

*Leave of Absence*

*Friday, May 06, 2005*

**HOUSE OF REPRESENTATIVES**

Friday, May 06, 2005

*The House met at 1.30 p.m.*

**PRAYERS**

[MR. SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, I have received communication from the following Members requesting leave of absence from today's sitting of the House: the hon. Member for St. Joseph (Mr. Gerald Yetming); the hon. Member for Laventille West (Hon. Eulalie James) and the hon. Member for San Fernando West (Hon. Diane Seukeran). The leave which the Members seek is granted.

**VENTURE CAPITAL (AMDT.) (NO. 2) BILL**

Bill to amend the Venture Capital Act, 1994, brought from the Senate [*The Minister of Trade and Industry and the Minister in the Ministry of Finance*]; read the first time.

**PAPERS LAID**

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Deposit Insurance Corporation for the year ended September 30, 2004. [*The Minister of Trade and Industry (Hon. Kenneth Valley)*]  
*To be referred to the Public Accounts Committee.*
2. The administrative report of the Penal/Debe Regional Corporation for the period October, 2001 to September, 2002. [*Hon. K. Valley*]
3. The administrative report of the Tunapuna/Piarco Regional Corporation for the period October 01, 2002 to September 30, 2003. [*Hon. K. Valley*]
4. The administrative report of the Tunapuna/Piarco Regional Corporation for the period October 01, 2003 to September 30, 2004. [*Hon. K. Valley*]

**ORAL ANSWERS TO QUESTIONS**

**Scarborough Hospital  
(Cost Overruns)**

7. **Dr. Fuad Khan** (*Barataria/San Juan*) asked the hon. Minister of Health: Could the Minister state whether there have been any cost overruns so far on the new Scarborough Hospital? [*Interruption*] [*Hon. J. Rahael rises*]

**Mr. Singh:** After six months!

**The Minister of Health (Hon. John Rahael):** Mr. Speaker, in November 2004, Cabinet approved an additional \$59.1 million for construction work for the new Scarborough Hospital based on the quantity surveyor's August 2004 cost projection of \$195 million inclusive of value added tax. The list of variations resulting from the quantity surveyor's analysis of the site instructions, re-measured work and contract claims to August 31, 2004, has been circulated for the benefit of Members of this honourable House; so in addition to the response here, the list is there.

**Dr. Khan:** Mr. Speaker, could the hon. Minister indicate whether on the list he is going to circulate if there are any items to which the cost overruns correspond, any pilferage and theft of materials and labour from the Scarborough Hospital site?

**Hon. J. Rahael:** No, Mr. Speaker.

**Dr. Khan:** Did the hon. Minister check into whether anything like that occurred in the list he has?

**Hon. J. Rahael:** Yes; it did not.

**Dr. Khan:** Is it not on the list?

**Hon. J. Rahael:** It is not on the list.

**Dr. Khan:** So is that list correct?

**Hon. J. Rahael:** This list is correct as of August 31, 2004.

**Dr. Khan:** So what you are saying here today is that there was no pilferage and theft of materials from that site?

**Hon. J. Rahael:** The cost overrun was \$59.1 million for construction work, based on the quantity surveyor's report. The list will be circulated as of the quantity surveyor's report.

**Mr. Singh:** Having regard to this significant cost overrun, has the Minister visited the site? The original cost was \$130 million; it is at foundation stage. It is now a cost overrun of \$59.1 million, based on what you have indicated. Have you visited the site?

**Hon. J. Rahael:** Yes, I have.

**Mr. Singh:** When did you visit that site?

**Hon. J. Rahael:** Last October.

**Mr. Singh:** Were you accompanied by ministerial colleagues?

**Hon. J. Rahael:** No.

**Mr. Singh:** So there is a cost overrun, at this stage, of \$59.1 million. What is the projected final cost of the hospital?

**Hon. J. Rahael:** I do not have that figure, Mr. Speaker?

**Mr. Singh:** Is the Minister aware that the final cost of the Scarborough Hospital, based on projections now, would be over \$460 million.

**Hon. Members:** Ooh!

**Mr. J. Rahael:** The Minister is not aware of that, Sir. [*Crosstalk*]

**Mr. Speaker:** Question No. 14 by the hon. Member for Oropouche. [*Crosstalk*]

**Hon. Member:** The Prime Minister!

**Dr. Moonilal:** Who is that? Who is the Prime Minister? [*Interruption*]

**Mr. Speaker:** Order!

**Hon. K. Valley:** Mr. Speaker, I know I was given a directive on the last occasion; therefore, I have to report that the answer to this question is not yet ready. I have to ask for further deferral for this question. [*Crosstalk*] As a matter of fact—[*Interruption*]

**Mr. Speaker:** Order, please! [*Crosstalk*]

**Hon. K. Valley:**—I am of the view that the answers to the other questions on the Order Paper, that is, Nos. 16, 17, 27 and 30 are not yet ready. [*Crosstalk*] In spite of our efforts, with the research required—

**Mr. Ramnath:** Beraux, you need to join the Cabinet.

**Hon. K. Valley:**—we need some more time. I ask for a deferral of two weeks, Mr. Speaker. [*Crosstalk*]

**Mr. Speaker:** Order, please! Order!

Hon. Members, you would note that these questions that are being asked to be deferred, have been on the Order Paper for some time. I am again appealing to the Government, please, it is time that these questions are answered.

**Mr. Singh:** Mr. Speaker, the process is that you have four weeks after you submit a question, then it appears on the Order Paper. [*Interruption*]

**Hon. K. Valley:** You have three weeks.

**Mr. Singh:** Now we have instances where questions are deferred for over a nine-week period, 10-week period. What is happening? Some written questions are not even being responded to. [*Crosstalk*]

**Mr. Speaker:** No, there is no need to—again, as Speaker I am appealing to the Government to, please, come on the next occasion and have these questions answered. They have been here for some time.

**Hon. K. Valley:** Mr. Speaker, I shall always do my best to have the questions ready. [*Crosstalk*]

**Hon. Member:** You? You?

**Mr. Ramsaran:** Mr. Speaker, with reference to written answers—[*Interruption*]

**Mr. Speaker:** What matter are you on?

**Mr. Ramsaran:** With reference to the questions for written answers, they were due since April 08. [*Crosstalk*]

**Mr. Speaker:** Yes, I will address that, too. Again, Members, we have some questions for written answers and I will again appeal to the Government. You have three questions here, one was due by February 28, one by April 08 and one by April 13, 2005. Could you arrange to have these questions answered and circulated, please? [*Crosstalk*]

*The following questions stood on the Order Paper:*

**United Nations Observance Days  
(Steps for Implementation and Support of)**

- 14.** Would the hon. Prime Minister state what steps are being undertaken and programmes implemented or supported by his administration to observe and highlight:
- (i) The United Nations Observance of International Women's Day March 08, 2005; and
  - (ii) The United Nations Observance of International Day for the Elimination of Racial Discrimination March 21, 2005. [*Dr. R. Moonilal*]

**List of Criminal and Civil Cases  
(Details of)**

- 16.** Could the hon. Attorney General provide this House with a list of all the cases both criminal and civil, in which parliamentarians have been retained as counsel, as well as the amount of moneys paid for their services since January 2002 to the present time? [*Dr. A. Nanan*]

**List of Projects and Programmes  
(Details of)**

17. Could the hon. Attorney General provide this House with a list of all projects and programmes involving state enterprises, statutory authorities and other state institutions in which parliamentarians have been engaged by the State, as well as the amount of moneys paid for their services since January 2002 to the present time? [*Dr. A. Nanan*]

**Procurement of Goods and Services  
(Government's Intention)**

27. Could the hon. Minister of Finance indicate whether the Government intends to create new state agencies for the procurement of goods and services in Trinidad and Tobago? [*Dr. F. Khan*]

**Munroe Road Hindu School  
(Status of)**

30. Would the hon. Minister of Education state when will commencement of the construction of the Munroe Road Hindu School begin, and what is the expected completion date? [*Mr. M. Ramsaran*]

*Questions, by leave, deferred.*

**DEFINITE URGENT MATTER  
(LEAVE)**

**Government's Failure to Reduce Crime**

**Mr. Ganga Singh (Caroni East):** Mr. Speaker, in accordance with Standing Order 12 of the House of Representatives, I hereby seek your leave to move the adjournment of the House for the purpose of discussing the following matter, as a definite matter of urgent public importance; namely, the failure of the Government to reduce crime, which is now a national disaster.

The matter is definite because every day the murder rate is escalating. Citizens of this country are dying in record numbers and kidnappings are at an all time high. The matter is urgent because crime and criminal activity in Trinidad is now a national disaster. [*Desk thumping*] The matter is of public importance since it is the principal concern of all right-thinking citizens of Trinidad and Tobago; no one feels safe.

**Mr. Speaker:** Hon. Members, the matter raised by the hon. Member for Caroni East is, indeed, a serious one and ought to be addressed by the Government.

*Definite Urgent Matter (Leave)*  
[MR. SPEAKER]

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However, it does not qualify under Standing Order 12. May I suggest to the hon. Member that he use Standing Order 11.

**Mr. Singh:** I will tell Mouttet that! [*Crosstalk*]

COMMITTEE OF PRIVILEGES REPORT  
(TEA ROOM BRAWL)

[Second Day]

*Order read for resuming adjourned debate on question* [May 02, 2005]:

*Be it resolved* that the First Report of the Committee of Privileges of the House of Representatives (2004/2005 Session) on Allegations of Breach of Privilege arising out of an incident that occurred in the Members' Lounge on Wednesday, September 15, 2004 be adopted. [*Hon. P. Beckles*]

**Mr. Speaker:** The hon. Member for Pointe-a-Pierre. [*Interruption*]

[*Opposition Members exit Chamber*]

**Dr. Rowley:** You could run, but you cannot hide!

**Mr. Imbert:** "Doh come back!"

**Mr. Speaker:** Order, Members; please, please!

**Miss Gillian Lucky (Pointe-a-Pierre):** Mr. Speaker, bearing in mind that this is the second occasion when certain Members of this honourable House have found it fit, in their own estimation and for reasons which were explained on Monday, May 02, 2005— As I begin my contribution on this particular matter, might I say that I have taken the opportunity, since the reason was explained on that said day, to examine whether the contribution made by my colleague, the Member for Barataria/San Juan, and the contribution that I am about to make, in any way would do anything, as suggested by the Member for Caroni East, more specifically, that engaging in the debate is to trespass upon the jurisdiction of the courts of Trinidad and Tobago; that to engage in this debate is a frontal assault on the independence of the Judiciary and that to engage in this debate represents a subversion of the principles enshrined in our Constitution in Chapters 4, 5 and 7 of the "Separation of Powers".

I have also used the opportunity to once again read your ruling, to which this honourable House is bound and to really question, on yet another occasion, whether, in fact, this Report, as laid in the House, is in contravention of any of the rules or is an affront to the Judiciary as suggested by the Member for Caroni East. Might I say, quite openly, that having looked at the suggestions made and having

reread your ruling and having heard, more specifically, the contribution by the Member for Barataria/San Juan that did not deal in any way with the evidence placed before the committee, but rather what seemed to have been the root cause, namely the fact that there appears to be an unequal distribution of the State resources, I, too, would like to indicate from the outset that I do not intend to go over what the committee has already decided.

In any event, I think it ought to be repeated that in recognizing the separation of powers, more specifically, the Judiciary, one has to understand that judicial officers are scrutinized before they are selected by the Judicial and Legal Service Commission. In fact, bearing in mind that there are cases, more specifically, a criminal matter we have been informed and civil proceedings that have been taken by the Member for Fyzabad, I think, with the greatest respect, that if this debate were to have been stopped in any way or if contributions were not to have been made, then that would be an affront to the Judiciary. [*Desk thumping*] What we would be saying, in my respectful view, is that members of the Judiciary, whichever judicial officer would be hearing the summary matter, that magistrate being the judge and jury in a summary matter, as opposed to sitting as an enquiring magistrate in a preliminary enquiry, would be carried away by what has been placed in the public domain and what is being debated here in this honourable House. I think that it is high time we start respecting the offices that people hold and err on the side that people will know to do the right thing.

