

HOUSE OF REPRESENTATIVES

Monday, May 16, 2011

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, the hon. Mr. Patrick Manning, MP for San Fernando East who is currently out of the country, and has asked to be excused from sittings of the House during the period May 16, 2011 to May 20, 2011. The leave which the Member seeks is granted.

PAPERS LAID

1. Annual administrative report of the Ministry of Education for the period October 2008 to September 2009. [*The Minister of Education (Hon. Dr. Tim Gopeesingh)*]
2. Second report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Regulated Industries Commission for the year ended December 31, 2008. [*The Minister of Finance (Hon. Winston Dookeran)*]
To be referred to the Public Accounts Committee.

ORAL ANSWERS TO QUESTIONS

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Mr. Speaker, thank you very much. There are three questions on the Order Paper, but may I indicate that question No. 84, on the last occasion time had expired for answers to oral questions and we made a commitment to circulate those answers that were available. It is my understanding that the answer for question 84 was indeed prepared on that day, and it was circulated on Saturday, I believe. So all Members of the

House are in receipt of the answer to question No. 84. The Government, of course, is prepared today to answer questions 87 and 88 the other two questions on the Order Paper.

Miss Hospedales: Thank you, Mr. Speaker. Question No. 84, for the correction of the Leader of Government Business, was not circulated to the House, so I do not know where the response for that question is. But I will ask question No. 87 to the hon. Minister of Education.

**Early Childhood Care and Education Centres (ECCE)
(Details of)**

87. Miss. Alicia Hospedales (*Arouca/Maloney*) asked the hon. Minister of Education:

Could the Minister state:

- (a) When will the projects to build the Arouca, Bon Air Gardens and Trincity ECCE (Early Childhood Care and Education) Centres commence?
- (b) What were the original dates for the commencement of these ECCE (Early Childhood Care and Education) Centres?
- (c) What are the revised commencement and completion dates for the construction of these ECCE (Early Childhood Care and Education) Centres?
- (d) What is the reason for the delay in the commencement of constructing these ECCE (Early Childhood Care and Education) Centres?

The Minister of Education (Hon. Dr. Tim Gopeesingh): Thank you, Mr. Speaker. [*Desk thumping*] The answer to question 87, part (a), is as follows:

The proposed site for the Arouca Early Childhood Care and Education Centre was on the compound of the Arouca Government Primary School, however, this site was used for urgent extension works to facilitate the increase in the school population. Alternatively, the Arouca Early Childhood Care and Education Centre will now be constructed under the Inter-American Bank (IADB) package of 50 Early Childhood Care and Education Centres and construction will commence in August 2011.

With respect to part (b), the Bon Air Gardens Early Childhood Care and Education Centre has also been included under the Inter American Development Bank package of 50 Early Childhood Care and Education Centres and construction will commence in 2011.

Dinsley Trincity ECCE Centre, the proposed site for that centre was on the compound of the Dinsley Trincity Government Primary School, however, the Dinsley Trincity Government Primary School does not have enough land space to accommodate the centre without compromising the playground area which is essential for the school. The utilization of the land space for the construction of the ECCE Centre will negatively impact the delivery of the school's curriculum consequently, a replacement site is being sourced at the moment.

With respect to part (b) of the question, these sites were to commence in the physical year 2010.

With respect to part (c), with respect to both the Arouca ECCE and Bon Air Gardens ECCE Centres, the revised commencement dates are August 2011 and October 2011, respectively.

With respect to part (d), the delays in construction, this has been explained in part (a) of the question. Thank you, Mr. Speaker.

Miss Hospedales: Mr. Speaker, supplemental. I am not sure if the Minister

mentioned exactly where the Arouca and Bon Air ECCE Centres would be built.

Hon. Dr. T. Gopeesingh: The site for the Arouca Centre is now being determined by the Education Facility Company Limited (EFCL) and I believe it has to come to you as Member of Parliament for that area, for your concurrence as well, together with all the partners and the stakeholders in education. The other centre is now being sourced by the bank as well.

**Sport Company of Trinidad and Tobago
(Details of Contract Employees)**

88. Miss A. Hospedales asked the hon. Minister of Sport and Youth Affairs:

Could the Minister state:

- (a) How many persons were employed on contract at the Sport Company of Trinidad and Tobago during the period January 01, 2010 to present?
- (b) How many of these contracted persons were terminated each month during the period June 01, 2010 to April 13, 2011 and what were their job descriptions?
- (c) The reasons for the termination of these workers?

The Minister of Sport and Youth Affairs (Hon. Anil Roberts): Thank you, Mr. Speaker. With respect to part (a) of the question, part (a) as worded is incoherent, therefore, lends itself to a multitude of interpretations and as such cannot be answered.

With respect to part (b):

June 2010, zero persons terminated;

July 2010, zero;

August 2010, zero;

September 2010, zero;

October 2010, zero;

November 2010, zero;

December 2010, zero;

January 2011, 11 persons were terminated based on the restructuring process undertaken by the consultant at the Sports Company of Trinidad and Tobago;

February 2011, zero;

March 2011, zero; and

April 2011, zero.

With respect to part (c), restructuring. Thank you.

Miss Hospedales: Mr. Speaker, I would just like to ask question (a) again, how many persons were employed on contract at the Sports Company of Trinidad and Tobago during the period January 1, 2010 to present? It was a simple question, and all that was required was a simple answer. Thank you
[Desk thumping]

Hon. A. Roberts: Is that a supplemental question, Mr. Speaker? Because it is a repeat.

Miss Hospedales: I need an answer, Sir.

Hon. A. Roberts: Asked and answered.

Miss Hospedales: What? What kind of behaviour is this?

Mr. Speaker: I cannot force a Member to answer; I can only appeal to the Member.

The following question stood on the Order Paper in the name of Miss Alicia Hospedales (Arouca/Maloney):

**Bus Service to the Disabled Community
(Details of)**

84. Could the hon. Minister of Works and Transport Minister state:

- (a) How many buses provide transportation to the disabled community?
- (b) The communities that receive such a service for disabled residents?
- (c) Whether all these buses are operational?
- (d) If the answer to (c) above is in the negative, how long have they been out of service?
- (e) When will the buses that are out of service resume operation?

Vide end of sitting for written answer.

1.40 p.m.

**COMMITTEE OF PRIVILEGES
(MEMBER FOR SAN FERNANDO EAST)**

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Thank you very much, Mr. Speaker. I beg to move the following Motion standing in my name:

Be it resolved that the House adopt the First Report of the Committee of Privileges of the House of Representatives.

The Committee of Privileges of this Session was established on July 16, 2010, pursuant to Standing Order 75(1) of House of Representatives. The following Members were appointed to serve on the Committee:

Mr. Wade Mark, Chairman

Dr. Roodal Moonilal, Member

Mr. Colm Imbert, Member

Mrs. Patricia McIntosh, Member

Mr. Prakash Ramadhar, Member

Mr. Chandresh Sharma, Member

Mr. Rodger Samuel, Member

Dr. Tim Gopeesingh, Member

Miss Donna Cox, Member

On Wednesday, November 24, 2010, on a Motion moved by the Hon. Jack Warner, Minister of Works and Transport and Member of Parliament for Chaguanas West, a matter was referred to the Committee of Privileges, namely, that on Friday, November 19, 2010—and November 19 seems to be an interesting day in the history of this country—the Member for San Fernando East committed contempt of the House on the following three grounds:

- (1) He deliberately misled the House;
- (2) He brought the House into disrepute and public odium by imputing improper motives to a Member of the House in clear violation of the Standing Orders and persisted in that behaviour despite being repeatedly called to order;
- (3) He grossly and recklessly abused the privilege of freedom of speech in the House.

There is also before the Committee of Privileges an allegation that on Friday, November 26, 2010, the Member for D'Abadie/O'Meara committed contempt of the House on the ground of deliberately misleading the House. This matter is currently under investigation by the Committee of Privileges.

Another matter involving the Member for Diego Martin West was also recently referred to the Committee. This, too, will be dealt with, hopefully, in the very short course.

The Committee has met 10 times to date. At its first meeting, the Committee agreed to proceed with the matters in the order in which they were referred. So the matter involving the Member for San Fernando East was dealt with first.

During the debate on November 19, 2010, the Member for San Fernando East questioned the conduct of the Prime Minister and Member for Siparia, the hon. Kamla Persad-Bissessar, in relation to the acquisition of funding for the construction of her private residence. On that day, you will recall that the Member for San Fernando East needed another armchair as a support and prop to exhibit pictures, paintings and photographs displaying, highlighting a property in south Trinidad, which is the private residence of the Member for Siparia.

With all the fanfare and in full glare of the media and the national community, the Member for San Fernando East made very serious allegations concerning the conduct of the Member for Siparia, the Prime Minister and head of the Government of the Republic of Trinidad and Tobago. These were extremely serious allegations that were being levelled and on that day there was no attempt to bring to the fore evidence, documentation of any sort to validate and support those very serious allegations. The Member of Parliament for Siparia and Prime Minister subsequently made a statement.

Incidentally, the Member for San Fernando East was contributing at that time, November 19, 2010, on the Interception of Communications Bill. That was the matter before the House during which the Member for San Fernando East sought to impute improper motives and to make accusations against the Member for Siparia.

Subsequent to that, the Member for Siparia and Prime Minister came

to the House and, under Personal Explanation offered a detailed explanation on all of the issues raised in such a scandalous manner by the Member for San Fernando East, going so far as to demonstrate, using official documents from the Town and Country Planning Division and other agencies of the Government that deal with property acquisition and building, that the allegations made were malicious and were designed to assassinate the character of the Prime Minister.

The Member for Siparia, the Prime Minister, came to this House and quoted the numbers, acreage and construction price of building material and even walked with a notebook with handwritten records of the time of construction, price of material, receipts and so on and was very grateful to Dr. Bissessar for keeping such records. The Member for Siparia and Prime Minister, in good time, came before this House and gave an explanation and refuted thoroughly the allegations made by the Member for San Fernando East.

It is also worth noting at this moment that the Member for San Fernando East, while on his legs on November 19, 2010, and after being cautioned about the line he was taking, gave an assurance to the House. He placed this House on notice that a substantive Motion on the conduct of the Member for Siparia was forthcoming because the Member for San Fernando East is a Member who, I think, a couple days ago celebrated, on his Facebook page with his Facebook fans, 40 years of involvement as a Member of this honourable House.

The Member began in the 1970s as Parliamentary Secretary and, with the passing of Dr. Williams, was recognized by Mr. Chambers. He rose to become a minister of government; later led his party into government and became Prime Minister by 1991. He was sworn in and served as Prime

Minister of this Republic for four terms; one a very short term.

The Member for San Fernando East will be extremely familiar with the Standing Orders and the parliamentary procedures. The Member for San Fernando East, I might also remind many Members, particularly new Members, in those 40 years, would have participated in over two dozen or more seminars and conferences on parliamentary practice and procedure across this globe. I recall, on several occasions while at the airport and on other business, meeting the Member for San Fernando East and when asked where he was off to, he was off to a parliamentary conference to better study, and learn and practise parliamentary procedures and processes.

So, Mr. Speaker, the Member would have known that to make allegations against a sitting Member in this way required filing a substantive Motion to that effect. Indeed, on November 19, 2010, he gave notice that such a Motion would be filed. As at this day, May 16, 2011, no Motion has been forthcoming concerning the conduct of the Member for Siparia and Prime Minister. None has been forthcoming where the Member would have had an opportunity to raise those issues and the Member for Siparia could respond.

The Member for Siparia did respond with a personal explanation. This took us to the Committee of Privileges, a Committee of the House with which the Member for San Fernando East would be very familiar, having led the Government for about 15 years and having been in the Parliament for 40 years.

The Committee of Privileges made every effort—I make reference to, but not reading directly from the First Report of the Committee of Privileges of the House of Representatives, laid in the House on Friday last, May 13, 2011. This report is so voluminous—the report of the Committee itself is

about 14 pages, but the Committee made it its business to append all the relevant *Hansard* verbatim accounts of the meetings of the Committee of Privileges. There are some other documents presented in the report and these would be a plethora of correspondence between the Member for San Fernando East and the Committee.

In this case, I want also to indicate that, apart from correspondence between the Member for San Fernando East and the Committee, we were also required to correspond with the attorneys of the Member for San Fernando East and, for the record, that would be John Jeremie SC, a former Attorney General, and the company, Alexander, Jeremie and Company, representing the Member for San Fernando East in his business before the Committee of Privileges.

As the report will also indicate when it is read—and I hope that Members would have had an opportunity—the Member took the opportunity at several meetings of the Committee of Privileges to accompany himself by other advisors, not only Mr. Jeremie, but, I think, Mr. Kerwin Garcia, attorney-at-law, and a person who is not a lawyer but, I imagine, accompanied him in some other capacity. He is former Member of Parliament, Mr. Mustapha Hamid, who is not an attorney-at-law, but, I imagine, accompanied him in some other esteemed profession.

The Member brought his accompaniment and the Committee made every effort to ensure that a full right to be heard and procedural fairness was afforded the Member for San Fernando East. The Committee ensured that the Member was fully aware of the nature of the complaints referred to in the Committee. The precise allegations against the Member were outlined clearly in written correspondence sent to him and were read aloud to him in case he did not read it for any reason.

The Member was given the opportunity to be heard in person and was invited to appear before the Committee on several occasions. Mr. Speaker, if you look through the report, they enumerate, on the issue of procedural fairness, the countless occasions on which the Committee called the Member and indicated to him: Please come to us.

1.55 p.m.

Let me say again for the record and for persons listening that the Committee of Privileges is not a court of law. The Committee of Privileges, Mr. Speaker, has as its modus operandi, an inquisitorial approach. The committee enquires as to matters of fact not matters of law.

So, on several occasions, Mr. Speaker, I think almost 10 different occasions, the committee invited the Member for San Fernando East to come before us, and clarify and explain. There are serious allegations, we beg you, please clarify, explain, and give us a clarification. The Member refused to do so. Mr. Speaker, we were concerned with matters of fact, not matters of law and we believe and still do, that anyone before the Committee of Privileges, that person is the best person capable of bringing the facts, of telling the story, of telling it as it is. And so we enquired of the Member for San Fernando East to do so before the committee. And the committee would ask questions, would try to enquire into those allegations, and so on.

Mr. Speaker, the Member was given ample opportunity to be heard in person and was invited to appear before this committee. In addition, the committee, through its hard-working secretariat, took the time to respond to all queries received by the Member related to the procedure before the committee. Now this is a Member with 40 years' experience but yet, Mr. Speaker, the committee at all material times wrote letters, exchange—in some cases you will see from the record there are three and four letters

passing on one day. Some emails exchanged at 10 in the night, at early hours in the morning. Because the Member had a query, the committee wanted to respond to that. The lawyers were writing, the committee was writing back. The secretary of the committee responded to the attorneys in good time. The Member was given the opportunity, as I said before, to attend with his advisors, that included legal counsel and one non legal person. Mr. Speaker, he availed himself of this opportunity.

Mr. Speaker, at the third meeting of the committee the Member for San Fernando East raised a procedural question in relation to the role of legal advisors to the person appearing before the Committee of Privileges, on the third occasion. We repeatedly advised the Member that in relation to the issue of legal representation itself, we reminded the Member, who may have forgotten, after 40 years in the House, may have forgotten, we reminded him that it was the settled practice, it was the established practice on the issue that the legal representatives may attend and advise me, but would not be permitted to address the Committee of Privileges. And this was a settled and established practice prior to the coming into force of the Constitution. This was the practice and that his legal counsel would not be permitted, not only to address the committee but to question witnesses or question Members of the committee.

Mr. Speaker, it is important to stress, the committee never disputed that a Member before Committee of Privileges has a right to legal representation. That was never the issue in dispute. But we explained time and time and time and time again, that there is a limit to that right which is defined by the settled and established practice. However, Sir, the Member who recently celebrated these 40 years of unbroken parliamentary service, challenged the settled and established practice on this matter, a practice that

has never before been the subject of challenge. And Mr. Speaker, it is the public record, that over the years other Members of the House may have run afoul of the Standing Orders and would have been enquired into by the Committee of Privileges. Such Members who are present today, would include the Member Fyzabad, indeed the Member for Diego Martin West—
[Interruption]

Mrs. Persad-Bissessar: Me too.

Hon. Dr. R. Moonilal: The Member for Siparia. The Member for, not to be left out, the Member of Caroni East. *[Crosstalk]*

Mrs. Persad-Bissessar: And others!

Hon. Dr. R. Moonilal: And others, Mr. Speaker. But the Leader of the Opposition would have been among that group.

So, there is a settled practice that was now being challenged. The Member for San Fernando East wanted his lawyers, who always accompanied him to our meetings, to be the ones to respond to the committee's questions, wanted his lawyers to respond; to ask questions to committee Members and others. A thing unheard of, Mr. Speaker. Something that would turn our proceedings and, in fact, all committee proceedings into a court of law, with all its attendant processes and legal entanglements. And he argued that this was his constitutional entitlement.

So, Mr. Speaker, how would that work? A senior counsel representing a Member comes, asks questions of committee members, the committee members will then have to get a queens counsel to reply—because imagine, lawyer for lawyer, and then we will have one day of a committee meeting where it may not have Members of the House, it might just have two teams of lawyers inside there, you know, untangling some of the legal complexities of these matters. Is that really the intention,

Mr. Speaker? And at the end of the day, a committee that has an inquisitorial approach to dealing with matters of fact would be dealing with matters of law and nothing will be done, and the will of the House and the Standing Orders would be undermined and the credibility of this Parliament will be undermined. That was the net effect if one chose to go in that direction.

Mr. Speaker, an application was filed by the Member for San Fernando East in the High Court on February 17 2011, seeking permission to review or challenge a decision which was made by the committee at the outset of the proceedings which are being conducted by the committee pursuant to the referral of a matter I raised earlier, alleging a breach of privilege. The court directed that the members of the Committee of Privileges be served with the application. Now this was fascinating. We came here one day and all members of the committee, Member for Fyzabad, Member for St. Augustine, Member for Diego Martin East, Member for, Port of Spain North St. Ann's West, Member of Laventille East/Morvant, Member for Arima all of us suddenly found ourselves receiving our court documents. It did not matter where you sat in this House, court documents came to you from an action intended by the Member for San Fernando East. So it could be PNM, it could be People's Partnership, it could be anybody, you got court documents that day. The Member had challenged every single Member of this House. And they went through the legal process for service, and so on, and our friends opposite too, found themselves with us in that matter.

Mr. Speaker, the committee convened on February 18 2011, and after hearing and considering an application made by the Member for San Fernando East, adjourned the proceedings before it in light of the application

before the court. So the application was before the court, in light of that with due reference to the proceedings of a court of law, the committee adjourned its business. And I imagine, called in lawyers to go to the real court.

On Tuesday, February 22, 2011, this is a few days after the February 18, a notice was served by Mr. Manning's—the Member for San Fernando East, attorneys discontinuing the proceedings. Discontinuing! So we got all of our documents and our packages, we go with our lawyers and meet now, constructing a defence and then the Member goes to court again a few days later and discontinues the proceedings. [*Crosstalk*] So, the story continues.

Mr. Speaker, then a notice of a private motion was filed by the Member for Point Fortin seeking the permission of this House to allow the Member for San Fernando East to have legal representation before the Committee of Privileges. The Member for Point Fortin filed a motion. Mr. Speaker, I imagine this motion was the subject of a good lively caucus meeting. The caucus would have met, discussed this matter and in a lively way granted approval for one of its Members of the caucus to file—I mean, the well disciplined party of Dr. Williams would have properly discussed this matter and the Member for Point Fortin would have been selected to represent the party in filing this motion.

2.05 p.m.

So, Mr. Speaker, the Motion came to the House. As a result of this Motion, the committee decided at its 6th meeting to suspend meetings pending the deliberation of the House on this issue.

So, the Member for Point Fortin arrived, filed a Motion, and the committee business was closed down again, because the committee cannot

meet, because the House has a Motion before it that seeks to deal with this matter—it touches and it concerns this issue—so we have to close the door again.

Mr. Speaker, the private Motion filed by the Member for Point Fortin came to us, the Committee of Privileges, as a result, decided to suspend its meetings pending the deliberations of the House. Lo and behold, the Member for Point Fortin subsequently withdrew the private Motion. So, the matter gone to court; matter discontinued; the matter comes to the House, the matter discontinued. The Member for Point Fortin withdrew the Motion. The Member filed it one day, the business of the committee was postponed and then “bradap”, withdraw the Motion.

Now, the committee looked on at this and, Mr. Speaker, I mean, it was almost appearing to be a joke at some time. So, what did we do? We convened a meeting again of the Committee of Privileges since the Motion was withdrawn.

A subsequent notice of a private Motion came again, asking the House to authorize the committee to allow the Member’s legal representatives to address the committee and make representation on his behalf. This time it was filed by the Member for San Fernando East. So, the Member for Point Fortin came and filed the Motion, pulled back the Motion and the Motion came back again. The Member for San Fernando East comes with it now from Point Fortin. As a result of this second Motion, the committee suspended its meetings pending the decision of the House on the issue. So, you see where we are going! Court one, discontinued; Motion one,

discontinued; and Motion two reached. Okay, we suspend again. We have due respect to the House and the rights of the Member for San Fernando East.

Mr. Speaker, on a bizarre bewildering Friday, April 15, 2011 at high noon, this Motion appeared before the national community in a debate asking the House to authorize the committee to allow legal representatives of the Member for San Fernando East to address the committee. There was a debate on that day. The Member for San Fernando East raised his Motion. Mr. Speaker, in one of the most brilliant contributions ever made in this House, the Member for St. Joseph stood and gave an explanation as to the purpose, the role and responsibility of the Committee of Privileges and the operations of the Parliament. We shall make that required reading. I think immediately after an election when Members come in, in their package we will append the contribution of the Member for St. Joseph on the roles, responsibilities and operations of the committee system of Parliament. It was quite worthy of his professional upbringing and his quite recent postings. So, Mr. Speaker, it should be appended to all documents.

Mr. Speaker, I want current Members to avail themselves of that contribution from the Member for St. Joseph and study it in detail. I think it should be required reading. The Member for St. Joseph was so convincing on that day that 27 Members voted against the Motion, and only four Members voted in favour of the Motion, which included the Member for San Fernando East, the mover. Mr. Speaker, even more amazing, the person who seconded this Motion, the very distinguished Member for

Arouca/Maloney, came and said to the House, “I support this, put my name, I second that”, and then was pressed into reserving—no, did not reserve the right to speak. The Member, when pressed, explained that, “I second the Motion, but yuh know what? I doh really want to speak in support of it.” Mr. Speaker, the seconder of this Motion, when the time came to vote found herself elsewhere and vanished, I think never to be seen on the day again; and never to be seen and heard of in the day.

Mr. Speaker, another person there also disappeared mysteriously during that vote. At the end, when the dust settled and the smoke cleared, there were 27 Members who voted against the Motion, four in favour and the five who remained abstained. I imagine those five persons included the Leader of the Opposition, the political leader of his party, and I imagine that would have been the decision of the Opposition. But on that day, two Members went missing and four Members voted in favour of the Motion. Mr. Speaker, in fact, that issue arose when we were talking about human trafficking and missing people; they were missing as well on that day.

In light of the failed Motion, the Member for San Fernando East was reinvited. You know, Mr. Speaker, we could have printed invitation cards for this Member and just print out one every time we call him and send one, and ask him to bring it on entrance—come back and present the invitation at the door, so we can use the same invitation the next time, because there was a point at which we were just wasting paper as well, because the Member was invited again. He was invited to appear before the committee on May 03, 2011 to be heard in response to the allegations made against him since

the entire House on this occasion voted, determined and resolved that issue of whether a legal representative can address the committee and question witnesses. That was a decision of this entire House of all of us. We decided that. So, the committee felt that we should proceed with our business.

Mr. Speaker, the committee convened on May 03, 2011, but the Member for San Fernando East did not appear before the committee. An attorney for the Member filed a petition with the Clerk of the House, requesting the leave of the House of Representatives to refer to an exhibit, verbatim notes of its proceedings. On that day, the Member also submitted a letter to the committee requesting an adjournment of the proceedings of the committee to a date subsequent to the next sitting of the House. As a result of the Member's absence, again the committee proceeding was adjourned. Mr. Speaker, when you read through the verbatim notes here of this committee, you would see that at all material times the committee bent backwards. Every time the Member came and asked for an adjournment, some Members were not in favour—I want to say not all. Some were not in favour, but to the credit of the chairman of that Committee of Privileges, there were times when there were heated discussion between the chairman and Members, but the chairman always insisted that we bend backwards, and we allow for full procedural fairness at all times. On this occasion, the Member asked that the proceedings be adjourned and they were, indeed, adjourned.

Mr. Speaker, on May 05, 2011, the secretary of the committee received notice of a Constitutional Motion that was filed by the Member for

San Fernando East in the High Court of Justice in respect of the decision of the House on April 15, 2011, and the role of legal advisors of a Member before your committee. So, Mr. Speaker, we take a next turn now.

Now, having filed an application and discontinued it—the Member for Point Fortin filed a Motion; discontinued; the Member for San Fernando East brought a Motion and failed; and we go again, this time a Constitutional Motion against the Attorney General dealing with this same issue and challenging now, not the committee, but the House of Representatives. That is the challenge! The Committee of Privileges was not named as a party to the proceedings. It is the Attorney General.

Mr. Speaker, I am not sure in the history of this Parliament, whether any single Member that appeared before the committee would have had such opportunities, convenience and would have been able to gather such patience from a supportive Committee of Privileges. I am not sure. There are other reports, you know, Mr. Speaker. We can quote from other reports of the Committee of Privileges over the years, and there were occasions when matters were dealt with at times in a summary manner. You heard objections and you proceed. On this occasion, the committee repeatedly acceded to the request of the Member for San Fernando East.

By letter dated January 17, 2011, the Member for San Fernando East was invited to appear before the committee at its second meeting scheduled for January 21, 2011. Mr. Speaker, this was an invitation by letter. However, on the morning of Friday, January 21, 2011, the chairman of the committee received a call at 5.45 a.m. from the Member who indicated that

he would not be able to appear before the committee, because he had a funeral to attend. Well, Mr. Speaker, what do we do? [*Interruption*] I am just outlining the failure of the Member to attend several meetings and his reasons. What can we do? Somebody died, and I think it was maybe a close friend or a party member and so on, and the Member said that he could not attend, he has a funeral to attend. We say, okay, no problem, we rescheduled.

By letter dated January 21, 2011, the Member was again invited to appear before the committee on Monday, January 31, 2011. The Member appeared before the committee on January 31, 2011, but requested an adjournment of the proceedings so that the secretary of the committee could address procedural questions raised by him with respect to his advisors. That is a Member who for 40 years—I saw that Facebook happy congratulations message—in the service of the House, and today questioning these matters.

By letter dated February 07, 2011, the Member was invited to appear before the committee at its fourth meeting on February 11, 2011. The Member was present at the meeting, but requesting an adjournment of the proceedings so that he could give further consideration to the committee's response to his procedural question. Now, let me just go slow with that. You understand what happened there! So, the committee wrote the Member and told him, "Look, this is our decision. We are writing you telling you to come on February 11th." The Member came, but he said, "Hear, I want an adjournment now, because I haven't considered fully your letter, so let us

adjourn again.”

The committee again invited the Member to appear on Friday, February 18, 2011. The Member appeared in person to request an adjournment of the committee’s proceedings due to judicial review proceedings filed in his name. Upon the withdrawal of judicial review proceedings, the Member again was invited before the committee to be heard by letter dated February 23, 2011.

