

Leave of Absence

Tuesday, March 20, 2001

SENATE

Tuesday, March 20, 2001

The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Mr. President: Hon. Senators, leave of absence from today's sitting has been granted to Sen. Prof. Julian Kenny.

PRIVATE SECURITY AGENCIES BILL

Bill to regulate the licensing and operation of private security agencies, the employment of security officers and matters incidental thereto, brought from the House of Representatives [*The Attorney General and Minister of Legal Affairs*]; read the first time.

Motion made, That the next stage be taken at the next sitting of the Senate.
[*Sen. The Hon. L. Gillette*]

Question put and agreed to.

ORAL ANSWER TO QUESTION

The following question stood on the Order Paper in the name of Sen. Prof. Julian Kenny:

**Town and Country Planning Act
(Enforcement Notices)**

4. A. Could the hon. Minister of Integrated Planning and Development inform the Senate whether enforcement notices under section 16 of the Town and Country Planning Act have been issued in each of the years 1998, 1999 and 2000?
- B. If the answer is in the affirmative, could the hon. Minister state the number issued in each year, the general nature including the localities of the breaches of planning control and the status of these enforcement notices.

Mr. President: In the absence of Sen. Prof. Julian Kenny whose question it is, perhaps the Leader can ask question No. 4.

Oral Answer to Question

Tuesday, March 20, 2001

Sen. Dr. Eastlyn McKenzie: Mr. President, I spoke with Sen. Prof. Kenny and he does not mind the answer being deferred for another two or three weeks.

The Minister of Energy and Energy Industries (Sen. The Hon. Lindsay Gillette): Mr. President, I beg to move that the answer to question No. 4 be deferred for a period of two more weeks.

Question, by leave, deferred.

**TRINIDAD AND TOBAGO CRICKET BOARD OF CONTROL
(INC'N) (AMDT.) BILL**

Bill to amend the Trinidad and Tobago Cricket Board of Control (Inc'n) Act, No. 34 of 1989 [*The Minister of Community Empowerment, Sport and Consumer Affairs*]; read the first time.

Motion made, That the next stage be taken at the next sitting of the Senate. [*Sen. The Hon. L. Gillette*]

Question put and agreed to.

ARRANGEMENT OF BUSINESS

The Minister of Energy and Energy Industries (Sen. The Hon. Lindsay Gillette): Mr. President, I seek leave of the Senate to deal with Motion No. 4 under "Government Business" on the Supplemental Order Paper before proceeding with "Bills Second Reading".

Agreed to.

**JOINT SELECT COMMITTEES
(Establishment of)**

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. President, I beg to move the following Motion standing in my name:

Whereas Section 66A of the Constitution makes provisions for the establishment of Joint Select Committees of Parliament to inquire into and report to both Houses of Parliament on the administration, manner of exercise of their powers, methods of functioning and any criteria adopted in the exercise of their powers and functions by:

- A) Government Ministries;
- B) Municipal Corporations;
- C) Statutory Authorities;

- D) Enterprises owned or controlled by or on behalf of the State or which received funding from the State of more than two-thirds of its total income in any one year;
- E) Service Commissions with the exception of the Judicial and Legal Service Commission.

Be It Resolved that the Senate appoint the following Members to serve with an equal number from the House of Representatives to inquire into and report to the Senate on Municipal Corporations and Service Commissions with the exception of the Judicial and Legal Service Commission on their administration, manner of exercise of their powers, methods of functioning and on any other criteria adopted by them in the exercise of their powers and functions:

Miss Gillian Lucky

Dr. Tim Gopeesingh

Miss Jearlean John

Dr. Ramesh Deosaran

And be it further resolved that the Senate also appoint the following Members to serve with an equal number from the House of Representatives to inquire into and report to the Senate on Government Ministries with responsibility areas, listed in Part I of the Appendix and on the Statutory Authorities and State Enterprises which fall within the purview of such Ministries, and such Enterprises which receive funding from the State of more than two-thirds of its total income in any one year, on their administration, manner of exercise of their powers, methods of functioning and on any other criteria adopted by them in the exercise of their powers and functions:

1.40 p.m.

Part I

Attorney General and Legal Affairs

Communications and Information Technology

Community Empowerment, Sport and Consumer Affairs

Education

Energy and Energy Industries

Enterprises, Development, Foreign Affairs and Tourism

Environment

Finance

Food Production and Marine Resources

Dr. Jennifer Jones-Kernahan

Dr. Roodal Moonilal

Mrs. Mary King

Dr. Daphne Phillips

Be it further resolved that the Senate also appoint the following Members to serve with an equal number from the House of Representatives to inquire into and report to the Senate on Government Ministries with responsibility areas listed in Part II of the Appendix and on the Statutory Authorities and State Enterprises which fall within the purview of such ministries, on their administration, manner of exercise of their powers, methods of functioning and on any other criteria adopted by them in the exercise of their powers and functions:

Part II

Health

Housing and Settlements

Human Development, Youth and Culture

Infrastructure Development and Local Government

Integrated Planning and Development

Labour, Manpower Development and Industrial Relations

National Security

Prime Minister

Tobago Affairs

Transport

Mr. Wade Mark

Dr. Vincent Lasse

Mr. Roy Augustus

Mr. Christopher R. Thomas

As it would be noticed, the names of the Opposition Senators are not here. However, I understand that those names would be forwarded and there would be a separate motion to that effect next week.

Mr. President, the purpose of this Motion is to implement the Constitution (Amdt.) Act, No. 200 of 1999, which was passed in the Parliament in order to introduce a reform system of parliamentary committees. As hon. Senators would know, the relevant standing orders have been amended to give effect to these measures.

Hon. Senators would see that in respect of Government ministries, statutory and state enterprises, there would be, basically, two committees seeing about this Head and, in respect of the municipal corporations service commission, there would be one committee.

Mr. President, I do not think it would be right for me to go into the merits and demerits of the measures which are contained in the Act, but all I can say is that this is a measure which, I think, would receive the unanimous support of this Chamber because it is something which has been asked for for several years.

Thank you very much, Mr. President.

I beg to move.

Question proposed.

Sen. Dr. Eastlyn McKenzie: Mr. President, I am not sure whether any discussion is allowed on the Motion, but I would raise two or three matters of concern to us—to me in particular. I note the number of committees being set up to monitor work in the different divisions, ministries, the Parliament and so forth. I would like to ask whether the Attorney General has given any consideration to remunerating these hard-working people who take time off to research and do a lot of work. They bring their expertise to the meetings and, to me, Sir, all of this goes for free. I am requesting, through you, Mr. President, that the Attorney General give special consideration in a very positive and favourable manner towards rewarding these people who serve on these committees.

Mr. President, the meetings of these committees are pretty frequent and they take a lot of time. They take those persons who are not fortunate to be ministers and parliamentary secretaries away from their jobs—or their self-employment—to

actually serve their country for the paltry sum of \$4,000 per month, which includes tax. I am requesting, Sir, that the Attorney General make it a very urgent concern of his to put together some sort of remuneration package for all the people who would be serving on committees, be they in Government, Opposition or on the Independent Benches.

1.50 p.m.

I know that in certain companies under the Act, although they serve in certain positions, whenever they go outside of their duties they are paid. I plead again for all these people who would be serving. I know from the Independent Benches, three times I have asked one person serving on three different committees. I do not think that it is fair. At the same time, this may not be the time for it, but I urge the Attorney General to see what he can do about the implementation of the Salaries Review Commission's recommendations. Probably, that would give more people some encouragement to serve on these extra committees to which they have been called to bring their expertise. That is my humble plea.

Thank you.

Sen. Martin Daly: Mr. President, I am fully in support of what Sen. McKenzie has said. I think the questions raised by this Motion go further than the simple but important question of remuneration. This Motion seeks to implement measures which we have passed that have to do with the governance of the country. If we are going to have expanded roles for parliamentarians in the governance of the country—which is probably a good thing—we have to consider not simply the remuneration which is required, if we are asking people to do extra duties.

Indeed Sen. McKenzie is quite right. In the private sector, in many companies if Mr. X serves as a member of the board of directors and is required to undertake the onerous responsibilities of the chairman of the audit committee which is recognized by statute, apart from the director's fees which are nominal, he is paid a separate sum of money. It goes deeper than that. It is not expanding the role of parliamentarians in the governance of the country that simply requires one should be remunerated for one's time.

It is becoming increasingly difficult for any of us to serve the country properly as parliamentarians, because there are no research assistance facilities available in Parliament. If one needs the resources of *Hansard*, I can say quite categorically, that we receive assistance from the Hansard section of Parliament, way beyond the call of duty, and likewise, the library. Many of us are driven to use the

librarian and her assistants as unpaid research assistants. There is a limit to how far one can ask the librarian and her assistants to act as unpaid research assistants. They are extremely cooperative.

There are times when one requires something that one cannot identify specifically or in a vague way. It always amazes me that I can go to the librarian and say around such a time we discussed such a thing, can you find it? She goes to the computer and assists me. It really amazes me how good these arrangements are. Sometimes I want to pursue a particular line of enquiry, and I cannot identify specifically what I want. Indeed, before I can decide how I want to deal with something, I must first have data or comparative legislation of some kind. There is no one to ask to do this.

I have indicated to Sen. McKenzie that because of the responsibility that falls on me in terms of trying to do some drafting, frequently not only at the request of my colleagues, but also the Government, it is becoming impossible in terms of time to carry out these functions. In my case, even if there were to be additional remuneration, it would put me in a position to pass the money on to a research assistant. I think we need research assistants in Parliament.

As we move in this new direction, being a parliamentarian involves not simply coming here and taking part in the debate and all the preparation that goes with it. People seem to think it is coming here on a Tuesday and participating. There is a great deal of preparatory work to be done. If we are going to be involved in committee work, it not only involves further physical attendance, but also making a meaningful contribution. I admire the Members who have volunteered for this particular duty, but I think they really need the assistance.

We are moving in a whole new direction of governance, involving parliamentarians in a supervisory role. We need some assurance from the Government that they will look not only at the question of remuneration, but also at the question of providing research assistants.

Thank you.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. President, I think that the concerns of hon. Senators are well taken. I will briefly outline some of the things that we are doing. I thought that Members would have known. I did not know that Members did not know.

As a result of these measures which Parliament passed, there have been decisions in which the staff of Parliament has been increased and would be

increased. As a matter of fact, contract officers have been appointed. There would be a situation in which the staff at Parliament would be increased in order to meet some of these challenges. There is also the situation in which the Red House is being refurbished. On the long-term basis there would be facilities which would include committee rooms. For every Member of Parliament, there would be an office where he or she would be able to meet persons who come to them. It must take into account additional research staff. If that is not on the board, I give the undertaking that we will look into it. I think this is very important if we are going along the line of having more work at the parliamentary committee stage. The Members of Parliament must have available to them research assistants or researchers who would be able to get information and assist them in making their contributions.

I should also mention that with respect to remuneration for Members of the committee, we are looking at it. I can give the commitment that there would be some improvement in relation to Members who serve on committees. It would probably be on the basis of the meetings which are attended. If Members are attending meetings, the quantum of remuneration would be based on the fact of the attendance of meetings. It would not be a flat remuneration. I have had certain discussions about that. I wish to give the undertaking that shortly, I would approach Cabinet in respect of that matter.

2.00 p.m.

I think there must be equity set up, and if Members of Parliament would be serving on these committees, they ought to be remunerated in some form or the other.

Mr. President, when the UNC administration came into office in 1995, if hon. Members would recall, in respect of the facilities which were even at the tearoom, one would have seen that there would be improvement; even with respect to the Red House facilities, repairs would be done. The repairs have been held up because of the relocation of some of the Government ministries and I can tell you that in respect of the elected representatives, there have been improvements in which Members of Parliament receive an allowance to retain staff so that they can have three members of staff to assist them at their constituency level. There has been the introduction of computers and air conditioning so that it is, all in all, the commitment of the Government recognizing that parliamentarians who represent the people, and who are here representing the people, must have better facilities.

