
THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 2003 – 2008

HOUSE OF ASSEMBLY

Tuesday, February 10, 2004

Pursuant to the adjournment, the House of Assembly met at 10.00 a.m. on Tuesday, February 10, 2004.

PRESENT

His Honour I. A. ROETT, G.C.M., B.A., Dip. Ed. (Speaker)

His Honour J. M. EDGHILL, J.P. (Deputy Speaker)

Mr. D. J. H. THOMPSON, LL.B. (Hons.)

Mr. L. R. TULL, Q.C., M.A. (Oxon.)

Hon. R. C. EASTMOND, B.A. (Hons.), Dip. Ed., LL.B. (Hons.), L.E.C., J.P. (Minister of Labour and Social Security)

Hon. G. A. CLARKE, B.Sc., Dip. Ed., J.P. (Minister of Public Works and Transport)

Mr. R. D. MARSHALL (Chairman of Committees)

Mr. R. St. C. TOPPIN, LL.B. (Hons.)

Mr. D. St. E. KELLMAN

Hon. Miss H. E. THOMPSON, LL.B. (Minister of Housing, Lands and the Environment)

Hon. Miss M. A. MOTTLEY, Q.C., LL.B. (Deputy Prime Minister, Attorney General and Minister of Home Affairs) (Leader of the House)

Hon. N. A. LYNCH, B.Sc., M.B.A. (Minister of Tourism and International Transport)

Hon. A. P. WOOD, B.Sc., M.Sc., M.Phil., J.P. (Minister of Energy and Public Utilities)

Hon. R. R. FARLEY, B.Sc., J.P. (Minister of Education, Youth Affairs and Sports)

Hon. Miss C. Y. FORDE, J.P. (Minister of State, Ministry of Education, Youth Affairs and Sports)

Mr. R. D. JONES, B.A. (Hons.), M.A. (Ed.), J.P.

Dr. D. C. ESTWICK, B.Sc., M.B., B.S.

Mr. C. A. MASCOLL, B.Sc. (Econ.) (Hons.), M.A. (Public Finance) (Leader of the Opposition)

Hon. D. D. MARSHALL, LL.B. (Hons.), L.E.C. (Minister of Industry and International Business)

Mr. M. A. LASHLEY, LL.B. (Hons.)

Hon. K. D. SYMMONDS, B.A., LL.B. (Minister of State, Ministry of Foreign Affairs and Foreign Trade)

Dr. W. F. DUGUID, B.D.S. (Comm.), F.D.S., FDRCS, J.P.

Prayers were led by Rev. Canon Ivan Harewood.

Mr. SPEAKER: This House is now in session.

MINUTES

Mr. SPEAKER: The Minutes of Tuesday, February 3, 2004.

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I beg to move that the Minutes for the Honourable House of Assembly for its meeting of Tuesday, February 3, 2004, which have been circulated, be taken as read, subject to any corrections, omissions and/or observations.

Hon. R. R. FARLEY: I beg to second that, Sir.

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

PAPERS

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I am commanded to lay the following:

1. Report on the Public Enterprise Investment Fund for the Quarter ended September 30, 2003.
2. Special Development Areas (Sugar Bay Developments Limited) Notice, 2004.
3. Special Development Areas (Keystone Development Limited) (Revocation) Notice, 2004.

10.20 a.m.

GOVERNMENT NOTICES

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I beg to give notice of the following:

1. Arts and Sport Promotion Fund Bill, 2004.
2. Property Transfer Tax (Amendment) Bill, 2004.
3. Securities (Validation of Function) Bill, 2004.

This Bill is to replace the Bill which has been on the Order Paper in relation to that same matter of the Securities (Validation of Function) Bill.

4. Resolution to approve the compulsory acquisition by the Crown of the parcels of land at Drax Hall Green, St. George for the public purposes of housing development and recreation respectively.

At this stage I wish to formally move the withdrawal of the Securities Commission (Validation) Bill, 2003 which is listed as Order No. 4 on the Order Paper.

Hon. R. R. FARLEY: I beg to second that.

The question that Order No. 4, the Securities Commission (Validation) Bill, 2003, be removed from the Order Paper was put and resolved in the affirmative without division.

FIRST READING OF BILLS

On the motion of Hon. Miss M. A. MOTTLEY seconded by Hon. R. C. EASTMOND, the following Bills were read a first time:

1. Arts and Sport Promotion Fund Bill, 2004.
2. Property Transfer Tax (Amendment) Bill, 2004.
3. Securities (Validation of Function) Bill, 2004.

ORDERS OF THE DAY

SUSPENSION OF STANDING ORDERS

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I beg to move that Standing Orders Nos. 6, 16, 18, 20, 42(5), 43 and 44 be suspended for the rest of this day's Sitting.

Hon. R. R. FARLEY: I beg to second that.

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

GOVERNMENT BUSINESS

ORDER NO. 5 – THE FAIR TRADING COMMISSION (AMENDMENT) BILL, 2003 – *Cont'd*

Hon. R. C. EASTMOND: Mr. Speaker, prior to the passage of the Fair Trading Commission Act there existed in Barbados legislation addressing public utilities under the Public Utilities Board Act. Mr. Speaker, in looking at the history that preceded the establishment of the Fair Trading Commission, the legislation affecting public utilities and the functioning of the Public Utilities Board showed clear lacunas in the operations of the system.

For example, as far as ordinary administration is concerned, the Public Utilities Board was not properly constituted. It suffered the problem of shortage of staff and, I believe to the cynic in the community, it suffered the further challenge of a shortage of things to do.

Mr. Speaker, if one considers the functioning of the Public Utilities Board, one would recognise that in real terms public utilities were much too narrowly defined and therefore, would have been agencies in Barbados which ought to have attracted the attention and the reach of the Public Utilities Board which escaped the scrutiny of this entity.

The point I am making is that in a modern Barbados, if one were to examine the full gamut of public utilities, it would clearly be wrong to think that public utilities would mean only an electric company and a telephone company.

The Barbados Water Authority and the Barbados Transport Board did not attract the attention of the Public Utilities Board because the legislation establishing these Boards did not contemplate bringing public transport and the delivery of water services within the reach of the Public Utilities Board legislation, so to the cynics in Barbados, there clearly would have been queries in respect of how fair it would have been to the consumer and, indeed, to the

Barbados Telephone Company and the Barbados Light and Power Company for them to be subject to a regime of accountability while the Barbados Water Authority and the Barbados Transport Board were not so subjected.

Mr. Speaker, I will begin by looking at the lacunas in the system. The establishment of the Fair Trading Commission has seen us addressed this whole question of public utilities in a much broader sense, so to modern Barbadians subsisting, existing or thriving in the year 2003 and 2004, the concept of a public utility is broader, therefore there is nothing in principle or in law now to forbid the Fair Trading Commission from looking at the operations of the Barbados Water Authority and the Barbados Transport Board.

Mr. Speaker, when one speaks about the Fair Trading Commission, one speaks about an entity with an enormous potential to attract and to lay down equity and fairness not just from the point of view of making public utilities more accountable, but also from the point of view of ensuring that the risk of the consumer is properly ventilated and protected. That is why all praise is due to the Minister who had the courage to bring a regime of consumer law to this Parliament.

I speak the praise of the Honourable Member for St. Michael North, whom I am assured is in his seat today, and whom a spokesman from the Opposition incorrectly said last week was not in his seat. The Honourable Member is clearly in his seat today and I believe it would be in place for him to make a contribution to this debate.

Mr. Speaker, this amendment to the Fair Trading Commission Act which is before us is seeking to strengthen the management of the Fair Trading Commission.
10.30 a.m.

Mr. Speaker, we are in a most challenging era when it is not a far-fetched idea to talk about the concept of institutional strengthening. There are institutions in the political realm that are subjected to institutional strengthening. There are institutions in the private sector which constantly keep their systems under review, with the idea to strengthen such systems.

Indeed, in the public sector, both at the level of statutory board and line ministries, this Government has always favoured the concept of institutional strengthening to modernise and to ensure greater economies and efficiencies.

Mr. Speaker, what we have before us is a piece of legislation which is designed to do two things, that is, to create a system by which the Fair Trading Commission, as a Board of Directors will attract additional membership, and at

the same time, taking into account the likely workload of this Commission through history.

Sir, what we are doing here is much desired. There can be no question as consumers become more familiar with the rights that have been given them, as the people of Barbados crave more accountability among those bodies which we designate as public utilities, as a Board or as a body of persons who have to meet and to resolve matters, the Fair Trading Commission will, in the near future, find itself extremely busy. It is, therefore, not asking too much in expanding the membership of the Commission.

This Commission is functioning in a greater and broader way than the old Public Utilities Board. There is no question, as has already been suggested, that as an independent agency, public utilities will come under its review or governance but at the same time, there are a number of issues in relation to consumers rights which would increasingly attract the attention of the Fair Trading Commission and related agencies.

Mr. Speaker, I want to say for the record that whatever people might think, the Fair Trading Commission has a quasi-judicial function to perform. While it is true that some lawyers might say that it is an inferior tribunal and, therefore, subject to judicial review, there is no question that in terms of its *modus operandi* it will, from time to time, perform judicial functions. Therefore, what we are today doing is to ensure that these judicial functions are performed judiciously.

Mr. Speaker, in circumstances when the Fair Trading Commission has a quasi-judicial role to its charge, it is only but sensible to ensure that it has the power and the mandate to function as an independent agency. There are other inferior bodies or statutory boards in Barbados which come under the direct control of the political directorate.

In the event that any Honourable Member of this House had doubts, or through insinuations, or innuendos, has made any strange suggestions, let it be said that every Honourable Member of this Government respects the quasi-judicial role of the Fair Trading Commission, and that in terms of its day-to-day *modus operandi*, I would be the last person to believe that it has been subjected to any political control or bashing. Let us, therefore, as Honourable Members of this Honourable House not subject it to any political controversies.

Mr. Speaker, before making that detour I was about to indicate that in recent times consumers of Barbados have been clamouring for greater rights. After carefully looking at a wide range of common law, rules and principles under the

existing legislation, the Honourable Member for St. Michael North has come to this Honourable House and has ensured that modern consumer law has been so introduced, that those of us who follow the news would have heard that already the consumers are going to the Small Claims Tribunal to ensure that their concerns are met judiciously.

Mr. Speaker, prior to the passage of our consumer's law, we used to have exclusion clauses which were expressed in the English Language in such a way as: "The occupiers of these premises do not hold themselves accountable for injury or death, howsoever caused on these premises..."

Mr. Speaker, in 1977 the English Parliament passed the Unfair Contract Terms Act. At Section 2, the first thing it did was to ban any exclusion clauses which sought to exclude liability for personal injury and death.

Mr. Speaker, we took many years to follow suit but if we examine our consumer's law, we would see that we are not only dealing with harsh, exclusive clauses but with unfair terms in the broadest sense, and are providing a system of justice by which aggrieved persons could have their matters heard cheaply and expeditiously.

Sir, one of the strengths of the Small Claims Tribunal is this. If one imagines that there is no small claims tribunal and there is a body of law in statute which has both given rights and creative obligations, but which allows for matters to be resolved before the ordinary courts of the land, then our ordinary courts would be clogged up and overwhelmed by never-ending litigations, and would find themselves moving even more slowly, not to mention the cost to the consumer in taking matters of a consumer nature before the ordinary courts of the land.

Sir, by having a small claims tribunal as a specialist agency, it would concentrate entirely on the matters at hand and would never have as broad a mandate as that of a high court or of a magistrate's court. It would, therefore, have the time to deal with such issues while, at the same time, making the consumers who come before it, comfortable and relaxed, by creating an atmosphere of informality.

I am advised that those consumers who have approached the Fair Trading Commission have remarked at the professionalism and urgency with which they were treated.

Mr. Speaker, one of the benefits of having a small claims tribunal is to make sure that the process of litigation before it could proceed not only quickly but also inexpensively.

I would like to make these points, in addition to the point as to the informal atmosphere of the tribunal, and to suggest that it was a very wise move undertaken by this Government to have set up such a body.

Sir, for those persons who might wonder why it is that a Government would dedicate power to such a tribunal, I would say that Government does not believe in the concept of total absolutism or tyranny. Therefore, if there are those persons who might feel that a tribunal is too modest and too humble an agency to dispense justice, then any perceived injustice occurring at the hands of the tribunal is reviewable by the higher courts.

10.40 a.m.

Mr. Speaker, when we who have the responsibility of representing persons in this wonderful island of Barbados are approached by our constituents who went to a store and come back dissatisfied about the quality of the item that was purchased, we can advise them that there is a mechanism through which they can get justice.

Mr. Speaker, under the old Sales of Goods Act of Barbados, the population as a whole felt intimidated both by its content and the judicial proceeding for making an application under the Act. The old Sale of Goods Act spoke in terms of goods being of a merchantable quality and yet hundreds of Barbadians over the years would tell you that they purchased a particular commodity in a store or shop but it did not serve the purpose for which it was bought or advertised. Sir, these matters have now been addressed by the welter of consumer legislation which this Parliament has passed in recent months.

Mr. Speaker, in looking at what we have to consider today, I have no difficulty either in conceiving or declaring that the concept of a Fair Trading Commission, empowered to look at public utilities and further empowered to ensure fair trade, is a concept that is to be welcomed.

Mr. Speaker, I cannot conclude without looking at where we are in this world. We are in an era where it is fashionable and popular to talk about trade liberalisation, competition and anti-competitive practices. In a situation where agencies down through the history in Barbados have been monopolistic, we would have had instances of pure injustice by particular monopolies which did as they pleased because there was no competition and one of the purposes of the Fair Trading Commission is to look at the question of anti-competitive behaviour.

Sir, I want to issue a word to the wise people of Barbados. For many years, especially during the era of trade protectionism, a lot of business people responded to trade

from day-to-day without sensible strategic plans. A lot of business people who functioned in monopolies were able to do as they pleased in terms of price setting and were also able to function because of the monopolistic climate without having to worry, without true efficiency. The consequence has been that a large number of monopolies in Barbados never bothered about efficiency, about the way the economy operated or about sensible human resource development.

They never bothered to be technologically innovative and the consequence was that their inefficiency will stand before them in a way when real competition comes and the challenges to them would be to virtually dismantle old systems they had to be able to live and exist in an environment that is competitive.

Mr. Speaker, one of the purposes of our Fair Trading Commission Act and related legislation is to ensure that in an era where we speak about competitiveness, we are also prepared to dedicate ourselves to practices which show we are able to face up to competition in this country.

I am aware that many private sector businesses which, when hearing they had to face competition, would have shuddered because before the competition they would have been beneficiaries of protectionism and now that there is competition they are worried about the bottom line and how fair it is to permit competition.

Mr. Speaker, in a democracy such as what Barbados has, I do not know for how long any administration can be prepared to give blessings and protection to monopolies and entities that have done nothing to uplift themselves. I therefore, urge all business entities which are for the first time facing competition, to expect that competition is a living reality and to embark on systems that will help them to be proper rivals in a new competitive environment.

Mr. Speaker, we have had a tradition worldwide when businesses are asked to modernise and improve efficiencies that the first thing they do is blame the labour force for their inefficiency. They say that the workers wages and inefficiency interferes with profits. Sir, there must be examples in this island of agencies which, when they had to modernise and streamline operations did not blame the labour force.

It is unfair to blame workers for pushing up the cost of production in a clear case where their place of work was not prepared to invest in technology or in instances where they did not modernise their accounting system or look at other cost.

Therefore, all Barbadians, including employers and workers organisations, must be militant enough to fight those who feel that modernising or aiming for greater efficiencies

necessarily mean retrenching workers. It is not fair to workers to be blamed for pushing up the cost of production when they had no say at all in a number of management decisions that did not promote the better interest of the country.

10.50 a.m.

It is not fair that the workers should be whipping boys when the business goes bad because of flaws in the system not because of any fault of the worker but because of flaws in the systems of operations, accounts, purchasing and not trying to find the best inputs at the best prices.

Mr. Speaker, I thank you for permitting me to be able to reflect on a number of matters. To some degree, I took a relatively high ground, but I trust that the comments and observations I make here today will go a long way towards laying the basis why I am supporting this particular amendment.

I thank you.

Dr. D. C. ESTWICK: Mr. Speaker, I rise to make a contribution to this particular amendment. However, I want to say at the outset that although I have some problems with this particular amendment, I agree with some of it. I want to say that I have some ambivalence in determining exactly what I am going to do. The Democratic Labour Party, after reviewing this particular legislation, has a number of concerns and I would like to raise a few of them.

Sir, this country is part of the global village in which there are international forces that would want to see this Government being reduced to being a tax collector and not as a regulator and there are forces that would want to see Government depending on the private sector for the delivery of all the services in this country and I do not necessarily agree with that.

In a small developing country with a colonial history, one that has seen the stratification of the population based on an economics and colour component, and one where there has been no evidence that the private sector is an altruistic one that should necessarily depend on the private sector to provide essential services in Barbados, it seems to me that this Government appears to be going down a road where all aspects of liberalisation in the provision of services in Barbados is being accepted lock, stock and barrel.

Sir, liberalisation with regulation is supposed to accomplish a few things. It is said, by the experts, that it is supposed to increase competition and efficiency but it is also said that it is supposed to enhance opportunities for production of a better quality product at a cheaper price. I am

going to get back to this later and demonstrate why I have some problems with the aspect of liberalisation that is going on in the telecommunication sector.

Sir, I also want to say that the telecommunication liberalisation, occurring right, has nothing to do with the genius of the Barbados Labour Party. It is a worldwide phenomenon. It is a phenomenon that falls into the premise that we must be Caribbean Single Market and Economy ready by 2005 and Free Trade Areas of the Americas ready by 2007. We do not know when we should be World Trade Organisation ready.

I also want to suggest that the World Trade Organisation regulation, which established the framework for liberalisation, was not signed until 1994. If that is true, I have some fundamental problems when I heard the Honourable Attorney-General make comments in this Honourable House which attempt to indicate that the Democratic Labour Party, in 1991, did some form of injustice to the people of this country by renewing the licensing agreement for Cable and Wireless.

Sir, any responsible Government would have done the same thing because, at that time, there was no Caribbean Single Market and Economy, Free Trade Areas of the Americas or World Trade Organisation pressures at the time. Mr. Speaker, that statement is just as ludicrous as the statement by the Honourable Attorney-General I heard which suggests that Cable and Wireless gave up eight years of a contract and \$200 million. Cable and Wireless is not a benevolent or altruistic institution in Barbados because that has not been demonstrated by them.

Cable and Wireless is nothing more than a profit-making machine in Barbados and the evidence of their balance sheet demonstrates that. I do not know what nonsense the Honourable Attorney-General is talking.

Sir, let me proceed to demonstrate the folly in that argument. Let us look at what happened with respect to Cable and Wireless over the last six years. Cable and Wireless downsized their expenses significantly by reducing its staff by several hundred workers in Barbados and they offloaded the consumer premises equipment where the consumer must now pay for installation and repairs of equipment. There is no competition with respect to the land line which happened to be the basic phone for businesses and the homes.

Furthermore, after the Reference Interconnect Agreement, all the service providers must now pay Cable and Wireless a fee. Sir, I do not know what kind of competition this is called but I think that I have some understanding what

a *laissez-faire* type approach to competition in a classical economic sense means.

I would have to consider this as unorthodox competition because it is designed to allow for an increase in profits and an increase in cost to the consumer, even though liberalisation is occurring. Sir, what form of liberalisation is this?

Mr. Speaker, if the Fair Trading Commission approves the rate adjustments that are applied for by Cable and Wireless, the cost of land line rates is going to increase by \$20 to domestic lines and \$38 to a business line in Barbados. Furthermore, the cost will be passed on to the consumer by businesses in terms of goods and services and this increased cost will significantly impact on the Government's budget.

Sir, the problem with some individuals is that they are confused with respect to competition and choice. Choice does not mean that you are going to get something better. You can have a choice of mobile phones but that is not where we want the competition to be.

We want it on the land line because if every provider of mobile phones must now pay Cable and Wireless a fee to use their infrastructure, then the only thing that has been done is to create ways for Cable and Wireless to make more money. Sir, all the cellular phone providers are retailers and Cable and Wireless is the distributor of telephone services in Barbados.

