
THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1991 – 96

HOUSE OF ASSEMBLY

Tuesday, June 4, 1991.

Pursuant to the adjournment, the House of Assembly met at 12:20 p.m. o'clock on Tuesday, June 4, 1991.

PRESENT

His Honour L. A. WEEKES, G.C.M., J.P., (Speaker)
His Honour T. C. ESTWICK, (Deputy Speaker)
Rt. Hon. L. E. SANDIFORD, B.A., M.A., (Econ.), J.P., (Prime Minister, Minister of Finance and Economic Affairs and Minister for the Civil Service)
Hon. H. deB. FORDE, Q.C., M.A., LL.B., (Leader of the Opposition)
Hon. B. M. TAITT, B.A.(Hons.), M.P.A., LL.B.(Hons.), (Minister of Health)
Hon. P. M. GREAVES, Q.C., B.A., (Deputy Prime Minister, Minister of Public Works, Communications and Transportation and Leader of the House)
Hon. M. A. KING, Q.C., LL.B., (Attorney General and Minister of Foreign Affairs)
Hon. W. O. FRANKLIN, A.I.C., M.I.A.S., J.P., (Minister of Labour, Consumer Affairs and the Environment)
Hon. N. K. SIMMONS, (Minister of Justice and Public Safety)
Hon. H. A. BLACKMAN, B.Sc.(Econ.), (Minister of State, Ministry of Finance and Economic Affairs)
Mr. O. S. ARTHUR, M.Sc.(Econ.)
Mr. D. A. C. SIMMONS, Q.C., LL.M.
Hon. C. V. WALKER, (Minister of Education)
Mr. L. L. BRATHWAITE, J.P., (Chairman of Committees)
Hon. E. E. GREAVES, B.A., Ed.M., (Minister of Housing and Lands)
Hon. W. W. HALL, G.C.M., H.B.M., (Minister of Tourism and Sports)
Mr. C. LeR. TROTMAN, M.A.

Mr. R. L. MORRIS, B.A., Cert. Ed.
Hon. D. J. H. THOMPSON, LL.B. (Hons.), (Minister of Development and Culture)
Mr. H. B. St. JOHN, Q.C., LL.B.
Mr. L. R. TULL, Q.C., M.A.
Miss B. A. MILLER
Mr. DeL. O. BRADSHAW
Dr. R. L. CHELTENHAM, M.A., M.Sc. (Econ.)
Mr. D. W. BOWEN
Mr. J. O. TUDOR
Mr. G. W. PAYNE
Mr. R. C. EASTMOND, B.A., LL.B.

Prayers were led by Rev. Father Ivan Harewood.

Mr. SPEAKER: The House is in session.

MINUTES

Mr. SPEAKER: The Minutes of Tuesday, 28th May, 1991.

Hon. P. M. GREAVES: Mr. Speaker, I move that the Minutes for the meeting held on Tuesday, 28th May, 1991 be taken as read and that they be confirmed.

Hon. B. M. TAITT: I beg to second that, Sir.

Mr. SPEAKER: If there are no corrections or observations, then let those Minutes stand confirmed.

PAPERS

Hon. D. J. H. THOMPSON: Mr. Speaker, I beg to lay the Annual Report of the Welfare Department for the year April 01, 1988 to March 31st, 1989 and the Annual Reports of the National Training Board for the years 1986-1987, 1987-1988, 1988-1989, and 1989-1990.

SUSPENSION OF STANDING ORDERS

Hon. P. M. GREAVES: Mr. Speaker, I am moving at this point the suspension, as I now do, of Standing Orders Nos. 6, 16, 18, 20, 42(5), 43, and 44 for the remainder of the sitting, Sir.

Hon. B. M. TAITT: I beg to second that, Sir.

The question that those Standing Orders be suspended for the remainder of the day's sitting was put and resolved in the affirmative without division.

ORDERS OF THE DAY

GOVERNMENT BUSINESS

Mr. SPEAKER: Government Business is the Order of the day. Order No. 2.

TELECOMMUNICATIONS ACT, 1991

Order No. 2 was called – To move the Second Reading of a Bill to revise and consolidate the law relating to telecommunications and for related matters.

Hon. P. M. GREAVES: Mr. Speaker, this Bill has been on the Order Paper from the last session, Sir. It returned to the Order Paper again early during this session and I left it there purposely for a long time because it is a highly technical matter. I thought perhaps Members should be given a long opportunity to study it for some time. I think it is about time now, Sir, that we move on with this particular matter.

Sir, it gives me great pleasure to introduce this particular matter and move its Second Reading, Sir. The purpose of this Bill, Sir, is to regulate all aspects of telecommunications in Barbados with the possible exception, Sir, of matters pertaining to some aspects within the media because they have their own legislation. Sir, telecommunications technology has become a new and dynamic force in the whole world. It is far removed, Sir, from the telegraphy and the Morse Code that were the principal characteristics when the Members for St. Michael West and St. Michael West Central served in that field. I see the Honourable Member for St. Philip South is not in his place but all three of them, Sir, served in that field at one time or another.

Sir, Barbados' geographic location, we are told, has made it an ideal location for establishing a station here as a hub for telecommunications transmission to almost any part of the world. That really was the position. Sir, it is a status that it enjoyed for many years and it only lost its importance with the advent and the rapid development of

new telecommunications technology. Sir, that is part of the history of telecommunications in Barbados. Telecommunication legislation governing our telecommunications, Sir, dates back many years and it may be found in many enactments. Sir, there is the Wireless Telegraphy Act. I think that came sometime around 1940. The Western Union Telegraphy Act came many years after that, and still on the statute books are the Cable and Wireless West Indies Limited Act and the Barbados Telephone Company Act. Of those four Acts particularly mentioned by me here, the one with some relevance really and truly in today's environment of the telecommunications world is the Barbados Telephone Company Act.

Sir, around 1985 the then Government sought assistance of a telecommunications consultant to assist the Government in bringing the legislation into the modern era because it did not have much relevance to the telecommunications in Barbados, Sir, as we know it today. That officer, Sir, was sought from the International Telecommunications Union. The terms of reference, Sir, were to (a) advise the Government on all aspects of telecommunications legislation in the best interest of the users so that the Government can fulfil its national and international obligations in the field and (b) to undertake the complete revision of existing legislation on telecommunications and prepare in consultation with the local authorities a draft Telecommunications Bill.

Sir, the consultant acted with great expedition. He had the assistance, Sir, of two earlier drafts prepared and the consultant was able by the end of 1985 to produce, Sir, a draft Telecommunications Bill. In the process of preparing for that Bill, the consultant himself had consultations with many relevant agencies and organisations in Barbados. 12.30 p.m.

BET, the Telephone Company, Barbados Rediffusion Service Limited, Caribbean Broadcasting Corporation, a number of organisations were consulted by the consultant and then he produced his legislation. In turn, after the receipt of the legislation in the Ministry, that legislation was sent to those same relevant bodies for their comments. Those bodies made their comments, they were sent back to us again for some change, we examined it within the Ministry to see if changes were really and truly necessary. Where we found changes would have made it a better Bill, we made those changes and sent it back again to those organisations for their comments once more. Eventually we were able to take that Bill to Cabinet and Cabinet gave instructions for the Attorney General's Office to prepare in our way, in our language, the draft Telecommunications Bill. That Bill is now before this House.

Before I proceed further, let me state, Sir, that I will be moving some amendments to the printed Bill. For instance, in clause 2 of the Bill I will be moving that the words "Caribbean Broadcasting Corporation" be deleted

from the Bill, because it no longer has any relevance, since earlier this year we were able to make some regulations under the relevant legislation to deal with matters that the Bill was giving us power to deal with. We will also be amending the definition to the term "mobile service". We are doing that in order to include in that term "mobile service" cellular radio communication telephones, because the Bill does not make provision for that. This Bill is now intended, Sir, to include cellular telephones within the ambit of the Bill itself and bring "satellite" as well within the defining clause. I will be able, at the appropriate time, when we are going to move those amendments, just to state precisely what that new definition or definitions will be.

The term "radio authority" will also be deleted from the Bill. Here again, Sir, that has no relevance. It also defines the Chief Technical Officer and there is no such post. It is not necessary to have here a radio authority, because there is no such organisation or agency, anyhow, called a radio authority.

In clause 28(1) the word "may" will be included after the word "Minister". Also, in clause 73 of the Bill there will be an amendment to include the name of another telecommunications company, Barbados Communications Service Limited, not only Barbados External Telecommunications Limited or Barbados Telephone Company Limited, but also Barbados Communications Services Limited, because that is also an existing law dealing with telecommunications.

Also, Sir, in clause 6 there is a reference to the Barbados Telephone Company. I did not like reference to a company by name and we are seeking to have that reference changed to "a carrier or conveyance of telecommunications" or words to that effect, so that if in fact the Telephone Company goes out of business or changes its name, or some other telephone company comes into its place, or even a second telephone company is formed, then there would be no need at that time to amend the legislation. Also, to provide that "cellular telephone company" will not come within the ambit of the Public Utilities Act, because we believe that that is a service, not a necessary service, but if anyone wants to have that service, what the market can bear, then that person should be able to have that particular service.

Those, Sir, will be the amendments with respect to the Bill. The purpose of the Bill is to revise and consolidate the current legislation and also to bring the legislation up to date in order to reflect technological and other changes that have been taking place in Barbados and over the world over the years, and also to facilitate the implementation.

I mentioned, Sir, the Wireless Telegraphy Act and I said it was enacted in 1940. It was under that Act that we have been regulating and controlling wireless telegraphy over the years. Wireless telegraphy, as I said earlier, has moved on from merely just the sending of messages by

Morse Code or something like this. As a matter of fact, even the ordinary telephone has to some extent replaced the earlier form of transmission of messages by telegraphy. But there are other things as well, Sir. There is the telex, there is now the fax machine, the telefax. There are several services that have been introduced at a very rapid pace over the past few years which have made wireless telegraphy virtually out of date. There were still some good features in the Wireless Telegraphy Act and it is proposed to retain some of the features within that Act.

The Wireless Telegraphy Act provided for the regulation of facilities for the establishment and operation of wireless stations and apparatus and the possession of and trading in wireless apparatus. We still have to do those things and therefore we have been able to retain within that Act those provisions to ensure compliance with the conditions and standards of technical performance. All of that is still within that Act.

