

Ref. No. 5 of 2014

**Ruling on the Request Submitted by the Hon. Gail Teixeira, M.P. For Hon. Khemraj Ramjattan To Be Referred To The Privileges Committee Regarding The Alleged Non-Disclosure Of Pecuniary Interests**

1. The Government's Chief Whip, the Hon. Gail Teixeira, M.P., submitted a letter dated July 15, 2014, requesting that the Hon. Member be referred to the Privileges Committee for failing to declare his pecuniary interests in matters being debated before the National Assembly.
2. The Privileges Committee is the Committee that addresses any matter (including complaints), that introduces an issue "which appears to affect the powers and privileges of the Assembly" (Standing Order 91).
3. The gravamen of the complaint against the Hon. Khemraj Ramjattan is that in 2013, he voted against allocations for the Speciality Hospital knowing that he was the Attorney-at-Law representing Fedder Lloyd; believed to be a rival contracting company, which had put in a bid to build the said hospital.
4. Standing Order 107 is relied on in support of the Complaint. For ease of reference, Standing Order 107 states as follows:

***"No Member of the Assembly shall appear before the Assembly or any Committee thereof as Counsel or Solicitor for any party, or in any capacity for which he or she is to receive a fee or reward."***

5. A second complaint contained in the letter is that Mr. Robert Badal, the proprietor of the Guyana Pegasus Hotel, has declared that ***"he was a financier of the Alliance For Change at the 2011 General and regional elections"*** and his opposition to the

Marriot Hotel has been perpetuated by Hon. Khemraj Ramjattan; as seen in his not voting in favour of budgetary allocations towards the said Marriot Hotel.

6. No supporting documentation was submitted to support or corroborate either Complaint.

### **General Principles**

7. A breach of privilege occurs when a Member, to be considered “Honourable” at all times, violates parliamentary privileges in his/her conduct so as to bring the House into disregard or disrepute. As the actions of Members in the House are not subject to judicial review, the National Assembly appoints the Privileges Committee to enquire into any conduct that can be considered violative of the privileges, contemptuous of the House, or which does anything to impeded the House’s ability to discharge its responsibilities.

### **The Bringing of a Complaint**

8. The complaint being examined now was submitted quite sometime after the facts complained of were apparently known. Indeed, Hon. Gail Teixeira refers to matters and statements supposedly made in 2011 and 2013.
9. Past complaints of violations of privilege have been raised almost contemporaneously within the time when the alleged violation occurred. It is my considered opinion that though there is no time limit stipulated for the bringing of a Complaint, reasonableness must be applied; having regard to all the facts and circumstances of the matter.
10. Below is a list of relatively recent Complaints submitted to the Hon. Speaker:
  - a) Complaint by Hon. Gail Teixeira against Members for blocking or impeding the entrance to the National Assembly on the 28<sup>th</sup> March, 2003 – raised on 7<sup>th</sup> April, 2003.

- b) Complaint by Hon. Dr. Leslie Ramsammy against Members<sup>1</sup> for entering the Parliament Chamber and disrupting the proceedings on 28<sup>th</sup> March, 2003 – raised on 7<sup>th</sup> April, 2003.
- c) Complaint by the Hon. Dr. Leslie Ramsammy against Hon. Vincent Alexander regarding the contents of a letter to the press dated 10<sup>th</sup> April, 2003 – raised on 14<sup>th</sup> April, 2003.
- d) Complaint by Hon. Khemraj Ramjattan against Hon. Irfaan Ali regarding an alleged breach of privilege that occurred on 11<sup>th</sup> January, 2010 – raised on 7<sup>th</sup> April, 2010.
- e) Complaint by Hon. Dr. Ashni Singh against Hon. Deborah J. Backer regarding statements made in the National Assembly on 15<sup>th</sup> October, 2009 – raised on 22<sup>nd</sup> October, 2009.
- f) Complaint # 1 by Hon. Carl Greenidge against Hon. Dr. Ashni Singh regarding the spending of moneys without Parliamentary approval between 7<sup>th</sup> November and 12<sup>th</sup> December, 2013 – raised on 13<sup>th</sup> December, 2013.
- g) Complaint # 2 by Hon. Carl Greenidge against Hon. Dr. Ashni Singh regarding Financial Paper # 1 of 2014 dated 19<sup>th</sup> June, 2014 – raised on 4<sup>th</sup> July, 2014.

11. If indeed the dignity and propriety of the House has been tarnished or profaned by the acts or omissions of a Member, such acts should be arrested and addressed immediately; as a matter of urgency. Ultimately, it is the National Assembly that is harmed if there is a prolonged stain on it that has not been addressed.

12. In my considered opinion, to delay or do nothing in the face of what is believed to be a violation of privilege is, in and of itself, a further tarnishing the image of the National Assembly. Neither the alleged violation, nor the delay or failure to address, it should be tolerated.

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<sup>1</sup> Hon. Members - Vincent Alexander, Clarissa Riehl, Raphael Trotman, Jerome Khan, Abdul Kadir, Rajcoomarie Bancroft, James McAllister, Nazir Ally, Deborah Backer, Dalglish Joseph, and George Norton.

13. If after a year has elapsed a Complaint is laid against a Member, it lends itself to unwanted speculation as to the motives that attended or influenced the decision to implement it.

14. The Privileges Committee should not be seen as a place of convenience, but manifestly, as one where serious issues are heard and determined. Bringing a complaint a year after an alleged breach of privilege should not be condoned under any circumstances; unless there are good and exceptional reasons why this is so. None have been provided here.

15. With regard to the specific Complaints against Hon. Khemraj Ramjattan, the following must be noted:

- a) Mr. Khemraj Ramjattan indeed did not support the Marriot Hotel Project in 2012. As a matter of fact , according to the Hansard of 17<sup>th</sup> April, 2012, he gave his Party's reasons for the non-support of the project, and suggested that the moneys be put into the Education System, instead of the Marriot Project;
- b) Mr. Ramjattan did not appear before the National Assembly or a Committee as Counsel or Solicitor for any party. There is no evidence to show that Hon. Khemraj Ramjattan is/was supporting Mr. Badal's opposition to the Marriot Hotel Project; and
- c) There is no evidence to prove that Mr. Ramjattan was offered or collected money or other advantage to support Mr. Badal in opposing the Marriot Hotel Project; and
- d) There is no evidence to show that Hon. Khemraj Ramjattan was professionally retained by Fedders Lloyd and that at the time of participating in the debate on the Speciality Hospital he was accordingly influenced or induced to oppose the project on this basis.

**16. RULING:**

In the circumstances of the above I find that no *prima facie* case has been established against the Honourable Member Khemraj Ramjattan in relation to the Complaints made against him.

Hon. Raphael G.C. Trotman, M.P.,  
Speaker of the National Assembly

Dated this 5<sup>th</sup> day of August, 2014