

*Leave of Absence**Friday, October 4, 1991***HOUSE OF REPRESENTATIVES***Friday, October 4, 1991*

The House met at 1.45 p.m.

PRAYERS[MR. SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

Mr. Speaker: Hon. Members, the Members for Point Fortin (Hon. S. Wilson); Port of Spain East (Mr. M. Marshall); St. Augustine (Mr. J. Humphrey), Diego Martin West (Mrs. M. Hector) and Caroni East (Hon. B. Tewarie), have been excused from today's sitting.

SELECT COMMITTEE REPORT**Ombudsman's Office**

The Minister of Labour, Employment and Manpower Resources (Dr. The Hon. Albert Richards): Mr. Speaker, I have the honour to present a report of the Joint Select Committee of Parliament appointed to review legislation establishing the Office of the Ombudsman in order to strengthen that office so that it may provide more effective resolution of the citizens' grievances and curb bureaucratic abuses.

ORAL ANSWERS TO QUESTIONS**Construction
(Trade School)**

71. Mr. Kenneth Valley (*Diego Martin Central*) asked the Minister of Youth, Sport, Culture and Creative Arts:

Could the Minister kindly state when the Government plans to start construction of the Trade School in Diego Martin which was promised in the 1991 budget?

The Minister of Youth, Sport, Culture and Creative Arts (Hon. Jennifer Johnson): Mr. Speaker, the Government has decided that the Diamond Vale Trade Centre would be financed by FINCOR and undertaken in 1992. Efforts are now being made by the Director of Surveys to free the site of encumbrances.

National Investment Company

73. Mr. Kenneth Valley (*Diego Martin Central*) asked the Minister of Finance:

Could the Minister kindly state:

- (a) What is the total cost incurred to date on the structuring of the planned National Investment Company with special regard to:
 - (i) Foreign consultants fees;
 - (ii) Local consultants fees;
 - (iii) Advertising;
 - (iv) Travelling and upkeep;
 - (v) Other costs?
- (b) Whether the Central Bank has been instructed by the Government to meet these costs?

The Minister of the Environment and National Service (Hon. Lincoln Myers): Mr. Speaker, it is only appropriate that I give some background information on the establishment of the National Investment Company, as a prelude to my response to the questions posed by the hon. Member for Diego Martin Central.

You would recall, during the 1991 budget debate, it was proposed that the Government would consider establishing a State Unit Trust as a mechanism for discharging the liability to public sector employees. It was envisaged that the portfolio in this trust could comprise a percentage of the state shareholdings in the more profitable state-owned enterprises, and in its shareholdings in private sector companies. In satisfaction of the debt, units in the State Unit Trust would be issued to each public sector employee to whom Government owes arrears of salaries and wages.

After much deliberation, the Central Bank of Trinidad and Tobago engaged the services of Robert Fleming Holdings Limited—thereafter referred to as "Flemings"—the parent company of Save and Prosper Group Limited—an established international investment house. Save and Prosper Group Limited provided consultancy services to the Central Bank and was instrumental in assisting in the establishment of the Trinidad and Tobago Unit Trust Corporation.

Flemings was therefore, selected, not only because of the track record of the Save and Prosper Group, but also because of the unique requirements of the project which involved both corporate financial advisory services such as company flotations, equity fund-raising and expertise in the creation and administration of specialized investment vehicles, such as unit trusts, directed at individual investors. Additionally, Flemings has worldwide experience in these activities in both developed and developing countries, where particular care is required to cultivate emerging capital markets.

Hon. Members will also recall that the Central Bank of Trinidad and Tobago was involved in the promotion of the Trinidad and Tobago Unit Trust Corporation, which was established in 1982 and this funding was accommodated under section 36 of the Central Bank Act of 1964. To facilitate the project, and after consultations between the Ministry of Finance and the Central Bank, the Central Bank engaged the services of two independent accounting firms to assist the consultants in the projects, including valuations of the assets of the companies.

Flemings was also contracted by the Central Bank, after consultation with the Minister of Finance, to provide advisory services and an evaluation of the proposals for effecting the Government's plan to discharge its debt to the public sector employees as outlined in the 1991 Budget Speech. Flemings undertook a feasibility study from mid-February to March 31, 1991. The study recommended that the technical mechanics of the projects, while somewhat complex, were feasible. It emphasized the importance of commencing technical and analytical work for establishing the state's liability, as well as for putting in place appropriate mechanisms to allow the selected state enterprises to commence flotation exercises at the beginning of 1992. For the provision of these corporate financial services, Flemings received a fee of US \$150,000 and out-of-pocket expenses.

1.55 p.m

On the recommendation of the Minister of Finance and with Cabinet approval, the Central Bank engaged the services of Flemings as financial advisors to the bank and the Ministry of Finance. Flemings' role in the contract involved advice of the implementation of the plan as proposed by Government and to monitor and control the process. This entails helping establish the work programme, providing advice and technical support, and then seeking to ensure that the plan is successfully achieved within the authorized timetable, and dealing with all the various parties involved. In undertaking the mandate to manage the project,

Flemings has made a major commitment of personnel resources with some members of the team being assigned full time on the project in Trinidad and Tobago, and others spending significant portions of their time, both in Trinidad and Tobago, and in the United Kingdom.

The Government has also agreed to the hiring of consultants, accountants and legal advisors by the state enterprises to facilitate the process. The cost of these advisors is being met by the state enterprises considered for inclusion in the National Investment Company. Additionally, Government has engaged a firm of consultants to develop and implement an appropriate marketing plan, consistent with the work programme for the establishment of the NIC. This cost is being met by the Government of Trinidad and Tobago.

On the basis of bills and invoices presented so far to the Central Bank of Trinidad and Tobago, total expenses paid to September 27, 1991 are as follows:

Foreign consultant fees	\$2,887,500.00
Accounting consultant fees	\$ 181, 488.92
Travel and upkeep	\$231, 803.68
Other costs, including reimbursables to foreign consultants for air travel and other out-of-pocket expenses and accommodation	\$298,446.13

The total accumulated cost to September 27 is therefore \$3,599,238.73. Invoices for advertising have not yet been presented to the Ministry of Finance. The local legal consultant's fees, for April to September are now being processed.

The Central Bank, after consultation with the Ministry of Finance, agreed to become involved in the initial funding of the project as it did in the promotion of the Trinidad and Tobago Unit Trust Corporation, which was established in 1982. This funding is being accommodated under section 36 of the Central Bank Act 1964.

Mr. Valley: Mr. Speaker, you would know that I am afraid to ask the supplemental question because I may have him for another hour. However, I wonder whether the Minister would inform us of the total amount billed to date. He informed us that up to September 27, the amount paid is \$3.5 million. I wonder

whether he has the figure for the total billing to date and secondly, whether there are any local costs other than legal fees?

Mr. Myers: You would recall my saying that with respect to advertising, that cost has not yet been paid because we have not received all the billings and invoices. Therefore the total cost in that sense is not possible.

Mr. Valley: I asked for the total bill to date. The Minister informed us about total payments made to date. I am asking very simply, what is the total bill to date. I am not concerned about advertising. The Minister informed us that he has not received an invoice for advertising as yet. I want to ask the Minister if his lengthy brief did not include the amount billed to date?

Mr. Myers: I gave a comprehensive answer to the question. I am not pursuing it any further.

**ADJOURNMENT MOTION
(LEAVE)**

Mr. Eden Shand (*St. Ann's West*): Mr. Speaker, I rise to seek leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance.

The matter concerns the arrest by armed policemen over the last two nights, of members of the community of performing artistes, while in peaceful pursuit of their art. The arrests which concerned the alleged use of obscene language during a staging of the play, "Home Sweet Home", at the Central Bank Auditorium has been reported in both dailies as having occurred.

I was a witness to the arrest last night of an actor named Heathcliffe West for whom I stood bail in the sum of \$15,000. The records of the CID Headquarters would bear testimony to the definiteness of the matter.

The matter is urgent because of the bloodshed that could result from a repetition of such acts by the armed police. The performing arts community, claiming that their constitutional rights and their artistic integrity are being abused are determined to continue with the performance of the play tonight, and are becoming increasingly incensed about what they see as police harassment.

The police on the other hand, appear determined to stop the show and enforce the law as they see it. A huge crowd of demonstrators sympathetic to the artistes is expected to confront the police tonight. In order to stave off disaster, I think it

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would be useful for this House to debate the matter, so that the actions of the police could be guided by the views of the representatives of the people.

