



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.04 a.m. – 12.51 p.m.

Gibraltar, Tuesday, 20th January 2026

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The Gibraltar Parliament

The Parliament met at 10.04 a.m.

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

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

Order of the Day

Clerk: Meeting of Parliament, Tuesday the 20th of January 2026. The Order of the Day. Government Motions.

5

GOVERNMENT MOTION

Clerk: The Hon. Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to move the motion standing in my name, which reads as follows. This House notes the report of Sir Peter Openshaw DL in respect of the McGrail Inquiry, and in particular the recommendations contained therein.

Madam Speaker, Section 26 of the Inquiries Act 2024 requires that we should lay the report of any inquiry on the Table at the first meeting of Parliament after publication of it by the Government.

For that reason, Madam Speaker, I laid the report on the Table at our first meeting of this calendar year. I also gave notice of this Motion at the time that I published the Report, which I believe was the 23rd of December. I brought the Report to the House in the spirit of total transparency and compliance with the Act that has characterised this Government's approach from the outset to this matter.

And I say that, Madam Speaker, referring both to our attitude in the Inquiry and about the Inquiry report in equal measure. Quite unlike others, Madam Speaker, I and all Government core participants have cooperated fully with the Inquiry throughout its processes. In an approach unprecedented in our democracy, I have facilitated unimpeded access to all my relevant electronic and non-electronic communications.

I knew, Madam Speaker, and I know, that I had nothing to fear from the things I said, from the things I wrote, and from the things I did. Even now, Madam Speaker, after the report, I feel exactly the same way, and I feel vindicated in many respects. I expect that there will be further reason for vindication in future.

As Madam Speaker, it is clear that the report is only one part of a jigsaw puzzle that needs to be fully exposed to the people of Gibraltar. A jigsaw puzzle about human rights abuses and allegations of police corruption, that when all is said and done, some traditional worries for human rights will be seen to have been on the wrong side of. Madam Speaker, in complete contradiction

to the absolutely untrue and spurious suggestions made in the run-up to the publication of the report, the Government published it in its entirety and without any redactions.

35 We did so exactly as we had intended to do, yet for months we had to endure the suggestion that we would somehow seek to redact the report in some way. In fact, at one stage it was even said that we were going to stop the Inquiry proceedings, and all because we had updated Gibraltar law to be in keeping with UK law. These were conspiracy theories which were thrown about by people who should know better, to the howling pack of pound shop wolves on social media.

40 Yet nothing could have been further from the truth. It never crossed my mind. And we said so. But still, the spurious allegations continued. Indeed, to purloin a phrase from Alice in Wonderland, a story that so many are referring to in relation to this report, things did not just get curioser and curioser as time went on. They got *spurioser* and *spurioser* as time went on.

45 It must be said that there have been some remarkable suggestions that we would consider using legal powers for political purposes. The wolves howled louder, Madam Speaker. The keyboards clacked even louder still with wilder and wilder theories.

50 One was that I would seek to use powers to delete criticisms of me or of the Government such as there might be in the Report. It never crossed my mind. Yet, Madam Speaker, now that the full publication of the Report has occurred and it is laid in this House, of course those nonsensical criticisms remain and they are not withdrawn.

55 They remain on the record despite being untrue allegations made against the Government. A Government that has fully and completely published a report that is critical of almost all those referred to in it, including, but not limited to, me. Yet those who made those spurious allegations feel no compunction to say at least, sorry, we accept that we got that wrong.

55 Ironically, there are many of the same voices now suggesting that Members of the Government should apologise for things and that I should resign. One rule for them, Madam Speaker, one rule for us. I guess we have just got to get used to it.

60 Just like on company accounts and just like on contracts awarded without tender. One rule for us, one rule for them. But the fact of the matter is that we published the inquiry report in full, online and without redactions.

65 We would have done it earlier, but I was incapacitated. Then we were asked not to publish until the end of the inquest into the deaths at sea by the Coroner. If I may say so, Madam Speaker, I have been pleased to stand behind the officers in that case of the deaths at sea, assisting with the funding of it throughout.

65 But on the report, we published at the first available moment after the inquest verdict and on my return to work. We worked with the National Broadcaster, which transmitted all proceedings of the inquiry live, to ensure that the final part of the inquiry, the delivery of its report and the Government reaction to it, was also something that citizens could follow live. And we did all that.

70 And we provided fulsome disclosure of all relevant data, including, as I said, my own private electronic communications, because we had and we have nothing to hide. The House now knows also that the person who called for the inquiry, Mr McGrail, and the former senior management team of the Royal Gibraltar Police, were not as forthcoming in respect of key items of information required from them. The report shows that in its findings.

75 Daybooks went missing. Laptops went missing. Mobile phones went missing. Hard drives went missing. WhatsApp messages turned up only after the main hearings had finished and their Inquiry had to be reconvened at huge additional public expense. Secret recordings of covertly recorded meetings with the Attorney General and other Senior Officers were found by the Inquiry to have been deleted by Mr McGrail in an attempt to hide the fact that he had carried out those recordings.

80 it is not me or the Government saying that Madam Speaker. Those are also the findings of the Report. Those are the findings that it seems some people do not want to talk about.

80 But these findings about the senior management of a police force that should enjoy our community's absolute trust are absolutely devastating. Devastating to that trust. And devastating to the approach that we can take to that period in respect of policing in Gibraltar.

85 And that is not something that the Government will accept. It can be swept under the carpet. And it is not something that can somehow be glossed over or swept under the curtain of the criticisms of me in the Report.

Indeed, it is quite something to now read some very similar material emerging in respect of the Chief Constable of the West Midlands and how he has lost the support of the Home Secretary. 90 In that matter, it also appears that a key document or two may have been lost or destroyed. Just as has been the case here. Although here it is not just one or two documents, Madam Speaker. Here, there is a finding of careless and in some instances deliberate loss of the repositories of data that would clearly have held the key information about some of the matters in question before the inquiry. But the scale of the deception on the one part and the failure to comply with disclosure requirements on the other part uncovered by Sir Peter Openshaw in relation to the 95 earlier leadership of the RGP is really quite remarkable.

100 And when the political issues are put to one side, they really can be seen to require a lot of reflection indeed in respect of future governance of the police. Again, I emphasise Madam Speaker that these are references to decisions of the earlier senior management team of the police. I have full confidence in the current leadership of the RGP and in particular the Commissioner, Owain Richards.

105 But the criticisms of the former senior leadership of the RGP in the report go far beyond what has been enough to undo the Chief Constable of the West Midlands. But I am clear that if there is one thing that could be differently dealt with in this matter, that could have been differently dealt with in this matter, is that perhaps we do need a procedure for a Minister to come here with a statement or Motion of No Confidence in the Commissioner of Police and for that to have immediate consequences. let us face it, that would have cost a lot less than £8 million when the then Governor lost confidence in the then Commissioner.

110 But the key thing is that the Inquiry has now reached its conclusions. As a mature democracy, we must now face the music, learn the hard lessons and move forward. And I am ready to do that Madam Speaker.

115 As I have already said outside of this place, but I put on record here, I recognise that sharp criticisms of me are contained in the report. I have acknowledged that the report contains highly critical comments regarding my own actions. I have asked people to set those in the context of the extreme pressure I was under in 2020.

120 And I have also told the community that I am advised that some of the sharpest criticisms are actually legally unsound, unfair and contradictory. These are the political criticisms that my political opponents are making pay from. I am now finalising my consideration of whether to take up the option to commence a legal challenge to those findings.

125 I must say that the advice I have from my Council, the former Leader of the House, Sir Peter Caruana KC, is hugely compelling. But the Minister for Justice has described it rightly as robust. But this is not the place to go through the detail of that potential legal challenge at this stage.

130 A legal challenge, if it is made, must be made in court of course. Out of respect for the court, the legal process and the rule of law, I will not say more at this stage in respect of that potential challenge. Although all hon. Members, especially those with legal training, need to be aware that those findings that many of them are repeating are the findings that could form the basis of my potential challenge.

135 But if I file that challenge, neither will such a challenge distract me from the continuing business of our nation. Because Madam Speaker, this report which we note today relates to action and consequences from six years ago. And that reality must not be forgotten.

Just to set matters in context, the events that led to the Inquiry happened before we had even negotiated and concluded the New Year's Eve Framework Agreement. This was May 2020, literally bang in the middle of COVID. We concluded the New Year's Eve Agreement, as its name implies, on the 31st of December 2020, half a year later.

135 So, Madam Speaker, whilst I fully understand the politics of what my political opponents are seeking to do with the sharper but challengeable aspects of the Report, I also fully understand

that this report is about the past. And my most important work now is to finally secure our future. Additionally, Madam Speaker, and although some appear not to like to hear it, the fact is that all of the allegations made against us and against me in the run-up of the hearings and the Report have been dismissed entirely.

Indeed, Madam Speaker, the report before the House completely exonerates the Government from the many spurious allegations made against it over the last five and a half years. Crucially, the Chairman found that contrary to the principal allegations, there was no corrupt or improper interference with any police investigation by me or anyone in this Government. The finding that I tried to interfere, a finding that I dispute, does not displace the finding that there was no interference.

The Chairman also found that I genuinely and honestly believed the former Commissioner had lied to me, providing me a sound and justifiable basis for my own loss of confidence in him. The decision for the former Commissioner's early retirement is found in the report to have been that of the Governor acting on independent grounds and with the full knowledge of the UK Foreign, Commonwealth and Development Office. There was no conspiracy, despite the repeated allegations made in that respect.

Perhaps most importantly, Madam Speaker, there is no finding of any corruption in Gibraltar. This was the theme of articles which appeared in the international press and appear to have been inspired by lawyers acting for Mr McGrail. They have been proved wrong, misplaced.

Additionally, Madam Speaker, the Inquiry Report does not contain any recommendation that Mr McGrail should receive any apology. It also does not contain any recommendation that Mr McGrail should receive any damages. No apology, no damages.

Indeed, the exact words of the Inquiry Report in the name of the Chairman say this explicitly. I specifically decline to recommend any form of redress, whether by way of apology or compensation. This inquiry was commenced, Madam Speaker, by Mr McGrail asking for an apology and damages.

