



**PARLIAMENT OF THE
REPUBLIC OF TRINIDAD AND TOBAGO**

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MP PARL: 14/1/1

**THE THIRD REPORT
OF THE
COMMITTEE OF PRIVILEGES
OF THE
HOUSE OF REPRESENTATIVES
(2009 Session)**

On the Premature Publication of the proceedings of
the Committee by the Newsday Newspaper

Together with the Minutes of the proceedings

**The Third Report of the Committee of Privileges of the House of Representatives (2009 Session) on the
Premature Publication of the proceedings of the Committee by the Newsday Newspaper**

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**The Third Report of the Committee of Privileges of the House of Representatives (2009 Session) on the
Premature Publication of the proceedings of the Committee by the Newsday Newspaper**

The Committee of Privileges

1.1 The Committee of Privileges is appointed each session by the Speaker in accordance with Standing Order 75(1) to consider and report to the House of Representatives on any matter which appears to affect the powers or privileges of the House as may be referred to it.

1.2 Membership - 2009 Session

Mr. Barendra Sinanan	-	Chairman
Mr. Colm Imbert	-	Member
Ms. Penelope Beckles	-	Member
Ms. Christine Kangaloo	-	Member
Mr. Stanford Callender	-	Member
Dr. Roodal Moonilal	-	Member
Dr. Tim Gopeesingh	-	Member
Mrs. Kamla Persad-Bissessar	-	Member

Secretarial Assistance

1.3 The Clerk of the House, Ms. Jacqui Sampson, served as Secretary to the Committee, with Ms. Lily Broomes and Mr. Julien Ogilvie, serving as Assistant Secretaries.

Matter Referred

Friday 03 July, 2009

2.1 At a sitting of the House held on **Friday 3rd July, 2009**, the Honourable Neil Parsanal, Minister of Information (*Member for Lopinot/Bon Air West*) moved a motion of privilege in accordance with Standing Order 27, alleging that the contempt of premature publication of the proceedings of a Committee had been committed by the Newsday Newspaper. Minister Parsanal explained that on Sunday June 28, 2009 an article appeared on page 3 and 4 of section A of the *Newsday* entitled, ***“UDeCott apologises to House Speaker”***: *‘Another Udecott corruption fiasco’*, in which the author

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purports that the Urban Development Company of Trinidad and Tobago (UDeCOTT) will concede in the matter of contempt raised in this House on Friday, March 13, 2009 and will make a public apology.

2.2 The Honourable also contended that the article reported information that appeared to touch on the proceedings of the Committee of Privileges, including interactions that may have taken place between the committee and the UDeCOTT. He also referenced standing order 81, the authority that prohibits premature publication of proceedings.

Friday 03 July, 2009

2.3 The Speaker having heard the submission from the Minister of Information, ruled that a *prima facie* case had been made out and referred the following matter to the Committee of Privileges:

“Premature publication of the proceedings of the Committee by the Newsday Newspaper”

Meetings

3.1 To date your Committee has held Eight (8) meetings on the following dates;

1. Friday May 08, 2009;
2. Friday May 22, 2009;
3. Friday June 05, 2009;
4. **Wednesday July 01, 2009;**
5. **Wednesday July 22, 2009;**
6. **Wednesday September 23, 2009.**
7. Friday October 09, 2009
8. Friday October 30, 2009

Consideration of the matter in question commenced from the Fourth meeting.

The Minutes of the meetings are at **Appendix 2**

Background on the matter raised

Question of Privilege

4.1 At a sitting of the House of Representatives held on Friday 13th March, 2009 a complaint was made by the Member for Caroni East, Dr. Tim Gopeesingh in relation to a full-page advertisement in the *Trinidad Guardian* and *Express Newspaper* of Saturday March 07, 2009 by the Urban Development Corporation of Trinidad and Tobago (UDeCOTT).

4.2 In the advertisement which was headed "*Statement by Opposition MP reckless and irresponsible*", the Board and Management of the UDeCOTT strongly condemned the statements made by the member whilst he was contributing to a debate on a motion and called on him to repeat his allegations outside of the Parliament Chamber.

4.3 Dr. Gopeesingh complained that the publication of such an advertisement was calculated to bring him into ridicule and odium and was an attempt to intimidate him in the execution of his duties as a Member of the House and asked that the matter be referred to the Committee of Privileges.

Matter referred

4.4 On Friday 20th March, 2009, the Speaker ruled that a prima facie case had been made out and referred the following matter to the Committee of Privileges:

"Alleged Contempt of Parliament by the UDeCOTT"

Consideration of the matter by the Committee

4.5 During its consideration of the matter the committee agreed that the Urban Development Corporation of Trinidad and Tobago should be given the opportunity to explain its actions. On Tuesday 2nd June, 2009, the UDeCOTT via letter provided an explanation for the publication. The Committee gave special recognition to the fact that the UDeCOTT had offered an unqualified apology for its actions.

4.6 An article written by Mr. Andre Bagoo entitled "Udecott apologises to house Speaker" was published in section A pages 3 and 4 of the *Newsday Newspaper* of Sunday June 28, 2009. The article appeared to make reference to the proceedings of the Committee on the matter involving the UDeCOTT. The facts reported in the article accurately reflected the deliberations of the Committee when compared to the actual Report on the matter presented to the House. Some assertions of the article were as follows;

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UDECOTT is to concede the contempt of Parliament case moved against it by House Speaker Barry Sinanan and is to apologise for publishing print and electronic advertisements which criticised Caroni East MP Dr Tim Gopeesingh for statements he made during a parliamentary debate.

Sunday Newsday understands that the controversial state company, which is currently the subject of a commission of inquiry into its practices, will not challenge the contempt of Parliament allegation brought against it on March 20.

Sources close to Udecott reported this week that the company will instead admit to publishing the advertisements and will file an apology before the Parliament's Privileges Committee, which is the organ charged with determining the issue.

See Appendix 1 for full article

4.7 It is important to note that the article in question was published on June 28, 2009 and the written apology by the UDeCOTT was considered by your Committee at its Third Meeting on June 05, 2009.

4.8 At its Fourth Meeting held on Wednesday July 01, 2009 your Committee considered and approved the Committee's Report on the matter referred. The Report was presented to the House of Representatives on Friday 3rd July, 2009. Therefore, the article by Mr. Bagoo of the Newsday Newspaper was published some five days before the Committee presented its report to the House.

Procedure for inquiry

5.1 Your Committee agreed to proceed with its investigation in the following stages:

- consider the details and nature of the contempt;
- allow the reporter and publisher the opportunity to appear before the committee; and
- review evidence and recommend an appropriate sanction, if any, to the House.

The Inquiry

Consideration of details and nature of the contempt

6.1 At its Sixth meeting your committee considered in detail the circumstances surrounding the publication of the article. Your Committee considered the content of the article in question and concurred that the information contained therein did closely reflect the deliberations and proceedings of the Committee with respect to the matter involving the UDeCOTT.

6.2 Reference was also made to Standing Order 81 which states that:

“The proceedings of and evidence taken before any Select Committee and any document presented to, and decisions of, such a Committee shall not be published by any Member thereof or by any person before the Committee has presented its Report to the House.”

Premature Publication as Contempt in other jurisdictions

6.3 In considering the nature of the contempt, your Committee examined the rules and authorities from other jurisdictions. It was quite apparent that premature publication and or disclosure is a serious breach of the Standing Orders or rules of Parliament and has been found to be detrimental to the work of Parliamentary Committees.