The matter is of public importance because of the nature of the occasion when innocent members of the public, in their capacity as members of a theatre audience, might be exposed to bodily harm if the confrontation gets out of hand. Needless to say, the censorship of theatre by the Criminal Investigation Department is a matter of great public importance and indeed concern beyond the instant matter.

2.05 p.m.

It is my sincere hope, Mr. Speaker, that you will be satisfied that the matter is of definite, urgent, public importance so that you would grant such leave.

Mr. Speaker: I do not think that it qualifies under this Standing Order. Sorry.

Mr. Shand: I do not know if I made the urgency of the matter forceful enough because not only is there a conflict imminent tonight but there is the other aspect of jeopardizing our much prepared for CARIFESTA which, according to my information, the performing artistes and the artistic community as a whole is so incensed by this matter that they have decided to withdraw their support of this important occasion as of tomorrow. I do not think we would want to see CARIFESTA jeopardized by an occasion of this kind—by the foreboding imminent conflict that might take place tonight.

Mr. Speaker: I have given you the opportunity to record your concern. As I said, it does not really fit into the Standing Order. At least this particular Standing Order.

SHIVA DHARAM SABHA BILL

Question put and agreed to, That a bill respecting the Shiva Dharam Sabha of Trinidad and Tobago, be now read a second time.

Bill accordingly read a second time.

Bill referred to a special select committee of the House appointed by the Speaker as follows: Dr. Anselm St. George, Chairman, Mr. Jenson Fox, Mr. Kenneth Butcher and Mr. Raymond Palackdharrysingh.

TAKING OF HOSTAGES BILL

Bill to give effect to the International Convention against the taking of hostages opening for signature at New York on December 18, 1979, [*The Minister of External Affairs and International Trade*]; read the first time.

INDUSTRIAL RELATIONS (AMDT.) BILL

Bill to amend the Industrial Relations Act, Chap. 88:01 and for related purposes [*The Minister of Labour, Employment and Manpower Resources*]: read the first time.

**MRS. MURIEL DONAWA-McDAVIDSON
(RESIGNATION FROM PNM)**

Mrs. Muriel Donawa-McDavidson (*Laventille*): Mr. Speaker, I just have a small contribution on the Telecommunication Authority Bill but before doing so I would like to crave your permission to indicate to this House my new status in the Parliament of Trinidad and Tobago. Mr. Speaker, life is a journey. It has been said that every virtue and every prudent act is founded on compromise and that no democratic government could endure conciliation and compromise. The same could be said of political parties. However, there comes a time in the life of an organization or an individual when one must determine whether one will sacrifice self-respect and fundamental human principles at the altar of compromise. For me, in this honourable Parliament, that time has arrived.

I am a foundation member of the People's National Movement and have been in public service since its inception—an organization that gave me and many citizens of this country a fine opportunity for growth, expansion and development. I am one of the group pioneers, who had a vision of our country and who, as a youth attending the Coffee Street E. C. School, had the nerve and the courage to write to Dr. Eric Eustace Williams at that time, when he worked in the Caribbean Commission, saying to him that I felt that it was men like him who were responsible for the position in which the West Indies found themselves, because when they had gifts they thought it necessary to marry foreigners, work in foreign countries, work in selected areas rather than serve the people of the country. My strength for writing that letter was that I did not know him, he did not know me, he would never know me and I would never know him.

As I said, the vision for this country, was really motivated by a great passion for social justice and equality of opportunity for all within a democratic process. I was inspired by the late “Father” of the nation—and I will continue to call his name in spite of whoever believes that I want to resurrect the dead.

Dr. Eric Eustace Williams was one of those who formed the government and under him later, Mr. George Chambers—two leaders under whom I have had great

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pleasure working and whose confidence I enjoyed. Along with my other ministerial colleagues, we worked to bring this nation from the state of crown colony to an independent republic within the Commonwealth. We brought justice, fair play and equality to the process of good government and I do hope and pray that future governments will continue working towards this ideal. We who today are callously referred to as the “old PNM” established a reputation in every nook and cranny, at home and abroad as a caring government. This is a legacy which the so-called “new PNM” claims as its hallmark even without being elected to office.

2.15 p.m.

Mr. Speaker, we faced innumerable problems and we did not always share each other's views, and I, in particular, from the first day I entered politics, always made certain that I expressed my point of view. It may not necessarily be right or wrong, the fact remains that the democracy of the party allowed that to happen. But we were always ready to compromise in the national interest. We had a firm and responsible leadership and we were made to feel and, indeed, were part of the process. It is a natural result of the democratic system which we in the PNM nurtured and developed that governments could change, and so it occurred in 1986 when the majority of the people opted for a change peacefully, and voted the NAR into office. In the aftermath, the PNM decided to appoint one of the three successful PNM candidates, Mr. Manning, to be political leader. In the spirit which has symbolized the party, we were all prepared to compromise and co-operate to ensure that the party remained active and powerful. However, gradually, at first, and more swiftly, I, and many others like me, witnessed a dramatic change in the manner in which the party matters were being handled. Suddenly it became clear that the PNM which was founded had been hijacked, Mr. Speaker, and that it is now under the influence of a group of people who had done little to promote the growth and development of the party, many of whom have been identified, with efforts to discredit and de-stabilize the party and secure its demise.

For the first time in the history of the party, the political leader had his own way and presented to the party a slate of candidates. Applicants who did not find a place on his slate became the subject of well-orchestrated slander and even *mauvaise langue*. The views of the one who likes to be called the “maximum” leader, had to prevail. Gradually, Mr. Speaker, we noted within the party and even outside, the work of our modern-day machiavellian supporters who were in the field undermining those who were considered intellectually superior, or who were

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believed to present threats to his vaunting ambitions to become Prime Minister at all costs.

Mr. Speaker, the most alarming qualities of the political leader began to emerge when time came to consider the selection of candidates for the PNM. Some members called it "Patrick's National Movement." The emphasis was not on, where the wishes of the party members or the constituents were considered, but was placed by the leader on the people with whom he could work. Community service, experience, competence and even party identity, did not seem to matter—I am really very sorry that he is not here in Parliament today—blind loyalty, servile self-seeking, flattery and a willingness to pretend that problems could be solved by the mere wave of the leader's magic wand were the preferred criteria.

Mr. Speaker, some of these allegations that I am making today in Parliament, I have raised in the general council of the party.

I fell victim to the crudest and most vicious type of political undermining that I have ever known or witnessed in my life when I courted the leader's disfavour by announcing that I would be offering myself as a candidate for the Morvant/Laventille seat. The pressure has even been extended to economic matters, but that will be dealt with later on. I will stay quiet on that for the time being.

What crime have I committed? And after being described in such a manner, Mr. Speaker, what is amazing, is that on the night when the statement was made at the request of the political leader—I mean I am going so far to do whatever I can to save the PNM—I made the public announcement that I would not be submitting my name as a candidate for Laventille. But subsequently, because of the appeals and the demonstrations and so on in the constituency I decided to submit it for Laventille/Morvant.

After that meeting, Mr. Speaker, I was called the "Mother" of the party. I was also told of the talents that must be made available to the country and that I should remain and campaign on the platform of the party. I shall not be now subjected to vilification. What I believe is, that I did not fall for the offer to be made a Senator when the political leader became the Prime Minister.

You will be surprised to know—and I feel very embarrassed and very ashamed because it was my feeling that as a founding member, the only one that survived, winning the last election and a young member of the party coming out of the youth

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league, that it would have been an excellent opportunity for continuity in the party, to really work along and assist in taking this party forward. You will be surprised to know that the man who seeks to lead this nation, who would rub shoulders with leaders of the world, would use false, mischievous and puerile reasons to seek to discredit me before the constituents whom I have served so faithfully and well.

In response to the instituted support for me and their insistence, he has given his reasons for not wanting me and I state the reasons: I am a non-performer. I have done little in my public life. I make few contributions in the Parliament and only spoke in Parliament when my leave money was involved. I have to laugh at that. He alleged that one day in Parliament I walked past him, in his chair, hit the chair so hard, he almost fell over and got a whiplash. A few nights ago he said he could not work with me. It has become quite clear to me, therefore, that the political leader does not want me in his new creation, the “Patrick’s National Movement.”

