

SENATE

Tuesday, November 23, 2021

The Senate met at 1.30 p.m.

PRAYERS

[MADAM PRESIDENT *in the Chair*]



**Joint Select Committee
(Appointment to)**

Madam President: Hon. Senators, I have received the following correspondence from the Deputy Speaker of the House of Representatives.

“Dear President of the Senate,

Change in Membership of Joint Select Committee

I wish to advise that at a sitting held on Wednesday November 17, 2021, the House of Representatives agreed to the following resolution:

‘Be it resolved that the House of Representatives agree to the following appointment:

- Mr. David Lee in lieu of Ms. Anita Haynes on the Joint Select Committee on Energy Affairs.’

Accordingly, I respectfully request that the Senate be informed of this decision at the earliest convenience please.

Thank you.

Respectfully,
Mr. Esmond Forde
Deputy Speaker of the House”

PAPERS LAID

1. Annual Report of the National Infrastructure Development Company Limited for the fiscal year 2017. [*The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan)*]

UNREVISED

2. Annual Administrative Report of the Trinidad and Tobago Civil Aviation Authority for the period 2018-2019. [*Sen. The Hon. R. Sinanan*]

JOINT SELECT COMMITTEE REPORTS

(Presentation)

Public Accounts Committee

Sen. Nigel de Freitas (*Mr. Vice-President*): Thank you, Madam President. I have the honour to present the following reports:

National Insurance Appeals Tribunal (NIAT) (Tribunal's Capacity to Dispose of Appeals)

Second Report of the Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities (including the THA) on an Inquiry into the efficiency and effectiveness of the National Insurance Appeals Tribunal (NIAT) (with specific focus on the tribunal's capacity to dispose of appeals) First Session (2020/2021), Twelfth Parliament.

Children's Life Fund Authority

Third Report of the Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities (including the THA) on An Inquiry into the Administration of the Children's Life Fund Authority, First Session (2020/2021), Twelfth Parliament.

URGENT QUESTION

Health Care Workers (COVID-19 Second Dose)

Sen Wade Mark: To the Minister of Health: Can the Minister indicate when health care workers who are eligible for receiving the additional dose of the COVID-19 vaccine will receive same?

The Minister of Health (*Hon. Terrence Deyalsingh*): Madam President, the protection of health care workers against COVID-19 has always been and will

continue to be a priority of the Ministry of Health. We have always provided them with the highest grade of PPE, training, policies and manuals, and we have never run out of PPE.

On February 07, 2021, we started an education session with all stakeholders TTMA, TTRNA, UWI, RHAs, NGOs, addressing the topic of vaccine hesitancy. We prioritized health care workers for the first batch of vaccines. We received 2,000 doses from Barbados on February the 11th. WHO approved it, EUL on February the 15th, and we started vaccinating health care workers on February the 17th as a priority.

In phase one, when we got large amounts of vaccines, on April the 7th, we again prioritized health care workers. The additional doses that the hon. Member is asking about is already available to health care workers, according again to WHO protocols who fall into those subcategories of persons who are moderately to severely immunocompromised.

So it is not that when are we going to start, it is already available to any health care worker who falls into the categories that we have published and known to them, once they are moderately to severely immunocompromised.

Thank you very much. Madam President.

Madam President: Sen. Mark.

Sen. Mark: Madam President, can the hon. Minister, for the purposes of information, identify the subcategories of workers within the health care system who are eligible for receiving this second dose?

Madam President: Minister.

Hon. T. Deyalsingh: Thank you. So according to WHO protocols, persons who have active cancers, if they are on dialysis, if they are immunocompromised in any way, taking immunosuppressant drugs for conditions like lupus, rheumatoid

arthritis, et cetera, persons who may have HIV, all those conditions that lead to anybody being moderately to severely immunocompromised, have been receiving their additional shots to date, including health care workers. We have administered over 12,000 additional shots. So the process began almost about two weeks ago.

Madam President: Sen. Mark.

Sen. Mark: May I ask the hon. Minister, in terms of nursing personnel who are literally at the frontline in the battle against COVID-19, can the Minister indicate to this House what percentage at this present time of the nursing staff would have received their second dose, Madam President?

Madam President: Minister.

Hon. T. Deyalsingh: [*Laughs*] Thank you. The Member is now fishing for supplementals, because he has nowhere to go with this line of questioning, and it is so sad. It is so sad to see the UNC floundering once again on this issue of vaccination, but I will answer.

The number of nurses who are fully vaccinated at this point in time is estimated to be around 65 per cent. The number of doctors who are considered to be fully vaccinated at this point in time is somewhere between 95 to 98 per cent, and those are the percentages that we are working with. I am sorry to burst the Senator's bubble, but—

Sen. W. Mark: I have no bubble. Thank you very much.

ORAL ANSWERS TO QUESTIONS

Madam President: Leader of Government Business.

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, there are six questions for oral response on the Order Paper, and the Government will respond to all six. Thank you.

Atlantic LNG and the National Gas Company (Funding and Gas Sales Agreements)

- 5. Sen. Wade Mark** asked the hon. Minister of Energy and Energy Industries:
- With respect to the funding agreement and the gas sales agreement between Atlantic LNG and the National Gas Company for Atlantic LNG's Train 1, can the Minister indicate:
- (i) whether said agreements have been terminated; and
 - (ii) if the answer to (i) is in the affirmative, when?

The Minister of Energy and Energy Industries, Minister in the Office of the Prime Minister and the Acting Attorney General and Minister of Legal Affairs (Hon. Stuart Young): Thank you very much, Madam President. With respect to Part (i) of the question, yes the agreements have been terminated. With respect to Part (ii) of the question, the agreements were terminated on August the 5th, 2021.

Sen. Mark: Madam President, can the hon. Minister briefly explain to this honourable Senate the basis for the termination—the termination of the said agreement?

Madam President: Sen. Mark I will not allow that question.

Sen. Mark: Madam President, now that we have been advised that it has been terminated on the 15th of August—

Hon. Stuart Young: 5th.

Sen. Mark: On the 5th of August, I beg your pardon. Madam President, can we get from the hon. Minister whether that was unilaterally exercised by the Government?

Madam President: Minister.

Hon. S. Young: This funding agreement is a funding agreement amongst the shareholders of Atlantic LNG, so the Government had no role to play in that.

Madam President: Sen. Mark.

Sen. Mark: Okay, Madam President, I will go to Question 6.

Madam President: Next question? Next question Sen. Mark.

**NGC's Investment Atlantic LNG Train 1
(Advice to Government on)**

6. Sen. Wade Mark asked the hon. Minister of Energy and Energy Industries: Given that the National Gas Company's investment in Atlantic LNG's Train 1 involves hundreds of millions of dollars, can the Minister indicate on whose advice the Government relied to proceed with said investment?

The Minister of Energy and Energy Industries, Minister in the Office of the Prime Minister and the Acting Attorney General and Minister of Legal Affairs (Hon. Stuart Young): Thank you very much, Madam President. NGC as a Train 1 shareholder and in consultation with the Government, made the decision to invest in Train 1. This is to invest in the turnaround and maintenance of Train 1 in 2021, based on the most complete commercial information available with careful analysis of current and projected market conditions, and the potential long-term value to be derived for maintaining the operability of the facility.

NGC covered the entire cost for the turnaround and maintenance of Train 1 in 2021, based on the following:

1. The opportunity to utilize any uncommitted gas purchase from the upstream to keep Train 1 in operation rather than shut down the Train's operations;
2. NGC would be entitled to 100 per cent of the LNG produced, which would have provided the company with the opportunity to recover all cost remitted for the Train 1 (TAR) turnaround activities and make an upside margin, given the increase in LNG prices in 2021.
3. Investment in Train 1 equaled an investment in NGC's portfolio diversification, as the company has built a marketing and trading portfolio to independently sell its equity cargoes from upstream and

downstream investments in oil, natural gas liquids, methanol and LNG.

4. Natural gas is projected to have a major role to play in the future of the global energy sector due its low carbon output relative to other fossil fuels. This means that LNG will continue to be an important economic driver for Trinidad and Tobago well into the future. Seeking to maintain the operability of Train 1 ensures the country has maximum LNG production capacity to capitalize on current and future market opportunities; and
5. Consideration was given to the role of LNG and potential new market opportunities for Trinidad and Tobago in the evolving global energy landscape. The cost of keeping the Train available to accept gas to support its operations, and the need to keep the facility viable amidst ongoing unitization discussions, the outcome of which would have a bearing on the future of the Train.

Madam President: Sen. Mark.

Sen. Mark: Mr. Roberts wants to ask.

Madam President: Sen. Roberts.

Sen. Roberts: Could the hon. Minister say if this best advice that was received by NGC, having produced devastating results, is the Government, (a), still utilizing the services of those who have advised this decision against the other shareholders, and (2)—

Madam President: No, Sen. Roberts, you are entitled to—

Sen. Roberts: (b)?

Madam President:—one question at a time.

Sen. Roberts: One? All right, I thought it was (b). Thank you.

Madam President: Minister.

Hon. S. Young: Madam President, the question is misguided. There was no absolutely devastating result to NGC. In fact, NGC, as they will announce in their results very shortly, is very much in the profitability range. In fact, an interesting analysis—*[Interruption]*

Sen. Nakhid: *[Inaudible]*

Madam President: Sen. Nakhid, please. Continue Minister.

Hon. S. Young: I do not expect them to be able to understand.

In fact, one of the things that they will—an interesting analysis was done recently, that if in fact the gas that the downstreamers on the petchem side were not committing themselves to take at the time in 2021 had gone into Train 1, it would have resulted in billions of dollars in profitability to NGC as a result of the sale of the LNG cargoes. Of course, the global commodity markets changed, in particular ammonia and methanol. Whereas at the time prices were below \$200 a metric tonne for ammonia and methanol, right now prices for methanol are over US \$450 a metric tonne, and for ammonia over US \$1,000 a metric tonne. Therefore the petchem users of gas took the gas, rather than allow NGC the opportunity to run it through Train 1, which would have been profitable.

Madam President: Sen. Roberts.

Sen. Roberts: So hon. Minister, would you say, as you stated in the Senate, that TT \$233 million was lost on this advice and this decision, would you not consider that devastating, and if so, what figure would be devastating to lose on a decision?

Madam President: Sen. Roberts—

Hon. S. Young: 400 million in LifeSport.

Madam President: Minister please. Sen. Roberts, those two questions are not allowed. Is there any? Yes, Sen. Mark.

Sen. Mark: Madam President, can I ask the hon. Minister, in light of the moneys that were lost, over 200 million, can the hon. Minister indicate the contractors who would have been involved in this turnaround/maintenance project involving Train 1?

Madam President: Sen. Mark, that question is not allowed. Do you have any more?

Sen. Mark: Yes. Madam President, the Minister did make mention about the turnaround and the maintenance.

Madam President: Are you asking another question?

Sen. Mark: Yes. I am asking, through you Madam President—

Madam President: Yes.

Sen. Mark:—whether the Minister would be prepared to provide this Senate with any information as it relates to the contractors who were involved in this particular turnaround maintenance exercise. That is what I am trying to clarify.

Madam President: Minister.

Hon. S. Young: Thank you very much, Madam President. Atlantic LNG is a commercial outfit that is not owned by the Government of Trinidad and Tobago. I think that point needs to be made. NGC is a 10 per cent shareholder in Train 1 and an 11 per cent shareholder in Train 4. There are other shareholders involved. It is a private commercial entity and, therefore, that information is not within the Government's purview.

Madam President: Next question Sen. Mark.

**Shell/bpTT
(Inability to Supply Gas)**

7. **Sen. Wade Mark** asked the hon. Minister of Energy and Energy Industries:
Can the Minister advise whether Shell and BPTT, the largest natural gas

producers in this country, had informed the Government, since 2020, of their inability to supply gas to Atlantic LNG's Train 1?

The Minister of Energy and Energy Industries, Minister in the Office of the Prime Minister and the Acting Attorney General and Minister of Legal Affairs (Hon. Stuart Young): Thank you very much, Madam President. In accordance with the Train 1 gas supply contract, bpTT has historically been the only supplier of natural gas to Atlantic Train 1. In September 2020, bpTT met with the Ministry of Energy and Energy Industries on the following: Results of their infill drilling programme; constraints in gas supply; plans going forward; gas supply to Train 1 beyond December 2020 contract expiration.

While concerns were raised by the Ministry of Energy and Energy Industries, the matter was deferred to other ongoing negotiations and a firm decision was not yet divulged. In fact, what we had happen is as NGC believed they had found further supplies of natural gas in their portfolio that was then—shortly after the decision was made, bpTT then came forward and said they would not be able to provide another 100 million scfs, and took that out of the equation.

Madam President, it should also be appreciated that bpTT and Shell are the sole shareholders in Trains 2 and 3 of Atlantic LNG and, therefore, they would be the entities making money from Trains 2 and 3, whereas NGC would make money from Train 1. Gas could be supplied in reduced volumes to Trains 2 and 3 to allow gas to have been supplied to Train 1, allowing it to be preserved and used. But these shareholders, of course, profit more from putting their gas through Trains 2 and 3.

Madam President: Sen. Mark.

Sen. Mark: Can the Minister indicate to this House what were some of the factors or circumstances that influenced the belief, as he has described it, that the NGC

would have received gas for Train 1, Madam President?

Madam President: Minister.

Hon. S. Young: Madam President, I have actually answered that exact question on the last occasion I was here in the Senate. Sen. Mark had asked the same question. So just to put it back into context. At the time you had downstream petchem plants indicating to NGC, as far back as December 2020, that they had no commercial contracts for the taking of the gas from NGC that they were supposed to be supplied with. There were no contracts in place. They were negotiating those contracts. Those petchem plants indicated that they would not take the gas if they could not reach commercial terms. So, therefore, NGC in turn purchases gas from upstreamers on take or pay. So if they do not take the gas from the upstreamers, bpTT, Shell, EOG, BHP and others, it would mean they would have to pay for the gas nevertheless.

So at the time there was a potential availability of gas if these petchem firms, the ammonia and methanol producers, did not use the gas. As I just explained, the energy commodity markets changed, so whereas there were low ammonia and methanol prices, and the Point Lisas was saying they did not want the gas, of course when the prices went very high, they have taken every molecule of gas they can take at this time.

Madam President: Next question, Sen. Lutchmedial.

DNA Testing Labs (Details of)

28. Sen. Jayanti Lutchmedial asked the hon. Minister of National Security:

As regard the DNA testing lab at the Forensics Sciences Centre, can the Minister advise as to:

- (i) whether said lab has obtained international accreditation; and

- (ii) the total monies expended by the State on DNA testing at private laboratories during the financial year 2020-2021?

Madam President: Leader of Government Business.

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you, Madam President. In response to part (i) of the question, the DNA testing lab at the Trinidad and Tobago Forensics Sciences Centre has not obtained international accreditation. However, preliminary documents such as the terms of reference and request for quotations have been drafted.

Madam President, notwithstanding, through the use of external services, the evidence provided by the Forensics Sciences Centre has always been accepted without any legal challenge.

The response to the second part: The Trinidad and Tobago Forensics Sciences Centre as well as the Trinidad and Tobago Police Service did not expend any moneys on DNA testing at private labs during the financial year 2020/2021.

Madam President: Sen. Lutchmedial.

Sen. Lutchmedial: Minister, can you provide this Parliament with the names of the approved private labs to whom DNA samples could be sent to for testing?

Madam President: Sen. Lutchmedial, that question does not arise.

Sen. Lutchmedial: Minister, based on your answer, is it that no samples were submitted during financial year 2020 to 2021?

Madam President: Minister.

Sen. The Hon. C. Rambharat: Madam President, that is certainly not what I said. I said the Trinidad and Tobago Forensics Sciences Centre as well as the Trinidad and Tobago Police Service did not expend any moneys on DNA testing at private laboratories during the financial year 2020 to 2021.

Madam President: Sen. Lutchmedial.

Sen. Lutchmedial: Can the Minister indicate if the Trinidad and Tobago Police Service or the Trinidad and Tobago Forensics Sciences Centre is currently indebted to any private laboratories for DNA testing?

Madam President: Minister.

Sen. The Hon. C. Rambharat: Madam President, I am not in a position to provide that information.

Sen. Lutchmedial: Can the Minister—I have one more supplemental?

Madam President: You have one more.

Sen. Lutchmedial: Thank you. Can the Minister indicate what is the next step after the request for quotations, what is the next step in the process of accreditation for the Forensics Sciences Centre?

Madam President: I will not allow that question, Sen. Lutchmedial. Next question.

COVID-19 Virus (Testing Illegal Entrants for)

29. Sen. Jayanti Lutchmedial asked the hon. Minister of National Security:

Given the risk of exposure to COVID-19 posed to this country's population by persons who enter the country illegally, can the Minister advise as to what is the procedure for testing such persons arrested by the police?

Madam President: Leader of Government Business.

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, immigrants caught entering Trinidad and Tobago's borders illegally are taken to the nearest health centre for testing, and thereafter they are transferred to the quarantine facility where they undergo a routine intake procedure as well as monitoring by the County Medical Officer of Health.

Additionally, all undocumented or illegal immigrants detained by the police

for enquiries who exhibit flu-like symptoms, or who are the primary contact of a positive COVID-19 case are subjected to PCR testing.

Sen. Lutchmedial: Minister, can you indicate when illegal immigrants are taken to the health centre, whether the test performed is a PCR test or the rapid antigen test that is done at the health centre?

Sen. The Hon. C. Rambharat: Madam President, I am not in a position to indicate. I would not guess, but they are taken to the centre for testing and then transferred to a quarantine facility where they undergo a routine intake procedure, and they are monitored by the County Medical Officer of Health.

Madam President: Sen. Lutchmedial.

Sen. Lutchmedial: Minister, could you indicate how many quarantine facilities there are designated to holding illegal immigrants who are caught entering our borders, and where they are allocated?

Madam President: No. Sen. Lutchmedial, one question.

Sen. Lutchmedial: Guided, Madam President. How many facilities are there?

Sen. The Hon. C. Rambharat: Madam President, I am not in a position to provide that information.

Madam President: Sen. Mark.

Sen. Mark: Madam President, can I ask the hon. Minister if he could provide the answers to these questions in writing at a subsequent sitting? Because I know they have placed in a position where you cannot answer properly because you are not the Minister. But, Madam President through you, I would like to ask the hon. Minister if he can be so kind to make available in writing at the next sitting?

Madam President: Minister.

Sen. The Hon. C. Rambharat: I will have to guess what response Sen. Mark is referring to.

Sen. Mark: I am referring to two responses to the question that was raised, and you did confess you were unable to answer. I am just asking if you can make in writing, put in writing, the responses in time for the next sitting of the Senate. That is all I am asking.

Sen. The Hon. C. Rambharat: Thank you very much. Madam President, before I undertake to do so, I would just say that my response was not necessarily because I do not have access to the information or if it is not available. The question is so far—the supplemental is so far from the original question that it is inconceivable that I could have that information here with me. But, having said that Sen. Mark—

Sen. Mark: [Inaudible]

Sen. The Hon. C. Rambharat:—having said that, I undertake to provide the responses to the two supplementals in writing.

Madam President: Sen. Lutchmedial.

Venezuelans Detained at Mayaro Police Station (Details of)

30. Sen. Jayanti Lutchmedial asked the hon. Minister of National Security:

Can the Minister advise whether any Venezuelan nationals who were detained at the Mayaro Police Station during the month of September 2021 tested positive for the COVID-19 virus?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, in September 2021, 34 Venezuelan nationals were apprehended as a result of their illegal breach of the country's borders and illegal entry. They were temporarily detained at the Mayaro Police Station, then they were transferred to the quarantine facility at the heliport in Chaguaramas. All of the Venezuelan nationals were administered PCR tests on the day of the arrest, and one person tested positive for COVID-19. Thank you.

Madam President: Sen. Lutchmedial.

Sen. Lutchmedial: Can the Minister indicate, subsequent to that positive test how many officers of the Mayaro Police Station were placed in quarantine?

Madam President: Sen. Lutchmedial, that question does not arise.

Sen. Lutchmedial: Can the Minister indicate then how long those 34 nationals who were detained at Mayaro Police Station, how long they spent at the Mayaro Police Station before being transferred to the heliport?

Madam President: Sen. Lutchmedial, that question also does not arise.

Sen. Lutchmedial: That is it, Madam President.

Sen. The Hon. C. Rambharat: Thank you very much.

2.00 p.m.

[Crosstalk]

Madam President: May I ask—please. Please, take your seat. Please take your seat, Sen. Nakhid. Sen. Lyder, please take your seat. If you are leaving the Chamber, can you do so quietly? There is no need for that—what I am hearing from you. Can you just leave please? Sen. Lyder—Sen. Nakhid, please take your seat. Sen. Lyder, please, I ask you to leave quietly and I ask you, please, to do so without saying anything to the Chair. Sen. Vieira.

