government's making. All the Government has to do is publish the accounts of the Savings Bank. Then the issues would never have arisen. All the Government had to do was not interfere in the Principal Auditor' work and then nothing of this would have happened. But no, Madam Speaker, the Government, for any reason, because they are allergic to transparency, I do not know why, they just refused to publish. They just refused to publish. And then, when, you know, for whatever reason they decide that they do not want the Principal Auditor doing a compliance review, they go nuts. They go nuts. Get a legal opinion, call him in, and tell him they cannot do his work.

And so, Madam Speaker, if we apply the test in Porter and McGill, a fair-minded, informed observer, I wonder what conclusion they would arrive at because, Madam Speaker, there is no other conclusion a fair-minded, informed observer can arrive at other than the Government's completely mishandled this.

And now, Madam Speaker, there is something about Industrial Cleaners, which is bizarre and I referenced this before. It is bizarre because somehow the Government has taken issue with industrial cleaners, the report on Industrial Cleaners. And the thing with Industrial Cleaners is that there does not seem to be any disagreement by the Government that it was not value for money. And yet, in their Press Release 691-2025, dated 25 September 2025, they say: there are out-of-scope references. Out-of-scope references, Madam Speaker. This is a value-for-money audit and they say there are out-of-scope references. Despite being limited to 839, the report selectively referred to events and costs from a later 2025, while failing to acknowledge the corrective actions taken that same year. The Government said this submission distorted the picture and strayed beyond the auditor's remit.

Madam Speaker, we have already established the value-for-money audits are not time-limited in the same way as the 2018-2019 is a specific point in time. So really, that really is a non-issue.

And then they say they are not given sufficient credit but Madam Speaker, what about paragraph on page 197, paragraph 5.4.30, recent developments, 5.4.31, 5.4.32, three entire paragraphs in which the Principal Auditor gives full credit to the Government for addressing issues.

So what is the problem? I mean, is it that the Government are so desperate to find, concoct this Frankenstein case against the Principal Auditor they are just fishing around for anything they can possibly put together? Because, I mean, the fair-minded, reasonable observer would conclude, as indeed the Government has concluded themselves, that Industrial Cleaners was not value-for-money and they have taken steps to address it. So, the Government agrees that the Principal Auditor was not value-for-money, they have taken steps to address it, and the Principal Auditor has acknowledged that.

So what on earth is the issue? What is the issue, Madam Speaker? There is no issue there at all. I just do not understand it. I mean, they are just pulling at threads to try and make up some kind of narrative.

And so, Madam Speaker, having addressed the, having addressed the matter of the audit report, and having addressed matters in terms of the Savings Bank, and having mentioned something about Industrial Cleaners, let me go on to the other heinous crime alleged against the Principal Auditor and that is a matter which, of course, is close to my heart, and that is of the Public Accounts Committee.

Now, the Government claims that he is, he has strayed into public or the Government policy. But as the Leader of the Opposition has eloquently pointed out, the question of Government policy really only applies to Government departments. And the question of a Public Accounts Committee is for this place. It is not a Government department. And, you know, the Oxford English Dictionary definition of bias talks about a predisposition or prejudice and the thing is this, Madam Speaker, if I think the world is round, and the people down Main Street think the world is round, if the fair-minded and informed observer thinks the world is round, but the GSLP says flat. So, are they all politically biased, Madam Speaker? Or is it just that it does not suit the Government narrative, Madam Speaker? And it is the same thing.

When they say, wow, look, the Principal Auditor is saying the same thing as Mr. Clinton. Madam Speaker, I have been here ten years. I have been saying it since the first day I set foot in this place and it is all about public finance scrutiny. One of the first things I did, Madam Speaker, when I entered this place, was to introduce a motion on Public Accounts Committees - I did it on the 7th of October, 2016. 7th of October, it is one of the first things I did. And yes, Madam Speaker, I do talk about things like the publication of the Savings Bank accounts, and the uselessness of what the Government publish in terms of their Government-owned companies, because it is true, Madam Speaker, this is about best practise in public finance.

And so, the ill that the Principal Auditor is now accused of is, oh my God, you are describing to us the same as Mr. Clinton. Madam Speaker, the reason why there is a similarity in approach is because it is financial best practise, especially in public finance. You know, I do not come here, Madam Speaker, to make this stuff up. This is, this is what is normal outside this place.

But, Madam Speaker, no, if there is some kind of coincidental coming together of ideas between the Principal Auditor and the Opposition, he is biased. He is biased. Look at him. He is saying the same thing as Mr. Clinton. Of course he is, Madam Speaker. It is best practise. It is best practise.

I joked to the Leader of the Opposition the other day, Madam Speaker, perhaps if I would never entered this House, this debate would never have happened because public finance scrutiny would not be up there. In fact, I am glad we are having this debate. It is about time, Madam Speaker, that we realise that public finance is not just about bookkeeping, as the Chief Minister would have it - these are important matters.

Madam Speaker, when we talk about the Public Accounts Committee, you know, it is not something I made up. I mean, Westminster has had one for years. It is set up in the Commonwealth. They have even set up a group within the Commonwealth called the Commonwealth Association of Public Accounts Committees. Madam Speaker, I set this all out in the further debate that we had on the matter, which was had last year. It was held last year, Madam Speaker.

And last year, Madam Speaker, I was accused of piggybacking off the Principal Auditor. So which one is it? Am I piggybacking off him, or is he piggybacking off me? But the fact of the matter is, Madam Speaker, and we did have an extensive debate about it, Madam Speaker, and I went through last year as to why we should have it. But look, the Government has their view, and we have another view. But the reality is we are an outlier. We look daft, Madam Speaker. We are the only ones in the OSC's territory who do not have one. Sir Joe Bossano, the Father of the House, knows this. He is attended conferences with me and Madam Speaker, there is a particular conference that is organised by the jointly, by the Commonwealth Parliamentary Association, the Gibraltar Internal Audit Agency, and the National Audit Office, funded by the FCMDO as part of the UK Overseas Territories Project and it is to do with good practise in effective oversight of public finances in the UK Overseas Territories. A very long title, but it is basically about good practise, as it says. Sir Joe has attended these conferences with me, and we both have a healthy difference of opinion.

Madam Speaker, in their guidance notes, and there were two sets of guidance notes, Madam Speaker. There is one that was issued in February 2017, and another one, an updated one, later. And the guidance in February 2017 says on page 54:

> An effective PAC is key to the transparency of and accountability for public expenditure. In particular, PAC can oversee the implementation of Government policy and the quality of administration of departments and other public bodies.

Madam Speaker, this is a publication which is jointly published with the National Audit Office, and the guidance was updated in November 2021 and it said this, again, in 4.2, on page 55:

> An effective PAC is vital.

Madam Speaker, not my words, their words:

> Vital to the transparency of and accountability for public expenditure.

So Madam Speaker, this is best practise. This is best practise as set out by the UK National Audit Office and the UK Government Internal Audit Agency. All the Principal Auditor has done is brought to the attention of Parliament that we should consider doing this. Nothing more, nothing less. There is no great evil in that, Madam Speaker, to enhance our scrutiny practises and for that, Madam Speaker, he is lambasted by the Government as being politically biased.

Madam Speaker, the world is round. It is just they do not see it. It is unfortunate and again, Madam Speaker, the Principal Auditor, I mean, they call it:

> Entirely *ultra vires*, politically biased policy intrusion well outside the lawful remit jurisdiction of functions of the office.

My God, what a crime, Madam Speaker. The Principal Auditor is trying to enhance our public scrutiny and the GSLP Liberals consider it a crime and Madam Speaker, if the Principal Auditor is guilty of a crime by suggesting an improvement, well so is the Ombudsman who's asked for a motion of investigation. Another parliamentary officer. We have two parliamentary officers both suggesting improvements. And in the case of the Principal Auditor, it is a crime. A crime for which he should be condemned, according to the Government. Well, that is absolute nonsense, Madam Speaker. This has nothing to do with Government policy. This is about best financial practise.

So, Madam Speaker, talking about best financial practise, you know, I was interested to hear what the Deputy Chief Minister said in his analysis of the public accounts of Gibraltar and the various audit reports and he went back through a number of years and he said, well, look, this is nothing new. We have had problems with contracts, we have had problems with this, we have had problems with that. But Madam Speaker, does not it concern us that year in, year out, we are getting the same comments? Is not it about time we addressed these issues and did something positive about it? There is no point, Madam Speaker, receiving this report and not acting upon it. And this is what we are missing, Madam Speaker. This is what we are missing in not having a Public Accounts Committee.

Madam Speaker, the Chief Minister, in his closing remarks on the last nine day of his filibuster, said, oh, we have addressed the nine issues, we are addressing a few of them, look how great we are.

But Madam Speaker, I have addressed, I have identified 39 issues or matters that require addressing in the Principal Auditor's report. 39, Madam Speaker. One of them in the part one introduction, six in the annual accounts, 22 in departmental audits, one in the statutory audits, five in value for money, and four in general audit matters. That is 39.

Madam Speaker, although the Chief Minister has gone to town on what the various sections of what the we have to bear in mind that there are 846 paragraphs in this report, Madam Speaker. I know because I have read every single one of them. 846 paragraphs of which the Chief Minister just pulled out a couple to concoct his argument.

And so, Madam Speaker, I am going to take the House through these 39 items. I mean, the Chief Minister promised the public he would go through line by line of the audit report. Well, look, I will accept the invitation. I will do it myself.

And so, Madam Speaker, one of the things a Public Accounts Committee does is it takes the report, this sort of report, and then looks at the report and identifies issues, weaknesses, areas for improvement. And then what happens is they would then issue a finding to the Treasury and say, look, Treasury, we found these areas of weakness. We think these are recommendations of the Public Accounts Committee as how to address them. Please give us your response and a timeline for action. And that way, Madam Speaker, we would not have these repetitive comments coming up in the audit report because we would learn from our mistakes. We would learn. We would say, oh, look, we have an issue in this contract. Treasury has addressed it. It was fixed in the state. No longer an issue and that is all we need to do, Madam Speaker. Is that so awful? Is that so awful that the GSLP liberals oppose a Public Accounts Committee?

And so, Madam Speaker, the father of the House once called me a one-man Public Accounts Committee. And so, Madam Speaker, I will take advantage of this debate. As the one-man Public Accounts Committee nominated by the father of the House, I hereby call everybody in the room to join me in a Public Accounts Committee hearing. And those members who do not want to participate are free to leave, Madam Speaker.

So let me start with item number one. Item number one is on page two of paragraph 1.4.2. And this is the point that the Deputy Chief Minister raised. He says, well:

> The Principal Auditor does not yet have specific statutory authority to carry out value-for-money audits, although he has been doing so within a supported Government since 1992. You know, value-for-money reviews do not

> question the merits of policy objectives, however, the means by which policy objectives are pursued, the implementation arrangements, the controls, the costs incurred, [*inaudible*] and the results achieved are all legitimate subjects for value-for-money studies.

And so I think that should be addressed. That should be addressed in the audit legislation, which the Government has been promising since time immemorial. I cannot remember the exact date. To resolve that, I do not think there is going to be any disagreements on either side of the House because it makes perfect sense. What he is doing is codifying what he is doing, to use the Chief Minister's words, by convention. So let us codify it. Let us put it into statute. That is point one.

Point two, on page 15, 2.6.9, the Improvement Development Fund.

> As I commented in my previous report, there are weaknesses in control and management of some capital projects. As I have previously emphasised, there is a need that existing procedures be reassessed in order to ensure as far as practical and possible capital projects are completed on time, given that delays in the commencement and completion of works normally result in higher costs to the Government.

So that is a point that needs to be addressed.

Point three is really about the Savings Bank. Again, on 2.7.46, on page 26, about delaying of accounts in Parliament. Our solution is really quite simple, it is really up to this House, and that is maybe we should have, when we consider this, have a standing agenda item in Parliament, whereby reports from Principal Auditor are just laid, in the same way as reports from Committee and perhaps we should look at changing some of the legislation in terms of statutory audits of authorities, etc., where we have straight-through processing of reports and there is no need for Ministers to present. Here is a Principal Auditor's report, laid on the table, we all get it. That is it. That would not be a problem and therefore, none of the issues about the Savings Bank would have ever arisen. That is for us to resolve.

Item number four. According to this, on page 31, the Director:

> I am conscious that the Director of the Savings Bank has been persistently requesting the Government to appoint a compliance officer. But at present, this has not transpired. This is clearly contrary to Section 9b of the Proceeds of Crime Act 2015.

Now, I believe the Chief Minister has suggested that the Financial Secretary is that person, but he cannot be because he is the regulatory authority and so there is a question mark over this, Madam Speaker. Again, something that needs to be addressed.

Item number five is about the rules in Section 2.7.8 on page 35. This is about the rules for the Special Funds. Now, the COVID-19 Response Fund, which is mentioned in the previous paragraph, as the Chief Minister will know because I was there in the room with himself and the Leader of the Opposition, when we discussed it, one of the things that was agreed was that we would set up rules for the administration of the COVID-19 Fund, the Response Fund, given that the size of the money that will be flowing through it. But the point that the Principal Auditor is making is that there are one, two, three, four, five, six Special Funds, that have no rules. And the last one was the Education and Development Fund, which the Minister for Education will know about, but there are no rules yet governing how this money is to be administered and in fact, Madam Speaker, if I recall, I did ask a question about this in the House and nothing at that point in time had emerged. Therefore, this is a pending point.

Item number six is, of course, about the misallocations on page 43. The misallocations and reporting of them. I am particularly curious as to how it is that legal costs were posted to grants and donations. I believe the Leader of the Opposition in the past has asked about what makes up grants and donations. I do not believe I have ever got a straight answer, Madam Speaker.

Item number seven, this is on page 47. This is the other matters on the Savings Bank audit report. Why were there six deposits before year end that were not accounted for? Why was it there was other monies that had been receipted and accounted for pending reinvestment of the

funds, but classified as investments? Why did that happen, Madam Speaker? Again, a point that needs addressing.

Item number eight, Madam Speaker, on page 67. Income tax. Now we are in the Department of Mental Audits. He says:

> The Income Tax Office has not reconciled its records of revenue collected with those of the Treasury, which constitute the Government's main books of account, nor has it provided the Treasury Department necessary adjustments to the Treasury accounting system since March 2019.

As a result, this is a bit worrying, Madam Speaker:

> I am unable to provide reasonable assurance on the accuracy of tax revenue receipts beyond that date.

Madam Speaker, that is quite alarming. I mean, that should be a big priority item for the Treasury to sort out for the Tax Office.

Item number nine. Again, in the Tax Office, on 3.1.12. This is about overpayments from corporate entities. He says:

> there was a concern that a substantial amount of money were overpayments, highlighting how many cash-rich companies, which had not kept up to this date, had continued making payments to the account, despite carrying large tax losses. This practise [He affirmed] Would have an unavoidable impact on future corporation tax revenue.

That is a bit worrying, Madam Speaker and if we had a Public Accounts Committee, Madam Speaker, we would be calling in, yes, the Commissioner of Income Tax to explain how that is been dealt with. There is nothing wrong with that, Madam Speaker.

Item ten, on page 70, 3.1.16.

> Tax arrears have risen across all areas since financial year end of 31st of March 2019. Tax arrears across all areas, PAYE and all other such areas.

Worrying trend, Madam Speaker.

Item number 11, on page 72, in 3.1.28 and 29, where he is talking about deterrent powers, about the authority to publish with details of any individual who has failed to pay tax due under the provisions of the Act. And there is also legal authority under section 50 of the Act to appoint an agent to recover tax arrears.

> Unfortunately [The Principal Auditor reports] I am informed that the Income Tax Office has been unable to use this mechanism for recovery of arrears due to a lack of resources.

Another item that would require follow-up.

Item 12, under section in page 78, under 3.1.62, under section 17 of the Income Tax Payers' Union Regulations 1989:

> Employers who fail to submit their P8 form by the due date are liable to penalties. However, the Commission has informed that this specific provision is not currently being enforced.

Again, another issue you might, a public accountant might be able to follow up on.

On page 79, item number 13, arrears of social insurance contributions. Arrears have continued to grow. Again, an area for consideration.

On page 81, there are two areas here. One is, which I find a bit bizarre, item number 14 on 3.1.83, in which:

> The Income Tax Office wrote to individuals earning income from the music trade in Gibraltar advising them to register as self-employed individuals to ensure compliance with tax regulations on the Income Tax Act. However,

> following representations, a senior Government official from No. 6 conveyed the Chief Minister personally intervened to suspend the initiative with an immediate effect. As a consequence of the Ministerial intervention, this income tax initiative never came into effect.

Madam Speaker, I had a quick glance through the Income Tax Act this morning and I do not see anywhere where the Chief Minister can actually waive tax liability on the Income Tax Act. If he wanted to do that, he should have come to this House as a budget measure, Madam Speaker. A Public Accounts Committee would have something to say about that.

Again, Madam Speaker, item number 15. Rates arrears are seen again on 3.2.2:

> Rates arrears are seen on marked escalation.

Marked escalation, Madam Speaker. In fact, you can see the graph on page 82. Rates were growing at an alarming rate.

On page 83, item number 16.

> I reiterate my concern. The overall high arrears position will not improve unless effective recovery action is taken principally on arrears for which the court is granted an order to pay. The current course of action is ineffective as the execution of such orders against debtors is not proceeded with mainly because no approval is granted by the Accountant General for execution of distress warrants.

Now, it may be that point has since been addressed because I vaguely recall the Minister for Taxation talking about having executed such distress warrants recently, but it was a valid point and again, further down, 3.2.6, same point.

> The Accountant General is on the understanding that the courts have been short of bailiffs for an extended period of time which will have impacted the enforcement of distress warrants.

Again, something a PAC might want to look into.

Item number 17, Madam Speaker. Page 94, 3.3.12. The Arrears Recovery Act. And this is something I have asked about in this House before, Madam Speaker, some time ago and the response was the enactment is now a much awaited piece of legislation with which to better address the growing levels of arrears:

> I was informed by the head of the Central Arrears Unit, CAU, that the draft arrears recovery legislation had been submitted to the Financial Secretary.

Again, something a Public Accounts Committee might want to follow up and in fact, on page 95, talking about resources, the Head of the Central Arrears Unit commented that:

> The continued escalation of arrears of revenue was a reflection of the current economic climate affecting Gibraltar, added to the effects of staff shortages across Government departments, including the Central Arrears Unit itself. But [he said] Notwithstanding, the Head of the Central Arrears Unit confirmed the unit will continue to work diligently, using all available resources, and look forward to the enactment of the Arrears Recovery Bill, which would greatly assist and support the work of the CAU.

Item number 18, Madam Speaker and this is to do with internal reports from the Treasury, about Housing rent arrears. 3.4.35.

> As I repeatedly highlighted in my previous reports, the information by the Treasury statistics cross-table is a very valuable management tool to monitor House rent collections, with the report generating extremely useful statistics which can be used to effectively manage and monitor House arrears. Nevertheless, the Housing Department have confirmed to me that they do not make use of this report.

Things may have changed since the publication of this report.

Item number 19. Management of arrears. 3.4.36:

> The steady increase in House rent arrears over the last five years is a cause for concern. This highlights the importance of continuing the application of arrears recovery strategy and proactively tackling defaulting tenants at the earliest opportunity to prevent the escalation of existing arrears and formation of new arrears.

And I note what the Chief Minister said about direct debit mandates, but that may was obviously not enough, according to this.

And then item number 20 which is the audit inspection of Housing. It looks like there was an extensive inspection carried out in 2024 and there is a whole detailed discussion about it from 1.05 onwards. But from the sampling that was done and again, Madam Speaker, I emphasise the point that there is an audit team in the Gibraltar Audit Office. It is not that the Principal Auditor went out necessarily and did this himself. They do a test, a sample of 25 housing allocations and they have identified certain anomalies and in it was noted the Chief Minister intervened in seven. Now we have had this discussion already, Madam Speaker, so I do not propose to go there again but it is evident, and I think the Chief Minister has taken on board, is that there needs to be some kind of formality behind the process.

Item 21 housing rents reconciliation on page 109 3.4.56:

> House rents reconciliation reports extracted from the housing database reveal the housing department does not perform reconciliation of these reports of the Treasury's accounting system.

And there was a need for a formal reconciliation system but, you know, in fairness, it does say that:

> The contractor's software engineers currently working are enhancing the formal reconciliation process regarding payments and deductions. These enhancements are being modified and fully implementing the changes by the start of March 2025.

So it may be that that has been addressed, but it would be something that would be followed up.

Item 22 which really goes from page 110 to 111 there seems to be some sort of confusion all the way to 112 confusion over housing rent arrears in respect of those properties that are subject to mortgage, because of course the ones that are subject to mortgage technically do not belong to the Government, because those rent receipts go to Gibraltar Capital Assets Limited under the terms of the mortgage. So there seems to be some confusion in terms of treatment within Government systems in terms of what is there, i.e. the Government's arrears position, and what arrears property belong to are subject to Gibraltar Capital Assets Limited, although by reading this there seems to be some kind of arrangement where the Government gives a loan to cover the arrears, but again I am not privy to the full provisions of that agreement. Again, something the Public Accounts Committee might want to look into.

Item number 23 on 3.4.71 on page 113.

> Audit examiners brought to attention Housing Department's enforcement and compliance sections, several matters of concern they observed during the course of their appearance to be compromising the reliability of the management information held in the housing database. Due to the reports produced for the housing database being considered unreliable when they could be using the electronic data held in the database to procure working efficiencies instead.

So Madam Speaker, again, something to look at.

Item 24 and again item 24 on page 115 on paragraph 3.5.1 about Other Grants and Donations Madam Speaker. Here again this is the point that I raised before about one of the reasons for qualification and misclassification. We have here £434,000 booked to Other Grants and Donations which are respect of legal fees. Respect of legal fees Madam Speaker. So again the Public Accounts Committee might ask what on earth is that doing there?

Item 25 Madam Speaker. Item 25 on 3.6.24 this is a departmental audit question about an *ex-gratia* payment to a former police constable who had been dismissed for misconduct. And the question here, well the comment is:

> Although I am requested to learn the nature of this payment and for the corresponding documentation to be provided for me I received no response.

Again we just ask well what is the response?

And 26 again departmental audit and this is something which the Leader of the Opposition has spoken to and proposed to labour the point in which on 3.6.35 it is about the concern about the number of police officers that were transferred on page 128.

Item 27 on page 131 paragraph 3.6.55 this is about this is about early exit scheme lump sum payments in relation to Government owned companies and the Principal Auditor makes the point that:

> The early exit schemes includes expenditure relating to employees of Government owned companies who are not civil servants and which in my view should not be included as consolidated fund expenditure.

A technicality perhaps but it is a fair point. Something a Public Accounts Committee might want to ask about.

Item 28 about overtime. Now the Government says it is addressed this. But it is conclusion about overtime and again this is about departmental audits is that on 3.7.10:

> There has been no effective decrease in overall public spending in this section of the departmental environment when all the factors are taken into account despite the Government's public statement stating that promptly puts an end to the malpractice in this area.

Again something we would follow up.

Item number 29 is about the tendering on page 3.7.12. Again we have had extensive discussion over this. Again this is something Public Accounts Committee would look at.

Item number 30 Madam Speaker on statutory and other audits on page 156 of 4.4.4:

> At the close of this report the sum of £1,986,070 remains outstanding in the advanced account which needs to be addressed by the Captain of the Port as Controlling Officer of the Advanced Account. A decision requires to be made on whether the outstanding amount in the advanced account is to be recharged to the Gibraltar Port Authority or the Balance or the Consolidated Fund. Alternatively consideration might be given to write off the outstanding balance as an abandoned claim as notice of discontinuance was issued by the Supreme Court on 23 December 2021 and no further claims will be made on this.

Madam Speaker we have almost £2,000,000 that would appear sitting in suspense that needs to be addressed. That is on page 156.

Item 31. This is a value for money audit about vacancies on page 189, 5.3.52:

> In my opinion the introduction of better controls for changing conditions could provide instant considerable savings for the taxpayer particularly in those areas where the need to have heightened manning levels is not justified. Additionally a concerted effort by Government not to prolong the filling of vacancies in departments which are considered understaffed across the public service would help contain overtime spending.

Again, something will be followed up.

Item 32 and this is Gibraltar Industrial Cleaners again:

> It is a matter of concern to me the exorbitant costs historically incurred in the collection disposal refuse by Gibraltar Industrial Cleaners have been allowed to continue unchecked by Government for many years with no action taken to curb this enormous expenditure by taxpayers.

Well look the Principal Auditor himself has said well look, here it is. The Government has addressed it but at the end of the day it evidently was not value for money. Something that the Public Accounts Committee might want to look into.

Item 33. This is about *ex-gratia* payments. These are in the value for money audits, Madam Speaker. Where again, you know, the Leader of the Opposition has spoken at length on this. I do not propose to go there but the Principal Auditor has said that in his view some of the settlements were excessive and in many cases unwarranted. Something needs to be looked at. And in fact the Chief Minister himself I think has accepted that something needs to be tightened up in this area. In fact on the 13th of October he said that there was a potential need for a structured framework in relation to excretion payments. Again, you know, there is a point that needs to be looked at.

And 34 is a bit concerning because 34 talks about ignoring requests for information. This is in section 5.5.29 on page 209. The Principal Auditor is particularly aggrieved that he is not getting responses.

And he says:

> I have to stress the important need for auditees to comply with the law as otherwise it is extremely difficult for me as Principal Auditor to fulfil my role and effectively discharge my duties.

I mean, Madam Speaker, this is something that is not new apart from what is in the Constitution and other things. I mean, there is, going back to Financial Instructions of 1952, one of the general duties of an accounting officer was to reply promptly and fully promptly and fully, Madam Speaker, to all queries addressed to him by the Chief Accountant, Collector of Revenue or the Principal Auditor, or the Head of Department, and to the best of his ability, furnish these officers or their deputies such further information and explanations as may be required. I mean, this is nothing new, Madam Speaker but what should not be happening, Madam Speaker, there should be no need for chaser emails. There should be a need for the Principal Auditor to say, I sent you a message, where is the answer? The answer should have been forthcoming without any delay. And so, Madam Speaker, that is something that a Public Accounts Committee might look at.

Item 35, the four contracts we have been talking about *ad nauseam* and, Madam Speaker, the issue really is not about a witch hunt or some political conspiracy against these particular contracts. What the Principal Auditor said is that it needed publication of voluntary ex-ante transparency notice. It would have ensured the contract towards the negotiations were kept transparent and in full compliance with relevant regulations and policies. So, again, something a Public Accounts Committee would look at.

Item 36 and now we are going to the General Audits matters. We had the different parts of the report, Madam Speaker. We had the general introduction. This is now the general conclusion. You had a discussion about the results for the year. You had a discussion about departmental audits. You had a discussion about value for money audits. You had a discussion about the statutory audits. And this is just the concluding section of this report and item 36 is really about the modernisation of the audit law and this is the same sort of complaint that the Public Services Ombudsman has made. In that the law needs to be updated. And so, Madam Speaker, I do not see there is any great crime being committed here by the Principal Auditor repeating not something that he is dreamt up or something that he thought was a good idea but something that previous auditors have thought was necessary and that is in paragraph 6.1.10. And that needs to be addressed.

And then item 37, Government-owned Companies. I am of the view that the principal order should be statutory and responsible for the audit of all Government-owned companies, Madam Speaker. In the same way as the Public Services Ombudsman wants to have own motion investigations. It is a request. It is up to us in this House whether you want to do that or not. I think it is a good idea. The Chief Minister may differ. Fine. There is no harm in the Principal Auditor suggesting that he would like that.

And then 38, Madam Speaker. The elephant in the room, which the Chief Minister never addressed. On paragraph 6.2.5. The JBS review. The JBS review that he did not involve the Principal Auditor in. So you have an area of concern. So do you pick up the phone and call the Principal Auditor? No, you do not. You pick your own people to do an internal review and nobody need be the wiser, except for the Government.

And then finally, Madam Speaker, item 39. Item 39. You know, this is the bit that has caused so much angst for the Government and this is something that the Leader of the Opposition mentioned. Well, actually, he mentioned this last year as well. Why are you so upset this year? And he says, you know, on 6.3.4:

> I am aware and respect there is not full support in Parliament for setting up a public council. Nevertheless, I must again insist and call upon Government to consider setting up this Standing Committee of the House to further strengthen accountability, transparency, and responsible financial management.

Are we saying, Madam Speaker, we are against transparency, accountability and responsible financial management? Is that not a reasonable request for an Officer of Parliament to make? What is the crime that the Principal Auditor has committed?

As I have said, Madam Speaker, the UK National Audit Office, the Government Internal Audit Office in England, have said this is best financial practise. This is best financial practise, not just among UK Overseas Territories and Westminster. It is the best financial practise in the Commonwealth, Madam Speaker and yet, Madam Speaker, the GSLP Liberals will maintain that the world is flat. Because that is their article of faith. The world is flat.

And so, Madam Speaker, there you have it, 39 areas of weakness concern in this report. And all that Government across the way can do is complain about how dare he, how dare he make recommendations. How dare he want more transparency and accountability in this place. That is what is the message that this Government is delivering.

And so, Madam Speaker, after everything I have said, I would invite this fair-minded and informed observer under Porter and McGill and ask them, do you not think the Principal Auditor was doing his job properly? Do you not think the Principal Auditor was doing his job diligently and competently? Do you not think the Principal Auditor was acting in the public interest? Do you think the Principal Auditor deserves this treatment from this Government?

That is the test that the fair-minded and informed observer must make, Madam Speaker, as indeed the general public. Now, I made it clear, Madam Speaker, that the characterisation of the audit report as clean is erroneous. And I invite the Chief Minister in his reply to take the opportunity to correct the public record.

And now, Madam Speaker, I am wrapping up. I am concluding. There was a famous matter, Madam Speaker, going back in the 18th century and this is the case of Admiral Byng, which the Deputy Chief Minister will be aware of, in 1757, Madam Speaker. Admiral Byng was court-martialled and shot on his own quarterdeck for failing to do his utmost, Madam Speaker, in protecting Morocco from capture by French. And as Voltaire said, rather wittily:

> Occasionally the British do this. They shoot an Admiral to encourage the others.

But Madam Speaker, what we are witnessing is a very public execution and ironically, what the public have been treated to is the public execution of an officer of this Parliament undertaking his duty under the Constitution. And Madam Speaker, this is the irony, he has been executed not for not doing his utmost, but for doing too much, Madam Speaker, it would appear. He is doing more than the Government wanted him to do. And why is that, Madam Speaker? Because he is barking. But, Madam Speaker, that is what watchdogs do. They bark. They bark. And this watchdog, Madam Speaker, has been barking, and they do not like it. They do not like it. Now, normally a watchdog would be taken out and shot if it did not bark, because it would be useless. It would be the case of the watchdog of a dog that did not bark in the night, Madam Speaker, because they

would not be doing their job. And they would be right to take them out and shoot the dog because he did no good. He would not be a watchdog.

But what we are witnessing, Madam Speaker, is unlike Admiral Byng, who was shot to encourage the others, we are witnessing the shooting of a public official for undertaking his public duty in the public interest because he said too much, Madam Speaker and therefore, as an example to the rest, Madam Speaker, not to encourage them, but to discourage them.

An example to the rest. We will shoot this watchdog so that the others will know who is in power, who is in control and who they need to be afraid of, Madam Speaker. And with that, Madam Speaker, I have nothing further to say.

Adjournment

Chief Minister (Hon. F R Picardo): Madam Speaker, I move that the House should now adjourn to Monday 1st December at 10 a.m.

Madam Speaker: I now propose the question, which is that this House should now adjourn to Monday 1st December at 10 a.m. I now put the question, which is that this House should now adjourn to Monday 1st December at 10 a.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Monday 1st December at 10 a.m.

The House adjourned at 6.00 p.m.

P R O C E E D I N G S O F T H E

G I B R A L T A R P A R L I A M E N T

MORNING SESSION: 10.02 a.m. – 12.16 p.m.

Gibraltar, Monday, 1st December 2025

Contents

Order of the Day **2**

Government Motion 2

Adjournment 22

The House adjourned at 12.06 p.m. 22

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The Gibraltar Parliament

The Parliament met at 10.02 a.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[ACTING CLERK TO THE PARLIAMENT: K Balban Esq *in attendance*]

Order of the Day

GOVERNMENT MOTION

Acting Clerk: Meeting of Parliament, Monday the 1st of December 2025.
Suspension of Standing Orders. The Hon. the Chief Minister.

Chief Minister: Madam Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with a Government Statement.

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

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, I rise to make this Ministerial Statement in order to update this House and our country following the decision by the United Kingdom Chancellor of the Exchequer to significantly increase gambling taxes. This is an issue of vital importance to Gibraltar and one that may directly and indirectly affect our public revenues. It is precisely for this reason, Madam Speaker, that over recent months we have spent a substantial amount of time and effort lobbying in the United Kingdom and setting out clearly to His Majesty's Treasury the potential local consequences of such a decision.

Gibraltar has been an international centre of excellence for online betting and gaming for decades. Ever since the development of our gold standard regulatory framework for the sector in the 1990s. Our sector is well regulated and world leading. Our businesses are dual regulated in Gibraltar and the UK and they pay taxes both in Gibraltar and the UK. The sector is a Gibraltarian success story of which we should be proud of.

Today, the online betting and gaming sector is a vital pillar of our economy. It accounts for approximately 30% of our GDP, employs more than 3,400 people and generates around a third of our tax receipts through a combination of corporate income tax, personal income tax, social insurance and local gambling duties.

In the UK Budget of the 26th of November, remote gaming duty, a tax on online gaming, casino games, poker and bingo was increased from 21% to 40% effective from April 2026, making it among the highest rates in the world. In addition, the tax on online betting was increased from 15% to 25% effective April 2027. Taxes on UK retail gambling, betting shops, bingo halls, casinos and gaming arcades were not raised with retail bingo duty being abolished altogether. There had been speculation that there would be an increase in UK retail machines games duty 20% to 25% but that was not done and all taxes have been loaded onto the UK facing gambling industry. Tax rates on gambling on British horse racing remained at 15%.

Madam Speaker, gambling taxes are a top line tax charged on revenue and should not be confused with bottom line profit. So effective tax rates, all taxes as a proportion of profit are much higher. Even before these changes, it was estimated that this stood at 60% to 65%.

Modelling by some in the UK now suggests the effective tax rate on these businesses will increase to between 80% and 100%. Tax is charged on a point of consumption basis so legitimate UK facing firms such as those based in Gibraltar as opposed to the UK facing black market are already paying UK gambling taxes. In Gibraltar firms already pay £750 million of gambling taxes annually to the UK exchequer.

Madam Speaker, it also goes without saying that this development impacts the vital work we have undertaken over the past two years on corporate tax reform which we have referred to as Gibraltar's National Tax Strategy; a strategy I have explained on many occasions inside and outside this House. That work delivered significant progress and had already been reflected in the record tax revenues announced at the last Budget in July this year. An important pillar of this Government's tax policy.

The tax revenue generated helps to fund our Public Services, Healthcare and Education and to strengthen our public finances without increasing the burden on ordinary working people. This announcement, unfortunately, could put us back to where we were before then. The level of corporate tax and PAYE revenue at risk in Gibraltar will depend on the extent to which local operators are able to mitigate the increased gambling tax costs. Raising tax in the UK imposes higher costs on Gibraltar gaming businesses and reduces the amount ultimately paid in corporate tax in Gibraltar. If part of that mitigation involves reducing jobs this would, in turn, have a direct impact on PAYE receipts.

I am grateful to the UK Exchequer, Secretary Dan Tomlinson MP, for the time he and his officials have taken to meet with me on a number of occasions in recent months and to the many other UK Parliamentarians, too numerous to name, who have done the same.

I must also say that I could not be prouder of the officials from both the Ministry, the Gambling Division and the Tax Office who have worked alongside me in recent months. They know how challenging this has been to me personally. No matter how robustly or persuasively our and the industry's arguments were put it became increasingly clear that there was strong support both within the UK Government and among influential voices outside it for raising gambling taxes significantly with some, including the Treasury Select Committee, even calling for increases above 50%.

We presented every argument highlighting the economic impact on the UK and not just Gibraltar including the effects on the black market and the Laffer Curve. In discussions with UK Treasury, we sought differentiated treatment for Gibraltar and the wider British family. When this was not accepted, we advocated for any necessary tax changes to remain manageable with Gibraltar sharing in the adjustment and for any further tax increases to be phased in.

While challenging and still resulting in an annual corporate tax shortfall for Gibraltar the proposed level was at least one, we could attempt to mitigate elsewhere though this too was ultimately not accepted.

I am also grateful to the local gaming industry and to the Gibraltar Betting and Gaming Association as well as the UK Betting and Gaming Council, particularly Stephen Hodgson and Grange Hurst for the advice they have provided throughout this period.

It has certainly not been easy. We sounded the alarm in the UK to anyone who cared to listen. Early on, some even accused us of scaremongering because no one expected the outcome of the Budget to be as it ultimately was. The market consensus had been that any increase in online gambling taxation would not exceed 30% which many believed to be the upper limit of what the sector could reasonably absorb. In the final weeks before the Budget, I personally feared a worse outcome because it became clear that for a significant number of Labour MPs the issue went beyond economics and became ideological framed around the perceived social harm of online gambling.

That rationale was confirmed in writing to me by the UK Treasury immediately after the announcement which described the measures as a proportionate way to raise £1 billion for public services by targeting online gambling on the grounds that it is associated, according to them, with higher levels of harm and societal costs and emphasising that the package was significantly less than many had been calling for.

It is against this incredibly challenging political backdrop that I and others worked so hard. Some may ask whether the time lobbying in the UK has been wasted. My answer is clear. Regardless of the outcome, we can be proud of the work we have done in engaging the UK Government and of the relationships we have built, strengthened and newly established along the way.

Madam Speaker the pace at which we have had to confront challenges facing Gibraltar has been relentless. We spent months lobbying in Brussels to secure Gibraltar's removal from the EU grey list and no sooner had we succeeded, this challenge in the UK emerged.

Others locally have spoken about the need for a Plan B. But let us be clear. Replacing an industry as significant to our economy as gaming cannot happen overnight, particularly after we have already had to recalibrate our economic model following Brexit, endure the impacts of Covid and navigate the subsequent cost of living crisis. Yet adjust we must. And that means doing things differently and seizing new opportunities for Gibraltar as they arise.

We did not ask for these measures. We lobbied strongly against them. And frankly, there was very little more that we could have done. We have been actively engaged in driving Gibraltar's growth agenda in other areas. Far from remaining still, the Government has worked closely in close partnership with the Gibraltar Regulatory Authority and the Financial Services Commission to advance a series of policy initiatives aimed at strengthening our financial sector.

The recent appointment of new GRA board members signalled a renewed focus on innovation and modernisation. Earlier this year, we convened a finance summit to bring the industry, the regulator, the FSC and Government together to map out future opportunities. Since then, our dialogue with the FSC has intensified around practical measures to support growth, increase competitiveness and attract new investment.

These measures include accelerating our work on technology-friendly regulatory frameworks, expanding support for AI, blockchain and digital services and creating the conditions necessary to draw high-value businesses across emerging areas. By focusing on innovation, skills and smart regulation, we can broaden our economic base, generate new revenue streams and secure long-term prosperity for Gibraltar at a time when other areas of our economy will be impacted by the recent UK Budget changes.

I also remind this House that we have already secured its unanimous support for legislation, enabling the Government to issue directions to the FSC in the macroeconomic interests of Gibraltar. That underscores our commitment to act decisively when necessary to protect jobs, maintain competitiveness and promote sustainable growth. Madam Speaker we expect to bring the new Gambling Bill to this House, and I believe it enjoys cross-party support.

In recent months, as part of exploring viable alternatives, I have been in discussion with the Gambling Commissioner on how best to grow our non-UK business, both to diversify our exposure and to open new markets for Gibraltar. On Friday, I instructed the Gambling Commissioner to accelerate this work so that Gibraltar can move swiftly to capture opportunities beyond the UK and strengthen the long-term resilience of our Gaming Sector. Madam Speaker, throughout my 31-year professional career, I was deeply involved in developing Gibraltar's growth sectors. These took years to build and required persistent hard work, and I know what that process entails. Brexit was also a major challenge to our financial sectors, and I was heavily involved in the restructuring that followed. But realistically, no new economic activity can replicate that success immediately or replace the tax revenues we will lose. Because these things take time, we therefore need everyone across the public sector, regulators and bodies working together to deliver maximum value. And we must focus as much on spending efficiencies as on growth. We cannot ignore that this affects everyone and that every citizen has a role to play.

Finally, Madam Speaker, this is not the time to talk Gibraltar down. We do so at our own economic peril. Any further erosion of confidence would only compound the challenges we face and could inflict far greater damage on our economy. It has taken decades to build the strength of our economy, but it will be damaged in a fraction of that time. I am obliged, Madam Speaker.

Madam Speaker: Any hon. Member wish to ask any questions for the purposes of clarification? Yes, the Hon. Mr Clinton.

Hon. R M Clinton: Thank you Madam Speaker and first of all I must thank the Hon. Minister for providing me with an advance copy of his address this morning.

His address is pretty clear Madam Speaker, I do not think anybody who heard it would have missed the message in that what has happened in the autumn Budget will invariably have an effect on Gibraltar's revenues and on the amount that Gibraltar has at its disposal for spending.

Madam Speaker, I have seen quite clearly over the last few months clear signals from the Gambling Commissioner himself and from the Gibraltar Betting and Gaming Association where they wrote a rather ominous letter to the Chronicle on 17 November where they warned that there would be an impact depending on what emerged from the autumn Budget. And indeed, I understand, because we have been in contact with the Gibraltar Betting and Gaming Association, that they were working very closely with the Government on this and obviously we offered them our full support.

The one message that we in the Opposition can give is that in terms of financial services or in fact gaming, there is no political divide in this House on that question. I think we can speak as one in the sense of we know what is best for Gibraltar and these are important industries for Gibraltar. So, in that respect, it does not matter who is in Government, I think we will be saying the same things.

By way of clarification, Madam Speaker, if I could just ask the Minister just really one minor point and one general point. The minor point is whether the Minister would be willing to share with us the letter he had from the Treasury which he referred to in his address. And then secondly, in terms of managing and mitigating the effects of these measures, has the Minister or is the Minister considering setting up some kind of working group of the industry?

Thank you, Madam Speaker.

Hon. N Feetham: Madam Speaker, I have provided a summary of the communication from UK Treasury. That is as much as I can provide to this House. I understand that it would not be appropriate for me to share the communication in totality, but I can reassure the hon. Member that the summary of the content is very well reflected in my statement. There is not really much more to add. I can assure the hon. Members of that.

In relation to his second question around will we set up a working group, the answer is we will engage with the industry. We have been engaged with the industry over the last few months. I have been in regular contact, not just with licenced operators here, but the wider market in the UK. So those discussions and that dialogue will continue, Madam Speaker. And I am really grateful for the support that has been offered by the hon. Members on the opposite sides of the House.

Madam Speaker: Any other hon. Member wish to ask any questions? No. All right in that case, we will revert to the motion. Does any hon. Member wish to speak on the amendments to the motion? Yes, the Hon. Mr Bossano.

Minister for Inward Investment and the Gibraltar Savings Bank (Hon. Sir J J Bossano): Madam Speaker, the contributions so far from the two Members of the Opposition have suggested that the motion that we are debating here is in fact an attack on the Principal Auditor and that he is the victim. And this has been reflected both in the leader of the Opposition`s speech and the one by the Hon. Mr Clinton.

I think it was a Leader of the Opposition that said that it was a kangaroo court. Not being very familiar with legal language, I am not sure who the kangaroo is in courts. You probably know more about that than I do, Madam Speaker. But certainly, if the kangaroo is the victim, then the victim in this court is the one that has been attacked by the Principal Auditor who has taken a political approach to a number of issues, which is not what he is there for.

In the introduction of his audits, he reminds everybody of his constitutional rights. And the fact that nobody here is able or wants to tell him how to do his job, it does not follow from that, that whatever he decides to do is the right thing to do because he is infallible, because he is not infallible. The fact that he is protected does not make him infallible, and the fact that he is there to do a specific job does not mean they can choose to interpret what else he can do, which does not fall within that remit.

I am grateful for the contribution from the Hon. Mr Clinton, who shared his expertise in this area. He has often reminded us that he is not an economist and that his background is that of a banker, and he explained why accountants and auditors do the things they need to do and how they do them. And I am grateful to him to do it because I listened with interest because I learned from him how it should be done, and clearly how it should be done is not how it has been done in the last audits that we have had.

What Mr Clinton described, what the Hon. Mr Clinton described is what has been happening in 50 out of the 53 years I have been here, and it was what has happened with every previous auditor, and it is what still happened with the last Principal Auditor in respect of 2015-2016. And if one looks at the terminology, the wording, the content of 2015-2016, and all the previous audits going back to 1972, as I have done, the pattern is indistinguishable.

The issues are very similar. The approach is there, and they are all reflective of a system that is there that is done the same by different people. So the fact that there have been a number of different Principal Auditors has not produced any different results in terms of the terminology or the approach or the areas on which the auditors focused. In terms of, for example, the value for money audit, which was started in 1992 when we were in Government, when I was in Government, and I, in fact, introduced that at the request of my very good friend, Walter Crisp, who was the Principal Auditor. It has continued since then on the basis that it is there with Government support, but not that it is something that the auditor is either legally required to do or has a legal obligation and therefore, if it is with Government consent and they want the Government to make it legal, then the way that it has been used in terms of value for money by the last Principal Auditor is not something that is going to encourage me, as far as I am concerned, to support that there should be a legal obligation to do it, if that is what a value for money audit is going to be converted into.

Because when the Principal Auditor picks on issues that he wants to look at, for example, he decides in one of his reports, in the last one, that he is now going to look at the existence of people who get an exit package when they finish work. And then he makes a judgement in that value for money as to whether it should be happening or not. But, of course, he chooses to ignore how it starts and where it came from. So why are these packages there and who put them there?

Well, the answer is very simple. The history there is written in what has happened in the departments. If the auditor is not familiar with that, which would not be the case of the last Principal Auditor who has been around for a very long time and whom I have considered a personal friend for a very long time against the position of the Leader of the Opposition, who says that he hardly knew him, I have known him for a very long time.

And I think that something went badly wrong after his first audit, which converted his approach totally. And if, in fact, as the Hon. Mr Clinton says, the role of the Principal Auditor is to be a watchdog, then in his first audit of, I think it was 2015-2016, he was the watchdog, and then in the 2016-2017, either he had an attack of rabies or he mutated into a rottweiler. Because the change is incredible and the language that went with it.

So, we have got a situation where he decides that he wants to do an inquest into whether there is value for money in what is being paid. Why is it there and who put it there? It is very simple.

The GSD Government decided in 2010-11 that they wanted to close down the former Public Works Department, which had become, during their term, the Housing Works Agency. And they entered an agreement with the Union. And the payments were agreed with the Union.

Now, if he thinks that that was not value for money, then what the audit has to do was the audit when it was introduced in 2010-2011. Because it was a legal obligation to continue to honour an agreement entered into by the previous Government and the Union. An agreement which said that basically the Housing Works Agency would be closed down by virtue of the fact that for every two people that left with the package, I mean, we were in Opposition then and I was actually closely involved in what was happening because of my links with my colleagues in the trade union movement at the time and this was a very divisive issue because clearly, as one would expect, the division was between the people who were in favour of the package, who were those who were near retirement age, who got the money in 2010-2011 when it was introduced, and those who were not of that age and would continue working. Because clearly, if the department was going to be shrinking, then the shrinking would, if anything, impact on those who stayed at work, not on those who left with money and therefore, there was a ballot and it was very narrowly carried forward and the result was that when we came in, we found, first of all, claims for the people who had been left out.

So, when he criticises the inclusion of people who were not there initially, then he is criticising something that has nothing to do with the year in which we are looking at, has nothing to look at whether what he is doing has anything to do with value for money, because if it was not value for money, that money had already been given away. What he could not expect any Government to do was that after this has been going on since 2010-11, in 10 years later, the people who have been living under those conditions and working under those conditions, and with those expectations, should have that removed because no other previous auditor ever looked at this and came to the conclusion that the Principal Auditor came to on this occasion, and he himself had not raised any objections in the previous audits. So, why did he do it this time and what is the purpose?

Does it achieve anything that is realistically possible? If the purpose of pointing out that something is not value for money is that something can be done to make it value for money, then that would be legitimate. But if it is just a way of criticising the Government, which is what he has used it for, because nothing can be done about it, then that is not what the Hon. Mr Clinton explained is the role of an auditor.

The role of the auditor is to look at something and give advice and produce something that is beneficial in terms of getting better results from the expenditure that is taking place. And, as I just said, it started in 1992, because based on that definition, why should any Government be against being advised on how they can do better with the money that the public purse has in the consolidated fund? If we can get better results from spending less money to do things, then that is something to be welcomed, and if that is what the exercise does, that is something to be welcomed.

But if you are looking at something and saying you are doing an exercise of value for money, and then the way that you look at it, the way that you express it for anybody who does not know the history of it, gives the impression that out of the blue, suddenly the GSLP is dishing out exit packages left, right and centre for reasons, presumably, given other comments that there are in his analysis, for reasons that it is to give money to people who are members or supporters of the GSLP, which is complete nonsense and it is not what has happened.

But that is the approach and the way in which this has been presented in the two occasions, when the first occasion was in the 2016-2017 and 2017-2018 when he brought two years together, and in which he thought were going to be the last ones that he would do, because at the time he announced that he was intending to retire at the close of the financial year 2024, and then that was delayed to 2025, and that is why we have had the second session of the new Principal Auditor behaviour.

And I think it is a behaviour that he is not entitled to engage in because it does not reflect the explanation of what Principal Auditor`s should be doing, which the Hon. Mr Clinton explained very well and reflected his own experience as an auditor and as an accountant. And what we are doing here in this Motion is not attacking him because we are the ones that have been attacked. And if we do not defend ourselves here in Parliament, where do we do it?

We do it here because this is a document that is being laid in Parliament, and if it is being laid in Parliament, then it is in Parliament that we have to point out the inconsistencies and the misleading elements in that document. In particular, the approach to the Savings Bank, which contains an element where the Principal Auditor went to great lengths in his arguments with the officials in the Treasury about the newly introduced debenture for economic development. The economic development debenture, which was introduced, is part of the £2bn that the Hon. Mr Clinton said our Savings Bank now has in deposits.

He also said that probably 99% of pensioners have their money in the Savings Bank and I agree, probably 99%, which means that probably the former Principal Auditor is not in the 1%, but in the 99%, notwithstanding everything that he said about the Savings Bank. Of course, what we have in the pensioner bonds for the Savings Bank is the 10-year bond, which produces a return, which we have maintained consistently at 5%, independent of what the market rates have been and that, of course, is linked to the commutation that we introduced to give Civil Servants the opportunity of obtaining a lump sum for their pension, and all the money that we have paid as a lump sum eventually found its way back into the Savings Bank in these bonds. There are, of course, many pensioners from the private sector also there, but they are the primary source. So are the pensioners somehow, I accept that the Hon. Member has added that he is not saying that there is any irregularity or illegality in the way that the Savings Bank is being conducted. Indeed, the Principal Auditor says:

> I am required to obtain evidence sufficient to give reasonable assurance that the expenditure and income recorded in the financial statements have been for the purposes intended by the Gibraltar Savings Bank Act and the financial transactions recorded in the financial statements confirm to the authorities that govern them.

He says:

> In my opinion, in all material respects, the income and expenditure recorded in the financial statement have been applied to the purpose intended by the Gibraltar Savings Bank Act, and the financial transactions recorded in the financial statement confirm to the authorities that govern them. In my opinion, the official statement properly presents the revenue collected and the expenses paid, the deposits and the withdrawals, and the investment adjustment. The reserve for the financial years ended 11 March 2019 and the assets and the liabilities at the end of the period.
>
> In my opinion, the information given in the report of the Director of the Savings Bank is consistent with the financial statements. Matters on which I have to report by exception. I have nothing to report in respect of the following matters which I report to you in my opinion.
>
> I have not received all the information or explanation which to the best of my knowledge and belief were necessary for the purpose of the audit, or the proper books of account have not been kept by Gibraltar Savings Bank as far as appears from the examination of the book, or that the Savings Bank has not discharged its financial duties and obligations in accordance with the provisions of the Savings Bank Act, or that the financial statements are not in agreement with accounting records.

None of that has happened. So, this is a complete, clean bill of health. No question about it. So then if there is no question about it, why is there this hullabaloo and why is the Leader of the Opposition weaponising?

Because if it is not the Principal Auditor's intention, the result is that the hon. Member opposite has made a political weapon out of the fact that the Principal Auditor believes that the money that has been invested in the Economic Development debentures, all that money, not the rest, entitles the people who put the money there to an explanation of where the money is going in terms of which projects are being supported by that money.

Well, Madam Speaker, there are £2 billion. So, the Principal Auditor says that the people who do not buy the Economic Development debentures do not have that right. They are not entitled to know how their money is invested only the ones in the debentures that are for Economic Development.

When I introduced the Economic Development debentures, I did it for a specific purpose. I did it so that if somebody did not want to have his money invested in Gibraltar, right, then he could still invest in the Savings Bank, and the money would not be invested in Gibraltar.

But the money is not in different pockets. So when the Principal Auditor says to the director of the bank, which is not a bank anyway, it is a fund, a Special Fund, then she explains to him something that is factually correct. The fact that the explanation that he gets is not the one that he wants to hear is not something that entitles him to then produce a language which is used by Members opposite, either because he intended it to be done or without him intending it, as if it reflected something putting the people's money at risk or something being wrong. And it is absurd that if that were to be said, it would only apply to the smaller part of the funding, which is the one that is in the Economic Development debentures.

The Economic Development debentures are not in a separate pocket so that there is an entity that has all that money. It is the money, the £2 billion of cash that has been put in the Savings Bank, as the House knows and as its public knowledge and as it is provided every month in questions, is distributed in a particular way and I have explained it when I have written to the Members.

The money is either invested in Government companies and those are identified or invested in the purchase of Government debt, which the Hon. Mr Clinton sometimes has criticised in his Budget speeches and which I thought was an evident case of value for money, a decision that gives us value for money, because before when the GSD was there, what they did was that they put the money of the Savings Bank into commercial banks and then having put it there at a low rate, borrowed it back at a higher rate. I am not an auditor and I am not an accountant, but even I can work out with simple arithmetic that if you put a million pounds in a bank and then you borrow back the million pounds and you pay the bank more than they pay you, then the value for money thing to do is not to do that, which is what we have done by shifting the Government debt, the £370 million of Government debt from a borrowing of a bank to a borrowing from the Savings Bank, which in the end means that the Savings Bank is able to assist by having a low rate as we have done when it was necessary to support the public expenditure of the Government and in any event if it was at a higher rate, the higher rate would just accumulate more profits, which as the Hon. Mr Clinton says in theory, but it is not going to happen while I am there, it could be possible at any time.

So, the value for money concept explains why we do what we do with the money in the way that we do it and when the situation is that we are now supporting as part of our political commitment because what we are doing in the Savings Bank is not something that we invented after the Election, it is something that we explained during the Election and therefore we are required to be consistent in the delivery of work in Government, the things that we said we would do when we were in Opposition and the concept of diverting money into investment in the Gibraltar economy is important and if it was ever important before, it is even more important today after what we just heard from my hon. Colleague.

The reality is that the small part that is currently being invested is well below the money that is coming into that sector of the products that we have in the Savings Bank. Indeed, the fact that it is more means that it will probably increase in the future, but at the moment something like two thirds of the money that is in the debentures is not being used for that at all. In any case, this is all that in the context that I explained that it is not that there is a part of the fund as the hon. Members know when they look at it that says money from the debentures is here and money from pensioners is there.

The pensioner money is identified in terms of the deposits, but it is not identified in terms of where those deposits are then passed on in order to bring in the money that we use to pay our

depositors. So, what we have now and what we are doing now and what the Principal Auditor tried to insist was an obligation on the part of the Savings Bank which he said was an entitlement that was there for people who have the debentures of economic development but not anything else. Because before we had the Economic Development debentures, we were still having some money that was being invested in the local economy.

How can the concept of a policy being introduced by the Principal Auditor be explained in the two things that Principal Auditors can do? This is not about value for money and this is not about making sure that the expenditure is in constant with what the legal requirements are because I have just read what he signs about that there is nothing that is being done that is contrary to any of the things that should not be done and that everything is being done is being done as it should be done. So, the operation of the Savings Bank is signed by the former Principal Auditor as complying 100% with the way it should be operated.

But he has an opinion and a view and that opinion and a view he can have as a person, as a citizen or as a politician. It can be a view that Members opposite may have but it is not part of his role because that is nothing about value for money and it is nothing about the auditing of the accounts. And what he tries to then convert into something which the hon. Member opposite has mentioned here and outside and on social media that nobody knows where that money is. Well of course they know where their money is but what they are trying to say is that if the entity that is a bank because 90% of the money of the Savings Bank finishes up in the purchasing of loans from banking or money lending entities. And that is true even of the ones in the UK. So, we have got a situation where we have money in all the banks in Gibraltar and we have money in an entity which is the Credit Union.

So, everybody knows where the money is in the credit union and where the money is in the banks in Gibraltar and where the money is in the banks in the UK. But in the case of the credit union, the principal holder thinks, although he does not say that, but by the interpretation of the members opposite, that the credit union then has to produce to the person that has bought the loan stock how they have invested the money. So that would mean that all the banks in Gibraltar should be telling us that the one and a half billion that they have, which is saving that money, how that money is then spent.

Who did they spend it to? What has been done with it? Why is it that only £50 million out of 2 billion requires that the entity that issues the loan stock then produces a list of projects?

Well, the entity that has issued the loan stock has customers that are private firms that we are supporting through that mechanism. And there are other companies that by definition, the hon. Members opposite and the public knows what the company does because of the name of the company. So, if we have got a company that makes homes for pensioners, then the fact that it is called Community Home Pensioner Ownership, the title of the company means that what the company is doing is that.

The fact that that company does it because of its title is as far as it goes. Because if the Savings Bank has bought loan notes from Trusted Novus, it does not mean that Trusted Novus then supplies the Savings Bank with what it, in its operation, has done with that money. Who it has lent it to, what they have used for.

Nobody anywhere in the world operates a system like that. And I do not know whether the Hon. Mr Clinton thinks that a proper way of running a business is that you have an auditor that actually wants to know not only where you invest the money, but where the person that you invested the money with then invest it at a further stage. It is not going to happen.

The fact is that the only institution in Gibraltar, and probably in the world, that gets deposits and then every month produces a list of where those deposits are reinvested is the Gibraltar Savings Bank. There is no other one. So, we go further than anybody else in Gibraltar or anywhere else does in explaining how the money is reinvested by the bank.

But then what the Principal Auditor points out without any right to do so, because this is not about value for money or about how the Savings Bank should operate, is that he wants to know, because he thinks the people that have invested in the debentures for economic development,

they and only they should know which is the ultimate economic development that has resulted from that money. Which in many cases would not be, of course, a one for one. Because the fact that we provide funding to something by buying a loan note does not mean that we are the only one that does it.

So, what do we do? We say, well, look, this has been used in providing a building, but the building, this only covered a quarter of the building, so let's say, shall we say that we have got the roof? And now the people that put the money in the Savings Bank knows that this finished up paying for a roof of a building.

This is insane. And the fact that he does it, and the fact that that is then used to have people on social media saying, what is going on here? What is happening to the money that is being put in the Savings Bank? Why are they hiding it? Why do not they say where it is?

This is a complete and utter attempt at undermining the Savings Bank and therefore, I think it is something that it is not something if politicians on the other side want to do it, that is their business and that is the way they want to conduct their policies. But if that is the way the Principal Auditor does his work, then I think it is not what his work entails.

In looking at the other areas in which he has made comments which have reverberated throughout, Madam Speaker, how can the Hon. Mr Clinton, for example, allocate the work of the Principal Auditor when he enters into things that has nothing to do with auditing?

So, for example, if he questions whether the allocation of a house should be done by one entity or another entity, I do not see that deciding the methodology of allocating houses has anything to do either with the accounts of the Government or the value for money, which are the only two things he can do. Because the fact that we do not tell him how to do the two things he is supposed to do does not mean that he can then go and do whatever else he likes. The fact that he is protected from being told how to do his job does not mean that he is entitled to tell others how to do their jobs.

And the fact that we are having this debate here is because the situation either was deliberately intended by him to be an attack on the Government or has been used by them to attack the Government, and therefore we are in the process of defending ourselves. The original approach taken by the Hon. Chief Minister was to identify the areas where what he was doing was actually questioning the legitimacy of Government policy, which is not his job. And therefore, if he is questioning the legitimacy of Government policy, he should be sitting there and not being a Principal Auditor.

The fact, I know that the legal arguments have been challenged by the Leader of the Opposition with other legal arguments, which is of course what normally happens when you have got somebody defending and somebody attacking. But in this occasion, he cannot be the defender because the initiative that has put us where we are was the initiative taken by the Principal Auditor, which broke the methodology, the approach and the content that had been consistent in every single Principal Auditor's report. Including his first one, you could not distinguish the methodology or find any content that broke away from the two things mentioned.

All the ones between the 1972 audit and the 1972, which was the first one that I was in this House for, and the 2015-2016, which was the first one that the Principal Auditor did, they all have the same method, they all have the same content, of course different numbers because they are different years. But it is not the case that after that something happened that justified a totally different approach. The only thing that was happening was that he was going to go in 2024, and I think that because he was going to go in 2024, he decided to go with the bang.

And therefore, when he did not go in 2024 and decided to go in 2025, he just decided that the bank had to be bigger because it was one more year. And those are what he is done, which has been a fuss of an audit because the elements that have been there all the time, in all the years of previous auditors, take a very small part. But when he goes, as he has done, down the road, he seems to go into departments, he certainly does it in the Savings Bank, where he has verbatim data of his conversations, pages and pages.

I do not know if it is wrong with a tape recorder in his pocket, but he has verbatim records of all the conversations of anybody. Well, it is all very interesting as a novel, but what has it got to do with either value for money or making sure that the numbers are right? And in those conversations, when he puts questions, he puts questions and he gets answers.

He may not like the answers, but that does not mean that anybody is doing anything wrong. And what I have just said in the House is what he was told when he said about, he wanted to know where each pound of the money in the Economic Development debentures had been the project that that money produced. Well, we are not involved in producing projects.

We are involved in buying loan stock from people who produce projects. The people who produce projects do it partly with our money and partly with money from other people. It has been happening for years in all the money that we have been sending to the UK to banks and lending institutions, which have reinvested that money in doing things in the UK.

What is going to be happening now, hopefully, is that less of that money will be flowing into the UK and more will be flowing into our own economy, which has a better effect in that it creates economic activity, which does not happen if it is sent to UK.

That is a policy that I would have thought was worth supporting, that we prioritise investment in Gibraltar and that we help the people in the private sector who want to invest and have limitations in their ability to raise money in Gibraltar. Limitations, because part of the problem here, which may be apparently in the process of being made less rigid, is the conditions that the Financial Services place on banking licences, as to how much they are able to loan to an individual project, an individual development and apparently this is because the local banks are stand-alone and they have not got...they are not part of a bigger organisation, which that means that they are limited. I mean, for example, according to my discussions with the Gibraltar International Bank, they claim that they are not allowed to lend more than £10 million to a project. So if somebody comes with a project and says, I want £70 million, they say, well, I can only give you 10, so you have got to go and look somewhere else for the other 60.

Well, what we are looking is, in conjunction with them, whether there is something we can do to improve the situation. Currently in the UK and in the US, both the Central Banks of both countries and the Governments of both countries are saying that the regulatory systems may have gone too far and are now making economic growth and investment more difficult, and that that was never the intention and they are now revising to reduce the level of regulatory conditions that are being imposed in the banking system. This was announced 24 hours ago so, perhaps, if that happens, that may well enable us to follow suit, because all our regulatory systems, as I understand it, tend to be developed here on the basis that what the UK does, we do.

Therefore, we apply UK standards. So, if the UK standards are what we have today, and they are relaxed in the UK, I imagine that we will be looking to relax them here as well. But what is clear is that what the report in those two years, which cover, in the first case, covered two financial years, and in the second case covered one financial year, and they were both six inches thick because, amongst other things, the Principal Auditor decided that he had a right to put in the audited accounts, the accounts of the Savings Bank for a number of years. Well, if that is what he wants to do, and he thinks he has the right to do it, that is fine. In fact, he actually did it in the first year, he did it twice.

For the first time, in the audit of the funds, the Special Funds of the Government, which are all consecutively contained in part five of the document, when it came to the Savings Bank, he repeated all the arguments about the Savings Bank there. And then, in addition, he then included the audited accounts of the Savings Bank, which are exactly the same. So, he was so keen to put that message forward that in the same book he did it twice. Well, of course, we added a few more inches to the size of the volume.

Well, Madam Speaker, the reality is that the policy that I introduced, which is the policy of doing the gazetting of the accounts in the way they have always been done, is not something that he approves of. Well, that is how it has always been done, and he decided not to approve it the year that he said it was going.

Nobody else has questioned it before. So, we have got a situation where it is not that we have started doing things that nobody had done before us, and now those things are being challenged. it is that we are doing what everybody else has done before, but has never been challenged before, but is challenged now.

Well, one has to question why it is a challenge now if it was never challenged before. When he goes down the road of saying, I am going to do a value for money, and then he says, well, why did such and such a person get paid? He is not questioning the system.

He says, why this one? And he says, well, if somebody is in the executive committee of the GSLP, then there could be favouritism. But if it was in the executive committee of the GSD, there will not be favouritism. So therefore, you can give to the GSD as much as you want, because it could not possibly be favouritism. But you have to be very careful that you do not do the same for the people in the GSLP. I mean, if that is not a recruiting campaign for the GSD, I do not know what it is.

You get more money if you are in the GSD, but you get castigated by the principal Auditor if you get the same amount of money and you are in the GSLP. Which is the bit of his duties that comes under, the value for money or the value for the GSD? When he homes in on my colleague, *el jardinero*, does he take the trouble to find out what the origin of this is?

Does he know? He should know, because he has been around a long time. When we were in Government the first time, John Cortes was a civil servant in the GHA.

And I asked him to leave the security of being a civil servant in the GHA, to take over the Alameda Gardens and convert them into the botanical jewel that we have today. And he was not very keen to do it. And I said to him, well look, try for a year, suspecting that once he got there, the appetite would overcome his insecurity. And it proved to be right. At the end of the year, he gave up his career in the civil service, and he then dedicated his life to the creation of the Botanical Gardens.

Then we have an audit report that puts in question the integrity and the honesty of somebody that is only in the business of having been in that company, because I, as the Chief Minister of Gibraltar, asked him to do it for the good of Gibraltar, not for the good of his pocket.

I think it is outrageous to make an insinuation like that. And it has no place in our audit report and in a place like Gibraltar where we all know each other.

So how can that be defended? And should not we be doing the defence of the person that has been attacked? Should we just ignore it and say, well look, we cannot say anything about this, we cannot touch this as if we were scared of the accusation, we were not scared of the accusation. Because there is no basis for the accusation, and it should not be there. And if there is anything that anybody on this side of the House does that is illegal, then what they should do is go to the police and say, well look, so and so is pocketing public money.

That is what should be done. But you should not put it in a report so that people then copy the accusation and put it on the internet and have it all over the place, which is not just in Gibraltar, it is anywhere in the world. You can read the accusations that have been made and we are doing something wrong by counteracting that here. At the very least, it has to be countered here. Or is it that we are going to let the report stay here and for future generations of Gibraltarians to come back and say, yes, there was a guy called Cortes who was fiddling money in the Botanical Gardens because nobody else has said anything to the contrary.

Well, we are saying something to the contrary. And what we are saying to the contrary is that it was wrong of the Principal Auditor to suggest that the fact that the contract carried on beyond the time that it initially was is something suspect because it is a Minister. If it had been somebody in the Opposition, it would not have been suspect, of course. Because it is permitted to...

This is part of the philosophy of they can do whatever they want and we cannot do anything. So do as I say, but not as I do. That is the contamination of the GSD philosophy that has crept into the Principal Auditor's report.

Well, what happened with John and the Botanical Gardens and the Alameda Gardens was not the only thing that happened. Because we introduced in the Government of 1988 to 1996 a

number of innovations, like many, many, many other things that we did, where we thought it would bring in better value for money.

For example, in the case of the Alameda Gardens, the Botanical Gardens, it was quite simple. I said to the people who are working there, and this is not privatisation, because we did not say we are going to sack all the employees of the Government and we are going to bring in a private company to do their work. What I said to them, I said, look, if you take over and you create a company which you own, I will give you a contract for 20 years, which will be revalued every year in line with inflation. That means that the Alameda Gardens in 20 years never increased in cost.

Why? Because all that it was doing was inflation linked so that the cost was in current prices, the same one as it was originally. All the other departments have increased in 20 years well above inflation, except the departments that accepted a proposal from the Government to bring this about.

So, the Crown Agents became Land Property Services. Land Property Services had a similar contract with us and continued with the GSD. So those entities that the GSD in Opposition criticised actually, when they came into Government, continued with the same system that we had initiated. Why? Because it made sense. Because when I talked to John and the people in the Alameda Gardens, I said, it is very simple. In many, many, many Government buildings, people go home and leave the lights on. In many, many buildings, people do not bother to close up the taps. Why? Because they think it is not their money. They are wrong. It is all the money of all of us.

But when you say, I am going to give you so much money for electricity, and if you then make sure that you do not put the lights on, unless it is absolutely necessary, you start making a profit from the money I give you for electricity. So the reality is that you empower them to make the effort, to make savings, because they are going to benefit from it. And that is a reality of human nature.

So the problem in private sectors is that we have to find things that produce value for money by sharing part of the value with the people that have to bring it about. It is not enough for the auditor to say, well, why do not you do it this way or why do not you do it the other? When Tony Sacramento was not the Principal Auditor, and he was working in the Employment, in the Social Services Department, and we came into office, and I was responsible for the Social Services, and I was responsible for Employment. And I think given that he points a finger at other people in office, it is legitimate for me to explain that little bit of history.

I said to him, look, historically, Social Services and Social Security and Employment have always been together, the DLSS. During the GSD, for reasons that I do not know, they were separated, and that makes it more expensive. We have got economies of scale, and we can make savings if we merge the two departments, as was the case before. So that means that you will become the Head of Department of the Department of Labour and Social Security, as it used to be when we were in office the first time. And he said, no.

I said, yes, but Tony, you see, it means that I do not need two Heads of Department. We can do it with one. He said, I am not doing it. Because we were very good friends, I did nothing about it. But he did not believe in value for money when I gave him the opportunity before he was a Principal Auditor to do something about value for money. And certainly, when we had the situation where we cut at one of the years around Covid, when we cut the payments and we did not give any payments to people who were above a certain level.

There was an unusual Union like reaction from heads of department. About the hundred pounds or whatever it was that they were not getting, including the Principal Auditor. So, the value for money element was not at the top of his head, whether the money went into his pocket or did not go into his pocket.

So, okay, it shows that when you look at the behaviour of other people, he is no different from anyone else. And what he preaches is not something that he practises. So therefore, when I look at the criticisms in the different things that I have identified, then what I see is something that I have not seen before in 52 years of previous audited reports.

And if something has happened once only, and then because the person involved stays another year, he does not just repeat the same methodology but compounds it. I do not think it is legitimate to try and excuse it by saying that, you know, what he is doing is what is normal for Principal Auditors to do. And that what we are doing is something wrong and that what we are doing is trying to, you know, attack him because everything that we are doing, we are doing by identifying what it is that he has done, which has to be counteracted, which has to be answered.

Apart from the aspect of the Savings Bank that he has mentioned in one of the elements, because I think the hon. Member opposite, Mr Clinton, said that he said some things that were positive as well as things that were negative, right? Well, look, one of the things that was positive was that he said that I think this was in 2018-2019, in the report of 2018-2019, of course, which came out in 2025, in 2024.

He said the currency notes in circulation had, in fact, increased, which was, he produced a chart that there were more Gibraltar notes in circulation than in previous years, which is a good thing. Having said a good thing, which must have left a bad taste in his mouth, he then went on to add a bad thing to make sure that he counteracted the good thing. So he then went on to criticise the high volume of currency notes that were procured in December 2015, which have been held in storage by the Government, a currency note manufacturer in the UK, and fees for the storage have been £47,000 in previous financial year and £46,900 in the year 2018-2019, a total of £156,000 since 2015, okay?

So, he mentioned something good and immediately below this, something good, something bad, to make sure that the good effect does not stay for long. Of course, he was not doing a proper job as an auditor, because this came out in May 2025, this analysis. But in May 2021, the notes were no longer in the UK.

The Treasury had entered into an agreement with OSG and were paying something like £260 to have the notes stored in Gibraltar. So here we have got the Principal Auditor who chooses to criticise the cost of storage when the cost of storage is not what he says, because it had been changed four years previous to his accusation. In any event, if he had done his homework, he would have found by asking people, which he did not, that the reason why we buy thousands of notes is because when we get the quotations for the currency from the people in the UK, they tell us that the price of loan notes below half a million is the same price as half a million, that is to say, it is the cost of producing the first note.

If you pay £100,000 for 500,000 notes, you will pay £100,000 for one note, because reprinting the note is very cheap. What is expensive is the original production of the note. It is like everything else, you know, the one thing that you do for the first time is where all the money goes, and then you can have multiple copies of that, and the copies cost very little.

So the reason why we have more is because having more would not cost less if we reduce the numbers, and that is something that anybody that has dealt with the issues of currency notes, the producers of the currencies tell you, well, look, it will cost you so much, and then after that, each note will cost you a few pennies. So, you get each note for a few pennies, then in fact, there is a much greater margin. The more notes that are in circulation, the greater the profit to the Government, because the more notes that have been printed, the price goes progressively down by every 100,000 that you increase the print.

So here we have got a situation where the Principal Auditor, unconnected with what the level of circulation was, suddenly decides on this years, because the figures on the numbers of currency circulation have been regularly put in previous reports. But what has never been put in previous reports is the negative argument that, okay, there is a lot of notes being used, but the Government has been negligent in ordering more notes than they need and having to pay storage. Because they do not use that terminology, but that is the only possible explanation for adding this, which happens to be incorrect, because he just added it in order to say something bad after having said something good without taking the trouble to do his homework.

Is that something that is not permitted, that one should audit the auditor and find him failing? Because if you are going to make the remark, which might be a legitimate remark at the very least,

find out whether there is a reason for ordering so many and find out whether you are still paying storage at least, but not accuse us of something where you are wrong. What you are saying is not value for money.

In terms of the position on the Savings Bank, Madam Speaker, what needs to be clear, of course, that although I have accepted what the Hon. Mr Clinton said a long time ago, in his early years here, that the Savings Bank really is a development bank. Of course, it does what a development bank would do, because it is producing an output of real assets by the way that it reinvests the money. So if the money goes into a Government company, which is building houses, then it means that that company, if it did not get the money from the Savings Bank, would have to get the money from somebody else, which would be another bank, which would have to charge more than the Savings Bank does to be able to make the profits that they require to give money to their shareholders.

So, by the property company selling debentures to the Savings Bank, what is happening is that there is an element of cost reduction of the homes. I know that the Hon. Mr Clinton insists that that is public debt, and we say it is not public debt, because the definition of public debt is in the Constitution, and therefore, if they remind us when it suits them that we must do everything as the Constitution says, then that is what they should do as well, and do what the Constitution says is public debt. It is debt of Government companies.

The Government companies that have become indebted have produced assets, so it is not that there is nothing solid backing the money. The thing that the money has been used to do things, and it has happened in relation to the Generating Station. It has happened in other areas where they were intending to go to the United States to borrow money, to do the Generating Stations and we have been able to do it with local money, and that is better, because the profits stay here, and they should accept that that is better.

So, when we look at the methodology that we adopt, the methodology is not meant to do anything other than maximise the benefit to Gibraltar and to its economy by doing the things in the Savings Bank in the way that we are doing it. We produce in the Savings Bank the information that goes beyond what anybody else produces - that is as much as is going to be produced. We are not going to say to people, you have to report to the Savings Bank how you have gone from raising money by selling us debentures to then reinvesting that money. That is not going to happen. That does not happen anywhere. What we are doing already does not happen anywhere. And therefore, I think it is totally unreasonable to expect that anybody should be prepared to go down the route of doing that.

When they were in Government, they never thought of doing anything like that, ever. And I think part of the problem that has contaminated the Principal Auditor's report has been, frankly, due to the Hon. Mr Clinton. Because I think he started off with challenging, in the first year that he was here in 2015, he first started off by challenging the money that was, he said, being spent. And he convinced the then leader of the GSD, Danny Feetham, that there were two books. And that, in fact, the book that contained the revenue and expenditure of the Government of 2015 was only half of what was being spent. That was the language of the analysis of the Budget debate and that there was an equivalent level of recurrent expenditure, I do not know where the money would have come from because that money did not exist, which was being hidden and were not being transparent. It was not true. It has never been true.

How could it be true? How could the Principal Auditor that audited the 2015 accounts not know about the second book? How would all the people in the Treasury not have been convicted by now for having a second book?

Because to say that you have two books is to say that there is something seriously wrong with the legality and the correctness and the reliance and the trust that you can have in the estimates. And if that had been true, no Principal Auditor, by his own explanations, that is, if he had been the Principal Auditor in 2015 instead of a Member of the Opposition, and if he had heard a Member of the Opposition say there are two books and the book we are looking at is only half the expenditure and there is another half that have got hidden in another book, he, as the Principal

Auditor, with his experience of Principal Auditor would have admittedly said I want to see the other book. I want to see where this money is and I want to see where he is coming from. But he created for the first time a situation where it was the first time in the time that I have been here that the Opposition voted against the expenditure.

There is nothing wrong to vote against the expenditure if you do not agree with the things that we are spending the money on. But if you do not agree because you argue that we are spending more than we are asking you to agree to, but we have that hidden in another book and there is not another book, then the legitimacy of voting against has disappeared. Now, clearly, that approach that there is something nefarious going on in the background and that we are hiding things has been a constant theme in the approach of the Members opposite.

That is what we see when we see the reports of the auditor, that the same kind of approach of suspicion and innuendo is there. And that is why it is not when the Hon. Mr Clinton says, well, if I want to have a committee and the Principal Auditor agrees that we should have a committee, that is not because he is the same as the GSD. That is because this is something that most people in everywhere else do.

And it is accepted that everybody everywhere else does it. Yes. Okay. But if we say it is not our policy, they can say, well, we do not believe that you are right. We believe you are wrong. He can do that. Mr Clinton is perfectly entitled to say he does not agree with us and that we should have a Public Accounts Committee and that he would want to have one. And he tries to persuade us to have one.

But not if he is the Principal Auditor. That is not a value for money thing and that is not whether the numbers are correct or not. So, there are things in the Principal Auditor's behaviour that are legitimate political things to say. Except that he is not a politician theoretically.

So, we are entitled to question what is happening because A, it has never happened before, and B, there is a similarity in the way that things are being dealt with. And I do not know if the hon. Member really believed that there was a second set of books. But when apparently, he stopped believing it, he then said, well, we are now going to stop voting because we do not know where the money is going that subsidises the companies.

Okay. Well, the money that is going in subsidising Government companies is to subsidise the Government companies. What is it that you do not know? You know where all the companies are. We did not know where the companies were when you were in Government. Because the same pattern is there all the time, Madam Speaker. You see, in 1996, the GSD said, the first thing we are going to do is publish all the accounts of the companies. The second thing we are going to do is start reducing companies. They did the first thing.

They did the opposite of the second thing, they increased them. Okay. That was the old GSD. But they say what a wonderful thing the old GSD was. So if they, notwithstanding the various previous iterations when they were not GSD, they say that there is continuity with the old GSD, and there seems to be in the way they behave now. Then what do they do?

Do they publish the companies after 1996? No. Do they actually do the accounts of the GSD? No. Do they publish accounts? No.

Has the Principal Auditor or the Members opposite questioned the incredible thing that is shown in the public accounts of Gibraltar and in the accounts dealing with the different entities that still have to be audited, which shows that the Gibraltar Development Corporation, the GDC, has still not produced accounts after 1996. The last accounts of the GDC are the accounts of the last GSLP Government, not this one. And these are the people who lecture to us about transparency and doing the things right.

The Principal Auditor mentions the fact that there is all this list of entities that have not produced accounts and that he cannot close them. But he just says, well, they have not produced accounts, and we have not been closing. And that is it. Because how can he say anything worse than that? He would have to say it about the GSD. This is not permitted.

Now, if it had been that instead of stopping at 1996, it had stopped at 2010-2011, then there would have been a long dialogue about the fact and the failure and the lack of transparency and

why was not it done and how can we do this and how can we do that? The pattern is clear. It is one rule for them and one rule for us.

And if it is one rule for them and one rule for us, it is a legitimate thing for them to do because that is the way they do politics, but it is not a legitimate thing for the Principal Auditor. If the Principal Auditor wants to appeal to his legal rights under the Constitution, then his legal rights under the Constitution, it is not that he has the right to do things, to become an instrument of the Opposition in the last two audits that he did. Not in the first one, but in the last two, which are totally, totally different from anything that has been done by him or by any other auditor in all the time that I have been here.

In looking at the payments that have been made to people, well, the payments that are made, when he questions, for example, the payments of the exit packages, which, as I have explained, was something that was introduced by the GSD for a particular purpose. That is to say, it was spending money in order to reduce the size of the public sector and eventually save money. So, what he was doing, what the GSD was doing was a value for money assessment that in the long run, it was better to pay people to go early and then replace the work done by the Housing Works Agency by the work done by contractors.

Indeed, one particular element that he is never bothered to question was that in addition, I mean, this was towards the end of the terms of the GSD in Government, in 2009-2010 and 2010-2011, they set out on a policy of shrinking the Civil Service, right? And they shrunk the Civil Service in a very expensive way. The Principal Auditor that goes backwards and forwards from one year to the next. So, he is doing the 2017-2018 audit, but he suddenly looks back into the past and into the future to see if he can find something else that he can criticise. He never criticises anything that was done by them. What was done by them was that it was very good for the workers and the Union accepted it.

They were given a 12% pay rise to move from the Building and Works to the Housing Works Agency. For that movement, that movement entailed that there were different letters on the back of the protective clothing. And that cost 12% more in the payroll.

And in addition, the GSD Government introduced a productivity bonus. The productivity bonus was going to allow more Government houses to be repaired because the Union would not object to the use of contractors. So, in exchange for the Union not objecting to the use of contractors, every worker would get an increase of 25% on top of the 12% of the previous salary.

So, when the Principal Auditor comes here and does something in this year and complains about how high the pay is or how high the exit package is, he does not bother to go back and find who was responsible for introducing it and how much it cost. I do not know if the Hon. Mr Clinton, as an auditor looking at value for money, would consider that there is value for money in giving a person a pay rise of 37% in order to allow somebody else to do work. But that is what happened.

So therefore, it is clear that what the GSD did in Government was that they spent a lot of money to be able to reduce the size of the Housing Works Agency, which was what replaced the Public Works Department. We came in and the people that had been left lobbied us and got Union support for us to allow them to come into that system. Now, the strange thing is that 15 years after this, the Principal Auditor criticises the fact that we allowed people to enter into the system.

Okay, so he does not criticise what was done by the GSD. He criticises the fact, I mean, as far as we are concerned, we defend what was done by the GSD because that was their policy, they had the right to make that policy. They thought that in the long run it would save money to use contractors that are paid less than Government workers.

Maybe the price that they paid was too high, but that was the price that they were able to negotiate with the Union to get Union acceptance, right? That has been there since 2011, the 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016, with the present former auditor in 2015-2016. Nobody, nobody questions anything about that.

But you come to the subsequent years and what happens? He questions why we added people to it and says there is something wrong. So there is something wrong, that the GSD does it with 200 workers and we do it with 30 workers.

There is something wrong if you do it with 30 workers. And there is nothing wrong if you do it with 200. What is the difference? Who did it? Oh, 200 was the GSD, it cannot be wrong, it is the GSD. Who did the 30?

By definition, if the GSD did it, it must be wrong. We did not do anything new; we extended it to more people that had been previously left out. And incidentally, it gave us more benefits, which I will not go into now because I do not think it is in anybody's interest that we spell out the benefits that we derived from that. Maybe if I come across Tony sometime in the street, I will explain it to him.

So, you see, these are the examples that colour the legitimacy of what has been put there. And there is no explanation that one can find. And when you look at the exit packages, well look, the exit packages, I do not know whether he used to... approve all the exit packages in the Housing Works Agency. But I can tell the House that the ones that I had in the training centre had to go to him as Principal Auditor for approval. And he was doing the job he was entitled to do, but he was doing it, you know, as far as it was possible to do it. When he was informed by the department that somebody was going to be given an exit package, he said, well, the job cannot be filled. You cannot give an exit package to somebody and fill the job. And we said, no, we are filling it with somebody that is already in the service. It was somebody that was in the car park company. And he said, okay, who is going to fill the vacancy in the car park area? And we said, the department said, no, it is not going to be filled. Okay, I want to know the name of the person, I want to know when he moves, and I want confirmation that it is clear that nobody new is going to be employed. Before I approve the exit package.

So, is there anything in his condemnation of exit packages that says that he actually approved the payments? Or was it only in the ones that I am familiar with that he approved the payments? I do not know.

But you see, there is another anomaly, and I do not criticise him for doing that, because, okay, if he did not trust the Civil Servants that was telling him what was going to happen, and they wanted confirmation in writing, and they wanted to know the name of the person to make sure that the person existed, that it was not a fake person. And he wanted the date that he moved, and he wanted confirmation from the other end that the position that had been vacated had been closed, and would not be open to recruitment, and it would provide that a lot. And then he signed for the payment to be made.

So that is an element that perhaps, if I was not here, and nobody else here would know, because I do not think any of my colleagues would be able to give that explanation, shows that there are things which run counter to what he is saying he is doing. It is not that he suddenly discovered in 2024 that there are exit packages and it is not that he suddenly discovered that people moved from the Housing Department to the Housing Works Agency.

This happened in 2012. So how come that in 2024, he criticises what happened in 2012, which has never been criticised by any of his predecessors, why? And if he is in fact consulted and involved in the system, why does he, you know, produce something that for anybody that does not know and have the background, would appear to be that this poor man suddenly, in his audits, comes across this mysterious exercise of exit packages and is shocked by what is going on? It is not true. He is not being 100% truthful.

And that is not part of what the Constitution says about being a Principal Auditor. The Principal Auditor should behave in a way where, independent of our political views or our political policies, we consider him to be independent and reliable and honest in everything that he is saying. And if you are saying something that is not correct, because you are not bothered to check at the same time as you are doing that you go and ask the people in the Savings Bank 10 times and you produce 20 pages of taped conversations that they need to be able to provide the projects that are financed. Well, look, it was explained that the money that people put in the Savings Bank is not in different pockets. So it was not that there is, if somebody comes along and says, OK, I have got a company that is going to do a development and I need support from the Government, will the Savings Bank buy my loan notes? It is not that they say, wait a minute, we will look into the pocket

that has money for economic development and see if there is enough money there. That is not the case. They tell him a number of times that that is not the case. The money is not segregated. So how can you say that people who put the money in that particular product are the ones that are entitled to know? So, what do we do? If he is right, which he is not, but if he is right, what do we do? Do we publish it?

Well, then we are publishing it. We are giving the information that is information which is not ours. It is information of the investor that has obtained funding and that information we give it to everybody, to his competitors, to everybody, we make it public. But he is not saying that everybody is entitled. He says we have to make it public because the people who bought the debentures are entitled.

So, what do we do? We write to each person that has bought a debenture and tell them, part of your money in the Savings Bank, which you bought, which you provided when you bought the debenture, has now been reinvested in a company that has loan notes. But now we are going to tell the company that has the loan notes to tell us as they go spending that money what they are producing with that money so that we come back and tell you.

Because that is what he was asking the Savings Bank Director to do. He was saying to the Savings Bank Director, these people are entitled and this has to be transparent and they have to be given this information. This is nonsense.

He was saying that and saying we make it public. Well, but if you are making it public, then the entire planet is entitled. And you are not telling us that the entire planet is entitled. You are saying only a very small segment. And we tell you that the reason why that was done was very simple. I did that because of the criticism of the hon. Member opposite, the Hon. Mr Clinton, who argued about the reinvestment of the money. And I said, OK, what we will do is to have part of the money identified so that we know that out of the two billion, if we have £200 million, which we do not have the pounds, you know, marked economic development. But we know that there have been investors who have bought Economic Development debentures, which means that they have got no objection to that money finding its way in promoting economic development in Gibraltar. We had already been doing it before.

But I decided to put that in place so that I could satisfy the hon. Member opposite that there were people who were quite content for the money to be ending eventually into the creation of assets in Gibraltar, as opposed to what we have been doing for many years, particularly the GSD years, when the system was changed, and the money went into the UK. So, we have got the money that goes into the UK obviously gets spent by the people who are raising that money by selling low notes in projects.

There is absolutely no way that anybody in UK is going to tell the Savings Bank that they can say to the guy that bought the percentage of the funding. I mean, if somebody has put £10,000 pounds in Economic Debentures, and we lend, we have bought a £500,000, do we have to give him the expenditure of the £500,000 or only of the £10,000 out of the £500? So do we say, well, look, we think the doorknobs of the building are all being bought from the debenture that you bought for £5,000.

Because that is what you are entitled, that the Principal Auditor has said, that you and only you, out of the 2 billion funds are entitled to know where your money finishes up. And your money, in your case, has finished up on the doorknobs of a building. This insanity then gets transposed into a campaign of secrecy.

Where is the money? Who is hiding the money? What is the bank doing with my money? Those are the things that we find being said. And the Leader of the Opposition was the first one to say it. Where is the money that has gone into Community Credit Union?

Well, Community Credit Union is an entity that lends money. It has gone in lending money. So now you want to know who they lend it to. And then you want to know what the guy that had the loan bought with that money. But you are not entitled to it. Unless you have, of course, bought an economic development debenture. Which, if you have, then, Madam Speaker, I would be very happy to know that the hon. Leader of the Opposition supports my economic development

debenture. I might even be tempted to try and find which doorknob he bought just because of the happiness of knowing that he supports me.

I think that flavour throughout the things and the examples that I have given, and there are more that I could give. But each of the examples that I have given, I am trying to demonstrate in the House that there is a sequence of events. And that what has been identified in the reports for the recent years is not something that did not exist before.

And suddenly manifested itself to the surprise of the Principal Auditor who had never heard of this. It is not true. That is not the case.

So it is simply a different approach and a different treatment being put on things that have been happening for a long time and there is no explanation for that because it is not in the area of value for money and it is not in the area of saying that the books are being done correctly. Because he does say they have been done correctly. He does say that he cannot find anything wrong with what the books say.

So, Madam Speaker, I think that in a situation like this, to suggest that we are here on the attack is, you know, shifting the onus of responsibility to us. I mean, at one stage, I believe the Leader of the Opposition, if I understood it right, said that because of the time that it took for the audited accounts to appear, they did not know until the accounts appeared what was the final level of expenditure for a financial year. This is not true because when the books are produced, as they have always been produced, the column that tells you the final figure, whether it is audited or not, is the figure that appears in the results audited by the auditor.

So, if the hon. Member looks at the figure for 2016-2017, which appeared two years later, before the audit of the 2016-2017, he will find that the figure in the audit and the figure in the book two years earlier are identical and that the breakdown by department is identical. It is crazy to think that he has to wait for us to bring here a Supplementary Appropriation Bill in order to give legal cover to what has happened two years ago.

There is no risk of us not being able to do it because the money has already been spent, and all we are doing is producing the paperwork retrospectively. Okay, so producing the paperwork retrospectively is not a particularly good thing but it is nowhere as bad as what they did when they actually changed the entire book. We approved a Budget here where all the authorities and agencies at the back of the book were separate. The GSD then found that they were heading for a situation where their public debt was going to go over 40% of the GDP. So, they came back and they produced a new Budget book than the one we had already voted and the new Budget Book was the one that incorporated all the information that was in the back of the book for all authorities and agencies into income of the Government and expenditure for the Government.

Having altered totally the size of the Government income and expenditure, they now were no longer in breach of the 40% rule of GDP. So, what do they do? They do that, and you have a situation where the records of Parliament now incorrectly show the revised subsequent, which was done almost two years after the event. Just about in time for the Principal Auditor to produce an audited account of a book that was not what had been voted by the Parliament in the first place.

That has never been done before by anybody, and that was not criticised. The Principal Auditor happily approved something that was not true because the original Budget approved by this House was a Budget with totally different income and expenditure figures. They approved an audit of something that was added after the year had passed, the year had finished, and we were at the end of the second year and entering into the third year. No auditor thought that that was wrong or unusual.

So, the fact that something is delayed until we do it here legally does not cause the auditor to have to wait because he does not know what the final figure is going to be, because the final figure is already in the public domain, in the book, which we do before he has finished his audit. This is the first time an auditor has taken the length of time that he takes and the principal reason for this delay, in my view, is not the one that he says about waiting for the thing to be approved by the Parliament, because he knows there is not going to be any change, there is no question, the

money has already been paid, this is changing history, you cannot change the history, it is real, there is no way, and you can say that was not the money by saying we do not approve the supplementary. The reason why he takes so long is because the size of the book.

The two books that he produced in his two audits leave the Encyclopaedia Britannica standing still. I mean, there must be, if there was a record competition internationally as to who produced thicker and possibly more nonsensical audited estimates, then he would win the first prize. And of course, if that is the size and those are the books that have been presented in this House on these two occasions, only a very small proportion of what is written there actually says what has happened with the public funds.

And what it says that has happened with the public funds on every occasion is what Parliament voted should happen. The audited accounts that appear in 2024 and appear in 2025, which relate to 2017-2018 and 2018-2019 and 2019-2020, right, those are identical to what we already had in our possession in this Parliament with the numbers. So the numbers are 100% correct.

There is no deviation, right? So what is the size of the book? The size of the book is a running commentary. And the running commentary is seriously at fault because if it is not biased, at the very least, it is not, notwithstanding its length, it is not been done thoroughly enough to produce a balanced picture of the things that it criticises. And I think on that basis, Madam Speaker, we are more than entitled to come to this House and try and put the record straight. And they will try, of course, to put the record wrong.

Adjournment

Chief Minister (Hon. F R Picardo): Madam Speaker, after that, *tour de force* of explanation, can I propose that the House should now adjourn or recess rather until this afternoon at 5 p.m.?

Madam Speaker: All right. We will recess until 5 p.m. this afternoon.

The House adjourned at 12.06 p.m.

P R O C E E D I N G S O F T H E

G I B R A L T A R P A R L I A M E N T

AFTERNOON SESSION: 5.02 p.m. – 8.41 p.m.

Gibraltar, Monday, 1st December 2025

Contents

Order of the Day 2

Government Motion 2

The House recessed at 6.53 p.m. and resumed its sitting at 7.23 p.m. 22

Adjournment 36

The House adjourned at 8.41 p.m. 36

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The Parliament met at 5.02 p.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[ACTING CLERK TO THE PARLIAMENT: K Balban Esq *in attendance*]

Order of the Day

GOVERNMENT MOTION

Madam Speaker: If anybody gets too warm, raise your hand, because I have just felt the warmth in the Chamber, so I do not want anyone falling asleep because of the temperature. The ambient temperature.

Does any other hon. Member wish to speak on the amendment? Yes, the Hon. Mr Sacarello.

Hon. C Sacarello: Thank you, Madam Speaker. Madam Speaker, our Opposition to this motion is not merely a matter of party politics, but one of staunch defence of our democratic institutions.

Our modern Gibraltar has been built on strong institutions, with which we have nurtured public trust. This trust has been gained through assuring the public that Government remains steadfast in its view that transparency and institutional independence remain pillars of our democracy. In recent times, particularly the last three months, where Parliament has been converted into a quasi-kangaroo court, exclusively and extremely purposefully by the Government, the independence of one such institution, the Office of the Principal Auditor, is being brought into question by the Government elected to defend it and so they risk undermining public trust in our democracy even further.

I note how the Chief Minister has flip-flopped on whether to reject the report or not. Following advice he received, he has decided to acknowledge the parts that sit favourably and conveniently, to firmly reject and rewrite the parts he just does not like. It is tantamount to receiving a lousy school report and then rewriting it to look brilliant before handing it over to his parents.

The Chief Minister has clearly enjoyed his time re-enacting a courtroom-like drama in the Chamber over the last three months, enlisting the services of an expensive London silk. But the reality is that the Chief Minister is nose-blind to the public uproar the publication of the Principal Auditor's report caused to the sentiment behind the uproar, and to the public desire for the acknowledgement of the Government's errors. The public has already made up its mind.

The recent GBC polls reflect this. Over 80% of the 1,000 people polled say that their vote would be very or somewhat influenced by its findings. There has been no contrition, no apology, and no detailed plan made out on how they will remedy all of the mistakes made.

The public will sadly be left waiting. It is what they have come, to expect - *Aquí no pasa nada.* Instead, the Government has unilaterally decided to spend thousands of pounds of taxpayers' money - the amount to date has not yet been disclosed, and perhaps it should have been better directed towards a halfway House - on creating their own kangaroo court. The Chief Minister, in a slip of the tongue, one assumes, even stated, as I have told the court. A court where the content

of the correspondence and the instruction between the Government and their KC has not been fully disclosed, where the defendant has no right of reply, and where he was not offered the equivocal funds and resources for a fair defence. But they miss the point entirely, Madam Speaker, the public is seeking contrition and solutions, not more lawyers, respectively. For decades, since 1971, the Principal Auditor's Office has been one of Gibraltar's proudest democratic safeguards. Its purpose is not political theatre, but accountability.

For years, successive Governments celebrated this independence. On more than one occasion, the Chief Minister himself publicly praised the Principal Auditor and his office. In only April this year, he declared that and I quote:

> The Office of the Principal Auditor must be protected from party politics. He must be free to say and not say what he wants, when he wants.

Those are his words, not mine. Only days later, welcoming the new Principal Auditor, the Chief Minister said:

> His Government looked forward to working with him to continue improving value for money and transparency in the use of public funds.

Again, his words, not mine. And yet today, the same Chief Minister seeks to discredit the very Office he once championed, accusing it of incompetence, bias and a failure of objectivity. This is not just inconsistency, it is dangerous.

Chief Minister has often waxed lyrical about transparency, but the veracity of his claim merits further discussion to reveal the reality behind the rhetoric. A very recent Government press release, on 25 April 2025, states clearly that political pressure on the Principal Auditor is unacceptable. It reaffirms that the Principal Auditor should not be coerced into echoing any Party's interpretations, underscoring the importance of independence.

It reads:

> The Principal Auditor is not an instrument of any political Party, nor should he be subject to commentary designed to pressure or coerce him.

And I assume, Madam Speaker, that this extends to the Chief Minister himself, who has recently referred to the views expressed by the Principal Auditor's office, rather unkindly, as poison and jaundiced. Also, the Hon. Sir Joe Bossano this morning called it a farce of an audit and insanity.

The press release continues:

> HMGOG continues to uphold the full independence of the office of the Principal Auditor and will always respect his right to function without interference, pressure or politicisation.

Well, I ask you, Madam Speaker, what is this motion, if not explicitly interference, pressure and politicisation? Their own words.

The amended motion condemns the competence of the Office of the Principal Auditor, its very independence, and accuses it of completely compromising its accuracy and reliability. Madam Speaker, we have known that the Party opposite does not like any form of criticism, so when faced with a substantial amount of it, a public uproar no less, it has chosen, in response, to interfere, to pressurise and to politicise the Office of the Principal Auditor, as is plainly evident in today's motion. On page 73 of the GSLP Liberals 2023 manifesto, there lies a questionable claim of having got the job done on transparency, which could have read, we have done a job on transparency and democracy, given their failure to publish numerous years of the Principal Auditor's reports in advance of the Election.

It goes on to read:

> Building upon this foundation, we will continue to develop comprehensive information strategies to empower our citizens with a better insight into Government operations, particularly in terms of budget allocation and public service enhancements.

Perhaps there followed a caveat that was somehow redacted out of the manifesto, that read, unless transparency depicts us in a bad light, or if we disagree, or if we do not like it. In a Parliamentary session held on Thursday 20th May 2021 in lines 336 & 337 of Hansard, in response to the question about delays in tabling of the Principal Auditor's report, the Hon. Chief Minister said,

> Mr Speaker, I would not wish to do anything, anything, that might be seen as interference with the independence of the Principal Auditor.

A promise once made, now lying in tatters, as they ruthlessly undermine the accuracy and reliability of the report in question, and call for most of it to be rejected in this amended motion. So why the complete U-turn on this position now, Madam Speaker? This motion does not seek to remedy a couple of minor inaccuracies, which might be acceptable.

No, it goes much further than that. It seeks to undermine and discredit the very independence of the Principal Auditor's office, that the Chief Minister once purportedly stood by so resolutely. Are his principles, like the proverbial house built on sand, doomed to failure as soon as they are stress tested?

The Chief Minister has spoken, often endlessly, about transparency. Yet at the same time, Civil Servants are made to sign agreements, binding them to silence about the inner workings of Government. Speak out and you risk being punished, move to another department. Businesses fear losing contracts if they voice any form of criticism publicly. This climate of fear runs counter to every principle of open democracy.

In a society where public servants feel gagged, where private citizens fear reprisal, true oversight becomes impossible. Institutions wither. And without strong institutions, democracy itself erodes.

The Government's we do transparency best trope is in reality nothing more than smoke and mirrors. A sham. Pie in the sky.

The erosion of democracy is not just a Gibraltar story. Around the world we see the same pattern of democracy under attack. Internationally, as The Economist has observed, the public's faith in institutions is faltering. Leaders question judges, attack journalists, undermine watchdogs. From Eastern Europe to Latin America and beyond, democracies slip into autocracy, not with a bang, but with a slow corrosion, a creeping normalisation of silencing independent voices. That is the path we risk walking if we condemn our own Principal Auditor for simply doing his job.

The world is looking on, observing our progress as a young democracy. Do not underestimate the damage caused by the McGrail enquiry, the recent findings of the Principal Auditor's report, and now this saga, which seeks to recklessly pillory a Civil Servant and his Office, one of the cornerstones of our democracy. Be under no illusion, our international reputation has been hit hard by these events.

The very least Government could do is acknowledge these flaws laid out in the report and set mechanisms in place to prevent further repetition. Instead, it has chosen to add fuel to the flames, to destroy the evidence, to rewrite history through its own lens. Contrary to the Father of the House's view, that scrutiny of this kind conducted by the Office of the Principal Auditor is harmful for our international reputation. It is in fact the very desecration of our institutions by Government that inflicts harm on Gibraltar's reputation. Meanwhile, potential foreign investors are warded off by such actions, and at a time when Gibraltar should be enjoying the fruits of the forthcoming treaty, Government is throwing obstacles in its path, restricting growth and constraining prosperity.

Government has criticised some of the Principal Auditor's recommendations on good governance as echoing Opposition policy, such as the establishment of a Public Accounts

Committee. But that coinciding of views is precisely because good governance transcends party-politics and seeks to protect the public, not because it carries favour or bias. He must be free to say and not say what he wants, when he wants - the Chief Minister's words.

Across the Commonwealth, countries large and small have created fiscal watchdogs to keep governments honest. Countries like Malta, Cyprus, micro-states like the Cayman Islands, Turks and Caicos, St Kitts and Nevis all have Public Accounts Committees, or equivalents, often chaired by a Member of the Opposition. If they can embrace oversight, why cannot Gibraltar? What does the Government have to hide?

Hon. Ministers, Each of you faces a choice today, or when we vote. To vote for this amended motion is to declare that loyalty to an outgoing, purportedly outgoing Chief Minister is more important than the independence of Gibraltar's institutions.

There is no rowing back from such a vote. To do so is in effect to unquestionably state that you are willing to trade in democracy for political convenience. You have an opportunity to demonstrate true strength of character in voting against this amended motion. History will remember this moment, and so will the people of Gibraltar.

No report is perfect. The Principal Auditor's report may contain minor errors, typographical slips, or small factual inconsistencies. These should be corrected and debated, but they are not grounds to dismiss the bulk of the report, to besmirch the importance of the Office, and in doing so to undermine the very democracy that we depend on to freely thrive. The public has a right to know how their money is spent. The public has a right to know how a Refuse Collector Supervisor could be paid more than a Chief Minister.

Transparency demands scrutiny, not suppression. And so, the real question before us is a simple one. Do we still believe in the independence of our institutions? Do we still believe that checks and balances matter?

Gibraltar has always stood proud as a beacon of democracy and fairness. We have always stood for free speech, for accountability, for the courage to speak truth to power. This vote is about whether we continue to stand for those things, or whether we will let fear define us.

Madam Speaker, Barack Obama once spoke about the arc of history bending towards justice. But only if people of good will pull it there. (*Interjection by the Hon. Chief Minister*) And he repeated it too.

Today we are those people. Today we must pull towards justice. Let us reject this motion. Let us reaffirm that Gibraltar's institutions, entrenched in our Constitution, are stronger than any one Government or any one leader. Let us say to every Civil Servant, every business owner, and every citizen, your democracy is safe.

Your voice is safe. Your future is safe. And I say directly to Cabinet Ministers on the Government bench across the way, this is your moment to put Gibraltar first.

To put its Constitution, its checks and balances, its democratic processes, before party-politics. Dig deep into your souls. Find the strength of character to defend the Office of the Principal Auditor you once praised and reject this motion today. To protect the democracy, we will all depend on tomorrow. To do anything less would be to betray the very principles on which our modern Gibraltar was built.

Thank you.

Madam Speaker: Any other hon. Member wishes to speak? Yes, the Hon. Mr Feetham.

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, I have patiently listened to all the contributions of the hon. Members opposite, even when I was unfortunately ill, I think the week before last, and I listened to Mr Clinton's contribution from bed, in order to make sure that at least I understood what the arguments were. I have also taken notes of some of the things that were said by the hon. Members opposite. I think I probably was not in the same motion debate as they were, Madam Speaker.

I have got to be honest, and I am just going to quote from a number of statements that were made by the hon. Members opposite, where they said that the, from the Government benches, or at least from the contributions that were made at the time, so I think they were specifically singling out the Chief Minister. They said, and I took a note when it was said, the Chief Minister presumably was acting aggressively. Madam Speaker, aggressively? I think the Chief Minister was actually quite restrained, to be honest with you. If you want a lesson on how to, if you want a lesson on how to act aggressively, and there is a debate to be had about whether or not it is aggressive in political terms, well I was in Westminster when the Budget was delivered, and I listened to the Chancellor of the Exchequer's speech, and then I listened to the Leader of the Opposition's response to the Chancellor. My goodness, if anybody could be accused of being aggressive, perhaps you could use, you could say that in that instance, the political temper was increased considerably, but I will make no value judgement as to whether she was right or she was not right, but I think you might forgive me for saying that I would have used quite similar language myself. To the language that was used by the Leader of the Opposition in the UK.

They have also said, Madam Speaker, that the debate has been weaponised against the Principal Auditor. Where do we carry out this debate? If not in this Chamber, where should we debate? A report which was prepared by the Principal Auditor as an Officer of this Parliament, which is filed in this Chamber, and must be debated in this Chamber. Well, he might not like the criticism, but that does not make the criticism as one that is weaponised against him, Madam Speaker.

Hon. Members have also said that this is a Constitutional outrage. We should not be here. Well, if we do not debate this here, where do we debate this? What do you do? We call a GBC debate and we debate it in GBC? This is the right place, Madam Speaker, where the Principal Auditor's report needs to be debated and its argument tested.

There are and there must be constitutional boundaries. Those are the words that the Leader of the Opposition has used. But surely, Madam Speaker, this also includes the Principal Auditor. The Principal Auditor himself also has Constitutional boundaries. Or is it only that the Members on this side of the House are bound by Constitutional boundaries, but nobody else is? And certainly not the Principal Auditor.

It is an abuse of the Constitution, the Leader of the Opposition said. It is entirely unacceptable. It is a character assassination of the Principal Auditor. What character assassination of the Principal Auditor, when all that the Government is doing is calling out material inaccuracies and misstatements by the Principal Auditor?

So, what is it, what is it, Madam Speaker, that makes it so offensive to the Members opposite? I mean, if it had been highly offensive and therefore inappropriate, I would have expected that Madam Speaker would have called the House to order. That is another comment that I would make, Madam Speaker but as an Officer of Parliament, it is absolutely the correct thing to do for us to debate the Principal Auditor's report here, whether the hon. Members like it or not.

They have made many statements outside this House, Madam Speaker and then the the Hon. Chief Minister comes to this House and forensically tears the report apart. But they do not like that. Of course, the Hon. Chief Minister, it is quite proper for the Hon. Chief Minister to be subjected to all sorts of criticism. But when the Hon. Chief Minister gets up forensically to examine the Principal Auditor's report, that is a constitutional challenge, Madam Speaker.

I would also say, Madam Speaker, that I am sure that we all bring our experience and skills to this Parliament. I have heard the Leader of the Opposition articulate his arguments, and he is used very legal arguments, which I think, to be honest and fair, has not been understood by the majority of the people of Gibraltar. I have heard also, Madam Speaker, the Hon. Roy Clinton and his articulated arguments, I think probably with more relevance in terms of the experience that he brings to bear as a former auditor, and therefore the experience that he brings to bear to this debate.

I mean, I was a financial services professional for 31 years, Madam Speaker. I also Chaired leading financial institutions as a Board chairman, and I took my responsibilities very seriously,

Madam Speaker. I was also in other financial institutions. I was also the chair of the Audit Committee and the Compliance Committee. So, I think I bring, at least in the area of compliance and audit, more than 20 years' experience, Madam Speaker.

And the Hon. Mr. Clinton did explain the difference between the statutory auditor and the internal auditor, the internal audit function. He explained that I do not want to labour the point that when it comes to a statutory auditor, an external auditor with responsibility for the statutory accounts, that is the principal responsibility that a statutory auditor has. Then institutions rightly also, in many cases, particularly those that are highly regulated, which are the ones that I am used to dealing with professionally, those institutions also have an internal audit function, Madam Speaker. And over my professional career, I think I must have at least reviewed and read and been the subject of interaction at board level, at committee, audit or compliance committee level, with over 100 audit reports. So, I am actually used to seeing audit reports. That was my professional life over many years, Madam Speaker.

And I struggled with this. I struggled with the tone of this report. I struggled with the enormity of the factual inaccuracies here in this report. And indeed, I struggled with some of the legal inaccuracies reflected in this report as well, Madam Speaker.

I would also say, Madam Speaker, that in my interactions with the external auditor, and sometimes even with the internal auditor of companies, there was continuous interaction with the senior management team and certainly the statutory or external auditor throughout the audit period and it was also taken for granted, Madam Speaker, that when, at the very least, even with the top auditors, the top audit firms internationally, you would expect, Madam Speaker, that the Lead Partner of the audit firm would at the very least, as a minimum, be engaged with the board, the Board Chairman, the Chairman of the audit or Compliance Committee, and also continuously with the senior management team, but at the very least at board level, you would expect the Lead Partner of the audit firm to be involved in the opening of the audit. So your lead partner turns up in the first meeting that sets the tone for the rest of the audit process.

And as a bare minimum, you would expect the lead partner of the audit firm to also be involved in the closing meeting between the external auditor and also the financial or regulated financial institution, Madam Speaker. And I would like you to hold that information if you can, because I am going to ask the question at some stage, how regularly did the Principal Auditor, Mr. Sacramento, actually meet with some of the departments which he so radically criticises, or, in the context of information which I think has been pre-approved by the Chief Minister, and I will look at some areas that are relevant to my Ministries, how often did he meet with the senior management team?

And I also noted, Madam Speaker, that the Leader of the Opposition said that he did not think he had ever met Mr. Sacramento. I think he might not be the only one that has not met the Principal Auditor in terms of the audit engagement, certainly in the last two years, Madam Speaker.

If you look at the table of contents, Madam Speaker, it is a table of contents which I think anybody that is interested in this motion and debate should very quickly just go through it, as to what the Principal Auditor's report is all about.

Part two of the table of contents refers to the audit of the annual statements, that is the essential part of the audit work which your statutory auditor does, that relates to the accounts, making sure that the accounts and the numbers are right. Part three, Madam Speaker, relates to the departmental audits, that is the equivalent of the internal audit function within a company, companies or at least the leading financial institutions will have an internal audit department within the company, and those that do not have an internal audit department, they will outsource that particular function to an external auditor, which is not the same as your statutory auditor.

Part four are the statutory and other audits of statutory bodies and agencies, Madam Speaker, and if Mr. Sacramento had a backlog that meant that he could not advance the audit reports as quickly as he should have done, and certainly in my view he should have been able to complete the audits in time, he did not, perhaps he should have considered actually outsourcing some of

that work externally, Madam Speaker. Part five is the equivalent of the internal audit function as well, as it relates to value for money, and that is clearly an important part of the work that is done.

Then in part six we have the audit opinion, Madam Speaker, we have got the audit opinion at page 254, and I am going to turn to the audit opinion, because, Madam Speaker, the Hon. Mr. Clinton in his delivery made a big issue about arguing that the wording of the audit opinion was a qualification to the audit opinion, and therefore a qualification to the statutory account, I think he made the point quite emphatically before the break, and he therefore, Madam Speaker, accused the Government or the Chief Minister of misrepresenting the position in terms of the clean audit certificate, which the Chief Minister referred to in his own contribution, Madam Speaker. The point that Mr. Clinton, the Hon. Mr. Clinton laboured on were the words, Madam Speaker, in the audit opinion, on the opinion on regularity, on the opinion of the public accounts, the words that say, and I quote:

> …except for the relevant comments contained in my report.

And then he says, also, he made the same reference to the audit, to the opinion of the public accounts, where the wording is similar:

> ...except for the relevant comments contained in my report.

When I was preparing for this debate, Madam Speaker, this motion, I asked one of my officials to go to the Auditor, Principal Auditor's Office website, the website of the Principal Auditor, and to look for the audit opinions prior to, 2011. In other words, if you are going to judge me by a standard, you have got to make sure that the standard applies equally in terms of the audit work that has been done for every Government of Gibraltar. It cannot be, Madam Speaker, that we are held to a different standard and different requirements.

So, I have, I asked one of my officials, print out, please, the audits, the audit certificates for as long, for whatever period of time they are available on the website. So, in other words, if there are four or five audit opinions, print them out and let me have a look at it.

There are only four. Hon. Chief Minister will see that there are only four online. But I am sure, yeah, but I am sure that we can find every single audit certificate going back since time immemorial, which includes, Madam Speaker, the time that they were in Government. So, as the Hon. Chief Minister has rightly pointed out, what I am referring to are the audit certificates when they were in Government, when they were in Government. In other words, 2010, 2011 and prior.

So, the audit certificate for 2010 and 2011, which is the audit period, when they were in Government, Madam Speaker, the Principal Auditor signs it here. Mr. Posso, the Principal Auditor, he signs it. And under opinion of regularity, the same opinion of regularity as is contained in the current auditor opinion and also on the opinion of Public Accounts, I quote:

> …except for the relevant comments contained in my report.

The same wording, Madam Speaker, the same wording is contained in the current audit certificate or opinion as was contained in the auditor, the annual accounts for 2010 and 2011. Madam Speaker, the annual accounts 2009 and 2010, Madam Speaker, let us open the audit opinion, and this was signed by Mr. Posso as well, and he has the qualification and the audit opinion. In other words, in terms of his audit opinion, the opinion that he is given on the Annual Accounts 2009/2010, when they were in Government, Madam Speaker, and the audit opinion, he says, and I quote:

> …except for the relevant comments in my report.

2008 and 2009, Madam Speaker, we have the same.

By the then Principal Auditor, we have the same qualification and the audit opinion:

> …except for the relevant comments contained in my report.

Exactly the same qualification, the same qualification. And lastly, Madam Speaker, the 2007, 2008 opinion, again, and the audit opinion. So, in other words, the qualification cuts through the entire audit opinion, as delivered by the then Principal Auditor, the words, quote:

> …except for the relevant comments contained in my report.

So, it is very easy, Madam Speaker, to criticise, but if you are going to criticise, you have got to be objective about the criticism, and you have got to make sure, Madam Speaker, that whatever you say is factually and legally correct, Madam Speaker. And I would ask the hon. Members, Madam Speaker, to turn to page 30 of the Principal Auditor's report, and if there is one statement here, Madam Speaker, that justifies the Government bringing this motion, it is the statement at page 30, paragraph 2.7.62, on the POCA compliance audit, Madam Speaker. If there is one reason why the Government is absolutely justifying doing what we are doing, Madam Speaker, despite the protestations from the hon. Members opposite, it is this outrageous statement in the report. And I am going to read it out, Madam Speaker. I am going to read it out, outrageous as it is.

> In my view, it is unacceptable [I am quoting] that the Chief Minister has sought to prevent the Principal Auditor from undertaking an audit which it is my right to perform under the Gibraltar Constitution and Public Finance Control and Audit Act. I consider the Chief Minister's action to be improper and unconstitutional.

Madam Speaker. The Chief Minister dealt with this forensically, Madam Speaker, but I need to add my voice of support to the Chief Minister, because he is absolutely right when he says, Madam Speaker, that that statement is factually and legally incorrect. The Principal Auditor did not have the constitutional legal powers to assert a right for him to carry out a POCA compliance audit in the way that he was asserting.

And when the Chief Minister says, Madam Speaker, that the legal advice that the Government received supports the view of the Government, that he certainly did not have those powers. And that indeed, when the Hon. Chief Minister says that the same statement is contradicted by what the Principal Auditor had said two years or a year before, I would have thought it is enough for the Hon. Members to say, well, actually, maybe he made a mistake, maybe the Principal Auditor made a mistake. But they continue, Madam Speaker, with the criticisms that they are making. Well, let me tell you, Madam Speaker, that I have looked at the legal and constitutional position myself, but of course I do not want to make it self-serving by saying that I am a better lawyer than the lawyers that the Chief Minister used, but I can tell you that my personal view is that the Chief Minister is absolutely correct in saying what he has said, and also it is not just my view, Madam Speaker, we have people that are supporting the Government in terms of the important work that we are doing in relation to MONEYVAL. And I consulted with experts, Madam Speaker, and the view that came back to me was that the Chief Minister was absolutely correct in the position that he was articulating and that indeed Mr Sacramento did not have the powers that he purported to take upon himself, Madam Speaker.

There are times that as a Minister, I can tell you that I sometimes feel very frustrated and I say, goodness, you know, I wish I had a power because, you know, if I had this power, I could do things in a different way, I could move much quicker in the pace which the Government is required to do things. But if I do not have a power, I do not have the power. If I wanted the power to do something, I have got to come to this House and I have got to ask for Parliament to provide those powers to me, whether it makes me frustrated or not, or whether I think that I ought to have the powers that would make my job much easier in certain areas. If I do not have the powers, I do not have the powers, Madam Speaker, and that applies also to the Principal Auditor.

This is a serious statement. This is a serious criticism. Here is the Principal Auditor's report, Madam Speaker, and the advice which the Government has, Madam Speaker, is that when the next MONEYVAL evaluation takes place and we are going to go through the motions and the process of that evaluation which will start next year, this is a major red flag to whoever is looking at this report externally, Madam Speaker, regardless, regardless of whether the Principal Auditor was factually and legally correct.

Well, in that context alone, Madam Speaker, we have got to correct the record. We cannot allow the record to stand, Madam Speaker, because if we allow the record to stand, then those that are evaluating Gibraltar's compliance against the very things that the Principal Auditor is saying he wants to review, then you are just simply providing ammunition to them, so the record needs to be corrected.

Madam Speaker, we have all worked very hard on this side of the House, all my colleagues work extremely, extremely hard. I have spent a lot of time over the last two years on matters which I wish I did not and I did not have to have done, but it needed to be done. I spent a huge amount of my time, my colleagues within the Ministry have spent a huge amount of my time with the support of the Chief Minister to get Gibraltar off the FATF grey list.

I know that the hon. Members opposite probably would have loved for me not to have taken Gibraltar off the grey list because they reminded me on a couple of debates and questions I think across the floor of the House that I had said during the Election campaign that should we not have taken Gibraltar off the grey list, I would have offered my resignation to the Chief Minister. Well, I hope they are glad that we took Gibraltar off the grey list despite the fact that I was not required to offer my resignation. But no sooner had we taken Gibraltar off the FATF grey list, that we were then faced with the problem that the European Parliament blocked in the first vote that took place at the beginning of this year, they effectively blocked the decision of the FATF to have Gibraltar removed from the Commission's own grey list, which then meant, Madam Speaker, that we had to start again from scratch.

I spent a huge amount of my time lobbying the European Parliament, lobbying the European Commission. I travelled at least twice to Brussels. I had numerous meetings with the European Commission, both physically and also online, Madam Speaker, and it is, I think, knowing the amount of work that we put into this, knowing the jurisdictional importance, knowing how hard this can hit Gibraltar, both reputationally and economically, it is absolutely unforgivable, Madam Speaker, that the Principal Auditor should have made the statement that he made in this report, Madam Speaker.

And it was quite coincidental, Madam Speaker, that the Principal Auditor's report was published a day after we came off the European Union grey list. We were lobbying, on this side of the House, we were lobbying the European Commission and we were lobbying the European Parliament 24 hours before the vote. In other words, we were reaching out to the contacts and the colleagues that we had established in the European Parliament to ensure that the vote went in our favour. But there was no guarantee that it would have done, no guarantee at all, Madam Speaker.

And a week before the European Parliamentary vote Madam Speaker, which went in Gibraltar's favour in no small measure because of the work and the lobbying that the Government had done, there was a Parliamentary debate in the European Parliament in the Committee on Economic and Monetary Affairs. Some of the hon. Members opposite may have seen it in the media at the time. But the contribution, Madam Speaker, from the MEP, from the PP member of Parliament, in Spanish, I will translate it, Madam Speaker, in a minute, or at least part of it in a minute, but in Spanish, the contribution from the PP was:

Comisaria, Gibraltar cumple con todos los indicadores para ser considerado un territorio de alto riesgo para el blanqueo de capitales y financiación de terrorismo. Es decir, es un paraíso fiscal. Pese a estas evidencias, y mediante un pacto opaco, la Comisión se ha comprometido a excluir del Estado a la única colonia de suelo europeo definida así por las Naciones Unidas.

That was the PP, MEP's contribution. ...an attack on Gibraltar's integrity, Madam Speaker, and just translating that into English, the PP, MEP, Madam Speaker, went straight to say that Gibraltar is a tax haven and a colony and complies with all the criteria not to be delisted. The Vox MEP, was even harsher, Madam Speaker, and her contribution, and again I quote:

Lo que sí es inaceptable y Vox no vas a tolerar es la salida de Gibraltar de este Estado. Una colonia que sobrevive precisamente como paraíso fiscal desde el 1960 y cuya falta de transparencia ha servido siempre para el blanqueo de capitales. Señora comisaria, ¿de verdad cree usted que prometer cambios para ahorrar años de opacidad estructural como ha dicho usted?

And she ends her contribution by saying:

¡Gibraltar Español! ¡Gibraltar Español!

These are the people, Madam Speaker, that are clearly out to damage Gibraltar as much as they can. And the Principal Auditor's report gives them the opportunity to do as much damage to Gibraltar as possible, Madam Speaker. Or is it that the hon. Members opposite do not see that? Because if they do not see that, Madam Speaker, they must be the only ones in Gibraltar that do not.

And to make matters worse, Madam Speaker, but thankfully, the auditor's report was published a day after we came off the European grey list because all we would have needed are the Vox and the PP MEPs in Parliament distributing a copy of the Auditor's Report amongst those parliamentarians that we fought very hard to support us and who supported Gibraltar in the vote for them to have turned their opinion on the vote and voted against Gibraltar.

And when we came off that grey list, Madam Speaker, and I have said we came off the list a day before the Principal Auditor published his Principal Auditor's Report, you would have expected the media to have focused on the fact that we have come off the grey list and it is to the credit of Gibraltar and therefore endorsing Gibraltar's higher standards of regulation when it comes to the very issues which Mr Sacramento was saying that we were not doing in Gibraltar. Lies as those were, Madam Speaker.

But the Spanish press, I have got the Spanish press here, Madam Speaker, a day after we came off the grey list and the very day that the Principal Auditor published his Auditor's Report and the Europa Sur headline was:

El ex Auditor Tony Sacramento acusa a Picardo de bloquear una investigación en contra del blanqueo en el banco estatal de Gibraltar. Estas revelaciones llegan apenas un día después de que el Parlamento Europeo incluya a Gibraltar en una lista de territorios considerados fiscalmente responsables y libres de dinero muy sucio.

The last paragraph gives Gibraltar the credit that Gibraltar so deserved, but the headline of the article was actually saying the exact opposite, actually saying the exact opposite and in the small print at the very end, oh, but Gibraltar came off the grey list. What are people going to be reading outside Gibraltar? Will they be reading outside Gibraltar now how well Gibraltar has done to maintain international standards or they are going to be reading what Tony Sacramento, the Principal Auditor, is saying which is the exact opposite when factually and legally he was entirely incorrect, Madam Speaker.

So, for this reason alone, Madam Speaker, it justifies everything the Chief Minister has said and it certainly justifies the motion before this House. If we can now, please turn to page 80 of the Principal Auditor's Report on tax, under the subheading general, paragraph 3, 180.

So, the Principal Auditor, Madam Speaker, and his engagement through the report, but he is the obviously the person responsible for his department, he does an audit of each of the Government departments and rightly he should review the Tax Office. As everyone knows, Madam Speaker, I am the Minister of Responsibility for Taxation and it is right that he carries out a review, but you would expect, Madam Speaker, that if somebody is going to carry out a review,

you would expect that he gets the basics right and that there are at least a minimum number of factual inaccuracies.

You can never do away with factual inaccuracies. Somebody can make a mistake and you can say, well, you know, it is been a factual error and apologies for it and we will correct the record, but you would expect at the very least that you keep your factual inaccuracies to a minimum and that you try to reflect a fair and balanced view of whatever you are reporting on, Madam Speaker.

So, in this part of the Principal Auditor's report, Madam Speaker, the Principal Auditor refers, and I am going to quote extensively because I am going to demonstrate that the Principal Auditor leaves huge gaps of information in what he says in the report. I mean, if I was the Chairman of a financial institution, as I have been, Madam Speaker, and I got a report of this nature, I would be calling the Auditor in and saying, you know, what type of an audit report is this?

And I would have to seriously think about whether or not we would recommend, not in the context of the Principal Auditor, because that is a statutory position, whether or not you would continue with the same auditor or perhaps you would ask that the team be changed, Madam Speaker. But he says, Madam Speaker, and I am going to quote extensively:

> The Commissioner confirmed that aggressive tax planning by companies and the resulting erosion of taxable profits poses a significant threat to the public revenues and a cause of serious concern to him.

Madam Speaker, a serious concern to the Government. When I was, when I was appointed as Minister with Responsibility for Taxation, I mean, the one thing that this Government did not do, Madam Speaker, when we were elected to Government, is be elected to Government without a plan. I think every Minister on this side of the House has demonstrated ample ability, foresight, and that they are prepared in terms of a task.

I just need to look around this part of the House, Madam Speaker, you know, Mr Santos, at least the new ones. The work that my Colleague has done, the huge and the great work that my Colleague, the Minister for Health is doing in the Health Service, the great work that my colleague is doing in Housing, because we were prepared for Government, Madam Speaker, we were prepared for Government. So, when I took over as Minister with Responsibility for Taxation, I told the Chief Minister exactly what we needed, what I thought we needed to do, we had that conversation before being Elected, in fact, during this Election process, at executive level, Madam Speaker, and we knew, (*Interjections*) *se lo dije al grupo de taxation,* and we knew what we wanted to do, and I remember the first interview with GBC, which was two weeks, three weeks after being elected, which I think we were then having the first session of Parliament, I explained even in GBC exactly what we wanted to do in the area of taxation, and I said very clearly, we have a tax strategy, we are going to be executing our tax strategy. I have explained it on many occasions since then, I have explained it in this House, I know that sometimes I do say to the hon. Members opposite that they probably do not listen to what I say, because when I say something, then questions come before this House, where I need to correct them on very basic mistakes, Madam Speaker, but they will be glad to know that they are not the only ones. So, when I took over responsibility, we had this discussion in Cabinet, you might remember, Chief Minister, you mandated me to go into the Income Tax Office and to look below the bonnet, in other words, let us do a thorough review, let us do a risk assessment, let us consider what action we need to take, what are the risks for Gibraltar, and what are the mitigations that we can take in order to mitigate the risks, and this is not just a jurisdictional issue for Gibraltar, all countries, Madam Speaker, are facing the very same issue.

So, when the Principal Auditor refers to serious concerns by the Commissioner, it is serious concerns by us as a Government, and we have engaged with the Commissioner, and rightly so, and we have I have an excellent relationship with the Tax Office, Madam Speaker, we have worked very very closely, and I have always given credit for the work that the Tax Office has done under my Ministerial direction, and under the collective leadership of the Government, Madam Speaker, and then he goes on to say:

in recent years large corporations [I mean the Principal Auditor] large corporations in sectors such as Financial Services and Gaming, had accumulated substantial tax losses.

he refers to tax losses, and then he says:

the Commissioner said that for this reason, in order to protect the revenue, the Government intends,

the Government, we, the Government,

the Government intends to introduce measures to limit the extent of losses being carried forward by companies in this industry, ensuring that some tax will be payable on current year profits, this approach would allow for losses to be carried forward, but would effectively slow the rate at which the losses are utilised.

Madam Speaker, this report is signed the 31st of May. The Principal Auditor in his report says the Government intends to introduce measures to limit the carry forward of loss restrictions. 31st of May, the Government intends, Madam Speaker, we did it on the 10th of December, Madam Speaker, we published a Bill in Parliament on the 10th of December, the report was published on the 31st of May, over six months, five months after, so he is saying, Madam Speaker, the Principal Auditor, because it is signed by him, he could be a member of his team, because maybe he was not, he was not in any of the meetings with the Tax Office, and I will get on to that in a minute, Madam Speaker, but this is a report signed by the Principal Auditor himself, so he is got to be held accountable for what he signs as the Principal Auditor, so he says the Government intends to do it on the 31st of May, when he signs the report. We published the bill on the 10th of December, Madam Speaker, he is an officer of this Parliament, have not we said that he is an Officer of the Parliament, so never you would assume, Madam Speaker, that any Officer of this Parliament would have basic information, and that he would get something as important as this right, so he could have said, well the Government is concerned because of that, but the Government has brought a Bill, and by the date of this report, the Bill has been passed, and the Bill therefore, the Bill therefore deals with the very concerns which the Commissioner has articulated.

But it was not articulated just by the Commissioner, when I came to this House, Madam Speaker, and I presented this bill before this House, if you remember we had a debate, and I had a debate with some of the hon. Members opposite, and I explained there was urgency in doing this, because if we did not as a Government do what we did, we would only end up in a position where we would worsen the carry forward losses, which companies were filing at the Tax Office, and again for those of you that have the memory, I will not expect any of the hon. Members opposite to have any memory on anything that I say, but just to remind the hon. Members, when I presented this Bill before this House, I said that the aggregate accumulation of tax losses in the financial sectors at that time was £2 billion, £2.1 billion, and that we needed to act. By the time, that we got to the Budget, when again I explained the Government's National Tax Strategy, and I dealt with this Madam Speaker, in the Budget of 2024. I said this is what we intend to do, and I said why we intended to do it, and I said what the, what the concerns were, and I explained the aggregate accumulation of tax losses, £2.1 billion, I brought this before the House, and then I said, you know, we have got to do what we are doing, and I explained why we needed to do it, the hon. Members supported this, Madam Speaker. By the time we came to the next Budget in this year, July this year, I said that the aggregate tax losses had got up from 2 to 9 billion, that is foresight, Madam Speaker, that is foresight, that is a Government that understands the risk for the people of Gibraltar, and that when a Government that needs to take decisive action, we come to this House, and we explain it, it is the exact opposite of what the hon. Members are saying, that we are doing, this is a Government which is not transparent, this is a Government that actually does not want to answer questions, this is a Government that does not want to give explanations, but I think we give more explanations than what we are actually giving any credit for, and the more explanations you give from the hon. Members in the opposite side, they keep repeating the same

narrative regardless, Madam Speaker, here's a point that the Father of the House makes continuously.

So there is a major factual inaccuracy there, Madam Speaker, and if that was not bad enough, Madam Speaker, no mention, no mention of any of the other tax legislation that the Government introduced in order to safeguard the macroeconomic interests of Gibraltar, and we have debated it in this Parliament on many occasions, and there is a material omission from the Principal Auditor as far as tax legislation is concerned, Madam Speaker.

What about the anti-avoidance legislation, what about, Madam Speaker, the anti-avoidance legislation which we brought to this House in order to ensure, Madam Speaker, that we protected the tax revenues of Gibraltar for which this community are the principal beneficiaries, Madam Speaker, bar what is happened now with the UK budget last week, we presented the anti-avoidance Bill before this House, for which again we were grateful for the Hon. Member's support, on the 10th of April, no mention of that at all.

Madam Speaker, we mentioned other legislation and the reasons why we were doing it, all relevant to the financial stability of Gibraltar, you would have expected the Principal Auditor to be focused as much on the actions and the steps that the Government was taking in order to protect the financial stability of Gibraltar, as he focused on other issues, quite frankly, when there were more important material information that he could have laid before this House.

He then goes on to say, Madam Speaker, that the Government recruited in June 2024 two highly qualified tax specialists and he gives credit for that. Well actually we also recruited, Madam Speaker, two junior accountants, we obtained Cabinet approval in order to ensure that we put more resources into the Tax Office in order to deliver the budget which the Government delivered and the tax revenues that the Government delivered, which were the highest tax revenues in the history of Gibraltar, no credit for that either, Madam Speaker, a material omission.

Then, Madam Speaker, in paragraph 3.1.83, and I am going to read from this paragraph because it is materially a misstatement that I think needs to be corrected, Chief Minister, I do not know whether it is corrected in terms of the motion and the amendments to the motion, it says here:

> In August 2019, prior to the General Election, the Income Tax Office wrote to individuals earning income from the music trade in Gibraltar, advising them to register self-employed individuals to ensure compliance with their tax obligations, however, representations were made by some in the music community following which a Senior Government official in Number Six Convent Place conveyed that the Chief Minister had personally intervened to suspend the initiative with immediate effect as a consequence of the ministerial intervention, this ITO initiative never came into effect.

I think one of the hon. Members made specific reference to this paragraph, Madam Speaker, I have spoken to the Commissioner of Income Tax, the Chief Minister did not do what is stated here and alleged that the Chief Minister did. Now, it could be, and this is the explanation that has been given to me by the Commissioner of Income Tax, it could be that because the language is not very clear, it could be that the way that it is being interpreted by the hon. Members opposite, the interpretation from the hon. Members opposite is that the Chief Minister, which is not correct, I can tell you that it is not correct and I stand by this statement, I stand by the statement that I make here, it is not correct that the Chief Minister called the Commissioner of Income Tax and say ignore the application of a statutory provision in Gibraltar, which is I think the accusation that one of the hon. Members opposite made, that the Chief Minister picked up the phone, that he called the Commissioner of Income Tax and he said regardless of what the law says, I the Chief Minister of Gibraltar, I am telling you not to exercise your statutory responsibilities and to ignore something which is taxable as me telling you and I am the Chief Minister that you should not do it, that did not happen and I have been told by the Commissioner of Income Tax that that did not happen Madam Speaker.

I know that you know sometimes you know the Chief Minister is the subject of the same attacks and criticism as the hon. Members opposite are saying that we are making on the Principal Auditor

but the Chief Minister is entitled to be defended Madam Speaker and certainly if I see something in this report that I think is not correct, I will come out in defence of the Chief Minister of Gibraltar as so will any other Member on this side of the House Madam Speaker.

Then Madam Speaker in his final paragraph, in this sub-paragraph he says and he refers to:

> More recently the ITO signed a Memorandum of Understanding (MOU) with the Gibraltar Financial Intelligence Unit to strengthen co-operative efforts along with a service level agreement that enables us a comment of an Income Tax Officer to GIFU, to the Gibraltar Financial Intelligence Unit.

That is factually correct Madam Speaker, he is right the Principal Auditor, he is right in what he is saying but what he does not say Madam Speaker again something that we have said in this House and if he is an Officer of this Parliament you would imagine that he would be listening to the debates that take place here or the very least reading Government press releases Madam Speaker. We have said in Government press releases that quite apart from the MOU that we signed for that very purpose, the same purpose as the Principal Auditor is giving the Tax Office credit for by definition credit to the Government, he should have also singled out Madam Speaker that we have actually also entered into a Memorandum of Understanding between the Income Tax Office and the Gambling Division because it was important in Gibraltar's macroeconomic interest and I have got a press release here Madam Speaker, dated March the 8th 2024 - Principal Auditor does not read Government press releases.

We then also have a Government press release Madam Speaker, April the 10th 2024, well before the Principal Auditor left, where we say in the Government press release that the Income Tax Office will be entering and finalising another MOU with the Gibraltar Financial Services Commission, Government press release, Principal Auditor does not read Government press releases Madam Speaker. If we look at the opposite page, page 80, the Principal Auditor says Madam Speaker and I quote:

> There is provision under section 68 of the Act [the Income Tax Act presumably] for the publication of details for failure to pay taxes, however the Central Areas Unit has not favoured its use, and the last publication now dates back to the 2nd of February 2017. In my report on the public accounts for the year ended the 31st of March 2016, I commented that the publication of the details for failure to pay taxes as permitted by section 68 of the Act had yielded positive results.

Well we agree on this side of the House, anybody disagrees with the use of statutory powers and it certainly has not been the policy of the Government of Gibraltar for the powers not to have been exercised, so therefore, when I read the report Madam Speaker, because we have certainly had this discussion with the Chief Minister and in Cabinet and the view that we took was that the statutory powers that needed to be exercised in order to protect the macroeconomic interests of Gibraltar, it needed to be done to the extent that these are not powers of the Government, at the very least what the Government can communicate to the relevant authorities is that as a matter of policy the Government supports the exercise of those powers.

This was not as a result of reading the Principal Auditor's report, we have communicated that policy months before and I am advised Madam Speaker that notwithstanding and despite the Principal Auditor's report, it was in motion and that the exercise of section 68 of the Act is imminent.

Madam Speaker if we can, if I can now please turn you, turn the hon. Members to page 68 on tax credits. On page 68, Madam Speaker, there is a section here, paragraph 3.1.10, credits held by the Tax Office. Mr Sacramento was appointed in 2017, he was a 2017, 2016, so he is been in office seven or eight years, I mean you have been in office for seven or eight years, you can do a huge amount of work, a huge amount of work, Madam Speaker, we have been, we have been in office on this side of the House for two years, just have to look at the amount of work that has been done by all my Colleagues on this side of the House, Madam Speaker. So, he had a eureka moment

when I read this, I said wow, he is had a eureka moment after seven to eight years in office. The eureka moment, Madam Speaker, is that:

> There is a significant increase in credits held by the ITO over the last five-year period, and the substantial amounts were overpayments, highlighting how many large cash-rich companies, which had not kept up to date with their filing requirements, had continued making payments on account despite carrying large losses.

Large losses? I come to this House, and I explain the action that the Government is taking to mitigate an obvious risk after being mandated by the Chief Minister and the Cabinet to do it.

Madam Speaker, you would have expected a man that was reviewing the accounts of Gibraltar and doing the work after six or seven years, you would have expected him to have picked this up much sooner. Well he did not, and he was just simply restating, Madam Speaker, the concerns which the Government had articulated, for which the Government had taken action.

Madam Speaker, so in any audit function, I am used to one thing, when I was professionally involved in this particular area, I am used to an auditor saying, Chairman, there is a risk, this is the risk, but also this is the mitigation, nothing from the auditor, he is just simply restating what the Government had said publicly in this Parliament, in press releases, and communicated to him by the Tax Office. I asked the question at the beginning of my address, Madam Speaker, I said, given that the Leader of the Opposition had said that he had never, or he thought that, he did not think he had ever met the Principal Auditor, but he may have done perhaps in, you know, hello, goodbye capacity, I suppose, in that capacity. I asked the tax office, I said, okay, so since I was elected, we could go back, we could go back, I could go back, Madam Speaker, and I can ask him, well, forget, since I was elected, let us, let us look at it in the time that the Principal Auditor has been Principal Auditor for the last seven or eight years, but certainly since I was elected, two years, two years, how often has the Principal Auditor, in his engagement on his audit process with you, how often have you met the Principal Auditor? Not how often have you, have you met other team, not how often have you had correspondence, but how often have you met the top man.

Because at the beginning of my address, Madam Speaker, I did say, and this is my experience of being the Chair of leading global financial institutions that lead, that deal with the largest audit firms around the world, at the very least, you meet the audit partner at the beginning and at the closing of your audit. The answer that came back, Chief Minister, was that the tax office had met the Principal Auditor once, in the time that we have collectively formed the Government.

He said, okay, you met the Principal Auditor once, but there was a qualification. He said, yes, but the Principal Auditor that we met was Mr. Sacramento, was actually the new Principal Auditor. So, Mr. Sacramento does not turn up to audit meetings with the Tax Office. Well, I am not surprised then that he puts his name to some of the things that we have seen here as being factual inaccuracies, and this is not a criticism in terms of a personal attack on anybody. I think I have demonstrated that actually he should have been far more on top of the work that he was doing.

And I asked the Central Areas Unit, and I will get to the Central Areas Unit in a minute. I asked the Central Areas Unit, well, how often did you meet the Principal Auditor since I have been a Minister?

Answer that came back, never. We have never met him in the last two years. So, I dared not ask the question, how often have you met him since he was in office over the last seven to eight years, Madam Speaker?

If I can turn to page 92, Central Areas Unit, Madam Speaker. The Central Areas Unit, Madam Speaker, comes under the Financial Secretary, does not come under the Minister for Taxation, but given the importance that the Government attaches to matters of a financial nature, when I had a discussion with the Chief Minister, I said, Chief Minister, would you like some support from me, ministerially, in terms of going into the Central Areas Unit and asking obvious questions, around the build-up of the arrears within the Central Areas Department of the Government? Can I do a review as to work methodology? The first thing the Chief Minister said was, yes, please, absolutely, help me out, if you can, of course.

So, although the Central Areas Unit comes under the responsibility of the Financial Secretary, the Chief Minister asked me, I think it must have been March or April this year, have a look, go in and have a look. And I have been engaging with the Central Areas Unit, with the approval of the Chief Minister, and I have kept the Chief Minister informed at all times. I even, to the point, Madam Speaker, where I sent one of my officials within the Ministry to the Central Areas Unit to see whether we could support them, in terms of the backlog of work that they had, given, Madam Speaker, that they do refer in the report to staff shortages.

They do say that they have had staff shortages, and therefore, because of staff shortages, it has resulted in a build-up of arrears. We have tried to deal with the issue of staff shortages almost immediately, when they did refer to me, the fact that they felt that they could do a better job if they had more resources. I went to the Chief Minister and I said, Chief Minister, they are referring to staff shortages, or at least that they require extra staff to support the work of CAO, the Central Areas Unit.

Can I please, Chief Minister, ask or put out an expression of interest within the Government, within the public sector, so that we can recruit, Madam Speaker, an extra four or five individuals that can come and work within this vitally important area of Government? The Chief Minister immediately said yes, absolutely, absolutely. Issue the expression of interest and see how many individuals within the public sector are willing and have the skills.

It cannot just be a question of, you are willing to do something, you have got to at least, and I am not saying you need to have a tax skill, perhaps you need to have a certain, be of a certain character, in order to work in a department of this nature. So we put out an expression of interest, I think, for the recruitment of four or five individuals.

You would have expected, Madam Speaker, this is not a criticism, you would have expected that in a public sector of 6,000 individuals, and I think that probably includes agencies, you would have expected that there would be a significant expression of interest of people wanting to join a department of this nature.

Having put out an expression of interest for five or four vacancies, one person, one person, Madam Speaker, was found to be suitable and to have the, I would say, the aptitude, I do not want to use any other word, to be able to do the work. And I did not do the interviews, it was done within the Civil Service. One person, Madam Speaker, so this is not a question of the Chief Minister holding back any recruitment, at the moment I drew to his attention, that this is what we were being told. Before the auditor's report was published, he said, Nigel, go ahead and recruit. But then we go out to recruitment, go out to recruit, and we find that only one person expresses an interest and has the aptitude for the job in question.

Madam Speaker, therefore, we are now faced with a conundrum, you are facing a conundrum, Madam Speaker, that it is resource driven, but at the same time, for whatever reason, you cannot find the necessary resources to be able to deal with the staff shortages, which are highlighted in the report.

So I have tried to alleviate the staffing issues in the Central Areas Unit, even though it is not my Ministry, by having somebody within my Ministry go to the Central Areas Unit, and they have spent many months trying to support the unit, and I think that individual within the Ministry has done sterling work, and I am not going to single him out by name, he knows who he is. And then I have said to the Tax Ministry, well, we have obviously recruited the two Senior Tax Executives, and we have also recruited the junior lawyers, can you release some of the time of the junior lawyers to support the work which is being done by the Central Areas Unit? they have also thrown in whatever support they could provide.

And this is an area, Madam Speaker, where one of the things that I realised when I looked at the work which is being done by the Central Areas Unit, one of the things that I realised is, it is an area of work that perhaps we can increase the efficiency in delivery, in delivery of the work which is being done by and through artificial intelligence, and the provision of AI capability, because, because what the unit are doing in terms of methodology is still very much like in every other, probably, Tax Ministry in any other country, in any other areas section of any other department,

it is all very much manually driven. It is all very much done according to the work and the oversight of individuals which would benefit significantly through an AI capability. And therefore, with the approval of the Chief Minister, and I think I have said it publicly on a number of occasions, we are developing, we are developing through the Government an AI capability which I call tax agent, it is a tax agent capability that I think will increase the efficiency of the Central Areas Unit in terms of the delivery of the work that they are doing, and I think it is vitally important that we look at alternatives if we cannot have the human resource element of it, because we have tried to recruit people and we have not been able to succeed, Madam Speaker.

There are sections in this report that I think merit also a response, Madam Speaker, and at page 94, the Principal Auditor says:

> In paragraph 3.3.7 of my last report, I stated that the proposed Areas Recovery Act would greatly enhance the Central Areas Enforcement powers, its enactment, its enactment is now a much awaited piece of legislation.

This is what he says in this Auditor's report, he cross-refers to what he said in his last report which is here, Madam Speaker, and he says, quote:

> One very important piece of legislation that would greatly enhance the CAUs capabilities, the introduction of the Areas Recovery legislation, the legislation is currently its final draft and has not yet been passed.

Let us pause there, Madam Speaker, we are talking about, what was it, let me just have a look, Constitutional boundaries, we are talking about abusing of the Constitution and respecting Constitutional boundaries.

The last time I checked, it was for this Parliament to propose legislation and for this Parliament, Madam Speaker, to pass legislation and it is certainly a matter of policy for the Government to decide what legislation is brought to this House. But in this report we are, the Principal Auditor saying, well actually the legislation is a great piece of legislation, it ought to be passed of course, it is common sense is not it, it is a no-brainer, let us get the legislation through, no regard to the constitutional position of this Parliament, no regard to the constitutional position of the Cabinet, no regard for the constitutional position of the Chief Minister, the Chief Minister with responsibility, Madam Speaker, for tax legislation.

But of course nobody criticises that, nobody criticises that, the only criticism is any criticism that he makes of the Government, Madam Speaker, in the UK this piece of legislation has been very, very controversial, I invite you to research and to look at it. It has been so controversial, Madam Speaker, that when it was proposed in Parliament, it was left in abeyance and it has only been recently that it is been reactivated, no surprises by the Labour Government, no surprises there by the Labour Government and it is caused, it is caused a huge outcry. So therefore, if we are going to talk about respecting constitutional boundaries, can the Principal Auditor respect the Constitutional boundaries of those of us in this side of the House that have that Constitutional function, Madam Speaker.

Can I turn now, please, to page 148, Madam Speaker, it is with regard to the GDC Officer. Madam Speaker, the Chief Minister did a forensic examination of this part of the report, Madam Speaker, I do not have first-hand knowledge of the facts which are set out here, but the Chief Minister made a forensic review of this and he dealt with it very well indeed, Madam Speaker.

I would like to add to what the Chief Minister has said, 17 pages, Madam Speaker, 17 pages dedicated to one individual, Madam Speaker, 17 pages to one individual referred to as the GDC Officer and I will keep that reference anonymous, Madam Speaker. I mean we all have family members, we all have parents, we all have brothers and sisters, we all have friends, we all have children. Madam Speaker, this is an abuse of the constitutional position of the Principal Auditor in the manner in which he dealt with this in his report, Madam Speaker. The Leader of the Opposition during his delivery, Madam Speaker, he spoke about, well, let us protect, he spoke about and referred to protecting people from excesses, that is a quote from the Leader of the Opposition's address, he also said we must respect institutional boundaries, another quote, we

on this side of the House are playing with the Constitution, he referred to persecution, persecution of the Principal Auditor and he also referred to a character assassination of the Principal Auditor.

Well, Madam Speaker, why do not we test, why do not the GDC report, the GDC Officer, why do not we test according to the very criteria which the Leader of the Opposition himself used in defence of the Principal Auditor.

I really would like to echo the words of the Chief Minister when he referred to the very famous poem, Madam Speaker, first they came for the communists and I did not speak out because I was not a communist, then they came for the socialists, the trade unionists and then finally they came for the Jews and then they came for me and there was no one left to speak out for me.

Madam Speaker, when I was a young man, I had this always in the back of my mind and if there is something, Madam Speaker, that none of us on this side of the House would ever tolerate is not speaking out for those that are unable to speak out for themselves and unfortunately this GDC Officer is not here to speak out for herself, Madam Speaker. The report says that the GDC Officer joined my Ministry towards the end of 2024, that was long after, long after what is set out in this report, Madam Speaker. Something did happen shortly after the GDC Officer joined the Ministry and that was that an email came out, it was sent to one of the Senior Officials within the Ministry because the GDC Officer was working at that time at the time and had just recently joined the Ministry but asking for a copy of the GDC Officer's files because it was a routine question, Madam Speaker, a routine request. I did not get involved, the Senior Officials did not think it is appropriate and I agree with them for me to be involved in any way shape or form but having made a request for the files, Madam Speaker, the Senior Official at the Ministry found that the files needed to be updated, that there were certain perhaps information that he needed to ensure that the file was up to date before the file was delivered to the Principal Auditor. A few days after the request was made, I cannot remember from the top of my head whether it was a week later because the official was trying to procure and make sure that the file was in order before it was released to Mr Sacramento, whatever time it took for that request to be satisfied, if you like, Madam Speaker, there was a time lag, I cannot remember whether it was seven days, a bit longer than seven days, an email comes and was sent to the official in the Ministry by the Principal Auditor, the tone of which I was actually quite taken aback, accusing and I have got it here, I am not going to read it, accusing the official of holding back information and alleging that if the files were not delivered forthwith, it will be an obstruction of the duties of the Principal Auditor.

Now a copy was forwarded to me and when a copy was forwarded to me, Madam Speaker, I found the tone to be offensive, I found the allegation to be offensive because knowing the official involved, Madam Speaker, you could not ask for somebody with a straighter bat in terms of anything that he dealt with and he had dealt with it and he had not seen the need for me to be involved rightly so but given the tone of the email that was sent to him, he thought he should share the email with me. In my mind an alarm bell started ringing and I am saying my goodness that is a hostile communication from the Principal Auditor, it is a hostile communication making allegations which are completely unsubstantiated and asking for the file of an individual. Of everybody within the Ministry, one individual is singled out for a request of that individual's files. There was no question of the files not being handed over, Madam Speaker, but the tone of the email seemed to suggest to me at the time and it just simply got feeling, sometimes you, you know, you follow your gut that there was more to this than met the eye because of the content and the tone of the email, Madam Speaker.

I therefore, Madam Speaker, wrote to officials within the Government, I felt it and I felt compelled to write to officials within the Government just to make sure, Madam Speaker, in the tone and the content of the poem that I think everybody, everybody should at least in theory subscribe to. First, they came for and then there was nobody to speak out for me, I am not worried about myself, I never have been, but I will always speak out and certainly we on this side of the House, we will always speak out for those that are unable to speak for themselves.

So, I sent an email, Madam Speaker, I sent an email to senior officials within the Government because I was concerned, I was concerned as to the content and the tone of the request from Mr Sacramento.

In hindsight, Madam Speaker, in hindsight after this and the forensic examination by the Chief Minister, I think some of this is actually worth stating here for restating here today. So I wrote, Madam Speaker, and I said: I mean I am fully, I am of course fully committed to respecting the Principle Auditor's statutory duties, but I am concerned about any potential human rights and constitutional implications of the request relating to GDC officer, let us keep it anonymous, as you know GDC officer only joined my Ministry recently. Any actions that are taken have to be taken in full compliance with, and I am referring to the Principal Auditor, with fairness, with transparency and applicable legal standards including no targeted or discriminatory action.

Given the tone of the Principal Auditor's communication, I feel it is essential to ensure that GDC officer's legal rights are also upheld and that she is afforded the protections guaranteed to all civil servants, I said, Madam Speaker.

And then I just made the point that I have no background as to why the Principal Auditor should be asking for the individual's personal files, but I was concerned, I was concerned, Madam Speaker, that the tone of the communication, the content of the communication, there was a potential here to breach the human rights and constitutional position and the rights of this individual, Madam Speaker. As it happened I was fully justified to be concerned given what is in this report and the way that it is been dealt very ably by the Hon. Chief Minister.

Two points, only two further points on this, Madam Speaker, there is a reference here and I know that, you know, the Hon. Chief Minister is a litigation lawyer, I am not a litigation lawyer myself, but when I saw the paragraph here, paragraph at page 148, paragraph 4.3.18, that referred to without prejudice, schedule or loss, the first thing that came to my mind was well, at least, you know, I have been taught in law school and I certainly have knowledge, some knowledge, that without prejudice correspondence, Madam Speaker, and that includes a without prejudice schedule of loss, I imagine, is a privilege that belongs to two parties, a claimant and also the person at the receiving end of the claim, and that therefore I would assume, and I might be wrong, but certainly morally, at the very least, if it is without prejudice, because the privilege belongs to both sides, you would imagine that people would respect without prejudice correspondence and not including without prejudice correspondence into a public document.

Let alone, Madam Speaker, reference to an agreement which is subject to, I understand, subject to confidentiality provisions, and that therefore, anything that he says in his report, I mean the Principal Auditor, Madam Speaker, anything that the Principal Auditor says in his report, the person who is the subject of the agreement has a confidentiality provision, therefore that person cannot stand up and defend her position, because if she did, would be in breach of the very confidentiality undertaken that she has given to the Government of Gibraltar. Thankfully, Madam Speaker, the Hon. Chief Minister set the record straight.

Madam Speaker, lastly on this section, the Principal Auditor, also has constitutional boundaries of his own, other constitutional boundaries of his own. I ask the question rhetorically, Madam Speaker, when the Principal Auditor requested, or rather, let me phrase it differently, did the Principal Auditor, Madam Speaker, in making the request for a copy of the agreement that he refers to in his report, which he obviously has had sight of. Has the Principal Auditor written to the Courts of Gibraltar in the same terms as he wrote to other Government departments, presumably asking for a copy of the agreement, Madam Speaker? I am asking a rhetorical question, and I would have expected that the hon. Members opposite would ask the same question, because given that they are so concerned about constitutional boundaries and respecting the independence of the Principal Auditor, if, Madam Speaker, the Principal Auditor wrote to the Courts of Gibraltar in the same terms as he wrote to every other Government department, except that the Courts of Gibraltar are not a Government department, Madam Speaker. If he wrote in the same terms, it would be a serious infringement and interference with the independence of the Judiciary and the independence of the Court.

No Court is subject to the powers of the Principal Auditor in terms of any Court documents, Madam Speaker. If the Principal Auditor wants a Court document, all he needs to do is, like any other citizen of Gibraltar, do a search of the register of the Supreme Court and obtain a copy from that route. I am not suggesting for one moment, Madam Speaker, that he did not do that.

All I am asking is the rhetorical question, Madam Speaker, whether in making his first request for that document, did he write to the Court in the same terms? Because if he did, Madam Speaker, that would be a very serious interference with the independence of the Judiciary and the Constitutional function, which the Members opposite are so robustly in favour of, Madam Speaker.

Finally, Madam Speaker, can I turn to page 207? This is my final contribution. As part of his value for money audit, the Principal Auditor, Madam Speaker, makes reference to *ex-gratia* payments, which has been dealt with by the Chief Minister, the Hon. Chief Minister, very ably.

But three of those *ex gratia* payments, Madam Speaker, relate to three contracted professionals, Madam Speaker, as he rightly points out, that worked in the Ministry, in my Ministry, but not during my time. In other words, there were three contracted workers, professionals, at a very, very high salary, that were part of the Ministry, but not during my time as a Minister. So, this precedes my time as a Minister.

But the Principal Auditor, Madam Speaker, is very quick to criticise, but if he is providing a value for money audit, you would expect the Principal Auditor to not just be talking about payments, which the Government makes in *ex-gratia* terms, as has been explained very ably by the Chief Minister, but also the saving which the Government makes in terms of the recurring expenditure that would otherwise have to be incurred by the Government if the Government had not taken the action that the Government had taken.

One of the things that I learned as the Chair of financial institutions, when financial institutions needed to take the unfortunate decision to restructure and make redundancies, and sometimes there are pressures on companies that need to restructure, and therefore, unfortunately as it is, governments will decide to make *ex-gratia* payments, to make redundancy payments, generous as they sometimes are, Madam Speaker. But one of the things that the Board of Directors is told is, well, it is you are paying for all these costs up front, but of course in subsequent years you do not have the recurring cost that you would have had if you had not actually made them redundant or offered them the terms that you have offered them. So, the total saving by the Government of these three contracted professionals, which precedes my time, but which the Principal Auditor highlights in his report, and mentioning the Ministry for Justice and Trade and Industry, the total cost saving for the Government, except for the first year, Madam Speaker, is, I think, and I have made a note here, in the region of £553,000. In other words, the total cost saving for the Government, for the people of Gibraltar, for the taxpayer, after your first year, is £553,000.

That is value for money. I would have thought that the Principal Auditor would say, well, I do not like the fact that you have made an *ex-gratia* payment, but I understand that by making the payment that you have made, it means that in subsequent years, after your first year, the Government is saving over half a million pounds. There was a fourth retired individual from the Ministry, Madam Speaker, and if you add, if you add the salary total of that individual leaving the Ministry, and you add it to the three, which the Principal Auditor highlights in his report, the total salary saving for the Government of Gibraltar is £681,000.

That is a significant saving for the Government and therefore, I think I would have expected to have seen some credit for that in the Principal Auditor's report. And the policy of the Government, Madam Speaker, has been that we want to recruit internally within the Government, that we want to ensure that our Civil Servants, our Public Servants that do a great job day in, day out, are upskilled, that we give opportunities to individuals in those areas where they have not had the opportunity in the past.

And this is a prime example of that. Because what we have done, Madam Speaker, what we have done is we have promoted at the same salary, at the same salary, so we have not given anybody any increase or enhancements to the salary, we have given people the same job to do as

the job that was done by previous office holders, which cost the Government a significant amount of money, we are training them on the job, they are now providing cross-ministerial support, so you could have somebody working in Gibraltar Finance Department, doing work there, they could be doing work for the Justice Ministry, they could be doing work for the Tax Ministry, they are getting skills across all the important economic sectors of Gibraltar, a skill and an experience that was not previously available to them. I would have thought that the Principal Auditor, Madam Speaker, who values our value for money, would applaud that initiative on the part of the Government of Gibraltar.

Madam Speaker, I am not going to labour any more points, I have covered those points which I thought were relevant to the Ministry and I am grateful to all Members of this House for their indulgence, I do not know how long I have taken but I am grateful for their indulgence. (Interjections) An hour and a half, very good, I think I should carry on speaking then. Thank you.

Chief Minister (Hon. F R Picardo): Madam Speaker, an hour and a half of excellence laced with brilliance requires one to rest a little and I move that the House should recess for 20 minutes until 7.20 p.m. when we can continue with other speeches.

Madam Speaker: All right, the House will recess until 7.20 p.m.

The House recessed at 6.53 p.m. and resumed its sitting at 7.23 p.m.

Madam Speaker: Yes, any other hon. Member wishes to speak? The Hon. Mr Bossino.

Hon. D J Bossino: I think it was the debate on the Appropriation Bill, I started off by saying that I had been assigned the graveyard slot and I am not being paranoid because that was the case on that occasion when we have a set list of speeches but on this occasion the Leader of the House, the Hon. the Chief Minister, would not have known that I was about to rise so I will not on this occasion take it personally but what I can say is that he normally assigns the late afternoons to those he must be less enamoured of on his side of the House because the Hon. Mr Feetham rose to his feet at 5 p.m. The only salvageable aspect of that is that at least GBC I think are still showing and live streaming this debate. At this stage I understand that GBC has gone to other, I am sure, more interesting things and reporting on more interesting things, more entertaining things certainly in this community.

So, it is important I think to take a step back for one moment and analyse what is the nub, the core of what has happened here and why this motion has been brought about. Length and legal arguments are there to serve a purpose, a purpose just to confuse but also to unnecessarily prolong this time-wasting debate and I will go into details of that in a moment so that people forget the damning nature of this report but I put it to the Hon. the Chief Minister and the Government that they have totally failed in that regard because the horse bolted the moment that the report was issued.

People have come to certain, and I would say damning conclusions, of this Government and their time in office. So it has not served any purpose, and in any event, Madam Speaker, it is a trap, a trap that is not just for the public, but for us, that we do not go down the rabbit hole that has been set by the Hon. Chief Minister and it is therefore important to give this debate simplicity, and to give this debate, and to distil the core takeaways from what we have seen. And I would say that there are essentially two. There are two broad core issues which one must consider in the context of this debate.

And the first one is that the Chief Minister and his Government are fast, very fast, losing their little political capital which they had left. It is torn to its core, as I have said on many occasions in this House, by internecine battles for the leadership, which runs the risk of destroying them. And

whilst all of this is going on, they have been dealt a very serious blow indeed by an independent, and we stand by that on this side of the House, an independent constitutional officeholder, despite all their attempts at dispatching the man personally, and also in the discharge of his role, because they have clearly, what they have done is resort to an inelegant, unjustified, and vicious collective lashing out to destroy him personally as well as his report.

And we saw that only this morning. We saw it in droves during the course of the Hon. Chief Minister's intervention. But we saw it this morning with the intervention of the Hon. Sir Joe Bossano, which, can I put it as mildly and as respectfully as I possibly can, the way that I would describe his intervention was inelegant in many respects.

When he was suggesting bias continuously during the course of his intervention in favour of the GSD and the targeting of the GSLP. I am very surprised. I mean, it is the type of language and approach, quite infantile, quite frankly, that I now used to and expect to hear from the Hon. the Chief Minister but to hear it from the Hon. the Minister for Economic Development was, quite frankly, surprising, but maybe not so much, but certainly disappointing, that despite his years and his years in this House, he continues with that constant, and I think convenient to him and to them, diatribe that there is this fundamental division. And that in this case, you are either for them or against them. If you happen to criticise them, you are anti-GSLP. If you happen to go for them, you are anti-GSLP and you are pro-GSD. I expected a lot more from the hon. Member and he, when I quote, he says, the Hon. Sir Joe Bossano, that the Principal Auditor never criticises anything by them, in other words, by us, or that he is not being 100% truthful. Shocking, shocking language by the Hon. the Minister for Economic Development.

The second point is that this is a Government which, by its very nature, we have seen it before when they took office on the 24th of March 1988 and were chucked out by the people of Gibraltar on the 16th of January 1996 and we have seen it again in their new incarnation, since the supposedly new dawn, when they took office on the 8th of December 2011, that they are, despite the false protestations to the contrary, is secretive.

Well, they won the election, the vote was taken on the 8th and yes, okay, technically, the Hon. Chief Minister took office on the 9th when he was sworn in as such and as the rest of his Ministers at the time. It is in their political DNA but, as a result of this report, what we have seen is the shining of a bright light on at least some aspects, some aspects of their workings as a Government.

And the Hon. Sir Joe does not like it, does not like it because he was the Chief Minister in those 8 years when Gibraltar endured one of the most secretive governments it has ever seen, now trumped by the hon. Gentleman opposite, as I said, despite their protestations to the contrary. And he even suggests, this is Sir Joe, that if this is the way he is going to be behaving in respect in particular to the value for money aspects, which he said we may need to legislate so that we are given the power, he may think twice about it. Because he does not want to give somebody, a constitutional officer, office holder, the power to start shining lights over what he does.

He let the cat out of the bag, that is his DNA, that is the way he thinks, that is his approach to Government and to politics. And this is for once, because we try our best as an Opposition to ask questions, to hold them to account, but we are limited. We are limited by the rules of the house, by the number of supplementaries we can ask, and by the way that they answer questions.

And they lead us down the garden path, but at last we have here an independent constitutional office holder, shining that bright light on the things that many people are talking about out there, and he has put it in this report, but they did not like it. And such was the extent of them not liking it, that it was not possible to approach it in the moderate way that the Hon. Leader of the Opposition was suggesting during the course of his intervention. That of course, he is not infallible, by he, I mean the Principal Auditor, he is a human being, he will make mistakes, and things will need to be corrected, and there are ways and manners of doing these things.

But it was not possible for the Hon. Chief Minister and his Government to approach it in that way, because it was a direct, full-frontal attack on him in particular and his Government. So, they could not act in a normal, moderate way. They had to have a hysterical hissy fit, because there was simply too much at stake.

The hon. Members opposite are in effect, despite them pretending to be progressive, pretending to be socialist of the left, they are the new establishment of Gibraltar, they are the ones who have the backers, they are the ones who have the money, the power, which they use and abuse to remain in power. And here you have Tony Sacamento with a small team of people saying actually, this is wrong, this is wrong, we have got issues with this, we have got issues with that, they do not like it, they do not like it, like spoiled brats, they have said we are not going to have this, we are not going to have this, because power has simply poisoned their souls. And like Gollum in the J R. Tolkien novels, The Hobbits and the Lord of the Rings, they are holding to that ring, I like it, (*interjection by the Hon. Chief Minister*) the precious, precisely, and they do not want it taken away from them. And this is one of the ways of having it taken away from them, Mr. Tony Sacamento saying these things are not right, these things are wrong. This is, for as I said, this has been a naked attempt, this motion has been a naked attempt at deflection and confusion from beginning to end, and I say end, end of the Chief Minister's contribution, but it has not ended yet, it has not ended yet, we are seeing them all writing their speeches and with their drafts ready. What a joke, quite frankly, Madam Speaker, the Chief Minister has abused this parliamentary calendar, when we started this on the 23rd of September, let me point out 2025, I thought that I would be giving the reply, because you would have expected, like we normally do in most motions, that the Hon., the mover of the motion, whoever he or she may be, may finish in two or three hours or whatever, even on a lengthy speech. What we have had is Fidel Castro proportions, but split over seven or eight weeks, that is what we have had, because the Chief Minister does not have Fidel Castro's stamina, that is why he had to break.

But the point was that the Leader of the Opposition had a family commitment to attend to, and he did absolutely the right thing by his daughter to go to her graduation, and yet he went ahead. Does not matter, did not have the decency, I mean you are talking now about basic decency, he cannot help himself, did not have the decency to say, no, Keith, do not worry, I am going to go on for seven or eight weeks, so you will be able to catch up and there will not be a problem, you will not need to give the reply. I was here frantically taking notes, thinking that I was going to have to step in and give the reply on behalf of the Opposition, in the event, here we are, seven or eight weeks later, and 13 hours, I am told, 13 hours of a monologue by the Hon. Chief Minister. Fidel Castro on speed, but broken up, so that he can rest in between.

And now we are going to have to endure more of members of the Cabinet, you know, to play their part on quite frankly what is an embarrassing spectacle. People have switched off, people have switched off to the extent, and maybe that was a tactic, people have switched off to the extent that only today, I was asked by somebody, I said I am going to Parliament. I said we are debating still on the motion, he said what? What? You are still on the motion? People have come to their conclusions, they are not listening to him, to them, because what they have wanted to do is simply bury the stinging effect of this report.

The last time I looked, this was a Parliamentary Chamber, where here we are, a group of elected politicians who come here, the Hon. Chief Minister is very fond of saying, to parley, it is a Parliament. We are here to do politics, we are here to give our point of views on political issues, political live issues of the day, we are here to discuss politics. What we are not is a court.

Some of us may happen to be lawyers, many of us are not lawyers. We may be before, in the Chair, a retired judge, but the Speaker happens to have been a judge, but she is the Speaker of the House, but this is not a court. It may have confused the Hon. Chief Minister when he got up and pretended to be a courtroom barrister, but we are not a court.

What we witnessed from them, and in particular, the Hon. Chief Minister, is spilling out a series of half-truths and questionable legal principles, which are very ably challenged by my learned and hon. Friend the Leader of the Opposition, on the issues of bias and all the rest of it. I am going to digress slightly, because the Hon. Minister Feetham says, I mean, I could not believe it when I heard him say an hour or two ago, that the Leader of the Opposition was too legal, too legal, he said. This is, this is, clearly, clearly he was not here.

He was not here, he was nursing, whatever he was working, it was not a weekend as far as I know, so he should have been here but the reality is, the reality is, it is his Leader who has subjected us to legal arguments. You know, and here he comes, so much so, that he is even changed his clothing.

This morning when he gave the statement, he was wearing a completely different shirt and a completely different tie. Is this part of his leadership campaign? He has to wear the red and the white? I mean, he need not have changed. Or is it that the increase of tax was so worrisome for him that the hon. Gentleman was sweating and therefore had to change? Because he is really worried.

Part of his leadership campaign and it is not all about him. He has been, he has taken us through the report to talk about things which are not even relevant to the motion.

To actually go through the report and say the things that the Principal Auditor ought to have said about him. About the wonderful things he says he is done. It is all part of his leadership campaign and of course this is very important. Of course it is very important. But he has used this debate, the Hon. Mr Feetham, in order to, you know, wax lyrical about the things he is done. This sounded really like a budget speech. It was totally irrelevant.

Not at all. I mean, how many times did we hear him say he is worked very hard? As he keeps on saying in every single press release, in every single video that he issues.

How many times did he say that he has been the Chair of whatever? I know he sits on many chairs because he keeps on pointing it out on social media. It is Westminster by the way, not 'Westminister'.

You know, the Hon. Minister keeps on just talking about himself. He is irrelevant as far as this report is concerned and then he goes off on a front of his own about this rhetorical question which he poses and he emphasises it is rhetorical. What is rhetorical? It is hypothetical and quite frankly it was potentially in breach of the rules of this House. What if the Principal Auditor had written to the Supreme Court and talking about the division of power and all the rest of it?

What is the Hon. Minister going on about? And he got really worked up about something which he constructed himself to make the point.

But as I said before, we are not a court, Madam Speaker and, you know, why does the Chief Minister not stop playing the lawyer and take the matter simply to the Supreme Court? If the hon. Member thinks that his Government has been so slighted and so attacked on the basis of a report which has been so manifestly and utterly wrong, then he is got relief open to him in the Supreme Court by way of judicial review. But he should not therefore then be relying on selected quotes from a partisan legal opinion that he obtained, for which he has paid I am sure handsomely, and irrespective of which we have not yet seen, despite the promise in the motion that it will at some point be produced.

But as the Hon. Leader of the Opposition said, we would also like to see the instructions on which the KC London Silk gave his opinion. But it was not a binding finding. That expression that he used so much in the first couple of days during his contribution, it was not a binding finding, but he treated it as such.

He treated the opinion as a binding finding to criticise what Mr Tony Sacramento had done, an opinion which we have not seen. Because it is important, as I am sure he would have learnt from the Hon. Sir Joe Bossano, that it is important always to go to source documents and read things for yourself, and not rely on the conclusions that he is asking us and the rest of the Gibraltar public to come to. It is important to realise that it was not a binding finding, and that it was not a judgement of the court, and he was treating it as such.

So, in what he has turned into a mock court, he presents his case without having to face the interventions of a judge. Because I was just watching and thinking, if he were in the Supreme Court, or better still, in the Supreme Court, or even better still, in the Privy Council, he would have had a much more different, and I would say less appealing experience than the one he had, because he would have been the subject of continuous judicial intervention without a shadow of a doubt. Without having to face the challenge of the Principal Auditor and his legal team.

He can come here and present his case, and he thinks he is done a great job, but he does not have an opponent. This, in that sense, is not an adversarial process. The Principal Auditor is not here.

We are not the lawyers for the Principal Auditor. We are not. If we were, we would be taking instructions from him. We would be asking him, look Tony, he is saying this, this and this. We would be showing him that he is presented these documents. We would be showing him the 31st of May emails, which were so badly presented, you know, at the 11th hour.

There would have been disclosure of documents as part of the process. There would have been submission of skeleton arguments. There would certainly have been more respectful of times and hearing times.

And then, he sits there, knowing full well, because we do not harbour any hopes, that there will be one of them voting in our favour. It could happen, and I would ask them at the end and the conclusion of my intervention that they should consider their respective positions individually. But other than that, he is certain of a certain judgement in his favour, which is not appealable.

How nice. I think he is forgotten many things of what it is to be in practise and I wish that he does go to practise as soon as possible, so at least he will not be sitting on that chair.

So, Madam Speaker, Mr Feetham talks of the GDC officer, and in that context, not being able to defend herself, the GDC officer he was dealing with in his intervention. And what about this? The Principal Officer has not been able to defend himself. I mean, I do not know whether he is watching this debate. He probably thinks that, you know, we are in cahoots with him, which is not the case. It is not true. Yes, he says, yes, I know that is what he thinks. He was saying it expressly, but that is the way his mind works. Probably because it is reflective of the way he is. (*Interjection by the Hon. Chief Minister.*)

No, not at all. Oh, not at all. Not at all. Not at all. Not at all. Total paranoia. Total paranoia, and you can certainly smell that all the way from here but let us dwell on the obvious tactics which they have deployed. Many of them have, quite frankly, narcissistic traits running through them.

Yes. Yes. Firstly, as I said before, this has been an absolute classic exercise by the Hon. the Chief Minister of denigration and ascribing of blame on an individual who cannot defend himself and let us not forget, talking about stepping back for goodness sake, let us not forget of an individual who on their own recent assessment, very recently, was exemplary, was an exemplary civil servant. They were singing his praises when he retired. It is on record.

All of a sudden, you know, he is the worst *bête noire* that you could ever have thought of and this is simply a black mark on the Chief Minister and his Government. And this represents, let us not forget either, a fundamental breach of what I considered electoral promise which was very important, and I think he said it at the time of his ascension to power at least within the GSLP ranks when he was elected GSLP leader in 2011 and by date of that became Leader of the Opposition where he said we would be, under his administration, we would be playing the ball and not the man. Where has that gone? I ask rhetorically. Where is that gone?

Certainly, this has not been a good example of any of that. He is trying to get the entire population to point a finger at the Principal Auditor, or as he called it, him, the author of the report, to ascribe to him, now supported by the Hon. the Minister for Tax, the almost entire responsibility for the denigration of Gibraltar's international reputation.

He is gone as far as that. When what I say is that it is precisely this travesty of emotion which is what is going to have a serious effect potentially on our international reputation because governments are not meant to behave this way. Governments are not meant to behave this way.

And just so that one can appreciate and recall the level of hyperbole which the Hon. the Chief Minister has decided to adopt, I read from the part of his speech, I think it was in the second day, it is a very short sentence, when he used to print the entirety of the speeches, then we had summaries. I do not know whether he realised that people were just simply getting bored or that he did not want us to have notice of what he was saying until Hansard was produced. But he says:

> No other solitary statement has inflicted comparable risk of damage on Gibraltar's good name and our ability to continue to avoid relisting in the future.

Now that point supported, very disappointingly I may say, by the Hon. the Minister for Financial Services. But this is typical of their bully boy tactics. We have seen it before. They have come and used the raw power, let us not forget, the raw power that they have, by having a majority in this House, to attack, kick and bash a Principal Auditor, as if he were in the playground, who is not here to defend himself. What they have done is nothing other than dangerous and pernicious. And the only way, I am now convinced of that, despite the potential change of leadership, despite the potential, perhaps, or a thought of approach, that we will see more of the same, and the only way of dealing with this is for the people of Gibraltar to kick them out of office as soon as possible.

That is the only way that we will see an end to this. Because what we are here to do is not to defend the Principal Auditor, but to defend democratic institutions and indeed democracy itself. The second point is that they are trying, as part of their narcissistic approach to this, to turn one group against the other - it is very obvious and palpable.

In one respect, and in one way in which they are doing this, is that they are trying to turn Public Servants, Civil Servants, against the Principal Auditor and I refer to one of their press releases, where they do precisely that.

And you saw it throughout the course of the hon. Member's intervention, Madam Speaker. And to the Civil Servants, my message to them is very clear. Is that they should be much more concerned, not by what the Chief Minister has said and what they have said, they should be much more concerned about this Chief Minister and this Government.

They are not their protectors. Because what this motion has shown in a very public and obvious way is that if you criticise them, they will go for you. If you criticise them and you carry out your job as a Civil Servant, they will attack you because they need to defend themselves. They will go for you and I think the Hon. Minister Feetham even suggested, in the context of his private experience, that if an auditor does not do his job properly, then I would terminate his employment. That is where they come from. That is what they would have loved to have done to Mr Tony Sacramento and who knows when they introduce new powers what that would bring in its wake. Who knows?

But perhaps more dangerously, what they have done, again in press releases, and indeed in contributions, is turn against the press. Something that we are seeing on the other side of the pond with Trump's administration, and they call themselves of the left. They call themselves socialists. The hon. Gentlemen are more populist of the right than they may care to imagine. Because that is classic.

And we saw it very clearly, not just in press releases, but indeed in the Hon. Deputy Chief Minister's intervention. He himself also said, that he made a critical observation, of the way that the press has handled the reporting of the report's conclusions and that is certainly something to be concerned about.

And I read very briefly, in their Press Release 529 in relation to this issue, when they talk about the sensationalist framing, adopted by some of the coverage, they go and go for the press. Something that I certainly have never seen before. I certainly do not recall previous governments doing this.

But as part of their hissy fit approach, they simply, I thought they were the New Dawn, they simply cannot take the criticism and then, I am sure this is the Hon. the Chief Minister's language, draftsman of the author of this press release, when he says that, I hope the reporting of our response, will be as thorough and investigative, as those we have seen about the [*inaudible*] report itself. Honestly. Honestly. If it was not laughable, and so immature and infantile, then because the reality is, it is actually very, very serious. It is very serious.

Thirdly, he plays the victim. And again, a typical narcissistic trait, where through a distortion of reality, he makes out he is the victim. They are doing a hatchet job on me. They are going for me. We saw that in the press releases. In fairness to him, I am not sure that he pushed that button

much, during the course of his intervention because I think he probably realised, well, wait a minute, maybe it is less of an attack on me, I better bring them all in. Better bring the entire Cabinet in with me. That is what this was all about.

But in his initial reactions during the summer, let us not forget, we were having this debate in early July. And here we are, almost at the end of the year, still talking about the Principal Auditor and as the Hon. Chief Minister, I think mentioned in his sedentary position, with the things that are happening, and the things that we do need to debate, and we have a pile of questions still to have answers to. 300, I think, is the last count, or thereabouts and here we are, still talking about Tony Sacramento, and the Principal Auditor. This should have been done back in September, at the end of September. We would have voted and that is it. Move on… Move on… But no, here we are and it is still all about him and he tries to create chaos and confusion. That is the job of me and my Government, he says and then, we have heard a lot, during the course of the interventions, till now, I know there are going to be more. I know there are going to be more.

But we have heard a lot about the language used. The language used and the presentation. Not so much now, the substance. It is the way he said things. We have heard that from the Hon. Deputy Chief Minister. We have heard it from the Hon. Minister for Financial Services. We have heard it also from the Minister for Economic Development. You know, they are so bothered by this, that it is penetrated their very thin skins.

I mean, they have been in politics now for long enough. Some of them for as long as I have been on this planet. But if language is the issue, they need to look at their current leader.

They need to look at that and the use of his words and how vindictive he has been in the deployment of his words.

We are not going to forget what he said, or the way he is presented things, both in press releases, and across the floor of this House because that so characterises him, and the rest of them, and the rest of his Government.

And, in which planet does the Hon. Mr Feetham think we live? When he says, you know, that, you know, I think at the beginning of his contribution, he talks about the language that was used, and I think being critical of the Hon. Leader of the Opposition, and actually that the Hon. Chief Minister was actually quite measured. He was not. He was not. He was not restrained. He lashed out. He went ballistic. He was venomous. To a degree, which, not because I know him, and I think we have got used to him, and we are probably hardened by his approach, but actually it was quite shocking. So, you know, this patronising admonition by the Hon. the Deputy Chief Minister of the press, and indeed of us, of the Opposition, who are here to do our job, in holding them to account, utterly undermines the Chief Minister's contribution and approach.

Because, as I have said, his approach was aggressive, and the subject of doses, huge doses of hyperbole, which he has meted out over the last, let us not forget, not just seven or eight weeks or whatever it is, the last half a year that we have been subjected to this. Describing the report as heinous or politically biased. And nothing could be further from the truth.

The Deputy Chief Minister, as I said, really went to town on language, talking about polarising discourse, which is precisely what has been employed by them. But I detected a few challenges to the current Chief Minister's authority in what the Deputy Chief Minister said because he said that the auditors must be the subject of scrutiny, he said. And that is agreed but this is what a Public Accounts Committee is all about in large measure. We had another gem from the Hon. Deputy Chief Minister, albeit delivered in his usual unassuming and quiet way.

Because a significant part of the hon. Gentleman's contribution was about, you know, this report in reality is no different to other reports, because other governments have been the subject of quite severe criticism. That is what he said. So, I am not sure where that leaves him or them.

Maybe he should consider voting with us because that is not what they have been saying all along. He actually said that.

Other governments have been the subject of criticism. What other governments, if it is true that they have been the subject of criticism, have not done is then embark on an attack of the

Principal Auditor, whoever the author of that report, relevant report would have been at the time. And would not have, you know, subjected the House, by way of a motion, to a hysterical tirade.

None of that happened. They took it on the chin. I am not sure if they followed any of the recommendations. They may not have. I think he referred to somewhere, you know, the eight years administration, may not have followed his recommendations. But that is it. You get along with it. Go, you know, move on.

We are having a bit of it now in the UK, where the Office of Budget Responsibility is being critical of some things or, you know, the issues in relation to the budget that is been presented and the leak and all the rest of it. That is something separate. But the Government does not go in necessarily on a tirade and a criticism. We have had the enquiry of the COVID, the handling of COVID in the United Kingdom and there have been criticisms in the press and by the Government. And people have expressed their opinions in the press and elsewhere. But we have not had, you know, a tirade in the House of Commons. Certainly not six months' worth of it. None of that. I do not know.

Maybe it is just simply that this Government simply does not like and is not used to being criticised in such a pointed way. So, you know, the Hon. Sir Joe Bossano has been very pointedly critical as he leaves… Are you going to stay or what? (*Interjection*) Has been very pointedly critical of all the, pointedly critical simply of the reports authored by the just former Principal Auditor. You know? So, he can go over. He has a seat to go over. I do not want to stop him in his way.

So, why is it, therefore, that this one produces such a reaction? The only conclusion that one can arrive at is because this one hurts them. This one has hit them where it hurts. That it is not to say that, therefore, it must be tarnished and brought crumbling down the whole edifice of the Principal Auditor and as my hon. Friend, Mr Clinton, rightly said, you are not being critical just of the Principal Auditor. You are also being critical of all the members of staff who do sterling work in his support and provide all the research and presumably have drafted many of the emails, I would have thought. So, you know, he attacks Tony Sacramento and all the others who work for Tony Sacramento, who I am assuming still work there under the auspices of the current, or leadership of the current Principal Auditor.

So, the fact that the Principal Auditor is critical of the Government shows that he is doing his job just as much as the other Principal Auditors in respect of the other reports that the Hon. Deputy Chief Minister referred to was doing, or were doing, their jobs. It is the same thing. On the issue of bias, much of it, you know, a lot was made of bias, and I would highlight two aspects in particular in relation to bias by way of analysis.

The first one is that this horrible, you know, Principal Auditor simply, you know, smells a problem, smells a rat to attack the GSLP, the socialists and that is what he is all about and this is, you know, one of the limbs on which he attacks and based on bias. Whether it is because the Media Director who I know very well, I am very fond of, was a previous candidate of the GSLP, a fact, or whether the GCC employee was a member of the GSLP, I think he mentions the GSLP, or the executive of a party, I am not sure he even mentions the GSLP, a fact, or whether the Minister of the Environment is a Minister of his Government, of the GSLP side of his Government, and has a company closely associated with him, the Minister for the Environment, and getting contracts from his department, another undenied fact, is this kind of, not the point, when one looks at these things from a distance.

This is not a question of bias. It is not a question of bias. That is the way that he and they wish to characterise what is going on.

This gentleman, and by gentleman, I mean the Principal Auditor, is looking at what he sees and he peels off certain financial arrangements in relation to the Media Director, the GDC employee, you know, where they give them payouts. This is not a criticism of the recipients of that. It is a criticism of them. They are the ones in office. They are the ones in power. They are the ones who can, you know, pull the levers of power but they choose to do it in a certain way. He simply asks the question, and then it so happens that, you know, the thing that runs through all of them, that

is consistent, is that they are so associated with them but the official, you know, objective bystander can look at that and say, actually, yes, I can join the dots.

I am entitled, as Mr. Joe or Josephine Public, to come to that conclusion. The Principal Auditor sets it out but they, you know, in their thin-skinned paranoia, are saying, yes, it is because he is biased, he is coming for us.

The obvious point is that it just so happens that all these people have been or are associated with them, and they get the beneficial treatment. And this is why he actually uses the very strong words of corruption and nepotism featured in this report. When I used corruption once in this House, I was called to order by the Speaker, I think in my first intervention, for it being on parliamentary language.

The reality is that the Principal Auditor himself has had the gall and the guts to call it for what it is, the way he sees it. The way he sees it and that is what they do not like and that is why we have gone through six months, seven or eight weeks, and now we are going to go through more speeches, so that people get confused, and they do not know whether they are coming or they are going, but they have been unsuccessful in that attempt. But people are entitled, more than entitled in a democracy, to join the dots. What the Principal Auditor has done is set it out there, black upon white, and then you come to the conclusions.

What you do not do then is attack it, because you say, actually, no, actually, the whole GSLP is connected. You know? Scary times that we live in because this is institutional paranoia.

And the second is, you know, that, I mean, this is bizarre. This was very ably dealt with by my hon. Friend, Mr. Clinton, when he talks about the Public Accounts Committee, simply because the Principal Auditor adopts a position in relation to the Public Accounts Committee. He is aligning himself with GSD policy. You know? I mean, what a load of self-serving nonsense.

Is it not, and I know it is, but is it not, I ask rhetorically again, blindingly obvious to the hon. Members opposite, that this is a sound policy to follow? That this is where you have an extra layer of scrutiny, an extra layer of examination of the public finances of Gibraltar? Is it not obvious to them? Is it not obvious to them that all the other Overseas Territories' Parliaments, have one? Even St. Helena, I think, with a population of 4,000. You know? But no, they have a different policy.

Now, that an auditor, in this case it happens to be the Principal Auditor, an auditor says, actually, this is a good idea, and not in the language that he purports, he says, he deals with it in one paragraph of the report because actually the language there is measured and is qualified.

All he says is, I call upon the Parliament to at least consider, because he is desperate. I mean, the desperation that you see almost coming out of the page when you are reading page by page of this report is, for me, palpable. And I do not think I have ever had a conversation with Mr. Sacramento other than hello and goodbye. (*Interjection*) Ah, that is, ah, you see, that is where it is coming from. That is where it is coming from and actually makes his, no, this is, he makes it, he makes, his remark has been such that it actually confirms and actually makes my position even stronger of where, of where the Hon. the Chief Minister, is going with this and in the malicious way, the malicious way that he is proceeding with this. (*Interjection*)

He is exemplified.

Madam Speaker: Can we call to order and not talk from a sedentary position? Carry on. Right.

Hon. D J Bossino: He is exemplified precisely where he is coming from. Precisely where he is coming from but the language, he used in relation to the public accounts committee, you know, was actually quite qualified in nature.

But it is obvious that, you know, somebody of his training and his approach to this would have adopted that position. That does not make him biased in favour of the GSD, does not make him biased in favour, I do not know, of all the other political parties and all the other Overseas Territories? Does it make him biased in favour of the positioning of the other, you know, Parliaments outside of the Overseas Territories?

I mean, this is complete and utter nonsense, and I am, you know, I am quite disappointed actually that they have not come up with a better argument. Really disappointed.

So, this aligns him with logic and not bias. This aligns the Principal Auditor with common sense and not politics or political bias.

And Speaker, on the specific cases that I wish to dwell on now for a moment, where we have had a lifting of the veil, I wish to look at a few cases but before I do so, well, so, what I wish to do so is deal very briefly with the Hon. Sir Joe Bossano's contribution in relation to the £50 million, you know, said as loosely as I possibly can, investment, in respect of which, you know, he goes on a tirade about why does he just want to know about the £50 million when there is in excess of £2 billion that we are dealing with? Why is this just the £50 million? The reality is that we raised it in press releases, Mr Clinton raised it in press releases, because it was revealed, we would not have known any better. And we saw, this is £50 million. It may be small fry for him, but actually it is a big chunk of money, and it is, you know, we are none the wiser.

We are none the wiser as to, you know, where that money has gone. We are none the wiser and this is, you know, savers' money. This is why it is different in nature. He himself has said that Savings Bank is not a bank in that sense. It is different in nature.

We have had this debate across the floor of the House. The only revelation we have had is that this money is not being used as part of his economic plan. That is the only revelation we have had but it has actually been invested in, I think he said, private entities. When he says, I have got the quote:

> The entity that has issued the loan stock [and I imagine it is Credit Union; I am not citing the entire name of the company] has customers that are private firms.

That is what he said. Has customers that are private firms Money which is sourced from the Savings Bank through this sort of complicated jungle, and it gets to this company called Credit Union and that company has customers that are private firms.

That is we, he says, we are supporting through that mechanism. We. Who is we? Who is we? And this is the problem with the hon. Gentleman, that we have lack of clarity and that makes us nervous. It makes us concerned. Who is we? Is it the Government? Is it he as the Chairman of the Savings Bank? Is it a board that looks at these things? Is it a board that looks at the, you know, performance indicators of these private firms? What investment is it? This is why it is different to a normal bank, we say and Credit Union is one of his, you know, jungle companies. It is important to understand what he means by we.

And then he says, in very severe language, he describes the Principal Auditor as, you know, or the report rather, as being a complete and utter attempt at undermining the Savings Bank. It is nothing of the sort. Nothing of the sort. That is the way he sees it. He is entitled to that view but what he is asking is, you know, basic questions as to where this money is going from and I imagine this would be like a sample, a bit like the 25 housing allocations. A sample.

Did not deal with all the 2.1 billion but he has certain views but that does not, it does not, it should not attract this attacking, you know, comment And it is not dealing simply about the cost of doorknobs. This is much more serious than that. It is £50 million and goodness knows what is happening with the other money. Goodness knows. And he says, well, you know, he comes across, Sir Joe Bossano talking about the principle of what happens if I am hiding things, you know, I am doing something nefarious.

As to the first, he is absolutely right, the hon. Gentleman is hiding things. He is not being transparent with us. When we ask questions, Mr. Clinton, all of us questions, he does not answer. He chooses to answer certain questions and chooses not to answer certain questions and as to whether it is nefarious, well, the jury's out. Because we cannot come to a valid judgement. And that is part of the point. He will say it is not. Good for him but we are relying on him only. I mean, what happens in the future when, you know, if there were to be a change of Government and we hold the check book, I suppose then we will find out. I hope. I think. Or is he still going to be holding

the levers of power even after a democratically elected Government goes into office? I do not know because some people are even raising that as they doubt because he still controls the Savings Bank.