United Kingdom

6.4 According to Erskine May *Parliamentary Practice (Twenty-Third Edition)* since 1837, the House of Commons resolved that:

According to the undoubted privileges of this House, and for the due protection of the public interest, the evidence taken by any Select Committee of this House and the documents presented to such Committee and which have not been reported to the House ought not to be published by any Member of such Committee, or by any other person.¹

Australia

6.5 *House of Representative Practice (Australia) Fifth Edition* indicates that Standing order 242 of the Australia House of Representatives provides (in part) that:

¹Erskine May *Parliamentary Practice* 23rd Edition 2004 Page 140

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(b) A Committee's or Subcommittee's evidence, documents, proceedings and reports may not be disclosed or published to a person (other than a member of the Committee or parliamentary employee assigned to the committee) unless they have been:

(i) reported to the House; or

(ii) authorised by the House, the Committee or the Subcommittee.²

New Zealand

6.6 An examination of the learning in *David Mc Gee's Parliamentary Practice in New Zealand Third Edition* (2005) also shows how significant the contempt of premature disclosure or publication is. Mc Gee explains that:

It is a contempt to divulge the proceedings or report (including a draft report) of a Select Committee or Subcommittee contrary to the standing orders. In general, the proceedings of a Select Committee or a Subcommittee, other than during the hearing of evidence, are confidential until the Committee reports to the House. This rule is designed to promote the better functioning of the Committee process and to affirm that the House is entitled to first advice of the conclusions of its Committees.³

6.6 In light of the above, your Committee unanimously agreed that a contempt had been committed. Accordingly, the Committee through its secretary requested that Mr. Andre Bagoo, the author of the article and Ms. Therese Mills, Chief Executive Officer and Editor-in-Chief of the *Newsday* Daily Newspaper appear before the Committee to assist in its deliberations.

Evidence/Examination

7.1 On Friday October 09, 2009, during the Seventh Meeting of your Committee, Mr. Andre Bagoo and Ms. Therese Mills appeared before the Committee and were examined.

Evidence from Mr. Andre Bagoo

- i. Mr. Bagoo confirmed that he was a Reporter, employed by the *Newsday*, located at 23A Chacon Street, Port of Spain.

² Page 735

³ Page 650

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- ii. Mr. Bagoo also confirmed that he was the author of the article in question.
- iii. In response to whether he was familiar with Standing Order 81 of the House of Representatives, Mr. Bagoo stated that he was not familiar with it at the point of writing the article.
- iv. When asked what was the source of the information used to compose the article? Mr. Bagoo refused to reveal his source(s).
- v. Mr. Bagoo informed the Committee that his first job in the media was with the *Newsday* Newspaper. A job he has held for the past three (3) years.
- vi. Mr. Bagoo has been covering politics and by extension Parliament for one and a half (1 ½) to two (2) years of his tenure at the *Newsday* Newspaper.
- vii. Concerning the procedure for an article to be published vis-à-vis editing, Mr. Bagoo informed the Committee that all stories are edited by an editor at the *Newsday* Newspaper.
- viii. It was revealed that Ms. Vashty Maharaj is the Editor of Sunday News, but Mr. Bagoo could not confirm whether Ms. Maharaj was on duty on the day his article was published (Sunday June 28, 2009).
- ix. Concerning his qualifications Mr. Bagoo indicated that he held a Bachelor of Law Degree (European Legal Studies) from Kings College of London.
- x. It was revealed that it was Ms. Suzanne Mills, the former Editor-in-Chief who had assigned Mr. Bagoo to cover Parliament.
- xi. On the question of whether he was trained or educated with respect to the Standing Orders and in particular Standing Order 81, Mr. Bagoo indicated that he was not formally trained, but rather was supplied with a copy of the Standing Orders, with the assumption that he would read it.
- xii. Previously Mr. Bagoo indicated to the Committee that he could not confirm if Vashty Maharaj was the Editor on the day his article was published. However, when asked whether Ms. Maharaj as Editor had any objections to what was contained in his article Mr. Bagoo stated that there were no objections.

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Evidence from Ms. Therese Mills

- i. Ms. Mills confirmed that she was the Chief Executive Officer and Editor-in-Chief of the *Newsday*.
- ii. Ms. Mills revealed that she has been a Journalist for over 50 years
- iii. Concerning her familiarity with the Standing Orders, Ms. Mills stated that she was not thoroughly acquainted with them, in particular, Standing Order 81 concerning Premature Publication of Proceedings.
- iv. Ms. Mills confirmed that she was familiar with the article entitled "*Udecott apologises to house Speaker: Another Udecott fiasco*" published on Sunday June 28, 2009.
- v. Concerning the procedure for the approval of articles written by reporters, Ms. Mills indicated that the article will be submitted for the consideration of the 'Editor of the day'. After the article is submitted by the reporter the editor would proof read it to ensure grammatical accuracy and would also enquire from the reporter about the source of his or her information.

Ms. Mills informed the Committee that on the day the article in question was published either Vashty Maharaj or Horace Monsegue would have been performing the functions of Editor. She could not confirm.

- vi. As to whether the Editor vetting the article would reference the Standing Orders of Parliament, Ms. Mills stated that this was not a normal practice.
- vii. On the question of whether reporters who are new to covering Parliament are trained or educated with respect to the Standing Orders and in particular Standing Order 81, Ms. Mills explained that there was no mechanism for formal training of Reporters in this regard but rather, senior political reporters or reporters with experience in covering Parliament would have informal dialogue with their juniors.
- viii. When asked if she understood that the article in question constituted Premature Publication under Standing Order 81, Ms. Mills answered in the affirmative.
- ix. Ms. Mills informed the Committee that she was not in office at the time Mr. Bagoo's article was published.

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Apparent refutation to the Speaker's ruling

- x. Ms. Mills was asked whether an advertisement that was published repeatedly by her Newspaper subsequent to Mr. Bagoo's referral to the Committee of Privileges entitled "*Our team in the House- covering Parliament responsibly*" listing Mr. Chan Tack, Mr. Bagoo, Mr. Douglas and Mrs. Pickford- Gordon was a direct response to the Speaker's ruling that Mr. Bagoo and the *Newsday* be referred to the Committee.

Ms. Mills assured the Committee that the publication of the advertisement was coincidental and had nothing to do with the ruling of the Speaker. She claimed that the Advertisement was part of a marketing campaign that was being conducted by the newspaper.

- xi. Asked whether she thought that the words "Covering Parliament Responsibly" as stated in the advertisement was appropriate considering the fact that her newspaper was the subject of a premature publication matter, Ms. Mills held that there are times when mistakes are made and her Newspaper is usually keen to correct them when its drawn to their attention.
- xii. Ms. Mills stated that it was the first time in her Newspaper's 16 years of existence that they have been accused of a contempt of this nature.

Formal Statement made during examination

- xiii. With the leave of the Chairman, Ms. Mills read the following statement:

I fully support my colleague, Mr. Bagoo. I have the greatest respect for his competence, integrity, veracity and investigative skills which are the hallmark of any good journalist. If we have made a mistake or unwittingly broken any rule of Parliament we are, of course, very sorry, but **would point out that the report, in essence, was accurate.** As a publisher of the *Newsday*, however, I accept full responsibility in this matter. Thank you, Mr. Chairman.

- xiv. The Committee sought clarification from Ms. Mills concerning her statement "that the report in essence, was accurate". In response, Ms. Mills stated:

"The fact that UDeCott had apologised to the Speaker, in the long run it came out to be accurate. That is why I say this is an investigative

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journalist at work. He got the story even before he should have gotten it and published it.

- xv. Asked whether in light of her statement she was willing to reveal the source of Mr. Bagoo's story Ms. Mills declined to reveal sources.
- xvi. Ms. Mills conceded that the details of the Chairman's Draft Report should not have been published before it had been presented to the House. She also indicated that she was willing to apologise if such a request is made.

