



**REPORT
OF THE
COMMITTEE OF PRIVILEGES OF THE SENATE
SECOND SESSION (2021/2022)
TWELFTH PARLIAMENT
TOGETHER WITH THE MINUTES OF PROCEEDINGS
AND RECORD OF EVIDENCE**

Laid before the Senate and Ordered to be printed

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INTRODUCTION

APPOINTMENT

1. In accordance with Standing Order 79 (2) of the Senate, on Tuesday 30th November, 2021¹ the following persons were appointed to serve on the Committee of Privileges, Second Session (2021/2022) of the Twelfth Parliament:

- Ms. Christine Kangaloo - Chairman
- Mr. Nigel De Freitas - Member
- Mr. Randall Mitchell - Member
- Ms. Jearlean John - Member²
- Ms. Amrita Deonarine - Member

TERMS OF REFERENCE

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

MATTER RAISED AND REFERRED

3. At a sitting of the Senate held on Tuesday February 22, 2022, Senator the Honourable Clarence Rambharat, (then Minister of Agriculture, Land and Fisheries and Leader of Government Business in the Senate) moved a motion of privilege **(The Motion is attached at *Appendix A*)**. The motion contended that Senator Wade Mark on the Motion for the Adjournment on Tuesday February 15, 2022, Senator Wade Mark committed contempt of the Senate by:

¹ 9th Sitting of the Senate, Second Session held on Tuesday 30th November, 2021 at pages 2-3
<http://www.ttparliament.org/hansards/hs20211130.pdf>

² At the 20th Sitting of the Senate, held on March 15, 2022, Second Session (2021/2022), Twelfth Parliament Ms. Jearlean John was temporarily appointed to serve as a member of the Committee in lieu of Mr. Wade Mark.

- a) deliberately and willfully misleading the Senate; and
 - b) grossly and recklessly abusing the privilege of freedom of speech in this Senate.
4. At the 19th Sitting of the Senate on Tuesday March 8, 2022, the President of the Senate ruled that a *prima facie* case had been made out and pursuant to Standing Order 30(4), referred the matter to the Committee of Privileges for consideration and report (**the Ruling is attached at *Appendix II*.**

SECRETARIAT SUPPORT

5. The following persons provided secretarial support to the Committee:

- Mr. Brian Caesar - Secretary to the Committee
- Ms. Keiba Jacob-Mottley - Secretary to the Committee
- Mr. Julien Ogilvie - Assistant Secretary
- Mr. Brian Lucio - Assistant Secretary
- Ms. Rebecca Rafeek - Assistant Secretary
- Mr. Roger Hector - Legal Officer I
- Ms. Katharina Gokool - Research Assistant

MEETINGS OF THE COMMITTEE

6. Your Committee held six (6) meetings to consider and deliberate on the matter referred. The dates of meetings are as follows:
1. **First Meeting** - **Monday March 17, 2022**
 2. **Second Meeting** - **Wednesday March 23, 2022**
 3. **Third Meeting** - **Wednesday May 04, 2022**
 4. **Fourth Meeting** - **Tuesday May 24, 2022**
 5. **Fifth Meeting** - **Wednesday June 22, 2022**
 6. **Sixth Meeting** - **Friday July 01, 2022**
7. The Minutes of the meetings (1-5) are attached at ***Appendix III***.

SUMMARY OF MEETINGS

FIRST MEETING

8. At the First Meeting held on March 17, 2022, the rules and remit of your Committee were discussed. Additionally, your Committee held preliminary discussions on the matter referred, the documentation and material to be used in its deliberations, and a proposed work plan.
9. The documentation and material referred were as follows:
 - a) *Ruling of the President of the Senate delivered on March 08, 2022 on the allegation that Senator Wade Mark committed contempt of the Senate;*
 - b) *Hansard excerpts of the contributions of Senator Wade Mark and the Hon. Colm Imbert, MP, Minister of Finance re: Matter on the Motion for the Adjournment on Tuesday February 15, 2022;*
 - c) *Hansard excerpt of the Matter of Privilege raised by Sen. the Hon Clarence Rambharat, Minister of Agriculture, Land and Fisheries, on Tuesday February 22, 2022 re: alleged contempt of the Senate committed by Senator Wade Mark; and*
 - d) *Article from the Guardian newspaper dated June 09, 2011 entitled “Central Bank questions CIC”.*
10. Your Committee determined that Mr. Wade Mark should be informed by letter indicating that the matter alleging that he had committed contempt had been referred to your Committee for its investigation and report and the said letter should contain the following:
 - an invitation to provide written submissions and for his appearance before your Committee;
 - that an advisor, who may be an Attorney-at-Law, may accompany him. He is entitled to a maximum of two advisors and may consult with his advisor/s but the advisor is not permitted to address your Committee; and
 - that he is afforded the opportunity to call relevant witnesses and can submit a list of witnesses, which will be subject to your Committee’s approval.

SECOND MEETING

11. At the Second Meeting held on March 23, 2022, your Committee discussed learnings in relation to matters of privilege provided by the Secretariat, which included extracts from:

- a. McGee, David, *Parliamentary Practice in New Zealand*, 4th ed., edited by Mary Harris and David Wilson. Oratia Books, Auckland, 2017³;
- b. Bosc, Marc and Gagnon, André *House of Commons Procedure and Practice*, Third Edition, 2017⁴;
- c. Elder, D. R. and Fowler, P. E. *House of Representatives Practice* (7th Edition) Australia⁵;
- d. Kaul, M.N. and Shakhder, S.L. *Practice and Procedure of Parliament* (with particular reference to the Lok Sabha) Fifth Edition⁶;
- e. Narain, Shri Yogendra *Rajya Sabha at Work*, (2nd ed.)⁷;
- f. Erskine May's *Treatise on The Law, Privileges, Proceedings and Usage of Parliament* Twenty-fifth edition, 2019⁸; and
- g. "Notes on the Practice and Procedure of the Committee of Privileges" prepared by the Secretariat support of your Committee⁹.

³ McGee, David, *Parliamentary Practice in New Zealand*, 4th ed., edited by Mary Harris and David Wilson. Oratia Books, Auckland, 2017 <https://www.parliament.nz/en/visit-and-learn/how-parliament-works/parliamentary-practice-in-new-zealand/chapter-44-parliamentary-privilege/>

⁴ Bosc, Marc and Gagnon, André *House of Commons Procedure and Practice* Third Edition, 2017 https://www.ourcommons.ca/About/ProcedureAndPractice3rdEdition/ch_03_8-e.html

⁵ Elder, D. R. and Fowler, P. E. *House of Representatives Practice* (7th Edition) Australia https://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure

⁶ Kaul, M.N. and Shakhder, S.L. *Practice and Procedure of Parliament* (with particular reference to the Lok Sabha) Fifth Edition https://eparlib.nic.in/bitstream/123456789/762633/1/Practice_and_Procedure_of_Parliament_7th_ed_2016_English.pdf

⁷ Narain, Shri Yogendra *Rajya Sabha at Work*, (2nd ed.) https://rajyasabha.nic.in/rsnew/rsat_work/archive/archive_main_rsatwork.asp

⁸ Erskine May's *Treatise on The Law, Privileges, Proceedings and Usage of Parliament* Twenty-fifth edition, 2019 <https://erskinemay.parliament.uk/>

⁹ This document outlined the law with respect to the Committee of Privileges, and explained the rules and procedure of the conduct of an enquiry by the Committee.

12. Your Committee also viewed the video recordings of:
 - a. the contributions of Senator Wade Mark and the Hon. Colm Imbert, MP, Minister of Finance re: Matter on the Motion for the Adjournment on Tuesday February 15, 2022 (**Appendix IV-A**); and
 - b. the Matter of Privilege raised by former Senator the Honourable Clarence Rambharat, Minister of Agriculture, Land and Fisheries, on Tuesday February 22, 2022 re: alleged contempt of the Senate committed by Senator Wade Mark (**Appendix IV-B**).
13. Your Committee also considered the Article from the Guardian newspaper dated June 09, 2011 entitled, “Central Bank questions CIC” (**Appendix IV-C**). A discussion in relation to the above-mentioned reference documents ensued.

THIRD MEETING

14. At its Third Meeting held on May 04, 2022, your Committee considered the submission made by Mr. Mark dated April 25, 2022 together with appendices (correspondence he received from the Insurance Brokers Association of Trinidad and Tobago (IBATT) dated March 07, 2022), (**see Appendix V**) and conducted an in-depth discussion on the matter referred. Its deliberation involved a careful examination of the criteria that must be satisfied to prove each of the alleged breaches. At the conclusion of the Committee’s discussion, Members agreed that:
 - a. there was no need for Mr. Mark to appear before your Committee;
 - b. the alleged contempt of deliberately misleading the Senate was not satisfied, based on the standard set out in the research available to your Committee;
 - c. further discussion was necessary regarding the contempt of grossly and recklessly abusing the freedom of speech; and
 - d. the concept of ‘careless’ conduct relative to that of reckless conduct required research.

FOURTH MEETING

15. At your Committee's Fourth Meeting held on May 24, 2022, consideration was given to the following:
 - a. additional research on the contempt of grossly and recklessly abusing the freedom of speech and case studies on reprimanding Members of Parliament; and
 - b. the concern of the Committee's work being rendered *sub judice* because of a Judicial Review matter currently before the Court (This matter was raised by a Member of the Committee).
16. In relation to the Judicial Review matter, your Committee considered electronic correspondence received from Mr. Wade Mark on May 24, 2022 at 9:30 a.m. with the subject "***Matter Before The High Court***" asserting that the Committee should discontinue its proceedings, pending the outcome of a Judicial Review challenge of the appointment of Mr. Patrick Ferreira to the office of Chairman of the National Insurance Board of Trinidad and Tobago. Your Committee agreed to request from Mr. Mark a copy of the legal proceedings referred to in his email dated May 24, 2022 with a deadline for submission of May 26, 2022. Mr. Mark submitted the documents to your Committee via electronic correspondence on May 26, 2022.
17. Upon examination of the correspondence received from Mr. Mark dated May 26, 2022, the Committee noted that Mr. Mark had submitted the same judicial review matter that was raised by a Member of the Committee, namely *Ravi Balgobin Maharaj v the Minister of Finance*.
18. After considering the documents submitted, your Committee determined that the judicial review matter was distinct from the matter before the Committee and would not render the work of the Committee as *sub judice*. Accordingly, your Committee resolved to continue with its work and report to the Senate.

FIFTH MEETING

19. At your Committee's Fifth Meeting, Members thoroughly examined the Draft Report prepared by the Secretariat. Additionally, your Committee resolved to formally advise Mr. Mark of its decision that the judicial review matter referred to the Committee by him: *Ravi*

Balgobin Maharaj v the Minister of Finance, was not relevant to the work of the Committee. A letter was sent to Mr. Mark on Monday June 27, 2022 indicating the Committee's decision.

20. During its proceedings, your Committee safeguarded the principles of natural justice and procedural fairness by providing to Mr. Mark:
 - a. sufficient notice of the matter referred;
 - b. adequate opportunity to be heard;
 - c. the opportunity to call other witnesses; and
 - d. the opportunity to consult an advisor who may be an Attorney-at-Law.
21. Your Committee was satisfied that it observed the principles of natural justice and procedural fairness by informing Mr. Mark of the nature of the complaints referred by way of correspondence (with relevant attachments). Your Committee also ensured that all correspondence received from Mr. Mark were responded to as quickly as possible.
22. In addition, your Committee extended its timeframe for receiving Mr. Mark's written submission by two weeks when he indicated that he was unable to meet your Committee's initial deadline. Mr. Mark made a submission to your Committee by email dated April 14, 2022 and provided supporting documentation together with his submission to your Committee on April 25, 2022. Mr. Mark's submissions including supporting documentation can be found at ***Appendix V*** of this Report.
23. Additionally, your Committee considered the matter submitted by Mr. Mark via electronic correspondence on May 24, 2022 at 9:30 a.m. with the subject ***"Matter Before The High Court"*** and agreed to request a copy of the legal documentation for further consideration. Further to its deliberations of the document received from Mr. Mark, the Committee informed Mr. Mark of its decision to proceed with its discussions on the matter referred. The Committee has sought to be flexible and objective in its deliberations and has given due consideration to all of Mr. Mark's submissions in accordance with the established procedural and investigative processes.

SIXTH MEETING

24. At your Committee's Sixth Meeting, Members considered the amendments proposed to the Draft Report and a consensus was reached on the final version of the Report to be presented.

CONSIDERATION OF THE DETAILS AND THE NATURE OF THE BREACH

25. Your Committee considered the principles of the following:

- contempt;
- privilege;
- freedom of speech;
- the contempt of deliberately misleading; and
- gross and reckless abuse of the privilege of the freedom of speech.

26. Your Committee also examined case studies from several Commonwealth jurisdictions and examples setting out the contempt of deliberately and willfully misleading as well as grossly and recklessly abuse of the privilege of freedom of speech.

27. Your Committee's research was broken down as follows:

What constitutes a contempt of Parliament?

- i. Any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any Member or officer of such House in the discharge of their duty, or which has a tendency, directly or indirectly, to produce such results, may be treated as a contempt even though there is no precedent of the offence.¹⁰

Parliamentary Privilege – Freedom of Speech

- ii. Members are absolutely privileged from suit or prosecution in respect of anything they might say during proceedings in Parliament. Provided that their statements are in accordance with the rules and practices of the House, Members are able to express themselves as they judge fit. It is,

¹⁰ Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament Twenty-fifth edition, 2019 Paragraph 15.2 <https://erskinemay.parliament.uk/section/4991/contempts/>

however, incumbent upon Members not to abuse the privilege. The House itself, by its rules of debate and disciplinary powers, can deal with abuse.¹¹

- iii. Freedom of speech permits Members to speak freely in the Chamber during a sitting or in committees during meetings while enjoying complete immunity from prosecution or civil liability for any comment they might make. This freedom is essential for the effective working of the House and Members are able to make statements or allegations about outside bodies or persons which they might hesitate to make without the protection of privilege. Though it is often criticized, the freedom to make allegations which the Member genuinely believes at the time to be true, or at least worthy of investigation in the public's interest, is fundamental. There would be no freedom of speech if everything had to be proven true before it was uttered.¹²

Limitation on the exercise of this privilege

- iv. The privilege of freedom of speech is limited by the rules of order in debate. On the question of the content of speeches and the scope of debate, Erskine May states that "*subject to the rules of order in debate, a Member may state whatever he thinks fit in debate, however offensive it may be to the feelings or injurious to the character of individuals; and he is protected by his privilege from any action for lie, as well as from any other question of molestation.*"¹³
- v. In a 1969 ruling of Speaker Ellis of New South Wales, he advised the Legislative Assembly: "*In my opinion an honourable member should not reflect on private citizens unless he is satisfied that there are compelling considerations of public interest requiring him to do so. If he wishes to make a serious charge against a member of the public, in my view he should normally do so by moving a substantive motion framed in precise terms and capable of being answered by any honourable member choosing to defend the person under attack.*"¹⁴

¹¹ Elder, D. R. and Fowler, P. E. House of Representatives Practice (7th Edition) Australia Page 737

https://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/Practice7

¹² Bosc, Marc and Gagnon, André House of Commons Procedure and Practice Third Edition, 2017

https://www.ourcommons.ca/About/ProcedureAndPractice3rdEdition/ch_03_6-e.html

¹³ Erskine May Parliamentary Practice, David Natzler and Mark Hutton, Twenty-Fifth Edition, Pg.261

¹⁴ Parliament of New South Wales Legislative Assembly, Decisions from the Chair, Considered Rulings page 12
<https://www.parliament.nsw.gov.au/la/proceduralpublications/Documents/Decisions%20from%20the%20Chair%20-%20Considered%20Rulings.pdf>

The contempt of deliberately misleading a House

- vi. It is a contempt to deliberately mislead (or attempt to mislead) the House or a committee, whether by way of a statement, evidence or a petition. The contempt can be committed by anyone taking part in parliamentary proceedings. It consists of the conveying of information to the House or a committee that is inaccurate in a material particular and that the perpetrator knew or ought to have known was inaccurate.¹⁵
- vii. In order to determine whether a Member **deliberately misled a House**, there are three elements to be established in relation to the Member's statement:
 - 1. the statement must, in fact, have been misleading;
 - 2. the Member must have known that the statement was inaccurate at the time the statement was made; and
 - 3. the Member must have intended to mislead the House.¹⁶

Gross and Reckless abuse of the Privilege of the Freedom of Speech

- viii. **Recklessness** in the use of words in debate, although reprehensible and deserving of censure, falls short of the standard required to hold that a Member deliberately misled the House. For example, an allegation will be made out where a Member questions a Minister over information given and the same information is repeated and later can be shown as false. The misleading of the House must not be concerned with a matter of no consequence, or such little consequence that it is too trivial to warrant the House's attention. Such a misunderstanding should be cleared-up on a point of order or through the asking of further supplementary questions, particularly when the matter is a contestable one.¹⁷

¹⁵ McGee, David, *Parliamentary Practice in New Zealand*, 4th ed., edited by Mary Harris and David Wilson. Oratia Books, Auckland, 2017

¹⁶ McGee, David, *Parliamentary Practice in New Zealand*, 4th ed., edited by Mary Harris and David Wilson. Oratia Books, Auckland, 2017 <https://www.parliament.nz/mi/visit-and-learn/how-parliament-works/parliamentary-practice-in-new-zealand/chapter-46-contempt>

¹⁷ McGee, David, *Parliamentary Practice in New Zealand*, 4th ed., edited by Mary Harris and David Wilson. Oratia Books, Auckland, 2017 <https://www.parliament.nz/mi/visit-and-learn/how-parliament-works/parliamentary-practice-in-new-zealand/chapter-46-contempt>

Exercising Freedom of speech in relation to members of the public

- ix. In general, there is nothing to prevent a Member from commenting severely on the conduct of people outside the House, but only if it is relevant to the debate before the House. Indeed, it is important for Members to be free to speak out where this is necessary in the public interest. Members have been exhorted to use this privilege responsibly in relation to persons who cannot defend themselves in the Chamber or vindicate themselves in a court of law, but this is left largely to the judgement of Members. However, if a reference to a person outside the House is regarded as so insulting by a section of the House that, were it to stand unchallenged, it might provoke disorder, that would be a ground for requiring it to be withdrawn.¹⁸

DELIBERATIONS AND FINDINGS

28. In approaching the matter before it, your Committee considered the following essential questions:
- A. Whether Mr. Mark deliberately misled the Senate; and
 - B. Whether Mr. Mark grossly and recklessly abused the privilege of the freedom of speech.

1. Whether Mr. Mark deliberately misled the Senate

29. In addressing the first question, your Committee relied on the three elements, which must be established for the allegation to be proven as offered by Mc Gee 2017¹⁹:
- i. the statement must, in fact, have been misleading;
 - ii. the Member must have known that the statement was inaccurate at the time the statement was made; and
 - iii. the Member must have intended to mislead the House.