On Wildlife Gibraltar Limited, I want to deal with four aspects. The first is that the Chief Minister has not done, or indeed Sir Joe Bossano, despite his, you know, charming language used in the course of his intervention in respect of the Hon. Mr Cortes, we refer to him in the first name basis, that he has not done him any favours because quite frankly, they have both put a rather feeble response in his defence. You know, and I hope to hear the Hon. Mr Cortes when he comes to his intervention but I am not sure he is going to be adding anything further because this can only be described, at best, as an awkward arrangement insofar as conflicts of interest are concerned and the Principal Auditor was absolutely right in highlighting this, as indeed we have from this side of the House. Because the reality is that the shareholder of that company is very closely, and I would not put any higher than that, it is the Hon. the Chief Minister who mentioned the familial connection.

Probably also in breach of the rules of the House, because he should have simply mentioned her name. Now, the reality is that this individual is very closely connected by way of family to the Minister who happens to be the Head of the Department that grants the contract to the company. That is a reality.

Secondly, what heinous language, what heinous language is the Principal Auditor accused of having used on this occasion? I think in that context the Hon. Sir Joe Bossano talks about fiddling public money. He does not say any of that. He does not say any of that. He does not talk about fiddling of public money. What the Principal Auditor refers to is issues of conflict, where he says here, reputational risks, and he says perception of favouritism or corruption, and he says other suppliers or stakeholders may, he does not say will, may view the decision not to retender, talking about retender, as biased, particularly in the case of the management and maintenance of the Alameda Gardens, which I think he had at the time of their first administration, Commonwealth Park, at the time of their second administration, Campion Park, at the time of their second administration, and Upper Rock Areas, I am not sure when that came about, where the family connection between the Director of Wildlife Gibraltar Limited and the Minister for the Environment, the Principal Auditor does not specify what the family connection is, the Hon. Chief Minister did, can lead to loss of trust in the procurement process.

That is what he says, talking about fiddling public money or whether he receives profits from the dividends. None, that is none to the point. So, and I think the Hon. Sir Joe Bossano talked about the contamination of GSD philosophy.

Thirdly, the absurd and ridiculous analogy that the Hon. Chief Minister makes when he talks about the continuing and never-ending extending list of contracts which this particular company has benefited from with a never-ending list of gardens, it seems, with Land Property Services. These are two distinct, completely different contractual arrangements. Land Property Services, which as the Hon. Sir Joe Bossano rightly points out, I think it was Crown lands before, Crown agents, I think he described it as such, then became Land Property Services and he created it, I think, in the early 90s, during his first term in office. It has worked well. It has worked well. I am sure it brought about efficiencies, a bit like what he did with the AquaGib and all the rest of it and that is worked well and it continued to survive during the 16 years that we were in office and continues to survive. Completely different to what we have seen here. This is a company which is the beneficiary of a contract, and it is getting more and more and more without any tender process.

What the Principal Auditor here is saying is that other stakeholders may say, wait a minute, I may want to have a go at this. So, it is completely different and the other is, again, blindingly obvious point, is that Land Property Services, there is no familiar connection with a Minister in office in the way this is.

So is it not normal, despite the explanations given by the Hon. Mr Cortes, that the Principal Auditor indeed asked, indeed many people out there should, you know, place a massive question

mark on these arrangements and these things need to be handled a lot better, as the Hon. Leader of the Opposition said. I think in rather measured language, once again, that is how you deal with these things. You need to be sensitive.

What you do not do is come here and say, no, everything is right. You know, and keep on propagating the arrangements, because clearly that is what they are going to be doing and they should be a bit more humble and maybe say, okay, let us do things differently.

So, he then finally, falsely, he makes references to the Chief Minister, saying, ah, but the Principal Auditor had all the information. He had all the information available to him, and he cites all these questions and answers. I think all of the questions I posed. The Opposition poses these questions. Actually, quite surprisingly, I just jotted down the numbers. I checked them as against Hansard. I checked them as against the video uploaded by the parliamentary staff. I checked them. I think other than one answer, which I think deals with slightly the issue of conflict that I got from the Hon. Mr Cortes. One of them had absolutely nothing to do with this issue. It was a question actually posed by the Leader of the Opposition in relation to the flashing of Irish Town. Nothing to do with Wildlife. So it may have been misquoted and miscited by the Hon. Chief Minister. At the end of the day, he is human and he makes mistakes and maybe he should record, to correct the record.

But then the others, there was one about that I asked a question, I think, quite recently, because I think, Mr Speaker, you were already sat on the Chair. It was about Apex Management Limited and the contract granted by Wildlife Gibraltar Limited to Apex Management Limited, which runs the Botanical Gardens, the shareholder and director of which is an individual. I would not say who is familiarly connected with the Minister but nothing to do with Wildlife and then I asked the question, was a tender granted? And I said, no, no. The tender was not granted because the tender is granted or rather the arrangement is the Gibraltar Government, Wildlife Limited, then Wildlife Limited can, you know, grant contracts and enter into relations, commercial relations with whoever it wishes. Which I found quite shocking and surprising, but it had nothing to do with this issue. And this is why it is important, as I said before, not to take at face value what the Hon. the Chief Minister says, or indeed many of them say, you need to go to the source documents. And that is not what we have had the benefit of yet in relation to the opinion that he is obtained from the KC in London or indeed in respect of many other things.

So, because they, the gentlemen and ladies opposite are more than capable of creating their own truth of things. We saw it, you know, in a jovial fashion, but actually because it made us laugh how they have created this fallacy that somehow the GSLP was created 50 years ago and that is the anniversary. It was not the case because, you know, we are quite nerdy about that. We know our facts and these details. And as far as I recall, that was 1977 but because in 1976, Sir Joe Bossano stood as leader of the Gibraltar Democratic Movement and then he suffered a, you know, a crossing of the floor by all and sundry. I think he remained, he was the Leader of the Opposition and remained as a sole member of the House of the GDM, but appointed. It was not the GSLP, but they choose because, you know, we better have a party to have the celebration of 50 years of GSLP. Then the GDM was not the GSLP. The candidates who stood with him went and crossed the floor to what he would consider at the time as the right of Gibraltar, which was the AACR. Two of them. It was not the GSLP. It was a socialist in approach or in name. Sometimes I even wonder whether Sir Joe Bossano is a socialist himself, but that is a different, a debate for a different day. And then remarkably, we heard from the Hon. Mr Feetham when he is making another point, a bit like the Deputy Chief Minister, which I think goes against him. He gets so excited, you know, when he is on his feet, (*interjection*) when he imagine, he imagines that he is going to be the Chief Minister one day, (*interjection*) but then he actually makes a fallacious wrong point, fundamentally wrong point when he is, you know, extolling the virtues of the fact that all the other Principal Auditor reports have a qualification of the reports, you know, and, but the point he completely misses, we have no issue with that. We have no issue with that.

The issue that we have is that it should have been characterised in a different way by his leader, his current leader, who said that it, in fact it says it in the motion I think, where it talks about, you

know, a clean bill of health in the accounts. It does not say that. It is qualified and, you know, the Hon. Minister for Financial Services has just proven that point, has made a better case than we would have made in relation to that. He has taken us to a history lesson as a result of the good work of the official that he instructed to spend time on this (*interjection*). Instead of, probably spending time on the betterment of this place rather than making, you know, bad points in this House.

On the GDC appointments, there is one GDC Officer according to the, look, the hon. Members opposite have not dealt with this at all. So, one must assume that they have no issue with it because they have not carved this issue out in their motion. But he says, that, there is, so this is a Principal Auditor, that there is a GDC Officer who is employed at the Department of the Minister for Tourism.

The Principal Auditor is not able to identify where the advert appeared and he asks the question. He does not understand why it is the case that he or she earns a higher salary by the face of 13 by £13,000, a top up of £13,000, and that, wait for it, this individual is closely related to a Government Minister and we have had little, if anything, by way of response on this issue. Have they missed it? Are we going to get it from one of the contributors now that I have raised it? Because I would certainly like to hear. Or is this something which is accepted by them? A very clear and flagrant act, if not addressed, of nepotism but they had nothing, not a ticky heard from them. In relation similarly with Officer X, nothing. Under the GDC section, the pages which are delegated and carved out in the motion end to this point, the point I have just mentioned in relation to the GDC officer.

In relation to Officer X, a trade union official, that is what the Principal Auditor says, who was interdicted from duty for misconduct, it is a very serious result of a disciplinary matter, was acting Pathology Services Manager at the GHA, is then promoted to a GDC post, earning £67,000, much more than he would have earned in his role, and eventually is expected to earn, again, according to the Principal Auditor, £75,000 or thereabouts.

And what about Officer Y? What about Officer Y? He goes from earning £35,000 as an ambulance station officer to more than double his basic pay, again, in a GDC post. GDC seems to be this very convenient organisation, establishment, created by the Hon. Sir Joe Bossano in his first term, where you can deposit people, of course, because then they do not have to follow all the strictures of the classic Civil Service. This is something that they can use, they can use their power to obtain certain results, and we have seen this very clearly in the context of this report.

Officer Z, who has essentially been promoted twice, in a period of eight months. Where is the reply to this?

These shocking revelations, which clearly have not been so heinous in nature because they have not been carved out in the motion. And on the question of housing, you know, quite apart from the bizarre, quite frankly, weak contribution that we had from the Chief Minister, who had the temerity of defending, in effect, it is a bit like with white-light limits, they simply, you know, they go into their trenches and they defend. Instead of saying, no, no, actually, well, this is something we can change. No, they defend the arbitrary approach to the grant of housing in the context where they simply brush to one side the processes and the procedures. We have got many people, and the Hon. Minister for Housing knows this because I write to her in relation to many cases that come to me. She will deal with much more than I do. Of course she will because she is been elected to discharge that responsibility but there are many people who are absolutely and utterly desperate and they are for donkeys years in the high brackets thinking that they are about to receive their much-wanted home and then the Chief Minister decides to use his power because he says that he is the Minister in effect of everything, the Emperor par excellence.

He is also the Minister for Housing. I mean, he cannot make this up. He cannot make this up and actually and then refers with very colourful language to a particular case which quite frankly I would rather not have heard but he goes there to make the point about how this person desperately needed a house. We do not know the truth or otherwise of that statement, but the reality is that he has leapfrogged and ignored and completely abandoned the point system. And

there is a system there. Of course, what happens with that is that people will then feel and this is stuff that I get in my surgeries.

But people tell me and you take these things with a pinch of salt. You know, I have been long enough in this profession to understand certain things but then you hear this in the report and not just in the report, but it is defended so badly by them that actually it makes you even more concerned by the allegations that the Principal Auditor has made in that section.

And then, the Hon. Sir Joe Bossano says that whoa! This has to be dismissed because this has nothing to do with value for money. What has this got to do with value for money? Of course it has to do with value for money. This is, yes, because these are Government this is Government housing which costs the taxpayer. This is an important you know, social service that we provide. Social housing. Of course it has to do with public value for money. Of course, it has to do it is not just necessarily directly pounds, shillings and pence. Perhaps in an indirect way but these are Government assets which are being the Principal Auditor says in effect almost abused because we have not had a proper following of process. You know. In fact, the Ombudsman in her report maybe they have not read it properly but there are things that they may not like.

But she talks about the resources which she describes as being in great demand. It will be directly pounds, shillings and pence but they are resources of the Government. We have heard nothing from the Hon. Sir Joe Bossano or any of them till now about the rule which Economic Development and Employment Company Limited plays when it stands in between the defaulting tenant who has to pay the company which forms part of the mortgaging of all the housing estates and makes a loan because obviously that company, Capital Assets Limited, has performance indicators and will have no doubt certain responsibilities to wherever the money came from. So EDEC comes in and makes a loan in order to stand in for the defaulting tenants. Nothing about that. It is there in page I think it is 110, 111 of the report. We have had nothing. So presumably the observations let us put it that way and concerns which the Principal Auditor expresses in relation to that are fine because they have not been covered up in the report.

A gaping hole of information from the Government Benches opposite. The message that we need to impart to the people who I do not know about that many not just this evening because I know there is going to be sniggers from the other side but throughout the course of this shameful debate that we have had for the last couple of months and certainly out there in the press for the last six months is that things must change. We on this side of the House provide a fairer we will provide a fairer merit-based society under a new Government where prudence prevails over waste. Where taxpayers are respected for the intelligent people that they are they are respected. Where their money is spent wisely for the many and not just for the few which is what we have seen in this report and the hon. Gentlemen have been unable to persuade us that the contrary is not the case. At a time when you are seeing the wastage of taxpayers' money as highlighted in this report people need to ask themselves how Members opposite are churning out glossy propaganda videos on social media almost incessantly whether from London or Gibraltar wherever they are in pursuit particularly two of them of their internal leadership struggles.

All of this all of this without any shadow of a doubt also goes to the root of vying for money because taxpayers' money is being used for that purpose. What a shameful approach by the hon. Members who are simply looking after and feathering their own egos and their own political ambitions and borrowing from a book I read recently which was a critique on politics in the UK prior to the last election and it said this:

> I hope that this chapter has shown how dangerous this present moment is…

This is in the UK before, as I said, before the Labour Party was swept into power.

> …with Ministers abusing their considerable powers failing to live up to the principles of accountability objectivity and openness and consequently risking an irremediable loss of public trust.

To put it plainly a culture of impunity has taken hold of Government. This Government's fear of losing power can be smelt from this side of the House as proven and shown also by the recent GBC opinion poll. In their panic they have misused their power for their own political survival. They do not want to see or fathom the possibility of a new Government taking office and shining a light on everything else that the Principal Auditor did not uncover in this damning report.

But let me assure members of this House we on this side of the House will certainly not shy away from exposing the truth. If we are entrusted with the responsibility of governing, we will do so with Gibraltar's best interests at heart because Gibraltar deserves better much better than what we are seeing now. The people of Gibraltar deserve to have their money respected spent prudently and conservatively for the good of all of society and not squandered on the privileged few.

This culture of impunity must end once and for all and to each Member opposite I say, with fallen hope clearly, but search your consciences when you vote on this motion you have a choice to make between endorsing this sorry state of affairs or taking a stand for accountability and decency. Do the right thing for once. Do the right thing. I know we always say that when we have debated these things in relation to the Enquiries Bill and all the rest of it but on this occasion do the right thing for once and do the right and decent thing and vote with us on this matter and let us defeat this motion. Thank you very much.

Madam Speaker: Does any other hon. Member wish to speak on the amendment... (*interjection*) on the amendment to the motion?

Nobody else wishes to speak on the amendment to the motion.

Adjournment

Chief Minister (Hon. F R Picardo): So Madam Speaker the hon. Gentleman is indicating that nobody on his side wants to speak on the amendment and so at this late hour I am going to do the right thing and adjourn to tomorrow at 11.30 in the morning.

Madam Speaker: I propose the question which is that this House to now adjourn to tomorrow at 11.30 a.m. and I will put the question which is that this House to now adjourn to tomorrow at 11.30 a.m. Those in favour? (**Members:** Aye.) Those against?

Passed. This House will now adjourn to tomorrow at 11.30 a.m.

The House adjourned at 8.41 p.m.

P R O C E E D I N G S O F T H E

G I B R A L T A R P A R L I A M E N T

AFTERNOON SESSION: 11.37 a.m. – 1.35 p.m.

Gibraltar, Tuesday, 2nd December 2025

Contents

Order of the Day 2

Government Motion 2

Adjournment 23

The House adjourned at 1.35 p.m. 23

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The Gibraltar Parliament

The Parliament met at 11.37 a.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[ACTING CLERK TO THE PARLIAMENT: K Balban Esq *in attendance*]

Order of the Day

GOVERNMENT MOTION

Acting Clerk: Meeting of Parliament, Tuesday the 2nd of December, 2025.

Madam Speaker: All right, where we left yesterday, there was an indication that no other hon. Member wished to speak. I need to ask the mover of the amendments whether he wishes to reply. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I am going to say nothing in the context of the amendment at this stage and wait for you to put it to a vote.

Madam Speaker: All right, I now put the question in terms of the amendments proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye)

Hon. Chief Minister: Call the division.

A division was called for and voting resulted as follows:

FOR	**AGAINST**	**ABSENT**
Hon. G Arias-Vasquez	Hon. Dr K Azopardi	None
Hon. Sir J J Bossano	Hon. D J Bossino	
Hon. L M Bruzon	Hon. R M Clinton	
Hon. Prof. J E Cortes	Hon. J Ladislaus	
Hon. N Feetham	Hon. G Origo	
Hon. Dr J J Garcia	Hon. E J Reyes	
Hon. P A Orfila	Hon. C A Sacarello	
Hon. F R Picardo	Hon. A Sanchez	
Hon. C P Santos		

Madam Speaker: All right, 15 members in favour. Eight members against. The amendment is carried.

What did I say? (*Interjection*) I knew I should have had a second coffee before coming in today. It was the wise thing to do.

I suspected we might be in for some time. All right, I will start again. Nine in favour. Eight against. The amendment is carried.

So, what the House now has before it is the original motion as amended.

All right. Does any hon. Member wish to speak on the original motion as amended? In that case, I call upon the mover of the original motion as amended to reply.

Hon. Chief Minister: Thank you very much, Madam Speaker. It has been a long debate. It has been a very long debate. Probably longer than this House has debated any other matter other than an Appropriation Bill. Except, of course, we have not had the opportunity to have this debate over just one week as we tend to be able to do with the Appropriation debate. Because it has not been possible to carve out that time in the very busy months of September and October and, indeed, November. We are, the Deputy Chief Minister and I in particular, involved in the negotiation of the detail of the text of the treaty between the United Kingdom and the European Union. We have been involved in all of the other business that we are involved in in these months also. Not least, attendance at Party Conference, attendance at the Fourth Committee of the General Assembly of the United Nations, and all of the other business that hon. Members are aware we have been involved in.

And so, if this motion and the debate of it has stretched over time, the Government makes no apology for that because in doing so, what we have demonstrated is the seriousness with which we take the issues that arise in the context of the 2018-2019 Auditor's Report. That, I would have thought, would be welcomed by, in particular, those who say that it raises very serious issues because members opposite have been saying that in varying degrees of passion and flourish that this report raises serious issues. And if it does, Madam Speaker, it is absolutely right that we take time to consider those serious issues and we have taken time to consider those serious issues.

Indeed, I seem to recall, I think it was the Hon. Mr Clinton, it may have been another Member of the Parliament, on hon. Member's side, who used to say that we ignore the Principal Auditor's Report and that we do not have a debate around it. Well, this time we really have and we have for all of the reasons that I set out in the opening that I made over various days, and in the amendment that I have proposed and has passed, and in all of the reasoning set out by those of my colleagues on this side of the House who spoke about the issues that the report raises for them too.

The Hon. Mr Azopardi himself, the Leader of the Opposition, has spoken at great length, with great seriousness about the issues in the report as he sees them. Despite the absence of passion or flourish in that address, Madam Speaker, there is no denying that the Hon. Leader of the Opposition was saying that there were serious issues in the report, and then criticising our approach to the debate on the report.

The Hon. Mr Clinton, spoken with the gravitas of being an auditor himself, but tarnished, Madam Speaker, by the usual sour tone that characterises everything that he says and does in this Parliament in relation to the Government. Indeed, in the approach that he took, he was as condescending as ever, pretending to educate me, pretending to educate the Father of the House, pretending to educate the Deputy Chief Minister of the role of the auditor. Pretending, as usual, that he knows better than everyone. Well, in that respect, Madam Speaker, perhaps pretending that he is the heir in the GSD to St. Peter's Chair, as they used to see it. Only he, apparently, Madam Speaker, only the Hon. Mr Clinton, is the person that tells it as it is, that knows what an auditor does, that knows how to run the public finances of Gibraltar. Except, of course, Madam Speaker, on the three occasions that he has tried to persuade the public to give him the chance to run the public finances of Gibraltar, they have refused to hand him the purse strings. So, the sanitising truth of an election result has not accorded with what the Hon. Mr Clinton tells us is the truth according to Roy. But both the Hon. Leader of the Opposition and the Hon. Mr Clinton sought to portray the very motion that we are debating as unconstitutional, unprecedented and dangerous. Well, Madam Speaker, there is nothing out of order in this debate, or in having it. If there were something out of order in having this debate, I have no doubt you would have stopped me.

If there was anything contrary to the rules about this debate, I have no doubt hon. Members have the ability to point you to a Standing Order that tells you that there is something about the

motion which is somehow improper, unconstitutional or otherwise unprecedented or dangerous. But, of course, there is not and it is just as easy for them to say that we are acting unconstitutionally and then not stand it up, as it is for the author of the report to say the Chief Minister acted unconstitutionally and not stand it up. Something which I will come to.

But as well as Mr Clinton and Mr Azopardi, we have had Mr Bossino and Mr Sacarello try to paint the Government as the aggressor in this case, and Parliament, this place, as a kangaroo court. They have, in doing so, sought to defend all of the errors in the report that we have pointed out as if they were the greatest truths worth dying in a ditch for.

So even things we have shown which are untrue, they have defended and they say must stand because they have not proposed a counter-motion or a counter-amendment that says, well, look, it is true that you have now pointed out that A, B and C, not A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, but A, B and C are wrong. Chief Minister, can we persuade you just to have an amendment that sets out A, B and C that you have demonstrated we accept, we can see for ourselves, are wrong? No. Everything in the report is defended by hon. Members opposite as great truths to die in the ditch for.

Well, Madam Speaker, it is my obligation to respond to each of the points that hon. Members have made and to show that their rhetoric, however flat as Mr Azopardi's, the Hon. Leader of the Opposition's was, or however thunderous as Mr Bossino's might be in his throat, reminding us, of course, of the basic principle that empty vessels make most noise, that all of that rhetoric collapses under the weight of demonstrated constitutional principle, factual correction, logic and reason.

So perhaps, Madam Speaker, I think it is appropriate for me to congratulate Miss Ladislaus, Miss Sanchez and Mr Origo for having made the wise decision not to contribute in this debate and Mr Reyes for having absented himself for most of it whilst on a fantastic, no doubt, family vacation and having chosen on his return, having missed most of the debate, not to contribute to the rest of it.

Their silence, of course, is commendable because that is better, Madam Speaker, than reaching deep into the barrel of nonsense, as Mr Sacarello did, or simply repeat the arguments put by Mr Azopardi and Mr Clinton, except a decibel higher, as Mr Bossino did. For that, better to keep one's counsel.

So let me start with Mr Azopardi's claim that what the Government is doing in bringing this motion, because what Mr Azopardi started, Madam Speaker, he did not start with the debate. Sorry, he did not start with the report. He started with the debate. He did not say, I am defending the report. He said, I am attacking the debate. I suppose because given that the report is very difficult to grapple with in terms of defending it, unless you want to accept the bits that say that the Government acted properly, the critical bits are almost indefensible. Mr Azopardi took a leaf out of the old adage that attack was the best form of defence and sought to attack the debate. He said that this debate is unprecedented. But I reminded the House on day one that Erskine May clearly provides that the Parliament has the right and often does debate, scrutinise, and in some instances even reject reports that are laid before it. So what is unprecedented? And what is an assault? Nothing.

In the United Kingdom, there may not have been on the floor of the House a debate on a National Audit Office report. Why? Because the procedure there is different. It would be debated in the Select Committee. Perhaps even in the famous Public Accounts Committee but here, Madam Speaker, it is very clear that we have the ability on the floor of the House, as they have the ability in the United Kingdom should they want to, to debate anything. That is why this is the heart of our democracy.

What is unprecedented, Madam Speaker, is to have a report that strays into partisan advocacy of policy, recommending a Public Accounts Committee in language that is lifted almost verbatim from the Opposition's manifesto. That is where we started.

So all of the rest of the stuff that we heard from members opposite, all of the rest of the attacks on the debate, the attacks on what they say is our attack on the report, all of that is just, Madam Speaker, an attempt to draw people away from the reality of what we are dealing with here. An

almost verbatim position from the Social Democrats and the author of the report. That is the novelty here. That is what is unprecedented. That is what makes the motion necessary. And anyway, as Mr Clinton says, we must not ignore auditors' reports. I suppose it is good that we have had a debate. Not unprecedented. Not improper and that is what we are doing. We have not had to have previous motions like this because we have not had problems, mistakes, errors and overreach, *ultra vires* overreach, by a Principal Auditor before but when it happens, we have the means to act by coming here to have a debate.

Burke said, not Obama, by the way, Burke said, a state without the means of change is without the means of its conservation and so when we need to have a debate such as this, we have the power to have it. But as they all said, in having this debate, what we are doing is creating a kangaroo court.

I think that was the, I mean, New Labour in the old days, Madam Speaker, used to do it by text. In the mornings, the New Labour machinery would send a text to the 300 or 400 Labour members of Parliament, an SMS message that said, today on this issue, the position is this. And listening to hon. Members' speeches, it feels as though by SMS or by WhatsApp, the message on the other side to all of their supporters in Parliament and outside, and I will come to the baristocracy outside, perhaps even to some of the recently elevated baristocracy outside. The message was, this is all a kangaroo court. There went the message. This is a kangaroo court and we had to hear it from all of them and all apparently because the auditor is not here to reply. But Madam Speaker, let us break down that antipodean metaphor. A kangaroo court silences the accused. Here, Madam Speaker, the former Principal Auditor has sent us 600 pages of argumentation.

His report is his position and this motion, Madam Speaker, is not a finding or a sentence upon him, but a democratic motion in a democratically elected Parliament, setting out our view of what he has said and with no predetermined verdict because hon. Members have got up and each of them have said, each of them have said, I appeal to each of the members of the Government and their conscience and their leadership ambitions to vote against this. As if they were addressing a jury of nine, Madam Speaker.

Well, unless the Hon. Leader of the Opposition has time to waste, he can only have asked for us to break down our votes by division if he wanted to make sure how we were each going to vote. If he was sure that we were all going to vote ‘aye’ on the amendment, why did he ask for the division? It would have appeared in the book still with the nine ayes from the Government and the eight noes from the Opposition. So there is no predetermined verdict, unless he is just acting to waste the time of the Parliament. What we have done, Madam Speaker, in this motion is to surgically analyse the report and surgically deal with the issues. Not predetermine what we were going to say. We have been proportionate in our approach.

A kangaroo court, Madam Speaker, is biased and irregular but everything I have said to the House, Madam Speaker, I have stood up with case law. They hated it, Madam Speaker. They said that I was in a court because I was referring to case law. In a kangaroo court, you do not have to refer to case law. In a kangaroo court, you just get up and say, because I say so, he is guilty. But, Madam Speaker, what we are doing is not what happens in the kangaroo court, which is unlawful.

What we are doing is lawful and democratically proper because if we could not do it, what hon. Members are saying, but they do not think things through, and that is the problem with them, because in particular in international politics, you have to think things through, is that they are saying that whoever is the Principal Auditor at any time is entitled to lay a report that is unchallengeable and undebatable and therefore able to lay a kangaroo report in this Parliament that is a sentence without any right of challenge in respect of any member of the Government, the Opposition or the Public Service. But they do not think it through, because somebody sent them a message saying it is a kangaroo court.

I am starting to wonder whether the hierarchy opposite is not like the hierarchy in New Labour with Tony Blair at the top, Peter Mandelson and Gordon Brown at his side sending the message down, whether perhaps actually they get messages, all of them, including the Leader of the Opposition, from spirits outside their ranks who might write on blogs or elsewhere, it is a kangaroo

court, and that spreads like wildfire, and they adopt that without thinking. They should understand, Madam Speaker, that when people write, they write what they feel and they write what they want as they are entitled to. But as the leader writer, the editor of the Financial Times once said to John Major, when John Major said to him, Oh, I have worked very hard to do what you said in your editorial.

The editor of the FT said, For goodness sake, Prime Minister, never do what I say in my editorial. I knock them out before five o'clock because they have got to go to the printers. Your decisions will have a consequence for the whole United Kingdom.

So, Madam Speaker, Members opposite might like to reflect on that before they take their cues from blogs beyond this place in the future because, Madam Speaker, there is absolutely nothing of the kangaroo court in going in detail through the report of a Principal Auditor that has erred, in fact, has been acting in a manner that is *ultra vires* and that we have demonstrated therefore deserves challenge.

So, Madam Speaker, it is clear that even in making their headline case that this is a kangaroo court, they have not thought through the consequences of what they are saying, that they are giving licence to whoever is the author of the next report to create kangaroo reports and that point has to be understood.

It has to be understood because however much passion they argue with, however much flourish they bring to this, none of it, if I may say so with respect, in the context of what is said by the Leader of the Opposition. What is important here is to be surgical in the analysis of this report and deliver the right conclusion for our people going forward.

I remember, Madam Speaker, that part of what Shakespeare, not Obama, said in Hamlet:

> Give me that man that is not passion's slave.

Because we do not need to hear in passion and treaties that this is unfair or this is improper. What we need to do is to descend to particulars, which is exactly what I have done over the nine days when I was addressing the House, Madam Speaker. Descend to particulars, go into the detail and demonstrate where things have gone wrong in the report, being reason's servant, not passion's slave, Madam Speaker. That is why this motion is reasoned, it is detailed, more detailed than when I first presented it, and not arbitrary.

But, Madam Speaker, a kangaroo court? The only semblance of a kangaroo here is how they keep stuffing their pouches with recycled allegations. The only hopping around that there is here, Madam Speaker, is from one ideology to the other, as hon. Members on that side have done on a number of occasions from Party to Party, and from one allegation to the other without ever being able to alight on any reliable evidence, Madam Speaker. They are the kangaroos in this place, jumping from one point to another.

And then, to a claim that the debate is a constitutional outrage. Well, look, Madam Speaker, we live in a place with the rule of law. If there are constitutional outrages, as they have said to me, there is a place to determine that. There are people who decide that. So, if this is a constitutional outrage, restrain me from it, as one would be entitled to do, if it were true. Because, Madam Speaker, Section 74(3), which Mr Azopardi, as the Leader of the Opposition, prays in aid to suggest that the Principal Auditor shall not be subject to the direction or control of any other person or authority, is not offended by what we are doing. Indeed, the author of the report is no longer Principal Auditor. Neither does this motion seek to direct or control the auditor. There is not a sting in the tail of this motion that says, and all future auditors shall be careful to ensure that they act in keeping with the Constitution and the Public Finance (Control and Audit) Act.

Not that there needs to be, because those are their powers and they have nothing beyond that. There is nothing directed at the Principal Auditor in office today. All of this is about somebody who is *functus* in respect of a report that is published.

It does not tell the former Principal Auditor what to write. It tells him what we think he should have written if he had analysed the facts and it does not tell him that he should write it. It tells

him, in the amendment, that we will set out what we think are the facts. How is it a constitutional outrage for a Government to say what it thinks in a Parliament? How?

Only in the world that Sir Joe Bossano as father of the House was identifying yesterday, which is the world in which you can see the pattern, that everything that we do is wrong and everything that they do is right and when they sit here, they can do all of the things that they say we should not have done and when we sit there, we have to accept it.

How could it be a constitutional outrage to present a motion to the Parliament and to say in that motion, we are going to lay a document in Parliament that sets out what we think should have happened? Madam Speaker, the hon. Gentleman, is too clever, in my estimation, because I never underestimate the Hon. Leader of the Opposition's intellectual ability, not to realise that what he is trying to do is to get people to confuse criticism with control. That is a key issue. They are not the same.

To criticise from one's point of view, because one passionately believes, being a slave to passion for a moment, in the truth of a thing, is not to try and control another person. To try and persuade someone of the truth as one sees it is not to control a person. The other person is free to say, look, I reject your truth. That is what our Constitution provides in all of the key areas, in ideology, in religion, in every area, in sexual orientation. That is what we defend.

I mean, it is very different to say, I defend the rights of the LGBTQ+ minority and to say, because I am saying that, we must all be LGBTQ+. It is nonsense. But that is what the elite of the Opposition is suggesting is what we are doing.

We are not telling a Principal Auditor what to do. We are telling a Principal Auditor what we believe happened but of course, Montesquieu, in his analysis of the French Revolution, not Obama, said that power should be a check to power. How is that best understood? Well, we know that quote, actually, in a much simpler way, which is that there are three branches of Government, the Executive, the Legislature, and the Judiciary. And power in each of them checks power in all of them.

There is not a fourth branch of Government, Madam Speaker, which is audit. Audit is not the fourth branch of Government. Audit does not have more power than Legislature, more power than Executive, and more power than Judiciary. Audit is not going to be the only one that cannot be challenged, because the Judiciary is challenged all the way up to the Privy Council in the United Kingdom. And indeed, still with the Legislature having the power, if the Executive so demands to change a law that may have been interpreted in a particular way, and send it back to the Judiciary, who can then blue pencil it again, and play ping pong. Of course, because power checks power.

But in their analysis, if this were a constitutional outrage, the Principal Auditor is unchecked by any other power. We would be swimming in kangaroos if that were the case, Madam Speaker. If that analysis actually bore detailed consideration, we would be swimming in kangaroos. We would be rendered koalas running up trees to escape the kangaroos.

That is the level of nonsense that hon. Members have descended to by suggesting that somehow a motion on a report is a constitutional outrage. And so, when I am dealing with a motion on a report, Mr Bossino says almost disappointedly, when he addresses the Parliament last night, that I kept referring to the author of the report. I am specifically playing the report, not the man. I am specifically playing the ball, not the man. I am specifically depersonalising it.

On day two, Madam Speaker, I demonstrated that the auditor's claim that *ex-gratia* payments were unlawful was simply wrong in law and his analysis of the quantum was wrong. On day four, and yesterday, Mr Feetham, and on the day that the father of the House addressed, we demonstrated that the Gibraltar Savings Bank criticisms were completely wrong and that they risked exposing Gibraltar internationally.

I actually went into great detail on day seven to set out every word that the Principal Auditor had said on the Public Accounts Committee and hon. Member's Manifesto to put them up like a mirror, one against the other, going to the substance, to the detail of the issues. I did not attack any man unless saying that someone is wrong is playing the man, not the ball. But in that case,

Madam Speaker, they have spent the last 14 years kicking me in the not argumentation and playing me and not my arguments.

So how have we attacked the man and not the ball? That is the whole point. The Hon. Mr Clinton does not realise it, but he has been telling us and educating us in his inimitable style of the colonial bookkeeper on the substance because we addressed the substance.

He did not have to get up to say Tony's a really nice guy because we were saying Tony's not a nice guy. That is not where we have been, Madam Speaker. This Parliament has been on what is in the report. So utter nonsense, but I will come to this later again when I deal with Mr Bossino's, if I may call it contribution.

Mr Azopardi as Leader of the Opposition then moves on to say that we are usurping the role of the courts. Madam Speaker, I do not accept that.

Can the Government take a legal action against the report? Well, that is something that Mr Bossino also referred to and the answer is that we may be able to. As usual, I found the analysis from Mr Bossino entirely lacklustre at a legal level because he said we should do it by way of judicial review.

The old Order 53, Madam Speaker, in the White Book, which governs judicial review and which is now a different order, the number of which I do not know, specifically sets out that judicial review must be taken promptly and in any event within three months the person who wants the review has had notice of what has happened. I do not know whether he is realised that it is now November. Unless the hon. Gentleman is saying that when we received the report and laid it in Parliament we should have started judicial review proceedings.

In fact, the better approach is to say that one can take a constitutional motion for which there is no time limit and which would address the constitutional issue of what the constitutional remit of the Principal Auditor is. We could have done that. Indeed, Madam Speaker, we could do that. But I always remember that the first day I walked into the office of Mr David Dumas at Hassan's, aged 14, I saw a print of a cow which most lawyers are familiar with. The lawyers for one side are hanging on to the udders of the cow, pulling in one direction and getting lots of milk. The lawyers for the other side are hanging on to some other of the udders of the cow, getting lots of milk and the client is left without milk. Of course we can take a constitutional motion in respect of the parts of this report that are, in our view, *ultra vires*. Of course the court could then, as one of the branches of Government, even potentially expunge parts of this report. Of course we will continue to consider whether that is necessary or not but this can also have the same effect. And here, the only effect in respect of lawyers and udders is that the lawyers sitting on that side are removed from the udders that they are attached to when they have to come here to make these arguments.

So we are not usurping the courts by choosing to come here and have a motion but it is certainly true when the Leader of the Opposition says that Gibraltar was scandalised by some parts of this report, that that is the effect of what happened. He was reflecting what I said. I said that the report had been like napalm in the way that it had been written and the way that it had been designed to catch the attention of the public and those reporting it. Like napalm. This was designed to catch fire. This was a firebomb of a report.

That is what hon. Members clearly found so attractive about it. And no longer had the report hit the table, they were commenting about it because they could see the scandalisation value that it had. But it has that scandalisation value unchecked if you do not challenge the things in it that are untrue. Because it is the things that are erroneous, that are untrue, that are *ultra vires*, that are the ones that are scandalous.

When you do the exercise that we are doing in detail, if anybody is still listening, because of course it takes time to break all these things down, all of the scandal is gone and to that extent, Madam Speaker, this has been a kangaroo report because it is scandal hit and that was it. There was no time for anything else other than the scandal. The traditional Gibraltarian *que poca vergüenza, te has enterado lo que dice el* report? Have you seen what is in the report?

And the report horse has bolted and our motion is designed to bring all of the information and all of the facts so that those Gibraltarians who are interested in the facts can get all the facts and

then by all means some of them will still say, I am not convinced, I still think that was wrong and some will say, well, look, now that I have heard all of the evidence, I think the report was improper. And some will say, look, I do not know, but it is obviously not as incendiary as it first appeared. And in doing so, we are not just rightly, and as we are entitled to do, defending our reputations because we have acted properly. We are also defending Gibraltar's reputation.

Is that hard? Yes, it is hard. Would I rather, on the 1st or 2nd of December, be doing something else rather than debating a report that was published in June or July? Of course I would but it was Churchill, Madam Speaker, not Obama, who said, a lie gets halfway around the world before the truth has a chance to get its pants on. That comes from Jonathan Swift, who wrote, falsehood flies and the truth comes limping after it. But look, even if I have to limp on a weather-beaten hamstring, Madam Speaker, to bring the truth to the people of Gibraltar, I will. I will not stop in the pursuit of the truth. I will not stop in defending injustice, even if it takes four months - That is the antidote to a kangaroo report, Madam Speaker. When the Hon. Leader of the Opposition takes us on a long journey of constitutional history, going back to 1921 and all the way through to 2006, to the Constitution that he, but only he, claims he wrote, and all of those checks and balances, I will tell him that I share his respect for that history. And I am pleased that he set it out, although he has a lot of critics for having done so. I think it is wrong that he is been so roundly criticised because he was so boring in his delivery, but look, that is fine. He was setting out the facts as they had to be set out on a historical basis and what history teaches us is that independence requires impartiality.

So, yes, we all accept that the Principal Auditors' independence is set out in constitutions, in statutes, and safeguarded by law. Of course we accept that. And we defend that as strongly as we defend our integrity and how we have acted properly and how there are errors and *ultra vires* parts of the 2018-2019 report.

But we also defend that that independence is bounded by remit and when the officeholder of the Office of Principal Auditor strays from independence into partisan advocacy, what he does is seriously erode the independence. And by arguing that the Principal Auditor must stay in his swim lane, what we are saying is he must stay in his swim lane and his swim lane is his alone. There, in his swim lane, is where he can say whatever he wants, whenever he wants. Unrestrained by anyone, Madam Speaker but not outside his swim lane.

Outside his swim lane, the individual who holds the office enjoys all of the rights of every citizen to say whatever he wants, whenever he wants, as a citizen, but not to sign his name in doing so as Principal Auditor. I would have thought they would understand that on the other side. Well, perhaps not Mr Sacarello, but the others. Right, Madam Speaker? Because I am sorry to have to go back to so many basic principles. I have to go back to the French Revolution.

But at Gettysburg, President Lincoln, not President Obama, said that Government is of the people, by the people, for the people. What does that mean in the context of this debate? It means that policy is for us because we are the Government of the people because we are citizens of this place, by the people because we are elected by the citizens of this place, and for the people because the actions that we take are for the people of this place and so we are entitled to determine policy. Not the person who holds the Office of Principal Auditor who does not come from the people.

He comes from the Governor. Appointed after a system of interview. There is nothing wrong with that. I am not criticising it. That is what our constitution provides for but it is not the writ of democratic election which is what makes you the policy maker of the people, by the people, and for the people. And therefore, Madam Speaker, I am not going to accept for one moment the Hon. Leader of the Opposition's point that the outcome of this motion is not going to be worth the paper it is written on.

Of course it is going to be hugely important because it is going to lead to a report by the Government setting out on the Table of the House, that is to say, in the library of the House for eternity, what our views are. And what is wrong with that? Why are they so critical of that?

This is the Opposition that constantly tells us that they want transparency but what transparency do they want? They want transparency of everything except of our views. They do not want our views of what happened or did not happen on the table. They want just their views. They want just the views of a Principal Auditor. They say they have got 300 questions. So they must care what our views are and they must want our responses.

And in providing that transparency, and in giving the views that we are giving, and in setting out the areas of the remit of the auditor, and where the auditor has no remit and where he is *ultra vires*, the Hon. Mr Azopardi, Mr Clinton, and Mr Bossino tell us that we are therefore perforce because we have a view against all of the good men and women of the Gibraltar Audit Office. Now there is a device, Madam Speaker.

The device is to try and garner the support of 24 people and their families for the next general election by saying we the GSD are defending you all, and they the GSLP liberals are attacking you all. They are not just attacking the auditor, they are attacking you. That is the device. It is a political device. It is nothing else. No more and no less than that.

Of course we are not against the people in the Gibraltar Audit Office. We have given them more resources than they ever had under the GSD that pretends to defend them but of course when we disagree, Madam Speaker, we have a right and obligation to do so and if some of the things which we have spoken about were not written by the author of the report but they were written by somebody else in the Audit Office, well then Madam Speaker, the people in the Audit Office have no constitutional remit and no statutory right. The author does. He adopts it and it becomes their instrument. But they have misadvised him if they have told him to put those things in. And they need to understand what their remit is and that is not to be against them. That is to favour their rights, powers and independence and obligations under the Constitution and under the Act and not permit that they should be able to get into everything else. Just as I would not permit that I as Chief Minister should exceed my own remit and get into things which affect people's personal lives, for example.

I know what my role is. They should know what their role is. All 24 of the people at the Gibraltar Audit Office, most of whom I am sure do know, carefully understand and are very careful to protect what their roles are and what their roles are not, and their defenders here are not the Social Democrats who never gave them the resources that they needed.

But Madam Speaker, how can it be that they pretend to use that device now when what they are saying to us in respect of the Public Accounts Committee is that they have not got enough with having us here. That is to say, if we are the equivalent of the Principal Auditor, they are saying, we do not want you here answering questions about the finances.

We want the Civil Servants here in the Public Accounts Committee, so we can ask them all each the questions about every penny that they spent. That is what they are saying, Madam Speaker. So is it that they are against the 6,000 Public Servants of Gibraltar? And that they want to interrogate the 6,000 public servants of Gibraltar about every penny that they spend, whether it is on their salaries or the spending that they do? Because that is the analogy that they have opened themselves up to, by saying that if we are against the report, we are against the 24 people in the Gibraltar Audit Office. What I am saying to them, if you are against us answering questions on the finances, because you say we are not the problem, you say the problem are the people beneath us, then you must be against the 6,000 Civil Servants of Gibraltar. Civil or Public Servants of Gibraltar.

Especially, especially everybody who works in the Gibraltar Electricity Authority, and everybody who works in the Gibraltar Health Authority, about whom you make the biggest complaints about spending, because we are not able to stick to the budget, because they are driven by demand, whether it is the cost of fuel, or the cost of curing patients. So you are not against the Government, you are not against the GSLP, you are against every nurse in the GHA, you are against every doctor in the GHA, you are against every orderly in the hospital, you are against every engineer in the Gibraltar Electricity Authority, you are against every single one of the clerical workers in each of those departments.

There you are. I will trade you 24 for 1,500 of them. But they do not think, Madam Speaker. Imagine these people sitting across the table, in a negotiation on a treaty, not thinking things through. Well, I am not surprised. I am not surprised, Madam Speaker.

Because the Hon. Leader of the Opposition, who pretends to be somebody who believes in Gibraltar's continued emancipation, told me during the course of the debate, that instead of bringing this motion, or instead of going to the Supreme Court, what I should have done was take disciplinary proceedings against the auditor, through the Governor, who is the person who has the ability to discipline him.

What on earth is this? 1954, white mischief, with Governors being the ones who dispense discipline to auditors? Does the hon. Gentleman not think things through? Answer, no he does not. Because he comes to this place to tell us that we have to listen to what Richard Bacon says. Richard Bacon is a Member of Parliament, who the hon. Gentleman set out, told him things, or has written things about accounts and auditors, etc, that we should listen to.

Well, Madam Speaker, Mr Bacon...

Hon. Dr K Azopardi: Point of order!

Madam Speaker: Just a minute, point of order…

Hon. Dr K Azopardi: On a point of order, Madam Speaker… The Hon. Chief Minister is misleading the House. I did not say that they should bring disciplinary proceedings. I said that the only one who had the ability to bring disciplinary proceedings was the Governor and the Specified Appointments Commission. That is what I said. I did not invite them to bring that.

Hon. Chief Minister: Madam Speaker, my interpretation is that that is what the hon. Gentleman was doing. Because by alluding to a power, he must have been referring us to the potential for it to be used or invoked. I can see how uncomfortable he is getting because, again, what he is demonstrating to me is that he has not thought through the things he said.

He said, I was just referring to the existence of the power. I was not saying you should use it. Well, look, Madam Speaker, if he was referring me to the existence of a power which is there in the context of discipline in respect of the officer, whose work we are debating and we are saying is erroneous, you will understand that not just me but probably many others have misinterpreted it as an invitation to pursue that route to redress rather than this route to redress or the court route to redress.

But then he told us that part of what he understood of the role of audit, etc., came from his reading of Richard Bacon. Richard Bacon, Madam Speaker, a Member of Parliament in the United Kingdom who is one of the Members of Parliament I have never met but perhaps I should not be surprised because he is a Conservative Brexiteer. So if the hon. Gentleman is telling me that I have to take at face value anything that Richard Bacon has to say, he is telling me that I have to look at what Richard Bacon says on other matters.

The hon. Gentleman will forgive me for not taking Mr Bacon's advice on what is good for Gibraltar because Brexit has not been good for Gibraltar, Madam Speaker. He should be careful who he takes counsel from, Madam Speaker. Especially when he comes to this House to share the counsel and tell us that we need to listen to the things that are informing him.

Look, Madam Speaker, the reality is that in politics, in the law, and in life there are people who can sell eyes to Eskimos and others that can put corpses to sleep. If the hon. Gentleman had been around in biblical times and Lazarus had walked out of his grave as he was delivering his speech, he would have turned a tail and run back in rather than to hear him debating. At one stage, Madam Speaker, when he was speaking, he paused for so long I thought he had put himself to sleep.

When I was trying to get a transcript of what he said, he managed to turn deep-seek into deep-sleep and I had to rely on another bot to produce it. But he said some things which were worth listening to. He said, look, on Housing, every Chief Minister has done what the Principal Auditor

has said that this Chief Minister has done. So I am pleased that the Hon. Chief Minister is saying that he accepts that this may require some codification. I appreciated that and I thought, look, the GSD is at least being a little sensible about some aspects of this.

Until Mr Bossino got up and entirely contradicted exactly what his putative current leader said in his attempt to become the next leader of the GSD. A remarkable contradiction of positions, which Mr Bossino had said just after he is saying that we are tearing ourselves apart on this side of the House when we managed to stick to at least the same ideological positions, Madam Speaker, and the same policy positions. Did the Hon. Mr Bossino perhaps lapse into 40 winks at that point of what Mr Azopardi was saying and missed it, that he got up and said the direct opposite? Or is it that they are totally divided on such a fundamental issue of policy as housing?

The Hon. Mr Azopardi said that all of the parts of the NAO code that I was referring to were irrelevant because they do not apply in Gibraltar because the 84 Act is different to the 77 Act. Well, it is the Principal Auditor that says that he follows the UK code. And in any event, Madam Speaker, the 84 Act codifies the common law that interpreted the previous UK Act, which is identical to our 1977 Act.

So Madam Speaker, if the hon. Member and I were in court arguing these things, being challenged by a judge, as Mr Bossino said yesterday, being challenged by disclosure, discovery, competing skeleton argument, I wager that on this one, I would win the argument that the English Law Application Act shows that all of the case laws I referred to does apply for a simple reason. It is interpreting the same parts of legislation.

And Madam Speaker, I mean, from a sedentary position, the Leader of the Opposition says *vamo, vamo, vamo*. Well, I mean, given that he would be the one charging for that, and I would not, I can see why, he is dying to attach himself once again to the adders of the cow. I am not surprised, Madam Speaker, because when Mr Bossino said yesterday that the Government now represents, the GSLP Liberal Government represents the establishment and the money, what he seems to forget is that this is all in the, just like the song by Jessie J, this is all for them about the money, money, money.

Or does he forget that the Leader of the Opposition would be my Solicitor General if I had been prepared to pay him £400,000?

Or does he forget when he had lunch with me at Sacarello's in 2011 and said to me, Fabian, and this is the Hon. Mr Bossino, the only thing that matters to me is that even if you win the election, you continue instructing TSN. It is all about the money, money, money, Madam Speaker. That is the reality. That is the reality.

So, I am not going to fall into the trap of saying, okay, let us go to court. If we go to court, it will be because we are advised to go to court and not because we are goaded into going to court by those who make their money there and have absented themselves during this debate to continue to make money there.

But Madam Speaker, the Leader of the Opposition said, in the end, the things that you are saying are wrong in this report are just a few paragraphs in hundreds of pages. Just a few paragraphs in hundreds of pages. Well, that does not mean that the effect is not one that we have to deal with.

And where he talks about the fact that the report does not name a GDC officer but that I name the author of the report, does not he realise that the author of the report names himself? Does he not realise that? That the report is signed in a name that the signature is above a rubric with a

It is a nonsensical comparison that the Hon. Leader of the Opposition was trying to do.

But turning now, Madam Speaker, to Mr Clinton. Everything that he said, he said in his usual acerbic style. Characteristic of that colonial era, a bookkeeper that sucked too many lemons this morning. But laced with a new arrogance, even beyond what I must say is the usual dose that we are used to. He was, he reminded us, the only auditor in Parliament. I am the only auditor in Parliament. For one moment, Madam Speaker, I thought I was in Little Britain. I expect him to get up and say, I am the only auditor in the village.

But how can he argue that we are somehow undermining the independence of the auditor, that we risk setting a precedent of political interference, that the auditor was right to raise questions about governance and accountability, and that therefore we have to tread very carefully, lest we appear to be silencing criticism. How can he argue that? Each of those points deserves a reply.

But I will tell him how he can argue that, Madam Speaker. Because he is an auditor, not a lawyer, who understands the principles of the Constitutional independence and what it means. But I had done my best in a not condescending style to share with the House those principles in setting out even the basic case law from where they come.

Well, when the hon. Gentleman says that we are undermining independence, did not he hear me say on day one that the Principal Auditor's independence is guaranteed in the Constitution and in the statute? Unless I bring a different statute to this place, or unless I can persuade the United Kingdom with a Select Committee of this House to take up the independence from the Constitution, the Constitution cannot be undermined. And the independence cannot be undermined.

What is undermined is the truth, if we stand silent when we see that there are mistakes in the report. Because independence in the hands of an auditor is not a licence to make repeated and repeated error. I told the House about Robertson-Hopwood, which is the rule that public officers must act with reason and fairness.

I told the House the rules about not straying into policy matters. And when an auditor strays into partisan advocacy, publishes inaccuracy, Parliament has a duty to respond, not thereby undermining independence, but defending it, proper independence. How true, Madam Speaker, that the only thing necessary for the triumph of evil is for good men to do nothing.

There is nothing evil in the report, Madam Speaker. But the only thing necessary for the triumph of some untruth over the truth is for good men and women to do nothing. To sit idly by and let this report sail past, without doing what we have done.

That is not to undermine independence by any stretch of the imagination. And then the Hon. Mr Clinton says that by rejecting passages of the report we are setting a dangerous precedent. What dangerous precedent?

If we are rejecting something that is wrong, that is untrue, or that is *ultra vires*, all we are saying is that things which are wrong, untrue or *ultra vires* should not be in reports. That is not dangerous. That is sanitary. That is proper. That is what everyone should want, unless someone wants to beat us with untruths.

But the hon. Gentleman does not like that we are rejecting only a handful of paragraphs. He is saying it is a job lot. I mean, it is almost like Del boy, Madam Speaker, standing at his stall saying, no, no, you cannot have five, you cannot have twenty, you have got to have all twenty-five. Of course we do not have to have all twenty-five.

There are parts of the report that we accept and parts that we do not accept. When I said initially, as I was dealing with the issues that were arising, that we rejected the report, hon. Members seemed scandalised because I was rejecting the whole report. When I said well actually, there is a point here. We do not reject the whole report. We reject those parts of the report which are *ultra vires*, which are errors, which are untrue. No, no, no, now you cannot do that. Now you have to reject the whole report or nothing. I mean, this is nonsensical, Madam Speaker. Life is not about job lots like that. Of course, there are parts of the report that we accept and there are parts of the report that we do not accept. What is wrong with that? There are parts of laws that I pass with this House that I like and parts that I do not like but that I have to pass.

That is normal. There will be parts of the treaty that we like and parts of the treaty that we like less. That is life.

But the Hon. Mr Clinton was prepared to jump over hoops to protect the auditor's right to raise questions about governance so that he could protect the auditor's advice on a Public Accounts Committee. I could see what he was doing. He had to defend that advice because at last he had in his hands the gift of an allegedly independent view that accorded to his except that it so accorded to his that it was obviously not independent.

And he did not seem to enjoy me referring to Porter and McGill as often as I had to but Porter and McGill reminded us that even the appearance of bias could be fatal to impartiality. An advocacy on behalf of one party's view is not scrutiny or accountability. It is partisanship Madam Speaker. Clear partisanship. And because we call out partisanship, we are not seeking to silence criticism.

There is criticism in the report I have already set out that we accept. There is criticism that I have neither criticised nor said that we accept because we are considering it. And some of it we are taking on the chin. That is normal. We are not silencing criticism. We are saying do not go where the law does not permit you to go. Do not say things which are patently incorrect.

We are not trying to silence criticism but we are also calling for responsibility because I think I have demonstrated that the Hon. the Minister for Financial Services and Taxation yesterday was particularly clear of this. That there are aspects of the report which endanger Gibraltar's international reputation.

I have been accused of hyperbole by hon. Members opposite. Nothing could make me happier than to reflect years from now that I exaggerated and I was wrong. Nothing will disappoint me more than to be proved right on this one. But if I am, responsibility will not lay with the Government and the people who have done such a huge amount of work to protect Gibraltar's reputation that by some foolish dint of a phrase in a report that should never have been there might see Gibraltar once again suffer having to be put on a blacklist it does not deserve to be on.

Accountability and responsibility from everyone not just from the Government. Because Constitutional balance requires that everybody carry their weight and responsibility under the Constitution. The Parliament respects the Office of the Principal Auditor and safeguards his independence.

But the Auditor must also respect the Parliament by remaining within his remit. So hon. Members have nothing to fear from precedent in what we are doing today. The precedent is saying we will stick to our swim lane everybody must stick to their swim lane and in our swim lane we will ensure that what is said is the truth and defend that truth or set out in our swim lane what we say that truth is.

No interference whatsoever. The interference is when something masquerading as an audit is getting into whether one person has declared membership of one political party when no persons have ever been looked at in that respect. So there is no silence to fear but we refuse to be silent in complicity where there is error and where there are actions which are *ultra vires*.

So Madam Speaker, the Hon. Mr Clinton needs to understand that the test of the man on the Clapham Omnibus which deals with reasonableness is a completely different test to the test in Porter and McGill which deals with the objective well informed observer looking at issues of bias. They are different tests. The law does not just provide one test would that it did we could have learnt it in a month and not in a lifetime.

And the Hon. Mr Clinton said I challenge the Chief Minister to go down Main Street and ask people if the Principal Auditor is right or he is. Well Madam Speaker we did go down Main Street and we did ask people who was right and who was wrong. And in October last year in 2023 they told us that we were right in our arguments not them. And in November, was it? October 2019, we went down Main Street and we asked people whether after he had been in Opposition for four years, he was right or we were right. And they said we were in their view. And in 2015 when he was first elected, we had just beat down Main Street and asked people and they told us that we should sit here and he should sit there. So he will forgive me for saying I am not going to be walking down Main Street anymore. I made it very clear to ask people to make a judgement on my political leadership.

But when I have they have signed it with me and not with him. Repeatedly. On the three occasions we have gone head to head he has failed to persuade people to choose his interpretation over mine.

And so Madam Speaker it is with that track record that I bring him to the issues in the Savings Bank. Because he says that the Director of the Savings Bank had agreed with the Principal Auditor

that they should carry out the Office of the Principal Auditor should carry out the POCA compliance audit of the bank. And that then the terrible Chief Minister calls them all to a meeting and stops it.

Now look I know that he thinks that I am a terrible Chief Minister. But as I told him on the three occasions that we have gone head to head on the issue. The public have been with me and not with him.

But he was wrong even about that interpretation. That is not what happened in this case. There was correspondence between the Director and the Principal Auditor.

The Director Senior Civil Servant was perfectly polite with the Principal Auditor. The Director went to the Chief Secretary and the Financial Secretary and said the Principal Auditor is purporting to do this and I do not think he can and I do not think he should. The Chief Secretary and the Financial Secretary came to me.

I went to the Minister for the Savings Bank and to the former Financial Secretary also who had had this issue before. We met. They persuaded me that I therefore had to have a meeting with the Principal Auditor and tell him that this could not happen for the reasons he himself had set out in his earlier letter.

That is the chronology. The Director had said yes to the Principal Auditor but did not want this to happen. And she went to the Financial Secretary and the Chief Secretary to get them to come to me so it would stop it.

That is a bit odd he says. Good luck Madam Speaker if the hon. Gentleman is ever in Government. Things are very, very, very odd.

By the time things get to my desk for a decision if there was an easy decision to be made somewhere down the line somebody else would have made it and taken the credit for it. By the time things get to me there are slightly darker shade of grey and the decision is always going to be a difficult one. So he might like to think again about what he said to this House.

That I, the terrible Chief Minister was the one who decided to stop something which a Director of the Savings Bank wanted to see happen. I am not surprised Madam Speaker however that one of the statements that we heard from the hon. Gentleman when he was in a sedentary position was actually revealing of what he is like. And it is hugely important that I share that more widely with the public.

The Hon. Father of the House in his masterful intervention was showing the pattern of what had happened not just in the context of hon. Members opposite always wanting to say that they are right and that we are wrong but also in the analysis that he said he made of what happened when Mr Clinton was first elected to this House. How he persuaded the then Leader of the Opposition, Mr Daniel Feetham, that they should vote against the budget because there are two books. This was the argument in 2016, 2017, 2018, two books.

I think Madam Speaker as an aside that that was one of the worst political decisions ever made and I think it enabled us to increase the distance between us and the GSD. I think it was a disservice to Mr Feetham as Leader of the Opposition. I have great affection for Mr Feetham personally and the work that he did as Leader of the Opposition when he was literally on his own Madam Speaker but the persuasion that he did of him was one of the biggest disservices one of the biggest disservices that has been done to a leader by a party member.

Hon. Members seem to be surprised that I am fond of someone who I have strongly argued against. I am very fond of many of them Madam Speaker, although they have not yet heard what I have to say of them in this debate. They may want to go to the loo before they hear me Madam Speaker.

But it is true. I think it was a real disservice to Mr Feetham and his leadership of the GSD because as Sir Joe says in his debate yesterday, in his contribution yesterday, there are no second books. That is an impossibility.

The Principal Auditor in his first report in 2012-13 would have said, oh my God, the GSLP has started operating a second book and in his independent right would of course have been able to

say, these are accounts of Gibraltar, this is taxpayers' money, it is in a second book. There is not a second book. There never has been a second book. There cannot be a second book.

And then I heard it Madam Speaker. Mr Clinton said from a sedentary position toward the Father of the House, Joe, it is just a manner of speaking. It is just a manner of speaking. We have been hearing from them in appropriation debate after appropriation debate that there are two books, that this is not right, that somehow we are doing the expenditure in a way that is not accounted for in this House and the Hon. Mr Clinton throws away ten years of argument and says, well, it is just a manner of speaking. Of course I accept that it is just a manner of speaking.

A decade in this House telling us that there is a second book only to confess yesterday *sotto voce* from a sedentary position, actually, I never meant it. It is just a manner of speaking. Well Madam Speaker, if I were him, I would pick up the phone, I would call Daniel Feetham, and I would say sorry. He deserves nothing less. And he should say sorry to every one of the Public Servants of Gibraltar whose wages he has voted not to pay each year of the last decade on the ruse that there are two books which he has now accepted is not the case. So much for the economic guru of the GSD, Madam Speaker.

Madam Speaker, I was now going to deal with Mr Bossino, but as he is temporarily indisposed in the toilet, I shall wait for his return. And deal instead, very quickly, with Mr Sacarello. Because the Hon. Mr Sacarello was urging Ministers on this side of the House to reject the motion, saying that they should not place their loyalty to me over the loyalty to Gibraltar's key institutions.

Does he not understand that this motion is not about loyalty to me? Nothing that we do in this place is about loyalty to me. Even a motion of no confidence in me will not be about loyalty to me and I will not ask my Colleagues to vote in respect of loyalty to me.

Everything we do is about loyalty to Gibraltar, to this Parliament, to the truth, and to constitutional integrity. I would be the first to fall on my sword if it was good for Gibraltar. I have given Gibraltar 14 years of my life, every living second.

If my sacrifice could help Gibraltar, I would not blink in doing it. I feel about Gibraltar like I feel about my children. So this is not a question of loyalty to me.

I am one of the people criticised in the report. But if the only criticism of the report had been about me, I would very happily have ignored it. Just another criticism. So what? I have got enough crocodile skin to produce belts for Chanel for the next 100 years if they like. And I am very pleased that the Leader of the Opposition agrees with me.

That is what this job is about. It is not about loyalty to me. Nobody is voting in loyalty to me. This is about a report that contains things which are wrong and outside of the remit of a Principal Auditor. I am very pleased to see Mr Bossino has finished with his toilet. I shall continue with him in a moment.

To reject error is not to affirm loyalty to one man. It is loyalty to a nation which has nothing to do with loyalty to one man. Because this motion does not undermine the institution of the Principal Auditor.

It makes it as accountable as we are. And we must all be. And they are. They have to be accountable for the money that they take from the taxpayer, the work that they do in exchange for it. So must we. Do they stick to their remit? They have to. Do we? We have to. Does the Principal Auditor? He has to. That is what the vote is about. It is got nothing to do with loyalty to me.

I forgive him, Madam Speaker, the reference to a kangaroo court because given that he does not even know who the person was who talked about the arc of the universe bending towards justice, I would be very surprised if he actually understood what the principle of a kangaroo court is. I do not forgive the others because they should know.

But the hon. Gentleman says that we are flip-flopping because one day we say, you know, congratulations to Mr Sacramento on his retirement he is done a great job as a Civil Servant for 30 years, and the next day we say he is made a mistake in his report when we did not have it when we congratulated him. I do not resile from my congratulations to Mr Sacramento. The two are not mutually exclusive congratulations on a 30-odd year career.

Thank you. And you have got A, B and C, not wrong badly wrong. Really badly wrong. But by the way, A, B and C the report is a whole alphabet. And you have got A, B and C so wrong that I am going to go and say what you have got wrong and set out why you have got it wrong because you have wronged people in doing so. Where is the flip-flopping?

I thank Sir Peter Caruana for his service to our nation. I thank Daniel Feetham, I have just done it, for his service to our nation as leaders of the party opposite me. Just because I disagree with them does not mean I am flip-flopping.

The Leader of the Opposition knows that at the personal level and at the professional level I have huge respect and affection for him. I disagree with everything he says in this House because he only says things in this House which are designed to denigrate me and disagree with me. It does not mean I do not thank him for stepping up and taking the leadership of the GSD when it could have fallen into hands as flimsy as those of Mr Bossino.

Of course I do. There is no flip-flopping there, Madam Speaker. I like Mr Sacarello a lot. He is a very likeable guy. He has not yet said one thing in his time of membership of this House which is worthy recording or worthy of analysis. I mean he is, unfortunately, Madam Speaker, one of those people who is extraordinarily charismatic, extraordinarily friendly, extraordinarily nice, but extraordinarily lacking in ability.

I am not flip-flopping by saying those things. I still like him. I would still have a beer with him. He probably might not want to now that I have said that. But I am hoping *cuando se le pase* that he might, Madam Speaker. That is the reality.

That is not flip-flopping. That is telling it like it is, Madam Speaker. Telling it like it is. Most if not all of the points that he took were completely wrong. But he is right that there was huge public anger when the report was published. Huge public anger.

Because it was designed to do that. It was designed to be incendiary. It was designed, and I am using the word designed advisedly, to create a problem for the Government. I have seen it now in the round. I have analysed it for them. I have demonstrated it was designed that way.

But then he does the thing that the Hon. Mr Sacarello does all the time, Madam Speaker. He makes the huge mistake. And he says, look at the poll! The poll shows how terribly the people have taken this report. The poll says that I should stand for election and become the next Chief Minister because I am the most popular of all the choices. I do not believe the poll, Madam Speaker. I think everything in the poll is wrong. But I am the person most criticised in the report. And the poll says that I should stand again and be Chief Minister because I am the most popular of the choices.

It says that they at the moment that we should be at our weakest that they do not get over 30%. They do not seal the deal. Even now, Madam Speaker. Halfway through our fourth term they are not getting over 30% of the vote. Hey, Madam Speaker. They need to think about things before they say them.

But I am not surprised that the very affable very pleasant but very useless Mr Sacarello has not thought things through. Sitting next to Mr Bossino it is not surprising that Mr Sacarello appears to have caught the malaise of speaking first and engaging brain later. I mean some of the points made by Mr Bossino are so weak that they were just like a list of political sentences from 1995-1996 strung together again.

I mean to say to say the Government of the GSLP was thrown out by the people in 1996. Well I suppose you could say it Madam Speaker. And the Government of the AACR was thrown out by the people in 1988 and the Government of the GSD was thrown out by the people in 2011.

I suppose. Because in the end when there is a change of Government from one Party to another it is because the people have thrown you out. But what was relevant about that?

In particular in addressing me as he was when he knows that I am not, despite his best efforts going to be thrown out by the people. I am going to walk out with my head held high after 14 plus years of Government. Why was it relevant?

Well it was relevant Madam Speaker for a particular reason. Because this report and their interpretation of it is all about one thing. It is all about how he ended his address.

And we will be better defenders of the taxpayers' money and we will take over and we will do things in a better way. It is all part of campaigning. It is nothing else.

I do not know if Mr Bossino has read the report. He is just read the bits that he thinks he can use for party political purposes. Arias-Vasquez, Bossano, Bruzon, Cortes, Feetham, Garcia, Orfila, Santos. But I did find it surprising to be told that we could ever be categorised as the Establishment.

The Establishment Madam Speaker. Our names do not fit in the Establishment. I am not in the Establishment where the Establishment go to have drinks in the evening Madam Speaker. He might be. But us? The Establishment? It is quite the opposite.

The Establishment have been trying to spit us out for the last 14 years and they have not managed it because we represent the people and the people are the ones who have the whip hand. That is the reality.

How can we be the Establishment Madam Speaker? How can Mr Bossino stand there and tell us that we are the Establishment? Does he not he get it Madam Speaker?

I am going to spell it out for him. We represent all the things he loves. The gays, the lesbians, the bi's, the transsexuals and the straight but in equal measure.

How can that be the Establishment? Perhaps one day, please God, it will be. But it is not yet Madam Speaker.

That is who we represent. The minorities, the underdogs, the ones who come to ask us that they cannot be looking at the points system because what has befallen them is so bad. The ones that do deserve our help.

The ones who would be on the wrong end of a legal case if they were in Government like the Rodriguez case where they refused to recognise sexual orientation and they lost in the Privy Council. Us, the Establishment. The Hon. the Leader of the Liberal Party has been recognised by his International Federation for over two decades as the Leader of Liberalism in Gibraltar.

The Establishment. We have recently, on our 50th anniversary, which I will come to in a minute, been recognised by Socialist International as representing socialist values in Gibraltar. We are not the Establishment Madam Speaker and I will say something now to the people of the community and to the Establishment in particular.

Do not ever bother calling because we are not going to answer the phone. We do not intend ever to represent the Establishment. That is not what we are in politics for. But the Hon. Mr Bossino loves to refer to the report as stinging. Well a report stinging Madam Speaker is what a report should not be. As Mr Clinton, the only auditor in the village, told us a report should not be stinging.

An auditor's report should not be the Daily Star. Indeed Madam Speaker an auditor's report should be the Financial Times. If an auditor's report is the Times, it is edgy. If an auditor's report is the Daily Express it is not an auditor's report. If an auditor's report is the Daily Star you get a motion in this House. So it is stinging and that is the problem with it because it should never be stinging. And if it contains issues which are highly critical and express as they might be in the Financial Times well then perhaps that is the sort of thing that would make the Establishment perk up its ears. But when you have a napalm bomb Daily Mail style that is not a stinging auditor's report. That is a stinging partisan attempt to assist the Opposition with its arguments and damage a socialist liberal Government.

Probably because we do not take the Establishment's calls. But Madam Speaker the weakness of the arguments was such that at one stage the Hon. Mr Bossino was left with nothing to say other than to do a sartorial analysis of the clothing of the Minister for Taxation and Financial Services. I mean this is the level of depth that the man who says that he is the best Chief Minister Gibraltar has never had treats us to when he gets the chance.

And he says that I play the man not the ball. Well I do not care what tie he is wearing Madam Speaker or the shirt he is always been very elegant. He can be left up to his own choices in that respect.

He looks particularly fetching in his cape in church Madam Speaker with the Establishment. But the allegation that I have been playing the man not the ball comes in particular from him. How?

How? If he accuses me of having referred to too much case law, which is to refer to a lot of the substance of the issue, how can I be playing the man not the ball? If I was talking about what the author of the report wears, the colours of his ties, his hairdo or not then you could say you are playing the man not the ball.

I am talking about the case law. How can I be playing the man not the ball? You just could not make it up. I think they just get together in College Lane and say you go and say that he is playing the man not the ball. Whatever he says, you go and say he is playing the man not the ball. And you, you go and say that you are the only auditor in the village and you go and say that they are the Establishment.

And we are living in scary times. Seriously? These are scary times. Times when the Government comes to defend its record, set out the position with substance, play the ball not the man, and gets told that it is wearing a tie that looks like Donald's Trump. I mean, what on earth is this? This is the politics of mud sticks.

This is exactly what we saw between 1992 and 1996 and it is exactly what the Hon. Mr Bossino tried between 2011 and 2015 when he was in this House, and then what he has started to try after 2019. Mud sticks. That is why he loved the use of the word perception of corruption in the report because it is what he loves to play.

It was the Freddy Vasquez playbook of 1992 to 1996, and it was the attempt Bossino playbook of 2011 to 2015. Not corruption. Perception of corruption.

That is to say, there is absolutely nothing wrong with what has happened in Wildlife. Nobody has taken a penny. It has been done absolutely properly, but we could say that because people are related there might be a perception of corruption, and I can use the C word. I can use the C word. That is it. That is all I want to do. Use the C word. It is the GSLP. If I use the perception of corruption argument, that is how we won in 1996.

That is what is happening, Madam Speaker. Because nobody is nervous about where 50 million pounds are. Nobody is nervous about that. Quite the opposite. It would appear that actually the public believe this is a proper way of investing their money in the safest projects for the best returns. Because since they started complaining about this, deposits in the Savings Bank continue to increase.

It would appear that hon. Members are out of step with pensioner opinion and with investor opinion. But the Hon. Mr. Bossino would attack us for everything. We have taken too long in this debate. Well, because we are taking it seriously. If we had not brought a motion on the Principal Auditor's report, no doubt he would have said in one of his throwaway lines, in one of his preambles, or in one of his questions, we are not taking the auditor's report seriously. We have not even had a debate about it.

Well, we are here because we want to get to the truth, the whole truth, and nothing but the truth. And we are going to set that out. So, if we are challenging *ultra vires* aspects of a report, if we are challenging things in the report which we say are not true, that is not because we are taking too long, it is because we are taking it seriously.

Something I think the hon. Gentleman would be wise to do with these debates rather than giggling away in the corner as he loves to do. The loudest, Madam Speaker, of all contributions, of course from Mr Bossino, also the most vacuous. Although Mr Sacarello was, the Hon. Mr Sacarello was right up there with that list of bankable political phrases, but in a slightly posher accent.

I suppose, Madam Speaker, one of the things that had happened was that he had read the critics that said that his boss had been too boring. So, instead of doing the Constitutional lecture and the case law lecture, he decided to go straight for the political jugular without any substance, just for the sake of being loud, quick and sharp. That is what you get when you read too many blogs, Madam Speaker.

If they read enough, they would understand that the Gibraltar Socialist Labour Party is 50 years old, it traces its origins to Joe Bossano's standing with the Gibraltar Democratic Movement in 1975, that we have been saying this for years and that this is accepted internationally. But I am not surprised, Madam Speaker, that hon. Members opposite, given that they do represent the establishment, feel that they can even tell us how old we are. Next, they might be telling us what we have to call ourselves.

Indeed, Madam Speaker, why am I saying that they might? The Hon. Leader of the Opposition did. He told us that we are called the Gibraltar Socialist Liberal Party.

I mean, you could not make this up. He knows better than us how old we are, and he knows better than us what we are called. Well, Madam Speaker, I have to say, luckily, neither ALDI and Liberal International nor Socialist International agree with them.

They agree with us. Although it is not lost on me, Madam Speaker, that they are the only ones now in this House who are not recognised by their international affiliation. Perhaps because they want to continue to pretend to masquerade to be Social Democrats, when in fact what they are is Conservatives.

They just have to explain their opinions on reproductive rights and equality to an international organisation to be told that they are not joining any Social Democratic international movement. Mr Bossino and Mr Clinton tell us that we need a PAC because we have not got enough scrutiny in Gibraltar. I have not got enough scrutiny in Gibraltar, Madam Speaker.

We have got more scrutiny in Gibraltar than there is probably, I am going to say probably because I have not been able to check everywhere, in any Parliament in the world. Madam Speaker, the United Kingdom is a nation of 60 million people.

The Prime Minister answers questions once a week, but not every week because there are breaks, and he spends 35, 45 minutes. The Leader of the Opposition gets seven questions. The leader of the Liberal Party gets two. The leader of the party in Scotland sometimes gets one.

Spain is a nation of 40 million people. The Prime Minister of Spain, who I had the good fortune of dining with on Friday as part of our work with Socialist International, answers three questions every week. Three.

The Hon. Leader of the Opposition told us, what Mr. Bossino said, we have over 300 questions already. Yes, you have over 300 questions, and if we had our monthly meeting, you would have 100 or 200 or 400, and there is no limit with the questions you can put. Who are you trying to persuade that you do not have the instruments of scrutiny?

You are just too lazy to use them. You want to do a PAC because you want to question every single Civil Servant in Gibraltar so that your egos can be massaged as you pretend to be the Perry Masons of public finance in questioning EOs, SOs, and SEOs. That is the reality, Madam Speaker.

They can ask as many questions as they like. In 300 questions, you will allow them, and it is a matter entirely for you, as many supplementaries as you think is appropriate. There is no such concept in the other Parliaments that we can compare with, let alone the United States of America.

This is nonsensical argument that we have to hear from them. We will hear it for as long as they like, because they can put it, but I will be damned if I am not going to respond to them. I will be damned if I am not going to hold a mirror up to the nonsense that they are spouting, Madam Speaker.

That is the reality. That is the reality. And then the Hon. Mr Bossino says, ah, but ah, but Land Property Services is completely different to Wildlife, Gibraltar Limited, because the Wildlife contract has been extended. The LPS contract has been extended. It was extended by them, and it is been extended by us. Ah, but even if it is been extended, the remit of the Wildlife contract has been extended, because you have added Campion Park, and you have added whatever.

But the remit of LPS has been extended also without tender, because we bundled up GRP into LPS, because nobody else could do it. So much for the pernicious comparisons he was making, just for the sake of denigrating John Cortes, not caring about the individual, the commitment, the work

done by him, the work done by the people in Wildlife, just trying to *garaspiñar* one more vote or another somewhere here or there. That is the reality.

That is the grappling that they do for one single vote. They will denigrate a lifetime of work without thinking about it. Well, Madam Speaker, I hope that when he next wears his cape, he asks his God for forgiveness, because that is the level, that is the level of perniciousness to which they are prepared to descend for politics, Madam Speaker.

So, therefore, Madam Speaker, I was not surprised when the Hon. Mr Bossino ended simply by suggesting that people should, because of this report, vote for them and not for us. All he was doing was making the confession that I am asking him to make in church, here, in front of all of us, genuflecting before your chair and saying, really, Madam Speaker, all I am here to do is to try and use this report for the purpose for which it was designed for me and my colleagues to try and win votes. That is the reality of what we were treated to yesterday, Madam Speaker.

And when Mr Clinton was talking to us about how well qualified he was and how he was the only auditor and how he had done this audit work and he had done that audit work and he had been in this bank and he had been in that bank and he had done all that, he stood, he sat there, Madam Speaker, as if he were looking at one of his deities. When Mr Feetham said, I have 20 years' experience in this, I have 30 years' experience in that, he says, he sits there like the schoolboy that he is and he says, *ponte un* badge. That is what we are dealing with, Madam Speaker, with Mr Bossino. *ponte un*, Madam Speaker. That is really quite remarkable that we are having a debate in this House, that we are paying the hon. Gentleman.

Hon. R M Clinton: I do not believe I have ever uttered those words, Madam Speaker.

Madam Speaker: Well, unfortunately...

Hon. Chief Minister: Madam Speaker, I did not suggest the hon. Gentleman had.

Hon. Chief Minister: I said Mr Bossino had. I said that Mr Bossino had been looking at Mr Clinton as if he was a deity when Mr Clinton was setting out all of his undoubted experience and yet when Mr Feetham was setting out his equivalent experience, the sum total of the intellect that Mr Bossino could bring to the shouting that he was doing across the House was to say *ponte un* badge. As if we were, Madam Speaker, not back in the sixth form, as if we were back in the first form, Madam Speaker, for goodness sake, except the difference is that now he is being paid by the taxpayer to bring good arguments to play in this place and instead we get that, Madam Speaker. We get that.

Perhaps I should not be surprised, Madam Speaker. Perhaps I should not be surprised because the GSD baristocracy is out in force, not just here but in the letters pages of the newspapers and in the blogs and in social media attacking us for having had the temerity to come here to defend the truth, to defend the Constitutional independence of the Office, the Principal Auditor and of the Government, that each should stick to their swim lanes and they do not know what to do next. They say that we should go to court instead of coming here. But why should not the Principal Auditor have gone to court?

Instead of putting a paragraph in his report that says the Chief Minister acted unconstitutionally when he did this, that or the other, why should not the Principal Auditor have gone to court? He has the money to do it. He has a line that gives him £1,000 for legal fees which means that he can have as many thousands of pounds as he wants in legal fees because that nominal line is the line that enables you to spend not £1,000 but £100,000, £200,000, £400,000 or £1,000,000 on legal fees if you have to.

Why does the Government have to go to court in respect of the things that the Principal Auditor says but not the Principal Auditor go to court in respect of the things that the Principal Auditor says if they are Constitutional points? And finally Madam Speaker, there were things about the correspondence with the Department of the Environment which I have to put on the record. There

was not just a letter late on the 31st of May to which we are told, or the 26th of May to which we are told there was no reply.

There was an almost identical letter that had been replied to earlier with all of the points and none of the answers were reflected in the report. Again, a material error that offends all of the rules that I have set out. So Madam Speaker, we are not here to try and in any way affect anybody's independence.

We are not here to tell anybody what to write. We are not here to pretend that the Government is perfect and that things are not sometimes not done entirely correctly. Of course we accept that.

But when we do Madam Speaker, we judge ourselves by the standards to which everyone has been judged. Starting from the first available record in this House, in respect of the last year of accounts for the first GSLP Government in 1996. The accounts for the year ended 31st of March 1996.

The audit certificate says, subject to the comments contained in my report, for the first year of the GSD Government, where the accounts ended 31st of March 1997, subject to the comments contained in my report dated 1998. For the second year of GSD Government, subject to the comments contained in my report dated the 14th of January 2000. For the year ended 31st of March 1999, subject to the comments contained in my report dated the 28th of February 2001.

In 2002, except for the relevant comments contained in my report dated the 31st of July 2002, in respect of the year ended 31st of March 2020. Except for the relevant comments contained in my report dated the 31st of July 2003, in respect of the accounts of 31st of March 2002. Except for the relevant comments contained in my report on the 6th of August 2004, in respect of the accounts for 31st of March 2003.

Except for the relevant comments contained in my report dated 25th of July 2005, in respect of the accounts for the year 31st of March 2003. Except for the relevant comments contained in my report dated the 14th of July 2006, in respect of the accounts of March 2005. Except for the relevant comments contained in my report dated the 18th of April 2007, in respect of the accounts of March 2006. Except for the relevant comments contained in my report dated the 26th of March 2008, in respect of the accounts up to the 31st of March 2007. And, for the four following years, which the Hon. Minister for Taxation and Financial Services referred to yesterday, every single one of the accounts of Gibraltar, that they were responsible for, is identical to every single one of the accounts of Gibraltar that we have been provided for.

Now, if that is a qualified opinion, that is a clean bill of health for the accounts of Gibraltar, as clean a bill of health as they ever had, as clean a bill of health as any Government ever gets, a clean bill of health in Government terms.

The hon. Gentleman should read it if he wants to, because the reality is, Madam Speaker, that this Government has had, in every year that I have been responsible for it, as clean a bill of health as they ever had in Government, and a demonstration that the part of the Principal Auditor's Report that gives us credence in respect of our accounts, is fully and entirely made out. This year, in respect of 2018-19, as it has been every single year. Whether there is one auditor in this village, or many, they cannot get away from that.

When judged by the same standard, we have been as good or better than them, Madam Speaker. He can couch it in whatever language he likes. If we got a qualified audit, every single one of their audits was qualified too, whether he likes it or not, Madam Speaker. And that is why I rise with pride to defend this motion and to commend it to the House as amended, Madam Speaker.

Madam Speaker: I now put the question in terms of the original motion as amended by the Hon. the Chief Minister. Those in favour?

Hon. Chief Minister: I call the division, Madam Speaker.

A division was called for and voting resulted as follows:

FOR	AGAINST	ABSENT
Hon. G Arias-Vasquez	Hon. Dr K Azopardi	None
Hon. Sir J J Bossano	Hon. D J Bossino	
Hon. L M Bruzon	Hon. R M Clinton	
Hon. Prof. J E Cortes	Hon. J Ladislaus	
Hon. N Feetham	Hon. G Origo	
Hon. Dr J J Garcia	Hon. E J Reyes	
Hon. P A Orfila	Hon. C A Sacarello	
Hon. F R Picardo	Hon. A Sanchez	
Hon. C P Santos		

Madam Speaker: All right, nine yeses, eight noes. The motion as amended is carried.

Adjournment

Chief Minister (Hon. F R Picardo): Thank you very much, Madam Speaker. I now move that the House should adjourn to Thursday, the 11th of December at 3 p.m. It is my intention that we should start with questions, and given that it is Thursday and at 3 p.m., I shall be fielding my questions first.

Madam Speaker: All right, I just flagged that on the 11th of December, as I understand it, is GBC Open Day, so there may be some music outside. If it is still going on, I do not know if that is going to interfere with the ability of the microphones to pick up the recordings. I am happy to go with it, but I just flagged that as a possibility in terms of interference.

All right, I now propose the question, which is that this House should now adjourn to the 11th of December at 3 p.m. And I will put the question, which is that this House should now adjourn to the 11th of December at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to the 11th of December at 3 p.m.

The House adjourned at 1.35 p.m.

P R O C E E D I N G S O F T H E

G I B R A L T A R P A R L I A M E N T

AFTERNOON SESSION: 3.02 p.m. – 3.28 p.m.

Gibraltar, Thursday, 11th December 2025

Contents

Order of the Day 2

COMMUNICATIONS FROM THE CHAIR 2

Government Motion 2

Adjournment 7

The House adjourned at 3.28 p.m. 8

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The Parliament met at 3.02 p.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: P A Borge McCarthy Esq *in attendance*]

Order of the Day

COMMUNICATIONS FROM THE CHAIR

Clerk: Meeting of Parliament, Thursday the 11th of December 2025. Government motions...

Madam Speaker: Before we move on to Government motions, can I just take this opportunity to wish the Hon. Chief Minister a speedy recovery. Emergency medical interventions are invariably traumatic and I, together with the Parliamentary team, wish him all the best in his journey back to health.

Thank you.

GOVERNMENT MOTION

Clerk: Government motions. The Hon. Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Madam Speaker, thank you for those sentiments and thank you to everybody else who has also expressed their best wishes to the Chief Minister.

Madam Speaker, the House already knows that the Chief Minister has undergone eye surgery. The operation went well and he continues in recovery. Indeed, he had a medical check-up today. So, I am sorry to be moving this motion in those circumstances but as I said, I want to thank all Members opposite, you too Madam Speaker, and members of the public who have been asking after him. I know that the House will join me in wishing him a speedy and a full recovery and I am grateful to the Honourable Leader of the Opposition with whom we have discussed the agenda for today and the adjournment.

So Madam Speaker, moving on to the motion itself. I want to first pay tribute to our outgoing Mayor, Carmen Gomez. She has held the office with distinction, gravitas and grace. Carmen has made an important contribution to the Office of Mayor. She has brought to bear her flair, the flair of her artistic background, her warmth and her humanity, her kindness and charm, and above all, her passion for her country. Sadly, during part of her tenure, she has been unwell. Despite that, she has persevered and she has overcome. So I want to thank Carmen for her selfless sacrifice on behalf of the Government and the people of Gibraltar.

Carmen Gomez will be replaced by Nicolas Guerrero under the terms of the motion before us today. Better known to all of us as Nicky, he already boasts an impressive record in public life. That life was tourism, and his name has become synonymous with it. Madam Speaker,

I am not sure whether I need to declare a personal interest in this appointment. Nicky Guerrero and I were in the same school year at Bayside Comprehensive School. We studied different subjects and moved in different circles, but that means that we have known each other on and off for over 40 years. Indeed, this is a connection we both share with the Hon. Leader of the Opposition as well. From the student I once knew, Nicky went on to become a committed public servant, fully devoted to Gibraltar and to its future.

We worked together during his spell as CEO of Gibraltar Air Terminal Limited, where he always demonstrated exceptional professionalism. He worked at the Gibraltar Tourist Board for 24 years and retired in June 2021 as its CEO. I have to say that this work often extended beyond conventional tourism. It was permeated with a deep commitment to promoting Gibraltar on the international stage. That facet of his work is reflected in his top roles at the Association of Mediterranean Cruise Ports, MedCruise. Nicky has showcased our identity, our heritage and a sense of community to the wider world outside.

That makes him ideally suited to hold the Office of Mayor. Obviously, the experience gained as Deputy Mayor will also stand him in good stead. This kind of civic engagement is, in my view, made for him. Personal and hands-on, interacting with the lives of real people and hosting many of them in charities, clubs and associations. In addition to this, he will be the visible face of Gibraltar for many overseas visitors to City Hall. Nicky has the qualities we expect from our next Mayor.

In an interview 10 years ago, he said that Gibraltar is much more than a tourist attraction. It is also our homeland, a territory we dearly cherish and care for. That outlook and that personal journey, combined with his professional track record, gives me full confidence to move his appointment as Gibraltar's 21st Mayor.

Madam Speaker, this motion also moves the appointment of Mrs Andrea Simpson as Deputy Mayor. Mrs Simpson, Andrea, too, is very well known in Gibraltar as a top vocalist and a lifelong performer. She is one of our great characters who has made a significant contribution to the rich cultural life which Gibraltar enjoys. It is very fitting that she passes on her energy and her enthusiasm to younger generations by teaching music.

As the Chief Minister said, Andrea has brought creativity, passion and pride through her performances at venues all over our country. I must declare an interest here, too, having had the pleasure to attend many of her wonderful concerts over the years together with my wife and children.

Like Nicky, she has also shown a keen interest in Gibraltar's heritage. In 2021, along with her husband Charles, she received the Individual Heritage Award from the Gibraltar Heritage Trust. This was in respect of the sensitive restoration of one North Pavilion Steps, one of a row of 19th century properties. Andrea Simpson will therefore follow a tradition as Deputy Mayor, like many others from the world of culture who have held the office before.

Madam Speaker, the first Mayor of Gibraltar in recent times was elected in 1955. That is exactly 70 years ago this year. That person was Sir Joshua Hassan. Before then, the position was described as Chairman of the City Council. Now there is no City Council and there is no Chairman. The office has evolved through time. Nonetheless, the Mayor and Deputy Mayor play a key role in the representation of our community. The Government is confident that Nicky Guerrero and Andrea Simpson will make a great team and that this new team at City Hall will continue the good work of their predecessors. We know that they will leave their own mark on an Office which has now spanned seven decades and so Madam Speaker, I commend the motion to the House.

Madam Speaker: I now propose the question in terms of the motion ruled by the Hon. the Deputy Chief Minister. Would any hon. Member like to speak on the motion? Yes, the Hon. Mr Reyes.

Hon. E J Reyes: Thank you Madam Speaker. I note, just a bit of tidying up the homework, I note that the Clerk did announce we were proceeding with Government motions. But because there are two motions in the agenda pending, for the record I think we should clarify that the motion we are debating at the moment is one that notice was given by the Chief Minister, reading that hereby appoints Mr Nicholas Guerrero to be Mayor of Gibraltar and Mrs Andrea Simpson to be Deputy Mayor as from Tuesday 16th of December.

I just say that Madam Speaker because I know the Clerk later on for Hansard purposes always like to be able to reference that. Especially when Parliamentarians like myself come and ask for past things and they carry out this search, which I still have not quite learned how to search for things but I wanted to make life easier for them.

So, getting on with the business Madam Speaker, in 2023 this House unanimously supported a Government motion presented at the time by the Hon. Chief Minister, thereby appointing Carmen Gomez as Mayor of Gibraltar and that Nicolas Guerrero be appointed as Deputy Mayor to take over the role of Mayor after Carmen Gomez.

It, therefore, follows that with the greatest of pleasure the GSD Opposition would today confirm that it continues to support the appointment of Nicolas Guerrero to take over as Mayor from Carmen Gomez.

At this initial stage in my contribution Madam Speaker I would like to take the opportunity to thank Carmen for her exemplary service as Mayor over the last two years. Carmen discharged the required mayoral duties in a very efficient manner, even during the difficult days when she was not in the best of health but above all her beauty and personal charm always ruled the day. We therefore take this opportunity to wish Carmen all the very best in her continued recovery.

In respect of the motion itself now before us, I am sure we can all agree that Nicolas, or Nicky as he is better known to many, has carried out a wide ranging series of events and public duties as Deputy Mayor with his own characteristic personal style and decorum and this ultimately promotes and benefits our community. The Opposition has full confidence that Nicky will continue to serve with equal enthusiasm as Mayor over the upcoming next two years.

Madam Speaker, referring specifically to Nicky as a person now, the Opposition notes his personal background as briefly explained by the Deputy Minister and his experiences, and we know that these will serve him well in the discharge of his Mayor's duties.

As already highlighted in past contributions to motions in respect of the appointment of previous Mayors, it is important to stress that the mayoralty should continue to be open to both our young and those no longer young, and that our City Hall and our civic representative, namely the Mayor, is someone whom Gibraltarians consider approachable.

Personally, Madam Speaker, I must say how time flies. I remember some 50 years ago roughly, a very young Nicky dressed up as Noddy with huge oversized ears to fit the role, taking part in the Three Kings' cavalcade. He was one of the characters in a float entry by the Royal Gibraltar Regiment. Perhaps, Madam Speaker, this might have been his initiation into public performances and public life.

Having been born and raised in Gibraltar as the elder child of a prominent Army officer, Nicky is no stranger to pomp and circumstance. This experience, I suspect, will serve him well in the discharge of some duties the Mayor is frequently called upon to undertake. The soldiers participating in gun salutes in Gibraltar had better watch out, Madam Speaker, because Nicky was born with a silver cannon and not a silver spoon in his mouth.

Nicky Guerrero graduated in hospitality upon completion of his higher education. He is certainly a very hospitable person, and the role of Mayor seems to have been tailor-made for him, just like the Deputy Chief Minister has contributed. He has gained a wide range of experiences throughout his professional career, culminating with his tenure as Chief Executive of the Gibraltar Tourist Board.

If I may refer to a personal experience, I must divulge that during his time at the Tourist Board, I had the pleasure of Nicky's special assistance whilst we entertained Her Royal Highness, the Princess Royal, during an official visit to our Rock.

The Princess's programme included a visit to Stay Behind Cave, and as Minister for Heritage at that time, I was assigned the privileged task to conduct a tour of this important historical site for our Royal Guest. In the planning process, Her Royal Highness expressed a wish to access Stay Behind Cave, not by traditional transport, but rather by walking up via Mediterranean Steps, accompanied by Her Distinguished Husband. It seems Vice Admiral Sir Timothy Lawrence had often spoken to his wife about the magnificent views he had enjoyed during his service in the Royal Navy, from Mediterranean Steps, and Her Royal Highness now wished to personally experience this, of course accompanied by her husband.

I was briefed that Princess Anne is a very fit person, and my gratitude to this day continues to go to Nicky, who accompanied us up Mediterranean Steps. He continuously reassured me that should the Royal couple walk too fast, he would be there and ready to engage into any necessary conversation should I require time to catch up with them. As it turns out, we all managed to keep up together as a single group, partly thanks to a little breathing break we had while Her Royal Highness took photos for her private collection of the ship Federa, which at the time was being salvaged from the cliffs below our lighthouse.

I mention this story as it serves Nicky with first-hand experience in carrying out official duties with royalty, and if we should be blessed with another royal visit in the near future, Nicky is absolutely ready to receive and escort whomever the distinguished royal guest may be. I further believe that with his background, Nicky should encounter little problems in very ably serving the people of Gibraltar in the execution of his official duties. Nicky is no newcomer to the performing arts, he is recognised as an accomplished actor, so looking towards the future with his soon-to-be Deputy Mayor, Andrea Simpson, a much-loved singer, we might well witness new performing arts experiences at the City Hall.

The Chief Minister had consulted the Leader of the Opposition about the nomination of Andrea Simpson as Deputy Mayor, and we are equally happy to support this accomplished lady's appointment. Therefore, Madam Speaker, the entire Opposition Members of Parliament look forward to supporting Andrea in the fulfilment of her duties as Deputy Mayor, and we are pleased to note that such appointment is also included in the motion lying before this House.

Therefore, Madam Speaker, with these concluding words, I have the privilege and pleasure to once again confirm that the GSD Opposition will be supporting the Government's motion as laid before this House, originally proposed by the Chief Minister.

To end, thank you, Carmen Gomez, for your service to Gibraltar, and may you continue with a successful and speedy recovery. We unanimously wish all the best to both Nicky and Andrea for the future in the fulfilment of their mayoral duties.

Madam Speaker: Does another hon. Member wish to speak? Yes, the Hon. Mr Santos.

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, I rise today to express my full support for the appointment of Mr Nicolas Guerrero as Mayor of Gibraltar and Mrs. Andrea Simpson as Deputy Mayor. I would like to take this opportunity as well to thank our outgoing Mayor, Carmen Gomez, for her two years of service. I had the chance to work closely with Carmen when she was my Deputy, and I must say it has been an honour to see her thrive in her role as Mayor. So thank you, Carmen, I know what this role meant to you.

The role of Mayor is often described as ceremonial, and in many ways it is. But ceremonies matter, traditions matter, and symbols matter.

In a world that moves faster every day, where communities can easily feel disconnected or overwhelmed, the Mayor represents something deeply human and the heart of a community. As Mayor, one becomes the bridge between institutions and the people they serve, the reassuring presence in moments of celebration and in moments of grief, the face of unity when our community gathers, and the voice that reminds us of who we are and what we stand for. It is a role rooted in people, not politics, in presence, not power, and in empathy and not authority.

Having had the privilege of wearing the Chain of Office myself, I know the unique weight and honour of that Office. It teaches you that leadership can be gentle, that representation can be heartfelt, and that sometimes the most meaningful service comes from making connections. It is with this understanding, that my deep respect for the role of the Mayor, that I speak today in support of the appointments before this House.

So allow me to begin with Mr. Nicholas Guerrero. Nicky has been a pillar of Gibraltar's cultural and tourism sectors. My first memory of Nicky was watching him on stage in the 1992 Gibraltar Drama Festival in the play A Man of Letters. And his refined performance certainly left a lasting impression, considering that I still remember it to this day.

He has been an integral part of the local theatre scene and has inspired many young actors like myself to realise that you do not need to be from abroad to have world-class talent. His work in raising Gibraltar's international profile through his leadership in tourism, and his engagement with stakeholders across Europe, with his tireless promotion of our unique heritage, has enriched our community economically, socially and culturally. I am fortunate enough to have seen first-hand how respected he is internationally in the tourism sector.

He has consistently showcased Gibraltar as a place of warmth, history, creativity and spirit. His deep understanding of who we are as a people and what we can offer the world makes him exceptionally well-suited to the role of Mayor.

I can say without hesitation that Nicky Guerrero embodies the dignity, commitment and community-focused values that define this role. So it is with genuine pride that I welcome him into what I like to call the Mayoral family. I have no doubt he will wear the Chain of Office with honour and lead with the same dedication he has always shown in service of our community.

Madam Speaker, I now turn to support the appointment of Mrs Andrea Simpson as Deputy Mayor. Andrea's contribution to Gibraltar's cultural life is widely recognised. For many years, she has been one of our most prominent performers, giving her voice, her time, her heart and her creativity to the people of Gibraltar.

Her work in the arts has been described as inspiring, innovative and deeply rooted in community pride. She has helped shape Gibraltar's cultural identity through her singing, performing and public engagement. She has touched audiences, encouraged young talent and been a spirited ambassador for our local arts scene.

Madam Speaker, while I speak here in my capacity as Minister, I also speak as a friend. Andrea and I share a bond that goes beyond professional admiration. We have performed together, created together, supported each other and grown together. It is no secret, Andrea is one of my people, my soulmate in the arts and in life. And I have seen her commitment to the arts, the late nights, the rehearsals and the perseverance behind the scenes. I have witnessed her kindness, her humility and her ability to unite people simply by being herself.

These qualities are not merely artistic, they are civic, they are leadership. *La Niña de la Caleta*, who burst into the local scene singing La Pantoja, immediately became the nation's sweetheart. And that appreciation from our whole community has only grown as the decades have gone by.

So two friends who sang Beauty and the Beast at the Bayside Christmas Concert in 1993 have since shared many more musical moments. And now we will be sharing the honour of having served our community in the mayoralty. So when I support her appointment today, I do so not only because she is a cultural figure worth of recognition, but because I genuinely believe she will bring heart, dedication, empathy and authenticity to the role of Deputy Mayor.

With Nicolas Guerrero as Mayor and Andrea Simpson as Deputy Mayor, Gibraltar gains a team that embodies cultural pride, community spirit, creativity, connection, empathy and unity. Together they represent the identity of our community. They bring experience, creativity, diplomacy and genuine love for the people of Gibraltar.

Madam Speaker, this motion is more than an appointment. It is a statement that Gibraltar values service, dedication and authenticity. And I commend this motion to the House with my full confidence as Minister and with all my heart as a former Mayor of this cherished Rock.

Thank you very much.

Madam Speaker: Would any other hon. member like to speak? No? Would the mover like to respond? ...Ah... the Hon. J Cortes.

Minister for Education, the Environment and Climate Change (Hon. Prof J E Cortes): Madam Speaker, just a few words. I think I have to contribute very briefly because Carmen Gomez became Mayor during my tenure as Minister for culture and in fact was Deputy Mayor to my hon. friend while I was Minister for culture. So I worked very closely with them both.

So I would like to add my own personal thanks to Carmen for her contribution. Then as Deputy Mayor and now as Mayor, it is always a pleasure to spend time with her and it has been whenever we have coincided at different functions, which we did only last week, probably at her last public function.

As far as Nicky goes, he's a personal friend as well. I think it really is significant that we have had a succession of performers in the Office of Mayor. We've had Christian Santos, Carmen Gomez, professional actor, as we know, Nicky and now Andrea. And there is some significance.

Well, the significance is the richness of culture that there is in Gibraltar and the quality in performers, which is why I continue to work very hard in providing a National Theatre for them. But I think that it is important to recognise that and obviously in supporting all those appointments. It occurs to me, I have been on stage with my hon. Friend, but never performing other than in politics or with Andrea, but I have performed with Nicky.

And if you go to the Inces Hall, there is a poster at the entrance when we performed arts together with our other friend, Peter Canessa. So it occurs to me as it is GBC Open Day today that perhaps for next year, all performers who have been Mayors and perhaps a Minister of Culture who has not been mayor and does not aspire to be Mayor should get together and do something between all of us for GBC Open Day next year because with Nicky, Carmen, Andrea, Christian and this humble servant, it would be quite spectacular.

But anyway, with that light-hearted comment, I just add my support and my thanks to Carmen in particular, who worked so hard during her time. Thank you.

Madam Speaker: Any other hon. Member wishes to speak? Would the mover like to reply?

Hon. Deputy Chief Minister: No, Madam Speaker. I would like to thank the Opposition for their support.

Madam Speaker: I now put the question in terms of the motion proposed by the Hon. the Deputy Chief Minister. Those in favour? (**Members:** Aye) Those against? Carried.

With the indulgence of the House, I would like to join hon. Members in thanking Carmen Gomez for her services to Gibraltar and in extending my sincere congratulations to Mr Guerrero and Mrs Simpson in their appointment. I know Mr Guerrero to be a people's person and a great ambassador for Gibraltar and I have no doubt that he will excel in his new role and I wish him all the best.

Adjournment

Clerk: The Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Madam Speaker, I am conscious this is the last meeting of the House before the festive season so I take the opportunity to wish the House and the wider community all the very best for Christmas, a very happy and peaceful New Year. So having said that, I have the honour to move that this House do now adjourn to Tuesday, the 13th of January, 2026.

Madam Speaker: Time?

Hon. Deputy Chief Minister: Sorry at 3.00 p.m.

Madam Speaker: I now propose the question, which is that this House do now adjourn to Tuesday, the 13th of January, 2026, at 3 p.m. I now put the question, which is that this House do now adjourn to Tuesday, the 13th of January, at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Tuesday, the 13th of January, at 3 p.m. and a Merry Christmas and Happy New Year to you. Merry Christmas.

The House adjourned at 3.28 p.m.

PROCEEDINGS OF THE

GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.01 p.m. – 5.44 p.m.

Gibraltar, Tuesday, 13th January 2026

Contents

INDUSTRIAL RELATIONS, CIVIL CONTINGENCIES AND SPORT 3
Q710/2025 Lathbury Sports Complex – Wind turbine 3
Q711/2025 Rooke site – Inspection by the GFRS's Safety Department 4
Q712/2025 Rooke site – Certificate of Fitness 4
Q713/2025 Bayside Sports Complex – Floodlights 6
Q714/2025 Europa Sports Ground – Ball stop nets 6
Q715/2025 Allocations – Sports associations 7
Q716/2025 Home for netball 8
Q717/2025 Gibraltar Rugby – Access to sporting facilities 9
Q718/2025 Gibraltar Rugby – Prospective legal challenge 11
HOUSING AND THE GIBRALTAR UNIVERSITY 12
Q719/2025 Reclamation in the horizon – Budget address 12
Q720/2025 Housing waiting list – Affordable housing schemes 14
Q721/2025 Introduced by the Housing Department – Affordable housing schemes 14
Q722/2025 Housing Department – As-Is scheme 16
Q723/2025 Housing Department – As-Is scheme applicants 16
Q724/2025 Alameda Estate – Rerouting of fresh and saltwater supply 18
EMPLOYMENT, EQUALITY, CULTURE AND TOURISM 19
Q725/2025 Conversion therapy – Allegations 19

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Q726/2025 Disability Act 2017 – Commencement 20
Q727/2025 Modernising family policies – Draft legislation 21
Q728/2025 Airport's water mains – Last inspection 23
Q729/2025 Air terminal – Damage endured by the building 24
Q730/2025 New D licence – Apprenticeship programme 25
Q731/2025 NVQ courses – qualifications expected to be obtained 26
Q732/2025 Elite Scholarship Scheme – Estimated cost 27
Q733/2025 Employment Tribunal – Claims filed 28
Q734/2025 Government's plans Casemates renovation – Update 31
Q735/2025 Government's refurbishments of Main Street plans renovation – Update 31
Q736/2025 Government's refurbishments of Chatham Counterguard – Update 31
Q737/2025 National Day – Drone display 35
JUSTICE, TRADE AND INDUSTRY 36
Q778/2025 Royal Gibraltar Police – Individuals aged under 18 36
Q779/2025 Royal Gibraltar Police – Individuals aged under 18 detained 36
Q780/2025 Royal Gibraltar Police – Individuals aged under 18 detained more than one occasion 36
Q781/2025 Royal Gibraltar Police – His Majesty's Prison, Windmill Hill 38
Q782/2025 Royal Gibraltar Police – His Majesty's Prison, Windmill Hill, transferring individuals 38
Q783/2025 Royal Gibraltar Police – Public Protection Unit 39
Q784/2025 Royal Gibraltar Police – Public Protection Unit, individual teams 40
Q785/2025 Royal Gibraltar Police – Civilian control room staff 40
Q786/2025 Royal Gibraltar Police – Safeguarding concerns 42
Q787/2025 Confirmed suicides – Past 24 months 43
Q788/2025 Income Tax Office – Crown Council vacancy 44
Q789/2025 Gibraltar Day London 2024 – Business attracted 45
Q790/2025 Financial Services Commission – Community Credit Union Co-operative Limited46
Q791/2025 Treaty – Impact on law enforcement 47
DEPUTY CHIEF MINISTER 49
Q792/2025 Gibraltar House in Brussels – Post-treaty 49
Q793/2025 Reform Party conference – Presence 50
Adjournment 51
The House adjourned at 5.44 p.m. 51

The Gibraltar Parliament

The Parliament met at 3.01 p.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: P A Borge McCarthy Esq *in attendance*]

Clerk: Meeting of Parliament, Tuesday, the 13th of January, 2026. Suspension of Standing Orders. The Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with the laying of documents on the table.

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

Clerk: Papers to be laid. The Hon. Chief Minister.

Hon. Chief Minister: Well, Madam Speaker, can I start by wishing every Member a very happy New Year, a happy 2026, and to say a personal thank you to all for their very kind words at the time that I was suffering from some ocular health issues at the tail end of last year.

Madam Speaker, I have the honour to lay on the table the report into the retirement of the former Commissioner of Police by Sir Peter Openshaw, the Statement of Supplementary Estimates No. 1 of 2023/2024, the Statement of Supplementary Estimates No. 1 of 2024/2025, and the Annual Report of the Gibraltar Police Authority.

Madam Speaker: Order to lie.

Clerk: Answers to Oral Questions. Questions to the Hon. Minister for Industrial Relations, Civil Contingencies and Sport.

INDUSTRIAL RELATIONS, CIVIL CONTINGENCIES AND SPORT

Q710/2025
Lathbury Sports Complex – Wind turbine

Clerk: Question 710, the Hon. G Origo.

Hon. G Origo: Can the Minister confirm whether the Government, in its capacity as landlord of the complex, intends to support the recent filing made by a private entity for plans to build wind turbines at Lathbury Sports Complex?

Clerk: Answer, the Hon. Minister for Industrial Relations, Civil Contingencies and Sport.

Minister for Industrial Relations, Civil Contingencies and Sport (Hon. L M Bruzon): Madam Speaker, no ma'am.

Hon. G Origo: Madam Speaker, may I ask the Hon. Minister why not? At the time when these plans were submitted, the prospects of having a clean, renewable energy resource such as this was quite exciting, so I would be keen to know what the considerations were considered in order to reach this decision not to support the project.

Hon. L M Bruzon: Madam Speaker, the Government would need to review a full assessment of the environmental impacts of the project, and we have not had this.

Hon. G Origo: Madam Speaker, so can I take it from the Hon. Minister's answers that because he still needs to consider the environmental impact assessment, that the no which he gave a few moments ago could potentially be a yes if the Government is satisfied with the assessment of this impact report?

Hon. L M Bruzon: Madam Speaker, it is my understanding that the application has been withdrawn from the DPC.

Madam Speaker: Next question.

Q711/2025
Rooke site –
Inspection by the GFRS's Safety Department

Q712/2025
Rooke site –
Certificate of Fitness

Clerk: Question 711, Hon. J Ladislaus.

Hon. J Ladislaus: When did the first inspection by the GFRS' Safety Department of the elderly care home building at the Rooke site take place and have any subsequent inspections been undertaken by third parties in respect of the issuing of a certificate of fitness? If so, please provide the dates on which those inspections were carried out, by whom and the cost of carrying out those inspections.

Clerk: Answer, the Hon. Minister for Industrial Relations, Civil Contingencies and Sport.

Minister for Industrial Relations, Civil Contingencies and Sport (Hon. L M Bruzon): Madam Speaker I will answer this question with Question 712.

Clerk: Question 712, Hon. J Ladislaus.

Hon. J Ladislaus: Have the GFRS Safety Department now been satisfied that all the requirements for a certificate of fitness in respect of the elderly care home building at the Rooke site have been met and have they issued a "no objection" to the issuing of the certificate of fitness? If not, what requirements remain outstanding to be met and by when is it envisaged that those requirements will be fulfilled?

Clerk: Answer, the Hon. Minister for Industrial Relations, Civil Contingencies and Sport.

Hon. L M Bruzon: Madam Speaker, the GFRS provided final clearance for the Certificate of Fitness on 21 August 2025. According to the ePlanning Portal, the Department of Town Planning and Building issued the Certificate of Fitness on 1 August 2025. This is public information.

Madam Speaker, in relation to question 711, the initial inspection of the elderly care home at the Rook sites was carried out on 25 March 2025, with a further inspection on 29 June 2025. The GFRS Fire Department carried out a final inspection of the elderly care home on 7 August 2025.

Hon. J Ladislaus: I am grateful, Madam Speaker. Just to unpack some of what is been answered there. So, we hear that the initial, it seems, inspection took place on 25 March, with a second inspection in June, and then finally it was awarded the Certificate on 21 August.

May I ask, is it standard for so many inspections to be needed in respect of a building before the Certificate is actually issued, or is it the case that there were outstanding issues that needed to be rectified?

Hon. L M Bruzon: Madam Speaker, I would not know.

Hon. J Ladislaus: Madam Speaker, and I do not know whether the Hon. Minister will have the information, but what is now the hold-up, given that it seems to be that the building was waiting for the Certificate of Fitness to be issued. The certificate has now been issued. We are now in January of 2026.

The initial project was actually announced in 2020, and then the completion date was due, if I am not mistaken, by about mid-2023. Here we are in 2026, and the Certificate of Fitness has been issued. What is the hold-up with what is going to be done with the Rooke site?

Chief Minister (Hon. F R Picardo): Madam Speaker, the Government has answered questions in relation to the structure, which relates to the Rooke site and how it is going to operate on a number of occasions, and the Government will be making a statement in future, when the time comes to see the Rooke start to operate. The Government is committed to how that is going to happen. We have debated that in this House before, and very soon I expect a statement will be made about the commencement of operations of Rooke.

Hon. J Ladislaus: Madam Speaker, can the Hon. Chief Minister perhaps clarify what the building is going to be used for? Is it going to be used for its initially announced purpose as elderly care, or is it going to be used for some other purpose that we do not know of? Because we do not know.

Hon. Chief Minister: Madam Speaker, I refer the hon. Lady to the answer I gave a few moments ago.

Madam Speaker: Next question.

Q713/2025
Bayside Sports Complex –
Floodlights

Clerk: Question 713, the Hon. E J Reyes.

Hon. E J Reyes: Can Government provide details of the dates when the floodlights or other lights pertaining to the outside areas at Bayside Sports complex have not been working?

Clerk: Answer, the Hon. Minister for Industrial Relations, Civil Contingencies and Sport.

Minister for Industrial Relations, Civil Contingencies and Sport (Hon. L M Bruzon): Madam Speaker, there was an issue with the switching mechanism of the outdoor areas of the Bayside Sports Complex. Spares were ordered as soon as the issue was identified in mid-August. The lights were restored within a week. The impact was minimal.

Hon. E J Reyes: Madam Speaker, the Minister has explained that they needed to order spare parts and so on. I take it that this area falls obviously under the responsibility of the GSLA as the day-to-day operators. Can the Minister confirm that all the outside areas and its responsibility for maintenance, including the lights and so on, fall exclusively upon the GSLA, or are some parts of it sort of like being leased out or rented out to other entities and it falls upon their responsibility, which in turn they then report to GSLA?

I want to know if there is a middleman section involved in it.

Hon. L M Bruzon: Madam Speaker, the Bayside Sports Complex is the responsibility of the GSLA.

Madam Speaker: Next Question.

Q714/2025
Europa Sports Ground –
Ball stop nets

Clerk: Question 714, the Hon. E J Reyes.

Hon. E J Reyes: Can Government provide an update in respect of the still outstanding problems in providing a permanent solution to the ball-stop nets at the Europa sports grounds?

Clerk: Answer, the Hon. Minister for Industrial Relations, Civil Contingencies and Sport.

Minister for Industrial Relations, Civil Contingencies and Sport (Hon. L M Bruzon): Madam Speaker, my answer remains the same as that to Question 128 of 2025.

Hon. E J Reyes: Madam Speaker, the answer is the same as that given by his predecessor in a previous Parliament. Does the Minister have any hopeful date by when this will be sorted out, given that cricket is becoming not only popular, but becoming an international venue where lots of outside players come, some of which have proved to be very big hitters of the balls. And we have experienced occasions when they have had to put up notices and even temporarily close the children's play park at the eastern end and one is trying to avoid the situation. So, I am trying to get from the Minister

some hopefully date or commitment by when this will be sorted out. Madam Speaker, I do not have a date yet.

Hon. L M Bruzon: Madam Speaker I do not have a date yet.

Madam Speaker: Next question.

Q715/2025
Allocations –
Sports associations

Clerk: Question 715, the Hon. C Sacarello.

Hon. C Sacarello: What is the mechanism in place for assigning allocations to sports associations using the large playing fields in Gibraltar and how does Government ensure equitable access for all sports across taxpayer funded facilities?

Clerk: Answer, the Hon. Minister for Industrial Relations, Civil Contingencies and Sport.

Minister for Industrial Relations, Civil Contingencies and Sport (Hon. L M Bruzon): Madam Speaker, the allocation process was revised around five years ago to make adjustments for the increased availability of facilities at the newly constructed schools, together with the state-of-the-art venues developed as part of the 2019 Island Games, resulting in improved access to sporting associations. Most associations utilise modern sports facilities, particularly indoor venues, and they have had their requests accommodated satisfactorily. As a result of the scheduled changes at these indoor venues, changes are becoming frequent.

Consequently, it was agreed to continue to operate the same cycle for a two-year period. Most recently, however, outdoor multi-sports venues, particularly in the larger playing fields, have become more increasingly sought after. The heightened demand has seen scheduled allocations more challenging for these venues.

The mechanisms for the decision-making process used to allocate taxpayer-funded facilities are based on, though not limited to, the following criteria: Firstly, the registered number of individuals within the association; Secondly, the existing structure of domestic leagues, including the number of registered teams; Thirdly, the dynamics of the sport in question, such as the range of age groups involved; Fourthly, the space necessary to carry the sport. Full-scale senior matches may require the entire playing field, while grassroots activities may often be accommodated within reduced space, allowing for shared use; Fifthly, the suitability of particular venues for specific sports, including the type of surface available, and surrounding environment considerations. For instance, the usability of hardball cricket at Lathbury Sports Complex is not allowed due to potential hazards; Finally, the number of teams or national squads preparing for international competitions.

This structured approach ensures that the allocation of facilities is transparent, equitable and reflective of both community and competitive sports.

Hon. C Sacarello: Madam Speaker, I would like to thank the hon. Member for the extensive answer. But first, I would like to, with your indulgence, congratulate the GRFU on their admission into Rugby Europe recently, with the support of the Government through the services of the AG, which I would like to acknowledge. But also, the hard work of two people noteworthy of mention, Chad Thompson and Maurice Stagnetto.

Hon. Chief Minister: Madam Speaker, there is a question on the Order Paper, specifically on that issue. I do not know whether we are pre-empting that.

Hon. C Sacarello: Sure, I will leave it there anyway. It was just to get my congratulations in. Thank you very much for the answer to the Hon. Minister.

The first point you mentioned, you mentioned equitable at the end, but it was registered numbers. It is important for rugby, having been admitted, to continue to have access to the pitches. They acknowledge the difficulties with the reduced number of playing fields available, plus also the fact that football's requirements are extensive.

But just in terms of numbers alone, there is 140 hours of playing time a week across four pitches that currently exist. The relative numbers there, you mentioned the registered numbers. Rugby to football, the ratio's 10 to 1, so it is about 10%.

140 hours a week, that should equate to 14 hours. They are currently allocated 6 hours. They are not asking for more, but they are asking for guarantees that these 6 hours will be protected.

At the moment, these 6 hours have been reduced considerably around internationals and other events. Added to that, one of the pitches used is not fit for purpose, it is far too small. It is the second one at Europa, which is subsidiary and smaller to that.

And from that point of view, they are asking for stonewall guarantees. Can the Minister offer the GRFU stonewall guarantees that they will have six hours a week minimum, and that he will look into the changing of one of the facilities?

Hon. L M Bruzon: Madam Speaker, the hon. Gentleman's colleague is asking a very similar question, 717.

Madam Speaker: Next question.

Q716/2025
Home for netball

Clerk: Question 716, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: What happened to the home for Netball promised by the GSLP/Liberals?

Clerk: Answer, the Hon. Minister for Industrial Relations, Civil Contingencies and Sport.

Minister for Industrial Relations, Civil Contingencies and Sport (Hon. L M Bruzon): Madam Speaker, at the time this question was filed, I was going to say that we were barely halfway through our time in Office. We are not anymore, but nonetheless, the home for netball is still very much in line to be delivered by this Government.

Hon. Dr K Azopardi: And can the Minister tell us a bit more about that, in terms of timescale and indeed the location of this facility?

Hon. L M Bruzon: Madam Speaker, no, ma'am but we are working with the Netball Association when relevant.

Hon. Dr K Azopardi: No, because there is not a location for it? Or no, because he is not prepared to say?

Hon. L M Bruzon: Madam Speaker, no, because there are various alternatives.

Hon. Dr K Azopardi: So, if there are various alternatives, that suggests there has not been a decision on location. Is the Minister then, in those circumstances, if the location is not yet decided, still of the view that it can be delivered by the end of the term of the Government?

Hon. L M Bruzon: Madam Speaker, as I said, there are various locations. There is one obvious one, which is where they currently play most or do most of their training. The Chief Minister did mention it during the opening of the Netball World Youth Cup and he mentioned it here in Parliament after the Netball World Youth Cup that we are still committed to providing the home of netball.

Madam Speaker: Next question.

Q717/2025
Gibraltar Rugby –
Access to sporting facilities

Clerk: Question 717, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: Is the Government in discussions with Gibraltar Rugby on how to improve its access to sporting facilities?

Clerk: Answer, the Hon. Minister for Industrial Relations, Civil Contingencies and Sport.

Minister for Industrial Relations, Civil Contingencies and Sport (Hon. L M Bruzon): Madam Speaker, I meet frequently with the Gibraltar Rugby Football Union. I have met with them twice in the last two months, specifically to discuss access to sporting facilities, amongst other matters of course. There is an ongoing commitment to meet regularly in this respect, with the next meeting due very shortly.

Additionally, there is a constant and continuous exchange of emails where such matters are also discussed. I am glad to confirm that the outcomes have thus far been positive. Finally, Madam Speaker, I would like to take this opportunity to congratulate the Gibraltar Rugby Football Union on finally becoming members of Rugby Europe.

It has been a long and arduous journey, where perseverance deserves praise. I also congratulate them on their first win in an international competition in their match against Finland on Saturday.

Hon. Dr K Azopardi: Madam Speaker, I would like to associate Members on this side of the House, although my colleague already to the right has done so, already in the achievement by Gibraltar Rugby of finally becoming members of Rugby Europe.

Madam Speaker, my colleague, Mr Sacarello, has already outlined the needs of Gibraltar Rugby in a supplementary on another question, and I would not be able to frame that supplementary in a better way in terms of the granular needs of Gibraltar Rugby. The Minister mentions that he is in regular discussions with Gibraltar Rugby, but, as he knows, the membership of Rugby Europe is conditional on there being certain facilities available for the development of rugby at different levels.

So, in the context of these discussions, will he bear that in mind, given the needs to maintain the Rugby Europe membership and that it is intrinsically linked to the availability of facilities?

Hon. L M Bruzon: Madam Speaker, the points raised are part of the discussions that we hold regularly.

Hon. Dr K Azopardi: Yes, and I appreciate that, but can he give us a bit more information about whether there will therefore be more facilities available for Gibraltar Rugby going forward?

Hon. L M Bruzon: Madam Speaker, as I explained before, use of facilities are all shared and it is all down to requirements and the number of members and the number of teams and so on and so forth. Rugby share facilities, just like almost all sports in Gibraltar do, and all sports in Gibraltar would love to have more facilities, more time. We are working on a new project, which would influence the question asked by the Hon. Mr Reyes before, to try and improve facilities and so on, but that is a constant thing, not just for rugby, but for all sports in general.

As I said, most sports have to share facilities and unfortunately, if there is an international football match, we cannot tell UEFA that we are cancelling the match because someone else needs to train.

Hon. Dr K Azopardi: I certainly appreciate that and I appreciate the tension between the availability of facilities for different sports, but of course, the Minister needs to consider that this was the home for rugby that is now, in effect, being taken over by the GFA because of the need to have also football facilities while the new stadium is built and so on. Of course, that brings its own tension, but in the interim, I suppose what I am asking the Minister is to give a degree of assurance that both in the interim and in the medium to long term, when the new football facilities are built, that Gibraltar Rugby will have adequate facilities while it is necessary to have an interim situation and that it will regain the use of Europa Point once it is no longer necessary that the GFA should be based there.

Hon. L M Bruzon: Madam Speaker, the one assurance I can give the gentleman is that I am holding frequent meetings with him to discuss all of these matters.

Hon. C Sacarello: Thank you, Madam Speaker. I notice that the hon. Gentleman has not answered my previous supplementary, so perhaps I can say it again.

Madam Speaker, in his first breath, he spoke about the first rule being the number of registered members by which they govern allocations, and later on in that same paragraph, he mentioned equitable.

If the ratio, roughly speaking, is 10 to 1, and the number of hours Monday to Friday per week are 140, why is the GRFU not allocated 14 hours? Notwithstanding that, the GRFU are happy with their 6 hours. Will he offer stonewall guarantees that 6 hours minimum will not be reduced to 2 around internationals?

Hon. L M Bruzon: Madam Speaker, I do not have the figures in front of me, but it is very easy to say 140 hours when many of those hours are perhaps during work time and school time. Madam Speaker, there have been numbers being battered around on social media. As I said, I am not going to have this discussion across the floor because I think it does not do rugby any favours.

I am happy to have it with the hon. Gentleman behind the Chair with regards to members and use. I appreciate the hon. Member is a former rugby player, as is the Leader of the Opposition, and I think it does more damage than good to have this discussion across the floor.

Hon. C Sacarello: Madam Speaker, how do I know as I am a former rugby player, sadly former, but I am also a football player. I enjoy playing football and I have no compunction with both sports. In fact, rugby are delighted that football are there and the GRFU have no issues with it.

The question is this, Madam Speaker. Rugby is a sport that requires a lot of training to prevent any dangerous incidents happening, to lower the level of risk. It is a sport that enjoys between 300 and 500 members at the moment.

It is currently at 300-something members and requires the proper training facilities. In the name of safety, will the Minister agree, not agree, that two hours per week training for a match at the weekend is insufficient? Will he not therefore guarantee the minimum six-hour requirement for all the teams from grassroots up to senior level across the board?

Hon. L M Bruzon: Madam Speaker, we have had other sports attending international matches or games and they have had zero hours of training. You are talking about rugby; I am talking about sports in general. As I said, I am happy to have this discussion with him behind the Speaker's Chair, but not across the floor, because it does more damage to the sport than what he is trying to do.

Madam Speaker: Next question.

Q718/2025
Gibraltar Rugby –
Prospective legal challenge

Clerk: Question 718, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: Will the Government provide funding to Gibraltar Rugby for legal assistance should it so require it to defend its position in light of the prospective legal challenge from the Spanish Rugby Federation?

Clerk: Answer, the Hon. Minister for Industrial Relations, Civil Contingencies and Sport.

Minister for Industrial Relations, Civil Contingencies and Sport (Hon. L M Bruzon): Madam Speaker, any prospective legal challenge to Gibraltar Rugby's administration to Rugby Europe would have to be brought by the Spanish Federation against Rugby Europe, not against Gibraltar Rugby. The Gibraltar Government has stood by and supported Gibraltar Rugby all throughout its long and arduous process, culminating in its well-deserved success in obtaining a rightful admission to Rugby Europe. This was recognised by Gibraltar Rugby in a statement published in the Gibraltar Chronicle on 6 December 2025, where the CEO, Mr Chad Thompson, stated and he said:

> I would like to thank the Attorney-General, Michael Llamas, who from our very first meeting in Paris in 2011 has been a pillar of support, offering incredible guidance on what has on many occasions been very valuable.
> Of course, thanks to the support and trust of the Chief Minister, Fabian Picardo, who has shown to us.

Madam Speaker, the Gibraltar Government will continue to support Gibraltar Rugby in any further support it may require. Despite the payment of such legal fees not being a legal obligation.

But it is exactly what the GSLP Liberals have had to Gibraltar Rugby in the past, without having to answer any questions in Parliament.

Hon. Dr K Azopardi: I am sure that everyone is grateful for the expression of support that the Minister has given. I was wondering, although I note what the hon. Member says about who would bring the prospective legal challenge but I would have imagined that, of course I do not know if the Government has legal advice specifically from the Attorney General on this issue, but I was wondering whether if the procedure was before the Court of Arbitration of Sport, for example, whether it would allow the intervention by Gibraltar Rugby to defend its interests, if there is a challenge and if in those circumstances matters on which the Government is presently advised develop and there is an opportunity for Gibraltar Rugby to at least make representations to whoever is going to determine these matters. In those circumstances, would the Government revisit the issue if necessary, should they require support?

Hon. L M Bruzon: Madam Speaker, the Government has already invested a lot of time and money in this application, so of course we will back the Rugby Union.

Madam Speaker: Next question.

HOUSING AND THE GIBRALTAR UNIVERSITY

Q719/2025
Reclamation in the horizon –
Budget address

Clerk: Questions to the Hon. Minister for Housing and the Gibraltar University. Question 719, the Hon. D J Bossino.

Hon. D J Bossino: Which "reclamation in the horizon" was the Minister for Housing referring to during her budget address recently?

Clerk: Answer, the Hon. Minister for Housing and the Gibraltar University.

Minister for Housing and the Gibraltar University (Hon. P A Orfila): Madam Speaker, the Westside reclamation, which was announced recently by the Chief Minister.

Hon. D J Bossino: Yes, so is it the Westview Park reclamation? So, this is not a new reclamation, which if one reads her statement, and that is how I took it when she made this point during the course of her delivery during the Appropriation Bill, she gave the impression that it was a new reclamation. Can she confirm and clarify that we are talking about the Westview Park reclamation?

Hon. P Orfila: Madam Speaker, yes, the Westview Park reclamation.

Hon. D J Bossino: Given that the hon. Lady is responsible for Housing, and given also that during the course of her intervention she said, and this was back in June or July this year, and as the Hon. Minister for Sport rightly mentioned, a lot of time has transpired since then, she said, and I quote:

> This will very soon become a reality.

So how distant in the horizon is this project?

Hon. P Orfila: Madam Speaker, when the Government is ready to announce it, we shall make it public.

Hon. D J Bossino: This was an announcement which her current leader, the leader that we want/ought to be resigning as soon as possible, said during the course of his New Year's message last year, when he said that keys would be delivered during the course of the first half of 2028, given that there appears to have been changes in terms of the financing and who is going to be developing this project, is she able to confirm and stick to those timelines? Yes or no?

Hon. P Orfila: Madam Speaker, first, the Chief Minister will not be resigning (Banging on desks). And secondly...

Hon. D J Bossino: He ought to be resigning. No. He ought to be resigning.

Hon. P Orfila: Well, that is your opinion. That is your opinion. That is your opinion and it is not a question.

Madam Speaker: I am going to direct the hon. Member to answer the question.

Hon. P Orfila: Once again, Madam Speaker, I refer the gentleman that when the Government is ready, it shall let them know, or it shall let the public know.

Hon. D J Bossino: The Government ought to be ready to seek her leader to resign as soon as possible, immediately.

Madam Speaker: This is not a supplementary question, so if that is the contribution, we will move on to the next question.

Hon. D J Bossino: No, no, no. That was just by way of slight preamble, Madam Speaker. The question arises from the answer that the hon. Lady mentioned in her response.

When is it that the Government will be ready to make an announcement? People are desperate for housing in this place. People were promised by her current leader and current Chief Minister last year, 12 months ago, that this particular project, which she is referring to, would be ready, keys to be delivered within the first six months of 2028.

Can she say whether that is shifted, yes or no? It is a simple, very simple question, as indeed the question which arose from my preamble was also a very simple question.

Hon. P Orfila: Madam Speaker, the hon. Gentleman is getting very hot under his collar. First of all, like I told you, there is no resignation here on this table. Secondly, I point to you, how many houses did you build when your Office was in power? Very little, actually. Thirdly, I shall once again refer you and say that absolutely you shall learn of everything once the Government is ready to offer it to you.

Madam Speaker: I am not going to have a discussion and ask the same question again. It may not be the answer the hon. Member wishes to receive, but that is the answer. Did the Hon. Mr Sacarello have a different supplementary question? Yes, that is what we are on.

Hon. C Sacarello: Thank you very much, Madam Speaker. Would the Hon. Minister be able to confirm whether the Westview Park reclamation, as was planned originally, remains as it was, or has the development changed, and if so, how?

Hon. P Orfila: Madam Speaker, I have not seen any plans yet.

Hon. C Sacarello: And will the number of houses envisaged initially be reduced by the introduction of, or the inclusion of, a separate project separate to housing on that, perhaps in line with some of the larger projects announced by the Government recently?

Hon. P Orfila: Madam Speaker, may I ask the Gentleman to set that question for me for the next Parliament, and I may have those answers.

Madam Speaker: Next question.

Q720/2025
Housing waiting list –
Affordable housing schemes

Q721/2025
Introduced by the Housing Department –
Affordable housing schemes

Clerk: Question 720, the Hon. D J Bossino.

Hon. D J Bossino: Will the statistics relating to the number of applicants on the Housing waiting list make a distinction between the nature of the application being made to distinguish those who wish to avail themselves of the affordable housing schemes from those who are seeking Governmental rentals?

Clerk: Answer, the Hon. Minister for Housing and the Gibraltar University.

Minister for Housing and the Gibraltar University (Hon. P A Orfila): Madam Speaker, I will answer this question together with Question 721.

Clerk: Question 721, the Hon. D J Bossino.

Hon. D J Bossino: When will the application form for those who wish to avail themselves of the affordable housing schemes be introduced by the Housing Department?

Clerk: Answer, the Hon. Minister for Housing and the Gibraltar University.

Hon. P Orfila: Madam Speaker, the new application form went live at the beginning of October 2026. The application form shall be given solely to the new applicants. Letters have already been sent to all current applicants asking them for confirmation if they wish to purchase or remain on the list of Government flats for rental.

Once all the data has been collected, the statistics relating to the number of applications on the housing waiting list, we will have a true reflection, and we shall then be able to distinguish from those wanting to purchase affordable housing and those who seek rental accommodation only.

Hon. D J Bossino: As I understand it, is the position that this is a very first step that her Department is taking? So that the Hon. Minister is intending, can I ask her this specific question? Once further steps have gone down the line in respect of this particular policy initiative, she will be in a position to make that distinction and there will be a separation of lists.

Is that the position, if she can be more granular in respect of that point? And in fact, it would be in answer to the question in the Order Paper.

Hon. P Orfila: Madam Speaker, yes.

Hon. D J Bossino: So, is the Member in a position to state when she thinks that she will be in a position to make those changes?

Hon. P Orfila: I have already told the hon. Gentleman that as soon as we collate everything, we shall have the answers.

Hon. D J Bossino: Yes, I know, but that is very well and good, but as the Minister responsible for her department, does she have an idea of when that process of collation will complete, such that she will then be able to produce those distinctive lists?

Hon. P Orfila: Madam Speaker, we are on it at the moment and we are almost there.

Hon. D J Bossino: And just to understand, I think the first part of her answer, is the position that, and I will ask her to confirm if my understanding is correct, that when one fills in that form, and by filling in that form, one is expressing an intention to be provided an affordable house, so that one is not, by doing that, one is saying I do not want to receive, be in the receipt of Government rental, that individual's position within the housing waiting list remains as is. Is my understanding of the first part of her answer correct?

Hon. P Orfila: Madam Speaker, by Jove, he's got it.

Hon. D J Bossino: So is there, I will ignore her, I think, unparliamentary response, quite frankly patronising response, but it is her way and so be it. She certainly belongs on that side of the House and not on this side of the House, given the lack of respect that she has shown to her member.

Madam Speaker: Can we get to the question please?

Hon. D J Bossino: Yes, I do have a question, Madam Speaker. So is there a point in time, can one imply from that, that once this develops further, that there will be a time when one is then removed from the traditional housing waiting list, such that one loses the position? She's shaking her head.

That will never happen, is that what the hon. Member is saying?

Hon. P Orfila: Can we have the question please? What is your question? I am shaking my head in disbelief.

Hon. D J Bossino: Because maybe the Hon. Minister is shaking her head because she simply does not understand what I am saying, which fine. I am trying to put it in a different way to make it easier for her to understand.

Is she saying that there will come a time, or is not she, that when the policy develops further, there will be a moment in time when somebody is removed from the housing waiting list in respect of Government rentals? Is that the position? And then that individual loses his or her spot for Government rental.

Because there could be certain effects of that.

Hon. P Orfila: No, Madam Speaker, the person does not lose their place. It is easy to slide across.

Madam Speaker: Next question.

Hon. Dr K Azopardi: Sorry, Madam Speaker, can I just ask on that? Presumably there is a moment though, if the person has expressed a preference for their desire to buy affordable housing, and that moment arrives at that point, presumably that person is taken out of the list, would that be right?

Hon. P Orfila: Even if you are on the affordable housing scheme list, you still maintain your points. You do not lose anything. It is just that we have a clear picture whether you want rental or you want 50-50.

Hon. Dr K Azopardi: Yes, I understand that. But what I am saying is when you consummate your desire to buy affordable housing, you are taken off the other list, are not you? Because you have got the house.

Hon. P Orfila: You are taken over to the other side. It does not mean that you lose anything. Should you wish not to pursue your 50-50 purchase, it is easy, because you have kept accumulating your points, to put you in whether you belong.

So, yes, we are trying to do a very, very fair analysis of this.

Madam Speaker: We have had seven supplementaries on this. One more, and that is it.

Hon. Dr K Azopardi: Yes, Madam Speaker, I am just trying to understand it, really. It is just not being difficult. I am just trying to understand it.

I understand that you express a desire to buy affordable housing, so you are on both lists, as I understand it. And the Minister says if you do not buy it, you can then slide back in. I understand that.

I am asking the other question. A question of having bought the house, you then presumably fall out of both. That is correct, would not that be correct?

Hon. P Orfila: Madam Speaker, if you purchase a house, then you are going to be given the keys to your house. So why should you be on the rental accommodation? Or whatever.

You may want to not live here at all.

Madam Speaker: Next question.

Q722/2025
Housing Department –
As-Is scheme

Q723/2025
Housing Department –
As-Is scheme applicants

Clerk: Question 722, the Hon. D J Bossino.

Hon. D J Bossino: How does the "as is" scheme operated by the Housing Department work in terms of eligibility criteria for persons who may wish to avail themselves of it?

Clerk: Answer, the Hon. Minister for Housing and the Gibraltar University.

Minister for Housing and the Gibraltar University (Hon. P A Orfila): Madam Speaker, I will answer this question with Question 723.

Clerk: Question 723, the Hon. D J Bossino.

Hon. D J Bossino: How many applicants are currently on the "as is" category?

Clerk: Answer, the Hon. Minister for Housing and the Gibraltar University.

Hon. P Orfila: Madam Speaker, we do not have an As-Is category.

Hon. D J Bossino: So, well that is a very clear, albeit I would say surprising answer to 723. But is the Hon. Minister able to provide a response to 722?

Hon. P Orfila: Madam Speaker, the hon. Gentleman refers to an as-is scheme. We do not have a scheme as such.

Hon. D J Bossino: The hon. Lady, in her intervention, again during the course of the Appropriation Bill, made a reference not just to scheme, and described it as an as-is scheme, but indeed, I need to remind her, she may have forgotten, but she also referred to the introduction of an As-Is category, for goodness sakes. So, I think, you know, if the answer is that the Hon. Minister simply does not know what she is doing, that is a fair enough answer, but is one that is a subject of justifiable political criticism of her and the way she is running this particular area of policy. Is that the answer?

That simply she does not know whether she is standing, whether she is going, or what the hell is going on?

Hon. P Orfila: Madam Speaker, I take offence with the way that this Hon. Gentleman is referring to me, and I do not think it is funny, and I am not laughing about it. I think the hon. Gentleman should do better to keep his mouth shut. And not just that, I realise that what you want are your political points.

That is what you want to do.

Madam Speaker: Just a minute, just a minute, just a minute. Just a minute, I will ask the Hon. Minister to take a seat, I will hear the Hon. Mr. Bossino.

Hon. D J Bossino: Madam Speaker, the point of order is, I withdrew the reference to hell, I think that was improper, and that was not a Parliamentary use of language. Can I invite the hon. Lady to withdraw the use of, or the expression, where she is asking me, commanding me to shut up.

Can I ask her to do that, because I think that is wholly and utterly unparliamentary and does not befit interventions in this House.

Madam Speaker: Yes, I think that is appropriate. The Hon. Minister.

Hon. P Orfila: I withdraw the shut up.

Madam Speaker: Now, can we have a clean sheet, is there a question outstanding, a specific question? Does the Hon. Minister know the question?

Hon. P Orfila: Yes, yes, he's still asking about the as-is category, As-Is scheme, that obviously he has not understood.

Madam Speaker: Can we get to the answer?

Hon. P Orfila: No, I will not preamble as much as he does.

Actually, the As-Is refers to a house that is given, a house is brought in, keys are brought into the Department, and we take you to see the house. Do you like it? Yes. Would you rather the Government does it up for you, or would you rather have it As-Is? And then the person chooses whether he wishes the Government to fix it for him, or whether they would like to get the keys immediately, there and then, and start the refurbishment themselves. Which, in fact, is very good, because it saves Government a lot of money as we do refurbishments, and then people go in and change tiles and change paint and change everything.

So really, in effect, I am looking after the taxpayers' money, and to date, I think, since I came in, November 2023, to date I have given 98 houses As-Is. And I have saved the taxpayer, if we check, more

or less £15,000 per house, sometimes it is more, sometimes it is a little less. I have already saved the taxpayer in two years £1.5 million, almost.

Hon. D J Bossino: What is clear is that the hon. Member comes to this house and makes statements which she is then not able to justify. But be that as it may, the hon. Lady very clearly said, as she said in response to one of my, not supplementary questions, one of my questions in the Order Paper, that there is no such category in existence in her department.

But let me ask her this, so that we on this side of the House can fully understand how the policy works. In effect, what the hon. Lady is saying, that you, she refers to in her example, is presumably (Interjections), I am in the process of formulating the question.

Madam Speaker: I have not asked what the supplementary question is and the hon. Member should pay no heed to anybody else asking that. So can the hon. Member put his question and continue?

Hon. D J Bossino: The Hon. Speaker is absolutely right, I should not pay any heed to those Members opposite. The question was, very simply, a very simple question. Is it the case that when she is referring to the you in her example, it is somebody in the housing waiting list who they have determined as a result of the system in place, because of the points system, is entitled to Government housing?

And in effect, in effect, what the Department is doing by offering that individual the opportunity to fork out the cost of the refurbishment, his or herself, is to speed up the process and get the property which has been assigned to that individual or that individual's family as a result of the system which is currently in place. There is no extra system in place.

Hon. P Orfila: First of all, point of order, it is your Hon., not she. Secondly, the answer is yes.

Madam Speaker: Next question.

Q724/2025
Alameda Estate –
Rerouting of fresh and saltwater supply

Clerk: Question 724, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: What progress has there been on the re-routing of fresh and saltwater supply within Alameda Estate to minimise the risk of burst pipes inside flats?

Clerk: Answer, the Hon. Minister for Housing and the Gibraltar University.

Minister for Housing and the Gibraltar University (Hon. P A Orfila): Madam Speaker, the rerouting of fresh and saltwater supply has been completed in Ross House. Governor's Meadow House is nearing completion. Victoria House, Red Sands House and Picton House are almost ready.

Kingsway House and Alameda House will be following shortly and will be completed in the very near future.

Hon. Dr K Azopardi: I see. Does the Minister have some kind of timescale on when all these works will be ready? I mean, she will understand the concern which I am sure has been voiced to her by the Tenants Association about, you know, the necessity for these works to be done to minimise disruption

to tenants and, of course, loss that might occur when these things happen because of the decades long that the estate has been there.

Hon. P Orfila: Madam Speaker, I am glad the Leader of the Opposition refers to decades and not blaming this Government for it. Indeed, those houses have been there for decades. And I can tell the hon. Gentleman, the Leader of the Opposition, that Governor's Meadow is 95% ready.

I can give you percentages if that serves anything. Victoria House completed. Sorry, Ross House completed.

Victoria House, 85%. Red Sands House, 85%. Picton House, 85%.

Kingsway House, 35%. And Alameda House, 25%. So, we are working completely on all of them, hopefully.

And I would like to say here that it should be ready in the very near future with many of them. Most of them are almost there now.

Madam Speaker: Next question.

EMPLOYMENT, EQUALITY, CULTURE AND TOURISM

Q725/2025
Conversion therapy – Allegations

Clerk: Questions to the Minister for Employment, Equality, Culture and Tourism. Question 725, the Hon. A Sanchez.

Hon. A Sanchez: Can the Government clarify whether it is aware of any instances, reports, or allegations of conversion therapy having taken place in Gibraltar—whether formally or informally—at any time in the past or at present?

Clerk: Answer, the Hon. Minister for Employment, Equality, Culture and Tourism.

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, I can confirm that our Ministry has not received any official or formal reports or allegations in the past or at present relating to conversion therapy taking place in Gibraltar.

Hon. A Sanchez: Madam Speaker, I am grateful to the Hon. Minister for that answer. Some of the information that we have received, and I also believe that in a recent public interview that the Minister gave, the Hon. Minister stated that attempts at conversion therapy type practises had taken place among some demographics. Could the Minister specify precisely which those demographics were, what he was referring to, and the basis on which that assertion was made?

Hon. C P Santos: Madam Speaker, the question put to me was whether the Government can clarify whether it is aware of any instances, reports or allegations of conversion therapy having taken place in Gibraltar. My answer is that the Ministry has not received any official or formal complaints or reports. I myself, as a member of the LGBTQ community, am aware that there have been people that have been approached.

I do not feel that I should be giving any information on something that I have been made aware of before I was actually even a Minister, especially in a forum like Parliament.

Madam Speaker: Next question.

Q726/2025
Disability Act 2017 –
Commencement

Clerk: Question 726, the Hon. A Sanchez.

Hon. A Sanchez: Can the Government provide an update on the commencement of the remaining provisions of the Disability Act 2017 and the anticipated timetable for their implementation?

Clerk: Answer, the Hon. Minister for Employment, Equality, Culture and Tourism.

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, I have instructed my team that the remaining provisions of the Disability Act 2017 must be unlocked as soon as possible within the lifetime of this Parliament.

Hon. A Sanchez: Madam Speaker, I am grateful for that answer. From Hansard, I can see that in 2022, the Government stated that the provisions had been paused to allow business owners of existing buildings at the time to prepare and noted that the 2019 tax relief initiative was a victim of COVID. Since that explanation in 2022, can the Minister outline what concrete steps have been taken during these three years to prepare the community and owners of buildings and what guidance, what plan compliance support has been put in place during these last three or four years?

Hon. C P Santos: Madam Speaker, since I came into Office, I can speak on what we have done. This is just a year after 2022. The details, the hon. Member has been speaking.

Last year, we launched the National Disability Strategy, but the public sector strand. We were meant to have completed the private sector strategy 2025, but it took us longer than we expected to work on the compliance of it in the public sector. We now have disability coordinators all around the public sector. We now have a Compliance Officer who is working towards aiding the unlocking of Sections 13 and 14.

I am now working with a working group that is meeting biweekly in order to see if there needs to be some slight changes in terminology from 2017 to now, especially on the part of reasonable and practicable, which is a part that is very undefined. It was very generic, so I am looking at and trying to make it very specific, adding the descriptions of what the terminology is.

The point is, for me, what we are working towards is exactly that, unlocking 13 and 14. Seeing if there needs to be any changes within the legislation in order to make it happen as fast as possible. We are also working concurrently to get the extension of the UN Convention on the Rights of Persons with Disabilities.

We are constantly in touch with the UK office, and we are setting all the compliance tables and we are making sure that everything is compliant. That is where we are at now. Actually, my lunch break today was with the working group.

They are giving me different options on how we can activate and unlock Section 14, which is the most complicated one, which is the one about access in buildings.

Hon. A Sanchez: If the Hon. Minister can just clarify, my understanding is that the Hon. Minister set up a working group specifically in relation to Sections 13 and 14 to unlock Sections 13 and 14. Can he clarify when exactly this working group was set up and how often it has met in relation to this specifically?

Hon. C P Santos: The working group consists of the SNDO, GLO, Occupational Therapy, Health and Safety Inspector, a member of Town Planning and Building Control, Land Property Services and the Director for Business. We set this up in the last, I think after summer, and since December I think they have been meeting fortnightly every Monday.

Hon. A Sanchez: In relation to the private sector strand, is it now the position of the Government that it will be launched in 2026? And if the private sector strand is tied into Sections 13 and 14, so is it the position of the Government that until the private sector strand is not launched there is no progress on Sections 13 and 14?

Hon. C P Santos: We are doing both things concurrently. So the private sector strand will hopefully be launched at some point soon in 2026 and Sections 13 and 14 will not be stopped because of it. We are working on both things concurrently especially because Section 14 is about making the legislation, but the legislation as soon as we unlock it there will be a time for the private sector to be able to adapt to it as well.

So, we can work on unlocking that as soon as it is ready and then launching the private sector strand as soon as that is ready.

Hon. A Sanchez: And one final question Madam Speaker, is the Government planning to develop outreach presentations for the private sector in relation to the private sector strand and these particular sections?

Hon. C P Santos: Yes, our aim is to do the same as we did with the public sector which is calling different groups of people. We did it with the public sector, we did it with departments. Here we have to see it as a broader spectrum of people, it is a larger number of people, so yes the point is for us to be able to have some, we can call it an outreach programme to give those stakeholders the necessary information in order to be able to do this in an appropriate and adequate manner.

Madam Speaker: Next question.

Q727/2025
Modernising family policies –
Draft legislation

Clerk: Question 727, the Hon. A Sanchez.

Hon. A Sanchez: Further to the Hon Minister for Equality's statement in his 2025 Budget Address that the Government 'continues to be committed to modernising family policies around parental leave,' can the Hon Minister confirm the current status of this work and whether any draft legislation has been prepared?

Clerk: Answer, the Hon. Minister for Employment, Equality, Culture and Tourism.

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, I can confirm that we are indeed committed to modernising family policies around parental leave and that work on this continues. This is a complex and intricate matter, and any changes will of course be accompanied by the necessary legislative changes.

Madam Speaker: Any supplementaries?

Hon. A Sanchez: Grateful for that answer Madam Speaker. I believe it was some time during September/October last year that the Hon. Minister announced that there would be an announcement on this made and that was an update or some legislation on this announced by the Government during the end of the year last year, evidently that has not happened. Could the Hon. Minister perhaps update as to why there has been a delay on this and perhaps write an answer as to the current status of this work and whether any draft legislation has been prepared?

Hon. C P Santos: Madam Speaker, I am not sure it was, do you mean September 25 or September 24 after summer? Where we are at the moment is at the beginning of 2025, there are two ways of doing this, doing it and ticking a box or doing it or finding the best solution for it.

After a lot of consultation we found a way that we could make it work but then just before summer we approached what was the agreement of Brexit and then we had to wait for that to see how that would work with regards to benefits and pensions and any type of benefit. After this was announced we had to go back to the, not back to the drawing board from scratch but look at how this would work for us and how we could make it work in a way that is positive for those that are entitled to it. We are currently, I know it is a phrase that we might, that it is felt we say often, in the final stages of it.

I would say we are in very advanced stages because I thought it was in the final stages back in March and then the Brexit came. You get your microphone. But anyway, we have the opinion from the men from the Muppet show up there in the front.

Is that Parliamentary? Is that Unparliamentary? Do I need to apologise already?

I apologise I did not mean it.

Hon. D J Bossino: Gentlemen ought to be withdrawing that if I may say as a Point of Order.

Madam Speaker: I am not sure.

Hon. D J Bossino: He's bothered that I am speaking to my colleagues as if that was an offence.

Madam Speaker: It may be a good opportunity to remind all hon. Members that they need not take account of anything that is said from a sedentary position under any hon. Member's breath. They should carry on asking or answering the question and if the mutterings get too loud then I shall direct that they be stopped. So, can we get back to the question is there anything else that needs to be added?

Hon. C P Santos: I agree Madam Speaker. It is just that if I were to explain it, it is like when you are on the beach and you are trying to have a conversation with your family and there is a fly and as much as you try and ignore it, it is very difficult. As long as you just say goodness me the fly.

Well this was my moment of goodness me the fly and I point of ordered myself so it was fine. I apologise before I was brought to Point of Order. Before this goes into full on comedy, I will continue to talk about it.

So, where we are at, I will continue answering the Hon. Ms Sanchez. So do you hear it?

Madam Speaker: No, I do not hear it and if I do not hear the answer, I am going to ask the hon. Member to move on.

Hon. C P Santos: The answer is that we are in the very advanced stages. We are now looking at drafting legislation. This has been appointed to someone already and as soon as we have the best possible option to offer, we will bring this to Parliament.

Madam Speaker: Next question.

Q728/2025
Airport's water mains –
Last inspection

Clerk: Question 728, the Hon. G Origo.

Hon. G Origo: What maintenance schedule was in place for the airport's water mains and related plumbing infrastructure, and when was the last inspection or refurbishment carried out on the high-pressure water main that burst?

Clerk: Answer, the Hon. Minister for Employment, Equality, Culture and Tourism.

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, the high-pressure water mains pipework is systematically tested on a quarterly basis. In addition to visual inspection, the pipework is submitted to pressure testing and any anomalies detected are resolved with immediate effect. A pressure test and inspection were carried out on Monday 19th of May 2025 and no faults were reported.

Subsequent pressure testing and inspection of the high pressure water pipework system that were carried out on 16th of September and 10th of December 2025 proved positive with no loss in pressure.

Hon. G Origo: Madam Speaker, if I may ask the Hon. Minister, given the frequency of the inspections which I believe he said takes place on a quarterly basis, were there not any prior warnings or indications to the vulnerabilities of the water pipe system that led to the burst which subsequently closed the airport and damaged both of the IT systems and the lot?

Hon. C P Santos: No, because there was an inspection in May and then as I said there is also additional visual inspections to the pipework. If there was any fault spotted, this would have been fixed at the time of noticing it.

Hon. G Origo: Madam Speaker, can I ask the Hon. Minister who is responsible for carrying out these inspections and maintenance repairs, is it a government department or is it a private contractor?

Hon. C P Santos: Madam Speaker, I am unsure on who does the actual inspections, but I am sure it is someone who is qualified to do this.

Hon. G Origo: Madam Speaker, the Hon. Minister says that these inspections have taken place on a quarterly basis. If I were to ask him for an inspection log with reports of these inspections, would he be able to?

Madam Speaker: That is a hypothetical question. If the hon. Member wants to put that question in due course, he is free to.

Hon. G Origo: Can I ask the Hon. Minister whether he would be amenable to sharing the maintenance logs over the floor of the House with respect to these inspections?

Hon. C P Santos: If the hon. Member would like these logs, he can request these as a question and then I will check whether this is something that we are able to share across the floor or not. By the way, I would like to take this chance to congratulate the team of the airport because they made sure that the air terminal was in full working order in no time. We are talking about 30,000 litres of water that they had to do.

Thank you very much to the team for making the airport work in record time.

Hon. G Origo: Madam Speaker, likewise, I would like to associate myself with the comments made by the Hon. Minister and congratulate the airport team on the excellent work that they did to bring the airport back into operation. If I may ask, because he has alluded to the 30,000 litres of water which flooded the airport. Can I ask, because I am trying to understand how a pipe that burst and spilled so much, thousands of litres of water, went unnoticed for many hours late at night. Is there not security or personnel manning the airport during these hours?

Hon. C P Santos: The airport is closed. I do not think there is a security in-person there. I would need to check whether this is checked by cameras or not, but I would need notice of this to be able to get the correct answer.

Madam Speaker: Next question.

Q729/2025
Air terminal –
Damage endured by the building

Clerk: Question 729, the Hon. G Origo.

Hon. G Origo: Following the major flooding incident at the Air Terminal, can the Government provide details on the extent of the damage endured by the building, together with the total or projected costs of carrying out the repairs?

Clerk: Answer, the Hon. Minister for Employment, Equality, Culture and Tourism.

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, following the major flooding incident at the air terminal, the estimated repair costs are £27,000, which includes building fabric, which is plasterboard, damage to first and ground floor ceilings and walls across various areas and offices, floor polishing, doors, water damage, the swelling of various doors, and IT equipment. Limited equipment damage in the affected server room, including switches, UPS unit and a PC unit. All other cleaning and remedial works were carried out by our in-house teams, and the Government acted swiftly to ensure minimal disruption to airport operations.

Hon. G Origo: Madam Speaker, may I ask the Hon. Minister whether he is aware or not if the airport terminal is insured against risks such as flooding of this nature, and if so, what are the expected insurance payouts?

Hon. C P Santos: Madam Speaker, I would need notice of that question.

Hon. G Origo: Madam Speaker, with respect to the £27,000 he has just quoted for the damages and repairs, can the Hon. Minister confirm whether the Government, or indeed the taxpayers, are going to bear any brunt of the cost of the damages?

Hon. C P Santos: Yes, Madam Speaker, it depends on the insurance. I am unaware of who is paying for this now, but I would need notice of this question.

Madam Speaker: Next question.

Q730/2025
New D licence –
Apprenticeship programme

Clerk: Question 730, the Hon. G Origo.

Hon. G Origo: With regards to the New D Licence Apprenticeship programme, can the Minister advise what criteria informed the age limit of "at least 24 years of age" for eligibility for such a programme?

Clerk: Answer, the Hon. Minister for Employment, Equality, Culture and Tourism.

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, the requirement that applicants for the Category D Licenced Apprenticeship Programme be at least 24 years old is based on Gibraltar's Traffic Act 2005, Section 31(1), that sets the minimum age for Categories D and DE licences at 24 years.

Hon. G Origo: Madam Speaker, if I may ask the Hon. Minister whether he, from a policy perspective, considered or assessed whether having this age restriction of 24 years and over would have a negative impact on jobseekers like NEETs, those not in training, education or employment. Does he think, in other words, that it is fair to have this age restriction? If individuals have a valid licence, they should be able to carry out this course, irrespective of their age?

Hon. C P Santos: Madam Speaker, I am not even sure how to answer that. It is in legislation that is the age. Not everyone can just drive anything they wish for.

There must be reasons for it, but there are different licences. The D, DE, DE1, A, B, C and the conditions of that one are 24 years old, usually linked to the fact that insurances will only insure drivers from 24 and above for vehicles that carry over 16 persons. It depends on the type of vehicle that it is. It depends on the type of passenger carry that they have, whether it is under 8. It depends on what this is. It is the Law.

Madam Speaker: The Hon. Mr Origo then I will come back to the Hon. Mr Reyes.

Hon. G Origo: Madam Speaker, may I ask the Hon. Minister whether he has the information with him in respect to how many places the Government budgeted for these apprenticeships versus how many applicants actually submitted an application for these courses?

Hon. C P Santos: I cannot give exact numbers of how many people applied. It is an approximation around 40. I do not know if it is 43, 44, 42.

It is in the 40s. There were 11 places for these apprenticeships for supply bus drivers.

Hon. G Origo: Madam Speaker, I am grateful for the Minister caveating that. It is a rough estimation. May I ask, because when the announcement was made, I believe in the statement, the Minister was quoted saying, and I quote,

> Gibraltar needs more bus and coach drivers for its tourist product and our public transport network.

Can I ask the Minister whether, in this context, is he implying that those who apply for this D licence course will also be eligible to apply as tour driver operators?

Hon. C P Santos: This was a clearly stated apprenticeship working with the supply bus drivers. We had 11 places for people to get into the 11 slots in the bus drivers for public transport. We also do other apprenticeships directly linked to tourism, which we have done with two different tour operators.

Usually, we state very clearly who these are working for. For example, the 11 places were filled with 11 people who are going to slip into the 11 slots within this apprenticeship itself. There may be others.

Anyway, the D licence is offered without it having to be linked as an apprenticeship. You can go and register in the ETB saying that you want to do a D licence so that you can get that as well as many other licences through employment.

Madam Speaker: The Hon. Mr Reyes.

Hon. E J Reyes: Thank you, Madam Speaker. I took note that the Minister was saying that the age limit of 24 was being applied because, in order to qualify for a D licence, it required an age of 24. That does not somehow coincide with the age in which to obtain a full A or B driving licence is 18, but yet one can undergo a learner's programme as from the age of 17.

So, if you have a 23-year-old who, within the space of an academic year, is going to reach the age of 24, why has that person not been able to avail themselves of the apprenticeship programme given that logic says there will be 24 years of age by the time this programme is completed?

Hon. C P Santos: That hypothesis is the same as me saying at 16, there are very mature 16-year-olds who could really feasibly go into being a learner because they could ride a bike. Legally, it is 17 when you can become a learner. A is 18, 24 is for D licence, 21 for C I do not know, but the Traffic Act was passed by the GSD, and he was the Minister at the time, so I am sure he must remember in 2005 why this was passed.

Madam Speaker: Next question. (interjection) No, next question.

Q731/2025
NVQ courses –
qualifications expected to be obtained

Clerk: Question 731, the Hon. E J Reyes.

Hon. E J Reyes: Can Government provide details in respect of all NVQ Courses currently being undertaken by Trainees at both Training Centres, indicating estimated completion dates of said courses and qualifications expected to be obtained?

Clerk: Answer, the Hon. Minister for Employment, Equality, Culture and Tourism.

Hon. C P Santos: Madam Speaker, the Gibraltar Training Centre is currently undertaking the following courses and qualifications. The EAL NVQ Level 3 Engineering Maintenance Electrical, estimated completion date is November 2027. The EAL NVQ Level 3 Engineering Maintenance Mechanical is estimated completion date November 2027.

City and Guilds NVQ Level 2 Diploma in Plumbing for Intake 40 and 41, two have completed and are awaiting IQA certification with remainder estimated to complete end of December or beginning of January. Estimated completion date for Intake 42 is June 2026. City and Guilds NVQ Level 2 Diploma

in Building Maintenance Operations for Intake 37 and 241, two completed and awaiting IQA certification with remainder estimated to complete end of December 2025.

Estimated completion date for Intake 42 is June 2026. Additionally, the Gibraltar Training Centre took in a new intake end of November 2025 for the following courses. City and Guildz NVQ Level 1 Extended Certificate in Construction Skills, estimated completion end of March 2026.

EAL NVQ Level 2 Performing Electrical Engineering Operations, estimated completion date end of September 2026.

Hon. E J Reyes: Thank you Madam Speaker. I note, and it may not be the Minister's fault and this question was filed way back in September and in his answer, he said that one of the courses was estimated to be completed by December 2025.

Can we have, given that we are now in 2026, does the Minister have an update or perhaps can obtain an update whether the course did complete on time and in the same as he said now that certain successes have been able to note that to his credit, perhaps we can have an update on that.

I also note whilst I am on my feet, Madam Speaker, he is talking of some completion dates of 2027. Can you just confirm for me to the section that completion of 2027 is because it is a two-year course rather than those, especially Level 1s and so on tend to be much shorter ones.

Just for clarification for the record.

Hon. C P Santos: Yes, for clarification, it is a two-year course because it is the Level 3 both electrical and mechanical engineering. So those will be completed in two years' time. Yes, of course, I will make sure that I get the information regarding completion, whether they have completed end of December or now beginning of January.

Madam Speaker: Next question.

Q732/2025
Elite Scholarship Scheme –
Estimated cost

Clerk: Question 732, the Hon. E J Reyes.

Hon. E J Reyes: How many applications have been received and how many Grants have been awarded under the Elite Scholarship Scheme, giving the criteria used to make these awards, and what is the total estimated cost of these Grants?

Clerk: Answer, the Hon. Minister for Employment, Equality, Culture and Tourism.

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, to date, we have spent £9,750 on the Elite Funding Scheme as approved at the Budget Session under Head 20, Culture, Subhead 2, 14, Elite Funding. We have received 16 applications for the Elite Funding Programme, of which 13 have been successful. The criteria for the granting of these awards were already provided with my answer to Questions 728 of 2024.

Hon. E J Reyes: Thank you, Madam Speaker. I am trying to find out if there is a parallel system. When I discuss things with the Minister for Education and he has explained to me how the scholarship systems work and so on, those unsuccessful applicants who wish to somehow appeal, the Minister for Education has confirmed that there is a process and a separate board that does that.

The three, and I know that the number is only three, but the three unsuccessful applicants, is there a process similar to the education one where they may launch an appeal?

Hon. C P Santos: Currently, there has not been a process because everyone who has applied, who has fulfilled the criteria, has received funding. For example, the people who have been unsuccessful have been because they have applied without being able to fulfil the criteria, which is going to a vocational school or having a performance course. For example, someone applied not to go to a performance course, so it does not meet the criteria.

The other two people were not accredited schools in the list that were stated in the criteria, so they would not really be able to appeal. They are unable to apply, essentially.

Hon. E J Reyes: Thank you, Madam Speaker. Yes, that certainly does clarify matters. In fact, it is unfortunate that those three have not met the criteria, but should they have met the criteria and their application not been successful, is there a mechanism in place similar to the education one where there is an appeals board?

Hon. C P Santos: Well, I would need to check because off the cuff I am not quite sure if there is a process, but as I said, usually everyone who has applied and meets the criteria has received some form of funding. This is not a scholarship, though. This is extra funding.

This is like a bursary, like an extra top-up for anyone who may need extra support that the scholarship programme does not meet the demands financially.

Madam Speaker: Next question.

Q733/2025
Employment Tribunal –
Claims filed

Clerk: Question 733, the Hon. E J Reyes.

Hon. E J Reyes: Can Government provide an update in respect of what stage all claims filed with the Employment Tribunal are at and when were those claims first filed?

Clerk: Answer, the Hon. Minister for Employment, Equality, Culture and Tourism.

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, the claims filed with the Employment Tribunal are currently at four different stages, awaiting response, mediator, chairperson and undergoing hearings. The filing months for the claims at each stage are as follows. Those awaiting response were filed in November 2025 and December 2025. Mediator May 2025, June 2025, July 2025, August 2025, September 2025, October 2025, November 2025 and December 2025.

The chairperson stage is February 2025, May 2025, June 2025 and July 2025. And those already undergoing hearings, July 2019, February 2020, April 2020, June 2020, December 2020, February 2022, March 2022, May 2022, July 2022, August 2022, September 2022, November 2022, December 2022, February 2023, May 2023, June 2023, August 2023, November 2023, December 2023, January 2024, April 2024, June 2024, September 2024, October 2024, November 2024, December 2024, March 2025 and July 2025.

Hon. E J Reyes: Thank you Madam Speaker.

Yes, the Minister has given an update. I asked for an update because in previous answers the Minister has been able to give details of how many cases pertain to each. The Minister has given me

a whole list of dates and the calculations and so on, but it does not refer to any number, either globally, the grand total or broken down.

But if he does have that information Madam Speaker, you know, can we have it for the record?

Hon. C P Santos: In the past, the questions related to the Employment Tribunal have always been about what are the number of people, how many people are waiting for the appointment of a chairperson. And the question has been very specific as to the number. But this one I have tried to answer as appropriately as the question came in, which is can the Government provide an update in respect of what stage all claims are filed with the Employment Tribunal and when those claims are first filed.

If we want specific numbers, they have absolutely no issue, but I think we need to table that question in order for me to have the correct answer.

Hon. E J Reyes: Yes, Madam Speaker, the Minister addressed the question that way. Do I have your leave, Madam Speaker, to be able to ask for the figures, because obviously the Minister, the way the question was read by them. I thought by asking for an update, they were going to look at the last answer and just update those figures, but I took it for granted wrongly.

Madam Speaker: The hon. Member does not need my leave to file any question that he may feel is appropriate for the next session.

Hon. C P Santos: Madam Speaker, I must say that I have never been asked this question before. I have always been asked questions on the appointment of chairpersons. This is the first time I have had it.

Hon. Dr K Azopardi: But now that the Minister has given us that information, some of it is quite illuminating in terms of the stages at which the claims are. He read out a whole list, but I did see that, for example, in the appointment of mediator or the appointment of chairperson, you are seeing cases that have been filed and do not see an appointment of a mediator for some months or an appointment of a chairperson for a significant period of months, and that there are claims that have not yet come to hearing that have been filed six years ago, and quite a long list of four years ago, of 2022 dates.

Does not the Minister agree with me that it is extraordinary that we are still in a situation where people who have got claims of unfair dismissal find it more difficult to get to a conclusion of a hearing than other people who file claims in court. So if you have money, you can get your case decided, but in the Employment Tribunal, somehow, there is still endemic delay.

Hon. C P Santos: I must correct the Hon. the Leader of the Opposition because for mediator state, awaiting the appointment of a mediator or awaiting mediation outcome and chairperson, they are all in 2025 as from May. The earliest is February 2025 which is already with a chairperson and all the others are undergoing hearings. No-one is waiting before 2025 to go in any stage other than already undergoing hearings. We said this during the budget address, that we were going to make sure that we were appointing everyone who was waiting at the time for a chairperson, and those awaiting response were literally filed in December 2025. Those in mediator stage already, the last one was May 2025.

Those who have been waiting for a longer period of time, which is the backlog, are already undergoing hearings.

Hon. Dr K Azopardi: I had understood. I said months, by the way, in terms of the appointment of chairpersons and mediators. Hansard will reflect that I said months, but I said years in relation to people who have filed claims, who are at the hearing stage, who have not yet had a determination.

Is the Minister saying that that is incorrect? Because I had understood that in the list that he read, there are claims filed in 2020, claims filed in 2022 that have not been determined. Is that correct?

Hon. C P Santos: Yes, I will be checking Hansard as soon as it comes up tomorrow, at least the video, because I am 100% sure that you said years awaiting for a mediator and chairperson. I will check, and if I am incorrect, I will put a motion here for us to discuss. I will check and apologise if I am incorrect.

Undergoing hearings, we have people who have waited since February 2020, but they are currently undergoing hearings right now. What has he said that I misunderstand?

Hon. Dr K Azopardi: I look forward to the apology, because I was very precise. But undergoing hearings, does he mean that all that list that he gave, which seems inconceivable by the way, they are all being heard right now as we speak? Because that is presumably not what he meant.

He must have meant that these cases are still ongoing, they are within the course of litigation, they may or may not be in a final hearing right now today, but they still have not been determined. And if my understanding is correct, there is a rather long list of cases not being determined that have been filed four to six years ago. And if that is correct, then what does the Minister say about that, about how that backlog is going to be dealt with?

Hon. C P Santos: As I say every time we answer questions on the Employment Tribunal, there are different stages. You are awaiting response, awaiting the appointment of a mediator, awaiting mediation outcome, awaiting appointment of chairpersons. There was a backlog for the past two years, we have been discussing the backlog, awaiting the appointment of chairpersons.

We have been working very diligently to make sure that the backlog is taken care of. So, we have people who have been waiting, yes, but we have people who are currently undergoing hearings. I am unsure whether the 30 or 40 or 10 or however many cases there are have been heard today or at what point they are, but they are undergoing hearings, which is something which has moved from the process of where we are at on the backlog of waiting for the appointment of chairpersons.

I feel that this is a positive move and hopefully they will be determined sooner rather than later but considering that all the early stages of the Employment Tribunal are all new cases filed, I think the fact that everyone else has already passed the appointment of a chairperson and undergoing a hearing.

Hon. Dr K Azopardi: My final, if I may. When there was someone else who held that brief in the previous Parliament, I remember asking questions and there was a statistic of around 50 odd cases that were pending determination in those days and subsequently one of his predecessors announced the appointment of a number of chairpersons on the basis that that would deal with the backlog. It seems to me that what we are seeing is a continuation of rolling backlog and that the appointment of those chairpersons does not seem to be having the effect that it was said to hope to have several years ago.

So will the Minister therefore take on board that the backlog continues, that the numbers are statistically more or less the same, he's talked about 40 in his latest answer to his supplementary, and that therefore the Government needs to consider what else it can do to facilitate the more swift determination of these cases.

Hon. C P Santos: I said 40, 30, 10, I said three different numbers, I am unsure of what the actual number is. It is not rolling on the backlog, what we are doing is that there are different stages and people need to move across the stages. There will always be a number because when we move everyone from the different stages, we will have new cases being brought forward.

As I said, in the early stages when I came into Office two years ago, we had these cases in 2019 and 2020 waiting for mediators, waiting for a chairperson, and now these are undergoing hearings. We are hopefully going to deal with that backlog because it is been moving, the numbers have been shifting, and I think that what we have been doing has been very successful and has been working because now all the numbers are moving out. All we have now is from 2025 in the early stages, before it was much more of a mix because it was a backlog.

Now, all those that were in a backlog before are now undergoing hearings.

Madam Speaker: Next question.

Q734/2025
Government's plans Casemates renovation – Update

Q735/2025
Government's refurbishments of Main Street plans renovation – Update

Q736/2025
Government's refurbishments of Chatham Counterguard – Update

Clerk: Question 734, the Hon. C Sacarello.

Hon. C Sacarello: Would the honourable Minister kindly provide the House with an update on the Government's planned Casemates renovation?

Clerk: Answer, the Hon. Minister for Employment, Equality, Culture and Tourism.

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, I will answer this question together with Questions 735 and 736. Question 735.

Clerk: Question 735, the Hon. C Sacarello.

Hon. C Sacarello: Would the honourable Minister kindly provide the House with an update on the Government's refurbishment of Main St and its arteries?

Clerk: Question 736, the Hon. C Sacarello.

Hon. C Sacarello: Would the honourable Minister kindly provide the House with an update on the Government's refurbishment of Chatham Counterguard?

Clerk: Answer, the Hon. Minister for Employment, Equality, Culture and Tourism.

Hon. C P Santos: Madam Speaker, as replied in Question 796 in October 2024, we are treating the refurbishment and renovation of Casemates Square, Chatham Counterguard and Main Street as one project with a unified approach. The project will be dealt with in phases.

An initial meeting with the Retailers Board took place at the end of September, and the structured stakeholder consultation process by the architects have already been completed for Casemates Square and have commenced for Chatham Counterguard. Consultations will be made with authorities and committees to identify constraints as regards to safety, heritage, planning and upkeep. Costings will then need to be finalised after the consultations.

Hon. C Sacarello: Madam Speaker, I would like to thank the Hon. Minister for his reply, scant information as it is, and I would like to ask supplementaries question by question, so I would like to start with 734. Does the Hon. Minister have a timeframe for delivery?

Hon. C P Santos: During the lifetime of this Parliament.

Hon. C Sacarello: I understand that the (interjections) Sooner rather than later. Indeed, as my hon. Colleague.

Madam Speaker, I understand, obviously, that the plans are still in progress, being formulated, that nothing would have been filed at the Department of Planning. Is the intention to submit an application?

Hon. C P Santos: Yes, we have to file an application at DPC, and hopefully the lifetime of this Parliament is much longer than they would wish, especially seeing what we have got opposite, I am sure that we will be here for quite a long time.

Hon. C Sacarello: And still on the same question, Madam Speaker, does the Hon. Minister have a budget for this? I know they are deliberating on costings, but is there a specified budget? And could he elaborate on the source of funding, please?

Hon. C P Santos: At the moment, we did initial consultations, so we had initial concept designs, and we had some figures of budget and costings made. Now we are going into the nitty-gritty and the actual detail of it, so I am unsure of what the final number is, but I am sure this will probably be something from the IDF fund, how projects are usually, of this nature, are usually funded.

Hon. C Sacarello: My understanding, Madam Speaker, in relation to the development of Casemates in particular, as this question is referred to, that the Government has gone cap in hand as to at least one of the tenants within Casemate Square. Is that their intention, to seek contributions from leaseholders in the area?

Hon. C P Santos: Well, I would not describe it as cap in hand. We have discussed with them, because there are parts of the refurbishment that are for the Government to fund, but we are here to support businesses, not subsidise them, so it is not up to us to subsidise their furniture. There are areas that they will need to subsidise for themselves in keeping with the design, so there is infrastructure works and there is areas that are part of the Government's expenses and there are areas that your friend, or the person who is involved in casemates, will have to fund out of their own business, because it is their business.

Hon. C Sacarello: So still on this question, Madam Speaker, would the Hon. Minister like to elaborate and provide a little bit more detail as to what elements will be publicly funded and what elements will be privately?

Hon. C P Santos: Without going into all the details that I cannot go into right now, because I am unsure of the exact details. I can tell you we are not going to ask the members of Casemates to pay for the infrastructure of sewage or public highway or lighting, but if it is something which is to do with their business and the look of their infrastructure of their restaurant or their shop, this is something that is what we are consulting them on right now, on designs and what they would like to see and that is something that is to do with their business.

Madam Speaker: Next question.

Hon. C Sacarello: Thank you, Madam Speaker. I have asked the supplementary on slide 734, like you asked me to do it one by one, the Hon. Minister group them together and I have asked Questions on 734.

So now... Thank you very much, Madam Speaker. And I apologise if I seemed a little earnest.

My take and apologies. So, regarding the refurbishment of Main Street and its arteries, I understand that there are, and I have seen and congratulate, the carts that we have seen and flowers, it does add a little bit of colour. Perhaps your colleague next to you deserves the praise, but congratulations on that.

The Manifesto refers to landscaping though, which in most people's interpretation, they would think it is far more elaborate than what there has been done so far. Would the Hon. Minister be able to explain what their version of landscaping requires in this instance?

Hon. C P Santos: The carts are a very welcome addition, but they are not part of the landscaping programme. They are decorations and they are beautiful and I wish I could take all credit for them, but I cannot. So, on behalf of my colleague, I am going to say, you are welcome.

Basically, landscaping will be as much as we are able to provide within a concrete area. And as soon as we have concept designs, we will publish these. But we would be talking about hypothetic concept design at the moment as opposed to a finalised design.

A lot of it will be amongst seated furniture and as well as other areas where we are able to add more landscaping. But no, the carts do not fall part of that.

Hon. C Sacarello: And, Madam Speaker, now my supplementary is on the next question, 736, please. Madam Speaker, it has come to our notice that the Government has asked the leaseholders or tenants, I am not too sure, for contributions to the development of Chatham Counterguard. Would the Hon. Minister be able to elaborate on the exact details of how much and what is expected of them in relation to Chatham Counterguard?

Hon. C P Santos: Madam Speaker, this is the same as with Casemates. All infrastructural works and all main works within the area of Chatham Counterguard will be funded by Government, but the areas that pertain to the beautification of the restaurants' area will be up to the restaurants to fund. So that is why we are consulting with them.

These are the designs we are thinking about. What do you want? What are your needs?

What can we do? How can we provide the facility to be able to do this? So it is been very much a give and take.

These business owners, I am sure, do not expect the Government to pay for their furnishings and their furniture and their pergolas and those areas that belong to them in particular, I am sure.

Hon. C Sacarello: That is fair enough, Madam Speaker. But page 47 of their Manifesto specifically says that the Government will look into consulting and then beautifying these areas. There is no indication at all as to how this would be costed, so therefore I suppose in the absence of the fact that you would or would not approach the local businesses is ambiguous in that sense.

But it does imply that Governments would be carrying out these works. So, there is many businesses there who may have cast a vote in their favour who now feel somewhat misled. Can the Government reassure them that they will not be forced to dip into their pockets for more than just their furniture?

Hon. C P Santos: Well, beautifying the area is exactly that. We can beautify the area. We can beautify our area.

And then we consult with them and they can tell us, oh, we would actually like to extend our terraces. Fine. I do not think anyone would expect the taxpayer to have to fund a private business' choice of wanting to extend that.

We will beautify the area. We will beautify all the areas of the public highway that belong to us, the toilets, the paving, everything that belongs to the Government of Gibraltar. However, we are obviously not going to fund, or the taxpayer is certainly not going to fund a private business' choice of furniture or furnishings as a whole.

So, what the businesses have been asked is, okay, you would want this in the area, but this is up to you to fund. And we can provide it so that it is a unified approach to the area. But the taxpayer should not really pay for that.

Madam Speaker: Next question. On which one?

Hon. D J Bossino: The last one, Madam Speaker, but actually it applies across the board.

Madam Speaker: Across the board we have had five, six, eight questions. It is a brief question and it is not a repetition of what is been asked already. I appreciate that the hon. Member might want to amplify it, but go on.

Hon. D J Bossino: I am very grateful for, Madam Speaker, for her patience. I think we have got to a place in the Hon. Minister's answers which suggests, in fact expressly states, that the Government will be responsible not just for all the infrastructure works but also the paving and that type of thing in terms of the beautification of these areas, cited by my hon. Friend's questions. So is it a correct understanding to say that what the Government will be expecting licensees of these areas and tenants of these areas, these businesses, to fork out in terms of their own expenditure is the furnishings?

Should they wish to refurbish that aspect of their business? Or is it a question that, as part of the refurbishment programme with respect to which there has been consultation, there is an expectation, driven by the Government, that they do have to, by force almost, change the furnishings, if he understands the point that I am making?

Hon. C P Santos: No one is forced to do anything. That is why we are consulting. If they were to be forced, we would not have consulted and would have just done whatever we thought and expected them to pay.

Right now, we are consulting them and we are saying, this is what we are going to do. They are giving us their ideas on what they would like. We have then started designing around what their needs are.

But their needs are theirs. So, it is not our responsibility to add a pergola because they want a covered area. We can give them floor space under the Tables and Chairs legislation.

We can do that. But it is not up to the Government to then pay for what they are going to put to decorate. What we are going to do, and that is why we are consulting, is we need to beautify the area so it is one seamless design.

And this is why everyone is involved in it. So, we are providing them with a design that is unified and cohesive for an area in the public highway, because we cannot forget that this is a public highway, and making it, consulting with them whether they agree or disagree with the choice of designs. If they choose not to pay, then we just do not do that part of the designs and we just do our part.

But it is all about having one unified design, which is what they are all clamouring for. This is what every time we have consulted, everyone has said, we need to beautify the areas and we need to make them look the same. We have listened to them as to what they feel they want.

We have designed it for them, but it is not up to the taxpayer to pay for the decorations of your part.

Madam Speaker: Next question.

Q737/2025
National Day –
Drone display

Clerk: Question 737, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: What was the cost of the drone display on National Day evening?

Clerk: Answer, the Hon. Minister for Employment, Equality, Culture and Tourism.

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, even though the SDGG provides this, it is the Government who funds this, and this year the drone display came to a total of £41,611.50.

Hon. Dr K Azopardi: Does the Minister consider that it was value for money, given the widespread criticism of the performance on the day?

Hon. C P Santos: Madam Speaker, I would define widespread. There was a vast amount of people that thought it was excellent, not just visually, but there was no noise, there was no environmental impact.

You have two different factions, people who will enjoy it and people who will prefer fireworks. And this will happen all the time. That is why I feel we do not need to get married to one thing all the time.

That is why we stopped doing fireworks in New Year's and we felt that the need was this year, maybe next year we do not do it. We just have to try new things, because life is about change. We cannot always be doing the same thing.

We tried it, maybe next year we do the drone display, maybe differently, maybe we do a drone display. This is up for discussion. But widespread I do not think is necessarily a fair terminology.

Hon. Dr K Azopardi: I indeed agree that life is about change and hopefully change comes to Gibraltar soon (banging on desks). Madam Speaker, in that spirit, will there be a change this year and will we revert to fireworks that I think most people prefer?

Hon. C P Santos: Firstly, maybe the change will be in the leadership of the Opposition. Who knows? That is up to them.

Who knows? So, that is how I think. And I am not quite sure what is going to happen this year.

We need to decide, as with every event, we do it on an event-per-event basis. Because I still do not feel that we can push the narrative that everyone hated it, because not everyone hated it. So, a lot of people loved it, the same as when we had fireworks during the Festival of Lights.

We have not had it before. We had it this year. Who knows?

We have to decide what works best according to how the event is designed. And I must say, Madam Speaker, I am very glad to be back on the mic. I thought it was getting a bit rusty and it is great to be able to interact with you again other than with the word yes, which is what I have been doing for the past six months.

Madam Speaker: Next question.

JUSTICE, TRADE AND INDUSTRY

Q778/2025
Royal Gibraltar Police –
Individuals aged under 18

Q779/2025
Royal Gibraltar Police –
Individuals aged under 18 detained

Q780/2025
Royal Gibraltar Police –
Individuals aged under 18 detained more than one occasion

Clerk: Questions to the Minister for Justice, Trade and Industry.
Question 778, the Hon. A Sanchez.

Hon. A Sanchez: For each month from the 1st of April 2022 to date, how many individuals aged under 18 have been detained by, or otherwise engaged with, the Royal Gibraltar Police in circumstances requiring the attendance of an Appropriate Adult, with figures broken down by category (e.g. detention, interview under caution, witness statement, etc.)?

Clerk: Answer, the Hon. Minister for Justice, Trade and Industry.

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, I will answer this question together with Questions 779 and 780.

Clerk: Question 779, the Hon. A Sanchez.

Hon. A Sanchez: Can the Government, for each month since the 1st of April 2022, provide a breakdown of the Appropriate Adults who attended in cases where a person under the age of 18 was detained by the Royal Gibraltar Police, indicating how many were:

(a) a parent, family member or guardian;
(b) a Social Services officer or care agency representative;
(c) a Childline representative; and
(d) any other category, if applicable?

Clerk: Question 780, the Hon. A Sanchez.

Hon. A Sanchez: For the period since 1st of April 2022, can the Government indicate how many individuals under the age of 18 have been detained by the Royal Gibraltar Police on more than one occasion?

Clerk: Answer, the Hon. Minister for Justice, Trade and Industry.

Hon. N Feetham: Madam Speaker, in response to question 778, I now hand over a schedule showing the number of times a juvenile was detained in police custody having been arrested. The RGP records management system does not currently allow for such specific search queries. This would require a manual search of all crime records.

ANSWER TO QUESTION 780

ANSWER TO QUESTION 778

These numbers could include multiple custody detentions for the same individual.

	2022	2023	2024	2025
January	9	6	16	7
February	6	8	5	22
March	16	13	5	7
April	8	11	12	3
May	20	7	5	7
June	14	3	4	4
July	18	6	6	10
August	18	9	6	6
September	16	16	11	6
October*	20	1	11	5
November	5	2	8	
December	6	8	7	

*October 2025 runs up until 1600 hours on 28/10/25

In response to question 779, this information is recorded in a free text format on the individual custody record for each detainee. The system does not currently allow for an automated search on all relevant records to ascertain the types of appropriate adults that attended for the detainee. I am advised that in line with the Criminal Procedure and Evidence Act and codes of practise, the first preference is always a parent, guardian or family member not connected with the investigation.

Only if this option is not available or appropriate, will the services of Childline or Social Services or the Care Agency be engaged. Finally, in response to Question 780, there has been a total of 67 juveniles which have been arrested and detained on more than one occasion at New Mole House Police Station between April 2022 and 28 October 2025.

Madam Speaker: We will take supplementaries to 779-780 and if the hon. Member wants some time to look at the schedule we can revert to that unless the hon. Member is in a position to ask supplementaries on that.

Hon. A Sanchez: I am grateful for that answer, Madam Speaker. In relation to 778, is the Hon. Minister saying that the RGP has no way to track the information as to record the amount of times that an appropriate adult is in attendance in the station or that the RGP has no way to track this information or to log it?

Hon. N Feetham: Madam Speaker, I refer the hon. Member to the answer to the previous question. I have said that this would require a manual search of all crime records and that the information is not held centrally within an automated system.

Madam Speaker: Anything else on 778? 779? 780? Next question.

Q781/2025
Royal Gibraltar Police –
His Majesty's Prison, Windmill Hill

Q782/2025
Royal Gibraltar Police –
His Majesty's Prison, Windmill Hill, transferring individuals

Clerk: Question 781, the Hon. J Ladislaus.

Hon. J Ladislaus: For what reasons are the Royal Gibraltar Police responsible for the transfer to Court of individuals on remand or serving a prison sentence at His Majesty's Prison Windmill Hill?

Clerk: Answer, the Hon. Minister for Justice, Trade and Industry.

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, I will answer this question together with Question 782.

Clerk: Question 782, the Hon. J Ladislaus.

Hon. J Ladislaus: How many hours per week, on average are RGP officers engaged in transferring individuals on remand or serving a prison sentence at HMP Windmill Hill to Court?

Clerk: Answer, the Hon. Minister for Justice, Trade and Industry.

Hon. N Feetham: Madam Speaker, responsibility for the transfer of prisoners rests with HMP Prison Service. The Royal Gibraltar Police now only transfer individuals to prison following their initial remand into custody. The position has been in effect since 1 January 2026.

The Royal Gibraltar Police are therefore no longer responsible for any other transfer to the courts of individuals on remand or serving custodial sentences at His Majesty's Prison. In answer to Question 782, as the new arrangements have only been in place for a short period, the Royal Gibraltar Police do not yet hold sufficient data to provide an average weekly figure for the officer hours engaged in such transfers under the current system.

Hon. J Ladislaus: Madam Speaker, I am grateful and I am glad to see that the responsibility has now shifted because obviously we have seen that there is been a shortage of police officers and they have been under-resourced for some time. Now, I just ask, does the answer to which...

Madam Speaker: Are you on 781?

Hon. J Ladislaus: For what reason was the Royal Gibraltar Police responsible for the transfer of prisoners from Windmill Hill to court?

Hon. N Feetham: Madam Speaker, I understand that this has been the historical position. I really do not have background information that allows me to answer the question, but if you give me notice of the question, I will endeavour to respond or indeed write to me and I will respond accordingly.

Hon. J Ladislaus: Madam Speaker, I will just move on to supplementaries on 782. Does the Hon. Minister have any figures as to the averages for, say, the last few months so that we can see and we can then compare in future when I ask the question again?

Hon. N Feetham: No, ma'am.

Madam Speaker: Next question.

Q783/2025
Royal Gibraltar Police –
Public Protection Unit

Clerk: Question 783, the Hon. J Ladislaus.

Hon. J Ladislaus: Is the Public Protection Unit ("the PPU") of the Royal Gibraltar Police ("the RGP") still comprised of the following four teams:

(i) Domestic Abuse;
(ii) Victim Support;
(iii) Safeguarding; and
(iv) Designated Risk Management?

If so, what are their operating hours and, if the PPU is no longer comprised of the four teams outlined, please provide the reasons why. Are there any immediate plans to restructure the PPU?

Clerk: Answer, the Hon. Minister for Justice, Trade and Industry.

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, the Public Protection Unit of the Royal Gibraltar Police is no longer comprised of four separate teams previously identified as Domestic Abuse, Victim Support, Safeguarding and Designated Risk Management. The PPU has now been restructured into two teams. The Safeguarding team, encompassing all safeguarding matters, including domestic abuse.

The Digital Safety and Offender Management team, responsible for investigations into online child sexual exploitation and sex offender management. This restructuring has brought several benefits, including improved coordination, streamlined communication and greater flexibility in resource deployment.

The new structure also promotes a more cohesive approach to protecting vulnerable individuals and managing offenders, ensuring a more efficient and effective response to public protection matters. Both teams operate between 0800 and 1600 hours, Monday to Friday. In addition, officers within these teams form part of an on-call router for the Crime Division during weekends, responding to serious offences as required.

There are plans to increase staffing within the DSOM team by a further two resources, which will enhance its capacity to manage complex investigations and offender monitoring. There are no immediate plans for further structural changes to the PPU at this time.

Hon. J Ladislaus: I am grateful. Madam Speaker, I note that the hours are between 8 and 4 and that there are still on call during the weekend. Is it the case that they are also on-call after 4pm on weekdays?

Hon. N Feetham: Madam Speaker, I understand that to be the position, but again, for the avoidance of doubt, if the hon. Member writes to me, I will endeavour to give her a reply. Thank you.

Madam Speaker: Next question.

Q784/2025
Royal Gibraltar Police –
Public Protection Unit, individual teams

Clerk: Question 784, the Hon. J Ladislaus.

Hon. J Ladislaus: How many officers comprise the individual teams which make up the RGP's Public Protection Unit?

Clerk: Answer, the Hon. Minister for Justice, Trade and Industry.

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, the Public Protection Unit consists of two teams, Safeguarding and the DSOM, Digital Safety and Offender Management Team. The Safeguarding Team is responsible for all safeguarding matters, including domestic abuse. The team is made up of one Detective Sergeant and six Detective Constables.

The DSOM Team focusses on investigations relating to online child sexual exploitation and sex offender management. This team comprises one Detective Sergeant and three Detective Constables. Together, both teams work collaboratively to ensure the effective management of safeguarding and public protection responsibilities within the PPU.

Madam Speaker: Next question.

Q785/2025
Royal Gibraltar Police –
Civilian control room staff

Clerk: Question 785, the Hon. J Ladislaus.

Hon. J Ladislaus: Do RGP civilian control room staff receive specific training in respect of:

(i) Domestic abuse and how to deal with calls relating to potential domestic abuse scenarios; and
(ii) Safeguarding and how to deal with calls relating to potential scenarios in respect of children and vulnerable adults?

If training is given:

(i) Who delivers the training;
(ii) How long does the training take; and
(iii) How frequently is training updated and refreshed?

Madam Speaker: Is that the end of the question?

Clerk: Answer, the Hon. Minister for Justice, Trade and Industry.

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, the RGP civilian control room staff do receive specific training in respect of domestic abuse and how to deal with calls relating to potential domestic abuse scenarios. This forms part of the command and dispatch manual, class-based training and e-learning modules.

Civilian CAD officers also participate in mock scenarios including those involving calls related to domestic abuse and violence to ensure they are equipped to respond appropriately and sensitively. Safeguarding and how to deal with calls relating to potential scenarios in respect of children and vulnerable adults. In part, safeguarding encompasses a wide range of scenarios from potential suicide and self-harm to lower level welfare checks.

