

*Indian Delegation (Welcome)**Monday, May 28, 2001***HOUSE OF REPRESENTATIVES***Monday, May 28, 2001*

The House met at 2.00 p.m.

**PRAYERS**[MR. SPEAKER *in the Chair*]**INDIAN DELEGATION  
(WELCOME)**

**Mr. Speaker:** Hon. Members, it is my honour to recognize the presence on the Speaker's platform of the distinguished high level Indian delegation led by Dr. L. M. Singhvi MP. He is an internationally reputed lawyer who holds the rank of Cabinet Minister. He is accompanied by Mr. R. L. Bhatia, MP, a former Minister of State in the Ministry of External Affairs; Mr. Balweshwar Agrawal, the Secretary General of the Indian Council for International Cooperation; Mr. J. C. Sharma, an additional secretary at the Ministry of External Affairs and of course, His Excellency the Ambassador to Trinidad and Tobago from India.

On behalf of the House of Representatives, I welcome our guests to our Chamber. Could you welcome them? [*Desk thumping*]

**INDICTABLE OFFENCES (PRELIMINARY ENQUIRY) (AMDT.) BILL**

Bill to amend the Indictable Offences (Preliminary Enquiry) Act, Chap. 12:01 [*The Attorney General and Minister of Legal Affairs*]; read the first time.

**FREEDOM OF INFORMATION (AMDT.) BILL**

Bill to amend the Freedom of Information Act, No. 26 of 1999 [*The Attorney General and Minister of Legal Affairs*]; read the first time.

**COMPANIES (AMDT.) BILL**

Bill to amend the Companies Act, No. 35 of 1995 [*The Attorney General and Minister of Legal Affairs*]; read the first time.

**TELECOMMUNICATIONS BILL**

[SECOND DAY]

*Order read for resuming adjourned debate on question* [May 21, 2001]:

That the Bill be now read a second time.

*Question again proposed.*

**Mr. Speaker:** Hon. Members, the debate on the second reading of the Bill which was in progress when the House was adjourned on Monday, May 21, 2001,

*Telecommunications Bill**Monday, May 28, 2001*

[MR. SPEAKER]

will now resume. At that time, the Member for Port of Spain South who is absent today was on his feet. He was granted an extension of 30 minutes which has not yet been utilized.

In light of his absence, I would call on the Attorney General. I would be prepared to let any other Member, who would catch my eye, speak.

**Mr. Nathaniel Moore** (*Tobago East*): [*Desk thumping*] Thank you, colleagues on the other side for your welcome. Mr. Speaker, I did not prepare to be in a situation like this today, where I am without company on this side. That is not—

**Mr. Maharaj**: I wonder if the hon. Member would give way. If you are lonely you can come on this side. [*Laughter and Desk thumping*]

**Mr. N. Moore**: Thank you for your kind invitation, Sir. We are all in the House and keeping each other's company at this time. I think that I have been consoled of loneliness for a long time. I have resigned myself to the situation right now.

I would like to join the discussion on the Telecommunications Bill. I noticed that the Bill aims to facilitate competition in telecommunication services in Trinidad and Tobago. It is hoped that in the process, greater consumer satisfaction, including a reduction in the cost to the user, would result. There is little doubt that the mere monopoly situation that exists now in our telecommunication services is one of the causes for the high prices that we have to pay for the services. The fact is, if we have to really benefit from the present movement towards liberalization of information, as is practised by the leading players in the world today and from the economies, it is imperative that we have a Bill like this one to liberalize and expand telecommunication services.

To some extent, I have been following the debate on this Bill in the other place and the community. As a layman, I realize that the Bill could be best treated by someone who is fairly skilled in this line of technology. Nevertheless, there are social concerns that perhaps, even a layman like me could speak about. So much has been already said that I do not think there is very much for me to say.

**2.10 p.m.**

I would like to deal with one or two provisions of this Bill, and the first section I would paraphrase as, "the principle of universal service". It says here:

"28. In accordance with the policy established by the Minister, the Authority shall determine the public telecommunications services in respect of which the requirement of universal service shall apply..."

I take it from this, that part of the policy of the Minister is the requirement for universal service. I am not sure if I can enter into the minds of the framers to understand exactly what is meant by this, but it is defined in Part I of the Bill. It says:

“ ‘universal service’ means the provision of telecommunications services throughout Trinidad and Tobago, in accordance with the criteria stipulated in section 28;”

The words “throughout Trinidad and Tobago”—I am wondering whether this means every community, village or town in terms of the word “throughout”. Does it include isolated areas like Blanchisseuse, Matelot, Bloody Bay, L’Anse Fourmi, small communities like the North Coast? Generally we say that is part of the plan. Sometimes one finds that a general area may be serviced or supplied, but particular communities in the general area may not enjoy the services of some of these telecommunications units. And, indeed, every citizen will feel that he has a right to enjoy all the amenities and facilities that are available to the general public. The principle of universal service is a laudable one.