He got neither. Just that speaks volumes. But Madam Speaker, although there were not any recommendations for an apology or damages to Mr McGrail, there are in the report recommendations to improve governance and administrative procedures.

It is not, Madam Speaker, to throw the RGP under a bus, as some have foolishly suggested, to count the recommendations and highlight that the majority relates to the RGP. That is nothing but arithmetic. Already, we are working together with all the individuals who have constitutional responsibility to deliver on these recommendations for reform of the governance of the RGP.

The Hon. Leader of the Opposition has been asked to meet with Ms Samantha Sacramento, who is engaged to help us deliver on the reform of governance of the police and, additionally, the implementation of relevant recommendations in this area. I hope the hon. Member will engage with the process of consultation with him that has been proposed. The RGP itself is rightly leading on a number of the recommendations.

Some have already been implemented by the new leadership of the RGP. Some of the recommendations relate to the Government, of course. I think five of them, Madam Speaker.

We are already working on them. Two of the recommendations have already been implemented by the Chief Secretary. The Government has already instructed external Council from the UK to draft a Conflicts of Interest Act.

In order to do so effectively, Council will meet with various bodies in Gibraltar. I have also asked that Council should meet with the Leader of the Opposition. We are already working on how best to address the recommendations in respect of the Ministerial Code, on which we also expect to instruct Council.

Madam Speaker, for the Government, we are not merely noting this report. We are already acting upon it. I have set a clear deadline.

All recommendations relating to the Government will be implemented within 100 days of my New Year's message. Two have already been delivered. In partnership with His Excellency the

Governor and the Gibraltar Police Authority, we are working to ensure reforms concerning the RGP are in place before the summer.

190 We are working already and adopting recommendations to strengthen the culture and oversight of our public institutions and the regulation of the Police Authority. But Madam Speaker, while some may wish to remain trapped in the year 2020, the people of Gibraltar want us to get on with the job they Elected us to do long after these facts. They want Government focused on the challenges of today and the opportunities of tomorrow.

195 And that is what we are doing. That is what I am doing. Despite the constant noise from our political opponents, we have a job to do, and we are close to delivering the main part of it.

200 My energy is now concentrated on the final mile of our most important journey – the ratification and effective implementation of the UK-EU Treaty to secure our post-Brexit future. Whilst others keep looking down to see what they can find in the inquiry report, we are looking up to ensure we are on top of all aspects of the process of kicking off ratification of the Treaty. That is what matters most.

For our economy. For our future. To enhance and protect our way of life.

205 And we are working on new homes for our people. And we are working on a new Sovereign Wealth Fund for our people. And delivering new facilities around Gibraltar for leisure and tourism.

210 For 15 years, Madam Speaker, we have not stopped. We have delivered in every single year. In the face of challenges and in the face of turbulence and unimaginable headwinds.

We have got to work, and we have delivered each day of each week of each month of each year we have been in Office. And today, this week and the coming months will be no different in the two years we have left before a General Election is due. Just last night we were testing a battery that will help us deliver power if our Power Station is down.

215 Just this week we have issued expressions of interest for a new cruise liner terminal. Progressing on all fronts. Noting the terms of this inquiry report.

220 Implementing all of its recommendations. And moving on to the things that make Gibraltar better every single day. Because Madam Speaker, despite the noise, I will not leave the Office of Chief Minister with a list of things I hoped to do.

I will leave it with a legacy of things I did, together with my colleagues in Government, to deliver on the promise to make Gibraltar better every day. I will leave criticised, for sure, but satisfied in the sure knowledge that I did my best for my people every single day that I was privileged to hold the Office of Chief Minister and to be Leader of this House. Every day.

225 Especially those days in May and June 2020 which the report so meticulously dissects. And for those reasons, Madam Speaker, I command to the House that it should note the inquiry report and agree to the implementation of its recommendations. And I would move, Madam Speaker, that the House should now recess until 11.00 a.m.

225 **Madam Speaker:** All right we will recess till 11.00 a.m.

The House recessed 10.28 a.m. at and resumed at 11.00 a.m.

230 **Madam Speaker:** I now propose the question in terms of the Motion moved by the Hon. Chief Minister. Would any hon. Member like to speak? The Hon. Leader of the Opposition.

235 **Hon. Dr K Azopardi (Leader of the Opposition):** Madam Speaker, thank you. Madam Speaker, listening to the Chief Minister this morning, as he started, really, he did nothing more than what he has done already in all his previous media appearances and public appearances speaking about this important inquiry. I mean there was a doubling down, I mean some of the language was actually going even further than he has gone publicly in many respects.

He used the words police corruption. Police corruption. I mean if there is anyone out there listening and considering what that means, that the serving Chief Minister should say that there was police corruption, the imagery of that juxtaposed with what we saw in the Chronicle this morning about a smiling photograph of the Chief Minister co-chairing a group on police governance reform who the very next day accuses the police of corruption.

If that is not undermining our institutions and how he can purport to think he can co-chair a group on police governance reform on that basis and on the basis that he has been found on several occasions to have grossly, improperly attempted to interfere in a criminal investigation 240 beggars belief, Madam Speaker. It beggars belief because he takes it even further. Not only does he purport to do so, but he also then comes to this House on a noting motion to say that there was police corruption.

Madam Speaker, there have been literary allusions in the Hon. Chief Minister's speech. I mean 250 he talks about Alice in Wonderland but there has been quite a number of references to Alice in Wonderland recently. But really the Alice in Wonderland is him because he still denies the truth, seeks not to see it.

I mean I will give him another allusion of a work that he might want to look up. *El Otoño del Patriarca*, by Gabriel Garcia Marquez. A story of a general who has absolute power, who in fact exercises surreal control, defies reality and tries to rewrite history to make himself appear eternal.

255 Maybe he wants to consult that one. He does not want to appear eternal because he says he is going to go. But certainly, he does everything else which is to rewrite history in a fantastical way, surreally defying reality.

Because Madam Speaker, there is a clear political bottom line when noting the inquiry report 260 and its findings and that is that the Chief Minister attempted to interfere with a criminal investigation, not once but several times. That is profound because it never happened before, thank God. And there are and should be political consequences to that.

And let us see when we get to the Motion of No Confidence whether Mr Picardo, the Hon. Mr Picardo, allows Ministers to even vote on the question of confidence in him or whether he amends 265 it to prevent a vote being taken on confidence in him. Because that will tell a story that he is running scared on the issue if he does not allow his own Ministers to vote on the question. We will see when we get there.

And if the Ministers support him, then the people of Gibraltar should have the right to decide 270 the fate of this Government sooner rather than later. Madam Speaker, the Government were dragged kicking and screaming through all the stages of the McGrail Inquiry despite the reinvention of history today. Because beyond the initial hot-headed announcement that an inquiry would be convened in July 2020, the Government then did nothing about it for 18 months.

It was obviously by then that there had probably been a change of heart once the blood had run cold. By then, however, it was too late and promises had been made. Yet by dragging its feet 275 and only convening it in February 2022, 20 months after the Commissioner of Police retired, the GSLP Government at least engineered that a report could not surface before the 2023 Election.

That would have been uncomfortable reading, as we now know. It also allowed the Chief Minister to make outlandish prophecies about how he would be exonerated and how he had done nothing improper. The protestations of innocence and unimpeachable conduct were repeated several times during 2022 and 2023.

280 He repeated, repeated and repeated that he had acted properly and never inappropriately. Even at the Leaders' debate on the eve of the 2023 Election where he promised the people the night before the ballot boxes opened that he had acted properly. That was and remains one of his massive misrepresentations to the people of Gibraltar.

He has told the people of Gibraltar so many tall stories that he has undermined his own 285 credibility. That of his Government and many people who are entitled to suspend believing him on any issue, unfortunately. Once again, like in the case of Brexit when he told people he was 0.01% away from a deal and this wasn't true. And once again, like in the case of the Principal Auditor's reports, the conclusion of which he effectively blocked by not taking certain legislation

290 in this House. He hid things from the electorate. He hid the truth of what he had done which has now been found by the Inquiry.

295 On financial governance, waste and abuse, the Auditor reports, and on democratic governance, the Inquiry, the Government and the Chief Minister engineered that they did not go into an Election setting out all the truth to the electorate on these festering sows. That combination of things meant that when people voted and returned them to Office in the closest Election ever, they had deliberately and cynically hidden things from people. Things and conduct that Sir Peter Openshaw precisely marks in those terms, deliberately and cynically, albeit on other issues.

Because Madam Speaker, this is not just a one-off. This is not just isolated. It is the way they do things.

300 They cannot be believed. The Chief Minister cannot be believed. there is always more than meets the eye.

And there is massive misinformation when he speaks publicly as he did when he spoke on this report just a few weeks ago and in this House today. And so now, finally, we have the report. A report that is damning of the Chief Minister.

305 Sure, it may criticise other people, and it does, but the one facing the most serious findings of misconduct is the Chief Minister. Those findings are not just small errors. They are unprecedented and they are grave.

310 There are other things where the respected Judge did not feel he needed to specifically make findings. For example, the case of the appropriateness of Ministers holding beneficial interests in a company vying for a public contract, 36 North. But only then because those historic pre-2020 decisions in relation to that contract were not relevant to the retirement of Mr McGrail.

That is all. Those issues were and are, however, hugely important, well beyond this motion as it speaks to their approach to Government. But now, the prophecies of exoneration that he made have come back to haunt the Chief Minister.

315 Maybe because he made so many false prophecies of success that have not transpired, he feels he should still repeat them. But even now, even for him, it is an all-time low of misrepresentation and contortion of the facts, and we will come to that. Madam Speaker, we totally respect the recommendations made by the Chairman, and in Government we would implement them if these, or their spirit, remain unimplemented by the time of the next Election. Because we have no confidence that the Chief Minister presiding over this Government will implement the spirit of these recommendations in their proper way.

320 The main recommendations on conflicts, in particular, endorse the long-standing criticisms levied against the Government and the calls for governance reforms and robust conflict of interest controls. There are recommendations on necessary legislation and rules on conflicts of interest.

325 We particularly welcome those that entirely underscore the need that is raging for interests to be regulated. The theory behind such a recommendation is obvious. It is that the Inquiry Chairman has presided over a case which, at its heart, has a stack of conflicts, where principally the Chief Minister was unable to respect boundaries and transgressed them to the point of attempts to interfere in ongoing police matters.