For example, when the Member for Barataria/San Juan spoke he ensured that he dealt, as he saw it fit, with the report; that is to say—and I suppose this comes from his medical training, “Listen, this has occurred; the committee has made a finding”, and to say that is his perception of what the problem was, that is, the unequal distribution of the State’s resources and to go on to make a recommendation. I am guided by what was pointed out to the hon. Member for Barataria/San Juan; that it was a recommendation which cannot be incorporated in the Report itself, but, certainly, it was a suggestion made that, perhaps, the Government ought to reexamine the equal opportunity legislation. There has been a court finding. The court has made certain observations, but the Government ought to revisit that legislation, redraft it and bring it to the Parliament, because that is what the integrity of the situation demands.

I think one also has to be aware that in this debate matters were brought to this House and were sent to the Committee of Privileges. Mr. Speaker, I do not apologize, but I do ask for the indulgence that if, from time to time, during my short contribution I make reference to my professional training as an attorney-at-

law, that I be excused, because it is what I have been doing as a professional. Having looked at the oaths of office as an attorney-at-law and as a parliamentarian and having looked at what one expects when one is acting as a professional, I can see no conflict.

In fact, I did take the opportunity to revisit something that I had not visited for a very long time and that was the oath taken upon admission to the Bar in Trinidad and Tobago; that is something I did in 1991. Looking at the Legal Profession Act, No. 21 of 1986, it says:

“I.....do swear that I will truly and honestly conduct myself in the practice of law as an attorney-at-law according to the best of my knowledge and ability and the laws of Trinidad and Tobago.”

That is the oath one takes when being admitted to the Bar as an attorney-at-law. Then I looked at another oath, which I had revisited just about three weeks ago. This is the oath taken as a Member of Parliament:

“I.....(solemnly affirm) that I will bear true faith and allegiance to Trinidad and Tobago and to the best of my ability preserve and defend the Constitution and the law, that I will conscientiously and impartially discharge the functions...and will devote myself to the service and well-being of the people of Trinidad and Tobago.”

The point being made is that these oaths of office, whether as a professional or a parliamentarian, are meant to act in conjunction with one another. There is no violation or conflict, therefore, it would be quite ridiculous to expect that when one becomes a parliamentarian, acting in this honourable House or sitting on a committee, that one is expected to shed one’s professional gear.

In other words, when sitting as a member of the Committee of Privileges, for example, one is expected to bring to that committee the level of knowledge, skill, expertise and practice that one has gained in one’s professional life. There is a problem being faced right now in this country, with respect to politicians—and when I say politicians, let me again say that politicians do not just reside on this side of the House; politicians also reside on the other side. Politicians do not just reside in this honourable place; politicians also reside in the other place. I am sure that Members will agree with me, that there are some people who may not even be parliamentarians, in terms of the 36 in the Lower House or the 31 in the Upper House, who consider themselves to be politicians, in that, they want to act in the best interest of the country.



Mr. Speaker, it is for this reason it is important to state that it would be remiss of me, having been a member of the committee, not to contribute in this debate, bearing in mind all the surrounding circumstances; when the claim is now made that a lot has been put in the public domain and there is a lot of prejudice that, perhaps, would contaminate judicial and other proceedings, one has to ask oneself: How did it reach in the public domain in the first place? In no way am I chastising members of the media. In fact, I am very glad that in this country we have a media that is alive and is well aware of its role in the democracy. For that reason, I am very concerned about certain broadcast codes that seem to have certain suggestions or implication with respect to the freedom of the press and the independence of the press and electronic media, but that is for another place. I am not going to stray from what is before us in this debate. [*Desk thumping*]

I hasten to add that when things are put in the public domain, and I am not here to cast aspersions to say, “He did it; she did it; they did it and we did it,” because one side could also say that it was responding and the other side could say that they were left with no choice. The point remains that these matters were placed in the public domain. Persons were encouraged very early on; I am talking about members of the public. They were encouraged very early on to make determinations of fact without knowing what the facts were. There were radio stations allowing callers to say that the Member for Diego Martin West was right, because as far as they were concerned they support the PNM and he represents Diego Martin West, but he is a PNM parliamentarian.

There were persons equally calling radio stations and saying that they support the Member for Fyzabad, because, “They belong to the UNC and Mr. Chandresh Sharma is a UNC representative.” The simple point is very often—and some people say it is ad nauseam—the point has been made—and I agree with it over and over again and the Member for Barataria/San Juan made the point in his contribution—that what we have in this country is a political divide that is widening, in which people are being encouraged, by some Members from both sides to make the public riled up and incited and then to take sides without knowing the facts. [*Desk thumping*] This is getting the country nowhere.

For example we do have a crime problem in the country. Whether we like it or not, with the greatest respect to him—I am clearing my mind, as many others have—the Minister of National Security is unable, because of his lack of expertise and knowledge, to handle the problem. One does not have to degenerate into a personal assassination of the gentleman, but it is a reality. In our Westminster system, because it would be an embarrassment to the Government to remove this

Minister, a portfolio that would now have to be changed for the second time, it becomes more convenient to leave the Minister where he is and hope that everybody would fix themselves first and solve the problem.

Mr. Speaker, the politics of this country will not change overnight, but people who are politicians have to set the example and the Government of the day has to start setting the example. The Member for San Fernando West in her contribution on Monday made something clear—in fact, she stated quite candidly—as she quoted from Ernest Hemmingway, one of the greatest writers of this century:

“Few men are willing to brave the disapproval of their fellows, the censure of their colleagues...Moral courage is a rarer commodity than bravery in battle or great intelligence. Yet it is the one essential, vital quality of those who seek to change a world which yields most painfully to change.”

In other words, what has to be done at every available opportunity, is not the pointing of fingers by the Government to the Opposition. The Members of the Government have made it clear that they disagree with the statement of the Member for Couva North that politics has a morality of its own and that professional integrity must come second to that morality, in terms of the politics.

Having agreed with that statement, the debate ought not to be whether it should have been said or not said; whether the media grasped it or not or whether that is the way it is. What we should be thinking of in the Parliament—and I am trying to do that this afternoon—is to lift the level of the debate. We should try to determine how we change this perception. [*Desk thumping*] Let us examine our own consciences; let us not go outside of this honourable House. Politicians are seen in a very dim view by the public. It is not because they belong to this or that side, because sides have interchanged over the years and different parties have been in government, but one thing has not changed which is that the public perceives politicians in a very suspicious manner.

There are many jokes about politicians. Incidentally, I am well aware that there are also many negative jokes about lawyers. One wonders how come lawyers can survive in their own profession, being the butt of these jokes, and also politicians. The reality is that we cannot stop persons from making these jokes or having those perceptions just by telling them that they should not. The action of the Government has to be one in which it can stand the test of time and the harshest scrutiny. That is why in this debate I am once again making a public call for the removal of Martin Joseph as the Minister of National Security, whatever the embarrassment may be.

The fact is that even in England itself, the Westminster model of government is being reviewed and revisited. This concept of adversarial politics in England, from which we can say that we have derived our own political system, our governmental structure, there is recognition that things have to change. They recognize that it is not going to happen now; not in the next year; not in a decade; maybe it would take generations, but it has to start somewhere. That is why I am of the firm belief—and I believe that I can speak on behalf of the Member for Barataria/San Juan on this one—that this issue is not about two remote controls, a tea cup, a saucer and a cordless telephone. It is about an incident that occurred, in which parties made complaints, but which really represents a much larger issue, that is: Where are we taking the politics of Trinidad and Tobago? When is each one of us going to really do what we say we want to do and, that is, to serve our country?

Any politician going into this profession of politics—and I think politics should be a profession—would say when asked: Why are you choosing politics? “Because I want to serve my country.” But in serving the country, there seems to be confusion as to who is the master and who is the servant, because we are the servants. We are the ones meant to serve and we must remember that with all the power we may get, it does not convert us to masters. My concern, during this entire incident and also the Committee of Privileges, is the kind of attack and abuse that even the committee members faced, without there even being a finding. Why is it that in this country people are so quick to say who is right and who is wrong, without availing themselves to the facts?

This incident proves, beyond all reasonable doubt, that we have a worrying political divide. Within 24 hours of this incident occurring, a calypsonian had already composed an opening verse and chorus determining who was right and wrong on the issue, simply because his perception was that the Member for Diego Martin West had to be right. This kind of thinking has to stop, because today we may be the adjudicators. Today we may be sitting as the members of a tribunal determining whether somebody was right or wrong, but one never knows how the tables may turn. Unless we can ensure that the institutions which exist are filled with integrity, “till their cups runneth over”, remember, as they say, “One day, one day congotay”; it may be your turn next and you would not want to be faced with a situation where you feel that the tribunal assessing you is not a fair and impartial one.

The composition of this Committee of Privileges is well known; it is not mysterious. Around the world, in the Commonwealth Parliaments there is always

*Committee of Privileges Report*  
[MISS LUCKY]

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the composition, based on my research—and I should say that is usually the case, and I have not found anything to the contrary—in which you have more Government Members sitting on the committee. Mr. Speaker, I am not bringing you into being in the category of supporting the Government; I am saying as Chairman, if the Speaker sits as Chairman. I am not including you in that position; I am leaving the Chairman out of it.

When any Member decides to bring a matter before the Committee of Privileges, it is my view that knowing what the composition is, one has to determine whether one wants to bring the complaint or not. But you cannot bring a complaint to the Committee of Privileges and before it has done its work, go into the public domain and say that the Members are, in fact, prejudiced and have already made up their minds. That accusation applies to the both sides, because Government Members and Members of the Opposition are not supposed to make a finding of fact in favour of their colleagues before there is any ventilation of the issues and the evidence.

People are saying, “Well, listen, based on the composition and before any finding of fact by the committee, there is a prediction as to what would take place.” That is very wrong. If that be the case and if people feel that way, then they ought not to come before any Committee of Privileges. Let them use whatever other legal recourses that exist. But you do not lay a complaint and then chastise the very people who are doing their best to make a determination, based on the evidence before them.

This concept of prejudice was something that I know, as a committee member, one was reading about during the deliberations. Was there some kind of leakage? Was there some kind of prediction that the committee would have found certain things? I do not know how that could be done. When you start undermining the Committee of Privileges, understand how easy it is to undermine other independent institutions. I am not faulting in any way the Member for Fyzabad or the Opposition Members. I am not pointing fingers, as is so easily done by Members on the other side to this side. With the greatest respect, people have to stop talking integrity and start living and implementing integrity. That is the fundamental point.

**Mr. Valley:** Everybody. [*Desk thumping*]

**Miss G. Lucky:** Mr. Speaker, I want to use something that occurred in the report. It is not that I said one thing and I am doing the next, because I did say that I would not be going into the evidence itself. I am not going into the evidence, but

this issue of prejudice was something the committee had to deal with very early in the day, before any evidence was taken. If I might refer your attention to what is page 10. I know there are several page 10s, but this is page 10 of what is File II. For those Members who may have their copies, they may just want to follow.

It deals with the evidence of the Member of Parliament for Fyzabad. Before this Member gave his evidence, he rightly shared with the committee his concerns that the committee would be prejudiced or carried away with what was in the public domain. The Member told the committee, not only of his concern, but the fact that he would not be dealt with fairly. On page 10, this is what one member told the MP for Fyzabad, who raised this whole issue of prejudice:

“If that was the case, Mr. Sharma, and your concern is with respect to statements that may or may not have been circulated to the members, then you ought equally to be very concerned about newspaper articles, versions that were in the public domain, radio talk show programmes. That is why you have to be aware that when you make a complaint to the Speaker and you ask for the Committee of Privileges to meet, these are all the things that are in existence, there are the surrounding circumstances, but you believe that despite those surrounding circumstances and certain things that have been put in the public domain, you repose that level of respect and confidence in each and every one of the members of the committee that we would adjudicate fairly on this matter, otherwise you had the option not to bring it before the Committee of Privileges and take some other action, if any at all. We have all read the papers and any member who wants to say that he or she did not read the papers would be not saying the truth.

Despite what we have heard, despite what we have read, our minds are disabused and we are asking you now to tell us, in your own words, what happened. Our questions are only going to relate to what you tell us. If we have any questions, they are not based on any preconceived ideas.”