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Findings

8.1 Based on its deliberations on the matter and the evidence received, your Committee made the following findings:

- a. The article written by Mr. Bagoo of the *Newsday* Newspaper entitled *“UDeCott apologises to house Speaker”: ‘Another Udecott corruption fiasco’* was published on Sunday June 28, 2009 on pages 3-4 of section A of the Newspaper;
- b. An examination of the contents of the article clearly indicated that there was a leak or disclosure of the proceedings of the Committee, with respect to a matter of contempt involving the UDeCOTT;
- c. The article in question was published on Sunday June 28, 2009 some three days before the Committee had finalised its Draft Report on the matter involving the UDeCOTT which it did at its Fourth Meeting held on Wednesday July 01, 2009 and five (5) days before the Committee presented its report on the matter to the House (Friday July 03, 2009);
- d. Pursuant to Standing Order 81 of the House of Representatives, Mr. Andre Bagoo and by extension the publisher of the *Newsday* Newspaper are guilty of contempt of Parliament;
- e. The source(s) of the disclosure was not determined or revealed during the Committee’s examination of Mr. Andre Bagoo (Reporter) and Ms. Therese Mills (Chief Executive Officer and Editor-in-Chief);
- f. No Member of the Committee of Privilege was indentified as having provided the newspaper with the information in the article;
- g. The impact of the publication of the article in question on the functioning of the Committee with respect to its deliberations on the matter involving the UDeCOTT was not determined;
- h. The Reporter and Editor did acknowledge that they had breached the rules of the House;
- i. A majority of the Committee found that Ms. Mills’ approach to the matter did not reflect the seriousness of the breach;
- j. There were inconsistencies in the testimonies of both Mr. Bagoo and Ms. Mills concerning whether training was normally given to reporters assigned to Parliament and the reason as to the timing of the publication of the advertisements by Newsday concerning their coverage of Parliament.

Conclusion

9.1 Your Committee is satisfied that Mr. Andre Bagoo and the publisher of the *Newsday* Newspaper committed a serious breach of the rules of the House of Representatives, specifically Standing Order 81. The publication of the article in question breached the confidentiality rule afforded to Committees who for the purpose of their deliberations, may decide to hold meetings *in camera* so as not to be limited or affected by certain externalities that may hinder the ability of the committee to execute its mandate. Standing Order 80 (9) stipulates that:

“Subject to any order of the House or resolution of the Committee, the sitting of a Select Committee shall be held in private”

9.2 A very pertinent statement against this type of breach is found in the *Fourth Report of the Senate-Standing Committee on Privileges, Standing Rules and Orders*, Parliament of Canada dated April 13, 2000. It held that:

In addition to the pre-eminent right of the House as a whole to have reports tabled and made available first to its members prior to their being released to the general public, your Committee also notes that premature and unauthorized disclosure of Committees reports can interfere with and impede the work of the Committee.

Preventing leaks and or Premature Publications/ Disclosures in the future

9.3 The House and its Committees must take steps to ensure that systems and security precautions are in place to prevent leaks, and to ensure the confidentiality of committee documents, including draft reports before they are tabled. Similarly, in order to minimize the risk of premature and unauthorized leaks, it is necessary that all persons involved in the process, including Members, staff and witnesses are aware of the requirements of confidentiality and the sanctions for breaching it.

Possible Sanctions

9.4 To safeguard the integrity of Parliament and its subordinate institutions it must have the authority to impose sanctions on Members and strangers (non-members) when it is duly determined that its rules, privileges and or immunities have been breached or contravened. Section 55(3) of the Constitution of Trinidad and Tobago stated in part that:

“In other respects, the powers, privileges and immunities of each House and of the Members and the committees of each House, shall be such as may from time to time be prescribed by Parliament after the commencement of this Constitution

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and until so defined shall be those of the House of Commons of the Parliament of the United Kingdom and of its members and committees at the commencement of this Constitution.

9.5 Additionally, Standing Order 88 (Press) bestows on the Speaker authority to permit any media entity to attend sittings of the House and in the same manner the Standing Order gives the authority for such permission to be revoked. It states:

88 (1) The Speaker may grant a general permission to the representative of any journal or newspaper or other medium of public information to attend the sittings of the House under such rules as he may make from time to time for that purpose.

(2) If such rules are contravened such permission maybe revoked.

9.6 In light of the provision of Section 55(3) of the Constitution and Standing Order 88, the House of Representatives may impose certain sanctions. Sanctions that may be administered/imposed include: reprimands, compulsory apologies, suspensions, bans, among others.

Recommendations

10.1 Your Committee concludes that a contempt had been committed. Having considered the serious nature of the breach in detail and after a review of the evidence proffered by the Reporter and the Editor-in-Chief, a majority of your Committee recommends the following in relation to the contempt that has been established:

1. that the Newsday Newspaper publish an apology to the House of equal prominence to the article written by Mr. Bagoo, appearing within pages 1-3;
2. that Mr. Bagoo be banned from the Media Gallery for the rest of the session;
3. that the House through an appropriate mechanism reiterate the serious nature of the breach that was committed by the reporter and publisher and warn others of the consequences of such a breach;
4. media entities are strongly urged to conduct appropriate training of their reporters covering Parliament so that they will be familiar with the Standing Orders, especially those Standing Orders concerning the covering of the proceedings of Parliament.

Respectfully Submitted,

**The Third Report of the Committee of Privileges of the House of Representatives (2009 Session) on the
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Sgd.

Mr. Barendra Sinanan

Chairman

Sgd.

Ms. Pennelope Beckles

Member

Sgd.

Mr. Colm Imbert

Member

Sgd.

Ms. Christine Kangaloo

Member

Sgd.

Mr. Stanford Callender

Member

Dr. Roodal Moonilal

Member

Dr. Tim Gopeesingh

Member

Mrs. Kamla Persad-Bissessar

Member

November 13, 2009

APPENDIX 1

NEWSPAPER ARTICLE WRITTEN BY MR. ANGRE BAGOO

NEWSDAY SECTION A Sunday, June 28, 2009 Page 3

HEADLINE NEWS

Udecott apologises to house Speaker

By ANDRE BAGOO

UDECOTT is to concede the contempt of Parliament case moved against it by House Speaker Barry Simanan and is to apologise for publishing print and electronic advertisements which criticised Caroni East MP Dr Tim Gopeesingh for statements he made during a parliamentary debate.

Sunday Newsday understands that the controversial state company, which is currently the subject of a commission of inquiry into its practices, will not challenge the contempt

of Parliament allegation brought against it on March 20. Sources close to Udecott reported this week that the company will instead admit to publishing the advertisements and will file an apology before the Parliament's Privileges Committee, which is the organ charged with determining the issue.

According to sources, the matter was considered by the Privileges Committee about a month ago and Udecott was asked to confirm whether it had published the advertisement. Udecott responded that it had published the advertisement but was not

aware that it was a contempt to challenge a Member of Parliament (MP) to repeat outside what he had said in the chamber. Udecott was expected to file a letter of apology but *Sunday Newsday* could not confirm whether the letter has been filed.

On March 7, Udecott published advertisements in two daily newspapers responding to statements made by Gopeesingh during debate of an Opposition motion on health care in Parliament days before on March 4. An identical version of the text of the advertisements, dated March 9, was also later posted on Udecott's internet

website and issued as a press release. As of yesterday, the Udecott statement was still posted on the company's website.

Gopeesingh had criticised the Health Ministry's choice of Udecott for the handling of the planned Point Fortin Hospital. In Parliament, he had said: "The Minister of Health (Jerry Narace) told this House that Udecott has assumed responsibility for the construction of this hospital. Imagine Udecott again, Mr Speaker? Udecott which you see in the commission of

•SPEAKER continues on Page 4A

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Page 4 NEWSDAY SECTION A Sunday June 28, 2009

NEWS

'Another Udecott corruption fiasco'

•SPEAKER from Page 3A

inquiry has been doing absolutely chaotic things and has been involved in so much corruption, non-transparency and non-accountability as far as expenditure of the taxpayers' money."

