

Leave of Absence

Tuesday, July 30, 1991

SENATE

Tuesday, July 30, 1991

The Senate met at 10.00.a.m.

PRAYERS

[MR. VICE-PRESIDENT *in the Chair*]

SENATORS' APPOINTMENT

Mr. Vice-President: Members of the Senate, I wish to inform you that in exercise of the powers vested in him by Section 44 of the Constitution, His Excellency, the Acting President has appointed Dr. John Bharat to be temporarily a Senator, during the absence of Sen. Dr. Prakash Persad with effect from July 29, 1991.

Also, under the same section of the Constitution, His Excellency has appointed Mrs. Diana Mahabir-Wyatt, to be temporarily a Senator with effect from July 29, 1991 and continuing, during the absence from Trinidad and Tobago of Sen. Dr. Krishna Bahadoorsingh.

Also, Dr. Colin Sealey has been appointed temporarily a Senator during the absence from the Senate of Sen. Motilal Moonan with effect from July 12, 1991.

AFFIRMATION OF ALLEGIANCE

Sen. Colin Sealey took and subscribed Affirmation of Allegiance as required by law.

OATH OF ALLEGIANCE

Sen. John Bharat took and subscribed the Oath of Allegiance as required by law.

BUSINESS OF THE SENATE

Mr. Vice-President: Members may have noticed that Mrs. Mahabir-Wyatt, who has been appointed a temporary Senator is not yet present this morning. I take it that we will do the swearing in of Mrs. Mahabir-Wyatt when she arrives.

There is just one other announcement that I wish to make and this is directed at the press table. I understand that there has been some mild and fairly good-humoured criticism of your new location. This has been brought to my attention by the Clerk of the House but I wish to assure you that your position there is very temporary. I know that many of you have enjoyed the convenience of sitting at the

Bar and my understanding is that once your new press rooms are completed, you will be relocated from what I consider to have been a very exalted position, back at the Bar at your own preference.

I am afraid, though, that I cannot deliver a timetable for the completion of this exercise, but I have it on good faith from those responsible that this is going to take place very soon.

CHILDREN (AMD'T) BILL

Bill to amend the Children Act, Chap. 46:01; brought from the House of Representatives, [*The Minister of Social Development and Family Services*]; read the first time.

GLOBAL ENCOUNTER MINISTRIES (INC'N) BILL

Bill for the incorporation of Global Encounter Ministries, brought from the House of Representatives [*Sen. F. Rampersad*]; read the first time.

Motion made, That the next stage of the bill be taken at a later stage of the proceedings. [*Sen. F. Rampersad*]

Question put and agreed to.

10.10 p.m.

SCHOOL OF PHILOSOPHY (INC'N) BILL

Bill to incorporate the School of Philosophy and matters incidental thereto, brought from the House of Representatives [*Sen. A. Lequay*]; read the first time.

Motion made, That the next stage be taken at a later stage of the proceedings. [*Sen. A. Lequay*]

Question put and agreed to.

ORISHA RELIGION (SHANGO) (INC'N) BILL

Bill for the incorporation of the Orisha Religion (Shango), brought from the House of Representative [*Sen. A. Lequay*]; read the first time.

Motion made, That the next stage be taken at a later stage of the proceedings. [*Sen. A. Lequay*]

Question put and agreed to

EDINBURGH DHARMIC SABHA (INC'N) BILL

Bill to incorporate the Edinburgh Dharmic Sabha and matters incidental thereto; brought from the House of Representatives [*Sen. A. Lequay*]; read the first time.

Motion made, That the next stage be taken at a later stage of the proceedings. [*Sen. Lequay*]

Question put and agreed to.

PAPERS LAID

1. The National Insurance (Contribution) (Amendment) Regulations, 1991 [*Sen Alloy Lequay*]
2. Report of the Auditor General on the Accounts of the Point Fortin Borough Council for the year ended December 31, 1983. [*Sen. A. Lequay*]
3. Report of the Auditor General on the Accounts of the Point Fortin Borough Council for the year ended December 31, 1984. [*Sen. A. Lequay*]
4. Report of the Auditor General on the accounts of National Insurance Property Development Company Limited for the year ended June 30, 1987. [*Sen. A. Lequay*]
5. Report of the Auditor General on the accounts of National Insurance Property Development Company Limited for the year ended June 30, 1988. [*Sen. A. Lequay*]

WRITTEN ANSWERS TO QUESTIONS

The following questions stood on the Order Paper in the name of Sen. Wade Mark:

**Hourly Rated Employees
(Number Employed)**

40. Could the Prime Minister and Minister of the Economy state how many hourly, daily and weekly rated employees are presently employed in the Government Service and their respective categories and locations in respect of Government Ministries, Departments and Agencies?

**Hourly Rated Employees
(Tenure)**

41. Could the Prime Minister and Minister of the Economy state how many of the hourly, daily and weekly rated employees are classified as permanent, regular

and casual and their respective locations in respect of Government Ministries, Departments and Agencies?

Hourly Rated Employees

42. Could the Prime Minister and Minister of the Economy also state how many hourly, daily and weekly rated employees employed in the Government Service enjoy a period of work of less than ten (10) days per fortnight and precisely how long this practice has been in existence and exactly when is it likely to come to an end?

Sen. Alloy Lequay: Mr. President, I am not sure of the correct procedure for written answers. I am of the view that those answers go direct to the Member from the Clerk of the House and they are not tabled here, because they are written answers. But I have been advised that they have not reached the Clerk and I want to assure Sen. Mark that during the course of today's sittings I will try to find out what is the position with those written answers.

With respect to questions for oral answers, the hon. Minister of Industry and Tourism is requesting a week's deferral.

As I said, I will indicate to Sen. Mark the position with respect to the questions for written answers during the course of today's proceedings.

Questions, by leave, deferred.

ORAL ANSWERS TO QUESTIONS

Development Finance Corporation

The following questions stood on the Order Paper in the name of Sen. Wade Mark:

43. Could the Minister state whether the Development Finance Corporation (DFC) has changed its role from a public sector development agency focussing on the establishment of new business to a purely private sector instrument serving the established business concerns?

Development Finance Corporation (Small Business Window)

44. Could the Minister indicate the reason for the closure of the small business window of the Development Finance Corporation and how has this closure impacted on the development of small business enterprises in Trinidad and Tobago?

**Development Finance Corporation
(Loans Disbursed)**

45. Could the Minister state the total number of loans disbursed by the Development Finance Corporation and their respective size ranges and sectors during the period January 1987 to the present time?

Questions, by leave, deferred.

BUSINESS OF THE SENATE

Sen. Alloy Lequay: Mr. President, I want to seek your kind leave and the leave of the Hon. Members to take Bill No. 3 which is a minor amendment before we get into Bill No. 1 which is going to be a fairly lengthy debate. The hon. Minister of Works, Infrastructure, and Decentralization is present and I have been advised that there are three minor amendments due to typographical errors which we would like to get passed, so that the Elections and Boundaries Commission can proceed with the process included in that particular Act. So if the House will agree, I will like to get that bill done.

Question put and agreed to.

MUNICIPAL CORPORATIONS (AMDT.) BILL

Order for second reading read.

The Minister of Works, Infrastructure and Decentralization (Dr. The Hon. Carson Charles): Mr. Vice-President, I beg to move that a bill to amend the Municipal Corporations Act be read a second time.

Hon. Senators will recall that last year the Municipal Corporations Act was passed in the Parliament, and one portion of it has so far been proclaimed. As one would expect from such a voluminous document, errors will be discovered over time, and an exercise has been put in place to identify errors whether typographical or otherwise, so that they could be corrected. Three minor errors have been identified, however, which must be corrected in order to permit the Elections and Boundaries Commission to carry out its work in making preparations for the holding of local government elections. I therefore seek today to have passed, these three minor amendments in this bill to amend the Municipal Corporations Act, 1991.

Mr. Vice-President, may I first indicate that the explanatory note to the bill is somewhat misleading, for which I apologize, in that it indicates the main object of

Municipal Corporations (Amd.t) Bill
[HON. C. CHARLES]

Tuesday, July 30, 1991

the bill is to adjust the number of electoral districts for the electoral area of Point Fortin from eight to six and to amend the rules for determining the number of electoral districts in electoral areas, generally. In fact, as I said, the object of the bill is to correct three errors.

First of all, the bill seeks to delete the words "Boundaries Commission and Local Government Act" wherever they occur and to substitute, therefore, the words "Elections and Boundaries Commission and Local Government Act." That is an error which should have been referred to in the Municipal Corporations Act as Elections and Boundaries Commission and Local Government Act. So it is a straightforward error.

Secondly, in section 11 6(b), by deleting the number "31" and substituting therefore the word "13" which is clear enough. That is a typographical error in this case. It should have been 13 and not 31.

Thirdly, in the Second Schedule to the Act where the Elections and Boundaries Commission and Local Government Act is amended, this bill seeks in Part I of the First Schedule to substitute for the word "eight" occurring at item 4 under the heading "Number of electoral districts", the word "six". In fact, this is the correction erroneously referred to in the explanatory note as a substantive amendment. In fact, what is happening here is that at the present time the Point Fortin Borough Council contains six electoral districts and we have no intention of changing that.

So that the Municipal Corporations Act should have simply continued with the number, six. By error, the number, eight was written in. So we seek to have it corrected to "six". The other amendment is in the Second Schedule, by adding after paragraph (d), the following: In rule 2(a), by substituting for the word "seven" the word "five". In this case I wish to indicate that this is the paragraph in which the rule for determining the number of districts is set and in the Municipal Corporations Act, what we sought to do is to keep the overall number of electoral districts in Trinidad, more or less, constant. So that whereas the formula before provided for starting with a basic six districts and in adding one district for every 15,000 electors or part thereof, because of the increase in the number of local government areas in Trinidad, it was changed to a basic number of four districts, adding one for every 15,000 electors. As a consequence, when the number of electors is below 15,000, the number should have been changed from seven to five.

10.20 a.m.

It is that simple. In other words, originally it was six, plus one for every 15,000 or part thereof. It was changed in the Act to four, plus one for every 15,000 or part thereof. But we neglected to change the number seven which would be the number of districts when the electorate is under 15,000, to the number five. What I am now seeking to do is to simply have that correction made from seven to five. The rule is already there in the Act.

Mr. President, those are the three omissions or errors if one likes, which I wish to have corrected today. With those words of explanation, I beg to move that a bill to amend the Municipal Corporations Act, 1991 be read a second time.

Question proposed.

Sen. Wade Mark: Mr. Vice-President, we on this side, have little objection to the proposed amendments as enunciated by the hon. Minister of Works. I believe that this kind of scenario we are witnessing here today is one in which the Government would be well advised to travel with less haste because as we are witnessing here this morning and as the Minister has indicated, minor amendments are being proposed to a very important piece of legislation which apparently is now holding up the local government election process.

Dr. Charles: Rather than take it on a point of order, I just want to indicate to the hon. Senator that this is not holding up the local government elections process. We are seeking to avoid such a situation by correcting these errors today.

Sen. Mark: Mr. President, I am certain if these amendments are not passed here today, certainly it is going to contribute to the holding up of the whole process. But nevertheless, we are not going to engage in semantics here at this time. What I would like to say on behalf of our side, is that we have no difficulty in supporting the Minister's amendments, but we just want to caution the Government that in the future, and in particular as we enter in a very important date shortly, that we should exercise the greatest degree of care. It seems that more haste brings less speed in this exercise. We caution the Government that in its haste to get things done, important and sometimes minor areas that are critical to the very existence of a piece of legislation, the very integrity of a piece of legislation could sometimes be overlooked, as we are witnessing here this morning.

Municipal Corporations (Amd.t) Bill
[SEN. MARK]

Tuesday, July 30, 1991

So in this period, we urge the Government that it needs to exercise some degree of caution and proceed with care and less haste. If that advice is adopted, I am certain that these errors that we have discovered in this particular piece of legislation could be avoided in the future.

So as I said, Mr. Vice-President, we have no difficulty in supporting the Minister's amendments and we hope that in the future these minor amendments could be avoided and so prevent the Senate from utilizing so much important time when we have other critical matters to address. Thank you very much.

The Minister of Works and Decentralization (Dr. The Hon. Carson Charles): Mr. Vice-President, I certainly acknowledge the comments of the Senator and I would just indicate that, in fact, I would also like us to avoid errors but it is quite a human thing and I am sure the Parliament fully appreciates that. I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in Committee.

Clauses 1 and 2 ordered to stand part of the bill.

Senate resumed.

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

TELECOMMUNICATIONS AUTHORITY BILL

Order for second reading read.

The Minister in the Office of the Prime Minister (Sen. The Hon. Horace Broomes): Mr. President, I beg to move,

That a bill to provide for the establishment and incorporation of the Trinidad and Tobago Telecommunications Authority and for the regulation of telecommunications services operating in Trinidad and Tobago or on any ship, aircraft, vessel or other contrivance registered in Trinidad and Tobago and for the regulation of the use of apparatus in telecommunications services and for related purposes be now read a second time.

The only remotely relevant legislation at present on the statute books of Trinidad and Tobago is the Wireless Telegraphy Ordinance, Chap.36:02, which was enacted in 1936, an epoch itself rendered even more remote than its chronology suggests by the awesome pace of scientific advance that took place during the intervening years.

The International Telecommunications Union came into being in 1865 and Trinidad and Tobago became a member of it five years after our independence; that is to say in 1967. As a member, Trinidad and Tobago has an obligation under Article 27 of the Union's constitution, as well as elsewhere, to regulate the use of its airwaves so as to ensure and safeguard, "the rapid and uninterrupted exchange of international telecommunications," and also to establish an appropriate body with responsibility to carry out these functions.

10.30 a.m.

In keeping with this responsibility, Government, in June 1987, appointed a task force to study the matter of the use of the airwaves having particular regard to development of new technology. The work of this task force resulted in the publication, in August, 1987, of a White Paper which recommended the establishment of a Telecommunications Authority to help develop and to implement policy relating to regulation of, and advancement in, the field of telecommunications in Trinidad and Tobago.

In undertaking in this way its obligations under the international convention, the Government of the Republic of Trinidad and Tobago was fulfilling also, a commitment made in the manifesto of our party, the National Alliance for Reconstruction, when it successfully offered itself to the people of the Republic of Trinidad and Tobago as the only political party equipped to lead the country out of the era of darkness in which it then was, into the 21st Century.

