

HOUSE OF REPRESENTATIVES

[EXTRAORDINARY SITTING]

Thursday, October 21, 2021

The House met at 10.30 a.m.

PRAYERS[MADAM SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

Madam Speaker: Hon. Members, I have received communication from Mr. Rushton Paray, MP, Member for Mayaro, who has requested leave of absence for the period October 13 to 25, 2021, and Mr. Esmond Forde, MP, Member for Tunapuna, who has requested leave of absence from today's sitting. The leave which the Members seek is granted.

**RESPONSE TO
OPPOSITION LEADER'S CORRESPONDENCE**

Madam Speaker: Hon. Members, it was not my intention to address you at the beginning of today's proceedings. However, I am in receipt of correspondence under the hand of the Leader of the Opposition and Member for Siparia, the hon. Kamla Persad-Bissessar SC, MP, raising several issues which I am compelled to address. It is my hope— *[Interruption]*

Dr. Moonilal: Madam Speaker, with great respect—

Madam Speaker:—that by addressing hon. Members collectively— *[Interruption]*

Dr. Moonilal:—under what item are we discussing—*[Inaudible]*

Madam Speaker:—any and all misapprehensions, misconceptions, and misconstruction—*[Interruption]*

Dr. Moonilal: Madam Speaker, what are we under in the Order Paper?

Madam Speaker:—will be dispelled. The Leader of the Opposition has raised, by my assessment, three matters. *[Interruption]*

Mr. Indarsingh: Madam Speaker, Oropouche East is trying to get your attention.

Dr. Moonilal: Madam Speaker, under what item on the Order Paper are you addressing?

Madam Speaker: The Leader of the Opposition has raised, by my assessment, three matters. Firstly, whether a debate ensues when a Motion, pursuant to section 36 of the Constitution is proposed— *[Interruption]*

Mrs. Persad-Bissessar: *[Inaudible]* *[Desk thumping]*

Madam Speaker:—and if so, at what stage?

[Madam Speaker sits]

Madam Speaker: Hon. Members, I believe what we are about to embark upon today is considered by all of us and the citizens of our nation to be extremely important. So I wish that we proceed.

The Leader of the Opposition has raised, by my assessment— [Interruption]

Mr. Padarath: Madam Speaker, under what item are we at? Madam, if you are the person who is conducting the affairs—[Inaudible]

Madam Speaker: Well, Member, if you can have a—[Interruption] Can you— [Interruption] So that if I am asked a question because a matter is raised, then the Member knows that he should sit so that I can respond. For all Members who are not aware, I believe we are under the item of business “Announcements by the Speaker”.

The Leader of the Opposition has raised, by my assessment, three matters— [Interruption]

Mr. Charles: Madam Speaker, are you aware that this is not an announcement, Madam Speaker?

Madam Speaker: The Leader of the Opposition has raised, by my assessment, three matters— [Interruption]

Mr. Indarsingh: Madam Speaker, I feel this is a total abuse. [Desk thumping] And with all—[Inaudible] I really am calling upon you to go and abide by the guidelines of this House. [Desk thumping]

Madam Speaker: So, Members, again, I say that this is important business and I expect that we are all very anxious to get on with the business for which we are assembled here. So we proceed.

Mr. Indarsingh: Within due process, Madam Speaker. [Desk thumping]

Madam Speaker: Okay. So Member for Couva South, I believe you have acted many times as Chief Whip, and for all Members, even the new ones, we are quite aware that under the item “Announcements by the Speaker”, the Speaker has made announcements and rulings of all nature. We have done that repeatedly. So, I again invite you all to adopt the proper posture so that we can proceed with the business for which we are summoned here.

The Leader of the Opposition has raised, by my assessment, three matters. Firstly, whether a debate ensues when a Motion, pursuant to section 36 of the Constitution is proposed, and if so, at what stage and by which body? Secondly, an assertion that guidelines issued by the Speaker, in relation to these proceedings, are ultra vires the Constitution. And thirdly, accusations of bias levelled against this Chair and a Member of the other place. By now, we are all familiar with the provisions of section 36 of the Constitution. It is, after all, the reason we are assembled. However, I shall take this opportunity to remind hon. Members of its provisions. Section 36(1):

“The President shall be removed from office where—

- (a) a motion that his removal from office should be investigated by a tribunal is proposed in the House of Representatives;
- (b) the motion states with full particulars the grounds on which his removal from office is proposed, and is signed by not less than one-third of the total membership of the House of Representatives;
- (c) the motion is adopted by the vote of not less than two-thirds of the total membership of the Senate and the House of Representatives assembled together;

- (d) a tribunal consisting of the Chief Justice and four other Judges appointed by him, being as far as practicable the most senior Judges, investigate the complaint and report on the facts to the House of Representatives;
- (e) the Senate and the House of Representatives assembled together on the summons of the Speaker consider the report and by resolution supported by the votes of not less than two-thirds of the total membership of the Senate...”—

[*Interruption*]

Mr. Charles: I am just enquiring whether the Member for Siparia would be given an opportunity to respond to your statement. [*Desk thumping*]

10.40 a.m.

Madam Speaker: Member for Naparima, I think this is your second term so that you are well familiar with the Standing Orders and parliamentary practice and procedure. Therefore, I take it that you know the procedure. I shall now treat with three matters referred to earlier in turn. Whether a debate ensues when a Motion pursuant to section 36 of the Constitution is proposed, and if so at what stage, and by which body. A Motion is defined as a proposal brought before the House for a decision. In general, Motions are indeed debatable and can be amended. However, there are several exceptions and I am certain that the most seasoned parliamentarians including the hon. Leader of the Opposition are familiar with them.