¹⁸ McGee, David, *Parliamentary Practice in New Zealand*, 4th ed., edited by Mary Harris and David Wilson. Oratia Books, Auckland, 2017 <https://www.parliament.nz/en/visit-and-learn/how-parliament-works/parliamentary-practice-in-new-zealand/chapter-16-debate/>

¹⁹ *Parliamentary Practice in New Zealand*, 4th ed., edited by Mary Harris and David Wilson. Oratia Books, Auckland, 2017 <https://www.parliament.nz/en/visit-and-learn/how-parliament-works/parliamentary-practice-in-new-zealand/chapter-46-contempt/>

The statement must, in fact, have been misleading

30. Accordingly, your Committee considered the accuracy of what was said by Mr. Mark. Your Committee took into account that Mr. Mark relied on the Trinidad and Tobago Guardian newspaper article dated June 09, 2011 entitled “Central Bank questions CIC” to support his allegation.
31. Members also considered the supporting documents submitted by Mr. Mark to determine if they could substantiate his claim. Your Committee noted correspondence submitted by Mr. Mark from the Insurance Brokers Association of Trinidad and Tobago (IBATT) dated March 07, 2022, which contained *inter alia* a request for Mr. Mark to correct inaccuracies listed therein that may have been inadvertently stated in the Senate during his motion of February 15, 2022. These were set out as follows:
- (a) *“IBATT reported that Mr. Ferreira rebated a Commission on a big home ownership policy plan”;*
 - (b) *“IBATT accused Mr. Ferreira of engaging in this unlawful action”;* and
 - (c) *“IBATT has disqualified Mr. Ferreira from holding any position in the insurance industry.”*
32. To determine whether Mr. Mark’s statements were misleading, your Committee considered verifying with the Central Bank of Trinidad and Tobago as to whether the assertion that the Central Bank had taken action against Mr. Ferreira, was valid. However, your Committee was satisfied that this was not necessary, based on the following statements made by Minister of Agriculture, Land and Fisheries, in raising the matter of privileges in the Senate:
- “...based on enquiry made to the Central Bank of Trinidad and Tobago, the bank has advised that no notice disbarring Patrick Ferreira or disqualifying him from holding any position in the insurance industry has been issued... Further...the Central Bank of Trinidad and Tobago has advised a determination of culpability against Patrick Ferreira for breaching the Insurance Act has not been issued.”*
33. Further, your Committee agreed that it is not its mandate to consider whether Mr. Ferreira rebutted the newspaper report or the allegation made by Mr. Mark in his statement to the Senate on February 15, 2022 via the avenues available to him.

34. Given the foregoing, your Committee was of the view that the first element of the allegation of deliberately misleading the house, i.e. the statement made must, in fact, have been misleading, was satisfied.

The member must have known that the statement was inaccurate at the time the statement was made

35. Members acknowledged that as is a long-standing Parliamentarian Mr. Mark could have conducted the necessary due diligence before rendering his statements to the Senate. The Committee was of the view that Mr. Mark should have made the necessary inquiries before making the following assertions in the Senate while raising a Matter on the Adjournment on Tuesday 15 February 2022:
- a. "...an alarm bell was raised about the Chief Executive of CIC Insurance Brokers, one Patrick Ferreira. The issue at the centre of this was a breach of the Insurance Act by this particular individual which eventually saw him leaving the actual place of employment."
 - b. "This gentleman was debarred literally by the Central Bank...as managing director of the Consolidated Insurance Company Limited."
 - c. "...it is against the law for anyone who is in the insurance business to give a rebate on commissions...this gentleman rebated a commission on a big home ownership policy plan. He was accused of engaging in this unlawful action by the Brokers Association and that matter was reported to the Supervisor of Insurance which is the Central Bank of Trinidad and Tobago."
 - d. "On the basis of this particular report and subsequent enquiries conducted by the Central Bank, the chairman appointed by the Government was removed from his position as managing director of CIC and as such cannot practice any insurance activities in our country. He was literally disqualified by the Central Bank and the Brokers Association from holding any position in the insurance industry."
36. Therefore, the Committee concluded that the second element of the allegation was satisfied.

The member must have intended to mislead the House

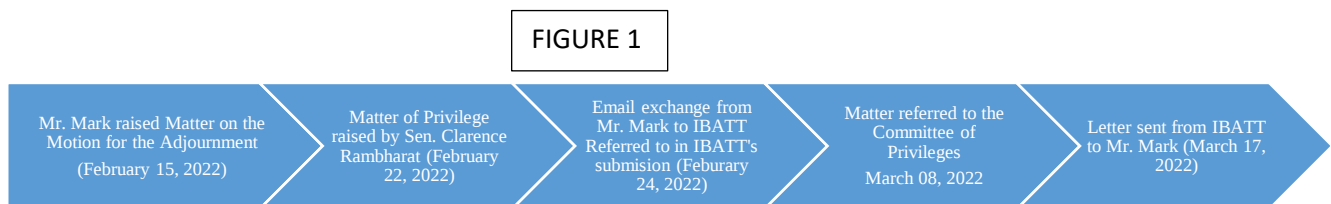
37. The content of the statement offered by Mr. Mark to the Senate on Tuesday February 15, 2022 was carefully examined.
38. Your Committee also took into consideration the learnings from India which states:
“In 1963, the House of Commons resolved that in making a personal statement which contained words which he later admitted not to be true, a former member had been guilty of a grave contempt. The Committee of Privileges of the Rajya Sabha while examining an issue on this point elaborated the implications of the observations of May as follows:

“In the opinion of the Committee it follows from the above observation that acts which mislead or tend to mislead must be done wilfully with the intention to mislead or deceive. Thus, the element of deliberateness is an essential ingredient implicit in the alleged offence of deliberately misleading the House. The Committee is aware that a number of statements which come up before the House are sometimes found not wholly true. There may be many statements made before the House which may in the end be found to be based on wrong information given to those who made them. Such statements will not, therefore, in the opinion of the Committee constitute a contempt if the persons had made them in the belief that the information contained in the statements was true. In this connection Kaul and Shakedher have also observed as follows: If any statement is made on the floor of the House by a member or Minister which another member believes to be untrue, incomplete or incorrect, it does not constitute a breach of privilege. If an incorrect statement is made, there are other remedies by which the issue can be decided. In order to constitute a breach of privilege or contempt of the House, it has to be proved that the statement was not only wrong or misleading but it was made deliberately to mislead the House. A breach of privilege can arise only when the member or the Minister makes a false statement or an incorrect statement wilfully, deliberately and knowingly, [Kaul and Shakedher, 3rd Edn., Vol. I, p. 234]”
39. Your Committee concluded that it could not be established that Mr. Mark intended to mislead the Senate.
40. Notwithstanding the aforementioned, your Committee established that there was a degree of carelessness by Mr. Mark, in that he did not seek to verify the information in the article dated June 09, 2011 entitled “Central Bank questions CIC” before making a statement in the House.

41. To aid in its determination, your Committee considered the chronology of the events corresponding to the matter of privilege. It was noted that:

- the Matter on the Motion on the Adjournment was raised on February 15, 2022;
- the Matter of Privilege was raised by Sen. Clarence Rambharat on February 22, 2022;
- an email referenced in the submission from Mr. Mark was sent to IBATT on February 24, 2022;
- the Matter was referred to the Committee of Privileges on March 08, 2022; and
- correspondence received from IBATT was annexed to Mr. Mark's submission was dated March 17, 2022.

42. The timeline is illustrated in Figure 1 below:



43. Given the elements which constitute the contempt of misleading, your Committee has found that while the first two elements have been met, the third requirement of intent was not established.

44. Having considered and discussed the above-mentioned learnings, reviewed the reference material and considered the written submissions by Mr. Mark, which contained supporting documentation, your Committee resolved that the alleged contempt of deliberately misleading the Senate was not established.

2. Whether Mr. Mark grossly and recklessly abused the privilege of the freedom of speech

45. As it pertained to the whether Mr. Mark grossly and recklessly abused the privilege of the freedom of speech, your Committee considered what the words “grossly and recklessly” mean in the context of abusing the privilege of the freedom of speech and was accordingly guided by extensive comparative research.

46. To substantiate that the breach under consideration had occurred, your Committee had to be satisfied that the member, in the exercise of his right to freedom of speech, conducted himself in a gross and reckless manner. Meriam-Webster Dictionary defines “gross” as “*glaringly noticeable usually because of inexcusable badness or objectionableness.*” Black’s Law Dictionary defines “reckless” and “recklessly” respectively as: “*Characterized by the creation of a substantial and unjustifiable risk of harm to others and by a conscious (and sometimes deliberate) disregard for or indifference to that risk; Reckless conduct is more than mere negligence; it is a gross deviation from what a reasonable person would do.*”
47. In its deliberations, your Committee noted that Mr. Mark referred extensively to the newspaper report in his motion. However, he deviated from the report’s contents, introducing new ideas which had the effect of casting aspersions. As such, your Committee considered whether Mr. Mark’s deviation from the newspaper report and the resulting aspersions cast on Mr. Ferreira satisfied the “reckless” component as it pertained to the allegation of “grossly and recklessly abusing the privilege of the freedom of speech”.
48. Your Committee considered that in debate it is not reasonable to expect Members to write to every organisation to ensure that their contributions are precise. However, your Committee questioned whether it could be inferred that Mr. Mark was initially careless about certain utterances and had subsequently sought to verify certain aspects of his statement via various sources.
49. Your Committee also considered the possibility that Mr. Mark could have corroborated his information verbally, but instead only sought written confirmation to support his statements subsequent to the raising of the privilege matter.
50. Following a thorough ventilation of the issue, the Committee established that while Mr. Mark’s statements displayed a degree of carelessness, the statements did not meet the threshold of recklessly abusing the freedom of speech.
51. As such, **your Committee resolved that the allegation that Mr. Mark grossly and recklessly abused the privilege of the freedom of speech has not been satisfied.**

Conclusion

52. The Committee finds that Mr. Wade Mark's statements and conduct did not constitute:
- a) deliberate misleading of the Senate; or
 - b) gross or reckless abuse of the privilege of the freedom of speech.
53. Nevertheless, your Committee wishes to use this opportunity to express that although Mr. Mark's statement and conduct did not meet the threshold of satisfying either of the two grounds, that the Senator did make at least two incorrect statements that required correction. The Committee noted in Mr. Mark's own submission at **Appendix V** that the IBATT requested that Mr. Mark seek to set the record straight:

"We would also be grateful if you would assist us in the national interest, in correcting a number of inaccuracies that you may have inadvertently stated in Senate on February 15, 2022, which has come to the attention of our membership and is of concern to us. These are set out below:

- (a) "IBATT reported that Mr. Ferreira rebated a Commission on a big home ownership policy plan";*
- (b) "IBATT accused Mr. Ferreira of engaging in this unlawful action"; and*
- (c) "IBATT has disqualified Mr. Ferreira from holding any position in the insurance industry."*

As such, your Committee found that Mr. Mark was careless in his use of the freedom of speech.

54. Your Committee agrees unquestionably that freedom of speech is by far the most important privilege of Members. However, your Committee is mindful that some statements made on the floor can be injurious especially to persons who are not Members of Parliament: *"The consequences of its abuse can be terrible. Innocent people could be slandered with no redress available to them. Reputations could be destroyed on the basis of false rumour. All Hon. Members are conscious of the care they must exercise in availing themselves of their absolute privilege of freedom of speech."*²⁰

²⁰ Canada House Of Commons Procedure And Practice, Third Edition, 2017
https://www.ourcommons.ca/About/ProcedureAndPractice3rdEdition/ch_03_6-e.html - 3-6-1-3-2

55. While free speech is the most important parliamentary privilege, Members should be careful not to abuse it. Ultimately, the responsibility lies with the individual Member. The Commons Procedure Committee of Session 1988-89 stated:

'We reiterate that the privilege of freedom of speech is an essential protection for members in carrying out their duties. There is no point in this privilege unless it provides guarantees against attempts from outside to control what members choose to say in the House. However, privilege carries with it responsibilities as well as rights; and those responsibilities have to be exercised within the rules laid down by the House and in conformity with the standards it expects of its members. Irresponsible or reckless use of privilege can cause great harm to outside individuals who enjoy no legal redress and, in some circumstances, could be prejudicial to the national interest. The strongest safeguard against so-called abuses is the self-discipline of individual members. This means, for instance, that a member should take steps, before making a potentially damaging accusation against a named individual, to ensure not only that evidence exists but that it comes from a normally reliable source. This does not imply that a member needs to have evidence that would satisfy a court, but that he should act on the basis of something firmer than mere rumour or supposition.'

56. Your Committee noted that in the Australian Senate, the appreciation for the risk posed by the misuse of freedom of speech was so great that on 25 February 1988, the Australian Senate adopted a resolution setting out the manner in which Senators are to exercise the freedom²¹. Specifically, the Senate resolved that in speaking in the Senate or in a committee, Senators should take the following matters into account:
- (a) the need to exercise their valuable right of freedom of speech in a responsible manner;
 - (b) the damage that may be done by allegations made in Parliament to those who are the subject of such allegations and to the standing of Parliament;
 - (c) the limited opportunities for persons other than members of Parliament to respond to allegations made in Parliament;
 - (d) the need for Senators, while fearlessly performing their duties, to have regard to the rights of others; and
 - (e) the desirability of ensuring that statements reflecting adversely on persons are soundly based.

²¹ Parliament of Australia, Appendix 2, Parliamentary privilege resolution agreed to by the Senate on 25 February 1988

<https://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/Odgers_Australian_Senate_Practice/Appendices/Appendix_2>

57. Additionally, your Committee agrees with Speaker Milliken of the House of Commons of Canada that, *“It is incumbent upon all members to exercise fairness with respect to those who are not in a position to defend themselves”*²².
58. In making its recommendations, your Committee leaned on the Australian Parliamentary Practice which states, *“If a Member is of the opinion that it is in the public interest to disclose such allegations, he or she should make all reasonable inquiries as to the truth of the allegations”*²³.
59. Your Committee wishes to advance that acts or omissions by members that have the effect of bringing the House into odium, ridicule or lowering its authority, may constitute contempts.²⁴ Members are therefore reminded of their duty to treat the privilege of freedom of speech with the utmost respect and to act in such manner that befits the dignity of the House.

RECOMMENDATIONS

60. In light of the foregoing, your Committee of Privileges recommends the following:
- A. that the House impose no sanction on Mr. Mark in relation to the matter referred;
 - B. that Mr. Mark, consistent with good parliamentary practice, should correct the inaccuracies in his statement made to the Senate on the Matter on the Motion for the Adjournment on February 15, 2022 at his next appearance in the Senate and/or before the end of the 2nd Session (2021/2022) of the 12th Parliament. These inaccuracies were specified in correspondence addressed to Mr. Mark by IBAT^{TT} and are set out at paragraph 51 (a) to (c) above; and
 - C. that Members be reminded that they should exercise their duty to correct the parliamentary record by making a personal explanation to the House at the earliest opportunity, clarifying any inaccuracies at the earliest opportunity under the appropriate procedure.

²² Canada House of Commons Procedure and Practice, Third Edition, 2017

<https://www.ourcommons.ca/About/ProcedureAndPractice3rdEdition/ch_03_6-e.html - 3-6-1-3-2>

²³ Elder, D. R. and Fowler, P. E. House of Representatives Practice (7th Edition) Australia Page 737

https://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/Practice7

²⁴ Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament Twenty-fifth edition, 2019 Paragraph 15.11 <https://erskinemay.parliament.uk/section/5002/other-indignities-offered-to-either-house/>

Respectfully submitted,

Ms. Christine Kangaloo

Chairman

Mr. Nigel De Freitas

Member

Mr. Randall Mitchell

Member

Ms. Jearlean John

Member

Ms. Amrita Deonarine

Member

July 01, 2022

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Privilege Motion

SENATE

Tuesday, February 22, 2022

PRIVILEGE MATTER (SEN. WADE MARK)

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you, Madam President, for granting me leave in accordance with Standing Order 30(2) to raise a matter directly concerning the privileges of the Senate.

Madam President, the matter concerns certain unfounded, baseless and false allegations made by Opposition Sen. Wade Mark on a matter raised on the Motion for the Adjournment on Tuesday 15 February, 2022, by Sen. Mark on the following matter which was circulated by letter dated February 04, 2022. That matter, Madam President, is, I quote:

The need for the Government to explain its decision to appoint a nominee of the Government to the National Insurance Board as the Chairman of said board which is contrary to the National Insurance Act.

Madam President, in raising the matter the Senator made several false allegations against the Government and Mr. Patrick Ferreira who was nominated by the Government to serve as the Chairman of the National Insurance Board of Trinidad and Tobago. Sen. Mark stated and I quote from the *Hansard* as follows: One:

“...an alarm bell was raised about the Chief Executive of CIC Insurance Brokers, one Patrick Ferreira. The issue at the centre of this was a breach of the Insurance Act by this particular individual which eventually saw him leaving the actual place of employment.”

Two:

“The Ministry of Finance has brought this individual who was a government

representative between '17, I believe, and '21 on the Board of the NIB and made him chairman sometime in January this year.”

Three:

“This gentleman was debarred literally by the Central Bank...as managing director of the Consolidated Insurance Company Limited.”

Four:

“...it is against the law for anyone who is in the insurance business to give a rebate on commissions...this gentleman rebated a commission on a big home ownership policy plan. He was accused of engaging in this unlawful action by the Brokers Association and that matter was reported to the Supervisor of Insurance which is the Central Bank of Trinidad and Tobago.”

Six:

“On the basis of this particular report and subsequent enquiries conducted by the Central Bank, the chairman appointed by the Government was removed from his position as managing director of CIC and as such cannot practice any insurance activities in our country. He was literally disqualified by the Central Bank and the Brokers Association from holding any position in the insurance industry.”

And seven:

“This gentleman is unfit and he is improperly, illegally and unlawfully appointed by the Government.”

Madam President, based on enquiry made to the Central Bank of Trinidad and Tobago, the bank has advised that no notice disbarring Patrick Ferreira or disqualifying him from holding any position in the insurance industry has been issued.

Further, Madam President, the Central Bank of Trinidad and Tobago has advised a determination of culpability against Patrick Ferreira for breaching the Insurance Act has not been issued.

Madam President, the allegations made by Opposition Sen. Wade Mark against the Government and Mr. Patrick Ferreira are therefore unfounded, baseless and false and as such constitute a breach of parliamentary privilege.

2.00 p.m.

Madam President, parliamentary privilege is not a new concept. In fact, it is a hallmark of parliamentary practice and our democracy. Historically, it was a right designated to protect the right of the King to the service of his advisors. I wish to underscore the word “protect”, Madam President. Parliamentary privilege therefore remains the bedrock of the working of a Parliament. It offers protection from the interference from whatever source. It safeguards the freedom, authority and dignity of this august House.