I noticed in the Bill that particular mention is made of a telephone service perhaps, as a minimum. I am wondering if we are satisfied with telephone service as a minimum for these services that must be universally rendered in the society. I believe that all members of the society would like to enjoy the facilities that others enjoy so that if one knows that people in the country enjoy viewing television, however isolated one might be, one would like to know that one enjoys it as well. In addition to that, radio and television are almost indispensable tools in our modern life and to limit universal services only to the telephone is really limiting us too much. We are becoming too limited, and so, I am hoping that one can expand these minimum facilities to include radio and television and possibly, the services of the Internet. I have to say this and I am stressing this because of the experiences in parts of Tobago. I am sure this obtains in some parts of Trinidad as well.

Most of Tobago is served by telephone—many parts, perhaps; all are served by radio as well, but unfortunately not all receive national radio communication. For example, if one lives in the far east of Tobago, one receives reception from Barbados, Grenada and St. Vincent very clearly, but has to put up more sensitive antennae to receive reception from local outstations in Trinidad. So the people who are in the far east of Tobago feel more at home with the people of St. Vincent when they are listening to their radios. They get information, day to day, from Grenada than they get from Trinidad and Tobago.

If we call ourselves citizens of Trinidad and Tobago, that is not a satisfactory situation. We would like to know what is going on in our own country, Trinidad and Tobago, as citizens, rather than know more of what happens in Grenada and St. Vincent. One could understand the importance of this idea of universal service.

Where television is concerned, people on about half the land space of Tobago do not enjoy television broadcast from Trinidad and Tobago. Some people tell you they pick up signals from Barbados, Venezuela and elsewhere, but television coverage in Tobago is very limited—and one knows that most of Tobago is mountainous. Someone said sometime ago it is difficult to provide TV coverage to the whole of Tobago, because of its mountainous nature. That is quite possible, but the technical minds would know more about that. The fact is that most of the people in the eastern areas of Tobago do not get reception from TV6 and TTT, and they feel it is unfair to them.

Who is responsible to see to it that these people are satisfied in their quest to have these services rendered to them at present until this new measure comes into place? I am sure the Authority would see to it that these people are served. Something should happen to satisfy their legitimate demands for the service. They are told that private firms render these services.

Very often they confront the personnel in the Tobago House of Assembly and complain about their not receiving the service and they make demands and are being told that these are private concerns. If these people do not see the prospect of getting profit from it, they may hardly go through the expenditure to provide the facilities to allow for servicing the area adequately.

**2.20 p.m.**

Up to now the situation remains the same in Tobago, although during the last general election campaign, when the people complained, I think it was the Prime Minister who came over there with all his vigour and strength and promised them that within a brief period of time he would get them viewing television. I heard him myself, one Friday evening, just a few minutes before 8 o'clock, boast that by 8 o'clock the people in Charlotteville and the eastern areas would enjoy improved television coverage.

I called the people in the area and they said it was not so. In fact, when I went there the report was that the situation was worse. There was a slight improvement in one area—in the Charlotteville area, I think—and people from as far down as Belle Garden were complaining that their services deteriorated rapidly since then.

Whatever measure was taken to bring relief generally to the people up there did not help. In fact, it became worse and the situation is there today.

I spend some time to say this because when I go there the people remind me that they need the service; that I am their representative and I am supposed to do something about it. I am saying it for the Minister to hear. I hope that he will give some speedy attention to relieving the problem and making real the promise of the Prime Minister in the month of December 2000, which has not yet come to fruition. They will be happy to get some relief until this board is set up to study their case and make sure they are a part of the universal servicing system.

In addition to this, right there in Scarborough, most people would know that there is a stadium being built. It is called the Dwight Yorke Stadium. Work is now proceeding very fast and it will soon be ready for use. Mr. Speaker, do you know that if you are there with a cellular you will not get communication with the rest of the country?

In the Bagatelle area nearby, the reception there is very, very poor on cellular sets. There are considerable parts of Tobago where today we are not adequately served with telecommunications. We are hoping that when this new measure comes into operation the problems will be ironed out and we will receive improved reception from our cellular phones, televisions and radios.

While I was studying the situation, it brought me to the point of considering the Town and Country Planning Division. If we would like all our citizens to enjoy the services of these telecommunications facilities, should it be then that the Town and Country Planning Division should consider this factor when they are giving permission for people to build their homes? For example, in the shadow in the Bacolet area, perhaps the Town and Country Planning Division should remind the people. I am not saying they should refuse them permission to build homes in the areas. Perhaps they should advise and warn the people that if they go to live there under the present circumstances, they would not get reception from cellular phones. Perhaps in other parts of the country where there is this weakness in the reception, the Town and Country Planning Division would draw it to the attention of the people that if they build in that area they would not get reception except from Grenada or St. Vincent. If they build in this area, they cannot get TTT or TV6. That is a reality we must face and one which, I hope, will be taken care of soon.

