

RULING OF THE SPEAKER OF THE HOUSE ON STATEMENTS MADE BY THE PRIME MINISTER ON
SEPTEMBER 16, 2017

1. Honourable Members, at the First Sitting of this Third Session held on Friday September 29, 2017, the Member for Siparia and Leader of the Opposition was granted leave to raise a motion of privilege in accordance with Standing Order 32.
2. I indicated then that I would give my ruling at a later sitting. I have since carefully deliberated upon the motion that was presented by the Member for Siparia.
3. The facts are that the Prime Minister and Member for Diego Martin West is reported to have made certain statements to members of the media while being interviewed at a public event held on September 16, 2017.
4. As we all know, Members of Parliament regularly engage in public discourse outside of Parliament. Members speak at political rallies, town meetings, media conferences, and television and radio talk shows and I wish to seize this opportunity to remind all Members that our words, whether uttered inside this august chamber, or spoken in another forum, as well as our conduct, ought always to maintain respect, dignity and decorum.
5. Indeed, a wealth of case law has developed over time in relation to words spoken by Parliamentarians outside of the Parliament, and their legal implications and effect.
6. My role as guardian of the privileges of this House is to balance two principles: the principle that Parliament should be protected from improper obstruction of

its functions and the principle of freedom of comment of Members of Parliament and citizens to criticise the institution or membership of the Parliament.

7. In determining whether a prima facie case exists in the instant circumstance, and while balancing the aforementioned two important principles, the following learnings assisted with my deliberations.
8. During debate on a breach of privilege in the House of Commons, and in relation to freedom of comment, Gladstone stated as follows:

Breach of privilege is a very wide net, and it would be very undesirable that notice should be taken in this House of all cases in which Honourable Members are unfairly criticised. Breach of privilege is not exactly to be defined.

It is rather to be held in the air to be exercised on proper occasions when, in the opinion of the House, a fit case for its exercise occurs. To put this weapon unduly in force is to invite a combat upon unequal terms wheresoever and by whomsoever carried on...Indeed, it is absolutely necessary that there should be freedom of comment.

9. In 2000, Speaker Hunt of the New Zealand House of Representatives ruled as follows:

“For a statement to constitute a contempt by reflecting on Members it would have to allege corruption or impropriety on the part of the Members in their capacity as Members. Hard-hitting and contentious statements to which Members might well object, fall within the boundaries of acceptable political interchange”.

10. Applying the learnings above, I am of the considered view that while some may find the statement attributed to the Honourable Prime Minister objectionable, it is insufficient to meet the threshold required to find a prima facie case of a breach of privilege.

11. The statement made is too remote to attribute a reflection on the Members, Presiding Officers or staff of the Parliament. It is vague, and lacks the specificity required to qualify as a reflection on a Member or on the House.

12. I wish to quote from the Practice and Procedure of the Rajya Sabha:

“Speeches or writings containing vague charges against members or criticising their parliamentary conduct in a strong language particularly in the heat of a public controversy, without, however, imputing any mala fides are not treated by the House as a contempt or breach of privilege.”

13. Upon analysis, the statement does not go beyond the realm of political comment, and is too wide to be interpreted by a reasonable person to have brought the Parliament into disrepute and odium or impute any mala fides.

14. As Speaker of the House, I find it inconsistent with the dignity of the House to take any serious notice or action in the case of every offensive statement which may technically constitute a reflection on the House. I myself have heard comments made by many other Members in the public domain which, if held to a strict interpretation of privilege, could well fall into the category of a reflection.

15. It is for these reasons that I find no prima facie breach of privilege warranting the attention of this House.

16. And, I so rule.

November 10, 2017