Madam President, the unfounded, baseless and false allegations made by Opposition Sen. Wade Mark in this House, and unsupported by the Central Bank of Trinidad and Tobago, cannot be countenanced. To ignore such conduct will send the wrong message to anyone and everyone whose character may be maligned. And I dare say, Madam President, in this case of Mr. Ferreira, someone whose personal and commercial interests may be severely affected by Sen. Mark’s false allegations.

Madam President, it is for these reasons that Sen. Mark’s unfounded, baseless and false allegations against the Government and Mr. Patrick Ferreira must be dealt with in the strongest possible manner by this House.

It is for these reasons, Madam President, that I move that Sen. Wade Mark committed contempt of this Senate on the following grounds:

1. He deliberately and wilfully misled this Senate; and
2. He grossly and recklessly abused the privilege of freedom of speech in this Senate.

Madam President, in accordance with the relevant Standing Orders, I ask that Sen. Wade Mark be referred to the Privileges Committee of this Senate. Madam

President, I thank you.

Hon. Senators: [*Desk thumping*]

Madam President: Hon. Senators, I reserve my decision on the matter of privilege raised and will deliver same at a later date.

Ruling of the President of the Senate



RULING OF THE PRESIDENT OF THE SENATE ON ALEGATION THAT SEN. WADE MARK COMMITTED CONTEMPT OF THE SENATE

- 1) Hon Senators I am now prepared to rule on the question of privilege raised by the Minister of Agriculture, Land and Fisheries on Tuesday February 22, 2022.
- 2) Honourable Senators, it is important to understand the chronology of events that led to this issue being raised by the Hon. Minister.
- 3) Senator Mark on Tuesday February 15, 2022 raised a Matter on the Motion for the Adjournment of the Senate, namely:

“The need for the Government to explain its decision to appoint a nominee of the Government to the National Insurance Board as the Chairman of said board which is contrary to the National Insurance Act.”

- 4) Senator Mark began by citing an article from the Guardian Newspaper dated June 2011 and he stated and I quote,

“Where an alarm bell was raised about the Chief Executive of CIC Insurance Brokers, one Patrick Ferreira. The issue at the centre of this was a breach of the Insurance Act by this particular individual which eventually saw him leaving the actual place of employment... This gentleman was debarred literally by the Central Bank, right, as managing director of the Consolidated Insurance Company Limited.”

- 5) The Minister of Finance, in responding to the matter raised by Senator Mark stated, among other things, and I quote,

“I just do not believe it. So, I will investigate the matter.”

- 6) On Tuesday February 22, 2022, the Minister of Agriculture, Land and Fisheries, raised a matter concerning the privileges of the Senate. In doing so, the Minister stated without qualification and I quote,

“...based on enquiry made to the Central Bank of Trinidad and Tobago, the bank has advised that no notice disbarring Patrick Ferreira or disqualifying him from holding any position in the insurance industry has been issued... Further...the Central Bank of Trinidad and Tobago has advised a determination of culpability against Patrick Ferreira for breaching the Insurance Act has not been issued.”

- 7) The Hon. Minister submitted that Senator Mark committed contempt of this Senate on the following grounds:

(1) He deliberately and wilfully misled this Senate; and

(2) He grossly and recklessly abused the privilege of freedom of speech in this Senate.

- 8) In the circumstances, the Hon. Minister asked that Senator Mark be referred to the Privileges Committee.

- 9) Honourable Senators, my role as the Presiding Officer of the Senate is to make a decision on whether a prima facie case has been made, and if so, refer the matter to the Committee of Privileges of the Senate. Therefore, I am simply required to consider whether these submissions

of the Minister of Agriculture point to a reasonable possibility that contempt has occurred.

- 10) In this regard, I have carefully reviewed this matter. In reviewing the matter I took into consideration,
- a. The matter raised by the Minister of Agriculture, Land and Fisheries;
 - b. The Hansard of both Senator Mark and the Minister of Finance for the Matter raised on the Motion for the Adjournment of the Senate; and
 - c. The newspaper article referenced by both Senator Mark and the Minister of Finance.
- 11) Honourable Senators, one of the available reasonable conclusions in all of the circumstances might be that the newspaper article does not appear to contain support for the statements made by Senator Mark. For example, one of the available reasonable conclusions might be that the article does not expressly state that the individual in question was debarred literally by the Central Bank of Trinidad and Tobago ... as Managing Director of the Consolidated Insurance Company Limited, and was disqualified by the Central Bank from holding any position in the insurance industry.
- 12) I therefore rule that there is a prima facie case to support a question of privilege requiring further investigation by the Committee of Privileges.

I so rule.

8 March 2022

Minutes of Proceedings

COMMITTEE OF PRIVILEGES OF THE SENATE SECOND SESSION (2021-2022), TWELFTH PARLIAMENT

**MINUTES OF THE FIRST MEETING HELD IN THE LINDA BABOOLAL MEETING
ROOM, GROUND FLOOR, CABILDO BUILDING, OFFICE OF THE PARLIAMENT,
PARLIAMENTARY COMPLEX, ST. VINCENT STREET, PORT OF SPAIN ON
THURSDAY MARCH 17, 2022**

PRESENT

Committee Members

Ms. Christine Kangaloo	-	Chairman
Mr. Nigel De Freitas	-	Member
Ms. Jearlean John	-	Member
Mr. Randall Mitchell	-	Member
Ms. Amrita Deonarine	-	Member

Secretariat

Ms. Keiba Jacob Mottley	-	Secretary
Mr. Julien Ogilvie	-	Assistant Secretary
Mr. Kaleem Hosein	-	Legal Officer
Mr. Roger Hector	-	Legal Officer
Ms. Katharina Gokool	-	Graduate Research Assist

COMMENCEMENT

- 1.1 The meeting was called to order by the Chair at 10:38 a.m.
- 1.2 The Chairman informed the Committee that on Tuesday March 15, 2022, Ms. Jearlean John was temporarily appointed to serve as a Member in the place of Mr. Wade Mark.

QUORUM

- 2.1 The Committee agreed to a quorum of three (3) Members (including the Chairman).
- 2.2 The Chairman encouraged Members to make every effort to attend all meetings.

MATTER REFERRED TO THE COMMITTEE

- 3.1 The Chairman drew the attention of Members to the specific matter referred to the Committee for consideration and report to the Senate.
- 3.2 The Chairman proceeded to identify the grounds for the matter before the Committee. The matter being an allegation that Senator Wade Mark committed contempt of the Senate by deliberately and wilfully misled this Senate, and he grossly and recklessly abused the privilege of freedom of speech in the Senate.
- 3.3 The Chairman asked the Committee to note that the following documents were uploaded to Rotunda for Members' consideration:
 - a. Ruling of the President of the Senate delivered on March 08, 2022 on the allegation that Senator Wade Mark committed contempt of the Senate;
 - b. Hansard excerpts of the contributions of Senator Wade Mark and the Hon. Colm Imbert, MP, Minister of Finance re: Matter on the Motion for the Adjournment on Tuesday February 8, 2022;
 - c. Hansard excerpt of the Matter of Privilege raised by Sen. the Hon Clarence Rambharat, Minister of Agriculture, Land and Fisheries, on Tuesday February 22, 2022 re: alleged contempt of the Senate committed by Senator Wade Mark; and
 - d. Article from the Guardian newspaper dated June 09, 2011 entitled Central Bank questions CIC.

CONSIDERATION OF PROCEDURAL STEPS

- 4.1 The Chairman invited comments and suggestions on the procedural steps in the Committee's consideration of the matter.
- 4.2 The Committee agreed to write Mr. Wade Mark advising him of the matter referred to it and that the letter should convey the following information to Mr. Mark:
 - i. An invitation to Mr. Wade Mark to provide written submissions (if any) and his appearance before the Committee;
 - ii. Inform him that he may be accompanied by an Advisor, who may be an Attorney at Law. He is entitled to a maximum of two advisors. Mr. Mark may consult with his advisor/s but the Advisor is not permitted to address the Committee.
 - iii. Inform him that he will be afforded the opportunity to call relevant witnesses. He can submit a list of witness which will be subject to the Committee's approval prior to being called.

DISCUSSION ON WORK SCHEDULE OF COMMITTEE

- 5.1 The Chairman proposed that the Committee meet once per week. Wednesdays and Fridays were proposed as possible meeting days.

- 5.2 The Committee agreed to meet next on Wednesday March 23, 2022 at 10:30am. On that day future meeting dates will be confirmed.
- 5.3 The Committee anticipated that by the next meeting day that the letter will be sent to Mr. Mark and a response will be received.
- 5.4 The Committee also agreed that the agenda for its second meeting will include a discussions on issues, principles and relevant research material related to the matter under consideration.
- 5.5 The Chairman proposed that provided that a response has been received from Mr. Wade Mark, the Committee can begin hearing witnesses at its third meeting.

OTHER BUSINESS

- 6.1 The Committee directed the Secretariat to provide precedents before the next meeting on the alleged breaches under consideration.
- 6.2 Ms. Amrita Deonarine suggested that the Secretariat reach out to the Central Bank to verify the matter of Mr. Patrick Ferreira's alleged debarment. The Chairman in response suggested waiting until next week's meeting as this is a matter that was expected be discussed on that date.
- 6.3 Ms. Jearlean John raised the issue of the impact of the resignation of Mr. Clarence Rambharat as a Senator and a Minister on the consideration of the matter before the Committee. In response, the Chairman explained that former Senator Clarence Rambharat's role in the proceedings ended when he raised the matter and proposed that it be referred to the Committee.
- 6.4 The Chairman introduced members of the support staff to the Committee.
- 6.5 The Chairman advised the Committee that meetings would continue to be in-person.
- 6.6 The Chairman reminded the Committee's deliberations are to remain private and confidential.

ADJOURNMENT

- 7.1 There being no other business, the Chairman thanked Members and adjourned the meeting to Wednesday March 23, 2022 at 11:00 a.m at the Parliamentary Complex.
- 7.2 The adjournment was taken at 10:55 a.m.

We certify that these Minutes are true and correct.

Christine Kangaloo
Chairman

Keiba Jacob Mottley
Secretary

March 21, 2022



COMMITTEE OF PRIVILEGES OF THE SENATE SECOND SESSION (2021-2022), TWELFTH PARLIAMENT

**MINUTES OF THE SECOND MEETING HELD IN THE LINDA BABOOLAL
MEETING ROOM, GROUND FLOOR, CABILDO BUILDING, OFFICE OF THE
PARLIAMENT, PARLIAMENTARY COMPLEX, ST. VINCENT STREET, PORT OF
SPAIN ON WEDNESDAY MARCH 23, 2022**

PRESENT

Committee Members

Ms. Christine Kangaloo	-	Chairman
Mr. Nigel De Freitas	-	Member
Ms. Jearlean John	-	Member
Mr. Randall Mitchell	-	Member
Ms. Amrita Deonarine	-	Member

Secretariat

Ms. Keiba Jacob Mottley	-	Secretary
Mr. Julien Ogilvie	-	Assistant Secretary
Mr. Kaleem Hosein	-	Legal Officer
Mr. Roger Hector	-	Legal Officer
Ms. Katharina Gokool	-	Graduate Research Assistant
Ms. Rebecca Rafeek	-	Procedural Officer (Intern)

COMMENCEMENT

- 1.1 The meeting was called to order by the Chairman at 11:15 a.m.

CONFIRMATION OF THE MINUTES OF THE 1ST MEETING HELD ON THURSDAY MARCH 17, 2022

- 2.1 The Chairman invited Members to review the Minutes of the First Meeting held on Thursday March 17, 2022.

- 2.2 The Chairman highlighted an error at paragraph 5.2 of page 3 and suggested that the words and numbers “10:30 a.m.” be substituted with the words and numbers “11:00 a.m.”
- 2.3 A motion to confirm these minutes was moved by Mr. Randall Mitchell. This motion was seconded by Mr. Nigel De Freitas.

MATTERS ARISING FROM THE MINUTES

- 3.1 The Chairman referred Members to the following items in the Minutes:
 - i. **Item 4.2, page 2:** by email dated March 19, 2022, the Secretariat wrote to Mr. Wade Mark to inform him of the matter before the Committee for investigation and invited him to submit a written response, if desired, by Wednesday 23 March, 2022 at 9:00 a.m.
 - a. A response to this letter was received on March 21, 2022 via email. Both documents were circulated for the attention of Members.
 - b. Members were asked to note that Mr. Mark requested a two-week extension to submit a written response to the allegations against him and has requested further particulars of the allegations against him.
 - ii. **Item 5.4, page 3:** per the Work Schedule, the Committee agreed to discuss, issues, principles and relevant research material related to the matter under consideration.
 - iii. **Item 6.1, page 3:** Research material on the alleged breaches under consideration was prepared by the Secretariat and circulated for the consideration of members by email on March 22, 2022.
- 3.2 The Chairman asked Members whether they wished to raise any matters related to the research material. No matters were raised by Members.

REVIEW OF REFERENCE/BACKGROUND DOCUMENTS

- 4.1 The Chairman invited Members to consider the following reference documents:
 - i. Hansard excerpts of the contributions of Senator Wade Mark and the Hon. Colm Imbert, MP, Minister of Finance re: Matter on the Motion for the Adjournment on Tuesday February 15, 2022;
 - ii. Hansard excerpt of the Matter of Privilege raised by Senator the Honourable Clarence Rambharat, Minister of Agriculture, Land and Fisheries, on Tuesday February 22, 2022 re: alleged contempt of the Senate committed by Senator Wade Mark; and
 - iii. Article from the Guardian newspaper dated June 09, 2011 entitled Central Bank questions CIC.

- 4.2 Members elected to view videos depicting the events set out in the Hansard excerpts in 4.1(i) and (ii).
- 4.3 The Chairman advised the Committee that reviewing these documents will assist the Committee in identifying the precise statements of Mr. Wade Mark that resulted in referral to the Committee.

DISCUSSION ON PROCEDURE AND LEARNINGS

- 5.1 The Chairman stated the grounds for the matter being considered by the Committee:

“On Tuesday March 08, 2022, the following matter was referred to this Committee:

An allegation that Senator Wade Mark committed contempt of the Senate by:

- a. deliberately and willfully misled this Senate; and
- b. grossly and recklessly abused the privilege of freedom of speech in the Senate.

- 5.2 The Chairman invited Members to consider the research material and case studies on the alleged breaches under consideration.
- 5.3 At the outset of discussions the Chairman advised the Committee that they were not bound by the perspectives expressed during their deliberations.
- 5.4 The Committee engaged in a discussion on the principles of contempt, privilege, freedom of speech, the contempt of deliberately misleading and the contempt of gross and reckless abuse of freedom of speech. Throughout the discussion they related the facts of the matter before the Committee to the principles addressed in the research and the reference documents.
- 5.5 The Chairman suggested that Members take the opportunity to study the research documents provided before the next meeting.
- 5.6 The Chairman directed the Secretariat to provide further learning with respect to the contempts identified. The Chairman suggested case studies and examples setting out the contempts of deliberately and willfully misleading and grossly and recklessly abuse of the privilege of freedom of speech.

DISCUSSION ON THE WAY FORWARD

- 6.1 The Chairman directed Members’ attention to the Committee’s Work Schedule and sought agreement of the Committee on the date, time, and agenda of the next meeting of the Committee.
- 6.2 The Chairman directed Members to the email response of Mr. Mark received on March 21, 2022. The Committee engaged in a discussion on the formulation of a response to this

email. The discussion centered on issues of the sufficiency of particulars and the two-week extension requested by Mr. Mark. The Committee concluded that the particulars already provided were sufficient, and that the two-week extension requested will be granted. The two-week extension shall commence from the date of the committee's decision dated March 23, 2022.

- 6.3 The Secretariat was directed to prepare a response taking into consideration the discussion had by Members. The Secretariat was directed to send this response by March 23, 2022 or the morning of March 24, 2022.
- 6.4 The Chairman proposed, and the Committee agreed to meet next on Friday April 8, 2022 at 11:00 a.m.

ADJOURNMENT

- 7.1 There being no other business, the Chairman thanked Members and adjourned the meeting to Friday April 8, 2022 at 11:00 a.m. at the Parliamentary Complex.
- 7.2 The adjournment was taken on 12:42 p.m.

We certify that these Minutes are true and correct.

Christine Kangaloo
Chairman

Keiba Jacob Mottley
Secretary

March 23, 2022

COMMITTEE OF PRIVILEGES OF THE SENATE SECOND SESSION (2021-2022), TWELFTH PARLIAMENT

**MINUTES OF THE THIRD MEETING HELD ON WEDNESDAY MAY 4, 2022, IN THE
LINDA BABOOLAL MEETING ROOM, GROUND FLOOR, CABILDO BUILDING,
OFFICE OF THE PARLIAMENT, PARLIAMENTARY COMPLEX,
ST. VINCENT STREET, PORT OF SPAIN**

PRESENT

Committee Members

Ms. Christine Kangaloo	-	Chairman
Mr. Nigel De Freitas	-	Member
Ms. Jearlean John	-	Member
Mr. Randall Mitchell	-	Member
Ms. Amrita Deonarine	-	Member

Secretariat

Ms. Keiba Jacob Mottley	-	Secretary
Mr. Julien Ogilvie	-	Assistant Secretary
Mr. Roger Hector	-	Legal Officer
Ms. Katharina Gokool	-	Graduate Research Assist

COMMENCEMENT

- 1.1 The Chairman called the meeting to order at 2:18 p.m. and welcomed Members present.

CONSIDERATION ON CONFIRMATION OF THE MINUTES OF THE SECOND MEETING HELD ON WEDNESDAY MARCH 23, 2022

- 2.1 The Chairman invited Members to consider the Minutes (page-by-page) of the Second Meeting held on Wednesday March 23, 2022, and inquired whether there were any omissions or corrections.
- 2.2 There being no corrections, a motion for the confirmation of minutes was moved by Mr. Nigel De Freitas and seconded by Ms. Amrita Deonarine.

MATTERS ARISING FROM THE MINUTES

3.1 The Chairman referred Members to the following items in the Minutes:

- i. **Item 5.6, page 3:** by emails dated Thursday April 7, 2022 and Wednesday April 27, 2022 the Secretariat shared with Members research and case studies on the matter of deliberately and willfully misleading, and abusing the privilege of freedom of speech.
- ii. **Item 6.3, page 4:**
 - by email dated Thursday March 24, 2022, Mr. Wade Mark was informed by the Committee, through the Secretariat, that the documents provided to him on Saturday March 19, 2022 provided sufficient particulars. Also, Mr. Wade Mark was issued with a second invitation to send his written submission by 4:00 p.m. on Thursday April 7, 2022.
 - by email dated Tuesday April 5, 2022, Senator Wade Mark requested an extension of time of one week to make submissions. The Committee, through the Secretariat, by a letter emailed to Senator Mark on Thursday April 7, 2022 informed him that the extension had been granted to Thursday April 14, 2022 at 9:00 a.m. to make written submissions.
 - Senator Mark's submission was circulated to Members by email on Wednesday April 27, 2022.