The Member appeared before the committee on February 25, 2011 and requested an adjournment of the proceedings again due to a private Motion filed by the Member for Point Fortin. We heard of that! Now, when all these things are filing, as they are filed, we are adjourning, because that is how it goes. “File, adjourn; file, adjourn; file adjourn.” So we adjourned again, because the Member for Point Fortin filed something. The committee adjourned its proceedings by letter dated March 25, 2011 and reinvited the Member to appear again. Now, in all this time, do you know what we just forgot here? In fact, since I started to talk, do you know what everybody forgets? The allegations made by that Member on November 19, 2010. “We forgot the allegations. We forget that the residence cost \$150 million and was constructed only after becoming Prime Minister and funded by nefarious characters, and bigger than the Diplomatic Centre and residence.

You know, what is even mindboggling is, this Member had only recently served as chairman of the National Security Council, and if those allegations are left to gain currency, it is not unforeseen that an ordinary citizen out there is likely to believe that he served for several years as

chairman of the National Security Council, and came to the Parliament and made these damaging allegations, and then started to “skip out” of the meeting and play hopscotch; “jump from box to box to box kicking a piece of chalk.” That was the approach. We talk about all of this; the postponement and adjournment, and we tend to forget the allegations. What were the serious damaging allegations?

2.20 p.m.

And all you do is call the Member and say, Member you have made some allegations, let us hear you, you have something there to prove this? Tell us, tell us—tell us. I mean, you have evidence, come bring it, tell us, give us the facts. We heard from the Prime Minister in her personal explanation, let us hear from you. So the Prime Minister had the evaluation and so on, come bring yours, bring yours. You had a Town and Country planning drawing, come, you bring your drawing, that is all we wanted, but he did not do that.

Mr. Speaker, we continued, so we adjourned proceedings again, by letter March 25. We called back the Member on April 15, on March 29 now, before the April 15 meeting, the Member filed a Private Motion before the House, as I said earlier, we suspended again. That motion, while not being approved, the Committee invited Mr. Manning to appear before it on April 26. By letter dated April 21, all these letters are to be found, Mr. Speaker, all the letters for full disclosure and clarification in the report, we have appended all these letters, they are here. If you have an interest in this, and some of you are in a fit of boredom, I invite you to go and read these letters.

Mr. Speaker, so the Member wrote again telling us about his Private Motion, we suspended the proceedings. When the motion was not approved

by the House, we requested that we proceed with the proceedings, with the Committee Business. Mr. Speaker, and as I indicated earlier, the motion that was defeated was to us a signal moment. It had never happened before in the history of Parliament that a Member would bring a motion with such content and it had never happened before that the voting would be so outrageous where a seconder of the motion said, I do not reserve the right to speak. I second this, it is a good motion, this is why I want my name to be associated with this motion, it is good, but I am not speaking on that and no one else unless I am mistaken, no one else spoke. No one else spoke, Sir, no—no Member opposite rose in support of the Member for San Fernando East to say, look Member for San Fernando East, you have a case here, you have a good case, you have a point, we think we should consider this. Not one Member of the Opposition stood in this House and supported San Fernando East, none. And, Mr. Speaker, when the voting came, well, “all hell broke loose”. So, we had four in support including San Fernando East, who else were in support? [*Crosstalk*] You heard it before? How many people abstained just remind me since you heard it before? How many people abstained since you heard it before? Mr. Speaker, I know this is unnerving for my friends opposite.

Ms. McIntosh: It is not unnerving.

Hon. Dr. R. Moonilal: Mr. Speaker, I know it, I know it. [*Crosstalk*]

Mr. Speaker: Order! Order!

Hon. Dr. R. Moonilal: The Member for Point Fortin abstained, and could not give support for the Member for San Fernando East.

Mrs. Gopee-Scoon: Be careful—[*Inaudible*]

Hon. Dr. R. Moonilal: Be careful with what? With what? But you abstained, so you did not abstain? Okay, the Member for Point Fortin is

correcting the record, did you abstain or not? It is a simple question, through you, Mr. Speaker, you abstained or not? The Member for Diego Martin Central supported the motion, that is a fact. Two found themselves somewhere else, outside of the Chamber they could not be found, that is a fact, but it is not a “pretty fact”, I mean, it is not “rosy”.

What was a famous saying we heard on this side before May 24, facts are stubborn things, facts are stubborn things they do not go away. They do not go away and I want to assure you this will not go away. So the seconder aborted, bailed out, one set voted for, one did not know what he wanted to do, so he jump in against—abstained, leader abstained, and, Mr. Speaker, that was the event on that day. One left the House and never came back, the motion was properly defeated. They indicated, the Member for San Fernando East indicated—

Mrs. McIntosh: Repeat that once more.

Hon. Dr. R. Moonilal: You want me to repeat it again? I will go again. How many Members were present in the House?

Mr. Speaker, by letter dated April 21, the Member for San Fernando East again requested the Committee to suspend its proceedings pending the procedural motion to use this time, Mr. Speaker, hear this one now, this is a next one not motion again, another one, he asked that the Committee suspend its proceedings because he has a request to the Parliament to use the *Hansard* record for his proceedings in court. Now, the Member wants to take the *Hansard* record to use it in court; it requires the approval of the House. Mr. Speaker, that matter I think took all of 45 seconds when it came here, it took 45 seconds to be dispensed with, but then he asked that we suspend the proceedings to allow that to happen. He also indicated that he had a pre-arranged medical appointment scheduled for April 26, 2011.

Now, Mr. Speaker, again, we did not meet on April 26; the week before was a funeral so we did not meet; now was a medical checkup “we ah meet”, you see how it going. April 26 the Committee did not meet and rescheduled to May 03. The Member did not appear again but by letter dated May 03, the Member requested an adjournment of the Committee’s proceedings to a date subsequent to the next Sitting of the House of Representatives. Due to his absence on May 03, the Committee again adjourned. By letter dated May 03, the Member was again invited to appear before the Committee—we are coming to an end to this trail here. The Member was again invited to appear before the Committee on May 06, 2011, on May 05, 2011 the Member filed a Constitutional Motion in the High Court and by letter of the same date the Member asked the Committee to adjourn its proceedings until such time as the High Court had the opportunity to deliberate on the matter. The Committee adjourned the proceedings on May 06 to May 09, and the Member was asked by letter dated May 10—he was invited to appear before the Committee on May 11.

Mr. Speaker, so we reach May 11, a few days from before, the Committee adjourned to May 11, by letter dated May 10, now this is the day before the meeting, the Member declined the invitation to attend the meeting fixed for May 11 and indicated that he would not be available on May 12 nor May 13. So he already take in front, he done tell us which date he is not available so do not plan anything for that day. So we going again—and, Mr. Speaker, you will see a nice—in the verbatim notes here, it was in the newspaper, I think on the weekend, the Member admonished the Committee of Privileges for having him wait 15 minutes in an adjoining room. He was asked to wait 15 minutes and he came in and you know, Mr. Speaker, he admonished the Committee that would be you know, courageous enough to

ask him to wait for 15 minutes.

Mr. Speaker, judging from the Member's conduct, the Member clearly believes that he is entitled to "call the shots", as he probably did for several years in this country. He is entitled that he could "call shots" and direct the work, as well as, the pace of the Committee and the House. Let us examine his action. Letter dated May 03, addressed to the Secretary of the Privileges Committee, the Member sought an adjournment of the Committee to a date subsequent to the next Sitting of the House. May 05, addressed to the Secretary, again, another adjournment until such time as High Court action had been heard and not only heard, deliberated upon. Now, if he does not get redress at the High Court, where is he going next? The Court of Appeal and then you go to the Privileges Committee. So the Member said he wants us to adjourn until such time as that constitutional matter would be deliberated and heard and resolved. Now we do not know when this would happen.

The Member sent two letters, on May 10 addressed to the Secretary, he complained that he had not had adequate notice to attend the May 12 meeting and he was not available on May 12, and he had to attend a funeral—this is a next funeral—and he had to attend a funeral on the morning of Friday 13, and he had a pre-arranged medical appointment. Nothing was said of his unavailability the following week. So when we heard this matter on May 11, he had already blocked out the week before so one assumed that he would be available in that week. But, Mr. Speaker, on May 12, addressed a next letter to the Secretary, asking the Committee to stay its proceedings completely pending the outcome of High Court matter. Mr. Speaker, on Friday, May 13, and I want to say this slowly for Members to understand this.

2.30 p.m.

Mr. Speaker, on May 13, when the report of the committee was laid in the House and debate was set for Monday 16, today, the Member gave no indication that he would not be in the country. On Friday 13, when the report was laid and the date for debate was set, the Member gave no indication that he would be out of the country.

Earlier in the proceedings I heard you announce that the Member would be absent. On enquiry quickly I was advised that by letter dated Sunday, May 15—that was yesterday, that was when we were all engaged in a lively cricket match at the National Cricket Centre, when Members were on the field of play, when the Member for San Fernando East himself was invited to be on the field of play. But when the Member for Diego Martin West, the Member for Diego Martin North/East and all our colleagues were on the field engaged in a historic battle with our friends from the Judiciary, the Member was home writing letters. The Member for San Fernando East was home penning letters, punching the keyboard, while we were there taking bruises and being battered on the field. He was there before his laptop and his keyboard hammering out some letters.

So he goes on Sunday 15, when he should have been standing up with Sen. Hinds and batting and giving us a glorious end to that match, he was there writing letters, [*Laughter*] when he could have been not out with the Member for Diego Martin North/East. When the Member for San Fernando East could have partnered with you and seen us home, he was at his home beating out that keyboard. [*Laughter*] When he could have been beating the bowling, he was beating at the keyboard.

He wrote a letter on Sunday 15 addressed to the Speaker. The Member faxed a letter advising the Speaker that he would be leaving the

country on Monday 16 for Cuba for medical attention, and proposes to return on Friday 20. No time indicated on Friday, so that could be any time on Friday. The Member wished to be excused from all sittings of the House and the committees during this period.

The letter stated that the arrangements in Cuba were made some time ago in early April. Understand that: the arrangements were made some time ago in early April, and his travel schedule was firmed up on Wednesday, May 11, the day on which his ticket was purchased. So the Member for San Fernando East knew he was leaving, but indicated nothing to that effect until last night by fax when he indicated his departure day and his return day.

The letter would have come to your attention only today, Mr. Speaker; however, the contents of the letter were reported via the broadcast media yesterday; so we heard elements of the contents of that letter. So the Member knew from May 11 that he was leaving, plans were made in April but last night it appeared faxed to the Speaker, and this was in the media.

At no time prior to this letter of Sunday, May 15, was any indication given that the Member would not be here today for the debate, which had been fixed on Friday last. The fact that the letter speaks of a pre-arrangement, suggests that there is no medical emergency that requires the Member to be absent for a debate, which so clearly touches and concerns him. *[Interruption]* *[Crosstalk]*

Miss Cox: “You are a medical doctor?” “You are his doctor?”

Hon. Dr. R. Moonilal: Mr. Speaker, it could not have been an emergency if it was planned for last week. *[Crosstalk]*

Hon. Member: It was a planned emergency?

Hon. Dr. R. Moonilal: “You ever hear people call an emergency meeting for two weeks from now?” *[Laughter]* “You ever hear somebody call an

emergency meeting two weeks from now?" The very nature of an emergency means it is now for now. [*Interruption*]

Dr. Browne: Mr. Speaker, a point of order.

Mr. Roberts: Which point of order?

Dr. Browne: Mr. Speaker, Standing Order 26(10), questioning the conduct of a Member of this House.

Mr. Chairman: I want to sustain that, and indicate to the hon. Member, the Minister of Housing and the Environment, if the Member has written to me and has said that he has to undergo medical arrangements, we have to take the Member at his word. The word of a Member is his honour. We must honour a Member's word and not question his conduct. [*Desk thumping*]

Hon. Dr. R. Moonilal: Mr. Speaker, I withdraw that; I mean, I easily withdraw that. We take the Member at his word. [*Laughter*] The Member is an honourable Member; he will not tell us that he has a medical emergency when he has none. [*Crosstalk*]

Mr. Speaker, let me proceed, if I may. If this Member wished to say anything in his defence in response to the allegations made against him, he knew full well that the opportunity presented itself in the Committee of Privileges. He also knew that by contributing on this Motion today, one could still speak to the report and the findings of the report. It must be recalled that the Member had more than ample opportunity. The committee was painful in its approach to ensure procedural fairness, to ensure that the Member had full opportunity. [*Desk thumping*]

The committee believes that it has done everything in its power to ensure that the Member was fully apprised of the allegations made against him and given the opportunity to be heard. The committee exercised tremendous patience and forbearance in accommodating the Member and his

multiple requests for adjournments of the proceedings with respect to this matter.

As the report stressed:

“It was most regrettable that the committee was limited to deliberating on the material that it had before it; i.e. the Verbatim Notes of the Contribution of the Member...and the Personal Explanation given by the Member...for Siparia, Prime Minister Kamla Persad-Bissessar...”—on November 24.

I just want to get that date on the record properly. The allegations were made on November 19. The explanation from the Prime Minister came on November 24. The next available opportunity, the next sitting, the Prime Minister wasted no time and asked for no adjournment to bring an explanation, and brought documents in support of, to counter the malicious allegations. When one had an opportunity on 20 occasions to substantiate those allegations, one did not use those opportunities, and that is the issue. So on November 24, the Member for Siparia and Prime Minister, explained to this House and the nation those issues.

In the circumstances, the committee was left with no alternative but to proceed, without any assistance from the Member for San Fernando East. Indeed, it would have been a dereliction of duty for the committee not to proceed with its work.

With his two experiences lawyers at his side always, one including a former Attorney General of the Republic of Trinidad and Tobago, the Member was asked repeatedly to respond to the allegations that were before the committee. This House has a duty to protect its dignity and to hold its Members to account, as we have done over the years.

Mr. Speaker, I say with all seriousness that whichever government is

in power, whichever party is in office, all Members carry a responsibility to uphold the dignity of the House. That responsibility does not shift when parties change in government or when government changes. It is a responsibility that we all take, once we are in the House. Those who were here before us carried that burden and satisfied that duty. It is our responsibility to carry that further. That duty is one we should not take lightly.

Members must account for their words and their actions. Over the years Members have accounted. There are Members in this House who have been denied their income because the Committee of Privileges made certain findings and the House determined action. To repeat that: the committee made certain findings and the House determined action. The Member for Fyzabad, the Member for Diego Martin West—the House determined that. Whatever was meted out to them, they took it. They would have complained, they would have their grievance, but they took that and that was the order of the day. This is a duty we must take seriously.

It is within these walls that Members are answerable for words spoken during the proceedings of the Parliament. They are answerable nowhere else. Remember, there are privileges that Members enjoy that cannot easily be challenged elsewhere. So if they cannot be challenged elsewhere, you are answerable inside, because you are not answerable outside. That is the principle. You are answerable nowhere else but here, that is because you have the benefit of privilege.

Mr. Speaker, therefore the Member for San Fernando East would have been the person best suited to explain and clarify the allegations he made against the Member for Siparia; indeed, only the Member could have explained himself. Moreover, the Member is required to explain himself to

this House through its competent committees, when called upon to do so. To refuse to do so is a contempt in itself. You are answerable to the House through the mechanism of that committee, and if you do not answer to that committee, that is a contempt by itself. .

I further submit that to attempt to use the avenue of the process within the courts with which this institution enjoys a very good relationship—*[Interruption]* a committee of relations and mutual respect for each other's jurisdiction, and that is the term I think: the mutuality of respect for each other's jurisdiction—to frustrate and delay the work of the committee of this House, I submit to you, is high contempt.

Based on what was before us, the committee found that the Member's statements inferred that the Member for Siparia was promoting the agenda of drug dealers in Trinidad and Tobago, and to quote:

“scandalous reflection on her character and conduct as a Member of the House.”

It was scandalous.

We also found that the Member persisted in his arguments, despite being called to order on several occasions. I do not want to read again the excerpts from that contribution on November 19. I do not think I have to. “You all want to hear it?” The accusations against the Member for Siparia were there.

The next day he got full page coverage on the front page holding up a picture or a postcard or something like that. He came with it. He used another seat. They had to drag a seat around for him to put up his props, *[Crosstalk]* like a painter holding a stand for photographs and so on. As follow parliamentarians, we defend absolutely the right of free speech. As far as we are concerned, the Member has the right to hold and express his

views and use any legitimate means to pursue them. However, in this case, the Member made very serious allegations about the conduct of Members of this House; and not only this Member, there was another matter, you would see in the notes. Remember this issue about a three-tonne truckload of money? He said the Member for Chaguanas West went up to Diego Martin, somewhere up on that side, with a three-tonne truck full of money and covered with a tarpaulin. [*Laughter*] I do not know who misled him, but that was there.

When the Member was reminded that he ought not to abuse his privilege, he promised, “I apologize and serve notice that a substantive motion is coming.” Coming when? “November 19, May 16, when it coming? It was significant to our findings that no such motion had been filed by the Member for San Fernando East. This would have been an appropriate avenue for the Member to substantiate his allegations in respect of the conduct of the Member for Siparia and the Government, if he could do.

By his words and conduct, the Member for San Fernando East—Mr. Speaker, it pains me to say so. We get no pleasure in arriving at this conclusion. The Member has served for 40 years as a Member of this House representing the constituency of San Fernando East. In fact, it probably pains more; I am one of his constituents. The Member in the process lowered the dignity and this House and directly inferred, or could very likely have inferred, wrongdoings in the performance of the duties of the Member for Siparia as Prime Minister and a Member of this House.

2.45 p.m.

This is the serious nature of those allegations, of those statements, made by the hon. Member for San Fernando East. Indeed Sir, it would have

been incumbent upon the Member for San Fernando East having heard the personal explanation given on November 24, to either apologize to the House or bring a Motion against the Member for Siparia for misleading the House, he has done neither.

We also found that the Member for San Fernando East, as a former Prime Minister, Chairman of the National Security Council would have been privy to very sensitive and confidential information on security matters and as such his accusations would carry weight. Citizens of this country, ordinary citizens out there, were likely to believe his accusations until the explanation from the Prime Minister on November 24, Mr. Speaker, thus his recent holding of these offices and the responsibility which he held, would have lent a degree of credibility to these statements in the minds of the average citizen in society and, indeed, Mr. Speaker, these allegations were carried in the newspaper and the Internet, across the world, anyone, Mr. Speaker, in Asia, South America, North America, in Alaska could read these damaging allegations.

Mr. Speaker, we maintain that the Member for San Fernando East had a duty to be responsible in his statements in this House, especially having regard to the impact of such statements that those statements could have on the performance of the Member against whom the statements were made in the performance, in particular, of her legitimate duties as Prime Minister. We find that all three grounds have been satisfied. Mr. Speaker, we found that the Member committed a contempt of this House and we so report.

Mr. Speaker, on behalf of all Members of the Committee, I wish in closing to express our thanks to the Chairman and staff of the Committee for their work and support. Mr. Speaker, having read all of this, the correspondence, the interaction, the meetings you would understand the

enormous amount of work done by the Secretary and the staff to that Committee on this one matter—on this one matter—and, Mr. Speaker, I want to express our gratitude to the Parliamentary staff. [*Desk thumping*]

Mr. Speaker, it our intention to meet very shortly to proceed with our second and third matters which were only very recently referred to us. It is our intention to report on these matters prior to the end of the Session.

Mr. Speaker, as it said before these are very serious matters, it is a day when regrettably we would have to conclude on this report, we will entertain of course, a debate and have a further exchange of views on this matter, which for us is an extremely serious matter before this honourable House.

I beg to move. [*Desk thumping*]

Question proposed.

Dr. Keith Rowley (*Diego Martin West*): Thank very much, Mr. Speaker. Mr. Speaker, I have been in this House for over two decades, and I must say that today this business before us is probably the most unpleasant of businesses that we have ever dealt with, in my service to the House and it might very well be that we have come to a juncture where we educate ourselves as we go forward on this matter which clearly offends some Members of the House very strongly, and others who believe that there are other considerations.

Mr. Speaker, I was not a Member of this Committee and I want to speak from that standpoint. I do not want to take in my contribution any issue with the conduct of the Committee or conduct of the Member for San Fernando East as he sought to appear or not appear before the Committee. I also do not want to take issue with any offence felt by the Member for Siparia, who was the target of the contribution of my colleague for San Fernando East, because I have personal feelings of that kind of expression,

and I can only think that in—I think it was October 2003, I was sitting on that side, my colleague was sitting on this side—you leave me along—my colleague from Siparia was sitting on this side, and she was energizing a Member who sat there, the Opposition Chief Whip—a certain Ganga Singh—who came here with a truck load of documents and in a budget debate—I think it was—it was a budget debate, he spent his entire 75 minutes, not spending one minute on the budget, its contents or its implications, he spent his entire 75 minutes, going through and presenting to the Parliament documents that he ascribed to actions on my part involving corruption at Scarborough Hospital. It was not an aside, you know, it was a frontal attack. I stood up and I said, it is not true, and I sat down. My friend from Siparia was energized by that, and she egged him on. Unfortunately for me, Mr. Speaker, there was not anybody like you in the Chair—or the Members had not subscribed to the Order Paper or the Standing Orders which says, if you want to call the conduct of a Member into question, you have to bring a substantive Motion.

So, between 2003 and today, this House has gone a long way. This House has gone a long way because the record of *Hansard* will show, that the Member for Diego Martin West, his conduct was called into account for 75 minutes, supported enthusiastically by my colleague—I am not discussing the Speaker—by my colleague from Siparia, by simply saying in the context, that when you feel the hurt of what was said at that time by San Fernando East—remember the statement of Emperor Haile Selassie when he sought to defend his country from an invasion, and nobody came to his aide and he said, “today is my day, your day will come”. And it came and the Member was offended, but that is not the issue today and that is not what I want to talk about.

I want to pick up this issue on Friday, because my attention was first drawn to today's proceedings during the sitting last Friday, when I heard, Mr. Speaker, reference being made to a report of the Privileges Committee, and I think I saw on the preparatory documents that there was such a report somewhere. And I asked my colleague from Oropouche East, where is the report? Because I see it documented here, but it has not been laid, I have not seen it, and he said it is coming. And I found that a little strange, and he had a copy and I said, "let me see it" and he dutifully passed it across to me and I looked at it, and he pointed out to me that the bulk of this is really the verbatim, and the relevant documents that went to the proceedings of the Committee.

But the real report is in fact the text pages, one to 14, and I quickly read those while the proceedings were taking place. And it bothered me a little bit, Mr. Speaker, because I have had to deal with issue privately and publicly, and it has not been all plain sailing. And when I looked at the report, the first thing I looked for was the signature page, because the Committee of Privileges is made up of nine Members of my colleagues of the House—not a party thing, not a "we and them thing"—it is the House, nine Members of this House—three from this side and I think five from the other side and the Chair, that is our House Privileges Committee.

2.55 p.m.

For persons who understand the parliamentary history, the system and the import of Parliament in the running of people's lives, the word "privilege" is not an ordinary word. So the Committee of Privileges of the Parliament is an important committee. So I looked for the signature page and lo and behold it was not there, so I asked my colleague on the other side, where is it and who signed it? And he said "it's coming". What I

anticipated was that somewhere along the line a copy of the report on its own, separate and apart from this, would appear during the proceedings and the signature of Members who support the findings would be there and those who do not support either would be a blank or there would be another report of the minority. Because in my experience in the Parliament that is what I know it to be, that the committee meets, the committee would deliberate, and I am saying it again, I am in no position to take issue in support of or against anything said by the Member for Oropouche East about the conduct of the committee's business because I never attended. In fact, I never even read the verbatim of the committee's report. But I do know that two—three of my colleagues were part of that committee and I trust that they would serve the House honourably as hon. Members should always do.

So when I did not see the signature page I asked about it. As I am talking to you now, Mr. Speaker, I have not seen the signature page. Therefore, I am asking, how could a report of the committee of privileges come to the House and is being debated without the signature of Members of the House? [*Desk thumping*] And then on Friday—well a little earlier I was in touch with some of my colleagues. On Friday I took the time to talk to my colleagues who were on the committee, because their committee has reported, a document is before me without their signature, and then I discovered that they did take objection to the content, the finding. In fact, when I was talking to my colleague from Oropouche East about bringing of a report, before I read the report, I thought what would have been before the House was some interim reporting on the situation of the committee, because an unusual situation, in fact, existed there and I thought that since we are heading towards prorogation, that the committee was reporting its interim situation and we would decide from there where we are going.

However, in reading it I discovered that findings were made and the committee had moved to finality. I then wanted to know from my colleagues, what was their position on this finding, because the committee's conclusion is independent of us, those of us who are not on the committee. We have sent them to do a job, a work and if there is a finding we expect that the finding would convey what is before the committee and if it is unanimous, that is our committee, if it is not that is still our committee. So, I asked my Members what was their position on this, again, not challenging the committee's conduct or the content of its extrications, only to be told that notwithstanding all that my colleague from Oropouche East said about the various stops and starts, that a few hours before the House met on Friday, the committee came to a position of conclusion which is what we are debating here today.

I am simply reporting, Mr. Speaker, of my understanding of the situation. I see my colleague is shaking his head. Because before I came here I was unaware that the committee had got to the point of having a report for finality and for adjudication. As I said, I thought it was an interim report where there would have been some kind of continuity given the peculiar development.

So, I was told by my colleagues and I am sure my colleagues who were on the committee can speak for themselves, and hopefully will speak for themselves if they so choose, but in my own situation, as a Member of this House, Leader of the Opposition, I was a little uncomfortable hearing that the arrival at finality was a surprise to Members of the committee, and that was Thursday. Contact was made with one of the Members by email or something like that, but there was a meeting—the committee having emailed the finality which we are debating here, set a meeting for Friday morning—

Dr. Moonilal: I just want to clarify and then you could challenge the clarification. According to the records which are before you in the dossier, the committee met on Wednesday, May 11, 2011, a Wednesday, to discuss and deliberate on the matter and the Members of the Opposition indicated that they would not participate in those discussions and they did not attend.

Mrs. McIntosh: Why? Why?

Dr. Moonilal: They had their reasons.

Mrs. McIntosh: Why? What is the reason?

Dr. Moonilal: They felt that the matter should be adjourned, I think, because the court matter or something—so they had reasons. But I am saying that on the 11th when the committee met to discuss the report and proceeding forward, Members of the Opposition took a conscious decision not to participate. When it came to Friday the 13th to review the report now and send it to the House [*Interruption*] a couple of Members of the Opposition on Friday the 13th attended, in fact—I am sorry one Member attended.

So one Member attended on the Friday, but the purpose of Friday was not to deliberate or anything it was just to sign off. The purpose of the Wednesday was to deliberate where Members of the Opposition said, for their own reason, which they would explain, that they would not participate.

Dr. K. Rowley: Well, I thank my colleague very sincerely for giving us that very valuable kernel of information, because he spoke at length about what took place in the PNM caucus; who went where, who voted how, but avoided telling us that very important piece of information, [*Desk thumping*] because the committee should report in totality. Because if such an interesting development took place in the committee, the place to report it is here or in his presentation and not by an interjection by me giving way.

So, Mr. Speaker, I am saying, I am talking to you about my understanding of the situation and the discomfort that I felt on Friday. I was told about a finding turning up on Thursday night and a meeting being set for Friday morning. Remember, I am outside of this, and I am asking on Friday what is this? When I asked on Friday, what is this, I am hearing there is a court matter scheduled for Tuesday and then I immediately wanted to find out or my senses were gathering me to a place as to whether the committee was acting against that information or whether it was independently continuing to be the House's honourable committee.