In fact, I have felt this way for some time. Let me indicate for the records that during the period in the party when I insisted, against his will, to contest the post of chairperson of the women’s league of the party—he, like me, has his democratic right to campaign—I campaigned quite successfully. But things did not go as this normally would have in a convention where votes are concerned and, at that time, Mr. Speaker, noting what would likely happen down the road—and I am speaking about four years ago—I handed in my resignation and told him that if this is the direction the party will go, I am out. He refused to accept it. In this regard I have not been alone.

I grieve today because the party which I helped to form and which had such lofty ideals no longer exists. Something terrible has happened. The original ideas and ideals, have just disappeared and I find it difficult to associate with what is now called the “New People’s National Movement” where I am obviously, not by philosophy, not by belief, could be any part of. I could give many more examples, but at another time.

From today, therefore, I will no longer be a member of the transformed People’s National Movement. I am now an Independent Member of this honourable House. As long as this Parliament is in session I will continue to seek the interest of the people of Laventille. This is as good a time as any to ask the Members opposite, particularly, the Minister of Works with whom fortunately, I have had a cordial relationship, to continue in the efforts that he has made on behalf of the representative for Laventille and the people.

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Mr. Speaker, he toured with me in the Coconut Drive area, the Malick Senior Comprehensive School, and the Malick Government school, where there has been some terrible problems. Some work has started and I hope in spite of whatever programme he has, that he would see the wisdom of continuing to work in that area.

2.25 p.m.

I would hope, Mr. Speaker, in spite of whatever programme he has, that he would see the wisdom of working in that area in particular—I think I nearly choked him in the tea-room last Friday, but he asked for some mercy and I allowed him to have that mercy—the completion of the bridge. I must say that the Member for Port of Spain North, has been most helpful in helping to get some steel in order to provide the bridge. If they do not, then I will not promise them a demonstration, I may promise them something else.

Also, the hon. Member for Ortoire/Mayaro, I think last week, again, Mr. Speaker, I told him about the concerns of the people of the area for the health centre. He assured me that the drawings were being done. I have heard that from the previous Minister. I will be on his back until that health centre has started. When you start, I will know for sure that it has started.

Mr. Speaker: Do you have many more of those requests?

Mrs. Donawa-McDavidson: I will hold them, Mr. Speaker. My main concern, however, has been and continues to be to serve the people of Trinidad and Tobago. I will continue to offer myself to serve the people of Laventille and, for that matter, any other part of the country which may need my help.

For me, it does not matter where a person is from, how much money he has, or what is in his father's pocket. What matters is one's ability to develop one's self-awareness and inner strength. For though times may be tough, we must always remember that tough times do not last, but tough people do. I happen to be among the toughest persons that you could find anywhere in the world.

I should like to continue to help motivate the people of this country, particularly the people from the background from which I have come, to discover their gifts which we all have been given by the Creator. One of my greatest desires, when I became politically aware, as a teenager, was to raise funds—Mr. Speaker, I want you to listen to this carefully—for Dr. Williams to open a college at Wallerfield. I did not see myself as a politician in the Parliament of Trinidad and Tobago.

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Today, I have lived to see that my desire has come to fruition, and I made reference in the last debate, and today, I want to put this into the record, that one of my greatest desires has been the establishment of a Chair in Caribbean Studies at the University of the West Indies. I am more than happy to receive a letter from the daughter of the late Dr. Eric Eustace Williams. Will you permit me to read it?

Not really? Okay. The letter is commending the initiative taken on behalf of her father to do this particular Chair. The Chair has, in fact, been launched, and that is only the beginning. I am appealing to this present Government, or for that matter, any individual or corporation who would like to assist in raising \$2.5 million which is required for this most worthy venture to become a reality.

I feel very strong that the people of this nation owe it to themselves to pay tribute to this great son of the soil, not only of Trinidad and Tobago, but of the entire Caribbean. There is need for a professor, and for this Chair to provide a degree up to Ph.D. Since Dr. Williams was committed to Caribbean unity, it is my belief that such a Chair would contribute greatly to achieving the Caribbean unity which is so urgently needed today.

Finally, Mr. Speaker, let me say that my political future, as I have always said before, from the first day I entered politics, is in my hands. I will determine what course it takes. Let me assure you that I intend to die with my political boots on inside or outside of the Parliament. I pray for this nation in fervent hope that it would reap the rich rewards of peace, good health, happiness and progress. The democracy that will make this happen, as this nation works, with other parts of the world, towards the next century.

TELECOMMUNICATIONS AUTHORITY BILL

[SECOND DAY]

Order read for resuming adjourned debate on question [September 27, 1991]:

That the bill be now read a second time.

Question again proposed.

Mrs. Muriel Donawa-McDavidson (*Laventille*): Mr. Speaker I shall now make my small contribution to the debate on the Telecommunications Authority Bill. First, I should indicate that I am supporting the bill. Last week I had to draw to the attention of the hon. Senator when he made reference to the length of time that this bill has been in place. I think I would want to put it in the record. He said

15 Years. November 1986, legislation was prepared, but unfortunately, Dr. Cuthbert Joseph did not bring that bill to Parliament.

In March, 1987, it was reviewed, in keeping with the policy. The area of concern, is that about three years ago, the Caribbean Telecommunications Union was established, and in looking at the bill, one sees that reference is made to the fact that much of the application of this bill must be undertaken with the active participation of the Caribbean Telecommunications Union.

Mr. Speaker, I would like to know—probably the hon. Member would let me know—what has been the status of this particular union since three years ago. I am not aware that any statements *et cetera*, were made, although taxes were paid. We are not really benefiting and I think that Trinidad and Tobago was successful among other Caribbean islands to be able to have Trinidad and Tobago as its headquarters.

I also want the hon. Member to know, as I have said in all previous bills, that it is very necessary, when bills are passed, that the population recognizes what is involved for them. It is essential, particularly in this period of unemployment, that as much information be given as to the areas of employment opportunities, whether by way of advertising, downstream industries, by making equipment or whatever it might be, so that our talented citizens, would find the opportunity to participate and become involved.

On page 3, Mr. Speaker, Part 6, I became a little frightened when I understood that it is possible to be prosecuted for so many acts—you know, there is so much warning if people are found doing this and passing on information and damaging communication services, *et cetera*, they will be prosecuted—when I recognized, further, the skills and talents of the people of Trinidad and Tobago where it seems that anything you do, somebody can do it better, I hope that the motivation and all that is required will be done to ensure that we do not have a repetition where the skills of people are misused in destructive ways.

This is my small contribution, Mr. Speaker, and I hope that the Government would understand the need and the purpose when bills are passed in Parliament to allow the population to really become aware, in the simplest form, of the implications and what are the values to come from these bills that are passed in Parliament.

Mr. Raymond Palackdharrysingh (*Naparima*): Mr. Speaker, as it is my custom, I would like to offer some support and consolation to the Member for Laventille, and if it means anything, to offer to the remnants of the PNM, “dust to dust, ashes to ashes.”

Mr. Speaker, the bill before us, the Telecommunications Authority Bill, 1991, indicates on the explanatory note, and I quote:

“The main object of the Bill is the establishment of an authority that would be responsible for and regulate, in Trinidad and Tobago, telecommunication services and certain apparatus used in those services. The regulation of telecommunication services along the lines proposed in the bill, would discharge this country’s obligations under the Convention of the International Telecommunications Union of which Union Trinidad and Tobago is a member.”

In Part 2 clause 18 indicates that:

the primary functions of the Authority are—

- “(a) to formulate policies governing the development of telecommunications subject to the approval of the Minister and ensure compliance with those policies;
- (b) to formulate, on consultation with producers, broadcasters and the general public, policies governing all broadcast material and to ensure compliance by broadcasters and producers;
- (c) to determine and implement national telecommunications standards and regulations and ensure compatibility with standards of the International Telecommunications Union and other international and national standards;
- (d) to advise Government on positions and policies relating to telecommunications issues at international, regional and national levels;
- (o) to plan, supervise and regulate the use of the frequency spectrum.”

Mr. Speaker, as I looked carefully, once again, at the NAR’s manifesto quoted by the Minister in his presentation on page 47, I merely wish to read again those lines from the manifesto.

“The NAR will consider the establishment of a national communications authority to:

- (a) Issue and monitor broadcast frequencies.