330 We have been concerned about the need to regulate conflicts of interest for some time. It was in our 2023 manifesto, and we have spoken about this for some years. Other recommendations on police governance or on possible amendments to the Police Act are also welcome, and we had already also signposted the need for change in our 2023 manifesto.

335 Many of the recommendations that found themselves in the report that affect police governance were suggested by the RGP itself in its own submissions to the Inquiry. Sir Peter Openshaw also decided not to make any recommendations in relation to redress in favour of Mr McGrail. But the thing that the Chief Minister left out is that the Chairman explained that that was because this was outside the terms of reference of the Inquiry.

He said, Sir Peter Openshaw said, after noting the procedural errors that, I quote:

340 it is not within my terms of reference to say whether that might have provided him with some legal redress.

As well as the fact that the procedural irregularities could have been cured and he could not speculate the impact of, quote:

what might have happened if proper particulars had been given,

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The recommendations, of course, stem from the Inquiry Chairman's findings. And these, Madam Speaker, at their core, clearly point to massive conflicts of interest, governance deficiencies, abuses of process and a number of serious transgressions by the Chief Minister.

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The result is that the events of the last few weeks have left Gibraltar in a very stark and dark place, with the Chief Minister found to have attempted to interfere in a criminal investigation, hanging on to power supported by his Ministers. It says a lot about each and every one of them who supports him. Because the findings of the Openshaw Report are the last straw of a mounting catalogue of disgraceful conduct.

355

The idea that somehow, we can just pretend and move on is ridiculous. I mean, let us not look back in the rear-view mirror, he keeps saying to people, you know, just because I did something a few years ago. Anyone listening will think, well, if the Chief Minister can do it, anyone going to court now can pull that defence.

360

Oh, do not try me for this offence, it was only five years ago. You know, do not look back in the rear-view mirror, this is ridiculous. Why are you knocking on my door? To arrest me for something that I attempted to do. Because at the end of the day it was only a few years ago, let us move forward, let us look back.

This is a watershed, Madam Speaker, this is a watershed of how we do things. How things are done, by whom, how conflicts are handled, how institutions are protected, and what standards are acceptable in public life. Sir Peter Openshaw described Mr Picardo's conduct as, quote:

365

sinister

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or cynical, misleading, or unwilling to give straight answers. As mentioned before, before the last Election, Mr Picardo had boasted that he would be exonerated, and that he had acted properly.

He still says that now. He told people that the Inquiry would establish, in his own words, the truth, the whole truth, and nothing but the truth. But in fact, the truth found by Sir Peter Openshaw is that Mr Picardo attempted to interfere in a criminal investigation in a grossly improper way on several occasions.

375

And as I say, no Chief Minister has ever faced such findings. In this case, those findings were made by an experienced judge, with decades of experience at the bar, and a respected High Court judge.

380

Sir Peter Openshaw has over 50 year's experience as a judge and barrister. He sat as presiding judge over a number of high-profile criminal trials, such as prosecutions stemming from the Hillsborough disaster. He is so well respected that he was appointed onto the Criminal Procedure Rules Committee of England and Wales. In short, he has presided over many criminal trials.

385

He understands the criminal process, and when he speaks about boundaries of what should or should not be done in a live criminal investigation, he knows what he is talking about. And that is the key and worth emphasising, because it goes to the crux of what should happen here and no number of smokescreens can hide it.

390

Sir Peter Openshaw made a number of findings. And some of the principal ones, taken chronologically, are that on the 12th of May, 2020, Mr Picardo summoned the Commissioner of Police, Mr McGrail, to his offices and berated him, as the police sought to execute a search warrant in a serious criminal investigation. The Inquiry Chairman says this was the first time that Mr Picardo crossed the line, and that he wasn't protecting the reputation of Gibraltar, but rather his friend from the execution of a search warrant. He calls it a, quote:

grossly improper attempt to interfere in a legitimate police investigation and operation.

395 The Inquiry Chairman says that on the 14th of May 2020, at 16:55, Mr Picardo communicated with his friend's lawyer about the dismissal of police officers. The Chairman found Mr Picardo's explanation, quote:

unconvincing,

400 and that he:

firmly had Mr McGrail in his sights,

405 He says:

whether he was gunning for Mr McGrail or another officer

he calls it a:

410 grossly improper attempt by Mr Picardo at interference with the investigation,

He says that on the same day, in 18:41, Mr Picardo messaged the suspect's lawyer with:

415 another idea.

The Chairman said:

420 here, the Chief Minister of Gibraltar is suggesting to the lawyer of a man who was then suspected of serious crime involving the security systems protecting Gibraltar, how he might retrieve his client's mobile from the police to prevent them from interrogating it, which they were very anxious to do. Again, one only needs to set out this proposition to demonstrate its gross impropriety.

425 The Chairman adds that on the 15th of May, in a letter to the Attorney General, the suspect's lawyer refers to advice given by the Director of Public Prosecutions.

The Chairman finds that the disclosure of that information came from Mr Picardo, the Chief Minister. He says it was a:

430 grossly improper disclosure of confidential material which he must have known and intended might assist his defence to the detriment of the prosecution.

And that it was:

435 plainly not appropriate for Mr Picardo to tell the suspect or his lawyer what he believed the DPP had advised for or against.

The Inquiry Chairman finds that on the 17th of May 2020, Mr Picardo meets the suspect and his lawyer at his home. Sir Peter Openshaw calls this:

440 grossly improper meeting which should never have taken place.

And finds that Mr Picardo did not disclose this meeting at an early stage because he knew people would think it was:

445 deeply inappropriate.

The Chairman adds that:

450 Here we have Mr Picardo as Chief Minister meeting a person then suspected of serious crime arising from the misuse of the NCIS platform intended to protect the security of Gibraltar with the lawyer acting for him at his own home without any record or minute of the meeting.

And that improper meetings such as these give rise to:

455 inappropriate favours.

or

inappropriate reciprocal obligations.

460 Or inappropriate disclosures. The Chairman added that on the same day later that evening at 22:48, Mr Picardo again communicated with the suspect's lawyer in a way that was inappropriate. He was:

465 again canvassing ideas with the lawyer of a man suspected of serious crime as to how his interests could best be protected or advanced.

Sir Peter Openshaw found that:

470 here again Mr Picardo is improperly attempting to protect his friend and mentor from the consequences of a warrant lawfully issued.

end of quote. The Chairman, the Chairman adds, on the 18th of May 2020 after midnight, Mr Picardo:

475 came up with yet another idea.

480 proposing to the Attorney General that he should exercise his constitutional power to take over and perhaps discontinue the such warrant proceedings. Sir Peter Openshaw describes this as:

another grossly improper attempt by Mr Picardo to interfere in an active criminal investigation by the RGP to protect his friend and mentor.

485 The Chairman adds that on the 18th of May 2020, Mr Picardo misleads the Police Authority Chairman ahead of an emergency meeting of the Police Authority and:

deliberately and cynically did not spell out that his real grievance arose from the issue of the warrant.

490 He adds that on the 20th of May 2020, before that emergency meeting of the Police Authority, Mr Picardo contacts the Chief Secretary. He was:

trying to influence his votes to call for Mr McGrail's retirement,

495 in a way that Sir Peter Openshaw described as:

obviously improper,

500 The Chairman adds that on the 22nd of May 2020, Mr Picardo helped amend the letters from the Police Authority to Mr McGrail, asking him to retire and omitted key information from the Police Authority in a:

sinister,

505 way, seeking to abuse its processes.

The inevitable and irresistible conclusion is that Mr Picardo was using the processes of the GPA to bring about Mr McGrail's effective dismissal for reasons of his own relating to the police investigation into his friend.

510 Madam Speaker, those are only 10 examples over 10 days of grossly improper conduct, where there are several occasions where the Chief Minister has been found to have attempted to interfere in a criminal investigation. In reaching his overall conclusion, Sir Peter Openshaw says:

515 I have no doubt that the real reason for Mr Picardo's loss of confidence was that Mr McGrail and the RGP had obtained a search warrant against his friend, which he was determined in one way or another to thwart.

Madam Speaker, the Inquiry was convened to enquire as to the reasons for the retirement of the former Commissioner of Police.

520 Among the reasons, Sir Peter Openshaw finds that Mr McGrail:

525 retired only because he felt he was being unfairly and unlawfully compelled to do so. This was because neither they nor the GPA had followed the proper procedures, and because Mr Picardo had not explained the real reason for his loss of confidence, which was the application by the RGP for the search warrant against his friend, and the lie which Mr McGrail was alleged to have told Mr Picardo and Mr Llamas at the meeting of the 12th of May.

530 He added, the Chairman, that this was because of the:

improper pressure which he felt was being put upon him by Mr Picardo to alter the course of that live criminal investigation.

535 Madam Speaker, the main and most dramatic findings in this Inquiry report is that the Chief Minister attempted to interfere in a criminal investigation. Any attempt at rewriting that history is nonsense for anyone picking up this report who can read it for himself or herself and see that those are the main and most dramatic findings. And this is grave.

540 It is grave for our history, and it is grave for our history of self-Government because no Chief Minister has ever faced such findings. It is a damning verdict on Mr Picardo's behaviour because such conduct is plainly not acceptable in a Chief Minister. It is conduct akin to acts attempting to pervert the course of justice.

545 All in all, the Chief Minister was clearly breaking so many rules that his position is now untenable and he should resign. If a report like this had emerged in the United Kingdom, any UK Minister would be compelled to resign. I said early on in our own reactions to this, and we will come to the substance of it when we come to the Motion of No Confidence, but I said early on that Ministers were at a crossroads, that they needed to decide whether to back him or sack him, given those findings.

550 Of course, if Ministers do support Mr Picardo, it is a clear signal to the people of Gibraltar that they are prepared to put up with this conduct, the half-truths and the downright lies or the spin that we saw in this House today, that even now they prefer power over public interest. They each face that crossroads now, and there should be no hiding place when the motion of confidence arrives, unless, of course, the Chief Minister is scared about allowing them a free vote on the issue. So, we will see if the Chief Minister dares put to the test the so-called fulsome support he says he has from his Ministers, because the comments so far have been less than fulsome.