Sen. Anthony Vieira: Thank you. Madam President, I beg to move the following Motion standing in my name:

**CODE OF ETHICAL CONDUCT FOR SENATORS
ESTABLISHMENT OF A SELECT COMMITTEE**

Whereas all Senators have a duty to uphold the dignity, discipline and decorum of Parliament and defend it against disrespect;

And whereas failure to uphold the dignity of Parliament, by disregarding its rules, by using unparliamentary language, by disobeying and ignoring the

authority of the Presiding Officer, diminishes and erodes public confidence in said institution;

And whereas conduct calculated to obstruct, intimidate or impede Members in the discharge of their duties is a breach of privilege;

And whereas all Opposition Senators who were present at the meeting of the Electoral College on October 21, 2021 made abusive and malicious assertions; imputed false and improper motives, and cast negative reflections on the character and impartiality of all Independent Senators during said proceedings of the Electoral College, and in the media;

Be it resolved that this Senate censure the unparliamentary conduct of said Opposition Senators who by threat or molestation have attempted to obstruct, impede, influence or interfere with said Independent Senators in the performance of their duties;

And be it further resolved that a Select Committee be established to consider and report on a code of ethical conduct and behaviour for Senators.

Before getting to the substantive Motion, it is important at the outset to be clear about four things. First, I have nothing against the UNC Opposition. This is not about choosing between red, yellow or any colour. I am the same towards all. I neither dislike nor favour any political party. This is about Trinidad and Tobago and taking a stand on behalf of Parliament. The outcome of this Motion should stand as a warning that unparliamentary behaviour is unacceptable. Having said that, it is indisputable that the Opposition went for their guns to shoot me and the other Independents, and then conveniently arranged themselves into a circular firing squad. They have every right to be concerned, because if the Senate wants, they can all be suspended, even expelled. But that is not what I

am asking for. When I speak of censure, all I am asking for is for the Senate to collectively express its disapproval and condemnation of unparliamentary conduct. To be clear, I am not calling for anyone's suspension or expulsion.

Secondly, this Motion was avoidable. When Ria Taitt sought my views regarding the tumultuous sitting of the Electoral College—memorable for all the wrong reasons—I was angry. In fact, I was furious but I had not committed to taking this step. Resolve came after the Opposition noise machine began heaping insult onto injury.

Thirdly, it needs to be remembered that unlike Government and the Opposition, Independent Senators do not comprise a party. We are nine separate and distinct persons. We do not caucus. We are not a team. We stand alone. So when caught in the crosshairs of political parties and partisan interest groups, save for our immediate family and closest friends, there are not many we can count on for support. We suffer, we take our blows alone.

And fourthly, it is important not to confuse this Motion which deals with unbecoming conduct with a now extinct Motion to remove the President. The two matters are separate and distinguishable. This Motion is concerned with upholding the dignity of Parliament. It is concerned with ensuring a safe zone for Senators to conduct parliamentary business without molestation.

Hon, Senators, there are two resolutions falling for consideration when voting on the Motion. First, whether to censure the Opposition for unparliamentary conduct. And secondly, whether we should consider the establishment of a code of ethical conduct and behaviour.

There are three aspects of unparliamentary conduct that bear particular attention. First, when Opposition Senators failed to uphold the dignity of

Parliament and brought it into disrepute by disregarding and disrespecting the Speaker during the sitting of the Electoral College.

Secondly, when Members of the Independent Bench were molested by Opposition Senators during that sitting.

And thirdly, after the sitting when Opposition Senators and their agents molested Members of the Independent Bench by making abusive and malicious assertions, by imputing false and improper motives and by casting negative reflections on us in the media.

Turning now to unbecoming conduct in relation to the Speaker. Senators Nakhid and Roberts as former sportsmen both know that if you fret with the ref after he has made his call, if you challenge the ref's decision, if you insult the ref, you can get a red card and be sent off the field. When the rules of the game are broken you are not allowed to continue playing, you must leave the pitch. The same applies where the Presiding Officer is concerned. Now, I am not going to belabour the law because all of us here are deemed to know that the Presiding Officer represents the authority and the embodiment of Parliament.

Hon. Members: [*Desk thumping*]

Sen. A. Vieira: In her guidelines the Speaker made clear that the Motion of the Opposition leader would not, would not be re-read and this was reiterated in her rulings. Now, whether one agrees or disagrees with the Speaker's guidelines and rulings, her authority is final and must be respected. Moreover, it is a notable act of contempt to cast negative reflections on the Presiding Officer whether expressly or impliedly.

According to *Hansard*, and this may be an opportune time to remind Members that where are matters are memorialized in *Hansard*, no investigation

is necessary. As the official report, the official record of what occurred, its validity is beyond question. A reading of *Hansard* reveals how Senators Nakhid, Roberts and their Opposition colleagues disregarded the Speaker's rulings and reflected negatively on her authority. At page 12, Sen. Roberts:

“Madam Speaker, please, I would like a response. Maybe I am talking too softly because I do not have a mike. I would like to know about what I am about to vote on. I was not privileged to be in other place. I have not heard the Motion. I would like the Motion read for the benefit of all hon. Senators present so that we can vote properly on what we are hearing.”

At page 17:

“Madam Chair, are you hearing me? I am not hearing.”

At page 18:

“I would like to know what to vote on please. Could you rule, please? This is a very serious issue. I cannot hear the Motion, I have not heard the Motion and you are not responding or ruling, Ma dam Chair.”

At pages 23 and 24:

“Why the Speaker's mike is on?

Turn off 'de Speaker mike!”

At page 25, Sen. Mark thunders:

“This is a death to democracy.”

Really? I am so disappointed with Sen. Mark. I expected more from a former Speaker who espouses how much he cherishes Parliament as an institution.

At page 27, Sen. Lyder:

“Madam Chair, we in the Opposition Senate have not had the luxury to have heard our Leader deliver the Motion. So you have reduced us to having to

toe the line with those in the Lower House and we have not been able to hear them vote here today so we do not even know what we voting—”

At page 29:

“Can somebody—I could not hear, but somebody down here seem to say what the vote was because I have to toe the line...We did not hear our leader speak today.”

At page 15:

“Madam Chairman, these guidelines have been foisted upon us and the manner in which we are proceeding here today is unconstitutional. Madam Chair, it is a breach of our democracy.”

Not my words. And here we have Sen. Nakhid at page 4:

“This is the most undemocratic proceedings we have ever seen in the Parliament of Trinidad and Tobago.”

At page 11 he tells the Speaker:

“We do not agree with your guidance.”

And at page 17:

“Madam Chair, your ruling, your guidelines ‘has’ indicated—...of the citizens of Trinidad and Tobago, that you need to show more impartiality to the citizens of Trinidad and Tobago and to this honourable Parliament. But you are not doing that, Madam Chair, and we will not allow you as the Opposition of this country to so do.”

Really? Page 27:

“Madam Chair, you singularly ‘has’ brought that Chair into a position of ridicule today.”

You would tell a ref that? Let us now consider whether the Opposition’s

behaviour at the Electoral College was an affront to the decorum and dignity of Parliament thereby bringing it into disrepute.

Now, I acknowledge that the adversarial nature of parliamentary proceedings allows for a level of boisterous banter but there is a line to be drawn between what is acceptable and what is unbecoming conduct. The realities of the situation plainly reveal that the Opposition did not just cross the line, they went deep into forbidden territory. And this occurred in full view of everyone. Not just those of us who were present physically on the day but the country, the world because the sitting was broadcast live, there were repeat broadcasts and it is available online. There is little room for doubt that the cacophony that day, and cacophony is the absolutely right word, when you look at the definition of cacophony: blare, clamour, din, strident noise and loud confusing disagreeable sounds. The cacophony that day constitutes disorderly and unbecoming conduct which is both a breach of privilege and the contempt of Parliament.

Now, I have since been contacted by Ambassadors, judges, and MPs from other Parliaments who could not believe what they were seeing and what they were hearing. Attempts to label the Chair, persistent disregard for the Chair's authority and disorderly and unbecoming conduct on the part of the Opposition. They commiserated with me about the depths to which our Parliament long regarded as a shining light throughout the Caribbean and the Commonwealth, the depths to which our Parliament seems to have fallen.

Citizens have also contacted me, many expressing disappointment and dismay at the Opposition's Vaudeville theatrics. Sen. Mark's pantomime of holding up a sign while melodramatically pressing the mike button for the light

to come on. Others pretending not to know what they are voting on. All playing a part in the charade whether by booing, heckling, thumping their desks loudly and repeatedly interrupting the proceedings. Our esteemed Parliament had been reduced to parlour games and a comedy show.

What grieves me is that a schoolteacher had assembled her students to watch the historic event. What they saw, what they heard was excruciating. The example shown by the Opposition to impressionable children was one of disobedience, rudeness and disrespect.

Madam President: Sen. Vieira, I just need to caution you on the Motion at hand. Yes.

Sen. A. Vieira: Thank you. I will be guided. Thank you. We have hit rock bottom when a child asks her teacher, “Miss, will they get detention for what they are doing”?

Turning now to the Opposition’s molestation of the Independent Bench. Again, it goes without saying, because we are all deemed to know that to molest Members on account of their conduct in Parliament is a contempt. Particulars of law, particulars of the parliamentary practice they will be found in May’s *Parliamentary Practice*, Twenty-Fourth edition at page 262 under the rubric “molestation, reflections and intimidation”. It is a contempt whether by assault, by insulting or abusive language, by written imputations or by inciting the readers of newspapers. It is also a breach of the Standing Orders to use offensive and insulting language about Members of either Chamber. To make an imputation of improper motives against any Member or to make an offensive reference to a Member’s private affairs.

Now, before getting to specific acts of molestation, a point to take notice

of is that, as recognized by the Wooding Constitution Commission, the Independents represent a wide cross-section of interests and are called upon to examine proposed laws from our special viewpoints. Our duty is to thoroughly explore the good and bad features of legislation and to speak and vote on matters without fear or favour. A reading of the record provides clear evidence of acts of molestation and the imputation of improper motives by Opposition Senators against Members of the Independent Bench during the sitting of the Electoral College. When Sen. Teemal casts his vote, Sen. Roberts shouted:

“Yuh jess like dem—...PNM.”

When Sen. Thompson-Ahye cast her vote, Sen. Roberts proclaimed:

“She should go up fuh Port of Spain South.”

When Sen. Welch cast his vote, the refrain from Sen. Roberts was:

“Singing fuh yuh supper. Dis country sweet too...”—bad. “Sing fuh yuh supper.”

He was not being complimentary about Sen. Welch’s singing. He was making a derogatory jab to the effect that he was voting on behalf of someone else in order to get something in return.

Now, I could just tell you, having been appointed to this bench by two Presidents including a President when the Opposition was in power, let me put on record that neither President has ever contacted me, has ever asked me to speak, to vote on anything in any particular way. They do not do that. When Sen. Dillon-Remy cast her vote, Sen. John shrieked:

“PNM.”

This after having apologized to Sen. Dillon-Remy and the Independent Bench on the 13th of December, 2020, for certain remarks which were widely reported

in the newspaper following passage of the procurement Bill. I will let history judge whether Sen. John was sincere or not when she advised that at no time did she mean any harm, ill will or disrespect to any Independent Senator and by extension the Senate. But it was Sen. Seepersad who suffered the most. Once again Sen. Roberts leading the charge of the noise brigade. As her name was called, Sen. Roberts stood up to question whether she should recuse herself. Undaunted by the Chair's rulings he persisted:

“Madam, respectfully, I would like to know on this vote about independence, if Independent Sen. Seepersad, if this issue involves her sister, should she recuse herself from this vote? [...*desk thumping*]”

Now, while some Members of the Opposition Bench were more prominent with the heckling and the insults, all were involved in the charade whether by booing, pounding the tables and adding to the general cacophony, all engaged in the conduct amounting to an improper interference with the free performance by Members of the Independent Bench. Whether done collectively or singly, this amounts to molestation.

To the commentator who suggested that this may just have been picong, let me say that picong and good natured heckling between friends is not meant to traumatize.

[Device goes off]

Madam President: One second. Can I ask the Member whose device that is, to leave the Chamber. You can return in 10 minutes. Continue, Sen. Vieira.

Sen. A. Vieira: Traumatize is the only word I can use to describe the effect of the Opposition's behaviour on Sen. Seepersad. As a person who walked Sen. Seepersad to her car after the event, I can tell you, she was fearful, anxious,

confused. There is a big difference between experiencing something and just witnessing it. To suggest that this was picong is to materially mis-describe the entire situation. We need to recognize the behaviour for what it was. Unparliamentary conduct intended to insult, embarrass and obstruct Independent Senators whilst performing our duties as Members of the Electoral College. It was behaviour intended to disrupt the proceedings. It was behaviour intended to cower and to bully Members of the Independent Bench. Well, I believe we must stand up against bullies and fight back.

Hon. Members: [*Desk thumping*]

Sen. A. Vieira: Besides attempting to bully the Independents on how we should vote, all the putdowns, the boos, the insults and the attempts to devalue us, they all hang on the same thread. The imputation that we are not independent. This is both a breach of privilege and a contempt of Parliament. And it was not just Sen. Seepersad who was traumatized by the day's events, there were all levels of trauma. It would have been traumatic for the Speaker valiantly trying to maintain order whilst not taking the bait to remove anyone from the House, lest it trigger a walk out and more grandstanding. It was traumatizing for the Independents, none of us expected to be made into a piñata and publicly humiliated. And it was traumatizing for the Clerk of the House and the parliamentary staff. Madam President, it was traumatizing for the country.

Hon. Members: [*Desk thumping*]

Sen. A. Vieira: Regrettably, the bullying and the molestation of the Independent Senators did not end after the sitting of the Electoral College. For speaking truth to power and questioning whether her ill-fated Motion to remove the President was doomed to fail, the Leader of the Opposition unleashed her

supporters to rain political blows on me and on the Independent Bench. Really? In the same breath as the Opposition bemoans the death of free speech, they demean and diminish the Independent Bench in connection with their parliamentary conduct. Really! Is the Opposition blind to the contradictions between their walk and their talk?

Madam President: Sen. Vieira, I just want to caution you about the Motion that is before us which is dealing specifically with the Opposition Senators.

Sen. A. Vieira: Yes.

Madam President: Okay? So there is a distinction between—

Sen. A. Vieira: Yes.

Madam President: Okay.

Sen. A. Vieira: Thank you. Madam President, I am referring to molestation, acts of molestation in the media but it was not just the Opposition Senators. It was also by the Opposition's agents and that too would constitute a breach of privilege, if I may.

Madam President: I hear you but I know what the Motion is. But you have to remember what the Motion is calling for.

Sen. A. Vieira: Yes.

Madam President: And therefore, you also have to remember that the Standing Orders as it relates to Members of the other place will still apply. Okay?

Sen. A. Vieira: Yes. Well, I will just say that as to whether this Motion is frivolous, vexatious, baseless and without merit, let us see how the Senate votes. Before looking at and the abusive and malicious assertions, the imputation of false and improper motives and the negative reflections put out by the Opposition in press releases—by the Opposition Senators in press releases and

on social media, it may be helpful to develop some background.

First, may I point out that time and again both during debate and at joint select committee meetings I make it a point to offer words of encouragement and support to Members of the Opposition Bench. I do not do this for thanks, to ingratiate myself with the Opposition Bench or with any expectation of reciprocity. That would be a hope in defiance of all historical precedent. I do it as all preceders like me are wont to do because I value the importance of an effective Opposition. And it should be noted that on the occasions when I have taken a different position with the Government, no one on the Government Bench has ever accused me of bias or of being a UNC. Now, I have a list of international cases on privilege which I am happy to share or expand on in my reply but I would just refer to two, one local and one foreign.

2.30 p.m.

On the 8th of June, 1955, the Australian Committee of Privileges found two members guilty of a serious breach of privilege for publishing articles in the newspapers intended to influence and intimidate another member. Close to home, in 1993, the Committee of Privileges suspended Senators Capildeo and Hosein for publishing statements in the media found to be in breach of parliamentary privilege. In their concluding paragraph the committee stated that, and I quote:

“The Senate can only function when its dignity is upheld by all Members and its rules followed. Your committee considers this matter to be of grave concern to this House and to all who cherish and respect this institution.”

Let us now explore some of the cynical and disrespectful comments

emanating from Opposition Senators and their agents, including the increasingly strident calls for my appointment to be revoked as this debate grew closer. I am not worrying with Sen. Roberts who is one to attack me on social media. We do not to oxygenate his comments as there is already enough evidence against him. Suffice it to say that the loudest voice in the room is often the weakest voice in the room.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira: In the *Newsday* dated 07 November, 2021, the Member of Parliament for Naparima is reported to have called on the President to fire the entire bench of Independent Senators for voting against the Opposition Leader's Motion which was defeated 47 to 24. That was blowback for filing this Motion. It was an attempt to demean the Independent Bench in the eyes of the public by questioning the basis upon which we are chosen, begging the question, why the Government appears always assured of getting Bills passed in the Senate. The MP also imputes improper motives.

In the *Newsday* dated 01 November, 2021, the Opposition's PRO in a guest column fulminates that:

“These so-called independent senators want to play the role of the good colonials in dress-up. They apparently think democracy is a tea party or a march-past.”

But besides being condescending, the Opposition's PRO imputes improper motives when he suggests that the Independent Bench engaged in:

“...‘bad behaviour’...—by covering—“up misbehaviour in public office...”

And he cast negative reflections where he asserts:

“Scratch beneath the surface of this so-called elite and you see the real bad behaviour.”

In a media release to all editors dated 23 October 2021, Sen. Nakhid denounces Sen. Richards and me as:

“...Crusaders of old...”

He scolds my comments as:

“...hypocritical, well-clothed incivility that passes for independence...”

And he advises Sen. Richards that:

The fish market stench that he was complaining about may have been coming from his own stall.

In a letter dated 24 October, 2021, released into the public domain, Sen. Lutchmedial castigates me for, and I quote:

Displaying—“...wilful ignorance...”

And:

Not being able to spot—“...the difference in...”—certain—“matters...”—which would have been—“obvious to a first year law student...”

I am chastised for having:

“...adopted...”—a—“PNM style of attacking members of the Opposition with baseless and unsubstantiated accusations delivered with aristocratic condescension.”

Is that not something? They behaved badly and when you call it out for what it is, they put you on trial. Classic abuse, classic bullying behaviour and blind to the gap between espoused values and their actions. I do not know if Sen. Lutchmedial thinks she scored points with her public remarks but quite frankly, I think she only embarrassed herself because a number of senior practitioners

have since called me expressing outrage at her statements. And two judges from the Court of Appeal have sent WhatsApps critical of her rudeness. One judge saying that I was treated in an uncivil manner by a Senator who as a junior attorney should have tempered her language, and the other expressing horror at the lack of decorum and civility of parliamentarians. When one starts attacking people instead of ideas, it is a slippery slope.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira: If the Senate agrees that these writings impute improper motives, were calculated to belittle the Independent Bench in the conduct of our parliamentary duties, and in my case, were intended to deter me from proceeding with this Motion, they constitute acts of molestation and should be condemned.

It is sad. It is sad when one has to bring a Motion calling on parliamentarians to uphold the dignity, discipline and decorum of Parliament, and defend it against disrespect. It is sad. It is sad when for carrying oneself with pride and dignity and for assuring courtesy and civility, one is characterized as colonial and an elite. Are we on a race to the bottom where incivility is paraded as a virtue? Clearly I lack an appreciation of the finer points of bad behaviour. But I am not alone, others share similar concerns. Consider, for example, the recent suggestion from the Hindu Women's Organisation that it may be time to replace the watchword "tolerance" with the word "respect" in our national motto. If we compromise respect and appropriate behaviour over the sake of our politics we are lost, which leaves us to the resolution calling for a code of ethical conduct and behaviour.

A code of ethics is nothing new. Precedence will be found in the Legal

Profession Act, the Mediation Act, the Architecture Profession Act and Urban and Regional Planning Profession Act. The Inter-Parliamentary Union and the Commonwealth Parliamentary Association both recommend having a code of ethics and conduct which will allow parliamentarians to demonstrate high standards of ethics consistent with our important public interest roles which will deter and sanction unethical behaviour by parliamentarians and which will enhance the public's level of trust in the democratic political system.

Ethics and good conduct are not old-fashioned values, they are rooted in pragmatism. It is not about being too nice or about being good colonials in dress up or about thinking democracy is a tea party. It is about building and maintaining a culture which encourages healthy conflict. If parliamentary debates, based on the adversarial system, are to work effectively, there must be healthy conflict and adversarial integrity which allows for a grown-up conversation and constructive debate, no matter how politically charged, sensitive or awkward the situation. No Senator should feel unsafe when voting on a position and expressing a view. Because when Senators are made to feel unsafe, they may hold back on useful opinions. And when that happens, when important contributions are bottled up, it is the country that suffers. Parliamentarians must have the confidence to be themselves knowing that we will debate ideas; we will debate ideas instead of being subjected to ad hominem attacks and knowing that the Presiding Officer can keep us safe when presenting new, challenging and controversial ideas.