- (b) Ensure the improvement in broadcast content.
- (c) Encourage to the maximum localization of transmitted materials subject to required standards.
- (d) Support the industry to expand into an operation of high technology.
- (e) Inform the public about advances made worldwide in the field of communications.
- (f) Make recommendations to update the related laws.”

Mr. Speaker, the intent of the bill, as read, and the manifesto, seem to have a fundamental difference in that the manifesto does not indicate that the National Telecommunications Authority would formulate policies with regard to telecommunications. That is important, because the formulation of policies with respect to telecommunications must be considered a very delicate and sensitive issue that must be properly handled and maybe at some other point I would return to that point, because it has tremendous importance in the Telecommunications Authority Bill.

As I looked through the speech of the hon. Minister, presenting his arguments in piloting the bill, I thought that it was an exercise in which he rambled a lot and then attempted to indicate that there were going to be certain benefits if a bill of this nature were accepted, benefits to the extent that there would be increased employment and enhancement of opportunities for outstanding native talents and creativity. Of course, these were merely passing references and did not really show in what economic sense it was possible; he then indicated that it was possible that there were prospects for converting the industry into an export-oriented one.

Mr. Speaker, of course, he touched on policy-formulation, licence fees and accountability, and a code for the broadcasting industry. But I wonder whether he did justice to these issues. He made quite a number of references to the White Paper and, in making those references, he indicated that the bill did draw much of its substance from the White Paper.

I want to ask: What is the philosophical concept behind the notion of this bill, in the sense that if you are bringing telecommunication to a country as an opportunity for advancement, what are the perspectives in which the bill would fit? Mr. Speaker, he has given a statement to the extent that we must begin to catch up with modern telecommunications and technology. But I am wondering, what is the location in the context of our development that this bill is placed? Is it in the

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context merely of catching up with technology, different technologies in different countries, particularly the developed countries, or whether or not telecommunications must be related to the entire developmental process of the nation? Whether, for example, the telecommunications operations envisaged would merely be an extension of the transnational corporations in our country, bombarding us with their advertisements, with their products, and their value system, and therefore the Telecommunications Bill is merely to enhance that, more or less, to be the recipients of information in the dual process of information out of our country into other countries. I think, Mr. Speaker, that has to be an important consideration for us, because the world is striving for a new information order where some of the disadvantages, particularly of developing countries, would be addressed.

Mr. Speaker, let me go back to the White Paper for a minute and look at what is the definition given with respect to telecommunications. On page 3 of that White Paper, "telecommunication" is defined as:

"...any transmission, emission, or reception of signs, signals, writing impulses, images and sounds or intelligence of any nature by wire, radio, optical and other electro magnetic systems. Telecommunication may be divided into two principal areas: First, broadcasting which refers to radio or television, these being one-way services, primarily for information, education and entertainment. Secondly, telephone, telegraph, telex, data terminals, facsimile, teleconferencing etc., which are two-way systems for interchange of information between people. Telecommunication is a medium for handling information, and as a nation goes through its developmental process, information plays an increasingly important role in the economy, both as a complement to other investment and also as an agent of growth itself."

Now, Mr. Speaker, granted that this definition is given is there any way that the bill itself seeks to operationalize this definition with the sort of total definition given in this White Paper?

So, Mr. Speaker, what I am saying is, whether this bill is looking at a situation in which Trinidad and Tobago is not merely the recipient of values and advertisements, whether we have an opportunity to get some of whatever we have got to offer, packaged for transmission abroad, I believe for too long we have merely been the recipient of packages of information that have built in us a consumption pattern that does not suit our climate for development and,

therefore, we recognize, like everyone else, that freedom of information is fundamental. As the United Nations in 1946 declared, and I quote:

“Freedom of information is a fundamental human right, and is the touchstone to all the freedoms. Freedom of information requires as an indispensable element, the willingness and capacity to employ its privileges without abuse. It requires a basic discipline, the moral obligation to seek the facts without prejudice and to spread knowledge without malicious intent.”

So, Mr. Speaker, those are some of the issues in terms of a wider philosophical understanding with respect to the state of development that the country is in, and its appropriateness and the appropriateness of this bill situated in the context of that development.

Mr. Speaker, I wondered very much how it was that the Minister alluded to the White Paper in his presentation, but failed, really, to indicate that there was an addendum to the White Paper on telecommunications. I therefore want to enquire, with respect to that addendum, in the first case, who really prepared it, and what use was made of it, because it seemed to have come from the Government Printery of Trinidad and Tobago in 1988, and in that addendum, there were issues being raised with respect to the draft Telecommunications Authority Act of 1987. It made certain, very salient points and it indicated that—and I want to quote a few lines from this, Mr. Speaker:

“In accordance with the approach and principles adopted in other countries and in the quest of commonsense, realism and practicality, the following general principles and guidelines should form the basis of a Telecommunications Authority:

- (1) The main function of the Authority must be regulatory and ensuring compliance with the terms of licences, concessions and allocated frequencies.

Any involvement of the Authority in the formulation of policy or in development, and research aspects of telecommunications, broadcasting and information services and facilities, or in the harmonization of such activities, must be purely advisory to the Minister.

- (2) Government, through the relevant Minister, is responsible for telecommunications broadcasting and information policy and that

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fundamental responsibility should not be delegated or placed in subordinate hands, since such governmental policy must take into account and be formulated and considerations, totally outside of the ambit and responsibilities of any Telecommunications Authority embracing:”

and identified with—

- “(i) Foreign policy, International Relations and International Law;
- (ii) International and Regional Trade (as well as domestic trade and economic activity);
- (iii) The legal and decision-making structures of the various public and private telecommunications entities and their relationships through their Boards of Directors to the various Ministers to whom they are responsible for corporate matters on the one hand, and for the functions and services they provide on the other, in the fields of telecommunications, broadcasting and information.”

2.55 p.m.

Mr. Speaker, I am sure that the Government had the benefit of this addendum and it must have come from a group of people who saw some of the pitfalls that the draft bill, and even the present bill, would have led to. It is very pathetic for one to see what the Government is bent on doing. You take the bill and you place authority of telecommunications strictly in the hands of a board.

The point has been made, and it should be made again, that in the bill, there is awesome power in the hands of persons who will be appointed to that board. It indicated that the appointment of the board will be made by the Prime Minister in consultation with the Leader of the Opposition. We have always had difficulty with the term "consultation". What exactly does "consultation" mean? Is it to inform the Leader of the Opposition that this act is being carried out, or to seek from the Leader of the Opposition, points of views and effect compromise on the matter of selection? It would seem that there is a feeling that "consultation" means merely to inform. If that is the position, then this, of course, is a very unhealthy situation and one has to again look at that situation.

Because of the fear of merely political appointments, the addendum indicated that members of the board should be drawn from certain areas. That might have given to them some measure of relief because they felt that if members came from

particular sections of the telecommunications at least it would be reflective of a broad interest. As it is, the bill really would not even give that minimum amount of credible selection of persons who would serve on a very delicate board with respect to telecommunications in the country.

Mr. Speaker, there are several areas in the bill that seems not to be very well received. If we look at the functions in clause 18 of the bill, subclause (f) would indicate, and I quote:

- (f) to review and revise policies, regulations and licence fees governing all telecommunication services."

I am of the view that this ought not to be the function of the Authority because here taxation is involved and if there is taxation, it is really taking away a function of another organization, and therefore this has to be looked at.

It has entered by way of function, and I quote:

- (l) to determine tariffs for all internal and external telecommunication services for public correspondence, other than those provided by a public utility and in respect of which tariffs are determined in accordance with the Public Utilities Commission Act..."

The point here is that the board, having had other functions, is now in a position to look at licences and determine tariffs, and that would seem to be taking away the role and functions of another appropriate authority.

The bill seems to have entered into the domain of the violation of human rights. When you look at Part V, in clause 44, you will see that, and I quote:

- "(1) An inspector may, at all reasonable times, enter any place, vehicle, ship, aircraft, vessel or other contrivance from which any telecommunication service is carried on, or in which any telecommunication apparatus other than apparatus referred to in section 37 (6) is located, and—
- (c) search, where necessary with the assistance of any other person, for any apparatus, articles, books, records or documents that may afford evidence of contravention of this Act;
- (d) seize and take away any apparatus, articles, books, records or documents if it appears that there has been a contravention of this Act;

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- (e) require the owner or person in charge of the place, vehicle, ship, aircraft, vessel or other contrivance to give him all reasonable assistance in the examination or search including the answering of questions."

