



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.00 p.m. – 7.35 p.m.**

**Gibraltar, Tuesday, 20th January 2026**

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# 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*]

## Order of the Day

5

### GOVERNMENT MOTION

**Madam Speaker:** Yes, would any other hon. Member like to speak?

Yes, the Hon. Mr Clinton.

10

**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;

40 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.

45 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  
50 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  
55 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.

60 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,  
65 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  
70 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  
75 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.

80 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  
85 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

90 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.

95 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.

100 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.

105 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.

110 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.

115 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.

125 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.

130 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.

135 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.

140 And then he goes on to say:

Because the existence of the Code on itself has proved ineffective.

145 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.

150 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  
155 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,  
160 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  
165 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  
170 are listed from A to I.

Item I Madam Speaker reads as follows:

175 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  
180 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  
185 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  
190 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.

195 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  
200 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*.  
205 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  
210 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  
215 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  
225 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  
230 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  
235 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  
240 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  
245 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.  
350 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  
355 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 5<sup>th</sup> December for publishing the report had been possible, there would still have  
360 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.

365 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.

370 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  
375 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  
380 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  
385 Chief Minister went on to say in a statement on 23<sup>rd</sup> 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.

390 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  
395 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:

455 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:

460 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

465 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.

470 Madam Speaker Sir Peter Openshaw then moves and you can find this at page 65-66 of his report recommends:

475 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:

480 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.

485 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.

490 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:

495 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:

500 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:

505 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.

510

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  
515 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.  
520

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.  
525

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.  
530

Again, Madam Speaker, another safeguard for the RGP to avoid the scenario in which they found themselves in, which they were put in.  
535

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.  
540

Proceedings should be recorded.

Nothing to do with the RGP, Madam Speaker. That is a matter for legislators, perhaps.  
545

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.  
550

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:  
555

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 11<sup>th</sup> 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.

615 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.

620 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.

625 He then goes on to say:

630 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,

635 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.

640 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.

645 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:

650 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:

655 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:

660 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.

665 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 6<sup>th</sup> 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:

670 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:

675 Gibraltar can be no different.

Says the author:

680 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,

685

He says,

will understand this.

690 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,

695

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:

700

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

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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.

710

715 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:

720 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:

725 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  
730 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.

735 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 23<sup>rd</sup> of December was to give an apology to the extent that people considered that his actions were not the actions  
740 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.

745 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.

750 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:

755 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  
760 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.

765 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:

770 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.



775 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.

780 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.

785 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.

795 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.

800 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.

805 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.

815 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.

820 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 23<sup>rd</sup> 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

930 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.

935 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  
940 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  
945 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  
950 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  
955 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,  
960 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.  
965 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,  
970 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,  
980 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.

985 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  
990 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  
995 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.

1000 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  
1005 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  
1010 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  
1015 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.

1020 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  
1025 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,  
1030 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.

1090 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.

1095 **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...

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**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.

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**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.

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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.

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1120 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.

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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.

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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 17<sup>th</sup> 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



1190 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.

1195 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:

1200 No, no, no, we think...

I think he said,

1205 ...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.

1210 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.

1215 Once a legal action stops being about institutional fairness and starts being about personal blame avoidance, the chequebook closes. And rightly so.

1220 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.

1225 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.

1230 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.

1240 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.

1245 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.

1250 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?

1255 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.

1260 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.

1265 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?

1270 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.

1275 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.

1280 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.

1285 **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.

1290 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.

1295 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.

1300 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?

1305 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.

1310 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.

1315 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"?

1320 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.

1325 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.

1330 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.

1335 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

1345 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 1350 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.

1355 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 1360 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, 1365 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 1370 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 1375 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 1380 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.

1385 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?

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He said:

Yes, he has committed a criminal offence, and I am his best friend.

1395 He was asked in the Inquiry:

Is he going to be prosecuted?

and they said:

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We are thinking about it.

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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.

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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.

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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...

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**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:

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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.

1430

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.

1435

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:

1440

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 1<sup>st</sup> 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.

1445

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.

1450

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 reconstitute 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.

1610 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  
1615 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  
1620 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.

1625 **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.

1630 **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  
1635 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  
1640 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.

1645 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  
1650 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.

1655 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.

1715 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

1720 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.

1725 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

1730 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.

1735 **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

1740 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.

1745 **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:

1750 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.

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Let us not look in the rear-view mirror.

1760 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.

1815

**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.

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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.

1825

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.

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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.

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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.

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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.

1845

**Hon. Dr K Azopardi:** Madam Speaker, on a point of order.

**Chief Minister:** Ah... The nervousness again!

1850

**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.

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**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.

1860

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.

1865 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  
1870 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.

1875 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.

1880 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".

1885 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. 1890 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 1895 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.

1900 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.

1905 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.

1910 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.

1915 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?

1920 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.

1925 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,  
1930 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  
1935 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  
1940 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  
1945 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  
1950 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  
1955 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,  
1960 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.

1965 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.

1970 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  
1975 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  
1980 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.

1985 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.

1990 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  
1995 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  
2000 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.

2005 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  
2010 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.

2015 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.



2020 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.

2030 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.

2040 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.

2050 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.

2055 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.

2060 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.

2065 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

2070 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."

2080 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.

2085 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.

2090 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?

2095 **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.

2100 **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.

2105 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.

2110 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.

2115 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 12<sup>th</sup> 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.

2175 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.

2180 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  
2185 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  
2190 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.

2195 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  
2200 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  
2205 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.

2210 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  
2215 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.

2220 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.

2225 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  
2230 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  
2235 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  
2240 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 6<sup>th</sup> 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  
2245 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  
2250 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  
2255 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:  
2260 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.  
2265 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.  
2270 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  
2275 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.

2280 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.

2285 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.

2290 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.

2295 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.

2300 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  
2305 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.

2310 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.

2315 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.

2320 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.

2325 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.

2380 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.

2385 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  
2390 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  
2395 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  
2400 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  
2405 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  
2410 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  
2415 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.

2420 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.

2425 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,



2430 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  
2435 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?

2440 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  
2445 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  
2450 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  
2455 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  
2460 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  
2465 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  
2470 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.

2475 **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.

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**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 1<sup>st</sup> of July 2025, inflation in fact came in at 3.1%, although it did then drop back down to 2.9% on the 1<sup>st</sup> of October 2025, and prior to that it had been 2.9% before the quarter of the 1<sup>st</sup> 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.

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**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.

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**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.

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**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.

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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.

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**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.

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**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.

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**Hon. Dr K Azopardi:** I was just asking for clarification when I rose. I had not seen that motion to suspend Standing Orders.

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**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?

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**Hon. Dr K Azopardi:** I think it requires your consent, and Madam Speaker needs to deem it within practice because of urgent necessity.

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**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.

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**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.

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**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.

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**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.

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

*The House adjourned at 7.35 p.m.*