The former Acts were fairly rigid in their application. What this Act does is to be more generalised and allow flexibility in dealing with any new techniques, any innovations, as and when they take place. The Barbados Telephone Company Act was much earlier than the Wireless Telegraphy Act. That probably goes back to 1932 or some such year, Sir. That Act gave the power to the Telephone Company to break up streets and roads so as to lay under them cables and wires to carry out work for the purpose of supplying telephone services to the inhabitants of Barbados. This Act also retains that provision and that power to enable the Telephone Company to be better able to carry out its work. Of course, from time to time the two bits of legislation I mentioned were amended primarily for Government revenue purposes. I will not at this moment go into that, but at the same time the new Act enables the Government, if and when it becomes necessary, to raise revenue by one method or another.

12.40 p.m.

There was one company which since 1939 was empowered to provide and deliver communications services in Barbados, that is, Cable & Wireless West Indies Limited. That company, Sir, took over the operations at that time from the West Indian Panama Telegraphy Company Ltd. and that itself was incorporated in 1877. This shows, Sir, how long ago Barbados has been in the telecommunications field.

In 1984, the assets of Cable & Wireless West Indies Limited were taken over by a new company called the Barbados External Telecommunications Limited. That new company became then a joint venture. Whereas before it was wholly owned by Cable & Wireless West Indies Limited, Cable & Wireless sold to that company its holdings and took sixty-five per cent of the interest in Barbados External Telecommunications. The Government took twenty-five per cent of the shares in the same company

and the employees took ten per cent. Subsequent to that, Sir, I think that Cable & Wireless divested itself of, I think, five per cent of its shares, which it put on the open market, and the public at large were able to purchase some of the shares in Cable & Wireless West Indies Ltd.

It is also important to note, Sir, that some time around 1987, the same company, Cable & Wireless West Indies Ltd., took over the shareholding of a Canadian company in the Barbados Telephone Company, so that Cable & Wireless now owns sixty-five per cent of the shares in the Barbados Telephone Company. The Government had already taken shares since early 1970 in the Barbados Telephone Company up to about ten per cent. The twenty-five per cent of the shares in that company, the Barbados Telephone Company, are held by private interests here in Barbados.

I had indicated earlier, Sir, why in my opinion and in the opinion of others in the field, we felt that there should be a change in our legislation governing telecommunications in Barbados. There are several new services as I indicated before. Some Members will note that there is reference in the legislation to various aspects of telecommunications services, and I want to refer at this particular point, Sir, to what is called fixed points telecommunications services. It is a major communication between two permanent stations – one permanent station and another permanent station. The services encompassed here include the telephone, telegraph, telex, facsimile and data services. What the new legislation has done is that it has so drafted and provided for this service so as to make it more flexible in the future in dealing with this particular matter. In particular, because of the rapid technological changes taking place in this new field.

I should also want to state that every person who wants to operate the facilities for providing public telecommunications has to obtain a licence from the Minister responsible for telecommunications. The conditions of this licence are all set out in Part II of the proposed Telecommunications Act. I may only say, Sir, that they include a duty to provide adequate and efficient service to the public. That is important. Of course, too, Sir, it gives the Minister power to approve rates. As I said earlier, the Barbados Telephone Company will be exempt from that because that is a public utility. They will still have to make their applications to the Public Utilities Board if in fact they want to vary the rates that they now charge.

There is also provision, Sir, in the legislation for public mobile services and they are provided by the public carriers, being of course, BET in this case, that is the Barbados External Telecommunications and the Barbados Telephone Company Limited. They provide those services.

The control and regularisation of the radio frequency spectrum is all provided for in the legislation. This is done

in the public interest and to ensure that international agreements and conventions, of which Barbados is a party, will be observed.

There is provision in the Bill for imposing penalties on those persons or companies that contravene the rates provisions of the Act and that is set out, Sir, in Part VII of the Bill. As I said earlier, the power to issue licences in the Bill is vested in the Minister. Of course, the Minister has power to delegate such functions to such officers from time to time as he considers appropriate. Also with the legislation, the Minister has the power to make various regulations from time to time.

I have indicated, Mr. Speaker, the changes. There were major changes over the past fifteen years. We believe that Barbados should bring itself in line with those changes because the telecommunications and economic development have become, to some extent, inextricably bound. We have been able to take advantage of all those superior telecommunication services in order to provide other services like what other data service companies are providing. BET is also providing other service as well, all of which earns foreign exchange for Barbados and make that contribution to Barbados.

I will merely end by saying, Sir, that I think it is well known that an efficient telecommunication system is essential to the social, cultural and economic development of a country and that is certainly the case in Barbados, because telecommunications are closely linked to economic growth.

12.50 p.m.

I believe, Sir, that we have been on the right step when we attempted to amend this legislation and in order to bring this into line with what currently exist.

I have great pleasure, Sir, in moving that this Bill be read a second time.

Hon. B. M. TAITT: Mr. Speaker, Sir, I beg to second that and reserve my right to speak.

Mr. H. B. St. JOHN: As the Honourable Minister introducing this Bill has stated, it has quite a long history in that attempts have been made to modernise the various bits of legislation relating to this very complex subject as early as 1985 and recognising that it was a complex fast moving area of human activity the then Government thought it wise to obtain technical assistance in order to ensure that the legislation that was subsequently passed would be legislation which would serve us for a considerable period of time and it would take into account the likely development in this very highly complex area. As an indication of how complex it is, the Honourable Minister has warned us that he intends to move major amendments to some of the areas of this Act because it is now

recognised that developments have subsequently overtaken some of the recommendations that have been made in relation to various matters.

I want to say, Sir, we are not obviously opposing this Bill. We recognise it is in the interest of Barbados that we have a modern Bill which deals with this important area. But we are a little disturbed over here that these profound amendments are going to be made and we did not have the benefit of knowing beforehand so that we could check with our advisors in this area about the likely impact of these amendments. It would be an impossible situation for us to accede to this Bill going through today in all its stages because those amendments will definitely impact upon this Bill.

I well recall some of the reasons for this Bill. I heard the Honourable Minister mention the name of a company, Donnelly. There has been for some period of time a dispute, not a dispute in the sense of being a bitter difference, but there have been various differences of opinion arising between the people who say they have a monopoly in external communications in Barbados and other people who wish to transmit data to their companies in other countries for the purpose of using Barbados' young men and women to process data here for their head offices. The question naturally arises in those circumstances as to whether it was permissible for anyone in Barbados to permit a company to set out the technical facilities to be able to use the modern satellite technology and transmit the data as it was prepared here in Barbados to the head office abroad without, of course, using the facilities of BET. That was one of the reasons that we at the time thought it necessary that we had better have a complete review of the existing legislation because it was a grey area. When the original legislation was passed there was no such thing as satellite technology.

In addition to that, we had a number of other practical examples of the need to have the new legislation. In particular we had competing claims between the people who were HAM radio operators, then you had the Police Force having their own communications networks and they were all interfering with one another. That interference still goes on today. If you have the misfortune of living next to a person who has one of these HAM radio stations and your television is on, you will hear the conversation that is going on by the people next door. All these things occur, in fact, and we need to have the machinery and regulations available so that there can be a reconciliation of these various things.

Today I am not surprised that the Honourable Minister is telling us that with the cellular telephone a greater advance in technology has taken place very recently which has now brought forth new problems in this respect. I notice, according to what was said to us, that the decision has been taken that this is an area which will not be the subject of a monopoly in the sense that people other than

the Telephone Company will be able to offer the public a service in this respect but that the method of regulating...

Hon. P. M. GREAVES: That is only the data. The Telephone Company is providing the line. That is the only difference.

Hon. H. B. St. JOHN: It means then that a number of persons can use the telephone facilities to supply competitive service. It is not a dissimilar problem to the one that we had with respect to the use of the external lines for transmission of data for Donnelly and all the other companies.

The point is in all of these things we will definitely find it is necessary to have monitoring mechanisms. We have discovered that. There is a station here – I do not wish to disclose what has been found by Ministers who are responsible in this country for monitoring that but you must have it. Somebody must have it. It must be available because these modern devices can be used for the purpose of transmission of information for criminal activity. There is no question nor doubt about that. Everybody knows it is necessary nowadays in the greater interest of society as a whole. Many countries have found that it is necessary to introduce regulations to allow certain authorities to have access to certain information in the interest of national security. All of this is framework legislation we need to have in place if we are going to make sure.

A little later on we will notice in the Bill that the Defence Force, for instance, is exempt from the provisions of this Act. This Act does not apply to the Defence Force. I am sure. Obviously there is an explanation for the particular wording of that Act. I know the Defence Force does have its own internal communications system. Later we will be able to find out the extent of that exemption so to speak because one must have mechanisms to deal with some measure of control, even of the Defence Force.

Now, Sir, the division of the Bill into Parts and particularly the ones that deal clearly with radio and television was also something that was debated and discussed.

1.00 p.m.

And it was accepted that it was necessary if one had to be able to implement our international obligations in the form which arose from the membership of our international bodies who assigned frequencies and things of that kind that we have to have the framework legislation to be able to deal with it because even in our time there were disputes arising with respect to some of our neighbours and some of our institutions here, our television station with respect to frequencies that were assigned to them. I am very glad that there seems to have been a settlement satisfactory to both sides in respect of that particular dispute that arose with

respect to television channels in some of the Eastern Caribbean. But all of this occurred.

That part of the Bill which deals with giving a Minister power, the ability to have the framework and the regulations to settle these matters and to implement our international obligations is something that we agree with. I am not one of those who are afraid of the fact that powers are vested in a Minister. Thank God we in Barbados have reached a stage now where we have an Administrative Justice Act and we have a Supreme Court and the writ of the law runs and it touches Ministers. The modern developments of disclosure by Government departments in the Commonwealth is such that secrecy is no longer a hindrance to the attainment of justice under the rules relating to disclosure of documents and under the Administrative Justice Act.

Ministers now have these powers and they are subject not only to usual scrutiny of public opinion but they are also subject to the scrutiny of the law courts if the discretions that are granted to them whether by legislation made or by subsidiary legislation are abused or do not reach up or attain the standards of fairness that are now regarded as being common to all persons who have powers granted by the Legislature. This is not a phenomenon which we alone have to deal with. This is something in which there is almost an international consensus that citizens have these rights *vis-a-vis* the State or State authorities, whether you call it due process under the United States system or you develop from the Administrative Justice provisions in England the position is the same. Statute grants powers to Ministers and those powers cannot be utilized at the whim and caprice. They must not be used for end purposes which were not the object of the legislation. I have no problem with that, Sir. The powers in relation to the regulations on page 47 under Section 71 will be very comprehensive. That is expected.