But further, as leader of my team on this side, I was told that all along in an attempt to get to a finding's position that Members on this side objected to certain things, and more importantly, for those who had the opportunity to look at the report on Friday, I was advised that the report is not entirely accurate in portraying certain aspects of the developments. I do not know. We would find that out later. But the bottom line is this, what was clear and what remains clear is that there is a minority position on the findings. *[Interruption]*

So this emergency meeting of Friday morning, and of course my colleague just gave us a thesis on emergency with respect to the Member for San Fernando East's health, I simply want to say to him that even when you go to a doctor and you are standing in front of the doctor only you can say if you are feeling pain, it does not matter how qualified the doctor is, so the question of emergency—a real emergency is what you see here, a meeting on Wednesday, emails passing on Thursday night for a position being taken on Friday for a debate on Monday. That is how the House moved. This is how it moved. Wednesday, Thursday, Friday, and it begs the question, Mr. Speaker—*[Interruption]* it begs the question in the context of the Prime

Minister's *sotto voce* comment here last Friday and I heard it very loudly. When we questioned, what is this quickening of the steps, the Prime Minister *sotto voce* said on Friday, "this thing dragging on too long, look how long this thing going on".

Mrs. Persad-Bissessar: I said it openly.

Dr. K. Rowley: I heard her saying it, and she is confirming. She said it openly. [*Interruption*] The person who is offended by the imputation, the person who is to be the beneficiary of any action of this House, the leader on that side is saying, is saying—

Mrs. Persad-Bissessar: Mr. Speaker, should the Member wish to deal with my conduct, he will file a substantive motion.

Hon. Member: What is the point of order?

Mrs. Persad-Bissessar: On a point of order, Mr. Speaker.

Hon. Member: Which one? Which point of order? [*Crosstalk*]

Mr. Speaker: Please! Please!

Hon. Member: No, they have rules in this House.

Mr. Speaker: Please! [*Crosstalk*] Hon. Members, hon. Member, the moment you talk about the Member for Siparia benefiting, even if you deal with it in a very hypothetical way, you are really gaining or trespassing on the conduct of the Member, so I am just asking you and so on to refrain from that, please.

Dr. K. Rowley: Mr. Speaker, I wish that I am not unnecessarily interrupted in this way. [*Desk thumping*] It is a complaint about hurt to the Member that we are dealing with, and I am sure at some point in time people we will take action in some form or fashion, and if we do that then clearly the Member would be satisfied that her hurt was assuaged. It is in that context—[*Interruption*] so the Member has no interest in the matter? The

Member has no interest in the matter?

I move on from there except to say that—and that was not the point I was making. The point I was making was that the comment being made for the reasons for the quickening of the steps was that it has been dragging on. *[Interruption]* And I am saying that is not the basis on which one acts in this situation, because I would tell you I saw the Attorney General out there a moment ago, he could easily get up and say, “well, okay”—get up out of the blue and say, “well, okay Ish and Steve matter has been dragging on too long, bring it to a head now”.

Come on, Mr. Speaker, this is the Parliament and a Member is in jeopardy *[Desk thumping]* and we want to preserve the authority, the dignity and the overall fairness and correctness of the proceedings. That is all. *[Interruption]* So when a senior Member gets up and say, “oh, it’s been dragging on too long”, my interest is piqued when I see Wednesday, Thursday, Friday, Monday, because even as I was trying to digest the existence of the report, the unsigned report; I am being told on Friday that there will be a sitting on Monday to deal with the report. So we are here today, a special sitting on Monday to deal with the report given against a background which may or may not be so.

I am not even sure if it is true that there was a court matter scheduled for tomorrow, it might very well be so. But if it, I am asking and maybe somebody could tell me whether that was the basis for this, and whatever it is and whoever is involved, whether it is the Member for Toco/Sangre Grande, the Member for San Fernando West, the Member for Diego Martin West; the bottom line is that a report from the Committee of Privileges ought not to be in front of me in this House without the relevant signatures of those who support the finding. *[Desk thumping]*

3.10 p.m.

I do not know what the reason is for that, I do not know why, but nobody is going to convince me that I must take this at face value, and somewhere else the signatures exist because more importantly, Mr. Speaker, I see the Chairman's on the report as the only member of the committee, the only member of the committee whose name is on the report. So in effect, this is the Chairman's report. I do not want to get into the details of the jurisprudence of the line of approach taken by the Member for San Fernando East, because as my colleague from Oropouche pointed out, ad nauseam, that Member is a very experienced Member of this House and we should respect that.

However, we may or may not agree but the fact is, an argument has been raised or a number of arguments have been raised. One of those arguments is the fear of unfair treatment. One can take issue with that if one wishes. But the fact is, a Member of this House—on this occasion it happens to be the Member for San Fernando East—who has taken great steps to point out to this House that he on this occasion—whether he felt so before, whether he will feel so tomorrow is not the point, the point is that he has taken issue, making an argument of fear of unfair treatment. [*Desk thumping*] And in that situation I would have thought that the House would go out of its way to demonstrate that there is no such—[*Interruption*]

Mr. Speaker, I smell burning. [*Looking up*]

Hon. Members: Something is burning up there.

Dr. K. Rowley: Mr. Speaker, there is smoke—electrical fire there. [*Crosstalk*]

Mr. Speaker: Hon. Members, let us suspend for 15 minutes until we are able to determine what is the cause.

3.12 p.m.: *Sitting suspended.*

3.35 p.m. *Sitting resumed.*

Mr. Speaker: I just wanted to alert Members that I have been advised that an insect lodged itself in one of those halogen bulbs that we have here, and may have fried itself to death and that is what emitted the smoke that we all witnessed a short while ago.

You are entitled to 24 additional minutes since we had to interrupt the proceedings, so you can continue, Hon. Leader of the Opposition.

Dr. K. Rowley: Thank you very much, Mr. Speaker. Mr. Speaker, when we were disturbed a moment ago, I was making the point about what I expected and what actually happened. But to ensure that I am not misunderstood, misrepresented or otherwise, I want to make it clear that the decision to bring a report to this House, a finding, is not being questioned. But having made that decision, there are two things that should have happened: one, is that the complete decision including a minority report if one is forthcoming or reporting any major objections which did not find synchronous action with the position of the majority and most certainly, at the end of that, the report should come in this form.

3.40 p.m.

This is what I expected last Friday. This is now on my desk; I have just seen it here, and the question is: Why was this not here on Friday?

I have no doubt, given the presentation of the Member for Oropouche East that the Government Members, our colleagues on this committee, were minded to support the position of the Member for Oropouche East and, therefore, obtaining their signatures ought not to have been an issue. The question is: Why were those signatures not obtained and laid in the Parliament last Friday, the day when we determined that the report is laid

and that we will have a special sitting of the House on Monday to deal with the report?

This is such a simple, straightforward matter that its simplicity casts some kind of aspersion on the process, the pathway, the end game, of this very important exercise; unnecessary, and I hope that somebody would explain to us why it happened like that, especially against the background of the meetings of successive days, in the face of objections on Thursday night and Friday morning which, if those objectors needed—and they must need—the opportunity to write and present a minority report which must be a part of the report to the House, you gave them no opportunity to do that. Why?

Again, if I go back to the sotto voce—it was not sotto voce; the Prime Minister confirmed that it was said openly that this thing is dragging on too long. Is that position open to my colleague, the Member for D’Abadie/O’Meara, who is before the committee, and to me? I am before the committee.

Mr. Roberts: “I want tuh do it fast; all yuh slowing meh dong.”

Dr. K. Rowley: But the process cannot be that, and if we are to preserve the authority and dignity of the House and that any sanction should be accepted without question, we have at every step of the proceeding to ensure that, like Caesar’s wife, the process is beyond reproach.

I noted something else when I read the report on Friday—this Chairman’s report, because that is what Friday’s document is. In the last paragraph where the actual finding is recorded, let me read for Members who have not had the opportunity or inclination to read it. This is the report after all the carryings on, the kernel of the exercise is in one paragraph here, and it is called “report”; six lines. It says:

“For the foregoing reasons, on the material before it, and in circumstances where the Member for San Fernando East had declined to answer the allegations and otherwise assist the Committee, your Committee reports that the grounds of the alleged contempt appear to be established.”

I want to draw that to the attention of Members, because if you listen to the presentation of the last presenter who presented this report, there is a little bit of daylight, great space between his moral outrage, his conviction, and the report itself saying that “the alleged contempt appears to have been established”. I would like Members to take that into account when we treat with the finding, “the alleged contempt appears to have been established”.

When something appears to be something, I take it to mean that there is room for doubt. Yesterday I might have appeared to be a great batsman; I did not make the century I was supposed to make. The gentleman with a surplice around his neck might appear to be a holy father when, in fact, he is only playing mas. So we have to understand, after all the work of the committee, the committee has not definitively said to this House that it has been established, and I also see no recommendation from the committee with respect to any sanction. I draw that to the attention of Members. I also see the allegation of the Member declining to answer questions, or otherwise assist the committee. In other words, over and above whatever infraction the Member might have committed on the day in question, additional coals are to be heaped on his head because he appears not to have assisted the committee.

I only want to draw to your attention that in outside jurisprudence, outside of this House, there is a part of our jurisprudence which says that a man can commit the most serious and heinous crime and sit there and say

not one word. You have to provide the evidence and you have to convict him on the evidence, the case you present. He is allowed not to assist in his execution. But that, here, means a bit more than that. I think it refers to the efforts made by the Member to raise his arguments with this House, and it is here that I will take up where my colleague tried to interfere in PNM business, to explain, again, to remove all doubt and to clarify the position taken by those of us who are colleagues of the Member for San Fernando East, and the position is this.

PNM has run this country for a number of years. As a matter of fact, we are the country's premier political party. [*Desk thumping*] The Constitution of this country was shepherded by PNM Members of the past and some of the present. In that Constitution creates the Parliament and its powers in Trinidad and Tobago, and when we were approached to treat with a position of a Member, a Member who happens to be one of our Members—it could easily have been one of your Members—who may have been advised or who may have been inclined to take that position, the position is that a Member of this House decided that on this occasion where he is exposed to some jeopardy, on examination and, possibly, I am advised on advice, that there is some issue to be raised about the process that we use with respect to disciplining Members of the House, and that issue arose in the proceedings of contact between the Member and the committee—it has nothing to do with whether you agree with the content or not, because on the PNM side it is now public information, because we have had to explain ourselves in public. We do not normally discuss our caucus details outside, but because a vote was involved and the nature of the matter, I must put on record again for the benefit of those who could be misled, the PNM's position was that we support and are committed to the supremacy of

Parliament and the tenet that Parliament regulates its own business. That is the PNM's position. That is how it has been in the beginning, and at this point in time when this matter of a second opinion came to us, we discussed it at length and the PNM's position remains that we support the principle that Parliament regulates its own business.

In that context, we regard the privileges committee as the mechanism by which Parliament can control its Members, because as pointed out by my colleague, the Member for Oropouche East, Members of Parliament cannot be disciplined outside of Parliament by due process. They can be disciplined and expelled by the electorate on election day, but outside of that, while as functioning Members, when the House is not dissolved and all seats declared vacant—because this is only when the electorate gets back in, when an election is called and all seats are declared vacant, the electorate can discipline Members by expelling them. That is the only action available to them again. But in terms of the whole gamut of disciplinary action, from requesting an apology, frowning on something, or taking even stronger action, it is only within the Chamber that such an action can be taken by the House, acting as a body.

It is against that understanding that we reaffirm our commitment to the powers of the privileges committee, in that we understand it to be Members talking to a Member or Members, and the very privilege that is in question, the very basis for the committee and the powers of the committee, as inquisitorial as it is, is that only those with privilege are allowed to participate in that way. Therefore, we took a position on that basis. However, if a Member of the House—and if you were that Member, Member for D'Abadie/O'Meara, if you had taken the position that you see that you should challenge something in this House, the place to challenge it,

you know where to go. It has gone there.

It does not mean that we are going to agree with you. What did the PNM do? It did two things. One, it made it quite clear that we support the supremacy of Parliament and we support the privileges committee not being converted into a lawyer's playground. That is our position. But if a Member—in this case it happens to be the Member thinks; is advised; expects, to go and fight for his rights because he or she believes that some right is being infringed, or some obstacle is being put in the way, we will put no impediment in the way of a Member of this House seeking to examine that in another place. [*Desk thumping*]

That is the PNM's position. And how do we do that? While preserving our commitment to recognizing the supremacy of the Parliament and its committee in assisting the House in these kinds of matters, we said we will put no impediment in the way of the Member, so the Member's Motion is put to the House for there to be a debate to allow the Government—our colleagues on the other side—to express their views, as the Member for St. Joseph did, for the benefit of all and sundry who would listen and learn. To allow that to happen the Motion had to be seconded, otherwise there would have been no voice from the other side of the House expressing a position. A vote would not have been taken.

3.55 p.m.

If we were afraid of a vote all we had to do is not second it, and there would have been no motion, and no vote. So we took steps to ensure that the parliamentary process was followed, that there was a seconder, the motion was seconded, and the Member now had the opportunity to speak to his colleagues in the House, and seek to convince them about this aspect of jurisprudence, which he was raising with a committee of our House. I know

it no other way, that is Parliament operating at its highest. You do not have to agree with the content; as a matter of fact, we have said in the PNM publicly, it is out there in the public domain, we did not agree with the content of the motion. You would have read and heard excerpts from our caucus that we did ask that certain amendments take place, all of that because of our rooted position. The position of the PNM Members is that Parliament regulates its own business, and the Committee of Privileges is not to be converted into a lawyers' playground. That is our position.

So it comes to a vote, and that neutrality was important to allow the House to participate. I do not know, but I think the Member for Oropouche East pointed out that one of reasons why the committee may have decided to act in the time frame, and the way it acted, is because the House had voted and the matter had then been dispensed with. I got the impression he was saying that—I am not sure he actually said that. Well, the matter had come to the House, the House had voted and dispensed with the matter, No! The House voted on the motion, but the Member still maintains that I have issues here about rights and provisions of the Constitution, and is being argued against the background that the Standing Orders of this House are written in the context of the British Parliament where there are no written constitutional matters, whereas in our situation we have a written Constitution, and therefore, the written law must dictate what should happen as against a place where there is no written constitution. These are arguments for the lawyers and we will have to wait and see what the adjudicators say.

What we are not prepared to do is to abridge and belittle our own process in the House for any reason known or unknown. Not prepared to do that! However, you might feel about the content, the Member, about all of

us, what we are not prepared to support is a situation where the Member can justifiably feel or think that maybe I am not being fairly treated, and this report creates the opening for the Member to make that argument. [*Desk thumping*] Given the peculiarity of the circumstances, I am wondering why did we get ourselves into this situation? Why did you not lay the Report properly? What is the hurry? He is not running away, you know, San Fernando East is still there. What is it?

Dr. Moonilal: Six months we waited.

Hon. Dr. K. Rowley: And again, that is not how you preserve the integrity. Okay you are tired waiting—

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. [*Ms. Marlene Mc Donald*]

Question put and agreed to.

[*Desk thumping*]

Dr. K. Rowley: Mr. Speaker, I give you the assurance that I will only take a couple of minutes to wind up. I simply want to say that I hope one is not getting the impression that what we are about is exacting vengeance for the effrontery as perceived by some, because if that is what is happening, then it might very well be that the original complaint was well founded. And Parliament ought not to be about vengeance, it has to be about fairness, accuracy, and above all process. And I have to say that between 1.30 p.m. on Friday, and today we have cast some aspersions on this process, [*Desk thumping*] and since it appears to me—and I hope that I am wrong—since it appears to me that we are about exacting vengeance. I end, Mr. Speaker, by saying to my colleagues in this House that we understand that vengeance, is

always required to be tempered with mercy. I thank you, Mr. Speaker.
[Desk thumping]

The Minister of Tourism (Hon. Dr. Rupert Griffith): *[Desk thumping]*
 Thank you very much, Mr. Speaker, for allowing me to enter into this debate to make a very brief contribution. You know, I sat I listened to the Member for Diego Martin West talking about the procedure and the process. You know what amazes me about his input, is the fact that it is not a neophyte Member, he is a Member who has been in this House maybe as long as I have been or maybe even longer, as he came in through the Senatorial door—I came in 1991—and to talk about the process and to say that the process is flawed and it is not effective, I wonder where the Member was when the Hon. Member for Oropouche East was speaking. And I want to take this opportunity to compliment the Member for Oropouche East and the Leader of the House for such a comprehensive and detailed presentation on the First Report.

Mr. Speaker, the Member talked about being deprived of certain privileges but I want to tell the Member that in the committee there was every opportunity for the Members, particularly those on his side to participate and they refused to and the one Member the Member for Port of Spain North/ St. Ann's West who stayed to the end actually said there were parts of the report that I did not agree with but I will submit a minority report. Where is that minority report? *[Interruption]* It is still not here. So clearly what has happened is is that the Member—or North East said so I correct that Mr. Speaker, I am corrected. Okay, so you see clearly it is another attempt by the Members of this side to show contempt and disregard for the process of this House. I have read—*[Interruption]*

Dr. Browne: Yes, is me again.

Mrs. Gopee-Scoon: Learn something “nah”.

Dr. Browne: Do I need to say the point of order Mr. Speaker.?

Mr. Speaker: No just the Standing Order you are quoting.

Dr. Browne: Standing Order 36(5), disrespect for the process—
[*Interruption*]

Mr. Speaker: Not sustained. Continue.

Hon. Dr. Griffith: Mr. Speaker, I have read the First Report of the Committee of the Privileges which is before this House and I listened intently to the statement of the Member for Oropouche East which I have said was a very comprehensive statement. I take no pleasure in joining this debate. We are asked to adopt a Report of the Committee of Privileges and in doing so we must take note of the actions of one of our Members who not only was found to have committed a contempt of this House, but who clearly attempted to undermine this House and its responsible committee, that being the Committee of Privileges.

4.05 p.m.

Mr. Speaker, when a matter is referred to the Committee of Privileges or any committee of this House, it is totally out of order for any Member of this House, whoever he or she may be, to seek to frustrate the work of the committee of this House. So, we have not heard the Member’s explanation for his conduct and, again, ample opportunities were given for him so to do. This was a reckless and a flagrant breach of the Standing Orders. Additionally, the hon. Member used external bodies in an attempt to hamper the work of this honourable House.

Mr. Speaker, you and former Speakers—including yours truly—of this House have said repeatedly that the conferring of privileges, powers and immunities on this House and its Members, inevitably involves the

imposition of corresponding duties. Indeed, all hon. Members are expected to exercise this privilege responsibly. Members must not abuse their right to the privilege and freedom of speech. Additionally, freedom of speech is not an exemption to account to the House itself.

The hon. Member for San Fernando East should be asked to account and, having failed to do so must be reprimanded by this House, if it is to be taken seriously and perform its work effectively. It is for these reasons that I beg to move an amendment to the Motion before us. I want to add the following words at the end of the Motion and I quote:

Mr. Imbert: Ambushing!

Hon. Dr. R. Griffith: “*And Be it further resolved* that this House concur with the findings of the Committee of Privileges of the House of Representatives that the grounds of the alleged contempt committed by the Member for San Fernando East appear to have been established and recommended, that the Member for San Fernando East be suspended from this House with immediate effect.” [*Desk thumping*]
[*Interruption*]

Mr. Imbert: What!

Hon. Dr. R. Griffith: Mr. Speaker, we must maintain the dignity of this House. [*Interruption*]

Miss Hospedales: Nonsense!

Hon. Dr. R. Griffith: We must continue to respect the powers of this House. As the Member for San Fernando East indicated, that we must regulate the business of this House, we have a duty to ensure that the dignity of this House be respected and maintained.

I thank you. [*Desk thumping*]

Mr. Speaker: Do we have a seconder?

The Minister of Sport and Youth Affairs (Hon. A. Roberts): Mr. Speaker, I respectfully second the amendment and reserve my right to contribute in this critical debate.

Question, on amendment, proposed.

Mr. Speaker: Hon. Members, all Members who are contributing from here on in can refer to both the original Motion and the amendment and, anyone who would have spoken before can also have an opportunity to speak on the amendment.

Mr. Colm Imbert (*Diego Martin North/East*): Thank you, Mr. Speaker. I have been in this Parliament for 20 years at the pleasure of the constituency of Diego Martin North/East. [*Desk thumping*] Not Members opposite at all, even though, some of them might live in Diego Martin North/East.

Mr. Speaker, the amendment moved to the Motion by the Member for Toco/Sangre Grande is unprecedented. [*Desk thumping*] I am surprised that the Member for Oropouche East did not in his presentation move such an amendment, because at least we on this side would have got some fair warning of what the Government intended to do. The only way I can describe the amendment which calls for the Member for San Fernando East to be suspended and because there is no time frame, the only conclusion that one can come to is that it is the intent of the Government to suspend the Member for San Fernando East, indefinitely.

Now, the Government had sufficient time to include this intent in its Motion. It had sufficient time. It rushed to lay the report of the Committee of Privileges on Friday and, it could at that time have indicated to all concerned, including the Member for San Fernando East who will now be affected by this Motion, that it was the Government's intention to amend the Motion to suspend the Member.

Now, Mr. Speaker, I am now certain that the Member for San Fernando East will be successful in any application that he may make to a properly constituted court with respect to procedural fairness. I am now certain. I believe the Government has shot itself in the foot. If there was any doubt whatsoever about breaches of natural justice and procedural fairness, the Government has clearly demonstrated today [*Desk thumping*] that it intends to run this Parliament—the Committee of Privileges—like a kangaroo court, it intends to take punitive action against the Opposition, and it is intent to operate like a lynch mob. [*Desk thumping*]

Before I proceed, Mr. Speaker—and I also reiterate the statements made by the Member for Diego Martin West. I do not intend to get into any issue with respect to the merits of the matter before the Committee of Privileges. The reason why? As a Member of the committee I have heard no evidence, and that is the first point I wish to make. The Government has bungled this matter—bungled it. We have not heard from the complainant, we have not heard from the Member for Siparia.

Dr. Rowley: What!

Mr. C. Imbert: We have not. The Member for Siparia was not called before the Committee—[*Interruption*]

Dr. Rowley: What!

Mr. C. Imbert:—and, Members of the committee, including myself, were not given opportunity to question the Member for Siparia. What the Government has done by abusing its majority, is to simply make a decision without hearing any evidence. [*Desk thumping*] We on the side have had no opportunity to examine the Member for Siparia and—

Mr. Speaker: Order! Order, please!

Mr. C. Imbert:—I know there are some Members on the opposite side who

will understand what I am saying. Because in any hearing before any tribunal evidence must be tested, and there has been no opportunity for myself, the Member for Port of Spain North/St. Ann's West and the Member for Laventille East/Morvant to test the evidence presented when you made your prima facie case, Mr. Speaker. You yourself will be aware that the basis for your decision—you made a prima facie decision—cannot be used as evidence before the committee, which is what the committee has done. *[Desk thumping]* You yourself know that. But I need to put certain facts on the record.

I heard the Member for Toco/Sangre Grande say—this entire process is going to fail. I am satisfied that if this matter is presented before any properly constituted court it will just fail, because you have broken all the rules of procedural fairness. What you should have done is bring the Member for Siparia before the committee and allow those Members of the committee who—*[Interruption]* You should have brought the Member—you have made a decision —*[Desk thumping]*

Mr. Speaker: Order! Members! Members! Members, please! The Member for Diego Martin North/East is on his legs. Take notes, please. Take notes and at the appropriate time Members will have the right on the Government Benches to respond. In the meantime, allow the hon. Member for Diego Martin North/East to speak in silence.

Mr. C. Imbert: This is elementary! The people over there have law degrees; they are practising attorneys. The Member for Siparia is a witness. *[Interruption]*

Dr. Moonilal: Witness to what?

Mr. C. Imbert: I cannot believe what I am hearing. The Members opposite, Mr. Speaker, have made a decision based on statements made in

the House by the Member for San Fernando East and, statements made in the House by the Member for Siparia. They have made heavy weather, song and dance about giving the Member for San Fernando East an opportunity to be heard, but they have not given us an opportunity to question the Member for Siparia. [*Desk thumping*] Elementary! But let me just deal with some factual issues.

Dr. Douglas: [*Inaudible*]

Mr. C. Imbert: Mr. Speaker, would you stop the Member for Lopinot/Bon Air West? He is at it again.

Mr. Speaker: Member, if you are interrupting the Member or if you are making statements that are offensive, anybody, kindly—continue!

Mr. C. Imbert: Thank you, Mr. Speaker. The Member for Toco/Sangre Grande stated that I had indicated that I would submit a minority report. He first indicated that it was the Member for Port of Spain North/St. Ann's West, then when challenged said it was the Member for Diego Martin North/East. Let me read the verbatim record.

The Chairman of the Committee said in the meeting of May 09, 2011, this is down to the end.

Dr. Gopeesingh: What page of the report?

Mr. C. Imbert: I am down at the end of the—there is no page. It is the verbatim notes of May 09, 2011. The second to last page. The Chairman is speaking and he is asking:

“What are we putting to the House? A proposal has been suggested by Dr. Moonilal that we meet on Wednesday and at that meeting they will take it further.”

This is when they were discussing the question of having a meeting on Wednesday, May 11, 2011 to address the matter, and at that meeting they

will take it further.

“Mr. Imbert has made it clear that, depending on the line that is being taken; if it is the line that Dr. Moonilal has indicated, he will be not in support of it and if a report is generated and he is not in support, he will submit,”—on his own behalf—“a minority report”.

4.20 p.m.

“Mr. Imbert: Mr. Chairman, that is not my understanding of what is being recommended. I understand that Dr. Moonilal is recommending that on Wednesday the Committee proceeds to deal with the matter. That is very different. I am saying I do not agree that on Wednesday, the Committee should proceed with the matter.

This is what I would like to put to the vote on Wednesday:

Option 1: The Committee proceeds to deal with this matter; does its work; sends a recommendation to the House; and

Option 2: It does not deal with the matter until the outcome of the court procedure.

Mr. Chairman: Question proposed:

Result: Four (4) in favour”—the first option; “Three against...”—the second option.

So myself, the Member for Port of Spain North, the Member for Laventille East, we voted against the recommendation that the committee proceed to deal with the matter. I need to put that into the record, Mr. Speaker. I need to put that into the record.

Mr. Speaker, even though I made it clear that what was being proposed by the chairman was not my understanding—let us deal with it on the face of it, if a report is generated, he—this is me—will support on behalf of his team, a minority report. Mr. Speaker, when was this report generated

and laid on the table in this Parliament? At 1.30 p.m. on Friday, May 13, Mr. Speaker, so the only opportunity the Members on this side would have had to prepare and submit a minority report was after the Parliament was convened on May 13, prior to that, there was no report. There was no report, Mr. Speaker. So just let me clear that up. We came here and to our surprise, to our surprise, we saw a report of the committee, and what surprises me, Mr. Speaker, the report contains factual omissions in a material respect.

Mr. Speaker, at 9.40 a.m. on Friday, May 13, having seen the draft report and not being informed that a report was going to be generated and laid on the Parliament table on Friday, I sent an email to the Clerk of the House, at 9.40 a.m. on Friday, May 13. In that email—and the meeting was at 11 a.m., so this is one hour and 20 minutes before the scheduled commencement time of the meeting—I made it clear that I was not in agreement with the contents and findings in the draft report—and it is a big difference between the draft report and a final report—I was not in agreement with the contents and findings in the draft report and the reason I gave was as follows:

- The Member for San Fernando East had filed a constitutional motion claiming that his constitutional rights had been infringed.