In clause 22(c) of the Bill, I notice where the concessionaire will be required to collaborate with the Minister of National Security under certain circumstances.

[MR. MOORE]

I thought it a good thing to have the concessionaire also cooperate or collaborate with the relevant authority, whether it be the House of Assembly or some municipal corporation, so that certain telecommunications services will go to certain pockets of the population where it is difficult. There have to be special considerations or provisions made to have these people enjoy the services. Some effort will have to be made for collaboration and cooperation between concessionaire and the particular ministry to see that the needs of these people are met.

The other area I want to deal with is the composition of the Authority. I refer to that part of the Bill. Clause 6(2) says:

“(a) one member shall be appointed on the recommendation of the Chief Secretary of the Tobago House of Assembly;”

That will be the only representation we will get from Tobago. As far as I see it, the board will be between 7 and 11 persons. If there is going to be only one person from Tobago on the board, then the situation on that board will be the same as the situation that obtains in this Parliament. As I said before, we have two representatives from Tobago, an island set apart by miles of water and other circumstances.

### **2.30 p.m.**

If the 34 representatives in Trinidad want something to happen for Tobago that the two of us consider as not being good for Tobago, then there is nothing we could do if we could not persuade them to think otherwise. If it comes to a matter of voting, then we would be outvoted. The same would hold with this Authority. There would be one representative selected by the Tobago House of Assembly to be on the Authority. Now, if all the other members of this Authority want to take a measure that the lone member from Tobago thinks is not in the interest of Tobago, there is nothing that this member could do but try to dissuade them from such an action or to implement the action they have in mind.

If that member thinks there is anything good for Tobago that he wants to see implemented—if the others are not in agreement—it cannot happen. My view is, therefore, that this representative from Tobago on the Authority would speak and he may be heard physically, but mentally he may not be heard. I am wondering what purpose it would really serve for this one person to be on the Authority, bearing in mind that the Tobago House of Assembly is really a body which was set up to give greater autonomy to Tobago.

Mr. Speaker, what could one member do on this Authority? We are thinking—when I say we, I am referring to the NAR in Tobago because I well note that the Chief Secretary of the Tobago House of Assembly says that he was in dialogue with the Minister and they came to a certain understanding which resulted in certain modifications in the Bill. I do note that according to the original Bill there was not to be, particularly, any representation from Tobago. In fact, making and implementing policies in the area of telecommunications were to be taken away from Tobago and delivery of certain services in relation to this is embodied in Schedule VII of the Tobago House of Assembly Act and that also would have been taken out. I do not know what would have been the case of Tobago after that. With the intervention, however, of the Chief Secretary of the Tobago House of Assembly and, I believe representation made by Members of the Senate from Tobago in the Senate, this amendment was made. What we have now, Mr. Speaker, is that the Tobago House of Assembly would recommend one member to be on this Authority and it would retain its policy-making and implementation functions with Schedule V. There is an amendment to Schedule VII that, instead of services delivered in Tobago being telecommunications in respect of granting licences, we now have telecommunications in terms of granting concessions and licences.

I have been discussing it with a few people in Tobago and I was trying to understand what it really meant. Does it mean that the Tobago House of Assembly really has a meaningful function under the Bill or is this just a veneer, if you like? What would be left for the Tobago House of Assembly to do in terms of policy-making and implementation if granting both the concessions and the licences would come from the Authority in Trinidad? Bearing in mind what I mentioned about the small representation on the Authority from Tobago, with our experience that whatever we think is good for Tobago is not necessarily what Trinidad thinks is good for Tobago, we would like you to understand that what we like for Tobago should take prominence over what Trinidad likes for Tobago and allow us to have our way. There are no laws which make all the people of Tobago bad and useless and all the people of Trinidad good and useful. If you have people in Tobago who want to see about their good, then they should be permitted to do that.

Since this Parliament gave Tobago some measure of autonomy, I think that ought to be reflected in the various Bills that are passed at this national level that would affect Tobago. We are proposing, therefore, to satisfy the reality of an autonomous Tobago House of Assembly. If this Bill does recognize that, then we have one or more of four courses that we could follow.

*Telecommunications Bill*  
[MR. MOORE]

*Monday, May 28, 2001*

Firstly, give Tobago greater representation on the Authority. This would serve, not only to have more voices and more experience on behalf of Tobago, but it would also serve to, at least, give Tobago some kind of representation on the Authority if one of the designated persons happens to be absent. The point I am making is that if you have only one person and he cannot attend meetings of the Authority, then Tobago's point of view may not necessarily be heard. If there is more than one then we might have the voice of Tobago heard. The first course I am suggesting, however, is that we have greater representation from Tobago on the Authority.