With your leave, Mr. Vice-President, I will quote from page 47 of the manifesto which has since become a document with the status of Government policy:

"The National Alliance for Reconstruction is committed to the fullest exploitation of the technology of electronic communications as a means of keeping the people of Trinidad and Tobago in tune with the world. Full use will be made of existing satellite transmission facilities to expose the population to information about the global village, commercial and scientific trends and developments and new technologies.

However, to balance the flow of information, emphasis will be placed on the production of local material. Trinidad and Tobago will not be a mere passive receiver but will become an active transmitter of culture and ideas. We will be innovators—not merely users.

The NAR with the co-operation of international agencies, will adopt a policy for the communications industry to move into a high-technology operation with opportunities for local invention and experimentation.

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 material 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 communication.
- (f) Make recommendations to update the related laws."

As I have said, in meeting its commitment under the international Convention, the Government of the National Alliance for Reconstruction was at the same time meeting a very precise commitment set out in its manifesto and on the basis of which it was voted into power, overwhelmingly.

The National Alliance for Reconstruction, at that time, was touched by the plight of the people in the face of the indifference, perhaps even the hostility, which at that time greeted the pleas of the people who were crying out for a more liberal attitude to broadcasting, for a freeing-up of the airwaves to bring an end to the oppressive situation then existing, wherein, since television came to Trinidad and Tobago, no other station but the state-owned one had ever been granted a licence to operate.

One individual, calypsonian, Lord Superior, had resorted to legal action against the then Government to try and get a response to his application for a licence to operate a radio station. His action failed in court and he persisted. A group of people from San Fernando, interested in setting up a television station in the south,

could not get a reply for some five years. REACT, consisting of a group of citizens willing and able to help in times of disaster, had been waiting for licences for more than 12 years. Never mind that this voluntary body continued to provide the country and its citizens with two-way radio communication in times of emergency, at carnival time, and at major sporting and other large events. To make the irony supreme, this group had had its equipment seized towards the end of the very era of darkness to which I referred earlier.

The Telecommunications Task Force—and I pay tribute to them today for their diligence and for the expert advice that they provided to Government—examined the intricacies and nuances of the broadcast industry, the data transmission industry and perhaps most important of all, the social imperatives for opening up the use of the airwaves.

In subsequently issuing some 11 licences for new radio stations, six for conventional television stations and six for cable television stations, the Government of the National Alliance for Reconstruction demonstrated without equivocation, its recognition of, and respect for not only the people's right of free speech, but also the people's right to be seen and heard and not to be treated like little children.

For is there any point in having freedom of speech, if what you have to say cannot be communicated? In the implications of this rhetorical question lies the overriding purpose of the bill before this Honourable Senate today.

Fundamentally, this bill provides for—and with your permission, I quote from the preface to the White Paper:

"Optimizing the telecommunications resources of Trinidad and Tobago in order to ensure maximum benefits to the citizens of the country, bearing in mind that communication infrastructures are of fundamental importance to the economic and social development of our people.

Secondly, the establishment of a fully staffed Authority with technical expertise to supervise and regulate the use of the airwaves with particular emphasis on the development and use of new technology. For example, satellite broadcasting, the granting of radio and television licences, the supervision and regulating of sound and visual broadcasting and telephony.

Thirdly, the Authority, with its co-operational international agencies, will adopt a strategy for the communications industry to move it into a high

technology operation with opportunities for local invention and experimentation."

10.40 a.m.

As I indicated at the commencement of this presentation, the existing laws governing the use of the airwaves (such as they are) were enacted in 1936. The obligation of this Government is manifest to introduce in this new era modern, streamlined legislation designed to bring to an ignoble end the bizarre paradoxes already described, designed to underline the fact that the Government of the Republic of Trinidad and Tobago in this era understands the need for modernity in the type of attitude and the type of laws which govern the transmission of messages that move across continents as well as here at home, at the speed of light. It does take a modern, forward looking, intellectually well-equipped administration to understand these things.

The worldwide telecommunications system is a network of fully compatible and harmonized components. It is in the interest of this country, therefore, to ensure development of the telecommunications infrastructure in a manner such that it can co-exist and can be interfaced with this worldwide system at all times.

This system through the ITU mechanism is a highly regulated one complying with the ITU's high standard and strict regulations. It is not without cause that the ITU is one of the oldest of international institutions. Today, 166 states belong to this international body which convenes regularly to develop new regulations to meet the requirements of the industry worldwide.

Under the ITU Convention, each member state must establish what is called an "Administration" for the purpose of implementing international agreements and regulations relative to telecommunications. Of primary concern among member states in this context are:

- (a) The management and use of the frequency spectrum, a limited resource shared by all member states and this provides and enables radio communications and broadcasting.
- (b) The interfacing of the telephone network among member states.

Some member states of the ITU, especially among developing countries, have chosen the route of establishing as the "Administration" which is required by the international agreement, departments or divisions in Government ministries.

However, the trend in more developed member states of the ITU, is that the telecommunications infrastructure is not exclusively owned by the state and, therefore, the "Administration" is usually in its turn a semi-independent or an autonomous body with, of course, ultimate accountability to the state.

The present position in Trinidad and Tobago is that the telecommunications industry is governed by the outdated Wireless Telegraphy Ordinance which was passed in 1936. The "Administration" for the implementation of the ITU Conventions and Regulations, as well as for applying our national legislation, is the Telecommunications Division, Office of the Prime Minister, from which, when this bill is passed, it will be moved.

Today, our national laws and regulations are entirely outdated and cannot at all adequately respond to the new technological advances and the modern telecommunication services which are available. The expansion of the industry, especially in the area of the use of the frequency spectrum resource, which, as I have said before, is a limited resource, calls for adequate and updated laws and regulations. The commitment of this modern Government of Trinidad and Tobago to freedom of communication dictates that the regulatory body should, while of necessity being ultimately answerable to the state, be semi-autonomous. Thus this bill provides for a semi-autonomous "Administration" geared to respond to the international as well as the national developments in telecommunications.

Presentation of this bill to this honourable Senate is indicative of the fact that deregulation and expansion of the industry have as a concomitant, an urgent need to examine and determine issues of policy, of regulations, of enhanced frequency management facilitated by updated legislation responsive to the modern challenges of this industry. The establishment of a Trinidad and Tobago Telecommunications Authority as a semi-autonomous entity would help to meet this need.

The Caribbean Telecommunications Union. When the Heads of Government of the Caribbean Community met in St. Lucia in July 1987, they considered and agreed upon the importance of telecommunications to the community. They recognized that international telecommunications decisions and trends in policy-making had direct bearings upon member states.

10.50 a.m.

The Heads mandated Ministers of Telecommunications to discuss these issues and to examine proposals for the establishment of a Caribbean Telecommunications Union (CTU). Some three years earlier, North American interests had seen to the parturition of a club of national telecommunications companies in our region.

They told us, Mr. Vice-President—if I quote from Neruda, with your leave, in Spanish:

"Yo vine aqui para cantar

Y para que cantes conmigo."

Meaning: "I came here to sing and to bid you sing with me", and they call themselves after the name of Pablo Neruda's epic poem.

Following the meeting of CARICOM Transportation Ministers in September, 1987, in Barbados, when the issue of telecommunications next appeared on the regional agenda, CARICOM Telecommunications Administrators met six times at the level of officials and three times at the Ministerial level, underlining their recognition of the importance of telecommunications issues for the region.

In September, 1987, at the ministerial level, the Community came to specific conclusions on a range of procedures for bringing the CTU—that is to say, the Caribbean Telecommunications Union—into being and for approaching international telecommunications on a regional basis. These proposals concerned the appointment of a Secretary General for the CTU; the nature of the CTU's membership; regional collaboration at major International Telecommunications Union Conferences; technical co-operation in the implementation of an ITU feasibility study; and a host of regional telecommunications issues affecting frequency management, emergencies and data on telecommunications services in the region.

A CARICOM Telecommunications Seminar held in St. Kitts in March, 1988 advanced work in relation to the CTU by laying the groundwork for increasing the interchange of telecommunications information among decision-makers in member states of CARICOM, that is to say, information respecting policy, strategy, forthcoming international conferences, and the implications of rapid technological change.

Through its effective leadership role, Mr. Vice-President, the Government of Trinidad and Tobago was able to persuade regional decision-makers to site the headquarters of the Caribbean Telecommunications Union in Port of Spain.

Mr. Vice-President, the international telecommunications community has widely applauded this development, and the CTU will in time undoubtedly prove to be a formidable CARICOM organization, having as it does at present, a citizen of this country at its helm as its first Secretary-General, Secretary-General Deoraj Ramnarine, who was elected to the post.

I turn briefly, Mr. Vice-President, to the question of telephony. In 1990, Government completed its restructuring programme of the external and internal telecommunications entities. This entailed the location of an international partner, Cable and Wireless, and the merging of TELCO and TEXTEL into one company which is today Telecommunications Services of Trinidad and Tobago Limited, TSTT. The purpose of the merger was to establish a modern, viable telecommunications company that would take the development of this industry into the 21st Century.

With your leave, Mr. President, I invite hon. Senators to have with me a look at what has transpired in the telecommunications environment in the recent past. During the last two decades, the international telecommunications industry has seen many revolutionary developments, as technological advances in voice and video transmissions and reception have been phenomenal both in terms of the structure of the industry and of the products and services with which it has become concerned. The emergence of new products and systems has had a profound impact on the work environment, resulting in greatly increased productivity levels.

The technological strides achieved by the industry have also fundamentally affected global communications, generating improvements to the extent where virtually all countries are now intimately linked with one another. This development, Mr. Vice-President, has influenced the lives of hundreds of millions of people and has opened up opportunities in many fields, particularly in the fields of education and business. It has brought into sharp focus the problems of preservation of cultural heritage and national identity, while posing troubling questions in areas such as censorship and national security. In the area of disaster management, the contribution of telecommunications services has been quite invaluable. The continued growth and development of the industry, taking into

account, among other things, its technologically dynamic nature, requires large capital investment. There is, therefore, need for greater involvement by all the people.

The National Alliance for Reconstruction Government is keenly cognizant of the strategic importance of this industry and will ensure that its development is in harmony with the attainment of the country's important socio-economic objectives. Thus, the development programme for the industry will emphasize the promotion of attitudes, indeed, of a scientific culture, geared to facilitate the transfer, adaptation and creative use of appropriate technology. Attention has constantly to be paid to the global nature of this industry and the concomitant need to ensure harmonization, uniform standards, and compatibility with the international network.

In tandem with international developments and in consonance with the Government's thrust towards rationalization of the state enterprises sector, the structure and organization of the industry and the delivery of services have been profoundly affected over the last few years.

The structure of ownership, both in terms of local/foreign and public/private sector, has been altered with the sale of 49 per cent of the shares in the state-owned Trinidad and Tobago Telephone Company (TELCO). As a result of the divestment of shares, there is now a greater foreign private sector participation in the industry. From this development, Mr. Vice-President, TSTT has already begun to produce tangible benefits for this country.

This new company has been able to make a substantial investment in new technology, for example, has been able to go into cellular telephony, the fruits of which will be there to behold in the very near future. Perhaps more importantly, the company has been able recently to reduce its rate on certain services as they have recently announced. The company has completed work on its teleport facility at Point Lisas which will provide enhanced services to the population.

Mr. President, as I have already recalled, the NAR Government gave a commitment to the nation to open up the broadcast industry.

Sen. Wade Mark: Can I ask a question? Could you indicate whether the document, the Heads of Agreements document, TELCO, TEXTEL, Cable and Wireless, is a public document? Could you indicate that, or was this a secret document?

Hon. H. Broomes: I am not in a position to answer that question at the moment. I do not know. I will try to find out for the hon. Senator.

Mr. President, as I have already recalled, the NAR Government gave a commitment to the nation to open up the broadcast industry. This commitment did not imply that there will be a free-for-all, or a *laissez-faire* approach for the process of opening up the sector. The broadcast spectrum is not infinite and international protocols must be observed, as I have pointed out before. Taking these factors into account, Government appointed a committee to consider applications for radio, television, and cable television licences, and this committee which was chaired by the Chairman of the Public Utilities Commission, after establishing its terms of reference, did a commendable job in assessing the applications received. Subsequently, Mr. Vice-President, the Government in 1990 granted some 23 broadcast licences to individuals and companies for the establishment of new broadcasting stations, including radio stations, conventional television stations, and cable television stations. To date, two new radio stations are on the air, and two more are expected to go on the air later this year. Two television stations are in an advanced stage of preparation and should be on the air before the end of this year. And further, two cable television operators are expected to be in business by year's end.

From the development of the telecommunications industry, many visible benefits will flow. These include:

- (a) increased employment;
- (b) enhanced opportunities for outstanding native talent and creativity; and
- (c) the realization of prospects for converting the industry into an export oriented one.

Permit me, Mr. Vice-President, to tarry a short while on the matter of job creation. This obviously is one of the most important major spin-offs of issuing new broadcast licences. As part of its commitment to generating new, productive employment, this Government has looked at all areas of the economy, and as it became clear that the opportunities were there in the enhanced broadcast industry, the Government was pleased to take action such as was envisaged in the NAR's manifesto in the section which I quoted near the beginning of this presentation.

Some concern has been aired, Mr. Vice-President, as to the rationale behind issuing new licences before the telecommunications authority has been established.

The explanation for that is not arcane. Government felt that as the existing laws, such as they are, notwithstanding their venerable vintage, did not adversely affect the state's capacity to issue licences, there was no need to frustrate applicants by further delay. They could be issued their licences and begin groundwork to get into business pending the establishment of the authority. The era of delays we had already left far behind.

In this regard, due attention was paid to the fact that merely by issuing such licences and putting people on the road to getting their broadcast businesses on stream, merely by doing that, we were generating employment. I am reliably informed, Mr. Vice-President, that to date nearly 60 new jobs have been created in the enhanced broadcast sector, and surely, as more and more new broadcasters go on the air, this number will grow and grow. I am advised that we may confidently expect that by year's end, it will be in the region of some 300 new jobs.

The employment prospects are even brighter when you consider the potential for new jobs in the video production industry, the advertising industry, the graphic art supplies industry, in the music industry, and one could go and on, Mr. Vice-President.

Central to all this is the obvious role of our own very creative people, creating our own programming material, our own home-grown advertisements, which are daily becoming more and more classic. The scope for the enormous talents so often, so constantly displayed by our people, is, if I may say so, Mr. Vice-President, most impressive indeed.