That is point one.

- Two, in that application, the Member for San Fernando East is seeking interim relief, injunctive relief, restraining the committee from proceeding any further.
- And three, the matter is due to be heard on the May 31.

So because the matter was going to be heard on May 31, because the Member had filed a constitutional motion alleging that his constitutional rights had been infringed, and also because he was seeking interim relief

from the court, I made it very clear that—speaking for myself—I could not agree with the draft report, its contents or its findings.

Mr. Speaker, that fact is not reflected in the report that has been laid in this Parliament—that was laid at 1.30 p.m. on Friday May 13. The fact that I made it clear, I said the report was premature, I said the committee should not proceed to table a final report, and I indicated why. None of that is in here! [*Desk thumping*]

The other factual omission is the verbatim notes from the meeting of Friday, May 13, and I was going to ask the Member for Oropouche: where are the verbatim notes from the meeting of Friday, May 13, and I asked him to give way and he very rudely told me no. So I am asking now, when the Member for Oropouche responds, tell us where are the verbatim notes from the meeting of May 13 because I have been advised by the Member for Port of Spain North/St. Anns' West that she objected strenuously, and that will be reflected in the verbatim notes which are mysteriously missing from this document. The minutes are here and the Member for Port of Spain North/St. Anns' West has advised me that the minutes are incomplete and inaccurate but the verbatim notes are not.

And if the verbatim notes were here, I am advised, I would have seen, that the Member for Port of Spain North/St. Anns' West on Friday, she attended the meeting, objected strenuously, and subsequently, I am advised, an attempt was made to get the Member for Port of Spain North to sign the report and she declined, she refused. All of this is not in here and the Parliament and the national community needs to know what is going. This report, I regret to say, is inaccurate, it is incomplete and it does not give the whole picture. [*Desk thumping*] And I hope this will not happen again, Mr. Speaker. I hope it will not happen again! I hope that whenever we have to

deal with a report of the privileges committee that we will get a complete, a full and accurate report on exactly what has transpired, including the objections of Members to any procedural issues, Mr. Speaker, it is necessary to put that on the record.

Mr. Speaker, why are we here? You know why we are here—you know, doing this thing with such obscene haste, obscene haste! Mr. Speaker, as I indicated to you, the committee met on the 11th knowing that there was a matter in court. The committee met on the 13th, generated a report and brought it here, and is now on Monday—two days later—moving a motion which has now being amended within the space of two hours, the motion has now being amended to suspend the Member indefinitely. That has all the distinguishing characteristics of moving with obscene haste, Mr. Speaker. [*Desk thumping*] And I rather suspect that another tribunal will come to the same conclusion.

But why are we here? You now know why we are here? Because the Members opposite have realized that the House is due to be prorogued on or around June 17, 2011. There was a view—an incorrect view—that it would be possible to carry over this privileges motion into the next session of Parliament. Mr. Speaker, well, let me deal with that once and for all. I am reading from *May's Parliamentary Practice, twenty-third edition*, page 274, “Effect of prorogation.”

“The effect of prorogation is at once to suspend all business including committee proceedings, until Parliament shall be summoned again, and to end the sittings of Parliament. Until recently, all proceedings pending at a prorogation were quashed except for impeachments by the Commons, and judicial proceedings before the House of Lords, and private bills which may be suspended from one session to another.

As a result of recommendations by the Select Committee on Modernisation of the House of Commons, the Commons passed a Sessional Order to allow public Bills to be carried over by order from one session to another."

Mr. Speaker, the effect of what I just read is that when the Parliament is prorogued—which will occur on or around June 17—all business dies. Everything dies; all references to committees such as the Committee of Privileges lapses.

Now, Mr. Speaker, after the tea break, I will go into great detail on the learning on this matter to make it clear but the fact is, that the Government knows, they know that unless they take action against the Member for San Fernando East, the matter will die, and that is why they are moving with such obscene haste. That is why they are moving with such obscene haste! That is why they are committing so many procedural errors.

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, it is 4.30 p.m. Before we suspend for tea, I would like to bring to the attention of the House that Mr. Fitzgerald Jeffery, the Member of Parliament for La Brea has asked to be excused from today's sitting of the House. The leave which the Member seeks is granted.

Hon. Members, this is a good time for us to suspend the sitting for tea and we shall resume at 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. C. Imbert: Thank you, Mr. Speaker. Before the tea break, I was making the point that the Government has committed a number of blunders in its haste to suspend the Member for San Fernando East. I want to reiterate that I have no view on the accuracy or not of the statements made

by the Member for San Fernando East, or similarly on the accuracy or not of the response from the Member for Siparia, because as a Member of the committee I have not been able to question either of these two Members of this House.

With respect to the personal explanation made by the Member for Siparia, I note from the *Hansard* that the Member for Siparia referred to a number of papers, a report from a quantity surveyor, Town and Country Planning approvals, et cetera, et cetera. As a member of the committee, in order to satisfy myself that the Member for Siparia's personal explanation was in order, I would have needed to have sight of all these documents and this is another colossal blunder that the Government has made, in terms of process. As I said, I have no view on the statements made by the Member for San Fernando East and similarly no view on the statements made by the Member for Siparia, because as I have said the Member was not called as a witness, and as a member of the committee I have not been given copies of all of these supporting documents.

That is not the only blunder that the committee made, but before I move on, because it is obvious to me that it is the intention of the Government to suspend the Member for San Fernando East. Why would the Member for Toco/Sangre Grande get up and ambush us with that Motion, obviously orchestrated and obviously planned because, clearly, they did not want the Leader of the Opposition to speak on that aspect of this issue and this is why—[*Interruption*] yes, but he has had no time to prepare. The Leader of the Opposition has had no time to prepare, nor have I, on the whole question of the penalty that the Government seeks to impose on the Member for San Fernando East, because we only discovered that the Government intended to suspend the Member for San Fernando East a

couple hours ago. We did not know this when the House convened this afternoon, because the Motion before the House was a very innocuous Motion, essentially seeking to adopt the report of the committee, which found that the Member for San Fernando East had committed a contempt, but it did not recommend, this committee of five, that any punishment be imposed on the Member for San Fernando East. So, none of us here knew what the Government was up to.

We now know and it is obvious, from where I sit, there is a plan to use this as a precedent; the suspension of the Member for San Fernando East indefinitely to suspend the Member for Diego Martin West, as sure as night follows day, because I heard the Member for Oropouche, not *sotto voce*. He said it. He said: “We will deal with the matters relating to the Members for D’Abadie/O’Meara and Diego Martin West quickly.”

Mr. Speaker: Member for Diego Martin North/East, I would like to caution all Members who are speaking subsequently. A matter is before the Committee of Privileges involving the Member for Diego Martin West and Leader of the Opposition, I do not think any Member should make any statement on that matter until the matter is reported to the House.

Hon. Members: He said it.

Mr. Speaker: Well, if he did it, it was wrong and I am advising all Members from hereon do not refer to that matter, please.

Mr. C. Imbert: Mr. Speaker, thank you, but it obvious to me that the Government intends to use its majority to decimate the ranks of the Opposition and to create difficulties for democracy in this country. That is obvious to me.

Now, let me go back to the whole question of prorogation and let me clarify that issue. Before the break I was reading from May’s *Parliamentary*

Practice. In that extract from May's, on page 274, there is a reference to a footnote, footnote 4, and I would read footnote 4.

“Hatsell 335. The statute...permitted the continuation of proceedings in the House of Lords against Mr. Justice Fox over the prorogation. As explain on p739, in the House of Commons certain select committees, having been appointed by standing order, are nominated for the lifetime of a Parliament, thus enabling their proceedings and membership to be continued after (but not during) a prorogation”

What does this mean? What this tells us is that committees that are appointed for the life of this Parliament—because as I have said, we follow the practices and procedures of the House of Commons.

Let me just make that clear. In our Standing Orders, Standing 91 reads as follows:

“Rules in Cases not provided for by Standing Orders

91.(1) In any matter not herein provided for, resort shall be had to the usage and practice of the Commons House of Parliament of Great Britain and Northern Ireland, which shall be followed as far as the same may be applicable to this House, and not inconsistent with these Standing Orders nor with the practice of this House.

(2) In cases of doubt”—and this is where it is particularly relevant—“the Standing Orders of this House shall be interpreted in light of the relevant usage and practice of the House of Commons...”

Our Standing Orders Committee make it clear that where our Standing Orders are silent and where there is no established practice usage, the practice, the rules, the procedures of the House of Commons of the United

Kingdom shall be adopted.

I can say without any fear of contradiction, that a reference to a Committee of Privileges has never, in the 20 years that I have been here, been carried over from one Session to another. What we are looking at here is the reference. The Member for San Fernando East was referred by you, Mr. Speaker, to the Committee of Privileges in this Session. There is no practice or procedure in this House that a reference to a Committee of Privileges has ever been carried over from Session to Session. We have no history of this and according to the Commons it is not done in the House of Commons. Therefore, the effect of prorogation, which as I have said will take place on or around June 17, is that the business of sessional committees—this is why I read the footnote, because it speaks to committees that are nominated for the lifetime of a Parliament, and the United Kingdom Commons has taken certain decisions with respect to matters before committees that are nominated for the lifetime of a Parliament. But, it makes it very clear, the learning, that matters before a sessional committee—and for those who do not know, the Committee of Privileges is a sessional committee—it ends on or around June 17. Its members go out of existence and the committee has to be re-established when the House is reconvened in the next Session.

Mr. Speaker, for your own edification, I will refer you to advice by the Crown Solicitor of New South Wales, very recent, produced January 02, 2001, and the advice is on prorogation effects on Standing Committees and this makes it very clear that the work of every committee comes to an absolute end at the close of the session. If you look at the *House of Commons Procedure and Practice* in Canada—I would read from the *House of Commons Procedure and Practice* Second Edition, 2009 Canadian

Parliament

“Effects of Prorogation

Prorogation of a session brings to an end all proceedings before Parliament.”

And another piece of learning for you, Mr. Speaker, a textbook by J Mallory, a very distinguished parliamentary author, speaking on the structure of Canadian Government. He goes into detail on pages 222 and 223 of the 1971 edition of Mallory’s text.

“Each session of Parliament must be brought to an end by...prorogation. Like the summoning of Parliament, this is of the powers of the Governor General, exercised on advice”—well, we do not have a Governor General, the Parliament is prorogued by the President—and is thus one of the ways by which Cabinet can control a recalcitrant House. Prorogation has the effect of bringing all parliamentary business...to an end.”

He went on to say:

“Similarly, prorogation will bring any committee business to an end.”

Mr. Speaker, the learning tells us that, what would have been happened to this matter on June 17, is that the reference of the Member for San Fernando East to the Committee of Privileges would have died. The deliberations of the committee on his matter would have died. The committee would have died. Its membership would have expired. And it is because the Government is aware of this fact, this is why we are here.

It is almost like we are at the O. K. Corral. As I said, it has all the distinguishing features of an ambush, because I would have expected that the members of the committee who were present on May 13, would have taken note of the fact that in my email communication, which I expect was

made known to the members, I am hoping it was read out, I made the point that the report was premature. I made the point—I am glad you have it and I am not seeing it in the report; I am not seeing my email in the report—that the completion, publication or submission of a report to the Parliament is premature. The reason I said that was, if the committee intended to proceed and if the Member for San Fernando East was before the courts with a constitutional Motion—while I am at it, there can only be one reason we are here today on a Monday instead of a Friday, because there is another aspect of the Standing Orders that, I think, needs to be drawn to the attention of Members. When you look at the days of sitting, the Standing Orders make it very clear that Parliament meets on Friday, unless decided otherwise. What is the emergency? This is not the anti-gang legislation. This is not the dangerous dogs legislation. I would not have minded coming here today to discuss amendments to the Dangerous Dogs Act. People are being mauled and killed by pit bulls and other dangerous dogs. I would have been quite happy to come here today to look at an amendment to the Dangerous Dogs Act, to deal with this evil that has affected our land.

5.15 p.m.

I would have been quite happy to come here today to deal with some financial issue that was affecting the economy of Trinidad and Tobago. I would have been happy to come here to deal with something to deal with crime, something even more mundane, Mr. Speaker.

The Government has convened the Parliament on a Monday for no good reason, Mr. Speaker. [*Desk thumping*] There is a bad reason, there is a bad reason. You see, the Government is aware, because the relevant parties have been served that an application was [*Interruption*] no, no, no it is not what you think, an application was made to the court for interim relief with

respect to this matter. And that application was coming up for hearing before a judge tomorrow, and you see all of these facts need to be put in the public domain. The Member for San Fernando East and his attorneys were going before a judge tomorrow seeking interim relief to stay the adoption of the committee's report. They knew that because the relevant parties are being served with the papers, Mr. Speaker. So the Government was aware that the Member for San Fernando East was going before the court tomorrow, so they convened the Parliament today, Members. So this is why—

Dr. Moonilal: He is out of the country, he cannot go.

Mr. C. Imbert: His attorneys will be representing him, he does not have to appear, it is a procedural matter. It is not a question of viva voce evidence—you know the Member for Oropouche East is embarrassing himself. It is not a question of putting the Member for San Fernando East in the witness box and cross examining him, it is a procedural matter. Interim relief is a procedural matter, and I am really surprised at him, Mr. Speaker.

So the fact of the matter is, there are two reasons why we are here today one is, the Government knew that on prorogation this matter will die and two, the Government knew that there was a matter before a judge tomorrow asking for a stay of the adoption of the committee's report that we are debating now, Mr. Speaker. For those reasons that is why I am even more amazed at the fact that the Motion that we were given notice of, did not contain any recommended punishment and that after the Member for Oropouche East spoke, the presenter of the Motion and after the Member for Diego Martin West spoke, after all of that we had detailed arguments on this issue, then the member for Toco/Sangre Grande jumps in and seeks to amend the Motion, and that is all he does you know, Mr. Speaker. He spoke

for a couple of minutes and only the purpose of his intervention was to amend the Motion to recommend that the Member for San Fernando East be suspended indefinitely.

I am very, very surprised at the manner in which the Government has gone about dealing with this matter. One of the good things that will come out of this is that I am sure the court will take the opportunity, or I hope that a court will take the opportunity to clarify this issue—[*Interruption*] that is what you think, you see, Mr. Speaker, you know I am hearing the Members opposite, because you know they are pretending they do not understand the nature of the constitutional motion that the Member for San Fernando East has put before the court, they are pretending they do not understand.

Dr. Moonilal: Anand waiting for him.

Mr. C. Imbert: The issue in this case, Mr. Speaker, is no longer the merits and demerits of what happened with respect to that house in Palmiste. The Government by its bungling has managed to put that issue in cold storage. The whole question of whether the Member for San Fernando East was accurate in his comments, and the question as to whether the rebuttal from the Member of Siparia was a sufficient rebuttal to establish, on the balance of probability, as to whether the Member for San Fernando East was correct or the Member for Siparia was correct, that is now in cold storage. Because what the Government has done is put on the front burner now, the whole question of procedural fairness, the whole question of a right to be heard, the whole question of sufficient notice. And the first mistake I saw made, was an exchange of correspondence, and it is in here and has been referred to by the Member for Oropouche East; an exchange of correspondence between the committee and the Member for San Fernando East on or around May 10.

The Member for San Fernando East was written to on the 10th, and

told to attend on the 11th. He was not told why, he was not told what the committee intended to do, and you know I hear the Member for Oropouche East laughing, but I advise you to go and read the letters, read the exchange of correspondence, Mr. Speaker.

The first letter simply informed the Member for San Fernando East that the committee would be meeting on May 11 that is all, causing the Member for San Fernando East to say, so you have written to me, and you have informed me that the committee would be meeting on May 11, am I required to attend? So, Mr. Speaker, the committee wrote back and said yes, you are required to attend. This is from the morning to evening of the 10th, and the meeting is on the 11th, and the Member for San Fernando East is given no notice in those letters that the committee intends to proceed and to make an adverse finding against him. And as I said all of these things are very, very elementary—you know this thing is going to get into some simple legal arguments, as to what is reasonable notice. As I said, the Government has managed to lift this thing completely out of the Parliament, this no longer has anything to do with the Parliament of Trinidad and Tobago. It no longer has anything to do with a matter of privilege, it no longer has anything to do with the allegations made and the rebuttals made. It has gone now to a very basic question of the rules and norms of procedural fairness, Mr. Speaker.

The question as to whether the Member for San Fernando East was entitled to legal representation and entitled to have his legal representative address the committee, cross examine witnesses, was always going to be a very complex matter, very, very complex matter. Because when one looks in the learning one sees arguments for and against that whole issue, and that is why it was necessary for a court to determine that matter. Whether the

constitutional rights of the Member for San Fernando East were such that he was entitled to have his attorney present speaking on his behalf and cross examining witnesses. That is a very complex area of constitutional law, Mr. Speaker, and it is a matter that the courts would certainly have been required to determine.

Mr. Speaker, what the Government has done with its bungling, is they have broken the first rule of natural justice. I am not very good at Latin, so that those of you on the other side who are, and on this side correct me if my pronunciation is wrong, I am reading from *Halsbury's Laws of England, Judicial Review, Volume 61 2010, 5th Edition Substantive Grounds for Judicial Review Procedural Fairness, Natural Justice, Rights to Notice and Opportunity to be Heard* and the subheading is *Prior Notice*.

5.25 p.m.

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. [*Miss M. McDonald*]

Question put and agreed to.

Mr. C. Imbert: Mr. Speaker, as I said I am reading from *Halsbury Laws of England*:

“The *audi alteram partem* rule requires that those who are likely to be directly affected by the outcome of a matter should be given prior notification”—and this is the important thing—“of the action proposed to be taken, of the time and place of any hearing that is to be conducted, and of the charge or case they will be called upon to

meet.”

As far as I know, being a Member of the Committee, the Member for San Fernando East has been given notification of the time and place of hearings and notification of the charges or case that he will be called upon to meet; but as far as I am aware, the Member for San Fernando East has never been given notification of the action proposed to be taken by the Committee. This is in the second line of *Halsbury's Laws of England* of the *audi alteram partem* rule.

So why would this Government that has available to it lawyers both within and without its composition make such an elementary mistake? They have never told the Member for San Fernando East that if he does not attend these meetings, it is the intention of the Government to suspend him. Never! You cannot use some kind of subterfuge by the Committee. *[Interruption]* I am coming to that. You cannot use a subterfuge where the Committee's report intends to make a finding of contempt because you have to tell him that, too. You have to tell the Member for San Fernando East that if he does not attend, it is the intention of the Committee to find him in contempt. That was never told to the Member for San Fernando East.

The other mistake that has been made is that notification of the proceedings or the proposed decision—I want to repeat that because the big mistake made here is that the Member for San Fernando East was not notified of the action the Committee intended to take, which is to find him in contempt. *[Interruption]*

We knew on Friday that the five Members of the Committee had

made a decision that the Member for San Fernando East was in contempt; but the Committee never told the Member for San Fernando East that before they took that decision.

Dr. Moonilal: They are telling him now.

Mr. C. Imbert: Too late.

“Notification of the proceedings or the proposed decision must also be given early enough to afford the persons concerned a reasonable opportunity to prepare representations to put their own case.

Otherwise the only proper course would be to postpone or adjourn the matter.”

Basic elementary law. They made two colossal blunders. They never told the Member for San Fernando East that the majority of the Members of the Committee intended to find him in contempt if he did not come; and they did not give him sufficient notice. That is why I went through the whole question—[*Interruption*] Yes, you have to tell him. That is why I went through the whole question of sending correspondence on the 10th and telling the Member to come for the 11th.

I cannot see any tribunal coming to a conclusion that telling somebody on Tuesday afternoon that they must come to a committee meeting on Wednesday morning—I am sorry; I do not consider that that falls within this rule.

Notification of the proceedings or the proposed decision must also be given early enough to afford persons concerned a reasonable opportunity to prepare representations or put their own case.

What the Government has done is taken this matter out of the realm of the Parliament and put it right into the court and has now given a judge a very easy case, in my view, to see whether basic rules of procedural fairness and natural justice have been followed.

As I said before, if the Government wanted to do what it has done, it should have called the Member for Siparia; it should have allowed those of us who wish to test the evidence. Someone was telling me a little while before that the Government Members of the Committee, who were present at that meeting on the 11th, made a decision based on the *Hansard* record because they had some misguided belief that that was evidence.

Matters said in this Parliament are not evidence; they are not sworn testimony. When someone gets up in here, they do not take an oath that everything they say will be the truth, the whole truth and nothing but the truth. I am surprised at the hon. Members opposite. [*Reaction by Government Members*] A statement made in Parliament is not evidence.

They are saying—and we would like it to be determined—whether the [*Interruption*] Who would be in jail? Sandy and Ramadhar would be in jail.

There is a view that you should not make the Committee of Privileges a court and there is a lot to be said for that. That is why when we in the PNM deliberated on this matter there were divided opinions. There still are differences of opinion on the whole question of courtroom procedure as it relates to the Committee of Privileges. I hope the court will sort that out.

It is a basic rule of the Committee of Privileges itself. If you go into the records, how has the Committee of Privileges dealt with issues? It has

summoned witnesses and allowed the Members of the Committee to question those witnesses. The Member for Diego Martin West is reminding me that in that famous teacup incident, the Committee brought the complainant, the Member for Fyzabad, and questioned him; and the accused, the Member for Diego Martin West, and questioned him.

It was based on the questioning of the Member for Fyzabad, the complainant, and the Member for Diego Martin West, and at that time the Committee decided, on the balance of probability, that the report or evidence given by the Member for Diego Martin West was more credible and, by majority, recommended certain action against the Member for Fyzabad. The Committee was allowed to hear and question both people. That has been the practice in this Parliament. *[Interruption]* And other witnesses as well.

I am being reminded that in that particular teacup matter it was not only the complainant who was questioned, it was the accused and other persons associated with the matter and could have assisted the Committee in arriving at a conclusion.

As a construction professional, I would have liked to question the quantity surveyor who prepared the report for the hon. Prime Minister. I want to make it very clear that the allegations made by the Member for San Fernando East were—*[Interruption]* No. I want to establish the veracity. The allegations made by the Member for San Fernando East were very serious. The Prime Minister responded by referring to expert advice received from construction industry professionals. I hear the Member for Oropouche East making all sorts of remarks. *[Interruption]* I realize that

the Government knows it is defeated, but I would like to examine the quantity surveyor; bring him before the Committee; ask him how he prepared the report, so that I could satisfy myself as to which statements are correct; whether the ones made by the Member for Siparia or the ones made by the Member for San Fernando East.

You never know what the outcome might have been. If the Member for Siparia had brought all the construction industry experts that had given support to her version of the story, you never know what conclusion the Members of the Committee of Privileges could have come to. We may have accepted it; we may have decided that it sounded correct; but we were never given that opportunity and the Members on the opposite side were also never given that opportunity.

It has boiled down to the question of “he say and she say”. If I could bring it down to its lower common denominator, it would be “he say and she say”. The Member for San Fernando East made certain allegations against the hon. Prime Minister and the hon. Prime Minister responded; but there is no evidence. It is simply one person’s word against another person’s word and there is reference to expert testimony—as I said, quantity surveyors’ reports; things from Town and Country Planning Division and so on; but we never saw those things.

When one looks at what has happened today; if one summarizes what has happened, between May 09, 2011 and today, the Government Members on the Committee of Privileges have made, in my view, a series of blunders. The Members of the Government who are on the Committee of Privileges have made serious blunders. They have broken every single rule of natural

justice and procedural fairness. They have brought a deceptive Motion before this Parliament. We had no idea, when we were coming here today, that we would be debating a Motion to suspend the Member for San Fernando East indefinitely. We had no idea that the Government was attempting to set a precedent to suspend the Member for Diego Martin West because that is their real intention. They want to suspend the Leader of the Opposition. That is what you want to do. I am satisfied that it is the Government's intention through subterfuge and through establishing this horrible precedent, [*Interruption*] I will not give way to you; you did not want to give way to me.

5.40 p.m.

I hear the Member for Oropouche East talking about: Have you done that before? Mr. Speaker, how much more time do I have?

Mr. Speaker: You have until 5.05 p.m.

Mr. C. Imbert: Thank you. I have 15 minutes, nice. Mr. Speaker, I heard the Member for Oropouche East say you have done that before. What does he mean? Does he mean that a former Leader of the Opposition was suspended? Is that what he means? [*Crosstalk*] You know, Mr. Speaker, what the Member for Oropouche East is doing, either wittingly or unwittingly, is casting aspersions on your immediate predecessor because the former Leader of the Opposition was suspended because he got into a public fracas with the then Speaker of the House of Representatives. It had nothing to do with any Committee of Privileges, it had nothing to do with any allegations, it had nothing to do with any contempt, it was a question of the Speaker, your immediate predecessor. And I notice, Mr. Speaker, you have been making similar rulings.

The Member for Couva North at the time, had been in the habit of

bringing a laptop computer into the Parliament and had been in the habit of turning it on and using it throughout the session and your immediate predecessor had cautioned the Member for Couva North and told him to stop doing that, Mr. Speaker, and the Member for Couva North refused. The Member for Couva North was warned by the former Speaker, and he continued and there was a public exchange there was a huge argument here in the Parliament, and the Speaker then invoked the procedures in the Standing Orders with respect to suspension of that Member. Completely different to the matter that we are dealing with today, Mr. Speaker.

On that occasion the Leader of the Opposition was suspended—this is the relevance—because he disrespected the Chair; he disrespected the Presiding Officer. [*Crosstalk*] That is why he was named because that is the procedure that is called for in the Standing Orders, Mr. Speaker. That is the whole question of, when the Speaker requires suspension of a Member because that Member is disrespecting the Chair—I mean, I am surprised that the Member for Toco/Sangre Grande, of all people, was a former Speaker. And the Member for Toco/Sangre Grande knows that when the Presiding Officer is disrespected in this Parliament—[*Interruption*]

Dr. Browne: Former “neemakharam”!

Mr. C. Imbert: The only way the Speaker can deal with a disrespectful Member, is to call on a Minister to name that person. That is our procedure. There is no other way, Mr. Speaker. [*Crosstalk*]

Hon. Member: Who suspended him, the PNM?

Mr. C. Imbert: Yes, sure. Mr. Speaker, I am hearing all sorts of things sotto voce over here. I have just explained, Mr. Speaker, that in my opinion, it is the intention of the Government to suspend the Leader of the Opposition. When I made that allegation, what does the Member for

Oropouche East say? It was done before? What does the Member for Toco/Sangre Grande say? He was suspended by his peers and we shall do so as well. That is what he just said, Mr. Speaker, sotto voce! [*Crosstalk*]

So let us look into what the Government is doing here. The Government over the last week using its majority on the committee—because you, Mr. Speaker, are just the Chairman. You are at the behest of the committee, your function is merely to maintain order, to make sure that proper procedures are followed. You are not a decision maker, per se, within the Committee of Privileges, Mr. Speaker. You are simply its Chairman to make sure that everything is done in accordance with procedural fairness. But once the majority of the committee decides to do a particular thing, you are helpless, Mr. Speaker. [*Laughter*] If one goes through the verbatim notes—and I must give you credit, Mr. Speaker, at times throughout the proceedings you were at pains to caution the Government Members that what was necessary was respect for the rules of procedural fairness. [*Crosstalk*] But if the—he did, on several occasions. If you go into this report you will see that the Speaker, on several occasions cautioned the Members—[*Interruption*]

Dr. Browne: The current Speaker?