Hon. Miss M. A. MOTTLEY: Mr. Speaker, on a point of order. The Honourable Member is misleading the Honourable House and he ought to know better. The Government has not committed simply to a liberalisation of a cellular market but a liberalisation of a domestic and international calls market. Indeed, the Government has received approximately four applications for domestic wireless, which would see that market being liberalised and people being able to access other providers other than Cable and Wireless for the domestic market.

Sir, the only person in this Honourable House that has suggested that Cable and Wireless should have domestic monopoly for a further two years is the Honourable Leader of the Opposition. The Honourable Member for St. Philip West's premise is misleading to this Honourable House and that could only be correct if Cable and Wireless was maintaining a monopoly in the domestic market, as recommended by the Honourable Leader of the Opposition, for the next two years.

11.00 a.m.

Dr. D.C. ESTWICK: Mr. Speaker, I do not trust any future plans that the Barbados Labour Party has, because I

have read many plans they had before and none have come to fruition, so why should I accept this one.

(Certain remarks made by the Honourable Member for St. Philip West were ordered expunged from the record by Mr. SPEAKER)

Hon. Miss M. A. MOTTLEY: Mr. Speaker, on a point of order. I take a very dim view of the comments made by the Honourable Member. The Government of Barbados which he aspires to be a part, has issued expressions of public interest, and requests for proposals to persons wanting to operate within the domestic telecommunications sector of this country.

It is a fact of record, and not the subject of speculation, that four companies have submitted proposals in relation to the domestic wireless sector. The reality is that the Honourable Member cannot impugn improper motives to anyone in this Honourable Chamber, and to suggest that the comments, as articulated by me, as Chairman of a Cabinet Subcommittee of Telecommunications reform, are things which are the subject of..., is to impugn my character, Mr. Speaker, and to suggest to this House that I am lying to this Honourable Chamber.

Mr. Speaker, neither the Honourable Member for St. Philip West nor his Leader, *sotto voce* who is now embarrassed by binding his Party to committing the Democratic Labour Party to two more years of a monopoly under Cable and Wireless in a way that they did in 1991, can change the fact that this Government has already commenced the process of liberalising the domestic telecom sector.

Mr. Speaker, I ask that the Honourable Member for St. Philip West withdraws those words and that they be struck from the record because it impugns my character, and suggests that I am lying to this Honourable Chamber. This is a matter which the Honourable Member for St. Philip West and the Leader of the Opposition may well be familiar, since that is obviously their conduct outside this Chamber.

Asides.

Mr. SPEAKER: The Honourable Member please, I am asking you, according to the Rules of this House, 28.7, "No member may impute improper motives to another Member."

I find that by the use of your words, certain imputation is made and I am therefore asking you, Sir, to withdraw your words.

Dr. D. C. ESTWICK: Those words are so withdrawn, Sir.

Mr. SPEAKER: I am also asking that those words be struck from the records of this House, please.

Dr. D. C. ESTWICK: Mr. Speaker, as I have said earlier, I have no confidence in anything said by Members of the Barbados Labour Party Cabinet, without the evidence being brought to Parliament. The reason why is because I am a person who understand empirical evidence. On September 27, 1999, I read the summary of the Budget debate of that year.

I remember distinctly, Sir, Section 17, under the Government's privatisation programme states that the Government, as part of their privatisation programme, was going to privatise the Port. This same Government came in here and told this Honourable House the complete opposite, and now I am to accept what this Cabinet is proposing as a future position? Sir, that is not reasonable for me.

Hon. K. D. SYMMONDS: On a point of order. The Honourable Member is misleading the House. Sir, he should know better because he was in here at the time of the debate and it is untrue to say that the Government, at anytime took any steps to privatise the Port.

Sir, an exercise was taking place in corporatisation and it was explained to Honourable Members on the Other Side during the course of that debate. It was only a few months ago, so they could not have forgotten that the exercise in corporatisation was fundamentally different in practice, in economics and in law to the exercise of privatisation.

Dr. D. C. ESTWICK: Mr. Speaker, the Public Utilities Act of Barbados in 1955, provided for the regulation of the Barbados Light and Power Company Limited and BARTEL. In principle, Sir, I have no problem with the establishment of a Fair Trading Commission (FTC) that allows for expansion of other regulatory components, for example, that would have brought to this Honourable House which would be under the Consumer Protection Act, as well as the Fair Competition Act.

Mr. Speaker, I have some problems with the organisation and I am going to point them out very slowly. It is quite clear to me that this Cabinet did not understand what they were doing when they structured the FTC in the way that it has been structured.

Mr. Speaker, there is a potential for real conflict occurring, in the way the FTC is now established, under the Ministry of Consumer Affairs. The reason why, Sir, is that the FTC falls under the ambit of the Ministry of Consumer Affairs. Yet, it straddles a set of policy formulations and directives from another Ministry, which is the Ministry of Public Utilities and Energy. The reason why there is significant potential for conflict is as follows:

The Memorandum of Understanding (MOU) under Schedule 5, which is a document of this House that was signed by this Government at Clause 2.1, and I will quote, Sir:

“2.1 The telecommunications sector will be regulated, by the Minister responsible for Telecommunications as well as the FTC.”

Sir, there is a problem here. A Minister sets policy. A Minister is not a regulator. The day you have that sort of directive, you are going to have some problems.

Clause 2.2 then says:

“2.2 The Minister responsible for Telecommunications will be responsible for setting policy for the management and regulation of the telecommunications sector.”

Sir, this contradicts Clause 2.1.

Asides.

Hon. R. R. FARLEY: Mr. Speaker, on a point of order. I hate to interrupt the Honourable Member when he seems to be settling into some reasonable orbit. The Honourable Member, through his lack of knowledge, is clearly misleading this House. He is seeking to indicate that the Minister is overstepping his boundaries by way of regulation. There is no conflict between regulation by the FTC and the other body. Regulation in its broader sense includes licensing and broad policy formulation, and regulation in its narrow sense is the economic or rate regulation, which is the ambit of the FTC.

The Honourable Member therefore is seeking to mislead the House by suggesting that the Government is up to some mischief, by way of having a minister setting broad policy in the regulation of the telecommunications sector in Barbados.

11.10 a.m.

Dr. D. C. ESTWICK: Mr. Speaker, the point I need to express in a different manner is this. If the Minister of Public Utilities and Energy sets the policy that governs public utilities and energy and the public officers of the Ministry of Public Utilities and Energy execute that policy, with the advent of the Fair Trading Commission under the Ministry of Consumer Affairs, that policy position of the Ministry of Public Utilities and Energy must be scrutinised by the Minister responsible for Consumer Affairs because she sets the policy, based on what they are telling me, for the Fair Trading Commission to regulate.

Hon. Miss M. A. MOTTLEY: On a point of order. The Honourable Member continues to mislead the House. The

Law sets out these matters very clearly in the Fair Trading Commission Act, in the Utilities Regulation Act and indeed in the Telecommunications Act.

The Minister has a responsibility for the regulation of certain areas as well as the setting of general policy. This is nothing unknown to this jurisdiction or to other jurisdictions. In the past in this jurisdiction the Minister regulated entirely the international telecommunications. The Law clearly sets out the areas of regulations both for the Minister as well as for the regulatory body thus ensuring that there is no overlap in responsibility for the regulation of any particular area, so for the Honourable Member to continue down that line is to mislead this Chamber on the basis of the Laws of this Chamber.

Mr. Speaker, I suggest to you that is improper and seeks not only to mislead but to undermine the validity of this very Chamber and the Acts which flow from it and thereby impugns the privileges of each and every Honourable Member of this Chamber.

Dr. D. C. ESTWICK: Mr. Speaker, if I have to become very specific to details, let me give a classic example of what I am talking about. Let us look at the Barbados Water Authority. If the Barbados Water Authority in consultation with the Minister of the Ministry of Public Utilities and Energy and its technocrats recognise, with respect to delivering the level of the present services that they now deliver, that they want to have an adjustment in terms of the fees paid for water when the month comes, and if the Minister agrees, given the present structure, the Barbados Water Authority still has to go and apply to the Fair Trading Commission, unless the Minister could reply directly.

Hon. Miss M. A. MOTTLEY: On a point of order. While the Government has signalled an intention to bring the Barbados Water Authority under the Fair Trading Commission, there is no such legal authority and no such opportunity for that to happen.

Dr. D. C. ESTWICK: Mr. Speaker, the important thing is that scientific methodology allows one to hypothesise. It is not a theory that you are offering an explanation for anything.

Mr. SPEAKER: Honourable Member, please, do not trivialise the comments that are made here. The Honourable Member for St. Michael North East as the Leader in terms of law is attempting to express what the Law states to you. I am not preventing you from speaking, I am just asking you not to trivialise the explanations that are given to you, please. Let us continue.

Dr. D. C. ESTWICK: Let me further explain the position again with another classic example that has not been refuted. Integral to consumer protection in Barbados is the policing of the standard of goods and services. I want to find out today if the Minister of Consumer Affairs or the Minister of Public Utilities and Energy set the policy for the Barbados National Standards Institute (BNSI).

If we are serious in Barbados that we are going to provide standards with respect to false and misleading advertisements or presentations, quantities and qualities, product composition, selling used items as new, as well as misleading pictorial representations such as biodegradable and so on, I want to find out if these components are under the BNSI, and if they are under the BNSI, if they are under the Fair Trading Commission and by extension the Ministry of Consumer Affairs.

That is what I want to find out today because then and only then would I recognise that there is some serious understanding of what they are doing because it suggests to me that the responsibilities are still too fragmented.

If there were coherent analyses and by extension a logical interpretation, it would have made sense. I make the suggestion and hope that they understand what I am saying. They need to have a look at the allocation of ministerial responsibilities as it now exists and make sure that they amalgamate consumer affairs and public utilities with the BNSI.

The way it is established now is too fragmented and we will always have problems between the various Ministers and the Board, which cannot be refuted. I do not know what nonsense I am hearing in this Honourable House.

Asides.

Dr. D. C. ESTWICK: Mr. Speaker, if we are talking about liberalisation, downsizing and deregulation as part of introducing competition, well then I want the Honourable Leader of Government Business and the entire Cabinet to bring the same fervour to the liberalisation of the distributive sector in Barbados.

Mr. Speaker, let us go back to the Fair Trading Commission Report. I want to deal with price gouging, price fixing, the cross by requisite and vertical and horizontal integration.

Hon. Miss M. A. MOTTLEY: On a point of order. The Honourable Member once again is seeking to mislead the House. The Cabinet of Barbados has already brought the same fervour to the liberalisation of the distributive sector by bringing the legislation to set up the Fair Trading Commission, by bringing the Fair Competition Act to

Parliament and by ensuring that this Bill in which we are expanding the number of Commissioners, can at one and the same time treat to utilities regulations and competition matters. Once again, the Honourable Member is seeking to replace substantive knowledge with a lot of shouting and arguing believing that one and two are the same thing.

Dr. D. C. ESTWICK: Mr. Speaker, I think I understand what competition is. I do not think there are any right-thinking Barbadians who would believe that there is significant competition in the distributive sector in Barbados. Sir, what has happened is that this Fair Trading Commission has come when the horses have already bolted and gone down the road. There is no competition at all. I am saying that the same level of fervour they bring to A they should bring to B.

Hon. Miss M. A. MOTTLEY: On a point of order. The Cabinet of Barbados cannot regulate competition itself. The Cabinet of Barbados has, for the first time in the history of this country, put in place a legal and institutional arrangement to treat to competition, not just in the distributive sector but in every other sector.

That was not done by a Democratic Labour Party Government or Cabinet. Therefore, to suggest that Cabinet has done nothing in this matter or has brought no fervour to the task is to suggest to the public and to this Parliament that there is neither an institutional nor legislative framework brought by this Government to treat to the issue of competition.

Mr. Speaker, this is not a debate at any school and there must be a higher standard of conduct on the part of Honourable Members in treating to this debate.
11.20 a.m.

Mr. Speaker, it is interesting that Cable and Wireless has just significantly reduced its rates after the Democratic Labour Party was able to demonstrate to the public that they were being gouged out of pocket on a daily basis. That is the reason why it has happened.

Asides.

Dr. D. C. ESTWICK: Sir, I am being branded by my Honourable Colleague as being worse than the "one-armed bandits" in Barbados.

Mr. SPEAKER: Order, please.

Dr. D. C. ESTWICK: Mr. Speaker, I do not want the Honourable Members on the Other Side to believe that they have had any impact upon the liberalisation process now occurring. They were simply individuals, moving along like

plants under the sea, flowing wherever the tide would carry them but now they come to Barbadians to give the impression as though they were so brilliant in their deductions that it had to happen now. That is absolute nonsense.

Mr. Speaker, I would like to say to the Honourable Members of the Barbados Labour Party that there are many other sectors in Barbados where this would occur, and that if they are interested in competition in Barbados then they need to move with haste and to deal with some of those other issues in Barbados, instead of grandstanding.

Asides.

Dr. D. C. ESTWICK: Mr. Speaker, I would like the Honourable Members of the Barbados Labour Party to explain to the people of Barbados why it is necessary to expand the Board of the Fair Trading Commission at this time. I did not understand the explanation that was given, maybe I am daft, but it might very well be that statements made could have been considered as impugning from only one side of the Bench.

Asides.

Dr. D. C. ESTWICK: Mr. Speaker, I want the Honourable Member for St. Michael North to get up and tell the people of Barbados because they have a responsibility to know, and if the Press is here, it always speaks of freedom of information and fairness.

I want the Honourable Member to stand and tell the people of Barbados why the Board is expanding and why he has resigned. I want him to tell the people of Barbados why the Chairman has resigned.

Sir, I will go on record as saying that I will put my neck on the block and say that it is that inherent conflict about which I have spoken between the Minister for Public Utilities, as well as the Minister for Consumer Affairs. That is the reason why the Fair Trading Commission would continue having problems. I am warning them to harmonise the responsibility of Barbados under one dispensation. That is the only way it is going to work.

I thank you, Mr. Speaker.

Mr. SPEAKER: Order, please.

Hon. K. D. SYMMONDS: Mr. Speaker, thank you very much. If there is one thing that I hope to achieve at the end of this very brief contribution, is to be able to explain

why it is that we are trying to expand the Board of the Fair Trading Commission. Perhaps it is best to try to couch some of this debate in a language which is not contentious.

Sir, in any effort to try to couch that explanation, we are, of necessity, going to have to try to view this debate.

Asides.

Hon. K. D. SYMMONDS: Rescue me, Mr. Speaker.

Mr. SPEAKER: Order, please.

Hon. K. D. SYMMONDS: It is perhaps necessary for us to try to view this debate in its broadest, possible context, not just in the sense of the ongoing dispute involving Cable and Wireless (BARTEL) but rather in the work of the Fair Trading Commission, what they were created and conceived to be about, and about where they are today.

Mr. Speaker, as someone who has some responsibility for this country's trade relations, I would want to begin at a broader level internationally. At the end of the day, a lot of time would have been spent about the four new members who would be coming to this Board. The fact of the matter is that we are in the heart of competition policy discussion. What does that mean? It means that this is an accepted principle in international trade law.

If one speaks to the level of the World Trade Organisation (WTO), they are fighting 'tooth and nail' to get small economies like ours to concede ground on the question of competition policy.

If one talks about the Free Trade Area of the Americas which is a hemispheric exercise, there are nine disciplines which are being looked at, and the critical interview of the larger players is the question of competition policy.

If we come to our regional framework at the Caribbean Single Market and Economy, Chapter 8, Part 1 of the Revised Treaty of Chaguaramas, one of those Chapters speaks to the issue of competition policy and outlines it in great detail in language which is almost identical to that which is conceived in our domestic legislation.

However, the fact remains, and this is what is important and this Honourable House must not miss it, that in the Eastern Caribbean today and by extension the wider region, our experience in the practice of competition policy or in the building of domestic law, is virtually nonexistent.

Sir, what makes that so difficult for us to understand. It becomes exceptionally important for us to understand that point because of the fact that when we come to a debate of this nature, it is easy to become sidetracked into the question or dispute as to whether or not the four persons that would be added to the Board is something that is undesirable or invidious by Government.

I think that the Honourable Member for St. James North has alluded the fact today that if we are going to expand the work of the Fair Trading Commission, which is expected by the people of Barbados, then that work would have to be done by commissioners. As it now stands, there needs to be a willingness on the part of this Honourable House to accept that as principle number one. The work of the Fair Trading Commission could only realistically be expected to expand, if it is to do anything in an expanded economy. Therefore, commissioners would have to be put in place to handle that extended case load.

Sir, we are not alone in this exercise. In 1890, in the United States of America, their Congress passed the Sherman Anti-Trust Act, which was aimed at trying to get American businesses to come to the understanding that the restriction of trade and the creation of monopolies, *et cetera*, when not regulated properly, was basically illegal and was a serious threat to the economic survival of the country.

Sir, subsequent to that, the big companies such as International Business Machines Limited (IBM), Microsoft, American Telephone and Telegraphic Limited (AT&T), General Electric, with budgets that are larger than the economy of Barbados, have been subjected to regulation and fair competition policy. Therefore, we are not doing anything that is unprecedented. What we have to understand is that this is not... but much of what the Honourable Member has said about the rationalisation of our legislation is an acceptable point and I am not going to quarrel about that, and we need not find a dispute on this issue.

11.30 a.m.

The reality of the situation is that part of our evolution as a small economy trying to get to an advanced stage is that we will have to revise the way in which we do a lot of our business and that the tentative way in which we took steps forward post-Independence will have to come to an end.

Sir, the legislation we are talking about now is rooted in an exercise that was brought to this Chamber by the Honourable Member for St. Michael North. It was based on a commitment by the Government of Barbados to bring about economic efficiency and development to this country to build, for the first time, a competition culture and through the process of public education to get the Barbadian population

to come on board in the exercise of understanding and relating to their rights under a culture of competition.

Sir, by extension, it was an exercise brought by the Honourable Member for St. Michael North aimed at reducing the evil of market concentration which we have come to accept as a norm in Barbados and merchants in this country enjoyed a hundred-year honeymoon because of that market concentration.

The work of the Fair Trading Commission is essentially aimed at trying to break down that kind of monopolistic tendency, lack of understanding among our people and to create a new ethos in which we do business.

Sir, by extension benefits must flow to the consumers who are our constituents. This is why I do not understand the contentious nature of this matter. We are trying to make sure that in Barbados there is an increased range of services offered by businesses, that there is a reduced occurrence of bad service, that there are options for redress by our people who have suffered harm as a result of bad service and bad experiences in the world of business.

We are trying to protect the interest of the consumer. This is a commercial best practice brought to Parliament in a trilogy of legislation, the Fair Trading Competition Act, the Consumer Protection Act, the Fair Trading Commission Act. This trilogy of legislation was vital to create efficiency and fairness in the way in which we do business in the marketplace in Barbados.

Sir, the Honourable Member for St. Philip West asked why we expanded the Board. We had to expand the Board because we are talking about a \$5 billion economy that is looking to become a \$6 billion economy and get to first world status within the next 10 years. We are talking about a situation where the same culture of rights we have tried to develop through this legislation and we must respond to the same legitimate expectation on the part of our citizens.

We must not limit the understanding of the rights of those people to a dispute with Cable & Wireless, Courts (Barbados) Limited or Barbados Shipping & Trading but must seek to involve the work of the Fair Trading Commission in every single aspect of commercial endeavour in this country. Sir, that is what a first world economy must be about.

The Opposition says that having four Commissioners is an invidious thing on the part of the Government, but I would be happy to hear the Opposition agree that it is a desirable thing in an expanding economy and in the context of a more knowledgeable and rights-oriented society. Sir, in the next four years, I would like to know that the Fair

Commission is well received in this country, happily embraced by the people and know that the economy is thriving and that we need more commissioners.

Sir, I want to say to this Honourable House that I have had private conversation as well as I have written to the Leader of the Opposition. I am not impugning his good faith because we have not yet had a chance to speak again subsequent to the letter being written, but I believe we must now put in place a Parliamentary Subcommittee on the question of trade relations and foreign affairs. The Senior Minister is happy to have that exercise take place because this will help us to understand the responsibilities we have in the Caribbean Single Market and Economy.

Sir, the Caribbean Single Market and Economy is seeing a competition policy dispute involving energy in which Jamaica feels itself to be disadvantaged by arrangements taking place inside Trinidad & Tobago which they see as being discriminatory and the absence of a thriving competition policy environment in CARICOM only stands to act to the detriment of the countries who are party to the treaty.

