

***NATIONAL ASSEMBLY OF THE FIRST SESSION OF
THE NINTH PARLIAMENT OF GUYANA (2006-2011)***

REPORT OF

THE SPECIAL SELECT COMMITTEE

OF THE NATIONAL ASSEMBLY

ON THE

TELECOMMUNICATIONS BILL 2011 – BILL NO. 18 OF 2011

PRESENTED TO THE NATIONAL ASSEMBLY

BY

THE CHAIRMAN OF THE COMMITTEE

ON

1ST SEPTEMBER, 2011

**REPORT OF THE SPECIAL SELECT COMMITTEE OF
THE NATIONAL ASSEMBLY ON THE
TELECOMMUNICATIONS BILL 2011 – BILL NO. 18 OF 2011**

Publication

1. The Telecommunications Bill, (Bill No. 18 of 2011) seeks to provide for the establishment of the Telecommunications Agency and for a regular, coordinated, open and competitive telecommunications sector and for matters incidental thereto or connected therewith.
2. The Bill was published on 3rd August, 2011.

Introduction and First Reading

3. The Bill was introduced in the National Assembly and read for the first time on 4th August, 2011.

Second Reading

4. The Bill was read a second time in the National Assembly on the 11th August, 2011.

Committal to Select Committee

5. Following its second reading the Bill was committed by the National Assembly for consideration by a Special Select Committee.

Establishment of Special Select Committee

6. At the meeting held on the 12th August, 2011, the Committee of Selection established a Special Select Committee to consider the Telecommunications Bill 2011 – Bill No. 18 of 2011 and the Public Utilities Commission (Amendment) Bill 2011 – Bill No. 17 of 2011.

7. No Members from the Opposition attended this meeting.

Members of the Special Select Committee

8. At the meeting held on the 12th August, 2011, the Committee of Selection nominated the following Members to comprise the Special Select Committee to consider the Telecommunications Bill 2011 – Bill No. 18 of 2011 and the Public Utilities Commission (Amendment) Bill 2011 – Bill No. 17 of 2011.

Members of the People’s Progressive Party/Civic (PPP/C) (6)

The Hon. Samuel A.A. Hinds, M.P

The Hon. Clement J. Rohee, M.P.

The Hon. Manzoor Nadir, M.P.

The Hon. Jennifer I. Webster, M.P.

Mr. Mohabir A. Nandlall, M.P.

Mr. Odinga N. Lumumba, M.P.

Members of the People’s National Congress Reform – 1 Guyana (PNC/R-IG)

No nominations were made by the PNC/R-1G

Member of the Alliance For Change (AFC)

No nominations were made by the AFC

Due to the absence of the Members from the Opposition, from the meeting of the Committee of Selection, letters dated 15th August, 2011, were sent to the Leaders of the PNC/R -1G and the AFC enquiring whether their parties would be nominating Members to the Committee. To date there has been no response.

(See Appendix I for copies of letters sent)

First Meeting of the Committee – Election of Chairman

9. At the first meeting of the Special Select Committee established to consider the Telecommunications Bill 2011 – Bill No. 18 of 2011 and the Public Utilities Commission (Amendment) Bill 2011 – Bill No. 17 of 2011, held on Wednesday, 17th August, 2011, the Committee elected the Hon. Samuel A.A. Hinds, M.P., Prime Minister and Minister of Public Works and Communication as Chairman of the Special Select Committee.

Meetings of the Committee

10. At the first meeting held on 17th August, 2011, the Committee agreed to meet twice per week on Monday and Wednesday at 1.00 p.m., with a minimum of two hours of deliberations.

Methodology

11. The Committee decided to consider the Telecommunications Bill – Bill No. 18 of 2011 followed by the Public Utilities Commission (Amendment) Bill 2011 – Bill No 17 of 2011.

It was also agreed that the Bills would be considered Clause by Clause and that there was no need to invite public submissions on the Bills since the Government had consultations with stakeholders as the Bills were being drafted.

Other Meetings of the Committee

12. At its first Meeting held on Wednesday, 17th August, 2011, the Committee commenced consideration of the Telecommunications Bill – Bill No. 18 of 2011.

13. The Committee met on three (3) other occasions as follows:-

2nd Meeting held on 22nd August, 2011;

3rd Meeting held on 25th August, 2011; and

4th Meeting held on 29th August, 2011.

(See Appendix II for the Attendance Record of the Committee.)

Consideration of Bill

14. The Committee considered the Long Title and Clauses of the Bill.

15. The following Clauses were amended:-

2, 6, 17, 18, 20, 23, 24, 28, 29, 30, 38, 40, 41, 43, 44, 46, 47, 51, 59, 79, 80, 81, 82, 85, 88, 90 and 93.

16. The following Clauses were unaltered:-

1, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 21, 22, 25, 26, 27, 31, 32, 33, 34, 35, 36, 37, 39, 42, 45, 48, 49, 50, 52, 53, 54, 55, 56, 57, 58, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 83, 84, 86, 87, 89, 91, 92, 94 and 95.

17. The details of the amendments made to the Bill by the Committee are attached at Appendix III.

Report of the Special Select Committee

18. At its 4th meeting held on Monday, 29th August, 2011, the Special Select Committee on the Telecommunications Bill 2011 – Bill No. 18 of 2011 and the Public Utilities Commission (Amendment) Bill 2011 – Bill No. 17 of 2011, agreed that this Report on its consideration of the Bill should be presented to the National Assembly.

19. The Report is hereby submitted.

Minutes

20. The Minutes of the Proceedings of the Committee are at Appendix IV.

Records of the Proceedings

21. Records of the Proceedings of the Committee are being prepared and will be available at the Parliament Office.



The Hon. Samuel A.A. Hinds, M.P.,
Prime Minister and Minister of Public Works and Communication,
Chairman

Committees Division
Parliament Office
Public Buildings
Brickdam,
Georgetown.

31st August, 2011.

APPENDIX I

Tel: 226- 8456-9



Parliament Office,
Public Buildings,
Brickdam,
Georgetown,
Guyana.

15th August, 2011.

Mr. Robert Corbin, M.P.,
Leader of the Opposition and
Leader of the People's National Congress Reform (PNC/R),
Congress Place,
Sophia,
Georgetown.

Dear Mr. Corbin,

Re: Outstanding nomination of Members to the Special Select Committees on Public Utilities Commission (Amendment) Bill 2011 – Bill No. 17 of 2011 and Telecommunication Bill 2011 – Bill No. 18 of 2011.

The Committee of Selection held its **25th Meeting on Friday, 12th August, 2011**, for the purpose of nominating Members to the Special Select Committee on Public Utilities Commission (Amendment) Bill 2011 – Bill No. 17 of 2011, and the Telecommunications Bill 2011- Bill No. 18 of 2011.

Due to the absence of Members from the Opposition, I was directed by the Committee to enquire whether your party will be nominating Members to the Committee.

Further, I wish to advise you that the first meeting of the newly constituted Committee is scheduled for Wednesday, 17th August, 2011, at 1.00 p.m., at the Parliament Office.

The Committee looks forward to an early response.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sherene Warren', written over a dotted line.

Ms Sherene Warren
Clerk of Committee
for Clerk of the National Assembly

Copy to:

Mr. E Lance Carberry, M.P., Chief Whip

Tel: 226- 8456-9



Parliament Office,
Public Buildings,
Brickdam,
Georgetown,
Guyana.

15th August, 2011.

Mr. Raphael Trotman, M.P.,
Leader,
Alliance For Change,
56 Chalmers Place & Hadfield Streets
Georgetown.

Dear Mr. Trotman,

Re: Outstanding nomination of Members to the Special Select Committees on Public Utilities Commission (Amendment) Bill 2011 – Bill No. 17 of 2011 and Telecommunication Bill 2011 – Bill No. 18 of 2011.

The Committee of Selection held its **25th Meeting on Friday, 12th August, 2011**, for the purpose of nominating Members to the Special Select Committee on Public Utilities Commission (Amendment) Bill 2011 – Bill No. 17 of 2011, and the Telecommunications Bill 2011- Bill No. 18 of 2011.

Due to the absence of Members from the Opposition, I was directed by the Committee to enquire whether your party will be nominating Members to the Committee.

Further, I wish to advise you that the first meeting of the newly constituted Committee is scheduled for Wednesday, 17th August, 2011, at 1.00 p.m., at the Parliament Office.

The Committee looks forward to an early response.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Warren', written over a dotted line.

Ms Sherene Warren
Clerk of Committee
for Clerk of the National Assembly

APPENDIX II

SPECIAL SELECT COMMITTEE ON
THE PUBLIC UTILITIES COMMISSION (AMENDMENT) BILL 2011 – BILL NO. 17 AND
THE TELECOMMUNICATIONS BILL 2011 – BILL NO. 18 OF 2011.

ATTENDANCE RECORD FOR MEETINGS HELD ON THE CONSIDERATION OF THE
TELECOMMUNICATIONS BILL 2011 – BILL NO. 18 OF 2011

NAME	August			
	17 th	22 nd	25 th	29 th
The Hon. Samuel A. A. Hinds, M. P.	Pr.	Ex.	Pr.	Pr.
The Hon. Clement J. Rohee, M.P.	Pr.	Ex.	Abs.	Ex.
The Hon. Manzoor Nadir, M.P.	Pr.	Ex.	Pr.	Pr.
The Hon. Jennifer I. Webster, M.P.	Pr.	Pr.	Pr.	Pr.
Mr. Mohabir A. Nandlall, M.P.	Ex.	Pr.	Ex.	Ex.
Mr. Odinga Lumumba, M.P.	Pr.	Pr.	Pr.	Ex.