This I think is a most serious infringement on the rights of people, and therefore some of these provisions ought not to have been in the bill.

3.05 p.m.

I want to take a look at the offences under clause 48, we see the fine and imprisonment terms. It is not "and/or" it is simply and". Let me read an example: clause 47:

"A person who knowingly transmits or circulates false or deceptive distress, safety or identification signals is guilty of an offence and liable on summary conviction to a fine of fifteen thousands dollars and to imprisonment for three years, and on indictment to a fine of fifty thousand dollars and to imprisonment for seven years."

I am wondering whether or not this requirement, in terms of conviction, is not too harsh. Why could there not have been a softening of the penalties? Not that it would have either been one or the other or with the option, but not both.

We see the same provision in 47, 48(1), 48(2), 50, 51, 52 and 53. Therefore, I believe that some of these sentences are not commensurate with some of the offences committed and therefore, it has ruled out the possibility of the discretion of judges when it gives both and not "and/or" or simply "or". Therefore, I am going to ask the Government to look at that matter again, because once this becomes law, there shall be no discretionary powers for judges and I am afraid there will be no leeway for more appropriate sentencing.

Again, we have had some situations that I am not happy with in terms of finance. I want to look at the financial provisions in clause 63(1) of the bill:

"The Authority shall—

- (a) keep proper accounts and records in respect of its operations; and
- (b) prepare a statement of accounts in a form which conforms with established commercial accounting principles in respect of each financial year.

- (2) The accounts required to be kept pursuant to subsection (1) shall be audited annually by an auditor appointed by the Authority and approved for such purpose by the Auditor General."

I am very worried sometimes when statutory bodies are established and they do not fall within the ambit of the Auditor General's Department. You see, if the Auditor General's Department audits the accounts, the Parliament would have the benefit of any irregularities in terms of notes of evidence before it. That is some measure of accountability. If the accounts of the authority are merely audited by auditors outside the Auditor General's Department, it would seem that the Parliament, especially the Public Accounts Committee, would not have the benefits of the Auditor General's comments, observations and advice. I see absolutely no problem whatsoever, in having the Auditor General's Department audit the accounts of this authority so that proper accounting would be ensured.

One is well aware that after many, many years, the Auditor General's Department has not been assisted to do its work by the provision of adequate staffing and resources. Be that as it may, as an organization, as an instrument of this Parliament, it takes its work seriously, and therefore one would think that that is the way to go in terms of accounting.

I am sure that you would agree that you would want a manner and procedure to be followed whereby there would be no doubt as to the accountability of a statutory authority. Therefore, I am calling on the Government, once more, to allow the Auditor General's Department to be the authority to audit the accounts of this telecommunications authority which is going to be set up. Otherwise, it would seem that there might be some way where accounts could be procrastinated and we know that the Auditor General's Department, even at the present time, is still auditing accounts of entities and bodies, as way back as ten years. So you see what is happening in that situation.

The answer to the problem—if there is one in the Auditor General's Department—is that they must be provided with adequate staffing. Also why some of these entities are not audited on time is that they do not respond; and it would be much more difficult to get a response when these authorities do not have to be really audited by the Auditor General's Department. This must be looked at again, and I believe the way to go is to have the Auditor General's Department audit the accounts of this entity.

It is provided that the Authority may, with the approval of the Minister, vary its financial year. Now, I would like some explanation as to that provision, because, if along with other funds that might come the authority's way, the Parliament has to contribute, what would be the system of accounting in terms of timing. Because if this authority has the option—with the approval of the Minister—to vary its financial year, it might be indicating that a situation would emerge where that might be a difficulty with respect to the releasing of funds to get work done at the appropriate time. As well, there would still be the constraint with respect to the timing of budgets presented in the Parliament for allocation of resources.

Therefore, I feel that this provision needs a clarification to the extent that we would know exactly what is happening in terms of financial management and what is envisaged in this situation.

In Part IX, clauses 71, 72 and 73, deal with the security of the state. Here there is the feeling that these provisions are not really necessary because once it is an indictable offence, the courts may well be able to take care of these matters. At clause 73, there is quite a provision that says:

"Where on an appeal against a direction made by the Minister under section 71, the Minister certifies that in his opinion it is contrary to public order, public safety or national defence to disclose the grounds for believing that the appellant was using the means of telecommunication, of which he was deprived, for purposes dangerous to the security of the State then, unless the High Court or the Court of Appeal, as the case may be, thinks fit to order otherwise, the Minister is presumed to have had reasonable grounds for so believing."

3.15 p.m.

Is that provision not short-circuiting some of the usual provisions for criminal acts? Are we, in a sense, giving powers that would abridge the fundamental human rights of people, with respect to their right to be brought before the courts, and to be tried in a fair manner? I believe that all these clauses (71), (72) and (73) ought to be deleted from the bill. They really infringe human rights. I think that our judiciary and our system of law has provided adequately to deal with offences which are indictable and therefore the Minister must not be given, on the grounds of belief, the authority to determine to what extent the law would take its course.

Not only is it increased power in the hands of the Minister, but it is a shot against the justice system. It is something which would seem to indicate that there is no feel for it in the system of the judiciary, and therefore the authorities and the executives are now usurping some of the functions of the judiciary. I think this is a serious matter and I would suggest that the Government delete those provisions. They are not really necessary in this bill. Leave justice up to the courts.

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

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [Mr. B. Panday]

Question put and agreed to.

Mr. Palackdharrysingh: What is extremely worrying about this bill, is the fact that there is no code appended to the bill. While the bill will make for the general directions and for instituting processes, there are some issues which are very serious and must, of course, be dealt with by a code of conduct, if you want to indicate what ought to be. This bill, without a code, is a bill which would allow abuse. The code is important because the bill must sensitize with the obligations and principles must be followed. If this code is not appended or worked out, the bill would hardly be functional in that, when it comes to matters of information, the ownership of mass communications, and the way that information must flow, you might find that if the Authority has taken a decision because it is forming policies, that there is no recourse to some measure of redress.

Again in broadcasting, there are always obligations to the community and so very often we find that there has been injustice to persons or groups, and if there is no law to maintain or no means to maintain objectivity and to correct errors, we would be in a position in which some members of the society would be victims of those who handle and control information flow.

You must also recognize that information of activities and policies of Government and other groups must always be made. We know for a fact, that at the moment, even in this Parliament, information about what happens here is not transmitted to the community at large because there is no code. Very often you speak here and the media broadcast to the nation what perhaps is the directive of the Government, and if they show a Member speaking for a few seconds you would not hear that voice but they would give their own interpretation of what is said. Therefore, the impartiality of information is important.

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I just want to read in the records a letter coming to me dated July 17, 1987, sent to the hon. Nizam Mohammed, Speaker of the House of Representatives, in Port of Spain. and to indicate what it says:

"Dear Mr. Speaker,

I am almost ashamed to raise with you the present status of our proposed parliamentary affairs television programme. As you know, AVM has been trying to convince Trinidad and Tobago Television to accept and begin transmission of this programme, since January 1987, but the history of our efforts to produce such a programme goes back to June 1983 when we first proposed it to TTT.

You may be wondering what is the problem. I do not know and wish somebody would explain. I think I ought to let you know more of our efforts since you, along with other parliamentarians, express support for such a programme, and especially since you spent such a considerable amount of your time with us in the preparation of the first few programmes.

We accelerated our efforts of transmission in January this year and in the light of the new importance given to Parliament since December 15, TTT appeared to show an interest in the concept and purpose of the series, but indicated that a pilot and sponsorship would be necessary despite our approach in 1983. So we took the concept further, went out and started producing the programmes.

You will remember when we spent a whole day with you and found a sponsor at the Trinidad Cooperative Bank who was willing to support the first thirteen programmes. We advised TTT and as recent as 15th May, 1987, raised the subject by way of correspondence again. At the present time there are some 60 tapes with programme material lying on our library shelf, but there continues to be a deafening silence on the part of TTT."

3.25 p.m.

Mr. Speaker, this letter was signed by Dale Kolasingh. It went on to indicate some other problems. But this is just to indicate that if there is no code, information will not flow the way it ought to, and right here we are seeing an example of that sort of conflict. We know for a fact that some time ago there used to be a programme, "Parliamentary Review." It would seem that that programme has stopped and TTT is very selective in what is being shown to the population

in terms of what transpired in the Parliament these days. Unless there is a code by which some of the fine points would be drawn together, the bill would hardly be effective and its purpose would not really materialize.