So that is the assurance that each person coming before the committee gets. This was a committee that allowed witnesses to indicate from the outset what their concerns might have been. It was at that juncture, if anybody coming before the committee felt that he or she would be treated unfairly, with the greatest respect to him or her, I say that at that juncture he or she should have exercised his or her option to withdraw, but not to seek to withdraw after the committee has already begun; that is a rule of law. [*Desk thumping*]

If I might just indicate, when one is prosecuting a matter in the court and there is an accused person or accused persons and for some reason the virtual complainant, which we refer to as “the victim”, might decide, for whatever reason, not to continue, there are some accused persons who because of what they have gone through, say clearly to the judicial officer in question, “I want to have my day in court; I want to be heard, because this is a person who has brought me here.” It is not very easily that a witness, having begun the judicial proceeding, can now turn around and say, “I doh want to use it again.” If that decision is to be made by the judicial officer, then there must be some kind of submission and justification for the process.

This was a case in which a committee was told, “Trigger your action, begin to deliberate,” and then in the midst of it, “Stop”. That is not the way it works. What would one have then explained to the public? The members of the public, by this time, were already going on to say what should happen to whom, having made their findings of fact based on the politics. The public was being encouraged, because of their own political affiliations, to try people, to judge and sentence them and then execute them. The simple point is that all of this has to stop and it has to stop somewhere.

When there are persons who are suggesting that maybe they have not been treated fairly or maybe the committee was not as open as it should have been, I am just making reference to the point that it is part of the report, that on page 59, which is headed:

“MINUTES OF THE THIRTEENTH MEETING OF THE COMMITTEE OF PRIVILEGES OF THE HOUSE OF REPRESENTATIVES HELD ON TUESDAY MARCH 15, 2005...

After lengthy discussions, the Committee agreed on its final report after approving amendments to the draft under the following headings...”

And the headings are listed. It goes on to say on page 60:

“The Committee agreed that the final report should be available for signatures no later than Thursday March 17, 2005 and thereafter for submission to the House.”

This was not operating under some kind of mysterious shroud or trying to say one thing and do another. This committee was bound by a gag of silence. The committee could not, during its deliberations, go out in the public and say something, even though there were certain derogatory remarks being made about

Members of the committee. One cannot expect when one is doing this kind of job that there would be no comment. What was not catered for was that there were Members on both sides, and even people who did not belong to the Parliament, either the Upper or Lower House, who were inciting the public.

What worried me was that kind of undermining was taking place touching and concerning what is considered to be the most sacred committee of Parliament, the Committee of Privileges. If that kind of political—I would have to say—attack, because it was coming from both sides—by the public is being encouraged, then understand what is going to happen to other institutions. There are persons now who when they are meted out their sentences or verdicts in a courtroom or before a tribunal, could easily say, at the end of the day, “Well, you know, that particular member on the tribunal”, or that particular quorum or panel, “was against me from the start, because they belong to this party”, or they support that party. We have to stop this nonsense. We have to make sure that whatever we do, we do it in such a way that people, even if they may disagree with the result, at least the process that is used, the methodology adopted is one that is transparent and accountable.

During my preparation for this particular debate, I came across an article on the Internet called, “The Truth about Westminster”, a book by Dr. Patrick Dixon published by Hodder Publications of 1996. The theme in the first chapter is “Rebuilding Trust in Parliament” (UK). The entire document is doing a soul-searching exercise with respect to the Westminster system, as it operates in the United Kingdom (UK). Even in the UK there is a realization that that system which has really been very traditional, very much a part of the entire English history, is being reconsidered and improved and, according to this publication, rebuilt. It is rebuilding not just the Parliament, but trust in the Parliament. I think that is also a message for us in Trinidad and Tobago.

According to the writer, Dr. Patrick Dixon, there are eight principles of public life:

“Selflessness – Integrity – Objectivity – Accountability – Openness – Honesty – Civility – Leadership”

It is not like you have to get six or seven out of eight and that is good. One has to get eight out of eight if one decides to go to public life. You cannot say, “Well, I will give more to objectivity, but you know I want to hold back on the openness or honesty,” you cannot do it that way; it is not about bartering. What is also interesting, in this publication, is the recognition by the writer that integrity plays a fundamental role in political life, because it is the only barometer by which the

public can test the operation of politicians. What is more interesting is that the writer has gone on to suggest that instead of a committee of privileges, as it operates in England, with Members of Parliament who are, in fact, the peers of the person in the Parliament sitting on the committee, perhaps, there should be a disciplinary committee and it should not just comprise Members of Parliament, but members of the public and it should not be adjudicated by a chairman who belongs to either House, but a judicial officer. This was something that did not meet with support and was not attractive for the UK.

In the UK, with respect to attorneys-at-law or lawyers, as they are referred to, because their practice in England is not fused, the disciplinary committee for lawyers in England has now been fundamentally changed. The composition now is not just simply lawyers assessing lawyers on whether they have broken rules or they need to be disciplined, but a member of the public is now allowed to be on the committee. In Trinidad and Tobago, our disciplinary committee for attorneys-at-law remains comprised of attorneys, but over time it has been suggested there should be now, not just attorneys, but a representative from the public; maybe a representative from some social welfare aspect of our society.

Around the world there is a move to inject integrity and objectivity to move away from this concept that politics has a morality of its own and that professional integrity should have to suffer or come second. Once we start compromising in politics, understand that we will start compromising in everything else. Mr. Speaker, I must say that I do not want to fall into making an assessment, because the facts carried so far have, really, only given one version, but only recently there was an incident. Basically, what seemed to have occurred was that there was a talk show host conducting his programme with his co-host and then a manager from the station called in. There seemed to have been some difference of opinion expressed and some journalism has a morality of its own?

When we see what is happening in the education sector—and I am talking now about those alarming stories with students going into a bathroom and setting it alight and, according to the version one reads, even committing a physical assault on security officers. Again, we have not heard formally from the principal of the school on this matter. Is it now that in education or in certain schools, education and behaviour of students have a morality of their own? We cannot go down that road. Once we go down that road and continue to compromise and undermine integrity, understand that people would start finding excuses for unacceptable behaviour and that is what we have to ensure does not happen. We are running the risk that it will happen in our country.



Mr. Speaker, in preparation for this debate I had to resort to many articles and documents, which I had, literally, put on a shelf. I had to dust them and bring them out. In 2003, there was a Commonwealth Parliamentary Association, Trinidad and Tobago branch, post-election seminar conducted here in Trinidad. In this particular paper that was presented, prepared by the hon. Hashim Halim, one of the points made, coming under the rubric, “Ethics and Accountability of Members”, it says:

“It has often been said that politics without morality is a thing to be avoided. The need for maintaining probity and honesty in public life has been emphasized again and again. Elected representatives are expected to act in a decent manner according to parliamentary norms and procedure for fulfillment of the expectations and aspirations of the people who elect them. Any kind of unruly, unethical or disorderly conduct on their part is utterly derogatory to the dignity of the House and casts a bad reflection on the public mind. People are interested in seeing that administration in a parliamentary democracy is maintained at a high level not only of efficiency but also of purity.”

That is very critical for the operation of our Committee of Privileges.

When one talks about parliamentary ethics, understand from that very seminar another paper was presented called, “Applied Philosophy, ‘Thoughts that Work’” In that particular paper—I will not read all of them—this is what it says:

“Presumably some of the weaknesses include a community perception, held with varying degrees of justification that politicians...”

These views being as follows; this is how we are perceived in the public:

“Distort the truth...

Ridicule the person and attack personal integrity...

Concentrate more energy on destructive tactics than the creative process of policy development;

Seem more concerned with getting or retaining office than advancing the common good...

Forget that as leaders they act as role models, and that their words and deeds influence the community;

Cloud difficult issues by intentionally playing on peoples fear or emotions;

Forget that they are servants of the community, not its masters;”

And the list goes on. So this is the perception of how the public sees politicians and that is why every opportunity that politicians get to display integrity, it has to be displayed and it is to reign supreme.

I have listened to the contributions that have come from the other side, especially the contribution that came from the Member for San Fernando West. I think we have to move on now from whether the comment made was right or wrong, because I am clear in my mind that professional integrity has to reign supreme in politics. I am asking Members on the other side to really examine their consciences, both individually and collectively, bearing in mind in this model of Government that we have, there is something called “collective responsibility” and to really make a determination as to whether in office there has been the practice of integrity.

The other side usually boasts in this House and elsewhere that they are the repository of the greatest spiritual and moral values; and to whom much is given, much is expected. When you adopt that high moral and ethical ground, you have to make sure that it is displayed. That is the point the Member for Barataria/San Juan made when, in his contribution, he talked about the need for the equal distribution of resources. We are speaking about integrity.

I have already indicated, with respect to national security, what is happening: we have none. Today in the newspapers there is a big message to the 36 Members of the Parliament of Trinidad and Tobago. I am not going to read the entire publication, but if I could get your indulgence. I am quoting from the *Newsday* of Friday, May 06, 2005, page 9. In this advertisement—but I would also like to say that it is more than an advertisement, it is a plea—it says:

“Members of Parliament, we hold you responsible for doing what is necessary to protect our citizens in the face of this national disaster.”

That disaster being crime. I do not want to offend the Members of the Association, but I would not have limited it to the 36 Members of Parliament, because there is also an Upper House, so, perhaps, this is an adjustment they may want to consider; I hope that they will. When you talk about Parliament, remember that we have the Lower House and the Upper House. The point remains that the Opposition, independent or otherwise, has to do its role, and this is what the Opposition has been doing.

When the Government brought the Police Reform Bills and the Anti-kidnapping Bill, the Opposition said, “Listen, we are not supporting it until we get constitutional reform”, but more than that, there were contributions that went through the clauses and

made suggestions for consideration; even one clause in that Bill that was clearly wrong, one amending demanding money for menaces was wrongly stated in the Bill. So arrogant was the particular Member who had brought the Bill and so sure was the Government that it was doing it right and would not even listen, we have legislation now that is flawed, because that is the whole point. One is not supposed to be persuaded by debate. Debates have become a farce in the Parliament; that is a reality. The Opposition may jump up and down, if I might use that description that usually comes from the mouth of the Member for Barataria/San Juan, open its mouth, say what it has to say, but, at the end of the day, the Government would have its way. If that is the way we want to move ahead in this country, so be it; maybe that is what the majority of the population wants but I do not think so.

When we talk about integrity, I have often told the Member for San Fernando East—and I am not, in any way, going to make any personal assassination; he is absent; I really hope, bearing in mind his absence, that the Leader of Government Business, the Member for Diego Martin Central, will listen to the context in which I am saying this—that when in his capacity he appointed his wife as the Minister of Education—I have nothing bad to say about Mrs. Manning; I am not going to descend to any kind of character assassination—with the greatest respect, that is something that ought not to have been done, no matter how great the person may be, because it reeks of nepotism. It makes one wonder, in a Cabinet discussion, where there is supposed to be Cabinet dialogue, whether people will really feel free saying like it is, knowing that the Prime Minister is the boss and could easily remove ministerial portfolios and his wife sits there as the Minister of Education.

This is not something that just had to be determined here in Trinidad and Tobago, whether it should be done or not. President Bill Clinton who, by now, must have realized—and I say this in jest—that there were people who said that he recognized his wife was more brilliant than he was, had a massive contribution on a certain policy. I cannot remember the name of the policy, but my colleague from Barataria/San Juan said that it was a health policy. He got into a lot of problems, because when he was able to say, “Listen, Hilary Clinton is the person for the job; she can do it,”—and she was known as an enforcer; whatever we might think of her, she is known as somebody who goes out there and implements. Maybe if Minister Martin Joseph was more like her we may not have the national security problems we have now.

It was said to President Clinton, "Listen, you have been elected into office, the integrity of the situation demands that Hilary Clinton not be appointed". Whatever you may say about George W. Bush, the present President of the United States, his wife, Laura Bush, has adopted the attitude that she is going to stay out of policy making. She does not want and, perhaps, she is not as brave or does not have political ambitions like Hilary Clinton, but her approach is, "Let me see how I can help in society." I read recently that she has gotten involved in certain things like setting up centres for remedial reading. Apparently she has a love for literature, language, the arts and books and she is making sure that libraries are well stocked and that children in the education system are not left out. So there is always a role to play, but it is important to know which role to play. This Government should consider which role should Sen. Martin Joseph play; clearly it is not the role of Minister of National Security.