But I will say this, Sir, we have found that major legislation such as this which obviously cannot deal with all of the details in the body of the Act, you have to reserve the power of the subsidiary legislation in the form of regulations. We have found that it is no use implementing the Act without adequate, clear and definitive regulations otherwise all of the authorities who have to administer the Act... Do not mind the powers are in the name of the Minister, we all know that the powers are in the name of the Minister and that there will be functionaries who will have to carry out the day-to-day supervision and the day-to-day administration of the regulations. But we must have those regulations and I hope that those regulations as a matter of fact will be drafted with great care. I notice here that the regulations are subject to a negative resolution. This is a form of legislative drafting that is used. A number of Acts provide for it. All it means is that the regulations are laid in here and unless a negative resolution is brought after a prescribed period of time the regulations come into force. I

myself would feel that in view of these that we would give consideration as to whether that formulation is the correct formulation as opposed to the formulation of being subject to a positive resolution.

I want to go clear on this. This is the Bill that will allow it. Is it going to be the policy of the Government to allow the police or others to tap telephones in Barbados? I want to know, Sir, I would like to know. I am not accusing anybody.

Aside.

Mr. H. B. ST. JOHN: Well if you tell me that I know that they would not be an abuse. While I would take that assurance from the Honourable Minister who gave it to me I might not necessarily take that assurance from all Honourable Members on the other side. I just want to know what the policy is, Sir. Because I am not denying, nobody can deny today that modern governments have found it necessary to relax some of the rules that have hitherto been in existence in their countries in this respect in the interest of not only national security but in the interest of detection of people who are involved in certain specific offences dealing with drugs. There is no question about that. Nobody can hide that. You do not hide those things. You confront those things. If you hide those things you are living in a fool's paradise. You have to confront those things. I just wanted to know because you see the regulations are subject to a negative resolution. I do not know what they are like yet and I know myself that it is in these regulations that you deal with it.

The question of adequacy of the Public Utilities Board as being the only mechanism to monitor utilities is something that is always raising its head repeatedly. In Barbados our experience with the Public Utilities Board in relation to controlling the charges has been one which one would regard as being a reasonably good one. The public utilities legislation is copied from the United States provisions and the rate hearings for charges and things of that kind are matters which have served us well. I am not one of those who believe that one should pursue the gospel of deregulation to the extent that you should remove that measure of regulation that you get. In any event in Barbados because of the smallness of the market one cannot envisage competition in this area. In the United States of America they have competition. They have broken the monopoly of AT&T in the Bell system. We do not have that. There is no contemplation here except there is, I have heard it on more than one occasion suggested that there could be competition in the field of external communications. I do not think that that is contemplated. We know that there is a gap. We know though in public utility regulation not from the point of view of economic regulation, from the point of view of other standards and things of that kind and there has been a number of letters periodically in the paper dealing with the great area of

monopolies in selling of equipment and things of that kind. I am wondering whether the Government has formulated in their own minds whether they are going by virtue of this Bill or by virtue of an amendment to the Public Utilities Act to provide some more regulation in that area to prevent the conflicts which arise.

1.10 p.m.

You see them all the time. You see letters to the newspapers as to whether subsidiary companies of Cable and Wireless can indulge in various things that go on in Barbados with Fax machines, and with supplies of equipment, and this monopoly give them an opportunity to do better than the others because of their size. All of those are matters now. Because of the science, what has happened now with the developments, the fast moving developments, in this area of communication is that the rigid separation that used to take place before can't be in existence now, they have lowered, they are criss-crossed and that is what I would like to hear the Minister on.

So that, Sir, all in all I would say, Sir, that the Bill is an attempt to pursue an objective which we on this side tried previously to pursue. We well recognise the need for modernizing our existing legislation in this area. Obviously, we will be supporting the principle surrounding the Bill, but we are disturbed at the present moment that the amendments of a very profound nature are going to be proposed and we have not had the opportunity to see them so we can have advice in this area.

None of us on this side are experts in this area, we have to be guided. We used to have an expert available to us, Sir, but he is not a Member of Parliament here, Sir, he has gone back to his job as I understand it, as being a functionary in the telecommunications field as opposed to being an adviser in the political field, Sir. We are not as fortunate as the Honourable Members on the other side. In the Prime Minister's Office the Minister there is an expert in that field. Although I understand he is only a expert in transmission.

I know that the Honourable Minister of Health at one time used to be able to tap out Morse Code. I think the developments in that area have by-passed him, they were so fast and rapid that the Honourable Minister decided early that automation would have taken over his job and he saw early the possibilities of automation and he entered another area, Sir. He left data, Sir, but accuracy, no doubt, was one of the characteristics that he had to adhere to then, Sir. But, today, I am not so sure. So, that is the position, Sir, with the Opposition on this Bill, Sir.

Mr. D. W. BOWEN: Mr. Speaker, Sir, I rise to support the provisions of this Telecommunications Bill. Before I carry on from where the Honourable Minister left off, I would like to say that he probably inadvertently omitted me from being a former telecommunications

practitioner. So for the records of this House, let it be known that between the years 1967 to 1975 I was a telecommunications practitioner of the more recent vintage.

Having said that, Mr. Speaker, I support the view of the Minister that a sound telecommunications infrastructure is obviously essential to both economic and social development of Barbados. Indeed the World Bank studies have long supported this view as it relates to developing countries. Indeed they have stated that a telephone penetration of more than fifteen per hundred population is indicative of a healthy economic climate and in Barbados we can boast of a telephone penetration of forty per one hundred population, so that says a lot for us.

Mr. Speaker, as you know, two carriers provide our public telecommunications systems in Barbados. BARTEL the domestic carrier and BET the overseas carrier. And this dual operation has worked well for us in the past. You will observe, Mr. Speaker, that both in Jamaica and Trinidad, in the recent past, they have merged the two, both the overseas and the local sector. Indeed, in both of these countries, in the seventies, a decision was taken to bring both the telecommunications sector in Jamaica and in Trinidad under the Government and in 1980 they returned to private hands. But Barbados, has maintained a stable policy of regulatory control of both the carriers and this has served us well. Therefore, Mr. Speaker, I submit that this Bill is about regulation and not ownership. Of course I must admit that Government's minority shareholding would give us an extra voice in the board room of these two strategically important companies.

The Minister did state, and he was supported by the Honourable Member for Christ Church South, that the telecommunications sector is changing rapidly. One of the essential features of this Bill as I see it, Mr. Speaker, is about flexibility. Authority residing with the Minister, at least in the first instance rather than in the hands of a regulatory board or even a slow moving court.

I am particularly pleased, Mr. Speaker, if I could turn to section 15(1) of the Bill. I am particularly pleased to see that this section retains the right to lay cables on the seabed and on the shore, because since 1871 Barbados played a leading role in Caribbean telecommunications with telegraph cables to neighbouring islands and to North and South America. But, having moved away from the painfully slow and highly sensitive method we are now in the age of the optical fibre submarine cables, and I understand Mr. Speaker, that BET is now planning a cable link which would give Barbados direct access to Cable and Wireless global digital highway of fibre optic cables. I think this would be another innovation and this is further proof of the rapid technological change that is taking place.

With respect, Mr. Speaker, to the Part IV of the Bill relating to the public mobile telecommunications service

and Section 22 in particular, I note, Mr. Speaker, that the external carrier, the BET, still operates a coast station, communicating with ships at sea. If this qualifies, Mr. Speaker, as a public mobile service under the Act, then I would urge the Minister to waive the requirement for separate financial records under Section 22 (c), because the coast station business is now only a humanitarian watch for distress calls. The bulk of the telecommunications traffic having been directed to INMAR SAT Satellite and regional cellular phone services.

I am happy too, Mr. Speaker, to see that amateur radio at the amateur radio service has been brought under the consolidated Act. Amateur radio, Mr. Speaker, is good educational fun and in times of disaster it remains our best bet for maintaining communications overseas, but I would like to issue a word of caution, Mr. Speaker, Hams as they are called, and their less competent brothers CBers must not be allowed to interfere with people's televisions and radios in the comfort of their own homes.

1.20 p.m.

Too often, Mr. Speaker, I hear on the "call-in" programmes complaints from people and I hope that the inspector under Sections 42 and 43 of the Act will deal with violations in this area. Revocation of the licence under Section 24 (2)(a) may not be enough. The operator should surrender the equipment to the Minister or show evidence of its disposal. If you do not have a licence, Mr. Speaker, my contention is that there is no necessity to have transmitting equipment. These are areas that I urge the Minister to have a second look at.

I do not want to say much about the cellular telephones and radio. It is my submission that this is for the elite and, therefore, its regulation should be done by the Minister and not by the Public Utilities Board. I have always submitted this elsewhere and not necessarily in this Chamber. The Public Utilities Board should be concerned with equalization and the universality of the telephone service.

With these few remarks, Mr. Speaker, I want to associate with this very comprehensive piece of legislation. Thank you.

Hon. H. deB. FORDE: Mr. Speaker, Sir, this legislation is in some respects of a technical nature but it should not blind us to the fact that in many respects we are dealing in a very substantial way with diminution of a person's fundamental rights. Obviously, we have in this legislation to balance the overall public interest against those private and fundamental rights where they are effected by action which has to be taken by public carriers.

Obviously, Sir, it is important therefore that in revising the legislation which has been on the statute book for a long time – the Wireless Telegraphy Act, the Cable

and Wireless (West Indies) Limited Act, the Barbados Telephone Company Act among others – that one has to be cognizant of developments that have taken place not only in relation to modern technology but developments which have taken place in relation to the concepts of people's rights where they are effected by the action of the State or other entities authorized to operate by the State. I certainly do have some reservations about some of the provisions of the Bill in so far as they impact on individual rights. Either in the Second Reading or at the Committee stage, I hope to draw some of those concerns to the notice of the Minister. Indeed, it is one of the reasons why we feel on the side of the Opposition that this Bill, which is a necessary Bill for the regulation of telecommunications, should go to the Select Committee to obtain the best benefit of the conjoint approach of both sides of the House and of various advisors so that our concerns can be answered.

Sir, I think we have to say that the Barbados Labour Party has recognized for quite sometime the necessity of marrying computer and satellite technology. The developments have been so swift today that a lot of the whole technological apparatus and concepts are no longer applicable. Only a few years ago it was a very important thing to have a telex in your office. Today, the telex has lost most of its significance and, indeed, the fax machine has altered the world of communication so much that even posting a letter becomes now a secondary exercise rather than a primary objective of one who wants to communicate quickly. The fax machine is going to continue and developments after the fax will revolutionize the way in which we speak, meet, talk with each other, and communicate with each other generally. It will revolutionize the way in which we do business with each other and it will, therefore, revolutionize our inter-personal relationships, inter-country relationships, and in fact the whole global features which we have for communicating. Any country must keep up with that legislation.

