PARLIAMENT
Republic of Trinidad and Tobago

Levels G - 7, Tower D
The Port-of-Spain International Waterfront Centre
1A Wrightson Road, Port-of-Spain

REPORT

OF THE

COMMITTEE OF PRIVILEGES OF THE SENATE

FIRST SESSION (2015/2016)

ELEVENTH PARLIAMENT

TOGETHER WITH THE MINUTES OF PROCEEDINGS AND RECORD OF EVIDENCE

Laid before the Senate and Ordered to be printed

Senate Paper No. 26/2016 Ref. No: Parl 14/2/1

REPORT

OF THE

COMMITTEE OF PRIVILEGES OF THE SENATE

FIRST SESSION (2015/2016)

ELEVENTH PARLIAMENT

TOGETHER WITH THE MINUTES OF PROCEEDINGS AND RECORD OF EVIDENCE

Laid before the Senate and Ordered to be printed

Senate Paper No. 26/2016 **Ref. No: Parl 14/2/1**

TABLE OF CONTENTS

Contents

INTRODUCTION 3
APPOINTMENT 3
TERMS OF REFERENCE 3
MATTER RAISED AND REFERRED 3
SECRETARIAT SUPPORT 4
MEETINGS OF THE COMMITTEE 4
SUMMARY OF MEETINGS 5
PROCEDURAL FAIRNESS 8
CONSIDERATION OF THE DETAILS AND THE NATURE OF THE BREACH 9
REFLECTIONS 10
INTIMIDATION 10
MOLESTATION 11
DELIBERATIONS AND FINDINGS 11
RECOMMENDATIONS 13

INTRODUCTION

APPOINTMENT

1. In accordance with Standing Order 79 (2) of the Senate, on Tuesday 20th October, 2015[1] the following persons were appointed to serve on the Committee of Privileges, First Session (2015/2016) of the Eleventh Parliament:

Ms. Christine Kangaloo	-	Chairman
Mr. Nigel De Freitas	-	Member
Mrs. Jennifer Baptiste-Primus	-	Member
Mr. Wade Mark	-	Member
Mr. Paul Richards	-	Member

TERMS OF REFERENCE

2. Standing Order 82 (1) provides that "the Committee of Privileges shall have the duty of considering and reporting on any matter referred to it by the President of the Senate, in accordance with Standing Order 30 (Privilege Matters) and Standing Order 53 (Order in the Senate and in Committee). It shall be the duty of the Committee to consider any matter so referred and to report thereon to the Senate".

MATTER RAISED AND REFERRED

3. On Tuesday 24th May, 2016, Senator the Honourable Franklin Khan, Minister for Rural Development and Local Government, and Leader of Government Business in the Senate contended

[1] Senate Debate, Tuesday 20th October, 2016 at page 4
http://ttparliament.org/hansards/hs20151020.pdf

that Temporary Senator Mr. Gerald Ramdeen, on or around 11th May, 2016, committed contempt of the Senate, by:

"1. Making statements which were intended to intimidate and may have intimidated Sen. Junkère in the conduct of his work as a Senator;

2. Reflecting on the character and conduct of Sen. Junkère in such a manner that brought this Senate into ridicule and odium;

3. Seeking via the media and the Integrity Commission to impeach former Temporary Sen. Junkère in relation to his participation in proceedings in this Senate; and

4. Making entreaties to His Excellency The President Anthony Thomas Aquinas Carmona, ORTT SC, to censure Sen. Junkère for his choice to vote as he did in the Parliament." (**The Motion is attached at Appendix I**)

4 The President of the Senate ruled that a *prima facie* case had been made out and therefore referred the matter to the Committee of Privileges for consideration and report (**The Ruling is attached at Appendix II**).

SECRETARIAT SUPPORT

5. Mr. Brian Caesar, Clerk of the Senate, served as Secretary to the Committee. Mr. Johnson Greenidge, Procedural Clerk Assistant and Miss Simone Yallery, Legal Officer I, both served as Assistant Secretary. Miss Chantal La Roche, Legal Officer II, provided legal assistance.

MEETINGS OF THE COMMITTEE

6. The Committee held six (6) meetings to consider and deliberate on the matter referred. The dates of meetings are as follows:

1. **First Meeting- Thursday 2nd June, 2016**
2. **Second Meeting- Thursday 9th June, 2016**
3. **Third Meeting- Thursday 16th June, 2016**
4. **Fourth Meeting- Wednesday 22nd June, 2016**
5. **Fifth Meeting- Monday 27th June, 2016**
6. **Sixth Meeting- Thursday 14th July, 2016**

The Minutes of the meetings (1-6) are attached at **Appendix III.**

SUMMARY OF MEETINGS

7. At the First Meeting, the remit of the Committee, the relevant Standing Orders to be applied and the procedures to be followed were discussed. Additionally, the Committee discussed the matter referred, the documentation and material to be used in its deliberations, and a proposed work plan. The Committee determined that the primary witness relevant to its deliberations was Mr. Gerald Ramdeen, and that an invitation requesting him to appear before the Committee at 2:00 p.m. on the Thursday 16th June 2016, was to be issued.

8. At the Second Meeting, the Committee discussed the learning provided by the Secretariat, which included extracts from:

- Parliamentary Privilege in Canada, Second Edition, J.P. Maingot, Q.C[2];
- House of Commons Procedure and Practice, Second Edition 2009-O'Brien & Bosc[3];
- Griffith and Ryle Parliament Functions, Practice and Procedures, Second Edition[4];
- Erskine May-Treatise on The Law, Privileges, Proceedings and Usage of Parliament, Twenty-Fourth Edition 2011[5]; and

[2] Maingot, J.P. QC, Parliamentary Privilege in Canada (Maingot 2009)
[3] O'Brien, Audrey and Marc Bosc. House of Commons Procedure and Practice, 2nd Edition. House of Commons: 2009.
[4] Griffith and Ryle on Parliament Parliament Functions, Practice and Procedure, Second Edition
[5] May, Erskine. The Law, Privileges and Proceedings and Usage of Parliament, 24th Edition. 2011.

- "Notes on the Practice and Procedure of the Committee of Privileges"[6].

9. The Committee, also at the Second Meeting, commenced viewing of two DVDs: the first in which Mr. Ramdeen was hosting a press conference on Wednesday May 11th 2016, and the other in which he was being interviewed on TV6 Morning Edition Programme on Thursday 12th May, 2016. After viewing extensive portions of both DVDs, it was agreed that Members could instead read the transcripts (**Appendix IV-A and IV-B)** of each of the DVDs and revert to the footage, if and when necessary.

10. Also at the Second Meeting, the Committee examined each of the four (4) grounds on which the question of Breach of Privilege was premised - this was done by referencing each ground against the learning provided. The Committee noted that a letter dated Wednesday 8th June 2016 had been written to Mr. Ramdeen inviting him to appear before the Committee on Thursday 16th June 2016.

11. At the Third Meeting held on Thursday 16th June 2016, the Committee considered a letter dated said 16th June, 2016 from Mr. Ramdeen advising of his inability to appear before the Committee on said date. Having discussed the contents of the letter, the Committee took the decision to direct that a second invitation be issued to Mr. Ramdeen, by way of letter/email/telephone, for Friday 17th June 2016 and also decided that, should Mr. Ramdeen be unavailable on that date, an alternative date of Wednesday 22nd June 2016 would be offered to him. The Committee also directed that copies of the material listed hereunder be sent to Mr. Ramdeen.

The material referred is as follows:

- *the DVD and transcript of a press conference held by Mr Ramdeen on Wednesday 11th May, 2016;*

[6] This document outlined the law with respect to the Committee of Privileges, and explained the rules and procedure of the conduct of an enquiry by the Committee.

- *the DVD and transcript of a TV6 interview involving Mr Ramdeen on Thursday 12th May, 2016;*
- a copy of the newspaper clipping- *Trinidad Guardian of Friday 13th May 2016; entitled "… as Ramdeen questions his independence.";*
- a copy of the newspaper clipping – *Newsday of Friday 13th May 2016; entitled 'Ramdeen: Conflict of Interest in SSA Vote"; and*
- a copy of the newspaper clipping – *Daily Express of Friday 13th May 2016; entitled "Ramdeen: Junkère on AG's payroll".*

12. The invitation and the accompanying material were duly sent to Mr. Ramdeen, as directed.

13. In response, Mr. Ramdeen advised of his unavailability on Friday 17th June 2016. In light thereof, the Committee decided to reschedule the Fourth Meeting to Wednesday 22nd June, 2016.

14. The Fourth Meeting was held on Wednesday 22nd June, 2016 as scheduled. At that Meeting, Mr. Ramdeen appeared before the Committee and, having confirmed to the Chair that he understood why he was before the Committee, as he had received and read the correspondence sent to him, gave evidence. All Members of the Committee were given the opportunity to direct questions to Mr. Ramdeen and he in turn responded. At the close of his evidence, he enquired whether the Committee would accept from him, written submissions. The Committee responded in the affirmative, advising that these should be submitted as soon as possible. Mr. Ramdeen was then excused from the Fourth Meeting.

15. Following Mr. Ramdeen's departure, the Committee considered what would be an appropriate timeframe for tendering of the written submissions, which Mr. Ramdeen requested the Committee should accept. It was agreed that Mr. Ramdeen be immediately written to and advised that the deadline for delivering his written submissions was Friday 24th June, 2016. Mr. Ramdeen was subsequently written to in these terms.

16. The Fifth Meeting of the Committee of Privileges was held on Monday 27th June, 2016. At that meeting, the Committee, *inter alia*, considered a written request received from Mr.

Ramdeen on Friday 24th June 2016 seeking additional time to deliver his written submissions. The Committee agreed to extend the deadline for Mr. Ramdeen to deliver his submissions to no later than 4:00 pm on Wednesday 29th June 2016 (**See Letters at Appendix V**).

17. The Sixth Meeting was held on Thursday 14th July 2016. At that Meeting, the Committee was advised that no written submissions and that no further correspondence had been received from Mr. Ramdeen. The Committee noted that it was Mr. Ramdeen who had enquired whether the Committee would accept written submissions from him. However, the Committee further noted that he had not delivered any such written submissions in any event. The Committee agreed that in the circumstances, the oral evidence of Mr. Ramdeen was what was available from Mr. Ramdeen, and that same was sufficient for the Committee to proceed with its deliberations. The Committee therefore considered the oral evidence of Mr. Ramdeen and all of the learning previously submitted and proceeded to deliberate on the matter before it (**Verbatim Notes are attached at Appendix VI**).

PROCEDURAL FAIRNESS

18. Breach of privilege and contempt are serious matters. A finding of contempt of either House against a Member may have adverse consequences.

19. Accordingly, the Committee made certain that Mr. Gerald Ramdeen was made aware, by written correspondence (complete with pertinent attachments), of the nature of the complaints referred to the Committee and of the fact that he had the opportunity to be heard by the Committee in person. In addition, the Committee ensured that all correspondence received from Mr. Ramdeen were responded to as quickly as possible.

20. Additionally, Mr. Ramdeen, was advised, via appendage to his initial letter of invitation and also on the occasion of his appearance before the Committee, that as a witness, *'he may be accompanied by an Advisor who may be an Attorney-at-Law'* (of his choosing) and that he may consult with such Advisor in the course of meeting with the Committee [Standing Order 102 (16)].

21. The Committee also adjusted its timetable when Mr. Ramdeen advised of his inability to attend the Third Meeting as scheduled, and extended the time for him to tender his written submissions which Mr. Ramdeen himself had requested that he be allowed to do.

CONSIDERATION OF THE DETAILS AND THE NATURE OF THE BREACH

22. The Committee considered the following types of contempt of Parliament, which may be deemed a breach of privilege:

a. 'constructive' contempt (for example, reflecting negatively on the Senate; premature publication of committee proceedings or evidence); and

b. obstructing Members, officers or witnesses when discharging their duties (for example, attempted intimidation of Members or speeches or writings reflecting on Members' conduct in the House, molesting Members on account of their conduct in Parliament[7] or threatening to stop public investment in a Member's constituency or where a Member has been accused to be in the pocket of the tobacco industry[8]).

23. The Committee's research demonstrated that:

a. where disorder, misconduct or molestation occurs within the Senate or its precincts, the effect is often direct and obvious;

b. this may be less so in respect of actions which do not occur within the precincts of either House or physically affect its proceedings. Although such actions, as the learning showed, may nevertheless be treated by the House as contemptuous on the basis of their direct or indirect tendency. Libels or reflections on the House fall into this category;

c. therefore, conduct (including the use of words) which amounts, or is intended, or likely to amount, to an improper interference with the free

[7] Griffith and Ryle on Parliament Functions, Practice and Procedure, Second Edition, page 137
[8] David Mc Gee, Parliamentary Practice in New Zealand Third Edition, page 658

exercise by the Senate or a committee of its authority or functions, or with the free performance of the Member's duties, will be considered a contempt of the House.

REFLECTIONS

24. Abraham and Hawtrey's *A Parliamentary Dictionary* points out that "*to constitute a breach of privilege a statement reflecting on the conduct of a Member in his capacity as a Member need not be untrue, but it must tend to lower the House in the eyes of the public*"[9]. There are actions that, while they may not directly or in a physical way obstruct the Senate or the Member, may nevertheless obstruct the Senate in the performance of its functions by diminishing the respect due to it.

25. Such reflections must relate to the Member's parliamentary work[10]. Similar to the privilege of freedom of speech, it is inappropriate for certain actions or comments of Members in the House to be criticised. Such criticism is considered as reflecting on Members' actions and can be treated as contempt. Reflections on the character or partiality of the Speaker, Chairman of Committees or the Chair of a select committee, have been punished as being a contempt. Reflecting on Members' behaviour in the House, by accusing them of corruption or challenging their motives or reflecting improperly on a vote in the Senate, has also been deemed a contempt.

INTIMIDATION

26. There are actions which while not directly or physically obstructing a Member, nevertheless obstruct the Member in the performance of his parliamentary work by diminishing the respect due to the Member and by extension, the House. Any attempt to influence a Member, other than by way of argument which has as its motive the intention to deter him from performing his duty, constitutes a breach of privilege.

[9] J.P. Joseph Maingot Q.C. Parliamentary Privilege in Canada (Second Edition 1997) House of Commons and Mc Gill Queen's University Press
[10] Ibid

MOLESTATION

27. Freedom from molestation is an extension of the privilege of freedom from arrest, which ensures that Members may freely attend to their parliamentary duties. According to the *Oxford Dictionary* molest means "*to annoy or pester (a person) in a hostile way or in a way that causes injury or to attack or interfere with (a person)*". Members are entitled to free and unfettered access to their House and therefore must not be assaulted, insulted or menaced going to or coming from their House. Some examples of actions considered to be molestation are – making insulting remarks to a Member in the House; sending correspondence of an insulting nature to a Member regarding their conduct in the House; and threatening a Member with future legal action regarding a question asked in the House.

DELIBERATIONS AND FINDINGS

28. Having considered and discussed the learning circulated by the Secretariat, and having listened to and read the transcripts of the oral evidence given by Mr. Ramdeen, the Committee felt that it was ready to begin its deliberations, and the committee did so during its Sixth Meeting on Thursday 14th June 2016.

29. The Committee noted that in this situation, there was no disputed question of fact to be determined. Having seen the DVDs, the Committee was satisfied that the words which were the subject of the complaint, had in fact been uttered. Mr. Ramdeen himself acknowledged that he had uttered the words.

30. Accordingly, the Committee directed itself to the effect of the words uttered. The Committee considered the question of what the words used would convey about Mr. Junkère to persons hearing them. The Committee determined that it was clear that the words used by Mr. Ramdeen about Mr. Junkère were words that would be understood by persons hearing them as reflecting on Mr. Junkère in his capacity as a Temporary Senator.

31. Members also considered whether Mr. Ramdeen's state of mind or his intention when he made the statement, should be a factor to be considered when determining whether there was a

breach of privilege. With the exception of Mr. Mark, Members felt that the issue of Mr. Ramdeen's state of mind or his intention did not go to what the words used would convey to persons hearing them, but might instead go only to the question of mitigation if it was determined that the words used in fact constituted a breach of privilege.

32. Members by a majority felt that the words uttered and statements made by Mr. Ramdeen would convey to persons hearing them the impression that:

a. the former Temporary Independent Senator was not independent in his decision making;

b. the vote cast by Mr. Junkère was compromised; and

c. aspersions were, by the words used, being cast on the propriety of the vote of Mr. Junkère.

33. Ultimately, Members by a majority felt the words uttered and statements made by Mr. Ramdeen were, for the reasons stated in paragraph 32 above, an indignity to the House and were therefore a breach of privilege.

34. In arriving at this determination, the Committee placed reliance on the text 'Parliamentary Privilege in Canada' (Second Edition) by JP Joseph Maingot QC, which at page 253 states as follows: "*To reflect improperly on a vote in the House and the motives of some Members is a breach of privilege*".

35. The Committee also considered the New Zealand case of the Report of Privileges Committee, 48th Parliament (2007)[11] (**See Appendix VII**) which was a case in which the Committee deliberated upon a *"question of breach of privilege relating to a reflection on a*

[11] New Zealand Parliament. Question of privilege relating to a reflection on a member in his capacity as a Member of the House Report of the Privileges Committee Forty-eighth Parliament (Simon Power, Chairperson) February 2007. Accessed on 5Sep16
https://www.parliament.nz/resource/en-nz/48DBSCH_SCR3639_1/04b51c29a899f17b2e5aa39ae6becfc0e4f0c3f2

Member in his capacity as a Member". In that case, the Privileges Committee found that one Member, the Honourable Matt Robson, committed a contempt in respect of his statement in his email newsletter "Robson-on-politics", to the effect that the liquor and tobacco industries support for the Honourable. Peter Dunne "*has always meant that he has faithfully delivered his vote for their interests"*. In its report at page 4 under "Reflections on Members and the House", it was stated that "*Any writing or speech that reflects adversely on the conduct or character of the House may be treated as contempt of Parliament. But such comments must be based in matters arising in the usual transaction of the business of the House"*.

36. The report in that matter, at page 5, concluded, "*In our view, statements or comments that impute that a Member's vote is in some way influenced in a financial manner by outside interests have the tendency to obstruct the House in the performance of its functions*". Consequently, the Committee in that case found that a breach of privilege and a contempt had been committed.

37. Having considered the aforesaid learning, the Committee by a majority felt that a breach of privilege and a contempt of Parliament had occurred and that the statements made by Mr. Ramdeen had brought the House into odium and disrepute. The Committee noted Mr. Mark's decision to produce a minority report (**Appendix VIII**), as he was not in agreement with the finding of the majority Members of the Committee.

38. Having arrived at this decision, the Committee then moved on to consider what sanctions should be applied to Mr. Ramdeen. The Committee noted the sanctions were limited as Mr. Ramdeen only serves as a Temporary Senator. Members looked at the New Zealand case previously cited and noted that a recommendation had been made by the Privileges Committee in question "that an unqualified apology be made to the House and that this be read by the Speaker, when received".

RECOMMENDATIONS

39. In light of the foregoing, the Committee of Privileges recommends to the Senate:

A. that Mr. Ramdeen should be directed to offer an unequivocal apology to the House, which will be read into the record;
B. in the event that Mr. Ramdeen fails to apologise to the House that a reprimand be given by the Presiding Officer; and
C. that Members (Senate) should be encouraged to familiarise themselves with the Standing Orders and conventions of Parliament.

Respectfully submitted,

Ms. Christine Kangaloo
Sgd.
Chairman

Mr. Nigel De Freitas
Sgd.
Member

Mrs. Jennifer Baptiste-Primus
Sgd.
Member

Mr. Wade Mark
Member

Mr. Paul Richards
Sgd.
Member

8 September 2016

List of Appendices

Appendix I	Motion
Appendix II	Ruling
Appendix III	Minutes of Proceedings
Appendix IV-A	Transcript of Press Conference
Appendix IV-B	Transcript of CCN TV6 Morning Edition Interview
Appendix V	Letters
Appendix VI	Verbatim Notes
Appendix VII	Report on the Committee of Privileges, 48th Parliament, NZ- Question of Privilege relating to Reflections on a Member
Appendix VIII	Minority Report

Appendix I

Motion

SENATE PRIVILEGES

(MR. GERALD RAMDEEN)

The Minister of Rural Development and Local Government (Sen. The Hon. Franklin Khan): Madam President, thank you for granting me leave in accordance with Standing Order 30(2) to raise a matter directly concerning the privileges of this House. The matters concerns certain public statements allegedly made by former temporary Senator Mr. Gerald Ramdeen on or around Thursday, May 11, 2016, which were damaging reflections on a temporary Member of this Senate in the performance of his duty. Reflecting on the exercise by temporary Senator Junkere of his rights to vote in this Senate during the passage of the SSA Bill, 2016, Mr. Ramdeen allegedly to have made the following public statements, among others:

(1) "Independent Senator Justin Junkère, who voted with the Government on the SSA Amendment Bill in the Senate on Tuesday, was employed by the Attorney General's Office since 2015."

(2) "They understand what was taking place…they understood that the truly Independent Senators were not going to support the"—SSA—"Bill. And if it is that this is what it must come to for the government to pass legislation then we as an Opposition and the Independent Senators consider is in breach of the fundamental rights of the citizens of Trinidad and Tobago, then we are in serious trouble in Trinidad and Tobago…we are in deep trouble".

(3) "At no point in time did Mr. Justin Junkère Indicate to the Parliament that he was on the payroll of the Attorney General while this Bill was going through the House, while it was such an important part to be played by the Independent Senators, and seven…seven…of the nine Independent

(4) Senators voted against this Bill. It is a matter of public record now how Mr. Justin Junkère voted."

(5) "The information was very disturbing and meant that Junkère should not have been allowed to serve on the Independent bench."

(6) "The Opposition would also seek to determine whether there was a breach of the Integrity in Public Life Act or whether there is any remedy that resides in the powers of the President, be they constitutional or any other, that he may have one."

Madam President, these statements were widely reported in several daily newspapers. Additionally, the newspaper reported, quote from former temporary Senator Ramdeen as indicated that he intends to write a letter of objection to His Excellency President Anthony Carmona over the appointment of Independent Senator Justin Junkere.

Madam President, parliamentary privilege is not a new concept. In fact, it is a hallmark of parliamentary practice and our democracy. Historically, it was a right designated to protect the right of the king to the service of his advisors. By the 16th Century, Parliament itself was assuming the jurisdiction to regulate privilege, and thus, privilege was increasingly being used to protect the fledgling Parliament from the powers of the Crown. I wish to underscore the word "protect", Madam President.

Parliamentary privilege therefore remains the bedrock of the working of a Parliament. It offers protection from the interference from whatever source. It safeguards the freedom, authority and dignity of this august House.

Section 55(1) of the Constitution of the Republic of Trinidad and Tobago states, 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."

Madam President, the alleged action of former Senator Ramdeen cannot be

ignored. If the statements attributed to him are true, Madam President, we cannot turn a blind eye. To ignore such conduct will signal to all my colleagues on the Independent Bench, and to everyone Senator here, that we do not possess those sacred rights of freedom of speech and freedom to vote.

Madam President, it is for these reasons that Mr. Ramdeen's alleged reflection upon then Senator Junkère's participation in the proceedings of this Senate, as reported in the press, amounts to actions intended to molest, impeach and intimidate the former temporary Senator. Madam President, it is well established in the laws of Parliament that where actions go beyond the realm of seeking to influence and become intimidation, then Parliament must uphold its right to protect, to prosecute for contempt.

Numerous cases have been found in the UK, Canada and New Zealand. In our jurisdiction, in 2009, the House of Representatives sanctioned UDeCOTT for the publication of a statement in the form of a full-page advertisement in response to a statement made by an MP, concluding that it was a contempt of the House by seeking to intimidate the Member in the execution of his duties as a Member of the House.

Madam President, the Senate must likewise shield its dignity and reprimand any person who engages in conduct of this nature.

As a consequence of the foregoing, I submit that if these purported statements and reflections are true, Mr. Ramdeen has committed a most egregious act of contempt of this Senate, by:

1. Making statements which were intended to intimidate and may have intimidated Sen. Junkère in the conduct of his work as a Senator;
2. Reflecting on the character and conduct of Sen. Junkere in such a manner that brought this Senate into ridicule and odium;

3. Seeking via the media and the Integrity Commission to impeach former temporary Sen. Junkere in relation to his participation in proceedings in this Senate; and

4. Making entreaties to His Excellency The President Anthony Thomas Aquinas Carmona, ORTT SC, to censure Sen. Junkère for his choice to vote as he did in the Parliament.

It is for these reasons, Madam President, that I move that this matter be referred to the Committee of Privileges of this Senate.

Ruling

Madam President: Hon. Senators, I received a copy of this privilege Motion via the office of the Clerk of the Senate this morning. All that I am required to do at this stage is to rule prima facie that a case of breach of privilege exists. The decision on whether the matter referred to is indeed a breach of the privileges of this Senate falls to the Committee of Privileges.

Hon. Senators, I have carefully considered this matter, and having regard to the facts presented via the Motion, as well as established parliamentary practice and procedure, I am satisfied that, prima facie, a case of breach of privilege has indeed been made. Accordingly, I refer this matter to the Committee of Privileges for its consideration and report.

Appendix III

Minutes of Proceedings

PARLIAMENT
Republic of Trinidad and Tobago

Levels G - 7, Tower D
The Port-of-Spain International Waterfront Centre
1A Wrightson Road, Port-of-Spain

COMMITTEE OF PRIVILEGES OF THE SENATE
FIRST SESSION, ELEVENTH PARLIAMENT

MINUTES OF THE FIRST MEETING HELD IN THE A.N.R ROBINSON MEETING ROOM (EAST), LEVEL 9, OFFICE OF THE PARLIAMENT, TOWER D, IWFC, #1A WRIGHTSON ROAD, PORT OF SPAIN ON THURSDAY 2ND JUNE, 2016

PRESENT

Committee Members

Ms. Christine Kangaloo	-	Chair
Mr. Nigel De Freitas	-	Member
Mrs. Jennifer Baptiste-Primus	-	Member
Mr. Wade Mark	-	Member
Mr. Paul Richards	-	Member

Secretariat

Mr. Brian Caesar	-	Secretary
Mr. Johnson Greenidge	-	Assistant Secretary
Ms. Chantal La Roche	-	Legal Officer II

COMMENCEMENT

1.1 The meeting was called to order by the Chair at 2:08 p.m.

CONDUCT DURING COMMITTEE MEETINGS

2.1 The Chair outlined to Members the rules relating to the conduct of Committee Members during meetings, and highlighted the need for the Committee's business to be conducted in a non-partisan and professional manner.

2.2 In addition it should be noted that the Committee of Privileges is a quasi-judicial body. As such, it is important to follow procedures that will withstand scrutiny as the verbatim records of the proceedings will form part of the report of the Committee.

2.3 The Chair summarised Standing Order 103 (1) which deals with premature publication of evidence. It was reinforced that the deliberations of the Committee are private and must not be discussed outside the Committee until the report is laid in the Senate.

2.4 The Chair also reminded Members that the Committee should strive to arrive at consensus on the recommendations. However, if Members are not in agreement, a minority report may be prepared and submitted.

BRIEF DISCUSSON ON THE MATTER REFERRED TO THE COMMITEE

3.1 The Chair drew the attention of Members to the specific matter referred to the Committee of Privileges for consideration and report to the Senate.

3.2 The grounds for the motion were read into the record and the Committee was asked to note the following documents which were emailed at the time the reminder notice was sent to Members:

a) Hansard Report of Privilege Motion raised by the Leader of Government Business in the Senate, on Tuesday May 24, 2016.

b) Hansard Report of the Ruling by the President of the Senate on Tuesday May 24, 2016.

The Chair also referred to the transcripts of Mr. Ramdeen's press conference held on Wednesday 11th May 2016 and a TV6 interview held on Thursday 12th May 2016, which had been circulated at the start of the meeting.

3.3 The Chair advised that Mr. Gerald Ramdeen will be invited to appear before the Committee and may be accompanied by an advisor, who may be an Attorney-at-Law. The Chair also advised on the guidelines for a legal advisor, that is, the witness may consult with his advisor, but the advisor is not permitted to address the Committee. The Chair also advised that Mr. Gerald Ramdeen will be afforded the opportunity to call relevant witnesses, if he so chooses. The list of relevant witnesses however, must first be approved by the Committee.

3.4 The Chair also brought to the attention of Members other material relevant to the matter to be considered, that is, the video recordings of the press conference and the interview, which it was later agreed will be viewed and analysed at a subsequent meeting.

<u>Preliminary Matters Considered by the Committee</u>

3.5 Mr. Mark highlighted the procedural steps which the Committee should consider and the Committee should be guided by Standing Orders 82, 102, 103 and 104 of the Standings Orders of the Senate 2015.

3.6 Mr. Mark suggested that the Committee should be further guided by the House of Commons in the United Kingdom in accordance with Standing Order 2 (2), (3) and (4) of the Standings Orders of the Senate 2015.

3.7 Mr. Mark further stated that the Committee has the power to enquire into the matter that has been referred, the power to send for persons and papers and records. However, it does not have the power to punish or the power or right to take any punitive measures against any Member. Mr. Mark reminded the Committee that that power resides with the Senate. Mr. Mark also reminded the Committee of the minimum requirement of fairness for the Member who is subject to a complaint. The Member who is the subject of a complaint must also have the opportunity to attend meetings of the Committee when evidence is being given and to review statements, letters documents and correspondence surrounding the allegations before the Committee.

3.8 Mrs. Baptiste-Primus sought clarification on the standard time frame Mr. Ramdeen should be given before he appears before the Committee.

3.9 Mr. Richards sought elucidation on the role of the Committee-whether it is investigative in nature or is it a role of enquiry. He also required clarification on the elements of the breaches.

For further information on the above discussions by Members, kindly see the Verbatim Notes.

Decisions of the Committee

3.10 The Committee agreed to proceed with the matter referred as follows:

a) **The next meeting of the Committee of Privileges will be held on Thursday 9th June 2016 at 2:00 p.m. and there will commence an analysis of the matter referred to the Committee.**

b) **The Secretariat to provide information pertaining to or provide-**

- **Powers of the Committee of Privileges.**
- **What are breaches of privilege?**
- **Examples of issues/matters of contempt.**
- **Examples of molestation, harassing and intimidation.**
- **Newspaper reports regarding the matter to be considered.**

c) **Mr. Gerald Ramdeen will be invited by letter to appear before the Committee on Thursday 16th June 2016 at 2:00 p.m. The correspondence also will inform him that he may call witnesses on his behalf and that the witnesses have to be approved by the Committee.**

d) **Examination of witnesses will also begin on Thursday 16th June 2016.**

DISCUSSION ON THE WORK SCHEDULE

4.1 The Chair reminded Members of the Fixed Parliamentary Recess in accordance with Standing Order 13. A discussion ensued.

4.2 Mrs. Jennifer Baptiste-Primus advised that she will be unavoidably absent on Thursday 9th June 2016

4.3 The Committee agreed to the Work Schedule with consideration given to the times mentioned by Members.

DISCUSSIONS ON THE WAY FORWARD

5.1 One Member made the request that the Secretariat circulate the newspaper reports regarding the matter to be considered.

5.2 A discussion commenced on what forms of media reports can be considered during the deliberation of the Committee.

5.3 The Chair asked Members whether the video reports should be viewed at the First Meeting of the Committee of Privileges or at the next meeting with other media reports. The Committee agreed on the next meeting.

5.4 The Chair invited discussion on the approach to be taken by the Committee in achieving its mandate.

QUORUM

6.1 It was agreed that three members, including the Chair, will constitute a quorum.

OTHER BUSINESS

7.1 The Members agreed that the Second Meeting of the Senate Committee of Privileges will be held on Thursday 9th June 2016 at 2:00 p.m.

ADJOURNMENT

8.1 There being no other business, the Chair thanked Members and adjourned the meeting to Thursday 9th June, 2016 at 2:00p.m.

8.2 The adjournment was taken at 3:29 p.m.

We certify that these Minutes are true and correct.

Christine Kangaloo
Chair

Brian Caesar
Secretary

8 June 2016

PARLIAMENT
Republic of Trinidad and Tobago

Levels G - 7, Tower D
The Port-of-Spain International Waterfront Centre
1A Wrightson Road, Port-of-Spain

COMMITTEE OF PRIVILEGES OF THE SENATE
FIRST SESSION, ELEVENTH PARLIAMENT

MINUTES OF THE SECOND MEETING HELD IN THE A.N.R ROBINSON MEETING ROOM (EAST), LEVEL 9, OFFICE OF THE PARLIAMENT, TOWER D, IWFC, #1A WRIGHTSON ROAD, PORT OF SPAIN ON THURSDAY 9TH JUNE, 2016

PRESENT

Committee Members

Ms. Christine Kangaloo	-	Chair
Mr. Nigel De Freitas	-	Member
Mr. Wade Mark	-	Member
Mr. Paul Richards	-	Member

ABSENT/EXCUSED

Mrs. Jennifer Baptiste-Primus - Member [Excused]

Secretariat

Mr. Brian Caesar	-	Secretary
Mr. Johnson Greenidge	-	Assistant Secretary
Miss Chantal La Roche	-	Legal Officer II

COMMENCEMENT

1.1 The meeting was called to order by the Chair at 2:01 p.m.

CONFIRMATION OF MINUTES

2.1 The Committee considered the Minutes of the First Meeting held on Thursday 2nd June 2016.

2.2 The motion for the confirmation of the Minutes was moved by Mr. Paul Richards and seconded by Mr. Nigel De Freitas. The Minutes were confirmed by the Committee.

MATTERS ARISING FROM THE MINUTES

3.1 The Chair referred to item 3.10 (b) of the Minutes of the First Meeting where the Secretariat was required to provide the following information:

- Powers of the Committee of Privileges.
- What are breaches of privilege?
- Examples of issues/matters of contempt.
- Examples of molestation, harassing and intimidation.
- Newspaper reports regarding the matter to be considered.

The Chair confirmed, that as part of a bundle of documents to Members, the information was provided by the Secretariat. The Chair then directed that the following additional documents be circulated: photocopied extracts from (i) House of Commons Procedure and Practice Second Edition 2009-O'Brien & Bosc, (ii) Griffith and Ryle Parliament Functions, Practice and Procedures and (iii) Erskine May-Treatise on The Law, Privileges, Proceedings and Usage of Parliament Twenty-Fourth Edition 2011.

3.2 Item 3.10 (c) of the Minutes of the First Meeting, the Chair informed Members that a letter, dated 8th June 2016 inviting Mr Gerald Ramdeen to appear before the Committee of Privileges on Thursday 16th June 2016 at 2:00 p.m., was dispatched. A copy of the letter was circulated to Members along with its attachment-Guidelines for Witnesses Appearing Before Parliamentary Committees.

3.3 The Chair referred to item 5.3 of the Minutes of the First Meeting and reminded Members of the Committee's decision to view the press conference and TV6 interview relative to the matter under consideration.

DISCUSSON ON THE MATTER REFERRED TO THE COMMITEE

4.1 The Committee commenced the viewing of the press conference and TV interview. After viewing an extensive portion of the footage, the Committee agreed to suspend viewing and to further consult with the transcripts or resume viewing, if required.

4.2 The Chair referred Members to the various newspaper reports published on the matter subsequent to Mr. Ramdeen's press conference held on Wednesday 11th May 2016. The Chair also referred Members to the Notes on Practice and Procedure and the extracts from the various

texts. The Chair enquired whether the Members wanted to raise any issues in relation to the powers of the Committee or whether there were any questions from the learning circulated. Mr. De Freitas had no questions at that juncture. Mr. Richards stated that he had a much clearer picture of how to proceed on the matter. Mr. Mark stated that he was clear as to what was required, but sought clarification on:

- the number of advisors to which Mr. Ramdeen is entitled;
- whether the Committee would be going through what is a contempt and what is a privilege; and
- whether four grounds of the matter of privilege were valid before interviewing the witnesses.

The Chair in response referred to Standing Order 102 (16) which addresses the issue of advisors to witnesses.

4.4 Mr. Mark requested that the Committee discuss the learning provided, to which the Chair obliged. The Committee commenced discussion on the learning and examined the possible headings under which the grounds identified in the motion may be categorised:

i. Molestation

ii. Intimidation

iii. Reflection

4.5 The discussion continued and focused on the types of contempt which may apply to the matter being considered. This was discussed in relation to paragraph 7 (d) and (e) of the document provided to Members entitled Notes on Practice and Procedures on the Committee of Privileges.

4.6 Mr. Mark sought clarification on:

i. whether some of the types of contempts in the literature provided are applicable to the matter referred to the Committee; and

ii. what occurs in the case of two temporary Senators who are no longer Members of the Senate at the time a motion of privilege being raised/considered.

A discussion ensued.

4.7 The Chair provided clarification that the powers of the Parliament to treat with contempt goes beyond Members. An example of the ruling against UDECOTT was cited.

4.8 The Committee examined in detail which of the grounds were applicable under the headings listed at item 4.4. The Committee then began with an examination of ground one and following the discussion, it was **decided that ground one was not applicable**.

4.9 The Committee then began a discussion on ground two and its relevance, and **decided that ground two was applicable for further examination.**

4.10 A similar discussion followed on grounds three and four and it was agreed that they were both applicable for further examination. However, Mr. Mark placed on record his disagreement with grounds one, three and four and stated that he was only in agreement with ground two. As such, he continued that, going forward he would only be considering ground two.

4.11 The Committee then discussed briefly an individual's right to protect his or her own reputation through the courts and the privilege and responsibility that is afforded by Parliament. The Chair reminded the Members that the deliberations of the Committee of Privileges are confidential and should not be discussed outside the realm of the Committee. The Chair further reminded that each Member in his own right can raise questions to Mr. Ramdeen at his appearance before the Committee on Thursday 16th June, 2016.

For further information on the above discussions by Members, kindly see the Verbatim Notes.

Decisions of the Committee

4.12 The Committee agreed to proceed with the matter referred as follows:

e) **The next meeting of the Committee of Privileges will be held on Thursday 16th June 2016 at 2:00 p.m. and there will be an examination of Mr. Ramdeen.**

OTHER BUSINESS

5.1 The Members agreed that the Third Meeting of the Senate Committee of Privileges will be held on Thursday 16th June, 2016 at 2:00 p.m.

ADJOURNMENT

6.1 There being no other business, the Chair thanked Members and adjourned the meeting to Thursday 16th June, 2016 at 2:00p.m.

6.2 The adjournment was taken at 3:48 p.m.

We certify that these Minutes are true and correct.

Christine Kangaloo
Chair

Brian Caesar
Secretary

14 June 2016

PARLIAMENT
Republic of Trinidad and Tobago

Levels G - 7, Tower D
The Port-of-Spain International Waterfront Centre
1A Wrightson Road, Port-of-Spain

COMMITTEE OF PRIVILEGES OF THE SENATE
FIRST SESSION, ELEVENTH PARLIAMENT

MINUTES OF THE THIRD MEETING HELD IN THE A.N.R ROBINSON MEETING ROOM (EAST), LEVEL 9, OFFICE OF THE PARLIAMENT, TOWER D, IWFC, #1A WRIGHTSON ROAD, PORT OF SPAIN ON THURSDAY 16TH JUNE, 2016

PRESENT

Committee Members

Ms. Christine Kangaloo	-	Chair
Mr. Nigel De Freitas	-	Member
Mrs. Jennifer Baptiste-Primus	-	Member
Mr. Wade Mark	-	Member
Mr. Paul Richards	-	Member

Secretariat

Mr. Brian Caesar	-	Secretary
Mr. Johnson Greenidge	-	Assistant Secretary
Miss Chantal La Roche	-	Legal Officer II

COMMENCEMENT

1.1 The meeting was called to order by the Chair at 2:05 p.m.

CONFIRMATION OF MINUTES

2.1 The Committee considered the Minutes of the Second Meeting held on Thursday 9th June, 2016.

2.2 The motion for the confirmation of the Minutes was moved by Mr. Paul Richards and seconded by Mr. Nigel De Freitas. The Minutes were confirmed by the Committee.

MATTERS ARISING FROM THE MINUTES

3.1 The Chair referred to item 4.4 of the Minutes of the Second Meeting and reminded of the learning previously discussed.

3.2 Mr. Mark referred to his request to have made available to the Committee, the ruling of the President of the Senate in the matter for privilege raised against the Prime Minister on June 7, 2016. The Chair informed that it was available and directed that it be immediately circulated.

3.3 A discussion commenced on the Verbatim Notes of the Second Meeting and the Committee agreed that the name used as an example by the Chair on pages 23 and 24, of the said Verbatim Notes, should be deleted and substituted with the name Mr. X in all related instances.

DISCUSSON ON THE MATTER REFERRED TO THE COMMITTEE

Discussion on Letter received by Mr. Ramdeen

4.1 The Chair referred to item 3.2 of the Minutes of the Second Meeting and restated that the letter, dated 8th June 2016 inviting Mr Gerald Ramdeen to appear before the Committee of Privileges on Thursday 16th June 2016 at 2:00 p.m. was received by Mr Ramdeen.

4.2 The Chair then referred Members to a letter dated and received on Thursday 16th June under the hand of Mr. Gerald Ramdeen, in which he advised of his inability to appear before the Committee on the said June 16, 2016. A copy of the letter was circulated to Members.

4.3 Mrs. Baptiste-Primus expressed a concern over the explanation given in the letter from Mr. Gerald Ramdeen. The Member stated that she was mindful of affording Mr. Ramdeen the full breadth of opportunity to be present to vigorously and robustly present his side of the matter. However, she continued, it would have been appropriate for Mr Ramdeen to share more on the type of emergency he has experienced.

4.4 The Chair directed that the letter sent by Mr Ramdeen be reflected in its entirety in the Verbatim Notes.

4.5 Members were reminded of the preliminary work schedule and the dates that had been set aside for the examination of the witness. As such, the Committee agreed to invite Mr. Ramdeen to appear on Friday 17th June 2016 at 10:00 a.m. The importance to having Mr. Ramdeen assist the Committee in its deliberations was once again agreed upon by all.

4.6 The Chair noted that the Secretariat made attempts to contact Mr. Ramdeen after receiving his letter dated Thursday 16th June 2016. However, the Secretariat was unsuccessful as at the commencement of the Third Meeting. The Chair noted that the Secretariat would continue in its efforts to contact Mr. Ramdeen, with a view to ascertaining his availability to appear before the Committee on Friday 17th June 2016 at 10:00 a.m.

4.7 The Committee considered that if the Secretariat was unsuccessful in contacting Mr. Ramdeen on the subject of his availability on Friday 17th June, 2016. The following alternative dates would be considered:

- Wednesday 22nd June, 2016 at 4.00 p.m.
- Thursday 23rd June, 2016 at 2.00 p.m.
- Friday 24th June, 2016 at 10:00 a.m.

The Secretary was directed to immediately write to Mr. Ramdeen and advise of the Committee's decision to have him appear on Friday 17th June 2016 and/or Wednesday 22nd June 2016. It was agreed that based on his response, the Secretary will be given follow up instructions.

4.8 Mr. Richards requested that the Chair confirm for the records whether Mr. Ramdeen, via the Secretariat, had indicated that he was prepared to attend the meeting. The Chair then confirmed that Mr. Ramdeen had indicated his willingness to attend.

4.9 The Chair proposed and the Members agreed that the following documents and materials be made available to Mr Ramdeen:

- The DVD and transcript of the press conference May 11, 2016;
- The DVD and transcript of the TV6 interview May 12, 2016; and
- Three newspaper reports-
    (i) a copy of the newspaper clipping-Trinidad Guardian of Friday 13th May 2016 entitled *"…as Ramdeen questions his independence."*;

    (ii) a copy of the newspaper clipping- Newsday of Friday 13th May 2016 entitled *"Ramdeen: Conflict of interest in SSA Vote"*; and

    (iii) a copy of the newspaper clipping-Daily Express of Friday 13th May 2016 entitled *"Ramdeen: Junkere on AG's payroll"*.

Discussion on Role of Chairman

4.10 Mr. Mark enquired whether any other witnesses would appear before the Committee. The Chair advised that the Committee previously decided that any other witness would appear if it deems such witness to be relevant. The Chair sought the views of Members as to whether they

had an idea of the other proposed witnesses. A discussion commenced and the Committee agreed that the issue of other witnesses may only arise after Mr Ramdeen's appearance before the Committee.

4.11 Mr. Mark also enquired into the role of the Chair in respect of a casting vote. A discussion ensued and the Chair committed to looking at the learning on the issue.

Discussion on Procedure to be followed during Questioning of Witness

4.12 Mr. Richards inquired into the procedure to be followed for questioning during the hearing with Mr. Ramdeen. The Chair then provided guidance on the procedure to be followed. Mr. Mark suggested that general guidelines for questioning be provided to Members to keep the order of the hearing. The Chair advised Member that-

- the Committee does not conduct its business in an adversarial manner;
- Members have a responsibility to tailor their questions to Parliamentary decorum; and
- one of the responsibilities of the Chair is to guide the question posed by Members to ensure relevance.

A discussion commenced and Members were reminded that during the hearing the Chair is empowered to gently guide all Members back to the matter under consideration. After the discussion, the Chair suggested that each Member look at all material previously circulated and develop the issues they wish to raise with Mr. Ramdeen.

For detailed information on the matters discussed by the Committee please see the Verbatim Notes.

Decisions of the Committee

4.13 The Committee agreed to proceed with the matter referred as follows:

f) **The next meeting of the Committee of Privileges will be held on Friday 17th June 2016 at 10:00 a.m. with the examination of the witness, Mr. Gerald Ramdeen.**

g) **That the meeting scheduled for Friday 17th June 2016 at 10:00 a.m. is dependent on the feedback received from Mr. Ramdeen on his availability.**

h) **There was agreement on the dates listed in item 4.7 as the next available dates for the examination of the witness, Mr. Gerald Ramdeen.**

i) **The Secretariat to notify Mr. Ramdeen, by telephone and by letter, that his request to set another date to assist the Committee, with the matter under consideration, has been accommodated.**

j) **Mr. Ramdeen will be invited by letter to appear before the Committee on Friday 17th June 2016. A second date will be included in the letter of Wednesday 22nd June 2016 at 4:00 p.m. if the witness indicates that Friday 17th June 2016 is inconvenient. The letter should make available the transcript and DVD of the press conference, the transcript and DVD of the TV6 interview and the three newspaper reports.**

OTHER BUSINESS

5.1 The Members agreed that the Fourth Meeting of the Senate Committee of Privileges will be held on Friday 17th June 2016 at 10:00 a.m.

ADJOURNMENT

6.1 There being no other business, the Chair thanked Members and adjourned the meeting to Friday 17th June, 2016 at 10:00 a.m. and to note the next date of Wednesday 22nd June, 2016 at 4:00 p.m., for the Committee to meet, if Mr. Ramdeen is unavailable on June 17.

6.2 The adjournment was taken at 3:03 p.m.

We certify that these Minutes are true and correct.

Christine Kangaloo
Chair

Brian Caesar
Secretary

16 June 2016

PARLIAMENT
Republic of Trinidad and Tobago

Levels G - 7, Tower D
The Port-of-Spain International Waterfront Centre
1A Wrightson Road, Port-of-Spain

COMMITTEE OF PRIVILEGES OF THE SENATE
FIRST SESSION, ELEVENTH PARLIAMENT

MINUTES OF THE FOURTH MEETING HELD IN THE ARNOLD THOMASOS MEETING ROOM (WEST), LEVEL 6, OFFICE OF THE PARLIAMENT, TOWER D, IWFC, #1A WRIGHTSON ROAD, PORT OF SPAIN ON WEDNESDAY 22ND JUNE, 2016

PRESENT

Committee Members

Ms. Christine Kangaloo	-	Chair
Mr. Nigel De Freitas	-	Member
Mrs. Jennifer Baptiste-Primus	-	Member
Mr. Wade Mark	-	Member
Mr. Paul Richards	-	Member

Secretariat

Mr. Brian Caesar	-	Secretary
Miss Simone Yallery	-	Assistant Secretary
Miss Chantal La Roche	-	Legal Officer II

COMMENCEMENT

1.1 The meeting was called to order by the Chair at 4:04 p.m.

CONFIRMATION OF MINUTES

2.1 The Committee considered the Minutes of the Third Meeting held on Thursday 16th June, 2016.

2.2 The Minutes of the Third Meeting held on Thursday16th June, 2016 were amended as provided below:

(a) In item 4.12, redraft the first bulleted point to read "*The Chair advised Members that the Committee does not conduct its business in an adversarial manner*. ".

2.3 The motion of the confirmation Minutes, as amended, was moved by Mr. Richards and seconded by Mr. De Freitas. The Minutes, as amended, were confirmed by the Committee.

MATTERS ARISING FROM THE MINUTES

3.1 Mr. Richards requested confirmation of the delivery and receipt of the letter as stated in items 4.7 and 4.9 of the Minutes of the Third Meeting. The Chair advised Members that the letter was sent to Mr. Ramdeen. The letter was then circulated to the Members.

3.2 The Chair provided clarification on the role of the chairman citing Standing Order 54 of the Standing Orders of the Senate, 2015.

3.3 An amendment was moved and agreed to relative to page 11 of the Verbatim Notes. .

DISCUSSON ON THE MATTER REFERRED TO THE COMMITTEE

4.1 The Committee then discussed and agreed on the procedures which would be adhered to during the examination of the witness.

4.2 The meeting was then suspended.

EXAMINATION OF WITNESS-MR. GERALD RAMDEEN

5.1 At 4:21 p.m. the meeting recommenced and Mr. Gerald Ramdeen joined in. The Chairman confirmed with the witness that he had received correspondence from the Parliament dated June 8, and June 16, 2016 with attachments and that he had read the correspondence.

Mr. Ramdeen confirmed that having received the correspondence and having read same, the only question he would have had was with respect to the procedure to be followed by the Committee of Privileges in relation to the matter referred. The Chair outlined said procedure to the witness.

5.2 The Chair invited Mr. Ramdeen to make statements in relation to the matter referred.

5.3 On the conclusion of his opening statements, the Committee commenced examination of the witness (*see Verbatim Notes).*

5.4 At the end of the examination, Mr. Ramdeen enquired into the process to make a written submission to the Committee. The Chair provided guidance on the procedure and further indicated that it should be submitted as soon as possible. Mr. Ramdeen then left the meeting.

For detailed information on the matters discussed by the Committee, please see Verbatim Notes.

DISCUSSION POST EXAMINATION OF WITNESS

6.1 Mr. Mark queried whether the witness had been denied the benefit of being made to understand why he was before the Committee by reason of the allegations not having been read to him at the start of the interview.

The Committee considered Mr. Mark's query and determined that the witness had not been denied such benefit because the witness had confirmed to the Chairman upon being directly asked, that he had received and read the correspondence from the Committee which had set out all the relevant matters pertaining to the allegation, and that he understood why he was before the Committee.

OTHER BUSINESS

7.1 The Secretary was directed to write to Mr. Ramdeen and advise that the Committee required his submission by Friday 24th June, 2016.

7.2 The Committee agreed to continue its deliberations on the matter before it, at its Fifth Meeting to be held on Monday 27th June, 2016 at 2:00 p.m.

ADJOURNMENT

8.1 There being no other business, the Chair thanked Members and adjourned the meeting to Monday 27th June, 2016 at 2:00 p.m.

8.2 The adjournment was taken at 6:14 p.m.

We certify that these Minutes are true and correct.

Christine Kangaloo
Chair

Brian Caesar
Secretary

22 June 2016

PARLIAMENT
Republic of Trinidad and Tobago

Levels G - 7, Tower D
The Port-of-Spain International Waterfront Centre
1A Wrightson Road, Port-of-Spain

COMMITTEE OF PRIVILEGES OF THE SENATE
FIRST SESSION, ELEVENTH PARLIAMENT

MINUTES OF THE FIFTH MEETING HELD IN THE A.N.R ROBINSON MEETING ROOM (EAST), LEVEL 9, OFFICE OF THE PARLIAMENT, TOWER D, IWFC, #1A WRIGHTSON ROAD, PORT OF SPAIN ON MONDAY 27TH JUNE, 2016

PRESENT

Committee Members

Ms. Christine Kangaloo	-	Chair
Mr. Nigel De Freitas	-	Member
Mrs. Jennifer Baptiste-Primus	-	Member
Mr. Wade Mark	-	Member
Mr. Paul Richards	-	Member

Secretariat

Mr. Brian Caesar	-	Secretary
Miss Simone Yallery	-	Assistant Secretary
Mr. Johnson Greenidge	-	Assistant Secretary
Miss Chantal La Roche	-	Legal Officer II

COMMENCEMENT

1.1 The meeting was called to order by the Chair at 2:11 p.m.

CONFIRMATION OF MINUTES

2.1 The Committee considered the Minutes of the Fourth Meeting held on Wednesday 22nd June, 2016.

2.2 The motion for the adoption of the Minutes was moved by Mr. Nigel De Freitas and seconded by Mr. Paul Richards. The Minutes were confirmed by the Committee.

MATTERS ARISING FROM THE MINUTES

3.1 The Chair referred Members to items 5.4 and 7.1 of the Minutes of the Fourth Meeting. The Chair advised Members that the letter was dispatched to Mr. Ramdeen on 22nd June, 2016 and a response letter dated 23rd June, 2016 was received from him on 24th June, 2016.

3.2 The Chair further advised Members that the Committee provided a response to Mr. Ramdeen's letter dated 23rd June, 2016.

3.3 The Chair subsequently advised Members that at approximately 10:51 a.m. on 27th June, 2016, a response letter dated 27th June, 2016 was received via electronic mail from Mr. Ramdeen. The letter was then circulated to Members.

3.4 A discussion commenced on the time frame the Committee had initially set out for deliberations and report on the matter under consideration.

DISCUSSON ON THE MATTER REFERRED TO THE COMMITTEE

4.1 The Chair summarised the status of the Committee's deliberations in relation to the matter referred. The Chair then sought the views of Members on how they wished to proceed.

4.2 Mr. Mark raised certain issues and suggested that Senator Franklin Khan be invited as a witness to assist the committee in its deliberations. A discussion ensued and after careful consideration, the Committee concluded that it was unnecessary and irrelevant to the proceedings for Senator Khan to be called as a witness.

4.3 The Committee then discussed whether in addition to Mr. Ramdeen's oral evidence, a written submission was required from him, particularly in light of the fact that he was provided the opportunity to make such a submission and had failed to do so as at the 27th June, 2016. The Committee also considered that it was Mr. Ramdeen who had requested the opportunity to make such a submission. The prevailing view was that a submission was not necessary.

4.4 The Chairman suspended the meeting at 3:14 pm advising members that time-out was required to allow for a return of discipline and respect.

4.5 The meeting resumed at 3:26 p.m.

4.6 Members expressed their views on a statement made prior to the suspension of the meeting, and certain words uttered by Mr. Mark were withdrawn.

4.7 The Committee recommenced discussions on the granting of additional time to Mr. Ramdeen, as per his request in letter dated 27th June 2016. After some discussions, the Committee agreed with Mr. Mark's proposal that Mr. Ramdeen be given one final extension to Wednesday 29th June, 2016 at 4:00 p.m.

4.8 The Chair invited the Members to revisit the issue of whether any further witnesses were required to assist with its deliberations. A discussion ensued and members agreed that no further witnesses were required by the Committee.

4.9 The Chair advised that the Committee should defer deliberations until its next meeting.

For detailed information on the matters discussed by the Committee please see Verbatim Notes.

Decisions of the Committee

4.10 The Committee agreed to proceed with the matter as follows:

a) The next meeting of the Committee of Privileges will be held on Thursday 14th July, 2016 at 2:00 p.m.

b) A letter will be sent to Mr. Ramdeen stating that the final opportunity to make his written submission will be by Wednesday 29th June, 2016 at 4:00 p.m.

c) No other witness will be required by the Committee.

OTHER BUSINESS

5.1 The Chair reminded Members of the literature circulated and also advised that they may avail themselves of the Secretariat's assistance, if clarification or assistance is required, before the next meeting.

5.2 The Committee agreed to continue its deliberations on the matter before it at its Sixth Meeting to be held on Thursday 14th July, 2016 at 2:00 p.m.

ADJOURNMENT

6.1 There being no other business, the Chair thanked Members and adjourned the meeting to Thursday 14th July, 2016 at 2:00 p.m.

6.2 The adjournment was taken at 3:53 p.m.

We certify that these Minutes are true and correct.

Christine Kangaloo
Chair

Brian Caesar
Secretary

27th June 2016

PARLIAMENT
Republic of Trinidad and Tobago
Levels G - 7, Tower D
The Port-of-Spain International Waterfront Centre
1A Wrightson Road, Port-of-Spain

COMMITTEE OF PRIVILEGES OF THE SENATE
FIRST SESSION, ELEVENTH PARLIAMENT

MINUTES OF THE SIXTH MEETING HELD IN THE A.N.R ROBINSON MEETING ROOM (EAST), LEVEL 9, OFFICE OF THE PARLIAMENT, TOWER D, IWFC, #1A WRIGHTSON ROAD, PORT OF SPAIN ON THURSDAY 14TH JULY, 2016

PRESENT

Committee Members

Ms. Christine Kangaloo	-	Chair
Mr. Nigel De Freitas	-	Member
Mrs. Jennifer Baptiste-Primus	-	Member
Mr. Wade Mark	-	Member
Mr. Paul Richards	-	Member

Secretariat

Mr. Brian Caesar	-	Secretary
Miss Simone Yallery	-	Assistant Secretary
Mr. Johnson Greenidge	-	Assistant Secretary
Miss Chantal La Roche	-	Legal Officer II

COMMENCEMENT

1.1 The meeting was called to order by the Chair at 2:16 p.m.

CONFIRMATION OF MINUTES

2.1 The Committee considered the Minutes of the Fifth Meeting held on Monday 27th June, 2016.

2.2 The Chair proposed the following correction to the Minutes of the Fifth Meeting:

(a) In item 4.3, page 2, line 1, delete the word **"Rayden's"** and insert the word **"Ramdeen's"**.

2.3 The motion for the adoption of the Minutes was moved by Mrs. Jennifer Baptiste-Primus and seconded by Mr. Paul Richards. The Minutes were confirmed by the Committee.

MATTERS ARISING FROM THE MINUTES

3.1 The Chair referred Members to item 4.10 (b) of the Minutes of the Fifth Meeting and advised Members that, as instructed, the Secretary had dispatched letter dated 27th June 2016 to Mr. Ramdeen. A copy of the letter was circulated to Members.

3.2 The Chair informed Members that as at 14th July 2016, more than fourteen days after Verbatim Notes were sent to Mr Ramdeen for suggestions of corrections due to inaccurate reporting. Neither feedback nor written submissions as per his request on 22nd June 2016, was provided.