Mr. Speaker, look at the question time; that is the most recent example. I am not straying away from the report, let me just hasten to add, because this is a report in which integrity has to reign supreme. That is the only way to ensure that the Committee of Privileges does not, in any way, suffer from being undermined or being the subject of an unfair and unjustified attack. Whether we like it or not, the fact is with the Government of the day, in this honourable House and elsewhere, there is a delaying tactic. Sometimes there is a determination, "Well, how it will look?" If I could use the vernacular, "How it go look?" "It go make meh colleague look bad; it go make the Government look bad." But if we are going to use the test of integrity, it has to apply across the board.

We cannot keep using excuses that Ministers do not have the hands-on in their ministries. Clearly there must be people who could give the information, but to have questions delayed and delayed and delayed and then, all of a sudden, conveniently answered at a time when there may be, not as much political pressure or there are other competing issues that will not highlight some kind of embarrassing response, you find that questions do not get answered. That is what we have recognized here and it is not the first time.

The Member for Barataria/San Juan got an answer to his question, but that was after some two months. The Members tells me that it was more than two months. In supplemental questions, which I think are supposed to be very important, in terms of getting the answers, Ministers sometimes say, "Well, we cannot answer that and we did not check for it." Then, of course, you have those

kinds of noises that are made. It is either we are going to get it right, or we are going to continue going the way we are. You cannot do this thing half way; that is the reality of the situation. [*Interruption*]

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member for Pointe-a-Pierre Town has expired.

*Motion made,* That the hon. Member's speaking time be extended by 30 minutes. [*Dr. F. Khan*]

*Question put and agreed to.*

**Miss G. Lucky:** I thank all Members of this honourable House and the Member for Barataria/San Juan on whom I now have to solely depend, at this stage, to get my extension. I thank the other Members for supporting it.

**Mr. Imbert:** We will do it for you. Who say so?

**Miss G. Lucky:** In terms of moving it, and that is why I hastened to add—but let us not get sidetracked, because that is the problem. I thank all Members.

Mr. Speaker, I was talking about the fact that there needs to be integrity at all places and at all times. Take for example that statement made by the Member for San Fernando East, I think it was last year or the year before, that in the scheme of things, the Opposition is irrelevant. That is what was stated. We have now come to understand, if we did not before, that the Opposition does have a role to play. When the point is made that the Opposition is irrelevant, it means the Opposition is put on, what I would say, an offensive note, to show that, "Yes, we are, in fact, relevant or if you deem us irrelevant, we will show you, we will do nothing." I am not talking about this Opposition only or this Opposition at all. We have to be careful about the kinds of remarks made, because the Opposition does have a fundamental role to play.

Take for example the legislation. It has been brought to my attention that there is a situation in which there are persons in Central Trinidad who are working in places and there is some kind of lung disease caused by asbestos. Medicine is not my area of expertise, but that has been brought to my attention. The simple point is that we have the occupational safety and health legislation that was debated here and passed; it is on the law books. Why is it not being implemented? Equal opportunity legislation—I go back to it, because I really think it is a fundamental piece of legislation that is needed, yet it is flawed in its present state. What about the technocrats or lawyers who can fix it and who have the guidelines? The court

gave a decision in the matter indicating its concerns. The court gave the ruling that the legislation is not consistent with present laws on the books. Why not fix it? What is taking so long for fundamental pieces of legislation to become a live part of our law, so that persons would not have to keep raising issues of discrimination?

Everybody in the country—"everybody" is an exaggeration—many people in the country claim discrimination on grounds of race, colour, politics, but again I reiterate the point, not for tedious repetition, but to make the point that if systems were in place and if there was an independent process, then these kinds of allegations—although you can never stop people from making allegations; never say a person cannot take you to court; they may not be right, it may be a case of malicious prosecution; you might be able to get some kind of damages down the road. People can do what they want to do.

One must make sure that if one chooses to do it, one will pay the penalty if one wrongly accuses you, or if one takes you through a process that you did not deserve to go through, you will have some kind of recourse.

**2.30 p.m.**

This morning on a radio programme one caller who indicated that he was from Tarouba said that there was a key-handing ceremony for houses in Tarouba Settlement and 73 keys were given out. The caller made the point that when you looked across the board—at that point the call was stopped because one could predict where the caller was coming from. One does not want to raise the race card. Some people on the talk show this morning even referred to the centre spread of the *Trinidad Guardian* which lists the names of persons who have been awarded houses. The point that we made is that you cannot look at people's names. When you look at the name Lucky, if you did not know what Lucky looks like, who would Lucky be, except a person who believes that integrity must reign supreme at the very least? Professional integrity at that. In this country, gone are the days when you can look at a last name and make a determination. I can say it might be more probable than not.

We have to stop encouraging this kind of nonsense. How do we stop it? By making sure that the process of selection for persons given those 73 keys is a process that can be tested. Saying random selection was the process used without explaining how the names were selected, if they were put in a box or wherever they were placed, you cannot take part of a process and show that it is open and transparent. If the beginning of the process is bad the contamination filters all the

way from the top to the bottom. That is the problem. Even if somebody was upset because he or she believed that he or she deserved a key and lived in Tarouba and he or she is seeing persons who got houses in Tarouba do not even live there or in the constituency of Pointe-a-Pierre and are supporters of the PNM, if the system was very transparent and open, even if those persons may feel upset, frustrated or disappointed, the process would be able to stand that level of scrutiny. That is even with concepts of judicial review. One may not like the final result. It is the process that was used to get to the decision that has to be challenged. That is why equal opportunity legislation is the way to go. It will not apply to one side or the other.

Remember today, that there are Members sitting on that side and this side, but this is not the way it will be all the time. Some Members may not even be there the next round for whatever reason. One has to make sure that in doing one's job there can be no kind of attack. In other words, justice must not only be done, but manifestly be seen to be done.

There is not much more that I can say in this particular debate. I think it is clear right now in the country that we are at an all time low. Whatever we may say about the high oil prices and that people seem to be enjoying themselves, that is not the case. The reality is that there is a self-induced curfew. People are not going out as they used to and even if they go out, they are not staying out as late. When the Minister of National Security comes here and says that it is not as bad as it seems, that could never be a statement that has any degree of accuracy.

This report—I do not say it because I was a Member of the committee—was presented and the primary duty of the Committee of Privileges is to find where the truth lies. The chips have to fall as they may. That is what a judge tells a jury in the summing up. You have to go only on the evidence. You cannot go on what you may know about witnesses or the accused. You have to disavow your minds from that knowledge. It is difficult. Recently, there was a case in the courts in which it took days or even a month or more to make sure that there was a process of selection of jurors who were not put on the panel that would have some kind of preconceived notion, as to guilt or innocence of the accused. That is the same thing Members of the Committee of Privileges have to do.

If it is expected with this concept that politics must have a morality of its own and Members should sit on that committee and make a finding before hearing the evidence, then such a committee should not exist. All one would have to do is use the scientific formula of working out who is before the committee; who belongs

to what party and that would be the end of it. That is not what democracy is about. That is not what fairness is about. Fairness and integrity demand that if somebody is wrong, “dey wrong” and if “dey right”, “dey right”. If somebody is innocent, “dey innocent” and it does not matter how much you like or dislike the person you have to let the chips fall as they may. That is the process.

Sometimes in the courts based on extrinsic evidence that was not part of a case, one may know that a person is guilty and the person walks. The principle is that it is better to have 10 guilty men walk free than one innocent man convicted. That is the system. I can tell you as a former prosecutor that sometimes it hurts. You see persons walking and for various reasons they walk based on technicality and not on the evidence per se. What are you going to do? Destroy the whole legal system and say that there should be no more courts? No! You have to look at the court system and see how you can improve it and ensure that justice is always fair and given to all persons coming before the various tribunals or courts.

At the end of the day, based on this report the Committee of Privileges found that based on the three complaints that were put before it and the evidence that was elicited before the committee, there was no breach of privileges for all the complaints before it. The fact is that the committee has made its findings and done its job. Certain complainants have taken their matters to the civil and criminal jurisdictions. If that be the case, then let those courts or tribunals do their work. The committee has done its job and made its finding. There are signatures that do not endorse a finding based on any whim and fancy, but a finding of fact based on the evidence before it. There are courts that will make decisions based on the evidence before them. That is the way the system is supposed to operate. That is why this debate is not contaminating the Judiciary or undermining the process.

Before one triggers a particular process one must work out the consequences. Before one stands and makes a point be it on integrity or anything else, one has to accept the consequences. At the end of the day, when the vote is taken with respect to this report—I want to make this point very clear—which carries my signature, let it be hoped that integrity will dictate that persons will not use that vote for the report to suggest that there is any kind of under-the-table arrangement or massaging or softening of positions from those of us on the Opposition. Let us hope that headlines will not be carried in such a way to suggest that voting for the report where my signature lies—and I stand by the report—is any vote with the PNM, as part of some kind of conspiracy to do whatever I would not know. I am not going into the realm of speculation. Understand that the vote taken to support



or accept the report is a vote that shows that there can be integrity in public life and whatever morality politics may have and benchmarks are set, professional integrity will reign supreme.

Mr. Speaker, I just remind everyone in this honourable House that the committee did not find any breach of privileges or contempt and there are still opportunities for those who claim that there is some kind of prejudice by this debate, to take whatever action they see fit. The Committee of Privileges has done its job. Let other people do their job.

Thank you.

**The Minister of Science, Technology and Tertiary Education (Hon. Colm Imbert):** Mr. Speaker, having heard the contribution of the Member for Pointe-a-Pierre, I conclude that—notwithstanding a few minor inaccuracies which I can overlook because of the hon. Member’s very strong feelings about the issues—it was very sincere. This *1<sup>st</sup> Report Of The Committee Of Privileges Of The House Of Representatives (2004 - 2005 Session) On Allegations Of Breach Of Privilege...* and the response of the other side to this report has led to the departure of the Members for Pointe-a-Pierre and Barataria/San Juan—I am being very careful—from under the control of the Opposition Chief Whip and the declaration by the two Members, that they are now independent members of the UNC.

I make these points because this matter has been trivialized in the public domain to the extent that it is now called, “The Teacup Matter”, when in fact, the said teacup had very little to do with the matter that we are debating today. This matter is all about the abuse of parliamentary privileges. This is a very, very serious matter. The Member for Pointe-a-Pierre was asked by her party—this is my belief—to lie; to abandon professional ethics, the training of the hon. Member as an advocate and to sacrifice her principles on the altar of political expediency. She decided not to do so. I congratulate her for that. We shall see what fate awaits the hon. Member for Pointe-a-Pierre for standing up to what she believes to be her principles; and the hon. Member for Barataria/San Juan. I congratulate both of them for having the testicular fortitude to stand on a point of principle and for what they believed.

The Member for Pointe-a-Pierre made the point about the whole question of the sub judice rule. I could not have put it better. She stole my thunder. I was coming to read one of the authorities on the matter which is *Regina v Gough* [1993] 2 All ER 724 which is all about the test of bias. The question is whether a reasonable and fair-minded person knowing all the relevant facts would have had

a reasonable suspicion that a fair trial was not possible or whether there was a real likelihood of bias. The Member made the point that if a judicial officer in Trinidad and Tobago appointed by the Judicial and Legal Service Commission having no personal connection, or association of any kind or pecuniary interest in this matter would be so weak-minded, as to be influenced by this debate or pre-trial publicity, then, that person does not deserve to be a judicial officer in Trinidad and Tobago. That is the real issue.

This is why your ruling was absolutely correct and the question of this offending the judicial process is nonsense. If any judge or magistrate were to listen to this debate which is simply about the findings of this report of the Committee of Privileges and be swayed and influenced in any way, then that person does not deserve to be a judge or magistrate. There are many authorities and tests about what constitutes the real danger of bias. This matter has passed every single test.

I take objection to the other point. The Member for Pointe-a-Pierre made the point—the Members opposite quite often when it is convenient to them—and referred to this House as the highest court in the land. I take offence to a Member of this House having initiated the process as the Member for Pointe-a-Pierre has quite rightly pointed out under the rules of this Parliament, to bring a matter before a committee of his peers for deliberation, to then try to abandon the process. I take objection.

When I read the report, the complaint about a breach of privilege was initiated on September 17, 2004, long before there were any attempts to put this matter into the domain of the court. This House regulates its procedure. There is a clearly defined separation between the Legislature, the Executive and the Judiciary. I take offence to someone having started a long established traditional process of bringing a matter for review before a committee of Members of this House and then seeking to abandon the process, simply because that person was unhappy with the way it was going and felt that he or she might come out the loser at the end of the day. That is exactly what has occurred.