I am advised, Sir, that although this Bill takes into consideration some of the developments that have taken place in recent years in the telecommunications field, including the Convention which was done in Nairobi on November 6, 1982, it still lags behind the amendments that have taken place with that International Convention since 1982 and some of the concepts and language in the Bill are not in keeping with the more up-to-date Convention documents which have been issued since Nairobi. If this is so, Sir, I would trust that the Minister will therefore, if he accepts the suggestion to go to Committee on the Bill, use the opportunity to revise the Bill to take cognizance of those developments.

I said, Sir, that we early recognized the necessity to marry computer and satellite technology to the benefit of Barbados. There are various steps that the Labour Party took whilst it was in office. The Honourable Member for Christ Church South has already spoken about the historical

development of the Bill and I think that the Minister in his opening remarks acknowledged the setting up of various committees and also the retaining of consultants to advise us on this matter. I believe that this draft is part of the draft that was left in 1986, although some changes have been effected to the draft since then. But I am advised that a draft was available in the Ministry since 1986 and it seems that some changes have been made, although the technical advisors have advised me that not as many as would have been desirable given the meetings that have taken place at international gatherings since 1982 and 1986 in particular.

One of the first points that I want to make, Sir, is that there really is no longer any necessity businesswise or in a technological sense for us to maintain the concepts of an external and internal carrier for the purposes of transmitting messages in Barbados. I believe that the time has come where BARTEL and BET should be merged. The Honourable Member has from his seat shook his head. He, obviously, does not agree with the concept but most communications are moving to that stage and the regulatory powers which you have are such as to control any problems that would occur. You would have noticed, Sir, that there was a lot of difficulty in passed years about the division of revenue between these two services. I expect that the only argument that has to be examined, which the Minister will advance, is whether or not internal communication cost is not subsidized by external communication charges. I expect that might be one of the arguments. I do not have any up-to-date figures on the matter.

1.30 p.m.

You will recall, Sir, that there used to be a division of the revenues, because obviously most of the apparatus is owned by Bartel, I understand, and that therefore part of the revenue for transmission of external messages originating in Barbados is shared between Bartel, the internal company, and BET, the external company. It seems to me that within Barbados, without undermining the service that is provided, we should be considering a merger of the enterprises in order to achieve an economy of scale and to minimise the overall cost of communications internally and externally for us.

On this point, Sir, I wish to say that we have to be conscious of the fact that the impact of regulation in other countries can affect the viability of our own carriers. Within recent months the Federal Communications Commission has ordered AT&T and other carriers within the United States to make sure that before 1992 the cost of transmission of messages outside of and within the United States is reduced drastically. In other words, it has published data to show that overseas telephone calls are still costing people too much and that the companies are making too much of a profit in the circumstances. The Federal Commission has gone to the stage of saying that if there is not compliance, by way of negotiation with the foreign carriers, then the United States Commission itself will make sure that it enforces it against its own carriers.

There are some serious implications for us, Sir. Implication No. 1 is that if their data is true, then we can argue that some of our charges originating here may be too high. There is the other implication as well, Sir, and I hope the Minister in his reply has studied this point, that if it is true that the charges are too high, we must recognise that BET is a net earner of foreign exchange for Barbados. I am going to make the point, because I know how strapped the country is for foreign exchange these days, Sir. I know the serious position confronting the Minister of Finance in this regard, but I want to say that if it is true, then we have to be concerned and monitor the policy directions of the Federal Communications Commission of the United States in so far as it can impact negatively on Barbados' sale of services in this regard overseas, particularly where we are net earners of foreign exchange.

There is the third substantive point that I think is relevant and we must stress in this debate. We have to have a regime where we are selling our telecommunications services as cheaply as possible, not only for internal domestic users who are using them for conversations overseas and that sort of thing, but where we are using them in order to help industry, and at the same time therefore we will be able to increase our earnings of foreign exchange.

The Honourable Member for Christ Church South has made the point about the potential for Barbados of the data and information services here. Donnelley, which came in, I think is one of the companies we had enticed into Barbados. Obviously we need a regime that balances these three, and in some respects at least one of them, contradictory stances are necessary in the field of satellite and computer technology today. I would hope that we are getting that balance. I still believe, from the information available to me, that we can rationalise the services, reduce the cost for those industries that we want to deal with and still maintain a high earning foreign exchange content in Barbados.

Sir, I want to say a word about BET. I have always felt very proud of the Government of the day, the Labour Party Government, in approving of the concept of a foreign concern localising and ensuring that the share ownership is spread throughout the local public of Barbados. I had some hand in helping to draft the legal documents concerned and I was adamant in my mind, and I gave advice to my client at that time, that there was a good opportunity not only to preach but to implement economic empowerment or enfranchisement. That is why the BET model was a small beginning. We insisted that a certain percentage of those shares be sold to the workers and that they must be facilitated in getting share ownership.

My disappointment, however, is this, that the Government as a substantial minority shareholder, when it came to the distribution of the directorships, between

themselves and Cable & Wireless, agreed in such a way and used their power that the workers themselves did not have a direct representative on the Board. That is unfortunate, Sir, because if we are to encourage our people to broaden their interest in share ownership and their own part of the economic pie, then the Government is still of itself monopolising and saying they are representing them, having three or four directors in Cable & Wireless and the Government the chairmanship, I believe that the correct approach in those circumstances is for us to encourage other people as well to come on the Board. I want to make that point, Sir. I trust that when Cable & Wireless follows through at the appropriate time, if the finances of Barbados permit it, with a further selling or off-loading of their shares, that we will ensure that even the wider public – I would like to see some of the co-operatives, some of the pension fund holders – owning part of the wider share ownership in this regard.

The other point I really must move to is whether there is any future role for the Public Utilities Board in the regulation of rates and services. Here under clause 6 the carrier must now submit a list of rates the carrier proposes to charge for public telecommunication services for the Minister's approval, so the fixing of rates is now going to be done by the Minister.

Hon. P. M. GREAVES: All that was altered was that instead of using the name "Barbados Telephone Company", the exemption is to a carrier that delivers the service domestically.
1.40 p.m.

In other words, there is an exemption of the Barbados Telephone Company from that provision allowing the telephone company to have to apply to the Public Utilities for any multiplication of its rates. As it stands, now, the BET gets its rates approved by the Minister.

Hon. H. deB. FORDE: I know that external rates are approved by the Minister. Internal rates, are, however, subject to the Public Utilities Board regulations. Subsection 5 says that it doesn't apply to the Barbados Telephone Company. The Minister proposes some amendments that I haven't had the opportunity to examine the exact text. However, let me say this, Sir, I think that if the Public Utilities Board – where there is a monopoly – is to continue to play any meaningful role in the regulation of rates, then, we have to begin with the Public Utilities Act itself and amend the Public Utilities Act which comes under the Minister and...

Asides.

Hon. H. deB. FORDE: The Minister of Trade? But he doesn't look after consumers' interests. That's now the Minister of Labour and the Environment. Anyhow, I am not sure which Minister it is under, Sir. I would have to look at

the Official Gazette for the assignment of portfolios and responsibility. It doesn't matter whichever Minister it comes under, but the point I am trying to make, Sir, is that the Public Utilities Act is really in serious need of being overhauled substantially. It is not enough merely to continue the existing arrangements, although in an updated language, in the legislation unless we go to the substance of the matter.

Now, I am not one who believes, Sir, that everybody – even a monopoly – should run before the Public Utilities Board and deny a fair return on the plant and other equipment and capital that is used and useful in the exercise. Nor am I one who believes that you should starve our utilities to the extent that they become inefficient, as has happened, unfortunately, in some other Caribbean countries that we know about. What I am concerned about is that if the utility is earning a fair return on the capital invested that the standard of the service must be maintained.

I recognise that at present the telephone company is moving over to a different form of cable, the optic fibre. However, there is no doubt, Sir, that there is tremendous cause for complaint about the deterioration in service. I would hope that they are in a position soon to return to the high standard of service which the public of Barbados is entitled to demand of a monopoly operation. I can cite my own case, where my telephone, Sir, – I was glad it was out to some extent, because I didn't hear everybody listening in to it as they do...

Asides.

Hon. H. deB. FORDE: Not the constituents, Sir. I don't want to hear people listening in to my telephone. It was out of service for something like three or four weeks straight and then it came back on and is out of service again. I did eventually get some reaction. One morning, a lady from Society Hill came and said, "Mr. Forde, I must tell you, you must be careful what you say on the telephone, because I heard your whole conversation this morning." I was hearing other people's on my line as well. That's not very satisfactory. I hope that they will get over their current problem. The existing form of lines which they use are liable to be damaged by rats and all sorts of things. I hope they will soon return to the role that we would expect of them.

Now, Sir, the Minister has very serious powers under this Act. He has the power to fix rates. He has the power to license carriers. He has the power to review a failure to transmit a message. He has the power to deal with other aspects.

Asides.

Hon. H. deB. FORDE: I know he has it now, but we are now moving into the twenty-first century. What I am quarrelling about is not that the Minister has the powers but where those powers may not be subject to rigid scrutiny that is necessary.

Asides.

Hon. H. deB. FORDE: I am not frightened for it either. I am prepared to deal with it to safeguard the individual. Ministers come and Ministers go; but fundamental rights are too important. I know better, Sir, than any other Member in this House about the importance of the Administrative Justice Act. One of my reasons for making sure that it came into the House was to control ministerial powers, but that's not the point. The point is, Sir, that you can still improve legislation...

Asides.

Hon. H. deB. FORDE: All Ministers. Democratic Labour Party, Barbados Labour Party, any Minister who might overstep the law, I want to be able to control – I am a strong human rights advocate – and Prime Ministers. Particularly the Prime Ministers. Prime Ministers have too much power and you have to control them, Sir. The Honourable Member knows that.

Well, Sir, let me give you a position. I feel, Sir, that where under Section 64 for instance, a person who is aggrieved by any decision taken by the Minister has a right to apply for a review of that decision. He applies back to the same Minister. The Minister may appoint a committee, but then the Minister can either accept or refuse the recommendations of the committee and the Minister's decision is final. That is where I am worried. I believe that in those circumstances it should be possible without preventing the Minister from having the policy impact, and doing the things that he ought to do for us to build into modern legislation some of the modern protection that we have heard of in here.

When I brought down legislation of this nature, I took the point of the Honourable Member for St. Michael West. There was only one area on which we didn't agree. Wherever I see legislation such as this, I would like to see the protections within the legislation and not only under the Administrative Justice Act.

Let me deal, Sir, for instance with Section 65. The carrier can refuse to transmit a message that the carrier says is:

"...dangerous to the security of the State;"

"...in contravention of any law;"

and "offends against public decency or public morals."