By way of example, a privilege Motion does not trigger a debate. It is a proposal that an investigation is warranted. It is purely procedural. A privilege Motion is never debated because it is an originating procedural Motion. It is simply a complaint accompanied by grounds upon which the complaint is based. [*Interruption*]

Mr. Hosein: Madam Speaker, are you—[*Inaudible*] at section 36?

Madam Speaker: Member for Barataria/San Juan, again, I remind you and all Members that we are under the item Announcements.

By way of example, a privilege Motion does not trigger a debate. It is a proposal that an investigation is warranted. It is purely procedural. A privilege Motion is never debated because it is an originating procedural Motion. It is simply a complaint accompanied by grounds upon which the complaint is based.

If in the opinion of the Speaker the grounds have established a prima facie case, then the privilege Motion is, without more, referred to the relevant committee for investigation and report. It is only subsequent to the report of the investigating committee to the House that a debate takes place on the committee’s findings and recommendations.

Therefore, it is well-established parliamentary practice and procedure that the term—
[*Interruption*]

Mr. Indarsingh: Madam Speaker, I am forced to again to ask you, is this a substantive Motion before us? Or from a procedural point of view, a constitutional issue that we are dealing with here today? [*Desk thumping*] And the length of your statement here this morning, will the Member for Siparia be allowed to [*Desk thumping*] respond to you? We cannot continue to abuse the Parliament and democracy of this country. [*Desk thumping*]

Madam Speaker: Again, I remind Members this is Announcements. The business we have been summoned here for, according to the Member for Couva South as he well knows, invokes section 36 of the Constitution. It is on the Order Paper and we shall get to it.

Therefore, it is well established parliamentary practice and procedure that the term “Motion” does not always mean that a debate is automatically initiated. The determination of whether or not a Motion proposed under section 36(1)(a) is debatable can easily be gleaned upon a careful examination of the Constitution.

We all know that the first rule of statutory interpretation is the literal approach and the language used by the framers is very instructive. It is clear, based on the language used in section 36 of the Constitution, that this process has four distinct procedural steps. [*Interruption*]

Mr. Rambally: Madam Speaker. Madam Speaker, I rise under the Constitution, our freedom of speech. This is a matter which has been raised in writing properly so by the Leader of the Opposition—

Ms. Ameen: Why our mikes being cut off?

Mr. Charles: They are shutting off—

Mr. Rambally:—responded to in writing, Madam Speaker. [*Desk thumping*]

Madam Speaker: Member for Chaguanas West, this is an announcement. All right? And if it is, if it is, if it is that Members are intent on delaying the process of us getting to the substantive business, then we will just have to take the time that is required. I shall proceed. [*Interruption*]

Mr. Rambally: Madam Speaker, respectfully we are not delaying. We are seeking clarification. [*Desk thumping*]

Madam Speaker: And I believe all the clarification that has been sought has been addressed.

It is clear based on the language used in section 36 of the Constitution that this process has four distinct procedural steps:

1. The signed Motion is proposed.
2. The Motion must then be adopted.
3. A tribunal would investigate. And—
4. The report of this tribunal is considered. [*Interruption*]

Mr. Charles: Madam Speaker, why if it is I want to speak I am being cut off? Is this an attempt to silence the free flow of information? [*Desk thumping*]

Madam Speaker: Hon. Member for Naparima, I really cannot understand the difficulty that you are having. Hon. Members, I have been advised and it is also my considered view that the very first stage of this process, that is: The proposal of the Motion— [*Interruption*]

Ms. Haynes: Madam Speaker, it is a key element of our democracy that the minority will have its say so we are asking for a right to respond to this announcement please? [*Desk thumping*]

Madam Speaker: It appears that the Members of the Opposition are not prepared for us to proceed at this time, and I think maybe if we suspend for about 15 minutes, we will all get back here to the serious business of this House. This House is now suspended.

10.48 a.m.: *Sitting suspended.*

11.02 a.m.: *Sitting resumed.*

Madam Speaker: Hon. Members, I have been advised, and it also my considered view, that the very first stage of this process, that is the proposal of the Motion, is purely originating and procedural.

The Motion with (a) full particulars and (b) the required signatures appended, is proposed to the House. This is done by the proposer reading the Motion into the records of the House similar to the reading of a privilege Motion. At this stage, the Constitution does not provide expressly, or by implication, for a debate.

Thereafter, the Motion progresses through the other three stages. The process as set out in the Constitution is pellucid. The next stage is the vote to adopt the Motion as proposed in the House of Representatives. This conveys the unequivocal intention of the framers of the Constitution. To seek to compare this Motion with is Standing Order 41 Motion is misguided. A Standing Order 41 Motion, which initiates a debate, is decided by majority vote in the House. The procedural Motion in section 36 of the Constitution requires only the signatures of at least one-third of the membership of the House to advance to the next stage. Surely, the hon. Leader of the Opposition is not suggesting that the Speaker of the House insert words into the Constitution that are not there.

The Leader of the Opposition's letter—[*Interruption*]

Mrs. Persad-Bissessar SC: Madam Speaker, no one compared—

Madam Speaker:—also seems to suggest— [*Interruption*]

Mrs. Persad Bissessar SC:—the Standing Orders—

Madam Speaker:—that the debate she desires—[*Interruption*]

Mrs. Persad-Bissessar SC: This is a constitutional Motion. [*Desk thumping*]

This is a constitutional Motion. [*Desk thumping*] No one— [*Inaudible*] —Standing Order— [*Inaudible*] Under the Constitution of the supreme law—

Madam Speaker: Okay. So, hon. Members, the hon. Member of Siparia has written to me a letter, which you all are aware of. It has been circulated in the traditional and social media and this is an opportunity to set the records straight for all Members and the listening public to get an appreciation to what has guided this process. Okay? [*Interruption*]

Mr. Indarsingh: Madam Speaker, you must allow a full debate.