DELIBERATION OF THE MATTER REFERRED

4.1 The Chair summarised the status of the Committee's work thus far, and there was agreement that the summary provided was an accurate reflection of the proceedings to date. Members were then invited to reflect on the learning which had been provided, namely:

- Extracts from:
  - Parliamentary Privilege in Canada, Second Edition, J.P. Maingot, Q.C.
  - House of Commons Procedure and Practice, Second Edition 2009-O'Brien & Bosc
  - Griffith and Ryle Parliament Functions, Practice and Procedures
  - Erskine May-Treatise on The Law, Privileges, Proceedings and Usage of Parliament, Twenty-Fourth Edition 2011.

Additionally, a case with a similar bearing *"Question of privilege relating to a reflection on a member in his capacity as a member of the House"-Report of Privileges Committee Forty-eighth Parliament February 2007"* from the New Zealand jurisdiction was considered by the Committee.

The following documentation/material also formed part of the Committee's deliberations:

- The Hansard Report of the Privilege Motion raised by the Leader of Government Business in the Senate, on Tuesday 24th May, 2016
- The Hansard Report of the Ruling of President of the Senate Tuesday 24th May, 2016
- A transcript of a press conference held by Mr Ramdeen on …. 11th May, 2016
- A transcript of a TV6 interview held by Mr Ramdeen on …. 12th May, 2016
- A copy of the newspaper clipping- Trinidad Guardian of Friday 13th May, 2016
- A copy of the newspaper clipping – Newsday of Friday 13th May, 2016
- A copy of the newspaper clipping – Daily Express of Friday 13th May, 2016

- The Verbatim Notes of the evidence of Mr. Ramdeen- Wednesday 22nd June, 2016

During the deliberations, Members discussed the relevance of the learnings to the matter under consideration and the totality of the evidence before the Committee.

4.2 Following discussion the Chair then put the question on "Whether there was a breach of privilege?". By a majority vote of three to one, the Committee decided that a breach of privilege had taken place.

4.3 The Chair subsequently invited Members to discuss whether there were mitigating factors and if or what appropriate sanction should be recommended. The prevailing view was that Mr. Ramdeen should be requested to make unequivocal apology, which will be read into the records of the Senate. The Committee considered that in the event that an unequivocal apology was not forthcoming, a reprimand of Mr. Ramdeen's conduct will be given by the President.

4.4 The Secretary was directed to draft a report to the Senate reflecting the decision and recommendation of the Committee. The draft report to be circulated to all Members of the Committee via round robin and for presenting at the next sitting of Senate. The Chair noted a comment from Mr. Mark that he intended to prepare and submit a minority report.

4.5 The Chair thanked Members for their commitment to the process and reminded that the proceedings of and the evidence taken before the Committee must not be made public by any Member or other person before the Committee has reported to the Senate.

For detailed information on the matters discussed by the Committee please see Verbatim Notes.

DECISIONS OF THE COMMITTEE

5.1 The Committee agreed as follows:

d) There was a breach of privilege.

e) The sanction recommended is an unequivocal apology from Mr. Ramdeen.

f) The Secretary to prepare a draft report to be circulated amongst Members, and if approved to be presented to the Senate at its next sitting.

ADJOURNMENT

6.1 There being no other business.

6.2 The adjournment was taken at 4:14 p.m.

We certify that these Minutes are true and correct.

Christine Kangaloo
Chair

Brian Caesar
Secretary

14th July, 2016

Appendix IV-A
Appendix IV-B

Transcripts

GERALD RAMDEEN PRESS CONFERENCE ON SSA (AMDT.) BILL

Mr. Gerald Ramdeen: Good afternoon members of the media and thank you for coming to this press conference at such short notice, but you will understand why such short notice was given in this matter.

What I have to say to you this afternoon and, why we as the Opposition—what I have to say to you this afternoon, and why we as the Opposition consider this to be extremely important, is something that has come to our attention since the passing of the Strategic Services Agency (Amdt.) Bill in the Senate on Tuesday last. And before I get into the actual crux of what you've been call here, and what the public—what would be made known to the public this afternoon, I would like to preface what I say to you this afternoon, by saying, that the democratic process is only so good as the persons who participate in it. And from what I will reveal to you this afternoon, you will see that there is much for us to be worried about, with respect to the democratic process that was engaged in the passing of the Strategic Services Agency (Amdt.) Bill.

We in Trinidad and Tobago have a written Constitution, and that written Constitution enshrines the principles of merit, ability and integrity. The last of those we consider to be extremely important. The Constitution also recognizes in the Preamble, that men and institutions remain free, only when freedom is founded upon respect for moral and spiritual values and the rule of law. And what I will disclose to you this afternoon, you will understand, has a lot to do with a breach of those principles, on behalf of persons who have participated in that democratic process of passing the SSA Bill.

You would know that during the past two months, this Bill has been before Parliament and much public debate has transpired about the wrongs and the rights,

whether this Bill actually infringes the fundamental rights. The Opposition and Independent Senators had indicated, both in the Lower House and in the Upper House, with respect to the Independent Senators, that this Bill does touch, concern and has the ability to breach the fundamental rights under section 4 and 5 of the Constitution.

When the Attorney General piloted the SSA Bill, the amendment, in Parliament, I would like to quote from the *Hansard*, as to what the Attorney, hon. Attorney General, Mr. Faris Al-Rawi had to say, and this was on May 03, 2016, and I quote:

> "I am very pleased to be back in the Senate this evening and, more particularly, pleased to pilot before the honourable Senators of the Senate and through you to the national community, a very important piece of legislation, one which has its roots in burning issues that grip our country in Trinidad and Tobago right now. Any Bill that comes before our Parliament must meet with certain criteria. We are assembled here as a Parliament, a bicameral structure that we, pursuant to section 53 of the Constitution, as we are obliged to make laws for the peace, order and good governance of our country."

And I wish to emphasize this part of Mr. Al-Rawi's speech:

> "This Bill has passed through the House of Representatives, but one may say that, as with any Bill, that is simple majority legislation that the real test to be had is in the Senate. After all, there are other minds and the bipartisan politics which grip our country, and it is with that focus in mind that persuasion has to be had, not so much to the"—Members—"that you have in any one House, but also to grip in on the bona fides of any Bill that you bring. All laws must be democratic within the context of our Constitution. All law must be proportionate within the context of our Constitution."

What I want to disclose to you this afternoon is something that is very disturbing to the Opposition, and is—it ought to be extremely disturbing to the general public. When the vote was taken on the SSA (Amdt.) Bill, you would have seen that all of the Government Senators voted for the Bill. The Opposition voted against it and out of the Independent Senators, seven of the nine Senators voted against the Bill. Mr. Roach and Mr. Junkère voted for the Bill. What preceded that was an invitation on Saturday by the hon. Attorney General, so that experts and technocrats can speak to both the Opposition and the Independent Senators. And you would have noticed and it is in the public domain, as to what transpired with respect to who attended that particular meeting that was called by the Attorney General, with respect to the Independent Senators.

We as the Opposition, consider it very disturbing, material that has come to hand, whereby Independent Senator, Mr Justin Junkère was retained by the Attorney General in matters on behalf of the State and remains retained on the payroll of the Attorney General, while holding the position of an Independent Senator. And we consider the fact that Mr. Justin Junkère was retained in matters by the Attorney General, and that fact was not brought to the attention of the Parliament, by the Attorney General or Mr. Justin Junkère, to be a very serious breach of our democracy, and the lawmaking process.

I will pass to you now documents that demonstrate—if these can be handed out. The documents that I have just passed to you, are documents, public documents that are filed in the High Court of Trinidad and Tobago, in Civil Claim No. CV 2015-01900, the matter *Eastern Engineering and Marketing Services* (*1994*) *Limited v the Attorney General of Trinidad and Tobago*.

You will see from these documents that Mr Justin Junkère is the Advocate Attorney retained on behalf of the Attorney General in this matter. Justin Junkère,

Attorney-at-Law, Suite No. 109, Precision Place, No. 43 Woodford Street, Port of Spain, and it has the particulars of his email address, his mobile and his office telephone number. This document was filed on the 15th of December, 2015. Attached to the bundle that I have provided to you, is also another document for an application for an extension of time, where Mr. Justin Junkère is advocate attorney on behalf of the Attorney General again, in the said matter.

So, when the SSA Bill was being debated in Parliament, two Tuesdays ago, Mr. Justin Junkère was sworn in as a temporary Independent Senator. At no point in time at the first hearing, when Mr. Justin Junkère was sworn in as an Independent Senator, when he made his contribution, that sitting in the Senate, two Tuesdays ago, lasted eight hours. Mr. Justin Junkère made his contribution on that day, as an Independent Senator.

For eight hours, Mr. Faris-Al-Rawi, the Attorney General who retained Mr. Justin Junkère in this matter, who Mr Justin Junkère acts on behalf of in this matter, sat there for eight hours, and at no point in time did Mr. Faris Al-Rawi indicate to the Parliament, at any point in time, either before the contribution was made, when Mr. Justin Junkère was sworn in, or at any time thereafter, that Mr. Justin Junkère was on the payroll of the Attorney General, who was the person piloting this Bill, piloting this Bill in the Lower House, and in the Upper House. And we find that to be extremely, extremely disturbing to the democracy of this country.

At no point in time did Mr. Justin Junkère indicate to the Parliament that he was on the payroll of the Attorney General, while this Bill is going through the House. While it was such an important part to be played by the Independent Senators, and seven, seven of the nine Independent Senators voted against this Bill. It is a matter of public record now, how Mr. Junkère voted. Mr. Justin Junkère was one of the persons who attended, one of the persons who attended, on Monday, that

meeting called by the Attorney General. Didn't he think that it was right or proper to disclose to the Attorney General, remind him and to disclose to the public, that: "I Justin Junkère am retained by the Attorney General and I'm on the payroll of the Attorney General, while I'm sitting as an Independent Senator in the Parliament"?

Faris Al-Rawi, the Attorney General, has demonstrated again by the actions and inactions in this particular matter, his unsuitability to hold the Office of Attorney General. I do not think that we need any more evidence to show that Mr. Faris Al-Rawi, the hon. Attorney General, really ought not to be holding that position of Attorney General.

It cannot be right that any Attorney General will sit through eight hours of hearing, while Mr. Justin Junkère is sitting there in the Senate. Almost 11 hours of hearing, on the second sitting, that was Tuesday gone, sit through the committee stage, and at no point in time, did Mr. Faris Al-Rawi consider it proper, that he should disclose to the Parliament and to the people of Trinidad and Tobago, from all sectors who voiced their concerns—and I want to make the point, that when the hon. Senator, Miss Sophia Chote, Senior Counsel, began her presentation and it is on the *Hansard*, when she began her presentation on Tuesday last, she was the last of the Independent speakers. Remember, Miss Sophia Chote began her presentation by saying, "Over the weekend, persons were asking, is she the one"? It is in the *Hansard.* Look at it for yourself. Trinidad and Tobago will look at it themselves. Miss Sophia Chote said many people asked her, "Is she the one"? And she didn't understand what they were speaking about, until it was revealed to her that, what "Is she the one?"; that question really meant.

I don't think that as of today that, the question that was posed to Miss Chote was an unjustified one, because now that we have seen, that what has transpired, it is really an insult to our democracy by the Attorney General Faris Al-Rawi to allow

this to take place in relation to any Bill, but more particularly, this Bill, in which the voices of the Independents spoke on the first day. It was an act of desperation by the Attorney General on Saturday, because they understood what was taking place. They understood that there were Independent Senators, the Independent, the truly Independent Senators, were not going to support the Strategic Services Agency (Amdt.) Bill. And if it is that this is what we must come to for the Government to pass legislation, that we as the Opposition and the Independent Senators considered were in breach of the fundamental rights of the citizens of this country, we are in trouble in Trinidad and Tobago.

We are in deep trouble if the Attorney General of this country could sit there and know that an Independent Senator is sitting on the Independent Bench, and while he's sitting on the Independent Bench, he's on the payroll of the Attorney General, and not disclose that to the Parliament or the public. We are in real trouble. This, members of the media and members of the public, is that straw that has broken the camel back, with respect to this Attorney General.

This was the same Attorney General, Faris Al-Rawi, who indicated in no uncertain terms to the Parliament, that the people of Trinidad and Tobago have no right to privacy. And in wrapping up he came with a very lame excuse, to try and cover what was an embarrassing statement by a sitting Attorney General. This is the same Faris Al-Rawi, who when pressed by the Opposition to produce one of the cases, produce a case that says that the citizens of this country don't have a right to privacy, comes to the Parliament with a private law case again, between two individuals, and says this is evidence, Frank Seepersad's judgment.

My brother Senator, Mr. Wayne Sturge, has issued a press release today addressing that issue, and the embarrassing act of Mr. Al-Rawi in coming to Parliament, with a private law case, that has nothing to do with the constitutional

right to privacy, and seek to justify his own misstatement. It was too little and too late.

This is a same Faris Al-Rawi who went in Parliament and said on the *Hansard,* in piloting this Bill in the Lower House, that the Government had paid out millions of dollars in the state of emergency matters, millions of taxpayers' dollars. When challenged in the Parliament that not one cent was paid by the Government, he had no answer. Not even an excuse he could have produced

This is the same Faris Al-Rawi who has gone in post-Cab and in the public domain and said, "You need ah warrant. You need ah warrant to intercept communications, under the Interception of Communications Act". We now know that was mere folly, because in the meeting that we had with Colonel Robinson, who is the Director of the SSA, he told us in no uncertain terms that he needs no warrant to intercept communication under section 6 of the Interception of Communications Act.

This is the same Faris Al-Rawi, who last night, on a particular media station, on a live interview, when asked by a member of the media, "Can you tell us, the mechanism in the Act, to show how this 'de-siloing' of information is going to work? How is the Commissioner of Police, how is the head of Customs and Excise, and how is it Chief of Defence Staff? What requires them to bring and give all their information to the SSA? Couldn't say one word to answer that question. Kept going round and round and round, as he always does. Like I describe him, a mind of useless information, Faris Al-Rawi.

This is the same Faris Al-Rawi who promised to make the Solicitor General, Carol Hernandez, advice public so that the Independent and the Government Senators could have seen what the Solicitor General said about whether this Act breaches the rights of the citizens of this country. To date, Mr. Faris Al-Rawi has

not produced that opinion to any of us, either the Independents or the Members of the Opposition.

So members of the media and the public of Trinidad and Tobago, enough is enough. We have endured the missteps of this Attorney General for far too long, and we are not going to endure it anymore. What I have produced to you today, what I have shown to you by documents that have been filed in the High Court, shows how this Government treats our democracy and our democratic process.

It is an insult to our democratic process. It is a fundamental breach of the rule of law that underpins our Constitution, for this to have taken place with respect to a piece of law that was so important, where the vote of an Independent Senator held the balance between the Government and the Opposition. Our Constitution makes provision for political affiliations. That is why the Constitution enacts that you have Independent Senators in our bicameral system. That is why you can pass legislation by a simple majority in the Lower House, but like Mr. Al-Rawi indicated in opening, in opening the debate on this Bill in the Upper House, Mr. Al-Rawi himself sat there, looked at Mr. Justin Junkère sitting as an Independent Senator, and shamelessly said to the Parliament, that this in the Upper House is where you must persuade persons, you must persuade them to support you. Is this the way that this Government is going to persuade Independent Senators to support them?

Is it not right that an Attorney General, sitting there and knowing that an Independent Senator is on your payroll, had the right, had the responsibility to the Parliament and to the people of Trinidad and Tobago, to get up and indicate to the Parliament, indicate to us, the Opposition, and indicate to the Independent Senators, that one of your own is on my payroll. And I don't consider that to be right, but if Faris Al-Rawi considers this to be right, our democracy is under threat. The rule of law is under threat.

Faris Al-Rawi after this press conference today, and after this is made public, should do the right thing and resign, tender his resignation because he has shown yet again, this is yet another occasion where he has shown he's unfit to hold the Office of Attorney General. The Office of Attorney General is not one that requires you to dress nice, and sound like if you know what you're talking about, because Faris Al-Rawi has been exposed by the Opposition, and by the Independent Bench in this debate, to show that all of the eloquence that he demonstrates every time he gets up, has very little substance, but this doesn't have to do with substance. This has to do with our democracy. This has to do with the rule of law.

This that has transpired here, is a betrayal of the trust that the people of Trinidad and Tobago put in us as a Parliament, PUT in us to represent their best interest, and it is a betrayal of the Constitution, because the Constitution enacts that we should enact laws, for the goodwill of the people of Trinidad and Tobago, and it is a betrayal. What has happened here is a betrayal on the people of Trinidad and Tobago. It is a misuse of our democracy. This ought not to have taken place, and now that it has been exposed for what it really is, we expect that Mr. Al-Rawi will do the honourable thing, and if he doesn't, we expect that the Prime Minister of Trinidad and Tobago, Dr. Keith Christopher Rowley, will do what he has always promised to do. He always has said, "Where you have evidence, bring it".

We have the brought the evidence today. We have brought the evidence today to show that his Attorney General sat in the Senate for almost 20 hours of debate, knowing that an Independent Senator was on his payroll and did nothing about it. He sent out an invitation to Mr. Justin Junkère to attend a meeting, and didn't think at any point in time, that that was improper? We cannot stand for that. We as an Opposition will not stand for that, and the people of Trinidad and Tobago will not stand for that. What has transpired here is the end of the road for Mr. Faris Al-Rawi.

We hope that he will do the honourable thing. We hope that his fellow Senators will convince him to do the proper thing, and if he doesn't, like we said, we hope that the Prime Minister will be the last bastion of hope for us as a people, and remove Mr. Al-Rawi from the position that he now holds as Attorney General.

Members of the media for coming here, for the role that you continue to play as the bastion of our democracy, as the Fourth Estate, and I commend you for the good work that you have done, in relation to the matters that have come to light with respect to the SSA, both in the Lower House and in the Upper House, and to continue to allow the public, to educate the public and be a means by which the public can know what is transpiring in our democracy.

Media Personnel: Now, apart from the principle of, you know, that this looks wrong and a breach of morals, is there actually a breach of law, and if so, then this whole Parliament procedure of voting, if somebody has this undisclosed interest or, you know, or do you say, well, the thing done happen already and an undisclosed interest is so tenuous that there is nothing could be done about it?

Mr. Gerald Ramdeen: I think, where our Constitution enshrines in the Preamble, like I read out to you, our Constitution enshrines and is based upon the principle of integrity. What has transpired here is a fundamental breach of the integrity that is enshrined in our Preamble to our Constitution.

It's deeper than that, because what has happened here is a breach of the rule of law. That is what has transpired here. It is a breach of our democracy as a people that is enshrined in our Constitution, and what has transpired here is a breach of section—of the Preamble as well as what was referred to by Mr. Al-Rawi, section 53 of the Constitution. So yes, what has transpired here is not a mere breach of the law. What has transpired here is a strike at our democracy which goes far further,

far, far, further than a breach of any law, because it is what our Constitution and what we as a people strive on and keeps us together as a democracy.

Media Personnel: Is there any mechanism, any particular mechanism to try and annul the vote?

Mr. Gerald Ramdeen: Well, that is a very, very good question, Mr. Chantak—sure—and what we propose to do as an Opposition is that we are going to write to His Excellency The President. It is His Excellency The President who made the appointment of Mr. Justin Junkère, and we will leave it to His Excellency to do what he considers to be right and proper in the circumstances.

As I indicated to you, these are matters that came to our attention at about lunchtime today. We have not really had the time, but we thought it important enough to bring it to the attention of the public. We will now take these documents and look carefully as to whether there is a breach of any of the provisions of the Integrity in Public Life Act, whether there is any remedy that can—that resides in the powers, whether they be constitutional powers or any other power that His Excellency may have, and we will also bring it to the attention of the President of the Senate because as the Presiding Officer, it would not be right for such to have taken place and the President of the Senate, who is the Presiding Officer, not know about what has transpired.

Media Personnel: Just for my own clarity and just for when I am writing for the public as well, so what you are saying is that you are still going to work out whether or not there is a mechanism in the laws of the land that can possibly affect the validity of the vote? How is that possible?

Mr. Gerald Ramdeen: Well I don't think—we've looked at it very short but I don't think that something like this has transpired before and I don’t know that the framers of the Constitution and the drafters of the Constitution ever thought that something

like this would have transpired. So that from a very cursory look at the Constitution, there does not seem to be a mechanism as it has been described, for dealing with a matter of this nature. But one would expect that if something like this were to take place, whether it be the President of the Senate, whether it be the Prime Minister, or whether it be His Excellency himself, one of the heads of these different authorities, whether it be Legislature or the Executive, must have some power that resides in them because something like this cannot be allowed to happen in a democracy like ours and there is no remedy for the people of Trinidad and Tobago.

This is not about the Opposition, this is not about the Independent Bench, but you see what is important about this is simply this, seven Members of the Independent Bench spoke out. Miss Chote indicated at the beginning of her speech: people were asking you, "Are you the one?" There will be other things. There may be other things. I have seen things on social media, that are in the public domain, that affects this process.

It cannot be right. It cannot be right for someone to be sitting as an Independent Senator. We are entitled to be partisan. I was an Opposition Senator. But in this particular Bill, we made it a point as an Opposition to say let us put the politics aside and while we were clamouring for us to put the politics aside, let us get this law right, let us do what is right for Trinidad and Tobago, let us get the amendments in, let us strengthen the legislation. While we were clamouring for that as the Opposition, what we didn't know was what was going on behind the scenes while the Attorney General was sitting there and Mr. Justin Junkère was sitting there, and not one of them, not one of them, saw it right and proper to inform the House.

How could it not—how could it ever be right for Mr. Al-Rawi to sit through the first Sitting, sit through the second Sitting, sit through the committee stage, sit through the meeting that was held on Monday, and all these times, knowing fully

well that Mr. Justin Junkère, an Independent, whose vote you want. The Government knew they needed that vote. That is why on the Saturday, midstream in the debate, Mr. Al Rawi seeks to have a meeting with the Opposition and the Independents. Is it all a coincidence that Mr. Justin Junkère was one of the two Senators who attended that meeting?

Media Personnel: Should the President have known about this matter before he made the appointment?

Mr. Gerald Ramdeen: I don't think that it is—I don't think one could have expected His Excellency to know what would have transpired because of matters that are pertaining to the Attorney General's Office. One cannot reasonably expect His Excellency to know about that. But one would have expected that when Mr. Justin Junkère was approached in this matter to sit as a temporary Senator, that the right and proper thing to do, because the matter—the Bill had already been passed in the Lower House. Mr. Justin Junkère would have known who was piloting the Bill; the man he works for. He would have known that the man that he works for, on whose payroll he is on, would be piloting the Bill in the Senate.

And if we take for granted all of that, when he sat in the Senate on the first day, two Tuesdays ago, and Mr. Al-Rawi got up and said what I just quoted, that his role is to persuade the Independent Senators, would it not have been right for Mr. Justin Junkère to get up and say: "Members of the House, I am on the payroll of the Attorney General. I am retained by the Attorney General in matters that are presently ongoing before the court. Do any one of you on the Government or Independent or my fellow Independent—the Opposition Bench—have any objection to me participating in this debate?" How hard would it have been for him to do that? What people forget in this country is that to do the right thing is not very difficult. It is

sometimes always easier to do the right thing than to do the wrong thing, but when the wrong thing is exposed, you can see what will be the consequences.

Today as we sit here and I speak to you as the media, we don't know how far this can reach. We don't know what exactly would be the consequences of it, but what we do know is a serious wrong has been perpetrated on our Parliament and our democratic process, and one would expect that now that it has been exposed, those that have not done what they were supposed to do before, will do what they are supposed to do now. And like I've said before, it is not difficult to understand in these circumstances what is the right thing to do.

Media Personnel: If the Opposition is—well this question about the constitutional majority, we call it the special or simple majority, first question is: is the Opposition going to take the question to court, to let a law court decide if it needs a special or simple majority?

And then secondly is: could this be part of a case, you know, saying, well you know before it even gets here, this vote was kind of dubious? You know, could that be roped into a court case?

Mr. Gerald Ramdeen: We as the Opposition have indicated that if Mr. Faris Al-Rawi, if he continues to be Attorney General after today, and if he chooses to not heed the concerns of the Independent Senators and the concerns of the Opposition and the concerns of the people of Trinidad and Tobago, and if this Bill—because there is a proclamation clause and it still has to be assented by His Excellency. So the process is such that it has to be assented to and then there is a proclamation clause that brings it into effect. And if it is that this Bill is proclaimed in the form that it presently is in, the Opposition has indicated quite clearly and cat—uncat—clearly that they will challenge this Bill, the provisions of this Bill and the breaches of the

fundamental rights that we say this Bill perpetrates all the way to the Judicial Committee of the Privy Council.

I want to make it very clear, last night in an interview with the media the honourable Attorney General said that the Opposition is making mere threats. This is not a threat. The Opposition has shown that where there is an illegality perpetrated on the people of Trinidad and Tobago, we will take action. We have a proper legal team that will put together a Motion to deal with the illegality that is committed on the people of Trinidad and Tobago. And I think from the reputation of the lawyers that are on the Opposition Bench, Mr. Al-Rawi will do well to not treat this as an empty threat, because we will take this all the way to the Privy Council because we are convinced, not only we but the Independent Bench.

Miss Chote, a respected Senior Counsel in this country, described this Bill as a shell when she made her contribution in the Senate. Mr. Al-Rawi should have been ashamed that a leading member of the Inner Bar would describe legislation that he brings to the Parliament as a shell.

So we have no doubt that this Bill in its current form—and I can indicate now, to just clear the way for Mr. Al-Rawi to understand, that we will strike down any legislation that infringes the rights of the citizens of this country. He said we are mistakenly alleging that the SSA Bill breaches the constitutional rights of the citizens, when really interception is really the Interception of Communications Act. Well I can tell Mr. Al-Rawi that the opinion of the Opposition is that both pieces of legislation, both pieces of legislation, infringe the rights of the citizen and our position is, if something was done wrong before, we are here as an Opposition to fix it, and if it is we have to strike down both pieces of legislation, which we consider breaches the fundamental rights of the citizen, we will strike down both of them.

And he can bring his team of lawyers and we will travel all the way across the Atlantic to the Judicial Committee to do it.

Media Personnel: Would the Attorney General be able to defend himself by saying that he runs a large portfolio and he does not have personal knowledge of each and every person in his employ?

Mr. Gerald Ramdeen: Ms. Boodram, the position is simply this, the Attorney General has responsibility over his Ministry. As I understand the practice in the Attorney General's Office, one is not retained as external counsel in the Attorney General's Office without the signing off of that by the Attorney General.

I understand the process to be that a recommendation is made by the Solicitor General on the file to the Attorney General and then the Attorney General signs off on it. So if Mr. Al Rawi, as he has shown at times, is not aware of what is going on in his Ministry, we cannot be blamed for that. He must take responsibility for it, because this matter is a matter that emanates out of his Ministry. This is a matter where Mr. Junkère is not led by Senior Counsel, he is advocate attorney. He is advocate attorney on behalf of the Attorney General. So that had to be signed off by whoever is sitting in that chair, and as of this moment we hold Mr. Al-Rawi responsible because as of—what we are concerned about Ms. Boodram, is simply this you know: when this was going on, Mr. Junkère was on the payroll of the Attorney General and that is what strikes at the heart of our democracy. While sitting as an Independent Senator, he was on the payroll of the Attorney General and that is what is wrong and that is what the Attorney General should have corrected.

From the time Mr. Al-Rawi, two Tuesdays ago, saw Mr. Junkère walk up to take the oath, he should have said something to the Presiding Officer. The right and proper thing to do was to simply step aside and say: "Mr. Junkère, are you not

retained in matters on behalf of my Ministry? I'm going to pilot this Bill and you're going to sit as an Independent Senator."

Media Personnel: Just one more thing.

Mr. Gerald Ramdeen: Sure.

Media Personnel: But at the end of the day, the possibility exists that whether or not the Attorney General is removed or Mr. Junkère is removed as an Independent Senator, the Bill could still come to pass and settle on the country?

Mr. Gerald Ramdeen: Well, we have the experience of section 34 that the People's National Movement never let rest, even after the Honourable Prime Minister was sitting as Prime Minister at that time, got up at two o'clock in the morning, convened Parliament and revoked section 34 and the revocation of section 34 was challenged all the way to the Judicial Committee and the Government was vindicated. So if Dr. Keith Christopher Rowley wants to match the integrity of Mrs. Kamla Persad-Bissessar, what he should do as Prime Minister is take steps to revoke what has been passed in Parliament and give the country and the Parliament an opportunity to debate this Bill without being tainted by what I have disclosed here today.

Like I said, when section 34 was passed, the Honourable Prime Minister at the time, Mrs. Kamla Persad-Bissessar, sat with the Attorney General, convened Parliament within 24 hours and revoked it. Let us see. Let us see. History has a funny way of repeating itself. Let us see if Dr. Keith Christopher Rowley, the Honourable Prime Minister of Trinidad and Tobago, will do a similar thing. We're not waiting for any investigation to take place. There's no need for any investigation. The facts are plain and simple. What transpired on Tuesday should not have transpired and this is worse than section 34.

So let the PNM now test itself and its principles by all of the criticisms that they lay at the feet of the People's Partnership and let us see if Dr. Keith Christopher

Rowley or the Acting Prime Minister is going to call Mr. Al-Rawi into a meeting this afternoon. Let us see if they will convene Cabinet this afternoon. Let us see if tomorrow they will convene Parliament and say let us undo the wrong that was done on Tuesday. Let us test the democracy. Let us test the fairness and let us test the principles upon which this Government stands as the Government of Trinidad and Tobago. And the people of Trinidad and Tobago will now see whether the criticisms that were levelled against the Partnership when section 34 was passed. Let us see if the interest groups will come out and cry for the SSA Bill to be revoked by the Parliament.

It is a ripe opportunity today to see whether what Dr. Keith Christopher Rowley said to the people of Trinidad and Tobago on the night of the 7th of September, 2015, is really PR or really what he stands by. Because there is only one answer to this, Ms. Boodram, only one answer. This Bill must be revoked, and whatever the Executive has to do in order to get it revoked and pass it back in whatever form, they must do it because that is the minimum that the people of Trinidad and Tobago are entitled to; the very minimum.

So I think this is a matter that the media ought to bring to the attention of the public and let the democracy of Trinidad and Tobago be tested. Let the Government of Trinidad and Tobago be tested and let us see whether they will meet the same standard that was set by the Partnership, with respect to section 34. This is not section 34, this is the SSA (Amdt.) Bill where what you have—the mistrust and what was perpetrated on the Parliament is not in relation to one section, it is in relation to an entire Act. Let the PNM now come and see whether they will stand up to that standard. I said it before and I stand by it again today, this is worse than section 34. Let us see whether the Government will undo the SSA. Seven Senators: Sen. Mahabir, Sen. Shrikissoon, Sen. Chote, Sen. Raffoul, Sen. Crease, Sen. Richards and

Sen. Ramkissoon, all spoke out and voted against this Bill and let the media and the public ask now: "Why did the Independents who voted on that day vote that way?" And let us test it and see.

Thank you, members of the media for coming this afternoon and I wish you all the best.

CCN TV6 MORNING EDITION INTERVIEW (MR. FAZEER MOHAMMED AND SEN. GERALD RAMDEEN)

Mr. Mohammed: 6.22 in Trinidad and Tobago. Well, we do have temporary Opposition Senator Gerald Ramdeen, Attorney-at-Law here with us this morning for the second time in a week to discuss issues related to the SSA Amendment Bill. Mr. Ramdeen, a very good morning to you. Thanks very much for joining us.

Sen. Ramdeen: It is my pleasure.

Mr. Mohammed: So, as the Attorney General says, are you cut by your own sword in highlighting an issue that Mr. Junkère was retained by the UNC administration with the Attorney General, at the time, Garvin Nicholas?

Sen. Ramdeen: Well, let's go to the first question which is that whether I'm cut by my own sword.

Mr. Mohammed: Yes.

Sen. Ramdeen: I think that the statement of the Attorney General is just another misstep by Mr. Al-Rawi, because it clearly demonstrates that Mr. Al-Rawi in the bicameral system that we operate in the Upper House, only less than a week ago, Mr. Al-Rawi was making a distinction on Monday that there is a difference between the Independent Senators and the Opposition Senators, because the Government and the Opposition operate under a Whip system, and therefore that was his justification at that point in time for having separate meetings on Monday and Tuesday before the continuation of the SSA Bill, the amendments in the Senate.

He now seeks not to make a distinction between the Opposition and the Government very conveniently, because as you would understand Faz, we are Opposition Senators, myself and Mr. Sturge are Opposition Senators, operating under a Whip system. So if we are retained, it doesn't make a difference. We are

not perceived to be independent. We are perceived to be political because we are part of the Opposition. The Independent Senators are perceived and ought to be independent and, therefore, that is the difference between ourselves, myself and Mr. Sturge, and Mr. Junkère. So that the distinction that Mr. Al-Rawi seeks to make is really not a distinction at all, because at the end of the day, Mr. Junkère was appointed an Independent Senator and Mr. Sturge and I are Opposition Senators. Whether we are retained by the Attorney General's Office or not is really of no moment at all. So that that argument by the Attorney General is really one without merit.

So that our concern in this matter is that we operate under a written Constitution and perhaps the most sacred of all the duties under the Constitution is that the lawmaking process ought to be pure and ought not to be tainted in any way. And at the end of the day we think that what transpired in this case is really very unfortunate, to put it in a very generous way, but really the tainting of the fact that Mr. Junkère was retained and continues to be retained by the Office of the Attorney General, whether it be Mr. Nicholas or Mr. Faris Al-Rawi.

The point is, I checked the records—

Mr. Mohammed: Yeah.

Sen. Ramdeen:—and the Bill, this Bill, the Strategic Services (Amdt.) Bill, was introduced in the Lower House on the 11th of March, 2016. Mr. Junkère appeared in the matter which I highlighted on the 16th of April. He last appeared on the 16th of April, 2016, which is after the Bill was introduced.

Mr. Mohammed: Yes.

Sen. Ramdeen: So I just want to make that very clear. So there is no issue about the fact that when this Bill was introduced and in its passage through the Lower and Upper House, Mr. Junkère knew that he was on the payroll, as I put it, of the Attorney

General, whether it be Mr. Garvin Nicholas, whether it be Mr. Faris Al-Rawi, that is of no moment to us, because at the end of the day, what we must understand Faz, is that the Attorney General was the person who was piloting this Bill downstairs and upstairs, and there is a responsibility on both parties, Mr. Faris Al-Rawi and Mr. Justin Junkère, that if he was retrained by the Attorney General, in any matter, by the Office of the Attorney General, Mr. Al-Rawi ought to have known that that is the position, and Mr. Junkère, not ought to have known, must have known, that he was retained by the Office of the Attorney General. And at the very minimum, one would have expected that when he was called by His Excellency to take up this position as an Independent Senator, he would have known that it is for the Strategic Services Amendment Bill. He would have sat there two Tuesdays ago on the 3rd. He would have sat there on the 10th.

And Faz, I want to make this point.

Mr. Mohammed: Um hmm.

Sen. Ramdeen: I don't—I looked this morning on the parliamentary website

Mr. Mohammed: Yeah.

Sen. Ramdeen:—and the *Hansard* for this week's sitting is not there.

Mr. Mohammed: Okay.

Sen. Ramdeen: But I want to indicate something to you. This is a matter that has engaged the public's attention in a great way, and I think everybody understands and we are happy about that because it brought to light people's attention to their rights under the Constitution, and that is always a good thing. But when Senior Counsel and Independent Senator, Miss Sophia Chote, began her contribution on Thursday—that is on Tuesday—

Mr. Mohammed: Yeah.

Sen. Ramdeen:—she began her contribution by saying, what? She stood up and she started her contribution by saying: "Over the weekend"—that is the weekend before—"people were asking me"—this is Miss Sophia Chote, Senior Counsel—

Mr. Mohammed: Yeah.

Sen. Ramdeen:—a well-respected member of the Inner Bar—"Are you the one? Are you the one?" And Miss Chote was saying, well when people were asking me that, she could not understand what they were talking about.

Mr. Mohammed: Yeah.

Sen. Ramdeen: It is only on Tuesday she understood that the Government needed one Independent vote to pass this Bill through the Upper House and people had already had a suspicion because of the actions of the Attorney General on Saturday to schedule these meetings with the Independent Senators on Monday, with the Opposition on Tuesday, and the Senate sitting on Tuesday afternoon. We had less than an hour, the Independent Senators had less than 24 hours and, therefore, it is ripe with conspiracy because of what transpired.

Mr. Mohammed: But—and I am glad you are giving this explanation as to the objections from the Opposition on this matter in relation to Mr. Junkère, but is it not a leap to suggest that because he has been retained, and because he continues to be retained on an existing matter that started with the previous administration, that there would be the perception of bias on his part?

Sen. Ramdeen: Well, Faz, you know, bias is—I wouldn't like to say a complicated thing, but you have apparent bias and perceived bias and, at the end of the day—express bias and apparent bias—at the end of the day, when the population looks at this, it doesn't look good Faz. It doesn't look good that an Independent Senator is sitting there and votes for a Bill in which you have nine Independent Senators, seven of which vote against the Bill.

Mr. Mohammed: On the contrary, Mr. Ramdeen, the view as expressed, if you hear the variance of views is not necessarily the majority one way. You are actually hearing people ask the question: is the Independent Bench essentially part of the Opposition?

Sen. Ramdeen: Well, I mean, that I think is even a greater leap for one to say that, because what you had in the Senate when you looked at it is that the Attorney General was saying, we are going to take on board the suggestions of the Opposition. Right. We are going to take on board the suggestions of the Independent Bench. You have seven of the nine Independents sitting there and voting against the Bill. And, is it a coincidence Faz? Is it a coincidence that the two Independent Senators who choose to go to the closed-door meeting of the Attorney General are the two Independent Senators who voted for the Attorney General? It doesn't look right.

Mr. Mohammed: Well, it would suggest that they were willing to get more information. The implication could be that the Independent Senators had already made up their minds and were not really interested in hearing anything further from the Government, but the Opposition decided that after threatening to storm a meeting to say: "Well okay, we'll hear what you have to say the next day."

Sen. Ramdeen: And when we went into the meeting, we don't know, just as you said Faz that is one view.

Mr. Mohammed: Yeah.

Sen. Ramdeen: Right? The other view could be, right, just as strong as the view that you've expressed that you said many people are expressing. The other view could be, I don't know what was told to those two Independent Senators to make them vote on that day, and that is why those things ought not to happen. And when we went as the Opposition into that meeting, into that meeting—

Mr. Mohammed: Yes.

Sen. Ramdeen: We were shocked to find out that the Director of the SSA, Colonel Robinson, couldn't tell us what a serious crime was, which is a discussion we had last week.

Mr. Mohammed: Yes.

Sen. Ramdeen: The Director of the SSA, the present Director, couldn't tell us what a serious crime was. When we asked the Attorney General in front of the Director: Can you point to us the mechanism in the amendment or in the principal Act that allows for all this information to be de-siloed, to use his words, and to stop the siloing of information? We said, can you point us, so we will know, where does the Chief of Defence Staff, the Commissioner of Police and the head of Customs and Excise, where does it mandate? Because you came to Parliament and said the purpose of all of this is that we need to bring all the information into one focal point, and the Attorney General, couldn't point to any mechanism. He said was there was none. He said that, and then he answers the question by saying that the international agencies that we deal with, as Trinidad and Tobago, requires this. But if they require it, can you point to us where this is supposed to be done because this is what you said, and the answer to that is none. So Faz, it is a very—

Mr. Mohammed: What is the fundamental danger of this piece of legislation from your perspective as an Opposition Senator?

Sen. Ramdeen: The fundamental danger that we have indicated that has been flagged by the Opposition and the Independent Senators, is to again borrow, if I can borrow the words of Miss Chote, she described this piece of legislation as a shell. She said there is absolutely nothing in it, and it has the potential—the Attorney General says the Opposition is mixing up the interception of communication with the amendments to the Strategic Services Agency Act. And that is not so.

The danger with this legislation at the very pinnacle, Faz, is that you have a person who is appointed by the political directorate and given very powerful powers under the Interception of Communications Act, and that person when you look at the legislation is given the powers by the Interception of Communications Act, but the Strategic Services Agency Act allows that person to be appointed by the political directorate. That is the first thing that we flagged. When we spoke last week we said—you agreed that somebody holding this position should have some kind of minimum qualifications. We suggested that to the Government. They throw it out the window. We told them, you cannot have somebody like this who is answerable to the Cabinet, answerable to the Minister, and answerable to the Prime Minister. They threw that out. We said this legislation is legislation that infringes upon the fundamental rights of the citizen, so let us put in place a body that can be as a watchdog for if anything goes wrong, a citizen has a remedy to a body that is independent, similar to the Police Service Commission. They threw that out.

So that the idea that the Government is saying, we will work with the Opposition and we will work with the Independent Bench, we will come together and make it happen; when you look at what transpired in the committee stage of the Bill, 58 amendments—you asked me last week, you said, Mr. Ramdeen you expect all the 58, for the Government to take it on, and I told you no.

Mr. Mohammed: Yeah.

Sen. Ramdeen: Let us come together, perhaps out of the 58 we could have put in 10, the most important ones, and on a phased basis implement it. When you look at what transpired in the committee stage Faz, it was just a farce. The Government was sitting down there, and because they had their support on the Independent Bench, they just threw out every single amendment. It cannot be Faz. It cannot be. Just like how you can objectively say, this is the other side of the argument. It cannot be

that seven Independent Senators, not one, two, three; seven Independent Senators would flag this Bill and say, "We are not supporting it because this Bill does not meet the constitutional threshold. It infringes upon the rights of the citizen. We need things to be put in there and then we will support it."

Mr. Mohammed: But isn't that the very essence of independence, that whether it be one out of nine, or two out of nine, or seven out of nine; it really depends on the persuasiveness of the argument to the different individuals.

Sen. Ramdeen: And the Attorney General, when he piloted the Bill in the Senate indicated at the outset that we are here, and the Senate, he is glad to be in the Senate, because the Senate is where you must use persuasion to get the vote of the Independent Senators, and we agree with that. But it must be pure and clean, and it must not be tainted.

Mr. Mohammed: What is pure and clean in the politics of Trinidad and Tobago, Mr. Ramdeen? Please!

Sen. Ramdeen: But, Faz, at the end of the day, we said that let us—for this particular Bill, and it should be for all the Bills, but for this particular Bill, because of the far-reaching consequences of it, let us put the politics aside. And if the Opposition—

Mr. Mohammed: But you know that is impossible, that is impractical Mr. Ramdeen, please.

Sen. Ramdeen: Faz, you can accuse the Opposition of being political—

Mr. Mohammed: Of course you're being political. That is your job.

Sen. Ramdeen: No, but, hold on. Hold on. If we were being political and you stood here and say, "But, Mr. Ramdeen, you all opposing for opposing sake, all yuh eh suggest nutten to the people, an all yuh want to oppose and then come and point fingers." You can't tell "meh" we—we did more work than the Government. We

take a Bill with five sections and give you 58 amendments; we take the material and give it to you and say, "Look, this is where we get it from". Right. And then the Attorney General will come and say, "Well, we have to make regulations. We making the regulations. We doh know when it going to come." You don't take on board any of the suggestions, right, and then you come here and say, "Well, we working together. It cah work that way Faz". We as an Opposition think that we can hold our heads up and say in this particular instance, in this particular instance, we put the politics aside, we tried to work with the Government, and the response that the Government was just to shut us down.

Mr. Mohammed: How do you interpret the Attorney General's reference to the millions that you would have earned in briefs from the State in the previous administration and also highlighting the situation with your fellow Opposition Senator Wayne Sturge? How do you interpret that? It appears to cast some aspersion in your direction, and a question of obvious bias on your part.

Sen. Ramdeen: Faz, like I said again, just like you said a few minutes ago. There cannot be any bias on our part, because we are governed by a Whip system. If a Government—

Mr. Mohammed: In other words, you're bias already.

Sen. Ramdeen: Presumed to be bias already. So that that is an argument that really has no merit. You see, this Attorney General from the time he took up office, this Attorney General has an obsession with numbers. He came to the Senate and he said the State paid millions of dollars, millions of dollars in the State of Emergency. You lock up all these people and the taxpayers have paid millions because of the State of Emergency.

Mr. Mohammed: Isn't that a cause for concern? I mean, I "doh" want to divert the—

Sen. Ramdeen: And I "doh" want to divert it, because you've raised it, and we must test what the Attorney General says by statements that he has made. So, you know they have a saying in Trinidad, monkey know which tree to climb.

Mr. Mohammed: Yes.

Sen. Ramdeen: But. Perhaps he didn't understand that I would be in the Senate when this is to be corrected. So, I was retained. Just like how he could point out how much millions I was paid by the Attorney General. I was retained by the Attorney General's Office to defend all of the State of Emergency matters, and to date—and he hasn't corrected or contradicted it—the State has not paid one cent.

He went to Parliament. The Attorney General went to Parliament and made a statement, that I highlighted in the *Hansard*, that the State had paid millions in damages as a result of the State of Emergency, and the truth is that the State has not paid one cent. Right. So, you have to take the statements of this Attorney General in context. And what Mr. Al-Rawi should do, he has an obsession with figures, and what he should start doing is counting the amount of missteps that he's made since he has taken up the Office of Attorney General, because soon he will reach into the millions. Because, what has happened is, you cannot trust this Attorney General Faz, because this is the same Attorney General who one week ago, one week ago said, "You doh have a right to privacy. You doh have a right to privacy." This is the same Attorney General, when we challenged him and said, you came—

Mr. Mohammed: But isn't he correct in that. We were discussing it yesterday with David Abdulah, that you don't have an absolute right to privacy.

Sen. Ramdeen: You don't have "ah" absolute right to any constitutional right. You know, the Attorney General picks up these cases so that people will feel when he cites a case they know what he is talking about. So, he has this case call "Surratt", which is the equal opportunities challenge that went all the way to the Privy Council.

Mr. Mohammed: Right.

Sen. Ramdeen: And in that matter Lady Hale who delivered the majority judgment, because there was a dissenting judgment by Lord Bingham, Lady Hale indicated, she said:

"There are rights in the Constitution, but none of these rights are absolute."

So, the fact that David Abdulah will say, "You doh have ah absolute right to privacy, you doh have ah absolute right to anything under the Constitution." The Constitution is set up in such a way that it is recognized and settled that the rights that are enshrined in section 4 and 5, even the right to life in our Constitution is not absolute—

Mr. Mohammed: Yeah.

Sen. Ramdeen:—because it can be taken away, because the death penalty is the law in Trinidad. So even the most sacred, if you can put it in that way, of the constitutional rights, that is not absolute. You don't have an absolute right to life, because you can take it away once you satisfy due process.

So, that is just muddling the water. The point about it is, the Attorney General came to Parliament and he said, "You do not have a right to privacy". No exception, no qualification. Now, when Chief Justice de la Bastide and former president of the CCJ comes out and says, "But, you have a right to privacy", section 4(c) guarantees the right to private and family, and it may not say, "a right to privacy". But, what it matters Faz, is that the content. What constitutes that right, there is no distinction whether you call it a right to privacy, you call it a right to private life, or you call it a right to family life. It is the same. So that for an Attorney General to come to Parliament and say, "You do not have a right to privacy". When he was challenged by Sen. Sturge and said, "You said that there are a number of cases in our jurisdiction, there is a number of cases that say you doh have a right to privacy, the

courts don't recognize a right to privacy." He said, "Well, you want to bring one so that we could see and the public can see". He brings a private law case between Lendl Simmons and Miss Ho—

Mr. Mohammed: Yeah.

Sen. Ramdeen:—which has absolutely nothing to do with your constitutional right to privacy.

Mr. Mohammed: Because he is cherry-picking which is what all attorneys do when they are looking to find cases to support a particular argument.

Sen. Ramdeen: And he didn't pick any cherry with this one because what he brought to Parliament had absolutely nothing to do with what we were talking about, and you bring this case and you wave it around. You see, Faz, I looked, I was in the Senate, and I looked carefully while we were in the Senate, to the other Government Senators and when Mr. Al-Rawi speaks, you know, he has been exposed for the idea that everything—

Mr. Mohammed: But as the officer of Trinidad—

Sen. Ramdeen:—that shines is not gold, everything that shines is not gold, and everything that sounds eloquent it doesn't make sense, and you know what has happened—

Mr. Mohammed: I am glad you could say that as a lawyer yourself.

Sen. Ramdeen: I know, I know, but the point about it is, we have put Mr. Al-Rawi to the test and we have shown him up to be what he is, which is that, at the end of the day, Faz, let's cut all this around, the lawmaking process is a very sacred thing. Look at the controversy—

Mr. Mohammed: Is it really? Is it about playing games?

Sen. Ramdeen: Look at the controversy we had with section 34, right, and the country was in uproar, and at the end of the day the idea was that the People's

Partnership manipulated the lawmaking process for a particular purpose. Now, Faz, the underlying fundamental basis upon which people were upset about that is that they thought there was some kind of interference. I don't think anybody can dispute that. And, like I said, we as the Opposition have said if you go to the ordinary citizen, the man on the street, and you see and you ask him, and you see what has taken play there, it is the perception, is that if I am working for you I will do what is in your favour, and that is common perception whether it be the lawmaking process, whether it be in any other aspect of life. If I am working for you I would expect that—you would expect that—

Mr. Mohammed: I will do your bidding.

Sen. Ramdeen:—I will do your bidding. He who pay the piper, call the tune. That is the way it works.

Mr. Mohammed: And that has been referred, you have been referred to as "bullying tactics" by the Attorney General.

Sen. Ramdeen: But, Faz, how is it bullying? What we have said, look, they made an issue and said we would have stormed the meeting, we went peacefully into the meeting, we asked some questions; we could not get the answers. We could have tried. Faz, if you were playing politics and the Attorney General said, I setting up a meeting with my technocrats and my—we could have taken the position and say, "Look, we doh want to listen to dat"—

Mr. Mohammed: And you all are being accused of hypocrisy because you didn't offer the Opposition at the time a similar courtesy when raising another matter in which you had a private meeting with the Independents three years ago.

Sen. Ramdeen: But, Faz, when they raised that, we answered that and said, listen, if we did that and we were wrong—you see the idea of this thing, Faz, is this, and every time a mistake happens in Trinidad, you know what somebody says, "Well,

you do it so I could do it so", and, Faz, we cannot move forward as a society with that kind of argument.

You know, I read in one of the newspapers last night that one of the answers that Mr. Justin Junkère had indicated was, well, Ms. Dana Seetahal was briefed as well when she was an Independent Senator, so if she could do it why I can't do it. So if Resmi was appointed under the Partnership, let we appoint ah Shelly under the PNM, and let us continue like that— Faz, I have said before, while I sit—

Mr. Mohammed: Well, the man is defending his own integrity. Why do you automatically assume that because I am retained by the Attorney General that I will be basically paying the piper?

Sen. Ramdeen: For the same reason that we said, that naturally that is the natural perception that flows from it, and if you wanted to do the right thing—I indicated that on the 16th, right, on the 16th of January, February, March, April, he appeared. Don't you think, Faz, you tell me as a citizen, as an ordinary citizen, not as a lawyer, not as a Senator, don't you think that if I—if you were retained by the Attorney General—

Mr. Mohammed: Um hmm.

Sen. Ramdeen:—and you are going to sit on a Bill to debate that Bill independently, not as a part of the Government, independently, because I can say, if Mr. Justin Junkère was a Government Senator nobody can question that.

Mr. Mohammed: Right.

Sen. Ramdeen: If you are retained as appointed by His Excellency as an Independent Senator and you know that you were working for the Attorney General, ought you not to have just stood up and said, as we do in court every day, if you have a bias, and judges do it at times, say, listen, I know this person who has come before me, do you have any objection to me sitting on this matter? Why couldn't he have

stood up and say, "I am working in a matter on behalf of the Attorney General, Mr. Al-Rawi, who is piloting this Bill in the Senate today and I would like to disclose to this honourable Senate that this is the position. If anyone has any objection I will do the honourable thing and step down. If there is no objection I can continue." How difficult was that to do, Faz? I said yesterday in Trinidad the problem is doing the right thing is a very easy thing you know, doing the wrong thing, right, is always harder than doing the right thing.

Mr. Mohammed: It doesn't appear that way to the wider public.

Sen. Ramdeen: But what we are concerned about is that in this particular Bill where the Government needed the support of the Independent Bench, we are concerned that what has transpired here is not proper, it is not right, right, it ought not to have happened, and the persons responsible are Mr. Al-Rawi because he said— Just imagine, the Attorney General—and, Faz, I want to make this point—the Attorney General when he took office made a big issue. I told you he has an obsession with figures. He made a big issue about the fact that so many legal briefs were given out under the last administration, the legal bill was $1 billion, right.

Mr. Mohammed: Correct.

Sen. Ramdeen: When you were doing that and you were tallying these figures, and you were seeing who was being retained, and he put out my figures and how many millions I make. When you were doing that, you didn't check out and see who was retained by Garvin Nicholas?—and you come now to say, I didn't know that Mr. Justin Junkère—you take the convenient position that I didn't know. So when you were tallying all these figures about who was retained by the last administration, Mr. Justin Junkère's name didn't come up? How did you come to these figures to say that the legal bill was $1 billion?—and he has said this over and over, and how many millions were made. So now when you are faced with a situation where you

as Attorney General, you have no idea as to what is going on in your own Ministry? Faz, I operated under another Attorney General and in every single matter in which I was retained when you appear on behalf of the State, Faz, it is to be an honourable thing to appear on behalf of the Attorney General—

Mr. Mohammed: Time is—

Sen. Ramdeen: But let me say this.

Mr. Mohammed: Yeah.

Sen. Ramdeen: When I appeared on behalf of the Attorney General you will report to the Attorney General what took place in that particular matter. So is it that there are matters where they have external counsel in the Ministry of the Attorney General, and Mr. Al-Rawi as the head of that Ministry, the head of the Bar, and the head of the Government, the head legal advisor to the Government, doesn't know what is going on in his own Ministry. Like, to borrow the words of Sen. Sturge, we can't believe that that will happen, because we consider—we perceive, right, we expect that Mr. Al-Rawi knows what going on in his Ministry.

Mr. Mohammed: So what are you implying? That he doh know what going on—

Sen. Ramdeen: No, not implying, although he saying he doh know what going because he said, I didn't know.

Mr. Mohammed: We have 60 seconds left, and if you could just encapsulate the fundamental fear or concern that the Opposition would have as to the, what you say as the politicization, and the fact it has been passed in the Senate, is the Opposition going to do anything further to block this from becoming law?

Sen. Ramdeen: Faz, we have said this Bill has a proclamation clause and it has to be assented by His Excellency. If it is assented by His Excellency, the Attorney General has said, he give an undertaking that he will look at it again before it is assented and he will bring regulation. If this Bill remains in its current form, we as

the Opposition have indicated already that at the appropriate time when it is proclaimed we will challenge it all the way to the Privy Council, because that is what we will do on behalf of the people of Trinidad and Tobago because we believe that this is a fundamental infringement of the people, the rights of the citizens of Trinidad and Tobago. It is not good law, and, therefore, as a responsible Opposition, we will do what is right to uphold the Constitution and the law as we are mandated to do by the oath that we took when we became Government MPs and Opposition Senators.

Mr. Mohammed: Gerald Ramdeen, thanks very much for joining us this morning.

Sen. Ramdeen: Thank you very much.

Mr. Mohammed: Coming up towards 6.59 in Trinidad and Tobago.

Correspondence

PARLIAMENT
Republic of Trinidad and Tobago

Levels G - 7, Tower D
The Port-of-Spain International Waterfront Centre
1A Wrightson Road, Port-of-Spain

PARL: 14/2/1

8 June 2016

Mr. Gerald Ramdeen
Head of Chambers
St. Michaels Law
No. 7 Cornelio Street,
Woodbrook,
Port-of-Spain

Dear Mr. Ramdeen,

Request for your appearance before the Committee of Privileges

I write to you on the direction of the Committee of Privileges of the Senate.

The Committee invites your appearance at its meeting to assist the Committee in considering a question of privilege in which you have been named. The meeting is scheduled to take place on **Thursday June 16, 2016** at **2:00 pm, A.N.R Robinson Room (East), Office of the Parliament, Level 9, Tower D, The Port-of Spain International Waterfront Centre, 1A Wrightson Road, Port-of-Spain**.

At a sitting of the Senate on Tuesday May 24, 2016 a question of privilege was raised against you and the matter was referred to the Committee of Privileges for consideration and report to the Senate.

The grounds for the allegations are as follows:

1. *"Making statements which were intended to intimidate and may have intimidated Sen. Junkère in the conduct of his work as a Senator;*

2. *Reflecting on the character and conduct of Sen. Junkère in such a manner that brought this Senate into ridicule and odium;*

3. *Seeking via the media and the Integrity Commission to impeach former temporary Sen. Junkère in relation to his participation in proceedings in this Senate; and*

4. *Making entreaties to His Excellency The President Anthony Thomas Aquinas Carmona, ORTT SC, to censure Sen. Junkère for his choice to vote as he did in the Parliament."*

The attached documents are provided for ease of reference:

a) Hansard Report of Privilege Motion raised by the Leader of Government Business in the Senate, on Tuesday May 24, 2016; and

b) Hansard Report of the Ruling by the President of the Senate on Tuesday May 24, 2016.

Consistent with practice and Standing Order 102 (16) of the Senate, you may be accompanied by an advisor who need not be an Attorney-at-Law. Such Attorney (or other person) can advise you, but will not be permitted to address the Committee or question other witnesses.

I am also required to inform you that the proceedings of and the evidence taken before the Committee of Privileges, any documents presented to and decisions of the Committee must not be made public by any Member or other person before the Committee has reported to the Senate.

I have also included for your information, guidelines for witnesses appearing before the Committee of Privileges.

Thank you.

Respectfully

Brian Caesar
Secretary to the Committee

PARLIAMENT
Republic of Trinidad and Tobago

Levels G - 7, Tower D
The Port-of-Spain International Waterfront Centre
1A Wrightson Road, Port-of-Spain

PARL: 14/2/1

GUIDELINES FOR WITNESSES APPEARING BEFORE PARLIAMENTARY COMMITEES

Introduction

As part of its investigative role, Parliamentary Committees conduct hearings at which individuals and representatives of organizations are questioned on matters pertaining to a particular subject or issue under examination.

A person who appears before the House or a Committee to be questioned is called a "witness". Even a Member of Parliament can be called as a witness.

Hearings enable witnesses to give evidence or elucidate on a matter, present an opinion on a particular topic or to provide technical advice. Committee hearings form part of the proceedings of the Parliament and are afforded the same level of respect as all other proceedings.

Guidelines

In so far as the Committee of Privileges, the following guidelines should be carefully noted:

A. Advisors to Witnesses

There is no provision in the standing orders or any statutory provision for a witness before a committee of the Senate to be represented by legal counsel.