555 Minister Arias Vasquez seemed stunned by the question from GBC when they interviewed her about something else and gave a fairly lukewarm answer. The Minister for Justice spent almost 60 minutes skirting around the issue like a ballerina, making clear he supported the Chief Minister's right to challenge the findings, but equivocated somewhat on whether he supported the findings themselves. We will see.

560 So that right to challenge the findings is worth exploring in itself, because it is first important to bear in mind, and I do remind Ministers, that they issued a press release on the 23rd of December 2025 that says in a number of places that they welcome and accept the findings. To quote from their press release of the 23rd of December:

Her Majesty's Government of Gibraltar welcomes the findings of the Inquiry [and] the Government accepts the report's findings and commits to working on all the constructive recommendations made,

565 But of course, Madam Speaker, if the Government welcome and accept the findings, they are also accepting and welcoming the findings in relation to and against the Chief Minister, because there was no exception or caveat in the press release. They cannot have it both ways. And of course, that speaks to the thoroughly uncomfortable position of Ministers and the massive contradictions.

570 A Minister charged with taking a special Oath to ensure the respect of the rule of law, who has findings in front of his very eyes that the Chief Minister did not respect the rule of law, that he attempted to interfere in a criminal investigation, not once, but several times. And so, the question for all Leadership contenders, party loyalty or rule of law? Does it help my leadership a bid more to show I am different or standing by the wounded?

575 We will see when we get to the Motion of No Confidence. But of course, in that self-serving tussle, the people of Gibraltar are watching dismayed that the private interests of Ministers are being put above the public interests of safeguarding basic democratic governance principles, that no Elected head of Government should seek to interfere in a criminal investigation, still less one where he is conflicted. This is a Chief Minister only now in Office because Ministers have not 580 shown what it takes so far to remove him or think it acceptable to be led by someone who attempted to interfere in a criminal investigation.

585 Maybe, just maybe, it is because some of the Leadership contenders are mired in similar conflicts of interests through their professional association. Instead, they purport to behave like a dynasty handing the baton to another of the same conflicted cabal whenever they want. And then, in a final contradiction, the Government press release ends by saying and I quote:

that with the report now published, Gibraltar can finally draw a line under this matter and move forward with confidence in the strength and integrity of our institutions,

590 Did the Chief Minister even remember that he wrote that in his press release of the 23rd of December when he stood in this House and accused the police of corruption this morning? Did he even remember that? How are we moving forward with confidence in the strength of the institution that he has just trashed this morning and accused it of corruption?

595 How are we doing that? And how are we moving forward if there is going to be a legal challenge? And how is the Government "finally", "finally", in inverted commas, drawing a line if the Chief Minister is intent in pursuing legal proceedings to who knows what level of court against the findings that the Government accept and welcome?

600 And how can we move forward confident in the strength of our institutions when the Chief Minister has attempted to interfere in a live criminal investigation and undermined one of the most sacred principles of the rule of law and in consequence undermined our democratic governance and constitutional institutions?

605 Madam Speaker, of course the Government are stuck in a quicksand of contradictions that will pull all the Ministers down under it because you cannot welcome the findings without also understanding you are welcoming the basic findings of conduct against the Chief Minister that he attempted to interfere in a criminal investigation and the institutions may be strong but no thanks to the Chief Minister who has attacked their integrity and sought to undermine them, not least this morning.

610 And you cannot move on if the Chief Minister is fighting his private challenge because that is what it is, a private challenge. What else could it be if the Government have welcomed the findings and want to move on? Maybe there were two Mr Picardo's drafting this press release. On no view is this a Government challenge, it is the Chief Minister's own legal private challenge if it comes.

615 So, if the private challenge comes, it is launched for transparent reasons to keep the circling wolves of issues at bay. First, Mr Picardo took on the Principal Auditor. Now he wants to take on the Inquiry Chairman in a running battle about some of his findings. But the Government have welcomed all the findings. Have they read their own press release?

620 The hon. Member Mr Picardo says that Sir Peter Openshaw's report is just an opinion. One of 38,000 opinions that there could be in Gibraltar. Well, we might as well have just picked someone up from the crowd and asked them to write the report.

625 Forget it, let us just get someone from the GSLP to write the report. But of course, the people of Gibraltar did not pay £8 million in Inquiry costs just for an opinion. They, we all paid £8 million for the Inquiry to establish the truth, the whole truth and nothing but the truth.

630 Which he kept repeating to us before the Election. Which is what the hon. Member promised we would get. And the truth is the established truth, not the rewritten truth that he would like in his Alice in Wonderland. The established truth today is that Mr Picardo acted improperly. The further truth is that the Chief Minister is seething because these are inconvenient truths. And as the walls are closing in, this is just now desperation.

635 Desperation in different ways. First, I mean he will not accept the truth unless he writes it himself, it is obvious. Well, we could have saved ourselves the £8 million because he did the same with the Principal Auditor. Because the last paragraph of the auditor Motion was basically a mechanism that will allow the Government to write its own reports on part of the findings of the auditor and now he has embarked on an incessant campaign to peddle his own version of the truth. Might as well save the taxpayer the money of the legal challenge and write the report himself.

640 Of course I joke. But this is too serious. Because to borrow a phrase from Sir Peter Openshaw, the fact:

that Mr Picardo still seeks to defend his actions, that he thinks that he was within his rights, is not mitigation. Indeed, it makes it much worse.

645 And that sums it up because that is what he is doing today. He still, he did it in the Inquiry and he was seen through by Sir Peter Openshaw. A man who has 50 years' experience in criminal trials who can spot the truth.

He was seen through. And he is doing it today. But worse still, he is doing it to the people of Gibraltar.

650 it is an absolute scandal. And so, as a private citizen, Madam Speaker, as a private citizen, he can mount a challenge. But as a private citizen, he should pay for it. It seems that the Ministers think the taxpayer should pay for Mr Picardo's legal crusade to the Supreme Court or beyond. We do not. As it is a private challenge for acts not done within his Ministerial duty.

655 It would be very different if they had been within his duty. The Crown Indemnity Principle is about the state paying for the legal costs of Ministers who take or defend proceedings in relation to acts that they have done within the scope of their Ministerial duty. But on no view could it ever have been within the scope of the Chief Minister's Ministerial duty to suggest ideas to a then-suspect's lawyer which were improper acts and attempts to interfere in a criminal investigation.

How the investigation should be blocked or hindered? By retrieving the phone. On no view was that his Chief Minister's duty.

So, if he files a private legal challenge, he should pay for it. And it is stunning, Madam Speaker, to hear him talk about the rearview mirror and not looking back and saying that we are trapped in the year 2020. we are not trapped in any year.

660 We are receiving a report in 2025, now 2026, of something that happened then. But it is telling.
And this is no different to someone who goes to court in relation to things that happened a few
years ago.

665 The refusal and the utter insistence that we and the people should not examine this because
it was in the past. And the pejorative description of it as if it were a disservice to actually look at
this inconvenient truth. The reality is that it is a disservice not to understand it, see it, grapple with
it, and indeed act on it.

That is what it is a disservice to do. It is to hoodwink the people of Gibraltar from the truth.
And faced with such serious and damning findings, Madam Speaker, a normal person might
apologise.

670 He half-heartedly hinted at apologies originally when he first spoke on the 23rd of December.
But what he said on the 23rd of December was that he apologised if people felt that he had done
something wrong. that is not really an apology for having actually done something wrong.

675 I mean, the Inquiry has found that he attempted to interfere in a criminal investigation. And
he says, well, do not look at the past. And by the way, if you feel I have done something wrong,
well, it is not that if you feel something wrong. Of course you have done something wrong. The
Inquiry has said you have done something wrong. The Inquiry has said you've acted in a grossly
improper way on a number of occasions.

So properly apologise to the people of Gibraltar. But it speaks to the reality that days later
when asked by GBC what mistakes he owned, he would not even answer. Because the reality is
he is in a cocoon of lack of reality.

680 He does not want to recognise the truth. that is what is happening here. And not only does he
not apologise properly to people, not only does he not apologise, he assaults the truth because
over the last four weeks there has been a shameless assault on the truth of the findings of the
Inquiry by the Chief Minister, aided by Ministers who do nothing to stop him, despite the massive
and unsustainable contradictions.

685 It was stark to watch him come on television with a sense of drama on the 23rd of December,
the day of publication, to say he had been exonerated. And only a few minutes later have our
independent National Broadcaster revealed the truth that the Inquiry report had found that on
several occasions he had grossly improperly attempted to interfere in a live criminal investigation.

690 This is an undignified spectacle of Mr Picardo, the Hon. Chief Minister, tripling down on his
fantasy land by saying that he and his government had been vindicated and exonerated. And it is
not only insulting to people, but it also marks a dangerous moment for our democracy and further
affects the confidence in our institutions. Not just because he refuses to accept the truth, but
because he insists on rewriting it.

695 Repeating incessantly a different version on the basis that he hopes that by repetition people
will forget what was actually found and accept his fiction. I have described this as post-truth GSLP.
Peddling twist, spin and downright lies and telling people they are true. And that is disgraceful. it
is disgraceful and a disservice to the people of Gibraltar. Because there are many reasons why the
GSLP Government should now be replaced.

700 But one of the biggest reasons, incarnated by the Chief Minister, is the systematic and ruthless
manipulation of the truth and the sheer recklessness in the face of democratic protections.
Because if they do not care who or what gets in their way, if they will stop at nothing to remain in
power, to cling on to the vestiges of patronage, those are the signs of a dying administration.
When the Government or its Chief Minister are unwilling to give people the promised truth, the
whole truth and nothing but the truth, unless they write it themselves and are willing to peddle a
narrative that will be shot down within minutes when the actual report they are talking about is
published, it is a sad day for Gibraltar.

705 Because people deserve much better from their political leaders, that they should own up and
not lie, that they do not mislead the people or misrepresent obvious facts and findings.

710 The hon. Member still juxtaposes some of the findings in half-truths, in his attempt to deride
the RGP and exalt him, himself. And he does that. The RGP were criticised on disclosure. Yes, they

were. But he is no saint on disclosure when he says, I have revealed everything. He said on television, I did a full striptease of my WhatsApp and disclosures. Have we forgotten Annex 2 of the report which starts at page 699, which says that, where the Inquiry Chairman says:

715 as I have mentioned in the section of the report on Operation Delhi, no relevant messages passing between Mr Picardo [and the then suspect] since May 2019 were disclosed to the Inquiry.