Mr. C. Imbert: The current Speaker—of the Government that at all times, it is prudent—that is all he could do, advise—it is prudent to proceed in accordance with the rules of procedural fairness and natural justice. He did that. You, Mr. Speaker, you did that. But “stick break in their ears”. They did not hear you. And you see, when you have a majority of five in a committee of eight, and that five is insisting; “let us get on with this matter. He doh want to come, we go suspend him”. Let us go, let us go, let us go, let us go. And no matter what the three minority members say; look, there is

a matter before the court, we are of the view that the court should deal with this question of legal representation once and for all. What is your hurry? What is your rush? It is an important issue. It is an important issue, Mr. Speaker. [*Crosstalk*]

When the court determines whether persons who are before the Committee of Privileges should have legal representation, whether they should be allowed to be cross examined, whether their attorneys should be able to address witnesses, that will be a landmark ruling for this Parliament and the conduct of its committees. It is a very important decision.

Mr. Speaker, and why is the Government not allowing the court to do what it has to do? [*Crosstalk*]

Dr. Moonilal: But we are not preventing them.

Mr. C. Imbert: The hearing is coming up on the May 31. It has been given an early date, Mr. Speaker. [*Crosstalk*]

Dr. Browne: Obscene!

Mr. C. Imbert: What are they rushing for? Do you know why they are rushing? Rather than waiting for the court to determine whether a Member who is before the Committee of Privileges has the right to this level of legal representation, they are pushing ahead with this thing to the point of a situation where we have an inaccurate report before the House, it does not contain the views of the minority, they are making all sorts of procedural errors, they are not giving the Member for San Fernando East proper notice of the fact that it is the intention of the committee to find and make an adverse finding on him. They are not giving him due notice of meetings, and so on, Mr. Speaker. They are not bringing the complainant which has been the practice in every meeting of the Committee of Privileges that I know about in the last 20 years, when you have contradictory evidence, you

always bring the complainant and the accused. I have never seen—and you can go in the records and check it yourself, Mr. Speaker. I have never seen a situation where one Member of Parliament is making a complaint against another Member of Parliament and both Members are not brought before the committee, the complainant is not brought, Mr. Speaker. [*Desk thumping*] [*Crosstalk*] I have never seen that.

If the Government so wanted to prove its point, if it so wanted to prove that the integrity of the Prime Minister had been impugned, that the reputation of the Prime Minister had been besmirched, why did you not—the accused refuses to come because he has a matter before the court, why did you not bring the complainant, Mr. Speaker? As I said, another elementary blunder. [*Crosstalk*]

And it is obvious to me, Mr. Speaker, this Government, power has gone to its head, it has gone power mad, it is in trouble, the Government is in trouble, it is desperate, there are all sorts of things happening within the public domain. All sorts of problems, internecine warfare! You have the Member for D'Abadie/O Meara, who wants the job of the Member for Tunapuna and they are battling it out both in private and in public, Mr. Speaker. [*Crosstalk*] They are battling it out. You have the Member for D'Abadie/O Meara making all sorts of adverse commentary over the fitness for the Member for Tunapuna to lead, an integral Member of the coalition Government. All of that is going on. You have Members of the coalition Government being summarily dismissed and so on. It is obvious to us on this side that what the Government is doing, this is a distraction. [*Interruption*] Yes, you have Mr. Makandal Daaga coming out and expressing feelings of anguish.

Dr. Browne: Outrage!

Mr. C. Imbert: It is more like anguish. Never seen so—[*Crosstalk*] I cannot believe the statements. Mr. Makandal Daaga saying he has never seen so much corruption as is occurring in Trinidad and Tobago over the last couple—[*Desk thumping*]

5.50 p.m.

Imagine that! One of the coalition leaders, Mr. Speaker! So, it is obvious to me, Mr. Speaker—60 years! In 60 years! [*Crosstalk*]

Mrs. McIntosh: “He say dey tiefing as though they invented money.”

Mr. C. Imbert: What is that?

Mrs. McIntosh: “Dey tiefing money as though they invented it.”

Mr. C. Imbert: They “tiefing” as though they invented money. He said all that?

Mrs. McIntosh: That is what he said in the papers.

Mr. C. Imbert: I did not see all that. Mr. Speaker, I did not see all of that. All I know, I saw a comment from him that he had never seen so much corruption as he is seeing in the recent times. [*Crosstalk*] So you have all of that going on. You have the Movement for Social Justice, the Member for Pointe-a-Pierre, making statements that they are not happy with what is going on—making a statement that it is not easy to be a member of this coalition. [*Desk thumping*]

You know, so it is obvious, Mr. Speaker, that because of all this bacchanal and “kankatang” and confusion taking place within the coalition Government, they have decided to shift the spotlight away from them and their “kankatang” and shift it on to the PNM and the whole question of

justice or injustice, as the case may be, and get the whole country now consumed in a whole conversation about what constitutes natural justice; what is fair notice; what is reasonable cause; what is the balance of probability; and what does prorogation mean. This is the intention of the Government. This is why we are sitting here on a Monday instead of a Friday, because they want to shift the conversation away from what is happening with them to their actions against us. [*Desk thumping*]

Mr. Speaker, I know the population of this country is not foolish. I know that the writers know what is going on. I know that the judges that sit in our Supreme Court are intelligent and well-versed in the principles of natural justice. As I said, based on all the blunders the Government has made, I want to repeat them. I am going to go in a reversed sequence.

The Member for Toco/Sangre Grande, coming in after the mover of the Motion has piloted the Motion and after the Leader of the Opposition have spoken and amending the Motion to impose the maximum penalty on the Member for San Fernando East. Maximum penalty! That is blunder No. 1. [*Desk thumping*]

Blunder No. 2 is not notifying the Member for San Fernando East that the committee intended to make a finding of contempt against him if he did not attend that meeting on May 11, 2011. [*Desk thumping*]

Blunder No. 3 is writing the Member for San Fernando East today for tomorrow, and tell him to come to a meeting, giving him one day's notice, telling him we are going ahead, come tomorrow; 24 hours notice, Mr. Speaker. That is blunder No. 3. [*Desk thumping*]

Blunder No. 4 is not calling the Member for Siparia so that the Members on the PNM side could determine—I would have loved to get a resolution of this matter. As I said, the country needs it, Mr. Speaker. As I said, very serious allegations have been made against the Prime Minister. In fact, what the Members opposite have done is, they have done the Prime Minister an injustice. [*Desk thumping and crosstalk*] As the Member for Diego Martin Central has reminded me, because this matter has not been resolved, because the Member for Siparia was not given an opportunity to come before the committee and to justify and to satisfy the Members that everything she said in her personal explanation was true and the whole truth, because of that, the suspicion will still linger. They have done the Prime Minister an injustice.

Mr. Speaker: Hon. Member, you have one more minute.

Mr. C. Imbert: I know I have one more minute, Mr. Speaker. Mr. Speaker, I conclude by saying—[*Crosstalk*]—Mr. Speaker, could you! I know it is just a few seconds.

Mr. Speaker: Just allow the Member to speak in silence. Member for Lopinot/Bon Air West, you seem to be disturbing the Member, please. Continue hon. Member.

Mr. C. Imbert: Yes, Mr. Speaker, as I said, what the Members of the Government have done very amateurishly, they have converted this matter from a simple question of statements made in the Parliament and the question of who is correct and who was not correct, they have converted it from that into a court matter, and all the courts will be looking at is the

question of natural justice and procedural fairness, and we will never be able to deal with this matter. I cannot support this Motion. The Government has converted the Committee of Privileges into a kangaroo court. This is the beginning of dictatorship in Trinidad and Tobago. [*Desk thumping*]

The Minister of Legal Affairs (*Hon. Prakash Ramadhar*): Mr. Speaker, my heart is extremely heavy this evening. When I became a Member of Parliament, I took an oath in this sacred hall. [*Crosstalk*]

Mr. Speaker: Please! The Member is now about to start his contribution. Could you allow him to speak in silence? Continue hon. Member.

Hon. P. Ramadhar: We took an oath, each and every one of us here. Indeed, when we were voted into office, whether in the Government or into the Opposition, all of us obtained the title “honourable”. I wonder Sir, with all due respect, whether we should be called honourable because of the office we hold or whether we should bring honour to the office that we hold. [*Desk thumping*]

One can go into a multitude of technical arguments and complicated esoteric development of legal points, but what we must never ever take our eyes off is the truth. This is the highest office of the land, and if we do not set the highest example this nation will never be led to the ideals and to the heights it ought to be. That is why this society has been described as almost a failed State, because we do not understand the need for truth and decency especially in this House.

Let me begin by saying Sir, that it is the oldest of understandings within the law that, “He who alleges must prove.” [*Desk thumping*] I heard

the Member for Diego Martin North/East speak about a statement made in the Parliament and then referred that—it is not on oath. Sir, when I speak here, I imagine that all of us would speak from an element and a core of truth, and it is not—[*Crosstalk*] Sir, if it is that we are going to have this level of misconduct—

Mr. Speaker: Please, again, Members. Hon. Member for Point Fortin and the Member for La Horquetta/Talparo, you cannot have a conversation in the House whilst a Member is speaking. I appeal to Members on both sides, particularly the Opposition benches, and some Members in the back to kindly listen to the contribution of the Member for St. Augustine in silence. Member for Point Fortin, do not engage in any crosstalk with the Member for La Horquetta/Talparo. If you all wish to discuss any matter, you can be excused, okay and do it outside the Chamber. Continue hon. Member.

Hon. P. Ramadhar: Thank you very much, and I would be most grateful for a little attention, because I do not speak for long, but when I speak I try to have meaning in what I say. [*Desk thumping*]

Mr. Imbert: Reshmi Ramnarine!

Hon. P. Ramadhar: There is a higher order than putting your hand on any holy book and saying, “That I swear to speak the truth, the whole truth and nothing but the truth.” When you speak, like some persons wear a wedding ring to say that they are married, but they would be as deceptive to their wives as they could possibly be, because a wedding ring is symbolic of something, but others use it as a signal or a sign to their wife that they are being faithful when they are not. That is a reality in this country. My wife

and I had the discussion. I do not wear it, because my love for her is in my heart not on my finger. When we make analogies that you could speak in the highest Chamber in this land, and it is not of equivalence to speaking the truth, because you have not taken an oath at that moment, then that is a clear misunderstanding of our roles in this Parliament. It is now no secret why the society has failed under a PNM government if that is what they believe that we must do here.

Mr. Imbert: Reshmi Ramnarine!

Hon. P. Ramadhar: Sir, they speak of Reshmi Ramnarine. I made a mistake, because of the information I had, but the moment I learnt that I was wrong, I apologized to this nation. On the last day, on the urging of my friends, I put it on *Hansard*. [*Crosstalk*] It could be as what, but I was regretful the moment I learnt of it, and I went to this nation and I apologized like many others who made mistakes. Honest mistakes can be made, but not to say that, because you do not take an oath in this august Chamber that you do not have a duty to speak the truth or you have a duty to be irresponsible, to castigate and to run your mouth, in other words on people, because you have the protection of the House. A privilege that is abused is a privilege that is endangered. You must understand that! [*Desk thumping*] When the Member for San Fernando East rose—[*Crosstalk*]

Mr. Speaker: The Member for Port of Spain North/St. Ann's West, please, please.

Hon. P. Ramadhar: If it was important enough for the other side to have demanded of me on my legs to apologize for Reshmi Ramnarine, I did so for

the record, that must mean something—a record for all times—and, therefore, when the Member for San Fernando East spoke, he must have known what he was doing, and without evidence to support it, he allowed a lie to go onto the official record of this Parliament.

My first year has not yet been celebrated in this Chamber, and I have come to learn from many who have been here for 40, 20 and other years—I sat in amazement this evening, because you would imagine that my friend for whom I have developed fondness and respect, speak this evening as if he was a stranger to the committee. Let me put it on record that he was a most present Member of the committee from day one until the last two occasions. [*Crosstalk*] Hold on!

When we sat for the first time, the chairman of that committee made it very clear that we do not sit there in terms of political party separation, but we sit as Members of the House to cooperate, to assist and to find what is real and true. Let the Member stand on his legs now and tell this Chamber for the record of *Hansard* whether he ever suggested for a moment that the hon. Prime Minister be brought before the committee to give evidence. Never! Never! Do not perjure yourself Sir! Never for a moment in the Committee was this route ever suggested. I am not accepting for a moment that is correct that anybody should have been called, but do not come here in a sanctimonious effort to suggest that we have been mistaken and misled. The *Hansard* stands.

The Member for San Fernando East fully well knew the allegations which were made. They were written out—if you did not know it before

you could have read it—and they were communicated to him. There were three grounds; a matter of record. With all due respect, when he was warned by the Speaker of this House during his contribution about making the allegations, he promised to bring a Motion and up to today, six months after he has not done that.

He had the opportunity before the committee—[*Crosstalk*]*—*more than ample, to speak the truth. Applications were made, firstly to the High Court, withdrawn; Motion on the floor, withdrawn. My learned friend, the Member for Oropouche East has gone through and I should not burden this House with that historical recount. The committee had a duty to perform. The duty of the committee was to make a finding and report to the House. It is not a light duty. It is a very serious one, and it was respected at every level, giving the Member for San Fernando East every opportunity for him to advise us, to explain, to mitigate and to do any number of things, but he chose a legal route.

6.05 p.m.

The question that we have to answer in ourselves is, is the work of this House to be suspended? Is it to be frustrated so that children and all of the nation and the world will see that a former Prime Minister makes the most serious allegations under the guise of privilege, given the opportunity to explain, he does not do that, then takes steps to frustrate the working of this House? What message would it send to our society where legalistic manoeuvres are used so that justice is denied in the very highest Chamber of this land?

We are seeing the consequence of that in our criminal courts, where persons charged with murder and the most heinous of offences—and forgive

me, I came from that practice in the courts where justice was denied by the machinations of brilliant legal minds. Are we now going to allow an infection in this House so that this House too would be frustrated and paralyzed? That is the question we must ask, or are we not going to be mindful about it and take responsibility to ensure that all wrongdoing, the abuse of privilege is dealt with, or are we to await sometime in the miserable unforeseen future that the time has passed—and my friend from Diego Martin North/East spoke of the prorogation of Parliament and the effects of it.

It would mean that anyone could stand here, say anything about anyone in this nation without an iota of evidence or proof and then play the same game and walk away unscathed, giggling and grinning while the nation looks upon us as bumbling fools. Is that what we are going to do? Is that the example we set? And this is why, Sir, it would be a matter of record before the Committee proceeded after having made due and diligent search to enquire as to the absence or presence of the Member, having been notified repeatedly as to the purpose that he was brought there, having been advised by his own lawyers and other advisors, is it a surprise that we were going to do the business that this House demanded of us or required of us? It is childish and puerile to imagine that the former Prime Minister who boasts of 40 years, and in fact last week celebrated 40 years as a parliamentarian, that he is taken by surprise and chose to allow his absence now to be used as an excuse and avoid the consequence of one's action.

We all speak about and I remember the Member for Tabagite speaking about consequence to action, when there is no consequence to an action there is no limit to action. And this is what we have to understand. It is either we—because there is always a balance between the authority of a

court and the authority of Parliament. We have a duty in the Parliament to regulate ourselves and do the business of Parliament. An enquiry was made, Sir, on the morning after it was notified to the Member for San Fernando East, before we proceeded whether there was any approach to the High Court to obtain a conservatory order to get guidance from the High Court, whether we should or should not proceed. There was none, absolutely none!

And then I hear this morass of an argument from the Member for Diego Martin North/East, sounds very good if you take them line by line, but put together it is a soup, a recipe for disaster and that is exactly what they want us to fall victim to but we will not, because as I said, and I know I am not supposed to trespass on prior debates, but I will repeat this, this is a Government that will take responsibility to get things done. [*Desk thumping*] I was pained when I heard it suggested that this Government is on a mission to suspend the Member for Diego Martin West. How could he be so? It is, you know, like the wicked mind, they see everything from their own experience and their own intent, but standing as a Committee Member, I and none of my friends, none of my brothers or sisters will ever be part to any lynching or any kangaroo court, due process—

Ms. Cox: Speak for yourself.

Hon. P. Ramadhar: Well I will tell you, I will speak for myself. We will have none of that—[*Desk thumping*—because I grew up with a clear understanding of “what he sow he shall reap”, in Hinduism we call it “Karma” and I live by that. It is the most liberating thing and brother, learn this—learn this, your action today leads to a reaction and a consequence to action. It is most liberating that if you do evil, you will reap evil but the liberation in that is that if you do good, you shall inherit good.

So maybe this debate is really higher than the actions and the need to

penalize or to take action against San Fernando East. It is about time that we reset the standards of society and we must start it here. This is a Parliament that is about the people's business and setting right examples. Before I take my seat, with all due respect to the game play that is obvious now on reflection that the Member for San Fernando East did everything under the sun and in darkness to avoid the consequence of his action.

Sir, indeed a Constitutional Motion was filed and the defendant in that is the Attorney General. I do not know, after Reshmi Ramnarine I trust very little but I have received a copy with the heading "SUPREME COURT OF JUDICATURE", "ASSISTANT REGISTRAR'S CHAMBERS", dated "16th May, 2011", today's date. Now remember, Sir, before we proceeded last week, I asked whether we had received any order or guidance from the High Court, the answer was no—no, none.

"16th May, 2011"

Ms. Sasha Franklin

Messrs. Alexander Jeremie and Co

Attorneys at Law

No. 81, St. Vincent Street

Port of Spain

Dear Madam,"

and it recites the number,

"Patrick Manning -v- Attorney General of Trinidad and Tobago.

I write further to my letter to you dated 12th instant.

I have been asked by the Honourable Madam Justice Rajnauth-Lee to inform you, that in light of the fact that you indicated to her JSO via telephone (on the 16th...), that your client will no longer be pursuing the interim application fixed for Tuesday 17th May, 2011 from 9.00

am.-11.00 am, hearing of the said application has been vacated.”

[*Crosstalk*] Hold on please, there is more. Sir, this is why I had asked the question then and the answer is here now.

“The court also noted that no formal application had to date been filed.” There is a little bit more and it reads like this: [*Crosstalk*]

“The Honourable Judge has also indicated, that if there are any issues of costs or otherwise arising out of hearing of the interim application being vacated, same will be dealt with at the first Case Management Conference (CMC), which is fixed for 31st May, 2011 at 2.00 p.m. in Courtroom, POS 20 at the Hall of Justice, Knox Street, Port of Spain.”

Sir, whatever the other side, and I say the other side because there seems to be a lack of independent thought when it comes to matters of party. That is understandable but what does this letter say, assuming but not admitting that it is real, because it is so potent and telling that it is frightening that this Committee, had we fallen victim to the game play—

6.15 p.m.

Mr. Speaker, I want to pay special commendation to my colleagues: Mr. Roger Samuel, Mr. Chandresh Sharma, Dr. Roodal Moonilal—

[*Interruption*]

Mr. Speaker: You do not call Members by name.

Hon. P. Ramadhar:—sorry, Member for Arima, Member for Caroni East, Member for Fyzabad and Member for Oropouche East, for having had the foresight and possibly the guidance not to allow us to fall into that trap; a trap. I remind, as I take my seat, that if you were a committee member from day one and you knew the process was flawed, did you not have a duty to your committee brothers and sisters to say, “This is the way I see it?” But sitting like a cobra—[*Interruption*]

[Mr. Speaker raises hand]

Hon. P. Ramadhar: Sorry, I withdraw. Sitting and waiting, in ambush today, to come now and tell us what should have been, *[Crosstalk]* when you had, not just an authority, but the duty to guide, is less than honourable, with all due respect. *[Desk thumping]* I am sorry to have to utter these words, because I am learning as I grow older—*[Interruption]*

Hon. Member: Uuh!

Hon. P. Ramadhar: Yes, yes, you too, you must learn—that you must always do that which is right. My aajaa Ramadhar always said, and I saw him act it out, that it did not matter who you were, whether his own daughter or his own son, to a stranger if you were wrong, he would tell you you were wrong in their presence, because right is right and wrong is wrong. We cannot play games.

This nation has reached a precipice. We almost fell over. We, the People’s Partnership, are in an effort to change it, to reset the standards of conduct in this nation. *[Desk thumping]* That does not mean we are all perfect. Many of us are not really true to what we preach and what we say, but what is happening is that there is a cleansing going through this nation. This country is changing; our population is changing. If you wish to be of the old standard, you will be cleansed out of the politics of the future. *[Desk thumping]*

So I think, consider all of us here, a moment of history is descending on this Parliament. They will “steups”; they will fret, but the truth will always be there and could never be subdued; never. *[Crosstalk]* I am proud, as a Member of this Parliament, to be part of that change. *[Desk thumping]*
[Crosstalk]

I am reminded, on a less heavy note, of the old saying that you can

run, but you cannot hide. That is a statement that is as true as the arrow that is shot cannot be retaken. That is karma.

I thank you.

Miss Donna Cox [*Laventille East/Morvant*]: Mr. Speaker, actually I did not plan to join this debate, but I think it is that important, so I joined the debate.

I just want to refer to the letter read out by the Member for St. Augustine concerning the hearing and the Motion which he stated was withdrawn. Actually, the original date of the hearing was May 31, and the withdrawal has to do with the court date which was supposed to take place tomorrow. My understanding is that the date will still be on May 31.

[*Interruption*]

Mr. Ramadhar: Would you give way, please? Mr. Speaker, Trinidad and Tobago expressly provides that Parliament may not breach a person's right to protection of the law, deprive any person of a fair hearing in accordance with the principles of fundamental justice, for the determination of one's rights and to deprive a person of their rights to such procedural provisions as are necessary for the purpose of giving effect and protection to one's rights and freedom established under the Constitution. To do any such thing is a breach of one's fundamental rights enshrined in the Constitution sections 4(b), 5(2)(e) and (h). This applies to Parliament as well as committees.

In Trinidad and Tobago an appeal to privilege cannot, as in Great Britain, avail parliamentary action which deprives any person of a fair hearing in accordance with the principles of fundamental justice, for the determination of one's right or a fundamental right is enshrined in the Constitution.

The decision to rush this report in this House today deprives the

Member of Parliament for San Fernando East of his fundamental rights. It breaches his right to the protection of law and deprives him of the right to procedural provisions as are necessary for the purpose of giving effect and protection to his rights and freedom established under the Constitution.

I was just wanted to ask today: what was the plan? Was it really to suspend him? And that was before the Motion was put forward. We know now that the plan was always to suspend the Member for San Fernando East. We say today that we do not agree with this and it is very unfair to the Member for San Fernando East. The infliction of any penalty today on the Member would be, indeed, an infringement on his rights.

For example, I know that the Member for Diego Martin North/East spoke about the chronicles of the meetings, so I would not go into all the details. But I was really concerned about the notice of the meeting of May 11, 2011 and the fact that the committee refused to adjourn the meeting in order to give the Member San Fernando East his fair notice. Also, in making adverse findings against him at that meeting, without hearing evidence and without warning him that the committee proposed to make adverse findings against him if he did not attend, and in preparing and advancing to the House of Representatives the said report, indeed, deprived him of the fullest opportunity to defend himself before the committee. This, of course, again violated his constitutional rights. The Government is clearly in breach of interfering with the Member of Parliament for San Fernando East's right to a fair hearing in the Committee of Privileges.

I would speak a little on the report itself, because I just want to state that the report does not reflect a true picture of what took place in the committee. There is no information concerning the objections of some members of the committee, of which I am a member, because many times

we objected to the fact that the Government was just pushing us to move forward. We knew that a motion was filed, and we asked if we could just say still until the hearing of the court, but the Government would hear nothing of it, and it was just a mad push and rush to move forward. So clearly there was a plan and, today, that plan has been unearthed.

Mr. Speaker, the Member for Oropouche East spoke about the Member for Parliament filing his constitutional motion, the private motion and that at one point when one of the motions was withdrawn, the meeting was adjourned, and gave the impression that he was being given a favour or he was being done a favour. But if a private or constitutional motion was filed, I think that the committee was supposed to allow the Member of Parliament for San Fernando East to be heard in court. I think the committee was not doing him a favour, because it was his right to ask for an adjournment.

Comments were made by the Member for Siparia that the committee had been dragging on too long. I want to inform you that this had been the sentiments in the Committee of Privileges, so I understand what is happening. It is a team and they have all decided, “Well, this is too long and it is time for the Member of Parliament to be suspended.”

I take umbrage to the fact that the Member for Oropouche made light of the Member for San Fernando East’s medical condition. I felt that was out of place and disrespectful even to comment,. [*Desk thumping*] to give the impression the it was just an excuse. We should not even bring up people’s medical condition. As we speak, the Member for San Fernando East is on his way to Cuba, and we on this side wish him all the best. I take this opportunity to hope that everything goes well with his medical examination. I feel at this time that we in the Parliament need to be more

responsible than that. You do not make light of people's medical condition. [*Desk thumping*]The fact is there were times that the Member asked for adjournments based on having a medical appointment. There were times, and it is in the report that he did ask for meetings to be adjourned because he had medical appointments.

The Member for Diego Martin West spoke about the signing of the report. I was never approached to sign any report, and I am a member of the committee. So I really do not know. I am hearing about signing a report, and the Member for Oropouche East mentioned that everyone should have signed the report, as if we were supposed to. I did not attend the last meeting because I had a funeral to go to, which is in the minutes, but at no point was I approached to sign this report. I do not know whose ideas are reflected in this report, because clearly every member of the committee was supposed to be approached to sign the report or, as a matter of fact, to show whether you agree or disagree with it, therefore the area for your signature would have been left blank. So something is wrong somewhere.

I just want to go back concerning the court hearing. I want to state that the Member for San Fernando East asked for interim relief. The hearing of this matter was set for Tuesday, May 17 at 9.00 a.m., tomorrow, and the Government fixed the meeting of this House today to circumvent the court hearing tomorrow. It is incorrect for the Member for St. Augustine to say, therefore, that the application was not before the court. [*Desk thumping*] There was an original date of May 31, and they asked for it to be moved up to yesterday. I just wanted to clear that up. [*Crosstalk*]

Our concern is, of course, why was there such a haste to have this sitting today. Why was there such a haste? It was clear, even from in the committee, that the members were pushing. They had a mandate, and that

mandate clearly was, “We must proceed, we must move on,” regardless of any of our arguments, they were not taken into consideration. I think it is clear to us now why there was this haste for us to meet today. Clearly this could never be fair. The process at all times must be fair.

I just want to remind this Government that at the end of the day, it is not just us, it is not just the Opposition, but know that the people of Trinidad and Tobago are looking at you, and the decisions that you make must appear and must be fair to the people of Trinidad and Tobago, and clearly they are not.

6.30 p.m.

I just want to ask the Government also to look—you came with an amendment, I ask you to come with another one, come with another amendment because I cannot at this point in time, with the signing of the report, us now being ambushed with an amendment to a Motion concerning—yes, we had no idea, there was no information concerning suspension of the Member for San Fernando East, and I ask you to relook at this Motion, Mr. Speaker, because at end of the day justice must be tempered with mercy and it must fair. Thank you.

The Minister of Sport and Youth Affairs (Hon. Anil Roberts): Mr. Speaker. Mr. Speaker, seeing that we are talking about the Member for San Fernando East, who is on public record as saying after his political career that he would want to be a pastor, I must say that one of the biblical sayings that I love the most and hold dear to my heart, is that “you must not bear false witness against another” and, unfortunately, the Member for San Fernando East has done that on a few occasions. This time it may be the Prime Minister, the Member for Siparia, before that it was his own colleague who is now the Leader of the Opposition, so it is nothing new.