However, consistent with the practice and Standing Order 102 (16), you may be accompanied by an advisor who need not be an Attorney-at-Law. The role of such person will be that of an advisor only rather than a representative. You will be able to converse freely with your advisors but they will not be permitted to address the Committee.

B. Submission of List of Witnesses

In addition to an advisor, you may wish to make available to the Committee of Privileges for its consideration a list of witnesses which you may call.

C. Evidence

The evidence of every witness shall be taken down verbatim and sent in proof to the witness. The witness shall be at liberty to suggest corrections due to inaccurate reporting, and the evidence shall be printed with such of the corrections as may be approved by the Chairman. The Committee has a discretion to refuse to hear any irrelevant evidence or recalcitrant witness.

D. In Camera Proceedings

You should note that Committees on Privileges meet in camera. As such, Committees exclude everyone from in camera meetings except Members, committee staff and invited witnesses.

E. Premature Publication of Evidence

The proceedings of and the evidence taken before the Committee of Privileges, any documents presented to and decisions of this Committee must not be made public by any Member or other person before the Committee has reported to the Senate.

****

Senate Secretariat
Office of the Parliament
Level 3, Tower D
The Port-of-Spain International Waterfront Centre
1A Wrightson Road
Port-of-Spain

GERALD IAN RAMDEEN L.L.B L.E.C.
ATTORNEY AT LAW

#7 Cornelio Street, Woodbrook
Tel/Fax: 624-7327 Cell: 737-0198 / 731-3644
E-mail: ramdeengerald@yahoo.com

CLERK OF THE SENATE
RECEIVED
JUN 16 2016
PARLIAMENT DEPARTMENT

16th June 2016.

Mr. Brian Caesar,
Secretary to the Committee of Privileges,
Parliament of Trinidad and Tobago,
LevelG-8 tower D,
Port-of-Spain International Waterfront Centre,
1A Wrightson Road,
Port-of-Spain.

Dear Sir,

Re: Attendance at Hearing of Committee of Privileges on the 16th June 2016.

I write to you further to your letter of the 8th June 2016 and the telephone conversations between ourselves since my receipt of your correspondence.

Allow me to thank you for the opportunity to appear before the Committee and assist the Committee in this matter. As indicated to you on previous occasions I have every intention to assist the Committee in the determination of this matter.

I intended to appear before the Committee this afternoon at 2pm but unfortunately a have had a personal emergency during the night and early this morning that hampers my ability to appear before the Committee today. I am dispatching this letter as soon as possible to bring notice of this matter to your attention and to the members of the Committee so as to cause the least inconvenience to all. I do unreservedly apologize to you and to all the members of the Committee for this occurrence over which I had no control.

I humbly request that another date be set for me to appear before the Committee and to be given prior notice of same in order that I may arrange my dairy to allow me the time to attend before the Committee and provide as much assistance to the members as is required of me.

I would be grateful if this matter could be brought to the attention of all of the members of the Committee.

I do thank you in advance.

Yours Respectfully,

Gerald Ramdeen.
Attorney at Law

c.c Mrs. Christine Kangaloo,
Chairman of the Committee of Privileges,
Parliament of Trinidad and Tobago,
LevelG-8 tower D,
Port-of-Spain International Waterfront Centre,
1A Wrightson Road,
Port-of-Spain.

PARLIAMENT
Republic of Trinidad and Tobago

Levels G - 7, Tower D
The Port-of-Spain International Waterfront Centre
1A Wrightson Road, Port-of-Spain

PARL: 14/2/1

16 June 2016

Mr. Gerald Ramdeen
Head of Chambers
St. Michaels Law
No. 7 Cornelio Street,
Woodbrook,
Port-of-Spain

Dear Mr. Ramdeen,

Attendance at Hearing of the Committee of Privileges on the 16th June 2016

I write to you on the direction of the Committee of Privileges of the Senate.

Reference is made to your letter dated 16th June 2016, in which you advised of your inability to appear before the Committee of Privilege at a meeting scheduled for today's date, June 16, 2016, to assist the Committee in considering a question of privilege in which you have been named.

In light of this, the meeting has been rescheduled and will now take place on **Friday 17th June, 2016** at **10:00 a.m., A.N.R Robinson Room (East), Office of the Parliament, Level 9, Tower D, The Port-of Spain International Waterfront Centre, 1A Wrightson Road, Port-of-Spain.**

Should this date be inconvenient, the Committee invites your appearance on **Wednesday 22nd June, 2016** at **4:00 pm, Arnold Thomasos Room (West), Office of the Parliament, Level 6, Tower D, The Port of Spain International Waterfront Centre, #1A Wrightson Road, Port-of-Spain**.

The Committee has also directed that the following documents and material be made available to you:

a) A DVD and transcript of the press conference held on Wednesday 11th May 2016;

b) A DVD and transcript of the TV6 interview held on Thursday 12th May 2016;

c) A copy of the newspaper clipping-Trinidad Guardian of Friday 13th May 2016 entitled *"…as Ramdeen questions his independence."*;

d) A copy of the newspaper clipping- Newsday of Friday 13th May 2016 entitled *"Ramdeen: Conflict of interest in SSA Vote"*; and

e) A copy of the newspaper clipping-Daily Express of Friday 13th May 2016 entitled *"Ramdeen: Junkere on AG's payroll"*.

I am required to remind you that consistent with practice and **Standing Order 102 (16)** of the Senate, you may be accompanied by an advisor who need not be an Attorney-at-Law. Such Attorney (or other person) can advise you, but will not be permitted to address the Committee or question other witnesses.

I am also required to inform you that the proceedings of and the evidence taken before the Committee of Privileges, any documents presented to and decisions of the Committee must not be made public by any Member or other person before the Committee has reported to the Senate.

Thank you.

Respectfully

Brian Caesar
Secretary to the Committee

PARLIAMENT
Republic of Trinidad and Tobago

Levels G - 7, Tower D
The Port-of-Spain International Waterfront Centre
1A Wrightson Road, Port-of-Spain

PARL: 14/2/1

22 June 2016

Mr. Gerald Ramdeen
Head of Chambers
St. Michaels Law
No. 7 Cornelio Street,
Woodbrook,
Port-of-Spain

Dear Mr. Ramdeen,

RE: REQUEST TO MAKE A WRITTEN SUBMISSION TO THE COMMITTEE OF PRIVILEGES

I write to you on the direction of the Committee of Privileges of the Senate.

At today's meeting you enquired whether the Committee would be amenable to receiving a written submission from your good self on the matter under consideration. As advised at the time of your appearance, the Committee will oblige your request and therefore requires that said submission be made to reach the Secretary to the Committee, Mr. Brian Caesar, **on or before Friday 24th June, 2016**.

A hardcopy of the document should be delivered to Office at the *Office of the Parliament, Tower D, The Port-of-Spain International Waterfront Centre, 1A Wrightson Road, Port-of-Spain.* In addition, you may forward a soft copy via electronic mail to bcaesar@ttparliament.org or via fax at 625-4672.

I am also required to remind you that the proceedings of and the evidence taken before the Committee of Privileges, any documents presented to and decisions of the Committee must not be made public by any Member or other person before the Committee has reported to the Senate.

The Committee wishes to thank you for the assistance given today and looks forward to receiving your submission.

Respectfully
Brian Caesar
Secretary to the Committee

GERALD IAN RAMDEEN L.L.B L.E.C.
ATTORNEY AT LAW

#7 Cornelio Street, Woodbrook
Tel/Fax: 624-7327 Cell: 737-0198 / 731-3644
E-mail: ramdeengerald@yahoo.com

23rd June, 2016

Mr. Brian Caesar
Secretary to the Committee
Parliament of the Republic of Trinidad and Tobago
Levels G-8, Tower D
The Port of Spain Waterfront Centre
1A Wrightson Road, Port of Spain

Dear Mr. Caesar,

RE: REQUEST TO MAKE A WRITTEN SUBMISSION TO THE COMMITTEE OF PRIVILIGES

Thank you for your letter dated the 22nd June 2016.

At the meeting of the Committee of Privileges on the 22nd June 2016 I made a specific request to make written submissions to the Committee. At the same time, I inquired of the Chairman of the Committee whether there was a time period within which those submissions were to be made and I was informed that there was no time limit but, my submissions should be made as soon as possible. I thereafter received your letter dated the 22nd June whereby you indicated that I was required to make submissions to the committee on or before the 24th June, 2016.

As you are aware the Chairman of the Committee indicated that in the performance of its functions the Committee was performing a quasi-judicial function. In order to properly make submissions to the Committee, the fundamental rules of fairness would require that I be informed of the totality of the evidence that I am to answer in support of the grounds of the motion of privilege. As a person against whom a motion of privilege is brought and who is subject to the sanctions of the Committee it is a requirement of fairness that I be informed by the Committee of the totality of the evidence which I am to answer and what evidence the Committee intends to consider and be given an opportunity to reply. This is a right guaranteed to me under section 5(2) e of the Constitution.

In those circumstances I would require confirmation from the Committee of the totality of the evidence that the Committee intends to consider in making its determination in this matter before I could consider making any submissions to the Committee. I would be grateful if the Committee would indicate whether any other viva voce evidence was taken from any other witness. If any other evidence was adduced before the Committee I would be grateful if you could indicate when and from whom this evidence was adduced and formally request a transcript of same. Unless I am provided with this information, I would be severely prejudiced.

I consider that the time period allowed for the making of submissions is unreasonable and extremely limited and amounts to the curtailing of my rights to be heard before the Committee.

In the circumstances, I hereby request that the Committee reconsider the time period allowed for me to make submissions in this matter and if there is no change in the time specified in your letter then I hereby formally request the basis upon which the Committee considers it reasonable.

I await your response.

Respectfully,

Gerald Ramdeen
Attorney at Law

PARLIAMENT
Republic of Trinidad and Tobago

Levels G - 7, Tower D
The Port-of-Spain International Waterfront Centre
1A Wrightson Road, Port-of-Spain

PARL: 14/2/1

24 June 2016

Mr. Gerald Ramdeen
Head of Chambers
St. Michaels Law
No. 7 Cornelio Street,
Woodbrook,
Port-of-Spain

Dear Mr. Ramdeen,

RE: REQUEST TO MAKE A WRITTEN SUBMISSION TO THE COMMITTEE OF PRIVILEGES

I write to you on the direction of the Committee of Privileges of the Senate.

I refer to your letter dated June 23, 2016 which was received by this office on today's instant by electronic mail in relation to the matter at caption. The Committee reminds you that vide letter dated June 16, 2016, you were provided with copies of material before the Committee at this time. The Verbatim Notes of your appearance on Wednesday June 22, 2016, will also form part of the material to be considered by the Committee.

I also direct you to page 47 of the enclosed Verbatim Notes wherein, in response to your question you were advised that a written submission (if any) should be forwarded to the Committee "*as soon as possible*". The letter that followed identified a specific date. In the circumstances, the Committee will receive your written submissions (if any) at any time today, Friday June 24, 2016, via electronic mail.

Finally, a copy of the Verbatim Notes in relation to your appearance before the Committee is attached for your review and submission of corrections, if any, by 12:00 noon on Monday June 27, 2016.

Please be guided accordingly.

Respectfully,

Brian Caesar
Secretary to the Committee

GERALD IAN RAMDEEN L.L.B L.E.C.
ATTORNEY AT LAW

#7 Cornelio Street, Woodbrook
Tel/Fax: 624-7327 Cell: 737-0198 / 731-3644
E-mail: ramdeengerald@yahoo.com

27th June, 2016

Mr. Brian Caesar
Secretary to the Committee
Parliament of the Republic of Trinidad and Tobago
Levels G-8, Tower D
The Port of Spain Waterfront Centre
1A Wrightson Road, Port of Spain

Dear Mr. Caesar,

RE: REQUEST TO MAKE A WRITTEN SUBMISSION TO THE COMMITTEE OF PRIVILIGES

Thank you for your letter dated the 24th June 2016 the contents of which have been carefully noted.

Perhaps the contents of my letter were ambiguous and for that I apologize to you and to the Committee. I requested of the Committee, in my letter of the 23rd June 2016, that the Committee do confirm to me the totality of the evidence that was to be considered by the Committee. Your letter makes reference to a letter of the 16th June 2016 whereby you provided me with certain material. Reference to this letter in no way provides an answer to my inquiry. You ended your letter by the words materials before the Committee "at this time". I do not know that the Committee in the exercise of its powers to be the master of its own procedure, is now embarking on a process of considering the evidence in stages and I will be given the opportunity to participate at each stage as the Committee considers the evidence.

Please at your earliest indicate whether the Committee is prepared to inform me in clear language, the totality of the evidence that it is considering. Further, your letter indicated that I ought to have submitted my submissions by Friday 24th June 2016. My letter to you indicted that such a deadline was both unreasonable and irrational more so having regard to the fact that I was only on that date provided with the verbatim notes but even more because the Committee is yet to inform me of the totality of the evidence.

In the circumstances I would be grateful if you could indicate before the end of today the following:-

(i) Whether the Committee intends to grant an extension of time for the filing of my submissions?

(ii) Whether the Committee is prepared to indicate to me the totality of evidence that it intends to consider in making a determination on this motion.

(iii) Whether the Committee will inform me of the procedure that it intends to adopt, as it is not set out in the standing orders, and it is unfair to me that I am unaware of the procedure that the Committee intends to adopt in relation to the conduct of this matter be it in relation to matters that have already transpired or to its future conduct.

I await your response.

Yours respectfully,

Gerald Ramdeen.
Attorney at Law

PARLIAMENT
Republic of Trinidad and Tobago

Levels G - 7, Tower D
The Port-of-Spain International Waterfront Centre
1A Wrightson Road, Port-of-Spain

PARL: 14/2/1

27 June 2016

Mr. Gerald Ramdeen
Head of Chambers
St. Michaels Law
No. 7 Cornelio Street,
Woodbrook,
Port-of-Spain

Dear Mr. Ramdeen,

RE: REQUEST TO MAKE A WRITTEN SUBMISSION TO THE COMMITTEE OF PRIVILEGES

I write to you on the direction of the Committee of Privileges of the Senate.

I refer to your letter of even reference dated 27th June, 2016 which was received by this office by electronic mail.

The Committee has carefully considered your letter and in response to your request for additional time, has agreed to grant a final extension for your written submissions, if any, no later than **4:00 p.m.** on **Wednesday 29th June, 2016**.

The Committee of Privileges reminds that vide letter dated 16th June 2016, you were provided with copies of the material before it at this time. Furthermore, the Verbatim Notes of your appearance on Wednesday 22nd June 2016, will also form part of the material to be considered during the Committee's deliberations.

The Committee wishes to thank you for the assistance and looks forward to receiving your submission.

Respectfully,

Brian Caesar
Secretary to the Committee

Appendix V

Verbatim Notes

VERBATIM NOTES OF THE FIRST MEETING OF THE COMMITTEE OF PRIVILEGES OF THE SENATE, FIRST SESSION (2015/2016), ELEVENTH PARLIAMENT HELD IN THE A.N.R. ROBINSON MEETING ROOM (EAST), LEVEL 9, TOWER D, WRIGHTSON ROAD, PORT OF SPAIN, ON THURSDAY, JUNE 02, 2016 AT 2.08 P.M.

PRESENT

Ms. Christine Kangaloo	Chairman
Mrs. Jennifer Baptiste Primus	Member
Mr. Nigel De Freitas	Member
Mr. Paul Richards	Member
Mr. Wade Mark	Member
Mr. Brian Caesar	Secretary
Mr. Johnson Greenidge	Asst. Secretary
Miss Chantal La Roche	Legal Officer II

Madam Chairman: Good afternoon everyone. We are just circulating some documents. Has everyone gotten the documents?

Let me welcome everyone to this very first meeting of the Privileges Committee. I see we have 100 per cent attendance, so welcome everyone.

Let me just start by talking to members about the role and function of this Committee and how we as members of the Committee are expected to conduct ourselves.

This Committee actually is expected to be conducted in a non-partisan manner, in a professional manner as well. There is a matter that has been referred to this Committee. The matter that will be presented we will deal with it in, as I said, in a non-partisan and professional manner. This body, the Privileges Committee is almost like a quasi-judicial body, so that we will follow procedures that we expect will withstand scrutiny. Of course there will be verbatim records of what happens in

this Committee, and those records will become part of the report that this Committee hopes that it will produce. So that I caution everyone, as we conduct the business of the Committee, to bear that in mind, because what is said is on the record.

Any disagreements that we may have amongst ourselves as members of the Committee, it is hoped that we can air those differences amongst ourselves in the absence of any witnesses—if there are to be any witnesses. So all of this I am talking through because it is hoped that we, above all, conduct ourselves in such a way that we are well represented when the report comes out. Okay? There are well-established rules for how a privileges committee should be conducted, and we can always deal with that as we progress.

Hon. Members, a particular matter was sent to this Committee for consideration. Let me now read into the record what was forwarded to the Committee. On Tuesday May24, 2016, the following matter was referred to this Committee:

> An allegation that Sen. Gerald Ramdeen, a temporary Senator, committed contempt of the Senate on the following grounds:
>
> - That he made statements which were intended to intimidate and may have intimidated Sen. Justin Junkère, another temporary Senator in the conduct of his work as a Senator.
> - That he reflected on the character and conduct of Sen. Justin Junkère in such a manner that brought the Senate into ridicule and odium.
> - That he was seeking via the media and the Integrity Commission to impeach former temporary Sen. Junkère in relation to his participation in proceedings in the Senate.
> - That he was making entreaties to His Excellency the President Anthony Thomas Aquinas Carmona, ORTT, SC, to censure Sen. Junkère for his choice to vote as he did in the Parliament.

Now, these four bullets that I have just read out have been taken from the claim that was made, and presented by the Leader of Government Business. So this is an extract from what was said in the Parliament. Okay?

Two things I want to advise members on: that Mr.Gerald Ramdeen will be invited to appear before this Committee, and in being invited to appear before the Committee, he will be told that he is entitled to bring his legal advisor. However, I should point out to members that when someone comes before the Privileges Committee, if they come with a legal advisor, the legal advisor does not address the Committee. The legal advisor is there to talk to the particular person, but not to the Committee. The legal advisor cannot question witnesses. All of that has to be done by members of this Privileges Committee. Okay?

I also want to point out that the Secretary of this Committee will write to Mr. Ramdeen inviting him to come before the Committee, and whether he wishes to call any witnesses on his behalf, and that sort of thing. So that communication will be taking place with Mr.Ramdeen.

I just want to point out as well, as we set out the framework within which we will operate, that Mr.Ramdeen will be told that he can invite witnesses, but that request for the witnesses has to be approved by the Committee. In other words, Mr.Ramdeen may say he wants to question A, B, C, D, but that request has to be brought to the Committee and the Committee has to say whether or not the members of the Committee feel that that is necessary. Okay?

So in essence everything, the whole process by which this Committee will be operating, will be determined by the Committee and, of course, by the conventions and practices of Parliament and of several Privileges Committees before this one. Okay?

Let me now also say we have circulated the *Hansard* report of the Privilege Motion raised by the Leader of Government Business that I read out to you, the

extract. We have the *Hansard* report of the ruling given in respect of that Motion. We have for you as well the transcripts of a press conference that Mr.Ramdeen held on Wednesday, May11, 2016, and a transcript of a TV interview on Thursday, May 12, 2016. These two transcripts from those meetings are what gave rise to the particular issues that are before this Privileges Committee. So we have taken the liberty of circulating those transcripts.

We do have the actual press conferences. We can show it; I will tell you that one is 40 minutes long and the other one is 28 minutes long. But the crux of the issue, what was referred to this Committee, comes very early in those two press conferences. So a little while later we will decide whether in this meeting we want to have a look at those press conferences. I have given you all an earful. I now open the floor for some comments or suggestions that anyone may want to make.

Mr. Mark: Thank you very much, Madam Chair; a couple clarifications before. I have several agendas before me, and I would like to know which one is the correct one. I have an agenda for today's meeting which was sent to me, and I will tell you the date I have here is Wednesday, June 1st. And the agenda, Madam Chair, deals with six items. The first one is:

1. Call to order.
2. Discussion of conduct during the committee meeting.
3. Discussion of the matter referred.
4. Discussion on work schedule.
5. Other business.
6. Adjournment.

That is one.

I saw this one repeated here today. But I also got one this morning dated May27th, and which dealt with just Introduction, Consideration of the Procedural Steps, in relation to the following matters referred to the Committee, and it goes on

to identify the allegations that you made. But they just pointed out two of the four, and the third one is a discussion on a work plan. So what I am trying to determine first of all is, which is the correct agenda?

Madam Chairman: The one circulated is the one that has six items on it. From what I have just spoken about, we have dealt with items 1, 2 and 3. I have dealt with them together because they are sort of all linked up, and now we will move, if members wish, to just a general discussion, questions about any of the issues that I have raised.

Mr. Mark: Some clarification.

Madam Chairman: Sure. We have clarified. The first point is that we are dealing with the agenda that was circulated today that has the six items on it. We have dealt with three of the items, or I have sought to deal with three of the items already.

2.20 p.m.

Mr. Mark: Right. Now, in the actual Privilege Motion that we are dealing with and that you have extracted the main complaint.

Madam Chairman: Yes.

Mr. Mark: Statements that are unverified, no source. So if you go to the actual Motion that was raised, right, by the hon. Sen. Franklin Khan—

Madam Chairman: Right. And you would see members that you have the transcript of what Minister Khan raised. So the transcript is there.

Mr. Mark: So the first thing I am trying to clarify as a preliminary point, there are no sources. What you have is unverifiable allegations. So if you go to page 1, you see (1), (2), (3), (4), (5), (6) and then when you go now to the next para it said, it was widely reported in several daily newspapers. Not a single newspaper is named, no dates have been provided. So we are dealing with a Motion that is baseless, it has no foundation—

Mrs. Baptiste-Primus: I am sorry, Madam Chair, I am just trying to follow my colleague, exactly which page are you on? Which document are you referring to?

Mr. Mark: I am dealing with the actual Procedural Motion, Mrs. Baptiste-Primus and I am dealing with, if you go to the statement made by the Sen. The Hon. Franklin Khan, you have that statement on the Procedural Motion?

Mrs. Baptiste-Primus: Madam Chair, the clarification I enquired was in response to the statement made by Sen. Mark, statements regarding newspapers. I did not know which page to find that reference on.

Mr. Mark: Madam Chair, may I—

Madam Chairman: No, let me—before you—let me just say something. It is actually page 2 of the *Hansard* that I think Sen. Mark is referring to, the *Hansard* of what the Leader of Government Business raised on the 24th of May, 2016.

But Sen. Mark, what you are saying though, remember we are not dealing with the actual Motion right now. We are clearing up some preliminary issues.

Mr. Mark: Okay.

Madam Chairman: On top of which the matter has already been approved for the Privileges Committee. So that at this stage it is before the Privileges Committee, that we know that, that we are talking now about how we are going to treat with the matter, whether it is baseless, whatever and whatever, and newspaper reports and no source, that is past for the time being until we start to deal with the actual privileges matter before the Committee.

Mr. Mark: May I disagree respectfully?

Madam Chairman: Yes, you may because everyone will have his or her opinion, but I am just trying to get members to understand what I am saying here. So let us backtrack a little bit, Sen. Mark. A ruling has been made. This was presented by the Minister of Rural Development and Local Government, the ruling was made that a prima facie case exists. So today we are not actually going into it just yet.

Mr. Mark: Okay.

Madam Chairman: So to call it baseless and whatever and whatever, we cannot do

that at this stage.

Mr. Mark: Oh, you do not want— Because you see, you made reference to the allegations.

Madam Chairman: Yes.

Mr. Mark: And it was against that background that I raise my points.

Madam Chairman: Right. But the reference that I made to the allegations is to give the context as to what has been referred to this Privileges Committee and what we have to treat with. Yeah?

Mr. Mark: All right. May I also add to your procedural steps the following for the consideration of the Committee? The first procedural step I would like us to take note of is that we should be guided by the Senate Standing Orders and I am making particular reference to Standing Orders 82, 102, 103 and 104. So those are preliminary points we need to be guided by, I am suggesting.

I am also suggesting that the practice of the House of Commons in the United Kingdom in accordance with Standing Order 2, especially, subsections (2), (3) and (4) should be taken on board as procedural points that we need to pay attention to.

I also believe that we need to be very clear that this Committee which has the power to enquire into the matter that has been referred to us and has the power to send for persons and papers and records, does not have any power to punish, does not have any power, right, to take any punitive measures against any Member and that power resides only and only with the Senate. So I think that is something that we need to be, as a former Prime Minister said, make pellucidly clear. We can only make recommendations. We have no power to impose sanctions against anyone. So I think I wanted to just make that point clear in terms of preliminary.

I think you have made the point and I just want to emphasize it and that is, we are guided by the standards of fairness. I want to emphasis that. And the minimum requirement of fairness for the Member who is the subject of complaint before this

Committee requires the following:

1. A prompt and clear statement of the precise allegations made against that Member.
2. That Member must be given adequate opportunity, as you have said, to take legal advice and to have legal assistance throughout these proceedings.
3. That Member must have the opportunity to be heard in person.

Now, you made a statement that I am bit not too clear on. You said that witnesses have to be approved by this Committee. I do not know if that is in violation of procedural fairness and natural justice, but we can come back to that later. I know that the Member who is the subject of the complaint must have the opportunity to call relevant witnesses at the appropriate time.

Madam Chairman: If I could just intervene, Sen. Mark, not that I want to intervene, but you see the word "relevant", and that is why it comes back to the Committee. Your word "relevant", so that is the whole crux of it right there. Okay?

Mr. Mark: Okay. The other point, Madam Chair, is that:

4. He must have the opportunity to attend meetings of this Committee when evidence is being given. He must have that right or whoever that is.

And as I agree with you fully that the person is represented by counsel. But as you rightly said, counsel cannot speak, cannot make representation, can whisper in the ears of the person who is before us.

Now, another point, Madam Chair, that I want to advance for your consideration—

Madam Chairman: Sen. Mark, is this your final point?—because other members may want to speak. I just want to know in terms of—

Mr. Mark: No, no, I think we are here for a long time.

Madam Chairman: That is fine. That is fine.

Mr. Mark: But I know, I know. I may pause and come back again to allow other persons.

Madam Chairman: To allow because there must be, hopefully with the Committee, there is a flowing of consideration and ideas.

Mr. Mark: Well I hope that you will give me the opportunity to flow.

Madam Chairman: Always, Sen. Mark. You flow, but you have reached your fifth point.

Mr. Mark: Yeah, well I may have 10, but if you want me to stop at five I will stop.

Madam Chairman: Let us stop at five.

Mr. Mark: All right. My fifth point:

5. The individual that comes before this Committee must be allowed the right to review all statements, letters, documents, and correspondences surrounding the allegation that is before this Committee. And if that Member requires transcripts of evidence taken, he must have that right based on a request to this Committee. He must have that right.

So, and the final point I would like to make, Madam Chair, I notice that among the documents circulated was some press conference document and some CCN TV6. What is before this Committee and let me make it pellucidly clear, is what was said in the Parliament Motion and your ruling. Nothing else matters. These things that we have been given cannot influence this Committee in its findings and its recommendations.

Madam Chairman: All right. Sen. Mark—

Mr. Mark: I just make those things as preliminary points because I do not want to, as you say—

Madam Chairman: Yes. But you have made—because we have already said that we are not going to go into the meat of the matter but there is something I need to say. The *Hansard* and the Minister of Rural Development and Local Government,

Leader of Government Business who moved the Motion talked about statements which were widely reported in several daily newspapers and maybe I am wrong because as we go through we will work it out. But therefore, what was reported in the—widely reported in the newspapers—stemmed from the press conferences and that is why I believe those press conferences were brought here for the Committee's meeting. We can look to assist, it could also be that we could also bring all the newspaper reports that came as a result of the press conferences. But the press conferences were the root, in a way, of the statements.

Mr. Mark: And therefore I am asking you at the same time—

Madam Chairman: Yes.

Mr. Mark: At the appropriate time we will have to call the media houses to verify whether those publications are accurate or not.

Madam Chairman: Sen. Mark—

Mr. Mark: I am just saying—

Madam Chairman: Let us put that on hold for the time being. Your points have been noted.

Mr. Mark: Very well.

Madam Chairman: But let us move on and ask other members of the Committee, you have heard what Sen. Mark has raised. You may have your own questions. Remember that some members of the Committee are new to this entire process and there may be some directions that you may seek as to how this Committee should be proceeding. So please feel free to raise any questions, remembering that we are not going into the substance of the issue that we are going to have to treat with. At least, I do not think that we should at this stage.

Mr. Mark: I agree.

Mrs. Baptiste-Primus: Madam Chair, firstly, let me say that I am new to the Committee but I am somewhat discomforted by the tonal quality that I hear flowing

from my colleague across the table as though we are going to be engaged in some kind of warfare or something like that. From my experience of dealing with matters such as these, that is not what I have gotten accustomed to. Perhaps that is the mode or the quality of this course that takes place at the level of the Privileges Committee. I do not have a background. My entry is of recent vintage but I want to express that I feel somewhat discomforted, it is coming across as though it is kind of bullying.

2.35 p.m.

Secondly, what I would like to enquire, in terms of inviting—should I refer to him as Senator, or Mr. Ramdeen? I do not even know if his appointment has been revoked.

Madam Chairman: Mr. Ramdeen.

Mrs. Baptiste-Primus: Mr. Ramdeen. I do not know if it has been revoked by his political leader or the President.

Madam Chairman: It is Mr. Ramdeen simply because he was acting until someone returned. And therefore once the person returns to the substantive position—

Mrs. Baptiste-Primus: So Sen. Small is back?

Madam Chairman: No, Sen. Ramdeen was acting for Sen. Hadeed, who has returned.

Mrs. Baptiste-Primus: Okay. What is the time frame Mr. Ramdeen should be given before coming before this Committee? Is there a standard time, seven days' notice? Fourteen days' notice? Twenty-one days' notice?

Madam Chairman: We will talk about that a little later on, because you will see on the agenda we talk about a work schedule, and we will talk about that a little bit. But, there is no set time frame as such, it is not as if we are a—we talk about being a quasi-judicial body, but we do not operate within, for example, what the High Court would give—14 days, 21 days. We will go according to what the Committee thinks is fair and reasonable in all the circumstances. Okay?

Mrs. Baptiste-Primus: Okay. Thank you, Madam Chairman.

Mr. Richards: Thank you, Madam Chair. Good afternoon all. Just some points of clarification because I, like my colleague, am of recent vintage in these proceedings. I am presuming at this stage we are sorting out procedural issues?

Madam Chairman: Yes.

Mr. Richards: And this is just strictly procedural?

Madam Chairman: Yes.

Mr. Richards: I guess, because of that, I understand why Sen. Mark may make reference to some of the statements in the documents we received.

Two, is our role or are our roles of an investigative nature individually, or in terms of enquiry, if and when Mr. Ramdeen is asked to appear? And being quasi-judicial, how far can the enquiry go? And what is his remit to refuse answering or not if our roles are enquiry, and to get to some sort of interpretation of—which, I am not legally trained. But, intention is always a difficult thing in my understanding to prove. And also, are there going to be guidelines because, according to Minister Khan's four points in the document entitled Senate Privileges, Mr. Gerald Ramdeen, making statements which were trying to intimidate, or may have intimidated Sen. Junkère, et cetera, et al. How are we to be guided in terms of whether or not these would have breached what is expected in the Parliament? Because that is also something I would like to be really clear on.

Madam Chairman: Thank you very much, Sen. Richards. In fact, the Secretariat will provide a lot of guidance on what you have asked. The fact of the matter is that we are a quasi-judicial body, but we are not a court of law where we are going for "beyond a reasonable doubt" and those sort of standards. All right? It is not investigative, because I think what you asked, and that is not a term that we will use then. The Privileges Committee is more about upholding the dignity of Parliament. So, the Standing Orders, what you can and cannot say about fellow members, it is

all about the upholding of the dignity of Parliament.

So, as we go along, and based on what I am hearing coming from members for guidance, we will be asking the Secretariat to provide some research to give to all the members.

Mr. Richards: So, is our final objective a report?

Madam Chairman: Yes. The final objective is a report. Sen. Mark is correct, when the Privileges Committee meets, when we consider all that has taken place, when we hear from Sen. Ramdeen and/or his witnesses, then the Committee will come together and hopefully be able to generate a report. All right? That report then goes to the Senate and the Senate will then determine whether it accepts or rejects the report of the Privileges Committee.

Mr. Richards: Thank you, Madam Chair.

Mrs. Baptiste-Primus: Madam Chair, a follow-up question. At the end of the proceedings—just as addendum thought—when the report is to be prepared, is it that the report will embrace recommendations? Those recommendations, are we to vote upon them or by general consensus? And if we are required to vote on them, is there any room, or any provision for any minority report?

Madam Chairman: Yes. It is hoped, because remember at the outset, I talked about the fact that we are to operate in non-partisan manner. We are members of the Privileges Committee, which is a committee that seeks to uphold and to enforce the rules and conduct of parliamentarians, and to uphold the dignity of Parliament. So, it is hoped that we can come together as a committee and make recommendations that will be acceptable to all members of the Committee. But, members are also—if there are members who are not in agreement, a minority report can be submitted as well. It is hoped at the outset—I say this openly—that we can collectively come together as a committee and submit a report.

Mrs. Baptiste-Primus: Thank you.

Mr. Mark: May I have your ear again?

Madam Chairman: Sen. Mark, let us talk about the five points you raised.

Mr. Mark: Well, you see I have many more, I did not want to jump the lead.

Madam Chairman: Correct, and let us just get through those five. Sen. Richards asked something based on what you raised, and therefore we are grateful for you to raise the issues and let us treat with them. But, I just wanted to go back to the issue of the witnesses and the word "relevant". So, it all has to come back to what the Committee deems necessary, what the Committee deems necessary for the Committee to come to a resolution of this matter. Okay?

Mr. Mark: May I apologize to the hon. Jennifer Baptiste-Primus. You know, you have your style and I have my style. It is not intended to bully you or any member. I have my style. Now, I may tone down, but that is my style. But it is not designed to intimidate anyone or harass anybody, or to bully anybody. So, let me make that clear. But that is my style. I am a very passionate individual. That is how I have been. I do not think I could change now. Madam, "ah cah change".

May I also say, remember you made a very important point, Madam Chair, and that has to do with verbatim and the publication of these documents when they reach Parliament. And everything that we do must stand public scrutiny. And that is why I am saying that, just assuming hypothetically, somebody comes before us, forget the individual in question, and they say they want to bring three witnesses, and we deliberate among ourselves, and the majority say, "No", and the minority say, "Yes", but democracy rules, what is the perception that will go out there in terms of the report and the individual when that matter comes before Parliament? And as you rightly said, we will strive as a committee, and I can tell you about it. I know about this. I have worn the garments that the hon. Chair mentioned. And we have "to shorn" ourselves of all political garments otherwise we risk moving from parliamentary to political, and that is what we do not want here. So, I agree with you

a thousand per cent.

Madam Chair, may I also indulge you? I think you and I, at the level of the Committee, not the Secretariat, may have the greatest experience in some of the concepts that we are dealing with, and I would like respectfully to suggest that the Secretariat not only provide, but give people opportunity to interact with the Secretariat at a special meeting, so that members can have their minds cleared on a number of relevant parliamentary practice. For example, what is "contempt"? No, as an example, what is parliamentary privilege?

Madam Chairman: But, Sen. Mark, I am sorry to interject. I think that is a given with the Secretariat. The Secretariats that serve all the various parliamentary Committees are helpful, and will do their very best at all times to ensure that all members are familiar with the procedures. I think though—could I just say that what we have to, as a committee, strive to do is to show that the committees and Parliament by extension, that everything is working. So, let us not jump the gun and think of a whole heap of issues that the Secretariat should provide information on, when members may very well be appreciating what is the role and responsibility. Let us try as we proceed to fine-tune exactly what—pinpoint exactly what—we need from the Secretariat, as opposed to their bringing volumes of literature on what is parliamentary privilege, what is contempt, what is this, that and the next. Let us try as a committee, drill down a little bit and get to the issues that trouble us the most that we feel we need the most assistance from the Secretariat. Yes?

Mr. Mark: Madam Chair, I think this is a democratic forum—

Madam Chairman: Yes.

Mr. Mark:—and I find you keep interrupting me whenever I am speaking, and I take objection to it. Because, whilst you are the Chair, I respect you, I think you should respect me as well when I am making my contribution.

Madam Chairman: Yes.

Mr. Mark: And you seem to be anticipating what I am saying.

Madam Chairman: Yes.

Mr. Mark: Your role is to facilitate me and allow me to make my contribution, and at the end of the day you can always summarize, object, put it to the vote, whatever. But, I must go on record as putting forward my points of view.

Madam Chairman: And Sen. Mark you are being allowed to put forward your points of view.

Mr. Mark: No, but you are not allowing me.

Madam Chairman: No, I am very much so, and now I really have to get a little firm with this. You have raised five points and what I am just trying to do is to get the members, as you raise a point, let us deal with it. I am not silencing you. This is your sixth point, and you are being allowed to say it, and I am not even saying that the Secretariat should and should not do anything. So, let us not take that approach. You are free to raise your issues, but likewise I am free to respond to them, as I deem appropriate.

Mr. Mark: Yes. But, Madam Chair—

Madam Chairman: No, Sen. Mark, let us not quarrel, you and me.

Mr. Mark: I am not quarrelling.

Madam Chairman: Yes, neither am I. Let us move on.

Mr. Mark: All I am saying, there is a Motion that is before us—

Madam Chairman: Yes.

Mr. Mark:—we are not getting into the details of the Motion.

Madam Chairman: Correct.

Mr. Mark: But there are certain concepts in that Motion that I believe that members of this Committee should have an understanding of.

Madam Chairman: Yes.

Mr. Mark: And I am simply putting to you and the Committee that in the document

that was circulated by the hon. Franklin Khan, he talked about contempt, he talked about parliamentary privilege. These are concepts that might be strange to many of our colleagues who are seated here. So, even though you are anticipating that the Secretariat will do this and do that, I am not too sure, and I am simply saying that one of the things that we need to pay attention to is literature so that members can be privy to these things. Because, we are going into a matter dealing with the rights of a member and it could mean all kinds of actions at the end of the day. And if we are not clear in our minds as to what these concepts are, we could be misled.

So, all I am saying, Madam Chair, could we consider through the Secretariat, at the appropriate time, some of these concepts, so that whether it is literature going to be provided, somebody going to explain it to people, all those things. So, I am just asking for your indulgence so that these things could be. So, for example, when we talk about, as we go into detail, molesting, harassing, intimidating—what these things mean? I am just raising these as preliminary points.

2.50 p.m.

Mr. Richards: Madam Chair, just to add one point. As we continue, because as I said, I am new to this. Whom should we be taking guidance from? If my understanding of this document same Motion, as raised by Minister Khan, has in point three: speaking via the media and the Integrity Commission to impeach former Senator, temporary Senator Junkere, in relation to his participation in proceedings in the Senate and referencing Sen. Mark's point about whether or not we should consider as Committee members what is said, what was said in the Senate, in addition to what has been provided in terms of the interview on TV6 and the press conference, because if we are to take point three, that implies that we must also consider information that was said via the media. So that goes in direct conflict with what Sen. Mark is suggesting that only what was said in the Senate must be considered and I would like some clarification on that.

Madam Chairman: Right, sure. I think what was said in the Senate is the basis of what is before us today which is what the Leader of Government Business raised on his Motion as a privileges Motion. So that is what—that issue has come before us. But in dealing now with it, we have to then look to what are the words that are being complained about then. Yes? So that is how we look at it.

So one, yes, we look at what was raised in the Motion. It having now come before us, we then go to look at the words themselves. We will get assistance from the Secretariat as to what in the past are words and expressions that have been deemed to be a breach of privileges, a contempt of Parliament and that sort of thing. Does that answer your question?

Mr. Richards: In part, but I just want to know, Madam Chair, from whom are we taking guidance from? And I appreciate Sen. Mark's—

Madam Chairman: Yes, you take guidance as we discuss and there will be—so you will say, for example, well are these words, how do we know that these words are a contempt. These alleged words, if they were said, are a contempt. And then that is when we get the guidance because there is a built-up resource of examples of what has been deemed to be by Privileges Committees and we get the guidance from the Secretariat. Yes?

Let me just say one thing, as well, Sen. Mark, and I would invite all members of the Committee, each and every member to speak for his or herself, Sen. Mark, because you keep talking about the members of the Committee. Let each person raise whatever is the issue that may be of relevance to that particular member. Okay?

Mr. Mark: No, I was only referring to what Mrs. Baptiste had said—

Madam Chairman: Sure. Sen. Mark, you wanted to move on to something else?

Mr. Mark: No, I want to pause at this time because I would like to know at what time, at what stage, before we could even talk about witnesses and hearing people, I want to know at what time or at what point are we going to disaggregate this

statement which came in the form of a motion before. So that I am interested in.

Madam Chairman: All right. Does anyone else, therefore, have any other questions?

Mrs. Baptiste-Primus: Madam Chair, I am ready to move on to item 4 on the agenda.

Madam Chairman: Sure. Any other member? All right. So item 4 deals with the discussion of a work schedule. Let me first point out to members that according to the Standing Orders, the Parliament goes on a recess at the beginning of July. Okay, so that gives you a sense of the time frame within which we, as a Committee, will hope to be able to get resolution of this issue. All right, because the Parliament will go at the beginning of July and it is hoped, therefore, that there can be some report by the end of June before we go into recess.

Mr. Mark: Serious?

Madam Chairman: Yes.

Mr. Mark: "Cyah rush this."

Madam Chairman: Just one second, hold on. Sen. Mark, I am not rushing anything, I am merely putting on record for everyone to be on the page about the time frames within which we are operating. I am not suggesting anything. I am not suggesting that we rush to anything. Okay? Yes.

Mrs. Baptiste-Primus: Madam Chair, I wanted to ask, so is it that this matter that is before this Committee must be dealt with before Parliament goes on what? Recess?

Madam Chairman: Yes.

Mrs. Baptiste-Primus: So we have from the 02nd of June to the ending of June to address this matter?

Madam Chairman: Yes.

Mrs. Baptiste-Primus: May I enquire, Madam Chair—this is hypothetical, I do not

really like to do this. What happens in the event that—I will hold that question for now. Upon reflection, Madam Chair, I will hold that question.

Madam Chairman: So let me just explain that Parliament goes on recess at the beginning of July according to the Standing Orders and then there will be the prorogation of Parliament which comes just within the one year of this session having started, which will be around the 22nd of September of this year. So that the Committee has choices. The Committee, for example, can determine its work schedule and say we will try to generate a report before the Parliament goes into recess; that is all we can do. We can try to generate a report. I do not know and I now have to ask the staff and perhaps even Sen. Mark, as to when Parliament goes on recess, if it prevents us as a committee from meeting.

Mr. Caesar: Members are out.

Madam Chairman: Sure. Sen. Mark?

Mr. Mark: Madam Chair, I am not in a hurry. I think as you rightly said—

Madam Chairman: Sen. Mark, I did not ask you about whether you are in a hurry, I am asking you about—to tap into your experience as to whether when Parliament is on recess, the committees can meet.

Mr. Mark: Well, Madam Chair, all I can tell you, we have never had—since these new Standing Orders came into effect, we have never had the kind of experience that we are going to have this rounds.

Madam Chairman: Okay.

Mr. Mark: But I know that, as you know, many members may be in, many members may be out, so it could be challenging to get a quorum because people might be moving left, right and centre.

Madam Chairman: Right. So let me explain to members what happens. We go into recess at the end of June. The Committee can determine for itself that it will try to have a report on this matter to submit to the Senate, to the full Senate, before the end

of June. We can try. But it may be that the Committee will find itself hampered by its consideration and may very well have to report to the Senate that it could not give a report because of the time frames. Right? So it will actually have to give a report saying that it does not have a report, it has not completed its deliberations and therefore could not complete a report. That is also what can happen. All right.

[*Madam Chairman discusses with the Secretary*]

Okay. All right, so I am being reminded—I thought this is what I said—that if we do not have a report completed, we have report to the Senate that we do not have a report.

Mr. Richards: That is what you said.

Mrs. Baptiste-Primus: You did say that.

Madam Chairman: All right. Yes, so I am just making it clear. So those are the scenarios. We either strive to have a report ready before the Senate goes into recess. If we do not have the report, we report that we do not a report. Okay? Yes, Sen. Mark.

Mr. Mark: Madam Chair, even if we are unable to complete our work, our deliberations, remember, as you said, we are coming back in the first week of September. As you said, Parliament prorogues midnight on the 22nd. So we have a window of opportunity when all the members are back into the country to resume our deliberations, let us say after the first week of September. We know it will be a tight time frame but I want to disagree that we rush to tell the Senate, even if we are unable to complete our report, we cannot complete the report, when there is, in fact, an opportunity in the month of September, at least a two-week period, in which we could continue our consideration of the matter that is before us. That is what I would like to suggest.

Mr. Richards: Madam Chair, is the report before the recess just not that we have gotten to a particular stage, not that we have not been able to complete a report? Is

that what the understanding is?

Madam Chairman: Yes, because there are interim reports that can be given and we can do that. But what I am saying, what I am also thinking, when you think through how Parliament operates, I do not know if we come back, Sen. Mark, from the 1st of September then, up to the date of prorogation, because we do not know when Parliament will be prorogued—well, we do not know if there will be any sittings in-between that time and the prorogation. Okay, so we do not know that.

What we do know is that there are sittings until the end of June and that is why I was suggesting that we try—we are not rushing but we try as a body to get resolution within this time frame. If we cannot, we cannot, but we try as a body charged with this responsibility, when we go through what are the issues that the Committee has to deal with, we try to see if we can get resolution, taking into account all that Sen. Mark has raised about fairness and about making sure that Mr. Ramdeen has enough time to make proper representation to the Committee. Okay?

So that I wanted to suggest to this Committee a preliminary work schedule bearing in mind that the end of June is what we are looking to, if we can make it. It is a preliminary schedule but it is a schedule that allows us to push through and meet as a committee to treat with the issues. So this is my—and I would ask everyone to just have a look at your particular schedule of activities and let us talk about it.

So today, we are meeting and we are getting to raise some of the issues that this Committee may be facing. All right. I propose that we meet next week Thursday, the 09th, at this time to, again, talk through some of the issues, but more now with a clinical look at what has been presented, at what has come from the Leader of Government Business, the Motion, and let us now look to analyse and break down. We will then get some information as well from the Secretariat. They have noted some of the issues that have been raised and therefore, they are going to present us with, for example, those issues: what are breaches of privilege, what has been

deemed a contempt, and they can give us those instances as well from the body of work that exists with parliamentary practice.

3.05 p.m.

So that is also on Thursday the 9th of June will be a preliminary meeting as well. By this time, the letter would have gone off to Sen. Ramdeen, inviting him, telling him about the Committee, advising him on the issue that has been raised by Minister Khan in the Motion, and that is the issue that is to be determined by this Committee. So he will also be given that notification from the Secretariat.

I then propose that the following week, Thursday the 16th of June, we begin examination of witnesses, if as a Committee we meet and we determine what has to be done. And we will start with Mr. Ramdeen, if he determines that he wishes to come before the Committee, to appear to give evidence, and the Committee needs to hear from him, if that is what we determine. So we do that on Thursday the 16th of June.

Mr. Richards: Madam Chair, can Mr. Ramdeen refuse?

Madam Chairman: He can refuse, yes. He can. On Friday, this is all being thrown out. On Friday the 17th of June, we continue with the deliberations and discussions on the matter, all right?

Mr. Mark: Friday, what time?

Madam Chairman: We can fix the time. Friday in the morning.

Mr. Mark: Friday is not a—

Madam Chairman: Remember we are the Senate, eh? So that we have nothing to do with the House of Representatives. So we can very well meet.

Mr. Mark: No, you see sometimes, I am just saying, that we may have clashes.

Madam Chairman: Well, we have actually gone through with the staff, because we have gone through to look at whether there were any clashes, and these dates are free for parliamentarians. So that is why we are saying, Friday the 17th of June. We were

thinking—I was thinking, that perhaps we can meet in the morning for about two hours, and work through where we are. If we have a report, if we have a preliminary report, I would—now, all reports will be circulated for discussion as well, and hopefully by Tuesday morning, Tuesday the 21st of June, we could consider the report, the first report. If there are to be others of the Committee, to submit for the Tuesday afternoon's sitting, if we were to have a sitting that day. That is a very broad outline of how—of a draft work schedule for this Committee.

Again, I emphasize, that all of the principles that have been articulated by Sen. Mark, will be taken into consideration, that this is a broad work schedule, bearing in mind that we go on recess at the end of June.

So if the Committee finds that it can deal with these issues within this time frame, great. If as we go along the Committee finds that we need more time, or we cannot, or it is too compact, we will deal with that as it comes along, but this I am suggesting to us, that we work with this time frame for the time being.

Mr. Richards: Madam Chair, it is a difficult question, probably unfair—is there a duration that we are expecting of these sessions?

Madam Chairman: You mean the meetings?

Mr. Richards: [*Inaudible*]

Madam Chairman: Well, the meeting where—if Mr. Ramdeen comes as a witness, that meeting may take a little longer because before any witness comes before the Committee, the Committee will meet in camera, and will have some discussions, and then we will invite Mr. Ramdeen in, and his witnesses, whenever that happens. So those meetings with the witnesses might be longer. The other meetings may not be that long. So I would say, let us say two hours for the most, for the meetings without the witnesses.

Mrs. Baptiste-Primus: Madam Chair, I thought you would have taken us down a little beyond June 17th.

Madam Chairman: I did.

Mrs. Baptiste-Primus: You did?

Madam Chairman: I said June 17th is the Friday. The Monday is a holiday. So I am thinking that on the Friday, based on how they things go, we may have a draft report that we can look at. We come back on the Tuesday morning before the sitting, because the Monday is a holiday.

Mrs. Baptiste-Primus: Wait, just a minute. So Friday the 24th of June.

Madam Chairman: No, Friday the 17th, and then from the 17th, we go to Tuesday the 21st of June for a meeting in the morning, to determine where we are with a report. If a report can be laid, it has been done for the afternoon session on the Tuesday, if there is one, then so be it. This, members, is a proposed work schedule; it is proposed.

Mr. Mark: I am getting the impression, I may be wrong, that minds have been made up and we are pushing towards—

Madam Chairman: Sen. Mark, that is imputing improper motives to—I think it would be to me.

Mr. Mark: All right, well, "leh me" withdraw that. "Well, leh me withdraw it."

Madam Chairman: And, no, please, I thought that I made it perfectly clear, as the Chairman of this Committee, it is my responsibility to lay things out for the members. I am struggling. I am saying over and over, it is a proposed work schedule, and it is proposed because of the fact that we going into recess at the beginning of July. So that is why I have put it like this, but I am not saying that or forcing any resolution of this matter at the end of June. I am not saying that. But I think as a responsible Chairman, it is my—I have to give the information to members, so that decisions can be made

Mrs. Baptiste-Primus: Madam Chair, I would like to make a request on a Thursday, Cabinet meets, on a Thursday morning. So I would want to respectfully request, that consideration be given on Thursday the 16th to this Committee meeting after lunch.

Madam Chairman: As we are meeting today.

Mrs. Baptiste-Primus: Yes.

Madam Chairman: Yeah, okay. Sen. Richards? Sorry.

Mrs. Baptiste-Primus: With regard to your suggested date of—did I hear Friday the 24th of June, Madam? No?

Hon. Member: Friday 17th.

Madam Chairman: The last Friday—

Mrs. Baptiste-Primus: And then the 21st?

Madam Chairman: Yes, which gives the Committee enough time to anticipate how the end of the session will be.

Mrs. Baptiste-Primus: Tuesday the 21st, Madam Chair, is your suggestion for the morning or afternoon?

Madam Chairman: Well, the morning because we are just going on the assumption, that there will be a sitting on Tuesday afternoon of the Senate. So that if we meet in the mornings, hopefully we can have some sort of—we may even have an interim report, some sort of report that can be placed for the Senate's attention, for later in the sitting, for that sitting later on. Of course, all of this, we do not know, if for example, there will be a sitting on the Tuesday, so—

Mrs. Baptiste-Primus: And lastly, Madam Chair, your suggested date of Thursday the 9th of June, I would want to indicate that I would be out of the jurisdiction on Government business. So that I would not be in a position to attend on the 9th of June, but the other dates suggested, I can work—Friday the 17th of June, Madam Chair, I have already given a commitment to deliver a feature address, to a particular organization on Friday the 17th of June at nine o'clock at the Trinidad Hilton.

Madam Chairman: So it is close enough that after you can come, it is a good guideline.

Mrs. Baptiste-Primus: Yes, certainly. I may just be there for about 45 minutes.

Madam Chairman: So we will just take note in case we can fix the meeting, we will know what time to fix the meeting.

Mrs. Baptiste-Primus: Well, in any event, Madam, the morning meetings we set at nine or 10 o'clock?

Madam Chairman: No, we will set it for about 10/10.30.

Mrs. Baptiste-Primus: Okay. Well, then sure, I could go and do that and be available.

Mr. Richards: The schedule is fine by me.

Mr. De Freitas: The schedule is also fine with me.

Mr. Mark: I just find that the schedule gives the impression that we are racing down a track.

Mr. Richards: Honestly, with respect, I disagree. It has been made very clear this is—Madam Chair—I do not want to speak on her behalf, but she made it clear, that if we do not finish, we have after the recess to continue. That is an indication of some sort of reference that it is not a fait accompli by any means. I do not get that impression at all. The only reference was made, is that a possible interim report may be ready, and that is possible, a draft of some sort to present on Tuesday the 21st, and that is just tentatively. So I did not get that impression.

Madam Chairman: Thank you. Sen. Mark, anything else?

Mr. Mark: I just saying, I have reservations.

Madam Chairman: Okay. So we have reached to item 5. Is there anything that we have not covered in the meeting that we would like to raise under this item? Yes?

Mrs. Baptiste-Primus: Madam Chair, Mr. Ramdeen is an attorney-at-law. You yourself, you are an attorney-at-law, and I do not know who else here are perhaps budding attorneys-at-law. I am not. In the event that Mr. Ramdeen comes before this Committee and raises certain points of law, would this Committee be guided by the advice of any legal counsel, in terms of those points of law that may arise?

Madam Chairman: Well, we have, as part of the Secretariat, an attorney.

Mrs. Baptiste-Primus: They were exercising their collective minds on it? [*Laughter*]

Madam Chairman: All right, yes.

Miss La Roche: One of us is a budding attorney. [*Laughter*]

Madam Chairman: So, at this stage, my question to you, we can—we have already worked out the proposed schedule, and we did say that at the second meeting, we will have the staff get some information on the powers of a Privileges Committee, on what is deemed a privilege. And my suggestion is that they also get examples, so that it will bring it home to members, about what constitutes a breach of privilege or a contempt.

Do you wish at that stage—Sen. Mark, you raised it. So that is why I am asking, because you raised the fact that—you talked about media reports. Now, we have the transcripts and the press conferences that Mr. Ramdeen had given, but would you also like then before we go into that, before we even look at it, would you like to get—for the staff to pull all the media reports on what Sen. Ramdeen had said? Or would you at this stage agree for the Committee to start looking at the presentations?

Mr. Mark: Madam Chair, what I have before me are unverifiable allegations. I see in the document that reference is made to newspaper reports. No reference was made to electronic reports, only newspaper reports. I am now seeing before me electronic reports. I do not know where the Secretariat got the power to go into electronic reports.

What we have before the Parliament, and what I have before me, is what I am dealing with, newspaper reports, and that is what is guiding me. I am just asking, Madam Chair, if you are talking about newspaper reports, we must be able to have before us, those newspaper reports. And then one of the things I am serving notice

on, we have to go through this Motion and it has been referred to us, eh?

This Committee could throw out this Motion, you know? Even though it has been referred because the President, who is now Chairman of this Committee, has simply referred the matter for consideration and investigation and report. The Chairman has no authority to tell us what we have to do is to just go into that, whether we want or we do not like it. We have to take an objective view of what is before us, and I am simply saying, Madam Chair, that when we analyze the statement made by our good friend, hon. Sen. Franklin Khan, you may find that, for instance—

Madam Chairman: No. Sen. Mark, do not go into—

Mr. Mark: Okay.

Madam Chairman:—let us not deal with that. I asked you because you raised the issue. So let us just go through step by step, please. You raised the issue that you are seeing the transcripts of the press conferences, but that the Motion as presented, dealt with media reports.

Mr. Mark: No, no, newspaper reports. That is what the Motion said. It did not say no media report. The Motion is very specific. It says newspapers.

Madam Chairman: Several daily newspapers.

Mr. Mark: Yes, yes.

Madam Chairman: So what I am saying to you, is—

Mr. Mark: I would like to see all those newspaper reports, so I can know exactly—so I can say, "Well, listen, in terms of X section, I can verify".

Madam Chairman: Sen. Mark, I understand. So that we will get the staff to put together the newspaper reports. I just want to—so we will get that. The next point that you raised, I just want to point out Mr. Ramdeen will get an opportunity when he comes before us as well, to talk about those reports, because you are saying you want to know whether they are accurate or not.

3.20 p.m.

Sen. Ramdeen, Mr. Ramdeen, is going to come before this Committee, so we will be able to deal with all those issues.

But there is just something I want to say, Sen. Mark, because you keep referring to it and I just want—language is a powerful tool, and you keep using phrases such as, "I am serving notice". I want to remind all members we have come here, we are sitting in a nonpartisan approach to dealing with this matter. Okay? That is how we are dealing with it. So no one has to serve notice. Someone merely has to make a point. That is all I am saying. Language is powerful. Let us, therefore, in all of our dealings with one another, let it just be based on mutual respect and on just trying to get the work of this Committee done. Okay?

Mr. Mark: Yes, Ma'am.

Mrs. Baptiste-Primus: Thank you, Madam Chair. I just want to indicate that my simple reading of what is before us, paragraph (1) talks about the matters concern certain public statements. It did not define only newspapers. So that public statements could be making a statement to somebody else in the hearing of others via the electronic, via the printed media.

But I want to say, Madam Chair, I want to put it on record that I do not feel at all rushed. I am a very organized person. My schedule is an organized schedule. You have placed certain dates before this Committee. I have checked with my schedule, where my schedule felt somewhat constrained, I drew it to your attention, and I think that opportunity is open to every member who is present here.

We have a simple understanding that we are required to engage in an exercise and, therefore, we must act responsibly and with a certain measure of understanding of what is required. No one likes any allegation or allegations hanging over his or her head and, therefore, as a Committee, we have to act within a timely framework and, therefore, the suggested dates—as a matter of fact, I thought you would have taken us down to the end of June, but I am comfortable in terms of what you have

placed before this Committee. I have not come here with any preconceived notion.