CONSIDERATION OF THE WRITTEN SUBMISSION BY SENATOR WADE MARK

- 4.1 The Chairman directed the attention of the Members to the Written Submission by Senator Wade Mark.
- 4.2 Members engaged in a thorough discussion of Senator Mark's submission inclusive of the appendices attached thereto.

CONSIDERATION AND DISCUSSIONS ON THE RESEARCH MATERIAL AND CASE STUDIES

- 5.1 The Chairman invited Members to consider the research material and case studies provided by the Secretariat on the alleged breaches under consideration by the Committee. These documents were sent to Members via emails dated Thursday April 7, and Wednesday April 27, 2022.
- 5.2 The Chairman directed the Committee to carefully consider the research material on each alleged breach with a view to determining the requirements which must be satisfied to prove that breaches were committed.

- 5.3 The Chairman invited discussion on the research material in conjunction with Mr. Mark's response. A thorough discussion ensued among Members.
- 5.4 At the conclusion of the Committee's discussion, Members agreed to the following:
- i. there was no need for Senator Mark to appear before the Committee;
 - ii. that the alleged contempt of deliberately misleading the Senate cannot be proven having regard to the standard set out in the research available to the Committee; and
 - iii. Notwithstanding item 5.4(ii), the Committee directed that further research be conducted to determine whether Mr. Wade Mark may have committed the contempt of grossly and recklessly abusing the freedom of speech.

DISCUSSION ON THE WAY FORWARD

- 6.1 The Secretariat was directed to:
- i. undertake further research regarding the contempt of grossly and recklessly abusing the freedom of speech with a view to presenting examples;
 - ii. investigate the concept of "careless" in the relation to members' conduct; and
 - iii. conduct research to determine the power of the Committee to reprimand an individual against whom a contempt was not proven.
- 6.2 The Chairman directed the Secretariat to prepare a draft report on the Committee's consideration and deliberations.
- 6.3 The Chairman sought the agreement of the Committee on the date, time, and agenda of the next meeting of the Committee. In this regards, the Committee agreed as follows:
- i. at the next meeting to discuss research materials concerning the gross and reckless abuse of the freedom of speech, the concept of careless, and the power of the Committee to reprimand when a contempt is not proven; and
 - ii. the committee will meet next on Friday May 20,2022 at 10:00 a.m.

ADJOURNMENT

- 7.1 There being no other business, the Chairman thanked Members and adjourned the meeting to Friday May 20, 2022 at 10:00 a.m. at the Parliamentary Complex.
- 7.2 The adjournment was taken on 3:50 p.m.

We certify that these Minutes are true and correct.

Christine Kangaloo
Chairman

Keiba Jacob Mottley
Secretary

May 4, 2022

COMMITTEE OF PRIVILEGES OF THE SENATE SECOND SESSION (2021-2022), TWELFTH PARLIAMENT

**MINUTES OF THE FOURTH MEETING HELD IN THE LINDA BABOOLAL
MEETING ROOM, GROUND FLOOR, CABILDO BUILDING, OFFICE OF THE
PARLIAMENT, PARLIAMENTARY COMPLEX, ST. VINCENT STREET, PORT OF
SPAIN ON TUESDAY MAY 24, 2022.**

PRESENT

Committee Members

Ms. Christine Kangaloo	-	Chairman
Mr. Nigel De Freitas	-	Member
Ms. Jearlean John	-	Member
Mr. Randall Mitchell	-	Member

Secretariat

Ms. Brian Caesar	-	Secretary
Mr. Brian Lucio	-	Assistant Secretary
Mr. Roger Hector	-	Legal Officer
Ms. Rebecca Rafeek	-	Procedural Officer Intern
Ms. Katharina Gokool	-	Graduate Research Assist

Excused

Ms. Amrita Deonarine	-	Member
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COMMENCEMENT

- 1.1 The meeting was called to order by the Chairman at 10:48 a.m.

CONFIRMATION OF THE MINUTES OF THE 3RD MEETING HELD ON WEDNESDAY MAY 04, 2022

- 2.1 The Chairman invited Members to review the Minutes of the Third Meeting held on Wednesday May 04, 2022 page-by-page.

- 2.2 There being no amendments, a motion to confirm the minutes was moved by Mr. Randall Mitchell. This motion was seconded by Ms. Jearlean John.

MATTERS ARISING FROM THE MINUTES

- 3.1 The Chairman referred Members to the following items in the Minutes:
- i. **Item 6.1, page 3:** by email dated Monday May 23, 2022 the Secretariat shared with Members further research and case studies on the contempt of grossly and recklessly abusing the freedom of speech and case studies on reprimanding Members of Parliament.
 - ii. **Item 6.2, page 3:** the Secretariat has commenced the drafting of the Report and same will be circulated to Members once completed.

CONSIDERATION OF THE EMAIL FROM MR. WADE MARK

- 4.1 The Chairman directed the attention of the Members to an email received from Mr. Wade Mark on Tuesday May 24, 2022 at 9:30 a.m. regarding a judicial review matter in relation to the appointment of Mr. Patrick Ferreira to the National Insurance Board of Trinidad and Tobago. The Chairman read the contents of the email into the record and invited comments from Members on same.
- 4.2 The Committee directed the Secretariat to write to Mr. Wade Mark to request a copy of the legal proceedings referred to in his email dated Tuesday May 24, 2022 to the Committee and forward same on or before Thursday May 26, 2022.

DISCUSSION ON THE DOCUMENTS CIRCULATED BY MS. JEARLEAN JOHN

- 5.1 The Chairman brought the following matter raised by Ms. John to the attention of the Committee: the Judicial Review matter between *Ravi Balgobin Maharaj v the Minister of Finance*. Same was circulated by hard and soft copy to Members.
- 5.2 After a thorough discussion, the Committee made a preliminary determination that the matter raised by Ms. John is distinct from the matter before the Committee and would not render the work of the Committee as sub judice.
- 5.3 The Committee also agreed to continue with its work if Mr. Mark submits the same Judicial Review Matter (*Ravi Balgobin Maharaj v the Minister of Finance*). However, if the proceedings are different, same will be circulated to Members and consideration of the proceedings will be done via round-robin.

CONSIDERATION AND DISCUSSIONS ON THE RESEARCH MATERIAL AND CASE STUDIES

- 6.1 The Chairman invited Members to consider research material and case studies on the alleged breaches under consideration that the Secretariat circulated to Members via email on Monday May 23, 2022.
- 6.2 The Committee during their discussion had regard to the submissions received from Mr. Mark which had been circulated on Wednesday April 27, 2022.
- 6.2 At the conclusion of the Committee's discussion, Members agreed to the following:
 - 1. that the alleged contempt of deliberately misleading the Senate cannot be proven; and
 - 2. to ask Mr. Mark to correct the record at the earliest opportunity as requested by the Insurance Brokers Association of Trinidad and Tobago (IBATT) in their correspondence dated Thursday March 17, 2022.

DISCUSSION ON THE WAY FORWARD

- 7.1 The Committee agreed to proceed with the matter referred as follows:
 - (a) The Secretariat was directed to:
 - i. prepare a draft Report based on the discussions of the Committee and circulate same for the consideration of Members by Tuesday June 07, 2022 and thereafter, the Committee will meet to consider and agree to the Report;
 - ii. request from Mr. Mark a copy of the legal proceedings referred to in his email dated Tuesday May 24, 2022 to the Committee and forward same on or before Thursday May 26, 2022.
 - (b) The Committee to continue with its work if Mr. Mark submits the same Judicial Review Matter between *Ravi Balgobin Maharaj v the Minister of Finance* sent by Ms. John; however, if the proceedings are different, same will be circulated to Members and consideration of the proceedings will be done via round-robin.

ADJOURNMENT

- 8.1 There being no other business, the Chairman thanked Members and adjourned the meeting.
- 8.2 The adjournment was taken on 11:37 a.m.

We certify that these Minutes are true and correct.

Christine Kangaloo
Chairman

Mr. Brian Caesar
Secretary

May 27, 2022

COMMITTEE OF PRIVILEGES OF THE SENATE SECOND SESSION (2021-2022), TWELFTH PARLIAMENT

**MINUTES OF THE FIFTH MEETING HELD IN THE J. HAMILTON MAURICE
MEETING ROOM, GROUND FLOOR, CABILDO BUILDING, OFFICE OF THE
PARLIAMENT, PARLIAMENTARY COMPLEX, ST. VINCENT STREET, PORT OF
SPAIN ON WEDNESDAY JUNE 22, 2022.**

PRESENT

Committee Members

Ms. Christine Kangaloo	-	Chairman
Mr. Nigel De Freitas	-	Member
Ms. Jearlean John	-	Member
Mr. Randall Mitchell	-	Member
Ms. Amrita Deonarine	-	Member

Secretariat

Mr. Brian Caesar	-	Secretary
Mr. Julien Ogilvie	-	Assistant Secretary
Mr. Brian Lucio	-	Assistant Secretary
Mr. Roger Hector	-	Legal Officer
Ms. Katharina Gokool	-	Graduate Research Assistant

COMMENCEMENT

- 1.1 The meeting was called to order by the Chairman at 2:35 p.m.

CONFIRMATION OF THE MINUTES OF THE 4TH MEETING HELD ON TUESDAY MAY 24, 2022

- 2.1 The Chairman invited Members to review the Minutes of the Fourth Meeting held on Tuesday May 24, 2022.

- 2.2 The following amendments were made to the Minutes:
- a. **Per item 4.1 on page 2:**
 - substitute the word “Member’s” with the word “Members”; and
 - delete the word “involving”;
 - b. **Per item 5.3 on page 2:** substitute the word “are” with the word “were”; and
 - c. **Per item 7.2 (i) on page 3:**
 - delete the words “to the Senate”
- 2.3 The motion to confirm the minutes was moved by Mr. Nigel De Freitas. This motion was seconded by Ms. Jearlean John.

MATTERS ARISING FROM THE MINUTES

- 3.1 The Chairman referred Members to the following items in the Minutes and advised as follows:
- i. **Item 5.2, page 2:** the Secretariat wrote to Mr. Mark requesting a copy of the Judicial Review proceedings indicated in his email of Tuesday May 24, 2022. A response containing the requested information was received from Mr. Mark on May 26, 2022. The documents were forwarded to Members by email on May 27, 2022 and uploaded to *Rotunda*.
 - ii. **Item 5.3, page 2:** the copy of the proceedings submitted by Mr. Mark on May 26, 2022 email, was determined to be the same as the documents/matter raised by Member Jearlean John.
 - iii. **Item 7.2, page 3:** the Secretariat drafted the Committee’s Report which was circulated for the consideration of Members by email dated June 21, 2022.

CONSIDERATION OF THE DRAFT REPORT

- 4.1 The Chairman invited Members to review the Draft Report page-by-page prepared by the Secretariat and confirmed whether Members had sight of same.
- 4.2 Subsequent to a thorough review of the Draft Report, the Secretariat was directed to make the required amendments and circulate the revised document by email, at the earliest opportunity, for Members’ consideration and feedback. The final report for signature was to be ready for laying in the Senate on Tuesday June 28th 2022.

OTHER BUSINESS

- 5.1 The Secretariat was directed to write to Mr. Mark, indicating the Committee's decision regarding the Judicial Review matter, *Ravi Balgobin Maharaj v the Minister of Finance*, referred to the Committee by him.

ADJOURNMENT

- 6.1 There being no other business, the Chairman thanked Members and adjourned the meeting.
- 6.2 The adjournment was taken on 3:56 p.m.

We certify that these Minutes are true and correct.

Christine Kangaloo
Chairman

Mr. Brian Caesar
Secretary

June 29, 2022

COMMITTEE OF PRIVILEGES OF THE SENATE SECOND SESSION (2021-2022), TWELFTH PARLIAMENT

UNCONFIRMED MINUTES OF THE SIXTH MEETING HELD IN THE J. HAMILTON MAURICE MEETING ROOM, GROUND FLOOR, CABILDO BUILDING, OFFICE OF THE PARLIAMENT, PARLIAMENTARY COMPLEX, ST. VINCENT STREET, PORT OF SPAIN ON FRIDAY JULY 1, 2022.

PRESENT

Committee Members

Ms. Christine Kangaloo	-	Chairman
Ms. Jearlean John	-	Member
Mr. Randall Mitchell	-	Member
Ms. Amrita Deonarine	-	Member

Secretariat

Mr. Julien Ogilvie	-	Assistant Secretary
Ms. Rebecca Rafeek	-	Assistant Secretary
Mr. Roger Hector	-	Legal Officer

ABSENT

Mr. Nigel De Freitas	-	Member
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COMMENCEMENT

- 1.1 The meeting was called to order by the Chairman at 10:18 a.m.

ANNOUNCEMENTS BY THE CHAIRMAN

- 2.1 The Chairman indicated that Mr. Nigel De Freitas was excused from the meeting due to his absence from the country.

CONFIRMATION OF MINUTES OF THE 5TH MEETING HELD ON WEDNESDAY JUNE 22, 2022

- 3.1 The Chairman invited Members to review the Minutes of the Fifth Meeting held on Wednesday June 22, 2022.
- 3.2 There being no amendments, a motion to confirm the minutes was moved by Ms. Amrita Deonarine. This motion was seconded by Ms. Jearlean John.

MATTERS ARISING FROM THE MINUTES

- 4.1 The Chairman referred Members to the following items in the Minutes and advised as follows:
 - i. Per **item 4.2, page 2**: the Secretariat circulated a Revised Draft Report for the consideration of Members on Tuesday June 28, 2022. Members sent comments and proposed amendments to the draft. On Wednesday 29 June, 2022, a further Revised Draft Report was circulated to Members along with an invitation to the Committee's Sixth Meeting on July 1, 2022.
 - ii. Per **Item 5.1, page 3**: on June 27, 2022 the Secretariat sent correspondence to Mr. Mark informing him of the Committee's decision regarding the Judicial Review matter re: *Ravi Balgobin Maharaj v the Minister of Finance*.

CONSIDERATION AND APPROVAL OF REVISED DRAFT REPORT

- 5.1 The Chairman invited Members to consider the Revised Draft Report of the Committee which was circulated on June 29th 2022.
- 5.2 The Chairman directed the attention of members to specific amendments proposed to the report as follows:
 - i. Mr. Randall Mitchell – at paragraph 13, page 6;
 - ii. Ms. Amrita Deonarine – at paragraph 30, page 13; and
 - iii. Ms. Jearlean John – at paragraphs 44 and 47, page 17.
- 5.3 Following a discussion, the Report as further amended, was approved by the Committee for presentation at the next sitting of the Senate.

ADJOURNMENT

6.1 There being no other business, the Chairman thanked Members for their contributions during the deliberations on the matter referred and adjourned the meeting.

6.2 The adjournment was taken on 10:45 a.m.

We certify that these Minutes are true and correct.

Christine Kangaloo
Chairman

Mr. Julien Ogilvie
Assistant Secretary

July 1, 2022

Reference Documents

Appendix IV-A

**Matter raised on the Motion on the
Adjournment of the Senate by
Senator Wade Mark**

SENATE

Tuesday, February 15, 2022

Chairman of National Insurance Board

(Withdrawal of Appointment)

Sen. Wade Mark: Thank you, Madam President. Madam President, the Government recently appointed an individual by the name of Patrick Ferreira as the Chairman of the NIB Board. Now, Madam President, several questions have arisen both on the basis of law and policy. It was in June of 2011 an article in the *Trinidad Guardian* entitled:

“Central Bank questions CIC”

Where an alarm bell was raised about the Chief Executive of CIC Insurance Brokers, one Patrick Ferreira. The issue at the centre of this was a breach of the Insurance Act by this particular individual which eventually saw him leaving the actual place of employment.

The Ministry of Finance has brought this individual who was a government representative between '17, I believe, and '21 on the Board of the NIB and made him chairman sometime in January of this year. This gentleman was debarred literally by the Central Bank, right, as managing director of the Consolidated Insurance Company Limited.

Madam President, it is against the law for anyone who is in the insurance business to give a rebate on commissions. The Central Bank or the Brokers, I should say, Association of Trinidad and Tobago reported that this gentleman rebated a commission on a big home ownership policy plan. He was accused of engaging in this unlawful action by the Brokers Association and that matter was reported to the Supervisor of Insurance which is the Central Bank of Trinidad and Tobago.

On the basis of this particular report and subsequent enquiries conducted by

the Central Bank, the chairman appointed by the Government was removed from his position as managing director of CIC and as such cannot practice any insurance activities in our country. He was literally disqualified by the Central Bank and the Brokers Association from holding any position in the insurance industry.

So, Madam President, one could well imagine the concern that has arisen when this gentleman who was appointed, a representative of the Government floated up to the chairmanship of this \$31 billion company called the NIB or board. Madam President, this is totally unacceptable. This gentleman is unfit and he is improperly, illegally and unlawfully appointed by the Government. This gentleman, Madam President, is a member or director of NIPDEC whose tenure I understand still exists. That is a Cabinet-appointed board. He is also a member of the Trinidad and Tobago NGC Limited, which is another Cabinet-appointed body. Under the National Insurance Act, section 3(2) the composition of the Board is clearly outlined:

- “(a) three members nominated by the Government;
- (b) three members nominated by the associations most representative of Business;
- (c) three members nominated by the associations most representative of Labour;
- (d) a person, who in the opinion of the Minister, is independent of the Government, Business and Labour, who shall be the Chairman;”

Madam President, this individual if he remains as chairman will become the chairman of the investment committee of this very important institution. It is inconceivable, reckless, bordering on unlawful conduct, misbehaviour in public office for any government and Cabinet to agree to an individual with such a checkered past and record and therefore I have brought this Motion, this matter on the Motion to call on the Government to allow good sense to prevail.

This gentleman is not only involved in the private sector, and I have no problem

with the private sector and its board of appointment. I have a problem, Madam President, with an individual who is a government nominee, who is a government representative being put into the chairmanship of the NIB which is a \$31 billion company. And the Minister of Finance must explain to this Parliament, what is the relationship between this Patrick Ferreira and the Minister of Finance? He has a duty to tell this country if he has incestuous friendship or relationship or intimate contacts with this individual and if he can clear the air on behalf of the people of this country.

Madam President, I call on the Government to remove this gentleman immediately from chairmanship of the NIB. I put the Government on notice as the Leader of the Opposition put the Government on notice yesterday, if the Government fails to remove that gentleman who has been illegally appointed as chairman of the NIB, we will take the Government to court for a breach of the NIB Act. So, we put the Government on notice, take action, take action now, remove this serial toucher of women.

Hon. Senators: [*Shouting, crosstalk*]

Sen. W. Mark: I have received many, many—

Madam President: Sen. Mark!

Sen. W. Mark: Sorry, Madam President, let me withdraw that.

Madam President: No, please. Before you are going to withdraw it—

Sen. W. Mark: I withdraw it.

Madam President:—I have repeatedly said do not speak about third parties in that way.

6.30 p.m.