Sir, I feel the pain of the Honourable Member for St. Philip North. I have read his comments in the Press and I do not want him ever to speak on behalf of his constituents in the way he did, but part of the dispute we go through with Trinidad & Tobago also goes into the area of competition policy and an understanding of how the Caribbean Single Market and Economy must work.

Sir, I want to say that there is a role to be played here by Barbados in terms of our own domestic experience to provide guidance, technical leadership and expertise because we have young, qualified Barbadians who are now in a position to play an informative and guiding role within the Eastern Caribbean to help countries like Dominica, Grenada, St. Lucia and St. Vincent who do not have the expertise but are committed under the Revised Treaty of Chaguaramas to become thriving policy practising countries.

We must help them to come on board because we trade with them and enjoy a positive and favourable trading advantage which we must guard and protect so that our people, in the course of trade with them, can be assured of a sense of stability and even-handedness in those economies.

Sir, this is why we have to extend the Board. With the greatest respect in the world to my friend, the Honourable Member for St. Philip West, I say that it is not a question of a partisan divide by one of national development. It is a

principle that must see itself beyond our shores and must resonate within the Caribbean and within the Caribbean Single Market and Economy.

I want to speak to some of the issues that have arisen in this debate. The Leader of the Opposition said in the earlier part of this debate that the Democratic Labour Party does not support the issue of metered rates. It has been said by the Honourable Attorney-General, in her contribution, that consumers have a right to select.

11.40 a.m.

I want to make this point.

Mr. D. St. E. KELLMAN: On a point of order. The Honourable Member is giving the impression that it has always been the position in the Barbados Labour Party that the consumer always had that right. If the Honourable Member wants to say that is the new position in the Barbados Labour Party, then he should point that out, but the consumers should decide what rate they want to go with.

Hon. K. D. SYMMONDS: Mr. Speaker, the position taken is, there is a desirability and benefit to consumers in Barbados to have a right to select packages of their choice.

Sir, every Honourable Member in this Chamber is in possession of a cellular phone and they should know from their personal experience, that even under the restrictive and monopolistic practices of Cable and Wireless, there was still an avenue of opportunities to select the package that best suited their need.

I heard the Leader of the Opposition make the point that an elderly lady, a pensioner, is not likely to be using the telephone as much as a lawyer in the commercial practice. I accept that. It is because of that factor, the economics of the issue dictates that a pensioner who is at home and makes a telephone call twice a day to a family friend or a next door neighbour to say hello and to let them know that she is okay, should be able to get a package of her choice that reflects the limited use that she makes of the equipment while, at the same time, the commercial attorney would want a package that reflects the necessities of his own existence and reality. There should be nothing politically dividing about that.

The Honourable Member, who holds a first-class honours degree in economics, does himself an injustice if he finds fault with that because it is elementary and by extension it is the practice which takes place in all developed countries. For example, in the United States of America, Sprint is competitive with AT&T and other telecommunication providers. Therefore, a consumer should be able to choose the service provider that he wants to use.

Sir, this Government comes to Parliament being committed and we would not vary from the fact that the consumer in Barbados must benefit from a liberalised framework which says that the consumer must have the very best possible choice that is available within the four corners of the confines of Barbados.

The Honourable Member for St. Lucy in another exercise, which does himself an injustice, said that he was against liberalisation for the ludicrous reason that people would not be able to pay their cellular phone bills because they would have to choose between paying for food or paying for the cellular phone bill. Mr. Speaker, when that kind of thing is brought to this Honourable House it defiles the debate.

Mr. D. St. E. KELLMAN: On a point of order. The Honourable Member is misleading the House by implying that I do not know what I am talking about. If the Honourable Member knew anything about disposable income, he would understand...

Mr. SPEAKER: Honourable Member, just make your point. One minute, please. Some of you are getting out of hand.

Mr. D. St. E. KELLMAN: Are you saying that I am getting out of hand?

Mr. SPEAKER: I believe you need to understand what is a point of order. A point of order relates to what the Member has said. A point of order is not an explanation. A point of order has never been an explanation, so, proceed, please. I must warn your Leader.

I sit here and hear the very disrespectful comments and tone coming to this Chair and I am not going to put up with it. I do not disrespect anybody in this House of Assembly and I expect that this Chair, and whoever is in this Chair will carry the same amount of respect. Proceed, please.

Mr. D. St. E. KELLMAN: Mr. Speaker, in all due respect to you, I sought not to give an explanation but was making a correction to what was said by the Honourable Member. It is clear to me that the Honourable Member ...

Asides.

Mr. D. St. E. KELLMAN: The Honourable Member is misleading the House by giving the impression that I am not aware of what is disposable income. I am saying that if you have disposable income and a new expenditure is now being taken from that disposable income, once that expenditure is taken from that disposable income, something will have to

give way for the new expenditure and it will have to be food or recreation. Sir, that is the point that I was making.

Hon. K. D. SYMMONDS: Mr. Speaker, perhaps, I should put it differently. I do not think that there has ever been a time in the evolution of man that there have not been new attractions and additives which will create an opportunity for the purchaser to make a decision whether he wishes to invest his resources, limited as they may or may not be.

A man may decide today whether he wants a car or a trip. He would make a decision. In ancient law, the doctrine of *caveat emptor*, let the buyer beware, must be at the centerpiece at all of our economic activity. The purchaser must have the right to say that the marketplace is there for him to choose what he will and will not invest in.

Sir, we are not in Russia. If we are talking about a liberal democracy, and I believe that all Honourable Members in here understand that is what the economic arrangements in Barbados are, then we have to adhere to the principle that we have a fundamental and inalienable constitutional right to make a choice. It is a perilous step on the part of a would-be government to be suggesting in anyway that choice should not be ours but should be the choice of a government.

Mr. D. St. E. KELLMAN: On a point of order.

Mr. SPEAKER: Please, please. Point of order, please. Order, please. Proceed now.

Mr. D. St. E. KELLMAN: The Honourable Member is misleading this Honourable House and giving the impression that we as Parliamentarians have no right to give directions. If that is correct, then all of us should pack our bags and leave this Honourable House.

Hon. K. D. SYMMONDS: I am happy to hear the Honourable Member for St. Lucy say that as a Parliamentarian it is his right to decide whether or not I should invest in a cellular phone. I want that to be in the record of this Honourable House. It must live to politically haunt him.

Asides.

Hon. K. D. SYMMONDS: As a Member of Parliament and a Member of the Democratic Labour Party, his position is, that a citizen of this country must depend on him, a dictate, to determine whether or not he is in a position to invest in a cellular phone.

Mr. D. St. E. KELLMAN: On a point of order. The Honourable Member is misleading the House by saying that I want to dictate to someone. The Democratic Labour Party will never dictate to people. We will always leave this role to the Other Side who is good at dictating to people.
11.50 a.m.

Sir, I think that the broader point has to be that there is obviously a philosophical dispute but we would prefer to err on the side of allowing the right thinking men and women of Barbados, and the good Christian folks of our community to understand that they have always had the opportunity and right to decide how and to what extent they are prepared to invest their money, in any particular good or service on the marketplace, and long may that continue to prevail in Barbados, as far as I am concerned.

Sir, I think that this debate would not be doing justice, if we did not try to speak, as well, to the future evolution of this FTC. What we also have to recognise is that the FTC must now be able to so distill from the work that it is doing, a body of precedents, which can help to guide itself and its future commissioners, well into the future. I want to make this a further point.

Sir, part of the problem we face here in our own judicial system is that there is often times, not enough attention paid to the easily accessible body of precedent as to what took place before, how that particular dispute was handled, what were the issues there, how those issues can be comparable to the issues of a case which is coming before us today, whether those issues need to be separated, and look at how they are distinguished, and to what degree.

I believe, Sir, that the FTC must now set as a mandate for itself, the task of ensuring that such an exercise to the evolution of its work, is at the forefront of its business, on a day-to-day basis. In addition to that, Sir, I also believe that there is a broader role for the media to play.

Asides.

Hon. K. D. SYMMONDS: Mr. Speaker, I am guided.

Mr. Speaker, I honestly think that part of what we are seeking to achieve, could best be helped and advanced if not only in Barbados, but throughout the Caribbean. Those loud and strident but also independent voices that constitute the Press, were heard to try to urge legislators onward together. This would ensure that in the interest and well-being of the Caribbean consumer, the Barbadian consumer, the Trinidadian consumer and whosoever else form part of this region, that fair competition policy is something that is

promoted, consciously advanced and that the rights, benefits and privileges which flow from that policy are clearly built up into a culture. I think, Sir, that only the very best can follow to the benefit of our economies, if that is what is practised.

I thank you very much, Sir, for your patience and indulgence.

Mr. R. St. C. TOPPIN: Mr. Speaker, contrary to some expectations, I rise to make what may well be a very brief intervention in this debate. I believe though, Sir, that it would be remiss of me, in the context of a debate on the FTC, not to begin by going on the public record as complimenting the former Chairman, Justice Mr. Frank King, for the tremendous work done.

I was not in the country at the time of his resignation and, therefore, could not offer a comment at that time. I want to begin today by saying that I believe that he rendered very sterling and yeoman service, not only in the establishment, but also in the function of the FTC during his tenure. He had a very rich judicial history and in fact, his tenure in that arena was characterised by the fact that he was known and referred to as a judge who made everyone feel comfortable in his court.

He had time and certainly lent an ear to everyone on equal terms. He really made the ordinary man feel quite relaxed and accommodated in his courts, so that no one left his court feeling hard done by, even if in fact, a decision was not made in their favour. I especially wanted to put that on record.

He was therefore, in my view, Mr. Speaker, very ideally suited for the FTC. As I said, he was instrumental as a member of the Advisory Committee, which was set up to advise me on the establishment of the FTC, and his views were also very highly respected.

Mr. Speaker, the FTC has got to be fair, and that is obvious. In so doing, it always has to place a very heavy focus on consumer rights. In fact, if you were to take a look through all of the legislation trilogy referred to, the Consumer Protection Act, the Utilities Regulation Act, the Fair Competition Act and I would, perhaps, go further to include the Consumer Guarantees Act and the Fair Trading Commission Act itself, you will see one common thread running through those pieces of legislation and it all is consumer protection. Therefore, while the FTC by definition has to be fair, it also has, at all times, to bend over backwards and go the extra mile to ensure, in fact, that consumers are treated fairly in this society.

The Honourable Member for St. Michael North West tried to make the point, but he was not very eloquent in

making it, but it is a fact that to ensure fairness, given the great disparity in strengths between a consumer and the typical business organisation, the FTC has to go the extra mile and bend over backwards to ensure that there is fairness between the consumer and the business enterprise.

Asides.

Mr. R. St. C. TOPPIN: Sir, while listening to the debate this morning, I was very flattered to hear the Honourable Member for St. James North make some mention of me, because it was almost as if I had already faded away, but Mr. Speaker, I am not going to fade away or go anywhere. I am still going to be here.

Asides.

Mr. R. St. C. TOPPIN: Sir, when the FTC was established, it was certainly my intention to ensure that the consumers got that added bit of protection that was lacking all through the years, in this society. Therefore, if it had to be said that there is a bias on my part, certainly, I would have to say that I have a bias for the consumer, and I make no apology, Mr. Speaker, for saying that.

Mr. Speaker, the FTC has done very well so far, despite the fact that it has been under-staffed, and undermanned. In fact, this very amendment here today, suggests an admission that the FTC has been undermanned. Despite that, Sir, the FTC has done very well.

It was extremely difficult over the years to persuade the Ministry of the Civil Service that in spite of expressed provisions contained in law, there has to be a Director of Utility Regulation, a Director of Consumer Protection and a Director of Fair Competition. It was impossible to get the Ministry of the Civil Service to agree that it should, in fact, comply with those requirements stated in law and grant to the FTC a Director of Consumer Protection and a Director of Fair Competition.

Sir, it had the positions combined for a very long time, and even if that was justified up until November 2002, certainly when the legislation came to Parliament that passed the Consumer Protection Act into law and the Fair Competition Act into law, there was no longer any justification for maintaining that very adjuvant position by the Ministry of the Civil Service not to comply with the terms of the Law and give the FTC these separate entities. Thankfully, Mr. Speaker, towards the end of last year, the Ministry of the Civil Service, in fact, finally accommodated the FTC.

12.00 noon

Mr. Speaker, since I heard comments about the speed of the Fair Trading Commission, it must be pointed out that the Fair Trading Commission always had an interest in the timely resolution of the matters before it and in the timely carrying out of its functions. It was always guarded against going down the road of agreeing that there should be liberalisation at all cost.

In fact, I think the Fair Trading Commission can be said to have given this Government some of the best advice it received in relation to telecommunication reforms in this country. We do not want liberalisation at all cost, yet we want timely action. In my view, the Fair Trading Commission was always able to do the right thing and render the right advice.

Mr. Speaker, insofar of any allegation of lack of speed or timeliness is concerned, I will just refer to two matters for the purposes of completeness in relation to those who would want to say that there was some difficulty with the speed at which the Fair Trading Commission was moving along the process.

Mr. Speaker, around June or so last year, the Fair Trading Commission refused to grant Cable and Wireless an extension of time to file its reference interconnection offer with the view and the intention of hastening the process along on a fast rate.

Since it is within my knowledge, I would also point out that when the Fair Trading Commission had complied insofar as it was possible to do so with all of the obligations contained in Schedule 1 of the Memorandum of Understanding, there was still work to be done by the Ministry of Telecommunications, including the issuing of a large number of licences to facilitate the introduction of the liberalisation of the cellular market.

Mr. Speaker, I am not saying that to criticise the Ministry of Telecommunications because a lot of work was involved in this process. I am saying that at all times the Fair Trading Commission was able to ensure that it was progressing matters as speedily as possible. I will not accommodate any criticism either directly or indirectly, blatantly or patently of the Fair Trading Commission in terms of the rate at which it was able to advance the work of this country.

Mr. Speaker, I heard comments that Cable and Wireless is giving up \$25 million a year for eight years, but I am not going to go down on my hands and knees and thank Cable and Wireless for giving up a monopoly in this country. I am not going to do that, Mr. Speaker, because the truth of the matter is that Cable and Wireless made a decision that it wanted to amalgamate its operations.

Mr. Speaker, in an era of globalisation, it is eminently sensible for any company or any entity that has so many different subsidiaries to decide that it wants to amalgamate. In fact, Cable and Wireless, in referring to its desire to amalgamate, referred to that as being an essential requirement in ensuring that the companies can effectively compete in the new environment. Those are Cable and Wireless words.

Mr. Speaker, it was Cable and Wireless which approached the Government for permission to amalgamate its operations. They had to do it because when you look at Section 29 of the Public Utilities Act, you will see that amalgamation of companies involves the issuing of shares. However, to do that you must have the permission and approval of the regulator. That provision is transferred almost verbatim into the Utilities Regulation Act, so Cable and Wireless had to get the approval of Government to do it and that is why it moved the way it did.

To get to amalgamate, the Government rightly said let us have a look at everything. Therefore, it was in those circumstances that Cable and Wireless decided to value an amalgamation over and above maintaining a monopoly because there are tremendous advantages to be derived from amalgamating.

Mr. Speaker, Cable and Wireless may have had dishonourable motives in wanting to amalgamate because there is a lot of support for accounting mixing up and so on in one amalgamated entity. They wanted to amalgamate and they decided that an amalgamation was equivalent to or worth more than maintaining a monopoly, so as far as I am concerned, Cable and Wireless has not been the saviour of anybody but itself. Mr. Speaker, I am sorry but I am not going to go down on hands and knees to say that they have been anybody's saviour by seeking to surrender a monopoly. I want to get that on the record.

With respect to the whole issue of the freeing up of the cell market, I am going tomorrow to see the launching of the cell company Digicel. I think AT&T has launched already. Mr. Speaker, we could be a lot further than we are now if Cable and Wireless would just have cooperated. Their lack of cooperation goes way back from even the days of trying to establish a Fair Trading Commission. They never wanted that in the first place either. They were obstructionists from back then.

Mr. Speaker, as you know, it was since March of last year that a decision was made about issuing licences to other players to come into the cellular market. I have heard the President of Cable and Wireless recently making the point that Cable and Wireless bent over backwards to accommodate these new cell players and that they even met with them before they had licences and so on.

Mr. Speaker, whenever I talk on Cable and Wireless matters, the Chief Executive Officer (CEO) of Cable and Wireless is always quick to rush off and shout – but he should be talking because he was a part of the process – that I was part of the process as if I have ever denied being a part of the process, but I would say more about that coming on to the end. He is quick to shout that I was part of the process and precisely because I was, he should know that I would know that while that is true, it is not the whole truth.

Mr. Speaker, the Government decided on these licences since March last year. The announcement would have been made some time shortly after that and even if it was not made, Cable and Wireless would have known anyhow. Mr. Speaker, the beauty about the written word is that it can only be changed by fraudulent means. Digicel came into Barbados in June and met with me complaining about Cable and Wireless. This is the letter they wrote to me after the meeting.

“Dear Minister,

I would like to extend on behalf of Donal O'Shaughnessy and myself our appreciation for meeting us on such short notice on the 4th of June, 2003 to discuss the issue Digicel is facing with regards to commencing interconnection negotiations with Cable and Wireless.”

Can you believe, Mr. Speaker, that the Chief Executive Officer (CEO) of Cable and Wireless is now saying that they were discussing with the people before they had the licences in their hands? In June, after licences were decided upon in March, the other players were begging Cable and Wireless to meet with them – it is agreed we do not have the licences in our hands, but it is known that we are the other players settled and decided by Government – but Cable and Wireless would not meet with the players for some three months after Government made the decision, and they have not started to meet with them either.
12.10 p.m.

Mr. Speaker, I can say with certainty that for the first time Cable and Wireless has only met with the other players around the end of July or early August. Sir, for about five months, this process was retarded because Cable and Wireless would not, in good decency, meet with the other players who already had been approved by Government, but because these players did not have the approval papers in their hands, Cable and Wireless simply refused to meet with them because they were stalling the process.

Mr. Speaker, one thing that is amazingly bewildering is that in December 2003, despite Cable and Wireless

recalcitrance to meet with those persons until late, suddenly in December, as if a magic wand had been waved, Cable and Wireless then agreed to meet with the other players.

Mr. Speaker, there were some persons who jumped for great joy when that happened, but it was clear to the per-blind that Cable and Wireless had wanted to get past the Christmas hump. Sir, therefore, you would forgive me if I see no glad tidings of great joy in the fact that Cable and Wireless did what it had wanted, that was to get past the Christmas hump. We are where we are today and I suppose that we should be thankful because the market has finally opened up.

Mr. Speaker, I want to touch on a number of points. The point was made last week about the fact that there is a need to amend the legislation to remove the requirement that a legal person would be in charge. Sir, the Fair Trading Commission is a quasi-judicial body but, certainly, if one is looking for speed, then someone who is not legally trained would have to go through a process of consulting with someone who is, or with a body of persons who are legally trained. Therefore, by having a legally-trained person as Chairman, would shorten that process. I would only wish to say that there is room for leaving it as it is, as the Honourable Member for the City has already raised that point.

Mr. Speaker, when I make these speeches here, I know that as soon as I sit, a number of telephone calls are going to be made, as has happened when I had spoken in the Budget, but I care not about what telephone calls that would be made.

Mr. Speaker, the point being repeated is that I was a Minister of Government and that I was a part of the process. Sir, I was a part of the process but Cable and Wireless needs to make its mind up about whether or not I was a part of that process. Therefore, I am not going to stand here and let Cable and Wireless feel that it has an inalienable right to wash its mouth on me, or on anybody, as it feels like, or whenever it feels like. I am saying that I have heard in late November or December that I was a part of the process.

Mr. Speaker, the beauty of the written word is that it can only be changed by fraudulent means. Today Cable and Wireless is saying that I was not a part of the process, but they were not saying that in 2001.

Mr. Speaker, I am going to make this letter which Cable and Wireless has written to the Honourable Minister Farley, Minister of Energy and International Business, July 31, 2001, a document of this Honourable House:

“The Hon. Reginald Farley
Minister of Ministry of Industry and International
Business
The Business Centre
Upton
St. Michael

We will like to express our disappointment with the turn of events in the negotiations which commenced between Cable and Wireless and the Ministry of Industry and International Business (MIIB) as agents for the Government of Barbados.