Dr. Moonilal: Madam Speaker, is the Member for Siparia being allowed to reply since you are replying to a formal letter? Will the Member for Siparia be allowed to reply?

Madam Speaker: Hon. Members, and particularly, the more seasoned Members, are well aware under the item “Announcements”, a Speaker has given rulings, a Speaker has responded to correspondences from Members. In fact, had this been just been a one on one the learnings from such a very novel procedure which we are about to embark upon would never be shared by not

just us in this Chamber, but to the general public who have equally a vested interest in what we are to embark upon. So again, I beseech Members of this Chamber to allow the announcement to continue and finish so that we can embark upon the other business on the Order Paper. *[Interruption]*

Mrs. Persad-Bissessar SC: Madam Speaker, with due respect, is the hon. Speaker aware that under this Extraordinary Sitting that no other business is to be conducted? No other business. *[Desk thumping]*

Madam Speaker: And, I am so aware, but we also know that Prayers and Announcements are ordinary business that is allowed under an Extraordinary Sitting. Okay? So we shall proceed.

The Leader of the Opposition's letter also seems to suggest that the debate she desires should take place in the Electoral College. Indeed, the Member asserted that and I quote:

“It is absurd to ask the Members of the House and Senate to vote on such an important Motion without a debate.”

However, it is strikingly odd that the Leader of the Opposition would refer to a clear provision of the Constitution as absurd. All of us assembled here swore an Oath to uphold the Constitution, the very Constitution that the Member is now labelling as absurd because it is at variance with her misguided opinion. *[Interruption]* *[Crosstalk]*

Ms. Ameen: What?

Hon. Member: 48(6).

Mr. Indarsingh: Madam Speaker.

Madam Speaker: The hon. Leader of Opposition— *[Interruption]*

Hon. Member: Madam Speaker, with due respect to you, Madam Speaker, 48(6), improper motives being imputed against a Member of the House. *[Desk thumping]*

Madam Speaker: I overrule. It does not arise in this circumstance and therefore we continue. The hon. Leader of the Opposition is certainly free—*[Interruption]*

Mr. Ram: Madam Speaker, can I have just one clarification please, Madam. Is it in the announcement stage anything can be said about any Member of the House? *[Desk thumping]*

Madam Speaker: Member for Caroni Central, we are all guided by the Standing Orders with respect to what is allowed and what is not allowed and as you know, the House allows for robust discussion. The hon. Leader—*[Interruption]*

Mr. Indarsingh: A one way discussion. *[Crosstalk]*

Dr. Moonilal: No robust discussion today, none whatsoever.

Madam Speaker: The hon. Leader of the Opposition is certainly free to hold a view but this position is contrary to the provisions of the Constitution.

11.10 a.m.

Section 36(1)(c) does not contemplate a debate by the Electoral College at this stage. Section 36(1)(b) identifies the Motion as a document containing the full particulars and the grounds on which the complaint is based together with the requisite signatures. It was for the hon. Leader of

the Opposition to ensure that her document contained sufficient details, that is to say, full particulars, to assist the Electoral College in determining whether her complaint warrants an investigation by a tribunal.

Interestingly, hon. Members, the Constitution provides that upon receipt of the report of the tribunal, headed by the Chief Justice, the Electoral College, on the summons of the Speaker, considers the report. Hon. Members are asked to note the clear distinction in the wording of section 36(1)(e) of the Constitution. It is at this stage that the Constitution provides for a debate to take place by the Electoral College.

Admittedly, a Motion to trigger the removal of a President is rarely invoked. In fact, the framers of the Constitution intended that when the provision is invoked, the complaint and the particulars must be sufficiently so weighty that it would be likely to succeed. This is evident from paragraphs 162 and 163 of the Wooding Commission. Paragraph 162 states as follows, and I quote:

“We thought it necessary to make provision for removing the President from office although it is expected that this eventuality will never arise.”

It continues at paragraph 163, and I quote:

“The recommended procedure for his removal as set out in the attached draft constitution is designed basically to make it unlikely that the procedure will be set in motion unless there is near certainty of the likelihood of its succeeding.”

Guidelines issued in relation to these proceedings are ultra vires, which is the second matter raised.

I trust that all Members now appreciate that as Speaker of the House, I am heavily guided by the Constitution of the Republic of Trinidad and Tobago for the purposes of this procedure. [*Crosstalk*] It is the Constitution itself that authorizes the making of guidelines by the person who sits in this Chair. In this regard, Members are directed to Regulations 3 and 23 of the Electoral College Regulations, which are made pursuant to section 28(4) of the Constitution of the Republic of Trinidad and Tobago. [*Interruption*]

Mr. Ratiram: Madam Speaker. Madam Speaker, are you saying that 36(c), there is a meeting of the Electoral College, please?

Ms. Ameen: It is not.