Gopeesingh called the Point Fortin project, "another Udecott corruption fiasco."

"He (Narace) said that the commencement and construction of this hospital would start in October 2008. Today, we are hearing that it would start some time later, at the end of this year," the MP added.

But in its advertisements and the statement posted on its website by its corporate communications unit, Udecott called Gopeesingh's comments "reckless and irresponsible" and called on "the Honourable Member to repeat his spurious allegations outside of the parliamentary chamber and to immediately report his allegations of corruption together with the relevant proof to the authorities, especially since contracts have not been awarded for this project."

Udecott had further noted in the advertisement that it "takes great umbrage to the Honourable Member's use of the cloak and protection of parliamentary privilege to senselessly defame it" and that it was "seeking legal advice on the options available to it" which included, "requesting the assistance and intervention of the Honourable Speaker of the House."

On March 13, Gopeesingh raised a matter of privilege in Parliament, asking the Speaker to refer Udecott to the Committee of Privileges to determine whether or not the advertisements amounted to contempt of Parliament. Gopeesingh argued that the publications amounted to contempt of the House, in that the publication attempted to intimidate him in the execution of his duties as a Member of Parliament.

"The publication of this statement in the form of this full page advertisement is calculated to bring me into public ridicule and odium," Gopeesingh said. "What is even more distressful is that it comes from a statutory body or entity which is accountable to

Parliament. It is nothing short of an attempt to intimidate me in the execution of my duties as a member of this honourable House."

On March 20, Sinanan ruled that a prima facie case had been made out against Udecott and referred the matter to the Privileges Committee.

Citing Erskine May, the touchstone authority on parliamentary practice, Sinanan noted that, "molestation of (a) member on account of his conduct in the House may amount to contempt." He noted that "akin to molestation on account of his behaviour in Parliament are speeches and writings reflecting upon the conduct of a Member."

"I have carefully considered this matter and having regard to the facts presented to me and 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 I so rule," Sinanan said. Neither the Speaker nor Gopeesingh was available for comment yesterday.

APPENDIX 2

MINUTES OF THE PROCEEDINGS OF THE COMMITTEE

**MINUTES OF THE FOURTH MEETING OF THE COMMITTEE OF PRIVILEGES
OF THE HOUSE OF REPRESENTATIVES, SECOND SESSION (2009)
HELD IN COMMITTEE ROOM NO. 2, PARLIAMENT, THE RED HOUSE, PORT OF SPAIN
ON WEDNESDAY JULY 01, 2009
(Alleged contempt by the UDeCOTT & Alleged Deliberate Misleading of the House by the
Member for Siparia)**

PRESENT

Mr. Barendra Sinanan	-	Chairman
Mr. Colm Imbert	-	Member
Ms. Christine Kangaloo	-	Member
Mr. Stanford Callender	-	Member
Dr. Tim Gopeesingh	-	Member
Dr. Roodal Moonilal	-	Member
Mrs. Kamla Persad-Bissessar	-	Member
Mr. Subhas Panday	-	Member (Temporary)
Ms. Jacqui Sampson	-	Secretary
Ms. Lily Broomes	-	Assistant Secretary
Mr. Julien Ogilvie	-	Assistant Secretary

ABSENT

Ms. Pennelope Beckles	-	Member (Excused)
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COMMENCEMENT

1.1 The Chairman called the meeting to order at 10:50 a.m. and welcomed those present.

CONFIRMATION OF MINUTES (June 05, 2009)

2.1 Mr. Callender moved that the Minutes of the Third Meeting held on June 05, 2009 be confirmed, subject to a typographical correction of the word recusing in **paragraph 3.1**.

2.2 Ms. Kangaloo seconded.

2.3 The Minutes were confirmed.

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MATTERS ARISING FROM THE MINUTES

Rationale for requested documents

3.1 Dr. Moonilal referred to **item 5.6 (a) and (b)** which dealt with the Committee's request for letters written to the President by the Member for Siparia and inquired about their importance to the Committee's deliberations.

3.2 In response, the Chairman informed Members that at its last meeting held on June 05, 2009 the Committee agreed that the acquisition of these documents were essential to its deliberations.

CONSIDERATION OF DRAFT CHAIRMAN'S REPORT

[At this point, Dr. Gopeesingh, though present, did not participate in these deliberations]

Corrections to Draft Chairman's Report

4.1 The Chairman noted that Mr. Panday was in attendance to replace Dr. Gopeesingh during deliberations on this matter.

4.2 The Chairman referred to his draft of the First report of the Committee (2009 session) and pointed out two (2) typographical errors. These were corrected.

Discussion on Draft Report

4.3 At the commencement of the discussions, Dr. Moonilal queried the 2nd sentence of paragraph 8 of the report and maintained that the UDeCOTT's apology did not reflect the sentiments expressed therein. He also contended that the UDeCOTT did not proffer a direct apology to Dr. Gopeesingh, who was the subject of the company's publication.

4.4 Mr. Imbert posited that the learning from the New Zealand Practice did not indicate an apology to a particular Member but to the House.

4.5 Much discussion ensued on the structure of the 2nd sentence of paragraph 8 of the Draft Chairman's Report and this resulted in a divergence of opinions concerning the wording. Dr. Moonilal proposed the following amendment in writing;

"The Committee took note of the contents of a letter dated 02 June, 2009 from the UDeCOTT on "Question of Privilege" that the UDeCOTT was "unaware that it may be considered contempt of Parliament to challenge a Member of Parliament to repeat his

The Third Report of the Committee of Privileges of the House of Representatives (2009 Session) on the Premature Publication of the proceedings of the Committee by the Newsday Newspaper

assertions outside Parliament.” The Committee also noted that the UDeCOTT indicated that the advertisement in question was not published with a malicious intent towards the House or any Member of the House.”

4.6 The Committee considered the proposed amendment and agreed to its incorporation into the Draft Report to replace the 2nd sentence of paragraph 8.

4.7 The Draft Chairman’s Report, as amended, was approved and endorsed with the signatures of the Members present and participating.

4.8 A special request was made by Dr. Moonilal that his dissatisfaction concerning the failure of the UDeCOTT to render a direct apology to Dr. Gopeesingh be specifically recorded in the Minutes although it would not be reflected in the Report, as approved.

Premature publication of proceedings of the Committee

4.9 The Chairman drew Members’ attention to an article published in the Newsday on Sunday June 28, 2009 written by Mr. Andre Bagoo entitled “*UDeCOTT apologises to House Speaker.*” The Chairman asserted that the article comprised leaked information concerning the proceedings of the Committee and therefore constituted a violation of House of Representatives Standing Order No. 81.

4.10 A brief discussion ensued during which Members indicated their disappointment that the contents of their report were published without authorization.

CONSIDERATION OF MATTER INVOLVING THE MEMBER FOR SIPARIA

[At this time Dr. Gopeesingh recommenced his participation in the Committee’s deliberation and Mrs. Persad-Bissessar ceased to participate in the deliberations of the Committee]

5.1 The Chairman noted that Mr. Panday was in attendance to replace Mrs. Persad-Bissessar during deliberations on this matter.

5.2 During the discussions that ensued, reference was made to several documents relating to the matter involving Mrs. Persad-Bissessar including; page 24 of the Hansard Report of the sitting of the House that was held on Friday April 03, 2009; the ruling on the matter by the Speaker dated Friday March 20, 2009 and the personal explanation rendered by Mrs. Persad-Bissessar on Monday May 04, 2009.

5.3 The Chairman proposed that Mrs. Persad-Bissessar should be given an opportunity to be heard at another meeting of the Committee and ought to be given sufficient notice.

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5.4 At the end of the deliberations the Committee agreed that it was critical for the Committee as well as Mrs. Persad-Bissessar to have a clear understanding of the precise allegations against the Member, from the onset.