Sen. W. Mark: All right, I withdraw that. Madam President, this is a very serious matter, very serious matter, and the individual that is involved in this matter is unfit and cannot serve in that capacity as chairman of the NIB. I call on the Government, I call on the Minister of Finance, I call on the Rowley administration to immediately withdraw this

appointment which is reckless, irresponsible, insensitive, illegal, Madam President. Remove that individual now from that very important board call the NIB Board. Thank you very much, Madam President.

Appendix IV-B

**Response by Minister of Finance to
matter raised by Senator Wade Mark**

SENATE

Tuesday, February 15, 2022

Chairman of National Insurance Board (Withdrawal of Appointment)

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam President. First, let me express my disgust at Sen. Mark's—

Hon. Senators: [*Desk thumping*]

Hon. C. Imbert:—breach of privilege using the Parliament as a cover to make scandalous allegations against someone who cannot defend himself. Typical Sen. Mark. I noticed that last night in the Opposition meeting—it has another name; “For alcohol” I think they call it—the Leader of the Opposition said that she would be sending me a pre-action letter over the appointment of this gentleman as Chairman of the National Insurance Board and, therefore, since that has already occurred I will confine my remarks to policy.

Now, the National Insurance Act is a package of legislation aimed at providing a safety net for workers in Trinidad and Tobago. It was developed in the 1970's. It provides for a partnership and collaboration between the State, labour and business to work together to collect insurance premiums from workers, and employers to invest these premiums and produce income for national insurance pensioners at the end of their working careers when they attain the age 60. When one looks at the persons who have been appointed as chairman of the National Insurance Board over the last 25 years, if one goes as far back as 1996, the

chairman of the National Insurance Board at the time, appointed by the UNC Government of which Sen. Mark was a part, was Mr. Edward Bailey who at the time was chairman of Maritime Life, the same Maritime Life that entered into endless contracts with the Government, and the same Maritime Life that is now before the courts with several of Sen. Mark's colleague from the 1995—2001 period.

So it was the policy of the UNC Government then to look at the pool of persons available in the country and pick a senior businessman who was doing business with the Government. As we all know, Maritime financed the infamous Piarco Airport project. When one comes forward now, one sees in the next incarnation of the UNC, they appointed a gentleman called Adrian Bharath to be chairman of the National Insurance Board, and Mr. Bharath at the time was a director of an insurance company, TRINRE. He was also the managing director of a financial advisory services company. So one sees that the UNC in both its incarnations appointed leading businessmen to be chairman of the National Insurance Board, and persons who sat on other boards, both in the private sector and in the public sector.

So therefore, it has been the policy of successive Governments over the years since inception—in fact, the first chairman of NIB was Mervyn De Souza, an actuary. And in fact, the first CEO of that same insurance company that Sen. Mark just referred to, Consolidated Insurance Consultants Limited, I find it very curious that Sen. Mark has access to Central Bank documents and it is very interesting. But I was googling while Sen. Mark was talking and I saw in 2011 the following article in the *Guardian*, and the complaint was about a brokerage contract for insurance of a townhouse development. How much more time do I have, Madam President?

Madam President: You finish at 6.41—

Hon. C. Imbert: So how much time is that?

Madam President:—and it is now 6.35.

Hon. C. Imbert: Thank you very much. I have six minutes. So if I read from this article

in the *Guardian*, June the 9th, 2011, “Central Bank questions...”—Consolidated Insurance Brokers and there is a particular extract. This was an argument about an insurance premium for a townhouse development or a housing development called Point Villas Limited.

“...CIC was invited by Point Villas Ltd, along with many other insurance brokers...to submit a quote for homeowners requirements.”

It—“...is 100-unit gated compound in...Chaguanas.”

According to this article:

Mr...“Ferreira said the finalisation of the material policy and its placement was done when he was out of the country and, as such, he played no part in the finalisation of the insurance coverage that has been called into question.

‘When the insurance was placed, a...fee to be charged...’—to—“...the client was submitted and accepted. These events all took place on October 21, 2010’ ...

He said he returned to...”—Trinidad and Tobago—“...the following week and met a concluded arrangement which he never negotiated.”

Now, if what is in this 2011 article is true, then everything that Sen. Mark has said is a tissue of untruths. And, Madam President, if Sen. Mark had all of this information, this individual has been a Director of the National Insurance Board for the last three years, I am surprised that the astute Sen. Mark did not ferret out all of this scandalous information from some cubbyhole in the Central Bank over the last three years. I just do not believe it. So I will investigate the matter, Madam President. But the fact of the matter is that successive Governments have appointed persons who were eminent citizens of Trinidad and Tobago to serve as directors and chairman of the Board of NIB. These persons are drawn from business, labour and Government sectors.

When one looks at the policy and the practice, the chairman is someone who is supposed to act independently of Government, labour and business. I dare say that the under the UNC, the executive director of Maritime Life who was also the chairman of

the NIB for six years or five years acted independently of those three groups. I dare say that under the UNC, the two chairman that they had, one was a senior manager at BP in charge of joint ventures, commercial joint ventures, and the second one, as I said, was the managing director of a financial advisory services company and on the board of an insurance company. I dare say that those two gentlemen that the UNC appointed, those leading businessmen, acted in an independent manner when they took on the chairmanship of the National Insurance Board under the UNC. I cast no aspersions on them.

And I want to refer to the whole concept of independence, Madam President. We have in this country several instances of persons becoming judges of the High Court, judges of the Appeal Court who have held political office, who have been Members of Parliament for various political parties. I can think of three. I can think of Justice Lucky, I can think of Justice Tewarie, and I can think of Justice John. All three, one of them was an NAR Senator, one was a UNC MP, and one was an Alderman in the Port of Spain Corporation for either the ONR or the NAR. All three of them became judges and there was never any question of their independence, because when they were appointed judges they were required to act impartially without fear or favour or bias, and therefore, when Governments over the last 30 years, I dare say 50 years, have appointed persons to be chairman of the National Insurance Board they have looked within the pool of persons in the country and selected persons who in their opinion can act independently of the three groups in the best interest of the people of Trinidad and Tobago.

I close by saying that I have never heard those scandalous allegations put on the record by Sen. Mark. I do not believe them. On balance, Sen. Mark is a habitual teller of untruths. I thank you, Madam President.

Appendix IV-C

**Trinidad and Tobago Guardian
Newspaper Report dated June 09, 2011
“Central Bank questions CIC”**

Central Bank questions CIC

Source: <https://www.guardian.co.tt/article-6.2.444054.1d49724a86>

By (unnamed)

Thu Jun 09 2011

CIC Insurance Brokers has been called in to the Central Bank to discuss an alleged breach of the Insurance Act, multiple industry sources have confirmed. The Central Bank has been trying to get to the bottom of allegations that CIC, a 40-year-old insurance brokerage company, rebated commission to secure an advantage in their quotation for a lucrative contract to Point Villas Ltd. The Insurance Act makes it illegal for an insurance broker to rebate commissions, which means to pay a client a percentage of the commission without the knowledge of the insurance company. That contract, the T&T Guardian understands, attracted intense competition in the local insurance market.

CIC's breach was reported to the Insurance Brokers Association, which initiated an investigation into the alleged breach. Subsequently, the Guardian understands that chief executive Patrick Ferreira was sent on leave by CIC's board on May 9. CIC's chairman Anthony Hosang confirmed to the T&T Guardian that CIC did meet with the Brokers Association, but did not provide any details on the incident. Hosang said CIC was following proper procedure in dealing with this matter. Ferreira told the Guardian that CIC was invited by Point Villas Ltd, along with many other insurance brokers sometime last year to submit a quote for homeowners requirements.

Point Villas Ltd is a 100-unit gated compound in Lange Park, Chaguanas. Ferreira said the finalisation of the material policy and its placement was done when he was out of the country and, as such, he played no part in the finalisation of the insurance coverage that has now been called into question. "When the insurance was placed, a proposal featuring an administrative fee to be charged by the client was submitted and accepted. These events all took place on October 21, 2010," he said. He said he returned to T&T in the following week and met a concluded arrangement which he never negotiated. Ferreira observed that it was an incumbent insurance brokerage firm, which lost the Point Villas Ltd account, that "complained to the regulator, Central Bank and the Insurance Brokers Association."

Ferreira said a detailed response was sent off to the Brokers Association "and CIC considered the matter closed as far as the Association was concerned." "The Central Bank did advise that a complaint was received and CIC was asked to submit documents, which it did right away," he said. Ferreira said he was sent on leave due to disagreements with the board at a meeting held on May 6 pending an internal audit exercise. His contract with the company was officially terminated last week. CIC had registered Ferreira, who is also on CIC's board, as their principal officer with the Central Bank. The Guardian understands his leave means that they have no formal officer in this position and, as such, they may be in breach of the regulations with a possibility that their license could be suspended.

Committee of Privileges of the Senate

CIC's corporate secretary, Sita Ali, is now acting chief executive. CIC informed staff this week that it would stop writing new business pending the resolution of its issues. Further, the Guardian learnt, that Conrad Aleong, former chief executive of BWIA, has been retained by the company this week as a consultant. On February 4, CIC Insurance Brokers was awarded a three-year contract by CAL when the request for proposals (RFP) asked for a two-year engagement. That contract, to provide employee benefits brokerage and consulting services at CAL, is being reviewed.

Insurance Act, 1980 **Section 105 (1)**

Rebating

'No insurer and no officer, employee or agent of an insurer and no broker or salesman shall directly or indirectly

-(a) make or attempt to make an agreement as to the premium to be paid for a policy other than as specified in the policy;

-(b) pay, allow or give or offer or agree to pay, allow or give a rebate of the whole or part of the premium stipulated by the policy or any other consideration or thing of value intended to be in the nature of a rebate of premium to any person who is insured or is applying for insurance in respect of life, person or property in T&T.

Section 105 (2)

An insurer or any other person who contravenes the provisions of Sub-section 1 is guilty of an offence.

Submission from Mr. Mark

Submissions of the Honourable Senator Mr. Wade Mark to the
Committee of Privileges

Introduction

1. Parliamentary Privilege is the constitutional protection of free speech within Parliament. It is a cornerstone of Parliamentary Scrutiny upon which the foundations of our democracy is built. It is indispensable. We accept it must not be abused; but fear of abuse is no excuse for curtailment and restriction.
2. This Committee's task ought not to be marred in political agendas or embellished subjective notions of ceremony and imprimatur. Parliament is not a tea house. It is a bulwark against majoritarian tyranny. When the barons of England rebelled against King John in 1215 and extracted the Magna Carta, thereby ensuring accountability of executive power, there was little concern for elitist sensibilities.
3. Similarly, free speech and privilege constituted the axis upon which the concept of sovereignty would pivot from royalty to the People in the 17th Century House of Commons resulting in the "Petition of Right (1628)" the document which affirmed the right of all the king's subjects, not to be taxed or confined without "common consent by act of parliament" and "due process of law".
4. Commenting on the period, historian Edmund Morgan in his book "Inventing the People the Rise of Popular Sovereignty in England and America" articulated the following about privilege in parliament:

"Even when claiming a privilege exclusive to parliament, like freedom from arrest during sessions, the Commons were careful to affirm it as essential to the rights of all subjects." The heart-blood of the Commonwealth" said Sir John Elliot, receiveth life from the privilege of this House". "The freedom of this House" said Sir Edward Coke" "is the freedom of the whole land". To have said less would have been to reduce their eloquence to impertinence."

5. Recital of these historical antecedents are not meant to direct this discourse into the meandering pathway of hyperbole or champagne socialism. The intent, as should be the intent of all historical study, is to provide the firm moorings of understanding and appreciation. We too often forget that we stand upon sacred burial grounds of scholarship and struggle; and struggle through scholarship. Parliament and its attendant privilege hails from struggle, agitation and the inalienability of freedoms such as speech, thought and expression. It is not exclusive to Parliament; the freedom of this House, as Sir Edward Coke once said, is the freedom of this whole land.

6. The complaint in this matter, as articulated by former Senator Clarence Rambharat, suggests that your notion of privilege should be grounded as **"a right designated to protect the right of the King to the service of his advisors"**. That submission is unfortunate. Respectfully, nothing could be more misleading than to suggest that the privilege under consideration is meant to protect extant establishment or High Office. We trust that the references provided by this submission would be accorded more weight and persuade this

Committee to understand that privilege is meant to protect Parliamentarians who wield free speech to demand accountability, expose impropriety and restrain totalitarian tendencies.

7. In the current context, historical reference is meant to impress upon this Committee the profundity of its task. Parliament and privilege are indispensable and must be protected at all costs. There are some issues which rise above party politics and hidden agendas and subconscious preferences, this, in my respectful view, is one such issue.
8. Free Speech can be caustic, unpalatable and disturbing; if it did not have the capacity to create a maelstrom then it would be devoid of true purpose and meaning. To speak is to think. It is our internal dialogues, whether deliberate or ritualistic, which allow us to reason and facilitate independent thought. To that end, speech may be imperfect. Speech and thoughts which have not entered the marketplace of ideas are untested and therefore unrefined. However, the marketplace would be bereft of commerce without unrefined speech. This lies at the heart of privilege and free speech. If Parliamentary Scrutiny is to have any bite, not only the expression of fully formed ideas and thought should be protected, but also the ugly contours and lacerating edges of those ideas. Anything less would not be truly Parli.

THE COMPLAINT

9. The complaint, somewhat crudely expressed, is that Senator Mark committed a breach of Privilege by:
 - a. Deliberately and wilfully misleading the Senate;

b. Grossly and recklessly abusing the privilege of freedom of speech in this Senate.

10. The nebulous complaint seems to be based on several statements made by Senator Mark to the effect that the Government's Nominee was unfit for the office of National Insurance Board Chairman. The statements are identified in the complaint need not be regurgitated here; however, what is sorely lacking from this complaint (a testament to deficiency) is precisely which statements have misled the Senate. For instance, one of the statements quoted by the complaint and ruling is as follows:

"Where an alarm bell was raised about the Chief Executive of CIC Insurance Brokers, one Patrick Ferreira"

Another statement used to support the charge is:

"The issue at the centre of this was a breach of the Insurance Act by this particular individual which eventually saw him leaving the actual place of employment..."

It could not be seriously suggested that Senator Mark was misleading the senate by saying alarm bells were raised by the article in question or that the issue in question was a breach of the Insurance Act. The very article which Senator Mark quoted plainly states and/or suggests these two matters. Some excerpts from the article are as follows:

- I. "CIC Insurance Brokers has been called in to the Central Bank to discuss an alleged breach of the Insurance Act, multiple industry sources have confirmed"
 - II. "CIC's breach was reported to the Insurance Brokers Association, which initiated an investigation into the alleged breach. Subsequently, the Guardian understands that chief executive Patrick Ferreira was sent on leave by CIC's board on May 9"
 - III. "Ferreira said he was sent on leave due to disagreements with the board at a meeting held on May 6 pending an internal audit exercise. His contract with the company was officially terminated last week"
 - IV. "The Central Bank did advise that a complaint was received and CIC was asked to submit documents, which it did right away,"
11. Whether literally or inferentially, the aforementioned statements plainly, in the least, support the position that (a) The Central Bank had received complaints and was therefore investigating a breach of the insurance act (it is a more than reasonable assumption that the central bank would investigate a complaint of a breach of the insurance act because that is their legal duty) (b) The government nominee was at the center of the investigation (c) he left his position as Chief Executive Officer at the same time as this complaint.
12. Logically speaking, the only true complaint one could have about Senator Mark "deliberately" and "willfully"

misleading the senate is the question of whether or not Senator Mark was of a genuine belief that the Central Bank had debarred the said nominee from being a managing director of Central Bank. The allegation is specific. Senator Mark "deliberately" and "willfully" mislead the Senate. And, that he "grossly" and "recklessly" abused privilege and freedom of speech. Logically speaking, if Senator Mark had a genuine belief in his statements then it could not be said that he was wilfully or deliberately misleading the Senate. Further, if that belief were reasonably grounded, then it also could not be said that Senator Mark had "grossly" or "recklessly" abused his privilege.

13. This analysis is supported by the following extract to be found in M.N. Kaul, S.L. Shakhder Practice and Procedure of Parliament pages 304-305

"If any statement is made on the floor of the House by a Member or Minister which another member believes to be untrue, incomplete or incorrect, it does not constitute a breach of privilege. If an incorrect statement is made, there are other remedies by which the issue can be decided. In order to constitute a breach of privilege or contempt of the House, it has to be proved that the statement was not only wrong or misleading but it was made deliberately to mislead the House. A breach of privilege can arise only when the member of the Minister makes a false statement or an incorrect statement willfully, deliberately and knowingly."

Context is everything

14. Let us be clear. These remarks were not made in isolation, they were made in the clear context of a substantive motion challenging the fitness of the nominee for the position. The substantive motion stated as follows:

"The need for the Government to explain its decision to appoint a nominee of the Government to the National Insurance Board as the Chairman of said board which is contrary to the National Insurance Act."

15. Fitness for public office is clearly the business of Parliament. Chairmanship of the National Insurance Board is perhaps one of the most important public offices to be appointed. Mismanagement of NIB could lead to catastrophic consequences for the economy. The Chairmanship of NIB has significant influence and control over investment portfolios which, ultimately, could determine the health of the NIB fund and the quality of life for many retirees and vulnerable people in our Republic.

Substratum of Statements

16. We intend to elaborate on the basis of Senator Mark's statements further at the oral hearing of this matter. In essence, we will place reliance on the following categories, documentation, information and/or material which we disclose as follows:

- a. Guardian Article dated Thursday 9th June 2011 which demonstrates (1) serious questions had been raised a

possible breach of the Central Bank Act (2) An investigation was launched by the Central Bank into this matter (3) The Nominee was at the center of this allegation and/or complaint (4) This led to the nominee's resignation from his position as Chief Executive Officer;

- b. Company documents which Senator Mark had in his possession which demonstrated that the nominee was removed as a director of CIC at the time of the complaint and investigation by the Central Bank;
- c. Company documents which Senator Mark has in his possession which demonstrates that the nominee, a former Chief Executive Officer of an insurance company, is reappointed in a company which has nothing to do with either insurance or brokerage services. The inference to be drawn is that he has not reentered the industry of his expertise for some reason which is likely because of the complaint and investigation;
- d. A letter from the brokerage association which confirms information reaching Senator Mark that the Insurance Brokerage Association had received complaints with respect to matters involving the Government Nominee and a complaint had been forwarded to the Central Bank;
- e. The fact that Senator Mark, after searches, found not even a Pre Action Letter challenging the content of the article;
- f. No public comment by the nominee refuting either the complaint or challenging the veracity of the article;

g. Senator Rambharat merely states that checks were made with the Central Bank, yet no documentary evidence of a Central Bank finding on this matter is exhibited despite there being a legal duty to investigate the complaint before the Central Bank.