Pr. - **Present**
Abs. - **Absent**
Ex. - **Excused**

Committees Division
Parliament Office
Public Buildings
Georgetown

APPENDIX III

APPENDIX III

Clause by Clause consideration of the Telecommunications Bill 2011 - Bill No. 18 of 2011 showing approved amendments made by the Committee on 25th August, 2011

CLAUSES OF THE BILL	AMENDMENTS
<p>PART I – PRELIMINARY PROVISIONS</p> <p>Clause 1</p>	<p>Clause 1 was unaltered</p>
<p>Clause 2</p> <p>Subsection 1</p> <p>Subsection 1</p> <p>“harmful interference” means an adverse effect of electromagnetic energy from any emission, radiation, induction or use of the spectrum that (a) endangers the use or functioning of a navigation- or safety-related radiocommunication service or (b) seriously degrades or obstructs, or repeatedly interrupts, a radiocommunication service operating in accordance with this Act;</p>	<p>Insertion of new definition after the definition of “frequency band”:</p> <p>“gross annual revenues” and “gross revenues derived from services,” for the purposes of this Act and the Public Utilities Commission Act 1999, respectively, means the total revenues received by a licensee or authorisation holder from the telecommunications services and other activities conducted pursuant to its licence and frequency authorisation, in its most recently ended financial year.</p> <p>“harmful interference” means an adverse effect of electromagnetic energy from any emission, radiation, induction or use of the spectrum that (a) endangers the use or functioning of a navigation- or safety-related radiocommunication service or (b) seriously degrades or obstructs, or repeatedly interrupts, a radiocommunication service operating in accordance with this Act;</p>

<p>Subsection 1</p>	<p>Insertion of new definition after the definition of “consumer”:</p> <p>“cost-oriented” means those charges equal to the long-run incremental cost of an efficient operator or service provider, as the case may be, plus, if applicable, an appropriate portion of shared and common costs, and as such term may be amplified or modified in the regulations;</p>
<p>PART II – TELECOMMUNICATIONS AGENCY</p> <p>Clause 3</p>	<p>Clause 3 was unaltered</p>
<p>Clause 4</p>	<p>Clause 4 was unaltered</p>
<p>Clause 5</p>	<p>Clause 5 was unaltered</p>
<p>Clause 6</p> <p>Subsection (1)</p> <p>Subsection (2)</p> <p>A member shall, during his period of service with the Agency, refrain from engaging in discussions with any telecommunications undertaking or with any person engaged in broadcasting through utilisation of the spectrum regarding his employment thereby and shall be prohibited from accepting employment with any such person for a period of one year after ceasing to be a member.</p>	<p>Unaltered</p> <p>A member shall, during his period of service with the Agency, refrain from engaging in discussions with any telecommunications undertaking or with any person engaged in broadcasting through utilisation of the spectrum regarding his employment thereby and shall be prohibited from accepting employment with any such person for a period of two years after ceasing to be a member.</p>
<p>Clause 7</p>	<p>Clause 7 was unaltered</p>

Clause 8	Clause 8 was unaltered
Clause 9	Clause 9 was unaltered
Clause 10	Clause 10 was unaltered
Clause 11	Clause 11 was unaltered
Clause 12	Clause 12 was unaltered
Clause 13	Clause 13 was unaltered
Clause 14	Clause 14 was unaltered
Clause 15	Clause 15 was unaltered
Clause 16	Clause 16 was unaltered
Clause 17	
Subsection (1)	Deleted
Subsection (2)	Renumbered as Clause 17
Clause 18	
Subsection (1)	
The Agency shall determine its own annual budget for submission to the Minister of Finance for inclusion in the annual budget presented to the National Assembly.	The Agency shall prepare an annual budget for submission to the Minister of Finance for inclusion in the annual budget presented to the National Assembly.
Subsections (2) to (5)	Unaltered

<p>PART III – FUNCTIONS OF THE MINISTER, THE AGENCY AND THE COMMISSION</p> <p>Clause 19</p>	<p>Clause 19 was unaltered</p>
<p>Clause 20</p> <p>Subsection (1), paragraphs (a) to (k)</p> <p>Paragraph (l)</p> <p>regulate the telecommunications numbering system and dialing parity;</p> <p>Paragraphs (m) to (p)</p>	<p>Unaltered</p> <p>regulate numbers, the telecommunications numbering system and dialing parity;</p> <p>Unaltered</p>
<p>Clause 21</p>	<p>Clause 21 was unaltered</p>
<p>Clause 22</p>	<p>Clause 22 was unaltered</p>
<p>PART IV – LICENCES AND FREQUENCY AUTHORISATIONS</p> <p>Clause 23</p> <p>Subsections (1) to (9)</p> <p>Subsection (10), paragraph (a)</p> <p>The Minister may by order designate any class or description of operators or service providers, and their related public telecommunications networks, public telecommunications services or value added services, as exempt from the requirement to obtain an individual licence or any other type of licence that would otherwise be required under this Act, and may establish the procedures and terms and conditions applicable to any such exemption, including –</p>	<p>Unaltered</p> <p>The Minister may by order or regulations designate any class or description of operators or service providers, and their related public telecommunications networks, public telecommunications services or value added services, as exempt from the requirement to obtain an individual licence or any other type of licence that would otherwise be required under this Act, and may establish the procedures and terms and conditions applicable to any such exemption, including –</p>

<p>Sub-paragraphs (i) and (ii)</p> <p>Paragraphs (b) and (c)</p>	<p>Unaltered</p> <p>Unaltered</p> <p>Insertion of new Subsection (11)</p> <p>(a) In the exercise of his functions under section 19 (1) (d), the Minister shall determine, by order or regulations issued on or after the appointed day, an initial list of those telecommunications networks that shall constitute public telecommunications networks and those telecommunications services that shall constitute public telecommunications services.</p> <p>(b) Prior to issuing any order or regulations amending or revoking a determination made pursuant to subsection (11) (a), or making, amending or revoking any order or regulations pursuant to section 23(10) or 24(1), the Minister shall –</p> <p style="padding-left: 40px;">(i) send a draft of the proposed order or regulations to every operator or service provider likely to be affected thereby, and publish a notice in a newspaper of general circulation in Guyana, specifying the period within which operators, service providers and other interested persons may submit written representations to the Minister; and</p> <p style="padding-left: 40px;">(ii) hold a public consultation at which operators, service providers and other interested persons may make representations,</p>
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	and the Minister shall consider any written representations submitted and any representations made at such public consultation in making, amending or revoking any such order or regulations.
<p>Clause 24</p> <p>Subsection (1)</p> <p>Subsection (2)</p> <p>Where the Minister determines that a public telecommunications network may be operated, or a public telecommunications service, or value-added service may be provided, on the basis of a class licence, he shall issue an order to that effect, setting forth the type of public telecommunications network that may be so operated and the type of public telecommunications service or value added service that may be so provided and the terms and conditions thereof.</p> <p>Subsections (3) to (9)</p>	<p>Unaltered</p> <p>Where the Minister determines that a public telecommunications network may be operated, or a public telecommunications service, or value-added service may be provided, on the basis of a class licence, he shall issue an order or regulations to that effect, setting forth the type of public telecommunications network that may be so operated and the type of public telecommunications service or value added service that may be so provided and the terms and conditions thereof.</p> <p>Unaltered</p>
Clause 25	Clause 25 was unaltered
Clause 26	Clause 26 was unaltered
Clause 27	Clause 27 was unaltered
<p>Clause 28</p> <p>Subsection (1), paragraphs (a) to (l)</p>	Unaltered

<p>Paragraph (m)</p> <p>refrain from impairing or terminating the interconnection, access or telecommunications services provided to another operator or service provider, or the access to facilities granted to another operator or service provider or a public utility, during a dispute, without the prior written approval of the Commission, except that the operator or service provider may, in respect of a billing dispute, collect from such other operator or service provider, or from such public utility, amounts that are not in dispute;</p> <p>Paragraphs (n) to (s)</p> <p>Subsections (2) and (3)</p>	<p>refrain from impairing or terminating the interconnection, access or telecommunications services provided to another operator or service provider, or the access to facilities granted to another operator or service provider or a public utility and from ceasing to perform an agreement for interconnection or access, during a dispute, without the prior written approval of the Commission, except that the operator or service provider may, in respect of a billing dispute, collect from such other operator or service provider, or from such public utility, amounts that are not in dispute;</p> <p>Unaltered</p> <p>Unaltered</p>
<p>Clause 29</p> <p>Subsection (1), paragraph (a)</p> <p>Paragraph (b), sub-paragraphs (i) to (v)</p> <p>Paragraph (b), sub-paragraph (vi)</p> <p>conduct such other activities as may be authorised by the Minister in the regulations, by order, or in the terms of a licence, or by the Commission by order,</p>	<p>Unaltered</p> <p>Unaltered</p> <p>conduct such other activities as may be authorised by the Commission or authorized or required by the Minister or other Government Agencies in the regulations, by order, or in the terms of a licence,</p>
<p>Clause 30</p> <p>Subsections (1) to (8)</p> <p>Subsection (9)</p> <p>A frequency authorisation shall be consistent with the spectrum plan established by the</p>	<p>Unaltered</p> <p>A frequency authorisation shall be consistent with the spectrum plan established by the</p>

<p>Agency pursuant to section 44 and the regulations and shall confer on the authorisation holder the right to use a specific frequency band or bands and install and operate specific types of radiocommunication equipment for the use of such frequency band or bands, subject to such conditions as may be set out therein and in the regulations.</p>	<p>Agency pursuant to section 44 or 93 (5) (b), as the case may be, and the regulations and shall confer on the authorisation holder the right to use a specific frequency band or bands and install and operate specific types of radiocommunication equipment for the use of such frequency band or bands, subject to such conditions as may be set out therein and in the regulations.</p>
<p>Subsection (10), paragraph (a)</p>	<p>Unaltered</p>
<p>Paragraph (b)</p> <p>A person that intends to reconfigure or otherwise alter the technical parameters of any radiocommunication equipment authorised for installation and operation under a frequency authorisation, or add any type of radiocommunication equipment that is not already authorised in its frequency authorisation, shall notify the Agency of its intention in writing, and shall be required to be granted an amendment of its frequency authorisation by, or other written approval of, the Minister, prior to effecting any such reconfiguration or other alteration or addition, as the case may be.</p>	<p>A person that intends to reconfigure or otherwise alter the technical parameters of any radiocommunication equipment authorised for installation and operation under a frequency authorisation, or add any type of radiocommunication equipment that is not already authorised in its frequency authorisation, shall notify the Agency of its intention in writing, and shall be required to be granted an amendment of its frequency authorisation by, or to be granted other written approval of, the Minister, prior to effecting any such reconfiguration or other alteration or addition, as the case may be.</p>
<p>Subsection (11)</p> <p>Notwithstanding any other provision of this Act, the Minister may, by order, designate certain radiocommunication equipment, and the portions of the spectrum used when such equipment is installed or operated, as available for use by the general public or any other person without the need for obtaining a frequency authorisation, subject to any terms and conditions set forth in the order, the regulations, or the Telecommunications Code, including any obligation that any such person be subject to provisions of this Act, the regulations or the Telecommunications Code.</p>	<p>Notwithstanding any other provision of this Act, the Minister may, by order or regulations, designate certain radiocommunication equipment, and the portions of the spectrum used when such equipment is installed or operated, as available for use by the general public or any other person without the need for obtaining a frequency authorisation, subject to any terms and conditions set forth in the order, the regulations, or the Telecommunications Code, including any obligation that any such person be subject to provisions of this Act, the regulations or the Telecommunications Code.</p>