Where a carrier refuses to transmit your message, he gives notice to you and you appeal to the Minister. Now, the Minister's decision is final. The Minister may uphold the carrier, but it might be proved afterwards that your message was not in contravention of any law. So, both the carrier and the Minister may be totally wrong, yet, under Section 66, you can't sue the carrier for any loss.

Let us assume that I had a major commercial transaction and they determine that the message I am sending for that transaction was contrary to law and as a result I lost substantially, then this legislation is saying that in those circumstances, I can't recover my loss from the carrier. I don't believe that this is fair to fundamental rights. I would find it very difficult to support that legislation. If the carrier and the Minister turns out under Section 66 to be wrong, and I am prepared to take my stance at the Law Court, then there is no reason why I should be debarred from getting my loss...

Asides.

Hon. H. deB. FORDE: "A carrier is not liable for any loss arising from refusal to transmit, or from stopping the transmission of a message under section 65."
1.50 p.m.

That is the position, Sir, section 65. I must draw it to the Minister's attention. That is why I said there are certain fundamental rights in here that we have to look at very carefully. A carrier is not liable from any loss arising from refusal to transmit or from stopping the transmission of a message under section 65.

Aside.

Hon. H. deB. FORDE: I agree, Sir, but let the Minister listen to me very carefully. Neither the carrier nor the Minister will always be right. That is the point I am making. Let us assume that I argued and got the court to declare that the message I asked to be transmitted was not in contravention of the law, I was not dangerous to the security of the State and did not offend against public decency. Let us assume I go to court and I won on those points that the Minister was wrong, still I am saying that protection is being given to the carrier in those circumstances.

Aside.

Hon. H. deB. FORDE: Well, you might say I can sue the Minister.

Aside.

Hon. H. deB. FORDE: You will sue the carrier and not the Minister?

Aside.

Hon. H. deB. FORDE: It has nothing to do with the Minister. What has to do with the Minister, Sir, is the fact that I can appeal from the carrier to the Minister for his failure to transmit. Let us assume the Minister agrees to the carrier and upholds him and the courts disagree with both. I cannot sue the carrier under section 66. The Honourable Member must remember this is in some respects a later Act and there are going to be some problems. He must realise that. I know the Honourable Member is following me quite carefully. This is very important.

It is important too for Press freedom because it could affect the Press. The Press itself might have been trying to send a message. It may be CANA. It may be one of the others. They may find their own freedom is affected. I must make a point of it and we must get it into our heads. We have to be very careful how we push these legislations through particularly where we have consulted with people who have vested interests like carriers to protect. I am very concerned about that provision, Sir. I believe my concern springs from my fundamental objection to denying rights to citizens.

I recall very well I had to amend a bit of legislation passed in this country by the Democratic Labour Party too dealing with the HARP Project in which the right to get an injunction was taken away. In fact, we have amended it almost to nothing now for the couple of internal bodies that still have the problem. The court was debarred from giving an injunction under the Oceanographic Act. The right was taken away. That is a fact.

I remember the number of houses in my constituency and elsewhere that would hear the boom from the HARP gun. They found themselves in a position and they had to wait until they could get a case for some damages but they could not stop HARP from firing and also destroying my house. That is the point I am making, Sir. It turned out afterwards that HARP was a disgrace. The very HARP was used for getting a gun to shoot down the black people in South Africa and we on both sides of the House said that was the intention.

Aside.

Hon H. deB. FORDE: No, Sir. I am saying that to say that I have always therefore had great reservation when I see legislation of this nature that would deny people normal rights and that is why I began my speech by saying that although the principle of the Bill is one that we can support, there are areas of the Bill that obviously pose great difficulty for me and for this side when it comes to maintaining fundamental freedoms.

Part III repeats a lot of what is in the present legislation giving public carriers the right to go into

people's property, lay cables to break up their land and to put a pole on your land. Now, that pole, at present, could be in such a position that it could prevent you in the future from developing the land. If you move it, under this legislation you are guilty of a criminal offence. That was the type of legislation we had in the 18th Century and to some extent it came down because it was good colonial legislation. I wonder how far we have looked at some of these provisions to see whether they still obtain in places like the United Kingdom and elsewhere. We need to be very careful there.

The only right you have here under this legislation is to go to arbitration about the cost a little later. But I think there ought to be wider protection given to the citizen in such an instance to have some right of appeal, not to prevent necessary action in the overall interest of the country from being taken, but to balance that interest against the interest of the individual where the individual may well have a wider case for saying to the telephone company or who it is, move your pole to a different location. I bother about the effect which it can have on people's fundamental rights in this regard.

I have only given some of the clauses that are liable to create problems for us. I am therefore suggesting to the Minister that we are prepared to cooperate with the Government in a select committee to get the Bill moving and having available the legal officers from the Government to the committee in order to improve this Bill which we on both sides agree is a necessary bit of legislation for a modern Barbados in the 21st Century. But we must as legislators also ensure that we build in various safeguards into the legislation not to curtail necessary action in the overall public good but to make sure that action can take place at the same time while we safeguard the interest of the individual. In my view, in this case, they are not necessarily irreconcilable.

Mr. Speaker, Sir, I would seriously ask the Minister to accept our suggestion and send the Bill to a select committee of the House. We hope it will be improved considerably and that we will deal with the matter expeditiously. Let me say once again that the Labour Party has always seen the area of services and communication as a very necessary part of the economic development of Barbados and that is why we put such great emphasis on trying to plan and take into account the new technologies that are taking place.

The final point I want to make is there are provisions in this Bill which place penalties on people who eavesdrop on the telephone and who listen in. I want the Bill to bind the Crown except in the limited cases...

Aside.

Hon. H. deB. FORDE: I have not seen it, Sir. I wish the Honourable Member would show me.

Aside.

Hon. H. deB. FORDE: The Honourable Member says it does not bind the Crown.

Aside.

Hon. H. deB. FORDE: The Honourable Member says the Act does not apply to the Defence Force and that is why I am raising the point. This Act does not apply to the Defence Force. Do not tell me that the Defence Force could take in and listen in to my telephone conversation and eavesdrop and I cannot take any member of the Defence Force...

Aside.

Hon. H. deB. FORDE: Sir, the Honourable Member might talk what he likes. I am arguing in this House today as a serious person, as Leader of Her Majesty's Honourable Opposition, and in defence of the fundamental rights of the people in this country. I am not going to accept that a defence force is going to be exempted from eavesdropping on people's private telephone conversations. There must be limited circumstances. If you want to eavesdrop on conversations in the interest of national security there is a provision which you apply to it.
2.00 p.m.

There must be a way in which you deal with this situation. I cannot accept that, Sir, in this day and age. I understand security. I served on the National Security Council here in Barbados and I understand how we must do it and how we will do it. But there have to be safeguards. When legislation comes down saying – and I am not going to breach any of the provisions of the Official Secrets Act. I have the responsibility and I always exercise myself responsibly win or lose – but what I want to say, Sir, is that I am concerned that we are putting in the Act the specific provision giving them an all blanket and all clear, exempting them from all penalties and all sections of the Act including eavesdropping. I cannot agree with that and I am afraid I will have to vote against that provision.

Let me tell you why they are exempted, Sir. If the Act does not bind them at all... Let us look under section 57:

"Any person who, for the purpose of establishing the content of a telecommunications, unlawfully uses any instrument, device or other thing

- (a) to overhear or eavesdrop on a spoken telecommunications intended for another person without the consent of such other person, or

- (b) to copy or to cause to be copied a telecommunication belonging to another person without the consent of such other person,

is guilty of an offence and is liable on summary conviction to a fine of two thousand dollars or to imprisonment for six months or to both."

I agree with that. But the Act does not apply to the Defence Force.

Aside.

Hon. H. deB. FORDE: Well I wish the Act clarified. I am not relying simply on the position. I wish a clarification that that applies to every member of the Defence Force. Because how could the Defence Force act other than by its members. Do you mean we are now going to have the position where we are going to have the Defence Force acting by robots? Is the Defence Force going to act by robots? Because if it is acting by members of the Defence Force... Why the Defence Force? What is the position of the police?

Aside.

Hon. H. deB. FORDE: The Honourable Member has brought it down to the House. He has finalized the Bill and it has come down. The Honourable Member sits down and says "You all did it." The Honourable Member is bringing the legislation down now.

Aside.

Hon. H. deB. FORDE: I do not mind where it is. I am saying that this must not now pass this House. That is the position. The Honourable Member may say it is there in 1984-31. I do not care what legislation it is. I am saying, Sir, that it is now passing the House in 1991.

Aside.

Hon. H. deB. FORDE: The Honourable Member is saying it is in the existing Act. I am saying that it should not be kept in this Act.

Aside.

Hon. H. deB. FORDE: I do not care who is right or wrong. The point is it must not come into this Act. I am not listening to that.

The Honourable Member likes to hide and then say "It was your mistake but I like it so much I am going to make your mistake." That is what he wants to say.

But what I want to say is that is another reason why I am emphasizing the point that this legislation should go to the Select Committee. Let me begin by saying obviously there are certain powers that you have to maintain in the interest of overall security. But I believe that those provisions can be circumscribed in such a way without

affecting overall security and at the same time give the necessary protection. Modern legislation in Britain and elsewhere on this since 1984 has shown where they have tied in a procedure for dealing with such things so that the protective services can carry out their duties but subject to certain limitations.

The Honourable Member knows that the legislation in Britain and elsewhere has dealt with this matter. It was in British legislation too. We copied a lot of the British legislation. But the modern British legislation taking into account what is happening in the world of human rights have restricted and circumscribed such provisions.

I am therefore suggesting to the House that we should look at some of those provisions to circumscribe the legislation despite the fact that I will concede that there are circumstances in which there must be an ultimate power to prevent undermining of the State.

We are not arguing about the principle. We are now arguing however about how you put in those safeguards. That is an additional reason I am asking the Minister to send this Bill to a Select Committee.

I am much indebted to your indulgence, Sir. I know I have gone past my time.

Aside.

Hon. P. M. GREAVES: Mr. Speaker, I am not making a response now. I am merely moving that the sitting be suspended. I heard an aside about circulation of amendments. I believe there had been some circulation of the way in which the Bill is being amended and had been given to the other side quite some time ago, Sir.

I move, Sir, that this sitting be suspended until 3.05 p.m. today, Sir.

Hon. B. M. TAITT: I beg to second that, Sir.

The question was put and resolved in the affirmative without division and Mr. SPEAKER suspended the sitting accordingly.
2.07 p.m.

RESUMPTION

Mr. SPEAKER: This sitting is resumed. Is there anyone else who wishes to contribute to the Bill before the House?