5.5 Consequently, the Secretary was asked to provide guidance as follows:

- i. the meaning of the words 'ought to have known';
- ii. the meaning of willful or deliberate misleading.

5.6 The Committee agreed that after the Committee has had an opportunity to deliberate on the information received (as per paragraph 5.5 above), it would proceed as follows:

- consider the personal explanation made in the House by Mrs. Persad-bissessar;
- consider the merits of the allegation referred; and
- allow Mrs. Persad-Bissessar to give a further explanation for her actions.

OTHER BUSINESS

6.1 The Secretary was directed to provide Mr. Panday with all relevant documents related to the matter concerned.

ADJOURNMENT

7.1 There being no other business, the Chairman adjourned the meeting to **Friday July 17, 2009 at 10:30 a.m. (Tentative)**

7.2 The meeting was adjourned at 12: 25 p.m.

I certify that these Minutes are true and correct.

Barendra Sinanan
Chairman

Jacqui Sampson
Secretary

**The Third Report of the Committee of Privileges of the House of Representatives (2009 Session) on the
Premature Publication of the proceedings of the Committee by the Newsday Newspaper**

July 02, 2009

**The Third Report of the Committee of Privileges of the House of Representatives (2009 Session) on the
Premature Publication of the proceedings of the Committee by the Newsday Newspaper**

**MINUTES OF THE FIFTH MEETING OF THE COMMITTEE OF PRIVILEGES
OF THE HOUSE OF REPRESENTATIVES, SECOND SESSION (2009)
HELD IN COMMITTEE ROOM NO. 2, PARLIAMENT, THE RED HOUSE, PORT OF SPAIN
ON WEDNESDAY JULY 22, 2009
(Alleged Deliberate Misleading of the House by the Member for Siparia)**

PRESENT

Mr. Barendra Sinanan	-	Chairman
Mr. Colm Imbert	-	Member
Ms. Christine Kangaloo	-	Member
Ms. Penelope Beckles	-	Member
Mr. Stanford Callender	-	Member
Dr. Tim Gopeesingh	-	Member
Dr. Roodal Moonilal	-	Member
Mrs. Kamla Persad-Bissessar	-	Member
Mr. Subhas Panday	-	Member (Temporary)
Ms. Jacqui Sampson	-	Secretary
Ms. Lily Broomes	-	Assistant Secretary
Mr. Julien Ogilvie	-	Assistant Secretary

COMMENCEMENT

1.2 The Chairman called the meeting to order at 10: 18 a.m. and welcomed those present.

CONFIRMATION OF MINUTES (July 01, 2009)

2.1 The Committee considered the Minutes of the Fourth Meeting. Mr. Callender moved that the Minutes of the Fourth Meeting held on July 22, 2009 be confirmed.

2.2 Ms. Kangaloo seconded.

2.3 The Minutes were confirmed.

MATTERS ARISING FROM THE MINUTES

3.1 Reference was made to **item No. 4.9** concerning the premature publication of proceedings in the UDeCOTT investigation.

**The Third Report of the Committee of Privileges of the House of Representatives (2009 Session) on the
Premature Publication of the proceedings of the Committee by the Newsday Newspaper**

3.2 Mr. Imbert queried whether the matter of the premature publication of the Committee's proceedings on the matter involving the UDeCOTT was on the agenda of the meeting

3.3 In response, the chairman indicated that the matter was included on the agenda.

CONSIDERATION OF MATTER INVOLVING THE MEMBER FOR SIPARIA

[At this point, Mrs. Persad-Bissessar, though present, did not participate in the deliberations]

4.1 The Chairman noted that Mr. Panday was in attendance to replace Mrs. Persad-Bissessar during deliberations on this matter.

4.2 The Chairman referred Members to the opinion prepared by the secretariat on the topic **"ought to have known"** and invited Members to comment.

4.3 The Committee considered the ingredients in the contempt - "deliberately misleading the House", namely:

1. the statement must, in fact, have been misleading;
2. it must be established that the member making the statement knew (or ought to have known) at the time that the statement was made that it was incorrect; and
3. in making the statement the member must have intended to deliberately mislead the House.

4.4 There was discussion on the first requirement during which some Members were of the firm view that the Member did not "mislead" the House, having regard to the literal meaning of the word "mislead". Others were of the view that in light of facts which have emerged since the statement was made, along with the information before the Committee, as well as the personal explanation made in the House by the Member for Siparia on May 04, 2009, this first limb of the offence was established.

4.5 A lengthy discussion ensued on the second requirement of the offence, during which references were made to the opinion on the various ways in which the law has interpreted the phrase "ought to have known". The Committee was also divided on the question as to whether this limb had been established.

4.6 As the discussion progressed, the Chairman referred Members to their decision taken at paragraph 5.6 at the last meeting that after a consideration of the nature of the offence, Mrs.

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Persad-Bissessar should be given an opportunity to further explain her actions. He inquired from Mrs. Persad-Bissessar whether she wished to offer a further explanation at this time.

4.7 Mrs. Persad-Bissessar responded in the affirmative.

4.8 Mrs. Persad Bissessar was examined by the Committee

[Please refer to verbatim notes attached]

4.9 Upon the conclusion of the examination of Mrs. Persad Bissessar, the Committee agreed to continue deliberations after Members have had an opportunity to consider the evidence taken.

4.10 Mrs. Persad-Bissessar requested that the Committee allow her the opportunity to summon witnesses to assist her in defending the allegation of contempt.

4.11 The Committee briefly discussed whether it was necessary to invite more witnesses to assist in its deliberations, but no firm decision was made.

4.12 The Committee agreed to defer further consideration of the matter until its next meeting.

ADJOURNMENT

5.1 After some discussion, the Chairman adjourned the meeting to Friday September 04, 2009 at 10: 00 a.m. (tentatively)

5.2 The meeting was adjourned at 12: 25 p.m.

I certify that these Minutes are true and correct.

Barendra Sinanan
Chairman

Jacqui Sampson
Secretary

July 28, 2009

**The Third Report of the Committee of Privileges of the House of Representatives (2009 Session) on the
Premature Publication of the proceedings of the Committee by the Newsday Newspaper**

**DRAFT MINUTES OF THE SIXTH MEETING OF THE COMMITTEE OF PRIVILEGES
OF THE HOUSE OF REPRESENTATIVES, SECOND SESSION (2009)
HELD IN COMMITTEE ROOM NO. 2, PARLIAMENT, THE RED HOUSE, PORT OF SPAIN
ON WEDNESDAY SEPTEMBER 23, 2009**

- i) Alleged Deliberate Misleading of the House by the Member for Siparia;**
- ii) Premature publication of the proceedings of the Committee by the Newsday;**
- iii) Alleged contempt of the House by the Member for Caroni East;**
- iv) Alleged obstruction of the rights of the Opposition to a monthly Private Members' Day.**

PRESENT

Mr. Barendra Sinanan	-	Chairman
Mr. Colm Imbert	-	Member
Ms. Christine Kangaloo	-	Member
Ms. Pennelope Beckles	-	Member
Mr. Stanford Callender	-	Member
Dr. Tim Gopeesingh	-	Member
Dr. Roodal Moonilal	-	Member
Mrs. Kamla Persad-Bissessar	-	Member
Ms. Jacqui Sampson	-	Secretary
Ms. Lily Broomes	-	Assistant Secretary
Mr. Julien Ogilvie	-	Assistant Secretary

Absent

Mr. Subhas Panday	-	Member (Temporary)
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COMMENCEMENT

- 1.1 The Chairman called the meeting to order at 11: 16 a.m. and welcomed those present.

CONFIRMATION OF MINUTES (July 22, 2009)

- 2.1 The Committee considered the Minutes of the Fifth Meeting. Mr. Callender moved that the Minutes be confirmed.
- 1.2 Mr. Imbert seconded.
- 2.3 The Minutes were confirmed.