The second course is to give Tobago veto powers over matters that are peculiar to Tobago, so that any measure which would come that the Tobago representative thinks would not be in the interest or welfare of Tobago, he could use his power of veto.

A third course might be that any votes or any decision taken by the Authority that is not in agreement with the wishes of the representative from Tobago, must be passed by two-thirds or three-quarters majority of the people in the Authority. That is a concession to say that if you cannot give us what we want, as it were, let the majority of people on the Authority say that we should not get it. Mr. Speaker, not that that would meet our purpose but, at least, it would widen the possibilities because, as the Good Book says, two heads are better than one. This is not always true but generally speaking two heads are better than one, especially if they are two good heads.

**2.40 p.m.**

The fourth course is to allow Tobago to set up its own Authority. I do not know which of these—but I am suggesting we do something because, fairly looking at it, we do not see that putting one member on this board of 7 or 11 people would satisfy the conditions of autonomy that Tobago now enjoys.

Mr. Speaker, there is one other point I want to mention. I think it is in clause 35. I know this has to do with concessionaires cutting trees on private lands to facilitate the provision of services. I am not sure but I hope that this condition is also required of T&TEC and others because sometimes, in trying to clear trees for their lines, I do not think they do such a good job. I think they could be more selective sometimes in the way they cut trees or in the trees they cut down. I think this measure is a good measure in the Bill. I hope it could be extended to other essential services and utilities operating in the country and at least it would prevent the mutilation on people's private property of some of the trees that are in the way or near the path of the lines of equipment of these facilities.



Mr. Speaker, I think that the Bill, in general, is essential. The aims of the Bill are laudable and I think it is necessary in an age like this, a communications age. However, the few points I have pointed out, particularly for people in rural areas and areas which are in the shadow sometimes of the waves of these transmitters, some special consideration should be given to these areas. If need be, maybe the Minister will have to ask the concessionaires to collaborate so that the services would be rendered to these particular areas, in addition to the provision made in clause 28.

Somehow I believe that the aim is to provide for everybody, but there are difficulties, especially when you have these providers being private people and they are supposed to operate for a profit—I am not saying they are supposed to but normally they would, else they would not enter into the service—and the well-being of these communities may not necessarily be served by the action of these concessionaires in their quest for profits. It may well be that not only must the concessionaire cooperate with the Minister or the appropriate Authority but we want the Authority, perhaps, to cooperate with the concessionaire in certain particular areas to see that a universal service is guaranteed for people in these areas which I mentioned as being in the shadow of the reception of these services.

So, Mr. Speaker, I am very happy for the opportunity to have had input in this Bill. I trust that the observations I have made will be taken seriously into consideration, especially for the provision of services in Tobago. The Minister concerned would remember what we said about the needs of the people in rural Tobago at present, so that they can enjoy viewing television from our own station, so they could feel that they are part of the national life and they could get information which is relevant to national activities and the social interaction within our nation, rather than being too much influenced by other countries. I am sure we will be doing a service not only to these people in the area but also to the national community as a whole. We will be helping to weld the society more closely and guaranteeing that we have a national identity stamp upon all our people.

Thank you, Mr. Speaker. [*Desk thumping*]

**The Minister of Communications and Information Technology (Hon. Ralph Maraj):** [*Desk thumping*] Mr. Speaker, let me start by thanking my hon. friend, the Member for Tobago East, for his contribution and for what appears to be his support for this Bill because he used such positive words as “laudable” and “essential” and I want to thank him for his positive response. He did raise some very important points, one of which had to do with the role of Tobago and the

*Telecommunications Bill*  
[HON. R. MARAJ]

*Monday, May 28, 2001*

position of Tobago regarding this new and emerging and potentially lucrative sector in Trinidad and Tobago.

Let me say, Mr. Speaker, that in piloting this legislation from the very start in the other place, the question of the relationship between Trinidad and Tobago and the role of Tobago has been treated with great sensitivity. When I piloted the Bill in the other place I started by saying that I view this Bill as a work in progress and that has been my approach throughout. If today in the national community and among our political parties the Bill finds great favour, I feel it is because of that approach that I have taken to the Bill. I have always seen it as a work in progress. I deliberately, for example, in the other place allowed the debate to go on for as long as possible so that we engendered debate in the Parliament, in the Senate and outside of it.

We spent about 12 hours in the committee session and so on hammering out a piece of legislation that would find consensus. Indeed, it was passed unanimously in the other place, and on the question of Tobago, we also approached it with great sensitivity. I had a meeting with the Chief Secretary of the Tobago House of Assembly, we looked at the legislation in great detail, especially pertaining to matters regarding Tobago and we agreed—and I agreed with the suggestion that was made that Tobago would be represented on the Authority.