In respect of the Salaries Review Commission Report, that matter is under consideration. Hon. Members would recall that the Government did take the position that in respect of salaries for Members of Parliament, it had asked the Opposition to support the Government's initiative in that light. One would have wanted to have consensus on a matter like that in light of the fact that the Government would have been agreeing to pay itself and, therefore, it had asked for the Opposition's support. Notwithstanding not getting that support, the matter is still under consideration and I give the undertaking to hon. Members that whatever is said would be taken into account. I think that what we are seeing here, and in order to fully appreciate what is going to happen, these committees would also be able to appoint specialist advisors to assist them in their deliberations so that under the amendment to the Constitution, at section 66(a)(c), there is the power for the committees to appoint specialist advisors and there would have to be remuneration for these specialist advisors. So the committees would be getting assistance not only from research assistants—some of the facilities at the Red House with space and so forth—but they would also be getting the assistance with respect to specialist advisors as they see fit.

Mr. President, the committees would also be able to adjourn from place to place which would mean that these committees can be itinerant at times. Therefore, they will have to take into consideration a travelling allowance if the committees have to meet in areas other than Port of Spain. All these matters are being considered in order to ensure that Members will be treated with some equity. The committee must sit in public unless it decides otherwise, and that is all in keeping with openness of the committee system. Yes, there is going to be an expanded role for parliamentarians in the governance of the country and the Government is committed to ensuring that the system works because it recognizes that this system and these reforms would assist in the promotion of more openness and transparency in governance, and it would bring the Parliament closer to the people. It would bring governance closer to the people. It would be an asset in building democracy and, therefore, I again wish to give the reassurance to hon. Senators that the Government would do all in its power to make this system work.

I thank you, Mr. President.

Question put and agreed to.

Resolved:

That the Senate appoint the following Members to serve with an equal number from the House of Representatives to enquire into and report to the Senate on

Joint Select Committees
[HON. R. L. MAHARAJ]

Tuesday, March 20, 2001

Municipal Corporations and Service Commission with the exception of the Judicial and Legal Service Commission on their administration, manner of exercise of their powers, methods of functioning and on any other criteria adopted by them in the exercise of their powers and functions:

Miss Gillian Lucky

Dr. Tim Gopeesingh

Miss Jearlean John

Prof. Ramesh Deosaran

Opposition Member to be named

And Be It Further Resolved that the Senate also appoint the following Members to serve with an equal number from the House of Representatives to enquire into and report to the Senate on Government ministries with responsibility areas, listed in Part I of the Appendix and on the Statutory Authorities and State Enterprises which fall within the purview of such ministries, and such Enterprises which receive funding from the State of more than two thirds of its total income in any one year, on their administration, manner of exercise of their powers, methods of functioning and on any other criteria adopted by them in the exercise of their powers and functions:

Part I

Attorney General and Legal Affairs

Communications and Information Technology

Community Empowerment, Sport and Consumer Affairs

Education

Energy and Energy Industries

Enterprises Development, Foreign Affairs and Tourism

Environment

Finance

Food Production and Marine Resources

Dr. Jennifer Jones-Kernahan

Dr. Roodal Moonilal

Dr. Daphne Phillips

Mrs. Mary King

Opposition Member to be named

And Be It Further Resolved that the Senate also appoint the following Members to serve with an equal number from the House of Representatives to enquire into and report to the Senate on Government ministries with responsibility areas, listed in Part II of the Appendix and on the Statutory Authorities and State Enterprises which fall within the purview of such ministries, and such Enterprises which receive funding from the State of more than two thirds of its total income in any one year, on their administration, manner of exercise of their powers, methods of functioning and on any other criteria adopted by them in the exercise of their powers and functions:

Part II

Health

Housing and Settlements

Human Development , Youth and Culture

Infrastructure Development and Local Government

Integrated Planning and Development

Labour, Manpower Development and Industrial Relations

National Security

Prime Minister

Tobago Affairs

Transport

Mr. Wade Mark

Dr. Vincent Lasse

Mr. Roy Augustus

Mr. Christopher Thomas

Opposition Member to be named

TELECOMMUNICATIONS BILL

[Third Day]

Order read for resuming adjourned debate on question [March 02, 2001]:

That the Bill be now read a second time.

Question again proposed.

Sen. Wade Mark: Mr. President, I join this very historic debate on a very crucial and vital piece of legislation which, when implemented, would

fundamentally alter the way we do business in this Republic. No doubt, and as many speakers have alluded to in their contributions, the Telecommunications Bill is long overdue. Information and communications technologies constitute the heartbeat of major social and economic transformations currently taking place in both the industrialized and many developing countries.

2.10 p.m.

If Trinidad and Tobago is to participate meaningfully in knowledge-based development and realize the predicted social and economic benefits, there is an inescapable requirement for us to establish a national information infrastructure. Hence the importance of this piece of legislation.

I intend to focus on the philosophy and policy of this piece of legislation and I want to do this in the context of globalization and economic liberalization. I intend to examine further the critical need to transform Trinidad and Tobago into an intelligent, innovative, as well as knowledge-based nation, utilizing information technology, telecommunications and broadcasting services, which together constitute what I referred to earlier as the national information infrastructure. Knowledge-based development is the very intricate process of weaving together social and technological components to create this very national information infrastructure.

We look at the purpose of this Bill, which is clearly outlined in the Explanatory Note. It seeks to provide a legislative framework to promote telecommunications and broadcasting services. This is necessary to encourage new providers to enter the domestic and national markets and to facilitate competition in the industry.

The philosophy, in particular in the policy of this Bill, is very clear. Through the process of competition, we intend to realize lower cost in the services and, of course, the efficiency in the delivery of services to the population will ultimately be realized. We are hoping with the Bill to promote and to make Trinidad and Tobago a regional centre for the new information economy.

We have to look at this Bill in the context of what is taking place globally and internationally. We have to look at this Bill in the context of the thrust of the Government in its drive to develop an intelligent nation. I will go into that particular aspect a little later in my contribution.

Why is the development of an intelligent nation so vital and crucial for national transformation and for improving ultimately the quality of life for the citizens of

the Republic of Trinidad and Tobago? As we seek to develop a vision for an intelligent nation, as we seek to advance Trinidad and Tobago as a centre for information technology-based industries in the Caribbean and the hemisphere, we recognize that Trinidad and Tobago has certain advantages. We possess, as you know, Mr. President, a relatively educated workforce and a very highly developed entrepreneurial sector. We, therefore, are seeking to be the leader in electronic commerce in the Caribbean. We want to promote Internet-based businesses in Trinidad and Tobago, hence the reason for competition and, of course, the lower cost associated with telecommunications services.

The Government of Trinidad and Tobago has established a number of national objectives and what I would call developmental goals. This is clearly outlined in a document entitled *Manifesto 2000*. If we look at this manifesto, we see, defined on page 8, nine national objectives.

“Sustainable Growth

An ‘Intelligent Nation’

More and Better Jobs

A Faster Pace of Development

A Better Quality of Life for All Citizens

Best Quality Health Care, universally

Greater Equity in Trinidad and Tobago

Peace, Security and Harmony in the society

A competitive economy that is in the top three in the hemisphere.

We have to look at these objectives in the context of communication technologies in this process of development. Globalization has been able, through communications technology to bring about a shrinking of space and time and we have a virtual disappearance of borders in the world today. It leads, as never before, to linkages on a deeper basis among people. This is why, when we look at the telecommunications sector, we see it as an element, as a plank. In this particular context, and we see it in the context of information and telecommunications technology which is, as I said, is aimed at promoting economic and social development in our country.

Upon the passage of this Bill it is my firm view and that of the Government, that the Bill will assist in the provision of better public services. We are about to

develop a communications backbone for the entire public service in Trinidad and Tobago. That will lay the basis for electronic government in this country. Mr. President, that along with the various transformations that are taking place would lead to productivity gains. It would improve ultimately the quality of life of our citizens. It will also enhance access to information and facilitate knowledge-sharing.

It is now abundantly clear that attempting to retain national control albeit monopolistic style over the development of the telecommunications sector or infrastructure, is no longer possible in this globalized environment. The fact is that state-led development approaches are inconsistent with dominant trends in the world community today; in this so-called global economy. Therefore current trends are toward the introduction of what I would like to describe as national policies and international cooperation aimed at achieving balanced economic development, equity and sensitivity towards environmental objectives.

2.20 p.m.

Mr. President, we live in a virtual unipolar world today. In fact, some 10 powerful telecommunications corporations, from my research, are now in charge of the global telecommunications industry and they control 86 per cent of that industry. The value of that telecommunications industry, today, is over \$260 billion, worldwide.

It is no secret that what the Government is attempting to do, in opening up this market, has generated a lot of interest and just as in other countries, powerful interests and powerful lobbies are at work attempting to promote, obviously, their interest. This Bill, however, is designed to promote the national interest. It is designed to promote the interest of the citizenry, at large. What we have to do in Trinidad and Tobago as we seek to insert ourselves in this globalized society is to avoid, at all costs, the concentration of telecommunications power, either in a monopolistic style or manner; or, in the context of an open economy and open competition. We have to ensure that we encourage as many players to become part of the system.

If we look at the Human Development Report of 1999, it gives some very interesting statistics in the context of the power and the growing inequalities. Mr. President, that is why it is necessary for Trinidad and Tobago to begin to open up its market so we can attract greater investment opportunities, particularly, in the telecommunications sector.

On page 3 of this document it is stated that some 74 per cent of world telephone lines—today's basic means of communication—is located in the richer

countries. If you look at Internet access, as an example, it is stated that the Organization for Economic Co-operation and Development (OECD) countries, with 19 per cent of the global population, have some 71 per cent of global-trained goods and services—58 per cent of foreign direct investment and 98 of all Internet users. I will show later on that in Trinidad and Tobago, with a population of 1.3 million people, we only have some 60,000 people who are Internet users. We want to move to over 350,000 people within the space of three years. Mr. President, that is critical in the context of what I will develop in a short while. If we want to build an intelligent nation and we want to focus on knowledge-based and an innovative kind of perspective, the question of access to telecommunications services is fundamental and vital. We must be able to give our population access to telecommunications services; I am talking about basic telephone lines.

Mr. President, would you believe that in Trinidad and Tobago, in the year 2001, out of every 100 citizens, only 20 have telephone lines under the present infrastructure? The teledensity is about 20 per cent. In Barbados, however, it is over 40 per cent. In St. Lucia, it is over 40 per cent. Trinidad and Tobago is a leader in the Caribbean and, as I said, if we are committed to a vision of transforming our country into an intelligent nation, telecommunications and access to telecommunications is critical.

There are three levels, therefore, that we can look at when we are talking about development of a knowledge-based society—we can look at infrastructure; we can examine skills as an element and, of course, experience. I do not have time today to deal with skills and experience, but we will look at infrastructure. When we talk about infrastructure within the telecommunications sector, we are talking about the growth and size of the telecommunications network. That is why, for instance, in Trinidad and Tobago we have this low teledensity. We need to improve that. We need to increase that. We need to have one telephone for one household. Mr. President, that is where we should be heading in Trinidad and Tobago, but we cannot do it in the current telecommunications environment.

Mr. President, the inability of citizens to access telecommunications services, let alone possess a source of access, is a concern to all of us because it inhibits development. We cannot talk about a faster pace of economic development in Trinidad and Tobago. We cannot talk, for instance, about the creation of an intelligent nation if citizens do not have access to, what I call, basic telecommunications services. What we would be promoting if we do not take action—what exists in Trinidad and Tobago and in many developing countries—

are zones of silence. It is like zones of darkness. People do not have access to sounds. They do not have access to basic telephone services and it inhibits rural development. We want, therefore, through this Bill when it is passed, to remove those zones of silence from different areas of our society. We want to replace them with what we call productive sounds. We want productive sounds to actually infiltrate those zones of silence. It can resonate in a very positive way so that at the end of the process people could feel part of the development process. Mr. President, development is about people and this is what we are concerned about—improving the quality of life of the citizens of this Republic, and the telecommunications sector is very vital.

The legislation that we possess today is antiquated. It is outdated. It is ill-suited. We are still operating on a 1936 legislation in a modern economy like Trinidad and Tobago. As I said, Mr. President, knowledge is the key, it is the most important commodity on the market today and that is what is going to make the difference. It is that knowledge-based development process that is giving the developed countries the cutting edge. I am not saying you would not have problems or difficulties arising out of that process. There would be difficulties and problems. We see from the literature that there are growing inequalities between countries and within countries. Whilst technology is seeking to empower telecommunications services, information technology, broadcasting services and constituting the information infrastructure, it is also disempowering people. On the one hand you have empowerment and on the other hand you have disempowerment taking place, so you have dualities being created within the present global environment.