In my former incarnation, I have represented persons against the broad spectrum of the public service. I know what is fair. I know what is right to be heard in your own defence. So I just want to go on record as making those statements.

Mr. Richards: I also want to add to what my colleague, Sen. Baptiste-Primus has said. You know, while I hear what Sen. Mark has said there are several other references as Sen. Baptiste has pointed out. "3. Seeking via the media..." and that is a wide statement. That does not confine to newspaper. That is why I wanted clarity on what can be considered while we are deliberating. "Seeking via the media" includes all arms or aspects of the media, in addition to the newspaper reports that have been referenced earlier on.

Mr. Mark: Madam Chair, I just wanted to ask as well: at what stage, I should ask, would we be inviting witnesses?

Madam Chairman: Well, I would like us based on the proposed—

Mr. Mark: Because I hear you talk about Ramdeen coming before us. I would want to propose to this Committee a series of witnesses.

Madam Chairman: Sen. Mark—

Mr. Mark: In other words, what I am saying—

Madam Chairman: Sen. Mark?

Mr. Mark: Yes.

Madam Chairman: We just talked about the power of language.

Mr. Mark: No, well, in other words, for the consideration of the Committee.

Madam Chairman: We have not even, as a Committee, sat down yet to go through the issues.

Mr. Mark: Okay, okay.

Madam Chairman: All right. So let us not, at this stage—and I did talk about the fact about other possible witnesses.

Mr. Mark: Okay.

Madam Chairman: So the Committee may very well determine that other witnesses are needed. All right?

Let me just go back to one issue that I think Sen. Mark raised by reference, but I want to just highlight it to all members as well, and that is Standing Order 103, which deals with the premature publication of evidence. I wanted to make it clear to everyone here that the deliberations of this Committee are private and cannot be discussed outside of this Committee, and anything we are determining towards the report, the draft report—if we have that draft report—all of that, nothing is to be discussed about this until a report is put before the full Senate. We have had issues, various Privileges Committees have had to deal with some of that. Yes, before in other sessions and lives of the Parliament. Okay? So, let us not go there as well.

So that my next question is: do we as a Committee look at the videos now or would you prefer for the staff to put together the media reports as well and we deal with it at the next meeting? Because we are having two—this is one, the second meeting is also a preliminary meeting, in the sense that we are going to sort of filter through some of the issues. Is the Committee of the view that you want to look at the videos now or shall you just hold on to the transcripts, and we will deal with that, with the media reports, on the next occasion?

Mr. Mark: May I suggest that we deal with that at the next meeting, please.

Mr. Richards: I agree.

Madam Chairman: Yes, everyone? Okay. All right. So at this stage then I think we can adjourn to Thursday, June 09th. Now, Sen. Baptiste-Primus will not be here. So will you prefer to meet Thursday morning or Thursday afternoon, because we can meet?

Mr. Mark: May I interrupt you, Chair?

Madam Chairman: Sure.

Mr. Mark: I think we have to determine the quorum, because we did not although I pointed out the section. I think that is an area you need to emphasize to the Committee. What I am saying the hon. Chair needs to emphasize what is a quorum, so at least we will all be aware.

Madam Chairman: Sure. So I would suggest that the quorum be three, three members; three including the Chair. Yes. Okay? So Thursday, June 09th, would you like to meet in the morning or in the afternoon?

Mr. Mark: No, well in the morning is Cabinet for them.

Madam Chairman: She will not be here for that meeting, but she will be provided with the transcripts to see what has happened and that sort of thing.

Mr. Mark: I am sorry you will not be here. You and I come from the same background.

Madam Chairman: So morning or afternoon?

Mr. Richards: I prefer afternoon.

Madam Chairman: So at 2.00 p.m. next week Thursday. Is that okay?

Mr. Mark: Yes, Madam Chairman. You have my ear, you know.

Madam Chairman: So we will adjourn to Thursday, June 09th at 2.00 p.m. I want to thank everyone for coming out today. The Secretariat is available if you have some questions or any sort of information that you would like to get. I think we have a fair idea of what the Secretariat should present to the Committee at the next meeting, and it will be procedural and by then we will also determine the way forward. Okay?

Mr. Mark: Madam Chair, before you close the meeting, may I again put on the record that when I speak, I do not want you to interpret my statements in any negative context. It is just the passion in Wade Mark.

Mrs. Baptiste-Primus: Turn down the passion. [*Laughter*]

Madam Chairman: The meeting is adjourned. Thank you very much.

3.29 p.m.: *Meeting adjourned.*

VERBATIM NOTES OF THE SECOND MEETING OF THE COMMITTEE OF PRIVILEGES OF THE SENATE, FIRST SESSION (2015/2016), ELEVENTH PARLIAMENT HELD IN THE A.N.R. ROBINSON MEETING ROOM (EAST), LEVEL 9, TOWER D, WRIGHTSON ROAD, PORT OF SPAIN, ON THURSDAY, JUNE 09, 2016 AT 2.01 P.M.

PRESENT

Ms. Christine Kangaloo	Chairman
Mr. Nigel De Freitas	Member
Mr. Paul Richards	Member
Mr. Wade Mark	Member
Mr. Brian Caesar	Secretary
Miss Chantal La Roche	Legal Officer II
Mr. Johnson Greenidge	Asst. Secretary

ABSENT

Mrs. Jennifer Baptiste-Primus	Member [*Excused*]

Madam Chairman: Good afternoon everyone, and welcome to the Second Meeting of the Committee of Privileges. The agenda has been circulated. So I see we have a quorum as it were.

Let me just indicate that Mrs. Jennifer Baptiste-Primus, we have received a request for her to be excused from this meeting. I believe last week she indicated that she would not be here, as she is out of the country.

So we move on to Item 2, which is review of the Minutes. Firstly, the Minutes had been circulated, and I do not know if Members have read the Minutes already. Members, have you had a look at the Minutes?

Hon. Members: Yes.

Madam Chairman: Okay. So, can we look at the Minutes before we confirm them? Page 1, page 2, page 3, page 4, page 5. There being no corrections, can someone move to adopt the Minutes?

[*Confirmed by Mr. P. Richards*]

[*Seconded by Mr. N. De Freitas*]

Madam Chairman: Item No. 4 on the agenda, Matters Arising from the Minutes. I think we can go to page 3 of the Minutes, where at 3.10, we see that the Secretariat was to provide certain information, and I think those documents have been circulated to Members. Yes?

Hon. Members: Yes.

Madam Chairman: I think that is all I can see as Matters Arising from the Minutes. I should also like to point out that at 3.10, paragraph (c), a letter has gone out from the Secretariat to Mr. Ramdeen, inviting him to appear on June 16th at 2.00 p.m., and basically providing the information as set out in bullet (c) of 3.10.

Mr. Mark: May I?

Madam Chairman: Yes.

Mr. Mark: Would the Committee—well, that has to be circulated to the Committee.

Madam Chairman: Yes, it can be.

Mr. Mark: When was that letter sent out?

Mr. Caesar: Yesterday's date.

Madam Chairman: Is there any other matter arising from the Minutes? Can we then move on to Item No. 5 on the agenda? Item No. 5 is discussion and analysis of the matter referred and, therefore, I would ask members to look at the package of documents that had been provided by the Parliament.

So, Sen. Richards, I believe you had asked about getting information in respect of practice and procedure. So I think that you will see that you have the notes on the practice and the procedure of the Committee of Privileges, then there is

the extract from Erskine May's text.

Mr. Richards: Yes, Madam. I have had a chance to read. It has been very helpful.

Madam Chairman: Okay and you found it helpful?

Mr. Richards: Yes, very much so.

Madam Chairman: Then we have as well, the House of Commons Procedure and Practice. I think that came about, Sen. Mark, as you had raised as well that we be guided by the practice. Then, of course, we have the newspaper reports that the staff was able the put together. Yes, and then, of course, you see that there is the compilation of the relevant Standing Orders, in respect of privileges and how this Committee will operate. Any questions?

Mr. Richards: Just one question, Madam Chair. Sen. Mark had raised the question as to whether the information outside of what was said in Parliament, would be open to consideration inclusive of these, and the procedure we are about to see, have we reached a decision on that?

Madam Chairman: Well, remember that the Motion that was presented, spoke about media reports and public statements. So that the documents that have been included, we have the media reports, and then from the last occasion, we have the TV interviews, that sort of thing to tie into the other part of it.

Mr. Richards: And the transcript from that.

Madam Chairman: And the transcript from that, yes. We talked about whether we would look at the press conference and the TV interview, and we said that on this occasion we would probably go into it. So if members are willing at this stage, we will have a look at those as provided, yes?

Hon. Members: Yes.

Madam Chairman: Remember I said one of them is particularly long, so we could probably go in about 10/15 minutes of it, and then members will decide if you want to see the whole thing, or just that particular part as it relates to this matter.

Mr. Richards: Very well.

Madam Chairman: All right, so we can start looking at the press conference.

2.11 p.m.: *Members view the press conference.*

2.37 p.m.: *Meeting continued.*

Madam Chairman: Okay, members, I apologise just for stopping it at this stage. Most of what Mr. Ramdeen has said has just—you have seen it and heard it. What will transpire now would be the question posed and there may be some responses in respect of the same issue, but I think most of it you heard in his statement. Do you want to go on and see the entire interview or can we stop at this stage?

Mr. Mark: I think that we could stop at this stage, and maybe at the appropriate time we could probably rewind if we need to, or go forward.

Madam Chairman: Right. I just want to remind members that there is a transcript of what was, for the entire press conference.

Mr. Mark: Well, that is my view, eh, Madam Chairman.

Madam Chairman: Sure. I am going to ask Sen. Richards, as well.

Mr. Richards: I agree we can stop here.

Madam Chairman: Stop here?

Mr. Richards: If necessary, review other parts.

Madam Chairman: Okay, yes.

Mr. De Freitas: I agree as well.

Madam Chairman: All right. Then there is the interview on another television channel that is available for viewing at this stage. So we will go into that at this stage.

2.42 p.m.: *Members view the interview.*

2.53 p.m.: *Meeting resumed.*

Madam Chairman: Members, I think that we have gotten most of this interview as well. The rest of it, you can see it in the transcript. So I do not know if you want

to see the entire interview or if we can move on now to some general discussions?

Mr. Mark: I would say like earlier, Madam Chair, that if we need to come back, we shall and we will, but for the time being, we could pause.

Mr. Richards: Yes, I agree we could pause here.

Mr. De Freitas: I agree as well.

Madam Chairman: Thank you very much. So we have before us the transcripts. We also have the media reports in the newspapers. So we have Friday, May 13th, we have in the *Guardian.* We have Friday, May 13th, in the *Express.* We have Friday, May 13th, in the *Newsday.* So these came as a result of the press conference and, I think, the—I think it was the press conference that Mr. Ramdeen had had. So these are the newspaper reports. I think it has been highlighted again, the issues, with respect to what Sen. Ramdeen said. Yes?

So could we then move on to discuss the learning on privilege, because we have gotten some information from the Secretariat? I take it that members have had a look at the information. Sen. Richards, I know that you really wanted to get a sort of insight into what constitutes a breach of privilege. I do not know now if at this stage you want to raise any issues about what is before us, in the sense of the powers of the Committee. Why a breach of privilege? What do we term privileges then, of Parliament? And why a breach is something that should or should not be sanctioned?

Mr. Richards: Thank you, Madam Chair. Based on the extracts from Erskine May, chapter on Privileges of Parliament, and also the notes on the practice and procedure of the Committee of Privileges, I think I have a much clearer understanding of what is required now. So I do not need any more clarification where that is concerned. I had been able to make side notes regarding this, in the context of the Motion which was moved by Sen. Khan. So I am fine where that is concerned.

Madam Chairman: Sen. De Freitas, anything you want to ask about the learning that has been circulated?

Mr. De Freitas: No, not at this time.

Mr. Mark: I am very clear in my mind thus far. However, if you will allow me, with your leave, I just want to get some clarification on that, and that has do with the letter that was sent to Mr. Gerald Ramdeen. Is he entitled to only one advisor, Madam Chairman, or an attorney? Or is it, for instance, he can walk with two advisors or he could walk with three advisors? I recall in another incarnation Mr. Manning was allowed to bring in about two or three attorneys with him. Of course, they cannot speak, but what I am saying, how it is couched here, it looks like he is only entitled just to one advisor.

Madam Chairman: Remember, we are now under the new Standing Orders, and Standing Order 102(16), which is under the rubric:

> "Advisors to Witnesses
>
> A witness may be accompanied by an Advisor who may be an Attorney-at-Law (of the witness's choice) and may consult with such Advisor in the course of a meeting at which the witness appears."

Mr. Mark: So it is only one advisor?

Madam Chairman: Yes.

Mr. Mark: Okay.

Madam Chairman: I understand that was a change from the previous practice.

Mr. Mark: There is another thing I wanted to ask is that, we would be going through what is a privilege and contempt? Or are we going at some point in time during these proceedings to drill down into what I saw here as in the grounds in the letter? Because I think that, for instance, if you are going to call Mr. Ramdeen, we have to be very clear among ourselves. Out of these four grounds whether any could stand?—so whether there is any need to bring him in the first instance. Because one of the things that you have said, and I want to abide by what you are saying, we do not want to have a situation where you bring a witness here, and we are at cross

purposes. We do not want to be—so that is why I want us to be very clear in advance, so there could be consensus.

So as we are going through our exercise and so on, we have to be very clear in our minds, going through each of these grounds, whether these grounds are shaky, and whether they can stand, because to bring a person here, and when we look at the learnings, these things have no merit, they are weak. I am asking myself, we need to clear the air on that, and then also, Madam Chair, I mean, in another capacity, you issued a ruling which I would like to suggest be circulated to this Committee, because it is very close to what we are dealing with here, and it may really help me in really formulating my thoughts in terms of what we have before us, because it was almost similar, but in a different context. I think that that ruling that you gave, is very, very, very useful in this context.

Madam Chairman: What I would suggest that we do, we have before us the learning on privileges. We have seen—we have the learning and then we have what we have just seen, the interviews. We have the transcripts and we have the newspaper reports. I would like us to go through the learning in a sense, and see what is particularly relevant to the issues that have been highlighted, grounds for the allegations as set out in the letter to Sen. Ramdeen, which are the matters that are also before us.

So if we can go through the issues and I will give you an example. It talks about what constitutes—we have, for example, let us look at notes on the practice and procedure of Committee of Privileges. I think we all understand what privileges of Parliament, what that means, right? So if you go to page 2, and paragraph 7, which talks about the link between contempt of Parliament and parliamentary privilege. Of course, one of the privileges is to punish for contempt, and then it talks about the main types of contempt:

- Misconduct in the presence of the Senate;

That does not apply here.

- Disobedience to rules or orders of the Senate;

That does not apply here.

- Misconduct by Members or Officers;

Again, not applying in this situation.

- Constructive contempt, for example, reflecting negatively on the Senate, premature publication of committee proceedings or evidence;

Could we put a question mark there? Is that one that perhaps might fall within the realm of what we have just been reading about and seeing, members?

Mr. Mark: Well, I do not think so, but I agree with you, that we could just for debate and discussion put a question mark.

Madam Chairman: Yes, because we—you agree also that (a), (b) and (c) so far—

Mr. Mark: Yes.

Madam Chairman:—do not fall within the particular parameters of this issue. Correct, Sen. Richards?

Mr. Richards: I believe we could put a question mark. I think it is related possibly, with the Motion—

Madam Chairman: Right, so a question mark. Sen. De Freitas?

Mr. De Freitas: I agree with the question mark as well. I also agree with (a), (b) and (c), not applying here.

Madam Chairman: Right. Then let us look at (e):

- Obstructing Members, Officers or witnesses when discharging their duties. For example, attempted intimidation of Members or speeches or writings reflecting on Members' conduct in the House;
- Molesting Members on account of their conduct in Parliament, or threatening to stop—blah, blah, blah.

Right? So you are looking at (e).

Mr. Mark: Well, again, you see this, Madam Chair, raises—

Madam Chairman: We are not going into the meat of the matter. We just—

Mr. Mark: Oh, you are just putting a question mark?

Madam Chairman: Yes, so therefore—and the question mark is that these are the—

Mr. Mark: Okay, I understand your point.

Madam Chairman:—types, that we feel fall a little more in line with what we have to treat with. So (e), I would say, is also relevant to what we have to deal with, correct, members?

Mr. Mark: I have a question mark on that.

Madam Chairman: Yes, just as we have a question mark for (d) as well.

Mr. Mark: Right, cool.

Madam Chairman: Okay? The question mark means—

Mr. Mark: For consideration.

Madam Chairman: Yes, Sen. Richards?

Mr. Richards: Yes, I agree, especially the second line: reflecting on Members' conduct in the House. It is applicable.

Madam Chairman: Correct, correct.

Mr. De Freitas: I agree with (e) as well, the question mark by (e).

Madam Chairman: Right, (f) not relevant, okay? So we have looked at (d) and (e), and those two seem to be the ones that we can look at, and then if you look now—if you turn over to page 3, and you look under reflections now, you have some learning. Paragraph 12, paragraph 13, all of these are applicable to what we have to consider, as well as paragraphs 14 and 15.

3.05 p.m.

Mr. Mark: Let me see, we have a little challenge, Madam Chair, and the challenge

has to do with the membership. You see, reflections, if you read the definition here in 12, it is on the conduct of a member. We have to ask ourselves some very pertinent questions before we say these things are relevant, you know. Now, are you putting a question mark on these things Ma'am?

Madam Chairman: Yes.

Mr. Mark: Or are you saying definitely they form part?

Madam Chairman: When I say a question mark, I hope members understand that I think these are relevant in considering what we have to deal with. We are trying to drill down, Sen. Mark, into what contempts could be captured by the complaint before this Privileges Committee, what types of contempt. Therefore, we have ruled out things like the deliberating misleading of the Senate by a Member, those things. Those are not an issue here. We are looking at what are the types of contempts from the body of literature that we have which may be applicable here. That is all I am saying. We are not ruling on anything. We are just trying now to get the Committee to focus on the learning.

Mr. Mark: You see, and I am just seeking clarification.

Madam Chairman: Sure.

Mr. Mark: This is complicated, and the reason why it is complicated, Madam Chair, is that we are dealing with two temporary Senators, and they are not members of the Senate. They were members at a particular point in time, and they left, and there is where you have the challenge. If it was, like for instance, myself who, I am here for all intents and purposes for a few years, all things being equal, unless I am removed, you could say, "Well, look, these things are definitively applicable, but in instances where it could be argued—you see, what I am saying, you have to anticipate the arguments that will come, and the arguments would come that, Mr. Justin Junkère, was he a member at the material time when this statement was made. And not only that, was this gentleman who spoke a short while ago, was he at the

material time a member of the Senate? You see, these are arguments.

Madam Chairman: Sen. Mark, I understand what you are saying, but let me just say at the outset, the powers of Parliament to treat with contempt goes beyond members even. So, for example, the example that was given with UDeCOTT, when UDeCOTT had published an advertisement in respect of what a member had said, UDeCOTT was punished. UDeCOTT is not a member. Parliament can and, to me, the argument that someone may not now be a member, that is not relevant. The issue is someone has in the performance of their parliamentary duties and was a member at that time. That is all that is important.

So if someone, the example that you are giving, the fact that they are no longer members, in my view, in my respectful view, cannot be an issue. It is at the time. Parliament must always be able to treat with these issues of contempt once someone was acting as a Member of Parliament. It cannot be that now the person stops acting and, therefore, anything can be said or done with respect to that person and Parliament can take no action.

Mr. Mark: You see, the challenge that we have, this Parliament is not supreme like the House of Commons. This Parliament is subject to the Constitution of the Republic of T&T, and that is supreme in Trinidad and Tobago. There is something called freedom of speech in that Constitution that no Parliament, no Parliament could obstruct and undermine. That could go up to the Privy Council. So we have to always bear in mind that within the parliamentary system of TT there are constraints and people could challenge. So whatever we are doing, we must be mindful that the Parliament is not supreme. What is supreme in Trinidad and Tobago is the Republican Constitution.

Madam Chairman: Sen. Mark, I hear you. I understand that. I think everyone understands, but that is not the issue here. The issue is freedom of speech, freedom to take part in a debate and to perform one's duties, including to vote and, therefore,

the issue of the courts really does not arise. Freedom of speech, in every Parliament someone is entitled to speak in Parliament freely, and for that to be respected outside of the Parliament. Things can be said—and we all know that—but if there are certain reflections made that reflect so adversely, then the Committee of Privileges can adjudicate on it. That is how I see it. I do not know if members are following what I am saying.

Mr. Richards: Madam Chair, if I may.

Madam Chairman: Yes.

Mr. Richards: I do not think, with respect, that I can agree with Sen. Mark's statements on this. I think once one, either in a temporary manner or otherwise, is chosen to sit in an honourable House and participate, rules apply like everyone else, whether you be a permanent member for a five-year parliamentary cycle or not, because it would mean if that were not the case that any temporary Senator can come in, and bring the Senate or Members into disrepute or odium, and not be held accountable because of their temporary status. I do not think that is reasonable or logical in any way, and that I think is paramount the way we are understanding this.

Madam Chairman: Thank you very much. Let me just point out as well that what is being focused on here is what was said, was said about someone in his capacity as a Member of Parliament and, therefore, that is why the Committee of Privileges and the Parliament can look into it. It is in his capacity as a Member of Parliament. Freedom of speech and everything that you have spoken about and the courts, it would be different if it were another scenario, but here you have—and Parliament has to treat with Parliament's matters.

Mr. Richards: It was in specific reference to a vote and a circumstance allegedly surrounding the vote. I think it has specific reference and it is applicable in this case.

Mr. De Freitas: Yes. I would just like to put my voice in and agree with Madam Chair and Sen. Richards and all the statements that were made, and basically say I

also agree that under "Reflections", 12 and 13 are applicable here given what we have heard thus far and I have read.

Madam Chairman: So we have also dealt with paragraphs 14 and 15 and we put ticks by those as well, because those can be applicable in the circumstances. We are trying to find the types of contempt. Okay?

If we go to the next extract that was provided to us which is the extract from May's Chapter 12, on page 2, under, you will see again, "Constructive contempts" and it deals with reflections on either House, and on page 3 "Molestation, reflections and intimidation". And then there is page 4 as well, which continues from that same rubric of "Molestation, reflections and intimidation". All that I am doing at this stage members is trying to drill down into what perhaps we should be considering as the relevant authorities to guide us in how to deal with this matter.

Mr. Mark: At what stage are you going to drill down to determine whether this thing has any merit at all?

Madam Chairman: Has any merit?

Mr. Mark: Yeah, yeah, these grounds.

Madam Chairman: Well, I am going to ask members if they have looked at the learning that I have just pointed out, and whether we want to now, having seen the media reports, can we look at the grounds for the allegations that were made.

Mr. Richards: Madam Chair, one-by-one going down the line, the four grounds?

Madam Chairman: Yes.

Mr. Richards: The grounds for allegations as follows:

1. Make statements which were intended to intimidate and may have intimidated Sen. Junkère in the conduct of his work as a Senator.

Madam Chairman: Yes.

Mr. Richards: I do not think that is applicable, because the statements were made after, if I am not mistaken. I do not think that first one is applicable. The press

conference and the television, if I am not mistaken, were done after. Is that correct?

Madam Chairman: Yes. Yes.

Mr. Richards: So they would not have interfered with his vote as such.

Madam Chairman: Right. Members is it that—okay, yes Sen. Mark.

Mr. Mark: If I may, I want to share the view expressed by Sen. Richards that because the press conference was held subsequent to the individual casting his vote, it is very difficult for any reasonably informed observer to come to the conclusion, and to make a linkage between the utterances spewed by Mr. Ramdeen and link that to the voting or the vote that was exercised by Mr. Junkère. It happened the Tuesday when he voted into the Wednesday morning, if I am not mistaken, and his press conference was held on the Thursday evening, as I understand it, at around 4.30. So I do not see the link in terms of the intimidation and the molestation.

Mr. De Freitas: I so agree with that sentiment. This speaks to intimidation of Sen. Junkère in the conduct of his work as a Senator, and the utterances were clearly made after by the newspaper reports and the media reports on the programmes that he appeared on. So, therefore, it would be very far-stretched to see how he could have been intimidated given the fact that it was after.

Madam Chairman: So that I am getting a sense that the Committee feels, members feel that this is almost after the fact and, therefore, should not be even to—

Mr. Richards: Not applicable.

Madam Chairman: Right. Is it that—okay? Well, let us move on to 2. So members have felt that one should not apply.

2. Reflecting on the character and conduct of Sen. Junkère in such a manner that brought this Senate into ridicule and odium.

Mr. Richards: I believe this one applies, given what we have heard so far and the learnings that we have gone through, and the four or five question marks that we have put for consideration later on, that "2" applies.

Mr. De Freitas: I so agree that "2" does apply in this particular case giving the learnings that we have gone though as well with the question marks that we have put. So I agree that "2" does apply here.

Mr. Mark: I have a reservation about this in terms of how would this have brought about the Senate being ridiculed and bring it into odium. You see, the problem, Madam Chair, we have here is that when the member made a statement as we saw in the clip there, and he verily believed from how he looked and how he went about his business, he probably believed what he was saying to be true.

The question that has to be asked is whether when you are bringing odium and ridicule to the Senate, what is the context? What is the bases that we have to examine to arrive at this particular conclusion? Because I am looking at page 80 of Erskine May's which talks about declaration of interest in debates, and Erskine May's is saying that it is incumbent upon in a debate, a member is required to declare any relevant pecuniary interest or benefit of whatever nature whether direct or indirect that he may have had, may have or may be expecting to have.

Madam Chairman: Yes but, Sen. Mark, you are dealing with two separate issues here. We are actually dealing with—you are putting something else entirely different from the issue that we are talking about here. We are talking about what will constitute. I think the question you are asking is: how can reflecting on the character and conduct of someone bring the Senate into odium? Is that not what you were saying first of all? That is the very essence of what we just ticked off as examples of molestation and reflections and that sort of thing. That is exactly what we were talking about. So that is the first thing.

Mr. Mark: All right. What I would do, I would put a question mark here for purposes of continuity, because I would come up with my arguments later. Remember whatever we are doing, we are drilling down.

Madam Chairman: Yes, but I just want to ask you with your arguments later,

meaning what?

Mr. Mark: No, no, in other words and so on, I will do some more research on this and I would have to bring it to your attention, the Committee's attention.

Madam Chairman: Sure, yes. All right. Item 2, everyone seems to agree this is something that the Committee feels should be looked at? Yes?

Members: Yes.

Madam Chairman: Okay. Item 3.

Mr. Mark: I want to say this is far, far stretch. I think that this should be completely deleted. It has no merit. Seeking via the media and the Integrity Commission to impeach the temporary Senator.

The Integrity Commission cannot impeach anybody. There is a whole format when coming to the Integrity Commission. So this, to my mind, is really way off course, in relation to his participation in the proceedings. I think this is just ridiculous. There is no basis for this argument.

Madam Chairman: Well, could I ask if whether "3" and "4" also in a way—is it that "3" and "4" are a continuation of "2" and would therefore fall under the whole issue of molestation, intimidation that sort of thing—molestation, reflections and intimidation?

Mr. Mark: No, I cannot see how "3" and "4" could be a continuation of "2". I think "3" and "4" is totally outlandish, outrageous and it has not merit. I think "3" and "4" should just be completely removed. I do not see how the President making entreaties. You cannot entreat the President. The President has no power to censure anybody. When the President appoints a Senator, he cannot tell a Senator how to vote. He cannot tell a Senator, "Look you have misbehaved." "Look do not go to the Senate for the next couple days." It just does not make sense, and they are talking about censure. Can a President censure a Senator? It just does not make sense. So what I am saying, Madam Chair, is that "3" and "4" the Integrity Commission has

its own basis and own approach, so this does not make sense. It just does not make sense.

Madam Chairman: Sen. Mark, let me just see if I could just—let us just talk this through. If you say that you are sending something to the Integrity Commission because of some action that was taken in the Parliament, are you not therefore implying that there is something, some issue of integrity that has to be looked at by the Integrity Commission? Are you not therefore saying—if you are saying, for example, that you are going to ask the President to impeach? Whether or not the President can do it, are you not therefore conveying that someone's work as a parliamentarian requires impeachment and it requires a body to look at integrity issues, to have a look at it? Are you not therefore saying there was a lack of integrity and there was therefore some sort of act that required impeachment, therefore something was inherently wrong with the act? Is that not what that implies?

Mr. Mark: You see, what I am saying this is a clear case of exuberance. This has no basis in law.

Madam Chairman: Even if it does not—

Mr. Mark: What I am saying, even though the person might be making that statement, we as a Committee have to be clear in our minds, because when you bring anybody here and you are raising these things with them, they might make us laughing stock. So we have to know what we are doing. Whatever we are going forward with, it must be solid and it must withstand public scrutiny.

We know that, for instance, the President cannot censure a Senator. So even though a Member in his exuberance—and, Madam Chair, we have to understand, these members are politicians. They are politicians. They are making statements. They are exuberant, they are making—but, in reality, can these things stand? And we are saying no, and I am saying in those circumstances, why go forward with a ground that you know cannot stand. It is going to fall through the cracks. So I am

saying "3" and "4" just do not add up. Just wasting time. You cannot really—

Madam Chairman: Sen. De Freitas. No, sorry, Sen. Richards. I am sorry, I am looking at you.

Mr. Richards: Madam Chair, I want to go to "4" first and I tend to agree with Sen. Mark where "4" is concerned, and the reason for that is—and I am making my statement based on specifically what I am reading here. My understanding as an Independent Senator is once I am appointed, the President has no remit in my vote, and it would be improper for him to have a remit in my vote or an opinion one way or the other of my vote, and the same would apply to then temporary Sen. Junkère. So, I do not think that "4" is based in the context of what applies as an Independent Senator.

I agree with Sen. Mark we must be careful not to bring—even though the Motion was brought by Sen. Khan with this statement, take that to the person in question, because I do not think it has any grounds in reality as it applies to what applies with an Independent Senator and the President's interaction with that Senator once the appointment has been made. It would actually imply a breach of what an Independent Senator is supposed to be about, and that implies that the President has some influence which I think would be improper at that point. That is "4".

Where "3" is concerned, I do agree that "3" may roll in from "2" in terms of the general sentiment that—and this is specifically where the line says, in relation to his participation in the proceedings in the Senate in terms of what we would have discussed where "2" is concerned. I think "3" also may be considered as apply, but I really do not think "4" applies based on what I am reading here.

Mr. De Freitas: I have a slightly different opinion, and I would start with "4" given that Sen. Richards did do that. I think in this particular case it is a lil tricky and the word "censure" here is what is probably causing that conflict between members of the Committee. From my understanding, and I stand to be corrected if such is the

case, when I looked at the newspaper report, there was the statement made by the Senator that he would write to the President to deal with that matter, and the President would take whatever action he deems fit. Now, when I think of the word "censure", it is not like the House of Representatives where an MP is guaranteed to be there for five years unless they resign. So to censure an MP, ideally, you stop them from speaking in the House. To censure a Senator, especially a temporary Senator, there are two ways you can do that. You can stop them from speaking, which the President cannot do or you cannot appoint that temporary Senator again. If you read "4" it says:

To censure Sen. Junkère for his choice to vote.

Meaning that some action would be taken based on the fact that he voted a particular way in that particular debate, and that only action would be to not appoint Sen. Junkère again thereby censuring him as a temporary Senator. So I think that "4" has merit in this particular case, and should be looked at just because that action could be taken in relation to the fact that he is a temporary Senator, and you definitely can censure him by not appointing him again for the five-year term of this particular Parliament. I think the public could look at it from that standpoint as well.

In relation to "3"—seeking via the media and the Integrity Commission to impeach—again, another word that we are looking at here—former temporary Sen. Junkère in relation to his participation in proceedings in this Senate. I look at it from the standpoint of seeking. We are asking here on the grounds of seeking via the media. We have the media reports in front of us where he did indicate in all three that he was looking at Sen. Junkère's action in a particular way, and that he was going to send him to the Integrity Commission. So in regard to number "3" where it says "seeking via the media and Integrity Commission to impeach", I think this one has merit as well and, therefore should stand part of the grounds that we are putting forward.

Mr. Richards: I agree with "3", but just to respond to your perspective, Sen. De Freitas, it would imply that the President had made a determination that then temporary Sen. Junkère did accede to some sort of inducement and it would then mean, by extension, that the President has the remit over, one, determining that outside of this Committee and two, applying some sort of sanction to it, meaning the censure, which in my understanding the President does not have, His Excellency does not have. Even if he said, your point is that he could—the censure could be not for him to be appointed again. It would set to me a dangerous precedent that a determination had been made by His Excellency on the conduct of that temporary Senator in the dispensation of his duties after he was appointed, and I think that is a very tricky rule.

Madam Chairman: Let me just—I have listened to what everyone is saying and I think that it may be that we are focusing more on what the President can do like in terms of, you know, the fact about censuring and impeachment and that sort of thing as opposed to what the words could convey. So the fact that you are saying that you are going to impeach someone—you are going to write to the President to impeach someone—whether or not the President can do that, I do not think that is the issue. I think it is what saying that conveys about how the person has treated with his parliamentary responsibilities.

Mr. Richards: Well, in that case, I would agree it applies, if it is about the implication which means it would follow from "2" and "3" in this case if we are to take that.

Madam Chairman: That is how I, in listening to what we have been discussing, that is how I was seeing it.

Mr. De Freitas: I want to agree with Madam Chair, because I was just about to respond and say that we are really looking at him asking the President whether he can or not, but making that inference to censure, that is where I would agree that "4"

should stand part of this.

Mr. Richards: This is, of course, Mr. Ramdeen's action.

Madam Chairman: And it is about the imputation. Yes. So, to me, that is what we should be looking at more than what actually—

Mr. Richards: Then "4" would apply.

3.35 p.m.

Madam Chairman: So, members of the Committee, I think we have—from the discussions we are looking at ground 2; grounds 2, 3 and 4.

Mr. Mark: Well, let me put on the record that the only ground I am looking at, I am in disagreement with 1, 3 and 4. The only ground I am looking at is ground 2.

Madam Chairman: Sure, noted.

Mr. Mark: I have a question mark there, I have to put my learnings on that to determine if I will throw out all.

Madam Chairman: Sure. Noted, all right. So that is how we will be approaching this matter, okay.

Mr. Mark: Let me just ask a question, Madam Chair, once we bring these things into the picture, would we be calling witnesses?—because if you are bringing in the Integrity Commission into this matter, and you are bringing the President into this matter, and you are saying that what he is saying, that is Ramdeen, his action is linked to the President, then I am asking the question whether we will now be opening up this thing to clarification. For example, if somebody says, "I am going to write to the Integrity Commission because I doh like what you are doing", that could just be "ole talk". So he comes before us, "Have you written to the Integrity Commission because you said you were going to do it?", "No, I have not done it". Where we go? In other words, where are we going with that?

Madam Chairman: So let me ask you something, Sen. Mark, hypothetically, somebody says that—I have to use an example—so somebody says, "Mr. X is a

thief", and goes and says that—I am so sorry—"I am going to report you to the police", and that is heard by everyone and Mr. X is not reported to the police. Has Mr. X's reputation not—has there not been an imputation to his character?—and the fact that it was not reported to the police is really of no significance? Is that a good example?

Mr. Mark: I do not think it was a good example.

Madam Chairman: I thought it was.

Mr. Mark: You see, we are in a situation where any member, you know, Madam Chair, could bring a matter of privilege, but the people who are involved in this thing, Justin Junkère, what action has he taken? We have had matters brought here, so, in other words what I am saying, you are opening up this thing where we might have to call Junkère here.

Madam Chairman: Sen. Mark, no.

Mr. Mark: Because it is not only Mr. Ramdeen, because, you see, in Parliament and outside of Parliament, as you said, people have a right to feel and to express themselves, and they have freedom of speech to do so, and if it is that I have libelled Mr. X by calling him a thief, Mr. X must take me to court, but Mr. X has not done that, so it remains on the record.

Madam Chairman: So, therefore, Mr. X is a thief until Mr. X seeks to defend himself?

Mr. Mark: No, I am saying that Mr. X under our Constitution has a right to protect his name—or John Harry. Let me just withdraw.

Madam Chairman: I know because we have Mr. X's name on the *Hansard*, hypothetically.

Mr. Mark: Yeah, I think we should withdraw it.

Madam Chairman: I know.

Mr. Mark: Yeah, yeah, yeah, let us withdraw the name because I think it is very

unfortunate. Sorry.

Madam Chairman: Yes. But let me just make it very clear for the *Hansard*, it was all hypothetical, Mr. X of whom we speak as the hypothetical thief, it will be Mr. Joseph.

Mr. Caesar: John Doe.

Mr. Mark: No, just Mr. X.

Madam Chairman: Mr. X, yes, okay. Just for clarification, but do you understand my point?

Mr. Mark: No, I understand the point but I respectfully disagree.

Mr. Richards: I, Madam Chair, you know, I think there are two different issues we are dealing with here, one is an individual's right to protect his or her own reputation through the courts and the other issue here is the issue of the privilege and responsibility that is afforded by Parliament. I think the consideration we have here is the privileges and responsibilities afforded by Parliament, we are enquiring if they were breached. So there are two different issues that we are talking about here.

Madam Chairman: Thank you very much, and that is what I feel as well, and—

Mr. Mark: But I want to tell you there are many learnings on this matter that can justify what I am advancing. Do not matter how, Madam Chair, do not matter how you may feel about and how strongly somebody might attack you in a matter, that person has to be protected by the law, by the same very privileges of the Parliament. So we have to be very careful that, you know, we are not saying one thing, because when we bring your ruling here, it is very interesting because you made some very interesting statements, and that is why I am saying when you are going through this thing carefully, it nullifies a lot of these things here, because you talk about the need for people to be robust. And we have to recognize, so—

Madam Chairman: No, no, I did not say robust, I said the need for—

Mr. Mark: Well, robustness in your language. And, you see, Madam Chair, one

of the things that we have to also appreciate, you know, there is need for us—when you are bringing Mr. Ramdeen here, we have to sit here and determine exactly where we are going, you know. What line—

Madam Chairman: But, Sen. Mark, that is what we are doing, so that we have actually—and I have to interrupt because let us just get back a little bit on track—we have actually, in preparing for Mr. Ramdeen to come before the Committee, we have eliminated ground 1, we are looking at 2, 3 and 4, and now I think what the Committee should do is to determine how we move forward having worked out 2, 3 and 4. You have raised the question of witnesses, at last weeks' meeting we spoke about witnesses, the Committee approving the witnesses on the basis of relevance.

So we now have 2, 3 and 4 that we have worked out, and it is for us to determine with Sen. Ramdeen next week; he will come before the Committee. I think, members—I do not think that, members, we should speak to one another about what we want to hear from Mr. Ramdeen. I think each member has to be responsible for working out, based on the information that has been circulated and based on our deliberations earlier, how we are going to approach Mr. Ramdeen. Before we meet with Mr. Ramdeen next week we will start our meeting, we will have an in camera meeting, well, everything is in camera but we will meet before, and, perhaps, just talk out how we are going to approach it. We are not going—every, each member here in his own right can raise questions to Sen. Ramdeen, and I think that is what we should be focusing on now.

So, members, unless there is anything else to be raised, I think we have accomplished quite a bit today in terms of where we see the issues being in this matter, and unless there is anything else to raise I think that now is a good time for us to adjourn for next week Thursday. I would advise members to look at the material that has been given and work up how it is you want, what questions you may want to ask, and what you may want to hear from Sen. Ramdeen, okay.

So before so we take the adjournment, let me thank everyone for attending. Let me remind you, just out of an abundance of caution, that our deliberations are confidential, that we are not supposed to be discussing it with anyone else, and I look forward to seeing everybody next week Thursday at the same time, at 2.00 p.m., and I really thank everyone for your cooperation and attendance.

3.48 p.m.: *Meeting adjourned.*

VERBATIM NOTES OF THE THIRD MEETING OF THE COMMITTEE OF PRIVILEGES OF THE SENATE, FIRST SESSION (2015/2016), ELEVENTH PARLIAMENT HELD IN THE A.N.R. ROBINSON MEETING ROOM (EAST), LEVEL 9, TOWER D, WRIGHTSON ROAD, PORT OF SPAIN, ON THURSDAY, JUNE 16, 2016 AT 2.05 P.M.

PRESENT

Ms. Christine Kangaloo	Chairman
Mr. Wade Mark	Member
Mrs. Jennifer Baptiste-Primus	Member
Mr. Nigel De Freitas	Member
Mr. Paul Richards	Member
Mr. Brian Caesar	Secretary
Miss Chantal La Roche	Legal Officer II
Mr. Johnson Greenidge	Asst. Secretary

Madam Chairman: I am calling the meeting to order, I see we have a full attendance. So if we could move on to the agenda, let us go to item 2, review of the Minutes of the second meeting. Have members looked at the Minutes?

Assent indicated.

Madam Chairman: All right. Page 1. Page 2. Page 3. Page 4. Page 5. Can someone confirm the Minutes?

[*Confirmed by Mr. P. Richards*]

[*Seconded by Mr. N. De Freitas*]

Madam Chairman: So the Minutes have been confirmed. Item 4 on the agenda, Matters Arising from the Minutes. Page 1. Page 2. Page 3.

Mr. Mark: Madam Chair.

Madam Chairman: Yes, Sen. Mark.

Mr. Mark: I did raise on page 3 whether we were going to go through with some discussions on, you know, contempt and parliamentary privilege, and I saw where, you know, you responded to these three points that I had raised by indicating that in terms of the advisors we had addressed that in accordance with the Standing Orders—

Mrs. Baptiste-Primus: I am sorry, you are not coming across clearly for me.

Mr. Mark: Well, you know, sometime when I speak too loudly I create some—

Madam Chairman: I think Sen. Mark is on—

Mrs. Baptiste-Primus: No, it is not coming through clearly, it is not a matter of loud or soft, clearly.

Mr. Mark: Can I try again?

Madam Chairman: Page 3, I think, you are on, is that it?

Mr. Mark: Yes. I will try again, Ma'am. What I was saying is that on page 3, if you go to paragraph 1, the first paragraph, you see three bullet points, I did raise and we did not get a response, I am saying, from the Minutes as to whether the Committee would have spent some time to go through concepts like "contempt" and "privilege" in terms of parliamentary privilege. So I am just saying that I had raised that matter but we did not arrive at any conclusion in accordance with our Minutes here. Madam Chair, I would like you to forgive me on this one. I did in fact raise the matter of your ruling recently and I had asked that it be circulated for—well, I would like to get a copy of it, and I suggested that it be circulated at the time, and I know it is in the verbatim notes.

Madam Chairman: Yes. All right, let me just stop you—hold on. We have the ruling for circulation today, and with respect to, I think it is bullet two, whether the Committee would be going through what is a contempt and what is a privilege, I think, if I am not mistaken, a lot of reading, learning had been circulated to the Committee. Yes? And further to that, in 4.4, we then started to go through the

learning to work out what could possibly be relevant to the circumstances before us. So if you look at all of that in its entirety I think that addresses, Sen. Mark, what you are raising, and I do not think the Committee has finished its deliberations as yet. I think we used the literature that had been circulated and we started going through to see what could be relevant to the situation presented to the Committee.

Mr. Mark: So would we be coming back, Madam Chair—we will be coming back to these matters?

Madam Chairman: I do not think that we have closed off discussion in the sense that we have determined what we are looking at, the types of contempts, breaches of privileges. We have zeroed in on what we want to focus on, and then, of course, there will be discussion, you know, subsequently.

Mr. Mark: Okay.

Madam Chairman: At page 4, members, before we complete this item, if we look through the *Hansard* itself there is a point at page—let me just look at it—when we were having our discussions, page 23 of the *Hansard*, where we were dealing with some hypothetical situations, pages 23 and 24, and I thought—on page 24 you will see where Sen. Mark talked about referring to Mr. X, and I was under the impression that that would have applied right through, so could I ask members if, on page 23, if instead of saying referring to Mr. Caesar, we could say Mr. X? Would that be okay with everyone in line with what Sen. Mark had said on page 24? Would members of the Committee have any issues with simply referring in the hypothetical situation to Mr. X?

Mr. Mark: Yeah, I agree with you because, as you yourself had indicated, it was a very unfortunate reference, and we would not like the Secretary's name to be in the Minutes, in the verbatim notes. So I fully agree with you.

Madam Chairman: Well, unfortunate is not the word, it was really very hypothetical—

Mr. Mark: I know.

Madam Chairman:—and nothing was intended, and I think we started to address it by saying Mr. X. So if perhaps we can correct the *Hansard* on page 23 and just have Mr. X, okay. Members, do we all agree?

Assent indicated.

Madam Chairman: Okay, thank you. So we have reached the end of the Minutes, Matters Arising, okay.

Could we move on to item 5, and may I just say that the ruling that I had made that Sen. Mark requested has been circulated, so I think members will have that ruling. Okay? So, members, you may recall on the last occasion we had indicated that Mr. Ramdeen had been invited to attend the meeting. The letter had been sent to Mr. Ramdeen and that letter was circulated at our last meeting, so it was actually sent before our second meeting, okay.

The letter was actually sent on—[*Madam Chairman consults with Secretary*]—yes, 3.2 of the Minutes, the letter was sent on the 8th of June. The Committee members should be aware that earlier today a letter was received from Mr. Ramdeen. It was sent to the Secretary to the Committee, one was also sent to my office and everyone has a copy of the letter? It should be before everyone. It is being circulated now. [*Pause*] So in the letter, Mr. Ramdeen indicates that unfortunately there was "a personal emergency during the night" and he is unable to attend to meet with the Committee today. Members, do you have the letter? So the letter is before members; so that Mr. Ramdeen is unable to be here today.

Mrs. Baptiste-Primus: Madam Chair, I have noted in this letter that Mr. Ramdeen has not really indicated, he just stated that he has "had a personal emergency during the night". He has not really stated the nature, whether he fell ill, whether one of his children fell ill, whether he fell ill, whether he has a migraine headache, whether in terms of exactly the nature of the illness which prevents him from being with us

today. I am aware that circumstances such as this, where someone is unable to attend in order for the body of persons to whom the communication is intended to give sympathetic consideration, that body of persons must be seized of at least the nature of the inconvenience or the personal emergency. Not that I am not mindful, Madam Chair, of agreeing to the request of Mr. Ramdeen, but Mr. Ramdeen being an attorney-at-law must know that he should have given this Committee a little more information. He has placed the "barest of bone" literally before the Committee, and leaves it up to the Committee to think whatever the Committee wants to think. He has not assisted us fully, but notwithstanding that, Madam Chair, I am mindful of affording Mr. Ramdeen the full breadth of the opportunity to be present to vigorously and robustly present his side of the matter.

Madam Chairman: Members, we will need for the letter to form part of the record. I do not think it is necessary for me to read it into the *Hansard.* Can we just take it as being read and we will supply Hansard with the letter itself, okay?

Letter inserted into the record as follows:
16th June, 2016

Mr. Brian Caesar,
Secretary to the Committee of Privileges,
Parliament of Trinidad and Tobago,
Level G-8 tower D,
Port-of-Spain International Waterfront Centre,
1A Wrightson Road,
Port-of-Spain.

Dear Sir,

Re: Attendance at Hearing of Committee of Privileges on the 16th June 2016.

I write to you further to your letter of the 8th June 2016 and the telephone conversations between ourselves since my receipt of your correspondence.

Allow me to thank you for the opportunity to appear before the Committee and assist the Committee in this matter. As indicated to you on previous

occasions I have every intention to assist the Committee in the determination of this matter.

I intended to appear before the Committee this afternoon at 2pm but unfortunately I have had a personal emergency during the night and early this morning that hampers my ability to appear before the Committee today. I am dispatching this letter as soon as possible to bring notice of this matter to your attention and to the members of the Committee so as to cause the least inconvenience to all. I do unreservedly apologize to you and to all the members of the Committee for this occurrence over which I had no control.

I humbly request that another date be set for me to appear before the Committee and to be given prior notice of same in order that I may arrange my dairy to allow me the time to attend before the Committee and provide as much assistance to the members as is required of me.

I would be grateful if this matter could be brought to the attention of all of the members of the Committee.

I do thank you in advance.

Yours Respectfully,

Madam Chairman: Any other comments? So may I say that Mr. Ramdeen did send the letter in, it was faxed sometime after 8.00 a.m. this morning to bring to the Committee's attention. I think we tried—the Secretary to the Committee attempted to reach all members to explain the position.

2.20 p.m.

You may recall that when we initially met at our very first meeting, we had set our preliminary work schedule and tomorrow had also been set aside as a date for dealing with the witness. I think that position was put forward to members about having a meeting tomorrow morning at 10.00 a.m. for the examination of Mr. Ramdeen.

I understand, by the Secretary to the Committee, attempts have been made to reach out to Mr. Ramdeen. Messages have been left, but we have not gotten word from him as yet. What I would suggest, therefore, is that we fix the meeting for tomorrow at 10.00 a.m. If Mr. Ramdeen's—whatever the situation is that presented to him overnight, if that situation continues and for some reason he cannot be here tomorrow morning, then may I suggest that we allow the Secretary to the Committee to notify us all and we will defer the meeting. We will not have a meeting tomorrow. But what we should do right now is determine how we move forward with other dates for meetings to allow Mr. Ramdeen to come before the Committee.

I think it is important that—this has happened. We want assistance from Mr. Ramdeen—the Committee—and today his explanation has been received and it is on the record. So let us see if perhaps we can make a contact with him for tomorrow morning and, if not, I have some dates. Remember we had fixed some dates before, so I would like us to relook at the dates to get an idea of how we will proceed. Okay? Any comments?

Mr. Richards: If you could just, Madam Chair, confirm for the record he had indicated that he would attend officially.

Madam Chairman: Yes, in the letter he says that. He says in the letter that he was prepared to attend.

Mr. Richards: I am talking about before this letter came this morning, had he indicated before this?

Madam Chairman: Yes.

Mr. Richards: Okay.

Madam Chairman: There was follow-up with him from the staff and he indicated that he would be in attendance.

Mrs. Baptiste-Primus: Madam Chair, may I enquire what time during the course of today was the last attempt made by the staff of Parliament to make contact with

Mr. Ramdeen?

Madam Chairman: The last attempt would have been just before we came into this meeting, within the last hour.

Mrs. Baptiste-Primus: So may I enquire, Madam Chair, during the course of today how many attempts would have been made to contact Mr. Ramdeen?

Madam Chairman: My information is that at least five attempts were made and messages were left as well.

Mrs. Baptiste-Primus: On his office phone or on his cellular phone?

Madam Chairman: On his cellular phone and an email was to be sent as well.

Mrs. Baptiste-Primus: Madam Chair, there is a reason why I am asking these questions.

Madam Chairman: Sorry?

Mrs. Baptiste-Primus: You said and an email was sent?

Madam Chairman: Yes, I understand that instructions were given for an email to be sent. So that Mr. Caesar is checking to see whether the email was in fact sent. And this would have been done before we came into the meeting this afternoon.

Mrs. Baptiste-Primus: Madam Chair, are you or any of the Parliament staff aware of the home address of Mr. Ramdeen?—the parliamentary staff?

Madam Chairman: His business address; his office address.

Mrs. Baptiste-Primus: I have an opinion but I would reserve my opinion at this point in time, Madam Chair.

Madam Chairman: Thank you very much, member. So we are setting a meeting for tomorrow, Friday, June 17, 2016 at 10.00 a.m.

Mrs. Baptiste-Primus: But we had set—

Madam Chairman: We had set that before.

Mrs. Baptiste-Primus: We had set—right.

Madam Chairman: That was one of the dates that we had set aside.

Mrs. Baptiste-Primus: Right, because I have that date set aside for tomorrow.

Madam Chairman: We are also now looking at dates for next week. We are thinking of—

Mrs. Baptiste-Primus: Next week is a short week, Madam Chair.

Madam Chairman: It is a short week. So we are looking at Wednesday, June 22nd at 4.00 p.m.; Thursday, June 23rd at 2.00 p.m.

Mr. Mark: Why—

Madam Chairman: Let me just present the dates and we will have the discussion.

Mrs. Baptiste-Primus: So the first one is when, Madam Chair?

Madam Chairman: Wednesday, June 22nd at 4.00 p.m.; Thursday, June 23rd at 2.00 p.m.; and Friday, June 23rd at 10.00 a.m.

Mr. Richards: Friday is the 24th.

Madam Chairman: 24th. I apologize.

Mrs. Baptiste-Primus: Friday, June 24th—

Madam Chairman: At 10.00 a.m.

Mrs. Baptiste-Primus: In light of the times established, Madam Chair, I do not have a problem with the times, but by tomorrow I will know for sure in terms of my availability for next week Thursday and Friday, and that depends on a directive that the Prime Minister has given me. So that I will have to talk with the hon. Prime Minister.

Madam Chairman: Sure. And remember we are trying to just work out—when we first met we talked about the fact that we were nearing the end of the session, that the Parliament goes on its recess at the beginning of July. So that we were thinking that if we could, we would have liked to have a report finished. We were actually hoping by the last Tuesday in June, which would be the 28th of June. So that is why we are putting these dates just in the hope that the Committee can meet, that the Committee can hear from Mr. Ramdeen, deliberate and hopefully produce a

report before the recess begins. So that is why we have these dates.

If, for example, we are able to meet with Mr. Ramdeen tomorrow, if Mr. Ramdeen can appear tomorrow and we can have the meeting and hear from him, then some of these meetings we may not necessarily have to have. So it is just to ask members to look at these dates and see if we can possibly accommodate meetings if the need arises.

Mr. Richards: Chairman, one of my concerns is the time for Wednesday. The suggested time for Wednesday at 4.00 p.m. as opposed to 2.00 p.m. Is there a particular reason that you are suggesting 4.00 p.m.?

Madam Chairman: Because there are two other Committees on that date. I think Sen. Mark, you may be on those Committees? So that we were trying to accommodate. Apparently, yes, Sen. De Freitas is also on a Committee that meets. So that is why we were thinking that 4.00 p.m. would be—

Mrs. Baptiste-Primus: That is a good time for me.

Mr. Richards: That is only a question, but I probably would be able to reschedule my stuff to be able to accommodate it.

Madam Chairman: And we will able to give notice. By tomorrow we will have a definite idea of how things are proceeding. Yeah?

Mr. Richards: Okay. Thanks.

Madam Chairman: Sen. Mark, you wanted to say something?

Mr. Mark: No, I was saying that I also found Wednesday 22nd at 4.00 p.m. is a bit tight for me knowing how the schedules are going, and I was saying that seeing that we had established our pattern going to Thursday, there would have been, you know—if we could start even if a little earlier on Thursday, like if you want go to at 1.00 p.m. in the afternoon. It is just to say that—

Mr. Richards: One o'clock is actually perfect for me.

Mr. Mark: I just find it is a very exhausting period that we are going through in

terms of these back to back meetings.

Mrs. Baptiste-Primus: It is like a graph, sometimes you are up, sometimes you are down. It is the vicissitudes of life.

Mr. Mark: I understand that, Mrs. Baptiste-Primus. Very, very much aware, but just, it is a proposal, a suggestion.

Madam Chairman: Okay so, have we—

Mr. Mark: So you will not be able to come on Thursday you are saying?

Mrs. Baptiste-Primus: Madam Chair, I have to clear a matter with the hon. Prime Minister regarding a directive I received regarding these two dates. So just let me clear it with him. But Wednesday afternoon is good for me.

Mr. Mark: Let us assume that you decide to meet on Wednesday, what time are you thinking about in terms of the timeline? Wednesday at 4.00 p.m. to what time? 4.00 p.m. to 5.00 p.m.; 4.00 p.m. to 6.00 p.m.? What time are you thinking about?

Madam Chairman: 6.00 p.m. will be the outer limit.

Mr. Mark: Then you are coming back on Thursday too?

Madam Chairman: Yes.

Mr. Mark: I think it is kind of brutal.

Madam Chairman: Remember it depends on how much we accomplish.

Mr. Mark: Remember you said it is Wednesday, Thursday, Friday, and then we also have a lot of Committee meetings and so on.

Mrs. Baptiste-Primus: I am quite sure given your length—

Mr. Mark: I do not have an oxygen room.

Mrs. Baptiste-Primus: I am quite sure given the length and breadth of your experience in your former recent incarnation, this schedule is really nothing. I understand your schedule previously was—

Mr. Mark: Anyway, let me address the Chair.

Mrs. Baptiste-Primus:—more brutal than this, but you rose and you shined.

[*Laughter*]

Mr. Mark: Madam Chair, I am not going to respond to my friend.

Madam Chairman: Members, I know that it seems tight and demanding. What I would ask is that we just sort of block off the dates so that we know we have as backup plan in the event that something does not—for example, in the event that some meeting cannot come off, we have the other dates. I mean, we may not necessarily have to meet on all the dates depending on how much we get covered in the meetings. Okay? So do we have agreement on the tentative dates? Can we—

Mrs. Baptiste-Primus: Aye.

Mr. Richards: I agree also. May I also suggest that given the short notice time going back to the issue of the next possibility for Mr. Ramdeen, that you also suggest the Wednesday because tomorrow at ten o'clock is quite short notice.

Madam Chairman: Once the Committee agrees, the discussions will be held with Mr. Ramdeen.

Mr. Mark: I want to support Mr. Richards that given the fact that he has indicated that he is willing to come, I feel that we should set aside, because when you start with a witness, you may want to go two, three hours, they may have to come back given the circumstances. So I would like to suggest that we bring him on the Wednesday rather than we having a situation where the Secretary is trying to track him down and then we put this day, and then we get a call tomorrow morning the meeting has been cancelled, and other events that we may want to pursue we would have to readdress ourselves.

So if we could take a decision that seeing that we are coming Wednesday, we are coming on Thursday, we coming on Friday, that we could probably take a decision because of what you yourself had said, that we come on Wednesday and start this thing fresh.

Madam Chairman: Could I ask for your indulgence, members, let us hold to

tomorrow's date and the ten o'clock meeting. If Mr. Ramdeen is unavailable, all members will get ample notice time. Okay? But let us hold to that because tomorrow seems to be a date that most of us, all members, can meet without having to juggle too many things. So let us keep tomorrow. If it is that Mr. Ramdeen indicates that tomorrow is not good for him, the staff now have the permission to immediately say Wednesday is the next date. So that gives Mr. Ramdeen the opportunity.

Mr. Richards: This is my—

Madam Chairman: Yeah. So you were really saying cancel tomorrow?

Mr. Richards: No, I was not saying cancel, but add Wednesday as an option given the short notice of tomorrow.

Madam Chairman: Yes.

Mr. Richards: So we would not have to make double arrangements.

Madam Chairman: Right. So members are in agreement with that course of action?