Cable and Wireless entered those negotiations in good faith with the clear understanding that a Memorandum of Agreement (MOA), agreed by the parties to the negotiation, would be concluded. We had made good progress. However, it seems clear from the meeting today between the MIIB and Cable and Wireless that the discussions with Cable and Wireless have been derailed since the recent involvement of the Ministry of Commerce, Consumer Affairs and Business Development and the Fair Trading Commission, neither of which is a party to the negotiations. Indeed, they have succeeded in making significant amendments to the MOA, which conflict with matters already settled in the negotiations.

Cable and Wireless was invited to participate as a member of a Working Group, established to guide the implementation of the policies in the Green Paper, including the preparation of the legislation. The Ministry of Commerce, the Attorney-General's Chamber and the MIIB comprised the other members. The Ministry of Commerce, which had withdrawn its representatives from the Working Group at an early stage, now appears to have exercised significant influence in reshaping the guidelines to the drafting instructions for the Telecommunications Bill, which were developed out of Working Group deliberations.

I have lost confidence in the process and have therefore escalated the matter to Cable and Wireless Plc for guidance. I expect Cable and Wireless Plc will wish to seek an audience with the Prime Minister to determine a way forward.

Yours faithfully

(Signed)
C. Trevor Clarke
Executive Vice President
Cable and Wireless
Barbados and the Windward Islands”

Mr. Speaker, I read that letter for one reason only because I do not believe that Cable and Wireless has any inalienable right to be washing its mouth on Government or on me. It must show more respect for Government too. It does not have any right to think that it could say anything about anybody, at any time, and that it could continue to be business as usual.

If Cable and Wireless wants to say that I was a part of that process in November last year, yes I was, but Cable and Wireless would have to make its mind up as to whether or not I was a part of the process because initially they were saying that I was not but now saying that I was. Sir, I have no difficulty in saying that I was, but they must show more decency.
12.20 p.m.

Mr. Speaker, I want to say that I will support the amendment before this House. When I left the Ministry, the Fair Trading Commission was doing research on the number by which the Commission should be expanded and I believe that this amendment is as a result of their advice.

Sir, the two jurisdictions similar to ours are New Zealand and Australia. Australia has 5 full-time, 4 part-time and 8 ex-officio Commissioners making a total of 20 people on the Board. New Zealand has a Chairman, Deputy Chairman, 3 full-time Commissioners and the right to have an unlimited number of associate Commissioners.

Sir, I will not make any fuss about this amendment but I would ask that the new members show the same resolve and grit as the current members because they will be up against a lot and strong forces will be brought to bear on them. These organisations have a lot of might and they must be as strong and determined as the present set of Commissioners who I have appointed and of whom I am well pleased.

Mr. Speaker, I conclude by saying that despite the cockiness of entities of Cable & Wireless and others, the commissioners must let them know in no uncertain terms that it is the Fair Trading Commission alone that marks the scripts.

SUSPENSION

Hon. Miss M. A. MOTTLEY: Mr. Speaker, Sir, I beg to move that this House be suspended until 1.30 p.m.

Hon. R.C. EASTMOND: I beg to second that.

The question that the House be suspended until 1.30 p.m. was put and resolved in the affirmative without

division and Mr. SPEAKER suspended the House accordingly.
12.22 p.m.

RESUMPTION

Mr. SPEAKER: This Sitting is resumed. The Honourable Member for St. John.

Mr. D. J. H. THOMPSON: Sir, a couple of years ago the House would have been treated to a full debate on the matter of the establishment of the Fair Trading Commission. During the course of the debate I said, and I would like to reiterate in this debate, that I am alarmed that a debate can take place in Barbados around the concept of the establishment of something new, like the Fair Trading Commission, and the Government has at no point during the previous debate or during this debate, said to the public or this Parliament, what its concept of fair trade in the context of Barbados is.

Mr. Speaker, Barbados is supposed to be a country that is out in the international fora, according to the Minister of Foreign Affairs and Foreign Trade and the Prime Minister. They were telling everybody what fair trade is in the international context, so we talked about the vulnerability of small states and special and differential treatment that is to be given to small developing countries.

Barbados is alleged to be the progenitor of that concept. This Government heralds the Prime Minister and the Minister of Foreign Affairs and Foreign Trade as the people to lead the international movement in relation to issues of this sort. They are the experts. However, the previous Minister of Commerce stood up in this House and identified a number of practices which were obtaining in this country in the private sector, affecting both consumers, interlocking directorship, monopoly situation, *et cetera*, arising out of a report.

Asides.

Mr. D. J. H. THOMPSON: He ran the gamut. I made note of all of them.

In that context, we return to this Honourable House a few years later, not for the Government to tell us how it has broken down those barriers or solved any of those problems that were seen as hindrances to the development of a fair business environment in Barbados, so what is the debate about. I was not here last week. I can only go on what I have heard. I must confess I have not read the papers either.

Asides.

Mr. D. J. H. THOMPSON: How many complaints are made to the Fair Trading Commission is a debate for the mathematicians. Apparently we in this Honourable Chamber are to be stupid enough to judge the relevance and the efficacy of a new commission – which cannot be compared to previous commissions – by the number of complaints that have been made to it.

Asides.

Mr. D. J. H. THOMPSON: The arguments become legalistic about the way in which the Commission conducts its work, not whether it truly solves problems. The arguments become detached where people attribute to themselves the glory for establishing in Barbados an entity, the likes of which had been established in several other countries, as part of the process of trade liberalisation, opening up of markets and globalisation.

Therefore, we are to act as though we should bow and scrape to the Barbados Labour Party because they have set up a Fair Trading Commission, when hundreds of other countries acting under a mandate, not homegrown, but dictated by the international environment, set up similar Fair Trading Commissions.

Of course when the Fair Trading Commission was set up in that debate, this Parliament acted as if it was the first such Commission in the world. I was glad to hear comparisons to other countries. That first debate seemed to centre around the fact that we were into path-breaking new areas of developments. Now that we have come to reviewing its performance, we are comparing it to other countries, which have had a long history, we are told, of Fair Trading Commissions.

Mr. Speaker, this is the kind of hypocrisy, and if I sound cynical, perhaps I have been in here too long.

Asides.

1.35 p.m.

Mr. D. J. H. THOMPSON: There is only so much you can shovel at me, but in shovelling that kind of rubbish at me is not going to achieve anything in this debate.

Mr. Speaker, until a Minister of Industry and Commerce could come here and could tell us that those unfair and anti-competitive practices that exist in Barbados have been tackled head-on, not necessarily by legislation but by a committed, sensible Minister of Industry and Commerce, to outline to the country what is Government's concept of fair trade, as is done internationally, the Minister should then put policies in place, including any necessary legislation for redress, in order to achieve that particular objective.

Mr. Speaker, that is not what is happening in this debate. We are being sidetracked by irrelevancies and, therefore, it does not surprise me that once again Cable and Wireless has been so successful at dividing and ruling this Parliament; the divide is over at Cable and Wireless.

Mr. Speaker, the only thing that the Minister's letter has established today, is that Cable and Wireless has had a more than ample role in writing the Green Paper. Sir, that is something the Democratic Labour Party has said then, and is something that the Executive Vice-President of Cable and Wireless has said in a letter dated 31st July, 2001.

What he has said in that letter is that I sat at the table, had gotten what I wanted and that another Minister is now trying to rewrite our agenda. The Executive Vice-President then had the temerity to write to a colleague of that Minister to tell him that, and I would like to know what was the reply.

Mr. Speaker, who could have had the courage or could have been so reckless and ignorant as to believe that in the context of a Cabinet Government as we know it, that kind of conduct is responsible?

Mr. Speaker, this Government takes the blame because on several occasions in this Chamber, despite all the talk about the Democratic Labour Party and Cable and Wireless, I have warned that this Government had empowered Cable and Wireless and its Executives in such a way that had never been previously done.

Sir, the Chief Executive Officer of one of the Cable and Wireless Companies was the head of the Barbados Industrial Development Corporation. There were persons wanting to set up factories in Barbados, including persons who were quarrelling about the telephone rates, that were being charged in factories that are located at the Harbour Road.

Sir, these persons were only shouting in the wind because they were quarrelling with Government for failing to do anything about those rates, while the man at the head of the Barbados Industrial Development Corporation was also the head of Cable and Wireless. Therefore, all we were hearing every week from the then Minister of Industry and Commerce, was that Cable and Wireless had a number of high rates which was a problem for the establishment of data processing businesses, and that we needed to have something done about it, to have it modernised.

Sir, the man who Government had put in charge of Cable and Wireless was also in charge of the Barbados Industrial Development Corporation and, therefore, if someone comes to Barbados and say that he or she would like to put in a cheaper network, does anyone think that the

man in charge of Cable and Wireless is going to say that he agrees with that person who wants to put in the cheaper network? Does one believe that he would have met with such a person?

Mr. Speaker, there are examples of that, and I know that the then Minister of Industry and International Business knows of at least one incident in which a Canadian group has had to complain that they could not have gotten an audience with the then Chairman of the Barbados Industrial Development Corporation, to get their position heard.

Therefore, all that is being proved here is what we have already said. Well, the Honourable Member for Christ Church East is no longer the Minister of Telecommunications, so he cannot take the full blame; he has been extricated from that. Perhaps it is a good thing that the debate has come at this time and not then, but he knows about it.

Mr. Speaker, therefore, Government has empowered this man. Sir, another Chief Executive Officer then leaves Cable and Wireless – they are all good friends of mine, I have nothing against them, personally or politically – but the first place that person goes is into the Barbados Industrial Development Corporation, again carrying that mentality with them, I assume.

I do not know but if they were not carrying that mentality with them then, but the Government should have said that this is going to be a major departure because it was expected that when these persons move into these positions, they would have adopted a policy which was consistent with the stances they had taken, when they had represented Cable and Wireless' interest. I do not listen to anything that is said by the Other Side because it is cheap talk, as far as I am concerned, but if the public wants to listen to it, they can afford to do so, but the examples are there.

Sir, not only was the then Minister of Business shouting in the wind when he pointed out the approximate 17 practices, but in addition to that, his own Government was empowering some of the people who were most active in promoting those anti-competitive policies in Barbados which have done considerable harm to consumers in this country.

Mr. Speaker, now that Cable & Wireless is being faced with competition, it is able to cut rates and do everything to satisfy the Barbadian consumer but, Sir, the consumer would have paid Cable and Wireless a lot over the years for the services that it has provided in Barbados and the Government felt no compulsion to change it because it was bound by collective responsibility. Sir, I am glad that collective responsibility never bound me in that way.

Asides.

Mr. D. J. H. THOMPSON: I am saying that some may have been concerned, but that they were bound by collective responsibility not to complain about the rapacious and treacherous acts by a large multilateral corporation like that.

Sir, we now have all the information that has come to light many years later. I am grateful to the Honourable Member for St. Michael North for producing that letter which demonstrates, beyond a shadow of doubt, the influence Cable & Wireless had in drafting the Green Paper and in the working group. One would conclude from what Cable and Wireless said in that letter that they were engaged in fighting a ministry.

Sir, the Minister has provided every justification for the action that he took. The Honourable Minister is elected by the people and if he is bound and gagged, having resigned by his notion of collective responsibility not to tell the public why he resigned, that is the Minister's business, but the constituents of St. Michael North will deal with that matter at a later point in time. However, for the time being, I am grateful that this information was provided because it speaks to the hypocrisy that has been going on in Barbados for the past few years in relation to the telecommunications sector.

Sir, deadlines that were set by this Government were never met while countries like St. Lucia, Dominica and Grenada were telling Cable and Wireless to either comply or leave. St. Lucia told them not to take any equipment with them when they leave that country and that when they were ready they could leave.

St. Lucia then set up NEXTEL in advance of the nonsense that was going on in Barbados and the facade of negotiations. Sir, St. Lucia set up NEXTEL and arrangements for a new telecommunications regime and countries that it is said that we normally lead were well in advance of us by four years in terms of their legal and institutional arrangements to facilitate competition in the telecommunications sector while in every Budget the Prime Minister was giving us new deadlines.

Sir, the Green Paper was languishing in Parliament for many years, so much so that when the House broke and we went into an election, it was still on the Order Paper. We are now being told that we have a serious telecommunications policy and a Fair Trading Commission and that we are committed to the consumer.

Sir, there are Ministers who cannot go in public and speak about consumer issues when they are being asked to

do so but yet, they can come into this Honourable House, away from the public, and lead a debate on consumerism.

Sir, I said not to shovel that at me but to shovel it at those who would listen to them at their party conferences because there are other people in Barbados who are observing that level of governmental hypocrisy and something needs to be done about it.

Sir, the Honourable Minister of Telecommunications should be able to tell this Honourable House who are the new players and Barbadian businesses because these policies were not put in place yesterday.

1.45 p.m.

This is a policy that we have been talking about for seven years. No minister can tell me that these are the new players that we have created and nurtured to the benefit of the policy that we have been enunciating.

Sir, there are going to be the same players who are in the Caribbean and the same kind of regulatory framework. Therefore, those persons who felt that as a result of a liberalised telecommunication policy that new business opportunities will be provided, create new jobs and open a new horizon for new creativity and innovation are going to be sadly disappointed by what we heard in this debate and what has happened in the telecommunications sector over the past few years. That is why I said that I prefer Barbados being on the world stage.

Mr. Speaker, the Honourable Member for St. James Central and the Minister could continue to talk about Fair Trading Commission internationally because they do not have anything to say about fair trade in Barbados because they have not had anything to say since you were elected in 1994, nothing that could make anybody believe that they are really interested in breaking down the barriers and providing fair competition in our country. I have seen none of it.

Sir, I would think that the opposite has happened in Barbados. Sir, when we look at the supermarkets that have gone under, the black enterprises that have gone under in the last nine years, when we look at the business environment that dominates both at the level of the social partnership and accessing response to Government, if I say this, people will laugh at me.

In those nine years, I have seen a commodity in Barbados that is illegal. Land on the shores of this country is the most actively traded commodity in Barbados. It is illegal but you can trade 24/7, 365 days a year. It has a marketing network that surpasses anything, including the telecommunications infrastructure. It involves persons who are otherwise on the margin of business in this country. It is

illegal and I am not going to say what it is. I want you all to think about it and the business environment in this country and the commodity that is well marketed and positioned in Barbados, then reflect on all of the other kinds of activities that this Government said it has been initiating and promoting, none of which are illegal.

Asides.

Mr. D. J. H. THOMPSON: If you do not stare the reality in its face, you will find that in three years' time people will not be telling you that it is propaganda. They will be asking you to account to them why so many legal established black businesses in Barbados are collapsing and why the so-called fair trade policy is not having an impact on consumers in this country, and why the so-called fair trade policy is not introducing more competition, not just in telecommunications because this is not a debate about telecommunications only. It is a debate about Government procurement as well.

1.50 p.m.

Why there are not more persons benefitting from Government contracts? Why there has not been a systematic effort to increase the number of small businesses over time, instead of remaining at the static 20 per cent or whatever it is now, and what is being done about the interlocking directorships? Is it an issue still, or was the Minister merely shouting in the wind?

What is being done about redress for consumers, in relation to defective products? Was the Minister shouting in the wind? What is being done about the monopolistic practices that shut out certain commodities from being imported in Barbados?

Sir, none of that can be answered, despite the fact that the legislation was in place since, what year? I do not know. It is so irrelevant that I do not even know the year. If it was like the VAT, you would know that it hit you from January 1, 1997, but you do not even know when the FTC hit you. All you can hear is that more than 400 people complained. Therefore, it is irrelevant because they complained and I, Sir, cannot go along with that kind of argument.

The FTC Members are politically appointed. Let us not shroud them with a holier than thou approach. They are human beings. The Government wants to appoint more persons and that is basically what this debate is about, to get the job done.

The problem is that I do not think the Commissioners have yet heard from the Minister what the job is. They know they are to hear complaints. They know what the Act says, but do they have a conception of what this Government

believes to be fair trade or fair competition because it has never been said. It has been said outside of Barbados. We know what it is internationally. We know where Barbados stands on this issue. Is it easier for this Government to tell us what fair trade is internationally, than to tell us what it should be in Barbados?

Is that the answer and the deduction we are to come to at the end of this debate? That, Sir, is the question that I think needs to be answered, so that at the end of the day, this debate has merely confirmed what was being said at the time of the introduction of the legislation to establish the Fair Trading Commission.

It is very sad, Sir, that at the time of the review of this work, the Government has not been able to say more about the success of initiatives that would truly ensure that practices which reached, even halfway to the point of fair trade and fair competition started to take roots in the business environment in this country. Instead of that, we would ignore that because the examples which are to be held up to the people of this country are essentially examples of failure, and that is very unfortunate and that is where I end my presentation today.

Hon. R. R. FARLEY: Mr. Speaker, I rise in support of this Bill which is to enable the FTC to be more efficacious in the discharge of its responsibility. Of course, Sir, the Commissioners serve as both a Board of Directors as well as a Tribunal, in the execution of responsibilities under the legislation. It is really for the purposes of constituting Tribunals to handle what is expected to be an increasing number of matters that this amendment speaks.

Sir, I cannot go further without responding to the presentation of the Honourable Member for St. John. I agree with his first statement that he has been in here too long. I agree with that, Sir, and so do the people of St. John and if in here is becoming a burden, we together will help to relieve him of this burden.

Sir, his presentation today shows that he has been around too long. It was a tired overworked presentation, lacking in imagination and totally ignoring the fact. It is as if the senility which is associated with longevity of a natural human being has informed the presentation. He pretended not to know of the things that have been happening, in relation to the matters before us.

He pretends not to know that the FTC has been most assiduous in executing all the aspects of its mandate. He claims not to know what is happening in relation to competition, what has happened, Sir, in relation to consumer protection, what has happened in telecommunications.

Beyond that, Sir, he claims not to be aware of what the Government has done to empower the masses of Barbadians, particularly the new and emerging business class to participate in this society.

I would understand why he would not be aware, because he, Sir, more than any previous Minister of Finance functions almost exclusively in the interest of a few corporations in Barbados.

Asides.

Hon. R. R. FARLEY: Sir, you can expect him to judge people by his standards. It is a normal human situation. As wrong as it is, Sir, it is human and I would forgive him for it. You could expect that given his *modus operandi* when in terms of empowerment, he asked what this Government has done to empower? Who was it that empowered the Barbados Cruise Terminal? The few private sector interests. It was not any broad-based holding company. Who was it that empowered large corporate interests in Barbados? Whom was Heywood's sold to, Sir? The same Barbados Shipping and Trading that he criticises.

The Honourable Member for St. John, as a Member of the Cabinet of the day, would have been one of the chief architects in the privatisation programme of his Administration. This privatisation can be characterised by a simple philosophy. They sold at less than value, and they sold to their friends.

Sir, it rings rather hollow for him to try to stand on the lofty podium of a speech in the afternoon, perhaps thinking that Honourable Members on This Side would be less than attentive, but we are attentive to our duties 24/7. Perhaps part of the problem is his frequent absence from Barbados. He admitted he was not here last week. He has not read the papers, so he does not know what is going on, and I forgive him.

Asides.

Hon. R. R. FARLEY: Mr. Speaker, the Honourable Member for Christ Church East Central wants me to address another matter. The other presenter I want to speak about reminded me of Howard Dean. Lots of sound and fury and his political star is falling just as rapidly, the Honourable Member for St. Philip West. Sir, let me get onto some substantial matters that are before us.

Sir, the Honourable Member for St. John spoke about what he considers to be the failure of this Government to empower small businesses. We are talking about competition, which is one key aspect of the FTC, because it

is part of the requirements in a free market to ensure that you not only have free competition but fair competition.

He would not know, sir, given his experience in the last Administration, what it means to produce a small business development Act, for the first time in history to give the many small businesses that are being produced by this Administration, special concessions, and more favourably, Sir, an affirmative action programmed for developing small businesses in this country.

He would not know what it means for a Government to make a commitment to allocate at least 60 per cent of the food supply that it procures to local production. He would not know anything about those matters. Those things are foreign to him.

Sir, he also claimed not to be aware of what is happening with telecommunications. He made some erroneous statements.

2.00 p.m.

