

Commissions of Inquiry Act

INQUIRY INTO THE RETIREMENT OF THE FORMER COMMISSIONER OF POLICE

Convened by a Commission issued by His Majesty's Government of Gibraltar on 4th February 2022 in Legal Notice No.34 of 2022

RGP's Submissions for Fourth Preliminary Hearing 19 July 2023

Introduction

1. These are the RGP's Submissions ("**RGP Submissions**") for the Fourth Preliminary Hearing 19 July 2023 ("**4PH**") and in response to the invitation to Core Participants ("**CP's**") to make submissions on any items that appear on the agenda for the 4PH circulated by Triays, Solicitors to the Inquiry ("**STI**") on Friday 7 July 2023 ("the Agenda").
2. To the extent that an Agenda item is not addressed in the RGP's submissions it should not be taken as an acceptance of any position adopted by the CP's or by the Commissioner to the Inquiry ("**Commissioner**") his STI or Counsel to the Inquiry ("**CTI**") (collectively "**the Inquiry Team**"), and the RGP Counsel will address them as required at the 4PH in oral submissions, or to the extent that there are inherent policing sensitivities they have, or will be addressed separately in submissions to the STI.
3. The RGP has obligations including those under the Constitutional Order and the Police Act 2006 ("**RGP Policing Obligations**") that inevitably put the RGP in a position that is different to those of other CP's or the Inquiry Team and therefore it is inevitable that the RGP is not able to ventilate all its concerns in public and even in private. These include ongoing, or envisaged police investigations into complaints, or information brought to its attention ("**Investigations**"). In his judgment on the principle of "Open Justice" dated 25 August 2023 ("**the Open Justice Judgment**") the Commissioner made clear at

paragraph 20 that CP's submissions would be made public online as soon as possible after the first day they are deployed in open hearing. Therefore, given the Open Justice Judgment to the extent that there are inherent policing sensitivities under the Police Act 2006 as judged by the RGP, such as Investigations they have, or will be addressed separately in submissions to the Inquiry Team alone.

4. The RGP will make oral submissions on items 1-3 as required to assist the Inquiry Team and CP's as required at 4PH (save as otherwise provided for below in relation to 4b and its relationship with Agenda items including items 5, 7-9).

Agenda Item 4a: Responsibility for examination of witnesses; b. Witness List Schedule

5. The RGP have had the benefit of considering the CTI submissions dated 11 July 2023 ("**CTI Submissions**"). It agrees with the "*hybrid model*" suggested at paragraph 18 given the real risk that with so many witnesses, and so many solicitors and counsel the "*traditional model*" would become unmanageable. It also agrees that the guidance on relevant questions should have a timescale to inform the CTI of questions deemed relevant to the final list of issues. However, the RGP believes that it is inevitable that as the Inquiry progresses and witnesses give evidence there will be circumstances where new issues arise or new concerns arise that may require testing. Therefore, it believes whilst 14 days' notice in the case of examination in chief (18b) is reasonable subject to a clear schedule being provided, there must be some flexibility. Moreover, in relation to cross-examination the RGP believes that 7 days may be impractical or not effective. In other words, if questions are being asked in examination in chief that evoke further questions the possibility for the need for CP's counsel to carry out cross examination may arise at short notice. Although it should be rare again, we invite flexibility in this respect both in respect of the 7-day period and the possibility of allowing further questions being put to the witness (in addition to those asked by CTI) by CP's Counsel.
6. The RGP notes the classification of Unrestricted Witnesses and the reasons for those individuals to be so identified.
7. The RGP agrees broadly with the witness classification Categories 1-3.

8. The RGP is however concerned with the fact that some witnesses who have given lengthy statements can have their evidence sit on the record and (subject to Restriction Orders) published (without recourse) without that evidence being tested or challenged. The RGP submits that several of those who have given witness statements have done so on granular basis, on issues that are simply not relevant to the Inquiry Mandate as defined below, perhaps for different agendas or to air grievances that may have no foundation whatsoever.
9. The RGP submits that it is important to remember the narrow subject matter of this Inquiry namely that identified in LN.2022/034:

“...as Commissioner to inquire, as he shall in his absolute discretion consider appropriate, into the reasons and circumstances leading to Mr Ian McGrail ceasing to be Commissioner of Police in June 2020 by taking early retirement.”