Mrs. Baptiste-Primus: I am, Madam Chair.

2.35 p.m.

Madam Chairman: May I also suggest to the Committee that we send—and I am putting this out to the Committee. Last week, we looked at the video of the press conference and the TV interview and we also looked at the media reports—the printed media reports. So may I suggest that that be sent to Mr. Ramdeen: a DVD of the press conference and the interview and copies of the newspaper reports? That we can send that to him today after the meeting so that he can have a look as well, and if he comes tomorrow we can then go one time into examining him as opposed to his coming and having to let him see the video and then examine him. Perhaps, we can just give him that material so that he will come and that will also allow us to have a tighter meeting and examination. I do not know what members feel about

that.

Mr. Mark: I have no problem with that. But Chair, did we transcribe that material?

Madam Chairman: Yes, the transcript was circulated.

Mr. Mark: It was circulated, right and that is going to be sent to him as well?

Madam Chairman: Yes. So the DVD, the transcript and the media reports that we have that have been circulated, that is what I am proposing we send to Mr. Ramdeen as well.

Mr. Richards: I agree, Madam Chair, and if only as a courtesy and also because, although he was a part of the interview and the press conference, the newspaper reports, he may not have seen, so just so that we fast-track things as it were, so he knows what we are dealing with in here as we move forward.

Madam Chairman: Yes.

Mrs. Baptiste-Primus: And Madam Chair, just to add that such an approach is consistent with the principles of natural justice, so I agree.

Mr. De Freitas: And I agree with everyone else.

Madam Chairman: Okay, great and we will try to send that today as a matter of urgency.

Mrs. Baptiste-Primus: Chair, when you say send today, by way of email?

Madam Chairman: No, we are going to hand deliver the DVD with the interview and the press conference—hand deliver the material.

Mrs. Baptiste-Primus: In addition to the letter informing Mr. Ramdeen that his stated, yet undefined, emergency in his letter of June 16th was considered and was agreed to?

Madam Chairman: Yes.

Mrs. Baptiste-Primus: But I think, Madam Chair, it is important that Mr. Ramdeen be advised that in future, when making such a request of this Committee or any other such Committee, the issue of specificity must be paid attention to.

Madam Chairman: Can I ask that we not really deal with that part? We have already agreed to his request and let us just move on from here and in the hope that we can just, you know, Mr. Ramdeen will be able to attend fairly soon and we can deal with all of the issues and examine him and get his assistance to the Committee. Let us not bother to read, you know, to tell him anything else but that his request was approved by the Committee and agreed to. Would members agree with me or?

Mrs. Baptiste-Primus: Madam Chair, out of deference to you, not necessarily in agreement but respecting the view that you have expressed, I would go along. But I want it to be noted, Mr. Ramdeen reduced his request in writing and he indicated a partial reason and if we are responding, we should advise Mr. Ramdeen that his request was considered and agreed to but to draw to his attention, he did not present this Committee with sufficiency on the nature of his emergency, but that is just my view.

Mr. Mark: I want to support the Chair on this matter because I think the less said on these matters is better. "Trust wha I telling you."

Madam Chairman: So Members, we will just—

Mr. Richards: I agree also.

Madam Chairman: So let us just get it clear. We will be notifying Mr. Ramdeen by word, hopefully by telephone, but also by letter that his request had been accommodated by the Committee and we will now be sending him the DVD with the press conference and the media interview, as well as the transcript, as well as the printed media reports that we had considered at the last sitting. We will be sending all of that as a package to Mr. Ramdeen. Okay. Thank you.

Mrs. Baptiste-Primus: Permit me. Are you not going to tell him in the letter that he is required—the new date would be Wednesday 22nd?

Madam Chairman: No, tomorrow.

Mrs. Baptiste-Primus: Yes, tomorrow, right.

Madam Chairman: Tomorrow and the staff, there is leeway should tomorrow not be—should he not be able to accommodate tomorrow's date, we will advise him that we are fixing the meeting then for Wednesday at 4.00 p.m. Members have agreed to the 4.00 p.m. time slot. Okay. So, members, is there any other business that we have to cover?

Mr. Mark: I just want to ask for clarification, are we going to be calling any other witnesses in this matter outside of Mr. Ramdeen—the Committee? Would the Committee be considering any other witnesses or are we going to wait until he is through and then we decide or do we take a decision whether we are going to call any other witnesses?

Madam Chairman: I think at the first meeting when we spoke about witnesses in general, apart from Mr. Ramdeen, we talked about relevance and that it would be for the Committee to determine whether a witness should or should not be called based on whatever was raised as the need for the witness to be called. I do not know, we have not spoken about it. I think that the Committee was more focused on having Mr. Ramdeen come and assist the Committee. I do not know if members, at this stage, feel the need to call any witnesses at this stage so I will open the discussions on that.

Mr. Mark: Whether, Madam Chair, you probably would want to hear him and then maybe arising out of what he says, we as a Committee, when we meet in camera, we could probably consider the next steps.

Madam Chairman: Well, that is what I thought we were going to—that is the approach that I thought that we were taking but if it is, having considered what we have already considered, because we did accomplish some headway at our last meeting in terms of the types of contempt that may be relevant. We looked at the complaint that was made, we sifted through it—the elements of the complaint. So I do not know if members, at this stage, have an idea that they would want to hear

from someone apart from Mr. Ramdeen.

Mr. Richards: If I may, Madam Chair, and I do not know if it is appropriate, let me put that out from the very start. But because much of this was surrounding statements made about Mr. Junkère and there is quite a bit of information out there and I do not know what can be confirmed from what cannot be confirmed, so I would actually like to hear from Mr. Junkère himself, regarding references to the suggestions by Mr. Ramdeen about Mr. Junkère. So I would probably like to suggest he be a consideration based on what transpires with Mr. Ramdeen. It may be not be necessary based on how our interface with Mr. Ramdeen goes but certainly for some consideration down the road.

Madam Chairman: Any other member?

Mrs. Baptiste-Primus: No, Madam Chair, I would prefer to hear Mr. Ramdeen and then make a determination in my own mind, if from my perspective, there is need to request any other witness or witnesses.

Madam Chairman: Sen. Mark?

Mr. Mark: Well, remember I said—

Madam Chairman: You will wait, yes. Sen. De Freitas.

Mr. De Freitas: I tend to agree with Minister Baptiste-Primus that after listening to temporary Sen. Ramdeen then you would make that determination as to whether you would need any more witnesses.

Madam Chairman: So that we will hold on the issue of any further witnesses until we hear from Mr. Ramdeen. Okay? Any other matters?

Mr. Mark: The other matter, just for clarification, the role of the Chair, if I may ask. I know that the learnings speak to the issue of the Chairman not having any voting rights in these matters and the only time the Chairman would vote is if there is an equality of votes. There is where the casting vote comes in. I was wondering if that is a practice, a standard of measurement, and if that is so, whether you would

want to examine that and clarify it. In other words, this is a quasi-judicial Committee and because of its composition and as you have been very firm in advancing it is non-partisan, it should be non-partisan. We should not do anything to give any negative impression, that is anything but that, and therefore, whatever we do, we must try to maintain the integrity of the process.

But the reality remains that we are five members here and I am just wondering if given what I know to be the practice of these Committees, whether in terms of the role of the Chair is to just remain neutral throughout—and I am not saying the Chairman is not neutral, eh, but I am just saying that the only time the Chairman would get involved in a vote is when there is an equality. And I am just asking that that—just for clarification and I cast no aspersions on the Chairman, but I am just dealing with a principle and a practice.

Madam Chairman: Yes, and this is the first time that the Committee—occasion that the Committee of Privileges of the Senate is meeting so there is absolutely no problem with raising such issues. My understanding is that that practice does not exist for the Privileges Committee, that each member here is a member in his or her own right, that it is different from when you are presiding in the Chamber, and I think that what I am saying is supported by previous decisions made by Committees of Privileges.

In fact, the report of the Committee of Privileges, I think, if I am not mistaken, is presented to the Senate by the Chair. It is signed by the Chairman. Is that correct? But we will look into it and on the next occasion, I can certainly answer those questions, but my initial response is that that is not the casting vote of the Chairman, that that does not arise when we sit as a Privileges Committee. There is no—I may be wrong, I will check it, but in the Senate we talk about maintaining status quo and those issues arise when a casting vote has to be given and there are considerations, how you vote and your reason has to be advanced. I do not think that that applies in

the Privileges Committee.

Mr. Mark: I would advise you to get some expert advice on that.

Madam Chairman: I will. I mean I can look at privileges committee reports from various sessions of various Parliaments and I will look at it, yes.

Mr. Mark: Thank you very much.

2.50 p.m.

Madam Chairman: Any other member wishes to raise any other matter?

Mr. Richards: Is this in addition to what is already on the agenda or are we going down the line of agenda?

Madam Chairman: Sorry.

Mr. Richards: Are we going down the line of the agenda or is it another matter based on—

Madam Chairman: We are actually on item 8, "Other Business". So, that is why I was asking if anyone had anything else to raise.

Mr. Richards: Madam Chair, if we can go back a bit. Is there a formal, structured approach to the examination of Mr. Ramdeen when he does come, that we can discuss, or is it is going to be an informal free-flowing interview?

Madam Chairman: I am glad we can have that discussion. What will happen is the Committee meets before and Mr. Ramdeen will sit apart. The Committee will meet and we will discuss how we approach it. It will be where each member can ask and raise questions to Mr. Ramdeen. It is done, from how I remember it having been a member of other Privileges Committees, that Mr. Ramdeen will come and members will simply raise issues, ask him questions. You can go one by one or sometimes the Chairman will start off by asking some questions and then other members will ask him as well, yeah.

Mr. Richards: Okay, thank you.

Mr. Mark: Madam Chair, I would have thought that it would have been very useful for us to have some general principles outlined. Because what you would not want to happen is that everyone could end up going on a frolic of his or her own and you would be in an invidious and unenviable position. And I do not know whether, you know, we should just leave it up to everyone to do whatever they want to do and then, if you decide to intervene at any point in time, because of the line of questioning, you are going to end up in trouble as the Chairman because you have already given people that freedom to ask whatever they want to ask. I was just wondering whether, for instance, this Committee should not be guided by some body of principles that we will know where we cannot go and where we could go. So I am just wondering.

Madam Chairman: I am hearing you, Sen. Mark. Listen, we are a group of parliamentarians. We have already, at the first meeting, set out the boundaries of what we have to do as a Committee. As the Committee of Privileges, we have set out the boundaries of what we have to do. We have spoken about relevance, which will really also apply when we are examining the witness.

And while we talk about examining the witness, we are not in a court of law where we are going to be hammering through at the witness. We are asking some questions to give assistance to the Committee. But each member of this Committee is here in his or her own right. So I do not think, for example, that we should sit and say well I will ask this question and you will ask this question. I do not think that should be determined. I think each responsible member of this Committee works out, from what has been circulated, and your understanding of the issues, what you want to hear from Mr. Ramdeen.

Ultimately, regardless of everything, I am the Chair of this Committee and, therefore, it is my responsibility to ensure that there is order in the Committee and

that if any question, in my view, goes out of the parameters of what is relevant to the Committee, I think that I am empowered to just gently guide a member back to the issues that we have at hand. I do not know if any member has an issue with what I am saying, how we should be moving forward.

Mr. Mark: There is where, for instance, you see everything that we do is being recorded, and as you rightly said it is going to be subject to complete public scrutiny. So when you talk about relevance in the context of a Committee of Privileges, it is not like when we are in the Chamber. This is a quasi-judicial body and people have rights, and the line of questioning, if somebody is pursuing a line of questioning, that the Chairman interprets as to be irrelevant and the member is of the view it is relevant, then there could be a clash between the Chairman and that member. And that is what I was trying to avoid.

And if the Chairman stops that member and that is recorded in those minutes, or in the verbatim, it could be misinterpreted that the Chairman is trying to muzzle the member and trying to do something that is not in the interest of fairness and procedural justice. So I am just raising these points.

I am not saying, Madam Chair, that you will do it. All I am saying is that whatever we are doing, we want to ensure that there is, as the hon. Jennifer Baptiste-Primus said, procedural fairness and there is natural justice in whatever we are doing.

Mrs. Baptiste-Primus: Madam Chair, I appreciate the need for caution but we cannot think through the entire process of examination of a witness. My experience, and I am quite sure the Senator's past experience tells him that. I get the impression that the Senator wants us to have a dry run, so to speak, that is my impression, of how the questioning of the witness should proceed.

Now, my experience, and that is what I bring to the table, Madam Chair,

you sit here with the full authority of a Chairman. May's *Parliamentary Procedure* has outlined the authority and boundaries of a Chairman. And certainly, Madam Chair, it is the right of the Chair, any one of us as members, if we stray outside of what is reasonable and what is acceptable, that you rule: listen, that question is really not acceptable. And as members of the Committee, while we may not agree, we have to respect the Chair. It is as simple as that.

And in any event, I just want to remind my friend that in the event—because he foresees some clash, in the event of some clash, my mind has not even strayed in that direction—each one of us around the table here has the right to submit a minority report and, therefore, has the opportunity to present the view, or the reasoning, or the feeling, that that member experienced during the course of this enquiry.

I do not think, and I would want to caution, Madam Chair, we do have the facility, in the event that a situation develops with Mr. Ramdeen, that we are not too sure about, to excuse Mr. Ramdeen and we pontificate on the issues and sort them out. And having sort them out, we then invite him back in and we continue. So I do not think we should stray too much into locking in the Committee; what the Committee should do and should do not in the event this happen. I do not think.

We should allow ourselves the opportunity to pose questions to Mr. Ramdeen. Mr. Ramdeen is not a teenager, a high school/secondary school. Mr. Ramdeen is an experienced lawyer coming here and I am quite sure he is not going to come here unaccompanied. And, therefore, he will have the facility of his attorney advising him on any question posed by any one of us.

He could take the Fifth Amendment. Well not really the Fifth Amendment, it does not apply in our jurisdiction. But, Madam Chair, you understand what I

mean. Mr. Ramdeen can refuse, based on advice from his attorney, not to respond to any question or questions posed by this Committee. So unlike my friend, I am not—I would not exercise my mind on that approach unless it becomes absolutely necessary. Thank you.

Madam Chairman: Thank you very much. Any other comment?

Mr. Richards: Madam Chairman, my concern about structure was for the simple reason that we, in one of our past sessions, had identified and eliminated some of the points of Sen. Khan's Motion in the first place. I think we are down to three or four in all. And questions about how it was going to run if we were going to go in a particular order and if, based on Mr. Ramdeen's responses, people can come back because it can get quite exhaustive after a while. Based on responses you get other questions and other enquiries and at what point. I know the Chair has the authority to say we move on. But for that kind of structure so we are as productive as we can be during the session.

Madam Chairman: Any other comments? So my suggestion is, as it was before, that we again look at the material that has been given to us by the parliamentary staff, that we look at the transcripts and the media reports of the press conference, the interviews, and that we determine what exactly each person in his or her own personal capacity wants to hear from Mr. Ramdeen. Okay?

Everything—the reason that there is a Chair of the Committee is that everything has to, at the end of the day someone has to be empowered to keep matters on track. Okay? So, and I do not think I have to reaffirm the fact that we each sit on a non-partisan basis. We are here to protect the dignity of Parliament. That is what we are about in this Committee. All right?

And may I just say that there have been several, if you go back into each Session of Parliament, right, the Tenth, the Eleventh, you will find, we are in the

Eleventh now, privileges reports that have been submitted to the various Chambers. All right? So let us all review what we have, and let us come prepared to seek the assistance from Mr. Ramdeen. Hopefully it can be done tomorrow. All right?

I thank everyone for attending and if there is nothing else, we will adjourn to tomorrow at 10 o'clock.

Mr. Richards: Just a quick question, sorry after we have adjourned. Whether or not Mr. Ramdeen attends, we are meeting tomorrow?

Madam Chairman: No, what we will do is once we get word of his—yeah, you will be contacted.

Mr. Richards: Okay.

Madam Chairman: Okay?

Mr. Richards: Thank you.

3.03 p.m.: *Meeting adjourned*.

VERBATIM NOTES OF THE FOURTH MEETING OF THE COMMITTEE OF PRIVILEGES OF THE SENATE, FIRST SESSION (2015/2016), ELEVENTH PARLIAMENT HELD IN THE ARNOLD THOMASOS MEETING ROOM (WEST), LEVEL 6, TOWER D, WRIGHTSON ROAD, PORT OF SPAIN, ON WEDNESDAY, JUNE 22, 2016 AT 4.04 P.M.

PRESENT

Ms. Christine Kangaloo	Chairman
Mr. Wade Mark	Member
Mrs. Jennifer Baptiste-Primus	Member
Mr. Nigel De Freitas	Member
Mr. Paul Richards	Member
Mr. Brian Caesar	Secretary
Miss Chantal La Roche	Legal Officer II
Miss Simone Yallery	Asst. Secretary

Madam Chairman: Good afternoon, everyone. We have a quorum, so may I call this meeting to order. It is the fourth meeting of Committee of Privileges. If we could move on to item 2 on the agenda, the Review of the Minutes of our third meeting. Have members read the Minutes?

Mr. Richards: Yes, I have.

Madam Chairman: Yes. Page 1. Page 2. Page 3. Page 4.

[*Mrs. J. Baptiste-Primus enters meeting*]

Madam Chairman: Good afternoon. May I, on page 4, at bullet 4.12, where if you go to the middle of 4.12, you will see the Chair advised members, it should be, that the Committee's role is investigative and it does not conduct its business in an adversarial manner. I have looked through the *Hansard* and if you look at page 21

of the *Hansard*, this is where this was captured, this exchange. And may I suggest that it should read:

> The Chair advised members that the Committee does not conduct its business in an adversarial manner.

There were no words about the role being investigative. Would Members allow that amendment? May I repeat it?

Mr. Richards: Please.

Madam Chairman: Sure. Mrs. Baptiste-Primus, we are on page 4 of the Minutes, bullet 4.12, the middle where we say the Chair advised, it should be members, and I am asking for the words "the Committee's role is investigative" and I am asking for those words to be deleted and that the line read:

> The Chair advised members that the Committee does not conduct its business in an adversarial manner.

Would Members agree to that amendment?

Mrs. Baptiste-Primus: Sorry, Madam Chair. You are on page 4.

Madam Chairman: Page 4, bullet 4.12, middle of the paragraph. The Committee's role is investigative.

Mrs. Baptiste-Primus: Yes.

Madam Chairman: Okay. I looked at page 21 of the actual *Hansard* and you will see that what I really was saying was that the Committee does not conduct its business in an adversarial manner. We were actually talking about interviewing the witness and meeting with the witness. So the Committee does not conduct its business in an adversarial manner. Okay?

Mrs. Baptiste-Primus: Okay.

Madam Chairman: Page 5. Can we have the Minutes approved as amended?

[*Confirmed by Mr. P. Richards*]

[*Seconded by Mr. N. De Freitas*]

Madam Chairman: So the Minutes are approved as amended.

Item 4 on the agenda, Matters Arising from the Minutes. Page 1. Page 2. Page 3.

Mr. Richards: For page 3, can we have confirmation of the delivery and receipt of the documents and DVDs by Mr. Ramdeen?

Madam Chairman: Yes, everything was sent to Mr. Ramdeen. And do you want to see a copy of the letter that was sent to him?

Mr. Richards: Not necessarily, no.

Madam Chairman: Okay. But the letter was sent to Mr. Ramdeen, sent by email and then the hard copy. Let me just say that you may recall that we asked Mr. Ramdeen if he would be available on the Friday and the default position would have been today. Mr. Ramdeen indicated that he was going to be out of the country on Friday, June 17th, so that is why we sent the information and requested that he be here today, Wednesday 22nd. Okay? Further down on page 3 at bullet 4.10.

Mr. Mark: Before you to go there, Ma'am, can we have that letter circulated that was sent?

Madam Chairman: Sure. Yes, so the letter will be circulated. Can I go down to 4.10?

Mr. Mark: Yes.

Madam Chairman: Yes. Discussion on Role of Chairman. Mr. Mark had raised some issues about the role of the Chairman and I did undertake to look into the learning and I want to advise members that Standing Order 54—I will read it out for members. It is under the rubric Voting, Decisions of Questions, and it says at 54(2).

> "The President or any other Senator presiding shall not vote unless on any question the votes are equally divided, in which case, he shall have and exercise a casting vote and any reason stated shall be entered in the Minutes of Proceedings."

Standing Order 54(1) talks about the Senate, a:

> "…decision in the Senate or in Committee shall be determined by a majority of the votes of the Senators…"

So, Sen. Mark, is that what you were raising? Yes? So I thank you for giving that guidance so that I could have had it checked. I do say, however, that it is much too early for us to be talking about votes and casting of votes.

Mrs. Baptiste-Primus: But, Madam Chair, in fact, you do have—as Chair, you do have a casting vote?

Madam Chairman: Yes, and only to say that I just want to remind members that when we first started meeting, we spoke about all efforts to arrive at a consensual position. Okay? So, Sen. Mark. Page 4. Page 5.

So may I inform the Committee that Mr. Ramdeen is here, he is present and when we invite him in, we will begin our deliberations with him. Mr. Ramdeen did not indicate, as far as I know, whether he was bringing an advisor. Is he here with an advisor?

Mr. Caesar: No.

Madam Chairman: He is here on his own. All right. I think members, I do not know if we want to discuss anything before we meet with Mr. Ramdeen. May I just point out that we would like to—we are asking for Mr. Ramdeen's assistance in dealing with the issues that have been raised and I would ask everyone, let us go one by one in an orderly fashion. Any issues that may arise where there might be disagreement among us, the members, I ask that we—well, we may have to ask Mr. Ramdeen to step out and then members will deliberate on that amongst ourselves.

I want to point out again and urge all members that Mr. Ramdeen is here to assist us and that we should all—as I had said before, we will not be hammering Mr. Ramdeen or in any sort of antagonistic manner. I do not think I have to say that but that is not the tone we want to set for this Committee. Okay?

Mr. Mark: Madam Chair, if I may, the verbatim, if you would allow me, I just want to go to the verbatim on page 11. I know my friend and I are very good friends, that is Mr. Jennifer Baptiste-Primus, but I would not like the word "darling" to be placed in the records of these verbatim. So if you could just—"I understand that Mrs. Baptiste-Primus" and take out "my darling" because I do not think that is proper.

Madam Chairman: Yes, it was at page 11. Members, are you all seeing it? Members have any objection to removing the words "my darling"?

Mrs. Baptiste-Primus: As long as he would be more careful in the future.

Mr. Mark: Yes, I will be.

Madam Chairman: So *Hansard* is instructed accordingly.

So let us discuss Mr. Ramdeen's invitation to appear before the Committee. Mr. Ramdeen, by letter, was—it was indicated by letter to Mr. Ramdeen and that letter had been circulated at our third meeting, the nature of the complaint that had been raised with the Privileges Committee, that the Privileges Committee is addressing. Mr. Ramdeen was advised of the fact that he could bring an advisor with him. And I will just ask members to remember that when we are dealing with Mr. Ramdeen, everything is on the record. It is the Privileges Committee and we want to conduct ourselves in a manner that is befitting of such a committee because it will all be there on the record as well. Unless anyone wants to raise anything before we call Mr. Ramdeen in. Members? So if we could just suspend so he can be escorted in because he is on another floor.

4.18 p.m.: *Meeting suspended.*

4.21 p.m.: *Meeting resumed.*

[*Mr. Gerald Ramdeen enters Committee*]

Madam Chairman: Mr. Ramdeen, good afternoon and welcome.

Mr. Ramdeen: Good afternoon, members of the Committee.

Madam Chairman: Thank you, first of all, for attending.

Mr. Ramdeen: It is my pleasure.

Madam Chairman: And may I introduce you to the members of the Privileges Committee because we did send you correspondence but I think it will be a good start for us to introduce ourselves. So I am the Chairman of the Privileges Committee. We have Sen. Richards, Sen. Nigel De Freitas, Sen. Baptiste-Primus and Sen. Wade Mark. Okay?

Mr. Ramdeen: Thank you, Chairman.

Madam Chairman: So, Mr. Ramdeen, you did get correspondence from the Parliament.

Mr. Ramdeen: I got three pieces of correspondence.

Madam Chairman: Is it fair to say that you understand why you are here? Is there any question then that you want to ask about what you have been sent before we begin to ask you some questions?

Mr. Ramdeen: Well, what I was sent was an invitation to come and assist the Committee and then on Friday last, a package was delivered to my office with a number of pieces of correspondence that entailed two CDs and three pieces of material with respect to the Motion. I looked at it yesterday, but I have had no—in the correspondence, there is nothing that sets out what is the procedure that is to be adopted by the Committee. So if I had any questions, it would be with respect to what is the procedure as to how we proceed before the Committee.

Madam Chairman: But you were sent—the first letter, if we could just go through, is dated June 08, 2016. Yes?

Mr. Ramdeen: I have that.

Madam Chairman: Right. And in this letter, it sets out the history of what has transpired, that the question of privilege was raised, the grounds for the allegations and I think with that letter, there was the *Hansard* report of the Motion raised by the Leader of Government Business and the *Hansard* report of the ruling that was given

whereby this matter is now before the Privileges Committee. Yeah?

Mr. Ramdeen: I have that.

Madam Chairman: Good, and in that letter itself—members, everyone has the letter?—talks about Standing Order 102 of the Senate. You may be accompanied by an advisor and—yes?

Mr. Ramdeen: I have that.

Madam Chairman: Okay. Now, the letter of June 8th also contained, attached to it, were the guidelines for witnesses appearing before parliamentary committees. Did you get that, Mr. Ramdeen?

Mr. Ramdeen: I got that.

Madam Chairman: You got that. That really sets out—those guidelines really will be how the examination will take place. Okay?

Mr. Ramdeen: Agreed.

Madam Chairman: All right. And then by letter dated June 16th, that is the most recent letter, we sent you the DVD and transcript of the press conference held on Wednesday 11th; a DVD and the transcript of the TV6 interview held on Thursday May 12th; a copy of the *Trinidad Guardian*, *Trinidad Newsday*, *Daily Express* of May 13, 2016 with the relevant articles. So that was sent to you so that you would have an idea of what this Committee is looking at. Have you looked at the DVDs?

Mr. Ramdeen: I have not looked at the DVDs, I have looked at the transcribed versions of it.

Madam Chairman: Okay. All right. So today, Mr. Ramdeen, the Committee, having had a look at the very DVDs that were sent to you and the transcripts, the Committee merely wants to ask you some questions for you to assist the Committee in its deliberations. This Committee has to decide whether any breaches of the privileges of Parliament have been committed and in making that decision, this Committee has been taking into account the press conference, the TV6 interview and

the media reports because those were the subject of the privileges Motion that was presented in Parliament. Okay?

Mr. Ramdeen: Understood, but Madam Chairman, if I can ask, save and except that I have looked through the Standing Orders and the guidelines for the witnesses and the grounds upon which the Motion for privileges has been made. Is it that we are going to proceed with questions being asked of myself without anyone else against whom the evidence is based? Because the grounds are very specific. This is in relation to statements that I have made with respect to another Senator, an Independent Senator. Is it that we are going to proceed with asking me questions without that Senator being brought before the Committee?

Madam Chairman: The Motion for privileges was brought against you and therefore, you are the person required by the Privileges Committee to lend assistance. The focus, therefore, is on the statements made by you. Right?

Mr. Ramdeen: No, I understand that, Madam Chairman, but my position is that if—

Madam Chairman: Hold on, let me just run through.

Mr. Ramdeen: I am sorry.

Madam Chairman: No, that is all right. What the Committee determines after we hear from you, the Committee will determine how it wants to proceed. But the Committee first wants to hear from you to get assistance from you and the Committee has its deliberations and will decide further on how to proceed. Okay?

Mr. Ramdeen: Well, can I say this, Madam Chairman, without being obstructionist, it is that if one looks at the grounds of the Motion for privileges, there are certain grounds that clearly can be made out—when I say made out, can be advanced based upon the interviews per se, but there are certain grounds in the Motion which if I am asked to answer, there are certain grounds in the Motion that cannot proceed, respectfully, without the evidence of the person against whom the

statements are made.

Madam Chairman: Well, I think I should point out to you, Mr. Ramdeen, before we begin our discussions with you that this Committee, the role of this Committee is not adversarial, it acts as a sort of a quasi-judicial body and our first responsibility is to deal with the person against whom the complaint was made, which is you. The Committee will then decide what further, if any further material is needed by the Committee from any other person. Okay? So really and truly at this stage, you are here to assist the Committee in its deliberations. You may direct the Committee to something that you feel is pertinent. Ultimately, it is up to the Committee to conclude on its deliberations thereafter.

Mr. Ramdeen: No, I accept that, Madam Chairman. But as a matter of fundamental fairness to me, if it is that allegations are to be made against me about my conduct and the grounds of the Motion are based upon the way in which my conduct impacted upon a person, then as a matter of pure fundamental fairness, I must know what case I am to meet because if the Committee is going to perform a quasi-judicial function, then there are certain fundamental rules of fairness that I am entitled to because these are allegations that are being made against me.

Madam Chairman: The allegations that are being made against you have arisen out of the statements made by you. There are certain rules with respect to the privileges of Parliament and that is what this Committee is about. Let me just say that this Committee is all about fairness but this Committee is not a court of law where we are going to drill down to every piece of evidence in a wide way. We have limited the scope of the deliberations of this Committee to certain statements and to certain issues.

And Mr. Ramdeen, really and truly, we considered this an opportunity for you to be heard and we considered this an opportunity for you to assist us in our deliberations. I do not think I could make it—I do not know how else to put it. What

the Committee decides to do after we hear from you will be done with the Committee meeting together and deliberating on what comes out of our discussions with you. Okay? I do not know any other way, I do not know if there is any other Member who wants to say something before we ask you some questions but that is the best way that I can put it forward.

Mr. Ramdeen: As you please, Ma'am.

Madam Chairman: So, Mr. Ramdeen, you got the DVDs and you got the transcripts and you have reading the transcripts and you are satisfied that those are the words that you did, in fact, use at the various occasions. Correct?

Mr. Ramdeen: On an occasion.

Madam Chairman: Well, the press conference and the interview.

Mr. Ramdeen: Yes.

Madam Chairman: Yes, and those were your words. Okay? All right. So members—I will now invite members to raise any issues or to ask Mr. Ramdeen any questions. Mrs. Baptiste-Primus.

Mrs. Baptiste-Primus: Thank you very much, Madam Chair. Good afternoon, Mr. Ramdeen.

Mr. Ramdeen: Good afternoon, Mrs. Primus.

Mrs. Baptiste-Primus: Mr. Ramdeen, I am referring to the *Guardian* of Friday, May 13th. Do you have that?

Mr. Ramdeen: I have that in front of me. Thank you.

Mrs. Baptiste-Primus: Yes. This article titled as:

Ramdeen questions his independence.

It was published on May 13th. Does this article accurately reflect your words?

Mr. Ramdeen: Well, the article itself will not reflect what my words are. I have not tabled whether the article represents my words, member. What I can say is that what is presented in the transcripts of the interview with Mr. Mohammed and what

is presented in the transcript of the interview that I held—in the press conference on May 12, 2016 represents my words. I have not actually gone through.

Mrs. Baptiste-Primus: Well, no, I am not referring to your press conference, I am referring to this article that is published in the *Guardian*, whether or not what is printed in the article represents what you have stated.

Mr. Ramdeen: Well, the article that is printed in the *Guardian* is a report of the press conference.

Mrs. Baptiste-Primus: But it is represented in an article. I am just trying to find out whether or not what is stated in this article represents what you said.

Mr. Ramdeen: Okay. Do you want to assist me by referring to the particular part of the article that you are referring to?

Mrs. Baptiste-Primus: Well, no. It is an article about certain statements you said, you made. So I wanted to enquire of you whether, whatever aspect of what is in this article represents faithfully what you said.

4.35 p.m.

Mr. Ramdeen: No, the article does not represent what I say. Word for word, verbatim, there are certain parts of the article that quotes what my words were and if one were to come—the answer to your question can be found by taking what is quoted, which I have not done, and compare it to the transcript that was presented to me of my press conference on the day before, which is the 12th of May, 2016.

Mrs. Baptiste-Primus: Well, we will get to that in a short while. In the article, and I want to draw your attention to the third column that begins by "Prime Minister". It is a continuation of the sentence from the—[*Interruption*]

Mr. Ramdeen: Sure.

Mrs. Baptiste-Primus:—second column, last line—[*Interruption*]

Mr. Ramdeen: Sure.

Mrs. Baptiste-Primus:—by "Prime Minister, Dr. Rowley".

> "He said the Opposition would be writing"—meaning you—"to President Anthony Carmona, who appointed Junkère, 'and we will leave it to His Excellency to do what he considers to be right…'"

I would just like to know, did you communicate with President Anthony Carmona on this matter?

Mr. Ramdeen: No.

Mrs. Baptiste-Primus: When you referred to "we", whom did you mean? When you said, it is purported that you said "we", to whom did you refer to as "we"?

Mr. Ramdeen: The Opposition.

Mrs. Baptiste-Primus: Did you bring this matter that was of concern to you to the attention of the Senate via the President of the Senate?

Mr. Ramdeen: No.

Mrs. Baptiste-Primus: Did you not think it necessary a matter of grave concern like this, that as a Senator operating within the Senate, that you should have raised it with the President of the Senate?

Mr. Ramdeen: After the Motion of Privilege was filed in the House, I took no further part with respect to the actions that form the subject of the Motion of Privilege.

Mrs. Baptiste-Primus: Now, I am talking about prior to that, when the issue, when this issue became a concern for you, as reflected in the various media, did you not think it necessary to engage in a discussion with the President of the Senate on something as grave as this issue?

Mr. Ramdeen: I considered it to be a very grave matter and, perhaps, in hindsight, it may have been appropriate to have raised it with the President of the Senate.

Madam Chairman: May I just intervene, I am sorry, Mrs. Baptiste-Primus. Mr. Ramdeen, you have someone coming as an advisor to you today?

Mr. Ramdeen: No.

Madam Chairman: Are you expecting anyone?

Mr. Ramdeen: No.

Madam Chairman: Okay continue, sorry.

Mrs. Baptiste-Primus: Please proceed, Mr. Ramdeen.

Mr. Ramdeen: I answered the question. I thought that in hindsight, perhaps, it may have been appropriate to raise it with the President of the Senate, but this was a matter that was placed in the public domain and I expected that those who thought it proper or within their powers to do something about the matters that were raised in the public domain would act properly and exercise the powers that were vested in them, whether it be the President of the Senate, whether it be His Excellency himself, or whether it be the Leader of Government Business in the Senate or the Leader of the Independent Bench, if one can term that there is a leader of the Independent Bench.

Mrs. Baptiste-Primus: But Mr. Ramdeen, when you sit in the Senate, you have equal access to the Presiding Officer of the Senate and if something develops within the confines of the Senate, you are an attorney-at-law, an experienced one, should such an issue not be addressed within the Senate before external avenues are explored?

Mr. Ramdeen: Well, what I considered to be a matter of concern, because of the issues that arose, with respect to Sen, Junkère, was one that I thought was of concern to the national community, because it was a matter that affected everyone in the national community and, therefore, having it placed in the public domain was my way, or what I thought was proper, so that all concerned, whether they be within the Senate or outside of the Senate, or members of the national community, would understand what transpired and would then, it would not be left up to me. It would be left up to any responsible citizen to take whatever action they considered appropriate, because I considered what took place to be grave and a matter of grave

concern to not only myself as a Senator, but to everyone who the lawmaking process affects, throughout Trinidad and Tobago.

Mrs. Baptiste-Primus: So you do not see it as being part of an institution to have raised concerns within, firstly, without giving up your right to raise those concerns publicly but at least give the Senate or the Presiding Officer or your own colleague within the Senate the opportunity to engage in a discussion on concerns that you would have had, notwithstanding the fact that you would have retained your right, if you were not satisfied, to raise it externally, in terms of the collegial relationship and how we meet and treat each other as fellow Senators within the hallowed halls of the Senate Chamber?

Mr. Ramdeen: I would have thought that the responsibility on every Senator, if a matter of concern is raised by one particular Senator, it would trigger that particular Senator to perhaps raise that matter and clear up whatever concerns there may be in the public domain. So I would have thought that if I raised a matter that was of concern in the public domain, I thought that, perhaps, what should have been done was that Sen. Junkère who also spoke in the public domain would have cleared up whatever discrepancies or whatever concerns there may have been in the public domain or within the Parliament or outside of Parliament.

I did not consider that a matter that affected the lawmaking process of our democracy in the Upper House was one that should be raised in a closed environment of the Senate. One would have thought that the fact that Parliament is televised live, the openness of Parliament to all the members of the community, if there was a matter that is of grave concern to me as a Senator that concerned what transpired in the Parliament, I do not see that was any reason that limited me as a Member of the Senate to raising that matter with either the President of the Senate or any other Member.

I would have thought that the responsibility fell more upon the person against

whom the allegations or the concerns centred upon and also, that would be Sen. Junkère or the Attorney General, who was the other person who had the ability to clear up all the matters. Because the concerns that were raised did not fall in my domain as an attorney-at-law. It fell within the domain of Sen. Junkère and yet to the hon. Attorney General who, in their domain, would have had all of the information that could have put these matters right and could have cleared up whatever concerns that there may have been that I would have raised as a matter, in my objective view, as to what transpired.

Mr. Richards: Madam Chairman, if I may.

Madam Chairman: I just wanted to ask Mrs. Baptiste-Primus if we could just have some other members ask some questions?

Mrs. Baptiste-Primus: Sure.

Mr. Richards: Thank you, Madam Chair. Good afternoon, Mr. Ramdeen.

Mr. Ramdeen: Member.

Mr. Richards: Thank you for joining us today. Following from Mrs. Baptiste-Primus' questions on the same *Guardian* article dated Friday, May 13, and I quote the second line:

> "He said the Opposition would be writing to President Anthony Carmona, who appointed Junkère 'and we will leave it to His Excellency to do what he considers to be right and proper in the circumstances.'"

It goes on to say:

> "He said the Opposition would also seek to determine if there was a 'breach of the Integrity in Public Life Act, whether there is any remedy that resides in the powers of the President, be they constitutional or any other, that he may have.'"

Following from Mrs. Baptiste-Primus' question, you made the statement, I am presuming on behalf of the Opposition, would that be correct?

Mr. Ramdeen: Correct.

Mr. Richards: If you and the Opposition decided that you would write to President Anthony Carmona, holder of the highest office in the land, following from Mrs. Baptiste-Primus' question, may it not have been more appropriate to officially notify the President of the Senate, the Presiding Officer, because of the implications for the entire Senate itself in its reputation and possible damage to it, as a matter of protocol and process?

Mr. Ramdeen: I am not au courant with what may have been the proper protocol in raising a matter of this nature. I am not aware that there is, and if there is and I breached or did not do what was considered to be the proper protocol. I do not know that there is any proper protocol for raising a matter of this and that may be a misstep on my part.

But what transpired was a matter that I considered to be of concern and if left unaddressed may have caused more harm than if addressed. So, the issue as to whether it brought the entire Senate into disrepute or may have tainted the deliberations of the Senate, I would have thought that if this was left unaddressed and it then surfaced at some other point in time, the fact that it was brought in the public domain, gave everyone the opportunity to either, one, correct a wrong that took place or to take appropriate action.

And if one looks at the statements, just to make reference to both paragraphs of the statements that are referred there, there is nothing, if one were to consider the first statement, which is quoted as saying:

> "'and we will leave it to His Excellency to do what he considers to be right and proper in the circumstances.'"

That statement is obviously based upon the fact that the appointment of a temporary Senator, the appointment of an Independent Senator, temporary or otherwise, is one that falls within the domain of His Excellency and, therefore, it is left up to His

Excellency who is responsible for that appointment to sanction, if one were to use that word, or to take any appropriate action if he considers that what transpired was not proper in the circumstances.

In the second statement that was made, which is that:

> "…the Opposition would also seek to determine if there was a 'breach of the Integrity in Public Life Act, whether there is any remedy that resides in the powers of the President, be they constitutional or any other, that he may have.'"

To just make it clear, if it is not made clear, or if there is any misapprehension as to what I was saying by those statements, it is not making any accusation that there was any improper action by anyone. It is not saying, and if it is not made out in the statement, I did not mean to say that there was a breach of the Integrity in Public Life Act. I think the clear and unambiguous statement of what I said is that we will seek to determine if there was. And that, I do not think anyone reasonably reading what was said there would come to the conclusion that I was saying that Sen. Junkère breached any provision of the Integrity in Public Life Act.

What we were saying is that we will look at the Act. We would see what the provisions say, because being a temporary Senator, be they Independent, Government or Opposition, you are subject to the provisions of the Integrity in Public Life Act, which lays down a particular code of conduct of persons in public life and, therefore, if there is any allegation by anyone, be it a member of the public, a Member of the Senate or otherwise, that there may be a breach of a provision of the Integrity in Public Life Act.

One would expect that the purpose for which the Integrity in Public Life Act was enacted, was to ensure that conduct of Members or persons who are in public life is raised to a particular standard and the purpose of having a code in the Integrity in Public Life Act is to ensure that persons in public life do not fall below that

standard. So simply, what I was basically saying is we look and see if there was any wrongdoing as a result of what transpired, and if there was, then leave it to the appropriate authorities to do what they consider proper.

Mr. Richards: Just to be clear once again, your suggestions in that commentary were invitations for further exploration and not a determination of judgment.

Mr. Ramdeen: It was never a meant or—just to answer the question frontally, it was never meant to be a determination of judgment against anyone. It was simply an enquiry or putting on notice persons who may have had the authority to "police" the conduct of us, Members of the Senate and, therefore, if something was done wrong by someone then those in whom those powers reside may examine that and see whether that it—and it cuts both ways Member, because at the end of the day if an allegation is made and that allegation is wrongly made or if a concern is raised and there is nothing to be concerned about, then one would expect two things would arise from that, as in any situation when allegations are made.

If an allegation is made and those in authority say we have looked at this and there is nothing wrong, then that allows the person against whom the allegation is made to be vindicated at the end of the day. And if they look at it and they find that something is wrong then it would be, one, to provide a sanction to what may have been done wrongly or, two, to ensure that it does not happen again in the future. Because I would expect that as myself, a junior Member, if I can put it in that way, of the Senate and where matters are raised of this nature for the first time, I have looked, just to give an example, far and wide and in the May's and throughout the Commonwealth. I have not had, I have found no example of a temporary Senator being brought before the Privileges Committee in any other jurisdiction. So in all of these cases, it is a learning curve that we are embarking upon and one would expect that if something was done that transgressed the rules, whether it be the laws or the practice, then if it is highlighted and corrected, then one would ensure that it is

guidance for those in the future.

Mr. Richards: Just one question.

Mr. Ramdeen: Sure.

Mr. Richards: In this instance. Column two, the same article:

> "Ramdeen claimed Junkère 'remains retained on the payroll of the Attorney General while holding the position of an Independent Senator.'"

You just stated there was no judgment implied. Do you think that statement, if it can be attributed to you in accuracy, though no judgment was implied, could send a particular perception without the facts of a further enquiry about Sen. Junkère?

Mr. Ramdeen: No. The statement that I am being pointed to which is that:

> "Ramdeen claimed Junkère 'remains retained on the payroll of the Attorney General while holding the position of an independent Senator.'"

As I consider, it is purely a factual one. Let me answer the question this way. What I indicated, which was that Sen. Junkère was retained by the Attorney General and remains on the payroll of the Attorney General is a purely factual one, which I supported by evidence. If it is that the wrong impression is given by my saying that Sen. Junkère remains on the payroll of the Attorney General, that of itself, if that is the impression that is being given by a factual statement, exemplifies the concern that would have been raised by what transpired in this particular case. It cannot be that the concern is raised by a factual statement that I made and, therefore, it would not have concerns in the wider public domain about what transpired.

And, therefore, the factual statement that I made, which I can submit to the Committee, if my statement is inaccurate, clearly I would be guilty of some wrongdoing. But, at the point in time when my statement was made, Sen. Junkère was retained by the Attorney General in a matter that was before the court that was proceeding while this matter was before the House, before the Parliament. So that, again, I can answer the question by saying, in my objective view, I was not making

any judgment with respect to the conduct of Sen. Junkère. The statement that has been referred to, which is that he remains on the payroll of the Attorney General while holding the position of an Independent Senator, I consider it to be a purely factual one, one not made without the support of the evidence.

Mr. Richards: Thank you.

Mr. Ramdeen: Thank you, member.

Mr. De Freitas: Good afternoon, Mr. Ramdeen.

Mr. Ramdeen: Good afternoon, Mr. De Freitas.

Mr. De Freitas: The questions that I have are borne out of responses given to questions from Sen. Baptiste-Primus and Sen. Richards. Just for clarification purposes, you indicated that in response to the question regarding speaking with the President of the Senate, once you determined that there may have been an issue, that you may not have been privy to any protocol regarding such. The question that I have really is that within the Standing Orders of the Senate there is one avenue that could have been taken, which is the avenue that has you sitting in front of us right now, which is the Privileges Committee. So whereas you, within your own reasoning, may have determined that there may have been some sort of a breach, why is it that you did not, either yourself raise the Privileges Motion within the Senate?

Also within the media articles that we have in front of us, you indicated repeatedly that this avenue was taken in conjunction with the Opposition. Being a temporary Senator yourself, any one of the other substantive Opposition Senators could have raised that Motion subsequently. So again the question is, why did you not take that avenue? Instead, you chose to go to the public domain to raise this issue.

Mr. Ramdeen: Well, in answer to the first question that was posed, I could not raise it as a matter of privilege because my term as a temporary Senator would have

come to an end before the next sitting of the Senate, and the practice, I think, is set our clearly in May's that a matter of privilege must be raised at the next available sitting of the House, whether it be the Lower House or the Upper House. So that is the first one.

Secondly, why the matter was not raised as a matter of privilege by any other Member of the Opposition, I do not think it would be proper of me to surmise or to suspect as to why that is not the position. But if that were to be, if it is to be accepted that that is the proper forum for the raising of a matter of this nature, that is that it should be raised as a matter of privilege, then what I can say is I do not think that it is the only forum that one can raise a concern about a matter that transpired, which is of concern to the Members of the Senate or to the general public. I did not see that me raising it in the public domain trespassed upon the jurisdiction of anyone else to take the appropriate action, whether it be a Member of the Independent, Opposition or Government Bench.

Mr. De Freitas: Well I am just assuming, based on the media reports that your statements in the media reports and on the television programme, that this was done in conjunction with the Opposition. It was not done as a separate issue or in your capacity as a citizen of Trinidad and Tobago and, therefore, I ask the question again, if this was done in conjunction with the Opposition Members, I think six of which are substantive Senators, why did any of the Senators not raise this as a Privilege Motion? Your words and your actions, based on the media reports, cannot be separated from the Opposition because you have repeated in these media reports that this was one unison argument being put forward along with the Opposition.

Mr. Ramdeen: Member, I cannot—as with the answers I gave before—say why it was not raised as a Privilege Motion by any other Member of the Opposition. So I cannot go further than that in answering the question as to why it was not raised as a Privilege Motion by any other Member of the Opposition.

Mr. Mark: Let me welcome Mr. Ramdeen. Mr. Ramdeen, what is your period of service as a parliamentarian? How long have you been a parliamentarian?

Madam Chairman: How long did you act as a temporary Senator? I think that is what Sen. Mark is asking you.

Mr. Ramdeen: One week.

Mr. Mark: Have you had any previous experience as a parliamentarian?

Mr. Ramdeen: No.

Mr. Mark: Do you understand what is parliamentary privilege? As an attorney-at-law, have you ever been exposed to the concept of parliamentary privilege?

Mr. Ramdeen: Not before this occasion.

Mr. Mark: Do you know what is contempt?

Mr. Ramdeen: In a legal sense.

Mr. Mark: Would you indicate to this Committee to what extent your statements, which have been recorded, would have been attributed to exuberance, newness, somebody who not having any experience in these matters?

Mr. Ramdeen: In hindsight, I think that a large degree of—well in hindsight, what transpired may, or could have been dealt with differently if I had considered it carefully in the context of parliamentary privilege or otherwise.

Mr. Mark: Some of the statements attributed to, have been made by you in the newspapers about the former Independent Senator, and how he cast his vote and—[*Interruption*]

Madam Chairman: Which newspapers, Sen. Mark, because we are—[*Interruption*]

Mr. Mark: I am referring to the *Express* of Friday 13th May.

Madam Chairman: Yes, I just want Mr. Ramdeen to have the, yes.

Mr. Mark:—where, for instance, you gave the impression in this article that Junkère

was on the payroll of the Attorney General and you felt very strongly about that. Where is the evidence to support what you are saying?

Mr. Ramdeen: That he was on the payroll of the Attorney General? The proceedings that I presented, which evidenced that Mr. Junkère was retained by the Office of the Attorney General.

Mr. Mark: When you say proceedings, what proceedings?

Mr. Ramdeen: The High Court proceedings.

Madam Chairman: In the transcript, you did refer to the High Court proceedings. So it is there before us, Sen. Mark.

Mr. Mark: So you felt very strongly, as an individual, when you made that statement that Junkère, given the evidence that you had before you, was on the payroll of the Attorney General and that he ought to have declared his interest to the nation? Is that true?

Mr. Ramdeen: Correct.

Mr. Mark: I would pause for the time being.

Mrs. Baptiste-Primus: Thank you, Madam Chair. Mr. Ramdeen, why in your view you felt that Mr. Junkère committed a grievous offence?

Mr. Ramdeen: Mrs. Primus, I have been a practising lawyer for 15 years in this jurisdiction and I have practised in the field of public law for 15 years. And having that experience behind me, is one where, on a daily basis, I task myself with helping persons whom the system has worked against. And I saw—my profession allows me to try, in the best way possible with the gifts that I have been given, and pursue justice in the purest form.

As a lawyer, I was privileged to be appointed a temporary Senator in, perhaps, the most sacred of all places in the lawmaking process, which is in Parliament. And having the experience that I have as an attorney-at-law and having practised the way in which I have practised, I expect that the lawmaking process will, perhaps, be the

purest of all of the democratic processes that we confide to as a people.

5.05 p.m.

The Constitution sets up a process whereby the laws of our country, are made by persons who are appointed by the Opposition, persons who are Members of Parliament, appointed by the people, who elect them there, and all of those constitute what I consider the rule of law. The Preamble to our Constitution sets out that.

So that when it came to my attention, that a Member of the Independent Bench was retained by the Office of the Attorney General, I myself for five years, was retained by the Office of the Attorney General, and if at any point in time His Excellency had considered me to be someone who ought to sit as an Independent Senator, then I would have thought it proper in my mind to disclose that fact to His Excellency. Because I do not think that having regard to my positions on certain matters or my position politically, that it is right for me to accept a position as an Independent Senator, where I have certain biases, whether they be right or wrong. And I think that the fact that Sen. Junkère was retained by the Office of the Attorney General, when that came to my attention, instinctively, it triggered off in me that perhaps more not a Senator, but more of a lawyer. Because if one examines carefully the law of bias, then one would understand that the fact that one is paid by someone else, is one of the fundamental pillars in the law of bias. And where such a critical Bill was before the Senate, where the vote of the Independents would have held the balance between the Opposition and the Government, one would have considered in those circumstances that the rule of law and the Constitution, and what binds us together as a democracy, would not be tainted in any way possible, or anything would transpire in that process that would allow someone to think for a moment whether, not even expressly, but apparently, that something went wrong.

I think as a Parliament we all sit, so that at the end of the day the result of the task that we perform as parliamentarians would be one where all the citizens of the

country, whether they belong to the Opposition, whether they belong to the Government or whether they are simply undecided, would be comfortable that when we pass laws, those laws that are passed are not in any way tainted by anything, and the reason why, perhaps I, more than anyone else, as Sen. Mark may have considered to be exuberance. But the reason why I, perhaps, am more sensitive to an issue like this is because I was involved in the section 34 litigation from the High Court, all the way to the Privy Council, and I understood the concerns of the country. I understood what was done. I was part of the constitutional possess that challenged that law from the High Court all the way to the Privy Council.

And, therefore, when something like this happens, perhaps to me, objectively or subjectively, it may trigger off in me something that does not trigger off in anyone else. But my statements that were made in this matter, were made—if there is any ambiguity about it, I can clear it up to the Committee now. My statements that were made in this matter, were made in the context of simply one of concern, and if that concern could have been put to rest, then I did not make those statements in any way to cast any aspersions upon anyone.

I made those statements because I thought that what I considered to be proper and right in the circumstances, was not met in the circumstances of this particular case. So that if there was any doubt or if there was any concern, or if matters of this nature had risen in another context where I was involved, I would have treated with it differently. Because like I have said before, if I have been retained by the Ministry of the Attorney General to represent the State in a particular matter, and the Attorney General is piloting a Bill in Parliament, and His Excellency were to ask me whether I would sit as an Independent Senator, in those circumstances I, because of the principles that I adhere to, consider that it would be right to disclose. Firstly, to His Excellency that this is the position, and secondly, to the House, so that the House would understand what my position is, and there would be no suspicion held by a

Member of Senate, be it Opposition, Independent or Government, or a member of the public, that there is anything to be concerned about.

Mrs. Baptiste-Primus: Mr. Ramdeen, did the President share his thoughts with you on this issue?

Mr. Ramdeen: His Excellency?

Mrs. Baptiste-Primus: Yes.

Mr. Ramdeen: No.

Madam Chairman: Mrs. Baptiste-Primus, no—

Mrs. Baptiste-Primus: Permit me, Madam, because you see, Mr. Ramdeen has shared with us the fact that had the President—

Madam Chairman: Yes, but if I may, just one thing? I think Mr. Ramdeen earlier on said he did not contact the President on this issue, correct?

Mr. Ramdeen: That is correct.

Madam Chairman: I think he gave that information earlier. So I am not sure that this question is necessarily a follow-up to that.

Mrs. Baptiste-Primus: Okay, I take your point. Mr. Ramdeen, do you recall the deceased Dana Seetahal?

Mr. Ramdeen: I do.

Mrs. Baptiste-Primus: Do you recall her being one of the most respected attorney-at-law in this country?

Mr. Ramdeen: I consider her to be.

Mrs. Baptiste-Primus: Yes, many, many, many of us, perhaps the entire country. Do you recall Dana Seetahal being appointed as an Independent Senator for several years in this country?

Mr. Ramdeen: I do.

Mrs. Baptiste-Primus: Are you aware that during the period of her service, she was the recipient of many, many, many Government briefs, even from the Office of

the Attorney General?

Mr. Ramdeen: I am not aware that she was—that that is the position while she was a sitting Independent Senator.

Mrs. Baptiste-Primus: Well, I think Mr. Ramdeen, I would strongly suggest to you, that you do a bit of research in this area. You did admit to my colleague, Sen. Mark, that your entry into the Senate, perhaps like me, is of recent vintage and, therefore, I think it would auger well for you to research the fact that it is generally well known that the deceased Independent Senator, well-loved person, her briefs with the Government never affected the way she voted in the Senate as an Independent Senator. So I will leave that there for you, and hopefully you would engage in the necessary research.

But I would just like to ask you, Mr. Ramdeen, I do not know if you are in a position at this point time, or whether or not you are in possession of the information. Are you aware when Mr. Junkère was employed in the Office of the Attorney General?

Mr. Ramdeen: It would have been sometime in 2015.

Mrs. Baptiste-Primus: So that the current Attorney General had no role to play in contracting the services of Mr. Junkère?

Mr. Ramdeen: I would not know what role Mr. Al-Rawi had, in relation to the contracting of the services of Mr. Junkère. My statements were made based upon the Office, ex officio, of Attorney General, whether it be held by Mr. Al-Rawi or anyone else.

Mrs. Baptiste-Primus: But Mr. Ramdeen, we are all adults, if someone occupies an office, you deal with an office holder, yes, but different persons occupy offices at different points in time. And I am asking you, whether or not you are aware that the current Attorney General, had no role to play in the employment of Mr. Junkère?

Mr. Ramdeen: None of my statements that were made, Ms Baptiste-Primus were

made premised upon who retained the services of Mr. Junkère. My statements were made on the premise that the Attorney General by virtue of the State Liability and Proceedings Act, section 19, is the defender of proceedings in civil proceedings against the State, whoever the office holder may be.

And, therefore, when Mr. Junkère appears in court, he appears on behalf of the Office of the Attorney General, to represent the Attorney General, eo nomine, in civil proceedings against the State. So that my statements that were made with respect to Mr. Junkère, were premised not on who he was retained by, but on the fact that when he represents and appears in court on behalf of the Attorney General, and my reference was made to times when this matter, the Strategic Services Agency Bill, was before the Parliament of Trinidad and Tobago, he was representing the sitting Attorney General, eo nomine, in civil proceedings against the State, and he was on the payroll of Attorney General, eo nomine, at the time when my statements were made.

Mrs. Baptiste-Primus: Mr. Ramdeen, is it not correct that Mr. Junkère would have been employed by the former administration, now Opposition, of which you are a very—very much a part of?

Mr. Ramdeen: I am not privy at this point in time to the records of the Solicitor General, where there will be a file, and I am sure that this Committee would have the powers to subpoena those records, to determine who employed Mr. Junkère, which Attorney General was sitting at the time, and when he would have been retained? But I want to make it clear to the Committee, that my statements that were made were not premised upon who retained Mr. Junkère. Mr. Junkère represents the Office of the Attorney General, eo nomine and, therefore, my statements that were made with respect to his representing the Attorney General, were made with respect to him representing the Office of the Attorney General.

Mrs. Baptiste-Primus: Mr. Ramdeen, were you ever contracted by the Office of

the Attorney General?

Madam Chairman: Mrs. Baptiste-Primus, I am not certain about that question and it is—

Mrs. Baptiste-Primus: Well, the point that I am trying to get—

Madam Chairman: Mr. Ramdeen has spoken about the fact he is an attorney. He spoke about appearing in the constitutional matters. So I think that is on the record already.

Mrs. Baptiste-Primus: Mr. Ramdeen made a point. I was just trying to get his thoughts on it. He made a point that Mr. Junkère, being part of the Attorney General's Office, ought not to have voted in Parliament. So that I just wanted to ask Mr. Ramdeen, having worked for the Office of the Attorney General, would it not have influenced him too, in the way he voted in the Senate?

Mr. Ramdeen: Well, I think that an understanding of the role of an Independent Senator, as the hon. Attorney General, Mr. Al-Rawi, has made very clear in the public domain is diametrically opposed to the position of an Opposition Senator or a Government Senator who, to quote the words of Mr. Al-Rawi, operate under a whip system. And, therefore, the constitutional understanding of the role of an Independent Senator, is far much different from that of Senators who operate partisanly, as being independent or otherwise unless a conscience vote is being taken, and the whips are detached or released.