There are other issues with respect to what is televised and while one cannot legislate with respect to that, you would appreciate that there must be certain integrity with respect to broadcasting certain parts that must be followed, where profits alone are not the sole motive, but also integrity and ethical standards, and also moral values are important and it is important what broadcasting does to society. I may want to indicate that, reflecting upon some of the population problems, we wonder whether or not the broadcasting media has really been doing its bit in trying to help out with some of the population problems, or whether or not what it is advertising is worsening the situation. Again, you have to take into consideration in a multi-ethnic and multi-cultural society such as ours, the needs of the various groups and every group must have the opportunity to be heard by way of broadcasting and television and there must be no discrimination.

What I am indicating here is that unless the code is really formulated and put to work simultaneously with the bill, the bill could hardly be functional because no sooner the bill becomes law, you are going to have all the competing interests in the society coming out, creating more confusion and doing more injustice to the society. So I want to make a strong statement that the code must be formulated with a great measure of urgency and matters alluded to in the White Paper and other views, which should be solicited from the public, ought to be taken into consideration if the Telecommunications Authority and the Government are to be equipped to do justice to the population at large. We note what is the effect of the media in influencing the lives of people, especially those people who are in their formative years of values and fantasies. We would hope that any code would also take these things into consideration.

In an effort to bring Trinidad and Tobago into an era of modern telecommunications, I feel that the bill has in several areas overstepped its bounds and in some other areas have not dealt adequately with other matters that need to be dealt with. I feel that the object of the bill should be regulatory, not really to formulate policies, as is the case with the American and the British systems. I feel also that the way the Board will be composed has to take in a broad spectrum of the society and also the code of operations for broadcasters ought to be quickly introduced so as to give some sort of direction to the aims and the objectives of the bill. Thank you, Mr. Speaker.

Mr. Eden Shand (*St. Ann's West*): Mr. Speaker, I rise to support, wholeheartedly, this bill. I do so because on my reading of it, I can see that it has benefited, as most bills that come down from the other place, from rather stringent legal scrutiny. So that for non-legal people like myself, I have a sense of comfort in supporting a bill like this which has enjoyed the benefit of what has been described as superior legal brains in the other place.

I would like to congratulate one of those legal brains—the Senator from the other place who has piloted the bill here. I would also like to congratulate the Government for, not only bringing to completion an important piece of legislation, but also for the fact that in spite of the legislation not yet having been passed in this House, there have already been significant changes and improvements in the affairs of telecommunications in the country. One of the striking improvements has been the opening up of the airwaves. Prior to 1986 we had a virtual stranglehold on the electronic media, particularly television, by the state. Now, thanks to the ethic of freedom of the airwaves that has been promulgated by the Government, there has been a real multiplication of broadcasters over the last few years. Today we have, in television, Trinidad and Tobago Television and the new station, CCN-TV6 beaming to the nation. We really have an embarrassment of riches in terms of the number of radio stations—Radio Trinidad, NBS Radio 610, Radio 95 FM, Radio 100 FM, Radio Tempo and Prime. One who is a listener to radio or who uses his car radio frequently in traffic jams *et cetera*, must be really happy at the choice that he faces in terms of radio listening. As you know, the availability of choice that the citizen has in any area is a real indication of the standard of democracy and of freedom and of living in the country to which he belongs.

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Not only do we have a multiplicity of broadcasters, we have even more to come. We hear that the AVM television house would be having their own television station soon and they are tipped to be a real sleeping giant. We heard talk about a resuscitation of the idea of a southern television station and in terms of radio, we have seen in the papers recently that Radio Superior is still alive and well and just awaiting blossoming. Then, of course, we have the impending cable television systems and network that have been the subject of the forerunner to the Authority that is going to be set up by this bill. I believe that this bill is very, very timely in that the setting up of this Authority will, no doubt, clear up some of the confusion which presently exists as regards the cable companies that are to be properly licensed and which are to operate on the poles of our public utilities.

Mr. Speaker, with this plethora of electronic media, I am a little worried about how these entities are going to divide up the commercial revenue pie. Certainly, in the area of television, the competition is already very keen and I believe TTT has already begun to hurt from the shifting of commercials from state-owned television to privately owned television stations. This is only natural since the people who make the advertising decisions very often have lunch in the same place with the owners of private television stations, so I would not be surprised if in the near future, TTT will be suffering even more for commercial revenue.

Probably the time is not far off when the Government, whoever it may be, would have to make a decision as to whether Trinidad and Tobago Television should be commercial-free like the British Broadcasting Corporation. Because I do believe that a television station, state-owned, in a developing country, ought not to be judged by the same yardstick as commercial television stations in that same developing country or elsewhere. I do believe that state-owned television stations in developing countries do have a particular role to play. I do not want to use the term, "developmental electronic journalism" because that would bring back memories of what was tried in Guyana and what the former comptroller of information tried to sell to the media people in this country, because one treads on the very, very dangerous grounds of state interference with the freedom of the media and freedom of the press.

I would not be surprised, if as a result of this commendable thrust by the Government, not only in terms of the bill, but in terms of opening up the airwaves, that the decision would be made in the future to have TTT as a state enterprise that need not have to pay its way. I personally favour this classification for an enterprise like TTT as I do favour the notion that libraries ought not to pay their way, that hospitals ought not necessarily to pay their way and public transport ought not necessarily to have to pay its way. For many developing countries there are places, indeed, where I think the state must maintain some kind of hand or control for the benefit of the population, for the benefit of people at large, especially small people.

On the question of divestment of state enterprises, I would hope as a result of this telecommunications thrust, that the temptation is not yielded to divest TTT because it is unprofitable. I do think that there is a place for the state in owning and controlling a television station alongside private television stations in a given country.

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One of the things that is gratifying about what the Government has done is that, if for example, there is a change in Government at the next election, if somehow the population manages to see its way clear to vote in another government then that government would, no doubt, have control of Trinidad and Tobago Television. Let us assume that it is a new government, they would, no doubt, do the same kind of manipulation of TTT that the present Government does, and which the past PNM Government did. It seems to be a given and, perhaps, understandably so. But alongside that, there would be a private television station which need not be towing any political party line. I think that is healthy for the country to have another medium where pictures and sound can be transmitted. As we know, such transmissions are extremely powerful in their effect on people and populations. I think that the effect of television on the people of Trinidad and Tobago is a good one, because of the balance that we have now between State ownership and private ownership of such an important medium. So, when the time comes, when the balance exists and has to be regulated, this bill would really come into its own.

One of the important items and aspects of this bill, as regards the operating of broadcasting, relates to clause 79, which states that:

“The Authority shall, within a year of the establishment, by Order, subject to affirmative resolution of Parliament, promulgate and Broadcasting code to regulate the practices of concessionaires of broadcasting services.”

I heard the hon. Member for Naparima utter words of regret that this broadcasting code was to in the bill or attached to or a part of or words to that effect. I would like to agree and disagree with him. I agree with him that a broadcasting code should be in place very soon, perhaps within a year is giving too much time for this code to come into begin. But I disagree with him that the broadcasting code should have been a part of this bill, should have been there already, because I do believe that this code ought to be developed, not from on high by the Authority and handed down to the concessionaires of broadcasting services, but I do believe that the concessionaires of broadcasting services should have the major input into the drafting of this broadcast code.

As a matter of fact, I think they should do it totally as an association or whatever, and have it presented to the Authority for its blessing, more or less. Because I do believe that it is much more workable, it is much more implementable if this code that has to be observed by the concessionaires of broadcasting services

is drafted in such a way that they can relate to it and implement it because, by so doing, they would have subscribed to the principle of self-censorship, which I believe is much more preferable to censorship from above, from a telecommunications authority.

Once there is a code in place that has been drafted, after due consideration by those who have to observe the code, and once the ethic of self-censorship is entrenched, then the industry would so regulate itself that there ought not to be any interference from the state in terms of additional censorship of what is being broadcast. Once this code is properly drafted by the practitioners, themselves and in place, it would eliminate, I believe, the need for other arms of the state to invoke other laws, to muzzle or to censure or to try to influence in any way the content of what is being put out by a concessionaire of the broadcasting services.