Civilian control room staff receive specific training in relation to the THRIVE model, signposting and the handling of mental health related calls. The THRIVE training module is delivered over a 1.5 hour session training. In relation to domestic abuse, this is delivered in-house by the recruitment training and performance department.

While the SAFE Lives training is not specifically tailored to call handling, it contributes to the broader understanding of domestic abuse and is delivered in partnership with the GHA. Training on safeguarding including scenarios involving children and vulnerable adults is also delivered in-house. However, this is supplemented by linked modules and sessions provided by partner agencies, ensuring a multi-agency approach to understanding and responding to safeguarding concerns.

Training programme overview for civilian command and dispatch staff. The full training programme spans a duration of six weeks. I am advised that it is challenging to provide a precise breakdown of time allocated to each topic as the recruitment training and performance department considers the overall knowledge and skills imparted throughout the course to be essential for effectively handling calls.

However, the below topics are most relevant to the questions asked along with the scheduled time allocated to each within the training timetable. Please note that timings for practical assessments and any resits are not specifically recorded.

Trainer-led sessions: Communication and customer care, one hour; Communication, an hour and a half; Thrive, an hour and a half; National decision module, two hours; Mental health caller, one hour; Abandoned 999 calls, 30 minutes; Signposting, one hour; Domestic abuse, four hours; Safe-lives, seven hours; Clubhouse training, three hours; Mental Health, Bleak House, two hours;

E-learning modules: Child abuse, 15 minutes; Mental Health Awareness, 15 minutes; Communication of customer care, 10 minutes; Domestic abuse, 20 minutes; DNDM, 10 minutes;

Effectively answering calls and being able to seek process and act upon information to deploy appropriate resources requires a foundation of knowledge and skills.

The civilian command and dispatch training package was developed during the first half of 2025. To date, no formal decisions have been made regarding the frequency of future updates to the package.

Hon. J Ladislaus: Thank you. I am grateful for that answer. Just to unpack some of it again, we can go to first I am going to deal with 785.

Madam Speaker: That is the only question before the House.

Hon. J Ladislaus: [Inaudible]

Madam Speaker: That is down to the hon. Member.

Hon. J Ladislaus: Sorry. So, the question is if the model for training that is being used in Gibraltar an accredited model? So who does the quality checks, for example?

Hon. N Feetham: I do not have the answer to that question. If you give the House notice, I will endeavour to respond accordingly.

Hon. J Ladislaus: My understanding is that in the UK, training spans over a number of months because, of course, we are dealing with very high-pressured and high critical scenarios here when

somebody calls an emergency line. Is it the case, perhaps, that six weeks is not appropriate in view of what we are talking about here and the role that these individuals are being tasked with? Thank you.

Hon. N Feetham: That is a hypothetical question. I am not in a position to be able to answer that question because I am not an expert in this particular area, so therefore, I am not going to answer the question. But what I will do, Madam Speaker, is if the Hon. member writes to me, I will certainly raise any concerns that she might have with the Commissioner of Police, and then perhaps I will invite her to come to my office and we can discuss it.

Hon. J Ladislaus: Madam Speaker, is the Hon. Minister, does he perhaps have information as to whether after those six weeks these individuals go straight on to receiving calls by themselves, or is it a phased-in introduction to receiving the calls? Does he have any information as to how that happens?

Hon. N Feetham: I do not, Madam Speaker. If you give me notice of the question, I will answer it. Should you wish to write to me again, I will respond accordingly.

Madam Speaker: Next question.

Q786/2025
Royal Gibraltar Police –
Safeguarding concerns

Clerk: Question 786, the Hon. J Ladislaus.

Hon. J Ladislaus: What procedure does the Royal Gibraltar Police follow when they receive reports of safeguarding concerns and does that procedure differ depending on the time of day the reports are received?

Clerk: Answer, the Hon. Minister for Justice, Trade and Industry.

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, the Royal Gibraltar Police follows a structured multi-agency approach when responding to safeguarding concerns, whether they arise during regular hours or out of hours, in terms of procedure per se, the matter does not differ depending on the time of the day the report is received. For example, the majority of safeguarding matters come through the response team first and foremost and will be dealt with initially by them. Depending on the incident, the safeguarding team will take over the investigation there, and then if during normal working hours, outside of normal hours of work, on-call crime detectives will be instructed to return to work.

If the offences are of a serious indictable nature, the safeguarding concerns yield a high probability of public interest, or the incident is of a highly sensitive nature, and outside of the capability of the RT to handle. However, where there is no immediacy for the safeguarding team to intervene, then the usual procedure is to obtain the facts of the incident. If there is any requirement for medical attention, then this will be prioritised.

The Care Agency will be contacted, and a strategy discussion held to discuss the concerns and actions. A detailed report is then generated and sent to the safeguarding team. This will be reviewed by the team during the office hours, and referrals to the Care Agency will then be commenced, along with offering advice to the RT officer handling the matter.

Any incidents relating to children will be referred without the consent of parents or children. However, any reports relating solely to adults, with no involvement of children, will require their

consent to share with the Care Agency. For example, this can include reports generated in relation to their living conditions, substance abuse, or mental health crisis.

Their consent will not be necessary if there is a genuine concern that failure to intervene will result in threat to life, allowing consent to be overridden. Furthermore, if there is a belief that the adult has no capacity to provide consent, consideration will be given to share the report with the intention of providing extra support to that individual. Finally, any safeguarding matter that is reported and requires the immediate involvement of the Care Agency but is outside of office hours, will result in liaising with the on-call Social Worker, and depending on the incident, if available, on-call Crime Detectives.

Safeguarding matters such as this are often child-related, a common example being Section 98 of the Children's Act 2009, which allows emergency protection powers being enacted by a police officer. If there is no requirement for safeguarding officers to be immediately involved in the investigation, outside of office hours, the report generated will be handled by the safeguarding team during the next available working day.

Hon. J Ladislaus: Madam Speaker, I just have some concerns as to the fact that the Hon. Minister says that depending on the immediacy of, and whether a safeguarding issue is immediately urgent or not, it may well be that it is taken during working hours only. But I ask this question, are not all safeguarding issues an immediate concern, especially when it involves children?

Hon. N Feetham: Madam Speaker, I am sure that the relevant agencies and the RGP will prioritise matters accordingly. I refer the hon. Member to my previous reply.

Madam Speaker: Next question.

Q787/2025
Confirmed suicides –
Past 24 months

Clerk: Question 787, the Hon. J Ladislaus.

Hon. J Ladislaus: How many confirmed suicides have there been in Gibraltar over the course of the past 24 months?

Clerk: Answer, the Hon. Minister for Justice, Trade and Industry.

Hon. N Feetham: Madam Speaker, the number of such deaths recorded, following an inquest by HM Coroner for the past 24 months are 2.

Hon. J Ladislaus: Madam Speaker if I may ask a somewhat sensitive question. Are any of those related to minors.

Hon. N Feetham: I do not believe so Madam Speaker. Can I ask the hon. Member opposite that perhaps we can have a conversation about this behind the Speaker's chair in case she has information that I do not have. Certainly, I have here supplementary information, the ages, but I just want to make absolutely sure that the hon. Member does not have information that I do not. Sorry, I am giving way. My hon. Colleague the Minister for Health, with specific responsibility for this, has informed me that she has questions that she is answering tomorrow that are relevant to this, Madam Speaker.

Madam Speaker: Next question.

Q788/2025
Income Tax Office –
Crown Council vacancy

Clerk: Question 788, the Hon. J Ladislaus.

Hon. J Ladislaus: Has the Crown Counsel vacancy at the Income Tax Office now been filled? If so, when was it filled and, if not, why and when is it expected that the post will be filled?

Clerk: Answer, the Hon. Minister for Justice, Trade and Industry.

Minister for Justice, Trade and Industry (Hon. N Feetham): No. The Crown Council vacancy has not been filled. Following the appointment of Ms Wendy Cumming to the Office of the Ombudsman, the post of Crown Council in the Income Tax Office became vacant.

During the preparation of the Estimates of Expenditure for the Financial Year 2025-2026, a staffing review was undertaken to assess ongoing requirements. The outcome of this process was that, in the light of operational developments and efficiencies, this position was no longer required. Consequently, this post was removed from the approved establishment in the 2025-2026 Estimate of Expenditure and there are therefore no plans to reintroduce such a post.

Hon. J Ladislaus: Madam Speaker, my understanding is that that post included dealing with the Central Arrears Unit. Presumably, I am going to ask whether the Central Arrears Unit has had to outsource that work or does it now come under a different role?

If the Hon. Minister could maybe clarify that.

Hon. N Feetham: I do know the answer to that question, even though it is probably not a valid supplementary, given that the question relates to the Income Tax Office and the Central Arrears Unit is not part of the Income Tax Office. However, I did mention in my address in relation to the Principal Auditor's motion that I did touch upon some aspects relating to the Central Arrears Unit and I may have pointed out then that any legal advice relating to outstanding litigation or recovery of arrears involving the Central Arrears Unit is outsourced to a local law firm.

The Hon. Member is absolutely correct.

Hon. J Ladislaus: Madam Speaker, would the Hon. the Minister be able to clarify which firm it is that this work is outsourced to?

Hon. N Feetham: Madam Speaker, I want to be absolutely certain in the answer that I give that I can say that it is neither the firm that the Hon. Member used to work for nor the firm that Hon. Members on this side of the House are on sabbatical. Perhaps you considered that that would be the answer to the question. That is not the answer to the question.

However, if you write to me, I will give you the name of the firm. I know the individual involved and I must say that I have met him in relation to some of the outstanding cases and he is doing sterling work for the Government of Gibraltar in relation to this particular area.

Madam Speaker: Next question.

Q789/2025
Gibraltar Day London 2024 –
Business attracted

Clerk: Question 789, the Hon. C Sacarello.

Hon. C Sacarello: Can the Minister please provide information on the amount of business generated by Gibraltar Day London 2024, relating to any new business attracted as a direct result of the conference?

Clerk: Answer, the Hon. Minister for Justice, Trade and Industry.

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker**,** as the GSD used to say when they were in office, it is not possible to categorically attribute a licence application, pre-application or a related meeting with the GFSC solely and directly to any single event, including Gibraltar Day London 2024. As is typical in financial services, licencing decisions also follow extended engagement with the regulator. However, if we use licence applications and pre-applications as a proxy metric, I am advised that there have been 18 such submissions in the financial services sector since the event.

I am also advised that eight new financial services licences were issued by the GFSC over this period. In addition, there have been 20 private fund registrations, five EIF registrations, five VASP registrations. These figures do not capture business generated by private sector professionals, including lawyers, corporate service providers and trust and fiduciary firms arising from networking events and meetings held during that week.

Such information is not publicly available. Additionally, as hon. Members should know, the events are now paid for by the private sector and not the taxpayer.

Hon. C Sacarello: I thank the hon. Member for his answer, which is actually quite interesting and there is some information there to go on. Of course, we understand that, as in marketing, branding is an exercise which is not always quantifiable, particularly in the long term.

Of course, there are long-term benefits to these sessions. The reason I pose this question in Parliament is because I have received comments that the event was becoming a little bit staid and formulaic, notwithstanding the changes this year. Perhaps you could do with jazzing up.

Are there any intentions to perhaps change it, perhaps focussing more on deliverables and outcomes which would benefit the local economy, and look for some quantifiable measures where possible?

Hon. N Feetham: Usually, the Gibraltar Day in London week, as it is called, is comprised of five events. You have got the lunch and then you have sectorial events. You have a private client event; you have the insurance event and two others that are relevant to the sectors in question.

This year, we had nine events. In other words, we had more events than in any other previous year since Gibraltar Day in London was actually started over 20 years ago by the hon. Members opposite so to that extent, the Government is doing precisely what the hon. Member is intimating we should be doing, but perhaps he is not aware of it. I am happy to share this information across the floor of the House, although I must say, for the benefit of the hon. Member, that this information is in the public domain because we have explained this both publicly in answer to GBC questions and indeed in press releases.

I can see the Hon. Mr Bossino wants to intervene.

Hon D J Bossino: I was just stretching my legs Madam Speaker.

Hon. C Sacarello: I am grateful for the reply. Of course, I am fully aware of what goes on and of this year's change format, including the fireside chat, which I thought was an interesting addition, although there were competing camps on the Government side at the same time. The question comes more in the way of looking for more bang for their buck.

People find that this event has become a whole load of Gibraltar businessmen with UK contacts and their contacts and coming down, rather than generative, rather than looking for new business. This is the information I have been given. It is not my personal view.

I am literally passing on information that I have been told from people there. Would the Minister consider looking at elements which would look to attract more new business to Gibraltar in that event?

Hon. N Feetham: Let me say that I welcome questions by the hon. Member in this particular field. I do not get enough questions on financial services.

I do appreciate the fact that the hon. Member is asking these questions, but I am afraid that his sources are wrong. In other words, perhaps he is speaking to the wrong people with all due respect to the hon. Member opposite. When we set up these events in London, it takes us the better part of six months to put the event together. This is not done on the whim by a Minister.

In other words, we sit down with the entire sector and industry in Gibraltar and we ask the industry themselves to come forward with proposals on what they think we should be doing, what events are the ones that we should be focussing on. Indeed, the subjects for each of the events that are done in London are actually recommended to us by the industry themselves. I must correct myself, Madam Speaker, because I said in answer to the previous question that we had ten events in the Gibraltar Day Week in London last year.

Actually, thank you for correcting me, although that was not your intention, by saying that the hon. Minister with responsibility for Business did a fantastic event in London, which was very well attended and therefore the number of events was not ten but eleven from the previous five. So, a record number of eleven events, very well attended.

The large majority of attendance were actually persons who wanted to learn about Gibraltar and its financial services. I would say that was a resounding success, both for the event that was co-hosted by the Hon. Minister for Business and the Chief Minister, and the events that we did, which included the main event of the week, which was the lunch, which was co-hosted by the Chief Minister and myself.

Madam Speaker: Next question.

Q790/2025
Financial Services Commission –
Community Credit Union Co-operative Limited

Clerk: Question 790, the Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise if the Gibraltar Financial Services Commission have consented to Community Credit Union Co-operative Limited using the word 'credit' in its name, and if so the date of such consent?

Clerk: Answer, the Hon. Minister for Justice, Trade and Industry.

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, yes. The Gibraltar Financial Services Commission consented to the use of the word credit in the name Community Credit Union Co-operative Limited on 16 January 2023.

Madam Speaker: Next question.

Q791/2025
Treaty –
Impact on law enforcement

Clerk: Question 791, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: What impact on law enforcement is expected when the Treaty with the EU is concluded?

Clerk: Answer, the Hon. Minister for Justice, Trade and Industry.

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, discussions with law enforcement agencies are ongoing. In particular, we await recommendations from the RGP on matters relating to operational capabilities, and the Government will ensure they have the necessary support once the Treaty is implemented.

Hon. Dr K Azopardi: Presumably, these discussions have been going on for some time, because this year is 10 years from the Brexit referendum and several years from the start of the negotiations, and while the detail may not have been fine-tuned, the principles of a deal and what was being the objective was marked in the New Year's Eve agreement several years ago. So, in light of that, has there been a scoping of the technical and human resources that may be required by the RGP if a treaty is concluded, and can the Minister give us a bit more detail about that.

Hon. N Feetham: Madam Speaker, primary responsibility for the engagement between the RGP's operational needs as a result of the Treaty and the Government is for the Chief Minister's Office.

The Chief Minister continues to engage with the new Commissioner of Police, and I therefore refer the hon. Leader of the Opposition to the answer to my previous question.

Hon. Dr K Azopardi: Madam Speaker, I have not chosen who answered this question. If all I am going to get is that the primary responsibility is with the Chief Minister, then the Government has chosen that the Minister for Justice has answered this question, so presumably they have chosen the appropriate person unless they decided to pass it on so I could get a stonewalling answer. I do not think that that is what they intended, so I will ask it again.

As Minister for Justice, I assume that he is aware of discussions on the impact on the RGP in terms of the human and technical resources they need. I am not talking about operational issues because operational matters are matters for the police, but I am talking about the police will have resource needs. They may have advised the Government what those are in terms of the numbers of police officers they require, the technology they require to monitor the border, for example, because there may be security concerns when you have a free-flow border, or if there are other issues, what are they and what are the financial implications of it and what are the human resource implications for it, and what is the Government planning? The Government announced that the political agreement had been reached in June, that the negotiations had now closed, and that I assume we are going to get a

ratification debate soon, we are going to go into implementation stage. We are away very soon, we may be in the implementation stage, so presumably they have answers to all these questions.

Hon. N Feetham: The Hon. Leader of the Opposition will be pleased to learn that the Cabinet has been meeting both this week and last week to do a text review of the Treaty. The Treaty obviously raises very complex issues. The Government will be in a position to make a statement in relation to that aspect of the Treaty and the timing around it very shortly, but specifically in answer to the supplementary that the Leader of the Opposition has made, which repeats the original question, I refer him to my original answer.

Hon. Dr K Azopardi: So is he referring me to the original answer or the answer to the supplementary? The answer to the supplementary is that he was referring me to his colleague, the Chief Minister, but…

Hon. N Feetham: Thank you to the hon. Member for giving way. I am saying, Madam Speaker, apologies to the Leader of the Opposition, I am saying that the primary discussions in relation to the Treaty aspects that relate to resourcing of the RGP, for example, Madam Speaker, things such as what police resourcing will we need at the airport in order to deal with some of the concerns that have been raised publicly and the Chief Minister has in answer to questions, I think both in this House and also in answer to questions from the media and GBC, he has addressed some of these issues talking about, you know, that there will be certain assets of the RGP that will be located in that area of Gibraltar for obvious reasons, but those discussions are primarily with the Chief Minister.

They are not with me as the Minister for Justice for obvious reasons, Madam Speaker.

Hon. Dr K Azopardi: I am sorry to labour the point Madam Speaker, but the Government has chosen to answer this question through the Minister for Justice. It cannot surely then lie for the Minister to rise, purporting to answer my question, to simply say it is not for me. I have not asked the Minister for Justice.

I have drafted a question that says what impact on law enforcement is expected when the treaty with the EU is concluded. I do not mind who answers my questions as long as I get an answer, but for him to stand up and say I am not going to answer because it is not within my remit to the remit of the Chief Minister is not, with all due respect, an acceptable answer. I am not asking him to just simply refer me to the fact that the Chief Minister has previously had broad interventions in this House about the fact that there will be resource implications.

I recall those. I am asking a more precise question, which is we are now presumably weeks or months away from, should they get the ratification motion passed in this House, the implementation stage of a possible treaty. Surely, they know what resources the RGP need to put into effect this treaty.

Are we talking about the recruitment of 20 or 30 or 50 officers or none at all? Or are we talking about an investment of a million or 2 million in technology or none at all? Surely, they must have that information.

Hon. N Feetham: I did say in answer to the original question that we await recommendations from the RGP. In other words, we are waiting for the RGP to come back to the Government with detailed recommendations. These are complex subjects.

You would not expect the RGP at this stage necessarily to themselves have all the answers to the questions. The Hon. Leader of the Opposition has made a comment, and he says should the Treaty be ratified by this House. I remind the Hon. Leader of the Opposition that we have a majority in this House.

Madam Speaker: Next question. Does the Deputy Chief Minister want to intervene?

Hon. Deputy Chief Minister: Obviously there is engagement between the Government, the Attorney General and the law enforcement agencies with regard to the Treaty. But in terms of the exact detail of numbers and resources, which the Supplementary hon. Member asked, we would need to have notice of that question.

Madam Speaker: Next question.

DEPUTY CHIEF MINISTER

Q792/2025
Gibraltar House in Brussels –
Post-treaty

Clerk: Questions to the Hon. Deputy Chief Minister.
Question 792, the Hon. D J Bossino.

Hon. D J Bossino: Does the Government have plans to boost the resources of Gibraltar House in Brussels in light of the Deputy Chief Minister's remarks about its significance in a post-Treaty landscape?

Clerk: Answer, the Hon. Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Madam Speaker, the matter is under active consideration.

Hon. D J Bossino: May I ask the Hon. Deputy Chief Minister what are the factors which are influencing the consideration of these matters?

Hon. Deputy Chief Minister: There needs to be an analysis of the volume of work the Treaty will generate. Secondly, there is also the staffing issue at Gibraltar House in Brussels. As I said at the time of the Budget, one of the members of staff there was a Belgian national who has been there for decades, retired, so there will need to be a replacement but an assessment of the kind of work that will be required in the event of a treaty being ratified and going forward.

Hon. D J Bossino: Presumably, given that we have had a revelation by a member of the Cabinet, by the Hon. Minister Feetham, that the Hon. Members are already poring over the Treaty text, not just at the hon. Member opposite's individual level as the Deputy Chief Minister, who I know has had a very significant contribution to make in relation to these negotiations, but at Cabinet level.

Can I ask him this? Can he at least say that he is at an advanced and mature stage in terms of that analysis that he referred us to, so that once the Treaty is somehow made public, whatever that process is, that he will be able to implement the measures as required immediately?

Hon. Deputy Chief Minister: So Madam Speaker, I want to make sure we are both talking about the same thing. The question is about Gibraltar House in Brussels and whether there will be additional resources there or not. I have said that matter is under active consideration, so that means there is internal discussion going on in the Department and in Gibraltar House in Brussels as to how we should best do that.

I do not know if that answers the Member's question. In terms of the treaty, there is no agreed treaty text as yet, in the sense that, as you know, there is a legal scrub going on and the legal scrub has not been completed. So, what is being looked at, as the hon. Member referred to, is a draft.

Hon. D J Bossino: Can you give me some clarification? Because as I understood it, Madam Speaker, what was influencing the decision-making process as far as the resources question, which I asked in the context of the Gibraltar House in Brussels, was in fact the arrangements which we will all benefit from, from the Treaty. I thought there was a direct connection between the two, and hence my follow-up question to the hon. Member.

Hon. Deputy Chief Minister: Only, Madam Speaker, in terms of the nature of the work that will be required of the individual or individuals.

Hon. D J Bossino: Oh, I see. So when the hon. Member says the nature of the work of the individual, what he is saying, just by way of clarification, is that it will not have any impact whatsoever and by it I mean the Treaty, on the resources required for that particular venture?

Hon. Deputy Chief Minister: No, Madam Speaker, that is not what I meant. The individual who is retired was largely an administrative role, so things to do with the building and with the administration. The individual who may come into the role may be somebody who has a kind of legal background or political interest because the nature of the work might be different in the context of the Treaty.

That is what I meant.

Madam Speaker: Next question.

Q793/2025
Reform Party conference –
Presence

Clerk: Question 793, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: Did the Government send a presence to the Reform Party Conference this month?

Clerk: Answer, the Hon. Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Madam Speaker, yes. The policy of the Government as previously set out to this House remains to have a presence at the conferences of the main UK political parties, and that includes the Reform Party.

Hon. Dr K Azopardi: Madam Speaker, that is interesting. Can I ask what level of presence it was? Was it a ministerial presence or was it a more official's presence?

Because as has hitherto been the case, normally the Government issues statements when it attends certain conferences, but I did not spot that they had said so on this occasion.

Hon. Deputy Chief Minister: Madam Speaker, we do not issue statements every time we attend one of the party conferences or every time the Government is represented at one of them. We tend

to go, as I said, to two of the main ones. In this particular instance, there was no permanent Gibraltar stand or exhibition, but there was a reception hosted by a Minister.

Madam Speaker: All right. I think that marks the end of the questions to the Deputy Chief Minister.

Adjournment

Hon. Deputy Chief Minister: Madam Speaker, I have the honour to move that this House do now adjourn to tomorrow, Wednesday, 14th January, at 9.30 a.m.

Madam Speaker: I now propose the question, which is that this House do now adjourn to tomorrow at 9.30 a.m. I now put the question, which is that this House do now adjourn to tomorrow at 9.30 a.m. Those in favour? (**Members:** Aye) Those against? Passed.

This House will now adjourn to tomorrow at 9.30 a.m.

The House adjourned at 5.44 p.m.

PROCEEDINGS OF THE

GIBRALTAR PARLIAMENT

MORNING SESSION: 9.37 a.m. – 2.13 p.m.

Gibraltar, Wednesday, 14th January 2026

Contents

Questions for Oral Answer 4

INWARD INVESTMENT AND THE GIBRALTAR SAVINGS BANK 4

Q794/2025 Rooke building – Elderly Care Facility 4

Q795/2025 2025 Budget Address – Equalise entitlement to state pensions 6

Q804/2025 Equalisation of the pensionable age to the age of 60 6

Q805/2025 Rates at which the pension payments will be paid 6

Q796/2025 Renewable and fossil fuel power generation – Newly proposed data centre ... 10

Q797/2025 Newly proposed data centre – Environmental Impact Assessments conducted 10

Q798/2025 Newly proposed data centre – Type of water will be used for the cooling – 10

Q799/2025 Newly proposed data centre – Volumes of water will be required to run the cooling operation 10

Q800-801/2025 Newly proposed data centre – Projected import duty and PAYE revenue attributable & annual Treasury receipts 10

Q806-808/2025 Project by Pelagos Data Centres – Planning process, location & investment attraction 10

Q809/2025 Pelagos Data Centres – Memorandum of understanding, development licence or building lease 10

Q810/2025 Pelagos Data Centres – Powered outside of the Gibraltar power grid 10

Q802/2025 Financial security – National Mint Limited obtained from Community Credit Union Co-operative Limited 21

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Q803/2025 National Economic Plan – Role of Community Credit Union Co-operative Limited 21

Q924/2025 Principal Auditor's Report for 2018/2019 – Loan to Community Credit Union Co-operative Limited 21

Q921/2025 Registrar of Cooperative Societies – Cooperative Societies Act 1971 28

Q922/2025 List of societies registered – Cooperative Societies Act 1971 28

Q923/2025 List of entities to whom permission has been granted – Cooperative Societies Act 1971 28

The House recessed 11.32 a.m. at and resumed at 11.45 a.m. 29

EDUCATION, ENVIRONMENT AND CLIMATE CHANGE 30

Q738-742/2025 Pupils attendance – Broken down by school & intervention by the Department of Education 30

Q743/2025 Historic City Under Siege Exhibition – Restoration 41

Q744/2025 East Side Rubble waste characterisation 42

Q745/2025 Eastern Beach – Cleanliness 44

Q746/2025 Little Bay – Construction of a pier 45

Q747/2025 Bayside Road cycle counter – Trips recorded 45

Q748/2025 Fixed speed cameras – Fines issued 47

Q749/2025 Foreign registered vehicles – Fines issued 48

Q750/2025 Traffic Act 2005 – Amend legislation 49

Q751-753/2025 London-style hybrid taxis – Projected cost, metrics used & favourable loans 49

Q754/2025 Press release 516/2025 – Earnings for the Manager post 52

Q755/2025 Recent Refuse Collection Reform – Adopted overtime controls 52

Q756/2025 Refuse Collection reforms – Benefitted disproportionately 54

Q757/2025 Recent refuse collection reforms – Elimination of additional collection runs 55

Q744, 747 & 748/2025 Supplementary 56

Q758/2025 Academic year 2025/26– Number of pupils enrolled in our schools 58

Q759/2025 St Joseph's Lower and Upper Primary Schools – Updated details 59

Q760/2025 BTEC Courses currently being undertaken – Location where these courses are delivered 61

Q761-763/2025 Mandatory scholarships, discretionary scholarships & distance learning scholarships – Awarded in 2025 63

Q764/2025 Current Teaching Complement – Employed on a substantive or supply basis 64

Q765/2025 Teachers' Representatives – Review behaviour and discipline issues in schools 66

Q766/2025 End of every bathing season – People's belongings 67

Q758 & Q764/2025 Supplementary 68

Q767 & 768/2025 The Gibraltar College – Relocation and building cost 69

Q769&770/2025 Comprehensive schools – Resident in Gibraltar for less than 5 years and 10 years 71

Q771/2025 Given mandatory grants – During the last 10 years 71
Q772/2025 Mandatory scholarships – Change in eligibility criteria 71
Q773/2025 Supervision of road works 74
Q772/2025 Facilitate automatic number plate recognition – Greater resources 75
Q775/2025 Charles V Wall – Preliminary works recently conducted 76
Q776/2025 New urban waste water treatment plant – Waste produced 77
Q777/2025 West Nile Virus – Monitoring of the mosquito population 78
Q917/2025 Oil spills at Waterport Wharf – Measures are being taken 78
The House recessed at 2.13 p.m. 79

The Gibraltar Parliament

The Parliament met at 9.37 a.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: P A Borge McCarthy Esq *in attendance*]

Questions for Oral Answer

INWARD INVESTMENT AND THE GIBRALTAR SAVINGS BANK

Q794/2025
Rooke building –
Elderly Care Facility

Clerk: Answers Oral Questions continued.
Questions to the Hon. Minister for Inward Investment and the Gibraltar Savings Bank.
Question 794, the Hon. A Sanchez.

Hon. A Sanchez: In relation to the Rooke building, first announced by the Government as intended for use as an Elderly Care Facility, can the Government confirm whether Occupational Therapists and nursing professionals were consulted on its design and suitability prior to investment?

Clerk: Answer, the Hon. Minister for Inward Investment and the Gibraltar Savings Bank.

Minister for Inward Investment and the Gibraltar Savings Bank (Hon. Sir J J Bossano): Madam Speaker, I understand that in providing the design specifications, the architect took into account the relevant advice for the intended use of the building.

Hon. A Sanchez: Madam Speaker, grateful for that answer. Could the Hon. Minister elaborate on whether the advice taken was from occupational therapists, nursing professionals, given that the Government did specifically state at the time that the intended use of the facility was going to be for elderly care. Did this advice take into account professional advice in relation to room sizes, bathroom layouts, lift strategy, dementia, wayfinding, fall risks and all of these things that should be taken into account given the specific use of the facility and its intended use?

Hon. Sir J J Bossano: This is what I was given to understand at the time because I think the architect actually had never previously engaged in designing a building for the purpose that this one was. So, he had to take advice in the sense that the previous buildings that he had been contracted to do were predominantly residential buildings which were homes but not homes for elderly people. But the building was always intended to be a residential home rather than a nursing home which would have required perhaps more of the input if it had been for nursing

because of course anything that is required in terms of services from the GHA would be accessed from the GHA and not by having permanent people with those skills employed in the building.

Hon. A Sanchez: Thank you very much for that answer, Madam Speaker. But it is also my understanding that the Hon. Minister has indicated in this House that there was a survey conducted by the Government at Mount Alvernia for the residents of Mount Alvernia at some stage several years ago. Were there any signoffs or did anybody sign-off as to the suitability of the building as a residential home for the residents of the ERS before conducting this survey?

I assume that the Government thought that the building was appropriate as a residential home for the residents of the ERS before conducting this survey.

Hon. Sir J J Bossano: Madam Speaker, I understand there is a question dealing with that that will be addressed by the Minister for Medical Services but in any event the survey that the hon. Member is referring to was not conducted by the Government. It was something that was done by the staff in the department and therefore we do not think that it necessarily reflects the numbers of people that are there that might want to move. The position of the Government from the beginning has been that nobody is going to be forced to move from Mount Alvernia so that it will be a question of whether people prefer to stay there or whether people prefer to go to the new building.

But my hon. Colleague will probably be able to give more information because I am not responsible for the ERS.

Madam Speaker: The Hon. Leader of the Opposition.

Hon. Dr K Azopardi: Madam Speaker, can the Minister confirm whether in the context of everything he has discussed the objective remains that Rooke should be a residential facility and given that we heard yesterday that the Certificate of Fitness for the building was granted about five months ago what is the state of play of that in the context of precisely what the Minister has just ended on which is that they are not going to force people to go down there. So, if it is going to be a residential home and they are not going to put people down there which we agree with, by force obviously, then what are they going to do with the building?

Hon. Sir J J Bossano: We are not going to do as a government anything with the building because the building is not ours. Let us be clear about that. It has never been ours and it is still not ours.

What the Government will do will be access the capacity of the building to the extent that it needs to do it. That extent will be determined by, for example, there are persons at the moment in the GHA that are not being kept in hospital because they require hospitalisation. It is because there are some elderly people who when they go into hospital might have previously been living on their own and coping more or less.

And now with deteriorating health it is not possible to just send them home because they are on their own and they would need a lot of care around the clock kind of thing. And there is not an empty slot in the existing homes that we have. And therefore, the people that move will not necessarily be from the ERS.

There may be also people who would have gone into the ERS if the ERS was able to take them. But until we start the process which is now being started of selecting somebody to operate it then we expect during the course of the year the thing will develop.

Hon. Dr K Azopardi: I see, I understand. Obviously, I appreciate the Government do not technically own the building, but of course significant funding has been provided for the purposes of building this thing. About 40 million the Minister has answered before in this House.

And therefore, it is in the public interest to make use of this building clearly. And so do I take it from what the Minister has just indicated that if it is not going to be a residential home for ERS residents it will still be a residential home for alternative residents who are not present in the ERS some of which might be in their homes but need a more stable environment some of which might be in hospital. And if that is the case when does the Government expect to make an announcement of this and will the Government manage this residential home?

Hon. Sir J J Bossano: The answer to the second part of the question is that from the beginning from the first day that it was first mentioned I said in this House that it would be privately owned and privately operated. That has not changed.

Madam Speaker: Next question. Sorry, has the Minister finished answering this question?

Hon. Sir J J Bossano: I am very obedient madam.

Madam Speaker: Yes, before we move on to the next question the Minister may like to finish what he intended to say initially.

Hon. Sir J J Bossano: But I think we are at a stage now where we will see how it develops and it is going to be determined by need.

Madam Speaker: Next question.

Q795/2025
2025 Budget Address –
Equalise entitlement to state pensions

Q804/2025
Equalisation of the pensionable age to the age of 60

Q805/2025
Rates at which the pension payments will be paid

Clerk: Question 795, the Hon. A Sanchez.

Hon. A Sanchez: Further to the Government's statement in the 2025 Budget Address that work is 'commencing to equalise entitlement to state pensions at age 60', can the Minister state what progress has been made to date, whether drafting instructions have been issued, and when the House can expect the introduction of the necessary legislation or regulations?

Clerk: Answer, the Hon. Minister for Inward Investment and the Gibraltar Savings Bank.

Minister for Inward Investment and the Gibraltar Savings Bank (Hon. Sir J J Bossano): Madam Speaker, I will answer this question with Questions 804 and 805.

Clerk: Question 804, the Hon. D J Bossino.

Hon. D J Bossino: Please state when the equalisation of the pensionable age to the age of 60 will be implemented.

Clerk: Question 805, the Hon. D J Bossino.

Hon. D J Bossino: Please provide details of how the equalisation of pensionable age between men and women at the age of 60 will work in practice to include details of the rates at which the pension payments will be paid and the delay options up to the age of 65 for men.

Clerk: Answer, the Hon. Minister for Inward Investment and the Gibraltar Savings Bank.

Hon. Sir J J Bossano: Madam Speaker, when the Government is in a position to implement the entitlement from age 60 for male pensioners the date and the terms applicable will be announced.

Hon. A Sanchez: Madam Speaker, would the Hon. Minister be able to give some more clarity as to the time scale, time frame or how close the Government is to implementing this?

Hon. Sir J J Bossano: Well, it is closer than it was before and I would expect it to be done in this term.

Madam Speaker: The Hon. D J Bossino.

Hon. D J Bossino: Thank you, Madam Speaker. Just by way of slight preamble and backdrop to the question, this is a policy position which the hon. Gentlemen and ladies opposite, when they have been Elected successively to Government on the last four occasions, I think it is on each of their manifestos they promise an equalisation to the age of 60, with respect to men and women. So why is it that we are still in a position, even in a post-Brexit scenario, which they pray in aid to use as a reason as to why they can now do it, although they promised it when we were still in the EU, is it taking so long?

Hon. Sir J J Bossano: Well, Madam Speaker, first of all I want to remind the hon. Member of the policy of his Party in Government, which was that the Government made announcement when it decided to make the announcement and not when the Opposition asked, and that is something I accepted when I was in Opposition. And secondly, that the Opposition had no right to question any delays in what the Government was doing if they did not have it in their own manifesto and therefore, they would not have done it had they won the Election. Those were the clear policy concepts in Government.

I know that they have one set of rules in Government and another set of rules in Opposition, but I would put it to him that, you know, what is good for the goose is good for the gander, and therefore the answer is that he is not in a position to say, why have not you done it yet, because he would not be doing it at all if he was on this side. But of course, I will give him a very simple example of something that is difficult to integrate, and this is not going to happen until everything is signed and delivered, and we know that the position that we are in, in terms of who may be eligible or may not be eligible, but one of the issues that, and I am just doing it to give an indication, we are going to be doing a change which is the opposite of what everybody else is doing in the European Union.

So, you have got a situation where you have to have account taken for some people but not for others as a result of the changes. So the people in the European Union that were previously eligible will not now necessarily be eligible to have access to our system if they spend some time here, but we are going to have a situation where there will be new groups that are eligible if and when the deal becomes reality and the new rules apply. And therefore, at that point in time, we will have to have a situation of saying, well look, how do we do the accounting of entitlement when you are giving people a right at 60 and they are partly accessing that right at 60 because of employment somewhere else where the right does not happen until 67.

That is not a problem that anybody else has because they are all going to 67. It is a problem that only we have because we are going in the opposite direction. That is just to give an indication that it is not as simple an exercise as it might seem at first glance.

If nobody outside Gibraltar was going to be able to access this, then it would be a much simpler exercise.

Hon. D J Bossino: Well, Madam Speaker, I have been following the hon. Gentleman from a very young age. Today is my 54th birthday and I take this opportunity to wish the Deputy Chief Minister a happy birthday on his birthday as well, which is the same period of time that the hon. Gentleman has been in this House. And I certainly do not have this recollection of him being so compliant as he is coming across, he was when he accepted positions taken by the GSD Government when he was in Opposition, as he is alluding to.

But shall I put it in these terms? Is it the case that, or can he explain why it is that this analysis which he is now undergoing before he makes the announcement about the equalisation of pensionable age was not able to have been done when they were first Elected into Government, when they said that they were going to be equalising pensionable age at 60 in 2011? Then they did so again in 2015, and then they did so again in 2019 in a post-Brexit scenario.

And here we are in a post-2023 scenario where they are still promising the same thing. Can he explain why it is that we have had now four consecutive terms of delays in respect of this electoral promise, which is very clear, it has always been very clear. Their promise was that they would be equalising, and I accept that it is not happening anywhere else in the world, in the Western Hemisphere, where pensionable age is going down instead of going the other way.

But that is their electoral promise, that is where they have decided to place their policy in relation to this.

Hon. Sir J J Bossano: The hon. Member opposite, Madam Speaker, seems to have a bad memory, because he keeps on repeating questions to which he has had answers before. Every time that he has asked why the delay is happening, we tell him that the delay is happening because, and I have just repeated it, to do it in 2011 would have been to do it in the European Union, and therefore the numbers and the methodology would have been in the context of a single market, right? To do it after requires a different assessment of what needs to be done, okay?

But in any event, however long it takes us, it will be done. And if he was in Government, it would never be done, because they do not have it in their manifesto and they do not want it done. So, if his policy is that it should not be done, he should be happy to see it not done, because that is what he wants.

Madam Speaker: Next question.

Hon. D J Bossino: Madam Speaker, I think I have asked two supplementaries, and I have two questions on the Order Paper. I mean, if the responses are lengthy, then that is a matter for them.

Madam Speaker: It is not because the responses are lengthy. The reason I have asked to move on to the next question is because this is becoming a debate, and the questions are in a similar line and the answers are in a similar line, and I am not going to keep rehearsing the same thing. If there is a separate and different question, then I will allow one more.

Hon. D J Bossino: I have literally asked two supplementaries in respect of two questions in the Order Paper.

Madam Speaker: Is there a question? I am not going to have a debate on whether the questions are legitimate or not. Next question.

Hon. D J Bossino: This is not a debate. I am not debating.

Madam Speaker: Is there a question, or if the hon. Member insists on having a debate with me as to whether his questions are appropriate or not, I will ask him to move on. If there is a question, then the hon. Member should put it now without preamble.

Hon. D J Bossino: I expect I will be limited on the preamble, which I was going to make, in response to the comments made by the hon. Member opposite. The reality is, what he has shown clearly is that there has been a breach consecutively in four Elections of an electoral promise. And clearly, we are honest on this side of the House, and they are not.

That is what he has shown in his response. But can I at least eke out of him, when he answered the question, I think, of my hon. Friend Mrs Sanchez, he said nothing in terms of the substance. However, outside of this House, he has given some information, and I would ask him to develop that, if he can, inside of this House, where he said in a GBC interview of the 20th of June last year, and I quote:

> I can now say with confidence, we can go ahead and introduce the 60, and it will be, as I have mentioned on previous occasions, when I have been interviewed on this, it will be introduced on the basis that anybody, be it male or female, can take their pension at 60 [anybody] or delay it and get a higher pension.

Can I ask him to be more particular and give more information as to how the last limb of that answer works? And I pointed, and I emphasised these words, where he says: "you can take it at 60 or delay it and get a higher pension".

What did he mean by that?

Hon. Sir J J Bossano: Madam Speaker, the hon. Member is not supposed to ask questions about something that is already in the public domain, because he knows the answer. The position that I gave then is the same now as it was when I gave it, and any further information will be put in the public domain when the Government decides it is necessary to do so.

Madam Speaker: Next question.

Q796/2025
Renewable and fossil fuel power generation –
Newly proposed data centre

Q797/2025
Newly proposed data centre –
Environmental Impact Assessments conducted

Q798/2025
Newly proposed data centre –
Type of water will be used for the cooling –

Q799/2025
Newly proposed data centre –
Volumes of water will be required to run the cooling operation

Q800-801/2025
Newly proposed data centre –
Projected import duty and PAYE revenue attributable & annual Treasury receipts

Q806-808/2025
Project by Pelagos Data Centres –
Planning process, location & investment attraction

Q809/2025
Pelagos Data Centres –
Memorandum of understanding, development licence or building lease

Q810/2025
Pelagos Data Centres –
Powered outside of the Gibraltar power grid

Clerk: Question 796, the Hon. C Sacarello.

Hon. C Sacarello: What is the intended split, in percentage terms, between renewable and fossil fuel power generation for the newly proposed data centre?

Clerk: Answer, the Hon. Minister for Inward Investment and the Gibraltar Savings Bank.

Minister for Inward Investment and the Gibraltar Savings Bank (Hon. Sir J J Bossano): Madam Speaker, I will answer the question with Questions 797 to 801 and 806 to 810.

Clerk: Question 797, the Hon. C Sacarello.

Hon. C Sacarello: Given the location cited is next to a significant and growing residential population, could the Minister please present the House with any Environmental Impact Assessments conducted prior to the announcement in the press of the data centre including all potential risks and noise pollution levels, given the close proximity of many households?

Clerk: Question 798, the Hon. C Sacarello.

Hon. C Sacarello: What type of water will be used for the cooling of the anticipated 250MW data centre facility?

Clerk: Question 799, the Hon. C Sacarello.

Hon. C Sacarello: What volumes of water will be required to run the cooling operation of the newly announced 250MW data centre facility?

Clerk: Question 800, the Hon. C Sacarello.

Hon. C Sacarello: What is the projected import duty and PAYE revenue attributable to the £1.8bn data centre build?

Clerk: Question 801, the Hon. C Sacarello.

Hon. C Sacarello: What are the projected annual Treasury receipts in terms of PAYE and Corporation Tax for the £1.8bn data centre business, once it is up and running?

Clerk: Question 806, the Hon. D J Bossino.

Hon. D J Bossino: Please confirm that the recently announced data centre project by Pelagos Data Centres will be subject to the planning process and appropriate studies such as Environmental Impact Assessments.

Clerk: Question 807, the Hon. D J Bossino.

Hon. D J Bossino: Where, precisely, will the Pelagos Data Centre be situated?

Clerk: Question 808, the Hon. D J Bossino.

Hon. D J Bossino: How is the figure of £1.8 Billion in terms of investment attraction arrived at in the context of the Pelagos Data Centre announcement?

Clerk: Question 809, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: What are the key terms of any memorandum of understanding, development licence or building lease entered into or to be entered into with Pelagos Data Centres in respect of the proposed new data centre in terms of length of lease and premium, business assistance or other key terms?

Clerk: Question 810, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: How will the proposed new Data Centre announced by Government and to be developed by Pelagos Data Centres be powered outside of the Gibraltar power grid?

Clerk: Answer, the Hon. Minister for Inward Investment and the Gibraltar Savings Bank.

Hon. Sir J J Bossano: Madam Speaker, there is not yet a formal agreement regarding the proposed site for the data centre and the project will not be receiving any financial assistance from Government. I refer the Hon. Members to the statement issued by the Company on the launch of the project and the commitments to produce more information in the first quarter of this year. I will pass the questions table to the Company so that they may be aware of the areas

of interest to the Members of the Opposition when they do the next press release and explanations.

But I doubt that even they could answer some of the questions.

Madam Speaker: Any supplementaries from the Hon. Mr Sacarello on 796 to 801?

Hon. Dr K Azopardi: Madam Speaker, I was just going to get rid of mine because I think they are more nit if that is okay.

Madam Speaker: Alright, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: So, do I understand then from the Hon. Minister's answer that even though this announcement was made with great fanfare, there are absolutely no agreements. In other words, so there are no buildings, there is no development licence, but short of that, there is not even a memorandum of understanding signed in relation to that issue. So, I just wanted to see on what basis there was the big announcement made on this.

Hon. Sir J J Bossano: Well Madam Speaker, the big announcement was not made by me, it was made by the people who are spending the money, and they are spending the money. And of course, as Minister for Inward Investment, my job is to help it to become a reality. I mean this is the biggest investment, inward investment that we have had in all the time that I have been in this Parliament.

It is a project that is in line with where our civilisation is going. This is about having the capacity to House artificial intelligence. It is something that is happening in the United Kingdom, in the European Union, in the United States, in China and in Gibraltar.

So those are the competitors that we have and I think that the people that are committed to doing this are serious people and it is real money. These are people that have got the resources to commit to this, and it is an opportunity that we must not miss out.

Therefore, as far as I am concerned, I am very confident that it is going to happen because the people that are doing it are serious people. And we will do the things that need to be done to make sure that it happens, which will be to the benefit of the whole of Gibraltar because we need to be finding additional and new sources of revenue given the recent developments that there have been in the taxation of what was, until now, our biggest source of revenue.

Hon. Dr K Azopardi: Madam Speaker, the Minister says that it was announced by the company and that there was not a Government press release. But I beg to differ because I am staring at it now of the 4th of September 2025 where the Minister is quoted and so is the Chief Minister making this big announcement. And what I am trying to probe is, in the context of the big announcement that was made under cover of a Government press release, is he saying that they are not in negotiations with the entity at all in relation to any aspect that requires an agreement?

There is not a Memorandum of Understanding. They are not in negotiations for anything else in respect of any other agreement. Is that what he is saying?

Hon. Sir J J Bossano: The press release and the support that it reflected was a support to a private investor who is committed to investing in a project which would not happen without him. That is not a project that we could do as a Government. What we did was to give him the support that he deserves because we want him to proceed with this, we want this to happen. It will be transformational for our economy and a huge plus for guaranteeing our economic survival. And therefore, my job is to make it happen and not to keep the hon. Member happy in terms of the information that he gets. I have told him what the position is.

It may not be the position that he wishes. The position that I wish is not that he should be satisfied with my answer but that the data centre materialises and brings in new money to the private sector and to the Government. That is what I am paid to do.

So, I have given him the information that we have got at the moment. As I said, many of the questions other than the one that he has put, but have been put by other Members of the Opposition, are things that even the company would not at this stage be able to provide because there are too many variables. I mean, a big chunk of the investment will not be investment in Gibraltar in the sense that it will be sourcing.

That is, the manufacturing of the data centre cannot happen here. It will be hosted here, right? But the important thing is that that data centre will be then used to store information, which is for data processing in conjunction with artificial intelligence for which there is a global demand and a shortage of supply.

So, we are preparing to receive an investment in an area where there is, at the moment, insufficient capacity globally. And therefore, you know, probably it would be difficult to attract people here if there was a surplus of data centres everywhere of the calibre and the capacity that is required. A big chunk of the cost is the cost of the equipment.

But of course, bringing it here does not just bring that particular business here. It brings us into the spectrum of where all this is happening, and as happened with gaming when it first started under the first socialist Government in 1988. Once somebody moves to Gibraltar to do something, there is a tendency globally that the competition to that person at least is attracted to come to Gibraltar to find out why he is here.

It is what happened with the gaming companies. We gave one company very good terms and a contract that we would not allow anybody else. And that attracted a lot of other people, and it has happened more than once.

So, you know, this is big in its own right. And we are very lucky that they have looked at the possibility of doing it here and not, for example, across the border and it could be the beginning of something even bigger.

And I think, and I would hope that the Opposition sees, has the vision to see how big and how important that can be for Gibraltar and would want to be supportive of it as well.

Hon. Dr K Azopardi: Madam Speaker, we certainly welcome big inward investment into Gibraltar or the prospect of inward investment into Gibraltar. Data centres are hugely important. Clearly, the technology is hugely important for the future.

And it is not about keeping me happy. I am just trying to probe, seeking information on a Government press release, which I am not asking. I mean, I am asking, the Government made a statement.

So, I think I am entitled to try to understand whether there are commercial or financial negotiations going on with the Government because the Government issued a statement. And the things that I am seeking to probe are just simply things that the Government has said publicly. For example, my understanding is that data centres consume a huge amount of power.

And the Government statement, this is not the company, the Government statement says “the data centre will be powered independently of Gibraltar's existing grid”. So, because this is a Government statement, I have asked the question, how will that be done? So, with all due respect to the Hon. Minister, for him to refer me to the company, this is a Government statement.

So surely the Government knows how this will be done. And I am asking him again to try to give us a bit of information on that. Because if there is not an alternative power source, well clearly our own power grid is under pressure.

So, I understand the logic of the Government statement saying that the data centre will be powered outside of the grid. But how will that be done then?

Hon. Sir J J Bossano: Yes, Madam Speaker, I accept the legitimacy of the point that the hon. Member is making. The data centre will not access the energy from our generating station. The generating station is not big enough to supply the energy they require.

There will be no energy left for anybody else. It could not be done without having a new supply. But of course, we do not necessarily want to advertise how exactly we are going to bring it here for the benefit of others who might then go about trying to stop it reaching us.

Surely, he can work that one out by himself. If we are bringing the electricity in from outside, do we want it to arrive or not?

Madam Speaker: The Hon. Mr Bossino, do you have any supplementaries? Well, I am going backwards now because I have started with Hon. Leader of the Opposition, so I am going backwards. So, the Hon. Mr. Bossino on Questions 806, 807 or 809.

Hon. D J Bossino: Shall we, I think, make a start, if I may, on the last question in the Order Paper which is 809. In terms of format and form, I know that we are asked to ask supplementaries in a very organised way when questions are bunched together by hon. Members of the Opposition. But the reality is that normally other Ministers make a specific reference to the questions that they are answering.

Whilst the Hon. Minister is entitled to do so, gives us an overall answer in response to the seven or eight questions he has bunched together. Which is fine, but then it makes it more difficult to try and extrapolate from that answer supplementaries in respect to the specific question that we have put on this side of the Order Paper.

Madam Speaker: The longer the preamble, the less time to ask the questions.

Hon. D J Bossino: Madam Speaker, in relation to the £1.8 billion investment, which is one of the questions which the Hon. Minister, has brushed to one side by saying, well, because he has done that with all the questions, this is a Pelagos private initiative and I am not in a position at this stage to answer because it is nothing to do with me, almost. If I can characterise it that way. But the reality is, that as my hon. Friend, the Leader of the Opposition has rightly pointed out, there has been a Government statement.

And in that Government statement, it is clear that the Government has a lot of skin in the game. They have welcomed this. This was announced at the Chief Minister's office, where it is said and highlighting and making a lot of emphasis on the fact that this will bring investment to the tune of £1.8 billion, which is a very big figure. The question was, how has that been arrived at? And this is one of the questions in a bunching together, this is why the preamble, the Minister has said, I cannot answer that question, nothing to do with me. He has associated himself and the Chief Minister in particular has associated himself to this particular figure.

So, I would like to know how the Government says, on what basis is the Government saying that they are happy with this figure and to associate themselves with this figure?

Hon. Sir J J Bossano: Well, I have already partly answered that question, because I have already said that a big chunk of that will be the cost of the data centre, which is not going to be manufactured in Gibraltar. And of course, the figure is being made by serious people that do multi-billion investments elsewhere. Now, if we were to receive potential investments in Gibraltar by cross-examining the investor, like the other Member likes cross-examining me, I do not think we would get much investment.

So, we have to put the welcome carpet, if we want people to come here. Gibraltar is not something special in the planet, other than for the Gibraltarians. For the rest of the planet, it is not a special place.

And therefore, attracting somebody here is something we have to work on in competition with other people, which have got more assets, more land, more cheap labour, more subsidies. We are

not giving anything. We just persuaded him that this is a fantastic place to do what he wants to do.

And therefore, the hon. Member must understand that I am glad that the Leader of the Opposition says that he welcomes it as much as we do. And therefore, he should be more welcoming, so that they can be convinced that this will continue to happen if by some disastrous event they were able to get in Government instead of us. Because of course, if they keep on sending hostile messages, the guy may say, well, wait a minute, maybe I better wait till the Election.

And be sure that the people who understand what I am doing, appreciate what I am doing, and want me in Gibraltar, are still there.

Hon. D J Bossino: Madam Speaker, I do not agree, do not subscribe to the view that if there were to be a change of Government, which I think will happen, it will be a disastrous event. Not at all. But clearly, once in Government, if this is still in the throes of being negotiated, we will then take a view on it.

Once we see the individuals, because there is very little information out there. Once we have been able to understand the detail of it, because very little detail has been provided across the floor of the House. But is not the sum total of the answer that he has given, which is quite frankly remarkable, coming from the Minister of Economic Development, who participated in the excitement of the Government side of this particular project.

An announcement which I dare say has all the hallmarks of failing, because it seems very flimsy in terms of the substance behind it. Is not the sum total of what he has said that he has, he does not know. He simply does not know on what basis, because they have not done the analysis themselves of the £1.8 billion investments. He is simply relying on these investors who are selling their wares and trying to persuade them to come into Gibraltar, have told them.

Hon. Sir J J Bossano: Madam Speaker, I do not think he has put a question, I think he has paraphrased my answer.

Hon. D J Bossino: The question, I have put a question. I have put a question. The question was, is not the sum total of his answer the way I have paraphrased it for him?

Yes or no? And the answer must be yes, because I think I have accurately paraphrased it.

Hon. Sir J J Bossano: Well, if it is going to stop him, I will give him just to keep him happy. But in fact, the answer is the answer that I gave originally. I mean, if he thinks that my transmitting the request for information to the people who may be in a position to answer it, is something that is not worth having, then I will not transmit the request for information to those concerned.

Madam Speaker: The Hon. Mr. Sacarello, do you have any supplementaries?

Hon. D J Bossino: Madam Speaker, I have got supplementaries. I have got supplementaries on 808. Madam Speaker, I have got supplementaries on 807.

Madam Speaker: I warned the Hon. Minister, the longer the preamble, the less time there is for questions. I am not going to have question time becoming a debate. There is no need for such long preambles.

If the hon. Member uses his time on preambles, then there will be less time for questions.

Chief Minister (Hon. F R Picardo): Madam Speaker, on a Point of Order, I think inadvertently referred to the hon. Gentleman as a Minister. He has tried on four occasions and never achieved it.

Hon. D J Bossino: Maybe it is a premonition.

Madam Speaker: If I did then I apologise, the hon. Member I meant to say. The Hon. Mr Sacarello.

Hon. D J Bossino: Madam Speaker, I have supplementaries on 807 and 806.

Madam Speaker: Then the hon. Member should have used the time to ask the questions and not to make such long preambles. I am not going to have an argument.

Hon. D J Bossino: I am not having an argument, I am seeking clarification from the Chair. Is it the position that from now on we are going to be limited not just on the number of supplementaries, of which there have not been that many, we are going to be limited on the time that we spend asking questions?

Is that going to be the position from the Chair? I think that is very serious development.

Madam Speaker: The first position is that when the Chair speaks, hon. Members should sit down and allow the Chair to speak. The position is, as it has always been, that it is up to the discretion of the Chair to decide how many supplementaries are appropriate for each individual question, depending on the nature of the question, depending on the information and depending on many other factors.

I have said this before, and it is in the rules. Supplementaries are for the posing of a question. If there are lengthy preambles that delays the process and time is taken up in preambles rather than in questions, what is the net effect of that?

The net effect of that is that we have question time becoming a debate and question time should not become a debate. It is very difficult for the Chair to control fairly the number of supplementaries. Yesterday we had eight supplementaries on one individual question.

Other days you may have three, other days you may have two. If the hon. Member looks back at rulings by previous Speakers, he will see that it is a delicate situation as to how many supplementaries to allow. I have said this before, and I will say it again.

If time is taken up by lengthy preambles akin to a debate, there will be less time for supplementaries. If the supplementaries are short, sharp, with only the necessary preamble, the hon. Member will have more time for supplementaries. It is as simple as that.

I am not going to have a debate on this. I am not having a debate. The hon. Member has had the clarification from the Chair.

He can either accept it or reject it, but I am not going to have a discussion.

No. No. No. (Interjections).

No. I have said no. I am asking the hon. Member to take a seat. Take a seat. Take a seat.

The Hon. Mr Sacarello, any supplementaries?

Hon. C Sacarello: Yes, Madam Speaker. Thank you very much. I fully understand and sympathise with the political and commercial sensitivities of the project.

However, it does not take a genius to work out that the power supply required is at least three or four times the order that we currently have the capacity to produce. Therefore, any foreign actors would quickly jump to the conclusion that the power needs to be sourced externally. With that in mind, and given the high level of public interest and the potential impacts of such a large project, I would be grateful if the Hon. Minister, the Father of the House, could provide a little bit more information on, for example, the location of any substation that would be required to receive where this electricity would be landed and if it would be in the vicinity of any residential areas.

Hon. Sir J J Bossano: The site that has originally been identified is still under discussion with the MOD for possible impact on aircraft and stuff like that. So, there may be potential sites in another area which is not an open area but inside the Rock where it would be different. But these things are being done on the basis that they are all sensitive things of which a company which is spending all the money is discussing, not with me.

I mean, I know what they are doing, but they are not doing it with me. I mean, I am not involved in the discussions on the technicalities of how I can tell the hon. Member that the intention, because we are talking all the time about things that are going to happen in the future, right, and we are at an early stage in that process. But the intention is that the delivery of electricity would be sufficient to supply Gibraltar as well as the data centre and therefore produce an alternative and less expensive source of electricity for us.

But of course, if I say that which is a possibility, which is intended, and I then get a particular Member of the Opposition who likes to say, you promised that this would happen and now you are less honest than me because it has not happened, then I will not tell him anything. And then I cannot continue being honest, like him. So the answer is that at this stage, it is not written in tablets of stone where it is going to be exactly and how it is going to be operating, because when you are doing something that is as big as this, which has never been done before in Gibraltar, then when you start looking at the problems that there are in one side or in another side, and you have to consult a lot of other people, you have to make adjustments.

But I mean, when something is definite, then the intention of the company is to provide more detail of where it is going to be, how it is going to operate and so on, but that is when all the boxes have been ticked. I mean, if there is an environmental problem or a problem of the RAF, and those problems have not yet been totally resolved, then there is no point in saying it is going to be of such a height and in such a place, only to say later, no, it is not going to be of such a height and in such a place. So, I hope that what I am trying to convey to the hon. Member, that this is at the moment, this is something that is going on as an ongoing process, which means that where they started is being adjusted, right?

So the height is being adjusted and other things are being looked at, because whenever you start with any project, even when some of the homes that we are building, you start with the project and then you suddenly find that when you go and dig in the ground, there is something there that nobody knew was there, right? And you have to make a change. So at the stage that they are, and they are still totally committed to doing it, we are still totally committed to supporting it, because it is big and it is good for Gibraltar, and therefore if there is anything that they want specifically to know, I can get the company to give me whatever information they want, and pass it on to the hon. Member, but preferably not passing on things publicly, because we do not want to make things more difficult for this project. We want to make it easier so that it will happen quicker, the money will be coming in quicker and there will be more activity. But, for example, the questions on the effect on Government revenue and so on is something that is impossible to quantify until the thing is functioning.

A big chunk of the money is not going to be money that is going to be spent here, because what we are bringing is a huge asset into Gibraltar. Just like, for example, the cost of the Generating Station was not money, a big chunk of that Generating Station was not money spent in Gibraltar. It was money spent in Germany where the machinery was manufactured.

But, of course, it is an investment in Gibraltar of millions. It would have been the same with the one that they were going to put at the top of the Rock to suffocate us all with diesel fumes. But, you know, I am trying to be as helpful as I can, but I think we need to be conscious of how important this is, and we must do things that will make easier instead of more difficult.

Hon. C Sacarello: Madam Speaker, I would like to thank the Hon. Minister for his answer, and I am fully aware of the commercial and political sensitivities in this matter. Nonetheless, we must remember that a project of this size, huge as it is, has an impact, a real-life impact on people, so there is a huge amount of public interest, and that is where my questions are stemming from. So

I will put aside the source and the potential source of the electricity for now, but in terms of the environmental impact, so with regards to Question 797, given the fact that the site for the project is in a highly busy area in terms of commercial usage, residential, and other sites like ports, etc., has an EIA already been conducted, and will it be published, including concerns such as noise pollution, fire risks, like I said, given the sensitivity of the area?

Hon. Sir J J Bossano: Well, as I have already said, there are changes being made. For example, I think there has already been a reduction in the height, so whenever the final design is reached, and it has to go for approval, whatever the law requires to be done will be done.

Hon. C Sacarello: Will there be a consultation with residents in the area as to the impacts and their concerns?

Hon. Sir J J Bossano: I do not know whether that is normal, but from what I know about buildings in Gibraltar, when you consult people about going into a tower block where they are going to buy a property, they are all in favour, and then when they occupy their tower block and you consult them about the next one, they are all against it. So, I am not sure that you actually consult neighbours of what you are going to do. If you consult the people who are going to be in the building, they are all in favour.

If you consult the ones who are already in the building and have newcomers coming in, they are all against it, from my experience.

Hon. C Sacarello: That is understandable, but I would be grateful if you could answer if they would be consulted or not, because this is a project of much larger significance and impact. On to my next question, regarding the water. The water required for a project of this size would be similar to the total amount of water produced with rudimentary calculations already produced in Gibraltar.

Where will the water be sourced, how will it be sourced, and what type of water will be sourced?

Hon. Sir J J Bossano: The type of water? I think all the water is H_2O. I do not think there are different chemical compositions of water.

But I do not know, and I have not asked them, but of course the water may not be water that they obtain from AquaGib. It may be that they will source their own. I do not know whether it is just a coolant.

I do not know whether it has to be water specifically or whether it can be something else, because the need for water is because of the temperature that is generated in the activity of processing data, like you have with a computer. I do not know whether technically the only way of keeping the data centre at the temperature that it has to be kept is by using water. There may be other things other than water that can be done.

I do not know. But it will be done in the way that it is done elsewhere. But I think, again, even that, at the moment, at the stage of them looking at...

I mean, the two priorities at the moment are ensuring that the supply of the electricity is there. Obviously, if there is not that, then it cannot happen. And that is now almost 100% certain that it is going to happen, which is really the most crucial element.

The second part is exactly where and how it is going to be built. That is still in the stage of having discussions with different people to take into account whatever conditions have to be taken into account. Now, as I say, the only thing I can say to the hon. Member, as far as I am concerned, they contact me when they have a problem.

And my job is to solve the problems for them. I mean, the Ministry for Economic Development in supporting inward investment supports the investment by helping them to get things done, not by giving them money. We are not in a position to give anybody money.

But, of course, if they do not knock on my door, then for me it is a good sign that they are able to do the things they need to do without my help. I do not knock on their door to say I want to know how this is going. I mean, these people are professionals, they know what they are doing, you know, and therefore, if they have a problem, they know that if something is taking a long time, if, you know, they think they need an answer for something, because sometimes, crucially, paying or ordering equipment has timelines, and they are waiting for some response from some Government department.

And what I try to do is help them get an answer which may be stuck in a queue, because if it does not get the answer quickly, they may lose the opportunity to, where other people, I mean, the competition for this is driven because the demand is hugely more than the supply. That demand currently is growing faster than the supply, because with every new stage of artificial intelligence, the level of data processing is speeding up. So, it is going up in volume and in speed, right?

That is where the technology is taking us. And therefore, one of the important things for them and for us is that the quicker you get this done and put it in the market, the more success it will have because of the shortage. And if it brings people which are not the people that are dealing in billions, but the people that are dealing in trillions in the world, to use and access a facility in Gibraltar, this is a fantastic opportunity for us.

Those people will never look at the map and see Gibraltar, but they will see the data centre. And we need to understand just how big this is. And this is not something that I say I am taking any credit for.

This is not something that we were looking for. They came with a proposal to us. And of course, given the potential benefit to Gibraltar and the potential impact, not just in the actual product, but where it puts us in the global supply of data processing, we thought this is something that is too big to miss.

We have to do everything we can to make sure that it happens and that is where we are. And because these are people that have the money and we know they have the money, they do not have to go and borrow it from anybody, we are confident that it is going and they are confident that they will be able to deliver it. And of course, we hope that does whoever is in Government because it is going to be good for Gibraltar.

Madam Speaker: Any more supplementaries?

Hon. C Sacarello: Yes, Madam Speaker, thank you. Madam Speaker, there is a huge amount of public interest in this, as I mentioned before. The impact of production of the water alone would be, like I said, tantamount to the entire water production that Gibraltar has at the moment.

So of course, there is going to be a huge amount of impact physically and visually on people within the vicinity of this. In terms of what type of water, this is a question I tabled in September 2025. With respect, the Hon. Minister has had plenty of time to look into it.

There are, of course, many different types of water. So, for example, if it is fresh or potable water, then there are concerns about the wastefulness of this finite resource. How will it be produced?

If it is saltwater, then it raises concerns on biofouling, what filtration systems would be used and then the environmental regulation that would be required to ensure that there is no environmental harm with the waters released as a result of it. If it is recycled, then clearly it would be coming from, possibly from the Sewage Plant in the South District. But of course, that is a wrong location.

So perhaps the Minister would be able to provide a little bit more information on which of the types of water are envisaged.

Hon. Sir J J Bossano: Well, one thing that I know has been looked at is the fact that if you warm the water, that is, seawater, then the process of desalinisation consumes less electricity. That is

to say, warm seawater can be filtered with less consumption of energy than cold seawater. So if you use the seawater for cooling the data centre, and then the water is hot when it is cooled, the data centre, because it removes the heat, and you can then produce drinking water from that hot seawater at a cheaper price than if you get it straight from the sea.

And I know that that is one thing that is being looked at, but it may not be where we finish.

Hon. C Sacarello: Can I ask for some clarification? Am I allowed a further question? I just wanted some clarification on...

I am okay to ask, am I? Okay, thank you, sorry. So, the Hon. Minister has explained that a large part of the manufacturing will take place, and hence the economic activity will take place in the build or preparation of the projects outside of Gibraltar.

But of course, the figure published is 1.8 billion, which of course would reflect the size of the project. But actually, in relation to Gibraltar, would you be able to answer questions on the actual economic benefit to Gibraltar in terms of the economic markers? Have any deals been struck with regards to PAYE or Corporation Tax to attract this level of investment? I will leave it there.

Hon. Sir J J Bossano: The Corporation Tax and the PAYE will of course inevitably happen when we are in the next term, still in Government. So, I welcome that he is asking me where we are going to be there, where we are heading when we are there.

But it is totally speculative. I mean, the hon. Member has also to take into consideration that today we are in a world where things are no longer labour incentive. So, the development of our economy in looking into the future is going to be an economy that depends less on PAYE because like everybody else, there will be more automation and more artificial intelligence and less humans needed.

This is inevitable. This is going to happen. And the people who do not do it will be the people that will go bust because a competition will be doing it.

So, it is Corporation Tax is where for us the attraction is because labour in Gibraltar is not the cheapest in Europe. But the Corporation Tax we have got competes with the Irish Republic and I think they are the ones that are also attracting the big data companies. And that is where the example of the economy of Ireland is that they went from being relatively poor compared to the UK to having a massive surplus from multinationals that are based there.

That is an ideal model for us to follow where it is not from labour that we get our money but from huge businesses that are doing all the business from Gibraltar and not in Gibraltar. The potential for Gibraltar's economy to develop by doing things in Gibraltar is limited. It is limited by size and it is limited by population.

The potential of doing things from Gibraltar into an economy of 480 million now on the verge of being extended with a market of Mercosur that is going to have free trade with the European Union and therefore we will be included in that treaty by definition is the way we have to see where our future is. And our future is in getting people that use Gibraltar as their base and therefore in this case they are going to be using it as their base, and they are also going to be in effect manufacturing from Gibraltar a capacity for data processing. As long as we are able to grow on that given the fact that we have got more space inside the rock than outside if that presents new possibilities this could become very big.

But it is all speculation and really although we are not supposed to be dealing with speculation the message that I want to convey is that this is not something that we are getting straws from the air. This is something that is what the real world is. It is not something that is unique to Gibraltar.

It is something in which we are not it is a market in which we are not present now. It is a market where we need to be present if we want to be able to be as well off in the future as we have been with what we have done in the past. But it is difficult to give specific answers to something that is two years away. I hope to still be around two more years.

Madam Speaker: All right we are going to move on now. And before we do for the avoidance of doubt and so that no hon. Member feels they have been treated differently to others I will just highlight that the Hon. Leader of the Opposition had three questions and three supplementaries. The Hon. Mr. Bossino had three questions three supplementaries and the Hon. Mr. Sacarello had six questions and six supplementaries. That brings a total of 12 on this subject and I think this subject has been sufficiently aired so we are going to move on to the next question.

Q802/2025
Financial security –
National Mint Limited obtained from Community Credit Union Co-operative Limited

Q803/2025
National Economic Plan –
Role of Community Credit Union Co-operative Limited

Q924/2025
Principal Auditor's Report for 2018/2019 –
Loan to Community Credit Union Co-operative Limited

Clerk: Question 802, the Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise what financial security has the Gibraltar National Mint Limited obtained from Community Credit Union Co-operative Limited in respect of loan notes purchased from or money advanced to Community Credit Union Co-operative Limited by the Gibraltar National Mint Limited?

Clerk: Answer, the Hon. Minister for Inward Investment and the Gibraltar Savings Bank.

Minister for Inward Investment and the Gibraltar Savings Bank (Hon. Sir J J Bossano): Madam Speaker I will answer this question with Questions 803 and 924.

Clerk: Question 803, the Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise the role of Community Credit Union Co-operative Limited within its National Economic Plan?

Clerk: Question 924, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: Specifically how and to what extent has the £50.5M loaned to Community Credit Union Co-operative Limited and referred to at pp50 and 52 of the Principal Auditor's Report for 2018/19 (in two tranches of £40M and £10.5M respectively) been further used, transferred or further loaned, to whom and for what purpose providing the date of each transaction, the specific corporate vehicle, entity or person receiving any funds derived from the said monies and the purpose for which the funds have been received?

Clerk: Answer, the Hon. Minister for Inward Investment and the Gibraltar Savings Bank.

Hon. Sir J J Bossano: Madam Speaker Community Credit Union does not have a role within the National Economic Plan however the Savings Bank invests in loan note issued by the company. It provides funding to private sector projects that promote economic and social benefits to Gibraltar. The GSB has invested £906 million in nine money lending entities in Gibraltar and £210 million in 36 money lending entities in the UK in addition to the amount invested in Community Credit Union.

None of these money lending entities publish a list of the customers to whom they have made loans. Loan notes purchased from Community Credit Union are secured by a first charge on all the company assets. The investments in the other money lending entities do not provide any security.

Madam Speaker: The Hon. Leader of the Opposition.

Hon. Dr K Azopardi: I have not asked about the other money lending institutions for which I assume he means banks. I do not know but it is not the question I asked. I asked about the £50.5 million and for what purpose they have been used. Will the Minister answer that question or is he saying he is not willing to answer it? He gave an answer, but the answer does not suggest he is either willing or unwilling to answer it. So, I am giving him a second opportunity to answer the more specific question I asked in relation to the £50.5 million and what it is been used for.

Hon. Sir J J Bossano: Well, the answer that I have given him is that the use of the money by Community Credit Union is in promoting investment in Gibraltar. I appreciate that what the hon. Member is saying is he is not interested in the £210 million that are used by companies in the UK to create jobs in the UK and pay PAYE in the UK because that does not interest him. And he is not interested in how the £900 million that is in local lending institutions are being spent.

He is only interested in this one for some peculiar reason that is not evident to me. So, the answer that I gave him in saying that the company does not publish because the company is not a Government company. The company does not publish the projects that are being supported by the company.

The company is not doing anything different to all the others. So that is the reason why I gave him the information that he did not ask for, was to put it in the context of why it is that the information is not one that I can give him. Because it is not information that is put in the public domain by any money lending institution.

Hon. Dr K Azopardi: But, I mean, with all due respect, I mean, other money lending institutions, I assume he is meaning banks, right? No one thinks that Community Credit Union Cooperative, is the same as NatWest Bank or Barclays Bank or Lloyds Bank or whatever other bank. And so, and I have asked, it is not that I am not interested in other investments.

I am interested specifically, if I were to ask about other things, Madam Speaker might call me out of order because I have not filed a question on this. I am asking about the £50.5 million. Why am I interested in it?

Because the Principal Auditor's report refers to it. It is the biggest transaction referred to in the Principal Auditor's report. And people are interested in what this company is doing with that money.

With his responsibility for the Savings Bank, is he saying that he does not know what this company is doing with this money and that he thinks that is, okay?

Hon. Sir J J Bossano: I am not saying that I do not know, and I think it is okay. I am saying that it is not okay to expect a company that lends money to publish who its customer is and what they are doing. That is what I am saying.

It is not normal. It is not done by anybody else. The fact that the Principal Auditor, amongst his many errors, expected that this should be made public, well, look, the comparison he did was to

say, well, you mentioned the name of the entity that the Savings Bank pays when it buys a loan note.

Yes, of course. We provide a list of all the people that get the money from the Savings Bank. We then do not provide another list where they all deal with the money.

The fact that the Principal Auditor chose to use this exception is only evidence of one thing, of how much in tune the Principal Auditor is in the thinking, the former Principal Auditor, was in the thinking of the hon. Member opposite. I mean, does he really think that you can have a lending institution in Gibraltar that, because the Government of Gibraltar through the Savings Bank, gives support because we know that it is a Government, that money is being invested in Gibraltar and it is not being invested outside Gibraltar. The fact that we know that it is being invested in Gibraltar does not mean that we say, because we know that you are investing the money in Gibraltar, you now have to publish it.

The Principal Auditor might think that. The hon. Member might think that. We do not think that is legitimate or correct.

Hon. Dr K Azopardi: Madam Speaker, the Minister has said that Community Credit Union Cooperative Limited has no role in the National Economic Plan. He has spoken about his National Economic Plan and the objectives of it, but it has no role in it. And yet, the Government, through the Savings Bank, he has just said, has agreed to structure a loan of £50.5 million to this company for use of investments. But he is being opaque with the House, and the people of Gibraltar, in relation to the purposes for which this money is being used. Does he seriously think that people are not interested or have a right to know where this money is going? I mean, at least will he tell the House who is deciding who gets the benefit of the £50.5 million?

Hon. Sir J J Bossano: The benefit of the £50 million? Who gets it? The benefit is Gibraltar and it is the citizens of Gibraltar and the people who get employed as a result of that investment. The same as with all the other money that is reinvested in Gibraltar. Those are the beneficiaries.

And if there is a situation where there is an institution that can provide money to the private sector, then we are willing to support that institution to do it. We are doing it with banks in Gibraltar. But the banks in Gibraltar, there is no, the hon. Member opposite says, well, NatWest, there is no problem in giving the money to NatWest.

Well, there is no problem in giving the money to NatWest. But then NatWest may say to a local business, no, I cannot lend you the money or you have to pay me more interest for the money. So, the beneficiary may not be here.

The money in NatWest may not be reinvested here. And therefore, if I have to choose as Minister for Economic Development to provide funding to somebody that is going to spend the money in Gibraltar and create economic activity in Gibraltar and somebody that may not. So, this is a company that is supporting investment by local companies in local projects.

And they are not, there is no requirement just because the former Principal Auditor thought it was a good idea to ask who are they that does not entitle him to do it. The fact that he asks does not entitle him or the Member opposite to require us to say to this company you have to publicise what no other lending company in Gibraltar does. The fact that tomorrow another lending company may come to us and say look, we are interested in issuing loan notes.

If we bought £10 million of loan notes in a bank for a particular project it is not up to me to tell them I need to know when you are going to do it but you are going to have to go and make it public. And that is a position. If the hon. Member thinks otherwise well, he is entitled to think otherwise.

Hon. Dr K Azopardi: I think the hon. Member misunderstood the question because he talked about beneficiaries over vaguely and I am interested in beneficiaries, but he did not give me a specific answer. I asked him who takes the decision. Who takes the decision this £50.5 million that was parked with this structure who then takes the decision of who gets the benefit of that money?

Is he aware who takes the decision and is he aware for the purposes for which this money has been used as Minister is he aware of those things?

Hon. Sir J J Bossano: When they request funding and we issue loan notes an assessment is made and currently we are now working with other banks in Gibraltar to extend a similar provision so that other banks for example in Gibraltar have got a difficulty in making loans beyond a certain size to one particular customer and we are now working with them to do the exercise that previously we were doing on our own of assessing the viability of the investment and assessing of course the security that is a normal thing that we do before we approve any investment.

Hon. Dr K Azopardi: Can I ask the Minister then who is 'we' and is he then saying that he is involved in the ultimate decision making as to the deployment of parts of this £50.5 million and can I ask him on a final occasion to tell the House the specific purposes for which the money has been made?

Hon. Sir J J Bossano: The specific purposes have been for projects that are resulting in economic development and activity in Gibraltar. A number of different projects with a number of different people and the case is presented by the person, that is, the entity, Community Care Union puts to us what the project is that they wish to fund and they understand how the repayments are going to be and how the money is going to be spent. Therefore, an assessment is made by that by the people in the savings bank that need to approve and then it comes to me for final approval.

Hon. Dr K Azopardi: Madam Speaker, just extending. Madam Speaker, and I am not being difficult with my supplementaries because I have asked in my original question what the specific purposes are and I have asked him again and he says they are for projects, all right, but I have asked in my original question what the specific projects are and I have asked him for the specific names of the corporate vehicles and the specific projects.

Is he unwilling to give me that answer? This is not taking him by surprise because it was in my original question. Is he unwilling to give me the answer that I have asked for in my original question?

Hon. Sir J J Bossano: It is not that I am unwilling, I think he is not entitled to that information and I think he is not entitled to come to Parliament and say that I should divulge information that is commercially, I would say probably against data protection, to say well look if you are providing funding to a company in the private sector you have to go to Parliament and tell Parliament what the project is and who the person that is doing the investing of that money is. So I do not believe it is a legitimate question in the sense that I do not think it is entitled to require for that information to be put in the public domain because no other competing entity in Gibraltar or UK who we supply money to, many more millions than this, is required to tell us how they are using the money.

Madam Speaker: The Hon. Mr Clinton.

Hon. R M Clinton: Thank you Madam Speaker. I will try and be brief in my questions, but you will appreciate it is a fairly complex topic. Madam Speaker, if I can just turn to perhaps the simplest one which the Minister can answer in relation to 802 in which I asked about the security given to Gibraltar National Mint by Community Credit Union Cooperative Limited and I believe the Minister said, I just asked him to confirm, I believe he said a first charge on the Company's assets.

I do not know if the Minister has checked but the last time, I had a look at the Companies House website there was no charge registered. Is it the Minister's understanding that there should be a charge registered?

Hon. Sir J J Bossano: Well I do not know whether it should be whatever it is that is looked but what I know is that we have it in writing and that the assets are in excess of the amount that is owed, that I can tell you.

Hon. R M Clinton: Madam Speaker, I just want to unpack my Question 803 together with an element of what the Leader of the Opposition asked about and in 803 he was asking about the role in the National Economic Plan and the Minister told the House that he has no role in the National Economic Plan but then when we we try and delve into what this entity is doing, which by the way for the information of the House was incorporated on the 17th of January 2023 so not a new entity and is owned by Community Initiatives Limited which is a registered charity of which we have come across before in this House and as we know Community Initiatives has a whole group of other entities such as the Rooke site and other elements which Sir Joe Bassano is well familiar with. But can I ask him this firstly, he said that or words to the effect that this is a money lending institution, can he clarify what he means by that because I do not believe it is regulated by the Financial Services Commission, I do not believe it is a bank.

Hon. Sir J J Bossano: It is a money lending institution because it is licenced to lend money.

Hon. R M Clinton: I am grateful to the Minister for that, I think I had a question pending on that at least now we have the answer and he talks about Madam Speaker promoting investment in Gibraltar for the benefits of Gibraltar and the citizens of Gibraltar and investing in local projects and that ultimately the Minister gives final approval for these projects. But Madam Speaker I mean I have in front of me three charges of three local companies which are charges registered by Community Credit Union Cooperative Limited. I am not going to name these companies across the floor, but the Minister will be fully aware of these three entities and these three entities as far as I can tell are not developing new economic projects in Gibraltar but instead buying up other businesses in Gibraltar.

I mean the number of companies is changes by the day, the last number I heard was like 32 companies. I mean does the Minister consider this an appropriate use of Savings Bank money effectively giving it to a private investor to buy local businesses to increase their personal wealth. Where is it this is the generation of economic activity in Gibraltar if all this money is being used for is to buy other businesses?

Hon. Sir J J Bossano: Well, I do not agree that all the money is being used for what the hon. Member says but of course I have already said that I am not going to say what it is that the money is being used for. First of all, the Credit Union does not depend solely on the Savings Bank for funding, it has its own other sources of funding. And secondly the fact that somebody may buy a company that is on the verge of going bankrupt is something that is of benefit to stop the bankruptcy or the fact that somebody may consolidate a business to make it more efficient is still something that is worth supporting from the point of view of the performance of the economy.

So he may have a particular view of what is happening but what is happening is that as far as the money that is sourced from the Savings Bank is sourced for the Savings Bank for something that demonstrably has a positive effect on the economic factors and the performance of the economy. There may be other things that are being done which are not necessarily financed with the money that we have provided which may be which would not fall into that category. And as I have already mentioned this is now I am in the process now of doing similar exercises with other banks that have approached me to to be able to provide more money to private business sector where they have a problem in being able to finance things and business says have difficulty in expanding.

And given that that you know I believe that private sector has to be supported and helped to be able to grow. I am happy to look at doing similar things with other entities.

Hon. R M Clinton: Can I ask the Minister, I mean we have spoken ad nauseum in the past about Credit Finance in this House. Why is the Government using this particular vehicle and not Credit Finance? I mean you have Credit Finance already in existence with a money lending licence which is doing such a thing.

Why the need for this entity which is not actually Government owned but of which the Minister is making decisions? I just do not understand.

Hon. Sir J J Bossano: Well, I have on many occasions in the past told the hon. Member that we are here to give information that they are entitled to, in our judgement, of what we do, not necessarily of why we do it. You know that is a we take a policy decision but I also have told him that the primary role of Credit Finance from the beginning was to be able to finance the conversion of pensions which is now running at £60 million a year into the basic thing was a reverse annuity. So, whether we are with an annuity you know you convert a sum of money into a flow of income and what we are doing is the reverse.

We buy the flow of income from the Civil Servant that wants to do it, and we give him a pot of money. That is the main role of Credit Finance and then that money finishes being deposited in the Savings Bank. we provide the most competitive role which in his budget speech he drew attention to that I had said that as if that meant that there was no value we were doing because all we are doing is providing competitive role. Well the capitalist system believes in competition and the capitalist system believes that the people that produce competitive products are what makes the system work and therefore we provide competitive rate for a very simple reason because we are more efficient than anybody else in terms of our costs. Therefore have smaller margins and because we do not have to have debt capital like others because we have got 70 odd million or 80 million in reserves because you choose to have because as the hon. Member has told me the law says we do not need to have it. He has recommended to me that we should not have it and that we should pass the money to the Government rather than leave it there. But the fact that our operating costs are lower and that we do not have capital to service means that we can produce more competitive rates and because we compute more competitive rates we pass the part of the value of that to the private sector, therefore provide better terms to private businessmen in Gibraltar and we have got a queue of people wanting to access this and as I have said, banks wanting to cooperate with us in doing it and that is a good thing because it will mean that things that might not happen for lack of access to capital at affordable costs will happen because we bring the cost down.

Hon. R M Clinton: I am grateful to the Minister for expanding on his answer. If I may ask Madam Speaker, he just mentioned as a queue of people wanting to access the services or facilities provided by presumably meant Community Credit Union Cooperative Limited. Can I ask how does one go about doing that I mean where is it advertised I mean is there a leaflet people can pick up because you know we do not know anything about this in the public domain other than what we read in the Principal Auditors report. I mean where do you know private sector investors access information on this facility.

Hon. Sir J J Bossano: In Gibraltar you do not need to advertise anything the reality is that without advertising people approach me so why should I have to advertise it. I mean, the whole of the private sector of Gibraltar is very small everybody in every sector of the private sector knows what everybody else is doing or easily either he is living in a different Gibraltar to the one I know or he has not taken that into account the reality is that the mechanism that we are using is sufficiently in the public domain by word-of-mouth for people not to need to be advertised. I mean this is not an initiative that has been started by me in terms of this is what I want to do in the National Economic Plan, and this is you know part of it. I mean this is an initiative from the business community because the initiative from the Government was in the area of the companies that have been funded which have a specific role to do a specific thing which was the thing that

we put in the manifesto which was the creating a more accessible price for pensioners to be able to downsize from their property which is the one that we are doing in the in the Laguna. So that I mean there is no mystery about what that company is doing that company is doing that and nothing else so you do not need to ask a question what does it do what it does is what it says it was it set out to do so we have got that company that is funded by loan notes from the Savings Bank and it is doing a particular thing which is a something that the Government wanted to happen. It is not being done by the Government in the sense that the Government is actually responsible for the building, it is done as a private sector initiative funded by us in and therefore delivering a something that we think was a gap in the provision of housing in Gibraltar. Why was it done? again because somebody came to me and said look I have got a problem because I my my children are grown up, we are in a big house, we bought that house long ago and now it is worth much more money but I cannot go into the pensioner homes that are built by the Government for rental. Because the rule is that homeowners cannot go into Government rental property, otherwise they would just sell the houses and go back, and this would be never-ending. But elderly people who have been encouraged to become homeowners have a right to expect that we could find a way of helping them what the way of helping. We then said well okay let us see if we can get somebody to take on the responsibility of producing homes which will be sold at cost and therefore somebody may say, well what I bought for say £50,000, 20 years ago as I now sell for £30,000 and then I can buy a pensioner home, I sell at a price of £300,000 and I buy for £200,000 and that pensioner has got £100,000 and it is got a smaller home. That is what we are trying to do, I think it is a good thing to be doing. I would imagine that the hon. Members also think it is a good to be doing and therefore there is no doubt what that is what that thing is doing. That's why we are funding it and we are funding it as well with the security that if the property is not all sold then if there was nobody willing to buy it or we have exhausted that market we can always be sell it not to a restricted market. Therefore, we are confident that the capital value that we are lending against is in excess of the money that we are providing. The other one is what we are doing the pre-war refurbishments which hon. Member asked about and that you know it is a slow process but we go from one to the other and you know I think we have done about eight or nine of them now. So apart from that you know that the other thing that were the third element is this initiative of finding ways of giving support to the private sector to either expand or make their businesses more efficient or amalgamate businesses or buy new equipment or so it is all about increasing the efficiency of a private sector which is to the benefit of the businessmen in the private sector and to the benefit of the economy.

Madam Speaker: One last one.

Hon. R M Clinton: Thank you Madam Speaker. My last question. Everything the Minister described in terms of what Community Credit Union is doing with their money lending licence but by lending directly to private sector companies and effectively what the Minister has said of which I understand correctly is assisting businesses where other banking institutions may find they breach their large exposure limits and therefore cannot lend large amounts of money to particular entities. Given the private sector equity nature of this and you know the complex financing decisions that are required I mean what sort of financial expertise does this entity have access to or is it that the Minister's providing input from the Treasury Department. Does the Minister have any sense of how the risk is being managed in this entity?

Hon. Sir J J Bossano: Madam Speaker there has to be a business case made and that business case is I do not assess the business cases, these are assessed by the people we have got in the Treasury but the political decision of whether we do it or not is mine. I am responsible for the Savings Bank and I have to satisfy myself that independent of the advice that I get that there is negligible or zero risk in in in the in the investment that we are supporting and that is something that I am prepared to do politically and defend politically but of course I do not get involved in the

details of that that precede the decision. I would not have the time to do it I have the ability to do it, but I do not have the time.

Madam Speaker: The Hon. Mr Bossino.

Hon. D J Bossino: Yes if I may Madam Speaker in relation to the sources of income which this entity receives and it is Community Credit Union Cooperative Limited the Hon. Minister said that it did not just receive income from the Savings Bank and he made a reference to other sources, is he able to provide us with indication of what those sources are?

Hon. Sir J J Bossano: I mean if somebody else other than the Savings Bank buys loan notes from something that is not in the Government why does he think that I should tell him who they are? What does it have to do with him or me or anybody else? It's not the Government.

Madam Speaker: Next question.

Chief Minister (Hon. F R Picardo): Madam Speaker I know we have been at it now for two hours is it a convenient moment to break for 15 minutes before we start questions from the Hon. Minister for the Environment?

Madam Speaker: To my understanding there are still two more questions outstanding for the Minister for Inward Investment and Gibraltar Savings Bank. Perhaps the Hon. Minister would like us to finish with those two questions before we adjourn.

Hon. Chief Minister: Yes, sorry I thought the indication was we were starting with the with the new Minister, but we should finish questions to the hon. Member and then have the break.

Madam Speaker: Question 921.

Q921/2025
Registrar of Cooperative Societies –
Cooperative Societies Act 1971

Q922/2025
List of societies registered –
Cooperative Societies Act 1971

Q923/2025
List of entities to whom permission has been granted –
Cooperative Societies Act 1971

Clerk: Question 921, the Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise who is the Registrar of Co-Operative Societies, under the Co-Operatives Societies Act 1971?

Clerk: Answer, the Hon. Minister for Inward Investment and the Gibraltar Savings Bank.

Minister for Inward Investment and the Gibraltar Savings Bank (Hon. Sir J J Bossano): Madam Speaker, I will answer this question together with Questions 922 and 923.

Clerk: Question 922, the Hon. R M Clinton.

Hon. R M Clinton: Can the Government provide a list of societies registered under the Co-Operative Societies Act 1971?

Clerk: Question 923, the Hon. R M Clinton.

Hon. R M Clinton: Can the Government provide a list of entities to whom it has granted permission to use the word 'co-operative' under s 58 (1) of the Co-Operative Societies Act 1971, including the date of such permission?

Clerk: Answer, the Hon. Minister for Inward Investment and the Gibraltar Savings Bank.

Hon. Sir J J Bossano: Madam Speaker currently there are no there is no Registrar of Cooperative Society appointed. There are currently no societies registered under the Cooperative Societies Act and no permission has been given to use the word cooperative, and Community Credit Union no longer makes use of the word cooperative.

Hon. R M Clinton: I am grateful to the Minister's answer. If I am to understand him correctly in his last response are we to understand that what we were calling Community Credit Union Cooperative Limited has now changed its name is that what the Minister is telling in the House and if so what is its current name?

Hon. Sir J J Bossano: It has now removed the word cooperative from name.

Madam Speaker: All right I understand then that ends the questions to the Minister for Inward Investment and Gibraltar Savings Bank.

Before I call the adjournment, I would like to remind Members of the importance of giving way to the Chair when the Chair is speaking and of accepting a direction from the Chair. It is vital that hon. Members do not disrespect Parliament. Courtesy and respect for parliamentary procedure is what gives Members the right to remain in this Chamber during any given session. It is vital that rules and procedure are observed because without that cooperation from hon. Members this House cannot function with integrity and on that note, I will now recess for 15 minutes.

The House recessed 11.32 a.m. at and resumed at 11.45 a.m.

Clerk: Questions to the Hon. Minister for the Education, the Environment and Climate Change.

EDUCATION, ENVIRONMENT AND CLIMATE CHANGE

Q738-742/2025
Pupils attendance –
Broken down by school & intervention by the Department of Education

Clerk: Question 738, the Hon. A Sanchez.

Hon. A Sanchez: How many pupils have had an attendance rate of 85% or lower between 1st September 2023 and the present date, broken down by school, by month, and by attendance rate band (for example: 80–85%, 70–79%, 60–69%, and below 60%)?

Clerk: Answer, the Hon. Minister for Education, the Environment and Climate Change.

Minister for the Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker I will answer this question together with Questions 739 to 742.

Clerk: Question 739, the Hon. A Sanchez.

Hon. A Sanchez: How many pupils have remained below the 85% attendance threshold for:

(a) one term;
(b) two consecutive terms; and
(c) the full academic year to date?

Clerk: Question 740, the Hon. A Sanchez.

Hon. A Sanchez: What have been the main recorded reasons for pupils having an attendance rate of 85% or lower since 1st September 2023, categorised under:

(a) Physical illness or medical reasons;
(b) Mental health or emotional well-being;
(c) Family-related issues or caring responsibilities;
(d) Disengagement or truancy;
(e) School-related factors (e.g. bullying, academic difficulties); and
(f) Any other category recorded.

Clerk: Question 741, the Hon. A Sanchez.

Hon. A Sanchez: Since 1st September 2023, how many pupils with an attendance rate of 85% or lower have been referred to, or involved with, external agencies such as the Care Agency, or any other relevant entity? Can the Government provide a breakdown by month indicating the number of pupils and the agency or entity to which they were referred?

Clerk: Question 742, the Hon. A Sanchez.

Hon. A Sanchez: What measures of intervention or support have been implemented by the Department of Education or individual schools to assist pupils whose attendance has fallen to 85% or lower?

Clerk: Answer, the Hon. Minister for Education the Environment and Climate Change.

Hon. Prof. J E Cortes: The answers are set out in a slightly different way from how they were requested, and I will explain. The statistics are collected for under 85% and not 85% *and under* for all children of compulsory school age, and they are collected by term rather than by month. I therefore hand over a schedule with information on attendance for under 85%, set out by term.

ACADEMIC YEAR 2024-2025			
NUMBER OF PUPILS UNDER 85% in one term	NUMBER OF PUPILS UNDER 85% 2 terms Consecutively	NUMBER OF PUPILS UNDER 85% 3 terms Consecutively	NUMBER OF PUPILS UNDER 85% 2 terms non-Consecutively
973	301	235	111

ANSWER TO QUESTION 742

ANSWER TO QUESTION 738

	Secondary Schools	2023-24			2024-25		
	* DOES NOT INCLUDE YR 11	AUTUMN TERM	SPRING TERM	SUMMER TERM *	AUTUMN TERM	SPRING TERM	SUMMER TERM*
SCHOOL	**% ATTENDANCE**	**NUMBER OF PUPILS**					
Bayside	80-84%	100	84	65	100	84	72
	70-79%	110	90	40	82	73	113
	60-69%	32	36	108	22	26	38
	BELOW 60%	54	80	113	52	34	52
Westside	80-84%	80	19	146	100	124	106
	70-79%	86	104	158	96	100	89
	60-69%	40	49	71	45	33	39
	BELOW 60%	45	69	77	64	88	59

	Lower Primary Schools	2023-24			2024-25		
		AUTUMN TERM	SPRING TERM	SUMMER TERM *	AUTUMN TERM	SPRING TERM	SUMMER TERM*
SCHOOL	**% ATTENDANCE**	**NUMBER OF PUPILS**					
Notre Dame	80-84%	15	22	27	15	10	24
	70-79%	10	15	38	7	11	22
	60-69%	3	4	3	4	4	8
	BELOW 60%	1	2	6	4	4	3
Governor's Meadow	80-84%	14	15	9	4	4	9
	70-79%	11	10	8	9	9	8
	60-69%	3	3	8	2	2	8
	BELOW 60%	3	3	1	2	1	1

St. Paul's	80-84%	11	12	8	2	5	10
	70-79%	6	5	10	0	7	5
	60-69%	0	4	1	0	1	1
	BELOW 60%	0	1	1	0	0	1
St. Mary's	80-84%	3	6	6	6	1	0
	70-79%	3	1	12	4	6	10
	60-69%	2	1	0	1	1	3
	BELOW 60%	0	0	0	0	0	0
St. Bernard's	80-84%	10	5	10	4	9	11
	70-79%	4	3	8	5	3	11
	60-69%	1	3	1	3	3	4
	BELOW 60%	1	1	2	1	1	0

St. Joseph's	80-84%	10	10	8	10	5	13
	70-79%	10	7	13	7	9	3
	60-69%	1	4	2	0	0	1
	BELOW 60%	0	0	0	0	0	0

Upper Primary Schools		2023-24			2024-25		
		AUTUMN TERM	SPRING TERM	SUMMER TERM *	AUTUMN TERM	SPRING TERM	SUMMER TERM*
SCHOOL	**% ATTENDANCE**	**NUMBER OF PUPILS**					
St. Anne's	80-84%	29	31	44	15	35	25
	70-79%	17	9	32	20	11	35
	60-69%	5	3	13	6	7	4
	BELOW 60%	9	1	11	3	4	9

Bishop Fitzgerald	80-84%	28	21	31	25	35	26
	70-79%	17	14	26	11	14	27
	60-69%	6	3	11	3	2	5
	BELOW 60%	1	0	6	0	3	10
St. Bernard's	80-84%	18	21	16	8	21	19
	70-79%	12	23	22	9	15	25
	60-69%	1	2	3	0	2	5
	BELOW 60%	0	3	4	1	0	2
St. Joseph's	80-84%	6	7	12	12	14	1
	70-79%	9	15	11	10	17	3
	60-69%	0	5	4	0	3	2
	BELOW 60%	0	1	1	0	2	1

Madam Speaker: That is for 738.

Hon. Prof. J E Cortes: Yes, Madam Speaker 738. Madam Speaker, in relation to Question 739, the information is as follows. For the academic year 2024–25, the number of pupils under 85% in one term is 973. The number of pupils under that percentage for two consecutive terms is 301. The number of pupils under 85% for three consecutive terms is 235, and the number of pupils under 85% for two non-consecutive terms is 111.

Madam Speaker, the main recorded reasons for pupils having an attendance rate under 85% or lower since 1 September 2023 are physical illness or medical reasons, including matters relating to mental health or emotional well-being. Low school attendance is a complex issue, Madam Speaker. It cannot be attributed to a single cause, as a range of interconnected factors can influence a young person's ability or willingness to attend school regularly.

These include family-related issues, such as caring responsibilities, instability at home, or wider social pressures. They also include school-related factors, such as bullying, academic difficulties or a sense of disconnection from the school environment. Crucially, these factors are often closely linked to a young person's mental health and emotional well-being. Anxiety, low mood or other emotional challenges can both contribute to and be exacerbated by periods of absence, creating a cycle that can be difficult to break without timely and coordinated support.

That is why, Madam Speaker, we take a holistic approach that focuses on early identification, strong collaboration between schools, families and local services, and providing targeted support to address the underlying causes of non-attendance.

In relation, Madam Speaker, to Question 741, there have been 21 pupils referred to the Care Agency since 1 September 2023 where the primary reason for the referral was missing from education. In September 2023 there was one referral involving two children. In October 2023, two referrals involving three children. In November 2023, one referral involving one child. In February 2024, one referral involving one child. In May 2024, one referral involving one child. In June 2024, one referral involving two children. In July 2024, one referral involving one child. In November 2024, three referrals involving five children. In December 2024, two referrals involving two children. In March 2025, one referral involving one child. In May 2025, two referrals involving two children.

There may have been more since May, but my figures have not been updated. I can provide that information after today's session. Children are not referred to external agencies solely on the basis of attendance concerns. Referrals are made according to the underlying issues affecting the child. Where safeguarding concerns are identified, referrals may be made to the Care Agency, and where matters relate to emotional well-being or mental health, appropriate referrals are made to the relevant mental health services.

Some young people have also been referred to a new initiative, the Youth Compass initiative, which is a joint initiative between the Youth Service of my colleague to my right, the Ministry of Youth, and the Department of Education. This initiative is designed to provide a safe, engaging and nurturing environment to foster resilience, personal growth and reintegration into education, training, employment or the community. Its aim is to help young people develop self-confidence, a positive identity and coping mechanisms in order to thrive in a changing world. There have been 12 referrals since its inception in April of last year.

I am just going to amend this, as it was drafted before the end of December. Where low school attendance has been a central concern, the following referrals have taken place. In April 2025, one referral. In May 2025, one referral. In June 2025, four referrals. In September 2025, two referrals. In October 2025, three referrals. In November 2025, one referral.

In answer to Question 742, I can confirm that interventions for pupils whose attendance falls below 85% are determined on an individual basis and are guided by a clear attendance policy and protocol, which are regularly reviewed and updated by the Department of Education, although a child does not necessarily have to fall below 85% to receive support. The policy promotes early identification of barriers to attendance and the provision of tailored, multi-agency support to address the underlying causes of absence.

Actions may include therapeutic and pastoral support, such as counselling, mentoring or well-being interventions for pupils experiencing emotional or mental health difficulties; flexible educational arrangements, including adjustments to individual timetables, phased or reduced attendance plans, modified start and finish times, or the removal or adaptation of lessons or activities known to trigger significant anxiety; a supportive school environment, including access to quiet or alternative spaces during unstructured times to promote emotional regulation and a

sense of safety; additional adult support in school to help pupils build trusting relationships, manage anxiety and re-engage with learning; school transfers where these are deemed to be in the pupil's best interests; remote learning provision, including access to home-based work or live online lessons through platforms such as Zoom, as part of a phased reintegration plan; referral to specialist or alternative education programmes, including the Youth Compass initiative; pre-16 college routes for vocational engagement; TLC placements for outreach support from the TLC team; outdoor and experiential learning opportunities, including activities such as climbing or paddleboarding to build resilience, confidence and social skills; regular communication with parents and carers to ensure a shared understanding of plans and joint decision-making; collaboration with other agencies, including health, youth and social services; signposting to additional support and community initiatives; and training for school staff in trauma-informed practice, enabling educators to better understand and respond to the needs of pupils affected by adversity.

This, I think you will agree, Madam Speaker, is a comprehensive, child-centred and collaborative approach designed to remove barriers to attendance, promote emotional well-being and ensure that every young person in Gibraltar Government schools has the opportunity to engage fully with their education.

Madam Speaker: In relation to Question 738, the hon. Member has been provided with a schedule. We can return to that if she would like some time to consider it, unless she wishes to deal with it straight away. Otherwise, we will start with Question 739.

Hon. A Sanchez: But as we are here, I am grateful to the Hon. Minister for that extensive answer. In terms of the attendance strategy, do you want 739 now? Yes?

Madam Speaker: will deal with 738 when the Hon. Miss Sanchez is ready, and I will take any supplementaries to that at that time.

Hon. A Sanchez: Thank you, Madam Speaker. In terms of the attendance strategy that I believe the Hon. Minister has discussed in this House before, can the Hon. Minister elaborate on whether the Department uses the UK standards and benchmarks in relation to absence in schools, such as persistent absence, severe absence and the percentages used in the UK? And is that adopted by the Department, and is it used?

Hon. Prof. J E Cortes: Madam Speaker, the UK standards are a background for information, but we do not necessarily adhere to them. We have our own protocols, and we assess the needs and the different conditions separately. So, it is there as a background to the Department, but we do not follow it completely because the local situation is not the same as the standard in the UK.

Hon. A Sanchez: Would the Hon. Minister be able to provide us with some background as to how the attendance strategy is developing, how it is working and the impact that it is having on attendance? And perhaps give us some information as to whether it is having a positive impact overall, or whether it may be the case that it is having a positive impact on, let us say, the 90% cohort, but perhaps not such a positive impact on those hardest hit, such as those in the 60% band. Is that the case, or is it generally having a positive impact overall?

Hon. Prof. J E Cortes: Madam Speaker, I think my earlier answer gave a great deal of information on what the strategy is. Essentially, the strategy is what I summarised in my answer. As to its effectiveness, I believe the answer is yes; I think it is making a difference.

I would rather look at each individual child or young person and see how their particular attendance is improving as a result of these interventions, rather than look at overall figures, because the overall figures do not necessarily reflect each and every child's journey. But my overall

assessment, and from what I hear from the Department, is that these interventions are positive. Certainly, the Youth Compass initiative, which is a multi-agency initiative, has certainly helped individual young people in dealing with issues that were keeping them away from education.

Hon. A Sanchez: Just a final question. Could the Hon. Minister clarify whether there have been any additional employment or any new posts created as a result of this attendance strategy? For example, has there been any creation of posts such as attendance support officers, or any posts of this nature, to assist in the deployment of the strategy or to further support its development?

Hon. Prof. J E Cortes: Madam Speaker, not within the Department of Education. This is work that is generally done by the Education Advisors.

Madam Speaker: Anything on 740, the Hon. Mrs Sanchez? Nothing on 740? You have on 741, yes?

Hon. E J Reyes: Thank you, Madam Speaker. In 741 the Minister gave us a figure of 21, if I am correct, of students that were referred to the Care Agency. Does he happen to have a breakdown of whether they are lower primary, upper primary or secondary, or does he only have the overall figure of 21?

Hon. Prof. J E Cortes: Madam Speaker, I do not have that information with me, but I can obtain it for him. If the hon. Member does not mind, as he usually does, sending me a note to remind me, I will provide that information to him right away.

Madam Speaker: Anything on 742? Is the hon. Member ready on 738? All right; the Hon. Mr. Reyes had a question on 738.

Hon. E J Reyes: Thank you. On 738, I am presuming the reason why there are no statistics for the College is because the students there are over 16 and therefore past compulsory school age. That leads to two small questions. One is, when we have the figures for Bayside and Westside, are we therefore not taking into account Years 12 and 13 because, like the College, they have passed compulsory school age? That is part one.

The other question that was prompted arises because, in part two of my question, the Minister indicates that the statistics do not include Year 11 for the summer term. I am intrigued, because I know that at the end of Year 11 is when students embark on public examinations, such as GCSEs, but those normally do not start until May. The summer term begins straight after Easter, and we return to school not later than mid-April, so there is a month to six weeks' worth of schooling. So, are no registers taken from the moment pupils return after the Easter break until the point where we officially break off formal delivery of classes? I know that some teachers offer voluntary classes, but I am intrigued as to why those statistics have not been included.

Hon. Prof. J E Cortes: Madam Speaker, we would have to double-check. I suspect that, on the second part of the supplementary, attendance in Year 11 becomes much more flexible in the last term, as he himself knows. Therefore, the attendance register, I suspect, is kept but would not need to be strictly applied, because some of the students might have permission to spend more time studying at home. I would have to check.

In relation to the College, the College runs in a very different way. It is much more open, almost similar to a university, in which the students do not have to be there if they do not have specific lessons. It is a very different approach. But I will check both, and once again I will offer that information to the hon. Member.

Hon. E J Reyes: Thank you, Madam Speaker. I am going to ask the Minister whether the Department is going to take any particular issue with what appears in the statistics. If one looks at the figures for Bayside and Westside, that is, the secondary school sector, let us take the autumn term of 2024–25. There are one hundred pupils in the 80 to 84% bracket in Bayside, and another hundred in Westside. Together they make two hundred pupils.

If we add, for the same period, all the students from all the upper primary schools, because all upper primaries feed into either Bayside or Westside, the figure gets nowhere near that two hundred. So there seems to be a bigger increase in non-attendance once pupils move on to secondary school. I am asking the Minister whether the Department has noted that and is investigating why that should be. The transition from upper primary to secondary can be traumatic for some students, but that figure of two hundred pupils does, for me as an ex-teacher, stand out. It seems quite high.

Hon. Prof. J E Cortes: Well, Madam Speaker, I think it is very clear, and we have said this publicly, that we are not happy with the overall attendance. We believe that we have an issue with attendance in schools. I think this is not just in Gibraltar. There was a significant uptick in school absences following COVID in many countries, including the UK.

I think you would expect that secondary school pupils would tend to have lower attendance percentages than primary school pupils. They are more independent. Some of them will be above compulsory education age. Some of them may be 14 or 15, and perhaps less dependent on their parents getting them to school. So, I think it is not surprising that attendance drops in secondary school.

I would be more concerned if the attendance figures for primary schools were worse than those for secondary schools, because that would indicate other problems that perhaps we cannot see. I think the whole community needs to recognise that our school attendance figures should improve and, at the very least, return to what they may have been pre-COVID. As I say, after COVID, for some reason, attendance fell in many countries.

Hon. E J Reyes: Thanks for the explanation, Madam Speaker. One more thing I want to ask. I know there are provisions within legislation stating that attendance at school is compulsory. Is the Minister aware whether there have been any legal proceedings, letters, warnings or legal action taken? They do happen far and few between, but it would be interesting to know whether we have reached a stage where formal legal notices have had to be issued. Is the Minister aware of any of those figures?

Hon. Prof. J E Cortes: No, I am not. This is a matter for the Director, not the Minister. The Education Act, which we passed here not that long ago, provides for this. I think the Director would have informed me of anything that had actually gone to court.

One tries to avoid legal proceedings against parents and against young people, particularly when there are many other measures that can be put in place, as I have explained, in order to encourage those particular children or young people to go to school. I suspect we have not used the legal avenue yet. I would be very hesitant to use it, except in extreme circumstances where the culpability is clearly on the part of the parents, beyond perhaps social problems that they may have, because they may themselves need assistance as well as the child.

Madam Speaker: The Hon. Mrs Sanchez had a question?

Hon. A Sanchez: Madam Speaker, I had a question in relation to the figures provided for attendance at each school. I note that St Martin's is not — and there could be… [inaudible]

Hon. Prof. J E Cortes: St Martin's is dealt with in a different way. We are aware that the children there may have medical and other issues, and therefore attendance does not form part of this

because there are social and health issues that are taken into account. So, it is not treated in quite the same way. Issues of attendance there are dealt with separately.

Hon. A Sanchez: But when parents receive reports, there is still an attendance box in the reports they receive, and they still get an 85% attendance and so forth. So perhaps, given that it is still one of our schools, for accuracy, when we ask for figures it should be included in the figures, we receive so that we can view the attendance of all the schools. That is just a note, and perhaps I could write to the Minister, and he can provide these figures.

Hon. Prof. J E Cortes: Madam Speaker, the figures were given in the context of measures taken and, because St Martin's is a different case, they were not included. However, I will seek those figures, and I will send them to the hon. Member. Again, I would appreciate an email or a WhatsApp message to remind me, because I really want to be able to provide that information, as I do with the Hon. Mr Reyes.

Madam Speaker: Next question.

Q743/2025
Historic City Under Siege Exhibition – Restoration

Clerk: Question 743, the Hon. G Origo.

Hon. G Origo: In relation to the recent announcement of the upgrade and restoration of the historic City Under Siege Exhibition, can the Government confirm what the proposed total costs of the restoration and upgrade to this project are?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for the Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, there is zero cost to the Government for this restoration. It is a privately funded project.

Hon. G Origo: Madam Speaker, may I ask the Hon. Minister, and he may correct my understanding if it is wrong: I believe an expression of interest was conducted, but no formal tender process was engaged. My understanding, based on information I have, is that a company by the name of Wright Tech was the successful entity chosen to carry out these restoration works. Can the Hon. Minister confirm whether other entities or companies expressed an interest and, if so, on what basis this company was selected?

Hon. Prof. J E Cortes: Madam Speaker, there was an expression of interest published, I believe well over a year ago. There were other companies that applied. Other companies have been given, or are in the process of discussing, allocations of different parts of the Nature Reserve. For this particular site, the panel that considered the applications concluded that this was the best option for that site.

Hon. G Origo: Madam Speaker, may I ask the Minister, because I believe this expression of interest was for the restoration and refurbishment: can he advise who will be responsible for the ongoing maintenance of the site? Is that included in the expression of interest or the commercial agreement entered into with this company?

Hon. Prof. J E Cortes: Madam Speaker, the same entity would have to maintain that particular site.

Hon. G Origo: Madam Speaker, will the restoration and development of the site have any impact on the Upper Rock tourist fees in any way?

Hon. Prof. J E Cortes: No, Madam Speaker.

Hon. G Origo: Finally, Madam Speaker, I note from the artistic impressions of the restoration and development of this site that there is one exhibition room which, on the way up to it, requires visitors to traverse a series of steps in order to enter. Can the Hon. Minister confirm whether the site intends to be fully accessible and, if so, whether this can be taken into consideration so that all members of our community have access to this new restoration and refurbished site?

Hon. Prof. J E Cortes: Madam Speaker, I do not have the detail relating to those particular steps. The intention will be to make it fully accessible, although the hon. Member will appreciate that, in some heritage sites, the heritage value may suffer if changes are made in a way that impacts the original structure. In other words, instead of removing steps and laying a concrete ramp, one might need to install a temporary or removable wooden platform.

These matters will be considered and taken into account by the entity responsible. I do not, however, have the detail for those specific steps. Once again, I am very happy to enquire and to facilitate the provision of that information.

Madam Speaker: Next question

Q744/2025
East Side Rubble waste characterisation

Clerk: Question 744, the Hon. G Origo.

Hon. G Origo: Can the Government confirm whether tests have been carried out on the east side rubble and if so, can it confirm what were the results of the waste characterisation?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for the Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, the sampling of the East Side rubble is carried out by the contractor. The Department of the Environment will check the analytical results and determine whether the material is suitable for use as fill material. This reclamation will only be done with inert and non-hazardous material, as per the Environmental Impact Assessment.

I have checked with the contractor and can share some information here. Madam Speaker, two million metric tonnes of material had been tested at the time of preparing this answer, which would have been a couple of months ago. Only 4,000 tonnes were classified as hazardous, and clearly were not used, solely because of the lead content in these samples. No other parameters

exceeded the guideline values. This equates to 0.2% of the total material, which will now not be used on site. The Department is currently in discussions with the contractor to determine what will happen to this material.

Hon. G Origo: Madam Speaker, I recall the Minister stating that the tests were carried out by the contractor themselves, but that the Government, in some form of capacity, was supervising or analysing. Can he clarify whether the Government or a Government department independently supervises the process? In other words, what we do not want is a situation where we have the contractor self-certifying its own tests and stating everything is clean and suitable for the purposes of the development.

Hon. Prof. J E Cortes: Madam Speaker, the contractor takes the sample and pays for the sampling. The Department supervises it in the sense that the tests are carried out by a fully accredited lab, to European Union standards, which performs all the screening. The Department has access to those results from the lab directly, so it is the lab that determines the result. It is not filtered by the contractor.

Hon. G Origo: Madam Speaker, I take from the Minister's original answer that parts of this rubble were deemed hazardous. I think he said there were about 4,000 tonnes. May I ask what the intention of the Government is regarding removal of this rubble? Will it be exported to Spain, or what is going to happen to it? And if that is the case, who will pay the cost? Is it the Government or the developer? Who bears the liability?

Hon. Prof. J E Cortes: Madam Speaker, the liability is entirely with the developer. As I said in my answer, we are currently in discussions as to what the destination will be. It will not be Gibraltar. It will have to be a properly accredited site elsewhere. It could be Spain; it could be elsewhere.

Hon. C Sacarello: Thank you very much, Madam Speaker. Could the Minister kindly explain if I understood correctly that the only contaminant was lead? Were there no other contaminants such as asbestos, of which Gibraltar is riddled?

Hon. Prof. J E Cortes: Madam Speaker, as I said, the only guideline value that was exceeded was lead. That is the answer I have, and therefore the answer must be that there was no other contaminant that exceeded the guideline value.

Hon. C Sacarello: So, as I understand it, there is a level which is acceptable and a level which is deemed unacceptable. Therefore, it is implied in the Minister's answer that there may be other hazardous waste at acceptable levels. Could the Minister clarify?

Hon. Prof. J E Cortes: Madam Speaker, if you sample the dust here, you will probably find traces of something at a level below the hazardous level. There are contaminants all over the place, but there are certain standards set internationally. This lab judges it by EU standards, which, if not exceeded, are deemed to be safe. I cannot confirm, because I do not have the full analytics in front of me, what levels there are of every single substance. But the only one that exceeded the level considered safe was lead.

Madam Speaker: Next question.

Q745/2025
Eastern Beach –
Cleanliness

Clerk: Question 745, the Hon. G. Origo.

Hon. G Origo: Madam Speaker, further to the Minister's admission that he was not satisfied with the cleanliness of parts of Eastern Beach, and given that dusty sand continued to dominate conversations among beachgoers during the summer months, how is the Government going to ensure that such issues do not reoccur next year?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for the Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, it is hoped that the winter storms will have washed the beach and removed a large amount of dust. Similarly, the pre-season works will include sifting and movement of the sand, which will assist in the displacement of any remaining dust.

Hon. G Origo: Madam Speaker, I recall that during the summer months, in an interview, the Hon. Minister confirmed that additional efforts for cleaning were being undertaken in respect of the beach areas of concern. Given the commentary from members of the public, and I believe there was a programme where a news outlet asked beach users for their views, and the conclusion was that they were not satisfied with the cleaning efforts, has the Government engaged with the contractor responsible for cleaning services to assess their overall performance, given that they must have been paid a substantial sum of money to carry out enhanced cleaning efforts?

Hon. Prof. J E Cortes: Madam Speaker, the cleaning was carried out throughout the summer season. It then stopped after the summer season. I think I said at the time that we hoped there would be sufficient natural movement from the sea to wash the beach. That has happened. We now need to keep an eye on it as the summer season approaches. It is possible that the sea will wash some silt ashore, which then dries and converts to dust. I am very much hoping that the beach dynamics will ensure that the beach is much clearer of dust this coming summer season.

Hon. G Origo: Madam Speaker, I believe the Hon. Minister also said in that interview that steps were being taken to ascertain the source of the dust and other contaminants. May I ask whether the Government has managed to ascertain where the problem arose? Was it linked to developments, or to persons refurbishing houses in nearby estates? It would be useful to know whether the source has been identified so that we do not find a similar situation next year.

Hon. Prof. J E Cortes: No, Madam Speaker, it was not possible to fully ascertain. However, there has been no construction along the side of the beach this year, so if that was a source, that source is no longer present. And obviously, as the works at Hassan Centenary come to a virtual end, there will be less activity there. But no, it was not possible to ascertain exactly what the source was.

Madam Speaker: Next question.

Q746/2025
Little Bay –
Construction of a pier

Clerk: Question 746, the Hon. G Origo.

Hon G Origo: The Government recently confirmed that it is still considering plans for the construction of a pier at Little Bay. Can the Minister provide further details on the proposed project?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for the Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, plans for the construction of a new pier, among a range of other beautification improvements, are still active.

Hon. G Origo: Madam Speaker, may I ask the Hon. Minister what issues are being considered that will lead to the Government's determination on whether this project is going to go ahead? Is it the results of an Environmental Impact Assessment? Is it the cost of the proposed project? I would like to understand what issues are preventing the Government from making a determination on whether this should go ahead.

Hon. Prof. J E Cortes: Madam Speaker, it is a variety of matters, including most of those mentioned by the hon. Member. It also includes considering the opportunity to revamp the area of Little Bay, as well as possible approaches from sources of funding outside the Government that may wish to support this project. There are therefore a number of factors currently under consideration. Hopefully we will have some clarity before too long and be able to make some changes in Little Bay.

Hon. G Origo: Madam Speaker, may I ask the Hon. Minister whether he has in mind a long-stop date by which he would like to take a decision on this? Is this something he wishes to decide by, or before, the beginning of the summer months? Is it something he hopes to progress within the lifetime of this Parliament? Does he have an indication of when he wishes to settle this point?

Hon. Prof. J E Cortes: I think we can see some improvements by this summer, but I think the full plan will probably not be until next.

Madam Speaker: Next question.

Q747/2025
Bayside Road cycle counter –
Trips recorded

Clerk: Question 747, the Hon. G Origo.

Hon. G Origo: Can the Government confirm how many trips have been recorded by the Bayside Road cycle counter, broken down by months, from January 2024 to date?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for the Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, I now hand over a schedule with the information requested.

ANSWER TO QUESTION 747

The data are as follows:

Date	Count
January 2024	72888
February 2024	66612
March 2024	70981
April 2024	74863
May 2024	78948
June 2024	49747
July 2024	76749
August 2024	78628
September 2024	81125
October 2024	86736
November 2024	72383
December 2024	50064
January 2025	60704
February 2025	79884
March 2025	83475
April 2025	85109
May 2025	90754
June 2025	88246
July 2025	94859
August 2025	86372
September 2025	96989
October 2025	103150
November 2025	88319
December 2025	73980
January 2026 to date	22675

Madam Speaker: We will move on to 798 and revert if necessary.

Q748/2025
Fixed speed cameras –
Fines issued

Clerk: Question 748, the Hon. G Origo.

Hon. G Origo: Can the Government confirm how many fines have been issued in respect of contravention to speeding limits via the fixed speed cameras in Gibraltar, broken down by months and camera location over the last 12 months?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for the Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, I will now hand over another schedule in respect of this question. Please note, Madam Speaker, that between May and July 2025 there was a technical fault in the system that required substantial work to be carried out on the servers. During this time, the speed cameras were not functioning. Other gaps in the data are due to individual cameras malfunctioning for a period.

ANSWER TO QUESTION 748

2024	DTREast	DTRWest	QWay	ROSIA
October	19	8	17	35
November	27	1	26	36
December	26	2	29	38

2025				
January	26	0	14	18
February	13	0	23	5
March	26	0	13	0
April	21	0	11	0
August	26	36	27	71
September	0	32	29	58
October	0	28	20	0
November	0	9	32	14
December	0	15	28	9

Madam Speaker: We will move on to 749 and then revert if necessary.

Q749/2025
Foreign registered vehicles –
Fines issued

Clerk: Question 749, the Hon. G Origo.

Hon. G Origo: Can the Government confirm how many foreign registered vehicles have been issued with fines for speeding, as a result of being captured by the fixed speed camera systems in Gibraltar, for the following years 2023, 2024 and 2025 to date?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for the Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, no foreign-registered vehicles have been issued with fines for speeding. This is due to technical issues. As this situation is not acceptable to me, I can confirm to the House that legislation will shortly be published, possibly in tomorrow's Gazette, otherwise I think next week, and new mobile speed cameras are being purchased so that foreign-registered vehicles will be fined on the spot.

Hon. G Origo: Madam Speaker, I am grateful to the Hon. Minister for his assertion that this is not satisfactory to him. In light of his answer, does he not accept that the inability to enforce speeding offences against foreign-registered vehicles seriously undermines equality before the law in Gibraltar with respect to traffic offences?

Hon. Prof. J E Cortes: Madam Speaker, this is precisely why we are taking steps to rectify the situation. Unfortunately, despite our attempts to access the procedures necessary in order to issue these fines, we have not been able to do so. Therefore, if I may put it in a certain way, we have had to take the law into our own hands, and we are introducing legislation and acquiring new equipment so that we can deal with this on the spot, without having to rely on a long-distance method of procuring fines.

Hon. G Origo: If I may, Madam Speaker, while I appreciate that no fines have been issued for speeding for the years under consideration, may I ask whether these offences are at least recorded internally, so that we have an idea of the severity of the number of foreign-registered vehicles contravening speed limits?

Hon. Prof. J E Cortes: Madam Speaker, I have to assume so, but I would have to ask the Royal Gibraltar Police for that information, and I am happy to do so.

Hon. D J Bossino: In answer to 749, which is— the question posed by my hon. Friend. He says that he has not had access to the procedures necessary. I think he said that. Can he expand more on what he means? I think I know what he means, but can he expand and state more explicitly what he is referring to?

Hon. Prof. J E Cortes: Madam Speaker, there is currently no active agreement enabling the processing of speeding fines across jurisdictions.

Hon. G Origo: If I may just pull on that thread, is that position likely to change with the results of a treaty? Is this something that we might see in future, allowing for reciprocity with other EU Member States, if we were to enter into such an agreement, which is expected to land sometime soon?

Hon. Prof. J E Cortes: Madam Speaker, possibly. However, it is not something I am prepared to wait for, which is why we are going to introduce other measures to rectify this ourselves, and then we will see what happens in the longer term.

Madam Speaker: Next question.

Q750/2025
Traffic Act 2005 –
Amend legislation

Clerk: Question 750, the Hon. G Origo.

Hon. G Origo: Further to Question 84/2025, does the Government intend to amend the legislation under the Traffic Act 2005 so as to bring section 36(1) in line with the UK standards?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for the Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, yes ma'am.

Hon. G Origo: Madam Speaker, I recall from the previous exchange on this question, which I have just referred to, that at the time the Government noted they were undergoing discussions with medical professionals because they wanted to address the serious deficiency in this section. May I ask the Hon. Minister whether those discussions have now finished and, if so, what issues are preventing the changes to this particular section?

Hon. Prof. J E Cortes: Madam Speaker, nothing is preventing it. The discussions are ongoing and the drafting is proceeding. We have some Law Draftsmen actively working on it. I hope to be able to publish the amendments within the next couple of months.

Madam Speaker: Next question.

Q751-753/2025
London-style hybrid taxis –
Projected cost, metrics used & favourable loans

Clerk: Question 751, the Hon. G Origo.

Hon. G Origo: Can the Government confirm what the projected cost is for the purchase of one of the new London-style hybrid taxis?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for the Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, I will answer this question together with Questions 752 and 753.

Clerk: Question 752, the Hon. G Origo.

Hon. G Origo: Following the recent trial of a new London-style hybrid taxi, can the Minister provide details as to what metrics will be used to assess "suitability" under Gibraltar's "unique conditions"?

Clerk: Question 753, the Hon. G Origo.

Hon. G Origo: In a press release, the Government stated that it would offer "favourable loans" to Taxi License holders to purchase the new London-style taxi. Can the Minister provide details on the proposed favourable loan terms which it is considering offering?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Hon. Prof. J E Cortes: Madam Speaker, in answer to Question 751, the London Taxi Electric Company's pricing documentation states that the starting recommended retail price for the basic model is £65,916. The actual price may rise or fall based on bulk order negotiations and required extras, such as the accessibility ramp. At this point in time, therefore, it is not possible to confirm the likely cost of the initiative.

In answer to Question 752, the metrics used for suitability were range, comfort of ride, navigation through the road system and performance in various parts of Gibraltar, in particular areas with steep hills, narrow roads and the more popular destinations.

In respect of Question 753, the terms of the loan have not yet been finalised.

Hon. G Origo: I am going to take these questions in turn. I will start with 751. May I ask the Hon. Minister whether he deemed the trial successful? Can he confirm whether it has concluded and whether he is happy with the success of the trial? Is it the intention to mandate the replacement of future taxis with these types of vehicles?

Hon. Prof. J E Cortes: Madam Speaker, the trial was successful. Certainly, my Ministry officials were happy, and so was the Taxi Association, which was able to use the vehicle for a period of time to carry out its own trials. We are in discussions with the Taxi Association as to the next steps.

Hon. G Origo: May I ask the Hon. Minister to clarify, because I do not think he answered the question directly. Is the Government stating that the replacement of current taxi vehicles with these new and better hybrid vehicles is going to be a voluntary decision for taxi licence holders, or is the Government saying that it will engage in a process in which it will actively encourage licence holders to make the switch?

Hon. Prof. J E Cortes: We are currently in negotiations, or discussions, with the Taxi Association. Personally, I would welcome the fact that they are electric, and the fact that they have the London cab look, the British look, which I think we would all welcome. But we are in discussions now to see how we can progress with this project.

Hon. G Origo: Madam Speaker, one final question on 751. I believe the Minister referred to one of the most attractive features of the new model being its disability-friendly design. In light of that, and recalling from memory that he stated in answers to previous questions that we had in our fleet two disability-friendly vehicles, and that we were going to acquire five or six more, may I ask the Hon. Minister whether we have already managed to acquire these vehicles to complement the fleet?

Hon. Chief Minister: Madam Speaker, I believe the Taxi Association or their members are in the process of doing so.

Madam Speaker: 752?

Hon. G Origo: I know that the Hon. Minister may have answered this in part. He stated that the trial, in his view, was successful. May I therefore have his confirmation that the Government has found a suitable vehicle and is no longer looking for a different model, and that this is the model we intend to pursue in order to standardise a look for Gibraltar?

Hon. Prof. J E Cortes: Madam Speaker, I can confirm that we have identified a suitable model. I should point out that these are intended for the city and airport service, and not, for example, for the Upper Rock tours. These vehicles would not be suitable for that, as we are looking at a larger number of passengers. This would be mainly for the airport and city service.

Hon. G Origo: Finally on 752, I note that the Minister said that the Association had access to the vehicle to satisfy themselves with the model. May I ask him to provide more information on what role they played in selecting the vehicle and how much time they had to assess it? I note that during National Day week, the Minister was using the taxi quite often, so I know he must have a good impression of what the car can and cannot do, and that he is happy with it. I simply want to know how much of a part licence holders, taxi drivers and the Association played in assessing the vehicle themselves.

Hon. Prof. J E Cortes: Madam Speaker I believe they had use of it for two or three weeks and several drivers used it and all the feedback that we have had is positive.

Madam Speaker: 753?

Hon. G Origo: Madam Speaker on 753 I note that the Hon. Minister said that the terms of these favourable loans were still under discussion but if I may query in respect to the press release in which this information was provided and I quote the Government stated that the vehicles would be available for purchase by licence holders and also the Association themselves has a Government been given any kind of indication whether the Association intends to purchase any of these vehicles.

Hon. Prof. J E Cortes: Madam Speaker, we are currently in discussion with them as to the next steps.

Hon. G. Origo: If the Association is currently in discussions, should it purchase one of these vehicles, would there be an impact on the Association fees from licence holders? I am trying to understand how the Association is going to fund and purchase this in its own right.

Hon. Prof. J E Cortes: Madam Speaker, I do not think there will be such an impact, but we are discussing it.

Madam Speaker: The Hon. Mr Bossino.

Hon. D J Bossino: When the Government says in its press release that the Government could offer loans, can the Minister explain what he means by “the Government”? Is it literally from public funds, meaning that we would vote on it here in an Appropriation Bill? Or does it encompass, for example, the Savings Bank, which is used for matters under the National Economic Plan? Or indeed, would it include the company we discussed earlier, which may not fall under the Government but clearly has governmental input through the Minister for Economic Development? Could he explain further what he means by “the Government”?

Hon. Prof. J E Cortes: Madam Speaker, all options are open. It could even be, in some of the discussions we are having, that funding may not come from any local body at all, at least for some of this.

Madam Speaker: Next question.

Q754/2025
Press release 516/2025 –
Earnings for the Manager post

Q755/2025
Recent Refuse Collection Reform –
Adopted overtime controls

Clerk: Question 754, the Hon. G Origo.

Hon. G Origo: In Press Release 516/2025, the Government confirmed that "Earnings for the Manager post have now been brought in line with what the public rightly expects". Can the Government advise on what objective criteria were used to define the "level the public rightly expects"?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for the Education, the Environment and Climate Change (Hon. Prof. J E Cortes): I will answer this question together with Question 755.

Clerk: Question 755, the Hon. G Origo.

Hon. G Origo: Can the Government provide details on the process in place regarding the newly adopted overtime controls set in the recent Refuse Collection Reform?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Hon. Prof. J E Cortes: Madam Speaker, in respect of Question 754, the post of GIC Manager earnings are now more consistent with other management roles in the wider Civil Service and are within the band of salaries set for the Senior Officer grade. Existing arrangements will be reviewed later this year in consultation with the Union, if necessary.

In answer to Question 755, the newly adopted overtime controls include, but are not limited to, the following: reduced ability to cover on overtime for refuse collection runs following the reduction of manning levels; the removal of previously established extra collection runs; the removal of collections on specific bank holidays; removal of broken-truck overtime allowances; restricting supervisor and GIC Manager cover on any potential future extra collections; and the GIC Manager is not eligible for any overtime and is paid basic salary only.

Madam Speaker: 754?

Hon. G Origo: Madam Speaker, in respect of 754, the Hon. Minister alluded to determinations being made on the basis of comparative grades and roles in different departments. Is it therefore the case that no actual public consultation was carried out to determine what the public rightly expects for this grade?

Hon. Prof. J E Cortes: Madam Speaker, I do not really understand the question. Is the hon. Member suggesting that there should be public consultation in setting salary levels?

Hon. G Origo: No. What I am trying to clarify is how the Government, in its press release, stated that the salary was being brought in line with *a* level that the public rightly expects, when in fact there was no consultation with the general public. Rather, it seems the assumption was based solely on the salary bracket for the grade. I simply want to know whether any consultation took place.

Hon. Prof. J E Cortes: I think the statement in the press release can be taken as rhetorical. The public has expectations, and we believe we have now brought the salary more in line with what I think the public has a right to expect.

Hon. G Origo: Madam Speaker, in respect of 755 and the newly adopted overtime controls, may I ask the Hon. Minister whether there will be any penalties or corrective measures for breaches of these overtime controls? And who would be responsible for supervising compliance with the new restrictions?

Hon. Prof. J E Cortes: Madam Speaker, the Manager is responsible for this, but overall supervision will come under the CEO of the Department of the Environment. One must remember that pay and overtime are prepared by the administrative staff of the Department of the Environment, and therefore there is oversight of expenditure and its source.

Hon. D J Bossino: In relation to Question 755, this touches on a hugely controversial aspect of the most recent Principal Auditor's Report, where people were aghast at the high earnings received by these individuals. It is good to hear that the Government is tackling this. But the Hon. Minister referred to a list of measures that have been implemented. Could he tell us when they were implemented, and what other measures are being taken? He did qualify his answer by saying "includes but is not limited to", and I am interested to know what additional measures are being considered or implemented to deal with this issue.

Hon. Prof. J E Cortes: Madam Speaker, these changes were implemented around the time that the agreement was signed. I cannot recall the precise date, but I believe it was in the early part of last year; March rings a bell, although I cannot say that categorically. They were implemented at that time. Other measures include much closer oversight by the Department of expenditure and the authorisation of overtime. A lot of this has been pulled back centrally to ensure that the agreed changes are actually implemented.

Hon. D J Bossino: I assume, but I invite him to confirm, that he is satisfied that these measures will not have a negative effect on the service; that he is satisfied that the cleaning of our streets and the collection of rubbish will not suffer.

Hon. Prof. J E Cortes: Madam Speaker, yes, that is the case. I am sure I have said that before. I am not certain whether I said it in this House or elsewhere, perhaps in an interview. But we are of the opinion that it will not worsen the service in any way.

Madam Speaker: Next Question.

Q756/2025
Refuse Collection reforms –
Benefitted disproportionately

Clerk: Question 756, the Hon. G Origo.

Hon. G Origo: With respect to the Refuse Collection reforms, what specific actions have been taken against individuals found to have benefitted disproportionately from the historic overtime arrangements, and how much money does the Government expect to recover?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for the Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, the Government is actively looking into this and is not in a position to comment at this moment in time.

Hon. G Origo: I appreciate that the Minister says that these are still ongoing and active consultations with the individuals involved. Has the Government made a determination on how it expects to recover these funds? Will these be individual repayments back to the Government? Are we going to withhold future pay and overtime, which is one of the restriction controls he has already alluded to? Or are there other mechanisms the Government is considering in order to recover some of the overtime arrangements which were deemed to be somewhat disproportionate?

Hon. Prof. J E Cortes: Madam Speaker, I am not one who usually says this, but I refer the hon. Member to the answer that I have just given.

Madam Speaker: Next question. Did the hon. Member have another question?

Hon. G Origo: Madam Speaker, if the Hon. Minister will not elaborate, may I ask: what recourse does the Government have available should it not reach an agreement with the individuals in question? If the Government intends to recover some of these historic overtime payments, does it have a legal basis to do so should agreement not be reached?

Hon. Prof. J E Cortes: Madam Speaker, I resist the temptation to repeat the answer I do not normally give, by actually reading it out again. We are not in a position to comment at this time.

Hon. D J Bossino: This matter has ignited a huge amount of public interest, certainly at the time of the publication of the report. The Government is effectively admitting that it is considering the option of recovering what has been paid to these employees by way of overtime. I believe it is entirely legitimate for the Opposition to ask the hon. Gentleman whether one of the options being considered is the taking of legal action against these individuals. Can he not provide an answer on that point? Within the full range of options available to the Government, is it considering taking legal action against the individuals who received overtime payments as a result, I suppose, of mismanagement on their side?

Hon. Prof. J E Cortes: Madam Speaker, the Opposition is perfectly entitled to ask, and I am perfectly entitled to reply that I am not in a position to comment at this point in time.

Madam Speaker: Next question.

Q757/2025
Recent refuse collection reforms –
Elimination of additional collection runs

Clerk: Question 757, the Hon. G Origo.

Hon. G Origo: Can the Minister confirm whether there have been any increases in refuse-related issues, given the recent refuse collection reforms, which included the elimination of additional collection runs and changes to the collection times?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for the Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, this is what I thought I had answered before, but I had not yet answered it. Obviously, I had seen the answer. Madam Speaker, there have been no refuse-related issues reported to the Department as a result of the recent refuse collection reforms.

Hon. G Origo: Madam Speaker, if I may, what the Hon. Minister confirms is that there have been no complaints reported directly to the Ministry. Has the Ministry itself engaged with residents, tenants and business owners who, as a result of these changes, may have a view on whether these collection reforms are working for them?

Hon. Prof. J E Cortes: Madam Speaker, I suspect that if there had been big problems, I would have seen them in Speak Freely and heard about them very quickly. Normally we have our Cleansing Supervisor and our Environmental Monitors, and they regularly travel the streets. We have had no reports. Businesses and so on know that they have open access to my office, and we have received no reports. If anybody out there listening to this has any concerns, then obviously they can report them, and we would look into them right away.

Hon. G Origo: Madam Speaker, I am glad to hear that the Hon. Minister is looking at social media to check whether complaints are being raised informally, because we are dealing with a de facto social-media Government. It is surprising that they have not been able to note the number of complaints that I have seen online from individuals and businesses who complain, for example, about overflowing bins or the fact that they remain full for long hours in the evening. Is it therefore the Minister's position that there are no teething issues whatsoever, and no further reforms or adjustments required, in order to deal with these newly adopted reforms which appear not to be working for some members of our community?

Hon. Prof. J E Cortes: Madam Speaker, the answer states that there are no reported increases. There will always be instances where there has been some spillover, and it has not been collected in time. These things happen on a day-to-day basis. But has the service worsened? No. I think it has actually improved, and that is the answer.

Madam Speaker: Next question.

Q744, 747 & 748/2025
Supplementary

Clerk: Question 758, the Hon. E J Reyes.

Madam Speaker: Can the hon. Member rise and put his microphone on so that I can hear what he's saying.

Hon. G Origo: Madam speaker I note that before we move on, Mr Reyes, I had two questions that we skipped.

Madam Speaker: I am going to give the hon. Member time to look at that one. Can the hon. Member ask his questions so that then we can revert to those? If the hon. Member wants to take the supplementaries now without having looked at the schedule properly, I am happy to do that.

Hon G Origo: I did manage to look at them…

Madam Speaker: Is the hon. Member in a position to ask supplementaries? Yes? All right, then we will take them. Question 747.

Hon. G Origo: Madam Speaker, the Hon. Minister provided a table with the count of the bicycle road counters. May I ask whether there are any specific periods during which the counter failed to record data? In previous exchanges, we discussed that, at times, the counter would not display the actual counts but was still recording the number of trips. Is this still the case, or have there been periods in which it was not operational?

Hon. Prof. J E Cortes: Madam Speaker, as I explained at the time, the counter was not displaying the figures, but it was receiving the data. So, this reflects the real data, even for those periods when it was not being displayed live.

Hon. G. Origo: Madam Speaker, can I ask in terms of checking the reliability of these numbers, is there a validation or verification process to confirm that these are actually bicycle trips? Or is it the case that if I walk on the bicycle lane, the counter will record me as a tick and include me in the statistics?

Hon. Prof. J. E. Cortes: That is because it does not distinguish between bicycles and scooters. I need to check whether there is a way of checking against pedestrians, possibly based on speed, unless the hon. Member is jogging. I would need to check that. What I do know is that it counts cyclists and users of scooters.

Hon. G Origo: Finally on 747, Madam Speaker, is the Government satisfied with the numbers being recorded, and will this impact its decision to roll out further bicycle infrastructure in future? If so, when can we expect this rollout?

Hon. Prof. J E Cortes: Madam Speaker, I think the figures speak for themselves. If you look at the data month on month, there has been an increase in 2025 compared to 2024. The biggest number is 103,154 in October 2025, compared to just under 87,000 in October 2024. If you compare month on month, almost without exception – there may be one I have missed – 2025 usage was higher than 2024.

I think we must remember that these are mainly cyclists and scooter users who are not driving on those stretches of road, therefore adding to safety and reducing pollution.

Madam Speaker: Question 748.

Hon. G Origo: Question 748 concerned the fines from fixed-speed cameras. I believe, in his answer, the Hon. Minister said that there was a technical fault which meant that some months had no fines issued as the cameras were not operable.

Who is responsible for the management, maintenance and operation of these fixed-speed cameras, and how have we allowed eight months, in respect of two cameras, to be inoperable for so long?

If it helps the Hon. Minister, from September 2025 to December 2025 there were no fines in Devil's Tower Road East, and in Devil's Tower Road West there were zero in January, February, March and April 2025.

Hon. Prof. J E Cortes: Madam Speaker, there are cameras serviced by the Royal Gibraltar Police, and others serviced by the managers of the car parks, Car Parks Limited. They undertake servicing and replacement. I believe that the major problem was a server technical problem which required a lot of work, and sadly we missed those months. I have no further information on the technical issues that occurred during the other periods.

Hon. G Origo: I am grateful to the Minister, but given the importance of fixed-speed cameras in improving road safety, is the Minister satisfied that the RGP or the Technical Services Department allowed these cameras to be inoperable for at least eleven months in the table he provided?

Hon. Prof. J E Cortes: Madam Speaker, this is not cumulative. We are not talking about all cameras over eleven months; we are talking about one major outage of three months. Without knowing the technical details, I cannot criticise anyone, because sometimes, as we know, technical issues are complex and take time to resolve. Very often in Gibraltar, we rely on importing hardware from elsewhere, and that takes time. Without sitting down and analysing each particular case, which would not be a good use of time, I cannot answer in more detail.

Hon. G Origo: Finally, in respect of Devil's Tower Road East, I note that, based on the way I posed the question, I was provided figures up to December 2025. From January onwards, for the last four months, it appears the camera was not operating. Has that technical fault now been resolved?

Hon. Prof. J E Cortes: Madam Speaker I would have to ask that question.

Madam Speaker: The Hon. Mr Sacarello.

Hon. C Sacarello: Thank you very much, Madam Speaker. Two notable absentees from this list of fixed-speed cameras are Europa Advance Road and North Mole Road. Is there a reason for that? Are these cameras permanently out of action now?

Hon. Prof. J E Cortes: Madam Speaker, this is the information that I have been provided. I will ask the relevant officials.

Madam Speaker: Next question.

Q758/2025
Academic year 2025/26–
Number of pupils enrolled in our schools

Clerk: Question 758, the Hon. E J Reyes.

Hon. E J Reyes: Can Government provide statistics in respect of the number of pupils enrolled in our schools for the academic year 2025/26, broken down by educational establishment, school year and gender?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for the Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, I now hand over a schedule with the information requested.

ANSWER TO QUESTION 758

Lower Primary Schools	Nursery		Reception		1		2	
Educational Establishment	Female	Male	Female	Male	Female	Male	Female	Male
St Bernard's Lower Primary School	18	8	8	10	14	19	21	11
St Mary's Lower Primary School	15	15	15	14	18	19	17	19
Governor's Meadow Lower Primary School	36	45	25	37	22	36	23	36
Notre Dame Lower Primary School	30	37	32	43	42	42	39	48
St Paul's Lower Primary School	27	43	27	47	34	41	33	35
St Joseph's Lower Primary School	29	20	37	31	31	33	34	39
St Martin's School	5	13	4	9	5	13	5	13

Upper Primary Schools	3		4		5		6	
Educational Establishment	Female	Male	Female	Male	Female	Male	Female	Male
St Martin's School	1	5	4	10	2	2	0	2
Bishop Fitzgerald Upper Primary School	56	64	73	62	55	64	56	67
St Anne's Upper Primary School	52	53	49	39	45	57	58	58
St Bernard's Upper Primary School	33	30	39	32	47	39	47	40
St Joseph's Upper Primary School	46	44	43	35	43	46	65	65

Secondary Schools (Part 1)	7		8		9		10	
Educational Establishment	Female	Male	Female	Male	Female	Male	Female	Male
St Martin's School	1	6	1	2	1	4	0	3
Bayside School	101	89	110	97	103	120	117	93
Westside School	122	119	97	113	99	124	108	108
Gibraltar College of Further Education							15	27

Secondary Schools (Part 2)	11		12		13	
Educational Establishment	Female	Male	Female	Male	Female	Male
St Martin's School	0	2				
Bayside School	113	125	72	70	70	51
Westside School	133	119	71	56	66	59
Gibraltar College of Further Education	62	77	50	38	34	17

Madam Speaker: We move on to 759 and come back if necessary.

Q759/2025
St Joseph's Lower and Upper Primary Schools –
Updated details

Clerk: Question 759, the Hon. E J Reyes.

Hon. E J Reyes: Can Government provide updated details and time scale of the works it intends to carry out at St Joseph's Lower and Upper Primary Schools inclusive of the playground, together with details of what alternative locations are planned to be used whilst these works are carried out?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for the Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, both St Joseph's schools have worked carefully to ensure that learning provision for children continues in a full and meaningful way during the refurbishment period, despite some of the usual facilities within the schools not being available for use as a result of the refurbishment and upgrading works.

These works will include refurbishment of the older parts of the school, which is what is currently used as the school, and the construction of classrooms in the current playground area, with a playground on the roof of that annex. The focus, as always, is on guaranteeing pupil and staff safety, and on making the alternative plans as straightforward as possible for pupils, parents, carers and staff, without compromising learning provision for the children.

In respect of St Joseph's Lower Primary, they have put some alternative arrangements into place for the start of the school day. As the playground is unavailable, while parents and carers drop their children off at the forecourt gates as per the usual routine, pupils are using the ground-floor classrooms rather than the playground. Pupils have been directed to their classroom as per the usual routine.

For morning playtime, pupils are enjoying staggered break times to ensure each year group has space to move, run and play. These are held across the school park, forecourt, and the outer area of Central Hall, as assigned per year group.

As the lunch hall is not available for use, alternative lunchtime arrangements have been organised. These involve children in Years 1 and 2 using the Senior Citizens Club for lunchtime, and the forecourt for their playtime session. Reception children, who are just starting their lunchtime routine, are eating lunch in their classrooms and using the school park for their lunchtime play session. I would like to thank the Senior Citizens Club for providing these facilities without hesitation.

As the school gym and the music room in the annex are not currently accessible, the school is using the forecourt, the Central Hall, and the Girl Guiding room next door for PE, music and movement lessons. I also thank the Girl Guides Association for supporting the school in this way.

In relation to St Joseph's Upper Primary, they are using the school's front playground instead of the back playground. The school holds its breaktime two-year groups at a time to ensure that there is sufficient space within the front playground. For lunchtime, classrooms and the front playground are being used instead of the lunch hall and back playground. For PE sessions, when the school gym becomes unavailable for use, the adapted South Pavilion car park and the Dolphins Youth Club will be used, and once again I thank the Youth Service for supporting us.

Madam Speaker, we have put the children front and centre in all our planning and will continue to review arrangements on an ongoing basis to minimise disruption and continue to provide a happy, positive learning environment for all children under our care. While there may be some short-term compromises, these works will ultimately result in far better long-term provision for pupils at St Joseph's.

Hon. E J Reyes: Thank you, Madam Speaker, for that explanation. I posed this question in September, and the parliamentary calendar has not allowed us to hear an answer until now. I take it the Minister's answer is as of January 2026 rather than September.

Can I ask: has he found it necessary to make modifications to what was originally planned and announced to pupils, parents and guardians in September 2025? Because I recall that, quite early in the academic year, there were particular difficulties in the movement of pupils. As the Minister said, on some occasions you had to go to Central Hall. Unfortunately, as a result of a fall of one child onto another, we even had fractures occurring.

Can the Minister explain what has been learned, what has happened, and what has been modified?

I should perhaps declare an interest: one of my grandsons attends St Joseph's Lower Primary. And typical of Gibraltar, whenever I arrive at the school there is a swarm of contemporaries — now also grandparents — who immediately share their views on what the solution should be. Everyone in Gibraltar is an expert in providing solutions. So, I would like to hear what the Minister concludes the ideal solution would be.

Hon. Prof. J E Cortes: Madam Speaker, I declare a retrospective interest: my grandchildren were there, and in fact my granddaughter was there until last year. She is not very happy with me, because she says I waited for her to leave before improving St Joseph's School. But there we go.

Madam Speaker, issues were identified very early on. The initial idea was that the schools would use the excellent sporting facilities in Lathbury for their recreation. That did not prove workable. There was an expectation that parents would drop children off at Lathbury at the same time as dropping off siblings at St Joseph's. There was also the issue of walking back, which is a fair distance, and crossing Europa Road.

Therefore, following discussions with the schools, we made alternative arrangements with the car park, Central Hall and the youth clubs, so as to avoid that happening. The arrangements are now much more contained within what has essentially become a slightly extended St Joseph's campus, all within easy reach. And the children have responded tremendously.

Madam Speaker: Next question.

Q760/2025
BTEC Courses currently being undertaken –
Location where these courses are delivered

Clerk: Question 760, the Hon. E J Reyes.

Hon. E J Reyes: Can Government provide details in respect of all BTEC Courses currently being undertaken by pupils, with details of location where these courses are delivered, indicating estimated costs, completion dates of said courses and qualifications expected to be obtained upon completion?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for the Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, the Department of Education is currently offering the following BTEC courses to pupils across its three secondary settings: Westside, Bayside and the College.

BTEC Award in Digital Information Technology
BTEC Certificate in eSports
BTEC Tech Award in Travel and Tourism
BTEC International Level 3 Travel and Tourism
BTEC National Extended Certificate in Performance (Acting)
BTEC National Extended Certificate in Music Performance
BTEC International Level 3 Subsidiary Diploma in Information Technology
The following provides information on where these courses are being delivered:

- Bayside and Westside Schools:
    - BTEC Award in Digital Information Technology.
- Gibraltar College:
    - BTEC Certificate in eSports
    - BTEC Tech Award in Travel and Tourism
    - BTEC Level 3 Travel and Tourism
    - BTEC Level 3 Subsidiary Diploma in Information Technology

- Acting (Performance): Delivered through Gibraltar College, with lessons taking place across the College campus, GAMPA premises at Hospital Hill, and the Magazine Studio Theatre.
- Music Performance: Delivered through Gibraltar College, with lessons taking place at GAMPA premises at Hospital Hill.

The following provides the estimated costs of the BTEC courses currently delivered. In addition to the wider cost of running our schools – which includes staffing, resourcing, estate management and utilities – the delivery of these specific courses represents an additional annual investment of approximately:

- BTEC Award in Digital Information Technology: £76 registration/exam fee per pupil, plus embedded operational cost per annum.
- BTEC in eSports: £133 registration/exam fee per pupil, plus embedded operational costs.
- BTEC Travel and Tourism: £80 registration/exam fee.
- BTEC Level 3 Travel and Tourism: £405 registration/exam fee.
- BTEC Certificate in Performance (Acting): £470 registration fee plus £6,800 operational cost per annum.
- BTEC Certificate in Music Performance: £470 registration fee plus £32,300 operational cost per annum.
- BTEC Level 3 Diploma in Information Technology: £405 registration/exam fee per pupil.

The following provides information on expected completion dates:

- Current Year 13 and Year 12 students will complete their qualification in June 2026 for the following:
    - BTEC Digital Information Technology (Bayside and Westside)
    - BTEC Extended Certificate in Acting (College)
    - BTEC Music Performance (College)
    - BTEC Level 3 Travel and Tourism (College)
    - BTEC Subsidiary Diploma in IT (College)

- Current Year 12 and Year 10 students undertaking these courses will complete their qualification in 2027.
- The following BTECs are one-year courses and any students currently undertaking them will complete their qualification in June 2026:

    - BTEC in eSports
    - BTEC in Travel and Tourism (both through the College)

Hon. E J Reyes: Madam Speaker, there is a lot of information there which one needs to look at in detail. What immediately springs to mind is that, when the Minister gave us details of operational costs, some appeared to be very high compared to others. Is there a particular explanation he can provide to help us understand this?

Hon. Prof. J E Cortes: Madam Speaker, some of the courses are outsourced. As the hon. Member knows, he has asked questions about this frequently. The Acting and Music Performance courses are outsourced to the Gibraltar Academy of Music and Performing Arts. The others are provided by existing staff, and those costs are absorbed within the normal day-to-day running of the College. That is why some courses show a specific operational cost here, because they are outsourced.

Hon. E J Reyes: At the beginning of his answer the Minister mentioned registration fees. Does that include the examination fees as well? For example, in a normal school, when a pupil is entered for a GCSE examination, the school absorbs the exam fee set by the awarding body. In the figures the Minister provided, is there a registration fee followed by an additional examination fee later, or is that already included?

Hon. Prof. J E Cortes: I believe it is included. I can double-check, but my understanding is that this is the registration and examination combined.

Hon. E J Reyes: If he could just double-check so that I do not have to ask for the actual examination fees later. Thank you, Madam Speaker.

Madam Speaker: Next question.

Q761-763/2025
Mandatory scholarships, discretionary scholarships & distance learning scholarships – Awarded in 2025

Clerk: Question 761, the Hon. E J Reyes.

Hon. E J Reyes: How many new mandatory scholarships have been awarded in 2025 and what is the total number of mandatory scholarships currently being funded?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for the Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, I will answer this question together with Questions 762 and 763.

Clerk: Question 762, the Hon. E J Reyes.

Hon. E J Reyes: How many new discretionary scholarships have been awarded in 2025 and what is the total number of discretionary scholarships currently being funded?

Clerk: Question 763, the Hon. E J Reyes.

Hon. E J Reyes: How many new distance learning scholarships have been awarded in 2025 and what is the total number of distance learning scholarships currently being funded?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Hon. Prof. J E Cortes: Madam Speaker, in answer to Question 761, as of 19 September 2025, 392 new mandatory scholarships have been awarded for the 2025/26 academic cycle. As at the same date, the Government is currently funding 854 students via the mandatory scholarship route.

In relation to Question 762, as of 19 September, 53 new discretionary scholarship awards have been made for the 2025/26 academic cycle, and as at the same date, the Government is currently funding 77 students via the discretionary scholarship route.

In answer to Question 763, as of 19 September, 32 new distance-learning scholarship awards were made, and at the same date the Government is currently funding 59 students via the distance-learning scholarship route.

Hon. E J Reyes: Thank you very much. Because it has just struck me, I recall the Minister explaining to me in the past, probably around a year ago, that although someone may be undertaking distance learning, for accounting purposes they are recorded as a mandatory scholarship, because that student chooses to "cash in", if I may call it that, their mandatory scholarship via distance learning.

So, when he gives me figures for both mandatory and discretionary, can I take it that within the 392 new mandatory scholarships it is possible that some students are actually doing distance learning? Which would therefore mean that the total number of distance-learning students, currently stated as 59, could actually be higher?

I know I may be contradicting myself, but I am referring to what I recall from answers in the past.

Hon. Prof. J E Cortes: I believe that these have been separated out for ease of reference.

Madam Speaker: Next question.

Q764/2025
Current Teaching Complement –
Employed on a substantive or supply basis

Clerk: Question 764, the Hon. E J Reyes.

Hon. E J Reyes: Can Government provide details of the current Teaching Complement, indicating how many teachers are employed on a substantive or supply basis, broken down by educational establishment?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for the Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, I now hand over a schedule with the information requested.

ANSWER TO QUESTION 764

SECTOR	EDUCATIONAL SETTING	PERMANENT TEACHERS	NON-PERMANENT TEACHERS
SECONDARY	Bayside	94	20
	Westside	97	23
	Gibraltar College	25	5
UPPER PRIMARY	Bishop Fitzgerald	35	7
	St Anne's	30	13
	St Bernard's	21	5
	St Joseph's	28	1
LOWER PRIMARY	Governor's Meadow	26	3
	Notre Dame	29	1
	St Bernard's	11	1
	St Joseph's	23	3
	St Mary's	16	2
	St Paul's	24	4
OTHER SPECIALIST SETTINGS	St Martin's	22	12
	Teaching and Learning Centre	1	3
	English as an Additional Language	1	0
	Learning Mentor Team	4	0

Madam Speaker: Alright let's move on to 765 in the meantime.

Q765/2025
Teachers' Representatives –
Review behaviour and discipline issues in schools

Clerk: Question 765, the Hon. E J Reyes.

Hon. E J Reyes: Can Government update this House in respect of the talks/discussions it has had with Teachers' Representatives, since the last answer given in this House, arising out of their requests to review behaviour and discipline issues in schools?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for the Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, the Government, through the Department of Education and Industrial Relations, continues to engage proactively and collaboratively with NASUWT, the Teachers' Union, concerning the matters the Union raised prior to the summer recess.

All Westside staff were invited to respond to a survey in which feedback on the school's revised behaviour policy was documented. The information collected was anonymous. Senior staff of the Department of Education have conducted a detailed thematic analysis of the responses received and are in the process of discussing the findings with Industrial Relations and the senior leadership team at Westside School.

Senior staff of the Department have also liaised with Industrial Relations in order to organise sharing these findings with NASUWT, so that the Department's school-wide findings can be considered alongside NASUWT's results, with a view to moving this work forward constructively. Industrial Relations have exchanged communications with NASUWT to this end, and I have been informed very recently that there will, in fact, be a meeting tomorrow with Industrial Relations and NASUWT to take this to, hopefully, the final stages.

Hon. E J Reyes: Madam Speaker, I note the ongoing meetings. If I recall correctly, towards the end of the last academic year the Minister informed us that he and senior members of the Department of Education had met with teachers' representatives, NASUWT Gibraltar and others and that this was an ongoing process expected to continue during this academic year.

Has the Minister himself sat in and chaired such meetings during this academic year, which started in September?

Hon. Prof. J E Cortes: No, Madam Speaker. The meetings have been held between the Department, Industrial Relations and the Union, which is correct. They will agree their policy, and that will then be referred to me for an overview. I have excluded myself from those meetings because I do not think it is necessary at this stage.

I do meet with the Union regularly, but on this particular subject I am allowing the Department and the good officers of the Industrial Relations Office, led by my hon. Friend Minister Bruzon, to deal with these discussions.

Hon. E J Reyes: Yes, because I was not entirely clear. When the Minister does not attend himself, but his Director of Education and senior representatives do, what is the additional role of Industrial Relations? Is that similar to a Human Resources function? He has now hinted — or rather clarified — that Minister Bruzon is involved.

What is their role in this issue? Because, in my question, I was referring to behaviour and discipline issues in schools. I do not quite see how Industrial Relations ties into that.

Hon. Prof. J E Cortes: Madam Speaker, it is perfectly legitimate. When there is an issue raised by a Union to a Government department, that is an issue of Industrial Relations. Therefore, it is correct that the good officers of the Industrial Relations Office assist.

Sometimes they chair the meeting, sometimes they contribute, and they are able to carry out research or look into policies in other areas. They assist the process, and I believe it is correct that they do so. If I may say so, they do an excellent job.

Hon. E J Reyes: Madam Speaker, just to help me clarify something further: in these discussions, are we looking into behaviour and discipline issues generally — perhaps widening that definition to include allegations of bullying and so on?

Is this not restricted to a particular school or sector, but something that concerns other schools and school sectors as well? One hears that certain processes may be ongoing. Can the Minister confirm this?

Hon. Prof. J E Cortes: Madam Speaker, yes. This will be a general, school-wide or cross-school piece of work. We can use what may or may not have happened in a particular school as an example from which to learn and then cascade improvements to other schools.

This will determine policy on discipline and behaviour across the educational sectors.

Hon. E J Reyes: Thank you, Madam Speaker. I am not going to press the Minister on a particular issue across the floor of this House, because it may not be appropriate for him to answer.

Would the Minister be available at some stage — perhaps if we meet behind the Speaker's Chair — so that I can think aloud with him regarding some of the rumours one hears? This would allow him to give a proper explanation.

Is the Minister happy with that? Just for the record, so that Madam Speaker knows we do have follow-ups.

Hon. Prof. J E Cortes: Madam Speaker, the hon. Member knows the answer to that question. Of course — absolutely delighted.

Madam Speaker: Next question.

Q766/2025
End of every bathing season –
People's belongings

Clerk: Question 766, the Hon. C Sacarello.

Hon. C Sacarello: Following the end of every bathing season, at Sandy Bay, people's belongings left behind are gathered into huge plastic sacks and dumped at the southern end of the beach. While it is understandable that a reasonable period of time is afforded to beachgoers to retrieve their possessions, should residents and visitors alike need to suffer this sight of neglected belongings into November?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for the Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, beach users need to be given sufficient time to remove belongings. The delay this year has been due to the fact that we had a pending question in the Order Paper. The process will therefore now commence.

Hon. C Sacarello: Thank you, Madam Speaker. So, can I understand that nothing has been done because this question was submitted?

Hon. Prof. J E Cortes: Madam Speaker, as there was a question on this, we were not able to issue a press release to deal with it, because that would have gone against the rules and procedures of Parliament.

Madam Speaker: Any supplementaries?

Hon. C Sacarello: Madam Speaker, the question was submitted in November. Could the Minister at least commit that next year there will be a much more reasonable cut-off date, and an earlier one, so that this problem can be addressed in advance?

Hon. Prof. J E Cortes: Madam Speaker, I do not know how to define "reasonable", because whenever we put the notice out there are always complaints. Normally, people would be given sufficient time, so this would usually go out around the period when the question was asked — around November — and that is the normal process. Some people remove their property without the need for an official notice; some do not; some seem to abandon it. It is not that simple.

Hon. C Sacarello: So just to confirm, there is no commitment from the Government to remove these earlier than, say, December 2026?

Hon. Prof. J E Cortes: Madam Speaker, we would intend to have the beaches clear by December. Otherwise, the weather can, so to speak, take care of it. Clearly, at Sandy Bay it is more protected because of the groynes and the offshore breakwater, but one would expect that by December we would be able to deal with this.

Q758 & Q764/2025
Supplementary

Madam Speaker: Is the Hon. Mr. Reyes in a position to ask any supplementary on 758?

Hon. E J Reyes: Thank you, Madam Speaker. Very simple: 758 gives us the list of pupils and so on. I am grateful, and I note that when it comes to St Martin's School, the Minister has kindly broken down the pupils between what would be the lower primary and upper primary.

For the secondary schools, in part one, the Minister gives figures for Year 10 students: 10 female and 27 male. These are Year 10 students, aged 14 rising to 15 during the academic year.

I want to connect that with a previous answer he gave me regarding attendance statistics. These pupils, the eldest being 15, are still within compulsory school age. I pre-empt this so that in future dealings, these must be accounted for in that particular section.

That is, it — the rest is statistics. If I have any query, I can email him, but I simply wish to flag that among these suspensions, there are pupils of compulsory school age who were not accounted for in a previous schedule.

It is a simple question, which leads to the next one: this list is as at the start of the academic year in September. The Minister was kind enough in another answer to give a precise date in September. We are now in the second term, so are these figures as of January 2026 or still September? Because figures may have altered by one or two.

Hon. Prof. J E Cortes: Madam Speaker, this would be September. I have updated most of the questions, but this one — because of the large number of entries we would have needed to check — is valid as of September. There would have been changes: some new arrivals, some departures.

Again, I am sure that if the hon. Member wants further detail, I am very happy to share it, but this is as of September.

Hon. E J Reyes: I hope Madam Speaker does not turn me off, but I hinted at this earlier. For Question 764 — the teaching complement — is that also as at September?

Hon. Prof. J E Cortes: Madam Speaker, that one is a little bit later. I think it would have been around October, but there will have been only minor changes. For example, if a teacher has gone on maternity leave, a permanent post would be replaced temporarily by a non-permanent teacher. There will not have been too much change since the date these figures were collected.

So yes, they are around that time.

Hon. E J Reyes: Madam Speaker, the reason why one asks this is because, from experience, maternity leave does play a factor and, for some odd reason — I have my suspicions — some teachers do not retire at the end of the academic year. December seems to be a popular retirement date. So, figures can change by more than one or two between September and January.

Hon. Prof. J E Cortes: Absolutely, Madam Speaker. There will be retirements; usually people leave the profession upon retirement rather than resign early. There must be something about the profession — and there are several teachers in this Chamber.

There will be teachers who retire halfway through a term, and we will need to fill those vacancies by acting appointments or, at the basic teacher level, by supply teachers. This happens regularly.

But I think, for the purposes of the hon. Member, we have provided the information he wanted.

If I may offer additional information: the total number of teachers, when added up, comes to 565. The complement is 560. So clearly, we are not relying too much on supplies, except for special cases, and I think we are meeting our target of keeping the complement stable.

Madam Speaker: Well, does that deal with 764? All right, next question.

Q767 & 768/2025
The Gibraltar College –
Relocation and building cost

Clerk: Question 767, the Hon. D J Bossino.

Hon. D J Bossino: What is the cost of relocation and building of the Gibraltar College at the alternative site at Europa Point?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for the Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, I will answer this question together with Question 768.

Clerk: Question 768, the Hon. D J Bossino.

Hon. D J Bossino: Is the developer of the Monument Plaza project paying for the relocation and building cost of the Gibraltar College at the alternative site?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Hon. Prof. J E Cortes: Madam Speaker, the full cost of the relocation and building is currently being finalised as design details are confirmed. In answer to Question 768, that is the intention, Madam Speaker, although there may be final adjustments depending on the actual cost.

Hon. D J Bossino: If I may deal with the last question, 768, because it is fresh in my mind. Is it the position that the developer will be paying for these costs, but that the amount it contributes will not necessarily be one hundred per cent, depending on what the final cost amounts to? Can I start there? Is that a correct understanding?

Hon. Prof. J. E. Cortes: That is a correct understanding, Madam Speaker.

Hon. D. J. Bossino: And would it be fair to assume — but I ask the Hon. Minister to confirm — that should there be an extra layer of costs, once the analysis is made, that extra cost would have to be met by the Gibraltar Government? Is that the position?

Hon. Prof. J E Cortes: I think that is a hypothetical question, so we would need to wait and see what the actual cost will be. Madam Speaker without knowing the cost, one is necessarily delving into a hypothesis.

Hon. D J Bossino: Is it the Government's position that it would not have difficulty contributing to the cost in order to ensure that its decision to relocate the College can take effect? In other words, is the Government willing to put its hand in its pocket if required?

Hon. Prof. J E Cortes: Madam Speaker, the Government will take the decision if and when that situation arises. Despite the hon. Member's attempt, I think we are still dealing with a hypothetical situation, although he has tried well to change the wording.

Hon. D J Bossino: I was trying to understand whether the Government, in principle, would be prepared to put its hand in its pocket, but I do not think I can pursue the matter further. I seem to be facing a brick wall.

In relation to Question 767, when will the Government be in a position to say what the relocation costs are?

Hon. Prof. J E Cortes: Madam Speaker, I have been called many things, but I do not think I deserve the definition of "brick wall", given the many pages of information I have provided to the Members opposite.

I think it will be very soon, Madam Speaker. The final designs are being prepared. There is already work ongoing on site, so we will soon know, for example, what type of foundations are required. I think quite soon, but I would need to take advice as to when the full cost will be known.

Hon. D J Bossino: If I may, Madam Speaker: is he able — and I stretch the question a bit — to give information as to when he thinks they will be able to break ground at the new site? I am assuming that planning permission has been granted, and therefore the location at Europa Point will not change.

Hon. Prof. J E Cortes: Madam Speaker, yes, it has planning permission. That is the location, and there are already preparatory and investigative works taking place on site.

Madam Speaker: Next question.

Q769&770/2025
Comprehensive schools –
Resident in Gibraltar for less than 5 years and 10 years

Q771/2025
Given mandatory grants –
During the last 10 years

Q772/2025
Mandatory scholarships –
Change in eligibility criteria

Clerk: Question 769, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: At 27 October 2025 how many pupils in our schools had been resident in Gibraltar for less than 5 years and of those how many are at Comprehensive schools?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for the Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker I will answer this question together with Questions 770 to 772

Clerk: Question 770, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: At 27 October 2025 how many pupils in our schools had been resident in Gibraltar for less than 10 years and of those how many are at Comprehensive schools?

Clerk: Question 771, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: How many students were given mandatory grants during the last 10 years broken down by each academic year and of those how many were students who had been resident less than 10 years in Gibraltar but resident for more than 5 years?

Clerk: Question 772, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: Given the change in eligibility criteria for mandatory scholarships to a residence qualification of 10 years will the criteria or determination process of the discretionary route be amended in any way and if so, how?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Hon. Prof. J E Cortes: Madam Speaker, in relation to Question 770, my preamble holds for 770 and 771 because we do not have the information in the way that the Hon. Leader of the Opposition has asked. The Department does not hold information on the length of time that a pupil has been resident in Gibraltar. That information is sought only at the time of application for a scholarship.

For the Department of Education to be able to answer this question in full, we would need to provide the Department of Immigration and Home Affairs with a list of all the pupils in our schools — approximately 7,000 — so that they could provide us with the date each individual took up residency in Gibraltar. Madam Speaker, I consider this to be unreasonable and therefore unjustifiable for me to make such a request of the Department of Immigration and Home Affairs.

So, Madam Speaker, in relation to the other questions, the information is as follows.

This is — I believe — Question 771. There is a typo in my answer, but I am referring to 771. In relation to the number of mandatory grants per year for the academic year 2025–26, working backwards, the figures are:

- 463 (2025–26)
- 461 (2024–25)
- 438 (2023–24)
- 472 (2022–23)
- 403 (2021–22)
- 490 (2020–21)
- 519 (2019–20)
- 469 (2018–19)
- 492 (2017–18)
- 418 (2016–17)

All students awarded the mandatory grant during this period met the eligibility criteria of five years ordinarily resident in Gibraltar.

The Department does not hold information on the length of time each student has been resident at the time of application, as I have already said. To extract this information, we would have to request extensive support from Immigration and Home Affairs.

In relation to Question 772, the answer is no, Ma'am.

Hon. Dr K Azopardi: I think the Hon. Minister said — perhaps unintentionally — that his preface was for 770 and 771. I think he must have meant 769 and 770. I assume that is correct.

Hon. Prof. J E Cortes: Yes, there seems to be a typo in my script. As long as the Hon. Leader of the Opposition understands which questions I am answering, I am comfortable that I have not misled.

Hon. Dr K Azopardi: I am clear, and I proceed on that basis. I think the hon. Member said that when an application for a scholarship is made, that is the point at which the applicant declares how long they have been resident. Given the numbers he has read out — which over the last ten years are between 403 and 519 — does he not have information within those years about whether people have been resident for between five and ten years?

That is the question I am trying to get to, at least in relation to those numbers, because I accept his answer regarding the difficulty of analysing all 7,000 pupils. But in relation to the 400–500 scholarship applicants per year, if people are telling you how long they have been here, it must be possible to answer the question for those cohorts.

Hon. Prof. J E Cortes: Madam Speaker, it would still be quite a bit of work — though achievable — but I do not think the Hon. Leader of the Opposition asked me in that way. The question, as I read it, was how many pupils in our schools have been resident in Gibraltar for less than ten years.

For example, Question 770:

"How many pupils in our schools have been resident in Gibraltar for less than ten years, and how many of those are in comprehensive schools?"

That is a much broader exercise than he has now qualified.

I do accept, however, that in Question 771 it could be read in the way he has explained, and that information was not provided. I am happy to request it, but they will need to go through every single record. Even though we are talking about four to five hundred entries per year, over ten years that amounts to around 5,000 entries. It is a considerable amount of work.

I know exactly what the Hon. Leader of the Opposition is driving at, but it is information I do not have readily available, and it will take some time to obtain.

Hon. Dr K Azopardi: With respect, which is the question I asked. That is precisely what Question 771 asks: "How many were given mandatory grants during the last ten years in relation to students who have been resident for less than ten but more than five years?"

So, to clarify as I understand the Minister's answer, the numbers he has given me are not that.

Are the numbers he has given me the answer to Question 771, or are they merely the total number of mandatory grants in each year?

If it is the latter, can he write to me with the answer I actually sought?

Hon. Prof. J E Cortes: Madam Speaker, my draft indicates — and I believe the Hon. Leader of the Opposition is correct — that these are the total numbers. I will check, and, as I normally do when asked for this type of information, I will write to the Hon. Leader of the Opposition and copy you, Madam Speaker, so that the information is on the record.

Hon. Dr K Azopardi: I am grateful. Madam Speaker, the purpose of my questions is this: The Government has taken a policy decision to change the residence eligibility criteria for scholarships, and I want to understand on what basis this has been done.

If the Minister does not have the figures readily available to answer the very questions that illuminate this issue, then on what analysis has this policy change been made? What expectation of numbers? What data?

Hon. Prof. J E Cortes: Madam Speaker, to extract this information involves thousands of entries and therefore requires a considerable amount of work.

We must recognise that, in relation to the reasons, it is absolutely clear — and the Chief Minister made this clear at the beginning of last year — that we were adjusting procedures in various areas in order to prevent potential abuse of our education system by individuals coming to Gibraltar, or claiming to come to Gibraltar, in order to access our scholarship system.

Hon. Dr K Azopardi: Yes, but that is exactly what I am driving at.

Is this simply a generic, bold statement, made without any statistical analysis beneath it? Is there any real information underpinning the decision?

Because the fact that someone has resided here for five, six, nine or eleven years is not abuse; it is simply a matter of time.

So, is the Minister agreeing that this policy change has been undertaken without first performing statistical analysis of the numbers of pupils granted scholarships who have been resident between five and ten years, or more than ten years?

Hon. Prof. J. E. Cortes: I think the decision has been taken on principle, and that principle does not depend on the precise number of cases.

I must, however, say that I have received representations from students. I have attended meetings with students who have made those representations. I am considering them.

Hon. Dr K. Azopardi: Does he understand, then, that having taken a non-statistical approach — grounded in no factual analysis — and basing the change instead on a broad, populist statement, this has caused concern to people who have made Gibraltar their home, contributed to society, and lived here for many years?

Will he therefore take these representations on board and consider whether changes should be approached in future on a more measured, analytical, evidence-based basis rather than broad political statements?

Hon. Prof. J E Cortes: Madam Speaker, I am probably more aware than anyone of those concerns, having spoken to parents and to students. As I have said, I am taking those representations on board and giving them their due consideration.

Madam Speaker: Next question.

Q773/2025
Supervision of road works

Clerk: Question 773, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: Is the Government satisfied with the supervision of road works?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for the Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, roadworks are supervised by the entity carrying out the works, for example the utility providers, and these are not all Government entities. In general, works are done to an acceptable standard. On occasion, works by contractors are not carried out to the complete satisfaction of the Technical Services Highways Team, but these are then rectified through a snagging process, and payments are withheld until works have been completed to an acceptable standard.

Hon. Dr K Azopardi: So, supervision is done on what basis? it is not done in the moment, as it were; it is done afterwards on the basis of a quality assessment of the works? Is that how it works?

Hon. Prof. J E Cortes: Madam Speaker, it depends. It is not one-size-fits-all. For example, resurfacing works very clearly come under the Technical Services Department. They are contracted out and put to tender every year. The contractor will carry out the works; they will have their own supervision, but the Technical Services Department will have oversight.

I can give an example, Madam Speaker, where the work was not to the required standard in the Watergardens area. They had not taken into account the manholes, and the contractor had to rectify it so that we did not have a large bump there. That was supervised by the Technical Services Department.

AquaGib will have its own processes, and GEA will have its own processes, as will Gibtelecom and others who may need to dig up the road surface. What the Technical Services Highways Department does is authorise the digging; it does not supervise the digging itself except in contracts that it has directly awarded.

Hon. Dr K Azopardi: But the digging of roads — to be clear — is instructed by different departments or utilities, as you said. Is it always carried out by the same list of approved contractors, or is there no list of approved contractors?

Hon. Prof. J E Cortes: Madam Speaker, there is a list of approved contractors. I would need notice of the question to provide a full list of those who have been used for roadworks. I know one or two off the top of my head, but it would not be fair to mention them here without mentioning them all.

Hon. Dr K Azopardi: The reason I ask is because I often hear comments — and it is something everyone can experience when walking or driving — that the surfacing of roads is like a patchwork quilt. It is not done evenly; sometimes it is even, sometimes not. I am intrigued by the quality-assessment process and wondered whether he had more information.

Hon. Prof. J E Cortes: Madam Speaker, quite frankly, the state of the roads has improved since I took over responsibility for transport. We are now resurfacing on a regular basis. We choose not to resurface roads where we know there will be very heavy wear and tear. For example, some areas around Europa Point, where there is construction, are not being resurfaced yet. We are not doing major resurfacing of Europa Road because of the works at the former casino was because that would be asking for trouble.

But we have resurfaced many roads, with snagging carried out to reach the required standards. Minor repairs, such as potholes, are responded to very quickly. My department supervises some of those works but not all of them. In some cases, they simply authorise the opening of the road and redirect traffic while other utilities carry out the work.

Madam Speaker: Next Question.

Q772/2025
Facilitate automatic number plate recognition – Greater resources

Clerk: Question 774, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: Is the Government considering putting in place greater resources to facilitate automatic number plate recognition of vehicles?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for the Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, the Government already uses automatic number-plate recognition cameras for various purposes.

Hon. Dr K Azopardi: So, if it does, does it not have the capability for this to also work in the context of — there was a recent item on the news about the number of vehicles that had not done the MOT and were still circulating on our roads. Is it not possible for the system to allow enforcement at that level?

Hon. Prof. J E Cortes: Yes, Madam Speaker, and that is an extra piece of equipment that we will be acquiring in order to dedicate to that purpose.

The recognition system, for example, already operates in the Upper Rock and at the entry to the Upper Rock so that we can regulate and identify who may or may not be accessing it. We are in the process of acquiring a system in order to be able to recognise whether vehicles have their MOTs up to date.

Hon. Dr K Azopardi: I see. So, the answer to the question is yes, you are doing this but you cannot do it right now; you need to purchase this particular piece of equipment. Can we know what the cost of that equipment is?

Hon. Prof. J E Cortes: Madam Speaker, the answer is yes, and I do not know the cost, but I can find out for him.

Madam Speaker: Next question.

Q775/2025
Charles V Wall –
Preliminary works recently conducted

Clerk: Question 775, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: Are the Government aware of and if so, have they consented to the preliminary works recently conducted on the southern side of the Charles V wall part of the Flat Bastion fortification and what is the purpose of such works?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for the Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, the Government is now aware of the works that were erroneously started south of Charles V Wall, below Flat Bastion Road. They were carried out by a contractor who misunderstood a discussion on the possibility of construction on the site as an instruction to access and inspect the site.

As soon as the Government became aware, the works were halted. The works were assessed by the Gibraltar National Museum, with the conclusion that nothing significant had been done and that there was no impact on the fortifications.

Hon. Dr K Azopardi: So, a confusion between a contractor and someone having a conversation about granting access and the contractor thought he could build? Is that what it was? Does the person who instructed the contractor have the right to build on that land?

Hon. Prof. J E Cortes: Madam Speaker, there was no instruction. There was a discussion on the possibility of doing something there, and the contractor, I assume, took it upon themselves and went on site. As soon as we were alerted, the works were stopped.

Hon. Dr K Azopardi: But is this not Crown land? Is this not land held by nobody except the Crown? So, this conversation must have been with someone, was it with a department? And what was the nature of the works they thought they were meant to be doing?

Hon. Prof. J E Cortes: Madam Speaker, I am not aware of the detail. I responded upon being alerted to the works and ensured they were stopped, but I am not aware of what may have gone before.

Hon. Dr K Azopardi: Are there any plans by the Government in relation to that site which may explain why the conversation took place?

Hon. Prof. J E Cortes: Madam Speaker, there may have been, but there are no longer. The only thing that I think would be a nice idea is to remove all the scree from tunnelling in the past and reveal the fortifications, but there are no plans for construction there.

Madam Speaker: Next question.

Q776/2025
New urban waste water treatment plant –
Waste produced

Clerk: Question 776, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: What waste would be produced by the new urban wastewater treatment plant in terms of residue or product and how will that, in turn, be treated?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for the Education, the Environment and Climate Change (Hon. Prof. J E Cortes): the Madam Speaker, the waste produced would be as follows. The preliminary-treatment waste will comprise screenings, basically the wipes, grit, and the FOGs: fats, oils and greases. All of these, except the wipes, would be recycled.

The waste arising from the secondary treatment consists of the sludge cakes. It is intended that the waste from the sewage-treatment plant will be treated at the new waste-to-energy facility. This will then allow us to have industrial symbiosis, adding to the circular economy and increasing our self-sufficiency in waste management.

Hon. Dr K Azopardi: I see. And excuse me, the Minister for the Environment will know more about this than I do, so forgive me if the question sounds ignorant. But it is good to hear that most waste will be recycled except for the wipes.

May I ask him to comment on two things: firstly, what will happen to the wipes; and secondly, when the matter is treated and ends up as a product that can be recycled, what actually happens to it? Is it transported elsewhere? Because I assume we do not convert it into anything here.

Hon. Prof. J E Cortes: Madam Speaker, very happy to respond. The wipes would have to be treated with the refuse that is not recyclable. That would be, presumably, exported or managed in whatever way the refuse is treated at the time.

As far as the recycling is concerned, the new waste facility is intended to have an energy-from-waste plant. The sludge cakes would essentially be burnt there and converted into energy. The other recyclable materials would, in all likelihood, be sorted here but then exported.

Madam Speaker: Next question.

Q777/2025
West Nile Virus –
Monitoring of the mosquito population

Clerk: Question 777, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: How is monitoring of the mosquito population to enable an assessment of the risk of the West Nile Virus been conducted?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for the Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, I am not going to be a brick wall on this one. Gibraltar has been carrying out constant surveying for mosquitoes since 2016, before the arrival of the tiger mosquito *Aedes albopictus*. The UK Health Security Agency works with various colleagues in Gibraltar, including the Environmental Agency and the Botanic Gardens, to trap insects and determine what types of mosquitoes we have here.

Conclusions from the last UKHSA medical entomology visit also stated that regional West Nile virus (WNV) outbreaks are associated with wetlands where birds congregate. None of these habitats exist in Gibraltar, so there are unlikely to be comparable rates of enzootic transmission between infected birds and ornithophagic mosquitoes, in other words, mosquitoes that feed on birds, as have been reported in Spain.

There is no significant number of equines, such as horses and donkeys, so there is no sentinel population. Horses and donkeys tend to show symptoms before humans. Equine outbreaks of West Nile virus are often reported before human outbreaks, as they too are incidental, dead-end hosts. This is why we call them sentinels: it comes to them first and then we are alerted. Small numbers of equines, fewer than five exist in Gibraltar, so it is not likely to be enough to act as sentinel animals that may highlight the presence of West Nile virus.

There are no poultry farms, with very few backyard poultry. Humans and horses are dead-end hosts for mosquito-borne transmission; only infected birds can infect mosquitoes. Therefore, a returning traveller to Gibraltar does not act as a source of infection to mosquitoes for onward transmission.

In the outbreak in Spain, of the 32 positive mosquito pools, 31 were of another species, *Culex perexiguus*, and only one was of *Culex pipiens*. The *Culex perexiguus* seems to be more important in driving the enzootic transmission that may lead to onward bridge-vector transmission to humans, and there is no evidence that either of these mosquitoes occur in Gibraltar.

Hon. Dr K Azopardi: Madam Speaker, the answer was so complete that the Hon. Minister has answered all my questions.

Madam Speaker: Next Question.

Q917/2025
Oil spills at Waterport Wharf –
Measures are being taken

Clerk: Question 917, the Hon. D J Bossino.

Hon. D J Bossino: What action and or measures are being taken to avoid oil spills at Waterport Wharf as recently raised by the Environmental Safety Group?

Clerk: Answer, the Hon. the Minister for Education, the Environment and Climate Change.

Minister for the Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, under the Petroleum Act all petrol stations, including maritime ones, are required to meet the conditions of the licence issued by the Gibraltar Fire and Rescue Service. These conditions include, among other things, clean-up kits for any spills. Furthermore, checks are carried out at these locations by staff of the Environmental Agency when matters are brought to their attention, and these are then referred to the GFRS.

Hon. D J Bossino: Whilst I appreciate that that is a generic response, is the Hon. Minister able to enlighten the House as to what was done specifically in respect of this particular oil spill?

Hon. Prof. J E Cortes: Yes, Madam Speaker. Contact was made with the GFRS the Port Department and with the management of the adjacent marinas. On at least one of the occasions, there was no evidence that the spill came from the petrol stations. In fact, there was evidence that it had come from one of the vessels berthed in the marina. Action was taken. Apparently, there was a fault in one of the vessel's systems and it was leaking. Action was taken to prevent it happening again.

Hon. D J Bossino: In that context, once a fault is attributed to a particular entity or vessel owner, does his department take any prosecutorial measures, or are matters left as they are? I am also thinking about compensation.

Hon. Prof. J E Cortes: Madam Speaker, the responsible marinas are spoken to and there is an ability to fine, although that has not been exercised so far. What I can say is that I have arranged to meet the management of all our marinas in the coming weeks in order to step up measures to prevent this happening again.

Hon. D J Bossino: And finally, is the Minister consulting or engaging, perhaps that is a better word, with the ESG in relation to this particular issue?

Hon. Prof. J E Cortes: Madam Speaker, absolutely. We are in regular contact with Janet Howitt and other members of ESG.

Clerk: The Hon. Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Madam Speaker, may I request a recess until 3.30 p.m. when we will take questions for the Minister of Health.

Madam Speaker: All right. The House will recess until 3.30 p.m.

The House recessed at 2.13 p.m.

PROCEEDINGS OF THE

GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.32 p.m. – 8.22 p.m.

Gibraltar, Wednesday, 14th January 2026

Contents

Questions for Oral Answer 5

Health, Care and Business 5

Q811/2025 GHA recruitment process – Bulletin no. NUR 11/25 5

Q812/2025 Finance Director for the Care Agency and Finance and Procurement Advisor to the Ministry of Health and Business – Changes to the current dual appointment 6

Q813/2025 Child Protection Committee – Publication of annual reports 7

Q814/2025 Child Protection Committee – Recommendations implemented / outstanding and oversight mechanism 8

Q815/2025 Child Protection Committee – Individual / systemic case reviews 8

Q816-7/2025 Child Protection Committee – Recommendations / outcomes arisen from the cases examined; Cases reviewed 9

Q818-9/2025 St. Bernard's Centre – Expansion / refurbishment plans; Details of construction of new facility 10

Q820-2/2025 Respite services for children and young adults with learning disabilities – Employment, vetting and monitoring of training entities; Contract / memorandum of agreement for the provision of respite services; Respite services consultation process 11

Q823-4/2025 Care Agency – Designation of Appropriate Adult; Appropriate Adult training regime 14

Q825/2025 GHA Patients – Approved for domiciliary care but awaiting commencement of their care packages 14

Q826/2025 Active Care Packages – Total number and pending reviews 15

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Q827-8/2025 Care Agency and Community Care Domiciliary Services Ltd – Key performance indicators; Home Support and Domiciliary Care complaints 16

Q829-31 & 916/2025 Learning Disability Residential Services – Relocation and transfer of Dr Giraldi service users; Alternative locations; Release of flats back to the Housing stock 17

Q832-4/2025 Mount Alvernia – Refurbishment works completion date; Tableware shortages or supply issues; Issues with the supply of warm or hot water 21

Q835-6/2025 Mount Alvernia – Refurbishment works completion date; Tableware shortages or supply issues; Issues with the supply of warm or hot water 24

Q837-8/2025 Mount Alvernia – Requests/expression of interest from residents or their family to move to the Rooke facility; Is the Government planning expression of interest invitations 28

Q839/2025 ERS Facilities – Breakdown of number of individuals on assignment or working in ERS facilities 30

Q840/2025 John Cochrane Ward – Patient's resident; Patients waiting for a transfer; Transfer waiting time; Domiciliary care or home support waiting time 32

Q841/2025 ERS Facilities – Patients awaiting in GHA wards for transfer 32

Q842/2025 ERS Facilities – Incidents/accidents to residents caused by equipment/maintenance issues 34

Q843/2025 Mount Alvernia – Usage of rooms with balconies; Number of rooms with balconies with canopies; Canopies in full working order and canopy service dates 34

Q844/2025 Progress made in implementing the recommendations made by the Ombudsman in Case 1250 of the 2024 Ombudsman Annual Report 35

Q845/2025 Mount Alvernia – Usage of rooms with balconies; Number of rooms with balconies with canopies; Canopies in full working order and canopy service dates 36

Q846/2025 St Bernard's Hospital – Weekly average number of admissions 37

Q847/2025 St Bernard's Hospital – Number of acute beds 37

Q848/2025 St Bernard's Hospital – Breakdown of the number of beds 38

Q849/2025 St Bernard's Hospital – Hospital beds to accommodate taller patients 41

Q850/2025 St Bernard's Hospital – Top 50 long stay patients 42

Q851/2025 St Bernard's Hospital – Weekly average number of admissions 44

Q852/2025 Patients undergoing treatment or attending medical appointments in the UK who are not accommodated in Caple House– Frequency of contact/support by the GHA .. 44

Q853/2025 Gibraltar Health Authority – Average waiting time for victims of crimes 46

Q854/2025 GHA policy– Scan results and other diagnostic test 47

Q855-8/2025 Cardiac rehabilitation gym – Location and current arrangements; Usage; Medical guidance/supervision; Maintenance 48

Q859/2025 GHA operating theatres – Personnel 51

Q860/2025 Gibraltar Health Authority – Operating theatres 54

Q861/2025 Gibraltar Health Authority – Operating theatre usage 58

Q862-5/2025 Gibraltar Health Authority – Procedure for assessment of child suspected of having ADHD; Number of children gone through the GHA's ADHA pathway; GHA ADHD pathway child referrals; Average waiting time for a child to go the GHA's ADHD pathway . 60

The House recessed at 6.23 p.m. and resumed its sitting at 6.34 p.m. 62
Q866/2025 Child deaths – Suicide 62
Q867/2025 Children – Referrals 63
Q868/2025 Mental Health Hub – Referrals 64
Q869/2025 GHA Ambulance – Average response time 65
Q870/2025 GHA Ambulance – Average response time 66
Q871/2025 Gibraltar Health Authority – Specialist mammography equipment 68
Q872/2025 Gibraltar Health Authority – Maintenance responsibility for the mammography equipment 69
Q873/2025 Gibraltar Health Authority – Cost of un-commissioned software programmes and medical equipment 69
Q874/2025 Gibraltar Health Authority – Cost of un-commissioned software programmes and medical equipment purchased by the Gibraltar Fire and Rescue Service 70
Q875/2025 Gibraltar Health Authority – Responsibility for performance, maintenance and resilience of the Health Authority's communications systems 71
Q876/2025 Gibraltar Health Authority – IT Strategy governing use of digital programmes, software systems and platforms 72
Q877/2025 Gibraltar Health Authority – List of all digital programmes, software systems and platforms currently in use 73
Q878/2025 Gibraltar Health Authority – Issues and/or limitations in respect of any of the digital programmes, software systems and platforms identified by staff 75
Q879/2025 Marine Maritime Services Limited – Ministerial awareness of contract 76
Q880/2025 Marine Maritime Services Limited – Ministerial awareness of contract 78
Q882-3/2025 Skill mix review – Since when conducted by the GHA; Findings 80
Q884/2025 Gibraltar Health Authority – Employment Surveys 80
Q885/2025 Gibraltar Health Authority – Pre-employment questionnaires 81
Q886/2025 St Bernard's Hospital – Minimum ratios of Registered Nurses 81
Q887/2025 Gibraltar Health Authority – Long-term sickness breakdown 84
Q888/2025 Gibraltar Health Authority – Uncertified sick leave policy 85
Q889/2025 Gibraltar Health Authority – Individuals on garden leave 86
Q890/2025 Gibraltar Health Authority – Individuals on garden leave 86
Q891/2025 Gibraltar Health Authority – Retrospective Notices of Terms of Engagement 87
Q892/2025 Gibraltar Health Authority – Human resources 88
Q893/2025 Gibraltar Health Authority – Communication system for on-call staff 88
Q894/2025 Gibraltar Health Authority – Communication system for on-call staff 89
Q895/2025 Gibraltar Health Authority – Communication system for on-call staff 90
Q896/2025 Gibraltar Health Authority – Individuals in attendance at meetings of the Executive Team 91
Q897/2025 Gibraltar Health Authority – Individuals in attendance at meetings of the Executive Team 92

Q898/2025 Gibraltar Health Authority – Industrial Relations Officer 94

Q899/2025 Gibraltar Health Authority – Unresolved employment-related claims 95

Q900/2025 Gibraltar Health Authority – Signed off recruitment request forms 95

Q901/2025 Gibraltar Health Authority – Director General vacancy..... 96

Q902/2025 Gibraltar Health Authority – Director General's basic salary 97

Q903-4/2025 Gibraltar Health Authority – Theatre Services Sterile Unit ("TSSU") staff complement; TSSU breakdown of days unstaffed..... 98

Q905/2025 Gibraltar Health Authority – Unfilled vacancies 100

Q906-7/2025 Gibraltar Health Authority – Payment of invoices submitted by pharmacies; Invoices submitted to the GHA by pharmacies who are Members of the Medical Group Practice Scheme 103

Q908/2025 Gibraltar Health Authority – Schedule of business cases received 104

Q909/2025 Gibraltar Health Authority – Arrears balance in respect of hospital fees 105

Adjournment 107

The Gibraltar Parliament

The House resumed at 3.32 p.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: P A Borge McCarthy Esq *in attendance*]

Questions for Oral Answer

HEALTH, CARE AND BUSINESS

Q811/2025
GHA recruitment process –
Bulletin no. NUR 11/25

Clerk: Answers Oral Questions continued.
Questions to the Hon. Minister for Health, Care and Business.
Question 811, the Hon. A Sanchez.