However, for me to stand here, sit here and listen to my colleagues on the other side attempt to make argument after argument, technicality after technicality, skirting the main issue—

When I hear a qualified engineer who has done some big projects like the Grenada stadium—never mind the breeze blew it down—but he still did it. He has done many developments in Trinidad and Tobago, he knows what square footage is. He knows—

Mr. Speaker: Hon. Member, please. I have always said to all Members, do not personalize debates; whatever the Member did in Grenada that is not our business here. So, if you could stick to Motion and forget the personalities we will go well. So continue.

Hon. A. Roberts: Thank you, Mr. Speaker. The point I was making is that the Member for Diego Martin North/East—and it is his ball, he is a qualified person, an engineer, not so? Has construction companies, and has done many projects—I am saying that he is an expert in the field. So when he looks at a picture and hears a ridiculous comment about \$150 million, he does not need a quantity surveyor, he does not need to interview and cross-examine a witness, from the time he heard that statement, the one person in here who was secure and sure that is was false, ridiculous and totally romantically created in the figment of the imagination of a man suffering from “tabanca”, the Member for Diego Martina North/East was the most qualified in here to understand that. So do not come here today, Member for Diego Martin North/East and say that you would have liked to cross exam, you would have liked to bring in a quantity surveyor and an evaluator to give you an impression that a \$6 million house could never be worth \$150 million. That a house as small as that on that piece of land could never compare to the palatial expanse created and built by the Member for San

Fernando East. I am not giving way, I now start [*Inaudible*] you were going good whole term, but today I must say, you reverted to the North/East of old. Mischief!

Mr. Speaker: Please, please you cannot use the word mischief.

Hon. A. Roberts: I apologize, Sir, but like a friendly banter with my colleague—excuse me, Member for Port of Spain South, I am dealing with my colleague from Diego Martin North/East.

Member for Diego Martin North/East, you were fantastic because—and the Member for Diego Martin West who is over there because it is always difficult to debate something that you do not believe in the first place, so I commend you for making an attempt, for standing there and keeping your face straight—especially the Member for Diego Martin West—because when the vote came, as I recall, you did not agree with the Motion, you would not have supported that, you believed that the Parliament should handle its affairs. But yet, you stand here and you are forced to try to defend something that you tried to prevent in the first place in the caucus, but it was bought here by a veteran of politics who refused to take advice, refused to listen to the arms of his party to say listen “forget that, do not bring that to the Parliament”. So I commend you for attempting, it was a valiant attempt.

However, I will not use such phrases as ‘errant nonsense’, I would not do that, that is not parliamentary, but when the Member for Diego Martin North/East suggests that the Prime Minister should have been subjected to cross-examination and questions at the committee—this is all very interesting, however—questions of what? If the accuser does not present himself or herself to make a case, how can a defendant even be considered to have any case to answer to? So therefore, with all due respect, Member for

Diego Martin North/East, I am sure you could not have honestly meant that when the gentleman who made a statement, does not present himself, does not say anything, that the person accused of this, even after having made a public statement, with great detail, to show that the statement was wild at best and insane at worst, when you have that position you cannot expect anybody whether it be your good self, to come and subject themselves to cross-examination, on what basis, come on.

And secondly, the Prime Minister not only defended herself very well, and it perturbed me that she would even have to do that, because an experienced parliamentarian, 40 years in the business, he should have known, he ought to have know or he knew fully well what he was doing and it was rather unfortunate.

Now, I see that the Member for Laventille East/Morvant, and your good self—I am not giving way just yet, let me warm up a little bit first and then, no that I will give way but let me get into the flow, I find that you are trying to shake me off man, I am not even warm yet, yes all right ah coming. And the Member for Laventille East/Morvant, and even your good self and the Member for Diego Martin West, made the point that you did not get the report to sign and so on, and that you disputed the contents of the report. That is all very interesting, what you all failed to tell the population is that you refused to attend the meeting where the contents of the report were being assessed, assimilated and signed off on.

So, is it the position of those on that side that when the report—you refused to come to a meeting to say, “listen, we are going to do the contents now, we have done all that we can, let us get together and do the contents—please no, not yet, ah now tell you ah warming up, right—then you refused to come, is it your opinion that the Members of the Committee, maybe the

Chairman himself, must jump in his Prado or get the driver to drive and find you to sign something? Please, you have to tell the truth, the whole truth and nothing but the truth.

The Member for Diego Martin North/East also knows that the point he made—and he went at great pains to state—that the Government knew, well at first he contradicted himself, first you said we did not know or we thought that after Parliament was prorogued that it could go on and then we found out—check *Hansard*—then he said we knew, we found out then that on June 17 it would be dead, dead, dead, so we had to rush to do this dastardly act to the Member for San Fernando East.

Now, let us analyze that a bit, because let us flip it and let us understand that you are correct, that every Member on this side understands fully well and understood—and I understand—and I am not a committee Member—I am coming as someone before the committee who has been held up by the Member for San Fernando East machinations, I have been waiting, willing and ready to go on my hearing but it has not happened because we have to wait, okay. But we know full well that on June 17, everything dies.

The Member for San Fernando East, 40 years in this Parliament, he knows that very well, so his attempts to thwart, to delay, to postpone, to push it to that June 17 date is what is what has failed here today. Because we will not let the Member for San Fernando East disrespect the Parliament, disrespect the Committee of Privileges and even utilizing the courts so that the Judiciary—he is trying to utilize all arms of the State in order to reach that June 17 deadline.

6.40 p.m.

Now that it has failed do not try to flip the script and say that it is the Government that is rushing for that deadline. The deadline was since

November 24th. I am not going to go through this entire thing. You could read through this and you would see letter after letter, letter after letter; postponement, adjournment, postponement, make excuse, come back, dance around; it was a total mockery and for you Member for Diego Martin North/East, a man who recently in recent times has been making some brilliant contributions, today you took two steps back, you remind me of that leader over here who we used to look at on television with the jacket—let me do it like you and tell you that—[*Unbuttons jacket and slams book on table*]—“we not answering”. [*Laughter*] [*Interruption*] Yes, but, Member for Diego Martin North/East, you know—but I am proud of you, at least before.

Then you said the Government is moving with obscene haste. Well, I would like to know, obscene haste; November 24th to now, six months, how that could ever be obscene haste in order to deal with a simple matter? A simple matter that even a child who is in Standard 3 could know that that size house could not be \$150 million and what was even worse, there were some serious allegations made by a senior parliamentarian with absolutely not one iota of fact, of proof, of evidence; nothing. This is a serious thing now, because if we defend what the Member for San Fernando East did then each and every one of us, including you all, could be a target of just blatant fabrications or figment of imagination.

So, I could just get up here and say, “North/East, you and Ramsingh was doing x, y, z; bam, bam, bam” and have one piece of evidence, not have one piece of paper; have no truth in it whatever and then decide that I am going to delay the Committee of Privileges when you send me there and gallery and delay and nothing happens and we prorogue and end of story. That would not be very good for each and every one of us.

Mrs. McIntosh: That has happened in the past.

Hon. A. Roberts: It has what?

Mrs. McIntosh: It has happened in the past.

Hon. A. Roberts: “Calder Hart happened in the past too, so we do not have to go repeat all the mistakes of the PNM.”

So, we continue: also to say that the Government would want to—or the House or the committee—suspend the Member for San Fernando East indefinitely is also disingenuous, because you yourself said June 17th. So there is a date.

Mr. Imbert: Who said so?

Hon. A. Roberts: “Well, I ain’t say so”, but it is not indefinitely. It is up to and until June 17th for the maximum. It could be less.

Mr. Imbert: Who say so?

Hon. A. Roberts: Well, you see. But you said it is indefinitely. Indefinitely means there is no end!

Mr. Imbert: It is so.

Hon. A. Roberts: English language, there is an end, and the end—the maximum is June 17th as you said. So please! I am not saying so, but that is what you are saying, June 17th we are going to prorogue Parliament. All right. You also said the Government is going to use its majority to decimate the Opposition.

Mr. Imbert: That is your intention.

Hon. A. Roberts: Member for Diego Martin North/East, that is not our intention. How could that be our intention when the population did that already on May 24th? You all cannot be decimated anymore. [*Desk thumping*] How could you be decimated twice? [*Laughter*] I mean, lightning do not strike twice.

The population did that on May 24th. Look around, you are decimated. [*Interruption*] Not only are you decimated, you have moved from one disciplined uniformed party into three—a coalition that is fracturing. Your coalition is fracturing. [*Interruption*] “Eh”?

Mrs. McIntosh: You are talking about over there.

Hon. A. Roberts: Well, the last time, if you check the records, every vote that was taken of this side with 29 Members, we all voted together. You all cannot even walk out in unison. “Piece ah walk out, some go, some stay, some feel to go, unpack and sit down, some second a motion and then disappear, some say yes, some abstain and some say let’s move on.”

Mr. Imbert: Would you give way now?

Hon. A. Roberts: “Ah nearly, leh meh finish with you first then I’ll go Diego Martin West.” “Before ah finish with you then I’ll give way.”

So, the Member for Diego Martin North/East say, “What is the rush”? He said, “What is the rush, because they have a court case, why we doh just relax and let the High Court deal with the issue.” Very nice, sounds good; there is one problem with that argument, nothing done in this Parliament here, Mr. Speaker, prevents the Judiciary from doing and making its own judgment and going through the case. They could proceed with that as long as they want, they could take 10 years, that is the Judiciary’s business. It is independent, separation of powers, nothing—that report here and no decision that we make here curtails, prevents or stops the Member for San Fernando East from going to the court and getting any remedy that he wants. [*Desk thumping*]

He could go from now until he returns as Leader of the Opposition which will be shortly, because “he coming, he has support”, so please, I mean, such a learned man, I really appreciate when you give insightful

debate.

Mr. Imbert: You would give way now?

Hon. A. Roberts: I would give way now because I feel you would get better.

Mr. Imbert: Mr. Speaker, I thank the Member for eventually giving way. I now have three questions for him, I had two. [*Laughter*] Firstly, he has said that the Members of the PNM who are Members of the Committee of Privileges received the report. But they received it Thursday night for Friday morning and I am asking the Member for D'Abadie/O'Meara, do you think that is sufficient notice for us to receive a report with recommendations Thursday night for Friday morning? That is question one.

Question two, the accused person is the Member for San Fernando East; the accused not the accuser, the person who is before the committee being accused of contempt is the Member for San Fernando East. Okay? The accused is not the Member for Siparia; the accused is the Member for San Fernando East, and therefore, using your own argument that he who alleges must prove, would you not say that you need to prove that the Member for San Fernando East committed a contempt rather than the other way around? [*Hon. A. Roberts stands*] Question No. 3, I said you—

Hon. A. Roberts: All right go ahead. Go ahead.

Mr. Imbert: You are the one that brought it up. Number three, you just said that the court can continue because it is independent. Of course it can, it may take some time, but while all of that is going on the Member will be suspended and you do not have a time machine inside of here so that when three months, six months from now the court quashes the decision of this Parliament to suspend the Member, you cannot unsuspend the Member for that period, so could you deal with that too please?

Hon. A. Roberts: Fantastic. Thank you very much. Number one, I did not say that when you all got the report, I stated that when Members from that side who were Members of the Committee of Privileges were invited to the meeting to collate the report you chose not to attend, so therefore if you chose not to attend you cannot then disagree with the contents of the report.

The second one, what the Member for Diego Martin North/East was saying about the accused and the accuser, first and foremost when I was using the term I was speaking about the initial allegation made by the Member for San Fernando East where he stood up here with pictures and accused—*[Interruption]* Hold on, you are listening with your own ears. I am saying that at the time the statement was made in this honourable House when the Member for San Fernando East had a picture so big it blocked out the Member for Point Fortin, I could not see the Member for Point Fortin and he accused the Prime Minister of having a palace of \$150 million and so on and so forth.

Furthermore, now, let us also deal with that issue. Let us pretend for a moment that any Member in here or the hon. Prime Minister had a mansion for \$150 million. Let us pretend: having gotten all the approvals, having shown or being able to show where the money came from, whether it was a mortgage or how they financed it and so on, that is their private money. But when the Member for San Fernando East takes taxpayers' money away from people who could get more Smart Card—and the Member for Diego Martin Central would understand because he always encouraged to help people beat poverty—when he takes \$250 million of taxpayers' money to first of all demolish an existing structure and build a spatial spread. You can never compare what the Member for Diego Martin North/East would do with his private funds as to what Ministers will do with public funds. Do you

understand the difference between public—

Mr. Imbert: Are you accusing me of something?

Hon. A. Roberts: I am not accusing—I would not accuse you. Why would I accuse you?

Mr. Imbert: I just want to make it clear.

Hon. A. Roberts: Let us say you have a lovely big house, I am happy for you, I am proud of you that you were able, over the years, to work hard and buy your house. That is your business. That has nothing to do with me or the general public, however, when a gentleman and a Cabinet take that sort of money to build a house for which he thought he would remain in and so on, that is a different issue.

Hon. Member: That is nonsense.

Hon. A. Roberts: Nonsense. Okay sit down and relax. It is not so? “It eh cost \$250 million”? Were you in Cabinet when that decision was made? *[Interruption]* Okay, you must pay attention. What was question three? Or the court—no no, well the court—number one, after being in this Parliament for 40 years—I am glad you brought up that.

The person who should be the last person in this Parliament to actually go to court when it has been tradition, convention all over the world and in this Parliament that the Parliament handles its business, because the concept that we are missing is, all of us here has privilege, which means that we could come here and speak freely to do the people’s work. Now, having been on radio and television myself, I can tell you that when you speak on the free airwaves you have to be very responsible, you have to be very factual—

Hon. Member: Vex.

Hon. A. Roberts: Yes my dear, you cannot say things that you cannot

prove. You must dot your I's and cross your T's; you must have research, you must back it up with facts, and I would tell you, Member for Port of Spain South, over six years on the radio, three hours a day and on TV once a week for one hour and a half of very hard-hitting exposé, I have only gone to court once and that happens to be the son of the Member for San Fernando East and I would tell you that I beat him in that court because I was based on every iota of fact and research, it was borne out that it was true, so that was the only time.

Understand in this Parliament here, we are given this privilege to speak and when the most senior parliamentarian abuses it in the way that the Member for San Fernando East did, I am shocked that anybody in this Parliament would even try, Member for Port of Spain South, to defend that. Because it means that we all could get up here and say any irresponsible thing we want and it is going live out to the entire country, we have all the media here and it could damage the character of individuals for a very long time.

So, I am very shocked at my colleagues on that side for trying to defend the most outlandish statements. Not only that, I would not go through all the *Hansard* and so on, but at every juncture the hon. Speaker, by the motions, the Standing Order, the rulings; we were asking the Member for San Fernando East to come to book, to control himself and he chose to continue to go when he knew full and well that the statements were not based on any sort of fact whatsoever. Then a *prima facie* case was made out and he decided to disrespect, not only the Parliament and privilege by coming in here and willfully from this report, openly disregarded all rights, all honesty, all elements of truth without an iota of proof and he himself said and the *Hansard*, after investigations—well, I ask you, what investigations

the Member for San Fernando East could possibly have done if he did not even know if there were approvals, where there were approvals—WASA, T&TEC, town and country; these are all public documents that you could make one phone call, you could write one letter and get all of that information. Did he do that? No. He came to the Parliament purporting to have conducted an exposé, a brilliant investigative piece and suggested to the population that that house could be worth \$150 million. The only way that house could have been worth \$150 million is if Calder Hart built it under the PNM. [*Desk thumping*]

So it is rather sad to know that people of such character, who are serving the people would come here today and defend and try to talk about technicalities, when a man tried to dance, dancing with the stars, doing samba to the left, wining to the side just not to face—and what is more upsetting for somebody like me, “I waiting to face privilege. I ready, willing and able to go to clear my name from all of that and I cannot go because I am being held up by somebody who is afraid to face the music.”

Miss Cox: Hello.

Hon. A. Roberts: “You sooting meh, eh”? [*Laughter*] [*Interruption*] But I hear a soots in Parliament”. [*Interruption*] “You find ah looking good”?

6.55 p.m.

Hon. Member: Not on Arapita Avenue?

Hon. A. Roberts: Not on Arapita Avenue? Is that not your constituency? I am there quite a bit. You understand. I like to check your work to see if the pavements good, to see if the roads smooth and potholes. No, you are not doing so well, but you will get your vote out next time. So we are moving right along.

What is even worst, the Member for Diego Martin West said that they

were waiting to do a minority report. Now, let us wonder what could that minority report say? Would it say, listen, the Member for San Fernando East was responsible, he showed impeccable attention to detail, he really investigated the matter brilliantly, he provided documentation, he had three evaluations done by independent quantity surveyors. Is that what the minority report would say? Because the Member for Diego Martin West said, that when you sit on a Committee of Privilege it is not about you and us, it is not us and them, it is not the PNM coalition and the People's Partnership, when you sit there you are parliamentarians one and all adjudicating on the evidence before. But how is it, that in this most glaring case where there can be no, there is no, not even an iota of proof to suggest that anything that the Member for San Fernando East said could even fall into the realm of sane thought, how is it that the three Members—is it three Members from the Opposition who were on the committee or four? Three? How, is it that all three, since it is not you and us and us and them, how is it that all three disagree with the contents of the report and want to do a minority report?

Miss Cox: How all the five of you agree?

Hon. A. Roberts: That is worry. Well not only all five on this side, the whole population knew that that statement was so ridiculous.—
[Interruption]

Hon. Members: Ooooh.

Hon. A. Roberts: What do you mean ooh. Not the whole population? except the three of you all, non-People's National Movement coalition people. Anybody reasonably looking at a situation would know that \$150 million really was out there. But any way, you know it is rather saddening, because we have heard some of the people on that side, some of our

colleagues from the PNM stating and actually praising the Prime Minister and the Government for moving swiftly to deal with a certain situation recently, and that is good. Because while you were in Government, the People's National Movement, it appeared that at every juncture you were unable to act. So when good people do nothing, bad people excel.

So Calder Hart was there with the People's National Movement from 2003. The Leader of the Opposition now, the Member for Diego Martin West made his first complaint to the Cabinet and the then Prime Minister, Member for San Fernando East about Calder Hart in August of 2003. Now, had the Member for San Fernando East had the character, the gumption, the "sticktoitiveness", the firmness, the strength of the current Prime Minister from Siparia, our problems in this country would have been solved in August 2003, rather than [*Desk thumping*] to still be suffering now under that cloud of Calder Hart. I just ask for general information, where is Calder Hart? Have the documents been confirmed as authentic about sister-in-law, brother-in-law, \$679 million dollar contract? What happen with that?

Miss Cox: What does that have to do with this?

Hon. A. Roberts: What does that have to do with this? Because what it has to do with this Motion is when good people sit there and try to defend a minority report of an irresponsible statement, then we have problems. There is no way that we could really justify that. So therefore, in one hand do not commend the Prime Minister and this Government for dealing with an issue that swiftly, and then on the other hand when it is in your hands now, you revert to the old PNM discipline which means do nothing.

So Calder Hart, do nothing; Uthara Rao, do nothing; Devanand Ramlal in the SLIU unit; do nothing; Malcolm Jones in Petrotrin with \$12 billion overruns, do nothing—and you sit there pompous now and telling us that we

must allow a former Prime Minister and Member for San Fernando East to make a mockery of this Parliament, make a mockery of the Committee of Privileges and make a mockery of the Judiciary trying to delay to June 17 and we must sit here and allow that to happen and you all saying—and the Opposition is saying that that is okay. Something is wrong with that.

I am also very happy to read reports that the Integrity Commission is acting swiftly on certain matters. There was a matter involving the Member for Chaguanas West, whether he could remain as a FIFA non-paid executive and serve as a Minister, and that was dealt with alacrity, it was dealt with swiftly. Another issue is being dealt with now swiftly and I commend the Integrity Commission on that. I just asked, what about a parliamentarian who was sitting in this seat with this name, D'Abadie/O'Meara, who stood in this House and said I never break a deposit in my life. I did not take out any money from Clico, I did not break it. And the next day *Express* report [*Interruption*]

Miss Cox: Mr. Speaker, irrelevant, Sir. Standing Order 36(1) and also 36—is it 5, where you are imputing improper motive of a past Member of D'Abadie/O'Meara.

Mr. Speaker: Well 36(5) does not apply, she is no longer a Member of this House. But I will ask you to try to link your points, please.

Hon. A. Roberts: Thank you, Mr. Speaker. Mr. Speaker, I would link it, if the Member for Laventille East/Morvant pays attention. I could link it for her. We are here debating a Motion on a report conducted after hours and hours of work from a noble committee made up of parliamentarians here, and this report is not a political game. This report when you read the *Hansard* of a former Prime Minister, it is really a sad thing. It is a sad thing, that a former Prime Minister, a veteran, San Fernando East is one that all of

us should be looking to emulate, 40 years, former Prime Minister, highest office and when you read this for a former Prime Minister to have been in this House so long and learnt so little, it is really sad.

The point I am making is that we all here have to try a little harder to be a little bit better every day. So when you say, well done Prime Minister for dealing with that issue immediately—Point Fortin do not make fun and say poor Senator, do not do that, it is not funny. It is not a joke, I heard you and it is alright. Not now, but 10 minutes ago. Do not do that. It is not a joke. This is the people's money. This is the Treasury. We have an awesome responsibility here to take and safeguard, so you cannot say that and then come here and try to defend absolute wrongdoing. You all could not even vote for it. You could not. How did it go? Yes, yes, yes, abstain, pause abstain, no, no, abstain yes, how did—the first time in the history of the PNM there was a split vote in this PNM coalition, first time in history in this Parliament. [*Crosstalk*] This is the PNM coalition just like how you all like to say UNC-led coalition. We are the People's Partnership. From since that day you all have been renamed, "the PNM coalition". You have about three different groups or three different leaders. [*Interruption*]

Miss McDonald: Mr. Speaker, point of order, Standing Order 36(1). I am listening, I am trying to follow his arguments, you are being insulting and you are not tying, you are not tying the whole argument.

Mr. Speaker: Hon. Member, again just link your points, please.

Hon. A. Roberts: Thank you, Mr. Speaker. The link is, Sir, we are dealing with a report on the conduct of one of the leaders of the People's National Movement. But this is the report, San Fernando East. And I am saying that there was great unity on that side in trying to defend this wrongdoing when there is no unity—in the original motion, there was no unity.

7.05 p.m.

I am saying that there was great unity on that side in trying to defend this wrongdoing when in the original Motion there was no unity. So at some point, somewhere, unity abounds, and that is my point in dealing with this.

Miss Cox: Member, could you give way, please?

Mr. A. Roberts: No, not at all.

Miss Cox: This is the second time and you would not allow me to speak, because you want to say your own thing.

Mr. A. Roberts: If I stand up here and say your thing, then I will really be a silly fellow. I mean, if I stand here, I think that I would want to say my thing. I am representing D'Abadie/O'Meara. You are there to represent Laventille East/Morvant; I am here for D'Abadie/O'Meara.

Let me, first of all, commend the Member for Diego Martin West at this time; it must have been hard for him, because he thought that he came to the Parliament at the first time during the Motion brought by the Member for San Fernando East for debate, to see whether people before the privileges committee, their attorneys or their representatives could speak, and the caucus of his party had said, "Listen, no. We are not coming with that; we are not supporting that."

So when he brings up the point to say that the PNM was not afraid of any vote, he is correct, so I commend him for that, because the history of the PNM caucus says "A"; everybody goes "A". So he has told the truth, that when he came to the Parliament, before the Speaker said the prayer and before we began the debate, that he had no fear of any vote. That is correct. But he did not understand what would take place after that, which would show total division and a collapsing of the great PNM discipline. He did not know that, so I commiserate with him.

Now, the Opposition Leader said he would not have seconded it if they were afraid of the vote, yet someone seconded it and all chaos broke loose after that. This caused total dissension in the ranks, and we cannot have that as Parliamentarians, because if we allow any one of us to usurp the power of the Parliament, the Speaker, the committees of this House, where we are so honoured to operate under privilege, then all is lost for each and every one of us. Once we show and we state clearly, openly, without political bias, that right is right and wrong is wrong, we would not have to have the Member for Port of Spain North going to a caucus meeting, general council after, and flinging her PNM card. Member for Port of Spain North, let me just say, the next time you “get vex”, do not fling it. When “yuh get vex” with the PNM, the best thing to do is burn it like me, it “doh” ever come back. “It doh ever come back when yuh burn it.” Go ahead, Member for Port of Spain North.

Mrs. McIntosh: Mr. Speaker, 36(5); the Member is imputing improper motives. I do not know where he got his story from.

Mr. A. Roberts: You did not fling it? Tell me.

Mrs. McIntosh: No, no, no. I never flung any card, and he is very wrong to say that.

Mr. A. Roberts: Well, I withdraw that remark. Now, you see how important it is, Member for Port of Spain North. Thank you for making my point. I humbly apologize, because I heard rumours that you flung your card and I cannot come here and say that, because I need facts.

Mrs. McIntosh: Mr. Speaker, I think this is continuing. He is continuing; the same Order.

Mr. Speaker: All right. You have withdrawn and you have apologized.

Mr. A. Roberts: Yes.

Mr. Speaker: Go on to a next point, please.

Mr. A. Roberts: Thank you, Mr. Speaker. But that is that crux of the matter. The crux of the matter is that today in this Parliament we are defending our right because we are so privileged to be in this House, to have certain leeway that we must not disrespect it; we must not abuse it like I just attempted to do, because it was just hearsay. I was not there; I do not have a picture; it was not on You Tube, so I cannot come and say that. But if we defend today, as the Opposition is doing, and we allow the Member for San Fernando East to frustrate the process, what it means is that anybody could come here and say anything, and that could never be good.

Miss Cox: Thank you very much. Mr. Speaker, I have been waiting for him to give way for a while. You have been talking about us defending the Member for San Fernando East, but I think most of the arguments here this afternoon on our side centred around procedure and the privileges committee, what took place, and fairness, basically. It was not just a Member defending the Member. Thank you.

Mr. A. Roberts: Thank you very much, and I would tell you that the Member for San Fernando East attempted to thwart the procedure and the process. He tried to utilize every avenue within him, within his legal advisors to delay, to stall, as is illustrated by the countless letters here. So you do not put the cart before the horse. The Member for San Fernando East is the one who tried to thwart the process, to subvert the process and the Government is saying here this evening, “We will not be subverted. The committee and the Parliament is too important and, therefore, we have brought this Motion to show and to uphold the rules, the procedures and the Standing Orders of this most noble House, and nobody will disrespect it and play games to try to reach June 17.” That is what we are saying here this

evening. That is the point in a nutshell.

Now, you see, I have been here in this august House for just shy of a year, and for me, the whole concept of privilege is a bit cowardly, because it makes lazy researchers of men and women. Being on radio and television, you have to ensure that before you open your mouth that “nutten” you say is libellous; that you cannot get sued, because there is not protection. If you say something wrong, you will have to go in the court and pay. But in here, it is a little too comfortable, and maybe some of us believe that because we are here, we are so privileged that it means that we must not research; we must not bring facts; we just come here and we talk and we say \$150 million when the thing is \$5 million, or whatever it is, and just talk it out and then we hope that we could thwart the process, delay, “Okay, ah cyar come to dis meeting; ah have a football game” or “ah have a funeral”, and keep it going till June 17, and then, as the Member for Diego Martin North/East so eloquently put it, all issues are dead; all issues lapse, expunge on the prorogation of Parliament. Brilliant!