Mr. Vice-President, I am advised that over the past 15 years various draft bills were prepared in recognition of the need for modern telecommunications legislation in Trinidad and Tobago. However, for one reason or another, it appears, these attempts at legislation proved barren and bore no fruit. The present Government, through the NAR manifesto, had given the undertaking to deal with this issue and in particular with release from bondage of the telecommunications industry. Having carried out the reorganization of the telephone industry and more recently opening up of the broadcast media, we have come now to the opportune moment to introduce this bill to meet the need for modern telecommunications legislation and for the establishment of an authority to implement updated regulations and to pursue the development of policy, guided always by the *Medium-Term Macro Economic Framework* policy document and by the White Paper on Telecommunications to which I have already referred.

The bill, Mr. President, consists of the following parts dealing with the areas I shall indicate as I go long.

- Part 1 - preliminary: descriptions and definitions.
- Part 2 - the establishment, functions and management provisions of the Authority.
- Part 3 - the grant of concessions for the operation of telecommunications services;
- Part 4 - the licensing of telecommunications equipment and system;
- Part 5 - the designation of telecommunications inspectors;
- Part 6 - the creation of offences and penalties in respect of contravention of the provisions of the Act.
- Part 7 - the financial regulations that will be applicable to the Authority;
- Part 8 - the staffing of the Authority; and
- Part 9 - general provisions for the functioning of the Authority.

11.10 a.m.

Mr. Vice-President, with your leave I should like to make a few comments on the various parts of the bill to which I have just alluded. Part 2 provides for the establishment of a managerial board consisting of seven persons to be appointed by the President of the Republic of Trinidad and Tobago after consultation with the Prime Minister and the Leader of the Opposition. In addition, the director, who stands to be appointed by that board will be, *ex officio*, a member of the board. Part 2 also establishes the terms of reference and functions of the Board which includes policy formulation and implementation, promotion of telecommunications industry development, establishing standards and regulations, licensing of various services and equipment, advising government at international and regional fora on telecommunications matters, and the management of the frequency spectrum—a very important aspect of the functions. The present staff of the Telecommunications Division of the Prime Minister's office will be transferred to the Authority when it comes into being.

Part 3 provides for the granting of concessions for broadcasting and public correspondence. It deals with the conditions to be laid down in respect of the grant of a concession and establishes procedures to be followed in implementation of a

concession with reference to cases in which it is necessary to construct on public property or on the private property of some person other than the constructing entity. The concessionaire is obligated to submit to the authority audited financial statements each year so that the authority can determine the fees payable by concessionaires to the authority because the fees payable will be based on their turnover. Provision is also made for the safeguard of telecommunications systems and of the security of the state, about which many people appear not to be overly concerned, judging from some of the comments in the media. But this Government is duly concerned about any abuse arising out of the grant of the concessions.

Part 4 provides for the granting of licences by the Authority for operating telecommunications equipment for the various services. It will also regulate the use of telecommunications, and in particular, radio communications equipment in the territorial waters of Trinidad and Tobago. It provides, too, for the licensing of manufacturers and dealers in communications equipment. Part 4 also gives the Authority power to establish the necessary licence fees as the authority sees fit. It deals with the conditions to be laid down for the grant of licences including the penalties in cases of breach of the conditions relating to the licences.

Part 5 provides for the designation of officers of the authority to be telecommunications inspectors. The role of these officers is to ensure that concessions and licences issued by the authority are implemented and maintained in accordance with the conditions and regulations of the concession or of the licence. It provides for inspectors to enter premises at all reasonable times in carrying out their duties, obtaining first, however, a warrant from a magistrate, and also being accompanied by a uniformed police officer.

Part 6 provides for penalties for the contravention of the provisions of the Act. It establishes offences such as the use of unauthorized frequencies, transmitting false and deceptive signals and damaging telecommunications services.

Part 7 provides for the sources of funding for the authority. These include appropriation by Parliament; fees for services rendered, concession and licence fees, and sums borrowed with the approval of the Government. It treats also with the purposes to which funds are to be applied, including the remuneration of board members and staff and the general operating expenses of the authority.

Part 8 provides for the hiring by the authority of staff that the authority deems necessary for the efficient performance of its functions. The staff of the present Telecommunications Division of the Prime Minister's office will go, at their option,

on secondment to the authority. Provision is also made for staff to opt to return to the general public service or retire voluntarily if they so desire. Part 8 also provides for officers to be transferred from the wider public service to the service of the authority. It requires that a pension scheme be established and provides for protection from loss of service of the staff of the present Telecommunications Division upon their secondment to the authority.

Finally, Part 9 makes general provisions and empowers the authority to operate a monitoring station to verify whether a telecommunications service is or is not being operated in accordance with the provisions of the Act. It empowers the director to take necessary steps to ensure that a service is operated in accordance with the licence conditions and does not cause harmful interference. It also authorizes the board to make regulations for the purpose of giving effect to the Act. It requires the authority to produce, within a year of its coming into being, a broadcasting code to regulate the operations of concessionaires of broadcasting services. Provision is also made for the continuation of services granted under the present wireless ordinance and the licences granted to concessionaires for public correspondence and broadcasting services until such time as those licences and concessions come up for renewal.

Mr. Vice-President, at this point, I will say just a few words on the broadcast code. Clause 79 provides that the authority shall, as I have just said, within one year of its establishment, by order subject to negative resolution of Parliament, promulgate a broadcast code to regulate the operations of concessionaires of broadcasting services. It may be expected that this is where our society and the Government will have another opportunity to deal more expansively with the social implications of the use of the airwaves and the way in which the general population responds to such use and, therefore, creates an impact on the contents of the broadcast code.

The White Paper developed by the Telecommunications Division Task Force contained a draft broadcast code and this code generated much comment in open meetings, in radio talk-shows and on television, thus lending validity to the expectation that promulgation of a draft broadcast code by the authority will generate discussion to guide it as to the final contents of such a code. The broadcast code will deal with matters such as the advertising of alcohol and tobacco products. It is the broadcast code which will determine the optimum number of commercials permissible on the air per unit of broadcast time—a very

important area for regulation. It is the broadcast code which will set the guidelines for the type of programmes to be produced for the younger segments of our population and so on.

Mr. Vice-President, the bill before this honourable Senate today is a forward-looking bill in every respect, designed to meet the demands of this modern era. The Government of Trinidad and Tobago has been paid the highest compliment by some of our Caribbean neighbours, in that, for example the Governments of Jamaica, Grenada and Guyana have used this bill as a guide for the modification of their own legislation. I have gone into it in some detail in presenting it to this Honourable Senate in the hope of rendering prolonged debate unnecessary, and I trust that in this regard I will meet with some success, and that hon. Senators will have no difficulty whatsoever in voting in favour of this bill. I beg to move, Thank you.

11.20 a.m.

Sen. Salisha Baksh: Mr. Vice-President, I would have liked very much to begin my contribution by thanking the Minister for his information, but I am afraid I really cannot say that with much honesty, because what I really expected to hear from him, I did not. He did take us through a guided tour of the bill though.

The main object of this bill is to establish a body corporate to be known as the Trinidad and Tobago Telecommunications Authority. This Authority will be responsible for the regulation of telecommunication services and certain apparatus used in these services throughout Trinidad and Tobago. But, what is the extent of this control? In response to this, one must be aware that telecommunications encompass a number of services and facilities for transmission of written messages. It also includes voice communication and a variety of other communication modes such as radio and television programmes, data and facsimile transmission, telemetering and telecommand applications.

Telecommunications entities provide telephones, telegraphs, telex and data facilities to the public, giving customer-service for voice and written communications. In addition, Mr. Vice-President, these entities lease telecommunications facilities for private use to meet a wide variety of needs. When any entity is being given complete control over modes of transmitting information, that is, in this case telecommunications, then it becomes the duty of the legislature to thoroughly analyse the document which creates this entity.

This bill is before us today, and we are expected to give support to it, despite the fact that there are no regulations attached. We are to be pacified with the knowledge that these regulations are being formulated to be presented to Parliament, God knows when!

Without these regulations, we are giving our consent to the creation of an autonomous monster. This monster will derive its power through its control of information. As we are all quite aware, it is not information itself, but the control of information, that is power. We must therefore ensure that this does not happen. It is for this reason that this bill in isolation cannot warrant our support. Section 77 of the bill gives the Telecommunications Authority the power to make regulations for specific purposes and these regulations would be subject to negative resolution of Parliament. But one wonders, Mr. Vice-President, how effectively will this authority function while the necessary regulations are still to be formulated. We need to know:

1. Who will be drafting these regulations?
2. When will they be presented to Parliament?
3. Will the present Government accept responsibility for any chaos that may be created in the absence of regulations necessary for the effective operation of this bill?

There are many reasons that emphasize the needs for us to acquaint ourselves with these regulations before supporting this bill. For instance, we should know the criteria that will be used for granting future licences. We should also know the role of the authority *vis-a-vis* the Public Utilities Commission on issues such as rates, and methods of enhancing value added services. We must bear in mind that this bill is to be enacted under section 13 of the Constitution because it may be inconsistent with sections 4 and 5 of the said Constitution.

In recognition of the fact that the bill may infringe certain fundamental rights and freedoms, it is necessary for us to examine the extent of the abrogation of these rights. This can only be achieved when the regulations are read in conjunction with the bill. Bringing the bill to Parliament at this time, without regulations appended, Mr. Vice-President, is a classic example of the Government manipulating the legislature to pass this incomplete bill, knowing fully well of its controversial nature.

Part 2 of the bill establishes the authority, the method of appointment, and the composition of the board. It also outlines the general procedure for the board's operation and resignation of its members. Further, it outlines the many functions of the authority. It is noticeable, however, that while provision is made for appointments to the board, the duration and termination of such appointments, there is literally no provision that deals with grounds for dismissal. Such a provision in the type of legislation before us is mandatory, because the authority is almost autonomous in the performance of its duties, and its decision-making process.

A statutory body which is given a wide ambit of power, should always be carefully guarded because the exercise of such power could be detrimental. The bill must, therefore, include provisions for a clearly outlined method of accountability. It is only fair that since penalties have been stipulated proportionate with the level of delinquency among the public, then by the same token, members of this board must be made liable and responsible for their actions.

11.30 a.m.

Clause 4(2) appears to be ambiguous, in that there is mention of five members having particular qualifications, one member having experience or training in the visual or performing arts and one member being an attorney-at-law. But what bothers me here is the true interpretation of this provision. Does it mean that this seven-member board shall be comprised of five persons in the fields referred to previously, a sixth person who shall have experience or training in the visual or performing arts, and the seventh person who shall be an attorney-at-law? Or does it mean that of the seven board members any five of them must be in the fields referred to previously? That is, any of them must have experience or training in the visual or performing arts and any one must be attorney-at-law. Now if this is so, then the requirements of the board as stated in clause 4(2), can be fulfilled by a minimum of five persons. Bearing in mind that it is stated that the authority shall be managed by a seven-member board, then what qualifications will be required of the remaining two? You may wonder what is the relevance of this query. Put simply, the problems with this bill begin with the inception of the board.

We note with particular interest, clause 16, which exempts members of the board from personal liability from any act or omission of the board or for anything done or permitted in good faith in the course of the operations of the authority under the Act. Bearing in mind this level of protection to be enjoyed by each

member of the board, then I am sure that each member would totally endorse a specific statutory provision dealing with conditions for termination of his services when in breach of his duties.

Clause 18 deals with the functions of the authority which undoubtedly gives the body absolute control over all telecommunications services. This authority will act as arbitrator and dictator on all telecommunications matters, thus undermining the present role of all statutory bodies and legislation which have already been designated with this function. How safe will the public feel knowing that even the court's jurisdiction is being tampered with when the issue involves something as important as telecommunications? But the authority will not be acting alone, for it, too, falls subject to the approval of that person who can create havoc in the exercise of power.

According to clause 18(a), all policies formulated by this authority governing the development of telecommunications, will only be implemented with the approval of the Minister. This is a blatant indication of the rampant political interference which will occur in all the activities and decisions to be made by this so-called autonomous body. Perhaps this is the reason for this body being referred to as semi-autonomous. The draftsmen of this bill should be congratulated for their attempt to introduce some sort of democracy in the decision-making process of the authority.

Subclause (b) makes provision for an input by producers, broadcasters and the general public on the formulation of policies governing all broadcast material. But using the words "on consultation" the authority has only to ensure that the persons referred to have been given an opportunity to express their views. It is not bound to make these views a part of any broadcast policy. The authority's duty as clearly stated in subclauses (a) and (b), is to ensure compliance of its policies. We refuse to accept words which disguise the true intention of this bill. The public's interest could not be truly represented and we could be fools if we fall prey to a document designed to manipulate all telecommunications services to this Government's political and electoral advantage.

According to subclause (g) the authority will decide on issues involving settlements of disputes among entities on telecommunications matters. Note, they have cleverly used the word "decide" and not words such as "investigate" or "advise" for obviously, these more acceptable and appropriate words would

definitely act as a hindrance to autonomous power, subject to the Minister's approval, of course, enjoyed by this authority.

The authority in this role as sole arbitrator has made no provisions for which of its officers will sit in the seat of judgment. There is no tribunal created by this bill, which is most alarming when one considers that it is the usual practice to create such a body to oversee and aid in the varied functions of such a powerful authority. Furthermore, what principles of justice and code of ethics would be used by this authority which will be plagued by political dictatorship?

We recognize that judicial review would be available for those persons aggrieved by the authority's decision. But perhaps the independence of the judiciary would better facilitate the constitutional right of a citizen to a fair hearing in accordance with the principles of fundamental justice for the determination of his rights and obligations, than if he were brought before a dependent authority.

Subclause (q) gives the authority the function of investigating complaints from consumers and other entities concerning all telecommunications services and related matters. I am concerned as to whether the personnel of the authority would be able to handle the workload involved in fulfilling such an onerous duty. It seems clear to me that in the attempt to ensure that the authority has complete control in all matters related to telecommunications, the authority has been given to bite more than it can chew.

The authority's functions will undoubtedly overlap with bodies already in existence and perhaps more capable and efficient in handling this particular function. For example, no reference is made to the Trinidad and Tobago Telephone Act, which by Part IV of this Act, establishes a tribunal which has the powers to hear and determine complaints of its subscribers. Further, what is the position with cellular phones? Will the existing Telephone Act deal with such developments, or will this new authority be left to determine the standards and regulations for the introduction of such systems? These are answers we need to know now, Mr. Vice-President.