Now, let me say this. We had requests from all other sectors—the arts, the NGOs, all other sectors—and it was with great resistance that one enlarged the board, the members of the Authority. I was being advised all the time—and I myself shared that view—that too large a board can be very, very unwieldy. One of the first suggestions, which found acceptance with me, was that the THA should be represented on the board. My friend has asked the question, “What can one man do?” I will simply tell you that that one man, who is going to be appointed by the THA, will be representing the people of Tobago. He will be empowered by the THA to speak on behalf of the people of Tobago and his voice will be a very potent voice.

You ask, “What can one man do?” I want to tell you, my friend—Mr. Speaker, through you—that if you look at the history of the development of civilization, it is almost always one man who has changed the world—one man. In all spheres—religion, art, architecture, science, politics, war, you name it—it is the ideas and the energy of one man. The rest of us are mere followers, you know, all the time. The rest of humanity are mere followers. So do not seek to diminish what one individual can do when that one individual is empowered to act on

behalf of an organization that is as powerful as the THA. So I want to ask you to reconsider your position on that matter.

I have no doubt that, as our society develops, as our country develops, it might be possible in the future, through constitutional reform or whatever, to have more than one member representing Tobago in this honourable House. I have no doubt that concurrently you may find the need to change the situation as you go along, but I would want to suggest that we leave that for the future. For the present, I want to suggest that that member of the THA, whom we have added now in the present Bill, will be a very powerful and potent voice.

I do not—I cannot accept the suggestion, for example, that the member or members representing Tobago should have veto powers over the Authority, or decisions of the Authority, if they regard these decisions to be not in the best interest of Tobago. I think that is a recipe for chaos, with respect. I think it will suffocate and stymie the work of the Authority and we should remember always that this is one country, Trinidad and Tobago. You are setting up an Authority that will establish the general policy for the sector, taking into account Trinidad and Tobago. Very significantly, during my discussions with the Chief Secretary, I agreed that we will not amend the Tobago House of Assembly Act and leave those provisions in the Act which give Tobago authority and autonomy over aspects of policy and so on.

Now, you are asking, “What would the Tobago House of Assembly do?”, but that is the dynamic situation that we are constantly in, in Trinidad and Tobago, between the Assembly and the central government. I have no doubt that as we go into the future—look at what has happened under this present administration with the new Tobago House of Assembly. There has been an unprecedented level of cooperation and camaraderie and I think we are setting the platform for the future. So, we are satisfied on this side that Tobago is going to be well represented. We are satisfied as well that Tobago will have a very strong say in the way the policy is shaped from two perspectives, its presence on the board and the fact that, through the THA, it retains provisions for policy in Tobago.

The other very important point my colleague brought up, had to do with the question of universal service—very, very important indeed. In fact, it is so important that we have made provision to ensure that it takes place and we have placed provisions in the Bill. We do not even—I mean, in another Bill or in another kind of thinking you may not have felt the need to put this provision for universal service in the legislation itself, it could have gone into the regulations, but we felt it to be very important.

**2.55 p.m.**

We have set it up in such a way that all entrants into the market will be legally obligated to contribute to universal service as outlined in clause 28; even closed user groups. The Authority may call on them, as well, to contribute to universal service.

The policy of the Government is that all our citizens in the smallest villages, the smallest towns, all of them must have access to telephone, to television, to radio, to Internet services and so forth, and the Government continues to have the responsibility to ensure that that happens. How it actually achieves it will be decided by the Government in particular situations and it may adopt policies that could be specific to those situations.

The Government may find the need to intervene directly and provide the infrastructure, or it may decide: let market forces operate, let private competition come into it, and the infrastructure will emerge. But the policy is going to be there and the Government is ensuring that the fees paid by the concessionaire do not go into the Consolidated Fund as for general revenue, but that it is dedicated to universal service. In other words, that is a financial guarantee that universal service will, in fact, be achieved. It is put in the legislation, no concessionaire will be able to get away from that. That is how I would like to respond to that concern of universal service which is a very legitimate concern.

The Member spoke about cellularity, for example, not being operational in certain parts of Tobago. I want to tell him that in my constituency in Barrackpore and Lengua, when I am there I am out of contact. My cellular phone goes off and I see "no service" appearing on it. It is not only in Tobago. It is in other parts of Trinidad as well, and we are concerned about that.

We feel that when we introduce competition into the sector it will be in the interest of providers of cellular service or other services to ensure universal access, because any company which does not provide universal access is not going to be in as strong a position as the company which does. I would not want to be subscribing to a company that does not allow me access in my entire constituency. If another company does, I switch to that company. I will be able to switch easily because there is portability in numbers as we are providing in the Bill, and there is interconnectivity so that one can switch from one company to another.

So, I have no doubt that the invisible hand of the market will also help us to deal with it, but let me also remind you, dedicating the funds to universal service

is evidence of Government's awareness that it may also have a role, or it could also have a role, or it will also have a role in ensuring that in certain instances it intervenes directly and provides the infrastructure as it has been doing. That is the role of Government—to go where the private sector has not gone and when the private sector wants to come, all right, pull out, let them go. That is one of the roles of Government.