Hon. A Sanchez: In relation to GHA Bulletin Number NUR 11/25, can the Government provide an update on the recruitment process?

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the recruitment in respect of current nursing system vacancies referred to in the GHA Bulletin Number 11/25 is currently on hold pending a review of staffing requirements across the GHA.

Madam Speaker: Any supplementaries?

Hon. A Sanchez: Madam Speaker, when I filed this question in September I believe it was, the position was, at least the position that was communicated to us was that the applicants had not been informed that the position was on hold or no information had been given to them about the application process or that the position was on hold. Has this position changed? Have they been informed that the application is on hold?

Hon. G Arias Vasquez: Madam Speaker, as the nursing complement in the hospital is aware that we are currently undergoing a nursing acuity review of which there will be further questions later on in this session. This feeds into that acuity review and that feeds into the plans for the nursing acuity review.

Hon. A Sanchez: Grateful for the answer Madam Speaker, but it does not really answer the supplementary question directly. The applicants or the people that have reached out to us with

concerns about this specific issue are concerned about the fact that they have not heard anything back in relation to the applications that they have made in regard to this vacancy. Will they be hearing back in relation to the applications that they submitted and when will they be given clarity at least to be advised that this is on hold and to have some more clarity on when they will be known more about this?

Hon. G Arias Vasquez: Madam Speaker, as the hon. Lady will be aware there is a department of HR in the GHA called Workforce and these are the sorts of issues that they deal with regularly. I imagine that they are in touch and they have informed anyone that has asked them that it is on hold pursuant to the acuity review. So I strongly suggest that anyone who has reached out to the hon. Lady reaches out to HR and they will confirm that everything is on hold pending the acuity review which the nursing complement has asked for.

Madam Speaker: Next question.

Q812/2025
Finance Director for the Care Agency and Finance and Procurement Advisor to the Ministry of Health and Business –
Changes to the current dual appointment

Clerk: Question 812, the Hon. A Sanchez.

Hon. A Sanchez: Can the Government confirm whether it intends to make any changes to the current dual appointment of Finance Director for the Care Agency and Finance and Procurement Advisor to the Ministry of Health and Business?

If so, will the Government confirm:

1. Whether any resulting vacancies will be subject to an open and transparent recruitment process; and
2. Whether the two posts will be advertised and filled separately or maintained under a dual-holding arrangement.

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the person currently holding this position gave notice and resigned from her position. No decision has yet been made as to the composition or otherwise of these posts going forward. All resulting positions, where relevant, will be subject to an open and transparent recruitment process.

Hon. A Sanchez: Grateful for that answer Madam Speaker. In answer to questions that have been filed in relation to this issue before, the Minister has previously suggested that decisions in relation to these vacancies will be subject to any decisions going forward in relation to the merger. Is this still the Government's position?

Hon. G Arias Vasquez: Yes, Madam Speaker.

Hon. A Sanchez: And it is also the position of the Government that there was someone training for the post of these roles and someone was being trained up to then fill one of these roles. I believe it was the Finance Director for the Care Agency.

Is there someone currently training for this position?

Hon. G Arias Vasquez: Madam Speaker, the individual who held this position was mentoring numerous people, one of them being the Finance Director or the person who was acting into the role, the Finance Director of the GHA. As we confirmed recently, the position of Finance Director has now been filled and I would like to offer her my congratulations here.

So, yes, that position has now been filled.

Hon. A Sanchez: Madam Speaker, how does this then tie up with the vacancies that the Government is intending to recruit for and the decisions that it is intending to take on the dual arrangement for this role? Can she perhaps elaborate further on this?

Hon. G Arias Vasquez: Madam Speaker, my answer to the question is that we are reviewing the situation to see whether indeed these roles are necessary going forward, given that the mentoring has already occurred. We will be establishing whether or not that is required in the next few months and determining the outcome depending on the restructure of the GHA.

Madam Speaker: Next question.

Q813/2025
Child Protection Committee –
Publication of annual reports

Clerk: Question 813, the Hon. A Sanchez.

Hon. A Sanchez: Has the Child Protection Committee published any annual reports since its establishment? If so, when were these published, and if not, when does the Minister expect the first report to be made publicly available?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, no ma'am.

Hon. A Sanchez: Madam Speaker, does the Hon. Minister elaborate on whether the Child Protection Committee intends to publish any annual reports any time soon?

Hon. G Arias Vasquez: Madam Speaker, I am aware that all the reports are completed. I have handed copies of them, but in order to establish whether they are going to publish them or otherwise you would have to ask the Child Protection Committee.

Hon. A Sanchez: Madam Speaker, in the UK and in comparable jurisdictions, annual reports are published routinely, and they set out learning priorities, publish data. Does the Minister not accept that Gibraltar should meet the same transparency standards and publish these?

Hon. G Arias Vasquez: Absolutely, Madam Speaker, I will be taking that up with the Child Protection Committee as to why the reports are not published.

Hon. A Sanchez: And will the Minister not make this recommendation to the Child Protection Committee, perhaps give some insight on when these reports will be made available?

Hon. G Arias Vasquez: Madam Speaker, even though I established the Committee, the Committee is an independent body from me. I can ask them why they have not published the

reports. I can make a recommendation that the reports are published, but whether the reports are published or otherwise is entirely up to the Committee. They can properly decide to do so or otherwise.

Madam Speaker: Next Question.

Q814/2025
Child Protection Committee –
Recommendations implemented / outstanding and oversight mechanism

Clerk: Question 814, the Hon. A Sanchez.

Hon. A Sanchez: How many of the Child Protection Committee's recommendations since the 1st of April 2022 have been implemented, are in progress, or remain outstanding, and what oversight mechanism is in place to monitor compliance?

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, since 1 April 2022, the Child Protection Committee has made 50 recommendations. Of these 25, 50% have been fully implemented and the remaining 25 are in progress, sorry. There are no recommendations classed as outstanding or not yet commenced.

Oversight is provided through established inter-agency governance arrangements. The Child Protection Committee retains overall responsibility for monitoring implementation and is supported by a dedicated sub-group with specific responsibility for tracking and scrutinising delivery of the recommendations. The sub-group provides regular reports to the Committee on progress, risks and delivery issues, enabling challenge, assurance and escalation where required.

Madam Speaker: Any supplementaries? Next question.

Q815/2025
Child Protection Committee –
Individual / systemic case reviews

Clerk: Question 815, the Hon. A Sanchez.

Hon. A Sanchez: Of all the cases reviewed by the Child Protection Committee since its establishment, how many were individual case reviews arising from safeguarding concerns, and how many were systemic or policy reviews initiated by the Committee or the Minister?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, although the question refers to all cases reviewed by the Child Protection Committee and distinguishes between individual case reviews and systemic or policy reviews, it is important to clarify that the CPC does not routinely review all individual safeguarding cases. Responsibility for individual cases rests with the relevant Department upon receipt of referrals. Since the establishment of the CPC, one serious case review has been commissioned under its authority.

Records are held from the commencement of the Committee's work in 2020. No further individual case reviews have been undertaken. In relation to policy, a review of the inter-agency working child protection policy and procedures has been underway and is now in its final stages of completion, with the first draft expected in 2026.

Madam Speaker: Any supplementaries?

Hon. A Sanchez: Madam Speaker, can the Hon. Minister perhaps elaborate on a process and whether the Child Protection Committee has a defined process for reviewing. Does it review serious incidents involving children or young people where it looks at serious death or life-threatening harm? Is this something that the Child Protection Committee looks at or would that involve different Departments and not the Committee?

Hon. G Arias Vasquez: Madam Speaker, if I understand the hon. Lady's question, it comes in two parts. First of all, does the Committee have terms of reference, to which the answer is yes, there are defined terms of reference which the Committee has. Secondly, I think the question is, if I understand correctly, has the Child Protection Committee the authority to do a serious case review in terms of children who have significant issues?

In terms of that, what the Child Protection Committee does is that it requisitions from an independent third party a review. So, when the Child Protection Committee believes that a serious case review is needed, it will requisition a third party or appoint an independent third party to commission the serious case review. I think that is it.

Madam Speaker: Next question.

Q816-7/2025
Child Protection Committee –
Recommendations / outcomes arisen from the cases examined; Cases reviewed

Clerk: Question 816, the Hon. A Sanchez.

Hon. A Sanchez: What recommendations or outcomes have arisen from the cases examined by the Child Protection Committee since April 2022, and to which departments or agencies were these recommendations directed (e.g. Care Agency, Department of Education, Royal Gibraltar Police, Gibraltar Health Authority)?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I will answer this question together with Question 817.

Clerk: Question 817, the Hon. A Sanchez.

Hon. A Sanchez: How many cases has the Child Protection Committee (CPC) reviewed or looked into since its establishment, broken down by year and category of case (for example: physical abuse, neglect, emotional abuse, sexual abuse, safeguarding concern, or policy/procedural review)?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the Child Protection Committee is Gibraltar's statutory multi-agency child safeguarding partnership, established under the Children Act 2009. Its purpose is to provide strategic leadership, coordination and oversight of child protection arrangements across relevant agencies in Gibraltar. The CPC does not review, investigate or consider individual child protection cases.

It therefore does not produce recommendations arising from individual cases, nor does it direct recommendations to particular departments or agencies on the basis of specific incidents.

Madam Speaker: Next question.

Q818-9/2025
St. Bernard's Centre –
Expansion / refurbishment plans; Details of construction of new facility

Clerk: Question 818, the Hon. A Sanchez.

Hon. A Sanchez: Can the Government state what expansion and refurbishment plans it has for St Bernadette's Centre, and when these works are expected to commence?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I will answer this question together with Question 819.

Clerk: Question 819, the Hon. A Sanchez.

Hon. A Sanchez: In relation to St. Bernardette's Centre, could the Government provide the following information? Whether a new facility centre will be constructed, including the expected start date and location? And whether the new building will include accommodation for residents of Learning Disability Residential Services, including Dr. Giraldi?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the Government is absolutely committed to the construction of a new St. Bernadette's. This was clearly set out on page 117 of our manifesto and is now the policy of the Government. I can also confirm that the new building will include accommodation for identified residents of the Learning Disability Residential Services, including those currently residing at Dr. Giraldi.

Hon. A Sanchez: I am grateful for that answer, Madam Speaker. If I could ask supplementaries on Question 818 first. Could the Hon. Minister perhaps elaborate on what expansion and refurbishment plans it has for St. Bernardette's Centre, the current one?

And when these works are expected to commence, if she could take that question first, please.

Hon. G Arias Vasquez: Madam Speaker, we are currently looking at all options for the intake of 2026, September 2026, into St. Bernardette's Centre. There are numerous options that are available and the Care Agency and the CEO of the Care Agency is exploring all of them to determine what is the best option to facilitate the move in September 2026. I think that answers that question.

Hon. A Sanchez: Could the Hon. Minister elaborate on what she means by all options? Could she perhaps give us an insight on what options the Government is considering?

Hon. G Arias Vasquez: As family members are aware, we are considering a new building, which I do not think will be ready in time for September 2026. We are considering an expansion of St. Bernadette's itself, but we need to do this quite quickly. Or we are looking at other alternatives where the children can actually go for an interim period or, in fact, for a longer term if they choose to go to an alternative facility.

Hon. A Sanchez: And does the Hon. Minister have any indication of how much additional floor space the expansion creates?

Does she have approved floor designs? Is that far ahead in the concept? Has that been designed already or is this something that is only just been discussed and has not yet been designed?

Hon. G Arias Vasquez: Madam Speaker, as the hon. Lady will be aware, we held consultation with parents just before the summer break last year. This summer has been ongoing since August-September last year and therefore, whilst I do not have the actual figures of the full floor space, I do not have the plans in front of me, it is something that is advancing.

Hon. A Sanchez: And in relation to the new building, in relation to Question 819, in relation to the new St. Bernadette's Centre, could the Hon. Minister confirm whether the new site is still that of the new building in Commonwealth Park and whether she has an estimated start date for that building when she expects the Government to start with that project?

Hon. G Arias Vasquez: Madam Speaker, yes, I can confirm that the plans for the building are still to be located in Commonwealth Park. We are still in a position where we are consulting all the relevant stakeholders, including the professionals in the building, in order to determine what exactly that building should look like. So unfortunately, as the hon. Lady may be aware, until we have consulted everyone and developed the plans to a point that everyone's happy and then gone into a discussion with the contractors, we cannot confirm a start date.

And when we can confirm the start date, then we can confirm the termination date but at the moment, we are still in the process of developing plans.

Hon. A Sanchez: And just one last question, could the Hon. Minister confirm at least whether she expects it to be in this term of office?

Hon. G Arias Vasquez: Yes, Madam Speaker.

Q820-2/2025

Respite services for children and young adults with learning disabilities – Employment, vetting and monitoring of training entities; Contract / memorandum of agreement for the provision of respite services; Respite services consultation process

Clerk: Question 820, the Hon. A Sanchez.

Hon. A Sanchez: In reference to Government Press Release 451/2025 and the Government's plans for respite services for children and young adults with learning disabilities, could the Government provide the following information:

1. The entity that will employ any carers required when these plans take effect.
2. The entity responsible for conducting and monitoring the vetting of carers; and
3. The entity responsible for the monitoring of carers' training.

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I will answer this question together with Questions 821 and 822.

Clerk: Question 821, the Hon. A Sanchez.

Hon. A Sanchez: Could the Government state whether it has entered any form of contract or signed a memorandum of agreement with any entity for the provision of respite services for children and young adults with learning disabilities, and provide details of what has been agreed?

Clerk: Question 822, the Hon. A Sanchez.

Hon. A Sanchez: Has the consultation with families referenced in Government Press Release 451/2025 regarding respite services for children and young adults with learning disabilities been concluded?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, in answer to Questions 820 and 821, a contract was signed with Possibilities on 25th September 2025 after a tender process was carried out, as has already been detailed in this House and in the local media. This was all done under the advice of the Government's Procurement Department. As stated in Government Press Release 451 of 2025, the Care Agency will retain responsibility for strategic oversight and contract management of the service.

This includes ensuring that compliance with vetting and training standards is maintained. In addition, Care Agency staff will be present on site to provide direct support to service users with more complex needs, including those who may require emergency intervention.

In answer to Question 822, the consultation with families as referenced in Government Press Release 451 of 2025 regarding respite services for children and young adults with disabilities concluded on 25th June 2025.

Families were informed of the consultation's conclusion at a town hall meeting on 18th June 2025, where it was communicated that all their comments and concerns had been duly considered. Furthermore, negotiations had commenced with PossAbilities identified as having the preferred premises to continue providing the service while the Care Agency maintains an overall strategic oversight and contract management.

Hon. A Sanchez: Madam Speaker, if I could just ask first on 820. There is a point there, point one of the question. Could the Hon. Minister clarify the point on the carers?

Would the Hon. Minister be able to clarify, will the carers continue to be employed via the Care Agency or have they TUPE transferred through to PossAbilities? Could she explain how that works?

Hon. G Arias Vasquez: Madam Speaker, I do not believe that there was a TUPE transfer. I believe that the carers are employed by PossAbilities.

Hon. A Sanchez: And would the Hon. Minister explain how the transfer from, was there a shadowing period for the carers to, because obviously there might be some carers that did not want to transfer from one entity to the other. Was there a shadowing period for those who were

receiving respite from the Care Agency who then moved to PossAbilities to not disrupt continuity of care for the children? And how was that managed?

Hon. G Arias Vasquez: Madam Speaker, as I stated in my answer, the whole process was managed and continues to be managed by the Care Agency and the carers and supervisors in the Care Agency. So, the entire transfer was, the oversight of which was managed under their supervision.

Hon. A Sanchez: And Madam Speaker, is the Care Agency only operating this model of respite, this is to say, is this the only one available to parents or is it the case that parents that might not want to avail themselves of respite via this entity still have the choice of using the Boathouse as a form of respite? Is that still available to them as a choice?

Hon. G Arias Vasquez: Madam Speaker, this is not, so let me take the question differently. Let us start by looking at what exactly respite is. Respite is a service that this Government has offered to more children than ever before for the provision of assistance to parents between the hours of 3.30 and I think it is 7.00. I do not want to assert that it is 7.00, but it is in the afternoon. It is an after school, effectively, it is an after-school activity for children with supported needs. So there is a bus service that picks up the children and takes them to PossAbilities or wherever else. So there are three levels of service.

So there is either PossAbilities, there are some children which remain at the Boathouse, and there are some children which are still offered Home Support but that is not necessarily determined by the wants of the parents. That is decided by the Care Agency depending on what the child requires.

So, for example, if the child requires additional medication, it might be determined that PossAbilities is not the best place for that child. In respect, and we are talking solely about respite services, so these are additional services that are provided between the hours of 3.30 and I think it is 7.00 in the evening. So what we are talking about here is services that are provided in different levels depending on the needs of every child.

So therefore the Care Agency will review each child on a child-by-child basis and determine what is best for that child. So yes, PossAbilities is not the only option, which I think was a question, and there are two other options available. That is either the Boathouse or Supporting Needs at Home and the Care Agency determines what is best for the child in each instance.

Hon. A Sanchez: Could the Hon. Minister clarify whether there is any, at any point, any membership fees that have to be incurred by parents at any point, given that I know that this entity does charge membership fees. Is that in relation to respite services, membership fees that have to be paid by parents at any point, or not in relation to respite services?

Hon. G Arias Vasquez: Madam Speaker, I am not 100% sure of the answer. I want to say no, but I am not 100% sure. I would urge that the hon. Lady asks the question, and I will be happy to share the information with her.

Madam Speaker: Next question.

Q823-4/2025
Care Agency –
Designation of Appropriate Adult; Appropriate Adult training regime

Clerk: Question 823, the Hon. A Sanchez.

Hon. A Sanchez: Who within the care agency is designated or selected to act as an Appropriate Adult when a minor under the age of 18 in care is detained by the Police?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I will answer this question together with Question 824.

Clerk: Question 824, the Hon. A Sanchez.

Hon. A Sanchez: What training is provided to individuals from the Care Agency who are expected to act as Appropriate Adults?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the role of an Appropriate Adult would be undertaken by a social worker, senior care worker or residential care worker. The decision as to which employee would fulfil this role would depend upon the specific circumstances and context as to why the minor is in custody. The Care Agency delivers Appropriate Adult training to all employees who act as Appropriate Adults.

Hon. A Sanchez: Madam Speaker, can the Minister clarify whether there is a designated team or roster within the Care Agency that is specifically assigned to act as Appropriate Adults for minors?

Hon. G Arias Vasquez: Madam Speaker, Appropriate Adult training is now delivered as part of the Care Agency employee's induction. So 124 employees have been trained as Appropriate Adults within the Care Agency.

Hon. A Sanchez: And could the Hon. Minister clarify whether this training is accredited?

Hon. G Arias Vasquez: Madam Speaker, unfortunately I do not have that information to hand but if the hon. Lady wishes to ask me that question next time round I am very happy to answer that question.

Madam Speaker: Next question.

Q825/2025
GHA Patients –
Approved for domiciliary care but awaiting commencement of their care packages

Clerk: Question 825, the Hon. A Sanchez.

Hon. A Sanchez: As of 1st September 2025, how many GHA patients have been assessed and approved for Domiciliary Care or Home Support but remain in hospital awaiting commencement of their care packages, broken down by ward, and reasons for the delay?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, since 1 September 2025 there are a total of four patients who have been assessed and approved for packages of care and remain in hospital.

Patient 1 was assessed on 11 December 2025.

Patient 2 was assessed on 23 December 2025.

Patient 3 was assessed on 4 December 2025.

Patient 4 was assessed on 22 December 2025 and reassessed on 24 December 2025.

Patient 1, 2, 3 and 4 have been offered hours.

Patient 4 is awaiting the increase in hours.

Madam Speaker: Next question.

Q826/2025
Active Care Packages –
Total number and pending reviews

Clerk: Question 826, the Hon. A Sanchez.

Hon. A Sanchez: As at 30th October 2025, can the Government provide the total number of active care packages currently managed by the Care Agency for domiciliary and home support services, and, of these, can the Government state how many have a review of the package of care pending, including, for each pending case, the length of time that the review has been outstanding?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, as of 30 October 2025, the total number of care packages currently managed by the Care Agency for Domiciliary and Home Support Services is 506.

472 are currently active, 44 are currently paused due to short-term hospital admission, respite or illness.

Of these active cases, 162 have reviews outstanding.

These have been broken down by the length of time the review has been outstanding as follows:

Less than 1 month	21
1-2 months	61
3-6 months	27
7-12 months	35
13-16 months	7
17-21 months	11

Hon. A Sanchez: Madam Speaker, can the Minister provide an explanation as to why the delays in these reviews and why it is taking this time to update or to provide these reviews? You know, for people to be receiving the care that they require to meet their needs, these packages have to be reviewed in a timely manner.

Hon. G Arias Vasquez: Madam Speaker, historically, all packages of care which consisted of 14 hours or less a week were closed to the social work team once the care was in place and the service user was satisfied with the service. These cases were only reviewed at the request of the service user. Since CCDSL took over, CCDSL is now periodically reviewing all packages of care that have been given.

All hospital discharges and new packages of care are now reviewed within 6 to 12 weeks, regardless of how many hours have been approved.

Hon. A Sanchez: I am grateful for that answer. Is there, within the service level agreement that the Government has with CCDSL, something within the service level agreement that reflects that these reviews have to be done within a certain timeframe to ensure that the reviews and the packages of care that individuals are receiving are up to date and are reflecting the standard of care that they have to be receiving?

Hon. G Arias Vasquez: Madam Speaker, I am pleased to confirm that the contract which the Care Agency has with CCDSL is extensive and indeed does cover all of these issues and numerous others which have been raised in the past. So, the Care Agency is able to be on top of all of the reviews, all of the complaints, and is able to audit every single factor which CCDSL is carrying out. We now have a far more accurate view of exactly where we are with all the packages and we now know exactly how often the packages are reviewed.

So yes, in the contract which the Care Agency entered with CCDSL, we are now able to manage all these factors far, far better.

Madam Speaker: Next question.

Q827-8/2025
Care Agency and Community Care Domiciliary Services Ltd –
Key performance indicators; Home Support and Domiciliary Care complaints

Clerk: Question 827, the Hon. A Sanchez.

Hon. A Sanchez: Can the Government state whether key performance indicators are measured within the contract or Service Level Agreement between the Care Agency and Community Care Domiciliary Services Limited, and, if so, can the Government state what these indicators are?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I will answer this question together with Question 828.

Clerk: Question 828, the Hon. A Sanchez.

Hon. A Sanchez: How many complaints have been received and logged by the Care Agency or any subcontracted entity including CCDSL in relation to Home Support and Domiciliary Care from

1st of June 2025 to present, stating for each complaint: the date, the entity involved, the nature of complaint, the action taken, and the outcome?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, in answer to Question 827, I can confirm that the service agreement between the Care Agency and Community Care Domiciliary Services Limited includes a range of performance and compliance provisions which, whilst not formally described as key performance indicators, operate as measurable standards against which contract performance is monitored. The contract contains clear requirements regarding the quality, timeliness and supervision of care delivery as well as staff training, vetting and adherence to care plans established by the Care Agency. These standards are supported by regular reporting, unannounced spot checks and performance review mechanisms.

Furthermore, Madam Speaker, as I have previously informed Parliament, the Care Agency conducts frequent and periodic survey audits whereby every individual receiving a package of care is contacted directly. These audits assess whether service users are receiving the service as planned, whether they are satisfied with the care provider, whether any sessions have been missed and whether any carers arrive and leave on time. The information gathered through these audits is analysed and a detailed report is produced and shared with CCDSL.

CCDSL are then required to visit the relevant service user, take corrective action and report back to the Care Agency on outcome. This process has proved very effective in identifying deficiencies early and in ensuring timely resolution. Through these combined contractual and operational measures, the Care Agency maintains robust oversight of CCDSL's performance and continues to ensure that service standards are upheld.

In answer to Question 828, I now hand over a schedule with the relevant information.

SCHEDULE WEB LINK

Madam Speaker: I shall take supplementaries on 827 and, if necessary, will revert to 828 in due course. Anything on 827? No.

We will move on to 830 then.

Q829-31 & 916/2025
Learning Disability Residential Services –
Relocation and transfer of Dr Giraldi service users; Alternative locations; Release of flats back to the Housing stock

Clerk: Question 829, the Hon. A Sanchez.

Hon. A Sanchez: In relation to the relocation of Learning Disability Residential Services, and specifically the transfer of Dr Giraldi service users from its current location and satellite flats to a facility adjacent to Tangier Views and Tangier Views itself, as announced by the Minister for Care during her Budget speech in July this year, could the Government state:

1. On what date the Care Agency commenced an official consultation process with stakeholders on this matter;
2. Whether a formal consultation document has been prepared setting out the scope, principles, objectives, methodology and other relevant details of the consultation, and if so, on what date it was finalised and whether it has been shared with stakeholders;

3. By what date the consultation process will close, and how the Government intends to incorporate stakeholder feedback into the final decision.

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): I will answer this question together with Questions 830, 831 and 916.

Clerk: Question 830, the Hon. A Sanchez.

Hon. A Sanchez: With respect to the proposed relocation of service users from the satellite flats to the facility adjacent to Tangier Views and Tangier Views itself, will the Government clarify whether any satellite flats that become vacant will remain under the use of the Care Agency, and if so, for what purpose?

Clerk: Question 831, the Hon. A Sanchez.

Hon. A Sanchez: Can the Government state whether it is considering any alternative sites or locations, other than those already announced, for the proposed temporary relocation of Learning Disability Residential Services and the relocation of Dr Giraldi?

Clerk: Question 916, the Hon. D J Bossino.

Hon. D J Bossino: Will any Government flats be released back to the housing stock when users are moved to Tangier Views and C Block and if so how many, to include details of their room configuration?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): In answer to Question 829, the Care Agency commenced the official consultation process with stakeholders on 11 September 2025. Madam Speaker, yes, a formal consultation document, the terms of reference had been prepared. The document sets out the purpose of the consultation, the decisions in scope, objective, principles, stakeholders, roles and responsibilities, methodology and timeline, as well as risks, mitigation, confidentiality and reporting arrangements. This was finalised on 7 September 2025 and shared with the relevant stakeholders. The consultation process closed on 28 November 2025. Feedback gathered will then be analysed and summarised into preliminary findings report in December, followed by a full analysis and reporting through to January 2026. A final summary report will be produced and shared with stakeholders by 9 February 2026, clearly setting out key themes, recommendations and how stakeholder feedback has been incorporated into the final decision.

In answer to Question 830, if the temporary relocation of Dr Giradi and Satellite Flat residential services proceeds, the plan is to retain a number of the existing satellite flats for use as small group homes under Children's Residential Services. The exact number of flats to be retained is yet to be determined.

In answer to Question 831, the Government through the Care Agency is currently embarked on a full consultation period as to the relocation to the new site of Tangier Views, Block-C, and at present no other location is being considered other than the more permanent building in the area of Commonwealth Park.

In answer to Question 916, at present the Government is awaiting the outcome of the Care Agency's Block-C consultation process, which will determine the next steps.

Madam Speaker: Anything on 829?

Hon. A Sanchez: Madam Speaker, I am grateful for the answer. On Question 829, in essence, what the Hon. Minister is saying is that the expansion of the current St Bernadette Centre is therefore dependent on the consultation period and parents accepting the move to Tangier Views, or else it is paused because there is no alternative location for a temporary location before the Government is ready to build the new permanent St Bernadette's Centre. That is essentially what the Hon. Minister is saying.

Hon. G Arias Vasquez: Madam Speaker, we come back to the first question in this session. In the first question in this session, I said that we were exploring different possibilities for this. We are in a consultation specifically with the parents on Block-C, and I think it is right to consult with the parents of the children that might move up to Block-C and to Tangier Views.

We are currently in a consultation process, as we agreed with the parents that we would be. What I said in response to the first question is that we are exploring other options, which do not necessarily involve building, but we are exploring other options, including negotiations with third-party providers and or perhaps the extension of the current St Bernadette's but there is no alternative site that we are looking to expand.

Hon. A Sanchez: In relation to the satellite flats, Madam Speaker, and I believe that is 830, yes, can the Hon. Minister confirm that no residents from Dr Giraldi that currently reside in any of the satellite flats will be asked to move to the new proposed centre if the consultation concludes that it will go ahead, unless they agree to want to leave the satellite flats and that they will not be forced to hand those over to the Government and move to the new proposed location, unless they want to move from independent living within the community into a more institutional model?

Hon. G Arias Vasquez: Madam Speaker, within that question there are numerous different elements to it. There are the independent flats within the community and there is the Dr Giraldi flats themselves. Now we cannot, and I explained this to the parents when we had the town hall with the parents, what we cannot do is have Block-C, have the new St Bernadette, and in addition to those two sites, also retain the current St Bernadette's and Dr Giraldi's facility. So we cannot be in a position where we have all three, and therefore if we were in the position that the majority of people wanted Block-C and or St Bernadette's and there were some that still wanted to remain in Dr Giraldi's, that would not be possible because we would have to give up one of the sites.

The other question as to independent living and satellite flats is a different question because they are one-off flats within the community. So if there was a user that wanted to remain in a one-off flat in the community and it was determined by the Care Agency that indeed it is right for that individual to continue within an independent flat in the community and there is a significant difference between that flat in the community and for example the new Purpose Built block, then that might be an option at that point in time but what we cannot have is three separate buildings for the same purpose, unfortunately.

Hon. A Sanchez: Madam Speaker, one of the main concerns that have been expressed to us with the location of the new proposed site up in Tangier Views is transport links and how users, especially those with mobility issues, will be able to move around given that it will be far away from town and a lot of the amenities that they will have to use.

Can the Hon. Minister give assurances that the Government and the Care Agency, if the consultation finds that this will go ahead, will make transport available and will take care of this so that the families will be assured that this will not be a problem?

Hon. G Arias Vasquez: Madam Speaker, at the town hall that was held with the parents, the parents themselves voiced this concern repeatedly and we assured the parents that we would do this if the concerns were allayed. So the Care Agency, as the hon. Lady I am sure is aware, normally works very much in tangent with the parents and normally responds to the carers' needs. As I have told you before, in respect of respite services, we have a bus that picks up the children from St Martins and takes them to after-school activities at 3.30. We are very cognisant as a Care Agency of these users' needs and respond to them fully. We would not have a facility where the residents felt that they were unable to get to or otherwise. So we have assured parents that if this facility were to be used post the consultation, that all the requirements vis-à-vis transport would be fulfilled. This was part of the consultation.

However, Madam Speaker, I think it is very, very important to say that this is a Government which has prided itself throughout on actually listening to and actually working with and providing facilities for children with learning disabilities and children with supported needs and it will not do any different in respect to these new facilities.

Madam Speaker: Anything on 916?

Hon. D J Bossino: If I may, Madam Speaker, I do have something on 916. Could I ask a supplementary on 829, which is one of my hon. Friend's questions? Just one brief clarification.

Madam Speaker: Yes.

Hon. D J Bossino: I am grateful. In relation to point 2, I think the Hon. Minister, this is just to assist, it is the formal consultation document that she referred to which sets out quite a lot of detail, she said. And then she said that that had been shown to, or the consultation had occurred, with the relevant stakeholders. May I ask who she encapsulates within that definition?

Hon. G Arias Vasquez: Madam Speaker, that would be current users of Dr Giraldi's or anyone that would be affected by the change.

Hon. D J Bossino: Users and presumably parents or guardians of residents of Dr Giraldi in particular. Is that the case?

Hon. G Arias Vasquez: Yes, Madam Speaker, all relevant users.

Hon. D J Bossino: In relation to my question, on 916, can I ask her firstly just to assist me and clarify why she referred specifically to C-Block. As I understand the position, the Government's intention is to move users to Tangier Views, which has been identified by name but also, I think in the press release announcement, it talked about a refurbished facility adjacent to Tangier Views, which I understand is C-Block and in answer to other supplementaries asked by my hon. Friend, she was using those two interchangeably. But in answer to my question, she says until we have consultation in relation to C-Block in particular, she will not be able to provide an answer to the question I have in the order paper. I just do not understand why she is making that distinction.

As I understand it, it is being treated in a composite way.

Hon. G Arias Vasquez: Madam Speaker, perhaps I, like my other female colleague, do not quite know the remit of my portfolio. It was a slip of the tongue. It was shorthand. When I say Block-C, I mean Block-C and Tangier Views. So it was not one or the other. It is Block-C and Tangier Views. It was shorthand to mean the area up there, but we are not rowing back on that commitment.

Hon. D J Bossino: No, and I did not have in my mind an intention on her part of rowing back on a commitment or anything. I just wanted her to clarify, and I am grateful to her for that clarification, which is helpful for me in case it was something I had missed but can I ask her this?

Given that the consultation period, as I understand it, arrived at a stage where one can say it is completed, as I understand it, is the hon. Member not able to provide the answer now, or at least a roundabout figure of the flats that she envisages will be made available to the housing stock, which I am sure her friend, the Minister for Housing, would be very pleased to receive, to be able to offer to those individuals on the housing waiting list.

I think she made a distinction, I cannot recall now, between those users of satellite flats, who for their own particular reasons we know now already will be remaining in those satellite flats, and whether consulted or not will not be moving to Tangier Views / Block-C, but there will be a set of other flats which will, subject to perhaps conclusion of the consultation, may be made available. Can she give me a roundabout number at least, if she does not have a specific number with her?

Hon. G Arias Vasquez: Madam Speaker, just to clarify, I have not said that some of the satellite flats will not move. I have said that we will look at the picture in the round, and the Care Agency will determine who is best placed to go where. So, I just thought I would clarify that specific point which the hon. Member raised and unfortunately, no, I do not have a specific number of flats which the Care Agency will be handing back. But if the hon. Member wishes to raise that question next time, I am happy to answer that question next time.

Hon. D J Bossino: Yes, and I am more than willing to comply with her offer, so may I take it, by way of a question, may I take it impliedly from her answer that she will have the information within the period of a month, assuming that that is when we are next before this place?

Hon. G Arias Vasquez: Madam Speaker, I hope to be in the position where we will have a fair idea of what that number will be, whether I will have a specific number or otherwise, but I am happy to share what we think that number is likely to be.

Hon. D J Bossino: And just by way of clarification and to seek your assistance, Madam Speaker, presumably I will not be held to the six-month rule. If it is an update question which the Hon. Minister has very helpfully offered, she will be able to respond to it next time.

Madam Speaker: I do not commit to anything at any stage. When I see the question and I see the terms it is drafted in, then I will rule on it.

Madam Speaker: Next question.

Clerk: Question 832, the Hon. A Sanchez.

Q832-4/2025
Mount Alvernia –
Refurbishment works completion date; Tableware shortages or supply issues; Issues with the supply of warm or hot water

Hon. A Sanchez: Could the Government confirm whether the refurbishment works on the remaining floors at Mount Alvernia are still ongoing, and provide an expected completion date for these works?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I will answer this question together with Questions 833 and 834.

Clerk: Question 833, the Hon. A Sanchez.

Hon. A Sanchez: Could the Government provide information on any instances of shortages or supply issues affecting the following items at Mount Alvernia, Hillsides, John Mac Wing, and Bella Vista from 1st September 2024 to the present date:

1. Tableware, including plates, bowls, cups, etc.
2. Cutlery and other catering equipment used by residents during mealtimes; and
3. For each instance, the date it occurred and the reason for the shortage.

Clerk: Question 834, the Hon. A Sanchez.

Hon. A Sanchez: Can the Government confirm whether there have been any further issues with the supply of warm or hot water at Mount Alvernia since the 1st of January 2025?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, in answer to Question 832, the refurbishments are still in progress and the completion date has not been determined. In answer to Question 833, Hillside, John Mackintosh Wing and Bella Vista are outsourced to Medoc Healthcare. Therefore, any requests for cutlery, tableware or related items are to be directed to them as these are supplied under their existing contracts.

However, regarding Mount Alvernia, upon investigation, it has been found that in some instances, residents may have mistakenly disposed of these items in the bins. Whenever a shortage has been reported, the Catering Manager has responded promptly and ensured that the required items are replenished without delay. I now hand over a schedule with information requested for additional cutlery and crockery items submitted to Mount Alvernia's Catering Manager.

ANSWER TO QUESTION 834

ANSWER TO QUESTION 833

Area within Mount Alvernia	Date requests received
1st Floor	26.01.25 20.02.25 03.03.25
2nd Floor	12.05.25
3rd Floor	21.01.25 28.05.25 11.09.25
4th Floor	08.01.25 10.03.25 10.04.25 26.05.25 08.07.25 05.08.25 27.08.25

In answer to Question 834, I am very happy to advise that there have been no further issues with the supply of hot water since January 2025 at Mount Alvernia.

Madam Speaker: Anything on 832?

Hon. A Sanchez: Madam Speaker, on 832, can the Hon. Minister confirm or elaborate on what floors the refurbishment has been completed? The last time I asked this question, the Hon. Minister confirmed that the works have been completed on the second floor. Would she be able to confirm whether works have progressed and whether any of the other floors have been completed?

Hon. G Arias Vasquez: Madam Speaker, it is an ongoing programme whereby apprentices from the training centre do numerous different floors. Thankfully, we have the apprentices available through the fantastic scheme provided by my hon. Friend, Minister Santos, and they are assisting throughout Mount Alvernia to give the floors a refresh. As it is a rolling programme, there is no completion date, Madam Speaker.

Hon. A Sanchez: Madam Speaker, can the Hon. Minister elaborate on whether there has been any budget allocated towards this refurbishment, or is it just an *ad hoc* programme that the apprenticeship is just undertaking?

Hon. G Arias Vasquez: Madam Speaker, as the hon. Lady is aware, there is a capital fund which is allocated to the ERS on an annual basis. That capital fund is largely for Mount Alvernia, and it is for the GHA and the executive team of the GHA to determine how that capital fund is used. So there is money available there for the refurbishment and maintenance of Mount Alvernia.

Hon. A Sanchez: In relation to the 833, in relation to the shortages of tableware, cutlery, etc., in relation to Hillside, John Mac Wing Bella Vista, the Hon. Minister has said that these are outsourced but does she not have any information of whether there have been any shortages in relation to these ERS facilities? Because the information that we have received, and indeed I am sure that she is aware that there have been instances of these shortages being documented in social media, I am sure that she must have seen them as well as I have.

Has she not been made aware of these, or has she not at least made enquiries to ascertain why this is happening and what has happened in these occasions?

Hon. G Arias Vasquez: Madam Speaker, it is slightly remarkable that I am aware of the number of spoons that there are in Mount Alvernia, let alone in facilities that we have outsourced to an independent third party. There was one instance, to my knowledge, that it was documented on social media, and it was not a shortage, it was a disposable plate that had been handed to a resident. As and when these issues get brought to my attention, there is a catering manager that is involved in these things.

As I have mentioned to the hon. Lady in respect of maintenance, there is a budget, there is a capital allocation specifically for all of these things, which I am very happy to say that I do not sign off every time a spoon goes missing in Mount Alvernia, or Meddoc, or in any of the institutions which Meddoc manages. We do have oversight of Meddoc and the facilities that Meddoc manages to make sure that they are running well. We do not have oversight of the number of spoons that are available to the residents, but we are aware of complaints of this nature.

There is a fund there, there is money available for whenever anyone needs spoons or cutlery or crockery in Mount Alvernia for individuals, the catering manager, to be able to be notified. There is also a structure in place, Madam Speaker, so that the relevant authorities are notified of any shortages. The staff in Mount Alvernia, or the staff indeed in Hillside or John Mackintosh Wing, should be aware that if there is a shortage, there will be a hierarchy within each institution to

which they can report any missing cutlery. I would urge any residents to see that if there are any such shortages, to report it to the relevant authorities, as they are probably best placed to manage it.

There are instances where residents have accidentally thrown away teaspoons in particular, Madam Speaker, given the nature of the residents, it is not surprising that residents have thrown away teaspoons and we have not replaced them quickly enough, but that is really what we are talking about. It is not an intentional withholding of the purchase of any crockery or cutlery.

Madam Speaker: Next question.

Clerk: Question 835, the Hon. A Sanchez.

Q835-6/2025
Mount Alvernia –
Refurbishment works completion date; Tableware shortages or supply issues; Issues with the supply of warm or hot water

Hon. A Sanchez: Could the Government state whether there have been any reports of ant infestations or other persistent pest-related issues at Mount Alvernia or any other ERS facilities from 1st April 2024 to the present date, providing the information broken down as follows:

1. By facility;
2. By floor and area affected; and
3. The dates of each report and the action taken in response.

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I will answer this question together with Question 836.

Clerk: Question 836, the Hon. A Sanchez.

Hon. A Sanchez: Could the Government provide the following information in relation to the Mount Alvernia ERS site for the period 1st April 2024 to the present date:

1. Whether there have been any reported sightings of rats or rat droppings inside the facility, providing the exact date of each incident; and
2. Whether the relevant department or agency was contacted and what action was taken in response to each report.

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, in answer to Question 835, I now hand over a schedule with breakdown of any reports of ant infestations or any other persistent pest-related issues at Mount Alvernia or any other ERS facility from 1 April 2024 to date and in answer to Question 836, I now hand over a schedule with the information requested.

ANSWER TO QUESTION 836
ANSWER TO QUESTION 835

ERS Facility	Issue	Floor/Area Affected	Dates of Report received	Action taken
Mount Alvernia	Ant Infestation	All Floors	April, May, July, August and September 2025	Environmental Department contacted who were unable to identify source of infestation. Subsequently, all floors were provided with non-aerosol ant sprays, pest control plug-ins were distributed throughout the building Health & Safety recommendations were shared with all floors.
Bella Vista	Ant infestation	Dining Rooms on the 3rd and 4th Floor	20th July 2025	This occurrence was a small ant infestation which was caused by food leftovers from service users after lunch. The affected areas were promptly and thoroughly cleaned and disinfected. Measures are in place to prevent future occurrences, including the use of ant traps and insecticides.
Hillsides	Pigeon Infestation	In the Air Conditioning Equipment on the roof of Hillsides facility.	March 2025	The Environmental Department was informed and acted by caging and removing the pigeons. The area was subsequently cleaned, disinfected, and fumigated.

Cont...

CONTINUED ANSWER TO QUESTION 836
CONTINUED ANSWER TO QUESTION 835

Hillsides	Ant Infestation	Recliner/Armchair	13th February 2025	The affected recliner was removed, and a new one was purchased. The remaining recliners were thoroughly cleaned and disinfected before being put back into use.
John Mackintosh Wing	Cockroach Infestation	Basement Laundry Area	9th December 2024	Minor cockroach infestation, the incident was reported to the Environmental Department the same day at 11:30 am. Immediate action was taken by the Domestic and Labour teams to disinfect the area and apply insecticide. The Environmental Department attended on 11th December 2024 at 10:00 am and carried out fumigation.

ANSWER TO QUESTION 836

ANSWER TO QUESTION 836

ERS Facility	Issue	Area Affected	Dates of Report received	Action taken
Mount Alvernia	Rat sightings	Staff Canteen adjacent to the garden	May and July 2025	Metal mesh was installed on all canteen windows. Door closers were fitted to ensure the door to the garden remains closed. Additionally, permanent rat traps are positioned around the building. These are inspected and maintained on a monthly basis by Environment

945

Madam Speaker: All right, we will move on to 837 and revert to these two for supplementaries in due course.

Q837-8/2025
Mount Alvernia –
Requests/expression of interest from residents or their family to move to the Rooke facility; Is the Government planning expression of interest invitations

Clerk: Question 837, the Hon. A Sanchez.

Hon. A Sanchez: Could the Government clarify whether it has received any requests or expressions of interest from residents, or their family members, at Mount Alvernia regarding whether current residents would wish to move to the Rooke Facility, which was originally announced as a care facility?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I will answer this question together with Question 838.

Clerk: Question 838, the Hon. A Sanchez.

Hon. A Sanchez: Is the Government planning to invite expressions of interest from Elderly Residential Services (ERS) residents who may wish to move to the Rooke facility, which was originally announced as a care facility, and will this opportunity be open to residents in all ERS facilities or only to some? If the Government is not planning to invite expressions of interest, but intends to collect this information in another way, can the Minister specify how this will be done?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, some residents have written directly to myself to make it known that they would like to move to the Rooke facility if that were to be an option. The Government will make an announcement as to the usage of the Rooke facility when it is ready to do so. I can assure the hon. Member that no resident of Mount Alvernia or any Elderly Residential Service facility will ever be compelled to leave their home against their wishes.

Hon. A Sanchez: Madam Speaker, will the Hon. Minister be able to elaborate on whether she intends to open a consultation process with the residents of ERS sites and their family members in relation to the Rooke facility? Is this something that she intends on doing? And whether she has met with, she says that some individuals have written to her, I believe she has stated. Has she met with these individuals to discuss this?

Hon. G Arias Vasquez: Madam Speaker, on the 29th of October, I met with some of the family representatives. A letter was sent to me dated the 27th of August 2025, which I am sure the hon. Lady must be aware of, telling me that some of the residents do indeed wish to move. There was a follow-up meeting in the diary for the 12th of December, which unfortunately I think I had to cancel that meeting, but we are meeting the representatives regularly to let them know.

If indeed what we are saying is that no resident will be moved against their will, there must be a consultation involved in order for us to ascertain what their will is. And, therefore, we fully

intend to enter a consultation with all of the residents and all their families if the residents themselves do not have capacity in order to ascertain what it is they wish to do.

Hon. A Sanchez: Yes, Madam Speaker, I am aware of that letter, of which I have a copy, which indeed also mentions the shortages of cutlery, the shortages of knives, the shortages of spoons, of tableware, the rats, the ants, the curtain railings falling, the lack of maintenance, all of the things that the Hon. Minister claims are somehow not happening.

Hon. G Arias Vasquez: I would ask the hon. Lady to declare an interest if she has any in this letter.

Hon. A Sanchez: No, I do not. I have not signed it or anything. I do not have an interest in this letter.

Hon. G Arias Vasquez: Madam Speaker, could the hon. Lady clarify if indeed any family member of hers signed the letter?

Hon. A Sanchez: I believe so. I have not checked. I would assume so given that I have a relative there in Mount Alvernia, but I do not have an interest given that I have not signed the letter.

Madam Speaker: All right, carry on with the question.

Hon. G Arias Vasquez: Madam Speaker, the interest would extend to any family member, anyone that she has in the letter, so thank you very much for declaring the interest.

Madam Speaker: The hon. Member was about to finish the supplementary question.

Hon. Dr K Azopardi: Madam Speaker, can I ask the hon. Lady, she says that she is in discussions with the families. Does she have a sense of how many residents at ERS would currently wish to express the view of going to the Rooke site? Because when the Government formally did this informal consultation exercise that they did some years ago, there were only about five residents who expressed the view of wanting to do that. This was before the 2023 election so does she have a sense of numbers? Is the people that she is in discussions with representative of everybody or is it just people who have expressed a view to her? Because obviously she might have an answer to my question, but then it would not be a complete answer because other people might not have expressed a view.

Hon. G Arias Vasquez: Madam Speaker, on a quick count of the signatories of the letter, and it might be that more than one family representative signed the letter, I have not verified that information, but on a quick count of the letter, it was signed by 57 individuals, which tells me that there are 120 residents in Mount Alvernia. So, taking it at face value and not having gone into the names of the letter would tell me that more than half of the residents would want to move. There are also representatives that come and see me. I am not sure whether they have been democratically elected or otherwise, but when a group of individuals asks to come and see me, I will always welcome them to my office. They have come to see me to ask about what is happening because they are expressing an interest in moving to a new facility.

Now, I cannot confidently stand here and tell you how many residents they represent, but if I know that there are 120 residents in Mount Alvernia, and of those 120 residents I have a letter signed by 57 individuals, I would determine that the interest in the Rooke facility is significant.

Hon. Dr K Azopardi: Yes, and that seems like a fair number. It is certainly a very different number to the number we heard before. Is the hon. Lady aware of the number of flats or rooms

that there are in the Rooke site in terms of what is the correlation between that kind of demand and what would be available at Rooke? We have no sense of that on this side of the House, I do not think. Well certainly not, I do not.

Hon. G Arias Vasquez: Madam Speaker, I do not have, I think I have the definitive number of flats that are available or beds that are available in the Rooke. I would not want to give that to Parliament just in case I get the wrong number, so if I am asked that question in the next Parliament, I am very happy to answer that question but I can say that there are more beds than there are residents of Mount Alvernia, I can say that quite confidently.

Madam Speaker: The Hon. Mrs Sanchez had a further supplementary.

Hon. A Sanchez: Madam Speaker, the Hon. Minister, I believe she said that she met with the individuals or the group that sent out the letter, some of the individuals, on the 29th I believe she said, 29th of October. Does she plan to meet them again and does she have a time frame of when she expects to meet them again to update them?

Hon. G Arias Vasquez: Madam Speaker, I believe that I was meant to meet them during the course of this week, but because of Parliamentary sessions I have had to move the meeting to next week. But they are fairly regular sessions, I wish, I wanted to have information to update them with and I hope to have some update for them, but yes we do meet them regularly. And I want to state, Madam Speaker, that the interest that has been expressed, indeed the 57 compared to the 5 that were expressed last time, is because people are seeing that the facilities are actually turning into somewhere that they would want their relatives to live in. And I think that interest of 57 residents that have signed the letter is showing that the interest is there.

Madam Speaker: Next question.

Q839/2025
ERS Facilities –
Breakdown of number of individuals on assignment or working in ERS facilities

Clerk: Question 839, the Hon. A Sanchez.

Hon. A Sanchez: Could the Government state, as of the 1st of September 2025, the total number of individuals on assignment or working in ERS facilities, broken down by:

1. Title, post, band or grade;
2. The entity employing the individual;
3. The ERS facility where each is deployed; and
4. The number of individuals engaged on zero-hour contracts?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I now hand over a schedule with the information requested.

1095

ANSWER TO QUESTION 839

ERS Staff

Grade	Location	Number of Employees	Organisation
Catering Domestic	ERS Mount Alvernia	5	ERS
Catering Manager	ERS Mount Alvernia	1	ERS
Cook	ERS Mount Alvernia	12	ERS
Dementia Co-Ordinator	GHA	1	ERS
Deputy Nursing Co-Ordinator	ERS Mount Alvernia	1	ERS
Divisional Clinical Lead	ERS Mount Alvernia	1	ERS
Domestic	ERS Mount Alvernia	18	ERS
Domestic Laundry	ERS Mount Alvernia	8	ERS
ERS Doctor	ERS Mount Alvernia	3	ERS
ERS Admin and Facilities Manager	ERS Mount Alvernia	1	ERS
ERS Facilities Advisor	ERS Mount Alvernia	1	ERS
Executive Officer	ERS Mount Alvernia	2	Government of Gibraltar
GDC Grade 1	ERS Mount Alvernia	2	Gibraltar Development Corporation
GDC Grade 2	ERS Mount Alvernia	1	Gibraltar Development Corporation
Industrial Technician	ERS Mount Alvernia	1	ERS
Labourer	ERS Mount Alvernia	1	ERS
Labourer Hybrid	ERS Mount Alvernia	13	ERS
Maintenance Operative	ERS Mount Alvernia	2	ERS
Matron	ERS Mount Alvernia	1	ERS
Nursing Co-Ordinator	ERS Mount Alvernia	1	ERS
Occupational Therapist Sen I	ERS Mount Alvernia	1	ERS
Physiotherapist Sen I	ERS Mount Alvernia	1	ERS
Physiotherapist Sen II	ERS Mount Alvernia	2	ERS
Physiotherapist Helper	ERS Mount Alvernia	2	ERS
Registered Nurse	ERS Mount Alvernia	27	ERS
Senior Cook	ERS Mount Alvernia	1	ERS
Charge Nurse	ERS Mount Alvernia	6	ERS
Speech and Language Therapist	ERS Mount Alvernia	1	ERS
Store Manager	ERS Mount Alvernia	1	ERS
Enrolled Nurse	ERS Mount Alvernia	9	ERS
Nursing Assistant	ERS Mount Alvernia	144	ERS

Grade	Location	Number of Employees	Organisation
Charge Nurse	John Cochrane	1	ERS
Registered Nurse	John Cochrane	9	ERS
Nursing Assistant	John Cochrane	25	ERS

Additional Staff:

1. Meddoc Storemen

Number: 2
Employer: Meddoc
Role: Storemen
Location: Mount Alvernia
Working Hours: 40 hours per week / includes cover relief

2. Apprentices (Training Centre)

Number: 4
Employer: Training Centre
Schedule: Monday to Friday at Mount Alvernia
Purpose: Practical assessment of skills learned during training
Support: GHA supports development by facilitating practical assessments

3. Cover Relief Workers (Domestic Posts)

Number: 7
Employer: ABC Cleaning Services
Role: Domestic post cover (vacant positions)
Location: Mount Alvernia
Working Hours: 37 hours per week

Madam Speaker: I will move on to 840 and revert to this in due course.

Q840/2025
John Cochrane Ward –
Patient's resident; Patients waiting for a transfer; Transfer waiting time; Domiciliary care or home support waiting time

Clerk: Question 840, the Hon. A Sanchez.

Hon. A Sanchez: As of 1st September 2025, could the Government provide the following information for John Cochrane Ward:

1. The total number of patients/residents in the ward;
2. How many of these individuals are waiting for a transfer to any other ERS facility, and how long each has been waiting;
3. How many individuals are waiting for an assessment for domiciliary care or home support, and how long each has been waiting; and
4. How many have had an assessment for domiciliary care or home support with a package of care approved, but are currently awaiting receipt of that package, and how long each has been waiting, along with reasons for these delays.

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, in relation to point 1 there are 18 residents; in relation to point 2, nil; in relation to point 3, nil; and in relation to point 4, nil.

Madam Speaker: Any supplementaries? Next question.

Q841/2025
ERS Facilities –
Patients awaiting in GHA wards for transfer

Clerk: Question 841, the Hon. A Sanchez.

Hon. A Sanchez: As of 1st September 2025, how many patients are waiting in GHA wards for transfer to any of the ERS facilities, broken down by ward and including the length of time each patient has been waiting?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I now hand over a schedule with the information requested.

ANSWER TO QUESTION 841

WARD	PATIENT WAITING TIMES (DAYS)
Victoria Mackintosh	311
Victoria Mackintosh	66
Victoria Mackintosh	547
Victoria Mackintosh	228
Victoria Mackintosh	467
Victoria Mackintosh	265
Victoria Mackintosh	288
Victoria Mackintosh	300
Victoria Mackintosh	266
Victoria Mackintosh	202
Victoria Mackintosh	372
Victoria Mackintosh	273
Victoria Mackintosh	220
Victoria Mackintosh	213
Victoria Mackintosh	211
Victoria Mackintosh	973
Victoria Mackintosh	403
Victoria Mackintosh	865
Victoria Mackintosh	932
Victoria Mackintosh	272
Victoria Mackintosh	100
Victoria Mackintosh	147
Victoria Mackintosh	255
Victoria Mackintosh	20
John Mackintosh	205
John Mackintosh	130
Dudley Toomey	34
Dudley Toomey	72
Dudley Toomey	37
Dudley Toomey	117
Dudley Toomey	36
Dudley Toomey	28
Captain Murchison	161
Captain Murchison	122
Captain Murchison	28
Captain Murchison	177
Captain Murchison	25
Captain Murchison	68
Captain Murchison	94
Captain Murchison	129
Captain Murchison	60
Captain Murchison	27
Captain Murchison	110
Captain Murchison	37
Captain Murchison	32
Captain Murchison	61

Madam Speaker: All right, let us move on to 842 and we will come back.

Q842/2025
ERS Facilities –
Incidents/accidents to residents caused by equipment/maintenance issues

Clerk: Question 842, the Hon. A Sanchez.

Hon. A Sanchez: How many incidents involving accidents or injuries to residents caused by equipment or maintenance issues (for example, collapsing curtain rails) have occurred at each ERS facility since the 1st of April 2024 to present date, and what corrective actions were taken in each case?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I can confirm that since the 1st of April 2024 there have been 5 incidents in Mount Alvernia resulting in injuries to residents, arising from the use of clinical equipment or furnishing equipment.

Hon. A Sanchez: Madam Speaker, given that the hon. Lady has referenced this letter herself, it specifically references this issue of collapsing curtain rails and curtain rails falling on residents and causing them injuries. Can the Hon. Minister perhaps specifically address whether there have been issues of collapsing curtain rails falling on residents and causing them injuries and how many of these instances there have been and what corrective actions have been taken in each case?

Hon. G Arias Vasquez: Madam Speaker, there have been, I believe, 3? 2? There have been 2 instances of patients that the curtain rail had fallen on them because of the very nature of the patients, patients sometimes tug on the curtain poles and they fall down. So all the equipment was reported to the facilities manager, repaired and checked for safety, and the staff has been encouraged to keep space between the curtains and the armchairs to avoid pulling the curtains. That was in one instance and in the other instance, maintenance checked all the curtain poles in the facility, in all the residents' rooms for safety.

Hon. A Sanchez: Madam Speaker, and did any of these injuries result in hospitalisation?

Hon. G Arias Vasquez: Madam Speaker, according to the information that I have been given, no, neither of these injuries result in hospitalisation.

Madam Speaker: Next question.

Q843/2025
Mount Alvernia –
Usage of rooms with balconies; Number of rooms with balconies with canopies; Canopies in full working order and canopy service dates

Clerk: Question 843, the Hon. A Sanchez.

Hon. A Sanchez: Could the Government provide the following information in respect of Mount Alvernia:

1. The total number of rooms with balconies and of these how many of these rooms are currently being used by residents.

2. How many of these rooms that have balconies are fitted with canopies.
3. Of those balconies with canopies, how many are in full working order and how many are out of order or require attention; and
4. The dates on which the canopies were last serviced and last replaced.

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, there are 36 rooms with balconies, all of which are currently being used by residents. All rooms with balconies have canopies, 23 canopies are in full working order, 13 are out of order and require attention and the canopies were last serviced and replaced in 2014.

Hon. A Sanchez: Madam Speaker, since 2014, given now that we are in 2026, when does the Hon. Minister expect these to be reserviced and those that need replacing to be replaced?

Hon. G Arias Vasquez: Madam Speaker, I do not have a date for that. One of the family members reported an issue in July this year, but I do not have a date for the repair.

Madam Speaker: Next question.

Q844/2025
Progress made in implementing the recommendations made by the Ombudsman in Case 1250 of the 2024 Ombudsman Annual Report

Clerk: Question 844, the Hon. A Sanchez.

Hon. A Sanchez: Can the Government update this House on the progress made by the Gibraltar Health Authority and the Elderly Residential Services in implementing the recommendations made by the Ombudsman in Case 1250 of the 2024 Ombudsman Annual Report?

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, a comprehensive review of the diabetes service has been conducted. This included detailed process mapping across all diabetes pathways, which identified gaps, particularly within maternity and general diabetes referral processes. As a result, referral systems have been streamlined through the HIS programme to ensure patients are consistently directed to the appropriate care pathways, strengthening service efficiency and continuity of care.

A review and evaluation of all diabetes-related policies, protocols and procedures has been undertaken to ensure standardised care is aligned with the latest evidence-based practise. All policies have been reviewed by the consultant and diabetes specialist nurse. The maternity diabetes policy has been completed and is pending approval, whilst the hyperosmolar hyperglycemic state (HHS) policy is currently being updated.

Upon completion, policies will be approved by the steering group and progressed for ratification through the executive team meta-compliance process. In addition, the maternity diabetes care plan has been completed and a pilot phase commenced. General diabetes care plans are currently under review.

Diabetes outreach services have been enhanced within St Bernard's Hospital to ensure continuity of care for inpatients and to strengthen education and training across primary and secondary care. The service operates daily and is led by the diabetes specialist nurse, with targeted

training provided to ward staff as required. The diabetes specialist nurse also maintains close liaison with A&E to support acute diabetes referrals and admissions.

A direct email referral system is now live, enabling GPs and patients to contact the DSN directly. Referrals are actively managed alongside daily ward outreach activity. In addition, development of a virtual diabetes ward is underway, supported by ongoing IT system integration.

A professional judgement exercise is currently underway to determine the required number of practising diabetes specialist nurses in Gibraltar. This work is supported by process mapping and the ongoing collection of relevant data sets. The DSN team has reviewed the service and implemented systems to capture key performance indicators, enabling evaluation of service effectiveness and identification of any workforce investment needs.

Findings will be reviewed by the steering group and, where appropriate, escalated to the executive team through the clinical governance updates. Family engagement is embedded within diabetes services through a holistic, patient-centred approach. This is supported by the implementation of the DESMOND programme, which enables patients to attend education sessions along with a family member or a friend.

The DESMOND programme is fully operational, with two courses completed in 2025 and monthly sessions scheduled throughout 2026 to encourage ongoing patient and family participation. Capacity is further being strengthened through additional staff undertaking DESMOND trainer courses. Patient information leaflets are currently in development.

Not added in the written answer, Madam Speaker, but on the diabetes specialist Facebook page today, the DESMOND courses are actually being advertised actively, with an ongoing programme of DESMOND courses for family members, specifically as is outlined in this answer.

And finally, Madam Speaker, the Government has announced it is underway to establish a commission on the care of quality to strengthen oversight of patient safety and quality of care delivered by the GHA. In parallel, the GHA Quality of Care Committee is in place to support the GHA Board in reviewing quality, safety and excellence in patient care.

Within diabetes services, the steering group will agree key performance indicators within the diabetes specialist nurse, providing six monthly reports to the Quality of Care Committee to provide assurances to the GHA Board.

Madam Speaker: Next question.

Q845/2025
Mount Alvernia –
Usage of rooms with balconies; Number of rooms with balconies with canopies; Canopies in full working order and canopy service dates

Clerk: Question 845, the Hon. J Ladislaus.

Madam Speaker: Yes, but I am going to give the hon. Member time to look at the schedules whilst she is not on her feet.

Hon. J Ladislaus: Please provide monthly breakdowns, in respect of the past 6 months to date, of the average waiting time for renewal of a GHA health card, broken down between:

(i) Waiting times for cards which were renewed via the eGov website; and
(ii) Those which were submitted in hard copy format,

is there is a difference in waiting times?

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I now hand over the schedule with the information requested.

ANSWER TO QUESTION 845

	Average Waiting Time
July 2025	1 to 2 weeks
August 2025	3 to 4 weeks
September 2025	4 1/2 weeks
October 2025	6 to 7 weeks
November 2025	8 weeks
December 2025	11 weeks

Madam Speaker: All right, let us move on to 846 and we are back to that one.

Q846/2025
St Bernard's Hospital –
Weekly average number of admissions

Clerk: Question 846, the Hon. J Ladislaus.

Hon. J Ladislaus: Please provide the weekly average number of admissions to St Bernard's Hospital for the past 12 months.

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the weekly average number of admissions to St Bernard's Hospital for the past 12 months is 97.

Hon. J Ladislaus: Madam Speaker, does the Hon. Minister perhaps have a breakdown as to those statistics, as in which wards, whether they are, for example, maternity patients, whether they are patients who are surgical patients? Does the Hon. Minister have a breakdown of that?

Hon. G Arias Vasquez: No, Madam Speaker, but if the hon. Lady wishes to get the breakdown, she can ask and I will happily provide it in the next Parliament.

Madam Speaker: Next question.

Q847/2025
St Bernard's Hospital –
Number of acute beds

Clerk: Question 847, the Hon. J Ladislaus.

Hon. J Ladislaus: Please provide daily statistics as to the number of acute beds that were occupied at St Bernard's Hospital for the past 6 months.

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I now hand over a schedule with the information requested. There is one slight point that I wish to make on this. When I went to check the schedule, I realised the information provided was up until September 15th.

It has not been updated. I have now got the information up until December and I am willing to share that with the hon. Lady, but I did not have it in time for my team to process it for Parliament. But it is only for that reason I can share it quite happily.

SCHEDULE WEB LINK

Madam Speaker: All right, let us move on to 848 and revert to 847 in due course.

Q848/2025
St Bernard's Hospital –
Breakdown of the number of beds

Clerk: Question 848, the Hon. J Ladislaus.

Hon. J Ladislaus: Please provide a breakdown of the number of beds available at St Bernard's Hospital and their designated purpose, distinguishing between the number of beds available for adults and those available for children.

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the breakdown is as follows. Adult beds: there are 10 beds in infection control, 32 beds in an acute medical ward, 6 beds in surgical operations, 34 beds in the surgical ward, 30 beds in the long-stay ward, 13 beds for critical care patients and 25 beds in rehabilitation. There are 23 beds in maternity and 21 beds in paediatric care.

Hon. J Ladislaus: Madam Speaker, I wonder whether the Hon. Minister has a breakdown as to how many of those beds are actually acute beds, so beds for acute admissions.

Hon. G Arias Vasquez: Madam Speaker, from a basic understanding of the hospital, I would imagine that the infection control, acute medical and surgical operations, as well as critical care obviously, are the acute wards. The ones that I would describe as not acute would be the rehabilitation and the long-stay ward. Paediatric and maternity very much depends on the nature of each and every case.

Hon. J Ladislaus: Madam Speaker, information has reached us that St Bernard's Hospital has in the past at least 6 months been running on at least around 3 to 4 acute beds per night available. We can see from the statistics given by the Hon. Minister that there are about 97 admissions. I believe it was per week, which puts us at well above what the hospital has available in respect of acute beds per night on average.

Does the Hon. Minister believe that there are actually enough acute beds available at St Bernard's because there seems to be a shortage?

Hon. G Arias Vasquez: Madam Speaker, I am in the fortunate position that I receive daily statistics every single day as to the amount of beds that are available in the hospital. I can assure the hon. Lady that there are more than 3 beds available in St Bernard's on a daily basis, other than in acute periods in January, for example, when there is an influx of patients. By and large, there are far more than 3 beds available in the hospital.

The statistics show that there are 97 admissions per week across the wards in the hospital, so not necessarily in the acute wards and not necessarily at the same time, obviously. The bed management is an active daily occurrence at the hospital, where the bed management team makes sure that there are sufficient beds available for any acute admissions that are required.

Hon. J Ladislaus: Madam Speaker, just for clarification purposes, am I correct in saying that the number of beds at St Bernard's Hospital has not in fact changed in the past, say, 14 or 15 years?

Hon. G Arias Vasquez: Madam Speaker, I had this discussion with the hon. Lady in Viewpoint, in fact, I think it was, and it is indeed correct that the number of beds at St Bernard's Hospital has only increased, I believe, by Calpe Ward, if that is correct, which was opened on or around the time of COVID. However, the huge difference that there has been in these past 14 years, and I am unsure of when exactly it happened, was the day surgery unit. In the day surgery unit, the vast majority, and I would say the statistic is something between 80% and 85% of all surgeries, actually occur in the day surgery unit in the hospital, which means that there is no requirement for acute admissions or for admissions at all.

So, whilst there has not been an increase in the number of beds, Madam Speaker, and that is quite correct, other than the beds in Calpe Ward, it is also correct to say that there is a huge increase in the number of operations in the hospital, which occur on a daily basis, because of the huge success that is the day surgery suite.

Hon. J Ladislaus: Madam Speaker, I am grateful for all those statistics. Nevertheless, the population of Gibraltar has increased, and this is as per the census, which was 2022, by, I think it was 6,000 between 2011 and 2022. As per a *Viewpoint* that the Hon. Sir Joe Bossano did, was on, the estimate there was that currently, Gibraltar was at about 40,000 plus people. We are talking about 6,000 to 8,000 people more in Gibraltar than there were in 2011.

Now, a day suite, a day surgery suite can only, I presume, go so far to alleviate the number, the massive influx in the number of people that there are now in Gibraltar. So, I ask again, is the Hon. Minister going to entrench herself in the position that the hospital certainly has enough beds and there are no bed shortages as it stands?

Hon. G Arias Vasquez: Madam Speaker, again, I am in the fortunate position, because as the Hon. Chief Minister frequently reminds me, I requested health, I wanted this portfolio, and it is a privilege each and every day to have this portfolio, and I am now in the privileged position to actually understand the fundamental workings of the hospital, especially because I get statistics on, for example, bed management. So, I would want to say that, yes, we do have a sufficient number of beds. There are specific points in time, Madam Speaker, such as January in the bed crisis, when if we use a comparator, for example, the NHS has people in corridors in the NHS.

We do not have anywhere near that scenario here in Gibraltar. We have a sufficient number of beds. Beds are managed on a daily basis, and I will get on to the fact that in the hospital, one of the hon. Lady's questions refers to long-stay patients, and I will come to that question and how that feeds into the number of beds in the hospital.

It is also interesting, Madam Speaker, that the only Government that has ever reduced the number of beds in the hospital is the GSD administration, and therefore I would wish to point that out to the hon. Lady.

In this instance, the number of beds has increased by the number of beds in the Calpe ward, but the huge difference, and the huge practical difference, is that day surgery now sees, again, I will explain this, Madam Speaker, because it is a fundamental point, day surgery now sees between 80% and 85% of all surgeries that occur in the hospital. That means that you are in and out within a day.

That, compounded by the fact that we have opened Hillside, by the fact that we have opened the John Mackintosh wing, means that we have been able to move people out of the hospital as and when required. Is there a need to do that again? We are looking at that now, and therefore we are looking at the acuity review and at the long-stay patients in the hospital.

But I do state to the fact that 120 beds, and that 120 beds excludes, 120 or 146 maybe, there are 146 beds, 146 beds in the hospital, excluding maternity and excluding the paediatric wards, is sufficient for the number of patients, because if there is only a tight number of beds for a couple of days a year, then we are doing well in the hospital. Again, Madam Speaker, what I would wish the hon. Lady to understand is that this need is driven by clinicians. It is the clinicians that need to tell us as and when they feel that there is a need in the hospital.

But when we get to the long-stay patients in the hospital, Madam Speaker, I am very happy to explain how the bigger picture works, and how actually the number of beds in the hospital will increase significantly in the next few months.

Hon. J Ladislaus: Madam Speaker, again for clarification purposes, does the Hon. Minister negate that there have been more than one instance in the past 6 to 12 months where admissions have had to be made to A&E, and there have been admissions as well of women who are not pregnant to the maternity ward? Does the Hon. Minister negate that that has happened?

Hon. G Arias Vasquez: I am not quite sure what the question is. Is the question whether I disagree with the statement, or is it a question?

Am I saying that there has never been a scenario where we are tight on beds in the hospital? There are scenarios where we are tight on beds in the hospital. It is a hospital.

You have to deal with crises in a hospital. There are admissions, Madam Speaker, because of flu there are admissions. It is seasonal. It is a hospital. These are issues which hospitals face worldwide.

However, do we think that there needs to be an additional ward or additional beds opened as a result of certain days where the beds are tight? That is, I think, the key question. I think you have to understand the operational reasons as to why the beds are tight, and you have to look at what the hospital does to manage those instances where the beds are tight in order to look at the bigger picture.

Thankfully, we have professionals there which are employed specifically to advise us on these issues. When the professionals employed by us to advise us on these issues tell us that we should open further beds, then we will do so. If they tell us that we should close further beds, I think that as a Government we will never do that, unlike the previous administration.

However, at the moment, do I think there are sufficient beds? We are in January. January is always known to be the tighter month when it comes to beds. Normally in the hospital there is a scenario where we manage to play around with the number of beds in order to make sure that everyone that needs an admission has a bed for admission.

Hon. J Ladislaus: Madam Speaker, is it the case that the advice, because we have just heard that there is advice from the experts, is it the case that the advice is that there is no need for expansion of beds given the expansion on the number of the population? Is that the case as it stands?

Hon. G Arias Vasquez: Madam Speaker, it is not the number of the population. The relevant number is the number of people that live in Gibraltar. It is the number of people that are interacting and that need beds in the GHA.

If I am telling the hon. Lady that the reason that the beds are managed as well as they are is because we have got a fantastic day surgery suite where people come in and out and 80% to 85% of all surgeries, that is 4,200 surgeries in a year, Madam Speaker. Let me say that number again. 4,200 surgeries go through the hospital in a year.

80% to 85% of those surgeries do not need hospital beds because they go in and out through day surgery. So the key number that we are looking at here is do we think that for a population of the size of 38,000, whatever we think it is, do we need more hospital beds?

The relevant figure is not 38,000. The relevant figure is what is the GHA doing to look at the demand, to cope with the demand and what the GHA is doing to cope with the demand is to have a fantastic day surgery suite which deals with the vast majority of surgeries in the hospital.

So, do I maintain that at the moment I have not got any advice which tells me that we need to increase the number of beds? I have not got any advice from any of the professionals that we employ to tell me whether there is an issue or otherwise to tell me that we need to increase the number of beds in the hospital.

Madam Speaker: Next question.

Q849/2025
St Bernard's Hospital –
Hospital beds to accommodate taller patients

Clerk: Question 849, the Hon. J Ladislaus.

Hon. J Ladislaus: Can the Government explain why the GHA does not currently have hospital beds at St Bernard's Hospital that can accommodate taller patients? What steps, if any, are being taken to ensure that the needs of taller service users are met in terms of bed size and comfort?

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the GHA does currently have hospital beds that can accommodate taller patients following the procurement of six hospital bed frames which are designed to accommodate taller patients.

Hon. J Ladislaus: Madam Speaker, if I may ask, when were those beds acquired? Because this comes specifically from experiences of service users, that is why I am putting it forward.

Hon. G Arias Vasquez: Madam Speaker, I am very cognisant of the particular instance in which there was one individual in particular where the beds were not available. I have not got the exact date on which these beds were procured but I believe that the hospital now does have beds for taller patients and indeed I think that some of the beds that we have, have a mechanism to make them longer for taller patients.

Hon. J Ladislaus: Just one final question… What is the situation in respect of, I believe they are called bariatric beds, does St Bernard's Hospital have stock of bariatric beds which I believe are wider beds?

Hon. G Arias Vasquez: Madam Speaker, whilst I proclaim to have a broader interest of the GHA than I did two years ago, unfortunately I do not know how many bariatric beds that we have but again, I would encourage the hon. Lady to put the question to me next time and I am very happy to answer the question.

Madam Speaker: Next question.

Q850/2025
St Bernard's Hospital –
Top 50 long stay patients

Clerk: Question 850, the Hon. Jay Ladislaus.

Hon. J Ladislaus: As at 1st September 2025, can the Government provide details as to the top 50 long stay patients at St Bernard's Hospital broken down by:

(i) number of days spent admitted at St Bernard's Hospital;
(ii) whether the individual has been assessed as medically fit to return to the community;
(iii) whether the individual is medically fit but their discharge from hospital is contingent on a package of care;
(iv) whether the individual is medically fit but is awaiting a bed at an ERS facility;
(v) whether the individual is medically fit but is awaiting a bed within supported living accommodation;
(vi) whether it has been medically necessary for the individual to remain admitted.

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, as at 1st September 2025, there are currently 44 long stay patients in St Bernard's Hospital and I now hand over schedule with the information requested.

All 44 patients have been assessed. There are no patients that are medically fit for discharge from hospital awaiting a package of care.

37 patients are medically fit but are awaiting a bed at ERS.

There are no patients that are medically fit but are awaiting a bed within supported living accommodation and 1 patient is required to remain admitted for palliative care needs.

ANSWER TO QUESTION 850

Breakdown of long stay patients at St Bernard's Hospital, as at 6th November:

Patients	Length of Stay (Days)
1	2732
2	2283
3	1554
4	1252
5	994
6	912
7	871
8	804
9	488
10	486
11	408
12	406
13	380
14	370
15	342
16	311
17	250
18	250
19	239
20	227
21	212
22	211
23	205
24	204
25	194
26	167
27	159
28	152
29	150
30	147
31	144
32	141
33	116
34	100
35	86
36	69
37	62
38	57
39	50
40	46
41	40
42	34
43	20
44	8

Madam Speaker: All right, I do not want to break up the supplementary so perhaps we will return to 850 for all the supplementaries once the hon. Member has a chance to look at the schedule. Let us move to 851.

Q851/2025
St Bernard's Hospital –
Weekly average number of admissions

Clerk: Question 851. The Hon. J Ladislaus.

Hon. J Ladislaus: Are bone biopsy procedures carried out by the GHA and is testing of those biopsies carried out internally within the GHA? If so, what is the policy/guidelines as to the circumstances when those procedures should be carried out and by who?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, yes, there are two types of bone biopsies received and processed by the GHA lab. Any other type of bone biopsy is referred to an external provider.

There is currently no specific GHA policy governing these procedures.

They are undertaken following direct consultation with the patient and in collaboration with the relevant medical practitioners, with patients being referred for these procedures as and when clinically necessary.

Hon. J Ladislaus: If I may just ask, what are the two types that are carried out by the GHA?

Hon. G Arias Vasquez: Madam Speaker, I have a very complicated response, but I am going to explain the terms that I understand best.

So, there are two types of bone biopsy, one of which scrapes the bone, and that is undertaken where osteoporosis is suspected. Such biopsies are undertaken to confirm or exclude malignancy, infection or other pathological conditions. Depending on the clinical indication, samples may be processed locally or referred to an external specialist care centre for further analysis.

And then there is the other type, which is bone marrow aspirate, which involves a collection of fluid and or tissue from the internal cavity of the bone.

Madam Speaker: Next question.

Q852/2025
Patients undergoing treatment or attending medical appointments in the UK who are not accommodated in Caple House–
Frequency of contact/support by the GHA

Clerk: Question 852. The Hon. J Ladislaus.

Hon. J Ladislaus: Can the Government confirm whether patients from Gibraltar who are undergoing treatment or attending medical appointments in the United Kingdom and who are accommodated in locations other than Calpe House are contacted as regularly as those staying at

Calpe House, and whether they receive the same level of attention, support and pastoral care from the Gibraltar Health Authority?

In particular, can the Minister clarify:

(i) What contact protocols are in place for GHA patients in the UK who are not staying at Calpe House, as well as those staying at Calpe House;
(ii) Whether there are differences in frequency or type of contact between patients staying at Calpe House and those accommodated elsewhere; and
(iii) What measures are in place to ensure that all patients, irrespective of where they stay, receive equitable support, guidance and pastoral care during their treatment in the UK?

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, this is not in my written notes, but it is an initiative which I am particularly proud of, because it is one that we started directly after the last election in October 2023. I can confirm that patients from Gibraltar who are undergoing treatment or attending medical appointments in the United Kingdom and who are accommodated in locations other than Calpe House are contacted regularly, and they receive the same level of attention, support and pastoral care from the Gibraltar Health Authority. All patients who are receiving treatment in the UK are provided with information packs by the GHA with all our contact numbers.

In addition to this, an individual from the Ministry liaises very closely with the Sponsored Patients Department in collating which patients are in the UK at any given time, where they are staying and their contact phone numbers. These individuals are contacted regularly to ensure they are okay and anything they need is provided. All patients receive the same attention, whether staying in Calpe House or otherwise.

Very close liaison between the Sponsored Patients Department and Ministry ensures that all patients, irrespective of where they stay, receive equitable support, guidance and pastoral care during their treatment in the UK. The same applies to all patients receiving care in Spain.

Hon. J Ladislaus: Madam Speaker, I ask this because it has been brought to our attention again by service users' experiences. Is the Hon. Minister aware of complaints having been made about individuals who are not staying at Calpe House, for example having delays in receiving funding from Sponsored Patients?

Hon. G Arias Vasquez: Madam Speaker, again, because this is an initiative which is particularly close to my heart, because I was myself a patient at one point in time, we make sure that we contact all patients, whether they are in the UK, whether they are in Calpe House, whether they are in a UK institution other than Calpe House, or indeed whether they are in any tertiary institution in Spain. Me and my department feel this is particularly important because we do not want any patient from the GHA to feel that they are not cared for by the GHA or to feel that they are forgotten by the GHA. The way that patients are paid for in Sponsored Patients is identical to the way that patients in Sponsored Patients have always been paid.

In fact, we have never received a complaint of this. We have received information from users who are accustomed to the system to tell us ways that we can improve that system so that patients have the money available sooner. To date, it has to be said that of all the map factors which I have received complaints in relation to the GHA, I have never once received a complaint in relation to the manner in which my Ministry contacts patients in the UK.

In fact, we have received significant praise, and I take this opportunity to thank the people within my Ministry that call all the patients for the way, the manner and the humanity that they deal with all of our patients. So, no, I have not received complaints, I have not received any

criticism of this, and I would urge anyone who feels that they are not contacted by my Ministry, though I would be surprised by that because we have a list that is provided to us by Sponsored Patients on a weekly basis, and we contact patients on a weekly basis in order to ensure that everyone receives equitable treatment. In fact, I would go one further, and when we went to the Gibraltar Business Week in London, we made absolutely certain that every individual that was in London, whether in Calpe House or otherwise, was able to attend a pizza party that we threw in Calpe House.

I feel it is particularly important to show patients, whilst they are away from Gibraltar, that the Gibraltar Health Authority has not forgotten them, is able to care for them, and is able to provide them with any assistance that they need. So, if there is any patient that feels that they are not indeed cared for by the GHA in this way, or that my Ministry does not reach out to them, I would urge that patient to contact my Ministry directly.

Madam Speaker: Next question.

Q853/2025
Gibraltar Health Authority –
Average waiting time for victims of crimes

Clerk: Question 853. The Hon. J Ladislaus.

Hon. J Ladislaus: On average, how long is the current waiting time for a victim of crime to be provided with therapeutic intervention by the GHA, from the date on which the crime was reported to the date on which they are provided with a first appointment? How does that current average compare with monthly average waiting times over the past 12 months?

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Victims of crime can be referred by the RGP to the appropriate charities, Citizens Advice Bureau, or, depending on the severity of the presentation, advised to see a GP or the forensic medical examiner or the emergency department. Depending on the intervention required, the patient will be referred to the appropriate pathway. For example, if referred to the GP, this would be deemed a routine appointment.

If referred to the FME, the Forensic Medical Examiner, they may be seen on the same day or within 24 hours. A victim of crime that self-presents or is referred by the RGP to the emergency department will be seen immediately, with a physical and mental assessment within that presentation. An onwards referral to the community mental health team will be triaged, and the urgency of the appointment will be allocated as appropriate.

Any victim in a mental health crisis would be referred to 111 and follow the mental health pathway. They can be seen in 30 minutes at the emergency department and given an appointment with the mental health liaison or the AMHP within 24 to 48 hours, depending on the criteria of their presentation.

Hon. J Ladislaus: Madam Speaker, we have heard that there can be individuals who are referred to a GP, but that would be treated as a routine appointment. Is it not the case that when an individual is referred because they have been a victim of crime, it requires somewhat more urgency than just a routine appointment? Are there any moves to actually review this and to provide a pathway, perhaps, for people who are victims of crime?

Hon. G Arias Vasquez: Madam Speaker, again, it depends on the particular circumstances. If the crime is such that the victim requires emergency intervention, they would be picked up by the ambulance and go down to A&E, at which point they would be triaged and deal within the A&E setting as required. If there is an emergency, the victim will automatically be referred to A&E, the mental health liaison service, within the A&E department.

So, the urgent cases that have physical requirements would always be dealt with in this way. It is a question of common sense, Madam Speaker, it would very much depend on how the patient is presenting.

Now, what we are looking at, and indeed what I have a paper to look at in the next couple of weeks, is victims of sexual crime, sexual assaults. We are looking at different ways to deal with victims of sexual assaults and the way that we deal with the evidence that is produced from victims of sexual assaults.

Hon. J Ladislaus: Madam Speaker, I am glad to hear that that is an area that is been looked at more thoroughly. I have had reports that there are individuals who have been victims of fairly serious crime and, unfortunately, they have had to wait nine months to see a counsellor within the GHA. Is the Hon. Minister aware that there are instances where this has actually happened?

Hon. G Arias Vasquez: Madam Speaker, I am not aware of the specifics of the instance that the hon. Lady is speaking to me about. I am happy to discuss the case if she is willing to give me the details or share the details, but I am not aware of instances in that nature. Again, if there is a crime, if the victim self-refers or self-presents to A&E, they will be dealt with by A&E, by the mental health liaison team at A&E. That would be my strongest advice if they do feel that they are suffering a mental health crisis.

Madam Speaker: Next question.

Q854/2025
GHA policy–
Scan results and other diagnostic test

Clerk: Question 854. The Hon. J Ladislaus.

Hon. J Ladislaus: What is the GHA's policy/guidelines for its employees as to the findings that are provided to service users when imaging scans and other such diagnostic tests are undertaken?

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the GHA does not operate a single overarching policy governing the communication of findings from all imaging scans and diagnostic tests. This reflects the very wide breadth of diagnostic activity undertaken, ranging from routine screening and investigations to elective outpatient diagnostics to urgent and life-saving emergency tests, where immediate clinical action is required. In line with practise within the NHS, there is no single universal approach applicable to all diagnostics and processes are proportionate to the clinical context and the urgency of the investigation.

Across all settings, the GHA practise is aligned with the principles and professional standards set out by the General Medical Council, particularly in relation to appropriate communication, professional scope of practise and patient safety. Should the hon. Member wish to be more specific about a particular investigational circumstance, the GHA would be delighted to provide a more detailed response.

Hon. J Ladislaus: Madam Speaker, yes, and I can communicate this behind the Speaker's chair if it is preferable, but yes, I have had information as to instances whereby individuals have not been informed of test results that were pertinent, it appears. Is the Hon. Minister aware that this actually does happen?

Hon. G Arias Vasquez: Madam Speaker, yes, I am aware this happens because the first port of call, if it is a non-urgent intervention, would be back to the patient's medical practitioner. So, the results would be read by the radiologist, the radiographer, and would then be transferred and would then be consulted with the medical practitioner and it would be the medical practitioner that would deliver those results. However, as with most things within the GHA, it is all a matter of common sense.

So, for example, if we deal with an ultrasound, the patient will normally be communicated there and then especially the patient is asked some questions. But I am informed that it is a matter of common sense, the approach that the radiographer or radiologist approaches to delivering those results. But in the main, the radiographer or radiologist would send the results back to the medical practitioner who requested the scan and then the medical practitioner would deliver those results.

Madam Speaker: Next question.

Q855-8/2025
Cardiac rehabilitation gym –
Location and current arrangements; Usage; Medical guidance/supervision; Maintenance

Clerk: Question 855, the Hon. J Ladislaus.

Hon. J Ladislaus: What is the current location of the cardiac rehabilitation gym and what are the current arrangements? Will those arrangements be remaining in place or are there plans to relocate the cardiac rehabilitation gym and revise the arrangements? If so, why and what alternatives are being looked at?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I will answer this question together with Questions 856 to 858.

Clerk: Question 856, the Hon. J Ladislaus.

Hon. J Ladislaus: Is the cardiac rehabilitation gym used only by service users who have been cardiac patients of the GHA, or is it open to be used by others? How is access to that gym controlled?

Clerk: Question 857, the Hon. J Ladislaus.

Hon. J Ladislaus: Are service users who make use of the cardiac rehabilitation gym provided with any medical guidance and/or supervision from a healthcare practitioner as to use of the gym?

Clerk: Question 858, the Hon. J Ladislaus.

Hon. J Ladislaus: Is the GHA responsible for the maintenance, upkeep and replacement of the equipment within the cardiac rehabilitation gym? When was the last time that the equipment was:

(i) Serviced;
(ii) A specific piece of equipment fixed;
(iii) Replaced?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, in answer to Question 855, the cardiac rehabilitation gym is currently located on the ground floor of Block 3 within St Bernard's Hospital. The current arrangement serves two distinct groups. The Cardiac Rehabilitation Programme patients, these are patients recovering from recent heart-related conditions who undergo an 8-week supervised rehabilitation programme and Cardiac Association members.

These are former programme users who have completed their rehabilitation and continue to use the gym facilities under the Cardiac Association. To accommodate upcoming works for the ambulance service, the Cardiac Association gym will temporarily relocate to John Mackintosh Hall gym. This move primarily affects the Cardiac Association members who wish to continue exercising after completing the 8-week programme.

Patients currently enrolled in the Cardiac Rehabilitation Programme will continue their supervised sessions at the physiotherapy gym within SBH, ensuring uninterrupted care and support. The works are expected to take approximately 4 months, but that will depend on the weather as waterproofing needs to be done. Once the works are completed, the cardiac rehabilitation gym will be reinstated to its current location.

In answer to question 856, the cardiac rehabilitation gym is accessible only to current and former cardiac patients. Phase 2 patients, the acute phase, are referred following a cardiac event through a predefined referral pathway, ensuring that all participants have received appropriate clinical assessment and guidance. In addition, pre-existing cardiac patients run a self-help group which is linked through the Cardiac Association, allowing those who have previously completed the rehabilitation programme to continue engaging in structured physical activity in a safe and supportive environment.

Furthermore, the Physiotherapy Department makes use of the gym facilities for patients only, and strictly when the facilities are not being used by Phase 2 cardiac rehabilitation classes or the Cardiac Association self-help group. Physiotherapy sessions held in the gym include reconditioning classes, back-to-fitness classes, shoulder rehabilitation classes, multiple sclerosis classes, neurology rehabilitation classes, Parkinson's exercise classes. These sessions are scheduled in advance through a coordinated timetable to ensure appropriate use of the facilities, uphold patient safety and maintain priority for the Cardiac Rehabilitation Service.

In answer to Question 857, all patients participating in Phase 2 cardiac rehabilitation, the acute phase, are provided with medical guidance and supervision which is delivered by both a physiotherapist and a cardiac rehabilitation specialist nurse, ensuring that all exercise is conducted safely and appropriately for each patient's clinical needs. With regard to the self-help group, it is facilitated by a member of the group and is monitored through direct observation by a member of the cardiac rehabilitation nursing team. It should be noted that all patients in the self-help group have previously completed the Cardiac Rehabilitation Programme and therefore have received appropriate clinical guidance prior to their involvement.

In answer to question 858, the Electro-Medical Department is responsible for the maintenance and servicing of all equipment within the cardiac rehabilitation gym. All equipment is serviced as and when required to ensure safe and optimal operation. In February 2025, the handle of a treadmill was replaced.

Hon. J Ladislaus: Madam Speaker, we have heard that there is going to be a move for some who have already used, obviously who have completed the initial, I think it was eight weeks, to the gym at the John Mac Hall. Now, I observe that as it stands, the gym and whereas I can appreciate that those service users are not within the acute phase of rehabilitation, they are still cardiac patients, and I just observe that the gym is now mere seconds away from A&E, so if, God forbid, there should be any emergencies, then there is easy access. What happens in terms of emergency reactions for patients who are actually undertaking training sessions at the John Mac Hall, which is much further away from the hospital?

Hon. G Arias Vasquez: Madam Speaker, the move to John Mackintosh Hall is a temporary arrangement in order to facilitate the refurbishment of the Ambulance Bay facility. We have sat down and we have spoken to the Cardiac Association on numerous occasions to explain what we are doing and how we are doing it. We fully agree with the hon. Lady that patients in the acute phase require clinical guidance and clinical support in respect to the training, and we are delighted to be able to extend the facility to members of the Cardiac Association.

We are looking at different ways to perhaps provide a nurse to the John Mac Hall so that sessions can be coordinated and supervised by a nurse, but Gibraltar is pretty much a Tetris cube and St. Bernard's Hospital is a Tetris cube, and we have to allow, in order to refurbish one part of the hospital, there is a four-month gap in which we have to move the services away from the hospital. We are looking at ways to accommodate the Cardiac Association as much as humanly possible for those patients that are outside the acute phase, and we will work with them to try and ensure that everything is done to support them. However, the benefits of providing a new ambulance station have to be weighed against patients not within the acute phase being moved away from the hospital for a four-month period whilst the refurbishment occurs.

As always, and as a further question that we have later on, the Ambulance Service responds very quickly and there will always be an ambulance available, and the fact that there will be a nurse available on-site, or we are looking to provide a nurse available on-site at certain points in time when there is a predetermined class going on, we feel can mitigate any issues which may arise.

Hon. J Ladislaus: One further question on 856. We have just heard that there is going to be works to the ambulance station. Could the Hon. Minister perhaps elaborate somewhat as to what works can be expected there?

Hon. G Arias Vasquez: Madam Speaker, if I am provided with a question and notice of the question, I am very happy to elaborate.

Madam Speaker: Any other supplementaries?

Hon. J Ladislaus: Are we moving on from 856, or are we still talking about 856?

Madam Speaker: Well, if there is another supplementary on 856, I will take it, if not, we will move on to 857.

Hon. J Ladislaus: In terms of 858, is it the case that the Cardiac Association have actually donated a large majority of the equipment that is actually used within that gym now?

Hon. G Arias Vasquez: Yes, Madam Speaker.

Hon. J Ladislaus: And in terms, Madam Speaker, of access only being to the specific groups that the Hon. Minister has specified, is there anything on the doors, for example a key fob or

something that stops other individuals from being able to use the gym, walk in and out and use the gym, because there have been reports of damage to machines?

Hon. G Arias Vasquez: Madam Speaker, I believe this question was asked a couple of months ago, and I think the answer is no. I have been to the gym and I cannot recall needing any mechanism to enter the gym, but this is me going on memory. I am not sure whether there is a fob or otherwise in order to access the gym.

It may be that in order for medical professionals to access the gym in case that that were needed, it may be beneficial to everyone for there not to be a fob to access that gym. I do not know what the reasoning is if there is not a fob there. Every time I have gone to that gym, there is no one using that gym other than any member of the Cardiac Association who should be using that gym.

That is not to say that maybe some other members do use it and I am not aware of it, but by and large, as far as I am aware, I do not believe that anyone uses the gym aside from the specific groups which I have highlighted in my answer.

Madam Speaker: Yes, the Hon. Mr Reyes.

Hon. E J Reyes: Thank you, Madam Speaker. In answering Question 855, the Hon. Minister has pointed us to the relocation of the gym to the John Mac Hall Gymnasium, and I believe that John Mack Hall Gymnasium comes under a public Minister by GSLA, comes under a Minister for Culture, comes under community use facilities. So I was asking what are going to be the operational hours of the gym at John Mac Hall and will this have an effect on the attainment of the allocations of time that the hon. Colleague is able to give the place out for community use?

Hon. G Arias Vasquez: Sorry Madam Speaker, in order to clarify, it is not the gym itself in John Mac Hall, which I did not, is there a gym in John Mac Hall? It is not the gym in John Mac Hall itself, it is a room adjacent to the gym, it is a room in John Mac Hall which will be used and there will be some equipment which will be moved from the cardiac gym to the room in John Mac Hall.

Hon. E J Reyes: Thank you Madam Speaker, I think that clarifies it. Can I have an assurance that there will be no curtailment of the current availability for community use of what we traditionally know as the gym and I think the Minister is referring to perhaps an equipment storage room next door. If I recall a bit, the geography of the downstairs area there, there is even what once upon a time used to be like a large corridor or fire escape, perhaps that is the area she has in mind. The Hon. Minister could enlighten us…

Hon. C P Santos: The gym is going to continue to be used for community use and the exam room for the college who need an exam room adjacent to the main premises. There are rooms that used to be classrooms used by the college and there are in two levels.

So, there used to be four classrooms, now we have made two big areas, and it is one of those two classrooms that are now one big room that have been offered for the use of the cardiac gym.

Madam Speaker: Next question.

Q859/2025
GHA operating theatres –
Personnel

Clerk: Question 859, the Hon. J Ladislaus.

Hon. J Ladislaus: Has the number of personnel within the GHA's operating theatres fallen under the recommended minimum at any point over the course of the past 12 months? If so, please provide a breakdown as to:

(i) The dates on which this has occurred;
(ii) The number of individuals by which the complement fell under recommended guidelines and what their roles are;
(iii) How the shortage in complement was addressed; and
(iv) Whether any procedures had to be cancelled as a result of the shortages in the recommended numbers of staff and if they were not cancelled, how shortages were mitigated, and why the procedures went ahead?

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the information requested is not actively collated by the GHA systems, however the GHA does record any on the day cancellations of procedures due to staffing issues and these happened on the following days: 28th March 2025; 3rd July 2025; 8th August 2025; 1st September 2025; 15th September 2025; 24th September 2025; 14th November 2025; and 17th December 2025. GHA's operating theatre staffing arrangements are governed by its internal theatre staffing policy for general anaesthetic operating lists.

This policy places responsibility on the Charge Nurse or Sister to ensure that every elective and emergency operating list is staffed by a team of appropriately trained and competent personnel, equipped with the skills and abilities to deliver high quality patient care and to identify and mitigate risks to patients throughout the perioperative pathway. This policy is informed by recognised UK guidance including staffing standards published by the Association for Perioperative Practise. Such guidance emphasises a dynamic and risk-based approach to staffing, recognising that less complex or minor operating lists may be safely managed with reduced staffing levels subject to appropriate clinical judgement and risk assessment.

Hon. J Ladislaus: Madam Speaker, we have heard that the responsibility lies with the Charge Nurse regarding numbers and identifying whether there are any risks, but is not it the case that the responsibility for providing the amount necessary in the complement to make certain that there are in fact enough numbers within these complements to staff effectively and efficiently and safely these operating theatres lies with the Government, not with the Charge Nurse?

Hon. G Arias Vasquez: Madam Speaker, I have explained the procedure numerous times to the hon. Lady, and I will explain it again. The GHA tells the Government the number of nurses it requires, the number of Staff Nurses it requires, the number of ODPs it requires and indeed the number of surgeons it requires because some of the cancellations could well be because the surgeon was unavailable on the day. The GHA tells the Government the number of nurses etc. that it needs.

Whereas the provision of the funding is a responsibility of the Government, the complement of the GHA is a matter for the GHA to determine in their clinical expertise. The Charge Nurse, the Staff Nurse and the Director of Nursing determine the number of nurses that are required in the theatres. What I have said is that on the dates that I have highlighted, there were procedures that were cancelled because there were staff shortages.

Those staff shortages were mainly due to sickness on the day or for example the surgeon being unavailable. Now, if I go back to the statistics that I gave earlier Madam Speaker, there are 4,000 or circa 4,200 operations carried out in the GHA on an annual basis. Of those 4,200 operations, there were 12 operations that were cancelled last year.

So 12 elected procedures were cancelled last year out of 4,200 operations that were carried out by the GHA. Now Madam Speaker, if this were to be a private practise, that would be an acceptable statistic. Whereas it is not ideal that staff is sick and it is not ideal that staff is sick on the same day, these things do unfortunately happen because we are all human.

Therefore, the staff shortage issues are not because of deficiencies in the staff complement. Indeed, I believe that the theatre complement is at full complement at the moment. I believe that the issues are staff sickness, which happens and with the best will in the world we all get sick, rather than because of deficiencies in the complement.

Hon. J Ladislaus: Madam Speaker, we have been given 8 dates here by the Minister on which operations were cancelled but my understanding is that there are lists of operations to be carried out within that date. I am just looking at the fact that 12 have been cancelled in one year.

Does the Hon. Minister not agree that that does not seem to tally? Because how many operations have been carried out in one day then? Have they just cancelled the one on each of those dates?

If you have a shortage, surely it would mean that more than one need to be cancelled. Does the Hon. Minister not agree that those dates do not seem to tally with the 12 that are alleged to have been cancelled over the course of one year?

Hon. G Arias Vasquez: No, Madam Speaker, I do not agree. Again, to explain to the hon. Lady how the hospital works and how theatres work in particular, the number of staff required depends on the procedure that is required. A complex procedure will not require the same staffing level as a minor operation.

So, whilst there might be staff shortages on any given day, one procedure may be cancelled because it is of a more complex nature than another procedure, which is a minor intervention and therefore may not be cancelled. So, unfortunately, theatre is not as simple as staff shortages on one day, entire list cancelled. In fact, the division lead for surgery usually goes out of his way to make sure that as few cancellations as humanly possible occur on any given day, even if there are staff shortages. So, they will play around with the list as much as is humanly possible.

So, the fact that there are 12 operations is a statistic which has been given by the GHA. So, do I believe that figure, given that it is a figure that has been given to me by clinicians of the GHA? Yes, I do think that is a correct figure, Madam Speaker.

Hon. J Ladislaus: Madam Speaker, obviously these eight dates will not include those operations that went ahead with less than the generally required number of staff to undertake them. So, is it the case that there are a number of procedures that are going ahead or have gone ahead in the past, I think it was 12 months I asked, which were staffed under the necessary safety level, deemed to be the necessary safety level under the guidelines. Is that the case?

Hon. G Arias Vasquez: Madam Speaker, absolutely not. Again, I am not in an operating theatre, but thankfully people that are qualified to make these decisions are in an operating theatre.

These decisions are dynamic decisions, which again, let me explain it again for the hon. Lady's better understanding. There are more complex procedures and there are simpler procedures and it is up to the Charge Nurse on the day to determine the staffing level required for each and every procedure that is ongoing on the day in the theatre.

So, there is absolutely no way that an operation would go ahead, that a procedure would go ahead, if the Charge Nurse feels that the theatre is understaffed. Now, what may qualify as being understaffed for procedure A may not necessarily be understaffed for procedure B, you might be removing a verruca.

So, the levels of staffing required differ depending on the procedure which is being undertaken. And I think that is generally understandable. So, the dates that I have given are dates where there

was a cancellation because of staffing issues, but it does not necessarily follow that all procedures were cancelled on that day because of staffing issues.

Hon. J Ladislaus: Just to clarify and for the record, is it the case that the hon. Lady is saying that at no point in time have procedures been undertaken where it has been felt by some of the professionals that they are under complement and they are putting patients at risk? Is that the case? Is that what the Hon. Minister is saying?

Hon. G Arias Vasquez: Madam Speaker, these are very serious allegations which are being made without really understanding how the hospital works and particularly how theatres work. I am not in the theatre asking anyone to carry out procedures with a gun to anyone's head.

Every professional that is engaged in the GHA will only undertake a procedure if they feel that a safe staffing level is in place. So, if the Charge Nurse feels that the staffing level is safe, the procedure will go ahead. If the Charge Nurse does not feel that the staffing level is safe, the procedure will be cancelled.

I think that is quite clear in my answer and that is definitively what I am saying. I am saying and I wish to make explicitly clear, Madam Speaker, that I do not believe that any professional in the GHA would allow any procedure to go ahead if they did not feel confident that they had the necessary staffing levels. I think that it is somewhat irresponsible to state otherwise.

Hon. J Ladislaus: It is not an accusation. It is a question that I have asked. Therefore, I would ask the Hon. Minister to clarify that for the record. It is a question that I have asked. I am not making accusations.

Hon. G Arias Vasquez: Madam Speaker, it is a question which is asked that is fully loaded. I wish to make it explicitly clear that I have full confidence in the individuals of all the surgeries and in all the theatres that they would not go ahead with any procedure if they feel that they are understaffed.

Madam Speaker: Next question.

Q860/2025
Gibraltar Health Authority –
Operating theatres

Clerk: Question 860, the Hon. J Ladislaus.

Hon. J Ladislaus: Can the Government set out, in relation to operating theatres within the Gibraltar Health Authority:

(i) The recommended minimum number of staff required per operating theatre/shift to comply with recognised patient safety and clinical governance guidelines, and the source of those guidelines;
(ii) The actual number of staff currently rostered per operating theatre/shift, broken down by role, and whether they are temporary or permanent positions;
(iii) The specific roles and responsibilities of each member of the operating theatre team and which cohort they come under within the Estimates Book; and
(iv) The number of hours worked by each category of staff, including any reliance on overtime, extended shifts or on-call arrangements, to maintain theatre operations.

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the GHA operating theatre staffing arrangements are governed by its internal theatre staffing policy for general anaesthetic operating lists. This policy places responsibility on the Charge Nurse or Sister to ensure that every elective and emergency operating list is staffed by a team of appropriately trained and competent personnel, equipped with the skills and ability to deliver high-quality patient care and to identify and mitigate risks to patients throughout the perioperative pathway. Following an assessment of patient dependency, case complexity and the skills and competencies required, the policy recommends the following minimum staffing levels:

2 scrub practitioners per operating session as a basic requirement, unless patient dependency or clinical service demands more or fewer staff; 2 practitioners are recommended for lists involving major surgery unless there is only one single case; 2 practitioners are also recommended for minor surgery lists that require rapid throughput or involve multiple cases, such as elective day surgery lists. Secondly, one circulating practitioner per session, unless additional staff are required, for example, when more than one surgical cavity is involved; 3, One registered anaesthetic assistant practitioner for each session involving anaesthesia, including general, regional or local anaesthesia with sedation. Additional assistance may be required depending on patient dependency or the type of anaesthesia administered; and 4, One recovery practitioner per patient during the immediate post-reparative period, where patients are not transferred directly to a higher dependency area following surgery.

They must be cared for by practitioners who are appropriately trained and experienced in post-anaesthetic recovery. This policy is informed by recognised UK guidance, including standards published by the Association for Perioperative Practise. Such guidance emphasises a dynamic and risk-based approach to staffing, recognising that less complex or minor operating lists may be safely managed with reduced staffing levels, subject to appropriate clinical judgement and risk assessment.

Additionally, the staffing allocation for operating theatres within the Gibraltar Health Authority is arranged in accordance with the above policy. Current establishment and staffing levels are as follows: Charged nurses, 3 permanent posts in operating theatres and 1 permanent post in day surgery; Operating Department Practitioners or ODPs, 11 permanent posts in operating theatres. Registered Nurses, 11 permanent posts in operating theatres, 1 local post covering a vacancy in operating theatres and 11 permanent posts in day surgery; Enrolled nurses, 1 permanent post in day surgery; Nursing Assistants, 2 permanent posts in operating theatres. The roles and responsibilities within operating theatre environment are clearly defined in accordance with professional standards and operational requirements.

In summary, scrub practitioners assist the surgeon during operative procedures. ODPs assist the consultant in the administration and monitoring of anaesthesia. Recovering nurses are responsible for immediate post-operative recovery and monitoring of patients. Nursing assistants support theatre activity through patient positioning, specimen handling and stocking and preparation of theatre environments.

For estimable purposes, staff are accounted for within the established theatre and day surgery nursing and practitioner cohorts. These current full-time equivalent establishments include 11 ODP posts, 23 registered General Nurses posts across theatres and day surgery and there is no separate establishment breakdown for Charge Nurses, Enrolled Nurses or Nursing Assistants beyond their inclusion within the overall staff complements. Theatre staff are contracted to work 40 hours per week and typically operate 10-hour shifts from 8 to 6, over 4 days per week.

In addition, an out-of-hours on-call team comprising 4 members of staff is maintained to support emergency surgical activity outside of normal operating hours.

Hon. J Ladislaus: Madam Speaker, in respect of Operating Department Practitioners, am I correct in saying that these are recognised as under the nursing umbrella in Gibraltar? They come

under the nursing complement? Because I did ask the question as to under which of the different teams they would come under in the estimates book.

Hon. G Arias Vasquez: Madam Speaker, they come under their own line in the nursing book but they come under nursing, is that correct? Madam Speaker, it is a public document to which the hon. Lady has access in the same way as I do. She is perfectly entitled to find the answer herself.

Hon. J Ladislaus: Madam Speaker, in the UK they come under Allied Health Professionals, so they are under the umbrella of AHPs. For what reason are they not recognised as such in Gibraltar? Is it not the case that this bumps up the nursing complement and it inflates that complement artificially?

Hon. G Arias Vasquez: Madam Speaker, one, it has been like that since we were elected. I do not think it has been changed but separately, if that is a specific question, I would ask the hon. Lady to direct the question to me next time. I am very happy to answer it. I do not have the information available to me.

Madam Speaker: All right, I believe the Hon. Mrs Sanchez is catching my eye. I cannot read her lips, but I think what she is asking is, can I interpose her supplementaries now? And so, the answer is yes.

So let me see. Anything on 828? No.

Anything on 835 and 836?

Hon. A Sanchez: Only 841.

Madam Speaker: Only 841.

Hon. E J Reyes: I have 839.

Madam Speaker: Of 839?

Hon. E J Reyes: I have 839.

Madam Speaker: Let me deal with 841 first, in case the Hon. Mrs Sanchez needs to leave. So, 841. Minister, we are dealing with supplementaries to 841.

Hon. A Sanchez: Madam Speaker, the figures provided for the answer to Question 841, would the Hon. Minister be able to unpack these figures and be able to elaborate a bit further on them? The figures seem significantly high. We have figures 973, 932, another one.

Would the Hon. Minister be able to explain whether these figures, do they relate to individuals that perhaps might not be afforded a place in ERS facilities because they might not want to move or what they have been offered, they have not accepted the placement that they have been offered? Does this account for the delay? Or is it that there are severe shortages in ERS places?

I do not want to assume that there is a severe, I do not want to make an assumption.

Hon. G Arias Vasquez: Madam Speaker, the patients that have been there for an extraordinarily long time, particularly the ones that the hon. Lady is alluding to, 973 days, it is because whilst medically discharged, they have an ongoing condition which requires a medical setting. I do not feel able to go into any more detail because it would be possible to identify the patient but the ones that are of a particularly long nature, it is usually because they have a condition in which there is no other setting to accommodate them.

If I break down those figures further, there are 37 patients that are waiting for ERS. There are others that are palliative. There are three, as I mentioned before, that are awaiting packages of care.

So there is a breakdown of the number of patients that we have in the hospital that are long-stay patients, and the reasons do differ as to why they have been in hospital for a particularly long period of time.

Hon. A Sanchez: Even withstanding those explanations, the numbers provided, the weights are quite significant, Madam Speaker. The hon. Lady has suggested that the Government does have plans to address the waiting times that there are for patients that are waiting for ERS transfers. Would she be able to go into the plans that the Government has to address these waiting times?

I do not know whether in answer to questions that my colleague might have posed whilst I stepped out she went into this, but if she has not, or would she be able to elaborate further, and if she has, she can refer me to the record, I might have missed.

Hon. G Arias Vasquez: Madam Speaker, I have not gone into the details, other than very elusively. I believe that if the hon. Lady asks me the question directly, I can go into the detail of what the plans are in order to deal with those 37 patients for ERS, because there is a plan in place to deal with, or there is a provisional plan in place to deal with those patients. I am very happy to share those plans, but I would want to go into a level of detail which I do not have available to me right now.

Madam Speaker: All right we shall take supplementaries to Question 839.

Hon. E J Reyes: Thank you, Madam Speaker. In Question 839, we were asking for the total number of individuals on assignment or working at the ERS, and in the schedule that the Minister kindly provided at the notes at the bottom of the page on point 2, she identified we have got apprentices from the Training Centre, and there is four of them, but as employed, they are employed by the Training Centre, so one takes it they are registered as full-time trainees there. The schedule is Monday to Friday.

So is that on a full-time basis because on the next line, we are reading that it is a question of practical skills, practical assessment of skills learned. Can the Minister confirm it is sort of like a full 30-odd hours, close to 40 hours a week and if that is the case, is the number four referring to four trainees who are there, in my opinion, supervised or being in receipt of instructions? Therefore, one of those could be an instructor, or he could alternate with an assessor, or even have a case of an internal verifier if some station needs to go. I am not quite certain how the ERS is taking on these four who are trainees by admission here, but yet I want confirmation of what staff is there, otherwise they are unskilled labour and not really complying with the requirements of receiving instructions and or assessments.

Hon. C P Santos: I would need to check how many other labourers are involved. I know that before we sent them over to the ERS/Mount Alvernia, there was an examination of the scope of works, because they are using it as part of the Level 2s in painting. I think it is the four that we have over there. So I would need to check but they would go through the same process as they do when they go into any other organisation or company. I know the ones that we have at the GHA, they work with the industrials over there. So I would not want to confirm, but I am sure that they work within the industrials of the ERS.

Hon. E J Reyes: I am grateful to the Minister. He is showing obviously the coverage of the issue. Precisely like he is doing, looking at other cases. If we take one, for example, connected with the Minister for Health, I know some trainees from the painting section were sent to give a fresh coat of paint to the staircase leading down to the road from St Bernard's Hospital, main entrance.

But because I live close by the area, I noticed that you actually had an instructor/assessor there with them, in whatever number or region of trainees. Hence why it prompted me that this number four could be maybe three trainees and one instructor. Or if not, the Minister I think has clarified now a little bit by saying level two.

A level two does not need to have 24-7 supervision. He can be given a task when he comes in in the morning, and the assessor says, right, I will come back at 12 o'clock. One, to see how much work you have been done and two, it is a way of testing that under their own initiative. It is all part and parcel of those involved in the education world, you know, know is required. So sometimes you have to be away from them but I am grateful for the commitment from the Minister for Employment and Training that he's going to look into that, please.

Hon. C P Santos: I will confirm the exact details but as it is a level two, as you know, the assessor does not need to be there, or the instructor. They get sent into what is essentially a work experience, and they are obviously working within the industrials of the GHA or the Care Agency or ERS on this matter.

Madam Speaker: All right, back to the Hon. Mrs. Ladislaus. I think we are on Question 861.

Q861/2025
Gibraltar Health Authority –
Operating theatre usage

Clerk: Question 861, the Hon. J Ladislaus.

Hon. J Ladislaus: In the last 12 months, on average, how many times per week are each of the operating theatres within St Bernard's Hospital in use? Please provide a breakdown for each individual theatre.

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, Theatre 1 is used 17 times. Theatre 2 is 23. Theatre 3 is 13. Theatre 4 is 3 and day surgery is 27 times a week.

Hon. J Ladislaus: Madam Speaker, since Theatre 4 was opened, I believe it was September 2023, have any additional staff been recruited in order to staff that theatre? And I note that a number of weekly operations in that theatre seem particularly low…

Hon. G Arias Vasquez: Madam Speaker, Theatre 4 is an emergency theatre, and it is basically used whenever there is an emergency and the other theatres are in use. It was used for 100 elective cases in 2025.

I am not sure what the answer is to that but given that the nursing complement has increased year on year, I would suspect that the answer is yes, but I am not certain either way.

Madam Speaker: Anything else?

Hon. J Ladislaus: Just one further question, and may I take this opportunity, because I am going to ask a question as to the newly introduced organ donation operations that we saw a historic operation taking place the other day and I just wanted to take the opportunity to extend our condolences to the family of Mr Vecino, who is otherwise known as Susi, for the selfless donation of his organs, and what a legacy, I say, to leave.

So I extend condolences but now that those operations have started taking place at St Bernard's Hospital, is it the case that recruitment may be looked at in order to service further operations of that nature?

Hon. G Arias Vasquez: Madam Speaker, first of all, I would like to thank the hon. Lady for her words, and I would also like to thank the team at St Bernard's. I have been in touch with the family, and I am told the family has no words for the support that they receive for the team at St Bernard's. So, I would like to thank each and every individual, because the family did go out of their way to say that everyone, from the cleaners to the surgeons, at absolutely every point, was nothing other than extremely supportive of the family and the circumstances that it was in.

As I have said in a GBC interview earlier today, it was an extremely generous act which allows hope through very tragic circumstances. So, again, I would like to extend my condolences to the family. I would like to congratulate them on their bravery and generosity, and I would also like to take the opportunity to thank the GHA team throughout.

Again, absolutely everybody was outstanding, straight through to the Senior Crown Counsel, straight through to the Director General. Everybody was involved in this decision, because it was a historic moment, where it was the first organ donation that was ever done in Gibraltar, and I think it must be an instance where we must applaud the team at the GHA. In answer to the hon. Lady's question, what happens in this instance is that there was an agreement entered into, started by the Hon. Dr Cortes in his time as Minister for Health, followed through by the Hon. Neil Costa in his time as Minister for Health, where there was actually a Memorandum of Understanding entered into between NHS Blood and Transplant Services and our own team here in Gibraltar. What happens in this instance is that it is not so much an operation as a retrieval.

So last Friday, two specialist nurses in organ retrieval came over from the UK, pursuant to the terms of the MOU, arrived in Gibraltar, and then a specialist retrieval team followed them in order to retrieve the organs and take them back to the UK. What then happened is that the organs are blue lighted, so an ambulance with its blue lights on takes them to the airport, to the aircraft. They are then flown to the UK in the aircraft, where a blue light vehicle is waiting for them in the UK, and blue lighted directly to the hospital for their further use.

So, the operation was a significant procedure which was carried out, which required the involvement of every echelon of the GHA, and indeed it is one of those instances where the GHA, when it pulls together, is incredibly impressive in the service that it provides. So again, I will give my thanks to the GHA team. But in answer specifically to the hon. Lady's question, the reality is that because of the MOU that we have with NHS Blood and Transplant, it is NHS Blood and Transplant that actually provides the individuals and the services with the relevant training that is required.

We do not envisage, fortunately or unfortunately because of the circumstances, we do not envisage that there will be a level of organ donation in Gibraltar which will require us to train our own team, and therefore we will continue to rely on the NHS Blood and Transplant service and the MOU that we have in place with them, in order to facilitate any further organ donation. So, we do not envisage increasing the team as a result of that.

Madam Speaker: Next question.

Q862-5/2025
Gibraltar Health Authority –
Procedure for assessment of child suspected of having ADHD; Number of children gone through the GHA's ADHA pathway; GHA ADHD pathway child referrals; Average waiting time for a child to go the GHA's ADHD pathway

Clerk: Question 862, the Hon. J Ladislaus.

Hon. J Ladislaus: Please outline the route followed by the GHA from the point of referral from either a school, healthcare/medical practitioner or a professional from the Care Agency for a child to be assessed for suspected ADHD.

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I will answer this question together with Questions 863 to 865.

Clerk: Question 863, the Hon. J Ladislaus.

Hon. J Ladislaus: How many children have gone through the GHA's ADHD pathway since it was published in March 2025?

Clerk: Question 864, the Hon. J Ladislaus.

Hon. J Ladislaus: How many children are currently on the GHA's ADHD pathway waiting to be seen for either a diagnosis, referral to a different professional or team for next steps or discharge?

Clerk: Question 865, the Hon. J Ladislaus.

Hon. J Ladislaus: What is the average waiting time for a child to go through the GHA's ADHD pathway, from the moment of referral to the GHA with suspected ADHD symptoms to diagnosis, referral to another professional or team for next steps, or discharge?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, in answer to Question 862, I now hand over a schedule outlining the route followed by the GHA for the assessment of suspected ADHD in children. Thank you.

This document provides a step-by-step overview of the process currently in place within the GHA detailing the referral pathways, assessment stages and involved multidisciplinary teams.

In answer to Question 863, of the referrals made as from March 2025, 15 children have received a diagnosis via the new ADHD pathway within the wider neurodevelopmental pathway. A further 78 children have reached a diagnosis via the ADHD pathway from referrals prior to March 2025.

In answer to Question 864, as of the 9th of January 2026, there are 122 children in active assessment phase waiting for a final diagnosis, referral or discharge. Under the paediatric team, 92, under mental health, 30, and a further 39 patients are waiting to be triaged as part of the neurodevelopmental pathway before they are added under a specific pathway.

In answer to Question 865, the GHA is currently collecting and analysing data on average waiting times as a neurodevelopmental and ADHD pathway has only been operational since March 2025. Preliminary findings indicate that most children are seen for an initial assessment

within 8-12 weeks of referral with full diagnostic or onwards referral decisions typically reached within 6 months depending on clinical complexity or the need for multidisciplinary input.

The overall average waiting time for referral to completion of the diagnostic process, onwards referral or discharge is currently estimated at 6-9 months due to the current impact of the backlog. The timeframe encompasses all stages of the pathway including referral triage, screening, multidisciplinary assessment, diagnostic review and feedback to families. The neurodevelopmental service is actively streamlining internal processes and integrating assessments across disciplines with a goal of reducing this timeframe to under 6 months from referral to diagnosis or next step planning.

Targeted measures are also in place to eliminate the existing backlog by March 2026 after which average waiting times are expected to reduce to approximately 4-6 months.

ANSWER TO QUESTION 865

ANSWER TO QUESTION 862

Route followed by the GHA for assessment of suspected ADHD in children

Step 1 – Referral received

Referrals may come from a GP (with school information and Educational Psychology report), directly from schools through the SENCO, from therapists, or from Care Agency professionals. All referrals are directed to the Neurodevelopmental Triage Panel within the Neurodevelopmental Service.

Step 2 – Triage

The referral is reviewed by the Consultant Paediatrician, together with the Psychology Team and relevant therapists.
Cases are then allocated to:

- Neurodevelopmental Specialist Paediatrics (for children under 5 years), or
- Neurodevelopmental / ADHD Pathway (for school-age children with attention or behavioural concerns).

Step 3 – Consultant Review & Screening

Parents and teachers complete ADHD rating questionnaires (e.g. Conners 4) and developmental background forms to inform the initial review.

Step 4 – Multidisciplinary Assessment

A full assessment is undertaken, led by the Paediatrician with input from Psychology and Allied Health Professionals as required.

Step 5 – Complex Cases: Diagnostic & Feedback - Further testing/interviews may be required.

Each case is discussed at the Neurodevelopmental Multidisciplinary Team meeting. Parents are then offered a feedback session, diagnosis is confirmed if criteria are met, and an individualised management plan is agreed.

Step 6 – Follow-up & Ongoing Care

Children are followed by the Neurodevelopmental Team, with shared input from Paediatrics, Psychology, Education, and the Care Agency, ensuring coordinated long-term monitoring and support.

Madam Speaker: Is the hon. Member in a position to ask any supplementaries on 862 and the document provided or would she like to keep that back? Alright, 863 then…

Hon. J Ladislaus: Madam Speaker, given the number of children who appear to be on the ADHD pathway, is it the case, or rather I ask, is the Hon. Minister satisfied with the number within the teams that she has available in order to undertake these assessments?

Hon. G Arias Vasquez: Madam Speaker, given the statistics that I provided and given that the pathway has been in place since March 2025, there is significant movement in these pathways. As with everything in the GHA and indeed as I have answered in the question, do I think that this can be improved and should it be improved? There is always room for improvement and indeed the clinicians themselves are telling me that they are identifying different ways in which to streamline the pathways.

So, do I think it is a great step from what we had? Absolutely. Do I think more needs to be done? It will always be the case that more needs to be done in many areas.

Hon. J Ladislaus: Madam Speaker, generally in respect to the pathways, we have been hearing complaints, we have been made aware that parents in particular are not being given enough information as they go through the pathway, so they are not aware of next steps, for example. Is it the case that professionals are still finding their feet with the pathway?

Hon. G Arias Vasquez: Madam Speaker, again, the pathway has been in place since March 2025, and it is a significant step forward from what we used to have before. So, I am not entirely sure as to why it is that parents feel that there is no communication, but I do know that the clinicians are constantly developing different ways to interact with parents and I am sure that they will continue to do so.

Madam Speaker: Anything on 865? All right next question…

Hon. G Arias Vasquez: Madam Speaker, I am not sure if I am able to do this, but would it be possible to get a 10-minute recess?

Madam Speaker: Sorry… Yes, any Member... (*Interjection by the Hon. Chief Minister*)

Madam Speaker: All right, we will recess for 10 minutes and come back.

The House recessed at 6.23 p.m. and resumed its sitting at 6.34 p.m.

Q866/2025
Child deaths –
Suicide

Clerk: Question 866, the Hon. J Ladislaus.

Hon. J Ladislaus: Have there been any child deaths in Gibraltar in the past 24 months as a result of suicide? If so, has a child death review been conducted as to the safeguarding response and have any recommendations been implemented or are in the process of being implemented?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, no ma'am, although there are cases where the Coroner has not yet concluded his inquest.

Madam Speaker: Next question.

Q867/2025
Children –
Referrals

Clerk: Question 867, the Hon. J Ladislaus.

Hon. J Ladislaus: In the past 12 months, broken down by month:

(i) How many children have been referred to the Gibraltar Young Minds service;
(ii) How many children have been/are under the care of the Gibraltar Young Minds service?
(iii) How many children were/are under the care of a GHA psychiatrist;
(iv) How many children were/are under the care of a GHA psychologist;
(v) How many children were/are under the care of a GHA counsellor;
(vi) How many children were/are waiting to be seen by a GHA psychiatrist;
(vii) How many children were/are waiting to be seen by a GHA psychologist;
(viii) How many children were/are waiting to be seen by a GHA counsellor?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I now hand over a schedule in answer to sections 1, 4, 6 and 7 of this question.

In relation to Question 2, how many children have been under the care of the Gibraltar Young Minds Service, the data is not available by month due to the systems that GYM used to collect the data. However, the GYM team is currently reviewing the way in which they record and collect their data in order to improve and streamline the service and should have this information available in the future.

In response to Question 3, on average the GYM GHA psychiatrists are estimated to have approximately 100 patients under their care on a rolling month basis.

In response to Question 5, at present counsellors are not used within the GHA service, they are only on the adult care pathways. The GHA pathway is staffed by a clinical psychologist and an assistant psychologist.

In response to Question 8, at present counsellors are not used within the GHA, they are only on the adult care pathways.

CONTINUED ANSWER TO QUESTION 867

(v) How many children were/are under the care of a GHA counsellor;

At present, counsellors are not used within Gibraltar Young Minds they are only on the adult care pathways. The GYM pathway is staffed by clinical psychologists and an assistant psychologist.

(viii) How many children were/are waiting to be seen by a GHA counsellor?

At present, counsellors are not used within Gibraltar Young Minds they are only on the adult care pathways.

Madam Speaker: All right, would the hon. Member like to keep this one back? All right, we will move on to 868.

Q868/2025
Mental Health Hub –
Referrals

Clerk: Question 868, the Hon. J Ladislaus.

Hon. J Ladislaus: Can the Government provide an estimate as to when:

(i) The tender process for the construction of the Mental Health Hub at the Sir Joshua Hassan site will commence;
(ii) Works will commence on construction of the Mental Health Hub at the Sir Joshua Hassan site;
(iii) By when it is expected that those works will conclude;
(iv) What services/teams will be housed at the Mental Health Hub?

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the process starts once the designs are finalised. We are currently completing the consultation. Once the design has been completed and the tender awarded, the day starts from then.

All adult mental health services, including community, inpatients and mental health senior management team, will be working within the new facilities.

Hon. J Ladislaus: Madam Speaker, in terms of when the design is expected to be finished, when is that? Can we have an estimate? Because this seems to have been going on for some time now.

The Government announced this project in July 2024. There have been changes of premises in between. Now they have identified the Sir Joshua Hassan site and it was announced in March 2025, yet here we still are with the designs not having been finalised, by when is it estimated that they will be finalised?

Hon. G Arias Vasquez: Madam Speaker, the consultation process is an incredibly important process in order to get the facility right. The team are currently consulting with all of the individuals involved, including all of the clinicians involved, in order to assess what the best design is for the premises.

This consultation period is envisaged to finish the first quarter of the year, and then the designs should be finalised shortly thereafter.

It is a concurrent process. The design is a concurrent process which runs along the consultation process. So, the designs should be finalised Q2, Q3 this year.

Hon. J Ladislaus: Madam Speaker, can we take it therefore that the process commenced as soon as the Government announced the plans for the new Mental Health Hub? Or is it the case that this review and consultation process commenced afterwards? When did they commence?

Hon. G Arias Vasquez: Madam Speaker, the consultation on the model of care started immediately after the announcement. You will recall that initially it was envisaged that the Chronicle building would be the location where this was going to be placed, and that then changed.

Therefore, that necessitated a change in the consultation process, because the individuals involved also need to be consulted, as was the case with the Hon. Minister for Education. He consulted every professional involved in the development of the schools. Here we consult every clinician that is relevant to the consultation process in terms of the layout of the rooms and in terms of the facilities that will generally be available.

So, there are two parts to the consultation. There is one consultation which relates to the model of care, which started immediately after the announcement was made, and there is the announcement in relation to the design of the pertinent premises, which commenced immediately when the pertinent premises were identified.

Hon. J Ladislaus: Madam Speaker, as from the date when planning permission is obtained on this project, obviously we are assuming that it will be obtained on the project, is it still the case that two years from that point in time to the conclusion of the works is still the envisaged time frame, or has that changed now?

Hon. G Arias Vasquez: Madam Speaker, I would have to seek a professional opinion on that.

Hon. J Ladislaus: Madam Speaker, on 21 May 2025, in answer to questions in this House, the Hon. Minister said specifically that as from the point at which planning permission was obtained, it would be two years from that date for the conclusion of this project. Why now is she unable to answer this point?

Hon. G Arias Vasquez: Madam Speaker, simply because the question was not on the answer paper. If that is what I said in May 2025, that continues to be the case.

Madam Speaker: Next question.

Q869/2025
GHA Ambulance –
Average response time

Clerk: Question 869, the Hon. J Ladislaus.

Hon. J Ladislaus: In the past 12 months, what was the average response time for a GHA ambulance to arrive at the scene of a call out, broken down by month and call category, if relevant?

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I now hand over the schedule with the information requested.

ANSWER TO QUESTION 869

Year	Month	Cat 1	Cat 2	Cat 3
2024	Sept	06:03	06:31	08:51
2024	Oct	05:52	07:24	09:46
2024	Nov	06:44	06:49	08:52
2024	Dec	06:36	07:03	08:55
2025	Jan	06:09	07:14	08:52
2025	Feb	06:48	07:17	09:04
2025	Mar	06:46	07:23	09:29
2025	Apr	05:48	06:54	09:15
2025	May	05:50	06:52	08:52
2025	Jun	06:21	07:05	09:28
2025	Jul	06:25	07:03	09:08
2025	Aug	06:25	07:05	09:44
2025	Sep	06:34	06:59	08:56

Madam Speaker: All right, I am happy to leave this and move on, but I will say to the hon. Member that I do intend to deal with all the questions on Health and Care before we move on to Business. So, we will move on to 870.

Q870/2025
GHA Ambulance –
Average response time

Clerk: Question 870, the Hon. Jay Ladislaus.

Hon. J Ladislaus: Since October 2023, has the GHA received any donations for the purchase of medical equipment? If so, please provide a breakdown of:

(i) the amounts received towards the purchase of specific equipment and details as to the donor(s);
(ii) the specific equipment that has been purchased with those donations;
(iii) whether the equipment purchased has been commissioned and is in use and if not, why not; and
(iv) where the responsibility lies for the maintenance of the equipment and the arrangements in place for its maintenance?

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I now hand over the schedule with the information requested.

ANSWER TO QUESTION 870

DATE	DESCRIPTION	MAINTENANCE PROVIDER	DONATIONS RECEIVED	DONATIONS SPENT/COMMITTED
28/02/2024	Donation Iro Ultrasound Scanner (Radiology)	Phillips	£ 81,766.66	
19/07/2024	Epiq Elite Diagnostic Ultrasound System			-£ 81,766.66
14/05/2024	Walking Football - Urology Bladder Scanner (Unallocated)	GHA Clinical Engineering	£ 4,065.00	
12/04/2024	Bladder Scanner - Urology			-£ 4,065.00
04/11/2024	Donation For A Chest Compressor (Cardiac)	GHA Clinical Engineering	£ 11,586.10	
08/11/2024	Chest Compressor (Cardiac)			-£ 11,586.10
27/11/2024	Donation For A Dopplex Ability Automatic Ankle Brachial System	GHA Clinical Engineering	£ 3,696.35	
14/02/2025	Dopplex (Ambulance Cardiac)			-£ 3,696.35
17/12/2024	As Per Mou (£180,411.50Maldi Biotyper Sirius Ivd System/£21,000.00 Urology Chair & Accessories, Installation & Training))	GHA Clinical Engineering	£ 201,441.50	
19/04/2024	Maldi Biotyper Sirius Ivd System			-£ 61,042.78
08/05/2024	Maldi Biotyper Sirius Ivd System / As Per Quotation Number (Urology-Unallocated)			-£ 20,347.59
10/05/2024	Maldi Biotyper Sirius Ivd System / As Per Quotation Number (Urology-Unallocated)			-£ 122,085.56
26/07/2024	Medimatic Urology Chair + Accessories, Instalation And Trai Po8052453	GHA Clinical Engineering		-£ 21,000.00
17/04/2025	Donation Iro Ac100337 (Manometry (Gastric) Equipment - Unallocated)	GHA Clinical Engineering	£ 100,000.00	
13/08/2025	Manometry Equipment Solar Gi Hrm Po8070361 (Unallocated)			-£ 99,502.99
03/06/2025	Donation Iro Purchase Of Resucitation System (Rainbow)	GHA Clinical Engineering	£ 8,850.00	
24/06/2025	Donation Iro Purchase Of Resucitation System (Rainbow)		£ 250.00	
12/06/2025	Resuscitation System Star Integrated Quotation No 174			-£ 9,100.00
14/08/2025	Donation Iro Purchase Of A Rotablator (Cardiac)	GHA Clinical Engineering	£ 31,200.00	
15/08/2025	Rotapro Console Kit Assy Gen 230V			-£ 31,200.00
04/11/2025	Donation Iro Surgical Robot (Order Placed Via Capital Acc) 1St Instalment (Made In 4 Payments Of £25,000) (Unallocated)	GHA Clinical Engineering	£ 100,000.00	
05/11/2025	Donation Iro Surgical Robot (Order Placed Via Capital Acc) 2Nd Instalment (Made In 4 Payments Of £25,000) (Unallocated)	GHA Clinical Engineering	£ 100,000.00	
06/11/2025	Donation Iro Surgical Robot (Order Placed Via Capital Acc) 3Rd Instalment (Made In 2 Payments Of £25,000) (Unallocated)	GHA Clinical Engineering	£ 50,000.00	
23/12/2025	Donation Iro Surgical Robot (Order Placed Via Capital Acc) 4Th Instalment (Made In 10 Payments Of £25,000)	GHA Clinical Engineering	£ 250,000.00	
17/10/2025	Toumai Endoscopic Surg System & Freight (992,450Euros) - Currently Charged To Capital	Microport		-£ 863,000.00
17/10/2025	Sonic Irrigator Washer And Instruments - Currently Charged To Capital	Steris		-£ 40,330.00
22/12/2025	Vio 3 Electro Surgical Unit - Currently Charged To Capital	Erbe Medical UK Ltd		-£ 20,396.46
12/12/2025	Donation Iro Affirm Lateral Arm Upright Biopsy Accessory (Radiology)	Philips	£ 10,573.27	
	Order Not Placed Yet - Refers To Above Donation			-€ 12,400.00
04/11/2024	Donation For A Chest Compressor	GHA Clinical Engineering	£ 11,586.10	
08/11/2024	Chest Compressor (Cardiac)			-£ 11,586.10
27/11/2024	Donation For A Dopplex Ability Automatic Ankle Brachial System	GHA Clinical Engineering	£ 3,696.35	
14/02/2025	Dopplex (Ambulance Cardiac)			-£ 3,696.35
05/11/2025	Donation In Relation To Chemo Unit Furnishings Only		£ 185,000.00	
12/01/2026	Pharmacy Refrigerator (Chemo Tab - Deducted From Chemo Unit Donation)	GHA Clinical Engineering		-£ 2,411.00
17/11/2025	Examination & Treatment Couch, Two Section Ref: Ec1220/Vbb	GHA Clinical Engineering		-£ 5,922.84
17/11/2025	Phlebotomy Chair, Variable Height Ref: Ec5320/Vbb	GHA Clinical Engineering		-£ 1,580.60
17/11/2025	Caretray Trolley - Phlebotomy Ref: Ctphles1/10/3S2D	GHA Clinical Engineering		-£ 826.42
17/11/2025	Examination & Treatment Couch, 2 Section, Mobile, Bariatric Ref: Ec2235/Vbb	GHA Clinical Engineering		-£ 1,726.76
17/11/2025	Technical Seating - Saddle Stool, Polyurethane Ref: 5Ts/Sa/Vvma	GHA Clinical Engineering		-£ 139.54
17/11/2025	Dressing / Instrument Trolley - Fixed Shelves, Sides Up, Stainless Steel, 450Mm Deep Ref: Dtsf/450	GHA Clinical Engineering		-£ 958.72
17/11/2025	Caretray Trolley - Mild Steel, Standard Level, Single Column - Ref: Ctm1/10/3S2D	GHA Clinical Engineering		-£ 3,735.90
17/11/2025	Orr 2-Seater A Range Upholstery - Vinyl Finish - Aston Royal Ref: 1Or2-200-A	Estates & Facilities (Luis)		-£ 1,985.00
17/11/2025	Orr 3-Seater A Range Upholstery - Vinyl Finish - Aston Royal Ref: 1Or3-200-A	Estates & Facilities (Luis)		-£ 2,416.00
17/11/2025	Overbed & Overchair Table - Height - Adjustable, Polymer, Easy Clean	GHA Clinical Engineering		-£ 666.96
22/12/2025	B Medical Systems P130 Pharmacy Refrigerator As Per Quotation No: Sgu041225-001	GHA Clinical Engineering		-£ 2,399.00
23/12/2025	Enterprise 5000X - Uk Beds	GHA Clinical Engineering		-£ 3,100.00
17/11/2025	Iv Drip Stand, Two Hook, Stainless Steel, Height Adjustable, Mobile	GHA Clinical Engineering		-£ 1,400.00

Madam Speaker: All right, we will move on to 871.

Q871/2025
Gibraltar Health Authority –
Specialist mammography equipment

Clerk: Question 871, the Hon. J Ladislaus.

Hon. J Ladislaus: Can the Government confirm whether specialist mammography equipment at the GHA has been out of service in the past 12 months? If so, please provide a breakdown as to:

(i) when;
(ii) for how long it was/it has been inoperable;
(iii) what contingency arrangements were put in place during that period/those periods; and
(iv) how many patients have experienced delayed screening or diagnostic mammograms as a result?

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the mammography machine was out of service between 7-25 November 2025. The Breast MDT team advised against sending any patients to tertiary centres, since that has proven more problematic in the past than advantageous. To address the resulting backlog and to ensure patients were seen as promptly as possible, the team of mammographers extended their working hours, with clinics running until 8 p.m.

Approximately 242 appointments were rescheduled during the period in question.

Hon. J Ladislaus: Madam Speaker, is it the case that the GHA is responsible for maintenance of this machine? I imagine that not to be the case, given it is highly specialist. But I am just trying to get to the root of why it was broken for such a long time.

Hon. G Arias Vasquez: Madam Speaker, the GHA does not maintain the mammography machine. Contact was made with UK-based medical teams in order to restore the components and get the components required.

Hon. J Ladislaus: So, is it the case therefore that we are completely dependent on a UK company to source parts etc and maintenance when this machine breaks down? Is that practicable or are more practicable solutions being explored at the moment? It seems to me that that is quite a difficult task and that it means that the machine is out of use for some time if it does break.

Hon. G Arias Vasquez: Madam Speaker, we have geographical constraints because of our location. It is not realistic to have a team for repairs of absolutely every machine in the GHA and that has to be recognised in terms of our jurisdiction. In other cases what we do is that we have the spare parts available in Gibraltar, and I believe that in terms of the mammography machine, we have a lot of the spare parts available in Gibraltar but there are some parts that we just simply do not store.

So, we try and have the most practical arrangements in place in order to repair each and every machine as and when we need them repaired but there will always be logistical constraints because of our geographical location.

Hon. J Ladislaus: I do appreciate our geographical location means logistical constraints, but have they looked perhaps to our neighbour in terms of this machine or sourcing maintenance for these machines because obviously we do use tertiary service providers over in Spain. So, is it not the case that perhaps this could be looked at as well?

Hon. G Arias Vasquez: Madam Speaker, whereas I do not have the detail of what the teams of the GHA have done, I am certain that the GHA have tried to do all the logistical arrangements possible in order to minimise the disruption and indeed, as the answer to the question says, they did make sure that all appointments were rescheduled, all 242 appointments were rescheduled as required during this period.

Any emergency mammogram required during this period would have been sent to a relevant tertiary institution, but I am sure that they have their own logistical reasons which I am not aware of for looking to specific providers in the UK.

Madam Speaker: Next Question.

Q872/2025
Gibraltar Health Authority –
Maintenance responsibility for the mammography equipment

Clerk: Question 872, the Hon. J Ladislaus.

Hon. J Ladislaus: Who bears the responsibility of ensuring that the GHA's diagnostic mammography equipment is properly maintained, how often is this equipment serviced and when was the last time that maintenance work to it took place?

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the overall responsibility and governance of the mammography unit lies with the Radiology Services Manager. In addition, routine visits are carried out once a year by Hologic engineers and UK medical physicists under the Managed Equipment Service, the MES contract with Philips. They assess the equipment performance and issue formal reports.

All maintenance is up to date and carried out in accordance with Hologics' service schedule. The last service was carried out in November 2025.

Madam Speaker: Next question.

Q873/2025
Gibraltar Health Authority –
Cost of un-commissioned software programmes and medical equipment

Clerk: Question 873, the Hon. J Ladislaus.

Hon. J Ladislaus: What cost has been incurred by the GHA during the past 14 years as a result of software programmes and medical equipment purchased but not commissioned? Please provide a breakdown as to those costs and the reasons why the specific software programmes and/or medical equipment were not commissioned.

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the GHA Clinical Engineering and IT Department have confirmed that all equipment purchased or ordered by themselves have been commissioned.

Hon. J Ladislaus: Madam Speaker, I am aware of at least one occasion on which a system was purchased at the cost of £83,605. This is in May 2019, when questions were asked in respect of ambulance dispatch systems and the costs or suppliers associated with the provision of those. The response was given by the then Minister for Health, Mr Costa, that in October 2011 a training package and licence to operate an ambulance dispatch system had been purchased from Priority Medical Dispatch in October 2011 and the cost of that project was £83,605.54. At that point in time, the system had not yet been commissioned.

Can I ask the Minister whether she is aware if the system was ever commissioned? I am aware of scenarios whereby equipment appears to have been purchased, and it lies there without use or without much use because of, for example, training constraints.

Hon. G Arias Vasquez: Madam Speaker, in response to the hon. Lady's next question, I have a schedule that sets out the answer to that system in particular. I am not aware of any system in the GHA which has not been commissioned. That system, which the hon. Lady is referring to, was purchased by the Gibraltar Fire and Rescue Services and therefore the distinction is made between the questions, but I will provide the hon. Lady with the answer that she is seeking in the next question.

Madam Speaker: Next question.

Q874/2025
Gibraltar Health Authority –
Cost of un-commissioned software programmes and medical equipment purchased by the Gibraltar Fire and Rescue Service

Clerk: Question 874, the Hon. J Ladislaus.

Hon. J Ladislaus: What cost has been incurred by the GHA during the past 14 years as a result of software programmes purchased by the Gibraltar Fire and Rescue Service but not commissioned? Please provide a breakdown as to those costs and the reasons why the specific software programmes were not commissioned.

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I now hand over a schedule with information requested.

ANSWER TO QUESTION 874

Date	Total Amount
15-02-13	£47512.18
12-12-13	£3675.00
04-06-14	£29527.18

Madam Speaker: We can deal with supplementaries on this one, it is a very short schedule.

Hon. J Ladislaus: Madam Speaker, I have not done the calculation obviously, but does this total amount relate to what I have just brought up, this Ambulance Service Dispatch software that was purchased? Does this relate to that?

Hon. G Arias-Vasquez: Yes, Madam Speaker.

Hon. J Ladislaus: Was that software package ever commissioned, or did it lie out of use?

Hon. G Arias Vasquez: Madam Speaker, the GHA can confirm that the software is not commissioned.

Madam Speaker: Next question.

Q875/2025
Gibraltar Health Authority –
Responsibility for performance, maintenance and resilience of the Health Authority's communications systems

Clerk: Question 875, the Hon. J Ladislaus.

Hon. J Ladislaus: Who is ultimately responsible for the performance, maintenance and resilience of the Health Authority's communications systems, and is this responsibility held internally or by external providers? When were the current communications systems within the GHA's Primary Care Centre, Children's Primary Care Centre and St Bernard's Hospital last updated and are there any plans to update any or all of those communications systems?

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the telephone system is hosted by Gibtelecom, who is therefore responsible for the performance, maintenance, configuration and resilience of the private branch exchange, the PBX. The system was upgraded in 2023 and is currently operating effectively. Within the telephone system, each department has their own operational requirement and workflows and are responsible for ensuring that these remain current and fit for purpose.

Any issues or change requests that are raised through the IT department, which then works in coordination with Gibtelecom to ensure that the required changes are implemented appropriately. The corporate network that underpins this infrastructure is managed by the IT department. This network comprises multiple devices that are continuously updated or replaced due to hardware faults or as part of technology lifecycle management programmes.

The email system is managed by the IT department. Through the use of advanced security and management tools, the department ensures that the service remains protected, resilient and highly available. The system was upgraded in 2012 and is currently operating effectively.

The GHA employs SMS messaging as an effective communication channel with patients. This service is primarily used to send appointment requirements and, in certain cases, to share test results, thereby improving patient engagement and reducing missed appointments. SMS messages can be triggered directly from within the EMIS application, which is externally managed, or by the HIS application, which is overseen by the Information Systems department.

Once initiated, the message is routed through an external SMS service provider responsible for managing the technical delivery process. The message is then transmitted via the telecommunications provider and delivered to the patient's registered mobile number.

Hon. J Ladislaus: Madam Speaker, we have heard that Gibtel are ultimately responsible for the performance and the maintenance and the resilience of the GHA's communication systems. Is it the case that Gibtel have been awarded a tender in order to undertake this work? How has that process played out?

Hon. G Arias Vasquez: Madam Speaker, I am not aware of whether it is a tender or otherwise, and I am happy to answer the question if the hon. Lady gives me notice of it.

Madam Speaker: Next question.

Q876/2025
Gibraltar Health Authority –
IT Strategy governing use of digital programmes, software systems and platforms

Clerk: Question 876, the Hon. J Ladislaus.

Hon. J Ladislaus: Is there a single overarching digital or IT strategy governing the GHA's use of digital programmes, software systems and platforms and, if so, when was it first implemented, what was the cost of implementing it and when was it last reviewed?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, yes, there is a single overarching digital and IT strategy governing the GHA's use of digital programmes, software systems and platforms. The Strategy was implemented in 2023, and in 2025 was rebranded to GHA1, which constitutes the in-House development of multiple interconnected modules. To date, no costs have been incurred. The Strategy is reviewed on a periodic basis.

Hon. J Ladislaus: Madam Speaker, is the Minister satisfied that the current IT arrangement poses no significant risks to patient safety or, for example, data security?

Hon. G Arias Vasquez: Madam Speaker, again, we have individuals employed to advise us on these issues. They confirmed to me that there is no issue with patient safety, certainly, and internet security. I would refer the hon. Lady to an issue that occurred worldwide with EMIS.

I believe it was last April, I cannot quite remember when it was, when the entire global system of EMIS was impacted by something that happened globally, and therefore EMIS in Gibraltar was affected. So, can we confirm that nothing will ever occur? No.

But EMIS, which is an independent third-party provider, was itself unable to ensure that our programmes were working efficiently throughout. We are talking about technology, we are talking about sensitive systems, and I do not think that anyone can give a cast-iron guarantee that nothing will ever go wrong with them but insofar as patient safety is concerned, I am not made aware of any issues that the IT team have with any patient safety concerns.

Hon. J Ladislaus: Madam Speaker, by IT team, does the Hon. Minister mean the IT&LD?

Hon. G Arias Vasquez: No, Madam Speaker, I mean the internal GHA IT team.

Madam Speaker: Next question.

Q877/2025
Gibraltar Health Authority –
List of all digital programmes, software systems and platforms currently in use

Clerk: Question 877, the Hon. J Ladislaus.

Hon. J Ladislaus: Can the Government provide a list of all digital programmes, software systems and platforms currently in use by the GHA. Please provide a breakdown for each as to:

(i) the purpose of the programme;
(ii) where within the GHA it is used;
(iii) the date it was first introduced;
(iv) who is responsible for its maintenance and updates;
(v) the annual cost of licensing, support and upgrades; and
(vi) whether each system is able to communicate or share data with the others?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I now hand over the schedule of information requested.

ANSWER TO QUESTION 877

Core Systems	i.) Purpose	ii.) Where	iii.) Date Introduced	iv.) Responsible	v.) Annual Cost	vi.) Communication
eCAMIS	Patient Registration	PCC - Registration Department	2015	EMIS - External	£35K	Partially
EMIS Web	GP Application	PCC - GP Clinic	2015	EMIS - External	£186K	Partially
Symphony	A&E Management	A&E	2015	EMIS - External	£72K	Partially
Hero Health	eGov - GP Online Appointments	Online	2022	Hero - External	£180K	Partially
Evolve	Electronic Document Management Systems	Secondary Care	2022	Evolve - External	£360K	Partially
Hospital Information System	Manage Patient Data	Secondary Care	2007	IS Dept.- Internal	£0K	Yes, it is able to.
Bed Management System	Manage Ward Data	Secondary Care	2005	IS Dept.- Internal	£0K	Yes, it is able to.
Frontdesk	Secondary Care Appointments	Secondary Care	2006	Informatica - External	£6.5K	Partially
ICRIS / PACS	Manage Radiology Data	Radiology	2015	Philips - External	£170K	Yes, it is able to.
Modulab	Manage Lab Data	Laboratory	2011	Werfen - External	£69K	Partially

2855 **Madam Speaker:** All right, we will come back to that next question.

Q878/2025
Gibraltar Health Authority –
Issues and/or limitations in respect of any of the digital programmes, software systems and platforms identified by staff

Clerk: Question 878, the Hon. J Ladislaus.

Hon. J Ladislaus: Have GHA staff identified any issues and/or limitations in respect of any of the digital programmes, software systems and platforms currently in use by the GHA? If so, please specify what those issues and/or limitations are and what is being done to address them.

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the hon. Member's question covers a broad range of digital systems and platforms across the GHA. It is important to note at the outset that all digital systems have limitations and that the challenge in healthcare informatics is always to balance two competing requirements, the benefit of standardised, organisation-wide systems and the need for department-specific solutions that reflect different clinical workflows. The GHA's current digital systems are stable, reliable and support the day-to-day clinical and operation activity effectively.

No systems are failing or unsafe. However, as with all healthcare organisations, staff have identified areas where systems do not fully integrate with one another and where workflows could be improved. A significant structural constraint for the GHA is that whilst we align clinically with NHS practise, we do not sit within the NHS digital spine.

This means that all off-the-shelf healthcare solutions that rely on the NHS's national infrastructure are not available locally. In response, the GHA has adopted a programme of continuous digital improvement and integration rather than wholesale replacement. A multidisciplinary digital strategy committee was established last year to provide governance, clinical oversight and prioritisation of developments.

Recent progress includes the introduction of AI-supported clinical dictation, electronic discharge processes and a growing number of electronic clinical pathways, all of which are improving efficiency, data quality and patient safety. In summary, whilst current systems are functioning well, the GHA recognises their limitations and continues to address them in a structured and clinically learned manner and is progressing towards a more integrated digital environment that is realistic, sustainable and appropriate to Gibraltar's healthcare setting.

Hon. J Ladislaus: In terms of the issues that have been flagged by professionals, is it the case that one of those issues is by any chance communications between programmes because we are constantly hearing of issues, for example, of medical notes not being accessible to a doctor or a professional who the person has been referred to. Just yesterday, one specific instance was brought to my attention whereby a person went to the UK and unfortunately it seems that there had not been adequate communication there because the notes were not with the practitioners in the UK and unfortunately, they were not able to identify the practitioner who was going to be seeing this person.

So, it was a wasted trip. The person has had to return and will then return at a later date to the UK. Now, it seems to be that there is a significant issue with communication between the systems. Has that been flagged by any of the practitioners?

Hon. G Arias Vasquez: Madam Speaker, we have to bear in mind that the infrastructure that we operate here in Gibraltar is very different to the infrastructure that is operated in the UK. So one obvious example is that in the UK, all GPs are private practitioners. They run their own private practises, and they do not integrate into the secondary care model.

Therefore, a plug and play model whereby GPs communicate in secondary care is simply not available because they do not operate within the same infrastructure. So, you will not get an NHS trust or NHS hospital in the UK which has an integrated GP practise.

Therefore, GPs operate on one model which is largely EMIS. So, when you call up for an appointment, it is the EMIS system which gives you the data and you can book your appointment on EMIS. EMIS then is the programme which the GP uses to upload your notes. And then EMIS is the programme which the pharmacy uses as well to determine what pharmaceuticals have been provided to a greater or lesser degree of success.

Now, the key thing here is that there is no model which is readily available for use in Gibraltar, similar to that in the UK, for the reasons that I have specified. So, for example, consultants are not able to log into the same system as GPs because there is no such system. So yes, there are different systems in place to use by the different practitioners.

It does sometimes mean that, for example, in A&E they might have to log on to different systems to see what the patient record is, but it is because of the reasons that I have just explained. So what are we doing about it, for example? And one thing which I have already explained is that we are using AI dictation, for example, to upload the GP's notes onto a system, Dragon Dictate I think it is called, which is used by the GPs, which is an AI method which GPs use in order to upload notes.

Now, what does that mean? That means that the GP's notes can be uploaded immediately and the dictation method recognises medical speak. So, whereas if you use an average or normal dictation system, it should not necessarily recognise medical terms, the AI system which is used by GPs does indeed recognise medical terms and is therefore easier for the practitioners to use.

Now, GPs are using one system and consultants are using another, simply because these are the two systems that are used in the UK in order to facilitate the practise of the GP and the consultants. Therefore, are we looking at different ways in order to facilitate the communication between GPs and consultants? Absolutely. Is it sometimes frustrating that the communication is seamless? Yes. That is why we are looking at different models, such as GHA-1, so that we do not have a system which we purchase, but we have a system which is made to measure for the GHA model, where GPs and consultants operate under one system.

The other point that I would note as to what the hon. Lady has said, is that however much we can communicate internally within the GHA, the example that she gives is communication within a system which is entirely outside our own. So, it is when a Gibraltar patient goes to the UK. That is a very unfortunate example that the hon. Lady has given, and I would urge them to contact either sponsored patients or PALS or the Complaints Office in order to be able to address it properly, but the GHA is unlikely to be able to communicate seamlessly with the NHS, because they are entirely different institutions and entirely separate systems. Therefore, what we are really concentrating on at the moment is to have a GHA-wide system which communicates between primary and secondary care, and indeed if it is then possible to communicate with tertiary care institutions.

Madam Speaker: Next question.

Q879/2025
Marine Maritime Services Limited – Ministerial awareness of contract

Clerk: Question 879, the Hon. J Ladislaus.

Hon. J Ladislaus: Was the Minister for Health, Care and Business involved in or aware of the contract being entered into with Marine Maritime Services Limited?

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): No, Madam Speaker.

Hon. J Ladislaus: Madam Speaker, if I may, who was it that made the decision to contract Marine Maritime Services Limited?

Hon. G Arias Vasquez: Madam Speaker, I am unaware of any entity called Marine Maritime Services Limited.

Hon. J Ladislaus: Madam Speaker, according to the Principal Auditor's latest reports, that company was providing services to the GHA, occupational health services to the GHA. Is it the case that that is no longer the case now? Can the Hon. Minister clarify?

Hon. G Arias Vasquez: Madam Speaker, once again, I am unaware of any company that is called Marine Maritime Services Limited.

Hon. J Ladislaus: Madam Speaker, can the Hon. Minister perhaps provide the name of the company that does provide such services to the GHA?

Hon. G Arias Vasquez: Madam Speaker, my job is to run the GHA, to run the Care Agency, to run the utilities companies, to run the Port, to run the Maritime Administration, to run Procurement, to run Town Planning, to run the Elderly Residential Services. If there is one thing that the hon. Lady is meant to do is to make sure that she answers the proper question, so when the Lady asks the proper question, I will give the proper answer.

Hon. J Ladislaus: Madam Speaker, I am grateful for clarification of what my role is. That is not the only thing I do but thank you for that.

Now, I do note that in the Principal Auditor's report for 2018-2019, which is why I ask what the name of the company is now, perhaps it has changed and therefore the Minister might not be aware of Maritime Marine Services Limited. Therefore, I ask what is the name of the company that is now responsible for this contract under the GHA.

Indeed, it may be that Maritime Marine Services Limited actually does not go under that name and therefore we have the wrong, we are talking about cross-purposes.

Hon. G Arias Vasquez: Madam Speaker, there is no such company named in the Principal Auditor's report.

Hon. J Ladislaus: Madam Speaker, I believe it is page 225 of the Principal Auditor's report. I may be completely wrong here, but I would need to check that. Certainly, under that, pursuant to Regulation 7.1 of the Procurement Public Sector Contracts Regulations 2016, there is a tender threshold of £663,540 for public service contracts for social and other specific services listed in Annex 14 to the Public Sector Directive, and this includes the provision of medical health services. That was flagged as, given the value of the contract, that the Government should have retendered that contract, which is what I am getting at. The question was going to be, given that the Head of Procurement had advised that, given the value of the contract, it should have been retendered at that point in time, why was not it retendered, and has it been retendered since?

Hon. G Arias Vasquez: Madam Speaker, there is no such company mentioned in the Principal Auditor's report.

Madam Speaker: All right, we are not making any headway with this…

Hon. J Ladislaus: Madam Speaker, if I may clarify, perhaps it is that I have misspelt it. Maritime Medical Services Ltd, rather than Maritime Marine Services Ltd, perhaps I have misspelt it.

Hon. G Arias Vasquez: Perhaps, Madam Speaker, when the hon. Lady asks the right question, I will answer the right question.

Hon. J Ladislaus: Madam Speaker, that is the question. Unfortunately, I happen to have misspelt one word, which, given the name of the company, I think is a reasonable mistake to have made. Perhaps I made the mistake, yes, but the Minister knows full well what I am on about.

Is it possible for the Hon. Minister to answer the question as Maritime Medical Services Ltd?

Hon. G Arias Vasquez: Madam Speaker, the name of the company has previously been mentioned in Parliament, has been mentioned in the Principal Auditor's report, and I think the hon. Lady owes it to the taxpayer to be able to make sure that she gets the right name of the right company that she is asking the question.

Madam Speaker: Does the hon. Member have any further questions? There have already been seven supplementaries.

Hon. J Ladislaus: Well, Madam Speaker, unfortunately it seems that the Hon. Minister is unwilling to answer. Is that the response, that she is unwilling to answer it because of one small spelling mistake, which does not change the facts that have actually been outlined in the Principal Auditor's report, and I am giving her an opportunity to actually answer to.

Hon. G Arias Vasquez: Madam Speaker, it is not a spelling mistake. It is the wrong company name that has been mentioned. I am very willing to answer the question if notice of the proper question is given.

If the hon. Lady asks me the proper question in the next session of Parliament, I would be delighted to answer the question. However, I reiterate, there is one job that the hon. Lady has to do, and that is to get her parliamentary questions right. If she cannot look at the parliamentary questions previously asked and the Principal Auditor's report, I am not here to make sure that I assume what her questions are.

Madam Speaker: Next question.

Q880/2025
Marine Maritime Services Limited – Ministerial awareness of contract

Clerk: Question 880, the Hon. J Ladislaus.

Hon. J Ladislaus: Can the Minister for Health provide an explanation as to why the Agenda for Change review has been delayed?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, there is no such delay.

Hon. J Ladislaus: Madam Speaker, is it the case that the Hon. Minister is again entrenched in the position that there have not been delays in actually concluding this review, where we have actually heard of about two or three different deadlines now provided to this House on separate occasions? Is that what she is saying?

Hon. G Arias Vasquez: Madam Speaker, the timeline that was outlined for the Agenda for Change is 12 months from the start of the process. We need all parties to sit around the table for the beginning of the process to actually occur and to agree the terms of reference. Unfortunately, to date, the parties have not sat around the table to agree the terms of reference.

I am very, very optimistic that that will happen soon, and once that happens, that kicks off the 12-month period. Therefore, there is no such delay because the terms of reference have not been agreed and the parties have not yet sat around the table.

Hon. J Ladislaus: Madam Speaker, I will ask it another way, even though I am about to ask another question separately. So, is it the case, or can we just clarify, that at Question 773 in 2024, the Hon. Minister said that this would conclude around 30 June 2026 and then at 656 of 2025, the Hon. Minister stated that they would conclude by quarter 2 or quarter 3 of 2027 and now we hear that it could be done within 12 months once the terms of engagement are agreed with the Unions. Why, therefore, was the Hon. Minister giving these two separate dates prior to today and today it is the case that she cannot give a deadline, and no such deadlines have been given in the past?

Hon. G Arias Vasquez: Madam Speaker, Agenda for Change is a process. Agenda for Change is a process with which we have to engage with the Unions and with staff side. I cannot do Agenda for Change by myself.

I cannot, the GHA cannot, the executive team of the GHA cannot do Agenda for Change by itself. The parties need to engage. Without engagement, Agenda for Change does not work.

It cannot happen. It was a process that was identified and set out in the NHS. Therefore, we need the parties to come round the table.

Otherwise, the dates that I gave were dates when I hoped that the parties would sit round the table because, I reiterate, it is our honest opinion, it is our view and our policy that Agenda for Change is the fairest system within which the GHA can operate. It is a very transparent system and it is a very fair system. Again, we cannot negotiate with ourselves and therefore we need all parties to sit round the table.

The process will conclude within a 12-month period and we are optimistic that the process will conclude within a 12-month period of the parties sitting round the table and agreeing the terms of reference but otherwise, Madam Speaker, we would be talking to ourselves.

Hon. J Ladislaus: Madam Speaker, where therefore does the Hon. Minister say that the fault lies? Who is it that is slowing down this process? Who is refusing to sit round the table?

Because, certainly, from what we have been hearing from the Unions of late, Unite is certainly not in agreement with the Minister's position at the moment so, who is it that is delaying this?

Hon. G Arias Vasquez: Madam Speaker, for the benefit of trying to reach an outcome where all the parties actually sit round the table, I do not think it is in our interest to go into here a slanging match of who is at fault. It is not the GHA that does not want to sit round the table.

We have sent numerous emails urging the other parties to sit round the table. That is all I wanted to say at this moment in time.

Madam Speaker: All right, I was going to say move on to 881, but the hon. Member has actually read out 881 verbatim and the answer, I think, has been given by the Hon. Minister.

So, is the hon. Member happy to move on to 882?

Q882-3/2025
Skill mix review –
Since when conducted by the GHA; Findings

Clerk: Question 882, the Hon. J Ladislaus.

Hon. J Ladislaus: Since when has the skill mix review being conducted in relation to the GHA been ongoing and has this now concluded? If not, why; what stage is this review at and; by when will it be complete?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I will answer this question together with Question 883.

Clerk: Question 883, the Hon. J Ladislaus.

Hon. J Ladislaus: Will the findings of the skill mix review being undertaken at the GHA be made public?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, it is important to understand that the skill mix review is a continuous and ongoing process based upon patient numbers and the acuity of patients at St Bernard's Hospital. The first phase of this exercise, using an internationally validated tool called the Safer Nursing Model, was conducted in May and June 2025. The next phase of this exercise was to commence in October 2025. The data from the first phase of the review was externally validated by the World Health Organisation and the GHA is currently reviewing this information and will make recommendations to myself in the coming weeks.

In answer to Question 883, it is an internal GHA document, therefore we will not be making it public.

Hon. J Ladislaus: Madam Speaker, we have heard that the second phase was due to start in October 2025 so, by when is that second phase due to conclude?

Hon. G Arias Vasquez: Madam Speaker, speaking to the CNMs, I think it was due to complete end of December, beginning of January. I have not seen the report yet that has been produced by that, but I believe that the Clinical Nurse Managers have either completed it or are in the process of completing it.

Madam Speaker: Next question.

Q884/2025
Gibraltar Health Authority –
Employment Surveys

Clerk: Question 884, the Hon. Jane Ladislaus.

Hon. J Ladislaus: With regards to the GHA Employee Surveys for 2022/2023, 2023/2024 and 2024/2025, can the Government provide details on questions whereby, compared to the NHS, the GHA is doing better, worse or the same? Please provide details as to each comparative year and the question it relates to.

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the staff survey has only taken place in 2024 and 2025. The 2025 figures have not been made public as this needs to be discussed by the GHA Board.

Hon. J Ladislaus: Madam Speaker, is it the case that the Hon. Minister believes that they will not be made public or is there an indication that they may well be made public?

Hon. G Arias Vasquez: Madam Speaker, it depends on the outcome from the GHA Board. The GHA Board is a Body of which I am Chair, but which has many different representatives, so depending on their recommendations, depending on if it will be made public or otherwise.

Madam Speaker: Next question.

Q885/2025
Gibraltar Health Authority –
Pre-employment questionnaires

Clerk: Question 885, the Hon. J Ladislaus.

Hon. J Ladislaus: Has the Government allowed a backlog of pre-employment questionnaires in respect of the GHA to accumulate? If so, please provide a breakdown as to the number of questionnaires outstanding to be dealt with, the reasons for the delays, how this issue is being addressed and what has been put in place to avoid such delays from recurring in future?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, there is currently no backlog of GHA pre-employment questionnaires.

Hon. J Ladislaus: Has there been a backlog in the past six months?

Hon. G Arias Vasquez: Madam Speaker, I do not have the information available. I am happy to answer the question if I am given notice of it.

Madam Speaker: Next question.

Q886/2025
St Bernard's Hospital –
Minimum ratios of Registered Nurses

Clerk: Question 886, the Hon. J Ladislaus.

Hon. J Ladislaus: Please provide a breakdown of the required minimum ratios of Registered Nurses to patients in respect of every ward at St Bernard's Hospital, and the actual average weekly ratio of Registered Nurses to patients on every ward at St Bernard's Hospital for the past 6 months. How is the required minimum number of nurses ascertained and by who?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, there is no established single minimum staff to patient ratio that can be applied as this is determined according to occupancy and patient acuity, which is changing on a daily basis.

Currently, a professional judgement model is used to determine the number of Registered Nurses required on all wards on a daily basis by the Nurse Management Team. This is constantly reviewed by the Director of Nursing Services and the Clinical Nurse Managers.

Hon. J Ladislaus: Madam Speaker, my understanding is that there are indeed minimums as per safety guidelines in the UK. Is the Hon. Minister aware of these minimums and what they are?

Hon. G Arias Vasquez: Madam Speaker, it is for the Director of Nursing Services and the Clinical Nurse Managers to determine what the minimums are. If they tell me that it is in their professional judgement, they are satisfied that the wards are safe, then it is my role to assume that the wards are safe.

Hon. J Ladislaus: Madam Speaker, under the NICE guidelines, I am going to refer to them and if I could have your indulgence to read them out because I think they are relevant. There is no single nursing staff to patient ratio that can be applied across a whole range of wards to safely meet patients' nursing needs. Each ward has to determine its nursing staff requirements to ensure safe patient care.

The guideline therefore makes recommendations about the factors that should be systematically addressed at ward level to determine the nursing staff establishment. It then recommends on-the-day assessments of nursing staff requirements to ensure that the nursing needs of individual patients are met throughout a 24-hour period. NICE does not provide a specific number but flags anything over 8 patients per Registered Nurse as a risk.

Risk of increased harm to patients went over that ratio and the research suggests that 6-9 patients per RN, for example in Switzerland 7.8, Ireland 6.9 in respect to permanent staff, and the Royal College of Nursing has determined that 7.7% reduction in the risk of death by increasing permanent staff and also that there is a 4.1% reduction in risk of death by filling gaps with temporary staff. So those are the NICE guidelines. So, I ask, do we fall within those ratios as outlined within the NICE guidelines? Do we fall, or most of the time at least, within those ratios?

Hon. G Arias Vasquez: Madam Speaker, I am very pleased that the hon. Lady has looked at Switzerland to see what examples are provided in Switzerland. However, here in Gibraltar, the acuity of each ward is necessary to be looked into.

Now, as we have established before and as I have gone into in the session at length, there are some wards which are long-stay wards in the hospital, which the acuity of patients is lower. So, the long-stay patients do not require as many Nurses as they do Nursing Assistants. I mean, it is fairly logical and I can explain it fairly briefly without any clinical knowledge.

So, what may be applicable in Switzerland may not necessarily be applicable in Gibraltar. So, what we need to do is look at the wards on a day-to-day basis and for the clinicians here in Gibraltar to establish what the requirements are on the wards on a daily basis. So, for example, the nursing complement in CCU will never be the same as a nursing complement in a long stay ward, for obvious reasons.

The nursing complement in CCU will not be the same as a nursing complement in an acute surgical ward, for obvious reasons. So, these are the decisions which the clinicians on the ground make on a day-to-day basis, which the Director of Nursing makes on a day-to-day basis, and which the Clinical Nurse Managers make on a day-to-day basis. So, the NICE guidelines provide a boundary within which the establishment is set out.

However, it is then up to the professionals on the ground to look at those details in respect of the patients that we have on the wards here in Gibraltar and determine what, in their professional opinion, is a safe complement to have on the ward.

Hon. J Ladislaus: Perhaps I can rephrase it then. The NICE guidelines do not provide a specific number, no, but it flags that anything over eight patients per Registered Nurse is a risk. So, I ask, have we ever had any of our wards above that ratio of eight patients per Registered Nurse in the past six months?

Hon. G Arias Vasquez: Madam Speaker, I am not involved in the day-to-day running of each and every ward, so I would not be able to tell you if they are or if they are not. As I said, in each ward, eight patients per ward may be in an acute hospital. The requirements of the hospital here are very different to an acute hospital in central London or an acute hospital in Wigan, for example.

If you have acute wards, acute wards will require eight nurses per patient. However, in Gibraltar, you have different requirements because of the acuity of the patients in the wards and therefore, again, it is up to the professional judgement of the Director of Nursing and the Clinical Nurse Managers to determine what are safe levels of nursing.

There will always be the complement required on the wards, and if they require more staff, they get that staff through the agency or through bank. Therefore, I am unable to give you statistics on what the capacity is or whether I determine it to be safe because it is not my job to determine whether the wards are clinically safe or otherwise. We have a team of professionals, and I keep on being reminded that I do not get involved in any clinical decisions.

We have a clinical team whose job it is to make decisions as to whether the wards are safe or otherwise, and it is in their professional judgement to determine the acuity of the wards in respect to St Bernard's Hospital in Gibraltar in 2026.

Hon. J Ladislaus: Madam Speaker, is not it the case, though, that clinical managers have been flagging that wards are below the complement that they feel is safe? I mean, we saw it in recent demonstrations that patients, they felt that patient safety was at risk. Is not it the case that they have been flagging this persistently and that is not something for them. Recruitment is not something for a nurse manager. It is not a clinical decision. So is not it the case that this has been flagged on various occasions already?

Hon. G Arias Vasquez: Madam Speaker, if the hon. Lady thinks that I determine the number of nurses that are required in the hospital, then the hon. Lady does not understand what the role of the Minister for Health is. The role of the Minister for Health is to make sure that the funding is available for the nurses that are required by the GHA.

It is the professional judgement of the Director of Nursing that the wards are safe.

It is the professional judgement of the Clinical Nurse Managers to make sure that the nurses are safe and if they are not, they then request staff through either bank or agency if they feel they require additional staff.

It may be the case that if the hon. Lady were to listen to my replies, she might understand how the hospital works slightly better but unfortunately, we are not quite so lucky. As I have said on numerous occasions, it is up to the professional judgement of each individual at the hospital to determine what is a safe ward or otherwise and I am told that the wards are not understaffed, and if they do need additional staff, they go to bank or they go to agency nurses.

Hon. J Ladislaus: So, Madam Speaker, just so we have it on record, is it the case that the Hon. Minister is saying that every time that a business case has been made for further nursing, for example, within the complement, that the Hon. Minister has okayed this? Because obviously, again, resourcing is not a point to be decided by nurses, because otherwise they would have money and they would be literally doing what they wanted with that budget but that is not the case.

Hon. G Arias Vasquez: Madam Speaker, again, I do not think the hon. Lady understands how the system works. So, if we look at what a business case actually is, let me compare this to a Christmas list or a wish list. A business case is what each and every department has put forward as the ideal scenario of what they would want in their department.

So, the wish list is often what an ideal scenario would want. Now, we have to balance that with the reality of the public purse. When the business cases go to the Executive Team, the Executive Team and the Director of Nursing and the medical director then filter out the vast majority of business cases and there is a flagging system in place, tell us what are the red business cases, the amber business cases and the green business cases.

So, whereas in an ideal world, the wards would be overstaffed, the reality is that there are financial constraints towards being overstaffed. Therefore, the reality is that we as a GHA board, we as a Government have to be advised clinically by the Director of Nursing, by the Medical Director and by the Director General, as to what is required in the hospital, what is required in terms of complement in the hospital. It is agreed.

For the past few years, all clinical posts were granted to the GHA. So, no clinical post was denied to the GHA and I think when we go through the question on vacancies, you will see that all posts on Registered Nurses are now filled in the GHA, exactly as I said would be done.

If there is a shortage or if a Director of Nursing or if a Clinical Nurse Manager feels that there is a shortage of staff on the ward, they go to bank or they go to agency. Again, within certain strict controls and again, it might be helpful if the hon. Lady listened to the reply and therefore understood how the hospital worked.

Madam Speaker: Next question.

Q887/2025
Gibraltar Health Authority –
Long-term sickness breakdown

Clerk: Question 887, the Hon. J Ladislaus.

Hon. J Ladislaus: Please provide a monthly breakdown in relation to long-term sickness at the GHA since January 2022 to date, including the number of days employees have been on long-term sick leave, grade and reason for being on sick leave?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, due to the nature of the data and the grades and the specific context of the jurisdiction, so it is small enough that the certain grades could be linked to a certain individual, disclosing this information would risk breaching data protection principles. I have spoken to the hon. Lady and I have told her that I am happy to share the information behind the Speaker's chair, but I think that laying it in Parliament you might be able to identify the individuals and any long-term conditions that they

may have. So, I have got the information available, very happy to share that information, but not across the floor of the House, Madam Speaker.

Hon. J Ladislaus: I accept that… Can we have a general number, though, of how many? Just a total for the public to know how many are on long-term sick leave and I appreciate that the breakdown should not be provided across the floor of the House.

Hon. G Arias Vasquez: Madam Speaker, I am happy to work it out. The way that the information has been provided to me, it is difficult to give a concrete number because what I have been provided with is, as at certain dates, I have been provided with a list of individuals that are on long-term sick leave at that point in time. So, I am unable to identify the specific number of individuals who are on long-term sick.

The one thing I could say, for example, is as of 31st August 2025, I believe that there are 10 individuals on long-term sick leave at that point in time.

Again, I am happy to share the data with the hon. Lady, but she will very quickly see that you are able to identify the individuals.

Hon. J Ladislaus: A question that is general, not based on that. What constitutes long-term sickness, that specific term, at the GHA and where is it outlined? Is there something outlined internally within the GHA?

Hon. G Arias Vasquez: Madam Speaker, there is a policy on this. I do not have the details on it, but if you look at the numbers involved, you will see that it is significant periods of time. So, we are looking at over 100 days.

Madam Speaker: Next question.

Q888/2025
Gibraltar Health Authority –
Uncertified sick leave policy

Clerk: Question 888, the Hon. J Ladislaus.

Hon. J Ladislaus: What is the current policy within the GHA in respect of uncertified sick leave, when was the current policy implemented and were staff consulted and advised of the most recent changes to this policy?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the current uncertified sick leave policy aligns with General Orders 2.24, as well as the GHA sickness guidelines. The GHA sick leave guidelines have been established since 2014.

Hon. J Ladislaus: Madam Speaker, can the Hon. Minister just give an outline as to what the uncertified sick leave policy is?

Hon. G Arias Vasquez: Madam Speaker, I believe the employees are required to complete and submit an uncertified sickness to the Salaries Department on their first day back at work if the absence is more than five calendar days.

Madam Speaker: Next question.

Q889/2025
Gibraltar Health Authority –
Individuals on garden leave

Clerk: Question 889, the Hon. J Ladislaus.

Hon. J Ladislaus: Please provide a monthly breakdown in relation to individuals on garden leave at the GHA since January 2022 to date, including the number of days employees have been on garden leave, grade and reason for being on garden leave?

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I am informed that there have been no such instances.

Madam Speaker: Next question.

Q890/2025
Gibraltar Health Authority –
Individuals on garden leave

Clerk: Question 890, the Hon. J Ladislaus.

Hon. J Ladislaus: Have there been any secondments of GHA personnel to other Government departments? If so, please provide the following information:

(i) The role/job title of the seconded individual;
(ii) The date when the individual was first seconded and the date on which they are due to return to their duties within the GHA; and
(iii) The reasons for each secondment.

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, there are currently four GHA employees working within the wider public service. However, once again, because of the nature of the data requested specifically, the role or the job title and the context of the jurisdiction, the size of the organisation could certainly allow the grades to be linked to identifiable individuals and therefore disclosing the information may compromise data protection principles. Once again, I am happy to share the information with the hon. Lady, but not across the floor of the House.

Hon. J Ladislaus: I ask this general question then, Madam Speaker, the purpose of secondment, as we will know, is usually for an employee's professional development, which then would benefit them and the GHA upon their return. So, in the Hon. Minister's views, are these four individuals seconded to positions whereby they are honing their skills, which they will then bring back into the wider GHA organisation?

Hon. G Arias Vasquez: Madam Speaker, three of the cases I am able to say yes definitively, and the fourth one I am not aware of where he is and therefore, I am unable to confirm that position, but I would say that three of them generally are furthering their skill set.

Hon. J Ladislaus: Madam Speaker, again I appreciate that the Hon. Minister does not have oversight of absolutely every minute detail within the GHA, but on the matter of secondment, how come the Hon. Minister is not aware of where this fourth individual is? It is a bit strange.

Hon. G Arias Vasquez: Because Madam Speaker, in the same way that I am not involved in cutlery, I am not involved in HR issues. There is a HR department set up within the GHA which deals with workforce and HR related matters.

Madam Speaker: Next question.

Q891/2025
Gibraltar Health Authority –
Retrospective Notices of Terms of Engagement

Clerk: Question 891, the Hon. J Ladislaus.

Hon. J Ladislaus: In the past 24 months, has the GHA filed any Notices of Terms of Engagement retrospectively with the Department of Employment? Please provide a monthly breakdown in respect of the past 24 months as to how many Notices of Terms of Engagement were filed retrospectively with the Department of Employment.

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the GHA routinely undertakes internal reviews of its employment records for audit purposes and to ensure that it is meeting its legal obligations. Any necessary administrative updates are addressed through established processes within the Department of Employment.

Hon. J Ladislaus: Madam Speaker, just for confirmation purposes, is it the case that there have been no terms of engagement filed retrospectively within the past 24 months? Is that what the Hon. Minister is saying?

Hon. G Arias Vasquez: No, Madam Speaker, that is not what I am saying. What I am saying is that they are routinely checked.

There may be certain instances where changes to the employees' records may not have been updated. There may be lapses, but they are routinely checked just to make sure that for audit purposes everything is in order.

Madam Speaker: Next question.

Q892/2025
Gibraltar Health Authority –
Human resources

Clerk: Question 892, the Hon. J Ladislaus.

Hon. J Ladislaus: When managers within the GHA request extra staff, who makes the ultimate decisions as to the resources that will be allocated?

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, any requests for additional positions beyond those included in the approved establishment must be submitted as a formal business case to the GHA Executive as part of the annual estimates process or, exceptionally, outside of this cycle where operational necessity requires. Business cases are reviewed and prioritised by the Executive team, with supported cases progressed by the Director-General and the Director of Finance for discussion with the Minister. Where approval and funding are granted, the associated costs are incorporated into the estimate submissions.

Upon approval, the position is formally registered with the Employment Department and subsequently advertised in accordance with the established recruitment and employment procedures.

Hon. J Ladislaus: Madam Speaker, again for the avoidance of doubt and for the record, is it the case then that the Minister ultimately approves the funding for the resourcing and therefore approves the resourcing that the GHA received?

Hon. G Arias Vasquez: Madam Speaker, once again, the procedure is that business cases are submitted to the Executive Committee of the GHA. The Medical Director and the Nursing Director discuss these. There is a system in which they are red-flagged, amber-flagged and green-flagged.

These are then discussed with the Director-General. The Director-General then determines which will be brought to my attention to be discussed with myself and the Financial Secretary at budget time. When these are approved, they go into the estimates.

The determination of what is required in the GHA is made by the Medical Director and the Nursing Director. Once again, Madam Speaker, I have to reiterate that in the past few years, HMGOG has not refused any clinical vacancies that have been requested by the GHA.

Madam Speaker: Next question.

Q893/2025
Gibraltar Health Authority –
Communication system for on-call staff

Clerk: Question 893, the Hon. J Ladislaus.

Hon. J Ladislaus: Can the Government explain how Gibraltar Health Authority staff who are on call are contacted when required to attend work outside normal hours, including what communication systems are used, how reliability is assured, whether there are any known limitations in the current arrangements and, if so, what is being done to address those limitations?

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, St Bernard's Hospital operates two primary systems for contacting GHA staff who are required to attend outside normal working hours. The Gibtelecom bleep system and direct telephone contact by the GHA call centre. For medical emergencies, on-call officers are issued with bleeps.

These officers are assigned to specific on-call groups, including cardiac, trauma, surgical, theatre, pathology and the Cath Lab. When assistance is required, the call centre activates the relevant bleep group according to the nature of the incident. Upon receiving a bleep, the officer must contact the call centre to acknowledge the message and confirm their availability to attend.

In addition, following the activation of a bleep, call centre staff will also attempt to contact each on-call officer by mobile phone, unless the officer has already made contact with the call centre. This action is taken to ensure that any associated risk is kept to a minimum. The GHA are in contact with service providers reviewing arrangements in order to maintain service continuity and patient safety.

For non-emergency and supplementary call outs, staff are contacted directly via mobile telephone through St Bernard's Hospital call centre. For example, minor works or electrical issues are typically reported by the Charge Nurse who contacts the call centre. The call centre then connects the call to the relevant on-call officer.

The same procedure applies to other departments including records, radiology and certain clinical services.

Hon. J Ladislaus: Madam Speaker, have there been any reports in recent months of staff experiencing any issues with the reliability of these, I think they have been called bleeps, am I right that they are pagers, the understanding of what a pager is?

Hon. G Arias Vasquez: Madam Speaker, with regards to staff, it is noted that the current bleep system is no longer a modern system. The physical bleep device requires regular maintenance and periodic repair. Part of the GHA communication infrastructure relies on a pager system that is maintained by Gibtelecom.

Gibtelecom has advised that this system is now being phased out. As a result, the GHA together with Gibtelecom are looking to transition to a more modern hybrid communication solution which would be capable of leveraging existing mobile SMS and data networks, providing improved reliability and flexibility and future scalability compared to the legacy pager platform.

Madam Speaker: Next question.

Q894/2025
Gibraltar Health Authority –
Communication system for on-call staff

Clerk: Question 894, the Hon. J Ladislaus.

Hon. J Ladislaus: Please confirm whether a Second Opinion Doctor has been appointed by the GHA. If so, please including details of:

(i) the date of commencement;
(ii) the length of the contract; and
(iii) the contracted hours.

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, please note the following information requested regarding the GHA second opinion appointed doctor. Date of commencement was 1st April 2025. The length of contract was 12 months, so the current end date is 31st March 2026.

Contracted hours, as and when required, the GHA second opinion appointed doctor is expected to work to agreed performance targets and undertake all aspects of the role. Assessments are carried out remotely.

Hon. J Ladislaus: When the Hon. Minister says that assessments are carried out remotely, could we have some more information as to what that means? What does an assessment entail being carried out remotely?

Hon. G Arias Vasquez: No, Madam Speaker, I do not have that information available, but again, if the hon. Lady gives me notice of the question, I am very happy to respond.

Madam Speaker: Next question.

Q895/2025
Gibraltar Health Authority –
Communication system for on-call staff

Clerk: Question 895, the Hon. J Ladislaus.

Hon. J Ladislaus: Has the Senior Nurse Leader who was engaged by the GHA in respect of issues which arose at the CCU of St Bernard's Hospital, and who went on to provide recommendations regarding patient safety and nursing practice in the wider GHA continued to consult for the GHA since questions were asked in the June session of Parliament? Please provide an updated breakdown as to:

(i) the total remuneration the consultant has received to date, including any disbursements claimed, with specifics as to the number of days worked;
(ii) The timeframe which it is now envisaged the consultant will be engaged for; and
(iii) Confirmation as to whether the consultant has been engaged/will be engaged to undertake further work for the GHA, and specifics as to her remit and whether her terms of engagement have been revised since her original engagement by the GHA to review CCU nursing practices.

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the total remuneration received by the Senior Nurse Leader engaged by the GHA amounts to £56,432.03. The total number of days worked is 68. I now hand over a schedule detailing a breakdown of the total amount paid.

In response to 2, the engagement was initially described as having an indefinite timeframe as the consultant was to provide support to the Gibraltar Health Authority's Nursing Leadership Team across a number of programmes of work, including the implementation of the SWAN model for end-of-life care, as well as coaching and mentoring senior nurse leaders.

And 3, the original engagement was to undertake a review of the practises within the critical care unit. Subsequently, as outlined in the response to the previous part of the question, the consultant's remit was extended to provide support to nursing programmes of work across the

Gibraltar Health Authority. The support included the implementation of the end-of-life SWAN model, the development of a ward accreditation system, and the coaching and mentoring of senior nurse leaders.

ANSWER TO QUESTION 895

SUMMARY	
£ 43,500.00	Total in days worked (58 days @ £750/day)
£ 1,050.06	Hotel Overnight stays (X5)
£ 590.63	Taxis
£ 1,954.00	Flights (Paid via MH Bland)
£ 20.34	Misc Items

Hon. J Ladislaus: Madam Speaker, I have here the summary in front of me, and the answer to the question, or the schedule, sorry. Madam Speaker, it appears quite a significant amount of money. Is it the case that this has now ended, that the engagement with this nurse has now ended completely, or will this nurse be returning at any future date to carry out further work?

Because for 68 days of work, sorry 58 it says here on the schedule, it cost the taxpayer £56,432. So, are there any plans in the future to continue engaging this expert?

Hon. G Arias Vasquez: Madam Speaker, as I responded in answer to my question, the original remit was to undertake a review of CCU, which was encountering certain problems at that point in time. We are now reviewing her terms and indeed whether she will come back to Gibraltar or otherwise. So, we are reviewing her remit at the moment.

Madam Speaker: Next question.

Q896/2025
Gibraltar Health Authority –
Individuals in attendance at meetings of the Executive Team

Clerk: Question 896, the Hon. J Ladislaus.

Hon. J Ladislaus: How many individuals have been in attendance at meetings of the GHA's Executive Team in the past 6 months, broken down by month? Please provide details as to the titles/roles of the individuals in attendance and whether they were performing their duties in an acting or permanent capacity.

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I now hand over the schedule with the information requested.

SCHEDULE WEB LINK

Madam Speaker: All right, we will move on to the next question, although I am not sure it is going to be of much use to give the hon. Member so much time but anyway, we will take 897.

Q897/2025
Gibraltar Health Authority –
Individuals in attendance at meetings of the Executive Team

Clerk: Question 897, the Hon. J Ladislaus.

Hon. J Ladislaus: Can the Government provide a breakdown of the current composition of the GHA's Executive team, to include for each role:

(i) whether it is filled by an acting appointment or a permanent appointment and the reasons why;
(ii) the name of the person currently holding the post;
(iii) whether the post was advertised and if not, the reasons why, and if advertised whether it was advertised internally within the GHA or externally;
(iv) the qualifications held by the person holding the post, with particular emphasis as to the qualifications and experience that are relevant to that post;
(v) the date on which the individual assumed the role;
(vi) the expected duration of any acting appointments and whether there are any plans to make those appointments permanent;
(vii) the level of remuneration attached to each of those roles; and
(viii) what is in place to ensure that there is continuity, stability and effective leadership whilst roles within the Executive team are held in an acting capacity.

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, again, I discussed with the hon. Lady before that I was going to anonymise the information provided, but I now hand over a schedule with the remainder of the information requested.

ANSWER TO QUESTION #87

Position held	Acting/Permanent	Reason	Post was advertised	Qualifications & Experience relevant to the position	Commencement date	Expected duration	Remuneration for the post	Annual salary as detailed in GHA Establishment 25/26
Director General	Acting	Position advertised, successful applicant to provide commencement date	10/10/2025 - Internally and Externally	Masters in Leadership and Management for Health Care practice, NVQ 2,3 &4	01/11/2025	Until commencement date of successful applicant - currently unknown	Basic + On-call Executive £4,500.00	£161,285
Medical Director	Permanent	Successful at MD interview	Last advertised Jan 2023 Currently awaiting to be advertised	Qualified Consultant Anaesthetist registered with GMC	13/02/2023	12 February 2026	Medical Director: £69,195, Responsibility: £69,588, Consultant On-Call: £14,342.16, Consultant Cross-Cover: £21,513.24 & On-Call Executive: £4,500.00	N/A
Deputy Medical Director	Permanent	Successful at DMD Interview	Last advertised Jan 2023 Currently awaiting to be advertised	Qualified General Practitioner registered with GMC	13/02/2023	12 February 2026	Deputy Medical Director: £35,023.24, IPA: £12,330.36, Forensic Medical Examiner: £9,600.00, GP Mileage: £378.00 & GP Vehicle Expenditure: £354.96	N/A
Director of Nursing	Acting	Acting on a rotational basis, for a period of 3 months due to secondment to Ministry for Health	Expression of interest advertised internally	Qualified Registered Nurse (BSc) registered with GNRB	10/11/2025	6 months	CNM On-Call: £4,500.00, Mobile: £360.00, Psychiatric: £1,019.12, Shift Disturbance: £4,322.64 & Substitution: £5,815.38	£105,775
Unit General Manager	Acting	Secondment from Technical Services due to Mr D Figueredo currently seconded to Education	No - awaiting direction	N/A	21/10/2024	Unknown	Basic £62,558. Responsibility allowance of £19,973.00 and Executive On-Call: £4,500.00	£105,775
Director of Finance	Acting	Whilst there is an acting Director General	29/09/2025 Yes - Internally	AAT and NVQ 2,3 & 4 in Accounting	01/11/2025	Awaiting permanent outcome	Accountancy: £2,775.24, Mobile: £240.00	£111,100
Director of Workforce	Acting	Post previously held by the now Director of DPD	No - awaiting direction	Modern Foreign Languages BA Hons and CIPD in Human Resources	15/12/2025	Unknown	On-call Executive £4,500.00 & Responsibility: £21,962.04	£49,480 to £61,468
Director of Public Health	Permanent	Successful at Interview	Yes advertised internally in June 2021	Qualified Consultant in Public Health registered with GMC	01/09/2021	Indefinitely	Consultant On-Call: £16,867.56 & £25,301.28	£113,919 to £140,563
Director for EBS & NHS	N/A	Post not presently filled as substantive post holder is currently acting Director of Nursing	N/A	N/A (no previous advert or Job Description)	N/A	Initially for a period of 3 months as post holder acting DNS on a rotational basis - could be extended to 10th November 2026 when reviewed	CNM On-Call: £4,500.00, Mobile: £360.00, Psychiatric: £1,019.12, Shift Disturbance: £4,322.64	£82,866

3700

Madam Speaker: One moment, let us move on to 898 in the meantime.