**The Third Report of the Committee of Privileges of the House of Representatives (2009 Session) on the
Premature Publication of the proceedings of the Committee by the Newsday Newspaper**

MATTERS ARISING FROM THE MINUTES

Item 3.2: Premature publication

3.1 Dr. Gopeesingh referred to item 3.2 in the Minutes concerning the premature publication of the proceedings of the Committee and a discussion ensued on this item.

3.2 The chairman pointed out that an error was made in the wording of agenda item 4(i) and the Committee agreed that the item should be worded as follows:

“Premature publication of the proceedings of the Committee by the Newsday”

Scheduling of meetings

3.3 Dr. Moonilal stressed the need for members to receive adequate advance notice of meetings in order to allow them time to properly manage their busy work schedules.

3.4 The Chairman noted Dr. Moonilal’s concerns.

CONSIDERATION OF MATTER INVOLVING THE MEMBER FOR SIPARIA

4.1 It was noted that Mrs. Persad-Bissessar was not present.

4.2 The Chairman referred Members to the verbatim notes on the examination of Mrs. Persad-Bissessar, the Member for Siparia.

4.3 Mr. Imbert indicated that he had read the verbatim notes of the examination of Mrs. Persad-Bissessar. Referring to item 4.3 of the Minutes of the Fifth Meeting (the three elements for deliberately misleading the House), he opined that elements (1) and (2) had been established. He was of the view that the evidence before the committee did not provide sufficient assistance to allow a conclusion to be arrived at with respect to element (3). It was in those circumstances that he suggested that the Committee should recommend that Mrs. Persad-Bissessar be reprimanded for carelessness in the making of a statement about His Excellency the President. He explained that members ought to exercise a particular duty of care when referring to the office of President of the Republic of Trinidad and Tobago.

4.4 Dr. Gopeesingh disagreed. He was of the firm view that element (2) had not been established. Referring to the Personal Explanation made in the House of Representatives by Mrs. Persad-Bissessar, he stressed that given all the circumstances, Mrs. Persad-Bissessar should not be chastised for her statement, since at the time it was made, it was based on information received from a supposedly credible source.

**The Third Report of the Committee of Privileges of the House of Representatives (2009 Session) on the
Premature Publication of the proceedings of the Committee by the Newsday Newspaper**

4.5 Dr. Moonilal agreed with Dr. Gopeesingh. He was of the further opinion that Mrs. Persad-Bissessar acted in good faith by offering a Personal Explanation for her statement after realising that the contents were inaccurate.

4.6 As the discussion progressed, the Chairman explained that since a 'reprimand' was a form of punishment, such a recommendation should only be made where there is a finding of contempt. He reminded the Committee that all three elements of the offence must be satisfied to establish a case of contempt.

4.7 Mr. Callender felt that the committee was obligated to emphasise the need for members to exercise caution when making statements in the House.

4.8 Ms. Beckles suggested that the statement or position of the Committee should also include a call for Members to respect the duty they have to each other in terms of safeguarding the integrity of the House.

4.9 At the end of the discussion the Chairman referred to Standing Order 82(4) and sought the approval of the Committee to proceed with the preparation of his draft report for the Committee's consideration. The Committee agreed. It was also agreed that it was unnecessary for further witnesses to be called.

**CONSIDERATION OF MATTER RE: THE PREMATURE PUBLICATION OF THE PROCEEDINGS OF
THE COMMITTEE BY THE NEWSDAY DAILY NEWSPAPER**

[At this time Mrs. Persad-Bissessar who had been absent, joined the meeting.]

5.1 The Committee directed its attention to the matter concerning the alleged premature publication of the proceedings of the Committee by the Newsday Newspaper.

5.2 The Chairman referred Members to the article written by Mr. Andre Bagoo of the Newsday of Sunday June 28, 2009, under the headline "Udecott apologises to House Speaker".

5.3 The Committee agreed that the Secretary should write to Mr. Bagoo and the Editor of the Newsday requesting that they appear before the Committee to assist the Committee in its deliberations on the matter.

**CONSIDERATION OF MATTER RE: ALLEGED DELIBERATE MISLEADING OF THE HOUSE BY THE
MEMBER FOR CARONI EAST.**

**The Third Report of the Committee of Privileges of the House of Representatives (2009 Session) on the
Premature Publication of the proceedings of the Committee by the Newsday Newspaper**

6.1 In accordance with the established practice of this Committee, Dr. Gopeesingh recused himself from the Committee during its deliberations on this matter.

6.2 In response to a request from the Chairman, Mrs. Persad-Bissessar undertook to provide the Speaker with the name of the replacement for Dr. Gopeesingh so that he could inform the House of this change by October 9, 2009.

6.3 Mrs. Persad-Bissessar also indicated her intention to request that the Chairman recuse himself from committee deliberations on this matter, having regard to his ruling in the House when the matter was raised as one of privilege. Mrs. Persad-Bissessar stated that she would send correspondence in this regard to the Chairman before October 9, 2009.

**CONSIDERATION OF MATTER RE: ALLEGED OBSTRUCTION OF THE RIGHTS OF THE
OPPOSITION TO A MONTHLY PRIVATE MEMBERS' DAY.**

7.1 Mr. Imbert explained that he did not understand the nature of this alleged contempt/breach of privilege and was therefore not in a position to proceed with this matter. He requested that research be conducted to ascertain precedents and other relevant information on the matter which could be used as a guide to Members.

7.2 The Committee agreed and directed the secretariat to conduct research on the matter.

7.3 Additionally, Mr. Imbert inquired whether the Chairman intended to recuse himself from the Committee's deliberations on this matter.

7.4 In response, the Chairman stated that he will inform the Committee of his decision in due course.

OTHER BUSINESS

Agenda for next meeting

8.1 The chairman indicated that the agenda for the meeting would comprise the following items;

- i. completion of the Committee's consideration on the matter involving the Member for Siparia;
- ii. premature publication of the proceedings of the Committee by the Newsday Newspaper;
- iii. alleged Deliberate Misleading of the House by the Member for Caroni East;
- iv. alleged obstruction of the rights of the Opposition to a monthly Private Members' day.

**The Third Report of the Committee of Privileges of the House of Representatives (2009 Session) on the
Premature Publication of the proceedings of the Committee by the Newsday Newspaper**

ADJOURNMENT

9.1 After some discussion the Chairman adjourned the meeting to Friday October 09, 2009 at 11: 00 a.m.

9.2 The meeting was adjourned at 12: 16 p.m.

I certify that these Minutes are true and correct.

Barendra Sinanan
Chairman

Jacqui Sampson
Secretary

September 28, 2009

**The Third Report of the Committee of Privileges of the House of Representatives (2009 Session) on the
Premature Publication of the proceedings of the Committee by the Newsday Newspaper**

**MINUTES OF THE SEVENTH MEETING OF THE COMMITTEE OF PRIVILEGES
OF THE HOUSE OF REPRESENTATIVES, SECOND SESSION (2009), NINTH PARLIAMENT
HELD IN COMMITTEE ROOM NO. 2, PARLIAMENT, THE RED HOUSE, PORT OF SPAIN
ON FRIDAY OCTOBER 09, 2009**

- i) Alleged Deliberate Misleading of the House by the Member for Siparia;**
- ii) Premature publication of the proceedings of the Committee by the Newsday;**
- iii) Alleged contempt of the House by the Member for Caroni East;**
- iv) Alleged obstruction of the rights of the Opposition to a monthly Private Members' Day.**

PRESENT

Mr. Barendra Sinanan	-	Chairman
Mr. Colm Imbert	-	Member
Ms. Christine Kangaloo	-	Member
Mr. Stanford Callender	-	Member
Dr. Roodal Moonilal	-	Member
Mrs. Kamla Persad-Bissessar	-	Member
Ms. Jacqui Sampson	-	Secretary
Ms. Lily Broomes	-	Assistant Secretary
Mr. Julien Ogilvie	-	Assistant Secretary

ABSENT

Ms. Penelope Beckles	-	Member (excused)
Dr. Tim Gopeesingh	-	Member (excused)
Mr. Subhas Panday	-	Member (Temporary)

OFFICIALS FROM THE NEWSDAY NEWSPAPER

Mrs. Therese Mills	-	Chief Executive Officer and Editor-in-Chief of the Trinidad and Tobago Newsday Newspaper
Mr. Andre Bagoo	-	Reporter, Trinidad and Tobago Newsday Newspaper

**The Third Report of the Committee of Privileges of the House of Representatives (2009 Session) on the
Premature Publication of the proceedings of the Committee by the Newsday Newspaper**

COMMENCEMENT

- 1.3 The Chairman called the meeting to order at 11: 25 a.m. and welcomed those present.
- 1.4 The Chairman indicated that Ms. Beckles and Dr. Gopeesingh were out of the country and had asked to be excused from the meeting.