Part III of this bill deals with concessions. Clause 21 which gives the authority the right to impose special conditions for every concession for the operation of a telecommunications service, also specifically states as one of six specified conditions, that the authority can control the hours of supply of the telecommunications service to be reserved for Government purposes. Why should concessionaires who follow the procedures set out in this bill for the application of

their concessions and who pay their fees for such concessions, be subject to this rigid control? Further, why is this blatant form of political control and interference necessary, when the Government already has total control of a radio station and a television station? It is, therefore, obvious that one of the main objects of this bill is to ensure that Government maintains and promotes its monopolistic hold on all modes whereby information is transmitted to the public.

11.40 a.m.

The fact that mention is only made of hours of service to be reserved for Government and not any other political organizations is a further indication of a deliberate attempt to stunt political growth and thought in this country. The condition as stated in clause 21(b) is a dangerous and bias provision which should form no part of this bill.

Clause 26 gives the director the power when he has reasonable grounds for suspecting that any person is using any means of telecommunication for purposes dangerous to the security of the state, to immediately notify the Minister who shall direct that person to cease using such means of telecommunication. Further, where a person is so directed by the Minister, he is to immediately comply with such directions. Further, it is also a condition of each concession that the concessionaire is mandated to comply with such directives.

This absolute power will be enjoyed by the director, and as we all know, "power corrupts, and absolute power corrupts absolutely". *[Interruption]*

It is repugnant to the conscience of human beings to allow one person to chart the destiny of an entire society. *[Interruption]*

I am happy to see that my friend on the opposite side understand the statement made. It gives me a certain amount of reassurance that he at least is aware of the meaning of "power corrupts and absolute power corrupts absolutely."

I am aware, that clause 27 does provide an aggrieved person with the option of appealing to a judge of the High Court and thence to the Court of Appeal.

Clause 28 explains that upon such an appeal, if the Minister certifies that in his opinion it is contrary to public order, public safety or national defence to disclose the grounds for his suspicion of the appellant's dangerous activity, then unless the High Court or Court of Appeal thinks it fit to order otherwise, the Minister is presumed to have had reasonable grounds for so suspecting.

Thus let us not fool ourselves. The aggrieved person is presumed guilty until proven innocent. The standard of proof he will have to satisfy is beyond reasonable doubt. How successful a litigant will he be when he is fighting the mighty arm of the state, bearing in mind that the latter enjoys special privileges on issues such as discovery of documents.

Part IV deals with the granting of licences and it is presumed that each licence will contain stipulated conditions. Clause 40(1)(a) provides that:

"No person shall, unless issued a licence or a temporary licence for the purpose by the Authority—

- (a) establish, maintain or use a radio communication service that is not intended for public correspondence where the service is established on, above or under ground or where it is to be used for valuable consideration;"

The definition of the term "radio communication service" as defined in clause 2(1) of the bill, reads as follows:

"radio communication service' means a service involving the transmission, emission or reception of radio waves for specific telecommunication purposes;"

To me, this definition includes all radios which by clause 40(1) are subject to a licence. The present situation, as we are all aware, is that radios no longer require licences. Clause (4) states that:

"The Board may by Notice published in the *Gazette* increase or reduce the number of categories of telecommunication services in respect of which a licence is necessary."

One may therefore argue that the authority in the exercise of its power under this clause would ensure that the blatant inconsistency referred to here would be rectified in that radios would not be included in the category of radio communication services that require a licence.

We are not assured at this point that the present situation would remain intact. Bearing in mind that there are no regulations pertaining to this clause to guide us, we would like to see a provision in this bill that would be an assurance that radios would not again become subject to licensing.

We acknowledge that telecommunications is dynamic as its technology is rapidly advancing and it is therefore necessary to have flexibility in the provisions of the bill. But this is no justification for the use of an important definitions being

given very wide and vague meanings. For example, the term "public correspondence" as defined on page 4 in clause 2 states:

"'public correspondence' includes any exchange of messages that offices or stations for telecommunication provide as a service to the public."

This definition is so all-encompassing that one wonders if the print media is included and if so, then they are likely to be subjected to some form of control by this authority.

In this country, there is a conception of freedom of the press. I shudder to think that the inception of this bill which may eventually become law, can be a disguised attack of our fundamental freedoms. If it is, then we are laying a very dangerous precedent.

Clause 45 Part (V) enables the board to designate officers of the Authority to be inspectors for the purposes of the Act and empowers them on the basis of a magistrate's warrant, and accompanied by a police officer, to enter and search any place, vehicle, ship or aircraft from which a telecommunication service is being carried on, seize any apparatus or records if there appears to be any contravention of the Act. Whereas, clause 70(b) provides that the authority may fix qualifications, terms and conditions of service for the officers and employees of the authority. But nowhere does the bill say the number of inspectors to be appointed and the qualification required. This information is mandatory, bearing in mind the importance of these officers and their functions.

11.50 a.m.

When this bill was first presented and read I noted with great concern the harsh penalties accompanied by jail sentences that were imposed for the particular offences created. The penalty provisions as stated imposed strict liabilities and no room was left for the exercise of discretion in awarding such penalties.

I was therefore relieved when I read an article in the *Sunday Guardian* dated July 28 on page 10 which took the form of an interview with Minister Broomes. When asked about the penalties for not obtaining a licence, Minister Broomes replied:

"The penalty for breaking these rules necessarily has to be stiff and it is a fine of up to \$15,000 and/or three years imprisonment if it is a summary trial.

If it goes to the High Court it could be \$50,000 and/or seven years in jail."

By making this statement, the Minister has directly acknowledged the need for reforming this provision in order to make it consistent with and not contrary to the fundamental principles of justice. Further, the Minister should be made aware that consideration should be given to include provisions that will restore the balance to the scales of justice.

As the bill stands, there are no penalties imposed for members of the authority who breach their duties. The Act does not provide in any specific way for enforcing the duties of the authority. It defines no offence; it provides no punishment; it gives no remedy for a breach; and even though an aggrieved person has recourse to the court there seems to be a fetter on the exercise of the court's jurisdiction.

We live in an age when Parliament has placed statutory duties on public authorities for the benefit of the public, but has provided no remedy for the breach of them. When a public authority transgresses the law or threatens to transgress it, every member of the public who will be injuriously affected should have free access to the courts and be very clear as to his rights.

We acknowledge that it is the province of the courts to see that the duties laid down by Parliament are obeyed. But before one can initiate proceedings in the court, one must be aware of one's right. This bill does not tell us exactly what amounts to a breach by the authority of its duties and must remember that clause 27 of this bill refers only to an aggrieved concessionaire.

The problem of what to do about powerful persons or bodies who seem to be above the law is certainly not new to us. And we have to ensure that there are weapons that can be used for cutting down the over-mighty to size. One such weapon is to ensure that there are ample provisions in statutory documents such as this bill to regulate and control the extensive power given to the statutory bodies. Clause 49 (d) of this bill states:

"A person who—

(d) co-operates with any broadcasting service operated contrary to this Act or its concession

is guilty of an offence...."

I have a problem with the entire bill. In this bill, the use of the word co-operate is very vague and requires precise definition. For example, does "co-operate" here

means a person who advertises with a broadcasting service which is operating contrary to this Act; or does the word "co-operate" mean a more positive act of defiance such as aiding and abetting in the illegal operations of a broadcasting service? One must remember that the words used in a penal provision must be unambiguous and precise.

Clause 79 makes provision for the authority to promulgate by order a broadcast code to regulate the practice of concessionaires of broadcasting services. This code would be subject to the negative resolution of Parliament.

The adverse ramifications that can result from the implementation of a broadcast code can only be fully appreciated when the code itself is reviewed within the ambit of the role of broadcasting. The traditional objectives of broadcasting have been to inform, entertain and educate. These acquire new dimensions and perspectives in the context of modern society.

Today, even more important, perhaps, is another role for broadcasting and that is to act as a social catalyst; to change attitudes, perspectives, thoughts and ideas; to establish correct values and set standards in all spheres of society. This is a very crucial and vital function because it embodies many things and particularly the relationship of human beings *vis-a-vis* the family, the community, the country and even internationally. Taking into account the increasingly important role played by broadcasting, one can thus appreciate the need to ensure that no code which is formulated stunts the dynamic nature of broadcasting.

However, the code is not being presented here today for obvious reasons but when this broadcasting code eventually surfaces, we hope that the package would not contain any regulation which puts a fetter on the exercise and enjoyment of our democratic rights and freedoms.

I refer to an interview appearing in the *Sunday Express* dated July 28 in which the Director of Telecommunications stated the distinction between a broadcasting policy and a broadcasting code. A broadcasting policy according to this interview, is said to be a framework for the overall development of the industry. A broadcasting code is a set of rules and regulations relating to the discipline of the industry. In other words, the dos and donts, so to speak.

12.00 p.m.

Mr. Vice-President, this definition of a broadcast code emphasizes our concern that the content of the code is likely to include direct political control and interference with our freedom of thoughts and expressions. To eliminate this risk

which we may term "unfair censorship", perhaps what is more acceptable is a general broadcast policy which may take the form of a provision prohibiting programmes which offend good taste or decency, or is likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling.

We must always remember the media are the means of disseminating information, education and entertainment. Since communication is a reciprocal process, feedback is an implicit variable. The audiences are then the important constituents of the communication process. The views of the public will be the most important factor in determining the type of material used by broadcasters. It is the public's feelings and their likes and dislikes to which we must cater. We cannot expect to please everyone because of differing tastes, but we must ensure that maximum happiness is given to the majority of people. By so doing, we are ensuring the enjoyment of our freedom of thought and expression.

We live in a country in which the atmosphere is full of charges about biased and unbalanced reporting, and "editorializing" in both the print and electronic media. We have witnessed on so many occasions, the naked power-grab of the Government to extend its prerogatives and scope of its privileges. This Government has shown, by its deliberate actions, its intention to monopolize the electronic and print media for its own partisan benefit. Any document such as this bill which has a hint of a democratic regime seeking to orchestrate and manipulate the flow of information needed for free expression, should be carefully reviewed so as to ensure that we are not deprived of opportunities for expressing and exposing ourselves to all interest and cultural groups, and from promoting and producing local programmes of an international standard.

For we must always remember, Mr. Vice-President, that in a modern democratic society, the free flow of information is not a privilege, it is a right. Let me quote from an article, "Partners in Development":

"At a time when our governments are looking at the planned completion of a single market in Europe and its implications, and recognizing the need for even closer co-operation, there is so much that is relevant to the important functions of telecommunications. We need, as part of our responsibility, to use telecommunication to reverse what has been the one-way flow of information. We cannot be satisfied with being only receivers. We must let people outside of the Caribbean learn about us, our people, our culture, our development."

Mr. Vice-President, there has been so much discussion on inter-nation communications, communications between country and country. Not enough attention has been paid to internal communications. It is at the national level that countries like ours are handicapped in collecting and disseminating information within the country. So much remains to be done with regard to the establishment of communication infrastructures. It is so much easier to find out what is taking place at the other end of the world than it is to know about what is happening in the next village.

Mr. Vice-President: The hon. Senator's speaking time has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. Wade Mark*]

Question put and agreed to.

Sen. Baksh: We need to strengthen our internal communications if we are to effectively integrate our communities. Communication is probably the most complex of human activities. It is multi-level, multi-faceted and interconnected. Inevitably, the advancement of civilization renders it even more abstract and complex. It needs to be studied, learned, and practised, and it needs to be seen within the context of the social, economic, political, and technological environments that surround it.

We must take into consideration what our communication needs would be over the next five, 10, and 20 years. We must determine with adequate planning, where we want to go, whom we want to reach, and what we want to do.

We are moving into an age where power resides not in size of weapons or property, but in information. The people who control information, control access to it, control understanding of it, control interpretation of it, are the people who will be the gate-keepers of power in the new age. I thank you.

Mr. Vice-President: I think it is appropriate at this time that we take a break of one and a half hours for lunch. We shall resume at 1:45 p.m.

12:10 p.m.: *Sitting suspended.*

1:45 p.m.: *Sitting resumed.*

OATH OF ALLEGIANCE

Sen. Diana Mahabir-Wyatt took and subscribed the Oath of Allegiance as required by law.

TELECOMMUNICATIONS AUTHORITY BILL

Sen. Louise Horne: Mr. Vice-President, the bill seeks to liberalize the communications market, bringing monopoly under control and providing up-to-date, efficient and cheap telecommunications facilities. This can only be done in a competitive market which is not dominated and stultified by monopoly. The technology concerning telecommunications is rather sophisticated and is constantly changing. The time has come when we can no longer speak and operate under laws drafted six decades ago and work with obsolete equipment.

I remember the important service provided by people who operated what is popularly described as "ham radios". When Hurricane Flora devastated Tobago in 1963, and for sometime afterwards it was the only means of communication with the sister isle. Even before 1963, people who were interested in commercial and private telecommunication have been clamouring for the establishment of an independent telecommunications authority in order to update the rules governing telecommunications in the country. Within recent times, licences have been granted for radio broadcasting, television broadcasting and cable television, and this is in keeping with the world-wide trend. As a consequence, Government is now establishing and incorporating a telecommunications authority to deal with the requirement of a rapidly changing technological environment.

Clause 4 makes provision for a telecommunications authority, but it will not be effective unless the board members and staff, with special reference to the director, have the necessary academic and specific qualifications in several of the disciplines which are required in the industry, together with experience, competence and integrity. Integrity, because telecommunications can be used for purposes dangerous to the security of the state, hence the regulations formulated must avoid loopholes which would frustrate the administration.

Clause 18 deals with the functions of the authority and, although they are all relevant, there are three vital requirements which the authority must address very early. The first is to attract and appoint staff with advanced standards of the relevant engineering skills required as well as other skills. People are not to have

just mere knowledge. Without this it would be difficult to introduce, maintain and monitor standards; not only standards, but also to make regulations compatible with the International Telecommunications Union, and other international and national standards.

Mr. Vice-President, when I speak of standards, I do not mean censoring. I wish to emphasize this point. In the *Commonwealth Broadcasting Journal*, June 1991, in an article titled "Television Technology Advancing", C. Deighton Parris wrote about the world's most comprehensive demonstrations, involving the latest advances in high definition television. This was at the new Las Vegas Hilton Centre. There was also the latest consumer electronics and a very wide range of broadcasting items.