Q898/2025
Gibraltar Health Authority –
Industrial Relations Officer

Clerk: Question 898, the Hon. J Ladislaus.

Hon. J Ladislaus: For what reasons has the recently appointed Industrial Relations Officer within the GHA been absorbed into the Government of Gibraltar's Department of Industrial Relations? Will another officer be appointed in their place and will they have an active and dedicated role within the GHA? If so, when will that appointment commence, and if not, please provide the reasons why and what measures will be put in place to ensure that the large number of outstanding employment-related claims within the GHA are urgently resolved?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the GHA's Industrial Relations Officer has been absorbed into the Government of Gibraltar's Department of Industrial Relations to support the establishment of a robust governance framework, clear scope and defined operational principles for the GHA Claims Resolution Pathway.

The pathway is intended to manage and resolve claims in a structured, consistent and transparent manner, aligned with established industrial relations best practise. Another officer will not be appointed in their place as the current officer remains within their present complement.

Hon. J Ladislaus: Madam Speaker, could the Hon. Minister perhaps detail how the absorption of the Industrial Relations Officer into the Department of Industrial Relations actually improves their efficiency and effectiveness when it appeared that her appointment was having some positive impact, at least according to what we are hearing from the Unions and the fact that they are flagging this as a significant issue?

Hon. G Arias Vasquez: Madam Speaker, we have sought to reassure the Unions that actually we are increasing the team rather than decreasing the team. For example, when we have one Industrial Relations Officer in the GHA, when that Industrial Relations Officer is off, there is no cover for the Industrial Relations Officer, as indeed happened. So, what in fact we are doing is that we are making sure that there is a team there that is always able to support the GHA.

We have explained this to the Unions, and we have explained our thinking behind this. It also standardises procedures across Government departments to ensure that there is fairness across the Government departments. But the main emphasis is if, for example, the Industrial Relations Officer is off for a couple of weeks, in that case there is permanent cover.

If she is sick, there is not one individual who is dealing with all of the claims in the GHA. There is a team involved which is assisting the GHA with their Industrial Relations claims.

Madam Speaker: All right, we will take supplementary questions in relation to Question 899.

Hon. J Ladislaus: Madam Speaker, I have not asked Question 899 yet.

Madam Speaker: Oh, I am ahead of myself. I flagged it before you have asked it.

Q899/2025
Gibraltar Health Authority –
Unresolved employment-related claims

Clerk: Question 899, the Hon. J Ladislaus.

Hon. J Ladislaus: Can the Hon. Minister provide the number of unresolved employment-related claims involving staff of the Gibraltar Health Authority in which a recognised trade Union is formally involved, broken down by:

(i) The type of claim, including but not limited to grievances, disciplinary matters, contractual disputes and industrial tribunal claims;
(ii) The length of time each claim has been outstanding;
(iii) Whether each matter is being handled internally, through formal dispute resolution processes, or before the Industrial Tribunal; and
(iv) An estimated timeline for resolution of each matter?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I now hand over schedule with the information requested.

SCHEDULE WEB LINK

Madam Speaker: All right, can we have the usher in, please? All right, let us move on to 900.

Q900/2025
Gibraltar Health Authority –
Signed off recruitment request forms

Clerk: Question 900, the Hon. J Ladislaus.

Hon. J Ladislaus: Can the Government provide a schedule with the following details in relation to recruitment request forms signed off during financial years 2023/2024, 2024/2025 and 2025 to date:

(i) Grade;
(ii) Date of Director General sign off;
(iii) Whether the vacancy is within complement or out of complement;
(iv) Date of approved Notice of Vacancy;
(v) Whether interviews were required and if not, why;
(vi) Date of interview or locum identified; and
(vii) Date when ETB terms of Engagement contract were approved?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the Government does not hold a readily available schedule regarding the above.

Hon. J Ladislaus: Madam Speaker, does the Government hold that information in any form? And if not, why not?

Hon. G Arias Vasquez: Madam Speaker, it would have to be a schedule of any employment information which is requested from the GHA to the Ministry, from the Ministry to the employment. There is no database of the forms because the forms are physical forms which are sent to the Ministry on these occasions. So, unfortunately, we do not have these forms.

I am not sure whether you are asking for the forms *per se* or again going back to the process in which the vacancies are approved. I am not quite sure what the question is getting at because the recruitment request forms are for new vacancies in the complement which do not currently exist. So, if there is a recruitment request form, so let me start from the beginning.

If there is a post available in the complement and someone retires, that goes straight through and it does not have to come to me. So, I would not have the information available. It goes straight through, goes to the Department of Employment and there is no issue.

If there is a request for a vacancy which is not within the complement, that is when the request has to go to the Director General. The Director General has to sign it off and then from the sign-off of the Director General it has to come to the Ministry because obviously that request is not included in the budget. So, it would then have to go through the FS and through Cabinet in order to approve that because it does not have the relevant budgetary sign-off and therefore the funds available.

So, if it is for a new vacancy, the process is that it would have to go through Executive Team, Director General, Ministry, Cabinet and Financial Secretary and then be approved.

Hon. J Ladislaus: Understood. Yes, it is. I am getting at new vacancies that are put out. Is there no way to collate that information?

Hon. G Arias Vasquez: Madam Speaker, it would be a collation of physical forms in the same way as the business cases. Some are approved, some are not approved and the GHA has not provided me with the data which means that I do not think they have the data available to share. The reality is that whether there are some vacancies that are approved or some vacancies that are not approved, it is an internal process which goes throughout the GHA Board.

So, it depends at what level the vacancy was stopped and what was happening. So, they are entirely internal processes which the GHA does not have the relevant information available in order to be able to share it.

Madam Speaker: Next question.

Q901/2025
Gibraltar Health Authority –
Director General vacancy

Clerk: Question 901, the Hon. J Ladislaus.

Hon. J Ladislaus: How many applications have there been for the vacancy for the post of Director General of the GHA?

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, there were a total of seven applications received.

Hon. J Ladislaus: Madam Speaker, has a successful candidate already been identified and has that successful candidate been informed?

Hon. G Arias Vasquez: Madam Speaker, I have been informed that there has been an internal candidate approved by the Board and I understand there to be negotiations at the moment in reference to terms.

Hon. J Ladislaus: Madam Speaker, when is the new Director General expected to take up the post?

Hon. G Arias Vasquez: Madam Speaker, that is indeed part of the negotiation.

Madam Speaker: Next question.

Q902/2025
Gibraltar Health Authority –
Director General's basic salary

Clerk: Question 902, the Hon. J Ladislaus.

Hon. J Ladislaus: Has the basic salary for the post of Director General of the GHA reduced in respect of the current acting Director General as opposed to the basic salary for the post when the previous permanently employed Director General held the role? Will the basic salary for the permanent role vary according to the applicant who is chosen?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the pay directive for the salary of the Director General was amended from £227,250 to £141,285 with effect from 1st November 2025. The basic salary for the permanent appointment will be commensurate with the experience of the successful candidate.

Hon. J Ladislaus: Madam Speaker, the individual I presume is undertaking the same responsibilities as were expected of the permanent Director General before he left. So why therefore is it felt that it is justified to pay one person so much more than another for undertaking the same responsibilities with the same, I imagine, pressures and stresses that the job brings?

Hon. G Arias Vasquez: Madam Speaker, this is the very purpose of the negotiation with the new candidate. Sorry, and to be clear, the pay directive that I referred to is in respect of the Acting Director General.

Hon. J Ladislaus: Yes, Madam Speaker, that is what I mean. The fact that the Acting, as we have seen, Director General is being paid a lot less than the permanent Director General before her was being paid. What is the reason behind that?

And I can understand experience, but in a role such as this one, and when the GHA is engaged in something like Agenda for Change, for example, it is ironic that there is such a disparity. So, what is the reason for the disparity?

Hon. G Arias Vasquez: Madam Speaker, in the answer to my question, I said the basic salary for the permanent appointment is commensurate on experience and negotiation with the

successful candidate. Again, the experience of the current Acting Director General is not commensurate to the experience of the previous Director General.

Hon. J Ladislaus: But have the responsibilities and has the role changed under this Acting Director General? Or is it the case that it is one rule for one and another for another and does not it undermine the integrity of the pay framework and the grading structures within the GHA?

Hon. G Arias Vasquez: Madam Speaker, if I remember correctly, one of the first sessions that I had in this Parliament, I was heavily criticised for the salary of the Director General. It is somewhat startling that I am now being criticised for making the GHA more efficient and bringing the salary more in line with other heads of department and heads of the civil service. So it is really a case and it really is remarkable to be in these shoes and listen to the Members of the Opposition. Whereas when you increase the salary, they criticise you for the increase of salary and when you decrease the salary, they criticise you for the decrease of salary.

So which is it? Am I to be applauded for making efficiencies in the GHA and bringing the salary of the Director General more in line with other heads of the Civil Service?

Or am I to be criticised, as I previously was, for the salary of the Director General? Because Madam Speaker, unfortunately we live in a world where you cannot have it both ways. It is either a good thing that I have negotiated a different salary with the Director General, or it is a bad thing that the previous Director General was paid too much. It cannot be both.

Hon. J Ladislaus: Madam Speaker, what I am getting at is the integrity of the pay framework and the grading structures within the GHA, which appear sometimes to be somewhat confused. I am simply asking the question, does that interfere with the integrity of those structures? Does it confuse things even more?

Hon. G Arias Vasquez: Madam Speaker, I am not sure what structures the hon. Lady is referring to. The structure of the pay was negotiated not by myself with the previous Director General, and the pay of the current Director General is being negotiated again not by myself with the soon-to-hopefully-be-new Director General.

So, I am not sure what integrity we are referring to or what we are negotiating but, in fact, if we manage to make the Executive Team of the GHA more efficient and more effective, it can only be applauded, Madam Speaker.

Madam Speaker: Next question.

Q903-4/2025
Gibraltar Health Authority –
Theatre Services Sterile Unit ("TSSU") staff complement; TSSU breakdown of days unstaffed

Clerk: Question 903, the Hon. J Ladislaus.

Hon. J Ladislaus: How many staff are employed by the GHA to operate the Theatre Services Sterile Unit ("TSSU") at St Bernard's Hospital, and how many of those staff are required to be on duty, and present at the hospital, at any given time, to allow for the safe and efficient operation of the TSSU?

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I will answer this question together with Question 904.

Clerk: Question 904, the Hon. J Ladislaus.

Hon. J Ladislaus: In the past 6 months, how many days has the Theatre Services Sterile Unit at St Bernard's Hospital been understaffed? Please provide:

(i) The exact dates on when it was understaffed;
(ii) The reasons why it was understaffed; and
(iii) How many staff members were available to work on those dates?

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, in answer to Question 903, the TSSU staff establishment is as follows. TSSU/CSSD Manager, one, TSSU/CSSD Technician, seven. All of these posts are staff. A minimum of six staff members are required to be on site during working hours to allow for safe and efficient operation of the unit.

In respect of Question 904, I now hand over a schedule with the information requested.

Regarding (ii), the reason for TSSU being understaffed had been due to staff sickness and no staffing resilience within the department.

ANSWER TO QUESTION 904

Dates TSSU Understaffed	Staff Remaining
11/09/2025	5
12/09/2025	5
17/09/2025	5
18/09/2025	4
19/09/2025	5
22/09/2025	5
23/09/2025	5
25/09/2025	5
26/09/2025	5
17/11/2025	4
18/11/2025	5
19/11/2025	5
20/11/2025	5
26/11/2025	5
27/11/2025	5
01/12/2025	4
02/12/2025	5
03/12/2025	5
04/12/2025	5
05/12/2025	5
08/12/2025	4
09/12/2025	4
10/12/2025	4
11/12/2025	4
12/12/2025	4
15/12/2025	5
16/12/2025	4
17/12/2025	5
18/12/2025	5
19/12/2025	5
22/12/2025	3
23/12/2025	3
24/12/2025	4
29/12/2025	4
30/12/2025	4
31/12/2025	5

Madam Speaker: Anything on 903?

Hon. J Ladislaus: Yes, we have just heard that the reasons why it was understaffed was sickness and no resilience within the department. What steps have been taken to ensure that the department actually has that resilience available?

Because we see that the number is seven staff and one manager, that is eight, and six must be on site at all times. It does not leave very much wiggle room for resilience there.

Hon. G Arias Vasquez: Madam Speaker, this has occurred because of the success of the theatre team rather than anything else. We are currently in the process, literally, of reviewing a business case to determine whether more staff is needed in the TSSU specifically for these reasons.

Hon. J Ladislaus: Madam Speaker, in the schedule that I have been provided with, which I have been able to, just to look over quickly, at a quick glance there seems to be quite a few dates between September and December of last year when the TSSU was understaffed. Is there a reason for why there were so many dates, specifically within those months?

Hon. G Arias Vasquez: Madam Speaker, staff sickness.

Hon. J Ladislaus: Does the Hon. Minister have perhaps an estimate as to when it is expected that that business case will be reviewed? Because it seems to be quite an urgent matter.

Hon. G Arias Vasquez: Madam Speaker, as I confirmed, we are in the process of reviewing it.

Madam Speaker: Next question.

Q905/2025
Gibraltar Health Authority –
Unfilled vacancies

Clerk: Question 905, the Hon. J Ladislaus.

Hon. J Ladislaus: As of the 16th September 2025 how many unfilled vacancies are there at the GHA?

Please provide:

(i) a breakdown of the outstanding vacancies; and
(ii) the date on which each vacancy was opened.

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I now hand over the schedule with the information requested.

ANSWER TO QUESTION 905

Professional Group	Department	Grade	Number of vacant posts	Vacancy opened	Vacancy advertised
Admin & Support	111/999	Integrated Urgent Care Hub Services Manager	1	No date available	Pending Direction
	PCC	Administrative Officer	1	05/06/2025	To be converted to Junior GHA Clerk - awaiting cabinet ministerial approval
		Director of Finance	1	Oct-23	Outcome given to successful candidate
		Director General	1	Nov-25	Pending interview outcome
	WORKFORCE	Senior Executive Officer	1	No date available	Pending Direction
AHP	PATHOLOGY	Pathology Services Manager	1	N/A	Pending NOV approval process prior to advertisement
	PHARMACY	Pharmacy Technician	1	N/A	Pending NOV approval process prior to advertisement
	OPHTHALMOLOGY	Ophthalmologist	1	N/A	Pending BC approval
	RADIOGRAPHY	Senior Radiographer I	1	N/A	Pending NOV approval process prior to advertisement
MEDICAL	DENTAL	Senior Dental Officer	1	03/11/2025	Interview scheduled for 15/01/2026
	SURGERY	Non-Consultant Hospital Doctor	1	07/11/2025	Interview scheduled for 22/01/2026
	ANAESTHESIA	Clinical Fellow	2	07/11/2025 & re-advertised on 07/01/2026	x1 applicant to be interviewed on 14/01/2026 and re-advertised for the reamaining position - closing date 28/01/2026
	GYNAECOLOGY	Consultant	1	05/01/2026	Advertised - closing date 26/01/2026
	A&E	Non-Consultant Hospital Doctor	1	06/01/2026	Advertised - closing date 27/01/2027
AMBULANCE	AMBULANCE	Ambulance Care Assistant	1	18/02/2025	Interview complete - Record of Selection being prepared by secretary
		Ambulance Care Assistant	1	No date available	Pending NOV approval process prior to advertisement
		Ambulance Care Assistant	1	No date available	Pending NOV approval process prior to advertisement
		Ambulance Care Assistant	1	No date available	Pending NOV approval process prior to advertisement
		Emergency Medical Technician	1	01/04/2025	To convert to Paramedic as per dept requirements
		Emergency Medical Technician	1	01/08/2024	To convert to Paramedic as per dept requirements
		Station Officer	1	01/08/2024	On Hold
INDUSTRIAL		Supply Chain Inventory Operative (Sk-3)	1	No date available	Pending NOV approval process prior to advertisement
		Craftsman	1	24/01/2019	Pending NOV approval process prior to advertisement
		Domestic (Sc-2)	1	19/12/2025	Pending NOV approval process prior to advertisement
		Domestic Part Time (Sc-2)	1	18/04/2006	Pending NOV approval process prior to advertisement
		Domestic Part Time (Sc-2)	1	01/08/2025	Pending NOV approval process prior to advertisement
		Domestic Part Time (Sc-2)	1	08/04/2025	Pending NOV approval process prior to advertisement
		Domestic Supervisor (Part-Time)	1	26/08/2025	Pending NOV approval process prior to advertisement
		General Operative Domestic (Sc-2)	1	17/01/2025	Pending NOV approval process prior to advertisement
		General Operative Domestic (Sc-2)	1	30/11/2024	Pending NOV approval process prior to advertisement
		General Operative Domestic (Sc-2)	1	29/03/2024	Pending NOV approval process prior to advertisement
		General Operative Domestic Part Time (Sc-2)	1	15/10/2024	Pending NOV approval process prior to advertisement
		General Operative Domestic Part Time (Sc-2)	1	No date available	Pending NOV approval process prior to advertisement
		General Operative Domestic Part Time (Sc-2)	1	27/08/2019	Pending NOV approval process prior to advertisement
		General Operative Domestic Part Time (Sc-2)	1	31/05/2024	Pending NOV approval process prior to advertisement
		General Operative Domestic Part Time (Sc-2)	1	14/01/2019	Pending NOV approval process prior to advertisement
		General Operative Domestic Part Time (Sc-2)	1	16/09/2020	Pending NOV approval process prior to advertisement
		General Operative Domestic Part Time (Sc-2)	1	28/10/2023	Pending NOV approval process prior to advertisement
		General Operative Domestic Part Time (Sc-2)	1	No date available	Pending NOV approval process prior to advertisement
		General Operative Domestic Part Time (Sc-2)	1	23/05/2023	Pending NOV approval process prior to advertisement
		General Operative Domestic Part Time (Sc-2)	1	16/03/2020	Pending NOV approval process prior to advertisement
		General Operative Domestic Part Time (Sc-2)	1	16/03/2020	Pending NOV approval process prior to advertisement
		General Operative Domestic (Sc-2)	1	31/05/2024	Pending NOV approval process prior to advertisement
		General Operative- Catering Assistant Part Time (Sc-2)	1	08/07/2019	Pending NOV approval process prior to advertisement
		Senior Cook (Sk-4)	1	29/04/2023	Pending NOV approval process prior to advertisement

Cont..

CONTINUED ANSWER TO QUESTION 905

NURSING	CALPE	Nursing Assistant Calpe	1	Apr-24		Covered via Agency/Bank
			1	Apr-24		Covered via Agency/Bank
			1	Apr-24		Covered via Agency/Bank
			1	Apr-24		Covered via Agency/Bank
			1	Apr-24		Covered via Agency/Bank
			1	Apr-24		Covered via Agency/Bank
			1	Apr-24		Covered via Agency/Bank
			1	Apr-24		Covered via Agency/Bank
			1	Apr-24		Covered via Agency/Bank
			1	Apr-24		Covered via Agency/Bank
			1	Apr-24		Covered via Agency/Bank
			1	15/04/2019		Pending NOV approval process prior to advertisement
			1	12/05/2024		Pending NOV approval process prior to advertisement
			1	02/05/2024		Pending NOV approval process prior to advertisement
			1	No date available		Pending NOV approval process prior to advertisement
	DENTAL	Senior Dental Nurse	1	No date available		Pending NOV approval process prior to advertisement
	DIALYSIS DEPT	Nursing Assistant	1	18/07/2024		Pending NOV approval process prior to advertisement
	DISTRICT	Registered Nurse	1	No date available		To be converted to full time for returning studens
	DUDLEY TOOMEY WARD	Nursing Assistant	1	15/04/2019		Pending NOV approval process prior to advertisement
	ENDOSCOPY	Auxiliary Nurse	1	06/11/2022		Pending NOV approval process prior to advertisement
	DISTRICT	Registered Nurse	1	03/08/2024		Covered via Agency/Bank
	DUDLEY TOOMEY WARD	Nursing Assistant	1	No date available		To be converted to full time for returning studens
	ENDOSCOPY	Auxiliary Nurse	1	15/04/2019		Pending NOV approval process prior to advertisement
	MENTAL HEALTH	Charge Nurse	1	06/11/2022		Pending NOV approval process prior to advertisement
	MIU - CLINICS	Registered General Nurse	1	03/08/2024		Covered via Agency/Bank
	NIGHTS	Enrolled Nurse	1	19/06/2024		Interview complete - Record of Selection being prepared by secretary
	JOHN MACINTOSH WARD	Nursing Assistant	1	12/05/2025		Pending NOV approval process prior to advertisement
		Nursing Assistant	1	No date available		Pending NOV approval process prior to advertisement
		Nursing Assistant	1	20/07/2024		Pending NOV approval process prior to advertisement
		Nursing Assistant	1	No date available		Pending NOV approval process prior to advertisement
		Enrolled Nurse	1	No date available		Included in estimates submission as RGN post - for returning studet
		Registered General Nurse	1	08/08/2025		Pending approval
		Enrolled Nurse	1	30/06/2025		Included in estimates submission as RGN post
		Enrolled Nurse	1	06/09/2025		Included in estimates submission as RGN post
		Nursing Assistant	1	01/03/2024		Pending NOV approval process prior to advertisement
		Nursing Assistant	1	12/02/2025		Pending NOV approval process prior to advertisement
		Charge Nurse	1	29/09/2022		Pending NOV approval process prior to advertisement
			1	08/11/2023		Pending NOV approval process prior to advertisement
			1	04/01/2026		Pending NOV approval process prior to advertisement
	OCEAN VIEWS	Enrolled Nurse	1	No date available		Included in estimates submission as RGN post - for returning studet
		Registered Mental Health Nurse	1	15/03/2022		For Returning Studens
		Registered Mental Health Nurse	1	01/03/2018		For Returning Studens
		Registered Mental Health Nurse	1	18/04/2025		For Returning Studens
		Registered Mental Health Nurse	1	No date available		For Returning Studens
		Registered Mental Health Nurse	1	07/01/2024		For Returning Studens
	ORTHO - CLINICS	Nursing Assistant	1	28/03/2025		Pending NOV approval process prior to advertisement
	PCC	Nursing Assistant	1	No date available		Pending NOV approval process prior to advertisement
	PHLEBOTOMY DEPT	Nurse Practitioner	1	01/06/2025		Record of Selection approved - Succesful letter to be issued to candidate
	PRE-ASSESSMENT	Registered General Nurse	1	07/06/2021		Pending NOV approval process prior to advertisement
		Registered Nurse - Child	1	30/04/2025		PT post to be converted to RGN - for returning studet
		Registered General Nurse - Theatre/Day Surgery	1	11/07/2025		Pending advertising - Day Surgery post
	VICTORIA MACINTOSH WARD	Enrolled Nurse	1	No date available		Included in estimates submission as RGN post - for returning studet
		Enrolled Nurse	1	20/07/2024		Included in estimates submission as RGN post - for returning studet
		Registered General Nurse	1	27/04/2025		For Returning Studens
		Charge Nurse	1	No date available		Interviews completed awaiting ROS approval
	Opthalmologist	Charge Nurse	1	18/12/2025		Interview Stage
	Emergency Department	Charge Nurse	1	08/12/2025		Interview Stage
	Well Person Unit	Nurse Practitioner	1	31.10.25		Vacant post - currently on hold
	MEDICAL	Clinical Nurse Manager				

Madam Speaker: All right let us move on to 906 in the meantime.

Q906-7/2025
Gibraltar Health Authority –
Payment of invoices submitted by pharmacies; Invoices submitted to the GHA by pharmacies who are Members of the Medical Group Practice Scheme

Clerk: Question 906, the Hon. J Ladislaus.

Hon. J Ladislaus: What is the GHA's policy in respect of payment of invoices submitted by pharmacies, who are Members of the Medical Group Practice Scheme, in respect of the dispensation of medicinal products under prescription?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I will answer this question together with Question 907.

Clerk: Question 907, the Hon. J Ladislaus.

Hon. J Ladislaus: In the past 12 months, how many invoices have been submitted to the GHA by pharmacies who are Members of the Medical Group Practice Scheme? Please provide a monthly breakdown which:

(i) identifies the individual pharmacies;
(ii) outlines the amounts claimed; and
(iii) outlines any outstanding debts owed by the GHA in this regard and the age of each of those debts.

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, pharmacies that are members of the medical group practise scheme do not submit invoices to the GHA in respect of the dispensation of medicinal products under prescription. Reimbursements in respect of dispensation of medicinal products is processed on a monthly basis. Each pharmacy is paid on an interim basis based on an estimate projected dispensing value and a catch-up payment is then calculated based on the actual value of the items dispensed by each individual pharmacy.

Hon. J Ladislaus: Madam Speaker, is the GHA up to date in respect of those catch-up value, call them invoices for lack of a better word here?

Hon. G Arias Vasquez: Yes, Madam Speaker, all of the outstanding payments, there were significant payments that were outstanding from 2019 etc, the catch-up in relation to those has been done. When we say we have caught up, they are always paid in arrears, so all the pharmacies are paid the estimate of what it is calculated that they are roughly owed on a monthly basis and then the fixed sums are either paid or they are deducted from the following month's invoices. So when I say we are up to date, we are up to date on the payment of the full amount, I am unsure as to whether the top-ups or the deductions are made up to the present date but there are no significant sums outstanding.

Hon. J Ladislaus: Madam Speaker, for context, the reason I ask this question is because I have had reports from members of the public particularly that some pharmacies were refusing to dispense weight loss drugs that they had been prescribed by the GHA on the basis that there were significant debts owed to them and therefore they ceased dispensing these. And so, I ask the Minister for reassurance that that will not be disrupted again because it would cause significant distress to some individuals.

Hon. G Arias Vasquez: Madam Speaker, the reason that in particular weight loss drugs, and it is interesting that the hon. Lady highlights that, is not that there is a delay in payment to the pharmacies. The way the payment is calculated is on a rough average and sometimes the pharmacy loses and sometimes the pharmacy wins. When calculating that rough average, that rough average is sometimes significantly less than the drug is currently worth on the market.

So, there is an agreement with the pharmacies on what is paid and, in the round, there is a rough calculation that it comes out in the wash and that everything works out whether there is an overpayment or an underpayment. And in this instance, because the value and the cost of the weight loss drugs fluctuate so significantly, the cost of what is agreed to be paid may be significantly different to the value that is paid by the GHA to the pharmacy and that is the reason. It is not as a result of underpayment but to the pharmacies.

Hon. J Ladislaus: Madam Speaker, surely that is very significant for individuals who are being prescribed a weight loss drug and are unable to have their prescription filled and they do not know whether next week it might be the case that they can have it filled and the month later they might not be able to have it filled. So, is the Hon. Minister looking into, or the GHA looking to address that issue because it seems to me that people cannot be left in the dark as to when they can get their medications?

Hon. G Arias Vasquez: Absolutely, Madam Speaker and I would rather look into the matter because it is the first I hear of it. I would rather look into the matter before I can come down like a tonne of bricks on absolutely anyone, but I would remind everyone that there is a contractual duty to provide the drug. So, I need to look into the question in order to be further able to look at what the causes are, but I am very happy to look into this matter and revert to the hon. Lady next month if indeed that is the case.

Madam Speaker: Next question.

Q908/2025
Gibraltar Health Authority –
Schedule of business cases received

Clerk: Question 908, the Hon. J Ladislaus.

Hon. J Ladislaus: Can the Government provide a schedule of business cases received in respect of the GHA during the estimates budget process for the years 2022/2023; 2023/2024; 2024/2025; 2025/2026 outlining the department under which they fall and whether or not they made it to the estimates book for that year?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, as I have already discussed earlier today, business cases are internal documents which are considered by

the GHA Executive Team and are included in the Estimates process for the following year when approved.

Hon. J Ladislaus: Madam Speaker, is every single one of those business cases included or is it the case that, from what we have heard, there is a process obviously by which some of the business cases are completely rejected? And we hear of instances where business cases are submitted persistently and they are rejected and so then we have gaps in service, which is what the point that I am trying to make is. So, the point here is, are there any that are being left out of the Estimates book or is every single one of them being reflected there?

Hon. G Arias Vasquez: Madam Speaker, I am not sure if this is the third time I explain this or the fourth time that I explain this, so I ask for your indulgence in explaining it one more time.

All business cases are submitted to the GHA Executive Team. There is an Excel spreadsheet which is presented to the Executive Team in which the business cases are RAG rated.

There are some which are RAG rated in red, some that are RAG rated in amber and some that are RAG rated in green. Now, the Executive Team then puts forward the business cases which they feel are the most urgent and which they feel require the funding available in the following year. So, all of the business cases are not going to be submitted for the estimates process each and every year because all of them do not pass the filter even of the Executive Team of the GHA.

And as the hon. Lady is very alive to, there are budgetary constraints. So, whereas there is an optimum level of service which we would all want, there are business cases which cannot be adhered to. Now, we rely on the clinicians to tell us whether they are fundamental, whether they are needed or whether they are nice to have.

We rely on the clinical opinion of the Executive Team of the GHA to tell us which of these categories they rely on. So, Madam Speaker, once again, I will explain. There is an Excel spreadsheet that is presented to the Executive Team of the GHA.

The GHA then goes through all of the business cases and RAG rates it and the Director General then presents the business cases that they believe are fundamental to the Ministry and then that goes through the budgetary process to be included in the estimates.

Madam Speaker: Next question.

Q909/2025
Gibraltar Health Authority –
Arrears balance in respect of hospital fees

Clerk: Question 909, the Hon. J Ladislaus.

Hon. J Ladislaus: What is the current arrears balance in respect of hospital fees and what systems are in place to avoid such arrears accruing, and for recovery of debts?

Clerk: Answer, the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the current balance on arrears stands at £4,877,805. There are significant processes in place to recover these debts where we are able to recover them. Our accounts officers utilise spreadsheets which itemise arrears to date by financial year.

These are checked and updated regularly. Spreadsheets include information obtained via an exercise in the accounts section carried out in conjunction with the Central Arrears Unit in 2020.

Chasers relating to companies and insurers are sent monthly via email and chasers are also sent to individuals as frequently as possible.

When debts prove to be recoverable, our listings are run past the Central Arrears Unit who assist where possible by providing additional information.

Hon. J Ladislaus: Madam Speaker, in respect of the second half of the question, what systems are in place to avoid the arrears accruing because from my understanding, I believe it was the Principal Auditor's report that outlined that a lot of these arrears were to do with individuals who perhaps come to Gibraltar and they suddenly need healthcare and they are not entitled. Therefore, they should be paying the GHA for those medical services.

So, what has been put in place to mitigate that because it seems like it is a very high number?

Hon. G Arias Vasquez: Madam Speaker, absolutely and I would agree with that categorisation of a high number. What we are looking to do is to make the procedures where people can come into the GHA far more robust. So by and large, there are two instances or there are two avenues through which individuals can enter the GHA, and this is through A&E or through the PCC.

So, what we are looking to do is to make the procedures more robust to stop individuals accessing the GHA where they are not entitled to do so. Obviously, there are duties of care to individuals to access emergency care in certain circumstances but by and large, and from personal experience, having gone to an NHS Trust in the UK, you are stopped at the door and asked for either a credit card, insurance or payment up front.

We are looking to implement systems in the GHA in order to make absolutely certain that any individual that is not entitled to healthcare in Gibraltar is stopped either at A&E or at the PCC so that they are not able to access healthcare except in emergency situations.

Hon. J Ladislaus: Madam Speaker, by when does the Minister expect that these processes will be rolled out?

Hon. G Arias Vasquez: Madam Speaker, this is an ongoing process which has been ongoing for numerous months. There are numerous issues which are intertwined here. There is an accounts procedure, there is an admin procedure and there is a space procedure.

There is a physical layout of the GHA. So we are looking to very quickly implement different systems whereby people are not able to access the GHA other than those that are entitled. This is a larger exercise which also fits in GPMS entitlement etc.

So it is a very large piece of work which often happens with many of my portfolios. When you start looking into a question, you realise how large the question is and this is one of those. So it is a question of looking at who is entitled to access the GHA and then looking at how do we restrict access to the GHA to anyone who is not entitled to GHA care.

Hon. J Ladislaus: How many liquor licences were one objected to?

Madam Speaker: So next question then… (*interjections*) Supplementary? …Yes.

Hon. Dr K Azopardi: Can I just ask on this? I imagine given the figure that the hon. Lady has given us, 4.8 million I think she said, this must span quite a long period of time. Can she give us a sense of that?

She says there are spreadsheets so I am not sure if she does have some kind of supplementary information provided by her officials but if she does, could she give us an idea of how that 4.8 million breaks down? I imagine there will be categories of how that is made up but just to give us a sense of the difficulty of the issue that she is trying to grapple with in the way that she has explained it.

Hon. G Arias Vasquez: Madam Speaker, in order to give the House some flavour as to what these arrears relate to, there is a sum of circa 2.5 million which relates to three individuals. If you consider that an acute bed in a hospital is worth circa £250,000 a year or the value of paying for that bed is circa £250,000 a year, that quickly adds up if an individual needs, for example, specialised CCU treatments or anything of the sort. So, in respect of three specific individuals, there is a bill of circa 2.5 million. I do not know the length of time that this balance on arrears encapsulates but what I am certain about and what I have been certain about now for numerous months and work is in place to try and grapple with this issue, as the Hon. Leader of the Opposition has just suggested, is that something needs to be done in order for this not to grow further. And the one thing that we can do in order to ensure that this does not grow further is to make sure that at all entry points into the GHA, it is only entitled patients or patients that are entitled to care in the Gibraltar Health Authority are allowed to access care in the Gibraltar Health Authority, except obviously in emergency situations as I have outlined.

Adjournment

Chief Minister (Hon. F R Picardo): Madam Speaker, that might be a convenient moment to stop given that it is already 8.20 p.m. in the evening and we have got to the end of Health questions and to return tomorrow at 3 p.m. to deal with my questions and finish off the questions outstanding to the Minister for Health and, I think, Business are the issues that are leftover.

Madam Speaker: Yes, except there are some supplementaries on schedules to take on Health before we start Business.

Hon. Chief Minister: Madam Speaker, it is a matter for you whether you feel we should take them now or tomorrow when we come back. I am entirely agnostic in that respect. (*Interjections*)

Hon. J Ladislaus: I have a significant number of schedules to review, and I have been on my feet constantly, so it has been impossible for me to sit and review every schedule.

Madam Speaker: I have no objection to that. The only thing I would add to that is that questions which generate large amounts of information, because they have various subsections and they ask for statistics over months and years, are likely to attract schedules, where possible, I give time for schedules to be considered. Sometimes that is not possible and if a hon. Member asks for lengthy questions, they must be ready to deal with supplementaries at short notice.

That said, I have no objection to adjourning to tomorrow and we can start with the supplementaries tomorrow.

Hon. Chief Minister: Well Madam Speaker, it is my intention to start at three o'clock tomorrow with Chief Minister's questions and then at the end of that to go back to other Ministers' questions. I think it is just the Minister for Business that is left.

Madam Speaker: We will do that then. We will adjourn tomorrow and start with Chief Minister's questions, then deal with the supplementaries outstanding from today and then deal with Business.

All right, I now propose the question which is that this House do now adjourn to tomorrow at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to tomorrow at 3 p.m.

The House adjourned at 8.22 p.m.

P R O C E E D I N G S O F T H E

G I B R A L T A R P A R L I A M E N T

AFTERNOON SESSION: 3.00 p.m. – 7.08 p.m.

Gibraltar, Thursday, 15th January 2026

Contents

Questions for Oral Answer 3

Chief Minister 3

Q925-9/2025 "Proof-of-life" exercise – Non usage of information; Public awareness campaign; Old age pension; Life certificate process; Previous proof of life exercise 3

Q930/2025 Long term sickness – Monthly breakdown 7

Q931/2025 GHA, former Medical Director – Application for the detailed assessment of legal fee costs 8

Q932-5/2025 Marine Maritime Services Ltd – Training; Occupational health referrals breakdown; Occupational healthcare costs breakdown; Re-tender for the occupational Health Service contract 8

Q936/2025 Hospital Fees – Arrears write-off 10

Q937/2025 Former Police Constable – *Ex gratia* payment 12

Q938/2025 Public Interest Disclosures (Employment Act) – Transfer of former police officers to civil service jobs 12

Q939/2025 Royal Gibraltar Police officers – Early retirement *ex gratia* payments 13

Q940-2/2025 GHA recruitment process – Bulletin no. NUR 11/25 13

Q943-8/2025 Import duty – Current levels; Increase from new transaction tax; Impact study; Plan of action to support ailing businesses; Possible disappearance of strong British brands; VAT restrictions 15

Q949/2025 Mr Jonathan Fisher KC – Legal fees 21

Q950/2025 GHA recruitment process – Bulletin no. NUR 11/25 22

Q951/2025 Community Credit Union Co-operative Ltd – Money lent 23

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Q952/2025 GFA Ltd or subsidiaries – Loan write offs or financial contributions 26
Q953/2025 Office of Immigration and Home Affairs – Cost of refurbishment and move 26
Q954-6/2025 West View Park – Reclamation; Expected date of units; Number of units 27
Q957-8/2025 Public Sector Pay and Industrial Relations Framework Agreement – Publication; Main terms 32
Q960/2025 Victoria Keys project – Contractual arrangements, development licence or building lease 33
Q961/2025 Clemence Suites – Owned, leased or rented flats 34
Q962-3/2025 Donald Trump Jr – Meeting; Investors 35
Q964-71/2025 eGov – Issues concerning the renewal of expired ID cards 36
Q972/2025 Schengen area – Information provided to airlines or passport control in respect of travel with a Gibraltar issued passport 41
Q973/2025 Frontier (Spanish side) – Practical arrangements for the new Entry Exit System 42
Q974/2025 Treaty with the EU – Tariffs on products that arrive in Gibraltar from UK (not UK original products) 43
Q975-7/2025 Treaty for a new relationship with the EU – Update on on-going discussions 45
Health, Care and Business 51
Supplementary Questions – 845; 847; 850; 862; 867; 870; 877; 896; 897; 905/2025 51
Q910/2025 Liquor licenses – Objected, rejected, granted and renewed 61
Q911/2025 Gibraltar Business Conference in London – Invitees and event advertisement. 61
Q912/2025 BESS Batteries – Operational capacity 62
Q913/2025 Main power lines cut by unlicensed contractor – Authorisation of works 63
Q914/2025 7-hour long power outage on the 16th September 2025 – Cable protection 63
Q915/2025 Devil's Tower Road power outage on 25th October 2025 – GEA officer to oversee the works to ensure the contractor does not sever the cables 65
Q918/2025 Industrial uses carried out at the extension jetty near North Mole – Relocation location and date 65
Q919/2025 MT Nisyros fatal accident – Action to be taken following investigation 66
Q920/2025 Government's Business Transition Advisory Group – Composition 67
Adjournment 68

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: P A Borge McCarthy Esq *in attendance*]

Questions for Oral Answer

CHIEF MINISTER

Q925-9/2025
"Proof-of-life" exercise –
Non usage of information; Public awareness campaign; Old age pension; Life certificate process; Previous proof of life exercise

Clerk: Meeting of Parliament, Thursday the 15th of January. Answers to Oral Questions continued. Questions to the Hon. Chief Minister.

Question 925, the Hon. A Sanchez.

Hon. A Sanchez: Why did the Government not use the information already held centrally by the Civil Status and Registration Office and other relevant departments for the purposes of the "proof-of-life" exercise, rather than oblige all persons over a certain age to respond?

Clerk: Answer, the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I will answer this question together with Questions 926 to 929.

Clerk: Question 926, the Hon. A Sanchez.

Hon. A Sanchez: Does the Government agree that a more effective public-awareness campaign should have been undertaken prior to the commencement of the "proof-of-life" exercise, so that affected individuals were better informed in advance and there was wider public understanding of the process to be followed?

Clerk: Question 927, the Hon. A Sanchez.

Hon. A Sanchez: Could the Government provide the following information:

1. The total number of individuals who did not receive their Old Age Pension on the October monthly pension run, detailing the specific reason for each case; and, where this was due to the proof-of-life exercise, whether the Government can confirm in each such case that the individual had submitted the completed form/certificate by the required deadline and that it had been received by the relevant Department.

2. The total number of individuals whose Old Age Pension for October had to be paid later via a subsequent run because they were initially omitted from the main October payment, specifying the exact dates of those additional payment runs and the reason each payment had to be re-processed.

3. Whether there remain any individuals who have still not received their October pension, and if so, the number affected and the reason or reasons for the continuing non-payment.

Clerk: Question 928, the Hon. A Sanchez.

Hon. A Sanchez: Will the Government explain the operation of the "Life Certificate" process used by the Department of Social Security for pensioners living outside Gibraltar, stating how often these certificates are requested for submission, and provide data for each of the last three years on (a) the number of certificates issued and (b) the number of pension payments that were suspended due to non-return of the certificates?

Clerk: Question 929, the Hon. A Sanchez.

Hon. A Sanchez: Will the Government state when the last prior Gibraltar-wide proof-of-life exercise covering residents was carried out before the current 2025 exercise?

Clerk: Answer, the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, as I rise I note what a pleasure it is to start my 15th consecutive year answering questions in this House. Madam Speaker, the last comprehensive Gibraltar-wide proof of life exercise led by the Department of Social Security was undertaken in 2009. On this occasion, it was carried out by the Department without notice to Ministers as an administrative exercise.

The proof of life exercise carried out recently was based on pension registers held by the Department as this is customarily the most updated and accurate record of the recipient. The Department acknowledges that there are personal records held in other Government entities such as the Civil Status and Registration Office. However, these also capture a specific moment in time when the document is renewed and there was no guarantee that these records would be more accurate.

Whilst the Department had anticipated that the percentage of pensioners might have failed to notify of address changes, they recognised in retrospect that the proportion of outdated records was considerably higher than initially expected. Social Security currently administers circa 14,000 pension payments per calendar month as well as numerous other benefit claims. If the section were to continuously invest time updating records from other Government entities, we could ensure more up-to-date information.

However, the administrative burden of this would drain resources and renders this approach impractical. Likewise, the option of investing departmental staff resources *en masse* to track, verify and process information on this scale prior to embarking on the proof of life exercise is unfeasible, we are told. The Department of Social Security does acknowledge that a more effective public awareness campaign would have been beneficial to ensure that our local community was notified of the proof of life exercise in advance.

Nonetheless, it is important to emphasise that proof of life letters were distributed three months in advance of the deadline, providing clear instructions and timelines for submission. This measure allowed pensioners ample time to complete submission of the form as well as allocating the pension section with the necessary time to update account statuses. Although the Department acknowledges that the challenges encountered are mostly associated to change of addresses that were not officially notified to Social Security, a significant number of pensioners who had the proof of life letter posted to the correct address did not submit the form by the prescribed deadline anyway.

The total number of individuals who did not receive their old age pension due to non-submission of proof of life letters was as follows. A in the 90 plus age range, 147 and B in the 80 plus age range, 806. On learning that various pensioner accounts with completed proof of life forms had been temporarily suspended, the Department opted to undertake a full review of all email and counter submissions since May 2025.

This register is held in Excel format and statuses have been continuously updated throughout the course of the past week, so regrettably the Department is unable to extract a snapshot of time that would indicate the exact number of accounts that were suspended erroneously.

Records indicate that the total number of suspended pensioner accounts as at 8 January 2026 are as follows: In the 90 plus pensioner demographic, 35, 15 of whom are local and 20 of whom are overseas and in the 80 plus pensioner demographic, 191, 109 of which are local and 82 of whom are overseas.

Pensioners living outside Gibraltar are categorised under two distinct departmental sections depending on the method of payment. The first is non-local pensioners with sort code banking services, which are classified under the pension section and paid via BACS. This means that the standard pension section has both local and overseas pensioners under their responsibility. The second is non-local pensioners paid via Crown Agents, and these are pensioners who do not have international banking services with sort code and cannot be paid via BACS. These pensioners are categorised under the overseas pension section.

The third is non-local Moroccan pensioners with or without international banking services who have opted to receive their pension via Banque Populaire. These pensioners are also categorised under the overseas pension section. Pensioners who are categorised under the standard pension section as described in the first of the categories I just described were included in the proof-of-life exercise that is departmentally led and currently taking place.

The last comprehensive exercise undertaken for all pensioners, local and non-local, was in 2009. The total number of certificates that have been and will be issued to non-locals under this category, although the exercise is not yet complete, will amount to in the region of 1,649. Proof-of-life services for pensioners are categorised under Crown Agents. Bank payments are contracted on a yearly basis. Crown agents commence the current year's exercise in September, so data for 2025 is not yet available in a final form but I will give the House the following details.

In respect of calendar year 2022, 1,446 pensioners are categorised, of which 364 are currently suspended due to non-submission of the proof-of-life information. For 2023, the number is 1,459, of which 206 were suspended. For 2024, 1,435, with 203 suspended and for 2025, 1,539, as at 10 October 2025, although the deadline for the final submission was 31 December 2025, and we do not have the final number of those that will be suspended as a result.

The number of pension accounts initially suspended decreases as pensioners are located or make contact with the Crown Agents. The figure listed, which I just gave the House, is the hopeful final number, although inevitably there are always individuals that cannot be located and remain suspended in status for a set period until this is updated to presumed dead.

In terms of the proof-of-life services to the category of individuals which I described as non-local Moroccan pensioners, the work in respect of this category is undertaken directly by the Overseas Pension Section, and suspensions due to non-return or relocation of property in Morocco tend to be high in number. The reduction is customarily prompted through suspension of payment. There was no exercise undertaken in 2022 and in 2023-2024.

Of 1,938 pensioners who were paid in this way, 131 have seen their payments suspended, finally, and in 2025 of 1,735 pensioners who were paid in this way, 97 were suspended.

Hon. A Sanchez: Madam Speaker, I am grateful to the Hon. Chief Minister for that extensive answer.

In relation to Question 926, and the need for a more effective public awareness, I note that the Hon. Chief Minister has noted that there were letters sent three weeks in advance. I believe that he said but given that there are a lot of elderly individuals that may rely on relatives to check their mail, there might be elderly individuals that might have been in hospital during this time or other such examples.

Would the Hon. Chief Minister be able to elaborate as to why there was not an official announcement made in relation to the Proof of Life exercise, which gave information to the public about this exercise, and would perhaps have alerted family members to be aware that this was going to take place, and perhaps be aware that they had to be on top of the mail?

Hon. Chief Minister: Madam Speaker, can I start by thanking the hon. Lady directly for her very kind messages at the time that I was not able to be in this House, which demonstrates that despite our political differences, we are all supportive of each other when we are down for health reasons. I was very grateful to receive her message.

Madam Speaker, there was no public communication about this because I was not told it was happening. I will be very frank with the House, I found out that this Proof of Life exercise was happening because I got complaints from pensioners that they had not been paid their pensions, and when I asked what had happened, I found out that this Proof of Life exercise had been undergone, and as a result, some people were not getting their pensions. But at the same time, it is also true that if we had put out a public statement, that might have put on enquiry those who might want to try and take advantage and continue to receive pensions that they might not be entitled to. In other words, the family of individuals who might have passed away, who want to continue to receive pensions illegally, might then have been able to return the Proof of Life information because they would have been alive to it.

So, it is a combination of factors. My view is that we need to be a little bit more careful about how we carry out these exercises in future. I commend the Department for doing this exercise. It is absolutely right that they should do it. They were right to take the initiative to do it, because none of us can believe that it is right to continue to pay monies to pensioners who have passed away, and we do need to check that periodically because systems are not yet talking to each other, in particular when individuals are not resident in Gibraltar. My view also is that as technology changes, the methods in which departments speak to each other are accelerating massively, and the Government is doing a lot of work in that respect, and so therefore the registration of a death should automatically trigger notification throughout Government departments.

I am very pleased to see the work that ITLD and other departments are doing to join up these systems, which I hope will mean that these issues are not as prevalent in the future.

Hon. A Sanchez: Madam Speaker, in relation to Question 927, I appreciate that these questions were filed in October, but does the Hon. Minister have information as to whether all of the issues that arose in October and indeed we have information that they arose as far back as August, and were affecting payment runs as far back as August… Does the Hon. Minister have information as to whether all of these issues have now been addressed, and whether they have been ongoing in November and December, or whether they have been addressed and there are no more issues in relation to pension payments?

Hon. Chief Minister: Well, Madam Speaker, I have the information that I have given the House, but I can also tell her anecdotally that I have had absolutely no further complaints from old-age pensioners getting in touch with me to say that there are issues, so I should commend the

department for having resolved those issues quite quickly. As soon as the problem arose, and they saw that the problem had arisen because they themselves were getting complaints from pensioners, and they got a call from my office asking for information because I was getting complaints, they immediately moved to resolve the problem. That does not mean that there are not perhaps some pensioners who may not have received their pensions, but I certainly have not had any further communication in that respect, and if there are such pensioners, no doubt they will have got in touch with the department and the department will have resolved it the minute the pensioner, alive, as we wish them all to be, has got in touch with the department and said that there is a problem.

Madam Speaker: Next question.

Q930/2025
Long term sickness –
Monthly breakdown

Clerk: Question 930, the Hon. J Ladislaus.

Hon. J Ladislaus: Can the Government provide a monthly breakdown in relation to long term sickness since January 2022 to date, including the number of days employees have been on long term sick, grade and reason for sickness?

Clerk: Answer, the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Well, Madam Speaker, I am advised by my officials that this information is too voluminous to provide in the timeframe available.

Hon. J Ladislaus: I am grateful for an indication, Madam Speaker, but if I could have an estimate as to how long it would take to compile and whether we hope to receive that information or not, and whether it is going to be across the floor of the House, behind the Speaker's chair, how is that information going to be conveyed?

Hon. Chief Minister: In fact, Madam Speaker, I am told that this requires a very intense exercise going through papers, literally, from 2022 to date, and that it would be much more laborious than is worth doing in terms of the costs that would be involved. So, I am afraid I have to tell the hon. Lady that it is not possible for us to give the information. If she agrees, and this is something we could do, we could keep a record of this going forward so that we are able to provide it from now, but this record does not exist and creating the record is far too voluminous to do.

Hon. J Ladislaus: Yes, Madam Speaker, if the Hon. Chief Minister could perhaps just confirm that that record will be kept from now on and obviously I will revisit the point at some point in the future.

Hon. Chief Minister: Well, Madam Speaker, I can, but she and I have one thing in common, amongst many others, no doubt, that we are Members of this Parliament, we are not in the Administration, we are not the bureaucrats. So can I, because we are saying this today, perhaps invite her to put this question again with your leave, perhaps in three months' time so that we have time to build a record, not six months' time, and in that way test that in fact the record is being kept. So, I should then have the information, at least from January of 2026, to provide for

her, which should, given the nature of the information that she is seeking, which is about long-term sickness, actually disclose information going back even before January 2026.

Madam Speaker: Next question.

Q931/2025
GHA, former Medical Director –
Application for the detailed assessment of legal fee costs

Clerk: Question 931, the Hon. J Ladislaus.

Hon. J Ladislaus: Has the application for the detailed assessment of costs as to the GHA's former Medical Director's legal fees relating to proceedings against him in respect of a bullying claim now been heard by the Court and judgment handed down, or has the matter been settled between the parties? If the matter has concluded, please provide details as to the amount recovered, if not please provide an indication as to when this matter is likely to conclude.

Clerk: Answer, the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, the matter has still not been heard by the courts. I understand we are awaiting a hearing date.

Hon. J Ladislaus: Does the Hon. Chief Minister have any information as to whether the matter is perhaps likely to settle before a hearing date is identified?

Hon. Chief Minister: Madam Speaker, I am afraid not, and it is not something on which I think we can do much. We have to await a date.

Hon. J Ladislaus: Madam Speaker, the only reason I ask is because at 3.5.13 of the Auditor's Report for 2018-2019, which is a fair few years ago now, it does state that the Medical Director's lawyers subsequently filed a response to the point of dispute in respect of costs. However, the Senior Executive Officer at No. 6 Convent place explained that the Medical Director's lawyers had been discussing with the appellant's lawyers the possibility of settling the matter without a hearing.

So, I will ask, but I am sure that I am correct to infer that those discussions were not fruitful and did not reach a settlement. Am I correct?

Hon. Chief Minister: Madam Speaker, as we would have each have said to each other in a different place, *res ipsa loquitur*.

Madam Speaker: Next question.

Q932-5/2025
Marine Maritime Services Ltd –
Training; Occupational health referrals breakdown; Occupational healthcare costs breakdown; Re-tender for the occupational Health Service contract

Clerk: Question 932. The Hon. J Ladislaus.

Hon. J Ladislaus: What training and to who has Marine, it should read, Medical Services Limited provided in accordance with the occupational health contract?

Clerk: Answer, the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I will answer this question together with Questions 933 to 935 in relation to Marine Maritime Services Ltd.

Clerk: Question 933. The Hon. J Ladislaus.

Hon. J Ladislaus: Can the Government provide a breakdown as to how many occupational health referrals have been managed since January 2022 to date?

Clerk: Question 934. The Hon. J Ladislaus.

Hon. J Ladislaus: Can the Government provide a monthly breakdown of occupational healthcare costs for the period between January 2022 to date for all Government entities, authorities and agencies which are being provided with occupational health services by Marine. Again, Medical Services Limited?

Clerk: Question 935. The Hon. J Ladislaus.

Hon. J Ladislaus: As outlined in the Principal Auditor's Report for 2018/2019, why did not the Government re-tender for the occupational Health Service contract, in accordance with the Procurement (Public Sector Contracts) Regulations 2016, and instead entered a contract with a value of £1,190,000 directly with Maritime, again should read Medical Services Limited?

Clerk: Answer, the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, Marine Maritime Medical Services Ltd. have no such contracts with the Government. Madam Speaker, a total of 1,182 occupational health referrals have been managed by His Majesty's Government of Gibraltar agencies, authorities and Government-owned companies since January 2022 to date.

The breakdown of occupational health referrals undertaken per calendar year is as follows: In 2022, 130; In 2023, 340; In 2024, 295; In 2025, 405; and in 2026, 12.

Hon. J Ladislaus: Madam Speaker, we have heard that the breakdown is in respect of Government-owned companies. Can the Hon. Chief Minister perhaps outline which Government companies he is referring to?

Hon. Chief Minister: I cannot, Madam Speaker, because I do not have an information that gives me a breakdown. The hon. Lady has asked the question, but I do not have in the information I have available a breakdown of what companies are referred to.

Hon. J Ladislaus: Madam Speaker, are any of the companies that the Government seeks occupational health care services from Marine, sorry, Maritime Medical Services Ltd.?

Hon. Chief Minister: Yes, Madam Speaker.

Hon. J Ladislaus: So, Madam Speaker, I will ask the question. Why did not the Government re-tender for the occupational health service contracts in accordance with the Procurement Public

Sector Contracts Regulations 2016 and instead enter the contract with a value of £1,190,000 directly with Maritime Medical Services Ltd.?

Hon. Chief Minister: Well, Madam Speaker, if she is asking the question about Maritime Medical Services Ltd, I would need notice of the question.

Hon. J Ladislaus: So, Madam Speaker, am I correct in saying that the Hon. Chief Minister is, just like his colleague did yesterday, the Minister for Health, refusing to answer the question due to a simple typo? Because the Hon. Chief Minister definitely knows what I am referring to.

Hon. Chief Minister: No, Madam Speaker, because that is not a typo. A typo is when you type something incorrectly and you misspell something. This is not a misspelling, this is a different company name and for the reasons, therefore, that the Hon. Minister for Health and Business gave yesterday, and in the same trenchant terms that she expressed the position, the Government takes the view that the hon. Lady needs to get right the name of the companies that she is asking about so that the Government can properly answer their questions.

I mean, as the Hon. Minister for Health said yesterday, they have one job.

Madam Speaker: Next question.

Q936/2025
Hospital Fees –
Arrears write-off

Clerk: Question 936, the Hon. J Ladislaus.

Hon. J Ladislaus: Have the arrears write-off requests outlined at 2.12.13 of the Principal Auditor's report for 2018/2019 amounting to £2,465,075 which relate to hospital fees been approved by the Financial Secretary? Why have these outstanding sums been left unaddressed for such a lengthy period of time?

Clerk: Answer the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): No, Madam Speaker, the write-off has not yet been approved by the Financial Secretary.

Hon. J Ladislaus: Madam Speaker, for what reasons have not they been approved?

Hon. Chief Minister: Because the Financial Secretary is awaiting information in respect of one of the matters.

Hon. J Ladislaus: And does the Hon. Chief Minister have a timeline as to when that information would be forthcoming for that decision to be taken?

Hon. Chief Minister: No, Madam Speaker, because necessarily it is not information in the hands of the Government and therefore, I would be speculating about when we might be able to obtain it from a third party.

Hon. J Ladislaus: Madam Speaker, can the Hon. Chief Minister perhaps elaborate to which of the debtors that information relates perhaps?

Hon. Chief Minister: No, Madam Speaker, because I do not have the names, I have numbers.

Hon. J Ladislaus: Yes, in terms of numbers, because as I understand it, Debtor 1 owed invoices from 2010 to 2018 of £1,967,957 and so on and so forth for Debtor 2 and Debtor 3, and that is in respect of a total of £2,465,000. So can the Hon. Chief Minister perhaps just reference which of the three debtors it is, just so we know, because the sums obviously differ significantly.

Hon. Chief Minister: Madam Speaker, in the information I have, it is not clear which of the debtors is relevant to the information being outstanding or whether it is more than one of them etc but I do not see what the hon. Lady would gain if I were to say number 2 or number 1 or number 3. How does that avail her, the community or the House of any useful information?

Hon. J Ladislaus: Madam Speaker, the point to be made there is that there are serious debts in respect of these three debtors, some of them dating back in respect of Debtor 1 to 2010. So is the Hon. Chief Minister happy that these debts should date back that long without them having been addressed?

Hon. Chief Minister: Madam Speaker, that is not what the question is about. The question is about writing off the amounts. So is the hon. Lady asking me whether I would like to see the amounts written off?

My answer to that question would be no. I would like to see the amounts recovered and repaid and further work done in that respect. Work which I know is diligently being done by the Financial Secretary and the Central Arrears Unit.

Why would it be helpful to the Government or to the taxpayer that we should accelerate writing off the amounts due and giving up on recovering them? I would have thought Madam Speaker, that it is in the interest of all of us that we more diligently pursue the recovery of those amounts even if it takes more time than we might all like to recover at least part of that because to pursue the line that the hon. Lady is suggesting is simply to wave goodbye to £2,465,000.

Hon. J Ladislaus: Madam Speaker, the reason that I put the question in these terms is because at 2.12.13 of the Principal Auditor's Report 2018-2019 it states that these irrecoverable arrears pertain to three long-stay patients. Now I ask the question, does the Hon. Chief Minister expect that these sums are indeed recoverable? Because that would be fantastic given that it is over £2,000,000 but is that an expectation now, a reasonable expectation?

Hon. Chief Minister: Madam Speaker, if there were not at least the slightest chance they would have been written off. If there is at least the slightest chance, should we not pursue it and not write it off?

My answer to that rhetorical question is that we should and for that reason, because that is the view of the Financial Secretary, who is the person with responsibility for this, this is not a political issue. The Financial Secretary has rightly, in my view, taken the view that he needs to keep these cases open.

Madam Speaker: Next question.

Q937/2025
Former Police Constable –
***Ex gratia* payment**

Clerk: Question 937, the Hon. J Ladislaus.

Hon. J Ladislaus: Why was a former Police Constable who had been dismissed in 2010 after the Disciplinary Board recommended termination of service without loss of pension, as outlined at paragraphs 3.6.20 to 3.6.24 of the Principal Auditor's report for 2018/2019, paid an *ex gratia* payment of £170,669 on 26 January 2024, even after the Principal Auditor had questioned the propriety of awarding the former police constable a full pension?

Clerk: Answer, the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, the *ex-gratia* payment made in January 2024 did not recognise any legal entitlement to a pension, which does not exist. It was a discretionary and exceptional payment made after considering the matter in the round, including the long passage of time and the specific personal circumstances involved.

As I have stated previously in this House, *ex gratia* payments are a lawful and established mechanism used by Government on legal advice to resolve cases where there is no legal obligation, but where it is nonetheless judged to be in the public interest to bring a matter to a close and to avoid the greater financial and litigation risks that can arise if disputes are allowed to continue.

Madam Speaker: Next question.

Q938/2025
Public Interest Disclosures (Employment Act) –
Transfer of former police officers to civil service jobs

Clerk: Question 938, the Hon. J Ladislaus.

Hon. J Ladislaus: Of the 24 former police officers transferred from their RGP posts into other Civil Service posts after 4 February 2022, how many were given protection under the provisions of Part IV A Public Interest Disclosures of the Employment Act in the context of the 2024 McGrail Inquiry?

Clerk: Answer, the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, none.

Madam Speaker: Next question.

Q939/2025
Royal Gibraltar Police officers –
Early retirement *ex gratia* payments

Clerk: Question 939, the Hon. J Ladislaus.

Hon. J Ladislaus: Please provide the reasons behind the *ex gratia* payments totalling £799,714 relating to the early retirement of 4 Royal Gibraltar Police officers made during the period May 2023 to July 2023, as outlined at paragraphs 5.5.21 and 5.5.23 of the Principal Auditor's Report 2018/2019. For what reason(s) was the Principal Auditor not provided with this information when requested?

Clerk: Answer, the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, as I already told the House during the very recent debate on the Principal Auditor's Report, an *ex gratia* payment is by definition a discretionary settlement made without any admission of legal liability and without any legal obligation to pay. These are standard tools used in both the public and private sectors to resolve disputes cost effectively.

They are used to avoid greater financial exposure, uncertainty and legal fees associated with litigation and are made on legal advice. As to the second part of the question, I am advised the Principal Auditor was provided with all information held on record in respect of these four payments. He was also expressly offered access for his staff to review the files directly, but that offer was not taken up and no further queries or acknowledgements were received.

Madam Speaker: Next question.

Q940-2/2025
GHA recruitment process –
Bulletin no. NUR 11/25

Clerk: Question 940, the Hon. J Ladislaus.

Hon. J Ladislaus: On what basis were 8 retired fire officers awarded increased pension and gratuity awards by way of equivalent *ex gratia* payments to reflect an enhanced CPD allowance, which came into effect after all 8 officers had retired?

Hon. Chief Minister: Answer, the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I will answer this question together with Questions 941 and 942.

Clerk: Question 941, the Hon. J Ladislaus.

Hon. J Ladislaus: Why did the Government approve the revision of the pensions of 24 Gibraltar Fire Rescue Service retirees to include an enhanced CPD allowance which came into effect after they had retired, even after the Principal Auditor had voiced his opinion that these were irregular payments and that it was highly improper for them to be awarded?

Clerk: Question 942, the Hon. J Ladislaus.

Hon. J Ladislaus: Above and beyond the 32 Gibraltar Fire Rescue Service retirees who were referred to in the Principal Auditor's Report at paragraphs 3.6.7 to 3.6.19, have any further Gibraltar Fire Rescue Service retirees, who retired before the enhanced CPD allowance was introduced in 2015, had their pension and gratuity awards revised to reflect that enhanced CPD allowance?

Clerk: Answer the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, the individuals in question were active participants in the negotiations on the enhanced CPD regime and retired with the agreement of the Government in the negotiations that they would benefit from the agreed changes once finalised. However, upon the agreement's conclusion, it became evident that they had been excluded. Accordingly at the request of Unite the Union and with the agreement of the Government, steps were taken to rectify this omission.

Madam Speaker, in relation to Question 941, the Government did not agree with the position of the Principal Auditor.

And in 942, I am advised that no other GFRS personnel have had their pension and gratuity awards revised in the form of ex gratia payments on the basis of the 2015 CPD increase, given that the 32 retirees referred to captures all those who had been in receipt of the allowance since its introduction in 2007 and up to 2015.

Hon. J Ladislaus: Madam Speaker, is this now Government policy and does it apply to other departments? Can the Hon. Chief Minister perhaps comment as to that?

Hon. Chief Minister: Madam Speaker, this has always been Government policy.

Hon. J Ladislaus: Madam Speaker, just for the avoidance of doubt, so Government policy now is to give retirees of any department an enhanced CPD allowance once they have retired? That is Government policy?

Hon. Chief Minister: No, Madam Speaker. Government policy is that when we are negotiating with a department and that negotiation involves a group of people who are covered by the negotiation, if they retire during the period of the negotiation, we honour the result of the negotiation in respect of those who were imposed whilst the negotiation was ongoing or otherwise covered by the negotiation. The hon. Lady might like to reflect that this relates to the quite remarkable circumstances that we inherited from them, where people were paid for not doing work.

That is to say, there was a group of people in the City Fire Brigade, in the Gibraltar Fire and Rescue Service, who were being paid an ambulance allowance for not going and pursuing ambulance duties, because ambulance duties had been taken away from them, but they were nonetheless still being paid to do the ambulance work. That is why the Government entered this negotiation. This is why the Government honoured, in respect of those who were imposed when we were negotiating, that even though they retired before the negotiation was completed, they would get the benefit of the negotiation.

In doing so, the Government has reduced the liability to the taxpayer very considerably indeed, because we no longer have to pay the higher amount in respect of the ambulance allowance, which we were liable to pay for people who were no longer anywhere near an ambulance or involved in anything to do with an ambulance.

Hon. J Ladislaus: May I ask the mechanism by which the CPD allowance was paid? Just to clarify, CPD relates to Continued Professional Development Allowance. If I may ask, was that paid up to a certain date? Did it take into account specific dates on which these retirees would have been doing CPD, supposedly? Or how was that worked out? Was that an arbitrary manner in which it was worked out?

Hon. Chief Minister: Madam Speaker, I think I actually gave that information in the context of my first answer. I think the hon. Lady may just not have understood it or heard it.

Hon. J Ladislaus: Madam Speaker, I think the question is, was this an enhancement to the ultimate pension that these firefighters received? So was there a set amount or was it different for each firefighter, for example, to take into account the CPD that they had undertaken whilst they were at work because otherwise, we are in a position whereby somebody retires and is somehow getting an allowance for Continued Professional Development. It seems a bizarre scenario. So, if the Hon. Chief Minister can explain what that allowance took into account when it was paid over.

Hon. Chief Minister: I do not think the hon. Lady has understood what I said in relation to what the CPD allowance replaced, Madam Speaker. It replaced the ambulance work that they were not doing, and they would have got a pensionable allowance for.

Madam Speaker: Next question.

Q943-8/2025
Import duty –
Current levels; Increase from new transaction tax; Impact study; Plan of action to support ailing businesses; Possible disappearance of strong British brands; VAT restrictions

Clerk: Question 943, the Hon. C Sacarello.

Hon. C Sacarello: Could the Government please provide information on the current levels of import duty received broken down into two sections, namely by UK trade and by EU trade? Please provide figures for the financial years 2020, 2021, 2022, 2023, 2024 and 2025 to date.

Clerk: Answer, the Hon. Chief Minister.

Hon. Chief Minister: Madam Speaker, I will answer this question together with Questions 944 to 948.

Clerk: Question 944, the Hon. C Sacarello.

Hon. C Sacarello: Could the Government please provide details on estimated increased import duty revenues resulting from the new Transaction Tax?

Clerk: Question 945, the Hon. C Sacarello.

Hon. C Sacarello: Could the Government please provide details of any impact study undertaken on the impact of the forthcoming Transaction Tax on the local economy in terms of business costs, consumer behaviour, profitability and business viability, particularly in the retail and wholesale sectors?

Clerk: Question 946, the Hon. C Sacarello.

Hon. C Sacarello: When will the Government provide the business community with a detailed plan of action to support ailing businesses that may be directly affected by the transaction tax.

Clerk: Question 947, the Hon. C Sacarello.

Hon. C Sacarello: How does the Government presume to address the risk of Gibraltar losing some of its British identity via the possible disappearance of strong British brands which have for so many decades anchored Main Street and beyond, where businesses are facing payment of tariffs in addition to the proposed Transaction Tax?

Clerk: Question 948, the Hon. C Sacarello.

Hon. C Sacarello: Can the Government please confirm that a Gibraltar B2C Company business to consumer will be able to sell online into Spain and Europe without any VAT restrictions and limits on value.

Clerk: Answer, the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, the information requested in respect of Question 943 is in the schedule I now hand over. The Government has carried out the estimates referred to by the hon. Member in Question 944. Nonetheless, we will not divulge that information at this juncture since these figures remain commercially and politically sensitive.

In relation to 945, it is the case that negotiations on our agreement with the EU have now been completed, but it would not be prudent to provide the hon. Member with any of the details requested, much of which is commercially sensitive at this juncture and before the Treaty is implemented. The Government can nonetheless confirm that it has undertaken the assessments that the hon. Gentleman refers to.

In relation to 946, as I have already said, and as the hon. Member knows, in September 2025 I created the Business Transition Advisory Group to support our business community as we prepare for and implement our Treaty arrangements with the EU.

I have said many times that we simply do not accept that businesses will need support as a direct result of having to pay the transaction tax at higher rates than that which apply under the current import duty regime. The Government will in any event assist businesses as we transition to the new indirect taxation regime established under the Treaty and take action to redress any collective or individual situation which may arise without breaching relevant State Aid rules. Our agreement with the EU will not in any way, shape or form erode our uniquely British identity, our Gibraltarian identity, our way of life and our way of doing things.

The agreement will benefit not only British brands in Main Street, but Main Street as a whole. Visitors in their millions, eager to shop, will be able to come to Gibraltar with an ease that has never been known to us by land, sea and air. All attracted by the British appeal which is one of the hallmarks of our products. Visitors will come to British Gibraltar to buy British products. The demand will remain. What we have avoided with this agreement is a Main Street with no footfall, a Main Street open only to local consumers.

That was the choice we faced. The Government has and is working with the retail sector in Gibraltar to ensure that they will be able to make a success of this agreement and the Government has said that it will lend its support to those businesses in any way possible, subject as I said before Madam Speaker, to not breaching relevant State Aid rules. Madam Speaker, the Government can confirm that there will be no limits on value with respect to what a business in Gibraltar is able to sell online to a customer in Spain or a customer anywhere in the EU and the same destination

principle rules would apply in respect of sales as would between Member States of the European Union.

ANSWER TO QUESTION 948

ANSWER TO QUESTION 943

YEAR	REGION	TOTAL
2020	EU	£44,070,524.62
2020	UK	£2,563,325.42
2021	EU	£42,626,326.24
2021	UK	£1,678,426.69
2022	EU	£42,483,867.52
2022	UK	£3,042,865.33
2023	EU	£42,871,951.05
2023	UK	£4,331,315.65
2024	EU	£42,016,025.90
2024	UK	£3,482,599.81
2025	EU	£30,188,758.13
2025	UK	£3,381,594.57

Hon. C Sacarello: Madam Speaker, I will take them one by one and start off with 943. Actually sorry, 943 is the schedule, 944.

Madam Speaker: Does the hon. Member want to revert to 943 later? No?

Hon. C Sacarello: So, with regards to 944, I understand that the Government has prepared as the Chief Minister has explained but refuses to divulge for politically and commercially sensitive reasons. However, could I ask the Chief Minister, will part of this additional revenue generated from the transaction tax which is slightly larger be ring-fenced for these ailing businesses?

Hon. Chief Minister: Madam Speaker, for the millionth time we do not think there will be ailing businesses.

Second, if I said yes to the question I have just been asked by the hon. Gentleman, I would be immediately flagging that Gibraltar intends to breach the Treaty on Day 1 because we would be in breach of European State Aid rules immediately.

Hon. C Sacarello: Madam Speaker, there are different ways of supporting businesses, and the Chief Minister knows that. So does the Government have plans, are they willing to divulge where the additional revenue is earmarked to be spent?

Hon. Chief Minister: Madam Speaker, so the hon. Gentleman would ask that I answer his question by saying that yes, we will make the money available in a way that circumvents State Aid rules. In other words, he wants me to immediately flag to the European Commission and the European Council and the European Parliament, who have not yet ratified the Treaty, that the Government will find ways of getting round the State Aid rules. So the hon. Gentleman really does need to reflect a little more on the way that he poses questions because just by posing the question in a particular way he can be suggesting a desire to see Gibraltar be put in breach of the international legal obligations that the United Kingdom is going to acquire on our behalf if this Parliament asks the United Kingdom to ratify the Treaty.

So, Madam Speaker, in that context any increased revenue that will be received by the Government's general account will go to the expenditure of Gibraltar on the magnificent public services that are offered under the GSLP Liberal Government.

Hon. C Sacarello: Madam Speaker, I thank the Chief Minister for the answer there, but reassert that there is no circumstance whatsoever that myself or indeed my party or any one of us on this side as individuals would ever seek to circumvent in contradiction with international law and rules on trade and commerce. It is simply about supporting local business and they will be most disappointed to hear that there is no resolute answer from the Chief Minister.

Moving on to 944, sorry that was 944, 945, why will the Government not share part at least the essence or summary of some of the work that they have put into this impact study that the Chief Minister says has been conducted?

Hon. Chief Minister: Madam Speaker, I would not want the hon. Gentleman to think that I have said that he would circumvent anything in contradiction because such a phrase is nonsensical and means nothing and I do not want him to think that I have suggested that because I would not know what it is he means I have suggested. And it would not be true to say that I have given no resolute answer to helping businesses through the transition period.

I have just given a resolute answer to not doing it in the way that the hon. Gentleman has suggested which is a breach of State Aid rules and Madam Speaker, we will not provide the information set out that he is asking for in 945 for the reasons I have already given in my first answer.

Hon. C Sacarello: Still on 945 Madam Speaker, will the Chief Minister kindly give some information on who carried out the impact study and who was consulted?

Hon. Chief Minister: Madam Speaker, the impact study was carried out by the Government itself.

Hon. C Sacarello: Madam Speaker, on 946 the Chief Minister mentioned that he would set up a business advisory group and that he was not willing to give any further information or detailed commitments as to how to help but I do latch on to the fact that there is an angle of support there which he mentioned in the summer and I will move on to 947 which is about our British identity.

Madam Speaker, the Chief Minister says that there is no impact at all, that British brands will continue to work strongly and operate strongly on Main Street but speaking to owners of such businesses, they know that for any product sourced from a British business where they have originally sourced their products from a third country, so in other words where the supply line exists between Gibraltar and the UK and the UK supplier has brought in products from a third country, they will be subject to an additional 12% tariff. That means at 15% it goes up to 27% and at 17% transaction tax it would then be up to 29%, just shy of a third and this would render the businesses uncompetitive. I have been informed by a lot of these companies that that is a huge concern of theirs. There is some doubt that they will be able to exist. So, there will be an erosion of British and certainly British brands on our High Street and my question is, what is the Government doing to address this?

Hon. Chief Minister: I am very grateful, Madam Speaker, for the hon. Gentleman's realisation at last that there is what he calls an angle of support. It is the support I have been saying all along is going to be there but in relation to 946, which is when he made that remark, I insist we do not believe that there will be alien businesses in Gibraltar.

And in relation to 947, Madam Speaker, the Government just does not agree with the analysis. The hon. Gentleman needs to understand what he is talking about in the context of the geographic area in which we are and in which these brands are offered and will be available for offer to the whole of the 480 million people of the single market. Indeed, we should now start to say the 480 million and 38,000 people of the single market, because we will now be included in that market, Madam Speaker.

The hon. Gentleman is right. If a product comes from the United Kingdom, it would come under the trade, the TCA. The TCA requires that if something comes from the United Kingdom and is not produced in the United Kingdom but comes from a country which is subject to tariffs, that pays 12% duty when it comes into the EU single market. Not when it comes into Gibraltar, when it comes into the EU single market. That is to say, when it comes to Gibraltar or whether it comes to Spain or France or Italy, Denmark or Germany or the other member states of the single market and in addition to that, he is absolutely right to say, in Gibraltar, it will suffer the transaction tax. That is to say, 17% or 15% in the first year, 16% in the second year, or depending on what product it is, the reduced rate of 5% or 0%, because in some instances it may be 0% or 5%. Except, of course, Madam Speaker, the same is true of that product going into Spain but not at an increased transaction tax on top of the 12% of 17%, but actually an additional 21%. So that product, when it comes from the United Kingdom, because under the TCA it attracts 12%, will in Spain have to be offered at price plus 12 plus 21, 33 and in Gibraltar at 12 plus 17, 29. So actually more affordable in Gibraltar than in the rest of the Member States of the European Union, other than Luxembourg, which has the same VAT rate as we will have transaction tax, because remember that we will never be lower than the lowest in the Union, but we do not have to be higher.

So actually, what you are going to have is the jurisdiction in the single market, in the south of Europe, which will have the lowest taxation indirectly on that product and indeed, Madam Speaker, we have had discussions with traders who have these concerns, etc. etc. And recently I saw on the national broadcaster a report of a new British brand coming to Gibraltar and establishing, indeed re-establishing itself in Gibraltar as a British brand on the high street after the photograph of the 11th of June 2025. Coming because obviously the retailers, the entrepreneurs, the people who have skin in the game are taking a view quite contrary to what the hon. Gentleman is saying, that Gibraltar is going to be a very attractive place to continue to offer these British brands from. And brands, Madam Speaker, that perforce, because of international economics on which I am not able to lecture, but the Hon. Father of the House could lecture us all, will almost entirely be completed outside of the United Kingdom. So, a new British brand coming to the Gibraltar high street, re-establishing itself because it is not new, it has been here before, with products principally produced outside of the UK, knowing that the 12% will be attracted, actually setting it up in Main Street.

As I said before to the hon. Lady, Madam Speaker, and will be more in the understanding of the lawyers amongst us, *res ipsa loquitur*, which is Latin for 'the thing speaks for itself'.

Hon. C Sacarello: Madam Speaker, I would like to highlight that the businesses that can afford to come to Gibraltar, the British businesses that can afford to are ones that will have a European set up and have therefore avoided the 12% tariffs. So, without competing, there are loads of substitute products in the market and there will no doubt be an erosion on the Britishness, certainly in terms of the brands reflected in town. That is the concern I have been given and one which I express today.

Moving on to 948, Madam Speaker, would the Chief Minister be able to express the limits on value, beyond which require a greater level of clearance documentation for a B2C business to consumer company?

Hon. Chief Minister: Well Madam Speaker, I do not agree with the hon. Gentleman. There will be some top shops coming to Gibraltar's Main Street, which will demonstrate that British brands are very interested in continuing to start to trade from here, for all of the reasons I have already given him. What tittle-tattle he shares with people in Main Street, I do not know Madam Speaker.

Perhaps as a member of the Opposition he has more time to mosey his way up and down Main Street. Unfortunately, we are still too busy trying to ensure that we have a final text, approve the un-scrubbed text and undergo the process of ratification and implementation of this treaty to spend our time walking up and down and chatting. Madam Speaker, in relation to the amounts

that the hon. Gentleman is referring to, first of all he is being as ever imprecise about what it is that he is trying to get me to address.

There are many different amounts in respect of many different parts of the tariff and we would be here for days if I had to take him through what each category requires. In any event, Madam Speaker, I am not here to give him a lecture. I hear the Hon. Leader of the Opposition utter under his breath from a sedentary position that the Leader of the House lectures us on everything all of the time.

I wish I had time to spend more time listening to lectures from the Leader of the House, who would fascinate us all with his encyclopaedic knowledge of economics and other things too but all of these things, Madam Speaker, are public. The hon. Gentleman just needs to consult the tariff. It is all available on the Commission's website. He can go on there and he can educate himself about all of the different criteria that apply to the movement of goods between Member States even in the single market if the trade is online business to customer. Why should the Government entertain questions which relate to information which is public?

Hon. C Sacarello: Madam Speaker, would the Chief Minister be prepared to, in the spirit of cooperation of the House as I was absent for this event, perhaps refer to a talk given at the Gibraltar Day event in London recently by the Attorney-General where he alluded to a value of £10,000 beyond which there would be a greater level of documentation required for B2C transactions between companies and people within the EU?

Hon. Chief Minister: Madam Speaker, the hon. Gentleman was invited to the event. He was not able to attend. I am not going to say whether that was a good thing or a bad thing. He just was not able to attend.

The Attorney-General there was with me and with Peter Montegriffo, the founder of the GSD, setting out to an invited audience the things that are highlights about the Treaty but the things that the Attorney-General referred to relate to what is the publicly available information set out in the Commission website of what the EU rules are.

I am not here, Madam Speaker, to give the hon. Gentleman publicly available information. That would be a breach of the rules if I were to do that and if I were to do so, Madam Speaker, we would open a door that would mean that we would be here forever as Hon. Members would be entitled to ask the Government to go away and bring them information that is available, but they do not wish to research themselves.

Now, Madam Speaker, AI is there for all of us to use. Can I suggest one of the many artificial intelligences to the hon. Gentleman so that he asks for the information because it is public, the AI will be able to provide it with him. They really are quite remarkable tools. I commend the use of them to the hon. Gentleman.

Madam Speaker: Yes, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: Madam Speaker, in relation to 944 and in relation to others, the Hon. Chief Minister said they had done the assessment on the transaction tax forecast on 944 and also had done the impact study and so on, and that for politically confidential reasons he would not be willing to give more details across the floor of the House. Is he willing to share those matters and information with us on a confidential basis?

Hon. Chief Minister: Madam Speaker, I am prepared to do more than that as Chief Minister. I am prepared to invite the hon. Gentleman and such a number of his team as he thinks is appropriate to come to my office and to hear from the Deputy Chief Minister, the Attorney General and myself what the information provides, and how it was compiled and to give him a briefing on the text of the Treaty.

Madam Speaker: Next question.

Q949/2025
Mr Jonathan Fisher KC –
Legal fees

Clerk: Question 949, the Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise the total amount of fees charged by Mr Jonathan Fisher KC, of Red Lion Chambers, in respect of his legal opinion on the Principal Auditors report for 2018/2019?

Clerk: Answer the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I understand we do not yet have a final fee note as work is ongoing. When we do, the information will be posted online in the usual way.

Hon. R M Clinton: Madam Speaker, given that the opinion was evidently delivered, can the Chief Minister advise what further work would be necessary given the extensive debate we had on the report? It was fairly evident that the Chief Minister was relying on an opinion that had been delivered, so what further work could possibly be required?

Hon. Chief Minister: Further work to finalise the work that we are doing in respect of the former Principal Auditor's report in question.

Madam Speaker: The Hon. Leader of the Opposition.

Hon. Dr K Azopardi: Hon. Leader of the Opposition, Madam Speaker, the Chief Minister's original answer talks about the final fee note. Have there been interim fee notes paid? If so, how much has been paid to date?

Hon. Chief Minister: I do not have that information with me, Madam Speaker.

Hon. Dr K Azopardi: Madam Speaker, the question asks the Government to confirm the total amount of fees charged, so perhaps officials would have foreseen that this was an obvious question if there has not been a final note, but there would have been an interim payment made so far.

Hon. Chief Minister: Well, in that respect, Madam Speaker, I imagine officials would have been thrown by the use of the word total.

Hon. Dr K Azopardi: Well, Madam Speaker, I do not think we are here to play games. It is obvious what my hon. Colleague was asking. Fees charged in relation to providing an opinion, an opinion was provided, it was discussed, at least it was relied upon at length in the debate.

There may not be a final fee note that has been advanced because further work is being done, but an opinion was relied upon and therefore what we are asking, and it was obvious that what we are asking is what are the fees that have been paid. If there are more fees to be paid, that does not mean that the fees have not been paid so far, and if they have been paid, what are they?

Hon. Chief Minister: Well, Madam Speaker, I understand that if they had been paid, they would have been put online, so I refer the hon. Gentleman to the answer I gave a few moments ago.

Hon. Dr K Azopardi: Does the Chief Minister say that he does not have that in front of him on his sheet, that normally there will be a prepared answer and some sort of supplementary information, is he saying he does not have that? But does he have that information with him today, that is really what I am asking. (*Interjections*)

Hon. Chief Minister: No, Madam Speaker, I do not.

Madam Speaker: Next question.

Q950/2025
GHA recruitment process –
Bulletin no. NUR 11/25

Clerk: Question 950, the Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise if Community Credit Union Co-operative Limited has a money lending licence?

Clerk: Answer the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, Community Credit Union Ltd. did not apply for a money lending licence, instead it applied and was awarded an exemption under section 31E of the Financial Services Money Lending Act on the basis that they are acting in the public interest of Gibraltar and its people.

Hon. R M Clinton: Madam Speaker, can I ask the Chief Minister for the date of the grant of that exemption?

Hon. Chief Minister: 26th July 2023. I have it there in the supplementary information provided on the same page as I had my first answer.

Hon. R M Clinton: Madam Speaker, when the Father of the House yesterday told the House that Community Credit Union Limited had a money lending licence, he was perhaps misconstruing the fact that it had an exemption rather than actually had a money lending licence. Would that be the Chief Minister's characterisation?

Hon. Chief Minister: It has all the attributes of a holder of a money lending licence for that reason, Madam Speaker.

Madam Speaker: Yes, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: If it has got an exemption under the Money Lending Act, because it is acting on, I think, I did not take an exact note, but the Chief Minister said in the public interest of the people of Gibraltar or something like that, or the public interest of Gibraltar, presumably to get an exemption of that type it needs to have Government support, is that right?

Hon. Chief Minister: Madam Speaker, it needs to make an application to the Minister for Finance.

Hon. Dr K Azopardi: And does the Chief Minister know whether, he is the Minister for Finance, whether he has ever given any other company a public interest exemption under the Money Lending Act?

Hon. Chief Minister: Madam Speaker, I am loath for the purposes of Hansard of speaking from memory, but I believe there may have been one other. I believe there may have been one other which used the same mechanism, but I would ask the hon. Gentleman to give me notice of the question so that I can go back and check whether that other was handled in the same way, and I cannot remember the exact name of the company that I believe may have benefited from this particular clause, if it did.

Hon. Dr K Azopardi: And what was in this particular case, given that application had to be made to him as Minister for Finance, what was the basis of it? So essentially, as we understood the exchange with the Father of the House, this is a structure set up under a charity, so it is a private company, although quite clearly it is in receipt of Savings Bank monies, ultimately sanctioned, and others, ultimately sanctioned the decision-making the Father of the House is part of. So what was the sort of rationale for the public interest exemption?

Why could this, whatever this company is doing, why could it not be done by the Government, by a Government-owned company more directly?

Hon. Chief Minister: Madam Speaker, the application for the exemption stated that it was a not-for-profit company and that any profits would be retained within Gibraltar Community Initiatives Limited to be utilised for the benefit of the community and for charitable purposes.

Hon. Dr K Azopardi: Again, I mean, we understand from the exchanges with the Father of the House that this company receives money, it is basically loaning it out to private entities, some of which have then bought other businesses. If the Government was interested in making an ultimate decision to then use Savings Bank monies for that purpose and loan it to an entity, why would the Government not retain control rather than park it in this vehicle? I am trying to grasp the rationale of doing it this way and the public interest case for this convoluted structure.

Hon. Chief Minister: Well, Madam Speaker, because the Father of the House took the view that this was a better way of doing it than the manner in which the hon. Gentleman has suggested it might also have been done in the context of the explanations that he has given but this is an application made by this company for the reasons I have set out in a structure that is as the Father of the House has explained.

Madam Speaker: Next question.

Q951/2025
Community Credit Union Co-operative Ltd –
Money lent

Clerk: Question 951, the Hon. J Ladislaus.

Hon. R M Clinton: Can the Government advise to whom Community Credit Union Co-operative Limited has lent any money and on what terms?

Chief Minister (Hon. F R Picardo): Madam Speaker, as this is not a Government-owned company, we are unable to provide this information.

Hon. R M Clinton: Madam Speaker, given what the Chief Minister said a moment ago about the design of the structure being something the Father of the House desired as opposed to using another structure, and given the Father of the House told us yesterday that he ultimately makes the decision as to whether certain lending will be approved or financed, does the Chief Minister really have no information at all about what this entity is doing and to whom it is lending money?

I already disclosed to the House yesterday that it is apparent this company is lending money to a private concern to buy businesses. Now, I would be interested to hear what the Chief Minister has to say as to whether and how this is in the public interest.

Hon. Chief Minister: In doing so, Madam Speaker, the hon. Gentleman is going to hear me refer him to the answers given by the Father of the House.

Madam Speaker: The Hon. Leader of the Opposition.

Hon. Dr K Azopardi: Madam Speaker, the Father of the House indicated to the Parliament, I think it was yesterday, I lose track of the days sometimes because we live an intense life, that he was part of the ultimate decision-making structure. Indeed, a case is put and there is an assessment and he in effect decides, or in part decides, how this money is to be used and loaned through this structure to private entities. The Father of the House sits atop of the Savings Bank structure, he has got the ministerial responsibility, he is a Minister of the Crown.

These are savers' monies, but in taking those decisions, he is not taking it as a private individual. He is taking those decisions as a Minister of the Crown. Why is not it right that he, and indeed the Chief Minister, should tell the Parliament how this money has been used?

Hon. Chief Minister: Madam Speaker, I refer the hon. Gentleman to the answers given by the Father of the House yesterday when all of those issues were referred to already.

Hon. Dr K Azopardi: Well, Madam Speaker, he can refer me to the answers that the Father of the House gave, but I did not ask the Father of the House, because he is not the Chief Minister, whether the Chief Minister thinks it is a right in principle that a Minister of the Crown should not account to decisions which are financial in nature that end up in significant money, millions, being dispersed to private entities to purchase other businesses in Gibraltar.

Is it not right that there should be accountability to this Parliament for that decision-making taken as a Minister of the Crown and to the people of Gibraltar?

Hon. Chief Minister: There is, Madam Speaker.

Hon. Dr K Azopardi: Well, if there is accountability, let it be said where that money has gone, to whom and for what purpose and let it be said now.

Hon. Chief Minister: Madam Speaker, we have spent 15 years in this House having the same argument with Members opposite, and the public have agreed with us by returning us to Office every time that when money is lent to third parties, then whatever entity is doing the lending, there are obligations of confidentiality and respect of those lendings. We have had it in this House since the issue of the Sunborn first arose. No bank, no lender is required to provide information as to who it lends money to, because to do so, Madam Speaker, puts the lender in the impossible position of not being competitive because it becomes a lender that has to account publicly for what it does.

Most lenders, although they might not be publicly owned by the taxpayer or might not be sovereigns like a Government, are PLCs. They are public limited companies. They do not have to account to the stock exchanges on which they are quoted.

Indeed, they do not have to account to their shareholders as to who they lend money to, because those are private transactions, because that is in the nature of loaning money. The issue is, does the Government believe that the Minister for Inward Investment and the Savings Bank, also known as the Father of the House, is ensuring that depositors' money in the Savings Bank is being properly invested in all of the many ways in which it is invested, some of it outside of Gibraltar, some of it in Gibraltar? The answer on behalf of the Government is a resounding yes.

The answer on behalf of the public has been a resounding yes at successive General Elections, despite Hon. Members making the same point in various different ways.

Indeed, the answer on behalf of depositors in the Savings Bank has been even more resoundingly yes, because deposits in the Savings Bank have only increased in all of this period.

Hon. Dr K Azopardi: There is a series of red herrings there. First of all, the analogy that is being sought to be drawn of a bank that is a private entity lending money and you do not disclose it, if it is an entirely private transaction from top to bottom, that may be so, but this is not in that sense.

There is decision-making here by a Minister of the Crown, with a specific ministerial responsibility and role within the Savings Bank. Not only does he have a role within the Savings Bank, but he has also got a role in the actual decision-making of the specific transactions, because he said so yesterday. And he does so not because he is the Chief Executive of NatWest Bank, and therefore does not need to account to this Parliament, but he does so because he is a Minister of the Crown, elected by the people of Gibraltar, and accountable to this House and the only reason he is making these decisions is because he is an elected member of this House. Otherwise, he would not have that responsibility. In the context of all that, the analogy does not hold good.

And I repeat, does the Chief Minister think in those circumstances, a Minister of the Crown should not account to this Parliament, and I am asking him to account to this Parliament, for financial decisions made with monies that are triggered and loaned only because that person is a Minister and we are talking about millions and millions of pounds. We are not talking about pence here.

Hon. Chief Minister: Well Madam Speaker, I do not agree. For all of the reasons that we have been setting out consistently for the past 15 years, we have a different view to the hon. Gentleman.

We have a different view to the hon. Gentleman. We have a different view to the Hon. Mr Clinton. We have a different view to the Hon. Mr Daniel Feetham, who set out the same position repeatedly for the number of years that he was responsible for leadership of the GSD and therefore Madam Speaker, the hon. Gentleman is not going to persuade us to change our minds in that respect.

We can ventilate the issue as much as possible, and indeed, for the purposes of his next TikTok, his next Tweet, or his next Facebook, I am very happy for him to get up and once again dramatically ask the question, so that he can then put subtitles on what he says and put it on Facebook, but he is not going to change my mind.

Madam Speaker: Next question.

Q952/2025
GFA Ltd or subsidiaries –
Loan write offs or financial contributions

Clerk: Question 952, the Hon. RM Clinton.

Hon. R M Clinton: Can the Government advise whether it has written off any loans to, or made any financial contributions to GFA Limited or its subsidiaries in respect of the development of the Victoria Stadium and if so in what amount and when?

Clerk: Answer the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, in a slightly less staccato style, other than as already set out in previous answers on funding made available, the Government has not written off any loans to GFA Limited or made any financial contributions to GFA Limited or its subsidiaries, in respect of Victoria Stadium.

Hon. R M Clinton: Madam Speaker, the Chief Minister, I do not know if he has made available to him at any point in time, the Audited Financial Statements of GFA Limited for 30 June 2024, in which in note 14 it says the capital contribution relates in respect of £787,483. It says the capital contribution relates to the payments made by HMGOG, in respect of Stadium Development Limited, a subsidiary of GFA Limited, as contributions towards the construction and development of a new sports stadium project in Gibraltar, on the current Victoria Stadium site, incorporating a UEFA category 4 national football stadium at an adjacent residential commercial retail complex. The last line of that statement, Madam Speaker, reads, HMOG have confirmed they are not seeking reimbursement of the payments made.

So, in light of that, Madam Speaker, I ask the Chief Minister whether what he has just told the House is correct, or whether they may need to seek further information.

Hon. Chief Minister: Madam Speaker, what I have said is absolutely correct, and I refer the hon. Gentleman to the answer to questions 221 of 2024, 361 of 2024, and 598 of 2025. That is the position, Madam Speaker, whatever the GFA's accountants might say.

Hon. R M Clinton: Madam Speaker, my question was quite clear as to whether there had been any financial contributions, and the Chief Minister said no. Now, the GFA's own auditor indicates they have had written a confirmation saying that those contributions, or those loans, or whatever they may be called, have been waived. I mean, does this still stand by a simple answer, no?

Hon. Chief Minister: Yes.

Madam Speaker: Next question.

Q953/2025
Office of Immigration and Home Affairs –
Cost of refurbishment and move

Clerk: Question 953, the Hon. D J Bossino.

Hon. D J Bossino: What is the total cost of the refurbishment and move of the Office of Immigration and Home Affairs to Leanse Place?

Clerk: Answer, the Hon. Chief Minister.

Chief Minister (Hon F R Picardo): The total cost of the refurbishment and move of the Office of Immigration and Home Affairs to Leanse Place was £685,643.52.

Hon. D J Bossino: And just by way of confirmation, if you may, can the Hon. Chief Minister confirm that no further costs are expected in relation to this into the future?

Hon. Chief Minister: Madam Speaker, I understand that is the final amount. That includes all of the final amount from the CM Info that I have on the pages starting on the first page and continuing thereafter.

Hon. D J Bossino: Presumably, these are costs which are going to be totally incurred by the Government. Is that the case?

Hon. Chief Minister: Yes, ma'am.

Madam Speaker: Next question.

Q954-6/2025
West View Park –
Reclamation; Expected date of units; Number of units

Clerk: Question 954, the Hon. D J Bossino.

Hon. Chief Minister: Please confirm whether the Government will be carrying out the reclamation by Westview Park in place of TNG.

Chief Minister (Hon. F R Picardo): Madam Speaker, this is the one that I will answer with Question 955 and 956 with thanks to the Clerk.

Clerk: Question 955, the Hon. D J Bossino.

Hon. D J Bossino: When is it now expected that the units available at the reclamation by Westview Park will be made available to purchasers?

Clerk: Question 956, the Hon. D J Bossino.

Hon. D J Bossino: How many units are expected to be made available at the reclamation by Westview Park with details of the numbers broken down by their categorisation into 50/50 affordable; young purchasers at a special rate; pensioner rentals; and affordable pensioner purchase?

Clerk: Answer, the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, the Government is currently finalising the options of the reclamation and will make a detailed statement once agreement has been reached. Answers to all other questions will follow thereafter.

Hon. D J Bossino: Madam Speaker, further to the answer that the Hon. Chief Minister has given this House, he did say on the 9th of January in an interview with GBC that, and I quote:

> We have not been able to do with the TNG Foundation the reclamation at Westview Park. We have thoughts, we had, we signed some heads of terms, we could not turn that into a contract.

I close a quote there for now but is he able to reveal why the deal was not able to go through with TNG Foundation?

Hon. Chief Minister: Yes, Madam Speaker, because we could not reach agreement.

Hon. D J Bossino: The Hon. Chief Minister is being rather flippant today in his responses but so be it. Can he explain why it is that he was not able to reach agreement with this particular entity?

Hon. Chief Minister: Well, Madam Speaker, for a number of different reasons, but we were just not able to reach agreement. We had heads of terms we were not able to turn those heads of terms into a contract. Does the hon. Gentleman really expect me to go through the detail of a commercial negotiation and say, well, we could not agree this, we could not agree that, they wanted this, we wanted that?

I mean, first of all, Madam Speaker, that would require a detailed brief to be given to me in respect of those who were holding the negotiations on behalf of the Government. I was getting some information as to what was going on, but I was not getting a blow-by-blow and frankly, Madam Speaker, that is the sort of commercial to-and-fro-ing that there is.

If the Government was to have to come to this House to explain every time why it cannot reach an agreement, we might also have to come to this House to explain why we do reach an agreement. It just makes it very difficult, Madam Speaker, to do business, and that would not make sense, because we are accountable, of course, for the things that we do. We are not necessarily accountable for the things that we said we might do and did not do.

Hon. D J Bossino: I am not expecting the Hon. Chief Minister to do anything, but the reality is that there are many people waiting for housing. The reality further is, and he deals with it sort of in a very light-touch sort of way, the reality is that in an interview on GBC and in his New Year's message last year, he made very specific promises in respect of this reclamation. So I think it is our duty as an Opposition to ask him why it is that this particular deal, which now cannot go through and will be there for the subject of further delay, has not happened and I am not asking him, and I do not expect him to give me a full blow-by-blow detail as to why, but surely politically he can tell us, and the public are entitled to know, why it is that this particular deal, at least in broad terms, did not go through.

Hon. Chief Minister: I am very conscious that there are people who are expecting homes and who need homes. Every single day that I go to the office, indeed every single day that I have gone to the office since 9 December 2011, for almost 15 years already now started, I have been working on more housing in Gibraltar, except perhaps for the period that dealt with COVID. But even when we were dealing with treaty matters, almost every day there was an issue that deals with housing and further provision of housing and further plans for housing.

So far from being flippant, Madam Speaker, what I would do is I would remind Hon. Members that I am able to say to them in particular that in the time that I have been in office, I have delivered already, which is less than the 16 years that they were in office, more affordable homes for Gibraltarian families than they delivered whilst they were in office. And what I am trying to do now is to break my own record and deliver even more. That is a process on which I am very frustrated not to have been able to make more progress but at the same time, I have to be conscious of how I engage the public purse in respect of these matters.

Look, it is very easy to say you are taking too long, but the hon. Gentleman is also the same individual who came to this House to complain that Phase 2 of the Hassan Centenary Terraces was going to cost so much more than Phase 1 of the Hassan Centenary Terraces and that is despite the fact that we spent a long time negotiating to keep that second cost down, even though it was more than the first cost.

So, there is a balance to be done, Madam Speaker, and that is what the role of Chief Minister requires me to do. That is what I am doing. That is what I am not being flippant about. That is what I am very serious about. That is one of the things that motivates me to ensure that I can continue to deliver for the people who need those homes. I am working very closely with the Minister for Housing, who is doing an exceptional job and, Madam Speaker, I think that we will be able to demonstrate to people that we are serious about not just delivering the housing that we have already delivered and are in the process of delivering, but delivering even more housing. That is taking longer than we would wish and that the people waiting for homes would wish. But it is not taking quite as long as hon. Members opposite would like, because what they would like is for us not to deliver in the end, so that they can exploit that for the purposes of their own politics, which of course is perfectly fine in an adversarial Westminster system like the one we have but that is the reality, Madam Speaker.

Hon. D J Bossino: Are these the considerations that he considers when he looks himself in the mirror every morning, as he referred to in one of the many interviews he has given after the publication of the Openshaw report? Is it the case, therefore, that we have been able to at least eke out from him an element of a response, when he refers to the public purse? Is it a question of cost? Was it a question of a commercial reality in terms of cost? Is he able to at least say that, and that that is what scuppered the deal, irrespective of which head of terms was signed with TNG Foundation?

Hon. Chief Minister: Madam Speaker, there are many things that I think about when I look at myself in the mirror every morning, the key one of which is whether I am doing what my parents have taught me to do, and that which I would be proud to explain to my children I have done. And every morning I reach the conclusion that I can proudly look my children in the eye, and when God has decided that he should take me back to my parents, that I can see them wherever they may be and tell them they can be proud of the work that I did. The deal with TNG was not scuppered, Madam Speaker. That is the wrong word to describe our inability to reach an agreement. It is possible for two parties who wish to reach an agreement not to be able to reach an agreement for myriad commercial reasons. I do not think it is fair to describe that as a scuppering, or indeed to simply suggest that it is a matter relating to costs, because it was not just a matter relating to costs, Madam Speaker but given that honourable members are always concerned, rightly so, about the cost of things, they should support us when we say that one of the things that we are looking at in the context of being able to deliver the new affordable housing schemes that we want to deliver in the categories that the hon. Gentleman has referred to, which he has cribbed from our manifesto, is cost. Of course it is. How could it be otherwise?

Hon. D J Bossino: Let us try and progress matters further. I am going to try and assist the Chief Minister... Because he says that he has not reached a place where he has reached further agreement with an entity, one would assume, he says he is unable to answer the further questions in the order paper that I had in relation to this issue.

But one of the questions, which is of very significant public interest, is when these houses are to be built, and more particularly to be delivered to individuals, because people are absolutely desperate for housing. Now, in that context, can he at least confirm the obvious, one would have thought, but I would ask that it come from his mouth publicly and officially across the floor of the House, is that his promise made in an interview last year, once again I repeat, 12 months ago, that

keys would be delivered during the course of the first half of 2028 will now not be met as a result of the inability to reach a final outcome in respect to the negotiations with TNG Foundations.

Hon. Chief Minister: No, Madam Speaker, I still believe that that is likely to be met. But, Madam Speaker, all of this debate in the context of 2,141 units, which we have delivered or are in the process of delivering, versus, that is in 16 years, versus 801 units delivered by Hon. Members in 16 years.

So, the hon. Gentleman is right, there is desperation for houses but why is there desperation for houses? Well, Madam Speaker, the first GSLP administration delivered 2,442 affordable housing units in 8 years. 2,442 affordable housing units in 8 years.

That is a remarkable record, Madam Speaker. All credit to the individuals who made up that first GSLP administration. We have only delivered 2,141, Madam Speaker, in 15 years but given that Hon. Members delivered 801 units in 16 years, we are not going to take any lessons from them on what has caused the desperation for housing. It is very clear, I think hon. Gentleman have now adopted our thinking on this, that you need approximately 200 units a year to stay ahead of the curve of demand. The failure to stay ahead of that curve of demand is in the period 1996 to 2011.

Madam Speaker, as we say at the Bar, and as I have repeated already on two occasions, *res ipsa loquitur* but in this case, it is not just the res, Madam Speaker, that speaks for itself, it is the numbers and it is the years on which the numbers of homes were delivered, and the years in which the numbers of homes were not delivered, that explain why some may be desperate.

But we will continue working hard to deliver affordable housing to Gibraltarian families, to continue to help Gibraltarian families, to help and to recover from that dearth of delivery in the period from 1996 to 2011, which the hon. Gentleman often tells us, left us a golden legacy, indeed, of desperation for homes, Madam Speaker. Nothing more and nothing less.

Madam Speaker: It is a different supplementary, but we are going to keep rehearsing the same subject…

Hon. D J Bossino: The *res* that he should be applying to himself are the findings of the Openshaw Report, because the *res ipsa loquitur* definitely applies there, and he should be resigning but putting that to one side, the Hon. Chief Minister, in response to that report, asks us, in relation to events which happened six years ago, not to look at the rear view mirror. It is too old. It does not apply anymore.

Yet, he is asking us here and now, in relation to our housing record, our housing record, to go back to 1996, for goodness sakes. The hon. Gentleman and Ladies opposite have now been in Office, as he keeps on reminding us, for the last 14-15 years, going on to 15 years.

The rear view mirror there does not apply but may I ask him whether I can at least eke out this further information from him, again, by way of confirmation, because I do not believe for one minute that he will be able to stick to his promise, or his intention to provide keys in the first half of 2028, despite the delays. I mean, it is quite remarkable that he should say that.

But is he able to at least say the number, one of the questions was, Madam Speaker, how many units are expected to be made available? That is one of the questions in the order paper, which I cannot answer until I reach agreement. Is he able to say that at least there is going to be a minimum of 1,500 because he told the interviewer, in the same interview that I quoted to him earlier, that he has a total of 3,000 homes in development, and that the ones in Westview Park are at about 1,500.

Hon. Chief Minister: Well, Madam Speaker, in the immortal words of Meatloaf, objects in the rear view mirror can appear closer than they are and the hon. Gentleman should remember that when he talks about the years going back to 1996, because there is no one like the GSD when it comes to trying to go back to 1995 and 1996. They love that, Madam Speaker. They love going

back to 1995 and 1996, except perhaps the hon. Gentleman, because he was not in the GSD at the time. Of course, at that stage, Madam Speaker, he had started his, I suppose in his mind, successful political career, which involves seeking to become a Minister on four occasions and not having succeeded, seeking to become leader of his Party on three occasions and not having succeeded.

I mean, that is a good reason to resign, Madam Speaker, if they will not have you on three occasions in your own home. You might want to decide to pack up and go home but given that I am still 53 and I did not have the chance to wish him a happy 54th birthday yesterday, across the floor of the House, I have to say, Madam Speaker, that he is, apart from Mr Clinton, the oldest person in this House who has sought ministerial office on four occasions and not achieved it. Quite a record. Quite a record.

But given the way that he has phrased his preamble, as he likes to call his perorations before a question on this occasion, I do have to say to him, Madam Speaker, although he has traditionally been thinner than me, he is no scalpel when it comes to questioning, because he is hardly surgical. He is more of a blunt instrument and a hammer than he is surgical in his approach.

To try and bring the Openshaw report in on a question on housing, which I believe was his last question, the last chance to make the point before he makes the point, on the motion to note and then makes the point again on the motion of no confidence, is really quite the blunt instrument approach. But given how he has now asked the question, which is not how he asked it before, because he asked for a breakdown of the composition of the homes that are going to be there, I confirm to the hon. Gentleman the things that he has said, I said in the interview, are the things that I believe about the numbers.

Hon D J Bossino: Madam Speaker…

Madam Speaker: This time it is one more.

Hon D J Bossino: Madam Speaker…

Madam Speaker: You are on notice. (*interjection*) I am very glad…

Hon D J Bossino: I must say I am normally a stickler for that.

Madam Speaker: Well the hon. Member was not yesterday is all I can say, but I am very glad to see that he is today. One more question.

Hon. D J Bossino: Today and normally I am, I try and follow rules and orders. If we are going to be following or quoting precedents that he used in the very barbed way as he normally does, below the belt, the usual things that I describe him, the usual words I use to describe him, attempted on four occasions, unprecedented. He is the Chief Minister who in unprecedented ways, the only Chief Minister who has been found by a public inquiry, and I read it again because it is highly relevant.

Madam Speaker: No, no, no. I am going to give the hon. Member, thank you for sitting down, one more opportunity to put a relevant supplementary question. I am not going to allow either side now to talk about the Openshaw Report. We will have time for that. We are not doing it now. Is there a further supplementary question on point or not? No preamble on anything else.

Hon. D J Bossino: Madam Speaker, the question is whether he can provide further information. He did not look at me so smugly. I am just following the request from the Speaker, and I was not able to make the point, which I thought was a killer point, but anyway.

Is to say, oh, they switched it off. Is to say, is to ask him rather, what options, can he provide any further information? Yeah, he laughs, but I laugh too. What further, what options are being considered in respect of a new commercial arrangement so that this thing can get off the ground and we can start seeing sand being deposited in that area?

Madam Speaker: In a similar way, I am going to ask the Hon. Chief Minister not to report to the Openshaw Report. Let us answer the question directly.

Hon. Chief Minister: Openshaw Report. Let us answer the question directly. Thank you very much, Madam Speaker. The hon. Gentleman is to killer points what a sloth is to killer points. Let us face it, Madam Speaker, given that he wants to talk about my record as Chief Minister, not in relation to the Openshaw Report, I will remind him, Madam Speaker, that I am the person to have served for the shortest period as Leader of the Opposition, to have gone from being Leader of the Opposition in April to winning immediately thereafter in December in 2011, Madam Speaker. And indeed, that I will be the only Chief Minister to retire undefeated since Sir Joshua Hassan, having won four general elections consecutively. So, I am very happy, Madam Speaker, to talk about my record but, Madam Speaker, it is really quite remarkable to see a Member of this House making a virtue of the fact that he is following the rules. All Members of this House follow the rules or should follow the rules. If one of them has been found, as he was yesterday, in the manner that you had to reproach him, that he was not following the rules of the House, that is a manner in which he needs to reflect, Madam Speaker.

Perhaps tomorrow, when he looks in the mirror, given that he is more attractive with a beard than I am, Madam Speaker, perhaps he does not have to look every morning like I do to make sure I do not cut off my nose as I am trying to shave my face, so he might not look in the mirror every day, but he might want to reflect on his behaviour in this House yesterday, Madam Speaker, because I have certainly never seen you have to get up having to deal with any other member of the House. It was a moment, I think, that certainly brought him into less than good repute and put him in less than a good light in the face of the way that this place operates. Madam Speaker, the hon. Gentleman asked when we expect to be putting sand in the water in relation to reclamation, and I refer him in that respect to my first answer.

Madam Speaker: Next question.

Q957-8/2025
Public Sector Pay and Industrial Relations Framework Agreement – Publication; Main terms

Clerk: Question 957, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: Will the Government publish the Public Sector Pay and Industrial Relations Framework Agreement entered into between it and the trades unions on 11th September 2025?

Clerk: Answer, the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I will answer this question together with Question 958.

Clerk: Question 958, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: What are the main terms of the Public Sector Pay and Industrial Relations Framework Agreement entered into between the Government and the trades unions?

Clerk: Answer, the Hon. Chief Minister.

Hon. Chief Minister: Madam Speaker, I refer the hon. Gentleman to Government Press Release 658 of 2025, which sets out the information requested.

Hon. Dr K Azopardi: Madam Speaker, I saw the press release, but I did not get the impression when I read the press release that it was the publication of the agreement itself. That is hence the question that I asked at 957, will they publish the agreement.

I took that to be a document that had been entered into. I am not sure whether it was signed or not signed. There was a press release referring to it, but I did not see there was a publication of the agreement, unless I missed it and perhaps the Chief Minister will clarify.

Hon. Chief Minister: No, Madam Speaker, but it is a very full press release that sets out the terms of the agreement. I think verbatim.

Hon. Dr K Azopardi: I see. Well at least that answer confirms, I suppose then, that the answer to 957 is no, although I think he implied yes, so they are not publishing the agreement, or at least they have not yet, and that the main terms are contained within their press release. So that is a useful at least reference point for me to go back to it and try to understand. Is there any other relevant material term that is excluded from that Government press release?

Chief Minister: I do not believe so, Madam Speaker.

Hon. Dr K Azopardi: And now that we are on the subject, is the Chief Minister in a position to set out the current state of play of those discussions?

Hon. Chief Minister: Simply to say that they are ongoing, Madam Speaker.

Hon. Dr K Azopardi: Next question.

Q960/2025
Victoria Keys project –
Contractual arrangements, development licence or building lease

Clerk: Question 960, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: Have the Government now entered into any contractual arrangements or development licence or building lease in respect of the so-called Victoria Keys project and if so what are the main terms of those arrangements and with whom?

Clerk: Answer, the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, the contractual arrangements have not yet been entered into. I see.

Hon. Dr K Azopardi: I mean, these are long-standing discussions. Can the Chief Minister give us an indication? Are they still negotiating with the same parties, or is it that they are negotiating with a different set of parties?

Can he speak to the reason why this was first announced back in 2019, why we are still, seven years on almost, the Government is still in negotiations, what the relevant issues are? Clearly, they have not reached agreement, but what the relevant issues at the moment are?

Hon. Chief Minister: Well, we have had a discussion about these matters before, Madam Speaker. I told you, hon. Gentleman, that the whole nature of the relationship had changed, because at one stage, the reason for the original arrangement was because the transportation of the rubble on the east side was going to be down to those who were going to assist us with the creation of Victoria Keys, so that meant they were going to take responsibility for that, and in exchange for that, they were going to be provided with a share of the land at Victoria Keys, which was what we would explored at the time. But then, after the signature of the agreement with the TNG Foundation in respect of the east side, there was no need to move the rubble, and therefore, the potential for the arrangement with the parties that we would been talking to changed.

Of course, now, we are still in a negotiation about the same type of arrangement, which does not require them to move rubble, and the reclamation is being created by rubble that is brought there from sites around Gibraltar. But there are other opportunities for benefits to the Gibraltar taxpayer, and so we are pursuing that benefit to the Gibraltar taxpayer, and I hope to be able to make an announcement very soon that will then crystallise these arrangements, the reasons for them, the manner in which they will be crystallised, sorry, and the benefit to the taxpayer and the public interest.

Hon. Dr K Azopardi: And is it still the objective that the project itself will span the same amount of reclaimed land or a larger plot, and when he says he hopes soon to make an announcement, an announcement presumably would follow entry into at least some kind of Memorandum of Understanding or contractual arrangements. Would that be right, or would they be making an announcement which would be an announcement of objectives, like they did in 2019, like we now understand they did in 2019, without first having entered into contractual arrangements?

Hon. Chief Minister: The amount of land we are seeking to create remains the same. My understanding is that we should be in a position to make an announcement about something that is now final.

Now, it is true to say that the announcement that we made in the past was about, I think, heads of terms as well, not agreements but if we had not made that announcement and honourable members had caught wind of the fact that we would entered into heads of terms, they would ask us here to disclose the heads of terms. But I am always of the view that there are some circumstances in which it is best to follow the advice of the Hon. Mr Clinton, which is not to say anything until the ink is dry on the paper, as he told us. Now, I think on this occasion we will be able to pursue that advice and make an announcement when the ink is dry on the paper.

Madam Speaker: Next question.

Q961/2025
Clemence Suites –
Owned, leased or rented flats

Clerk: Question 961, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: Does the Government or any Government-owned company presently own or lease or rent flats in Clemence Suites and if so how many and since when (stating (if owned or leased) the purchase and/or agreement dates and prices and their addresses) and whether these are occupied or rented out or sub-let at 5th January 2026?

Clerk: Answer, the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, the information in respect of the flats purchased by a Government-owned company in that development was provided in answer to Question 408 of 2025 on 20th March 2025, as at 5th January 2026, GSTR Ltd. owns three flats at Clements Suites, of which currently two are rented out.

Hon. Dr K Azopardi: So, there has been no change in the ownership information since the Government provided that information in 408 to 2025?

Hon. Chief Minister: Madam Speaker, I have now given the hon. Gentleman information and referred him to 408. I am now being asked by the hon. Gentleman to go back to 408, compare it to the answer I have given him, both of which are now public, and tell him whether there is any difference. It is a matter for him, Madam Speaker.

Madam Speaker: Next question.

Q962-3/2025
Donald Trump Jr –
Meeting; Investors

Clerk: Question 962, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: Apart from the Chief Minister who else was at the meeting with Donald Trump Jr in Gibraltar on 14th November 2025?

Clerk: Answer, the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I will answer this question together with Question 963.

Clerk: Question 963, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: Which investors did the Chief Minister meet on 14th November 2025 at the Madison Building?

Clerk: Answer, the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I was invited to a meeting by a client of Hassans International Law Firm, of which I am a partner on sabbatical, I should declare, who was hosting Mr. Trump Jr to give a courtesy welcome to Gibraltar to the son of the 47th President of the United States.

I was accompanied by the Minister for Inward Investment in the Savings Bank.

Hon. Dr K Azopardi: Madam Speaker, it will be clear that the Chief Minister has not really provided the information, I do not think, at least it does not seem to me on hearing it, because I asked, apart from the Chief Minister who else was at the meeting, is he saying that apart from himself and the Father of the House, there was only Mr. Trump and the client of Hassans? Is that what he is saying?

Hon. Chief Minister: Madam Speaker, the client of Hassans who invited us, namely the Minister for Inward Investment in the Savings Bank, Mr. Trump Jr and the people who came with him, and the lawyers from Hassans who represent the client of Hassans and were making their offices available to that client.

Hon. Dr K Azopardi: And so, in asking the Chief Minister which investors did he meet, who precisely did he meet?

Hon. Chief Minister: Well, I refer the hon. Gentleman to the answer I gave a few moments ago.

Hon. Dr K Azopardi: So, is he saying that Mr. Trump is the investor or the client of Hassans is the investor? In which case, I am asking who he met. I mean, when he left the Madison Building, obviously because it was a high-profile visit, there was media there, and he, on the way, was asked, and he said, I have met investors, so I am asking him which investors he met.

Hon. Chief Minister: The client of Hassans.

Hon. Dr K Azopardi: Is he willing to say who he met or not?

Hon. Chief Minister: Madam Speaker, I think it has been already publicly aired that it is the Pelagos Group.

Hon. Dr K Azopardi And there was no one else at that meeting, no other investors were met by the Chief Minister. That is the only investor.

Hon. Chief Minister: In corporate terms, it is one. In personal terms, it is more than one.

Madam Speaker: Next question.

Q964-71/2025
eGov –
Issues concerning the renewal of expired ID cards

Clerk: Question 964, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: Is Government aware of issues concerning the renewal of expired ID cards via the eGov site?

Clerk: Answer, the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Well, Madam Speaker, I will answer this question together with Questions 965 to 971.

Clerk: Question 965, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: How many new entrant recipients of residence cards have there been since 2015 broken down by calendar year?

Clerk: Question 966, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: What is the breakdown of new entrant recipients of residence cards by nationality over the last 5 years broken down by calendar year and nationality?

Clerk: Question 967, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: What is the breakdown of new entrant recipients of residence cards by industry sector over the last 5 years broken down by calendar year and industry sector?

Clerk: Question 968, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: How many applications to renew ID or civilian registration cards were pending at 6th October 2025 and 5th January 2026 respectively?

Clerk: Question 969, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: How many residency registrations/applications were pending at 6th October 2025 and 5th January 2026 respectively?

Clerk: Question 970, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: How many residence applications have been received since 6th October 2025 and of these how many have been granted to 5th January 2026?

Clerk: Question 971, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: When will the residency criteria which the Government has been working on be published?

Clerk: Answer, the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): I am advised by the eGov team that at the request of the Department for Immigration and Home Affairs, renewals and new ID card applications had been paused for a period of time, whilst they assessed a very large number of applications received to ensure that no administrative errors were made on the issue of these cards. All services have now resumed. The information requested in respect of Questions 965 and 966 is the information I now hand over in the schedules.

I am advised by the Department for Immigration and Home Affairs that the Department does not record the applicant's employment industry when issuing residence cards. The ID card system only records the individual's immigration status, such as worker, pensioner or dependent, in accordance with the Immigration (Asylum and Refugee) Act, which sets out the categories required to be recorded. To produce the breakdown request, it will require a manual review of each individual immigration file for the past five years, amounting to approximately 5,000 to 6,000 files, and the information is therefore not readily available in the format requested.

No applications to renew ID or Civilian Registration Cards were pending at 6th October 2025 and 5th January 2026, respectively, as per the Department of Immigration and Home Affairs departmental standards of service. All renewals were up to date.

There are 79 applications being worked through in respect of 969, as at 6th October 2025, and 10 applications were being case-worked as at 5th January 2026. All other residency and application renewals were up to date.

The Department of Immigration and Home Affairs, in respect of 970, tells me that they have formally received 1,024 residence applications since 6th November 2025. In addition, the department has also received 4,590 visits to their two immigration and residence counters since this date.

A significant proportion of these counter visits related to individuals seeking to apply for residence. Many were advised at counter level that they did not meet the requirements and were therefore not permitted to submit a formal application. As a result, these cases are not captured within the figure provided.

It is therefore important to note that the department has been actively managing demand by screening and filtering out increased non-compliant or ineligible cases at the counter level before a formal application is accepted and a fee is paid by the applicant. To this, Madam Speaker, we would also have to add that thousands of phone calls the department has received since this date from persons attempting to apply via other channels. 150 new applications have been granted up to 5th January 2026, in line with the provisions of the Immigration (EU Exit) Regulations 2025.

In relation to 971, the Immigration Criteria Consultation Committee, which I created at Budget time last year, has been working intensively on the development of a revised residency framework to ensure that Gibraltar is properly positioned for the next phase of our relationship with the European Union, including the potential operation of a treaty. This work is necessarily complex and highly sensitive. It must ensure that any criteria adopted are legally robust, operationally deliverable, compatible with treaty obligations and aligned with Gibraltar's long-term economic, social and security interests.

For those reasons, it would have been neither responsible nor in Gibraltar's interests to publish partial or provisional criteria while negotiations were still ongoing. Premature publication would have risked confusion and speculative behaviour, which might not be in the interests of the jurisdiction at this juncture. The Government expects it will now be able to publish the revised residency framework by mid-February.

In the meantime, the Government has put in place a clear interim framework to ensure that residency decisions continue to be taken in a controlled, fair and lawful way, protecting Gibraltar's interests whilst this critical work is concluded.

SCHEDULE WEB LINK

Hon. Dr K Azopardi: Madam Speaker, in relation to the last question, if I may, 971, so Chief Minister talks about the consultation committee and the interim framework. Can he tell us who is on the consultation committee specifically? I think he has already indicated that the Father of the House may even chair it, but can he tell us who is on the consultation committee and is this interim framework that was put in place pending the final framework, is this an interim framework in writing? Is there a document?

Hon. Chief Minister: Madam Speaker, I thought that it was public that Sir Joe was chairing the committee and that he had had various meetings of it. I think that has already been said.

I thought the composition of the committee was also public. It includes the Hon. Minister for Business and officials from the Department of Immigration and Home Affairs. It includes individuals from the business sector, in particular those involved in the Category 2 area of work in the financial services sector, and it includes the Minister for Gaming and Financial Services with the equities that those particular areas have in respect of residency.

The work of the committee has actually been completed and what I am talking about is the publication of the fruit of the work of that committee, which is now in progress.

Hon. Dr K Azopardi: And on the second one that I asked, is the interim framework in writing?

Hon. Chief Minister: Well, yes, Madam Speaker, it is the exemption in relation to business which is in the regulation I referred to in my first answer.

Hon. Dr K Azopardi: I see. I had understood that he meant some other document that had been produced which was assisting or guiding the department. Can I ask in terms of 970, I think he said 150 granted or was it 115? I did not quite hear it, but it is one of those numbers, and 1,024 I think received since the dates that I asked there.

Given the answer that he gave, that there have been a much larger number of people enquiring about submission and the fact that they are being screened, do I take it therefore that if they have been received and have gone through the screening process, they are in principle eligible?

Hon. Chief Minister: I would not agree to the language that the hon. Gentleman has used, in principle eligible, because that might create a legitimate expectation in some way, but they have at least passed the screening process for consideration for eligibility.

Hon. Dr K Azopardi: I see, okay and in relation to 968, when he says that there were no applications pending, presumably he is just speaking there to the fact that the department will have processed those, but not that none have been received between 6th October and 5th January. That would be my understanding. Is that right?

Hon. Chief Minister: Yes, because the language that I used in reply was that there were none pending.

Hon. Dr K Azopardi: But the Chief Minister does not have, for example, he would not have in front of him how many applications for ID cards have been received. He would not have that.

Hon. Chief Minister: The hon. Gentleman says ID cards. He means red ID cards? I am not here to ask him questions, thank goodness. I am here to answer them, for quite a while still but just for the purposes of ensuring I give him an accurate answer, he is not using the vernacular ID card. He means ID card, red ID card, not Civilian Registration Card, which is every other colour.

Hon. Dr K Azopardi: Yes, because that is why I phrased the question ID or Civilian Registration Cards. I recognise ID as the red. Yes, but that was shorthand for, do you does the Chief Minister have the numbers of received applications in respect of ID or Civilian Registration Cards? If he does have it. He may not, but if he does.

Hon. Chief Minister: Madam Speaker, let me just see the information I have that might assist the hon. Gentleman. I can give him the numbers of new Civilian Registration Cards. For the year 2005, if that is helpful. Sorry, 2025, if that is helpful. I can give it broken down by colour.

British civilian registration card (magenta)	503
British civilian registration card (blue)	10
EEA civilian registration card (green)	198
EU civilian registration cards	10
Non-EU civilian registration cards	165

But that is not the period October to January, that is the year.

Madam Speaker: Does the Hon. Leader of the Opposition have any supplementaries on the tables or would he like me to revisit that later on? 965 and 960. The Hon. Mr Clinton.

Hon. R M Clinton: Thank you Madam Speaker, In relation to the tables we have been given, I was doing a quick cross-check between the answer to 966 and the answer to 965.

966 effectively gives you totals by nationality and I was looking specifically at British nationals and the answer to table 956. Logically, if you add up British civilian registration card magenta to British civilian registration card blue, you would add it to the same numbers you would have in the answer to question 966. Indeed, that is the case at least for 2021 through 2022, 23, 24, 25. I would just ask the Chief Minister to check the numbers for 2020 because the total for 2020 is 596 but the total of magenta and blue cards is only 113. It just seems to be out. There might be a typo or some error there. I would be grateful if you could check.

Hon. Chief Minister: I am very happy for the Parliamentary team to check, Madam Speaker. My tally for 2020 is in total 1,165 across 9 British civilian registration cards magenta, 104 British civilian registration cards blue.

Those two together, I agree with the hon. Gentleman, is 113. Two green of EEA civilian registration cards, 867 EU civilian registration cards blue and non-EU civilian registration cards green, 183. It does not get to the 500 number even if you take out the 867 and add the 813. It may be because in that year, Madam Speaker, we might have been dealing with a backlog from another year and that is the total that is given or because that was the COVID year, there may be some correlation to the year after, and they have been given together.

I am very happy for somebody in the Parliamentary team to check that and see what the discrepancy is.

Hon. D J Bossino: I do not know exactly how these immigration matters work, but it was pointed out to me by my hon. Friend Mr Clinton, I do not know why to me, but in relation to answer to Question 966, the schedule says that in 2025 we had a massive influx from the Holy See of 21. Given the question, the answer is the number of new entrant recipients of residence cards. I wonder if the Hon. Chief Minister could comment in relation to that.

Do we have an immigration problem as far as that particular State is concerned?

Hon. Chief Minister: I think it is a miracle, Madam Speaker. I think it is a miracle related to the facility to be able to cross into the European Union as a citizen of the Holy See, perhaps, if you have that passport.

So if you had another passport and you had a civilian registration card, it might have been harder to cross into the Schengen area in 2025.

But if you had the passport of the Holy See, then it might have been easier to cross into the Schengen area. And perhaps, Madam Speaker, there was just not the faith in those who are eligible for citizenship of the Holy See that we would conclude a secure and beneficial treaty for Gibraltar that would enable citizens of the United Kingdom, residents of Gibraltar and all other nationalities to cross easily into the Schengen area but thank God, Madam Speaker, we have concluded such an agreement.

Madam Speaker: Next question.

Q972/2025
Schengen area –
Information provided to airlines or passport control in respect of travel with a Gibraltar issued passport

Clerk: Question 972, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: Not so fast with the Amen, by the way. We have not seen it yet. (*Interjections*)

Is the Government aware of information being provided to airlines or passport control authorities in respect of travel within the Schengen area on a Gibraltar issued British passport or the need to produce a Gibraltar Red ID Card?

Clerk: Answer, the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): No, Madam Speaker, and it would be premature for airlines to do so. That is the answer I have been given because I think the assumption has been that the hon. Gentleman's question is about post-treaty travel. If he is asking about pre-treaty travel, perhaps he can ask me what it is that concerns him and I may be able to answer.

Hon. Dr K Azopardi: Yes, I am asking about now actually because I was wondering if the Government was aware, I mean it is not a trick question, I was wondering if the Government was aware privately about information that may have been provided to airlines or passport control authorities in respect of travel within the Schengen area on a Gibraltar-issued British passport because it has happened to me and it has happened to other persons that have contacted me that they have been asked when in travelling, it happened, in my case, it happened to me when I was travelling to a destination within Europe that is within the Schengen area, the airline saw my passport, saw it was Gibraltar-issued and asked to see my ID card and there was a bit of a discussion as to whether I could travel on this passport or not and it was acceptable or not and it has happened to at least two or three people who have contacted me, similar things, that they have been asked to produce the ID card. In all cases, I have to say, everyone has been allowed to travel but I was just wondering whether this was in some way triggered by some kind of information that people had received to make a distinction between the British passport holder and the passport holder who could demonstrate that they were resident of Gibraltar.

So that is really the purpose of my question as to whether some information, the Government was aware whether information had been given and I suppose it takes you to the situation where in a post-treaty environment presumably there would be some kind of proper information given to people so that there is no confusion.

Hon. Chief Minister: Well, Madam Speaker, it happened to me in a different way. I was travelling with my family and it was in the days when we were able to enter the Schengen area with our ID cards even if we were going beyond Spain we were not stamped and we turned up in the Schengen State, Switzerland, travelling out of the Schengen area from Switzerland having entered through Gibraltar and flown to Switzerland from Malaga. We came across Swiss Frontier guards who saw that we had British passports issued in Gibraltar and we had no entry stamp into the Schengen area and they asked the question and answered it themselves.

They said you have no Schengen entry stamp because you are Gibraltarian and you came in through the land Frontier at Gibraltar in Spain. Of course, that accounts for it. No problem at all, stamp out and remember to stamp in when you arrive, if you arrive once again through Zurich.

So, information has been provided and this is part of what the Schengen Border Code requires and the manual, the Schengen Border Code manual which is provided and is an official publication of the European Union and is provided to all guards at different entry points. That manual will

contain specific provision in relation to the arrangements in such manner as the European Commission may consider appropriate after the ratification of the arrangements for the Safe, Secure and Beneficial Treaty.

Hon. Dr K Azopardi: If it helps the Chief Minister, in the cases that I had heard, it was more of a border guard enquiry. In my case, it was nowhere near that. I mean, I was not anywhere other than Malaga Airport and I was not asked by a border guard, I was asked by the airline itself. So, that is really the reason of the question but I take what the hon. Member says, there does not appear to be at least any, you know, conveyance of information at this stage in any formal way and it may simply have been misunderstandings along the way. But I would ask the Government perhaps to be alive to those issues because it may be that in a post-treaty scenario there will be a degree of confusion. Perhaps the Government would take that on-board.

Hon. Chief Minister: Well, Madam Speaker, we are very conscious of that. That is why we are saying that the manual will be amended. This will be a very high-profile thing. Then, of course, we expect it will be widely reported. We expect that Schengen will be informing its States, its States will be informing its border forces, such as they may be, and that, of course, this is designed to ensure that travellers should have no difficulty but, for example, if I can tell the hon. Gentleman, Romania, a Member State of Schengen and the European Union, I am now much more alive to the circumstances of which they might usually have been before, recently joined Schengen. And then, in that moment, that was announced, the border guards were alive to that, and Romanian citizens were able to travel freely without having to show their passports. Was there no instance when a border guard in Schengen might have asked to see a passport or – well, in great measure, Madam Speaker, what happens is that the border controls disappear and you only face them when you are travelling in or out of the Schengen space and when you are coming into the Schengen space or you are coming out of the Schengen space is when these things could happen.

But we anticipate that there should be no more than teething trouble when it happens and that the Commission will, with our support and encouragement, be doing everything it needs to do to ensure that that teething is not like a toddler's and is resolved in days and does not take months or years.

Madam Speaker: Next Question.

Q973/2025
Frontier (Spanish side) – Practical arrangements for the new Entry Exit System

Clerk: Question 973, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: Have there been discussions as to practical arrangements that would be put in place at the frontier (on the Spanish side) when the date for expected implementation on the new Entry Exit System [EES] throughout the EU arrives?

Clerk: Answer the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, yes, sir. Yes, ma'am. Yes, ma'am.
I am answering to you, Madam Speaker, not to him.

Hon. Dr K Azopardi: Okay, (*laughter*) thank you for the clarification and can the Chief Minister give us a bit more information about the practical arrangements that would be put in place when that moment arrives? As I understand it, that moment is the 1st of April.

Hon. Chief Minister: Madam Speaker, as I understand it, the date is the 10th of April, not the 1st of April. I think everybody is wanting to avoid the 1st of April for egg-on-face purposes, as that date implies but, Madam Speaker, I do not want to be drawn at this stage, but we are seeking to avoid all issues that would arise. I think it is fair to say that all of the relevant parties are working very hard to try and avoid EES causing any difficulties at all on that date or before or after it.

Hon. Dr K Azopardi: But that would be – well, we will see when we come to the other questions, but that would be presumably because either there have been practical arrangements that allow us to straddle over into a further period in a non-concluded treaty scenario or because, I assume, the treaty is concluded and somehow there are provisions that therefore cater for this in some way. Would I be right in postulating those two as the alternatives?

Hon. Chief Minister: Madam Speaker, because I was listening for a moment to the Deputy Chief Minister, I did not hear the second. I heard the first, which was the brace, but I did not hear the second. I am sorry.

Hon. Dr K Azopardi: So I was saying that I assume that that is because either they have reached some kind of practical arrangements to straddle over a not concluding a treaty or not ratifying it in time, or because in a concluded and ratified treaty scenario there are provisions that have been agreed which may cater for this in some practical way.

Hon. Chief Minister: Madam Speaker, I think that there are other options, but they would not want to be drawn at this stage, and I would ask the hon. Gentleman to rest on the fact that I am giving him the comfort that the outcome we are seeking is that EES should not cause any difficulties after 10th April on the assumption that that date cannot be extended any further.

Hon. Dr K Azopardi: And without pulling too much on that, because I understand the sensitivity of the time, certainly, of the moment that we are in, in terms of discussions on the finalisation of the treaty, is this in any way connected, or is it connected, with the document that is hoped to be concluded?

Hon. Chief Minister: It is all connected to the document that is hoped to be concluded. I mean, there is no route to avoiding EES without the document that it is hoped has been concluded and that members of the Holy See may sing amen to.

Madam Speaker: Next question.

Q974/2025
Treaty with the EU –
Tariffs on products that arrive in Gibraltar from UK (not UK original products)

Clerk: Question 974, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: How are Government intending to address the concern by some business sectors that, following the possible new Treaty with the EU, tariffs on products that arrive in

Gibraltar from UK (but that are not UK original products) will have a negative impact on prices or on the viability of continuing to bring these products to Gibraltar?

Chief Minister (Hon. F R Picardo): Madam Speaker, because of parliamentary respect of the Office of the hon. Gentleman, I did not link this question to the one I answered earlier, because I thought he might want to pursue supplementaries himself but it is very similar to the one I answered earlier from Mr Sacarello earlier. Madam Speaker, my first answer is as follows.

Madam Speaker, the Government does not envisage such a negative impact affecting the viability of continuing to bring these products to Gibraltar.

Hon. Dr K Azopardi: Madam Speaker, I was probing what the Federation of Small Businesses themselves, almost word for word, said in what was headed important updates of following meetings of the Government's new Business Transition Advisory Group. So I was picking up on their concern. I do not pretend to be an expert in this area, but they say in that particular update, word for word, there is real concern about the effect that tariffs will have a negative impact on products sourced in the UK but made in third countries, something that covers a very large number of UK products.

So is the Government, having considered the point, is it still of the view, because presumably this was brought up in the Business Advisory Group, is it still of the view that the FSB has nothing to worry about in this regard?

Hon. Chief Minister: Madam Speaker, for all the reasons I gave earlier, we do not share that concern. We actually believe that these products will be cheaper in Gibraltar than they will be in the rest of the European Union, other than Luxembourg. Madam Speaker, as I have indicated before, without mentioning any names, because it would be unfair to promote one over any other, there will be some top shops that will be opening in Main Street that represent such British businesses, and they are coming to Gibraltar after the announcement of these arrangements.

So, a number of entrepreneurs, in particular the ones that have been given public interviews, are members of the GFSB and of the Chamber, are betting with their investment that actually the opposite will be true.

Hon. Dr K Azopardi: I mean, I take that the Government does not share that view, but presumably, given that this has been put out by one of the two major business organisations, presumably that there have been discussions with the Government by the business organisation with it, and those views that the Chief Minister is now saying has been directly communicated to them. Is that fair?

Hon. Chief Minister: Madam Speaker, yes, they have told us that in the group that is chaired by the Hon. Minister for Business, but if they had not told us that, we would have read that that is what they think, because that is their public statement. So, we have certainly heard that. We have heard it on a number of occasions from different parties but what you hear is one thing, Madam Speaker, and you hear it respectfully, and you try and show people why you disagree, or why they might be able to mitigate something, or why they may be right as to what is going to happen, but they may be wrong as to the consequence but then what happens is something different.

If what happens is that members of those organisations vote, not with their feet, but with their pockets, to make an investment that is entirely contrary to that fear, then it is not just the Government that does not necessarily agree that that is what is going to happen, it is the members that make up that organisation that are acting in a manner contrary to the representation being made by that organisation.

I think, Madam Speaker, that is something that the hon. Gentleman also needs to bear in his consideration in pursuing this thinking, because as I have already said to the Hon. Mr Sacarello,

Gibraltar will be, except for Luxembourg at the moment, the place where those goods from the UK suffering that tariff and the application of either VAT or transaction tax will be cheapest in the single market of 480 million and 38,000 people. So that is also a huge opportunity in respect of those goods.

Madam Speaker: Next question.

Q975-7/2025
Treaty for a new relationship with the EU –
Update on on-going discussions

Clerk: Question 975, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: Will the Government update the House on discussions to conclude a Treaty for a new relationship with the EU for Gibraltar?

Chief Minister (Hon. F R Picardo): Madam Speaker, I will answer this question together with Questions 976 and 977.

Hon. Dr K Azopardi: How soon after the conclusion of a Treaty for a new relationship with the EU for Gibraltar would the Government expect to bring a debate to the Gibraltar Parliament?

Clerk: Question 977, the Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: Post conclusion of any Treaty on a new relationship for Gibraltar with the European Union how will Government be approaching a ratification vote at the European Parliament?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, the hon. Member will be aware that the negotiations concluded on 12 December 2025. Indeed, Madam Speaker, I shall never forget because I was lying on my left side with one eye to help me through what the Deputy Chief Minister and the Attorney General were taking me through. Following the overall political agreement reached on 11 June 2025 on the key outstanding elements of the treaty.

The text is now undergoing a thorough technical and legal review, commonly referred to as the legal scrub, to ensure that it is coherent from a technical and legal perspective. The Government looks forward to the text of the agreement being published in full once this process is complete. This will then pave the way for the formal ratification processes in both the United Kingdom and the European Union, which are the parties to the agreement.

In international law, Madam Speaker, they are the high contracting parties. Insofar as the UK process is concerned, I have already made clear to this House that the UK will not complete its ratification until the agreement has first been debated and scrutinised in this Parliament, and that we have passed a motion confirming that Gibraltar is content to be bound by the agreement. Madam Speaker, I have often said before also that that would be what we call an amendable motion, therefore not a motion to note. It is a motion that will be amendable by the Opposition or any Member. I therefore expect to bring that motion to this House not long after the text is published following completion of the legal scrub. Additionally, Madam Speaker, the Cabinet in Gibraltar has in parallel been reviewing the full, un-scrubbed text this week, and I expect that review to conclude this week.

Madam Speaker, international agreements negotiated by the European Commission on behalf of the European Union and which fall under the exclusive competence of the European Union require the European Parliament's consent before the European Council can formally conclude the agreement. Such is the case with our agreement with the EU. This process of ratification is an EU process, and it will therefore need to be managed by the relevant EU institutions and the EU Member States.

The process in the EU will not be led by the UK or Gibraltar. Therefore, it will be important for the European Union Member States and for the European Commission to persuade a majority in the European Parliament to support the agreement and consent to it. The European Commission already commenced that work through the appearance of the Commission's lead negotiator, Ms Clara Martinez-Alberola, before the Parliament's Foreign Affairs and International Trade Committees in September last year.

The role of the Spanish Government and of the political parties in Spain, which are in favour of the agreement, will also be fundamental in terms of influencing the European Parliament and the different political families which make up their pan-European political groupings. Now, having said that, Madam Speaker, this is a process which will be managed by the European Union within the EU, but that is not to say that this is not a process that we will not actively engage with. The Government is ready to deploy its assets in Gibraltar House, Brussels, to assist with that process, to engage with MEPs and to demonstrate to policymakers in the European Parliament that this is an agreement, indeed an historic agreement, which will be of mutual benefit to Gibraltar, the surrounding region of Spain, as well as the EU as a whole.

Our officials in Gibraltar House have excellent working relationships with their counterparts in the UK mission to the EU, and this work will be co-ordinated with them, given the value 2 of this agreement, to the wider EU-UK relationship at a time when the UK and the EU are working on deepening their existing relationship.

Hon. Dr K Azopardi: Madam Speaker, if I may, I will just take the process – the Chief Minister has gone through the steps – but let me just take the process chronologically, as it were, in terms of the steps that need to be taken. At the moment they are in the post-conclusion of agreement, but legal scrub, as he says, and he expects that to be published once that is complete. Does he expect publication to take place after the legal scrub, but before the translations, or are the translations done in parallel, or would it be after the translations and after the legal scrub?

Hon. Chief Minister: Madam Speaker, I believe – that is to say, I do not know – but I believe that the legal scrub and translation process goes hand in hand.

Hon. Dr K Azopardi: And does he have a sense of how long the legal scrub takes? I mean, I suppose it would be difficult to say unless he has some inside information in terms of the process that is ongoing, because the legal scrub, if the concluded agreement happened on 12 December – of course there has been an intervening Christmas, New Year period – but we are now in mid-January, so presumably they have had some days to conduct this, and I do not know how intensive this legal scrub is, because he has indicated that the Cabinet is going through the un-scrubbed text, which I guess gives you a good sense of principles, although there may be shifts of language or wording, but they may be material in effect, so you would have to look at the impact of the scrub. But does he have an idea of when the scrub finishes? And presumably the scrub also engages what I would call a bounce-back to the contracting parties, so that everyone can signify they are approving the scrubbed text of the treaty, and if so he will be given a sort of scrubbed text, and presumably, given the length of the document, there may be a need for a bit of time for them to signify approval, unless it is conducted on a kind of tracked document basis.

Hon. Chief Minister: Of course I do have inside information, because I am involved in running the thing for Gibraltar, so I understand that we are looking at weeks, not months, and yes, I do

understand that the un-scrubbed text of course comes back for approval, and I am very confident that actually nothing is going to change in the scrubbed version that would be material, and certainly not adversely material to Gibraltar but we will be looking at every change that happens in scrub to ensure that it does not produce anything which is adversely material for Gibraltar, or indeed which is adverse for Gibraltar full stop. And so, when the Cabinet is looking at the un-scrubbed text, it is looking at it from the point of view of its consideration based on the un-scrubbed text not being affected by the scrubbed text, and having the opportunity to look at the scrubbed text to be able to signify approval/agreement to the final text.

In the context of Gibraltar, as we all know, one letter could make a change of tense sufficiently serious that it might make the whole thing unacceptable, but I think everyone is alive to that and I think I have now answered all of the questions he answered in that supplementary.

Hon. Dr K Azopardi: Yes, thank you. Indeed, one word can change things. I always (*interjection by the Hon Chief Minister: one letter*) – yes, one letter can change things, for sure.

Issues. The 's', or as I recall someone once said to me that the UK had fought tooth and nail for the inclusion of 'the' in a particular treaty, but anyway. So, yes, I get that.

Can you give us a bit of a sense of timescale of when he would think that it is possible that we might have a debate because – and again, this goes back to my previous question, so it may be that it is not relevant, but of course because there is the implementation of the EES system on the 10th of April, as he says, and to the extent that this is linked and of course he is indicated it is linked, then working backwards, given the ratification process under the UK, which is more administrative than is the European Parliament, I am not sure to what extent it is possible to obtain ratification in the UK and the European Parliament before April, but let us put that to one side and sort of make that assumption for a second.

But given the CRAG procedure in England, in the UK, it would, just working through in my mind the timescales, one would have thought that this House would need to consider the question towards presumably late February or early March, and unless that were to happen it would not be possible to do all the relevant steps before the EES system is put in place. So to the extent that there is any correlation, no correlation, it may be that the Chief Minister's answer is well, it does not really matter in that sense, of course it matters in terms of practical effect, but in terms of it is not guided necessarily by that and it will come when it comes, but can you give us a sense of the kind of timescale, given where we are in the legal scrub process, the kind of timescale for when there will be publication, he thinks, of this scrubbed text approved by the UK, assuming it is approved by the UK and indeed by him, and the Government of Gibraltar, and when this House would have the debate post-publication, how much time will we get post-publication to have the debate?

Hon. Chief Minister: Madam Speaker, I am not going to think that the job is done in this respect until the first person can cross from the immigration jurisdiction that is Gibraltar into the immigration jurisdiction of Schengen without showing a passport, because I have learnt from history, eloquently written by the Deputy Chief Minister, a *locus classicus* of Gibraltar's political history, of a people, and on what I have lived, both in Opposition and in Government, to know that this negotiation is not over until then. Therefore the hon. Gentleman will allow me to say that although I would love to give him the time estimate that I believe is relevant, I am going to avoid providing time estimates because I do not want them to be used as the noose that I have referred him to before against Gibraltar, because once I say that, our opponents would know that I have said that, and if they push on a particular issue, if they want to introduce an S, for example, and I have said that we are going to have the debate in the second week of February, they know I will fail in the time scale I have provided if I continue to insist that there is no S. So, I am going to rest on the fact that we are doing our best to complete this as soon as possible. I am going to rest on the fact that I believe that hon. Members will have enough time to read the numbers of pages that are relevant, to be able to come to this House to have the debate with us fully informed.

Indeed, given the speed with which they have read other lengthy material and made up their minds, I have no doubt that they would be able to make up their minds without any difficulty in relation to this text. And I do hope that therefore when we bring the motion, if the Gibraltar Cabinet has said that it approves the scrubbed text that they will agree with us, that they should approve it too and join us in approving it unanimously in this House, because it will represent a safe, secure and beneficial option for Gibraltar's future, which is what we have set out to achieve and we believe, subject to receipt of the final scrubbed text, we have achieved.

Hon. Dr K Azopardi: I am not going to pull the thread on the time scales because I was not intending for to certainly, at least not on the total time scales, I was more interested in the mechanical time that is within his gift to confirm today, or at least give us an indication today, I will not hold him to it, but to give us an indication, which actually does not affect the issues that he has raised because, for example, the time window that we will get between publication and debate is not something that would in any way affect the negotiating process. So is he in a position to give us a bit more of confirmation, not just the assurance that he is given us today, but rather something a bit more of what kind of time scale is he thinking between publication of the report and debate in this House, having regard to the fact that post-publication, of course the people of Gibraltar are seeing it for the first time also, so they may be interested in considering it, people want to read it and so on… Yes, I am a fast reader, but other people may also want to read it and to have a proper debate it may be that it is better to have the debate once people have a bit of time, but again, I do not think that tramples on the processes indicated on negotiation.

And then on that as well, on publication, am I right in thinking that what would be published is the treaty together with the annexes and whatever protocols also there are and that they are all subjected to the scrub and that there are no other documents that would then follow. In other words, if we are having a debate, it presumably is not a debate on the treaty that points to certain annexes, protocols or other documents that have not yet been entered into. Am I right in that?

Hon. Chief Minister: The treaty is only a treaty when its annexes and its protocols are there, it is one document. It cannot be signed and it will not be published until it is signed, until annexes and protocols are attached to it, otherwise those cannot be signed. But it might be leaked before, Madam Speaker, and indeed, every European document is leaked before it is published and the Government of Gibraltar and the Government of the United Kingdom will not be able to publish it, even though it will be leaked.

So there is a European publication which is able to get its hands on documents when they go to EU ambassadors and routinely publishes them, but the European Commission cannot publish them and the counterparty here, the United Kingdom, cannot publish them because they have not yet signed the agreement. They have been scrubbed, they have been circulated for people to look at. For example, when something is scrubbed and it is sent to UK departments and to Gibraltar because it is now finished its scrub, it is not yet signed because the UK departments in Gibraltar need to say, Okay, this is what we agreed.

But when it is finished its scrub, before it is signed, it also goes to European ambassadors and at that stage, there are 27 copies in the ether, one of them may make their way to a publication in the European Union that may publish it. The European Commission cannot publish it because the Member States have not yet told it that it is okay to sign it and it will not sign it until they have got that okay and they will not put it on their website, which is publication, until they have signed it. So it is very likely Madam Speaker, that the public will be seeing the leaked text and the Government of Gibraltar would not want the public to see the text of this agreement without the Government of Gibraltar publishing it to its citizens.

But we may be hamstrung by the proper process of the approval of a British treaty in the United Kingdom and for Gibraltar and the reality of the processes in Brussels that lead to many of these documents being leaked. So what is the value of that? The value of that is that the Hon. Leader of

the Opposition will have probably longer to read the text than we would be able to provide publicly to Gibraltar and its citizens.

But of course this is a dense legal text. I mean, there are few places as political as Gibraltar. But it would be unfair, Madam Speaker, to expect the general public to pass a judgement on a dense legal text and believe me, the hon. Gentleman as a lawyer may know, or he may not because he may have done more or less European practise. I did some European practise when I was in practise. Being in Government, I have had to consider a lot of directives when we were members of the European Union in their original EU terminology and in the process of this negotiation, we have had to understand European terminology for treaties and British terminology for treaties. This is an extraordinarily dense legal text. There are parts of the text, as with directives, where the hon. Gentleman will find that the first paragraph of a chapter will say one thing, and the next paragraph will say the complete opposite because that is the way that European legal drafting works. So, this, and then, ah, except that, actually that, no, in these circumstances, which is the circumstance that is relevant.

So it is a very dense legal text and therefore, Madam Speaker, it is our responsibility, as elected representatives of the people, to understand that text and make our decisions here, as elected representatives of the people, as to what that text means, and not leave it, Madam Speaker, to the loudest, emptiest vessel, to give us their view on what this dense European text means or does not mean.

This is not a debate for Facebook. This is not a debate for X, for Twitter, or for TikTok. This is a debate for this House, for the elected representative of the people of Gibraltar, bringing their background and their understanding to the debate where, in good faith, we all determine what we think this text means for the socio-economic future of Gibraltar, principally through the filter of sovereignty, safe in the safe, secure and beneficial, and through the filter of the economy of Gibraltar and the socio-economic benefit to Gibraltar, the beneficial filter.

That, Madam Speaker, is a process that I am sure Hon. Members will have sufficient time to prepare for. I would not want to come to this House without them having had the opportunity to prepare for that debate. I am sure they will have the opportunity to prepare for that debate, not least because, as I have started by saying, they are very likely to be able to download the text from a well-known European publication before the Government is even able to give it to them and before the text is signed, Madam Speaker.

But in terms of timing, even if the hon. Member would not hold me to it, I was not complaining about that, that he might or might not hold me to it. My concern is what people outside of this place might think I might be held to or might think I might be compelled to comply with once I have uttered a timetable. And for that reason, Madam Speaker, he will hear me repeat what I have been repeating for five years, which is to say I will not put a timetable on when these things will happen, but the hon. Gentleman can rest assured, and as I am sure he does not need me to say, that the Deputy Chief Minister, the Attorney-General and all of our teams are working as hard as we can to ensure that that process ends as soon as possible, not least because of the imperative of wanting to do it in order to avoid the issues we were debating in respect of the… (*alarm sounds*), that is my alarm Madam Spacer, in respect of the earlier question relating to EES.

Hon. Dr K Azopardi: A very gentle alarm. (*Laughter*) Normally alarms tend to bounce you up in bed!

Madam Speaker, yes, well, the New Year's Eve agreement was published by *El País*, was not it? I mean, that is a good example, I suppose, of the kind of what the Chief Minister says and I will place an order for a consignment of cold towels to read this treaty, and I do agree with him that it is important and it is the responsibility of Members of the Parliament to have a proper debate and to direct our population as to what we think the judgement on this agreement is, this treaty is, whether it is safe and beneficial for Gibraltar. Of course, we cannot make that judgement, we have not seen it.

They will have made a judgement by the time they come to this House, but we need a period of time for us to properly consider the treaty so that we can have that informed debate.

I agree with the Chief Minister that being a dense legal text, it is important for it to be properly scrutinised, understood and debated. However, we are living in the social media age that we are living in, and I am sure that plenty of people will come to lots of views on social media informed or not.

Can I ask him on the European Parliament ratification process, just on my understanding, or if he can confirm my understanding, is that the European Parliament process would take a number of months. Am I correct in thinking that? Does he have information about that, of the average process? I had hitherto believed that it was a process of some months and that presumably, if we are taking a vote here and the vote is going to trigger UK ratification, of course we are still then waiting for European Parliament ratification before the implementation phase or at least before the fruits are delivered but that the implementation period and whatever needs to be done presumably can follow in parallel, I assume, but perhaps he will confirm.

Hon. Chief Minister: Well, Madam Speaker, I have a soft alarm because if you are the Chief Minister of Gibraltar, you have to be a light sleeper. Things can happen in the dead of night if one is still relying on very strong alarms to wake one up. It does start to point to a disqualification.

Madam Speaker, in terms of the noise on social media, these are things that are entertaining but best ignored. One should never be driven to do or not do something based on what people may be saying on social media. Social media is what David Cameron might have called in his early days as the great conversation, but it is no more than that. It is a conversation with everyone in the community pitching in and giving their views, whatever their qualification.

This is not a document on which one should take any views based on what is said on social media. Even the most erudite and well-qualified, indeed legally qualified, comment there may be on social media because, you see, two Octobers ago, the people of Gibraltar decided that we had the responsibility to make decisions about what happens in Gibraltar, not people who blog or write on social media or give opinions on social media.

In the end, a little like the story I have told the House before about the editor of the Financial Times telling John Major who had told him that he was doing everything possible to comply with what had been in the editorial, for goodness' sake, do not do the things I say in my editorial. I write that between three and five o'clock and I have got to get it out by five o'clock and it has to be 500 words. I do not give it any thought - you have got to run the country. We have to look at the consequences for decades of this treaty. We have got to make the relevant decisions. We have to value what is before us and what the alternative is, and we have to do it, Madam Speaker, not just thinking about what this may do to popularity. We are politicians. It would be foolish to pretend that people are going to look at this text and not think what does supporting it or not supporting it do for me, especially those on the way up trying to get in.

Actually, those of us who are no longer looking for popularity will be the ones who can give the most neutral analysis of the treaty because we will not be looking to be elected next time round. But it is our responsibility to look at it in that way and ignore all of the noise on social media, such as it may be.

Madam Speaker, in terms of the European Parliamentary procedure, short of giving the hon. Gentleman opinions and my own political observations, I am not here to answer his questions on that formally. I am also not able to give the House any empirical information in that respect. I am happy to have a chat with him about what I think is going to happen, but a chat is not something that we should do across the floor of the House and therefore, Madam Speaker, I am going to refrain from giving him my views of what happens in respect of the European Parliamentary procedure, what it means and what effect it could have.

HEALTH, CARE AND BUSINESS

Supplementary Questions – 845; 847; 850; 862; 867; 870; 877; 896; 897; 905/2025

Madam Speaker: All right, I think that concludes the questions to the Hon. Chief Minister so we will now turn to take, as I indicated yesterday, supplementaries to the Hon. Minister for Health, Care and Business.

The Hon. Mrs Ladislaus, do you have any supplementaries on 845?

Hon. J Ladislaus: Madam Speaker, I have here the table provided to me yesterday by the Hon. Minister as to the health cards and the time it is taking to process them. I note that the average waiting time has increased sharply from July 2025 when it was between one to two weeks.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Sorry, can I have the question number?

Hon. J Ladislaus: Yes, Question 845.

Hon. G Arias-Vasquez: Thank you.

Madam Speaker: Perhaps we can just take a minute for the Minister to find…

Hon. J Ladislaus: I am sorry, I have before me the table provided to me yesterday by the Hon. Minister for Health in respect of the times that it is taking to process the health card renewals. We see a really sharp increase from July 2025 when the average waiting time was between one to two weeks and it continues increasing steadily until December 2025 when it goes up to 11 weeks. Can the Hon. Minister give some detail as to the reason behind those sharp increases?

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, there is an admin review currently going on in the PCC and the number of individuals that are working in registration is now four individuals. As a result of that, the number of weeks has gone up. However, I am informed that no one that is eligible will be denied GHA care because they do not have an up-to-date health card.

The amount of work that goes into determining some cases where they may or may not be eligible is significant and that is hence the reason for the delays.

Hon. J Ladislaus: Madam Speaker, is it the case that perhaps the use of the health cards, given that before they used to have the E111 behind them and we have heard in recent months, I have also asked questions and pointed to the convoluted nature of having to renew for students on an annual basis, is it perhaps time now to get rid of the health cards altogether? Is that something that the Hon. Minister and the GHA are looking into?

Hon. G Arias Vasquez: Madam Speaker, as I confirmed yesterday, there is a wider exercise into the GPMS and the eligibility and the criteria for the eligibility, which ties into the work that is been done by the Hon. Chief Minister and the Treaty. As a result of that and preventing people from entering into the GHA that are not entitled to the GHA, part of that exercise is indeed looking at whether indeed GHA cards add anything or otherwise. So yes, we are looking into whether we believe that the GHA card *per se* should continue in use or otherwise.

Madam Speaker: All right, any supplementaries on 847?

Hon. J Ladislaus: Madam Speaker, I have got the information before me and if I may refer, because it is very relevant, the information given to me at Question 848 was the total number of beds, of acute beds that St Bernard's Hospital actually has available and that feeds into how many beds were occupied, which is what this table shows. So, if I may, I will just go back to my calculation, based on the information I was given yesterday in answer to 848, there are 95 acute beds in total in respect of adults, adding 21 in respect of children, we have 116.

That is my calculation as to how many acute beds we currently have at the GHA. Does the Hon. Minister agree with that calculation? Is that a fair assumption?

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, it may be the number of acute beds, but that does not necessarily equate with the number of occupied beds, if that makes sense.

Hon. J Ladislaus: Yes, I understand that. The point I am trying to make is this next point that I am going to make, which is that it is all well and good to say, because we see here that, for example, on 15th April, there were 59 acute beds occupied at St Bernard's but the point that I am trying to make here is that if we look at the amount of acute beds that St Bernard's, in fact, has available for admissions, it is significantly less than 116.

For lack of a better term, I would term them mainstream beds, so to speak. Does the Hon. Minister agree with that assertion?

Hon. G Arias Vasquez: No, Madam Speaker, that assertion is incorrect, because a lot of the long-stay patients which fill the occupied beds are actually in the calculations that the hon. Lady is looking at. So, when we look at the total bed capacity, and when I look at the number of beds, so when she looked at, for example, the number of beds that were available, I think it was May 15th, the figure, so 59 beds.

And if I go back to her assertion that there are 116 beds, that still means that there is over 60 beds available in the acute setting. It is not a correct calculation of the number of beds, because actually the way that the beds are calculated, and a better calculation, is to remove maternity and paediatrics from the equation, and to look at, so maternity and paediatrics are completely separate from the number of acute beds, because for obvious reasons, a male having a heart attack will not be eligible to go to either of those. A male that is over the age of 18 will not be eligible to go into either of those wards.

So, the way that the hon. Lady is formulating those numbers is not necessarily reflective of the reality.

Hon. J Ladislaus: But then, Madam Speaker, on the same vein, we should remove, for example, infection control, 10 beds. If we remove the fact that you would not send somebody having a heart attack to infection control, supposedly, that inflates the figures given artificially. And then we have acute medical ward, that is 32 beds, that one would stay. The surgical operation, 6 beds, my understanding is that that is the day surgery. People would not be admitted to a day surgery. And then we have the surgical ward, that is 34 beds, fine. The long stay has 30, which does not count either. The CCU has 13 beds reserved, presumably, for the most sick patients, the most critically ill patients.

So, the point I am trying to make is, is it the case that those numbers, so to speak, do not reflect the number of acute beds that the hospital in fact has to admit patients on a day-to-day basis, so that the figures shown here show a much more dire picture than what is being painted by the Minister.

Hon. G Arias Vasquez: No, Madam Speaker, because the hon. Lady is calculating it in a very simplistic manner. So, the way the beds are calculated in the hospital is that the beds will always be available in the acute surgical and acute medical wards and for obvious reasons the CCU.

So, when there are beds available, the beds will always be available in those wards, and the bed management team manage the beds so that there are always beds available there for patients to be able to access the beds.

So, when the hon. Lady yesterday asserted that there were three beds available on most days in the hospital, I can categorically say that that is the case on some very, very specific days in deepest, darkest January but that will certainly not be the case for the predominant number of months a year.

There will usually be a number of beds which the hospital can play with, and which the hospital feels is an adequate number of beds to play with on a day-to-day basis. So, I think that the way that the hon. Lady is categorising it is not necessarily reflective of the reality of the ground.

Hon. J Ladislaus: Madam Speaker, in order to play with these numbers, as the Hon. Minister has put it, is not it the case that people would have to be moved out, and not necessarily into the most appropriate ward for, for example, the ailment? Such as, for example, people being moved into CCU without a need for CCU care. Is that the case? That is what is happening?

Hon. G Arias Vasquez: Madam Speaker, CCU is the most precious and expensive ward. It is highly unlikely that a person will be moved unnecessarily into CCU. CCU beds are precious and are reserved for the patients that actually desperately need CCU beds. So, in that example in particular, it is highly unlikely that a patient that does not need a CCU bed will be moved into a CCU bed.

There will be other contingency plans that are put in place in the instance that the beds are tight in the hospital but, by and large, there will be a significant number of beds, apart from when there is a bed crisis where there are three or four beds but, again, we are talking about a few given days in deepest, darkest January when you would expect any hospital to be tight on beds.

When I say that, Madam Speaker, we are not talking about an NHS crisis where there are people in corridors getting treated in corridors. We are talking about a hospital which continues to have beds available in the relevant wards and actively manages any shortages of beds in a way that is deemed appropriate by the bed management team.

Madam Speaker: Anything on 850?

Hon. J Ladislaus: Madam Speaker, at the schedule that I was given in answer to 850, which breaks down long-stay patients at St Bernard's Hospital, or rather the top 50 I asked for, I have got 44 patients on here. And I note that of those patients, 14 patients have been at a long-stay ward for over a year, 8 of those patients for over 2 years, 4 of those patients for over 3 years, 3 of them for over 4 years, 2 of them for over 6 years, and 1 of them has been at this long-stay ward for over 7 and a half years. Madam Speaker, on what basis can those numbers and those lengths of stay in a long-stay ward be justified by the Hon. Minister?

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I went into this in some brevity yesterday in some of my answers. There are some patients that are on the wards for reasons where even though they are clinically discharged, they still need a significant input in terms of their condition. So, without wanting to go into specifics of any patient, the top 2 patients certainly have specific conditions which requires them to stay, or which means that the hospital is the best place for those patients because the level of care that they need is most suited to be in a hospital.

Again, I am happy to let the hon. Lady know what those conditions are behind the Speaker's Chair, but I am not comfortable in speaking about the specific conditions across the floor of the House. There are some patients here which are long-stay patients because they have chosen not to go to ERS and we obviously cannot force anyone to go to ERS, and we are looking at different

options now as to what to do once we have a new facility available for patients to move. The hospital has to be clear and Government policy has to be very abundantly clear on this.

The hospital is an acute hospital for patients that are unwell and therefore if a patient is medically discharged, it is a policy of the Government that it is best they are not in hospital. And in fact, the point which I frequently make is that if it were to be my mother who needed to go to hospital, I would make sure that my mother is in hospital for the length of stay that she needs to be, but as soon as she is fit to be discharged, I would want my mother to be discharged from the hospital because a hospital is no place for anyone to be for a long period. However, over the years, as you can see from the data, there have been numerous individuals who have chosen to stay at the hospital and we now have numerous options with which to deal with these individuals and especially once there is a further facility opened, we hope to clear some of these long-stay patients.

Hon. J Ladislaus: We have just heard the quote of the further facility. Does the Hon. Minister mean the Rooke facility?

Hon. G Arias Vasquez: Yes, the Rooke or any other facility that the GHA intends to open. As for now, we are looking at opening the Rook as indeed was made clear today.

Madam Speaker: Anything on 862?

Hon. J Ladislaus: Madam Speaker, I have here the route followed by the GHA for the assessment of suspected ADHD in children and I just have one question. At step one, there is a reference to the neurodevelopmental triage panel. Can the Hon. Minister give some detail as to the make-up of that panel?

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, that would usually be made between the consultant, the paediatrician, the psychology team and any relevant therapists.

Madam Speaker: 867?

Hon. J Ladislaus: I know that the Hon. Mr Reyes picked this up yesterday. There is a column missing or an apparent column missing from the answer that I have been provided with. I am just looking at 867.

Perhaps it is easier if I just read the question out again just so we know what I am... It says: how many children have been referred to the Gibraltar Young Minds Service? I know that that is there.

How many children have been or are under the care of the Gibraltar Young Minds Service? That is missing, yes.

How many children were or are under the care of a GHA psychiatrist? That is missing.

How many children were or are under the care of a GHA psychologist? We have here.

How many children are under the care of a GHA counsellor? I know that that is irrelevant because of the explanation given to me by the Minister yesterday.

How many children were or are awaiting to be seen by a GHA psychiatrist? We do have that column.

How many children were or are awaiting to be seen by a GHA psychologist is here as well.

The last one is irrelevant as well for the reasons given by the Minister yesterday.

We do have a few columns missing there.

Madam Speaker: My note was that the supplementaries in relation to this table were for columns 1, 4, 6 and 7.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, those columns are missing. They are not missing because I gave the answer in my substantive answer to the House. If the hon. Lady prefers, I am happy to go through the answers again to make.

Madam Speaker: The supplementaries outstanding, and I want to keep it tight, were in respect of columns 1, 4, 6 and 7 which relate directly to the table. I am going to invite supplementaries in relation to the table because I opened the supplementaries yesterday generally.

Hon. G Arias Vasquez: Madam Speaker, just to be clear, 2, 3, 5 and 8 were addressed in my substantive answer.

Hon. E J Reyes: I am not disagreeing with you, Madam Speaker... I think you posed in a very open way. You said, shall I give you some time to be able to look at the column.

Therefore, I did not jump in with any comment because then I would have made a comment on the supplementary.

Madam Speaker: So did we not take supplementaries yesterday at all on 8, 6, 7?

Hon. E J Reyes: Not at all.

Madam Speaker: All right, thank you…

Hon. E J Reyes: Madam Speaker, I know the Minister is saying that whatever misinformation may have been referred to in the text and so on. One of the reasons that we have Hansard is so that in a couple of months' time if one needs to refer to something, it makes life easier for all in this House, including the parliamentary staff who often help us out if everything is compiled in one area.

And even the way it is answered, Madam Speaker, sometimes we are pressed for time. Sometimes we are pressed for time in looking at the schedule and my hon. Colleague has listed the 8 subsections in Roman numerals, and they are not even answered in the same order. So the column does not even follow chronologically down.

I am just saying to make life easier for those of us who have to take up all your time, Madam Speaker.

Madam Speaker: I am going to open the question to the Hon. Mrs Ladislaus.

Hon. J Ladislaus: I take the point, but I think the missing column that is very relevant to this information is in fact the one on psychiatry. Perhaps I am missing something here. We have a column that says children who are waiting to be seen by a psychiatrist, but we do not have a column to reflect those that are actually under the care of a psychiatrist.

I do not have a comparator there because the column is not there. So perhaps it is in the information that was given yesterday and I do apologise if I have missed that specific but that is what…

Hon. G Arias Vasquez: Madam Speaker, in relation to Roman numeral 3, how many children are under the care of a GHA psychiatrist? The answer to the question was on average the GYM GHA psychiatrists are estimated to have approximately 100 patients under the care on a rolling monthly basis.

Hon. J Ladislaus: Is it the case that they are discharged upon being seen fairly quickly but I am just not understanding the relationship between the other columns. For example, if they are under the care of a psychologist it is a protracted period of time, whether it is 2 weeks, 2 months, but it

is not just the one time that they see them. My understanding with a psychiatrist is that that follows as well, so that a child may see a psychiatrist and may have to return so therefore they are under the care of that psychiatrist.

So why leave it out of the table? It does not really tally.

Hon. G Arias Vasquez: Madam Speaker, this is the way that the officials have decided to answer the question. I assume that it is because the figure is approximately 100 on a rolling monthly basis and there is nothing more sinister than that. So, there are circa 100 children, some may be discharged, some may come in, but there are about 100 children who were or are under the care of a GHA psychiatrist.

Madam Speaker: All right, anything on 869? 870?

Hon. J Ladislaus: Madam Speaker, I note at 870 I asked a question as to donors to the GHA and what the donations were. Should I read the question again? Otherwise, the public does not have any reference as to what this is.

This one is particularly convoluted, that is why I say. Since October 2023, has the GHA received any donations for the purchase of medical equipment? I asked for breakdowns of amounts received towards the purchases, specific equipment that has been purchased, whether the equipment purchase has been commissioned and is in use or not, and where the responsibility lies for the maintenance.

Again, I have not had all of those answered within this schedule. So, for example, whether the equipment purchase has been commissioned and is in use or not is not in fact in the schedule provided. Is there a reason for that?

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Regarding point 3 specifically, donated equipment is not always commissioned by the GHA clinical engineering team. Commissioning in some cases may be undertaken by the relevant specialist team and or the provider or manufacturer.

Therefore, given the short notice, the GHA was unable to collate the required commissioning information.

Hon. J Ladislaus: Is it perhaps something that can be collated at a later date or within a specific period of time?

Hon. G Arias Vasquez: Yes, Madam Speaker, if the hon. Lady were to message or email me, I am happy to ask for that information to be collated.

Hon. J Ladislaus: In the donation's column, I note that there are donations in respect of a surgical robot. Can the Hon. Minister give some more information as to what that surgical robot is?

Hon. G Arias Vasquez: Absolutely, Madam Speaker, a surgical robot is a robot that is used for surgical purposes. I do not mean to be cryptic, but that is exactly what it is.

I can confirm that the robot has been purchased by the GHA. I can confirm that there is going to be a press call next week on it. The robot is actually cutting-edge technology which the GHA has commissioned specifically for its most prevalent uses in urology treatments so the men in the Chamber will be glad to hear.

I suppose I can say that the first successful operation by the surgical robot was carried out yesterday.

Hon. J Ladislaus: Am I reading this correctly? The donations received for the robot supposedly amount to £500,000. Is that correct? Am I reading that correctly?

Hon. G Arias Vasquez: That is indeed correct, Madam Speaker.

Hon. J Ladislaus: So, what has in fact been spent on procuring the robot?

Hon. G Arias Vasquez: Madam Speaker, the robot is significantly more expensive than £500,000. I do not have the exact figure with me. I am happy to provide it if notice is given of the question… It would be the surgical robot and or any equipment which is connected to the surgical robot.

Madam Speaker: Anything on 877?

Hon. J Ladislaus: Madam Speaker, 877 pertains to a question as to the digital programmes, software systems and platforms which are currently in use in the GHA and a breakdown as to their uses where they are used, the date they were introduced and who has responsibility and the annual costs of these.

Yesterday we did hear from the Hon. Minister that not all these systems actually communicate which is a bit concerning so to speak. I do note in the information provided that the annual costs for all these programmes, there are 10 in total provided, three of those programmes are the ones that are able to communicate seven of them are only able to communicate partially and the total cost per annum for the GHA is over £1,000,000 so it is £1,078,000 over the course of the lifetime of all of these contracts the GHA has paid £7,274,500 is that value for money given that these programmes do not actually communicate for the most part?

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, when we talk about programmes not communicating, I think everyone in this Chamber understands how programmes work on computers.

It is like closing Word and opening Outlook. So, you would have numerous systems running concurrently but when you say that they do not communicate what it means is that you have to have numerous systems running concurrently or numerous programmes running concurrently in order to get information.

So, for example, you order your bloods on one system you order your x-rays on another. Your patient registration or your GP appointment is conducted by EMIS so when you say that all the systems do not communicate really that is what we are saying and, as I explained yesterday, in Gibraltar we are very fortunate and we often do not realise how fortunate we are to have a system where primary and secondary care communicate under one roof that is not the norm in the UK. That is quite different to what is usually the case in the UK. So, you cannot have an EMIS system which is a GP system which then communicates to secondary care I explained that in quite a lot of detail yesterday. So the GHA is working on producing its own systems but producing its own systems is necessarily quite difficult because of the amount of work and the amount of coding involved etc so when I explained yesterday about GHA1 it is the GHA creating their own systems in order to make that work and that has numerous different facets to it so is it value for money? When you call the GHA, you can book an appointment the GP sees it so EMIS for example makes everything within the GP system work effectively and it makes the connection with the pharmacies work effectively so is it value for money?

I would argue that it is and it is the best system of those available that is purchased off the shelf. So, can we do better? We are looking at ways to have an in-House system that can communicate and when we talk about communicating, we are talking about having one system one Microsoft Office system to use a basic example where all the programmes can communicate to each other, but we are not talking about a fundamentally flawed programme that does not

work with anything else… We are talking about having your Outlook running at the same time as you have your Microsoft Word and your Excel running simultaneously.

Hon. J Ladislaus: Madam Speaker, I think the point there and the question that follows so why has it taken this long because as we have seen and as I have been outlining now for almost the two years I have been here there have been issues with the programmes not communicating in that, for example, a doctor might not get to see notes and I have had people who have had this scenario a doctor might not get to see the notes of another doctor which is a problem so why has it taken this long and a spend of over £7 million to get to this point where we are now thinking, all right, we probably need to address this…

Hon. G Arias Vasquez: Madam Speaker, this is not like what we woke up one day and we decided that there is an issue with this. In the course of successive GSLP governments since 2011, we have explored different systems like EMIS.

EMIS was a system that was purchased by my colleague the Hon. Dr Cortes. It is an evolving thing to see what has worked EMIS in itself was determined to be revolutionary when EMIS was purchased and we now think that we can do better. It is the case with healthcare that you are always consistently improving the AI programmes that I have alluded to in my interventions of yesterday are the GHA thinking of ways that they can improve what they currently have.

The systems purchased were the systems that were purchased that were believed to be the best possible systems purchased at that point in time. If that evolves and if we think we can do better then we think we can do better to go to the specific example of what the hon. Lady is saying that doctors do not have access to the notes, normally we have a lot of consultants coming in from the UK, we have a lot of visiting consultants coming in and the issues normally relate to their access in the programmes.

We have a fantastic team of digital providers in the GHA which try to very quickly resolve those issues but it is about practitioners the system has to be safe and secure because the data that it holds is necessarily very sensitive data so the system needs sign-ins etc. and visiting consultants often have to sign in to numerous different programmes and that is where the problems lie.

So it is not a case of we are resting on our laurels, and we are not doing anything about it, it is a case of it is a constantly evolving system and we are looking at ways to improve the system.

Madam Speaker: Anything on 896? ...897?

Hon. J Ladislaus: Madam Speaker, here I asked about the number of unresolved employment related claims involving staff at the GHA and I have got a table here which shows that we still have 46 active claims as at the moment, from what I can gather from this table from the schedule and I have been provided as well with the finalised claims which were finalised last year, so in the past 12 months and those amounted to 32 claims. So 78 claims, and I note that a lot of these claims are not just individual, they are collective so that is a lot of people who have brought claims and who have issues with employment at the GHA does this point to general discontent at the GHA for staff is that what we are seeing here with these numbers?

Minister for Health, Care and Business (Hon. G Arias-Vasquez): No Madam Speaker, we are seeing a workforce that brings a lot of claims.

Hon. J Ladislaus: So, Madam Speaker, is the Hon. Minister then just blaming the workforce for complaining rather than, because they actually have real complaints that need to be addressed?

Hon. G Arias Vasquez: No Madam Speaker, I am not blaming a workforce for anything, I am saying that the workforce tends to bring claims the workforce is a very dynamic workforce of 1,400

individuals that has brought a lot of claims there are a lot of historic claims, but as that table indeed shows, the claims are in the process of being resolved.

Now, the claims may not be resolved as quickly as some of the individuals like, but that is because all claims have to be referred to Industrial Relations and indeed to our new Senior Crown Counsel, who is now within the GHA, so responding to claims, we now have definitive procedures and processes in place in the GHA and responding to claims means looking at the historic setting of each and every claim, and the legal setting of each and every claim. So every claim has a process to go through and the answer may not always be yes, but we do have now a clear process in which we can identify claims we can identify claims that are valid, or we can identify claims which do not have any validity in the GHA's view and what we have done this past year in particular, is set up processes and procedures in the GHA, in order to expedite the claims, and in order to agree with the claims that have validity, and to say no to those individuals who we do not think the claims have any merit.

Madam Speaker: Onto 899?

Hon. J Ladislaus: Madam Speaker, I note that we seem to have missed 897, I have got a table for 897 as well on the schedule.

Madam Speaker: I am informed that I moved on to 897, but the hon. Member was on 896. Well, anyway. 897. We have to take 897, is that right?

Hon. J Ladislaus: Madam Speaker, again, I asked a question as to a breakdown of the current composition of the GHA's executive team, and I have here before me, I have that before me, and I note that five of the nine posts at executive team level are currently acting posts. Is the Hon. Minister comfortable with having so many people acting given the lack of continuity, particularly at such a crucial time in Gibraltar's history? We are at the door of a treaty.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, thankfully the treaty does not directly affect the executive team of the GHA, but there are several acting posts which will fall into place once one individual is appointed.

So, for example, the finance director is now acting, or the newly appointed finance director is now acting DG. So that is two posts which will be settled as soon as that goes in.

There are numerous other posts that we have chosen to have acting posts to see how it develops, and actually I think that a lot of those posts are going very well. So, I do think that the acting posts, the majority of them, will be resolved as soon as the new DG is appointed, which will be imminently, and then everything else on the board will fall into place.

Hon. J Ladislaus: Madam Speaker, I note that the Director of Nursing is actually seconded to the Ministry for Health, and then on the last column it says that that could be extended to the 10th of November 2028. Are we going to have a nursing director then in an acting capacity for the next few years? Is that what that reflects, and why is this person seconded when she is still there?

Hon. G Arias Vasquez: Madam Speaker, this is the subject of a press release which will be coming out in the next few days. So, the Director of Nursing has now taken on a consultant post within the Ministry, leaving a vacancy in the Director of Nursing. We have done that for six months to make sure that everyone is happy, so no, we do not intend to have the Director of Nursing seconded until the end of 2028.

We intend to have the Director of Nursing in an acting capacity for the next six months in order to appoint, in order to secure the appointment of a Director of Nursing.

Hon. J Ladislaus: Madam Speaker, why move a Director of Nursing? What is the reason behind that, but keep her within the organisation and now presumably pay handsomely in respect of consultancy fees?

Hon. G Arias Vasquez: Madam Speaker, the corporate knowledge which the Director of Nursing has is unenviable. In a time where we are looking at a possible reorganisation of the GHA, it has been determined that the individual who used to be the Director of Nursing is a key individual who can help us with the corporate history of the GHA in order to assist us in the next few months with the transition.

Madam Speaker: Anything on 899? All right, 905?

Hon. J Ladislaus: Madam Speaker, just again, just for ease of reference because it is a bit convoluted, I asked as of the 16th of September how many unfilled vacancies there were at the GHA and I asked for breakdowns of the outstanding vacancies and the date on which each was opened and I note here that there are some vacancies that have been opened for a period of approximately seven years.

For example, the vacancy for Nursing Assistants at Dudley Toomey Ward and there is another one for a Nursing Assistant on the second page. What is the reason for such a long wait? Has that just laid in wait open for this amount of time?

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, as we went into in length yesterday, there is currently an acuity review which is ongoing in the GHA. Any moves of long-stay patients directly feed into that acuity review.

If you actually look at the nursing figures and you compare them to the nursing figures that we handed over, sorry, if you look at the vacancies that we handed over this time compared to the vacancy figures that we handed over last time that the question was raised, you will see that the vast majority, and I mean 95% of the nursing vacancies, so the actual Registered Nurses, those vacancies have now been filled and it is precisely for the reason that I told the hon. Lady that we were holding onto those vacancies because there were 16 students that were coming from the universities that were going to walk into those vacancies and indeed that is exactly what we have done.

What we are looking to do in respect to the nursing assistants is that we are holding those positions to see the nursing acuity review and to see how it all fits into the nursing acuity review and what will be required in the next few months in terms of any moves that are coming into St Bernard's Hospital.

Hon. J Ladislaus: Madam Speaker, I note at the first page that Pathology Services Manager is pending sorry, it is very small, it is pending NOV approval process prior to advertisement, since when has that been pending approval because we do not have a date?

Hon. G Arias Vasquez: I do not have that information available Madam Speaker, sorry.

Madam Speaker: Anything on 910? Ah, 910 was out of health. That is where we are starting now. All right.

Q910/2025
Liquor licenses –
Objected, rejected, granted and renewed

Clerk: Question 910, the Hon. J Ladislaus.

Hon. J Ladislaus: How many liquor licenses were:

(i) Objected to;
(ii) Rejected
(iii) Granted;
(iv) Renewed;

from 2011 to date? If objected to or rejected please provide the reasons.

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, based on records held by the Department for Business for the period spanning 2021 to 2025, the number of liquor licences objected to, rejected, granted and renewed are as follows:

In 2021, there were 21 liquor licences granted and 51 renewed;

2022, there were 13 liquor licences granted and 67 renewed;

In 2023, there were 5 liquor licences granted and 75 renewed; and in 2024, there were 2 liquor licences objected 2 rejected, 27 granted 70 renewed.

In 2025, there was 1 objected, 6 rejected, 12 granted and 58 renewed.

Madam Speaker: All right, next question.

Q911/2025
Gibraltar Business Conference in London –
Invitees and event advertisement

Clerk: Question 911, the Hon. C Sacarello.

Hon. C Sacarello: I note with interest the recent announcement (this is back in September 2025) of a Gibraltar Business Conference in London on the back of Gibraltar Day this year. Would the Minister kindly provide us with greater detail on who has been invited from the UK and how has the event been advertised to attract the right UK businesses?

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the Government is funding the cost of the event entirely through sponsors and each sponsor receives an allocation of invites for UK based attendees. The sponsor is best placed to identify who in their UK network is of value to them and they would want to invite to the conference.

In addition, Government has collated a network of over 100 Gibraltarian alumni. These are highly skilled and well-connected Gibraltarians currently working in London. We have invited this network to attend. Importantly, we have also asked them to introduce anyone in their network who they feel we should also invite.

Lastly, Government is also inviting its own business contacts and leads that are based in London. Government is also working with the GFSB and the Chamber to promote the event. The Hon. Shadow Minister for Business was also invited.

Targeted invitations are also being sent to founder and entrepreneur networks and to senior management teams at up-and-coming start-ups and family offices. We also have a careful planning strategy for promoting the event and have already received requests for invites in response to our promotion through Government channels. This strategy includes press releases by Government, first calling for expressions of interest so that the event is designed with business requirements in mind and more recently announced in the event, and two, a series of social media posts and videos that we hope will be shared by all those participating and supporting us.

Sorry, this response was drafted before the event, so it actually says I would like to extend the invitation to the hon. Member opposite at his own cost.

Hon. C Sacarello: Thank you very much. Hence the vagaries of the Parliamentary timetable in the last few months.

I would like to thank the Hon. Minister for her reply.

Would the Hon. Minister be able to answer if she thinks that it would be sensible to apply to some UK business and trade organisations for future events? As in to write in them?

Hon. G Arias Vasquez: The event was a huge success. It was actually oversubscribed. We actually had to change the venue because it was so well subscribed, which I am very pleased about, obviously.

We are looking at larger venues and better set out venues for future events. I am very open to the possibility of looking to UK organisations to attend, but I do think our strategy of having leads that are Gibraltar based to invite to their network and people that are interested in Gibraltar or considering Gibraltar is the way forward because at the event there was significant networking going on and we got extremely good feedback of individuals who actually secured work off the back of that event.

So whilst we are always open to different avenues of invitees, whilst we are always open to different ways of doing it, we actually think that the way that we did it made sure that there was significant percentage of individuals present who were not Gibraltarian, which I think is always very, very important in these events and I actually think that the work done actually meant that a lot of work came to fruition as a result of that business event.

Madam Speaker: Next question.

Q912/2025
BESS Batteries –
Operational capacity

Clerk: Question 912, the Hon. C Sacarello.

Hon. C Sacarello: The BESS batteries were expected to become fully operational by August 2025, has this expectation been met?

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, as we said in our press release at the time, the August 2025 date was an approximate one. I am informed that the BESS will be operational by the end of January.

Madam Speaker: Any supplementaries? Next question.

Q913/2025
Main power lines cut by unlicensed contractor –
Authorisation of works

Clerk: Question 913, the Hon. C Sacarello.

Hon. C Sacarello: Following the general outage on 16th September 2025, where 3 mains power lines were cut by an unlicensed contractor, would the Hon. Minister confirm who authorised the works?

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the works were authorised by the Technical Services Department. The company's business licence was in vigour at the point that the TSD granted the permit. The business licence lapped but the company is now fully licenced.

Madam Speaker: Next question.

Q914/2025
7-hour long power outage on the 16th September 2025 –
Cable protection

Clerk: Question 914, the Hon. C Sacarello.

Hon. C Sacarello: It was clear from video and photographic footage taken at the scene of the incident which caused the 7-hour long outage on the 16th September 2025, that the cables were not adequately protected but merely covered with gravel and sand. Does the Minister regard this as sufficient protection?

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I do not share the hon. Member's characterisation of the manner in which the cables were covered.

Hon. C Sacarello: So, would the Minister be able to confirm that they were indeed encased with concrete slabs or was there mesh or other form of tape advertised in their presence?

Hon. G Arias Vasquez: Madam Speaker, the electrical installations in Gibraltar are laid in accordance with established engineering standards and safety specifications.

In this specific case the cables in question were enclosed in a 160mm PVC duct at a depth of 1.2m for the first cable, 1.4m for the second cable and 1.6m for the third cable. This is in the case that we threw some gravel and rocks on top as the hon. Gentleman characterised.

This exceeds double the minimum requirement depth of 600mm for an 11,000v high voltage cable. Furthermore, the cables were protected by 150mm of reinforced concrete cover which formed part of the pavement providing additional mechanical protection. It must therefore be

emphasised that the cables were not merely covered but were protected in accordance with the approved engineering specification.

Unfortunately, the damage was caused not by inadequate protection but by the contractor drilling through the cables.

Hon. C Sacarello: I thank the Hon. Minister for her reply, Madam Speaker, but I certainly disagree with the opinion that there was plenty of cover. The protection that she mentions was the pavements which of course if you are working and digging through is the first to go beyond which was actually gravel and sand and to say that PVC pipes protect somehow these cables when the works are carried out by pneumatic drills is really quite shocking. This is an area Madam Speaker, where the electricity coming out of the generating station provides a power to the whole of Gibraltar.

Would the Minister not agree that it would make sense to ensure that much greater protection in the form of concrete slabs and or mesh and ticker tape and hence strengthening our legislation to ensure that this occurs would help prevent future incidents of this nature.

Hon. G Arias Vasquez: Madam Speaker, much the same as in the GHA I rely on clinical opinions. Here in the GEA, I rely on the experts telling me what is required and it is the expert opinion of the GEA that the cables were encased according to approved engineering specification. Now as the hon. Member is aware since the date of this incident and indeed since the date of a further incident, we have indeed amended our legislation to make sure that the contractor has an additional penalty if he indeed does this.

In addition to that as I said in this House at that time, we are also looking at putting in law or codifying in law the service clearance regime which I think is what the hon. Gentleman is alluding to.

Hon. C Sacarello: No Madam Speaker, it was not. It was more the practical element of physically protecting the site. Could I ask the Hon. Minister if they have sought advice from experts further afield?

Hon. G Arias Vasquez: Madam Speaker, I imagine that at the time that the cables were laid they were but I cannot confirm or deny that since I have not specifically asked the question.

Hon. C Sacarello: Madam Speaker, I think you misinterpreted my question if I could just repose it. The question was have they currently, are they presently seeking or have they presently sought advice from further afield on the methodology of laying cables and protecting?

Hon. G Arias Vasquez: Madam Speaker, the hon. Lady criticises me when I bring in experts from further afield. In this instance we have not. We have sought to rely on our own experts from within the GEA who confirm that the way the cables are laid comply with international standards.

Madam Speaker: Next question.

Q915/2025
Devil's Tower Road power outage on 25th October 2025 –
GEA officer to oversee the works to ensure the contractor does not sever the cables

Clerk: Question 915, the Hon. C Sacarello.

Hon. C Sacarello: Did the power outage affecting the area of Devil's Tower Road on Saturday 25th October 2025, again caused by a contractor severing a power cable when excavating, leave the Hon. Minister regretting not following our advice to enforce the requirement for a GEA officer to oversee such works in grid-critical areas?

Clerk: Answer the Hon. Minister for Health, Care and Business.

Hon. G Arias Vasquez: Madam Speaker, no ma'am.

Hon. C Sacarello: Madam Speaker, it defies logic. The process happens, the contractor asks for permits, permits are issued diagrams are issued, the works go ahead and, in this case, it was only in two successive months that we had two large power outages. Is the definition of madness not doing the same thing over and over again and expecting a different outcome?

I know they have legislated but there is nothing physically changing. Is the Hon. Minister going mad?

Hon. G Arias Vasquez: No ma'am.

Madam Speaker: Next question.

Q918/2025
Industrial uses carried out at the extension jetty near North Mole –
Relocation location and date

Clerk: Question 918 the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: Will they and if so to which location(s) will the industrial uses carried out at the current extension jetty near North Mole be relocated and when?

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, we are currently in negotiations with all the relevant parties.

Hon. Dr K Azopardi: Can the Minister give us a bit more than that? How many parties are we talking about? What kind of locations are being discussed?

Obviously it may have different needs, but land is scarce. Can she give us a bit more than just discussing it?

Hon. G Arias Vasquez: Madam Speaker, given the nature of what we are talking about I would think it was self-evident of where the location would need to be. If we are talking about installations which are at the Port, any relocation would necessarily and as a Port Operator which has a business at the port it is self-evident that any discussions on relocations would have to be a

relocation in or around the area of the Port. It is also self-evident that there is one operator that would be affected and therefore discussions must be ongoing with that operator.