A code of ethics will go a long way towards eliminating behaviours which are self-defeating and ineffective. But whether a code of ethical conduct and behaviour for Senators is established or not, my insistence on higher standards

remains non-negotiable. I am not going to sit here and be an idle spectator to the subversion, to the diminution of the discipline and decorum of this Parliament, and neither should you. I beg to move.

Hon. Senators: [*Desk thumping*]

Madam President: The Motion requires a seconder.

Sen. Richards: Madam President, I beg to second the Motion and reserve my right to speak at a later stage.

Question proposed.

Madam President: The Acting Attorney General.

Hon. Senators: [*Desk thumping*]

Madam President: Acting Attorney General, I remind you that you have 40 minutes.

The Minister of Energy and Energy Industries and Minister in the Office of the Prime Minister and Acting Attorney General and Minister of Legal Affairs (Hon. Stuart Young): Thank you very much, Madam President. Madam President, I usually start my contributions in the Senate saying what a pleasure it is to be given the opportunity to contribute. Today is a day with a bit of a difference. I would like to start by just placing on record what can only be described as a continuation of the complete disrespect, not only for the Members of this honourable Senate, but for the citizens of Trinidad and Tobago this afternoon—

Hon. Senators: [*Desk thumping*]

Hon. S. Young:—in what I have just witnessed with a level of surprise, disappointment and disgust to be honest. I have just witnessed at the beginning of this most important Motion by an Independent Senator, a walk out of the whole Opposition Bench, save for the Leader, Sen. Mark. And I want to start by putting

that on record and putting that into the context, that I ask the population as they look on at the debate this afternoon, that can be the starkest reminder of the complete lack of disrespect—the complete lack of respect by those Members, not only to their colleagues in this House but to the population of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Hon. S. Young: And I think it important even though, Madam President, you just referred to it, just to let the population know the very carefully chosen words of Sen. Vieira in his Motion that we are here to address this afternoon. Because as I read it, a lot things and—emotions welled and things struck me, and then also listening to the contribution of the mover of the Motion, Sen. Vieira, it reminded me of that dark day that has gone down in our history that I will come to in a short while.

So starting with the Motion that we are here today to deal with, Madam President, that:

“...all Senators have a duty to uphold the dignity, discipline and decorum of Parliament and defend it against disrespect.”

Well-chosen words. And no sensible person, certainly no sensible citizen of Trinidad and Tobago can disagree with that opening verse.

“*And whereas* failure to uphold the dignity of Parliament, by disregarding its rules, by using unparliamentary language, by disobeying and ignoring the authority of the Presiding Officer, diminishes and erodes public confidence in said institution;”

Very true. And unfortunately, we are seeing in recent times that that has become the playbook, the modus operandi of the Opposition; attack, denigrate, attempt to destroy institutions. We were seeing it. It has been a long run up. But to

see what happened on that day of October 21st and the behaviour that I witnessed first-hand that I will recount for the population here today, it meant that they had brought that behaviour into, not only the House, not only the Senate, but a joint sitting of something called the Electoral College. And it is indefensible, unjustifiable and despicable behaviour that we witnessed there on the 21st October, but also that we have witnessed once again in the repeat of the playbook with the disrespectful walk out by all of these Opposition Senators, save for Sen. Mark who has stayed behind. And as a citizen of the Republic of Trinidad and Tobago, I denounce that behaviour and call on all citizens—

Hon. Senators: [*Desk thumping*]

Hon. S. Young: —all right-thinking, civic-minded citizens, if you do not stand up now for what is right with a body of persons not elected but selected, known as Independent Senators, then God help us as to what is going to come down the road. Because, you see, unless we take stands along the way at important moments in our country's history, we would have missed the opportunity to let those who have no interest in country but only self-serving agendas of trying to destroy what they are not in charge of pass by, one morning we will wake up and it will be too late.

To share a personal view, Madam President, if you would allow me. Before I got involved in this world of politics, growing up, the body that I looked up to and I respected and I understood, coming from a household where little on politics was discussed, was this body that resided in the Senate called Independent Senators. And I can confess here now that as a young boy in school, one of the aspirations that I had was to be recognized as an Independent Senator one day. And the reason for that, as I will get into the Constitution in a short while, is because Independent Senators are chosen by the President of the Republic of Trinidad and Tobago as being exemplars of what we as citizens should look up to be. And to

have that body of Senators who are all individuals, let us not forget that, all citizens of Trinidad and Tobago and individuals with persona, with feelings, with families, to witness what I witnessed on the 21st October in a shocking, distasteful, disgusting attack on every single one of the Independent Senators chosen to represent the citizens' views and to speak for those who may have no voices, those outside of the political realm, it disturbed me.

And to listen this afternoon to the mover of this Motion describe and to hear the passion and the emotion in his voice as he recounted what took place, I place on the *Hansard* here this afternoon, as a citizen of Trinidad and Tobago, that I remain disgusted with the Opposition's behaviour, I denounce their behaviour and they should be severely censured. I heard the Independent Senator say he is not asking for a censure of their removal from the Senate and no one is asking for that, although sometimes I think it should happen. I looked on in the recent days, over the weekend, if I remember correctly, at an Opposition press conference, once again launching attack on the same Independent Senators and the mover of the Motion in particular. They learn nothing. They change nothing. They do nothing to promote the Republic of Trinidad and Tobago, but spew destructive behaviour.

Madam President, what we are here today to deal with is:

“...conduct calculated to obstruct, intimidate or impede Members in the discharge of their duties in breach of a privilege;”

I listened to Sen. Vieira use two words repeatedly and it bothered me. Those two words he used to describe what the public needs to take note of and what the public has been witnessing for some time now, and what he, the Independent Senator Vieira, and others on the Independent Bench have described their feelings as, he used the word “molested”, he used the word “abused”. For any human being to have a cry out that another's behaviour is molesting or abusing them, we have to

take note. We used other words that I will get into in a short while because I agree with him fully. I had it in my notes prepared to come and speak about today, this bullying behaviour by complete cowards who have left the Chamber here this afternoon.

Hon. Senators: [*Desk thumping*]

Madam President: Minister. Minister, I have to caution you. I ask you to temper your language a little bit and I would ask you to withdraw that last description of Members of the Chamber, please.

Hon. S. Young: They are not in the Chamber, Madam President.

Madam President: Minister, they are Members of—

Hon. S. Young: I withdraw the use of the words that I just said.

Madam President: Yes, thank you.

Hon. S. Young: Thank you very much, Madam President. You see, to put it in context, on the 21st of October, the Opposition brought a Motion seeking to commence an impeachment on Her Excellency the President in accordance with section 36 of the Constitution and that is what began the start of that dark day and that moment in our history and our history as a House that I wish we could rewrite.

And I would to start by just reminding persons, because I am going to refer to it, of the importance of the Constitution of Trinidad and Tobago. Section 2 of the Constitution says in the clearest possible language:

“This Constitution is the supreme law of Trinidad and Tobago, and any other law that is inconsistent with this Constitution is void to the extent of the inconsistency.”

And persons would recall the history that gave us this Republican Constitution, and the men and the women who drafted it and where they went to get us out of the colonial realm, and that this Constitution would be the body of law that led us

forward and continues to lead us to today, and I am using it to describe the importance of what happened on that day. So let us start with section 35 of the Constitution because it is important that the country remembers the attempt to remove Her Excellency the President. Section 35 of the Constitution sets out very carefully and expressly the limited circumstances in which:

“The President may be removed from office...

She— “...wilfully violates any provision of the Constitution;

She—“...behaves in such a way as to bring her office into hatred, ridicule or contempt;

She—“...behaves in a way that endangers the security of the State; or “because of physical or mental incapacity...”—she—“is unable to perform the functions of...”—her—“office.”

I list that out so the population, through you, Madam President, would know and understand clearly what it was we were all brought there on the 21st of October to decide. Because, you see, the accusation unfairly and disturbingly made against the Independent Senators is because they each took a decision on that day of the 21st of October and in the Electoral College not to support the removal or the moving forward towards an impeachment process to remove Her Excellency the President. They were then accused, branded, ridiculed, attacked and in the words of the Independent Senator, “molested” and “abused” for exercising what can only be their constitutional rights but also their decision that nothing that was before them on that day in a Motion brought no less by the Leader of the Opposition surmounted the level that I have just described to go forward with the removal of Her Excellency the President. And there is no civic or right-minded citizen in this country knowing what we in the population know that would have exercised a vote otherwise.

We then move, Madam President, to the *Hansard* of what happened on the 21st of October. And in going through the *Hansard* of what started in the House of Representatives, it brought back not only my displeasure but my complete embarrassment for those who participated in what can only be described as destructive, disrespectful behaviour on that day to the Presiding Officer and to the citizens of Trinidad and Tobago. In reading the *Hansard* of what happened in the House on the 21st of October, it reminded me, an accusation of bias was made against the Speaker and another. And in the Speaker's attempt to respond to that, as the Standing Orders set out, via an announcement, at every moment that the Speaker attempted to speak, she was disturbed by the whole bench of the Opposition. And I want the population, respectfully, to throw their minds, cast their minds back to that disaster and the disrespect shown and meted out to the Speaker.

We then voted and we moved to the introduction of something known as the Electoral College. The behaviour that was displayed prior to that—and just to give the population some context so they understand what then takes place in the Electoral College. Prior to every Member of the House of Representatives and every Member of the Senate coming to the Electoral College on the 21st of October, we were all individually provided with a copy of the Motion of the Leader of the Opposition. Every single Senator, every single elected Member of Parliament received individually a copy of the Motion that the Leader of the Opposition assembled us for under section 36 of the Constitution to deal with that day. The importance of that and the understanding of that is to put in context what happened next.

Even before we got to the Electoral College, the Leader of the Opposition was permitted the opportunity, according to the Standing Orders and the

guidelines, to present the Motion. That is all the Constitution allowed. And the Opposition Leader read out the Motion that we were being called upon as an Electoral College, according to a constitutional process, to deal with. That is the second opportunity for every Member to know what we were being brought to the Electoral College for. For those who do not know, the Electoral College provision is set out very clearly here in the Constitution and it is at section 28(1) of the Constitution. Section 28(1) of the Constitution states:

“(1) There shall be an Electoral College for the purposes of this Chapter which shall be a unicameral body consisting of all the members of the Senate and all the members of the House of Representatives assembled together.

(2) The Electoral College shall be convened by the Speaker.

(3) The Speaker shall preside as the Chairmen over the proceedings of the Electoral College and shall have an original vote.”

I took the time to remind us where the Electoral College comes from and the composition. And for the population to understand that the framers of our Constitution saw the gathering of both the House and the Senate and the Presiding Officers, both the President of the Senate and the Speaker of the House, coming together as a unicameral body for important decisions, including a decision as to whether you should trigger the impeachment of a president. It is not something that happens very often. It should be something that we all as Members see as a privilege and an opportunity to participate in because the framers of the Constitution saw it so important that they wanted us all to get together, and on that day, we assembled.

3.00 p.m.

Sen. Vieira has taken the time to go through the *Hansard* report of what took

place when we assembled as the Electoral College on the 21st of October. And the *Hansard* does not do it justice as it cannot be expected to do justice. As he said, the country looked on, the world looked on, but when I went back and I looked at some of the replay on the cameras, unless you were present in the Chamber that day you would not have a proper appreciation and an understanding of the abuse, the molestation and the disgraceful behaviour that was displayed by the whole Opposition Bench on that day. But today we are here to deal with the Senators—

Sen. Mark: Madam President, 46(6). And I would like you to rule also on the fact that the speaker is referring to the Opposition, when the resolution is very clear. We are not talking about the Opposition, we are talking about six Senators, that is the resolution. So he could stick to that but do not incorporate the entire Opposition because they are not here to defend themselves.

Madam President: Acting Attorney General I had pointed that out to Sen. Vieira when he was moving the Motion, that the Motion is about the six Opposition Senators in the Chamber. I have given you a little latitude to build, to give context to your contribution, but I will remind you of that as you move on.

Hon. S. Young: I am guided, Madam President. I smiled when Sen. Mark said that they are here to defend themselves, because I do not see Sen. John; I do not see Sen. Lutchmedial; I do not see Sen. Nakhid; I do not see Sen. Lyder and I do not see Sen. Roberts here, because they took a decision to disrespect once again—

Hon. Senators: [*Desk thumping*]

Hon. S. Young:—the Senate when they left. And, Madam President, importantly in the Motion we must examine, respectfully, the conduct calculated to obstruct, intimidate or impede Members in the discharge of their duties. Unfortunately, that conduct that is very calculated to obstruct, intimidate and impede Members is not restricted to the Opposition Senators alone. But I move on and I will make the

point in another way.

So the Electoral College gathered on that day, the 21st of October and you see it from the start. The first thing you do at a gathering of the Electoral College is something called “roll call”, that every child starting school would be accustomed to. They call your name and you say present or not present. So we go through the list of who was present and as we hit the six Senators led by Sen. Mark this is what happens. So it is the clerk of the Electoral College:

“Madam Clerk: Mr. Mark.”

His response—Sen. Mark’s response:

“Mr. Mark: Present but under protest.

Madam Clerk: Ms. John.

Ms. John: Present, under protest.

Madam Clerk: Ms. Lutchmedial.

Ms. Lutchmedial: Present, under protest.

Madam Clerk: Mr. Nakhid.

Mr. Nakhid: Present, under protest.

Madam Clerk: Mr. Lyder...”

And before Sen. Lyder could respond, in jumps Sen. Nakhid to say:

“...This is the most undemocratic proceedings we have ever seen in the Parliament of Trinidad and Tobago.

...[*Sustained desk thumping*]”

I can guarantee that not a single Government Member or Independent Senator participated in that desk thumping. Because what that did and it was the start of the disrespect by the Senators on that—the Opposition Senators on that day is it showed no respect for the Presiding Officer, Madam Speaker, from the get-go by the six Opposition Senators who were a disgrace to Trinidad and Tobago on the

21st of October. It continues:

“Madam Clerk: Mr. Lyder.

Mr. Lyder: Present and under protest.

Madam Clerk: Mr. Roberts.

Mr. Roberts: Present and ready to debate...”

So you see at the outset the behaviour of these Senators in their calculated attempt to disrupt the Electoral College’s proceedings and then you have, when they called the name of Sen. Seepersad, “Ms. Seepersad” the interruption starts. And it would not have been picked up by the television, it would not have been picked up by the *Hansard*, but anyone present on that day would recall vividly with a distaste in their being from the word “go”, the behaviour, the abuse and molestation that was meted out in particular to Sen. Seepersad. And Sen. Seepersad as a citizen of Trinidad and Tobago here today, as a man, I apologize to you for what you had to unfairly undergo—

Hon. Senators: [*Desk thumping*]

Hon. S. Young:—on that day. If it were a different type of proceedings I would have behaved differently and come to your defense because what you were subjected to could never be justified and it was distasteful and disgraceful and I apologize on their behalf because they do not have a bone of decency in their body to ever do that to you. Because you see, Madam President, every single Independent Senator, including those who are temporarily sworn in, take a conscious decision when called upon to serve, to step forward and put themselves on the line, bring their intellect and their bodies to the Senate to serve the citizens of Trinidad and Tobago, not to serve any political party. And when you start attacking independent people who are prepared to serve it is the beginning of the end in my respectful submission, because where do we then find decent people to

serve? And I would like to use this opportunity to remind Trinidad and Tobago of some of—the exemplars who have served. I asked for a print out of all the Independent Senators that served in our Parliaments from the first Parliament in 1961 come forward and I cannot call all of the names. In fact I was shocked at the long list that they gave me, but I will unfairly point to a few and highlight a few so the population can remember the role that Independent Senator played.

We had Jeffrey Stollmeyer. Jeffrey Stollmeyer, anybody who has grown up and been into the Queen's Park Oval will see a stand called Jeffrey Stollmeyer. You had Thomas Gatcliffe. It shows you the different variety of people who were called forward and accepted that call by the President or whoever it was at the time to serve as an Independent Senator. You had Lorna Goodridge, you had Michael de la Bastide, and that is what did it for me as a young boy wanting to study law. When you look at the legal personnel who were chosen by Presidents past to now they have mostly been, not all, mostly been exemplars in the legal profession. Michael de la Bastide; Victor Mouttet; Louise Horne; James Manswell; Winfield Scott; Allan Alexander, the former head of my Chambers when I was in private practice. A man who stood and fought with trade unions in Trinidad and Tobago, something I followed in his footsteps many years later doing. Gerald Furness Smith; Ramesh Deosaran; Krishna Bahadoorsingh; Michael Mansoor; Diana Mahabir-Wyatt; Carol Mahadeo; Kenneth Ramchand; John Spence; Eric St. Cyr; Julian Kenny; Eastlyn McKenzie; David Quamina; Christopher Thomas who on the last sitting of the Senate every Bench stood up and said good things about. Philip Marshall; and I may be unfairly choosing on the business people and the ones I knew because that is where I came from. But there are many other names here that I looked up to present time: Helen Drayton; David Picou; Dana Seetahal and the list goes on. And I have unfairly left out some names but I took the

opportunity to place on the *Hansard* and in an explanation to the population the type of personnel that are chosen to serve Trinidad and Tobago, not a political party, as Independent Senators and the behaviour continued on the 21st.

Sen. Vieira took the time to touch on some of it. You then had at page 9 of the *Hansard* Sen. Nakhid lead this prong of the charge saying:

“...We have never heard the completed reading of that Motion from the Member for Siparia. We have never heard the completed reading of that Motion from the Member for Siparia.”

Interrupting of course the Presiding Officer, Madam Speaker, presiding over the Electoral College.

“...[*Sustained desk thumping*]

—because they would not allow the Speaker to talk. Then he continues:

“...—fairness and justice for all in this country to hear the completed reading of that Motion.”

This is the same Sen. Nakhid and others that I will come to in a short while, who in this Motion of calculated obstruction, intimidation and impediment of Members when they leave this Chamber go and say the most despicable things on social media and I will come to that very quickly.

So he continued, Sen. Nakhid:

“We would also like, for you, Madam Chair, to guide us in a way that is fair and not just for all, both sides. Both sides.”

And this was not done in any structured way. It was done in the most disruptive way. The hounds were gathering, the attack was beginning. I took the time a short while ago to say every individual in the House and in the Senate received an individual copy of the Motion. The Member for Siparia then read the Motion out. How could these six Senators, because they all participated in it, come to the

Electoral College and say we do not know what we are here about, you have to read the Motion again. Obviously calculated to disrupt the sitting of the Electoral College and the population should take note, the population would have seen it, but as a person who was there looking on in utter amazement and disgust, the population will never understand the despicable behaviour that we were exposed to on that day which has led to this Motion here today. And it continued throughout but Sen. Vieira had taken the time and pointed out in the *Hansard* of the Electoral College some of the behaviour that took place that day.

Madam President, what then happens is, launches of attacks by Members, these six Members of the Opposition amongst their ranks. Not all of them launched the attacks, but as Sen. Vieira just went into some level of detail when they left the Chamber—I think he called it the “noise bandwagon” or something like that, that is much too diplomatic a term to be used. But I see how Madam President is looking at me and I will bite my tongue at what it should really be described as, but we all know the type of behaviour. The attacks were launched by the Opposition and these particular Senators, Sen. Roberts, Sen. Nakhid, Sen. Lutchmedial, all launched their own attacks. Sen. Mark up to this weekend continuing the attack on the Independent Senators and that cannot and should not be tolerated by a democratic society.

The composition of the Parliament is important for us to note, Madam President, because we come to this body of Senators known as Independent Senators and why they have a role to play and what is their role to play, respectfully, in Trinidad and Tobago. So you go to section 39 of the Constitution which states:

“There shall be a Parliament of Trinidad and Tobago which shall consist of the President, the Senate and the House of Representatives.”

Pause. Her Excellency the President, lest we forget, is the figure head of the House of the Parliament. Remember—I will leave it at that. Section 40 of the Constitution goes on to say the composition of the Senate.

“(1) The Senate shall consist of thirty-one members (in this Constitution referred to as “Senators”) who shall be appointed by the President in accordance with this section.”

Subsection (2) of section 40 of the Constitution:

“(2) Of the thirty-one Senators—

(a) sixteen shall be appointed by the President acting in accordance with the advice of the Prime Minister;”—they are known as the Government Senators.

“(b) six shall be appointed by the President acting in accordance with the advice of the Leader of the Opposition and;”—the Opposition Senators

“(c) nine shall be appointed by the President in his discretion from outstanding persons from economic or social or community organisations and other major fields of endeavour.”