17. I submit that from the aforementioned documentation and particulars there was more than a reasonable and sufficient basis for Senator Mark to make the statements which he made. In particular, in the context of a debate about fitness for office and calling for an explanation of the said appointments, Senator Mark's statement is justified when one considers the following:

- I. There was sufficient conduct by the nominee to cause a complaint to be made to the Central Bank;
- II. The complaint was predicated on a breach of the Insurance Act;
- III. The said nominee was at the center of this complaint;
- IV. Proximate to the complaint and the investigation, the nominee resigns from his position as CEO;
- V. His contract is terminated by CIC;
- VI. He is removed as a director of the insurance and brokerage firm CIC;
- VII. The nominee, a former CEO and specialist of insurance and brokerage, resurfaces in the public eye, no longer in the insurance and brokerage industry;

VIII. He does not publicly refute or deny the investigation and/or complaint;

IX. Having exited the Insurance Industry contemporaneously with these allegations, complaints and investigations, he is not reemployed or associated with insurance and/or brokerage services subsequently;

X. He is seemingly re-employed in another industry

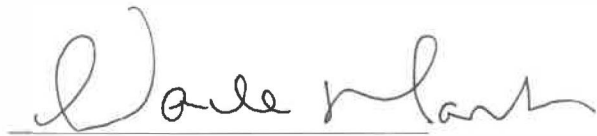
Conclusion

18. Given the aforementioned, we are of the respectful view that the Complaint has not been established and in particular the elements of "deliberately" and "willfully" misleading the Senate or "grossly" and "recklessly" abusing freedom of speech have not been satisfied. It is clear that there was a sufficient basis for Senator Mark to have made the statement and proffer the opinion which he did. There has been no formal or informal complaint by the nominee in question to the President of the Senate and no tangible evidence has come to the Senate or this Committee that the Central Bank has dismissed the complaint against the individual or exonerated from the allegations made.

19. To sanction Senator Mark would for these statements would not only, respectfully, create bad precedent, but have a chilling effect on a Parliamentarians ability to scrutinize the actions of Government.

20. We ask that this document be fully represented in any report which is created. Should the Committee proceed to sanction, in the least this document would stand as a testament to free speech and resistance against censorship for future generations of Parliamentarians to understand the context of your decision.

Dated 22nd April 2022

A handwritten signature in dark ink, appearing to read "Wade Mark", is written over a horizontal line.

Honourable Senator, Wade Mark

ANNEXURE A

REPUBLIC OF TRINIDAD AND TOBAGO

THE COMPANIES ACT, 1995
(Sections 71 and 79)

NOTICE OF DIRECTORS

OR

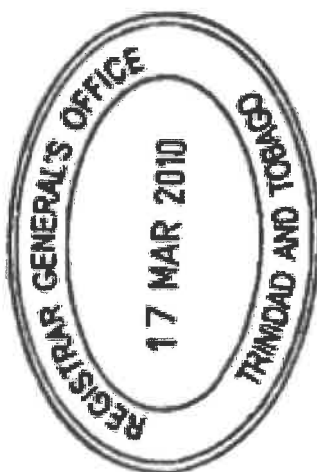
NOTICE OF CHANGE OF DIRECTORS

1. Name of Company CIC Insurance Brokers Limited Company No. C-188 (c)2. Notice is given that on the 25th day of February, 20 10, the following person(s) was/were appointed director(s):

Name	Address	Occupation
Patrick A Ferrelra	31 Windsurf Drive, Westmoorings	Chief Executive Officer

4. Notice is given that on the day of 20 the following person(s) ceased to hold office as director(s).

Name	Address



REGISTERED

CONTINUED OR AMALGAMATED
UNDER THE ACT

CIC HOLDINGS LIMITED
C-679 (c)



This is the schedule marked "B" in the attached form 28 at Item 6

ACCOUNTS OF SHARES

Particulars of Shares transferred since the date of the last Return or (in the case of the first Return) of the incorporation of the Company, or of its continuance, by persons who are still Shareholders.

Class of Shares and Number at date of Return	Date of Registration of Transfer	Remarks
Ordinary - 326,873	29 th March 2010	Redeemed by the Company - 326,873 Ordinary shares from Palm Tree Investments Limited on 29 th March 2010.
Ordinary - 50,000	2 nd December 2010	Transferred from Palm Tree Investments Limited to LFP Limited - 50,000 Ordinary shares
Ordinary - 37,000	2 nd December 2010	Transferred from Palm Tree Investments Limited to Imtiaz Ahamud - 37,000 Ordinary Shares
Ordinary - 20,000	2 nd December 2010	Transferred from Palm Tree Investments Limited to Patrick Alden Ferreira - 20,000 Ordinary shares.

RECORDED

Dated 22nd March 2011


Sita Sara Ali
Secretary

REPUBLIC OF TRINIDAD AND TOBAGO

THE COMPANIES ACT 1995

(Section 194 (1))

**ANNUAL RETURN OF A COMPANY FOR PROFIT INCORPORATED
CONTINUED OR AMALGAMATED
UNDER THE ACT**

**CIC INSURANCE BROKERS LIMITED
C-188 (c)**



This is the schedule marked "A" in the attached form 28 at item 8

8. The directors of the company as of this date are:

NAME	Address	Occupation
Anthony Hosang	112 Saddle Road Maraval	Sales & Marketing Director Fine Art Limited
Andrew Aleong	#58 Fairways Avenue Maraval	Marketing Director Albroseo
Imtiaz Ahamad	#30-32 London Street St. Joseph Village San Fernando	Company Director Southern Sales and Services Limited
Amjad Ali	LP#55A, Ali's Private Road, St. Lucien Road Diego Martin	Senior Executive Advance Foam Limited
Krishna Narinesingh	#262 Nutmeg Avenue Haleland Park, Maraval	Attorney-At-Law
Michael Patterson	#1 Primeco Drive La Horquette Road Glencoe	Management Consultant
Patrick Aiden Ferreira	31 Windsurf Drive Westmoorings	Chief Executive Officer - CIC Insurance Brokers Ltd

REGISTERED

Dated 22nd March 2011

ANNEXURE B

REPUBLIC OF TRINIDAD AND TOBAGO

THE COMPANIES ACT, 1995
(Sections 71 and 79)

**NOTICE OF DIRECTORS
OR
NOTICE OF CHANGE OF DIRECTORS**



1. Name of Company CIC Insurance Brokers Limited Company No. C-188(e)

2. Notice is given that on the 15th day of June, 20 11, the following person(s) was/were appointed director(s):

Name	Address	Occupation
Kenny Kenneth Boodoosingh	26 Second Street, Sun Valley Lower Santa Cruz	Business Development Manager

4. Notice is given that on the 26th day of May, 20 11, the following person(s) ceased to hold office as director(s):

Name	Address
Patrick Aiden Ferreira	31 Windsurf Drive, Westmoorings

COLONIAL LIFE	29 ST. VINCENT STREET PORT OF SPAIN	INSURANCE COMPANY	ORDINARY	75,000
KETURAH LIMITED	3 BATTERSEA DRIVE LOWER SANTA CRUZ	Limited Liability Company	ORDINARY	7,500
THE ESTATE OF FOREST THOMAS	20 CHARLES AVENUE DIEGO MARTIN	DECEASED ESTATE	ORDINARY	201,500
KRISHNA & MONICA NARAYAN	#2622 Steeles Ave Markham Ontario	Agency	ORDINARY	300,000
ESTATE OF CHARLES PATERSON	5 WESTSIDE DRIVE GLENCOE	DECEASED ESTATE	ORDINARY	75,000
BUN NICHOLAS HOLDINGS LIMITED	WRIGHTSON ROAD PORT OF SPAIN	LIMITED LIABILITY COMPANY	ORDINARY	181,105
Kirby Anthony Hosang	112 Saddle Road Maraval	Director	ORDINARY	1,000
Roseann Investment Limited	"Cherone" 9 Longden St. Port of Spain	Limited Company	ORDINARY	100,000
LFP Limited	#72 THE PARK GLENCOE	LIMITED LIABILITY	ORDINARY	50,000
PATRICK AIDEN FERREIRA	31 WINDSURF ROAD WESTMOORINGS	INSURANCE BROKER	NIL	

Sheila Jane Ah
Sheila Jane Ah - Secretary

Dated this 22nd day of March 2012

ANNEXURE C

REPUBLIC OF TRINIDAD AND TOBAGO

THE COMPANIES ACT, 1995

[Section 178(4)(b), (c)]



NOTICE OF SECRETARY/ASSISTANT SECRETARY(IES)

OR

NOTICE OF CHANGE OF SECRETARY/ASSISTANT SECRETARY(IES)

FURNESS ANCHORAGE GENERAL INSURANCE LIMITED

1. Name of Company..... 2. Company No. ...F971 (C).....

3. Notice is given that on the18..... day of FEBRUARY....., 20⁰⁹....., the following individual(s), corporation(s), firm(s) was/were appointed Secretary/Assistant Secretary(ies)*

Name	Address/Registered Office/ Principal Place of Business	Occupation/ Status*
VANESSA GROSVENOR	11-13 MILLING AVENUE, SEA LOTS, PORT OF SPAIN	ACCOUNTANT

4. Notice is given that on the18..... day of FEBRUARY....., 20⁰⁹....., the following individual(s), corporation(s), firm(s) ceased to hold office as Secretary/Assistant Secretary(ies)*

Name	Address/Registered Office/ Principal Place of Business	Occupation/ Status*
PATRICK AIDEN FERREIRA	11-13 MILLING AVENUE, SEA LOTS, PORT OF SPAIN	DIRECTOR, FURNESS TRINIDAD LIMITED

REGISTERED

REPUBLIC OF TRINIDAD AND TOBAGO

THE COMPANIES ACT, 1995

(Sections 71 and 79)

NOTICE OF DIRECTORS

OR

NOTICE OF CHANGE OF DIRECTORS



1. Name of Company..... FURNESS ANCHORAGE GENERAL INSURANCE LIMITED Company No. F 971 (C)

2. Notice is given that on the day of, 19....., the following person(s) was/were appointed director(s):

Name	Address	Occupation
.....		
.....		
.....		
.....		
.....		
.....		
.....		
.....		
.....		

4. Notice is given that on the 18 day of FEBRUARY 2009, 19xx, the following person(s) ceased to hold office as director(s).

Name	Address
PATRICK AIDEN FERREIRA	31 WINDSURF DRIVE, WESTMOORINGS
.....	
.....	
.....	
.....	
.....	
.....	
.....	
.....	

REGISTERED

THE COMPANIES ACT, 1995
A COMPANY LIMITED BY SHARES

ANCHORAGE GENERAL INSURANCE LIMITED - A 469 (C)

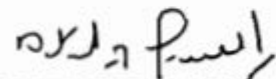
SPECIAL RESOLUTION OF SHAREHOLDERS PURSUANT TO 214 OF THE COMPANIES ACT PASSED ON 13th APRIL, 1999.

At an Extra Ordinary General Meeting of Anchorage General Insurance Limited duly convened and held at the Furness Complex, 11 & 13 Milling Avenue, Sea Lots, Port of Spain on 13th April, 1999 the following special resolution was duly passed on 13th April, 1999.

SPECIAL RESOLUTION

That with the approval of the Registrar of Companies the above named company be changed to **FURNESS ANCHORAGE GENERAL INSURANCE LIMITED**.

By order of the Board



PATRICK AIDEN FERREIRA
DIRECTOR/SECRETARY



Dated this 13th Day of April, 1999

REGISTERED
16 APR 1999

THE COMPANIES ACT, 1995

[Section 178(4)(b), (c)]

NOTICE OF SECRETARY/ASSISTANT SECRETARY(IES)

OR

NOTICE OF CHANGE OF SECRETARY/ASSISTANT SECRETARY(IES)



1. Name of Company ANCHORAGE GENERAL INSURANCE LTD 2. Company No. A-469 (C)
3. Notice is given that on the 19TH day of MAY, 1997, the following individual(s), corporation(s), firm(s) was/were appointed Secretary/Assistant Secretary(ies)* 23/7/98

Name	Address/Registered Office/ Principal Place of Business	Occupation/ Status*
PATRICK AIDEN FERREIRA	11&13 MILLING AVENUE, SEALOTS PORT OF SPAIN	SECRETARY FURNESS TRINIDAD LTD

4. Notice is given that on the day of, 19....., the following individual(s), corporation(s), firm(s) ceased to hold office as Secretary/Assistant Secretary(ies)*

Name	Address/Registered Office/ Principal Place of Business	Occupation/ Status*
	N/A	

5. The Secretary/Assistant Secretary(ies) as of this date is/are:

Name	Address/Registered Office/ Principal Place of Business	Occupation/ Status*



REPUBLIC OF TRINIDAD AND TOBAGO

THE COMPANIES ACT, 1995

ANNUAL RETURN OF

ANCHORAGE GENERAL INSURANCE LIMITED - A-469

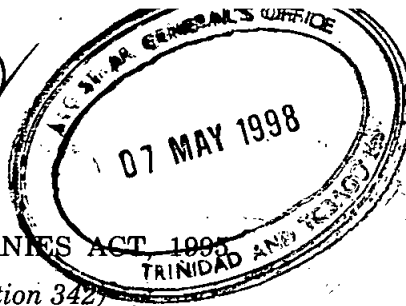
THE SCHEDULE REFERRED TO AT ITEM 8

8. THE DIRECTORS OF THE COMPANY AS OF THE DATE OF THE ANNUAL RETURN ARE:

NAME	ADDRESS	OCCUPATION
ROBERT IGNATIUS FERREIRA	8 CAPSTAN DRIVE, WESTMOORINGS	DIRECTOR-FURNESS TRINIDAD LIMITED
WILLIAM ANTHONY FERREIRA	69 ELM AVENUE, BAYSHORE, POINT CUMANA	DIRECTOR-FURNESS TRINIDAD LIMITED
PATRICK AIDEN FERREIRA	31 WINDSURF DRIVE, WESTMOORINGS	DIRECTOR-FURNESS ICE LIMITED
JOHN GERARD FERREIRA	11 BENBOW DRIVE, WESTMOORINGS	DIRECTOR-FURNESS TRINIDAD LIMITED
DONNA MARIA CAMACHO	40 BUCCANEER DRIVE, WESTMOORINGS	DIRECTOR-FURNESS ICE LIMITED
RAZARD BAZIL ALI	27 NORTHWEST DRIVE, PATNA VILLAGE, DIEGO MARTIN	DIRECTOR-FURNESS TRINIDAD LIMITED
STEPHEN FONG	45 GERIDOT DRIVE, DIAMOND VALE, DIEGO MARTIN	NONE

REPUBLIC OF TRINIDAD AND TOBAGO

THE COMPANIES ACT, 1995
(Section 342)



Form 16

ARTICLES OF CONTINUANCE

ANCHORAGE GENERAL INSURANCE LIMITED

1. Name of Company..... Company No. A-469.....

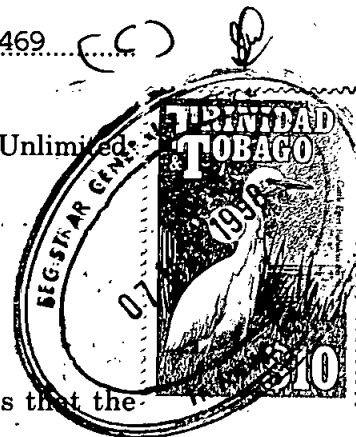
2. Liability of Members

☒ Limited by
Shares

☐ Limited by
Guarantee

☐ Limited by
Shares and
Guarantee

☐ Unlimited



3. Is the Company a Public Company?

☐ Yes

☒ No

4. The classes of shares and any maximum number of shares in each class that the Company is authorized to issue

THE COMPANY IS AUTHORIZED TO ISSUE AN UNLIMITED NUMBER OF SHARES

OF ONE CLASS BEING DESIGNATED ORDINARY SHARES

5. Restrictions, if any, on share transfers or share ownership

FIRST OPTION TO PURCHASE MUST BE GIVEN TO EXISTING SHAREHOLDERS

6. Variation of Pre-emptive Rights

N/A

REGISTERED

7. Restrictions, if any, on powers of directors to amend by-laws

N/A

8. Number (or minimum and maximum number) of Directors

MINIMUM OF TWO(2) DIRECTORS, MAXIMUM OF SEVEN(7) DIRECTORS

40C

9. Restrictions, if any, on business the Company may carry on

N/A

10. If change of name effected, previous name

N/A

11. Details of Incorporation

THE COMPANY WAS INCORPORATED THE 24TH DAY OF APRIL, 1979

12. Other provisions, if any

N/A

13.	Date.	Name and Title	Signature
	7th May 1998	PATRICK AIDEN FERREIRA SECRETARY	<i>Patrick Aiden Ferreira</i>

ANNEXURE D

Trinidad & Tobago Guardian



Central Bank questions CIC

Thu Jun 09 2011

CIC Insurance Brokers has been called in to the Central Bank to discuss an alleged breach of the Insurance Act, multiple industry sources have confirmed. The Central Bank has been trying to get to the bottom of allegations that CIC, a 40-year-old insurance brokerage company, rebated commission to secure an advantage in their quotation for a lucrative contract to Point Villas Ltd. The Insurance Act makes it illegal for an insurance broker to rebate commissions, which means to pay a client a percentage of the commission without the knowledge of the insurance company. That contract, the T&T Guardian understands, attracted intense competition in the local insurance market.

CIC's breach was reported to the Insurance Brokers Association, which initiated an investigation into the alleged breach. Subsequently, the Guardian understands that chief executive Patrick Ferreira was sent on leave by CIC's board on May 9. CIC's chairman Anthony Hosang confirmed to the T&T Guardian that CIC did meet with the Brokers Association, but did not provide any details on the incident. Hosang said CIC was following proper procedure in dealing with this matter. Ferreira told the Guardian that CIC was invited by Point Villas Ltd, along with many other insurance brokers sometime last year to submit a quote for homeowners requirements.

Point Villas Ltd is a 100-unit gated compound in Lange Park, Chaguanas. Ferreira said the finalisation of the material policy and its placement was done when he was out of the country and, as such, he played no part in the finalisation of the insurance coverage that has now been called into question. "When the insurance was placed, a proposal featuring an administrative fee to be charged by the client was submitted and accepted. These events all took place on October 21, 2010," he said. He said he returned to T&T in the following week and met a concluded arrangement which he never negotiated. Ferreira observed that it was an incumbent insurance brokerage firm, which lost the Point Villas Ltd account, that "complained to the regulator, Central Bank and the Insurance Brokers Association."

Ferreira said a detailed response was sent off to the Brokers Association "and CIC considered the matter closed as far as the Association was concerned." "The Central Bank did advise that a complaint was received and CIC was asked to submit documents, which it did right away," he said. Ferreira said he was sent on leave due to disagreements with the board at a meeting held on May 6 pending an internal audit exercise. His contract with the company was officially terminated last week. CIC had registered Ferreira, who is also on CIC's

board, as their principal officer with the Central Bank. The Guardian understands his leave means that they have no formal officer in this position and, as such, they may be in breach of the regulations with a possibility that their license could be suspended.