My friend, let me thank you very much for your support of the Bill and I hope I have answered some of your questions. Mr. Speaker, we are without the Opposition today for reasons of which you are very well aware, but I got the impression from the Member for Port of Spain South when he was speaking that the Opposition would support the Bill, because he did make the remark over and over that this is a good piece of legislation, it is a piece of legislation with which we could work.

He based his technical evaluations, he based his assessments and his contribution on certain technical aspects of the Bill, one of which I remember had to deal with technology. I made the point before and I will say it again that we specifically decided to make the Bill technology neutral because of the emerging sector; things are changing so fast in this sector. If one goes to be too specific, if one attempts to be too specific in the Bill, it could easily become outdated in a short period.

Let me also say, with respect to the Opposition which is not here, that when we were in the Senate, we heard a number of contributions from Members of the Senate representing the Opposition. A lot of their concerns were answered. As I told you, I said the Bill is a work in progress, and at the end of our 12-hour Committee marathon in the Senate, the Bill was passed in that place unanimously. The Bill was passed unanimously. If, therefore, we are to take that fact, combined with the position from the Member for Port of Spain South, we could assume, safely, that had the Opposition been here with us today, they too, after airing their concerns, would have supported this very laudable and essential piece of legislation.

This has been very long in coming, as you very well know, Mr. Speaker. You too were part of this at one time. We all agree that this is going to open Trinidad and Tobago to the development of the new economy. We feel it is going to be a very lucrative sector; we feel it is going to modernize not only the economy of Trinidad and Tobago but it is going to effect positive cultural change. And let me say one of the things with respect to the rural areas, my friends—one of the things that we have found with the information technology sector is that it can transcend

*Telecommunications Bill*  
[HON. R. MARAJ]

*Monday, May 28, 2001*

the barriers which we have normally encountered in development and encourage these so-called backward communities to make that giant leap into development. We feel that this kind of legislation will help rural communities and the entire community.

So, Mr. Speaker, I want to thank hon. Members for the opportunity to present this piece of legislation. This is a pivotal piece of legislation, important to the future of Trinidad and Tobago. I thank you.

I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

*Clauses 1 to 85 ordered to stand part of the Bill.*

*Schedule ordered to stand part of the Bill.*

*Preamble ordered to stand part of the Bill.*

*Question put and agreed to, That the Bill be reported to the House.*

*House resumed.*

*Bill reported, without amendment, read the third time and passed.*

**3.10 p.m.**

**EQUAL OPPORTUNITY (AMDT.) BILL**

*Order for second reading read.*

**The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I beg to move,

That a bill to amend the Equal Opportunity Act, be now read a second time.

The Equal Opportunity Act 2000, which, according to its Long Title is:

“An Act to prohibit certain kinds of discrimination, to promote equality of opportunity between persons of different status, to establish an Equal Opportunity Commission and an Equal Opportunity Tribunal and for matters connected therewith.”

This Act was assented to by the President on October 20, 2000. Section 2 requires that this Act come into force on such date as the President may fix by proclamation. The due date for such proclamation is for a date to be fixed.

Mr. Speaker, section 26 of the Act establishes the Equal Opportunity Commission which is the administrative and investigative body entrusted with the responsibility of working towards the elimination of discrimination through the undertaking of research and educational and other programmes.

The commission is required to receive, investigate and conciliate complaints of discrimination. The Commission is to comprise five commissioners who, under section 26(1), are to be:

“...appointed by the President after consultation with the Prime Minister and the Leader of the Opposition.”

Section 26(3) stipulates that a panel comprising representatives of every principal religion of Trinidad and Tobago shall act as advisers to the Commission. However, such provisions relating to the panel's appointment were omitted. What happened is that under section 26(4), it was supposed to be— As you would recall, Mr. Speaker, there were lots of amendments to this Bill and subsection (4) should have read “the panel of advisers should be appointed by the Minister.” However, subsection (4) reads:

“The Minister shall appoint as Chairman and Deputy Chairman of the Commission such Commissioners as he thinks fit.”

It is really the President. There is provision for the President to appoint.

The purpose of this Bill is to remove this discrepancy. The Equal Opportunity (Amdt.) Bill, 2001 would delete the aforementioned subsection (4) and put in its place a new subsection which empowers the Minister to appoint a panel of advisers referred to in subsection (3).