720 He goes on to give a long explanation about that and exchanges with the Hon. Chief Minister's solicitors. The Chairman describes that from a perspective where they had received WhatsApp before May 2019, where it was obvious that the Hon. Chief Minister was in WhatsApp contact with the then suspect once a week, maybe more often, maybe less often, that suddenly they were being told that after May 2019, there were no WhatsApps other than political broadcasts. Well, I mean, fine, fine. But that is, I do not know if that is a full striptease by his version.

725 People can read it for themselves and make up their own minds. People heard the evidence. We all did.

We all watched the replacement of the replacement of the replacement phone extract. We can all go back and watch it again because the clips are there. But this is serious, Madam Speaker.

730 There are serious findings here. And what the Chief Minister cannot do is trash the very institutions that yesterday he said he was upholding in that cosy, smiling photograph with the Governor, the Director of Public Prosecutions, and a number of other people. Madam Speaker, since publication, the Chief Minister has said that by co-chairing the steering group on police governance, he will have a hand in implementing the reforms on police governance.

735 But that layer's farce over gravity. The idea that a person who has been found to have attempted to interfere in a criminal investigation should take decisions as co-chair on reforms affecting the governance of the police, how they will do their job is ridiculous. To paraphrase Sir Peter Openshaw, one only needs to set out the proposition to see it is grossly inappropriate.

740 Some months ago, we had already expressed misgivings about the composition of that steering group. In fact, over their 14 years in Office, the Government has shown little interest in governance reforms to enhance the independence of the Gibraltar Police Authority or of the police. The timing of such a steering group, to us, seemed strange, given precisely that there had been plenty of allegations and cross-allegations in the McGrail Inquiry that would tread precisely on the governance of the police or the GPA, their relationship with the Government, and the importance of preventing executive overreach into the operational activities or either.

745 I made clear at the time that we are committed to the reform of governance of the GPA, protecting their independence and that of the RGP, and ensuring that there are clear and robust structures that create checks and balances on the power of the Government, as well as enhanced consultation of the Opposition. However, I also said that we were deeply sceptical of a process spearheaded by a GSLP Government that has so far, far from having any real commitment to this area, had shown a disdain for police governance. As the Inquiry findings had not been published 750 then, we were concerned that this was at best window dressing, or at worst a smokescreen from any criticisms in the reports to come.

755 We added that the composition of the steering group was heavily made up by those who were core participants and indeed key witnesses in the McGrail Inquiry, and we said that legitimately many people will struggle to have confidence in a reform process led by the very people at the heart of the Inquiry.

760 People may think that the GSLP Government will seek to protect themselves, not learn from the past and be a handbrake to the necessary reforms. Indeed, we added that there was little to suggest that there was anything other than central GSLP Government and party control in the steering group process, and that given the quasi-constitutional importance of the police and its governance, we said our view was that any reforms would necessarily need to involve top-level influence in decision-making from persons outside the Government and its political parties, and

be drawn on a cross-party basis, including members of the judiciary and senior members of the Bar.

765 But Madam Speaker, after a further exchange of press statements, we agreed in November, in good faith, to participate in formal consultations with the GPA and those appointed to advise the steering group, and we had an initial meeting with the Chairman of the GPA and some members of the GPA.

770 However, Madam Speaker, the findings of the Inquiry have now changed that, because given the findings of the Inquiry report, it is now impossible for us to participate in a formal consultative way in a police governance process while the hon. Member, Mr Picardo, remains Chief Minister. As co-chair, he is in a position of central influence, and we refuse to legitimise a process co-steered by a person who has been found to have acted with gross impropriety in the very area of police governance which is the subject of those reform discussions.

775 The fact that he comes here this morning to accuse the police of corruption is a further assault on that institution. When he describes that it was devastating to trust of the police, or he says and suggests that as part of reforms, perhaps it would have been better for there to be a mechanism for him to have come to this Parliament with a motion to in effect express no confidence in a Commissioner of Police and that that should have immediate consequences, that is to further assault and undermine the concept of checks and balances in our land. And it is unacceptable but shows the approach to the whole issue and why it is entirely inappropriate he should be leading on issues of police governance reform after these findings. I want to say one thing, Madam Speaker, because yesterday I saw an extract from an article posted by Transparency International in relation to this issue.

780 I want to say this, I do not agree with that post of Transparency International in this very direct sense. The solutions to our current governance crisis, because that is where we are, the solutions to our current governance crisis need to be found within our own Gibraltar constitutional framework. We are not seeking external overreach, and I distance myself and those on this side of the House from that call by Transparency International or that view was it to be exposed by anybody else.

785 790 Ultimately the constitutional mechanism is that triggered either, well triggered by the Motion of no confidence or the also constitutional exercise of democracy by the people of Gibraltar in the ballot box whenever the next Election comes. The holding of an Election is the ultimate act where the will of the people can be heard and that is where change will come. Change will not and should not come by external imposition. Change must come by constitutional framework decisions within Gibraltar that allow the people to express their view at the ballot box.

795 800 Madam Speaker, the Inquiry report leads to a real crossroads for Gibraltar because what does it say about our Gibraltar and what example does this set for young people? Young people watch us because we are examples. We say that it is somehow acceptable for a person who has been found to have attempted to interfere in a criminal investigation to continue to hold the highest Elected Office in the land. How would it ever be possible to act if we now go along with this?

805 I said in my New Year's message that being Chief Minister is the highest privilege anyone who aspires to Elected Office could possibly attain because the Chief Minister is the guardian of the public purse and of the rights of the people of Gibraltar. He should be the protector of our rights and our institutions. The guardian of the public purse and of the rights of the people of Gibraltar, seeking only to enhance and strengthen the protections and guarantees, not to lessen or erode them. He should be zealous in ensuring that there are checks and balances, utterly disciplined in respecting the boundaries. A Chief Minister should not usurp the functions of the police, interfere with their investigations or attempt to do so.

810 Or attempt to do so. It cannot be that the Chief Minister says, well there was not an actual interference, I only attempted to do so. Like he said on a couple of occasions with GBC, if I had wanted to interfere, I would have interfered, he has said to paraphrase in GBC a couple of times.

Well Madam Speaker, with all due respect he should have said, as Chief Minister I would never attempt to interfere in a criminal investigation and not say to people if I wanted to interfere I

would. That is exactly the opposite of what a Chief Minister should be doing. All that is so obvious
815 has to be undeniable.

So, if we are really to note the reports, we have to do so to its fullest extent, understanding all its political consequences. And the consequences for this Government and for the Chief Minister in particular are profound and cannot be ignored. In short, that he must go. (Banging on desks)

820 **Madam Speaker:** Any other hon. Member wishes to speak? Yes, the Hon. Deputy Chief Minister.

825 **Deputy Chief Minister (Hon. Dr J J Garcia):** So, Madam Speaker, I welcome the opportunity to contribute to the debate on the Motion tabled by my hon. Friend the Chief Minister. This Motion seeks for the House to note the McGrail Inquiry Report and in particular the recommendations contained therein. In making this contribution I am conscious that I am not a lawyer, so my comments will as usual be largely political in nature.

830 And I want to start Madam Speaker by emphasising the facts that the Inquiry was convened by the Government itself. This may seem an obvious point to make, but it is also an important one, because an alternative course of action was also possible. In other words, the Government could have chosen not to convene an Inquiry.

835 The House knows that there are other avenues open to consider the issues raised by the retirement of the then Commissioner of Police. So, it is nonetheless an important point to make here. This is that a Government which shied away from scrutiny would not have called a public Inquiry in the first place.

A Government which is something to hide would have avoided an Inquiry at all costs. And some other mechanism would have been found to deal with this matter. Yet the Government went by choice down the Inquiry route.

840 And I think that the argument needs to start there. One other important point must also be made clear from the very outset. And this is that the entire Inquiry process has been the greatest exercise in transparency and accountability which Gibraltar has ever seen. Ever.

This point too has been lost in the smoke generated by the controversy. Never before has so much information flowed into the public domain.

845 The Inquiry itself played out in full public view. Many key documents are made available online. 114 affidavits from 73 different witnesses were received by the Inquiry.

34,000 pages of documents. Witnesses were probed in open hearings. Questions were answered in front of the TV cameras.

The main Inquiry hearing went on for 19 days in 2024. Followed by the reconvened hearing from the 9th to the 11th of April last year. Transcripts were published online.

850 And a catch-up facility allowed those who may have missed a session to view it later. Those open and transparent procedures amply demonstrated that the Government had nothing to hide. More than that, as my hon. Friend has said, the report was published in full.

It was not redacted. It was first made available to the parties involved and to the media. Then to the Leader of the Opposition.

855 And it was also circulated by the Chief Minister himself to the UK Government and to UK Members of Parliament. The publication of the report has brought the Inquiry phase to an end and that voluminous amount of information remains on the record. It is now the responsibility of this House to take note of that report, to learn from its findings and to deliver improvements for the future. That must be the key going forward.

860 Madam Speaker, this debate today is a further example of a functioning democracy in action. A Motion to Note enables this Parliament to hold a free and full discussion on any matter. The wording of the Motion is neutral and those Members who wish to speak are free to set out their own views for the record. Indeed, Erskine May, when describing a Motion to note, makes it clear, and I quote:

The opinion of the House is expressed in the speeches made in the debates rather than on a division.

870 So, the use of this neutral mechanism is in itself also a very open and fair course of action. It comes through as a useful way of trying to lower the temperature on a topic which has at times become far too bitter and much too intense. There is nothing wrong with excited, robust or even agitated discussion when views are passionately held.

875 This is probably part of our Mediterranean genetic make-up. But strong feelings can easily stray into courtesy or disrespect. And in my view, there is a line to be drawn at that point because we have a duty in this House to lead by example there too.

875 So, Madam Speaker, in setting the scene and the background, the House must not lose sight of two pertinent questions. What is an Inquiry and what is its purpose? It is worth dwelling on these questions for a couple of moments.