Hon. B. M. TAITT: Mr. Speaker, Sir, in rising to support this Bill, my contribution will not require me to speak at length and I wish to establish that I am not speaking merely to establish my *bona fide* as a qualified communication person. I would just like to say that all those persons who have indicated that the Honourable

Member for St. Michael West Central and the Honourable Member for St. Michael South Central and other persons may have been merely Morse Code senders, obviously were demonstrating a lack of understanding about the communications system which was Cable and Wireless because long before the five unit code was in existence we had a three unit code which required as much as six months for those with normal and ordinary intelligence to train to become operators. So I would not like this concept of a mere Morse Code sender to permeate this Honourable Chamber and disrupt the understanding of the standard and the level of communications which the Honourable Member for St. Michael South Central would have had to absorb in order to be identified as a professional, which we were in those days.

Sir, it is important that in a debate like this, we recognise and understand what it is we are trying to do and the Honourable Members on the other side, in fact the Leader of the Opposition, has called for a select committee and I am not sure that given the history of this legislation which was attempted as early as 1984 by the Honourable Members on the other side, that we could afford to prolong it in the context of the select committee. I understand the sentiments that are being expressed.

Mr. Speaker, I just returned from Europe and the United Kingdom where a very interesting debate is going on, where British Telecom has just made massive profits. In fact, profits that are now being seen by the general body of persons in the United Kingdom as being vulgar. They have been so described in prestigious newspapers like the Times and the Telegraph. The profits are being described as vulgar and one of the things that has happened is that these, the privatised companies, at the expense of large numbers of persons who have had to be displaced because the trimming of the fat has not been in the upper echelons of the structure of these companies, but has been at the lower levels. Large numbers of persons have lost their jobs while the chief executives and other persons in these now monopoly companies, but in a privatised situation, has seen a tremendous amount of profits.

Now the profit *per se* has not been the problem, but when coupled with all that has been phenomenon of the chief executives, while preaching restraint, have been garnering in some very substantial sums as incentive payments and now every chief executive in the United Kingdom is busily trying to announce as hastily as possible what cuts have been made in their salaries or stipends and sums of \$135 000 in cuts are not unknown, Mr. Speaker. You would be shocked, Mr. Speaker, to hear that persons were earning five hundred and eighty-five thousand pounds per annum and have taken a modest cut of one hundred thousand pounds. These are matters which boggle the mind, but it is fascinating. The leader in the field, British Telecom which has not reduced ... They were making the case that the rate has been reduced but the newspapers are now

indicating – and I think it was the public outcry – that while these massive profits were being made the ordinary people were still paying more for their utilities by way of communication.

Mr. Speaker, the reason for this legislation, which as I said was started in 1984 is fairly obvious, but because it is obvious, its importance might not normally be accepted across the board. I think it is important on both sides of the House to emphasise and reinforce the importance of our having modern legislation in this time when we are heading for the twenty-first century. It is important, and I would congratulate the Minister on having been able to get it to the House because it has been butting about, as they say, a fairly long time.

The Bill itself is not perfect, but with the rapidity with which communications have advanced in the last fifteen years, it would be virtually impossible to have a Bill that took account of all the ramifications of the developments and movements. It may very well be that what we have to do is to put something in place, quickly and urgently, if we are to benefit as a country from the advantages which are available to us in this communications field.

Mr. Speaker, in a world where the Russians are now putting up a satellite and the British are able to get their first cosmonaut, or astronaut, or astronautist, because it was a female, who went into space in a Russian vessel. In that kind of world where those who are circling the earth now on an almost routine basis, they now go up into space like we go up into an aeroplane and they are in communication, ordinary communication.

It is almost unbelievable that today we take for granted that you would see on television and hear the communication between mission control, whether it is in Florida, or whether it is in Russia, and they are communicating and then you have the school children, at some school where the young lady went to school, communicating with her and talking on the telephone, Sir, to this lady who is orbiting the earth.

Now, in that kind of situation, a communications Bill like the one we are bringing, may in fact, be obsolete but for us in Barbados, it is urgent and therefore we have to move with some dispatch.

Mr. Speaker, I am always mystified, I have reached the stage now where I am mystified with the speed with which the people who are developing these things can operate. You will recall, Mr. Speaker, that in the war in the Middle East that we actually saw the scud missiles being launched by one side and they being counter-attacked by the other side and we actually saw it in Barbados on television. It was like if we are playing the kind of games that ten years ago you used to see in the arcades. And so we saw an actual war, where people were dying. We saw that

war on television. It was brought to us live and in living colour as they say.

Now, for Barbados these are heady happenings, but it is necessary for us to have legislation in place. I think that the more important aspect of this legislation is that it will allow us to benefit from a number of related possibilities.

I recall that in 1986 when I was then responsible for industry that I was discussing the possibility ... I was trying to persuade people in Texas to bring their industry to Barbados, and what would be happening both in Barbados and in Jamaica and places like that, is that you can lift up the telephone in Corpus Christi or in New York and the operator who answered would be based in Barbados, because of our superior educational system and intelligence. I know that is something people are afraid to say now, Sir, but if you are travelling around you can still say that Barbados has superiority in the area of intelligence and behaviour. We are still out ahead when compared with a number of other places.

3.15 p.m.

It is important that those people in that area of secondary education who are still unemployed can find employment in places like Donnelley's and that sort of thing. One of the possibilities which can happen for Barbados is that we can provide employment for companies that are seeking to use advance form of communications. Intel, which used to be here in Barbados, has now developed what seems to be the fast chip in the world and what they are going to be able to do arising out of this competition that is going on for who can get the most on the smallest entity that can be produced means that we might be able from BARTEL or from some other similar physical state to utilize the satellite communication. We would be able to operate almost as if the source of communication was coming from St. Lawrence Gap. The people who are running BARTEL – well, not BET because I think they have made progress. But it is important that we do not become bogged down and that we seek to keep pace with the advances. When the Honourable Member talked about being without his telephone for four weeks, I think that it is not acceptable in 1991 even though we are bragging about our telecommunications system in Barbados. It is not acceptable in 1991 when you fail to pay the telephone for two days and you are cut off. But if they are without service for four weeks nothing happens. We need to have to have our systems brought up to date so that the company has some burden as well. They cannot only get benefits. One of the things that we will have to look at, and that is why we need this kind of legislation, is advance systems where those who give a commitment, especially in a monopoly to provide a service, that where they do not provide the service those persons must get some kind of compensation for failure to get the service that was promised. That is the trend. We are nine years away from the 21st century. That is not unusual. That is something which we should be

taking for granted and it is something which this kind of legislation will allow.

For example, Mr. Speaker, doctors will be able to practice at a different level if they are able to tap in to the source of data banks. If a doctor can read-in by using a microphone or telephone, he can observe certain symptoms in a middle-aged man of say 54 with white hair. But doctors in the United States telephone the symptoms into a data bank and they get back information. I think that we can bring that kind of industry to Barbados. There is a very exciting possibility for us in the Caribbean to be able to utilize our capacity and ability. But the companies here have to become 21st century. Twentieth century is not good enough. We have to put in place this and the profits which are made here – and they have been making a profit from what I understand – have to be utilized for those purposes.

I cannot accept the Leader of the Opposition's position, although I understand what he is saying in one or two particulars. But generally speaking, I have no quarrel with the principle that human rights cannot be overridden because we are moving fast. I think it is very important when we are moving fast to pay attention to the human rights. I could not help but realize what a dilemma he had found himself in when he realized that between 1984 and 1991, Sir, he sought to make that a fairly and distinct time. But in 1984, when they determined that the Defence Force should be excluded, it is interesting if you look at what it actually says. It says, if I recall, that this Act does not apply to any apparatus used by the Defence Force. Is there any apparatus used by the Defence Force? But to me, Sir, this Bill now says "any person" and I feel very strongly that where it says "any person" that it is for the person who feels that he or she has been aggrieved, that they should go to the Courts. Since the law says "any person", then whomever it is that violated the civil right of the individual that person is liable and/or that person's entity. Whereas the Defence Force Board and the Defence Force might therefore be exempted, the person who does it is not necessarily exempted. That is my contention. But that is a matter which this House does not have to concern itself with. As far as I am concerned, anyone who violates my civil rights has to answer to me in the Courts. If the Defence Force is exempted, I assume that the Defence Force acting properly and under proper direction and that direction can only come in a particular way, therefore the Defence Force *per se* might be exempted. But any person in the Defence Force who feels that he can violate my civil rights will find that the law, at least not the law which is being promulgated these days from the Courts, is not going to let any individual hide behind any organisation.

Now the legislation that was enacted in 1984-85 made certain provisions and it is for the Minister to determine to what extent the exigency of the circumstances requiring this Bill to come into force that will allow him to take points made. But failure to go in a particular direction is not to

negate the efficacy of what is being said. In that connection, I want to raise another issue. The Leader of the Opposition suggested, and this is a very serious issue that I am raising, to me anyhow, that because this legislation might be coming subsequent to the Administrative Justice Act that it might not be governable by the Administrative Justice Act. I want to take issue with him on that, because if that were so then we would be in deep difficulty. I want to feel that the Administrative Justice Act together with decisions made arising out of it are forming a formidable body of protective law for the citizens of this country that cannot be infringed unless this legislature specifically directs that it is to be infringed. In which case, I would probably be long gone from this legislature because I would never participate in that. But it seems to me that that classic piece of legislation which was put in this House – this is really the gravamen of my intervention, Sir – is one of the strongest things that have happened in constitutional administrative law in this country as far as I am concerned. I said so then and I have no difficulty saying so now. I do not wish to feel that anything that is said or done will deviate from the importance of that piece of legislation which itself is a great adjunct to the constitutional provisions of protection of the citizens of this country.

The Leader of the Opposition needs to have no fear that this legislation will somehow interfere with the rights that are adumbrated in that legislation. When the Honourable Member was the Attorney General, he was the director of a piece of legislation which removed in the strangest way some rights from the people of the country. The Honourable Member found himself subsequently having to accept with the rest of us that that piece of legislation had dragged some rights from the people.

3.25 p.m.