We need to look at the issues in order to de-trivialize the matter. The first issue is: Was there a contempt of Parliament? This is referred to on the third page of the report. It says:

“To constitute a contempt of the House, the behaviours complained of...must be proven to have obstructed or impeded, or have the tendency, directly or indirectly, to obstruct or impede the House or a Member in the performance of its/his functions, including the bringing of dishonour upon the House of which he is a Member.”

The Member for Pointe-a-Pierre has made the point that at the end the day, the committee did not find that there was any contempt to the extent that the committee has recommended punishment of the person involved. I disagree. When I look at the findings of this committee I am of the view that a Member committed a contempt of this Parliament and I will elaborate on that. I do believe that person should be punished. I will go into that in a short while.

What are the issues?

- (1) Was there physical or verbal confrontation between Dr. Rowley and Mr. Sharma within the precincts of Parliament? The report speaks about the persons by name, so Mr. Speaker, with your leave, I will refer to the Members by name. It is the first question that we need to answer.
- (2) Did Mr. Sharma abuse and insult Dr. Rowley and call him “a racist” in the performance of his duties?
- (3) Did Dr. Rowley physically assault Mr. Sharma?
- (4) Did the two other Members of Parliament namely, Mrs. Kamla Persad-Bissessar and Mr. Ganga Singh who were not present during the alleged altercation misrepresent the facts about Mr. Sharma’s physical/medical condition to the public, including the police and hospital authorities, in a manner that brought Dr. Rowley and the Parliament into disrepute?
- (5) Did Mr. Sharma or Dr. Rowley misrepresent the facts generally, in a manner that brought each other or the Parliament into disrepute?
- (6) Did Dr. Moonilal, Mr. Ramnath, Mr. Callendar, Mr. Sharma or Dr. Rowley misrepresent the facts at the hearings?
- (7) Was this entire matter—and this is perhaps the most important issue—orchestrated and the accounts of it fabricated by Members of the UNC in an effort to bring Dr. Rowley into disrepute?
- (8) Did Mr. Sharma pretend to be injured?

Those are the issues as I see them and we need to look at the report to see what it tells us about them. Then, perhaps, persons will realize that this is not a trivial matter.

Let us go into the sequence of events. There was a Finance Committee meeting on Wednesday September 15, 2004 that commenced at 1.58 p.m. in this

House. When one goes through the verbatim notes of the Finance Committee on that day, one sees that Mr. Sharma intervened in this committee meeting on one, two, three, four, five, six, seven, eight, nine, ten occasions and I had another page here. Between 1.58 p.m. and 2.30 p.m. when the Finance Committee was adjourned, just half an hour, Mr. Sharma intervened 10 times; as much as or more than any other Member of the committee. I was present during that Finance Committee meeting. I remember how animated, happy, quarrelsome and normal Mr. Sharma was in terms of the way he participated in that committee. He intervened the most; he showed a lot of interest in the proceedings. There were no physical signs of injury; mental or psychological damage; no bruising to the face or red marks. Nothing!

For 30 minutes—Mr. Sharma sits just over there and I distinctly remember during that Finance Committee meeting that there was absolutely no sign whatsoever that there was anything wrong with him; he had just suffered an alleged beating, being hit under his chin by Dr. Rowley; being hit on his chest; slapped on his face and so on to the extent that he suffered soft tissue damage and his blood pressure went up. I saw none of that between 2.00 and 2.30 p.m. I venture to say that based on my observation of his behaviour—as I said, he was happy, smiling and laughing throughout the entire process. I venture to say that he has misrepresented the facts to Parliament and the national community.

He had come prepared. I will give you an example. Mr. Sharma speaking to the chairman of the Finance Committee before we even started said:

**“Mr. Sharma:** Before you proceed I want to make an observation. On pages 3 to 14, questions were asked by Members on this side and for more than half of them, the answers were inadequate and in many instances they were not appropriate. The purpose of asking questions is to obtain information...”

That does not sound like a man who has just been beaten to a frazzle to the point that he could hardly walk and talk. He did not look feeble and frightened to me. He did not look scared.

Mr. Sharma again; the chairman replies and Mr. Sharma intervenes again:

**“Mr. Sharma:** That is not the intention of the questions. Question No. 32 on page 5 talks about funding for the lifeguards of the Siparia Regional Corporation.”

The chairman responds:

**“Mr. Chairman:** You know that there is another procedure that one can follow on the Order Paper.

**Mr. Sharma:** The purpose of bringing us here is to treat with us.”

The chairman responds to him again:

**“Mr. Chairman:** When a question is asked at the Finance Committee the Government is under an obligation to do its best in the limited time.

**Mr. Sharma:** There is no question of unlimited time because you have the opportunity to provide these answers in writing at the next meeting. ”

So it went on.

He even talked about May’s parliamentary procedure. He was sufficiently lucid and collective to even quote from May’s Parliamentary Procedure about the obligation of the Government to respond to questions in the Finance Committee. He also asked about money in the Revenue Stabilization Fund and so on. He talked about NP and Petrotrin; valuations and the cost per square foot. All this was between 1.58 and 2.00 p.m. I am giving an eyewitness account; this is not hearsay. He was happy, laughing and smiling.

That is the first event that took place on September 15, 2004 at the Finance Committee meeting. After the Finance Committee meeting broke up at 2.30 p.m. a number of us went to the tea room to have some tea. I will say that you are talking about 2.35 to 2.40 p.m.

Again, I am giving an eyewitness account; this is not hearsay. In the tearoom I observed that Mr. Sharma was happy, laughing, smiling, having some tea, eating some pastry or cake or something like that, animated, jovial, calm, cool, collective, right there about 10 feet away from me. That is what occurred. However, I noticed—I am guessing now—sometime between 2.45 and 3.00 p.m. a group of Members of the UNC from the other place, UNC Senators arrived in the tea room and immediately went into caucus.

Later on at 7.00 p.m. when I heard about this alleged beating, I remembered this caucus the UNC had with Members from both places in and outside the tea room and I realized that this was essentially a conspiracy. It was obvious to me that Mr. Sharma had no intention of bringing up any matter with anyone; raising any matter with the police; the Speaker; the Committee of Privileges or anybody else because nothing happened. He was compelled to do this foolishness and mischief by other members of the UNC. [*Desk thumping*] It just tells me the weak person that hon. Member is.

As I said, we went for tea at about 2.30 p.m. and had some tea. Mr. Sharma was happy and smiling; then there was a UNC caucus. At 3.30 p.m. there is a visit to the police. After they had their caucus they went to the police. I have taken this out of the station diary from the attending officer in the report. He indicated at 3.41 p.m. Let us go back through this timing. Finance Committee starts about 2.00 p.m.; it ends about 2.30 p.m. and we go for tea. UNC Senators enter the room sometime around 2.45 and 3.00 p.m. At 3.30 p.m. in the station diary Chandresh Sharma, Kamla Persad-Bissessar and Ganga Singh arrive in the police station and made a report of various things. I will go into the report in a little while.

At 3.41 p.m., shortly after, Mr. Sharma was accompanied by Sen. Montano. I can say that Sen. Montano was one of the persons that I noticed arriving at Parliament around teatime and was clearly part of the entire process. There is a visit to the Speaker to make a complaint by Mr. Sharma and Sen. Robin Montano that is indicated here. At 5.15 p.m. there is a visit to the hospital by Mr. Sharma. I get this from the evidence of the doctor who gave evidence. Afterwards, we see the news where Mr. Singh and Mrs. Persad-Bissessar were giving testimony about the frail, weak and battered condition of Mr. Sharma.

### **3.00 p.m.**

That is the sequence of events. When you go through it, you realize this is a complete concoction. And, I repeat, it is obvious that Mr. Sharma never had any intention of reporting this matter or taking it anywhere, but it was seen as an opportunity by Members of the United National Congress (UNC) to put the Member for Diego Martin West under pressure, to discredit the Member, to put PNM in the spotlight and so forth. They saw it as that opportunity so they persuaded the Member for Fyzabad if he needed persuading, to make a number of false and fabricated reports, in my opinion.

Let us go now to the issues: Was there a physical or verbal confrontation between Dr. Rowley and Mr. Sharma within the precincts of Parliament? When one goes to the testimony of the principal actors in this whole thing one gets a very clear understanding of what was going on and I go to page 9 of the report where Mr. Sharma alleges:

“Dr. Rowley then proceeded to hit him with the heel of this right hand near the area of his left chin...Dr. Rowley then pushed/struck him forcefully in the chest which sent him backwards over the chair and against the wall. ...Dr. Rowley... continued chucking him in the chest. ...then struck him with his left hand on the face.”

That is the evidence of Mr. Sharma. Dr. Rowley hit him with the heel of his right hand in the area of his left chin, then pushed him, then chucked him [*Demonstration by Member*] So he is ambidextrous now. And then struck him with his left hand. I say it was a boxing match and Mr. Sharma says, yes, he was just standing up there taking blows, doing nothing.

We go now to the evidence of Dr. Moonilal. Dr. Rowley stood up, walked to where Mr. Sharma was seated, violently chucked him in the chest then poked him in the face, then hit him in the chest while sitting and hit him in the chest while standing, but Mr. Sharma said that he hit him under his chin with his right hand—I guess Dr. Moonilal did not see that, and then he did not see the slap to the face either. Dr. Moonilal also says that Mr. Sharma was sitting down and Mr. Sharma says he was standing up.

Let us go to Mr. Ramnath's which is on page 16. He saw "some pushes to the chest" and there was a "slap to the left side of his face with Dr. Rowley's right hand."

What did Mr. Sharma say? Mr. Sharma says, struck him with the left hand on the face. Let me go through this again. Mr. Sharma says. Dr. Rowley struck him with his left hand on the face, Mr. Ramnath says, Dr Rowley struck him with his right hand. I guess Mr. Sharma was not paying attention when he got hit, or Mr. Ramnath is not telling the truth. I do not know. This is absurd when you go into the evidence. Mr. Ramnath says that Dr. Rowley hit with the left hand or the right hand. Mr. Sharma says he hit with the other hand. Dr. Moonilal says Dr. Rowley was sitting down; Mr. Sharma says he was standing up. The only person who saw Dr. Rowley hit Mr. Sharma under his chin with the heel of the right hand was Mr. Sharma. Neither Mr. Ramnath nor Dr. Moonilal saw that.

As far as I am concerned, it is a tissue of lies and, therefore, the findings of the committee that Dr. Rowley was guilty of striking Mr. Sharma in various ways in the chest, in the face with the left hand and so forth—let me read the report signed by the Member for Pointe-a-Pierre. I could see why the Member for Pointe-a-Pierre signed it.

As a trained prosecuting attorney—I do not know if the Member is also a defence attorney. But to hear accounts from three different eyewitnesses: one hit with the right hand, one hit with the left hand, one hit when sitting down, one hit when standing up, one hit under the chin, one hit in the chest and all of these people, in the same place, when you look at the diagram, they were all within two or three feet of each other and they could not get their story right. It appears they

did not caucus before they gave evidence before the committee. That is the only thing I can conclude, but when I saw what the findings of the committee are—the committee simply concluded that it just did not happen.

It is not possible to reconcile the conflicting versions of the alleged physical assault and the evidence of the non-partisan witnesses— because I have not spoken about that—was substantially at variance with the evidence of the alleged victim. The tea room attendant, Miss Singh, did not see any of these slappings with the left and right hand and the chucking of the chin and Mr. Sharma falling down on the chair and so forth. That is why I say the evidence of the three persons who gave testimony, in my opinion, is a tissue of lies. It could not stand up in any court, whether this court or any other court.

**Mr. Speaker:** You have to be careful talking about the evidence standing up in any other court.

**Hon. C. Imbert:** I totally agree with you, Mr. Speaker, and I withdraw that. In fact, I would ask you to expunge that from the record lest somebody comes along and wants to use that in some matter elsewhere.