CIC's corporate secretary, Sita Ali, is now acting chief executive. CIC informed staff this week that it would stop writing new business pending the resolution of its issues. Further, the Guardian learnt, that Conrad Aleong, former chief executive of BWIA, has been retained by the company this week as a consultant. On February 4, CIC Insurance Brokers was awarded a three-year contract by CAL when the request for proposals (RFP) asked for a two-year engagement. That contract, to provide employee benefits brokerage and consulting services at CAL, is being reviewed.

Insurance Act, 1980

Section 105 (1)

Rebating

'No insurer and no officer, employee or agent of an insurer and no broker or salesman shall directly or indirectly

-(a) make or attempt to make an agreement as to the premium to be paid for a policy other than as specified in the policy;

-(b) pay, allow or give or offer or agree to pay, allow or give a rebate of the whole or part of the premium stipulated by the policy or any other consideration or thing of value intended to be in the nature of a rebate of premium to any person who is insured or is applying for insurance in respect of life, person or property in T&T.

Section 105 (2)

An insurer or any other person who contravenes the provisions of Sub-section 1 is guilty of an offence.

Thursday, 17 March, 2022

Senator, The Honourable Wade Mark, M.P.
Via E-Mail: senatorwade@gmail.com

Dear Senator Mark,

We refer to your email of February 24, 2022, under the "Subject: Clarification of issues surrounding Mr. Patrick Ferreira, former Managing Director/Chief Executive Officer of CIC".

As you are aware, IBATT is a private association. It was formed with the specific purpose of protecting, promoting and fostering the advancement of the Insurance Broking Industry in Trinidad and Tobago and the interest of all members of the Association. We are not a regulatory or investigative body, but an association whereby members are bound to adhere to an agreed and stipulated Code of Practice and we place emphasis on self-regulation.

One of the benefits that we afford to all of our members is the ability to refer any matter/dispute or complaint that they may have with another member to IBATT for its assistance in resolving same in accordance with our Constitution and Code of Practice. In providing this service and in the exercise of our functions, we are bound by a duty of confidentiality. Article 22.1 of our Constitution provides that "All proceedings of and documents and information relating to the business of the Association shall be confidential to the members of the Association".

Mindful of our duty of confidentiality to our members and our willingness to assist in what you deem to be a matter of deep public interest, our responses to your questions are as set out below;

- 1) ***"Was a complaint made by Mr. Rodney Farah or his father Peter Farah (deceased) of PCFR Brokerage firm against CIC and/or its Managing Director Mr. Patrick Ferreira?"***

IBATT was copied in a complaint to the Central Bank by one of its members, PRFC Limited against another member CIC Insurance Brokers Limited.

- 2) ***"If so, what did this complaint entail?"***

Due to our confidentiality obligation, we are not at liberty to disclose particulars of the complaint. We will have to obtain the written permission of the parties involved in the matter to divulge same.

- 3) ***"Did the complaint at the time make reference to or involved Mr. Patrick Ferreira (Managing Director of CIC)?"***

We must point out that Mr. Patrick Ferreira is not a registered member of IBATT. Therefore, we have no jurisdiction to investigate or address any complaints or matters in relation to Mr. Ferreira. We are only empowered to deal with complaints involving our members and we can confirm that both CIC Insurance Brokers Limited and PRFC Limited are members of IBATT.

We are not at liberty to disclose particulars of any complaint due to our obligation of confidentiality to members. To do so requires written permission of the parties involved in the matter to divulge information and/or details as to the content of the Complaint.

4) *"Was this complaint investigated by the Trinidad and Tobago Brokers Association and if so, what were the findings and recommendations?"*

IBATT addressed the complaint of PRFC Limited in accordance with the procedure outlined in our Constitution. There were no official findings and/or recommendations as IBATT was advised that the parties involved came to a mutual agreement.

We would also like to point out that IBATT is not empowered at law to investigate and/or address any claims of breach of legislation. IBATT can only investigate, make recommendations and deal with breaches of its own Code of Practice by members.

5) *"Subsequent to these findings, did CIC make a payment to PRFC? And if so, in what amount?"*

Due to our confidentiality obligation, we are not at liberty to disclose particulars reached by members who refer disputes and/or complaints to IBATT for resolution, investigation or assistance. We are sure you can appreciate that if IBATT divulges member's personal information without their express consent, same would undermine the quality and attractiveness of the services that we offer to our members, many of whom do not want their personal matters in the public domain without their consent. It will also result in a breach of our Association's Constitution and could open IBATT and its Executive to legal action by a party aggrieved by the disclosure.

6) *"Was this report and their accompanying findings and recommendations brought to the attention of the Central Bank in its capacity as Supervisor of Insurance?"*

We are not aware of the existence of a formal report in this behalf.

7) *"Did the Central Bank acknowledge receipt of said report and its findings/recommendations?"*

As previously stated, we are not aware of the existence of a formal report in this behalf. We cannot speak as to the actions to the Central Bank in this behalf as that is outside of our remit and knowledge.

8) *"As far as the Brokers Association is concerned, did the Central Bank conduct its own investigation? And if so, what were the findings of the Central Bank's investigation?"*

We cannot speak to the actions and or involvement of Central Bank in this behalf as it is outside of our knowledge and we do not want to speculate regarding same. Your queries in this behalf should be directed to Central Bank as they would be in the best position to answer same.

9) *"As a result of those findings/recommendations, did the Brokers Association take any action against the company or any individual/s associated therewith?"*

As previously stated, the parties to the dispute reached a mutually agreed resolution.

10) *"Did the Brokers Association at any time, take action against the CIC or Mr. Patrick Ferreira or both for any misconduct whatsoever?"*

As stated before, Mr. Ferreira is not a member of IBATT. At no time during CIC Insurance Brokers Limited's membership in IBATT has IBATT taken any action against CIC Insurance Brokers Limited for misconduct or any other matter. Nor has IBATT ever taken any action against Mr. Ferreira, nor do we have any authority or scope to do so.

11) *"Did Mr. Patrick Ferreira continue to operate in the Insurance industry or was this made impossible owing to the breach of the Insurance Act?"*

Mr. Ferreira is not a member of IBATT and we do not monitor the activities or employment status of present or former employees of our members. Therefore, we cannot comment on this question. The question is best directed to Mr. Ferreira and/or the Regulator.

12) *"Has Mr. Patrick Ferreira been debarred/disciplined/removed from being associated/involved in any activities related to the Insurance industry?"*

Mr. Ferreira is not a member of IBATT. We do not monitor the activities or employment status of present or former employees of our members. Therefore, we cannot comment on this question. This question is best directed to Mr. Ferreira and/or Central Bank.

13) *"Would the Brokers Association be willing to share its report into this matter with my good self along with any other reports provided to it by the Central Bank relevant to the same matter in the public interest?"*

To the best of our knowledge, there is no formal IBATT report on same. Nor are we in receipt of any report from Central Bank in respect of this matter.

14) *"Would the Brokers Association share any other pieces of material/document related to this serious and grave matter in the national interest?"*

While we have tried to assist you as best as we can, unfortunately we cannot share any documents or material in IBATT's possession or records in relation to the matter without the written consent of PRFC Limited and CIC Insurance Brokers Limited. As to do so would render the President and Executive in breach of the very Constitution of IBATT that we have sworn to and have a duty to uphold.

We trust that the information provided has been of assistance in the national interest and we regret that we could not be of more assistance.

We would also be grateful if you would assist us in the national interest in correcting a number of inaccuracies that you may have inadvertently stated in Senate on February 15, 2022, which has come to the attention of our membership and is of concern to us. These are set out below:

- (a) *"IBATT reported that Mr. Ferreira rebated a Commission on a big home ownership policy plan";*
- (b) *"IBATT accused Mr. Ferreira of engaging in this unlawful action";*
- (c) *"IBATT has disqualified Mr. Ferreira from holding any position in the insurance industry";*

In response to (a), please note that to the best of our knowledge, IBATT has never reported that Mr. Ferreira rebated a commission.

In response to (b) above, please note that Mr. Ferreira is not a member of IBATT and we have no authority to investigate him or his actions in any transactions. We are only empowered to consider the conduct of our members. Further, to the best of our knowledge, IBATT has not accused Mr. Ferreira of engaging in rebating.

In response to (c), IBATT seeks to self-regulate and resolve disputes among its members in an amicable manner. We have no jurisdiction over Mr. Ferreira as he is not one of our members. Therefore, we have not and cannot disqualify Mr. Ferreira from holding any position in the Insurance industry as we do not have that power. The only authority with that power is Central Bank of Trinidad and Tobago.

As you can appreciate your statements, unless corrected, will foster an inaccurate public perception of IBATT's role and power and have the ability to negatively impact on our association. While there have been calls for us to issue a press release correcting the inaccuracies, we have refrained from so doing as we believe that you would have made the statements without the benefit of a full appreciation of our role and function and that once you are aware of the errors that you would correct same. Therefore, we will be grateful if you would clear up the information in the public domain regarding us as we know you have always been committed to ensuring that the best interest of nation is preserved and that information you provide to the public is accurate.

Thank you in advance for correcting the public record and for taking the time to reach out to us.

Yours respectfully,


GINA SAMAROO
President of IBATT

Cc. CIC Insurance Brokers Limited
Cc. PRFC Limited.

Correspondence with Mr. Mark



March 19, 2022

Mr. Wade Mark

C/o Office of the Leader of the Opposition
Chloe Building
11A Charles Street,
Port-of-Spain

Dear Mr. Mark,

MATTER REFERRED TO COMMITTEE OF PRIVILEGES OF THE SENATE

I have been directed by the Committee of Privileges of the Senate to inform you that at a Sitting of the Senate held on Tuesday February 22, 2022 a question of privilege was raised against you. At a Sitting of the Senate held on Tuesday March 8, 2022, the matter was referred to the Committee at caption for investigation and report.

The allegations state that in raising a Matter on the Motion for the Adjournment at a Sitting of the Senate held on Tuesday February 15, 2022, you:

- (i) deliberately and willfully misled the Senate; and
- (ii) grossly and recklessly abused the privilege of freedom of speech in the Senate.

In so doing, you committed contempt of the Senate. Hansard Transcripts of such statements made on February 15, 2022 are hereto attached.

In this regard, please be informed of the following:

- (i) the Committee has commenced its investigation into the matter referred;
- (ii) that during the course of its investigation and at the appropriate time, the Committee will invite you to appear;
- (iii) consistent with practice and *Standing Order 102(16)* and *Appendix III (19)*, you may:
 - a. make a written submission prior to appearing before the Committee; and
 - b. be accompanied by no more than two (2) Advisors who may be an Attorney-at-Law, and consult with such Advisor/s in the course of the meeting.

If you would like to make a written submission to the Committee, you are invited to do so and to submit same **no later than Wednesday March 23, 2022 at 9:00 a.m.**

Chairman: Sen. Christine Kangaloo
Committee of Privileges (Senate)

Telephone: (868) 624-7275 Ext. 2258/2250/2277 Fax: (868) 625-4672
Email: cots@ttparliament.org Website: <http://www.ttparliament.org>

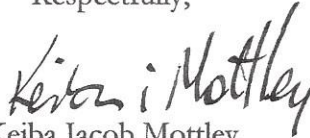
I am also required to inform you that, pursuant to *Standing Order 103*, the proceedings of and the evidence taken before the Committee of Privileges, and any documents presented to and decisions of the Committee must not be made public by any Member or other person before the Committee has reported to the Senate.

The invitation for you to appear, complete with date, time and other relevant information will be provided to you in subsequent correspondence.

Should you require any additional information, you may contact the Secretary to the Committee at 624-7275 ext. 2258/2250/2277 or cots@ttparliament.org.

Thank you.

Respectfully,



Keiba Jacob Mottley
Secretary to the Committee

cc: Sen. Christine Kangaloo - Chairman of the Committee

Clerk of the Senate

From: wade mark <senatorwade@gmail.com>
Sent: Saturday, 19 March 2022 08:12 PM
To: Clerk of the Senate; Keiba Jacob
Cc: Wade Mark
Subject: Re: Matter Referred to Committee of Privileges

Greetings Madam Secretary,

I wish to acknowledge receipt of your correspondence dated Saturday , 19, March ,2022 and to kindly advise to make available to me in the interest of full disclosure and procedural fairness the following crucial documents namely:-

- 1) The Minister of Finance's response to my matter dated February , 15, 2022;
- 2) The matter of privilege moved against me by former Minister of Agriculture, Land and Fisheries (Mr Clarence Rambharat) dated February, 22,2022;
- 3) The President of the Senate ruling that a prima facie case had been made out against me dated March 8,2022;

These are all crucial pieces of material that would be absolutely required to assist in the formulation of any preliminary submission and response in writing to the Committee on the matter of privilege currently before it

Looking forward to the speedy and official provision of the same mentioned documents / material identified above .

Respectfully Submitted
Senator Wade Mark

On Sat, 19 Mar 2022 at 6:19 PM, Clerk of the Senate <cots@tpparliament.org> wrote:

Dear Mr. Mark,

Please see the attached letter which provides details on the matter that was referred to the Committee of Privileges of the Senate for investigation and Report.

Please note that consistent with practice and the provisions of the Standing Orders, if you would like to make a written submission to the Committee, you are invited to do so and to submit same **no later than Wednesday March 23, 2022 at 9:00 a.m.**

Should you require any additional information, you may contact the Secretary to the Committee at 624-7275 ext. 2258/2250/2277 or cots@ttparliament.org.

Thank you.

Respectfully,

Keiba Jacob Mottley

Secretary to the Committee

Keiba Jacob Mottley | Clerk of the Senate (Ag.)

Parliament of the Republic of Trinidad & Tobago

Parliamentary Complex, Cabildo Building

[St. Vincent Street, Port of Spain, Trinidad](#)

[Trinidad and Tobago](#)

Work: +1 (868) 624-7275 ext: 2250 | Fax: +1 (868) 625-4672

Mobile: +1 (868) 740-3986 | Skype: keibaj | Email: kjacob@ttparliament.org

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Clerk of the Senate

From: Clerk of the Senate
Sent: Saturday, 19 March 2022 09:18 PM
To: wade mark
Cc: Wade Mark; Keiba Jacob; Julien Ogilvie
Subject: Re: Matter Referred to Committee of Privileges
Attachments: Hon. C. Imbert - Chairman of National Insurance Board.pdf; Ruling - Privilege Matter raised by Min of Agriculture 08Mar22 (final).pdf; Matter of Privilege raised by Sen. the Hon Clarence Rambharat on Feb 22 2022.pdf

Dear Mr. Mark,

Please see the attached as requested.

Thank you.

Regards,

Keiba

Keiba Jacob | Clerk of the Senate (Ag.) | kjacob@ttparliament.org
Parliament of the Republic of Trinidad & Tobago
Parliamentary Complex, St. Vincent Street
Port of Spain, Republic of Trinidad and Tobago
Work: +1 (868) 624-7275 ext: 2250 Mobile: +1 (868) 740-3986

From: "senatorwade@gmail.com" <senatorwade@gmail.com>
Date: Saturday, March 19, 2022 at 8:12 PM
To: Clerk of the Senate <cots@ttparliament.org>, Keiba Jacob <kjacob@ttparliament.org>
Cc: Wade Mark <wmark@ttparliament.org>
Subject: Re: Matter Referred to Committee of Privileges

Greetings Madam Secretary,

I wish to acknowledge receipt of your correspondence dated Saturday , 19, March ,2022 and to kindly advise to make available to me in the interest of full disclosure and procedural fairness the following crucial documents namely:-

- 1) The Minister of Finance's response to my matter dated February , 15, 2022;
- 2) The matter of privilege moved against me by former Minister of Agriculture, Land and Fisheries (Mr Clarence Rambharat) dated February, 22,2022;
- 3) The President of the Senate ruling that a prima facie case had been made out against me dated March 8,2022;

These are all crucial pieces of material that would be absolutely required to assist in the formulation of any preliminary submission and response in writing to the Committee on the matter of privilege currently before it

Looking forward to the speedy and official provision of the same mentioned documents / material identified above .

Respectfully Submitted
Senator Wade Mark

On Sat, 19 Mar 2022 at 6:19 PM, Clerk of the Senate <cots@ttparliament.org> wrote:

Dear Mr. Mark,

Please see the attached letter which provides details on the matter that was referred to the Committee of Privileges of the Senate for investigation and Report.

Please note that consistent with practice and the provisions of the Standing Orders, if you would like to make a written submission to the Committee, you are invited to do so and to submit same **no later than Wednesday March 23, 2022 at 9:00 a.m.**

Should you require any additional information, you may contact the Secretary to the Committee at 624-7275 ext. 2258/2250/2277 or cots@ttparliament.org.

Thank you.

Respectfully,

Keiba Jacob Mottley
Secretary to the Committee

Keiba Jacob Mottley | Clerk of the Senate (Ag.)

Parliament of the Republic of Trinidad & Tobago

Parliamentary Complex, Cabildo Building

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Mobile: +1 (868) 740-3986 | Skype: keibaj | Email: kjacob@ttparliament.org

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From: Wade Mark <wmark@tpparliament.org>

Sent: March 21, 2022 11:24 AM

To: Keiba Jacob <kjacob@tpparliament.org>; Keiba Jacob <kjacob@tpparliament.org>; WADE <senatorwade@hotmail.com>; WADE <senatorwade@hotmail.com>; Wade Mark <wmark@tpparliament.org>

Cc: Kyle Tacklalsingh <k.tacklalsingh@gmail.com>; Roodal Moonilal <roodal09@gmail.com>

Subject: Fwd: Matter Referred to Committee of Privileges

Madam Secretary,

I write with reference to the above captioned matter and refer to your letter dated 19th March, 2022 and I further refer to my email on even date addressed to you.

As you would appreciate, the intention of my aforementioned email was to ascertain the nature, purport and extent of the allegations being made against me. Further, and unfortunately your letter of even date has not condescended into particulars of the allegations of contempt wherein it is being suggested that I “deliberately” and “wilfully” misled the Senate and/ or have “grossly” and “recklessly” abused the privilege of freedom of speech in the Senate.

In that regard, I note that you have requested that I provide written submission no later than Wednesday March, 23, 2022 at 9.00 am. Regretfully, without sufficient particulars of these allegations, I would be unable to assist the Committee with submissions. In other words, I cannot respond to allegations which have not been sufficiently detailed.

As a parliamentarian of long standing and as a former Presiding Officer in the both Houses of Parliament I take these allegations extremely seriously and intend to fully vindicate my name and reputation. I only ask/ request that the Committee adopt a fair procedure consonant with the principles of natural justice which includes the provision of sufficient particulars.

With the greatest respect and in all the circumstances, I kindly request the provision of the said particulars and further suggest that the time for submissions be extended by a further two weeks in order for me to properly and adequately treat with same.