Hon. Member: This is not—[*Inaudible*]

Madam Speaker: Hon. Members, I really consider that this is very important, not just for Members of the Chamber, but also for members of the national community, for them to be apprised of the reasoning that guided the procedure that I have laid out. And, therefore, again, I ask Members to kindly listen in silence and allow the announcement to be made. [*Interruption*]

Mr. Ratiram: Madam Speaker, I am—

Dr. Moonilal: Madam Speaker, bearing in mind that you are— [*Inaudible*] —the position of the Leader of the Opposition, would you care to identify the legal advisors that have advised on this presentation? [*Desk thumping*]

Hon. Member: San Fernando West. [*Desk thumping*]

Madam Speaker: And I would say to the Member for Oropouche East, again, if maybe one allows the announcement to continue to its end, those questions will be answered to your satisfaction. *[Interruption]*

Mr. Ram: But, Madam Speaker, is this 36(c)—is your legal advice indicating that this is a meeting of the Electoral College, please? I seek clarification of that, please.

Madam Speaker: And, Member for Caroni Central, I think, again, if you listen carefully, the announcement is structured to give you the guidance and the clarification you seek with respect to the stages.

I assure Members that, in this matter, quite extensive and substantial research has been undertaken by the very experts who have competently guided this Chair long before I became its occupant. These experts are, in fact, the principal advisors on practice and procedure in this part of the Commonwealth. Their research was quite helpful to me, and they directed me to Constitutions of Nigeria, Kenya and several other Commonwealth jurisdictions which utilized similar constitutional language in relation to provisions for the removal of a President. This research, along with the provisions of our Republican Constitution, formed the basis of the guidelines for today's proceedings.

Accusations of bias: Hon. Members, I must express that I am astounded by the claims of bias made by the hon. Leader of the Opposition, *[Interruption]* *[Laughter]* and even further perplexed by the factors submitted in support of same. I am of the opinion that these issues do not arise. It is absurd to suggest that any or every person who has participated in processes that are not the specific subject of this Motion, should be disqualified from participating in these proceedings. Many hon. Members here have sat in Cabinet, have held or currently hold ministerial portfolios, have participated in debates, have asked questions and filed Motions on issues, which may be perceived as related although irrelevant to this matter.

The claim of the hon. Leader of the Opposition, taken to its logical conclusion, would suggest that even the proposer and the Members who signed in support may be perceived as biased, and should be disallowed from participating as well. No right-thinking person—*[Crosstalk]* No right-thinking person will see the remotest connection between that 2009 Order and the subject matter of the Motion at hand. The assertion is absolutely illogical and I reject it outright. *[Interruption]*

Mr. Padarath: Madam, are you looking for a justification for why you are not recusing—*[Inaudible]* *[Desk thumping]*

Madam Speaker: Member for Princes Town, again, as I have said, a letter was written by the hon. Member. It has been widely circulated and a lot of opinion has been in the public domain raised concerning this. This is the opportunity to advise the Members of this House and the members of the public of my response. *[Interruption]*

Ms. Ameen: Madam Speaker, with the greatest of respect, in fact, you are emphasizing the reasons we should have a debate on the Motion to further explain all those things in the letter. *[Desk thumping]*

Madam Speaker: And, Member for St. Augustine, again, having heard you, the reasons for the guidelines are being explained here under “Announcements” to dispel all your misconceptions. *[Interruption]*

Mr. Rambally: Madam Speaker, you are making determinations without providing any substantiation for your decisions. Madam, is it your intention to recuse yourself or are you justifying why you should not be recused? Because the Leader of the Opposition—[*Desk thumping*]

Madam Speaker: Member. Member, could you—[*Interruption*] Member— and, again, as I have said to all Members, if they would allow the announcement to be made, all the matters upon which they seek clarification by intervening would be given.

11.20 a.m.

The assertion is absolutely illogical and I reject it outright. I am obliged to resist the urgings of the hon. Leader of Opposition that I seek to influence or advise or convince any Member of Parliament to refrain from participating in this process as to do so would be a travesty of the very democratic principles which the Member purports to advance.

To acquiesce—[*Interruption*]

Mr. Tancoo: Madam Speaker, again you are casting aspersions on the Leader of the Opposition without giving her the benefit of the right of response. [*Desk thumping*]

Madam Speaker: And, Member for Oropouche West, I will remind you that this announcement comes as a response to a letter written by the hon. Member which is widely circulated.

To acquiesce—[*Interruption*]

Mr. Tancoo: Yes, Ma'am, but your language—[*Inaudible*]—and you are not allowing the Leader of the Opposition to respond. [*Desk thumping*]

Madam Speaker: To acquiesce to any of the overtures contained in the letter—[*Interruption*]

Mr. Ram: Madam Speaker, you were written a communication by the Leader of the Opposition, a Member of the Parliament, do you not see it fit to respond in a similar mode of communication by letter? [*Desk thumping*]

Madam Speaker: And, Member for Caroni Central, in a way I would want to excuse the question that you have just asked on your novelty here but this is very usual procedure.

To acquiesce to any of the overtures contained in the letter penned by the Leader of the Opposition would, in my respectful opinion, amount to an affront of the Constitution of the Republic of Trinidad and Tobago—[*Interruption*]

Ms. Ameen: Madam Speaker, I just would like to clarify, have you given instructions for the Opposition Members to be muted because every time we attempt—[*Desk thumping*]—every time we attempt to stand up and speak the mikes are being switched off and you as the guardian of this House, I am seeking your clarification whether you have given a directive to silence the Opposition. [*Desk thumping*]

Madam Speaker: Member for St. Augustine, I take it because you are on my left you are a Member of the Opposition and I think we all just heard you speak.

To acquiesce—[*Interruption*]

Ms. Ameen: My mike is being constantly turned off, Madam Speaker—

Madam Speaker: Member, may I proceed?