880 An inquiry is not a court of law. It is instead an investigative process. The exercise is inquisitorial.

880 It does not determine legal liability. And it aims at systemic improvement. So, there is no proclamation of innocence or of guilt.

885 There is no conclusive judgement. There are no binding recommendations. So, the point is that this is not a legal process.

885 Even if, as in this instance, it was dominated by lawyers and presided over by a retired judge. That is why the report only makes recommendations. So, it is relevant too to reflect on a connected point.

890 This is that the bar in an inquiry is often much lower than it would have been in a court of law. That means that conclusions may sometimes be drawn against a lower threshold of evidence and of fact. Therefore, the structure, framework, practise and criteria which lead up to a conclusion in an inquiry is not based on a procedure with which most of us are familiar.

895 All of that put together may well account in part for the conflicting views that have emerged around the report. Because the Chairman, as has been said, was critical of a number of different actors. And I note that some, more qualified than I am, have already drawn attention to this lack of clarity in certain areas.

900 That suggests to me that the report may not embody the discipline of a legal ruling. Needless to say, the Government fully respects the views of the Chairman, even though we share some of those opinions and we disagree with others. But Madam Speaker, the inquiry was important.

905 It mattered. It mattered to the Government. It did so because of the allegations which had been made.

905 And because at its core it was about confidence in our institutions. Confidence in the relationship between the Executive and law enforcement. Confidence in the integrity of decision-making.

910 And confidence in procedures and in practise. The mechanisms of all of these relationships are pretty dense. They are often clouded in the shadows of secrecy.

915 And the only legitimate response here was to let in the light. And that is exactly what the Government has done by convening an Inquiry. This policy was reflected in the comprehensive, transparent and full disclosure of information made by my hon. Friend the Chief Minister himself to the Inquiry.

915 When others were found not to have been as forthcoming. So, the Inquiry was not designed to protect the Government. Nor was it designed to acquit or condemn any individual.

915 It was designed to establish the facts, to attest to the evidence and to reach conclusions based on the information before it. That would ordinarily mean findings based only on what could be proven. As opposed to on speculation, hearsay, feelings, conjecture, impression or opinions.

915 And this is a very relevant point to make again Madam Speaker. Nobody has been found guilty or not guilty. No punishment has been handed down to anyone.

No compensation or apology either. Additionally, this House must bear in mind one other important fact. And this is that the object of the exercise is now to make improvements for the future.

920 To learn from what happened. To identify what was wrong and to put it right. And that the route to achieve this is through the recommendations made by the Chairman to the different parties involved.

925 My hon. Friend the Chief Minister immediately declared that the Government accepted the recommendations and agreed to implement all of them. That again is a highly positive and constructive approach, and I will come to the recommendations themselves later.

Madam Speaker, the legal framework for all this was the 2024 Inquiries Act. This modernised the previous law which dated back to 1888. It is relevant to recall that this update generated considerable controversy at the time even though the proposed legislation was based on the United Kingdom model. Many wild accusations flew around.

930 The Bill was described by them as an assault on good governance. It was suggested that its timing was set to impact the Inquiry in a terribly negative manner. The Government stood accused of setting out to stifle the Inquiry.

935 This charge was based on the powers to restrict public access to evidence through the mechanism of a restriction notice. There were even courts of the United Kingdom to intervene if Gibraltar proceeded with the legislation. In the event the Government put forward a number of amendments which addressed some of the specific concerns which had been raised but even that was not enough for some critics. The point here is that public opinion was raised to fever pitch. This came through the use of inflammatory language with exaggerated concerns and imputed motives.

940 Now the Inquiry is over. The report has been published. So, it is possible to go back and evaluate the pointed assault which the Government was subjected to in April 2024.

Because what we experienced was not an assault on good governance, it was an assault on the Government itself. A restriction notice was indeed issued but this only impacted sensitive data which related to the security of Gibraltar. There was no blanket denial of information to the public. There was certainly no withholding of information from the Chairman.

945 The Inquiry saw everything and the Chairman made clear at the outset that the Inquiry would proceed under this new legislation. In fact, the report itself has now addressed this very point.

950 It confirmed that the restriction notice was directed only to a few sentences in the thousands of documents which the Inquiry considered. So, there was no material impact on the Inquiry process at all. It continued uninterrupted. Oral hearings were held. Evidence was collected and reviewed in public. And the final report was delivered unredacted.

So, what does this show? It shows that their criticism of the 2024 Inquiries Act does not hold. That in retrospect they and others of the same view got it completely wrong.

955 That the fear of a blanket denial of information was unfounded. That the picture they painted of good governance being put at risk was over-dramatised and therefore, that those motives imputed to the Chief Minister over the new Inquiries Act were at best seriously misplaced.

They chose to weave a negative and destructive narrative and that narrative was not borne out by subsequent events. It is important to note that the Chairman himself concluded the following in the report.

960 And I quote:

I do not consider that the restriction notice has prevented me from making any significant findings or facts or from making any recommendations.

965 So, Madam Speaker, the Government once again faced a daily barrage of criticism in the media and on social media over the 2024 Inquiries Act. It has not been demonstrated by events that this tidal wave of censure and disapproval was groundless.

It was undeserved and it was unfair. It came about despite the explanations which were given by the Government inside and outside this House.

970 So, the point is not that there was no clarification. It is that those explanations were brushed aside as if they had not been made. Sadly, this has become an all too familiar pattern.

We have seen it replayed again and again over other areas related to the Inquiry. For instance, as I said, over the 2024 Inquiries Act, over the timing of the publication of the Report, over whether or not the Report would be redacted, and now over the question of who pays for the cost of a legal challenge. On every occasion, the modus operandi has been exactly the same.

975 Exaggerated claims, over-the-top criticism, highly colourful emotive language, and Government explanation ignored. And all this leads to an outcome which does not bear out the degree of controversy which was generated in the first place. The restriction notice, as we have heard, had no material impact on the Inquiry. The report was published. The report was not redacted. And payment for legal action when exercising official functions is the norm.

980 So, Madam Speaker, the relevance of all this to the debate on the Motion is twofold. First, the Inquiries Act 2024 is a framework for the actual Inquiry and for the Report which is being noted today. And secondly, it exposes the flaws in the political analysis of the hon. Members opposite. They were wrong. The Inquiry was not undermined by the 2024 Act. Their concerns amounted to nothing, and they clearly jumped to the wrong conclusion.

985 This approach has materialised time and again and has resurfaced during this debate as well. It is a political tactic which is best illustrated by the position they took in 2024 over the Inquiries Act. And on each and every occasion the Government has been subject to criticism which has been pitched, in my view, far too high and the facts when they emerged have illustrated the legitimacy of our actions.

990 Madam Speaker, I want to dwell for a few moments too on this question of legitimacy because, in my view, some of the commentary here has also been way out of line.

It started with the 2024 Inquiries Act. It continued in 2025 with the actual Inquiry and took shape again in 2026 over the report itself. This leads me to highlight two issues.

995 First of all, as my hon. Friend has done, I think it is relevant to remind ourselves that the Report covers events which took place in 2020. So, none of this happened yesterday, last week, last month or even last year. The events took place six years ago in May.

They materialised in the middle of a global pandemic and in the final stretch of the negotiations for exit from the European Union. Indeed, the document to 'Unlock the Rock' was itself published on 12 May 2020. So that was a priority.

1000 I would respectfully point out, Madam Speaker, that there was plenty more going on at the same time. Secondly, and having said that, I do believe it is important to draw a distinction between self-serving criticism and genuine concern. I say this because there will be those who may well have been unsettled by some of the content of the report and with valid questions to ask.

1005 Those citizens will have taken comfort already from the many detailed explanations provided directly by my hon. Friend the Chief Minister himself and from the acknowledgement that mistakes were made. Indeed, my hon. Friend has faced the music. He has not avoided it, and he has in this way been transparent and accountable himself.

1010 Another substantial point of comfort would be the pledge to apply the recommendations which relate to the Government within 100 days and a commitment to work to ensure that those concerning the police are in place before the summer. So, the Government have taken significant steps already to address any genuine concerns but the House will understand that not all criticism is driven by noble motives.

1015 There are degrees and some is plainly opportunistic and self-serving and the credibility of such a view often rests on who has delivered it. It is more difficult to take seriously when the source has a political axe to grind, a vested interest or a long track record of Opposition to anything the Government does.

1020 Of course, in the final analysis, everyone is free or right, whatever they wish, regardless. That is what it means to live in a society which enjoys freedom of speech, freedom of expression and freedom of the press. And indeed, as I have said before, there is nothing wrong with the dissemination of diverging views which are passionately held.

1025 That is a sign of a healthy society and a sign of a functioning democracy. There is always space for meaningful disagreement based on policies, facts or ideas. But I have to say that some of the arguments we have heard are treading a fine line, in particular when the democratic legitimacy of the Government is called into question.

1030 Many areas of serious political disagreement are often taken to the limit and beyond. They are labelled a threat to good governance or have led to the call for a resignation. Yet the truth is that the Government was democratically Elected.

1035 It enjoys that mandate already. It is instead the use of unrestrained, extreme language which risks undermining public confidence in our institutions because these remain firmly grounded on democratic consent and in a clear constitutional and legal order. Having said that, again, scrutiny is healthy in a democracy.

1040 Reports, Inquiries, debates and criticism all have their part to play in strengthening governance. But such scrutiny must not be extended to undermining the very basis of democratic authority itself. A Government derives a part to govern from the freely and democratically expressed will of the people.

1045 That was manifested in a General Election. No report, however critical, can substitute or nullify that mandate. Indeed, until the people of Gibraltar decide otherwise in 2027, their elected representatives are entitled to continue to govern with the same level of full democratic authority.

1050 And if they do, to seek to undermine the democratic decision taken in October 2023, or worse still, to overturn it, is to set down a slippery slope from which there is often no return. That is why in a democracy, and I agree, Governments are judged at the ballot box. A report of this kind is an important governance tool. It is part of the process. It investigates issues, identifies concerns and makes recommendations. But it is not a court judgement. It does not suspend constitutional authority, and it most certainly does not overturn Elections. The Government is still the Government, and the Chief Minister is still the Chief Minister.

1055 Indeed, the notion that an Elected Government loses legitimacy because it is criticised in a report would make democratic Government anywhere unworkable. In other words, if legitimacy were contingent upon the absence of criticism, then no democracy in the world would survive.