So I really think being in the Parliament and speaking here under the cloak of privilege is a bit cowardly, and that is why on one occasion I actually went outside just to make my point and nothing has happened since. Right? But anyway, the other interesting point which none of the Members across—none of you, and that is what is hurtful, when you can look at a sitting Prime Minister—remember politics “done; all yuh loss; is 29/12. Dey have no more election till 2015, 2016; me eh know when it go have election.” Right? But you have lost, so politics is done. We must run the country now and when you can sit down there and allow an experienced Member like the Member for San Fernando East, without an iota of proof, to suggest that the sitting Prime Minister, who is not the Prime Minister just for

the People's Partnership—the hon. Member for Siparia is the Prime Minister of every single citizen of this country, and when you allow the Member for San Fernando East to talk about links to drug dealers in the Parliament, live on the channel, live on 105.5, that has to be the height of irresponsibility and I cannot understand how anybody could really try to justify and defend that and then stand up for integrity. As I said, the biblical quote—

Mr. Speaker: The speaking time of the hon. Member has expired.

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

Question put and agreed to.

Mr. A. Roberts: Thank you, Mr. Speaker. This biblical quote—and I do not profess to be anything close to becoming a pastor or having any desire. However, the Member for San Fernando East has said that he, on his retirement, will probably go into being a pastor, but when you bear false witness against another, I think there can be no greater sin, and for a pastor, I hope that he does his confession; he asks for forgiveness, but he will not get forgiveness from this House. He cannot run; he cannot hide, he must face up to it. He is not a neophyte; he is the most experienced, and for those, the punishment should be even more severe. So for him to try to duck, to run, to hide is rather sad.

Mrs. Gopee-Scoon: You know about that.

Mr. A. Roberts: I know about that, duck and run? I “doh know bout hugging.” Talking “bout ducking” and running—you want to talk about that? Let me tell you something—

Mr. Speaker: Please, please, that is crosstalk. Do not get involved in that. Just focus on the issue, please, please.

Mr. A. Roberts: Sorry, Mr. Speaker. But the Member for San Fernando

East also accused, just like he accused the Prime Minister of building a \$150 million palace funded by drug dealers, he also accused my leader, the Member for Tunapuna, the Minister of Finance, of ducking and running from issues. Well I put it to you, Member for San Fernando East, who is listening on Skype, that my leader does not duck and run; that the Member for San Fernando East tried to duck and run from this Parliament; the Member for San Fernando East tried to duck and run from the committee of privileges; the Member of San Fernando East tried to duck and run from his political leader and I would tell you, at least the Member for Tunapuna is standing up. He is not even ducking and running from me, so he is standing there firm. So do not accuse the Minister of Finance of—he is standing up firm. *[Interruption]* Member for Diego Martin North/East, please, you must not put in *Hansard* false statements, because not one time in public record have I ill spoken my leader. I am going for leadership in this party, *[Interruption]* Absolutely not, and if you have the quote, bring it.

Mrs. McIntosh: Relevance.

Mr. A. Roberts: The relevance is that you must speak factually. We are all talking about misleading. You cannot get up in this House and just say what comes to your mind. It is not true. I have said on every occasion—*[Interruption]* Do not say, never. What are you talking about? I have said, and I will continue to say, because in this party we do not need to fight each other. You go for leadership and you ask people to vote for you because you feel you can add to their lives; you feel you can do a good job; you feel that you could be a positive energy. Let me tell you something. What we understand here is that nobody who was in Canada and had wigs could ever be Chief or Vice Chairman because, you see, we go positively.

But, anyway, moving right along. Let me just say, as I wrap up, it is

very important that all of us, especially we in this Parliament, that we understand our responsibility and I would like to quote from a document prepared by the leader of the Congress of the People, the hon. Winston Dookeran which should govern not only us on this side, but—

Mr. Imbert: Your outgoing leader. What yuh challenging him for?

Mr. A. Roberts: I would not put that on the *Hansard*. You see, you would like to get me in mischief. But anyway, in all seriousness, really and truly, this sums up what all of us should attempt to do. For now you all are on that side and you may remain there for a very long time. But even on that side you still have a responsibility, and the hon. Winston Dookeran, the Leader of the Congress of the People and Minister of Finance, wrote for the Government officials the way we should operate.

7.20 p.m.

We should:

- Partner with the people in establishing conditions in which everyone can fulfill his/her true potential...”—“yuh hearing it”?—
- “Provide a safe, secure and sustainable environment where all people can live, work and play without fear...”
- “Ensure that the disadvantaged in our society...”—“Port of Spain North—“are provided with the tools to enable them to become productive.
- Provide the framework for education and training which is relevant to the needs of the modern world.
- Build a diverse and democratic society...”—“not try to thwart

democracy and democratic process by trying to utilize the courts to delay to June 17, so that the issue would die, do not do that, face the music” “yuh is man, yuh talk ting stand up and defend your ting”

- “Not tolerate any form of corruption...” not tolerate.
- “Promote legislation for the registration of political parties.”

and that is why on this side any hint “bam” end of story, because we operate under principles. If the People’s National Movement the former regime understood this, you all would not be on that side. You all would be over here cooling it, understanding, the country would have been going good.

Miss Cox: The country going good.

Hon. A. Roberts: I said if you all—or, so you are admitting that if you all were still here even if you all were going good the country would not have been going good. Thank you very much, you were not paying attention—*Hansard* I hope you get that “eh”. So you admit that you all can never do it good. [*Interruption*] No, I was not saying that, you were not paying attention. Anyway,

- “Support a system of governance under which all major sectors of the population are represented.
- Invite international observers to oversee elections.”

and for general members, government officials, parliamentarians, we should be selfless. This is what Winston Dookeran, the leader is saying, and PNM, I should lend you all this because if you would like to have talks with the Congress of the People you will have to start here first before dialing the b

mobile number—you have to start here. You cannot start with Calder Hart, Uthara Rao, Devanand Ramlal, Arthur Lok Jack, you cannot start there, you cannot start with Prof. Ken Julien and Malcom Jones you have to start here:

- “Selflessness
- Integrity—holders of public office should not place themselves under any financial or other obligation.
- Objectivity is the lesson for today.”

How could you possibly come here to defend and say you want to bring a minority report on something that is so crystal clear, absolute arrant nonsense was spoken, to borrow your phrase, by San Fernando East and you know that, you know that more that more than anybody because you are a qualified engineer.

Mr. Imbert: Mr. Speaker, I thank the Member for giving way. As the Member for Laventille East/Morvant has pointed out the discussion today was about procedural fairness, there are several things in the report which are inaccurate, they are not factually correct.

Hon. A. Roberts: Once again, the time for you to get it factually correct was when you had your meeting which you chose not to attend. You cannot thwart, you cannot thwart the committee or else an accusation may be made that you are aiding and abetting San Fernando East in attempting to reach that June 17 “freedom day”, you cannot do that. Once you decide you are not going to attend the meeting to put the contents of the report together, you cannot absent yourself and then claim that the content is disagreeable. You cannot have your cake and eat it.

But continuing, Winston Dookeran, Leader of the Congress of the People wrote this and this is what we believe in and we want to share this, not only with the PNM Members opposite, but those in the Senate, and those who would like to come into this place, that we should operate under these principles:

- “Openness—holders of public office should be as open as possible about all the decisions and actions that they take.”

Diego Martin North/East listen to this.

- “Honesty”—you are an “honest fella”. “Holders of public office have a duty to declare any private interest relating to their public duties and the steps to resolve... and
- Leadership
Holders of public office should promote and support these principles by leadership.

The words of the Leader of the Congress of the People Winston Dookeran which are very serious things. [*Interruption*]

No, not throw him out, but as he also said, in new politics, we do not fight like the Balisier. The hon. Leader and the visionary leader of our party has opened a small door for young people to come through. We are just opening it not to throw him out, he does not have to go anywhere, and on that note I will just say [*Interruption*] I am glad you are in a good mood.

So do not call—Diego Martin North/East—do not call my leader “duck and run”. My leader is stabilizing the economy he does not “duck and run”, look he not even “ducking” from me, you “duck and run” from

Rowley, San Fernando East “duck and run” from the Parliament, San Fernando East “duck and run” from Privileges Committee, and on top of all of this, while we are here dealing with this situation, now is that San Fernando East allowed Calder Hart to “duck and run” from this country, and never again will we allow any such thing to take place. I thank you very much, Mr. Speaker. [*Desk thumping*]

Ms. Mc Donald: Mr. Speaker, well anyway he is completed, but that is certainly imputing improper motives, 36(5). [*Interruption*]

Hon. Mrs. Patricia. Mc Intosh (Port of Spain North/ St. Ann’s West): Mr. Speaker, I am thankful to make a very brief contribution to the debate this evening. Mr. Speaker, this report that is here before us this evening which is the basis for our debate, it is replete with inconsistencies and is rather incomplete in itself. I would like to ask, why is it that the verbatim report of the last meeting of the Committee of Privileges was not included in this report? Why also was the email from the Member for Diego Martin North/East not included? Because in these two documents we would have registered our objections to how the proceedings were handled.

In addition, I would like to refer to the report on page 14 in paragraph 30(e) of the Committee’s Report, it is claimed that the Member for San Fernando East having heard the personal explanation given by the Member for Siparia on November 24, 2010, he should have either apologized to the House or bring a motion against the Member for Siparia alleging misleading the House, he has done neither. So this is what is said, Mr. Speaker, in paragraph 30(e). Now on page 13 of the report at paragraph 30(c), it says

that, it is reported that the Member for San Fernando East withdrew his remarks and apologized, but these are inconsistent reports. I wonder which is correct, I cannot sign a document which is replete with such inconsistencies.

Mr. Imbert: Which is correct.

Mrs. P. Mc Intosh: I would also like to bring to the attention of the Member of St. Augustine, that Mr. Manning's motion and affidavit were indeed filed with the court since last week, and the media as I speak, is in possession of this stamped document. In that motion the Member requested interim relief or an injunction including an order to stay the action of this committee.

I am not surprised by the turn of events this evening as a Member of the committee I have always felt that our efforts were always to ensure that procedural fairness obtained. It has been a struggle on the committee to ensure that justice was not only done, but it appeared to be done.

7.30 p.m.

Mr. Speaker, I have sat here this evening and I feel that I was participating in a court of law, in criminal proceedings, whereby a verdict of guilty was given even before the defence had an opportunity to wind up its case. I think we have to look at procedural fairness and, I am quite disappointed that the Members on the other side have chosen to take the position that they have taken.

I thank you. [*Desk thumping*]

Mr. Speaker: Ms. Mc Donald, do you have anybody else?

Ms. Mc Donald: No, Sir.

Mr. Speaker: The hon. Leader of the House.

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Thank you very much, Mr. Speaker. I would like to first take the opportunity to thank all Members for their contribution on this very critical Motion before the House today. I would also thank the Member for Toco/Sangre Grande for [*Desk thumping*] the amendment to the Motion, which Members have had the opportunity to debate on as well.

Mr. Speaker, there are a few points I would like to make in closing, but I wanted to indicate that when the Member for Toco/Sangre Grande spoke—the second person on this side to speak—and moved an amendment, all Members opposite, with the exclusion at that moment of the Member for Diego Martin West, had an opportunity to speak to both the Motion and the amendment. But the Member for Diego Martin West was also informed that had he wished, he could also rise and speak on the amendment that was before the House. So Members had the opportunity to speak on the amendment as opposed to the Motion. I would come back in a little while to why that was important. But that was an important moment when the amendment came and Members were informed that they could speak to it, and I will come to that later.

Mr. Speaker, the general thrust of the arguments of our friends opposite has been the issue of procedural fairness and the issue of natural justice. Now, I was at pains earlier in the proceedings—I think I spoke for almost 75 minutes—going through in laborious detail, painstakingly, all the events that led to the production of the report; the numerous occasions in which that committee worked, adjourned, reconvened, invited, re-invited the Member for San Fernando East. In fact, my friends opposite were complaining that they were hearing me talk too long on procedural fairness. [*Interruption*]

Mr. Imbert: Never!

Hon. Dr. R. Moonilal: They complained that we were saying, “All we had to say was on procedural fairness”. Then, their argument was that there was no procedural fairness. I want to say that I honestly believe and I say with compassion and sincerity, that it may well be that it is not only the Member for San Fernando East that is trying to frustrate the will of this House. I have heard some issues raised in this debate, during the contribution of my friend, the Member for Diego Martin North/East. The Member for Diego Martin North/East has been in the service of this House I think since 1991 uninterrupted—*[Interruption]*

Mr. Imbert: Correct!

Hon. Dr. R. Moonilal: Twenty years ago—and has participated in matters before the Committee of Privileges for several years.

Mr. Imbert: Correct!

Hon. Dr. R. Moonilal: The Member for Diego Martin West and the Member for Diego Martin North/East, between them, have 40 years experienced in this House—*[Interruption]*

Mr. Imbert: No, he has more.

Hon. Dr. R. Moonilal: In this House.—but when you listen to both Members today, you would really believe that something is up, something is happening here. When the amendment came they jumped up and said, “This is ambush. Unprecedented! Does no happen like that. They brought an amendment to suspend the Member for San Fernando East.” Did you hear them?

Mr. Imbert: Yes, that is an ambush.

Hon. Dr. R. Moonilal: They said they were ambushed. The Member for Diego Martin West had spoken. The Member for Diego Martin North/East

said, “How could this happen this way? We sprung that on them. This does not happen that way”. Mr. Speaker, let me begin with the Standing Order and then get to the politics. The Standing Order at 25 says:

“Exemption from Notice:

Unless the Standing Orders otherwise provide, notice shall be given for any motion which it is proposed to make with the exception of the following:

(h) a motion for the suspension of a Member.”

So let us begin with the Standing Orders. There is no requirement for notice. That is the first thing. So, there was nothing done today that breached any Standing Order, one. Then he said, “It is unprecedented. First time this thing is happening.” Mr. Speaker, I have before me a public document. This is the First Report of the Committee of Privileges of the House of Representatives on the allegations of breach of privilege arising out of an incident that occurred in the Members’ Lounge on Wednesday, September, 15, 2004. It is dated March 2005. This involved the Member for Diego Martin West and the Member for Fyzabad in a material sense. Do you know what was said in the findings of this report? I am on page 29:

“10.1 Based on the examination of the relevant evidence, the Committee arrived at the following findings:

(a) An altercation between Dr. Keith Rowley and Mr. Chandresh Sharma occurred in the Members’ Lounge...on Wednesday September 15, 2004. There were four...witnesses...Kelvin Ramnath, Stanford Callender and Dr. Roodal Moonilal, as well as Ms. Prabha Singh;

(b) Dr. Rowley and Mr. Sharma had a conversation during

which there was an exchange of words and raised voices. During the altercation, Mr. Sharma called Dr. Rowley a racist;

- (c) Dr. Rowley got indignant and in exasperation, sent objects in the direction of Mr. Sharma, along the table that separated them;
- (d) Other Members of Parliament gave unsubstantiated versions of the incident to the Media...”

Hear this one, Mr. Speaker:

“(e) There was an insufficiency of evidence to support the allegations of a series of physical assaults on Mr. Chandresh Sharma by Dr. Rowley.

10.2”—Critical—“No breach of privilege or contempt has been established.”

Report dated March 16, 2005. [*Interruption*]

Mr. Imbert: Read the whole thing.

Hon. Dr. R. Moonilal: You see, Mr. Speaker, under the former administration—we are in May, 06, 2005. The same month—they came to the House to deal with this matter, to adopt this report on the floor. Not in the report. The then Leader of the House—[*Interruption*]

Mr. Imbert: You have not read the whole report.

Hon. Dr. R. Moonilal:—had the following to say:

“Friday, May 06, 2005—

...I beg to move the following Motion:

Whereas this House has adopted the First Report of the Committee of Privileges;”—this.

And whereas there is clear and cogent evidence in the said report

that the Member for Fyzabad deliberately misled the House”—
[*Interruption*]

Mr. Imbert: You are misleading the House.

Hon. Dr. R. Moonilal:—“when he rose on Friday;

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.”

This is what the former Leader of the House said.

Mr. Imbert: That was the Motion.

Hon. Dr. R. Moonilal: It was a Motion brought without notice and it was not in the committee’s report—so apologize or suspension.

Mr. Imbert: You are misleading the House.

Hon. Dr. R. Moonilal: Do you know who jumped up on that occasion? Dr. Fuad Khan, Member for Barataria/San Juan said, “This caught us by surprise.” We are not prepared. We were debating the report and this Motion caught us by surprise. He said a sanction to face suspension was basically unfair given the findings of the report. [*Interruption*]

Mr. Imbert: That is not so.

Hon. Dr. R. Moonilal: But I am reading from *Hansard*. Mr. Speaker, the Leader of Government Business had this to say and I quote:

“...there is evidence in the findings of the committee that in fact the Member misled, deliberately...”—the House.

Could you imagine that? The then Leader of the House said there is evidence in the findings of the committee that in fact the Member misled, deliberately, the committee, and he beg to move that the Member apologize

or be suspended on the floor of the House. It was not in the report.

Mr. Speaker—*[Interruption]* But this is the situation. They pointed to the report.

“...the committee concluded that there is sufficient evidence to conclude that Members of Parliament, by their behaviour...”

[Interruption]

Mr. Imbert: What is the response to that?

Hon. Dr. R. Moonilal: The allegations were true. Now in this matter, I want to remind people that Members of Parliament gave evidence. Someone who was not a Member of Parliament, working I think in the kitchen, gave evidence.

There was a vote on the apology or suspension. There was a vote and those with the ayes had it. They were: the Leader of Government Business at that time, hon. Franklyn Khan, hon. Dr. K. Rowley, hon. C. Imbert—*[Interruption]*

Hon. Member: What the C stands for?

Hon. Dr. R. Moonilal: The C stands for Colm I think. *[Interruption]*

Mr. Sharma: How do you know that?

Hon. Dr. R. Moonilal: Hon C. Imbert voted aye—*[Interruption]*

Mr. Roberts: Aye.

Hon. Dr. R. Moonilal: Yes—on a matter where the report spoke nothing. Unlike the report before us, this report’s conclusion was that no breach of privilege or contempt has been established.

Mr. Imbert: That is not so.

Hon. Dr. R. Moonilal: 10(2), what is this? It is black and white. No breach of privilege or contempt—*[Interruption]*

Mr. Imbert: Circulate it.

Hon. Dr. R. Moonilal:—has been established. This is in the library. You could go and get your copy. It is in the library. But in the floor, the PNM government said there was enough evidence that he misled and apologize or suspend. That Member was suspended from the service of this House—the Member for Fyzabad—where a report said that no breach had been committed, and it was done on the floor of this House. Today, we hear the hypocrisy about this is unprecedented and ambushed. Mr. Speaker, that, by itself, had caused the Opposition’s case to collapse before us. So their case fell down immediately, but I will continue.

Several Members opposite, including three I believe who were on the Committee of Privileges, spoke about procedural fairness and all about the Member for San Fernando East not getting an opportunity. The Member for Diego Martin North/East was particularly disturbing in his argument. I do not know what happened today. Normally, out of 10 matters he raises, he will make good sense with one.

Mr. Speaker, generally, when the Member for Diego Martin North/East speaks, there are few good points that he would make. He would make some good points and, this House has benefited over the years from some of his analyses in some areas. Regrettably, he could not get the Vice-Chairman position, but what I am saying is that generally there are some benefits when he speaks. He understands a bit of parliamentary process, law and so on, but today, I do not know why in trying to defend the indefensible, he says now that the Member for San Fernando East did not get a chance to speak and we did not tell him about the final meeting. He did not know what the findings would be and that is a violation.

Mr. Imbert: It is.

Hon. Dr. R. Moonilal: But, Mr. Speaker, if you look at the letters that are

in the report before this House, the Member for San Fernando East wrote to the Secretary of the Committee on May 05, 2011 and says that he is taking court action and, “in these circumstances, I request you adjourn the proceedings fixed for...”—May 06. When the committee wrote to him on May 06, 2011 and indicated that the committee meets on Monday 09 to take a decision on whether to continue or not, it was to continue the business of the committee. [*Interruption*]

Mr. Imbert: And do what?

Hon. Dr. R. Moonilal: He was invited to a meeting on May 06, 2011. He said he is not coming on that day. He wanted an adjournment.

7.45 p.m.

What was he invited to on May 06? He was invited so we can examine him. He was not invited for tea, coffee, juice, ice cream. He was invited at all times so we can examine him, we can discuss, we can raise the issues. We had no other purpose for the Member for San Fernando East, no other purpose. It was to invite him so that we can raise questions with him. We had no interest in hearing from the Member for San Fernando East on anything in the world except the matter before us. So when we invited him to this meeting, he said no. The matter is before the High Court and I will ask you to adjourn the proceedings until the High Court has heard the matter and deliberated it.” We indicated to him no, we will meet on May 09 and we will deal with it.

We wrote again on May 10 to the Member and said:

“The Committee met on Monday, May 09, 2011 and decided not to accede to your request...

In the circumstances,...will next meet on Wednesday, May 11, 2011...”

The Member for Diego Martin North/East means that somehow there, we did not say that we were meeting on May 11, we should have invited you and say, “come back and come and present and we want to examine you” so they did not. So we advise that the committee will next meet on May 11.

Mr. Speaker, Mr. Manning wrote again, but he wrote again so he understood what it was about, unlike the Member for Diego Martin North/East, the Member for San Fernando East understood what this was about. He wrote us on the 10.

PROCEDURAL MOTION

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Mr. Speaker, I beg to move that pursuant to Standing Order 10(6), the House continue to meet until the completion of the Motion before us and the passage of the amendments to the Anti-Gang Bill and the Bail (Amdt). Bill.

Question put and agreed to.

Committee of Privileges (Mr. Patrick Manning)

Hon. Dr. R. Moonilal: Thank you. So, Mr. Speaker, the letter of May 10 indicated to the Member that on May 09 the committee decided to proceed. But the Member for Diego Martin North/East is saying that the Committee should write and tell him that he is invited to come and so on, but there are two letters on May 10.

The second one says:

“I acknowledge...”

This is about three letters passing in one day.

“As you will observed,...”

Mr. Speaker, you know what is the caption of these letters before the

Member for San Fernando East, the caption is “Request for your appearance before the Committee of Privileges”. Now what “your appearance” mean; come to do what there? [*Crosstalk*] But the decision to do that was not taken, that is a matter before the House today. Mr. Speaker, all the letters have as caption “Request for your appearance before the Committee of Privileges.” The Member for Diego Martin North/East said: “you should have written him and tell him what you are inviting him for.”

On May 10, another letter was written, the same day, by the Clerk of the House and it reads:

“I acknowledge receipt of your letter dated May 10...”

And written on May 10—

“As you will have observed, the caption of my earlier letter is ‘Request for your appearance before the Committee of Privileges’.

My letter informed you that on Monday May 9, 2011 the Committee met and decided not to accede to a request for...”—another—
“adjournment...the committee will reconvene on Wednesday May 11, 2011 at 10.00 a.m.

While it is entirely a matter for you whether you choose to appear before the Committee to assist it in its deliberations, the Committee certainly hopes that you will do so.”

Hear the language!

The committee is saying, please, come, come. [*Crosstalk*] You want to say now, if you do not come, what? But the committee has to meet to decide that. You cannot put that in a letter inviting him. Do you know what is amazing? The people who chased him out of Balisier House are now trying to keep him in this House. [*Laughter*] Who chased him out of Balisier House are now doing everything to keep him in this House. I do not

believe it! So on the May 10, they informed him, the Member for San Fernando East, please, we hope you will come, he did not appear, we met on the May 11.

Mr. Speaker, now I want to get to some important points about that meeting on the 11th. Mr. Speaker, I want to read from the verbatim notes of Monday, May 09, 2011, hear what the Member for Diego Martin North/East said on May 09 and it reads:

“Mr. C. Imbert: Mr. Chairman, I would like to say that as far as I am concerned, the examination of Mr. Manning or the consideration of Mr. Manning’s issues, the Member for San Fernando East, should be adjourned until the court determines his constitutional motion. In other words, I do not support the reconvening of this committee on Wednesday or at any other time until the court determines Mr. Manning’s constitutional motion.”

And that was the agreement by all Members. Correct? Good. Wednesday, May 11 comes, and we got word, of course, that the Opposition is not attending. So, Mr. Speaker, the committee proceeded with its business.

So the Opposition took a decision not to attend and participate on this matter. Then today they come and say, “you know, we did not have a chance to call for the Member for Siparia.” When you will get this chance? So if you do not participate in the deliberations on the matter before the committee, when you wanted to question the Member for Siparia, in the Penal Market? [*Crosstalk and interruption*] At no time—we have here, a bundle of 500 pages—at no time did the Member for Diego Martin North/East or anyone ask that the Member for Siparia should come before that committee to be examined for anything. At no time in 500 pages, they asked for that.

Then they deliberately chose not to attend the meeting, where we were going to discuss this issue, and then came today to say we did not get a chance to interview Siparia. So, where you wanted to interview the Member for Siparia, in Quaima beach? You had to come to the committee, raise the issue with us, they chose not to, and then come today to say: “we could not do this, we could not do that, we woulda do this , we shoulda do this”, when you deliberately did not attend.

Mr. Speaker, when we were finished on the Wednesday because they did not participate, a decision was taken on the Wednesday, the meeting that they did not attend. Mr. Speaker, a decision was taken that the meeting will reconvene on Friday. That decision was taken. Mr. Speaker, they chose again not to attend on that Friday. The Member for Port of Spain North/St. Ann's West was the only person who attended on Friday.

Mr. Speaker, I want to read into the record. I want to say as well, pursuant to Standing Order 82, there is no requirement to publish verbatim notes in reports from the Committee of Privileges or any. Mr. Speaker, this was done for disclosure purposes and for persons to follow everything. This report was compiled on Friday afternoon when the verbatim reports of a meeting between 11 to 12 could not be prepared in time for Friday but I have the copy here and all Members have access to the copy. [*Crosstalk and interruption*] All Members have access to the copy.

Mr. Speaker, a letter was addressed to the Assistant Secretary from the Member for Diego Martin North/East. He said and I read:

I am not in the agreement with the contents, findings or conclusions in the report. My understanding is that Mr. Manning has written to the Clerk of the House drawing attention to the fact that on May 05, he filed a motion in the High Court, *Patrick Manning vs the Attorney*

General which seeks to have the court determine the constitutionality of the committee's decision not to permit his legal representative to address the committee...

It went on there but in the end, it reads:

In the circumstances, I am of the view that the committee should wait until the court matters are resolved before proceeding any further and the report is therefore premature.

So he chose and they chose not to participate even when we met to finalize the report. Today they come to say, we have a 1000 problems with the report: "the report is flawed, the report is this, the report is that", when you deliberately did not, you deliberately chose not to participate, and the truth is that the minutes that are here have been confirmed.

7.55 p.m.

Mr. Speaker, I am not surprised. The Member for Diego Martin North/East stood in this house a few hours ago. He said when he came here he took no oath to speak the truth. This is the Parliament. When you are taking an oath you go out there—[*Interruption*]

Mr. Imbert: Mr. Speaker, point of order, Standing Order 36(5).

Mr. Roberts: That is what you said.

Mr. Imbert: I would ask that you expunge those remarks from the record. The Member has alleged, falsely alleged, that I said that we have taken no oath to speak the truth in this Parliament. That is an untruth, Mr. Speaker, and I ask that it be expunged, he apologize and withdraw it. [*Desk thumping*]

Mr. Speaker: I do not have the *Hansard* record. Until I get the *Hansard* record, I would like to have you withdraw that statement and I will get the *Hansard* record to, well, not to expunge, just to withdraw.