(“the Inquiry Mandate”)

10. Witnesses should not be permitted to give evidence in the granular fashion they have, and their witness statements should (particularly if not tested) be disallowed/excluded on grounds of relevance, and/or the subject of Restriction Orders.
11. The RGP will need (as it stands) to answer such evidence in a granular fashion in so far as it strays from the Inquiry Mandate and this has potential to cause the very risks identified by the CTI at paragraph 25 of the Closed CTI Submissions (value to the issues is limited, or non-existent, outweighed by the very significant time and resources required to answer them). Such irrelevant but granular witness statements raise issues that are not for this Inquiry, and this is not the appropriate venue for these allegations (often very contentious, not accepted and incapable of resolution). Moreover these include some witness statements which in some cases have extant or legacy issues being explored in other appropriate forums.
12. These include the following and for the following reasons:
 - (a) J Perez MBE;

- (b) T Cornelio;
- (c) Caine Sanchez;
- (d) E Asquez;
- (e) James Gaggero

(collectively “**the Issue 5 Witnesses**”)

- 12.1 The Issue 5 Witnesses have given granular evidence that in essence stood/stands as akin to prosecution evidence or defence evidence to accusations, or charges, or proceedings that were discontinued by a Nolle Prosequi by the Attorney General importantly for non-evidential grounds. In the case of Perez, Cornelio and Sanchez they are currently proceedings extant where they seek quite wrongly (in the RGP’s opinion) to recover costs from the Crown.
- 12.2 The RGP if these witness statements stand as currently proposed would need to prove the very issues in that case which it believes it can do. This has every risk of becoming a trial within a trial (or a trial within an Inquiry) in relation to proceedings that have legacy issues in another appropriate forum.
- 12.3 Importantly the guilt or innocence of those involved in this matter that were charged has absolutely no relevance to the Inquiry Mandate.
- 12.4 The RGP suggest that issue 5 should not invite granular investigation of Operation Delhi or articulation of defences by those concern/charged as a result of that investigation, merely consideration of the matters raised by the specific questions within Issue 5. Namely:

“5.1. Did Mr McGrail seek or receive advice from the Director of Public Prosecutions (“DPP”) or the AG as to the execution of the Search Warrants, and did Mr McGrail accurately communicate any advice from the DPP or the AG on the Search Warrants (or lack thereof) to the CM and/or AG?”

“5.2. Was the RGP’s execution of the search warrants on 12 May 2020 contrary to an agreement or understanding with the AG and/or the DPP?”

5.3. Did the AG and/or CM place any or any inappropriate pressure on Mr McGrail regarding the investigation or otherwise interfere with the investigation, and in particular the decision to execute the Search Warrants.”

12.5 Indeed, whilst the RGP accept that whilst specific issues 5.1, 5.2, 5.3 have or may have relevance to the Inquiry Mandate the initial section of the opening introductory/contextual paragraph should be carefully considered and restricted namely; *“The investigation into the alleged hacking and/or sabotage of the National Security Centralised Intelligence System and alleged conspiracy to defraud (“the Conspiracy Investigation”), and the RGP’s handling of the same...”*

12.6 It is the RGP’s submission that this paragraph is too wide to answer the specific questions at the heart of Mr McGrail’s submission which may be relevant to the Inquiry Mandate.

13. Additionally (and subject to the RGP’s submissions below on Agenda Item 5) the same RGP concerns about relevance apply to the following in relation to Issue 1:

- (a) Michael Walliker;
- (b) C Collins

14. The RGP was entirely vindicated by the MoD (they apologised for their actions), the Gibraltar Police Authority (“GPA”) who reviewed RGP actions and the Police Complaints Board as is evident from their officers and other CP’s statements and yet there sits potentially as Category 3 evidence, that will be published, remain unchallenged and untested (in cross-examination). For reasons explained further below in Agenda Item 5 it is the RGP’s position that such evidence cannot be relevant to the Inquiry Mandate and the RGP therefore invite the Commissioner to disallow/ or excluded this evidence on grounds of relevance.