This is why I feel, and we believe, that this question of telecommunications is extremely important. We need to open up our economy and our society but not to open it up in any kind of reckless way, Mr. President. I want to make the point that there is a misconception because when we talk about globalization and economic liberalization within the context of telecommunications, many people come to the conclusion that globalization and economic liberalization means the retrenchment of the State. Many feel that the frontiers of the State must be rolled back completely and you would have an unleashing of blind forces in an economy. Well not even the World Bank is of that opinion.

2.30 p.m.

The World Bank in a 1997 report on *Rethinking the State* made it very clear: the State in today's governance has a role to play and it has to play a more effective role in governance, a different role but a more effective role in

governance. So it is not a question about rolling back and the disappearing or the withering of the State. There is no withering of the State here. The State has a fundamental role to play in intervention and this is why when you come to the Telecommunications Authority and the role of the Minister within the Telecommunications Authority, we have to view it in that context.

Blind forces cannot lead anybody. They cannot lead us in Trinidad and Tobago and they cannot lead, for instance, even the developed world. They have to intervene and regulate their economies and this is why we want to establish a regulatory authority, but you must have power. Somebody has to be responsible and, of course, the politicians have to be because they are ultimately accountable and responsible to the population.

Mr. President, if again you go to page 12 of this document, the *UNC Manifesto*, you will see, for instance, in an effort to establish this intelligent society that the manifesto states:

“To achieve these objectives...the Telecommunications sector”

Must be open and we must be able to:

“...negotiate the reduction of telephone rates and the cost of other telecommunications based services.”

This is important, Mr. President. It goes on:

“In our thrust to transform Trinidad and Tobago into an ‘intelligent nation’, we will ensure the highest levels of computer literacy in our primary and secondary schools.

We will expand internet connectivity in this country from the current 60,000 to 300,000 by 2005. We will have every primary and secondary school and every community based learning centre connected to the internet within two years.”

Mr. President, you have to foster a culture of learning. This is why life-long learning is very important in today’s context. The struggle today is how we can learn, unlearn and relearn. Everything that we learn today—nothing is absolute in this context; nothing is permanent and there is a constant adaptation. There is a continuous process of learning, relearning and unlearning. That is why, for instance, if we are developed, as I said, a knowledge-based and innovative nation and society, adaptation is critical, flexibility is also critical.

In Japan today, you have children at primary school level going to school with laptop computers. In Trinidad and Tobago we are now trying to house computers in all primary schools. So you see the gap, Mr. President, between the developing and the rich, developed countries, the culture that they are fostering at a very tender age among the population. So that is when you talk about technical knowledge and that capacity, they have been able to cultivate that in those developed countries. We are now going in that direction. We are a bit late. This Bill is almost 20 years too late. This Bill should have been passed 20 years ago if we were serious about development and transformation in our country, but it took us 20 years later.

I will tell you, Mr. President, based on the literature, how for almost 40 years in this country the population did not have choices in broadcasting. It is there in the working paper—two radio stations and one television station for almost 40 years in this country; no access, a monopoly, state controlled in terms of learning, in terms of education, in Trinidad and Tobago. This is why when we talk about—as I am on this point—a broadcasting code, Mr. President, it has to be seen in the context of making sure that Trinidad and Tobago maintains its identity in this globalized economy worldwide, because there is something called cultural insecurity in the world.

I want to quote a famous statement from the late Mahatma Gandhi. Mahatma Gandhi said, and I want to quote. It is coming from the *Human Development Report* of 1999, page 4. Mahatma Gandhi said early in the last century:

“I do not want my house to be walled in on all sides and my windows to be stuffed. I want the cultures of all the lands to be blown about my house as freely as possible. But I refuse to be blown off my feet by any.”

This is a very profound statement in the context of globalization. So it is not a question, Mr. President, of intervening and affecting the rights of citizens under sections 4 and 5 of our Constitution if you bring a broadcasting code into being. Any nation state that is concerned about its cultural identity and sovereignty has to take action in that particular regard. All developing and developed nations are doing that.

There is a big battle between France and the United States, Mr. President, on this question—the cultural invasion of France by US cable networks and movies; cultural imperialism as some people refer to it. Therefore, when we are talking about a broadcasting code we are not talking about violating the rights of people. We want to ensure that there is enough local input and output through the

broadcasting services, whatever form or shape they may take, to ensure and to maintain the integrity of our cultural identity in Trinidad and Tobago. That is what the broadcasting code is about [*Desk thumping*] and it cannot be seen in any kind of loose and narrow context.

You look at Canada, the United States and France, Mr. President. They all have broadcasting codes because globalization is not only integrating economies you know, it is integrating technology, governance and culture. The largest export industry in the United States today is not the aircraft industry, it is the entertainment industry—\$30 billion is earned by Hollywood every year and it is a one-way street, Mr. President. They are only exporting movies. They are not importing any. So people's minds are being affected. So therefore, you have to get a broadcasting code in place to ensure that our identity as a nation is not sullied or polluted or contaminated to the point where we become a satellite of some other nation state. That is what a broadcasting code in philosophical terms really seeks to achieve, Mr. President.

I thought I should really deal with that particular point because when you are talking about these matters, one gets the impression that it is very easy for one to say that, you know, the whole purpose of this thing is to deny people their rights and take away their freedoms and that sort of thing. However, I want to quote from the working—there is a *Report of Working Group Appointed by Cabinet to Prepare a National Policy on Telecommunications for Trinidad and Tobago* dated February 26, 1998. On page 23 of this report under “Broadcasting” it states and I quote, Sir:

“The Working Group took due note that after the introduction of two (2) radio stations in the 1950s and one (1) television (TV) broadcasting station in the 1960s no other broadcasting entity was licenced in Trinidad and Tobago until December 1990.”

They say:

“Accordingly, during this forty (40) year period the public faced limited broadcasting choices.”

So for 40 years the country, the citizens were imprisoned, they were stymied and they were stifled of that freedom that was necessary so that they can make choices in the context of development, Mr. President. So I would like to say, Mr. President, that we are trying to ensure in this Bill that there is accountability, because modern governance processes demand transparency, they demand openness, they demand accountability and this is what we are seeking to do.

If you look at the United States, at Canada and at Caribbean countries—and my colleagues will emphasize this a little more—the Minister has the power. You go to the United States and you would see, for instance, who appoints the federal communications commissioners. The bulk of them are appointed by the President of the United States, and we want to ensure that there is accountability at the end of the day. We say that if people are corrupt, you take them before the joint parliamentary committee. If you find a Minister is abusing his authority, there are ways and means of dealing with that. There is something called the Integrity in Public Life Act which I read today, Mr. President, to which some sector is seeking to have amendments in terms of trying to facilitate whatever intervention it may wish.

The point about it is that in this period we have to ensure that we have proper accountability and integrity. So this knowledge society that we are dealing with, Mr. President, we are trying to close virtually a knowledge gap, you know, and we are trying to use these kinds of sectors like telecommunications to leapfrog Trinidad and Tobago into the future in a rapid way. That is what we are trying to do, leapfrog into the future, quickly. After suffering for almost 40 years without any choices, we are seeking to leapfrog into the future. We want to expand telecommunications because with an expansion of telecommunications and its capacity we are going to lay the basis so that we can absorb knowledge by providing the opportunity for high-quality low-cost adult learning.

You know, Mr. President, if you want to get on the Internet, you must have a telephone line. If you want to access information on the Internet, you have to be connected, and since knowledge is the axis of human progress, that is what knowledge is about, the axis of human progress, and it really correlates with growth rates. If you are talking about economic growth in any country in a serious way, one of the indicators for that is education. One indicator of rapid growth rate in countries is education—the availability of communications infrastructure. You need to have that if you are talking about rapidly transforming your economy and, indeed, openness in terms of trade, Mr. President. You need openness.

So when we talk about communications infrastructure, this is measured, Mr. President, by telephone density—the teledensity—when you talk about that question of communications infrastructure. The ratio of telephone lines to population in a country, that is what the communications infrastructure would measure in any country. Therefore, if we are committed to assuming a developed nation statehood within a 10-year period, we have no choice, Mr. President, none, but to commit ourselves to the process of higher quality education for all of our children.

This is why, for instance, when the Government of Trinidad and Tobago took the revolutionary decision and step to make secondary schooling accessible to every young child who moves from the primary school level onto secondary school, that was a major advance for Trinidad and Tobago. Even the World Bank recognized in a report that thousands of young people are at risk. They identified two factors essentially being responsible for our young people being at risk: restricted access to secondary school or secondary education and, of course, lack of employment opportunities for young people in Trinidad and Tobago.

2.45 p.m.

When we talk about this whole revolution in terms of knowledge-based development, we have to focus on education on a quality basis. We must deal with international trade. That is critical, and we must focus on the communications infrastructure in our country. This explosion of new knowledge, Mr. President, the acceleration of technological progress, as well as increasing competition, would make lifelong learning even more critical; lifelong learning as a concept and a vital process at the same time.

Mr. President, lifelong learning would enable Trinidad and Tobago to continually assess, adapt and apply new knowledge. Therefore, as I said earlier, the struggle is to find or possess the capacity, the capability and ability to learn, re-learn and “on-learn”. Therefore, knowledge is critical for development and has become the most important factor in determining a country's quality of life and/or standard of living. Therefore, telecommunications in this context plays a very vital role in facilitating the spread of knowledge, and telecommunications is important for delivery of real-time information in any country.

I think that, for instance, this piece of legislation is very important and critical for national transformation, national development and future progress for our nation of Trinidad and Tobago, and I would hope, Mr. President, that our colleagues here on both benches opposite would appreciate and understand that Trinidad and Tobago is being left behind.

There are about 60 countries that have been described by the World Bank as least developed countries. Those are countries that are at risk of being excluded from the global development process because they do not have the infrastructure and the education to deal with the necessary ingredients to lay the foundation for development. We must avoid that in Trinidad and Tobago. We must never be at risk of being excluded from that process. To do that, we have to go into the open market. We have to create the conditions, the regulatory mechanism to invite

Telecommunications Bill
[SEN. W. MARK]

Tuesday, March 20, 2001

interventions within Trinidad and Tobago in that particular sector—the telecommunications sector.

Do you know that it costs a citizen of Trinidad and Tobago US \$1, I think, for every minute he calls abroad to the United States? What impact is that going to have on business activity in Trinidad and Tobago? If one wants to be the centre of information in the Caribbean, if one wants to be the hub of activity in terms of attracting knowledge-based industries, does one think that we can live with US \$1 a minute to call somebody in the United States? That we can continue along that path? We cannot! Therefore, we need other providers within this economy to bring down that cost so that somebody in some rural part of Trinidad and Tobago—Toco, Biche, or some place deep in the countryside—can have access. As I said, these things will contribute towards overall development in this country.

I think, Mr. President, that the passage of this Bill gives our country, Trinidad and Tobago, an opportunity to leapfrog, as I said, into the modern communications age. That is what it does. It provides Trinidad and Tobago with another plank in its drive to establish its own national information infrastructure.

Many countries, especially the least developed ones, are being left behind in a big way, as I said earlier, and that must never happen to Trinidad and Tobago. It is in this context I wanted to intervene and make my contribution so that I could present to the Senate the Telecommunications Bill in both a philosophical policy perspective, putting it in a contextual framework, re globalization and economic liberalization in the economic world today.

I believe we have a great opportunity to lay this backbone and establish this foundation to ensure that our children, the children of this nation, get the kind of future they deserve. This is laying the basis and platform not only for an intelligent nation, but a faster pace of development and making sure that Trinidad and Tobago remains or becomes a very competitive nation state.

I wish to thank you, Mr. President, for the opportunity to make this contribution.

Sen. Dr. Vincent Lasse: Mr. President, this being my first intervention in this honourable House, I want to assure you that I will continue to display at all times the highest level of statesmanship. I feel honoured to be afforded the opportunity to continue serving our nation and, by extension, the people of Trinidad and Tobago, but I must, at the outset, put on record my thanks and appreciation to the

Senators on the Independent Benches who acted in a dignified manner and warmly welcomed me and my colleagues to this honourable House.

Mr. President, I rise to make a brief intervention and to fully support the Bill entitled, the Telecommunications Bill, 2001 which was so lucidly and eloquently introduced by the Minister of Communication and Information Technology. In the Explanatory Note, the Bill establishes a legislative framework for telecommunications and broadcasting services in Trinidad and Tobago for the purpose of encouraging new providers to enter the market, thereby facilitating competition in the sector. It went on to state that the current statutes, which are decades old, are ill-suited for an era of convergence among telecommunications and broadcasting services, as well as Internet-based services.

