



on the provisions of the Constitution in enforced and painful silence because I am not permitted to enter the debate. The Hon. Member, otherwise a brilliant scholar and, I might add, a gentleman, is not a lawyer. I am and do have a nodding acquaintance with the Constitution. This untenable situation is prevented by the particular rule.

Upon receipt of the Motion from Hon. Member Winston Murray, the Clerk wrote to him stating his view that the Motion did not qualify. Mr. Murray replied, disagreeing with the Clerk, who, thereupon, wrote to the Chief Parliamentary Draughtsman (CPD). The latter advised the Clerk that he did not agree with the Clerk's position but that his decision to disallow the Motion was in order because the Motion violated Article 171 of the Constitution. Upon receipt of the CPD's letter, the Clerk referred the matter to me for a decision. I came to the conclusion that the Motion did not violate Article 171 of the Constitution. Out of courtesy, I wrote the Attorney General setting out my views and requested a response. I did not receive a considered response but was told by the Attorney General that he agreed with the CPD. Copies of the correspondence area available from the Clerk.

I wish to make it clear that I am the sole authority charged with the responsibility of approving motions and I am not required to consult with anyone. I do not normally do so except where I require legal advice. In this case, I sought the legal opinion of one of my distinguished colleagues who unhesitatingly confirmed the view that I had formed.

Let me hast to add that decisions of all public officials, including the Speaker, are subject to critical review by the press and public. My decisions have been criticised in public on many occasions in the past, including by the Opposition. In debate in the National Assembly, however, the Standing Orders apply.

March 29, 2008

PREVIOUS RULING MADE ON MR. MURRAY'S MOTION - Questioning Speaker's Ruling

Preamble

The Speaker made a statement as to a previous ruling made on Mr. Murray's motion which was called into question by Dr. Luncheon and stated that his decision cannot be called into question in a debate and that it can only be done by way of motion.



Verbatim

The Speaker (Hari N. Ramkarran): I refer to the statements made by Dr. Luncheon at his press conference on Thursday last, describing my ruling to disallow Dr. Ashni Singh from criticising my decision to approve Mr. Winston Murray's motion as "astonishing." Dr. Luncheon went to talk about "executive prerogative" of Cabinet in tabling motions on financial matters.

This issue has nothing to do with executive prerogative or any such misconceived and misunderstood concept. It has to do with the integrity of the National Assembly. The Standing Orders are clear. I refer to my statement in the National Assembly on Thursday. The conduct of the Speaker, which includes a decision, cannot be called into question in a debate. This can only be done by way of a motion tabled for the purpose. This was the reason that I disallowed Dr. Singh from proceeding with his speech. It is of significance that Dr. Luncheon studiously avoided any reference to this aspect in his remarks except platitudes about my ruling being "fundamentally flawed". It is of significance because he has no answer to the attempt of his colleague to attack my decision and to lecture to me about it in debate while I was forced to sit in silence, contrary to the Standing Orders and to thereby violate the integrity of the National Assembly which was the intent, purpose and objective of the exercise, obviously strongly supported by Dr. Luncheon and the Cabinet colleagues on whose behalf he purported to speak.

I went to the trouble of speaking to Prime Minister Samuel Hinds, Mr. Donald Ramotar and Ms. Gail Teixeira, all MP's, on Wednesday morning before the debate. There could have been no mistake or misunderstanding that my objection related to the intention of Dr. Singh to violate the Standing Orders. The Cabinet cannot have been taken aback. Its representatives swiftly find Standing Orders to justify Government's positions. How come one of the best known Standing Orders about criticising decisions of the Speaker never came to the attention of Cabinet?

The fact that Dr. Singh, despite my privately voiced objections, sought to proceed on this course when it had become known that I would disallow it, despite the Government having the majority to defeat the motion without having to resort to criticism of my decision in the debate which could have been done in any public forum, suggests to me, as it would suggest to any reasonable person, that the intent and purpose of the exercise was to deliberately violate the Standing Orders and to seek a confrontation with me in the National Assembly for reasons best known only to the authors of this exercise.



Dr. Luncheon seeks to divert attention from the real issue by accusing me of being wrong to allow the motion - “fundamentally flawed” he called it. Whether my decision was right or wrong is not the issue. The real issue is the manner in which a decision of the Speaker can be challenged. This can only be done by motion for the purpose and not by a Member in debate as Dr. Singh tried to do and as I vainly warned against privately. This attempted disrespect for the rules of the House, however politely expressed, is egregiously offensive and wholly unacceptable. It attacks one of the very foundations of parliamentary democracy - the integrity of the Office of the Speaker which must be protected if parliamentary democracy is to survive. If every time the Government, the Opposition or a Member disagrees with a decision of the Speaker and is permitted to attack that decision in debate, the Office of the Speaker will be quickly undermined and the independence of the National Assembly placed in serious jeopardy.

Let me make it clear. I shall defend the integrity of the National Assembly whenever and by whomever it is challenged for as long as I am the Speaker.

Request for Leave to Move the Adjournment of the Assembly on Definite Matters of Urgent Public Importance

68th Sitting dated December 22, 2008

EXTENSIVE FLOODING CURRENTLY BEING EXPERIENCED ON THE COAST

Preamble

The Speaker referred to a written request which he had received from Mr. Robert Corbin, Leader of the Opposition, to move the adjournment of the Assembly for the purpose of discussing the floods on the coastal belt. The Speaker, being satisfied that the matter was definite, urgent and of public importance and could properly be raised on a motion for the adjournment of the Assembly, and with the leave of the Assembly, allowed the request.

The motion accordingly stood over in accordance with Standing Order No. 12 (3).

Verbatim

Mr. Robert H. O. Corbin: Mr. Speaker, I wrote you earlier today seeking leave under Standing Order No. 12, asking you to grant me leave to move a Motion that this National Assembly stands adjourned to discuss a matter of urgent public