Worth repeating. The selection process or qualification process for Independent Senators from the time we had this Republican Constitution is that:

“...nine shall be appointed by the President in his discretion”—and his alone—“from outstanding”—first word of note—“persons from economic...social or community organisations and other major fields of endeavour.”

The reason for that can only be, Madam President, that the framers of our Constitution saw it as being important to inject into a democratic process where you have elected people, a body to represent the interest of people outside of the

world of party politics. And I have been actively participating in the Parliament since 2014 and I can say that I have not seen, and especially with these sitting Senators, Independent Senators, any behaviour on their part that has ever led me to say, well they are acting with political interest. And the suggestion that that is what they have done, which are the launch of the attacks on them by the six Opposition Senators not only on the 21st of October but continuing up to this weekend and up to today I am sure is despicable and is to be rejected outright.

In fact it was sitting right here as the acting Attorney General last week when we were engaged in the committee stage of what I thought was an innocuous piece of legislation that the Independent Senators were expressing concern and at no point in time did I think, well hold on, you all are yellow or you all are Opposition. No, they are—the Independent Senators are there to express their views, their views are always welcome, we may not always agree on their views, but I have never thought when they express a view different to the Government it is because they are part of the Opposition. So I would like to put that on to the record. That is the composition of the Parliament in accordance with the Constitution.

Madam President: Acting Attorney General you have five more minutes.

Hon. S. Young: Thank you very much, Madam President. Madam President, in winding up, as a representative of the Government I would like to say that the role of the Independent Senators is one that we respect. The role of the Independent Senators is an important one, it is framed by the Constitution which is the supreme law. I have just described the words of the Constitution as to who should form the composition of the Independent Bench. I want to touch on what I have personally noticed and anyone who is paying attention or even if you are not paying attention should notice which is the continued attack on the female leaders of our country by

the Opposition Senators. And I stand here today and I put on the *Hansard* without fear of contradiction that that behaviour too must be dismissed. We must stand up in the realm against it and push back.

Madam President, in preparing I was reminded that unfortunately you yourself as the President of this Senate was subjected to it and it became a privilege's motion by one of the bullies from the Opposition side. It is a fact.

Madam President: Acting Attorney General you still have to—there is a Motion here but you have to stand by—comply with the Standing Orders in terms of language.

Hon. S. Young: I am guided, Madam President. So Sen. Roberts stands in the Senate as he did on the 21st of October, does not get his way, like “ah”—he is not even a child, like “ah it”, that type of behaviour—

Madam President: Acting—[*Interruption*]

Hon. Senators: [*Laughter*]

Madam President: Acting Attorney General please, you have—

Hon. S. Young: I left out the first two words.

Madam President: No, no, it is okay but you—well it is not okay. You really have to confine yourself to Parliamentary language, okay.

Hon. S. Young: Thank you very much, Madam President. Madam President, the UNC's position in the Senate that once an Independent Senator exercises his or her vote in any way that is not in accordance with their position that suddenly miraculously morphs into that they are now a political party supporter is rejected. The behaviour and the attacks by these Opposition Senators continuously, and what we saw on the 21st of October, the attacks on Her Excellency, the President, the attacks on the Speaker, both female leaders of this country, as a man of the Republic of Trinidad and Tobago I reject that and I despise it and I condemn that

type of behaviour and the attacks on our women. And it does not stop here; it does not stop in the House; it does not stop in the Senate; it does not stop in the Parliament. They continue it on their social media platforms, both Sen. Nakhid and Sen. Roberts fancy themselves, God alone knows why, as some sort of social media commentators, speaking to trolls nonetheless, but attacking the Independent Senators. I have seen it coming out of this October 21st, attacking our female leaders, attacking our journalists, attacking everyone who does not agree with them and that is a dangerous playbook. That is the last message I want to leave here with today.

When you see an Opposition only denigrating people everything comes down to an attack on individuals—

Hon. Senators: [*Desk thumping*]

Hon. S. Young:—every single time, and they know no one being left unscathed or untouched. To listen to Sen. Vieira describe what Sen. Seepersad had to go through leaving the 21st of October, leaving the precincts of Parliament and walking back to her car, every civic minded, right thinking citizen of Trinidad and Tobago should condemn the six Opposition Members for their cowardly behaviour in attacking another one of their female Senators.

Hon. Senators: [*Desk thumping*]

Hon. S. Young: What has evolved now, Madam President, and become the playbook of the Opposition is to attack, denigrate and defame anyone who does not agree with them. The population should observe and reject this playbook. They come into the Senate, Madam President, they disrespect and in an unparliamentary manner run to the virtual world afterwards of social media and launch attacks on people.

So, Madam President, I stand here today as a speaker on behalf of the

Government to say that we support this Motion. And, yes, it is time for a code of ethics but we support the Motion and we reject the attacks on the Independent Senators and we will not standby quietly, not as the Government, but as citizens of Trinidad and Tobago. I thank you, Madam President.

Hon. Senators: [*Desk thumping*]

Madam President: Sen. Mark, I remind you that you have 40 minutes.

Sen. Wade Mark: Thank you, thank you, Madam President. Madam President—
[*Interruptions*]

[*Opposition Senators reenter the Chamber*]

Hon. Senators: [*Inaudible*]

Sen. W. Mark:—I want to begin my contribution on the matter that is before this honourable Senate. I want to say from the outset that if there was ever any doubt or doubts about the very close relationship and what one can describe as an alliance between those who have brought this Motion against all six Opposition Senators and the contribution that we just heard from the Government, I think what is in the dark has now come out clearly in the light.

Hon. Senators: [*Desk banging*]

Sen. W. Mark: Let there be no doubt in the minds of the citizens of this country that what we are dealing with here, Madam President, is a Motion of censure against all Opposition Senators. This, Madam President, is akin to piercing a dagger, literally, into the heart of our system of parliamentary democracy in Trinidad and Tobago.

Madam President, let us understand what we have just witnessed. It is akin to trial by ambush where the six Senators are only now being told by the mover of the Motion what the charges are, what the particulars are. No natural justice, which is an inherent feature of democratic society. The mover of the Motion has assumed

judge, jury and literally executioner, all in one, Madam President. The Motion has been supported by the PNM. We heard it from the acting Attorney General. So we are not surprised, we are not surprised the acting Attorney General has lambasted, attacked the Opposition and we are not surprised that the mover of the Motion has attacked and also lambasted the Opposition. First of course the Opposition in the House, in accordance with our Motion and resolution and you had to stop him when he was going wider in his assault on the entire Opposition. But that is in the Member's heart, that is in the mover's heart to attack, denigrate, try to bully, intimidate, harass the official Opposition by this Motion that was presented here by the distinguished Senator.

Madam President, we say that the Motion moved by Sen. Anthony Vieira is frivolous, it is vexatious, it is shameful, disgraceful—

Hon. Senators: [*Desk banging*]

Sen. W. Mark:—vacuous, lacking in substance. The Member, the mover, Sen. Anthony Vieira has not provided to this honourable Senate any serious grounds for the basis of the resolution. It is about trauma, it is about traumatize, it is about feelings. As the youth would say, Madam President, the Member is “toting” feelings.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: It is about “toting” feelings. Madam President, Sen. Daly reminded the country this morning that when you are a Member of Parliament you must be thick-skinned, you cannot be thin-skinned. And therefore, Madam President, when you are in this place you must be able to take it and if you cannot take the heat I call on Sen. Vieira, get out of the kitchen.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: Madam President, I want to say that I listened very carefully to the

language. You know sometimes I could be very—my language could be very inflammatory and I know that you always advise me when I am getting there. But I was really shocked at the language of this Senator, the hon. Anthony Vieira. And he used language, Madam President, that was extremely inflammatory, almost dangerous, highly disturbing.

3.30 p.m.

You know, Madam President, he talks about a circular—he says the Opposition, like a circular firing squad. That is the language of the Senator. He is saying, in other words, the innuendo is very clear. We are like killers with guns. You understand, Madam President? Surrounding who? An individual, a Senator who has been appointed obviously by Her Excellency? Madam President, we are entering dangerous territory. I want to tell the honourable Senate, through you, Madam President, this is our Constitution [*Member displays Constitution*] and no Sen. Vieira, no Sen. Paul Richards, no Independent Senator, no Government Minister, no Government Senator will avoid us from defending the Constitution—

Hon. Members: [*Desk thumping*]

Sen. W. Mark:—of the Republic of Trinidad and Tobago. And, Madam President, may I remind everyone here that under section 4 of our Constitution every one of us in this Chamber has what is called the fundamental right to enjoy freedom of thought and expression, and freedom of conscience.

We go to section 55 of the Constitution, Madam President, and section 55 of the Constitution makes it very clear that:

“(1) Subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of the Senate and House of Representatives, there shall be freedom of speech in the Senate and House of Representatives.”

So when we hear and we look at the contents of this Motion it appears to us, Madam President, that the mover of the Motion is trying to regulate using conduct as its escape hatch in an effort to telegraph and to advise how Opposition should speak, how Opposition Members should behave, how Opposition Members could and should conduct themselves. Madam President, this matter arose against the background of section 36 of the Constitution, and we as Members of the Opposition made it very clear what our position was from the word go.

It is clear, Madam President, that something happened and up to now not Sen. Vieira, not Sen. Paul Richards, none of the Independent Senators so far, along with the Government, has addressed the cur non, the real issue. Madam President, something happened that has resulted in this country not having a police commissioner—

Madam President: No.

Sen. W. Mark:—today.

Madam President: Sen. Mark, I have to caution you here at this stage. This matter—the Motion that is before this Chamber is clear. So that I will not allow you to go outside of what is before us now. Okay? So you are straying from the Motion.

Sen. W. Mark: Okay. Okay, Madam President. Madam President, let us deal with what the mover of the Motion attempted to advance. When we look at the attacks that were levelled against the Opposition by Sen. Vieira in the *Express* newspaper of the 22nd of October, 2021, and when we look also at the contribution made by Sen. Paul Richards in that same newspaper or one of those newspapers, both engaged in assaults and attacks on the official Opposition.

Madam President, the presidential Senators or the —

Madam President: Senator.

Sen. W. Mark:—Senators appointed by the President—

Madam President: Sen. Mark, I understand what we are dealing with here. I am asking you though that you have to in speaking about your fellow Senators, you have to abide by what we do with the Standing Orders. Okay? So please, it is Sen. Vieira, it is Sen. Richards.

Sen. W. Mark: All right. Madam President, I would say that both Sen. Vieira and Sen. Paul Richards engaged in language in their open assaults on the Opposition. Sen. Vieira today sought to identify each Senator by name and to call out what he described as conduct that he considered to be unparliamentary, but we have to be clear on what we are about.

The hon. Senator was in the Electoral College at the material time when all of what was raised and has been raised in his Motion occurred. Yet there was absolute silence, Madam President, and after silence a vicious assault and attack was made on Opposition Senators. Sen. Vieira spoke out vociferously in defence of his colleague and he did it again today, Sen Seepersad, which is his right. But whether Sen. Vieira was in agreement with the Opposition Senators or not, in asserting a point of conflict of interest on the part of the said Senator, that the hon. Senator sought to defend against today, why did he not simply voice such a position in the college? Why could he not rise and indicate to the Chairman of the college—

Hon. Members: [*Desk thumping*]

Sen. W. Mark:—at the material time that he had some challenges, Madam President?

Madam President, rather than proceed to attack the Members of the Opposition and train his guns particularly on Sen. Jayanti Lutchmedial, citing wholly irrational and erroneous references to the said Senator's appearance as an advocate attorney-at-

law before the courts in a matter which served the benefit of the country by clearing up errors of law committed by the Attorney General and the Government of the day, why did Sen. Vieira choose to attack and then bring this Motion after the attack was launched against Sen. Jayanti Lutchmedial? Neither Sen. Vieira, Madam President, nor his colleague, Sen. Paul Richards, attempted in any manner to indicate their respective positions on the proceedings before the Parliament so as to allow the rest of the country to digest their arguments. Instead, Sen. Vieira decided to go public and unleash what I can only describe, Madam President, as his petulance and sanctimonious outrage in the media.

In so doing, Madam President, the Senator has entered the political “gayelle”, and that to our mind is conduct that is unbecoming of a Senator.

Madam President: So Sen. Mark, I think I have to point out to you your contribution is going down a particular route and I have to advise against it. This Motion is not a Motion tabled against Sen. Vieira, and I would ask you—

Hon. Members: [*Desk thumping*]

Madam President:—please to understand what is before us and confine your comments and be relevant to the Motion.

Sen. W. Mark: So, Madam President, Sen. Vieira in his contribution said that he, that is Sen. Vieira, received calls and support from ambassadors, judges, not once but twice, and MPs for the stance that the gentleman, the Senator, took up in his defence, and the question that has to be asked: Who are these judges of the Court of Appeal, Madam President, that the Senator spoke about in his contribution? Why did the Senator choose to bring members of the Court of Appeal, judges of the Court of Appeal, into our debate today?

Well, if the hon. Senator has brought in judges of the Court of Appeal in this debate, then he owes a duty of care to identify those Court of Appeal judges who

supported his position against the United National Congress?

Hon. Members: [*Desk thumping*]

Sen. W. Mark: Because what the Member is saying, Madam President, is that Appeal Court judges by implication and innuendos are involved in the politics against the Opposition.

Sen. Mitchell: Madam President—

Sen. W. Mark: I am saying that is the conclusion—

Madam President: Senator?

Sen. W. Mark:—that we want to draw.

Madam President: Sen. Mark, I will ask you—

Sen. W. Mark: Okay, Madam—Madam, I withdraw.

Madam President: No! Hold on. You are not confining yourself to the Standing Orders. You know that and I would ask you please to drop what you are saying now and move on.

Sen. W. Mark: Madam President, I am responding to what Sen. Vieira said.

Madam President: I know—I know that you are responding. I have heard everything that has been said in this Chamber. I allowed you to say what you wanted to say, but you are carrying it a little too far and I am asking you now to stop.

Sen. W. Mark: Can I go on now to the ambassadors because he made mention of ambassadors?

Madam President: You may.

Sen. W. Mark: Yes. So what I am saying, Madam President, when you bring ambassadors into the picture, into the arena, the hon. Senator would need to identify who are these ambassadors that consulted with him and supported his call against the Opposition. And then he goes on further, Madam President, Sen.

Vieira—

Sen. Vieira: Madam—

Sen. W. Mark:—by saying.

Sen. Vieira:—on a point of order.

Madam President: Sen. Mark, a point of order is being invoked.

Sen. Vieira: He is misrepresenting my statements. I said that they simply indicated that they were concerned about what went on at the sitting of the Electoral College.

[*Crosstalk*]

Hon. Senator: What Standing Order is this?

Sen. W. Mark: Madam—

Madam President: Could I just ask Members please, Sen. Lutchmedial, Sen. Roberts, if a point of order is being invoked, please allow me to determine the matter. Thank you very much.

Sen. W. Mark: Madam President—

Madam President: Continue, Sen. Mark.

Sen. W. Mark: Madam President, all I am saying is that whether the hon. Senator is saying that these gentlemen who are ambassadors referred to the matter of the Electoral College, I am just simply saying, Madam President, it is quite unfortunate that in support of his weak arguments and his frivolous Motion, the Member sought to find sustenance and support by calling or referring to ambassadors. And I saying that if he went that far, he should go further by identifying, but I am guided by you.

Madam President, the Member also talked about MPs. He did not say, Madam President, if they are elected MPs or nominated MPs, but he did indicate that MPs contacted him and expressed their outrage and disgust over what happened in the Senate or in the Electoral College. So the question that has to be asked, Madam

President, is this: Can Sen. Vieira in an effort to ensure that there is transparency and openness in this whole exercise, who were these MPs that contacted Sen. Vieira? Were they Senators; were they elected MPs? And the view that the UNC, the Opposition—and I want to tell this honourable Senate and, through you, Madam President, to Sen. Vieira, and Sen. Paul Richards, and all those who may want to attack the Opposition, we represent, combined, over 309,000 citizens in this country.

Hon. Members: [*Desk thumping*]

Sen. W. Mark: I do not know how many people Sen. Vieira represents. All I know, he was appointed by Her Excellency. And, Madam President, I want to make it very clear, the very structure of our Constitution is being challenged by this frivolous and vexatious Motion.

Inherent in our Constitution, Madam President, is the concept of the separation of powers, and there is in our Constitution a provision for the Leader of the Opposition and for an official Opposition. So when you hear, Madam President, an Independent Senator—Madam President, the whole concept behind a Senate of independent men and women, who are like nine individuals and nine republics, is to bring balance, and sobriety, and proper reflection to legislation that comes before this House at all times, and at the end of the exercise, Madam President, you deal with the public interest. That is what is supposed to guide these nine individuals. Not to come at Opposition Members.

Madam President, I have done my research and I have looked at Australia as an example. When you are bringing Motions of censure it is like the Government bringing a Motion of censure against the Opposition. And now we have a second Opposition party—well, I would not say Opposition party. I cannot say Opposition party. We have an Independent Senator who—Madam President, I got the

impression when the hon. Senator was speaking as if he was attempting to speak—I may be wrong—on behalf of the Independent Bench. I got that distinct impression and I am saying if I am wrong you can guide me, but I got that impression. And all I am saying, Madam President—

Madam President: Sen. Mark, if you got that impression, but articulating it in the manner that you have is imputing improper motives. So I would ask you please to move along in your contribution.

Sen. W. Mark: So, Madam President, what we are saying is this, it is extremely dangerous. If you look at the Motion that is before us what is the goodly Senator seeking to achieve, Madam President, Sen. Vieira?

Sen. Vieira in his Motion talks about “abusive and malicious assertions”, and, Madam President, what is this malicious and abusive assertion the Senator is referring to? He has not proven that. He quotes from the *Hansard* somebody saying “Shame! Shame! Shame!”, and somebody saying “Singing fuh yuh supper”. He says that is unparliamentary. Madam President, I think that the Senator has missed the mark. And then there is language in the recital here, Madam President, where the Senator talks about:

“...obstruct, impede, influence...interfere with...Independent Senators...”

Madam President, this Motion that is moved by this hon. Senator, he is speaking and the language is clear. He speaks on behalf of the Independent Senators. The hon. Senator did not speak for himself in the language of the Motion that is before us. He talks about Independent Senators. Did, Madam President, the Independent Senators caucus? Did the hon. Senator get the authority of all Independent Senators to put their names down here, Madam President? It was a total collective that the hon. Senator—

Madam President: Sen. Mark, I just cautioned you on this line of—please, I am going to ask you to move on please and do not let me have to caution you again.

Sen. W. Mark: So, Madam President, what we are arguing here is that when we examine the contents of this Motion we are saying this Motion really does not represent a Motion that should emanate from an Independent Senator. Madam President, when the Motion talks about censuring:

“Be it resolved that this Senate censure the unparliamentary conduct of ...Opposition Senators who by threat or molestation have attempted to obstruct, impede”—and—“influence...Independent...in the performance of their duties;”

Madam President, this ought to have been a privilege Motion. Because a privilege Motion—and the hon. Senator talked about it in his release to the media or his consultation when he made reference to contempt and I do not know if he got confused. But to bring into a Private Members’ Motion the whole concept of a privilege Motion has us thinking as to whether the hon. Senator confused the issues.

When you are seeking to censure, Madam President, all Opposition Senators, we are in the minority. The Standing Orders say that we must be protected by the Parliament. Here in the Parliament you have a Motion against the minority of six, and, Madam President, you literally have like a coming together. I was going to say ganging up, but I know you might say that might be not proper.

Sen. Mitchell: Madam President, 46(6) please—

Sen. W. Mark: Madam President, this is what—

Sen. Mitchell:—and 46(1).

Sen. W. Mark:—is happening.

Madam President: Just one second, Sen. Mark.

Sen. Mitchell: 46(6) and 46(1) please.

Madam President: Sen, Mark, I will ask you please, you are nearing the end of your contribution, if you have any new points you can make it or you should really just be wrapping up at this stage.

Sen. W. Mark: Madam President, I do not want to query you, I do not want to question you. We are the ones in this driver's seat here, meaning this Motion is against us. The Member who moved this Motion made a lot of inflammatory statements. The one who responded, that is the Minister and acting—he made—now the Opposition who has to respond to both, it seems to me that we are not being given the opportunity to defend ourselves, whilst, for instance, the Sen. Vieira was able to have a free ride. I am not saying you gave him a free ride.

Madam President: Sen. Mark, just one second. You are now questioning the—

Sen. Mark: No, I withdraw—

Madam President: Please withdraw it—yes?—

Sen. W. Mark: I withdraw.

Madam President:—and move on. Okay? You have been speaking for over 30 minutes. All right. So you can just try and wrap up your contribution.