Mr. President, in terms of what the Bill will secure when adopted, I see the following: It would level the playing field to protect users, and here the small man and less fortunate in our society would be protected. The Bill will give consumers the right to select, purchase and attach the relevant equipment to a provider's network. The Bill will also cause to eliminate monopoly and, of course, there will be lower phone rates, and so forth. However, with the lowering of the telephone rates and the elimination of monopoly and, of course, a level playing field, we are sure that providers will be attracted to the market.

The thrust of my intervention will be on, first, the transfer of technology and the urgent need to put regulations in place to monitor and regulate the sector. Secondly, the need to respond urgently—and I repeat urgently—to the rapid changes in the communications sector. Thirdly, the need to recognize that the law is a living thing, that law follows society and legislators must respond to the rapid changes in our society by enacting appropriate laws.

Mr. President, it is said, and I agree, that we are now living in the information technology age which is moving at a very rapid pace. As such, there exists the urgent need to regulate the sector. That is what the hon. Minister of Communication and Information Technology was trying to put to us and he is trying to achieve, and we hope that hon. Members will lend their support to this noble objective.

Mr. President, some 20 to 25 years ago, developing countries were locked in serious debate with developed, industrialized countries in seeking to have technology transferred to them on fair and equitable terms and conditions, but gone are those days. Today, what we see is that developing countries, including Trinidad and Tobago, are seeking to regulate and monitor the transfer of technology and to acquire what we consider appropriate technology.

I submit that if we fail to legislate and to monitor and put standards in place at an early stage, the situation could become rather disastrous. Here, I want to offer an example which may be extreme, but I think it is worth noting. Had early regulations been put in place—and I speak here of nuclear energy—it was envisaged that nuclear energy should be used for useful purposes, and for the benefit of mankind, not for his destruction. However, due to the lack of early control, supervision and, of course, putting in place the authority to regulate the use of nuclear energy, the nuclear bomb was developed. Mr. President, one scientist, Prof. Herman Khan, has stated that man has developed a device which could eventually destroy mankind.

3.00 p.m.

He went on to state that should the nuclear bomb be unleashed, due to the fallouts, the living, will envy the dead. This came about because no authority was put in place at an early stage to monitor and regulate the use of nuclear energy. As I said earlier, some may say that this is an extreme example, but to me, it is an example. Agreeing that the regulating of the telecommunications or information technology is not such an extreme case, we must nevertheless hasten to regulate this industry which can be an economic giant, and we do not want to close the stable after the horse has bolted.

Mr. President, regulating this industry will assist, I am sure, in the sustained economic development of Trinidad and Tobago. As far as regulation is concerned, I want to use an example which is more than 23 years old, and I refer to technology-producing countries. They recognize the need for controlling, monitoring and regulating the transfer of technology and with your permission, I quote briefly from a publication entitled: “THE TRANSFER OF TECHNOLOGY TO DEVELOPING COUNTRIES”. At page 9, it is stated that:

“The technology producing countries are interested in cooperating with the importing countries in establishing rules of trade in the field of technological products. The ‘strong’ countries on the international technology market would benefit from better transparency of this market and of codified rules of conduct in it, because they would face harder quality competition.

Putting an end to abusive, unscrupulous and speculative practices would benefit the technology producing country, because loyal competition would force these countries to promote their own technological development in order to maintain their competitiveness, which in turn would increase the level of their technological production and consequently the standards of life of their peoples.

Mutual interest is a solid fundament for achieving consensus between the technology producing and importing countries.”

Mr. President, the Minister of Communication and Information Technology in his presentation has stated that the Bill represents a culmination of a lengthy process of study in global norms for technology laws. As I see it, establishing rules, putting in place and putting an end to abusive and unscrupulous practice and levelling the playing field, are noble objectives which this Bill will provide.

The views of Carlos Contreras and others have been expressed more than 20 years ago, and that is why Members of this honourable Senate should not view the piloting of this Bill by the Minister as an attempt to rush through a piece of legislation. I submit that we are years behind time.

I also mentioned that I would deal with the question that law follows the changes in our society. I sometimes ask myself: what is the purpose of hon. Senators being in this Senate? One of the main objectives I believe, would be to deal with the codification and progressive development of laws, and if that is so, then I believe we must get along with the business of this honourable Senate. Yes, debate we must; procrastinate, we must not. The law is alive, it changes at times and responds to the changes in our society therefore, we, as legislators, must act swiftly at times, and if we do so, we would be fulfilling the objective for which we are all here.

Dealing more specifically with the Bill before us, some distinguished Senators may say that this piece of legislation is technical in nature. I agree. Even the language of information technology is complex and some go so far to say that telecommunication has its own jargon. I agree with that, but we are here as legislators, not as rocket scientists and that is why the technical experts did their work and made recommendations accordingly.

Mr. President, as early as June 1997, a working group chaired by the Governor of the Central Bank, Mr. Winston Dookeran, was established, and I understand that extensive consultation took place with the major players in this field, and the working group made its recommendations which formed the basis of this piece of legislation.

The terms of reference of that expert group was ably outlined by Sen. Dr. Tim Goopeesingh, but I shall, however, paraphrase the major recommendations with which we are dealing:

1. The need for an update policy in the sector is urgently needed.

2. An amendment to the 1991 Act is necessary.
3. A new regulatory body must be created as soon as possible.
4. Government should adopt a new set of policies including those relating to competition, universal service, licensing and interconnection among service providers.

Mr. President, we are here to deal with these recommendations which have been put into the Bill. This, in a nutshell, is what we are required to deal with. The technical work has been done, and we, as legislators, are required to do our work. We can procrastinate if we wish, we can see shadows if we wish, but if we fail to respond to the realities of our time, and if we fail to live in daylight compartments, we shall fail in our duty to our nation.

Mr. President, we shall fail to assist this nation and the Government in continuing the rapid economic development drive; we shall fail to adopt laws in a timely manner; and we shall fail to assist the small man and the less fortunate in our society by putting in place the necessary protection. However, all is not lost. I listened very carefully to the well-reasoned, useful and valid comments of Sen. Ambassador Christopher Thomas, Sen. Prof. Dr. Ramesh Deosaran, Sen. Mary King, and Sen. Dr. McKenzie and I can see a consensus emerging.

The hon. Minister of Communication and Information Technology, I am sure, will give due consideration to the valid concerns expressed but, Mr. President, I submit that hon. Senators must permit good sense to prevail, seek common grounds and work with the spirit of compromise. If this is done, I am sure that this Bill will be adopted by consensus.

Thank you.

Sen. Prof. Kenneth Ramchand: Mr. President, I thank you for giving me an opportunity to offer some perspectives on the Telecommunications Bill, perspectives by a non-rocket scientist. I suppose it is logical that at a time when failure in communication between persons seems to have reached a peak, and public discourse is a mounting tower of partisan voices, it is logical that we should be seeking to perfect electronic contact. It is certainly ironic that the Telecommunications Bill itself should communicate so little to the Senate about so many crucial issues and processes to be implemented.

Mr. President, nonetheless I have to say that the Bill is a timely one and it has the virtue at least, of recognizing that the rules and ordinances on the books do not cover the new telecommunications situation and they were not devised to promote the projects that now seem possible to investors in the sector.

Mr. President, the arguments against the existing legislation are strong enough and I want to go over them because they would lead me to some preliminary remarks on the Telecommunications Act of 1991. So the arguments against the existing legislation in quick summary: they were outdated and limited in scope; the Wireless Telegraphy Ordinance of 1936 was a holdover from colonial times; the telephone company was the focus of the Trinidad and Tobago Telephone Act of 1968, and this Act would not apply to new providers of telecommunication services; and in the space of 10 years, the Telecommunications Authority Act of 1991 had become, in the words of the Minister, woefully inadequate.

3.15 p.m.

He went on: “Although it would have established a new authority and would have repealed the 1936 Wireless Telegraphy Ordinance, it did not establish a framework for competition.” Mr. President, I would return to the summum bonum, called competition, presently, but I want first to seek help over a little problem.

The framers of the Telecommunications Act of 1991 felt it necessary to take account of the possible infringing of the constitutional rights of business people and ordinary citizens. That Act of 1991 required that it be supported by not less than three-fifths of all Members of each House. How is it that in 2001, when the ordinary citizens in their homes are even more endangered, and business people are going to be jostling for profits out of the use of these same facilities. How is it in a situation more delicate, frightening, and fraught than 10 years ago, that the present Bill only requires a simple majority? I might as well go into it now Mr. President. Things are worse with the 1991 Act than the Minister said.

The 1991 Act was never proclaimed. That Act called for the establishment of a telecommunications authority, with a board consisting of a chairman and eight members, appointed by the President, after consultation with the Prime Minister and the Leader of the Opposition. If the authority had been established in 1991, we would have been spared recent litigation concerning the granting of cellular licences. If the authority had been appointed in the manner prescribed in 1991, that is to say, by the President, after consultation with the Prime Minister and the Leader of the Opposition, there would have been greater guarantee of the integrity of the process and more respect for it; and it would have been difficult for anyone to attempt, now, to introduce changes whereby the management board of the authority is to be appointed by the Executive and be subservient to the Minister.

So, the Act of 1991, which dealt with a more primitive situation, recognized certain dangers, and those dangers must have increased over the 10 years. So why are we going back on the provisions, those safeguards that were built into the 1991 Act? I would like the hon. Minister to explain that in his winding-up.

The need to balance the policy and other interests of the Minister against the state-of-the-art expertise of a properly chosen board; the moral imperative that the Minister should not have the arbitrary and comprehensive power to accept or reject the technical advice of the board, even when that advice is in keeping with policy declared in advance. These matters have been raised by other speakers before me. I will content myself with stating that I share the concerns.

I just want to refer to attempts in the United States and in the United Kingdom, especially in the United Kingdom, where the Office of Telecommunications (OfTel) is specifically protected from interference by providers or by government. OfTel is a non-ministerial, government department like the Office of Fair Trading and is independent of ministerial control. I think the doctrine that the regulator should be free of control or interference, either by providers or by the Government, is a worthwhile doctrine, and I would like the Government to think about it again.

I want to speak on some other aspects of the Bill and I want to begin with competition and the unholy, holy attitude to competition. According to the Minister, “the major crime of the Telecommunications Authority Act of 1991 is that it did not establish a framework for the introduction of competition”. That is the crime that he singled out. In other words, it failed to select the mantra of the year; it did not enjoin us to embark upon a holy business war. If you look at the Act and listen to the Minister, you would believe that competition is the answer to every economic, social, cultural and developmental problem.

The plain, blunt purpose of the legislation is that of “...encouraging new service providers to enter the market, thereby facilitating competition in the sector and ultimately promoting economic development”. “Thereby, ultimately”. One could contest the logical necessity implied by “thereby”. Who says that encouraging new providers will lead to competition? Or that competition will lead to lower prices for the ordinary citizen? Ask the banking cartels. You think everytime we bring in a new bank that the interest rates or the mortgage rates go down?

Mr. President, we know that in the recent fiasco that is still in court, only three cellular licences were granted. There is going to be a limit any way, to the number

of operators and providers being granted concessions. So what is this thing about competition? This competition is restricted to three groups that can form a cartel.

And “ultimately”. When is “ultimately”? When is the “ultimately” when we will get economic development? Ultimately? Is that when you die and go to heaven? That is the ultimate. One can see that ultimately, that promise of economic salvation is a ticket to wait eternally for the Godot of development. The Bill takes the competitive line that the information technology revolution has created business opportunities that we should reach out and grasp and capture. The legislation will get us moving as a nation.

Mr. President, this legislation is very threatening. We will deserve to be nowhere and nothing, according to this legislation, if we allow ourselves to be left behind. That is a perverse, moral attitude there. When I was reading it, I was reminded of an immortal sentence in V.S. Naipaul’s, *A Bend in the River*, in which a similarly perverse, moral attitude is immortalized. The statement is—and this seems to be part of the philosophy of the Bill—“The world is what it is. Men who are nothing, who allow themselves to become nothing, have no place in it.” So if you do not catch up with the communications revolution and you fall behind, you deserve to be thrown into the bamboo.

3.25 p.m.