<p>Subsection 12</p> <p>The Minister may make such provisions in regulations as he may deem appropriate requiring any person -</p> <p>Paragraphs (a) and (b)</p>	<p>The Minister may, by order or regulations, make such provisions as he may deem appropriate requiring any person -</p> <p>Unaltered</p>
<p>Clause 31</p>	<p>Clause 31 was unaltered</p>
<p>Clause 32</p>	<p>Clause 32 was unaltered</p>
<p>Clause 33</p>	<p>Clause 33 was unaltered</p>
<p>Clause 34</p>	<p>Clause 34 was unaltered</p>
<p>Clause 35</p>	<p>Clause 35 was unaltered</p>
<p>Clause 36</p>	<p>Clause 36 was unaltered</p>
<p>Clause 37</p>	<p>Clause 37 was unaltered</p>
<p>PART V – PRICES AND DOMINANCE</p> <p>Clause 38</p> <p>Subsection (1)</p> <p>Subsection (2)</p>	<p>Renumbered to Subsection (1)(a)</p> <p>Renumbered to Subsection (1)(b)</p> <p>Insertion of a new Subsection (2)</p> <p>Without derogation of the provisions of subsection (1) or any other provision of this Act or the regulations, the rate being charged</p>

<p>Subsections (3) and (4)</p> <p>Subsection (5), paragraphs (a) to (c)</p> <p>Paragraph (d)</p> <p>hold a public hearing, at which the operator or service provider and any interest person may present their views on the proposed price regulation regime;</p> <p>Paragraphs (e) and (f)</p> <p>Subsections (6) to (8)</p>	<p>by an operator or service provider on the appointed day for any telecommunications service provided by it shall not be changed after that date except in accordance with this Act and the regulations.</p> <p>Unaltered</p> <p>Unaltered</p> <p>hold a public hearing, at which the operator or service provider and any interested person may present their views on the proposed price regulation regime;</p> <p>Unaltered</p> <p>Unaltered</p>
<p>Clause 39</p>	<p>Clause 39 was unaltered</p>
<p>Clause 40</p> <p>Subsections (1) to (4)</p> <p>Subsection (5), paragraph (a)</p> <p>Paragraph (b)</p> <p>Two or more operators, service providers or other telecommunications undertakings shall be considered jointly dominant with respect to a telecommunications network, a telecommunications service or a type of facility, or any market for them, where such operators, service providers or other telecommunications undertakings jointly occupy such a position of economic strength as will enable each of them to operate in such market without effective constraints from their competitors, potential competitors, consumer or other users.</p>	<p>Unaltered</p> <p>Unaltered</p> <p>Two or more operators, service providers or other telecommunications undertakings shall be considered jointly dominant with respect to a telecommunications network, a telecommunications service or a type of facility, or any market for them, where such operators, service providers or other telecommunications undertakings jointly occupy such a position of economic strength as will enable them, individually or jointly, to operate in such market without effective constraints from their competitors, potential competitors, consumer or other users.</p>

	<p>Insertion of new paragraph (c)</p> <p>Every reference to “dominant” or “dominance” in this Act, the regulations and the Telecommunications Code shall, unless expressly provided otherwise, be read to include “jointly dominant” and “joint dominance”.</p>
<p>PART VI – INTERCONNECTION AND ACCESS</p> <p>Clause 41</p> <p>Subsection (1), paragraphs (a) to (g)</p> <p>Paragraph (h)</p> <p>comply with any decision rendered by the Commission pursuant to subsection (1)(g) and the regulations; and</p> <p>Paragraph (i)</p> <p>as may be required by the regulations or, to the extent not provided for in the regulations, by the Commission, provide equal access to consumers using the public telecommunications services of other service providers.</p>	<p>Unaltered</p> <p>comply with any decision rendered by the Commission pursuant to subsection (1)(g) and the regulations;</p> <p>as may be required by the regulations or, to the extent not provided for in the regulations, by the Commission, provide equal access to consumers using the public telecommunications services of other service providers; and</p> <p>Insertion of new Paragraph (j) -</p> <p>(j) to the extent required by the regulations, disaggregate its telecommunications networks and facilities, and unbundle its telecommunications services, and on a cost-oriented basis as the regulations may require or, to the extent not specified in the regulations, the Commission may specify, establish prices for its individual elements and offer the elements at the established prices to other operators and service providers.</p>

<p>Subsections (2) and (3)</p>	<p>Unaltered</p>
<p>Subsection (4)</p> <p>In addition to the other obligations provided for in this section, every operator and every service provider that is dominant shall –</p>	<p>Unaltered</p>
<p>Paragraph (a)</p> <p>disaggregate its telecommunications networks and facilities, and unbundle its telecommunications services, and on a cost-oriented basis such as the regulations or the Commission may specify, establish prices for its individual elements and offer the elements at the established prices to other operators and service providers;</p>	<p>disaggregate its telecommunications networks and facilities, and unbundle its telecommunications services, and on a cost-oriented basis such as the regulations or, to the extent not provided for in the regulations, the Commission may specify, establish prices for its individual elements and offer the elements at the established prices to other operators and service providers;</p>
<p>Paragraph (b)</p> <p>prepare, and obtain the Commission’s approval of, Reference Interconnection Offers and publish, in such manner as the regulations or the Commission may specify, the prices, technical, commercial and other terms and conditions thereof;</p>	<p>prepare, and obtain the Commission’s approval of, Reference Interconnection Offers and publish, in such manner as the regulations or, to the extent not provided for in the regulations, the Commission may specify, the prices, technical, commercial and other terms and conditions thereof;</p>
<p>Paragraphs (c) to (e)</p>	<p>Unaltered</p>
<p>Subsections (5) and (6)</p>	<p>Unaltered</p>
	<p>Insertion of new Subsection (7)</p> <p>Every operator, service provider and public utility that, as of the appointed day, is providing or receiving interconnection,</p>

	access, collocation or joint use under any terms and conditions, whether or not such terms and conditions constitute a formal or binding agreement between the parties, shall continue to provide such interconnection, access, collocation and joint use under such terms and conditions, until such time as the parties have concluded an interconnection agreement, access agreement, or agreement for collocation or joint use under this Act and the regulations.
Clause 42	Clause 42 was unaltered
<p>PART VII – UNIVERSAL ACCESS AND UNIVERSAL SERVICES</p> <p>Clause 43</p> <p>Subsection (1)</p> <p>Subsection (2), paragraph (a)</p> <p>universal access to a high quality public telephone service, including a free telephone directory for consumers of such service, a free telephone directory at each pay telephone or other public access point, and operator directory assistance;</p> <p>Paragraphs (b) and (c)</p> <p>Subsection 3</p> <p>Subsection 4, paragraph (a)</p> <p>Paragraph (b)</p> <p>The Agency may, with the approval of the Minister, require that persons operating private telecommunications networks and providing private telecommunications</p>	<p>Unaltered</p> <p>universal access to a high quality public telephone service, including, as may be further provided for in the regulations, a free telephone directory for consumers of such service, a free telephone directory at each pay telephone or other public access point, and operator directory assistance;</p> <p>Unaltered</p> <p>Unaltered</p> <p>Unaltered</p> <p>The Agency may, with the approval of the Minister, require that persons operating private telecommunications networks and providing private telecommunications</p>

<p>services and value added services, as well as telecommunications undertakings that use such networks and services and provide any other telecommunications services, contribute to the funding of universal access and universal service.</p> <p>Paragraphs (c) and (d)</p> <p>Subsection 5</p>	<p>services and value added services, as well as such other telecommunications undertakings as the Minister may determine, contribute to the funding of universal access and universal service.</p> <p>Unaltered</p> <p>Unaltered</p>
<p>PART VIII – SPECTRUM MANAGEMENT, NUMBERING AND DOMAIN NAME MANAGEMENT</p> <p>Clause 44</p> <p>Subsection (1)</p> <p>The Agency shall manage and allocate the spectrum in order to promote the economic and orderly utilisation of frequencies for the operation of telecommunications networks and the provision of telecommunications services and for the operation of broadcasting networks and the provision of broadcasting services, to recover the cost incurred in the management thereof.</p> <p>Subsection (2)</p> <p>Subsection (3), paragraph (a)</p> <p>The Agency shall, in accordance with the regulations, develop and adopt a spectrum plan, which may be amended from time to time, in order to allocate the uses of the spectrum.</p> <p>Paragraph (b)</p>	<p>The Agency shall manage and allocate the spectrum in order to promote the economic and orderly utilisation of frequencies for the operation of telecommunications networks and the provision of telecommunications services and for the operation of broadcasting networks and the provision of broadcasting services, to recover the cost incurred in the management thereof, and to recognise that the spectrum is a valuable public resource.</p> <p>Unaltered</p> <p>The Agency shall, in accordance with the regulations, develop and adopt a spectrum plan, which may be amended from time to time, in order to allocate and reallocate the uses of the spectrum.</p> <p>Unaltered</p>

<p>Subsection (4)</p> <p>In developing the spectrum plan and in coordinating the allocation of frequency bands, the Agency shall consult bilaterally, regionally and internationally as it deems necessary and appropriate and as may be otherwise required by the regulations.</p> <p>Subsections (5) to (7)</p>	<p>In developing the spectrum plan and in coordinating the allocation and reallocation of frequency bands, the Agency shall consult bilaterally, regionally and internationally as it deems necessary and appropriate and as may be otherwise required by the regulations.</p> <p>Unaltered</p>
<p>Clause 45</p>	<p>Clause 45 was unaltered</p>
<p>Clause 46</p> <p>The Agency, in the exercise of its functions under sections 44 and 45, shall take into account –</p> <p>Paragraph (a)</p> <p>the objectives of this Act;</p> <p>Paragraph (b)</p> <p>the impact of the spectrum plan on existing and future use;</p> <p>Paragraphs (c) to (e)</p> <p>Paragraph (f)</p> <p>any other relevant matters, having regard to the circumstances of the case, as may be set forth in the regulations or determined by the Minister or the Agency.</p>	<p>Unaltered</p> <p>the objectives and provisions of this Act;</p> <p>the impact of the spectrum plan on existing and future use and availability of the spectrum;</p> <p>Unaltered</p> <p>any other relevant factors, having regard to the circumstances of the case, as may be set forth in the regulations or determined by the Minister or the Agency.</p>