CONFIRMATION OF MINUTES (September 23, 2009)

- 2.1 The Committee considered the Minutes of the Sixth Meeting. Mr. Imbert moved that the Minutes be confirmed.
- 2.2 Dr. Moonilal seconded.
- 2.3 The Minutes were confirmed.

MATTERS ARISING FROM THE MINUTES

Item 7.1: Request for research

- 3.1 In response to a question on the status of the research requested at item 7.1, the Committee was informed that the research material was in draft format and would be provided within a week.

Draft Chairman's Report

- 3.2 Consideration of the Chairman's Draft First Report (2009 Session) was deferred.

**CONSIDERATION OF MATTER RE: THE PREMATURE PUBLICATION OF THE PROCEEDINGS OF
THE COMMITTEE BY THE NEWSDAY DAILY NEWSPAPER**

- 4.1 The Chairman indicated that Ms. Therese Mills, Editor-in-Chief of the Newsday Newspaper and Mr. Andre Bagoo, a Reporter at the Newsday Newspaper were in attendance to meet with the Committee.

- 4.2 The Committee agreed to meet with Mr. Bagoo, followed by Mrs. Mills

[Refer to Verbatim Notes on the Committee's Examination of Mr. Andre Bagoo and Mrs. Therese Mills]

- 4.3 The Committee agreed that it was not necessary to summon Ms. Vashty Maharaj to appear before the Committee in her capacity as Sunday Editor of the Newsday Newspaper,

The Third Report of the Committee of Privileges of the House of Representatives (2009 Session) on the Premature Publication of the proceedings of the Committee by the Newsday Newspaper

since the person ultimately responsible for publishing the newspaper was the Publisher and Editor-in-Chief, Mrs. Mills, who had already been examined by the Committee.

4.4 Following the examination of the two witnesses, there was general consensus that the contempt of premature and unauthorized disclosure of the proceedings of a committee had been committed.

4.5 There was agreement to consider precedents from other jurisdictions in cases like the one before the Committee. The Secretariat was directed to conduct the relevant research and forward it to Members at the earliest opportunity.

CONSIDERATION OF DRAFT CHAIRMAN'S REPORT ON THE MATTER INVOLVING THE MEMBER FOR SIPARIA

5.1 The Chairman directed Members attention to the Draft Chairman's Report on the alleged Deliberate Misleading of the House by the Member for Siparia.

5.2 The Chairman asked Members to consider the report and submit their comments or proposed amendments to the Secretariat to finalise the report at the next meeting.

OTHER BUSINESS

Replacement for Dr. Gopeesingh

6.1 Further to **item 6.2** of the Minutes of the Sixth Meeting, Mrs. Persad-Bissessar indicated to the chairman that she would provide the name of the replacement for Dr. Gopeesingh during the sitting of the House.

Agenda for next meeting

6.2 The chairman indicated that the agenda for the next meeting would comprise the following items;

- v. premature publication of the proceedings of the Committee by the Newsday Newspaper
- vi. consideration of Draft Chairman's Report on the matter of the alleged deliberate Misleading of the House by the Member for Siparia;
- vii. alleged Deliberate Misleading of the House by the Member for Caroni East;

ADJOURNMENT

7.1 After some discussion the Chairman adjourned the meeting to Wednesday October 21, 2009 at 11: 00 a.m.

**The Third Report of the Committee of Privileges of the House of Representatives (2009 Session) on the
Premature Publication of the proceedings of the Committee by the Newsday Newspaper**

7.2 The meeting was adjourned at 12: 47 p.m.

I certify that these Minutes are true and correct.

Barendra Sinanan
Chairman

Jacqui Sampson
Secretary

October 14, 2009

The Third Report of the Committee of Privileges of the House of Representatives (2009 Session) on the
Premature Publication of the proceedings of the Committee by the Newsday Newspaper

**MINUTES OF THE EIGHTH MEETING OF THE COMMITTEE OF PRIVILEGES
OF THE HOUSE OF REPRESENTATIVES, SECOND SESSION (2009)
HELD IN COMMITTEE ROOM NO. 2, PARLIAMENT, THE RED HOUSE, PORT OF SPAIN
ON FRIDAY OCTOBER 30, 2009**

- i) Alleged Deliberate Misleading of the House by the Member for Siparia;**
- ii) Premature publication of the proceedings of the Committee by the Newsday;**
- iii) Alleged contempt of the House by the Member for Caroni East.**

PRESENT

Mr. Barendra Sinanan	-	Chairman
Ms. Penelope Beckles	-	Member
Mr. Colm Imbert	-	Member
Ms. Christine Kangaloo	-	Member
Mr. Stanford Callender	-	Member
Mrs. Kamla Persad-Bissessar	-	Member
Dr. Roodal Moonilal	-	Member
Dr. Tim Gopeesingh	-	Member
Mr. Neil Jaggassar	-	Secretary (Ag)
Ms. Lily Broomes	-	Assistant Secretary
Mr. Julien Ogilvie	-	Assistant Secretary

ABSENT

Mr. Subhas Panday	-	Member (Temporary)
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COMMENCEMENT

1.5 The Chairman called the meeting to order at 11: 16 a.m. and welcomed those present.

CONFIRMATION OF MINUTES (October 09, 2009)

2.1 The Committee considered the Minutes of the Seventh Meeting. Mr. Callender moved that the Minutes be confirmed subject to the following correction at item 6.2 (ii): **replace the word 'my' with 'by'.**

2.2 Ms. Kangaloo seconded.

**The Third Report of the Committee of Privileges of the House of Representatives (2009 Session) on the
Premature Publication of the proceedings of the Committee by the Newsday Newspaper**

2.3 The Minutes were confirmed.

**CONSIDERATION OF MATTER RE: THE PREMATURE PUBLICATION OF THE PROCEEDINGS OF
THE COMMITTEE BY THE NEWSDAY DAILY NEWSPAPER**

3.1 The Committee agreed to defer consideration of the matter at agenda item 3 in favor of item 4(i).

3.2 The Chairman referred to the research material provided by the Secretariat on sanctions related to the contempt of premature publication and solicited the views of Members.

3.3 Ms. Kangaloo inquired whether the research identified local precedence where sanctions were applied by Committees with respect to this contempt.

3.4 The Committee also considered the verbatim notes on the examination of Mr. Bagoo and Ms. Mills and concluded that Ms. Mills was flippant in her responses to the Committee.

3.5 It was noted that although during her examination Ms. Mills stated that “she was sorry if her newspaper had made a mistake or unwittingly broken any rule of Parliament”, the Committee did consider this an appropriate apology.