It is your fault; you are a sinner. Thankfully, the main part of the message of the hon. Minister is more benignly evangelical and inviting. The good news proclaimed by the hon. Minister and by the preamble, is that the country can become the regional centre for the new information economy. In the words of the Minister—treated with irony so fine by my colleague, Sen. Mary King, that it might have been missed—Trinidad and Tobago is to become a centre for the information technology and knowledge-based industries in the Caribbean and throughout the hemisphere. Pipe dreams! I have problems with the “mamaguy”.

In the first place, there is nothing in the Bill itself to suggest that there are any plans to provide physical facilities, to encourage local scholarship and research, to stimulate local innovation, to produce our own software or establish a high-powered training regime to produce a cadre capable of effecting the telecommunications coup that we have been promised. If you do not do that, what coup can you effect? Where are the plans? If it is argued that the Bill is only a legislative framework and cannot be expected to include this kind of information, then surely the Minister owes it to the people and the Parliament, either in introducing the Bill or in winding up, to provide an overview and indicate how

Telecommunications Bill
[SEN. DR. V. LASSE]

Tuesday, March 20, 2001

this essentially business Bill that he is piloting with such high hopes, is complemented by other plans and programmes that the Government is about to put in place. Even that would not be enough to allay one's misgivings.

I call the next few paragraphs in this contribution: “The telecommunications revolution, oh brave new world”. Essentially, I am lamenting that the Bill is too narrow a response to the brave new world brought about by the telecommunications revolution. I am repeating this; people would know it, but I feel I have to say it: What has been happening in information technology in the last fifteen years, less than a generation, has already brought about and continues to bring about changes in the way we see, feel, learn, remember and think. Our sensibilities have been changed and these changes are at least as profound as the changes that were wrought by the invention of writing and the invention of the printing press. These changes ought to be recognized as a source of many challenges that any legislation on telecommunications must face.

The very restlessness in the sensibility that led to the information technology revolution has turned around and used the first sparks of that revolution to propel this modern and modernizing sensibility further into uncharted space. Young people are changing, and rapidly—they are so different from us. That is one of the results of the telecommunications revolution, and if we are bringing legislation about telecommunications, we have to think about that when we frame the legislation. Almost every activity in society, in public and in private, has been drawn into some sort of dependence upon and some sort of frightening vulnerability to telecommunications—dependent and vulnerable: Banking, government, education health care, travel, entertainment or sexual behaviour. People are looking at monitors now and they do not need women again, Mr. President.

Sen. Daly: Some people.

Sen. Prof. K. Ramchand: Some people. Thanks. [*Laughter*]

Everything! Telecommunications is now virtually coterminous with life and some might fear that telecommunications is taking over from life. There are other concerns. If telecommunications can give and dump, telecommunications can take. Never before have our cultural products been so open to piracy. Our music, our religious practices, our festivals, they can all be “ringbanged” away or silently sucked up and made accessible elsewhere, beyond our control.

In addition, telecommunications has spawned a new frightening individualism; it has encouraged a predatory or parasitic approach to information.

It threatens invasion and loss of privacy; it loosens the notion of community; it pushes for the debunking of nationalism; it turns governments into pawns and partners of a ubiquitous international capitalism. That is the kind of thing that is happening in our world.

Thinking and suffering all of this, I am disappointed to find that the Telecommunications Bill, 2001 is a narrow response to a momentous transformation of the world, a transformation that has great potential for liberation, and yet, at the same time, equally great potential for new forms of imperialism, oppression and encirclement. The Minister does mention social and cultural life but there can be no question, the outlook of the Bill is a business outlook.

My main point at this moment is that a narrow business view of telecommunications underestimates the meaning of telecommunications in our time, as do the vulgar metaphors of exploitation and control—all that talk about reaping and harnessing. A regulatory framework for telecommunications in our country needs to be informed by our understanding, imagining and feeling of all the impacts. These impacts are being interiorized by our younger people and they are changing our lifestyles and values, radically. Some who should know better are willing to ride the tiger as far as it will carry them without caring too much about where it will end up, as long as their pockets are full. But what does it profit a society to gain the world and lose its soul? [*Desk thumping*] I knew I would get the Reverend to back me up there.

One reason for supporting Sen. Prof. Deosaran's call for a widening of the membership of the Authority is that the profound personal, social, cultural and national implications require an Authority that is representative of the whole social and cultural, if I may say, spectrum, a group combining social and cultural understanding with technical expertise; a “grap” of patriots committed to building the new upon what we value in the old.

3.35 p.m.

That is my first main point, Mr. President; I am really frightened by the business outlook of the Bill and disappointed that the Bill underestimates the meaning and the power of the telecommunications revolution.

In the second movement, which I am calling “The telecommunications revolution—The growth of a business, I am just recognizing that telecommunications all over the world has become a business, a lucrative business, in the last 15 years. When you look at this Bill you see that nearly all the

clauses are concerned with concessions, licences and other aspects of the business. It is a fact. The blooming that this Bill is built upon—the blooming of telecommunications as business itself, and the blooming of telecommunications as a facilitator of other business—is a business revolution.

Mr. President, reading through the Bill, and thinking about the place in which I live—my country and the people I know and so on—and not being an economist who is able to offer a different kind of analysis, I decided just to look at the parties involved in this business which I have put in my own categories: the main parties in the telecommunications business, the parties that the Bill has to take care of and take account of. Category one: the owners of the land, air, sea and the other spaces where telecommunications facilities—cables, poles, satellites whatever—may be installed or telecom signals transmitted. This piece of property includes the spectrum, the Helen of our telecommunications wars. The owners of this property are the people of Trinidad and Tobago and the resource is one of the most valuable of the resources that still belong to us. The owners of the resource is in category one. I want to see what the owners of the resource, the majority of the people of Trinidad and Tobago, are getting from this Bill.

The second category: the operators or sub-operators of telecommunication networks. The third category: the providers of telecommunications services. The fourth category: the big business users of telecommunications services. The fifth: the small business users of telecommunications services. There is a division of Oftel that is dedicated to the interest of this category of small business users. Category six: the domestic or private users. Category 7: members of the public who do not have telecommunications facilities at home.

Mr. President, most of the clauses of the Bill are devoted to categories 2, 3, 4 and 5, the operators, providers and business, including, of course, TSTT and Cable and Wireless. The people who are most neglected by the Bill are the ordinary citizens of Trinidad and Tobago who are being left on the less salubrious side of the telecommunications divide.

Mr. President, in looking at all the providers, operators, the jostling for facilities, right of way and so on, I thought it would be interesting to see what the Bill has to say about the dominant provider. The dominant operator and provider, TSTT, is very much the ghost in this machine. It is very difficult to pick out references to TSTT without picking up references pulling in a slightly different direction from Cable and Wireless. On the face of it, being a simple, non-economic and non-political person, I think that one of the reasons is that Cable & Wireless has a 49 per cent interest in TSTT.

On page 8 of his presentation, the Minister refers to a “shareholders’ agreement” with Cable and Wireless and he mentions that there are certain provisions in that agreement which are relevant to TSTT’s participation in the telecommunications sector. Now, when he said that I perked up because I wanted to hear. I want to know the details of this shareholders’ agreement which have a bearing on TSTT’s participation. What these provisions are we are never told, just as we are never told about the talks that took place with Cable and Wireless. It is stated here boldly:

“It should be noted also, that during the early part of last year, we engaged in intensive consultations with Cable and Wireless on our overall policy in legislative approach. We thought it was important to involve Cable and Wireless in this process for two reasons. First, Cable and Wireless is the principal shareholder in TSTT...and the most important player in the sector.”

I do not know how they can call these criminals “players”. I do not think this is a game. This is not a game. Players?

Mr. President: Sen. Prof. Ramchand, just temper how you describe entities in the Senate, please.

Sen. Prof. K. Ramchand: Should I withdraw it, Mr. President?

Mr. President: Yes, it might be appropriate.

Sen. Prof. K. Ramchand: Okay, I withdraw it. Thank you. I just wanted to say I do not want it to be in *Hansard* necessarily.

The Minister continued:

“Second, the company has valuable substantial experience in legislative and regulatory reform of national telecommunications sectors worldwide, where it has taken on the roles of both incumbent and aggressive new entrant.”

I could believe that.

“Cable and Wireless provided detailed comments on issues, both general and specific and sent an expert to meet with our drafting group on several occasions during the ensuing months.”

So, we are drafting a telecommunications Bill and a dominant, foreign provider, or shareholder, is giving advice, coming to all the meetings and having views and opinions. I found this very strange. Why was it not TSTT? Does Cable and Wireless exist apart and separate from TSTT? I thought there was an entity called

“TSTT” and that Cable and Wireless was a shareholder. Why was TSTT not the body involved in these discussions?

Mr. President, as I said, it is difficult to pick out the references to TSTT and it is difficult to interpret the actual remarks on n sometimes the remarks are very evasive and sometimes the remarks tell us it is not your business. Like when the Minister says:

“...certain fundamental principles, such as whether, when and to what extent there would be competition for TSTT’s public telephone services remain for the Government to decide in the first instance.”

The Minister makes it clear that that is his business; it is not the people’s business; it is not the Parliament’s business; it is not TSTT’s business; “We go tell ‘yuh’ TSTT, when we ready.”

3.45 p.m

Telecommunications Services of Trinidad and Tobago (TSTT) gets a “boof” from the Minister. We believe that competition would enhance the responsiveness of the incumbent to the concerns of its customers. TSTT, insofar as it belongs to us, we are told, has different objectives from Government. That is what the Minister says. TSTT has different objectives from Government. Government must take a national holistic approach to the sector, whereas TSTT is obliged to protect itself in a competitive arena.

Who is TSTT? Is TSTT Cable and Wireless, or is TSTT we? I do not know who is “himself”, here. The curious phenomenon as one looks at this Bill and the references to TSTT and Cable and Wireless, is that by the time one comes to the end, one begins to wonder or form one’s answer as to what the Minister means when he says in his opening statement that the Bill acknowledges the role of TSTT and the rights of Cable and Wireless. I do not know if the Minister was trying to make a very distant pun on this film, *The Right And The Wrong*, that he was in. It is good to say the right and the role, but he really means the rights and the rights. Let me pull a “lil” pun on that. How does Cable and Wireless have rights and TSTT have roles? It might be interesting to find out that in that movie, *The Right And The Wrong*, an alliance was formed which perhaps is continuing today. That film was shown with another one called *Caribbean Fox*. It was a double.

The impression emerges that TSTT is a foe and Cable and Wireless is a friend. John Public and I owns, I do not know how much—is it 51 per cent of TSTT—and a bunch of foreigners own Cable and Wireless. I do not see how TSTT could be

my foe and the other one could be my friend. When one looks at the funding and licensing arrangements and the fees to be paid, I have to say that although I am always vex with TSTT, I find TSTT is being hard done by. These people put down pole and cable; they maintain pole and cable; and now you will say you have to rent it, but I cannot rent it to make a profit. You are telling me that I have to rent it at a peppercorn rate to the new providers who never put in any money into this thing. I may have to extend my facilities, accommodate these new providers and I cannot charge them anything. It is just like the Post Master General. When the Postmaster General asked for more money to run the post office properly, they said they could not do that because the price of stamps would go up. They could not give them new vans; they could not give them a budget and they could not pay them more. A bunch of New Zealanders came to run the post office—

Mr. President: Senator, that legislation was passed in this House and you cannot criticize legislation that has been passed.

Sen. Prof. K. Ramchand: Stand corrected, Mr. President.

Let me see how I can say it without giving offence. TSTT, which may be inefficient, is not being given the opportunity to raise the funds that may help it to be efficient, by this piece of legislation which obliges them to charge a rate determined by the authority or the Minister. I find they are hard done by throughout the course of the Bill and in the financing arrangement.

It is true this Bill is being promoted in the context of a shift from monopoly to competition. If we are trying to get rid of monopoly and TSTT represents monopoly, how do you account for 22(1)(c) and (d)? On the face of it, these are saying that they are not allowing monopolies. After he gives us that, 22(1)(c) prohibits the transfer of control of the concessionaire without the prior written approval of the authority, and 22(1)(d) prohibits the assignment of the concession without the prior written approval of the authority. In my naive way, I thought (c) and (d) were saying—

Sen. Gillette: Sen. Ramchand, just to correct you. When you say that TSTT is not allowed to charge for the cost of service, I think this is what Sen. King spoke about with respect to price cap regulation that protects the consumer, and a flooring price that ensures anti-competitive behaviour. When one is going from a cost-based business, one would be allowed to charge correct pricing from a cost-based evaluation. The price cap allows and protects the consumer and the flooring protects the anti-competitive behaviour.