<p>Clause 47</p> <p>Subsection (1), paragraph (a)</p> <p>Paragraph (b)</p> <p>ascertaining whether frequency bands are being used in accordance with this Act; and</p> <p>Paragraph (c)</p> <p>Subsection (2)</p> <p>A frequency monitoring station operated by the Agency shall be exempt from any of the provisions of this Act.</p>	<p>Unaltered</p> <p>ascertaining whether frequency bands are being used in accordance with this Act, the regulations, and the terms and conditions of a relevant frequency authorisation; and</p> <p>Unaltered</p> <p>A frequency monitoring station operated by the Agency shall be exempt from any of the provisions of this Act and the regulations.</p>
<p>Clause 48</p>	<p>Clause 48 was unaltered</p>
<p>Clause 49</p>	<p>Clause 49 was unaltered</p>
<p>Clause 50</p>	<p>Clause 50 was unaltered</p>
<p>Clause 51</p> <p>Subsection (1)</p> <p>The Agency shall be responsible for the registration and management of the top level domain names of Guyana, in accordance with the manner that it shall determine with the approval of the Minister.</p> <p>Subsection (2)</p>	<p>The Agency shall be responsible for the registration and management of the Guyana country-code top level domain name, in accordance with the manner that it shall determine with the approval of the Minister.</p> <p>Unaltered</p>

<p>PART IX – TERMINAL EQUIPMENT, OTHER EQUIPMENT, TESTING AND TECHNICAL STANDARDS</p> <p>Clause 52</p>	<p>Clause 52 was unaltered</p>
<p>Clause 53</p>	<p>Clause 53 was unaltered</p>
<p>Clause 54</p>	<p>Clause 54 was unaltered</p>
<p>Clause 55</p>	<p>Clause 55 was unaltered</p>
<p>PART X – INFORMATION, REPORTING AND INSPECTION</p> <p>Clause 56</p>	<p>Clause 56 was unaltered</p>
<p>Clause 57</p>	<p>Clause 57 was unaltered</p>
<p>Clause 58</p>	<p>Clause 58 was unaltered</p>
<p>PART XI – BREAKING UP STREETS, REMOVAL OF OBSTRUCTIONS, AND ACCESS TO LAND</p> <p>Clause 59</p> <p>Subsection (1), paragraphs (a) and (b)</p> <p>Paragraph (c)</p> <p>the operator shall not open or break up a road, street or bridge that might affect another operator or a public utility without first having the potentially-affected operator or public utility in writing;</p>	<p>Unaltered</p> <p>the operator shall not open or break up a road, street or bridge that might affect another operator or a public utility without first having notified the potentially-affected operator or public utility in writing;</p>

Paragraphs (d) to (g)	Unaltered
Subsection (2)	Unaltered
Subsection (3) No operator or public utility notified under subsection (1)(b) shall open or break up a road, street or bridge that is the subject of such notice within three months of the receipt of such notification except where such operator or public utility, as the case may be, proves to the satisfaction of the Commission, the necessity of carrying out emergency works.	Neither an operator that has opened or broken up a road, street or bridge, nor any operator or public utility that is required to be notified under subsection (1)(b) or (c), shall open or break up the same road, street or bridge within three months of the completion of the work and restoration of the road, street or bridge as required by subsection (2) (a), except where any such operator or public utility, as the case may be, proves to the satisfaction of the Commission the necessity of carrying out emergency works.
Subsection (4)	Unaltered
Clause 60	Clause 60 was unaltered
Clause 61	Clause 61 was unaltered
Clause 62	Clause 62 was unaltered
Clause 63	Clause 63 was unaltered
Clause 64	Clause 64 was unaltered
Clause 65	Clause 65 was unaltered
Clause 66	Clause 66 was unaltered

PART XII – OFFENCES	
Clause 67	Clause 67 was unaltered
Clause 68	Clause 68 was unaltered
Clause 69	Clause 69 was unaltered
Clause 70	Clause 70 was unaltered
Clause 71	Clause 71 was unaltered
Clause 72	Clause 72 was unaltered
Clause 73	Clause 73 was unaltered
Clause 74	Clause 74 was unaltered
Clause 75	Clause 75 was unaltered
Clause 76	Clause 76 was unaltered
Clause 77	Clause 77 was unaltered
Clause 78	Clause 78 was unaltered
Clause 79 Subsection (1), paragraph (a) Paragraph (b) if any offence of which a person is convicted is continued by such person after conviction,	Unaltered if any offence of which a person is convicted under this Act or the regulations is

<p>he shall be guilty of a further offence and liable to a fine of two hundred thousand dollars for every day on which the offence is continued.</p> <p>Subsection (2)</p> <p>All penalties imposed by or under this Act or the regulations, the recover of which is not otherwise specially provided for, may be recovered under the Summary Jurisdiction Acts.</p> <p>Subsection (3)</p> <p>Where an offence under this Act or the regulations has been committed by, or in the name of, a body corporate, every person who, at the time the offence was committed, was a director, officer, corporate secretary, manager, partner, person acting under a power of attorney, or other person with responsibility for the affairs of the body corporate, as well as the body corporate itself, shall be deemed to be guilty of having committed the offence and shall be liable to be proceeded against and punished accordingly:</p> <p style="padding-left: 40px;">Provided that nothing in this subsection (3) shall render any such person liable to punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.</p>	<p>continued by such person after conviction, he shall be guilty of a further offence and liable to a fine of two hundred thousand dollars for every day on which the offence is continued.</p> <p>All penalties imposed by or under this Act or the regulations, the recovery of which is not otherwise specially provided for, may be recovered under the Summary Jurisdiction Acts.</p> <p>Where an offence under this Act or the regulations has been committed by, or in the name of, a body corporate, and a director, officer, corporate secretary, manager, partner, person acting under a power of attorney, or other person with responsibility for the affairs of that body corporate knowingly authorised, permitted or acquiesced in the commission of the offence, the director, officer, corporate secretary, manager, partner, person acting under a power of attorney, or other person with responsibility for the affairs of that body corporate, as well as the body corporate itself, shall be guilty of the offence and shall be liable to be proceeded against and punished to the same extent as provided in the relevant offence.</p>
<p>Clause 80</p> <p>Subsection (1)</p>	<p>Renumbered as Clause 80</p>

Subsection (2)	Deleted
<p>Clause 81</p> <p>Except to the extent that the regulations may designate the payment of fines to the Agency or the Commission, or the Telecommunications Code designates the payment of fines to the Agency, for violations of this Act, the regulations, the Telecommunications Code or a licence, exemption or frequency authorisation, any fine imposed under this Part shall be paid to the Accountant General.</p>	<p>Except to the extent that the regulations may provide for the payment of penalties and fines to the Agency or the Commission, or the Telecommunications Code provides for the payment of penalties and fines to the Agency, for violations of this Act, the regulations, the Telecommunications Code or a licence, exemption or frequency authorisation, any penalty or fine imposed shall be paid to the Accountant General.</p>
<p>PART XIII – FEES</p> <p>CLAUSE 82</p> <p>Subsection (1), paragraph (a)</p> <p>Paragraph (b)</p> <p>for any document that it makes available or any testing, certification, and service that it provides or any other function that it performs under this Act or other applicable written law.</p> <p>Subsection (2)</p> <p>The Agency may determine to charge fees, pursuant to subsection (1)(a), for any initial or renewal application for a licence, exemption, frequency authorisation, or other permit or certificate; upon the initial grant of a licence, exemption, frequency authorisation, or other permit or certificate and any renewal thereof; on an annual or other periodic basis; and for the use of the spectrum in accordance with section 44(7), and any such fees may be based upon a percentage of the gross annual revenues of</p>	<p>Unaltered</p> <p>for any document that it makes available or any testing, certification, and service that it provides or any other function that it performs under this Act, the regulations, or other applicable written law.</p> <p>The Agency may determine to charge fees, pursuant to subsection (1)(a), for any initial or renewal application for a licence, exemption, frequency authorisation, or other permit or certificate; upon the initial grant of a licence, exemption, frequency authorisation, or other permit or certificate and any renewal thereof; on an annual or other periodic basis; and for the use of the spectrum in accordance with section 44(7), and any such fees may be based upon a percentage of the gross annual revenues of the applicant, licensee, exemption</p>

<p>the applicant, licensee, exemption holder, authorisation holder, or of any other person to whom any permit or certificate is issued or such other basis provided for in the regulations or the Telecommunication Code.</p> <p>Subsection (3)</p> <p>Except as provided in sections 44(7), fees charged by the Agency pursuant to subsections (1) and (2) shall be commensurate with the cost of –</p> <p>Paragraphs (a) to (c)</p> <p>and shall be charged to licensees, exemption holders, authorisation holders or other persons, where applicable, on a just and reasonable basis as the Agency may determine.</p> <p>Subsection (4)</p>	<p>holder, authorisation holder, or of any other person to whom any permit or certificate is issued or such other basis provided for in this Act, the regulations or the Telecommunication Code.</p> <p>Unaltered</p> <p>Unaltered</p> <p>and shall be charged to licensees, exemption holders, authorisation holders or other persons, where applicable, on a just, reasonable and non-discriminatory basis as the Agency may determine.</p> <p>Unaltered</p>
<p>PART XIV – GENERAL AND TRANSITIONAL PROVISIONS</p> <p>Clause 83</p>	<p>Clause 83 was unaltered</p>
<p>Clause 84</p>	<p>Clause 84 was unaltered</p>
<p>Clause 85</p> <p>Subsection (1), paragraphs (a) to (j)</p> <p>Paragraph (k)</p> <p>the telecommunications numbering system, dialing parity, number portability, equal access and domain names;</p>	<p>Unaltered</p> <p>numbers, the telecommunications numbering system, dialing parity, number portability, equal access and domain names;</p>