To acquiesce to any of the overtures contained in the letter penned by the—[*Interruption*]

Mr. Hosein: Madam Speaker, if I may, it is only right that the letter of the Leader of the Opposition be read onto the *Hansard* records of the Parliament [*Desk thumping*] so that those will understand what you are responding to. It is unfair that the Leader of the Opposition is not being given an opportunity to respond to your announcement but yet her letter is not being able to be read into the record of the Parliament. [*Desk thumping*]

Madam Speaker: Member for Barataria/San Juan, I believe before serving in this honourable Chamber you would have served in the other place and therefore the Standing Orders in both places are quite similar and therefore, as you quite rightly know, under the item of “Announcements” what you are seeking is not the practice, it is not the procedure and it is not allowed. [*Interruption*]

Mr. Hosein: Madam Speaker, I believe—

Madam Speaker: I cannot—

Mr. Hosein:—that it is irrelevant where I served before but I also served as an attorney-at-law in this country [*Desk thumping*] and as an officer—[*Inaudible*] Madam Speaker, I would ensure that there is fairness, justice and equity in the Parliament and outside. [*Desk thumping*]

Madam Speaker: I cannot and will not assume upon myself the power to construe the words of the Constitution in a way which is inconsistent with its clear intention simply to appease the competing interests of those involved and I so rule. [*Interruption*]

Mr. Lee: Madam Speaker, could you just clarify—

Dr. Moonilal: The Member for Siparia would be allowed to respond?

Mrs. Persad-Bissessar SC: Madam Speaker, thank you for your response to my letter which you have placed on the record of the *Hansard*.

Madam Speaker: Member for Siparia— [*Interruption*]

Mrs. Persad-Bissessar SC: The statement is a death announcement, death for the democracy of Trinidad and Tobago. [*Desk thumping*]

Madam Speaker: Member for Siparia— [*Interruption*]

Mrs. Persad-Bissessar SC: The announcement is a statement—[*Inaudible*]—the jurisdiction of the sitting and therefore—

Madam Speaker: Member for Siparia, would you take your seat? [*Interruption*]

Mrs. Persad-Bissessar SC:—therefore, I seek your clarification as to whether I would be able to respond to your response. [*Desk thumping*]

Madam Speaker: May we proceed. Clerk.

Mr. Ratiram: Madam Speaker, having sat here and listened—Madam Speaker, having sat here and listened to the announcement that was made, I would like to ask if you are aware that *May Parliamentary Practice*—*May Parliamentary Practice*, 24th Edition, provides guidance on a substantive Motion and on a substantive Motion which has been brought, it should be stated according to the guidelines provided. [*Desk thumping*]

Ms. Mohit: Madam Speaker, you have not responded to the Leader of the Opposition. You have not responded to the Leader of the Opposition.

Madam Speaker: Member for Couva North and Member for Chaguanas East, the announcement has been made which has provided, I hope, the requisite clarification and guidance.

Mr. Ratiram: Madam Speaker, can you advise if *May's Parliamentary Practice* still governs this House?—still guides?

Mrs. Persad-Bissessar SC: Madam Speaker, what was read there is not an announcement, it is a statement by the Speaker. [*Desk thumping*] And if the Standing Orders are to be— [*Continuous desk thumping*]

Madam Speaker: Can we proceed?

Mr. Ram: Madam Speaker, please—

Clerk: Motion pursuant to section 36 of the Constitution.

Mr. Ram: Madam Speaker—[*Inaudible*]

Madam Speaker: Member for Caroni Central—Member for Caroni Central, please take your seat.

Ms. Ameen: Madam Speaker—

Madam Speaker: Hon. Members, on Thursday, October 14, 2021, the Leader of the Opposition and Member for Siparia filed a Motion with the office of the Speaker pursuant to section 36(1)(a) of the Constitution of the Republic of Trinidad and Tobago. Section 36(1)(a) states:

“The President shall be removed from office where—

(a) a motion that his removal from office should be investigated by a tribunal is proposed in the House of Representatives;”

I now call upon the Member for Siparia to propose the Motion pursuant to section 36(1)(a). Leader of the Opposition and Member for Siparia. [*Desk thumping*]

Ms. Ameen: Madam Speaker—Madam Speaker, just for clarification, you have announced that the Leader of the Opposition would be allowed to read her Motion. Can you indicate to us if we will have a debate and explanation as we have been asking all morning? [*Desk thumping*]

Madam Speaker: Member for St. Augustine, again, you are another seasoned parliamentarian, I have not recognized you. I have called on the Member for Siparia. The guidelines which have been circulated since Tuesday are quite clear and the announcement was intended to give the clarification which you seek. Member for Siparia. [*Desk thumping*]

**REMOVAL OF HER EXCELLENCY PAULA-MAE WEEKES
(TRIBUNAL TO INVESTIGATE)**

Mrs. Kamla Persad-Bissessar SC (Siparia): Thank you, Madam Speaker, for this opportunity to participate in these section 36 proceedings under the guidelines unilaterally formulated by your good self. [*Desk thumping*]

Madam Speaker: Member—

Hon. Member: Unilateral.

11.30 a.m.

Mrs. K. Persad-Bissessar SC: These guidelines seem to have forgotten the origin of the word “Parliament”.

Madam Speaker: Member.

Mrs. K. Persad-Bissessar SC: They come from the word “parler”.

Madam Speaker: Member, I am on my legs. [*Interruption*] [*Desk thumping*]

Mr. Ratiram: Why are we muting the Leader of the Opposition’s microphone?

Madam Speaker: Member for Siparia, would you kindly propose your Motion in the text of your Motion.

Mrs. K. Persad-Bissessar SC: Well, if you put my mike on, I could continue so to do. Is this mike now on? Thank you very much, Madam.