Mr. Speaker, just to remind Members of the House—hon. Members would recall that this amendment was put in place as a result of representations made by church leaders and religious leaders in respect of the Bill, and since the Commission would be dealing with matters relating to religion, from time to time, it was recommended that a panel of advisers comprising the main religions in Trinidad and Tobago be comprised to advise the Commission. The Minister responsible for the equal opportunity legislation would be the person to appoint

*Equal Opportunity (Amdt.) Bill*  
[HON. R. L. MAHARAJ]

*Monday, May 28, 2001*

those persons. Those are the simple provisions of this Bill. This matter has come from the other place and it has had the benefit of the Senators in the other place.

Thank you, Mr. Speaker. I beg to move.

*Question proposed.*

**Mr. Nathaniel Moore** (*Tobago East*): Mr. Speaker, the only problem—  
[*Interruption*]

**Mr. Panday**: We have a new Leader of the Opposition.

**Mr. N. Moore**: The only problem I have is that it is not indicated that the Minister would have the benefit of the advice of any particular person in selecting these people. To me it is always good to have a second opinion or, perhaps, a third, in dealing with these matters and, again, in the multiplicity of counsel there is greater reward, I would say. So it would have been very nice if the Minister would have had the benefit of advice of some other person or group in selecting these people. I have no problem with the Bill otherwise.

Thank you.

**The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj)**: Mr. Speaker, having listened to that powerful submission from the hon. Member for Tobago East, who is really holding the fort and representing the Opposition—and he has the great privilege of representing Diego Martin Central, San Fernando East, Diego Martin West, Diego Martin East, Arouca South, Arouca North, La Brea, Laventille West, St. Ann's East, Toco/Manzanilla, Laventille East/Morvant, Port of Spain South, Tobago West, Port of Spain North, St. Ann's West, Arima, Point Fortin and Tobago East—I think he has created history today, in that, he is the only Member of Parliament in the Opposition who has been able to represent all these persons and all these constituencies. [*Desk thumping*]

I think what the hon. Member has said is very important, but if I explain to him the context in which this is happening, I am sure he would agree that the amendment is in order.

Mr. Speaker, under section 26(3) of the Act it reads:

“There shall be a panel of advisers to the Commission comprising representatives of every principal religion in Trinidad and Tobago.”

The Commission is not the judicial tribunal. The Equal Opportunity Commission would investigate the complaints and try to resolve them by going to the persons who are the alleged wrongdoers and try to resolve the complaint.



If the Commission has to investigate a complaint relating to religion, any matters relating to religious observance or religion, the Commission would have these principal advisers. When this Act comes into force there will be a panel appointed consisting of the major religions in Trinidad and Tobago; that would be an existing panel to assist the Commission from time to time.

Obviously, Mr. Speaker, a Minister who has to make these appointments would communicate and consult with the major stakeholders, and one could think, offhand, of the Inter-Religious Organizations and also the religious bodies that are not members of the Inter-Religious Organization. So the Minister appoints this panel, but it is in place to advise the Commission and not the Minister. If the Commission is not successful in getting the matter resolved, it would take the matter to the Equal Opportunity Tribunal on behalf of the victim or the alleged victim. So there is machinery here in which members of the public would be able to go to the Commission free of charge.

There would be a team of lawyers, a legal unit, and they would not have to pay legal fees; it would be free of charge. The Commission would investigate and if the matter is not resolved—let us say, for example, there is somebody in Trinidad and Tobago who believes that she is being discriminated against on the grounds of gender, because she is a woman, she can go to this Commission. She does not have to get money for a lawyer or to pay legal fees, she goes to the Commission, the Commission would take up the matter for her, investigate it, would go to the alleged wrongdoer, try to resolve the matter and to mediate. The Commission can also put pressure upon the alleged wrongdoer by publishing the particular wrong.

If the wrongdoer does not redress the matter, the individual does not have to pay a lawyer to go to the Tribunal because that would be the Tribunal appointed by the President with the powers of a court. The Commission will take the matter up before the Tribunal, free of charge, with lawyers. This is going to be machinery in which there would be greater access to justice and, also, where there are many allegations of people being treated unequally, there would be machinery to have them investigated.

Mr. Speaker, I do not think I can give any further explanation. I hope that I have satisfied the hon. Member.

I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

*Clauses 1 and 2 ordered to stand part of the Bill.*

*Question put and agreed to, That the Bill be reported to the House.*

*House resumed.*

*Bill reported, without amendment, read the third time and passed.*

**MUTUAL ASSISTANCE IN CRIMINAL MATTERS (AMDT.) BILL**

*Order for second reading read.*

**The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I beg to move,

That a Bill to amend the Mutual Assistance in Criminal Matters Act 1997, be now read a second time.

Mr. Speaker, the Mutual Assistance in Criminal Matters Act was enacted to deal with the increasing levels of transnational organized crime. In order to put this amendment in perspective, I would read from the Handbook of Mutual Assistance in Criminal Matters Act prepared by the Ministry of the Attorney General and Legal Affairs, February 2001. I would read a few paragraphs for hon. Members and for the record so that it could be understood what this Bill is about.