Sen. Prof. K. Ramchand: Thank you, Mr. Minister. I guess the price cap protects the new providers as well.

Sen. Gillette: The price cap protects the consumer, but of course, if there is a price cap and new consumers are coming into the market, one cannot exceed the price cap. As one begins to compete, one drives down the price cap, and eventually the customer benefits.

Sen. Prof. K. Ramchand: Thank you. Ultimately.

Sen. Gillette: It must happen because depending on the competitors, the price cap would be driven down.

Mr. President: Two Senators cannot be on their feet at the same time.

Sen. Prof. K. Ramchand: I thought that clause 22(1)(c) and (d) were against monopolistic practices. I said very good. When I come to clause 22(2), I see that the approval of the authority as required under subsection 1(c) and (d) shall not be unreasonably withheld. I find that although that is couched in these kinds of "shall not be unreasonably withheld", this is saying do not bother with clause 1(c) and (d).

We are allowing monopolistic practices. The same thing occurs in clause 37 (1)(c) and (d) which happens to be negated by clause 37(2).

3.55 p.m.

So that the one monopoly belonging to the people is going to be replaced by a monopoly belonging to a private provider, and if I want to have a monopoly I want one that belongs to the people. While I am on this point, I have a problem with clause 31(2) of the Bill.

"For any renewal after the renewal of first concession, the period shall be as agreed between the concessionaire and the Minister".

According to this, the renewal could be granted in perpetuity and I feel that this provision is consistent with clauses 22(2) and 37(2), which I have already cited as being the groundwork for establishment of a new monopoly.

Mr. President, I leave that contentious issue. The Minister says that this is a work in progress and I believe we are entitled to speak out like Abraham, pluck it out of our bosom and let the Minister answer. I hope this will not be taken as hostility to the Bill in principle, although I am hostile to it in practice. I would like to see certain modifications done to this Bill and certain safeguards installed. I move from TSTT to the category of the owners of the resources. The spectrum is

part of the resources of the people of Trinidad and Tobago, and if these resources are going to be leased or rented out to operators and providers who are going to make a profit—because they are business people—how are you leasing out or renting out my property? Are you going to charge an economic rent or are you going to do what this Bill seems to be saying, that the rent would be kept low just to the point of recovering the cost incurred in the management of the spectrum? Why should the rent of my valuable resources to people who are going to make a fortune out of it, be restricted to recovering the cost incurred in the management of the spectrum?

Mr. President: The speaking time of hon. Senator has expired.

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

Question put and agreed to.

Sen. Prof. K. Ramchand. I would like a clear statement in the Bill that the national property is going to be rented out at a commercial rate. You have to work out the commercial value of this property, and I think it would be a disaster for the economy and that it would contribute to the disadvantage of the majority of the people in this country if the people's resources were rented out at a peppercorn rate, just to encourage the providers. I think we should go the other way and rent it out at a commercial rate with a view to helping to provide universal service.

Mr. President, returning to the owners, the masses of the people in categories 7 and 1. These are the people who will suffer most from the Bill. They will suffer in the first place because of the Bill's minimal conception of universal service—which I shall come to in a minute. They will suffer in the second place because as owners of a resource, which is being leased at a peppercorn rate, they are being deprived of revenue or money that could have helped to give them universal service. They will suffer also as part owners of TSTT, which is being squeezed out and being treated strangely as a separate entity from Cable and Wireless.

Mr. President, just a few minutes on universal service, which I think, ought to be one of the most important elements in this Bill. If we are going to create a telecommunications nation and, if as Government says it wants a computer in every school, it wants a computer in every home, and they are giving teachers and civil servants interest-free loans to buy computers, that is a policy which has to be tied to the notion of universal service. We have gone a long way from the position which was adumbrated in 1985, that universal service means easy access for all mankind to a telephone by the end of the century. In 1985 it must have seemed a

very good ambition that by the end of the century everybody should have a telephone. But that is not what universal access means today. The Minister, in presenting the Bill, suggests that the Authority would determine which public telecommunications services should be prescribed as universal service. At some point the Authority will decide it is more than telephones.

Mr. President, if you follow the tone of Bill, the Minister really falls back on the 1985 position that a telephone, not in every home, but a public telephone in Matelot would be universal service for Matelot people. There is nothing about Internet services for Matelot people.

When the post office was being divested, I was one of those who opposed it and I suggested we had to design a post office bearing in mind the telecommunications age, and every post office should have about 50 booths where you have Internet facilities and there should be a programme where you educate people to do this and that they can write and receive their letters in these booths and to stop maxi-taxis dropping mail and blowing horn in one's yard and so forth. Many people would be able to make use of these Internet post offices rather than having to go out the road to buy a stamp, then cannot obtain an envelope, then to look for a letterbox and after finding the post office is closed.

Mr. President, universal service is not just telephone service. Universal service implies and involves entry into the whole telecommunications spectrum. It involves us in thinking: should our schools be used as a kind of base for Internet services for communities? Should our community centres be used? Should our post offices be used? Should existing community buildings be used for providing universal Internet services for the community? I think that much thinking has to be done. The Minister said that as technology evolves and as the needs of the population change, other services other than telephone would be involved. But other technology has evolved.

4.05 p.m.

Technology has evolved. The needs of the population do exist, so we cannot wait. We cannot say that we will deal with setting up these providers and operators and ask them to pay money towards it. It should be part of our legislative programme that we are going to give Internet services to every community, making use of the public buildings and so forth, and set a timetable: we are going to do it in five or ten years. It should be something much more positive. We should expand our notion of universal service and make definite plans for Internet service to be available to everybody in this country, either in

their homes or in buildings that belong to the community, where they can come and use it.

The Caribbean Association of National Telecom Organizations says that universal service is attained when telecommunications services are available in every household. The Minister, in talking about universal service, posed some very interesting questions. He asked, "What is universal service? Who is obligated to provide this service? How will that obligation be funded?" I feel that the Minister should send these questions out to the community and gather the answers from interest groups, consumers and individuals. He said that in the Bill they have taken their first step towards providing a framework for these questions, given the need to obtain all relevant facts and the views of all industry players, before resolving these issues. He further stated that the Bill does not and ought not to provide a complete set of answers. A work is in progress.

If it is a work in progress, I am calling upon the Minister to ask questions. If he is going to ask questions, I am sure that he is aware that, in the United States Telecommunications Act, the Federal Communications Commission has paid special attention to universal service and has set out many guidelines as to the kind of issues that one would raise with universal service.

Mr. President, I end by reading two or three quotations taken from the web, <http://www.benton.org/Library/Advocate/advocate.html>:

"Public Interest advocates, universal service, and the Telecommunications Act of 1996"

It begins by saying that for a long time universal service has meant providing person-to-person voice communications through telephones to all Americans at prices made affordable through a system of subsidies. It recognizes that the world has changed: the requirements, the needs and the expectations have changed. It put out a set of questions to be asked.

"What telecommunications services should be 'universal' in the information age?..."

How should the discussion of Universal Service be framed? Is Universal Service about connecting phones? Connecting people with phones? Or connecting people with people? How can the discussion center around the people who need to benefit from the policy most?

What can be done to identify the communities and individuals most at risk of falling off the networks...?

The public may need ongoing consumer education...”

It goes on later to give six golden perspectives. I want to look at No. 6 of these.

“Access to advanced telecommunications services for schools, health care facilities and libraries.”

I believe that universal service should be provided by some system of subsidies to schools, health care facilities and libraries. It is not rural communities or poor individuals. We have a responsibility, if we want to create a certain kind of society to make sure that universal service is available at these institutions.

In the American conversations, I have seen proposals that we should think of universal service being made available to elderly people—pensioners and retirees. We can crack the thing open, if they realize that when they say they provide universal service, this does not have to be free to everybody. They can tell a library, it is getting this service at a discounted rate of 50 per cent. There are certain important institutions which need the service and can afford to pay something. So, in our notion of universal service, first of all, it is not free. Secondly, it is not just telephone. We are trying to make these facilities available to individuals, groups and important institutions like schools, libraries and hospitals.

With that, Mr. President, I would like the balance of power between the Minister and the Authority to be resolved. I would like us to restore the three-fifths provision in the Constitution, as it existed in 1991. I would like us to restore the provision that the President should appoint this Authority, as in 1991. I would like to see an economic rate being charged for licences and concessions on the spectrum, because this is the people's resource and we need funding to give them universal service. I would like us to carry on the discussion, a colloquium almost, on what is universal service. Who should get it? Where should they get it? Can we say that some universal service is free, would be received at a discounted rate?

Finally, I really would like the Minister to let us know what are the plans for training, education, research and writing our own software. What plans for encouragement does the Government have to go along with the Bill? If we can do that, and if these questions can be answered satisfactorily, I wish to assure the Government that I will support the Telecommunications Bill, 2001.

Sen. Rev. Daniel Teelucksingh: Mr. President, notwithstanding certain reservations at various levels, it is quite obvious that the general response to the Telecommunications Bill, 2001 is one of acceptance and anticipation.

The business community and Senators support the basic principle, the intention and the objective of the Bill to demonopolize the telecommunications industry. We have good company, in that 14 states, from Jamaica to Trinidad and Tobago, are unanimous in expressing regional concerns calling for a review of their contracts with the British giant, Cable and Wireless.

If the Bill can be used as an instrument to dismantle the monopoly of such companies, not Cable and Wireless only, but any company that is oppressive through its singular stranglehold on the industry, then we are safe in supporting the legislation and can safely say in this instance, that 14 states cannot be wrong. It is a good sign to see the Organization of Eastern Caribbean States working together to deal with Cable and Wireless—that threat to blackmail St. Lucia and pull out of the island. This has not happened; at least not as yet.

4.15 p.m.

We must congratulate the Organization of Eastern Caribbean States on the unity stand it took against the divisive policy of Cable and Wireless to use its monopoly as a weapon against St. Lucia. Mr. President, that is a lesson for the wider Caricom family which underscores the inherent power we have in the unity and interdependence of our island states. I know that concept is very dear to the heart of the hon. Minister himself, who in his labours at the Ministry of Foreign Affairs worked tirelessly to nurture this concept in the West Indian family.

We are aware that Cable and Wireless has made its contribution to the sponsorship of West Indies cricket but we know that the company has returned only a very small fraction of the enormous profits it exacted from cricketing territories. On this topic I want to join with you, Mr. President, and all Senators, in extending warmest congratulations to Courtney Walsh, one of the most dedicated servants of West Indies cricket, on his historic achievement of claiming 500 wickets at test level. [*Desk thumping*] I need to add, Sir, it was more a magnificent achievement that transcends the help of Cable and Wireless.

Concerning reactions to the Telecommunications Bill, 2001, Sir, it is apparent that the call, so far, is almost unanimous that there be an independent telecommunications authority, free from the kind of governmental interference, through the Minister, as permitted in certain provisions, particularly, clause 19. Just for the record I want to repeat it, somebody would read it again:

"In the exercise and performance of its function, powers, and duties under this Act or any other written law, the Authority shall act in accordance with any special or general directions of the Government given to the Authority by the Minister."

Mr. President, that is the famous clause 19. Serious concerns have been expressed all long about the requirements in the Bill, which will make the Telecommunications Authority like another State board. I am yet to hear in the course of the debate—I hope that as time goes by I will get the answer I am looking for—any convincing argument from the Government to support that clause. I have been waiting for three days to hear a convincing argument in support of clause 19 supporting provisions of the Bill.

If, Mr. President, the deletion of clause 19 and similar supporting provisions as 18(1)(a), or 21(3) would protect any Minister of Government from the temptation to be corrupted or to be embarrassed by charges of corruption, then I will endorse the removal of such clauses. It seems as though clause 19 is the booby trap in the Bill with the Minister's name on it, which can and would destroy any minister of any government. When will we ever learn, especially those who would defend provisions as these three that I have mentioned: clauses 19, 18 and 21, from the experiences of other countries and democracies?

The present crisis in the Government of India over the armament bribery scandals saw the resignation of the Defence Minister and the near collapse of the coalition government. We have had our own versions of corruption here. We need to be very careful.

In our Telecommunications Bill, undoubtedly, one object will be the elimination of unfair competition—I have heard this over and over—in the industry and the creation of a level playing field. The removal of ministerial prerogative as in clause 19 would, at least, in some measure, be a guard against cronyism and jobs for the boys, which certainly existed long before this regime. It has always haunted nation-states like ours.