I am saying these guidelines, done by your good self, forget the word “Parliament” comes from the word “parler”, to allow for debate, [*Desk thumping*] and before I read the Motion, I want to say—I want to say these guidelines are illegal, null and void. Illegal, illegal!

[*Member for Siparia tears up document*] [*Desk thumping*]

We participate in these proceedings—the Opposition participates in these proceedings under protest. I want to make that very clear. [*Desk thumping*] The section 36 Motion, Madam, reading the procedure that you have provided to us, again unilaterally, I will turn to it now, and I read that Motion:

Whereas section 35 of the Constitution provides that the President may be removed under section 36 from office where she—

(a) willfully violates any provision of the Constitution; and/or [*Desk thumping*]

(b) behaves in such a way as to bring her office into hatred, ridicule or contempt; and/or [*Desk thumping*]

(c) behaves in a way that endangers the security of the State.

[*Desk thumping*]

And whereas there have been unrefuted reports:

a) of recent events at President’s House of interference [*Desk thumping*] in the selection processes undertaken by the Police Service Commission (‘PSC’); and

- b) that a list of nominees for Commissioner of Police prepared by the PSC was recently submitted to The President and she refused to notify the House of these nominees. [*Desk thumping*]

And whereas The President has neglected to publicly address those reports and has otherwise failed to faithfully execute her several duties under the Constitution. [*Desk thumping*]

And whereas in the circumstances, The President should be removed from office [*Desk thumping*] since she:

- (a) willfully violated the provisions of the Constitution securing the independence of the PSC in the performance of its functions and also willfully violated section 123 of the Constitution; [*Desk thumping*]
- (b) behaved in such a way as to bring her office into hatred, [*Desk thumping*] ridicule or contempt by interfering and/or facilitating interference with the PSC [*Desk thumping*] and also by proceeding in the circumstances to appoint new members of the PSC; [*Desk thumping*]
- (c) behaved in a way that has resulted in the endangerment of the security of the State through her inactions [*Desk thumping*] and/failure and/or neglect to act; [*Desk thumping*] and
- (d) has otherwise failed and/or neglected to execute her duties under the Constitution. [*Desk thumping*]

Be it now resolved that pursuant to section 36 of the Constitution, a Tribunal be established to investigate the removal of Her Excellency Paula-Mae Weekes, ORTT from the Office of the President. [*Desk thumping*]

Madam Speaker, I thank you and I just want to raise under section 2—

Madam Speaker: Hon. Members, section 36(1(b) of the Constitution states:

(b) The Motion states— [*Interruption*]

Ms. Ameen: We cannot hear the Leader of the Opposition.

Mr. Ratiram: Why are you muting the Leader of the Opposition?

Mr. Charles: Is it an attempt to silence the Opposition?

Ms. Ameen: Is the Leader of Opposition being muted?

Mr. Indarsingh: Madam Speaker, is democracy dead in this Parliament? [*Desk thumping*]

Madam Speaker: It appears that today—

Mr. Ratiram: Madam Speaker, why are you muting the Opposition Leader?

Madam Speaker: It appears today that Members forget that they are in the House of Representatives— [*Interruption*]

Ms. Ameen: That is why we have to stand up here and represent the people of this country.

Madam Speaker:—when they speak to the Chair— [*Interruption*]

Mr. Padarath: Madam, “de” people voted for us. Who voted for you? [*Desk thumping*]

Madam Speaker: The Motion having been read as proposed— [*Interruption*]

Mr. Ratiram: Madam Speaker, the Leader has not completed, not proposing—

Mr. Charles: Madam Speaker, no fair minded person could say that the Leader of the Opposition was allowed to complete her Motion, and we demand—we demand—

Hon. Member: Demand an announcement too—

Mr. Charles:—that she be given the opportunity in this Parliament to read her Motion. [*Desk thumping*]

Madam Speaker: Hon. Members, section 36(1)(b) of the Constitution states—the Motion states with full particulars the grounds on which his removal from office is proposed and is signed by not less than one-third of the total membership of the House of Representatives. Therefore, in order to move to the next stage this Motion requires not less than one-third— [*Interruption*]

Ms. Ameen: Madam Speaker, the Leader of Opposition has not completed the reading of her Motion. [*Desk thumping*]

Madam Speaker: Therefore, in order to move to the next stage— [*Interruption*]

Ms. Ameen: In order to move to the next stage, the Leader of Opposition must complete reading her Motion. [*Desk thumping*]

Madam Speaker: Member for St. Augustine, I will not continue to tolerate this. We are moving on to the next stage. [*Interruption*]

Ms. Ameen: Madam Speaker, I do not want to continue to tolerate the Leader not being allowed—there is a procedure that includes the Member reading the Motion. The reading of the Motion—and whoever cutting off the mike, preventing the voices of elected people from being heard. [*Desk thumping*] The procedure requires the Leader of Opposition, the Member who brought the Motion, to read the Motion before the next stage is taken. The Leader of Opposition clearly has not completed the reading of her Motion, and in order for the voice of the people to be heard, the Leader must complete the reading of her Motion. For anything otherwise to happen, it is a suppression of democracy and a prevention of the voice of the people from being heard. [*Desk thumping*]

Madam Speaker: Hon. Members, in accordance with the guidelines which have been established, we shall proceed. [*Interruption*]

Ms. Ameen: Madam Speaker, your own guidelines indicate that in the procedure the Member shall read the Motion and then we go to the next stage. The Leader of Opposition has not completed the reading of the Motion. So I am asking you to allow the Motion to be read, in accordance with your own guidelines before we proceed further.