Mr. Speaker, when I go through the issues therefore, I am led to conclude, as the committee concluded, that there is not enough evidence. I will put it stronger. No way, Mr. Sharma got beaten by Dr. Rowley and then came in this Parliament, sat down opposite me, participated in the debate, went in the tea room and sat down opposite me, had tea and cake, happy, laughing and smiling. There is no way that I can reconcile what I saw with my own two eyes, and the allegations from Mr. Sharma, that he was slapped and beaten by Dr. Rowley. It simply did not happen. And when one goes to the testimony of the doctor who said that there was no examination to determine the soft tissue damage, the doctor simply took Mr. Sharma's word for it. Mr. Sharma came and said, "I got slapped, cuffing and whatever, and the doctor just wrote. The doctor did not see swelling and all this sort of thing, and bruises that Mr. Sharma complained about. I reject the allegation from Mr. Sharma as the committee has rejected that Dr. Rowley struck Mr. Sharma.

On to the next issue which I think is very important. Did Mr. Sharma abuse and insult Dr. Rowley and call him a racist in the performance of his duties? That is a very serious allegation, and that is why I part company with the Committee.

I think, for the committee to find that there was sufficient evidence on the balance of probabilities, that Mr. Sharma did accuse Dr. Rowley of being racist in the performance of his duties, for the committee to find that and yet not find Mr.



Sharma in contempt of Parliament, I find that strange and I do not accept that aspect of this report if, based on all the testimony, including the testimony of the non-partisan witness Miss Prabha Singh, that Mr. Sharma did call Dr. Rowley a racist in the performance of his duties. I think that is a very serious contempt.

Dr. Rowley is a Minister of Government; he has sworn to uphold the law; he has come into this Parliament and sworn on oath to uphold the law without fear or favour, without ill will to anyone, to serve the people of Trinidad and Tobago. He has sworn to that oath, and I think for him to be called a racist in the performance of his duties, what could his duties possibly be? They are his duties as a parliamentary representative and his duties as a Minister of Government and for the committee to find that and not impose and not recommend any sanction on Mr. Sharma, was remiss of the committee.

I think Mr. Sharma has committed a contempt of Parliament. In fact, there is already a court ruling on this matter that a certain prominent citizen was called a “psuedo” racist and the court found that was a serious slander, and awarded significant damages. I do not agree with the committee on that score and I think Mr. Sharma needs to be sanctioned for that abuse. I think it falls to the House to sanction Mr. Sharma for that abuse, for that contempt of Parliament. If we are going to condone—I cannot understand the double standards, because if on the one hand the committee has found that Mr. Sharma did call Dr. Rowley a racist in the performance of his duties, and on the other hand the committee has found this is not in contempt of Parliament then I think there are some double standards there. We cannot condone that and we need to deal with that in the strongest possible manner. It means if that stays there then anybody could call anybody a racist in the performance of his or her duties in this Parliament and we should not allow that.

The Member for Pointe-a-Pierre asked for the debate to be lifted and I think this is a serious issue. We cannot leave that there. It is a serious matter, it is a big problem in the country. The perception of racism in the performance of duties is a big problem in this country, I am not saying it exists, but the perception of it is an issue in this country. There are many judicial review matters in the courts now, where that is an allegation, and I do not think we can leave that just so.

The next issue: Did two other Members of Parliament, namely Mrs. Persad-Bissessar and Mr. Singh, who were not present during the alleged confrontation, misrepresent the facts to the public? Again, I have a difficulty with the findings of the committee on this matter. The committee has found—and I want to go straight

to the findings of the committee with respect to this matter. I am reading from page 24 of the report, signed by the Member for Pointe-a-Pierre and Members on this side.

“There is sufficient evidence to conclude that Members of Parliament by their behaviour in presenting an ill-founded version of the events of Wednesday 15 September, 2004 brought a Member of Parliament into disrepute and have also brought dishonour upon the House of which they are Members.”

Again, I am flabbergasted. How could the committee find that Members, by presenting an ill-founded version of events, brought a Member of Parliament into disrepute, brought dishonour upon the House and are not subject to the sanction of this House? Again, if we are going to lift the standards of political behaviour in this country, we have to be consistent in the way we approach matters. The committee cannot find this and then not recommend sanctions against these Members. I see the Common’s decision in 1978 but it falls to the House to deal with this matter of Members of Parliament presenting ill-founded versions. You even have the Member for Siparia going to the police station representing herself as the attorney for the complainant and then attempting to give evidence. The policeman asked the Member whether she intended to give a statement and she said yes. I am not a lawyer but it seems to me that is out of order. I cannot see how—let me read from the actual diary. Let us not misrepresent the facts.

The police officer, Nizam Mohammed, said the Member of Parliament for Fyzabad, Chandresh Sharma, the Member for Caroni East Ganga Singh, and the Member for Siparia came to the station and made a report. The police officer said: I requested statements from Kamla Persad-Bissessar and Ganga Singh and both said they will prepare one at a later date.

How can a person be the attorney for the complainant and also a witness? And then to go into the actual facts of the misrepresentation? You have Mrs. Persad-Bissessar saying that Mr. Sharma was on drips and having tests done. She said he was uncertain when he would leave. I cannot reconcile—I saw the television coverage myself and again, this is not hearsay and I am not relying on what evidence Ms. Gail Alexander talking about what Mrs. Persad-Bissessar, the Member for Siparia had said. I saw it myself. I saw the TV report, I saw Mr. Ganga Singh, I saw Mrs. Kamla Persad-Bissessar giving a version of events in front of the General Hospital that led one to believe, to use a phrase that is popular in this country, that he was near death, that he was warded in the hospital and on drips. If I had not seen the Member for Fyzabad laughing and having his cake and tea earlier on in the day, and I was an unbiased observer, just looking on,

I would say: “What is going on here? Mr. Sharma is close to death?” That was the impression given to me by the Member for Siparia and the Member for Caroni East—totally false—and the House has to think about this matter very carefully. I cannot see how the committee could find that they brought the Parliament into disrepute and they could escape sanctions.

The fifth one was: Did Mr. Sharma or Dr. Rowley misrepresent the facts? I do believe Mr. Sharma misrepresented the facts, because as the committee itself has found, and I would read from the findings of the committee that nobody, no other witness corroborated Mr. Sharma’s version of the confrontation. Nobody else corroborated Mr. Sharma’s version of events. Mr. Ramnath’s testimony was at variance, Mr. Callender’s testimony was at variance, Dr. Rowley’s testimony was at variance, the tea room attendant’s testimony was at variance, Dr. Moonilal’s testimony was at variance, all of these people’s testimonies were at variance with the testimony of Mr. Sharma and I do believe based on that, he misrepresented the facts and he did not speak the truth, and based on my own observation of him during the committee meeting, which was minutes after this alleged assault.

The alleged assault was supposed to have taken place just after 1.00 p.m. and at 1.58 p.m. this hon. Member, who was supposed to have been beaten almost to his death, is here—a miraculous recovery. The Member sought no medical treatment; he did not take any life-regenerating drugs like steroids, or anything like that. He is beaten, so they said, at 1.00 p.m. and he is laughing and smiling at 2.00 p.m., but at 5.00 p.m. he is in the hospital. So there is some kind of sick little thing here where he goes from being beaten, becomes happy and then goes on drips in the hospital. I think his version of events is atrocious and when one looks at the whole element of this conspiracy, as I have indicated to you, when you look at the sequence, when you see that the Member for Fyzabad was having tea at 2.45 p.m., was laughing and smiling during the Finance Committee meeting, was laughing and smiling in the tea room just a couple of feet away from me and when he goes to the police station, the policeman says he appeared to be shaken up, intimidated, frightened and speechless. At 3.30 p.m. he is speechless, but at 1.58 p.m. he is the most outspoken and vociferous person in the Finance Committee meeting, he made the most points, dealt with the most issues in that meeting but an hour later he is in the police station, he is shaking, he is frightened and all of a sudden he has lost his tongue, he is speechless.

Mr. Speaker, it is a complete fabrication and conspiracy, in my opinion. Of course; we have the issues; did Dr. Moonilal, Mr. Ramnath and Mrs. Persad-Bissessar misrepresent the facts? Of course they did! They could not get their

story straight. One says one hit with the left hand, one says one hit with the right hand, one says one sitting down, one standing and that kind of thing. The other issues: Was this matter fabricated? Was it orchestrated? Did Mr. Sharma pretend to be injured? Of course, he did, in my opinion. He did pretend to be injured.

What has happened in this whole thing is that as the matter has unfolded and particularly with the evidence of the non-partisan witnesses, who did not corroborate the untruths put into the system by Mr. Sharma, the conflicting testimony of the Member for Oropouche and the Member for Couva South, we were seeing all of these attempts to block the process. The matter went to the courthouse, the Motions brought here to invoke the sub judice rule, the Member for Fyzabad who is a Member of this House and part of this entire parliamentary tradition decides to withdraw from the complaint.

It is the most amazing thing and the only conclusion one can draw is that as the matter unfolded, as the various witnesses that the Member for Fyzabad had brought in his defence gave their conflicting testimonies, as it became clear that he had not been beaten, he had not been struck, he was not injured, he was not speaking the truth, that he had not suffered any soft tissue damage, that there was nothing wrong with him, as that became clearer and clearer, based on this report, it is obvious that the Member has decided now to muddy the waters. In fact, my conclusion is that the Member for Fyzabad wishes that this had never happened because at the end of the day his reputation has been tarnished, his credibility—

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member has expired.

*Motion made,* That the hon. Member's speaking time be extended by 30 minutes. [*Hon. K. Valley*]

*Question put and agreed to.*

**Hon. C. Imbert:** Mr. Speaker, at the end of the day, all that has happened is this House has been brought into disrepute by a group of conspirators who willingly, wilfully, knowingly, and deliberately decided to give false testimony to the police authorities, to the Committee of Privileges, to the medical authorities, to the general public, to the media, to everybody associated with this matter. Every one of them involved: the Member for Oropouche, the Member for Siparia, the Member for Caroni East, the Member for Couva South, the Member for Fyzabad, all conspired together with the Member for Couva North.

What I take particular offence to is Members of the other place. What are they

doing in our business? Why did Members of the other House decide that they would want to get involved, in interfering with an elected Member of Parliament? I take objection to that. It is a conspiracy by the entire UNC caucus and having regard—I have a little knowledge of the Member for Pointe-a-Pierre and her beliefs and I can understand. We do not see eye to eye on everything. We certainly do not. The Member for Pointe-a-Pierre is in a different party to me so there is a fundamental dichotomy there, but that is not the point. I am a Member of the PNM, the Member for Pointe-a-Pierre is an “independent” Member of the UNC. I am not sure what it is but forget that. I know that the Member has certain beliefs and I congratulate the Member for Pointe-a-Pierre for holding firm to those beliefs because there is life after politics. This thing about sacrificing integrity on the altar of political morality, that is good for people who want to continue to mislead the population until, perhaps, they have to be carried out in a box. That is good for people like that, but for persons who may wish to return to their profession after their stint in politics what is important is their good name because the old saying, is he who steals my purse steals trash but he who steals my good name does me an injustice.

And I can well understand the feelings of the Member for Pointe-a-Pierre who felt that was a line that she was not prepared to cross and when it was asked of her to lie, when she was asked to abandon her principles she said no and, of course, to the consternation of the Member for Couva North who was shocked and remained shocked that a Member of the UNC—and I must say I was surprised myself—would not be willing to sacrifice her professional integrity. And that is what this matter is all about. It is all about professional integrity. It is all about abuse of parliamentary privilege. It is not a tea cup matter. It has been trivialized as such but it is not. It is all about setting standards for the behaviour of politicians in Trinidad and Tobago now, and in the future.

I was particularly disappointed in the Member for Princes Town because I read an account of the winding up of the hearings when the Chairman of the committee asked the Members whether they were comfortable with the draft findings, conclusions and so forth of the committee, and asked the Member for Princes Town on more than one occasion—this is my understanding, I read an account of it, that the Member for Princes Town was asked by the Chairman, which is your good self, whether he was comfortable with the draft findings and conclusions and he said yes. It is in the record that the Member for Princes Town said, “Yes, I am in agreement with the findings of the report,” and having said that it is on tape, it was transcribed by verbatim reporters, he said, “yes, I am in agreement.”

When I was reading it there was one person who was objecting to some aspect of the report. In fact, the Member for La Brea was complaining a bit about some of the Members in the report, but the Member for Princes Town was unequivocal, unambiguous in declaring that he was in agreement with the findings of the report and then after having done that he decided not to sign the report and then “mouth open and tory jumps out.”