So that the position of Mr. Junkère is far much different from my position. As I have indicated before, if I am being retained by the Office of the Attorney General, I will not accept an Independent senatorial role by His Excellency because I consider it not to be proper in the circumstances.

So what would have influenced my voting with respect to the Strategic Services Agency Bill is the position taken collectively by my colleagues, as part of the Opposition Bench, and nothing else.

Mrs. Baptiste-Primus: So is that why you thought to publicly ridicule Mr. Junkère, and to cast aspersion on his character?

Mr. Ramdeen: I do not think anywhere in the grounds of the Motion, it is suggested that I publicly ridiculed Mr. Junkère or cast aspersions on his character. At no point in time, if I am to answer that question, was it my intention to ridicule any Member of the Senate, nor would it ever be my intention to ridicule or cast aspersions upon any Member of the Senate. It was simply to bring to the public domain a matter which, as I indicated before, was a particular concern to me because I thought it affected the transparency and the pureness of the lawmaking process.

Madam Chairman: Mr. Ramdeen, if I may, just to intervene just because of that last question and your response? I just want to remind you of the letter sent to you on June 08th, and where it spoke about the grounds for the allegations and ground two is, reflecting on the character and conduct of Sen. Junkère, in such a manner that brought the Senate into ridicule and odium. If I may, I think that is what—

Mr. Ramdeen: Well, if I can just make the distinction—if I am allowed to make the distinction, Madam Chair, is that what I was asked was whether it was to ridicule Mr. Junkère, and I think the grounds of the Motion is to ridicule the Senate, and to bring the Senate into odium.

Madam Chairman: I do not want us to embark on—

Mr. Ramdeen: The technicalities of it.

Madam Chairman:—the technicalities, but it does talk about reflecting on the character and conduct of Sen. Junkère, and I think, just listening to what is being posed, perhaps that is the—

Mr. Ramdeen: In any event, Madam Chair, my answer, I think, works both ways, and my position is, that at no point in time was it ever my intention to ridicule particularly Mr. Junkère, or was it ever my intention to bring the Senate into ridicule or odium. That would never be my position, either in this here or thereafter.

Mr. Richards: Mr. Ramdeen, following from that point two, as referenced by Madam Chair, I refer to the transcript from the TV6 morning interview with Mr. Fazeer Mohammed and Sen. Gerald Ramdeen. Page 4, and I am quoting from the top:

> "Sen. Ramdeen:—she began her contribution by saying… She stood up and…started her contribution by saying: 'Over the weekend'—that is the weekend before—"

Mr. Ramdeen: Member, could you just give me one—I was just referring to the wrong—

Mr. Richards: Oh, sorry. The TV6 transcript.

Mr. Ramdeen: Page 4?

Mr. Richards: Yeah, top of page 4.

Mr. Ramdeen: She began her contribution…

Mr. Richards: Yeah, and please correct along the way if any of this is incorrect in terms of what you remember saying:

> "…—she began her contribution by saying… She stood up and…started her contribution by saying: 'Over the weekend'—that is the weekend before—'people were asking me'—this is Miss Sophia Chote, Senior Counsel—
>
> Mr. Mohammed: Yeah.
>
> Sen. Ramdeen:—a well-respected member of the Inner Bar—'Are you the one? Are you the one?' And Miss Chote was saying, well when people were asking me…she could not understand what they were"—saying.

The reference goes further down:

> "It is only on Tuesday she understood that the Government needed one Independent vote to pass this Bill through the Upper House…people had already had a suspicion because of the actions of the Attorney General on Saturday to schedule these meetings with the Independent Senators on

> Monday, with the Opposition on Tuesday, and the Senate sitting on Tuesday afternoon." With—"less than an hour, the Independent Senators had less than 24 hours and, therefore, it is ripe with conspiracy because of what transpired."

I would like reference also, page 5, middle of the page, Sen. Ramdeen, and going down to lines 1, 2, 3, 4, 5, 6, of your reported commentary, in the middle of it:

> "And, is it a coincidence Faz? Is it a coincidence that the two Independent Senators who chose to go to the closed-door meeting of the Attorney General are the two Independent Senators who voted for the Attorney General? It doesn't look right."

You mentioned before that it was not your intention to lay judgment or cast aspersion. It is concerns about perception of conflict of interest, would that be correct?

Mr. Ramdeen: [*Assent indicated*]

Mr. Richards: And soliciting further enquiry because of that. Do these statements not, when you think about it, the newspaper reports which in some instances are reported, not necessarily verbatim from you, and these two I referenced here, taken by the public, be perceived as a judgment or cast aspersions, because of the context within which they were being delivered, and when a statement is made like "It doesn't like right", and with two Independent Senators who voted for the Attorney General, "It doesn't look right". When taken in context, your concern is about perception, what about the perception these cast when taken together?

Mr. Ramdeen: Sen. Richards, if one looks at the entire transcript of the conversation between myself and Mr. Mohammed, you would see that he was giving one side of what the position was, and I was giving the other side. And if you read lower down you would see I said—he was saying, well, it could also be that the Independent Senators were being considered to be independent, which was the other flip side of it. And then I said, well, the other side of that could also be, that it could

mean that there was some influence somewhere.

So that I think, if one were to look at the conversation that was being had, holistically, you would see that the conversation really focused on the both impressions that could be given; one good, one bad. So I think, what came out of the interview was clearly, both sides in which it can be perceived, whether good or bad. What I can say is that, Sen. Richards, it is quite ironic the way in which we are looking at it ex post facto as a Committee, because the strange thing about this is simply that if one were to perceive that the things that I said, in these statements and interviews, will cast aspersions in any particular way, and there is no challenge to the factual basis upon which what I said was correct, which is simply on a very narrow context, that Sen. Junkère at the time was retained by the Office of the Attorney General.

Then it goes to answer the ultimate question which is, should we, as a Parliament, be concerned about what transpired? Because if you sit as Sen. Richards or any member of the Committee, were to have concerns about the impression that is being given by the statements that I made, and the statements that I made are factually sound, then it would also mean that objectively members of the public, who are the persons who the lawmaking process is supposed to be catered for, would objectively have the same concerns.

And, therefore if that is the position, then we all ought to be concerned about what transpired. And, therefore, in the context in which it is being raised, it is being raised not to pass judgment upon anyone, but to ensure that the process in which we are all engaged as parliamentarians is one in which the public can have confidence in. So that if any Member of this Committee is concerned about the statements that I made, because the members of the public will look at a sitting Senator in a particular way. Unless, and respectfully I say so, because every Member is entitled to their view as sitting collectively as a Committee. Unless what I said was factually

incorrect, then the concerns that we have about the impression it would give to anyone out there, an ordinary member, an ordinary citizen, is one we should all be concerned about. Because that impression that is being given is that persons would have voted in a particular way because of the surrounding circumstances that transpired, whether they be coincidentally or intentionally, or otherwise. Because at the end of the day, I do not think that anyone sitting around this table shares a different view from the fact that what we collectively do, as a Parliament, ought to be something that every citizen should have confidence in, and should have no questions about or concerns about.

And I continue to say, at the end of the day, if the wrong impression was being given by anything that I said, I want to make it very clear to the Committee that the statements that I made were made in the context of concerns about things that have transpired, and nothing more than that. And I think as a responsible Member of Parliament for a very temporary and short period of time, the concerns that I have were concerns about the process.

Sen. Richards, I just want you to understand that what I do every day, like how you do interviews, I do—my job is about process. It is about ensuring that the process that our citizens are subjected to is the correct one, and a lot of times, that is not the position. So perhaps it may be that I am a little bit more sensitive to these kinds of issues, than anyone else, but at the end of the day, I want to make it very clear, that what I was concerned about, was process. It had nothing to do with an individual. So it had nothing to do with whether it be Mr. Junkère or Mr. John or Brown or whoever it is. It just was a concern about the process, and if things are to work in the way in which they ought to work, I do not think that what transpired in this particular case, should have reached the point where people could have questions about what took place.

Madam Chairman: Members, may I ask? Mr. Ramdeen—

Mr. Ramdeen: Madam Chair.

Madam Chairman: We have listened to your answers to the questions. May I try to summarise some of the answers that you have given, and you will indicate whether I am right or wrong—

Mr. Ramdeen: Sure.

Madam Chairman:—in the summary? You say that you are—having made the statements you were concerned about the process. Is it, therefore, that you are saying that the process was tainted in some way?

Mr. Ramdeen: No. I want to make it clear, Madam Chair, that what I am saying is that there could be the impression, to an objective person looking at it, that the process may have been tainted.

Madam Chairman: Right. So that is what—because words were uttered, and we have to look at the meaning of the words. What someone who reads or hears the press conference, or reads the newspaper reports, would take away from what was said.

Mr. Ramdeen: Madam Chair, can I just say this? I think we are at cross purposes, because I think you are referring to my statements. Whereas, I am referring, if I am correct, correct me if I am wrong, that the target of your question or statement of what I said, is not my statements, but the process as to what transpired in Parliament?

Madam Chairman: Yes. So that is why I am asking you because you say that you are very concerned about the process.

Mr. Ramdeen: Correct.

Madam Chairman: And I take it by that process you meant the process of the lawmaking—

Mr. Ramdeen: Correct.

Madam Chairman:—in respect of the Strategic Services (Amdt.) Bill.

Mr. Ramdeen: Correct.

Madam Chairman: And, therefore, I am asking you, by being concerned with the process, you raised certain issues about former Sen. Junkère, right?

Mr. Ramdeen: Correct.

Madam Chairman: And you said basically that he was retained by the Office of the Attorney General, and because he was retained by the Office of the Attorney General, by your words you are saying, he could not be an Independent Senator. Is that it?

Mr. Ramdeen: No.

Madam Chairman: He could not perform his role as an Independent Senator.

Mr. Ramdeen: No.

Madam Chairman: So what exactly is causing or did cause you issues with Sen. Junkère being retained by the Office of the Attorney General, with respect to process? What exactly are you saying is the issue?

Mr. Ramdeen: That he ought to have disclosed that to His Excellency, and he ought to have disclosed it to the House.

Madam Chairman: So that is your issue?

Mr. Ramdeen: To the Senate, sorry.

Madam Chairman: Okay. So that the fact that he was retained by the Office of the Attorney General, is not the issue for you? It is just disclosure? Is that it?

Mr. Ramdeen: Yeah.

Madam Chairman: That is what you are saying is the issue?

Mr. Ramdeen: Yeah.

Madam Chairman: Anybody else before I ask this—

Mrs. Baptiste-Primus: Madam Chair, I refer—Mr. Ramdeen, I am looking at the *Express* of May 13th, titled: Ramdeen: Junkère on AG's Payroll.

Mr. Ramdeen: Have it.

Mrs. Baptiste-Primus: Right. The very first paragraph by Kim Boodram states:

> Opposition Senator Gerald Ramdeen said yesterday the People's Partnership intends to write a letter of objection to President Anthony Carmona, over Independent Senator Justine Junkère, who Ramdeen said supported Government's contentious Strategic Services Agency, SSA (Amdt.) Bill, while sitting on the payroll of the Office of the Attorney General.

Was such a letter written by the PP to His Excellency?

Mr. Ramdeen: I do—from my knowledge, I did not write any letter.

Mrs. Baptiste-Primus: Are you aware whether or not the PP wrote His Excellency as you—as it is reported you stated the intention to?

Mr. Ramdeen: I am not aware.

Mrs. Baptiste-Primus: So that if that intention was stated, do you not think it was or is your responsibility to become—to inform yourself as to whether or not your party wrote His Excellency?

Mr. Ramdeen: Well, I am not aware.

Mrs. Baptiste-Primus: I accept that. I have gone on, Mr. Ramdeen, whether or not you do not think it is your responsibility to inform yourself, since this matter is of such grievous concern to you, for you to have informed yourself as to whether or not your party, the party you represent in the Senate, actually wrote His Excellency on the matter?

Mr. Ramdeen: No. I do not—I did not consider it, that it was material for me to find out that for the purposes of me being here today.

Mrs. Baptiste-Primus: But, Mr. Ramdeen, the article says that you made that statement, that the PP intends to write a letter of objection to President Carmona, over Independent Senator Justin Junkère.

Mr. Ramdeen: Correct.

Mrs. Baptiste-Primus: You made such a statement, and I am saying, if you made such a statement, do you not think that it was your responsibility to inform yourself,

as the whether or not such a letter was written?

Mr. Ramdeen: Well, Ms. Baptiste-Primus, the grounds of the Motion are really limited to what I would have done, and I have not written His Excellency with respect to the conduct of Mr. Junkère.

Mrs. Baptiste-Primus: So, therefore, Mr. Ramdeen, clearly, your statements were intended to intimidate Sen. Junkère?

Mr. Ramdeen: Well, I think—

Mrs. Baptiste-Primus:—because you held a press conference, you made certain statements of intent, and you are telling this Committee now, that you are not aware, you did not write and you are not aware if the party to which you are affiliated, you are not aware whether or not they wrote. So it is reasonable for one to think that your intentions and your statements were intended to intimidate Sen. Junkère, in one way or the other?

Mr. Ramdeen: I do not think it would be proper for me to answer that question, because that is the ultimate question for the Committee to determine.

Mrs. Baptiste-Primus: And the whole press conference and the various statements, were really meant to cast aspersions on Sen. Junkère's character?

Mr. Ramdeen: Ms. Baptiste-Primus, as I indicated before, the ultimate issue that the Committee has to determine is really the question that you are asking me. But to answer your question, as I indicated before, I do not think, I know, that nothing that I said was factually incorrect at the time that those statements were made. So that they were factually correct and the purpose for which they were made, was to voice my concerns about what took place, with respect to the process engaged in passing the Strategic Services Agency (Amdt.) Bill.

Mrs. Baptiste-Primus: Mr. Ramdeen, I am still on the daily *Express*, Friday, May 13th, the second column, the last paragraph:

He said—

—meaning your good self.

> —an effort will now be made to look for existing mechanisms to deal with the juxtaposition of Junkère's employment and his vote.

What exactly did you mean by that statement?

Mr. Ramdeen: Those are not my statements.

Mrs. Baptiste-Primus: The paragraph before that says:

> Ramdeen, an attorney said, the process of the passing of the Bill was an insult to democracy and to the nation. He said an effort will now be made to look for existing mechanisms to deal with the juxtaposition of Junkère's employment and his vote, et cetera, et cetera.

You are saying those—

Mr. Ramdeen: Those are not my words.

Mrs. Baptiste-Primus: You never made those statements?

Mr. Ramdeen: Those are not my words.

Mrs. Baptiste-Primus: Mr. Ramdeen, earlier in response to Sen. Paul Richards' question, you indicated that it was never your intention to be judgmental about Sen. Junkère. That same second column, the third to last paragraph:

> That the Attorney General neglected to mention Junkère's status, and that Junkère himself kept mum, made this issue worse than section 34.

Were you not being judgmental about Sen. Junkère?

Mr. Ramdeen: No. The Attorney General neglected to mention Junkère's status, and that Junkère himself kept mum, made this issue worse than section 34.

Mrs. Baptiste-Primus: You were voicing an opinion?

Mr. Ramdeen: With respect to the concerns that the entire country had, with respect to what transpired in the passing of the Indictable Offences (Preliminary Enquiry) (Amdt.) Bill, which is that the entire population, I think it is a matter of public record, voiced their concerns about the manner in which that legislation was passed, and the

persons to whom it applied, and the consequences that could arise if that legislation was not revoked. And, therefore, if one looks at the last line of the last paragraph, in the second column, you would see:

> …and his vote. But ultimately, the population could object like it did to section 34.

So the purpose of drawing an analogy between section 34 and the passing of the Strategic Services (Amdt.) Bill, was simply to show that the population had certain concerns about what transpired with section 34, where there is the perception that something went wrong. And, therefore, if something went wrong, what the consequences could be with respect to the perception of the population. Notwithstanding that section 34 in its original incarnation was amended, and that amendment was held constitutional all the way to the judicial committee, persons still, up to today, have voiced their concerns about the way in which the lawmaking process was perceived to be manipulated to get a particular result.

And, therefore, the analogy between section 34 and what transpired in this particular case was simply to show what the concerns of the population can be, where there is the perception, and nothing more than the perception, that something went wrong.

Mrs. Baptiste-Primus: But that is your opinion, Mr. Ramdeen?

Madam Chairman: Yes, and Mr. Ramdeen is entitled to his opinion.

Mrs. Baptiste-Primus: Mr. Ramdeen, how many members of the public, outside of the party you belong to, how many members of the public or national community enjoined you in this concern, that you raised about Sen. Junkère?

Madam Chairman: Mrs. Baptiste-Primus, I do not I think that that is something that the Committee really needs to take into account.

Mrs. Baptiste-Primus: I would be so guided, Madam Chair.

Madam Chairman: Thank you. Thank you.

Yes, Sen. De Freitas?

Mr. De Freitas: Mr. Ramdeen, in your responses to Sen. Baptiste-Primus, you have repeatedly stated that it was not your intention for certain things. Do you agree that despite not having an intention, that a certain outcome can be different or—still have—

Mr. Ramdeen: Sorry, I did not hear the last part. Say again, Mr. De Freitas, sorry.

Mr. De Freitas:—that despite—what I am saying is that although you may not have had a particular intention, do you agree, that despite not have an intention, an effect of that not having that intention can happen. In other words, do you agree that there is a difference between intention and effect? Whereas you may not have an intention to do something, but it can still have an effect.

Mr. Ramdeen: Well, intention and consequence are two between concepts. My intention is—the intention that I hold is one that is subjective to me. The way in which that intention manifests itself in the minds of other persons, I have no control over that, and I am not in a position to indicate how it is that my intentions manifest themselves in the minds of other persons.

Madam Chairman: I think—if I may? If I may, Mr. Ramdeen. What I am understanding from that question, I may be wrong. You have said it was not your intention to demean Mr. Junkère, basically that is what you have said to the Committee. But I think what members of the Committee are asking you, if you look at the words that you uttered, and you look at them objectively, anyone—these words mean something. And, therefore, anyone listening to these words, seeing you in the press conference, listening and seeing you on the morning show, or reading the newspaper reports, would form an impression of Sen. Junkère, and how he acted in the performance of his duties as a Senator, because that is what this Committee is interested in. We are not interested in Sen. Junkère, other than what you have said about him in respect of the vote on the SSA Bill.

So let me ask you some questions just to follow up from what Sen. De Freitas is saying. And I am referring, Mr. Ramdeen, to the press conference transcript. Page 3, and I am just going down to the second paragraph, page 3:

> "And we consider the fact that Mr. Justin Junkère was retained in matters by the Attorney General, and the fact was not brought to the attention of the Parliament, by the Attorney General or Mr. Junkère, to be a very serious breach of our democracy and the lawmaking process."

Page 4, third paragraph:

> "Mr. Justin Junkère…for eight hours…"

—but then go down, and you say that:

> "…at any time thereafter, that Mr. Justin Junkère was on the payroll of the Attorney General, who was the person piloting this Bill, piloting this Bill in the Lower House, and in the Upper House. And we find that to be extremely, extremely disturbing to the democracy of this country."

Page 6, top of page 6;

> "They understood that there were Independent Senators, the Independent, the truly Independent Senators, were not going to support the Strategic Services Agency (Amdt.) Bill. And if…this is what we must come to for the Government to pass legislation…we are in trouble in Trinidad and Tobago."

And lastly, because I can go through these, because these are your words, Mr. Ramdeen. You go on to say:

> "We are in deep trouble if the Attorney General of this country could sit there and know that an Independent Senator is sitting on the Independent Bench, and while he's sitting on the Independent Bench, he's on the payroll of the Attorney General, and not disclose that to the Parliament or the public. We are in real trouble."

By these words, when you speak about the "truly Independent Senators", are you

not implying that former Sen. Junkère, was in breach of some convention of Parliament, was in breach of his duties to the Parliament? That there was something sinister or untoward about what Sen. Junkère was doing at the time?

Mr. Ramdeen: And when one considers all of the paragraphs that have been cited, I think any reasonable person would consider that Sen. Junkère ought to have disclosed that very fact to the Parliament.

Madam Chairman: So, that is one side of what you are saying. That is fine. That is what you are saying, but I am asking you, any reasonable person, listening and hearing those words uttered, what do you think that reasonable person, objective person, would take from those words?

Mr. Ramdeen: That Sen. Junkère, when one—that Sen. Junkère should have disclosed that he was retained by the Attorney General.

Madam Chairman: Anything else about Sen. Junkère, that Senator—does it say anything, therefore, about Sen. Junkère's vote?

Mr. Ramdeen: Of his vote? No.

Madam Chairman: Do you think that his vote—because you spoke about the "truly Independent Senators".

Mr. Ramdeen: I think if it was—Madam Chair, if he did disclose the fact that he was retained by the Office of the Attorney General, either to His Excellency or to the House or to the Senate, before he made his contribution, or at any point in time before the vote was taken, I do not think that anyone or it would have given anyone the opportunity, to be able to adjudicate upon whether his vote was tainted in anyway.

As I indicated before, all of the paragraphs that I have been referred to, save and except the words "truly Independent Senators", everything else that I have been referred to is clearly premised upon the fact he failed to disclose, what I consider to be a matter that ought to have been disclosed in the proper discharge of his functions

as a Senator.

Mr. Richards: Madam Chair, if I could just follow from that. Mr. Ramdeen, the press conference transcript, page 3, which was just referenced by, Madam Chair; second paragraph, middle of it, and I am going from line 4, the end of line 4:

> "And we consider the fact that Mr. Justin Junkère was retained in matters by the Attorney General, and that fact was not brought to the attention of the Parliament, by the Attorney General or Mr. Justin Junkère, to be a serious breach of our democracy, and…lawmaking process.

That, and please correct me if I am wrong. That does not seem like non-determination or judgment to me. That seems like a statement of—I have made the decision on the action, and that is what it is. That does not seem like it is a possible breach. It says:

> It is a—"breach of our democracy, and…lawmaking process."

Which is in conflict to what you said earlier, that there was no judgment implied, it was an enquiry for further investigation.

5.50 p.m.

Mr. Ramdeen: Sen. Richards, when one considers that if one considers that something proper ought to have been done and it was not done and I follow that by saying it to be a very serious breach of our democracy and the law-making process, it really goes to the process that was engaged in passing the Strategic Services Agency Bill. It does not go to the individual. If the process—if one Senator does something that taints the process by which laws are made, it does not reflect upon one Senator, it reflects upon the process.

Mr. Richards: So determination has been made that that Senator did something wrong?

Mr. Ramdeen: No. I did not say that. I said that in my view, I considered that

what transpired in this particular case, which is a fact that ought to have been brought to the attention of His Excellency or to the Senate, ought to have been disclosed. And if it was not disclosed, then that is the seed that is planted that springs the suspicion as to what follows thereafter.

Mr. Richards: But is this thing still suspicion when the statement says "to be a serious breach of our democracy and lawmaking". Is that still suspicion or has that gone beyond the realm of suspicion and now judgment?

Mr. Ramdeen: Well, I do not see that the issue of judgment arises. If I say that I consider what transpired in this particular case to be a breach of our democracy, it does not focus on Mr. Junkère. It focuses on the process that was engaged to pass the Bill.

Mr. Richards: Thank you.

Madam Chairman: Members, we are about to conclude our questions to Mr. Ramdeen.

Mrs. Baptiste-Primus: I just have one final question for Mr. Ramdeen.

Madam Chairman: If I could just say, let us limit it to one question.

Mrs. Baptiste-Primus: Just one question. Mr. Ramdeen, you, throughout all the media reports that we have, you continually made the point that you and the Opposition are concerned about the issue with Mr. Junkère and yet no Member of the Opposition sought to raise this matter as an issue via any Motions. What do you think would have accounted for that?

Mr. Ramdeen: I cannot say.

Madam Chairman: Sen. Mark.

Mr. Mark: I would say that if I need to clarify any further points with Mr. Ramdeen, I will so suggest to you so we will bring him back.

Madam Chairman: Sen. Richards.

Mr. Richards: I just want to put on record appreciation for Mr. Ramdeen's cooperation and his attendance here today.

Mr. Ramdeen: Thank you, Sen. Richards.

Mr. De Freitas: I also want to thank Mr. Ramdeen for coming and assisting us with our process.

Madam Chairman: Mr. Ramdeen, thank you very much. I just want to, if I may, members of the Committee, I just want to sort of summarize some of the issues that we have heard presented today, not issues, but how things have been presented and perhaps you will let me know if you agree or disagree.

Mr. Ramdeen: As you please.

Madam Chairman: So, you have said that you did not mean to make statements to cast aspersions on anyone. You have said, in your view, you were about process and the fact of the matter is that it had not been raised or the fact that Mr. Junkère had received a brief from the Office of the Attorney General and that had not been disclosed to the Parliament, you felt that that somehow damaged the process of lawmaking.

Mr. Ramdeen: Perhaps I can use the word "tainted"?

Madam Chairman: That is "tainted".

Mr. Ramdeen: Instead of the word "damaged".

Madam Chairman: You want to use the word "tainted". You stand, you say this, that it was tainted because he did not disclose. You also spoke to us about the fact that you had no previous experience as a Member of Parliament, that you did not know about contempt. Is it that—and I wanted to ask you this: is that that you—when you say you did not know about contempt, is it that you felt that once your acting as a temporary Senator had ceased, that you were no longer subject to the conventions and practices of Parliament?

Mr. Ramdeen: In the context of contempt?

Madam Chairman: Yes. You said that you did not know about it. So I just want to know if you understood. When you said that, what did you mean?

Mr. Ramdeen: No. I can confess that before the Privileges Motion was filed, I had not done the research from a parliamentary perspective as to what would have constituted contempt of Parliament.

Madam Chairman: And you did say that in looking back at what transpired, you say that things could have been dealt with differently. You did say that earlier? And what you mean by that? How would you have done things differently, having read the May's, having now learnt about contempt, with the knowledge that you now have, what would you have done differently?

Mr. Ramdeen: I perhaps may have sought the guidance of my Leader in the Senate and perhaps ought to have researched what may have been, if there exists, any other alterative avenue to raise a concern of this nature, whether it be within the precincts or the processes of the Parliament itself or otherwise, and then take an objective view as to what would have been, if there were alternative courses available, what would have been the best alterative course, alternative avenue to raise such a concern.

Madam Chairman: And when I presented you earlier with what objectively any person reading the newspaper or seeing the press conference on television, and I asked you objectively what you thought people would think about Sen. Junkère, you stand by your decision in the sense that you say that, they would have thought that he should have disclosed it to Parliament. Yes?

Mr. Ramdeen: Madam Chair, would you allow me to answer that question this way?

Madam Chairman: Sure.

Mr. Ramdeen: Recently there have been two judgments of the Court of Appeal in two matters, where the Court of Appeal being our highest domestic court, sought to explain, and I can make available to the Committee, the way in which our society is polarized politically and ethnically. And those two judgments, one, both judgments were written by Justice of Appeal Jamadar. And in one of the judgments, the other two members of the Court of Appeal distanced themselves from the comments. And to ask individually, myself, as to what the impressions would be of persons reading it, because of the makeup of our society and the way in which we are polarized politically and ethnically, it really depends upon to whom one is addressing those statements and which side of the border that we find ourselves, it is addressed. Because that question—I can answer that question and say to one sector of our society, it will give a particular impression. I could answer that question say to another sector of the society, it will be given the totally opposite, and is because of the way in which we are made up politically which is a matter that is recognized, right, by our Judiciary.

And if one were to look at those two judgments and one were to understand how we are composed, politically and ethnically, as a society, one would understand why I may say it may create a particular impression to me, and it may create the totally opposite impression to someone else.

Madam Chairman: Well, Sen. Junkère— Okay. I think that the question posed to you is, what an objective person, objectively what would be the effect of the words that you spoke. What impression?

Mr. Richards: You said, Mr. Junkère.

Madam Chairman: Oh. Mr. Ramdeen. What the impression about Sen. Junkère what would have been conveyed by your words? And your response is noted for the *Hansard*. Okay? We want to thank you for coming here this

evening to assist the Committee. We are very appreciative of your open discussions with us. We just want to caution you that anything that takes place here before the Committee produces a report is secret and cannot be discussed with anyone.

Mr. Ramdeen: Understood.

Madam Chairman: All right? And we thank you. We thank you for your efforts.

Mr. Ramdeen: Chairman, would you allow me to make one enquiry?

Madam Chairman: Enquiry and closing comments. Yes.

Mr. Ramdeen: Okay. Like I indicated at the outset, I am not familiar with what is the process henceforth, and therefore, if there is material that I wish to place before the Committee to assist the Committee save and except my viva voce evidence that I have given this afternoon, what is the process that is engaged with respect to that? And that is purely an enquiry.

Madam Chairman: If you wish to bring anything to the attention, you can submit it to the Committee and the Committee will consider it. Okay? So you can submit it in writing.

Mr. Ramdeen: In writing?

Madam Chairman: Yes. To the Committee, to the Secretary to Committee is Mr. Caesar. He is the Clerk of the Senate. So you can send your request or your submission to Mr. Caesar and the Committee will consider it.

Mr. Ramdeen: Is there any time limit or is there any procedure with respect to how—I know that there are five members of the Committee. So, do I make five copies?

Madam Chairman: No. You just send in one. That is fine.

Mr. Ramdeen: And is there any time limit?

Madam Chairman: We would like you to send it in as soon as possible.

Mr. Ramdeen: As soon as possible.

Madam Chairman: Yes. As quickly as possible.

Mr. Ramdeen: Sure.

Madam Chairman: All right. And once again we thank you. Okay? Is there anything else you wanted to say?

Mr. Ramdeen: You had indicated to me that I can make any closing comments.

Madam Chairman: Yes.

Mr. Ramdeen: So perhaps I should thank the Committee for giving me the opportunity to present or to clarify whatever statements I may have made. I think, not to beat a dead horse, but to indicate to the Committee and to the Senate and to you, Madam President of the Senate, that if there was any wrong impression of the words that I stated that are the subject of the grounds of the Motion, then I can clear that up and say, if there was any wrong impression given to any Member of the Senate and to you, Madam President, I apologize for that. And in those circumstances, I want to make it clear that at no point in time was it my intention to bring ridicule or odium to the Senate as the Upper House of the Parliament or to individually attack, place in ridicule or to embarrass in any way Mr. Junkère in particular, or any other Member of the Senate.

Madam Chairman: Thank you very much, Mr. Ramdeen.

Mr. Ramdeen: Thank you.

[*Mr. Ramdeen exits Committee*]

Madam Chairman: Members, we just had a very long session there. We just need to wrap things up. I do not know if members want to just go straight into wrap up or if you want to take a two-minute break?

Mr. Richards: Straight to wrap up.

Madam Chairman: Straight to wrap up. All right? So, we have met with Mr. Ramdeen. I think it will help us all if we got the *Hansard* of what the responses, the questions. Mr. Ramdeen did indicate that he may want to send in some submissions. I would, with you leave, direct the Secretary to write to Mr. Ramdeen inviting him to make those submissions no later than perhaps Monday.

Mrs. Baptiste-Primus: Any further submissions?

Madam Chairman: If he desires and given him the time line.

Mrs. Baptiste-Primus: No later than when?

Madam Chairman: Monday.

Mrs. Baptiste-Primus: Okay. All right.

Madam Chairman: Yeah?

Mrs. Baptiste-Primus: I am in agreement.

Madam Chairman: Yes? No later than Monday. All right.

Mr. Mark: I just want to say, it is just on reflection. I thought that we may have erred by not reading the allegations and the grounds at the beginning of our proceedings. So when the gentleman appeared here, he came before this Committee and we did not give him the benefit of outlining why he was here. Now, even though— No.

Madam Chairman: If I could just interrupt. We sent a letter.

Mr. Mark: No. No.

Madam Chairman: And in the letter we set out the allegations.

6.05 p.m.

Mr. Mark: I was saying for our records. Remember we have somebody, even though we sent a letter, that is okay, but when somebody comes before a Committee, the first thing I believe that we ought to have done—it slipped me—we should have really outlined to the gentleman the charges, the allegations that has brought him

here, and then allow him to offer whatever statements he would like to make.

I understand the point that you are making. He got a letter, but nowhere in the proceedings of today's meeting were the charges or the allegations read out to the gentlemen. I am saying procedurally, I think that was an error on our part. We should have allowed those allegations to have been read out so that the gentleman would again be au courant and, most importantly, on our *Hansard*, those charges or allegations would have been recorded.

Now, I saw where you tried to deal with it a little later on in the proceedings when you talked about the grounds and so on—I think you mentioned two—but I am just saying maybe in the future, we need to pay attention to that.

Mrs. Baptiste-Primus: Madam Chair, permit me. I am sitting here, my erstwhile colleague sat there. Let me just say the point he is making does not help the work of this Committee. Let me just make that point. It does not. The fact that the allegations were not read to Mr. Ramdeen does not at all thwart the work of this Committee.

In the records, and if the verbatim notes would reflect that, the various pieces of correspondence forwarded to Mr. Ramdeen, he acknowledged receipt of all of them. You also indicated to him the piece of correspondence in which the allegations were made against him. I do not think, at all, Madam Chair, we are operating as a quasi-body and in that context whether it was read or were not read to Mr. Ramdeen, ought not to impact or affect the work of this Committee, albeit the slippage of the memory of my colleague, Wade Mark.

Mr. Richards: I agree with Sen. Baptiste-Primus. Mr. Ramdeen is a well-experienced attorney and practitioner and would have, I think, been au courant with the allegations contained in the document sent to him. So maybe we could add it as an Appendix to the—I do not know if that is permissible—in the *Hansard* for reference, but it would be part of the document anyway, so.

Mr. De Freitas: I would just like to agree with Sen. Baptiste-Primus and Sen. Richards in that Mr. Ramdeen did indicate that he was in receipt of the letters that indicated the grounds upon which he is appearing before the Committee, and he did also indicate that he understood why he was here. So, I do not believe there was a need to actually read it out for any records here, because it is within the report which I assume is going to be a collection of all of the notes of every single meeting that we have had. So we would have been indicating in that repeatedly what are the grounds that he was here for. So there was really no need to repeat it at this stage.

Madam Chairman: I think at the very outset I did ask Mr. Ramdeen about the letters. We referred to it. He said yes he had read them. I really am not seeing that as any misstep by the Committee. May I ask—I indicated to you that we were to write Mr. Ramdeen and ask for his submissions by Monday. I want to ask us to alter that to let the submissions come in by Friday, this Friday. All right.

Mr. De Freitas: I agree.

Madam Chairman: Today is Wednesday. I think we all thought today was Thursday. [*Crosstalk*] Yes, as soon as possible.

Mrs. Baptiste-Primus: Madam Chair, yes, he did accept as soon as possible.

Madam Chairman: So we will write him today and ask him for those submissions to be in by Friday. Okay? When do we next meet? We talked about tomorrow and we talked about Friday, but I think, would we want to meet therefore on Monday morning? Can we all find—

Mrs. Baptiste-Primus: Madam Chair, on a Monday morning I have Finance and General Purpose Committee, which I have not been—last week I was out of the jurisdiction and then yesterday, because we had Senate. I have a few Cabinet Notes before the F&GP. That will not be addressed if I am not there.

Madam Chairman: Could we all agree to Monday afternoon then, please?

Mr. Richards: At 2.00?

Madam Chairman: At 2.00.

Mrs. Baptiste-Primus: Monday afternoon at 2.00? I shall reschedule what I have, Madam Chair.

Madam Chairman: Thank you very much. So we will meet on Monday the 27th of June at 2.00 p.m.

Mr. Mark: Could you tell me what we will be discussing on that day?

Madam Chairman: Well, we will then have the *Hansard* of Mr. Ramdeen, and if we have received the submissions as well, and I think at this stage we can now determine what position we are in with respect to a report.

Mr. Mark: Are we contemplating witnesses as a Committee?

Madam Chairman: As a Committee?

Mr. Mark: Did we advise the gentleman if he—

Madam Chairman: He was advised by that in his letter. I go back to what we have been saying in this Committee about witnesses. If anyone feels the need for a witness, the Committee discusses it on the basis of relevance. I would advise that we all, therefore, will address that on Monday. Okay? All right.

Mr. De Freitas: We have to do an interim report to be laid in the Senate on Tuesday.

Madam Chairman: Well, let us see on Monday. I think we need some information. Let us see. All right? So we will meet on Monday. Thank you everyone.

6.14 p.m.: *Meeting adjourned*.

VERBATIM NOTES OF THE FIFTH MEETING OF THE COMMITTEE OF PRIVILEGES OF THE SENATE, FIRST SESSION (2015/2016), ELEVENTH PARLIAMENT HELD IN THE A.N.R. ROBINSON MEETING ROOM (EAST), LEVEL 9, TOWER D, WRIGHTSON ROAD, PORT OF SPAIN, ON THURSDAY, JUNE 27, 2016 AT 2.10 P.M.

PRESENT

Ms. Christine Kangaloo	Chairman
Mr. Wade Mark	Member
Mrs. Jennifer Baptiste-Primus	Member
Mr. Nigel De Freitas	Member
Mr. Paul Richards	Member
Mr. Brian Caesar	Secretary
Miss Chantal La Roche	Legal Officer II
Mr. Johnson Greenidge	Asst. Secretary
Miss Simone Yallery	Asst. Secretary

Madam Chairman: Welcome everyone. Everyone, the Agenda is before us, so this meeting having been called to order, we will move onto Item 2 on the Agenda, review of the Minutes of the Fourth Meeting. Has everyone read the Minutes? Page 1. Page 2.

Mr. Richards: On the examination of Mr. Ramdeen and I may be mistaken in terms of my memory, but there was a point at which at the end he enquired about witnesses being called and I do not see it recorded here. Was it recorded elsewhere?

Madam Chairman: Well he enquired about witnesses being called and I think a response was given that the Committee will have to deliberate on that issue. Is that not correct?

Mr. Richards: Yeah. Okay.

Madam Chairman: Page 3. Can someone move that the Minutes be confirmed? Adopted and then confirmed. Can someone propose that the Minutes be adopted?

[*Confirmed by Mr. N. De Freitas*]

[*Seconded by Mr. P. Richards*]

Madam Chairman: Let me just make it clear that it was to move that the Minutes be adopted and that that be seconded. Yes. It seems I am still asleep from the weekend. I apologize.

So, we move on to Item 4, Matters Arising from the Minutes. Page 1. Page 2. If I may at page 2, bullet 5.4 there it deals with Mr. Ramdeen's enquiry about making a written submission. Members may recall that after the examination of Mr. Ramdeen, the Committee decided that a letter would be sent asking that the submission be submitted by Friday. So a letter was received. That was done. The letter from Parliament went off, for the submissions to be made by the Friday. Members have a copy of that letter that was sent by the Parliament to Mr. Ramdeen. Everyone has that? And then a response was received from Mr. Ramdeen on Friday. Do members have a copy of that response? And then may I remind members that the Clerk to this Committee then spoke to members individually and it was agreed to indicate to Mr. Ramdeen that we would hold to the Friday's date to give in the submissions.

Page 3. In respect of bullet 7.1, well we just dealt with some of that information, but I am to advise, members should be advised that today another letter was received from Mr. Ramdeen. So let us just get the history clear. We met with Mr. Ramdeen, we indicated to him that his submission should be made as soon as possible. We then deliberated in the Committee and determined that Friday should be the date for the submission to be received. A letter was sent to Mr. Ramdeen to that effect. He sent a response raising certain issues. A response was sent to him holding to the Friday's date, and then today a letter was received from Mr. Ramdeen

that is also before the Committee, members of the Committee. I do not know if we should have discussions on that letter at this stage.

Mr. Mark: If we have any discussion—

Madam Chairman: Yes. Sen. Mark.

Mr. Mark: If I recall, the Committee had in fact suggested and I think particularly through your good self, Madam Chair, that Mr. Ramdeen should be given until the Monday and then we hastily retreated on that particular decision and then we—

Madam Chairman: I know you are making some—hastily is not necessary for the record.

Mr. Mark: Well then we retreated.

Madam Chairman: Yes. The decision was reconsidered.

Mr. Mark: Or reconsidered, if you want? You see, the reason why I am saying these things is because we have to be very clear in our minds that this Committee must never come across as if it is rushing anything and that is why I used the word that I used because we have to be very careful. Everything seems to be rushing toward a deadline. Everybody believes that the Parliament is going to come to a close on June 30th. And everybody is of the view that something must be reported by that time. And I am saying that the Parliament does not come to an end at the end of June. The Parliament closes, as far as I know, on September 23rd and not on June 30th. So the reason why I am raising this point, Madam, is to let you know that whatever we do, it must never come across in the Minutes that we are rushing anything. Because I remember clearly that when the gentleman made the request, our first response through you, Madam Chair, was the Monday. I remember Monday being the date that we had given, and then before we concluded our meeting after giving that commitment we retreated.

Madam Chairman: No. Sen. Mark, I have to interrupt you.

Mr. Mark: Okay.

Madam Chairman: No representation was made to Mr. Ramdeen about Monday's date.

Mr. Mark: No. I am saying—

Madam Chairman: When Mr. Ramdeen asked whether he could submit his submission, it was very clear to Mr. Ramdeen, as soon as possible. In our deliberations subsequent to Mr. Ramdeen leaving the room, as the Committee deliberated, we spoke about Monday and the Committee altogether, the Committee as a whole agreed to the Friday and it was done with discussions amongst all members of the Committee. Okay? So I just want to clarify that for the record.

Mrs. Baptiste-Primus: More so, Madam Chair, there was no objection from my senatorial friend, Wade Mark, when this matter was discussed. I do not know about other members of this Committee, Madam Chair, but I object to any notion that seeks to convey the impression that this Committee is hustling down its work and therefore trying, attempting to deprive Mr. Ramdeen of being heard because that is the sense that I am getting. All committees, I have had the good fortune to sit on many Committees, Madam Chair. The Committees would set a schedule and work towards keeping that schedule. We do it in our everyday lives, Madam Chair. We identify a time frame and we to all within our power to work towards keeping that time schedule. So that I feel somewhat discomforted that my colleague, Wade Mark, would seek to infer that this Committee was working with undue haste. As a matter of fact, parliamentary committees are encouraged to work with some kind of robustness.

The second point I want to make. This Committee can identify whatever time frames that we think is necessary and this Committee retains the right to re-examine those time frames and tweak here and tweak there. Nothing is cast in stone. So that from where I sit, Madam Chair, this Committee has proceeded in one of the most fair and balanced manner. I mean to say, we are all very particular because of what

is involved and who is involved, but we ourselves as a Committee must not allow ourselves to be intimidated to the fact that we must not work towards the development of a report to submit. I would not sit here and allow anyone, by words or action, to intimidate me into following what is a preferred course of action.

Mr. Richards: I would also like to add for the record that, I am quite uncomfortable with the statement that everyone is of the view that a report must be submitted. I think we had discussions about that in previous meetings and there was consensus, if I am not mistaken, on the fact that, if the proceedings go as planned, we may be able to provide an interim report at some point at the end of June, if I am not mistaken. But if that is not the case and we are not able to, it will certainly have to be held over. So there was never an indication of a mandate to complete a report by a particular point, suggesting that there is haste or rush in this process. So I am really uncomfortable with the statement that everyone is of that view because that has not been the discussions as far as I remember them.

Mr. De Freitas: I am leaning towards agreeing with Sen. Baptiste-Primus and Sen. Richards, in that there really was no indication that we had to finish in a particular time frame. And I would like to reiterate at this point that we did indicate that if there were problems with the schedule that an interim report could have been laid, and if there were any problems with the schedule, it would have been more on the part of Mr. Ramdeen. Although we have kept our schedule for the most part as best as we could as laid out in the first meeting that we had.

Secondary to that, in regard to the submissions, it was asked by Mr. Ramdeen if written submissions could be subsequently submitted. What I took away from that question was that, he would have had submissions prepared, given that he would have had approximately a month's notice in regard to appearing before the Committee, somewhere around a month. It may not have been fully a month. But basically what I took from it was that he would have had these written submissions

either prepared, so that when we indicated as soon as possible, he did acquiesce to that statement, and then we subsequently gave him a day by which he could submit these written submissions. So to hear any differently now, or that time is required, is not something that I would have expected to hear at this point in time and I really do not think it has to do with anything regarding rushing or the Committee rushing to get anything done in that time. We have given Mr. Ramdeen every possible opportunity to, you know, submit and come before us and help with the process here. Thank you.

2.25 p.m.

Mrs. Baptiste-Primus: Madam Chair, and I have a further comment to make. You know these proceedings, while they may be of recent vintage to me at the level of the Senate, in terms of procedures of similar type, I am very familiar and I have noted, Madam Chair, that even as of today, Mr. Ramdeen had not submitted anything if he really wanted to be heard. I have addressed issues like these in my former incarnation and even though a time frame may not be under consideration, you submit it nonetheless for the consideration of which ever body or bodies. But even as of today, Mr. Ramdeen has not shown an inclination, really, that he wants to submit further, not a regurgitation of what he said before this Committee, but further information for the consideration of this Committee.

Madam Chairman: Hon. Members, may I just, with your leave, go back to the *Hansard* of the first meeting that we held on Thursday, June 2, 2016. And I will just read for you different parts of the *Hansard*. Page 20, we were talking about the discussion of a work schedule which is on the agenda. This is what I said:

> "Let me first point out to members that according to the Standing Orders, the Parliament goes on a recess at the beginning of July…so that gives you a sense of the time frame within which we, as a Committee, will hope to be able to get resolution of this issue…because the Parliament will go at the

beginning of July and it is hoped, therefore, that there can be some report by the end of June before we go into recess."

Mr. Mark: Serious?

Madam Chairman: Yes.

Mr. Mark: 'Cyah rush this.'"

Madam Chairman: Then we go on. We continued on page 21 to talk about Parliament going into recess, that we have options.

"The Committee, for example, can determine its work schedule and we will try to generate a report before the Parliament goes into recess; that is all we can do. We can try to generate a report. I do not know…"

And we went on to discuss whether the Committee can meet during the recess, all of that was done. But, basically, there has been no talk about trying to rush a report, but we are trying to see what we can accomplish in this Committee.

Okay members, so let us just go back to what we were discussing. We were discussing Mr. Ramdeen's letter that was received today and this is the letter of June 27, 2016. I would ask members to let us all deal with this letter now.

Mrs. Baptiste-Primus: Madam Chair, I just got it. May I have two minutes to read it?

Madam Chairman: Sure. Members, are we ready to proceed? Any comments on the letter dated June 23rd? The context is that Mr. Ramdeen on the last occasion had indicated he wished to make submissions. The letter was sent to Mr. Ramdeen. On Friday Mr. Ramdeen indicated that the time frame was too short. He also said that he was under the impression that the Chair had told him he had as much time as possible. I think we sought to correct that with Mr. Ramdeen and now today we got this letter, not having received any submissions from Mr. Ramdeen. Are there any comments before we move on?

Mrs. Baptiste-Primus: You know, Madam Chair, if Mr. Ramdeen was an ordinary

person I could have understood. But in reading this letter as well as his other letter, I get the distinct impression as though Mr. Ramdeen is attempting to direct the work of this Committee. I get the impression also that Mr. Ramdeen may be attempting to stall the work of this Committee. After reading this letter, I feel as though I am watching a debate in the United States Congress with the Republicans engaging in what is popularly called as filibustering. Mr. Ramdeen is asking a number of things.

Firstly, he is telling us that this Committee is acting unreasonably and irrationally. I do not know what evidence he has to support such a harsh description of this Committee. Perhaps, it is a subjective point of view. Then he proceeds to ask whether or not this Committee intends to grant an extension of time for the filing of my submissions.

Madam Chair, I need your guidance at this point in time. We have been told on more than one occasion that this body is a quasi-body. Mr. Ramdeen has laid out somewhat legalistic framework and before I share my additional views, I would submit myself to your guidance, Madam Chair.

Mr. Mark: May I before you give your guidance.

Madam Chairman: Oh, I was going to hear everyone. Mrs. Baptiste-Primus, are you—[*Interruption*]

Mrs. Baptiste-Primus: But I reserve the right to complete my thinking.

Madam Chairman: Sure. Mr. Mark.

Mr. Mark: Madam Chair, I believe that this is a quasi-judicial body and justice must not only be done, but must be seen to be done. And I think if a witness is asking for time, this Committee should consider it. The question here is what we consider to be a reasonable time frame for the witness to submit his submissions or whatever other documentation he would like to make. And that is a matter that we have to decide, because natural justice demands that.

The other thing I want to bring to your attention, verbatim notes—when I go

to our Standing Orders and I want to refer you to Standing Order 102 and under the heading Evidence. I think it is very, very, clear in the Standing Orders the time frame that a witness is permitted to correct notes. What I am reading here, unless I am otherwise to be guided and this is the law. It says:

> "(17) The evidence of every witness shall be taken down verbatim and sent in proof to the witness. The witness shall be at liberty, within fourteen (14) days from that on which the Clerk of the Committee sent out the proof, to suggest corrections due to inaccurate reporting, and the evidence shall be printed with such of the corrections as may be approved by the Chairman."

So, what I am saying, if this is the law of the Standing Orders, why did the Secretary proceed, on behalf of our Committee, to tell Mr. Ramdeen that he has until noon today to submit, when the Standing Orders are very clear that the gentleman has a maximum of 14 days. If he wishes to submit it before the 14 days that is fine, but the Standing Orders are very clear. So we are guided as a Committee by our Standing Orders and we just cannot whimsically set aside our Standing Orders and determine as we feel or we deem fit. There is where I keep repeating, the conclusion is going to be drawn if you are not careful that this thing—we are on a sprint and not taking our time in accordance with our Standing Orders.

So, Madam Chair, when the gentleman talked about verbatim in his letter and his notes and he is unable to submit it today, that is what I am gaining from what he is saying. I am of the firm view that we are misguided as a Committee and we have to be very careful that we do not end up contaminating this process and it collapses before it reaches the House. So I draw this to your attention very early so that we know what we are doing.

Mr. Richards: Madam Chair, just for my clarity. My understanding of the letter sent by the Clerk after the examination of Mr. Ramdeen, my understanding was for

submission of additional information as opposed to the verbatim notes from his submissions last week. I am not sure if that is part of what Mr. Ramdeen is to submit, comments on the verbatim notes from his, or additional information which by my understanding this reference from Sen. Mark may not cover and you can guide me on that please, thank you.

Madam Chairman: Any other member.

Mr. De. Freitas: I just wanted to respond to the first two points raised by Sen. Mark in regard to what is a reasonable time frame.

And I think I will reiterate at this point, that it was mentioned to Mr. Ramdeen when he requested as to whether he could submit written submissions to the Committee to do so as soon as possible, and if I remember correctly, he shook his head in agreement as to as soon as possible.

2.40 p.m.

Subsequent to that, we did send a letter indicating reasonable time frame for the Committee, and I do not think it was overnight. I think there was more than a 24-hour period within there. We met Wednesday, and there was Thursday, and then Friday was the date that we had asked. So in terms of what is a reasonable time frame, I think the Committee laid that out to Mr. Ramdeen indicating as soon as possible at first, and then setting an actual date and time to what that would have meant.

So towards the second point, I think that the notes, and the verbatim notes on the *Hansard*, would record that justice would have been done, because if you go back to all of the other meetings that we have had, we have given Mr. Ramdeen a lot of leeway in regard to coming before the Committee to give evidence, and we have moved the meetings I think it was once or twice so that he can come before the Committee to present evidence. So I do not think, when the record shows, that there will be any question as to whether justice would be done.

Madam Chairman: Members, the letter that we are dealing with dated 27th June—that is today's date—in response to what Sen. Mark is saying, the letter seems to be making a case, or attempting to make a case, for more time to send in submissions that Mr. Ramdeen himself said he wanted to send in. These are submissions that were not requested by the Committee. Mr. Ramdeen volunteered this when we spoke to him at the last meeting.

In answer, Sen. Mark, to your question about Standing Order 102, which talks about the 14 days, I think we have to look at all of this in a particular context, the context of when this Committee is meeting. The fact of the matter is we are just talking about the verbatim report notes of the witness to himself, and those notes were sent to him on the very day of the meeting, a few hours after the meeting that we held on—

Mrs. Baptiste-Primus: That would have been when, Madam Chairman?

Madam Chairman:—on Wednesday.

Mrs. Baptiste-Primus: That would have been when, Madam Chair? The verbatim notes?

Madam Chairman: Sorry, let me just clarify. On Wednesday when we met, Mr. Ramdeen was immediately, two hours after the meeting, asked to submit what he wanted to submit by Friday. On Friday, the verbatim notes were sent to him. It is only today that Mr. Ramdeen is asking something about the verbatim notes. He is raising an issue about the verbatim notes.

I just say to Members that we have to look at all of this within the context of what we are doing, and we have to remember we are talking about justice must be seen to be done. I think that this Committee can say quite openly that this Committee has, in the interest of transparency and fairness to Mr. Ramdeen, we have been very, very patient. Mr. Ramdeen could not attend on a particular day that we had set aside for our meetings. We got the notice of his personal issue the morning that we had

scheduled the meeting, we put it for another day. The day after the personal issue, Mr. Ramdeen had to leave the country. We put it off to the Wednesday. But I just want to say to members, is either we decide as a Committee, a Committee of Privileges, a Committee that has great responsibility to the Parliament, whether we want to make the commitment that we have to Parliament, which is to really treat with these matters seriously, fairly, giving everyone an opportunity to be heard, but that we also make sure that we deal with the remit of Parliament as a Committee of Privileges. Okay? That is all I want to say.

So I would just ask members now, to just take note of the letter at this stage. As we move on into deliberations I am going to pose some questions to the Committee and then we can determine how we move forward with this letter. Is everyone amendable to that?

Mr. Mark: No! When you say deliberation, what do you mean? Because I have matters outstanding.

Madam Chairman: Sen. Mark?

Mr. Mark: No. no, could you explain?

Madam Chairman: I will explain.

Mr. Mark: What do you mean?

Madam Chairman: I always do. I always do. When I say that we are moving on to deliberations, I mean that we are in a position, having heard what Mr. Ramdeen had to say, we have read into the record Mr. Ramdeen's request, we can now as a Committee determine how we move forward as a Committee dealing with the issues that have been sent to this Committee. Does that meet with your approval, Mr. Mark?

Mr. Mark: No. I am trying to clarify when you say, "are you going to drill down to make a determination", or are you—

Madam Chairman: I did not use the words "drill down". Please use the words—when you are quoting me, please, please, try to say what I have just said. I have not

used the words "drill down".

Mr. Mark: You said deliberation. All right, I will allow you to proceed.

Madam Chairman: I am very grateful that you would allow me to proceed. Okay? Members, we have reached Item 4. We were dealing Item 4, Matters Arising from the Minutes. Under Item 4, we dealt with the several letters between Mr. Ramdeen and the Parliament. The last letter received from Mr. Ramdeen is making a certain request of this Committee. I am asking, therefore, I do not think that we should treat with that request without dealing with other matters before the Committee, and that is why I am saying defer treating with the request and let us move to Item 5 on the agenda which is, Deliberations of Matter Referred. Okay? Is that clear to everyone? Does anyone have a question about that?

Mr. Richards: Yes, Madam Chair. Is it that we are going to deliberate on the matter referred, but also with consideration for these three points of concern that Mr. Ramdeen has cited in his letter?

Madam Chairman: Yes.

Mr. Richards: Thank you.

Mr. Mark: Madam Chair, may I ask? At what stage would you deal with calling of witnesses?

Madam Chairman: This is all the deliberations now of this Committee. So members, if I could just summarize where we are as a Committee. We had the matter that was referred to this Committee; we deliberated as a Committee on the types of breaches of privilege that may be relevant to the matter that had been referred to this Committee; we deliberated on the different types; we had the staff of the Committee circulate different learning on parliamentary practice; we then had Mr. Ramdeen come before the Committee and various questions were posed to Mr. Ramdeen.

So Mr. Ramdeen who is the subject of the privileges action, the privileges matter before the Committee, he came and we heard from him. We have looked at

what Mr. Ramdeen has said. At this stage there are questions that we need to ask amongst ourselves, as a Committee, how we want to proceed from here. I take it, Sen. Mark, this is where now you can raise your issue of witnesses.

Mr. Mark: Well, before we deal with witnesses, I just want to point out, Madam Chair, and you have to guide me. There were four grounds, if I may, that the Motion was grounded on. This Committee met and deliberated, and the first ground was struck off as irrelevant. There were three remaining grounds: reflection, entreaties to the President, and impeachment at the level of the Integrity Commission to summarize.

Procedurally, I am asking—procedurally—when the witness came before this Committee, should we have engaged in our enquiries focusing on all four grounds, or should we have confined our enquiries to those three grounds; and should we have informed the witness that this Committee, having looked at what was referred to it, decided that of the four grounds that we wrote to you on, only three will be considered by this Committee. I am just asking that because these are all matters that are recorded in our Minutes and in the verbatim—because we will come to the verbatim later on—but I just raise that, Madam Chair, to get your thinking on it.

Now, I have always maintained the principle as a first principle for me, "he who alleges must prove". I think it is a basic principle, and I want to submit that we have a matter before us that essentially was based on allegations. Allegations based on allegations, and based on opinions, and therefore, we would like to know, just as how we brought that witness, we want to clear our minds as to what was going through his mind when he made those statements to the media, which he sought to clarify in his representation here.

And in this regard, I believe, Madam Chair, that I would like to make a submission that the gentleman, Sen. Franklin Khan, who moved this Motion, I think we need to bring him here so that we can clear our minds on matters that was going

through his mind because this is a fact finding exercise. It is not based on emotions, it is not based on opinions, it is based on facts.

Madam Chairman: Sen. Mark, could you therefore—

Mr. Mark: So I am submitting to you in terms of witnesses, I would like the Committee to consider inviting Sen. Franklin Khan so that we could get some clarification as to what was going through his mind on these things that he has advanced.

Madam Chairman: Okay, Sen. Mark. Is there anything else?

Mr. Mark: No, I pause for this moment to come back again.

Madam Chairman: Any other Member?

Mrs. Baptiste-Primus: Madam Chair, I want to quote the same Standing Order 102(19), and it says:

> "A Committee shall exercise its discretion in determining whether it shall treat any evidence tendered before it as secret or confidential."

I would want to reinforce that number (19) at this stage, Madam Chair.

2.55 p.m.

I cannot help but feel as though, from the beginning of this Committee meeting, I had cause to express my discomfort with the choice of language of Sen. Mark and I get the impression that this Committee seems to be turning into a battlefield where Sen. Mark is concerned, his choice of words. I also get the impression and Sen. Mark may say, well his memory, he did not recall X or did not recall Y, but I find it trite strange that Sen. Mark would make certain statements after a particular activity, after Sen. Ramdeen would have come here.

Madam Chairman: No, well, Mrs. Baptiste-Primus.

Mrs. Baptiste-Primus: I know, I know what I am saying.

Mr. Mark: Am I the subject because—

Madam Chairman: No, hold on. Members.