Hon. Dr K Azopardi: Of course, I understand that it is going to be by the Port. The answer does not need to be that patronising.

I was saying where in the Port? What kind of locations are we talking about?

Hon. G Arias Vasquez: Madam Speaker, I note that the hon. Member for a seated position must have been at the Rowing Club. That is not the part of the Port. The part of the Port is a very defined area, and we are currently in negotiations to see which location is viable.

We think that we are narrowing it down to one location but because there is no agreement yet in place I would be hesitant to say it until the location has been confirmed.

Hon. Dr K Azopardi: Will the Minister make an announcement if that is the case or not? Because it may not be worthy of an announcement if they have reached an agreement which is just simply a relocation but given that it has an impact on other things which are worthy of announcements, I suppose, will they make an announcement?

Hon. G Arias Vasquez: Madam Speaker, given that the move will require DPC consents and will require significant movement once an agreement is reached I am happy to confirm that we can make an announcement but I would then urge the hon. Gentleman not to criticise me for lacking my photo opportunities too much.

Madam Speaker: Next question.

Q919/2025
MT Nisyros fatal accident –
Action to be taken following investigation

Clerk: Question 919, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: What action will Government take following the findings in the investigation over the fatal accident on the MT Nisyros?

Clerk: Answer the Hon. Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the Government has considered the findings of recommendations of the MAKO investigation into the tragic fatal accident on the MT Nisyros and has been engaging with the relevant authorities to ensure that appropriate action is taken.

The MAKO report includes a recommendation directed to the Gibraltar Port Authority concerning unannounced inspections of bunker vessels suggesting that such visits should also verify compliance with mooring procedures. However, the Government has been advised that the report does not accurately reflect the operational scope of these unannounced visits.

These inspections are conducted once the bunker barge is already secured alongside the receiving vessel and therefore do not provide the visibility of the mooring process itself. Nevertheless, the Gibraltar Port Authority already verifies that the correct mooring procedures are documented within each vessel's safety management system and this is formally assessed during the annual licencing renewal inspections. The report also recommends that the Gibraltar Ambulance Service, Gibraltar Health Authority and the Gibraltar Port Authority, in consultation

with other stakeholders, review the emergency response arrangements for attending vessels at anchor.

In relation to the MT Nisyros incident, the Government has advised that the decision to bring the vessel to berth was not the result of any deficiency in emergency medical response capability. It was necessitated by the fact that the deceased crew member was trapped within the vessel's mooring equipment and required specialist extraction equipment and by that stage the priority was a safe recovery of the body and the preservation of the scene for ensuring investigation and the coroner's processes.

Notwithstanding this, work has been ongoing for some time between the Gibraltar Port Authority and the Gibraltar Health Authority to examine how best to provide sustainable and effective paramedic cover for vessels calling at Gibraltar, particularly those at anchorage.

This work predates the incident on the MT Nisyros and continues although a fully satisfactory operational model has not yet been identified. Additionally, Madam Speaker, I am advised that the Gibraltar Maritime Administration has acted on the recommendations arising from the fatal mooring accident on board the Nisyros.

Mooring areas are routinely examined during ship visits which include flagged state inspections, ISM audits, statutory safety surveys and port state control inspections and this has been reinforced to ensure continued oversight of mooring procedures and arrangements.

Hon. Dr K Azopardi: I am grateful for that comprehensive answer. Beyond what the Minister has said, is the Government, having considered the report and the recommendations, does it have to go beyond administrative measures into some kind of legislative underpinning by regulations? Do they need to be amended in any way for safety reasons or is it sufficient to have done what the Minister has indicated?

Hon. G Arias Vasquez: Madam Speaker, the unfortunate incident was caused by the process and procedures and the equipment on board the vessel which is already the subject of controls which the Gibraltar Maritime Administration would carry out. Therefore, we do not consider that any necessary legislative underpinnings need to be amended. What I confirmed was that we are looking at the interaction of the GHA and the response procedures for the GHA but that does not necessarily necessitate an amendment in legislation and we are looking at that for reasons that predate the issuing of this report.

Madam Speaker: Next question.

Q920/2025
Government's Business Transition Advisory Group – Composition

Clerk: Question 920, the Hon. Leader of the Opposition.

Hon. Dr K Azopardi: What is the precise composition of the Government's Business Transition Advisory Group?

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the group is comprised of the Attorney General, the CEO for the Department of Business, representatives from the Gibraltar Chamber of Commerce, the Gibraltar Federation of Small Business, the Retail, Construction, Tax, Marketing, Tourism, Automotive Industries and me, the Minister for Business.

Adjournment

Madam Speaker: All right, I believe that may be the last question.

Chief Minister (Hon. F R Picardo): Therefore, I have the honour to lay the answers to Written Questions. W116 of 2025 to W170 of 2025 and Madam Speaker, I have the honour to move that the House should now adjourn to Tuesday 20th January at 10 a.m.

Madam Speaker: All right, and I propose the question which is that this House do now adjourn to Tuesday 20th January at 10 a.m. I now put the question which is that this House do now adjourn to Tuesday 20th January at 10 a.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Tuesday 20th January at 10 a.m.

The House adjourned at 7.08 p.m.

P R O C E E D I N G S O F T H E

G I B R A L T A R P A R L I A M E N T

MORNING SESSION: 10.04 a.m. – 12.51 p.m.

Gibraltar, Tuesday, 20th January 2026

Contents

Order of the Day.....2
GOVERNMENT MOTION 2
The House recessed 10.28 a.m. at and resumed at 11.00 a.m. 6
The House recessed at 12.51 p.m. 29

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The Parliament met at 10.04 a.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: P A Borge McCarthy Esq *in attendance*]

Order of the Day

Clerk: Meeting of Parliament, Tuesday the 20th of January 2026. The Order of the Day. Government Motions.

GOVERNMENT MOTION

Clerk: The Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to move the motion standing in my name, which reads as follows. This House notes the report of Sir Peter Openshaw DL in respect of the McGrail Inquiry, and in particular the recommendations contained therein.

Madam Speaker, Section 26 of the Inquiries Act 2024 requires that we should lay the report of any inquiry on the Table at the first meeting of Parliament after publication of it by the Government.

For that reason, Madam Speaker, I laid the report on the Table at our first meeting of this calendar year. I also gave notice of this Motion at the time that I published the Report, which I believe was the 23rd of December. I brought the Report to the House in the spirit of total transparency and compliance with the Act that has characterised this Government's approach from the outset to this matter.

And I say that, Madam Speaker, referring both to our attitude in the Inquiry and about the Inquiry report in equal measure. Quite unlike others, Madam Speaker, I and all Government core participants have cooperated fully with the Inquiry throughout its processes. In an approach unprecedented in our democracy, I have facilitated unimpeded access to all my relevant electronic and non-electronic communications.

I knew, Madam Speaker, and I know, that I had nothing to fear from the things I said, from the things I wrote, and from the things I did. Even now, Madam Speaker, after the report, I feel exactly the same way, and I feel vindicated in many respects. I expect that there will be further reason for vindication in future.

As Madam Speaker, it is clear that the report is only one part of a jigsaw puzzle that needs to be fully exposed to the people of Gibraltar. A jigsaw puzzle about human rights abuses and allegations of police corruption, that when all is said and done, some traditional worries for human rights will be seen to have been on the wrong side of. Madam Speaker, in complete contradiction

to the absolutely untrue and spurious suggestions made in the run-up to the publication of the report, the Government published it in its entirety and without any redactions.

We did so exactly as we had intended to do, yet for months we had to endure the suggestion that we would somehow seek to redact the report in some way. In fact, at one stage it was even said that we were going to stop the Inquiry proceedings, and all because we had updated Gibraltar law to be in keeping with UK law. These were conspiracy theories which were thrown about by people who should know better, to the howling pack of pound shop wolves on social media.

Yet nothing could have been further from the truth. It never crossed my mind. And we said so. But still, the spurious allegations continued. Indeed, to purloin a phrase from Alice in Wonderland, a story that so many are referring to in relation to this report, things did not just get curiouser and curiouser as time went on. They got *spuriouser* and *spuriouser* as time went on.

It must be said that there have been some remarkable suggestions that we would consider using legal powers for political purposes. The wolves howled louder, Madam Speaker. The keyboards clacked even louder still with wilder and wilder theories.

One was that I would seek to use powers to delete criticisms of me or of the Government such as there might be in the Report. It never crossed my mind. Yet, Madam Speaker, now that the full publication of the Report has occurred and it is laid in this House, of course those nonsensical criticisms remain and they are not withdrawn.

They remain on the record despite being untrue allegations made against the Government. A Government that has fully and completely published a report that is critical of almost all those referred to in it, including, but not limited to, me. Yet those who made those spurious allegations feel no compunction to say at least, sorry, we accept that we got that wrong.

Ironically, there are many of the same voices now suggesting that Members of the Government should apologise for things and that I should resign. One rule for them, Madam Speaker, one rule for us. I guess we have just got to get used to it.

Just like on company accounts and just like on contracts awarded without tender. One rule for us, one rule for them. But the fact of the matter is that we published the inquiry report in full, online and without redactions.

We would have done it earlier, but I was incapacitated. Then we were asked not to publish until the end of the inquest into the deaths at sea by the Coroner. If I may say so, Madam Speaker, I have been pleased to stand behind the officers in that case of the deaths at sea, assisting with the funding of it throughout.

But on the report, we published at the first available moment after the inquest verdict and on my return to work. We worked with the National Broadcaster, which transmitted all proceedings of the inquiry live, to ensure that the final part of the inquiry, the delivery of its report and the Government reaction to it, was also something that citizens could follow live. And we did all that.

And we provided fulsome disclosure of all relevant data, including, as I said, my own private electronic communications, because we had and we have nothing to hide. The House now knows also that the person who called for the inquiry, Mr McGrail, and the former senior management team of the Royal Gibraltar Police, were not as forthcoming in respect of key items of information required from them. The report shows that in its findings.

Daybooks went missing. Laptops went missing. Mobile phones went missing. Hard drives went missing. WhatsApp messages turned up only after the main hearings had finished and their Inquiry had to be reconvened at huge additional public expense. Secret recordings of covertly recorded meetings with the Attorney General and other Senior Officers were found by the Inquiry to have been deleted by Mr McGrail in an attempt to hide the fact that he had carried out those recordings.

it is not me or the Government saying that Madam Speaker. Those are also the findings of the Report. Those are the findings that it seems some people do not want to talk about.

But these findings about the senior management of a police force that should enjoy our community's absolute trust are absolutely devastating. Devastating to that trust. And devastating to the approach that we can take to that period in respect of policing in Gibraltar.

And that is not something that the Government will accept. It can be swept under the carpet. And it is not something that can somehow be glossed over or swept under the curtain of the criticisms of me in the Report.

Indeed, it is quite something to now read some very similar material emerging in respect of the Chief Constable of the West Midlands and how he has lost the support of the Home Secretary. In that matter, it also appears that a key document or two may have been lost or destroyed. Just as has been the case here. Although here it is not just one or two documents, Madam Speaker. Here, there is a finding of careless and in some instances deliberate loss of the repositories of data that would clearly have held the key information about some of the matters in question before the inquiry. But the scale of the deception on the one part and the failure to comply with disclosure requirements on the other part uncovered by Sir Peter Openshaw in relation to the earlier leadership of the RGP is really quite remarkable.

And when the political issues are put to one side, they really can be seen to require a lot of reflection indeed in respect of future governance of the police. Again, I emphasise Madam Speaker that these are references to decisions of the earlier senior management team of the police. I have full confidence in the current leadership of the RGP and in particular the Commissioner, Owain Richards.

But the criticisms of the former senior leadership of the RGP in the report go far beyond what has been enough to undo the Chief Constable of the West Midlands. But I am clear that if there is one thing that could be differently dealt with in this matter, that could have been differently dealt with in this matter, is that perhaps we do need a procedure for a Minister to come here with a statement or Motion of No Confidence in the Commissioner of Police and for that to have immediate consequences. let us face it, that would have cost a lot less than £8 million when the then Governor lost confidence in the then Commissioner.

But the key thing is that the Inquiry has now reached its conclusions. As a mature democracy, we must now face the music, learn the hard lessons and move forward. And I am ready to do that Madam Speaker.

As I have already said outside of this place, but I put on record here, I recognise that sharp criticisms of me are contained in the report. I have acknowledged that the report contains highly critical comments regarding my own actions. I have asked people to set those in the context of the extreme pressure I was under in 2020.

And I have also told the community that I am advised that some of the sharpest criticisms are actually legally unsound, unfair and contradictory. These are the political criticisms that my political opponents are making pay from. I am now finalising my consideration of whether to take up the option to commence a legal challenge to those findings.

I must say that the advice I have from my Council, the former Leader of the House, Sir Peter Caruana KC, is hugely compelling. But the Minister for Justice has described it rightly as robust. But this is not the place to go through the detail of that potential legal challenge at this stage.

A legal challenge, if it is made, must be made in court of course. Out of respect for the court, the legal process and the rule of law, I will not say more at this stage in respect of that potential challenge. Although all hon. Members, especially those with legal training, need to be aware that those findings that many of them are repeating are the findings that could form the basis of my potential challenge.

But if I file that challenge, neither will such a challenge distract me from the continuing business of our nation. Because Madam Speaker, this report which we note today relates to action and consequences from six years ago. And that reality must not be forgotten.

Just to set matters in context, the events that led to the Inquiry happened before we had even negotiated and concluded the New Year's Eve Framework Agreement. This was May 2020, literally bang in the middle of COVID. We concluded the New Year's Eve Agreement, as its name implies, on the 31st of December 2020, half a year later.

So, Madam Speaker, whilst I fully understand the politics of what my political opponents are seeking to do with the sharper but challengeable aspects of the Report, I also fully understand

that this report is about the past. And my most important work now is to finally secure our future. Additionally, Madam Speaker, and although some appear not to like to hear it, the fact is that all of the allegations made against us and against me in the run-up of the hearings and the Report have been dismissed entirely.

Indeed, Madam Speaker, the report before the House completely exonerates the Government from the many spurious allegations made against it over the last five and a half years. Crucially, the Chairman found that contrary to the principal allegations, there was no corrupt or improper interference with any police investigation by me or anyone in this Government. The finding that I tried to interfere, a finding that I dispute, does not displace the finding that there was no interference.

The Chairman also found that I genuinely and honestly believed the former Commissioner had lied to me, providing me a sound and justifiable basis for my own loss of confidence in him. The decision for the former Commissioner's early retirement is found in the report to have been that of the Governor acting on independent grounds and with the full knowledge of the UK Foreign, Commonwealth and Development Office. There was no conspiracy, despite the repeated allegations made in that respect.

Perhaps most importantly, Madam Speaker, there is no finding of any corruption in Gibraltar. This was the theme of articles which appeared in the international press and appear to have been inspired by lawyers acting for Mr McGrail. They have been proved wrong, misplaced.

Additionally, Madam Speaker, the Inquiry Report does not contain any recommendation that Mr McGrail should receive any apology. It also does not contain any recommendation that Mr McGrail should receive any damages. No apology, no damages.

Indeed, the exact words of the Inquiry Report in the name of the Chairman say this explicitly. I specifically decline to recommend any form of redress, whether by way of apology or compensation. This inquiry was commenced, Madam Speaker, by Mr McGrail asking for an apology and damages.

He got neither. Just that speaks volumes. But Madam Speaker, although there were not any recommendations for an apology or damages to Mr McGrail, there are in the report recommendations to improve governance and administrative procedures.

It is not, Madam Speaker, to throw the RGP under a bus, as some have foolishly suggested, to count the recommendations and highlight that the majority relates to the RGP. That is nothing but arithmetic. Already, we are working together with all the individuals who have constitutional responsibility to deliver on these recommendations for reform of the governance of the RGP.

The Hon. Leader of the Opposition has been asked to meet with Ms Samantha Sacramento, who is engaged to help us deliver on the reform of governance of the police and, additionally, the implementation of relevant recommendations in this area. I hope the hon. Member will engage with the process of consultation with him that has been proposed. The RGP itself is rightly leading on a number of the recommendations.

Some have already been implemented by the new leadership of the RGP. Some of the recommendations relate to the Government, of course. I think five of them, Madam Speaker.

We are already working on them. Two of the recommendations have already been implemented by the Chief Secretary. The Government has already instructed external Council from the UK to draft a Conflicts of Interest Act.

In order to do so effectively, Council will meet with various bodies in Gibraltar. I have also asked that Council should meet with the Leader of the Opposition. We are already working on how best to address the recommendations in respect of the Ministerial Code, on which we also expect to instruct Council.

Madam Speaker, for the Government, we are not merely noting this report. We are already acting upon it. I have set a clear deadline.

All recommendations relating to the Government will be implemented within 100 days of my New Year's message. Two have already been delivered. In partnership with His Excellency the

Governor and the Gibraltar Police Authority, we are working to ensure reforms concerning the RGP are in place before the summer.

We are working already and adopting recommendations to strengthen the culture and oversight of our public institutions and the regulation of the Police Authority. But Madam Speaker, while some may wish to remain trapped in the year 2020, the people of Gibraltar want us to get on with the job they Elected us to do long after these facts. They want Government focused on the challenges of today and the opportunities of tomorrow.

And that is what we are doing. That is what I am doing. Despite the constant noise from our political opponents, we have a job to do, and we are close to delivering the main part of it.

My energy is now concentrated on the final mile of our most important journey – the ratification and effective implementation of the UK-EU Treaty to secure our post-Brexit future. Whilst others keep looking down to see what they can find in the inquiry report, we are looking up to ensure we are on top of all aspects of the process of kicking off ratification of the Treaty. That is what matters most.

For our economy. For our future. To enhance and protect our way of life.

And we are working on new homes for our people. And we are working on a new Sovereign Wealth Fund for our people. And delivering new facilities around Gibraltar for leisure and tourism.

For 15 years, Madam Speaker, we have not stopped. We have delivered in every single year. In the face of challenges and in the face of turbulence and unimaginable headwinds.

We have got to work, and we have delivered each day of each week of each month of each year we have been in Office. And today, this week and the coming months will be no different in the two years we have left before a General Election is due. Just last night we were testing a battery that will help us deliver power if our Power Station is down.

Just this week we have issued expressions of interest for a new cruise liner terminal. Progressing on all fronts. Noting the terms of this inquiry report.

Implementing all of its recommendations. And moving on to the things that make Gibraltar better every single day. Because Madam Speaker, despite the noise, I will not leave the Office of Chief Minister with a list of things I hoped to do.

I will leave it with a legacy of things I did, together with my colleagues in Government, to deliver on the promise to make Gibraltar better every day. I will leave criticised, for sure, but satisfied in the sure knowledge that I did my best for my people every single day that I was privileged to hold the Office of Chief Minister and to be Leader of this House. Every day.

Especially those days in May and June 2020 which the report so meticulously dissects. And for those reasons, Madam Speaker, I commend to the House that it should note the inquiry report and agree to the implementation of its recommendations. And I would move, Madam Speaker, that the House should now recess until 11.00 a.m.

Madam Speaker: All right we will recess till 11.00 a.m.

The House recessed 10.28 a.m. at and resumed at 11.00 a.m.

Madam Speaker: I now propose the question in terms of the Motion moved by the Hon. Chief Minister. Would any hon. Member like to speak? The Hon. Leader of the Opposition.

Hon. Dr K Azopardi (Leader of the Opposition): Madam Speaker, thank you. Madam Speaker, listening to the Chief Minister this morning, as he started, really, he did nothing more than what he has done already in all his previous media appearances and public appearances speaking about this important inquiry. I mean there was a doubling down, I mean some of the language was actually going even further than he has gone publicly in many respects.

He used the words police corruption. Police corruption. I mean if there is anyone out there listening and considering what that means, that the serving Chief Minister should say that there was police corruption, the imagery of that juxtaposed with what we saw in the Chronicle this morning about a smiling photograph of the Chief Minister co-chairing a group on police governance reform who the very next day accuses the police of corruption.

If that is not undermining our institutions and how he can purport to think he can co-chair a group on police governance reform on that basis and on the basis that he has been found on several occasions to have grossly, improperly attempted to interfere in a criminal investigation beggars belief, Madam Speaker. It beggars belief because he takes it even further. Not only does he purport to do so, but he also then comes to this House on a noting motion to say that there was police corruption.

Madam Speaker, there have been literary allusions in the Hon. Chief Minister's speech. I mean he talks about Alice in Wonderland but there has been quite a number of references to Alice in Wonderland recently. But really the Alice in Wonderland is him because he still denies the truth, seeks not to see it.

I mean I will give him another allusion of a work that he might want to look up. *El Otoño del Patriarca*, by Gabriel Garcia Marquez. A story of a general who has absolute power, who in fact exercises surreal control, defies reality and tries to rewrite history to make himself appear eternal.

Maybe he wants to consult that one. He does not want to appear eternal because he says he is going to go. But certainly, he does everything else which is to rewrite history in a fantastical way, surreally defying reality.

Because Madam Speaker, there is a clear political bottom line when noting the inquiry report and its findings and that is that the Chief Minister attempted to interfere with a criminal investigation, not once but several times. That is profound because it never happened before, thank God. And there are and should be political consequences to that.

And let us see when we get to the Motion of No Confidence whether Mr Picardo, the Hon. Mr Picardo, allows Ministers to even vote on the question of confidence in him or whether he amends it to prevent a vote being taken on confidence in him. Because that will tell a story that he is running scared on the issue if he does not allow his own Ministers to vote on the question. We will see when we get there.

And if the Ministers support him, then the people of Gibraltar should have the right to decide the fate of this Government sooner rather than later. Madam Speaker, the Government were dragged kicking and screaming through all the stages of the McGrail Inquiry despite the reinvention of history today. Because beyond the initial hot-headed announcement that an inquiry would be convened in July 2020, the Government then did nothing about it for 18 months.

It was obviously by then that there had probably been a change of heart once the blood had run cold. By then, however, it was too late and promises had been made. Yet by dragging its feet and only convening it in February 2022, 20 months after the Commissioner of Police retired, the GSLP Government at least engineered that a report could not surface before the 2023 Election.

That would have been uncomfortable reading, as we now know. It also allowed the Chief Minister to make outlandish prophecies about how he would be exonerated and how he had done nothing improper. The protestations of innocence and unimpeachable conduct were repeated several times during 2022 and 2023.

He repeated, repeated and repeated that he had acted properly and never inappropriately. Even at the Leaders' debate on the eve of the 2023 Election where he promised the people the night before the ballot boxes opened that he had acted properly. That was and remains one of his massive misrepresentations to the people of Gibraltar.

He has told the people of Gibraltar so many tall stories that he has undermined his own credibility. That of his Government and many people who are entitled to suspend believing him on any issue, unfortunately. Once again, like in the case of Brexit when he told people he was 0.01% away from a deal and this wasn't true. And once again, like in the case of the Principal Auditor's reports, the conclusion of which he effectively blocked by not taking certain legislation

in this House. He hid things from the electorate. He hid the truth of what he had done which has now been found by the Inquiry.

On financial governance, waste and abuse, the Auditor reports, and on democratic governance, the Inquiry, the Government and the Chief Minister engineered that they did not go into an Election setting out all the truth to the electorate on these festering saws. That combination of things meant that when people voted and returned them to Office in the closest Election ever, they had deliberately and cynically hidden things from people. Things and conduct that Sir Peter Openshaw precisely marks in those terms, deliberately and cynically, albeit on other issues.

Because Madam Speaker, this is not just a one-off. This is not just isolated. It is the way they do things.

They cannot be believed. The Chief Minister cannot be believed. there is always more than meets the eye.

And there is massive misinformation when he speaks publicly as he did when he spoke on this report just a few weeks ago and in this House today. And so now, finally, we have the report. A report that is damning of the Chief Minister.

Sure, it may criticise other people, and it does, but the one facing the most serious findings of misconduct is the Chief Minister. Those findings are not just small errors. They are unprecedented and they are grave.

There are other things where the respected Judge did not feel he needed to specifically make findings. For example, the case of the appropriateness of Ministers holding beneficial interests in a company vying for a public contract, 36 North. But only then because those historic pre-2020 decisions in relation to that contract were not relevant to the retirement of Mr McGrail.

That is all. Those issues were and are, however, hugely important, well beyond this motion as it speaks to their approach to Government. But now, the prophecies of exoneration that he made have come back to haunt the Chief Minister.

Maybe because he made so many false prophecies of success that have not transpired, he feels he should still repeat them. But even now, even for him, it is an all-time low of misrepresentation and contortion of the facts, and we will come to that. Madam Speaker, we totally respect the recommendations made by the Chairman, and in Government we would implement them if these, or their spirit, remain unimplemented by the time of the next Election. Because we have no confidence that the Chief Minister presiding over this Government will implement the spirit of these recommendations in their proper way.

The main recommendations on conflicts, in particular, endorse the long-standing criticisms levied against the Government and the calls for governance reforms and robust conflict of interest controls. There are recommendations on necessary legislation and rules on conflicts of interest.

We particularly welcome those that entirely underscore the need that is raging for interests to be regulated. The theory behind such a recommendation is obvious. It is that the Inquiry Chairman has presided over a case which, at its heart, has a stack of conflicts, where principally the Chief Minister was unable to respect boundaries and transgressed them to the point of attempts to interfere in ongoing police matters.

We have been concerned about the need to regulate conflicts of interest for some time. It was in our 2023 manifesto, and we have spoken about this for some years. Other recommendations on police governance or on possible amendments to the Police Act are also welcome, and we had already also signposted the need for change in our 2023 manifesto.

Many of the recommendations that found themselves in the report that affect police governance were suggested by the RGP itself in its own submissions to the Inquiry. Sir Peter Openshaw also decided not to make any recommendations in relation to redress in favour of Mr McGrail. But the thing that the Chief Minister left out is that the Chairman explained that that was because this was outside the terms of reference of the Inquiry.

He said, Sir Peter Openshaw said, after noting the procedural errors that, I quote:

> it is not within my terms of reference to say whether that might have provided him with some legal redress.

As well as the fact that the procedural irregularities could have been cured and he could not speculate the impact of, quote:

> what might have happened if proper particulars had been given,

The recommendations, of course, stem from the Inquiry Chairman's findings. And these, Madam Speaker, at their core, clearly point to massive conflicts of interest, governance deficiencies, abuses of process and a number of serious transgressions by the Chief Minister.

The result is that the events of the last few weeks have left Gibraltar in a very stark and dark place, with the Chief Minister found to have attempted to interfere in a criminal investigation, hanging on to power supported by his Ministers. It says a lot about each and every one of them who supports him. Because the findings of the Openshaw Report are the last straw of a mounting catalogue of disgraceful conduct.

The idea that somehow, we can just pretend and move on is ridiculous. I mean, let us not look back in the rear-view mirror, he keeps saying to people, you know, just because I did something a few years ago. Anyone listening will think, well, if the Chief Minister can do it, anyone going to court now can pull that defence.

Oh, do not try me for this offence, it was only five years ago. You know, do not look back in the rear-view mirror, this is ridiculous. Why are you knocking on my door? To arrest me for something that I attempted to do. Because at the end of the day it was only a few years ago, let us move forward, let us look back.

This is a watershed, Madam Speaker, this is a watershed of how we do things. How things are done, by whom, how conflicts are handled, how institutions are protected, and what standards are acceptable in public life. Sir Peter Openshaw described Mr Picardo's conduct as, quote:

> sinister

or cynical, misleading, or unwilling to give straight answers. As mentioned before, before the last Election, Mr Picardo had boasted that he would be exonerated, and that he had acted properly.

He still says that now. He told people that the Inquiry would establish, in his own words, the truth, the whole truth, and nothing but the truth. But in fact, the truth found by Sir Peter Openshaw is that Mr Picardo attempted to interfere in a criminal investigation in a grossly improper way on several occasions.

And as I say, no Chief Minister has ever faced such findings. In this case, those findings were made by an experienced judge, with decades of experience at the bar, and a respected High Court judge.

Sir Peter Openshaw has over 50 year’s experience as a judge and barrister. He sat as presiding judge over a number of high-profile criminal trials, such as prosecutions stemming from the Hillsborough disaster. He is so well respected that he was appointed onto the Criminal Procedure Rules Committee of England and Wales. In short, he has presided over many criminal trials.

He understands the criminal process, and when he speaks about boundaries of what should or should not be done in a live criminal investigation, he knows what he is talking about. And that is the key and worth emphasising, because it goes to the crux of what should happen here and no number of smokescreens can hide it.

Sir Peter Openshaw made a number of findings. And some of the principal ones, taken chronologically, are that on the 12th of May, 2020, Mr Picardo summoned the Commissioner of Police, Mr McGrail, to his offices and berated him, as the police sought to execute a search warrant in a serious criminal investigation. The Inquiry Chairman says this was the first time that Mr Picardo crossed the line, and that he wasn't protecting the reputation of Gibraltar, but rather his friend from the execution of a search warrant. He calls it a, quote:

grossly improper attempt to interfere in a legitimate police investigation and operation.

The Inquiry Chairman says that on the 14th of May 2020, at 16:55, Mr Picardo communicated with his friend's lawyer about the dismissal of police officers. The Chairman found Mr Picardo's explanation, quote:

unconvincing,

and that he:

firmly had Mr McGrail in his sights,

He says:

whether he was gunning for Mr McGrail or another officer

he calls it a:

grossly improper attempt by Mr Picardo at interference with the investigation,

He says that on the same day, in 18:41, Mr Picardo messaged the suspect's lawyer with:

another idea.

The Chairman said:

here, the Chief Minister of Gibraltar is suggesting to the lawyer of a man who was then suspected of serious crime involving the security systems protecting Gibraltar, how he might retrieve his client's mobile from the police to prevent them from interrogating it, which they were very anxious to do. Again, one only needs to set out this proposition to demonstrate its gross impropriety.

The Chairman adds that on the 15th of May, in a letter to the Attorney General, the suspect's lawyer refers to advice given by the Director of Public Prosecutions.

The Chairman finds that the disclosure of that information came from Mr Picardo, the Chief Minister. He says it was a:

grossly improper disclosure of confidential material which he must have known and intended might assist his defence to the detriment of the prosecution.

And that it was:

plainly not appropriate for Mr Picardo to tell the suspect or his lawyer what he believed the DPP had advised for or against.

The Inquiry Chairman finds that on the 17th of May 2020, Mr Picardo meets the suspect and his lawyer at his home. Sir Peter Openshaw calls this:

grossly improper meeting which should never have taken place.

And finds that Mr Picardo did not disclose this meeting at an early stage because he knew people would think it was:

deeply inappropriate.

The Chairman adds that:

Here we have Mr Picardo as Chief Minister meeting a person then suspected of serious crime arising from the misuse of the NCIS platform intended to protect the security of Gibraltar with the lawyer acting for him at his own home without any record or minute of the meeting.

And that improper meetings such as these give rise to:

inappropriate favours.

or

inappropriate reciprocal obligations.

Or inappropriate disclosures. The Chairman added that on the same day later that evening at 22:48, Mr Picardo again communicated with the suspect's lawyer in a way that was inappropriate. He was:

again canvassing ideas with the lawyer of a man suspected of serious crime as to how his interests could best be protected or advanced.

Sir Peter Openshaw found that:

here again Mr Picardo is improperly attempting to protect his friend and mentor from the consequences of a warrant lawfully issued.

end of quote. The Chairman, the Chairman adds, on the 18th of May 2020 after midnight, Mr Picardo:

came up with yet another idea.

proposing to the Attorney General that he should exercise his constitutional power to take over and perhaps discontinue the such warrant proceedings. Sir Peter Openshaw describes this as:

another grossly improper attempt by Mr Picardo to interfere in an active criminal investigation by the RGP to protect his friend and mentor.

The Chairman adds that on the 18th of May 2020, Mr Picardo misleads the Police Authority Chairman ahead of an emergency meeting of the Police Authority and:

deliberately and cynically did not spell out that his real grievance arose from the issue of the warrant.

He adds that on the 20th of May 2020, before that emergency meeting of the Police Authority, Mr Picardo contacts the Chief Secretary. He was:

trying to influence his votes to call for Mr McGrail's retirement,

in a way that Sir Peter Openshaw described as:

obviously improper,

The Chairman adds that on the 22nd of May 2020, Mr Picardo helped amend the letters from the Police Authority to Mr McGrail, asking him to retire and omitted key information from the Police Authority in a:

sinister,

way, seeking to abuse its processes.

The inevitable and irresistible conclusion is that Mr Picardo was using the processes of the GPA to bring about Mr McGrail's effective dismissal for reasons of his own relating to the police investigation into his friend.

Madam Speaker, those are only 10 examples over 10 days of grossly improper conduct, where there are several occasions where the Chief Minister has been found to have attempted to interfere in a criminal investigation. In reaching his overall conclusion, Sir Peter Openshaw says:

I have no doubt that the real reason for Mr Picardo's loss of confidence was that Mr McGrail and the RGP had obtained a search warrant against his friend, which he was determined in one way or another to thwart.

Madam Speaker, the Inquiry was convened to enquire as to the reasons for the retirement of the former Commissioner of Police.

Among the reasons, Sir Peter Openshaw finds that Mr McGrail:

retired only because he felt he was being unfairly and unlawfully compelled to do so. This was because neither they nor the GPA had followed the proper procedures, and because Mr Picardo had not explained the real reason for his loss of confidence, which was the application by the RGP for the search warrant against his friend, and the lie which Mr McGrail was alleged to have told Mr Picardo and Mr Llamas at the meeting of the 12th of May.

He added, the Chairman, that this was because of the:

improper pressure which he felt was being put upon him by Mr Picardo to alter the course of that live criminal investigation.

Madam Speaker, the main and most dramatic findings in this Inquiry report is that the Chief Minister attempted to interfere in a criminal investigation. Any attempt at rewriting that history is nonsense for anyone picking up this report who can read it for himself or herself and see that those are the main and most dramatic findings. And this is grave.

It is grave for our history, and it is grave for our history of self-Government because no Chief Minister has ever faced such findings. it is a damning verdict on Mr Picardo's behaviour because such conduct is plainly not acceptable in a Chief Minister. It is conduct akin to acts attempting to pervert the course of justice.

All in all, the Chief Minister was clearly breaking so many rules that his position is now untenable and he should resign. If a report like this had emerged in the United Kingdom, any UK Minister would be compelled to resign. I said early on in our own reactions to this, and we will come to the substance of it when we come to the Motion of No Confidence, but I said early on that Ministers were at a crossroads, that they needed to decide whether to back him or sack him, given those findings.

Of course, if Ministers do support Mr Picardo, it is a clear signal to the people of Gibraltar that they are prepared to put up with this conduct, the half-truths and the downright lies or the spin that we saw in this House today, that even now they prefer power over public interest. They each face that crossroads now, and there should be no hiding place when the motion of confidence arrives, unless, of course, the Chief Minister is scared about allowing them a free vote on the issue. So, we will see if the Chief Minister dares put to the test the so-called fulsome support he says he has from his Ministers, because the comments so far have been less than fulsome.

Minister Arias Vasquez seemed stunned by the question from GBC when they interviewed her about something else and gave a fairly lukewarm answer. The Minister for Justice spent almost 60 minutes skirting around the issue like a ballerina, making clear he supported the Chief Minister's right to challenge the findings, but equivocated somewhat on whether he supported the findings themselves. We will see.

So that right to challenge the findings is worth exploring in itself, because it is first important to bear in mind, and I do remind Ministers, that they issued a press release on the 23rd of December 2025 that says in a number of places that they welcome and accept the findings. To quote from their press release of the 23rd of December:

> Her Majesty's Government of Gibraltar welcomes the findings of the Inquiry [and] the Government accepts the report's findings and commits to working on all the constructive recommendations made,

But of course, Madam Speaker, if the Government welcome and accept the findings, they are also accepting and welcoming the findings in relation to and against the Chief Minister, because there was no exception or caveat in the press release. They cannot have it both ways. And of course, that speaks to the thoroughly uncomfortable position of Ministers and the massive contradictions.

A Minister charged with taking a special Oath to ensure the respect of the rule of law, who has findings in front of his very eyes that the Chief Minister did not respect the rule of law, that he attempted to interfere in a criminal investigation, not once, but several times. And so, the question for all Leadership contenders, party loyalty or rule of law? Does it help my leadership a bid more to show I am different or standing by the wounded?

We will see when we get to the Motion of No Confidence. But of course, in that self-serving tussle, the people of Gibraltar are watching dismayed that the private interests of Ministers are being put above the public interests of safeguarding basic democratic governance principles, that no Elected head of Government should seek to interfere in a criminal investigation, still less one where he is conflicted. This is a Chief Minister only now in Office because Ministers have not shown what it takes so far to remove him or think it acceptable to be led by someone who attempted to interfere in a criminal investigation.

Maybe, just maybe, it is because some of the Leadership contenders are mired in similar conflicts of interests through their professional association. Instead, they purport to behave like a dynasty handing the baton to another of the same conflicted cabal whenever they want. And then, in a final contradiction, the Government press release ends by saying and I quote:

> that with the report now published, Gibraltar can finally draw a line under this matter and move forward with confidence in the strength and integrity of our institutions,

Did the Chief Minister even remember that he wrote that in his press release of the 23rd of December when he stood in this House and accused the police of corruption this morning? Did he even remember that? How are we moving forward with confidence in the strength of the institution that he has just trashed this morning and accused it of corruption?

How are we doing that? And how are we moving forward if there is going to be a legal challenge? And how is the Government “finally”, “finally”, in inverted commas, drawing a line if the Chief Minister is intent in pursuing legal proceedings to who knows what level of court against the findings that the Government accept and welcome?

And how can we move forward confident in the strength of our institutions when the Chief Minister has attempted to interfere in a live criminal investigation and undermined one of the most sacred principles of the rule of law and in consequence undermined our democratic governance and constitutional institutions?

Madam Speaker, of course the Government are stuck in a quicksand of contradictions that will pull all the Ministers down under it because you cannot welcome the findings without also understanding you are welcoming the basic findings of conduct against the Chief Minister that he attempted to interfere in a criminal investigation and the institutions may be strong but no thanks to the Chief Minister who has attacked their integrity and sought to undermine them, not least this morning.

And you cannot move on if the Chief Minister is fighting his private challenge because that is what it is, a private challenge. What else could it be if the Government have welcomed the findings and want to move on? Maybe there were two Mr Picardo's drafting this press release. On no view is this a Government challenge, it is the Chief Minister's own legal private challenge if it comes.

So, if the private challenge comes, it is launched for transparent reasons to keep the circling wolves of issues at bay. First, Mr Picardo took on the Principal Auditor. Now he wants to take on the Inquiry Chairman in a running battle about some of his findings. But the Government have welcomed all the findings. Have they read their own press release?

The hon. Member Mr Picardo says that Sir Peter Openshaw's report is just an opinion. One of 38,000 opinions that there could be in Gibraltar. Well, we might as well have just picked someone up from the crowd and asked them to write the report.

Forget it, let us just get someone from the GSLP to write the report. But of course, the people of Gibraltar did not pay £8 million in Inquiry costs just for an opinion. They, we all paid £8 million for the Inquiry to establish the truth, the whole truth and nothing but the truth.

Which he kept repeating to us before the Election. Which is what the hon. Member promised we would get. And the truth is the established truth, not the rewritten truth that he would like in his Alice in Wonderland. The established truth today is that Mr Picardo acted improperly. The further truth is that the Chief Minister is seething because these are inconvenient truths. And as the walls are closing in, this is just now desperation.

Desperation in different ways. First, I mean he will not accept the truth unless he writes it himself, it is obvious. Well, we could have saved ourselves the £8 million because he did the same with the Principal Auditor. Because the last paragraph of the auditor Motion was basically a mechanism that will allow the Government to write its own reports on part of the findings of the auditor and now he has embarked on an incessant campaign to peddle his own version of the truth. Might as well save the taxpayer the money of the legal challenge and write the report himself.

Of course I joke. But this is too serious. Because to borrow a phrase from Sir Peter Openshaw, the fact:

> that Mr Picardo still seeks to defend his actions, that he thinks that he was within his rights, is not mitigation. Indeed, it makes it much worse.

And that sums it up because that is what he is doing today. He still, he did it in the Inquiry and he was seen through by Sir Peter Openshaw. A man who has 50 years' experience in criminal trials who can spot the truth.

He was seen through. And he is doing it today. But worse still, he is doing it to the people of Gibraltar.

it is an absolute scandal. And so, as a private citizen, Madam Speaker, as a private citizen, he can mount a challenge. But as a private citizen, he should pay for it. It seems that the Ministers think the taxpayer should pay for Mr Picardo's legal crusade to the Supreme Court or beyond. We do not. As it is a private challenge for acts not done within his Ministerial duty.

It would be very different if they had been within his duty. The Crown Indemnity Principle is about the state paying for the legal costs of Ministers who take or defend proceedings in relation to acts that they have done within the scope of their Ministerial duty. But on no view could it ever have been within the scope of the Chief Minister's Ministerial duty to suggest ideas to a then-suspect's lawyer which were improper acts and attempts to interfere in a criminal investigation.

How the investigation should be blocked or hindered? By retrieving the phone. On no view was that his Chief Minister's duty.

So, if he files a private legal challenge, he should pay for it. And it is stunning, Madam Speaker, to hear him talk about the rearview mirror and not looking back and saying that we are trapped in the year 2020. we are not trapped in any year.

We are receiving a report in 2025, now 2026, of something that happened then. But it is telling. And this is no different to someone who goes to court in relation to things that happened a few years ago.

The refusal and the utter insistence that we and the people should not examine this because it was in the past. And the pejorative description of it as if it were a disservice to actually look at this inconvenient truth. The reality is that it is a disservice not to understand it, see it, grapple with it, and indeed act on it.

That is what it is a disservice to do. It is to hoodwink the people of Gibraltar from the truth. And faced with such serious and damning findings, Madam Speaker, a normal person might apologise.

He half-heartedly hinted at apologies originally when he first spoke on the 23rd of December. But what he said on the 23rd of December was that he apologised if people felt that he had done something wrong. that is not really an apology for having actually done something wrong.

I mean, the Inquiry has found that he attempted to interfere in a criminal investigation. And he says, well, do not look at the past. And by the way, if you feel I have done something wrong, well, it is not that if you feel something wrong. Of course you have done something wrong. The Inquiry has said you have done something wrong. The Inquiry has said you've acted in a grossly improper way on a number of occasions.

So properly apologise to the people of Gibraltar. But it speaks to the reality that days later when asked by GBC what mistakes he owned, he would not even answer. Because the reality is he is in a cocoon of lack of reality.

He does not want to recognise the truth. that is what is happening here. And not only does he not apologise properly to people, not only does he not apologise, he assaults the truth because over the last four weeks there has been a shameless assault on the truth of the findings of the Inquiry by the Chief Minister, aided by Ministers who do nothing to stop him, despite the massive and unsustainable contradictions.

It was stark to watch him come on television with a sense of drama on the 23rd of December, the day of publication, to say he had been exonerated. And only a few minutes later have our independent National Broadcaster revealed the truth that the Inquiry report had found that on several occasions he had grossly improperly attempted to interfere in a live criminal investigation.

This is an undignified spectacle of Mr Picardo, the Hon. Chief Minister, tripling down on his fantasy land by saying that he and his government had been vindicated and exonerated. And it is not only insulting to people, but it also marks a dangerous moment for our democracy and further affects the confidence in our institutions. Not just because he refuses to accept the truth, but because he insists on rewriting it.

Repeating incessantly a different version on the basis that he hopes that by repetition people will forget what was actually found and accept his fiction. I have described this as post-truth GSLP. Peddling twist, spin and downright lies and telling people they are true. And that is disgraceful. it is disgraceful and a disservice to the people of Gibraltar. Because there are many reasons why the GSLP Government should now be replaced.

But one of the biggest reasons, incarnated by the Chief Minister, is the systematic and ruthless manipulation of the truth and the sheer recklessness in the face of democratic protections. Because if they do not care who or what gets in their way, if they will stop at nothing to remain in power, to cling on to the vestiges of patronage, those are the signs of a dying administration. When the Government or its Chief Minister are unwilling to give people the promised truth, the whole truth and nothing but the truth, unless they write it themselves and are willing to peddle a narrative that will be shot down within minutes when the actual report they are talking about is published, it is a sad day for Gibraltar.

Because people deserve much better from their political leaders, that they should own up and not lie, that they do not mislead the people or misrepresent obvious facts and findings.

The hon. Member still juxtaposes some of the findings in half-truths, in his attempt to deride the RGP and exalt him, himself. And he does that. The RGP were criticised on disclosure. Yes, they

were. But he is no saint on disclosure when he says, I have revealed everything. He said on television, I did a full striptease of my WhatsApp and disclosures. Have we forgotten Annex 2 of the report which starts at page 699, which says that, where the Inquiry Chairman says:

> as I have mentioned in the section of the report on Operation Delhi, no relevant messages passing between Mr Picardo [and the then suspect] since May 2019 were disclosed to the Inquiry.

He goes on to give a long explanation about that and exchanges with the Hon. Chief Minister's solicitors. The Chairman describes that from a perspective where they had received WhatsApp before May 2019, where it was obvious that the Hon. Chief Minister was in WhatsApp contact with the then suspect once a week, maybe more often, maybe less often, that suddenly they were being told that after May 2019, there were no WhatsApps other than political broadcasts. Well, I mean, fine, fine. But that is, I do not know if that is a full striptease by his version.

People can read it for themselves and make up their own minds. People heard the evidence. We all did.

We all watched the replacement of the replacement of the replacement phone extract. We can all go back and watch it again because the clips are there. But this is serious, Madam Speaker.

There are serious findings here. And what the Chief Minister cannot do is trash the very institutions that yesterday he said he was upholding in that cosy, smiling photograph with the Governor, the Director of Public Prosecutions, and a number of other people. Madam Speaker, since publication, the Chief Minister has said that by co-chairing the steering group on police governance, he will have a hand in implementing the reforms on police governance.

But that layer's farce over gravity. The idea that a person who has been found to have attempted to interfere in a criminal investigation should take decisions as co-chair on reforms affecting the governance of the police, how they will do their job is ridiculous. To paraphrase Sir Peter Openshaw, one only needs to set out the proposition to see it is grossly inappropriate.

Some months ago, we had already expressed misgivings about the composition of that steering group. In fact, over their 14 years in Office, the Government has shown little interest in governance reforms to enhance the independence of the Gibraltar Police Authority or of the police. The timing of such a steering group, to us, seemed strange, given precisely that there had been plenty of allegations and cross-allegations in the McGrail Inquiry that would tread precisely on the governance of the police or the GPA, their relationship with the Government, and the importance of preventing executive overreach into the operational activities or either.

I made clear at the time that we are committed to the reform of governance of the GPA, protecting their independence and that of the RGP, and ensuring that there are clear and robust structures that create checks and balances on the power of the Government, as well as enhanced consultation of the Opposition. However, I also said that we were deeply sceptical of a process spearheaded by a GSLP Government that has so far, far from having any real commitment to this area, had shown a disdain for police governance. As the Inquiry findings had not been published then, we were concerned that this was at best window dressing, or at worst a smokescreen from any criticisms in the reports to come.

We added that the composition of the steering group was heavily made up by those who were core participants and indeed key witnesses in the McGrail Inquiry, and we said that legitimately many people will struggle to have confidence in a reform process led by the very people at the heart of the Inquiry.

People may think that the GSLP Government will seek to protect themselves, not learn from the past and be a handbrake to the necessary reforms. Indeed, we added that there was little to suggest that there was anything other than central GSLP Government and party control in the steering group process, and that given the quasi-constitutional importance of the police and its governance, we said our view was that any reforms would necessarily need to involve top-level influence in decision-making from persons outside the Government and its political parties, and

be drawn on a cross-party basis, including members of the judiciary and senior members of the Bar.

But Madam Speaker, after a further exchange of press statements, we agreed in November, in good faith, to participate in formal consultations with the GPA and those appointed to advise the steering group, and we had an initial meeting with the Chairman of the GPA and some members of the GPA.

However, Madam Speaker, the findings of the Inquiry have now changed that, because given the findings of the Inquiry report, it is now impossible for us to participate in a formal consultative way in a police governance process while the hon. Member, Mr Picardo, remains Chief Minister. As co-chair, he is in a position of central influence, and we refuse to legitimise a process co-steered by a person who has been found to have acted with gross impropriety in the very area of police governance which is the subject of those reform discussions.

The fact that he comes here this morning to accuse the police of corruption is a further assault on that institution. When he describes that it was devastating to trust of the police, or he says and suggests that as part of reforms, perhaps it would have been better for there to be a mechanism for him to have come to this Parliament with a motion to in effect express no confidence in a Commissioner of Police and that that should have immediate consequences, that is to further assault and undermine the concept of checks and balances in our land. And it is unacceptable but shows the approach to the whole issue and why it is entirely inappropriate he should be leading on issues of police governance reform after these findings. I want to say one thing, Madam Speaker, because yesterday I saw an extract from an article posted by Transparency International in relation to this issue.

I want to say this, I do not agree with that post of Transparency International in this very direct sense. The solutions to our current governance crisis, because that is where we are, the solutions to our current governance crisis need to be found within our own Gibraltar constitutional framework. We are not seeking external overreach, and I distance myself and those on this side of the House from that call by Transparency International or that view was it to be exposed by anybody else.

Ultimately the constitutional mechanism is that triggered either, well triggered by the Motion of no confidence or the also constitutional exercise of democracy by the people of Gibraltar in the ballot box whenever the next Election comes. The holding of an Election is the ultimate act where the will of the people can be heard and that is where change will come. Change will not and should not come by external imposition. Change must come by constitutional framework decisions within Gibraltar that allow the people to express their view at the ballot box.

Madam Speaker, the Inquiry report leads to a real crossroads for Gibraltar because what does it say about our Gibraltar and what example does this set for young people? Young people watch us because we are examples. We say that it is somehow acceptable for a person who has been found to have attempted to interfere in a criminal investigation to continue to hold the highest Elected Office in the land. How would it ever be possible to act if we now go along with this?

I said in my New Year's message that being Chief Minister is the highest privilege anyone who aspires to Elected Office could possibly attain because the Chief Minister is the guardian of the public purse and of the rights of the people of Gibraltar. He should be the protector of our rights and our institutions. The guardian of the public purse and of the rights of the people of Gibraltar, seeking only to enhance and strengthen the protections and guarantees, not to lessen or erode them. He should be zealous in ensuring that there are checks and balances, utterly disciplined in respecting the boundaries. A Chief Minister should not usurp the functions of the police, interfere with their investigations or attempt to do so.

Or attempt to do so. It cannot be that the Chief Minister says, well there was not an actual interference, I only attempted to do so. Like he said on a couple of occasions with GBC, if I had wanted to interfere, I would have interfered, he has said to paraphrase in GBC a couple of times.

Well Madam Speaker, with all due respect he should have said, as Chief Minister I would never attempt to interfere in a criminal investigation and not say to people if I wanted to interfere I

would. That is exactly the opposite of what a Chief Minister should be doing. All that is so obvious has to be undeniable.

So, if we are really to note the reports, we have to do so to its fullest extent, understanding all its political consequences. And the consequences for this Government and for the Chief Minister in particular are profound and cannot be ignored. In short, that he must go. (Banging on desks)

Madam Speaker: Any other hon. Member wishes to speak? Yes, the Hon. Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): So, Madam Speaker, I welcome the opportunity to contribute to the debate on the Motion tabled by my hon. Friend the Chief Minister. This Motion seeks for the House to note the McGrail Inquiry Report and in particular the recommendations contained therein. In making this contribution I am conscious that I am not a lawyer, so my comments will as usual be largely political in nature.

And I want to start Madam Speaker by emphasising the facts that the Inquiry was convened by the Government itself. This may seem an obvious point to make, but it is also an important one, because an alternative course of action was also possible. In other words, the Government could have chosen not to convene an Inquiry.

The House knows that there are other avenues open to consider the issues raised by the retirement of the then Commissioner of Police. So, it is nonetheless an important point to make here. This is that a Government which shied away from scrutiny would not have called a public Inquiry in the first place.

A Government which is something to hide would have avoided an Inquiry at all costs. And some other mechanism would have been found to deal with this matter. Yet the Government went by choice down the Inquiry route.

And I think that the argument needs to start there. One other important point must also be made clear from the very outset. And this is that the entire Inquiry process has been the greatest exercise in transparency and accountability which Gibraltar has ever seen. Ever.

This point too has been lost in the smoke generated by the controversy. Never before has so much information flowed into the public domain.

The Inquiry itself played out in full public view. Many key documents are made available online. 114 affidavits from 73 different witnesses were received by the Inquiry.

34,000 pages of documents. Witnesses were probed in open hearings. Questions were answered in front of the TV cameras.

The main Inquiry hearing went on for 19 days in 2024. Followed by the reconvened hearing from the 9th to the 11th of April last year. Transcripts were published online.

And a catch-up facility allowed those who may have missed a session to view it later. Those open and transparent procedures amply demonstrated that the Government had nothing to hide. More than that, as my hon. Friend has said, the report was published in full.

It was not redacted. It was first made available to the parties involved and to the media. Then to the Leader of the Opposition.

And it was also circulated by the Chief Minister himself to the UK Government and to UK Members of Parliament. The publication of the report has brought the Inquiry phase to an end and that voluminous amount of information remains on the record. It is now the responsibility of this House to take note of that report, to learn from its findings and to deliver improvements for the future. That must be the key going forward.

Madam Speaker, this debate today is a further example of a functioning democracy in action. A Motion to Note enables this Parliament to hold a free and full discussion on any matter. The wording of the Motion is neutral and those Members who wish to speak are free to set out their own views for the record. Indeed, Erskine May, when describing a Motion to note, makes it clear, and I quote:

The opinion of the House is expressed in the speeches made in the debates rather than on a division.

So, the use of this neutral mechanism is in itself also a very open and fair course of action. It comes through as a useful way of trying to lower the temperature on a topic which has at times become far too bitter and much too intense. There is nothing wrong with excited, robust or even agitated discussion when views are passionately held.

This is probably part of our Mediterranean genetic make-up. But strong feelings can easily stray into discourtesy or disrespect. And in my view, there is a line to be drawn at that point because we have a duty in this House to lead by example there too.

So, Madam Speaker, in setting the scene and the background, the House must not lose sight of two pertinent questions. What is an Inquiry and what is its purpose? It is worth dwelling on these questions for a couple of moments.

An inquiry is not a court of law. It is instead an investigative process. The exercise is inquisitorial.

It does not determine legal liability. And it aims at systemic improvement. So, there is no proclamation of innocence or of guilt.

There is no conclusive judgement. There are no binding recommendations. So, the point is that this is not a legal process.

Even if, as in this instance, it was dominated by lawyers and presided over by a retired judge. That is why the report only makes recommendations. So, it is relevant too to reflect on a connected point.

This is that the bar in an inquiry is often much lower than it would have been in a court of law. That means that conclusions may sometimes be drawn against a lower threshold of evidence and of fact. Therefore, the structure, framework, practise and criteria which lead up to a conclusion in an inquiry is not based on a procedure with which most of us are familiar.

All of that put together may well account in part for the conflicting views that have emerged around the report. Because the Chairman, as has been said, was critical of a number of different actors. And I note that some, more qualified than I am, have already drawn attention to this lack of clarity in certain areas.

That suggests to me that the report may not embody the discipline of a legal ruling. Needless to say, the Government fully respects the views of the Chairman, even though we share some of those opinions and we disagree with others. But Madam Speaker, the inquiry was important.

It mattered. It mattered to the Government. It did so because of the allegations which had been made.

And because at its core it was about confidence in our institutions. Confidence in the relationship between the Executive and law enforcement. Confidence in the integrity of decision-making.

And confidence in procedures and in practise. The mechanisms of all of these relationships are pretty dense. They are often clouded in the shadows of secrecy.

And the only legitimate response here was to let in the light. And that is exactly what the Government has done by convening an Inquiry. This policy was reflected in the comprehensive, transparent and full disclosure of information made by my hon. Friend the Chief Minister himself to the Inquiry.

When others were found not to have been as forthcoming. So, the Inquiry was not designed to protect the Government. Nor was it designed to acquit or condemn any individual.

It was designed to establish the facts, to attest to the evidence and to reach conclusions based on the information before it. That would ordinarily mean findings based only on what could be proven. As opposed to on speculation, hearsay, feelings, conjecture, impression or opinions.

And this is a very relevant point to make again Madam Speaker. Nobody has been found guilty or not guilty. No punishment has been handed down to anyone.

No compensation or apology either. Additionally, this House must bear in mind one other important fact. And this is that the object of the exercise is now to make improvements for the future.

To learn from what happened. To identify what was wrong and to put it right. And that the route to achieve this is through the recommendations made by the Chairman to the different parties involved.

My hon. Friend the Chief Minister immediately declared that the Government accepted the recommendations and agreed to implement all of them. That again is a highly positive and constructive approach, and I will come to the recommendations themselves later.

Madam Speaker, the legal framework for all this was the 2024 Inquiries Act. This modernised the previous law which dated back to 1888. It is relevant to recall that this update generated considerable controversy at the time even though the proposed legislation was based on the United Kingdom model. Many wild accusations flew around.

The Bill was described by them as an assault on good governance. It was suggested that its timing was set to impact the Inquiry in a terribly negative manner. The Government stood accused of setting out to stifle the Inquiry.

This charge was based on the powers to restrict public access to evidence through the mechanism of a restriction notice. There were even courts of the United Kingdom to intervene if Gibraltar proceeded with the legislation. In the event the Government put forward a number of amendments which addressed some of the specific concerns which had been raised but even that was not enough for some critics. The point here is that public opinion was raised to fever pitch. This came through the use of inflammatory language with exaggerated concerns and imputed motives.

Now the Inquiry is over. The report has been published. So, it is possible to go back and evaluate the pointed assault which the Government was subjected to in April 2024.

Because what we experienced was not an assault on good governance, it was an assault on the Government itself. A restriction notice was indeed issued but this only impacted sensitive data which related to the security of Gibraltar. There was no blanket denial of information to the public. There was certainly no withholding of information from the Chairman.

The Inquiry saw everything and the Chairman made clear at the outset that the Inquiry would proceed under this new legislation. In fact, the report itself has now addressed this very point.

It confirmed that the restriction notice was directed only to a few sentences in the thousands of documents which the Inquiry considered. So, there was no material impact on the Inquiry process at all. It continued uninterrupted. Oral hearings were held. Evidence was collected and reviewed in public. And the final report was delivered unredacted.

So, what does this show? It shows that their criticism of the 2024 Inquiries Act does not hold. That in retrospect they and others of the same view got it completely wrong.

That the fear of a blanket denial of information was unfounded. That the picture they painted of good governance being put at risk was over-dramatised and therefore, that those motives imputed to the Chief Minister over the new Inquiries Act were at best seriously misplaced.

They chose to weave a negative and destructive narrative and that narrative was not borne out by subsequent events. It is important to note that the Chairman himself concluded the following in the report.

And I quote:

> I do not consider that the restriction notice has prevented me from making any significant findings or facts or from making any recommendations.

So, Madam Speaker, the Government once again faced a daily barrage of criticism in the media and on social media over the 2024 Inquiries Act. It has not been demonstrated by events that this tidal wave of censure and disapproval was groundless.

It was undeserved and it was unfair. It came about despite the explanations which were given by the Government inside and outside this House.

So, the point is not that there was no clarification. It is that those explanations were brushed aside as if they had not been made. Sadly, this has become an all too familiar pattern.

We have seen it replayed again and again over other areas related to the Inquiry. For instance, as I said, over the 2024 Inquiries Act, over the timing of the publication of the Report, over whether or not the Report would be redacted, and now over the question of who pays for the cost of a legal challenge. On every occasion, the modus operandi has been exactly the same.

Exaggerated claims, over-the-top criticism, highly colourful emotive language, and Government explanation ignored. And all this leads to an outcome which does not bear out the degree of controversy which was generated in the first place. The restriction notice, as we have heard, had no material impact on the Inquiry. The report was published. The report was not redacted. And payment for legal action when exercising official functions is the norm.

So, Madam Speaker, the relevance of all this to the debate on the Motion is twofold. First, the Inquiries Act 2024 is a framework for the actual Inquiry and for the Report which is being noted today. And secondly, it exposes the flaws in the political analysis of the hon. Members opposite. They were wrong. The Inquiry was not undermined by the 2024 Act. Their concerns amounted to nothing, and they clearly jumped to the wrong conclusion.

This approach has materialised time and again and has resurfaced during this debate as well. It is a political tactic which is best illustrated by the position they took in 2024 over the Inquiries Act. And on each and every occasion the Government has been subject to criticism which has been pitched, in my view, far too high and the facts when they emerged have illustrated the legitimacy of our actions.

Madam Speaker, I want to dwell for a few moments too on this question of legitimacy because, in my view, some of the commentary here has also been way out of line.

It started with the 2024 Inquiries Act. It continued in 2025 with the actual Inquiry and took shape again in 2026 over the report itself. This leads me to highlight two issues.

First of all, as my hon. Friend has done, I think it is relevant to remind ourselves that the Report covers events which took place in 2020. So, none of this happened yesterday, last week, last month or even last year. The events took place six years ago in May.

They materialised in the middle of a global pandemic and in the final stretch of the negotiations for exit from the European Union. Indeed, the document to 'Unlock the Rock' was itself published on 12 May 2020. So that was a priority.

I would respectfully point out, Madam Speaker, that there was plenty more going on at the same time. Secondly, and having said that, I do believe it is important to draw a distinction between self-serving criticism and genuine concern. I say this because there will be those who may well have been unsettled by some of the content of the report and with valid questions to ask.

Those citizens will have taken comfort already from the many detailed explanations provided directly by my hon. Friend the Chief Minister himself and from the acknowledgement that mistakes were made. Indeed, my hon. Friend has faced the music. He has not avoided it, and he has in this way been transparent and accountable himself.

Another substantial point of comfort would be the pledge to apply the recommendations which relate to the Government within 100 days and a commitment to work to ensure that those concerning the police are in place before the summer. So, the Government have taken significant steps already to address any genuine concerns but the House will understand that not all criticism is driven by noble motives.

There are degrees and some is plainly opportunistic and self-serving and the credibility of such a view often rests on who has delivered it. It is more difficult to take seriously when the source has a political axe to grind, a vested interest or a long track record of Opposition to anything the Government does.

Of course, in the final analysis, everyone is free or right, whatever they wish, regardless. That is what it means to live in a society which enjoys freedom of speech, freedom of expression and freedom of the press. And indeed, as I have said before, there is nothing wrong with the dissemination of diverging views which are passionately held.

That is a sign of a healthy society and a sign of a functioning democracy. There is always space for meaningful disagreement based on policies, facts or ideas. But I have to say that some of the arguments we have heard are treading a fine line, in particular when the democratic legitimacy of the Government is called into question.

Many areas of serious political disagreement are often taken to the limit and beyond. They are labelled a threat to good governance or have led to the call for a resignation. Yet the truth is that the Government was democratically Elected.

It enjoys that mandate already. It is instead the use of unrestrained, extreme language which risks undermining public confidence in our institutions because these remain firmly grounded on democratic consent and in a clear constitutional and legal order. Having said that, again, scrutiny is healthy in a democracy.

Reports, Inquiries, debates and criticism all have their part to play in strengthening governance. But such scrutiny must not be extended to undermining the very basis of democratic authority itself. A Government derives a part to govern from the freely and democratically expressed will of the people.

That was manifested in a General Election. No report, however critical, can substitute or nullify that mandate. Indeed, until the people of Gibraltar decide otherwise in 2027, their elected representatives are entitled to continue to govern with the same level of full democratic authority.

And if they do, to seek to undermine the democratic decision taken in October 2023, or worse still, to overturn it, is to set down a slippery slope from which there is often no return. That is why in a democracy, and I agree, Governments are judged at the ballot box. A report of this kind is an important governance tool. It is part of the process. It investigates issues, identifies concerns and makes recommendations. But it is not a court judgement. It does not suspend constitutional authority, and it most certainly does not overturn Elections. The Government is still the Government, and the Chief Minister is still the Chief Minister.

Indeed, the notion that an Elected Government loses legitimacy because it is criticised in a report would make democratic Government anywhere unworkable. In other words, if legitimacy were contingent upon the absence of criticism, then no democracy in the world would survive.

Madam Speaker, democratic authority does not mean perfection, and we are not perfect. There is always room for improvement. But it requires accountability, and this is the exercise we have just witnessed. The most comprehensive and transparent exercise in accountability which Gibraltar has ever known.

More than that, true democratic resilience lies precisely in the ability to confront such challenges, to accept mistakes when they are made, and to correct the procedures for the future. So, I repeat, in my view, it is good that differences of opinion are aired openly in a debate like this one, but there is no need to test the limits. Their action has the potential to undermine the very fabric of the democracy we are all so committed to uphold.

And one additional point. The Opposition have now made it part of the standard narrative to point the finger at individual Ministers in their search for a vote to topple the Government, the hon. Member has done it again this morning.

I accept this Motion is different because there is no vote at the end of it. But they have deployed this argument on a number of occasions since the last General Election, not only now. They have done so practically every time there is a vote on a political controversy.

That approach is, of course, entirely a matter for them but in my view, it is profoundly misguided. It is also unrealistic. The Members on this side of the House were Elected on a manifesto as a team. We are here because we won the last Election. The margin is not relevant to the principle, and they are there because they lost it and it is their view to replace us, their wish to replace us. But in our system, the time for that test is the next General Election.

So, the calls for resignation are self-serving. Their prayers for a defection smack of desperation. I am afraid that the Opposition have once again set themselves up as judge, jury and executioner.

As the arbiters of what is right and what is wrong. And almost through imperial proclamation. As the authority which dictates to people who should do what. Which Minister should resign. When they should resign. Who should vote with them. Who should defect. And then they also hand down the sentence to Ministers who do not do what they are told.

Madam Speaker, it is a public who on balance will judge the performance of the Government when the time comes. that is right. This is exactly what the electorate did in 2011, 2015, 2019 and 2023.

A report cannot retrospectively nullify the democratic mandate conferred by the ballot box. There is also a connected point to be made in relation to this question. Our political system works on a parliamentary majority.

A Government governs on that basis. Any Government. The current mathematics in this chamber is a reflection of the popular vote at the last General Election.

That led to a majority of one. But there was also a majority of one from 1996 until 2007 when they were in Office. That majority became three from 2007 until 2023.

But it is important to note one detail. Even in the event of an increase in the number of MPs, the system itself would still work by majority. Those with the greatest support in Parliament will form the Government.

They will still be able to vote to approve measures in this House by majority on the basis of that support. The outcome in this chamber would reflect those numbers. So, the point is that we operate a system where the parliamentary majority governs and that this would be the same with more members, even if they are not all on the front bench. The process would be different, for example, under a committee system. There, a consensus rather than a majority would be required in order to get things done. It is important, I think, not to confuse the two. In any case, which is a debate for another day.

In his Ministerial statement of 23 December, the Chief Minister explained that he had received advice on the possibility of mounting a legal challenge to some of the critical conclusions contained in the Report. Those findings were described as legally unfair, contradictory, and not based on evidence before the Inquiry. And I have to say that there are examples in the United Kingdom and the Commonwealth where parties have taken issue against Inquiry findings. The Government, as I said earlier, fully respects the views of the Chairman but the fact remains that aspects of major public Inquiries elsewhere have sometimes been subject to criticism as well. There have been instances of legal or of political challenge and I will just go over some examples very briefly.

In 2023, the UK Cabinet Office brought a judicial review against elements of the UK COVID-19 Inquiry Disclosure Orders. This centred on the Chair's discretion to disclose WhatsApp messages and diaries of former UK Prime Ministers and other parties. The legislation permitted affected parties to apply for judicial review of certain decisions taken during the inquiry process.

Last year, a UK High Court judge ruled that a report into the collapse of the kids' company was irrational, unfair, and one-sided on key points. This was not a public inquiry in the conventional sense, and the report in question had come from the Charity Commission. Nonetheless, a case showed that inquiry-type reports by public bodies can be subject to scrutiny themselves for fairness and rationality.

In another example, last year, the Solicitor General of Scotland and the Scottish Police Federation both accused the Chair of the Cheque Bayeux Inquiry of bias. The accusations focused on meetings and on conduct. Ultimately, this led to the resignation of the Inquiry Chair in October 2025.

In a further example, some hon. Members may recall the 1994 Chinook helicopter crash Inquiry, which found the pilots guilty of gross negligence. There was strong pressure for a review or for a new inquiry from family members and others. A subsequent House of Lords Inquiry in 2011 found the original finding of gross negligence unjustified and set it aside.

The MOD then apologised to the families of the two RAF pilots, and the Chinook justice campaign continues to push for a new judge-led inquiry. Madam Speaker, I use these examples to illustrate the point that Inquiries are often themselves subject to scrutiny, and that must be seen as part of the wider democratic process and were it to occur on this occasion, the point is that it would not be the first time that it happens. So, while it is true to say that no two cases are identical, there are always useful pointers elsewhere which can resist the debate and provide some context to the discussion here.

Madam Speaker, I think it is relevant also to say a few words on the principle of Crown Indemnity which the hon. Member has raised this morning. This is another area of political controversy, a new one.

It is a long-standing convention that legal action against Ministers or action by Ministers, which arises from their Ministerial capacity, is funded by the Government. The primary consideration is that official duties and functions are engaged, and the objective is to avoid what is described as a chilling effect on Ministers or officials, to ensure that they are not put in a position where they feel unable to make decisions or carry out their functions because of a threat or action against them personally. The process ensures that the personal financial interests of Ministers and officials are thereby ring-fenced and protected in judicial or quasi-judicial situations like this one.

I think there can be no doubt that the principle is engaged in this situation, and that the issues which were the subject of review by the Inquiry and which appeared in the report stemmed directly from the Chief Minister acting in an official capacity. Indeed, the Cabinet has fully and unanimously supported him.

Madam Speaker In 2024, the then UK Government set out the position very clearly to the House of Commons, it said, and I quote:

> in line with established practise under multiple administrations of all political colours, Ministers are provided with legal support and representation where matters relate to their responsibilities as a Minister.

And it goes on to say that,

> this reflects an important principle that Ministers should be able to carry out their official duties supported by official advice in a way which they see fit, without the risk of personal liability constraining their ability to take those official actions.

Of course, Ministers remain accountable to Parliament and the wider public for their actions as a Minister.

That position reflected what was set out earlier in the UK Cabinet Manual, which consolidated unwritten conventions and practise into one document. And this says:

> It is a practise for Ministers to be indemnified by the Crown for any actions taken against them, for things done, or decisions made in the course of their Ministerial duties. The indemnity will cover the cost of defending proceedings, as well as the costs or damages awarded against the Minister.

And in the UK, and presumably here as well, the reference to Ministers also applies to former Ministers, including Ministers of former governments. In respect of Gibraltar, the principle was outlined very well in Government Press Release No. 12, dated 13 January 2026.

And the approach is similar across many parts of the Commonwealth. This is also the position in Australia, for example. The Crown, meaning the Government, will generally indemnify Ministers and public servants for actions undertaken in the course of their official duties.

The principle, again, shields decision-makers from the personal financial burden of legal action or legal challenge which may arise in their public service. That position is echoed in the Australian states themselves. In Queensland, for example, and I quote:

> The practise is that the state will provide legal assistance and or an indemnity to a Minister if the civil proceeding, inquiry or investigation relates to the Minister's duties.

And the term Minister is again defined very widely. It includes Ministers of the Crown, former Ministers of the Crown, Parliamentary Secretaries, Assistant Ministers and former Assistant Ministers as well and legal assistance for the purpose of initiating or continuing these separate legal proceedings in relation to an inquiry or investigation requires approval in writing by the Attorney General.

It is clear to me that public funding is the standard when public Ministerial responsibilities are engaged. And while it is easy for the Opposition to appeal to populist sentiment on the point of who should pay, the proper procedure is beyond doubt.

Madam Speaker, it is obvious where hon. Members are coming from. At £8 million, the McGrail Inquiry has been an expensive exercise. Inquiries are notoriously expensive in the United Kingdom as well, we should note. The UK COVID Inquiry, for example, had cost £192 million by the end of last year and is expected to top the bill with over the £300 million mark.

The Bloody Sunday Inquiry cost £273 million in 2024 prices. There were 27 ongoing or announced Inquiries in the UK in 2025. A total of 46 of them have taken place under the UK Inquiries Act 2025 on which our own legislation is modelled.

Those estimated to have had a combined cost of £1.43 billion so far. And such costs are not popular. So, it is clear that the hon. Members opposite who pressed for an inquiry in the first place now want to distance themselves from the £8 million cost and the path they have chosen to cloud the issue is evident. Their tactic is to raise doubts over who should pay for a potential challenge to any of the findings in the report. And the expectation is a popular feeling against the overall cost of the Inquiry, which they supported, comes to be conflated with the new cost of any proposed challenge.

That approach may carry some political logic, but it is also entirely self-serving. Or did they think an inquiry would be free of charge when they called for it? So perhaps it is one for them to own. The possibility of a challenge and its potential cost flows directly from the original policy decision that an inquiry should be held in the first place.

So, Madam Speaker, I move on now to the actual report itself. As has been said, it is just over 700 pages long. It includes a shorter executive summary. That summary extends to 59 pages, and those summary pages are part of the 700. I stress the numbers to make it clear that anyone who wishes to be well informed on this topic will have a lot of reading to do.

Second- or third-hand information can rarely deliver the same impression. I do not propose to rehearse the findings of the report. These have been amply set out already, and the Government has already explained its position but there was no corrupt conspiracy involving Ministers. There was no actual interference with a police investigation. There was no corrupt plot by the Governor and Chief Minister to remove the former Commissioner.

The Chief Minister genuinely believed that the Commissioner of Police had lied to him. The Governor acted independently and was not manipulated by anyone. The Governor acted with the blessing of London, which was kept fully informed.

There is no redress, no apology and no compensation. The Government has already pointed to such findings, and the House has heard the Opposition again today selectively point to others. The hon. Member rehearsed a long list of them in his contribution earlier.

What he did not say was that despite all that long list that he rehearsed, the Chairman found there was no corrupt inquiry involving Ministers. I have said that the impression from my own reading of the report is that the Chief Minister was not accorded the benefit of the doubt to the same extent that others were and I consider this particular approach lack balance.

But in final analysis, the report is online. All of Gibraltar has had access to the record. And it is evident that different citizens may well arrive at different views based on exactly the same information.

Indeed, that is precisely what has led to discussion and debate. Yet overall, the Report provides more than just another opportunity for political point scoring. It provides the terms around which to coalesce and look forward.

It sets out the basis for reform and institutional regeneration. The House knows that when certain allegations are made and they are not tested, they can corrode trust. When they are tested and disproved, they must be acknowledged.

Madam Speaker, in Gibraltar, a government is elected for a four-year term. And over that period, there will be some issues which have been dealt with very well, and there will be other issues which would have been handled better. It is the same for every Government, everywhere.

We should not lose sight of this in the cut and thrust of political debate. Madam Speaker, there is another curious matter I would like to respectfully raise during this contribution. It relates to both style and substance.

I have to say that in my own reading, I detected what can best be described as a mild colonial undercurrent in this exercise. It came in particular in the criticism of aspects of the culture of Gibraltar, and in the references to the manner in which private business is sometimes conducted here. It is true that certain things have been done in a certain way for generations.

Perhaps in a distinctive and quirky manner, often not understood properly by outsiders. Ministers may hold impromptu surgeries with constituents in the supermarkets. Opposition members may be lobbied in a GHA waiting room.

Businessmen may ask questions of officials in the streets. And medical or legal advice may be readily dispensed at the beach. There is considerable informal, unofficial interaction in a community of our size.

And this happens for a variety of reasons. Those peculiar quirks do not imply wrongdoing. We are, on the whole, simply more accessible to each other. Everybody knows everybody else but it is easy to look at the mechanics of such interaction and get the wrong idea. So, the colonial undertone I have referred to may not be intentional, but it was certainly the personal impression I came away with on reading the full 704 pages.

And this does not mean there is no room for improvement in the way we conduct business here. There is always scope to do things better. And perhaps a mistake of all governments in Gibraltar has been not to have tackled this matter earlier.

I saw that in a recent opinion article, former Chronicle editor Mr John Dominique Searle referred to this whole process as an inflicted *colonialoscopy* and I think that was spot on. The term *colonialoscopy* captures exactly what I mean.

So perhaps I am not the only one to have come away with this impression. That very personal observation aside, it is clear that an exercise of this kind must set a clear objective. And the objective is that we learn from it.

There are lessons to be learnt in a number of areas. The Government has resolved to assimilate what has been said and to do things differently going forward. The importance of that point should not be underestimated.

So, Madam Speaker, I turn now to the recommendations in the report. In that context, the House will welcome the announcement by the Chief Minister in his Ministerial Statement of 23 December. He immediately confirmed that the Government will accept the recommendations made by the Chairman in full.

And he also informed the public that work had started to deliver them over coming months. The timetable was then set out in more detail during his New Year message. This is very positive in more ways than one.

First, it shows respect for the views of the Chairman. And it also reveals that clear commitment to improvement. It is also relevant to point out that most of the recommendations are not actually addressed to the Government itself, as has already been made clear.

Only some five of the 26 were made to the Government. The vast majority address the workings of the Royal Gibraltar Police and the Gibraltar Police Authority. And that is simply stating a fact.

Overall, the recommendations are constructive. They are forward-looking. They concentrate on strengthening our governance. They promote greater transparency and they seek to enhance our procedures and institutional resilience.

Madam Speaker, these are not punitive recommendations. They are reformist in nature, and this fact is of some significance too. hon. Members are already aware of the detail of the recommendations and my hon. Friend the Chief Minister has already set out the position of the Government. So, I do not propose to dwell on them too much. But one area I would like to reflect upon is precisely the question of conflict of interest raised by the hon. Member Opposite this morning.

This is the first recommendation in the report. In terms of a legislative framework, the Chairman set out that consideration should be given as to whether one of two alternatives are suitable for implementation in Gibraltar. The first option is the Canadian Conflict of Interest Act of 2006 and the second is described in the report as some similar legislation. The latter provides for a tailor-made alternative. I remind the House that the Government has accepted the recommendation.

My hon. Friend the Chief Minister has already indicated that the implementation of this recommendation will be through that second route, through a bespoke legal framework to govern conflicts of interest in Gibraltar. The decision followed advice which pointed to the complexities of the implementation of the Canadian Act. And that perhaps is hardly a surprise.

Canada has 41 million people, 343 MPs, a further 750 serving provincial and territorial Government and over 9,000 million square kilometres. Also, it is relevant to note that the United Kingdom itself does not have such a measure and that until now we have followed UK practise.

The United Kingdom's framework for managing conflicts of interest is largely based on a combination of non-statutory codes, rules and principles. This is supplemented by specific legislation in some sectors. That overall architecture includes a Ministerial Code and a Code of Conduct for Members of Parliament.

And both of those codes are already in place in Gibraltar. However, the move in the direction of a statutory framework already represents a significant shift away from the practise in the United Kingdom. And from the assumption upheld for decades in Gibraltar by all governments that UK standards in this area were good enough.

And this Madam Speaker includes them when they were in Government. Despite the importance they attach now to this issue of conflicts in Opposition, the reality is that for 16 long years in Government they did nothing about it. So, in that sense the implementations in the way that it departs us from the UK practise are certainly significant and far-reaching.

It will also set a benchmark for Gibraltar which is higher than that in the Overseas Territories and the UK Overseas Territories. In Jersey, for example, my understanding is that there is primary reliance on codes of conduct and practise as well as guidance in relation to conflicts in Jersey. However, those remain largely internal expectations as opposed to statutory obligations with independent enforcement mechanisms.

Standing rules, guidance and Codes of Conduct are also the norm in other places. The position in other UK Overseas Territories is similar as well. Conflicts of interest tend to be governed by internal codes or departmental policies.

There is no stand-alone universal statutory conflict of interest legislation. In many cases Office holders are required both to act in the public interest and to disclose relevant interests. However, there is variation in how conflicts are identified, managed and enforced across the different territories.

So, the proposed legislation would be breaking new ground here. It will make the system in Gibraltar tougher than that in the United Kingdom. It will also take us further than the Crown dependencies and the overseas territories and it goes without saying that a statutory model will further elevate the standards of conduct required of public office holders in Gibraltar. It will embed obligations in law. It will create a clear legal duty, and it will ensure conflicting interests are better managed.

All this is a consequence of a recommendation in the report. A recommendation based on the recognition that voluntary codes, while a valuable step in the right direction, may have their

limitations. And, like all the others, it is a recommendation the Government has freely chosen to accept.

The exact details of the legislation, when ready, will need to go through the constitutional and parliamentary process in Gibraltar. But this policy decision is a reflection of our continued commitment to good governance. The report recommends that the same principles are applied in other areas.

That involves moving beyond voluntary Codes of Conduct and placing key ethical principles on a statutory footing. In saying all this, it is important to be clear that this is not an accusation of misconduct. Rather, it is an acknowledgement that in small jurisdictions things may well need to be done differently to the United Kingdom.

A word now on other recommendations which are made to the Government directly. This covers a number of areas, including the role of the Office of Attorney General and its functioning in certain circumstances. The Government has also accepted those recommendations in full.

The Chairman then goes on to identify something deceptively simple. This is that important meetings must be properly minuted. The Government accepts that this is not bureaucracy for its own sake.

It is for the better protection of Ministers, Officials and the institutions themselves. hon. Members will have seen that there are other recommendations in relation to the Royal Gibraltar Police and the Gibraltar Police Authority. These are constructive and necessary.

They strengthen oversight without undermining operational independence. And they seek to address some of the issues which were identified as the inquiry progressed. But it is not a box-ticking exercise. It is about embedding a culture of clarity, accountability and professionalism.

Madam Speaker, the obligation of the McGrail Inquiry Report and this debate bring together a series of events which date back to 2020. And the emphasis now must move from the past to the future. In retrospect, could things have been done differently? Probably, yes, they could. Could they have been done better? Probably, yes, they could. Are there lessons to be learnt? Yes, there are. That is why the Government has considered the content of the report very carefully. We have reflected on the recommendations made by the Chairman. And the policy decision has been taken to accept all the recommendations in full.

There can be no better example of humility and respect. No better signal of a willingness to learn from the mistakes made and importantly, it demonstrates an absolute determination to do things better and differently going forward.

So, implementation will not be cosmetic, rushed or superficial. The way it is dealt with will therefore reflect that respect for the Inquiry and its Chairman. This final phase will be handled with seriousness and with realism.

Madam Speaker, this Inquiry was not easy. It was costly. It was uncomfortable and it has been the subject of controversy in Gibraltar. But I think it has also strengthened Gibraltar at the same time and the report, while challenging in parts, presents us all with an opportunity.

An opportunity to close this chapter with a positive legacy. Because the truth is that our institutions, our procedures and our practises will emerge more robust as a result and institutions matter more than personalities.

So, the coming reforms are not a sign of weakness. They are a sign of political maturity. A sign that we can look at ourselves in the mirror and make meaningful improvement when we do not like what we see looking back at us.

So, we should not view the report before the House as a political weapon. It is instead an institutional mandate. It is a mandate for reform which has come from a solid exercise in transparency and in accountability.

The most comprehensive exercise in transparency which Gibraltar has ever seen. And it demonstrates that Gibraltar's governance will always be open to review and to improvement. Thank you, Madam Speaker.

Hon. F R Picardo (Chief Minister): Madam Speaker can I now invite the House to recess until 3:00 p.m. this afternoon.

Madam Speaker: The House will recess until 3:00 p.m. this afternoon.

The House recessed at 12.51 p.m.

P R O C E E D I N G S O F T H E

G I B R A L T A R P A R L I A M E N T

AFTERNOON SESSION: 3.00 p.m. – 7.35 p.m.

Gibraltar, Tuesday, 20th January 2026

Contents

Order of the Day **2**

Government Motion 2

The House recessed at 6.02 p.m. and resumed its sitting at 6.16 p.m. 36

Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits) Order 2025 – Motion carried 50

Adjournment 50

The House adjourned at 7.35 p.m. 52

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The Parliament met at 3.00 p.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: P A Borge McCarthy Esq *in attendance*]

Order of the Day

GOVERNMENT MOTION

Madam Speaker: Yes, would any other hon. Member like to speak?
Yes, the Hon. Mr Clinton.

Hon. R M Clinton: Thank you, Madam Speaker. Madam Speaker, we have to sum up the crux of what this is all about. We can sum it up in three words, and that is conflicts of interest, Madam Speaker.

How you recognise a conflict of interest and how you manage a conflict of interest but I will say more about that later on. Madam Speaker, the motion before us today is really to note the report of Sir Peter Openshaw in respect to the McGrail Inquiry and then it says at the end, in particular, the recommendations contained therein but what we must not lose sight of, Madam Speaker, is that the report, the Inquiry, is about the findings. Which is the reasons or the objective for the Inquiry.

It is not about the recommendations and although the Deputy Chief Minister will tell us what the object of the exercise is to improve, of course we should learn lessons from the Inquiry, but that is not the object of this exercise. The object of this exercise was, and I quote on page 76 of the report, was

> to enquire into the reasons and circumstances leading to Mr Ian McGrail ceasing to be Commissioner of Police in June 2020 by taking early retirement.

Now that, Madam Speaker, was the objective of the Inquiry. On page 61 and 62 of this very lengthy document, 700-odd pages, the Chairman, Sir Peter Openshaw, gives effectively his findings and again, you have the reporters about what is the answer to that question.

And his answer is, he says on page 61, I think he starts off, he says, on what is, I think he labels them all up, this is 0165, he says, I find that Mr McGrail retired as a result of the cumulative effects of these factors, and he lists six factors, A to F and he calls these six cumulative factors the reasons for Mr McGrail's retirement and those are, I am not going to read them out verbatim, but the main areas are, he retired only because he felt:

This is A, he was being unfairly and unlawfully compelled to do so;

In B, he felt he was under improper pressure in respect of a live criminal investigation;

In C, procedural unfairness in respect of the Deputy Governor;

In D, the prospect of humiliation in terms of the threat of compulsory retirement;

E, his deteriorating mental health; and

F, his genuine belief, although the Chairman has probably mistaken, that he might lose his pension rights

So Madam Speaker, the conclusion of the Inquiry, this £8 million Inquiry as we keep on hearing, is that these six cumulative factors led to Mr McGrail's retirement.

This Inquiry had nothing to do with exonerating the Government about allegations of corruption or other misdemeanours. This was a very specific objective which the Chairman was required to report on and he has done so.

He has reported and said he is retired because he was being unfairly and unlawfully compelled to do so, had improper pressure, there was procedural unfairness, he was being humiliated, his mental health was deteriorating, and he feared for his pension rights and that is it Madam Speaker. That is what Mr Openshaw found.

Now, how we came to that position, or how the Commissioner of Police came to that position, is obviously what the remaining 700 pages are about and there is a lot in there which talks about the various factors which led to these six cumulative factors leading to his retirement. And an objective reading of those six factors, or any way of reading it, will see that it is evident that he was forced out of his job which is what Mr McGrail, in fact Mr McGrail, could ask for the Inquiry as is stated in the Government's press release today. So, Mr McGrail asked for the Inquiry because he obviously felt he had been wronged or been forced to leave and the Chairman has found these six factors which seem to indicate that what Mr McGrail was saying was true.

Now everything else that is been thrown into the mix, especially this morning, these suggestions about a jigsaw puzzle of police corruption and all other matters, are really red herrings they have nothing to do with the substance of the Inquiry.

So, Madam Speaker, I am not going to delve into the various factors that led to Mr McGrail's state of mind. In fact, I think the Leader of the Opposition has ably done so already this morning, but the fact of the matter is, the Chief Minister was unable to recognise the conflict of interest, and he completely mismanaged it and in fact Madam Speaker, it is not dissimilar to the way he treated the Principal Auditor. He hauls in the person, and he gives them a dressing down in Number 6 and that is the only way the Chief Minister seems to know how to operate.

Now as to whether that could have been avoided, whether other things should have come into play, well this is perhaps where the recommendations will come in but it goes to the heart, the root of the problem is recognising and managing conflicts of interest. It is as simple as that.

We all face conflicts of interest in our daily lives but when we are in this place, when the Members opposite are in that place, and they are Ministers, the standards to which they are held are much higher than in ordinary everyday life and that is why Madam Speaker, we have the Ministerial Code of Conduct and the Code of Conduct for Members because it is not necessarily obvious what is the way to behave in certain circumstances. And the fact that that is difficult is the reason why we have Codes of Conduct because over the years, certainly Westminster has been running a lot longer than we have, it has recognised that the conflicts will arise and they have to be managed and addressed.

The one thing I want to emphasise Madam Speaker is that having read out the findings which were on page 61-62, the Chairman goes on, on page 63 and he talks about five areas in which he has recommendations. Which he variably labels 0170 to 0176 and they are five broad areas.

First one, conflicts of interest.

Second, the Police Act. Which has got to do, I think, more with how you go about the process of managing a Commissioner. The Gibraltar Police Authority. How that is run, what resources it has, what training it has, funding etc. The RGP in terms of various matters of operations. And then one final point about the Inquiries Act. Which is really quite a simple point saying that we have the Inquiries Act 2024 but no rules were actually ever produced in respect to evidence and procedure which are made provision for under section 33 of the Inquiries Act which apparently

was never produced but in terms of these areas Madam Speaker, there are five in respect to conflicts. Four in respect to the Police Act; Eight in respect of the Police Authority; Eleven in respect to RGP; and one in respect to the Enquiries Act. In fact Madam Speaker, in going through the details of this. Which are on page 618 onwards.

So those are the summary on page 63 of the recommendations in detail. Is actually at the back on page 618 but in going through I realised that the Chairman has inadvertently used the number 5 twice. So although there are 28 recommendations, in fact there are 29. If you take into account the double counting of recommendation 5.

Madam Speaker, there is one point I want to make in respect of the recommendations and that is that when we make a great virtue, or the Government makes a great virtue of addressing all the recommendations and we are going to address them all in 100 days etc. etc.

The Chairman says this on page 618. Section 24 of the Inquiries Act provides that the Chairman must deliver reports to the Government. Setting out the facts determined by the panel. Recommendations of the panel with the terms of reference required. Where the terms of reference required it to make recommendations and then to a report which may contain anything else the panel considers relevant to the terms of reference including any recommendations it sees fit to make and he says in 13.2, although the terms of reference do not specifically require me and he puts this in quotation marks and in the italics. Does not require me to make recommendations, section 24(2) permits me to do so. As I see fit in so far as they are relevant to those terms and I propose to do so.

So, Madam Speaker, the recommendations, you know I want to dispel this image that the Deputy Chief Minister and maybe others are trying to conjure up, that this is some kind of review of processes and we are actually going to positively implement the recommendations. This is not a review Madam Speaker. These are findings of a Chairman of an Inquiry, and he says and by the way you might want to consider looking at these issues. Because they are issues in his mind arising from the Inquiry. So yes, of course we want to positively engage with his recommendations but let us not forget that this is a by-product of the Inquiry. This is not the main product of the Inquiry.

And as one thing the Deputy Chief Minister said which I thought was interesting, he kind of detected a colonial tone in the Chairman's report. Which to be honest I failed to see. Other than perhaps a patronising tone and perhaps deservedly so because, when you look at page 619, and we have heard a lot about the Government engaging legal advisors to do work on producing a Conflicts of Interest Act. You know a Conflicts of Interest Act is being drafted, work is progressing on the Ministerial Code, but Madam Speaker we have a Ministerial Code. We already have a Ministerial Code.

What the Chairman is saying and the fact that he refers to the Canadian Conflicts of Interest Act. Is effectively telling us, I am sorry but you really either have no concept of what a Conflicts of Interest is or you do not know how to manage them and what I find surprising is that we are looking, or having to look again, at the Conflicts of Interest Act Code of Conduct for Ministers and this is what he has to say about it.

His recommendation number one which is about looking at the Canadian Conflicts of Interest Act 2006. He says:

> I recommend therefore that considerations given to whether this or some similar legislation is suitable for implementation in Gibraltar.

And he goes on to say, which is a bit I find offensive really, not because he said it but because we should be doing this already:

> I suggest it is not a sufficient objection to such a suggestion that the Ministerial Code is already in force.

And then he goes on to say:

> Because the existence of the Code on itself has proved ineffective.

The Code on itself has proved ineffective. But how can that possibly be? We have a Code of Conduct for Ministers. The Chairman of the Inquiry is telling us it has proved ineffective. The Deputy Chief Minister this morning said:

> Voluntary codes have limitations.

Now, Madam Speaker, we passed the Ministerial Code in this Parliament. It is meant to be binding on us, but the Chairman is telling us it is ineffective. So therefore, you are not. You are not big enough to apply this Code to yourselves. Therefore, you need to be legislated to protect yourselves from yourselves because you are incapable of doing it. This is what the Chairman is telling us. As we as a Parliament are incapable of regulating ourselves despite the fact that we have a Code of Conduct. Especially the Ministerial Code.

So let us have a look at the Ministerial Code because it is in effect, still applies today. Not just still applies today. It is enforced today Madam Speaker and the Ministerial Code which was passed in March 2023 and great things were mentioned about the seven principles of public life. The Nolan Principles are called about selflessness, integrity, objectivity, accountability, openness, honesty and leadership. The seven principles. They will make a very good checklist Madam Speaker for Ministers and you know the Deputy Chief Minister talks about leading by example and not to lower the tone and we need to lower the temperature in this place.

Now Madam Speaker here we have the Ministerial Code which the Chairman of the Inquiry is basically telling us is not worth the paper it is written on and why is that Madam Speaker? I wonder. Why would that be? And that is because of the question of conflicts of interest and here we have it the Ministerial Code. Item number one, section one of the Ministerial Code and 1.3,

> The Ministerial Code should be read against the background of the overarching duty of Ministers to comply with the law and to protect the integrity of public life. They are expected to follow the seven principles of public life set out in annex A [which are the seven I have just mentioned] and the following principles of Ministerial Conduct which are listed from A to I.

Item I Madam Speaker reads as follows:

> Ministers must assure that no conflict arises or appears to arise [Madam Speaker] between their public duties and their private interests.

Between their public duties and their private interests. I would put it to the House Madam Speaker that the Chief Minister has evidently failed in managing that conflict as the Leader of the Opposition has set out this morning but Madam Speaker what is wrong with the Ministerial Code is the enforcement of it because it is voluntary.

> It is not the role of the Chief Secretary or other officials to enforce the Code [1.4] It is an allegation about the breach of the Code of the Chief Minister having consulted the Chief Secretary feels it warrants further investigation he shall refer the matter to an independent advisor of investigation

but we do not have a sitting independent advisor of investigation. Not the same way the House of Commons certainly for the Code of Conduct for Members has a Parliamentary Commissioner for Standards. We do not have such a person and basically it is the Chief Minister basically wrapping his ministers on their knuckles.

And at 1.6 it says:

> However, Ministers only remain in office for so long as they retain the confidence of the Chief Minister.

He Madam Speaker he is the ultimate judge of the standards of behaviour expected of a Minister and the appropriate consequences of a breach of those standards. So Madam Speaker what Members obviously have to ask themselves is given the circumstances of this Inquiry, if any of them were in the scenario described and they behaved in the same way as the Chief Minister behaved, would the Chief Minister still have retained confidence in them? Or would he be asking for their resignation? Would they be asked to sign their letter on a desk and go? Would he throw them under a bus? Or would he protect them till kingdom come because he is such a nice guy Madam Speaker?

Madam Speaker if the rules of conduct apply to Ministers they surely must apply to the Chief Minister and the Chief Minister has of his own admission because he says he is on a *mea culpa*. You know where he claims yes I made mistakes and you know it is sorry but I did and he says you know he acknowledges the report contains sharp criticisms of him. It is obvious Madam Speaker that he has a managed conflict of interest.

So, he has been a breach of the Ministerial Code but as the Deputy Chief Minister says it is a voluntary code. There are no consequences. Who is going to enforce it? Is he going to report himself to an independent advisor who will then give him advice on how he should reprimand himself? Well they should go and do ten Hail Marys or ten Our Fathers and what penance he has to do. This code has no teeth. Especially when it applies to the Chief Minister himself. So, we have a code in which all Ministers are bound in which the Chief Minister is the sole judge of the standards of their behaviour.

But who sits in judgement of his behaviour I ask? And this is where Madam Speaker although the Deputy Chief Minister has spoken a lot about accountability and transparency. When he fails to say Madam Speaker those two words are usually followed by the word responsibility. So where is the responsibility? What are the consequences? Well obviously none Madam Speaker because the Ministerial Code is not biting. There are no consequences. You can have as many conflicts of interest as you want and again Madam Speaker they do not have to be at a level or a standard which is beyond reasonable doubt in court.

The Code of Conduct says all appears to arise, appears. This is appears in the public mind. This is not going to be a question that will be tested in court. This is basically what even appeared to arise. Would there appear to be a right? Yes or no and Madam Speaker the Chairman of the Inquiry in all the evidence he has provided it is you know to paraphrase the US Constitution it was a self-evident fact that a conflict of interest did arise and that conflict of interest was not dealt with properly Madam Speaker and because it was not dealt with properly here we are today £8 million poorer.

And Madam Speaker when the Government commissions this legislation in terms of conflicts of interest the Canadian legislation spells it out at the very beginning. What is a conflict of interest? And they define it as this Madam Speaker in part 1 section 4. It says:

> For the purposes of this Act a public office holder is in a conflict of interest when he or she exercises an official power due to a function that provides an opportunity to further his or her private interests or those of his or her relatives or friends or to improperly further another person's private interests.

Madam Speaker that is how they define a conflict of interest. Now we are going to get legislation on this but Madam Speaker we had a Ministerial Code which spelt out that these things should not happen and yet it happened and the Chairman of the Inquiry himself has said the code is useless. Do not point to the Code because you cannot apply it yourselves.

As the Deputy Chief Minister said voluntary codes have limitations and in our case Madam Speaker it is limited by the fact that the sole arbiter of what is and what is not allowed under the code is the Chief Minister himself and Madam Speaker this goes to matter which is difficult because ultimately when we talk about conflicts of interest and codes of practise it goes to the very essence of ethics and integrity.

Doing the right thing. You know when integrity is defined as doing the right thing when no one is watching. Madam Speaker we are in this House because the people trust us and they trust us to be acting in their interests. They do not expect us to act in anybody else's interests and if we feel we have a conflict between acting in the public interest and acting on a private interest we are meant to recognise that and take action and prevent it happening and say no I cannot look at that because I am conflicted. Or no look I am talking about this, but I am conflicted. That is what the public expects of us and it is in my view Madam Speaker it is a sad day because the Government is admitting that we have failed Madam Speaker to apply a voluntary code in terms of the Ministerial Code of Conduct.

In fact, it is so bad Madam Speaker that in accepting the recommendations which I do not disagree with is that the only way to address it, the only way that it would appear that parliamentarians in this place will take it seriously is that it is enshrined in law. Only when it is enshrined in law will parliamentarians take their duties seriously and Madam Speaker it is a sad state of affairs.

In fact there it is. The Chairman says you have a code of conduct but frankly it is not worth the papers written on and the Government has said yes we accept that and in fact you know what we are instructing council to draft a Conflict-of-Interest Act and we are working on the Ministerial Code.

Madam Speaker what a sad state of affairs and the Deputy Minister accuses the Opposition of sensationalising things and trying to score political points Madam Speaker. This is just beyond political point scoring Madam Speaker. This goes to the essence of why we are in this place and why we have all been elected into this place. We are here to serve the people not to serve our own personal interests and if we cannot ourselves recognise when those conflicts arise we end up with a position where we are being told in a paternal way, not necessarily a colonial way but a paternal way, by a very experienced High Court judge that the only way you can address this Madam Speaker is by legislation. And therefore, we now face the prospect of legislating against ourselves because we cannot be trusted Madam Speaker.

On that Madam Speaker I have nothing further to say.

Madam Speaker: Any other hon. Member wish to speak? Any one on this side? Yes, the Hon. Mrs Arias Vasquez.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker thank you. We have before us a motion which asks us to note a report. Madam Speaker we note the Report.

We also note the reaction of the Opposition.

We note the noise made prior to the publication of the report. At every juncture there was an attempt to scandalise the Government's actions. All opportunities taken were henceforth proven incorrect. A full report was published, warts and all.

As the DCM has stated, the Inquiry was an exercise in transparency such as Gibraltar has never seen. 21 full days of Inquiry. 21 full days of full disclosure, by some of the parties. To quote the Leader of the Opposition it is indeed an undignified spectacle to see that he is fully aware that the only way that the Opposition will get into power is to try and change the outcome of a democratic election. To rely on third parties to assist in getting into power. A sign indeed of a weak Opposition.

A Leader of the Opposition has to rely on third parties because of a vacuum of ideas, policies and substance to try and get into Government. Let us not mistake the Opposition arguments for anything other than what they are. Self-serving opportunism.

I will not rehearse the constitutional arguments set out brilliantly and in full by my colleague the Deputy Chief Minister. The Deputy Chief Minister has already set out a detailed exposition of the reports and the constitutional arrangements which underpin them. Comments which I fully associate myself with and I will reiterate some of his points for the avoidance of any doubt on my position Madam Speaker or any misrepresentation by the Opposition of my views. I note the comments of the report. I note and support the implementation of all the recommendations.

The Chief Minister has already accepted that it contains some sharp criticisms some of which he is considering reviewing. As the DCM has said, are there things which could have been done better? Of course but it is also very easy for all of us to sit here in 2026 with the benefit of hindsight and chastise. Madam Speaker, we depart from the premise that we are not perfect. It is a premise which I happily adopt in all of my own work in all of my portfolios.

The purpose of an Inquiry is exactly that. To review actions, learn from past behaviours by way of the implementation of recommendations which are set out by the DCM is being done in full. What cannot be ignored is the self-serving nature of the cause for the resignation being heard from the other side.

What cannot and should not be lost sight of, in my opinion are the significant achievements of the Chief Minister. The individual who the Opposition now seeks to berate. Significant achievements which I believe few others could deliver and certainly achievements which I do not believe any Member of the Opposition could deliver.

Let us go back to that period when all of this was actually happening. The COVID BEAT days where this Government kept people paid and in employment through some of the hardest days that Gibraltar has seen and who brought Gibraltar through that, Madam Speaker? Successfully, the man that the Opposition are now braying for his blood.

Let us analyse, Madam Speaker, this. Why are they braying for his blood? They are braying for his blood because they know that the only way that they will ever get into Government is with a campaign of negativity. They know they have no policies and not even a shared principle between them, Madam Speaker, or a valid idea. They bask in reports produced by third parties because they have no direction of their own - *Un barco sin rumbo.*

A mismatched collection of individuals whose only commonality is a shared hatred of the GSLP Liberal Government. That GSLP Liberal Government which has changed Gibraltar and which continues to improve Gibraltar for the people living in it.

Faced with this and the positivity and the energy and the producer of ideas brought by a GSLP Liberal administration which consists of real ideas for real growth of the economy and for Gibraltar's future. Not, Madam Speaker, an idea of a monorail or one of canals, indeed, as spoken by the Hon. Member's opposite because the only thing our opponents seek is to spread negativity and jump on bandwagons created by others and to seek their own advantage.

To seek our demise in this way and not, as the Hon. Deputy Chief Minister has said, at the ballot box but through any other means possible.

Whilst they play politics, Madam Speaker, we seek actively, daily, through a democratically elected mandate to improve the lives of the people of Gibraltar in everything that we do. In health, in education, in financial services, in housing, in culture. Improving the GHA, improving the GEA, improving each of our portfolios. Progress which they fear failing faced with at the ballot box. What Christian Santos, John Cortes, Leslie Bruzon, Joseph Garcia, Fabian Picardo, Sir Joe Bossano, Pat Orfila and Nigel Feetham do are, each and every day, working on our portfolios for the benefit of Gibraltar. Not playing politics on a daily basis on a self-serving agenda like he has consistently tried to do since the publication of the report.

So, yes, Madam Speaker, I note the contents of the report in full and as the DCM has stated and as the Chief Minister has stated and as indeed, we have stated in every public statement we have said, we will implement in full the recommendations of the report. The Leader of the Opposition is trying to portray a picture of a Government who does not accept the findings of the report and is belligerently fighting the recommendations.

Nothing could be further from the truth. For all the inflammatory remarks made by the Leader of the Opposition, the Chief Minister has accepted the recommendations in full, from the report and has publicly committed to implementing all of the recommendations in 100 days and we will also, each and every Minister, note the Leader of the Opposition's observations in respect of each and every one of us.

For each and every one of us will get up each and every day and continue the job that we were democratically elected to do and for that, Madam Speaker, we have the full mandate to do so. Thank you.

Madam Speaker: Another hon. Member wishes to Speaker? The Hon. Mrs Ladislaus.

Hon. J Ladislaus: Madam Speaker, I was going to start by saying that it did not take long for the Government to twist the narrative that can be found in the Openshaw report once it had been issued to the public, but the reality is that this time they took their time. Even when we deduct the period of time during which the Chief Minister was recovering from a medical emergency and the inquest into the deaths at sea was ongoing, which we accept as reasonable, if the initially identified date of 5th December for publishing the report had been possible, there would still have been 29 days between the Government receiving it and making it public.

And once they had released it to the media and the Governor, which they did do within that period of time, the same should have been done in respect to the Opposition and one questions why they did not do it. That is still a very lengthy period of time, 29 days, Madam Speaker. Plenty of time to have done at least that.

For example, Madam Speaker, the Leveson Inquiry, published in 2012, was published on the same day that it was delivered. It ran to almost 2,000 pages.

The Grenfell Tower Phase 1 report of 2019 was actually published within days of its delivery and from the date of which it had been issued to victims and the family members of victims and that report itself ran to 800 pages.

The initial delays in respect of publishing the findings of the McGrail Inquiry have not gone unnoticed.

What also have not gone unnoticed, Madam Speaker, are the Government's attempts, in their usual style, to dilute the findings of the reports and their seriousness by being selective as to its recommendations and the background to them. We could spend days here debating the damning findings, Madam Speaker, especially in relation to the conduct of the Chief Minister, which was found to have crossed the line. It was found to have been highly inappropriate in respect of a meeting at the Chief Minister's house between his friend and his friend's lawyer, who was also his friend, during the height of the COVID pandemic and at a time when there was an ongoing criminal investigation regarding that very friend's conduct, to have displayed sinister conduct, to have been misleading as regards his dealings with the Gibraltar Police Authority, which I refer to as the GPA, to have been grossly improper in his attempts to interfere in an active, legitimate criminal investigation and police operation to protect his business partner, mentor and friend. Need I go on, really?

And yet, in the midst of those very powerful and grim findings in respect of his conduct, the Chief Minister went on to say in a statement on 23rd December, published in the report, that, and I quote:

> It will be striking for you to take note that the Inquiry report makes more recommendations for the RGP to improve than any other organisation or person named in the report.

We have heard it said again and again today. Just by reading, Madam Speaker, or even hearing all the conclusions which were reached by Sir Peter Openshaw in his report as to the Chief Minister's conduct, we could be forgiven for thinking that there is a significant amount of self-reflection to be done by the Chief Minister as to his own behaviours and actions but no, Madam Speaker, he lays the worst of the blame squarely at the feet of the RGP. And again today we have heard allegations of corruption within the RGP banded about by the Chief Minister because let us make no mistake, Madam Speaker, that phrase is levelled at the RGP as an entire body. Not at Mr McGrail, Madam Speaker, nor only at the RGP's command team at the time. It was very clear. It

said that it made more recommendations for the RGP to improve than any other organisation or person named in the report.

Madam Speaker, I could leave that point as is, it is damning enough but I will not, because at the end of the RGP's submissions, Madam Speaker, in the Inquiry, they, through their lawyer, put forward a number of recommendations and those can be found on the Inquiry's website, which is where I found them. They have shown themselves to be willing to take accountability and to put forward suggestions to make improvements and many of the recommendations that the Chief Minister, the Hon. Chief Minister, refers to in the report in an almost playground manner, they were worse because I counted more suggestions as to how they can improve our, in fact, recommendations, Madam Speaker, which were made by the RGP themselves at the closing of the submissions and before the Inquiry reported.

And many of those recommendations in the report do not, in fact, relate directly, Madam Speaker, to the internal workings of the RGP. They relate to guidance for others, like, for example, the judiciary and even for the Government. Madam Speaker, I will read through a number of those recommendations so that the public can actually see how the Chief Minister manipulates and presents the findings to suit his own agenda.

I am just going to open this, Madam Speaker, because it is better to have them to hand. Madam Speaker, in respect of the Police Act, Sir Peter Openshaw at page 65 says:

> He considered the amendments and the updates to section 35 of the Act to provide for procedures to be followed by the Chief Minister, the Governor, when initiating the process for a loss of confidence procedure and a loss of confidence procedure for the GPA as well.

And then if we look at the closing submissions of the RGP at paragraph 48, it comments as to section 34 of the Police Act as well that addresses the removal of the Commissioner and the recommendation there, the suggestion is that it should be reviewed to introduce legislative safeguards and to ensure a fair process that is compliant with the Constitution, the ECHR, the rules of natural justice. And he suggests as well that it could be done by legislative changes to section 34 and or guidance for processes and procedures which should include safeguards.

He moves on, Sir Peter Openshaw sets out a number of safeguards or clear procedure in the event that the GPA in fact want to trigger section 34 where, and by section 34 I am talking about the no confidence in a Police Commissioner. And under that, if we look actually at the closing again of paragraph 48, it also deals with this point that Sir Peter Openshaw makes, then we look at he sets out the number of safeguards, I am just going to go through them quickly.

So the limitations to the section 34 power he sets out and when it should be exercised and again if we look at the closing submissions on behalf of the RGP, we look at closing paragraph 48.3 in case anybody would like to read it:

> the response of the GPA to any complaints and any fair processes that follow should be in writing as well as oral.

Again, we move down the list,

> Written notice to the Commissioner of Police regarding the reasons relied upon.

We have just read about that in the closing submissions made on behalf of the RGP. Moving down again,

> Sufficient time for the Commissioner of Police to make representations and to seek legal advice

and again at the closing at 48.2 for the RGP and 48.5. 48.5 says:

> Any Commissioner of Police facing a section 34 process should have independent legal advice whose costs should be borne by the RGP.

Then Sir Peter Openshaw says:

> If the allegations against the Commissioner of Police can be dealt with by way of warning letter, then that should be considered before this section is actually triggered.

And again, we go to the closing submissions at 48.1 and 48.2 and we see the same ideas. It says:

> A requirement that unless urgent and unavoidable or a matter of extraordinary seriousness akin in employment terms to gross misconduct other methods should be employed by the GPA in respect of complaints against the Commissioner of Police

and it goes on. So then we move on and the GPA is to consider the Commissioner of Police's representations before making a decision.

Again we go back to paragraph 48.2 and we find we have just read through it and all complaints should be in writing provided to the Commissioner of Police and they should be given a fair opportunity to investigate and make representations in response.

Madam Speaker Sir Peter Openshaw then moves and you can find this at page 65-66 of his report recommends:

> The consideration of a mechanism whereby a Governor considering exercising his powers under section 13 is to communicate the reasons in writing to the Commissioner of Police, permits a reasonable response time and give those representations due consideration before making a decision.

And again we move down the list of the RGPs closing submissions at 48.7:

> Given the role of the Governor and the Chief Minister in section 34, even after the GPA form the view that the Commissioner of Police should retire, the Commissioner of Police should be given an opportunity to make representations and engage with both of them.

Madam Speaker, that is in respect of the Police Act.

Then we move on to the RGP itself. Now at paragraph sorry, page 67 of the Openshaw reports Sir Peter Openshaw recommends that:

> Applications for such warrants in serious or sensitive cases should be considered by the OCPL in detail who should give advice in writing.

Madam Speaker, that in itself is a recommendation to safeguard the RGP and to avoid the issues presumably that occurred in these circumstances. It is not to do with the internal workings of the RGP and then he says:

> If the Crown Counsel cannot, then experienced independent counsel should provide some advice.

And we look at closing paragraphs 52.2 and 52.4 again of the RGP. We read that they recommended, they suggested that:

> Present arrangements require the RGP to seek legal advice from either the OCPL often refused due to conflict with prosecutions or the Government Law Offices.

And then 52.4:

> These may include receiving advice prior to any executive action and assisting it with executive actions such as the making of applications for production orders such warrants particularly in complicated or sensitive cases.

And then Madam Speaker Sir Peter Openshaw said, suggested that:

> The adoption of UK templates for applications for such warrants and orders.

Madam Speaker, that streamlines the procedure and it just makes it more efficient. Again, it is not impacting upon the inner workings of the RGP or saying that they have done anything wrong.

Then he moves on expert reports at the public expense again, another point that safeguards the RGP challenges to the RGP in legal proceedings there are challenges whether those are judicial review or otherwise and the RGP is to instruct independent lawyers at public expense again Madam Speaker, at the closing of 52.2 and at 52.6 52.2 I have read already read 52.6 of the RGP's closing. As an example:

> A clear conflict would ensue should the RGP have sought legal advice on the job offers to whistleblowers and the application of the Employment Act in relation to whistleblowing.

Madam Speaker, another safeguard there, against impinging on the RGP's independence if they have to ask Government for funding for representation from independent lawyers, they are dependent on Government agreeing Madam Speaker. In this particular case they would be asking for funding from the Minister for Justice, who Madam Speaker happened to be a partner of the firm whose senior partner was the subject of the police investigation, which the Chief Minister was found to have attempted to interfere with.

Madam Speaker, Sir Peter Openshaw then goes on:

> At applications for search warrants in serious or complex or sensitive cases, the OCPL should represent the RGP at the hearing.

Again, Madam Speaker, another safeguard for the RGP to avoid the scenario in which they found themselves in, which they were put in.

> Allow enough time for a magistrate or judge to read the application in advance and a court enough time to properly consider the issues.

Again, not a direct consideration for the RGP. Applications do not need to be read verbatim if they have been read in advance. Nothing to do with the RGP, Madam Speaker. Everything to do with guidance for the judiciary, perhaps.

> Proceedings should be recorded.

Nothing to do with the RGP, Madam Speaker. That is a matter for legislators, perhaps.

> Judge or magistrate to engage with applicants to ensure the relevant statutory criteria has been considered.

Again, Madam Speaker, seems like guidance for the judiciary, not for the RGP.

> A judge or magistrate to give a brief judgement, orally at any time, or later by short reserved judgement.

Again, guidance for the judiciary, not the RGP.

And then, Madam Speaker, at page 69 of the Openshaw Report, the Chairman recognised that:

> It was not within his remit to discuss the RGP's IT department but it needs urgent reconsideration at a high Government level, perhaps considering the practise in comparable jurisdictions.

Madam Speaker, this is commented upon within the closing submissions, again, for the RGP. But I observe here that judges do not often blur the lines where they should not stray, Madam Speaker.

So, for the Chairman to raise this issue is significant, and he checked himself while he was raising it. What is more significant is that he specifically references who is responsible for the resources to enable the RGP to have its IT systems, and that is Government because, Madam Speaker, Government provide the RGP with its financial resources to enable its operational effectiveness. There are many things that are hindered by having the RGP chronically under-resourced for years.

Madam Speaker, it is very easy to say that the Inquiry was only about the reasons behind the then Commissioner of Police retiring but that would be to ignore all the relevant context and background which shone such a bright light as to how this Government like to conduct themselves.

And I refer to the Cabinet as a collective, Madam Speaker, because if they choose to openly support the Chief Minister, as Minister Arias-Vasquez and Minister Feetham, no less the Minister for Justice, have done and if other Ministers choose to remain silent, as many Ministers have chosen to do as well, then they too, Madam Speaker, must shoulder the blame for the manner in which Gibraltar has run with this Chief Minister at its head.

Madam Speaker, no amount of administrative reform can compensate for a failure to recognise where responsibility lies, especially where the Chief Minister is co-Chairing the steering group on police governance.

No reorganisation can substitute for accountability. That should be a given and no reframing of the narrative can alter the findings of an independent Inquiry that the holder of the highest office in Gibraltar was found to have acted improperly and in a manner which was unbecoming of the title of Chief Minister, while his Cabinet, Madam Speaker, continue to close ranks around and protect him. Madam Speaker, I observe that there have, even today, been lots of Cheshire cat grins on the Government benches. Now, regardless, Madam Speaker, of the democratic cost, that is how they choose to act. Nothing further.

Madam Speaker: Any other hon. Member wishes to speak on this side? The Hon. Mr Feetham.

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, during the course of his address, the Hon. Leader of the Opposition challenged those of us in this House on this side of the House, Madam Speaker, to support his motion of no confidence, his vote of no confidence, Madam Speaker. Well, let me make it absolutely clear for the Hon. Leader of the Opposition, he does not have to wait for the motion of no confidence. On this part of the House, we are absolutely clear that we support the Chief Minister. We have unanimously discussed this in the Cabinet, and therefore there is absolutely no doubt, no doubt on this side of the House, that we stand behind the Chief Minister. Every single one of us, Madam Speaker.

Last week, Madam Speaker, I participated in a debate, a GBC debate with the Hon. Mr Bossino. It was a one-hour debate. I do not intend to cover the ground that I covered during the course of that debate. Certainly, the debate was reported also in the Gibraltar Chronicle on Monday but let me tell you, Madam Speaker, what my address is not about.

My address, Madam Speaker, will not be about a call for unity of any kind, Madam Speaker. We on this side of the House, Madam Speaker, subscribe to the parliamentary system of democracy, of an Opposition and a Government, and we accept that the Opposition is here to challenge the Government but of course, in the past, there have been those, Madam Speaker, that have made calls for unity.

And I have various cuttings of Gibraltar Chronicle articles, Madam Speaker, and I have one here, not too long ago, dated the 11th of May 2022, where the author, Madam Speaker, and I will come to the author in a while, where the author says in an article that he wrote entitled Gibraltar Needs Political Unity, Madam Speaker, and I will read some of the paragraphs of a lengthy article, he says:

It is perfectly proper for the GSLP Liberal Alliance Government to defend their reputation, achievements, and record and point to the considerable progress they have made since they replaced their GSD in office in 2011.

He then goes on to say:

On a key crossroad for Gibraltar, we need political unity and not sensationalism for any short-term partisan benefit the GSD wrongly believe they may receive.

I go on, Madam Speaker:

When it comes to making advances in political accountability and transparency, the GSLP Liberal Government, by their own admission, has fallen short of where they wanted to be, but have done far better than the GSD ever did in 16 years.

He then goes on to say:

These extraordinary challenges in 11 years have been met head-on by the GSLP Liberal Government. What a shift! And yet we are not just standing, but few of us can sensibly argue that we are not better placed than we were in 2010. Whatever the measurement, infrastructure, economic growth, wage rises, political relationships with the UK, Spain, and even the EU, social cohesion, or even the Frontier flow, we are better placed than what we were. Unity is key,

says the author, Madam Speaker.

I hope that they will all park party ambition, carry out their duty, and progress Gibraltar's interest. The GSD should reframe from sensationalist politics.

Writes the author, Madam Speaker.

And put the Chief Minister's motives and intention to the test by engaging constructively now in all our interests.

Article dated 11 May 2022.

Over a year later, Madam Speaker, on 27 July 2023, the same author, a few months before the General Election, writes a letter to the Chronicle under the heading UNITY PLEASE, and he says:

Where our biggest threat lies is in internal divisions. Tempting though it may be for the two leaders of the competing parties to demonise each other, the electorate is not stupid and will not thank them for it. Fabian Picardo has been and may well continue to be a great servant to Gibraltar.

Madam Speaker, I continue to quote:

All sides should remember, whilst they may perceive all fair in love and war, in a build-up to an election, their electorate will value unity going forward whoever wins the contest.

The author of the letter, the same author as the author of the article that I quoted extensively from, Madam Speaker, signs this letter quote:

Yours, an undecided voter with a predisposition to the current Government.

The current Government Madam Speaker are those of us on this side of the House, and he signs Nick Cruz.

Speaker. But of course, Madam Speaker, on the road to Damascus Mr Cruz seems to have changed his mind and indeed his tune. Only a few weeks ago, Madam Speaker, on the 6th of January he writes a My Opinion piece in the Gibraltar Chronicle, Madam Speaker, which quite

frankly left me astounded by what I had read. And I am going to quote from Mr Cruz's article in the Chronicle in reference to the Inquiry Report, Madam Speaker and Mr Cruz says quote:

> In the UK, many public enquiries have led to civil proceedings and criminal investigations, some followed by prosecutions, ranging from manslaughter to perjury to misconduct in public office to perverting the course of justice.

I continue to quote, Madam Speaker:

> Gibraltar can be no different.

Says the author:

> As our Police Act and Constitution do not allow passivity. At least the rule of law, if not dead here.

Says the author,

> Dictates there must be, at the very least, be an investigative process. No doubt the guardians of the rule of law and our Constitution, if not conflicted,

He says,

> will understand this.

Madam Speaker. Madam Speaker, if any of us in this House had written what Mr Cruz wrote in the Chronicle, I think we could be accused of putting pressure, putting pressure Madam Speaker, on the police and undermining their operational independence and Mr Bossino, Madam Speaker, in his GBC debate last week actually accepted the premise of that argument when pushed by Ros Astengo during the course of our debate, Madam Speaker, because when she asked him the question,

> Does the GSD feel it is potentially a criminal offence?

In other words, the references that the Hon. Member was quoting, he said, Madam Speaker, and I have got a transcript here, Madam Speaker, and I quote:

> Let us be very careful and very clear about this. We as politicians are not going to be pressing because that is one of the things that Sir Peter Openshaw found so offensive in terms of the behaviour of the Chief Minister because he was attempting to interfere

and he carries on, Madam Speaker, and I am just quoting verbatim from the transcript and I continue quoting,

> We are not going to be doing the same from the Opposition benches. This is a matter for an operational decision for the police.

So, having said that Madam Speaker, having said that, he obviously forgot, as he tends to do when he makes a rash judgement on others, as he regularly does, that during the course of the GBC debate, he actually contradicted himself, Madam Speaker, and he did so because he was asked by Ross Astengo prior to making the comments that he had made, and obviously he realised that he had made a mistake. He was asked, is that a criminal offence? Again, to the comments that Mr Bossino was making during the course of the debate and he said, and I quote again, Madam Speaker:

Yes, well, I am happy to answer. It can potentially be a criminal offence. Our position has been that this is conduct which amounted to a perversion of the course of justice.

And again, Madam Speaker, in another part of the debate, he says quote:

And that is in itself is something which ought to be investigated. But this is very, very serious.

So Madam Speaker, on the one hand, they say that the Chief Minister put pressure on the operational independence of the RGP. That is the accusation that they consistently make and selectively quote from the report but on the other, Madam Speaker, they do exactly the same but of course, they forget from one moment to the next what they have actually said, Madam Speaker, which is typical from the members, the hon. Members opposite. In Spanish, Madam Speaker, those of us that remember what our grandmothers used to say, they used to say *tirar la piedra y esconder la mano*. Madam Speaker, they light the fire and pretend they had nothing to do with it, Madam Speaker. That is the actions and the conduct of the hon. Members opposite.

And of course, all they are trying to do, Madam Speaker, all they are trying to do is and it is a blatant attempt to dehumanise and demonise the Chief Minister. That is the only thing that they are trying to do, Madam Speaker, because they forget that one of the first things that the Chief Minister did during the course of his ministerial statement on the Inquiry on the 23rd of December was to give an apology to the extent that people considered that his actions were not the actions that they expected of a Chief Minister and I am going to quote from the Chief Minister's ministerial statement because it is here, Madam Speaker. He said, and I quote:

I apologise to you if you feel my actions were not up to the standards you expect of me as your Chief Minister.

That is one of the first things that the Chief Minister did, Madam Speaker. But of course, that is not the narrative that suits the hon. Members opposite.

The hon. Members opposite are insistent in going down a particular path. A particular path which they believe will draw political blood but they are mistaken, Madam Speaker. There is no political blood to be drawn.

The Chief Minister's New Year's message, again, contains language here which I think honours the Chief Minister, Madam Speaker, but it is conveniently forgotten by the hon. Members opposite. He says, and I quote:

I am human. I have also listened with humility to the criticisms levelled at me in the report. Of course, I made mistakes in 2020. I have made them before and since.

No reference to that, Madam Speaker, from any of the hon. Members opposite.

There is a paragraph, Madam Speaker, in the report that does concern me considerably. It concerns me considerably not as the Justice Minister but wearing a different hat. I have responsibility, Madam Speaker, in my portfolio for trade industry, responsibility specifically for financial services and gaming which represents over 50% of our economy in GDP terms, and I also have responsibility for taxation and the collection of taxes which is absolutely vital to ensure that we pay our Civil Servants, that we discharge our obligations, that we pay for those things that the people of Gibraltar expect of every Government including education, health care and pensions.

There is a paragraph here, Madam Speaker, relating to the so-called airport incident, where the judge says and I am going to quote from the report:

I do not doubt that the Government of the UK and indeed its people regard Gibraltar with affection, but the hard political fact is that, as Mr Picardo during the course of his evidence said, the UK's essential interest in Gibraltar is as a military asset available for use if and when needed, often unpredictable and unpredicted.
Arresting senior officers of the Armed Forces in a manner which they perceived to be unnecessary, and humiliating caused massive damage to the relationship with the UK and its armed forces which took a long time and patient diplomacy to repair.

Close quotes, Madam Speaker. The reference here is not to damage. The reference here is to massive damage, and of course it was the dehumanised, demonised Chief Minister, Madam Speaker, that had to repair, through patient diplomacy, the damage that had been inflicted and a lot of the criticisms, Madam Speaker, directed at this side of the House, we take it in the chin as politicians because we are accountable ultimately to the electorate in a General Election. But you have got to ask the question, Madam Speaker, there is no such thing as an unelected official that is not accountable, not accountable to anyone and certainly not in the circumstances that were set out by Mr Peter Openshaw.

The relationship between the UK and Gibraltar underpins our economic stability, our security and our international standing, and it is important that no one puts that at risk and there are many historical examples, Madam Speaker, when others in other countries, individuals, have done precisely that, and they have paid a very heavy price indeed but that is the inconvenient truth. Nobody, Madam Speaker, wants to talk about that.

Recently I was looking through the archives of recently released papers by the Government of Singapore which go back to the merger between Singapore and Malaysia in 1963, Madam Speaker. When Singapore became part of the Malaysian Federation, Singapore was led at the time, continued to be led for many years post separation and independence, by Lee Kuan Yew. And the merger did not work, and no sooner had both countries merged that there was a massive political fallout between the leadership of Singapore and the leadership of Malaysia, Madam Speaker, which unfortunately manifested itself in riots, in racial riots, in both Malaysia and in Singapore.

The leadership of Malaysia, according to recently released archive documents, intended, Madam Speaker, to arrest Lee Kuan Yew, the leader of Singapore and the then Prime Minister of the United Kingdom, Harold Wilson, sent a very strong diplomatic statement to the effect that if he did so the UK Government would withdraw all military support and aid to Malaysia. At the time Malaysia was in open conflict with its much larger neighbour, Indonesia, and depended heavily on UK British military support. In 1965, three years, two years after the merger, Singapore separated from Malaysia, Madam Speaker but it seems that Lee Kuan Yew did not learn the lesson himself, Madam Speaker, and no sooner had Singapore become independent, that Lee Kuan Yew made repeated statements in the media and indeed directly to the British Government that the British bases in Singapore were only there at the will of the Malaysian Government and the Singaporean Government, and the Singaporean Government could give 24 hours' notice to quit, Madam Speaker.

Well, the UK Government put the Singaporean Government to the test, Madam Speaker, and they themselves gave notice of their intention to pull out the military bases in Singapore within a timeline, within a timeline that caused massive economic damage to Singapore because Singapore was heavily reliant at that time on military and MOD expenditure to the tune of 30% of their GDP, 50,000 direct jobs and 200,000 indirect employment in the Peninsula.

The point being very clear, very poignant, Madam Speaker. We have got to be careful that we protect, as the Chief Minister has said in the past, the sacrosanct relationship between Gibraltar and the UK. We must never allow unaccountable officials to put that relationship at risk and we have got to understand, Madam Speaker, that the economy of Gibraltar is very fragile.

I spent a number of months lobbying in the UK, as everyone knows, because of the then proposed UK betting duty, and I sat with many senior political figures in the UK including Ministers and I take this opportunity to thank His Excellency the Governor for arranging some of those meetings for me and indeed the Hon. Chief Minister as well, because we had unprecedented access to the highest level of UK Ministers and indeed all the way up to the Cabinet Office.

In one of my discussions with a senior political figure in the UK, and I will not identify the person by name but I will say that he was not a member of the Government to avoid any controversy whatsoever, he said to me, Nigel, people do not realise how fragile the Gibraltar economy is and it is. Well, you do not. I think I have heard somebody say on the other side of the House that they

do, but they obviously do not, Madam Speaker, because if they did, they would be far more tempered in what they would say and when they would say it. But of course, today the Hon. Leader of the Opposition realises the mistake that they collectively have been making, because it is not just an individual mistake on the part of the Leader of the Opposition. They all own it, to use the language of the Hon. Leader of the Opposition.

Today he tries to disassociate himself from those outside Gibraltar that seek to damage us, that seek to damage us, Madam Speaker, by repeating the very same narrative that they are repeating day in and day out, not only to damage the Chief Minister's reputation but ultimately, Madam Speaker, and I accept it is not their intention but it is certainly the outcome of what they are doing, damaging Gibraltar economically at a time, Madam Speaker, when we can least afford it because, of course, shortly there will be an announcement on the treaty. There will be an announcement on the treaty.

We will have to listen to what the Leader of the Opposition and his party will say about the treaty, Madam Speaker, because we have spent two weeks with the Chief Minister, and I can tell you I am impressed by the amount of work. I am impressed by the effort and the outcome that the Chief Minister has negotiated for the people of Gibraltar. We will have the debate, Madam Speaker, when the time comes but the point is this, Madam Speaker. All they care about is criticising, notwithstanding the damage that they cause to Gibraltar, because this is not the right time, Madam Speaker, if there was ever a right time to overplay your political hand, Madam Speaker. Because if you do so, we will all pay the price.

Here we are on this side of the House, Madam Speaker, working incessantly, incessantly, to ensure that we restore financial stability going forward. The very financial stability that we were able to restore over the last two years with the level of our tax collections, which the hon. Members opposite have accepted was exceptional, to use the language that they use but exceptional not in the sense of exceptional in the technical economic sense, but exceptional in terms of the work that went into it.

So, no sooner, no sooner had we done that piece of work, that we now find ourselves, Madam Speaker, that by the end of this financial year we could have tens of millions of pounds less of public revenue coming into Government coffers, but they do not seem to care. They do not seem to care about that. All they care about, Madam Speaker, is how much damage they can cause to Gibraltar, because those that govern Gibraltar on this side of the House are trying to get on with the governance of Gibraltar, Madam Speaker.

So, on that note, Madam Speaker, I will leave it there, Madam Speaker, and I look forward, no doubt, to the Hon. Member's response in due course.

Madam Speaker: Any other hon. Member on this side like to speak? Yes the Hon. Mr Bossino.

Hon. D J Bossino: As I normally say when I listen to Members opposite, I am shocked. I am shocked. I am shocked that I am shocked. One should have learnt by now what the gentlemen and ladies opposite are more than capable of doing. They are clearly, and beyond any possible doubt, living in a parallel universe and not recognising the seriousness of the findings made in this Inquiry report. It is absolutely incredible, and it is quite frankly shameful, shameful that they should be doing that, and I am sure we will be listening to further contributions from members opposite, supporting not just the Chief Minister but also, in effect, supporting their own political skins. They are protecting their own political skins. It is absolutely incredible.

We have just heard the Hon. Minister for Justice. Let us not forget a Minister who takes a special oath in this Parliament, when we open the session after a General Election, to uphold the rule of law. Yet rather shockingly he is more than capable of brushing aside the very serious and significant findings made by Sir Peter Openshaw, and talks about the old GSLP mantra of if you criticise the Gibraltar Government you cause damage to Gibraltar and its economy. What a whole load of rubbish. The damage has not been caused by us. The damage is caused by the Chief Minister in the way that he acted. It is as simple as that.

What we have done, and what the Leader of the Opposition particularly has done in the discharge of his responsibilities and obligations, not just in this House but to the people of Gibraltar, is to quote. This is a language which he has invented. This is a language which we have invented. They are quotes from a serious Inquiry report. So, what on earth is Minister Feetham going on about? Damage to our reputation? In fact, the external body that has made comments in relation to that, what the Leader of the Opposition has done is disassociate himself from certain elements of that. So, what is he going on about? It is all in the report, which is what we are noting in this motion.

And anything uncomfortable listening to us going through it, but when they listen to us, as I have just said, we are quoting from the report. They are listening not to us. They are listening to Sir Peter Openshaw's own words in a seven hundred-extra-page document but there are certain things, I think, that we have heard, despite the astounding conclusions and political narrative which we have heard from the moment that the report was published at 3 p.m. on the 23rd of December, the eve of Christmas Eve. From that moment on we have heard the Chief Minister talking about language of exoneration and vindication, but I thought that was going to stop. There was going to be a realisation that that was the wrong political route to take but clearly what we have seen here today is a furtherance of that narrative.

And this is not a question of parliamentary democracy, more about that later, or that they won a General Election. It is not just a question of that. It is the quality of our democracy which is at stake here and what ought to be happening, and what ought to have happened immediately after publication of the report, is the resignation of the Chief Minister. That is what ought to have happened.

We then called. I thought that was going to happen as a matter of course, given the seriousness of the findings made by Sir Peter Openshaw. Then the political battle would be whether we call a General Election now or later, or somebody else assumes that office but I took it as read that Fabian Picardo would no longer be the Chief Minister as a result of these findings.

But let us at least agree in respect of one thing. Let us at least agree that this extensive report is the result of, as I think the Hon. Deputy Chief Minister mentioned, a thorough analysis of evidence, both in the written form and by way of examination of a significant number of witnesses, in respect of which many millions of pounds, £8 million, is expended by the taxpayer. Let us at least agree about that. Let us also at least agree that the intention, as set out by the Chief Minister when his Government commissioned the report, was to establish the truth, the whole truth and nothing but the truth. Well, do we have it, yes or no? Clearly we do. Clearly we do. That is what they set out this report to do.

But what is clear from listening, not just in the course of the interventions by Members opposite today, and particularly this afternoon from 12 pm when the Deputy Chief Minister rose to his feet, and during the course of public announcements, is that they have a fundamentally different view as to what ought to be the political effects of the Report.

Now, the hon. Deputy Chief Minister talked about unprecedented transparency. What is unprecedented? The unprecedented nature of this Report is not just a question of transparency but actually the criticisms meted out to the Chief Minister. There is no other Chief Minister in our political history that has had to endure such severe lambasting from a respected retired High Court Judge. It has never happened before. This is how serious this is.

So, to see, it is not us who are making political hay out of this. It is they who are playing politics. It is they who are clinging on to power, but this is very serious. As I told the Hon. Mr Feetham during the course of our debate, this is beyond the issue of ideologies, of concepts, of ideas, where there will be clear blue lines between them and us on most issues, maybe not all, but certainly on most issues. And that is why there is a choice to be made and that we offer to the electorate with our manifestos and all the rest of it. This goes, as Mr Clinton mentioned, my friend Mr Clinton mentioned earlier, to an issue of principle and there ought to be a reaction to that but there has not been. What we have seen rather disappointingly from the Deputy Chief Minister, a whitewasher if there ever was one, a propaganda general of a dying regime, and quite frankly an

apologist of the Hon. the Chief Minister. That is what we saw and that is what we witnessed from him and fundamentally he was absolutely wrong in almost everything that he said but he was painting a picture which, let me tell him, I do not think that the vast majority of the Gibraltarian public are buying from them.

But of course, unless they call a General Election now, we will not really know until a year and a half's time if it is the case, as it apparently seems to be the case, that they are going to be exhausting this Parliament because, you know, he cannot get away with what he has tried to do, which is to belittle the effects of what Sir Peter Openshaw said. To suggest that, well, this is not, I think he said, the discipline of a legal ruling, it does not have that status. I mean, which bit of £8 million Inquiry, legal teams of all and sundry representing all the parties, cross-examination of witnesses, the review of documents and ultimately the presiding over all of that by a retired UK High Court judge, does he not understand? Which bit of that does he not understand?

Why does he seek to, in effect, almost impugn what Sir Peter Openshaw said on the basis that it is not really a court, it is not really a conviction? This is why I think he is wrong when he makes and deploys that particular point, fundamentally wrong for him to have done so and actually I think it is wrong for him, whom I have known for many years, to politically side with the Chief Minister on this one. You know, I offer this to him. He should be sat in the Chief Minister's chair perhaps after the findings of this report were published. Maybe that is what should have happened. That would have been the principled thing to have done, not to seek to support him by hook or by crook, and we are going to stay here until the end of this Parliament. That is what he has done, and he needs to live politically with that because the facts and the evidence point in one direction only. It is very simple.

All the gamut and panoply of different areas that the Chairman was asked to look at, whether it was the incident at sea, the incident at the airport, all the rest of it, the retrieval of the devices, all those different segments which were excruciatingly analysed, and this was very interesting Christmas reading, excruciatingly analysed by the Chairman in a lot of detail, remaining faithful to his terms of reference. All of that was analysed. At the end of the day what he focused on was Operation Delhi and the conflicts of interest which arose from that, and that the Hon. Chief Minister, was unable to recognise or see a conflict of interest line if it hit him on the face. He does not care about that. He was there providing advice and suggestions to the lawyer of his, I quote, friend and mentor. He had no qualms about doing that.

And that is what the hon.—sorry—the Chairman found so shocking. The Chairman saw right through him. It is palpable from reading the relevant parts which lead the Chairman to reach findings in respect of his behaviour. Yes, there were other people criticised. Yes, Mr McGrail was criticised in part. Yes, he passes comments in the way that things could have been done better. But this was not the level at which he treated the things that the Chief Minister did. He gave him the prize in respect of questionable behaviour.

So which bit of that does the Deputy Chief Minister not see or realise, but asks us as Members of this House and the Gibraltarian public to think things could have been done better, as he said in his New Year's message, always first off the mark, and I thought maybe he had not read the report when he drafted it? There is a paragraph, a very telling paragraph, where he talks about past mistakes without mentioning the elephant in the room of this report. This is not just a mistake. This is a fundamental political error, the conclusion of which, the reaction to which, can only be the resignation of the Hon. Chief Minister because at the end of the day, as things stand now, the findings need to be respected. We have not yet had a confirmation by the Chief Minister, but even that does not exonerate him. It may buy him time, does not exonerate him, that he will be challenging it. As things stand now the findings are as they are, and the findings are very serious indeed and we will continue repeating this until the next General Election and beyond if needs be, because they are very serious indeed.

But is the Hon. Deputy Chief Minister, so far removed from reality that he does not see that, really? Or is it just a question for him of playing politics? I am sorry to say in relation to this he should not be doing so. He should not be doing so, and I would ask him to reconsider, if it is at all

possible to reconsider his position because it is not a question of looking simply at the recommendations in isolation. The recommendations came about as a result of very strong, fundamental findings.

My friend Mr Clinton made a specific reference and dedicated most of his intervention, all of his intervention, to the issue of conflict of interest. It was the first recommendation. This needs to be dealt with.

The Deputy Chief Minister also questioned slightly that, well, it came across as pseudo-colonialism almost. Well, look, it is an opinion from somebody not from here, and I understand, we all understand, how we operate but it is precisely because of that, it is precisely because this is a small place, that, you know, we almost do not need a Ministerial Code to tell us what is right and wrong. Some things ought to be instinctively obvious that you cannot do.

And if, you know, one is in a position of power, as the hon. Gentlemen and Ladies are, and if you are particularly the Chief Minister of Gibraltar, you do not do the things he was doing. It was so obvious and obviously and palpably wrong that you do not call up somebody and say, just because you are trying to protect your friend, it is nothing to do with me, this is an operational decision of the Royal Gibraltar Police. These were powerful individuals who were able to rely on people with a lot of power, where the Members opposite, and particularly the Member opposite. Many people in Gibraltar do not have that luxury.

So, you know, my hon. Friend, the Leader of the Opposition, as I said before, was simply quoting the recommendations. This is not a question of us raising these things. This is not a question of our language, which seems to be the looser mantra of the Deputy Chief Minister, that we are, you know, using language which is very shocking and we are pitching it. The reality is we were simply quoting what the Chairman said and actually it is absolutely legitimate. It is absolutely legitimate for us to make criticisms of the quality of the democracy. Or does he expect us here, on this side of the House, to ignore the very serious findings made against his Leader and the Leader of his Government? Of course it is legitimate for us to do so.

Or is it not the case that they themselves have filed a motion, sorry an amendment, to my friend's motion, seeking no confidence in him? Because we were also elected here and let me remind the hon. Gentlemen and Ladies opposite, we are the biggest Party in this House. All we need is one of them to join us, and, you know, there may be a change of Government and that is legitimate parliamentary democracy. It is not a question of crossing, putting eight, sorry ten, crosses on a piece of paper on a ballot paper and then they are there, you know, as an authoritarian Government for four years. Things happen between one election and the other and this is a parliamentary democracy and it is absolutely conceivable and possible for just one of them, one of them, to do the right thing and at least provoke a General Election because we are not saying let us just swap sides if one of them comes over. We would need to consider the detail of that, I suppose. What we are saying is let the people decide. Let the people decide but of course they do not want to. They want to cling on and hold on to power.

The Hon. Deputy Chief Minister, talks about the Inquiry saw everything. Fine, indeed it did. It saw everything that was put to it. There are many things that I would argue, we would argue, that are happening behind the scenes, because if we had, as I said in my piece, those particular flaps opening in that particular advent calendar in respect of what the Principal Auditor said in respect of this, goodness knows what is happening in other areas of Government and how they operate but in seeing everything within the strictures of the reports of the Inquiry, excuse me, he was found, the Chief Minister was found, to be seriously and fundamentally wanting. That is the case. Or is he choosing to ignore that? You know, and they lay a lot of store on, well, these were the allegations that were put forward by the other party, that there were corrupt practices and all the rest of it, and the Chairman did not decide, make findings in relation to that, that may be the case, but that is irrelevant. That is irrelevant, you know, and if there was not a conspiracy towards corruption it is because the Hon. Chief Minister was acting on his own. It does not affect the rest of them. He was acting on his own, but he was found wanting. This is… he did not need, exactly, he did not need any help. You know, you see it.

In fact, the book is entitled as such in Theresa May's book. It is not a biography of her time in office. It is actually entitled *Abuse of Power*. What she keeps on saying, in fact, when she makes an analysis of many of the inquiries that she, as Home Secretary, was responsible for, like the Rotherham Inquiry and all the rest of it, the end comment is, whether it is abuse of power by the police or by politicians or whoever, they abuse the power. They did it because they could. She makes that point in almost a concluding remark in almost all of her chapters. They did it because they could. He did it because he could, and he should not have done it, and he has been found wanting in respect of that. This behaviour simply does not bolster democracy. It denigrates it.

The behaviour of the hon. Gentlemen and ladies opposite in supporting the Hon. Chief Minister and you know, we know what the Deputy Chief Minister says, that the inquiries… well, it was not, you know, the things that we said they were going to be doing as a result of the passing of the Bill at the eleventh hour, where they would have the ability, the power, to issue a restriction. In the end it did not happen. So, you know, naughty Opposition for saying those things. Perhaps it did not happen because we kicked up such a fuss, that that was what we were seeing on this side of the House, that there was such a campaign out there in the streets in relation to this, and people were shocked by what they were doing at the eleventh hour, introducing this piece of legislation, that maybe that is why it did not happen. I do not know. I am merely speculating. It is just a question that they did not consummate their intentions in relation to that.

The point about conflict of interest… our concern, which is what the Leader of the Opposition and indeed Mr Clinton have raised, is that, one, they are already there, but two, if they want to fine-tune it and bolster it, give it more power and authority by way of statutory backing, that is fine. We are going to be looking at it very, very closely indeed because we want to make sure that the spirit and the intention behind the recommendations are fully and utterly complied with. If we are not happy with what they do, we will tell them as it is. Alternatively, they can call a General Election, and if we win, we will do it better.

As far as Mrs Arias Vazquez is concerned, Madam Speaker, what can I say? The hon. Lady was brief, and I wonder if that is an indication perhaps that her support is not as fulsome as the Hon. Chief Minister has suggested it to the press. What it was clearly sycophantic adulation by her. Now presumably it is because she thinks that that is going to serve her well amongst the GSLP ranks. Maybe. I do not know. That is a matter for her. She was certainly brief, and she made the same mistake that the Hon. Deputy Chief Minister made about accountability, where he says, you know, we wanted… what we did was unprecedented in terms of transparency, and we wanted accountability.

What is the point of accountability when those very obvious findings, which are, you know, of severe criticism of the Chief Minister, are going to be completely and utterly ignored, as if nothing had happened? What is the point of accountability? It is accountability GSLP-style. She says that democracy is decided at the ballot box. Okay. Let us have it then. Let us have an election. Let us have it now so that people can decide. Let us have it now. Of course as democrats we think that it ought to be decided in the ballot box, Madam Speaker.

The Hon. the Minister for Justice… what can I say. His contribution has been, quite frankly, almost entirely irrelevant, if not wholly irrelevant. (*Interjection*) No, not at all, no. Not at all. I thought he was going to do a better job this time because he has had a bit more time to prepare. The reality is that it is totally irrelevant. In fact, I would venture to say this is the gentleman… I need to answer the point, although I think it is irrelevant to the debate, you know, where he quotes a gentleman… Yeah, I do not know why, but he quotes a gentleman who is not in this House, who cannot defend himself, although that is their manner, because we had the same with the Principal Auditor. He can rely on privilege because he is saying these things in this House, but what is the point unless he is trying to drive a wedge, to say that this gentleman, that gentleman, is inconsistent.

For goodness' sake, does Mr Feetham really think that we have such a short political memory, as he says that I have, it seems? Or is he expecting us to forget that the hon. Gentleman was a supporter of this Party, was indeed an Executive Member of this Party, indeed participated in

electoral hustings in the 2007 General Election, in the 2011 General Election and in the 2015 General Election? I am not too sure about the 2019 General Election. I think maybe there he got a bit cold and was preparing and making way for his move back to the GSD.

It is a bit rich for the Hon. the Minister for Justice, to expect us to take any lessons from him, quite apart from the point that I made earlier that we think it is totally and utterly irrelevant when he is referring to that gentleman. He is one of the authors, again, I know my history, of the *7 Days* publication, which is a publication of the GSD before the 2011 Election, which used to denigrate and criticise the leader then of the GSLP/Liberals, of the GSLP.

Hon. N Feetham: Point of order Madam Speaker… Absolutely. Point of order. The hon. Member has said that I was one of the authors of *7 Days*. There is absolutely no evidence of that, and I was not one of the authors of the *7 Days* newspaper

Madam Speaker: I am not sure what point of order that is, other than that it was not true…

Hon. N Feetham: That was not true!

Madam Speaker: …and that is what the hon. Member is saying. I wonder how relevant this is, in any event, to the debate, but let it be noted that the hon. Minister has denied that he wrote that report.

Hon. D J Bossino: I take the point that it is highly, totally irrelevant indeed that the hon. Minister for Justice went to Asia and gave us a history and political lesson of countries over there. It is totally and utterly irrelevant. He certainly was associated, very closely associated, with the Party. My Party then was heavily critical of Mr Picardo, as he then was, as leader of the GSLP, and nothing in the quotes that he has referred to during the course of my debate do I have a problem with, nothing whatsoever. He tries to suggest that I was somehow contradictory. I was not at all. I was not at all.

One thing is to make a comment, a principled comment, about the operational independence of the police, and another thing is to express a view. There is nothing contradictory at all in that, Madam Speaker. The findings are what we are concerned with here, let us not forget, not what I said during the course of the debate on the findings. The motion here is to note the report of Sir Peter Openshaw, and what is highly relevant are the findings that were made in relation, we say, to the Chief Minister.

He then quotes the Hon. Chief Minister's mealy-mouthed apology, because when you follow an apology with the word “if”, it is almost like following it with the word “but”. It loses its quality, which is the point that my learned and hon. Friend, the Leader of the Opposition, made. It is a mealy-mouthed and ineffective apology, Madam Speaker.

I think I have been able to show, not just in the comments that they have made to the press since the publication of the Report, but also in the contributions that we have heard up to now, that the hon. Gentlemen and Ladies opposite have a completely different, and we would say bizarre, view of what they ought to be doing in response to the conclusions of Sir Peter Openshaw. I dare say that the vast majority, not just on this side of the House but indeed the vast majority of the population, are with us in terms of the shock that they have experienced as a result of the severe criticisms of one particular individual amongst all the *dramatis personae* who were relevant to the Inquiry’s considerations of the points that were before him. These are not nuances, as the Chief Minister has said. This is not, I think the Deputy Chief Minister said, “noise”. We are not making political hay out of this. We are simply carrying out our responsibility as an Opposition to continue to point these things out, and, as I said before, we will not stop in doing so. It is very clear that the sharpest and most severe criticism is meted out against the highest, as Mrs Ladislaus said, elected position in Gibraltar.

The hon. Ladies and Gentlemen opposite clearly have what I have described in the course of my debate on television as an Alice-in-Wonderland approach to this. It is fantasy-land politics. As I said before, the truth is not an objective reality. It is the truth as they see it, as they say it ought to be. That reminds me of somebody who is on the other side of the pond. They, socialists, are actually almost like populists of the right in the way that they behave, when they invent a truth that is convenient to them, which is a very dangerous trend indeed. We have not seen it just in respect of this, but also in respect of other issues.

The Chief Minister talks about: "Let us not look at the rear-view mirror, let us not look at the rear-view mirror", and I think the Leader of the Opposition made that point during the course of his intervention because this happened six years ago. If everybody who was suspected of committing a crime used that as a defence, it would make a mockery of our police system and of a system of justice. This is the driver of the car who has just bashed into an old lady, run the car into a lamppost, and tells his passengers "Do not worry, do not look at the rear-view mirror, that happened in the past, let us just move forward." Ignore that he is a bad driver. He has to be replaced before he causes further damage to this place. He needs to be removed.

The Hon. Chief Minister, talks about undergoing a striptease, but did he really? Did he really? He has made that point on at least two occasions to the press. The reality is that, certainly in respect of one point, and I am just going to highlight one point but there are others, he failed to make any reference to the infamous meeting at his home of the 17th of May 2020, where he said that this is the Chairman again almost questioning his credibility as a witness:

> I find his explanation implausible…

I am paraphrasing; I will not quote the whole paragraph.

> I conclude

he says,

> That he deliberately did not disclose the fact of this meeting because he knew that others would find it deeply inappropriate.

He deliberately did not disclose the fact of the meeting. This is a gentleman who tells the Gibraltarian public, and expects them to believe, that he underwent a striptease of everything. Fantasy-land politics indeed. It would be laughable if it were not so serious.

It is clear that, given their performances today and up until now, they are all cut from exactly the same cloth. They need to wear that cloth and certainly own it. Own it.

Madam Speaker, why is this a noting motion? Why is it that the hon. Gentleman opposite, the Chief Minister, has not embarked upon his bully-boy tactics, as he deployed during the course of the debate on the Principal Auditor's latest report, which was a denigration and an attempt at demolishing the reputation of that gentleman? The tactic on this occasion, Madam Speaker, is simply to note Sir Peter Openshaw's report, presumably because the same tactic could not be used against a respected, retired UK High Court judge. He could deploy the tactic in respect of a retired former employee, a Civil Servant, but he could not against a retired High Court judge.

The other reason, I would venture to add, as to why we are doing a noting motion, is that, as people may or may not know, we then do not vote on this. Each of us can, if we wish, express a view on the motion and the report, but there is no final vote on it. We are therefore not treated to the spectacle that we saw in respect of the Principal Auditor's Report. They, I assume, found it embarrassing. They have bypassed all of that as a result of pursuing this particular procedural route.

Madam Speaker, I wish to dwell on the threatened legal action which has been referred to once again by the Chief Minister. I say that this is simply a crude attempt to pursue it by buying time. I called upon, if you may recall, the Minister for Justice to resign last week, and I did so for

one particular reason. I call upon him to resign once again on the basis on which he made an analysis in respect of the effects of a legal challenge, because this was a serious error on his part. I think, firstly, it was an error of political judgement to have gone to the debate and then to support the Hon. Chief Minister in this motion. I say that I ask him to resign for failing to uphold the rule of law.

This, as I said before, is a decision, and it stands, of a respected UK retired High Court judge. It can possibly, I do not see how, but it can possibly be overturned or parts of it can be overturned. At the moment it stands. When somebody has been convicted or has been found that he owes damages to somebody else, that stands until it is appealed. It stands, and there are effects. The money needs to be paid, or you go to jail, or you pay the fine. The Minister for Justice said:

> No, no, no, we think…

I think he said,

> …that we may be issuing a legal challenge.

If that is the case, if he does not understand that basic principle, then I think he ought to resign on that premise only.

The point has been made earlier that the Chief Minister should pay for his legal challenge. Of course he should. I was provided this quote:

> The state will pay to ensure its processes are fair. It will not pay to save a politician's reputation.

Which is what is happening here.

> Once a legal action stops being about institutional fairness and starts being about personal blame avoidance, the chequebook closes. And rightly so.

We were treated this morning, in terms of the Chief Minister's intervention, this was not a question of further vindication, as I think I quoted correctly during the course of his contribution. It is actually a question almost of vindictiveness. Vindictiveness against the RGP, but not the RGP in its current format with its current Commissioner of Police, where supposedly there is a good relationship. I would warn the current Commissioner of Police to watch his back. The vindictiveness is aimed at the previous managerial team. That is really where he is focusing his fire and his ire on this occasion.

What happened before? Mr Ian McGrail. He will not let that go. Vindictiveness. Raw vindictiveness. It is an attack on the RGP, talking about corruption. For goodness' sake, "sinister" comes to mind, which is one of the words used in the report.

The Chief Minister is displaying worrying symptoms as a political leader of this place, or of any political leader. You have to have your political antenna well tuned. You have to have political nous. I see that he is agreeing with what I am saying, but I am a bit concerned that he thinks he can get away with this in terms of the political narrative: that he will leave at a time of his own choosing; that he will not leave because a blogger may say that he ought to leave; that he will not leave because other commentators may tell him that he ought to be leaving; that he will not leave because the Leader of the Opposition and the GSD tell him that he ought to be leaving. He will leave when he decides to leave.

He is missing the point. People want him to go, and they want him to go now. This is now beyond the pale, and he simply cannot control the narrative anymore, as he so effectively and clearly has done in the past. I concede that to him. He is losing it. He has lost it, I put it to him. Yes he says *aquí estoy todavía* absolutely, and that is a shocking and embarrassing thing for this place. This is what is so bad in terms of international comments and what people are seeing. People who

live in Gibraltar and have become residents of Gibraltar are seeing this, and I simply cannot understand what is going on.

It is probably because this is a small place that he is not being hounded out of office, not just by us, because we do whatever we can, but actually by the press, for example. The tool that we have in Gibraltar in 2026 is social media, and on any analysis you can see that people may not go out to the streets because people are concerned, not just because of them but actually because of their children. Children, you know, because they may not get the house that they are waiting for, because maybe they are seeking employment from the Government. All those things are business for the Government. This is a small place. They are scared. A shiver is sent down their spine.

They do not see it because they, you know, have rose-tinted glasses. They are in Office, and they have been, quite frankly, in Office for far too long. For far too long. They are not seeing it, all of them. They are not seeing it clearly. As I said before, they are holding on to power, and this is why people are scared and concerned. Does he not, I am sure he does, does he not sense that that is what people are thinking?

I am sorry; one needs to get frustrated about this. The reality is that that is what, you know, and I am very objective about these things, I try and say well, people are telling us these things because we happen to be in Opposition, but actually, as a political observer, as objectively as possible, I really do think that that is what the vast majority of people think.

To see the Chief Minister, you know, almost— it is quite a sad spectacle when he says:

> Well, I have received 77 messages of support.

Yes, I mean, so is that a fulness of support that clearly, he is receiving? I am not sure how genuine it is, this support that he is receiving from members opposite but from the people of Gibraltar, is that fulsome? Is that fulsome?

I still like to think that he has not lost his political antenna, and all that he is trying to do is hold on to power to get the deal over the line, as he says. It can be relaxed, as I thought the deal was done. It is done, the legal scrub. What else is there to do? What else is there to do? All that needs to be done is presented by the Members opposite.

Madam Speaker, in terms of his political credibility, his political credibility in particular now, I add that the hon. Gentlemen and Ladies opposite, their political credibility is also at stake. The Chief Minister's political credibility, because the criticism is directed at him and only at him, has come to the end of the road. He has lost all clout and credibility, which is what political leadership requires. If he does not want to see it, or simply does not see it, that is a very worrying symptom indeed.

If he truly recognises the criticisms, as I think he said in the course of his intervention earlier today, if he truly recognises them, then the only answer is that he should go, and that a General Election should be called as soon as possible.

Madam Speaker: Any other hon. Member like to speak on this side of the House? Yes, the Hon. Sir Joe Bossano.

Minister for Inward Investment and the Savings Bank (Hon. Sir J J Bossano): Madam Speaker, the hon. Member opposite said that we now have the whole of the truth in the report of the Inquiry, and he is wrong. He will have the whole of the truth by the time I sit down. This decision that we took to waste £8 million of taxpayers' money was one that I find difficult to support.

If Mr McGrail was pressured into resigning, then the recourse that he has, like any other employee in any other employment, is to go to the tribunal and claim constructive dismissal. Constructive dismissal is there when somebody is pushed into resigning, which is what he claims happened to him. So, we do not have an alternative that people can choose either to go to an

Employment Tribunal and make a claim for constructive dismissal, or to ask us to call an Inquiry and pay £8 million.

That is not the option that is available to any other working person in our economy. So why was this available to Mr McGrail? It was because the clever lawyer that he engaged decided to mount a campaign. The lawyer that Mr McGrail employed fought his client's case on Facebook, not in a court, but on Facebook, where nowadays people can get hung, drawn and quartered on Facebook and be totally innocent. Of course, that was something that, when it seemed to get traction, was seen by members opposite as an opportunity.

There is this request, demand and campaign that there has to be an Inquiry to find out why Mr McGrail resigned, because he was saying he resigned because he was put under pressure… Therefore, let us take the Government, dragging them, struggling to have an Inquiry. That is what they claimed. They did what they did, campaigning for an Inquiry on the basis that, if you campaign for an Inquiry, you have a problem that the Inquiry may be totally unnecessary for as long as the campaign goes on and the Inquiry does not happen, the weapon in the hands of the Opposition is: "You do not have an Inquiry because you have got something to hide," right?

That means you can push people into doing things that make no economic sense and no political sense and are a disservice to the people of Gibraltar and the taxpayer. The remedy is the remedy that is provided in law. The Inquiry was to find out whether and to what extent the ex-Commissioner McGrail was made to step down, and, in the process of finding that out, the Inquiry then starts looking at the procedures that were happening in connection with this alleged investigation of the police.

So, I will start then by enlightening Members opposite as to what was the misconduct, the corruption of the police from day one. The police issued a statement saying the matter relates to the conduct in 2018/2019, which resulted in a criminal complaint being made by both Bland and Her Majesty's Government of Gibraltar. Not true. Not true. Her Majesty's Government of Gibraltar did not complain to the RGP.

How could it possibly be conceivable that Bland should say that there was a programme which belonged to them, which somebody wanted to steal, when we were saying the programme did not belong to them, it belonged to us? So why would we go with Bland to say, "We have got this programme, which this guy claims belongs to them, and we want to report to you that somebody wants to steal the programme not from the owner, which is us, but from the guy that is claiming it, who has not got the programme"?

I rang up the senior officers in the police when this came out, and I told them: "Look, this is wrong. I am telling you this is wrong. We have not gone to you with Bland. Whatever story Bland is telling you, we are not part of it." They refused to correct it. It is there still, to this day, on their website.

This is capable of being interpreted as a situation to pervert the course of justice. Why? I will tell you why. If Bland thinks somebody is going to step into his area of business, they will go to any lengths to stop it. If the Government says Bland is right, then the fact that the Government is saying the same thing as Bland will have an effect on public opinion and an effect on a jury. Therefore, this is an attempt to influence public opinion against the people who were being accused, innocent people, who were being accused without a shred of evidence.

The police then say that it led to a long, complex investigation conducted by the Royal Gibraltar Police with assistance from the UK National Cyber Crime and National Crime Agency. The long and complex investigation is nonsense. They investigated nothing. All the evidence was brought to them by Bland. James Gaggero did the work with private people and gave it to the RGP, and that is what the RGP had.

When you are talking about the report that we have before us, you need to understand that that is not the whole truth, and that is not the whole story. As the person carrying out the Inquiry said, his terms of reference did not go into whatever other things. His terms of reference were simply: was Mr McGrail treated correctly in the termination of employment, yes or no? He came to the conclusion that there were defects in the way it was done, and that they should have told

him, should have given him more information. On that basis, that was the kind of argument you could put when you are claiming constructive dismissal.

When you are claiming constructive dismissal, you say: "Well, look, out of the blue they told me that I had to go, and that I either resigned or they made life impossible for me." That is constructive dismissal. As far as constructive dismissal is concerned, the report of the Inquiry says that there were deficiencies there. There were deficiencies all over the place. There was a deficiency in the fact that the original claim, from Bland, was that their property was going to be stolen. When that did not work, the police allowed them to change it, so it was no longer property being stolen; it was an attempt to damage their reputation in the running of the programme by sabotaging it.

They brought in experts, and the experts could find no— that is not the police brought in experts; Bland brought in experts—and the experts found no evidence of sabotage. There is no evidence of sabotage, and there is no ownership. So what is this all about? Is there a conspiracy to pervert the course of justice here? If there is one, then it must be the conspiracy between McGrail and Gaggero. That is a conspiracy. If that is proven, then perhaps something will have to be done about that conspiracy.

If we have a situation where the claim of ownership is made by somebody who has had a programme that was paid for by the Government, and the complainant of this injustice, instead of fighting it commercially and out of his own pocket, uses the money of the taxpayer by using the police, this is somebody who has the programme that the employee had produced. Of course, that programme— the employee was paid a fraction of the money the Government paid Bland.

There is no contract. There is no contract in place. There was no tender. This is the one area where the former reports of people having to go to tender, and people not being given work without a tender, and not having it renewed without a tender, has never been in the area where Bland is. Bland got a contract to run the airport. James Gaggero got a contract to run the airport in the middle of the election campaign in 2011, totally illegal.

We came in and, given that we believed we should not go on a witch-hunt to eliminate everything that smelled of the GSD—as the GSD had done in 1996 to get rid of everybody that smelled of the GSLP—with it, Bland kept the contract. The contract of 2011 came to an end, and there has been no new tender. Which is okay. The Principal Auditor has not got a problem if we do not go to tender if it is in the Alameda Gardens it has a different name from Gaggero" then there is something wrong but If Gaggero gets open contracts, the Principal Auditor says nothing is wrong. After all, we all know the rules of life. Why are people so stupid as to expect that Gaggero has to be treated the same as anybody else? The rule of law should apply to everybody the hon. Member started saying, "I agree with him." Does "everybody" include McGrail or not? Is McGrail also subject to the rule of law? They keep on quoting what happened in the Inquiry. The Inquiry did not come out and say the Chief Minister has committed a criminal offence. The Chief Minister has done things that are unacceptable because there is a conflict of interest, but he is not guilty of breaking a law that says you cannot do this. He is not guilty of a criminal offence, whatever the hon. Members opposite may think.

We know that McGrail stole documents that did not belong to him and destroyed them. Having destroyed the documents, his best friend and successor—the successor who said he was the best friend of McGrail—was asked:

> Has McGrail committed a criminal offence?

He said:

> Yes, he has committed a criminal offence, and I am his best friend.

He was asked in the Inquiry:

> Is he going to be prosecuted?

and they said:

> We are thinking about it.

So the rule of law does not apply to everybody the same. McGrail admitted what he had done, and his successor as Commissioner said that what he admitted he had done was a criminal offence. This is somebody who is admitting that he is guilty, but we have to think whether, if it is somebody in the hierarchy of the police, there are different rules. There are rules for people who are not in the police, and there are rules for people who are in the police. In the police, the rules depend on whether you do what you are told.

In the police we have had until recently, and which we hope we will not have in the future, if you did what you were told by your bosses, then you could expect to prosper. If you questioned what your bosses were telling you to do, then you were penalised. This is where the issues raised by the whistleblowers in the police are very relevant. That is where the label used by the Chief Minister applies in what the people who have been working there are telling us has been happening.

If the position is that McGrail has admitted to doing something that is a criminal offence, and we are still waiting for something to happen, it may be of interest to Members opposite to know that twenty-five years ago the same McGrail, then a sergeant, was involved in a prosecution where he admitted improper conduct in discussing evidence during a cross-examination…

Madam Speaker: Just a minute… The hon. Member has raised a point of order.

Hon. Dr K Azopardi: Madam Speaker, on a point of order. In particular, Standing Order 46 says:

> Debate upon any motion, Bill or amendment shall be relevant to such motion, Bill or amendment, except in the case of a motion for the adjournment of the Parliament.

So, debate on the motion must be relevant to the motion. The motion is a noting motion that notes the report of Sir Peter Openshaw in respect of the Inquiry, and in particular the recommendations. So, we are noting the report and the recommendations. To the extent that Members rise, they can speak about the Inquiry, the Report and the recommendations, and there is a relevance test to that.

The hon. Member opposite has started to talk about the whistleblowers and started to go into circumstances. The point of order I am making, specifically on the basis of Standing Order 46 and relevance, is that the Chairman of the Inquiry, Sir Peter Openshaw, at page 27 of his report, referring to the whistleblowers, says:

> Hassans submitted 19 witness statements by present or former RGP officers to the Inquiry. The statements were submitted on behalf of each individual witness, not the GPF as an organisation. Most of these statements did not refer to bullying at all but made allegations of all manner of other misconduct, some of which alleged the commission of criminal offences by many different RGP officers and former officers including Mr McGrail.
> In a closed ruling on the 1st of March 2024 I held that all but three of the 19 statements were not relevant to the reasons and circumstances of Mr McGrail's retirement. Those three statements I held to be relevant only in part.

There are then further paragraphs, all leading to page 29. The detail of that is contained in the report also, at further pages, in particular at page 153, the Inquiry Chairman refers again to his closed ruling. At paragraph 7.8 he says—well, at 7.7 he says:

> In my opinion none of those 19 statements met this criteria.

He refers in 7.8 to his closed ruling and he says again:

> I held that all but three of these statements were not relevant to the reasons and circumstances of Mr McGrail's retirement. Those three statements I held to be relevant were only relevant in part. I also concluded that"—and he refers to a person by name—"Mr X's statement was relevant in part.

And he says:

> It is plainly inappropriate now to make public that closed ruling, which would disclose irrelevant matters which are not within the Inquiry's terms of reference. A short summary of a closed ruling, to the extent that I was able to make my findings public, is available on the Inquiry website. The statements that I found to be relevant in part have also been uploaded to the Inquiry website with suitable redactions.

Those statements are indeed on the website, Madam Speaker. I pulled them out. They are heavily, heavily redacted—these statements. There are all the same, they are all blackened in huge parts, there are only three of 19 in fact there were a total of 23 —that is obvious from page 152.

The point is that we have a rule—Standing Order 46—on relevance. We are noting the Inquiry and the recommendations. The Inquiry Chairman has decided they are irrelevant. Therefore, referring to contents of irrelevant statements, held to be irrelevant by the Inquiry Chairman, is out of order under our own House rules—Standing Order 46, Madam Speaker.

Madam Speaker: I do not know. I do not know whether those three reports that the hon. Member has said are relevant touch upon the point that the Hon. Sir Joe Bossano is raising or not. I say so simply because I do not know.

Chief Minister (Hon. F R Picardo): Madam Speaker, the hon. Gentleman is referring to Standing Order 46 and then takes us to the ruling of the Inquiry Chairman in relation to the report in the context of what the Inquiry was hearing. I am surprised that the hon. Gentleman was so well prepared to challenge any reference to the whistleblower statements today. He had his Standing Order ready, he had his section in the 706 pages ready to quote, and one is left, Madam Speaker, with the impression on this side of the House that the point of order is being made by the hon. Leader of the Opposition because he wants to silence the Father of the House. He wants to prevent the Father of the House from referring in this House, with the privilege that he has within the Standing Orders of the House, to say what he thinks is necessary to be said about the report.

In doing so, we are not in the hearing of the Inquiry. The rulings of Sir Peter Openshaw about what was relevant to be heard by the Inquiry are irrelevant to what might be said in this House about the report. For example, Madam Speaker, if we have had to be treated to quotations from a novel by a South American novelist, I think that too would have been ruled to be irrelevant and not something that Sir Peter Openshaw would want to hear in the context of the Inquiry into what led to the retirement of Ian McGrail. Here we are discussing things around that and the report because the leadership of the GSLP, Madam Speaker, would not have been ruled to be relevant in the context of the hearings in the Garrison Library, and yet today they have referred to the leadership of the GSLP.

If those things are relevant to noting the report and its findings, then surely the things that Sir Peter Openshaw did not hear might also be relevant. If a parliamentarian wants to develop that in the context of direct relevance to the report, and whether it may or may not have failed to consider, in the context of its preparation, matters which the public might consider to be relevant, then surely that does not offend Standing Order 46. It really does not.

Madam Speaker, the Hon. Leader of the Opposition sounds again like just one more of the counsel for Mr McGrail who wants to continually silence the voice of the whistleblowers who had so much to say. I see no interpretation of Standing Order 46 that could silence the Father of the House if he wants to go through these issues today. That is not to say that these matters are more or less relevant than any of the things that they have referred to. They have referred to

consequences of findings. We say, Madam Speaker, and the Father of the House will say, these are the things that should have been considered to produce better findings.

That is our position, Madam Speaker, and that is why we think the point of order is entirely unmeritorious and just an attempt to silence Gibraltar's most experienced parliamentarian, who would not have referred to something in a debate if it was not relevant. When he develops it, I think everyone will see it is very relevant indeed.

Madam Speaker: Alright, I clearly recognise Rule 46 on relevance in debate. I have given an amount of leeway to the House in relation to the debate on this and have not interrupted anybody, but it is my view that we have to keep the debate to the Report, to what is in the Report. I am loath to allow any hon. Member to embark upon a discussion on what was not in the Report, or was considered irrelevant in the Report, because that would make the debate unnecessarily wide and therefore, by definition, irrelevant.

So I am going to ask hon. Members to keep to what is in the Report. If any hon. Member wants to make a comment on what is missing from the report—and I think there have been comments in the course of this debate already—I will grant some leeway, but I am not going to have a full discussion on what was missing from the Report, because there has got to be relevance to the terms of the motion.

Yes, this is the Hon. Sir Joe Bossano.

Hon. Sir J J Bossano: Madam Speaker, when the hon. Member stood up to make the point of order, I was not quoting anything from the whistleblowers. I was, in fact, informing him that after admitting that he was guilty of stealing and destroying evidence, and having his friend telling him that that was a criminal offence, it happens that 25 years ago Sergeant McGrail was involved in a prosecution

Madam Speaker: I am going to stop the hon. Member. I have ruled that we are not going to go back to what is not in the Report, so I am going to ask the hon. Member to move on.

Hon. Sir J J Bossano: Wait, that would… the mystery of what happened 25 years ago would not be in the public domain, Madam Speaker.

When the Report talks about the legality of the order that was given to go to Hassans, you know, with a search warrant. He actually makes comments about whether this was done properly. We know that, in fact, the offence that allegedly produced the legitimacy for the warrant did not exist at that point in time. Nevertheless, the police did not seem to know that the offence was not in the law, and the magistrate who granted the warrant did not seem to think that this was the case.

So here you have a situation where everything around the Chief Minister talking to the person who was the victim of the warrant was about something that was not legal. In the Report it makes the point that what the police were doing was legal. It is not correct. The warrant was illegal. We then need to look at the legality of the investigation that was taking place.

It cannot be irrelevant if it turns out that, when the Inquiry is looking at what happened to cause the termination of employment of Commissioner McGrail, it looks at the evidence, and the judge has come to the conclusion that the principal reason why there was an involvement from the Chief Minister was because of the investigation that was going on with the Bland contract. Everything to do with the Bland contract, which did not come into play in there, is important, because if the Bland contract is a contract that in itself is open, is being renewed, is not being tendered, is paid for by the Government, where was the offence?

How can somebody be guilty of doing something that is interfering with something that is legal, when everything that is happening is illegal? I am not a lawyer; I am just using common sense, but it seems to me that if somebody is doing something illegal, then interfering with somebody doing something illegal cannot itself be illegal. This is what has happened here. People need to know

the story that has not been told, because it was not the main part of the McGrail Inquiry, but which the McGrail Inquiry actually made the main part. The McGrail Inquiry came to the conclusion—that is to say, an opinion, because what happens there is that the judge may be brilliant at law, but he is not pointing out points of law. He says: "Well, I believe that McGrail is not a liar, and I believe that Picardo is a liar." Okay. I believe the opposite.

Why is it that I believe differently than what this guy believes? Why? Because he is a judge and I am not a judge. I am just an economist. I do not see why it is what he believes or what he believes. Well, look, I believe what I know of people that I have known all my lifetime, and I do not believe things that do not look too believable if it is somebody that I do not know.

So this man is looking at the situation and making up his mind based on what credibility he gives to one side or credibility he gives to another side but if you look at the facts, how can somebody argue with any sense? This is what people need to understand. There is supposed to be a situation where a crime is being committed, which the police say took years to investigate because it was very complicated.

I will just mention one statement about what was happening in that investigation from somebody who was present in that investigation. The person who was present in that investigation says that in all his career in the police he had never seen anything like that: where the police had a meeting, and the owner of Bland was telling them what they had to do and giving them the evidence that he had collected. What kind of investigation is that? Is that relevant or is that not relevant, to put in context what has happened with this Inquiry and its results?

When we put value on the conclusions, we have to say: what is it that Operation Delhi is? What happened there? How did it start? What did it cost? Who paid for it?

The taxpayer was paying £817,000 to Bland to maintain the system, okay? Bland had two employees to do the job. They were getting nowhere near that amount of money, and therefore the two employees said to Bland: "Look, we want…" One of them has written the programme, and they went to Bland, and they said: "We want to go on our own," and Bland offered them more money to stay. They did not want to stay.

Madam Speaker: I am going to interrupt the hon. Member again, because I do not want to go on a separate Inquiry of our own. We are focusing on the Report, and I am going to remind the hon. Member to stay there.

Hon. Sir J J Bossano: The House has been looking at this report and passing judgement on the Report on the basis that the Report is reflecting something that was legally correct. I am putting before the House, for the benefit of the House and the people outside the House, how can it conceivably be true that somebody is negotiating with his employees, he does not reach an agreement, that this is costing the taxpayer £800,000, and then, when the Government finds out that the negotiations have broken down, they decide that Bland should keep it, but Bland then goes to the police and says: "They are trying to take it away from me." That is what created a situation which leads to Mr McGrail coming into conflict with the Government.

The person who has looked at the evidence has come to the conclusion that, of all the things that McGrail may have done wrong—because he also said something which apparently carries no weight with the Members opposite—he also said to McGrail that he was lucky that they had not got rid of him earlier for things he had done earlier. So we have a situation where the fact that McGrail was happy to have lasted as long as he did, and the fact that he admitted that he had just committed a criminal offence, and the fact that I was about to point out that he was also guilty of that 25 years ago when he was a sergeant, none of that is relevant.

It is all very relevant because it puts in context what we are talking about, and what we are talking about is the credibility of Mr McGrail and the fact that Mr McGrail has been so badly treated that we have to spend £8 million of taxpayer money to do justice and restitute his position. That is what this report is about. If there had been no McGrail, there would have been no report.

So the report is about whether McGrail was doing a job and whether we as a Government, or the Chief Minister, were interfering with him doing the job he should be doing.

I am telling the Parliament that there is evidence that he was not doing the job that he was supposed to be doing, that he was doing a job which in fact he should not have been doing. I am telling them that the evidence that would have been put by people who were involved shows a completely different picture. So what if I am about to rob a bank and the Chief Minister stops me? Then you do not say: "Why did you stop him from robbing the bank?" (*Interjections*) McGrail was doing illegal things, and if McGrail is doing illegal things—if there is a warrant which is false, if there is…

Hon. Chief Minister: Yes it is, yes it is—It is—Madam Speaker, the hon. Gentleman has given way to me because there was a comment from a sedentary position saying that none of these things are in the Report. In fact, all of these things are in the Report, because what the report says is that it accepts that what was being pursued was not a criminal offence, but that it does not need to consider that further because it wants to put itself in the frame of mind of everybody at the time, which is that the police thought they were pursuing a criminal offence although it was not actually a criminal offence in our law. That is what the hon. gentleman is pursuing, which is in the report.

Hon. Dr K Azopardi: Madam Speaker, and therefore he is perfectly entitled to continue to develop that. That is not what the Minister said. The Minister said that Mr McGrail had done illegal things. That is a completely different point to what the Chief Minister said.

Madam Speaker: What I am keen to stop here is this Parliament being the situation now where we revisit what evidence was considered, what was not, what should have been, what could have been. We have what we have, and we have it until we have not got it. What we are looking at now is the report and noting the report.

I am prepared to give some leeway—I have to all hon. Members—in comments that they have made and things they have said, and extensions of the consideration of the Report. I am very loath, however, to allow us to have an Inquiry within an Inquiry, where we begin to question what would have happened had this been before the Inquiry.

The House has rules in relation to questions where we do not hypothesise. There is a good reason for that, and whilst there are no specific rules that extend to debate on that, there is a rule of relevance, and I want to keep this relevant. We can comment on what was in the report—we have had that comment—but we are not going to go down… the Hon. Sir Joe Bossano will, I am sure, understand that we are not going to go down the route of the evidence that was not before the Inquiry and what they would have decided had that evidence been before the Inquiry.

So I ask us I ask the Hon. Minister to keep his comments more relevant on that and to follow my direction.

Hon. Sir J J Bossano: Well, Madam Speaker, the Report limited itself to what it considered relevant to whether Commissioner McGrail had been treated well or not. The fact that the Report did not look at other things that were going on, in my view, means that those things are available to us here. If we are going to note what the Report says, then I have to say that in noting the Report, you should note that when the police investigation was going on, it was going on with meetings where the Commissioner of Police McGrail, James Gaggero, Superintendent Richardson, Inspector Ryan and a representative of the Foreign Commonwealth Office were there dealing with information provided by Gaggero.

The whole thing was a scam, and you do not care. The hon. Members opposite do not care. Why? Because they cannot say to the Chief Minister: "You should resign from that." No. If there are serious deficiencies about this, we will come out to the right. The whole truth will come out. The whole truth is all the things that were happening in the police which should have been out in

the public, would show that the people who were there in the running of the police should have been at the other end, not taking other people to court but being taken to court themselves.

Presumably, if and when this comes out, the hon. members then will have to stop saying what a fantastic guy McGrail is, how he has been treated so badly, what it has done to his health. Well, look what it has done to the health of other people. (*Interjections*)

Yes, but what is in the Report is a conclusion. In noting the Report and in noting the conclusion, you do not want to hear things that prove the shortcomings of the Report. You do not want to hear that. Of course it is not relevant. If the shortcoming of the Report was that I said, "Look, I have got here somebody who claims to have paid Fabian to try and stop McGrail," you say: "What? That is very relevant. He should have resigned yesterday, not today." Well, look, we do not want to resign, we do not want him to resign. Okay.

Madam Speaker: We do not have to have a debate across the floor.

Hon. Sir J J Bossano: Madam Speaker, I believe that the information I am bringing is relevant information. I believe it is relevant information because in noting the Report, I am saying the report that you have seen is deficient, because you are making a judgement about that report without taking into account things that are linked to the report. Things that are linked because what was going on— the story is that a Government has a contractor…

Madam Speaker: I am going to interrupt the hon. Member again because I have ruled that I am not going to allow a discussion on what should have been considered by the Report, what was not considered by the report. Presumably that could have been put before, and in fact those statements were put before the Inquiry and the Chairman found that they were not relevant, all but three. I am going to allow the hon. Member to make the point but not trawl through evidence as though this were a parallel Inquiry.

Hon. Sir J J Bossano: Well, the fact is that the reason why I have put in the evidence is because it is not something that I am making up.

Madam Speaker: I am not saying the hon. Member is making it up!

Hon. Sir J J Bossano: The person that produces the information that I am using says that in his own career in the police he has never seen a situation where the police handle an investigation where the complainant is running what the police is doing.

To talk about the rule of law, to talk about things being done right—all the speeches that they have made—when they did not know this. Now that I am telling this, they do not want to hear it. Everything that I am trying to put before Parliament today shows them that all the things they say they believe in… if they say they believe the rule of law should apply to everybody, then they should want to know all the other people who have helped to produce the report in the way it is, are themselves on the wrong side of the law. They do not want to apply the law to them.

I think this is the time and the place to do it. Why? Because it is the picture that puts the context into where what was happening is totally inconceivable. How can the people opposite believe that we as a Government would go to the police with Bland to complain about ourselves? But that is what the police say. How much credibility can you put when I say to the police, "This is not true," and they keep it? They still keep it there.

If that is what we are doing here, when you pass judgement on us, then you need to know what it is that we are dealing with and what these people are getting up to, and the whole lot of different things that have been happening in the police all the time, much of which involved Mr McGrail.

So, if Mr McGrail is involved throughout his career in things that are wrong, they do not want to know. That is not important? When they make judgement how legitimate? McGrail says he has

been totally vindicated. He has been vindicated. He is supposed to be being prosecuted for stealing information and destroying it. If you wanted to pervert the course of justice, what do you do? You destroy information so that the innocent become guilty.

There was not a shred of evidence in anything that these people were supposed to be investigating, and the evidence against it is in these papers. If I cannot go through all the evidence because you think, Madam Speaker, that that is incorrect to do, then I will not do it, but I am telling you that it is an injustice to the people who have been the victims. The victims are the people who have had their names and their careers and their lives destroyed by the police being put at the service of a private individual simply because of the influence that he carries in our society.

They do not want to know that. Of course not, because in the 2011 election that individual was in a police station giving out propaganda, so that gives him the right to do whatever he wants. How can they criticise him? He was there in 2011 outside the police station—James Gaggero: "Vote GSD." So, it is alright. He cannot do any wrong. The same story all the time.

Madam Speaker, the position as far as we are concerned is that the people of Gibraltar will have to know the whole truth, and the whole truth is not in this Report. So, in noting the Report I put it to Parliament, and to people listening, that what has been happening has to be put as the background and the context of the picture. The Report presents a picture that is deficient, because everything that was being done with the consent of McGrail was a series of illegalities, and those illegalities were more than sufficient to have not only terminated his employment, but got him convicted long before the Inquiry was set up to look at the treatment that he received.

Madam Speaker: Any other hon. Member wish to speak? Anyone on this side of the House? Yes the Hon. Mr Sacarello.

Hon. C Sacarello: Madam Speaker, there comes a moment in the life of every democracy when it must pause, look itself in the mirror, and decide whether it still recognises the values it claims to uphold. The McGrail Inquiry is such a moment for Gibraltar. Make no mistake, Madam Speaker, this is a seminal moment, a moment where the Government must decide whether to cross the Rubicon. What they are proposing today is to discard the findings of the Inquiry Chairman, Sir Peter Openshaw, as they did with the Principal Auditor's Report.

Madam Speaker: Sorry, I have to interrupt the hon. Member there. That is not the motion that is before the House. It is not to discard the findings; it is to note.

Hon. C Sacarello: I accept that and apologise. But their attempts today in answering, Madam Speaker, are to rewrite history through their own lens and in doing so to harm Gibraltar's reputation and democratic processes for decades to come.

There is a phrase attributed to the philosopher Søren Kierkegaard, and I quote:

> Life must be lived forwards but understood backwards.

We act in the present, often amid uncertainty, but it is only when we look back that patterns emerge, lessons are revealed, and truth becomes unavoidable. That is not abstract philosophical reflection. It is a warning. A warning that if we refuse to learn from the past, we are condemned to repeat its mistakes. Learning from the past is precisely what this Government now refuses to do.

> Let us not look in the rear-view mirror.

The Hon. Chief Minister says. I question how long it has been since the Chief Minister last drove.

What the McGrail Inquiry has exposed is not a single lapse of judgement but a culture. A culture in which levels of acceptability in cabinets have been steadily eroded, and where normal safeguards have been redefined downwards until what should never have been acceptable has become their very *modus operandi*.

At the heart of this lies the Chief Minister's involvement. His decision to insert himself in a matter that so clearly carried the risk—indeed, the inevitability—of a conflict of interest was not merely an error of judgement. It was a catastrophic error. An error that will be forever seared into Gibraltar's political history, seared with the heat of a cattle-branding iron, impossible to erase and impossible to forget.

This is not the Opposition speaking with the benefit of hindsight alone. At the Inquiry itself, former senior advisory council member Lloyd Devincenzi gave stark and unequivocal evidence. He said that the Chief Minister should, and I quote:

> Have run 100 miles in the other direction.

Rather than involve himself in the matter. That was not political point-scoring. That was a clear professional warning about the appearance and the risk of conflict of interest in political involvement with a police investigation and its aftermath.

This is how the average man on the Clapham omnibus would see it. This is how a normal, fair-minded member of the public would think. In a democracy that perspective matters. Public confidence is not built on technical excuses or retrospective justifications. It is built on instinctive trust that those in power know when to step back.

Yet instead of facing the facts, instead of acknowledging the gravity of the findings, we have witnessed something far more dangerous: an inability, or an unwillingness, to accept reality. The irrefutable findings of a highly experienced, highly respected former High Court judge are being normalised, downplayed and explained away.

Madam Speaker, that is catastrophic at a democratic level. When the Government treats the Chairman’s findings as inconveniences rather than guardrails, when it teaches itself and the public that even the clearest conclusions can be brushed aside, it corrodes the very foundations of accountability. It insidiously sends a message that power answers only unto itself.

This Inquiry was not about politics. It was, in fact, about the very high standards expected of public office. It was about boundaries. It was about knowing when not to act. The lesson, understood backwards as Kierkegaard would remind us, is painfully clear.

The question before this House is not whether mistakes were made. The findings have already answered that. The question is whether this Government has the courage to learn from them. Evidently, the answer is no. Until that changes, Madam Speaker, it will fall to us, the Opposition, to continue doing what this Government will not: defending the integrity of our institutions, insisting on accountability, and standing up for the democratic principles that the people of Gibraltar deserve.

Madam Speaker: Any other hon. Member wish to speak from this side of the House? If the Hon. Chief Minister is going to reply, I wonder whether we might have a short ten-minute break before that

Hon. Chief Minister: I am delighted for you to recess the House Madam Speaker.

Madam Speaker: Thank you. All right, we will have a ten-minute recess.

The House recessed at 6.02 p.m. and resumed its sitting at 6.16 p.m.

Madam Speaker: Yes, the Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I am grateful for your leave to reply to some of the points that have been made in the context of this motion. I would start at the end, Madam Speaker, inverting the Julie Andrews principle for the purposes of replying to the Hon. Mr Sacarello first. I have to say that I am very, very, very pleased that he is now able to prompt CHAT GPT effectively enough to prepare that sort of short address, because I cannot imagine, Madam Speaker, that that was an address written by anybody who had the slightest intention of bringing the attention of the Parliament to what he was saying. He said nothing which is relevant, in my view, to the noting of the report, but I am not the arbiter of that. You are, Madam Speaker.

All he was doing, Madam Speaker, was talking about power and the consequences of it, led there of course, Madam Speaker, by his Leader who today decided that his literary allusions would for once go beyond Orwell and he took us to Latin America. I remember with great fondness, Madam Speaker, and with a smile, my old schoolteacher and political antagonist, the Hon. Bernard Linares, who was the first person who taught me about Gabriel García Márquez. No doubt some other people on that side will remember that also.

Even he, Madam Speaker, who will no doubt be listening to us from heaven, will have wondered what on earth Gabriel García Márquez had to do with Peter Openshaw.

It is worth, Madam Speaker, entirely respecting as ever your rulings, that the House should know that the Father of the House has, in order to keep to your ruling, given notice now of a new motion which will no doubt be circulated to Members in a moment, which will deal specifically with the issues of the whistleblowers.

Madam Speaker, it will not be lost on anyone, in particular in a debate when Members of the Opposition have wanted to make much of the issues of conflicts of interest, that the only interruption that there has been in this debate came about when the Hon. the Father of the House was setting out his concerns about the involvement of Bland Limited in some of these matters. Bland Limited is represented by TSN, and the Hon. the Leader of the Opposition and the Hon. Mr Bossino are partners of TSN.

So, Madam Speaker, those in glass conflict-of-interest houses have to be very careful how they throw their stones, Madam Speaker, because if you live in a conservatory, you might find that the glass under which you take shelter might soon be shattered.

Hon. Dr K Azopardi: Madam Speaker, on a point of order.

Chief Minister: Ah… The nervousness again!

Hon. Dr K Azopardi: I am not nervous, but the Hon. Chief Minister is in danger— in fact is misleading the House. I did not intervene on the issue of Bland Limited to protect anyone in Bland. I intervened on the issue of evidence that had been ruled irrelevant by the Chairman of the Inquiry, and specific witness statements that were not delivered by Bland or anyone at Bland, by the way.

Hon. Chief Minister: Well, Madam Speaker, if that is the case, I would apologise to the hon. Leader of the Opposition. They did not realise that he was, in fact, acting as I had for one moment thought he was acting, as the lawyer for Mr McGrail in this place, to try and protect him from the things that the whistleblower said.

If it is not one sin, Madam Speaker, then it is another because, you see, the Hon. Leader of the Opposition starts his address by saying that I cannot chair or co-chair the Steering Group on Police Governance Reform because of the things I said in this House today about police corruption. Although I was very careful, Madam Speaker, in saying that I was talking about corruption in the police before, not today. I was talking about concerns about corruption in the police and the senior management team, not the police today.

I know that it is an easy political device for the Hon. Mrs Ladislaus and the Hon. Leader of the Opposition to try to say to every police officer out there: "Picardo says that you are all corrupt." Not true. Actually, Madam Speaker, what we are doing is defending the rank-and-file police officers. Defending the rank-and-file police officers from the sort of bullying that is referred to in the report, but which Mr Justice Openshaw decided was not relevant to the issues and circumstances which gave rise to the early retirement of Mr McGrail.

Those issues, Madam Speaker, are the ones that I referred to the House this morning, which caused me concern and which led to protective disclosures being made, and has now led to the motion that will be before the House on another day. The protection of the rank-and-file police officer. Unfortunately, in many instances, from his or her own senior officers, Madam Speaker.

Indeed, one of the reports that is alluded to in the Report, which Sir Peter Openshaw, I understand, referred to the police for action, led to one female police officer making complaints of how the Commissioner had behaved with her, and to a trial of those issues in the Magistrates' Court in Gibraltar, and to Mr McGrail being acquitted of the allegations put in the end, because the magistrate told us that it came down to Mr McGrail's word and the victim's words.

We found out in the reconvened hearing, Madam Speaker—not in the main hearings but in the reconvened hearings, where the evidence that the Report tells us the police did not provide was finally brought before the Inquiry—that Mr McGrail referred to that magistrate, who chose his version over the victim's, as "my friend Charlie".

No conflict of interest there, in a serious matter involving an alleged sexual assault, where the magistrate decides that it is one person's word against the other, we subsequently find out that the magistrate is referred to by the defendant as "my friend Charlie". There is documentary evidence of that, and it is relevant because the report refers to that evidence, and that evidence is on the Inquiry website.

Conflicts of interest, Madam Speaker, are not just when you are the Chief Minister of Gibraltar. In a place of 32,000 people—38,000 people—there are lots of conflicts of interest, Madam Speaker. We all have to respect where we might have got those wrong.