His brother, the hon. Member for Couva North, says that political morality is more important than professional integrity. It just proves that blood is thicker than water. I saw that clearly the Member for Princes Town subscribes to that. So having put on record that he was in agreement with the findings of this report signed by the Member for Pointe-a-Pierre, now savaging the Member for Pointe-a-Pierre, part of that band of political misfits, who are out there, that band of political vipers parading up and down the country calling the two Members opposite all sorts of names simply because they decided to draw the line to say: “We are not prepared to walk over this line. That is the line of professional integrity and we have no intention of crossing it.”

### **3.30 p.m.**

The Member for Barataria is a doctor and the Member for Pointe-a-Pierre is a lawyer—both professionals—and clearly they have decided that there is life after politics and they have no intention of sacrificing their integrity on the altar of political expediency.

Clearly, the Member for Fyzabad is just a hapless pawn in a grand conspiracy concocted by the Member for Couva North, some of the Senators in the other place, the Member for Siparia, the Member for Caroni East and so on. He is just a hapless pawn. The Member for Siparia, in particular, should know better. I do believe that this House needs to sanction both of them for wilfully misleading the national population on this matter.

I support the findings in the report inasmuch as they find Dr. Rowley not guilty of assault and that Mr. Sharma called Dr. Rowley a racist in the performance of his duties. I do believe that this House needs to go a little further and to deliberate very carefully on what needs to be done to the Member for Siparia, the Member for Caroni East and the Member for Fyzabad.

There is precedent in this Parliament. I was a Member of this Parliament, sitting on that side, when the Member for Diego Martin West made a very innocuous remark—something about the former Attorney General pole-vaulting on his principles—whatever that means. It means he did a flip-flop. The then

Speaker intervened and called on the Member for Diego Martin West to withdraw the unparliamentary statement, whereupon the Member for Diego Martin West said, “What unparliamentary statement?” All he had said was that the then Attorney General had pole-vaulted on his principles by submitting a report on the then airport matter and then refusing to go along with it.

After that simple, innocuous remark by the Member for Diego Martin West, Dr. Rowley was suspended by this Parliament—indefinitely. How many months did you spend outside? Two months! The Member was suspended by the UNC for saying that the former Attorney General, Lawrence Maharaj, had pole-vaulted on his principles. That was all he said. They sent him outside—indefinitely—and it is only when public pressure mounted that they relented and allowed him to come back in. So, there is precedent in this House, Mr. Speaker, for action to be taken against persons.

The breaches of privilege that are in this report are a thousand times more severe than any alleged infraction committed by the Member for Diego Martin West. There was false representation to the police, false representation to the Committee, false representation to the media, false representation to the doctor, false representation to the public—complete inaccuracy; and as I said, a tissue of lies. I believe that this House has to think very carefully about the standards of parliamentary behaviour that it wishes to set for those who will come afterwards.

I was remarking to the Member for Arouca South, just today—we had a CPA meeting—I was looking around and I was thinking to myself that the only young persons, if you can call them that, who have entered politics in recent times are the Member for Pointe-a-Pierre and the Member for Oropouche. When I entered politics in 1991, I was in my early 30s.

There were others—the Member for Arouca South also entered in her 30s—but we are on our way out. We may go 10 or 15 years from now, so there is need for new entrants into politics—people in their 20s and 30s. We need to set standards of behaviour for those who will come into this august Chamber after us. We need to let them know that we in this House will not tolerate Members of Parliament lying to the police, lying to the committee, lying to the national population and attempting, in a grand conspiracy, to bring this honourable Parliament into disrepute.

We will not tolerate it, Mr. Speaker, and I call on Members of this House to consider very carefully what sanctions should be imposed on the persons who are found guilty of misrepresenting the facts and bringing this House into disrepute.

I thank you, Mr. Speaker.

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, I start where my colleague ended. I think every Member of this House has an obligation to protect the privileges of this House; to uphold the dignity of this House, and to ensure that wrongs are corrected.

I am informed on page 5 of the report of your committee, the Privileges Committee, very early, where it speaks of “A Discussion on Contempt—Power to Punish”, it makes the point that one of the privileges of the House is the power to punish for contempt.

When one reads this report, one sees clearly that it is being committed—contempt of this House. I take you first to the allegations made by Dr. Rowley, as well as Mr. Sharma, listed at page 3 of the Committee's report. At 4.2:

“Dr. Rowley alleged that:

- (a) Mr. Sharma verbally abused and insulted him in the precincts of the House by repeatedly accusing him of being racist in the performance of his duties; such action has breached his privileges, insofar it was dishonourable and has affected his ability to go about his business; and
- (b) Members of Parliament misrepresented the facts of the altercation in such a manner so as to bring him into disrepute as a Member of Parliament and have by their public utterances also brought all honourable Members as well as the entire House into odium and ridicule.”

I want to deal first with the Committee's findings with respect to those charges and then we would go to Mr. Sharma's allegations.

At page 22 of the report, the findings of the Committee are reported at 9.6. It says:

“There was sufficient evidence to conclude, on a balance of probabilities, that Mr. Sharma did accuse Dr. Rowley of being racist in the performance of his duties, although one Member believed that this was not established.”



When one looks a bit further and examines the evidence of the persons in the tea room at the time, one sees a clear picture. We first look at Mr. Sharma's evidence at 8.5 where we have Mr. Sharma denying calling Dr. Rowley a racist. At 8.14, on page 11, there is Dr. Rowley's evidence. On five different occasions, it is reported that Mr. Sharma, in fact, called Dr. Rowley a racist. That is Dr. Rowley's evidence. There is evidence also by Dr. Moonilal where he did hear the word "racist" being used and others confirm that, especially the independent witness.

So, there is a Member deliberately misrepresenting the fact and the Committee, at the same 9.6 on page 22, in that first allegation, concluded, after careful deliberation, with the exception of two Members, that no breach of privilege or contempt had been made with respect to the allegation. I submit, Mr. Speaker, that the evidence clearly suggests that Mr. Sharma deliberately misled the Committee when he said—and the Committee found that—that he did not call Dr. Rowley a racist, which is the first charge.

Mr. Speaker, the learning has shown clearly that, with respect to contempt, there must be deliberate action. One must not only mislead the Parliament or a committee, but one must do so with aforethought. One must have knowledge that one is misleading the Parliament. I submit that Mr. Sharma knew that he was misrepresenting the fact when he denied calling Dr. Rowley a racist, given the evidence presented to the Committee.

I go further, with respect to the second allegation—the allegation that Members of Parliament misrepresented the facts of the altercation in such a manner so as to bring Dr. Rowley into disrepute as a Member of Parliament. In the findings of the Committee at 9.14, there is sufficient evidence to conclude that Members of Parliament, by their behaviour in presenting an ill-founded version of the events of September 15, 2004, brought a Member of Parliament, that is, Dr. Rowley, into disrepute and also brought dishonour upon the House of which they are all Members.

Again, that finding suggests, clearly, that these Members misled not only other Members, but also the general public and brought this House into disrepute. Those Members, of course, included the Member for Fyzabad and others. As a matter of fact, in a sense, I feel sorry for the Member for Fyzabad. As my colleague, the Member for Diego Martin East pointed out, the Member participated in the Finance Committee meeting. The Member did not report that incident to you, Mr. Speaker. He did not report it to the police. He did not report it to anyone, it appears. He was very active at the Finance Committee.

As a matter of fact, when somebody called me on the evening and told me about this incident in Parliament, I thought it occurred after the Parliament was adjourned. I could not for the life of me contemplate that they were talking about an incident before the Parliament started on that day, given the behaviour of my colleague, the Member for Fyzabad, during the Finance Committee meeting. His face certainly did not appear red to me at all.

My colleague made the point—and it is clear—that there were intervening events after the adjournment of the Parliament which led to this. What one ought to see clearly, Mr. Speaker, is the conspiracy of certain Members to put the Member for Diego Martin West in a certain light. A minor incident has been blown out of proportion, and up to today it is continuing. Now, when it is being debated, they are not here. They are ashamed. But we knew it from that point.

When we look at the report of Mr. Sharma's evidence on page 2—“Oral Evidence of Mr. Chandresh Sharma given on October 27, 2004”—he is asking:

“Am I in danger of risk of sanctions of any kind as a result of this hearing?”

The “fella” realized what was happening: somebody pointed it out to him: “Friend, when you mislead the Parliament in such a way, you can get yourself in trouble.” So, he was scared and the committee could not get any evidence out of him. When you read this report, Mr. Speaker—it continues into page 7—Mr. Sharma is extremely afraid.

“The Chair appreciates that I can face sanctions and, as a result, we need to establish procedure. Even if I am reprimanded, that is a sanction.”

So he brings a matter to the Privileges Committee and then he fears being sanctioned.

He continues.

“**Mr. Sharma:** The committee has just told me that I run the risk of sanctions against me. I agree that the possibility exists.”

Do you understand? Poor “fella”! Following bad company is getting him into trouble. That is what has happened.

“The committee has also told me that I have no right to an attorney...”

He had two attorneys there, Mr. Speaker. He wanted a special one. He continued in that vein. He was afraid of sanctions after bringing a matter to the Privileges Committee.

I am saying that this House needs to protect itself; that we cannot allow Members to misrepresent facts deliberately and get away with impunity. The learning is clear. I think it was my colleague, the Member for Arouca South who cited the case of one John Profumo way back in 1963, when it was ruled that the House of Commons would treat the making of a deliberately misleading statement as contempt. In 1963, the House resolved that, in making a personal statement which contained words which he later admitted not to be true, the former Member had been guilty of grave contempt. That is the Profumo incident, Mr. Speaker.

It was in the Indian Parliament, where the concept was developed, where one put some more meat on the concept of contempt, making the point that the fact that a statement is misleading is not sufficient. It must knowingly be false, deliberately to mislead the House. That is the situation that we have before us, Mr. Speaker.

We look at the allegation of Mr. Sharma and the findings of the Committee. There were four. Mr. Sharma alleged, first of all, that Dr. Rowley hit him in the area of his left chin with the heel of his right hand and that Dr. Rowley pushed and struck him in the chest, tossing him backwards over the chair and against the wall. When he regained his balance, Dr. Rowley pushed him in the chest again. He said that Dr. Rowley struck him to the face using his left hand and that Dr. Rowley pelt him, first with the teacup, which hit him on his right hand, then with the two remote controls and a cordless phone.

My colleague dealt with those, but let us look at what the committee found. The findings at page 24, 9.17, Mr. Sharma's first allegation—

“Dr. Rowley hit Mr. Sharma in the area of his left chin...”

With respect to this one,

“Dr. Moonilal stated that Dr. Rowley first chucked Mr. Sharma while he was seated.”

This is the Committee's finding. This contradicted Mr. Sharma's statement that he was first hit while he was standing.

“9.21 The only other witness who testified to having seen actual physical contact was Mr. Ramnath who, to the contrary, testified to having seen both men standing exchanging heated remarks when ‘Dr. Rowley’s left hand landed on the right side of Mr. Sharma's face.’”

Now, I want to ask my colleagues here in the Parliament. Do you think, really, that Mr. Ramnath would be in the tea room, see Dr. Rowley land a left hand on Chandresh Sharma and sit down and say: "I thought all yuh making joke, but all yuh like all yuh getting serious?" Do you think that is what Mr. Ramnath would do, Mr. Speaker, knowing the Member for Couva South? How long have we known Mr. Ramnath?

The independent witness, Miss Prabha Singh, stated that she saw Dr. Rowley walk towards Mr. Sharma, who stood up. She recalled hearing them talking loudly and saw Dr. Rowley look in her direction. She testified that she did not see Dr. Rowley make any physical contact with Mr. Sharma. I would not even quote Mr. Callendar, because one might say that he might be biased.

The second allegation:

"Dr. Rowley pushed/struck Mr. Sharma in the chest tossing him backwards over the chair and against the wall. When he regained his balance Dr. Rowley pushed him in the chest again."

Hear Dr. Moonilal:

"Although Dr. Moonilal said that he witnessed Dr. Rowley chuck Mr. Sharma in his chest on more than one occasion and Mr. Ramnath indicated that he saw some 'pushes to the chest', their versions of what transpired differed markedly and were significantly inconsistent with Mr. Sharma's version."

They cannot even get their story right.

Again, the independent witness:

"Ms. Singh saw no physical assault of any kind and it is important to mention that from where she stood at the bain-marie, Ms. Singh had a clear line of vision to Dr. Rowley, Mr. Sharma and Dr. Moonilal.