<p>Paragraphs (l) and (m)</p>	<p>Unaltered</p>
<p>Paragraph (n)</p> <p>interconnection and access;</p>	<p>interconnection, access, collocation and joint use;</p>
<p>Paragraphs (o) to (z)</p>	<p>Unaltered</p>
<p>Paragraph (aa)</p> <p>the penalties for contravention of any regulation or the Telecommunications Code made under this section;</p>	<p>the penalties and fines for contravention of any regulation or the Telecommunications Code;</p>
<p>Paragraph (bb)</p>	<p>Unaltered</p>
<p>Subsection (2)</p> <p>Prior to making, amending or revoking regulations under subsection (1), the Minister shall send a draft of the proposed regulation or amendment, or notice of the proposed revocation, to every operator, service provider, authorisation holder and public utility affected thereby and specifying the period within which written representations may be provided to the Minister, and he shall consider such written representations as may be received.</p>	<p>Prior to making, amending or revoking regulations under subsection (1) including any order changing any Schedule to the regulations, the Minister shall send a draft of the proposed regulations or amendment, or notice of the proposed revocation, to every operator, service provider, authorisation holder and public utility likely to be affected thereby and specifying the period within which written representations may be provided to the Minister, and he shall consider such written representations as may be received. Provided, however, that this subsection shall not apply to the initial making of the following regulations after the appointed day -</p> <p>(a) Licensing and Frequency Authorisation (Telecommunications) Regulations;</p>

<p>Subsection (3)</p>	<p>(b) Interconnection and Access (Telecommunications) Regulations;</p> <p>(c) Pricing (Telecommunications) Regulations;</p> <p>(d) Universal Access and Universal Services (Telecommunications) Regulations;</p> <p>(e) Competition (Telecommunications) Regulations;</p> <p>(f) Consumer Protection (Telecommunications) Regulations; and</p> <p>(g) Spectrum Management Regulations.</p> <p>Unaltered</p>
<p>Clause 86</p>	<p>Clause 86 was unaltered</p>
<p>Clause 87</p>	<p>Clause 87 was unaltered</p>
<p>Clause 88</p> <p>Subsection(1), paragraphs (a) and (b)</p> <p>Paragraph (c)</p> <p>impose penalties and forfeitures in respect of the failure by any person to fail to comply with any direction or authorisation given by him under this section.</p> <p>Subsections (2) to (5)</p>	<p>Unaltered</p> <p>impose penalties and forfeitures in respect of the failure by any person who fails to comply with any direction or authorisation given by him under this section.</p> <p>Unaltered</p>

Clause 89	Clause 89 was unaltered
Clause 90 Paragraph (a) Paragraph (b) facilities, telecommunications networks, or telecommunications services operated or provided exclusively by or for the Guyana Defense Force, the Guyana Police Force and civil aviation authorities, except as otherwise expressly provided in this Act; Paragraph (c) Paragraph (d) any ship, aircraft or other conveyance belonging to or exclusively used in the service of the Government, the Guyana Defense Force, the Guyana Police Force or civil aviation, harbour or maritime authorities; and Paragraph (e)	Unaltered facilities, telecommunications networks, or telecommunications services operated or provided exclusively by or for the Guyana Defence Force, the Guyana Police Force and civil aviation authorities, except as otherwise expressly provided in this Act; Unaltered any ship, aircraft or other conveyance belonging to or exclusively used in the service of the Government, the Guyana Defence Force, the Guyana Police Force or civil aviation, harbour or maritime authorities; and Unaltered
Clause 91	Clause 91 was unaltered
Clause 92	Clause 92 was unaltered
Clause 93 Subsections (1) to (5) Subsection (6), paragraph (a)	Unaltered

<p>With effect from the appointed day, the licences issued under the Telecommunications Act 1990 to Guyana Telephone & Telegraph Company Limited and to Cel*Star Guyana, Inc. and transferred to U-Mobile (Cellular) Inc., and all authorisations for use of the spectrum or the installation or operation of radiocommunication equipment issued by the Unit to any of them, shall stand terminated, and the Minister shall issue individual licences and frequency authorisations under this Act to Guyana Telephone & Telegraph Company Limited and U-Mobile (Cellular) Inc., and individual licences and frequency authorisations to the Guyana companies Nexlink Communications Inc., E-Networks Inc., Quark Communications Inc., and i-Net Communications Inc., or the successor in interest of any of them, without the need for any application therefore from any of those entities.</p> <p>Paragraphs (b) to (i)</p>	<p>With effect from the appointed day, the licences issued under the Telecommunications Act 1990 to Guyana Telephone & Telegraph Company Limited and to Cel*Star Guyana, Inc. and transferred to U-Mobile (Cellular) Inc., and all authorisations for use of the spectrum or the installation or operation of radiocommunication equipment issued by the Unit to any of them, shall stand terminated, and on the appointed day the Minister shall issue individual licences and frequency authorisations under this Act to Guyana Telephone & Telegraph Company Limited and U-Mobile (Cellular) Inc., and individual licences and frequency authorisations to the Guyana companies Nexlink Communications Inc., E-Networks Inc., Quark Communications Inc., and i-Net Communications Inc., or the successor in interest of any of them, without the need for any application therefor from any of those entities.</p> <p>Unaltered</p>
<p>Clause 94</p>	<p>Clause 94 was unaltered</p>
<p>Clause 95</p>	<p>Clause 95 was unaltered</p>

APPENDIX IV

**THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006- 2011)**

**MINUTES OF THE
1ST MEETING OF THE SPECIAL SELECT COMMITTEE ON THE PUBLIC UTILITIES
COMMISSION (AMENDMENT) BILL 2011 - BILL NO. 17 OF 2011 AND THE
TELECOMMUNICATIONS BILL 2011 - BILL NO. 18 OF 2011**

**HELD ON WEDNESDAY, 17TH AUGUST, 2011 AT 1.15 P.M. IN THE COMMITTEE ROOM NO.2
(GROUND FLOOR, WEST OF THE MAIN STAIRWAY), PUBLIC BUILDINGS, BRICKDAM,
GEORGETOWN.**

PRESIDING OFFICER

Mrs. Clarissa S. Riehl, M.P.,
Deputy Speaker of the National Assembly

MEMBERS OF THE COMMITTEE (10)

From the People's Progressive Party/ Civic (PPP/C) (6)
(Nominated by the Committee of Selection on 12th August, 2011)

The Hon. Samuel A.A. Hinds, M.P.,
Prime Minister and Minister of Public Works and Communication

The Hon. Clement J. Rohee, M.P.,
Minister of Home Affairs

The Hon. Manzoor Nadir, M.P.,
Minister of Labour

The Hon. Jennifer I. Webster, M.P.,
Minister within the Ministry of Finance

Mr. Mohabir A. Nandlall, M.P.,

- (Excused)

Mr. Odinga N. Lumumba, M.P.

From the People's National Congress Reform- 1 Guyana (PNC/R-1G) (3)

No nominations were made by the PNC/R-1G.

From the Alliance For Change (AFC) (1)

No nominations were made by the AFC.

Officers

Mr. Sherlock Isaacs	- Clerk of the National Assembly
Ms. Sherene Warren	- Clerk of Committee
Ms. Candayce Girard	- Assistant Clerk of Committees

In Attendance:

Mr. Cecil Dhurjon	- Chief Parliamentary Counsel
Ms. Janis Brennan	- Consultant
Ms. Gita Raghurir	- Director of Telecommunication, Office of the President

ITEM 1: CALL TO ORDER

- 1.1 The Deputy Speaker, as Presiding Officer for the election of a Chairperson called the meeting to order at 1.15 p.m.

ITEM 2: ELECTION OF CHAIRPERSON OF THE SPECIAL SELECT COMMITTEE ON THE PUBLIC UTILITIES COMMISSION (AMENDMENT) BILL 2011 - BILL NO. 17 OF 2011 AND THE TELECOMMUNICATIONS BILL 2011 - BILL NO. 18 OF 2011

2.1 Nomination:

- 2.1.1 The Deputy Speaker invited nominations for a Chairperson.
- 2.1.2 The Hon. Manzoor Nadir, M.P. proposed and the Hon. Jennifer I. Webster, M.P., seconded the nomination of the Hon. Samuel A.A. Hinds, M.P.
- 2.1.3 There being no other nomination, the Deputy Speaker declared the Hon. Samuel A.A. Hinds, M.P., as Chairman of the Committee.
- 2.1.4 The Hon. Samuel A.A. Hinds, M.P., then assumed the chair.

ITEM 3: ANNOUNCEMENT

3.1 Outstanding nominations:

- 3.1.1 The Committee was informed that no nominations were submitted by the PNC/R-1G and the AFC with regard to Members sitting on the Committee. The Chairman apprised Members that a letter was sent to the Leaders of both parties enquiring whether their parties would be nominating Members to the Committee.

3.2 Excuse:

- 3.2.1 The Committee was informed that Mr. Mohabir A. Nandlall, M.P., had asked to be excused from the meeting.

ITEM 4: CIRCULATION OF DOCUMENTS

- 4.1 The following document was circulated prior to the meeting:

- Notice of the 1st Meeting dated 15th August, 2011.

- 4.2 The following documents were circulated at the meeting:

- (i) Copies of proposed amendments for the Public Utilities Commission (Amendment) Bill – Bill No. 17 of 2011; and
- (ii) Copies of proposed amendments for the Telecommunications Bill – Bill No. 18 of 2011.

ITEM 5: TO CONSIDER THE METHODOLOGY, TIME AND DATE OF THE COMMITTEE'S PROCEEDINGS

5.1 Opening Remarks:

- 5.1.1 The Chairman stated that it was the Government's hope to have both Bills enacted before Parliament dissolves for elections. He suggested that the Committee might wish to work towards completing consideration of the Bills by September 8th, 2011. To this Members concurred.

5.2 Methodology:

- 5.2.1 The Committee agreed that it would consider both Bills Clause by Clause. Members then agreed that they would commence with the consideration of the Telecommunications Bill 2011 – Bill No. 18 of 2011.

- 5.2.2 The Chairman mentioned that since the Government had consultations with the telecommunications agencies in Guyana before the Bills were drafted, it is his belief that the Committee need not invite submissions from the public on the Bills. To this Members agreed.

- 5.2.3 The Clerk of the Committee was requested to make the necessary arrangements for a multi-media projector to be at the meetings. This would enable Members to view the amendments being made to the Bill.

5.3 Scheduled Meetings:

- 5.3.1 The Committee agreed that its meetings would be held on Mondays and Wednesdays at 1.00 p.m., for approximately two hours per session.

**ITEM 6: CONSIDERATION OF THE TELECOMMUNICATIONS BILL 2011
BILL NO. 18 OF 2011**

6.1 Consideration:

- 6.1.1 The Committee commenced consideration of the Bill Clause by Clause.

6.2 CLAUSE 1 – Short Title

- 6.2.1 **Clause 1** was *accepted as presented*.