One of the functions of the authority is to represent the interests of Trinidad and Tobago in all telecommunication matters at international, regional and national fora; also to advise Government on relevant positions and policies relating to telecommunication issues at international, regional and national levels. As a consequence, the choice of staff is an important and serious fundamental.

The Telecommunications Authority will have a high profile, but there will be no excuse for appointing board members who are not specialists in the field. Appropriate staff can be found locally. Mr. Vice-President, I crave your indulgence to substantiate my viewpoint.

Sometime ago, the previous Government recognized the need for rationalizing the various fragmented attempts at providing training in telecommunications, and to that end initiated a project under the auspices of United Nations Development Programme with the International Telecommunications Union as the executing agent. The project was set up at the John S. Donaldson Technical Institute. All interested organizations were represented on an Advisory Committee of the National Training Board, among them Textel, Telco, radio and television personnel. Their efforts were to formulate examination and certifying structures which allowed a cadre of experts to replace the City and Guilds Examinations.

The ultimate aim was realized—the establishment of a Department of Telecommunications Engineering at the John S. Donaldson Technical Institute, to cater for all technicians training in that field, across the entire spectrum of telecommunication activity in the country. Private radio stations, television, Telco, Textel, Police and the Army, all these people sent students, who benefited from courses at the Institute. The level of participation by these agencies is and was

reflected by their nomination as examiners and moderators of the National Examinations Council, which replaced City and Guilds as the examining authority. Several young engineers were trained as counterpart staff to International Telecommunications Union who, because of their experience serviced the programme at the technical institute. These engineers were also recipients of fellowships at government expense and ITV assistance to further their studies and this was done at the foremost telecommunications agencies in the developed world. Therefore with assistance from private enterprise, Government can find the right people to serve on the authority.

1.55 p.m.

The second requirement which the Authority must address early is programming. With an increase in the number of radio and television stations, there is expected to be a greater quantity of news and programmes. The authority ought to look after the quality of programmes, their contents, so that they will not be offensive to the religion, race or culture of viewers. There ought to be limits to the frequency of advertisements, as well as a certain treatment on the subject of sex. There ought to be explicit recommendations in the area of cable television. One can get beyond a hundred channels and it is therefore important that the regulations should not have loopholes. There ought to be a performance bond.

The third requirement to address is finance, and this can only be done if there is economic expertise within the authority to make it viable. These three requirements described are basic to the success of the authority.

The Government has granted concessions, but in Britain and New Zealand the new broadcasting bills have made provision for licences for commercial television services, and national commercial radio services will go to the highest bidder. In the interest of the maximum returns for the authority, did the Government give any thought to auctioning the concession? I would appreciate an answer to this question.

There are satellite dishes in several homes and they operate freely, without licences. Moreover, there are many owners of these dishes who supply programmes to surrounding neighbours for a consideration. The authority will need to address this matter with urgency through regulations and a broadcasting code, because the concessionaires of cable television which is a substitute for satellite broadcasting, are expected to pay two per cent of their profit.

Clause 79(1) says that—

“The Authority shall, within a year of its establishment, by Order...promulgate a broadcasting code to regulate the practices of concessionaires of broadcasting services.”

By which time concessionaires may very well have in place, practices not compatible with the authority's broadcasting code.

Mr. Vice-President, it is problematic to express a viewpoint about this bill without knowing the regulations; without knowing the broadcasting code. It amounts to signing a cheque with the receiver deciding on the sum to be withdrawn. The code may very well have provisions which may be unacceptable just as certain clauses in the bill.

Television broadcasting is not new, and we wonder why regulations and a broadcasting code have not been submitted with the bill. I have a problem with that—the possibility of the authority extending its power after the bill is passed. We really needed an expansion of the telecommunications industry, but I think it has not been done with due reference to the size of our population. So far the expansion has resulted in three television stations: AVM which is now independent of the *Express*, and is advertising for staff, the *Express* and TTT.

In replying to contributions, will the hon. Minister explain the rationale for granting a licence to NBS Radio 610, a part of the national broadcasting system, to join with the Southern Chamber of Commerce to operate a television station? That will be our fourth television station. Then other radio stations will soon be coming on stream. One station has advertised that it will be on the air from midnight to 5 a.m. I am to understand that its programme is American-oriented.

Earlier on I made reference to standards. What will be the impact on local production? Four television stations, two or more radio stations, cable television, for a population of 1.2 million people, therein lies the importance for regulations, and a broadcasting code to be submitted with the bill. In making regulations, the authority ought to consider the siting of satellite dishes, so that they do not frustrate the neighbours' enjoyment of property; that they are properly installed and not interfere with the neighbours' electronic equipment. The most frequent complaint is radio frequency interference.

The bill must increase substantially the interests of the consumer and householder. The powers of the chairman of the board are such that he ought to

issue directions when consumers complain concerning whichever of the concessionaires are involved. In time, technological advances in the country will dictate to what extent Government would deregulate to allow new concessionaires to provide services or value-added services. For example, a bank may want to link up all their branches so that they can have full control over their telephone business, for security reasons.

A concessionaire can get two telephone lines and service a particular area, perhaps a rural area. There is no doubt about the importance of telecommunication service to people in rural and remote communities. They need to be in a position to keep in touch socially with each other, and with people in towns. They need it for business purposes—ordering goods, arranging services. It is important that people in rural and remote areas are not discriminated against, particularly in respect of prices.

It is some time now that the Trinidad and Tobago Amateur Radio Society has recognized the need for an expansion of telecommunication facilities and within recent times, conceived a project, with the hope of getting secondary students interested in radio broadcasting. This is the stepping stone to get them interested in telecommunication technology.

As a consequence, two amateur radio telecommunication clubs have been established, one at Naparima College, the other at Presentation College, San Fernando. The youngsters are now engaged in the practical aspects of radio, satellite and digital communication. The country needs a cadre of people to fit into the expansion of the industry.

2.05 p.m.

Those students who are going into secondary schools at the commencement of the new school year, and are science oriented, as well as those who are just out of school and were successful in science subjects, may be interested in the following occupations which this developing industry will spawn: Attorneys specializing in telecommunication laws, video editors, camera operators, script writers, programme planners for broadcasting, video technicians, software designers, clinical support staff, *et cetera*—new vistas of employment for young people who need employment and who have the talent, who are willing to further develop them and find employment.

The Trinidad and Tobago Amateur Radio Society holds classes at three centres, preparing people interested in amateur radio activity to take the City and

Guilds Amateur Radio examination. This is indeed an important service as it identifies people who have the aptitude and interest in telecommunications, while providing a certain amount of basic knowledge.

Another function of the authority is to undertake, in conjunction with other institutions and entities, training, manpower planning, seminars, conferences in areas of national importance in telecommunications. Telecommunications engineering is one of the spin-offs of electrical engineering. As a consequence, in the faculty of engineering at UWI, telecommunications engineering is offered as one of the options in the degree programme. It is one of the new aspects of engineering disciplines. But with the improvement in telecommunications technology and the speed at which it is advancing, UWI ought to give telecommunications engineering more prominence, providing further advancement in training and initiating development processes compatible with the requirements of a fast changing industry in this country.

To engage in carrying out research programmes is yet another function of the authority. This is a process which is apart from the development process. The International Frequency Registration Board and the International Consultative Committee on Radio, are bodies which undertake research on radio. The International Consultative Committee on Telephones conduct research on telephones and frequency allocations. Trinidad and Tobago has no representatives on these agencies of recognized international specialists, and in these fields we very likely do not have people with the competence. It is important that we liaise with the three agencies in order to understand certain aspects of the new technology. The researchers will be in a position to check with development products of UWI.

Government has already given out radio and television concessions. The viewing public expects, among other things, to enjoy the advantages of not only more and varied programmes, but also newer technology. At the present time, the production format in the television industry in Trinidad and Tobago, is obsolete. The production format is the process by which visual information is transferred to and from magnetic tape. Now this is being changed. There is newer technology in the form of high definition television. It is therefore vitally important that our new Telecommunications Authority give guidelines to the industry concerning the suitable selection of one of the new production formats in order to simplify interchange of programme materials between the various production houses and

broadcasting stations and also to facilitate regional and international exchange. This would amount to standardization and harmonization. There will be financial implications, but it must be borne in mind that parts for obsolete technology would be, in time difficult to find. I would like to hear from the hon. Minister in his reply whether the authority has given the necessary guidance.

Certain clauses of the bill give the relevant Minister considerable powers. Clause 26 states that where the Director has reasonable grounds for suspecting that some person is using any means of telecommunication in a way that is dangerous to the security of the state, the Minister will be notified and the person will be directed to cease immediately using such means of communication. What will really be recognized as reasonable grounds for suspecting? That statement needs clarification. What really are reasonable grounds?

During the days following July 27, quite a number of people in this country knew what was happening through telephone calls from relatives and friends abroad. Was there some person or persons who decided what was reasonably safe for us to know?

Clause 27 gives the person aggrieved by the direction of the Minister, the right to go to a judge of the High Court and thence to the Court of Appeal. But clause 28 says:

"Where on an appeal against a direction made by the Minister under section 26, the Minister certifies that in his opinion it is contrary to public order, public safety or national defence to disclose the grounds for suspecting 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 suspecting."

Mr. Vice-President, imagine sentencing someone to a maximum fine of \$50,000 and/or seven years imprisonment on the grounds of reasonable suspicion, explained neither to the aggrieved person nor to the courts.

Mr. Vice-President, in Socialist Russia, people were sent to Siberia without cogent reasons for such a decision. That ideology is now jettisoned. Why do we want to introduce it here? Those three clauses need to be re-examined and rewritten.

2.15 p.m.

Clause 31 explains that telegrams and messages other than government and service telegrams may be expressed in secret language only with the approval of the director, who may require the person using such secret language to deposit the sealed code with him.

This provision brings to mind the fact that certain Caricom countries were able to keep a secret of very important happening from a Caricom neighbour. Is this what we are trying to do? Keep things secret? Even from headquarters of the Commonwealth, until the eleventh hour, they could keep a secret.

With your leave, I wish to quote from the Autobiography of Ronald Reagan, former President of the United States, which was serialized in the *Sunday Times*, commencing October 25, 1990. Reagan—

"...has revealed for the first time some of the secrets of his close relationships with Margaret Thatcher...

The invasion of Grenada in 1983 provoked the greatest rift. Reagan confides that he withheld from Thatcher the fact that US Marines were invading the Caribbean island...

Describing events before the invasion, he said, 'I was called out of the briefing to take a call from Margaret Thatcher. As soon as I heard her voice, I knew she was very angry.

She said she had just learned about the impending operation...and asked me in the strongest language to call off the operation. Grenada, she reminded me, was part of the British Commonwealth and the United States had no business interfering in its affairs...She was very adamant and continued to insist that we cancel our landings on Grenada...

I did not have the courage to tell her that we had already begun.'"

However, prior to a code being sealed and deposited, the Minister will appoint some officer, as he may deem fit, to authenticate the code. Now, in this small place here, there is no privacy. None whatever! People would not use this. There is the courier system. If this system is not taking care of you, you can run across to Miami and do all that you want to do and say what you want to say. So this really is irrelevant.

Clause 74 says:

"The Authority may operate monitoring stations to ascertain, *inter alia*, whether telecommunication services are being operated in accordance with this Act."

Will the Minister in his reply explain whether this amounts to the tapping of telephones?

Mr. Vice-President, in our country an appreciable number of our people do not have access to the world's most important means of communication—the communication of knowledge through books. The exercise book for a penny, and the free copy of a fairytale, which, when one purchased 10 cents worth of anything from a drug store in Arima, sounds like fiction. Such was the situation during the first quarter of this century when students who passed the seventh standard, were able to enter certain professions successfully.

Nowadays, the price of raw materials and labour for the print media, with special reference to books, has increased to the point that books are now unattainable by many people. Moreover, with the introduction of value added tax on books, procuring text books for school children is one of the major causes of stress and worry among many parents.

The Government now proposes to spend \$10 million on text books, with an incentive for children to take care of them. But the children will be taking those books home to do homework. Therein lies one of the major problems. The books will be the property of the school but the librarians of our libraries have failed to retrieve a substantial number of books on loan to the public. The ideal situation is that children ought to be able to keep their text books as they move from one grade to the next. Those books would form the nucleus of a library in the home.

It is recognized that education is the key to the development of the individual; the development of a country. Francis Bacon wrote:

"Reading maketh a full man; conference a ready man; and writing an exact man."

However, despite the millions of dollars we now spend on education, an appreciable number of our students can neither read with understanding, write legibly nor spell correctly. But this bill is dealing with the expansion of the telecommunication industry. The Government ought to remove value added tax

from books as an important development strategy for improving basic communication skills. Communication between our people and the judiciary is of great importance, in giving support to the democratic principle, which is the ideology of Government in this country.

At the present time, communication is bogged down, because of a number of circumstances. As a consequence, I now wish to draw attention to the importance of harnessing telecommunication technology to legal work in the interest of democracy.

There is computer-aided transcription technology in the Court of Appeal. The socio-economic data-base at the Ministry of Planning and Mobilization organizes all the social science material, and law is one of the components. This is a move to make dissemination and retrieval of information more efficient.

The complaint in Trinidad and Tobago is that there are considerable delays in the administration of justice. In the *Trinidad Guardian* of Wednesday, July 10, on page 7, there is a heading "Woman, mom weep as man on buggery charge goes free". The report reads as follows. The incident took place in 1979 when the girl was aged seven. The 35-year old man charged with committing the crime was freed.

"There is no justice for poor people in this country."

bewailed the mother. It has taken 12 years for the case to be called.

"State Attorney Indra Ramoutar submitted that due to the tremendous backlog of cases in the courts, rising crime rate and shortage of staff, the matter could not be listed for hearing earlier."

"She added that the normal time it takes for criminal matter to come on the list is 7 years."

In the *Trinidad Guardian* editorial of Thursday, July 18, 1991, the letter of a rape victim was reproduced. Her incident was 2 years and 2 months ago. She had appeared in the Magistrates' Court 14 times and was due to appear again in two months' time. An excerpt from the editorial reads as follows:

"Her tears and her outburst amounted to a ringing condemnation of our judicial system, one that we cannot afford to ignore. Mother and daughter had depended on the system for justice, waiting patiently, confidently all these years for their day in court, to tell their story, to have an outrage redressed, but that satisfaction was denied them.

"...We cannot allow other victims to suffer the same fate."