Sen. W. Mark: Madam President, I am saying to this honourable Senate that this matter that is before us is highly dangerous. That is what I am saying. And I am also arguing, Madam President, that when we look at what is before us today we are seeing a clear attempt by Sen. Vieira to undermine the role and functions of the legitimate elected Opposition in the Parliament of the Republic of Trinidad and Tobago. That is the point I am making. And I am saying, Madam President, we have a responsibility to go through this Motion and to demonstrate to you the weaknesses of this Motion and why we need greater transparency.

For example, Madam President, I would have thought that when Sen. Vieira

came to this podium to speak, that Sen. Vieira would have declared his interest. I would have thought, Madam President, in the interest of transparency we would have been able to hear from Sen. Vieira who has brought a Motion against the Opposition, whether the hon. Senator sits on any government state boards, or any government subcommittees; or whether him or his firm are in receipt of Government legal briefs—

Hon. Members: [*Desk thumping*]

Sen. W. Mark:—because there could be a conflict—

Sen. Mitchell: Madam President—

Sen. W. Mark:—of interest, Madam President, in this matter.

Sen. Mitchell: Madam President, 46(1) and 46(6).

Madam President: Sen. Mark, a Standing Order is being invoked. Yes, Senator.

Sen. Mitchell: 46(1) and 46(6).

Madam President: Sen. Mark, you are imputing improper motives to Sen. Vieira.

Sen. W. Mark: Madam President—

Madam President: I cautioned you earlier in your contribution that this Motion is not about Sen. Vieira—and I cautioned you earlier. I will ask you please, as one final caution, to abide by my rulings.

Sen. W. Mark: Madam President, I will always abide by your ruling.

Madam President: Sen. Mark, you have five more minutes.

Sen. W. Mark: Madam President, I will always abide by your ruling. What I would like to say Madam President, is that this matter before us, this Motion before us, is a clear and frontal attack on the freedom of speech and the freedom of conscience which is guaranteed in our Constitution.

Madam President, I want to quote Erskine May's Fourth Edition, page 222, under the broad rubric, "Freedom of speech in debate":

“...subject to the rules of order...”—Madam President, I quote—“...in debate...a Member may state whatever they think fit in debate, however offensive it may be to the feelings, or injurious...”—Madam President—“...to the character, of individuals; and that Member is protected by parliamentary privilege from any action for defamation, as well as from any other question or molestation.”

Madam President, the point I am making is that we in the Parliament are entitled to freedom of speech and freedom of expression.

Hon. Members: [*Desk thumping*]

Sen. W. Mark: And if the Member had a challenge, Madam President, with what he considered to be unparliamentary conduct, and behaviour, and abuse, and questions of bullying—I do not know how he could come up with this term. Who was trying to bully whom? Who was trying to bully whom, Madam President? That is what I asked.

4.00 p.m.

So when you try, Madam President, to undermine, by your actions and by this Motion, that fundamental right of freedom of speech in this Senate and in this Parliament, what the Member is attempting to do indirectly, without understanding it, is to perpetuate an assault and an attack on our very Constitution. That is what the Member is attempting to do and there is legal protection, Madam President, in our Constitution for the parliamentary Opposition and therefore, we need to understand the role of an Opposition in a democratic state. You cannot bring a Motion of censure. We are not in charge of the Government. The Government is in charge of running the country. So if anybody is to be censured, it is not the Opposition, it is the Government.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: You bring a Motion against the Government, Madam President, because they are the ones who are spending the resources of the country. But you bring a Motion against the Opposition and under best parliamentary practice, the Opposition has a critical role to play in bringing the Government to book and holding the Government to account. But no, Sen. Vieira is not concerned about holding the Government to book or bringing the Government to book. He is not interested in bringing the Government to account or the Executive. The hon. Senator is more interested in bringing the Opposition to book.

So, Madam President, he talks about a forbidden city, a forbidden area. I would say that the Sen. Vieira has to be very careful because when he talks about a forbidden city or do not get into these forbidden areas, I want to remind the hon. Senator that those who live in glasshouses ought not to throw stones and because you have advised us that this Motion is not about the gentleman—

Madam President: About Sen. Vieira, Sen. Mark.

Sen. W. Mark: Sen. Vieira, yeah. I beg your pardon, Sen. Vieira. I want to put him on notice that we will be going further. We will be exposing this Senator, Madam President.

Madam President: Sen. Mark, I am sorry. Your time is up. That is not what I am sorry about. I am actually sorry that you are not abiding by my rulings. Okay? But your time is up. Sen. Richards.

Hon. Senator: [*Desk thumping*]

Sen. Paul Richards: Thank you, Madam President, for acknowledging me and allowing me to make a contribution to this Motion brought by Sen. Vieira.

Madam President: Sen. Richards, you have 30 minutes.

Sen. P. Richards: Thank you very much.

“Whereas all Senators have a duty to uphold the dignity, discipline and

decorum of Parliament and defend it against disrespect;

And whereas failure to uphold the dignity of Parliament, by disregarding its rules, by using unparliamentary language, by disobeying and ignoring the authority of the Presiding Officer, diminishes and erodes public confidence in said institution;

And whereas conduct calculated to obstruct, intimidate or impede Members in the discharge of their duties is a breach of privilege;

And whereas all Opposition Senators who were present at the meeting of the Electoral College on October 21, 2021 made abusive and malicious assertions; imputed false and improper motives, and cast negative reflections on the character and impartiality of all Independent Senators during said proceedings of the Electoral College, and in the media;

Be it resolved that the Senate censure the unparliamentary conduct of said Opposition Senators who by threat or molestation have attempted to obstruct, impede, influence or interfere with said Independent Senators in the performance of their duties;

And be it further resolved that a Select Committee be established to consider and report on a code of ethical conduct and behavior for Senators.”

“First they came for the Communists

And I did not speak out

Because I was not a Communist

Then they came for the Socialists

And I did not speak out

Because I was not a Socialist

Then they came for the trade unionists

And I did not speak out
Because I was not a trade unionist
Then they came for the Jews
And I did not speak out
Because I was not a Jew”

And:

“Then they came for me
And there was no one left
To speak out for me”

It is a very popular prose by a German Lutheran pastor and theologian, Martin Niemöller, and I thought it fitting for many reasons to start my contribution today.

Madam President, truth demands courage. Truth demands courage. Sometimes you have to face the fire because truth demands courage. Let me disavow Sen. Mark, our colleague, from any such notion that Sen. Vieira’s Motion implies or suggests that he is speaking on behalf of myself. I cannot speak for other Independents but he is certainly not speaking on behalf of me. So let me disavow him of that.

Further to that, I keep getting references that I attacked the Opposition as reported in the press and I will put it on the record. I spoke to one reporter Ms. Ria Taitt of the *Express* and during our exchange, I was asked about the behaviour in the Chamber and at no time did I ascribe the behaviour to a particular person or a group of people. I was also contacted by several other media houses, including Rosemarie Sant of Guardian Media Limited, which I declined to comment because I did not want to be misquoted, not casting any aspersions as to Ms. Sant or her colleagues because I knew what was about to ensue and my discourse today will outline why in many ways I was not surprised and I am not surprised now as to the

continuing commentary.

And this debate is important because as a country evolves, circumstances change and the reflection and analysis of ourselves, our systems are important and critical to ensure we are effectively serving the people through important institutions. And I do not take this position lightly in any way. The hon. Acting Attorney General outlined some of the people who would have served on this honourable Bench including Dr. Eastlyn Mckenzie. I will also add to that: Martin Daly, Senior Counsel; Dana Seetahal, the late Senior Counsel; Sophia Chote, Senior Counsel; Prof. Ramesh Deosaran; Diana Mahabir-Wyatt, and countless people who have served and upheld the dignity and integrity of this Bench and I see my colleagues as doing no different.

I think it is important also to put on the record that while I support the principle involved in the Sen. Vieira's Motion, I have diversions and opinions on some of the aspects, in particular, some of the phraseology which comes as a surprise to some but the wonderful thing about the Independent Bench, Madam President, is that the Independents have the ability to agree or disagree with the Government, agree or disagree with the Opposition, and agree and disagree with each other. And while I commend my colleague for the Motion which allows for a wider discussion about parliamentary conduct—and really what this is about to me, Madam President, it is about leadership. It comes down to that. I find the Motion, because of the way it is phrased, limited because it focuses on the incident during the sitting of the Electoral College and focuses on six persons, when the actors, in my opinion, were part of a larger cadre. And it is really about a much wider discussion given what are legitimate concerns about how the people's business in the Parliament is attended to by all parliamentarians.

I know it may be convenient to focus on the events of the Electoral College

as referenced specifically by Sen. Vieira. But to me, it is much wider than that because when we focus on that, it puts the behaviours exhibited in a very limited context and it seems to put the behaviours as occurring in a vacuum, as if it just arose overnight and I think it is very unfortunate to limit our examination of parliamentary or what some may consider unparliamentary behaviour to the occurrence of the Electoral College on October 21st because behaviour does not happen, Madam President, in a vacuum; it does not happen in a vacuum and human behaviour is usually objective-driven. Human beings, some behaviour is instinctual but it is also driven by some sort of outcome or objective.

Madam President, I think it is important to look at the evolution and I know many have referenced, “Well, Parliament is not a tea party, Parliament is not for the faint of heart.” Sen. Mark, our colleague, referenced, very importantly, freedom of thought, freedom of expression but that freedom of thought and expression is circumscribed by responsibility. So you may be able to say what you want as protected by parliamentary privilege but it is also circumscribed by the ruling of the Chair and on many occasions, myself and colleagues in here have been stopped by the Chair because we are doing what the Chair considers appropriate for Parliament. So it is not absolute, it is not absolute at all and it is certainly not absolute and absent of any level of responsibility.

Madam President, my feelings on October 21st and in the Electoral College were of dismay but not surprise based on outbursts I have seen in both Houses in almost seven years and certainly before I had the honour to serve in this honourable House. Like Sen. Vieira, I have the humbling honour of having being appointed by two Presidents: then President His Excellency Anthony Carmona, O.R.T.T and following which reappointed by Her Excellency Paula-Mae Weekes, Order of the Republic of Trinidad and Tobago, and it is a humbling and sobering

appointment because it is an honour to serve my country. So I do not take being able to sit in this honourable House lightly. But as I said before, the reference or the maxim that “Parliament is not a tea party,” so I guess, by extension, we should presume that anything goes, there are to be no expectations and mutual respect, we should not have a code of conduct, a level of decorum, people have different impressions of what decorum is but I think not, I cannot accept that but maybe I am naive.

Madam President, unparliamentary conduct is not unique to the events of October 21, 2021, and I ask you to grant me a little leave to make two references to identify or to confirm that point because I have seen equally egregious parliamentary misconduct in my opinion. I saw in March of 2015, a vile distasteful attack on then Opposition Leader Dr. Keith Rowley by Vernella Alleyne-Toppin, MP at the time and I have also seen equally crass attacks on Mrs. Persad-Bissessar, the hon. Leader of the Opposition, both as Prime Minister and the Leader of the Opposition. I have seen Members hurl vitriolic comments across the floor in both Houses. So why do we think for one minute that the Electoral College would be any different if we had not stepped in to stymie those sorts of behaviour or those sorts of outbursts over the years?

And many have referenced, “Well, you know what? Grow up, that is just de politics of de country. Gird yuh loins. You have entered the political gayelle.” But if we fail, Madam President, to make the connections between these exhibitions of behaviour to what we see in the wider society, we conveniently are trying to absolve ourselves of any wider responsibility.

Hon. Senators: [*Desk thumping*]

Sen. P. Richards: Because when the population sees us acting like that, they get clearance and approval to do the same thing in the resolution of their issues and

conflicts, and that is not the way a society should be evolving but maybe I am just naive. I am new to politics relatively.

And the instability in the country does not happen in a vacuum. While the country has an elected Executive and a leader of that Executive, leadership in the country is not exclusive to that Executive because there are different leaders whose constituents form different groups in society. So a leader is really a collective endeavour and all the leaders in the country in different spaces must be aware that we must take collective responsibility and we are supposed to be the exemplars.

Hon. Senators: [*Desk thumping*]

Sen. P. Richards: So when we allow behaviours to be telegraphed—because all these proceedings are broadcast, they are available online, they are streamed around the world. On October 21st, because of the precedent set in motion, there was extremely high visibility in the country. Sen. Vieira referenced, which I think is a poignant example, there were schools and children looking on because social studies teachers would have said, “This is an historic occasion and we want you to look at this.” How are they to perceive and process what they saw? Seven year-olds, 10 year-olds, 14 year-olds who would have disagreements, who would have conflicts, are they to perceive, well, that is politics, they can behave like that or are they to see other sittings of the other place and this honourable House and see that kind of engagement and say, “That is politics, that is not for them but I am not to behave like that”? That is incongruous and that is what we need to be aware of.

Madam President, I believe that one of the concerns I have with this, and I will be very honest about it, is the phrasing of the:

“...*Whereas*...”

And I quote:

“...*Whereas* all Opposition Senators who were present at the meeting of the

Electoral College on October 21, 2021 made abusive and malicious assertions; imputed false and improper motives, and cast negative reflections on the character and impartiality of all Independent Senators during the said proceeding of the Electoral College...”

While I think I understand Sen. Vieira’s mindset, I am fully aware also that we have to be careful that there can be a perception that a political line was drawn. And myself, as an Independent Senator, I have to admit, I had some discomfort with it, not because I am casting aspersions as to Sen. Vieira’s intention but because of how people in a wider society and in a very acrimonious and conflicted political environment may view that. But Sen. Vieira would be able to best articulate why that should not be the case in terms of perception in his wrapping up. But I understand the environment we operate in and I understand how that could be easily exploited, and I used the word “exploited” not in a negative connotation but to be used as a tool for articulating a particular perspective, political perspective which may not be productive because I understand the environment we are in. So when I saw that, it was cause for caution and concern.

Another issue that to me has—because I thought a lot about this Motion and I really commend Sen. Vieira for having the courage bring it because, as I said before, it allows for a wider discussion on Parliament and parliamentary conduct and parliamentary procedures. But the other issue that I have is, as I said before, the fact that it is limited to that event and because of that, persons may get the impression that, well, it was all right for other parliamentary, and I use the word “atrocities” loosely, to continue but it is only when the Independents seemed to come under some sort of attack that we raised our voices and that to me could be a terrible misinterpretation of the intent of the Motion by Sen. Vieira and I think that also is cause for concern because that can also be propagated in the public domain

as, well, “dey only looking out for themselves”. And that is why I think it is important to look at the issue of parliamentary conduct and a code of conduct in a wider context and much further than the events of the 21st of October.

Madam President, in doing, you know, research for this, I really looked back at the history of Parliaments in general and where it all came from and it is important in our system of governance in Trinidad and Tobago and there are several references to the *Magna Carta* or the “Great Charter” which really declared—documenting the liberties held by freed men. There was also reference to Simon de Montfort’s 1265 Parliament which is cited as:

“the beginning of a crucial parliament in the history of government.. that marks an important change...to which people outside...aristocratic classes were involved in politics...”—and had a say in their futures.

And of course, reference is made to the model Parliament of 1295 which is described as England’s first legally elected legislature.

I also did some research on the importance of a Senate in a bicameral system which from the history books suggest it is a:

“...deliberative assembly often...”—of—“upper house or chamber of a bicameral legislature. The name comes from the ancient Roman Senate (Latin: *Senatus*), so-called as an assembly of...senior...elder or...”—older men—“and therefore considered wiser and more experienced members of society...”

And:

“Many countries have an assembly named a senate, composed of senators who may be elected...”—in some cases; in our case, are appointed, who are really charged with the responsibility of offering sober thought of bringing different background and competencies to important legislation coming in

the interest of people.

And that is why to me, this Motion, as commendable as it is from Sen. Vieira, moved by Sen. Vieira is an important in that discussion in a wider context.

I fully endorse Sen. Vieira's resolution that:

“...Select Committee be established to consider and report on a code of ethical conduct and behavior for Senators.”

I think it is timely. I think if we let this opportunity go by, we may have other conflicts in terms of how we feel the business of Parliament should be conducted in the interest of the people of Trinidad and Tobago.

Madam President, this issue is about really leadership. It is about leadership and leadership, true leadership is about bringing people together by uniting and reaching out to other leaders and closing gaps because none of the activities in the other place and in this honourable place can be propagated without the acquiescence of leaders. It is not absent of a leadership component and that is why I think it should be a wider discussion. No one leader can guide any country forward, especially through a crisis like we are facing now and this type of division that we are seeing in this country creates gaps and these gaps, as I close, in our society is why—and I ask, Madam President, for a little leave to move a little away but still related to the issue of leadership in the context of this Motion.

This crisis we are experiencing now is partly why we are not dealing with all our challenges as effectively, most prominently today, the issue of the COVID-19 pandemic. The divisions in society we are seeing now is the reason why we have a stalled vaccination national campaign, the reason why we are all lamenting 20 people dying in one day, and the reason that we are not seemingly able to come together as a country and close these gaps as opposed to finger-pointing and name-calling and blaming each other. This Motion is an opportunity for us to look at

ourselves and how we conduct the business of the people of Trinidad and Tobago as opposed to drawing party lines and diminishing each other at every step we can.

And we also need, Madam President, to stop thinking about our lifetime. It is time for us to start thinking more in terms of generations and for the benefit of generations to come. The decisions we make today, our actions today, will affect generations to come. We need to stop being so selfish and self-centred. It is time for real leadership in Trinidad and Tobago. Real leadership will take us past these issues. Leadership that brings us together, closes divisions and gaps. We can choose to continue the petty, insular finger-pointing, name-blaming, deflection of responsibility or we can choose to seize the opportunity and live our national creed “Together We Aspire, Together We Achieve”; not just words but a road map of who we are, who we should be as a country and how we can get through any crisis successfully.

Madam President, I close with a quotation from John Maxwell which I think is very appropriate:

Some leaders—“...pessimist complains about the wind.” Some leaders—“...optimist...”—sit and wait and hope the wind will—“change.” But really, visionary, effective, transformative leaders—“...adjusts the sails...”—to meet and surpass the challenges of the day.

And I thank you.

Hon. Senators: [*Desk thumping*]

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you very much, Madam President, for the opportunity to join this debate. I thank the previous speakers. I know Sen. Richards tried his best to have a different tone to this debate but Sen. Richards, I will tell you this, it is “ah nice speech” but not one for today.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. C. Rambharat: I listened to Sen. Mark with extreme disappointment because Sen. Mark's entire 40 minutes was anchored in one concept: freedom of speech. And for someone who has been in this House for about 30 years and someone who has presided in the other place, I find his understanding of freedom of speech in the Parliament to be beyond misconceived; beyond misconceived. Section 55 of the Constitution, in respect of which you were very selective, Sen. Mark, in quoting, is very clear and every part of the Constitution that deals with this Parliament is circumscribed because it is clear that the Constitution sets out those sections that deal with this Parliament but it is the Standing Orders, it is the Standing Orders that we are called upon to follow.

[MR. VICE-PRESIDENT *in the Chair*]

So for 40 minutes, there was a misconception and if you anchor any argument on this Motion around freedom of speech, you must understand what freedom of speech means in a parliamentary context wherever in the world you speak.

4.30 p.m.

Sen. The Hon. C. Rambharat: And if you do not understand that, you do not belong here.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. C. Rambharat: Section 55 reads like this, and I quote:

“Subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of the Senate and House of Representatives, there shall be freedom of speech in the Senate and House of Representatives.”

This is not a free for all.

And very early in constitutional law class, and you do not even have to be doing a law degree. If you are doing a programme in labour—Sen. Mark is a trade unionist, he was once a research officer for a trade union—you would know *Collymore v the AG*. Nothing enshrined in 4 and 5 are absolute rights. Because, if you had absolute rights under the Constitution, Collymore and AG says there will be anarchy in the society. And if we had unbridled freedom of speech in the manner that the Opposition has expressed today, there will be chaos in this House. And freedom of speech in the House is constrained by the very words of section 55 of the Constitution, which enshrines the rights and by the Standing Orders, which regulate our procedures.

So when Sen Mark talks about “toting feelings” and we must be thick-skinned. It is ironic. It is ironic that you frame your contribution in defense of the Constitution without understanding the most important provision of the Constitution, section 55. Because, what we do here as parliamentarians is critical to the running of a democracy. It is critical and freedom of speech is critical to what we do. We must be able to express ourselves. We must be able to debate and to discuss. But that freedom of speech is a protection from factors on the outside, including protection from the State.

So that the immunity, the privilege and the immunity granted is in respect of civil and criminal action, which may emanate from outside of the Chamber. But what we have before us here is a Motion properly conceived in the context of conduct within the Chamber, in the most unbelievable place, the Electoral College. So this is properly conceived. Nobody is interfering with the freedom of speech. Nobody is trying to keep a parliamentarian quiet or a group of parliamentarians quiet.