The courts had no difficulty and they agreed that this business of taking away rights at that time was wrong and they ruled it unconstitutional. This does not fail in that category. I do not think that this legislation takes away many rights. The right to lay cables and the right to put down poles is not absolute and I think it would be well for the public utilities of this country to recognise that the intention of the Legislature is to facilitate them in providing a service to the community. That has been misinterpreted by some people to feel that they can put a pole anywhere. There has to be a test case and the people of Barbados have got to get accustomed to taking their feelings to the courts. The courts are the arbiter. We are not saying that you should run to court unless you know what you are doing. If the lawyers are too expensive, that is a matter over which I have no jurisdiction. They are very fond of saying that I am not a denizen of the courts and therefore should not delve into that matter. Sir, I know nothing of the law of charging. I plead ignorant to that. I have been a victim of being charged, Sir. As a matter of fact, only recently I got a missive from one of the lawyers that frightened me, he said if I don't send him some money shortly I will be in

difficulty. I decided that discretion is the better part of valour and I have written the cheque. He having presided over a matter in which I took all of the action, but he was the lawyer of record so he had to get the money.

It is a serious thing, Mr. Speaker. I am glad you are not a lawyer. The Prime Minister understands what I mean. That is not to cast any aspersions on my friend, the good and Honourable Member for St. John, who up until recently was a fine lawyer.

Mr. Speaker, there is just that part of the legislation, though, which the Minister might give some thought to, the point raised about the Minister having what seems to be the last word and yet not being accountable. It is a point which I have not been able to address until I heard the Honourable Member and therefore cannot speak to it with any authority, but the principle which is being raised is a principle which can be given some thought, if not necessarily today, it is a matter which has to be addressed.

On this matter, when both sides are agreed, I take it that we can talk with a certain amount of freedom of thought. I think it is important that since we are not passing legislation only for today that we look for all the pitfalls that are possible down the road. There are vagabond Ministers from time to time, Sir, no matter which side in which country, wherever, and therefore we are thinking now not of the present but of the future. There might be a Minister who might misunderstand and to that extent it might be worthwhile to look at it.

I do not think it is dangerous in its present form, but I think the concept of a carrier or a company which is not liable for wilfully refusing – and I think this is the point that is being made – that sheltering under 65 a company could wilfully divert a person's legitimate calls, and in collusion with a Minister could have that effect. I think that the legislation could probably be improved to that extent, but I would go so far to say that, as I perceive it, the Administrative Justice Act would still be applicable in those circumstances. The Honourable Member indicated that if he had attempted to send a message and that message had been refused by the company, he had appealed to the Minister and the Minister had sided with the company and he had gone to court – which means that going to court is possible – and the courts had agreed with him that he would have no redress for compensation under this Act....

But I wish to submit for the Honourable Member's consideration that the question of compensation is within the discretion of the courts, without reference to any particular Act. That was seen in the constitutional case where the lawyer was sent to prison and there was nothing under the law of contempt up until then that had allowed for compensation, but a Judge recognising the need for the law to be expansive to accommodate what is *au courant* at the time, made provision for compensation of \$50,000, I

believe, and this has been upheld. My point is that even if we do not form the legislation in such a way as to account for making somebody liable for that eventuality, it seems to me that in a place where the courts are vibrant the Administrative Justice Act makes provision for compensation of any violation of the civil right and that umbrella does perhaps allow us not to have to put in each piece of legislation a repetition of the same point. I suspect that this is how the draughtsmen are perceiving this legislation and I advance it for what it is worth, but it seems to me that the Administrative Justice Act is inviolable in that regard and therefore not subject to the kind of pressure which the Honourable Member alluded to. I think he was making his case and, as happens when lawyers are making the case, they might thin out a little bit in a certain direction.

I do not think it is necessary. It may not in fact be desirable, from a drafting point of view, to put that provision in this legislation, because what it would mean, I submit, Mr. Speaker, is that if you start putting it in any legislation, then it can reasonably be assumed that if it is left out of a piece of substantive legislation that it does not apply. I think, out of an abundance of caution, it might be desirable to leave that panoply of remedies within the Administrative Justice Act and leave the Judges to expand in whichever direction they have to go. I would submit, therefore, that that is the way we should look at this legislation rather than seeking, however broad we might do, to put it in the legislation, we may end up defeating the very good purpose which the Honourable Member raised. I submit that for his consideration.

I am grateful to you, Mr. Speaker, for your indulgence.

Hon. P. M. GREAVES: Mr. Speaker, in response to some of the points made by Honourable Members, in the first place let me say that I do not agree that the amendments proposed to the Bill before the House are sufficiently profound as to warrant the Bill to be sent to a Select Committee. Maybe it could have been so for other reasons, and even so I do not think that those other reasons do exist, in my view, that would warrant the Bill being treated in that particular way. This is not to say that there are not some valid points raised by Honourable Members who have spoken on this particular Bill that would require some looking at.

As regards the question of the Minister's rights and his use of those rights in terms of the finality of the Minister's powers, I believe the points advanced here by the Honourable Member for St. Michael West are valid and applicable and I feel we can test this in that particular way. I do not believe that with the existence on our books of the Administrative Justice Act any of the legislation drafted even after that Act will escape the scrutiny and judgments

of the courts merely because they have been drafted subsequently.

3.35 p.m.

I believe the Courts will insist, and rightly so, in my opinion, on examining that particular matter to see if in fact it is in breach of the matters for which the Act itself has been passed. I don't think the position is fundamental, because I will repeat what I call fairly minor amendments to the Bill.

In clause 2, Sir, there are only about six or seven amendments to the Bill. In clause 2, it is sought to amend the terms "mobile service" to include in its definition, Sir, a cellular radio telephone. That is not big in itself, neither is it accumulatively so with all the other amendments.

Also there is an amendment to include provisions for communications from one fixed point to a satellite or *vice versa*. Again, Sir, that is not any matter of real fundamental importance.

It is intended, as I said earlier, that the references within the same definition clause 2 to the Caribbean Broadcasting Corporation should be deleted.

The definition of the word "radio authority" is also being deleted, because there is no such thing as a radio authority. It is not being provided for in the Act and there is no reason for its being mentioned here at all. As a matter of fact, it was slipped in. It was not in the earlier draft and I do not know how it got in here, but it appears to have been slipped in and is now being taken back out. That is as far as the definition clause is concerned.

In clause 6, Sir, of the Bill, as I said earlier, what we are doing is removing reference to the Barbados Telephone Company Act but making sure that the full import of it remains. I have suggested that the words "Barbados Telephone Company Limited" be taken out, just in case there may be some other telephone companies that might do the same thing. What we have done here is to use the same definition of the word "telephone" as is contained in the Barbados Telephone Company Act. The words "Barbados Telephone Company Limited" are coming out. The way it is worded it will include them, as well as, or any others in the future, that might be in a similar position to the Barbados Telephone Company now. Again, Sir, that is not really profound or fundamental.

In clause 28(1), the word "may" was omitted – The Minister may – and that is being included. Again, Sir, that is not fundamental.

Clause 73 of the Bill. There is an additional telecommunications company that should have been in, that is, the Barbados Communications Services Limited. That is being inserted in Clause 73.

Finally, Sir, to remove any doubt at all that cellular radio telephones will not fall under the regulations of the Public Utilities Act, there is a clause 73 or 74, I believe, of the Bill that is being included in order to make this absolutely clear that in fact it is not necessary to be so treated.

In fact, these are the amendments to the Bill at the moment. It does not mean, Sir, that we will not accept other amendments if there are any other amendments in committee that we think warrant acceptance, because we are in agreement in terms of the need for the Bill and its importance to telecommunications in Barbados. We are agreed that we want the best kind of telecommunications for Barbados. Any time, Sir, that Honourable Members have any suggestion to make in terms that will make the Bill a better Bill, then those amendments will be very carefully scrutinised and accepted.

I agree with the Honourable Member for Christ Church South that a Bill like this requires monitoring and there are provisions in the Part VI of the Bill – Clauses 40 – 44 – that provide for monitoring. As a matter of fact, Sir, there is monitoring that goes on right now. The telecommunications unit of the Ministry responsible for telecommunications not only issues licences as approved by the Minister, but also monitors telecommunications in Barbados. What might well be required is for the telecommunications unit to be so strengthened and improved that it will be able to carry out the good job that we believe that it can do.

Now, Sir, a lot was made of the exclusion of the Defence Force in the provisions of this Act. I said earlier, in my introduction, Mr. Speaker, that what we were doing was to a great extent enacting the provisions of the many enactments relating to telecommunications and this is one of them. As a matter of fact, this was passed as recently as 1984. It was only in 1984 that they were made exempt from provisions of the Wireless Telegraphy Act. This is really and truly just re-enacting what is currently the position. It is not something that we are trying to do now for the first time.

When we come to committee and anyone wants to make a suggestion and move an amendment that might improve it, then we will be quite prepared to do so. The Honourable Member for St. Michael West has said that this will not affect individual members of the Defence Force. If they go ahead in such a way that will bring them in conflict with the law, then the law will then deal with those persons.

The Honourable Member for Christ Church South was not sure whether the regulations under the Act should be subject to affirmative or negative resolution. We have just done that. Regulations should be subject to negative resolution, which does not mean to say that they do not

come before the Parliament. They will still have to come before Parliament as is the case with several regulations that were made under different laws. If any Member from either side of the House feels that he would want to have a debate, that Member can move a resolution and have those regulations debated. I think that, Sir, is well known.

The Honourable Member for St. Michael South Central with reference to section 23 of the Bill is hoping that the licences will be issued by the Minister to operate a station for mobile service on board ships and aircraft that will not be required by the books and may not be charged for that. The only reference – what the clause says is that they must make application in writing to the Minister for a licence for that purpose. An application must be in such form and contain such information as the Minister determines.

Subclause (4) of that clause says,

"every licence granted under this section

- (a) shall be in such form as the Minister determines; and
- (b) must contain
 - (i) the name and description of the licensee,
 - (ii) a description of the premises in respect of which the licence is granted;
 - (iii) a statement of the power, frequency and emission of the station."

3.45 p.m.

It is not transferable and expires after twelve months. I believe it is only a wish on his part that he was expressing. Of course, that wish can be taken into account administratively and need not be dealt with in the law itself. I do not believe that this Bill in any way diminishes any of the fundamental rights that he now enjoys. If there is a diminution, it is not because of this legislation. It would have been because of earlier legislation, not because of this because this Bill is not acting in a way adverse to an individual that has not been done before.

An example was given of entering upon people's land and breaking up the lands in order to erect poles, lines and cables. Unfortunately, Sir, that is necessary for the progress in this country. But as the Honourable Member for St. Michael West has said, it has to be exercised reasonably. No more ought to be done or can be legally done that is necessary to bring it about. It is something that happens. If the company acts in excess then the company would have to be answerable to the law for what they have done.

Now, BET, Sir, was incorporated, I believe, in 1984. In that year it took over the assets of Cable and Wireless (West Indies) Limited. BET was immediately, at that time, issued with a licence. That licence was for ten years and was issued by the then Minister. At the end of ten years, which expires in 1994, the company can be given further permission to manage the telecommunications services of the country as well as the Government or other individuals can take over in whole or in part all the assets that Cable and Wireless PLC now has in BARTEL.