2.25 p.m.

Three Fridays ago, I was on Queen Street, Arima sheltering from the rain. The pavements were alive with people when suddenly two young men ran across the street and began mauling another young man who was walking in the rain. I appealed to the young men around to go out and stop the brutalizing. The reply was that the victim of the attack had raped a sister of one of the attackers; that the victim was being judged and punished to save lawyers' fees, ease up the magistrate and give satisfaction to the raped young woman. Twelve years is too long a time to wait. Taking the law into one's hands is something which happens often; but when people now say why they are doing it, because there is no justice for the poor, therein lies a dangerous precedent which we must endeavour to control.

As a consequence, I crave your indulgence to read an excerpt from a paper in the bulletin of the Caribbean Association of Law Libraries, Volume 3, No. 1 of March 1986.

Sen. Rampersad: I feel rather constrained to rise on a point of order. The hon. Senator is totally irrelevant. I would like your ruling under Standing Order No. 35(1).

Mr. Vice-President: I think I have been paying very close attention to what Sen. Horne has been projecting. I do not think that she has gone so far off course to be considered totally irrelevant. I think that there is a nexus between what she is developing and the main subject of debate. I think that we should give her an opportunity to continue. If I find that she is going too far. I will pull her up.

Sen. Horne: Thank you Mr. Vice-President. As I was saying, as a consequence I crave your indulgence to read an excerpt from a paper in the bulletin from the Caribbean Association of Law Libraries, Volume 3, No. 1, March 1986 which was delivered at the Legal Seminar held in Jamaica in 1985 by Anthony Lucky, Barrister-at-law, Trinidad and Tobago:

"Consideration should be given to the use of electronic aids in the judicial system. Research has shown that judges would be very pleased with such aids; practising lawyers will be happy and the litigants would be overjoyed because matters would be heard expeditiously.

The question is communication in due course. One can suggest computerizing the Supreme Court Registry, so that the computer would arrange the schedule for hearings on days when attorneys are not required in more than one court at the same time, thereby avoiding unnecessary adjournment which inevitably incur unnecessary inconvenience and expense.

The Supreme Court Library could be computerized and each judge be provided with a display unit to check legal authorities thereby saving considerable time and energy. The Supreme Court of Washington has benefited from such facilities. Let the court restructure its administration using the pattern of the modern computerized conventional business office. Judges can then dictate their notes of the day in recorders in their chambers and at the end of the day's proceeding, the tapes can be given by the Clerk to the Judges, or his or her Administrative Secretary. The tapes can then be distributed to the court's word processing centre equipped with word processors. The judges will receive the notes in typewritten form within a day for corrections which can be easily effected and reprinted. Delays and legal costs involved during the time for a decision will certainly be avoided because the notes of evidence could be available within a day or two after trial.

Furthermore, instead of reading judgements for hours, judges would simply announce their verdict and distribute the printed text. Courts in Europe are already doing that and the Courts of Appeal in England started doing so in 1982. The advice put forward in the paper involves harnessing telecommunication technology, to the practice of law.

When the Drug Bill was debated in this House, in my contribution, I pointed out that guns were involved in the trade. I spoke about guns on sale and the fact that customs officers were seeking assistance with the clearing of containers, because every so often guns were concealed in valid cargo. I suggested a change in the method of dealing with containers, and said that if they took the advice the police would find more guns than they had in their armoury.

No heed was taken but sometime after July 27, it was learnt that guns used in the attempted coup were part of the contents of a container which was supposed to be filled with plywood. If the advice of a humble Senator had been taken there would have been no attempted coup because the Government would have been in possession of the necessary ammunition. Then the head of Government would not have been subjected to the indignity he suffered.

Computerization is one of the factors which can appreciably assist in the streamlining of court proceedings; reduce the backlog and substantially reduce the time of waiting for a matter to be addressed. Will the Government implement the viewpoints and ideas put forward in the paper and use the telecommunication technology to mitigate the present upsurge of lawlessness? Or will they await a major display of lawlessness?

The report of the Joint Select Committee of Parliament appointed to consider and report on all aspects relating to the broadcasting and televising of the proceedings in Parliament is very commendable. It is to be hoped that Government will accept the recommendations as well as the guidelines with special reference to the long-term recommendation which is the establishment of a Parliament Information Centre, and should include a Parliamentary Broadcasting Unit operated and controlled by Parliament.

Information to the public is important, especially as many backbenchers do not often get the opportunity to contribute to debates. For example, were it not for the July 27 event, very many people would not have known that someone by the name of Leo DesVignes was a member of the House of Representatives.

With an increase in the number of broadcasting stations, when the dates for local and general elections are announced, it would be useful if candidates from the acknowledged parties are given a time limit in which to present themselves to the public; explain their viewpoints on certain matters of vital importance and say what they hope to achieve.

Another point with respect to communication in Parliament, *Hansard*, which is the name of the official reports of the debates in the Houses of Parliament of all Commonwealth countries, is a vital component of the political history of each of the countries, and also serves as valuable reference books on a national and international basis.

It is enlightening to know the thoughts in other Parliaments when certain laws to be amended were initially introduced both at home and abroad. It is years now since Parliamentarians in this country have been receiving neither copies of the proceedings of individual sessions nor the compilation of sessions for a year. The last volume distributed to Senators was for 1978—1979. The last copy of a session was July 28, 1987.

2.35 p.m.

Mr. Vice-President: Excuse me, Senator, but I must point out to you that your speaking time has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. A. Lequay*]

Question put and agreed to.

Sen. Horne: *Hansard* is valuable, not only for reference purposes but for the individual. It is a proud record of service to the country, an incentive to the children of the household to emulate service to the community and to the nation. I am suggesting that the backlog be cleared up and former Parliamentarians who did not receive *Hansard*—compiled copies of the debates during their term of service be asked to collect them.

Mr. Vice-President, concerning the Postal Service, in the *Draft Medium Term Economic Planning Framework 1989—1995, Volume 2*, the problems of this service have been identified and there is a development strategy plan to improve the efficiency of the service. The inefficiency of the service has given rise to courier service, and the various firms are well patronized by business people as well as individuals who need replies to their correspondences within given time-frames. I have experience a letter from New York to Arima taking a shorter time than a letter from Port of Spain to Arima. Should the Government fail to implement the suggested development strategy, the Postal Service may eventually lose its entire viability.

Now that there are broadcasting stations in the country, some of the pressures which Trinidad and Tobago Television experience with respect to the number and choice of topics to be viewed has been lessened. There are certain changes that viewers would like to see. It would be of great relief if TTT would cancel violent movies. Of course, it is realized that what we see depends on the choice of a small number of people who buy, commission and schedule programmes.

Television is open to questions of censorship, questions about who chooses what programmes to show and why. It would appear that we need an obscenity bill. Many people wish to see a cyclone of activities sweep through TTT, and the organization should become a by-word for innovation, exploration, satire, drama. There ought to be an improved relationship between the public audience and the broadcaster. It is a vision of communication in which the broadcaster offers his

wares, the bread as well as the caviar of his mind to his audience, pure and untouched by commercialism or political intrigue. There is need for this sort of broadcasting to explore the murkier corners of the national culture to stimulate debate, to make the juices flow.

I am of the view that it is the clear duty of a public broadcasting organization to stand firm against attempts to decry sincerity and vision, a duty to take account of the changes in society, to be ahead of public opinion, rather than always to wait upon it. Trinidad and Tobago Television with its immense powers of patronage, for writers and artistes should not neglect to cultivate young writers. The energy of the cyclone of activities would come from the way in which the organization is managed. The key to the changes in the mechanics of management is the chairman.

It is difficult to exaggerate the importance of telecommunication. New systems can provide better services to society, enhance business efficiency, improve competitiveness. The industry is a huge potential source of skills, highly paid employment, and useful products. Certain clauses of the bill tend to destroy its usefulness; those clauses should be either expunged or changed properly. The new telecommunication techniques will change certain systems almost beyond recognition, as well as business techniques, office equipment, and the information services available to the whole. It will be a major disadvantage to lag behind developments. Giving the telecommunication industry the opportunity to develop freely and as vigorously as possible, but not without let or licence, Trinidad and Tobago Television and radio must now take their place in the private sector. Thank you.

Sen. Fr. Winston Joseph: Mr. Vice-President, first I would like to congratulate the hon. Minister in the Prime Minister's office, Senator Broomes. I think this is his maiden presentation with respect to piloting a bill, and I think he ought to be congratulated in terms of the choice of words, the use of the English language, and I must say his diction, with which I was thoroughly impressed.

I think he also must be complimented in the way he presented the bill: cool, composed, and he took us through a kind of panoramic view of things to come. I was also impressed with the means of communicating. He used the media prior to this debate, and there was a programme on television, so he is communicating to the nation at large and to us prior to this debate.

I want to give you a brief history of telecommunications, because Sen. Baksh this morning did a tremendous job in looking at some of the specific measures of

this bill. I need to congratulate Sen. Horne as well with respect to the specifics. I think we all would agree that we need this bill; it is important; it is timely; it is necessary, but we all have some difficulties.

Let me start with a brief history, Mr. Vice-President: "What hath God wrath?" That may sound as a theological text for a sermon, but those were words clicking in dots and dashes over a primitive electro-magnetic telegraph opening the age of telecommunications. "What hath God wrath"—these words were sent from Washington to Baltimore in 1843 by one Samuel Morse, the inventor of the telegraph and the code that bears his name. They showed that even he saw something miraculous about what one contemporary newspaper called, "writing with lightning." Even this goodly gentleman could not conceive of the further technological miracles that would arise from his spade-work over the next 140 years.

By 1851, Great Britain was linked to France by a submarine cable. By 1866, two cables were carrying words under the Atlantic Ocean between Britain and North America. In the meanwhile, telegraphic connections spread through Europe. Every time a new line was strung, the world shrunk a little more. It was a true revolution in human affairs. The pioneers realized that they were dealing with a force which would change the life of anyone and everyone within its reach. It was therefore a public concern to be administered wisely. It was also an international concern, since its invisible traffic constantly criss-crossed national boundaries. With this in mind, delegates of the nations of the European network, including Britain, met in Paris in 1865 to discuss how they could co-operate on regulations, procedures, the rates, the use of equipment, and how they could expand the system.

This piece of legislation seeks to do just that for us in 1991 and take us into the 21st century. Out of that conference was born the world's first permanent intergovernmental organization called the International Telegraphic Union. This, together with the Radio Telegraphic Union founded in 1906 after wireless telegraphy had burst on the scene, was the forerunner of the International Telecommunications Union of today.

Mr. Vice-President, we are part of this telecommunications global village, and I believe it is our solemn duty to use the tools and the technology to our advantage or else we will be left behind. Therefore, this bill is an attempt to establish a single regulatory body to develop and monitor the telecom sector. On page 47 of the

Telecommunications Authority Bill
[SEN. JOSEPH]

Tuesday, July 30, 1991

NAR manifesto of 1986, we were promised the establishment of a national communications authority and recommendations to update related laws. In a sense, Government is to be congratulated for fulfilling this communications promise.

I am always heartened when I see promises from politicians fulfilled, Mr. Vice-President. I have no problem with an authority to regulate the technical side of broadcasting. However, this bill establishes a body with sweeping powers over all areas of broadcasting, with no substantive guidelines about the standards and procedures it will set. Everything, therefore, depends on the actual people running it. All the board members, the chairman, the director, are political appointments, and it will be perfectly possible to end up with a technically competent management—for example, engineers and people who are experts in telecommunications—with no voice or influence from the people who actually produce the content of broadcasting: the producers, the directors, the editors, the writers and the journalists.

It is not a bottoms-up kind of participation, Mr. Vice-President. Having a performing artiste on the board is no guarantee of anything. The powers of the Minister and the authority inspectors are very far-reaching. There are provisions for closing down stations on national security grounds—and that can be used for all kind of reasons; for entering and searching premises; seizing documents and equipment, and the Minister's okay has to be obtained for the appointment of senior administrative staff. In other words, there can be an ongoing political control of and through this authority.

Now, while this power may not be abused by the incumbent, it can very well be an occasion for abuse by another government. If we ended up with an unscrupulous government which wanted to use these powers to silence troublesome broadcasters, there would be nothing to stop it. I know there is a right of appeal to the courts after the fact, but we all know how effective that could be in practice in forcing a Minister to divulge reasons for a closure. I am not sure, Mr. Vice-President, if there is any precedent for a Minister being forced into the open by a court ruling.

Then we have private amateur radios brought under licence, and as far as I can see, there are no indications of the terms or the conditions and how these will be regulated. I believe that technical regulation is necessary, but in this area, too, the bill is a blank cheque for the Minister to fill out.

In summary, Mr. Vice-President, there is no problem with establishing an authority to oversee the technical and administrative sides of broadcasting, but I believe that Government's involvement should cease when the Authority is established, and it should function as an independent professional body. Government's interference should be restricted to times of national emergency. Where the authority encroaches on editorial freedom, it needs very persuasive reasons, and broadcasters need strong protection from possible interference, harassment, and recrimination, particularly now that broadcasting is starting to expand, and they need the confidence to develop new ideas and analyses.

I understand also, Mr. Vice-President, that after a year there would be the prohibition of advertisements for tobacco and alcohol. Now, I am not here to debate the pros and cons of that. What I am concerned about is the question of censorship, denying the principle of free choice and full information especially when you are trying to censor *bona fide* legal products. What this authority needs to do is to set guidelines for advertising. That is to say, the need to say, "Gentlemen or ladies, we are not going to use women as sex objects in advertising. We are not going to play one ethnic group up against the other. We are not going to play one racial group, one religious group over and against the other." So you set those guidelines with respect to that kind of decency. But we have to be very careful about the censorship. We have to be careful about the wide powers and the blank cheque. I thank you.

Sen. Trevor Belmosa: Mr. Vice-President, I want to make a contribution on this bill, the Telecommunications Authority Bill, 1991. I want to speak specifically and generally on the main objective of the bill as stated in the explanatory note, that 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."

Mr. Vice-President, it is my opinion that the Telecommunications Division located in the Prime Minister's Office is now being privatized. In fact, as stated in clause 19 and in the schedule on page 36, this newly established authority will not have to be concerned about its initial expenses because it will be vested with assets such as are listed in the schedule; for example, vehicles, furniture, office equipment, computers, *et cetera*.