Mr. Speaker, the Honourable Member for St. John as a good St. Lucian...

Mr. SPEAKER: There is no need for that, please.

Hon. R. R. FARLEY: I thought he was proud of his adoptive homeland.

Mr. Speaker, the Honourable Member for St. John knows full well that in the case of St. Lucia the telecommunications licence had expired. In fact, the circumstances are that the company having not heard from the Government said they were leaving and it took the intervention of the Prime Minister of St. Kitts and a team from the Organisation of the Eastern Caribbean States to put new arrangements in place.

The Honourable Member for St. John knows full well, were it not for the needless intervention of his Cabinet in 1991, that if they had allowed the licence of Cable and Wireless to run its natural course, it would have expired in 1994 just as the St. Lucian licence expired in 2002, and the Government would have had free hands to do what it wanted to do.

Mr. D. J. H. THOMPSON: On a point of order. The Honourable Member has accused me of misleading the House and in seeking to correct me, he has misled the House because I believe it was common knowledge in the St. Lucia situation that Cable and Wireless itself basically allowed the situation to get almost to the end because they felt that they would have been in a better bargaining position.

They only realised that they were not in a good bargaining position when the Government told them that since the licence had expired, they could leave, but not to take anything with them. Those were the facts.

Hon. R. R. FARLEY: I thank the Honourable Member for agreeing with me. He would therefore agree that if he and his Cabinet had not interfered in 1991, we could have said those same words to Cable and Wireless in 1994. Sir, they went in and not only gave them the ten-year licence that was the norm, but they extended it to 20 years and said: "Stay here forever".

I believe I have played my part in relieving Barbados of the shackles of the Cable and Wireless monopoly. I part company with the Honourable Member for St. Michael North West who wants to have it go back to the way it was. There is a song, Sir, which says, "if I could turn back the hands of time", which is what the Honourable Member for St. Michael North West would like to do.

He believes that being a good member of the Democratic Labour Party is about defending all of their past actions. He feels it was a good thing to have signed the licence in 1991 for 20 years to 2011, so he would like to turn back the hands of time, but we are not going there with him. We are going forward.

Mr. Speaker, we are today in a period where Barbadians are already benefitting from the introduction of competition. I was pleased to have been able to preside over the process in which we took open advertisements to which several companies responded and licences were awarded. What is beautiful is that the companies who had applied and were unsuccessful wrote letters thanking the Government for the opportunity to participate and indicating that they recognised the process as fair and transparent and they look forward, having such confidence in the process, to participate in the applications for domestic and international licences.

The Honourable Member for St. John would know how he operated with his company, but he must remember that not everybody operates like him, but we would not get into his private affairs on this occasion. There would be more than enough time for that.

Mr. Speaker, let me get on with what I want to say which is that Barbadians are already benefitting from the price reductions that are attendant on competition. Already rates in the cellular market are being slashed and all of the companies have not even started to operate yet, and we can expect that to continue.

Sir, the Honourable Member for St. Philip West spoke to the matter of provision of cellular service as if it is some luxury item by saying that you are benefitting from cellular, but that is nothing. It is not a luxury. It is an essential part of the means of doing business today. It is an essential part today of families being able to look after their peace and security of simple things like transportation arrangements. It is not something only for doctors these days as it was years ago. Today, the small businessman is able to use cellular technology as a productivity tool.

Sir, you know the value of being able to be in contact with your office while on the road to save time and a trip. The Honourable Member abhors all advances in technology, but the bottom line is that Barbadians today are benefitting from the telecommunications liberalisation that this Government has engendered.

Mr. Speaker, in terms of the quality of service, Cable and Wireless cellular network has been one of the most dreadful forms of service that one could imagine. I told them that repeatedly, but they would not listen. They have no choice now but to improve that because the other companies are going to show how it is done.

Asides.

Hon. R. R. FARLEY: There are areas in Barbados – we are not talking about in the bush – in Bridgetown and on the main highways where if you are making a call you have to pull over at that point otherwise you are going to cut out. Those days are over because with competition, companies use alternative technology to the benefit of consumers. However, the Honourable Member for St. Michael North West wants to turn back the hands of time as he wants to keep it as it was. He does not want any liberalisation. The Honourable Member for St. Philip West says there is no benefit from liberalisation so I believe too that he wants to keep it as it was.

Dr. D. C. ESTWICK: On a point of order. The Honourable Member is misleading the House. That is not what I said. The specific statement I made was that I would have preferred to have seen liberalisation with respect to the land line. I said that by having competition with respect to mobile telephones does not necessarily guarantee that you have a good option. You can have a bad option by having increased choice. That is what I said, Sir.

Hon. R. R. FARLEY: Mr. Speaker, repetition is not elucidation. We are still as confused as we were before.

Asides.

Hon. R. R. FARLEY: Mr. Speaker, the Honourable Member is not aware, it would appear, that we had public advertisements and invitations to tender because perhaps he, like the Honourable Member for St. John, does not follow the news. He said he does not know what is the request for proposals, but these are tendered invitations. Tendered invitations were sent out with respect to the provision of domestic telephones services because that section of the market is now liberalised and a number of applications have been submitted.

Asides.
2.10 p.m.

Hon. R. R. FARLEY: Mr. Speaker, I can say that at the close of tender for the supply of domestic telephone services in Barbados, there were several companies which put in applications. A committee of technical officers and Permanent Secretaries in Government is currently evaluating those proposals and in a few months' time, certainly before the middle of the year, licences would be awarded for the provision of domestic telephone services in Barbados. Sir, is that not reform? What monopoly is the Honourable Member for St. Philip West talking about in relation to domestic telephone services?

Sir, international telephone services will be liberalised by the end of July and again public tender will be the route. There is already the greatest level of interest in the provision of international services. In fact, that has always been an area where many people have expressed an interest but it has its advantages for Barbados.

One of the greatest responsibilities of a Government is to ensure that there is the adequacy of telecommunications between the rest of the world and that country. We need to make sure that whether it is by way of undersea cable or by satellite connections, that there is no limitation in the bandwidth, that is, the size of the pipe through which voice or digital data can flow.

Sir, we know, and when the Honourable Member for St. John is in a reasonable mood where we can speak on business issues, would know and would tell you that there have been several companies in the past that have made arrangements to purchase dedicated lines such as T-1 circuits and other high speed means of communication, that on most occasions, were not able to get the speed of transmission for which they had paid.

Sir, to draw a simple analogy; most households are on the Internet and you would know, at certain times of the day or on other adverse conditions, the Internet connection becomes slow, or sending a fax takes a long time. This is because of bandwidth problems.

Sir, if Barbados is to be able to become fully part of the digital world, we need to complete this telecommunications liberalisation because contrary to what the Honourable Member for St. John would say, there are companies that have come to this country and have done their due diligence but were it not for the cost and a number of technical limitations in the telecommunications, they would have invested.

It, therefore, stands to reason that with the removal of that constraint of insufficient capacity, as well as excessive cost in the international telecommunications market, and the other factors remaining equal, that Barbados would remain an attractive place for those companies to invest. Therefore, this matter is of strategic economic importance for us and I am pleased to have played my part in breaking down the monopoly of Cable and Wireless.

Mr. Speaker, people would have their views how it should have been done, and when it should have been done but, at the end of the day, talk is talk and action is action. Therefore, the record will show that this Honourable Member and this Government are people of action and not simply talk, and that today the process still continues.

Mr. Speaker, before concluding, I want to speak to two other matters. First of all, this Government has also approached the matter of making sure that the health and safety of the public are being protected. We have not taken the HARP approach to attracting investment in Barbados.

Asides.

Hon. R. R. FARLEY: The Honourable Member for St. Philip West is getting agitated but, perhaps, he would know of the reckless endangerment which that project, administered by the Democratic Labour Party...

Asides.

Hon. R. R. FARLEY: Ask the people in Fairy Valley and Thyme Bottom about the damage to the houses and being scared out of their wits.

Asides.

Hon. R. R. FARLEY: In 1961, Mr. Speaker, we know of the close association of That Side with the project in attracting this investment by these companies to provide cellular technology to facilitate voice and data video in Barbados. We have been most scrupulous in ensuring that all applicable international guidelines and standards were not only being followed but exceeded, in making sure that companies are adequately monitored and that the regulations

concerning the power of the antennae, in relation to their distance from houses, schools, their height, *et cetera*, are being followed.

We have had to fight major battles with Cable and Wireless on the matter of poles location because they were not entirely willing, but we were insistent that we needed to reduce the number of towers that would have been around Barbados, and not only from an aesthetic point of view but from a health and safety perspective. Therefore, we have not taken the HARP approach, that is, that investment should come at all cost, but that we would have laid down guidelines and would have ensured that these guidelines were being followed.

Sir, I would also want to say that the work of the Fair Trading Commission has unfortunately been cast in the context of telecommunications because of what is now happening, but the great value of the Fair Trading Commission would be more keenly appreciated by all when it addresses more of its attention which would be by having a larger number of Commissioners, so that simultaneously work or matters could be heard in more than one sector.

Sir, do you know where the Fair Trading Commission is going to make its true mark? It is going to make its true mark when it starts to deal with anti-competitive practices that have been brought by one business against the other, that is the anti-trust provision as is referred to in the United States of America and other places.

It is the protection which is given to new entrants in the marketplace. It is the protection which is given to the small businessman in a market of larger players. It is a protection which is given to those persons who do not have a godfather or uncle elsewhere in business or in key sectors.

It is a protection which will ensure that people will have confidence as they enter into the market. For example, it will provide for a business or for a manufacturer of a product who buys his input from another business person who, in his wider business arrangements, happens to own a manufacturing plant as well.

Mr. Speaker, without bringing tales out of school and using the soft drink industry as an example, the potential could arise if carbon dioxide, as is used in the soft drink industry, is produced by a company which also happens to have an interest in soft drink manufacturing.
2.20 p.m.

Mr. Speaker, if the owner of the carbon dioxide plant who is also a soft drink producer, gives a special price to his own entity that he is not giving to the other manufacturers,

before the Fair Trading Commission there would have been no recourse but now there is a recourse. It would, of course, require the Commission to carry out an investigation or for one of the affected companies to lodge a complaint.

Sir, the emerging business class, the small black businessman who takes a second mortgage on his house to invest in a business project and begins to make inroads in the marketplace may find an established group which decides to block him out whether it be a conglomerate, or a set of individual businesses acting in collusion. Sir, they cannot do that anymore, and I look forward to the Fair Trading Commission doing more of that kind of work.

I am also pleased that the work of the Fair Trading Commission as it relates to consumer protection has already captured the imagination and inspired the action of the ordinary Barbadians.

The Fair Trading Commission has resolved more than 475 matters out of 500 matters.

Asides.

Hon. R. R. FARLEY: The Honourable Member for St. John says he does not want to hear about numbers, but they speak for themselves. Sir, 500 Barbadians through the public counsel, and attorneys-at-law appointed by the Government, were paid out of public funds to represent small people, through the Fair Trading Commission acting as the Consumers Affair Tribunal and have been able to say to business people that they must give the consumer back his money or exchange the item. Sir, once it was possible for the consumer to take the seller of an item to court, it would not make sense to pay a lawyer \$1 000 to claim \$150.

Sir, my time is up but my submission today is that the Fair Trading Commission has already proven its worth and value to the Barbadian society and it is already engendering a spirit of fair, open, wholesome competition in the business sector. It is already giving consumers the confidence that when they spend their hard-earned money that they have recourse if they have been short-changed.

The Fair Trading Commission is already showing its worth in the area of telecommunications reform where, as the price-regulator, it is working hand in hand with the Ministry of Telecommunications which has responsibility for licensing and for setting broad telecommunications policy.

Sir, telecommunications, liberalisation and reform have gone far along the linear path they have had to take and Barbadians are already benefitting from it. The Opposition

may not be able to see but the public knows they are already benefitting from the fruits of the labour of this Commission and from the Government as a whole.

Sir, I commend this amendment to the Fair Trading Commission with confidence that it is not an attempt to undermine the work of the Commission but to strengthen it, recognising that the Commissioners are not only a Board of Directors but can resolve themselves into tribunals in order to hear and adjudicate matters.

Sir, the more members the Commission has, the more tribunals it can constitute simultaneously, more matters can be heard in a speedy fashion so that, at the end of the day, this will help the Commission to fulfill the responsibilities which have given to it in the legislation.

Sir, I am pleased to have the opportunity to undo the work of the Democratic Labour Party who would have had us dwelling in a dark hole of trial and tribulations under a monopoly by Cable & Wireless if they had their way. Sir, thank God for the Barbados Labour Party and our telecommunications reform policy and we can say: "Free at last, we are free at last".

Mr. R. D. JONES: Mr. Speaker, I hope that some day coming soon, even though we speak across the divide of the isle, that we can arrive at a consensus which is of importance to the development of all our people rather than have the situation that exists now where there is thrust and counter – thrust without conclusion to the given point.

This amendment to the Fair Trading Act comes at an opportune time when persons are engaging in a particular debate to arrive at a reasonable and fair return to those persons involved in telecommunications in Barbados.

Mr. Speaker, I want to state quite clearly that I do not have to sing for my supper because I have never held my hands out to anyone for anything. I speak with purity on this matter because today I remain totally untainted by any hand-outs from anyone.

Hon. R. R. FARLEY: Mr. Speaker, on a point of order. The Honourable Member is casting aspersions on Honourable Members of this House. He says that he is untainted and does not have to sing for his supper. Sir, this Honourable House does not recognise strangers. Honourable Members in Parliament only speak to the Speaker and other Honourable Members. The Rules of the House state that Honourable Members cannot speak to people in the public gallery or the Press so, by extension, the Honourable Member could only be comparing himself to other Honourable Members in this House.

Sir, we should not allow the standard of the debate and former lustre of this House to be tarnished inadvertently

because the Honourable Member has a good heart. I urge that in accordance with the Rules, the Honourable Member might want to withdraw those statements.

Mr. R. D. JONES: Mr. Speaker, there might be a particular strategy.
2.30 p.m.

Mr. Speaker, I have always relied on a certain level of decency and I have not been ruled by you as being out of place.

Asides.

Mr. R. D. JONES: Mr. Speaker, I am not referring to any Honourable Member of this House. I am speaking in a personal capacity.

Mr. SPEAKER: Honourable Member, you must appreciate that there is no rule relating to ambiguity. Ambiguity could be misunderstood. I was just asking you to state clearly what you meant.

Mr. R. D. JONES: Sir, let me apologise to this Honourable House because I know from your teaching that the use of ambiguous language was never encouraged and if I slip into that framework, it is because I have been listening to certain pronouncements from the Other Side and sometimes that can lead to confusion.

Sir, I would want to continue on this matter. I know that I have, in this Honourable House, several friends and colleagues who started in the Other Place. We called them freshmen at that time and, therefore, they might feel that they have matured and would want to tell me what I should or should not say. Nevertheless, they still remain my friends and they will always be. Sir, the Honourable Member for St. Thomas and the Honourable Member for Christ Church East are my friends and colleagues.

Sir, I want to make the point that we have had a lot of human cry about what has been achieved by the Barbados Labour Party's Government relative to the liberalisation of telecommunication in Barbados. We have had poignant evidence provided by the Honourable Member for St. Michael North and we have had excellent presentations by the Honourable Members for St. Philip West and St. John relative to many of these issues. However, certain ideas have been further clarified in relation to this matter.

Mr. Speaker, we had a well-researched presentation which was informed by an individual who was at the front line of this discussion of this debate, relative to the telecommunication issue. We also had an individual who brought certain historical knowledge to bear on the process.

Sir, there is a certain level of manipulation in the current motion of the liberalised market because all of the players in Barbados, except one, who most likely will not get off the ground, are major players in the telecommunications market. The revenues which they generate can run this country in one year. They can also run this country for 50 years and they would still have reserves untapped and untouched.

Mr. Speaker, I do not sing for them. I sing for the consumers of Barbados.

We are having in this so-called liberalised market, *vis-a-vis* the cellular market, players who are trying to gain ground to get a competitive advantage. If one truly understands what takes place in a small economy, they would eventually realise that the competitor would settle down to a certain level of rigidity, satisfied that the returns may be 2 or 3 per cent from month to month or year to year but they will be happy. Therefore, I do not sing for them at all.

I do not sing for them as social citizens of Barbados neither do I sing for them as corporate responsible citizens of Barbados. They have knowledgeable persons, accountants, local and external. They have everybody that they can bring to the process. The only people who would sing for the citizens of this country are the Fair Trading Commission, either in its current, or extended form when that comes, and this Parliament of Barbados.

Therefore, it has to be this Parliament's voice that must resonate in the hearts and minds of the people of this Barbados and they must get unequivocal statements from us in relation to the protection of their interest, otherwise, why are we here? Sir, what we should do is go to the canefields and help that industry otherwise we have to do a very serious job on behalf of those people.

Mr. Speaker, we are caught up in a situation where capital is at its ascendancy, where a neo-liberal mental state of framework has now pervaded the entire business and social climate and we respond relative to that neo-liberal framework. Therefore, what has been achieved, not by the Government of Barbados, has already been stated by the Honourable Representative for St. Michael North, is what Cable and Wireless truly wanted. No extent of protestations, adulations or thumping of chests will change my mind.

In fact, I would invite the Honourable Members from the Other Side to significantly buy into the presentation and pronouncements of their colleague from St. Michael North. He gave an excellent and lucid presentation, informed by participation in a process. To continue to claim some advantage in relation to this issue is false. It is a fallacy which must be dispelled.

Sir, we still have a monopoly situation in Barbados. The cellular market is liberalised. Futuristically, we have been told that some other things will happen and more players will get involved in the market. However, right now, without clear written evidence being presented to this Honourable House, we cannot debate or discuss that. It is a hypothetical argument because it does not come in a form that we can understand and relate to and see the paper trail relative to that. Even though, at times, the paper trail is presented, one still has to interpret it.

Let me explain to us what I still believe is the monopolistic framework in which we currently exist. My friend and colleague from St. Philip West explained that everybody competing in the telecommunication sector, if they provide internet service, Cable and Wireless is a service provider and they have to compete with them because they have to go through Cable and Wireless's infrastructure. Yet, the competitors are offering internet rates similar to those of Cable and Wireless in relation to that internet provision. We also have a situation where, because of interconnection notions and the use of Cable and Wireless' infrastructure, they have to give Cable and Wireless a piece of their pie.

Mr. Speaker, I would be happy if you had taken away my whole pie but given me a piece of everybody's pie so that I do not have to do a lot to achieve my goal because the infrastructure is already there. We know that a lot of the technology that currently exists does not call for a lot of movement of equipment. There is simply the movement of chips or codes being moved from one place to another but Cable and Wireless will be receiving its rewards for doing that. I have no quarrel with Cable and Wireless for making money but, at the same time, I do not want the money made by Cable and Wireless, or any of the other players, to place the Barbadian consumer at such a disadvantage that further harm comes to that consumer.
2.40 p.m.

We talk about prioritising our needs but in this day and age, one of the needs outside of the five basic needs is the ability to communicate. In fact, Sir, it moves from five to six. This ability to communicate with ourselves, to reach across borders to communicate with others for goods and services, and to establish friendships rests in the realm of telecommunications.

Information and communication technologies have become so pivotal to our existence as human beings that any entity which becomes involved in that process, should see that as the important development phenomena in any country today. Therefore, there must be encouragement in whatever legislative and persuasive frameworks to get all of them to buy into the critical notion, that development today depends

substantially on information and communication technologies which are springing up all over the world in every sector and every place.

Sir, I would ask the Minister of Education to look into a situation that we have in our educational system, because it is going to affect the education enhancement programme which we call, EduTech. The schools are getting the technology and the TI lines, but function as though they do not exist, because they either are down or come in too slowly, rather than the rapidity and the speed, in relation to these things. We have to ask ourselves if we are getting the value for our money that the Ministry of Education, Youth Affairs and Sports is paying to Cable and Wireless.

Sir, let me say that persons within the Ministry of Education might not understand what is happening. You therefore have to ask the same persons who provide it what is happening, and they can tell you that the cow is on the pasture, when in fact, the sheep is in the pen. This is the kind of reality and the lack of critical mass of knowledge.