1060 Madam Speaker, democratic authority does not mean perfection, and we are not perfect. There is always room for improvement. But it requires accountability, and this is the exercise we have just witnessed. The most comprehensive and transparent exercise in accountability which Gibraltar has ever known.

1065 More than that, true democratic resilience lies precisely in the ability to confront such challenges, to accept mistakes when they are made, and to correct the procedures for the future. So, I repeat, in my view, it is good that differences of opinion are aired openly in a debate like this one, but there is no need to test the limits. Their action has the potential to undermine the very fabric of the democracy we are all so committed to uphold.

1070 And one additional point. The Opposition have now made it part of the standard narrative to point the finger at individual Ministers in their search for a vote to topple the Government, the hon. Member has done it again this morning.

1075 I accept this Motion is different because there is no vote at the end of it. But they have deployed this argument on a number of occasions since the last General Election, not only now. They have done so practically every time there is a vote on a political controversy.

1080 That approach is, of course, entirely a matter for them but in my view, it is profoundly misguided. It is also unrealistic. The Members on this side of the House were Elected on a manifesto as a team. We are here because we won the last Election. The margin is not relevant to the principle, and they are there because they lost it and it is their view to replace us, their wish to replace us. But in our system, the time for that test is the next General Election.

1070 So, the calls for resignation are self-serving. Their prayers for a defection smack of desperation. I am afraid that the Opposition have once again set themselves up as judge, jury and executioner.

1075 As the arbiters of what is right and what is wrong. And almost through imperial proclamation. As the authority which dictates to people who should do what. Which Minister should resign. When they should resign. Who should vote with them. Who should defect. And then they also hand down the sentence to Ministers who do not do what they are told.

Madam Speaker, it is a public who on balance will judge the performance of the Government when the time comes. that is right. This is exactly what the electorate did in 2011, 2015, 2019 and 2023.

1080 A report cannot retrospectively nullify the democratic mandate conferred by the ballot box. There is also a connected point to be made in relation to this question. Our political system works on a parliamentary majority.

A Government governs on that basis. Any Government. The current mathematics in this chamber is a reflection of the popular vote at the last General Election.

1085 That led to a majority of one. But there was also a majority of one from 1996 until 2007 when they were in Office. That majority became three from 2007 until 2023.

But it is important to note one detail. Even in the event of an increase in the number of MPs, the system itself would still work by majority. Those with the greatest support in Parliament will form the Government.

1090 They will still be able to vote to approve measures in this House by majority on the basis of that support. The outcome in this chamber would reflect those numbers. So, the point is that we operate a system where the parliamentary majority governs and that this would be the same with more members, even if they are not all on the front bench. The process would be different, for example, under a committee system. There, a consensus rather than a majority would be required in order to get things done. It is important, I think, not to confuse the two. In any case, which is a debate for another day.

1100 In his Ministerial statement of 23 December, the Chief Minister explained that he had received advice on the possibility of mounting a legal challenge to some of the critical conclusions contained in the Report. Those findings were described as legally unfair, contradictory, and not based on evidence before the Inquiry. And I have to say that there are examples in the United Kingdom and the Commonwealth where parties have taken issue against Inquiry findings. The Government, as I said earlier, fully respects the views of the Chairman but the fact remains that aspects of major public Inquiries elsewhere have sometimes been subject to criticism as well. There have been instances of legal or of political challenge and I will just go over some examples very briefly.

1105 In 2023, the UK Cabinet Office brought a judicial review against elements of the UK COVID-19 Inquiry Disclosure Orders. This centred on the Chair's discretion to disclose WhatsApp messages and diaries of former UK Prime Ministers and other parties. The legislation permitted affected parties to apply for judicial review of certain decisions taken during the inquiry process.

1110 Last year, a UK High Court judge ruled that a report into the collapse of the kids' company was irrational, unfair, and one-sided on key points. This was not a public inquiry in the conventional sense, and the report in question had come from the Charity Commission. Nonetheless, a case showed that inquiry-type reports by public bodies can be subject to scrutiny themselves for fairness and rationality.

1115 In another example, last year, the Solicitor General of Scotland and the Scottish Police Federation both accused the Chair of the Cheque Bayeux Inquiry of bias. The accusations focused on meetings and on conduct. Ultimately, this led to the resignation of the Inquiry Chair in October 2025.

1120 In a further example, some hon. Members may recall the 1994 Chinook helicopter crash Inquiry, which found the pilots guilty of gross negligence. There was strong pressure for a review or for a new inquiry from family members and others. A subsequent House of Lords Inquiry in 2011 found the original finding of gross negligence unjustified and set it aside.

1125 The MOD then apologised to the families of the two RAF pilots, and the Chinook justice campaign continues to push for a new judge-led inquiry. Madam Speaker, I use these examples to illustrate the point that Inquiries are often themselves subject to scrutiny, and that must be seen as part of the wider democratic process and were it to occur on this occasion, the point is that it would not be the first time that it happens. So, while it is true to say that no two cases are identical, there are always useful pointers elsewhere which can resist the debate and provide some context to the discussion here.

1130 Madam Speaker, I think it is relevant also to say a few words on the principle of Crown Indemnity which the hon. Member has raised this morning. This is another area of political controversy, a new one.

1135 It is a long-standing convention that legal action against Ministers or action by Ministers, which arises from their Ministerial capacity, is funded by the Government. The primary consideration is that official duties and functions are engaged, and the objective is to avoid what is described as a chilling effect on Ministers or officials, to ensure that they are not put in a position where they feel unable to make decisions or carry out their functions because of a threat or action against them personally. The process ensures that the personal financial interests of Ministers and officials are thereby ring-fenced and protected in judicial or quasi-judicial situations like this one.

1140 I think there can be no doubt that the principle is engaged in this situation, and that the issues which were the subject of review by the Inquiry and which appeared in the report stemmed directly from the Chief Minister acting in an official capacity. Indeed, the Cabinet has fully and unanimously supported him.

1145 Madam Speaker In 2024, the then UK Government set out the position very clearly to the House of Commons, it said, and I quote:

1145 in line with established practise under multiple administrations of all political colours, Ministers are provided with legal support and representation where matters relate to their responsibilities as a Minister.

1150 And it goes on to say that,

1150 this reflects an important principle that Ministers should be able to carry out their official duties supported by official advice in a way which they see fit, without the risk of personal liability constraining their ability to take those official actions.

1155 Of course, Ministers remain accountable to Parliament and the wider public for their actions as a Minister.

That position reflected what was set out earlier in the UK Cabinet Manual, which consolidated unwritten conventions and practise into one document. And this says:

1160 It is a practise for Ministers to be indemnified by the Crown for any actions taken against them, for things done, or decisions made in the course of their Ministerial duties. The indemnity will cover the cost of defending proceedings, as well as the costs or damages awarded against the Minister.

1165 And in the UK, and presumably here as well, the reference to Ministers also applies to former Ministers, including Ministers of former governments. In respect of Gibraltar, the principle was outlined very well in Government Press Release No. 12, dated 13 January 2026.

1170 And the approach is similar across many parts of the Commonwealth. This is also the position in Australia, for example. The Crown, meaning the Government, will generally indemnify Ministers and public servants for actions undertaken in the course of their official duties.

1170 The principle, again, shields decision-makers from the personal financial burden of legal action or legal challenge which may arise in their public service. That position is echoed in the Australian states themselves. In Queensland, for example, and I quote:

1175 The practise is that the state will provide legal assistance and or an indemnity to a Minister if the civil proceeding, inquiry or investigation relates to the Minister's duties.

1180 And the term Minister is again defined very widely. It includes Ministers of the Crown, former Ministers of the Crown, Parliamentary Secretaries, Assistant Ministers and former Assistant Ministers as well and legal assistance for the purpose of initiating or continuing these separate legal proceedings in relation to an inquiry or investigation requires approval in writing by the Attorney General.

1185 It is clear to me that public funding is the standard when public Ministerial responsibilities are engaged. And while it is easy for the Opposition to appeal to populist sentiment on the point of who should pay, the proper procedure is beyond doubt.

1190 Madam Speaker, it is obvious where hon. Members are coming from. At £8 million, the McGrail Inquiry has been an expensive exercise. Inquiries are notoriously expensive in the United Kingdom as well, we should note. The UK COVID Inquiry, for example, had cost £192 million by the end of last year and is expected to top the bill with over the £300 million mark.

1195 The Bloody Sunday Inquiry cost £273 million in 2024 prices. There were 27 ongoing or announced Inquiries in the UK in 2025. A total of 46 of them have taken place under the UK Inquiries Act 2025 on which our own legislation is modelled.

1200 Those estimated to have had a combined cost of £1.43 billion so far. And such costs are not popular. So, it is clear that the hon. Members opposite who pressed for an inquiry in the first place now want to distance themselves from the £8 million cost and the path they have chosen to cloud the issue is evident. Their tactic is to raise doubts over who should pay for a potential challenge to any of the findings in the report. And the expectation is a popular feeling against the overall cost of the Inquiry, which they supported, comes to be conflated with the new cost of any proposed challenge.

1205 That approach may carry some political logic, but it is also entirely self-serving. Or did they think an inquiry would be free of charge when they called for it? So perhaps it is one for them to own. The possibility of a challenge and its potential cost flows directly from the original policy decision that an inquiry should be held in the first place.

1210 So, Madam Speaker, I move on now to the actual report itself. As has been said, it is just over 700 pages long. It includes a shorter executive summary. That summary extends to 59 pages, and those summary pages are part of the 700. I stress the numbers to make it clear that anyone who wishes to be well informed on this topic will have a lot of reading to do.

1215 Second- or third-hand information can rarely deliver the same impression. I do not propose to rehearse the findings of the report. These have been amply set out already, and the Government has already explained its position but there was no corrupt conspiracy involving Ministers. There was no actual interference with a police investigation. There was no corrupt plot by the Governor and Chief Minister to remove the former Commissioner.

1220 The Chief Minister genuinely believed that the Commissioner of Police had lied to him. The Governor acted independently and was not manipulated by anyone. The Governor acted with the blessing of London, which was kept fully informed.