Madam Speaker: The Motion having been read as proposed— [*Interruption*]

Mr. Ratiram: Madam Speaker, I raised an issue earlier which you did not address. I pointed you to *May’s Parliamentary Practice*, which provides guidelines for substantive Motions, and I want to refer you to page 396. Your guidelines are not in harmony with what is provided here with respect to substantive Motions, and I am asking you can you kindly respond, if it is that we

are still guided by these parliamentary practices, or you unilaterally will decide how this—[*Desk thumping*]

11.40 a.m.

Madam Speaker: Member for Couva North, my guidelines are in accordance with the Constitution and the Electoral College Regulations.

Mr. Ratiram: But it is illegal.

Madam Speaker: Member, I have ruled. [*Interruption*]

Ms. Ameen: It is unconstitutional.

Madam Speaker: I am not taking conversation from you sitting. Therefore, in order to move to the next stage, this Motion requires not less than one-third of the total membership of the House of Representatives. The Clerk will now call the names of the Members who signed the Motion. Clerk.

The Clerk: Mrs. Kamla Persad-Bissessar SC, Leader of the Opposition, and Member for Siparia.

Ms. Ameen: What Motion? We did not hear the full Motion. What Motion?

The Clerk: Mr. Saddam Hosein, MP—

Ms. Ameen: We did not hear the full Motion by the Member for Siparia.

The Clerk: Member for Siparia. Member for Barataria/San Juan.

Mrs. Persad-Bissessar SC: Madam, I say no to this entirely illegal process.

The Clerk: Mr. Arnold Ram, MP, Member for Caroni Central.

Mr. Hosein: I did not get a chance to respond.

The Clerk: Mr. Dinesh Rambally, MP—

Mr. Rambally: I support the Motion but I disagree with this no-debate guidelines.

The Clerk: Member for Chaguanas West. Mr. Ravi Ratiram, MP, Member for Couva North.

Mr. Ratiram: What are you asking?

The Clerk: Mr. Rudranath Indarsingh, MP, Member for Couva South.

Mr. Indarsingh: Madam Speaker, I support the Motion and I disagree very strongly with the no-debate guidelines in this House. [*Desk thumping*]

The Clerk: Dr. Rai Ragbir, MP, Member for Cumuto/Manzanilla.

Mr. Ragbir: Madam Speaker, I support the Motion and I disagree with the no-debate guidelines. Thank you. [*Desk thumping*]

The Clerk: Dr. Lackram—

Ms. Ameen: Madam Speaker, we are yet to hear the full Motion.

Mr. Ratiram: What it is you call on—

The Clerk: Dr. Lackram Bodoë, MP, Member for Fyzabad.

Mr. Ratiram: What did you call—

Dr. Bodoë: I support the Motion but I disagree with the no-debate guidelines.

The Clerk: Mr. Rodney Charles, MP, Member for Naparima. Dr. Roodal Moonilal—

Mr. Charles: I fundamentally disagree with the no-debate guidelines but I confirm my support for the Motion.

The Clerk: Dr. Roodal Moonilal, MP, Member for Oropouche East.

Dr. Moonilal: I confirm my signature and strenuously disagree with this illegal process. [*Desk thumping*]

The Clerk: Mr. Davendranath Tancoo, MP, Member—

Ms. Ameen: This is a suppression of democracy.

The Clerk:—for Oropouche West. Dr. Rishad Seecheran, MP, Member for Caroni East. Ms. Vandana Mohit, MP—

Mr. Seecheran: Madam Speaker, I support this Motion but I disagree with the no-debate guidelines. [*Desk thumping*]

The Clerk:—Member for Chaguanas East. Dr. David Lee—Mr. David Lee, MP—

Mr. Lee: Madam Speaker, I support this Motion but I do not agree with this no-debate Motion.

The Clerk:—Member for Pointe-a-Pierre. Mr. Barry Padarath, MP, Member for Princes Town. Ms. Michelle Benjamin—

Mr. Padarath: Madam Chair, I support the Motion but you have done a disservice to the people of Trinidad and Tobago and have done the bidding of the PNM in this House today. [*Desk thumping*]

Mr. Ratiram: Madam Speaker, may the record reflect that I support this Motion but this is a death to our democracy what you are doing here at this point in time. [*Desk thumping*]

The Clerk: Ms. Michelle Benjamin—

Mr. Tancoo: Madam Speaker, I was also not allowed the opportunity to comment although my name was—

The Clerk: Ms. Michelle Benjamin, MP, Member for Moruga/Tableland.

Mr. Tancoo: I think that is a breach of parliamentary process.

Ms. Benjamin: Madam Speaker, I support this Motion but I disagree with the process.

The Clerk: Ms. Khadijah Ameen, MP—

Mr. Tancoo: Madam Speaker, my name was called out but I was not allowed the opportunity to speak, to comment. I think that is a breach of process. Just for the record, Madam Speaker—

The Clerk: Ms. Khadijah Ameen, MP, Member for St. Augustine.

Ms. Ameen: Madam Speaker—

Mr. Tancoo: I completely support the leader's presentation and the leader's Motion.

Ms. Ameen: I stand firm against—

Mr. Tancoo: This is an abuse of process.

Ms. Ameen:—this oppression of our democracy. I want the opportunity to debate and be the voice of the people who elected me. [*Desk thumping*]

The Clerk: Ms. Anita Haynes, MP, Member for Tabaquite. Mr. Rushton Paray, MP—

Ms. Haynes: I confirm my signature and we deserve the right to debate in this House, Madam Speaker.