6.3 CLAUSE 2 - Definitions

6.3.1 Subsection 1, Page 9

- 6.3.1.1 The Committee agreed to insert a new paragraph after the definition on “*frequency band*”. The new paragraph would read:

“gross annual revenues and gross revenues derived from services, for the purposes of this Act and the Public Utilities Commission Act 1999, respectively, means the total revenues received by a licensee or authorisation holder from the telecommunications services and other activities conducted pursuant to its licence and frequency authorisation, in its most recently ended financial year.”

- 6.3.1.2 The Committee also agreed to substitute the word “nagivation” with the word “navigation” in *line 4* of the paragraph defining “*harmful interference*”.

- 6.3.2 **Clause 2** was then *accepted as amended*.

PART II – TELECOMMUNICATIONS AGENCY

6.4 CLAUSE 3 – Establishment of the Telecommunications Agency

- 6.4.1 **Clause 3** was *accepted as presented*.

6.5 CLAUSE 4 – Term of appointment of members

6.5.1 Clause 4 was *accepted as presented*.

6.6 CLAUSE 5 – Emoluments

6.6.1. Clause 5 was *accepted as presented*.

6.7 CLAUSE 6 – Conflicts of interest

6.7.1 Subsection 1 was *accepted as presented*.

6.7.2 The Committee agreed to substitute the words “one year” with the words “two years” in the last line of **subsection 2**.

6.7.3 Clause 6 was then *accepted as amended*.

6.8 CLAUSE 7 – Termination of appointment and resignation of members

6.8.1 Clause 7 was *accepted as presented*.

6.9 CLAUSE 8 – Disqualification of a member

6.9.1 Clause 8 was *accepted as presented*.

6.10 CLAUSE 9 – Notification of appointment and removal

6.10.1 Clause 9 was *accepted as presented*.

6.11 CLAUSE 10 – Seal of authority

6.11.1 Clause 10 was *accepted as presented*.

6.12 CLAUSE 11 – Headquarters of the Agency

6.12.1 Clause 11 was *accepted as presented*.

6.13 CLAUSE 12 – Immunity of members from suit

6.13.1 Clause 12 was *accepted as presented*.

6.14 CLAUSE 13 – Procedure of the Agency

6.14.1 Clause 13 was *accepted as presented*.

6.15 CLAUSE 14 – Duties of members; employment and terms of employment of officers and employees

6.15.1 Subsections 1, 2 and 3 were *accepted as presented*.

6.15.2 Subsections 4 and 5 were deferred for further consideration.

6.15.3 Clause 14 was then deferred to the next meeting.

6.16 CLAUSE 15 – Employment of experts

6.16.1 Clause 15 was *accepted as presented*.

6.17 CLAUSE 16 – Obtaining services of public officers

6.17.1 Clause 16 was *accepted as presented*.

6.18 CLAUSE 17 – Superannuation benefits, Cap. 19:05

6.18.1 The Committee agreed to delete subsection 1.

6.18.2 Subsection 2 was renumbered Clause 17 and was *accepted as presented*.

6.18.3 Clause 17 was then *accepted as amended*.

6.19 CLAUSE 18 – Budget and resources

6.19.1 The Committee agreed to substitute the words “determine its own” with the words “prepare an” in *line 1* of subsection 1.

6.19.2 Clause 18 was then *accepted as amended*.

PART III – FUNCTIONS OF THE MINISTER, THE AGENCY AND THE COMMISSION

6.20 CLAUSE 19 – Functions of the Minister

6.20.1 Clause 19 was *accepted as presented*.

6.21 CLAUSE 20 – Functions of the Agency

6.21.1 The Committee agreed to insert the word “numbers,” after the word “regulate” at paragraph (1).

6.21.2 Clause 20 was then *accepted as amended*.

6.22 CLAUSE 21 – Functions of the Commission, Cap 57:01

6.22.1 **Clause 21** was *accepted* as *presented*.

6.23 CLAUSE 22 – Ministerial guidelines

6.23.1 **Clause 22** was *accepted* as *presented*.

ADJOURNMENT

At 3.05 p.m. the meeting was adjourned to 1.00 p.m. on Monday, 22nd August, 2011.

Confirmed this^{22nd} day of August, 2011

.....^{X. Webster}.....
for The Hon. Samuel A.A. Hinds, M.P.
Prime Minister and Minister of Public Works and Communication
Chairman

**THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006- 2011)**

**MINUTES OF THE
2ND MEETING OF THE SPECIAL SELECT COMMITTEE ON THE PUBLIC UTILITIES
COMMISSION (AMENDMENT) BILL 2011 - BILL NO. 17 OF 2011 AND THE
TELECOMMUNICATIONS BILL 2011 - BILL NO. 18 OF 2011**

**HELD ON MONDAY, 22ND AUGUST, 2011 AT 1.20 P.M. IN THE COMMITTEE ROOM NO.2
(GROUND FLOOR, WEST OF THE MAIN STAIRWAY), PUBLIC BUILDINGS, BRICKDAM,
GEORGETOWN.**

MEMBERS OF THE COMMITTEE (6)

CHAIRMAN

(Nominated by the Committee of Selection on 12th August, 2011)
(Elected by the Committee on 17th August, 2011)

The Hon. Samuel A.A. Hinds, M.P., - (Excused)
Prime Minister and Minister of Public Works and Communication

From the People's Progressive Party/ Civic (PPP/C) (5)

(Nominated by the Committee of Selection on 12th August, 2011)

The Hon. Clement J. Rohee, M.P., - (Excused)
Minister of Home Affairs

The Hon. Manzoor Nadir, M.P., - (Excused)
Minister of Labour

The Hon. Jennifer I. Webster, M.P.,
Minister within the Ministry of Finance

Mr. Mohabir A. Nandlall, M.P.,

Mr. Odinga N. Lumumba, M.P.

From the People's National Congress Reform- 1 Guyana (PNC/R-1G)

No nominations were made by the PNC/R-1G.

From the Alliance For Change (AFC)

No nominations were made by the AFC.

Officers

Ms. Sherene Warren	- Clerk of Committee
Ms. Candayce Girard	- Assistant Clerk of Committees
Ms. Tracy Armstrong	- Assistant Clerk of Committees

In Attendance:

Mr. Cecil Dhurjon	- Chief Parliamentary Counsel
Ms. Janis Brennan	- Consultant
Ms. Gita Raghubir	- Director of Telecommunication, Office of the President

ITEM 1: CALL TO ORDER

1.1 Absence of Chairman:

- 1.1.1 At 1.20 p.m., the Clerk of the Committee called the meeting to order and informed Members, that the Chairman was unable to attend the meeting since he was acting in the capacity of the Head of State. Thereafter, she advised Members that in keeping with Standing Order 94(4) they could elect a Chairperson from among themselves to conduct the meeting for that day's proceedings.
- 1.1.2 Thereafter, Mr. Mohabir A. Nandlall, M.P., nominated the Hon. Jennifer I. Webster, M.P., as Chairperson for the meeting. The nomination was seconded by Mr. Odinga N. Lumumba, M.P.
- 1.1.3 There being no other nominations, the Hon. Jennifer I. Webster, M.P., assumed the Chair.

ITEM 2: ANNOUNCEMENT

2.1 Excuses:

- 2.2.1 The Committee was informed that the following Members had asked to be excused from the meeting:-
 - (i) The Hon. Samuel A.A. Hinds, M.P.
 - (ii) The Hon. Clement J. Rohee, M.P.
 - (iii) The Hon. Manzoor Nadir, M.P.

ITEM 3: CIRCULATION OF DOCUMENTS

3.1 The following documents were circulated prior to the meeting:-

- (i) Notice to attend the 2nd Meeting dated 17th August, 2011; and
- (ii) Minutes of the 1st Meeting held on 17th August, 2011.

3.2 The following document was circulated at the meeting:-

Matrix showing amendments to the Telecommunications Bill 2011- Bill No. 18 of 2011 approved by the Committee (Clauses 1 to 22).

ITEM 4: CORRECTION AND CONFIRMATION OF MINUTES OF THE 1ST MEETING HELD ON WEDNESDAY, 17TH AUGUST, 2011.

4.1 Confirmation:

4.1.1 The Minutes were confirmed, without corrections, on a motion moved and seconded by Mr. Odinga N. Lumumba, M.P. and Mr. Mohabir A. Nandlall, M.P., respectively.

ITEM 5: MATTERS ARISING

5.1 There were no matters arising from the Minutes.

ITEM 6: TO CONTINUE CONSIDERATION OF THE TELECOMMUNICATIONS BILL 2011 - BILL NO. 18 OF 2011

6.1 Consideration:

6.1.1 The Committee continued consideration of the Bill from Clause 23.

6.1.2 The approved amendments are reflected in the appended matrix.

ITEM 7: ANY OTHER BUSINESS

7.1 Next Scheduled Meeting:

7.1.1 Members agreed to schedule the next meeting of the Committee for 1.00 p.m. on **Thursday, 25th August, 2011.**

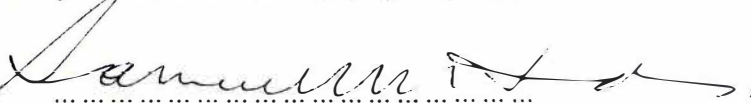
7.2 Expression of Appreciation:

- 7.2.1 The Chairperson, on behalf of the Committee expressed heartfelt gratitude to Ms. Janis Brennan, Consultant and Expert to the Committee, on her contributions and wished her all the best since it was her last day working in Guyana.

ADJOURNMENT

At 2.10 p.m. the meeting was adjourned to 1.00 p.m. on Thursday, 25th August, 2011.