Agenda Item 5: Finalisation of the Inquiry list of issues and consideration of agreed facts

Background

15. The RGP were granted CP status following a ruling of the Commissioner dated the 20 October 2022 (“**the RGP CP Ruling**”) and prior to that had no input whatsoever into the Provisional List of Issues (“**PLOI**”) that we understand was discussed in the 1PH on the 22-23 June 2022.
16. Moreover despite 6 RGP officers being invited to prepare witness statements on items appearing on the PLOI by the STI (or the current STI predecessor) which it has it has not been clear to the RGP what the relevance of the 10 issues on the PLOI had to the Inquiry Mandate.
17. It was not until fairly recently on the 21 April and 16 May 2023 when the STI provided the RGP with witness statements (“**Witness Statement Disclosure**”) that the RGP had sight of the numerous witness statements prepared in this matter, and therefore able to consider the PLOI in light of the Witness Statement Disclosure. Importantly the 4PH is the first opportunity for the RGP since the RGP CP Ruling to therefore make an informed submission on the suitability of the PLOI given issues of relevance and the RGP Obligations.

RGP Policing Obligations

18. To give context (and with as much brevity as these submissions allow) the RGP Policing Obligations are enshrined in the Police Act 2006 and responsibility falls to the Governor with the GPA in the first instance (and the Governor in default) to secure the maintenance of an efficient and effective police force for Gibraltar and ensure the highest standards of integrity, probity and independence of policing in Gibraltar. RGP Policing Obligations are delegated to the Commissioner of Police (“**COP**”) appointed by the Governor acting on the advice of the GPA. The COP must ensure the police officers as members of the Force (as therein defined) carry out their duties including in general terms: to preserve peace and prevent and detect crime and other infractions of the law, to keep law and order and to ensure public peace and security and collect and communicate intelligence affecting public peace or public security order.

It also includes apprehending and prosecuting persons reasonably suspected of having committed a criminal offence.

19. The RGP Policing Obligations require the RGP to encourage public confidence in policing in Gibraltar. This involves transparency where possible but without compromising its Investigations and disclosing its methodology and modus operandi to those criminal elements including individuals and organised crime groups (“**OCG’s**”).

Public confidence in policing is a recognised necessity and the RGP like its UK equivalent enshrines this in its Code of Ethics and accompanying Standards of Professional Behaviour. These standards “*reflect the expectations that the professional body and the public have of the behaviour of those working in policing.*”

Standard 9 is that of ‘*Conduct*’ and which states that police officers, “*... will behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing.*”

Whilst the Code suggests that police officers should refrain from acting in a manner which may bring discredit to the force, it is unarguable that the wording of the standard is framed in such a way that there is a positive obligation not to undermine public confidence in policing. In a nutshell RGP Policing Obligations which require public confidence cannot be simply trumped by a public inquiry when matters are not relevant and without the RGP being in a position to defend any behaviour where it believes criticism is not merited or agenda driven.

PLOI

20. The PLOI as its nomenclature suggests is provisional and the RGP submits should now be considered by the Commissioner in particular in light of and with the benefit of CP’s informed views (post the Witness Statement Disclosure) having regard to relevance to the Inquiry Mandate.
21. The CTI on the 20 September 2022 during the 2PH, on the subject of the PLOI made the following point (20 September 2022, page 16 of transcript) “*Any issue that has been put forward will have to be investigated and, having said*

that, we will make it clear in the provisional list of issues that you, the Commissioner, will seek to ascertain the relevant facts relating to those issues and, only to the extent that you consider necessary and appropriate, to address the matter under inquiry and the terms of reference. So, this means that if, after starting to look into the evidence, we find that we are being unnecessarily dragged into an investigation on purely tangential matters, we are not committed to unturning every stone on that shore and we can make an informed decision as to whether doing so would be necessary and appropriate”.

22. We are, the RGP submits, precisely at that point in time where reasoned review is required of the relevance and suitability of some of the issues. The RGP welcomes that the CTI appears to recognise in the CTI Submissions that this is and should be a live topic. Whilst at paragraph 24 of the CTI Submissions there is an invitation to the Government parties to express views, given that this is the first opportunity for the RGP to express views as a CP, it does so with a view to assist the Inquiry Team and other CPs and highlight its own concerns.
23. In these circumstances the RGP’s submits, with the greatest respect to the Commissioners *“absolute discretion,”* that the PLOI has extended, or runs the risk (if the PLOI remains unchecked) of greatly extending beyond what is relevant and sliding into a public inquiry, way beyond the intended Inquiry Mandate.
24. Given the PLOI and the Witness Statement Disclosure plus the additional 19 Witness Statements (**“19WS”**) provided in the STI First letter of the 29 June 2023 (**“STI First Letter 29 June 2023”**) it has become evident to the RGP, that this Inquiry risks becoming an investigation, or public inquiry, or public appraisal of the RGP for an extended period, namely as far back as 2010 and in some respects largely has little, if anything to do with Inquiry Mandate, not least because Mr McGrail only became COP on the 1 May 2018. The issues raised therefore cannot properly be: *“...the reasons and circumstances leading to Mr Ian McGrail ceasing to be Commissioner of Police in June 2020 by taking early retirement.”* This is considered further below.
25. The PLOI as they stand are as follows:
 - a. Issue 1 – Airport Incident