It is coming, compliments to those persons who are gradually gaining the knowledge but, until that time, we have to depend on the provider. We are locked in between a rock and a hard place, in relation to these issues. After the more than 27 schools get on-line and there are the same hiccups and difficulties, then the Honourable Member for Christ Church East most likely would have to speak. I would encourage him that before he speaks, to talk to his MIS persons and those who are involved in the EduTech Programme to get some knowledge of these things.

The Honourable Member for St. James Central in his normal style, spoke about the fact that the Democratic Labour Party wants to take away the notion of choice from the people of Barbados. Sometimes, one listens to arguments which are informed by serious analysis and intellect and I believe we got that coming from the Honourable Member whose designation I just called, but what is that choice that the Democratic Labour Party is looking to take away? These are expensive, regardless of if you reduce them by 50 per cent 60 per cent or 70 per cent. They are not a cent a minute. They are still 50, 60 and 70 per cent a minute, in peak time and off-peak time.

Sir, we in Barbados like to make occasional calls, even on the road. We have to be careful because it presents a hazard when we are using the phone on the road. Maybe, we should pull to the side and make the call. We also like to call into the Call-in Programmes on the cellular. Maybe, those persons are rich or they possess of riches, which I surely am not possessed of, but the cost is still great.

There are other jurisdictions where using the cellular phone is almost down to nothing. There was a time in Barbados, and I believe it will still continue, when Cable and Wireless was making obscene profits from the cellular. It is there for all to see. We were paying for outgoing calls and incoming calls, calls not made, and calls we thought we were going to make.

Mr. Speaker, I want to see a situation where Cable and Wireless and all the others, because I am not leaving them out, actually begin to understand and be part of the Barbadian culture which we are seeing now, or the emerging cultural pattern that we want to develop at a more rapid pace. Sir, I would like to see how they would insert themselves as partners in that development, and not only as competing against each other, and bringing out different types of phones and all sorts of things to capture the heart, or to get involved in gadgetry, as though the only thing that Barbadians can be attracted to is some piece of gadget, because that is what it is.

The competitive environment, Sir, is about who can bring out the smallest thing from some manufacturer in Taiwan, Japan or wherever. This must not be the emphasis of seeking to get the Barbadian people involved in the total telecommunications sector in Barbados.

Mr. Speaker, I ascribe no difficulty with the management of the process of the FTC. I believe they are all Honourable people who are involved in the defense of consumers' democracy. I believe that they are all capable and therefore with that belief, I would rely on them to make fair judgements to assist in protecting me and all Honourable Members in this House.

If, at the end of the day, through whatever persuasive language or talent is put before them, and it is agreed by us or whoever else that this is not within the best interest, the consumers have a right to respond. Even though we are not good consumers in Barbados because we do not respond in protecting our interest, one would hope that at this time, with that critical mass before us, we would respond and abandon every one of them who are currently providing telecommunication services in Barbados.

Mr. Speaker, it seems a bit strange to me because I look for cause and effect. I look for relationships in given processes, and it might just be mere happenstance that persons who were once deeply entrenched in the telecommunications giant of Barbados, moved from their entrenched positions. They are now some of our ambassadors and I have no quarrel with persons wanting to serve their country.

It was said by the Honourable Member for St John that they held positions of the Chief Executive of the BIDC, deeply within the heart of the governance of the people of Barbados. The same entities that we speak about in the language and tones that we are speaking about in this House, those persons are in Europe in the cold. Mr. Speaker, we who are dark skinned and warm blooded like to be in the warmth so, maybe they should return to the warmth of this country.

Sir, I believe that the minds of the people would be better satisfied in such circumstances. I am not questioning their ability to do the job. We have had good ambassadors before and we will have good ambassadors down through time because they are Barbadians.
2.50 p.m.

However, it seems strange to me that at a time when we are debating such controversial issues and when we are looking for a settling of many of these issues that those well-paid major players have all been embraced by the Government of the Barbados Labour Party, but I ascribe to them no motive that is negative at all. I believe that the Barbados Labour Party Government is working in the interest of the people of Barbados, but it seems strange to me that where you conjoin that type of situation, that interest almost amounts to a betrayal.

Asides.

Mr. R. D. JONES: Mr. Speaker, one can see these tall towers all over Barbados now. I believe these are the towers which would be carrying the various technologies to penetrate the dark spots of Barbados so that you would get clarity of calls. I believe these systems work by line of sight just like television and therefore those many towers which we see strewn across the landscape of Barbados are to facilitate that. However, I have a substantial difficulty with the amount of towers that one has. I heard the Honourable Member for Christ Church East speaking to some entity sharing the same tower and the same space, but one would hope that all of them would share the same towers and the same space.

I do not claim to be a telecommunications engineer, so I do not know a lot about that particular element, but I would hate to see any more towers going up across Barbados. At the same time, I would want to hear from the Town and Country Planning what was their decision because we got to invite those agencies to speak to the people of Barbados in relation to their decisions.

I would want also to hear from the Barbados National Standards Institute (BNSI), or from the medical people like Dr. Estwick, the Honourable Member for St. Philip West, as

to the medical impact on the people of Barbados from the towers and obviously the radiation your microwave would be emitting from them as you plug these things into your ears.

Every school child today in Barbados has a cell phone and every Honourable Member of this House for whatever reason has one or two. We cannot move away from the medical concerns relative to the large presence of these issues in Barbados. Therefore those who hold responsibility for consumer affairs, telecommunications and utilities should bring to the public of Barbados the health concerns and the policy considerations relative to the placing of these towers.

When I leave home, I see about six of them in a matter of two miles and I had to ask myself if they sprang up overnight. Mr. Speaker, maybe I was overseas and did not know when they were going up. Let us not only speak to the question of the protection of the consumer *vis-à-vis* his pocket, let us speak also for the consumer relative to his health and safety in such issues as this. I am asking the Honourable Member for St. Philip South, a good gentleman, to initiate such a debate to bring all of these issues to the people of Barbados so that calm reasonableness can reign in Barbados.

Mr. Speaker, as I wind up, I must confess that I will not be able to support this Bill before us because I do not want to be further burdened by all of the contentions and the issues. I have not been satisfied that the Honourable Members on the Other Side, outside of the Honourable Member for St. Michael North, have brought clarity to this debate.

I thank you, Mr. Speaker.

Hon. G. A. CLARKE: Mr. Speaker, I want to lend my support to this important Bill before the House today. I must say from the outset that whenever the Honourable Member who just sat gets up to speak, he speaks in such a tone that he perpetuates the political divide and in a tone of voice that resembles the voice of a former member of this House, even though he would want us to believe that he is calling for a united front.

Mr. Speaker, from the presentation of the Honourable Members on That Side, it would appear that they are still of the opinion that monopolistic tendencies and practices should continue in Barbados. Mr. Speaker, this Government from the outset in 1994 has always strived to put the people of Barbados in our thinking, our deliberation and all of our policies since 1994 were aimed at uplifting the consumers.

Mr. Speaker, I must say that the Democratic Labour Party seems to be true to form. Way back in the session between 1994 and 1999, I remember hearing the Honourable

Member for St. John in this House saying that he felt that the work of a former Minister of Commerce was only a half-day job and he did not see the justification for paying the Minister the salary.

They come in here now to grandstand that the Ministry of Commerce is so important, but it is that Party that felt that commerce was not important. They felt that because the Ministry of Commerce was receiving less than \$5 billion a year, that it was not important to the people of Barbados. That is why we have to be guarded against That Side. They are not in tune with what is going on.

They also felt that the Government of the day was not promoting that Ministry enough, but we have seen the work of the former Minister of Commerce. We have also seen the work and policy of Government which was to liberalise in a big way the various sectors of this country.
3.00 p.m.

Mr. Speaker, after almost 10 years we have seen the result which has now come to fruition. That is why the Honourable Leader of the Opposition is still behind the times and is asking that monopolistic practices be extended by another two years. I do not believe that the Honourable Member means this but that he was speaking out of turn. I believe he is a liberal by heart and if he is not, let him say so.

Mr. Speaker, at this time, I believe all right-thinking Barbadians should be thinking about a liberalised market. Sir, even though as the Honourable Member has said, the Fair Trading Commission was not the conception of the Barbados Labour Party, it is something that is new to Barbados. It was brought in at a time when monopolies and monopolistic practices were falling.

Since the formation of this Commission, it has not only provided a valuable service in terms of regulating utilities but in providing competition, protecting consumers' welfare and monitoring the conduct of commercial activities in Barbados. I believe that the Fair Trading Commission will stand the test of time and that in times to come, Barbadians would praise this Government for implementing it.

Mr. Speaker, I want to say that it has gone further than the Public Utilities Board which was established during the 1950s, and that although the Honourable Members of the Opposition would want us to believe that consumer hearings are not important, we know too well that the consumer must have a voice and that fair trading and practices should be promoted at all cost in Barbados.

Sir, even though it is said that the Commission has only heard about 500 cases, we are saying that prior to that, there were no systems in place to redress complaints or issues, that if a person was unfaired either by a service provider or by a distributor, that individual would have had to go to his or her lawyer and pay large sums of money in order to get some manner of redress.

Mr. Speaker, that is not now the case because a public counsel is being paid by the Commission to address some of these concerns. We have also heard of cases where in many of the stores in Bridgetown "No Returns" or "Sales Final" signs are posted.

Sir, these are good practices engaged by the Commission, and whether or not the Opposition would believe them, we are promoting the fact that consumerism must be important to such an extent that the consumer must have a right to know of what the product consists, and of the right to return that product if he or she is dissatisfied.

Mr. Speaker, if one would look in any newspaper, one would see that rates are falling, although the Honourable Member for Christ Church East Central does not believe that one should have modern cellular phones. He said that some people have too many and that he does not believe that cellular is important. He also believes that rates should remain.

We believe that the existing competition would now pull the rates down. I have seen where Cable and Wireless, being a monopoly, was charging for both incoming and outgoing calls, which was a wrong thing, and people were paying high exorbitant rates for a long time. Of course, we know the philosophy of the monopolist, that is, the monopolist will exact exorbitant prices because there is no competition. We know that since there is no competition, the monopolist would disconnect people's telephones and the consumers would have had no choice but to have agreed. Therefore, we believe that the introduction of competition would bring the prices down to the satisfaction of the consumer.

Sir, we have to be careful because though I am calling for a liberalised market, I hope the time would come when, not only the telecommunications sector but the Barbados Light and Power Company (BL&P) and other sectors of the economy that now have monopolistic tendencies, would be liberalised.

Asides.

Hon. G. A. CLARKE: The Transport Board is already liberalised but there are other sectors that are now practising these monopolistic tendencies.

Mr. Speaker, how far do we go? If we practise full liberalisation all at once, it could cause problems. It would mean that there would be a constant inflow of capital which would cause problems to the local economy. Therefore, one has to be careful how far one would go because with full liberalisation, there would be a number of players wanting to get into the market, which necessarily might not be helpful to the local economy.

Sir, some time ago the Governor of the Barbados Central Bank had warned us that the market was not stable enough for us to implement full liberalisation, that full liberalisation was a gradual tendency and that it was better for this country to have practised gradual liberalisation at that time.

I believe that the present Utilities Board would help consumers to understand the role they should play. It is very important that opportunities be provided to a wide cross-section of players. We need the opportunities for the people of this country, and people need to come forward and to look at what are some of the things that they are seeing being practised in the public and how consumers could be unfaired.

Mr. Speaker, I believe that with the expanded commissioners and the role that it is playing, the public would get to understand many things. There are a number of people who would not come forward but should do so, because they would get to know what is happening.

Mr. Speaker, the Democratic Labour Party needs to see the wisdom of the establishment of this Commission and needs to support fully its implementation. If they want to do something that would be of any significance to this country, they need to help the Government. Sir, it is not everything that the Opposition should criticise.
3.10 p.m.

Mr. Speaker, this is an important matter and there should be no divide. We believe the Opposition should support the wisdom of helping the consumers to understand the role of the public counsels and the whole nature of competition.

Mr. Speaker, there is a need for Barbadian consumers to promote locally-grown products. Those products and services that are homegrown should be promoted in such a way that manufacturers and suppliers would want to invest their money into valuable services because this is a lucrative sector.

We also saw in the latest report from the Central Bank of Barbados that there is excess liquidity and that the interest rate on savings is very low. I encourage local companies who have licences to provide a service by opening their doors in such a way that it would encourage maximum participation by Barbadians who have money to invest.

Mr. Speaker, I want to say that the benefits from the Fair Trading Commission will be felt far and wide. Also, as far as fixed rates are concerned, I believe that persons should be given a choice of a fixed rate or one that fluctuates and that Barbadians must be given that choice. Honourable Members have made the point that both rates exist today, a fixed rate and one that fluctuates especially with the cellular rate.

Sir, the Fair Trading Commission is an independent Commission and it is not political. It must be allowed to do its work, to hear the side of the utility provider and the side of the consumer. I believe in the final analysis that the consumer will benefit from the system. Mr. Speaker, all right-thinking Barbadians should support the expansion of the Commission and help it grow because it is still in the infant stage.

I thank you, Mr. Speaker.

Mr. SPEAKER left the Chair and Mr. DEPUTY SPEAKER resumed the Chair.

Mr. M. A. LASHLEY: Mr. Deputy Speaker, I rise to make a contribution to this debate. As I listened to the contribution made by the Honourable Member for St. George North, I have to say that he was true to form. Sir, he was brilliant in his confusion.

Mr. Deputy Speaker, I take issue when the Honourable Member for St. George North made remarks to the effect that the Democratic Labour Party showed no interest in relation to commerce because of certain statements made by a member from This Side.

Sir, the record speaks for itself that the Democratic Labour Party has a history for developing commerce in this country. We can examine the Industrial Incentive Act when certain industrial parks were established by the then Democratic Labour Party Government. Sir, I cannot understand why the Honourable Member for St. George North would make such a misleading statement.

Mr. Deputy Speaker, there was much talk about transparency and accountability in this country when this Government was elected. Honourable Members in this House will submit that transparency and the concept of accountability are the basic tenets of democracy. This is why we seek transparency in matters of public importance and we also demand full and frank disclosure that concern citizens of this country.

Mr. Deputy Speaker, the people of Barbados have a right to know. They want to know how things would impact on their daily lives. It is against this background that persons

who are not in a privileged position would want to access certain information, therefore, they rely on those who are responsible. Sometimes they rely on this Parliament to furnish them with information regarding what is happening in this country.

3.20 p.m.

Sir, the concept of open Government goes hand in hand with accountability. When we examine this Fair Trading Commission, it is public knowledge that the Chairman and the Minister responsible resigned. I must say that although there is no law which would demand a member of any public organisation or, indeed, a minister, to state the reasons for their resignations, I would submit that there is a moral duty for those persons to inform the people...

Asides.

Mr. M. A. LASHLEY: The preamble of our Constitution speaks about the concept of morality and moral values.

Sir, I opened my debate by referring to full and frank disclosure. There is still amoral duty for the Honourable Member for St. Michael North to tell us and the constituents why he resigned as Minister responsible at a critical time.

I recall during the Budgetary presentation, the Honourable Member for St. Michael North said that Cable and Wireless was an uncooperative and arrogant organisation. Today I sat waiting with bated breath to hear the reasons for the resignations. It leaves one to wonder whether the people of Barbados still have any confidence in the Fair Trading Commission.

Sir, there is another question why there is such a long delay in appointing a new Chairman – we, on This Side, well any institution that is established to protect the rights of consumers because it stands against business persons who practise some unscrupulous acts on unsuspecting consumers.

Sir, when we examine the rights of consumers, I would respectfully suggest that we go through the community and inform the consumers of the existence of their rights. We could achieve full effect of the consumers' legislation and the Fair Trading Commission if we embark on a community programme so that the consumer would be aware of their rights under the Law.

In 1996, a technical committee was set up by the Prime Minister to discuss policy relating to telecommunications in this country. This committee comprised the Government, the Public Utilities Board, Cable and Wireless and the private sector. At that time Cable and Wireless was referred to as an

uncooperative creature by the former Minister and the question must be asked if labour or the consumer was represented at that technical committee.

It meant that the consumers were represented by either Cable and Wireless, the private sector or some invisible organisation. Where was the representative of the consumer or labour movement on that committee?

Sir, what about the tripartite arrangement? What about the Social Partnership? It shows a total neglect for the consumers' organisation and the contribution that it would have made to that technical committee.

3.30 p.m.

Mr. Deputy Speaker, we always speak of accountability and transparency but we must protect the interest of consumers and we must protect the same consumers against practices that are made daily by business persons in this country.

Throughout my practice, Mr. Deputy Speaker, I have known consumers who have gone to certain business places in this country and were treated with scant disrespect and contempt. I would admit that for a consumer or a housewife who sometimes would be unemployed, they come to our offices, and sometimes when you look at the issue of the claim, it certainly would not make sense to charge a legal fee, because certainly, a matter for claim for \$100 or \$75, for an attorney to charge a consultation fee, and then a letter, it would be unconscionable to do that.

Mr. Deputy Speaker, we must admit that there is an avenue there now. Although there is an avenue that is why I said earlier that we must now, through public education and through community programmes inform the consumer of their rights, because, there is a saying that ignorance of the law is no excuse. There is a view, that the common man in the street does not know his rights and that certain persons with economic resources can trample them and do whatever they like with them. We can only achieve the full consumers' protection, if we certainly educate them about their rights.

In conclusion, Mr. Deputy Speaker, I want to say something for that vulnerable group, now in the evening of their years, who have made an outstanding contribution to this country, and still making a contribution to this country, I say the pensioner from St. Philip, the pensioner from St. Michael, the pensioner from Christ Church, and the pensioners from all over Barbados.

We must submit, Mr. Deputy Speaker, and we will admit that the phone is a social tool, as well as a security for the pensioners, in light of what is happening today. The fact that food prices have increased, the fact that there might be

a possibility that the same pensioners will be faced with metered phone rates, I would hope that something is put in place to protect those pensioners, in relation to the metered phone rates, that if it comes – and it would not happen under the Democratic Labour Party – about in this country that we protect that vulnerable group, who are in the evening of their years and have made an outstanding contribution to this country. We should have some increase in their pensions, disposable income or allowance, commensurate with the increase in phone rates.

When I stand in this House, Mr. Deputy Speaker, I speak on behalf of those vulnerable groups, who are disadvantaged and underprivileged. Certainly, my heart is with those pensioners, as I stand on my feet, from Marley Vale, Merricks and throughout St. Philip North and we hope that there is a blanket of protection placed by this Government.

I thank you, Mr. Deputy Speaker.

Hon. Miss H. E. THOMPSON: Mr. Deputy Speaker, this debate is occasioned by an amendment to the Fair Trading Commission Act which seeks to increase the numbers of the Commissioners. Really, at the most simple level, the issue relative to that is, is there a need for such an amendment? We have gone far and wide and discussed all kinds of things and quarrelled about things that are non-issues. The question relative to the amendment before the House is, is it warranted? The answer to that is that the amendment is warranted.

It is warranted because, given the nature of the work of the FTC, its scope, its complexity, the volume of work it is now encountering, the frequency with which it is having to meet to address issues of concern to the public, relative to the regulation of utilities and related matters, and the fact that the Commissioners are full time employees of other agencies, requires that a number of sittings have to take place.

Therefore, in order to properly facilitate the work of the FTC in a timely and cost-effective manner, then there must be an increase in the numbers of the Commissioners to handle the volume of work. This is the question and that is the answer.

Asides.

Hon. Miss H. E. THOMPSON: Yes, an increase is needed. It is warranted, and is justified, so that there cannot be any quarrel, although people seek to do so, about whether there is a legitimate need for expansion of the Commission's numbers as it correctly stands. The

Commissioners themselves have asked to have their numbers expanded. Moreover, issue was taken with the fact that when the Commission was set up, even though there was opportunity to explore models existent in other countries, we opted for a smaller commission.

There really is not anything wrong with that. You were seeking to establish an entity of a particular type for the first time. You increase the numbers over what existed with the Public Utilities Board and tried to give it a different format and thrust. You are testing the waters. Having done so perhaps over a two-year period, you have now determined that the volume of work is such that you are going to need more people to carry the load and you are seeking only to increase those numbers.

Therefore, it must not be shed in the context of mystery and wrong doing, lack of analysis and insufficient consultation or consideration in the establishment of the Commission. It must simply be cast in relation to the type of work, the volume of work, the scope and nature of the Commission itself, and the fact that increased numbers are needed, if the FTC is to function in the way anticipated, not only by the Government but by the wider public of Barbados.