Mr. Speaker, I am very sensitive about this particular need for the code, and the need to avoid invoking other laws to achieve censorship because of what happens in the theatre. As you know, in most free countries of the West—except of course in totalitarian states—there is no censorship of the stage, there is no censorship of dramatic art, there is no censorship of theatre, primarily because of the shyness of administrations and authorities to put themselves in print with laws governing the content of what takes place on the stage. It is for this reason that you find that backward administrations and backward governments resort to other devices to censure what takes place on the stage where no theatrical code exists, as we would have a broadcasting code under this bill.

I recall, Mr. Speaker, in my seven-year sojourn in Vancouver, Canada, where I was involved in the theatre, there was a kind of left-handed censorship of what took place on the stage via the city inspector of licences. The inspector who was in charge of licensing premises for liquor and the official who was in charge of issuing licences for dogs. This inspector of licences of the City of Vancouver was virtually a theater censor because he would go to a theatre and if he did not like what was going on, he would approach the owners of the theatre and threaten to withhold their liquor licences if they did not comply with what he wished. So it was a municipal ordinance that was invoked to exercise this kind of censorship.

The theatre company that I managed at the time, a small experimental group, had a season of four plays. One of these plays had a nude scene in it, a very tastefully done nude scene. You see, there is nakedness and nakedness. There is nakedness in a brothel and there is nakedness in art. But the inspector of liquor and

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dog licences, who came from a very puritanical background, could not relate to this beautifully costumed nude lady—for she was costumed in completely see-through plastic—and he closed the play down, using the device of a municipal ordinance which gave him power to withhold liquor licences from premises.

Well, needless to say we engaged him in a battle. We, the theatre company were ably assisted by the British Columbia Civil Liberties Association and other enlightened groups, and by the end of the season, the play was reinstated and censorship through withholding of liquor licences was banished forever from British Columbia.

When I remember those days, Mr. Speaker, I shudder at what is happening in our own country now. For what is happening, and what ought not to happen when this broadcasting code comes into effect, is that other laws must not be invoked; inappropriate laws must not be invoked to subvert what the code will be presenting. Because other laws are being invoked today to virtually censure what is taking place on the stage in Trinidad and Tobago, and the particular law that is being used is the Summary Offences Act, Chap. 11:02, section 51. I think as law-makers and legislators, we ought to remind ourselves what this law says.

The heading of section 51 is “Indecency, etc., in certain places”, it reads as follows:

“Any person who, during the presentation or performance of any stage play or concert or other dramatic or musical entertainment, or of any other form of entertainment whatsoever, or the holding of any dance, in any building or place to which the public is admitted or has access—

- (a) is decently attired;
- (b) performs any lewd or suggestive dancing or actions;
- (c) in any play, song, ballad or speech, uses language, or makes use of any recording, which is profane, indecent or obscene, or which is insulting to any individual or section of the community whether referred to by name or otherwise;
- (d) acts in a manner calculated to hold up to public ridicule or contempt any individual or section of the community, is liable to a fine of four hundred dollars.

Mr. Speaker, what concerns me about invoking such a law and what would concern me if such a law is invoked after broadcasting codes come into effect is the interpretation of some of the requirements. Subclause (c):

“any play, song, ballad or speech...which is profane, indecent or obscene...”

I would submit to you that within the context of dramatic art, of which Carnival is but one of the manifestations—the Mas is theatre of the streets—I would submit that within the context of dramatic art, including Carnival, leaving to the judgment of the Criminal Investigation Department the determination of what is profane, indecent or obscene, is a mistake. I do not think that the CID is competent to judge within the context of dramatic art, what is profanity, what is indecent or what is obscene, in the same way that the learned judge in British Columbia determined that the inspector of dog licenses and liquor licences was not qualified to perform *de facto* censorship of theatre in that province.

So I would say that section 51 of Chap. 11:02 of the Summary Offences Act, should be completely excised from the law, and I would commend to the Government a serious consideration of this suggestion, so as not to place an undue burden on people who are not qualified to do censorship duties that might redound to their embarrassment.

Section 51(c) is in our laws, and because some people want to conveniently enforce that law, one saw last night a most frightening spectacle of armed policemen from the Guard and Emergency Branch, cordoning off a theatre with decent, well-dressed, clean-smelling, upstanding citizens, looking at a play. They were cordoned off as though they were criminals and in mid-performance, a harmless, frightened actor arrested, hand-cuffed and spirited away in a police vehicle. I was there; I saw it myself. It brought back to me memories of July 25, 1990, when this Parliament was violated, when freedom and democracy was invaded by gun-toting individuals.

Artistic freedom was invaded by gun-toting individuals last night and that sight was more obscene than anything that took place on the stage. One had the impression that there was a calculated desire to harass, because a warrant was executed and in the hand of the arresting officer, for a particular person, the sole male actor of the play. That was executed the day before. It was very simple for the police to come and execute the warrant and arrest the person before the show started, between 8.00 and 8.30 p.m. when he had answered the stage call. But no, they waited until the play was half-way through—before he uttered any of the

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alleged profane words—and stopped the play with a show of force, which reminds one the days of Stalinism in the Soviet Union and some of the darkest days of some of the totalitarian states which we have read about. One saw images of Haiti, where armed men recently overthrew a duly elected government of a democratic election; armed thugs, because of the force of arms, just negated the law, and we have condemned that, as a country, and rightly so. While we are condemning that, we had this situation last night and the night before.

It reminds one of what happened in March 1986, when the police of that day mounted and stormed the barriers that were protecting and separating the protesters against the apartheid cricketers and waded into them with blows. It was one of the darkest days in the history of this country. I do believe that that was one of the major causes for the downfall of the People's National Movement. Today, on the eve of another election, we see a similar thing happening.

I would not be surprised if some of the Opposition elements are behind this ruse or this plot to embarrass the Government.

Mr. Panday: “Those whom the gods wish to destroy they first make mad.”

Mr. Shand: What also puzzles me, Mr. Speaker, is that this is a theatre company that is not unknown to me, producing a play called “Home Sweet Home”, in a state-owned auditorium in the Twin Towers, the Central Bank Auditorium. One of the requirements of the authorities there, for any play that is staged is that a script must be submitted beforehand. The script was submitted. This was one of the scripts. I have read the script, and I cannot see what on earth within the context of dramatic art, is in this script to cause the police to arrest three people so far. This script was read and cleared by the Central Bank administration.

It is a script that concerns domestic violence, a play making a very, very important point about the abuse of women by men who get drunk and come home and think they can do what they want with their spouses. It is making a very important statement. At the end of the play of three characters—a mother, a daughter and the daughter's husband, who is the son of the mother—the character who plays the wife can take it no more and she is leaving the man. Of course, he does not want her to leave. For example, he says here—Andrew is the name of the character:

“Andrew: Allison, I do not want you to go. Please, let us talk now.

Allison: I do not think you are in any condition to talk now, so let us leave it for another time. I think it would be better for the both of us.

Andrew: Why are you doing this?

Allison: I collected all your shirts from the dry-cleaners and I took back the videos that we borrowed last week.

Andrew: ...the videos.”

Mr. Speaker: Order, please. I hope you are not coming to use profane words. I think you have made the point, hon. Member.

Mr. Shand: Anyway, I was just reading an excerpt from this play, where, according to my information, the police objected to the use of the word...on the stage.

Mr. Speaker: I anticipated what you were going to do. This is the Parliament of the country. I think you can make your point without having to go into the script and bring what is taking place at the Central Bank Auditorium into the *Hansard* records.

Mr. Shand: Well, Mr. Speaker—

Mr. Speaker: The next thing one would hear if I say that should not be broadcast, is that you have a whole big debate about censorship in Parliament as well. I have given you the opportunity. You are making some kind of connection between this kind of information that is reflected in this bill with respect to whatever information is going on there, and I think you can make the point, but without going into the script and bringing what is being described as profane language and so on into the Chamber. Unless I am hearing wrong. Am I hearing wrong? I am hearing right. There must be some kind of balance in what you are doing.

Mr. Shand: I want to assure you, Mr. Speaker that there is absolutely no malice in what I am doing.

Mr. Speaker: The fact of the matter is that you are telling us on the one hand that arrests have been made, and now that you are arguing the case here in a manner, according to the Standing Orders, you can well influence the decision of a court or a tribunal or something like that. This is why I am suggesting to you that there is no need to go into all of that detail. Okay?

Mr. Shand: I am very grateful for your guidance, Mr. Speaker, but I did not intend to get very much into the specifics of the case that is before the court now.