Mrs. Baptiste-Primus: No, but I can express a point of view.

Madam Chairman: Members.

Mr. Mark: No, well "you attacking me".

Mrs. Baptiste-Primus: I am not attacking you.

Mr Mark: Yeah, "buh yuh making implications".

Mrs. Baptiste-Primus: No.

Madam Chairman: All right. Mrs. Baptiste-Primus, Mr. Mark.

Mr. Mark: "Doh get involved in that. Doh geh involve in that."

Mrs. Baptiste-Primus: Well, perhaps is because I feel that you attack, you are—

Mr. Mark: This is not the purpose of our meeting.

Mrs. Baptiste-Primus: Listen, conduct yourself.

Mr. Mark: Our meeting is not about that.

Mrs. Baptiste-Primus: Conduct yourself.

Mr. Mark: You must conduct yourself properly.

Madam Chairman: Mrs. Baptiste-Primus.

Mrs. Baptiste-Primus: You used to preside in this hallowed halls.

Mr. Mark: But you are accusing me!

Madam Chairman: Mr. Mark.

Mrs. Baptiste-Primus: You used to preside.

Mr. Mark: "You accusing me of something and I take umbrage to that."

Madam Chairman: Mr. Mark.

Mrs. Baptiste-Primus: Well, I take a lot of umbrage at what you say, eh.

Mr. Mark: Do not accuse me of anything and there is no evidence.

Mrs. Baptiste-Primus: I am not accusing you. You examine yourself.

Madam Chairman: I am going—

Mr Mark: Do not accuse me of anything that is not evidence.

Mrs. Baptiste-Primus: Examine yourself.

Madam Chairman: Mr. Mark, Mrs. Baptiste-Primus, please.

Mr. Mark: You have no evidence but you—

Madam Chairman: Mr. Mark, please! Let us continue with this meeting. Mrs. Baptiste-Primus, Mr. Mark is entitled to raise—we are having an open discussion in the meeting.

Mrs. Baptiste-Primus: And I could disagree with him.

Madam Chairman: And every member is free to disagree with one another.

Mrs. Baptiste-Primus: That is what I am doing. I am disagreeing with him.

Madam Chairman: But let me try and get some perspective here on what we are dealing with. And members, we have reached the stage. This is the Fifth Meeting of this Committee of Privileges. We have made certain—I think we have proceeded with care, we have gone through the learning, we have heard the witness, Mr. Ramdeen, who I may say is the main witness in this matter, because it is Mr. Ramdeen's remarks which are the subject of the deliberations of this Committee.

I just want to ask members at this stage, Mr. Mark has thrown out that Mr. Khan should be called as a witness. Before we deal with that, Mr. Mark may say that this is his wish. It comes down to the Committee determining whether Mr. Khan should or should not be called. We have laid that out already and the relevance of Mr. Khan to these proceedings has to be determined if Mr. Khan is to be called as a witness. So in dealing with this issue, may I ask members for your view on whether Mr. Khan, whether the Committee feels that it needs any assistance from Mr. Khan or whether any information that Mr. Khan can give this witness is relevant or required by the Committee at this stage of the proceedings.

Mr. De Freitas: Madam Chair, I just want to say at this point that I do not believe this Committee needs to bring Mr. Khan as a witness. The point raised by Sen. Mark in support of bringing Mr. Khan in front of the Committee was one, to try and understand what the thought processes of Mr. Khan might have been as the person

making the allegations by way of the Motion in the honourable House.

I think by way of making that Motion, which I have in front of me here now, Sen. Khan or Minister Khan would have laid out quite extensively, in that Motion, the reasons why he believed that this should have been referred to the Privileges Committee and therefore, it is not required to have Minister Khan here to reiterate what has been in this Motion, by way of the process of this entire Privileges Committee being set up and looking at the words of Mr. Ramdeen and whether they are in the breach of the grounds that we have laid out in previous meetings, that we can move forward, having met with Mr. Ramdeen, towards deliberations as to whether his words were in breach of the grounds that we have laid out.

Sen. Khan or Minister Khan does not need to come in front of the Committee to reiterate what was said in the Motion. It was very extensive which was ruled upon by the President of Senate at the time as having a prima facie case and therefore, it came in front of the Privileges Committee. So I say no, there is no need for Sen. Khan or Minister Khan to come in front of the Committee to restate what was stated in one, two, three, four pages in moving the Motion.

Mr. Richards: Madam Chairman, as a Committee, we sat and deliberated and, I think, reached consensus on striking out point one of the document: request for your appearance before Committee of Privileges dated 8th of June, 2016, and agreeing to keep points two, three, and four of that document. I believe if there was to be clarification on what Minister Khan meant by these, it should have been done before that. I think the Committee agreed. There was no objection to striking out one and moving forward on two, three and four, especially before we brought Mr. Ramdeen in to assist us on Wednesday of last week. So I also do not think that it is going to be productive at this stage to bring Minister Khan in because he is not the subject of the enquiry, in my opinion. Mr. Ramdeen is the subject of the enquiry. And having deliberated and made judgments on one, two, three, four and striking out one, it

suggests that we understood at that time what was before us, so I also do not agree with bringing Minister Khan in at this point. Thank you.

Mrs. Baptiste-Primus: Madam Chair, I concur with the views expressed by both Sen. Nigel De Freitas and Sen. Paul Richards.

Madam Chairman: So that, can we therefore, as a Committee—

Mr. Mark: May I have a final say?

Madam Chairman: Just hold on, Mr. Mark. Can we as a Committee record a decision that the Committee is not of the view that Minister Khan needs to be called as a witness to this Committee? Correct?

Mr. De Freitas: Correct.

Mrs. Baptiste-Primus: Correct.

Mr. Richards: Correct.

Madam Chairman: Correct. So that is the view. Mr. Mark.

Mr. Mark: I just want to put on the record that from the very start of these proceedings, I recalled and I reiterated the need to look at witnesses. The Chairman told me we will deal with that at the appropriate time. Now, we have reached this stage which is the appropriate time. The witness that I wanted to deal with very early, sending for witnesses from very early, I am being advised that the time has passed for that because we have determined the grounds and based on what Sen. Richards said that that should have been done in advance before we even brought in Mr. Ramdeen. And this is what I was trying to do in advance. But you recall, Madam Chair, if you go to the verbatim notes, you will see where this thing was postponed and postponed and postponed, and now the time has come for me to make my intervention, the time has passed. I just put that for the record.

Madam Chairman: Sure. Just to say that Mr. De Freitas, Mrs. Baptiste-Primus and Mr. Richards have all indicated there is no need for Minister Khan to be here and I just want to remind everyone about what we said as a Committee about relevance to

the proceedings. Okay. All right. So that is the decision with respect to Mr. Khan. We are dealing with deliberations of the matters referred. And Sen. Mark, you wanted to say something else?

Mr. Mark: No, I want you to guide us, because you have the guidance.

Madam Chairman: You raised certain points, we stopped at that time to make the decision.

Mr. Mark: No, well I am waiting for you to make that.

Madam Chairman: Right. So members, at this stage, we have heard—I think everyone is familiar with the learning. We have heard the information, the evidence of the witness. I would like to ask members, how do they see the Committee moving forward?

Mr. Richards: Madam Chair, if I may. The request for submissions—further submissions by Mr. Ramdeen, to me, has to be resolved and for the information and evidence to be considered in totality, especially with reference to the letter dated 27th June, today, not so much one, because I guess that is a decision the Committee will make as a Committee, but whether the Committee is prepared to indicate to me the totality of evidence that it intends to consider in making a determination on the Motion, and three, whether the Committee will inform me of the procedure that it intends to adopt et al.

You know, I tend to agree with Sen. Baptiste-Primus that it was made quite clear through Mr. Ramdeen that he was brought here to assist, it is a quasi-judicial Committee, it is not adversarial. The Committee has been quite lenient in understanding and granting extra time for his appearance. I think there were two submissions, suggestions, which were—and Mr. Ramdeen accepted the third one which was last Wednesday and, to my mind, these requests seem to move in the direction of a court or in terms of legal—a legal approach which is not my understanding.

I do not know and maybe you can guide. I understand natural justice and Mr. Ramdeen needing to get a sense of what is before the Committee. I do not know how much of the procedure and that evidence the Committee is able to submit, given the Standing Orders and the procedural elements, but I am uncomfortable with the tenor of this, given the approach of the Committee so far. I just wanted that on record. I think this needs to be resolved and a finality reached on this because it would be unfair to the Committee and Mr. Ramdeen—let me reverse it. It will be fair to Mr. Ramdeen and the Committee, in that order, to proceed without him having a chance to give final submissions, and also to the Committee to be able to get a full sense of all that has transpired from Mr. Ramdeen and from all that we have deliberated here.

Madam Chairman: Let me see if I can assist the Committee. I think what I am trying to get from the Committee, having heard from Mr. Ramdeen for maybe about two hours where members were able to ask, very freely, Mr. Ramdeen questions, that members felt relevant to the issues. I am asking members, do you feel that there is any need—that you need guidance from any submissions from Mr. Ramdeen. Having asked Mr. Ramdeen all the questions that you may have wanted to ask and being able to reflect on his responses, do members feel that there is a need—an urgent need to get submissions from Mr. Ramdeen?

Why I am asking that is because Mr. Ramdeen, in his letter, it seems very legal. Almost as if we are before a court and while we have quasi-judicial functions, I think this Committee's thrust must be on fairness and opportunity to be heard which was afforded to Mr. Ramdeen. Mr. Ramdeen himself volunteered that he may want to make submissions and that opportunity was afforded to Mr. Ramdeen. And therefore, my question to members now is, do you feel, having considered what the learning is, having gone through what Mr. Ramdeen has said, whether there is a need to hear from Mr. Ramdeen further?

3.10 p.m.

Mr. Mark: Madam Chair, this question about feelings and opinions—

Madam Chairman: Sorry, I am not hearing you.

Mr. Mark: I am saying this question about feelings and opinions is one that we have to be very careful with. I am on procedural fairness.

Madam Chairman: Did somebody talk about feelings? Whose feelings?

Mr. Mark: All right, well let me withdraw the word "feelings and opinions".

Madam Chairman: Mr. Mark, I may. I am the Chair of the Committee and, therefore, I am here to also give guidance to the Committee and I am not going to, each time I say a sentence, be checking and editing myself with words when I am just simply giving guidance to the Committee to allow the Committee to continue its deliberations. I think it is unfair, each time the Chair says something, to be saying that the Chair is saying something else. The Chair is not. I am very good with words. I say what I mean and I am trying to give guidance to the Committee as to how to move forward. That is all that I am doing.

Mr. Mark: Madam Chair, what I am suggesting is that we must do everything in the eyes of the—in ensuring, rather, that there is procedural fairness and there is natural justice. If a witness requires further time based on his representation, the Committee must consider that. And I feel—[*Interruption*]

Madam Chairman: This is what the Committee is doing. The Committee is considering—

Mr. Mark: Well, you are interrupting me.

Madam Chairman: I am interrupting you.

Mr. Mark: So why you interrupting me?

Madam Chairman: You know why, Mr. Mark? Because we have to. We have to reach a point where we make decisions in the Committee. We do not have to keeping saying the same things over and over. We know that the Committee is about fairness. What we are asking is, and I am throwing it out, and can we limit our answers a little

more tightly? Do we feel the need to have—[*Interruption*]

Mr. Mark: Listen!

Madam Chairman: Do we feel the need for further submissions to be given by Mr. Ramdeen?

Mr. Mark: What, this is a kangaroo court?

Madam Chairman: Mr.—

Mr. Mark: What is this?

Mrs. Baptiste-Primus: Madam Chair, I take great objection—

Mr. Mark: What you telling me and so on, to be tight.

Madam Chairman: Mr. Mark.

Mr. Mark: What you mean by that? [*Mr. Mark steups*]

Madam Chairman: Mr. Mark, it is either you take part in the Committee, [*Mr. Mark steups*] if you choose not to be respectful in the Committee you have a choice.

Mr. Mark: Yeah, but you "cyah" tell me.

Madam Chairman: No, Mr. Mark. I can.

Mr. Mark: You cannot limit me!

Madam Chairman: I can.

Mr. Mark: You cannot do that!

Madam Chairman: I can hold this Committee to order.

Mr. Mark: Yeah, but you cannot tell me—[*Interruption*]

Madam Chairman: Mr. Mark, it is—[*Interruption*]

Mr. Mark: You are denying me that right.

Madam Chairman: Mr. Mark, it is either you abide by the discipline of this Committee and answer accordingly but I will not tolerate that sort of rudeness.

Mr. Mark: I am not a witness. You cannot tell me as a member in his right, I have a right to be here. You cannot curb my speaking and tell me how to speak! How can you do that?

Mrs. Baptiste-Primus: Madam Chair, I resent Sen. Mark associating me with a kangaroo court. The other members of this Committee can speak for themselves. Mr. Mark is throwing a tantrum. I view it as a tantrum. Mr. Mark has the right to make suggestions. He made a suggestion regarding Mr. Khan being brought here as a witness. The Committee did not agree with him. He, therefore, has the right to suggest any other witness or witnesses. It is Mr. Mark's responsibility, as a member of this Committee, to influence his colleagues around this table why we should support him in the direction he is going. And he ought to make those entreaties in a respectful manner. Madam Chair, I feel as though I am being bullied by Sen. Mark. And I am feeling very discomforted.

Madam Chairman: Members, at this stage I am going to suspend the meeting for 10 minutes and we will resume in 10 minutes. Hopefully, there will be a little more discipline and a little more respect all around for members, for one another and for the Chair when we resume. Okay? So let us take a 10-minute break.

3.15 p.m.: *Meeting suspended*.

3.26 p.m.: *Meeting resumed*.

Madam Chairman: So members, may we resume the meeting? Sen. Mark, before I suspended for 10 minutes, you used a certain expression that I think is derogatory of this Committee. You called it a kangaroo court and I would ask you to withdraw it, that phrase from the records please.

Mr. Mark: That came against the background of I being asked to be tight and, you know, being interrupted, and that is why I responded in that way.

Madam Chairman: So you are not going to withdraw it?

Mr. Mark: No, I am saying the context in which it was raised. So if this is a democratic body, then I as a member should be given the right to speak and not in any way to be muzzled or to be stifled in that kind of way. But, in those circumstances, I have no difficulty. I will withdraw the word kangaroo.

Madam Chairman: Kangaroo court, Sen. Mark.

Sen. Mark: Kangaroo court. But I ask for your indulgence.

Mr. Richards: Madam Chair, if I may?

Madam Chairman: Yes, Mr. Richards.

Mr. Richards: I just want to put on record also that I am very discomforted by a reference to a kangaroo court on a committee of which I am a member. Also in the context, with all due respect, Sen. Mark, if someone reads a transcript of all these proceedings and hears kangaroo court, rushed, hustled, fairness, one may get the impression that these proceedings are not going with a kind of diligence and following proper procedure. So while I understand everyone has the right to air their concerns, there is also a particular perception that may be gotten from members of the public, if those references come about regularly, and that is why I have to really voice my discomfort with them, because that has not been my experience sitting on this Committee. Thank you.

Madam Chairman: Mrs. Baptiste-Primus.

Mrs. Baptiste-Primus: Madam Chair, earlier on I would have expressed how I felt. We are all here to engage in a particular exercise and we have a responsibility to engage each other, not only respectfully and courteously but in a form or collegial manner. We are all Members of the Senate.

I made the statement earlier that I get the impression that it is some battleground and it is a battle taking place instead of all of us working from the same page. We will have differences. We will not agree on everything. We view things from different perspectives. But at least, you know, at least, we must feel comfortable when any one of us makes a statement, although we do not agree with it. We would say okay, well that is your point of view, I do not necessarily agree.

But I really wish my colleague, Sen. Mark, would contain himself. It is really not becoming of someone of his standing in this hallowed halls of Parliament, you

know. It really is not, and people look up to Sen. Mark for that kind of guidance, you know, based on his experience and he really should resist those temptations to make such statements. He knows. He would have had to rule on such statements in the past. He knows really, and not necessary.

Madam Chairman: Mr. De Freitas.

Mr. De Freitas: Madam Chair, I would just like to agree with the sentiments of Sen. Richards, in regard to anyone coming, whether it be 25/50 years from now and reading the *Hansard* records, may walk away with a particular image of how these proceedings would have gone forward, based on what has been placed on the *Hansard* records by the use of particular words. So I would just like to state at this point, for me specifically, I believe that all procedures and protocols have been followed in accordance with the rules governing how this Committee should operate as one.

Two, that justice or the appearance thereof has been upheld in regard to the handling of this particular matter and Mr. Ramdeen, in terms of his assisting the Committee in its deliberations, and also on the point of witnesses that, any other witnesses, inclusive of the one that we had put forward by way of Minister Khan, would have been irrelevant to what it is that we are trying to achieve in this particular Committee, by way of looking at what Mr. Ramdeen would have said and whether that is in breach of the grounds that we would have laid out in the very first meeting that we had here.

So, just those three points I would like to put on the record to sort of clear up anything that might have gone before, in relation to me specifically, and my membership on this Committee and how I feel at this point. And I would also like to suggest at this point humbly, that we move forward in terms of looking, at the matter that we really set up this Committee for, which is looking at the words of Mr. Ramdeen and whether they are in breach of the grounds that we would have laid out

in that very first meeting. So I humbly suggest that we move forward to that point now, if other members are in agreement.

Madam Chairman: Okay, Mr. Mark.

Mr. Mark: Madam Chair, I have raised a couple matters and I await your ruling, your guidance on those matters.

Madam Chairman: Okay, so I think the matter that you raised with respect to Mr. Khan being called as a witness, I think the Committee has dealt with that. So we were moving on from there.

Mr. Mark: No, I raised other matters.

Madam Chairman: Which is the other matter that has not been addressed?

Mr. Mark: I indicated to you that there were four grounds.

Madam Chairman: Yes and the four grounds we whittled, we went through as a Committee. We decided that one of the grounds was not relevant. There were three other grounds that the Committee felt were grounds that were relevant to the issue and those are the grounds upon which the members are proceeding, the Committee.

Mr. Mark: Yeah, but what I am trying to advise—[*Interruption*]

Madam Chairman: Yes.

Mr. Mark: If you go to the verbatim.

Madam Chairman: Yes.

Mr. Mark: That we last had—[*Interruption*]

Madam Chairman: Yes.

Mr. Mark:—a lot of the questions that members raised and directed to Mr. Ramdeen were based on ground one. So what I am asking you is that, as we seek to formulate our thoughts, as the Chairman how are you guiding the meeting in this regard?

3.35 p.m.

Madam Chairman: I am not in agreement that the members asked in respect of the Ground 1. I think from my recollection and looking at the transcript, that Grounds 3 and 4, which the Committee had said we would look at, I think the Committee members asked questions based on those, and on 2 as well, okay? But I do believe that in any event, we allowed the examination to go with members asking their questions. There were some times when I did say that certain issues were not relevant, but to get the widest opportunity for the witness to explain his position, okay. But remember that Grounds 3 and 4 are closely intertwined as well, okay? Yes?

Mr. De Freitas: I just wanted to say that to bring back up Ground 1 at this point, I think we deliberated on this, and as a Committee we decided that Ground 1 was not relevant at this point. And, therefore, we were really looking at Grounds 2, 3, and 4, and that would have as, Madam Chair, indicated, guided the questioning of Mr. Ramdeen when he came in front of the Committee. So, therefore, moving forward, we should really deliberate on those three Grounds, and as to whether those words would have been breached of those three Grounds.

Madam Chairman: So my question to the Committee, the issue that has to be dealt with is, Mr. Ramdeen's request for extra time to send in his submissions. What I threw out to the Committee is—am asking: what are your views? What do you feel—what are your views as to how we move forward at this stage? Does the Committee feel that it has enough information to start its deliberations? Does the Committee want to afford Mr. Ramdeen the opportunity of giving in his submissions? Does the Committee want to call any other witnesses? These are some of the issues that I think we need to determine now, and that may allow us to then decide on Mr. Ramdeen's request.

Mr. De Freitas: Madam Chair, I do not believe that any more time should be given. I believe that we have enough information in front of us, to come to a decision. We

have gotten the assistance of Mr. Ramdeen. I do not believe that any other submission can really expand upon what he said. It was two hours in which we were asking him questions, and he was helping us out, and as such, we also gave him enough time to submit anything else in writing. Therefore, I do not believe that another extension should be given, lest we run afoul of the Committee being able to do its work, and being actually led, for lack of better word, on a leash by Mr. Ramdeen.

Mr. Mark: I disagree. I feel that the gentleman, in the interest of justice and fairness, should be given an opportunity to submit. He said he has some submissions to make. I would, however, say that we have to determine a reasonable time for him to do so, and I would want to indicate that he has already gotten, what? Maybe it is from Wednesday evening?—to today, five days. I think that by Wednesday four o'clock, Madam Chairman, is a good time, give him seven days. I think that, you know, we would be showing that this Committee did everything in its power to accommodate the gentleman, and you give him until 4.00 p.m. on Wednesday evening to submit. Failing which, that must be abundantly clear—failing which, the Committee will proceed with its work.

Mr. Richards: Madam Chair, while I have a very clear understanding based on Mr. Ramdeen's submissions before us last Wednesday, I do agree with Sen. Mark, that in the interest of perception, that the Committee is doing all in its power to get all the information it can, because Mr. Ramdeen did volunteer further submissions, that we should accede to Sen. Mark's suggestion of Wednesday, although I have a clear understanding from the submissions in my mind. But once these three points are separate and the submissions are not contingent on two and three, so it becomes obstructionist. So if we do not get the submissions by Wednesday, we would move ahead, and consider that is all the evidence before us.

I also do not believe, based on hearing Mr. Ramdeen, that I have the need for any further witness. Thank you.

Madam Chairman: Mrs. Baptiste-Primus?

Mrs. Baptiste-Primus: Madam Chair, in light of what transpired at this Committee, and my own perceptions, out of an abundance of caution, in order to prevent mischief, Madam Chair, I would want to agree with my colleague. Mr. Ramdeen would have been given notice of that letter. That letter would have reached him, when? Wednesday self? That letter may have reached him on Wednesday. He would have been given a copy of the verbatim notes and it is my view, Madam Chair, you could disagree with my view, but I believe that Mr. Ramdeen wants to engage this Committee in a legal and unnecessary legal process, based on the three questions he poses on page 2 of his letter of June 27th.

Taking into consideration the guidance that he would have been given. I would agree to a very small window, Madam Chair, given our discussions today, but when looking at our communication with Mr. Ramdeen from since last week, the sufficiency of time, for him to submit additional information, Madam Chair.

I do not think it would be helpful to this Committee at all, for the regurgitation of information that would have been—that Mr. Ramdeen would have assisted this Committee with last week. So out of abundance of caution, in light of the words that have been used around this table, rushed, hustle, fairness, kangaroo court, natural justice and other like terminologies, out of an abundance of caution.

Madam Chairman: So that I—Mrs. Baptiste-Primus, Mr. Richards, Mr. Mark are in agreement with allowing Mr. Ramdeen additional time, until Wednesday, this Wednesday.

Mrs. Baptiste-Primus: Well, I do not agree to Wednesday, but if—I did not agree to Wednesday. I agreed that out of an abundance of caution, to give him an additional window of opportunity.

Madam Chairman: So Mr. Mark, having offered the Wednesday's date, can we look at that Wednesday's date then, as the time for the additional submissions?

Mrs. Baptiste-Primus: If it would prevent another tantrum, yes, Madam Chair.

Madam Chairman: Mr. De Freitas?

Mr. De Freitas: I still believe that enough time has been given and, therefore, I would put on record that I do not agree that we should give any more time till Wednesday. I do not see—reiterating what Sen. Primus has stated earlier in this very meeting, or it may have been you, Madam Chair, that a letter received today, Monday, despite the deadline being given for Friday, did not come with any submissions today. And, therefore, if we are giving him a letter till Wednesday, today, he is getting effectively the same amount of time that he would have gotten last week, to give a submission by this Wednesday.

So as much as we may want an abundance of caution, I do not believe it is effective. And again, I am more worried that the record would show that this Committee is being lead around by Mr. Ramdeen by doing this, because we have given him so much leeway before, in regard to the entire proceedings from day one to now, and we are about to do the same thing again, by giving him till Wednesday. Remember that we gave him a deadline till Friday. We got a letter today, Monday, and it is almost as if we are saying, "Okay, that deadline on Friday was not real. We will give you till Wednesday." So what happens if he comes with another letter on Wednesday, we go into another back and forth with letters between Mr. Ramdeen and ourselves?

Madam Chairman: Well, may I suggest—I have listened to the comments of all members. May I suggest that everyone—well, it is a given that all members, all your comments will be noted for the record, but may I suggest, therefore, that a letter be sent to Mr. Ramdeen immediately after this meeting, indicating to him that the Committee has considered this request and, therefore, will give him one final

opportunity to submit whatever—well, to send in his submissions no later than Wednesday—what is Wednesday's date?

Hon. Members: The 29th.

Madam Chairman: Wednesday 29 June 2016, and can we say at 4.00 p.m.? Is that reasonable?

Mr. Richards: 4.00 p.m. is reasonable.

Madam Chairman: All right. So that we will send Mr. Ramdeen that letter, okay?

Let us now talk about the other issue. I still think that we can at this stage make certain decisions, and I think it is an opportune moment for the Committee to determine any further witnesses. Mr. Richards, you have already indicated your position. Mrs. Baptiste-Primus?

Mrs. Baptiste-Primus: Madam Chair, I also share a similar position to that of Sen. Richards.

Madam Chairman: Mr. De Freitas?

Mr. De Freitas: I so too share the similar position. I do not believe that any other witnesses at this time, is relevant to what we have to deliberate in front of us.

Madam Chairman: Mr. Mark?

Mr. Mark: Madam Chair, I had already placed on the record when you asked—when I raised the issue earlier, that I believe that the person who moved this Motion should assist this Committee in its deliberations, so that we can understand what was going through his mind, when these Grounds were formulated by him so that we could be clear as a Committee, as we seek to arrive at our decision. So I maintain that I would have liked to have him here at the Committee.

Madam Chairman: So that the Committee, having already determined that in the Committee's view, it is not necessary or relevant to the Committee's proceedings, to have Minister Khan come before the Committee as a witness, can we now, therefore, set out that no further witnesses will be required by the Committee?

Mr. Richards: Agreed.

Mr. De Freitas: Agreed.

Madam Chairman: I, therefore—we still have to get Mr. Ramdeen's submissions. I, therefore, do not think at this stage, that we can move forward with any more deliberations, because we should have what Mr. Ramdeen wishes to say in addition to the *Hansard*.

3.50 p.m.

We should have what is this further submission that he wishes to make before we begin deliberations, so which brings me now to the—so it brings us now to our next meeting and, therefore, the question that I have for members, this week should be the final week before the Parliament goes into recess. So would members be amenable to meeting once during the court recess? I am going to propose—[*Interruption*]—I am getting into the legalese now. Would the Committee be amenable to meeting once—I am going to suggest a date—during the Parliament recess? We will have Mr. Ramdeen's submission and then we can have our full deliberations on the matter. So I am going to suggest that we meet on Monday, July 11th.

Mr. Mark: I will be out of the country.

Madam Chairman: You will be out of the country? The 12th?

Mr. Mark: I think Tuesday or Wednesday.

Madam Chairman: Mrs. Baptiste-Primus, can we ask you about Thursday the 14th—Thursday afternoon about 2.00 p.m?

Mrs. Baptiste-Primus: Yes, Madam Chair.

Madam Chairman: All right. So we will deal with—and this will now be for deliberations, and which will include considering the submissions issued by Mr. Ramdeen, which are to be submitted to the Committee no later than Wednesday at 4.00 p.m. Okay? So we will adjourn. I thank you members. So we will next meet on

Thursday, July 14, 2016 at 2.00 p.m. When the submissions are received, they will be circulated to members via your email. Okay? So members, are there any other comments? Anyone wishes to—

Mrs. Baptiste-Primus: What time, Madam Chair?

Madam Chairman: 2.00 p.m.

Mr. Mark: I just wanted to ask: would you want to give us any guidance as to the litmus test or what is called in this kind of proceedings, the objective test that would have to be considered by the Committee in arriving at any decision, or do you leave that for when we come back on the 14th?

Madam Chairman: I think we would leave that for the next meeting when all of this will be discussed and members will feel free to share their views. I would ask members though, a great deal of literature has been circulated to members and I would ask you to familiarize yourself with that literature for the next meeting. If there is any assistance between now and that meeting that members individually wish to get from the support staff, the Secretariat, you are free to do that as well. You are free to seek out any information from the staff. Okay? All right. So thank you very much, members. This meeting is now adjourned.

3.56 p.m.: *Meeting adjourned*.

VERBATIM NOTES OF THE SIXTH MEETING OF THE COMMITTEE OF PRIVILEGES OF THE SENATE, FIRST SESSION (2015/2016), ELEVENTH PARLIAMENT HELD IN THE A.N.R. ROBINSON MEETING ROOM (EAST), LEVEL 9, TOWER D, WRIGHTSON ROAD, PORT OF SPAIN, ON THURSDAY, JULY 14, 2016 AT 2.16 P.M.

PRESENT

Ms. Christine Kangaloo	Chairman
Mr. Wade Mark	Member
Mrs. Jennifer Baptiste-Primus	Member
Mr. Nigel De Freitas	Member
Mr. Paul Richards	Member
Mr. Brian Caesar	Secretary
Miss Chantal La Roche	Legal Officer II
Mr. Johnson Greenidge	Asst. Secretary
Miss Simone Yallery	Asst. Secretary

Madam Chairman: May I call the meeting to order? We all have the agenda before us so could we move on to Item 2 on the agenda, which is the Review of the Minutes of the fifth meeting? Members, everyone has the Minutes before them? Page 1. Page 2. May I just point out at 4.3 of page 2, it should read: "Mr. Ramdeen's oral evidence—". It is a typographical error. Members, are you with me—4.3? Okay?

Page 3. Page 4. Can someone move that the Minutes, as amended, be confirmed?

Confirmed by Mrs. J. Baptiste-Primus.

Seconded by Mr. P. Richards.

Madam Chairman: So we move on to Item 4 on the agenda: Matters Arising from the Minutes. Page 1. Page 2. Page 3. So with respect to bullet 4.10 on page three—

bullet 4.10 (b)—the Committee had agreed that a letter will be sent to Mr. Ramdeen giving him a final opportunity to make his written submissions. May I inform the Committee that such a letter was sent. The letter was sent on the said day and copies are now going to be circulated. But on June 27th, the said day of the meeting when the decision was taken, the letter was sent.

[*Letters circulated to members.*]

So, members, you have had sight of the letter dated June 27th sent to Mr. Ramdeen. Page 4?

Mr. Mark: Madam Chair, did Mr. Ramdeen submit the verbatim with corrections?

Madam Chairman: No. That is what I was just about to indicate to the Committee, that Mr. Ramdeen did not send in the verbatim records with any corrections and it is now more than 14 days as provided in the Standing Orders; neither did Mr. Ramdeen submit any submissions.

Mr. Richards: Was there any response?

Madam Chairman: No, no response by Mr. Ramdeen.

So we move on to Item 5. So members, with your leave we have moved on to Item 5, which is the deliberation of the matter referred. May I just give you a summary of what has transpired thus far in this matter? This is the sixth meeting of this Committee of Privileges. On Tuesday, May the 24th, 2016, the following matter was referred to this Committee: the Motion was moved by Sen. Khan and advanced that Mr. Ramdeen committed a contempt of the Senate by, one: that he made statements which were intended to intimidate and may have intimidated Sen. Justin Junkère, temporary, in the conduct of his work as a Senator; that he reflected on the character and conduct of Sen. Justin Junkère, temporary, in such a manner that brought the Senate into ridicule and odium; that he was seeking, via the media and the Integrity Commission, to impeach temporary Senator Junkère in relation to his participation in proceedings in the Senate, and making entreaties to His Excellency

the President, Anthony Thomas Aquinas Carmona, ORTT SC to censure Sen. Junkère for his choice to vote, as he did, in the Parliament.

On the said day, that is Tuesday, the 24th of May, 2016, it was ruled that there was a prima facie—a case of breach of privileges had been made out and the matter was therefore referred to the Committee of Privileges for consideration and report.

We have had five meetings prior to this. On June the 2nd, we held our first meeting. We discussed at that meeting and agreed to the following: the remit in the matter—the Committee's remit; the procedural steps to be applied; the relevant Standing Orders to be observed during the deliberations; the documentation and material to be used in its deliberations and considerations, which documentation included the newspaper reports and the DVD recordings; the primary witness required to assist the Committee in its deliberations; a proposed work plan; and an invitation for Mr. Ramdeen to appear as a witness on the 16th of June, 2016 to assist the Committee in its deliberations on the matter.

At the second meeting which was held on June 9th, the Committee undertook took the following: a discussion on what are breaches of privilege; examples, issues of matters, and matters of contempt; examples of molestation, harassing and intimidation; a viewing of the DVDs involving the May 12th press conference and the May 13th TV6 interview held by Mr. Ramdeen; consideration of the newspaper reports on statements made by Mr. Ramdeen.

At the third meeting which was held on June 16th, the Committee undertook the following: A discussion on the procedure to be followed during the questioning of the witness; the role of the Chairman; the letter received from Mr. Ramdeen about his unavailability for the third meeting. The Committee on the following—at that third meeting: that the next meeting of the Committee of Privileges would be held on the Friday, June 17th at 10.00 a.m. with the examination of the witness, Mr. Ramdeen; that the meeting scheduled for Friday, June 17th at 10.00 a.m. was

dependent on the feedback received from Mr. Ramdeen on his availability.

There was agreement on the dates listed as the next available dates for the examination of the witness, Mr. Ramdeen, should the Friday not be convenient, and the Secretariat was to notify Mr. Ramdeen by telephone and by letter that his request to set another date to assist the Committee with the matter under consideration, had been accommodated, and Mr. Ramdeen was to be invited by letter to appear before the Committee on the Friday, June 17th. A second date would be included, of Wednesday, June 22nd, at 4.00 if the witness indicates that Friday was inconvenient. I am just doing this, members, to recap what we have dealt with. The letter to Mr. Ramdeen would also make available the transcript and the DVD of the press conference, the transcript and DVD of the TV6 interview and the three newspaper reports.

Fourth meeting: At the fourth meeting which was held on June 22, 2016, the Committee undertook the examination of the witness, Mr. Gerald Ramdeen. At that meeting he enquired into the process of making a written submission to the Committee. The Chair provided guidance on the procedure and further indicated it should be submitted as soon as possible. A discussion after Mr. Ramdeen had finished his examination and had left—a discussion ensued among members about whether the witness had been denied the benefit of being made to understand why he was before the Committee by reason of the allegations not having been read to him at the start of the interview. The Committee had considered that query that had been raised and determined that the witness had not been denied such benefit. The Secretary was directed to write to Mr. Ramdeen and advise that the Committee required his submission by Friday, the 24th of June 2016.

At the fifth meeting which was held on June 27th, the Committee undertook the following: it considered a letter received from Mr. Ramdeen dated June 23rd, requesting additional time. Well, no. There was one letter dated June 23rd that

sought guidance and then there was another letter that requested additional time. That was the letter of the 27th of June. Whether any further witnesses were needed; whether an extension should be granted to Mr. Ramdeen for his submissions, that is what the Committee dealt with on the last occasion.

The Committee decided and agreed to proceed with the matter in the following way: that a letter would be sent to Mr. Ramdeen giving him the final opportunity to make his written submissions by Wednesday, June 29, 2016 at 4.00 p.m. The Committee also decided that no other witness would be required by the Committee. The Committee then decided that this would be—that we would now meet on this date to begin its deliberations and to consider the submissions of Mr. Ramdeen.

So I have just given a recap of what has taken place. So if I may, members—do any members wish to make a comment on the recap that has been presented before I move on?

Mrs. Baptiste-Primus: Just to say, Madam Chair, that it represents, to me, a very accurate reflection of the work of this Committee over the past that we have been meeting.

Mr. Richards: I also agree that it reflects—it gives a great account of what has happened so far.

Madam Chairman: So, Members, if I may, at the very start of this when this Committee began its deliberations, we indicated that there must be fairness and there must be procedural fairness and Mr. Ramdeen must be given an opportunity to be heard. I think it is quite clear from the records that those limbs have been reached; that Mr. Ramdeen was given an opportunity to be heard. There were instances when Mr. Ramdeen was invited on certain dates. He had personal difficulties on the first date and on the day after he was out of the country and the Committee adjusted its schedule to allow for Mr. Ramdeen to be before the Committee.

Mr. Ramdeen had also asked, when being examined at the end, he asked if he

could make written submissions and he was invited to do so. I think, therefore, it is quite clear from the history that all procedural fairness with respect to Mr. Ramdeen has been met.

2.30 p.m.

And I would therefore invite members at this stage, having heard all that we have heard from Mr. Ramdeen, we have had the benefit of the literature that has been circulated, that we can begin our deliberations on this matter, and I just want to ask members if you are of like mind?

Mr. Richards: I agree.

Mrs. Baptiste-Primus: I am, Madam Chair.

Mr. De Freitas: I also agree.

Madam Chairman: Thank you very much, members. So, members, you may recall that—I think it was our second meeting, the meeting on June 9th—that we actually went into the literature that had been provided on what are breaches of privileges, examples of issues and matters of contempt, examples of molestation, harassment and intimidation. We actually looked at the literature and we were able to identify where we found that that literature was helpful in the situation that we have before us now. So I am going to allow members to advance their views at this stage as we begin our deliberations on this matter.

I just want to put out that in certain instances, Privileges Committees members will have to deal with matters that are a question of fact. So, for example, if there is a situation—I think we had one what has been called the "tea cup affair", when there was an issue as to what happened, and therefore, you had to call witnesses to determine a question of fact. In this case, I am throwing out to members that this is not a question of fact. Mr. Ramdeen has not denied that these words were uttered and we have the transcripts of the press conferences themselves and the newspaper reports. So that what the Committee should at this stage in its deliberation be looking

at are the words used by Mr. Ramdeen and what those words caused—the effect those words would have on anyone listening to what Mr. Ramdeen had to say. So I invite members now as we begin our deliberations to raise any issues.

Mr. Mark: Madam Chair, I had raised at the last meeting: What was the litmus test, what was the objective test that would be guiding us as we begin our deliberations? And when I talk about litmus test, I always recall whether the intention was malicious, whether it was intentional, whether it was deliberate. In other words, what is going to be informing us as we deal with what we are dealing with? So I had asked that and you told me that we would deal with it at this meeting. So I wanted to ask you what are we dealing with essentially; what is the objective test we are going to be using as we seek to employ this standard of proof on the balance of probabilities? So maybe you can help in this area so at least I would be clear in my mind, as an example, what are we to look for and question, so wherever we arrive, the facts would lead us in that direction, or not lead us in that direction. I just wanted your guidance.

Madam Chairman: Sen. Mark, thank you, and that is why I started off by talking about whether this is a question of fact, which I am saying to members, this is not a case of a question of fact to be determined by the Committee. This is a case where certain words have been uttered. There is no denying that the words have been uttered, and therefore, the question is: what is the effect of what has been said?

"Intention" in my view at this stage is not relevant. "Intention" might more be relevant if perhaps the Committee made an adjudication, and therefore, was looking at what should be the sanction. So "intention" would more be to mitigation. The test here is what objectively would those words have conveyed to someone listening to temporary Sen. Ramdeen when he uttered the words?

Mr. Mark: Would you agree, Madam Chair, that those words that would have been uttered, would have been uttered within a contextual framework? And whilst we

have not had the privilege of having the temporary Sen. Junkère before us, one of the allegations that we are being asked, or we have to look at I should say, is this one—if you go to allegation No. 3, or let us say allegation No. 2 in terms of what is before us, we are talking about the gentleman's participation in the proceedings, and what it raises to my mind is whether the individual in question had a responsibility consistent with our Standing Orders. Our Standing Orders referred to in the House of Representatives is Standing Order 44(5) and, Madam Chair, you were not in the Chair at the last meeting, but we did make changes to our Standing Orders which reflected the exact Standing Order of 44(5).

So what I am saying is that we have to be very conscious as it relates to when you talk about the words and the effect of the words. We are in politics, and as you had stated in a previous ruling, politics is a give and take, and you have a certain kind of robustness that comes out in politics. I am saying that in those circumstances, should Mr. Junkère, should he not have as a Member of Parliament, at the material point in time, was he not obligatory or did he not have an obligation to inform his colleagues in the Senate that he had a pecuniary interest in a matter that was current at that material time with the State? Therefore, Mr. Ramdeen's utterances could be seen as a response to a situation in which the member in question ought to have disclosed to the House, or to the Senate, that "I had a pecuniary interest, and therefore, I am disclosing it". And therefore his failure not to disclose might have led to passions being flared and then you had the utterances.

So I am saying we have to look at this thing in a contextual framework and do not leave out the framework in which those words were uttered. So I just thought I should raise that.

Madam Chairman: Sure. Let me just address for members what Mr. Mark is raising because I think Mr. Mark is raising the Standing Order of the House of Representatives. It is Standing Order 44(5). Let me read the Standing Order. It is

in the House of Representatives. It is not in the Senate Standing Orders, and this is something that the current Standing Orders Committee of the Senate, we recognized there was an omission and the Standing Orders Report that had been agreed to by the Senate now includes this, so that it will be included in the Standing Orders. But let me read for members what it says.

Mrs. Baptiste-Primus: Standing Order what, Madam Chairman?

Madam Chairman: 44(5) of the House of Representatives.

> "Before participating in consideration of any item of business in the House in which he has a financial interest, a Member should disclose the extent of that interest."

Now, with respect, that means, if you look at the words "Before participating in consideration of any item of business in the House in which he has a financial interest", in this case it was the Strategic Services Agency (Amdt.) Bill. The fact that former Sen. Junkère had a brief to represent the Attorney General does not fall within this particular Standing Order. It has to be a financial interest in the matter that is being dealt with on the Order Paper. That is what that Standing order is seeking to convey.

And if I could just say for historical purposes we have had in the Senate, and we have had doctors who have served on RHAs—am I not right?—we have had Senators those who have served in state enterprises, and they have all been Senators. So I am not sure, Mr. Mark, that that correlates to this, that this Standing Order—even if it were in the Senate Standing Orders at the time—will be able to be applicable to the situation.

Mrs. Baptiste-Primus: And, Madam Chair, I just want to add that I enquired of Mr. Ramdeen whether or not he was aware that a former Independent Senator, in the likes of deceased Senator, Dana Seetahal, served as an Independent Senator and also worked on government briefs and he indicated he was not aware of that. But I want

to agree with you, Madam Chair, that the Standing Order 44(5) of the House of Representatives, quoted by my good friend Wade Mark, is definitely not applicable under these circumstances, because there is no question that Sen. Junkère has any financial interest in the Strategic Services Agency Bill. I mean, by its very nature it is self-explanatory. It is a Bill. There is nothing financially to glean from it at that level.

Madam Chairman: Mr. Richards.

Mr. Richards: Madam Chair, while I respect the option of Sen. Mark to air his views, I do not agree that a member's contribution, even in the robustness of parliamentary debate, can be used as reason for possible breach of the Standing Orders in relation to what we are discussing here. Because if that were the case, it would set a kind of precedent that will—all responses to matters can be possibly used if one wants to take it to the limit of robust debate as an excuse for commentary that may be construed as a breach of privileges in this or other cases.

In addition to which, I agree with the comment that you just outlined, that the fact that the Bill being debated was the Strategic Services Agency (Amdt.) Bill, does not fall in this context because former Sen. Junkère did not have a specific interest in that Bill. It was, from my understanding, a brief in the Office of the Attorney General, and it also predated the sitting Attorney General which may not necessarily be a consideration because it is the Office of the Attorney General we are discussing, but it was not specifically related to the Bill being debated. So I do not think it falls within what the Lower House Standing Order is stating.

Mr. De Freitas: I just want to agree with Sen. Richards and Sen. Baptiste-Primus in the statements that they have made. I do not agree that the context should be taken into account here in relation to Standing Order 44(5) of the House of Representatives.

2.45 p.m.

I also do not believe that it is applicable in this particular scenario. But even so, what we are deliberating today is, as Madam Chair indicated, whether the words of Sen. Ramdeen, you know, brought the House into a certain level of disrepute or lowered the level of dignity afforded to the House and as such, that is what we should be focusing on.

Mr. Mark: May I also bring to your attention a Code of Ethics for parliamentarians, including Ministers, which was passed in the House of Representatives in 1987 but did not make it to the Senate in 1987. And whilst it is not law, it has become like a kind of practice note for Ministers and parliamentarians. And I want to, with your leave, draw your attention to Articles 1, 2, 5, 6 and 7 to, again, consolidate the point I am making as it relates to a certain frankness, a certain honesty and a certain openness that is required of Members of Parliament to declare or to at least advise their Members or their colleagues that, "Listen, I do have an interest in a particular matter" or "I do work for this organization"—the Government or the State—and therefore, Members would be aware in those circumstances that the particular Member has an interest and therefore, you would be so guided. It does not mean to say you cannot deliberate in the matter or even when it comes to voting, maybe you can vote if you wish. Although I know in a place called Bermuda, you cannot vote once you have a particular interest in a particular matter. You have to excise yourself from that process.

So, again, I just bring it to your attention for whatever it is worth, Madam Chair, and I quote Articles 1, 2, 5, 6 and 7 as it relates to an obligation on the part of a Member to at least inform his colleagues, and to inform the House of his interest. Whether he is directly involved, as you rightly pointed out in terms of the Standing Orders, or whether he has a pecuniary interest, he has or she has a duty and a responsibility to level with his colleagues and not keep it as a secret. So I just thought I should draw it to your attention because this was laid in 1987 in the both

Houses of Parliament. And it might have escaped colleagues, Madam Chairman, but it is in fact a practice note that whilst it does not have the force of law, it is available for Members' consideration and guidance.

Madam Chairman: I hear you, Sen Mark, and I have the Code of Ethics here which can be circulated to Members, but I think it goes back to the issue of the matter at hand and the definition of interest. Because it would be taking it much too wide to determine that once—well, I do not want to limit the types of interest that would have to be declared, but clearly there must be a link between what is being presented and debated at the time and the particular parliamentarian's interest, financial or otherwise.

Mr. Mark: But, Madam Chair, all I am submitting is that it is obligatory on any Member of Parliament, if he or she is debating a matter and he or she is employed by the State and is getting a remuneration from the State. It is—and remember, a Member should not be getting any remuneration from any other agency except the Parliament but because we are part-time, we do have other sources of employment. But it is incumbent when you are dealing with the State, and in this instance the Government, for a Member to at least declare to the Parliament that I have an interest, I have a brief with the State. And even though, you cannot ask the person to recuse himself but at least the Members of Parliament would be aware that Wade Mark or John Brown has an interest, he has a brief and no crime, but at least, everybody would know that you have a brief.

It will not determine how you vote, it may not determine, for instance, how you speak, but the point about it, John Public would be aware, rather than for somebody to come and find out subsequently that I have a brief or John Brown has a brief. What an ordinary, informed observer will draw from that? That you are being paid by the State and that, to my mind, is a danger point. And we could ignore it but the ordinary individual out there will come to that conclusion inescapably, and

all I am saying is that it is something that we need to not dismiss but pay some attention to. That is all I am arguing.

Mrs. Baptiste-Primus: Madam Chair, I do not wish to comment on what my colleague said because Mr. Junkère is not the person before this Privileges Committee, it is Mr. Ramdeen and what my good friend is doing is regurgitating the information laid before this Committee by Mr. Ramdeen. But what I want to draw to your attention, Madam Chair, Mr. Ramdeen—we looked at the tape, we read all the clippings. At no time did Mr. Ramdeen deny that he made those statements.

Interestingly, I remember asking Mr. Ramdeen, you made those statements, "we", who were you talking to and he said he was talking on his own accord, but that is not true. If you go to the CCN TV6 Morning Edition Interview—let us go to his press conference firstly, on the 12th of the fifth.

Madam Chairman: Could you give us the page?

Mrs. Baptiste-Primus: Page 1, second paragraph, after he thanked Members of the media for being there. Mr. Ramdeen proceeds:

> "What I have to say to you this afternoon and, why we as the Opposition—what I have to say to you this afternoon, and why we as the Opposition consider this to be extremely important, is something that has come to our attention…"

If you turn and you go to page 3, the second paragraph, beginning on the fourth line:

> "And we consider the fact that Mr. Justin Junkère was retained in matters…"

Madam Chair, if you go to the CCN TV6 Morning Edition Interview with Fazeer, if you turn to page 4, middle of the page there, Sen. Ramdeen, third to last line:

> "We had less than an hour…"

Page 5, Mr. Ramdeen again, middle of the page. Mr. Ramdeen throughout. Page 6, Mr. Ramdeen:

> "When we asked the Attorney General…"

"We were shocked to find out that the Director of SSA…"

Page 7:

"When we spoke last week we said…"—so and so.

"We said this legislation…"

Throughout his entire discourse, he spoke about "we", yet Madam Chair, when I asked Mr. Ramdeen whether or not he was aware if the Opposition had written to His Excellency, he said no. Then I asked him: do you not think it was your responsibility to find out if the Opposition, whom you represent, had done so? Mr. Ramdeen rambled.

When I looked at the point, Madam Chair, on the effect of what Mr. Ramdeen said, almost everything Mr. Ramdeen said was meant to impact in a negative way on the character of Mr. Junkère. Mr. Ramdeen came before this Committee. At the end of his sharing of information, he appeared somewhat contrite, somewhat, in extending an apology. But at no point in time Mr. Ramdeen ever denied saying the words that he said. Mr. Ramdeen sought to take this Committee in a direction that Mr. Junkère was at fault. He was responsible for all this, because from his perspective, Mr. Junkère had displayed a particular kind of behaviour.

Madam Chair, I also recall asking Mr. Ramdeen whether or not he did not think it the right approach to express these concerns he says he has, to convey that to the President of the Senate, because you are serving within a certain Chamber under the authority of someone, the President of the Senate, and if you harbour such strong views, it is my view that those views should be transmitted to the Head of that Chamber. At no point in time have I been able to detect, Madam Chair, the conduct of this temporary Senator, consistent with what is expected, is proper conduct.

I mean, you could go over the records. I do not know of any instance, and I stand to be corrected, where an Independent Senator attacks another Independent Senator. I know my colleague here talks about politics and the robustness of the

politics and trading words, we do it all the time, but I am unaware of a situation where an Independent Senator attacks another Independent Senator, and does that in such a public way. I have more to say but I will pause at this time.

Mr. Mark: But may I ask—

Madam Chairman: Could I just say one thing before—just to put on the record. I listened to what Mrs. Baptiste-Primus said, she did say that Mr. Ramdeen appeared contrite at the end of his interview, but I just want to put it on the record that Mr. Ramdeen did not offer an apology at that time, when he came before the Committee. So I just wanted that to be on the record as well. [*Interruption*] He did not offer an apology when he came before the Committee. I think Mrs. Baptiste-Primus is saying he appeared contrite.

Mrs. Baptiste-Primus: Somewhat contrite.

Madam Chairman: Somewhat contrite. All right.

Mr. Mark: Well, I do not know if you have that right. I did recall him making it very clear if he had offended anyone, if he had said anything that may have been negative towards anyone, he apologized. I recall him on the *Hansard* record saying that he apologized for what he said.

Mr. Richards: I also remember Mr. Ramdeen saying very much the same thing at the end. If he had offended, it was not his intention, I think was the words he used, and he offered what I would consider an apology if I remember correctly.

Madam Chairman: Well, maybe I am remembering it differently and I will look to the *Hansard*. But I remember it being—he says if, if and I remember asking certain questions about what do you think these words would imply and what would someone think and he did not really—I remember what he said. I will look in the *Hansard* and find it and we can talk about it, but I do not think that there was—I am sorry, I may be wrong. I do not think there was an outright apology by Mr. Ramdeen.

Mrs. Baptiste-Primus: Madam Chair, I held that opinion that he apologized but

when I went back and I read, and we can all go back and read what he said, it was not really an apology.

3.00 p.m.

I was of the view that he had apologized, but when you go back and you read the transcript, it was not an apology to say: Upon reflection, I am sorry if my words may have conveyed the wrong impression about Sen. Junkère, and in that context I am sorry. Those were not the words. Those are the kind of words that one would accept as an apology. On the face of it, when he said it, I say, "Well, okay, okay he apologized". But I read it over and if one wants to classify it as an apology, it is a backhand apology.

Mr. De Freitas: It was not meant to be an apology, I do not think. It was not an apology by way of admittance of any wrongdoing. It was an apology by way of: if you take offence to something that I have said then I am sorry that you took offence. I am not sorry that I said it. And if you check the *Hansard* you would see that he continued to put forward his position as to intent of what he said and laying blame squarely at the feet of Sen. Junkère, in terms of the cause of what he had said which, to me, really says that it was not an apology. I am sorry that you took offence but I am not sorry for what I said, which is exactly how I took it.

Mr. Mark: I have to look myself, but I got a distinct impression and maybe it is a question of interpretations here, and that was my impression; that he apologized.

Madam Chairman: Could anyone go to the *Hansard* because I think it is an important point and I think we should go to Mr. Ramdeen, the *Hansard*.

Mrs. Baptiste-Primus: Page 52/53.

Madam Chairman: It is the *Hansard* of 22nd of June. It is dated 22nd June.

Mrs. Baptiste-Primus: Yes, page 52 at the bottom, into page 53.

Madam Chairman: We only stop at 48, 22nd June. The 22nd June is what the *Hansard* is dated.

Mr. Mark: Madam President, if you look on page 53.

Madam Chairman: You have a 53 too?

Mr. Mark: Yes, if you look at page 53. These are the words to the effect:

> "Madam President…, …if there was any wrong impression of the words…I stated…"

You remember we are talking about politics here, Madam President.

Madam Chairman: I hear you.

Mr. Mark: Let us not make any mistake. This is no kindergarten thing, "eh".

Madam Chairman: No.

Mr. Mark: It is no tea party.

Madam Chairman: No tea party.

Mr. Mark: So, in other words, he went on further to say:

> "…if there was any wrong impression given to any Member of the Senate and to you, Madam President, I apologize for that."

Mrs. Baptiste-Primus: That is not an apology.

Mr. Mark: "…in those circumstances, I want to make it clear that at no point in time was it my intention…"

This is a clear statement.

Madam Chairman: But that is a statement—

Mr. Mark:—"to bring ridicule or odium to the Senate as the Upper House…or to individually attack, place in ridicule or to embarrass in any way Mr. Junkère in particular, or any other Member of the Senate."

So Madam Chair, what I am seeing here is a statement. I understand the first part, where it appears to be a bit hazy. But he goes on:

> "…in those circumstances I want…"

This is a categorical statement.

> "I want to make it clear that at no point in time was it my intention

to bring ridicule…"

That, to my mind, represents a statement of an apology. He never intended to bring the Senate or Mr. Junkère into ridicule or into contempt. I cannot see if I am to make a statement of apology, what else am I going to say?

Madam Chairman: Mr. Mark, no. Let us—53. The 53 everyone is talking about, I have now gotten it.

Mrs. Baptiste-Primus: I allowed you to hijack my space. I was on my normal—

Madam Chairman: I am sorry.

Mrs. Baptiste-Primus: I am sorry, Madam Chair, go ahead.

Madam Chairman: It says:

"**Mr. Ramdeen:** So perhaps I should thank the Committee for giving me the opportunity to present or to clarify whatever statements I may have made. I think, not to beat a dead horse, but to indicate to the Committee and to the Senate and to you, Madam President of the Senate, that if there was any wrong impression…"

Mrs. Baptiste-Primus: If, if.

adam Chairman:—"of the words that I stated that are the subject of the grounds of the Motion, if there was any wrong impression of the words that…I can clear that up and say, if there was any wrong…I apologize for that."

NSo I am not sure, members, that that is an apology. Somebody used a phrase just now. Who used it? A half, through the back door. Somebody just used something.

Mr. Richards: Backhand apology.

Mrs. Baptiste-Primus: Backhand.

Madam Chairman: Yes. All right? If there was a wrong impression of the words, what this Committee is deliberating on now is what is the effect of those words to someone? Right? What is objectively the effect of those words? And to me, what

this is saying is that if objectively people were to say that I meant this, well then I am sorry. Well, if objectively, I do not want to give any—I get into trouble when I start to give different analogies, so I would not. But that, to me, is not a thorough apology.

Mr. Mark: Madam Chair—

Mrs. Baptiste-Primus: Madam Chair, I am not giving way this time. Wade, you hijacked my time just now.

Mr. Mark: Sorry.

Mrs. Baptiste-Primus: Madam Chair, as I pointed out, when I went back, at first blush I formed the impression that an apology was forwarded. But when I went back and I read this—an apology is a clear statement of contriteness. This was not what Sen. Ramdeen said. If, if you form the impression, not that what I said I should not, upon reflection. Because I gave Mr. Ramdeen a window of opportunity to come through, you know. I asked him if on reflection he would not say that he should have taken a different approach. As a matter of fact, it was not a window. It was a doorway I opened for him.

Madam Chair, I am not a lawyer but I would have represented many, many public officers and, at the end of the day, when I look at what is before me, I would tell them you have to throw yourself at the mercy of the commission and give mitigating circumstances. At no time Mr. Ramdeen came here and said: Well, upon reflection, perhaps, I should not have said some of the things that I said, and grab the baton, his Senatorial colleague would have tried to pass to him, well, you know, my newness in the Senate I am not too au courant with the procedures. You know? Although ignorance is not a defence, but we would understand. But at no point in time has he said that. Look at what is before us, the newspaper clippings.

Madam Chairman: Let me just say something here, because I think that we are looking at this issue of apology a little too early in the day. I think that what we have

to look at, at this stage, as I indicated before, what is the effect of the words uttered by Mr. Ramdeen? What objectively would persons take from those words? I think whether he gave an

apology wholeheartedly, half-heartedly, whatever, that comes after. That might come in mitigation. That might come if the Committee finds that there has been a breach of privilege. We may then look at that issue. But let us now, if I could ask members, let us look back, go back to the crux of the issue before us, which is those words uttered by Mr. Ramdeen, what did they convey to any observer, any fair-minded observer? Objectively, what can you say those words conveyed? Mr. De Freitas.

Mr. De Freitas: In answering your question, Madam Chair, to me, based on the interviews, the newspaper reports, the words conveyed that the Independent Senator was not independent in his decision-making and, therefore, the vote that he cast in that particular debate and Bill that was passed was compromised. In a nutshell and put in terms of a summary, that essentially is what was conveyed to me.