- b. Issue 2 – Assault Investigation
- c. Issue 3 – Incident at Sea
- d. Issue 4 – HMICFRS
- e. Issue 5 – Conspiracy Investigation
- f. Issue 6 – Federation Complaints
- g. Issue 7 – Alcaidesa Claims
- h. Issue 8 – 29 May Letter*
- i. Issue 9 – Section 13 Issue*
- j. Issue 10 – the GPA Process*

26. It is the RGP's Submissions that issues 1 to 7 directly affect the RGP given that they relate to activity undertaken by the organisation.
27. Of these 7 issues it is submitted that only issues 3,4 and 5 (in a more limited sense) can have relevance to the Inquiry Mandate.
28. It is evident from representation made by Mr McGrail legal team that issue 5 was the reason he believes for his dismissal/resignation/departure whilst the GPA members all state that only issues 3 and 4 were raised (and documented) as the reasons for the request of Mr McGrail to retire.
29. As explained above under Agenda Item 4b (paragraphs 12) the RGP is of the view that the Commissioner should review and restrict Issue 5 from its current definition by omitting its introductory paragraph but otherwise accepts its relevance in the PLOI. Its submissions in the context of Agenda Item 4b are repeated here.
30. It is the RGP's submission that Issues 1,2 and 7 cannot be relevant to the Inquiry Mandate as they were before his tenure as COP, namely before the 1 May 2018. At the time of the Airport Incident in early 2017, Mr McGrail was a Detective Superintendent pre appointment; at the time of Assault Investigation again in early 2017, he was a Detective Superintendent; at the time of the Alcaidesa Incident in 2010, he was a Chief Inspector (that is nearly eight years before his appointment). Apart from his involvement being very limited in the Alcaidesa Incident, and in the case of the Assault Incident not even discernible, the important point is that they predate his appointment. Moreover, clearly upon his appointment in May 2018 the GPA (as a body) evidently had complete faith in his abilities and his appointment was approved

by the Governor (Ed Davis). The CTI is right to question relevance on issue 2 and 7 at paragraph 24 of the CTI Submissions but should go further the RGP submits.

31. It is clear from all the GPA witnesses that Issue 6 was not only not raised, but that they were not even aware of any allegations or complaints made in respect of bullying and/or intimidation by Mr McGrail, ergo incapable of being relevant to their deliberations, which of course impact on the Interim Governors position, as explained below.
32. Perusal of the Witness Statement Disclosure evidently shows that no Government party in any contemporaneous document suggests issue 1,2, 6 or 7 has any relevance to the Inquiry Mandate (and in the case of issue 6 its ruled out as relevant by a main CP, The Hon Fabian Picardo KC). Whilst one main CP (Mr Pyle) has not yet produced a witness statement that has been made available to the RGP, his letter to the GPA Chairman dated 3 June 2020 specifically points to only issue 3 and 4. This therefore cannot sensibly be in dispute by any CP and adds to this submission.

The Police Act 2006: Sections 13 and 34

33. The RGP are reassured in its submission, that only matters that occurred during Mr McGrail tenure as COP can be considered under the Inquiry Mandate by proper interpretation of the relevant statutory provisions relied upon by the GPA (incorrectly) and invoked by Mr Pyle the Interim Governor, namely Section 13 and 34 of the Police Act 2006 respectively:
34. Section 13 and 34 of the Police Act 2006 reads as follows under the headings:

Governor's powers in default by Authority.

*13.(1) The following powers are exercisable by the Governor **where the Authority has failed to discharge or perform a responsibility** imposed on the Authority under this Act—*

- (a) to require the Authority to provide a report on any policing matter;*
- (b) to direct the Authority to submit the Force to an inspection by an appropriate inspectorate;*
- (c) to direct that an inquiry into policing in Gibraltar be made;*

(d) where an inspection or inquiry under this section identifies any shortcomings, to direct that, within the financial resources available to it, the Force take appropriate remedial action;

(e) where in the opinion of the Governor **the integrity, probity or independence of the police has been compromised or is at risk**, to direct the Force to take appropriate action to remedy the situation or avoid the risk;

(f) **to suspend from duty, or call for the resignation of the Commissioner.** [emphasis added].