“Criminal activity has become increasingly transnational in nature and the members of the international community must increase their level of cooperation if they are to be successful in the fight against transnational criminals. The two main areas in which the international community has fought the transnational criminal are extradition and mutual legal assistance arrangements in criminal matters.

A milestone was reached in 1986 with the formation of the Commonwealth Scheme in Mutual Assistance in Criminal Matters, otherwise known as the Harare Scheme. The Government of Trinidad and Tobago realizing Trinidad and Tobago's geographical location as a main transshipment point for drug traffickers and other illegal activities such as money laundering, introduced the *Mutual Assistance in Criminal Matters Act 1997* to facilitate international cooperation for the apprehension of criminals.

The Act provides, inter alia, for the following:

1. Assistance in obtaining evidence or statements from person;

2. Assistance in effecting service of documents;
3. Assistance in executing searches and seizures;
4. Assistance in arranging the transfer of persons to expedite proceedings;  
and
5. Assistance in tracing property with respect to certain proceedings.”

**3.25 p.m.**

Mr. Speaker, from 1997 when the Act was passed, to February 2001, 933 separate requests have been received. The majority has been investigated and the relevant information has been disseminated to the requesting countries.

The amendment to the Mutual Assistance in Criminal Matters Act, 1997 is necessary for two reasons. First, to allow the Attorney General, who is the central authority under the Act—and the central authority's function is to receive the requests from other countries for assistance and also to make the requests on behalf of Trinidad and Tobago for mutual legal assistance.

Section 3(1) of the Act states: “...the Attorney General shall be the Central Authority.” Section 3(2) states: “The Attorney General may delegate to a public officer, any of his functions under this Act.”

So one of the purposes of this amending Bill is to allow the Attorney General to delegate his functions, under the Act, not only to any public officer but also to any legal officer in the ministry.

Under the present law the Attorney General cannot delegate his functions to a legal officer, and in this Bill most of the matters involve legal matters and the Attorney General himself cannot do it. He has to get assistance, either from public officers or legal officers. Therefore, it is important to give to the holder of the Office of Attorney General the power to delegate his functions to a legal officer. I should mention that although they are delegated, the matters go back to the holder of the Office of Attorney General.

The second purpose of the amendment is to expand the scope of mutual assistance treaties to cover all criminal matters and not to be limited to drug offences.

Trinidad and Tobago, to date, has signed mutual assistance treaties with the United States of America, Canada and the United Kingdom. A high-powered team from the Ukraine is seeking to sign a mutual assistance treaty with Trinidad and Tobago in early June. The Government intends to negotiate treaties with the

*Mutual Assistance Bill*  
[HON. R. L. MAHARAJ]

*Monday, May 28, 2001*

Kingdom of the Netherlands, the Federal Republic of Germany, Venezuela, Costa Rica, Colombia and Mexico, just to name a few countries.

In Canada, for example, the Minister of Justice delegates his or her authority to legal officers working in the Department of Justice.

Clause 1 is the short title of the Bill. Clause 2 is the interpretation section; and

Clause 3(2), as I said, will allow the Attorney General to delegate any of his functions to a public officer or to a legal officer.

Section 40 of the Act provides a treaty to be provided before or after commencement of the Act between Trinidad and Tobago and any other territory, providing for mutual assistance in the detection, investigation, suppression or prosecution of drug trafficking offences.

This section limits any treaty entered into between Trinidad and Tobago and another territory to only drug-trafficking offences. We are extending that to cover any offence because mutual assistance in criminal matters is for any criminal offence. If this section were to remain, the State could be embarrassed internationally if a request came for information dealing with murder, for example, or dealing with acts of terrorism.

Hence, clause 4 of the Bill seeks to amend section 40(1) of the Act by inserting after subsection (5) a section 41(a) to cover treaties dealing with any criminal matters.

So these are the two main reasons for this amendment.

I beg to move.

*Question proposed.*

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in Committee.*

*Clauses 1 to 3 ordered to stand part of the Bill.*

Clause 4:

Question proposed, That clause 4 stand part of the Bill.

**Mr. R. L. Maharaj:** Mr. Speaker, the fourth line in clause 4 has a typographical error but I would prefer to deal with it expressly, "and any other

*Mutual Assistance Bill*

*Monday, May 28, 2001*

territory providing mutual assistance in...”. Instead of “a” it should be “any” criminal matter.

*Question put and agreed to.*

*Clause 4, as amended, ordered to stand part of the Bill.*

*Question put and agreed to, That the Bill, as amended, be reported to the House.*

*House resumed.*

*Bill reported, with amendment, read the third time and passed.*

#### ADJOURNMENT

**The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I beg to move that the House do now adjourn to Friday, June 08, 2001 at 1.30 p.m.

We shall deal with the Bills that are on the Supplemental Order Paper along with the Bills that are on the Order Paper.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 3.33 p.m.*