Now, the Hon. Leader of the Opposition said that we were dragged kicking and screaming to the Inquiry; that it took eighteen months to convene the Inquiry, twenty months to convene the Inquiry. Does he bother to reflect to the people, in what he is saying today, what was happening in those twenty months? Or is it simply going to be something that the hon. Gentleman gets away with saying, throwing to the wind: "Picardo waited twenty months. That is evidence of the fact he did not want to hold the Inquiry. He was dragged kicking and screaming to the Inquiry." Well that fork goes in two directions.

First of all, you say the Inquiry was down to you; you own the £8 million of the Inquiry.

Second of all, the second COVID wave, the negotiation of the New Year's Eve Agreement—none of those things start to make the Hon. Leader of the Opposition think that there was a delay, but the delay might mean not that there was not a desire by the Government to do this, but that the Government actually has first-order-of-precedence things to do, and second-order-of-precedence things to do.

When you are facing a hard Brexit if you do not have the New Year's Eve Brexit Agreement, and when you are facing the issues of the second wave of COVID, of course this is a second-order-of-precedence issue. Or is it that everyone is going to forget that, of course, COVID happened in February, March, April, May? That is why it was called COVID-19, because it started at the tail end of 2019 and hit Europe in 2020.

As I had to remind an interviewer the other day on GBC, Madam Speaker, because it appears it has gone out of our collective consciousness—I blame no one; I relive those days all the time, but I do not blame anybody for wanting to go back—how many people died in the first wave in Gibraltar? Zero, Madam Speaker. Zero died in the first wave in Gibraltar. How many people died in the second wave? Over one hundred.

Does the Hon. Leader of the Opposition think that it is reasonable to expect the Government to be directing its attention to preparing a notice and convening an Inquiry in the context of

dealing with those issues, and having to rebuild an economy from scratch, and taking a £500 million loan to pay for people to stay in jobs when they were not turning up to work, and to be able to put food on the table?

The first order of precedence is Ian McGrail saying that he wants an Inquiry into why he retired and is receiving his full pension, riding his bike whilst the rest of us go to work? That is the first order of precedence? Nonsense, Madam Speaker.

The Government was not dragged kicking and screaming to an Inquiry. The Government put the things it had to put first and then convened the Inquiry.

So, if I said in the leaders' debate—by the way, not something that is referred to in the Inquiry report—that I believed that I had acted properly, it is because I believe I had acted properly. I believe I have acted properly today. That is not to say I do not have the humility to take cognisance of what the Chairman has said. Of course I do. I take advice on what the Chairman has said and potentially challenge it, but I still feel I acted properly. If that is not mitigation, Madam Speaker, well, I take that on the chin too but hon. Members have to realise that the man that does not go to the parole hearing because he is not prepared to accept guilt, because he knows he is innocent, might spend longer in jail, but at the end of his sentence might be exonerated when the new DNA evidence comes along and shows that he should never have been convicted in the first place. Not because I am in jail, but because I know that I acted properly, even if a finding suggests for now that I have not. That is the reality.

Now, the consequence of that is that the Leader of the Opposition has said in the context of this debate that people will now believe me less, because I said I acted properly, there is a finding that I acted grossly improperly, and because in the leaders debate I said I was 0.1% away from a Brexit deal and then it took two years to do it. We were 0.1% away from a Brexit deal in 2023, but a lot of things changed in the negotiation.

Perhaps it is because the hon. Gentleman was never entrusted with a negotiation when he was in Government about a quarter of a century ago, but in a negotiation, in an interstate negotiation, you are very close and then you are very far, and then you are very close again, and then you are very far again, because there are external issues affecting the negotiation, elections in other places. We were that close, and I have never misled the people of Gibraltar in a Leaders debate in this place or anywhere else.

Madam Speaker, in the context of an Inquiry or outside an Inquiry, I always, always, always tell the truth. Always, Madam Speaker.

Now, that means, Madam Speaker, I have to take great issue with the idea that the Hon. Leader of the Opposition puts in his speech that Gibraltar is in a dark place. No, Madam Speaker, Gibraltar is in a very light place, with the light of electricity being shone on all aspects of communications between me and the relevant other actors, the findings of the Inquiry, and all of those things being debated in glorious technicolour, with me having, Madam Speaker, nowhere to hide.

I am here, as the Hon. Deputy Chief Minister kindly said. I am here to face the music. I am here to face them. Of course I am. So what dark place is this? A dark place is where these things are not put under the microscope, where a politician runs away from scrutiny. I am not doing any running away. I know they wish I was, Madam Speaker, but it is not in my nature because if the hon. the Father of the House is a fighter, he has taught me and every single one of us on this side of the House to be warriors. Warriors for the truth. We will continue to be warriors for the truth, not hanging on to power, as the Leader of the Opposition has said. Far from it.

Madam Speaker, I have said repeatedly for the past four years—that is to say, starting two years before the last General Election—that I want to retire. I want to retire. I said I would be Chief Minister for a maximum of three elections. But COVID and Brexit and the negotiation did for me. I had to fight a fourth General Election.

Who is hanging on to power? I wish, Madam Speaker, they had been able to win the last General Election. I would have been able to keep my wish to just have done three terms as Chief Minister, but they were not able even to do that, with an open goal. There is no hanging on to

power by a man who says he wants to go. Perhaps, Madam Speaker, if they stop asking me to go, I might get the chance to finish what I am doing and go.

Of course, Madam Speaker, Sir Peter Openshaw is a highly respected High Court Judge. I could not agree more. That is why we appointed him. He has a distinguished career. I could not agree more, Madam Speaker. In the course of that distinguished career, he may have been appealed, and in the course of those appeals he may have been overturned. Would he think there is anything improper about some of his findings being appealed, Madam Speaker, or judicially reviewed, as might be the case here? Of course not.

Madam Speaker, unfortunately, although you are named Speaker you are not usually speaking in this place, so I will say to you rhetorically, knowing as everybody in Gibraltar knows your illustrious background on the bench: would you ever take it as a mark of disrespect that one of your rulings might be appealed? Of course not. Because rulings of judges are there to be appealed within the structure of the rule of law which we have in Gibraltar and in the United Kingdom. That is what the rule of law is about. The rule of law is not about the rule of judges at first instance. That is not what our law is based on. That is not what the Hon. Minister for Justice has sworn to uphold. We have sworn to uphold a system that permits judges to be appealed without anybody thinking that is a slight on their character.

So if there are parts of this report that we are noting today which I am advised I should challenge in judicial review, and I make the decision to challenge in judicial review, Madam Speaker, that is not me saying that Sir Peter Openshaw is anything other than the very distinguished former High Court Judge that we said he was when he was appointed, and no doubt made his findings, as the Hon. Deputy Chief Minister said, in good faith. Nobody challenges that.

Indeed, Madam Speaker, one of the findings in this report that we are noting is that actually the Royal Gibraltar Police was doing all the things that it was doing in respect of an offence that did not exist in law. But what Sir Peter Openshaw says, having made that finding, is that in order to put himself into Ian McGrail's mind and determine what it was that led him to resign, he has to suspend the view that this was not a proper offence, because the police thought it was a proper offence that they were pursuing at the time.

But what a comedy of errors, Madam Speaker—except there is nothing funny about it. That the police in Gibraltar should obtain a search warrant with all of the procedural irregularities that Sir Peter Openshaw has identified in the report before the House that we are noting; that Sir Peter Openshaw does not say, but comes close to saying, that that warrant should not have been granted for procedural reasons—enables you to enter a man's home. Under our law a man's and a woman's homes are their castles, Madam Speaker, and should not be entered into by law enforcement other than with an order, a proper order of the court, or by invitation.

That that warrant, forget all the procedural irregularities that Sir Peter Openshaw has identified, is obtained in respect of an offence that does not exist in law, is worse than remarkable.

So, Madam Speaker, when hon. members have joined the siren calls of their acolytes outside here to say that there should be an investigation into perversion of the course of justice, in particular of an alleged perversion of the course of justice by me, they have to understand that once you are not dealing with these issues in the Inquiry, and the things that they have said today about perversion of the course of justice are not about the Inquiry report, you do have to ask yourself: what was the justice that was being pursued in order to be perverted?

The only justice that can be pursued is the pursuit of a criminal offence in law. If what the police are doing is not pursuing a criminal offence in law, it is impossible to pervert that in any way because if it is perverted *ab initio*. Or do they want to continue to ignore the fact that this offence did not exist? Of course they do, because it is not convenient.

It is not convenient for them to go on GBC and say, Well, of course I recognise that all of these things that were being said of the Chief Minister were being said about an investigation that was entirely improper anyway because the police were pursuing an offence that did not exist.

That does not avail them of any assistance in their political use of the Inquiry report for the purposes of seeking to ensure that somehow, they can persuade the public to put them here.

Look, Madam Speaker, I made a complaint about that. They are an Opposition. Every Opposition in the world wants a General Election to be held mid-term. Of course, because mid-term is when the Government is mired in doing things. They do not want an election to be held at the end of a term, which is when the Government has been able to deliver the things it said it was going to deliver in its manifesto.

So, as the Deputy Chief Minister astutely pointed out, what we are seeing is political devices being used.

So, Madam Speaker, the accusation then on the lips of the Hon. Leader of the Opposition that we are somehow a dynasty, and a conflicted cabal leaves a lot to be desired. It might have sounded like fun when he was writing it down, preparing his speech for today, but does he really understand what he is saying because he referred to the law firm of which I am an individual on sabbatical, the Hon. Minister for Justice is an individual on sabbatical, and the Hon. Minister for Health is an individual on sabbatical. But he forgets that for many years the hardest, harshest battles fought in this House were between me as Leader of this House and the Leader of the Opposition, who was also a partner of the same law firm.

What cabal? What dynasty? We were going at each other hammer and tongs, Madam Speaker. I mean, it was more like WWF than Dynasty or Falcon Crest. There was a Leader of the Opposition worth his salt if ever there was one. The worst job in politics, but done with verve, even though we were both partners in the same firm.

So how is it, in that context, that the Hon. Leader of the Opposition can stand there and say to me, in this debate, that we are mired in a quicksand of contradictions, when the only person who has been treading water for twenty-three years is him? I know, it is remarkable. When I was thinking about it, I could not quite come to terms with it, but it will be a quarter of a century by the time the next election is called since the hon. Gentleman last held political office in Government. A quarter of a century, Madam Speaker. It is not as if he left exalted by his party, because we all remember what happened at the time.

I mean, it was almost convenient that the Hon. Daniel Feetham came into the GSD, because that gave the hon. Gentleman some element of cover to pretend that that is why he was leaving but we all remember why the former Chief Minister lost confidence in him. All of the international travel, and with who, and what it led to because I am certainly not going to be lectured about moral compasses by hon. Members opposite. I am not going to be lectured about moral compasses in a place, Madam Speaker, like Gibraltar, where we all value our privacy. We all value our privacy.

It says something when the then Governor said to me at the time: Fabian, I am concerned about whether or not you and I are safe when the senior partner of the largest law firm in Gibraltar no longer has confidence in his mobile communications devices because that is why I did not have more WhatsApp messages from James Levy, as I told the Inquiry. Mr Levy no longer felt that his privacy was being respected, and he feared that his phone had been potentially interfered with by the Royal Gibraltar Police, although they have no RIPA rights in Gibraltar.

Those are the issues that the Hon. Leader of the Opposition should be asking about. Those are the issues that one would expect Transparency International to be concerned about.

Of course they might be saying, The Chief Minister of Gibraltar has been criticised in the report. But they might also be saying, In that report, the Chief Minister of Gibraltar showed all of his electronic communications. The Chief Minister of Gibraltar opened up his Government's electronic communications for scrutiny whilst still in office, not whilst out of office, as other Prime Ministers might have done, whilst still in office with the confidence that he acted properly, allowing the light of transparency in.

Transparency International, which the hon. Gentleman quotes, defends whistleblowers as a key way of fighting corruption. Except, of course, that in a new incarnation of the mercenaries

that we used to know as the Wagner Group, now everyone connected to Mr Wagner, who represented Mr McGrail, is taking a line that does not quite seem the usual line.

So Transparency International is not saying, "What are the whistleblowers saying?" Transparency International is not saying, "We want to know more." Transparency International is saying, "Right, terrible what the report says about the Chief Minister of Gibraltar." And Mr Wagner and Mr Gomez appear almost to be seeking to usurp the Leader of the Opposition's role. Mr Wagner phoning up journalists in the United Kingdom, phoning up members of Parliament in the United Kingdom, phoning up the Foreign and Commonwealth Office in the United Kingdom, saying, "What are you going to do about Fabian Picardo in Gibraltar? Look at what the report says." With Mr Gomez saying on Facebook, "The time has come for the Chief Minister to resign."

Well, I mean, Mr Gomez was the lawyer for McGrail. You do not hear my lawyers making political comment. I can defend myself in the political arena because, Madam Speaker, the reality here is that Gibraltar does not have a crisis of governance. It does not but Mr McGrail and the Hon. Leader of the Opposition have the crisis that this Inquiry has not enabled them to achieve what they thought it was going to enable them to achieve, despite the report that we are noting, which is that it would be a tool for them to get their hands on the levers of governance in Gibraltar.

So, when the Hon. Leader of the Opposition says that he disassociates himself from the calls by Transparency International and others for action from outside Gibraltar, I would be pleased to hear him say it. Except, of course, he is still the same Leader of the Opposition. He is still the same Keith Azopardi that scuttled from here to the Convent to try to stop Royal Assent for the Inquiries Act 2024. Although the hon. Gentleman says from a sedentary position It is not true because I went afterwards, and this and that and the other, dancing on a pinhead, the interpretation of the Government and of many people was that he went to see the Governor to stop assent.

Why else would he go and see the Governor about an Act passed by this Parliament and why would he ask to see the Governor before the Governor gave Royal Assent?

Hon. Dr K Azopardi: On a point of order, because the Chief Minister is again misleading the House, because at the time I published extracts of my communications with the Governor that specifically said that I was not seeking the Royal Assent to be prevented.

Hon. Chief Minister: Madam Speaker, the hon. Member will recall that I will insist that I am telling the truth, because I said at the time that that was clearly and transparently not the case. Although he might say one thing, he was trying to achieve the opposite. That is to say, he was trying to achieve that Royal Assent should not be granted, whilst at the same time trying to say the opposite. It makes no sense. People will judge the facts, not the words.

He went to see the Governor to talk to him about the Inquiries Act that had just been passed by this House. Why would you go and see the Governor, Madam Speaker?

So, Madam Speaker, the hon. Gentleman's statements that he does not want people from outside Gibraltar to interfere here, when the facts of 2024 are there and obvious and glaring, speak for themselves.

It is true that I said, and I say again, that I am only interested in the truth, the whole truth, and nothing but the truth coming out, Madam Speaker, and that this report may represent some truths, but for the reasons I have already indicated may require challenge in some respects. There are still more truths to come out about this, not just about the Inquiry but about the things that were happening in New Mole House at the time that Ian McGrail was Commissioner of Police or was in the senior management team. Even if it takes a little longer. Even if this is just the end of round one, Madam Speaker, and no more than that.

That is why I said that the hon. the Father of the House is a fighter, but he trained me to be a warrior, and he trained everyone on this side of the House to be warriors too and we have faced, Madam Speaker, it appears, Members opposite who are the only lawyers in town who do not believe in appeals. They seem to be the only people who think that a decision at first instance is unappealable and set in stone.

Well, Madam Speaker, we do believe that where necessary there is a right of review. I do not want to say more about that, Madam Speaker, because I am advised it would be disrespectful to the court to, in effect, make the appeal in the public domain. This is not the way that the Government will act.

Although we saw in the run-up to the Inquiry that actually, and perhaps we should have done this, Madam Speaker, because it may have worked to an extent for those who did it, there was an attempt to poison the narrative against the Government so that that would work in the Inquiry. That poisoning of the narrative, which was done by Mr Wagner and Mr Gomez in particular, was done both in Gibraltar and outside Gibraltar, with no regard by their client Mr McGrail, or indeed by Mr Gomez, who is also a Gibraltarian, for the potential consequences of their tactics just because it might hurt Picardo and the other core participants. That is the reality.

On the issue of the warrant, Madam Speaker, when we have recently seen a statement from James Levy that he has issued a letter before action on the warrant, and where the report that is before the House, which we are noting, makes so many criticisms about the procedural failures of the warrant, I want to remind the House, Madam Speaker, of what it was that the Report says I was dealing with on the 12th of May 2020, and it is reflected in the Report specifically.

I was not saying, as hon. Members might like to pretend, "Do not take a warrant against my friend and mentor James Levy." I was saying; whether it is James Levy, I mentioned amusingly, I then had to explain to him why I used his name: Peter Caruana or Melo Triay. You do not take a warrant; you take a production order, because those individuals hold privileged information of third parties who are not the subject of this investigation.

What happens, Madam Speaker, and what I was doing, and what I would do again, Madam Speaker, is defending the human rights of the person whose information is about to be taken, and of the information of other persons in that person's device. When you go to a lawyer, Madam Speaker, and you take his phone, he does not just have the information potentially of the person you are investigating: he has the information of thousands of other clients.

Think of it in terms of a doctor if it is easier. If the police obtain a search warrant to take the communications devices of a doctor because they think that doctor may have been involved in supplying controlled substances which he can obtain in the hospital, this is pure conjecture, and they take his phone, they might also see in that phone the information the doctor has about the sexually transmitted disease of a well-known person in the community. That person has the human right of not having the police see that the doctor holds information about his sexually transmitted disease. It is that basic.

There are three types of individuals who immediately spring to mind in that respect: lawyers, doctors and journalists, whose electronic communications devices should be protected. Perhaps even, Madam Speaker, I venture to suggest, politicians because politicians are entitled to be in contact with whoever they want, and any citizen is entitled to be in contact with a politician.

Protecting the human rights of those people, I go to bed very comfortable every night and I sleep the sleep of kings, Madam Speaker, although I am a bit of a republican respecting our constitutional settlement, because I know I acted properly to protect human rights.

I am fortified in that view by a case involving another lawyer and another law firm, where the arguments for it always having to be a production order and not a search warrant were made very eloquently by a lawyer called Keith Azopardi, the Hon. Leader of the Opposition. In that particular case, I do not think that it is fair for me to mention the name of the lawyer or of the law firm across the floor of the House. They do not have a candle in this funeral, so to speak.

The Hon. Leader of the Opposition successfully, in my view, was able to show that it should be a production order, not a search warrant. Of course, except when he does it, it is fine, Madam Speaker, and when I do it, it is grossly improper.

Well, Madam Speaker, look, let us be very clear. Let us be very clear, Madam Speaker. Let us be very clear. Let us be very clear when they have quite settled down, Madam Speaker. This was about exactly the same issue which the court found in that case that the hon. Gentleman was

absolutely right on, and it is exactly the same point I had taken months earlier in respect of this matter.

So, Madam Speaker, when the Hon. Mr Clinton says that this whole issue is about whether Mr McGrail was forced out or not, Madam Speaker, nobody was saying that Mr McGrail was not forced out. The question is whether Mr McGrail was properly forced out or not. When Mr McGrail left, it is not as if he left with people thinking that the Government was very disappointed that he left. Everybody knew the Government was very pleased that he left, because we had lost confidence in him.

The only issue was the propriety of that, and what has been found is that that was proper, because Mr McGrail left before he was pushed, and the pushing was going to be done by the Governor, who was the only person who had the power to push, and that the Governor was not going to push him because I had somehow manipulated him into pushing him. The Governor, with the full knowledge of the Foreign Office, was pushing because he had lost confidence in Mr McGrail.

Madam Speaker, I used to think that there were a lot of similarities between the case of Mr McGrail and the case of Cressida Dick, only to see even more similarities recently with the case of the West Midlands Chief Constable, although I will come to that in a minute. These are always cases of pushing, pushing because of loss of confidence, because the system relies on confidence.

As Andy Burnham said, Madam Speaker, and as I said on a number of occasions to the Inquiry, and it is referred to in the Inquiry report: it is not acceptable that officials should lie to elected representatives of the people. It is not acceptable.

So, in all of that context, if there are issues of conflict of interest, if there are issues that we have to finesse in our Ministerial Code, that is a good thing. That is learning. That is finessing for the future. If we are going to be a little bit ahead of the United Kingdom on that, perhaps that is also not a bad thing.

I will remind the hon. Gentleman who was making the example that, at the end of the day, I am the arbiter in the Ministerial Code. I do not know whether he thinks that the senior elected representative of the people should be subjected to somebody else as an arbiter, other than judges in the context of the rule of law.

The same thing happened in the United Kingdom when the alleged breaches of the Code came from the Prime Minister. It may be that the United Kingdom itself also needs to look again at the issue of the Code, and we will be consulting with the United Kingdom as to what it is that they are going to do in respect of their code, given the issues that arise also in the COVID Inquiry there about the arbiter of the code, the Prime Minister, being the person who may have been found to have been potentially in breach of the Code.

So the issue for me, Madam Speaker, in the context of this report, is that I was very clear on every occasion that all my actions were designed to protect Gibraltar, to protect the public interest, not the interest of my friend and mentor James Levy, who, by the way, I have no difficulty in calling my friend and mentor, because I have great affection for him and I shall never be one of those people who denies his friend at the last minute.

Indeed, I am surprised, Madam Speaker, that the Hon. Mr Bossino has not at least had the courtesy to remind me that today is my Saint's day. Today is my Saint's day but I am never going to be the Peter denying my friend for a first, second or third time. For a first, second or third time. I am always going to recognise that James Levy is my friend, that he is my mentor, and that he is Gibraltar's greatest rainmaker, and that most law firms actually consider him to be the person who brings the most business to Gibraltar for them too.

That is an underlying reality that perhaps is not appreciated by somebody who does not understand the nuances of Gibraltar.

So, if things are about ethics and integrity and doing the right thing when no one is watching, I am delighted to say that I believe I did exactly the right thing with everyone watching, even though it may have been found, for now at least, that that was not entirely understood.

Then we heard, Madam Speaker, from the Hon. Shadow Member for Justice. I am surprised that we heard from her today because we did not hear from her last Thursday. We did not hear from her last Thursday when the Hon. Mr Bossino was fielded for *Viewpoint* on a matter that related to justice, because the Inquiry report was before *Viewpoint* for a debate, and we were asked to field our Minister for Justice—and we fielded our Minister for Justice and they made it a justice issue, Madam Speaker. I should not be surprised about that, Madam Speaker. I should not be surprised about that, because hon. Members did not send the Hon. Mr Origo for matters related to tourism; they do not send Ms Ladislaus for matters related to justice; and they send Mr Bossino for matters related to agitation. Of course, that is fine. It is a matter entirely for the Leader of the Opposition, but the public will make up their minds about these things, because it is quite something to have Members of Parliament who can only debate in the rarefied environment of Parliament and cannot be fielded to debate the Report that we are noting today in a slightly less convivial atmosphere.

Well, I have to say to the hon. Lady that I am very pleased that she accepts that it was reasonable for us to wait for the inquest to have ended once we were asked by the Coroner to wait for the inquest to have ended but her logic seems a little askew. She is saying you could have published it immediately that you received it. We could have published it immediately. We could have published the McGrail Inquiry Report on the afternoon of the 6th of November when we received it. That is what the hon. Lady is saying.

If we had done so, we would have been in breach of the undertakings that we gave the Inquiry Chairman to give core participants sufficient time to read it before we published it. If we had done so, we would have put the Coroner in the inquest in a very difficult position, because by then the horse would have bolted, and he would have had the difficulty that he might not have been able to empanel a proper jury, and we might not have been able to do justice there.

So, the hon. Lady needs to think through the logic of what she is saying a little bit more next time. She knows that I think she is very diligent, that I have great respect for her, but in this instance the way that she has put her point opens her up to an allegation of no more and no less than a lack of logic.

If I was meeting friends at home, I have to say to the hon. Lady I do not think there is anything wrong with that because, you see, and this is a point that I think needs to be appreciated, we have an independent system of justice. The police is independent of the Government. That is why it is allegedly so wrong that I allegedly tried to interfere with them. They are independent. So, I am not prosecuting them. I am not prosecuting anyone. I am not investigating anyone.

So, if I meet someone who is being investigated or prosecuted, how could that be improper, given that they are independent?

Indeed, Madam Speaker, a point that cuts across a number of them and what they have said: the only reason that the Inquiry knows about that meeting is because I told them. So, the idea that I had somehow hidden that from the Inquiry is, in my view, something that is not sustainable, because the Inquiry would not know about that meeting if I had not exhibited a reference to it in my fifth affidavit. That is how confident I am that that meeting was entirely proper.

Then, Madam Speaker, when we got to Mr Bossino, we all knew what we were going to get. We all knew it was going to be loud. We all knew it was going to be a lot of bluster. We all knew it was going to be devoid of much logic or serious commitment to trying to bring to the House anything that would add value in noting the Report.

When the hon. Gentleman says to me here, that you need to know what is right, it is a derivation of the point that he made on television when he was talking about the moral compass. Well, Madam Speaker, I am very clear about my moral compass. I am very sure that it always points north. What my moral compass tells me is that I failed in one particular respect: not appreciating, because of where I was in COVID, that Ian McGrail should have been sacked earlier.

My moral compass points north, and my moral compass tells me not that an apology is not an apology if it is followed by "if". My moral compass tells me that all men and women are created equal, and the minute that you follow that with a "but", your moral compass is wrong. It becomes

an immoral moral compass if you do not believe in the equality of men and women, whatever their sexual orientation. Then your moral compass is wrong, not mine.

Indeed, Madam Speaker, I know hon. Members are very frustrated that I enjoy the fulsome support of the Members of Parliament who sit with me on this side of the House. The Members of Parliament who observe my moral compass. The Members of Parliament who have none of their speeches written by me. The Members of Parliament who write and say what they think is right.

But what sort of moral compass does a person have when his own Leader calls him shady? I mean, Madam Speaker, the Hon. Mr Feetham, Daniel Feetham, called the Hon. Mr Bossino "Slim Shady". Both those adjectives seem to be entirely appropriate to him because when it comes to moral compass and to loyalty etc, I am not going to make a judgement about him like he seems to make about me in the context of this report. I am going to leave it to his Leader to make a judgement about him.

I have not had time to remind myself of the choice remarks that his current Leader made about him when he stood against him for the leadership of the party but I will always remember what his former Leader said, because he said it in this place, and it is in Hansard. So much for moral compass. None of my people have ever called me shady.

So, Madam Speaker, it is really quite remarkable that Mr Bossino did not take us to much of the Report. He did not take us to much of the Report at all. He took us to the speech of the Deputy Chief Minister.

Madam Speaker, politics being what it is, when you get up in this House, you all have your personal constituency. Your people write to you, they tell you, you did really well, and that gives you a boost. No doubt it happens to them too. They always get less, that is why they do not win elections; we get more, that is why we win elections.

Today, Madam Speaker, I have been overwhelmed by messages praising the Deputy Chief Minister for his address to this House this morning. I think it was absolutely a *tour de force*, one of his best in the long time that he and I have been here together. Which I would care to remind the hon. the Leader of the Opposition — I keep confusing them, the Leader of the Agitators, the hon. Mr Bossino, or, as Mr Feetham used to refer to him in this House, the Hon. Slim Shady — that it is not today that the Deputy Chief Minister has chosen to side with me. It is that I chose to side with him, I hesitate to say it, Madam Speaker, 35 years ago. 35 years ago and that we have been together for 35 years.

During that time they have been with us sometimes, they have been against us other times, because they are not really people who are constant in anything they do but we have been constant with each other. We know how we think.

Madam Speaker, today the Hon. Deputy Chief Minister was not whitewashing me. He was expressing opinions which he had not shared with me before he spoke, but which were, as ever, a better understanding of what I have done than sometimes even I am able to present and I am grateful for that, Madam Speaker, because in this moment it is important for people to see that despite all their efforts, and every permutation that they put in front of everybody on this side of the House, we continue to be united around our principles and we continue to be united around our project.

We together understood the things I was going to say when I went to give evidence to the Inquiry because I gave evidence to the Inquiry with this Cabinet, and I discussed with the Cabinet what I was going to say and how I was going to say it. I knew that I enjoyed their support before I said it, let alone afterwards.

It is true, Madam Speaker, that if you read the Inquiry Report, there are a few instances where I am given the benefit of the doubt. Perhaps that is just in the nature of what politics is like. I mean, you are a senior politician, you are robust in defending what you have done and why you have done it, perhaps you do not carry sympathy. I did not cry on the stand. Perhaps if I had cried on the stand I might have carried more sympathy. Perhaps I should have been more alive to that sort of witness tactic, Madam Speaker but I knew that I acted properly, and my people know that

I acted properly, and the members of my Cabinet know that I acted properly because this is not, as the Hon. Mr Bossino said, a Chief Minister acting on his own with authoritarian Government. I do not recognise this concept of authoritarian Government.

This idea that people need to be somehow behind a mask to be able to criticise us because they might not get a job and their son might not get a house, as the Hon. Mr Bossino said, that is nonsense Madam Speaker, the Hon. Mr Bossino knows me well enough to know that if my greatest antagonist, who has called me the worst names, were to come to see me tomorrow and ask me for help, I have learnt from the Father of the House that I bend the arc of the universe to help that person, who tomorrow will disavow me again because that is what we do in the GSLP and in the Liberal Party. We defend any Gibraltarian who needs our help. That is what we do.

This idea that we are authoritarian? When a GSD activist came to see Joe Bossano as Leader of the Opposition because he had been sacked, and weeks before had been calling Joe Bossano every name under the sun, Joe Bossano went to an Employment Tribunal to represent him.

It is nonsense to propagate the theory that people need to hide behind a mask to criticise the Government. Far from it, Madam Speaker. Indeed, hon. Members know that there is somebody who calls me everything except handsome on social media, and whenever that person has fallen ill, I have been the first to call and ask him how he is and make sure that he is well, and gently give him my advice that he should lose weight.

So, I do not recognise that there is anything in Theresa May's book The Abuse of Power that is about us, that we did things because we could do them even though they might be wrong. The hon. Gentleman seems to forget that I interviewed Theresa May about her book in Gibraltar a year ago at the Literary Festival. She did not seem to think there was anything about me that might suggest I should not be the one interviewing her.

When we amended the Inquiries Act, we did not amend it because we wanted to. I did not wake up one morning and, as Theresa May says; "because I could" I came here to amend the Enquiries Act — to take that Act which, as the Hon. Deputy Chief Minister reminded us this morning, was a nineteenth-century Act, and update it into an Act based on an Act passed in the United Kingdom just two decades ago instead of two centuries ago.

I did it because I was advised by the former Leader of the House to do it. Let that just sink in. I did it because I was advised by the former Leader of the House, that is to say, the former Leader of the GSD in his professional capacity, that we should do it.

I have never suggested that hon. Members are not good at what they do in their day jobs. When he was Chief Minister and he was a hammer that hit me over the head every day, I knew the ability that the former Leader of the House had. I am only surprised that they are the ones who now seem to question the motives behind us bringing the amendment to the Inquiries Act when we said at the time that we did it on the basis of advice. That is referred to in the Report, and the Report says, look, if it had been done in a slightly different way it might have led to less concern, but there was not real concern. What there was, was an opportunity to criticise Gibraltar internationally by the Wagner Group of mercenaries in law, who wanted to poison the narrative in order to try and give their man an advantage. That is the reality of what we are dealing with.

Madam Speaker, in that context, the Hon. Minister for Justice was absolutely right to refer to the things that have been said outside of this House about the Report. In noting this Report, we have to recognise in this House the things that have been said outside this House about the Report.

One of the lawyers — not of Mr McGrail but of the RGP — has also said things about the Report. He is the lawyer, Madam Speaker, who must be the lawyer who is tangentially criticising the Report because the RGP say that they did not provide the disclosure they had to provide because they were advised by their lawyer not to provide it. Yet that same lawyer, Mr Cruz, says there should be an investigation into perversion of the course of justice and civil and criminal liability. Perversion of the course of justice of an investigation of what he seems to have forgotten at the end of the case was an offence that did not exist in law.

The self-same Mr Cruz who wrote all of those very positive things about us in the newspapers, Madam Speaker. The same Mr Cruz who kept telling me by message until a couple of twenty-four months ago that I am the best Chief Minister that Gibraltar has ever had, until he decides he wants to go back to his former Leader, Mr Azopardi.

Well look, Madam Speaker, that is politics. Some people are not like the Deputy Chief Minister and the Leader of the House, the Father of the House, who are constant in their positions. Some people are just butterflies that go from the GSD to the PDP and to the GSLP and back to the GSD like Mr Cruz, or butterflies like the Hon. Leader of the Opposition who goes from the GNP to the GSD to the PDP back to the GSD, or like the hon. Mr Bossino, the agitator in chief, who goes from the GNP to the GSD and then out of the GSD and then back to the GSD. Look, they can say I went from the GNP to the GSLP; at least I am on the same side of the tracks all the time. Same side of the tracks all the time.

But the Mr Cruz seems to be on a road to Damascus that has more U-turns in it, Madam Speaker, than a sphere. He seems to be going one day to Damascus, Syria, and the next day to Damascus, USA and that I should take advice from Mr Cruz on what I should do, and my position, is not something I am going to take seriously, because Mr Cruz is still a man who cannot be a director of an insurance company until he does a particular course because of the problems that he had with Enterprise Insurance, which involved losses of hundreds of millions of pounds.

So, I am not going to take advice from Mr Cruz, Madam Speaker, even if he is doing this for the purposes of trying to help Mr Azopardi, the Hon. Leader of the Opposition, who now seems to be backing again into power. I am afraid I am not, and I am not impressed by the fact, Madam Speaker, that he has taken silk very recently, because I think, given the problems that he has had, I am not going to take advice from him. Neither am I going to think that this is necessarily the best award of that kite-mark of honour that there has ever been in Gibraltar, and I am entitled to that point of view, Madam Speaker. I am perfectly entitled to that point of view and to express it, in the same way as Mr Cruz is entitled to say whatever he likes about me in the newspaper but when you become Chief Minister, Madam Speaker, you do not lose the right to say what you think, just like Mr Cruz has the right to say what he thinks. So, I will not be taking any lessons from him, Madam Speaker.

What is apparent, Madam Speaker, is that in the case of Cressida Dick in the United Kingdom, there were procedural errors in the way that the removal of Ms Cressida Dick as Commissioner of Police in the Metropolitan Police had occurred. There were definitely those issues but there was a loss of confidence.

In the West Midlands case we are being told that there are difficult procedural issues and there may be procedural errors, and that the current Chief Constable, who I think has just resigned, fell under a lot of political pressure. That is the right thing. That is not a bad thing because the police, Madam Speaker, must never be seen to be a law unto themselves. They must be answerable. Gibraltar cannot be the only place where they are not answerable, where there is a loss of confidence, in particular if that loss of confidence is from the constitutional office-holder that has responsibility for the police, the Governor, and the Chief Minister, who has financial accountability for the police, Madam Speaker.

Even if there were procedural errors in play — and that is what this report tells us, that there were procedural errors — but Mr McGrail was lucky not to have been told to go earlier, Madam Speaker. That he did not tell the truth to the Governor and that I was right to believe that I had been lied to.

This report that we are noting is a coming of age for Gibraltar. A demonstration that when things go wrong we deal with them. We have the Inquiry. We are transparent, at least some of us, not the senior management team of the RGP before but at least some of us are transparent in giving all our electronic communications. We subject ourselves to an independent assessment and we publish that independent assessment and that is, Madam Speaker, despite the issue which we have not yet dealt with, of the ten hard drives that were destroyed by the Royal Gibraltar Police,

which may be exactly relevant and may have given us some clues as to what in effect happened here.

There is a motion on the Order Paper, Madam Speaker, in respect of confidence in me, which the Leader of the Opposition has moved. He moved it way back in July. So really, Madam Speaker, this motion — which they have used for the same purpose, because they have said they are noting the report, I should go, and their next motion, a motion of confidence, is just about one thing really, is it not, Madam Speaker?

Should I stay or should I go? If I go, there will be trouble, but if I stay it may be double in the words of The Clash or The Cure, I cannot forget which of them it was but why is it that they want me to resign over this report?

Why is it that they cannot beat me on the political issues, Madam Speaker?

Because we built too many houses for our people — more than they ever built — and we will build more.

Because we built all the schools for our children — and they never built any.

Because we did the Treaty that they said could not be done, Madam Speaker, and we will finish it and we will ratify it and we will implement it.

Is that why they want me to resign? Because they cannot beat me on those issues. They think they have got me now but, Madam Speaker, I repeat what I said earlier: if they just stop asking for me to go and let me get on with the last bit of ratifying and implementing the Treaty and ensuring that reclamation happens and those new houses start to be built, I will go because I agree with them, Madam Speaker, it is time for me to go. I cannot wait to go, Madam Speaker. But there are things I have to do, and I will not go, Madam Speaker, because of a report that in some respects I am advised reaches conclusions which are *ultra vires* and which are contradictory, and are the conclusions which they seek to exploit for the purposes of asking me to resign.

In the end, Madam Speaker, what is in this report is a finding that Mr McGrail should have been sacked before. That the loss of confidence in him was proper. That the relationship with the UK was imperilled by him and his gung-ho style and that he was going around recording his colleagues and senior law officers and then trying to delete the evidence of that, but when he did not manage it, the Inquiry finally got a hold on it.

There is a suggestion — hon. Members insist on it — that I was interfering with operational matters, and yet indeed by the time I was speaking to Mr McGrail I believed that the warrant had already been executed.

What this shows me, Madam Speaker, is that all of my enemies are grabbing on to this Inquiry and the findings of it: whether they are the new legal enemies I have made — I have never met Mr Wagner, Madam Speaker — or the old political enemies that sit opposite me, they are now all joined together, arrayed before me for the final battle. Like Churchill said:

> You have enemies? Good. It means you have stood for something in your life.

And I stand with you, Madam Speaker, for what I did, which was right, for the protection of human rights in Gibraltar.

Tomorrow, when we debate the motion that the Father of the House has put, we will see another piece of the jigsaw puzzle to demonstrate that there was something rotten in the state of New Mole House under the old SMT and I therefore ask that the House should note the report of the McGrail Inquiry.

Madam Speaker: All right. That marks the end of the debate, and this House takes note of the report of Peter Openshaw DL in respect of the McGrail Inquiry, and in particular the recommendations contained therein.

Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits) Order 2025 – Motion carried

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

That this House approve by Resolution, pursuant to section 46 of the Social Security (Open Long-Term Benefits Scheme) Act 1997, the making of the Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits) Order 2025.

Madam Speaker, this is a resolution that the House passes every year for the purposes of ensuring that the Open Long-Term Benefits Scheme is rolled over in the way that is required by the legislation each year. The speech given by the Leader of the House simply recites that, and not much more is said. I therefore commend this motion to the House.

Madam Speaker: I now propose the question in the terms of the motion moved by the Hon. the Chief Minister. Yes, the Hon. Mr Clinton

Hon. R M Clinton: Thank you, Madam Speaker. As the Chief Minister said, this is a fairly routine motion that comes before the House every year, and every year I do a quick check of the numbers, comparing the proposed new scheme regulations to the old ones and looking at the change.

What I can tell the House is that in the Chief Minister's Budget Address last year, 2025, in paragraph 881, he indicated that disability benefit recipients and state old-age pensioners will once again all enjoy the benefit of increases in line with inflation to the payments they receive.

On line 887, the Chief Minister indicated that inflation would be in the region of 3%, so his understanding at that time was that inflation would be 3%. The increases from last year to this year, compared to the draft regulations, are indeed 3%.

However, and this may be the first time it has happened — I cannot say for certain — when we got the inflation numbers for the 1st of July 2025, inflation in fact came in at 3.1%, although it did then drop back down to 2.9% on the 1st of October 2025, and prior to that it had been 2.9% before the quarter of the 1st of April 2025. So we are really talking about a tenth of a % difference. Given that inflation has fallen down again, it probably is not unreasonable that we are at the midpoint of 3 per cent, which is what is being put through in the motion.

From the Opposition, I do not think we have a problem supporting the motion. I think the difference of a tenth of a % is not going to make any material difference. Thank you very much.

Madam Speaker: Would any other hon. Member like to speak on the motion? Would the hon. mover of the motion like to reply?

Hon. Chief Minister: I am grateful to the hon. Member for having indicated Opposition support for the motion, Madam Speaker, and I have nothing else to add.

Madam Speaker: I now put the question in terms of the motion proposed by the Hon. Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

Adjournment

Chief Minister (Hon. F R Picardo): Madam Speaker, I now have the honour to move that the House should now adjourn to tomorrow at 10 a.m.

Hon. Dr K Azopardi: Can I just, if I may, clarify? The hon. Chief Minister, during his ending on the noting motion, indicated that the intention is to take the new motion tomorrow. Can I just ask for clarification on the basis on which that would be put? The ordinary rule would be five days' notice, so perhaps the Leader of the House could clarify.

Hon. Chief Minister: Yes, Madam Speaker. The established practice of the House is that motions require five days' notice, but Government motions can benefit from a motion to suspend standing orders, and the motion can be put on the next day after it is provided. There is substantial practice in that respect. So, we would propose to continue with the motion tomorrow, Madam Speaker. On that basis.

Hon. Dr K Azopardi: Madam Speaker, I understood that practice to be one that requires suspension of Standing Orders if Madam Speaker deems the matter to be of urgent necessity. That, I think, is the wording in 59.

Hon. Chief Minister: Madam Speaker, the interpretation of that has consistently been that when the Government puts a motion and seeks to proceed with it, having circulated a motion to suspend Standing Orders, that is inevitably dealt with. In the event that you wanted me to address you on what I consider is the urgency, I think it is in the public interest that the public should be able to hear the things that you have determined — and it is you that determines it; I do not challenge that at all. I am not appealing you today. I am just saying that you determined that those matters that should not be referred to in the context of the noting motion should be able to be referred to in the context of a freestanding motion, which provides specifically for the purpose of reference to those issues, so that there would be no offence against Standing Order 46 on relevance.

The public have now heard a little of what the Father of the House wants to say. We would argue, and indeed we would expect Transparency International would be with us on this one at least, that the public should be able to hear all of those issues. If hon. Members opposite want to make a case to you, in response to me, that there should not be a hearing of that — that the public should not be able to hear the things that the Father of the House wants to say, that the public should be denied the opportunity to hear the things that the Father of the House wants to say, that citizens in Gibraltar should not be entitled to listen to the things that the whistleblowers that they wanted to talk about so much — in fact, I remember that he is the one who raised the issue of the whistleblowers in the leaders' debate — should not now hear the things that the Father of the House, as the Minister with responsibility for protected disclosures, wants to say about the whistleblowers, and that people should wait an extra four or five days to hear that, well then, Madam Speaker, people will know who it is that is interested in transparency and accountability, who wants the public to know the truth, and who wants to hide the truth, even if for a few days longer.

Hon. Dr K Azopardi: Madam Speaker, I just rise to simply say I was asking for clarification. I am not here hiding from anything. By the way, all these things are flying in. I mean, I had not seen a motion to suspend Standing Orders. I understand it has been emailed to us a couple of minutes ago — 7.27. I do not know when that was. 7.31 — oh, four minutes ago, I see. But, you know, I was asking for clarification. We will say whatever we want to say on the issue if the matter is taken and deemed to comply with 59 tomorrow.

Madam Speaker: Well, I will look at this overnight, and in any event what we are looking at is whether the motion can be taken tomorrow or in five days' time. We will all look at it tonight, because if, at the end of the day, the Opposition decide, having looked at it, that they are happy to take it tomorrow, then I need not rule but we will all look at it this evening.

Hon. Dr K Azopardi: I was just asking for clarification when I rose. I had not seen that motion to suspend Standing Orders.

Madam Speaker: Then I want to pick my adjectives carefully — I am not going to say "happy" — is he saying that he will not raise an objection to the motion being taken tomorrow on the basis that there has been an Abridgement of Time?

Hon. Dr K Azopardi: I think it requires your consent, and Madam Speaker needs to deem it within practice because of urgent necessity.

Madam Speaker: There are two things here. One is whether this is something I would deem as a matter of urgent necessity, in which case I would like to be addressed; but the second is the matter the Hon. Chief Minister has raised, which is that it has been the practice of the House to allow this. Without trawling through previous proceedings, I am afraid I have not enough experience in this forum to be able to say yay or nay to that but if it is the practice of the House — I mean, for example, one thing I have realised since I have been here is that although we do very similar practices to the House of Commons, there are some things that we do very differently here, and I would have been tempted to have ruled one way, but I do not because of practise and procedure.

Hon. Dr K Azopardi: If I may, to short-circuit it. When I rose for clarification, I had not seen that motion, and of course Standing Order 59 is very clear that Madam Speaker has to form a view as to whether it is urgent necessity but it really does not matter to us whether it is taken tomorrow or in four days' time, so we are not going to raise an objection if that is the issue.

Hon. Chief Minister: Madam Speaker, if I might, just for the sake of clarification in Hansard… I have been now Leader of the House for fifteen years. I have been in this House for twenty-three years. Whenever a Government has moved a motion to suspend Standing Orders in order to take a motion within twenty-four hours of being presented, there has never been an address; neither has the letter contained any reference to necessity or urgency. It has always been the case that the Government is able to act within twenty-four hours in that way. As I indicated a moment ago — twenty-five years almost since the Hon. Leader of the Opposition left the House but I think from my memory he will not be able to point to anything in the eight years that he was a Member of the House in Government where the Government provided any justification of necessity or urgency when it needed to move a motion within twenty-four hours.

Madam Speaker: Well, in any event, the Hon. Leader of the Opposition has indicated that he is not going to take issue with it, so for the moment the point is to moot, and if necessary at any time in the future then I can rule on that.

I now propose the question, which is that this House do now adjourn to tomorrow at 10 a.m. I now put the question, which is that this House do now adjourn to tomorrow at 10 a.m.

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

This House will now adjourn to tomorrow morning at 10 a.m.

The House adjourned at 7.35 p.m.

P R O C E E D I N G S O F T H E

G I B R A L T A R P A R L I A M E N T

MORNING SESSION: 10.17 a.m. – 1.24 p.m.

Gibraltar, Wednesday, 21st January 2026

Contents

Order of the Day.....2
GOVERNMENT MOTIONS.....2
The House recessed at 1.24 p.m......33

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The Parliament met at 10.17 a.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: P A Borge McCarthy Esq *in attendance*]

Order of the Day

Clerk: Meeting of Parliament, Wednesday 21st January 2026. Order of the day.

GOVERNMENT MOTIONS

Clerk: Government Motions. The Hon. Chief Minister.

the Hon. F R Picardo (Chief Minister): Madam Speaker, I have the honour to move the motion standing in my name which reads as follows. I hereby give notice under Standing Order No. 59 to proceed with the suspension of Standing Order No. 19 in order to proceed with a Government motion.

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

Clerk: The Hon. the Minister for Inward Investment and the Savings Bank.

the Hon. Sir J J Bossano (Minister for Inward Investment and the Savings Bank): Madam Speaker, I beg to move that this House notes that a number of individuals who were police officers employed by the Royal Gibraltar Police made protected disclosures under the Employment Act in the past five years. The House recalls the public debate about these statements and the House now calls on the Minister for Protected Disclosures to set out to the Parliament the substance of these disclosures and the background which gave rise to the making of those reports.

Madam Speaker, I think this is an extremely important motion in terms of the facts, the information that I am going to provide and I think it is a test of whether the Members of the Opposition really subscribe to the high standards that they have been proclaiming in the previous motion that we noted.

There is a saying that there is a silver lining in every cloud and perhaps if there had not been the controversy that we have had recently over the alleged conspiracy to defraud people of something they did not own and they were not entitled to have, it would not have led to the position that has come about where an incredible number of things happening in the RGP over a period of time have come to the notice of the Government.

Madam Speaker, I am the person that actually receives these statements because my experience in labour issues and my background in the Trade Union movement has led to the

Government giving me the responsibility for the protected disclosures. As a result, I am now going to set out to the House some of what the whistleblowers have said was happening in the RGP under the leadership of previous senior management teams. I emphasise that this is not about the RGP today and not about the RGP under Owain Richards.

I think I need to bring to the notice of the House as well that there is a specific section in the Employment Act dealing with protected disclosures that refers to the application and related provisions to the police. An interesting element of that is that it says that a person who holds otherwise than under a contract of employment the office of Constable in the Royal Gibraltar Police shall be treated as an employee employed by the relevant officer under the contract of employment and that any reference to a worker being employed and to his employer shall be construed accordingly, which makes it possible for police officers to make whistleblowing statements which otherwise would not be because they do not come under the definition of worker in the rest of the legislation.

And the Constable is supposed to make the whistleblowing statement to the relevant officer being the Commissioner of Police. What that indicates is the expectation that the people who will be making the statements of what was going on in the police will be making statements about maybe a Constable saying the Sergeant is doing something wrong and I need to let the Commissioner know. Not an unreasonable expectation.

The reality is that most, if not nearly all, the protected disclosures are above the top echelon. In one particular case the officer concerned was a person that was responsible at the level where he was a Detective Inspector, he had dealt with criminal cases in the department and he had a lot of high level duties and therefore he did what the law says. Although he was not a Constable and technically, he should not have had the right, but the reality is that if somebody higher than a Constable is seeing criminality in the police force, I mean this is a very serious matter.

I do not think you can have something more serious than a situation where there are criminal offences committed in the institution that we finance in this Parliament to stop criminality. I mean you could make it up. But this particular whistleblower actually went ahead and made the disclosures to the Commissioner and the result of it was that he was penalised for doing it and that no action was taken.

And this was in a situation where papers were being passed to people who should not have had those papers in the context of the McGrail and the ongoing investigation. This is something very recent. And when you have a situation where you do what the law says and you give it to the person that you have to give it to and that person actually starts putting pressure on you and eventually forces you to go out of the force because of the pressure and the treatment that you are receiving.

And in fact, the case in point is one that has just been disposed, the wife of this officer has sent a letter to the Gibraltar Chronicle about this incident which is now being published. So, I do not need to go into that which is already in the public domain. But we then have a situation in Gibraltar where something like 10% of the people in the force are making these disclosures.

We have a situation for example where particularly in relation to what we were discussing yesterday and I know that the Point of Order that the hon. Member said was that because the Inquiry decided that the whistleblowers were not relevant, well perhaps they were not relevant because the decision to ask Commissioner McGrail to resign was not the result of things that the whistleblowers doing. If what the whistleblowers said in their statements was known then I suppose the McGrail Inquiry would not have taken place because it would have been a situation where if there are accusations of things that are criminal then they would have had to be dealt not as a problem of losing confidence but a problem of investigating the accusations of criminal activities and then deciding whether there was a case or not. I mean I assume that the law on what is a crime and not a crime applies to people who work as police officers the same as they do to every other citizen. They do not have an exception that allows them to do things that are illegal if other people do it.

And this particular statement which is something that is not included in the group of the 19 is one that is being made by somebody who was directly involved in how the investigation into the allegations of the supposed stealing of the programme that Mr. Gaggero was being paid to implement was being done. And it is absolutely damning. The person that was involved in that, the person that was involved in the police to carry out that investigation was involved in meetings, and he says:

> A meeting took place in New Mole House headquarters within the Commissioners suite. My recollection is that this occurred during an early operational phase of Operation Delhi and approximately two weeks before the arrests. I cannot say the exact dates because I no longer have access to my pocketbook and daybook.

Of course, Mr. McGrail did not have access to anything because he destroyed them all. This is something that I was on the point of making clear yesterday and I think it is very relevant.

> The individuals present in this meeting were the Commissioner of Police Ian McGrail, Mr. James Gaggero, the Superintendent Paul Richardson, the Inspector Mark Wyan and a representative of the Foreign and Commonwealth Office.

Hon. Dr K Azopardi: If he is going to read statements into the record, can he confirm the name of the person who is providing the statement and whether that person has consented to that statement being read in Parliament?

Hon. Sir J J Bossano (Minister for Inward Investment and the Savings Bank): Well, I do not know. I mean the hon. Member obviously likes to have things disclosed to him but I am telling him that I do not know that I necessarily, I have, of course I have the consent of a person to do what I am doing otherwise I would not have done it. But it does not mean necessarily that I want or need to name him because his name is irrelevant.

It is not a relevant issue. That is to say, if these people were having this meeting, whether he was Joe Bossano or Bossino, it is irrelevant. The meeting took place unless he thinks that there is more credibility in the people that says he is a Bossino instead of a Bossano.

So, these were the people before the arrests. This is the evidence that the Government of Gibraltar did not make the complaint as the police said in a press release which was false and which they refused to correct when I told them it was false. Which is an indication of the degree to which the police were behaving as if they were above the law and they were able to do whatever they liked.

So, they are enforcers of the law but the law that they are enforcing does not apply to them. So, they can come out and make a false statement saying the Government and Blands have made a statement and the evidence is that James Gaggero was meeting with all these people without any knowledge of the Government. We only discovered it because this guy has told us.

So, the Government did not know that this was going on.

> The summary of the discussion that took place about the investigation and possible support from the NCA [he says] was one that I participated on. It was made clear and discussed that the Inspector and I would lead the interviews of the suspects. And I also recall that Mr. Gaggero was quite angry with his ex-employees as well as the involvement of Hassans law firm within the investigation.

Of course, if Mr. Gaggero expressed his anger to this high-powered committee, no doubt that was part of the reason that led to other events that happened in connection with the investigation. But the most important thing that I need to bring to the notice of Parliament is that he says:

> In my 19 years of service in the Royal Gibraltar Police, in which I have been detective for a large part of this, this was the one and only time which I was called to the suite of the Commissioner as a result of an ongoing investigation.

It was the only location in which a complainant was dealing directly or indirectly with the Commissioner. During my service, it was always emphasised that the Commissioner was to remain independent from any investigation. And therefore, I felt at the time, as I do now, that Mr. Gaggero was receiving preferential treatment given his status in the local community.

Of course, you know, Mr. Gaggero is an important person in the local community, not because he is a significant figure in the social life of our community, but because he is a wealthy person and the owner of important businesses which employ people and pay income tax. And therefore, he is a contributor to our economy. I do not think that gives him a right to differential treatment of somebody that is poor and insignificant, because we have to judge things on the basis of what is happening and not on the basis of who complains. (interjections).

Madam Speaker: Yes, the Hon. Sir Joe can continue. I am not listening to exchanges across the floor, and I would ask that they do not interfere with the speech. Carry on.

Hon. Sir J J Bossano (Minister for Inward Investment and the Savings Bank): This particular person, in fact, did not continue in the investigation once he started questioning some of the things which he felt were things that he could not accept were correct in terms of the proceedings that were happening. And therefore, one of the important things is that we are not talking about, you know, a Constable seeing something happening at a very low level. This is at the very top of the organisation.

And this is somebody with 19 years of experience in the service. And this is somebody that is himself a high-ranking officer. And I put it to Members opposite that all the things that we say about the rule of law, it must apply to everybody who wants the whole truth. Well, the truth. We all want the whole truth. Then the whole truth is that this is completely unacceptable.

And what has to be done? Well, we have to make sure that what has been happening in the RGP in recent years never ever happens again. Because what has happened and the statements that I have to bring to the notice of Parliament shows that there is every reason for ordinary citizens not to have any confidence in the RGP in terms of the law applies to you or not depending on who you are.

Which, of course, the Leader of the Opposition has made very clear, the commitment of the Opposition that the law should apply the same to all of us, to the whole of the population irrespective of whether they have got money or not, irrespective of whether they are prominent or not, irrespective of whether they are, you know, high people inside the police force.

Another one that is recent because these are not part of the 19 that have been mentioned. So, there is another one, recent one, which is from a person that has also been in the police force for a number of years and had previously served in the UK. And one of the things that comes across in the statements made by the whistleblowers is that when you have people who have previously served in the United Kingdom, they question some of the procedures that are happening here, which apparently are considered to be normal here, but which would not be considered acceptable in the United Kingdom. Now, I do not know whether we can justify that we do things differently here from the UK because we are different, our culture is different, and maybe there is some justification in that, but it cannot be if it results in different treatment to different people. That cannot be justified.

So, if you have to serve somebody with a document and there is a procedure to do it, you do the same procedure for everybody. This particular statement goes through a total of eight different incidents where he considers that there is either illegality or unacceptable conduct. And some of them are things that have already been reported in the declarations of other statements in the group of the 19.

So, we have a situation where a number of different officers from different ranks report something that they do without knowing that somebody else has already made that part of their protected declaration. So, one of the results of that is that you get a picture of what is going wrong there, which would not be possible if it was one person only saying it. What the law says about

protected disclosures clearly is that the person making the disclosure may have got the wrong end of the stick.

He may have genuinely believed that what was going on, and he has observed is something that is criminal, and he may genuinely believe it, and in fact when it is investigated it turns out that the person was mistaken. And if it is a genuine mistake and he had nothing to gain by doing it and there is no evidence that the guy was making it up, then it is the right thing to do if you genuinely believe it.

When four or five unconnected people in their own statements are making a case of criminality about an incident from different aspects, but they are talking about the same incident, then even before this is investigated, I am not somebody that has ever been involved in police or detective services, but I would have thought that if a random number of people make similar comments from slightly different aspects about an incident, then that in itself is an indicator that the incident happened. And the one that refers to the stolen car of a particular Commissioner and how that car was recovered was made by more than one person as something that is completely unacceptable, where the Commissioner that was in charge of the police set up a process to recover the vehicle of the Commissioner that had retired, who was now a private citizen, but of course, who as a private citizen has the right to say to the police, they have stolen my car, but I think it must be the only stolen car where the Commissioner decides that he is going to tell people who are involved in taking tobacco illegally that they should find out who were the thieves of the car and recover it, because if they did not, there would be action taken and in this particular case, this particular explanation of what happened then goes into further detail than most of the others because it includes the fact that money was used from other parts of the budget to fund overtime to make sure that there was a huge police involvement in making sure that, you know, not a packet of cigarettes moved until the car was, was recovered. And apparently it was eventually, the message came back eventually that it was a Bulgarian gang in Spain that had it and that there was a cash prize to pay to have it delivered and the police here then told the people who moved tobacco that they should pay the Bulgarians to bring the car back.

Now, this is being done by the Commissioner, I mean, you know, it seems as if what had developed and had been created in the RGP was as if they were not part of Gibraltar, that is, they were not subject to the same conduct and behaviour that the rest of us have, that the police force, when we were looking at the 2006 Constitution, I fully supported the position of the then Chief Minister that the police, which previously under the Constitution reported to the Governor and only to the Governor, should be made independent but that we had to protect the police from political influence that we did not want.

Neither the GSD nor the GSLP wanted that the police of Gibraltar should be used by politicians to have an influence as to, you know, if Mr. James Gaggero is giving leaflets for the GSD, then we give him a special treatment. We did not want that to happen, right? And that is why we are very clear that there should not be a political influence and that the police should not be in the same situation as other parts of the public service in terms of us being able to tell the police what they are doing is wrong.

We have to find some way of having a check on what the police do, because clearly, I mean, there is no reason why the need should be there in the future, but having discovered what has been happening in the past, I think we need to be sure that what we have in the future, with either the body that is supposed to be in charge of the police and the one that receives complaints from the police, has got the power to do things that need to be done and that we are able to ensure that if anything goes wrong in the future, we can stop it before it gets to the stage that it got here. This is something that clearly has been happening under our noses.

I do not know if it goes as far back as the previous administration, but I know that it has been like a cancer that is not treated and spreads. If there is a cancer in our society, we in this House have got to cure it and we have to make sure that it does not come back. The multiple whistleblowers that have sworn evidence concerning the discovery and handling of corvert audio

and video recording devices concealed within a police interview room in the police station, commonly known as the cave.

In this room, it routinely was used for suspect interviews and critically for confidential consultations between detainees and their legal representative. The evidence alleges, more than one person saying it, that a covert pinhole camera and microphone were secretly installed inside an electrical box within the interview room wall. The device was live-powered and capable of recording both sound and images.

At the time of the discovery, in October 2015, Gibraltar had no lawful statutory framework authorising such covert surveillance, particularly within the police station, and no authority permitting the interception of legally privileged lawyer-client communications. The whistleblowers state that the device was discovered accidentally by the officers who immediately recognised its illegality. Senior officers were informed without delay.

Rather than treating the device as evidence of a serious criminal offence, the response from the senior management was to suppress the matter. This is ten years ago. The device was removed without proper forensic procedure and not preserved in accordance with the evidential standards, and no formal report of criminal investigations was permitted.

Even if it is ten years ago, the people that are accountable have to be held accountable. If we have to restore the confidence of people in the rule of law, the confidence that the hon. Members say has been lost, then the huge number of things going wrong in the RGP is what is causing the lack of confidence. And many people believe that you can get away with doing things if you know the right people and make the right contact with the right higher part of the police.

That should not happen. We do not want it to happen. When we did what we did with the new relationship and the new Constitution, we did it on the basis that we genuinely believe, both the GSD and the GSLP, that we could trust the people that are given that responsibility to lead the RGP, to make sure that it operated to the highest standards of impartiality and applying the law, everybody be getting equal treatment.

That trust that we put in them was important and any political element, in terms of being able to influence, we both thought would be a move that we did not want because it would be worse than giving them the level of freedom that we wanted to give them on the basis that we could trust them not to abuse it.

I am afraid that the trust that we both had in them when we took that decision in the 2006 Constitution negotiations, that trust has been betrayed by individuals who have not done what they should have done, which was to ensure themselves, and they have the expertise. I mean, I would not know whether having a secret camera in a room is right or wrong or permitted or not permitted, but I can see that if you say to somebody, you have got the right to talk privately to your lawyer and nobody will know what you are saying to your lawyer, but I am spying on you, and then I use the information that I am telling my lawyer, but which the police did not have, and you use that then to change the way that I am going to prosecute the one that I am accusing, I think that, I do not know, there are lawyers on both sides of the House, I would imagine that that is not something that is permitted. And of course, we know that Mr. McGrail was quite happy to go around taping people's conversations without them knowing they were being taped, so if you know what goes on with a telephone that is taping the conversations, I do not suppose he would be particularly bothered about the camera taping other things from other people. The evidence alleges that the Senior Officer, in this case Mr. McGrail, forcibly removed the device from an exhibit bag, discarded the bag, and ordered that no written record be created.

Now, that seems to be something similar to all the things that he lost, you know the computers that he lost, the book that he lost, all the things that he lost. Officers were instructed not to document the discovery and not to escalate the matter to professional standards or any external authority. This conduct is alleged to amount to deliberate suppression of evidence which can amount to perversion of the cause of justice, which is something that the Opposition is very worried about.

Further evidence alleges that following the discovery, discussion took place in which the covert device was described as having been used or intended to be used to monitor defence lawyers and their clients. Ironically, the Inquiry has revealed that the former Commissioner, Mr McGrail, actually did also covertly record the Attorney General and the senior colleagues, which is what they do with telephone. Specific reference is made to the desire to listen to confidential legal consultations in order to give investigative advantage or to link lawyers to criminal activity. If true, this represents an exceptionally grave abuse of power and a direct attack on fundamental constitutional right to a fair trial.

This is what the whistleblowers say. I am not a lawyer, but it seems to me that this practise, presumably what this is telling me, could have led to some people being convicted where otherwise they would not have been convicted.

And that is very serious. The police were using covert methods of spying in a situation where they were providing for the person that was being accused an opportunity to have confidential conversation, disclosing things to the lawyer about his case. And then that information, which had not been obtained legally by the police, resurfaces in the prosecution and gets somebody convicted who would not have been convicted for lack of evidence.

I mean, what happens with those convictions when this is discovered? I mean, how is that redressed? The whistleblowers also describe indications that the device remained in use after its initial discovery, suggesting it may have been reinstalled or tended to despite its illegality.

Senior management are alleged to have ignored the issue, discouraged further enquiry, allowed the organisation to carry on as if nothing had occurred. The evidence alleges that a technical error or oversight, that this was not a technical error or oversight, but a corrupt practise involving the knowing that the deployment of an illegal covert surveillance device and targeting legally privileged communications and the active suppression of evidence once the activity was exposed. The whistleblowers also point to the situation where an inspector who made a protected disclosure in good faith to the Minister after being tasked with reviewing serious allegations of misconduct of Senior Officers.

In the course of that review, the whistleblower states that he identified evidence pointing to systemic and historical illegality at the highest level of the organisation. This is somebody that declared this statement to me. The disclosure alleges that the senior and former officers of the RGP were implicated in the unlawful use of covert surveillance equipment, including the cameras. The rooms were used for suspects, so the person that made that raised in the evidence and the disclosure further alleges that the inconsistencies in the senior officers' accounts which raised concern about concealment.

The whistleblower was also instructed to distance himself from investigating these matters despite their potential criminal nature. So, there was a situation where the enforcement of the law would be unlawfully permitted to operate within Gibraltar, including the instalment of covert tracking devices in local vessels without judicial authority or lawful presence. Having brought this as miscarriages of justice to the top, which is to say whistleblowing within the police, instead of the person that receives this complaint, this concern, we need to understand what is happening here.

People come in, and in the original, I mean I remember when we initially started giving students to have training paid by the employment service to introduce them into the police ranks as a way of getting people to know what it entailed. And therefore, perhaps having less wastage where people came in and then after they came in, they found that the police work was not what they thought it was and they left. So, we thought, well okay, we will pay for two years, and there was a stream of people coming in.

I can well imagine those people receiving from Senior Officers the lectures on how you have to behave as a police officer, and how is standards that I expected of you. And they go through all this indoctrination process for two years, and then they come in as newly grown men. They have the parade, and everybody says what a wonderful thing it is, we have got all these young people going into the police force.

And these guys believe it. They believe what they have been told. So, when something says, this is not what they told me should be done or could be done, I will go to somebody above and

say look, I am worried because I have been told to do something, and what I have learned in my induction tells me that this is something wrong that I should not be doing.

And he says, he is told by the people who are senior, shut up and look the other way. This is what has been happening. And what happens then?

Who do you go to? If the law says if you see something wrong, you go to the guy that is your senior, the person that has come up from the ranks, the people that are in the top of the management. And you believe it.

And you are naive and have to go and do it. And then you say, you look the other way. And if you are stubborn, and you keep on doing it, then you get told, look, either you do what you are told, or you are never going to get up, you are never going to be more than a Constable.

Or if you do what you are told, which is the least popular duty that you have? Is it going into late evening, early night rounds in the bars in Gibraltar, where you may well find yourself in the middle of a fracas and finish up with a black eye? Is that what you least like about being a policeman?

OK. So, if you do not do what you are told, irrespective of what the rule says, that is a job you are going to be doing for the rest of your life. This is what I am talking about.

So, I trust that the Members opposite are as incredibly astonished at this being the culture as I have been in receiving these reports. And I trust that they will want that we put it right, and that the people responsible for having created this blight in our otherwise respected and trusted police force are held to account. Because those are the values we share.

This is what we believe in. And it does not matter who it is, and it does not matter whether it is GSD, GSLP, or Reform. It has nothing to do with our political beliefs.

It has to do with the situation where we find that Members in important positions in the police force are doing the opposite of what they should be doing. Instead of being an example to the rest of society, what they are doing is saying what you get nicked for. If you do it, I do not, because I am in the RGP. The RGP exists apparently in quite a lot of nations, behaves as if the RGP was there to enforce a law on those who are not members of the RGP, but not to apply that law to themselves.

The whistleblower states that he was instructed to distance himself from investigating matters despite their potential criminal nature. Crucially, the whistleblower alleges that the information was reserved from official reports and enquiries, and that evidence was distorted or omitted, whether deliberate or otherwise, undermining the administration of justice.

The actions and inactions of Senior Officers may amount to misconduct in the public office, obstruction of justice, and failure to comply with legal obligations. Following this disclosure, the whistleblower states that he was subjected to internal disciplinary action. So, we pass a legislation to encourage people to come forward, and we say to them we are going to protect you, right? And then, when they do it, and when they think they are being, you know, high-standing citizens, expected to get a medal, they get disciplined.

He believes these actions were retaliatory and connected to his whistleblowing. He describes severe personal consequences, including damage to his health, resulting in stress and lack of institutional support.

The whistleblower states that the past and present senior leadership of the RGP have failed in their duty to accountability. Of course, present means present before the present one, because this was before we had the new Commissioner.

I have had, Madam Speaker, in my office police officers of many years, some of whom have not made disclosures, who were a nervous wreck, who left eventually on medical grounds, who were saying to me, look, I am scared to go back to work, because these people there are capable of putting in my locker drugs, and then finding the drugs and ruining me.

Scared of inside the police, Senior Officer, putting drugs in the locker of Junior Officers, because they were misbehaving. That is, they were misbehaving in trying to do what the law says when they were being told to break the law. And this was not a whistleblower.

It was not a whistleblower, because they did not even want to stay there any longer for any reason. They just wanted to get out of there, you know. And this is a person of the age of 40 plus.

I mean, this is not a youngster that does not know how to deal with life. There has been then alleged unlawful surveillance, Cross-Border policing and misuse of covert powers. Multiple whistleblowers have provided sworn evidence to a sustained pattern of alleged unlawful conduct within the Royal Gibraltar Police, involving covert tracking devices and collaboration with foreign Law Enforcement Agencies conducted outside a clear statutory framework.

The statement described how, from at least 2018 onwards, Senior Officers approved and facilitated the purchase and deployment of covert technical surveillance equipment, including GPS tracking devices, despite explicit awareness that no legislation in Gibraltar exists governing their use. Authorisation is alleged to have been granted informally, described internally as a carte blanche, bypassing judicial oversight, written warrants or lawful safeguards. Whistleblowers state that GPS tracking devices were covertly installed on vehicles, vessels, sometimes repeatedly, without the knowledge of the individual concerned and without any clear legal authority.

These devices were capable of monitoring movement over extended periods and transmitting live data. Officers described being instructed to deploy or assist in this operation, despite raising concerns about legality and personal liability. The evidence alleges that foreign law enforcement officers, particularly from Spain, were permitted to operate within Gibraltar territory and within Gibraltar police facilities.

I do not know whether or not it is foot on the ground or not, which we are all so concerned about. This included access to police buildings, custody areas, seized vessels, sensitive data, as well as joint operations conducted without formal mutual legal assistance arrangements, judicial approval or transparency. We spent months delaying an agreement of the Treaty because we would not move on giving anything like this in the Treaty in order to protect the integrity of the Schengen area.

We had months and months of arguing on saying this we would not allow. That is what the Opposition expected that we should be doing and that is what we should be doing because that is what we have said. And the police were doing it all the time.

Whistleblowers describe Spanish officers installing or removing tracking devices on vessels in the Gibraltar Marina, sometimes in public areas, creating risk to public safety and sovereignty. Several statements describe officers being directed to cross into Spain informally to collect evidence, conduct searches or retrieve items without lawful authority, documentation or recorded handing over of evidence. Good job we did not send this guy to negotiate the Treaty.

In some instances, officers state, they were abandoned at the border or instructed to proceed despite clear safety and jurisdiction concerns. The whistleblowers also allege that the evidence obtained through this method was poorly handed, inadequately recorded or not properly disclosed. These allegations that material evidence was selectively retained, omitted from reports or not seized at all even in serious criminal investigations.

This includes further serious allegations around internal investigations into police officers. They were doing it even to their own people. Whistleblowers described and sanctioned surveillance of fellow officers, internal monitoring and intelligence gathering, outside professional standards and procedures.

Talk about the KGB. In some instances, officers allege that investigations were initiated or steered for improper purposes including retaliation, reputation management, leverage rather than genuine misconduct concerns. Across the statements whistleblowers consistently described a command culture in which legality was subordinated to operational expediency.

Officers who raised concerns were dismissed, criticised or marginalised. Decision making was concerned at senior levels while risk and liability was pushed downwards onto the Junior Officers expected to comply without question. So, you know, you do what you are told or else.

That is the kind of message that comes out. Taken together the statements allege not isolated errors but systemic misconduct. The suppression and the manipulation of evidence and the intimidation and sidelining of officers when they questioned the practise.

Multiple whistleblowers also provided evidence concerning the retrieval of a vehicle belonging to the Commissioner which I already explained had been also in the new addition to the other one. That also appeared as I mentioned earlier in a number of other whistleblowing. So, it is clear that a lot of people knew what was going on.

A lot of people thought that what was going on was terrible and a lot of people that thought it was terrible were scared to do anything about it. The whistleblowers said that the senior command were informed that a payment of £14,000 was being demanded to secure the return of the vehicle. And then the instruction was given get the car back and the car was got back.

But in a way which I think must have brought a lot of disrepute in the way that our police were perceived by the people on the other side. The whistleblowers described that this was a show of authority rather than an operational necessity. Officers involved later attempted to register the information who assisted in the recovery as a participating source in line with standard procedures.

But this process was inexplicably halted, and the informant was never formally registered or protected. Further concern is raised by the allegations that the funds paid to secure the vehicle's return was never reimbursed despite assurances given at the time. The whistleblowers state that these left informants exposed, officers compromised and serious questions unanswered.

Madam Speaker, the continued allegations also deal with a whistleblower formerly an officer within the RGP assigned to special branch and close protection duties which has provided concerns on how close protection arrangements for the Chief Minister were managed, monitored and allegedly misused. The whistleblower states that upon assuming duties connected to the Chief Minister's close protection, he became aware that information obtained through proximity to the Chief Minister was being sought and used for purposes beyond personal safety. He alleges that the Special Branch Officers were expected to report not only on security matters but also on private meetings, conversations and movements of the Chief Minister in circumstances that he believed was unethical and incompatible with the principles of the protection confidentiality.

I never had protection. It did not happen to me. I said I did not want to be protected. So, I never had anybody protecting me. But it seems that the Chief Ministers who accepted protection were in fact being spied on by the police and everything recorded. I do not know why, as a potential weapon to blackmail a future Chief Minister about something that might be wanted or not wanted by the police.

I speculate. Why would the Special Branch expect a report not on the security matters? That is to say, look, we think somebody is following the Chief Minister everywhere and we do not know why, but we find wherever he goes this guy is in the background and then maybe somebody may be planning to attack the Chief Minister, which is why the protection is there. As I say, one of the first things I did in 1988 was to say I do not want anybody from the police with me. I thought I was at greater risk from the police than from the rest of the population.

The statement further alleges that the sensitive information relating to the Chief Minister's meeting was routinely recorded and shared within the police management.

Maybe he will not be so keen to be Chief Minister after all, when he finds out what is going on. These included photographs taken covertly during private meetings and records of individuals attending meetings of the Chief Minister, which were then passed back to the senior managers of Police Headquarters. The whistleblower asserts that this practise created a surveillance-like environment around the Chief Minister rather than a protective one.

No wonder he wants to go. The whistleblower describes a specific incident in which a Close Protection Officer photographed the reception log recording visitors who had met the Chief Minister with information then being relayed to senior police officers. He states that such actions were not justified by any immediate security concerns and were inconsistent with accepted close protection standards.

He further alleges that internal pressure was placed on Special Branch Officers to prioritise loyalty to the police organisation over responsibility to the Chief Minister, with officers being told that their duty was to report the information back to the RGP rather than to the Chief Minister

himself. The whistleblower considers the instructions to be fundamentally at odds with a role of close protection and potentially detrimental to any Chief Minister's office, safety or trust. The statement also raises concerns about operational decisions affecting the security of the Chief Minister being made by officers without appropriate training, experience or security clearance.

The whistleblower describes occasions where the risk assessments and protective decisions were handled by individuals lacking close protection qualifications and his own professional advice and judgement were overridden, placing the Chief Minister at potential risk. In addition, he alleges that attempts were made to distance him from the Chief Minister once he resisted these practises.

So here we have again the same concept of, you think something is going wrong, you tell the people on top of you, look this is going wrong, they tell you shut up and do what you are told, you do not shut up and do what you are told, then they get you away from what you are doing and put you somewhere where you are not a threat or an inconvenience to what they want to be doing with the RGP. I mean this is the RGP being hijacked to serve some people doing some things for reasons that are frankly incomprehensible.

The matters that this evidence has in all these statements I think is something that cannot be swept under the carpet. We have to go through all these things, not a matter that we at the political level have to do, but these things have to go, we have to make sure that every single accusation is investigated and we find whether it is true or not true, whether its exaggerated or real and then if it has happened we have to put the blame on the people who have created the situation which in my view has been, if all of this is true, I have no reason to believe that it is not true, because if I thought that people were making this up then it would not have been accepted as the protection.

The protection is given on the basis that I have been satisfied that the people genuinely believe these things and that they are not making it up and that they have nothing to gain because one of the issues that was related to the McGrail Inquiry was in fact that he accused these people of being bribed to make false accusations, well, that was investigated and officers were arrested and then they said that the evidence was not there, that they had been bribed. I mean, well, that is to say, if you come out of the police force and I do not downgrade you, that is a bribe.

No, the bribe is if I promote you, so nobody that has come out of the police force as a result of making a disclosure, a whistleblowing disclosure has received anything other than protection and of course, I mean, there have been other officers that have come out without a whistleblowing reason, they have not made a whistle statement and then they have come back into the service at the rate of clerical grades, because it was not something that they have said, look, I need protection to make the disclosure and the protection is I cannot stay there and all the evidence in all of them is that before they go to the stage, before they go to the stage of making the reports that they made to me, they tried internally to get something done, it is not that they wanted to leave the RGP, it is that they could no longer continue, because there were people who genuinely believed in the profession that they had entered and it must have been and I can understand it, I mean, you are asking police officers to behave as criminals and then go out and arrest criminals, so the fact that they could not take it any longer, they could not take the incompatibility of the methodology that they were working under with their duty, which they had drummed into them was their role, their role was to protect the citizens from criminal activity, their role was to make sure that everybody was protected and everybody was treated equally, their role was to pursue people who were doing illegality and then inside the outfit they say, but you are telling me that I must stop illegality and you are telling me that I must do something that is illegal and if I say I should not be doing this or I go to somebody on the top and say look this is wrong, they tell you look the other way and shut up, I can understand how conscientious people would have been living this double life with a great amount of stress and trying to rationalise it to themselves, I think if we put ourselves in the place of a person in that situation you can understand how difficult it is, that you get a guy that is parking and you throw a book at him and then you go back to the station and you are told to do something that is ten times worse than parking and you are told ignore it, how can you be in a work environment like that, if you do not care and all you want is

your pay check at the end of the month then you do not need to do whistleblowing, if you are not a conscientious person you do not need to do whistleblowing, just say well look I do not care as long as I have got my back protected and I am not going to be the one that takes the fall, if something comes out then fine and I am sure that there may be some people in that context and I think what has happened was that it only took one to take the step and that actually then led to other people following the example and coming out again, but somebody had to start it, there had to be a first one to do it.

Madam Speaker taking together the whistleblowers evidence that I am placing before Parliament, describe a sustained and deeply troubling pattern of alleged misconduct, spanning many years, multiple operational demands and successive senior management teams, they do not concern isolated errors of judgement, I think therefore that in bringing this to the House and bringing it to the notice of the public, I am doing a great service to the RGP and to Gibraltar and I hope that the hon. Members opposite will see it in the same way, be as concerned about this as I am and want to see that we get to the truth and nothing but the truth and that we apply the law equally to everybody and that the people who have been responsible for creating the situation are prosecuted and punished for what they have done.

Madam Speaker: I now pose the question in terms of the Motion moved by the Hon. the Minister for Inward Investment and the Savings Bank; would any hon. Member like to speak? Yes, the Hon. the Leader of the Opposition.

Hon. Dr K Azopardi (Leader of the Opposition): Madam Speaker, well, I mean this started, and let us not forget, this started where it started and it started because there was an attempt to raise these issues yesterday in the context of the noting motion on the McGrail Inquiry, so clearly there was going to be an attempt in the Inquiry Motion to mention these things as a bit of a smokescreen, clearly. So, because, clearly that was the attempt because if the hon. Members were so concerned about this, well they could have, I suppose, raised the matter and I am going to comment on it because I suppose they could take action about these things that were so concerned. They do not need to wait for the noting motion on McGrail and allow the, you know, they waited for 49 days before they published the McGrail Report, they have waited another month until the Parliament is in session, they have had these statements for a long time.

Look, let me be very clear, no one, no one is above the law, no one, and there are constitutional pillars, the legislature, the executive and the judiciary. We protect our Constitution for good reason and the separateness of our functions because there are processes that we hold dear and freedoms that we hold dear and constitutional protections and rights that we hold dear. In all that context, no one is above the law.

If something has happened which is wrong, it should be investigated and if the prosecuting authorities who are separate to the investigating authorities consider that the prosecution should lie, it should lie. But it is not for this House to investigate, and it is not for this House to decide whether or not there has been criminality because that is for the prosecuting authorities to bring a prosecution or not. This is a Parliament where we debate issues of interest which should not be abused in the context of what it does because people need to ask themselves what this is about and what this is not about.

And it is not a coincidence that this has come about first yesterday because they tried to insert it in the Noting Motion as a smokescreen. People are entitled to ask themselves the question, if this was so genuine, if people are concerned about these things, why have not they done something about it? And why try it yesterday when we had the Noting Motion on the McGrail Inquiry?

There are reasons for that. And there are things that have been said today, I mean the things that have been said today, of course *prima facie* when you hear them, require investigation to see whether, as the hon. Member says, they are true or not true. If they are not true, they should be set aside.

If they are true, they should be pursued in the normal way. the hon. Member talks about the pinhole camera as if he's discovered America. This was the subject of a Panorama article many years ago.

He could have read in the Panorama. Did he pick up the Panorama and send it to the police? The police saw the pinhole camera article.

The Commissioner of Police the other day, the other day in a *Viewpoint* programme said that the Chief Minister had asked him to review the investigation on the pinhole camera and that he was reviewing it. So, it is a matter for him. Let him do whatever he thinks he needs to do or not do. But that already is being raised. The whole pinhole camera thing was the subject of court proceedings. Evidence was given. Anyone can Google that on the 7th of August 2025, six months ago, there was evidence given in court about these things. Where a witness was cross-examined on this issue and gave evidence on the pinhole camera as a defence to a criminal charge. It was examined by the courts. Are we now going to second-guess these things? This is a matter for the investigating authorities and the courts if indeed there is any basis for it.

The hon. Member says, in the course of his intervention, and I paraphrase, that many people believe they can get away with things depending on who, if you know the right people. He said it in the context of the discussions on Mr. Gaggero. I am not sure he meant Mr. Gaggero, but I think he said it in that context. Well, of course that is not right.

I have not spoken to James Gaggero in 25 years since I was last in Government. But of course, that is absolutely right. But that is right for everybody.

And this is why I say it is a bit of a smokescreen to come up with these platitudes, but they do not mean it. Because you mean it today, but you mean it yesterday when the Inquiry findings are that there was an attempt to interfere in a criminal investigation because the clear finding of the Inquiry judge, Chairman, is that the Chief Minister was helping his friend and mentor. So, if people believe that they can get away with things because you know the right people, you know the Chief Minister, well then it applies not just today, it applied yesterday as well when we are considering the findings.

And this is why it is a smokescreen when you look at it properly. Because that is why they wanted to raise it yesterday, because the hon. Member wanted to make this point yesterday as a smokescreen from the findings that say that actually the Chief Minister was helping his friend and mentor. So, it is okay as long as it is they who are helping the right people.

So, where has the hon. Member been in the Panorama years? Because it has been years. Has he complained to the police when he says he was shocked? Look, some of the things that he said were shocking. If they have happened, they should be investigated. But what did he do about it?

Has he gone to the police and asked them to investigate? Because if he has, he has not made it clear, but if he has, he says from a sedentary position, who in the police? He and the Chief Minister have made it clear that they have full confidence in the current Commissioner of Police.

So, have they asked the current Commissioner of Police to investigate all these things? Because there have been a number of Commissioner of Police since the pinhole camera. I mean, we are talking about 2015.

So, Madam Speaker, the reality with these things is that beyond the sensationalism that the hon. Member tries to shock people, because some of the things that he said were shocking and deserve investigation, of course, beyond that, people are entitled legitimately to understand. And ask themselves the questions of the timing, because the timing is relevant. Clearly, timing is relevant. And there is no accident. And where the people of Gibraltar and the Members on this side of the House are not going to be conned. Because we see through the timing. We see through the timing. This is yet again, the usual story.

I mean, they've done it before, where they erode constitutional protections, because there was no accident. They wanted to say this yesterday. Because they have tried in the inquiry.

I said yesterday that there are passages in the Inquiry report where the Chairman says that he heard submissions on the statements. He said, I said it yesterday, I will say it again on the substance of this Motion. He says:

> Hassans submitted 19 witness statements.

and this is page 27, 0.41.

> By present or former RGP officers to the enquiry, the statements were submitted on behalf of each individual witness, not the GPF as an organisation. Most of these statements did not refer to bullying at all, but made allegations of all manner of other misconduct, some of which alleged the commission of criminal offences by many different RGP officers and former officers, including by Mr. McGrail. In a closed ruling on the 1st of March 2024, I held that all but three of the 19 statements were not relevant to the reasons and circumstances of Mr. McGrail's retirement. Those three statements are held to be relevant only in part.

People can download for themselves the statements of those officers, which I am not going to name. They are heavily redacted. The Inquiry report says that it says two things.

First, that Mr. McGrail strongly denies the allegations, and it also says that the Government parties believe that they are true. It says both things. But those submissions were put to the judge, the Chairman of the enquiry, and he rejected them as not relevant.

The Inquiry Chairman records that there was then an investigation into the job offers, what the hon. Member says, the bribery of other statements, the job offers. In other words, did they make statements for jobs, basically. And it says that 0.45,

> Superintendent McVea conducted a criminal investigation into the job offers. His recommendation was that the available evidence did not meet the threshold for prosecution for the criminal offence of misconduct in public office. His investigation and his conclusion were validated by an independent officer at the UK's National Crime Agency, who described his investigation as thorough. His conclusion was conferred by the advice of King's Council in London.
>
> The RGP have therefore given notice that their investigation has ended.

that is what he says. The Inquiry Chairman also talks in detail, from page 154 onwards, about the issue of relevance and it says at 7.13 and 7.14 at 155:

> it sets out the opposite versions of events.

In other words, Mr. McGrail strongly denies the allegations. 7.14, the Government parties say that what the witnesses say or at least may be true, it says. And that there is nothing improper in the job offers for payments made to the witnesses. But the Inquiry Chairman considered it irrelevant. He records that there were investigations.

If there are matters to investigate, they should be investigated, whatever they are. But the reality, Madam Speaker, as well, the reality as well, if we are going to put the full picture in front of a House, the reality as well is that there are conflicts left, right and centre in the position of the hon. Members. Because the hon. Members were core participants in the inquiry, core participants in the inquiry.

They made submissions through council on these issues that was rejected. They had the statements for X years. I do not know when, but presumably for at least three years, because the fact that there were statements was known in 2023.

At least, I do not know what the earliest date of these statements are. Apart from the use in the inquiry, what else have they done with it? I have heard some of these things for the first time today.

But what have they done if they are so shocked? Why did they have to wait till the Noting Motion of the Inquiry? Forgive me, forgive me for thinking that they wanted to derail the findings or create a smokescreen, because of course it was the only and the first opportunity that they had to bring it up.

Well, forgive me for not buying that story, because there are conflicts left, right and centre. Not only are they core participants, but the Chief Minister has also faced serious findings in the inquiry. And the fact that they bring it up today and tried yesterday is because they are deeply conflicted.

He is deeply conflicted and has created a ruse so that the Father of the House raises these issues rather than him. And no doubt he will speak on this motion despite the conflicts that he struggles with. And that is the issue, Madam Speaker, because they failed to persuade the Chairman of the Inquiry that this was relevant.

And now they are trying again to create a smokescreen before the people of Gibraltar. That is what they are trying. That is what they are trying.

And some of the things that they have said are presumably being investigated because the Commissioner of Police said the other day that he had been asked to review the investigation of the pinhole camera of the Chief Minister and he is looking at it. Well, even that, you know, so talking about it today is presumably a breach of Standing Orders. But look, fine, let us talk about it.

Let us talk about it. let us talk about it. And given that, and I should say, I should congratulate the hon. Member.

I congratulate him for his newfound responsibility for protected disclosures. You know, when we got the motion yesterday that the House now calls on the Minister for Protected Disclosures to set out to the Parliament the substance of those disclosures, I asked myself, who is the Minister for Protected Disclosures? And I picked up the particular directions under Section 46 of the Constitution.

I could not find it. I could not find it. I saw his, and he says he is the Minister for Protected Disclosures.

Congratulations on his new portfolio, by the way, because it says Economic Development and Inward Investment, National Economic Plan, Telecommunications, Gibraltar Savings Bank, Gibraltar National Mint, constituency MP with special responsibility for senior citizens, the administration of Government departments charged as aforesaid. And I said, nowhere does it say he's now the Minister for Protected Disclosures. Well, at least I know that the day that I decide that I need to make a protected disclosure, I will go to him, given his special responsibility.

Well, Madam Speaker, we have to ask ourselves how this came about and what the issues are. And it is relevant to consider the code of this House, because the Ministerial Code and the Code of Conduct are relevant. The Code of Conduct of Members of this House, Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest, and resolve any conflict between the two at once in favour of the public interest.

How are they doing that? How are they resolving the conflicts that the Chief Minister has? Big conflicts of facing these findings but wanting to raise these issues as a smokescreen.

So, I could not do it yesterday, I will do it today. I will do it today and hope that the people of Gibraltar buy in to our shock, our shock, our genuine astoundment about the fact that this is happening. But in the process, let us trash our institutions.

Let us say that the RGP, who I sat with the day before, smiling, saying that we are reforming the police, is corrupt, or at least might be corrupt. Do not worry, it is not Owain Richardson, but it could be anybody else. Because presumably, one person did not act alone.

So those whistleblowers, what are we saying? Do the hon. Members really want to bring down the House with them? Just because the Chief Minister faces these findings, are they that desperate?

I mean, the Ministerial code says that Ministers of the Crown are expected to behave in a way that upholds the highest standards of propriety. Ministers of the crown are expected to behave in a way that upholds the highest standards of propriety. The Chief Minister has been found to have acted with gross impropriety.

Ministers must ensure that no conflict arises or appears to arise between their public duties and their private interests. They had private interests, at least the Chief Minister did, and another Minister. He had private interests to protect his friend and mentor, says the Inquiry report.

He faces findings where he is conflicted. So, Madam speaker, not only is this a smokescreen, but it is also a tool for a vendetta. And you know, it really looks ugly from where we sit, because if things are wrong, they should be investigated and pursued.

But what power should not be used for is for vendettas or to create smokescreens from your own improper action, because that is called abuse of power. That is called abuse of power. A Government out of control, not using power properly.

And people are entitled to say what does it say, not just about how they use power, but our democracy, if that is where we are. This is a sidewind manoeuvre to diminish the Inquiry. It is clear. You know, the timing is there. People can see it for themselves. We have been talking about the Inquiry findings and hey, presto, but by the way, all these things happened many, many years ago.

Well, let them be pursued many years ago. Why are we talking about it today? This is tantamount, and this is why it was being raised yesterday.

This is tantamount to; I do not like the verdict of the courts. So, it is a sidewind to diminish the enquiry. Again, tangentially, one could take a view, this is a breach of Standing Orders, because, but I am not even going there.

I am going to respond on the substance, but that is the reality of what is going on here. I do not like the ruling. I do not like the ruling of the Inquiry Chairman who said it was irrelevant because I wanted to make it relevant.

You know, I did not have my moment because the Government parties wanted to obfuscate a bit in the enquiry, were not able to persuade the Chairman to agree that they were relevant. And, and therefore, I do not like the Inquiry findings judgments. And that is why the hon. Member, when he stood up, the Father of the House yesterday said, if these things that are known today would have been known, this is the real truth, the whole truth and nothing but the truth.

The implication behind that is very clear. That what they are saying is, had these things been before the Inquiry, the findings would be different. But there are two answers to that.

First of all, they were before the Inquiry, but the Inquiry Chairman decided it was irrelevant. And the second answer is clearly that it is not for this House. It is not for this House to behave like a court of appeal to the Inquiry, because we are not.

We are a Parliament and the courts are the courts and the police are the police, and the prosecuting authorities are the prosecuting authorities. And they all have the independent functions, and the Principal Auditor is the Principal Auditor, and everyone has their separate functions, whether we like it or not. And the role of this House, the role of Ministers is to use power reasonably in a measured way, in a responsible way to acquire Office and understand.

That is the best way of using power is to use soft power, not hard power, because they have power. It is not the role of Ministers, especially in a small place to squash people with their power, to abuse institutions, to come to this House and try to behave like a court of appeal because they do not like the findings. Because what happens next time?

What happens next time? They go to court on a judicial review, but they think the judge gets it wrong. What happens next time?

Do they come here on a motion and say, well, the judge decided this thing was inadmissible, but had he decided it was admissible, this would have been a different verdict. This would have been the truth, the whole truth and nothing but the truth. As I kept saying yesterday, they will not be satisfied that something is the truth, the whole truth and nothing but the truth unless they write it themselves. That is where we are. This is the Gibraltar we have. This is the Gibraltar of the GSLP. That unless they write it, it is not the truth. Well, that is not what constitutional protections are about. People are vested with power with separate functions so that they audit the Government, so that they express their opinion, so that they adjudicate over Government action in a separate way and what they say goes until a court says otherwise, and it is final and that is why we have the separation of functions and powers and if we do not believe in that, we are trashing the Constitution that we have worked for decades to bring into effect.

So, Madam Speaker, this is very serious indeed, because where is the handbrake to these excesses? Where is the handbrake? Because even mild-mannered Clark Kent, the Deputy Chief Minister, became the king of whitewash yesterday.

You know, people have a right to move on, but they do not care. But people also have a right to bring claims. If things happened that were wrong, they should be investigated and prosecuted if indeed the authorities believe it.

People can also bring their claims and litigate wherever they need to litigate, whether it is here or in the courts or any tribunal. But this is not the place, because otherwise we have become again, again, Madam Speaker, a kangaroo court. that is what we have become.

You know, let me bring the evidence that the Inquiry Chairman did not think was relevant. Let me read it out. Oh my God, what a shock.

And let us trash an individual, irrespective of whatever it means. I do not know who is right or wrong here. Let it be investigated and let the conclusions flow. Let their consequences be whatever they are. But it is not the function of this House, because otherwise we are simply a kangaroo court.

Madam Speaker, it says a lot about them. It says a lot about them that they are prepared to do this. You know, how desperate have they become as a Government? They have done good things in the past, but how desperate have they become as a Government that really this is what they are doing?

They did it with the auditor. They do not want to take on Sir Peter Openshaw, because they might have a judicial review, so they do not want to mention. it is not a criticising.

But they do it as a side wind. But we have got to find some way, that is what they say, we have got to find some way, that is their attitude, of somehow undermining the findings. So let us do it this way, to trash, but they are in danger of trashing and collapsing the institutions that protect us all in the process, because the rights in our Constitution are rights for everybody here and everybody out there.

The separation of functions is for the benefit of all. The fact that investigators should not decide necessarily whether people finally get prosecuted or not is separate for a reason, because prosecuting authorities should review whether or not charges that investigators want to bring are right or wrong. that is why we have the process and the systems that we have to protect us all.

And that is why we have to be zealous in this House about protecting the Constitution. But they confirm what we always say that actually they are interested in survival, political survival more than anything else. Not the Ministerial duties, not the protecting the conflicts of interest, not resolving the private interests in favour of the public interest at once, as the code says.

No, at once it gets resolved in favour of the private interests, the private political interests of survival. So, it says a lot about them, actually. It says a lot about them.

And it is a disgrace to any notion of fairness. A disgrace. They are not warriors. The Chief Minister says they were warriors yesterday. They are not warriors when they do things like this. They are gutless, spineless, cowards.

So, they disgrace our democracy with every day that passes. And the Deputy Chief Minister said yesterday, when we raise issues, they have got a mandate. Of course they have got a mandate.

They had a mandate in 2023. I am a democrat, I accept that. We are democrats, we accept that.

But we also say that sometimes moments arrive when the confidence of the people needs to be tested in their governments. And the moment is now. Because things have happened since 2023.

And the people of Gibraltar are clamouring to test the confidence in this Government. Because people do not give Election wins as blank cheques. The idea, the notion that we are in blank cheque politics land is bananas.

I am certainly an insult to the people of Gibraltar if that is what they believe. If that is the thrust of the remarks that we will hear that they got returned and therefore that, is it. They misunderstand and trash the Constitution even more than I think they do.

They have learnt nothing, Madam Speaker, nothing from the findings. They welcome and accept the findings in their press release of the 23rd of December, but come here to say that the findings actually, maybe not. We do not like them.

And by the way, if this had been before the Inquiry, of course, they would have found a different truth. So, Madam Speaker, power needs to be exercised reasonably and with responsibility, not for their preservation and self-interest or survival. They have learnt absolutely nothing if this is what they do.

Because Madam Speaker, to come here to make these allegations as a smokescreen is a very thin smokescreen. A very thin mist has descended on this Chamber today, but the mist is dissipating because the people of Gibraltar will see through this mist, because the coincidence of timing itself is the swiftest dissipater of this mist. The Hon. Chief Minister said yesterday that their moral compass points to the north.

Well, there may be other people who take a different view, that it points right down to hell. But maybe with his compass, maybe he has got his own compass, bought from Picardo, purveyor of twisted instruments. But Madam Speaker, the reality is they are deeply, deeply conflicted.

Deeply conflicted and now, utterly, morally bankrupt. Because Madam Speaker, the power that we have, the parliamentary privilege that we have of freedom of speech is for a reason.

Because we have a freedom of speech here, absolute privilege in this House, parliamentary privilege, dating back to the Bill of Rights, so that we can say whatever we want in the public interest. But the parliamentary privilege is abused if people stand up in this House and say things under the guise of parliamentary privilege in their private interest or their political interest. So, if what they are saying is for the private political interest of creating a smokescreen, it is an abuse of the parliamentary privilege, which should be exercised in accordance with the public interest of the Members of this House to say what people want them to say in the public interest of Gibraltar.

Not in their private political interest. They contort it. They contort it for their own private political interests.

And no amount of mild-mannered whitewash is going to save them, Madam Speaker. Because I do not know who is right or wrong, but that is why we have investigators. And some of them appear to have been investigators.

I do not know who is right or wrong, but that is why we have courts. And I do not know who is right or wrong, but that is why we respect the independence of the institutions who are charged with making those decisions. So, of course it is serious to hear those things.

But equally, it is not for me to either take them at face value or not take them at face value. They are, as far as I can see, some of them untested. Some of them might have been tested at different degrees by the courts or by investigators.

I do not know. I do not know. But they are not big men when they come, or big women, when they come to this House and abuse parliamentary privilege in this way.

They are rather small. Because big people, if they are really big, would say it outside this House, presumably, when they do not have the absolute privilege of parliamentary privilege that they are abusing. So, even here, Madam Speaker, even here, they impugn judges.

They did so yesterday. I think when someone got up, I think it was the Chief Minister who said, oh, the Magistrate was a friend. Well, is not that impugning the judicial process, which is not supposed to do without a substantive Motion on Conduct?

45(12). But you know, I do not want to address it on technicality, I want to address it on substance. Because this again is a usurpation of functions. Under the guise of shock horror, there is something serious.

So, Madam Speaker, they do not deserve to govern anymore, if they govern for themselves. And that is the question that people need to ask themselves. What is going on here? what

happened with the Principal Auditor? what is the common theme? Inquiry findings. And now this. A Government that loses its way does not deserve to govern if they govern for themselves, if they are putting their private political interests above the public interest.

A Government that does that does not deserve to govern. A Government that does that needs to test the confidence of the people. If they govern for themselves, putting their private political interests above the public interest. If they govern to use their power for their friends, then they are bankrupt, politically bankrupt, if they are mired in self-interest in this way.

And this is why, this is why, Madam Speaker, this is why this is so serious. Because they conflate the public interest with their private interest. They will stand up when I finish to say that this is in the public interest. What is in the public interest is that as soon as they received those complaints of people, they should have sought to give it to the proper authorities to investigate and let the matter run. To come here years after, to raise it in this way is a self-serving demonstration of private political interest above public interest and an abuse of the parliamentary privilege that for decades we have sought very hard to work to protect.

Madam Speaker: Does any other hon. Member wish to speak? The Hon. Chief Minister.

Hon. F R Picardo (Chief Minister): Yes, Madam Speaker, I do wish to speak. I do wish to have something to say in respect of the matters that have been said by the Father of the House in his magnificent presentation this morning and in respect of some of the ludicrous overreach that we have heard from the Leader of the Opposition. Although I have to say to him, Madam Speaker, that it is the first time I have seen him animated.

In all of the time that he has been in this House, I do not think I have ever seen him animated before. Obviously today he is animated because he had one moment when he thought he had something which was in his hands almost a nugget of gold to try and throw at me, who he has not been able to defeat at the ballot box for so many years, and it seems to be slipping through his fingers. Slipping through his fingers once it is set in its proper context, once the jigsaw puzzle starts to emerge more clearly in the eyes of the electorate who are the only people he is thinking of today.

He is not thinking of the whistleblowers. He is not thinking of the victims of the things that have been said. He is thinking only about one thing, as he was thinking yesterday, as he was thinking when he received the Principal Auditor's Report.

He was not worried, Madam Speaker, when he got that, about value for money or waste. Actually, Madam Speaker, I will give the Hon. Mr. Clinton his due. I think Mr. Clinton usually is worried about those things.

But Mr. Azopardi is not worried about those things. He does not see pounds, shillings or pence in the Principal Auditor's Report. He does not see people in respect of the whistleblowing statements.

He sees votes, like in the old ABBA song, slipping through his fingers all the time, Madam Speaker, even when he was stood on the threshold of Number 6 Convent Place on the night of the last Election, slipping through his fingers all the time. And that is what has led to the vituperative assault on the Father of the House by the Leader of the Opposition a few moments ago. A vituperative assault, Madam Speaker, that needs to be put in its proper context, so that people can understand what it is.

Because that is the politics of today. That is the smokescreen that alleges the smokescreen. But what matters more to me, and what matters more to the Father of the House, what matters more to every Member on this side of the House, and I put it, Madam Speaker, to him and to every Member of this House, that actually what matters the most to people out there in this community is what the Father of the House got up to tell us.

And not, by the way, Madam Speaker, as the Hon. Leader of the Opposition has suggested, because I asked him to. I know that he might have been used to a different sort of discipline when he was in the GSD between 1996 and 2003. But when hon. Members get up to speak on this side

of the House, I mean, unless they have asked me about a particular reference or a number, because, you know, I am required to know the estimates, they say what they want.

If I were able to whip any Member on the side of the House, which I do not try to do, I really do not fancy my chances in respect of the Father of the House, Madam Speaker. I really do not. I do not think I have ever dared say to Joe Bosano, Joe, *tu di esto*.

Or Joe, *tu metete por aqui*. Good luck to anyone who tried to do that. So, Madam Speaker, when the Hon. Leader of the Opposition says all of these things were done yesterday or attempted to be done yesterday by the Father of the House to try and create a smokescreen in respect of the Inquiry findings, because you, the Chief Minister, wanted him to do so, the hon. Gentleman is in that respect, I hope he will take it from me, inadvertently misleading the House, because that did not happen. I am happy to take any oath, Madam Speaker, to say that that did not happen. This was Joe Bosano being Joe Bosano.

Always the Trade Unionist, the representative of the underdog. Even round the Cabinet table, I have to say. So that removes the bottom card of all of the theories that the Hon. Leader of the Opposition has been advancing for the past hour.

With his blood pressure higher than I have ever seen it, Madam Speaker. Apparently, Madam Speaker, he says in a sedentary position because I wind him up. Which is really quite remarkable, given that I have only moved the suspension of Standing Orders this morning.

Madam Speaker, the Hon. Father of the House is the person who has spoken. If a man in his late 80s can wind him up so much, Madam Speaker, he really does need to consider whether he has the temperance to ever be the leader of our community, Madam Speaker. I mean, it is remarkable.

I mean, you wind me up. I mean, Madam Speaker, to move the amendment of Standing Orders, the suspension of Standing Orders, is remarkable. That is what we are dealing with here, Madam Speaker.

The hon. Gentleman has wound himself up for the reasons I have said. Now, what we started with, which is enough to wind anyone up, but not in the way that the hon. Gentleman has allegedly been wound up, is a setting out, in the Hon. Father of the House's usual plain English, layman's terms, issues of potentially serious human rights abusers of individual police officers, and indeed, of a generation of defendants and their counsel, at New Mole House. I mean, Madam Speaker, when you finish listening to the Father of the House, you end up thinking that under the Ancient Régime, that is to say, not now, it might better have been referred to as House of Horrors rather than New Mole House.

I mean, not least the fact that the HMIC report of 2020 was of course absolutely right to say that the RGP had a serious issue with not being able to account for the control of corruption in its ranks. A serious indictment of things as they were then, all of that was referred to in the report, because the HMIC report, Madam Speaker, was definitely a matter that was considered by the Openshaw Enquiry. And indeed, the conclusions of Sir Peter Openshaw were that Mr McGrail was lucky not to have been asked to go as a result of its findings then, before he was asked to go.

This is a serious indictment of what was happening in the RGP, and was, is a past tense, was, is a past tense, as you could ever have. I have to tell the House, Madam Speaker, that one of the whistleblowers would only give the statement directly to me and the former Governor. Not just me, me and the former Governor, because it involved matters leading to a disappearance and a potential murder.

These matters are that serious. They were investigated, Madam Speaker, but they are that serious. Another whistleblower subsequently substantiated that statement.

I am not an investigator. I am a politician. But I am able to write down what somebody tells me when they come to see me as a constituent, for example, just like they can.

I have the legal training, so I can turn that note into a statement. I cannot take that person's oath, because I am not in practise as a Commissioner for Oaths, and that person required independent legal advice. And that person insisted only to the Chief Minister and the Governor,

because of the seriousness of what is at play, and the potential danger to their family as a result of what they had to tell us.

A danger which arose, I have to clarify, not from the police, but from a third party. The concerns relating to the police were about other types of retaliation, but not the danger. But that is the seriousness of what we are dealing with, Madam Speaker.

And the community deserves to know these things. Of course it does. In the same way the community deserves to be able to read the criticisms of me in the Inquiry Report and politically call me to account for them through my colleagues, and through hon. Members opposite, and through commentators in Gibraltar.

A music that I have faced and am facing. And the issue of the pinhole camera, and the listening device, is worse than shocking, Madam Speaker. And what the hon. Gentleman needs to know, is that yes this was in the Panorama three years ago, but then there were a number of different versions of reasons and excuses provided, in respect to what appeared in the Panorama, with no consistency, and that they had to be re-investigated.

That is why I have asked Commissioner Owain Richards, as he has said in Viewpoint, to look into them. And I have done so Madam Speaker, without using the statutory power I have under Section 15 of the Police Act. Which I have only had to use once.

Because I have confidence that I do not need to use Section 15 to obtain clarity from Commissioner Richards. Although of course the power is there, as is the power to convene an Inquiry in respect of that matter. Because how can it not be serious, that there is an allegation, which is not disproven, and indeed the many mouthed excuses we have been given, in respect to what appeared in the Panorama, do not disprove it.

That counsel and their lawyers have had their confidential discussions, eavesdropped on, in breach of constitutional rights, in breach of European Convention rights. It should make everyone who sees themselves as a defender of rights and freedoms in Gibraltar tremble in their boots. And I know that the Hon. Leader of the Opposition tries, as usual, and this is the problem he has, to straddle both horses.

By keeping himself open, the possibility of saying, well I never said that that was not an issue, I am not the investigator, let somebody investigate it. But on the pinhole camera it said it was a Panorama, it is resolved. Well, look Madam Speaker, I do not think people will want such a defender of their fundamental human rights, ever being the person sitting at Number 6 Convent Place.

Somebody who does not bother to see these issues through on the fundamentals. I want my children to see the police like I saw the police, past tense, and how I see the police, current tense, except for a short intervening period when I did not see the police in this way. Which is, as the defenders of our rights, the protectors of our freedoms.

But for a short period, what the Hon. Father of the House has told us today is that in fact, some people in the police were responsible for breaches of human rights. And indeed, if individuals were convicted of things, as a result of the fruit of the poisoned tree, that would be the eavesdropping that had been done illegally, then there must be redress. If there are people in the HM Prison today, if there were people at some stage in HM Prison, somebody has paid a fine, been subject to a penalty, or further investigation, as a result of that pinhole camera or whatever it was, or a derivative of that pinhole camera, we need to know, and that person needs to have redress.

There can be no excuse for this, Madam Speaker. Because we cannot condone the opposite. Until the hon. Gentleman got up, I thought no Member of the House would ever condone the opposite.

I think he has left the door open, not to condone the opposite, but on the pinhole camera, I think he went a little further by saying it has been investigated, it was in Panorama, you should have read about it five years ago. And yes, Madam Speaker, the Commissioner of Police is reviewing it. Because I have asked him to.

And there is the contradiction into which the Hon. Leader of the Opposition fell. Because he said, this was years ago, why did not you ask for it to be reviewed then? When you read about it in Panorama, why did not you ask for anything then?

And later says, up at our *Viewpoint*, we are told that it is being reviewed. That is the contradiction into which he fell. But all of these issues, Madam Speaker, have to be seen through the filter of what the community was being told at the time.

Because the whistleblower statements were coming out after, but in the context of, the many allegations of bullying in the police that we saw. And I sat in this House, before the last Election, being told that there were issues of morale in the police because there was bullying the police. Except then, when you get the whistleblower statements, you see that the issues of morale in the police related to the bullying of rank-and-file officers.

Not because of resources, of course it could not be about resources. Because we give 70% more resources to the police in cash terms. But because of the bullying that is reflected in the statements that the Hon. Leader of the Opposition has provided for.

And bullying, Madam Speaker, not just of rank-and-file officers, but also of office holders in the police federation. Which they have talked about publicly. And which is also in the statements.

But perhaps this should not be surprising. Because Madam Speaker, one of the first things that we did when we were Elected in 2011, as we fulfilled all our manifesto commitments, 99.7% before Brexit and COVID, was to create the police federation. Because it had been in our 2011 manifesto that we were going to create the police federation.

We created it by statute in this House. No problem with the Commissioner who was Commissioner when I was Elected. No problem with the Commissioner who became Commissioner after I was Elected.

And when we passed this law, and when the Union, in effect, of police officers, the Trade Union of police officers, became the federation. We were committed to do that too. Make it like the federations in the UK.

Until Mr McGrail became Commissioner of Police. And one of the first things that he does, I have to confess I found this remarkable, was write to the Governor, to the Governor, to ask the Governor to undo the statute that had created the GPF. Because it was very difficult for him to operate in that way.

And he wrote to the Governor because the Governor had responsibility for the police. Undoing the will of the people. So, I am not surprised that afterwards, when he did not get his way, because of course I said we are not going to repeal the Act that we introduced.

To give proper representation to police officers. So, they can defend themselves internally. So, they have rights at work too.

And when we did that, what he did was to have a very confrontational relationship with the GPF. Which played out in the media and all over the place. This is when we changed our law to be like the UK law.

When we changed our law to be like the UK law, the Inquiries Act, the Hon. Leader of the Opposition asked for a meeting with the Governor. Allegedly not to ask him to withhold consent, he said yesterday. When we change our law to be in keeping with UK law, irrespective of the representation of police officers at work.

The Commissioner goes to the Governor to ask him not to do that. This is a remarkable approach to decolonisation and democracy. It is not what I subscribe to.

I mean if they passed a law that I do not like, I would not ask to have tea with the Governor the day after. I might ask to have an interview with The Chronicle or an interview with GBC. But I would leave the Governor where he is.

Because the Governor has to be where the King is when it comes to legislation and assent. Not anywhere else. And anybody who suggests otherwise might as well wear a cap that says 'colony' on it.

It is a remarkable Gibraltar, Madam Speaker, in which Governors do not try and overstep their mark. But Gibraltarians try and bring issues to them which are outside their new constitutional

competence. And that is a good thing too, Madam Speaker, because it makes for an excellent relationship between Government and the Convent.

And indeed, London. I hope there is not any morsel slipping through your fingers there. Madam Speaker, in all of that context, the things that the Father of the House was telling us are coming full circle.

it is not just the Inquiry that is completed, but out of respect to the enquiry, some things have had to wait to the end of the Inquiry because the Inquiry Chairman said they were not relevant to the enquiry. that is the proper course. If we had raised these issues whilst the Inquiry was on course, the accusation we would have had with equal vehemence from the other side was that we were trying to poison the will of the enquiry.

Well, those things are now resolved. But these things also have to be before the community. Because the Principal Auditor has said there is spending in relation to the whistleblowers.

So, are the public entitled to know what that spending was? when people have moved to other departments, and they are paid different things because the grades change. Well, Madam Speaker, why is it that they are always very keen to have transparency, but on this, they do not want transparency.

They want to know every contract before it is signed. They want to know about heads of terms when we are negotiating them, not just when the ink is dry on the paper. But on this, they do not want to hear a word until a judge has said that the whistleblower has told the truth or not told the truth.

it is a bit selective, no? A bit selective. It does really justify the view that we take that all they are trying to do is to put together as much as they can against the Government to use for their political purposes.

And somebody might say, no poop Sherlock, they are in Opposition. That is of course what they want to do. Well, fair enough, but that is politics.

And this is more than just politics. So, what is the full jigsaw puzzle? Look at what we have been told today in our newspaper of record.

The path to vindication.

Dear Sir, I believe this letter may be of public interest. My husband is a former police officer of the Royal Gibraltar Police.

At the rank of Inspector, and with just over five years of service remaining, he was compelled to resign on the 31st of January 2025. For a period exceeding two years, true to his word and guided by an unwavering sense of strong principles, he has demonstrated remarkable courage in pursuing, without hesitation and with all those concerned, everything necessary and possible in the quest for his justice. Inevitably, his determination has carried significant personal, professional, financial and reputational consequences.

More concerning is the toll that it has taken on his already fragile health. As a family, together with others who have stood by him, we never doubted that he was entirely right in what he did, what he sought to do and what he intended to achieve. Yet out of deep concern for his well-being, we have repeatedly urged him to let go, knowing all along that he would not be swayed.

He persisted, steadfast and relentless throughout, driven by a resolve possessed only by those rare individuals who defend their principles and stand against injustice, no matter what and to what extent. In his case, having to give up his vocation, following an extraordinarily successful 16-year career and with an impeccable record. Nonetheless, the good news is that the principal argument he has consistently advocated and defending throughout this period, one of the reasons for his departure, has now been vindicated.

He had the courage to say, enough is enough, the courage to stand up to the abuse of power and double standards, and the courage to ensure that his rights were upheld on equal terms, without distinction of position, status or any other factor. As this ordeal draws to a close, upon reflection we must admit that we now feel an overwhelming and profound sense of pride. I wish to publicly express my sincere gratitude to Commissioner Owain Richards for his prompt action, strong leadership, competence and understanding.

He considered the matter without hesitation and took the necessary steps to address the issue appropriately. Thank you, Commissioner. Perhaps your approach and actions may have provided and may continue to provide a valuable learning opportunity for others, including certain senior officers who have retired and a few others who are still serving yours faithfully.

That is one of the most poignant, most moving things that I have read in our newspaper on record for a long time. I know that there are families of others who have had a very difficult time to go through at the hands of the former senior management team. I applaud all of their strength.

Members of the House may have seen on social media the video of another individual going through serious health issues and having a fit, explaining that that goes back also to his treatment. So, when I hear the Leader of the Opposition talk about abuse of power and dealing people on equal terms without distinction of position, status or any other factor, I ask him to reflect that this might be about more than just politics. Because this is about a person whose family Member has been compelled to write to today's Gibraltar Chronicle and say that he, one of the people who stood up to the former senior management team, had the courage to say enough is enough.

Had the courage to stand up to the abuse of power. In the context of this letter, it is for the first time in this House that we are not hearing that threat alleged against the Government. we are hearing that that was the position of the senior management team of the Royal Gibraltar Police, that they had double standards.

That they were the ones not dealing with people on equal terms without distinction of position, status or any other factor. Does not that make the Leader of the Opposition want to think again and say, look Fabian, I am going to continue to attack you mercilessly on the findings of the Inquiry Report against you, but you are right on this, we must be together as a Parliament. And keep attacking me.

I said in my New Year's address, Madam Speaker, bring it on, attack me, leave the institutions out of it. we are not the ones attacking the institution of the Royal Gibraltar Police. We are defending the institution of the Royal Gibraltar Police.

We say it now has the credibility it needed and the competence it needed and the confidence it needed. Or are they attacking the principal institution of Gibraltar by attacking the Government? Of course they are not, they are doing their politics.

We are not attacking the RGP by saying there were problems in the RGP. This lady who has written in the Chronicle, she is not writing politics. This means more than anything he and I have ever said here.

Read it carefully, Madam Speaker, because the things it says make for much more uncomfortable reading for this community than anything that there might be in the Inquiry Report. So, when the hon. Gentleman talks about abuse of power and the power of the Government and how we use it, I will come to those issues. But this, this is the clearest assertion of abuse in the RGP from a third party, I do not know this person, I have never met her, that we have heard.

And if they do not reflect on the things that they have said today after this very poignant statement by an unpolitical individual, then they are the ones who do not deserve to be in this House, Madam Speaker. And it is not the last time I am going to refer to the newspaper record, Madam Speaker, because a lot of these things are not just playing out in the enquiry. I mean, the hon. Gentleman now just wants to talk about the Inquiry and what was before the enquiry.

But there has been media around the enquiry, media and social media about the enquiry, comments about the things in the enquiry. Is it that the Government somehow is not allowed to reply to things that have been said about the Government or in relation to these matters in the media and in social media, unless I was cross-examined about it in the inquiry? Of course not, Madam Speaker.

In this place, we talk about all the things that matter in our community. And the question of the whistleblowers has been in the media throughout, not just in the Inquiry in the way that he read out. It was in the leaders' debate, as he reminded us yesterday.

But it was in the leaders' debate because he wanted to talk about it. Why did he want to talk about the whistleblowers in the leaders' debate in October 2023? Why, Madam Speaker?

Because it was a relevant political issue. Why was it a relevant political issue in August and October 2023? Because Mr McGrail, through his lawyers, made a complaint to his best friend. I am not saying that. that is what they said on the record in the enquiry, that the whistleblower

statements were somehow being procured improperly. Well, Madam Speaker, that has been investigated three times, as the hon. Gentleman has said.

Bless you. Then it was reviewed again after the reference in the Principal Auditors Report with nothing new to be said. So, something has been investigated that number of times, and you are exonerated every time.

You do have to ask yourself, were these allegations proper? Or is it only the whistleblowers' allegations that should not be referred to in public until they are determined to have been proper and found by a judge to have been proper? But the allegations against me in relation to the whistleblowers and how their statements were allegedly procured when they were not, that we can talk about all the time.

I have less rights than Ian McGrail. Ian McGrail can say, Fabian Picardo has procured these and this is a perversion of the course of justice. And that is fine.

That is not a breach of anyone's rights. And then that can be thrown in my face in a leaders' debate. 24 hours, no, not 24 hours, 12 hours before polls open. And that is absolutely fine.

Hon. Dr K Azopardi (Leader of the Opposition): On a Point of Order, I was not aware of the investigation on the letters of assurance or whatever at the leaders' debate. I may have raised the letters of assurance, but I think the RGP issued a press release about the outcome of the investigation months after the General Election.

Hon. F R Picardo (Chief Minister): Well, Madam Speaker, another reason why he cannot be at Number 6 Convent Place is he does not know what is going on in Gibraltar. Because Madam Speaker, everyone was aware in Gibraltar that somebody who is very close to me at Number 6 Convent Place, was arrested by the RGP in order to question them about the issue of the whistleblowers. So just put this in the context and in the timeline, Madam Speaker.

In the run-up to the 2023 General Election, Mr McGrail makes a complaint to the man who describes himself later in evidence in the Inquiry as his best friend about the fact that these whistleblowers who might be giving evidence against him must surely have their evidence procured in order to give it. A person who is very close to me, at Number 6 Convent Place, is arrested by the Royal Gibraltar Police, and the comment is all about whether this is an illegal enterprise from Number 6, whether there is misconduct in public office, and this is everywhere. And the Hon. Leader of the Opposition raises it in the leaders' debate.

Why? Of course this was a live political issue. And what was happening, Madam Speaker?

The statements that we've referred to today in the statement by the Hon. Leader of the Opposition and the investigation into this alleged procurement, of which we have been cleared three or four times now, were being used like Hansel and Gretel's sweets, laying a trail to my office in an attempt to create the notion in people's minds in the run-up to the General Election that somehow the Chief Minister had acted in misconduct in public office. When in fact nothing of the sort was the case.

My senior colleague was arrested only to be completely exonerated, Madam Speaker. The whole of the process of these witness statements being provided, we have been exonerated of on three separate occasions. But Madam Speaker, of course we agree that the police should not be used by the politicians.

But here, the police itself were up to something else. I have to say, Madam Speaker, and I am not saying that hon. Members were complicit in this. I am not saying that.

But they might have become the unintended beneficiaries of it, that arresting one of my senior advisors less than 90 days before a General Election is using the law to play political games. It is as close as Gibraltar has ever come to a bloodless coup, despite subsequently three or four consecutive complete exonerations. And all because we passed a law to protect police officers in the police from senior management by creating the Federation.

And all because we passed a law which included police officers in the protection they could get if they whistle blew. Something, Madam Speaker, that I think was a very good thing and I stand

by. And this was the typical tactic that when you see that things are going against you and lots of people are now finally saying what happened and telling the truth, attack is the best form of defence.

Lawfare has arrived in Gibraltar, Madam Speaker, and it is alive and kicking. Just like the dirty war in Spain on the left, it is alive and kicking here. Look, in Spain, Madam Speaker, politicians of the extreme left have had to leave their seats in Parliament because of allegations made against them. Remarkable allegations made against them. Only to see those allegations disproven three years later. But by then you have left Parliament.

The political moment has moved on. that is what was happening here, Madam Speaker. And who were the instruments of this lawfare in Gibraltar, Madam Speaker?

The lawyers of Mr McGrail and of the RGP. The Wagner Group, Madam Speaker. Transparency International issues statements defending whistleblowers and how important they are in the infrastructure of anti-corruption.

Unless they are in Gibraltar, Madam Speaker. Because one of the friends of the people who write in Transparency International is Mr Wagner. Who represents Mr McGrail and is leading these allegations to try and suppress the statements of the whistleblowers.

Because they do his clients harm. They do his narrative harm. Saying that they have somehow been procured by us.

And the whistleblowers all, come forward, Madam Speaker. They cause us an administrative headache. Yesterday, yesterday, or the day before, yesterday I think, on Twitter, Mr Wagner was calling for the UK Government to step in in Gibraltar.

Because we are not to be trusted to implement the recommendations set out in the Inquiry report. The Hon. Mrs Ladislaus has already set out that some of these are recommendations that the RGP makes should be made of itself. And which they are already implementing.

There are five that relate to the Government. I have already said that we are going to do them in 100 days. Even if I had not, even if I said that we had completely discarded the Inquiry recommendations.

Which of course we are free to do. We can say that these are not binding, we do not agree with the Chairman, and we discard them. We do not do that.

We say that we accept them and we are going to implement them. And a man who has been paid by the taxpayer, in the United Kingdom, says undo the Gibraltar constitution and all the protections, and UK Government step in and do it. I mean, he gives an interview to the hugely respected Joshua Rosenberg.

And said that he thought Mr McGrail was very brave, having stood up to the Government in Gibraltar. Well except, as we have seen in today's Gibraltar Chronicle, actually the abuses of power might not have been by the Government. Actually, the bravery may be in those whose statements are being sought to be suppressed.

And I am not saying that that is what happened in the Inquiry. The Inquiry had a very defined remit. And the whistleblowing statements perhaps, except for those three, go to a wider remit.

A wider jigsaw puzzle. So, we entirely respect Mr. Justice Openshaw's view in respect of which of the whistleblower statements were relevant or not. It was a matter for him.

But that does not mean that they are not relevant to our conversation as a community, Madam Speaker. And they are not relevant to whether or not Mr. McGrail is the brave man who stood up to the Government. Or the coward who is scurried, seeking the advice and protection of human rights lawyers when in fact what might be shown is that he was the person who, in many of these witness statements, has been seen to be breaching those very rights.

I have never sought to use my parliamentary privilege, Madam Speaker, to say things in this House that somehow are not substantiated. We have sworn witness statements to this effect. We do not have tittle-tattle.

They come here and accuse us of all sorts of things because they have heard in the street that. We have sworn witness statements. And then, Madam Speaker, the rest of the lawfare relating to this set of witness statements.

Mr. Gomez, who, look, I fully respect that Mr Gomez, as a lawyer representing Mr McGrail, must do his best for his client. Of course, absolutely right. But stray into politics?

I mean, it is very clear to me that ever since we took the position that we took on equality and abortion, Mr Gomez, who had until then been a staunch supporter of the Government and who had represented us and had taken taxpayers' money to represent us, suddenly did not want anything to do with us and wants to do everything he can to undo us. So be it. But this is lawfare, Madam Speaker.

Writing to Governors, asking them to take positions in relation to Chief Ministers. What is this? This is not a place where those things happen or need to happen anymore under our Constitution.

People seem to think it is still 1969. And then, Madam Speaker, Mr Vasquez's position, also today in the Gibraltar Chronicle, on whether I should have my fees paid for or not. Well, look, Madam Speaker, I respect Mr Vasquez because he said he's left the law, he's a journalist, and he's writing and all the rest of it.

Okay, no problem. I might do the same thing, Madam Speaker, at some stage. Because I have a lot to say from a different perspective.

But let us say that public officials should not follow instructions if they are given them to make payments because they might be personally liable. Reads like a threat to me. Another threat, Madam Speaker.

I mean, we must be the worst abusers of power in history, Madam Speaker, because nobody thinks anything of writing to the Chronicle to say that we are wrong. Or putting on Facebook what terrible people we are. And we are not very good abusers of power.

We do not seem to scare anyone. Good! Because we do not want to scare anyone, Madam Speaker.

We do not want to scare anyone. And then, Madam Speaker, the other conflict, his new best friend. Again, Mr Cruz, who represented the RGP, who writes in the Chronicle in support of him and against me, calling for the RGP, his clients, former clients, to investigate me, Madam Speaker. And that despite coming to my office with tears in his eyes, asking me to help him in relation to enterprise. And then, of course, getting very disappointed because we did not choose him as a candidate for the General Election. And then deciding he needs to go once again and try and find a new home for his candidature.

We have conflicts? One of the things that the Father of the House has talked about is one of the most difficult episodes that I have had to live through. Which was the revelation that some Members of my Close Protection Team had been asked to provide intelligence to the senior management of the Royal Gibraltar Police of what I was doing.

This is before Mr McGrail and I fell out. This is before any of those issues. And not for my protection.

My calendar, Madam Speaker, is open to all Ministers, so all Ministers see my calendar. I make no secret of what I do or who I see, Madam Speaker, even on a Sunday in my house. Because if anybody knows who I met on Sunday in my house, it is because I told them.

My Close Protection Team are some of the people who are the closest to me. For 15 years, Madam Speaker, I have been accompanied wherever I have gone by one or two individuals from the Royal Gibraltar Police. They become more than just, obviously, Close Protection Officers.

We become friends, Madam Speaker. I fully and completely trust the men, for they have all been men, who are my Close Protection Officers. But look at what the RGP tried to do.

These men who are, depending on where I was on age, when I was first Elected, they were all older than me, Madam Speaker. Now, they are all younger. They have become my children's grandfathers.

Now, more like my children's uncles. they are a part of our family, Madam Speaker, in many respects. And they were being asked to breach my rights, and indeed the rights of many others, and provide information on what I was doing.

I had to go and see the Governor about this. Not because I should be wearing a cap ‘colonial’, but because the Governor's responsibility for internal security in the police. And I said to His

Excellency then, this information has come to me. I want you to take it up immediately with the Commissioner of the RGP. In 24 hours, I will be making a decision whether to cease to use the RGP for the Chief Minister's personal security. And I will use private security instead.

I was not going to do that without issuing a public statement, if I had to. The matter was resolved. And the matter was resolved, not least because, despite those failures which led to that in the senior management team, I completely and entirely trusted and trust the people who make up my close protection detail.

But that was happening in this Gibraltar. Is that my abuse of power? Is that us abusing our power? Does the hon. Gentleman want to reflect on that for a moment? Because he has accused us of abuse of power, as he usually does. the hon. Member's problem is he cries wolf so often, Madam Speaker, that people might not actually be listening much.

I mean, he has been saying that we are abusing power. From the moment that he stopped being my staunch supporter and somebody I would instruct, and he sent me the message saying, given there is a chance, and I could once again have the opportunity of fulfilling my ambition, and there is a vacancy, I am going to try and become leader of the GSD. And then everything changes.

From that moment, we are abusers of power. The moment before, we are good for £400,000 if I had made him Solicitor General. And happy to support you and work with you.

Reflect on that. And reflect on the things that have been said now. Actually, a Principal Auditor might now say, okay, now I understand.

And yes, we are not the investigators. We do not pretend to be the investigators. Sir Joe Bossano has not come here as Father of the House to say, the whistleblowers have said this, and I have investigated it, and yes and no and right and wrong.

He said, the whistleblowers have come to me, and this is what they have told us. Somebody, we agree with them, the investigators have to do something about it. Tell us whether it is true, tell us whether it is not true.

What we should not accept is that we are told something is true, but it is probably easier to just move on. Because these things are too serious, Madam Speaker. And indeed, some of these whistleblowers, Madam Speaker, many of whom were police officers with great vocation, may even want to consider going back to the RGP now, that it is led in what I will say, so that it remains on the record of Hansard, is an exemplary manner now.

But the fact that we've had to bring, Madam Speaker, a Commissioner from outside of Gibraltar, something that successive Chief Ministers would have resisted, is an indictment of itself on the former leadership of the RGP. So, when the hon. Gentleman starts his address by saying that all we have done today is create a smokescreen, what he fails to consider is what he would have said if we had done this during the course of the enquiry. They would immediately have said, you are trying to derail the enquiry.

You could have taken action before, he said. Well, we have referred matters to the RGP before. Indeed, the statement I talked about, that I took with the Governor, was referred to the RGP and was investigated.

I do not know that I can say that I am confident about the outcome of that, because the investigation was not shared with me, only the outcome was. And perhaps it needs to be looked at again. But hon. Members think that anything which is not embarrassing of the Government is a smokescreen.

And the only thing that is worth talking about in this place are things which are embarrassing of the Government. It is a matter for them. And then he says that we have separation of powers and that here we should only use absolute privilege sparingly.

Absolutely, Madam Speaker. When have we ever used it before? And are we using it today?

We are simply saying what the whistleblower has talked about. Because the prosecutors are the only, the prosecution is only lying if prosecuting authorities consider that is the case. Exactly.

And if prosecuting authorities have investigated things three times and said that there is no reason to prosecute them, how can people still get away with saying that the whistleblower statements have been procured? Because that has been looked at and the answer has been that

they were not. And then the remarkable thing that the Hon. Leader of the Opposition said was that we should only be here to debate issues of interest.

Does he really think that these matters are not of interest in our community? That the only thing that is of interest in our community are the things that the Inquiry has said about me, Madam Speaker? Seriously?

And he says that there was evidence given in the court in 2005 about the issue of the pinhole camera. 2025 in the issue of the pinhole camera. Yes, that might have been.

But is he telling us that the court made a full determination of whether or not there was a pinhole camera? Nobody knows that Madam Speaker. We do not know the context of what that case dealt with.

When I asked this question, Madam Speaker, I was not told by the Commissioner that the matter was resolved in the case in 2025. It may not have been resolved, Madam Speaker. The court may not have been able to resolve it in that case.

Or it may not have been relevant in that case. We have nothing to say about it here. This is just a matter for the court.

Seriously, this is not a place where people can bring issues which are of general public importance to raise awareness of them and to perhaps prompt investigation of things. Because I would never seek to stand in their way of it. And then he once again made the accusation that we are only here to help the right people.

You know, this reference constantly to James Levy, which he made from a sedentary position, etc, etc. Nonsense, Madam Speaker. the Hon. Father of the House will correct me if I am wrong, but James Levy has not given a witness statement as a whistleblower as far as I understand it.

These are the little guy, Madam Speaker. These are the people that need the protection. But who are they helping by saying that these matters are not of interest?

Who are they helping by saying that this is just a smoke screen? Not the whistleblowers, not the little guy, not the officers of the Royal Gibraltar Police. Who are they seeking to help, Madam Speaker?

Some things are shocking and they deserve investigation, he said. Good, at least we can agree on something. And if he says that they can see through the timing, he is wrong to think that we could have done this at any other time.

Now, is it true that we have conflicts left, right and centre? Well, look, Madam Speaker, in a community the size of Gibraltar, what he is saying is that we know a lot of people. I do not know why he says there are two Ministers who have conflicts, like me, because there are three of us on this side of the House who are partners of Hassans on sabbatical.

Ah, he is talking about the previous Cabinet, because the Inquiry was talking about the previous Cabinet. I see, right, right. But look at me, there were a lot of people, you have a lot of conflicts.

But the question is how you resolve those conflicts. How do they resolve their conflicts? I mean, is it their position that they are never going to instruct TSN, if they become the Government?

Is it their position, or should we, if I judge them by the same standard that they purport to judge us, should I say that everything that is said by the GFSB is in effect being said by them, because the chair of the GFSB practises in their same chambers? I do not say that. I do not believe it, Madam Speaker.

But that would be a conflict of interest judged in the way that they assess conflicts of interest. Or do we now have to pretend that we are not all perhaps friends in Gibraltar in some way, and that you end up instructing people who you may know. And if we are friends, do we not appear before our friends if our friends are in the judicial capacity, Madam Speaker?

As long as they are not determining matters that relate to us, but we are representing people. Is that what he's saying? Or are the conflicts only ours?

So, there is no question of my having created a ruse here in respect of the conflicts I struggle with, because I have not told the Father of the House what to do or to do this. And it is not a newfound responsibility that he has for protected disclosures. He has had it since 2022 or 23, at least, even though it is not in his title.

But he does that, like he does other things. It does not have to be in your title, Madam Speaker. And if I have my picture taken with everybody who is in the new steering group on the RGP, it is because I am happy to sit round a table with the new leadership of the RGP.

And because the things I am saying are not about the RGP, although he would rather, they were, so that he could try and persuade everyone in the RGP not to vote GSLP Liberals. By the way, it is GSLP Liberals, he keeps saying GSLP, it is no longer 1996, it is GSLP Liberals. I am saying it about the previous senior management team of the RGP, Madam Speaker.

But anyway, what he has said, and he told us yesterday, is that he is not prepared to sit with the Governor and with the Chairman of the GPA, who happens to be the founder of his party, with the Attorney General, with the DPP, with the Commissioner of Police, and with me, to look at future governance of the police. Well, Madam Speaker, you know what, once you have invited him, once you have tried, if he does not want to, good riddance, Madam Speaker. But then he should not complain, when he has not had input into the fruit of that work, because he has been invited to be consulted on the fruit of that work.

And yes, the stuff that is in this witness statement are not just about Mr. McGrail, we are not saying that one person acted alone. we are saying this affected a lot of the senior management team. But Madam Speaker, again, I refer him to the letter in today's newspaper, he might like to read again and again the final sentence.

Madam Speaker, I said I did not know the person who wrote this letter. Neither did I know it was going to be in the Gibraltar Chronicle, today or at any time. This has been a complete surprise to me.

In fact, I am lucky, I usually read the Chronicle at 6.30 in the morning, today, for my sins and for my weight, I went out for a run, I did not have a chance to read it, I am lucky I picked it up in the office before I came to the House. So, we are not using any of this as a tool for vendetta, Madam Speaker. As I said to the interviewer in Gibraltar today, I mean, if you plan revenge, dig two graves, the revenge is tragedy, Madam Speaker.

Vendettas are for the hills of Corsica, not for Gibraltar. This is us doing what we have to do, and I am concerned, Madam Speaker, that they think that there is something wrong in what we are doing. Because that means if they were the Government, they would not be doing this, they would not be defending the people who have made these disclosures.

And this has nothing to do with the verdict of the Inquiry. Far from it, Madam Speaker. that is a separate argument that we are dealing with separately.

And it is certainly not a breach of Standing Orders, because if it were, Madam Speaker, you would have had something to say about it. the hon. Gentleman is not the guardian of Standing Orders, you are, Madam Speaker. But then the remarkable thing is he says, but these things happened years ago, why are we looking at them?

In the same breath as he says, the findings about you six years ago are fundamental and you have to go. You could not make that up, Madam Speaker, it is so contradictory. He should be half painted in black and half painted in white.

The best way of using power is not to abuse it. I could not agree more. That is why people have returned us to power on four separate occasions.

Because when I have been entrusted with it, I have never abused it. The Gibraltar of the GSLP Liberals is a Gibraltar where everyone is safe. Not least our opponents.

If I have one internal criticism in the GSLP, Madam Speaker, is that I look after our opponents as much as I look after our own people and everybody else. I see no distinction in people when they come to see me. Look how I treated Mr Cruz when he came to pray in aid, my support with tears in his eyes. I would not come here in any way if a judge got something wrong in a ruling. I would appeal? that is what the rule of law provides for, Madam Speaker.

that is the rule of law that we defend. Not the rule of law that puts individuals, simply because they are Ministers in a Government, in a worse position than anybody else, that we cannot appeal a finding and we have less rights. So, the people who are trashing the Constitution are those who

suggest that that is the case, that we cannot appeal findings, and we are subject to findings at first instance.

And hon. Members then will have been perhaps amused by the reference to the Hon. Deputy Chief Minister as Clark Kent. But in making that allusion, Madam Speaker, I ask the Hon. Leader of the Opposition to remind himself of what it was that Clark Kent wore under his shirt. Because it might start to explain to the hon. Member why it is that somebody who he tries to deprecate by referring to him as Clark Kent has won every Election that he has stood for since 1999 and has been my partner with our colleagues in Government in winning four successive General Elections, three or four of them against him.

Over and over again. Because this is no kangaroo court, Madam Speaker. This is a place where we talk about the things that really do matter to our people.

And when the Home Secretary in the United Kingdom stands up in the House of Commons and says, I have lost confidence in the West Midlands Commissioner of Police. When the Mayor of London stands up in the Mayoralty in London and says, I have lost confidence in the former Commissioner of Police, Miss Cressida Dick. Nobody says, this is a kangaroo court because the Chief Constable of West Midlands Police cannot come here to defend himself.

Miss Cressida Dick cannot come here to defend themselves. Of course not. Why does he say it here?

Are we somehow, I do not want to fall into the trap of quoting Orwell, less equal than others? Madam Speaker? But anyway, it was Orwell that said that not Obama, Madam Speaker.

Because we are not here because we need to survive in any respect. We are more than just surviving, Madam Speaker. We are thriving. I am coming to the end of my time as Chief Minister, seeking to achieve the things I have left to achieve as Chief Minister, as the warrior that I am. Good luck if anybody thinks that anyone on this side is gutless or spineless or a coward.

We have the guts of warriors. We have spines made of rock and the cowards are those sitting opposite us who do not defend the little guy, who do not defend the rank-and-file police officers who have made the witness statements and would scurry to avoid the argument. Those are the cowards, Madam Speaker, in this place.

So, Madam Speaker, far from a smoke screen, what is happening here and what they do not like is that the fog is starting to lift. And as the fog lifts and the heat of the sun enables everyone to see what is really happening, hon. Members might be left to wonder whether in fact we were not right about the direction of our moral compasses and they might have been wrong, with their false north pointing towards votes and our north always being clear, magnetic and the one that is the right one to pursue. We are not pursuing any private interests here.

I have no private political interests left, Madam Speaker. I am the only person in this House who has said they do not want to stand for Election again. I am not fighting for votes. They are, Madam Speaker.

But if one of them were Chief Minister and they did not take the attitude that I have taken and that the Father of the House has taken, this place would be a much poorer place. He says that we are small, not big, Madam Speaker.

I can only refer to him that actually I have worked out long ago, perhaps he has not, that size does not really matter. And that in the 15 years that I have held the Office of Chief Minister, I have used and understood that I have, in this community and in the context only of this community, a giant's strength. But I have always used it lightly.

But if I have to use it to protect people who are not giants, then I will. Because that is why I have been entrusted with the power for the protection of the weak, not for the defence of the strong and the rich, as we have seen the Hon. Leader of the Opposition do today. And if they come to this place, not to represent the little guy, even when they are in Opposition, they need to ask themselves, why bother coming to this place?

He said, if all the Members of the Government come to this place to govern for themselves, they do not deserve to govern. I am reminded of what one of the other Members of the Opposition

said yesterday, that if you preface something with an if, it does not really mean what you then go on to say. I think even he understood that we have never come here to govern for ourselves.

We come here to govern for our people. We use our power to protect our people. We would never use our power to do anything other than represent the whole of our community.

On four successive occasions, the community has agreed with us, even when there was an attempt to use the law to derail us before the last General Election. Thank goodness that with the spines of rock and the guts of warriors, we were able to see even then love once and we will again. Madam Speaker, I commend the motion in the name of the Father of the House to the House, and I move that the House should now recess until 3.00 p.m. to continue the debate.

Madam Speaker: We will recess until 3 p.m.

The House recessed at 1.24 p.m.

PROCEEDINGS OF THE

GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.01 p.m. – 10.46 p.m.

Gibraltar, Wednesday, 21st January 2026

Contents

Order of the Day 2

GOVERNMENT MOTIONS 2

Madam Speaker: Would any other hon. Member wish to speak? The Hon. Mr Bossino. 2

BILLS 13

FIRST AND SECOND READING 13

The Supplementary Appropriation (2023/2024) Bill 2025 – First Reading Approved 13

The Supplementary Appropriation (2023/2024) Bill 2025 – Second Reading Approved 13

The Supplementary Appropriation (2024/2025) Bill 2025.– First Reading Approved 15

The Supplementary Appropriation (2024/2025) Bill 2025.– Second Reading Approved 15

The Pensions (Amendment) Bill 2026 – First Reading Approved 16

The Pensions (Amendment) Bill 2026 – Second Reading Approved 16

COMMITTEE STAGE AND THIRD READING 18

The Supplementary Appropriation (2023/2024) Bill 2025 – Clauses considered and approved 18

The Supplementary Appropriation (2024/2025) Bill 2025 – Clauses considered and approved 18

The Pensions (Amendment) Bill 2026 – Clauses considered and approved 18

The Supplementary Appropriation (2023/2024) Bill 2025 ; The Supplementary Appropriation (2024/2025) Bill 2025; The Pensions (Amendment) Bill 2026; 19

Third Reading approved; Bills passed 19

PRIVATE MEMBERS MOTION 19

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The House recessed at 5.47 p.m. and resumed its sitting at 6.30 p.m. 35
The House recessed at 9.47 p.m. and resumed its sitting at 9.59 p.m. 72
ADJOURNEMENT 80
The House adjourned Sine Die at 10.46 p.m. 80

The Gibraltar Parliament

The Parliament met at 3.01 p.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: P A Borge McCarthy Esq *in attendance*]

Order of the Day

GOVERNMENT MOTIONS

Madam Speaker: Would any other hon. Member wish to speak? The Hon. Mr Bossino.

Hon. D J Bossino: Madam Speaker, I rise to make a contribution, but I see that the mover of the motion is not here to listen to my lecture.

Madam Speaker: I believe he's on his way up, but I did not want to delay the start of Parliament, so I would... Now is your chance, Mr Bossino.

Hon. D J Bossino: No, no, that is fine, that is fine. it is just that I thought that, in deference to him, it may be unfair if he's not here, but I stand by your direction and instruction.

Madam Speaker: It has just been confirmed to me that he has just arrived. No, please do not sit, for any reason.

Hon. D J Bossino: I am more than happy to do so. I am more than happy to do so.
So, actually, yesterday, when I was given a lift by my...

Madam Speaker: Have we established that the hon. Member is not filibustering, because if we have not, I would rather sit in the pleasure of silence for a minute, and then we can have...

Hon. D J Bossino: And contemplate spiritually all the stuff that we have been hearing over the last 24 hours. But I was given a lift by my hon. Friend, Mr Clinton, yesterday, accompanied by my hon. Friend, Mr Sacarello. And on the airwaves, GBC, we were hearing Boogie Wonderland, from Earth, Wind & Fire, I was told, it is a 1979 single.

it is very rhythmic, and I was already moving and shaking my hips. But I thought, actually, it is very appropriate, given the references that we have had to Alice in Wonderland, and indeed, I think it represents everything that we have heard from the other side of the House in relation to this very serious issue. We have heard the Hon., the mover of the motion, Sir Joe Bossano, saying yesterday that there had been a waste of 8 million taxpayers' money, which is quite remarkable, and he basically pursues that point during the course of his intervention today, when he says, if the whistleblower statements were known, then perhaps the Inquiry would not have happened.

But the reality is that the Inquiry did happen. There was, as we have said now, *ad nauseam* inside of this House and outside of it, a thorough investigation of all the facts and all the evidence. And we have had a report.

Indeed, the Inquiry was commissioned by them. It was commissioned by them. And this is not just one, this is one, rather, of the many contradictory statements that we have had across the floor of the House in relation to this issue.

But in the context of that Inquiry, it was also ruled as irrelevant for the purposes of the Inquiry which the Chairman was commissioned to undertake. The whistleblower statements, as my learned and hon. Friend, the Leader of the Opposition, has taken this House through during the course of his intervention this morning, and he referred to the various excerpts of the Report, the very extensive and lengthy report. And what this is, let us be absolutely clear, what we have heard the Hon. Chief Minister and the Hon. Minister for Inward Investment say today, is nothing other than an attempt at diversion, of pursuing their narrative, which is to obfuscate, to confuse and to introduce issues which are wholly and utterly irrelevant, as far as we are concerned, to the political issue at the moment. The report cannot be described in any other way than a political earthquake, which, as we said in the course of our interventions yesterday, should have had only one result, which is the resignation of the Leader of the House.

This is beyond prevention, and this is absolutely clear, and should have been, and ought to have been, the result of this report's findings. But they continue with their narrative, they continue with the mudding of the waters. And what they seek to do is basically to reopen certain issues.

That is what the Hon. Sir Joe Bossano has done during the course of his intervention. He tried to do it yesterday, but he was very ably and properly and accurately stopped by the Leader of the Opposition, because it was irrelevant to yesterday's Noting Motion. Now what they have done is, they have used the ability that they have, without very much notice, to present the motion that they have done, and they are introducing these irrelevant considerations.

But irrelevant they remain. Irrelevant they remain. And what they are seeking to do is to re-litigate one of the discrete issues, which was determined by the Inquiry Chairman, at a price tag of £8 million of taxpayers' money.

We cannot get away from that. But here we are now, a month or two, and now I have lost track of time, since the Report was delivered in early November to the Government, and since we had the publication on the 23rd of December, now we have the re-introduction of one of the issues. Why?

Once again, they want to muddy the waters, and they want to protect their position, so that they have some political sympathy out there in the streets, which they are not going to have, because people are seeing right through them, just as the Chairman saw right through the evidence of the Hon. Chief Minister. He was not having it. And the people of Gibraltar, and the public out there, are not going to have it. They are seeing right through them.

And, you know, all of this crude attempt at diversion, as I said, it begs the fundamental question. The Hon. Chief Minister, and indeed the Hon. Sir Joe Bossano, do point out what on their face, and I emphasise on their face, look like very serious issues.

Indeed, we share that across the floor of the House. I think there can be consensus in relation to that. we have heard these things for the first time, and they do sound very serious indeed, that there should have been that level of intervention from the hierarchy of the RGP, in respect of police officers that he refers to, some of them who have been police officers for many, many years.

But if they are so serious, why is it, and I do not think that the Chief Minister, with the greatest of respect to him, answered the point fully or effectively or substantively, why is it that they did not take action at the time? Why is it? Why do they raise it today?

They raise it today, we say, because it is convenient for them, in order to pursue their narrative, to raise it today. And during the course of his intervention, the Chief Minister, in his usual way, uses emotional language, pulls those emotional strings, to make people, to sack people in, he refers to the letter in the Chronicle today, and absolutely that was a very serious allegations which were made in that letter, I also do not know the author of the letter, I also do not know the circumstances which gave rise to the production of that letter at all, but yes they are on their face, very serious, but let us not forget, given that we are so battle hardened perhaps, on this side of the House, that we treat everything he says with cynicism, he may genuinely feel the things that he was saying, but actually we almost cannot accept it from him, even when he pulls the emotional strings. Yesterday we heard it again, but we have heard it before outside of this House, when the Hon. Chief Minister talks about, let us not look back, let us not look at the rear view mirror, let us not look back six years, yet here, during the course of the interventions, we are being asked to look at incidents which were from 2015, and I think, I do not think he mentioned it today, but during his intervention yesterday, the Hon. Sir Joe Bossano was talking about an incident I think 20 or 25 years ago, and he confirms that from a sedentary position, so it is okay, it is fine to go back 20 years, to go back 18 years, but it is not okay to go back six years, because that denigrates the Chief Minister. So we very quickly see what is happening here, and it is now not really just a question of the Opposition not being fooled, which we are not, because it is a palpable cynical attempt they are trying to pursue, but actually we say that the people of Gibraltar are not being fooled, and what they are relying on, is as the Deputy Chief Minister said during the course of his intervention yesterday, is simply relying on the mandate that they received two and a bit years ago now.

But why raise these issues now? They are revisiting stuff, a similar criticism, which was in effect levelled against the Chief Minister during the course of the Openshaw Report, when he does the very thorough analysis I referred to, about all the various incidents, whether the incident at sea, the incident at the airport, the recovery of the devices, all of that was brought before him, all of that was analysed by him in a lot of detail, and then basically what he says is, actually we know what the real reasons are, the real reason is Operation Delhi, and the Hon. Chief Minister's attempt to assist, inappropriately, his friend and mentor. In a nutshell, that is what it is about, and what they are seeking to do here is exactly the same tactic. I mean, the hon. Gentlemen and Ladies opposite are simply incorrigible.

They are predictable, but they are incorrigible at the same time, and as I said yesterday, and I keep on saying it again, we are shocked that we are shocked, because it ought to have been predictable that they were going to be doing this, but it was not, because I thought, let us make a reference once again to the moral compass, that as a result of the very severe findings made by this retired judge, that there was only one possible result, political result to that.

But here we are again being treated to this attempt at confusing. And what does this remind us of? I will tell hon. Members what this reminds us of.

This is Principal Auditor Mark Two, with some nuances and some differences of approach. It is Principal Auditor Mark Two. Thankfully, it is not taking that long, and we hope that we will be able to conclude this motion during the course of today, and not spend six, seven weeks debating it.

But this is Principal Auditor Mark Two. The other difference is that the attack, as I said yesterday, is not against the author of the report, it is not against Sir Peter Openshaw. The direct attack is on Ian McGrail, this is what this amounts to.

Sir Joe Bossano says yes. But what other similarity is there in that context? The other similarity is, and quite frankly, quite unfairly, is that Ian McGrail is not here to defend himself. Just as Tony Sacramento was not here to defend his report. One was the author of the report.

On this occasion, he is not the author of the report. He is, by and large, I suppose, the complainant, one could put it in those terms. But he is being attacked.

Why? He's the one who brought this about, although, ultimately, it was their decision to commission this Inquiry. Because they could have adopted a different view.

They could have said, let us not have the Inquiry. But the Hon. Chief Minister and they were so convinced that they were going to be able to win, that they said, OK, let us have the truth, the whole truth and nothing but the truth. It so happens that this is a truth which is an inconvenient truth.

So, what I do is I now invent, well, another truth. Let us call it another truth. Because, you know, the Hon. Sir Joe Bossano made a reference to, I think, thugs.

And I think it was in the context of one of the complaints. I am not sure it was a stolen car. And he made a reference to thugs.

This is a political thuggery in the extreme. The use and abuse of power and of the process and procedures and of this Parliament. This is what this is.

This is not a court of law. We may be presided by a retired judge and many of us may be lawyers, but this is not a court of law. This is a political Chamber, and they are using it in order to make their case in the courts of public opinion because they think they are going to get away with it but they are not. This is political, thuggish behaviour on their part.

The timing, as I said before, this motion simply cannot be ignored. It simply cannot be ignored. The Hon. Chief Minister talked about wrongly interpreting, wrongly quoting what the Hon. Leader of the Opposition said during the course of his own intervention, which is that we are scared of transparency.

That somehow, we tried, as a result of the procedural point that was raised as to relevancy yesterday, we tried to block the production of these statements. Actually, what came out of the Leader of the Opposition earlier was the complete opposite. What he was saying and what we say now, why did not you investigate earlier?

Why do not you investigate? These things need to be pursued and then let us see what happens. But these things quite properly need to be pursued because on the face they are very serious allegations and it is totally and utterly unacceptable that people in positions of power should behave that way.

But that is what the Leader of the Opposition said. Contrary to the characterisation and the representation made by the Hon. Chief Minister as to what he had said, he did not say that. He said the complete opposite.

Go ahead and investigate. We are not scared of transparency. What we are shocked by is that this has been revealed now and nothing has been done about it.

That is the reality of our position. We have heard comments about a bloodless coup. So, we have now had two occasions in the intervention of the Deputy Chief Minister, both in this motion and in relation to the Principal Auditor's Motion, he complains about the use of language.

How about or what value judgement does he arrive at in respect of the word’s bloodless coup, that there was an attempt to execute a bloodless coup in order to prevent them from winning the last Election in October and the Minister for Environment is saying yes. But that is what happened. I mean, this is shocking.

Shocking. Does not that have a reputational effect on this place? Or is it okay if it comes from them?

That Gibraltar is a jurisdiction which is capable, ala Banana Republic, to execute a bloodless coup through chicanery by the RGP and arresting the person who was procuring these statements All of that. I mean, really. Really.

This should be sending shivers, but I am sure they are not, down the Minister for Justice's spine who also has responsibility for Financial Services and we see him, you know, trotting the globe certainly in the UK in order to defend Gibraltar's economy as he puts it. But I will not go into that now. I will not go into that now.

A bloodless coup. He then makes an allusion in that context to the dirty war I make no value judgement as to what is happening in Spain. that is a matter for the Kingdom of Spain and how they do their politics.

A dirty war that he says is being affected on the left in Spain. And I know what he's referring to. This is what caused Pedro Sanchez, the Prime Minister of Spain, last year to announce his, not resignation, but his contemplation, at least, of a resignation for three or four days where he had the entire nation on tenterhooks as to whether he was going to resign or not.

Because there was an attack on him, his Ministers, and indeed his wife judicially and procedurally and prosecutorally. But I make no judgement about that. I may have my views about that.

But he tries to associate himself, with that. With the left in Spain. By saying that, you know, it was a dirty war which was affected on him, presumably, as he coins a phrase, the Wagner Group.

This is nothing other, once again, than victimhood and as I told you in the course of the Principal Auditor's Report debate with characteristics typical of narcissism. When you say, the world is against me. I am the victim.

When we cannot forget that the base underlying cause of all of this, the base underlying cause, reason why we are here today, once again, debating this issue with a particular focus on him but also on the rest of them is because of the way that he behaved insofar as this Inquiry Report is concerned. That is why we are here. That is why we are here.

And that is an indictment on him. He then, I think, refers to us relying on tittle-tattle for goodness sakes. I mean, talk about characterisation which is completely and utterly baseless.

Tittle-tattle. These are reports, serious report findings. That is what was quoted by the Leader of the Opposition very carefully.

Word for word. Not an invention on his part. Not an invention on our part.

It is not our fault that very serious language was used much to the chagrin of the Deputy Chief Minister. It is not us. It is the Inquiry Chairman who says it.

So that is not tittle-tattle. We are relying on findings, not even evidence, on findings. What they are trying to do is rely on now recently produced evidence by employees of the RGP under the guise of protection of a privileged disclosure, protected disclosure under the Employment Act which they introduced.

We are saying is why now and why no investigation in relation to these things. And also, it is very clearly that this is simply a cynical attempt to change the narrative. He says that we do not scare anyone.

I mean for goodness, anybody listening to him spout those words must have been laughing their heads off because it is so serious that one almost wants to cry when one hears these things. But one needs to laugh, as we say very often in Spanish. Because nobody believes that.

That nobody is scared of them. And he represents this image of a benign Government. He could not be further away from the truth.

But as I said yesterday, I am worried that he is believing all these things, of him and of them. We do not scare anyone, he says. And then, you know, as is what they normally do, they have no compunction in making references to people outside of this House.

We had it yesterday, we had it again today. Some of those individuals have had a repeat mention where the Hon. Chief Minister seems to have, once again, no compunction in making references to conversations, whether they are true or not. Quite frankly, I do not care.

But he does it to attack their personalities. He does it to denigrate the individual. He does it to attack their character because that is what they are about. I mean, I am not sure whether you see these things in any other Parliament within the Commonwealth. This level of attack, it is, you know, I would like to think, well, let me say it more confidently, I will say that if we are on that side of the House, we will not do that because instinctively, we are simply not like that as individuals. We will have a different approach but they are like that.

They are like that. And the revelation of what ought to be on any analysis is very clear. Of private conversations, by him, you know, one needs to have.

Now, I tell the public at large, be very careful what you discuss with this gentleman and maybe with some of the others. I do not know. Because you never know when you may find yourself referred to in Parliament or elsewhere.

Be very careful. Keep very careful. Well, and as my hon. Friend the Leader of the Opposition says, and perhaps inaccurately, I do not know, in respect of that individual, we have not spoken to him.

But he does that. we have had a reference to him. We have had a reference with this obsession with James Gaggero.

Yes, well, he laughs, Sir Joe Bossano laughs. He has an utter obsession with the man and once again, it is very unfair.

It is very unfair. They can use the privilege of this House to throw splatter mud on whoever they wish, make allegations. Actually, I will tell you now, they are inaccurate because, you know, and paint a picture of, you know, an establishment which has the power to influence the police. And this is really what this brought all this about. This is a narrative of some individuals and sectors of society, but I dare say, it is a very small sector of society who believes that. You know? But, you know, he is obsessed with James Gaggero.

But the reality is, as I think I have said during the course of the Budget address, there is a new elite in Gibraltar. And it is not represented by James Gaggero. it is represented by the interests that there are, which is interested in ensuring that they remain in Office.

They should have no fear with us. Let me tell you, because we will treat everybody fairly. And we will listen to cases, and we will listen to them.

I have no problem with that. At the end of the day, we are all Gibraltarians. But there is a new elite to this painting of a picture that somehow, this was the old guard in Gibraltar wanting to influence a police investigation because he, I mean, that is quite frankly, that to come to have been referred to with the greatest of respect to the hon. Gentleman who is been in this House for as long as I have been on this planet, to hear him say that is actually very sad and disappointing indeed. But actually, I will give him this. I know why he is doing so because, once again, it is the painting of a narrative.

He talks about in that context, you know, deferential treatment. Deferential treatment that James Gaggero received because he had that meeting. Or that there is deferential treatment towards the higher echelons of the RGP because they have the power.

I do not know. I mean, I ask him this because I have my doubts. Has the Hon. Minister for Inward Investment, actually read the report from cover to cover?

Has he done so? Because it is possible one, that he has not, or two, that he has interpreted the very clear and obvious words in a completely different way. And I know that he is very fond of analysing things, of looking at things as he would say objectively and logically.

This is what has been his message although I say highly partisan when he does come to certain conclusions and certain views of life. That has been his political message throughout. Logicality and analysis and look at the documents, look at everything.

Look at source documents, do not rely on what people tell you. I hope that he has read the report. Because if he has read the report, given that I, you know, I have the, you know, respect certainly for his intellect, certainly for his tenacity, that he would have come to the conclusion, which is the only possible conclusion to arrive at.

That there was, you know, not just severe criticism of the Chief Minister, not just that the severe criticism was focused on him, not just those things, but actually that the basis on which those findings were arrived at, and indeed the basis on which he makes the first recommendation, which is to deal and address the issue of conflict of interest, is because somebody else was, there was an attempt to give preferential treatment to somebody else.

So, you know, for him to then, in that context, to rise and say, you know, hands on heart, that there was deferential treatment to James Gaggero is quite frankly, you know, preposterous. I think there was a reference, saying it and articulating here from this side of the House, you realise how ridiculous it is, the whole point about the findings were born from Operation Delhi. Those are the findings.

Those are the findings as they stand. But going back to the point about making references to other people, the Hon. Chief Minister could not help himself and he attacks, he attacks and uses as if it was the same thing, TSN all the time.

You know, I am told, because we are not aware, but I am told that it was in fact Sir Peter Caruana, his lawyer, during the course of the Inquiry was acting for Blands on the entire question of 36 North and during the Delhi Investigation. It was not us. And I do not say that in a defensive way, I am just saying to set out a neutral historical fact, but of course that does not suit his narrative.

It is not even a question of narrative, actually this is simply an attempt to slur anybody, anybody that crosses his way with his, you know, their scattergun approach and the mad and the manure, apparently that is parliamentary language, it has to be thrown wherever. And if it gets splattered, so be it, because I am saying it from here, I am saying it from a position of power. Now tell me, tell me if that is not an abuse of power, for goodness sakes.

Tell me if he simply does not understand that there are lines to be drawn. He has confirmed in the course of his interventions that he does not see the lines; he does not see the lines. And that is the reality.

So, Madam Speaker, differential treatment indeed. Can I just say this, that we are also, one of the points of contradiction which very clearly came through during the course of the interventions this morning, when one compares that particular intervention to what we heard the Deputy Chief Minister say yesterday, Deputy Chief Minister said that the Inquiry saw everything, because of course, the narrative there was we are a transparent Government, we gave everything to the Inquiry, the Chief Minister talked about his striptease, he said all of those things. And this is a this is a positive, this is a lesson to be learnt. Fast forward, 24 hours later, well actually a few hours later, because he said it yesterday, 8 million pounds, waste of money, and actually, the reason why I feel, Sir Joe Bossano says, the Hon. Sir Joe Bossano says, I feel I need to bring these things to the House and therefore to the public, is because they did not have everything.

So, there is a direct clash between the position of this gentleman here, and this gentleman here, as to what was actually before the Inquiry. And this speaks to in effect, you know, a dog's dinner. They just do not know, this is why I think the Leader of the Opposition has made this point to this morning and outside of this House previously, where you have language of exoneration and mitigation on the one hand, and then on the other hand, this is from the same individual, i.e. the Chief Minister, no, but I am going to be challenging these findings. So, what is it going to be? Then we have the Deputy Chief Minister saying, this is an example of how transparent we are, this is a historical point in time in terms of our political development, fantastic, we need to applaud what they have done, because it is fantastic. And yet we have the Hon. Sir Joe Bossano saying, actually they did not have everything, they did not have everything, and this is a real reason why this whole thing, Palava, happened, and we have had to endure as a society over the last, I was going to say a few months, but actually over the last years.

This has been going on for years, since the first letters before your action were sent and all the rest of it. So, you know, a dog's dinner. And then, I think the Hon. Sir Joe Bossano, the Father of the House, I was going to describe him as the Leader of the House, the Father of the House, he may become the Leader of the House, who knows, following the leadership Election of the GSLP, where he talks about trust being betrayed.

Trust being betrayed. They are the ones who are betraying people's trust. It is them who have caused all of this, which is resulting in a complete breakdown and breach of trust between people and their government.

This is why we think that the only solution is to call a General Election and to call it now. And he may laugh about this, that proposition. And I understand why he laughs.

I detect a nervousness in his laugh. Because he knows, and I am told that he says, that in the next General Election, they are going to lose it. But he talks about trust being betrayed.

It is they who have, you know, shown, not just, I say, in relation to the findings of this report, but they have shown that given the differences, and given the different statements that we are

hearing from the hon. Gentlemen and Ladies opposite during the course of this, that actually, they are governing really very badly. They are in disarray. As I said before, they are a dog's, this is a dog's dinner.

they are incomplete. And then they talk about, you know, not being prepared, ready for Government. Come on! Come on! They are now governing, but they are governing very badly. They are governing very badly. We need a new start. We need a fresh approach. We need to clear the swamp, for goodness sakes. We need to clear the swamp.

So, what this shows, is that they are in utter disarray. And then, you know, they are there, and as the Hon., the Chief Minister said earlier, his usual jibe against the Leader of the Opposition, that he says, lost Elections, and all the rest of it, and that he is seeing, and when he says he, I say we, that we are seeing power, you know, slipping through our fingers, the ability to win power, and secure office slipping through our fingers.

The reality is that it is the little respect which they had before the findings were announced, that respect, that respect, is what is slipping through the fingers of those Members opposite and the sooner they realise this, the sooner they stop playing games, the sooner they stop propagating this ridiculous narrative that what happened in the past is irrelevant, the sooner they accept the objective truth, however uncomfortable it may be for them, the objective truth as set out in the Openshaw Report, and indeed let us not forget, in the Principal Auditor's Report, the sooner they stop playing games and realise this, and call a General Election, the better.

Madam Speaker: Any other hon. Member wish to speak on this Motion? In that case, would the mover like to reply?

Minister for Inward Investment and the Gibraltar Savings Bank (Hon. Sir J J Bossano): I will deal with one of the recent, the last mistakes of the hon. Member. I said the trust that we placed in the RGP, we are meaning the GSD and the GSLP, had been betrayed. That has nothing to do with whatever he thinks was relevant in the trust of the population, in the politicians.

Whether they trust him more than they trust me, I do not know. But what he was quoting from me was the disservice that was done when the GSD and the GSLP, before he was GSD, in 2006, where we both agreed that we would not want the police to be under political control, and that they had to be independent, and that they had to be trusted to do things correctly. And what I was saying that trust that both sides of the House placed, I was in Opposition, and I agreed with the Government, had been betrayed by what has been revealed now.

This is nothing about whether we win the Election or lose the Election or the people trust us or the people trust him. So, he has misquoted me. What I said and what he then derived from what I said is totally irrelevant.

I was talking about the disservice that the people who have behaved so badly in the RGP have done to both Government and Opposition when we agreed that we could trust them to do things properly and that now we have to review that because the experience we have had, although we expect that there will not be a repeat of it in the immediate future with the new Commissioner that we have got, we need to question whether there has to be some other mechanism to stop things getting out of hand as they have got out of hand here. And they got out of hand here because as I have made obviously clear to the Members opposite, the deficiency in the legislation that if somebody wants to do whistleblowing, they have to go to Commissioner McGrail to say I have got to report to you that I am going to whistle blow upon you.

The assumption in the legislation was that if things were going wrong, they would be going wrong much lower in the hierarchy of the Police Department. You know, we do not expect to have a situation, we never expected to have a situation. We took that policy decision jointly, we took it for granted that if something went wrong, it would go wrong with people who were in the bottom of the organisation, perhaps less you know, less well trained, less conscious of where the red lines were, and there if somebody saw things happening that were wrong, they would be able to go to the Commissioner or the Deputy Commissioner and say look, I am worried about this.

And they would be able to put things right internally. And this is why it is a constable that can make. But when we have a person that says I have been 16 years in the police, and in my 16 years I have never seen somebody with a complaint being invited to a meeting with the Commissioner, never to anybody else, but yes to Gaggero.

And he says I am obsessed with Gaggero. I was quoting what the whistleblower said that Gaggero was given, in 16 years, a privilege that nobody ever had been given. That does not make me obsessed about Gaggero.

What is so special about him that he gets a treatment by the police that nobody else has had in 16 years. And the man that says it was the man in charge of the investigation who knows more. And this is first hand evidence.

Unless the hon. Member opposite says well I know this guy is a chronic liar and has made all this up. But he actually says everybody who was in a meeting, and he actually says the evidence the police have been lying. The police have lied from day one.

When the Inquiry talks about the position of the Chief Minister, they say that the Chief Minister should not have intervened in a legitimate criminal investigation. This was not a legitimate criminal investigation. This was a cooked up criminal investigation.

So, if the Chairman of the tribunal had been presented with evidence that the investigation was caught up from day one, he might not have thought that it was wrong he might have said you should have stopped it altogether. The investigation starts with the RGP lying. They have not reacted to that.

That does not matter. The fact that the police lie to the public in a press release and claim that the Government of Gibraltar is a joint complainant with James Gaggero does not worry them. And they do not think there is anything wrong. Why? Because that weakens what they are trying to show is the bad thing that we have done or the bad thing that the Chief Minister has done.

Madam Speaker the Leader of the Opposition yesterday stopped me from talking because he said I should not say anything about the whistleblowers on the motion of the report of the operation and the determination of the employment of Mr McGrail because it had nothing to do with it.

All that they have talked about today is what I was supposed not to do yesterday. I do not know if I should have stopped them all under the same argument that they should not bring in the McGrail Inquiry into the whistleblowers because today was about the whistleblowers and they said it was wrong to do what I was potentially going to do in their minds yesterday was wrong.

So, they stopped me doing it and they did it for me today. So they linked the two things except that they say that everything that we have got here which we have accepted in his last intervention and I am glad that he has that it is something totally unacceptable and must be rooted out if it is proved to be correct and I think the probability of it being correct is overwhelming. There are too many people involved here. They cannot all be lying. They have no reason to be lying. These are people at the rank of Chief Inspectors and Inspectors and people with 16 and 20 years of service. This is their life, their profession that they put on the line. This is not something that we have lined up in order to have smoke and to obfuscate and to protect Fabain or protect anybody else. This is something that is the most disgraceful thing that has happened in the 53 years that I have been in Parliament.

That is what this is. And the fact that these people were behaving the way they were behaving is what permitted Mr Gaggero to go to McGrail and be invited to participate as if he was a member of the RGP in how the investigation was going to be carried out. Nobody ever in the history of the police has done that. Nobody has had that level of treatment. (Interjections)

In fact, the Chief Minister reminds me, and I have already said that he actually, James Gaggero, actually told the Chief Minister when the people that were being complained of were being arrested, he knew before anybody else.

That is not normal. To have that level of control of a police investigation is not normal. The reality is that what happened with Gaggero was that he had a business and his employees who

were getting a very small share of the amount that was coming in, that is £817,000 pounds, is what we were being paid for maintenance in this.

I mean, if I say that Gaggero seems to be privileged, it is because look, nobody seems to mind, either there or in the Principal Auditor's Report, that Gaggero gets some things without having to tender. Nobody questions why he is not investigated. Now, I can understand that the fact that he was giving out GSD propaganda in 2011 and that they were the ones who gave him the privileges may make it difficult for them to now criticise it.

We regrettably, as far as I am concerned, have continued.

Yes, of course…

Hon. D J Bossino: Just so that the record of the House is accurate. The record of the House is absolutely accurate.

In fact, the individual that he refers to, Mr James Gaggero, did not hand out propaganda in the Elections of 2011. I mean, we have at least two individuals on this side of the House who participated as candidates in that campaign, and we certainly do not recall Mr Gaggero handing out... I mean, it is just a point of detail, but I thought it was important to point it out to him, and I wondered whether he would accept that and withdraw it, because it is simply not accurate.

Hon. Sir J J Bossano: It might have been in 1996 when the GSD came in. Well at my age 10 years more or 10 years less is the same. But I imagine that he has continued in the camp that is natural for him to be in. I mean, I would not expect him to be campaigning in the GSLP. That is perfectly ok, people are entitled to whatever political party they want and have whatever political view. What they are not entitled to do is to get better treatment and that is something that, of course, they say they agree with. Well, then they should agree with me that the treatment that the police gave to Mr Gaggero was wrong and without that treatment there might not have been anything to inquire because the Inquiry was why Commissioner McGrail advised that the Government and the Deputy Governor, hence the UK Government, the two governments had lost confidence in him. The position of McGrail in running the operation here and the investigation was enough. His contact there was enough to terminate his employment because he allowed a private individual to produce the evidence and what the police said that they had done alone is not true. We know it is not true because of the people inside the police saying it is not true. So that you have a situation where the man that has asked for this Inquiry, for this to exonerate him and say, he ends with a report is made, he ends saying, I have now been vindicated. Well look, you have been vindicated because nobody knows all the stuff that is about you. If they knew all this, you would not have been vindicated.

Let us be clear. That is a reality that you do not want to face up. If they have been supportive of him, I imagine that they would not have been supportive of him, if everything that is being said in this report is true, as I believe it to be, and is proven to be true, and he is then convicted of all those many things that he has done that are criminal actions.

If all that had been something that they knew, they would not have been so supportive of him, because presumably they were campaigning for the Inquiry into his termination to take place on the assumption that the result would be favourable to him. I cannot imagine that they would want to be politically accusing us of not wanting to have an Inquiry into his termination of employment, because they thought we had done something wrong in being involved in his termination, and we were therefore scared to have the Inquiry. And that is that the hon. Member accepts that I am logical, that is what my logical analysis leads me to.

So, they believed that he had been mistreated, they believed he did not deserve to have his terminated. But if all this stuff turns out to be, as the people concerned say, all of whom are professional, long-serving members of the police, if 10% of the Police Force and the 10% that are not 10% new recruits, 10% of people who have been years there are saying these things, why on earth should they say it? Do you think really that people are being bribed to say all these things which are false in order to leave the police without a cutting pay?

Because that is the only thing they get out of this. They stop being police officers, they stop being Chief Inspectors or Inspectors or Sergeants, which is their profession and what they like doing, right? Without loss of pay.

That is the protection that they get. that is not an incentive to do the things that it says here. I mean, if they had actually been rewarded to say these things and then there was no evidence and then there was a reward, then what Mr McGrail said was happening and is not true and it is found not to be true and it is not happened, then of course a lot of the whistleblowers then would have been guilty of an offence and might have all finished in jail. This is not the case, and the reality is that I thought it was relevant that we should see the sight of the picture. That was not possible to have within the terms of reference of the investigation because in fact the terms of reference were just about one thing and nobody says these things are things which led to Mr McGrail's termination. No.

These things are things that would have led to Mr McGrail's termination if it had been done before. It could not be done before because the people that were heading the organisation were the ones that were doing it. It can be done now because now we have got an independent person from outside whom we can trust to get to the bottom of all this.

Is that so difficult to understand? If it had been done before and all this had come out, we would not have spent £8 million and there would not have been an Inquiry. This is enough to put him away for years.

And to say that I am obsessed against James Gaggero, look, I have got nothing wrong with him as far as I am concerned. He behaves like a normal capitalist does when their income according to them is at risk. So, he has from us £870,000.

He employs one guy that actually wrote the programme, which he claims is his, but we paid £400,000 for. So, we pay £400,000 for a programme which he uses for us. We pay him for using our programme and he goes to the police and says somebody wants to steal my programme.

And the police say the Government of Gibraltar and Blands have both come jointly to put a complaint about a criminal activity. The criminal activity was the stealing of the programme. When they get down to doing the legal work of charging, they suddenly find that they cannot charge anybody with stealing the programme because the programme does not belong to the people who claim the right.

That should have stopped the case there and then. This guy went to the police and made a false statement. He claimed somebody was stealing something that was not his property. He had not spent a penny on it. We paid for it. He accepted that it was not his. So, then he said, no, no, no, what they are doing is sabotaging it. There is no real evidence. He was allowed to bring people from outside to prove that they were sabotaging, and they said there is no sabotage.

So, what was the crime? What was the crime that was committed? How can it be right that people who are innocent of having done the two things that they were being accused of, theft of sabotage, should not have their names cleared?

And therefore, justice requires that their names be cleared and justice requires that the wrongs are investigated, and justice requires that those that have done wrong things are punished in whatever way the law provides. And as far as I am concerned, I do not accept that in this Parliament, the rules of this Parliament means that we cannot talk about anything other than the Bills that come to the House. Well, no.

I mean, if something is happening that is of major importance in Gibraltar, if somebody on the other side of this issue is telling people in the UK things that are incorrect and false, then we in this Parliament cannot do anything about it. Well, look, we are going to put in Parliament our version of what is happening, based not on things that we have invented, not on things that Mr McGrail has said, because if the lawyer of Mr McGrail is pacing us as, you know, rogues and, you know, putting the Government of Gibraltar, and consequently the whole of Gibraltar, in a very bad light internationally, doing Gibraltar good, I hope that when we get this cleared, the person that is now the lawyer will go back to all the people that he said, poor McGrail is being punished for being a brave man and challenging a lawyer that is very rich. Right? So McGrail attacking a rich

lawyer is a very commendable thing, but Bossano attacking a rich capitalist is a very bad thing. Is that the question? So, all I can say, Madam Speaker, that it seems to me that what they thought I should not do yesterday is what they wanted to do today, and they have done it for me today, and I am grateful for, in spite of all the nonsense about smokes and mirrors and all the rest, and let me just say, the 25 years, which he thought was not relevant to go back to 25 years, well I will tell you what was relevant about it.

Sergeant McGrail, 25 years ago, was in court, and the judge said to Sergeant McGrail, we have had so many lies from you in this case, that I am not going to allow it to go to a jury trial. So, 25 years ago, he was lying in order to convict an innocent man. Well, and he has finished up as the head of the RGP, and obviously, he has had 24 years to refine his methodology, and that is where we find ourselves.

I commend the Noting of the Motion.

Madam Speaker: I now put the question in terms of the motion proposed by the Hon. Sir Joe Bossano. Those in favor? (**Members:** Aye.) Those against? (**Members:** No) Carried.

BILLS

FIRST AND SECOND READING

The Supplementary Appropriation (2023/2024) Bill 2025 – First Reading Approved

Clerk: Bill's first and second reading. A Bill for an Act to appropriate sums of money to the service of the year ended 31st day of March 2024. The Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to move that the Bill for an Act to appropriate sums of money to the service of the year ended 31st day of March 2024 be read a first time.

Madam Speaker: I now put the question, which is that a Bill for an Act to appropriate sums of money to the service of the year ended 31st day of March 2024 be read a first time. favour? Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Supplementary Appropriation (2023/2024) Bill 2025.

The Supplementary Appropriation (2023/2024) Bill 2025 – Second Reading Approved

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to now put the Bill as follows, that it be read a second time. Madam Speaker, the purpose of this Bill is to appropriate further sums of the money to meet Government expenditure incurred during the Financial Year ended 31st of March 2024. This Bill is therefore the annual Supplementary Appropriation Bill required to provide appropriation cover retrospectively for the outturn figures of the Financial Year 2023-2024.

hon. Members should note that the £81.5 million required to cover the additional expenditure incurred under the Consolidated Fund represents the amount required in addition to the Supplementary Provision of £9 million that is already included in the approved Estimates under Head 57, which is the Supplementary Provision Head. A full breakdown of the £90.5 million, that

is to say the £81.5 million and the £9 million of relocations to be made from Head 57 will be tabled at the House at the next available session of Parliament, giving the hon. Members a full and detailed breakdown of the Heads and Subheads for which the Supplementary Provision has been applied. The other components of this Bill are self-explanatory.

Madam Speaker, I commend the Bill to the House.

Madam Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Mr Clinton.

Hon. R M Clinton: Thank you, Madam Speaker. First of all, I would like to say I am grateful to the Chief Minister for bringing this Bill and in fact the subsequent Bill to the House in a timely manner.

In terms of the overspend in respect to 31 March 2024, which the Chief Minister identified, I think it was £81.5 million. I think we ventilated this in the Budget debate at the time. My only observation is, in terms of the way this is presented, and I have made this observation in the past, is that the supplementary amount goes into Head 57 in this case, which is a supplementary provision.

My reading of the Constitution, section 69 in terms of the Supplementary Appropriation, is that the Bill as presented really should have all the Heads of Expenditure in which this element is going to, but I know that this is something in which we and the Government disagree. As regards the voting on this Bill, Madam Speaker, we ventilated our views at the time of the Budget. It is for the Government to cure the overspend, so we will be abstaining.

Madam Speaker: Any other hon. Member wish to speak? In that case I call upon the mover to reply.

Hon. Chief Minister: Madam Speaker I beg to give notice that Committee Stage and Third Reading be taken today if all hon. Members agree.

Madam Speaker: I have not put the question yet.

Hon. Chief Minister: Sorry, Madam Speaker, you looked at me, I indicated I thought clearly that I was not going to reply, and then you looked at me again and I thought you wanted me to read the paragraph.

Madam Speaker: I now put the question, which is that a Bill for an Act to appropriate sums of money to the service of the year ended 31 March 2024 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Supplementary Appropriation (2023/2024) Bill 2025.

Hon. Chief Minister: Madam Speaker, I beg to give notice that the Committee stage and Third Reading of the Bill be taken today if all hon. Members agree.

Madam Speaker: Do all hon. Members agree that the Committee stage and Third Reading of the Bill be taken today? Those in favour? (**Members:** Aye.) Those against? Carried.

The Supplementary Appropriation (2024/2025) Bill 2025.–
First Reading Approved

Clerk: A Bill for an Act to appropriate sums of money to the service of the year ended 31 March 2025. The Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to move that a Bill for an Act to appropriate sums of money to the service of the year ended 31 March 2025 be read a first time.

Madam Speaker: I now put the question, which is that a Bill for an Act to appropriate sums of money to the service of the year ended 31 March 2025 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Supplementary Appropriation (2024/2025) Bill 2025.

The Supplementary Appropriation (2024/2025) Bill 2025.–
Second Reading Approved

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to move that the Bill now be read a second time. Madam Speaker, the purpose of this Bill is to appropriate further sums of money to meet Government expenditure incurred during the Financial Year ended 31 March 2025. This Bill is therefore the annual Supplementary Appropriation Bill, required to provide appropriation cover retrospectively for the outturn figures for the Financial Year 2024-2025.

Hon. Members should note that the £65.5 million required to cover the additional expenditure incurred under the Consolidated Fund represents the amount required in addition to the Supplementary Provision of £9 million that is already included in the approved expenditure under Head 54, which is the Supplementary Provision Head. A full breakdown of the £74.5 million, that is to say the £65.5 million and the £9 million of reallocations to be made from Head 54 will be tabled in the House at the next available session of Parliament, giving the hon. Members a full and detailed breakdown of the Heads and Sub-Heads for which the Supplementary Provision has been applied. The other components of this Bill are self-explanatory.

Madam Speaker, I commend the Bill to the House.

Madam Speaker: Before I put the question, does any hon. Member wish to speak? Yes, the Hon. Mr Clinton.

Hon. R M Clinton: Madam Speaker, just to repeat my comments in identical manner to the previous Supplementary Appropriation, in the sense that in this case in terms of the amount of £65.5 million which has been appropriated for Head 54, which is the Supplementary Provision, ideally should be presented within this Bill. Other than that, Madam Speaker, as for the previous Supplementary Appropriation, I will be abstaining on this as well.

Madam Speaker: Does the Hon. Chief Minister wish to reply?

Hon. Chief Minister: Yes, Madam Speaker, simply to highlight that in relation to both of these Bills, it is remarkable to see hon. Members abstain because they vote against the Appropriation and then they abstain on the Supplementary Appropriation. One would have thought that the logic would have led them to take the same position on Supplementary Appropriation as they take on Appropriation, but it is a matter entirely for them, Madam Speaker.

Madam Speaker: I now put the question which is that a Bill for an Act to Appropriate Sums of Money to the Service of the Year entered 31st day of March 2025 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Supplementary Appropriation (2024/2025) Bill 2025.

Hon. Chief Minister: Madam Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today if all hon. Members agree?

Madam Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today. Those in favour? (**Members:** Aye.) Those against? Carried.

The Pensions (Amendment) Bill 2026 –
First Reading Approved

Clerk:. A Bill for an Act to Amend the Pensions Act. The Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, before the Bill moves, I would indicate that I have written to you setting out that this Bill is too urgent to await the six weeks of publication before being moved.

Madam Speaker: I confirm I have that letter.

Hon. Chief Minister: Madam Speaker, I have the honour to move that the Bill for an Act to Amend the Pensions Act be read the first time.

Madam Speaker: I now put the question, which is that a Bill for an Act to Amend the Pensions Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

The Pensions (Amendment) Bill 2026 –
Second Reading Approved

Clerk: The Pensions (Amendment) Act 2026.

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to move that the Bill now be read a second time. Madam Speaker, this amendment ensures that officers in the Police Force and Customs who are eligible for a pension, gratuity or allowance under the Pensions Act and have been transferred under exceptional circumstances to a Government department, statutory authority or agency or any wholly owned Government company or corporation as prescribed in the Gazette pursuant to the Pensions Act shall on retirement retain their pension status under the Pensions Act provided that the Governor acting on the advice of the Government so approves. This Bill has been certified as urgent so that retirement income is not at risk in respect of any particular individual. That is the extent of the Act.

Madam Speaker, before commending this Bill to the House, I would like to take this opportunity to thank the Members of the House for considering this Bill because it can affect individuals' ability to draw their pension once it is agreed that they are retiring.

Madam Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Mr Clinton.

Hon. R M Clinton: Madam Speaker, we note the Bill has been certified as urgent but given that the Bill was only published on Monday 19th this week, we are somewhat surprised at the declared urgency for this Bill. Given its intended purpose and given that it is about preservation of rights, we do not have any objection to it but I do not know if the Chief Minister can provide a little bit more information as to the urgency for this and what he would deem to be exceptional circumstances. But otherwise, Madam Speaker, I think we can indicate we would support it.

Thank you, Madam Speaker.

Madam Speaker: The Hon. Leader of the Opposition.

Hon. Dr K Azopardi: Madam Speaker, this Bill was published two days ago and of course there is the constitutional mechanism that says that a Bill has to await six weeks unless it is certified urgent. As I have done before, I make the point again on the record that it would be helpful if the Government intends to certify a Bill as urgent for us to be notified as well so that we can be aware that this Bill is going to be taken. It may be that then we might have questions behind the Speaker's Chair to the Government knowing it is going to come because it may be that my colleague would have wanted to ask information about this had we known this was going to come because it was only two days ago and so it would be helpful if the Government would take that on board once it forms a view of certification of urgency.

Madam Speaker: I call upon the mover to reply.

Hon. Chief Minister: Madam Speaker, it is not a requirement that we should do that, but I have no compunction with the House circulating those letters when they are brought to the House. The minute I write to the House, I assume that can be circulated in the same way as a motion is circulated the minute that it is sent to the House. Other than that, Madam Speaker, this is a very short Bill.

It just deals with two categories of persons. It is explicit. It is one section. It deals with police officers and customs officers and I am asked by the GLO to do this and by the Treasury to do this in order to ensure that those who have been moved in exceptional circumstances and are now retiring based on the rights that they have can be dealt with in the same way under the Pensions Act, which sometimes is very prescriptive and needs amendments if it is going to protect the rights that would legitimately be anticipated that an individual would have. But this is a statutory provision, and it needs those words in it, Madam Speaker.

Madam Speaker: I now put the question which is that a Bill for an Act to amend the Pensions Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Pensions (Amendment) Act 2026.

Hon. Chief Minister: Madam Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today if all hon. Members agree?

Madam Speaker: All hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: Committee Stage and Third Reading. The Hon. Chief Minister.

COMMITTEE STAGE AND THIRD READING

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to move that the House should resolve itself into committee to consider the following Bills clause by clause, namely: the Supplementary Appropriation (2023/2024) Bill 2025; the Supplementary Appropriation (2024/2025) Bill 2025; and the Pensions (Amendment) Bill 2026.

In Committee of the whole House

The Supplementary Appropriation (2023/2024) Bill 2025 –
Clauses considered and approved

Clerk: A Bill for an Act to appropriate sums of money to the service of the year ended 31st day of March 2024. Clauses 1 to 6.

Madam Speaker: Clauses 1 to 6 stands part of the Bill.

Clerk: The Schedule.

Madam Speaker: The Schedule stands part of the Bill.

Clerk: The Long Title.

Madam Speaker: The Long Title stands part of the Bill.

The Supplementary Appropriation (2024/2025) Bill 2025 –
Clauses considered and approved

Clerk: A Bill for an Act to appropriate sums of money to the service of the year ended 31st day of March 2025. Clauses 1 to 6.

Madam Speaker: Clauses 1 to 6 stands part of the Bill.

Clerk: The Schedule.

Madam Speaker: The Schedule stands part of the Bill.

Clerk: The Long Title.

Madam Speaker: The Long Title stands part of the Bill.

The Pensions (Amendment) Bill 2026 –
Clauses considered and approved

Clerk: A Bill for an Act to amend the Pensions Act. Clauses 1 to 3.

Madam Speaker: Clauses 1 to 3 stands part of the Bill.

Clerk: The Long Title.

Madam Speaker: The Long Title stands part of the Bill.

The Supplementary Appropriation (2023/2024) Bill 2025 ;
The Supplementary Appropriation (2024/2025) Bill 2025;
The Pensions (Amendment) Bill 2026;

Third Reading approved; Bills passed

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to report that the Supplementary Appropriation (2023/2024) Bill 2025, the Supplementary Appropriation (2024/2025) Bill 2025 and the Pensions (Amendment) Bill 2026 have been considered in committee and agreed to without amendments and I now move that they be read a third time and passed.

Madam Speaker: I now put the question which is that the Supplementary Appropriation (2023/2024) Bill 2025, the Supplementary Appropriation (2024/2025) Bill 2025 and the Pensions (Amendment) Bill 2026 have been considered in committee and agreed to without amendments and I now move that they be read a third time and passed. Those in favour of the Supplementary Appropriation (2023/2024) Bill 2025. Those in favour? (**Members:** Aye.) Those against? Carried. Those in favour of the Supplementary Appropriation (2024/2025) Bill 2025. Those in favour? (**Members:** Aye.) Those against? Carried. Those in favour of the Pensions (Amendment) Bill 2026. Those in favour? (**Members:** Aye.) Those against? Carried.

PRIVATE MEMBERS MOTION

Clerk: Private Members' Motion. The Hon. Leader of the Opposition.

Hon. Dr K Azopardi: Madam Speaker, I have the honour to move the Motion standing in my name which reads that: "This House has No Confidence in the Chief Minister". Madam Speaker, over the course of the last few days and I suppose facilitated by the last few days, we have well-rehearsed a number of issues to do with the Inquiry. The basis of this motion, Madam Speaker, came about first because this was filed way back in July and it came about because of the fracas in relation to the Principal Auditor.

Everyone will recall that the Principal Auditor published his report. It was laid in this Parliament. There were then lengthy exchanges, political exchanges, in relation to the Principal Auditor's Report.

But in the course of their defence of their position, the hon. Members on that side started to gradually get more and more incandescent with the Principal Auditor. To the point that someone who they had said could say whatever he wants, whenever he wants, how he wants, suddenly was being chastised and trashed in the press by the Members opposite. It got to the point, Madam Speaker, that the hon. Members opposite not just defended their position but filed a motion that sought to go through the elements of the Report and then, once we got to this House, they amended it further so that the last paragraph said that they in effect are going to write an alternative report in relation to the Principal Auditor.

I said at the time when I filed this motion that the presentation of the self-serving motion on the previous Principal Auditor was nothing short of a scandalous abuse of power by a desperate GSLP Government now fighting for its political survival. It was an act that was undemocratic and

an abuse of Parliament as well as power because it came against a background of other simmering scandals in the evidence heard in the McGrail Inquiry. Of course, that was four or five months ago.

Now we have seen the Inquiry Report and we have seen the findings and we have seen the attempt even today to in effect convert us into a Court of Appeal on the findings because the Hon. Father of the House before sitting down in ending his contribution in effect said that had all of this been before the Inquiry then maybe it would have been different. Madam Speaker, I filed this motion because the motion, the original basis of the motion of confidence that I filed was in reply to and in rejection of the conduct of Members opposite in relation to what they had done with the Principal Auditor because it went well beyond an attempt to rewrite the history and rewrite the Report and the narrative in the Auditor's Report. It was the, as I said, the use of state power, state power to engage the Parliament so that they could come here, not just trash the Auditor but in effect usurp the functions of the Auditor and conduct a constitutional assault on the Auditor.

And I said also that it was a muscling down on the Principal Auditor and a chilling message to everyone that dissent would not be tolerated by the Government because ultimately the Principal Auditor is an independent Constitutional Officer called upon to audit the accounts of a Government because the Constitution asks him to do it, asks him to do it. And in the course of his functions he should not be attacked because he does what he said, what the Constitution says he should do, especially by a Government that only weeks before had said he could say whatever he wanted, when he wanted, how he wanted. The reality is that the Principal Auditor has to be respected in his function and they did not and it had serious consequences for democracy, basic freedoms and our institutions.

That is what I said when I filed that original motion, Madam Speaker, because there had been a campaign of vitriol and it was systematic against the Principal Auditor. The basis of the motion has of course widened since then because it is not just about the Principal Auditor. We have now seen a further example, and I am going to turn to that.