Mr. Indarsingh: Madam Speaker, could we have some decency in terms of how this process is being conducted this morning? Madam Speaker, this House has been hijacked today. [*Desk thumping*] We are seeking confirmation of Members and this process is like if we are in a 100 metres race now. [*Desk thumping*]

Ms. Mohit: Madam Speaker, I did not even get to respond. I did not hear my name. I confirm my signature—

Madam Speaker: Member for Chaguanas East, could you kindly take a seat. Your name was called. You confirmed your signature. [*Crosstalk*]

Hon. Members, section 36(1)(c) of the Constitution states:

“(c) the motion is adopted by the vote of not less than two-thirds of the total membership of the Senate and the House of Representatives assembled together;”

Mrs. Persad-Bissessar SC: Madam Speaker, we again register our protest at this travesty of the parliamentary democracy. [*Desk thumping*]

Madam Speaker: Hon. Members, the Senate and the House— [*Interruption*]

Mr. Indarsingh: Madam Speaker, the leak in the Red House has apparently washed away democracy. [*Desk thumping*]

Madam Speaker: Hon. Members, the Senate and the House of Representatives [*Desk thumping*] assembled together is a unicameral body called the Electoral College. Once the required majority two-thirds vote is obtained from the Electoral College, the Constitution— [*Interruption*]

Ms. Ameen: Madam Speaker, could you clarify what we are going to vote on? The Motion has not been completely read by the Leader of the Opposition and the Member for Siparia.

Madam Speaker: Member for St. Augustine, we are continuing with the procedure. You seem to have forgotten that you stand when you are recognized. And remember, you were the one complaining about the mikes. I hear you very well. There is no need— [*Interruption*]

Ms. Ameen: Because I am overriding the system, Madam Speaker.

Madam Speaker: There is no need to shout. There is no need to shout. There is no system to be overridden. We are hearing you very well. Once the required majority— [*Interruption*]

Dr. Moonilal: Madam Speaker, this—Motion before the Electoral College as well. Will this be read out before the Electoral College as well. Just for clarity. [*Crosstalk*]

Madam Speaker: Once the required majority two-thirds vote is obtained from the Electoral College, the Constitution states that:

“(d) a tribunal consisting of the Chief Justice and four other Judges appointed by him, being as far as practicable the most senior Judges, investigate the complaint and report on the facts to the House of Representatives;”

Thereafter, the Constitution states that the Electoral College— [*Interruption*]

Ms. Ameen: Madam Speaker, could you clarify based on the enquiry of the Member for Oropouche East, whether the Member for Siparia will be allowed to read the Motion to its completion when both Houses meet? Because those Members, neither the Members here—

Madam Speaker: Member— [*Interruption*]

Ms. Ameen:—to hear the Motion.

Madam Speaker:—could you kindly have a seat.

Thereafter, the Constitution states that the Electoral College, on the summons of the Speaker— [*Interruption*]

Mr. Rambally: Madam Speaker, Madam Speaker—

Madam Speaker: Member for Chaguanas West. Member for Chaguanas West, kindly have a seat.

Mr. Rambally: Madam Speaker—

Madam Speaker: Member for Chaguanas West, I have asked you— [*Interruption*]

Mr. Rambally: You cannot confirm my signature in the manner which it has been done. [*Desk thumping*]

Hon. Member: Exactly!

Madam Speaker: I am going to ask again—I am going to ask you again to take your seat. And you know, Members, the Member for Couva South asked that we proceed in an orderly fashion. Therefore—

Mr. Rambally: Madam Speaker, respectfully, I want to confirm my signature in support of the Motion. [*Desk thumping*]

Madam Speaker: Member for Chaguanas West, please have a seat. Member for Chaguanas West, have a seat. That item has already— [*Interruption*] Have a seat. That item has already passed.

Mr. Rambally: But, Madam Speaker, I am simply saying with the greatest of respect, the Clerk of the House cannot confirm my signature for me. This is a very important Motion—

Madam Speaker: Could you kindly have a seat? Can you have a seat? [*Interruption*]

Ms. Ameen: Why is the Member for Chaguanas West’s mike not on?

Madam Speaker: Member for Chaguanas West, have a seat.

Therefore, the Constitution states that the Electoral College on the summons of the Speaker will consider the report of the tribunal and by resolution supported by the votes of not less than two-thirds of the total membership declare that the President shall be removed from office.

Therefore, hon. Members, in accordance with section 36(1)(c) of the Constitution of the Republic of Trinidad and Tobago this Motion proposed in the House of Representatives requires a vote of the total membership of the Electoral College. [*Interruption*]

Hon. Member: Madam Speaker, will this Motion be read to both Houses?

Madam Speaker: Accordingly, I have summoned the Electoral College for this purpose.

11.50 a.m.

Dr. Moonilal: Madam Speaker, this should be read for both places.

Madam Speaker: Hon. Members, you are reminded— [*Interruption*]

Dr. Moonilal: Madam Speaker, [*Inaudible*]—will never hear the Motion.

Mr. Indarsingh: Madam Speaker, my colleagues have been continuously seeking clarification from you in relation to whether this Motion put before by the Member for Siparia should be read—

Madam Speaker: Member for Couva South, resume your seat! Resume— [*Interruption*]

Mr. Indarsingh: It is a simple request we are seeking from you. [*Desk thumping*] Why are you hijacking the Parliament of this country today? Why. [*Continuous desk thumping*] What is there to hide? What is there to be hidden in terms of you continuously are telling the country, the citizens of the country are looking on, that we want to be in a very comfortable place too in terms of transparency and accountability here.

ADJOURNMENT

Madam Speaker: Hon. Members, you are reminded that this House stands adjourned to a date to be fixed.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 11.51 a.m.