Now, many of us think that privatization only means the selling off or partial selling of public enterprises to the private sector, but in the book, *Retreat of the State*, by Dennis Sworn 1988, the definition of privatization:

"Privatization can best be defined as the introduction into the public sector, conditions which typify the private sector. It is therefore possible to envisage privatization taking place even though no change in the ownership of public assets takes place. This public enterprise may remain in existence but may be required to adopt a more commercial approach to behave more like a privately owned enterprise."

In addition to this definition is the idea of liberalization: "Relaxation of state monopolies or licensing arrangements which keep private firms out of markets previously served exclusively by the public sector."

2.55 p.m.

Mr. Vice-President: Hon. Senator, may I bring to your attention Standing Order 32(6), which states:

"Except with the leave of the President a Senator shall not read his speech but he may read extracts from printed pages or books in support of his argument, and may refresh his memory by reference to notes."

Now I want to be very careful that I am being fair to you because other Senators have read some of their presentations but one must understand the reason for this ruling

When one is appointed to the Senate, one is appointed with a special expertise and represents a particular constituency. I do not mean a political constituency, but represents a particular group or professional interest. I think such an appointment confers upon that person an honour that one can speak from one's mind, from one's own experiences for that group. When one comes to the Senate and reads word for word a speech that goes into the record, no one can tell that it is your own feeling. It can be that you are representing the product of someone else's input into the debate and you are in fact a representative of others who may not be in this Parliament but who speak through you, in your own words.

I say that only that you may be guided first of all in understanding the background for this ruling and certainly that you may be a little more discreet in your presentation.

Sen. Belmosa: Thank you, Mr. Vice-President, for your caution. In fact, Mr. Vice-President, it is my opinion that this bill seeks to establish a limited company owned by the Government. When one looks at the functions of the authority as

listed in clause 18, one can observe the structuring or restructuring of a public enterprise to fit the operations of a private company. Such functions include:

- "(d) to advise Government on positions and policies...
- (e) to represent the interests of Trinidad and Tobago in all telecommunications matters.....
- (k) to assign radio frequencies and call signs...
- (l) to determine tariffs for all internal and external telecommunication services...
- (m) to determine and collect fees ...
- (n) to train and certify telecommunication personnel in accordance with International Telecommunications Union Regulations,"

All these functions Mr. Vice-President is reflecting of private enterprise to function as a commercial body, and along with these functions is clause 4 which deals with the establishment of a management board. So therefore, Mr. Vice-President, as one scholar says, it is a technical monopoly or as the Minister in the Information Division has said, a semi-autonomous corporate body operating within a competitive market-place.

3.05 p.m.

Mr. Vice-President, another expression of privatization of the Telecommunications Division can be analysed from Part V11 the "Financial Provisions" on page 28. The Telecommunications Authority will derive its funds from appropriation from Parliament. It can also, in discharging its functions as stated in clause 61, charge fees; invest reserves and surplus and in 62(1), it may borrow money.

In addition to the financial provisions we have clause 63 dealing with, exemption from stamp duty, corporation tax, customs duty, value added tax, *etc.* Then clause 67, states the bad debts that can be written off.

Consequently, what we have here in this Authority is a protected private enterprise. With this form of privatization you can take taxpayers' money as an initial start-up capital, you allow commercial operations, and, if bankruptcy is threatened, the Government bails it out by writing off bad debts. Or the Authority is allowed to borrow. One questions what kind of pressure that borrowing will

have on the capital market and interest rates and who will be the sources, whether local or foreign, where moneys can be borrowed and if any agreement will be imposed.

Mr. Vice-President, once this Authority is established, it has to operate within a competitive market in order to make profits. Therefore the next step in the privatization scheme is a deregulation of our telecommunications market, that is, the wholesale opening up of our electro-magnetic spectrum to competing forces, by deregulating. That is, by abolishing or reducing restrictions on controls such as on entry/exit prices and services supplied. I am not opposed to the opening up of our electro-magnetic spectrum, our radio frequencies, television stations, telephone lines, our air-space and ceilings for transmission, emission and reception of information. In fact, I am sure that the population welcomes the variety of information, the added choices, as well as the great opportunity to be more involved and to participate meaningfully in the global village, in this present age of information.

As we all know, the world has witnessed an accelerating rate of innovation in communications. Imagine speech is over 500,000 years, writing is over 4000 years, printing over 500 years, telephone over 100 years, radio over 50 years, television over 30 years, computers over 25 years, satellites over 10 years. So with this speed of development of mass media, I cannot resist its infusion in Trinidad and Tobago. However, I want to throw caution to the wind of this telecommunications change that will be sweeping our nation. According to Alvin Toffler in *Future Shock: the Third Wave*: page 156: "Information has become perhaps the worlds fastest growing and most important business." It is precisely this area of information and business that I want to bring to the masses of our people as the Government begins to open up the telecommunications market to competitors.

As we all know, information is a very powerful tool in the hands of Government or any local or foreign conglomerate. This bill is seeking to establish a Telecommunications Authority to regulate telecommunications services and certain apparatus. Yet clause 79(1), states that within a year of its establishment, the authority has to promulgate a broadcasting code. This is a dangerous scenario; no codes to guide the flow of information. In my humble opinion, I think we must be concerned about the process of shaping the population's consciousness. The question of content of information is a very important one and as far as I can see, the development of our local communications material is greatly needed more than

ever in order to help stabilize our minds from bombardment of materials in the absence of a broadcasting code. We must enforce immediately, a greater popular globalization of local, cultural, informational activities. I am sure that our society does not want total contamination of our air-space by foreign value systems. If there is no protection, our society could end up a valueless and cultureless population.

I want to digress and give an example of the power of information on the values of a country. The steelpan is the 20th century latest musical instrument which was invented in Trinidad and Tobago. The steel-pan has created a certain culture, a certain value, a mind-set in the psyche of our people. Our nation sells itself abroad on pan and carnival. Pan is becoming universal. But just recently, the Tourism Development Authority, through a foreign consultant firm, stated that steel pan is not universally accepted and should not be used to sell our nation. This information from a foreign source was so powerful that it began to affect and destabilize the very mind-set, values and culture that the steel pan had created.

So without a broadcasting code, how can our population prepare itself from information invasion? What protection do we have? Why must we, wait one year for a broadcasting code? Why can it not be attached to this bill? Again, I want to make reference to Alvin Toffler's *Future Shock* where he said:

"An information bomb is exploding in our midst, showering us with sharpnel of images and drastically changing the way each of us perceives and acts upon our private world...these images do not spring from nowhere; they are formed in ways we do not understand."

Herbert Schuller, in his book *Communications and Cultural Domination*, at page 47 states that "this technology is encouraged by the prevailing social systems, usually to achieve the objectives of a dominant element already commanding the social scene." What this book sought to explain is that small countries, Third World countries like Trinidad and Tobago, are victims of an institutionalized communications domination; that the ruling classes outside and inside our country transmit information down to the masses and transact business particularly, materials and equipment, so that they benefit most from this new technology.

In an article on the *Sunday Express*, July 28, 1991, page 28, Philippe Noreiga talks to Winston Ragbir, Director of Telecommunications, in the Office of the Prime Minister, one of the principal architects of the bill, a similar question on domination *vis-a-vis* dependency, came up. The question Mr. Noreiga asked was:

"Does the role of the Authority address the goal of telecommunications which will reduce dependence on foreign expertise and foster indigenous capabilities among Trinidad and Tobago Nationals?"

Mr. Ragbir replied, "Yes, Since the Authority is going to be involved in research and training, hosting conferences, drafting national standards and regulations, through these mechanisms the question of technology transfer will be addressed."

What we are really dealing with here is not just research and training, but the production, dissemination, space technology, foreign exchange, *etc.* So the point that I was making about information and business is that the monopolization of information is "the business of big business." It is about profits. I am concerned that when the Authority opens up our telecommunications market to competition, what laws would there be against monopolies? What laws would there be against the flight of capital made by local and foreign concessionaires and licenced agents? With the intended rush and infusion of television stations, radio stations, satellite dishes, CBS, video games, cable television and the diversity in print and added trunk lines in telephones, what guarantee will the small business have in order to survive against an entrenched big business? This is a serious matter.

I refer to another article in the *Sunday Guardian*, July 28 1991, page 10, where Minister Broomes talks on the Telecommunications Bill. A question was asked by reporter Clevon Raphael: "Is the proposed legislation retroactive?" The Minister answered: "It is not retroactive, in that people will not have to pay licences for periods before the legislation. Obviously those people without licences, the day after the legislation comes into force if they do not get their licence, they will then be operating without one and one will expect them to go and put their houses in order."

Is this not a clear-cut case of bad medicine? A small interest has no chance. Whom does this bill favour? Are the already existing frequencies, and television stations free from clause 26? Have not these already existing stations a head start in this deregulated or open competitive marketplace? Clause 26(1) reads as follows:

"Where the Director has reasonable grounds for suspecting that any person is using any means of telecommunications for purposes dangerous to the security of the State, the Director shall immediately notify the Minister who shall direct that person to cease using such means of telecommunication."

Obviously, this clause raises the question of ministerial interference, political control, as well as our constitutional rights, in particular, freedom of speech. Our democratic tradition comes into play here. Our population is a mature one, mature enough to digest a variety of views that are expected in a plural society. So I want to ask a question concerning section 26(1)

During the July 27 Abu Bakr attempted take-over, certain journalists and certain parliamentary representatives reported that an alleged amnesty agreement was signed, and that the Prime Minister agreed to resign, and that the Muslimeen were to be pardoned. It was signed by the Acting President, Mr. Carter. So my question in reference to clause 26 is: "If a new concessionaire or licensed agent decides to broadcast a debate on the validity of this alleged amnesty for a week, would that type of broadcast be against national security interest? Would these people lose their concessions or their licences under this present Government?" These are serious questions for our democracy. Can a director of the Telecommunications Authority determine this violation impartially?

In closing, I wish to argue that the bill seeks to privatize the existing Telecommunications Division and to open up our electro-magnetic spectrum by creating conditions of competition. I do not think anyone, including myself, is against the establishment of an authority to regulate this competition. However, with the absence of a broadcasting code and regulations, the minds of our population and the profits of our nation, can easily be stolen. The telecommunications industry needs some form of regulation. I caution that in the history of the United States and the United Kingdom, many regulations and regulatory bodies have not served the interest of the masses. In the book, *The Retreat of the State* there are a few examples of how regulations undermined the public interest. I wish to give a few examples before I close.

Firstly, regulators can be cast as bureaucrats. The regulatory agency will be captured by the supposedly regulated industry, or that regulation may lead to results which are consistently favourable to the industry.

Secondly, many saw the state not as a benign actor, but as a market place where producer groups and politicians traded private advantages, that is regulation for political support.

Another example is that the main loser with the opening up of the telecommunications market, has been organized labour. In fact non-union labour benefited most from regulations. I hope that when our nation's

Telecommunications Authority Bill
[SEN. BELMOSA]

Tuesday, July 30, 1991

Telecommunications Authority, is established, hopefully with reforms and with a broadcasting code, that it will serve the best interest of our population and will serve the cause of our Constitution and our democratic objectives. Thank you.

3.15 p.m.

Sen. Diana Mahabir-Wyatt: Mr. Vice-President, I am certainly not against the concept of a Telecommunications Bill and I would like to add my voice to those who have congratulated Sen. Broomes for his introduction of it in this Chamber. I know that a lot of thought and a lot of consultation went into the drafting of this bill and which I have been part of in, certain other levels. I think that says a great deal for the intention of the Government to get as many views as possible before getting into the question of legislation. But I have one particular concern with reference to this bill which has to do with the whole question of the right of the individual to privacy, which is something I feel very strongly about. I worry about certain of the provisions of this bill. I join with Sen. Horne—I see she is not here at the moment—with some of her concerns because, to me, there is no greater power that is available to people in this world than the power of information, and this bill is going to regulate our use of information via telecommunications for a long time to come. There are provisions here that give me a certain amount of unease, and I hope that the hon. Senator can address these when he is winding up his debate.

The first point has to do with clause 26. Like Sen. Horne, I am concerned about the question of the Director of the Authority who, as it has been pointed out, will be a political appointee, having the power on what is called reasonable grounds if he suspects that any person using any means of telecommunication for purposes dangerous to the security of the state, to stop this person, via the Minister, from using this means of communication. I know how difficult it is to define something like “reasonable grounds.” We all know how difficult this is. But when you add clause 26 to clauses 27 and 28, where the Minister does not need to define what those “reasonable grounds” are, I cannot help feeling a little worried. I am quite sure that the hon. Senator who is piloting this bill, will never misuse this provision. I am quite confident on that. But I think in terms of the future, I think in terms of my children and my grandchildren down the line who are going to be affected by this legislation because it is going to dominate a considerable part of their lives.

I was quite impressed with Sen. Joseph's history of telecommunications. It is sort of like a wheel going faster and faster, where we have had speech for something like 500,000 years, satellite for 10, and then fax for probably five, and it seems that all of a sudden it has become so much a part of our lives. What the next 20 years is going to bring, the mind boggles at.

One of the things that worries me is the primacy of the Constitution. I know that there is no need for me of all people to remind this august House of the provisions of the Constitution. Section 4(c) of the Constitution speaks very specifically and very strongly of the right of the individual to respect for his private life. I am very much concerned with this, as I am concerned with the freedom of expression, and even the right to express political views which may be contrary to the wishes or the views of some future Government. I do not think that this would happen with this Government, or even perhaps, the next Government, whichever it may be. But somewhere down the line, I think we cannot always assume the benevolence of people who are going to be in power, and very often, desperate people will use provisions like this for desperate means.

The second clause that I am concerned about is clause 31. I am concerned about this for similar reasons and also for broader ones. I beg the hon. Senator to look at this. Clause 31(2) says that,

"Telegrams and facsimile messages other than those referred to in subsection (1) may be expressed in secret language only with the approval of the Director..."

and the director has the power to demand that you deposit a copy of the code with him and he can appoint any senior officer, who again would be subject to a certain amount of political control, to oversee this.

There are certain confidential transactions which take place in the business community, particularly through the use of fax these days, where in order to remain competitive with other companies here and abroad, some in the Caribbean and elsewhere, companies in Trinidad have got to get information very quickly to and from such places as Singapore, Hong Kong, New York and Paris all over the world. In fact, very often, this information is, for reasons of confidentiality, expressed in a private code, a secret language. This seems to indicate to me that a company wishing to use this sort of communication is going to have to let the director know and deposit a copy of the code. And once again, who monitors the officer who is there to monitor the situation? There is sensitive banking and

financial information which is often expressed in code, which I think we are all aware of, which would likewise be subject to the same provision. This can be very frightening because much of this can affect a business's ability to survive including banks, insurance companies and various other organizations.