Confirmed this day of August, 2011



*The Hon. Samuel A.A. Hinds, M.P.
Prime Minister and Minister of Public Works and Communication
Chairman*

**SPECIAL SELECT COMMITTEE ON
THE TELECOMMUNICATIONS BILL 2011**

- BILL NO. 18 OF 2011

Amendments approved by the Committee

CLAUSES OF THE BILL	AMENDMENTS
<p>CLAUSE 23</p> <p>Subsections (1) to (9)</p> <p>Subsection (10), paragraph (a)</p> <p>The Minister may by order designate any class or description of operators or service providers, and their related public telecommunications networks, public telecommunications services or value added services, as exempt from the requirement to obtain an individual licence or any other type of licence that would otherwise be required under this Act, and may establish the procedures and terms and conditions applicable to any such exemption, including –</p> <p>Sub-paragraphs (i) and (ii)</p> <p>Paragraphs (b) and (c)</p>	<p>Unaltered</p> <p>The Minister may by order or regulations designate any class or description of operators or service providers, and their related public telecommunications networks, public telecommunications services or value added services, as exempt from the requirement to obtain an individual licence or any other type of licence that would otherwise be required under this Act, and may establish the procedures and terms and conditions applicable to any such exemption, including –</p> <p>Unaltered</p> <p>Unaltered</p> <p>Insertion of new Subsection (11)</p> <p>(a) In the exercise of his functions under section 19 (1) (d), the Minister shall determine, by order or regulations issued on or after the appointed day, and initial list of those telecommunications networks that shall constitute public telecommunications networks and those telecommunications services that shall constitute public telecommunications services.</p>

	<p>(b) Prior to issuing any order or regulation amending or revoking a determination made pursuant to subsection (11) (a), or making, amending or revoking any order or regulation pursuant to section 23(10) or 24(1), the Minister shall –</p> <p>(i) send a draft of the proposed order or regulation to every operator or service provider likely to be affected thereby, and publish a notice in a newspaper of general circulation in Guyana, specifying the period within which operators, service providers and other interested persons may submit written representations to the Minister; and</p> <p>(ii) hold a public consultation at which operators, service providers and other interested persons may make representations,</p> <p>and the Minister shall consider any written representations submitted and any representations made at such public consultation in making, amending or revoking any such order or regulation.</p> <p>Clause 23 was then <i>accepted as amended</i>.</p>
<p>CLAUSE 24</p> <p>Subsection (1)</p> <p>Subsection (2)</p> <p>Where the Minister determines that a public telecommunications network may be operated, or a public telecommunications service, or value-added service may be</p>	<p>Unaltered</p> <p>Where the Minister determines that a public telecommunications network may be operated, or a public telecommunications service, or value-added service may be</p>

<p>provided, on the basis of a class licence, he shall issue an order to that effect, setting forth the type of public telecommunications network that may be so operated and the type of public telecommunications service or value added service that may be so provided and the terms and conditions thereof.</p> <p>Subsections (3) to (9)</p>	<p>provided, on the basis of a class licence, he shall issue an order or regulations to that effect, setting forth the type of public telecommunications network that may be so operated and the type of public telecommunications service or value added service that may be so provided and the terms and conditions thereof.</p> <p>Unaltered</p> <p>Clause 24 was then <i>accepted as amended</i>.</p>
<p>CLAUSE 25</p>	<p>Clause 25 was <i>accepted as presented</i>.</p>
<p>CLAUSE 26</p>	<p>Clause 26 was <i>accepted as presented</i>.</p>
<p>CLAUSE 27</p>	<p>Clause 27 was <i>accepted as presented</i>.</p>
<p>CLAUSE 28</p> <p>Subsection (1), paragraphs (a) to (l)</p> <p>Paragraph (m)</p> <p>refrain from impairing or terminating the interconnection, access or telecommunications services provided to another operator or service provider, or the access to facilities granted to another operator or service provider or a public utility, during a dispute, without the prior written approval of the Commission, except that the operator or service provider may, in respect of a billing dispute, collect from such other operator or service provider, or from such public utility, amounts that are not in dispute;</p> <p>Paragraphs (n) to (s)</p>	<p>Unaltered</p> <p>refrain from impairing or terminating the interconnection, access or telecommunications services provided to another operator or service provider, or the access to facilities granted to another operator or service provider or a public utility and from ceasing to perform an agreement for interconnection or access, during a dispute, without the prior written approval of the Commission, except that the operator or service provider may, in respect of a billing dispute, collect from such other operator or service provider, or from such public utility, amounts that are not in dispute;</p> <p>Unaltered</p>

<p>Subsections (2) and (3)</p>	<p>Unaltered</p> <p>Clause 28 was then <i>accepted</i> as <i>amended</i>.</p>
<p>CLAUSE 29</p>	<p>Clause 29 was <i>accepted</i> as <i>presented</i>.</p>
<p>CLAUSE 30</p> <p>Subsections (1) to (8)</p> <p>Subsection (9)</p> <p>A frequency authorisation shall be consistent with the spectrum plan established by the Agency pursuant to section 44 and the regulations and shall confer on the authorisation holder the right to use a specific frequency band or bands and install and operate specific types of radiocommunication equipment for the use of such frequency band or bands, subject to such conditions as may be set out therein and in the regulations.</p> <p>Subsection (10), paragraph (a)</p> <p>Paragraph (b)</p> <p>A person that intends to reconfigure or otherwise alter the technical parameters of any radiocommunication equipment authorised for installation and operation under a frequency authorisation, or add any type of radiocommunication equipment that is not already authorised in its frequency authorisation, shall notify the Agency of its intention in writing, and shall be required to be granted an amendment of its frequency authorisation by, or other written approval of, the Minister, prior to effecting any such reconfiguration or other alteration or addition, as the case may be.</p>	<p>Unaltered</p> <p>A frequency authorisation shall be consistent with the spectrum plan established by the Agency pursuant to section 44 or 93 (5) (b), as the case may be, and the regulations and shall confer on the authorisation holder the right to use a specific frequency band or bands and install and operate specific types of radiocommunication equipment for the use of such frequency band or bands, subject to such conditions as may be set out therein and in the regulations.</p> <p>Unaltered</p> <p>A person that intends to reconfigure or otherwise alter the technical parameters of any radiocommunication equipment authorised for installation and operation under a frequency authorisation, or add any type of radiocommunication equipment that is not already authorised in its frequency authorisation, shall notify the Agency of its intention in writing, and shall be required to be granted an amendment of its frequency authorisation by, or to be granted other written approval of, the Minister, prior to effecting any such reconfiguration or other alteration or addition, as the case may be.</p>

<p>Subsection (11)</p> <p>Notwithstanding any other provision of this Act, the Minister may, by order, designate certain radiocommunication equipment, and the portions of the spectrum used when such equipment is installed or operated, as available for use by the general public or any other person without the need for obtaining a frequency authorisation, subject to any terms and conditions set forth in the order, the regulations, or the Telecommunications Code, including any obligation that any such person be subject to provisions of this Act, the regulations or the Telecommunications Code.</p> <p>Subsection 12</p> <p>The Minister may make such provisions in regulations as he may deem appropriate requiring any person -</p> <p>Paragraphs (a) and (b)</p>	<p>Notwithstanding any other provision of this Act, the Minister may, by order or regulations, designate certain radiocommunication equipment, and the portions of the spectrum used when such equipment is installed or operated, as available for use by the general public or any other person without the need for obtaining a frequency authorisation, subject to any terms and conditions set forth in the order, the regulations, or the Telecommunications Code, including any obligation that any such person be subject to provisions of this Act, the regulations or the Telecommunications Code.</p> <p>The Minister may, by order or regulations, make such provisions as he may deem appropriate requiring any person -</p> <p>Unaltered</p> <p>Clause 30 was then <i>accepted</i> as <i>amended</i>.</p>
<p>CLAUSE 31</p>	<p>Clause 31 was <i>accepted</i> as <i>presented</i>.</p>
<p>CLAUSE 32</p>	<p>Clause 32 was <i>accepted</i> as <i>presented</i>.</p>
<p>CLAUSE 33</p>	<p>Clause 33 was <i>accepted</i> as <i>presented</i>.</p>
<p>CLAUSE 34</p>	<p>Clause 34 was <i>accepted</i> as <i>presented</i>.</p>
<p>CLAUSE 35</p>	<p>Clause 35 was <i>accepted</i> as <i>presented</i>.</p>

CLAUSE 36	Clause 36 was <i>accepted as presented</i> .
CLAUSE 37	Clause 37 was <i>accepted as presented</i> .
CLAUSE 38 Subsection (1) Subsection (2) Subsections (3) and (4) Subsection (5), paragraphs (a) to (c) Paragraph (d) hold a public hearing, at which the operator or service provider and any interest person may present their views on the proposed price regulation regime; Paragraphs (e) and (f) Subsections (6) to (8)	Renumbered to Subsection (1) (a) Renumbered to Subsection (1) (b) Insertion of a new Subsection (2) Without derogation of the provisions of subsection (1) or any other provision of this Act or the regulations, the rate being charged by an operator or service provider on the appointed day for any telecommunications service provided by it shall not be changed after that date except in accordance with this Act and the regulations. Unaltered Unaltered hold a public hearing, at which the operator or service provider and any interested person may present their views on the proposed price regulation regime; Unaltered Unaltered Clause 38 was then <i>accepted as amended</i> .
CLAUSE 39	Clause 39 was <i>accepted as presented</i> .

<p>CLAUSE 40</p> <p>Subsections (1) to (4)</p> <p>Subsection (5), paragraph (a)</p> <p>Paragraph (b)</p> <p>Two or more operators, service providers or other telecommunications undertakings shall be considered jointly dominant with respect to a telecommunications network, a telecommunications service or a type of facility, or any market for them, where such operators, service providers or other telecommunications undertakings jointly occupy such a position of economic strength as will enable each of them to operate in such market without effective constraints from their competitors, potential competitors, consumer or other users.</p>	<p>Unaltered</p> <p>Unaltered</p> <p>Two or more operators, service providers or other telecommunications undertakings shall be considered jointly dominant with respect to a telecommunications network, a telecommunications service or a type of facility, or any market for them, where such operators, service providers or other telecommunications undertakings jointly occupy such a position of economic strength as will enable them, individually or jointly, to operate in such market without effective constraints from their competitors, potential competitors, consumer or other users.</p> <p>Clause 40 was then <i>accepted as amended</i>.</p>
<p>CLAUSE 41</p> <p>Subsection (1), paragraphs (a) to (g)</p> <p>Paragraph (h)</p> <p>comply with any decision rendered by the Commission pursuant to subsection (1)(g) and the regulations; and</p> <p>Paragraph (i)</p> <p>as may be required by the regulations or, to the extent not provided for in the regulations, by the Commission, provide equal access to consumers using the public telecommunications services of other service providers.</p>	<p>Unaltered</p> <p>comply with any decision rendered by the Commission pursuant to subsection (1)(g) and the regulations;</p> <p>as may be required by the regulations or, to the extent not provided for in the regulations, by the Commission, provide equal access to consumers using the public telecommunications services of other service providers; and</p>