Hon. Dr. R. Moonilal: I have no difficulty with that. I withdraw the statement. We will wait for the *Hansard* account. I recall hearing the Member say: “This is not a court. You do not take oath like you do in court with evidence to speak the truth.”

Hon. Members: That is totally different from what you said.

Hon. Dr. R. Moonilal: Was that what he said?

Mr. Roberts: But is not different.

Hon. Dr. R. Moonilal: Okay. [*Crosstalk*]

Mr. Ramlogan: Irresistible inference.

Hon. Dr. R. Moonilal: No, problem, Mr Speaker, no problem. The *Hansard* will clarify that. In response to the Member for St. Augustine, I heard that, but no problem. We will get the *Hansard*.

Mr. Speaker I want to move on. We also heard from the other side the business/the issue of signing report, and so on. The report of the Committee of Privileges is available at the Office of the Clerk of House for any Member to inspect the report, inspect the signatures at any time. And I am further informed that there are several reports of the committees of this house, various committees, that bear only the chairman’s signature, and the reports are downstairs lodged that all Members can see the originals. So, all Members can go and look at it. You can go and inspect the report.

A majority of Members have signed off on this report. What is it? You think that you do not have a majority report? This is the majority report. I want to draw a reference again, to the verbatim notes of May 13, and in this note, the Member for Port of Spain North/St. Ann’s West in responding, when asked by Hon. Dr. R. Moonilal:

But what were the views of the Members absent?” There was an issue of the views of different members. I asked: “But what are the views

of Members absent?

Mrs. McIntosh, Member for Port of Spain North/St. Ann's West: It would be contained in the minority report.

Mrs. McIntosh: I asked—

Hon. Dr. R. Moonilal: Later in the proceedings, when the chairman had said, and I am quoting now, Mrs. Patricia McIntosh:

If you have this report, once Members agree, do you have a minority report with you?

The response was:

Well, I understand from Mr. Imbert's correspondence, there is a minority report. I do not have it with me."

The report—[*Interruption*] This was a correspondence. This is the verbatim notes.

Mr. Speaker, the long and short is Members got a copy of the report, a draft copy, of Thursday. They did not participate in the meeting by their own will to deliberate on this matter. They had the report. They had time to do a minority report. They had time to do a statement—a descending statement. They did none. They did nada. And today, they complain about no minority report and did not get the opportunity to speak. When you had this opportunity you said, “francomen”, no. You are not participating. This committee should not proceed with its business until that matter before the court is resolved. That was their official position. When they did not participate, they come today now, “well, we did not get ah chance to interview Siparia. We did not get ah chance tuh do dis, to do that.” This, Mr. Speaker, is the hypocrisy.

Mrs. Persad-Bissessar: He said every committee.

Hon. Dr. R. Moonilal: Mr. Speaker, even the Member for Diego Martin

North/East who participated in previous privileges committees—when a matter arose involving the Member for Siparia then in Opposition—
[Interruption]

Mrs. Persad-Bissessar: I was then the accused.

Hon. Dr. R. Moonilal: and then the accused—

Mrs. Persad-Bissessar: I was the accused.

Hon. Dr. R. Moonilal: the Member for Siparia, it involved, I imagine, correspondence to the Office at the President, I think. When the Member for Siparia came to that committee and asked for witnesses to be called, the committee ruled, of which the Member for Diego Martin North/East was a member of the committee—

Mrs. Persad-Bissessar: And they were in the majority.

Hon. Dr. R. Moonilal: then Leader of the House ruled—

Mrs. Persad-Bissessar: No witnesses.

Hon. Dr. R. Moonilal: and the committee ruled that the Member could not bring witnesses.

I want to continue with this. Then the Member raises a most bizarre issue that, hold on, he wanted to interview the Member for Siparia because he knows about surveying and land and valuation and so on. But the Member for San Fernando East raised allegations, serious ones. The Member for Siparia came with an explanation. Why did you not take the Member for Siparia to the privileges committee based on the explanation?
[Interruption] Because you have questions to ask. You have doubts. You believe it is not true.

Mrs. Persad-Bissessar: Bring a substantive motion.

Hon. Dr. R. Moonilal: Bring a substantive motion. I am asking a question simply; if allegations are made against the Member for Diego Martin

North/East, let us assume, by some hypothetical person, call him E.E. for example, Mr. E.E, and he makes serious allegations against the Member for Diego Martin North/East, this fictional person, what do we do? We go to the Member for Diego Martin North/East and say: “This person has made serious and damning allegations. Come let us examine you.” Rather than ask the person making the allegation to prove it, we must come to the Member for Diego Martin North/East and say: “Listen, this person has accused you of A, B, C, and D, malicious accusations. Bring your evidence to say that you are not guilty.” It does not work like that. The system of justice—he who alleges must prove. That is the principle. And to think that you would come—you know, I do not really want to pursue this matter.

Mr. Speaker, in that constitutional Motion, the Attorney General is represented by able Counsel. Who is it?

Sen. Ramlogan: Mr. Russel Martineau SC.

Hon. Dr. R. Moonilal: I want to tell the Member for Diego Martin North/East, in great humility, I do not think your contribution will cause Mr. Russell Martineau SC, to lose any sleep.

Mr. Imbert: “Yuh tink so?”

Hon. Dr. R. Moonilal: I do not think he will lose sleep over your contribution. This matter has nowhere to go. The matter was withdrawn for tomorrow. We saw it here. Nothing for tomorrow, because this was a ruse to stay the committee. That was the objective. So, nothing will happen. The Member for San Fernando East will not be pursuing this, because he does not want to pay cost to Russell Martineau SC or Deborah Peake SC. He will not want to pay cost.

Mr. Imbert: Wasting money.

Hon. Dr. R. Moonilal: And you will not help him with cost, because I

think you are also owing some substantial sums. For the Member for Diego Martin West, I am convinced, based on all these correspondence, that I do not think the PNM will have to incur any cost in this legal matter.

Mr. Speaker, the Members chose, as I said, not to participate, not to deal with the contents of the report, and today accuse us of moving with speed. Imagine we called a meeting. Members opposite chose not to attend and participate, when those who present, based upon all that was before us, took a decision, they said we acted in haste.

Mr. Ramlogan: He is criticizing your efficiency.

Hon. Dr. R. Moonilal: They are criticizing the fact—after waiting six months the committee decided to proceed expeditiously with its business—after waiting six months, they come to say why the haste, why the haste.

Mr. Speaker, our friends opposite really, are here today—and there is a deeper political issue, and this is the Parliament. This is why politics belong. There is a deeper political issue. There are people in this country who believe that they are untouchable; that they can do a wrong and nobody can touch them.

Sen. Ramlogan: “Yuh hitting de nail on de head.”

Hon. Dr. R. Moonilal: That nobody—if they are on this side, anybody on that side is most touchable, that you can do anything you want. You can drag them before the courts. You can have them prosecuted, persecuted. You can do anything, but there are some people in this society who are untouchable, that if they commit a wrong no one dare touch them; no one dare take action. There are people who believe that.

Mrs. McIntosh: Mr. Speaker, point of order, Standing Order 36(5). I think the Member is imputing improper motives to the Members on this side, that we are given to persecuting and prosecuting people, and I think it is wrong.

Mr. Speaker: Not sustained. Continue.

Hon. Dr. R. Moonilal: Mr. Speaker, the message we send today in this Parliament—[*Interruption*]

Mr. Roberts: “Sit down and cool yuh self.”

Hon. Dr. R. Moonilal: is that no one in this country is above the law or is untouchable. [*Desk thumping*] No one on your side, and I want to tell you, no one on this side. And the recent evidence in this country has suggested that no one in the Government is untouchable, and no one is above the law in the Government. But I want to tell you today, no one in the Opposition is above the law as well.

Mr. Speaker, the issue raised of notice and giving the Member for San Fernando East notice, telling him when we are meeting—at all material times we wrote the Member begging him to come before us; could not. What did you want us to do, put up the sign board by Sumad Gardens in San Fernando and a neon light in the night that we are meeting at what time and what we are doing?

Sen. Ramlogan: He had a pre-planned emergency.

Hon. Dr. R. Moonilal: They did not attend the meeting, and today they come to cry crocodile tears about process and procedure.

Then they raised some other matters. Earlier in the proceedings the Member for Diego Martin West made a point. He suggested that the Member for Siparia, in some way, the outcome of the proceedings today would be to the benefit of the Member of Siparia. But I want to tell them, it may well be the benefit of the Member for Diego Martin West.

The Member for Diego Martin North/East at the end of his contribution, cast a lot aspersions on the Government and on Members and the credibility of this Government, and I want to remind the Member that it

was just a couple days—well, not a couple, yesterday—May 15, 2011, the *Sunday Guardian* newspaper, and I have to quote from the headline, because I cannot say what is not:

“Kamla the top choice for PM”

I assume that is the Member of Parliament for Siparia—the ANSA McAL poll, *Trinidad Guardian* Opinion Poll, conducted by ANSA McAL Psychological Research Centre. This independent poll:

“If a general election is called, whom would you support for Prime Minister?”

Kamla Persad-Bissessar, 36 per cent. That tower is very, very, high and dwarfed the others there. In fact, if it was a 20/20 over, this would have the most runs. Then, as you go down there is Dr. Rowley, of course. Mr. Manning is there. In his over, I think they got about one single. It is 4 per cent. He was beaten by, “Don’t know. Don’t know” is 5 per cent. “Don’t know” was 5 per cent and it beat—[*Interruption*—but it is relevant. The Member spoke about the credibility of the Government. [*Interruption*]

Miss Cox: Mr. Speaker, Standing Order 36(1).

Mr. Speaker: Both of you cannot stand at the same time. Just link those points for me, please.

Hon. Dr. R. Moonilal: Mr. Speaker, in response to the Member for Diego Martin North/East, I want to assure that the McAL poll was on target, in terms of the pulse of the nation. If a general election is called, which political party would you support? The People’s Partnership, 28 per cent.

Miss Cox: Mr. Speaker, point of order.

Hon. Dr. R. Moonilal: The PNM, 15 per cent. [*Interruption*]

Miss Cox: Mr. Speaker, point of order.

Hon. Dr. R. Moonilal: But they raised---

Miss Cox: Mr. Speaker, Standing Order 36(1). I would like to know what is the relevance of the McAL poll to this Motion.

Mr. Speaker: What I am saying is that the Member is responding, but at the same time I am asking him to kindly link your points, so that at least the points can be clearly identified to what the issue is.

Hon. Dr. R. Moonilal: Let me just link that point quickly. To maintain a poll rating like this for the Member for Siparia, we must, indeed, pass this Motion today, so that the Government will appear to be strong on dealing with wrongdoing, and the Government will, Mr. Speaker, be identified as serious in dealing with any wrongdoing. You see because there is a related point.

8.10 p.m.

There is a related point here and I am happy that you are asking me to link it. This is a society where you have to set an example and you set an example generally with the highest in the land not the lowest, and there is a reason I want to advance—and I will say it just briefly in passing—I do not want to engage in it. There is a reason why the administration 2001 to May 2010 could not deal with crime, and you could not deal with crime, because you could not deal with this issue. You just could not take action when a wrong is committed you could not take action and that is why the crime escalated in such a dramatic way over the last five to six years. You have to take action on wrongdoing regardless of what it is.

Mr. Speaker, just a couple more issues I would like to raise before I complete. I have dealt with that issue of the amendment that there is precedent, there was no requirement for notice. I have addressed the issue—and you know with typical bravado and today I think the Member for Diego

Martin North/East was not playing to the gallery, but was playing to the Skype. It was probably a Skype looking at him from Cuba, he was playing to that. He said they fumbled here and did not give notice, well we have dealt with that, at all material times the Member knew what he was being called for. Then he said the next fumbling, the haste with which it was done, but you did not participate, you did not give yourself the opportunity to participate and then you complained that the other Members acted in haste; that is two.

He went on to raise other matters which were more political I think than in these circumstances. I indicated and I think the Member for St. Augustine already indicated that this matter has been discontinued, withdrawn for tomorrow, the purpose of this matter and the purpose of going to court in the first place has long gone, because that was really to stay the Committee of Privileges it had nothing to do with anything else, Mr. Speaker. The purpose of that was really to prevent the committee from doing its work and now that that cannot happen, I could almost say with some assurance that there will be no court matter on this matter, there will be none, because the purpose for all of that has gone.

Mr. Speaker, let me reiterate the point made. I think the Members opposite know exactly what they are doing this afternoon, they know exactly what they are saying and I think inadvertently without intention—certainly without intention—Members opposite, not all, got entangled into this matter without intending to do so, and could not find a way to extricate themselves, and this resulted in an ambivalent position as it related to both the Motion before the House, the substantive issue, and their other commitments at the level of Committee of Privileges and their posturing today. It was because it was unintentional that they will want to support the Member for San

Fernando East, but want to also take a position that they do not support. Because the Leader of the Opposition said it, he said the position of the party is that the Committee of Privileges should not become the playground of lawyers that was the position. But then a Member is free if he wants to make it the playground of lawyers, he could go ahead and do it. That was the argument. He said we voted here, the Committee of Privileges was not the playground for lawyers, but if a Member wants to make it that, well he could go and make it like that, that was the thing and pay the consequence; that was the ambivalence that we got in this debate. I think for some Members opposite not all it is probably a painful decision as well to participate in this, because they were all in one way or another selected by the Member for San Fernando East, and today they some challenges there and it may pain Members opposite to participate and to eventually conclude on this matter.

Mr. Speaker, in the circumstances I want to end by saying that the Committee of Privileges from the report and the verbatim account of the proceedings, have at all material times provided for maximum procedural fairness, natural justice, transparency; Members opposite had full opportunity to participate, to deliberate, they chose not to and I want to say it is your right not to participate in these matters, they chose not to. They had their reasons and we can dispute that another time, they chose not to participate having done so, it is our duty to protect and uphold the dignity and the integrity of this House. All Governments, all Oppositions have that duty, it is our duty and we cannot let a moment like this slip by and allow this institution to be lowered in the eyes of the national community and to allow the credibility of our institution to fall.

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

Mr. Imbert: We want a division.

Question put.

The House divided: Ayes 25 Noes 9

AYES

Moonilal, Hon. Dr. R.

Persad-Bissessar, Hon. K.

Dookeran, Hon. W.

Sharma, Hon. C.

Alleyne-Toppin, Hon. V.

Peters, Hon. W.

Rambachan, Hon. Dr. S.

Seepersad-Bachan, Hon. C.

Volney, Hon. H.

Roberts, Hon. A.

Cadiz, Hon. S.

Baksh, Hon. N.

Griffith, Hon. Dr. R.

Ramadharsingh, Hon. Dr. G.

Ramadhar, Hon. P.

De Coteau, Hon. C.

Indarsingh, Hon. R.

Baker, Hon. Dr. D.

Partap, Hon. C.

Samuel, Hon. R.

Douglas, Hon. Dr. L.

Ramdial, Miss R.

Roopnarine, Hon. S.

Seemungal, J.

Khan, Miss N.

NOES

Mc Donald, Miss M.

Rowley, Dr. K.

Cox, Miss D.

Hypolite, N.

McIntosh, Mrs. P.

Imbert, C.

Browne, Dr. A.

Hospedales, Miss A.

Gopee-Scoon, Mrs. P.

Mr. Speaker: I will now put the entire Motion to this honourable House both the original and the amended.

8.20 p.m.

Question put:

Be it resolved that the House adopt the First Report of the Committee of Privileges of the House of Representatives; and

Be it further resolved that this House concur with the findings of the Committee of Privileges of the House of Representatives that the grounds of the alleged contempt committed by the Member for San Fernando East appear to have been established and recommend that the Member for San Fernando East be suspended from the service of this House with immediate effect.

The House divided: Ayes 25 Noes 9

AYES

Moonilal, Hon. Dr. R.

Persad-Bissessar, Hon. K.
Dookeran, Hon. W.
Sharma, Hon. C.
Alleyne-Toppin, Hon. V.
Peters, Hon. W.
Rambachan, Hon. Dr. S.
Seepersad-Bachan, Hon. C.
Volney, Hon. H.
Roberts, Hon. A.
Cadiz, Hon. S.
Baksh, Hon. N.
Griffith, Hon. Dr. R.
Ramadharsingh, Hon. Dr. G.
Ramadhar, Hon. P.
De Couteau, Hon. C.
Indarsingh, Hon. R.
Baker, Dr. D.
Partap, Hon. C.
Samuel, Hon. R.
Douglas, Hon. Dr. L.
Ramdial, Miss. R.
Roopnarine, Hon. S.
Seemungal, J.
Khan, Mrs. N.

NOES

McDonald, Miss M.
Rowley, Dr. K.

Cox, Miss D.

Hypolite, N.

McIntosh, Mrs. P.

Imbert, C.

Browne, Dr. A.

Hospedales, Miss A.

Gopee-Scoon, Mrs. P.

Mr. Speaker: The Motion has been actually passed. Mr. Patrick Manning is accordingly suspended from the House with immediate effect.

ANTI-GANG BILL

Senate Amendments

The Attorney General (Sen. the Hon. Anand Ramlogan): Mr. Speaker, I beg to move that the Senate amendments to the Anti-Gang Bill listed in the appendix be now considered.

Question proposed.

Question put and agreed to.

Clause 5.

Senate amendments read as follows:

A. Insert after subclause (3), the following new subclause (4):

- “(4) A gang member who unlawfully and maliciously—
- (a) by any means whatsoever, wounds or causes grievous bodily harm to; or
 - (b) shoots at with intent to do some grievous bodily harm,

a police officer, prison officer, member of the Defence Force,

constable appointed under the Supplemental Police Act or the Special Reserve Police Act, a member of a protective service agency or a person involved in law enforcement, commits an offence and is liable on conviction on indictment to imprisonment for thirty years.”

B. Renumber existing subclause (4) as subclause (5).

Mr. Ramlogan: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendments.

Hon. Members will recall when these two Bills were initially considered by this honourable House, it was recommended that the Bills be placed before a joint select committee of this Parliament. The joint select committee’s report recommended numerous improvements and amendments to the Bills and all those amendments were approved unanimously in this honourable House together with additional amendments to the Bail (Amdt.) Bill, 2010.

All this arose out of the enriching discussions we had at the joint select committee, which comprised Members of the opposite side and Members on this side. These amended Bills were subsequently debated in the other place and passed with amendments, which are now before this honourable House.

Two amendments were made to clause 5 and are listed as A and B of the list of amendments. Amendment A is the insertion of a new subclause (4) in clause 5 and reads as follows:

A. Insert after subclause (3), the following new subclause (4):

- “(4) A gang member who unlawfully and maliciously—
- (a) by any means whatsoever, wounds or causes grievous bodily harm to; or
 - (b) shoots at with intent to do some grievous bodily harm,

a police officer, prison officer, member of the Defence Force, constable appointed under the Supplemental Police Act or the Special Reserve Police Act, a member of a protective service agency or a person involved in law enforcement, commits an offence and is liable on conviction on indictment to imprisonment for thirty years.”

B. Renumber existing subclause (4) as subclause (5).

This amendment arose out of a suggestion in the other place from the Independent Bench that there should be some special treatment for those men and women in the police service who put their lives on the line when they come in harm’s way; when they serve and protect their country. The question was mooted that higher penalties should prevail where a gang member shoots or unlawfully and maliciously wounds, with intent to do grievous bodily harm, any member of the protective services.

Reference was made, in support of this proposition, to the Canadian anti-gang legislation which was recently amended to increase from 10 to 14 years the Canadian criminal code to penalize persons who assault a peace officer with a weapon to cause grievous bodily harm or to commit aggravated assault.

This is an important amendment because we feel that we as a government must demonstrate our support for those police officers who time and again, day after day, put their lives on the line for this country in the service of this society.

The present law, section 29 of the Offences Against the Person Act, Chap. 11:08, provides that a person who assaults any police constable, peace officer in the execution of his duty is liable to imprisonment for four years. Granted that deals with a mild form of assault, but clearly given our present heated and intense criminal climate, we dare say that is inadequate.

Permit me to cite and recap some of the harsh penalties we have imposed to put this new penalty of 30 years for shooting of police officers by gang members in proper context. For being a gang member, for a first time offence, it is 10 years in jail. On a second subsequent offence, on indictment, 20 years; it doubles. For being a gang leader, that is the head of the organization, 25 years jail; being a member of the protective services and being involved in gang related activity, upon conviction, 25 years.

So inasmuch as we singled out police officers and law enforcement officers who would be involved in gang-related illegal activity to aid and abet the gangs in committing crime, whether it is by renting them guns or informing them of police raids, because we are targeting those bad apples in the police service for special treatment, we thought that conversely we should equally give to the good police officers a special measure of protection and send a powerful and strong deterrent to the gang members and leaders that if they were to harm law enforcement officers, they would

get a severe penalty, and that is 30 years.

This message is perhaps very relevant to our society, having regard to the recent funeral of our slain police hero, Constable Anil Persad. Permit me to say for the record that Constable Anil “Narie” Persad, who was attached to the Rio Claro Police Station Task Force Unit and who was killed during an exchange of gunfire with suspected marijuana cultivators in the Cushe Forest last week, was shot in the line of duty while on a drug eradication exercise. I dare say that we want to send a very strong message to gangs that are involved in the drug trafficking culture and trade in this country.

When you shoot at a police officer with intent to cause grievous bodily harm, you must know that when your finger is on that trigger, our finger is on the door of the jail to open it and put you away for 30 years. Our police officers deserve respect and support; not just in terms of the provision of human and tangible resources like cars and technology, but also legislative support in the form of legislative tools that they can use. We must use the legislation and this legislation must send a strong and powerful message to those gang leaders and members that if they interfere with law enforcement personnel, they will pay a special and dear price above the norm.

When we look at what happens on these drug eradication exercises and when there is a drug bust, they are quick to pull out their firearms and fire at the police. That is why we feel that this legislation needs to have the strongest teeth possible.

Section 12 of the Offences Against the Person Act deals with shooting

or wounding with intent where it is not done by gang members. That results in a term of imprisonment of 15 years. This new provision is patterned along that section 12 and incorporates a concept of unlawful and malicious action that causes harm to the law enforcement personnel. Of course, there is the well-known concept of wounding the person and causing grievous bodily harm.

Note, Mr. Speaker, that we deliberately refrained from saying that the police officer or the law enforcement personnel must be shot at or injured whilst they are in the execution of their duty. This is because the police officers have pleaded with us that their lives continue to remain at risk even after they take off their uniforms and they lie in their beds. Even then, they are at risk. They are constantly at risk.

With those few words, I ask this House to support the amendments in memory of our slain hero, police officer Anil Persad.

Question proposed.

Question put and agreed to.

Clause 16.

Senate amendment read as follows:

In line 2, delete the word “negative” and substitute the word.
“affirmative”.

Sen. Ramlogan: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

8.35 p.m.

First Schedule.

Senate amendments read as follows:

A. In item 4, delete the words “in the course of gang-related activity”

B. In item 11, delete the words “a child to be a gang member” and substitute the words “gang members”.

Mr. Ramlogan: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Mr. Speaker, permit me to turn to clause 16 of the Anti-Gang Bill. It is suggested that amendments made by the Minister with responsibility for national security to the First Schedule of the Act should be subject to affirmative resolution of Parliament and not to the negative resolution as proposed in the original Bill.

The First Schedule comprises a list of gang-related activity offences largely drawn from the First Schedule to the Bail Act and also comprising all of the offences created under the Anti-Gang Bill. In view of the severe sentences proposed, under the Anti-Gang Bill, it was felt that petty offences should be excluded from being considered as gang-relation activity. We have confined, therefore, the First Schedule to serious offences.

The Government has considered the views expressed in the other place, Mr. Speaker, and acknowledges the following: the listed offences are serious in nature; the listed offences are the basis for the assessment of whether the criminal conduct in question was gang-related activity. Penalties for such activity are severe and other rights and freedoms can be adversely affected by the provisions of the legislation.

In the circumstances, having regard to the serious implications, the Government has agreed, in this instance that having regard to the

exceptional nature of this piece of legislation, we have agreed that any amendments to the schedule, which will most likely be made to include further offences, should be subject to affirmative resolution of the Parliament.

Mr. Speaker, I now come to the two amendments on the First Schedule which are A and B. Very simply, “receiving stolen goods” in the course of gang-related activity; we need to delete the words “in the course of gang-related activity” so that it will read receiving stolen goods which is, in fact, the correct name for the recognized criminal offence. We also propose to delete in item 11, the words “a child to be a gang member” and substitute the words, “gang members”. Mr. Speaker, I wish to point out that this is the same amendment to be made to the Bail (Amdt.) Bill, 2010. And the reasons for the two amendments are quite similar and will be discussed shortly.

Item 11, in the First Schedule to the Anti-Gang Bill, 2010, is listed offence recruiting a child to be a gang member. The word “child” would be contained in the offence listed in the First Schedule to the Bail Act, but would be in relation to a person who is defined as a child under the Anti-Gang Bill.

It was pointed out in the other place, Mr. Speaker, that in the Anti-Gang Bill, child means a person under the age of 18, whilst under the Bail Act, child means a person under the age of 14. And we needed to resolve that inconsistency that arose.

Mr. Speaker, by deleting the words “a child to be a gang member” and substituting “gang members”, the offence will now simply read, “recruiting gang members” thereby eliminating any reference to child to avoid any inconsistency. And that in fact will bring it into conformity and avoid any

inconsistency.

Mr. Speaker, in conclusion, as we approach the end of our deliberations on these two important Bills, I look back on the arduous journey with some degree of relief and satisfaction. No two Bills have, perhaps, been scrutinized and analyzed like this for a long time and I say it has been an enriching experience. I would like to thank everyone who has contributed to the discussion on these two Bills and look forward to the speedy implementation of this legislation, in the hope that it would lead to a reduction in gang-related warfare and criminal activity in this country. I thank you and I beg to move.

Question proposed.

Question put and agreed to.

BAIL (AMDT.) BILL

Senate Amendment

Attorney General (Sen. The Hon. Anand Ramlogan): Mr. Speaker, I beg to move that the Senate amendment to the Bail (Amdt) Bill listed in Appendix II be now considered.

Question proposed.

Question put and agreed to.

Clause 7.

Senate amendment read as follows:

In clause 7(c)(1), delete the words “a child to be a gang member” and substitute the words “gang members”.

Mr. Ramlogan: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

ADJOURNMENT

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Mr. Speaker, thank you very much. Of course, it was not the intention of the Government to have this sitting at such a late hour on a Monday night as well. We just want to thank all Members for their support and participation and, indeed, patience and to use this opportunity in closing, Mr. Speaker, to wish all Members well. But today is also the birthday of our Minister of the People and Social Development, the hon. Dr. Glen Ramadharsingh. And we want to wish him, all Members, a happy birthday. We did take into his celebratory time but I am sure that he will have a wonderful evening with friends and family, alike. I want to say happy birthday, Dr. Ramadharsingh.

Mr. Speaker, I beg to move that the House do now adjourn to Friday, May 27, 2011 at 1.30 p.m. And on that occasion it is Private Members' Day and I will ask the Opposition Chief Whip to indicate to us the order of business.

Miss Marlene McDonald (Port of Spain South): Mr. Speaker, through you, I wish to give the Government notice that we would be debating Motion No. 4 on the Order Paper. That is the motion with respect to pension funds.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 8.42 p.m.