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Suffice it to say, Mr. Speaker, that I would like to advise, if it is at all possible, that the Government exercise some kind of moral suasion in this matter. I know that many political directorates are very often reluctant to tell police how to do their work, but I do believe that sometimes it is incumbent upon governments for the maintenance of general order in the society and in the sense of balance and outlook of situations, for moral suasion to be exercised. Because I do believe, if this confrontation continues—and I do understand that there would be further confrontation tonight—it is not going to be good for the country; it is not going to be good for Carifesta, which is being threatened by these events, and after all the preparation that has gone into the hosting of Carifesta, it would be a great shame if it collapses as a result of ill-advised police action against a dramatic art performance.

It is in the same manner that the “Oval 18”, of which I was one, had charges dropped against us—well, they were not exactly dropped, the police did not offer any evidence against the 18 people who were arrested outside the Oval for demonstrating against the apartheid cricketers, and that meant a virtual squashing of the case. In this particular instance, if some way can be found for the police not to offer any evidence, I do think face would be saved, and if they do not interfere further with the production, which runs for another three nights, I do think that the heat that is being generated in the artistic community will simmer down somewhat.

Mr. Speaker, I commend the Government for bringing this bill and for the way it is written and presented; I commend the Government for its continued recognition of freedom of the press and freedom of the airwaves.

I should like to close by saying that freedom of the stage is perhaps as important as freedom of the press, because the stage has to do with communication of a particular kind where actors use their finely-tuned bodies and voices to transmit social messages and entertainment to waiting audiences. There must be a culture and an atmosphere for freedom of thought and freedom of expression in dramatic art if we are to lay claims to being a civilized society with civilized mores and norms and a civilized telecommunications structure.

I thank you, Mr. Speaker.

Mr. Speaker: Before moving on, I would ask the Hansard Editor to delete the obscene words that were used during the contribution of the Member for St. Ann’s West.

4.15 p.m.

Mr. Oswald Hem Lee (*Pointe-a-Pierre*): Mr. Speaker, I, too, would like to make a brief contribution on this bill which provides for the establishment and incorporation of a Telecommunications Authority. Like all of those before me, I wish to support the bill which was so professionally moved by the hon. Minister from the other place.

Mr. Speaker, as you are fully aware, those who have spoken on the bill, so far, really did not raise any issues pertaining directly to the bill, but sought, maybe in a circuitous manner, to deal with certain peripheral issues rather than deal with the direct issues as contained in the bill before us.

When this Government assumed power in December 1986, we moved with despatch to address the policies and programmes which were enunciated in the manifesto of 1986. One of the pledges in the manifesto—the establishment of a telecommunications authority—was immediately set in train when we assumed office. In June 1987, six months after assuming Government, Cabinet appointed a task force to look into the requirements for the establishment of a telecommunications authority. That task force held several meetings, and they went on to hold a national consultation, all with the sole purpose of ensuring that they received as wide a cross-section of views as possible from the public, and all citizens who may have had an interest could have come forward in the consultation, given their views, and helped to influence the legislation that is now before this honourable House. Maybe it is because of that democratic attitude taken by the Government in dealing with this particular piece of legislation, that we are not really meeting any obstacles whatsoever. As I said, all Members seem to agree with the legislation which is before this honourable House.

I just want to indicate what this Government, which is a forward-looking government, indicated in the manifesto, dealing with the information and communication media, with respect to opening up the media and ensuring that the citizens of Trinidad and Tobago are exposed to much more information than we have been exposed to in the past. On page 13 of the manifesto, under the subhead, "Gearing for the 21st Century", it states, and I quote:

"Access to information will form a major plank in the NAR programme. The communications media will be opened up. The local book publishing industry will be given every encouragement to develop."

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It goes on to say, and I quote:

"In any event, in today's world we cannot afford to isolate ourselves or deny ourselves information."

That is the rationale and the looking-ahead of this Government in deciding how we should move with respect to the fullest development of our people, with respect to receiving information, timely information, that will assist in the overall development of Trinidadians and Tobagonians, and the society, as a whole.

No one can accuse this Government of not bringing to this Parliament all the information with respect to laws and loans agreements. We have laid several papers before the Parliament. We have opened up the media and the airwaves. As was already alluded to, there is allowed two additional radio stations and there is an additional television station, giving people the greater opportunity of choice and creating a greater variety of shows.

Mr. Speaker, I should like to look at what the task force which dealt with the establishment of the Telecommunications Authority had to say about opening up the media. Ironically, the topic is entitled, "Opening up the Airwaves". On page 29 of the White Paper on the Establishment of a Telecommunications Authority for Trinidad and Tobago, which was produced by the task force for telecommunications, it says, and I quote:

"Over the last decade, no new licences have been issued to applicants to operate broadcast companies. In fact, the undesirable situation exists today in which none of the broadcasting companies operating in Trinidad and Tobago possess a valid licence."

This, to me, indicates clearly that at that particular time, the two broadcasting houses which we had in Trinidad and Tobago were operating illegally. In my view, it is an indictment on the former regime.

Over that period of time of the non-issuance of broadcast licences, one particular and very prominent person in this country suffered tremendously. A small man, a calypsonian, whose dream it is to own and manage a radio station suffered under the former regime, by not being given a licence, and we know who in this country always claim to be on the side of the small man.

It is my understanding that it was way back in 1973 when Brother Superior (Mr. Andrew Marcano) applied for a broadcast licence, but he had to wait 13 long

years, until this nation saw the back of the People's National Movement before that licence was granted to him. Today, he is in possession of the licence. My understanding is that some time very early next year his radio station, "One Love," will come into being.

Mr. Speaker, we must look at the effects and consequences of all of these things with respect to cost and the art form. If Brother Superior had been granted the licence sometime in the 1970s. I am certain that the cost of establishing the radio station would have been 10 times less than what it is today. That denial to this small man has him digging deeper into his pocket to fulfil his dreams. That is the first point.

The second point is that if Brother Superior had that radio station established a long time ago, I have no doubt that he would have promoted, on that radio station, much more of our local culture from way back when; and it is very possible that the culture which accompanied the other West Indian music which came in and filled the void at the particular time, which is the drug culture, might not have come in if Brother Superior had his radio station pushing local music. Others, having been granted a licence, have now gone ahead with that line of broadcasting.

4.25 p.m.

Apart from that, I am certain in my own mind, that Brother Superior would have provided calypsonians—particularly budding calypsonians, trying to make a name for themselves—with some airplay on his radio station. He might have even allowed calypsonians to host some shows on his radio station and that would have been an extremely good thing for the calypso art form and the culture of Trinidad and Tobago.

Therefore, the point is that if the calypsonian, as an artist, really examines the pressure that was meted out to his brother calypsonian; if the calypsonian, as an artist, really understands the disrespect that was given to his art form, by the denial of a broadcast licence to a brother calypsonian—notwithstanding several pleas—I am certain that all calypsonians will think twice before appearing on the platform of those who gave their brother calypsonian that kind of pressure. I am certain about that, in my own mind. They must understand it clearly that one cannot be attacking the art form in one instance and then expecting those who uphold the art form to push for them or to propagate their political views.

As was mentioned earlier—and I think I need to allude to it again—the fact that we have opened up the airwaves has much to do with giving the citizens

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of Trinidad and Tobago a greater amount of independence and freedom; and I know that on a daily basis we now have citizens taking up their telephones and calling the radio stations to make, maybe, complaints about authorities about whatever might be affecting them. They do so without any fear of victimization whatsoever, under this regime. I feel, in my mind, that could not have happened in the past. That is the empowerment of the population, and it could have only happened under this National Alliance for Reconstruction Government.

That is the kind of freedom that the people are given when you open up the airwaves; when they have this kind of freedom of choice, and when we have this number of radio and television stations and so on, that we are now experiencing in this country. It could only come because this Government understands the age in which we are living and therefore the need to ensure that the people be given this amount of freedom so that they would have the freedom of information.

I want to look at the role of the communication media with respect to distance education. I want to state from the outset that, yes, in the 1990s, and indeed beyond, the media would be expected to play a greater role with respect to education of the citizens of Trinidad and Tobago.

Motion made and question proposed, That the House do now adjourn to Friday, October 11, 1991 at 1.30 p.m. [Hon. J. Toney]

Question put and agreed to.

House adjourned accordingly.

Adjourned at 4.30 p.m.