The debate has also excited a number of other issues, though not legitimately argued, legitimately excited by reference to the existence of the FTC itself. I am going to start, though it had not been my intention so to do, at the point just about which the Honourable Member for St. Philip North ended.

We had criticism today when Honourable Members on This Side sought to speak about the number of cases that had been heard by public council. Criticisms were made about playing the numbers game, or so it was called, and the fact that there was no value, *per se*, in that.
3.40 p.m.

The Honourable Member for St. Philip North being himself an attorney-at-law, though having less years call, probably practised more law than the Honourable Member for St. John, recognised the crux of the issue which is really that the establishment of a public counsel in Barbados for the first time creates a regime of justice for underprivileged Barbadians that did not hitherto exist. That is the simple issue.

Mr. Deputy Speaker, I was admitted to the Bar in 1987 and very early in my practice a woman came in to the Chambers in which I was employed, in tears. She took out a pair of shoes and said that she had bought them for her son to wear to school. He had worn them on the opening day of school which was half-day and the whole shoe open up to ventilate the foot in a way that was not contemplated by the manufacturers.

She took the shoe back to a certain store on Swan Street whereupon the proprietor, whose name was unpronounceable, said to her that she had bought the shoes on sale, therefore, she could not get back the money. It was as if he was saying that when you buy shoes on sale you cannot expect them to be the same quality as if you had bought them at full price even though they are brand new, so you cannot get back a cent of your money. What the owner of the store was basically saying to her is that because she had bought the shoes on sale, she had no redress.

Asides.

Hon. Miss H. E. THOMPSON: Mr. Deputy Speaker, though we make light of it and address the issue with levity, that was a very real problem for a large number of Barbadians. Sir, I recognise that the absence of a regime of consumer legislation for protecting the public was a real problem. I experienced this in a very practical way. This woman was sitting in my office crying and saying to me that she had other children to send to school and that she could not buy all the food she wanted for the week because she had to outfit the children for school. The lady was saying that the child would have to stay home until the next week when she was paid to be able to buy another pair of shoes for him.

Mr. Deputy Speaker, I intervened and took up the telephone and spoke to the owner of the business and told him that I did not care what the case would cost me to carry the matter to court, that I was willing to absorb all of the cost to ensure that she got justice, and that unless he was prepared to give her a pair of shoes immediately I would file the documents in court the next day.

Well, he agreed with me that the shoes could and should be replaced after all and he thought the sooner the better, so she got a pair of shoes. Sir, this is what the establishment of public counsel would do for persons of her means and livelihood.

Asides.

Hon. Miss H. E. THOMPSON: Because that was my first social victory, it aroused in me the kind of opportunities that there are to serve the public who do not otherwise have a voice or an advocate. There were other cases of that sort that I encountered during the course of my legal practice and, of course, as a Member of Parliament.

Mr. Deputy Speaker, the reality is that the cost of carrying a case to court could run into hundreds or thousands of dollars and there can be tremendous delays. The cost to counsel, court time and bringing the other person to court to litigate something for the value of \$60, if

you do a cost-benefit analysis, does not worth it. Therefore, a number of persons had no recourse and very often felt that the lawyers were not prepared to take on their cases and so they did not even bother to go to the lawyers. Instead, they would take the injustice and walk away crying feeling both the emotional and economic pain of the decision of the business owner.

Mr. Deputy Speaker, now that the post of public counsel is established, the fact that within a year 500 Barbadians could have their cases solved free of cost by walking into the office of a person paid for by the taxpayers and have these issues immediately resolved or resolved in very good time, speaks to the vision of the Government to champion, not the cause of big business in Barbados, but the cause of the poor and the small black man because they are the individuals who most benefit from this legislation and from the position of public counsel, so that cannot be disputed.

In fact, what the legislation did was to create or initiate a different kind of business culture and ethics within businesses in Barbados that sought to move the advantage from the person with the power, the mass and the wealth of the business behind them and shift the balance of power to the underprivileged and the poor who did not have anyone to advocate for them or to represent them.

Asides.

Hon. Miss H. E. THOMPSON: So in effect while it is not being so cast, the reality is that this legislation insofar as what it does for a mass of poor people and insofar as it seeks to change business culture in Barbados is tantamount to legislation that amounts to social engineering so widespread is its reach, trust and focus and its delivery of justice not only in terms of the law but in terms of the society.

Asides.

Hon. Miss H. E. THOMPSON: Mr. Deputy Speaker, this Administration has been at the forefront of social engineering for a long time. There are myriad pieces of legislation on the statute book that speak to the way the Barbados Labour Party has sought to provide for the poor and the disadvantaged. Whether it is by the establishment of the Commission that did the work for the National Insurance Scheme, whether it is by the establishment of pieces of legislation which allow for maternity leave and holidays with pay, whether it is in the Tenancies Freehold Purchase Act, all of it amounted to social engineering that qualitatively changed the lives of poor Barbadians and set them on a completely different footing.

The Honourable Members on the Other Side can seek to pooh-pooh the point but they cannot pooh-pooh the fact that these pieces of legislation qualitatively changed people's

lives and effected social justice, and equally, this piece of legislation will do the same.

3.50 p.m.

Mr. Deputy Speaker, the other issue exhibited by this amendment has to do with globalisation and the approach to monopolies in Barbados, as is exemplified by decisions that were taken by the former Administration, now the Opposition and this present Administration.

Mr. Deputy Speaker, it is clear that at a time when the country was undergoing structural adjustments, that rather than break the stranglehold of monopolies on the Barbadian economy generally, the Democratic Labour Party Government of the day had sought to entrench and to entrench further, international companies such as Mobil Oil Limited and Cable and Wireless.

Sir, everybody today has spoken to the way in which the Democratic Labour Party has perpetuated the Cable and Wireless monopoly, but we are forgetting that they also perpetuated simultaneously a Mobil Oil Limited monopoly, at a time when we should have been seeking to liberalise the economy and to ensure that there was not more serious pressure being placed on local businesses.

It is, therefore, significant from two perspectives; if Barbados is to be allowed to compete effectively at the international level, there are a number of things we need to do to make our country and economy become more competitive. We cannot change our labour cost. We cannot compete with places such as Vietnam, Cambodia, and some other Caribbean territories where labour costs are extremely low.

We have long made a decision that people in Barbados have to work for decent wages, so that the nature of the inputs into any production activity would have to be changed. They would have to come down. Therefore, as Government speaks to liberalising the economy and that country's labour costs are fixed and rising, then it is the other inputs that would have to be treated to. Hence, in undergoing structural adjustments, it was critical for the Democratic Labour Party to liberate the economy from the shackles of Cable and Wireless and Mobil Oil Limited, but they did not.

Sir, those were critical elements for two reasons; central to the conduct of business in Barbados are two elements such as fuel cost and telecommunications cost.

Aside.

Hon. Miss H. E. THOMPSON: I know not, and I care not. The Democratic Labour Party had an opportunity long before the Barbados Labour Party came to Government, to have addressed those two issues in a way that Barbadians; the poor, black man that the Democratic Labour Party represented, could have benefitted from lower cost on fuel for doing business.

That would have put the Barbadian economy on the same footing as other Caribbean countries which enjoy low fuel prices and low telecommunications prices. When the Democratic Labour Party had the opportunity, therefore, they chose to perpetuate those monopolies, which was a critical flaw in judgment.

Dr. D. C. ESTWICK: Mr. Deputy Speaker, I rise on a point of order because the Honourable Member is misleading this Honourable House.

I would want to invite the Honourable Member to remember that between 1976 and 1986, the Barbados Labour Party was in power and did nothing during that time to advance liberalisation in Barbados. In fact, it was from 1989 at the Grand Anse Declaration when the Democratic Labour Party came back into power that the movement towards the CARICOM Single Market and Economy, which was the feature of the day and the principles of the World Trade Organisation (WTO) and Free Trade Area of the Americas started to come into force.

Therefore, it is an absolute abomination and an attempt to distort the facts, and to suggest that the Democratic Labour Party would have been responsible. What have they done for the 10 years that they were in power during that time, Sir?

Asides.

Hon. Miss H. E. THOMPSON: Mr. Deputy Speaker, one would believe that, given the tone in which the Honourable Member has spoken, the Democratic Labour Party was responsible for the Free Trade Area of the Americas. They were not. These are not points of their own creation.

Sir, the point I am making is that they had an opportunity in an environment of globalisation in the 1986 to 1994 period to effect change. They did not and there is no denying that fact. There is no denying that the Democratic Labour Party perpetuated monopolies which could have been broken and had they been broken, would have made a difference to the quality of life and business in Barbados.

Mr. Deputy Speaker, it is interesting that in an economy as small as ours, they sought to perpetuate

monopolies at a time, even when the mighty United States of America that could afford monopolies was telling Microsoft Companies that they had to be brought under control and would not be allowed to let their monopolistic tentacles to get into other areas of business and effect harm to the broader economy.

Mr. Deputy Speaker, the United States of America is taking that approach. The international trend in trade is towards liberalisation but here in Barbados where we needed it badly, the Democratic Labour Party had instead chosen to hold onto monopolies.

Sir, I would wish to make the point that if we are to attract revenues from international call centres, it is in our interest to have low telecommunications costs. If we are to attract certain types of business, we also have to look at pushing down our fuel cost. Therefore, a regime has to be put in place, whether one is using the carrot, the stick, or a combination of both, to ensure that these two goals are attained.

Sir, I do not think that either side of this Honourable Chamber could dispute the fact that given our labour cost, changes in these two elements are critical. Therefore, to speak in terms of encouraging the Cable and Wireless monopoly or letting them remain for another two years, does not make sense in the context of what we are attempting to do in the Barbadian economy and the degree of liberalisation which we are seeking to have taken place.

Sir, we have an advantage. There is a well-educated labour force, one that is computer literate and is becoming more so because of the presence of EducTech in the school system, hence, when it comes to the use of technology as a source of business, Barbados will have an advantage over many players, both internationally and regionally.

Mr. Deputy Speaker, despite the fact that we will have such a well-educated labour force, we cannot capitalise on it unless we are able to have telecommunications at the rate which would be attractive to international businesses or to persons wishing to set up international businesses by using telecommunications as the base.

Sir, there has been much discussion about the advent of competition. I am always one to support competition because I believe that the consumer will get his or her best opportunity in a market where there is competition and where people are fighting to attract and to hold onto those customers.

Mr. Deputy Speaker, relative to the establishment of a liberalised cellular network, we are already seeing keen

competition and pricing that will allow the consumer to choose with which carrier he or she would wish to go.
4.00 p.m.

One member said today that cellular phones are expensive but the reality is that people at all social levels in Barbados have cellular phones. I was impressed driving across Spring Garden to see a member of the National Conservation Commission using a cellular phone as she worked.

Sir, the opportunity to have lower prices based on competition is one which we need. When the competition comes to the fixed line, it is at that point that there will be greater competition in the market. We have the assurance of the Honourable Member on This Side that we are headed in that direction and that Cable & Wireless has been so informed in relation to the regime that has been established.

Sir, there is a certain fear about metered telephone rates. Barbadians are not concerned about liberalisation of the market but about whether their telephones would be metered or not and this is the issue to which I want to speak. We have lived in a country where we have had unmetered telephones while everyone else had metered telephones for a long time. There is some degree of fear relative to the change that will be brought about by metering but I believe in a liberalised market, where there is competition, that it is entirely possible that rates will not necessarily go up but that they will go down.

While there is a fear of metering, it has to do with the perception that metering equates to a price increase, but we do not know that for a fact, and we cannot say that the fear is going to be realised. Sir, I do not believe that metering will result in a generalised increased rate.

Sir, teenagers and perhaps people who are courting may be on the phone for long periods but outside of that, the majority of people use the telephone in a far more limited way. If it is based on a principle, if you pay for what you use, and your consumption of the service is not high, then it stands to reason that if the base rates are not high, you will not necessarily pay an increased phone rate.

Sir, when water rates were metered, we were also given the impression that it would be tantamount to a collapse in the society and the same thing is now happening relative to phone rates.

Sir, we accept that Barbados was one of the major props that allowed Cable & Wireless profitability and that their profitability came down to what they were charging and

earning here in Barbados. Hence, it has to mean that the prices currently set by Cable & Wireless represent an overcharging for the product and service which they give.

Sir, it seems to me that with the advent of competition on the fixed lines, if they are to survive in the marketplace, that they have to come to a more realistic pricing of their product so that metered rates may not send prices as feared but competition and metering of rates in the marketplace could result in the driving down of prices.

Sir, even if Cable & Wireless rates remain high, competition will take care of them. We saw creative advertisements by Digicel which "put some blows" in Cable & Wireless and within a day they reduced their rates by 50 per cent and were sending free telephones to people. The notion that liberalisation is going to harm the market is a false one because the competition can only do the individual consumer and the larger society good.

The challenge of telecommunications reform is something we have to grapple with, implement and not delay. The reality is that we are behind our Caribbean brothers and sisters in relation to the pace of telecommunications reform because their liberalisation processes are well ahead of ours.

Sir, I have made the point that the DEMS had an opportunity to reform but, instead, chose to retrench monopolies, that we cannot resile from liberalisation at this time, that there are opportunities for individuals and the wider economy in the process of liberalisation and that we need not fear it because competition in the market will ensure that we get the best product at the best price.

Sir, I wish to close by saying that our business leadership in Barbados has to become more entrepreneurial. There is no doubt in my mind that as barriers break down, we need to take Barbadian products outside of Barbados and sell them in regional and extra-regional markets. Our business leaders are far too timid and they want to be protected from liberalisation and competition. They do not want McDonalds or anyone to compete with them but, Sir, the same way that Trinidadians have come into our markets, made substantial profits and own local businesses, equally the opportunity exists for Barbadians to move through the region with some very high-quality products and services to sell regionally and extra-regionally.
4.10 p.m.

It is time that our business sector stops expecting that our Government will breast-feed and protect constantly but go out and understand their role in competing, earning revenue and bringing foreign exchange back to Barbados, the same way that Trinidadians and other business people have

done. The opportunity is available with trade liberalisation for us to get branded Barbadian goods being placed all over the world in ways that we did not have certain niches before.

Finally, it would be remiss of me if I resumed my seat without saying a few words of compliments to my friend, the Honourable Member for St. Michael North. Today I spoke of this legislation and what we are attempting to do with the Fair Trading Commission and the regimes that we are seeking to establish. I also said that this legislation was breaking new ground for social engineering. Regardless of what people say and whatever speculation there is, I respect the Honourable Member for St. Michael North's decision.

We have to thank the Honourable Member for St. Michael North for bringing to this Chamber, within a single term, legislation for the Fair Trading Commission which is totally changing the face of competition and the approach of business in Barbados.

We also have to thank him for the legislation that he has put on the statute book relative to small business development in this country and he did it without any fuss, without being an exhibitionist and in a very short time. We have to give credit to him for the opportunities and benefits which this legislation will bring to Barbadian businesses and individuals.

I also want to pay tribute to the work that he did as a Member of the Cabinet of Barbados. Sir, I give my full support to the existing Minister and, therefore, the amendment to the legislation before this Chamber.

I thank you.

Hon. Miss M. A. MOTTLEY: Mr. Deputy Speaker, I rise to bring closure to this debate and generally to thank Honourable Members who participated in the debate, in being able to have full-ranging discussion that certainly went beyond the scope of the amendment, which is specifically to increase the number of Commissioners.

Mr. Deputy Speaker, as I indicated at the outset of the debate, this desire to increase the number of Commissioners was largely as a result of the experience garnered today. If the Fair Trading Commission is to treat fully to all the matters that fall within its jurisdiction, then the number of seven Commissioners is insufficient in order for them to be able to treat to these matters simultaneously. The jurisdiction ranges from utility regulation to the question of consumer concerns and complaints and fair competition.

Mr. Deputy Speaker, the debate has ranged far and wide and in that context we did not only focus on the work

of telecommunication liberalisation. While that has been largely the work of the Commission today, the responsibilities as well as activities in the Commission have gone beyond that. It is fair to say that the Commission has treated to the issue of telecommunications liberalisation and consumer-related matters, primarily in its first two years of existence. It has been doing the preparatory work in relation to the mandate provided under the Fair Competition Act, largely in recognition that this is as critical as the other aspects of its duties.

Mr. Deputy Speaker, I want to start at the point of competition before moving on because much has been said in here, particularly by the Honourable Members for St. John and St. Philip West, in relation to the question of fair competition in Barbados.

Sir, let us not seek to confuse these issues. Barbados' economy has been one where the corporate structure has largely been oligarchic in nature. Barbados' economy has been one where a few families established companies, and to the extent since Independence some of those companies have gone public, and the control of those companies still largely remained in the hands of a few.

It has been the legitimate ambition of all post Independence Governments in this country to treat to the transformation of the corporate structure of this country, while ensuring that we facilitate economic growth. It has been the legitimate ambition that more people in this country should be allowed to participate in the creation of wealth and the benefits accruing there from the periods of history predated, not just Independence but the first two or three decades after Independence.

Sir, what I have a difficulty with, is the political posturing that seeks to take this issue and treat to it as if it were a partisan political issue in circumstances where both parties are rooted in a political philosophy that is committed to the broadening of the base and ownership in this country.

I believe that we owe it to ourselves as Parliamentarians to know where the political divide ought to be drawn and where it ought to be left alone. The task of seeking to transform that corporate structure to reflect a broader and deeper engagement and participation on the part of Barbadians across the landscape is one that will not be achieved in a year or two but is one that requires the most consistent conduct to develop that structure.

Sir, if I were, at all, to be partisan in this regard, it would be simply to say that a Democratic Labour Party Administration had the potential as well, including the Honourable Member for St. John and the current Leader of

the Opposition, who distinguished himself in those days by serving as the advisor to the Ministry of Finance, as the opportunity to bring to Cabinet a framework to create an institution to treat to anti-competitive business practices and to be able to create fair competition within our domestic economy.

Sir, all the talk about whether this Government treats only to international fair competition issues, the history of this country will show that it is this Government, which for the first time, brought a legislative and an institutional framework to treat to the issue of bringing fair competition to the business practices, domestically, in Barbados.

It is also this Government, in recognition of the oligarchic structure within companies, that committed it beyond lip service to creating that legal and institutional framework so that we can, for the first time, begin to see sustained change.

4.20 p.m.

All of us, Mr. Deputy Speaker, are aware of the stories of small supermarkets or companies trying to start, and competitors that have established presence in the marketplace running them out of business by dropping prices for the first six months or a year, such that these fledgling companies cannot get off the ground.

Barbados' economic history is replete with examples of that. Barbados' economic history is replete with the example of interlocking directorships. Barbados' economic history, Mr. Deputy Speaker, is replete with the examples of vertical and horizontal integration and what do I mean by that for the ordinary person?

Mr. Deputy Speaker, some people control the companies that control access to goods and services down the line, so by controlling access and pricing, they maintain a control on the market in circumstances where, Mr. Deputy Speaker, they are not reflecting the true level of competitiveness that they ought to reflect at a company level or allowing benefits to accrue to the macro-economy, in terms of Barbados' competitiveness as a jurisdiction.

Mr. Deputy Speaker, this is not an issue where we can simply legislate that it should go away, or like a genie in a bottle, arise from the bottle and say, vanish. This requires the most careful and detailed action according to the rule of law to treat to the imbalance of power that exists within the marketplace to allow players who do not have that power to emerge and to participate fully in this economy.

Mr. Deputy Speaker, one of the things that led to the creation of the FTC and its jurisdiction under the Fair

Competition Act ultimately, was a 1999 study done by the Inter-American Development Bank for us by Geoffrey Gordon, Simon Lander and Joseph Feldman. I want to read for the benefit of the records of this House, what was said, because much was made in here today about we do not need a legalistic approach or we do not need those types of things.

Let me quote, Mr. Deputy Speaker, at page 4 of the document:

"The proposed Fair Trading Commission, along with its companion Competition Act, is the most efficient and non-intrusive vehicle by which the Government of Barbados can guarantee both facilitation of market entry by a wider segment of the Barbadian society and the general protection of its consumers from non-competitive and unfair commercial business practices."