There is no doubt, Sir, that excessive ministerial clout can lead to prejudicial, bias and discriminatory practices in the awarding of contracts, concessions and licences. If the business community, Sir, is asking for impartiality and transparency, then please, Government, go that way and you will earn more of their confidence and even be assured of their votes.

On another matter, a very significant feature of the Telecommunications Bill 2001, is the attractive and interesting promise of the consumer benefits, in that competition in the sector will mean lower rates. The previous speaker, Sen. Prof. Ramchand, spoke about competition, just let me add my own feelings on that. The general thrust of arguments, so far, has been that if local and foreign companies will now have access to the domestic market then we are going to get lower rates and cost is going to be cheaper.

I want to ask as did Sen. Prof. Ramchand and many others, where are the mechanisms to guarantee that the new actors in the billion-dollar telecommunications industry will be consumer-friendly? We know that trade liberalization, Mr. President, and the gospel of the globalized trade, is proving to be quite detrimental to small economies. We are fooling ourselves! We know here that Trinidad and Tobago—We have experiences here, whether from local entrepreneurs or from foreign investors, the market forces are profit-crazy and the consumer has suffered intolerably from the economic Draculas who go for the jugular.

We often witness the shift—it is sad, you know, very sad. There was a time when we were all scared of the multinationals. We all wondered about the presence of Amoco, BP, you name it, all along. We all worried, I remember, maybe 10 to 15 years ago about them. What we are witnessing today is a shift from multinationals that continue to rake in obscene profits to local entrepreneurs who have become the new exploiter of their people. That is something in the developing economic philosophy that worries me. Our own people have become the oppressors of their own. I ask, since we are making legislation, not directed by World Trade Organization (WTO) only, where are the checks and balances that Sen. Mark spoke about, regulatory mechanisms? Are we helpless, can we devise checks and balances and regulatory mechanisms to ensure real consumer protection?

Let us not forget that trade liberalization—and you said, in the Explanatory Note, almost the whole front page, extolling the virtues of trade liberalization. Trade liberalization has merely let the dogs out.

4.25 p.m.

Mr. President, it is instructive to note that although the Trinidad and Tobago Government owned 51 per cent of TSTT before the divestment of shares, that company, with Cable and Wireless playing the tune, used its monopoly power more as an exploiter of the consumer with its oppressive rates and high cost of services. It is contradictory but it is true. Government owned 51 per cent of that company and was unable to come to the rescue of its citizens, when, in 1998/1999 its after-tax profits soared to \$342 million and its pre-tax profits in 1999 exceeded \$500 million, exacting super rates for businesses which were passed on to the consumers, of course, and indiscriminate charges to the citizenry, whether for local or overseas calls. Indeed, hear the talk: we may soon have to face the new rate proposals. A flat rate of 20 cents a minute to call your next-door neighbour is envisaged.

Telecommunications Bill
[SEN. REV. TEELUCKSINGH]

Tuesday, March 20, 2001

Mr. President, I have just two very important concerns, but I will be brief. I want to add some concerns to the question concerning cable television as raised by Sen. Prof. Deosaran. With the new monopoly created by the holding company which swallowed five other companies, I understand, and now ruling a lucrative, expanding market of maybe approximately 80,000 subscribers is one estimate, with jaws wide open, cable rates have been hiked from March 1, 2001 from \$150 a month to about \$188. Consumers feel cheated. The hon. Minister has expressed his concerns. The director of telecommunications is disappointed and there is a sense of helplessness as consumers continue to be mercilessly exploited. Is there any morality, I ask? I have asked it before; I will ask it again. Is there any morality in a marketplace, and, will such companies be under some regulatory body, Regulated Industries Commission? Is that possible?

Is it possible, Mr. President, in the new legislation, as we revise our Telecommunications Bill of 1991, which is what we are trying to do, in this small economy of ours where we are advised to see some virtue in competition, for us to devise some restrictions at all to curtail the growth maybe of megacompanies operating as a giant slug intent on gobbling up all other companies? Or, would market forces permit restrictions in the formulation of alliances and cartels? These are questions that we need to ask. It is not only what the WTO tells us to do.

On the subject of cable television, let me share this with you. Recently, Sir, two Republican Senators in the US Congress started a campaign aimed at getting the film, television, music and video game industries to adopt voluntary codes of conduct curtailing the level of sex and violence to which children are exposed. One of the Senators, Lieberman said, and I quote, "What is on television, in the movies and over the airwaves mould and shape the hearts, the minds and attitudes far more than what happens in the halls of Congress"—far more than what happens here from 1.30 p.m. to 4.30 p.m. There has been, Mr. President, and Mr. Minister, too much unregulated pornography on the same cable television network in Trinidad and Tobago. The Minister knows this and the telecom director knows this. Either they are helpless or they condone it, [*Interruption*] or they like it. [*Laughter*]

Then, what about the others? We need to regulate this. What about the young people? Thank you, Sen. Daly. You know them well. Mr. President, we have to prepare regulations for these Bills. I know this is going to be passed. I am already seeing a set of very wise amendments. They are full of virtue. However, when this Bill is passed and the regulations are being prepared to accompany the Bill, I hope the hon. Minister bears in mind that we need to include in the regulations a code

of conduct instead of doing as Sen. Prof. Ramchand is thinking, for those so business oriented—that we have this code of conduct and that we must work on it to accompany the granting of licences and concessions.

Let me close. I know it is closing time, but let me just mention something that is very dear to thousands of citizens in this country. This point has to do with clauses 33 and 34 that deal with the repair and the restoration of roadworks, street and public grounds after the utilities pass. I have compared the 1991 telecommunications Act with the provisions we have in the new one about the repair of the roadways and so on after the digging up process. Mr. President, do you know the wording is almost the same? They copied the same thing from 1991 to the present. That means that the framers of the new Bill, those who drafted the Bill for 2001, were very happy with the provisions in 1991. I do not know how they could be happy, but all the persons who have drafted the Bill and think that that is how it has to be done in the year 2001, something has to be wrong with them. There ought to be a change in the legislation.

That legislation in clauses 33 and 34 on the restoration of roadworks—a message to the utilities has to be different. Something has to be different—maybe the implementation. Do you know the meaning of the word “lipé”, Mr. President? “Lipé” means to take the earth, the clay, and mix it as soft as cement and spread it with your hand. There has to be a change because WASA and TSTT, when they destroy the roadworks of Trinidad and Tobago, they seem to “lipé” them. They plaster it with their hands and they leave the roads there for us, and the Highways Division does not seem to care.

Now, if that is the mentality that you have transferred since the 1991 legislation and you like it for the year 2001, citizens are going to be completely disgusted. If that is the kind of freedom and privilege we give in the legislation for utilities, whatever they be, whether it be the local entrepreneurs or the foreign investors who come here, and if we allow them to spoil those highways, as they have done for many years, in the new legislation, then we have not been going forward.

Mr. President, I am glad that the debate on this Bill is protracted. It will give the Government a chance to sit and take on board all of these suggestions and the amendments, and I know more amendments will come, but it will be very gracious and generous of the Government to sit and carefully consider all these suggestions. This is not a governmental Bill. This is a Bill for all governments, at least until we have to look at it again. It is not for a particular minister or a particular regime, it is for the people of Trinidad and Tobago. There has to be

Telecommunications Bill
[SEN. REV. TEELUCKSINGH]

Tuesday, March 20, 2001

something magnanimous about the attitude of governments when it comes to legislation. Do not feel defeated and do not feel, “Well, we are not having our way.”

Your way must be the people’s way, the people of Trinidad and Tobago, and that is a very important attitude we need in dealing with legislation. You will not be there. No government will be there for all times, so we have to think ahead and together, as we pool our resources, it is very critical any way to make sure that we just get this one better than the 1991 Telecommunications Bill. I thank you very much, Sir. [*Desk thumping*]

Mr. President: We will break for tea at this stage. The sitting of the Senate is suspended until 5.10 p.m.

4.35 p.m.: *Sitting suspended.*

5.11 p.m.: *Sitting resumed.*

Sen. Michael Als: Mr. President, I am very happy, of course, this afternoon to be able to make my first address in this honourable place and to speak, with your permission, on a matter before us that is quite important, to say the least. This particular Bill, in fact, is being piloted by a sensitive Minister on a very serious matter from a very sensible Government at this point in time.

For the simple reason that much of it has been articulated by previous speakers—and indeed, it is because of the sensible character of the Bill, as well as the sensitive nature and seriousness with which the Minister himself has articulated in his contribution—as well as listening to many of the contributions made by both Senators of the Opposition and Independent Senators, I took some time over the weekend to search certain web sites with a particular focus and a particular interest. That focus and interest had to do with the numerous concerns articulated by many people on the ministerial authority, that is, the authority of the Minister in particular reference to what he should, could or would do.

I know, of course, that we could castigate a Minister, but I do not, quite frankly, Mr. President, believe that we should castrate a Minister, because we cannot interfere with his reproductive capacities as a Minister in the context of what he has to deliver in terms of service. It seems to me that the preoccupation that many people have is about what should the Minister do in particular circumstances.

I think on account of that, looking throughout the Internet on many web sites, there were some very interesting conclusions. When one looked at the reasoning

for, say for instance, some amendments that went to the 1984 Act in Great Britain, as well as the information that was to be provided to the consumers, the Minister of Communication, as late as this year, indicated that there were certain reasons they wanted certain amendments in the sitting Bill, the 1997 amendment, in fact, where they were dealing with fraud in the system.

I want to quote here, Sir, one of the reasons they indicated that some sort of regulations should be established in the United Kingdom. It says:

“The communications revolution is creating a new economic and democratic landscape.

1.1.2 By the end of 2000, well over a quarter of the UK households will have digital television, and many of them will have email accounts which they can gain access to through their TVs. The number of television channels in the UK has risen from three, twenty years ago, to over 250 today. British viewers could choose from 300 hours of television in a week in December 1980. Today they could choose from over 40,000 hours.

1.1.3 Thirty million people in Britain have mobile telephones, which is double the number two years ago and up from only one million a decade ago. Mobile telephone networks already carry more data—in the form of text messages and images—than conversations. The volume of data traffic over traditional telephone lines is doubling every ten months. Much of this is in the form of documents speeding across the Internet, images being downloaded and people listening to the radio through their computers.”

Mr. President: Senator, what is the title of the document?

Sen. M. Als: The title of the document is *Media Release from Hon. Paul Swain, Minister of Communications: 20 December 2000*. That relevance and reality suggests to us that we certainly have to look very carefully at what we are saying with respect to the role, and particularly, the function of the Minister because this is a very, very complex issue.

In New Zealand, with the very latest information available as to what is taking place there, they have recently, in December, 2000 established a Communications Commissioner. In the document, they indicated that:

- “• The Minister of Communications will invite industry participants to set up a Forum.
- Reference will be made in legislation to a voluntary industry forum but establishment and membership of the forum will not be made mandatory.

- The Telecommunications Commissioner will have a power to approve codes (including those prepared by the Industry Forum) that are binding on the industry but can be amended.”

Under the question of the designation and specification process, I quote:

- “• A process will be established for designation or specification of additional services in the future, should the need rise. This process may be initiated by either the Minister of Communications or the Telecommunications Commissioner.
- Once the process has been initiated, the Commissioner, in consultation with two other Commissioners, will apply the designation/specification test and report to the Minister on whether regulating the service in question would meet this test, and if so, which form of regulation would be appropriate. The Minister will then have the final decision on whether to regulate the service (by Order in Council).”

I want to also, Mr. President, go further in relating where they have deferred designation:

“Fixed-to-mobile Carrier Pre-Selection on Telecom’s Fixed Network

- Carrier pre-selection or ‘non-code access’ enables network users to choose different providers for any long-distance segment of their calls, without having to enter an additional number code.
- Designation of fixed-to-mobile carrier pre-selection from Telecom’s network will be deferred on the following terms:
- industry will be given until 31 December 2001 to agree on appropriate terms and for carrier pre-selection;
- if agreement has not been reached by this time, the Minister of Communications will have the power to designate fixed-to-mobile carrier pre-selection on Telecom’s fixed network immediately.”