Then there is the question of confidential legal information and I am sure Sen. Sampath would agree, confidential medical information, that may be written—I can never understand what doctors write to each other any way—it always seems to me to be a secret language. But there are people who do not want to have this sort of information, the possibility of it being exposed. This, to me, has very much to do with somebody's right to expression and the right to privacy as an individual. Even if I wish to discuss with a spiritual advisor my spiritual problems in another location, through a fax machine, I may wish to put this in a secret language, simply because I do not want other people to be privy to it. I am sure many people in their domestic lives, with their families, have a kind of secret language and they use fax now almost the way we used to use letters and cards in the old days, and this is increasingly going to be so.

What happens if this code is lodged with the officer and the officer does not understand it; does not agree with it; discloses it? There are no safeguards for monitoring here. Also, what happens if you do not submit the code? Suppose I do not give it to the director, and it is a secret language, what then happens to me? There is nothing clear in the bill that says what is going to happen as a result. I worry, lest this is contrary to my right of privacy, and I further worry, lest other people feel this to such an extent that we get into the old Trinidadian game of finding ways to avoid or evade legislation. I do not believe in being party to passing legislation that is set up for people to try to avoid or evade and I am worried a little bit that this might be one of those.

The last point that I would like to mention—because again it worries me—has to do with clause 74. This has to do with the whole question of the monitoring stations. Perhaps I am over-reacting and I am too much affected by visions of a Brave New World and Orwellian futures, but I am worried about the effect which the advancement of electronic technology, has the individuals' private lives. As it is now, there is very little left, I suppose, of our lives that is private but through computers, computer technology and telecommunications technology, what sort of information is going to be collected through these monitoring stations?

3.25 p.m.

Now, I know that subclause (2) says, "The President may by Order exempt a monitoring station operated by the Authority from any of the provisions of this Act" and I would like to take a look at it in a moment. But when it comes to the monitoring by itself, what happens to this information once it is gathered? I would like to know, if it is possible, if this is being done now, if it is an ongoing thing and this is just now being put into the legislation; if it is something which is going to be developed, which is not being used now and what records are kept or will be kept of whatever information is gathered by these monitoring stations and, then, what happens to those records. If these records are kept on files somewhere, what guarantee do we have of privacy? I presume it will be electronic filing, because paper filing is really not on these days. It is so easy to crack, as we know, so many computer codes and for people to get into those kinds of information. What use is going to be made of the monitored information after it is there?

I ask the hon. Senator to consider the placing of additional safeguards in the legislation which would protect the right of the individual to privacy; protect the right of expression and perhaps, under clause 74(2), issue an Order which would exempt the monitoring stations from monitoring private individuals; if information is being sent through code, that the problems of people in the business community remain private, people who have sensitive financial, or banking information, legal or medical information which, I think, an individual has a right to remain private. I do not think that, by law, you should have to disclose this to anyone. I think that these are very fundamental parts of our private lives, in which the state does not have the constitutional moral authority to interfere.

I ask the hon. Senator to consider the addition of such safeguards to this bill, lest in the future, his right to privacy and mine and those of our children, are transgressed by the use, or possible misuse, of these provisions by people who are not as scrupulous as, perhaps, they might be, in the future.

Thank you, Mr. Vice-President.

Sen. Dr. Martin Sampath: Mr. Vice-President, actually I had not intended to speak, but seeing that there is so much reluctance to add further luster to the very vibrant contributions by so many Members and also a few fears that they have expressed, I thought it incumbent upon me to just make a few remarks.

The history of telecommunications has been very well portrayed by many Members and again, I want to add a few things to what was said. It is a very

interesting thing that just the other day when Nelson Mandela was broadcasting his speech from Jamaica, my grandson said to me, "Grandfather, how is it that we are hearing it from the radio before we are hearing it from the television?" I do not know how many Senators noticed this. It came over the radio just a split second before it came over the television. So I scratched my balding head and thought about this and then explained to him, that actually we got the radio signal being reflected from a lower level, the Kennelly-Heaviside layer which was just 150 miles up, whereas we got the television signal by satellite which was thousands of miles up.

I thought about this and said to myself, "Now look here, telecommunications are progressing at such a tremendous pace that it is very important that we should all be properly educated about the science of this and the prospects of this for our future lives."

Now, a little bit about the history of why this bill has come before this honourable Senate. I had the privilege of sitting in on some of the discussions which took place in the NAR party before 1986 where there were many complaints voiced by the members that Trinidad and Tobago Television (TTT), having a monopoly on television broadcasting, was able to be manipulated by the Government in power and used as a propaganda tool by the Government then, and there were complaints about this.

Some of you may remember that under the aegis of James Alva Bain, certain persons who were voicing political opinions and attacking the PNM Government were actually banned from appearing on television. One of them was Mr. Robinson, another was Mr. Panday—I believe even Sen. Weekes, his name was mentioned—they were not allowed to appear on television. This was an objection and we, the members of the executive of the NAR, were asked that something should be put into the manifesto as to what we proposed to do with reference to that sort of monopoly.

We thought we would form the Government and as a Government we did not feel that we should have that sort of power over influencing the minds and over the banning of certain opinions. So that is how this whole idea arose of having a Telecommunications Authority.

Also at that time, some of you may remember, there was a demand for giving the franchise for debate to other people so that one station would not have a monopoly. Again, these were the two factors which went into the policy of

instigating and starting a Telecommunications Authority. I thought I would mention this so you would see what the thinking was before the idea of this Authority came into being.

Certain fears have been expressed and one of the fears was expressed by Sen. Fr. Joseph. He spoke about the political purpose of TTT and things of that sort. Now, I hope that I have answered those fears. It seems that this thing is going to be widened and when we have more stations we will find that these stations will be giving a diversity of views; they will be competing with one another so that the customer, the actual viewer, is in a position to influence the policy of these various stations so that there will be no monopoly by any one station.

3.35 p.m.

Sen. Belmosa spoke about privatization and I had some difficulty because there appeared to be some contradiction in what he was saying. I could not understand how this Telecommunications Authority could be accused of assisting in privatization. He mentioned that companies did not have to be sold to be privatized that it could be done by Government authority affecting Government agencies, which would make them private. I could not quite follow but that is the impression I got.

I would like to remind Sen. Belmosa that there is in existence today and there has been for a long time, companies of that sort, for example, Tesoro, Telco, TTT and Caroni Limited. In the past, these have been almost entirely Government controlled, yet they are run as private companies. There is a contradiction in what he is saying. If you are opening up the telecommunications agencies so that we have solidly private companies running them, yet we have had these things which were Government agencies which in fact, and in law, were private companies, that is a contradiction which escaped me. I could not quite see the logic of that.

Sen. Mahabir, a Senator for whom I have always had the greatest respect, has a fear that the private lives of people would become public. She mentioned the question of doctors' reports. I suffered from that as I think Sen. Mahabir knows, at one time, the police searched the private records of my patients. I sued them for it and they settled out of court.

The point I am making is that the question of Government, this authority finding out what is happening by certain people who are broadcasting, is important in many respects for national security and also for the security of the public.

I think some of you may know that there was a gang operating in this country at one time which had unlicensed walkie-talkies. They were able to monitor information being given out by the police and they were able to organize their raids so that the police would not catch them. That is why it is important for Government to know what is going on.

The other point she has made which is also important in the interest of national security, is that it is important for Government to know the codes or scrambling that are taking place and they should have the key to those codes, so that in case people are inclined to use telecommunications to raid Parliament a second time, for example, or to set fire to the police station, Government would know and be able to monitor these things. If there are people who are suspected of planning this sort of thing Government should know this in advance.

I remind this honourable Senate that even now, Government is being sued by private businessmen who are blaming the Government for not knowing in advance and for not taking precautions before the events of July 27. You see how extremely important it is for Government to be able to know what is going on in the country, for the security of the country.

This bill is excellent. I think we on this side understand the fears, especially the fears about privacy, but if you think about it along the lines which I have advocated, you will see that all the clauses there with the amendments are necessary for the well-being of our nation.

Thank you very much.

Sen. Colin Sealey: Mr. Vice-President, the Telecommunications Authority Bill has some laudable aspects.

- (1) It seeks to keep abreast of international legislation in the rapidly expanding field of telecommunications.
- (2) As Sen. Broomes mentioned, it would also create new employment.
- (3) It is the fulfilment of yet another one of the NAR's manifesto promises which is delightful.

There are some frightening concerns as to some of the clauses in the bill which we need to look at. For example, the absence of a broadcasting code of regulations to control broadcasting services makes the bill woefully incomplete. The United

States Federal Communications Commission does not control the content of broadcast thoughts.

At this time, I beg your indulgence to read a release from the Media Association of Trinidad and Tobago, a professional organization of journalists. It is signed by the President of that Association, Andy Johnson and dated July 29, which is yesterday. The statement is as follows:

"The Media Association would like to see a separation of the technological aspects of communication from control of media content.

In 1989 MATT did not support a White Paper on telecommunications because of its failure to separate the two. A telecommunications authority may be needed to deal with the technical and technological aspects of broadcast media but not for the establishment by that Authority of a broadcast code to put in place controls on the media product. This is an altogether different task.

The new draft Telecommunications Authority Bill before the Senate fails to make the distinction between telecommunication regulation and development, and the communication process. While MATT welcomes any structured attempt to regulate the use of the telecommunications' technology and to create an ordered technological environment it believes that the mandate of a new Authority must end there and not run over into the area of content. A Telecommunications Authority of engineering experts or of any makeup could not have the structure to both address the technological aspects of media and deal with the long term job of formulating a policy on the type of media product Trinidad and Tobago needs at this time and in the foreseeable future.

MATT suggests the clauses dealing with the content aspect of media in particular clause 79 allowing the Authority to formulate a broadcast code within a year of its establishment be removed from the draft bill. Instead the Authority needs to take on a single focus on the wide area of regulating the actual use and licensing of the Trinidad and Tobago media.

The rationale for the practice of media and the media product actually broadcast is too important to be shunted under a team equipped to deal with other issues. Instead, media content, media training and research need serious thought and national debate."

Sen. Broomes also mentioned that the bill seeks to develop a commission which would be semi-autonomous. This is also a frightening concept. The

chairman and six members would be appointed by the President after consultation with the Prime Minister and the Leader of the Opposition. What exactly does consultation constitute? I think this should be specified. This is after all, Trinidad and Tobago.

Clause 26(1) to which Sen. Mahabir referred: What constitutes danger to security of the state? This may indulge on the principles of free speech and freedom of privacy. What constitutes reasonable grounds? This in effect, if the bill is accepted in its present state, could result in state censorship to the extent that the public's right to know is seriously infringed. Such dictatorial power is an invitation for abuse.

All the appointments equivalent to, or higher than Administrative Officer V in the Civil Service must be approved by the Minister. I see no semi-autonomy here. There is no autonomy. These would therefore all become political appointees.

3.45 p.m.

In closing, such an authority should not only be outside partisan, political control, but must always appear to be so. Decency demands that the struggle for such an appearance be maintained, and that broadcast policy must be independent of Government interference and, at the same time, impartial. Thank you.

Mr. Vice-President: Are there any further contributions?

Sen. Alloy Lequay: Mr. Vice-President, it is very clear that the Government could adopt the position of asking the hon. Minister to wind up the debate, because although I was advised at lunch-time that we were going to have 15 contributions from the opposite benches, it seems as though at this time not many are prepared to intervene. We have had communication from Senators Alexander and Furness-Smith who are unfortunately, absent. I think Sen. Furness-Smith is ill, and Sen. Alexander is involved in an important court matter. In deference to them, I would not like to exclude them from the debate. As a consequence, it seems as if we will have, with your kind permission—and I have the permission of the hon. Minister—to defer the continuation of this particular debate. We will take the bills which we had postponed to a later stage of the proceedings before the luncheon adjournment, perhaps before the tea adjournment, and then we will end the debate tomorrow afternoon.

Question put and agreed to.

GLOBAL ENCOUNTER MINISTRIES (INC'N) BILL*Order for second reading read*

Sen. Felix Rampersad: Mr. Vice-President, I beg to move that a bill for the incorporation of Global Encounter Ministries and for matters incidental thereto be now read a second time.

*Question proposed.**Question put and agreed to.**Bill accordingly read a second time.**Bill committed to a committee of the whole Senate.**Senate in committee.**Clauses 1 to 9 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 Senate.**Senate resumed.**Bill reported, without amendment; read the third time and passed.***SCHOOL OF PHILOSOPHY (INC'N) BILL***Order for second reading read.*

Sen. Alloy Lequay: Mr. Vice-President, I beg to move that a bill for the incorporation of the School of Philosophy of Trinidad and Tobago and for matters incidental thereto be now read a second time.

*Question proposed.**Question put and agreed to.**Bill accordingly read a second time.**Bill committed to a committee of the whole Senate.**Senate in committee.**Clauses 1 to 9 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 Senate.**Senate resumed.**Bill reported, without amendment; read the third time and passed.*

ORISHA RELIGION (SHANGO) (INC'N) BILL*Order for second reading read.*

Sen. Una Charles: I beg to move that a bill for the incorporation of Orisha (Shango) of Trinidad and Tobago be read a second time.

*Question proposed.**Question put and agreed to.**Bill accordingly read a second time.**Bill committed to a committee of the whole Senate.**Senate in committee.**Clauses 1 to 8 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 Senate.**Senate resumed.**Bill reported, without amendment; read the third time and passed.***EDINBURGH DHARMIC SABHA (INC'N) BILL***Order for second reading read.*

Sen. Alloy Lequay: Mr. Vice-President, I beg to move that a bill for the incorporation of the Edinburgh Dharmic Sabha and matters incidental thereto be now read a second time.

*Question proposed.**Question put and agreed to.**Bill accordingly read a second time.**Bill committed to a committee of the whole Senate.*

Edinburgh Dharmic Sabha (Inc'n) Bill

Tuesday, July 30, 1991

Senate in committee.

Clauses 1 to 9 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 Senate.

Senate resumed.

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

Motion made and question proposed, That the Senate do now adjourn to Wednesday, July 31, 1991 at 1.30 p.m. [Sen. A. Lequay]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 4.00 p.m.