Removal of Commissioner.

34.(1) The Authority acting after consultation with the Governor and the Chief Minister and with the agreement of either of them, may call upon the Commissioner to retire, **in the interests of efficiency, effectiveness, probity, integrity, or independence of policing in Gibraltar.** [emphasis added].

35. Evidently no amount of imaginative statutory interpretation could invoke a reading of these section that would allow for Mr McGrail's removal as COP on the basis that, *the integrity, probity or independence of the police has been compromised or is at risk* (the required trigger under Section 13 and 34) on the premise of actions, or conduct taken whilst he was of a lower rank (as clearly he did not and could not direct the force or have responsibility for it). Therefore Issues 1, 2 and 7 simply cannot (as a matter of law) be triggered, quite apart from the fact that they together with Issue 6 did not form the basis of common contemporaneous evidence by any relevant CP. The CTI is right to question relevance on issue 2 and 7 at paragraph 24 of the CTI Submissions but should go further the RGP submits.
36. Moreover Section 13 can only be employed by the Governor "*where the Authority has failed to discharge or perform a responsibility*" which of course weaves itself back into issues 3 and 4, arguably making even issue 5 not relevant to Mr Pyle or the GPA, but of course the RGP accepts an issue relevant to Mr McGrail's submissions only (given his accusation of another agenda).
37. What simply would be nothing more than doing violence to the interpretation of the said relevant sections of the Police Act 2006, is to suggest that actions and or incidents, and / or investigations (pre May 2018) even if (which the RGP rejects) they were in any way flawed, or open to criticism (if they even touched

or involved Mr McGrail then) can be placed at the door of Mr McGrail whilst he was COP. Thus they cannot stand as a justification for his attempted removal as COP, or be relevant to “...*the reasons and circumstances leading to Mr Ian McGrail ceasing to be Commissioner of Police in June 2020 by taking early retirement.*” The RGP submit that these matters are ultra vires the Inquiry Mandate and with the greatest respect to the Commissioners ability to exercise his “*absolute discretion,*” that cannot include turning this specific inquiry, into an inquiry into the RGP’s performance since 2010.

38. In the circumstances it is the RGP’s position that the Commissioner should exclude issues 1,2,6 and 7 from the PLOI on the grounds of relevance and limit the definition of Issue 5 to narrow the issue to the paragraphs 5.1-5.3. This would the RGP’s submits be beneficial for all CP’s and the Inquiry Team because it would reduce the issues to those that are at the heart of the Inquiry Mandate and thereby the material that needs to be considered by the Inquiry Team and CP’s substantially.

Conclusion on Agenda Item 5

39. The RGP is not and cannot be on trial (unless the Inquiry Mandate changes) and certainly issues that pre-date Mr McGrail elevation to COP cannot (for reasons given) be relevant, nor within the Inquiry Mandate. However, if despite these submissions (and notwithstanding its strongest objection and position which it reserves) the Commissioner decides that these issues are relevant then the RGP will need to submit further granular evidence in each case to rebut suggestions of any wrongdoing by the RGP and its officers (many of which have retired). Additionally, the RGP has obligations to current or past officers including data protection, and other reputational and / or Constitutional obligations including (as it has demonstrated) significant ECHR Article 2 obligations (reflected in section 2 of the Gibraltar Constitution Order 2006) that need to be carefully considered.
40. As explained above the RGP Policing Obligations require it to maintain the public’s confidence and it cannot sit idly by when there is an unnecessary and wholly unmerited attack on its reputation in relation to matters that span more than a decade, and that cannot, it submits, have any sensible relevance to the Inquiry Mandate.

41. Finally Issues 1,2,6 and 7 have considerable potential to undermine the RGP Policing Obligations at a time where for other reasons the RGP is suffering from lack of resources. These would include entirely unnecessarily (the RGP submits) exposing the RGP policing methodology to public scrutiny, quite possibly in a real time (GBC) and online format to criminals and OCG's. Clearly some measures can be taken to mitigate this damage by Reporting Orders (see below) but this does not detract from the relevance assessment, nor should provide a fig leaf to any CP's abstract relevance arguments, or erroneous interpretations of the Police Act 2006.