Mr. Deputy Speaker, there is absolutely no doubt in the mind of this Government that the establishment of the FTC, combined with the Fair Competition Act, combined with Chapter 8 of the revised Treaty of Chaguaramas, dealing with competition policy and the establishment of a community competition commission, is an architecture that is capable of bringing about, for the first time in this country, a transparent process that will allow for more players within the business environment, domestically and regionally in the Caribbean Single Market and Economy, allowing entities that have traditionally kept a stranglehold on the markets in this country to be able to have to release that stranglehold.

Mr. Deputy Speaker, you do not go, for example, in the area of land, and pick up somebody's land and just highjack it. We are a country governed by the rule of law. Equally, you do not go and restrict companies, just so overnight without reference to the rule of law, as to what they can and cannot do, as we did with the Tenancies Freehold Purchase Act to give wider access through the rule of law to persons, to be able to own land in this country, we are seeking to do so in the creation of a new economy to give wider access to players, legitimately wanting to pursue business activities in this country by ensuring that they will not be the victim of anti-competitive business practices, such as price fixing, the effects of vertical and horizontal integration in markets, controlling companies, having directors on your company and a competitor's company such that you corner off the market and fix the prices at which people can access it.

Mr. Deputy Speaker, these are the things that we have chosen to treat to, by way of the rule of law, by ensuring that there is a transparent body of rules which allows people to be able to complain and legitimately do something about it when it happens.

Mr. Deputy Speaker, a mere reading of the Fair Competition Act, will show you the substantial powers available to the FTC in treating to these practices. Whether it is in being able to get the information in the first place, because you cannot seek to deal with entities unless you can first gather the evidence of the misconduct.

There are significant fines as well as powers in this, Mr. Deputy Speaker, to require persons to be able to produce the evidence that you need as a FTC to deal with them. A person can be fined up to \$150 000, or imprisoned up to six months, if they try to destroy or alter any records.

Equally, they can also be fined for \$150 000 or receive a six-month sentence for failing, Mr. Deputy Speaker, to comply with orders of the Commission by providing false evidence or false documents. More important than all of that, where a person contravenes an order of the FTC, if they are an individual, they can be fined up to \$150 000, but if they are a company, Mr. Deputy Speaker, they can be fined up to a \$½ million with the Directors being liable also to a term of imprisonment.

Sir, we have not created a piece of legislation that is without teeth. Indeed, the FTC is empowered in real and substantial terms not just to treat to the anti-competitive practices but, indeed, Mr. Deputy Speaker, to treat to the gathering and garnering of evidence and information that allows them to be able to make determination, in relation to these practices.

It is unrealistic for anybody to cause any member of the public to believe that an institution such as the FTC, starting as recent as two years ago, can comprehensively carry out its mandate in three substantial areas of the economy, two of which are completely new to the economy, in less than two years, in a way that you can see substantial evidence of its performance to date. This is what I mean about political posturing in this House.

Mr. Deputy Speaker, if in two years time, the FTC can show no evidence as to either consumer complaints or competition matters, then we will have a problem. We believe that they have done substantial work, as was shown by their first Annual Report, in relation to telecommunications' liberalisation and consumer complaints.

We also are aware that they have been doing the work behind the scenes to allow them to be in a position to treat to anti-competitive practices. I look forward, Mr. Deputy Speaker, to the Government's ability to appoint these additional four Commissioners, so that we can see a quickening of a pace of work which is to be done by the FTC.

Mr. Deputy Speaker, the Leader of the Opposition on the matter of telecommunications' liberalisation held up the telecommunications' liberalisation experience of Jamaica as a beacon for which Barbados is to follow.
4.30 p.m.

The facts are that the liberalisation process in Jamaica was fraught with difficulties. Indeed, it is generally accepted by all commentators that the extent to which the Government in Jamaica refused to distinguish its relationship from Cable and Wireless was one of the most problematic aspects of its relationship, so Jamaica stands out as the one model for us not to follow in relation to how to liberalise in the telecommunications market.

Mr. C. A. MASCOLL: On a point of order. The Honourable Member for St. Michael North East is misrepresenting what I said. First of all, I never used the Jamaican experience as any beacon. I simply said last week that whereas Barbados signed an agreement for 20 years with Cable and Wireless in 1991 that in 1988 Jamaica signed an agreement for 25 years.

I wish to say that the climate for liberalisation started back then when all the discussions about the World Trade Organisation (WTO) were going on, so this is nothing heroic on anybody's part. It is like how fixed exchange rates move. Interest rates are low now, they will go up then. What I said was that the Jamaican Government signed a 25-year agreement with Cable and Wireless.

By the way, if the Honourable Member goes the route of Jamaica, I may have to introduce other things into the debate because we all know what happened in Jamaica.

Hon. Miss M. A. MOTTLEY: Mr. Deputy Speaker, the one thing the Honourable Leader of the Opposition would recognise with his being in an Honourable Chamber with me is that I do not speak unless I have notes or the evidence to buttress what I say.

The Honourable Leader of the Opposition not only spoke about the fact that Jamaica gave Cable and Wireless a 25-year licence, but he went on to speak and to herald the fact that Jamaica was able to secure the installation of 60 internet terminals, that Jamaica was able to get scholarships for Caribbean nationals, that Jamaica was able to get them to contribute to the refurbishment of the Good Year Factory in Jamaica for the provision of goods and services to the tune of JAM\$90 million and that Jamaica was also able to get a payment of JAM\$80 million.

Mr. Deputy Speaker, for the Honourable Member to get up on a point of order in here today to seek to tell this

Chamber that he did not herald or hold up the Jamaican model as a beacon is for him now to tell lies upon himself. I know that he is capable of doing it with other people, but I did not know that he would do it on himself too.

Mr. Deputy Speaker, that must be the inescapable conclusion to which all Honourable Members must now arrive at in circumstances where he has now sought to distance himself from comments which he made last week.

Mr. C. A. MASCOLL: On a point of order. Mr. Deputy Speaker, I rise on a point of order because the implication is that I am a liar. Let me say that only recently in a debate in here that entire side tried to deny that there was a programme to privatise the Port.

In fact, in the Budget summary of 1997 which I have here, it says that Government will implement a privatisation programme to provide more activity for the Securities Exchange Board (SEB) and to broaden share ownership. The institutions that would be involved are the Airport; the Port; the Barbados National Bank; the Insurance Corporation of Barbados; the Caribbean Broadcasting Corporation; the Barbados National Oil Company; the National Petroleum Corporation and the Barbados Mortgage Finance Corporation.

Therefore, I cannot be regarded here, outside or any other way in Barbados as a liar. Whenever I speak, I speak from a position of truth and research, so I never held up Jamaica as a beacon, I stated the facts with respect to Jamaica's licence and no one on That Side can question me on the issue of lying.

Asides.

Mr. DEPUTY SPEAKER: Order, please. Could you allow me to listen to the Honourable Member who is speaking, please?

Hon. Miss M. A. MOTTLEY: Mr. Deputy Speaker, it is a fact that is not capable of being changed other than by someone falsifying the *Hansard* records of this House. The Leader of the Opposition spoke to those issues last week but would seek to suggest today that he only spoke to a 25-year issuance of a licence and a telecommunications liberalisation environment being around. Mr. Deputy Speaker, it is up to those who heard the debate last week and this week to determine whether both sets of facts can, in fact, be truthful. Mr. Deputy Speaker, whatever imputation falls from that is a matter for the Honourable Member. I can only say to you that he sounds like a person who protests too much and who clearly knows why he is protesting.

Mr. Deputy Speaker, on the issue of the privatisation of the Port I would leave that matter to the Honourable Member for St. Michael South to deal with him because this House has already received evidence and documents showing plans by the Democratic Labour Party Government which he was advising in relation to the same privatisation that he now gets up to seek to distance himself from.

Mr. Deputy Speaker, I understand why the Leader of the Opposition is so full of angst today. Mr. Deputy Speaker, had I bequeathed a legacy to my Party in this debate of having committed myself to two more years of monopoly by Cable and Wireless, I would understand why my Party would have a difficulty in participating fully in this debate with me as a leader. That is the problem of the Leader of the Opposition. He went out on a limb and committed the Democratic Labour Party to perpetuating a domestic monopoly for Cable and Wireless in this country.

Mr. C. A. MASCOLL: On a point of order. Again the Honourable Member for St. Michael North East is misleading the House. I made reference to Cable and Wireless and extending the licence in the Budget reply, not last week. I said it in the presence of thousands of people watching their television sets. I have no difficulty.

I reasoned my position just as I reasoned on the question of a manufacturing plant being located in Trinidad and Tobago, just like how I reasoned on the fact that this economy was not restructured and why it is that Standard and Poor's was able to give Barbados a negative credit rating. I stand committed to what I believe in and nobody on That Side can change me in that regard.

Asides.

Hon. Miss M. A. MOTTLEY: Mr. Deputy Speaker, I refer to the comments of the Honourable Member in the Budget debate at the opening, so there is no issue about that. Therefore, I want to give him the assurance that no one on This Side would either want to change him or to move him from being Leader of the Opposition because we believe that he is the best guarantee we could have to the Democratic Labour Party underperforming once he remains Leader of the Opposition.
4.40 p.m.

Mr. Deputy Speaker, I want to speak to the issue of what are the true benefits of liberalisation. Sir, last Tuesday when I spoke, I did not have the benefit of the extensive public relations campaign pursued by Cable and Wireless, in lowering its rate by 50 and 53 per cent.

Mr. Deputy Speaker, in one short week, the entire country of Barbados has been subjected to a public relations

campaign by Cable and Wireless, showing what competition truly means.

Mr. Deputy Speaker, if it were not against the Rules of the House, I would have made those full-page advertisements that appeared in the newspapers, a document of this Honourable House.

Sir, suffice to say that those persons who would come in the future could go to the archives and could pull the newspapers because daily, almost every newspaper has seen full-page advertisements with prices falling from \$0.75 to \$0.35, something that would have never, ever happened in the context of an extension of a monopoly, or was never put on the cards when the Democratic Labour Party had extended the monopoly in 1991 to 2011, from what would have been Cable and Wireless' legitimate termination in 1994.

Mr. Deputy Speaker, the proof of the pudding has always been in the eating, and the reality is that telecommunications liberalisation means for this country more choices, lower costs, choices relating to suppliers, as well as to a range of products. If there are no competitors, there would be no pressure on that monopolistic company to do and to introduce that which is best for the market. We have, therefore, not only seen a reduction in prices but a number of things relating to data and communications which were not otherwise available.

Mr. Deputy Speaker, long after it could otherwise have the presence and access to ADSL lines, the presence of Sunbeach Communications in the Internet market has led to Cable and Wireless opening up, so that Barbadian consumers and businesses could have wider and quicker Internet access than they otherwise would not have.

Sir, in a services-base economy, what we have been saying to this country is that there is the need to be able to drive prices down to the lowest that they can be, and to give people opportunities for choice.

Mr. Deputy Speaker, the reality is now upon us because we are seeing a full liberalisation of the cellular market. Sir, liberalisation does not mean an absence of regulations because as a country liberalises, Government needs to appropriately regulate to protect, first the national interest and then the various consumers' interests, right through to the other participants in the market.

Mr. Deputy Speaker, in this Honourable Chamber this morning, doubt was also cast of the liberalisation of the telecommunications sector, and once again at a time when the Leader of the Opposition would have us extending Cable and Wireless monopoly for another two years. What is now

the record of this Government? The record is that we have received four proposals for licences to operate six wireless accesses in the domestic market.

Mr. Deputy Speaker, the reality is that at a time when the Democratic Labour Party would have been perpetuating that monopoly, the Barbados Labour Party has four companies, Blue Waves Networks Incorporated, Last Miles Holdings Incorporated, TeleBarbados Incorporated and Whiscom Technologies Incorporated. This is not an example of pulling facts out of the sky. It is the reality of Government's work in the liberalisation of the sector.

Mr. Deputy Speaker, the stage at which we are at is that these matters have been referred to an evaluation committee, chaired by the Chief Telecommunications Officer, including the Permanent Secretary in the Ministry of Finance or his representative, the Permanent Secretary in the Ministry of Commerce or his representative, the Solicitor-General or her representative, and an independent chartered accountant, to be appointed by the Minister responsible for Telecommunications. Sir, this is the same process that was used in the evaluation of bids that were submitted for the liberalisation of the cellular market.

Mr. Deputy Speaker, this is no pie in the sky. This is the reality, and by the beginning of March 2004, the Government will have placed before it, recommendations as to whom licences should be issued to, to give people choices in relation to making domestic calls in this country. This is not an act of clairvoyance. This is the reality of Government's work.

Mr. Deputy Speaker, may I say at this stage that we have reached a point where we have said that we are going to ensure that in relation to Phase 3, international calls will take place by the end of July 2004.

Yesterday in his address, the Prime Minister has reconfirmed that commitment because this Government understands what is at stake in relation to the creation of jobs and spurring further growth in this economy, in circumstances where we have committed ourselves to the development of a services-base economy, and one which is driven by services, information and communications technologies.

Mr. Deputy Speaker, this Government has treated to Cable and Wireless in a way that states that they cannot be the only players in the telecommunications market in this country. This Government has already stated to Cable and Wireless that they will not be allowed to behave as they like, when they like, nor how they like, and that they are subject to the rule of law.

Mr. Deputy Speaker, I cited Cable and Wireless' intention to retrench a further 60 workers after they had reached an agreement with the Social Partners. I chaired that meeting, so I know what was said. We had also intimated to Cable and Wireless that we would not be part of any plan in retrenching Barbadian workers who were in management position, and who would have been replaced by non-nationals or non-Caribbean people, in circumstances where this company that was owned by them had been led by Barbadians for more than 40 years.

Mr. Deputy Speaker, I do not know, and certainly cannot accept that the conduct of any Cable and Wireless Executives to write to any Minister of Government or to talk about any Minister of Government, could be acceptable. Sir, it is a good thing it happened before I started chairing that committee because in the same way that I had chased them out of my office on the work permit issue and on the retrenchment, I would have had to give them some choice words that would not have been parliamentary for me to repeat in this Honourable Chamber.

Sir, there is no entity, local, multinational, or otherwise, that could have the right to treat to a minister in circumstances where that entity is seeking to deny, to denigrate, or otherwise to suggest, that no other minister has a legitimate right to put forward the legitimate concerns of his or her ministry.
4.50 p.m.

For what it is worth, that is one of the reasons why this Government has gone to the trouble of establishing a subcommittee to ensure that there is a comprehensive and that there is no capacity for dividing and ruling anybody in this Government or anything to do with telecommunications liberalisation.

Mr. Deputy Speaker, I believe that exercise has borne fruit because we have been able to move forward at a pace in the last 18 months that reflects that we do not countenance any division. Mr. Deputy Speaker, in fairness to the Honourable Member for Christ Church East, he brought the matter to our attention and intimated that there was no way that he was proposing that any representative from Cable & Wireless could speak about any Minister of this Government in that fashion.

Mr. Deputy Speaker, we have a situation that is clear where many multinational corporations feel that Governments and Ministers are inconsequential and that they can talk and behave how they like and Honourable Members on the Other Side will be able to give chapter and verse of similar circumstances.

Mr. Deputy Speaker, I know how I have reached this Chamber and other Honourable Members also knows how they have reached here. Sir, we have reached this Chamber purely by the fiat of the people. I want to say that the fiat of the people allows for passage of legislation to create a framework for the rule of law which must be adhered to in this country.

Sir, we will not strand the investment of anyone large or small, be it the vendors in St. Lawrence Gap or the multinational corporations like Cable & Wireless but whatever we do will be done in accordance with fairness and the rule of law. This is why the letter must be deprecated publicly.

Sir, last week I made a point which I will repeat today. If we did not break the monopoly by negotiations, the people of Barbados would be subjected to the continuous rapacious rates and conduct associated with monopolistic practices which allowed them to reap profits to the extent of \$25 million last year in circumstances where we constituted a large percentage of Cable & Wireless' global profit along with Jamaica. The people of Barbados would have been the victims of excessive profits in the form of \$25 million per year without the benefit of investment, choice and lowering of rates in this country.

Mr. Deputy Speaker, we have had the opportunity to see the drop in rates on the eve of other mobile competitors' entry into the market and, ultimately, this is what the consumer in this country will see.

I also draw your attention to the fact that the Fair Trading Commission has the responsibility of quality of standards so let us not feel that the rates can drop at the expense of the quality of service to be delivered because the legislation has been so structured that the Fair Trading Commission has a responsibility in law to ensure that standards are maintained in terms of the quality of service. Therefore, Mr. Deputy Speaker, I look forward to similar success stories in other aspects of the liberalisation of the telecommunications sector.

We believe that a company must have some level of profit but it ought to relate to certain different models of regulations and we want to see the adjustment for these models so that the consumer can benefit to the maximum and so that investors who take the risk of putting up their capital can benefit in some way or they simply will not invest and we would not benefit from the technology.

Mr. Deputy Speaker, I want to thank all Honourable Members who spoke. I regret that a few did not treat to the issue in good faith but I do believe that this debate is

necessary and reflects the facts that on certain aspects of the jurisdiction of the Fair Trading Commission there can be no divide.

In respect of the work that now has to be done in the area of competition policy, I believe this will be the area where the greatest movement will come in the development of our jurisprudence over the next decade. Concomitant with that, those powers which have been given both in our laws and in the Revised Treaty of Chaguaramas, we have a responsibility as a Government to increase the level of public education so that people will understand this area which is new to them. At the same time, we also have the responsibility to do the requisite training across Government in relation to people's powers to identify and to treat to these matters by way of monitoring and investigation as well as by way of adjudication.

I hope that in the same way that the members of the Fair Trading Commission have been able to discharge their function in relation to telecommunications liberalisation and consumer complaints thus far, that we would be able to see similar action in the near future in relation to that one aspect of competition policy.

Mr. Deputy Speaker, other matters have been raised in relation to the structure of the legislation but suffice it to say, this legislation is not a monument cast in stone, only to be looked at, admired and never to be troubled. It may well be that on many occasions in the near future we would be relating to this legislation because this is a new experience for the Government of Barbados. We believe that above all else our responsibility is to get it to function correctly to the benefit of the economy and the individual consumer.

I want to thank all Honourable Members who took the time to speak. I want to continue to encourage the Honourable Minister of Consumer Affairs in relation to her mandate on what clearly, in my view, is an area that is extremely important in being able to determine the shape and look of the Barbadian economy and society 30 years from today. This institution, in my view, will come to be recognised as the most pivotal one to have been developed in the post Independence environment.

Sir, this Government remains deeply indebted, as stated by the Honourable Member for St. James South, to the work of the Honourable Member for Saint Michael North because the accomplishment of being able to put that range of legislation in place and to treat to the initial institutional arrangements is one that has not been matched by many other Ministers serving in Cabinet Government since Independence in this country and I want to thank him.

I do believe that Government's philosophical approach as to where we need to go in terms of the creation of the new economy will make the difference in terms of how we treat

to the functioning of the Fair Trading Commission and its legislative support in being able to achieve that mandate.

Sir, I am grateful to you and beg to move that this Bill be read a second time.

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

5.00 p.m.

COMMITTEE

On the motion of Hon. Miss M. A. MOTTLEY, seconded by Hon. A. P. WOOD, the House went into Committee, Mr. R. D. MARSHALL in the Chair.

Mr. CHAIRMAN: This House is now in Committee.

Clause 1 was called.

Hon. Miss M. A. MOTTLEY: Mr. Chairman, I beg that Clause 1 be amended to delete the figures 203 and insert the figures 2004.

I beg to move that Clause 1, as amended, stand part.

Hon. R. R. FARLEY: I beg to second that.

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

Clause 2 was called and passed.

On the motion of Hon. Miss M. A. MOTTLEY, seconded by Hon. R. R. FARLEY, the Chairman reported the passing of one Bill in Committee, as amended, and Mr. DEPUTY SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. Miss M. A. MOTTLEY, seconded by Hon. R. R. FARLEY, the Bill was read a third time and passed and cited as the Fair Trading Commission (Amendment) Act, 2004.

ADJOURNMENT

Hon. Miss M. A. MOTTLEY: Mr. Deputy Speaker, this brings us to the end of today's Sitting and, in the circumstances, I beg to move that this House be now adjourned until Tuesday, 17th February, 2004 at 10.00 o'clock in the morning.

Hon. R. R. FARLEY: I beg to second that.

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

5.07 p.m.

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