I cannot see at this moment what will happen in 1994 as regards that. I can say what I would like to see happen. I personally would like to see the people of Barbados, including the Government, have a majority share interest in BET. I would also like to see the management of the new company continue as it is at the moment and for quite some time in the foreseeable future because I believe BET is well managed. I am not now necessarily referring to the General Manager of Barbados External Communications Ltd. because that too is well managed.

I believe being able to call upon the expertise and the experience of Cable and Wireless PLC who will be able to provide us with the new technology here which I do not think we in Barbados would be able to provide for ourselves is an asset and can be a worthwhile joint venture between Cable and Wireless PLC and the people of Barbados. I do not believe that we should have necessarily a merger between the two companies. The two companies, that is, the Barbados Telephone Co. Ltd. and Barbados External Communications Ltd. have always operated separately. They have given good service. If at this time the Barbados Telephone Company is not giving the kind of service that it should be giving, that is one of the conditions of its licence because that too, Sir, is operating under licence from the Government of Barbados.

As I said when I opened, Cable and Wireless PLC acquired about 60% to 65% of the shares of a Canadian company in the Telephone Company and are now the major shareholders in the Telephone Company. But the terms of the licence are virtually identical to the terms of the licence for BET. As far as I remember, they even expire in the first instance around the same time. The licence in each one sets out how, in fact, that licence can be revoked. One of the reasons for revoking that licence would be if, in fact, they do not give a proper but give an inferior service. The Companies will have to give a good service to the people of Barbados or their licences will be in jeopardy. It is as simple as all that.

The Leader of the Opposition has come by some information that the Federal Communications Company, FCC, in the United States of America is calling upon the administrations overseas to have another look at the overseas charges. Now, Sir, this has come about because of the way in which the accounting and auditing are done for

that particular purpose. If there are more telephone calls sent from the United States of America to Barbados, if more people in the United States then are calling Barbados than the people in Barbados are calling the people in the United States of America, and that is the case, it means that the people in Barbados are handling here in Barbados more calls from the United States of America than the people in the United States of America are handling from Barbados and there is a charge for that. When the accounting is taken into consideration, it is always the case that the administrations in the United States of America have money for the administrations right here in Barbados. Now, I do not know if I have made myself as clear as I should be.

I think I spoke last week about the postal services and that operates in the same way. If there are more letters sent from the United States of America to Barbados than there are letters sent to Barbados from the United States of America, there again we are handling more American mail than we are sending. Because we are handling more American mail than we are sending, it means we charge for handling their mail and they charge for handling our mail. Usually there is an excess for Barbados, similarly with the telephone calls. We charge them for handling the calls that they send to Barbados and they charge us for handling the calls that we send but because they send more calls to Barbados than we send to them then when the accounting is put in motion they have money for us rather than we have money for them. Because of this, Sir, they are suggesting that the telephone calls be reduced. They have even set a figure.

Now the international telephone rates have been reduced over the past three years at least on about three or four different occasions. In other words, Sir, we have over time been reducing the telephone rates for overseas calls.

Aside.

Hon. P. M. GREAVES: I understand the Honourable Member says it is too expensive. The rates have gone down. It is not that the rates have been remaining constant. We have been reducing these rates.
3.55 p.m.

We do not want to make any sudden reduction in the rates because it could have catastrophic consequences for the company, that is, for BET. We will continue to examine the rate structure at BET. BET does this on its own. From time to time BET approaches the Ministry for approval to reduce its rate and of course when that happens the Ministry is happy to comply in the reduction. If it were the other way around well then we would have to examine it very carefully. But I am satisfied, Sir, that the Barbados External Telecommunications Ltd. is doing what it can and all it can at the moment in order to reduce the rates of the telephone company.

I believe I have answered most of the concerns of Honourable Members. I merely want to repeat what I said earlier. I do not believe that this is the kind of Bill that would now form the queue along with other Bills to be sent to Select Committee because already there is one before the Select Committee and they propose now to send another three Bills before the Select Committee. I do not think that we should overload the Select Committees with other Bills. I believe that this Bill can be dealt with at the Committee level of the whole House. That will be my recommendation here this afternoon, Sir. If at any time there are matters which should be referred well then at that point we will do just that.

The question that this Bill be now read a second time was put and resolved in the affirmative without division.

On the motion of Hon. P. M. GREAVES, seconded by Hon. B. M. TAITT, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. L. L. BRATHWAITE in the Chair.

COMMITTEE

Mr. CHAIRMAN: The House is in Committee.

Clause 1 was called and passed.

Clause 2 was called.

Hon. P. M. GREAVES: Mr. Chairman, I am moving, Sir, that Clause 2 be amended by deleting the words "Caribbean Broadcasting Corporation" and all those other words. The actual words to be deleted would be:

"Caribbean Broadcasting Corporation" means the Corporation established under the Caribbean Broadcasting Corporation Act;". I am moving that all those words be deleted.

I am moving also that in Clause 2 of the Bill the words "mobile service" under the definition of the term "mobile service" and all the words therefrom right down to "mobile radio stations," be deleted and insert there the words:

"mobile service" or "mobile telecommunication"

(a) means a radiocommunication

(i) between mobile and fixed radio stations,

(ii) between mobile stations; or".

This is the restructuring of that paragraph:

(iii) partly between stations mentioned in paragraphs (i) and (ii) and a mobile satellite, and

(b) includes cellular radio telephone;"

Also, Sir, that the words "radio authority" means the Chief Technical Officer" be deleted from Clause 2.

Those are the amendments I am making to Clause 2 and I am going to read again what would now be the definition of "mobile service" or "mobile telecommunication":

"mobile service" or "mobile telecommunication"

(a) means a radiocommunication

(i) between mobile and fixed radio stations;

(ii) between mobile stations; or

(iii) partly between stations mentioned in paragraphs (i) and (ii) and a mobile satellite, and

(b) includes cellular radio telephone;"

With those amendments, Sir, I beg to move that Clause 2 as amended stand part.

Hon. B. M. TAITT: I beg to second that Clause 2, as amended, stand part.

The question that Clause 2, as amended, stand part was put and resolved in the affirmative without division.

Clauses 3 to 5 inclusive were called and passed.
4.05 p.m.

Hon. P. M. GREAVES: Under clause 6, Sir, I am moving that clause 6, sub-clause (5) be deleted and that the new sub-clause (5) should read, Sir:

"This section does not apply to a carrier for the conveyance of messages or communications by telephone."

I move, Sir, with that amendment, clause 6 stand part.

Hon. B. M. TAITT: I beg to second that, Sir.

The question that clause 6 as amended stand part was put and resolved in the affirmative without division.

Clauses 7 – 14 inclusive were called and passed.

Part III – Clauses 15 – 20 inclusive were called and passed.

Part IV – Clauses 21 – 22 inclusive were called and passed

Part V – Clauses 23 – 27 inclusive were called and passed.

Clause 28 was called.

Hon. P. M. GREAVES: Clause 28, Sir. The word "may" is omitted in Clause 28(1). After the word "Minister" the word "may" be there inserted – "The Minister may set examinations...". With that amendment, I beg that Clause 28 stand part.

Hon. B. M. TAITT: I beg to second that, Sir.

The question that Clause 28 as amended stand part was put and resolved in the affirmative without division.

Clauses 29 – 39 were called and passed.

Part VI – Clauses 40 – 44 were called and passed.

Part VII – Clauses 45 – 61 were called and passed.

Part VIII – Clauses 62 – 64 were called and passed.

Part IX – Clauses 65 – 71 were called and passed.

Hon. P. M. GREAVES: Clause 72 – Mr. Chairman, in these transitional clauses, as I said in my opening, one of the companies has been omitted. It is proposed, Sir, that Clause 72, sub-clause (3) be amended. That what is now sub-clause (b) should in fact read –

"Barbados Communications Services Limited, a company registered under the Companies Act; and"

and that what is now shown as clause 72(3)(b) becomes clause 72(3)(c), that is, "the Barbados Telephone Company Limited".

Hon. B. M. TAITT: I beg to second that, Sir.

The question that Clause 72 as amended stand part was put and resolved in the affirmative without division.

Clause 73 was called and passed.

Clause 74 was called.

Hon. P. M. GREAVES: Mr. Chairman, I am moving, Sir, a new clause 74. The new amendment, Sir, will completely replace what is now shown as Clause 74 here and what is Clause 74 in the Bill will become Clause 75.

The new clause 74, Sir, will read –

"The enactment set out in the first column of the Schedule is amended in the respects set out opposite thereto in the second column thereof.";

and this is an amendment, Sir, to the Public Utilities Act.

Hon. B. M. TAITT: I beg to second that, Sir.

The question that the new Clause 74 stand part was put and resolved in the affirmative without division.

Clause 75 was called.

Hon. P. M. GREAVES: The new Clause 75, that is, what was clause 74, reads, "This Act comes into operation on a date to be fixed by proclamation" and I move, Sir, that the new Clause 75 stand part.

Hon. B. M. TAITT: I beg to second that, Sir.

The question that Clause 75 stand part was put and was resolved in the affirmative without division.

The Schedule was called.

Hon. P. M. GREAVES: I move, Sir, that the Schedule be the Schedule to the Bill, Sir.

Hon. B. M. TAITT: I beg to second that, Sir.

The question was put and resolved in the affirmative without division.

4.15 p.m.

On the motion of Hon. P. M. GREAVES, seconded by Hon. B. M. TAITT, Mr. CHAIRMAN reported the passing of one Bill in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon. P. M. GREAVES, seconded by Hon. B. M. TAITT, the Bill, as amended, was read a third time and passed.

ADJOURNMENT

Hon. P. M. GREAVES: Mr. Speaker, Government has concluded its business for today. Do you want to do something more? You can do it. Are you ready? Sir, I am ready to do any Private Members' Business if anyone wants to do any Private Members' Business over there. There is a Private Members' Motion here in the name of the Honourable Member for St. Peter. Are you ready for this? Is the Member ready for this? So you are not ready to do your own business. Let us do it.

Mr. Speaker, I move that this sitting be adjourned until Tuesday, 11th June, 1991 at 12 o'clock noon.

Hon. B. M. TAITT: I beg to second that, Sir.

The question was put and resolved in the affirmative without division, and Mr. SPEAKER adjourned the House accordingly.

4.20 p.m.

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FORDE, Hon. H. deB. (Christ Church West)
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St. JOHN, Mr. H. B. (Christ Church South)
TAITT, Hon. B. M. (St. Michael West)