In other words, Mr. President, they are not trying in New Zealand to make the Minister into a eunuch. They are not trying to castrate the Minister. They are suggesting that the Minister must have some authority. He must be able to exercise some sort of privilege and nowhere in this Bill can a single one of us advance that we are asking the Minister to have any

fiat power or have any veto power. All the Minister has is a discretionary power in the context of applying how and when certain things are to be done.

What I am saying, Mr. President, is if the concern is the function of the Minister, it would seem to me that we want a Minister who would not be able to have a say, even if there is a regulatory mechanism, and always in Trinidad—this is part of our culture—even when we set up agencies and mechanisms and authorities, when things go bad, to whom do people complain? Who do they blame? They do not go to those agencies. They do not go to the mechanisms that are there. Everybody says, “The Minister is the person”. This is our culture. [*Desk thumping*]

Since the Minister is the person, how can we tell the Minister? When we are giving him responsibilities, we are giving him several responsibilities. We are saying he has to have a number of obligations, that he is the person who is responsible, the person who has the legislative mechanism at his door or, in the presence of his activity, and yet you are saying that he must not have or should not have that influence. I do not know, Mr. President, if in a real logical deduction we can say—for instance, I have heard it said in this House, that there is a concern about whether it is regulatory or administrative.

Every single one of us would know that anything which one is administrating has to have regulations. Anything that we have regulations in must be administered. If, in one sense, a Minister under an administrative mechanism is to be allowed the privilege to be able to take a determination, but he is not allowed to take the determination when it is going to be regulated, how is it going to operate? We are going to leave it to an overwhelming bureaucracy to determine when and if some intervention should be made by the Minister.

All of us know if there is a senior executive in a finance company with a signatory, he cannot wait, Mr. President, if he has a problem, on somebody on the board coming to tell him whether he should, in fact, implement something when he has a day-to-day reality to deal with. He has to act. Therefore, if it is understood in the business community that he has to act; if the Permanent Secretary in our system, after a decision had been made in this Parliament, has to implement decisions given by this very Parliament and through the Minister has to act, he has to come back here to find out whether he can do it.

Mr. President, I was thinking over the weekend that, in reference to yourself, Sir—you are the boss here. You are the person who is in charge, and if I am speaking and you rise, I have to sit immediately. There is a reason for that. I cannot wait until there is a select committee of this House in order to sit. [*Laughter*] I cannot do that. You are the person in charge. If this House is not properly regulated, they will not say it is the Senators. They will say it is you, Mr. President; you are not running a good Senate. That is why I am saying that if the Minister is in charge, he is in charge. You cannot ask him not to be in charge and, at the same time, to be in charge and not give him the responsibilities, rights and privilege he would have with respect to the question of dealing with the problems that confront Ministers on a daily basis.

5.25 p.m.

I am saying even further—and I have heard other contributions—if people are looking at the fact that maybe in 10 or 15 years some people on the other side may—if they follow the path of the national unity government—become a Minister, especially one of the younger ones and, therefore, when they are on this side, they would not want to have themselves hamstrung by legislation which would not be able to provide them with a capacity to legislate and administrate properly.

So I am saying, therefore, the context in which we are looking at the change of legislation and the amendments sought, I am almost certain that the Minister, in looking at them, and in fact, the process that the Minister has articulated here—openness—the means by which he, as a sensitive Minister, suggesting as I said, a sensible Government with a serious Bill as this, and allowing everyone to be able to make a contribution and to observe the amendments, it is clear we do not want to hamstring the Minister to be able to apply what he has to do in this Telecommunications Bill in a very complex scenario.

I say, therefore, if this place is an intellectual arena, then appeals that are made on this side, as well as on the other side, certainly are going to be taken into consideration. I would think also, that this place is a centre of patriotic fervour and the contributions people make are all well intended to help the development of the country. I think also, that when we are looking at it, and supporting the Bill, we need to look at some of the social implications that are applied in the Bill as

provided by the Minister, to be able to give consumers an opportunity to benefit more than they are receiving now.

I say this, Sir, because I live in Toco and there are many difficulties in terms of television viewing there because we do not have, as in Tobago, one of the facilities where you can have a substation where people can have proper television communication, and the Bill suggests that consumers throughout the country are going to be able to have equal status as far as provision is concerned. Rural communities are in desperate need of being able to know that providers are going to give them the facilities that they want. On the entire Toco coast, there is no capacity for cable television and people request that they should have some form of capacity for cable television. It is fortunate that we have a community radio station there that is able to provide for people within the local community. [*Desk thumping*] The first community station in the nation in Toco providing as far as Blanchisseuse and straight along the Toco coast, into Valencia, and parts of Sangre Grande and so forth. The reason that it is successful is because many of the other provisions for radio broadcasting are not heard in the way that people would want to hear it in those regions, and hence the reason they have provisions for a radio station and licence which have been provided.

I make the point because many people are concerned about provisions of licences and it is very clear that this Government has had over many years, a very clear position on the provision of licensing. I may say, Sir, that it is this very administration that previously gave to one of the radio stations that is considered to be hostile to its interests, the very licence and, therefore, there is an open policy.

I do not think people should feel threatened about the fact that licensing will be in the hands of a regulatory commission in conjunction with the Minister. There may be particular concerns that the Minister may have, there may be particular concerns that consumers may have, there may be particular concerns that the State will have in request to the question of the provision of those licences. Not only the question of the free market, because you cannot say that it is only free market concerns that the Minister has to take into consideration. The Minister has several concerns that he has to bear in mind before he may be able to take a decision even with advice, and this is the case in all senior arenas of activities and responsibilities. All.

Anybody who can tell me, Mr. President, that a senior executive is someone who has to wait on the board every time he has to make a decision—the board outlines the policy for him. That is how it is done in the context of enterprise, and it is done in ministries. Policies are outlined, but some contributions are

Telecommunications Bill
[SEN. M. ALS]

Tuesday, March 20, 2001

suggesting that the Minister should only be concerned about policy matters, yet he is the person who has to administrate the Telecommunications Bill, he has to be concerned about policy matters and implementation of same, and that is a very logical deduction. I do not think that one could suggest that he must be removed from policy, or removed from administration, or regulations, he is the Minister and, as a consequence, he has to be a part of the entire process. There is a symbiotic relationship between the Minister's function and the regulations of any piece of legislation that is passed in this honourable Senate, and I think therefore, that we need to be able to look at that factor very carefully.

Mr. President, I want to make another point in my contribution. If all of us are here as persons who are providing an intellectual capacity, as I said, or a patriotic capacity, or involvement in the context of providing support for bills that would become Acts of Parliament, I think one of our preoccupations must be continuity. It cannot be just on the basis of expediency what is now for now, it has to be on the basis, as some people have indicated, in the best interest of the nation and consumers and, therefore, the majority of people in the Republic of Trinidad and Tobago.

If the Government is, in supporting, and placing before this Senate a Bill which we want to consider, I am certain that all of us have to acknowledge it. In fact, every speaker said that the Bill is good, that it is useful, it is timely, that yes, we were looking forward to the Bill and it seems to me that if there is so much goodwill, then the goodwill in terms of understanding the Minister's responsibility as well as the provisions of the Bill itself, one should give some elbow room in a Telecommunications Bill like this and place the goodwill, especially where there is a regulatory framework.

There is a regulatory framework, and if it is attached to the Minister's capacity to carry out his duties, then I do not think that we should be too scared about what the Minister will do, or will not do. The Minister has to do, the Minister has to involve himself in the day-to-day activities and he is the ultimate person responsible for anything that goes good and anything that goes bad, where, especially of course in Trinidad and Tobago when things go bad, everybody asks: "What is the Minister doing?" There is an agency to provide particular utilities, they completely bypass that utility and go to the Minister who is responsible. As I said earlier, if that is the case, and if that culture remains, and the situation is one in which Ministers are ultimately the persons both culpable and responsible, I cannot see the argument for removing from the Minister his or her ability, in this case, his ability to be able to have some say in the process of how the regulations

are going to be established and implemented and in the process of how they are going to satisfy all the persons who are to benefit and to be able to get some sort of support from the provisions of the Bill in one case, and the application through giving services.

I did not intend, in my initial contribution, to be too long, but a number of persons have indicated to me that they have certain commitments, at 9 o'clock. I wanted to be able to point out that the media release from the Minister, who himself had certain clear responsibilities, indicated that they were setting up—it is from a ministerial enquiry into the telecommunications industry in New Zealand. The Government said that it wanted to, and it leads so much so that what we are saying, and what we are doing that the Government had announced what it considers to be a world-leading Telecommunications Regulatory Reform because he indicated that the Government's response to the enquiry was that the new regime is forward-looking. It concentrates on tomorrow's solutions rather than yesterday's problems. What we are announcing is a design to bring greater certainty, investment, competition, opportunity and consumer benefit. If, in fact, this had not been said in December 2000, I would say what the Minister in New Zealand was talking about is precisely what our Minister here has said, but he has said it in different language, and he is saying it again that we should look forward to a Bill, and the support from the other side to this Bill.

I am certain that all of us, without exception, should be able to give comforting support to this piece of legislation. Concerns expressed are all important in my view, but they should look at what the Government is intending to do, why it is intending to do it, what is the relationship between what the Government is doing, what the industry requires, and clearly, how it is to be best administered. Therefore, my concern was to identify the fact that in several other countries alluded to here in this Senate, if you go on the Internet, you would see that in no case, the Minister is exempted from his authority. Therefore, I do not see why, in the Republic of Trinidad and Tobago, we should attempt to exempt the Minister from that authority.

If evidence can be provided where the Minister is exempted from that authority, I am saying now that we need to give consideration, but in all the Acts that have been examined, the Minister has authority to determine things when he needs to do so. Therefore, I think we should comfort ourselves with the fact that we have good company internationally and, therefore, Trinidad and Tobago should be no exemption in giving the Minister his capacity to govern. In this country it is very easy to rule, there is no problem in ruling, but it is very difficult

to govern because there are too many with vested interest, each of them want too large a slice of the cake. Therefore, what happens is that the Minister is the person who has to sit and be able to take some decisions that would be able to provide for all of us a means by which everybody can benefit in the exercise. You cannot leave it to a regulatory committee alone; they may be able to influence the Minister or the Minister may be able to influence them.

In my conclusion, I want to say two things: people seem to be concerned about the powers of the Minister, but this is a country that has two very important elements that influence things, one is the media. The media is very proactive, it is very involved in much of our lives and I do not think that a Minister can ignore the presence of the media and, therefore, because of it, the media itself can play a particular role in giving us some form of protection. If people feel that the Minister, perhaps, is overstepping his bound, public opinion is critical in this exercise.

The next one is the legal framework within which we function. The legal framework within which we function in Trinidad and Tobago gives people access to the courts and it gives everybody access to the courts as recent events have shown. Therefore, if that is the case, it means that if a Minister may not be functioning in a satisfactory way, many lawyers gain employment through taking up litigation and, therefore, because we have legal preambles, interventions, actions and counter actions, it means to say that even outside of this Senate there is the provision of an active media.

One may not always agree with their focus and even intentions at times, but it is proactive and the legal system is very alive. Nobody can say it is not alive, and nobody, therefore, can suggest that if people are dissatisfied with a Minister that they could not have access to the courts. Therefore, we have many avenues by which we can deal with those problems that people may believe may affect this particular Bill. If we are not satisfied with one thing, we are able to raise a debate in the media, or raise it in the courts, or right in this Parliament as we have done.

I think, therefore, that those three elements: our Parliament, our media and our courts will be able to provide the Minister with sufficient common sense to know what he has to do and how he should do it. That is why in opening I said, we have a sensitive Minister with a very serious obligation to this Telecommunications Bill and he is coming from a very sensible Government, and those three elements are sufficient for people to understand that we are able to provide for Trinidad and Tobago the kind of Telecommunications Bill that we need.

Telecommunications Bill

Tuesday, March 20, 2001

Mr. President, at this point in time therefore, I would like to, with your permission, take my seat.

Thank you.

Mr. President: Congratulations to the Senator on his maiden contribution.

ADJOURNMENT

The Minister of Energy and Energy Industries (Sen. The Hon. Lindsay Gillette): Mr. President, first of all, let me congratulate Sen. Michael Als and also Sen. Dr. Vincent Lasse on their maiden contributions.

I know it is now 5.40 p.m. and some of us have our ballet drops to do, so Mr. President, I beg to move that the Senate do now adjourn to Tuesday, March 27, at 1.30 p.m. which will be Private Members' Day.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.41 p.m.