Respectfully
Wade S Mark

NB: Kindly note that I have retained both Mr Kiel Tacklalsingh, Attorney At Law and Dr Roodal Moonilal, Attorney At Law as my Advisers.

March 24, 2022

Mr. Wade Mark

C/o Office of the Leader of the Opposition
Chloe Building
11A Charles Street,
Port-of-Spain

Dear Mr. Mark,

RE: MATTER REFERRED TO COMMITTEE OF PRIVILEGES OF THE SENATE

I have been directed by the Committee of Privileges of the Senate to respond to your email dated March 21, 2022.

Please be advised that all particulars related to this matter are contained in the transcripts that were sent to you on March 19, 2022. The following transcripts are again attached for your information and ease of reference:

1. excerpts of the contribution of Senator Wade Mark on February 15, 2022;
2. excerpts of the contribution of the Honourable Colm Imbert, MP, Minister of Finance on February 15, 2022;
3. the Matter of Privilege raised by Sen. the. Hon Clarence Rambharat, Minister of Agriculture, Land and Fisheries on Tuesday February 22, 2022; and
4. the Ruling of the President of the Senate delivered on March 8, 2022.

In keeping with well-established practice, the Committee's proceedings are guided by the principles of natural justice. One such example of the application of the principles of natural justice is that you have been given an opportunity to make a submission in writing before appearing to give oral evidence.

Therefore, you are again invited to send a written submission to the Committee, **no later than April 7, 2022 at 4:00 p.m.**

The invitation for you to appear, complete with date, time and other relevant information will be provided to you in subsequent correspondence.

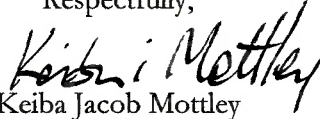
Chairman: Sen. Christine Kangaloo
Committee of Privileges (Senate)

Telephone: (868) 624-7275 Ext. 2258/2250/2277 Fax: (868) 625-4672
Email: cots@tpparliament.org Website: <http://www.tpparliament.org>

Should you require any additional information, you may contact the Secretary to the Committee at 624-7275 ext. 2258/2250/2277 or cots@ttparliament.org.

Thank you.

Respectfully,



Keiba Jacob Mottley

Secretary to the Committee

cc: Sen. the Hon. Christine Kangaloo - Chairman of the Committee

Chairman: Sen. Christine Kangaloo
Committee of Privileges (Senate)

Telephone: (868) 624-7275 Ext. 2258/2250/2277 Fax: (868) 625-4672
Email: cots@ttparliament.org Website: <http://www.ttparliament.org>

Clerk of the Senate

From: wade mark <senatorwade@gmail.com>
Sent: Thursday, 24 March 2022 06:04 PM
To: Clerk of the Senate; Hon Roodal Moonilal; Kyle Tacklalsingh
Subject: Re: Matter Referred to Committee of Privileges

Greetings Clerk of the Senate,

I wish to acknowledge receipt of your correspondence and to register my sincerest appreciation.

Respectfully
Senator Wade Mark

On Thu, 24 Mar 2022 at 5:26 PM, Clerk of the Senate <cots@tpparliament.org> wrote:

Dear Mr. Mark,

Please see the attached response to your email dated March 21, 2022.

The transcripts referred to in the letter are also attached.

Thank you.

Respectfully,

Keiba Jacob Mottley

Secretary

Keiba Jacob Mottley | Clerk of the Senate (Ag.)

Parliament of the Republic of Trinidad & Tobago

Parliamentary Complex, Cabildo Building

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From: Wade Mark <wmark@ttparliament.org>

Sent: March 21, 2022 11:24 AM

To: Keiba Jacob <kjacob@ttparliament.org>; Keiba Jacob <kjacob@ttparliament.org>; WADE <senatorwade@hotmail.com>; WADE <senatorwade@hotmail.com>; Wade Mark <wmark@ttparliament.org>

Cc: Kyle Tacklalsingh <k.taklalsingh@gmail.com>; Roodal Moonilal <roodal09@gmail.com>

Subject: Fwd: Matter Referred to Committee of Privileges

Madam Secretary,

I write with reference to the above captioned matter and refer to your letter dated 19th March, 2022 and I further refer to my email on even date addressed to you.

As you would appreciate, the intention of my aforementioned email was to ascertain the nature, purport and extent of the allegations being made against me. Further, and unfortunately your letter of even date has not condescended into particulars of the allegations of contempt wherein it is being suggested that I “deliberately” and “wilfully” misled the Senate and/ or have “grossly” and “recklessly” abused the privilege of freedom of speech in the Senate.

In that regard , I note that you have requested that I provide written submission no later than Wednesday March, 23, 2022 at 9.00 am . Regretfully , without sufficient particulars of these allegations , I would be unable to assist the Committee with submissions . In other words, I cannot respond to allegations which have not been sufficiently detailed.

As a parliamentarian of long standing and as a former Presiding Officer in the both Houses of Parliament I take these allegations extremely seriously and intend to fully vindicate my name and reputation. I only ask/ request that the Committee adopt a fair procedure consonant with the principles of natural justice which includes the provision of sufficient particulars.

With the greatest respect and in all the circumstances, I kindly request the provision of the said particulars and further suggest that the time for submissions be extended by a further two weeks in order for me to properly and adequately treat with same.

Respectfully

Wade S Mark

NB: Kindly note that I have retained both Mr Kiel Tacklalsingh , Attorney At Law and Dr Roodal Moonilal , Attorney At Law as my Advisers.

From: Clerk of the Senate <cots@ttparliament.org>

Date: 19 March 2022 at 9:18:25 PM GMT-4

To: wade mark <senatorwade@gmail.com>

Cc: Wade Mark <wmark@ttparliament.org>, Keiba Jacob <kjacob@ttparliament.org>, Julien Ogilvie <jogilvie@ttparliament.org>

Subject: Re: Matter Referred to Committee of Privileges

Dear Mr. Mark,

Please see the attached as requested.

Thank you.

Regards,

Keiba

Keiba Jacob | Clerk of the Senate (Ag.) | kjacob@ttparliament.org

Parliament of the Republic of Trinidad & Tobago

Parliamentary Complex, [St. Vincent Street](#)

[Port of Spain, Republic of Trinidad and Tobago](#)

Work: +1 (868) 624-7275 ext: 2250 Mobile: +1 (868) 740-3986

From: "senatorwade@gmail.com" <senatorwade@gmail.com>

Date: Saturday, March 19, 2022 at 8:12 PM

To: Clerk of the Senate <cots@ttparliament.org>, Keiba Jacob <kjacob@ttparliament.org>

Cc: Wade Mark <wmark@ttparliament.org>

Subject: Re: Matter Referred to Committee of Privileges

Greetings Madam Secretary,

I wish to acknowledge receipt of your correspondence dated Saturday , 19, March ,2022 and to kindly advise to make available to me in the interest of full disclosure and procedural fairness the following crucial documents namely:-

- 1) The Minister of Finance's response to my matter dated February , 15, 2022;
- 2) The matter of privilege moved against me by former Minister of Agriculture, Land and Fisheries (Mr Clarence Rambharat) dated February, 22,2022;
- 3) The President of the Senate ruling that a prima facie case had been made out against me dated March 8,2022;

These are all crucial pieces of material that would be absolutely required to assist in the formulation of any preliminary submission and response in writing to the Committee on the matter of privilege currently before it

Looking forward to the speedy and official provision of the same mentioned documents / material identified above .

Respectfully Submitted

Senator Wade Mark

On Sat, 19 Mar 2022 at 6:19 PM, Clerk of the Senate <cots@tpparliament.org> wrote:

Dear Mr. Mark,

Please see the attached letter which provides details on the matter that was referred to the Committee of Privileges of the Senate for investigation and Report.

Please note that consistent with practice and the provisions of the Standing Orders, if you would like to make a written submission to the Committee, you are invited to do so and to submit same **no later than Wednesday March 23, 2022 at 9:00 a.m.**

Should you require any additional information, you may contact the Secretary to the Committee at 624-7275 ext. 2258/2250/2277 or cots@ttparliament.org.

Thank you.

Respectfully,

Keiba Jacob Mottley

Secretary to the Committee

Keiba Jacob Mottley | Clerk of the Senate (Ag.)

Parliament of the Republic of Trinidad & Tobago

Parliamentary Complex, Cabildo Building

[St. Vincent Street, Port of Spain, Trinidad](#)

[Trinidad and Tobago](#)

Work: +1 (868) 624-7275 ext: 2250 | Fax: +1 (868) 625-4672

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PARLIAMENT
REPUBLIC OF TRINIDAD AND TOBAGO

Office of the Parliament
Parliamentary Complex
Cabildo Building
St. Vincent Street, Port of Spain, Republic of Trinidad and Tobago

April 7, 2022

Mr. Wade Mark

C/o Office of the Leader of the Opposition
Chloe Building
11A Charles Street,
PORT OF SPAIN

Dear Mr. Mark,

Re: Status Report on Submission

Reference is made to the above-captioned matter.

Your email dated April 5, 2022, is acknowledged as being received, and its contents duly noted. Your assurance to request no further extensions is also noted.

Having considered the extenuating circumstances identified, your request for an extension of one (1) week to submit written submission has been granted by the Chairman of the Committee. The Committee expects your written submissions to be submitted **no later than Thursday April 14, 2022 at 4:00 p.m.**

I am also required to remind you that, pursuant to ***Standing Order 103***, the proceedings of and the evidence taken before the Committee of Privileges, and any documents presented to and decisions of the Committee must not be made public by any Member or other person before the Committee has reported to the Senate.

The invitation for you to appear, complete with date, time and other relevant information will be provided to you in subsequent correspondence.

Should you require any additional information, you may contact the Secretary to the Committee at 624-7275 ext. 2258/2250/2277 or cots@ttparliament.org.

Thank you.

Respectfully,

Keiba Jacob Mottley
Secretary to the Committee

Chairman: Senator the Honourable Christine Kangaloo
Committee of Privileges (Senate)

Telephone: (868) 624-7275 Ext. 2258/2125 Email: cots@ttparliament.org

Website: <http://www.ttparliament.org>

Brian Lucio

From: Katharina Gokool
Sent: Tuesday, 28 June 2022 02:52 PM
To: Brian Lucio
Subject: FW: wade mark priv committee subs with annexures a, b, d
Attachments: wade mark priv committee subs with annexures.pdf

From: Julien Ogilvie <jogilvie@ttparliament.org>
Sent: Tuesday, 28 June 2022 01:34 PM
To: Katharina Gokool <kgokool@ttparliament.org>
Subject: FW: wade mark priv committee subs with annexures a, b, d

From: Keiba Jacob <kjacob@ttparliament.org>
Sent: Tuesday, April 26, 2022 8:28 AM
To: Julien Ogilvie <jogilvie@ttparliament.org>; Roger Hector <rogerhector@ttparliament.org>; Rebecca Rafeek <rebeccarafeek@ttparliament.org>; Katharina Gokool <kgokool@ttparliament.org>
Subject: Fwd: wade mark priv committee subs with annexures a, b, d

Keiba Jacob Mottley | kjacob@ttparliament.org
Parliament of the Republic of Trinidad & Tobago
Parliamentary Complex, St. Vincent Street
Port of Spain, Republic of Trinidad and Tobago
Work: [+1 \(868\) 624-7275 ext: 2250](tel:+18686247275) Mobile: [+1 \(868\) 740-3986](tel:+18687403986)

Begin forwarded message:

From: wade mark <senatorwade@gmail.com>
Date: April 25, 2022 at 11:19:44 AM AST
To: Hon Roodal Moonilal <roodal09@gmail.com>, Keiba Jacob <kjacob@ttparliament.org>, Keiba Jacob Mottley <keibaj@gmail.com>, Kyle Tacklalsingh <k.taklalsingh@gmail.com>, Wade Mark <wmark@ttparliament.org>, wade mark <senatorwade@gmail.com>, wade2 mark2 trinidad <senatorwade@hotmail.com>
Subject: Fwd: wade mark priv committee subs with annexures a, b, d

Ms Keiba Jacob
Secretary
Committee of Privileges

Dear Ms Jacob,

Please find hereunder /attached written submissions and documents accompanying my written submission.

The first set of company documents labeled "A" shows Mr. Patrick Ferreira being appointed as a director of the CIC Brokers and being issued shares in the company.

The second set of documents labeled "B" shows that, shortly after the allegations emerge, Mr. Ferreira is removed as a director, and his shares are also taken away.

The third set of documents labeled "C" demonstrates that he is reappointed in the Furness group of companies.

The fourth set of documents labeled "D" shows, both by way of a Guardian Article and a letter from the Insurers Brokers Association of Trinidad and Tobago(IBATT) , that an investigation was commenced by the Central Bank of Trinidad and Tobago.

Regards,

Senator Wade Mark



PARLIAMENT
REPUBLIC OF TRINIDAD AND TOBAGO

Office of the Parliament
Parliamentary Complex
Cabildo Building
St. Vincent Street, Port of Spain, Republic of Trinidad and Tobago

PARL: 14/4/1

May 24, 2022

Mr. Wade Mark

c/o Office of the Leader of the Opposition
Chloe Building
11A Charles Street
Port of Spain

Dear Mr. Mark,

MATTER REFERRED TO COMMITTEE OF PRIVILEGES OF THE SENATE

I have been directed by the Committee of Privileges of the Senate to respond to your electronic correspondence dated Tuesday May 24, 2022, with the subject ***"Matter Before The High Court"*** and your assertion that the Committee of Privileges of the Senate should discontinue its proceedings, pending the outcome of a judicial review challenge to the appointment of Mr. Patrick Ferreira to the office of Chairman of the National Insurance Board of Trinidad and Tobago.

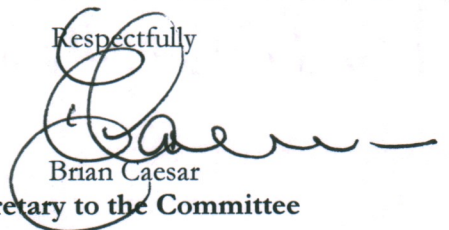
The Committee has noted your assurance that the relevant court documents will be forwarded for its consideration, and you are therefore asked to submit same **no later than Thursday May 26, 2022 at 4:00 p.m.** Upon receipt of these submissions, the Committee will determine whether the sub judice rule arises in the particular circumstances.

As regard your request for the Committee to 'stay its process...', the Committee wishes to advise that such a decision can only be made after receipt and consideration of the court documents.

Should you require any additional information, you may contact the Secretary to the Committee at 624-7275 ext. 2229/2533 or cots@ttparliament.org.

Thank you.

Respectfully



Brian Caesar
Secretary to the Committee

cc: Sen. the Hon. Christine Kangaloo - Chairman of the Committee

Chairman: Sen. the Hon. Christine Kangaloo
Committee of Privileges (Senate)

Telephone: (868) 624-7275 Ext. 2533/2277 Fax: (868) 625-4672
Email: cots@ttparliament.org Website: <http://www.ttparliament.org>

Clerk of the Senate

From: wade mark <senatorwade@gmail.com>
Sent: Tuesday, 24 May 2022 08:56 PM
To: Clerk of the Senate
Cc: Brian Caesar; WADE; Wade Mark
Subject: Re: Committee of Privileges re Matter before the High Court

Greetings Ms Rafeek

I wish to acknowledge receipt of your correspondence and to indicate that I shall comply with your request to supply the legal documents by the appointed deadline outlined in same correspondence.

Please be guided accordingly.

Respectfully
Senator Wade S Mark

On Tue, 24 May 2022 at 8:31 PM, Clerk of the Senate <cots@ttparliament.org> wrote:

Dear Senator Mark,

Please see the attached scan of the letter from the Secretary to the Committee of Privileges in response to your email dated 24 May 2022 with the subject "Matter Before The High Court", for your consideration.

Kind regards,
Rebecca Rafeek,
Procedural Officer Intern,
/f/ Secretary of the Committee
rebeccarafeek@ttparliament.org

Parliament of the **R**epublic of **T**rinidad & **T**obago

Level 5, Parliamentary Complex, Cabildo Buliding
[St. Vincent Street, Port of Spain, Trinidad](#)
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From: wade mark <senatorwade@gmail.com>
Sent: Tuesday, May 24, 2022 5:42:38 PM
To: Clerk of the Senate
Cc: Brian Caesar; WADE; Wade Mark
Subject: Re: Committee of Privileges re Matter before the High Court

Mr Brian Caesar
Secretary to the Committee

Greetings Mr Caesar

Please be advised that your letter / correspondence pinned to your attachment did not arrived . As such I am not in possession of your said correspondence

Would you be kind enough to transmit same to me urgently please

Looking forward to your swift response

Respectfully
Senator Wade Mark

On Tue, 24 May 2022 at 6:05 PM, Clerk of the Senate <cots@ttparliament.org> wrote:

Dear Senator Mark,

Please see the attached letter from the Secretary to the Committee of Privileges in response to your email dated 24 May 2022 with the subject "Matter Before The High Court", for your consideration.

Kind regards,

Rebecca Rafeek,
Procedural Officer Intern,
/f/ Secretary of the Committee
rebeccarafeek@ttparliament.org

Parliament of the Republic of Trinidad & Tobago

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Brian Lucio

From: Keiba Jacob
Sent: Wednesday, 22 June 2022 01:58 PM
To: Brian Lucio
Subject: Fwd: Matter Before The High Court

**Keiba Jacob Mottley | Procedural Clerk |
Parliament of the Republic of Trinidad & Tobago
Parliamentary Complex, Cabildo Building
St. Vincent Street, Port of Spain, Trinidad
Trinidad and Tobago
Work: +1 (868) 624-7275 ext: 2250 | Fax: +1 (868) 625-4672
Mobile: +1 (868) 740-3986 | Skype: keibaj | Email: kjacob@tpparliament.org**

Begin forwarded message:

From: wade mark <senatorwade@gmail.com>
Date: 24 May 2022 at 9:31:09 AM GMT-4
To: Brian Caesar <bcaesar@tpparliament.org>, Hon Roodal Moonilal <roodal09@gmail.com>, Keiba Jacob <kjacob@tpparliament.org>, Keiba Jacob Mottley <keibaj@gmail.com>, Kyle Tacklalsingh <k.tacklalsingh@gmail.com>, wade2 mark2 trinidad <senatorwade@hotmail.com>
Subject: Fwd: Matter Before The High Court

Mr Brian Caesar
Secretary of the
Committee of Privileges
Senate

Dear Sir,

It has come to my attention via media reports that the issue of Mr. Ferreira's appointment has been challenged legally by way of Judicial Review.

In the circumstances, given the overlap of issues concerning the legality Mr. Ferreira's appointment and those under consideration before the current committee, I am of the respectful view that these matters are now sub judice and therefore this committee should stay its process until the outcome of those legal proceedings.

I am in the process of obtaining a copy of the legal proceedings and will forward same to the committee in due course.

I need not remind you that the committee has an independent duty to consider whether or not the matter is sub judice before it proceeds any further in this matter.

Respectfully
Senator Wade S Mark