What Sen. Vieira is doing is properly calling to account the conduct of

Members of this Parliament and conduct that took place in this Parliament, not on the outside of the Parliament. The protections are against court action. The protections are not in respect of defamation, libel, of misbehaviour in respect of what happens between and among Members in the House. And the protection itself is circumscribed.

In the case of Roman Corporation, it is an old—a Canadian case, 1973, Supreme Court of Canada case. Roman Corporation before Hudson Bay Oil and Gas Company. There are four elements of the protection. It protects statements made in good faith, in the House and in the conduct of the business of the House. It does not protect you from malicious statements, slanderous statements, defamatory statements, disrespectful statements. It protects you from those actions which may normally have been conceived from external parties, if you did not have that protection.

And we see it. When you look at the Standing Orders, Sen. Mark goes to May. And again, May's *Parliamentary Practice*, again selectively quotes from that line. He opens, Sen. Mark opens:

“Subject to the rules of the debate”

So when he quotes May, he goes on to the words that follow after the debate, the word “debate”, ignoring that May's itself says it is subject to the rules of the debate. And what are those rules? Those rules are the Standing Orders. And when you look at the Standing Orders and you read the Standing Orders and all of us ought to be familiar with the Standing Orders, you would see that a Member cannot enter the Chamber and start to speak. A Member cannot speak and say just about anything the Member feels like saying. It is constrained and it is constrained by the Standing Orders. A Member must give notice, Standing Order 15(2); a Member cannot talk on and on and on, you have time limits, 15(4). If you have to

give a personal explanation, there is a process, 22(1). If a Minister has to make a statement, there is a process, 23. In responding, in asking questions and responding questions, we see it at every sitting, there is a process, Standing Orders 24 to 29.

On the issue of privilege, there is a definition of what is privilege, Standing Order 30. And the rules of the debate that May's referred to are there in the Standing Orders, 42 to 51, dealing with contents of your speech, sub judice, the scope up of the debate and anticipation.

You cannot just, in the context of freedom of speech, walk into the Chamber and start to talk and say whatever you feel like doing. And that is what section 55 of the Constitution says:

“Subject to the rules”

And that is what May says. And that is what every element of parliamentary procedure deals with, that you are constrained by the Constitution and you are constrained by the Standing Orders themselves.

And what does this Motion do? This Motion deals with five areas. This Motion speaks about a duty. Sen. Vieira opens with that, in respect of a duty. He says:

“Whereas all Senators have a duty to uphold the dignity, discipline and decorum of the Parliament”.

And where does that duty arise? Where does that duty arise? A lot of times we forget that we all took at least one oath of office; one oath, at least one. Some of us were required to take two oaths, an oath sworn in as a Minister and an oath sworn in as a Senator. And that duty, I have not heard Sen. Mark, and I am sure I will not hear anybody else from the Opposition Bench talk about that duty. Because this debate is about that duty. The oath that we take, we took an oath in the context of Section 57 of the Constitution. And when you look at the oath, you see the

difference and you see an important difference in the oath that a Minister or a Parliamentary Secretary takes and the oath that a Member of the House or the Senate takes. Because Sen. Mark talks about we represent. He says we represent combined 309—I think he said 309,000 citizens of the country.

But the oath that a Senator takes, and I quote, every time we swear in a temporary Senator here or a permanent Senator, we hear it and no matter how often you come, every time you come here to embark on the duties of a Senator, you are required to take the oath, and the President says that: “Senators, a Senator is required to take an oath” and I quote:

“to bear true faith and allegiance to Trinidad and Tobago”

Not to a party and not to a side of the Senate, and not to a part of the country.

“to uphold the Constitution and the law and conscientiously and impartially discharge the responsibilities to the people of Trinidad and Tobago, upon which I am about to enter.”

And that is what this Motion is about, and that is what this debate is about; that duty that we embark on, on the basis of that oath. To bear true faith and allegiance to Trinidad and Tobago and the responsibilities we exercise here in this House or in the other place are responsibilities to the people of Trinidad and Tobago.

And it is not every citizen of Trinidad and Tobago who gets the opportunity to discharge responsibilities in respect of the entire population. There are 31 of us here and 41 in the other place and the Speaker. A very small number have a responsibility that we swear to. We take an oath to uphold certain things. And this Motion is a reminder to us. This is a reminder to us of what we are called upon to do.

Because there is an environment and there is a background to this you know. And I want to refer to three specific matters. In the First Session of this the Twelfth

Parliament, towards the end, we were called upon to debate a report of the Privileges Committee. And in that debate, I referred to 10 factors. In presenting the report I drew attention to 10 elements of my contribution and I said firstly the matter before the Privileges Committee and the subject of the report can happen to any one of us speaking on that day.

And the matter complained about by Sen. Vieira, could happen to any one of us. And this is not about individuals, but this is about the Parliament and our responsibilities to the people of Trinidad and Tobago. I said that it is without parallel and this Motion is founded on an incident that is without parallel. We had not, in the country's history, had an Electoral College coming together for that purpose. It has always come together for the purpose of electing a president. And what the Speaker in the other place on that day in the other place had pains in pointing out was that regulation 23, while regulation three of the Electoral College regulations dealt with the college functioning for the purpose of electing a president, much of what is in the regulation did not apply simply because the college was called together for something other than electing a president. And that is why the Speaker had recourse to regulation 23, which allowed the House to regulate its own conduct in relation to that matter. And that is something that the Member, some Members, clearly could not conceive.

I said in that debate that that particular Privileges Committee report exposes parts of the Standing Orders that we need to examine. And of the things that Sen. Vieira asks us to do today, he has asked us, and none of us ought to object to that, to have a select committee appointed to consider the Standing Orders.

I said on that day that such behaviour cannot be condoned. And why did I say that? I said it because, if we leave this untouched and if we had left that behaviour complained about to the Privileges Committee, it would have been the

normalization of fear tactics, attacks on Members. It would constitute a continued affront to the Parliament and it would be an affront to the very oaths of office that we had taken. And we are back here today, we are back here today in respect, if we as a House do not reject that conduct, we are normalizing fear tactics in relation to how legislators treat each other.

I said then it must be stopped. It must be stopped. And I am back here today to say this must be stopped. I said that the evidence is there. And I looked at the record, as did many of you. I looked at the record of the Electoral College proceedings and unfortunately, no fault of the *Hansard* people, but much of what is to be complained about was in the crosstalk and was not captured. But the recording, the video of the proceedings will tell the story. And I know what I saw. And I remember when I—about midway in my writing time for the newspaper, same Martin Daly Senior Counsel, said to me: Nobody can question what you see, what you hear and what you think. And I know what I saw and heard. And a lot of people. I am not going to—I cannot possibly talk about the many members of the public, the people. Our responsibilities are to the people. And if the 309,000 my friend say they represent, did not have a problem, well the rest of the country surely had a problem with what they saw, and they did not pin it on the Opposition or the Independents. They held all of us responsible for what happened that day, and we are responsible for what happened that day, and we have the means to deal with our conduct and the conduct of our colleagues. We have the means to deal with it.

And I said two more things. I raised the issue of bullying and harassment. And you know, I was downstairs in the lounge when we were waiting to go. And even in the leading up, the days leading up to that, Senators were asking me what arrangements were being made for their personal security, because they were

hearing that people were coming outside the Parliament and they wanted to know. And there was a lot—down in the lounge, there was tension in the lounge. And you could come and say what you want in respect of that, I am telling you I was there. And as one of the leaders in this House, I had responsibilities too, in respect of that. And where that took me, where that took me is to the next point I will make in relation to this.

Because I said this Motion does not fall out of nowhere. This Motion is part two to the Privileges Committee report that was debated in this House. When Senators were asking me about their personal security, I went right back to that day. I was home. January 06, I was home and I saw what was unfolding in the US Capitol. I saw what was unfolding and I tell myself it is going to be a long night, a long week, a long year. And I left home and I went and exercise, because the *Washington Post* on January 13, 2021 said the attack on the Capitol a week ago has left lawmakers with a heightened sense of vulnerability about their own security.

And I could take you back to 1990, “yuh know”, when the Parliament was stormed, when people were injured, when we lost a Member of Parliament. And as it broadened, lives were lost and property was lost in this country. And what I felt down in the lounge and the days leading up, when Senators were asking me about their personal security, I felt 1990 all over again and January 06, 2021, all over again. This Motion does not fall from the sky, you know. This Motion falls in the context of things that are said and done in this Chamber and are magnified on the outside of this Chamber. So while they walked out, my friends were able to post on their Facebook page a photo of Sen. Roberts and Sen. Vieira, with this Chamber as the background with the words “massa done”. And I said it on that Privileges Committee debate, I said it to you, that the combined use of legislative position and social media access is going to destroy this place and this country if we do not

check ourselves.

Which brings me to the third context I want to give you. When 13 Republican House of Representatives Members voted in favour of President Biden's Infrastructure Bill, a war of terror started on them. And you know where the war started? It was Steve Bannon, using his media connections to share the numbers of those 13 people and all the personal information of those 13 Members.

Madam President: Minister you have five more minutes.

Sen. The Hon. Clarence Rambharat: And I repeat, we are going to be in big trouble if we do not pay serious attention to politicians who are linking to media, social media, fringe groups, fringe elements, and I will tell you today, criminals, in order to perpetuate their points of view and in order to do what they want.

Because the US, the great US, was shocked on January 6th, and I myself was shocked with the conduct reported in that Privileges Committee report and debated here. And I, as citizen of this country, as a former youth parliamentarian, as somebody who lost two elections in an effort to get into this Parliament to take that oath, I was shocked at what I saw in the Electoral College. And I cannot tell my colleagues and I cannot tell my friends on the other side how to conduct themselves, but what I could do is this, in relation to the Motion, I could say that I support this Motion.

And I want to close with this point. There is so much inconsistency and misinformation coming for the Opposition, and I will only point to one, the *Express* on November 10, 2021, under the headline:

“Kamla tears into Independent senators: Rowley's rubber stamps”

The Leader of the Opposition says this, and I quote:

“I want to remind you, Honourable Senator, no one voted for you, Vieira. You were hand-picked by a President who was hand-picked by the PNM.’”

And if you do not know the facts you will go along with that, you know. You will go along with that view, that the current President of this Republic was handpicked by the PNM. Until you go back January 09, 2018, in a similar publication.

“Trinidad & Tobago Opposition Leader supports Presidential nominee”

And in there you will see. Kamla—

“Persad-Bissessar said she got the assurance from the Government that Paula-Mae Weekes meets all the requirements which allowed the Opposition to go ahead with co-signing of the nomination.”

So, it is the Opposition and the PNM that supported the current President. And as Sen. Vieira correctly pointed out if, when he was nominated or sworn in under President Carmona, he was not handpicked then by a President handpicked by the UNC, then in 2018 he was not handpicked by a President handpicked by the PNM. The Opposition cannot pick and choose the parts of the truth that they want to stand by. Madam President, I thank you very much.

Hon. Senators: [*Desk thumping*]

Madam President: Sen. Roberts.

Sen. Anil Roberts: Thank you, Madam President. Six hundred and eighty-two cases of COVID-19, 21 citizens dead today, but we are here to debate a Motion because a Senator is “toting feelings”. We just had the Minister of Agriculture, Land and Fisheries. He came out and made some statements going all across the globe and trying to correlate or interact or compare a debate and a request for debate with insurrection, violence, murder in the US Capitol. I cannot believe what I heard from the Minister of Agriculture, Land and Fisheries.

He came and said that Senators on this part, before the Electoral College, were asking him about security. I thought he is the Minister of Agriculture, Land and Fisheries, not the Minister of National Security. What were they asking him

for, two cassava to walk in? For what? This is drama and nonsensical to the highest order by the hon. Minister of Agriculture, Land and Fisheries.

He said, and he quoted from May's and he said slanderous statements and malicious statements and abusive statements are unparliamentary. Well this was a novel case put forward by the hon. Minister of Agriculture, Land and Fisheries. It seems that he is doing some law classes. He talked about constitutional law. And you would know that is the first course you do when you start your LLB. But he presented not one quote, not one bit of evidence, not one statement from the *Hansard*, which could be described as even unparliamentary, but started to talk about slanderous, wicked, malicious and abusive statements, and not one example could he give in 30 minutes, neither could the hon. Sen. Vieira in 40 minutes piloting this Motion. We did not hear. I asked him to please put on record one statement from the Electoral College, one statement recorded, that could be considered unparliamentary.

Even today in this debate, as 15 PNM Senators sit there, they had to call one from downstairs to come and debate because of the weakness of the Bench of the Government here. And even the President had to pull that Minister up for unparliamentary language.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: But not one word, not one word from the *Hansard*. We heard terms, not one quote from Sen. Vieira.

And then Sen. Paul Richards would like to support the Motion, he backed back, but then he wants to support the Motion because we have to have a committee to determine what is unparliamentary. Well the PNM and this

Independent Bench would like to make certain words unparliamentary. Well I scoured the *Hansard*, including the official *Hansard* and the crosstalk, and hear

what is going to be unparliamentary that would cause insurrection of 1990, in the Capitol in the US where people died, and so on: “undemocratic”. The committee after this vote is going to go and say the word “undemocratic” is malicious and abusive. “Please read the Motion”; “we have not heard the Motion”; “Madam Speaker, please read the Motion”. That is malicious, vindictive, vile and unparliamentary, according to this PNM and this Independent Senator’s Motion. “Singing for supper”. Singing? So there will be no more choir in Trinidad and Tobago? And supper? We would not eat? What is unparliamentary? “Secret ballot”? We should have a secret ballot please, because we would like the Independent Senators to be able to vote their conscience without being put under pressure. That is total unparliamentary.

5.00 p.m.

Let us call a committee together to vote and sanction these Opposition Senators, oh, my goodness, they are so terrible, let us get them out of here. “Trinidad sweet”, “unconstitutional”, “shame”, “illegal guidelines”. These are some of the phrases that were used in the Electoral College. Not one word, not one unparliamentary word, not one bit of evidence produced by an Independent Senator who is supposed to be an outstanding lawyer.

Sen. Paul Richards is a media practitioner, and a very good one, and he has been there for decades. But he came here to suggest to the Parliament, to the Senate and to the population that he may have erred by speaking to a reporter. But if you are an experienced media practitioner across Trinidad and Tobago, very qualified and so on, you would know that if there was a combative situation between two adversarial systems or parties in a political system that has been constitutionally created, and if you are the Independent Senator, that it is very easy for you to say, “no comment, reporter”. “I am not getting involved in that. That is

PNM and UNC business. I stay out of it.” But Sen. Richards chose to speak and he chose to attack and Sen. Vieira chose to attack and in his first 40 minutes, Sen. Vieira pretended that on the 23rd of October, two days after the Electoral College, that he was quoted extensively in the *Express* attacking the Opposition, attacking Kamla Persad-Bissessar, attacking his fellow colleagues, Senators, attacking Jayanti Lutchmedial, attacking everyone, he just clearly forgot that. And any response to that came after his initial attack. And if he is an attorney, a learned one, he would know that self-defence is a defence. So if you pelt the first salvo and if you attack first—

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts:—then you must prepare for a response. No one attacked you, no one abused you, no one was malicious, this Motion is vacuous.

The Hon. Minister of Energy and Energy Industries came here today, and I am not so sure if he was supposed to debate because he was clearly unprepared. And I do not believe that he would come here and on purpose mislead the House. But everybody would know that when the Electoral College or the joint sitting of Parliament was called, the parliamentarians duly elected, the Lower House was called first and the Motion was read there. We, the Upper House, did not have that opportunity. So for the hon. Minister of Energy and Energy Industries to come here and say that all of us were there when we were not, either he is confused, he is overworked or he is tired, because he has many portfolios that some of the Senators like the Minister of Agriculture, Land and Fisheries could help him out but they do not seem to have confidence in him so, they give one man everything. But furthermore, why was this Motion here today read out? That is the practice. We all got it on email. But I listened carefully as the Hon. President read out the Motion, but we had all received it. That is the procedure.

So, to come here and say that the Opposition was malicious and wicked, because they would have liked the Motion to be read, as is the practice of this Parliament is totally untoward and absolutely not on. I want to thank the hon. Minister of Energy and Energy Industries and Acting Attorney General for denouncing and distancing himself from us, the United National Congress on this side, we want to thank him for that, thank you Sir, because we on this side do not respect nor identify with at all any Johnny O'Halloran want-to-be.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: The hon. Minister of Energy and Energy Industries—

Madam President: Sen. Roberts—

Sen. A. Roberts: Yes, Ma'am?

Madam President:—Sen. Roberts, I have to caution you at this stage. I would ask you please to withdraw that statement.

Sen. A. Roberts: I withdraw, Ma'am.

Madam President: Thank you.

Sen. A. Roberts: The hon. Minister of Energy and Energy Industries and Acting Attorney General did these current Senators appointed by the President a terrible injustice today by reminding the population of all the great Independent Senators who went before. Sen. Paul Richards said that he would like in an adversarial system for us to come together. But Sen. Vieira, that is your job—Sen. Vieira and Sen. Richards, that is your job.

The PNM and the UNC are in adversarial politics, debating, describing, changing policies and positions and so on. The Independent Bench as independent individuals are the ones to go above the fray, pick sense from nonsense and come through and show the population what is good law, what is not. So, when you jump to report and a reporter asks you a question and you do not say, “no comment,

because I know my job, I have a job to do, and I have no opinion on the PNM and UNC business”, when you jump in and attack one side you are not doing your job.

So, do not come here today and try to put the pain and the problems of the chaos created by the Independent Bench on the adversarial politics that exists because the UNC Senators, we are doing our job, the PNM Ministers and Senators, they are doing their job and it is for the Independent Senators to do theirs and not jump in on one side and attack the others.

Hon Senators: [*Desk thumping*]

Sen. A. Roberts: As I listened to the confused ramblings of a politically bipolar Senator, I wept, I shed a tear. It seemed that he was auditioning for a sitcom with “Ro’dey” in California. Let me tell the confused Senator something clearly because he may believe that he is a thespian—

Madam President: Sen. Roberts, please, your language is becoming very—it is insulting language that you are using about some Senator in this Chamber and I will ask you please to desist from that.

Sen. A. Roberts: Yes Ma’am, I will desist, but I can tell you that I was insulted today, when Sen. Vieira pretended to act and claim to portray my method of speaking in a way that was derogatory. And I would tell the hon. Senator, while I may be able to parlay in different forms and fashions, that my parents are attorneys, my two brothers are attorneys, one went to Oxford and Harvard, I can speak Queen’s English or I could lime with the doubles man, and for you to come in this Senate and pretend to berate me, mimic me and mock me in some thespian play for drama was derogatory, disrespectful and would not be tolerated.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: The most abusive, malicious and intimidatory words—and that is taken straight from this Motion—unparliamentary language uttered here today,

exposed and delivered by Sen. Vieira here today in this Motion, the most unparliamentary, abusive, strong, malicious language is actually typed up in this Motion, as opposed to what purported to be put forward here by Sen. Vieira as some misconduct on the part of all UNC Opposition Senators. He could put not one word on record, he could put not one statement on record. He tried to dramatize and be dramatic with words that are normal, common, parliamentary language, but these words here, about malicious and abusive and threatening and intimidatory, what on this Motion—this Motion is more effusive, more derogatory, breaches the decorum of the House more than anything put forward here, or proffered by the hon. Senator.

The hon. Senator said that the authority must speak and once the authority speaks, you must listen and sit there. And I looked at him very confused, because we sit in a place where people fought for us to be able to sit here or in our various shades, our various religious beliefs, our various textures. And to sit there and say that the authority speaks and authority and what authority—suppose authority is incorrect. Remember, the authority locked up Nelson Mandela for 27 years. Should all of Africa have stayed silent?

Madam President: Sen. Roberts, you are going down a path that I would ask you to right now, please, please, stop and start—continue with your contribution, but take another path. Okay?

Sen. A. Roberts: Okay, Madam President, but I am responding directly to what Sen. Vieira said.

Madam President: I know—

Sen. A. Roberts: “Eh?”

Madam President:—and I have allowed you a lot of leeway. But I am asking you please—and I do not have to spell it out but you are going down a path that I am not going to—

Sen. A. Roberts: Guided, guided.

Madam President: Thank you.

Sen. A. Roberts: I am guided. Traumatizing, we said that this—Sen. Vieira said that it was traumatizing to hear the words “democracy”, “secret ballot”, “please let us debate”, “vote”, “read the Motion, please, Madam Speaker”. These words were traumatizing in the Electoral College or the joint select—the joint sitting of Parliament for Sen. Vieira. But the issue that we were debating there deals with our situation out there with our population, who is under threat of crime, criminality, spikes in murders, rapes, young ladies being murdered and put by the riverside, crime “outta” hand, a father being carjacked with his baby in his hands. And this is due to the fact that we have no commissioner of police, that was the issue that we were there for—

Sen. Mitchell: Madam—

Sen. A. Roberts:—and now you are traumatized—

Madam President: Sen. Roberts.