3.6 The Chairman sought the opinion of Members concerning appropriate sanctions for the contempt committed by Mr. Bagoo and by extension the Newsday newspaper.

3.7 After much discussion members recommended several sanctions, including:

- that the Newsday Newspapers be reprimanded and a stern warning be given to others;
- a written apology be given to the Speaker;
- the imposition of a one year ban of the offending reporter from the Parliament;
- that a statement be made emphasizing that premature publication/disclosure is a serious contempt;
- training reporters about Standing Orders and the serious consequences of the contravention of these Standing Orders;
- apologies from the reporter (Mr. Bagoo) and the Editor-in-Chief (Mrs. Mills) in addition to the Newsday being suspended from the Media Gallery for the remainder of the session;
- that Mr. Bagoo alone be suspended from the Media Gallery for the remainder of the session;
- that the Newsday be censored, reprimanded and banned from the Parliament for one year;

The Third Report of the Committee of Privileges of the House of Representatives (2009 Session) on the Premature Publication of the proceedings of the Committee by the Newsday Newspaper

- that the Newsday publish an apology of equal prominence to the article written by Mr. Bagoo.

3.8 Dr. Moonilal contended that the Committee should be cautious and not bring the Parliament and or the Committee into ridicule by imposing inappropriate and unwarranted sanctions on those found guilty of contempt of Parliament.

3.9 There was consensus that the following sanctions should be recommended to the House:

- i. that the Newsday Newspaper publish an apology to the House of equal prominence to the article written by Mr. Bagoo, appearing within pages 1-3;
- ii. that Mr. Bagoo be banned from the Media Gallery for the rest of the session;
- iii. that within its report, the Committee reiterate *inter alia* the serious nature of the breach that was committed by the reporter and publisher and warn others of the consequences of such a breach.

3.10 The Secretary was directed to prepare a draft report on the matter for the consideration of the Committee before its next meeting.

CONSIDERATION OF DRAFT CHAIRMAN'S REPORT ON THE MATTER INVOLVING THE MEMBER FOR SIPARIA

[Mrs. Persad-Bissessar though present, did not participate in the deliberations at this point]

4.1 The Committee reverted to agenda item 3 that was deferred.

4.2 The Chairman directed Members to the *Second Draft of the Chairman's Report* on the matter in question and proposed the following amendment to paragraph 36;

Insert the words: *"But regret the fact that the Honourable Member for Siparia did not see it fit to also offer an apology to His Excellency, The President."*

4.3 Mr. Imbert suggested that paragraph 36 be expanded to include a strong warning that Members must be cautious as to how they make reference to His Excellency the President in their contributions.

4.4 It was agreed that the Report of the Committee recommend that the Member for Siparia must proffer an apology to His Excellency, The President.

OTHER BUSINESS

**The Third Report of the Committee of Privileges of the House of Representatives (2009 Session) on the
Premature Publication of the proceedings of the Committee by the Newsday Newspaper**

Agenda for next meeting

5.1 The chairman indicated that the agenda for the next meeting would comprise the following items;

viii. Finalization of reports on the following matters referred to the Committee:

- premature publication of the proceedings of the Committee by the Newsday Newspaper;
- alleged Deliberate Misleading of the House by the Member for Siparia;
- alleged contempt of the House by the Member for Caroni East.

ADJOURNMENT

6.1 The Chairman adjourned the meeting to Friday November 06, 2009 at 10: 30 a.m.

6.2 The meeting was adjourned at 12: 45 p.m.

I certify that these Minutes are true and correct.

Barendra Sinanan
Chairman

Jacqui Sampson
Secretary

November 02, 2009



**PARLIAMENT OF THE
REPUBLIC OF TRINIDAD AND TOBAGO**

H.O.R PAPER NO. 12 / 2009

MP PARL: 14/1/1

MINORITY REPORT

**COMMITTEE OF PRIVILEGES
HOUSE OF REPRESENTATIVES
(2009 Session)**

On the Premature Publication of the proceedings of
the Committee by the Newsday Newspaper

Minority Report: Third Report of the Committee of Privileges of the House of Representatives (2009 Session) on the Premature Publication of the proceedings of the Committee by the Newsday Newspaper

INTRODUCTION

- 1.0. The undersigned members, constituting a minority within the Committee of Privileges (the Committee) hereby submit this report to be annexed to the Committee's report on the matter of the "premature publication of the proceedings of the Committee by the Newsday Newspaper".
- 1.1 While we have accepted the position that the newspaper's publication constituted a violation of Standing Order 81 as described in the Report we have placed greater reliance on the following factors which lessen the liability of the newspaper in this matter:
- 1.2 It was stated by Ms. Therese Mills, the Chief Executive Officer (CEO) and Editor-in-Chief of the Newsday, that in their twenty-year year history as a daily newspaper they had never been accused of breaching any Standing Order or found in contempt of the House of Representatives. We have also noted that this newspaper has maintained a regular and comprehensive coverage of Parliamentary Affairs including news and commentaries. It is likely that a significant proportion of the national community may also depend on this newspaper for information and analysis on social and policy debates conducted in the National Parliament.
- 1.3 The newspaper, through Ms. Mills, did tender an apology to the Committee for the breach of Standing Order 81.
- 1.4 We are not in disagreement with Recommendations 1, 3 and 4 of the Committee's Report.

THE MATTER OF BANNING A WORKING JOURNALIST FROM PARLIAMENT

- 2.0. The undersigned members are categorically and emphatically against the banning of a working journalist from attending and covering the proceedings of Parliament as contemplated by Recommendation 2. We do so for the following reasons:
- 2.1 The Newspaper has assumed blame on this matter. The newspaper has taken full responsibility for the actions of the journalist and proffered an apology. The offending article was placed in the newspaper pursuant to its approval by the editor on duty at the material time. The Editor in Chief has admitted overall responsibility and takes full blame for the infringement.

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- 2.2. In an earlier matter in this very session, the Committee accepted an apology from the Urban Development Company of Trinidad and Tobago (UDECOTT) after finding that entity guilty of contempt. It was decided that the company need not apologize to the Member offended but to the Parliament. In the instant case, an apology was tendered, yet the Committee feels the need to go beyond this and ban the journalist.
- 2.3. Recommendation 2, if accepted by the House, can be viewed as authoritarian, dictatorial and contrary to the expressed commitment of Trinidad and Tobago to the fundamental right of *freedom of the press* as enshrined at Section four (4) (k) of our Republican Constitution.
- 2.4. This punitive measure can also be interpreted as a violation of the commitment of Trinidad and Tobago to the principles of the Inter-American Press Association's *Chapultepec* Declaration on press freedom, to which this country is a signatory.
- 2.5. This matter can lead to regional and international condemnation of the Parliament and the nation since it may be viewed as an unwarranted attack on freedom of the press. This can bring the Parliament into disrepute and ridicule and undermine public confidence in the Parliament.
- 2.6. The undersigned members are also doubtful as to whether or not the Committee has the inherent jurisdiction that permits the Parliament to alter the contract of employment between employer (Newsday) and worker (the journalist) since banning the journalist can amount to a suspension of his duties.
- 2.7. This is also a denial of the enshrined fundamental right to work and the right to property without due process of law, contrary to the Constitutional provisions. The journalist in question is effectively suspended from his employment and deprived of his right to work as a journalist of Parliamentary Affairs.

RECOMMENDATIONS

- 3.0. In the circumstances, we cannot support Recommendation 2 and for the above reasons ask that Members of the House reject the report of the Committee in its entirety or alternatively we propose that Members of the House amend the Report by deleting Recommendation 2.

Respectfully Submitted,

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Representatives (2009 Session) on the Premature Publication of the proceedings of the
Committee by the Newsday Newspaper**

Sgd
Dr. Roodal Moonilal, MP
Member

Sgd
Dr. Tim Gopeesingh, MP
Member

Sgd
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