We have now seen a further example of why this Motion of No Confidence should be passed. Madam Speaker, I said at the time of the Principal Auditor's Report and I am not going to go at great length on this issue because this House well-rehearsed arguments in relation to the Principal Auditor and Hansard between September and November this year well records the exchanges that were had in this House on the Principal Auditor. In particular my speech that is recorded at Hansard on the 13th and 14th of November makes clear what our arguments in relation to that motion were and I said that people would rightly think that the examples of waste and abuse that were set out in the Report were a stark contrast with people's daily lives, especially those who were trying to struggle to make ends meet to deal with the cost of living crisis and it showed rampant lack of control, some examples of abuse and waste and people were rightly angered. Gibraltar was seized by this feeling of real outrage when the Principal Auditor's Report was published in July and that became the topic of the summer. People quite rightly felt that not just were they angered by the waste and abuse examples in the Report but they were also angered by the treatment of the Principal Auditor, a senior respected Civil Servant who after over 30 years of being a civil servant was being trashed by this Government in this way, who not just said I disagree with the Auditor did so in language which was well recorded in the exchanges in Hansard that was of such hyperbole and emotion that was unprecedented that any Civil Servant or Public Servant has ever had to endure. We said at the time it was a disgrace and indeed it was Madam Speaker, indeed it was. It was however, it has however, been the backdrop of an emerging story because the Inquiry findings that we now have and we have been able to see before this motion has been taken merely widen what was already the sound foundation of this motion because the Inquiry findings and again we have had the benefit of the Noting Motion Madam Speaker this week so I do not intend, you know this week, I mean I think only yesterday, sometimes I loose track of the days because sometimes the sessions are quite long but we have had the benefit of the Noting Motion and again people will have heard it very recently and therefore I am not going to go into the great detail as I did yesterday on this issue but clearly we now have the findings of the Inquiry. The catalogue of improper actions of the Chief Minister, of the gross impropriety, the number of

attempts to interfere in a criminal investigation well canvassed in the public, set out in the Inquiry Report in Technicolour and despite the efforts, despite the best efforts of the Members opposite to try to in some way undermine those findings by creating this alternative parallel universe of if this other evidence had been there in effect as a side wind in reality what they are saying, the message to the people of Gibraltar today by them has been in fact forget the findings. That is what they are really trying to do here. In fact Madam Speaker these findings are final until of course a court should decide otherwise but today as we sit here with no legal challenge having been filed and the Inquiry Report findings that have been welcomed and accepted by the hon. Members opposite and therefore welcomed and accepted the findings that also affect the Chief Minister well today the findings are what they are and the findings are clear. Several attempts to interfere in a criminal investigation by the Chief Minister, an unprecedented issue.

Those things are all linked Madam Speaker, they come together, they come together and the behavioural aspects that underpinned the Principal Auditor's Motion, that foundation that led us to file that motion because of the actions that the hon. Members were taking in particular the Chief Minister in relation to the Principal Auditor combined with now the widened basis that supports this motion because of the Inquiry findings and everything that we explained yesterday and everything we have explained in the public since the Inquiry findings have been made public that allows us to support this Motion of No Confidence and call on this House to pass it and to pass it with the constitutional effect that it has. And I have said publicly Madam Speaker, I have said publicly that Ministers need to consider their position in relation to the Inquiry findings, they have all read it and they all need to reflect.

Of course, since I said that we have now with a process of time we have had indications of what some Ministers feel, not what all Ministers feel but we have had indications of some but I do address them and ask them again to reflect on it because they need to logicalise the argument in their own minds because as I have said before the Minister for Justice takes an oath to the rule of law so he has got to consider how do I logically vote against this given that I have to support the rule of law in the face of findings that very clearly say that the Chief Minister grossly improperly attempted to interfere in a criminal investigation on several occasions. Now, we can take a view as to whether we think that there should or should not have been an investigation, I do not know because as I said this morning we are not investigators, we are not the prosecutors, still less are we the courts by the way.

So any attempt by the Father of the House to try to logically play out the film in his mind of because I have got these statements therefore all of this is not something that I believe, well I mean the reality is that there was an investigation, the reality is that there was an investigation. That the Inquiry having looked at the witness statements decides that they were, some were relevant, some were not relevant, it considered all the evidence, it cross examined all the witnesses, it heard what it needed to hear on a number of issues and in relation to the matters of Operation Delhi, it decided that the Hon. Chief Minister grossly improperly behaved and did so also in relation to the process of the GPA because he misled the GPA, he acted in a sinister way, deliberately and cynically.

Now that has a conclusion Madam Speaker, that has a conclusion because people need to not just understand what has been the impact of the behaviour of this Government over the last six months because of the Principal Auditor and the Inquiry findings but because there are consequences to all this. This is not, as I have said publicly, this is not just politics, it is not just politics because this is the first time ever, this is the first time ever that I have filed a Motion of No Confidence in any Chief Minister, in any Minister. I have not called for the resignation of a Chief Minister ever except now but there are reasons for that because things add up and when you are faced with an Inquiry Report that says what it says, what are we supposed to do with it as a society?

Are we supposed to stare at it and say not just once but on several occasions, there was gross improper behaviour, crossing of lines and an attempt to interfere in a criminal investigation. We are supposed to stare at this, are we? And then say but it is okay, things can stay as they are.

All we need to do is implement the recommendations about the note taking, sit down and take some notes next time you have a conversation. Now these have consequences, these have consequences and if all we do is focus on the recommendations, which is the same as focussing on the payment of the order of forecasts without reading the judgement. Let us read the judgement and understand what it means because 700 pages and it is cost the people of Gibraltar £8 million, we might as well read it and understand it and things have consequences in public life because there is a Ministerial Code and there is a Code of Conduct for Members of this House and that Ministerial Code requires standards of behaviour of a certain type and you might take a view that the investigation should never have happened but the fact is it was on-going and once there is an on-going investigation, as a Minister of the Crown, you do not pick up the phone to give ideas to people about what they should do to obstruct the police investigation. You do not call in the Commissioner to berate him because you are the Chief Minister and he is the Commissioner and there are boundaries, whatever you think. You do not act in a grossly improper way, you do not withhold information, and you do not mislead the GPA.

You do not act in a cynical way and still less should you act in a sinister way and that is the reality, that is the reality. And so this place that we all love, we may have different approaches here but I do accept that we all fight for Gibraltar, this place has to consider what the consequences of that are and needs to consider in the context of what it means to be in public elected life and what the standards are and what the examples are that we are giving people because people are watching. People are watching and young people are watching and what examples are we giving young people about what it means because if we just whistle and move on, are we really saying in this House, in this Parliament, the ultimate place where we debate political issues, where we feel passionately about the protection of our constitutional institutions?

Are we really saying it is okay for someone to hold office who has been found to have attempted to interfere in a criminal investigation not once but several times? Is that what we are saying? Is that the message that we are sending people?

I do not believe it should be the message that we are sending people, but it will be the message that this House sends at least on that side of the House if indeed this motion is not carried. That is the message that will be carried and I will tell them one more thing. Let us see, I know we have had indications from hon. Members on that side but let us see if the Chief Minister puts the fulsome support that he has to the test with a vote on this question of confidence in him.

Let us see, or is he going to play the card of amending the motion so that he avoids a specific vote on the question of confidence in him? let us see when he gets up, but I believe if he does that, he will send a signal to people that he is running scared on this question, running scared on this question, that he is not allowing his Ministers to vote on this question. But let us see what happens, let us see.

But Madam Speaker, on this issue, on this issue, as this society, as Gibraltar looks forward and considers the Inquiry findings, there are inescapable conclusions. Inescapable conclusions about what all this means and the inescapable conclusions, Madam Speaker, are that the Chief Minister's Office is now affected, that he can now no longer sustainably retain his Office with confidence of this House because of the findings that there have been in this Inquiry Report together with the whole background of the Principal Auditor. I commend the motion to the House.

Madam Speaker: I now propose the question in the terms of the motion moved by the Hon. Leader of the Opposition. Would any hon. Member like to speak? The Hon. Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Madam Speaker, I do not know what the Leader of the Opposition had for breakfast this morning, but if that was responsible for what we heard then, I suggest they change the menu. This is not leadership. This is not scrutiny.

This is the same collection of slogans they have been rehearsing since 2023 and before. So, I welcome the opportunity to continue with the serious business of this House and to speak to this motion. We have heard it is an incredibly short motion, one line, nine words.

Nonetheless, it is a motion which as a mover will know carries with it potentially explosive implications. And I have to say also at the very outset that it is a very odd motion because it has been tabled in the full knowledge that it has little prospect of success. But more about that later.

I will argue in any event that the adoption of such a motion by this House would be a serious error. It would be unfair, undeserved and a blow to our stability, democracy and reputation. And the reason for this is very simple.

It is quite simply because my hon. Friend the Chief Minister merits the confidence of this House. And I say that for two reasons. First, because of his overall track record in Office and secondly, because the people of Gibraltar deserve a stable Government which is capable of navigating the challenges ahead. Backing this motion would therefore constitute a grave disservice to that bigger picture. It is relevant too that any assessment of confidence in leadership comes in the answer to a number of questions. Has he delivered? Has he done what he set out to do? Has he governed with the best interests of Gibraltar at heart? And the answer to those questions can only be yes.

Madam Speaker, in a 2019 Report the House of Commons provided a helpful description of this kind of motion. Broadly speaking it says there are three main types of motion which acts as tests of the House of Commons' confidence in the Government.

Confidence motions initiated by the Government. No confidence motions initiated by the Opposition. And other motions which, because of the particular circumstances, can be regarded as motions of censure or of confidence. Obviously, the motion before this House today falls into that second category.

Madam Speaker, I will try to make a contribution which is based on the facts. And which is devoid from the personal attacks and character assassinations that we have sadly become accustomed to these days. I intend to centre instead on the basic question that this motion has given rise to. Does the Chief Minister deserve the confidence of this House or not? And I will argue that he most certainly does.

I am hopeful too that a more cold and rational approach may again possibly serve to lower the tension. Though judging by the compliments showered upon me of late by the Opposition, that may well be wishful thinking. If being calm, prepared and focused on facts makes me Clark Kent, then I would wear the glasses with pride.

Madam Speaker, I propose to start with the political context. That context, as the hon. Member has rightly said, was the Report of the Principal Auditor for 2018-2019. This Opposition motion was presented in July as a direct response to a Government Motion about the Report.

It is no surprise that this debate will follow the same personal narrative and destructive narrative which hon. Members have already constructed. We have heard it all before. So, my first point is that this motion is little more than an extension of the same controversy. In fact, the hon. Member has said as much. Therefore, the motion can only be regarded as more of the same. Because it is a repetition in a different framework of the extensive debates which have already taken place in this House.

The debates on the 2018-2019 Report of the Principal Auditor and the debates on the report into the retirement of the former Commissioner of Police. It is worth reminding the House, as the hon. Member has done, that the McGrail Inquiry Report had not been published at the time that the Leader of the Opposition tabled this particular motion. And the sequence means that the same issues are set to be rehearsed all over again during this debate.

I already set out my views on those issues during the two other debates in this House. What I said then is a matter of public record, as indeed everything that my colleagues also said. So, I do not intend to repeat everything all over again. The House will be happy to hear.

Madam Speaker, in summary, when the Government addressed the debates on the Report of the Principal Auditor for 2018-2019, we did so conscious of the fact that this House is a proper forum for debate, scrutiny and accountability. Once a report was made before Parliament, it was not only appropriate but necessary for Elected representatives to examine it and to respond to it here. And it was right and proper that the response came here in this Chamber. So, a Government

Motion which engaged with the Report was a perfectly proper response. It was not an affront to democracy, as the Opposition have again suggested.

On the contrary, the scrutiny was a reflection of that democracy in action. In the United Kingdom, and in many other parliamentary democracies, I am not going to rehearse the instances here, it is normal for audit reports to be debated, questioned and, where appropriate, challenged by Governments, by legislatures and by others.

That process does not weaken democracy, it strengthens it by ensuring that audit findings are tested, explained and properly understood. The Government also felt it was important to address the question of the Auditor's statutory authority, because that lies at the heart of much of the controversy surrounding that report. The Auditor himself acknowledged that he does not have explicit statutory powers to conduct value-for-money audits, despite those audits forming a significant and contentious part of the document.

While it is true that such exercises have been carried out for many years, it is important not to confuse long-standing practise with legal authority. The fact that something has been done historically does not of itself mean that it has a clear statutory basis. That distinction matters when addressing the status and weight of the conclusions which have been drawn.

The findings of the Report also need to be placed in their proper historical context. Many of the so-called weaknesses identified, whether in procurement process, contract management, responsiveness to audit requests, controls on sick leave or the enforcement of rent arrears, are not new, nor are they unique to the present administration. They appeared repeatedly in earlier audit reports, including from the periods when those now sitting in Opposition held office.

That demonstrates that these are long-standing systemic issues, and it is misleading to portray them as a product of a single Government or a particular political moment. The way in which the Report has been portrayed outside this House was also a matter of concern at the time. Complex and technical audit findings have been reduced on social media to simplistic accusations, often stripped of nuance, context and proper legal explanation.

That kind of discourse does little to enhance public understanding. What it does instead is to fuel polarisation. It is precisely for this reason that Parliament must engage responsibly with such reports.

My hon. Friend the Chief Minister provided a very detailed explanation during the long debates in question. Indeed, facts are more important than opinion or argument in some of these cases, and it is worth pointing out that the hon. Members opposite tend to respond to facts with views. Partial political narratives dominate.

So, the Government's approach to the Auditor's Report was neither dismissive nor was it defensive. Where criticisms were well-founded, they were acknowledged. Where conclusions were disputed, they were challenged with evidence and with legal reasoning.

The detailed responses placed before this House were intended to assist serious scrutiny and to inform debate. They reflect our commitment both to accountability and to the proper constitutional relationship between the Auditor, the Executive and the Parliament. Madam Speaker, the debates on a Motion to Note the McGrail Inquiry Report took place only yesterday.

So, I do not think it is necessary again to repeat all the arguments all over again, nor is it necessary to remind the House of what Ministers set out during that debate. But I think it is relevant to point out once again how the Opposition replied to certain facts with opinions. And given that those two subjects have already been well ventilated, I intend to tackle the motion before this House today from a much wider political perspective which goes beyond the two reports.

Madam Speaker, hon. Members will know that for this motion to succeed they need a majority, and they know that they do not have one. So, this would indicate that the purpose of the motion cannot be to censure the Chief Minister because they do not have the numbers and eight votes will always be less than nine.

This severely limits the prospect of success. There is some logic therefore in the argument that their objective can only be to help this debate and in that way to score political points. That the

mathematics in this House means that their target audience remains outside this Chamber because the numbers simply do not work.

And our parliamentary system, as I explained yesterday, works precisely on a majority. That is how it has always worked. In that context, a strategy is therefore highly questionable and I am sorry to say that the appeal to hon. Members of the Government to support the motion is really not serious politics. True, there have been occasions in the past where informal consultation has led both sides of the House to agree the text of a particular motion on a given subject. But this clearly was never going to be one of those occasions.

The idea that they could somehow bounce Ministerial colleagues into supporting them is naive. It is obviously self-serving and it is unrealistic. More than that, the tone in which hon. Members have used to defend the motion once it was tabled, perhaps not today, is quite regrettable.

They have couched a loaded invitation to support them in accusing language, with downright name-calling or even veiled threats.

The Government has been accused of clinging on to power. The reality of that is that it is the Opposition that is hungry for power, almost, it appears, at any price. Hon. Members have tried this tactic before in other debates.

Do they honestly think that desperate finger-pointing or calling out individual Ministers is going to win them round? The truth is that their predicament today is a product of their own lack of judgement. Did they not know the numbers in this House before they tabled the motion? The numbers today are 9 to 8, the same majority of 1 which all Governments of Gibraltar ordinarily enjoyed between 1964 and 2007.

I use the word ordinarily for a reason. There was a well-known interlude in the 1970s when two Members of the Opposition defected to the Government the other way round. Today, the composition of this House reflects the wishes of the people of Gibraltar and the way they voted in October 2023.

But the numbers on either side do not make the outcome of a vote in this place any less democratic. It would be profoundly unwise to suggest otherwise. They are entitled to proceed in whatever way they may wish to.

What they cannot do is then hold others responsible for their own failure when the course of action they have chosen turns out to be so obviously flawed. When they do not get their way, or when it is clear that they are not going to get their way, it often leads to explosive tantrums, fuelled by rage and lights on substance. I must accept too that the Government have a different view. We are entitled to that too, just as they are entitled to their own. But that does not make our view or our actions any less legitimate than theirs. So, I regret to say that at the heart of this motion today is this question of political judgement. The judgement in having put forward the motion in the first place.

Madam Speaker, I sat on the Opposition benches for some 15 years. The general policy at the time was not to table a motion when you knew you did not have the support to carry it. It was a pretty basic rule. Because the risk without a majority is that the motion is then open to amendment and to a very different conclusion from that which was originally envisaged. So, there was always little point for us of proceeding in the way in which they have done today when they were in Office, and it made little sense then to complain about it afterwards when the other side then had voted the motion down. If the intended outcome is a debate, then that is fine. We can have the debate, and indeed we are having it, but it is unwise to generate expectations that the final result may lead to anything different. There is no merit in stirring up public opinion by pretending otherwise.

This theory, as I said, is not new. The House has always operated in this way, no matter who has been in Government or who has been in Opposition. It works on a parliamentary majority, as I said, in a very recent debate. And that is the system that exists today.

It may well be that reform in the future brings us something different. But even more Members will not change the basic majority principle. So, from the point of view of a practical result, this

motion will again air the same issues, but it will also serve to raise our collective blood pressure, increase attention and divide public opinion.

Madam Speaker, I also think it is relevant as we progress this debate to remind our Members, as I have done before and your Members reminded me, of the need to exercise a certain degree of restraint. The motion has given rise to many colourful adjectives, both inside and outside this House, and the use of inflammatory language on this issue, as I have said before, can often lead to unforeseen circumstances. More than that, and I agree with him, this House should set an example to the wider electorate. And it is possible to debate a policy difference without descending to the gutter.

The 17 of us in this Chamber represent some 30,000 people out there. And those people have a right to expect more from their Elected representatives. But sadly, Madam Speaker, this motion will polarise opinion further still.

A Motion of No Confidence is the nuclear option available in the armoury of an Opposition. And a nuclear option can only be met or deterred with a nuclear response. That is the unfortunate reality of the position in which this House now finds itself in.

The course of action they have chosen to unleash is in the Parliamentary Manual, of course, but it has to be said that it was not the only route they had open on this issue. It is a route they have chosen. They have chosen yet again to pitch it at the highest level in that Parliamentary Manual.

Madam Speaker, the proposed removal of any Elected Leader through a motion such as this one is not a decision to be taken lightly. It is certainly not one that can be based on adversarial party-political rhetoric. Any Government of Gibraltar must be able to command the confidence and support of this House. That is a cardinal constitutional principle which underpins a relationship between the Government and the Parliament. However, in a wider political system, Motions of No Confidence tend to be presented against a government and not against a specific individual. The one before us today is directed personally at the figure of my hon. Friend the Chief Minister.

In the United Kingdom, those wanting to bring down a government generally express no confidence in it. The Spanish system is different, as hon. Members will know. A central motion there has to name an alternative candidate for the post of Prime Minister. It was such a motion tabled against Prime Minister Rajoy on 1st June 2018 which led to his replacement by Prime Minister Sanchez without a General Election. But this is not very common in our set-up. It is permitted, but it is unusual. So, Madam Speaker, as I said, a Motion of No Confidence is the most serious parliamentary device open to an Opposition. They have chosen to target that device squarely upon the head of the Chief Minister himself. The issue has been personalised in a way which is really never advisable, because as I said, any attempt to stir up public opinion against an individual will carry its own risks. Moreover, a Motion of No Confidence should be reserved for someone who has demonstrably lost the ability to govern. It should not be used to settle a policy disagreement, because in part this is what this is all about.

At the time notice of the motion was given, they had a policy in relation to the 2018-2019 Report of the Principal Auditor, and we had a different policy. Later on, they had a view on the McGrail Inquiry Report, and we had a different view. It is relevant to repeat, of course, that those disagreements have already been sufficiently well aired through two debates on those two other motions.

Madam Speaker, the point is that there are other mechanisms in a democracy through which Opposition can properly be channelled. This comes through questions, debates, scrutiny, amendments and accountability mechanisms, all of which do not involve the sweeping removal of the Government in Office. In this respect, Madam Speaker, the motion is entirely self-serving, and that could not be clearer.

The procedure will be seen as an attempt by an Opposition to remove and replace a government, but the tactic does not work when that government enjoys a stable majority, even, as I said, if there is a majority of one. It is healthy, of course, that different matters are ventilated in this way in any democracy, and it is perfectly legitimate for the government to defend its

position and also for the Opposition to advocate their own. What is not healthy, Madam Speaker, is to use political differences, however legitimate they may be, as a cover for a character assassination.

The business of imputing motive through gossip and innuendo is not a business that we should be engaged in. So, it is perfectly legitimate to defend diverging political positions. That is, after all, what we are Elected to do. We have a particular policy, and they have a different policy. What is questionable is the personalised way in which they go about it.

Madam Speaker, no government is perfect. No Chief Minister, no Minister gets it right every time. We are, after all, only human, and we accept the Opposition have a role to do, and that they must be heard as well.

Criticism can be constructive. It can assist to identify issues or to prevent those issues from escalating, and mistakes can and must be addressed. In this particular motion, one important point remains. The Opposition cannot simply make the case that the Chief Minister has lost the confidence of the House. They cannot because, in my view, he has not and all they can do is mud the waters, raise suspicion, and fuel speculation - that is not enough.

In my view, their goal must be to demonstrate that confidence in leadership is irretrievably broken. I do not mean their confidence, Madam Speaker, because clearly, we never enjoyed it. I mean the confidence of the majority of this side of the House.

So, this motion will be perceived by some outside this House as yet another attempt to rerun the 2023 General Election. The public already delivered the verdict on that, Madam Speaker. We won the 2023 Election, the fourth victory in a row, and we always need to take care not to disrespect that result.

To support such a motion implies precisely that. It suggests the majority in this House should abandon the people's verdict at the ballot box. That would turn parliamentary democracy into a kind of quick replacement scheme, and it would dishonour the continuity and stability which is essential for governance.

Madam Speaker, I have known Fabian Picardo since 1991. As he said yesterday, we have been friends and political colleagues for 35 years. The unique characteristic of Gibraltar also means that I have known someone that side of the House for that as long, or indeed, in the case of the mover, possibly for even longer. But in relation to the target of the motion, to the person in its sight today, I must declare that I therefore speak with a complete and obvious personal interest and personal relationship. I also do so, however, with unrivalled first-hand political knowledge. And this is based on a relationship which stretches back three decades, way before our time in Office.

So, in the substance of this intervention, I will continue to present the cold facts, the evidence which supports the analysis that the motion is both undeserved and over-the-top. Neither can this procedure be justified on the basis of the 2018-2019 Report of the Principal Auditor, which it was a direct reaction to, in particular when all such reports have highlighted similar issues for decades. In any case, Madam Speaker, as I said, we are all conscious that this issue was already the subject matter of a separate debate in this Parliament. I am not sure how appropriate it would be to rehearse those same arguments all over again, and I for one do not intend to.

So, Madam Speaker, I am speaking to this specific motion, and in order to judge whether confidence or no confidence is merited, the House must look at the record. It must take into consideration what this Government has achieved over the last 14 years, and it must do so in the knowledge that leadership has come from the top.

The thread of this story is one of navigating difficult external pressures, of diplomatic breakthroughs, of improved economic growth, of investment in infrastructure, education and housing, of safeguarding the fundamental interests of Gibraltar, and most importantly of protecting our sovereignty, our self-determination, our identity and our economic well-being. All of this and more must be thrown into the balance in this debate.

Madam Speaker, the House knows my hon. Friend arrived here in 2003, became leader of his party in 2010 and Chief Minister in 2011. He has led the GSLP/Liberals to four successive General Election victories. I submit that to table a Motion of No Confidence against someone with those

credentials simply ignores the record. It overlooks the political reality, and it flies in the face of his and our achievements in office.

Because Madam Speaker, we were not drawn easy cards, I would hope that even the most bitter adversary would acknowledge at least that fact. Having to deal with a once-in-a-generation crisis was already something. Thrust into a once-in-a-lifetime emergency at the same time is sheer bad luck.

First, we had to manage Gibraltar's exit from the European Union and later negotiate our future relationship with it. This was an intense and protracted process. It lasted from 2016 until 2025, and we are now in the final stretch. But through no fault of our own, the process has spanned those three terms in office. It was full of ups and downs, loaded with tension, with emotion and with drama. And I know that my colleague's sharp mind and his ability to explore solutions outside the box to the problems which we faced were vital to our success.

Brexit created profound anxieties across the board in Gibraltar. This covered trade, border control, movement of persons, goods, as well as our overall relationship with Spain and with the European Union. And the necessity of balancing all this in a way which did not impinge upon our sacred and enduring relationship with the United Kingdom.

And it was not an easy challenge. But under the leadership of this Chief Minister, we first protected our sovereignty. We negotiated continued access and services to the United Kingdom market. We ensured our patients continued to use the UK NHS. We agreed lower home tuition fees for our students, thereby saving millions of pounds a year. We concluded a political framework for a treaty with the UK and Spain in December of 2020. And negotiated a treaty to govern our future relationship with the European Union. Negotiations which concluded only in December. A treaty which would be unique and tailor-made to the particular circumstances of Gibraltar. And all this with Gibraltar always present in the room. In London, in Brussels, in Madrid, in Cordoba, in Malaga and in Gibraltar itself. We negotiated our treaty for ourselves.

And you will end up with a legal framework which will protect our border, our economy and our sovereignty. And all this came about under the leadership of my hon. Friend. Gibraltar has achieved greater certainty going forward than many predicted would ever be possible.

The Government has delivered real and concrete progress here. And we have at the same time protected our position on fundamentals. But the treaty process has not yet come to an end. There are still ratification and implementation to come. So, it is nonsense to call for a change of Captain knowing that the journey has not yet finished. And when that Captain has already made clear long before that he was already leaving anyway, as he said.

Madam Speaker, that record alone is a record to be proud of. It is a record which generates confidence. This is the opposite of what the motion calls for. But the matter does not end there. The handling of the COVID-19 pandemic is a critical part of the legacy. This was unpredictable and it required quick thinking and innovative action. We had won a General Election in October 2019. Within two months, the virus was detected in Wuhan, China.

It struck out of the blue. It spread on a devastating scale across the planet. Millions of people lost their lives. Over 100 of them in Gibraltar. That period tested governments everywhere. The way we dealt with the challenge that we faced is a powerful argument for confidence in the Chief Minister.

His was a steady, responsive and responsible leadership during a humanitarian catastrophe. The most serious since the so-called Spanish flu which followed the First World War. It was a public health emergency which meant a life and death situation.

The pandemic was unprecedented in our lifetime. It placed demands on our people, our institutions, our frontline workers and our economy. That was a time which called out for leadership. Gibraltar needed action, not words. And action and leadership were exactly what my hon. Friend delivered.

Madam Speaker, I was there. He rose to the challenge swiftly and decisively. And he did so in a way which reflected to me a genuine concern for the lives of every single Gibraltarian. I can say this because I witnessed it all at first hand. We lived it together. Particular care was taken to

protect the elderly and the vulnerable. Indeed, the decision to lock down the elderly early on, for example, saved lives. That was a political decision taken on advice. And that action was taken here before the United Kingdom itself did the same. The elderly were accorded priority for vaccination.

They were allocated a golden hour to exercise outdoors in safety. They were the first to benefit from protective measures. And they were the target of much of our public communication. A support network was built around them to mitigate the impact of isolation.

The imposition of lockdowns and health protocols on our country was not an easy decision to take. It affected livelihoods, families and fundamental freedoms. But they were taken in the interest of saving lives and saved lives they did. Everyone played their part. But the buck stopped with my hon. Friend, the Chief Minister.

Government is about taking such difficult decisions. And he and we, collectively, did not shy away from doing what needed to be done. The House may recall that Gibraltar was the first territory in the world to be fully vaccinated.

That achievement, too, was not a coincidence. It was the result of close cooperation with the United Kingdom. The consequence of effective logistics, good planning and, above all, the political will to save lives.

Indeed, Gibraltar became a symbol of what could be done when leadership aligned with science and with compassion. The live daily public briefings here were his initiative. They proved to be an information lifeline to many of our citizens.

Those broadcasts became a permanent fixture, and the Government transparently communicated the very latest updates to the public on a daily basis. Weekends and bank holidays included. My hon. Friend appeared on more occasions than anyone to deliver the message of the day. And we were held accountable live by the media which was physically present in that room. That consistency, that presence, that degree of transparency and accountability gave people confidence and hope.

It came during a time of fear and uncertainty. We should always remember just how hard those days were. And it is easy to forget. But my hon. Friend did not hide away. He did not shy from delivering difficult truths. He stood before the people and set it out as it was. Because that is what leadership is all about.

The BEAT measures protected jobs, sustained families and spared Gibraltar the scale of economic devastation seen elsewhere. I acknowledge of course that those hundreds of millions of pounds were spent with the support of the Members opposite in Opposition.

Madam Speaker, those were very difficult times for Gibraltar and for the planet. And when we tragically lost lives, my colleague did not treat each loss as a statistic. He felt the pain that came with each person who fell victim to the virus.

And when Boris Johnson was almost on his deathbed, someone we had met only days before, it landed a harsh dose of reality and drama to the whole situation. He will not mind, I hope, if I say that I saw him break down on more than one occasion. Such was the intensity of the time.

The exhaustion. The tension. And as I said earlier, it is easy to forget now all this with the worst of the pandemic behind us. Just how uncertain and frightening a period that was. But leadership in times of crisis is the truest test of leadership, Madam Speaker. There is no doubt in my mind that my hon. Friend proved himself to be a leader of resolve, empathy, discipline and care.

So, this House must not forget that period of trauma. In my view, the reaction to it of the person now subject to this motion is central to the confidence debate. It is an integral part of the argument as to whether he deserves the confidence or he does not.

Madam Speaker, under the leadership of my hon. Friend, Gibraltar has also seen substantial investment in health, education and infrastructure. The Health Budget has increased significantly. There is now more staff in the GHA than ever before. We provided a Primary Care Centre, a new one. There is a new Primary Care Centre for children.

Education has also been a priority. There are now more teachers than ever before. The provision of ten new schools was a huge achievement. A University of Gibraltar, which was once a dream, is now a reality.

Many aspects of Gibraltar have been transformed in ways which we now take for granted. Even here, the Chief Minister reintroduced Cabinet Government to Gibraltar. More meetings of this House than ever before.

There is more Government data freely available online than ever. Meetings of the Development and Planning Commission were opened up to the press and to the public. None of that used to happen before.

They came in under our watch, under his leadership. The Gibraltar International Bank was established. Small Boats Marina provided berths for hundreds of boat owners.

Thousands of affordable homes have been built or are in the pipeline. A new Power Station has replaced three old and highly polluting plants. Commonwealth Park and Campion Park have transformed the City Centre.

Record revenue, record employment, record minimum wage. The list is endless, Madam Speaker. And all this has come under the leadership of my hon. Friend.

A leadership of 14 years in Government. And it is manifestly unfair, in my view, to judge 14 years of work through the prism of the last 14 minutes. And I regret that this is precisely what this Motion of No Confidence sets out to do.

It airbrushes away the solid achievements of over a decade in Office. And it seeks to shine the spotlight on two more recent areas of controversy alone.

Madam Speaker, I also wish to highlight the extraordinary ability of my hon. Friend to bring the United Kingdom onside. Relations with London today are not where we found them. In December 2011 there was a strained relationship in a number of areas and with a number of key people in Whitehall. A considerable amount of work and personal contact had to be invested in order to make things right.

That took time. But I think the UK understood that it was serious people with an ambitious programme of Government. This investment in connection with London paid dividends. It delivered rewards across the board in different areas of Government. There was a willingness to listen and to understand. It led to an acknowledgement of the policy position of Gibraltar in many areas. The speed of the Covid vaccine delivery was a visible manifestation of that, as was the £500 million Covid loan. Indeed, the Treaty negotiations again served as a relevant example where Gibraltar was both in the room and in the driving seat. And the backing from the UK came straight from the top.

No Chief Minister has ever had more interactions at Prime Minister level, ever. That is a genuine reflection of the relationship. There is a long list of Prime Ministers and Foreign Secretaries to whom Gibraltar has been able to make its case directly, face to face.

Indeed, with some of those, the contact was personal, fluid and direct, even through WhatsApp. That is a considerable achievement in itself. Because that personal contact led to concrete results.

All of this is reason to have confidence. Madam Speaker, relations with Spain have also been taken to a new level. The reason for this, again, lies in those personal contacts.

That has been the product of sheer hard work over many years. Some of this before you were Elected to Government. It has allowed my hon. Friend to develop the relationship with a network of key people in and around the Spanish administration.

Gibraltar has been able to benefit from those links in ways which would have been unimaginable before. Indeed, those personal contacts went on to become the foundations on which Government policy on engagement with Madrid was built. I do not want to give away the breadth of the contact or the level to which they reach but suffice it to say that they have at times been cross-party and right to the top.

So, Madam Speaker, in discussing the motion tabled by the Leader of the Opposition, the context of the Chief Minister's international defence of Gibraltar also becomes very relevant. It is an added reason for the House to have confidence in him. He has consistently defended our right to self-determination.

He has stood up to the Spanish claim and to the manner in which they sought to assert that claim. Remember the days of Mr Margallo. He has upheld our long-standing red lines and he has taken the relationship with the UK and with Spain to a whole new level. And I think that on a good day, even the Members opposite might find it in their hearts to acknowledge the value of at least some of this.

Madam Speaker, it is not my place to dwell on the personal sacrifices made during our time in office. This is a painful subject to dwell upon, and I have not discussed the matter with him. But I know better than most what his commitment to Gibraltar has meant and what it led to, because I lived it with him. Long nights, personal strain, time away from Gibraltar, missing key school activities and obviously time away from family and friends.

None of this is easy. My hon. Friend assumed composure in public when faced with adversity in private. He kept it together when others would probably have fallen apart.

This speaks highly to the extraordinary character of the person sitting to my left. It takes mental and physical fortitude to remain focused on serving our country, no matter what fate may have thrown at you elsewhere. And that is a further reason to have confidence.

Madam Speaker, this motion strikes out personally at my hon. Friend's reputation, character and motive. As I said before, it is pointed at him. That is how the other side have chosen to play it.

Needless to say, we have said this before, nobody is perfect. This Government has never claimed to be perfect or infallible. The Chief Minister has never claimed to be perfect either.

Indeed, as I said before, all governments make mistakes and human beings will make mistakes too. Very often, in politics, hindsight is a wonderful gift. But it brings with it the danger of reading history backwards.

And I have no doubt that on occasions we will all have wished we had done certain things differently. And in the cold light of day, an alternative route may well now appear more attractive. But sometimes these issues have to be taken when they need to be taken, on the spot, with little or no time to reflect because very often that is what leadership is all about.

Madam Speaker, the endorsement of this motion amounts more to that just simply rejecting a man. It is tantamount to rejecting more than that. It is a rejection of the long list of policy successes which I recited earlier. Over four consecutive Elections in 2011, 2015, 2019 and 2023, albeit closely, under increasing scrutiny and pressure, this Chief Minister still won the trust of the people.

The people judged the political project and they approved it, four times in a row. That mandate cannot simply be ignored now. It cannot be sacrificed at the altar of the political expediency of others.

It is said that governments often face a low point at mid-term, between Elections. This Government is in mid-term of a fourth term and it is important not to lose sight of that as we continue the debate on this motion. The House knows that a Motion of No Confidence cannot be carried simply, as I said, on the strength of Opposition votes.

Otherwise, the art of governing would be hostage to transient alliances, temporary upset, personal issues or opportunistic tactics. In a sense it should be great that our system does not work in that way. The point of having Elections in the first place is precisely to allow the voters to decide.

That is why the proper process is for Government to be judged on its record precisely by everyone when the General Election comes. That is the normal procedure we follow in this place. This motion is not the correct route.

It is unmerited, unreasonable and obviously it is partisan. So, Madam Speaker, what is the way forward? The Government has reflected on this point, and the House will know that the original intention was to amend this motion and to turn it on a Motion of No Confidence in the Leader of the Opposition. After a Cabinet session the Government intend to proceed with a different amendment. And this would be simply to remove the word ‘no’ before the word confidence.

So, for clarity, the amended motion would then read, "this House has confidence in the Chief Minister". The amending turns a negative into a positive. This eliminates the more provocative dimension.

But it still allows the question of confidence to be debated in full. The proposal to amend the motion will mean that every member of the House and every Minister will have the opportunity to express their confidence or otherwise in the Chief Minister. This is in fact what the Opposition themselves have asked for.

Now let that confidence be tested. So, the Government has altered its strategy, and we propose now to turn it into a vote of confidence in the Chief Minister himself. Notice of the amendment will now be given, Madam Speaker, in writing as required by the rules of the House.

So, Madam Speaker, to conclude. It is not wise to resort to a Motion of No Confidence over what is at base a strong policy disagreement. We disagree.

There is nothing wrong with that. They have one view and we have a different one. They will do things one way and I will do them a different way.

That is why we are on opposite sides of the House. It is worth recalling too that our political system is, at base, adversarial and confrontational. This is based on the Westminster model which is not exactly a recipe for consensus politics.

However, in the context of our international legal status, a well-worn tactic of divide and conquer, has been far from the minds of those who designed it. Nonetheless, Madam Speaker, it is true that the Opposition could have dealt with this matter in a different way. The path they have chosen sets a precedent for the future.

Motions of no confidence or any other contentious subject. In my view, this path increases polarisation, politicises oversight, actually weakens institutional checks and encourages tactical militancy and has the potential to undermine the results of a General Election. The hon. Member said earlier that they respect the outcome of the 2023 Election.

But they do not show it, and they do not act as if they did. In my view, motions should not be weaponised in this way. We must not erode the legitimacy of our institutions for short-term political gain.

The choice of the people as Chief Minister cannot be altered on the back of a policy dispute. The stability of Government must remain anchored to the choice freely expressed by voters. Time and again, the public have chosen continuity, investment, security and stability under my hon. Friend.

That is why the support, the confidence and the trust of this House must, in my view, reflect that position. Thank you, Madam Speaker.

Madam Speaker: Am I right in saying the Hon. Deputy Chief Minister has not moved the amendment? Has he given notice of it or has he moved it?

Hon. Deputy Chief Minister: Madam Speaker, I am formally moving the amendment by giving notice.

Madam Speaker: I now propose the question in terms of the amendment moved by the Hon. Deputy Chief Minister. Would anyone like to speak on the amendments? Yes. The Hon. Mr Clinton.

Hon. R M Clinton: Thank you Madam Speaker. The Deputy Chief Minister, as a historian, will know that some great leaders in the past have had their otherwise stellar careers cut short, not through a lack of achievement, Madam Speaker, but through a change of public mood or change of political opinion. Of course, we all know that Winston Churchill won the war, but he lost the Election.

Julius Caesar, you could argue, had great achievements. He conquered Egypt. The Deputy Chief Minister could have been giving his Mark Antony speech in praise of Caesar.

Look at what Caesar has done for us. Look how wealthy Rome is. You should be grateful to Caesar, but we all know how Caesar ended.

It was his political friends that decided that the tyrant of Rome had to go. There is nothing wrong in the Opposition bringing this motion. I accept that the Deputy Chief Minister is trying to be constructive, and indeed his amendment is constructive.

But the fact remains, Madam Speaker, that this motion has come about not because the Opposition are being politically opportunists, or that we want to overturn the results of the Election. We have heard in the last couple of days about the McGrail Report, or the McGrail Inquiry Report by Openshaw. But the motivation, or the actual catalyst for this motion, was the way the Principal Auditor was being dealt with.

And then the Deputy Chief Minister, you know, he talks about, or accuses the Opposition rather, of engaging in character assassination, and personalising politics, and poisoning the public discourse. And that we should engage responsibly, and that the facts are more important than the opinions. But Madam Speaker, using his own words, he's being light on substance.

This is a nuclear option, because unfortunately this is the only thing that they understand. He talks about, oh well, there are other ways in which the Opposition can bring their concerns to the House. But Madam Speaker, we have tried all of them.

Umpteen times he said, well you can ask questions. Well Madam Speaker, I could give you the list of questions I tabled in this House in this session, and most of them are the answers, no it is commercially sensitive, we cannot tell you. No, it is commercially sensitive, we cannot tell you.

And that is the quality of democracy that we get from Members opposites. They cannot even tell us how much the legal counsels are charging them, because they have not paid the fees yet. So, Madam Speaker, we get zero information from this Government.

And yet the Deputy Chief Minister stands up, with a deadpan face, saying, well there are other things the Opposition can do. Madam Speaker, we are doing everything we possibly can. But the reason this motion is here today, and the reason we are debating this, is not because of those things which have been irritating enough in my ten years in this place.

The reason we are here is because they have weaponised this Parliament against the people. Yes, the Father of the House laughs, but that is exactly what they have done. That is exactly what the Government have done.

As I said at the closing of my debate on the Principal Auditor, I am not going to go into all the detail about it, but it was not about a question of policy difference. The fact is that the Principal Auditor made some very good points they did not like. That is the truth of it.

And what happened there, Madam Speaker, is they went through a very public execution of the Principal Auditor. They engaged in character assassination. They accused him of political bias. They accused him of incompetence. It is the same things that the Members accuse McGrail of. And this has become the hallmark of this Government.

Either you are with them, or you are against them and the Chief Minister has the gall to stand up today and say, I do not believe people are afraid of us. I am a nice guy.

But Madam Speaker, people are afraid of them. And for good reason, Madam Speaker, because if you cross them, you will have your name mentioned in this Parliament. You will be pilloried in this place, using their parliamentary privilege.

For them, conducting vendettas in this place is now the new normal. It is allowed. Next person they come along they do not like; they will have a motion against them.

And it is just not on, I mean, how in God's name, Madam Speaker, is it right when the Chief Minister of Gibraltar questions the awarding of the status of KC to a lawyer in this Chamber? I mean, is that right?

And Madam Speaker, again, this motion is not about that. The Chief Minister may be guilty of multiple sins, as he is no doubt can be praised for some things that he has done. I am not saying everything he has ever done is wrong.

But his behaviour, certainly in the last year, beggars' belief. It beggars' belief, Madam Speaker. As I said in the closing remarks on the debates of the Principal Auditor, what we witnessed, or what the public witnessed, was very public execution.

Execution of a public officer, undertaking their duties as required under the Constitution. In good faith, Madam Speaker. And I wonder, Madam Speaker, I mean this is a hypothetical, but this is a debate.

What would have happened if the Principal Auditor had not retired? What would have happened then, Madam Speaker? Would they have had to force him out in the same way as they did with the Commissioner of Police?

Would it be because, oh, I no longer have confidence in the Principal Auditor to undertake his constitutional duties? Madam Speaker, this cannot be right. It cannot be right that persons who are meant to be public officers are being hounded out of office because that is what the Government wants to do.

And Madam Speaker, look, I know it upsets the Father of the House, but this is the truth of it. They are weaponising the House to achieve their political objectives. But Madam Speaker, what caused me more concern during the Principal Auditor's debate, and the Deputy Chief Minister has been singing the Chief Minister's virtues and all his achievements, but at the end of the day, Madam Speaker, it is about his behaviour and his behaviour in this House.

I do not limit myself to one particular point. My Hon. friends will come up with other issues. But during the debate, some things were said about the Auditor's opinion, and I raised it at the time.

And in the amendments to the original motion on the Principal Auditor's Report, the amendments, which was in fact passed and voted on by all of them, I do not know how because it was wrong, it said it provided a clean bill of health on the public accounts of Gibraltar. A clean bill of health. And Madam Speaker, I pointed out to the House and to the Chief Minister that that was wrong.

It was not a clean bill of health. The Chief Minister told the House that he had got a clean Auditor's opinion. He got top marks, to quote him, and that it was an unqualified opinion.

But Madam Speaker, as I told the House at the time, you cannot selectively quote from an audit opinion. it is the same as selectively quoting from a legal opinion. And that is what the Chief Minister did.

And he did it knowingly, as I demonstrated to the House. He selectively quoted from the Auditor's Report, leaving out the words except for. In fact, even putting words in that the Auditor never said that I am totally satisfied.

He never said that. And so, Madam Speaker, as I said at the time, he deliberately misrepresented the Auditor's opinion to this House. And therefore, Madam Speaker, I put it to the House that the House has been misled.

And in the Ministerial Code, Madam Speaker, in Section 1.3(c), it says, it is of paramount importance that Ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity. It then goes on to say, Madam Speaker, Ministers who knowingly mislead Parliament will be expected to offer their resignation to a Chief Minister. Now Madam Speaker, as we now know from the Openshaw Report, unfortunately, the Ministerial Code seems to leave a lot of discretion to a Chief Minister.

So, what happens when a Chief Minister knowingly misleads Parliament? Does he offer his resignation? Or is he immune from the rules of the Ministerial Code?

Does he apply a different code to him? Because at the end of the day, as he claims, he is the alpha, the omega, the source of all power on the Government's side. At the end of the day, if there is, as the Deputy Chief Minister talked about, accountability, there needs to be responsibility.

Madam Speaker: May I Interrupt the hon. Member for a moment, the Hon. Chief Minister is catching my eye.

Chief Minister (Hon. F R Picardo): Madam Speaker, yes, as I indicated to you earlier, I need to now recess the House until half past six. I move that the House should recess until half past six.

Madam Speaker: Alright, we will recess until half past six and then I will call upon the Hon. Mr Clinton to finish his address.

The House recessed at 5.47 p.m. and resumed its sitting at 6.30 p.m.

Madam Speaker: The Hon. Mr Clinton was addressing the House.

Hon. R M Clinton: Thank you Madam Speaker. Ah, where was I? Julius Caesar?

Madam Speaker, I think I finished talking just about the point about the Ministerial Code. And I think I just said that Ministers who knowingly mislead Parliament will be expected to offer their resignation to a Chief Minister. But as we know from the Openshaw Report, as he described the Ministerial Code as unfortunately ineffective, to the extent Madam Speaker that we are now looking at legislating for conflicts of interest, and in fact the Chief Minister advised the House they have engaged Council in the UK to review the Ministerial Code.

So, the Ministerial Code is obviously not working. But Madam Speaker, if the Chief Minister expects his Ministers to maintain a standard as set out in the Ministerial Code as it exists at present, I think it is only reasonable to expect him to also abide by it. And the problem is Madam Speaker is that I gave the Chief Minister the opportunity to correct the record.

Again, I remind the House, he had told the House that the Audit Opinion for 2018-19 gave his Government top marks. And he even amended the motion to say that the 2018-19 Audit Opinion was providing a clean bill of health on the public accounts of Gibraltar. As I explained to the House at the time of the motion, that was not the case. The Audit Opinion was qualified. And I invited the Chief Minister to correct the record. And his response, Madam Speaker, the Chief Minister did not correct the record. What he did was he doubled down. What he said was, well my report was no worse than everybody else's. Now Madam Speaker, that is not the point.

You cannot come to the House and tell the House I have a clean Audit Opinion and tell the people of Gibraltar you have got top marks when you did not, Madam Speaker. And if that is not misleading to the House, I do not know what is, Madam Speaker. And by the terms of the Ministerial Code, if he were an ordinary Minister, he would be expected to offer the resignation.

But no, Madam Speaker, we do not get that from the Chief Minister because the Chief Minister is special. Ordinary rules do not apply to him. And so, Madam Speaker, we have a situation whereby the Chief Minister can pretty much say whatever he likes to this place and get away with it. Because nobody will hold him to account.

Now Madam Speaker, the reason why the Leader of the Opposition brought this motion at all was because the Chief Minister was engaging in the character assassination of the Principal Auditor, who is a Constitutional Officer. So, it is okay for the Chief Minister to attack a Constitutional Officer. It is okay for the Chief Minister to make statements which he knowingly knows to be incorrect to Parliament. And yet there are no consequences, Madam Speaker. But it is not okay for us to call him out.

Yeah, and of course, it is then, you know, terrible for the Opposition to call him out or to point these things out to Parliament. I mean, do his colleagues not understand this? Or is it that they choose not to understand it?

And by choosing not to understand it, Madam Speaker, look, it is their decision. But their consciences are going to bear a heavy burden in the future. Because they are knowingly going along with what is incorrect, Madam Speaker.

They have an opportunity today to show that they were Elected to this place for the people of Gibraltar and not for power. Not for their political Party. Not for the special interest groups, which some Members opposite have in higher regard than the people of Gibraltar.

As we have seen in the Openshaw Report. I mean, the Father of the House, in all, I think he must be joking, Madam Speaker, when he talks about the deference offered by the Commissioner of Police to a wealthy member of the public. Well, Madam Speaker, and what exactly would he describe the Chief Minister as having done in the Openshaw Report?

If that was not deference and special treatment. So, what is it? One rule for their friends and one rule for everybody else?

that is effectively what they are telling the House. Madam Speaker, the lux of this motion is not about the record of the Government in 14 years. It is about confidence in the Chief Minister.

In how he is leading this House. And in fact, leading the Government. And in how he is handling conflicts.

And his inability to recognise conflicts when they arise. And that is the crux of the matter, Madam Speaker. He tells the House, Madam Speaker, proudly proclaims to the people of Gibraltar, he has never lied.

He says he's never lied. Madam Speaker, it is patently obvious that on the opinion of the Principal Auditor's Report, he misled the House. That is true, Madam Speaker.

I do not make these things up. I invited him to correct the record. He did not correct the record, Madam Speaker.

Now, under the Ministerial Code…

Chief Minister (Hon. F R Picardo): Point of Order, the hon. Gentleman said I misled the House, It is not possible to do that under the rules of the House, other than on a substantive motion. This is not a substantive motion that I misled the House. So, I ask that he withdraw it.

And if he wishes, he put a motion in that respect.

Madam Speaker: That is the practise procedure and the rules of this House. Any accusations of misleading the House have to be under cover of a substantive motion.

Hon. R M Clinton: In which case, Madam Speaker, I apologise to the Chief Minister. But at the end of the day, it is a motion of confidence in the Chief Minister. And in pretty much the same way as the Father of the House thinks, well, we should read into the record everything that is pertinent to the Commissioner of the Police.

I think the House should be aware of the Chief Minister's view on the Principal Auditor's Report. Well, look, if I have transgressed the rules of the House, Madam Speaker, I apologise. But Madam Speaker, at the end of the day, it is for Members opposite to decide what their individual positions are.

Our Deputy Chief Minister has made it clear that he believes that the Chief Minister enjoys the full support of the House. And others have said the same thing. And today we will find out the truth of the matter.

But regardless of the outcome of the votes today, Madam Speaker, and as the Deputy Chief Minister keeps reminding us, the only opinion that counts is that in the ballot box. And regardless of what happens today, Madam Speaker, they will suffer the consequences at the ballot box. Thank you, Madam Speaker.

Madam Speaker: Does any other hon. Member wish to speak? I am looking to the right side of the House. The Hon. Sir Joe Bossano.

Minister for Inward Investment and the Savings Bank (Hon. Sir J J Bossano): Madam Speaker, I assume that they have known from the beginning that we are not going to be supporting the motion that they put originally. I mean, I do not know in what world they live if they thought that

was the minutest chance of that happening. So really, they just put the motion because they had to put something here to be able to attack us.

And that is what they do. And that is fine. But it is not that they thought that we are all so discontented with the Chief Minister that we are going to support what they say.

If that were the case, then it would have happened outside this House and inside the Party where the machinery of democracy works. And therefore, I can tell the hon. Members that we fully support the Chief Minister. We do not accept that he should resign or should go.

And indeed, that is true as far as the GSLP is concerned in respect of the Elected Members, in respect of the members of the Executive, in respect of the active group, the Party officials, and in respect of the general membership. And indeed, if we could, we would persuade him to not go and stand again for the next Election. (*banging on desks*) OK?

I think that is clear. So, they do not need to be waiting impatiently a long time to see what the result is going to be. Now or for the foreseeable future.

Dealing specifically with the contributions of the hon. Member opposite. He says that look what happened with Churchill, he won the war and then he did not get Elected. Well, it is not that Churchill won the war and did not get Elected.

Churchill will be always unique as a politician that saved Europe from fascism and from Hitler. Labour won the Election because Labour came with a reform programme and after the Election a lot of things changed, including the fact that a lot of working people after 1945 were no longer willing to accept the conditions that existed before 1939. The Labour post-1945 victory came in with a lot of reforms.

It was the first time social insurance was created. It was created in the reforming Labour Government. So, it had nothing to do with the fact that they were tired of Churchill having won the war.

It was in fact from the point of view of many people who admired Churchill and appreciated what he did for Western civilisation. Then it seems a very cruel thing that he was not a continuing Prime Minister. They rejected the Tory manifesto, and they supported the Labour manifesto because it was a kind of change in society that was happening throughout Western Europe after the war.

The world in 1945 was not the world of 1938. So that is not the kind of thing. Normally when in any Western country the Prime Minister or the Chief Minister changes it is because he has got a record of things going wrong for a very long time.

This is not a record of things going wrong for a very long time. We are talking about a situation where something has happened which we have a different perception. The perception is not the perception of the Chief Minister. It is a perception of me. It is a perception of us. And the perception that we have is that the Report of the Principal Auditor that was produced in the last time was unlike any Principal Auditor Report before including his previous ones.

His previous one limited itself to a year and the comments and concerns about one year which is what he is supposed to be doing. But this guy then does the year and then decides to go on a trolling of his own where he not only does the year he is supposed to do, but he also handpicks things for all the subsequent years which have not yet been done by the Auditor. I assume now the Auditor doing the audit of all those years may not have the same opinion of those years that he had. No Auditor has ever done that. No Auditor has done that before. And what is particularly interesting is the links.

One of the things that happened after the Auditor's Report was that McGrail congratulated the Auditor's Report for criticising the whistleblowers. And the fact that they were being given money which happened after McGrail had launched an attack on the whistleblowers, accused them of being bribed to make false statements and they won their case. And after they won their case McGrail came out publicly again saying that although the case against the whistleblowers was lost because the Crown Prosecutor said there is no evidence.

When the Crown Prosecutor said there is no evidence two extraordinary things happened. The police came out with a press release regretting that the prosecution had no evidence. Since when does the hon. Member think that this is a normal thing for the RGP to do?

Look at the connections. The RGP comes out with a press release saying we regret that the Principal Auditor has said there is no evidence against these people and that the case has folded up. The Principal Auditor makes critical comments criticising the treatment of the whistleblowers.

And then McGrail comes out saying he calls for a criminal investigation in the alleged inducements to be re-opened after the Principal Auditor Report. And Members opposite say I am connecting him. I am not connecting anything; they are connecting themselves.

Is this a normal situation in one other year? If the hon. Member talks about what happens in one other year?

Have we had a police force criticising a prosecution that has no evidence? And then the poor victim of McGrail which will soon be revealed as not being the victim of anything but the other way round. Calls for what has just been dropped to be re-ignited on the basis that the comments of the Principal Auditor are sufficient for a re-opening of the investigations which have just been closed. So, this is not a normal run of the mill report.

The normal run of the mill report normally is a report that does all the things that the hon. Member said the Auditors do and I remind the hon. Member, Madam Speaker, that I said I was grateful to him when we had that debate because he actually explained in a level of detail what the role of auditing is and what the role was in connection with the people who make the accounts and the people who audit. And he explained very well and I was grateful because I did not know that level of detail and I did not have the expertise that he did.

But I think what the Principal Auditor did in his last report is not what they do normally because it has never been done before. And if you are auditing a report I do not see why the fact that you are auditing a report gives you the right to say I do not agree that the Chief Minister should decide to give somebody a house. What has that got to do with auditing a report?

What? I mean he does not agree, ok? As a citizen he does not agree.

If he joins their Party and stands for Election, he has a right not to agree to criticise it. But what effect does who gets the house or does not get the house in the waiting list have on the accounts of the Government? Zero!

So he has no right to criticise that decision which was explained because it is an issue that there are cases that the top person on the waiting list does not get it because there are reasons that are not publicised about what is the particular condition of an individual or a family that is in a more desperate situation and then a political decision is taken that this person is in such a desperate situation that he has to be given the house, right? It may be true, may not be true but an explanation was given.

There should not have been a need to give an explanation because it is none of his business. That is not what he was paid to do. And as I say to go into years into the future questioning things that will have to be re-questioned by the Auditor that then does those future years seems a very odd thing to do.

So I told him at the last time when we were discussing it that what I thought was different in the year was that there was a level of comment that went in my view beyond the role of the Principal Auditor where he was expressing criticisms of who gets paid what which actually identified people and if somebody is saying that this is illegal then it is a different issue. The hon. Member says that he does not get answers to questions of things that are confidential. Well of course he does not get answers to questions because he is not asking questions of where the money is from the Government.

The question that he asked to which he did not get an answer from me is the Savings Bank is the only institution that publishes every month where it has put all its money. They think that it is also common or right that where the money goes now has to be published as to where that entity has put that money. You do not see that anywhere.

Nobody expects that. Nobody has ever done that. So that is the issue that he has.

So, he gets a lot of questions, a lot of answers but there is one answer that they say they will not answer because it is confidential. Because it is confidential. Because if he comes tomorrow to do a business project and he presents something that is good for Gibraltar and something that is profitable and the advice that I get is that it should be done and I am the politician that is answerable and responsible for the Savings Bank.

And I look at the numbers, and I say yes, I think it is right. That does not mean that because I have been able to see a confidential document in order to reassure myself that it should be done and in order to be able to defend it politically that I can then publish it. What right have I got to publish it?

I mean does not he know that there are rules about respecting the privacy of people, that there are rules about the figures that are being put to a private entity. When it comes to somebody borrowing directly from the Savings Bank, the Savings Bank publishes where the Savings Bank's money has gone which is the first step, but he wants all the steps after that. The level of information we provide is massive compared to the level of information that they provided when they were in Government.

The treatment that the Chief Minister gives to people when they ask questions here is the treatment of a pussycat compared to the treatment we got there when they were in Government. When we were there and we put questions to the then Chief Minister, we were attacked even before you put a supplementary. So, it was not a bad thing really that it only happened once a year because we were only tasked once a year.

So, the Member opposite has to have a sense of perspective. He has to measure things by what has happened in the past. There are many things that we have improved compared to the past.

It may be that if they were in Government they would not go back to the bad old ways. They might continue with our reforms but to suggest that because of the report, the elements of the report of the Principal Auditor that we disagree with because we are accused of attacking him. No, we are defending ourselves.

He has attacked us. He has gone beyond his role to attack us, and we defend ourselves here in Parliament because he is a member of the Parliament because of his place and if he is allowed to say things about us surely, we are allowed to defend ourselves.

He is not permitted. He is kind of defensive. We are not attacking him. We disagree with what he said was wrong about what we were doing. We are not allowed to do that. That is wrong.

Okay, so what he is doing is right, but we are not entitled to even put in the public domain, and we can only do it here, we are not going to be changing press releases with him, our side of the story. I do not think the Member is right in saying what we are doing is a terrible thing and it is anti-democratic. Look, what he said is in the public domain and what he has written.

What we think of what he said is also entitled to be in the public domain and people read it. If people agree with us, they will say he is wrong and if people do not agree with us, they will say we are wrong and he is right. So, what is wrong with that?

The Chief Minister has to go because of that. I mean the idea of democracy seems to be that it depends on whether it suits them or it does not suit them, whether it is right or it is wrong. Things are right or wrong depending on who says it.

If we say things are wrong or they say things are wrong, they are still wrong not because they say it or whether we say it, it is because it is empirically the case. We believe with the value of an argument that the Principal Auditor's Report that he made when he left is unlike the report that other auditors have made before him and that he only made it in my view because he was going. And because he was going, he had a final flick at all those grievances, and he looked for everything that he could criticise because I can find no other explanation for the change that happened.

The hon. Member makes a thing about the Chief Minister was lying because he said that they had given us a clean bill, and he did not say except for. The Chief Minister as far as I remember is that the phrase about the accounts which is therefore except for qualifying it to the remarks that may have made is the same one that is there every year. So, if the same one is there every year, then you cannot come along and say ah, but the accounts have been qualified this year.

You are misleading people if you say it is qualified this year because in every other year that you have been here you have not said the same thing and both carry the same phrase. So, what is it that people have to say ah this is something new.

If we hear the Member of the Opposition say this year the accounts have not been given a clean bill of health this year well that suggests that there is something different this year. If what it says this year it has said every other year in the history of Gibraltar, then by saying this year it has not been done you are creating the impression that something different has happened. Surely, he must understand that that is what he is doing.

I assume he is doing it deliberately because he wants to do it or he has done it without thinking that that is the impression that people will get. So, to say it has got a clean bill of health because every other year nobody has suggested that it has not and the words are identical does not seem to be an unreasonable thing which means therefore it is valuable. If that was the level of lying that he has done in all his life, then who enters into heaven is guaranteed.

So, Madam Speaker I think that the motion today is a motion that is simply a continuation of what we have had in the last few months and that all we are going to do is repeat the respective positions that we have. Of course, it is not that we say we need to pass behind because we want people to forget about it. If they want, we can have the same motions every month.

I am quite happy to do that. It means that I have to stay longer than 12 hours in the office to make up for the time I waste here but if that keeps them happy, I will go along with it. But I would think that there is more productive use of time to be done in this place than repeating the positions we all know of each other in the knowledge that we are not going to convince each other.

And therefore, it is in the hands of the Members opposite for how long I want to keep it up or whether they are satisfied that we thrash it out sufficiently.

Madam Speaker: The Hon. Mrs. Ladislaus.

Hon. J Ladislaus: Madam Speaker in the November 2006 Referendum the people of Gibraltar who we all represent in this House were asked in exercise of your right to self-determination do you approve and accept the proposed new Constitution for Gibraltar? Madam Speaker the words in exercise of your right to self-determination because our Constitution is so much more than just a document because for us here in Gibraltar Madam Speaker it is more even than the foundational document from which our other laws derive. It is symbolic of everything that those who came before us fought for and fought so hard for and for what we continue to fight for.

What everyone in this House Madam Speaker is on the same page on which is our right as a people to self-determination to govern ourselves and not have somebody make those decisions for us. We sent a very powerful message when we said yes to the Constitution because we said yes to modernising our democracy and to providing the safeguards that ensure that the Government's power is kept in check. That certain institutions maintain independence from outside influence including that of the Government and that nobody can have absolute power because absolute power corrupts Madam Speaker.

And yet what we have seen quite blatantly in the past few years is a full frontal and shameless Government assault on the Constitution. They either simply do not realise the damage and consequences of what they are doing or they simply do not care. I do not know which one of those two it is Madam Speaker, but I think it might be a case of a bit of both and every time that they are called out for it they do their best to shift the blame.

Madam Speaker four months ago I had considered this contribution, and it was in respect to the Government's actions which related to the latest Principal Auditor's Report. But since the Chief Minister has deliberately drawn out that debate I will also be turning today to why we can no longer have any confidence in the Chief Minister because of the findings in relation to him within the McGrail Inquiry Report.

Madam Speaker let us go back to the Constitution and talk about the Principal Auditor's Report. Along with the protection of fundamental rights and freedoms like the protection of the right to life, to personal liberty, from inhuman treatment, the role of the Principal Auditor and his powers are also enshrined in the Constitution which the Chief Minister and the Government have spent months attacking Madam Speaker. The Constitution says that section 74 very clearly, I am quoting from that now:

> The public accounts of Gibraltar and of all courts of law and all authorities and offices of the Government shall be audited and reported on by the Principal Auditor and for that purpose the Principal Auditor or any person authorised by him in that behalf shall have access to all books, records, reports and other documents relating to those accounts,

all of them Madam Speaker.

> The Principal Auditor shall submit and lay his reports before the Parliament and in the exercise of his functions under the Constitution the Principal Auditor shall not be subject to the direction or control of any other person or authority.

Madam Speaker, according to subsection 1 which we have just read out, the Principal Auditor should have been given access to all the books, all the records, all the reports and all the other documents relating to those accounts which he asked for but on many occasions as we saw in his most recent reports and in other previous reports too Madam Speaker which were prepared by him and which the Government did not contend as strongly as they have this one, it is clear that he has not been given access to all the information requested as and when needed.

Moving on to subsection 2 Madam Speaker,

> The Principal Auditor shall submit and lay his reports before the Parliament.

The Principal Auditor does this because he is an Officer of this Parliament and he does not answer to the Government Madam Speaker. The Chief Ministers motion in respect to the Principal Auditor was brought simply to control the criticisms laid in that report because they do not like what is been said.

Because Madam Speaker with this Government it is like opening one of those packets of very sour sweets and picking through the ones which are your favourites and then you pass around the ones that you do not like. The Government pick at the findings in the same way that they like and they either throw back the ones that they do not like Madam Speaker or they try to share out the responsibility so that they can avoid accountability themselves and in that sense they are exactly like a packet of sour Haribo. The integrity and independence of the former Principal Auditor and his work had never been called into question Madam Speaker by the Government before now.

Just weeks before they were thanking him for all his work and we have heard that various times. it is incredible that in all the years in which Mr Sacramento served as a Civil Servant his so-called political bias has not apparently shown because we heard even Sir Joe Bossano in this House, the father of the House said in his contribution that he had had a good relationship with him and that there was no evidence of any cracks in that relationship Madam Speaker. But suddenly when something does not go the Government's way his integrity is then called into question.

The Government Madam Speaker rubbish the idea that people are afraid of them, of speaking out against them. But when they said that again today, I was reminded Madam Speaker of the placards that were held by GHA employees this past summer during a very well attended demonstration outside No 6 and on those placards, it said black upon white that they were afraid to speak out. And also, Madam Speaker, it reminds me of all the posters that are set up around the PCC around the hospital which state specifically that employees are afraid to speak up and that Madam Speaker is the general culture out there in the public.

Madam Speaker when the Government come here and rubbish the Principal Auditor in the way they have done so for doing his job what message does that send to other Civil Servants? What message does it send to the Office of the Principal Auditor and to the current Principal Auditor? What message does it send to the public about the state of our democracy?

What we have seen in this session of Parliament is that the Chief Minister has turned this House into a courtroom where he's put the Principal Auditor on trial. It is very interesting Madam Speaker that even the Chief Minister himself slipped on two occasions and referred to this House as a court because he said this court on two occasions. The only court that the Chief Minister should be concerned about Madam Speaker is the court of public opinion right now.

The issue with that of course quite apart from the fact that this is not a courtroom is that during a fair trial the person who stands accused is given an opportunity to put forward evidence to refute what is being said. Of course, in this instance the former Principal Auditor cannot do that. He was already on the back foot because of all the failures outlined in his report which point to a lack of information being provided when they were requested by him.

Even more unfairly and shockingly he has been accused of political bias in an attempt to discredit the contents of his report. Madam Speaker just because somebody takes a similar or even the same view as a political party does not mean that they are biassed towards it. Has it ever occurred to the Government that when someone with a professional standing such as a Principal Auditor has makes recommendations as to improving procedures it might just be because the solution suggested a common practise in other jurisdictions. Maybe their best practise and maybe they come from a place of experience. Has that ever occurred at any point?

Madam Speaker I liken that in fact to the findings in the McGrail Inquiry by the highly experienced retired judge that is Sir Peter Openshaw.

He made findings about the Chief Minister that are less than complimentary Madam Speaker and sadly that also needs to be challenged. There is a clear pattern of behaviour emerging. A Chief Minister and a Cabinet Madam Speaker is what we see who are unwilling to be held to account no matter what.

We will return to that later. The other problem with treating this House as a courtroom Madam Speaker is that in a trial everyone has been given all the evidence to consider. But here it is only the Government that holds all that evidence.

We can only see what they choose to provide us and to make public. They control the narrative yet even when that narrative is carefully curated to provide in respect to what they did provide in respect to the Principal Auditor's Report it did not add up. Madam Speaker turning to the McGrail Inquiry which we have heard so much about over the past few days.

Let me start by saying this. The rule of law in any democracy is absolutely sacrosanct. There is no choosing if and when to uphold it.

We cannot do the Haribo here. There is no blurring the lines when it suits and nobody is above the rule of law. Over the past few weeks plenty of opinions have been expressed relating to the findings of the McGrail Inquiry and today we have been treated to a second hearing of the Inquiry Madam Speaker.

We have had the Inquiry within an Inquiry, and it is a completely improper use of the procedures of this House. The irony Madam Speaker of hearing what we did today as to protect the disclosures was not lost on me and I am sure it will not have been lost on the public. Because Madam Speaker yesterday we were debating the findings of the Inquiry arrived at again by a very experienced retired judge who found that the Chief Minister had attempted numerous times to interfere in a live criminal investigation involving his own close friend.

He was found to have attempted interference with the operational independence of the RGP. Today however we heard the Father of the House wearing his new hat of Minister for Protected Disclosures. Go through statements submitted to the McGrail Inquiry, Madam Speaker and which were deemed to have been irrelevant to the subject matter of the Inquiry might I add.

Now some of that Madam Speaker may form the subject matter of what the Commissioner of Police confirmed last week was being considered by the RGP and that regardless of whether it was

the Chief Minister who asked him to look into that or it was a decision taken by the RGP itself. The act of bringing potential evidence into this House is one which again demonstrates that this Government does not appear to respect the lines between the separation of powers. So now Madam Speaker, Government have done the job of the police in looking into statements of alleged criminality. They have held courts and done the job of judge, jury and executioner in here. And they are going to be doing the job of the Principal Auditor soon as well when they produce their very own version of the last report. What do we need different branches of Government for separation of powers Madam Speaker. This Cabinet is prepared to do it all.

In politics it is to be expected that we will talk about policies. It is expected Madam Speaker that the public will want to know what the parties' policies are before they make a decision as to whether they want to vote for them and they want to support them and we have heard this afternoon the Hon. Deputy Chief Minister talking about the concept of policies and how we have a difference in the ideas of our policies and the ways that we would actually choose to implement those. But Madam Speaker integrity is not actually a policy.

A willingness to be held accountable is not a policy and transparency is not a policy. These are all qualities that are to be expected of anyone who holds public office. What we have been debating for months is not a difference on policies.

Again, I wish it was because it would mean that this House can get on with its work of actually furthering services to people, of improving their lives instead of being stuck in here discussing what is not policy. Exactly its principle as the Hon. Leader of the Opposition says. Madam Speaker it is the findings that we have been discussing in respect of two separate reports as to how this Government, as to how the holder of the highest Office of the land have been conducting themselves.

The conclusions of both of those reports are clear, and the public have drawn their conclusions. Heads of Government have resigned for less Madam Speaker, and it is no defence to say that someone has been Elected to Government. It is no defence to look at the history of their achievements as the Hon. Deputy Chief Minister has sought to do today.

In the face of behaviour that is unbecoming Madam Speaker, that has been found to be improper, that has been termed sinister by a judge. Someone may have the confidence of the electorate at the point they win an Election, but it does not mean that that confidence cannot be lost as it has been. it is eroded over a period of time, and we have seen that particularly spectacularly in the past few months.

And also, Madam Speaker we have heard about all these achievements and the Deputy Chief Minister's contribution which might I add and observe, sounded like a speech in an Election campaign rather than a contribution as to a Motion of No Confidence. Madam Speaker, in respect of motions of no confidence, a Motion of No Confidence is not brought lightly, it is true. it is a last resort and never before has one been brought against a serving Chief Minister in this House.

It is the ultimate tool of accountability. It questions whether the Head of a Government still commands the support of the legislature. But Madam Speaker, it also questions whether the head of a government still commands the support of the public and should command the support of the public.

The Deputy Chief Minister in what has sounded like a speech again during an Election campaign and has not dealt with the issues, respectfully saying, that we have heard about in past months observes that this motion has been tabled in the knowledge that it has little prospect of success. Yes, Madam Speaker, we know that. Maybe so because of the way our Parliament is set up.

But given everything we have heard, it should have a prospect of success. that is the point to be made here. Because otherwise we are condoning an attack on democracy.

It is as serious as that, Madam Speaker. It is not funny, it is serious. It says to the public that this Government should have an unvetted and unchecked ability to do whatever it chooses whether it is found to be right or wrong because they won an Election.

That is the position that is been taken today by the Deputy Chief Minister, Madam Speaker. And it is shocking, but unfortunately nowadays it is become the norm. Madam Speaker, I want to

conclude this contribution with an Abraham Lincoln quote, which I think is very relevant here today.

It does quote the United States of America, but I think it is relevant to the situation here. And I hope that Ministers today will just reflect on it. Our safety, our liberty depends upon preserving the Constitution of the United States, here of Gibraltar, as our fathers made it, in violence.

The people of the United States, here in Gibraltar, are the rightful masters of both Congress and the courts of Parliament, Madam Speaker, and the courts. Not to overthrow the Constitution, but to overthrow the men who pervert the Constitution. So, Madam Speaker, for all the reasons which I have just set out, and because the Constitution needs to be upheld at all times, I will be voting in favour of the motion as proposed by the Leader of the Opposition and against the amendments made by the Deputy Chief Minister, Madam Speaker.

Madam Speaker: We are speaking on the amendment now. that is what is before the House.

Hon. J Ladislaus: Sorry Madam Speaker, I will be speaking against the amendments brought by the Hon. Deputy Chief Minister. Because Madam Speaker, Ministers should not just vote under pressure of a political party. They should vote under the pressure of their own conscience, Madam Speaker, and not blind allegiance.

Madam Speaker: The Hon. Mr Feetham.

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, I do not know how many times over the last two weeks, we have actually repeated the same statement. That each and every one of us on this side of the House has full confidence in the Chief Minister, Madam Speaker. No pressure whatsoever, at no point in time was anybody asked by the Chief Minister to come here or go publicly and make any statements of support on his behalf, Madam Speaker. So let us be absolutely clear in the terms of the motion. The motion says very clearly that this House has confidence in the Chief Minister. It is a statement that each and every one of us will endorse and affirm, Madam Speaker. And let me say, Madam Speaker, that the last two days in particular has been a salutary lesson in party unity and indeed collective responsibility, Madam Speaker.

Something that they certainly do not subscribe to. And the reason for that is very simple, Madam Speaker.

I will develop it during the course of my address. The Hon. Mr Bossino felt offended, Madam Speaker, when the Hon. Chief Minister today used the term bloodless coup. He was offended, Madam Speaker.

He was even scandalised. But of course, the Hon. Mr Bossino is a master of political coups, Madam Speaker, and I will develop that argument as well here today. He accuses us, Madam Speaker, he accuses us in this Chamber over the last two days, as he did indeed during my GBC debate last week, saying that we on this side of the House have no moral compass.

Madam Speaker, I am not going to make a judgement. Yes, you did say it on a number of occasions. Moral compass, Madam Speaker, I am not going to make a judgement on whether or not the hon. Member has a personal moral compass but what I am entitled to do, Madam Speaker, is to say that he has no political moral compass, Madam Speaker. Because when the Hon. Chief Minister yesterday, Madam Speaker, described him as slim shady, Madam Speaker, slim shady is not a term that was coined by the Hon. Chief Minister. Absolutely not, as the Hon. Chief Minister rightly pointed out, Madam Speaker.

It is a reference which is contained in Hansard, and I think I made a search today through Hansard and I saw at least five references to slim shady, Madam Speaker. Of course, slim shady, Madam Speaker, is the reference that the former Leader of the Opposition used to describe the hon. Member Mr Bossino. And I have got a copy here of Hansard, Madam Speaker, for the avoidance of doubt.

It is Hansard of the 23rd of February 2018, Madam Speaker, when the former Leader of the Opposition, who was coming under pressure internally from his own Party, Madam Speaker, from his own Party. Let us talk about Party unity, Madam Speaker, collective responsibility, when he was under pressure from his own party and the internal divisions within his Party. The Leader of the Opposition in this Chamber, those that were here may recall it, I think it was the Hon. Mr Reyes, it was also the Hon. Father of the House, the Deputy Chief Minister and the Chief Minister.

You may recall that in Hansard, the former Leader of the Opposition said this, Madam Speaker, in a speech that he gave in this House, when he was facing the internal divisions caused by several Members on the opposite side, who were then, not in Parliament, because the Hon. Mr Bossino was not in Parliament, Madam Speaker, he had left the GSD, Madam Speaker, he had left the GSD because he did not want to stand for Election again, Madam Speaker, but that did not stop the machinations within the Party. And the Hon. former Leader of the Opposition said, and I quote,

> will the real Slim Shady please stand up, please stand up,

and that was a reference to the hon. Member opposite, who was not a Member in this Chamber, Madam Speaker.

And of course that suited the leadership ambitions of the hon. Member opposite, because he was defeated in his first leadership contest against the then Leader of the Opposition or the person who became the Leader of the Opposition or the Leader of the Party in 2011. It suited his own leadership ambitions to get rid of the former Leader of the Opposition in order to be able to contest what he believed would be a vacant leadership contest, as indeed there was, Madam Speaker, and he was defeated a second time by the now Leader of the Opposition. And I must apologise to him, Madam Speaker, because in the GBC debate last week, I said to him, when he said all sorts of things about the hon. Members on this side of the House, I said to him, well, you have lost three leadership contests, and he said to me, no, no, no, I have only lost two, as if it makes it much better.

Yes, Madam Speaker, he lost two, he did not lose three leadership contests, and to that extent, I apologise, and as the Hon. Chief Minister rightly points out, he will lose the next leadership Election as well, Madam Speaker. And the then former Leader of the Opposition, Madam Speaker, given all the machinations within the party, Madam Speaker, also said this, and I am reading from Hansard, it is the same Hansard of the 23rd of February, Madam Speaker. He goes on to refer to Mr Llamas, and Mr Llamas was then an independent MP that had left the GSD, Madam Speaker, but he sat in this Chamber, and Mr Feetham, the former Leader of the Opposition, said this,

> we all know, we are not stupid, we all know,

he, referring to Mr Llamas,

> is not a lone wolf. He forms part of a pack of wolves, political wolves,

there was laughter, according to Hansard, in this Chamber, and he says,

> a rather timid pack of wolves, one that prefers to lurk in the political shadows.

And according to Hansard, we hear the words, hear, hear, I do not know whether the words hear, hear came from this side of the House, or from that side of the House, Madam Speaker, from those Members that sat on the opposite bench, and Madam Speaker, he then went on to say,

> rather than coming out openly in broad daylight, but pack a pack of wolves, nevertheless.

Madam Speaker, it is the same pack of wolves that are now calling for the political blood of the Chief Minister, Madam Speaker, but it is incumbent on us, on this side of the House, Madam

Speaker, to protect his human and constitutional rights. And before they get to the Chief Minister, they will have to come through each and every one of us, Madam Speaker.

And of course, as I said yesterday, Madam Speaker, in my address to this House on the previous motion, what they are trying to do, Madam Speaker, what they are trying to do is to dehumanise and demonise the Chief Minister, Madam Speaker. And it is clear what the strategy is.

The strategy is quite clear and transparent, Madam Speaker. It is quite clear and transparent that all they care about is agitating public opinion in Gibraltar. And I made the point in our GBC debate last week, and it is not the first time that Mr Bossino does this, Madam Speaker.

Of course, he cannot take criticism. He likes to dish it out, but of course, he cannot take criticism himself. And on one occasion, Madam Speaker, in this Chamber, he described me as the Che Guevara, I think, of Gibraltar politics, Madam Speaker, the Che Guevara of Gibraltar politics.

And the Hon. Chief Minister, Madam Speaker, pointed out from a sedentary position and actually questioning the appropriateness of that comparison because Che Guevara, Madam Speaker, whether we agree or disagree with his political ideology, Che Guevara was assassinated, Madam Speaker. He was assassinated. And I cannot say that I associate myself with Che Guevara or I do not.

I think the criticism from the hon. Member opposite was in the context of my tax strategy. Of course, he was here to defend big business, Madam Speaker, as he has done today. He is here to defend the powerful, Madam Speaker, the establishment.

But when we saw the results of the tax strategy as the tax strategy was implemented, Madam Speaker, we came to this House with an additional £85 million of tax revenues, £85 million of tax revenue that we invested in education, that we invested in health, and that we invested in those things which the people of Gibraltar feel is important to them. The Father of the House, Madam Speaker, will clearly associate himself with Che Guevara because I think he has done it on a number of occasions, Madam Speaker. He calls himself the freedom fighter and he said it before the United Nations. He said it on National Day, Madam Speaker, and he has demonstrated here today that he is a freedom fighter, Madam Speaker, and if Trump were to invade Greenland or any other territory, the Father of the House would be the first one, Madam Speaker, to enlist and go there and fight for the freedoms of the people in those territories, Madam Speaker. As he has amply demonstrated today that he's still very well equipped and able to do so, Madam Speaker.

And we have got to be careful, Madam Speaker, that we do not raise the temperature, Madam Speaker, of this debate and unfortunately, over the last month and a half, which is exactly what the hon. Members have done, Madam Speaker, and it is most unfortunate because you never know how it is interpreted outside Gibraltar and the unintended consequences. The Hon. Deputy Chief Minister has made the point, Madam Speaker. One has to sometimes temper the debate, Madam Speaker, because there are people that might be listening to the debate that do not take the things that are said in the context in which they are made, Madam Speaker.

And I know that full well, Madam Speaker, because two weeks ago I was told by the Royal Gibraltar Police, Madam Speaker, that they had intelligence, that they had intelligence that indicated, Madam Speaker, that death threats had been made against me, Madam Speaker. And I am not, for one moment, going to suggest that those threats emanated as a result of anything that was said in this House. But it was said, Madam Speaker, in the context of my defence for the Gaming Sector in Gibraltar and indeed the economy of Gibraltar.

And whatever was said was misinterpreted because there are very strong and passionate views, Madam Speaker, in that context. And all I am suggesting to the hon. Members is take care of how you raise the temperature of the debate because unfortunately, Madam Speaker, it can result in unintended consequences. I must say that I am happy, Madam Speaker, that the motion has been amended in the way that it has been amended, Madam Speaker, and that it is not directed at the Leader of the Opposition, not because I wish him any political goodwill, Madam Speaker, because it does, I think, help to lower the temperature.

Quite apart from the fact, Madam Speaker, that if the motion had been amended in the way that we were proposing at the time, his colleague to the right, no doubt, would have used it to

undermine him even more, Madam Speaker. And finally, Madam Speaker, a reference was made by one of the hon. Members opposite that Churchill won the war but lost the Election. Actually, Madam Speaker, Churchill lost the first battle, the battle for France, Madam Speaker, he lost the first battle, but he won the war.

The hon. Members opposite, Madam Speaker, no doubt, when they read the Inquiry Report on the 23rd of December, they already declared that they had won the war. But as the Hon. Chief Minister pointed out yesterday, they may have, on the 23rd of December, as a result of the Report, they may have felt that they had won that battle, but I can tell you, Madam Speaker, that they will not win the war because they will definitely lose the next General Election (*banging on desks*).

Madam Speaker: Any hon. Member on this side of the House? Well any hon. Member really. The Hon. D J Bossino.

Hon. D J Bossino: As is normally the case with Hon. Minister for Financial Services, he makes a contribution on a motion which is completely and utterly irrelevant to the motion before us. I am quite relaxed about that record because it actually does not represent the truth of the position. But I do not need to go there. I do not need to go there.

We are debating here today whether, in effect, we have confidence, as a Parliament, in the Chief Minister. And the result is, as the Hon. Deputy Chief Minister points out, predetermined. This is the nature of our Parliament, he says.

But to hear the Hon. Mr Feetham go on about these insulting references to me, which were said now in the distant past, which, if I follow the Hon. Chief Minister's advice, one ought not to do, and to look forward, you know, it is completely and utterly irrelevant. And he says that the reference to me in those terms had been made five times. He has even done a search of our Hansard.

The reality is that I suspect that on most of those occasions when a reference has been made in those terms, had been done by the Chief Minister. Because he uses it in his obsession at attacking me as a stick to hit me with. But he has come up here with clearly wanting to, and quite frankly it is quite boring, wanting to exact vengeance in his own mind about things which he says happened on this side, in this party, on this side of the House.

Why is he so obsessed with that? And it is totally irrelevant. But actually, I put to him that in focussing so much his attack on me and my political history, he has not only done a disservice to this House, but actually to him himself and indeed to them on that side of the House.

Because he should have focused his speech and intervention and firepower on defending the Chief Minister. Are we to read in that implicitly that actually he is not that convinced? So, what he does is he comes here and focusses the attack on me.

I am not even the Leader of the Opposition. So, I put to him that implicitly, actually, he is not that convinced. What happens is that he says that he is subject to collective responsibility.

But he ought to be looking at Hansard when he has not been here, but I think it has also been said in his presence, but he may have forgotten that actually the Chief Minister does not hold the Cabinet when he says in votes in this House to the President. But he does hold the principle of collective responsibility such that they can vote. He said, I think, today or yesterday that he does not write the speeches and that they can vote as they please.

So, they are free to vote against this motion. So again, he makes an error, not just an error of judgement, but actually an error of substance by dedicating so much of his ire and focus and criticism on me, on something that he says happened X number of years ago. Ancient history.

And, you know, the reality is that he also has a political history. But actually, in his case, I have got a political history indeed. I have been here and in politics now for, we were reminded by the Chief Minister, for about 35 years.

But he also has a political history, which is chequered, and he needs to be very careful because he participated in the coup to try and get rid of Sir Joe Bossano when he was originally in the GSLP, and then they formed the Labour Party, and then they decided to come into the GSD, and then he

left the GSD. So, he needs to be careful about reminding members of the public and this House about political history. But what I say is based on fact and not innuendo or supposition.

That is a fact and it is open. And in fact he wrote a letter to the Gibraltar Chronicle on the 19th July 2013 being heavily critical of Sir Joe Bossano on his policy of the Savings Bank which happens to be our policy now in terms of our political criticism about will he, does he remember about the two sets of accounts; the first on the balance sheet and the other one the off the balance sheet which has been our mantra now for a good number of years. Predates the Hon. Mr Clinton, when I was in the House. That was our position that we took unanimously as an executive of the GSD of which he was a member. But he is the one who has changed his mind, so he needs to be careful about citing political history, when actually he should be much more embarrassed because I am not embarrassed at all about the things that I have done. If I have offered myself to the leadership of this Party, I have done so and there has been a vote, and so what?

So, he talks about demonising and dehumanising but that is exactly what he has tried to do with me but actually, the demonisation and the dehumanisation is being done by themselves on their own account as ruled by Sir Peter Openshaw in his report and indeed by Mr Sacramento in his report as Principal Auditor. It is not us, we have now repeated the point on many occasions over the last 48 hours. It is not us, they are doing it all very well themselves. They are doing a good job themselves in relation to that.

And this notion that they are socialists, yes, I did refer to him as Che Guevara in jest because I do not think he's actually a real socialist. But they want to propagate this notion that we are the party of big business.

I wish sometimes. I wish. Because maybe the party coffers would be a bit healthier.

But their party coffers, I am sure, are very, very healthy. Because as I have said before, they are the party of the new elite of Gibraltar. They are the party who are really supported by big businesses in the plural.

Or did we not have the debate with the office block at the dockyard, for example? Did we not have that debate? They are the Party who have their coffers healthy, no doubt, as a result of big donations by big businesses. So, they are the party of the elite. They are the elite. They are not the Party, as the Hon. Sir Joe Bossano said, of the little guy.

Nobody believes that. They are the establishment. But, once again, Mr Feetham, the Hon. Mr Feetham, makes a contribution which is wholly and utterly irrelevant.

And maybe he ought to be checking that from his point of view because he has got this obsession with me which I simply do not understand. He just needs to move on and not look at the rearview mirror.

As far as the Hon. Sir Joe Bossano`s contribution in this debate is concerned, once again, I think the point has been made by my two colleagues who have contributed so far. My three, sorry, colleagues who have contributed so far. This is a matter of principle that we are debating here. For the Hon. Sir Joe, who said that he would rather not be wasting his time here, and that is the regard with which he has this Parliament, but we have known that that has been the case with him. Those of us who have followed politics for many years.

He says, well, on this occasion, something has happened of which we have a different perception. As if this was a minor thing in respect of which we are entitled to have a different view. This is something much more fundamental. This is something that goes to the roots of principled politics and the quality of our democracy. it is not something that, you know, something has happened. You know, the reality is that they do not like the conclusions which were arrived at by the Principal Auditor in his Report and by Sir Peter Openshaw, so it is those things that they want to discard and criticise and demolish and trash.

There is a word that we have used very often over the last five or six months. It has been an attempt at political assassination of, I was going to say these two gentlemen, certainly of one gentleman, and that is the Principal Auditor, but in respect of the Openshaw Report of Mr McGrail, because they did not like it. And as my learned and hon. Friend Mrs. Ladislaus rightly said, it is choosing the sweeties that they like, the sweet sweeties and the sour sweeties put to one side.

So, this is much more serious than that. And then he goes on to talk about soon to be revealed as to who the real victim is in all of this Openshaw drama. This is clear evidence, if there ever was, of the hon. Gentlemen and Ladies opposite now wishing to gun for Ian McGrail. They are gunning for him. Actually, that turn of phrase I think was actually used by Sir Peter Openshaw when describing some of the evidence given by the Hon. the Chief Minister, where he was really, I think it was in the context of the pension entitlements. Where he said actually, they were probably looking at one of the other officers' pension entitlements, but I think he came to the conclusion actually he was gunning, this is Sir Peter Openshaw's Chairman, for Ian McGrail.

We are seeing a further repeat of that by the comments made by the Hon. Sir Joe Bossano in that context. And again, they use the same mantra. The Hon. Chief Minister may not have written their speeches, but they seem to be in unison in terms of the approach on some occasions.

Because as I said before, there has been a heavy contradiction between the Hon. Deputy Chief Minister and the Minister for Inward Investment, where there was clearly a clash. But that was in respect to the other motion, Madam Speaker.

But he says, the Hon. Sir Joe Bossano, that these things are right or wrong. That he says that his previous report, sorry, he says that his last report, i.e. Tony Sacramento's last report, was unprecedented in terms of its severity and the explanation he gives for that is because he was going to go on retirement and he probably thinks he threw the hand grenade, because I am out. Actually, we forget, but the report just before that one, his penultimate report, which would have been his last report, was actually also very critical of the hon. Gentleman and Ladies' opposite.

Where he also came to rather pointed criticisms and conclusions in respect of their governance of our monies in this place. But what happened on this occasion? I suppose he pitched it higher and then they knew that they had to do something about it, in their view.

Our view is that they should have taken it on board, accepted the recommendations and moved forward with humility. But no, they had to go for it, as they have done with Ian McGrail. And this was independently reviewed, all these accounts and the value for money judgments made by this gentleman were independently reviewed and that has to be respected. And this is why there is a clear blue line between them and us. We know that instinctively you do not do that but they simply do not understand that concept. If it attacks them and the warriors that they are, they will go for you. And this is a very dangerous thing, especially and particularly because we are dealing with a small place.

And this is not a motion where we are making a comparison with the pussycat Chief Minister and his immediate predecessor, who was the leader of our party. Because Sir Peter Caruana as Chief Minister would have been much more severe than he was, he says. I am not too sure about that.

They may have a different style. But the Hon. Chief Minister is also quite severe in the way that he deals with us on this other House. But as the Hon. Mr Feetham says, maybe when he dishes that, it does not matter. But when you have the receiving end and in terms of his attitude and approach, you know, he may have a different view. And by he, I mean not just the Chief Minister, but indeed also the Hon. Sir Joe Bossano. But it is not relevant - it is not about that.

And then he says, you know, it is almost a joke with the greatest respect, but rather bizarrely, he says that we are not attacking him. I think it was that was in the context of the Principal Auditor. We are not attacking him. We were just defending ourselves. The point is you should not be necessarily defending yourself. You should be accepting what he said, because it was an independent report by a respected individual who they themselves praised when he retired. Or does he not recall that I think it was the Hon. Chief Minister singularly made Tony Sacramento responsible for tarnishing our international reputation, for goodness sakes. He went as far as that.

And that is not an attack? See, it is not an attack on their in their eyes. They say it is defending themselves, but actually on any objective analysis, that was a direct and very severe attack on this gentleman of just that one score. But there were others. But they see things in their own way.

And as far as bringing a motion to this House where the Hon. Sir Joe Bossano says, well, if needs be, you know, I will waste my time and come here, and we will do this every month.

Which bit of we were here for seven long weeks debating their motion on the Principal Auditor, does he not understand? Was he not wasting his time then when the Leader of his Party brought that motion and argued these points? Or is that most of the time, actually, as I am reminded by Mr Sacarello, he probably was not here.

Maybe in his mind, he thought he was doing something more useful than listening to the diatribe that the Hon. Chief Minister produced in support of his motion. And it was his motion that took an inordinate amount of time. I mean, people were talking to us. How long is this going to take? That is the bit that he seems to have forgotten.

Then, Madam Speaker, we had the contribution from the Deputy Chief Minister who has adopted this newfound role, I find in him, which was non-existent before, of almost like a patronising approach of a teacher admonishing his pupils. I am not sure whether he is a Clark Kent or not. But it is something which I have never seen him do. But to a point, I get it why he is doing it. Because politically, he is joined at the hip with the Hon. Chief Minister, and he feels he had to. But he had a fork in the road, and he has decided and chosen to take one particular route and stand completely by the gentleman that now occupies the seat as Chief Minister of Gibraltar. And once again, in his approach in doing so, I am afraid to tell him that he belittles, once again, the seriousness and what ought to be the political effects of both these reports.

This is not a question, I think the Hon. Mrs. Ladislaus rightly said, what we were treated to was in effect a campaign. But we are not doing an analysis, that would be for the history books and for memoirs, we are not doing an analysis of the entirety of the time of the Chief Minister in Office.

This is a decision which needs to be made by this Parliament as to whether it has confidence in this Chief Minister as a result of the recent reports. The recent reports, which let me remind Members, is not a few months old because they deal with things that happened, as has been said, in their defence. Unsuccessfully, I would say, six years ago.

And as far as the Principal Auditor is concerned, in respect of accounts from 2018-2019. So it is that focus that we need to bring to the table as far as this Confidence Motion is concerned. When he says that, I do not know whether in this place there has been a similar motion brought before in this House.

I am aware that he refers to the Spanish situation and certainly in Spain it probably happens more often than it does in the UK. But what I can assuage any concerns they may have is that we do appreciate the very gravity of what we are doing. Of course we do.

But he needs to understand that as far as we are concerned, and I think we are entitled to have a different view. Indeed, as I keep on saying, we are the biggest party in this House, and we lost the Election by a sliver of votes. I think we are entitled to say that actually the gravity is more than justified because of those two reports.

And when we filed the motion, it was in response to the way that we were seeing things were happening on that side of the House. Where we were seeing press release after press release after press release, demolishing, attempts at least in demolishing, we would say not effectively. Many of the points made by Tony Sacramento.

And that then sort of crescendoed into a motion by the hon. Gentleman opposite to say now I am going to bring this motion to attack the reports. And then we have the rather bizarre, I think as a result of an amendment, where he said actually, we are now going to write our own reports. I mean for goodness sakes, what has this place come to?

We are going to write our own reports because we do not like many of the things in there. It was in reaction to that that we said, you know, what are the options that we have available as an Opposition? What is the mechanism that we have?

This is sufficiently grave, sufficiently important, sufficiently goes to the root of our democracy that we need to file a Motion of No Confidence in the person who had brought the motion in respect of the Principal Auditor. So, we understand how serious this is. And then he talks about personal attacks. One second. This is parallel universe stuff. Personal attacks. They are the ones who invented it. It is. I know the Hon. Deputy Chief Minister is the Leader of the Liberal Party. And he may personally and his party may have a different approach. But it is certainly the approach

traditionally of the Hon. Sir Joe Bossano and the GSLP. They are famous, infamous, some would say, for that, for the personal attack, for the aggression, probably born from his time in the Union. That has been his way, creating division, attacking, attacking, attacking. That has been their Opposition, the hallmarks of them in Opposition and indeed in Government. Because you lift your head above the parapet and they go for you, as we have shown in respect of these two gentlemen, but also, you know, the ordinary man in the streets.

They are mudslingers par excellence. So, to criticise us for making personal attacks when actually what we are doing is relying on two reports. So, I simply do not understand the logic of his position.

Then he talks about a destructive narrative on our part. I think rather inelegantly, because I think he should know better. He talks about explosive tantrums, and he comes across as the person with the reasonable approach.

But yet he actually, he is also mudslinging us by making those comments. And I think not just wholly unfairly, but the use of that expression actually, he should know, ought not to be used. You know, we had a reference in the Report to the word corruption, which has been ruled in this House to be the deployment of Unparliamentary language.

When I used it, and I think it was my first contribution to the Appropriation Bill back in 2012. But actually, it was used by the Principal Auditor. And they do not like it.

They do not like it, but it is there, black and white, in a headline in bold, in fact. Corruption and perception thereof. Which then they criticise.

But the point is that this is very, very serious indeed. And it is serious language which we are not using ourselves. And then, rather patronisingly, once again, he says, well, but we need to understand the context.

I mean, what context? The conclusions are there. it is all very, you know, set out in detail. I think the report ran through in excess of 400 pages. What are they, what, five volumes? So that we all understand the context.

And in that patronising approach, in that patronising approach, I am afraid to say that he is also displaying the same approach as far as how democracies work or at least ought to work. What he is saying, the sum total of his contribution on that particular issue is concerned. And he made the point, I think it was yesterday, that, you know, we get voted in. We have a mandate. And whatever happens within the four years, we have a mandate to rule this place for four years.

That is not democracy. There has to be, you know, a reaction. And that was our reaction to the reports which were produced that these gentlemen, you know, ladies ought to be offering themselves to the people again. That is a quality of democracy.

But I am going to put to him another scenario which they may want to consider. But in that approach, despite his Liberal Party leadership, emphasis on the word liberal, it has dictatorial undertones. But maybe it is because he has been there for too long now.

Maybe that is the reason. You know? And then, as I said before, you know, he extols all the things, virtues of the Hon. Chief Minister, and all the things he has done, he did in respect of the COVID pandemic, the negotiations with the EU, etc. etc. But that is not the point. And he says in that context, in the treaty negotiation context, exactly the same campaign arguments that they used at the time of the last Election, that it is not the moment to change a captain. Again, have not they told us that the deal is done? Are not we in the process now of this legal scrum? have not they already, and I am assuming it is because, I think they said already that they are all supportive as a Cabinet of the treaty. So irrespective of the legal scrum, they are saying we are in favour of this.

what is there left to do? it is done. Scrub, sorry.

what is there left to do? Dotting your I's and crossing T's?

So, and let me tell him that if he wants to take over as Chief Minister, look, he has been involved, as we are kept on reminded by every single press release and every opportunity that the Chief Minister has, that the Hon. Deputy Chief Minister, has been very much a part of the negotiations.

And has, you know, attended all these meetings. I am sure, as the eternal note-taker that he is, that he will have a very detailed record of, Sir Peter Openshaw will not have a problem in relation to him, because I am sure that he would have taken minutes of every single meeting that he has attended. So, he will be very knowledgeable. Let me say, let me just give this to him for free. I personally, I would be confident that, you know, he could take over the role for the rest of the life of this Parliament. And maybe that is the solution.

Because, you know, if, as we argue, that hon. Gentlemen and Ladies' opposite are so wanting to cling on and hold on to power, maybe they can continue doing so. As I put it to the Hon. Mr Feetham in the course of our *Viewpoint* debate, all you need to do is change the Leader of the Government. We say, we say, let us have an Election now.

But he is concerned, as I think has been said across the floor of the House during the course of these debates, that, well, this is mid-term. So, Parties, Governments, Parties in Government, suffer mid-term blues. But if he is concerned about that, and that we will be able to re-energise things, then let us not have an Election now.

We say, let us have an Election now. And we say that that should be the consequential effect of us winning or them losing this motion, now that it is changed, because we are debating the amendment. So, I offer that to him for free.

But as I said, the history lesson is totally and utterly irrelevant for the purposes of this debate. However convenient he thinks it may be, because at the end of the day I suppose he had to say something in support of the Leader of his Government.

So, once again, we have had the same thing from the Hon. Dr. Joseph Garcia, when he says, we have a different view on the McGrail Report. I mean, how is that even possible or capable of being volunteered as a valid argument in support of his motion? it is not a question, once again, of a different view. Which bit of, once again I need to tell him, of findings made by a retired judge does he not understand?

They may want to reverse those findings. Fine. But there ought to be political consequences now and what the Chief Minister ought to be doing is, not as Chief Minister, challenging that out of his own pocket. And then we move on. That is how we do not necessarily need to look at the rear-view mirror as a Government.

That is how you do it. But not by clinging on and staying on to power. And again, he refers to us relying on gossip and innuendos, for goodness sakes.

Again, I repeat the point, and I will repeat it, and we repeat it ad nauseam. we are not relying on gossip and innuendos. You do not rely on gossip when you make a contribution in this House.

We are relying on findings of fact, as Sir Peter Openshaw ruled, for want of a better word, in his report. And indeed, Tony Sacramento in his report. This is not gossip and innuendo.

And he talks about political expediency, opportunistic tactics, tactical militancy, did he say? But as I said before, he has taken a decision, and now he needs to live politically with the decision that he has taken. And as I said before, we are not naive, or indeed not embarking on serious politics.

Because you see, this is, when he says that, it betrays, as I said before, his view of how this place works. And I appreciate that, I mean we are not stupid for goodness sakes, we appreciate that they have the numbers. But the numbers, only by one.

And yes, he is right, that until we had the new constitutional settlement, that was the norm. When winner took all, there were eight on that side, and seven on this side. But things can happen.

And we were hopeful that there may have been one, or two, but all we need is one. Of them opposite, to have had a moment when they could have said, actually, as a matter of principle, this is unacceptable. We need to move on.

And we need to bring the Government down, if need be. It is possible, and as I say, all we need is one vote. But I offer to them, that it is possible also, for this House to declare that it does not have confidence in the Chief Minister.

For him, the Hon. Deputy Chief Minister, to lose his amended motion. And then us declare that we have no confidence in the Chief Minister. And it does not necessarily need to be an electoral effect.

Because, as I think the Hon. Deputy Chief Minister, who is very fond of history, and he has written his book on history, A Making of a People, I think it is. There have been movements which have happened in this House. The thing is, it affected, in the mid-1970s, when the GDM, led by the Hon. Sir Joe Bossano, lost two of its Members.

And they crossed the floor and went to the AACR. So, things can happen. In that sense, in those circumstances, it did not result in a change of Government.

Because it just bolstered the Government even further. But this was before the GSLP was invented, by the way. And this was, I think, in 1975.

But the same can happen the other way. And then you automatically have, in effect, a change in the Parliamentary composition. And as I say, and I repeat the point, it is only one.

And this is not us, as he admonishes us, stirring public opinion. This is Opposition politics. It is not about that.

This is much more fundamental than that. And I think he says, we are voted in and we won, even if it was by a small majority in terms of the popular vote. And that is absolutely right and absolutely accurate.

But we are voted in as MPs. We are voted in, in effect, really, although we have the Party machinery to support us. And we subject ourselves, I think, quite rightly in Gibraltar to Party discipline.

I have never been particularly personally fond of the committee system. I think the Party system provides discipline. But the reality is, you are voted individually, each of us, as Members of this Parliament.

So, if, as a result, for example, a matter of conscience or a matter of principle, or a fundamental difference in approach on initial policy, it is possible for individuals to resign their whip in a political party. It has happened more often than not on the Opposition benches. That, I admit, I cannot think of an occasion where it is happened on the Government side.

But the reality is, it is possible. So, this sort of straitjacketed, firm view that he has, that nothing is going to change, well, no. So on that basis, whilst we appreciate that it was a tall order, it is not totally bizarre for us to have thought that we would be able to impress upon them, at least just one of them, to vote in favour of our motion as filed by the Hon. Leader of the Opposition.

I mean, the Hon. Sir Joe Bossano has stood up and said it is not going to happen. But that is his way. So, we did not expect the hon. Gentleman to have voted in favour of our motion.

That much I can tell him. And it is not that we were necessarily identifying any Members opposite who may have voted with us on this motion. But who knows? One must live positively. But we did absolutely the right thing. And we are not going to be lectured by the hon. Gentleman opposite.

This is not, as he said, disrespecting the 2023 General Election results. It is very much respecting it. We are Members of Parliament. We are not saying that we should resign our seats. All we are saying is that there ought to be a reconfiguration of the seats. And certainly, a resignation of the Chief Minister as a result of his behaviour.

I hope, has not come across as too patronising. As to our view of how parliamentary democracy actually works. And is not, as the Hon. Deputy Chief Minister has put it, and I have put to him, the option which they have individually to take this forward in a different way.

Without necessarily, if he does not want to know, call a General Election. Although I must insist that we want a General Election now. Because I think this is so severe and so grave in terms of conclusions come to in those two reports.

That we need to have an Election now. And he can be, I know he will not agree with me, but he can rest assured. Or is he also saying that they are the only ones who are capable of being guardians of our sovereignty?

You see, yes, is what the Chief Minister says. Well, that is not true. That is not correct. That is what they may think. But in a situation when we are asking them to vote in favour of our motion, or not in favour of the amended motion, which is what we are speaking to, technically. I ask just one of the opposite to consider that they can be absolutely relaxed, and they can rest assured

that under the leadership of Keith Azopardi and the rest of us, there will be absolutely no concerns whatsoever that we will continue to guard Gibraltar's sovereignty.

You see, because I am not embarrassed about my political history as the Hon. Mr Feetham is trying to make out. The four of us here, the Hon. Mr Azopardi, the Hon. Mr Picardo, the Hon. Dr. Garcia, actually Dr. Azopardi, and myself, started off in politics with the Gibraltar National Party. So, he can rest assured that there will be absolutely no doubts whatsoever as far as our guardian of sovereignty.

And I speak also on behalf of all of Members on this side of the House. And as far as the other policy decisions are concerned, he talked about housing and those issues, you know, we will have a different way of doing things, and most definitely we will have a different way of how we do our finances. But he can rest assured that the people's social needs will be catered for under a GSD-led administration.

You know, they are not the only ones who are capable of governing in this place. We nearly made it. So clearly, we have at least the confidence of 50% of the population.

And I would add that as far as the last opinion poll is concerned, we now have the confidence of the vast majority of the population. Or we are also going to ignore that particular statistic. Eight-point lead.

But I suppose that explains why they are getting all jittery and nervous about things, and why they do not want to have an Election now. But he brushes it to one side, that is the Deputy Chief Minister, as being mid-term blues. But Madam Speaker, this is not an issue, and as has been made by my friends during the course of this intervention, this is not a question of a debate on ideology and political ideas.

This is much more than that. You know, this is not, as the Hon. Dr. Garcia says, dealing with policy differences. This is, as I say, much more, there is much more fundamental than that.

We are dealing with the core issue of how we are governed in this place. And what we say further is that these two reports have opened a window in terms of some aspects of it. Which gives us, and we would say the vast majority of the people of Gibraltar, greater cause for concern.

Because what on earth is happening with other areas? We will only know, presumably, until we are in power. And we are able to see the books. And we are able to see what is going on. It may be, as I told you before, that the Hon. Joe Bossano continues to govern indirectly through his control of the Savings Bank, but I do not know. We will need to deal with it.

It will be a headache, I dare say. It will be a headache, but we are ready for it. And this is about whether you have an individual, given the way that he has been dealt with and tarnished as a result of findings and decisions, sorry, and reports made, whether we have an individual who is capable of continuing to discharge the Office of Chief Minister.

A very prized Constitutional Office in this place, which we have the highest regard for in terms of the Office. And he has shown to have simply no qualms whatsoever to break boundaries and, as Sir Peter Openshaw put it, crossing the line. And he has been found, in respect of each of his findings, not just of improper behaviour, but grossly improper behaviour.

This is very serious indeed. And the notion that this can be somehow ignored and we can move forward and we can make a reference to them wanting to build the houses, in fact, the Hon. Chief Minister said at the conclusion of his intervention in respect of the other motion, that he still needs to take the Treaty over the line and he went further and he said that he had to build those houses. Well, actually, the reality is, his intention is, and this is something that perhaps the leadership contenders need to consider further, he is going to be here for the entire lifetime of this Parliament because the houses are going to take a long time, given the subject that they have been, the subject of tremendous delay is going to take a long time to complete and build.

Well, Sir Joe Bossano, the Hon. Sir Joe Bossano, actually is encouraging him to continue. We have no problem with that because, actually, the Hon. Chief Minister knows that he is in a sticky wicket politically. So, I think he also understands that he would find it very difficult to win a General Election.

So, we would be, I suppose, in a partisan war, I say this personally and I offer it to him, perhaps happier that he remains. But this is too serious for that. And for that reason, he must go.

So, as I said before, this is a much deeper question that goes to the heart of how you discharge your duty as Chief Minister of Gibraltar. And for all those reasons, we say he must go. And I ask just one of them, on this one occasion, just for once, to vote this motion down and let us see the political effects of doing that.

Thank you very much.

Madam Speaker: The Hon. Prof. J E Cortes.

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, I will try not to. But I can confirm, Madam Speaker, as the Chief Minister said earlier, that the Chief Minister has absolutely no idea about what I am about to say. I do not think he should be worried. I do not know whether the hon. Member opposite should be excited. Madam Speaker, we have, over the course of this week, heard some extraordinary speeches. Extraordinarily brilliant from this side and extraordinarily absurd from the other side, Madam Speaker.

Today's contributions from the other side seem not to have heard the extraordinarily brilliant speech made by the Deputy Chief Minister. Because certainly the Hon. Mr Clinton just gave his prepared speech and did not refer to it at all. The Hon. Mrs. Ladislaus dismisses words by saying it was reminiscent of an Election campaign, not that there is anything wrong with that, but did not really address any of the substance.

Have they got such short memories and forgotten our recent past? The motion, Madam Speaker, is utter disrespect, not just for the Chief Minister, but disrespect to Gibraltar as a whole. And disrespect is the order of the day, of the Opposition's Day.

Madam Speaker, the Hon. Mr Bossino`s criticism of the Deputy Chief Minister is disgraceful. And again, he addressed mainly his style, but very little of the substance in his own speech of no substance. Because, of course, the substance of his speech damned them, Madam Speaker.

And then he looks at me in the eye when he is talking about somebody voting with them. Madam Speaker, anybody else could have looked me in the eye and I would have seen the twinkle. But he is the only one who treats me with disrespect and sometimes, at least in this House, with contempt, Madam Speaker.

So, if there was any chance at all, which there was not, the hon. Member just blew it. I have got to say, he may have been deliberate to vote, he did not make it. (interjections) Madam Speaker, Madam Speaker, yes, absolutely.

Those words were meant to me. Madam Speaker, we should hear the hon. Men and Women opposite, most of whom, frankly, have done so far, most of whom have done so far, very little for Gibraltar. Casting aspersions on the Chief Minister.

The Chief Minister, as described so eloquently by the Deputy Chief Minister, actually offends me. And should offend every Gibraltarian who has lived on this Rock of ours in the past decade and a half, Madam Speaker. Madam Speaker, as we have seen, there has been considerable overlap in the matters referred to in this debate and in the debate on the Motion to Note the Openshaw Report of a day or two ago, losing track of time.

I will not try and cover the same ground, but as I did not contribute to that debate, I have saved some comments that are relevant to both, to deliver them now. Madam Speaker, the insistence of Members of the Opposition to concentrate almost entirely on denigrating the name of the Chief Minister and on little else in that report, and in doing so, in my view, going well beyond the conclusions of the report, and this before the Chief Minister has exercised his right to a legal challenge, is premature. And damages Gibraltar at a critical time more, in fact, than it damages the Chief Minister.

Members of the Opposition, both inside this House and out, have repeatedly tried to prise the Members of the Government apart by suggesting, nay, insisting, that a failure to condemn the Chief Minister because of the findings of the report in some way implicates us, all the Members

of the Government, in some kind of collusion, in some kind of plot that shocks them to the core and that we must decry. Madam Speaker, that is nonsense. We were not actors in that particular play, quite apart from the fact, of course, that the report clearly finds that there was no such plot and that the Government is fully exonerated.

And a personal observation on the Report, Madam Speaker, coincidentally, my hon. Friend, the Deputy Chief Minister made a very similar point in his contribution to yesterday's debate. It is absolutely clear to me that Sir Peter Openshaw, whom, incidentally, I have never met, does not have the measure of Gibraltarian society, of the friendships and the loyalties and how they interrelate and how the issue of conflict of interest, about which he makes so much, has to be seen in the context of the society in which it allegedly occurs. The Learned Sir Peter Openshaw has seen the whole process through the eyes of an eminent and extremely experienced judge.

But an eminent and extremely experienced English non-resident, not familiar with our close-knit community, judge. There were points raised in that debate, Madam Speaker, which are likewise relevant here, because if the allegations were true, they clearly reflect on the Chief Minister. One of these points is this.

The Hon. Leader of the Opposition claimed in that debate that there is a crisis of governance in Gibraltar. Madam Speaker, there is absolutely no crisis of governance, as we will continue to clearly see in the weeks and months ahead. Madam Speaker, the Opposition must have been really disappointed when they read the Openshaw Report.

They will have been relishing the thought of seeing a condemnation of the Government and of the Chief Minister waiting, while wringing their hands, hoping to see devastating evidence of corruption and collusion, regardless of what that would mean to Gibraltar. But they did not get it. They did not get it, Madam Speaker.

And so, they have had to make do with what they could, trying desperately to squeeze blood from a 700-page stone. They will get none.

Madam Speaker, I entered politics in order to work to make Gibraltar and life for our people better, for no other reason and I will stay in politics for as long as I feel I can continue to do that. And most certainly, not for my private political interests. I came from a background of environmental advocacy and the judiciary, where Madam Speaker, I have fond memories of working with your good self while on the bench.

I brought with me strong principles and an absolute belief in the importance of the rule of law. Madam Speaker, I need to make it absolutely clear that I will never sit in a government which is in any way corrupt, nor will I support a Chief Minister who does not follow my same principles and in whom I have no confidence. That, Madam Speaker, is a statement of principle, principles to which I will always adhere.

Madam Speaker, to a great extent, this debate is about loyalty. And Madam Speaker, loyalty is not fickle. Loyalty is not something that can be won or lost easily.

In the context of loyalty, I think it is only right for me to state here, Madam Speaker, that I have had approaches from people asking me whether I would be considering my position at this point in time. Of course, Madam Speaker, if, and I repeat, if I had cause to feel that the Chief Minister had crossed the line that made me lose confidence in him, if I felt that he had crossed the line which would make it impossible for me to continue to support him, would that be enough for me to give up my position in the Government? To abandon my party even?

If, Madam Speaker, if that were the situation, I suppose I would need to ask myself the question, does my loyalty or otherwise to the Chief Minister, to my colleagues and to my Party, conflict with my loyalty to Gibraltar, to the people, to those who have voted me into Government repeatedly over the years in four General Elections, who have put their trust in me, to my socialist ideology, to the work that I, that we, need to continue to do. Because that is what this debate amounts to.

The Opposition is not really concerned about what happened in the Ian McGrail or Operation Delhi issues, or even the Principal Auditor's Report. The ultimate aim of the Opposition is to destabilise the Government, attempting to cause division between us so that one of us, and it only

takes one of us, so that one of us defects and brings the Government down and puts them in power. That is what this is about.

They have sensed weakness where there is none. And they have failed to recognise the meaning of loyalty and the genuine bonds that join us on this side of the House. Madam Speaker, we all know there have been several documents used by the Members opposite to justify the motion, the main ones being the Principal Auditor's Report and the Openshaw Report. The Principal Auditor's Report has been dealt with in its own motion and soundly rejected by this Parliament. In the closing days of that debate, I was unable to deliver my contribution due to my being away from this House for serious family health reasons happily, now totally resolved. Worry not, Madam Speaker, I will not deliver that very long speech that I prepared for the debate.

I will probably publish it in my memoirs when I eventually retire after 30 years of continuous service as a Minister.

Madam Speaker, in relation to the Openshaw Report as was said in the last debate we need to await the results of any legal challenges before we can really discuss this further in any detail. Madam Speaker, the Chief Minister has stated publicly that he did nothing wrong. Importantly, he may well be making legal challenges to some conclusions, challenges that, as has been made, the point that has been made here and very eloquently by my hon. Friend Mr Feetham in that *Viewpoint* last week, challenges that he has every right to make. Madam Speaker, in any case and regardless of the results of any legal challenge we are not talking here at all about corruption. The Government, which includes the Chief Minister has been totally exonerated.

The Chief Minister's actions, as he very well explained, came at a time of huge national challenges flavoured by a justified lack of confidence in the management of the Royal Gibraltar Police of the time and a legitimate questioning of their motives. No plot, Madam Speaker. No corruption - A Government, fully exonerated. Even if upheld after judicial review with those Openshaw remarks because they are remarks, not recommendations, would those remarks be a reason to resign? A reason for me to vote for the Opposition and step down from the Government?

To remove a Government that has done so much for Gibraltar. Madam Speaker, there are most definitely things over which I and I suspect any member of any Government would resign. They would include a loss of confidence in my leader.

They would include evidence of corruption. Decisions that go strongly against my principles. Moral, social, philosophical, environmental. Decisions that I felt would harm Gibraltar or the Gibraltarians. This is not such a thing. At all.

Madam Speaker, I have worked with Fabian Picardo and been with him through thick and through thin for going on 15 years. Only the Deputy Chief Minister and the Father of the House have been in Government with him all this time. I am in distinguished company indeed.

I am proud to have been a member of his team. Of the team that has transformed Gibraltar. Transformed beyond recognition.

Our way of life, our Education, our Health Service, our Environment and environmental principles, our economy, and yes, our governance. With all these changes and more and with our aggressive, progressive, legislative programme, we have brought Gibraltar out of the GSD's 16-year time warp into the 21st century. On a huge breadth of issues including issues of equality, sustainability, care for the environment, identity, international standing, and self-sufficiency.

This Government led by Fabian Picardo has made Gibraltar what it is today. It has made us who we are today. Loyalty to Fabian Picardo, Madam Speaker, is loyalty to Gibraltar and to its future.

Madam Speaker, Fabian Picardo has led us through the dangers of COVID and the uncertainties of Brexit. And Madam Speaker, no one can deny that Gibraltar was an example to the world on how we dealt with COVID. And the Deputy Chief Minister's reminder of what we went through, *me dieron escalofríos,* because I was there with them.

And the extraordinary way in which, led by Fabian Picardo, we dealt with COVID was recognised beyond our shores. I was there with him. At Cabinet meetings, which we would rather not have had.

Taking decisions, we did not want to take, that no one should have had to take. And I have seen his leadership in action through this, the greatest humanitarian crisis Gibraltar had faced in decades. And then there is our unwanted and untimely departure from the European Union.

Fabian's leadership has run success from the very edge of the precipice of disaster, so that Gibraltar, thanks to his shrewd and skilful negotiating, will now rise like a phoenix from the ashes of Brexit. And we will clearly see in the months and years to come.

Madam Speaker, being in the room when Fabian Picardo is in action is an experience in itself. His shrewdness, sharpness, always with wisdom, are respected and feared by anyone across the negotiating table. And I know this directly from people across the negotiating table. His absolute love of Gibraltar and of our people, his standing his ground, firm and unmoving on principle, always, managing always to find a workaround that will benefit us, will become legendary. I have been there, I have seen it, I am there, and that is his legacy.

And then, Madam Speaker, there is the human side of Fabian Picardo, his genuine emotional connection and his desire to help. I will never forget that 1st January 2012, a mere three weeks after being thrust into Government, when we cried together at the old KG5 hospital to see the condition that residents had to endure, and we dealt with it, and well, and we consolidated a personal bond that is there still.

That day, we have mentioned this before, Madam Speaker, but I do not think I mentioned this. That day, we drove around Gibraltar, seeing all that needed to be done, and talking about all that we would do. KG5 was dilapidated. Dementia had no home. Our health service was in disarray. Our schools were collapsing. Our air was polluted. Look at us now, Madam Speaker.

Madam Speaker, I am a great admirer of the Bard of Avon. Indeed, I have played several roles in Shakespearean plays. Having read him avidly, it is the subtle, or not so subtle irony, of Mark Antony's sublime valedictory to Brutus in Act 3 of Julius Caesar, remains my favourite speech. Let me remind this House of the opening phrases.

“Friends, Romans, Countrymen, lend me your ears. I come to bury Caesar, not to praise him. The evil that men do lives on after them. The good is oft interred in their bones”. And then, a little later, he lets the honourable. men have it. The motion by the Leader of the Opposition is akin, in my mind, to Brutus' plotting with Cassius and the other senators to remove Caesar on the ides of March.

For he feared Caesar would, essentially, remain in power forever. I think that is a real parallel to the Opposition's fear that if they do not act now, that then the successors of the Government, which will soon include a thriving post-treaty economy and another outstanding GSLP Chief Minister, whoever she or he may be, will ensure that this administration is renewed time and time again. The irony of Mark Antony's words escapes no one.

Brutus is actually treacherous, ungrateful and ambitious and manipulates the situation to remove Julius Caesar unjustifiably for his own ends. I repeat, can we not see parallels here? Should I question the motives of this Shakespearean assault on the Chief Minister?

Surely not, for Brutus is an honourable man. And so are they all, all honourable men and women. Importantly, Madam Speaker, anyone familiar with Shakespeare's Julius Caesar will know that Brutus' actions did not serve a useful purpose but ultimately caused more chaos and did not restore the republic that he yearned for.

And that would inevitably be the result here if the lead of the Opposition's motion were successful and amended. And they know it. Chaos at a time when we need stability, when we do not need a General Election but a government firm in defending and progressing our interests under the leadership of the man who has achieved so much.

The good is often interred with their bones. We will not allow that. We will not allow the good done by and under this Chief Minister to be forgotten ever.

Madam Speaker, this is not a time to play games. The undue emphasis placed on the Opposition on this is not doing Gibraltar any good. The Opposition is undermining the good name of Gibraltar at precisely the wrong time.

Madam Speaker, yesterday, in an outburst which was outstanding even for him, the Hon. Mr Bossino, and he repeated it again today, repeating his mantra that he must resign, said that the Treaty is no reason to keep the Chief Minister opposing. He said that just a moment ago. We have a treaty.

What more is there to do? Madam Speaker, this is immensely worrying. Clearly, the Opposition do not understand the complexity of the work that we need to do to continue doing and to continue doing to maximise the Treaty's benefits.

If they do not get this, if they really think that there is nothing left to do, he said it twice, one day after the other, they clearly but clearly would not be competent to lead us through the Treaty and into the future. Madam Speaker, the hon. Member said that this Government had got through on a sliver. Well, thank goodness for that sliver.

If that sliver had not occurred, they spoke about us being in a parallel universe. I am imagining a parallel universe, maybe we call it the GSD-verse, where they have won the Election. My word, Madam Speaker, that is more terrifying to think of than if Thanos was still ruling in the Marvel Universe.

Madam Speaker, this is a time to consolidate, for all of us to rally around the very strong Government team that we have on this side. And I know for a fact, Madam Speaker, that when he is no longer Chief Minister, Gibraltar will be all the worse for it. He will leave the position when he decides to do so, but not when anyone else does.

Madam Speaker, fortunately, this play has a very different ending from the Shakespearean tragedy of Julius Caesar. Because Madam Speaker, as Julius Caesar was falling at the hands of his assassins, he turned to his now-royal friend, Brutus, and said to him in wonder, fear, and no doubt great sadness, *Et tu, Brute?* You too, Brutus?

Well, Madam Speaker, I can assure you, and I assure my friend the Chief Minister, that today he will not have to turn to me to say, *Et tu, Ioannis?* Madam Speaker, I have every confidence in the Chief Minister, and so I will be supporting the amendment to the motion.

Madam Speaker: Any other hon. Member would like to speak? Yes, the Hon. Pat Orfila.

Minister for Housing and the University (Hon. P Orfila): Madam Speaker, thank goodness that my colleague woke us up a bit after the long, monotonous, and yet tedious listening to our Hon. Mr Bossino. So, we are now quite awake. I must also commend my Learned Friend, the Hon. Minister Cortes, for knowing his Shakespeare a lot better than my Hon. Mr Clinton knows his Dickens. No. Well, he knows his Shakespeare, and he gets an A plus for it. Never mind. We forgive you. We forgive you.

When the Deputy Chief Minister was speaking, you could hear a pin drop. What a speech! And how many truths were spoken. It was quite emotional, actually, to be reminded of all the good things our Chief Minister, had done, and how Gibraltar has changed thanks to his vision and leadership.

The Chief Minister has always acted with transparency and integrity by acknowledging errors of judgement and engaging seriously with the Chairman's recommendations. However, he is entirely right to challenge those elements of any report that is flawed or unfair. In defending his position, he is standing up for due process, his position, his effort, due process and accountability.

And in this, he has my wavering support. Every person, and that includes you and me, has a right to set the record straight. And if things are not right, then things have got to be challenged.

This, Madam Speaker, safeguards the process of our legal right. I salute the Chief Minister's courage to stand up for what he believes is right. This encourages all of us to confirm things when we believe we are right and not allow ourselves to get bullied and pushed into a corner and silenced.

Madam Speaker, the Leader of the Opposition mentioned that young people watch us and therefore this is exactly why it is so important that we show our young people that they too have

a voice and when it is necessary, they must use it. Our youth must never be intimidated and feel reprisal or be silenced. The message we are sending everyone is to always stand up and fight for what you truly believe in. Do not cower. This advocates for courage, integrity and unwavering commitment to one's principles.

Notwithstanding all of this and knowing the IQ of most of these gentlemen who sit here today, my support for brilliant leadership must go to our present Chief Minister, Fabian Picardo.

There is no match. And let me add, because after having listened to so many speeches today, do you know what, Madam Speaker? There are victims here and those victims are the whistleblowers who have suffered and yet been cast aside.

Madam Speaker, I agree and I support the Chief Minister.

Madam Speaker: The hon. Member wishes to speak. The Hon. Mr Santos. I was not sure if the hon. Member was leaving the room or...

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, we are here to debate the amendment to the motion. The original Motion of No Confidence was proposed by the Hon. Leader of the Opposition in July 2025, following the former Principal Auditor's Report. Months later, the Leader of the Opposition is still trying to tarnish our Chief Minister's reputation, grasping at straws, this time using the McGrail Inquiry, using his pick-and-mix approach to the findings of the Openshaw Report.

So, we are going to talk about choosing which sweeties we like and which ones we do not. I suggest that the Hon. Mrs. Ladislaus looks within. We do not deny that the report does contain criticism of our Chief Minister.

Criticism which has been latched onto by the Opposition for dear life. Those criticisms can certainly not be dismissed, and the Chief Minister himself has not sought to dismiss them. However, Madam Speaker, acknowledging criticism is not the same as accepting the narrative that some would now like to impose.

We see the Opposition's strategy focussing relentlessly on extracting a handful of negative phrases from the report, stripping them of all contexts and repeating them in isolation. This is not scrutiny in good faith or for a positive purpose. It is political opportunism and a recognisable pattern of how the Opposition operates using any means necessary to demean and attack our Chief Minister.

The Opposition would have the public believe that criticism of tone or process somehow equates to guilt, even when in the case of the Inquiry, the report itself explicitly rejected that conclusion. The public could be misled about what the Inquiry was and was not designed to achieve. Similarly, this Motion of No Confidence has also been planned to mislead.

This motion goes further than questioning the person. It questions the kind of leadership we value and, most importantly, need in Gibraltar.

Madam Speaker, the Leader of the Opposition has also questioned us Ministers, urging us to act, again in relation to the findings of the Openshaw Report.

My fellow Ministers and I did not refuse to act. There was simply nothing to act on. We deliberately opted not to engage in the selective mudslinging that characterises all the Opposition's responses, included today in the Leader of the Opposition's contribution this morning, referring to Ministers as spineless, gutless and cowards.

We are in Parliament, I would have appreciated being called honourably spineless (*laughter*), maybe. He has gone even further, stating that our support as Ministers for the Chief Minister says a lot about us. What does it say about us exactly?

It says that we have confidence in our Chief Minister because it benefits Gibraltar. Because we are loyal to the man who has given the better part of his life for the good of Gibraltar. It says that, to doubt, Fabian began to forget his track record and the progress he has delivered.

And to ignore that, he has been rigorously tested through some of the most difficult times Gibraltar has faced in recent history. He has carried Gibraltar forward and out of the darkest moments, putting his people first.

Madam Speaker, Parliament is where matters of governance, accountability and support for the Chief Minister are to be debated on the record. Instead, the GSD Opposition have chosen social media as their forum and battleground, preferring to reduce these debates to soundbites designed to tarnish reputations. Whilst our Chief Minister is working hard for the sake of Gibraltar, the Opposition would rather take cheap shots on social media using sponsored paid posts, which appear constantly on my media newsfeeds. Expensive, yet not wide-reaching or effective, as I note the mediocre numbers of engagement.

I suggest the Opposition reflect on whether their relentless approach is useful, or whether it genuinely speaks to the priorities of the wider community, is a reflection of good leadership, or if it is merely for the benefit of a limited audience of die-hard followers.

I note that on the 24th of December, the GSD posted on social media about a meeting the Shadow Cabinet had discussing the report and how they were all united in seeking the Chief Minister's resignation. Where was that unity yesterday during the session on this motion?

I certainly did not hear all of them unite on the other side of the House, or have an opinion on the Inquiry, or in seeking the Chief Minister's resignation. Perhaps there are those on the other side who have more confidence in our Chief Minister than in their own leader. Tellingly, my fellow Ministers and I are always ready to speak up and go on record to defend and support our Chief Minister and what we do as a Government, as I do now and I was ready to do yesterday.

And I do not think that all of them will stand up and speak today on this motion either. Madam Speaker, leadership is not about pretending mistakes are not made. Leadership is about learning from mistakes, making positive changes and moving on and we have heard all this from our Chief Minister already. Weaponising process failures only leads to undermining democratic outcomes.

Gibraltarians want Government to deal with priorities like Housing, Healthcare, the economy, jobs, the Brexit Treaty. In short, the day-to-day smooth running of Gibraltar, exactly what Fabian Picardo does expertly. He is a leader who has never stopped working for or believing in his people. And his people have never stopped believing or supporting him, electing him to hold this position.

It is easy for me to speak about what his leadership has delivered. It is clear that Gibraltar has thrived under his leadership since he was first Elected as Chief Minister over 14 years ago. I could not possibly list every advancement, progression or initiative made by him and his Government in this period.

However, I will mention some which clearly highlight why he stands as our leader and why he has repeatedly had the following support from the electorate. We have already heard of these this afternoon, but they are worth repeating. And also, I have spent two days listening to them on the other side of the House, repeating exactly the same four arguments in hopes that it will land somewhere. It has been excruciating. And now I feel I also have the right to repeat all the great things that have happened in the past 14 years.

We have over 4,400 students now go to class every day in our ten new schools. An investment in elderly care and in all our health and care services to ensure that every Gibraltarian can be treated with dignity. People who had lost hope of ever owning a home now own property and hold the keys to affordable new residences.

Madam Speaker matters of equality have undeniably been transformed and progressed under Chief Minister Fabian Picardo`s leadership. His Cabinet passed the Civil Partnership Act in 2014 where same-sex couples were given legal recognition with rights almost identical to those in marriage to include adoption. Two years later, in 2016, Parliament went further and unanimously approved same-sex marriage with the first same-sex wedding celebrated right here in Gibraltar by the end of that year. This was the moment that decisively showed our Government's and our community's commitment to true equality. And it has not stopped there. Equal access to IVF, surrogacy and adoption rights are the tangible and meaningful changes that make Gibraltar a place where every family has the right to be recognised and respected.

Fabian has not merely legislated equality. He has nurtured its growth in hearts, minds and institutions, enshrining anti-discrimination protections within employment, celebrating diversity, strengthening social support networks and safeguarding workers. He has spearheaded and supported initiatives and mindsets that have shaped Gibraltar where people are not just equal on paper but equal in practise. This record is a testament to a leader who sees equality as the foundation of a united Gibraltar.

Madam Speaker, this is the legacy of equality achieved. This is why I stand here to reiterate my confidence in Fabian Picardo's leadership because of what he has done to progress equal rights so that people like me can live the life we genuinely want without any compromise. So, before I am accused of only thinking of myself and the progressions that have benefited me, I want to speak of a time in Gibraltar that affected every single one of us.

Madam Speaker, of course, I am talking about the COVID pandemic, some of the darkest days of fear and uncertainty. But Fabian Picardo stood firm, placing the protection of our people above all else, making hard decisions to safeguard the most vulnerable, strengthening our health services and guiding Gibraltar with courage and compassion. Madam Speaker, Fabian Picardo's service to this community during COVID will forever be remembered as one of the finest chapters of leadership in Gibraltar's history.

And we are asked to have no confidence in him as that was a serious question to ask. He is also leading us through another of Gibraltar's historic moments, Brexit, a decision forced upon us as a nation which threatened our economy, our freedom and our way of life. Other lesser leaders may have buckled under the pressure, but Fabian Picardo has not.

He has sat at the negotiating table with Europe, with Spain and with the United Kingdom and has spoken as the voice of Gibraltar loud and crystal clear. Over two years ago, the people of Gibraltar were asked to choose, and they chose Fabian Picardo as the Chief Minister in an Election which may have been close, but democracy is not about margins, it is about mandates. And the people gave him a mandate, a renewed vote of confidence.

All I have spoken about reiterates why this Motion of No Confidence is not just misplaced. It is reckless and self-serving, and it seeks to unsettle Gibraltar at a time when Gibraltar most needs stability. But this motion has never been about the good of Gibraltar.

It has been about trying to get into power by default, which is totally self-serving. Fabian Picardo is a leader who has never wavered in his belief in his people and never shied away from toil to make Gibraltar better, more resilient and more prosperous. It may be simple for people to see the Chief Minister and have an opinion on him according to their own political allegiances.

However, when you speak to Fabian about any subject affecting Gibraltar, his first thought and response is on how it will impact the Gibraltarian, regardless of whether he has secured their vote or not. This is my truth, my experience and not just rhetoric for a speech in Parliament. This is my lived experience about my dealings with my Chief Minister.

His guidance, his example and his mentorship have shaped the way I choose to work in politics. He has told me that the people in our community are at the front and centre of every decision and always the most important consideration. I have spoken of Fabian's proven track record and can assure you he is not content with resting on the laurels of past achievements.

His vision, his passion and his conviction is to continue to secure the prosperity of the Gibraltar of tomorrow where our education is first class, where families can own their homes and where Healthcare is second to none.

Two years ago, I stood for Election. I believed in Fabian as Chief Minister and was proud to stand with him and his team regardless of the outcome. An Election that was theirs for the taking. Yet Fabian led us to victory again. I joined the GSLP to join Fabian Picardo firm in my belief that Gibraltar is the better place led by a GSLP Liberal Government with Fabian Picardo at the helm.

Madam Speaker, Fabian Picardo has led his people through every trial through the pandemic, through Brexit and through uncertainty. Not once has he slowed down or stopped believing in or working for the good of the people. I state my unwavering confidence in Fabian Picardo as Chief Minister.

Gibraltar is a much stronger place with him as our Chief Minister. I support the amendment to this motion and urge everyone in this House to do the same. We may be on opposing political parties but for the sake of Gibraltar we must continue to stand together as one people.

And the people have spoken. They chose Fabian Picardo as our Chief Minister. Not once, not twice, not three times, but four times.

Four times the people have spoken I have said my bit, and I look forward to maybe after being called out seeing the other Members who have not had an opinion maybe have one. Thank you, Madam Speaker.

Madam Speaker: Any other hon. Member wish to speak? The Hon. Mrs. Arias-Vasquez.

Minister for Health, Care and Business (Hon. G Arias Vasquez): Madam Speaker this is a motion which requires some deep introspection if it is to be done well. Given that I am consistently being asked to change sides I think I need to set out exactly why I am here and exactly why I know that I need to be here. In order to be properly able to deal with the matters at hand I need to start with a ten-year-old girl with a Gibraltar project who went and sat for ten minutes with the then Chief Minister to ask him what he was doing for Gibraltar's youth.

The year was 1992 and the Chief Minister at the time explained to me that rather than building the basketball court that I so wanted what he was doing was ensuring my future by investing in me. Investing in my future. I was not convinced.

I still wanted my basketball court. Two years later my parents were the first generation in our family to enter a mortgage and purchase a property 50/50 at Montagu Gardens. I still did not understand quite how extraordinary this was.

Eight years later I got a full scholarship with my maintenance paid and went to university to study. Again, I was the first in my family to have been able to do this. In the interim at age 15 work experience was organised for me by my school.

Westside organised a week's work experience for me. At the time Madam Speaker, I wanted to be a paediatrician but the GHA at the time could not organise work experience for me. As an aside Madam Speaker, the GHA now does organise placements for students in every field in order to make sure that we have those students available and wanting to come back.

So instead, Madam Speaker age 15 I went for work experience at a law firm, at Hassans, and I walked into the office of one Fabian Picardo. Fabian Picardo did not know me. Fabian Picardo did not know who my family was. Fabian Picardo was not interested in my background, but Fabian Picardo took the time to listen to me.

So, Madam Speaker you have here two men. Two men who have led my party. Who are a part of the formation of who I am. Because Madam Speaker if I look around Gibraltar today what I see is beautiful. What I see is people who like me have come from families who would not have been able to afford it who are now young professionals.

The very fabric of Gibraltar has been changed by this Party. And now you do not have to be of a certain family to be able to progress. That Madam Speaker is what the politics of this Party is about. A Party that teaches principles and not as I said yesterday Madam Speaker a mismatch collection of individuals such as those who sit on the Opposition benches whose only commonality is a hatred of the GSLP/Liberal administration. Two of them Madam Speaker are still Members of the GSLP. One of them, whilst a lovely individual on a personal basis aligned himself to Together Gibraltar and now sits beside the Hon. Damon Bossino.

How is that possible Madam Speaker? Abandoning your party for what aim Madam Speaker? For the aim that is aligned to the aim of this motion.

At least Madam Speaker I suppose the Hon. Mr Bossino has never shied away from his views. However objectionable I might find some of them. But let us not digress.

I come from the learnings of two men who believe in people. Believe in people whatever their background, whatever their family name and whatever their trust fund contains. That is important Madam Speaker as my generation is now coming of age.

That is important because anyone who stands in this Chamber needs to know what they stand for, what their principles are and importantly Madam Speaker, they need to know who they are. We all know who we are and we all know where we stand. I know who I am and I have no intention of ever denying who I am or where I come from.

I cannot stand here and defend ideals that I do not believe in and that is taught through actions. It is taught by example. I come from a legacy of people who have believed in people and have forged a Gibraltar which looks like Gibraltar of 2026.

The Gibraltar we have today Madam Speaker and the future of Gibraltar has been formed since 2011 by the man who is now the subject of the vote of No Confidence. Let us delve into this record Madam Speaker. Sorry, let me go to the amendment.

The man who is now the subject of the vote of confidence. Let us delve into this record. Let me begin by a matter that matters to us all.

Housing, as the hon. Lady is well aware of. I am not going to go into the fact that this is a policy devised by the GSLP which was then appropriated by the GSD. I am not going to go into the fact that we are the party that has the ideas and I am not going to go into the fact that the GSD when in power simply sat on the ideas because they are good.

I am not going to go into the 2,442 houses built between 1988 and 1996. 2,442 flats for 2,442 families Madam Speaker, including my own. 1996 to 2011 saw 801 flats.

801 flats in a 16-year period. Since 2011, a Government led by the Hon. Chief Minister, 1,558 flats have been built to date with a further 583 flats coming onto the market in this term, aside from the future developments which are in the pipeline. That is a total of 2,141 flats.

2,141 flats, 10 new schools, growth of the economy, future proofing of the economy, one university, one new bank and everything else that the Hon. Deputy Chief Minister went into earlier. let us look at what happened in that same period Madam Speaker. I am only going to delve into 3 larger events.

The decision of the UK to leave the EU, Covid and the Treaty. Madam Speaker, as the Members of this House are aware, I led the 'Stronger In' campaign in 2016 and I was supported by all parties in this House. In Gibraltar, 96% of Gibraltarians voted to remain in the EU.

But Madam Speaker, on the 24th of June 2016, there was no Gibraltarian that thought what the team led by the Hon. Chief Minister has achieved would be achievable. No one on the 24th of June 2016 thought we would be able to achieve what we have achieved. And that is thanks to a team led by the Hon. Chief Minister which included the Deputy Chief Minister and our Attorney General, Michael llamas.

The team has negotiated a treaty which I would not have thought possible on the 24th of June 2016. Our team led by the man who the Opposition now want to crucify has sat at a table with the Foreign Secretary of Spain, with the successive Foreign Secretaries of the UK. Let me put that in context Madam Speaker.

The Chief Minister of a territory of 38,000 people has sat with the Foreign Secretary of the UK, the Foreign Secretary of Spain and the head of the EU. Gibraltar, UK, Spain and the EU sat together at the negotiating table. Indeed, Madam Speaker, the Chief Minister of Gibraltar had dinner at the table with the Prime Minister of Spain, recognised as a Chief Minister of Gibraltar.

That Madam Speaker is politically extraordinary. Do we honestly think that the Leader of the Opposition could have achieved this Madam Speaker? I venture to say that the man who can barely crack a smile at a voter in the street would be unable to bring through a complicated strategic and diplomatic vision for Gibraltar that few thought possible in 2016.

No Madam Speaker, I think indeed that there are few people in Gibraltar, few teams, which could have achieved what our negotiating team has achieved.

We also need to look at COVID. As I said yesterday, Madam Speaker, this was a period where everyone was paid during BEAT, everyone was in employment, throughout one of the most difficult periods in Gibraltar's history.

Madam Speaker, the Chief Minister has negotiated Gibraltar through Brexit, through COVID, and has negotiated an extraordinary treaty. And Madam Speaker, it needs to be said, through this

he gave Gibraltar everything, including sacrifices in his personal life. He got up every single day, day in and day out, to defend Gibraltar, leaving everything that was his inadvertently behind.

No one can do more Madam Speaker. No one can be asked to do more. Do I think that the Chief Minister does not make mistakes?

Madam Speaker, anyone that knows me, knows us, and knows our relationship throughout the years, knows that I have no hesitation in telling the Chief Minister when I think he is wrong. Madam Speaker, he is fallible, as am I, and as is everybody in this House. But Madam Speaker, it has to be said that in 14 years, when you take big decisions, you will inevitably make some mistakes.

Mistakes which he has admitted. But Madam Speaker, I think, as I stand here before you today, that this man fully deserves my full confidence. The Chief Minister's record is impressive.

The Chief Minister has done so much for Gibraltar. And the Chief Minister needs to continue doing what it is that he does. Leads Gibraltar through to the point when he decides to go.

So, Madam Speaker, I stand here today knowing full well who I am. Knowing where I have come from and, in the words of the Leader of the Opposition, owning my words. Knowing what my principles are, and importantly, never having wavered from them.

And knowing where I feel that Gibraltar needs to get to in the next 20 years. I stand proud in a Party which has a vision, which has created the Gibraltar that we have today. We witness the chastising of a man who has created the Gibraltar of tomorrow.

A man who has had the ability to hold negotiations together when many in June 2016 thought it was impossible. Let us now contrast and compare to the man that presented the original motion. A man who has attempted to become a leader three times and failed.

A man who knows that this is the only way that he might be able to get into power. A man who continues to lead on negativity. And a man who stands to gain from this motion, rather than willing at the ballot box.

So, Madam Speaker, does the Chief Minister have my confidence? Yes, Madam Speaker, the Chief Minister has my confidence. For the beliefs that he has in people, no matter their surname or lack of trust fund.

The Chief Minister has my confidence because he has taken Gibraltar through some of its darkest hours. And Madam Speaker, he has my confidence for leading a team which has created a framework which will enable my children to live in a Gibraltar which is able to thrive politically, economically and socially. A vision and a purpose which I believe few would be able to achieve.

And so, Madam Speaker, for all of those reasons outlined above, I support the Motion of Confidence presented to this House.

Madam Speaker: Anybody else? The Hon. Mr Bruzon.

Minister for Industrial Relations, Civil Contingencies and Sport (Hon. L M Bruzon): Madam Speaker, I rise today, or this evening, to speak on the motion. But before I begin, I would like to say that in doing so, I place firmly on the record my unreserved support for our Chief Minister. Madam Speaker, I am one of those individuals who has followed proceedings in this House from a very young age.

I have been a member of this House Indeed, I can say that I have listened to countless hours of debates on the radio, including many outstanding contributions from political figures going back to the days of Sir Joshua Hassan. Individuals from both sides of this House have fuelled my deep respect and love for this institution. Being a Gibraltarian, Madam Speaker, means that politics plays an important role in our daily lives.

For those of us born during the close Frontier years, politics was not an abstract subject. It was a lived reality. Nothing that happened internally and sometimes even externally failed to affect us and our way of life.

Madam Speaker, I was only a teenager when I began engaging actively in Gibraltar's political scene, often contributing letters to the editor at a time when the late Marie Montegriffo sat in

this Parliament. Madam Speaker, although I often wrote letters criticising him, one of my greatest supporters who almost encouraged me to stand up and be counted and to one day stand for Election was the late Ernest Britto. Such is the nature of our community.

I continue to voice my opinions, often facing consequences for being outspoken, but my passion for this Parliament and for Gibraltar never wavered. Throughout those years, Madam Speaker, one conviction has remained constant in my mind, and that is that whoever is sat in this House, whether Chief Minister or Leader of the Opposition, they have always shared a common goal, and that is the best interest of Gibraltar. We all want a stronger economy, a safer environment and a brighter future for our children, and a Gibraltar that thrives.

We debate passionately about the way forward, but I have never lost sight of the fact that at heart, we are united by a passion for our home. Today sitting at Cabinet, humbled by the trust placed upon me by our community. Alongside political giants like Sir Joe Bossano, Dr. Joseph Garcia and Fabian Picardo. Leaders who have been instrumental in defending Gibraltar and shaping the way of life we all cherish. For that reason, Madam Speaker, it deeply saddens me to hear accusations that go far beyond legitimate disagreement, with allegations which are, in my view, entirely inconsistent with how a modern Gibraltarian Parliament should conduct itself. Madam Speaker, this is not why I put my head above the parapet when I was a teenager.

And if holding on to this belief makes me naive, it will not detract from my views that in a nation as small as ours, politics done in this way does not only weaken this institution, but it also weakens our Gibraltar. Madam Speaker, I truly hope the motion is simply a misguided attempt at playing to the public rather than a picture of what is to come in Gibraltar politics. For this reason, Madam Speaker, I support the amendment to the motion.

Thank you.

Madam Speaker: Would any other hon. Member wish to speak? The Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, in every Parliament where a Motion of No Confidence or Confidence is brought, the person in respect of whom it is brought speaks and defends their record. It should surprise no one that I rise to speak after my colleagues have already confirmed that I enjoy their confidence. And I ask, Madam Speaker, as I am entitled to do under the rules of the House, that when the time comes and the vote is taken on each of the amendment and the motion that you call a division in respect of the vote.

Madam Speaker, when everyone thought the world was flat, Columbus said it is round. He went down in history and America was found because he had confidence. A little thing called confidence.

There is no job too immense when you have got confidence, Madam Speaker. That is what Elvis Presley said. And indeed, Madam Speaker, what I have had today is the most remarkable demonstration of the confidence that my colleagues have in me.

I have not authored one word of the things that hon. Members on this side of the House have said. I did not think I needed even to ask them what they were going to do. But I want to thank them for the approach that they have taken to this destructive approach to politics that Members opposite have taken.

If this is the first Motion of No Confidence presented in respect of a Chief Minister, now subject to an amendment by the Deputy Chief Minister, it is because no one in the past has thought that that was the right way to do politics in Gibraltar until Keith Azopardi could not get in through the ballot box and tries to get in in this way. But I do want to highlight, Madam Speaker, the things said. And the Deputy Chief Minister this morning was once again a demonstration, if he is Clark Kent in the view of the hon. Members opposite, that not all heroes wear capes, Madam Speaker.

Because the way that he set out what we have done together in the past 35 years and in particular in the last 13 years moved me greatly. And I have been moved greatly by the things that I have been said that have been said by my colleagues in support of me. Because as a warrior, Madam Speaker, I do not shed a tear when I am being attacked.

But when I am reminded of issues related to family and the work that we have done, I am reminded of why I am in politics. So, I thank all of my colleagues for their support today and this evening. I always act to do what I think is right.

If I have acted to take issue with a former Principal Auditor because of his overreach. If I acted in my loss of confidence against Ian McGrail because I genuinely believed he lied to me. If I did all the other things in the past decade and a half that I think I was right to do, I did them always with Gibraltar in my heart.

We have heard a couple of important quotes, and I am mindful of the fact that in Hamlet, Polonius was a bit of a windbag, Madam Speaker. Like Members of the Opposition. But he said one thing when he saw his son off to France which was the deepest of the things that he said.

This above all, he said. To thine own self be true and it must follow as the night the day thou canst not then be false to any man. Whenever I have acted, I have answered to my moral compass.

The Hon. Leader of the Opposition said that he presented his motion because the auditor was being trashed in the press. But even before then, his first reaction to the Principal Auditor's Report was to say that we should resign. That there should be a General Election.

Because if there had been the report issued before the General Election, he would have won it. So what nonsense is this, Madam Speaker? That this motion is only brought because I brought the motion in respect of the Principal Auditor.

This is not about clearing the swamp as we heard from one of the Members opposite who suddenly thinks that he is so right wing that he wants to emulate the 47th President of the United States. He cannot even get it right, Madam Speaker. That phrase is drain the swamp, not clear the swamp.

But in hearing that, Madam Speaker, and seeing him align himself with that, I understood immediately why he was not asking so many questions about the lunch with Donald Trump Jr. Because they wanted to have been there. They were just jealous that they were not invited. And in their references to Spanish politics, when the Hon. Mr Bossino was told not to take sides, has he forgotten, Madam Speaker, that I have led the Gibraltar Socialist Labour Party into Socialist International.

That we are aligned now with the PSOE in Spain. That I called Pedro Sanchez a friend. He may be holding a candle for Partido Popular and Vox.

But we on this side will never pretend to side with them. But I am not going to demonise Mr Bossino anymore. His birth certificate almost does that already, for lack of a spelling mistake.

And how can he say to a team with Joe Bossano in it, with Nigel Feetham in it, with Pat Orfila in it, with Gemma Arias Vazquez in it, given what she has said, with John Cortes in it, with Christian Santos in it, you will understand why in a moment. That we are not socialists. And that we are just pretending to be.

Seriously? That is the tenor of the Motion of No Confidence to remove the leader of the Gibraltar Socialist Labour Party from Office. That we are not socialists?

That is the argument that we have to face? He said, well, you have just accepted the report of the Principal Auditor and moved on as we were urging. Everything would have been fine.

That is not true. They were saying that they wanted a General Election then. But you have to take that, Madam Speaker, with the pinch of rock salt that you have to apply to everything the Hon. Mr Bossino said today. Because, as was rightly pointed out, having called my colleagues gutless, spineless and cowards, he then says we hope that one or two of you might vote with us and bring the Government down. Are these the people, Madam Speaker, who would replace us to run the affairs of Gibraltar? The people who call you gutless, spineless and a coward in one breath, and then ask for your help in the next?

These are the people who would build the relationships that would enable them to deliver a treaty. The Hon. Mrs. Arias Vasquez stole my best line on the Leader of the Opposition. I was going to say that he spends more time looking at his shoelaces when he is going down Main Street during a General Election campaign, let alone otherwise.

Those are the people that are going to build relationships. They tell us, I mean Mr Bossino says to all of us, the nine of us that is me, the devil incarnate for the purposes of this motion, and the other eight you are all cut from the same cloth. And then he says that one or two of you be the thread that comes to us.

This is nonsense. This is wasting our people's time. We should be building houses, we should be looking at the legal scrub text, not here, listening to this.

When the Deputy Chief Minister referred to what we did in respect of the Development and Planning Commission when he went through the list of things that we did, I mean he might have forgotten but the GSD were against us opening up the DPC. So how can Mr Bossino say to Mr Bossano that they are going to take things further? They wanted us not to go as far as we have gone, not least on the DPC, let alone on equality and same-sex marriage.

And then Mr Clinton says that I should leave because I misled the House and then he withdrew it because he could not put it in that way. Because I had said that we got a clean bill of health and in fact we have not because we have an accountant that was qualified. Well, we got as clean a bill of health as every Government in the history of Gibraltar.

That is a clean bill of health and the person who would have been misleading the House had they suggested the opposite, was not me. But look, I put him on notice that he said something during the course of question time about a note in the accounts of the GFA which was incorrect and I will take up that issue, if I have to, at the next meeting of the House.

Madam Speaker, who are the special interest groups that they now got it into their heads that we represent, Mr Clinton and Mr Bossino? Special interest groups? The people. Special interest group? The workers. We are the servants of the people. Who do they represent? The people they have always represented, Madam Speaker. Big business. The Yacht Club. The establishment. that is who they represent. How can they suggest that we are not the representatives of the people?

It does not make any sense. But this you have to hear, Madam Speaker, when speakers get up and say, well, okay and I think this is an illusion that I might have done something right. Churchill won the war but then he lost the Election.

In other words, okay, if he has done something right, he did something right but that does not mean he should survive this vote. Did they forget that Churchill did not just win the war and lose the Election for the reasons the leader of the Father of the House said, because he was facing the Labour Party proposing the creation of the welfare state.

But that he came back and won an Election after that too.

After what Mr Bossano has said today, watch this space, Madam Speaker. Watch this space. There is the nervous laughter, the minute they think they have to face me at the ballot box again.

Do not worry, it is not going to happen. It is not going to happen. My emotional health would not allow me to stand for Election again, Madam Speaker. I have given Gibraltar everything I have.

And then Mrs. Ladislaus starts to talk to us about the Constitution. I mean, it was in the last Inquiry, not this one, that people were talking about the raping of the Constitution. But I did not quite understand that the Constitution that she was going to tell me that I had failed to uphold was not ours, but the Constitution of the United States, which was how she ended her address. I mean, this was really quite remarkable. But no more remarkable given the fact that she was telling us that people in Gibraltar are afraid of us and they are so afraid of us that they go with placards outside Convent Place to tell us how afraid of us they are.

Well, I have never seen anyone outside Convent Place with a placard and a balaclava. Because if they were afraid of us, they would have to wear a balaclava if they were going to pitch outside my office with a placard. But I commend to the hon. Lady that she should attend at least one more demonstration in the time that she's a Member of this House. She's only ever attended one. She can only remember that one. Two, Madam Speaker, two. Maybe the one about the Porsche. The one about the Porsche and the one with the placards of the people without balaclavas who are so afraid.

But this is not, Madam Speaker, a totally improper, and neither was the debate on the Principal Auditor, a totally improper use of the procedures of this House. Because if it were, Madam Speaker would have stopped us. Or no?

Is the hon. Lady saying that Madam Speaker would not stop us if we were making an improper use of the procedures of this House. She needs to think about what she is going to say, Madam Speaker. The one thing that I would ask her to never do again, Madam Speaker, in this House, is refer to Haribo. Because it is so difficult for me to keep away from them. And I try not to think of them, Madam Speaker. And when she mentions them in this House, I am minded to ask the Clerk to send the usher to get me a packet. And I do everything I can to stay away from those.

Madam Speaker, I have already governed for more years than I wished. It was my wish to be in Government for 12 years. I am already in my 15th year. That is their problem, Madam Speaker. However hard they tried, they were never able to discredit me enough with politics. They had to go beyond. They, perhaps not explicitly, but to their benefit, together with others who wanted to get rid of me, had to use other institutions to raise innuendos. Whether it is the Principal Auditor, whether it is the Inquiry, the issue of the whistleblowers, but not with politics. Because with politics, they cannot achieve their aim.

Perhaps today what they have done is to demonstrate how bad they are at politics. Because hon. Members do not just call Members on this side of the House gutless and spineless and cowards and then expect us to vote for them. Or say we are all cut by the same cloth but then expect us to vote for them.

They in effect now say, well, here is a clever idea that I have got and I am going to put on *Viewpoint* and I am going to put it here. Vote no confidence in the Chief Minister. He then is no longer Chief Minister, but you guys stay in Government.

Yeah, because the guy who you have just voted no confidence in is going to blithely come here and vote confidence in the nine. In what political world does that work? But the hon. Gentleman says that seriously.

He says it when he pretends to be barristerial, which is not very often because he cannot achieve it. And I do not mean the Leader of the Opposition. I mean the Hon. Slim Shady.

He says it I put it to them that they should remain in Government just remove Mr Picardo as Chief Minister. In what world does that work?

I mean the reality is Madam Speaker, there is very good reason not to have confidence in them. But the Deputy Chief Minister has changed the motion now to remove the no and I am supporting of course the work of the Deputy Chief Minister. I would much rather have changed the Motion to say there is No Confidence in the Leader of the Opposition.

Perhaps because I am a street fighter now, because that is what Sir Joe told me. I am just a warrior now, the pugilist. But how can somebody who goes to *Radio Cope* to talk—with the friend that takes him often to *Radio Cope*, driven by the driver in the Jaguar to *Radio Cope*—to give an interview about the Principal Auditor's Report, Madam Speaker, in Spain, to air our dirty laundry in public in Spain, and his interview in *Cope* about the Principal Auditor's Report leads to a Report in *Europa Sur* on the 17th of August that says this, based on his interview in *Cope*: "The Gibraltar audit is outstanding. We thought the Mafia families were based in Madrid, and it turns out we have the Genovese family as neighbours. Since we are discussing Gibraltar's budget, the Gibraltar audit is outstanding. We thought the Mafia families were based in Madrid. This will have repercussions." This was said in *Europa Sur* as a result of what the gentleman said in *Radio Cope.*

How can we have confidence, Madam Speaker, in a Leader of the Opposition who goes to Spain? The hon. Gentleman has the right if reply, I am not going to give way.

Madam Speaker: There is a Point of Order being raised.

Hon. Dr K Azopardi: The Point of Order is, he is not suggesting that I said any of that, because I did not, so I am asking him to clarify that I did not actually say that.

Hon. Chief Minister: I have not said that he said that. I said he went to *Radio Cope* and *Europa Sur* then said this as a result of what he said in *Radio Cope*. How can Gibraltar have confidence in a man that goes to Spain to bad-mouth Gibraltar and feeds this type of diatribe? That is what I am saying, Madam Speaker. He is not a safe pair of hands neither on this, nor on whether Andorra is or is not joint sovereignty. So, what does the Mr Bossino think? He is going to persuade us that they are a safe pair of hands. They are not a safe pair of hands. They are such an unsafe pair of hands they let Election wins slip through their fingers.

Who presents, Madam Speaker, a Motion of No Confidence when your country is in the middle of the finalisation and about to start ratification of an existentially important treaty? And who brings a Motion of Confidence, Madam Speaker, when he has not got the votes to win it? I will tell him: not Alberto Núñez Feijóo. Alberto Núñez Feijóo says, I am not bringing a motion of confidence because I do not have the votes. But yes Abascal, the leader of Vox, who brings a motion of confidence for exactly the same purpose we have had here today: for the Leader of the Opposition to hear his own voice again.

He did not have enough with turning *Noche Buena* into *Noche Keith*, Madam Speaker, to give a political statement on something seminal on the 24th of December. Look, if they offer you that date, say, thank you, I will do it on the 7th of January. (interjection) No, it is not *cuando quiera yo*. It would have been better politics. But thank God I have you there, Madam Speaker, to lead the Opposition. As long as you are leading the Opposition, that is a good thing, Madam Speaker.

The problem is if you ever get the chance to lead although you have been rejected, I think, four or five times in that respect. I am having difficulty keeping count of how many times the hon. Gentleman has lost an Election. He used to say to Joe Bossano, you have lost too many elections; you should go. He should take his own advice, Madam Speaker although actually that might not suit us. So good: nobody helps us as much as the Hon. Leader of the Opposition.

Madam Speaker, who comes to this place to bring the first Motion of Confidence in respect of a Chief Minister as he says it is; I have not checked, but I assume he is right in respect of the only Chief Minister who has said he is about to retire? To who? To install him? To what end, Madam Speaker to install him as Chief Minister? As the Hon. Mr Feetham has astutely pointed out, that is not Mr Bossino's view of what should be happening. Mr Bossino's view is there will be a General Election so that he tops the poll, so that he can be Chief Minister. Right let us be clear.

But Mr Azopardi's view, the Hon. Leader of the Opposition's view, must be in order to install himself as Chief Minister, almost twenty-five years after he left the Government under a cloud. Or does he think, Madam Speaker, that he is going to come here and say all these things about me and I am not going to talk about the cloud the things that led to him falling out of favour with the GSD? I mean, he says it is because he told Sir Peter that he had to go, and he would not go, and he wanted to be able to have a chance at the leadership. Well, he was wrong about that. Sir Peter went on to win two more Elections.

Then he used the ruse that the Hon. Daniel Feetham had joined the GSD and he could not be in the same party as Mr Feetham. We all know why Sir Peter lost confidence in him. We all know what went on then, Madam Speaker. So, if we want to talk about moral compasses, let us have a chat behind the Speaker's Chair if he has forgotten, and I will remind him of the things he used to get up to when he used to travel as a Minister. But then, Madam Speaker, in 2007.

Hon. Dr K Azopardi: Point of Order Madam Speaker. If he wants to impugn my conduct, he needs to make an issue of substantive motion.

Madam Speaker: If the Hon. Chief Minister intends to go on and impugn the conduct of the Leader of the Opposition in Parliament then clearly, he has to file a motion to that extent.

Hon. Chief Minister: Madam Speaker I said I would do it behind the Speaker's Chair just to remind him of it I will remind you behind the Speaker's Chair or if the hon. Gentleman wants me

in the next session to bring a substantive motion and setting out even the receipts I will try and find them it goes back a long way Madam Speaker

Hon. Dr K Azopardi: Madam Speaker he is carrying on talking about stuff I mean I do not even know what he's talking about but he's clearly impugning my conduct somehow in an invented way. I mean I think it is quite unacceptable that he should be allowed to carry on this is an amendment on confidence in him. If he wants to talk about me let him do so but let him bring it forward the nonsense implying stuff that has not happened

Madam Speaker: I am going to ask the Hon. Chief Minister to move on from this subject and to address the motion the amendment that we are talking about now which is confidence in the Hon. Chief Minister.

Hon. Chief Minister: Hon. Chief Minister: I am sorry, Madam Speaker. Madam Speaker, you have been very Claire, I mean, you have been very clear, Madam Speaker, so I will move on.

Madam Speaker, in 2007 the people showed they had no confidence in him; in 2011 the people showed that they had no confidence in him; in 2019 the people showed they had no confidence in him; and in 2023 the people showed they had no confidence in him. I prefer the judgement of the people to his self-serving judgement on me.

But they want to talk about these things because they do not want to talk about the other things that we do, and that I have done, and that the team has done. Hon. Members already on this side of the House have been very generous in the way that they have talked about what we have achieved, but when are they going to talk about the excellent organ transfer developments at the GHA, or the moves to ensure our Gaming Industry remains competitive, or the great initiatives in housing, the magnificent work being done in Heritage and Tourism, and areas which are abandoned by them completely?

All they do is come here and complain about the progress that we are making in those areas, try and put spokes in the wheel of progress, or the new schools, or the University, or the National Bank, the Gibraltar International Bank, or the growth of the Savings Bank, or the growth of the GDP to 3 billion. When do they mention that, or the Treaty?

It would be a dereliction of my duty to leave now, Madam Speaker, which is why I am still here, because, Madam Speaker, a motion of no confidence is the ultimate tool of parliamentary democracy, but it must not be used as a shortcut for the failure that hon. Members have been characterised by at the ballot box.

Of course hon. Members are able to challenge my policies; the criticisms in the report are something they can, of course, raise as much as they like—we have debated that at length now—but what they cannot do, however hard they try, is delete the mandate that was given to me, and with me my colleagues, by the people.

And voting for this motion, despite the fanciful nonsense we had to hear from Mr Bossino about how he was trying to jump over hoops, to try to change what the people decided two years ago. The people have changed their minds, they say, because they walk down Main Street and there people go up to them and tell them they have changed their minds, but look, seeing the photographs and the videos of Main Street on Saturday, there were not many people around to talk to them about how they changed their minds.

So, voting for this motion is not to provide a new direction for our nation; it is to turn away from the democratic mandate that we got in 2023, and they refuse to accept there have been headwinds in the past two years. Of course there have been, but leadership is not about navigating just in the harbour; I mean, given that most of them are in the Yacht Club, I would have expected them to know it is about navigating in the heart of the storms that we have faced, and that is what I have done with my colleagues in Cabinet.

But this House is now being asked to judge me on the waves that have hit us in the storm rather than consider that, despite it all, we have kept the ship steady. I am very proud of that, Madam

Speaker, and I would rather be judged for the difficult decisions I have made for the benefit of this nation, even if I have been criticised for some of them.

Madam Speaker, in fact, I would not have confidence in me if I had not done the things I had to do in respect of the Principal Auditor's Report; I had to do that. I would not have had confidence in me if I had not done the things I did in relation to McGrail and the Inquiry, and yet hon. Members come here to talk of no confidence, but they do not offer any alternative, because this is not trying to search for an alternative; this is about them getting into Office at any cost. That is the reality.

And what families want in Gibraltar is not more of these debates, which is politics for the sake of politics; they want politics of action, they want politics delivering the Treaty which we have talked about for so long. People say it has taken too long; of course it has taken too long, but if it had not taken so long it would have been the wrong treaty. They are the ones urging us to do it more quickly; we are talking about doing it right.

People want reclamations and homes, people want the gaming industry to be defended, they want the GHA to continue to grow, and they want to create a vacuum of leadership.

Madam Speaker, power in Gibraltar is not a freehold; it is a lease, and every day for fifteen years I have gone to the office to pay my rent in dedication and in results. And look, if the result of the vote today was that my colleagues did not have confidence in me, I would accept that, of course, and if the result of the ballots being counted after October's 2023 Election was that the public did not have confidence in me, I would have accepted that, of course.

But to put them in place, with what vision? All they do is refer to the past, and indeed even their manifesto was a reference to the past: we will go back and review what the GSLP have done; we will go back and audit what the GSLP have done. They have offered absolutely nothing to persuade anyone that they should be handed the reins of power at this difficult and seminal time.

When you become Chief Minister of Gibraltar, Madam Speaker, and I still remember that night when I became Chief Minister of Gibraltar, hon. Members will forgive one final cultural allusion: what are you saying to the people of Gibraltar? You are saying to them, bring me all your problems; I will do better than my best; I have confidence you will put me to the test; but I will make you see I have confidence in me.

As I end tonight, Madam Speaker, although without murdering anyone, without being hauled off to trial in Venice, I think I am entitled to say at this stage that I have done the state some service, and they know it. I think I have done our state some service, and I am grateful that my colleagues are clear that I should continue to provide that service.

I will not be around for much longer; they might miss me when I am gone, Madam Speaker. There is no greater political honour that I have ever heard in this House than the Father of the House asking me to stay.

Madam Speaker, I renew my gratitude to my colleagues for their continued confidence and to the Deputy Chief Minister for moving the amendment, which of course I will support, and despite the affliction of time since I was first sworn in as Chief Minister I have to remind the House that in my heart the honour of leading our people is never diminished. A greater honour I cannot imagine.

Madam Speaker, if the vote goes in the way the hon. Members have set out today, I look forward to continuing that work tomorrow. I commend the amendment to the House.

Is it a convenient moment to recess, Madam Speaker, for ten minutes or fifteen minutes before we continue with the final speeches and the vote? I think we have been at it now for three and a quarter hours without a break.

Madam Speaker: Right, we will recess for 10 minutes.

The House recessed at 9.47 p.m. and resumed its sitting at 9.59 p.m.

Madam Speaker: If no other hon. Member wishes to speak, I call upon the mover of the amendment to reply.

Hon. Deputy Chief Minister: Madam Speaker nothing to add on my part.

Madam Speaker: I now put the question in terms of the amendment moved by the Hon. Deputy Chief Minister. The Hon. Chief Minister indicated he would like me to call a division Alright a division. I remind the House that we are taking a vote on the amendment which for the avoidance of doubt would make the Motion read that this House has Confidence in the Chief Minister. It is a late it is a late sorry. This House is confident in the Chief Minister, that is what is up for vote.

A division was called for and voting resulted as follows:

FOR	AGAINST	ABSENT
Hon. G Arias Vasquez	Hon. Dr K Azopardi	None
Hon. Sir J J Bossano	Hon. D J Bossino	
Hon. L M Bruzon	Hon. R M Clinton	
Hon. Prof. J E Cortes	Hon. J Ladislaus	
Hon. N Feetham	Hon. G Origo	
Hon. Dr J J Garcia	Hon. E J Reyes	
Hon. P A Orfila	Hon. C A Sacarello	
Hon. F R Picardo	Hon. A Sanchez	
Hon. C P Santos		

Madam Speaker: The result of the Division is as follows: nine Members in favour, eight Members against. Carried.

I now propose the question in terms of the Motion moved by the Hon. Leader of the Opposition as amended by the Hon. Deputy Chief Minister. Would any other hon. Member wish to speak? In that case I call upon the Hon. Leader of the Opposition to reply as the mover of the original Motion.

Hon. Dr K Azopardi: Thank you Madam Speaker. Madam Speaker, We have had a debate on this issue and lots of things have been said but the reality is that the foundation of the motion that was brought to this House and that has become was transformed into the confidence issue puts to one side, because a lot of the contributions made by the hon. Members on the other side have ignored, have not addressed the issues of the Principal Auditor, or indeed the fact of the Inquiry findings. they have turned it into a long catalogue of issues in respect of, you know, achievements that they say over the last 14 years, but look, the reality is they have not dealt with the points that we have raised, because there were some very serious issues in the previous Principal Auditor's Report. I mean, the Hon. Deputy Chief Minister said to me at the outset of his contribution that whatever I would have for breakfast this morning they should change the menu.

Well, I can tell him that I had for breakfast what I always have, nothing. I never have breakfast. I like to come to court, I like to go to court hungry.

So, their conduct in trashing the auditor outside and inside this House was relevant, because there were some very serious issues. And the Hon. Deputy Chief Minister says that we go into name-calling and veiled threats. I mean, and he did take this rather sanctimonious position in presenting his view of life, and I get why he does that, but it is almost as if he is not sitting next to the person who regularly gets up and does name-calling and veiled threats, not least in the last few minutes of his contribution, in a rather dark moment that he may want to reflect on.

And, yes, we pursue a Motion of Confidence, but this is not a numbers game. You do not bring a notice of motion because you have done a calculus. You do it on a matter of principle.

And there have been a number of confidence issues before in the Government. It is clear. I was going through trying to find something else, and it struck me that there were a number of confidence motions that Members of this House had debated way back in the Government.

This is a constitutional mechanism. So, to hear the Deputy Chief Minister kind of deride it as if it is below, it is beneath this Parliament. Well, what he is commending to the people of Gibraltar and anyone listening is that we should behave somehow.

We should ignore that. it is a constitutional mechanism. it is in our Constitution.

it is in the Constitutions of many countries out there. So, what is he subscribing to? The Hon. Deputy Chief Minister?

Is he really telling us that he subscribes to this blank check style of politics? Is that what he is advocating? That actually, as long as you win an Election, you should not get tested again.

And that you should not bring a motion of confidence on an issue of principle. I do not believe in that because it is in our Constitution. Otherwise, why is it there?

it is there for a reason. it is there to be used in exceptional circumstances. And I have, as I have said publicly before, in 35 years in politics, it never occurred to me to even consider putting a motion of confidence.

But these are exceptional circumstances and if we do not look at the circumstances and think they are exceptional, then we are not looking hard enough at the facts. Because it is not us that is personalising the findings, it is the Inquiry that personalises the findings because the Inquiry goes through the core participants and reaches conclusions and those conclusions bite softer or harder on different individuals.

But it bites hardest on the Chief Minister. But that is the Inquiry Chairman. A person who has decades of experience and has reached a view on the Chief Minister because he thinks, as he says in the Inquiry Report, that he could not give a straight answer after giving lots of passages of the evidence. Who he says has acted in a grossly improper way on several occasions attempted to interfere in a criminal investigation. This is not a policy disagreement.

This is about the fact that the hon. Members trashed a Constitutional Officer. Trashed the auditor and trashed the constitutional protections, that is how they started.

Because we only put in the motion when they had. Otherwise, it would have been a war on press releases. But they provoked the situation by bringing it to this House and provoked us into bringing this motion, which we had otherwise not thought of bringing (*Interjections*).

Yes, it is. He says from a sedentary position, *es culpa mia*, indeed it is. Read the press release that we issued.

Our motion of confidence was tabled because it was, because they trashed the auditor to the point of filing a motion in this House. And the findings of the Inquiry are not policy disagreements. we are not imputing, Madam Speaker, motives by gossip and innuendo, which is what the Hon. Deputy Chief Minister said. It is in the report. Read the findings. These are not policy issues.

And we are not personalising things in that way. We are reading the Report into the record of Hansard in this House, as we did yesterday. And it really should stick in the throat of the Hon. Deputy Chief Minister.

Look, we are in the cut and thrust of politics. I do not complain about the cut and thrust of politics, but for him to get up and say somehow that there is this one-sided vilification. Does he not hear the things that are said about us in this House?

Or does he do the Nelsonian blindness, but not to his eye, to his ear? This is not a motion of confidence in the Government. It is a motion of confidence in the Chief Minister.

So, he tried to kind of defend it on the basis of track record as if it was a General Election campaign. It is not about that. We think that the people of Gibraltar should have the right to express a view.

But, you know, and he says, one of the things he says is, talks about the handling of COVID, but the handling of any particular circumstance cannot be preyed in aid on the question of now. I mean, we gave support at the time of a COVID situation because, Madam Speaker, people can do things, but they also need to be judged and they can have made achievements, but they also need

to be judged on the other things that they do. They can win Elections, but sometimes they then get booted out of Office for other reasons.

Boris Johnson won a landslide and he supervised COVID, but that did not stop him having to resign on an issue. Lots of leaders have to resign on issues. Indeed, for less, for less, because Boris Johnson was not held to have been attempting to interfere in a criminal investigation. So, they cannot use the defence of, I have got a track record. Nor can they use, well, the argument that they have invested in public services as, well, a blanket of immunity over the findings of the Inquiry or the fact that they misbehave against the Principal Auditor? So, it is ok to misbehave against the Principal Auditor because I put a lot of money into the Health Service. Well, I think people are entitled to believe that the Ministerial standards mean more than that, and that the Ministerial standards and the codes are going to be followed and not ignored. Is that their defence?

Is that their defence? So, people say what? So do not think badly of me because I am someone who attempted to rob the bank, but do not think badly of me because for the last 10 years, I have invested a lot of money in the bank.

Is that really the defence? they are trying to airbrush away the Principal Auditor Report and everything they said about the Principal Auditor, and all the constitutional issues that arose, and they are trying to brush away the conflicts of interest, the issue of waste and abuse, and all of that, and the grave findings of the Inquiry. But things have happened since the Election, Madam Speaker, things have happened, and that is what they need to be judged on, the things that happen.

In the same way that they say judge me on my track record, the judgement also has to include this that is before us, that cannot be ignored. It is part and parcel of precisely something that is happening under their watch. We are not seeking to invent parliamentary practise.

The Constitution makes clear that a motion of confidence can be brought against the Chief Minister and sets out the mechanism in section 45. So, what is it that we are saying? That we can ignore the Inquiry Report?

That we can ignore it? I mean, they deride our attempt to bring this motion today, because they say that we do not have the numbers, so we are wasting time. It is not a waste of time to bring an issue of principle to this House and debate it.

I mean, at the end of it, they keep saying that they should debate all manner of things here. They weaponised Parliament against the Principal Auditor. They weaponised Parliament this morning, or they tried to.

So, it speaks to a demeanour, Madam Speaker, and an approach to governance. A demeanour and an approach to governance. And then the Father of the House, Madam Speaker, who made a shorter contribution, but I remind him, because he sounded as if no auditor has done this before.

Well, I do not know. I have read lots of Principal Auditor Reports, and all auditors do value for money reports. Is it not strange?

If he expressed it in greater colour, it is because there was a need for greater colour, because the issues were more serious. But he commented on matters within his remit, on the issue of resources and statutory duty. We said that well-rehearsed during the debate on the Principal Auditor.

And he says that the Chief Minister treats us like a pussycat. Is he serious? Is he serious?

Well, this is a massive, massive exaggeration, given the personalisation that the Chief Minister conducts to every single person on this side of the House in different degrees. I mean, we just have to sit here and listen. We get it regularly - hardly a pussycat.

And he says we are defending ourselves against the Principal Auditor, the father of the House says. We are not attacking him.

that is what he said. I just remind him of the things they said that the Chief Minister said against the Principal Auditor, the pussycat. He called the Principal Auditor ludicrous, utterly disreputable, designed to contain allegations but not explanations, shocking, improper, scurrilous, idle and unsubstantiated, misleading, unbalanced, risks defaming officials by alleging lack of propriety, democratically despicable, poisoned, jaundiced instrument, that is the Report, an element of

collusion, inhuman, improper, unbefitting, unforgivable, witch hunt, heinous, blatant discrimination, fundamental attack on our democracy, worst possible witch hunt to pursue those with an inclination to the left, attempt to mislead the House, a huge risk that the report created for Gibraltar's jurisdiction, a breakdown of trust, unconstitutional, hurts the fabric of our nation, undermines the trust and faith in institutions. Those are not the words of a pussycat. Those are words of a paranoid tiger.

So no, Madam Speaker, I think they should apply. We are not twisting the findings. Yesterday, and in every public comment and statement we have issued since the Inquiry findings were published, I have not exaggerated things. I have been very careful about quoting exactly what was said by the Inquiry. When I read into the Hansard yesterday, the principal findings of the 10 examples over 10 days, I did it in a very careful way to precisely quote the particular phrases that was used by Sir Peter Openshaw of the grossly improper attempt to interfere in a legitimate police investigation and operation, or a grossly improper attempt by Mr Picardo at interference with the investigation, or a grossly improper disclosure of confidential information, which he must have known and intended might assist his defence to the detriment of the prosecution, or a grossly improper meeting, which should never have taken place. All those are quotes. There are more. There are more. I read them into Hansard yesterday, and they welcome and accept the findings. This is the irony and the contradiction. They welcome and accept the findings. Those are part of the findings as well. That is what they said in their press release. That is what they said in their press release.

And Madam Speaker, I turn to the Minister for Justice, and he says, he said that it was, I think I quote him accurately, he said it was incumbent on him, on them, to protect the Chief Minister's constitutional rights and human rights. But what is he talking about?

I mean, if he is talking about his right to challenge, well, fine. I accept he has got a right to challenge if he wants to. He has not done it yet.

Today, today, these are findings that do not see a live challenge. And there are findings. Where does he put in the balance, the Minister for Justice, the fact that there are findings, and that the Chief Minister has not protected, so he's concerned about protecting the Chief Minister's constitutional rights.

Does he put in the balance the need to protect the constitutional institutions that have been trashed in the process? Or the protections of democracy, of a Chief Minister not acting in the way that he should, in accordance with his Ministerial duty, and the rule of law? I mean, it is an inversion to the point of lack of reality.

I mean, I certainly have not called, I do not think, him Che Guevara. I mean, I had a poster of Che Guevara on my wall at university (*Interjections*). But you know, he says, he added, do not raise the temperature, because people are listening out of Gibraltar.

Again, an inversion of reality. We did not write the report, the Inquiry Report. I know they are keen to write the Principal Auditor's next report.

And they have reserved to themselves a position that they are going to write a rival report to the last one. But we do not get to write reports. If there is a raising of the temperature, it is because of the findings of the Inquiry Report that we did not write. And if there are consequences, there are consequences. And we did not invent them. We did not invent them.

Madam Speaker, can I just say, before I go on to other speakers, I saw the item on the news of the threats that were made against the Hon. Minister. I can tell him, I can tell him, that he has our support, that he has our support on that issue. And he knows, not on a personal level, but also, he knows he has our support on the political issue of the gaming tax. He knows that. So, I can assure him that on that issue, we are at item, you know. I am not really sure why he mentions it in the context of this report, by the way, of this motion, because not really relevant, but so be it. But given that he has mentioned it, I tell him he has our support at all levels.

But Madam Speaker, there is a big contradiction here because of the welcoming and accepting of the findings on the 23rd of December of the hon. Members in their press release that I quoted yesterday. So, this is not a question of, we have been foolish because we do not have the numbers.

We know what the mathematics are. it is not a big Parliament, you know, 8 and 9, 17. it is really not that difficult. We are the biggest Party, you know. But we know the math. But it is not about that. Because if we do not bring a Motion of No Confidence now, with the issues stacking up and the serious findings of the Inquiry Reports, people would be entitled to think, what are you waiting for? If we do not bring the motion now, because we do a calculation, this is not about mercenary mathematical politics, that unless I have had some smoke-filled, dark room conversation with a Member opposite that I know is going to jump ship, I do not bring the motion. We bring it on a principle.

And then the contribution of Professor Cortes, I have to say, when he said that we are concentrating on denigrating the Chief Minister and going well beyond the reports, I mean, he is a clever guy. I really, when I heard that, I thought he has not read the reports. He has not read the report.

I mean, where in the reports, and given what I said, that we, I have been very careful in quoting precisely what was said, which part of what we have said does he think is not in the findings? Which part? Read the reports and tell me who else faces that severe criticism. Because most people get off fairly lightly, actually, and maybe surprisingly.

You know, people watched the Inquiry and perhaps people were thinking that maybe more than one person would get off with some more serious criticism, but they did not. Actually, most of the serious, serious criticism is on the shoulders of the Chief Minister. And that is a reality.

So, it is not about us denigrating the Chief Minister or going well beyond the reports. we are just saying what the report says. And we are very precise about that. And when he says that Sir Peter Openshaw does not have the measure of the society, well, that was an almost borderline out of order comment. Because what was he suggesting? Was he commenting on the conduct of someone involved in the supervising of the Inquiry and someone in the administration of justice. Again, that was a slightly, slightly edgy comment.

And when he said, Madam Speaker, the Government has been totally exonerated and that there were legitimate questions over the questioning of the motives of the RGP, I am not sure that is what Sir Peter Openshaw said. And certainly, how? I mean, they keep repeating this mantra of vindication and exoneration, but at the same time, the wholly contradictory part of welcoming and accepting the findings.

Which part do they not understand? That if you welcome and accept the findings, lock, stock and barrel, you also accept the findings that criticise the Chief Minister. And if you welcome and accept them, including those findings, you are so far removed from exoneration. Far from exoneration. The Chief Minister has been chastised by this report. Heavily. As my hon. Colleague, Mr Bossino has said, seriously wanting.

It is incredible. Tt is incredible to hear the hon. Member, has appeared in many Shakespearean tragedies. The last time I saw him was in Macbeth. Is this a dagger I see before me? A story of a Scottish Lord King who becomes a tyrannical ruler.

And this undue emphasis that we are not helping Gibraltar by bringing this up. Well, Madam Speaker, we did not pick the timing of the delivery of the reports. We did not pick the timing of the publication of the Report.

These are things out of our control. Believe it or not, we are not machinating with the RGP, Sir Peter Openshaw or the Council of Wagner or whoever it is. We are really not. Tony Sacramento. We are really not. We are just stating the findings when we find it. And it is our duty. It is our duty on this side of the House. We have been Elected as well. And we have a duty. And our duty is to call it how it is, despite the personal friendships that we may have of Members of this House. Because yes, we all know each other. And yes, we may be fond of people in this House. But the reality is that it is our professional and political duty to call it how it is. And if there are findings in front of us, and we were not to bring the matters to this Parliament, it would be a dereliction of our duty. That is the reality.

We would be failing the people of Gibraltar in the same way that the Chief Minister has failed the people of Gibraltar by attempting to interfere in a criminal investigation and putting his friends

before the public interest and the boundaries, the constitutional and democratic boundaries that should guide his leadership of this community.

And Mr Santos, the Hon. Mr Santos says that we have a pick-and-mix approach to the Inquiry findings. I do not. And we do not. Because, as I said before, and if he is honest when he reads it, he may not say it publicly, but when he reads the report, as he has read it, the criticisms are not a handful of isolated phrases. And list the core participants, and I challenge him, I challenge him, list the core participants and find me findings that are as damning of the others as they are with the Chief Minister. He will not find them. that is the reality. He will not find them.

He said in jest that he was sad that I should have added honourably to the Spineless Well, honourably spineless, there he is, he has it on the record now. And that we appear a lot on social media, well, you know, well that must be because of the success of our social media, because I certainly do not expect the algorithms to be driving the GSD social media to him, and therefore it must be successful.

And who is he to complain about social media? He's on it all the time. He is on it all the time.

This is modern politics. We are no longer fighting politics like we used to fight it when I first joined politics, where we would issue a press release, buy a fax, we would have to pass it through the fax three times, or four times, so we could reach the GBC and the Chronicle and Panorama and so on, Vox in those days, not the political party, the newspaper. And then we would wait, because the other side would reply to the next day.

And then we would have, on the third day, we would get a reply. But we are in the age of social media, so, and he knows, he is an expert at it, he is at it all the time. But Madam Speaker, the hon. Members opposite, who are backing and not sacking the Chief Minister, are blinkered on the Inquiry, and keen to ignore it.

Keen to ignore it by trying to rattle off reasons why they should ignore it. But very few engaged at all, even attempted to do so, on the real issues of the Inquiry findings, or indeed the Principal Auditor, and the weaponisation of this Parliament. So, they are trying to do that, list the reasons of why they would be re-Elected, or in the words of the Minister for Justice, why they will win the next Election, without actually taking the risk, no? Because, maybe, actually, if they did ask the people of Gibraltar today to express confidence, the people of Gibraltar might say, no, we are not confident in this Government.

And then, Madam Speaker, the Hon. Ms Arias Vazquez, I have to say, was spectacularly arrogant in her view that they are the only ones who can negotiate anything, or get anything done. I mean, quite remarkable, quite remarkable, actually, but tribal, actually, I thought, because I have always said, when I have got up, the AACR did things, the GSLP did things, the GSD did things, good things.

When you lose Elections, you lose them because the people decide they should change the Government. And there are reasons for that. But I always acknowledge successful things that have been done in the past, but it appears that in Ms Arias Vazquez's view of life, there is only one creed, and there is only one set of people, the chosen people, the chosen few, maybe the privileged few, and the powerful few, who can negotiate things.

And she says that the Chief Minister should remain in post because he is someone who helps people who do not have a trust fund. Madam Speaker, when I was growing up, I did not know what a trust fund was. I do not know who she has been growing up with. But I certainly did not recognise a trust fund. When I first studied equity and trusts, that is when I first learnt that there was such a thing called a trust fund. So, normal people do not have trust funds.

And then, Madam Speaker, I turn to the Chief Minister, who did not say much, actually, but seems to ignore a number of things. First of all, I think there have been Confidence Motions in the Government before, it is obvious. When you go through the record of Hansard in this House, I have not done an exhaustive check, but I have seen examples of it.

And, fair enough, people take a view on whether it is on one single issue or another issue. Motions in the past have been deemed to be motions of confidence by Speakers in this House, and they have been taken like that. Secondly, we did bring the original motion in reaction to their

own motion - it is obvious. And this is about politics. And because of their usurpation and breaking down of the constitutional boundaries, this is about raising issues that are political. Because how is it not political when the Government of the day takes on a Constitutional Officer, seeks to erode his functions, usurp them, and weaponise Parliament against him?

How is it not political when an Inquiry finds that the Chief Minister of the day attempts to interfere in a criminal investigation? Breaking all the boundaries, including the Ministerial Code and Codes of Conduct and principles. How is that not political? it is about standards of public life. Of course it is political.

And then he said, I am a street fighter, a pugilist. Finally, Madam Speaker, finally an admission. Not the pussycat. A street fighter. that is what he is. Absolutely a street fighter. A street fighter. A dirty street fighter. Because some of the stuff that he said were dirty street fighter stuff.

Talk. Maybe he reflects on it in his less dark moments. Because, you know, lots of things could be said in this Parliament. Lots of things.

I can tell you I did not go to Spain to do an interview, by the way. I have done interviews with the Spanish media here.

I do not think it was Coppe, by the way. I have done interviews here. I have not gone to Spain. And certainly, that was more twist and spin invention. If people do stories, run stories, but not on the back of stuff that I have said. I am very careful about the things I say to the Spanish media.

Precisely because I do not want to be misquoted. I am uber cautious on these issues of Spanish media. The problem is he cannot recognise the truth if it stares it in his face because he has not written it.

Unless he writes it, he says it is not true. And then he says that I gave, I addressed the people of Gibraltar on the 24th of December as if there was something wrong with that. If I had waited till the 7th of January, he would then have said, it took him two weeks to react.

But do not I know him well enough? Because Madam Speaker, he chose the 23rd of December. He had the report since the 6th of November.

He could have published it at any time before he fell ill. After he fell ill, I understand. He knows I spoke. I rang him. After he fell ill, I understand. And of course, I understand it was delayed further because of the coroner's inquest. Absolutely. But before the 5th of December, they were planning to do it on the 5th of December. Before then, they could have done it at any time. He then chose the 23rd of December. So, of course, and he did a Ministerial broadcast on the 23rd of December. So, how am I going to react before then?

I get a Ministerial broadcast reply under the rules, the GRA rules, after he does one. So, the 24th of December was inevitable. And yes, I have no problem with my track record.

He can keep reminding me. I think he must realise by now that really it is water for ducks back. I have stood for Election. I have offered myself to the people of Gibraltar. The people can accept or reject the offering. I am a democrat. I accept that. Sometimes you win. Sometimes you lose. I have been on the winning side, and I have been on the losing side. He says I have lost a number of Elections as a leader. Yes, I have. Sir Joe Bossano won Elections as a leader. He also lost seven Elections as a leader. So, what? So, what?

The reality, Madam Speaker, he says we might miss him when he is gone. I can tell him that when he acts like the wounded Chief Minister, like he did in some instances today, lashing out in a dark and sinister way in the words of Sir Peter Openshaw. We are not going to miss him because that kind of conduct, that kind of conduct, we should never miss in this House. That kind of conduct should be confined to the history books because there is a better way of behaviour in this House. There is a better way than weaponising Parliament.

There is a better way than transgressing the boundaries. And that is why, that is why I regret very much how they have taken this motion, amended it and created it into a motion of confidence into the Chief Minister. But at least one thing is clear, Madam Speaker, that they now own and condone all the improper action too.

Madam Speaker: I now put the question in terms of the motion by the Hon. Leader of the Opposition as amended by the Hon. Deputy Chief Minister. Does the Hon. Chief Minister want a division called? Division.

The avoidance of doubt, we are now voting on whether this House has confidence in the Chief Minister. As amended, yes.

A division was called for and voting resulted as follows:

FOR	AGAINST	ABSENT
Hon. G Arias Vasquez	Hon. Dr K Azopardi	None
Hon. Sir J J Bossano	Hon. D J Bossino	
Hon. L M Bruzon	Hon. R M Clinton	
Hon. Prof. J E Cortes	Hon. J Ladislaus	
Hon. N Feetham	Hon. G Origo	
Hon. Dr J J Garcia	Hon. E J Reyes	
Hon. P A Orfila	Hon. C A Sacarello	
Hon. F R Picardo	Hon. A Sanchez	
Hon. C P Santos		

Madam Speaker: The result of the Division is as follows: nine Members in favour, eight Members against. Carried.

ADJOURNEMENT

Chief Minister (Hon. F R Picardo): Madam Speaker, thank you very much indeed for those two divisions. Madam Speaker, I move that the House should now adjourn Sine Die. And I am particularly pleased to do that as Leader of the House, given that reports of my political death have been greatly exaggerated.

Madam Speaker: I now propose the question which is that this House do now adjourn Sine Die. I now put the question which is that this House do now adjourn Sine Die. Those in favour? (**Members:** Aye). Those against? Passed.

This House will now adjourn Sine Die.

The House adjourned Sine Die at 10.46 p.m.