1225 There is no redress, no apology and no compensation. The Government has already pointed to such findings, and the House has heard the Opposition again today selectively point to others. The hon. Member rehearsed a long list of them in his contribution earlier.

1230 What he did not say was that despite all that long list that he rehearsed, the Chairman found there was no corrupt inquiry involving Ministers. I have said that the impression from my own reading of the report is that the Chief Minister was not accorded the benefit of the doubt to the same extent that others were and I consider this particular approach lack balance.

1235 But in final analysis, the report is online. All of Gibraltar has had access to the record. And it is evident that different citizens may well arrive at different views based on exactly the same information.

1240 Indeed, that is precisely what has led to discussion and debate. Yet overall, the Report provides more than just another opportunity for political point scoring. It provides the terms around which to coalesce and look forward.

It sets out the basis for reform and institutional regeneration. The House knows that when certain allegations are made and they are not tested, they can corrode trust. When they are tested and disproved, they must be acknowledged.

1230 Madam Speaker, in Gibraltar, a government is elected for a four-year term. And over that period, there will be some issues which have been dealt with very well, and there will be other issues which would have been handled better. It is the same for every Government, everywhere.

1235 We should not lose sight of this in the cut and thrust of political debate. Madam Speaker, there is another curious matter I would like to respectfully raise during this contribution. It relates to both style and substance.

1240 I have to say that in my own reading, I detected what can best be described as a mild colonial undercurrent in this exercise. It came in particular in the criticism of aspects of the culture of Gibraltar, and in the references to the manner in which private business is sometimes conducted here. It is true that certain things have been done in a certain way for generations.

1245 Perhaps in a distinctive and quirky manner, often not understood properly by outsiders. Ministers may hold impromptu surgeries with constituents in the supermarkets. Opposition members may be lobbied in a GHA waiting room.

1250 Businessmen may ask questions of officials in the streets. And medical or legal advice may be readily dispensed at the beach. There is considerable informal, unofficial interaction in a community of our size.

1255 And this happens for a variety of reasons. Those peculiar quirks do not imply wrongdoing. We are, on the whole, simply more accessible to each other. Everybody knows everybody else but it is easy to look at the mechanics of such interaction and get the wrong idea. So, the colonial undertone I have referred to may not be intentional, but it was certainly the personal impression I came away with on reading the full 704 pages.

And this does not mean there is no room for improvement in the way we conduct business here. There is always scope to do things better. And perhaps a mistake of all governments in Gibraltar has been not to have tackled this matter earlier.

1260 I saw that in a recent opinion article, former Chronicle editor Mr John Dominique Searle referred to this whole process as an inflicted *colonialoscopy* and I think that was spot on. The term *colonialoscopy* captures exactly what I mean.

So perhaps I am not the only one to have come away with this impression. That very personal observation aside, it is clear that an exercise of this kind must set a clear objective. And the objective is that we learn from it.

1265 There are lessons to be learnt in a number of areas. The Government has resolved to assimilate what has been said and to do things differently going forward. The importance of that point should not be underestimated.

So, Madam Speaker, I turn now to the recommendations in the report. In that context, the House will welcome the announcement by the Chief Minister in his Ministerial Statement of 23 December. He immediately confirmed that the Government will accept the recommendations made by the Chairman in full.

And he also informed the public that work had started to deliver them over coming months. The timetable was then set out in more detail during his New Year message. This is very positive in more ways than one.

1270 First, it shows respect for the views of the Chairman. And it also reveals that clear commitment to improvement. It is also relevant to point out that most of the recommendations are not actually addressed to the Government itself, as has already been made clear.

Only some five of the 26 were made to the Government. The vast majority address the workings of the Royal Gibraltar Police and the Gibraltar Police Authority. And that is simply stating a fact.

1275 Overall, the recommendations are constructive. They are forward-looking. They concentrate on strengthening our governance. They promote greater transparency and they seek to enhance our procedures and institutional resilience.

1280 Madam Speaker, these are not punitive recommendations. They are reformist in nature, and this fact is of some significance too. hon. Members are already aware of the detail of the recommendations and my hon. Friend the Chief Minister has already set out the position of the Government. So, I do not propose to dwell on them too much. But one area I would like to reflect upon is precisely the question of conflict of interest raised by the hon. Member Opposite this morning.

1285 This is the first recommendation in the report. In terms of a legislative framework, the Chairman set out that consideration should be given as to whether one of two alternatives are suitable for implementation in Gibraltar. The first option is the Canadian Conflict of Interest Act of 2006 and the second is described in the report as some similar legislation. The latter provides for a tailor-made alternative. I remind the House that the Government has accepted the recommendation.

1290 My hon. Friend the Chief Minister has already indicated that the implementation of this recommendation will be through that second route, through a bespoke legal framework to govern conflicts of interest in Gibraltar. The decision followed advice which pointed to the complexities of the implementation of the Canadian Act. And that perhaps is hardly a surprise.

1295 Canada has 41 million people, 343 MPs, a further 750 serving provincial and territorial Government and over 9,000 million square kilometres. Also, it is relevant to note that the United Kingdom itself does not have such a measure and that until now we have followed UK practise.

1300 The United Kingdom's framework for managing conflicts of interest is largely based on a combination of non-statutory codes, rules and principles. This is supplemented by specific legislation in some sectors. That overall architecture includes a Ministerial Code and a Code of Conduct for Members of Parliament.

1305 And both of those codes are already in place in Gibraltar. However, the move in the direction of a statutory framework already represents a significant shift away from the practise in the United Kingdom. And from the assumption upheld for decades in Gibraltar by all governments that UK standards in this area were good enough.

1310 And this Madam Speaker includes them when they were in Government. Despite the importance they attach now to this issue of conflicts in Opposition, the reality is that for 16 long years in Government they did nothing about it. So, in that sense the implementations in the way that it departs us from the UK practise are certainly significant and far-reaching.

1315 It will also set a benchmark for Gibraltar which is higher than that in the Overseas Territories and the UK Overseas Territories. In Jersey, for example, my understanding is that there is primary reliance on codes of conduct and practise as well as guidance in relation to conflicts in Jersey. However, those remain largely internal expectations as opposed to statutory obligations with independent enforcement mechanisms.

1320 Standing rules, guidance and Codes of Conduct are also the norm in other places. The position in other UK Overseas Territories is similar as well. Conflicts of interest tend to be governed by internal codes or departmental policies.

1325 There is no stand-alone universal statutory conflict of interest legislation. In many cases Office holders are required both to act in the public interest and to disclose relevant interests. However, there is variation in how conflicts are identified, managed and enforced across the different territories.

1330 So, the proposed legislation would be breaking new ground here. It will make the system in Gibraltar tougher than that in the United Kingdom. It will also take us further than the Crown dependencies and the overseas territories and it goes without saying that a statutory model will further elevate the standards of conduct required of public office holders in Gibraltar. It will embed obligations in law. It will create a clear legal duty, and it will ensure conflicting interests are better managed.

1335 All this is a consequence of a recommendation in the report. A recommendation based on the recognition that voluntary codes, while a valuable step in the right direction, may have their

1330 limitations. And, like all the others, it is a recommendation the Government has freely chosen to accept.

1335 The exact details of the legislation, when ready, will need to go through the constitutional and parliamentary process in Gibraltar. But this policy decision is a reflection of our continued commitment to good governance. The report recommends that the same principles are applied in other areas.

That involves moving beyond voluntary Codes of Conduct and placing key ethical principles on a statutory footing. In saying all this, it is important to be clear that this is not an accusation of misconduct. Rather, it is an acknowledgement that in small jurisdictions things may well need to be done differently to the United Kingdom.

1340 A word now on other recommendations which are made to the Government directly. This covers a number of areas, including the role of the Office of Attorney General and its functioning in certain circumstances. The Government has also accepted those recommendations in full.

1345 The Chairman then goes on to identify something deceptively simple. This is that important meetings must be properly minuted. The Government accepts that this is not bureaucracy for its own sake.

It is for the better protection of Ministers, Officials and the institutions themselves. hon. Members will have seen that there are other recommendations in relation to the Royal Gibraltar Police and the Gibraltar Police Authority. These are constructive and necessary.

1350 They strengthen oversight without undermining operational independence. And they seek to address some of the issues which were identified as the inquiry progressed. But it is not a box-ticking exercise. It is about embedding a culture of clarity, accountability and professionalism.

1355 Madam Speaker, the obligation of the McGrail Inquiry Report and this debate bring together a series of events which date back to 2020. And the emphasis now must move from the past to the future. In retrospect, could things have been done differently? Probably, yes, they could. Could they have been done better? Probably, yes, they could. Are there lessons to be learnt? Yes, there are. That is why the Government has considered the content of the report very carefully. We have reflected on the recommendations made by the Chairman. And the policy decision has been taken to accept all the recommendations in full.

1360 There can be no better example of humility and respect. No better signal of a willingness to learn from the mistakes made and importantly, it demonstrates an absolute determination to do things better and differently going forward.

So, implementation will not be cosmetic, rushed or superficial. The way it is dealt with will therefore reflect that respect for the Inquiry and its Chairman. This final phase will be handled with seriousness and with realism.

1365 Madam Speaker, this Inquiry was not easy. It was costly. It was uncomfortable and it has been the subject of controversy in Gibraltar. But I think it has also strengthened Gibraltar at the same time and the report, while challenging in parts, presents us all with an opportunity.

1370 An opportunity to close this chapter with a positive legacy. Because the truth is that our institutions, our procedures and our practises will emerge more robust as a result and institutions matter more than personalities.

So, the coming reforms are not a sign of weakness. They are a sign of political maturity. A sign that we can look at ourselves in the mirror and make meaningful improvement when we do not like what we see looking back at us.

1375 So, we should not view the report before the House as a political weapon. It is instead an institutional mandate. It is a mandate for reform which has come from a solid exercise in transparency and in accountability.

The most comprehensive exercise in transparency which Gibraltar has ever seen. And it demonstrates that Gibraltar's governance will always be open to review and to improvement. Thank you, Madam Speaker.

1380

Hon. F R Picardo (Chief Minister): Madam Speaker can I now invite the House to recess until 3:00 p.m. this afternoon.

Madam Speaker: The House will recess until 3:00 p.m. this afternoon.

The House recessed at 12.51 p.m.