Sen. A. Roberts:—just by some words.

Madam President: I had ruled earlier in the proceedings—maybe you were out of the Chamber at that time, but I had ruled earlier that any issues—we are dealing with what is in the Motion and not outside of it. Okay?

Sen. A. Roberts: Madam President, yes, I heard but the Motion deals with the Electoral College on Thursday 21st right here in the third “*whereas*”—that is what we are dealing with—okay. But I will move on, because I have a lot and a little bit of time. Sen. Vieira said that he is friendly with the UNC, he loves the UNC, gives

the Senators advice and so on. That reminded me of an elitist saying, “I am not a racist because I have a black friend who comes to dinner once a month”.

Sen. Mitchell: Madam, Madam—

Madam President: Sen. Roberts, I am not going to caution you another time. I have asked you to not go down this path. But you are going down the path.

Sen. A. Roberts: Different path.

Madam President: Please, stop, stop, check yourself and continue with your contribution.

Sen. A. Roberts: Thank you, Madam President. This Motion is vacuous, malicious, misplaced, mistimed and misses the mark. And presents yet another clear mark—

Hon. Senators: [*Desk thumping*].

Sen. A. Roberts:—clear example of the tyranny of the PNM majority, consisting of overt PNM and covert PNM, giving cowards confidence, creating political mob rule by promoting reciprocal praise and upliftment of the immoral, unethical and undemocratic principles of the conflicted. However, the tenets of democracy allow for the bravery and the strength of the persecuted few—

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts:—to infuse an element of hope into the wider society, which will eventually manifest itself into a casting off of the shackles of mental, moral and spiritual slavery engendered by relics of an elite, caste system long dissolved.

Madam President: No—

Sen. A. Roberts: The very choice of bringing this Motion against the UNC Opposition—

Madam President: Sen. Roberts, no. Your language is intemperate, you are still going down the path that I advised you not to, and therefore, I will have—you have some time left, please, this is my final warning.

Sen. A. Roberts: [*Inaudible*]*—*the very choice of bringing this Motion against the UNC Opposition, so that the PNM and others can gang up on the UNC Opposition, illustrates the interminable lack of independence in this hon. Senate. Because Sen. Vieira would like the UNC to conform to his dictates, his perception of propriety and his concept of decorum.

Madam President: Sen. Roberts, I had earlier made a ruling that this debate is not about Sen. Vieira. I had made that ruling earlier. You can respond to things that Sen. Vieira has said and in his presentation of his Motion, but you are personalizing issues with Sen. Vieira and I am asking you not to do that, please.

Sen. A. Roberts: Thank you. This Motion is misplaced, for we were in the Electoral College or, some defined it as a joint sitting of Parliament. We were not in the Senate, yet the hon. Senator brings a Motion to censure Senators to a different place. My advice to him is to take his Motion to some other place. Crosstalk was the main issue brought forward by Sen. Vieira here today. Crosstalk captured by the *Hansard*, not one unparliamentary word could he quote, not one. But he never said that there was a problem with the muting of the mikes, the thwarting of democracy and this Motion is—

Madam President: Sen. Roberts, please, I am not—you are not going to now make a case for what happened in the Electoral College. You are not going to do that.

Sen. A. Roberts:—I was not going there, Ma'am.

Madam President: You have actually. You have questioned certain decisions, so I will ask you to move on please.

Sen. A. Roberts: In this Motion Sen. Vieira says there is a duty to uphold the dignity and discipline and decorum of the Parliament. Who determines this dignity, discipline and decorum? Certainly not you Sen. Vieira. Was this not the Speaker's job? Is this Motion an attack against the Speaker? Discipline—

Sen. Mitchell: Madam President, I am kindly asking you and this Senate please, to consider Standing Order 53(2).

Madam President: Continue, Sen. Roberts, but just take my advice that I have given you before.

Sen. A. Roberts: I am taking, thank you, Madam. And I just hold up but I am running out of time. This is Saturday's *Express*, October 23rd, 2021. An *Express* article in which the hon. Senator was quoted very holistically, thoroughly, attacking not only the Senators, the Leader of the Opposition, the UNC, all of these highlighted are attacks on the United National Congress. No one attacked any Independent Senator, no one attacked Sen. Vieira. This is an attack—I cannot go through all but I would just read one, for example, because the claim here is that we—our decorum and dignity and discipline—when you said:

“...what...”—do you say of—“...Senator Jayanti Lutchmedial who was an Attorney in the very proceedings...They want to say that the Members of the Independent Bench are conflicted because we were appointed by the President, the subject of the proceedings. But the Leader of the Opposition who brings the Motion has screened and appointed each of the members of the Opposition Bench...”—and this is so illogical.

The UNC is here elected, our bicameral system—we represent 309,000 votes, we are placed here by the Leader of the Opposition. You Sir, are chosen because you are outstanding by the President to look at issues, to hear arguments and to come to independent positions. So to compare your position with the position of the

Government PNM, or the UNC, is a nonstarter and it means that you do not understand what the job is here. The attacks continued and you—the hon. Senator went on to say that we are double standard and the Opposition was—shame on the Opposition. This is more critical. This is more a breach of the decorum and the dignity of this House than anything you have said here today. You have not made one word that has sounded as what you have talked—

Madam President: Sen. Roberts—

Sen. A. Roberts:—and you said—

Madam President: Sen. Roberts, you know you are addressing me, right?

Sen. A. Roberts: Yes Ma'am.

Madam President: Thank you.

Sen. A. Roberts: You have made claims Sir, that these—the UNC Senators attacked other Senators and were malicious. No Sir, asking for points of order, asking that principles of conflict of interest be addressed, asking that as the Minister of Agriculture, Land and Fisheries said, there are different interpretations of section 33. Constitutional Law is beautiful because it can be interpreted in different ways. How do we do that? We interpret, we debate and then there are rulings.

The idea that you decided to jump in and attack the Opposition—to attack the Opposition for arguing, trying to present a different opinion, a different analysis, asking for secret ballot, discussing conflict of interest. If I were a judge in a matter, and my brother came before me, would I not recuse myself? There is no pecuniary interest there, but it is my brother, and I love my brother, and therefore it would be inappropriate of me to take part—that is not an attack that is a simple principle of good governance, propriety, decorum and dignity.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: You claimed, also, and I will not go into Madam President, but the claim about when he was attacking the Opposition was that, there is only opinion and speculation. I just state for the record, that they were clear statements on the issue made, which presented a factual matrix to be debated. So your initial consideration was wrong. What we have had in this Parliament and in the Senate over the years, have been great Independent Senators—Martin Daly, Israel Khan, Emir Crowne, Ralph Maraj—oh, sorry, these are not Independent Senators. I stand corrected. I am saying now on this point, that when you are—sorry, I withdraw that, sorry. I am saying to Sen. Vieira and others on the Bench that the issues brought forward by the United National Congress, we are not just partisan ideals. Because we are the UNC, we are in adversarial politics with the PNM, okay, that is fine that is the system. However, the Independent Bench or the Independent chairs—because they are not a Bench—they are each individual outstanding human being and citizen—should represent and take information and present their opinion on the interpretation of facts. For Sen. Vieira to start this Motion and to attack the UNC coming to a conclusion that the entire original issue was one of just supposition and opinion, flies in the face of other independent people who are not attached to the UNC such as, Martin Daly, Israel Khan, Emir Crowne, Ralph Maraj, Larry Lalla, Om Lalla, Dr. Kublalsingh, Justice Frank Seepersad, three *Express* editorials, two *Guardian* editorials, David Abdullah, Phillip Alexander, Jack Warner, Ramesh Lawrence Maharaj, Ravi Balgobin Maharaj, Professor Selwyn Cudjoe, Winford James and Bishnu Ragoonath. All of these people believed that information is needed, that facts, that more of the high officeholders should talk. How—

Madam President: Sen. Roberts, you have five more minutes. And Sen. Roberts, I caution you that you are being irrelevant right now, to the matter at hand. Okay?

Sen. A. Roberts: Yes, Ma'am, thank you very much. Now, in part C:

“...*whereas* conduct calculated to obstruct, intimidate or impede...”

—this is quite strong language by Sen. Vieira yet he puts not one iota of evidence forward. He stated facts—and the problem is, he said that we are attacking another’s colleague for saying “singing for supper”. What is “singing for the supper”? “Singing for a supper”, is a colloquial way of talking about a conflict of interest. Conflict of interests are real, and they are defined for example, I took the simplest definition from Wikipedia:

“A conflict of interest is a situation in which a person or organization is involved in multiple interests, financial or otherwise, and serving one interest

could involve working against another.

An ‘interest’ is a commitment, obligation, duty or goal associated with a particular social role or practice. By definition, a ‘conflict of interest’ occurs if, within a particular context, an individual is subject to two coexisting interests that are in direct conflict with each other.

The interests involved can be pecuniary or non-pecuniary.”

So when the Opposition is bringing up issues of conflict of interest, Sir, it is not a malicious, vindictive, abusive, intimidatory attack on anyone. It is simply a principle and a principle brought forward if you have a differing opinion, you should get up and speak, debate it and let your voice be heard. But you seem to be happy that you did not have mikes in the Electoral College. There were other things—I will skip out this Ma'am because I think you will rule against me even though it was in response to the mover of the Motion.

Senator—the hon. Minister of Agriculture, Land and Fisheries brought up a Motion of privilege in which he was trying to alert the population that it involves

Sen. Roberts, well, okay. But in this Motion, “*whereas*” E, Sen. Vieira says that we, the Opposition imputed improper motives, against whom? Really? When? How? Who? This was vacuous, this Motion was frivolous, it was lazy, unresearched and unsubstantiated. In the *Hansard*, Sen. Vieira debated for example, a Motion of Privilege that was brought up by the hon. Minister of Agriculture, Land and Fisheries against UNC Sen. Roberts and I have it here. And in fact, this is not crosstalk but this is actual *Hansard* yet I did not cry and put a Motion and come to Sen. Vieira and come to the Senate to have him censured for imputing improper motives on my behalf. I suffer from asthma, always have, I have been hospitalized and nearly died. Three of my children have asthma. There was a meeting of the Privileges Committee—

Madam President: Sen. Roberts, you are seeking to re, re—for want of a better word, re-litigate something that has finished. Please. So just—

Sen. A. Roberts: Ma’am, I am not doing that.

Madam President: You have a few—you have one minute.

Sen. A. Roberts: Thank you Ma’am, but I am not doing that I am responding to the Minister of Agriculture, Land and Fisheries and dealing with Sen. Vieira who is saying that the UNC imputed improper motives yet presented not one iota of evidence, but here, Sen. Vieira on *Hansard* was attacking a UNC Senator saying that he attempted to thwart the process by not coming when—and ridiculing my asthma, which was imputing improper motive on the record, and could have been censured, but I would not cry, Sen. Vieira, I would not throw a hissy fit. I would not come here and try to play Pontius Pilate and attack an entire UNC Bench. The mere fact that you brought this Motion, you have done a disservice to all Independent Senators before, now and in the future.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: We now have to consider a total revamp of this because it is clear that there are now 24 PNM versus six UNC.

Hon. Senators: [*Sustained desk thumping*]

Madam President: Sen. Roberts. No, Sen. Roberts, you will withdraw that last statement.

Sen. A. Roberts: Withdrawn, Ma'am.

Madam President: No, Sen. Roberts.

Sen. A. Roberts: I withdraw, Ma'am.

Madam President: Thank you very much.

Sen. A. Roberts: Thank you.

Hon Members: [*Desk thumping*]

Madam President: Sen. Deyalsingh.

Sen. Dr. Varma Deyalsingh: 30 minutes or 20 minutes?

Madam President: You have 30 minutes.

Sen. Dr. V. Deyalsingh: Thank you. Thank you, Madam, for allowing me to partake in this debate today but I must say I felt insulted by the last speaker, you know, implying that I am now a Member of the PNM. It is not good—PNM might be a very good party to join. But I feel insulted that my independence has now been brought into account.

Hon. Senators: [*Desk thumping*]

Sen. Dr. V. Deyalsingh: Be it as it may, I may need to defend that allegation that was made. Madam President, I must say Sen. Vieira's Motion seeks to uphold the dignity, the discipline, the decorum of this Senate. And also he looks at the failure, the failure to uphold the dignity of Parliament, by looking—disregarding the rules and using unparliamentary language, disobeying also the authority of the Presiding Officer. And he—his Motion actually says it diminishes and erodes public

confidence and the breach of privileges. And all Opposition Senators who were present, you know, made abusive and malicious assertions and implied false and improper motives that reflects on the characters of the—and the impartiality of the Independent Senators. And he makes mention this occurred during the Electoral College and in the media and also he serves to censure the unparliamentary conduct, or the threat of, or molestation attempt to impede and influence the integrity of, and interfere with Independent Senators and their duties. And also to establish a select committee to consider and report on any such unethical conduct.

5.30 p.m.

So, Madam, first I might say, Sen. Rambharat made reference to a newspaper that I would also like to draw reference to and if you would allow me, Madam, it is a newspaper where, you know, I will have to look at this newspaper because it actually draws into the debate, how this actually happened and also the fact that, you know—the improper motives that were dealt with—

Madam President: Sen. Deyalsingh, may I just ask you to pull the mike more to—

Sen. Dr. V. Deyalsingh: Sure.

Madam President:—so that I can hear you. Thank you.

Sen. Dr. V. Deyalsingh: Yeah. Thank you, Madam. So I just wanted to bring into this debate a newspaper *Guardian* which was already quoted by Sen. Rambharat:

“Kamla attacks Independent Senators”

It was 20 days ago. It was on the *Guardian* newspaper. An article on the *Guardian* newspaper where Gail Alexander mentioned that the Leader of the Opposition:

“...roasted Independent Senators for their criticism of the UNC’s behaviour in last Thursday’s Parliament sitting...”

And also, she made mention that the Independent Senators stepped into the

political crease and we are doing:

“...battle for the PNM in the political gayelle...”

Also, she made mention to the fact that:

“...the so-called Independent Senators capitulated to the PNM’s will, as opposed to standing up for the people.”

And:

““These Senators are handpicked by the President, so how can they be expected to vote to investigate her?””

She also made mention that:

““This notion of ‘Independent Senators’ has, over the last 50 years, bred the nasty idea that a portion of the population is somehow superior, and they look down on the others, calling them tribal, base, disrespectful and disgraceful. It’s an attractive concept for some, who will always mimic their views in order to be seen as part of the elite class. Panday called them the parasitic oligarchy.

We have in essence invented our own aristocracy, where these...barons and baronesses are handpicked, and they now want to lord it over the rest of us...relative unknowns are elevated and given the right to pontificate on Divali Nagar and to tell us what is ‘respectable’ and who is disgraceful, because they are somehow above the ordinary citizens. But they never say anything when the Prime Minister goes on political platforms and cusses those who oppose him.

Some of their masks have slipped...”—and some have gone to the—
““media to attack the Opposition and an Opposition Senator...but you can’t play mas and fraid powder!””

So, Madam, when I looked at this, it made mention here that:

“When all these Independent Senators could jump out of themselves to criticise the Opposition for demanding the right to represent the views of the population...”

I took offence to that because I personally never went out of my way to attack the Opposition Leader or their views or whatever had transpired on that day. And I think Sen. Richards also made mention of an article by Ria Taitt. When she interviewed him, you know, somehow the facts were not right. He also said he did not clarify that he named the Opposition in any sort of criticisms he made. Ma'am, the same Ria Taitt has—in the past, any time she writes an article about me she mentions that I am Terrence Deyalsingh's cousin. And she did—in this same debate that went recently in the Electoral College, she said that the Opposition Senators actually shouted “PNM” and she put “Deyalsingh's cousin” in brackets, and when you look back to a subsequent article after that, it was not so. They cried, “Shame! Shame!”. They may have shouted “PNM” at some other person but they cried “Shame!” So you have to look at certain things that are fueled in the press, it is really the reporters wanting to have stories kept alive.

Madam, I would also like to make mention to another article when I actually had to respond to these allegations that the Leader of the Opposition had made mention to and I too—it was an article I had in the *Guardian*:

“Senator Deyalsingh rejects UNC's condemnation of Independents”

And there, very quickly, I said it was:

“...‘unfortunate.’”

And:

I—“...reserved the right to vote according to...”—my—“conscience and...”—you know—“disagree with...”any—“policies and opinions of both the Government and the Opposition.”

I also said that the:

“...independent senators, whom they said could not be truly independent as they were nominated by President and therefore beholden to her.”

And I made mention to the fact that the Opposition Leader criticized us after the fact that we had voted; after we had all voted to say, no. And if she thought that was so, that we were beholden to the President for appointing us—

Sen. John: Madam President—[*Inaudible*]

Madam President: Yes. I was actually going to caution you, Sen. Deyalsingh, that the Motion is not about the Opposition Leader and Members of the other place. The Motion is to treat with Members of this Chamber. Okay?

Sen. Dr. V. Deyalsingh: Thank you, Madam. But I know they are public beholden to their leader so this is why I did not know if they had that same view. But what I would want to say there, while other Independent Senators did not really comment—I think Independent Senators Richards and Vieira did comment in the press. I really came out to defend my honour because I do not like people to look at me and say I belong to the parasitic oligarchy and I, you know—things like that are very insulting to me.

I came out of private practice, Madam—Madam, when I came here I left a job in the regional health authority. I used to get after taxes, \$450,000 a year. I left that job because it would have conflicted my interest as an Independent Senator. So I am not a parasite holding onto jobs, I left that job. I felt hurt to leave my clients there. But what I am saying, the insults that went there, I actually went out and said that we need to work with the Opposition. The fact is the way that our Constitution is drafted, the Opposition Senators and the Independent Senators are yoked to each other. We are the ones who—we have to have political entanglements because together we may be the ones to stave off any sort of

legislation coming in that may be, you know, perceived as dictatorial. So we have to work alongside each other.

This is the point I made and the point I also made, Madam, is that the persons on the other side should not paint all Opposition Senators with the same brush. If Sen. Vieira took offence for what had transpired and he would have actually come out with this Motion, it would have probably been because he felt that we were, as he put it, molested; he was attacked. But, Madam, all of us come from different backgrounds. I, on that day, heard the Opposition crying, “Shame!” and all these things but I really did not take it personal. I looked at it as part of a political showmanship. Because, Madam, the Electoral College that day, when the Speaker actually showed that no debate was allowed—I think we went into the anticipation there would be no debate. I consulted attorneys—I saw attorneys in the press, what certain attorneys said, Dave Persad, other attorneys who were for and against, and I formed my opinion that she was right in how she handled it that day in terms of not allowing debate. We are all different—

Madam President: Sen. Deyalsingh, I have to caution you as well that the decisions of the Presiding Officer in the other place, let us—

Sen. Dr. V. Deyalsingh: Sure.

Madam President:—that is not forming part of this debate on this Motion here.

Sen. Dr. V. Deyalsingh: Yes. Thank you, Madam.

It is just that I was trying to make a reference that it was really the Electoral College, what happened that day. But I must say, when that debate came on, being you, the Opposition Senators who are here and others, would have been backed in a corner and they had to react, so how would they have reacted? So they felt that they had a day to react and some of them would have been thumping, some of them would have been trying to thwart the activities but that was part of their

privilege. And, Madam, do I like it? I may not have liked it because I have seen reference made to other parliaments all over the world: the United States Parliament, even the UK Parliament. Madam, we have in the UK Parliament here, the Speaker there sometimes, John Bercow, who looks at the—he always has to be shouting, “Order! Order!” And recently he had to say the atmosphere in the Chamber was the worse than any he has seen for 22 years when they recently tried to prorogue the UK Parliament.

So references were made to other parliaments and I am looking at the behaviour and some other parliaments, it is disgraceful; some other parliaments like in Nepal, Turkey and other parliaments, sometimes they come to “blows”, assaults actually occur. So to bring that order on that day, if you are backed as an Opposition, if you think your mikes are being muted, this was a reaction that—I understood their reaction. I did not take their insults personally. And as I am saying, we all come from different backgrounds so we may take insults differently. I have patients who insult me all the time so I am immune to that.

However, what I am looking at, Madam, is the Opposition Senators who were there that day, I am saying if we look at how they behaved, in my mind, it was really a reaction. And you see, Madam, I look at it as political theater. And why I say that is we are here today to debate this Bill, to bring the dignity of Parliament, to uphold it. But on that day, when the Speaker was being verbally assaulted, when she was being chastised by Members, when we were being—after when we were called “shame”, every single Member on the Government side could have raised orders to—you know, even the Speaker could have stymied that and put a stop to it. So at that point, the authority, the position of the Speaker to stop whatever was transpiring, if it looked so, you know, unruly, Members on the PNM bench could have gotten up and put point of order but they did not. So if they did

not do it here, why is this continuing? Not to say we agreed with what happened, you know, but the idea is there was a time and a place for it and I looked at that being a time and a place.