Agenda Item 7: Submissions on applications for Restriction Orders

42. The RGP is conscious of the powers of the Commissioner as identified in paragraph 25 of the Protocol for Receipt and Handling of Documents, Redaction and Records Management which state:

"25. There are a number of reasons why documents or parts of documents provided to the Inquiry may be withheld from wider dissemination and/or redacted prior to disclosure to Core Participants and/or inclusion in evidence. In exceptional circumstances, the Inquiry may also hear evidence in private. Those reasons include the following:

- a. the information in question is sensitive and irrelevant to the Inquiry's work;*
- b. the information in question constitutes personal data within the meaning of data protection legislation, further disclosure of which is prohibited by that legislation;*
- c. the information in question would cause harm or damage to the public interest, such that it is contended that the Commissioner should impose restrictions on its disclosure or publication, including where conditions as to confidentiality applied to the circumstances in which the information was obtained, or circumstances where publication of information would lead to:*
 - i. death or injury;*
 - ii. damage to national security or international relations;*
 - iii. damage to the economic interests of Gibraltar;*
 - iv. damage caused by disclosure of commercially sensitive information;*
 - v. harm or damage to the public interest on grounds of public interest immunity; and*
 - vi. prejudice to the course or outcome of any ongoing criminal investigation or prosecution into matters relating to the information proposed for release."*

43. The RGP has on Tuesday 11 July 2023 been provided by the STI:
- (a) with an application made by Peter Caruana & Co on behalf of the Chief Minister the Hon Fabian Picardo KC MP and Michael Llamas KC Attorney General for Gibraltar dated the 7 September 2022 ("**Government Parties Restriction Application**");
 - (b) Mr McGrail reply to the Government Restriction Application dated 11 October 2022 ("**McGrail Reply to Restriction Application**").
44. In the time it has available it is not in a position to detail its response or views on the GOG Parties Restriction Application nor the McGrail Reply to Restriction Application.
45. However, the RGP shares the broad concerns reflected in the Government Restriction Application in so far as they relate to national security, capabilities, identification of RGP officers, operational matters, responses, surveillance techniques, investigation techniques, training techniques, liaison and collaboration with external law enforcement agencies.
46. It believes that on Issues 1-5 and 7 (in so far as they remain issues following these submissions above) there are documents that it would wish to apply for a Restriction Order over on grounds which would include 25cii, 25cv and 25cvi.
47. The RGP will do so when it has the benefit of having sight of all witness statements and the disclosure process is complete but inevitably its application for Restriction Orders will apply to its own witness statements in addition to those of others and may relate to the whole of the statements provided or parts thereof.
48. The RGP recognises that the issue of Restriction Orders and the Government Restriction Application are extensively covered in paragraphs 36-45 of the CTI's Submissions and the endorsement of some of the principles in the McGrail Reply to Restriction Application, and takes note of the expectations of the Commissioner for any Restriction Order and that any applications should be made in writing (copied to all CP's) after the 28 August 2023 when final responsive statements are filed.

Agenda Item 8: Admissibility of 19 Witness Statements.

49. The RGP upon receipt of the 19WS in the STI First Letter 29 June 2023 made immediate representations to the STI and met on two occasions with CTI and STI. It made several representations in writing to the STI expressing numerous serious concerns including ECHR Article 2 concerns and those related to possible compromising of Investigations from information included in those 19WS and other complaints made.
50. The STI took steps to mitigate risks on Wednesday 5 July 2023 and since then the RGP and STI/CTI have worked together to try and address the RGP's concerns whilst allowing for this matter to be discussed at 4PH.
51. The RGP's position apart from the issue of lack of relevance to the Inquiry Mandate is that any such discussion must be in private and cannot and should not be reported as it will compromise Investigations. The Commissioner should, the RGP submits, exercise its powers under 25c of the Protocol for Receipt and Handling of Documents, Redaction and Records Management.
52. Moreover, even the debate in private with reporting restrictions itself is one that the RGP must be very careful about engaging in. Its submissions to the Inquiry Team last week will need to suffice.

Agenda Item 9: Further information and documents to be obtained regarding the 19 witness statements.

53. The RGP position on Agenda item 8 is repeated here. It is simply not possible for the RGP to carry out the RGP Policing Obligations including the Investigations in public and further even within the confines of a private unreported hearing it must proceed with utmost caution and cannot go into detail.

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14 July 2023.