In addition, no other witness testified to having heard the threat made by Dr. Rowley to send down Mr. Sharma's teeth."

What is important is that when you look at the evidence, saw Mr. Sharma after the altercation and heard the words he was using: "You think ah 'fraid you nuh", with some expletives; "You think ah 'fraid yuh nuh. I would buss your head", are those the words of an individual who just got slapped, cuffed, pushed and butt? This is what we are dealing with, Mr. Speaker. When one looks at what has transpired and when one understands the conspiracy and the timing of it, one sees

clearly that this Parliament must take action. We must take action because if we fail to do that, then we will be establishing a very dangerous precedent.

The Member for Barataria/San Juan made an excellent contribution on the last occasion and I mentioned to him that we have to look at other things. We have to look at the issues. I want to give him the commitment that this Government is committed to equity. He just has to look at our manifesto.

There are six principles guiding our action over this five-year period. The first one is equity—fair play. He will note that the Government has just recently formed the company—the Rural Development Company. There is UDeCott and there is a company now established to take care of the rural areas. The Government is committed to equity and at any time he can point to any of us if that is not taking place and I promise him that we will fight to have it corrected. That is my commitment.

I feel, however, that crime is the result of what transpired over the period 1996—2001. People have a feeling that the things they do others will do to them. At that period, I know that our constituencies were starved. That is the reality and there is a feeling that, given we are in office once more, we would repay. I assure my colleagues on the other side that is not going to happen. There will be equity. That is why it is the first principle guiding our action over the five-year period.

**Dr. Khan:** I thank the Member for giving way. Could I be assured, in some form or fashion, that for the average person, rather than the block area—one man, one person—could be assured, in case of discrimination, that you would see to it that the equal opportunity legislation, with its attendant amendments, come to the Parliament as soon as possible? This is for the individual, not just a block of persons.

**Hon. K. Valley:** I will support any measure that would avoid discrimination or protect the citizens against discrimination. The Government is committed to equity in Trinidad and Tobago. We are one people. We have to go forward together. With a population of 1.3 million persons, we cannot afford the luxury of “we” and “them”. We just cannot. That is the reality of the situation.

#### **4.00 p.m.**

I agree with the Member for Pointe-a-Pierre; that there are those—she did not finish the sentence—on that side who clearly want to divide the country; you hear it all the time.

Mr. Speaker, I maintain that the leader sets the tone—it does not matter—in every organization. When the leader says that politics has a morality of its own, we have people like the Member for Siparia doing all types of things. That is the fact, because it is tromp and follow suit. If you want to be in the good books of the leader, you have to do these kinds of things.

The Member for Siparia is getting my colleague from Fyzabad in all this trouble. Poor fellow he is being led astray. They have him with a noose around his neck, running with judicial review before the courts. They are not putting their names—sacrificing the little “fella”. They would not use their names. It is the lack of leadership, the feeling that anything goes in politics, that is creating that. We have an obligation to correct it, those of us who still believe in something.

My colleague from Barataria/San Juan worked with me. I know how difficult it is working on some of these committees. We worked together years ago. We worked on the Winsure Report a few years ago. I remember that. There were others putting their hands in the pot. That is what we found. Yes, there are some of us who still believe that there is a right way of doing things, but I think you have to learn that by the time you are seven years old. You have to avoid people like the Member for Couva North—avoid them like the plague because anything goes with them.

Mr. Speaker, the Member for Pointe-a-Pierre made the point about the oath of office. When you consider as a fact, when we come into the Parliament, we take an oath, according to our religious belief, to serve without fear or favour. We have all taken that oath, including the Member for Princes Town. That Member accepted the responsibility to be a member of the Committee of Privileges. He accepted the responsibility to sit on the committee and agreed with the findings of this committee, but did not sign the report, in spite of the oath of office and in spite of his agreeing to serve without fear of favour. He cannot sign it because politics has a morality of its own and because his leader says: “compromise your principles.” Forget the oath of office that you have taken to be in the Parliament.

Today we are merely setting an example, because if we were really dealing with all the issues, we would want to move a Motion against that Member also because, to me, it is a contempt to agree with the contents of the report and then fail to sign the report. There is no minority report here, Mr. Speaker. The Member has an obligation. The Member for Pointe-a-Pierre is right. When these things occur, they simply compromise the public perception of politicians. We are our own enemies, and it is our obligation and our job to correct wrongs and improve the standard of the House.

I would like to say two other things, going off, because the Member mentioned them. The Member, in dealing with the crime issue, spoke about Sen. The Hon. Martin Joseph. I simply want to tell the Member that she might be a bit previous. I simply want to tell her that the Minister of National Security, Sen. The Hon. Martin Joseph, will deliver. [*Desk thumping*] The Minister of National Security is not flamboyant. He does the job. He is doing the job. He is putting the systems in place. Rome was not built in a day. All I want to do this afternoon is to assure you that there would be results. That is all I want to assure you of.

Of course, there was the issue of Mrs. Manning. I want to make the point, a point which I made already; most of us would agree that on the face of it, one would say that it is not the thing to do. I would ask you to examine the issue of above board. If the Prime Minister wanted simply to ensure that his wife got a job, that was no problem, he did not have to make her Minister of Education. She would have had a job anywhere, perhaps for much more than the stipend they pay Ministers. One sees clearly, and I can tell you looking at how the Minister of Education operates, once he is clear that there is a conviction, devotion and feeling that I can do it—that is why Mrs. Manning is there. [*Desk thumping*] Okay? It is open for everyone to see that she is the Minister of Education. The proof of the pudding must be in the eating. It is whether, after she has served, our education system is better. That is the test. That is what we have to look at. That is the reality.

The Member spoke about question time. As I said earlier today, I admit that we are at fault. I admit, *mea culpa*, and we are working on it. I give the House that assurance that we are working on it and we are taking steps to have that corrected. I wanted to deal with those issues.

I want to inform this House that at the appropriate time, Mr. Speaker, in other words after this matter has been concluded, I shall move, as Leader of this House, an appropriate Motion calling on the Member for Fyzabad to apologize to this House for deliberately misleading the House or failing which that he be suspended for a one-month period. We have to correct the wrongs in this House.

Mr. Speaker, I thank you. [*Desk thumping*]

**The Minister of Public Utilities and the Environment (Hon. Penelope Beckles):** Mr. Speaker, we have had several contributions from Members in relation to this Motion. What is very clear is that the members of the Committee of Privileges, as appointed by this honourable House, conducted the affairs of that committee in a very fair and transparent manner. The last speaker indicated, that

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based on the evidence as he saw it, there would be a particular Motion that would be moved in relation to the Member for Fyzabad.

My responsibility, as the person who has piloted this Motion, is to simply ask this honourable House to adopt the report, but before doing so, I want to emphasize again that, as it relates to the procedure that was adopted by the Committee of Privileges, every opportunity was given to the Member for Fyzabad and that the committee was at pains to ensure that advisers were present in relation to both the Member for Fyzabad and the Member for Diego Martin West. The committee also ensured that insofar as its deliberations, all Members of the committee had opportunities to respond to comments and to contribute to every aspect of the deliberations. Again, I want to reiterate that consensus was reached in relation to this report. We must note again that there was no dissenting opinion, there was no minority report and even if one of the members of the committee ultimately chose not to sign the report, what is clear is that the Standing Orders gave every single member of that committee the opportunity, if they chose to do so, to file a minority report and that was not done.

What we have to be very clear about is that the report was recognized and accepted on consensus of the Members of the committee.

Mr. Speaker, I beg to move. [*Desk thumping*]

*Question put and agreed to.*

*Report adopted*

**MEMBER FOR FYZABAD**  
**(APOLOGY/SUSPENSION FROM THE HOUSE)**

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, in accordance with the provisions of Standing Order 25(1) of this House, I beg to move the following Motion:

*Whereas* this House has adopted the First Report of the Committee of Privileges of the House of Representatives (2004—2005 Session) on allegations of breach of privileges arising out of an incident that occurred in the Members' Lounge on Wednesday, September 15, 2004;

*And whereas* there is clear and cogent evidence in the said report that the Member for Fyzabad deliberately misled this House when he rose on Friday, September 17, 2004 and informed this honourable House that he was molested by way of assault and insulting and abusive language by the Member for Diego Martin West;



*Member for Fyzabad*

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*Be it resolved* that the Member for Fyzabad do apologize to this House by the next sitting of Parliament failing which he be suspended from the service of this House for a period of one month.

I beg to move.

Mr. Speaker, with respect to the power of this House to sanction a Member, I wish to draw your attention to Standing Order 43(14).

*Question proposed.*

**Mr. Speaker:** Hon. Members, before I take the vote, this is a Motion and Members can speak on this Motion. I give an opportunity to any Member who wishes to speak on this Motion.

**Dr. Fuad Khan (Barataria/San Juan):** Mr. Speaker, I thank you for allowing me to enter this debate. This caught us by surprise. What I would like to say on this Motion before us, although it is not in the Standing Orders, is that we can refer to things already past or anticipate things that are to come. This report of the Committee of Privileges is a report of a deliberation by Members from either parts of the Parliament: Opposition as well as Government. In this report, notwithstanding what has gone before us, there are no findings of breaches of privileges or contempt suggested by the Members in this report. Mr. Speaker, suggesting on the Motion that only one Member should apologize as well as be sanctioned or whatever else—face suspension, would be considered basically unfair, based on the report of the Committee of Privileges.

The report has indicated that there were absolutely no breaches of privileges and no contempt found. To find that one Member should have to apologize would not be in keeping with what the findings of the Committee of Privileges have been. We on this side say that we cannot agree to that, because we are going according to what the report has indicated. We voted for the report to be adopted, but we cannot agree to any sanctions or suspension of any Member of both sides of the House.

Thank you.

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, I simply want to point out to my friend from Barataria/San Juan that I made the point that while we adopt the report, there is evidence in the findings of the committee that in fact the Member misled, deliberately, the committee. I pointed out that at 8.5 he denied calling Dr. Rowley a racist. The committee found, when you look at the report—I am simply

*Member for Fyzabad*  
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dealing with the committee's report at 9.6 on page 22—that there was sufficient evidence to conclude, on a balance of probability, that Mr. Sharma did accuse Dr. Rowley of being racist in the performance of his duties.

Secondly, Dr. Rowley's second charge at 9.14, the committee concluded that there is sufficient evidence to conclude that Members of Parliament, by their behaviour in presenting an ill-founded version of the events of Wednesday, September 15, 2004, brought a Member of Parliament into disrepute and have also brought dishonour upon the House of which they are Members. Based on these alone, Mr. Speaker, the Member is guilty of contempt for deliberately misleading the House.

*[Mr. Speaker calls on the Member for Arouca South.]*

**Dr. Khan:** The mover of the Motion spoke.

**Mr. Speaker:** This is a new Motion.

**Dr. Khan:** He introduced the Motion, I spoke, and then he spoke after. We have finished the Motion. Nobody can speak again.

**Mr. Speaker:** This is a new Motion; I am not following the point.

**Dr. Khan:** I spoke on the Motion, then he finished it, so there is no more. The Motion is over. She cannot speak.

**Mr. Speaker:** That is the point, yes. I agree with you.

**Hon. K. Valley:** He is right.

**Mrs. Robinson-Regis:** That is true.

**Mr. Speaker:** We all agree with you.

*Question put.*

**Dr. Khan:** Division!

*The House divided:*      Ayes      16              Noes      2

AYES

Valley, Hon. K.

Khan, Hon. F.

Rowley, Dr. The Hon. K.

Imbert, Hon. C.

*Member for Fyzabad*

*Friday, May 06, 2005*

Robinson-Regis, Hon. C.

Williams, Hon. E.

Boynes, Hon. R.

Beckles, Hon. P.

Bereaux, H.

Rahael, Hon. J.

Roberts, Hon. A.

Hart, Hon. E.

Callender, Hon. S.

Job-Davis, Hon. E.

Hinds, Hon. F.

Achong, L.

NOES

Khan, Dr. F.

Lucky, Miss G.

*Question agreed to.*

*Resolved:*

That the Member for Fyzabad do apologize to this House by the next sitting of Parliament failing which he be suspended from the service of this House for a period of one month.

#### ADJOURNMENT

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, I beg to move that this House do now adjourn to a date to be fixed. I am not biased.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 4.22 p.m.*