And I also looked at the fact that there are other avenues where we could have gone in that. Remember, you see, if we looked at the fact that there is the Privilege Committee, there are other, you know, means where we could really have brought some sort of semblance of order into what happened, you know, people could have raised points of order. So the fact that if we want to say that the Opposition Members behaved in a particular manner, the Government Members had a duty to try and prevent it and they did not. So I put it as political theater. It is unfortunate and I put it unfortunate that nobody served to protect the Independents but we could have also after, you know—I guess it was voting time so it was difficult for us to raise any sort of Motion then.

However, what I might say is you see this Motion brought on here also looks to see that, you know, if it erodes the public confidence in this Parliament, does it do so? But, Madam, I heard Sen. Richards now spoke about the examples, how seven year-olds, we have to see the example of what transpired that day and I agree with him. But remember, we have to appreciate the fact that if we are looking at the persons on the outside judging us, we have to say, “Is it not our—the behaviour that I must now judge Opposition Senators, is that a behaviour that I have seen in other Parliaments?” And I said, “Yes”. Is that a behaviour I have seen in parliaments over the years? And I have to say, yes, I have seen certain instances in parliament, Madam, where it left a lot to, you know—for us to wish for something better, you know.

So crying of the “shame”, having me to try to see if I would put my moral code on the behaviour of the Independents, it is a little difficult for me because,

you see, my moral code may be different from another person's moral code. I may think that no Member should be serving here in Government if they are unfaithful to their wife because they may cheat in the Treasury and other things too. So my moral code—my idea and behaviour, it is difficult for me to say what is accepted or what is not accepted. I think it is—so I look to judge, should I support this Motion or should I see what transpired in the past? Madam, in the past we had leaders using very hurtful, abusive language and we had leaders calling their Opposition a snake, a weak creature who trembles at every limb; others who refer to a previous Prime Minister, Mr. Robinson as a thief. We had others who would have referred to even the *Guardian* newspaper as a “jammette” of St. Vincent Street. We have some people saying, “Let the jackass sing.” We had people saying they had “crapauds”, you know, and “not a damn dog bark”.

We had persons saying that—they infamous for what? “Judas is corbeau”, you know, and those were difficult political parties, different leaders and both of them were widely supported. So it is not to say, you know, I could now bring my moral code. If the citizens know the first Prime Minister said certain things, that Mr. Basdeo Panday said certain things, then even after in 1977, somebody described Members of their own party as the “afterbirth of their party”. It saves me to say, how could I now dictate? Right in the Parliament somebody was referred to as a “raging bull”, “out of control”, and you had “wajang”, that was a Prime Minister saying those things in Parliament for a sitting Member of Parliament who now occupies the highest office. This is what the population saw, Madam, and this is what the population voted for people.

So I am saying is, if am I to—am I to support this Motion or to say that I want to put a standard on these Opposition persons or should—I mean that calls for a major paradigm shift in the culture, or should I say, “Let the population decide.

Let the population decide who they want to lead them. Let the population decide and vote.” There is a by-election there soon, let them vote if they like that type of behaviour in Parliament. I am not an elected Member but the voters outside could decide in their by-election if they want what transpired, they like it, vote their people in. So it is the populace that must decide that. However, I do not like what will transpire in terms of name calling and these things. And I honestly believe that, yes, a code of ethics should be instilled but not in the Parliament, for outside, for a political debate when there is election time—the last year for election, you know. I am hoping we could have institute a code of ethics there for what is happening outside and probably the Council for Responsible Political Behaviour, headed by Dr. Bishnu Ragoonath could do these things rather than here. I try to say yea or nay, do I really agree with censuring persons here?

So, Madam, I think that both sides had a lot of shortcomings and I also would like to make mention to the fact that Sen. Rambharat made mention that how this—what transpired, reminded him of the 1990 coup. Remember, he brought that up, Madam, so he tried to equate both of them, and I think an Opposition Senator tried to say, “How could you compare it?” But, Madam, what I am trying to say is this, if voted Members of Parliament we are trying to censure and you have an insurgent come into Parliament in 1990 and you had that insurgent—you know, people died, people was shot and they made a mockery out of Parliament and after that, you found he was encouraged by political parties on both sides. He said it before, Mr. Abu Bakr, the late, before he died; he said, “Both people in”—you know—“both political parties actually allowed me to come and help them to mobilize.” So what example are we saying?

As an Independent, I am looking at Government saying one thing, Opposition saying something but the person who really—what I am saying, the

person who really desecrated Parliament the most, he was allowed to go on both sides. He was allowed. He kept his properties, he had a funeral that flouted all the regulations—

Madam President: Sen. Deyalsingh, I am not sure I am following the relevance of what you are saying there to the Motion that is before us. Could I just ask you to—

Sen. Dr. V. Deyalsingh: Sure. So what I am trying to say, Madam, is that if we are looking to try to censure Opposition Senators who are voted in, why did we serve as exemplars before to punish, to prevent people who made a greater mockery out of Parliament, allow them to have all those freedoms outside, allow them to have a COVID-free funeral with lots of people there? It means that—I do not think that I feel comfortable, you know, trying to censure elected Members while the example shows people on both sides actually encouraged these people. I mean, is the internal flame extinguished? I do not know.

Madam, I would like to say that part of the Motion also leads to the fact that, you know, we have to try to consider, as I say, the select committee to be established and I said I disagree with that. I would rather some sort of censureship comes from the populace. And I have to—if you would allow me, Madam, I would like quote Martin Daly because he was actually mentioned on sites as being an Independent Senator of high acclaim. And I want quote a newspaper that—an interview he did on Thursday, 28th of October, where Martin Daly, speaking on this instance said, he would not like to see the Independent Senators, you know:

It is not our duty to seek to censure either side of the divide.

That was his opinion. It is not the Independent Senator's duty. And while Sen. Vieira may have his reasons, he felt hurt, he wants to bring that decorum to Parliament, I would like to say that I supported the view of Martin Daly in the sense, I do not think it was my duty to, you know, to seek to censure either side. I

could speak out about parliamentary behaviour. And he also said he considered it unfortunate that, you know, some of the Senators would be trapped in this Motion and he said we should learn to take fatigue. He said when we were in school, we would have gotten teased, we would have gotten criticized and if you did not learn to take—somebody calling me “a shame” or whatever, and if you are true to yourself, you should, as I said, let that roll off your back.

So it was his opinion that he made mention that, you know, this Motion here today, he said:

“It will further fan the flames and the hostilities in the Parliament. I don’t know how these people are going to be able to sit down and do anything together.”

He made mention also that:

“He was concerned”—that—“some of the independent senators may”—not—“want to get involved in the fight between Government and the Opposition.”

And he said:

This is—“...not their...fight...”—meaning the Independent Senators.

“If the Government and the Opposition have hostilities, the Speaker...is there to sort it out as best she can. That to me is a big ‘what next’ problem.”

So he had his reservations.

He also said that, you know:

We—“...should not be intimidated by the robust language directed at them from either the Government or the Opposition.”

And we should be like that. We should be strong enough to take the jamming, as we want to say. He said:

“You...”—may—“not like it, it may hurt you, but I’m not sure that...language requires that you necessarily respond, particularly if you are part of an institution...a constitutional institution...the independent bench...that is supposed to stand slightly away...it has nothing to do with snobbery...”

So I must say that I want to agree with what this former Senator says. I want to say that in agreeing with him, I do not think we should get involved. I think the people should decide. I think that there are internal mechanisms in place if we want to bring action, you know, privilege actions against it. And you see, it is not just that—it is not just the Opposition does not trust us, Madam. Madam, the amount of time the AG has to bring that Suratt sort of legislation just to make sure he gets the three-fifths majority, it seems he and all have some reservation of the Independents—of the Independent Senators because if we were all doing his bidding or the Government’s bidding, he would not have been able to bring the Suratt judgment from time to time to get around, as you say, the three-fifths majority.

So therefore, I must say, I would hope within themselves, the Members who are in this Chamber decides that what is proper conduct—but it comes from training, it comes from what you see your past leaders doing, it comes from what the people will, you know, vote you to continue. But I am thinking deep down, they should realize certain things, you know, would definitely make us a country where the young ones, as Sen. Richards said, would be affected but I think it has to be from within, from the training, from what is good for our nature—

Madam President: Sen. Deyalsingh, you have five more minutes.

Sen. Dr. V. Deyalsingh: Yeah. Thank you, Madam. So I am saying, I would leave it up to , you know, the Privilege Committee, the Integrity in Public Life. These are

the, you know—this is how I rather handle cases like this.

I also would like to think that, based on the starting—what I started with, quoting the newspaper article and what was also quoted by Sen. Rambharat, I think it is unfortunate that the Leader of the Opposition paints all of us—all the Independent Senators with the same brush. We are each independent persons, we each have our own opinion. I have never conspired with anyone to bring this Motion here today, so I think that should be drawn out of Sen. Mark's head. And I want to say that I think the other side, the Opposition Senators, may have to apologize to certain Senators. And I must say, if given the opportunity, I would open my services to mediate between any Independent Senator and the Opposition because it is really for the benefit of our country. Thank you, Madam.

Hon. Senators: [*Desk thumping*]

Madam President: Leader of Government Business.

ADJOURNMENT

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you, Madam President. Madam President, I beg to move that this House be now adjourned to Tuesday, 30 November, 2021, at 10.00 a.m. On that day, we propose to deal with the Special Economic Zones Bill. Thank you very much.

Madam President: Hon. Senators, there are two matters that are to be raised. Sen. Mark.

Hon. Senators: [*Desk thumping*]

National Insurance Act (Failure of the Minister of Finance to follow)

Sen. Wade Mark: Thank you, Madam President. Madam President, it gives me no pleasure in bringing this first Motion to your attention and to the citizens'

attention. It has to do again with the failure of the Minister of Finance to follow the law as enshrined in a particular piece of legislation that I am about to refer to. Madam President, I refer to the National Insurance Act of Trinidad and Tobago and under section 3(2) it states very clearly, and I quote:

“The Board shall consist of eleven members designated Directors, who shall be appointed by the Minister, as follows:

- (a) three members nominated by the Government;
- (b) three members nominated by the associations most representative of Business;
- (c) three members nominated by the associations most representative of Labour;”

And then it goes on to talk about:

- (d) a person, who in the opinion of the Minister, is independent of the Government, Business and Labour, who shall be the Chairman;”

And of course:

- “(e) the Executive Director...”—who is an—“ex officio member.”

Madam President, I had cause last week to draw to your attention, the failure of the Minister to appoint members of the Customs Brokers and Customs Clerk, but being conscious that this Motion was coming, the Minister ran quickly and appointed these individuals. I am sorry today, Madam President, that I have to file a Motion, a matter on the Motion to ask the hon. Minister to obey the law. Madam President, I have correspondences in my possession in which the Minister of Finance, through his Permanent Secretary, wrote to the National Trade Union Centre on the 15th of June, 2021, advising them that the time for appointing a new director had arrived, and that was proper. So the union was communicated, that is the federation; they dutifully acknowledged receipt of the correspondence and they

were invited to submit their nomination or their nominee by June 30, 2021.

Madam President, the unions responded to this correspondence to the Minister of Finance, Permanent Secretary, on the 14th of October, 2021, by stating, and I want to quote for the record, Madam President:

Reference is made to your letter dated August the 30th, 2021, which nominated representatives of your organization to serve as representatives of labour on the board of management of the NIB of T&T. You are advised that after careful consideration, it has been decided to seek fresh nominations.

That is coming from the Permanent Secretary. Right?

6.00 p.m.

The Minister, Permanent Secretary, is advising NATUC that they want NATUC to seek and submit fresh nominations from representatives who have not served on the board of management of NIBTT before. In this regard, you are requested to provide the names of a nominee to serve as Director and an alternate to the Director from your organization, from among members or persons who have not served on the board previously, who may be considered for appointment on the Board of Management of the NIB in accordance with section 3 of the NIB Act.

Madam President, I laughed. This is not the prerogative of the Minister of Finance to consider any appointee or nominee from NATUC. The law is clear. They submit their name, the Minister accepts the name and those people are made members of the board. Why is the Minister seeking to interfere with who becomes a nominee and thereby a director of the NIB Board of Trinidad and Tobago? And this was a former member of WIGUT in his heyday. I am talking about the Minister of Finance. He was a former trade unionist. Why is the Minister seeking to direct somebody to sit on the NIB board, when he does not have the authority under the

law to do so? Madam President, this is disconcerting. Why is the Minister doing this?

This has now forced the national trade union movement or centre to respond in a very harsh way to the Minister, and I must quote for you their response, Madam President. I know I do not have much time, but it is important to quote a few sections:

I refer to your letter of October the 14th 2021, and wish to advise that as far as NATUC is concerned, we have seen no restrictions outlined in the National Insurance Act which negates the nominees proposed to represent NATUC on the Board of the NIB for this new term.

After mature contemplation regarding the contents of the previously mentioned letter, you would appreciate that pursuant to section 3 of the Act, NIBTT was established as a body corporate and consists of 11 members...

And they went on to outline that.

Furthermore, the only provision that pertains to reappointment as a director to the board are set out under subsection (5) which provides as follows...

And they went on to talk about the appointment to the office of Director.

As such, according to the law, the appointment as a Director to the NIB is not limited by the number of previous appointments. Furthermore, to impose—“hear de language”—a requirement on labour representatives to submit a nominee who has not served on the board of the NIB previously would be acting ultra vires the provision and/or intent of the Act.

Madam President, it goes on to indicate that:

We are concerned that such a requirement has not been mandated to the nominations arising from either the Government or business.

So it appears that the Minister has no problem with the business

representatives, but when it comes to the labour representatives under section 3 of the NIB law, which says that they are supposed to appoint three individuals to serve as directors, as well as three alternates, the Minister of Finance is directing labour that he is fed up with all of those persons who have served before, and those that you are now nominating take “dem” back, send fresh ones because the Minister does not like the nominees that you have put forward. Madam President, that is unacceptable. Why is the Minister continuing to violate and breach the law, when the law says clearly that that responsibility lies with the federation?

So I have to bring this “ting” a second time in two weeks to get the Minister to obey the law, to uphold the law, Madam President. Madam President, I hope I do not have to come a third time. I call on the Minister of Finance, and I am sure, as I conclude, the Minister is aware that I am coming here today with this matter, and I would not be surprised when he rises to speak, he tells you that he has appointed these people already, because he knows I was coming.

So, Madam President, I call on the Minister to do his job and stop interfering with labour matters. Thank you, Madam President.

Madam President: Minister of Finance.

The Minister of Finance (Hon. Colm Imbert): Madam President, it is always an honour to come to this Senate, but whenever I have the misfortune of answering a matter from Sen. Mark I am reminded of Macbeth Act V, Scene V:

“And...a tale...full of sound and fury signifying nothing.”

The Board of the National Insurance is properly appointed, including the labour nominees.

Sen. Mark: I am very happy, Madam President.

Hon. C. Imbert: Waste of time.

Sen. Mark: I am very happy.

Madam President: Sen. Mark, can you move on your next matter please.

Sen. Mark: Madam President may I go on?

Hon. C. Imbert: Waste of [*Inaudible*]

Madam President: Yes, I am inviting you to.

Sen. Mark: On the matter of the property— Madam President, is my mike muted?

Madam President: Unless you are muting yourself, Sen. Mark. I am waiting for you.

Sen. Mark: I was speaking, but I could not—anyway, I am hearing myself now.

**Proposed Property Tax
(Government Asked to Revisit)**

Sen. Wade Mark: Madam President, this matter of the property tax, this tax, I want to tell the hon. Minister of Finance, is dreaded, it is draconian and the people of Trinidad and Tobago, particularly the working man and woman, cannot afford at this time to pay any property tax.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: I have brought this Motion because November the 30th is approaching, and they may have to build large cells throughout this island to make sure that people are jailed, because the citizens cannot afford to complete any forms to submit to the Valuation Division by November the 30th. That is the first point.

So there will be little forms being submitted by the 30th of November, which may leave the Minister with no choice but to extend the time. But we are not interested in extending the time only or alone. We are calling on the Government of Trinidad and Tobago to revisit this property tax. It is too onerous. It is heartless for a government at a time when poor people, ordinary people, the marginalized, the vulnerable in our country, when there is so much unemployment,

underemployment, growing crime and social challenges in our nation, when inequalities continue to expand and grow, for a government to seek in this guava season, to seek to impose this dreaded and draconian property tax on the backs of the people.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: Madam President, whether you are a squatter, whether you are a renter, whether you are an owner, you have to pay this dreaded property tax, which will lead to a skyrocketing cost of living.

Why is the Government only choosing residential, commercial and agricultural owners to put this burden on them? Why not go after the industrial users? These are people who might be in a better position to carry that burden, but not the ordinary residents, or citizens who have residential properties. The commercial people and the agricultural.

So I have brought this matter to once again appeal to the Government, reconsider this particular tax. It is too onerous. People cannot afford to pay any property tax. We should seek to galvanize, mobilize our resources, think creatively to get new areas of production being generated in our country, to generate more revenues for our land and more employment opportunities for our citizens. You cannot just impose this tax over and over on the backs of the people. People rejected this in 2010, and the Government has now reimposed this tax on the people.

So, Madam President, I call on the Minister of Finance to give an undertaking to this honourable Senate and to the people of this country, one, the Government must not impose that property tax on the population. We want that undertaking from the Minister, that the Government will review this tax.

Secondly, whilst the Government is reviewing this tax, the people are saying

they cannot meet that deadline that the Government is seeking to impose on them, which is on the 30th of November. So that is another area that the people are saying they cannot meet, they cannot satisfy.

Thirdly, I think that the Government must seek out more creative ways and means of generating revenues in our country, rather than taxing us, Madam President. Let the Minister come up with more creative ways and means. And if the Government of Trinidad and Tobago cannot deal with the transformation and development, and finding new ways of generating employment and revenues, and expanding production, I call on them to get out of the way. Call elections and let the UNC take control of this country, because we have the ideas. We have the ideas Madam President. [*Desk thumping*] We have the solutions, and we do not have to impose a property tax on the population. We said we would revisit the property tax.

We are not in support of it in its current form. We are going back to the old land and building tax arrangement, but not the property tax in the form that it is in at this time. So we call on the Minister, Madam President, through you, to review that tax. Stop that draconian and dreaded tax that it is imposing on the population, because just as how we invoke taxes on gasoline, about three times, and he said nobody “eh riot yet”, I want to warn him, if he imposes this property tax, what he is wishing for he may get. I am not threatening anybody, but I am saying, Madam President—

Madam President: No, Sen. Mark, that last statement is unacceptable. I would ask you to withdraw it.

Sen. W. Mark: Alright, alright, I withdraw. Thank you.

Madam President: Minister of Finance.

The Minister of Finance (Hon. Colm Imbert): Madam President, I was listening

to the Member when he said we must galvanize other areas. I began to think of process of immersing iron in hot zinc. I was wondering if that is what he was talking about, because Sen. Mark has a tendency to just come into this honourable place and scream and scream and rant and rave.

The fact of the matter is that the PNM has gone to the polls on two occasions, in 2015 and 2020, and on both occasions we have made it crystal clear, unambiguously, that it is our intention to implement the property tax. Both in 2015 and in 2020, that was in our manifesto. So it was no secret, and we won both elections based on our election manifestoes.

Hon. Senators: [*Desk thumping*]

Hon. C. Imbert: In addition, and I am not referring now to anything said by the Senator, because as I said he just rants and raves and screams, some of the Members of the Opposition are engaged in a bit of terrible misinformation at this point in time. Hon. Senators will be aware that there is a Miscellaneous Provisions (Local Government Reform) Amdt. Bill before the Parliament, and in clause 78 of that Bill it is proposed, and it is the policy of this Government, that residential property taxes shall be collected by local government bodies, of which there are 14, seven of which are controlled by the Opposition and seven of which are controlled by the PNM. So that clause 78 makes it clear that it is the policy of this Government that local government bodies, whether Opposition or PNM, shall be empowered to collect and retain residential property tax.

This is part of our manifesto as well, in 2015 and in 2020, where we indicated that we intended to create a permanent and sustainable revenue stream for local government bodies in order to enable them to provide better service to their burgesses.

So to respond to Sen. Mark, I reject his assertion. This is not an onerous

imposition. I reject his assertion with respect to the population not in support of this. We have put it twice in our general election manifesto, and it is intended to provide a proper, sustainable, permanent revenue stream for local government bodies, whether they are of the PNM or they are not. Thank you, Madam President.

Hon. Senators: [*Desk thumping*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.15p.m.