Mr. Richards: Madam Chair, I just want to refer to one of the documents passed on to us entitled "Conduct of the Inquiry" on page 3. Some of the subtitles include "procedural fairness", "burden of proof", "rules of evidence", "meetings". Under the subheading "Reflections" at point 13, I do not know if you have that document. I would quote from it:

> The Reflections must relate to the Member's parliamentary work. Similar to the privilege of freedom of speech, it is inappropriate for certain actions or comments of Members in the House to be criticized. Such criticism is deemed to be reflecting on Members' actions and can be treated as contempt. Reflections on the
>
> character or partiality of the Speaker, Chairman of Committees or the Chair of a select committee have been punished as contempt. Reflecting on

> Members' behaviour in the House by accusing them of corruption or challenging their motives or reflecting improperly on a vote in the Senate can also be deemed to be improper."

That was kind of my guidance looking back at the press conference, the reporting of the press conference, in the *Daily Express* of Friday 13th May, 2016, the transcript of the CCN TV6 interview with Mr. Fazeer Mohammed. I would just like to quote a couple of the points I highlighted. On page 4 of the transcript of that interview once again, so that I give a kind of chronology of the contributing factors to my perception.

> "…'people were asking me'—this is Miss Sophia Chote—
>
> **MSen. Ramdeen:**—a well-respected member of the Inner Bar—'Are you the one? Are you the one?' And Miss Chote was saying, well…people were asking me that, she could not understand what they were talking about."

On page 5, Sen. Ramdeen, middle of the paragraph:

> "…is it a coincidence, Faz? Is it a coincidence that two Independent Senators who choose to go to a closed-door meeting of the Attorney General are the two Independent Senators who voted for the Attorney General? It doesn't look right."

Moving on to page 8 of that transcript:

> "The Government was sitting down there,"—this is from Sen. Ramdeen—"and because they had their support on the Independent Bench..."

This is a live television interview. This is not, "they seem to have".

> "they had their support…they…threw out every single amendment."

End of that quotation. I think there was one. That is it for that one.

Based on these comments and some of the contributions of former Sen. Ramdeen, it is my perception that it breached the reference I made earlier, in terms of casting aspersions on the propriety of the vote of former Sen. Junkère, which, in

my opinion, constitutes a breach of the privilege in this case, you know. Apology aside, which as you indicated, we would discuss later on.

I think the comments and the press conference and the TV6 interview, though Mr. Ramdeen indicated was not his intention, as we referenced in the verbatim notes a while ago, at the time, someone listening to those comments in the public would get the impression that Mr. Ramdeen may have been indicating that former Sen. Junkère's vote was compromised before he voted, and would have influenced his vote in some way, which is a very serious charge or indictment to make. Thank you.

3.15 p.m.

Madam Chairman: You may recall that at the last meeting I said that members could do their research on the literature, re-read what has been submitted and also get further information. Let me just read to you something from *Parliamentary Privilege in Canada—Second Editio*n. It is a referenced text by J.P Joseph Maingot, Q.C and at page 253 there is this line:

> "To reflect improperly on a vote in the House and the motives"—of some—
>
> "Members is a breach of privilege."

And I think, Mr. Richards, that this is what you are saying as well, and this sentence seems to align itself with that you have just presented.

Mr. Richards: It is exactly a quote from J.P. Joseph Maingot, QC *Parliamentary Privilege of Canada—Second Edition*, 1997, House of Commons and McGill-Queen's University Press.

Madam Chairman: Yes. So:

> "To reflect improperly on a vote in the House and the motives"—of some—
>
> "Members is a breach of privilege."

And that is why I am asking members: what did the words of Mr. Ramdeen convey to any observer listening on? Mr. Richards has given his view.

Mr. Richards: Just one more thing I would like to add. Coming from that also, this

learning does not in any way consider intention. It considers the action, because intention—I am not a legally trained mind—is something very difficult to try to prove if I am not mistaken. So this comments on the action and whether the action constitutes a breach or not and it does not consider intention.

Mr. Mark: Madam Chair, you see, the Prime Minister of the Republic of T&T accused Independent Senators of organizing themselves as a political party in the Parliament in order to obstruct the Government process. He was referring to the SSA Bill. He was talking about seven Independent Senators who voted in a particular way. He went so far as to accuse Independent Senators as organizing themselves as a political party. And we have a ruling from the President of the Senate that said that is robust political debate, and the President referred to rulings by certain jurisdiction in which they supported the Prime Minister's statement.

So what I am saying is that we have to be very careful that we are not blowing hot and blowing cold. We have to be very careful, Madam Chair, that one person could attack a group of Independent Senators and indicate that they are behaving like a political party and they are obstructing the Government in a particular matter, and then when another Independent Senator is attacked—and you know what? What was made very clear is the right of freedom of speech. You have freedom of speech.

In the United Kingdom, you have the supremacy of the Parliament, the sovereignty or the sovereignty rather of the Parliament. In Trinidad and Tobago the Constitution is sovereign and, therefore, the freedom of speech as indicated here—you know this is why I asked that the ruling of the President of the Senate be circulated, because I want to quote something here, which talked about what happened in New Zealand under Speaker Hunt when he talked about:

> "For a statement to constitute a contempt by reflecting on members it would have to allege corruption or impropriety on the part of members in their capacity as members. Hard-hitting and contentious statements to which

members might well object fall within the boundaries of acceptable political interchange".

So what I am saying is that we have to be very careful that the freedom of speech that members enjoy, we do not curb it in the environment that we are in, and unless we can show in a very categorical way that something else is amiss, I am saying Madam Chair, it appears to me that there is a certain kind of robustness that is involved in this exercise, and freedom of speech is something that we all have to pay attention to.

And, most importantly, we have to prove and show where the action taken, the words uttered, has impeded or obstructed the Member of Parliament from performing or executing his or her duties. If we do not reach that threshold, then I say that thing has to be thrown out of the window and that is what May's Parliamentary Privilege speaks to. How is this action taken by X or Y person is impeding or obstructing the performance of the Member of Parliament in carrying out his duties to the country as a parliamentarian? That is a threshold that we must reach.

So, Madam Chair, all I am saying is that we have to be very careful that we do not do things at the end of the day that would embarrass the Parliament of the Republic of T & T. We have to be very, very careful.

Mrs. Baptiste-Primus: Madam Chair—

Madam Chairman: Just one second. Let me just make one point before we move on to Mrs. Baptiste-Primus. Mr. Mark has made reference to a decision that was given on another issue, another matter, which is not before this Committee. The Committee has the ruling that was given, but that matter is not before the Committee. I just want to make that clear as we move on.

Just one thing I want to say. I want to go back to what Mr. De Freitas has been said already and refer it to again, the statement of Speaker Hunt in New

Zealand.

"For a statement to constitute a contempt by reflexion on members"—that is what we are go on right now, Mr. Richards. Correct?

Mr. Richards: Yes.

Madam Chairman: "It would have to allege corruption or impropriety on the part of members in their capacity as members."

Why I am relating this? I am relating it to what Mr. De Freitas said that the fair-minded observer would think that Mr. Junkère's vote was contaminated. Correct? Contaminated or corrupted? Right. So if you look at the ruling of Speaker Hunt, you can also see some of that in it as well. Okay? Yes, Mrs. Baptiste-Primus.

Mrs. Baptiste-Primus: Madam Chair, I just wanted to touch on the point that my good friend, Sen. Wade Mark, just raised when he spoke about the freedom of speech and we have to be careful—and I am subject to guidance because Sen. Mark's breadth of experience in this arena far exceeds mine—but to my understanding, Madam Chair, the freedom of speech is associated when the Senator is in the House. The freedom of speech that Sen. Mark refers to cannot cover Mr. Ramdeen when he goes outside of the august Chambers into the public domain and launches an attack, a very vicious one at that, against Mr. Junkère.

The Members of the House are given certain protection and are encouraged to engage in freedom of speech, but that is only within the boundaries of the House. So, to my respectful mind, the point made by my friend, Sen. Mark, is wholly unsuitable for the matter that we are discussing right now, Madam Chair.

But I want to point out, while move quickly away from the irrelevancy of that point, Mr. Ramdeen indicated—and listen to his words that he has not disputed, and it is a reflection. It is a clear intention to have a negative impact on Mr. Junkère's character. He stated:

Ramdeen said the information was very disturbing and meant Junkère should

not have been—I am referring to the *Guardian Newspaper* of Friday May 13th.

> "Speaking at a news conference at his Port-of-Spain office, Ramdeen said the information was 'very disturbing' and meant Junkere should not have been allowed to serve on the Independent bench."

So what Mr. Ramdeen stated, quite clearly, is that Mr. Junkère was unfit to be an Independent Senator. I would rest on this particular point, Madam Chair.

Mr. Mark: I endorse my friend's view because my friend consolidates my position even further on the irrelevancy that was alleged from my statement. I agree that we have freedom of speech, absolute, subject to our Standing Orders and the Constitution section 53 inside of the House. When you go outside of the House, the laws of the country would take effect, and if a criminal libel or a defamation was effected by the words uttered by the individual, Madam Chair, then the Senator who is no longer a Senator, Junkère had the option available to him to libel the gentleman in question.

Madam Chairman: Well, Mr. Mark, could I just interrupt here because I think we dealt with that earlier on in our discussions about, whether the fact that you have other avenues open to you means that this Committee cannot deal with the issue and—it will take—the fact that someone does not avail themselves of legal redress means that. I do not know what you are trying to say. Does it mean that what the statements uttered were accepted? Is that it?

Mr. Mark: No. no. I am saying that the individual has options available. And that is why, Madam Chair, I was saying that if we are defending interest, when I say interest, in terms of the character of an individual, you want to deal with reflections, I have no problem with that. We are consistent. But sometimes you want to have an opportunity to interview that individual, but remember we have ruled out that.

Madam Chairman: And, therefore, I think we are going off the track here, Mr. Mark, because we have already adjudicated as a Committee on those issues. I think

we have now gone down to looking at the words that were uttered and the effect of those words, because under the learnings that we have seen where words that are spoken—reflections by words spoken or writings published, could be deemed to be indignities offered to the House when it reflects on the character of the proceedings.

What is happening here is that Mr. Junkère's vote is being questioned as being—I am wrapping up now what I have heard in a sense—contaminated or tainted by some sort of economic consideration and, therefore, I think Mr. Richards is saying that reflects, that reflection on him is an indignity to the House.

And, therefore, is a contempt. I am trying to wrap up what is being said.

3.30 p.m.

Mr. Richards: That was my intention.

Madam Chairman: Yes, okay. Mr. Mark, I do not want to go over what we have adjudicated on before, but this Committee of Privileges can treat with non-members of the House, and we have seen that happen before. We have seen it with UDeCOTT when a Committee of Privileges found that UDeCOTT had been in breach of the privileges. I do not know if you remember that matter. In fact, I think you were a member of the Committee of Privileges at that time, Mr. Mark?

Mr. Mark: No, I might have been the victim. No. No. No.

Madam Chairman: No, it was Dr. Gopeesingh, correct, but you remember that—a ruling had been given because the Committee of Privileges can adjudicate and can deal with persons who are, or entities that are not members of either House.

Mrs. Baptiste-Primus: Madam Chair, may I add to what you have just said?—more so where Mr. Ramdeen continues to act as a temporary Senator, so he has not gone out into the public domain and lost among the throngs of the population out there, he continues to represent the Opposition at the level of the Senate.

Madam Chairman: So, members, may I ask if the members of the Committee are ready to at least determine whether a breach of privilege, and, therefore, a contempt

has taken place—

Mrs. Baptiste-Primus: Before you do so, Madam Chair—

Madam Chairman:—before the Committee—we as a Committee.

Mrs. Baptiste-Primus: Before the Committee, I am awfully sorry. Mr. Ramdeen made very heavy weather at his press conferences and his public pronouncement that the Opposition was going to write to His Excellency, and on the issue we have to ask ourselves, what is the purpose of the Opposition writing to His Excellency, if not to influence His Excellency not to reappoint Mr. Junkère to the Independent Bench; so clearly Mr. Ramdeen's action was meant to inflict hurt on Mr. Junkère. There is no shadow of a doubt in my mind based on what is before me, Madam Chair.

Mr. Mark: Madam Chair, we are speculating, we are begging the question on several fronts—

Mrs. Baptiste-Primus: Do not speak for me.

Mr. Mark: I am not speaking to you at all, or about you, I am saying that what my colleague said is literally begging the question and raising opinions. I want to tell you something, Madam Chairman, we have to be logical, we have to be relevant, and we have to be probative; those are the three elements of evidence that will make sense in the public eyes, eh. This thing must not be driven by personal opinions, because when that goes out there—

Mrs. Baptiste-Primus: I have to object. I have to object, Madam Chair, I did not express my personal opinion. I said, Mr. Ramdeen stated, and he came right before us and admitted. He admitted what was stated here about writing the Opposition, and when I asked, did you in fact write President Anthony Carmona on this matter?—he said, no; Are you aware—when you referred to "we", whom did you mean?—the Opposition; Do you know whether or not the Opposition wrote His Excellency?—he said he did not know. So that is not my opinion; that is what he

stated.

Mr. Mark: Yeah, But, Madam Chair, do you want to invite the Opposition, the UNC, here?

Mrs. Baptiste-Primus: We have them here, you?

Mr. Mark: No. No. No. No. No. I am a member of this Committee.

Madam Chairman: Mr. Mark sits—

Mr. Mark: I sit as a member of this Committee, I do not sit as a party person; otherwise, what I said earlier, will come to pass—

Madam Chairman: Mr. Mark, Mrs. Baptiste-Primus, let me just try and get us—

Mrs. Baptiste-Primus: I am trying. I am trying

Madam Chairman: Yes, let us try and be on track here. I am asking—both Mr. De Freitas and Mr. Richards have indicated their views on what the fair-minded, the objective person listening to what Mr. Ramdeen had to say would have thought about Mr. Junkère, and not Mr. Junkère as a Member of the Senate voted, and what his vote, what Mr. Ramdeen was saying about Mr. Junkère's vote, and have pointed out that—Mr. Richards pointed out that that fits very well into the statement about reflections reflecting negatively on the Senate. So I want to ask members if we are in agreement with the positions adopted by Mr. De Freitas and Mr. Richards at this stage that there was a breach of privileges and, therefore, a contempt made by Mr. Ramdeen in his utterances on Mr. Junkère?

Mr. Mark: Well, I want to dissociate myself, I do not believe that Mr. Ramdeen committed a breach of privilege, or a contempt that follows. I believe that the facts are revealing that the gentleman might have been intemperate in his utterances, he might have been irresponsible in his statements, he exercised a certain kind of exuberance, as I said, newness, but that, to my mind, does not constitute a breach of privilege, and, therefore, an act of contempt. You know, people could be ill-advised in terms of their statements, but that does not constitute wholesale breach of

privilege, and it does not, to my mind, reach the threshold of contempt. So, Madam Chair, I would argue otherwise in the circumstances, and I would submit that, yes, it could be irresponsible; yes, intemperate; yes, exuberance; yes, newness, as the case may be, because he is a new kid on the block. And in those circumstances, I do not believe it reaches the threshold of saying that it is a clear breach of parliamentary privilege and, therefore, it constitutes a contempt.

Madam Chairman: Mr. Mark, may I ask you something?—because I am listening to what you are saying; you are saying that the comments of Mr. Ramdeen might be intemperate, might be—what was the other word?

Mr. Caesar: Exuberance.

Madam Chairman:—exuberance—born out of exuberance and newness, but you do not think—

Member: Irresponsible.

Madam Chairman: Yeah, you also said they might be irresponsible, but you do not think they crossed the threshold of contempt.

Mr. Mark: Yes.

Madam Chairman: Is that—I am trying to wrap it up.

Mr. Mark: Yes.

Madam Chairman: Yes. And may I just say that—let me ask you, are you not in effect more dealing with the sanctions in treating with any sanctions on Mr. Ramdeen? Is it not more a case for that as opposed to the words themselves? Because we—

Mr. Mark: No.

Madam Chairman: You understand what I am saying?—because it could be that this Committee might say, or some committee might say, listen, there was a breach but because of the newness, because of the whatever, you know, so and so sanctions may not, whatever, right, is that what you are—that is one way of looking at it. But

you seem to be saying, intemperate, irresponsible, exuberance, newness, and whatever, therefore, no breach. You understand the difference?

Mr. Mark: Yes, I understand. But you see what I am saying, Madam Chair, is that I am looking at this whole matter in the contextual framework, and I am saying that the gentleman—we are in a battlefield, political battlefield, the gentleman in question felt "a certain how" as it relates to how this other person did what he did, and he expressed himself given the freedom of speech that he is entitled to, but I do not believe that it has reached the threshold to say that, for instance, he has violated or he has breached—I am saying that it has not reached that threshold, for me.

Madam Chairman: Very well, your comments are noted. Mr. De Freitas.

Mr. De. Freitas: I just want to respond quickly to what he was saying because I heard two things over the last 10, 15 minutes, and that is speaking towards freedom of speech and the adjectives that you used to described Sen. Ramdeen's utterances of the words. First and foremost, the use of the words "newness" and "exuberance" speaks to excuses, excuses for an act, but what we are looking at is whether the act had an impact. So in uttering or offering excuses you have already admitted that the act was done, and, as such, is a breach, so what you are doing essentially is justifying why there was a breach because the words that he said had this impact; however, it is because of his newness it is because of his exuberance, and because of the political battlefield. That is just the take that I am getting from it.

The second point in regard to freedom of speech: as much as there is freedom of speech in the Chamber I can tell you that none of these words in any of these reports would make it in the Chamber under that freedom of speech, period. They would have been in breach of a number of Standing Orders—

Madam Chairman: Let me just say that I think when Mr. Mark is talking about freedom of speech I think he is actually referring to the freedom of the public to criticize Members of Parliament.

Mr. De. Freitas: Okay.

Madam Chairman: He is not speaking about freedom in the Parliament, he is talking about freedom of persons who are not Members, freedom of public to criticize Members of Parliament.

Mrs. Baptiste-Primus: Madam Chair, I just wish to very briefly say that I concur with the views expressed by my senatorial colleagues, and would not offer anything else, because I think I have said much on the issue.

Madam Chairman: Thank you very much because I think we are progressing, but before—I just want to, in my research, there is a case that I would like to be circulated, but as it is being circulated I am going to read out for you the case, okay? It deals with a question of privilege raised in New Zealand relating to a reflection on a member in his capacity as a Member of the House. In this particular case, the Privileges Committee found that the hon. Matt Robson,

> "…committed a contempt in respect of his statement in his email newsletter 'Robson-on-politics' to the effect that the liquor and tobacco industries' support for the Hon. Peter Dunne 'has always meant that he has faithfully delivered his vote for their interests'."

So one member, Matt Robson, is saying about another member, Peter Dunne, that his vote has always meant that he has faithfully delivered his vote for the tobacco and liquor industries. That matter was referred to the Privileges Committee in New Zealand, and I am going to read for you parts of the decision, it will be circulated. At page 4, under "Reflections on members and the House":

> "Any writing or speech that reflects adversely on the conduct or character of the House may be treated as a contempt of Parliament. But such comments must be based on matters arising in the usual transaction of the business of the House.
>
> We agree the House must be slow and reluctant to use its penal powers to

> stifle criticism or even abuse, whether of the machinery of the House or of a member, however strongly the criticism may be expressed and however unjustifiable it may appear."

3.45 p.m.

It then goes on to say:

> "In our view, statements or comments that impute that a member's vote is in some way influenced in a *financial* manner by outside interests have the tendency to obstruct the House in the performance of its functions."

—and consequently, the Committee found that a breach of privilege had, and a contempt had been committed.

Hon. Members, to me this particular case is one that is highly relevant to the circumstances with which we are dealing as a Privileges Committee. I am therefore asking that the case be circulated to members for your reading, and I would ask members now if we are, as a Committee, in a position to say that a breach of privilege, and therefore a contempt has taken place in that the reflection on the character and conduct of Sen. Ramdeen has brought the Senate into ridicule and odium. And I would ask, therefore, Mr. De Freitas, just yes or no, whether a breach of privilege has taken place?

Mr. De Freitas: Yes.

Madam Chairman: Mr. Richards?

Mr. Richards: Yes.

Madam Chairman: Mrs. Baptiste-Primus?

Mrs. Baptiste-Primus: Yes.

Madam Chairman: Mr. Mark?

Mr. Mark: No.

Madam Chairman: So, the Committee has, by a majority, agreed that a breach of privilege and a contempt of the House has taken place. And therefore at this stage

members we know move into the phase of sanctions, and what sanctions, and what should be taken into consideration in what sanctions should be delivered in respect of this breach.

Mr. De Freitas: I—

Mr. Mark: Before Mr. De Freitas speaks, Madam Chairman, would you want to tell us what are the options? What are the penalties? Or leave it up to members to just say what sanctions?

Madam Chairman: I am agreeing that members—I put it out to members first, because you can then direct your questions and we will seek to answer them.

Mr. Mark: Okay.

Madam Chairman: All right? Mr. De Freitas.

Mr. De Freitas: Yes, just referring to the circulation that just came around and realizing that one of the sanctions that was put forward was an apology sent to, in this particular case—

Mrs. Baptiste-Primus: Where are you?

Mr. De Freitas: In front, page three, sorry. I think they indicated the background to complaint—where did I read that? Right, the recommendations:

> "We therefore recommend to the House
>
> a) that Hon. Matt Robson make an unqualified apology to the House, and that this be read by the Speaker when received."

So, I am just putting out there that something similar be done, that an apology be sent either to the President of the Senate, or whereas Sen. Ramdeen is a temporary Senator and not knowing exactly when he may return to the House, that a letter of apology be sent to the President of the Senate to be read out at the earliest possible sitting.

Madam Chairman: Yes. Mrs. Baptiste-Primus.

Mrs. Baptiste-Primus: Madam Chair, it is a good thing for me to agree with my

senatorial colleague here, even if it is on one issue. I think we should look at the range of options.

Madam Chairman: All right. The issue is that Mr. Ramdeen is not a permanent member of the Senate, and therefore if it were, for example, another member of the Senate who is there permanently then you the Privileges Committee could recommend a suspension for a few sittings, or whatever. But because, Mr. Ramdeen—

Mrs. Baptiste-Primus: Again, sorry, Madam Chair, can we identify the options and then rule them out from whatever?

Madam Chairman: It is basically—

Mrs. Baptiste-Primus: Because, for my own understanding—

Madam Chairman: The options are not many. So, it is suspension for a particular period of time—

Mr. Mark: Failure to recognize.

Madam Chairman: It could be failure to recognize, the Chair therefore not recognize the particular member, and there is an apology.

Mr. Mark: Madam Chair, brief me, I am not too clear about the second one. I know in another incarnation when a fella called Muntaz Hosein had misbehaved in the Senate and he was still a member and he did not apologize, at that time—[*Interruption*] the then Emmanuel Carter, he could rise, he could show his hands, he could get up—[*Interruption*]—no, that was before the decision of the Committee of Privileges. But once the Committee had submitted its report and proposed suspension of those people, that was it. In other words and so on, it was Capildeo and Suren—no, not Suren, Muntaz Hosein, and that was it. But I think the report lapsed because the Parliament was coming to a close. But the Committee did recommend suspension of both of them, but prior to the suspension Mr. Carter, then President, because this gentleman refused to apologize to the President at the time

when he made some outrageous statement as an Opposition Member, the President exercised that option of not recognizing that fella, and suffered him until the report was submitted.

Mrs. Baptiste-Primus: Further clarification, is it that there is no clearly defined options to accompany the conclusion of a matter before the Privileges Committee, that based on the information that you have before you these are the sanctions/options?

Madam Chairman: The sanctions/options Mrs. Baptiste-Primus are—

Mrs. Baptiste-Primus: Is it stated in the—

Madam Chairman: No.

Mrs. Baptiste-Primus: So, it is not documented anywhere?

Madam Chairman: No. You go on the practise of the May's. And what is a little peculiar here, is that we are dealing with someone who is not a permanent member of the Senate. But, you can have sanctions. The most common one is to ask for an apology. That is the most common form of the sanction. Even a clear— [*Interruption*] No, no, no, a very clear apology.

Mr. Richards: A clear apology having accepted the responsibility for breach.

Madam Chairman: Yes. And in my view, that is the sanction that this Committee should look at. Because, to me that is the one that is most readily available to the Committee. All right? Because as I say, it is not one of the permanent Senators who we are dealing with.

Mrs. Baptiste-Primus: But, Madam Chair, this is a Senator who reminds me of what exists in the public service, you are temporary for 10 years, you are temporary for 15 years and, of course, there is a commonwealth judgment on that. But, I am so minded—

Madam Chairman: Because remember that the very nature of being a temporary Senator is you are filling in for someone, even though you may do it time and time

again, but you are filling in for someone.

Mrs. Baptiste-Primus: You are not a permanent member of the House?

Madam Chairman: Correct.

Mrs. Baptiste-Primus: Well then against that background, I wish to concur with the suggestion of my senatorial colleague Nigel De Freitas.

Mr. Mark: Before—

Madam Chairman: Just one more thing, also we need to—all right, go ahead Senator.

Mr. Mark: Madam Chair, as I recall, if my memory serves me right and it is not beginning to fail me, I know apology, one, censure or reprimand, again, if the member is a permanent member, and the final one I recall is suspension. Those are the three options in the United Kingdom. And Australia, jail, you could go in imprisonment, four.

Mrs. Baptiste-Primus: For clarification, what is censure? When you say censure or reprimand, how does that vary to an apology? When you say a censure or reprimand, what is the content of that that makes it different from—

Mr. Mark: You see, an apology is when the member voluntarily puts on the record of the Parliament an apology of contrition.

Madam Chairman: Voluntarily, Mr. Mark?

Mr. Mark: When I say voluntarily meaning, if the Committee so decides—

Madam Chairman: Right.

Mr. Mark:—and say, "Listen"— [*Interruption*] Sorry, I withdraw the word. The Committee demands that you make an apology. So, you will have to do that. Now the reprimand and censure, how I interpret it, is that the Committee, through the Chair will make a very strong statement in the Parliament about the behaviour and the conduct of this particular individual, and the only reason we did not go to step three is because of X, Y and Z. The person just missed being suspended. But, the

Committee felt so strongly about it that the wording is what is crucial here. And this is coming from the Chairman in that regard.

Mrs. Baptiste-Primus: All right.

Madam Chairman: But I also think that, and correct me Mr. Mark. But you can also reprimand if the apology is not forthcoming?

Mr. Mark: Yes, you could reprimand too.

Mrs. Baptiste-Primus: So, in that case, Madam Chair, in light of what my colleague has said, I reaffirm my support for the recommendation of Sen. De Freitas and, of course, based on what you just said, if—and my senatorial friend Richards—the apology is not a proper apology, then what?

Madam Chairman: Then there can be a reprimand from the Chair itself.

Mrs. Baptiste-Primus: And what does this Committee deem to be a proper apology?

Madam Chairman: An unequivocal apology.

Mrs. Baptiste-Primus: Okay.

Mr. Richards: Very accepting, responsibility for the actions that cause the stated breaches, and it must be stated in the apology of so, in light of the fact that the Committee has found me in breach of X, Y, Z, I equivocally apologize for the actions of X, Y, Z. It must be very clear in terms of an acceptance of responsibility at my actions, not the perceptions of my action, but my actions have caused X, Y, Z, and thereby apologize.

Mr. De Freitas: Just to ask a question, if we have confirmed amongst ourselves that the apology is the route that were going, when we do so, and we have now decided to some extent what form that apology should take, I am thinking if the apology should not just be to the Chair being the President of the Senate in instance, if it should also go out to the media, as has indicated in this circulation as well.

Madam Chairman: No, the apology has to be read into the record.

Mr. De Freitas: This is in the Chamber, but in regard to the fact that some of the utterances were in the newspaper.

Madam Chairman: No. Well, the Parliament has no control over that, it is a public apology once it is read into the record.

Mrs. Baptiste-Primus: Once it is read into the record the media is always present so it would end up in the public domain. But, Madam Chair, how does such an apology reach the person whose character it has, the action would have affected?

Madam Chairman: Well, remember, this apology is to be housed. Because it has brought the House, by reflecting on certain things it has brought the House into odium and disrepute. So, it is an apology to the House.

Mr. Richards: If I may, Madam Chair?

Madam Chairman: Yes.

Mr. Richards: We agreed on three of four items in the original Motion brought by Sen. Khan, and one of those included impacting former Sen. Junkère. So, if those are the grounds that form the framework of our consideration, should those grounds also be part of the consideration for what we are talking about here? Not only in the House—

Madam Chairman: Apologize to—

Mr. Richards: To Sen. Junkère, et cetera, et al, because those form the framework of our discussions for whether the breach was, or is there a convention that applies here?

Mr. Mark: I that what I understand the Chair to be saying, because if the Senator was a permanent Senator, Junkère, then I think the point that you have raised would be pertinent and relevant. He is not a permanent Senator, and what the allegations are saying is that the utterances made by the gentleman in question reflected negatively on the gentleman's character, Junkère, but most importantly, it brought the House into disrepute. So really and so on, if he apologizes in the way that the

Committee is advancing then he would also be indirectly apologizing to Junkère. But he cannot be apologizing to Junkère and to the House at the same time. He has to make one apology.

Madam Chairman: In my view, the unequivocal apology to the House is by extension an apology to Mr. Junkère, because, in essence, what the report is saying is that the words uttered reflected in such a way on Mr. Junkère that it brought the House into disrepute.

Mr. Richards: I understand. Agree.

Madam Chairman: So, can I just summarize certain things and then I am going to ask a few questions?

Mr. Mark: Before you summarize. Ma'am, just want to get guidance before you summarize?

Madam Chairman: Yes, sure.

Mr. Mark: Because of my position on this matter as I outlined, I do not support as I have told you and the Committee, that the gentleman—so, therefore, I cannot support the apology. So, I just want you to know that.

4.00 p.m.

Madam Chairman: Understood. So that is what I want to just ask. We have determined, as a Committee, that there was a breach. We have determined that—and we know why we are saying there was a breach and therefore contempt, and we have said that we are going to ask for an unequivocal apology. We are also going to, therefore, generate a report making those recommendations. But in the recommendations in the report, do members feel that anything should be said about Mr. Ramdeen's newness? The issues that were being raised but which we pointed out were more in mitigation as opposed to the action itself—see if you

follow what I am saying. So I just want, for completeness of the record, because the staff will be working on a draft report and I think for completeness we have to consider this as well.

Mrs. Baptiste-Primus: You see, Madam Chair, those were not our considerations. Those were the views expressed by a member of this Committee.

Madam Chairman: But I still think it is important that the Committee—let us just deal with it. For completeness, let us deal with it, please.

Mrs. Baptiste-Primus: All right, I am so guided.

Mr. Mark: Madam Chair, two things. One: I reserve my right to attach a minority report.

Madam Chairman: That is understood.

Mr. Mark: And, secondly, I just wanted to indicate for the Committee's consideration, based on what you have just said, that it might be good in the future, and it could come as a recommendation that there should be some training and some exposure for Members of Parliament who are in here for the first time and they are not au courant with certain fundamental concepts and principles governing the workings of the Parliament. So, in other words, I believe that, for instance, if we could put that in our report, it would mean that the Parliament would have a duty to ensure that one of the things that we should expose Members to, as they come into the Parliament, should be the whole question of parliamentary privileges, as well as contempt so that Members could be exposed. Because sometimes, Madam Chair, if I may, genuinely and sincerely people stumble; they fumble; they falter; they trip and they fall, and before they know it, they do not know why they stumbled; they do not know why they fall until they get hurt. So that is why I am suggesting—

Madam Chairman: I have listened to what Mr. Mark has said. I think, though,

I should let members know that this issue of training, the training will really be, if the Parliament were to do any training it would be provided to the permanent members of the Senate. Because, remember, the way things work procedurally is that you may only get a notification of who is going to be a temporary Senator on the day itself. So you understand? And the Senate—the Secretariat has no control over who are temporary Senators. Yeah?

Mr. Mark: Yes. Just to add. You see, what I was also saying, Madam Chair, is that you know when a Member is coming in, as you would know they get a little package even though they are temporary, and one of the mimeographs that could be contained in that package is this handbook on Parliamentary Privilege, and it might be incumbent, or it might be useful for the presiding officer to make a statement to those new people because they can make mistakes, and you call on them to please study, carefully, the material that you have been given. Because, as you rightly said, you could be coming here 10, 20 times, 15 times over a five-year period and you do not want the person to be making these fundamental errors. Because, as you know, Madam Chair, you give people literature and many of them do not read, but if you put on the record the need for them to study—and I do not know if you to want to emphasize particularly this one on parliamentary privilege, it would be useful. That is all I am advancing for purposes for whatever—

Mr. Richards: If I may, Madam Chair, it is interesting that Sen. Mark is suggesting that, because the Independent Senators had the privilege of having a weekend of exposure with facilitators, set up by His Excellency, which was very helpful to us in terms of us coming in for the first time and understanding what the parameters are and what the operations are. So I am presuming that, well, maybe the political parties can—

Mrs. Baptiste-Primus: Madam Chair, I just want to continue, because that is exactly what I was about to say, that it is interesting that such a recommendation is coming from my friend whose responsibility it is to advise his temporary Senators of the kind of conduct. It is the responsibility of the party, Madam Chair, I submit, because the PNM, with the new temporary Senators, they are given that kind of broad understanding and therefore we must not seek to put the responsibility—the President of the country—of the Republic—is responsible for Independents, and, you know, one has to congratulate him and commend him for the "proactiveness" in terms of the train—well, orientation, I prefer to call it—of those Senators. But I do not think—and I would argue strongly, Madam Chair—that such a recommendation not be contained in this report.

Secondly, the suggestion that the presiding officer should advise the temporary Senators of the conduct that is expected of them, Mr. Ramdeen himself is a temporary/permanent kind—turning out to be a temporary/permanent kind of appointment to the House. So every time Mr. Ramdeen comes in, the presiding officer will say, "Well, Mr. Ramdeen, you know, the kind of conduct that—" No, man. Let political parties be responsible for orienting their Senators. There is the Standing Orders; that is a personal responsibility. Every so often I have those books on my desk that I would pick up and I would highlight. I would put little sticker tapes.

Madam Chairman: How about in the report it is pointed out that whether temporary or permanent, all parliamentarians must familiarize themselves with the Standing Orders and the conventions of the Parliament, and leave it at that? Because I think that that will allow for people to understand their responsibilities. Okay?

Mr. Richards: If I may interject. I may also suggest, Madam Chair, that

although it is the parliamentarians' responsibility, as a neophyte it is not always easy to understand the nuances of some of the Standing Orders and that is why His Excellency's intervention in terms of the orientation was very helpful, because we had several misunderstandings or misinterpretations of some of the Standing Orders. Even during the remit of this very Committee we were availed, fortunately, of a lot of learnings from the Parliament staff which helped us—myself, anyway; let me speak for myself—in understanding. So it may be possibly helpful for some sort of other intervention.

Mr. Mark: Madam Chair, if I may. Since my good friend does not want it to be in the body of the report, in my minority report I will make sure it is properly reflected so T&T would be aware of it.

Sen. Baptiste-Primus: You could put whatever you want. The report is yours.

Madam Chairman: So, members, I think that we have arrived at a point where I think a decision has been made. I think the sanction has been recommended. What I would ask now—what I would suggest now—what I think we should do now—

Mr. Mark: Madam Chair, if I may, I would like to suggest, with your leave, sometimes because of the nature of the personalities that we are dealing with, in this instance the witness, I would like to suggest, with your leave, if it is possible that, you know, the Committee might know what it wants in that apology and it might be useful for an audience to be had. In other words, you—

Madam Chairman: But can we do that before the report is—we cannot. Remember—

Mr. Mark: No, no, I am not saying you do it before. All I am saying is that once the report is generated and it is—well, at the first opportunity tabled in the Senate, prior to that, whether—now, I am just asking, eh; I am just asking, because we

know that everything is subject to when the Parliament is going to reopen. But at least, how do you alert someone of what he has to do, and not only what he has to do, but how he should go about doing it, and, therefore, the content of what he has to prepare, you will leave that so?

Mrs. Baptiste-Primus: No, no.

Madam Chairman: My understanding—

Mr. Mark: Okay, okay.

Madam Chairman: Mr. Mark. Remember, members—

Mrs. Baptiste-Primus: He is an attorney-at-law.

Mr. Mark: Okay.

Madam Chairman: Remember, members, that what has to happen, the steps are as follows. That is what I was going to talk about. The steps are as follows: we have made a decision so that a preliminary report—a draft report—will be prepared by the Secretariat and circulated to members. If members are in agreement—it may be that members are in agreement and we could sign off on the report without a further meeting. All right? Mr. Mark, you have a minority report to submit. You may want to, I am not sure. So let us—that has to be done.

In any event, once a final report is arrived at and signed off by the Committee, the report has to be laid in Parliament. All right? Because, remember, you are only recommending the sanction. It has to be laid in Parliament. It is then laid and then it has to be debated in Parliament and it is only when the report is debated and accepted by the Senate, that if it is accepted, then Mr. Ramdeen will be written to and Mr. Ramdeen will then be given the opportunity to make his apology and submit it and it will go through the presiding officer and be read into the *Hansard*. Okay?

Mr. Mark: I agree.

Madam Chairman: So that is the process. So I am asking members if we can take the liberty of having the draft report done, circulate it to members and—it will be to all members because, Mr. Mark, even though you are not going to—

Mr. Mark: Yes, yes.

Madam Chairman: It will be circulated to members. We may be able to fine-tune it. But if all members agree, we can probably sign off on the report without a meeting. If members feel that it is necessary to have a meeting, we will call one, but I am a little reluctant to call members out for the rest of the recess, until we get back. So the report will be ready if all members sign off, to be laid the next time that we meet as a Parliament. Is that in keeping with the wishes of the Committee?

Mr. Richards: Yes.

Madam Chairman: Yes? So that we may be able to sign off on it without any sort of meeting. Okay? We will round-robin everyone and then we will sign off. All right?

I just have to remind members that these deliberations are still secret until that report is laid in the Parliament. So we may all sign off on it during the recess but until it is laid in the Parliament all of these deliberations are confidential. Okay? Thank you.

So without further ado, let me thank all members for all that you have contributed to our very first matter of privileges dealt with by this Committee. I think we all learnt a lot and I want to thank each and every member for your contributions, and if I could take the opportunity to wish everyone a happy Parliament recess because I did not get to do it at the last sitting. All right?

So thank you all very much and this meeting is now adjourned—finished—ended.

Mrs. Baptiste-Primus: Thank you, Madam Chair. You enjoy your holidays too, and everyone, especially you, Sen. Mark.

Mr. Mark: Yes, my lady, thank you very much. [*Laughter*]

4.14 p.m.: *Meeting adjourned.*

Correspondence

Report of the Committee of Privileges

48th Parliament, 2007

New Zealand

(Question of Privilege relating to Reflection on a Member)

Question of privilege relating to a reflection on a member in his capacity as a member of the House

Report of the Privileges Committee

Forty-eighth Parliament

(Simon Power, Chairperson)

February 2007

Presented to the House of Representatives

Contents

Recommendation	3
Referral of the question of privilege	3
Background to complaint	3
Reflections on members and the House	4
Finding of contempt	5
Appendix A	6
Appendix B	7

Question of privilege relating to a reflection on a member in his capacity as a member of the House

Recommendation

The Privileges Committee finds that Hon Matt Robson committed a contempt in respect of his statement in his email newsletter "Robson-on-politics" to the effect that the liquor and tobacco industries' support for Hon Peter Dunne "has always meant that he has faithfully delivered his vote for their interests".

We therefore recommend to the House

a) that Hon Matt Robson make an unqualified apology to the House, and that this be read by the Speaker when received, and

b) that Hon Matt Robson make an unqualified apology to Hon Peter Dunne and that this apology be published in his next "Robson-on-politics" email newsletter or similar vehicle.

Referral of the question of privilege

On 15 November 2006 the Speaker ruled that a question of privilege arose from a statement in the e-mail newsletter "Robson-on-politics", published on the *Scoop* website on 1 November 2006. The question consequently stood referred to this committee. The ruling is appended to this report (Appendix B).

Background to complaint

The newsletter "Robson-on-politics" discusses the role of the United Future Party as a support party for the Government. It examines the position of the party on various issues, including alcohol and tobacco. In the newsletter, the author Hon Matt Robson writes "the liquor industry's support for Peter Dunne, as with that of tobacco, has always meant that he has faithfully delivered his vote for their interests".

Standing Order 400(n)

Standing Order 400(n) establishes that the House may treat as a contempt any reflection on the character or conduct of a member in the member's capacity as a member of the House. Its purpose is to protect members going about the business of the House from unfounded, scurrilous allegations of serious impropriety or corruption.

Evidence of Hon Matt Robson

In his evidence to us, Hon Matt Robson argued that the statement he made in the newsletter on 1 November 2006 should be viewed in the context of his criticism of what he saw as an inconsistency in the position of the Hon Peter Dunne on the Sale of Liquor

Bill. Mr Robson maintained that any reasonable observer would conclude from the newsletter that Hon Peter Dunne "listens to the views of the liquor and tobacco industries rather than New Zealand families whose interests he has proclaimed are upheld by him and his party".[1] He argued that an unbiased observer would not infer from this statement any suggestion of corruption or impropriety on the part of Hon Peter Dunne.

Hon Matt Robson advised us that his email newsletter is decidedly partisan, that he takes a strong line on political issues, and that he makes it clear where he feels other political parties have shortcomings. His submission notes that he writes "in a robust and opinionated style".

Mr Robson provided us with examples of adverse comments made about himself during his time as a member of Parliament by other members, including Mr Dunne. In particular, he drew our attention to a press statement from Hon Peter Dunne which ended "I can only conclude that the Progressives cuddling up to dope smokers has left them mentally deranged and I urge them to seek immediate professional help".[2]

Hon Matt Robson argued that statements of this nature should be viewed as robust political commentary and not as a potential contempt of the House. He suggested that his statement regarding Hon Peter Dunne should be interpreted in this light.

During our questioning, Hon Matt Robson expressed regret for the comments he made concerning Mr Dunne and for any offence that had been taken. We were not satisfied that the apology was unqualified.

Reflections on members and the House

Any writing or speech that reflects adversely on the conduct or character of the House may be treated as a contempt of Parliament. But such comments must be based on matters arising in the usual transaction of the business of the House. Similarly, reflections about members individually must concern the character or conduct of members in that capacity and must relate to or be connected with the member's parliamentary work. For a contempt to be committed, the reflections must allege some impropriety or corrupt purpose. It is not necessary that the words used against the member be defamatory as a matter of law in order to establish the contempt.

The House has a duty to protect itself and its members against attacks that would diminish its standing in the public esteem and inhibit it from working effectively. This duty, however, must be balanced against freedom of speech and the press, which is a fundamental right of our society and one that ought not to be interfered with.

We agree the House must be slow and reluctant to use its penal powers to stifle criticism or even abuse, whether of the machinery of the House or of a member, however strongly the criticism may be expressed and however unjustifiable it may appear. Regard must be had to the importance of preserving freedom of speech in matters of political controversy. Privilege should not be invoked so as to inhibit or discourage the free expression of

1 Submission of Hon Matt Robson to the Privileges Committee.

2 Press release from Hon Peter Dunne, "Progressives debate Nandor, go mad", 28 October 2003.

opinion outside the House, by members and citizens equally, in relation to the conduct of the affairs of the nation. Such criticism is considered the lifeblood of democracy. A sensible politician must expect it.[3]

Nonetheless a point may be reached at which conduct ceases to be merely intemperate criticism and abuse and becomes, or is liable to become, an improper obstruction of the functions of Parliament. There are actions that, while not directly obstructing the member, nevertheless obstruct the House in the performance of its functions by diminishing the respect due to it.

It is therefore the duty of the House to deal with reflections upon itself and members that tend, or have the potential, to undermine public respect for and confidence in the House itself as an institution.

Finding of contempt

In order to constitute a breach of privilege the test is whether the reflection tends to diminish the House in the eyes of the public.

We are satisfied that the reflection on Hon Peter Dunne carries an implication that his relationship with the liquor industry or the tobacco industry is corrupt or otherwise improper. Mr Robson's statement about the liquor and tobacco industries' "support for Peter Dunne" implies *financial* support. To allege that a member "faithfully delivers" his vote because of that support is manifestly a case of contempt. While not directly obstructing the member, the allegation nevertheless obstructs the House in the performance of its functions by diminishing the respect due to it.

We therefore find that Hon Matt Robson is in contempt of the House.

We support unequivocally Mr Robson's argument about the desirability of robust political comment, and would not support the use of parliamentary privilege to stifle it in any way. However, we do feel the line is crossed when robust political commentary carries an implication of financial or monetary gain influencing a vote in Parliament. We agree that any reasonable person would infer from Mr Robson's statement that Mr Dunne is *financially* influenced by the liquor and tobacco industries, and votes accordingly.

In our view, statements or comments that impute that a member's vote is in some way influenced in a *financial* manner by outside interests have the tendency to obstruct the House in the performance of its functions. We consider the test under Standing Order 400(n) is whether the reflection alleges corruption or an improper purpose, including financial influence by outside interests. When such a reflection is made about a member, even in the context of robust political commentary, such comment goes beyond highlighting inconsistencies and the point is reached where a contempt is committed.

[3] This and the following paragraph are derived from Joseph Maginot, *Parliamentary Privilege in Canada,* 2nd edition, 1997.

Appendix A

Committee procedure

The committee met on several occasions during late 2006 to consider the question of privilege. On 6 December 2006, the committee heard evidence from Hon Matt Robson and Hon Peter Dunne.

Committee members

Simon Power (Chairperson)

Hon Dr Michael Cullen (Deputy Chairperson)

Gerry Brownlee

Hon Lianne Dalziel

Hon Peter Dunne

Russell Fairbrother

Hone Harawira

Rodney Hide

Dr Wayne Mapp

Rt Hon Winston Peters

Hon Paul Swain

Lindsay Tisch

Metiria Turei

Hon Peter Dunne was replaced by Judy Turner for the consideration of this matter. Standing Order 398 refers.

Committee staff

Louise Sparrer, Clerk of Committee

Debbie Angus, Clerk-Assistant (Legal Services)

Appendix B

Matter of privilege: Robson-on-Politics/Hon Peter Dunne

Members,

Hon Peter Dunne has raised with me as a matter of privilege an e -mail newsletter "Robson-on-politics – e-news" published on the *Scoop* website of 1 November 2006. The newsletter discusses the role of the United Future Party as a support party for the Government. It examines the position of the party on various issues including alcohol and tobacco. In his newsletter Mr Robson states "The liquor industry's support for Peter Dunne, as with that of the tobacco, has always meant that he has faithfully delivered his vote for their interests".

Standing Order 400(n) establishes that the House may treat as a contempt reflections on the character or conduct of a member in the member's capacity as a member of the House. Its purpose is to protect members going about the business of the House from unfounded, scurrilous allegations of serious impropriety or corruption.

To allege that a member is under the control of someone outside the House is a reflection against that member. To make such a statement in the House would not be in order. An allegation that an industry has supported a member in order to obtain his or her vote cast in the House could certainly be taken to be an allegation that a member has been dictated to by an outside body.

The fact that a matter is out of order does not of itself establish a contempt. The allegation made can reasonably be interpreted as directly reflecting on Mr Dunne's character and conduct as a member of the House. However, to constitute a contempt, the reflection on Mr Dunne must also be shown to carry with it an implication that Mr Dunne's relationship with the liquor industry or the tobacco industry is corrupt or otherwise improper. I am satisfied that to allege that Mr Dunne has "faithfully delivered his vote" as a result of support from the industries concerned could carry such an implication. Whether or not it actually does is for the Privileges Committee and ultimately the House to decide.

Accordingly, I have determined that the statement in the newsletter does involve a question of privilege in that it may constitute a reflection on the character or conduct of a member in the member's capacity as a member of the House. Consequently, the question of privilege stands referred to the Privileges Committee.

Minority Report

PARLIAMENT OF THE
REPUBLIC OF TRINIDAD AND TOBAGO

MINORITY REPORT

OF THE

COMMITTEE OF PRIVILEGES OF THE SENATE

FIRST SESSION (2015/2016)

ELEVENTH PARLIAMENT

Senate Paper No. 26/2016 **Ref. No: Parl 14/2/1**

INTRODUCTION

1. The undersigned member, constituting a minority within the Committee of Privileges of the Senate (the Committee) hereby submits this report to be annexed to the Committee's Report (the Report) on the matter against former Temporary Senator Mr. Gerald Ramdeen.

2. The undersigned member **disagrees** with the Deliberations and Findings of the Report (at paragraph 37 of the Report) which states that a breach of privilege and thus a contempt was committed by the former Temporary Senator Mr. Gerald Ramdeen.

3. As a consequence of the foregoing, the undersigned member **disagrees** that sanction should be imposed on former Temporary Senator Mr. Gerald Ramdeen.

4. The undersigned member **disagrees** with that section of the Report which outlines the test to establish a breach of privilege.

PROFFER APOLOGY

5. The undersigned member **disagrees** with that part of the Recommendations of the Report (at paragraph 39) which states that the Mr. Ramdeen should proffer an unequivocal apology.

6. In the Notes of Evidence attached to the Report, Mr. Ramdeen at page 48 stated as follows:

> ***"Mr. Ramdeen:*** *So perhaps I should thank the Committee for giving me the opportunity to present or to clarify whatever statements I may have made. I think, not to beat a dead horse, but to indicate to the Committee and to the Senate and to you, Madam President of the Senate, that if there was any wrong impression of the words that I stated that are the subject of the grounds of the Motion, then I can clear that up and say, if there was any wrong impression given to any Member of the Senate and to you, Madam President, I apologize for that. And in those circumstances, I want to make it clear that at no point in time was it my intention to bring ridicule or odium*

to the Senate as the Upper House of the Parliament or to individually attack, place in ridicule or to embarrass in any way Mr. Junkère in particular, or any other Member of the Senate."

7. The undersigned therefore **disagrees** with the view advanced in the Committee's Report that the aforementioned extract does not constitute an unequivocal apology.

PROCEDURAL FLAWS

8. The undersigned member agrees with the Report in recognising that breach of privilege and contempt are serious matters and furthermore, that a finding of contempt of either House may have adverse consequences. Moreover, the undersigned submits that the Committee is required to utilise a number of procedures to ensure that procedural fairness was afforded to all.

9. However, the undersigned wishes to highlight the following procedural flaws in the meetings of the Committee of Privileges of the Senate:

Letter dispatched to Witness before Full Examination of Grounds

(i) At the First Meeting of the Committee, the Committee took the decision to dispatch a letter to Mr. Ramdeen without having first examined the grounds effectively. The undersigned, on reflection, is of the view that the examination of the grounds should have preceded the decision to send a letter of invitation to Mr. Ramdeen.

(ii) At the Second Meeting of the Committee, a decision was taken that *ground one* was not applicable based on the learning provided by the Secretariat. However, the Committee failed to send a follow up letter to Mr. Ramdeen indicating the first ground was struck out.

(iii) Alternatively, at the Second Meeting of the Committee, the Committee could have avoided the possibility of the issuance of a second letter if the examination of the grounds had been embarked upon first instead of dispatching a letter of invitation to the witness.

Failure to read Allegations

(iv) At the Fourth Meeting of the Committee, the Committee failed to read aloud to the witness and into the record the allegations made against him.

Additionally, the following questions posed:

a) *"Is it fair to say that you understand why you are here?*

b) *Is there any question then that you want to ask about what you have been sent before we begin to ask you some questions?*",

in the opinion of the Member, seem insufficient and do not satisfy the bar of procedural fairness.

This procedural flaw was compounded by the fact that there were several opportunities to correct this misstep of not reading the allegations to the witness which were disregarded by the Chair.

(v) Also at the Fourth Meeting, the Committee failed to indicate to the witness that there were three allegations against him as compared to four allegations as stated in his letter of invitation.

In this case, the Committee also had several opportunities to advise the witness that he appeared to answer three allegations instead of four. However, the Committee did not avail itself of such opportunities.

Furthermore, the allegations involved former Temporary Senator Justin Junkère. The undersigned is of the opinion that the Committee should have afforded the witness the opportunity to have Mr. Junkère appear as a witness. The undersigned opines that the witness was new to parliamentary proceedings and the question should have been posed to the witness. This was not done and this may amount to a procedural flaw.

The undersigned further submits that at the Fourth Meeting of the Committee, the approach adopted by the Committee lacked transparency and full disclosure and the undersigned is of the opinion that because of this, the enquiry process has collapsed through lack of procedural fairness.

Failure to Comply with Standing Order 102 of the Senate

(vi) Standing Order 102 (17) "Evidence" was not complied with. The Standing Order imposes a specific time frame with regard to evidence:

> *"(17) The evidence of every witness shall be taken down verbatim and sent in proof to the witness. The witness shall be at liberty, within fourteen (14) days from that on which the Clerk of the Committee sent out the proof, to suggest corrections due to inaccurate reporting, and the evidence shall be printed with such of the corrections as may be approved by the Chairman."*

The undersigned submits that there is neither equivocation nor ambiguity in the Standing Order. The Standing Order as drafted does not allow the Committee to unilaterally amend the time frame to suggest corrections. In the matter before the Committee, the witness was given less than fourteen days to suggest corrections.

Divergent Views on the Test to Establish a Breach of Privilege in the Circumstances

(vii) The undersigned disagrees with the test put forward by the Chair to establish a breach of privilege in the circumstances. The test advanced and agreed by the majority of Members stated, *inter alia*,:

- It is not a question of fact.
- Intention is not relevant.
- What was the effect of the words uttered by Mr. Ramdeen?
- What objectively would be the effect of those words to someone listening? (**See Verbatim Notes of the Sixth Meeting of the Committee of Privileges**)

The undersigned is of the considered view that intention or wilful intention is a key ingredient in establishing whether Mr. Ramdeen 'reflected on the character and conduct of Senator Junkère in such a manner that brought the Senate into ridicule and odium'.

(viii) The undersigned submits that no fair minded person would conclude that a breach of privilege occurred because the test was not established.

Insufficient Consideration of Additional Witnesses

(ix) At the Second Meeting of the Committee, the undersigned requested that additional witnesses be considered. That request was deferred.

Another request was made subsequently at the Fifth Meeting and considered by the Committee. A majority decision was taken that no further witnesses were required.

(x) The allegations against the witness emanated from a third source. Furthermore, the allegations were based on secondary information. It is the considered view of the undersigned that clarification was required through the person who raised the motion and personnel at the daily newspapers who wrote and carried the articles.

(xi) The Committee focused its attention on hearing only the witness and his evidence.

Lack of Consideration of the Code of Ethics in relation to Mr. Junkère

(xii) **Parliamentary Practice by Erskine May, Twenty-Fourth Edition** provides guidance on the need for a set of rules to be established to guide parliamentarians on the conduct expected. At page 75, it states:

> *"Each House has agreed to a set of rules and guidance governing the conduct expected of its Members in the discharge of their parliamentary and public duties and the disclosure of relevant financial matters. In each case these are expressed in the form of codes of conduct agreed to by the respective Houses…."*

(xiii) Similarly, articles 1, 3, 4 and 5 of The Code of Ethics for Parliamentarians Including Ministers[12] were not considered by the Committee in relation to Mr. Justin Junkère. The undersigned supports the view advanced by former Temporary Senator Mr. Gerald Ramdeen that Mr. Junkère should have disclosed his interest.

[12] Laid in the H.O.R 13 March 1987 and Laid in the Senate 18 March 1987

Miscellaneous Matters

(xiv) The contents of letters dispatched to the witness did not have the approval of the Committee as a whole. It has been an established practice that letters are sent round robin before dispatch. This practice allowed Members to approve or disapprove of the contents of a letter before being forwarded to the intended party.

(xv) The Agenda for each meeting was not set by the Committee. The undersigned did not have sight of some items of correspondence until subsequent meetings of the Committee of Privileges. Ideally, the agenda ought to have been set by the Committee prior to any meetings.

UNSATISFACTORY EXPLORATION OF ALTERNATIVE SANCTIONS

10. In its bid that a breach was committed, the Committee did not fully explore alternative sanctions to apply to the matter involving Mr. Ramdeen. The undersigned acknowledges that the Committee considered some of the sanctions which could be applied.

11. Noteworthy are four instances in which alternative sanctions were applied in the Canadian jurisdiction. Bosc and O' Brien[13] detailed the Canadian approach to privilege matters in the House of Commons. The authors noted that the House of Commons seemingly showed a reluctance to invoke the House's authority to reprimand or admonish anyone found to have trampled its dignity or authority.

12. They include:

    A. **The case of Auguste Choquette (Lotbinière)** - in that matter the Standing Committee on Privilege and Elections chastised Mr. Choquette who claimed that Parliamentarians had obtained undue financial consideration. The Committee did not recommend any further consideration be given to the matter after concluding that Mr. Choquette's attitude was intemperate and irresponsible.

[13] Bosc, M and Audrey O'Brien, House of Commons Procedure and Practice, Second Edition, 2009

B. **The 1987 Parry case**- in that matter the Member divulged the result of an *in camera* vote. In this case the Standing Committee on Privilege and Procedure did not recommend punishment and the Member's apology to the House put an end to the matter.

C. **The 1996 Jacob's Case**- in that case the Standing Committee on Procedure and House Affairs noted that the actions of the Member was ill-advised and determined that his actions did not amount to a contempt or breach of parliamentary privilege.

D. **The 2005 case involving the Ethics Commissioner-** in that case, the Standing Committee on Procedure and House Affairs found the Ethics Commissioner in contempt of the House of Commons for his actions during the conduct of an inquiry but did not recommend any sanctions or penalty because the Commissioner's actions were neither deliberate nor intended.

NO BREACH OF PRIVILEGE COMMITTED

13. The Report, in its deliberations and findings, concludes that a breach of privilege was committed. However, having regard to the above, the undersigned is of the view that:

(i) in the absence of any wilful or deliberate intent on the part of Mr. Ramdeen;

(ii) in light of Mr. Ramdeen's unreserved apology to the Committee, that represented the Senate in its enquiry;

(iii) by reason of the former Temporary Senator's lack of experience and innocent ignorance,

no breach of privilege occurred on the grounds of contempt or grievous behaviour that has brought the Senate into disrepute and odium and, that no further action is required.

RECOMMENDATIONS

14. In the circumstances, the undersigned does not support that part of the Recommendation of the Report which provides that the former Temporary Senator Mr. Gerald Ramdeen proffer an apology. For the above reasons, the undersigned humbly

recommends that consideration be given by the Senate to amend the Report by deleting the said recommendation that Mr. Ramdeen offer an apology to the House.

15. The undersigned recommends that a programme of training be established for all Members on the practice and procedures of Parliament. In this regard, special emphasis should be placed on the significance of parliamentary privilege. This will undoubtedly assist all Members to effectively understand and appreciate the nuances of the inner workings of Parliament.

Respectfully Submitted,

Mr. Wade Mark
Sgd.
Member
12 September 2016