	<p>Insertion of new Paragraph (j)</p> <p>to the extent required by the regulations, disaggregate its telecommunications networks and facilities, and unbundle its telecommunications services, and on a cost-oriented basis as the regulations may require or, to the extent not specified in the regulations, the Commission may specify, establish prices for its individual elements and offer the elements at the established prices to other operators and service providers.</p>
<p>Subsections (2) and (3)</p>	<p>Unaltered</p>
<p>Subsection (4)</p> <p>In addition to the other obligations provided for in this section, every operator and every service provider that is dominant shall –</p>	<p>Unaltered</p>
<p>Paragraph (a)</p> <p>disaggregate its telecommunications networks and facilities, and unbundle its telecommunications services, and on a cost-oriented basis such as the regulations or the Commission may specify, establish prices for its individual elements and offer the elements at the established prices to other operators and service providers;</p>	<p>disaggregate its telecommunications networks and facilities, and unbundle its telecommunications services, and on a cost-oriented basis such as the regulations or, to the extent not provided for in the regulations, the Commission may specify, establish prices for its individual elements and offer the elements at the established prices to other operators and service providers;</p>
<p>Paragraph (b)</p> <p>prepare, and obtain the Commission’s approval of, Reference Interconnection Offers and publish, in such manner as the regulations or the Commission may specify,</p>	<p>prepare, and obtain the Commission’s approval of, Reference Interconnection Offers and publish, in such manner as the regulations or, to the extent not provided</p>

<p>the prices, technical, commercial and other terms and conditions thereof;</p> <p>Paragraphs (c) to (e)</p> <p>Subsections (5) and (6)</p>	<p>for in the regulations, the Commission may specify, the prices, technical, commercial and other terms and conditions thereof;</p> <p>Unaltered</p> <p>Unaltered</p> <p>Clause 41 was then <i>accepted as amended</i>.</p>
<p>CLAUSE 42</p>	<p>Clause 42 was <i>accepted as presented</i>.</p>
<p>CLAUSE 43</p>	<p>Clause 43 was <i>accepted as presented</i>.</p>
<p>CLAUSE 44</p> <p>Subsection (1)</p> <p>The Agency shall manage and allocate the spectrum in order to promote the economic and orderly utilisation of frequencies for the operation of telecommunications networks and the provision of telecommunications services and for the operation of broadcasting networks and the provision of broadcasting services, to recover the cost incurred in the management thereof.</p> <p>Subsection (2)</p> <p>Subsection (3), paragraph (a)</p> <p>The Agency shall, in accordance with the regulations, develop and adopt a spectrum plan, which may be amended from time to time, in order to allocate the uses of the spectrum.</p>	<p>The Agency shall manage and allocate the spectrum in order to promote the economic and orderly utilisation of frequencies for the operation of telecommunications networks and the provision of telecommunications services and for the operation of broadcasting networks and the provision of broadcasting services, to recover the cost incurred in the management thereof, and to recognise that the spectrum is a valuable public resource.</p> <p>Unaltered</p> <p>The Agency shall, in accordance with the regulations, develop and adopt a spectrum plan, which may be amended from time to time, in order to allocate and reallocate the uses of the spectrum.</p>

<p>Paragraph (b)</p> <p>Subsection (4)</p> <p>In developing the spectrum plan and in coordinating the allocation of frequency bands, the Agency shall consult bilaterally, regionally and internationally as it deems necessary and appropriate and as may be otherwise required by the regulations.</p> <p>Subsections (5) to (7)</p>	<p>Unaltered</p> <p>In developing the spectrum plan and in coordinating the allocation and reallocation of frequency bands, the Agency shall consult bilaterally, regionally and internationally as it deems necessary and appropriate and as may be otherwise required by the regulations.</p> <p>Unaltered</p> <p>Clause 44 was then <i>accepted as amended</i>.</p>
<p>CLAUSE 45</p>	<p>Clause 45 was <i>accepted as presented</i>.</p>
<p>CLAUSE 46</p> <p>The Agency, in the exercise of its functions under sections 44 and 45, shall take into account –</p> <p>Paragraph (a)</p> <p>the objectives of this Act;</p> <p>Paragraph (b)</p> <p>the impact of the spectrum plan on existing and future use;</p> <p>Paragraphs (c) to (e)</p> <p>Paragraph (f)</p> <p>any other relevant matters, having regard to</p>	<p>Unaltered</p> <p>the objectives and provisions of this Act;</p> <p>the impact of the spectrum plan on existing and future use and availability of the spectrum;</p> <p>Unaltered</p> <p>any other relevant factors, having regard to</p>

the circumstances of the case, as may be set forth in the regulations or determined by the Minister or the Agency.	the circumstances of the case, as may be set forth in the regulations or determined by the Minister or the Agency. Clause 46 was then <i>accepted as amended</i> .
<p>CLAUSE 47</p> <p>Subsection (1), paragraph (a)</p> <p>Paragraph (b)</p> <p>ascertaining whether frequency bands are being used in accordance with this Act; and</p> <p>Paragraph (c)</p> <p>Subsection (2)</p> <p>A frequency monitoring station operated by the Agency shall be exempt from any of the provisions of this Act.</p>	<p>Unaltered</p> <p>ascertaining whether frequency bands are being used in accordance with this Act, the regulations, and the terms and conditions of a relevant frequency authorisation; and</p> <p>Unaltered</p> <p>A frequency monitoring station operated by the Agency shall be exempt from any of the provisions of this Act and the regulations.</p> <p>Clause 47 was then <i>accepted as amended</i>.</p>
CLAUSE 48	Clause 48 was <i>accepted as presented</i> .
CLAUSE 49	Clause 49 was <i>accepted as presented</i> .
CLAUSE 50	Clause 50 was <i>accepted as presented</i> .
<p>CLAUSE 51</p> <p>Subsection (1)</p> <p>The Agency shall be responsible for the</p>	The Agency shall be responsible for the

<p>registration and management of the top level domain names of Guyana, in accordance with the manner that it shall determine with the approval of the Minister.</p> <p>Subsection (2)</p>	<p>registration and management of the Guyana country-code top level domain name, in accordance with the manner that it shall determine with the approval of the Minister.</p> <p>Unaltered</p> <p>Clause 51 was then <i>accepted as amended</i>.</p>
CLAUSE 52	Clause 52 was <i>accepted as presented</i> .
CLAUSE 53	Clause 53 was <i>accepted as presented</i> .
CLAUSE 54	Clause 54 was <i>accepted as presented</i> .
CLAUSE 55	Clause 55 was <i>accepted as presented</i> .
CLAUSE 56	Clause 56 was <i>accepted as presented</i> .
CLAUSE 57	Clause 57 was <i>accepted as presented</i> .
CLAUSE 58	Clause 58 was <i>accepted as presented</i> .
<p>CLAUSE 59</p> <p>Subsection (1), paragraphs (a) and (b)</p> <p>Paragraph (c)</p> <p>the operator shall not open or break up a road, street or bridge that might affect another operator or a public utility without first having the potentially-affected operator or public utility in writing;</p>	<p>Unaltered</p> <p>the operator shall not open or break up a road, street or bridge that might affect another operator or a public utility without first having notified the potentially-affected operator or public utility in writing;</p>

<p>Paragraphs (d) to (g)</p> <p>Subsection (2)</p> <p>Subsection (3)</p> <p>No operator or public utility notified under subsection (1)(b) shall open or break up a road, street or bridge that is the subject of such notice within three months of the receipt of such notification except where such operator or public utility, as the case may be, proves to the satisfaction of the Commission, the necessity of carrying out emergency works.</p> <p>Subsection (4)</p>	<p>Unaltered</p> <p>Unaltered</p> <p>Neither an operator that has opened or broken up a road, street or bridge, nor any operator or public utility that is required to be notified under subsection (1)(b) or (c), shall open or break up the same road, street or bridge within three months of the completion of the work and restoration of the road, street or bridge as required by subsection (2) (a), except where any such operator or public utility, as the case may be, proves to the satisfaction of the Commission the necessity of carrying out emergency works.</p> <p>Unaltered</p> <p>Clause 59 was then <i>accepted as amended.</i></p>
<p>CLAUSE 60</p>	<p>Clause 60 was <i>accepted as presented.</i></p>
<p>CLAUSE 61</p>	<p>Clause 61 was <i>accepted as presented.</i></p>
<p>CLAUSE 62</p>	<p>Clause 62 was <i>accepted as presented.</i></p>
<p>CLAUSE 63</p>	<p>Clause 63 was <i>accepted as presented.</i></p>
<p>CLAUSE 64</p>	<p>Clause 64 was <i>accepted as presented.</i></p>
<p>CLAUSE 65</p>	<p>Clause 65 was <i>accepted as presented.</i></p>

CLAUSE 66	Clause 66 was <i>accepted</i> as <i>presented</i> .
CLAUSE 67	Clause 67 was <i>accepted</i> as <i>presented</i> .
CLAUSE 68	Clause 68 was <i>accepted</i> as <i>presented</i> .
CLAUSE 69	Clause 69 was <i>accepted</i> as <i>presented</i> .
CLAUSE 70	Clause 70 was <i>accepted</i> as <i>presented</i> .
CLAUSE 71	Clause 71 was <i>accepted</i> as <i>presented</i> .
CLAUSE 72	Clause 72 was <i>accepted</i> as <i>presented</i> .
CLAUSE 73	Clause 73 was <i>accepted</i> as <i>presented</i> .
CLAUSE 74	Clause 74 was <i>accepted</i> as <i>presented</i> .
CLAUSE 75	Clause 75 was <i>accepted</i> as <i>presented</i> .
CLAUSE 76	Clause 76 was <i>accepted</i> as <i>presented</i> .
CLAUSE 77	Clause 77 was <i>accepted</i> as <i>presented</i> .
CLAUSE 78	Clause 78 was <i>accepted</i> as <i>presented</i> .
CLAUSE 79 Subsection (1) Subsection (2)	Unaltered
All penalties imposed by or under this Act or	All penalties imposed by or under this Act or

<p>the regulations, the recover of which is not otherwise specially provided for, may be recovered under the Summary Jurisdiction Acts.</p> <p>Subsection (3)</p>	<p>the regulations, the recovery of which is not otherwise specially provided for, may be recovered under the Summary Jurisdiction Acts.</p> <p>Unaltered</p> <p>Clause 79 was then <i>accepted as amended</i>.</p>
<p>CLAUSE 80</p> <p>Subsection (1)</p> <p>Subsection (2)</p>	<p>Renumbered as Clause 80</p> <p>Deleted</p> <p>Clause 80 was then <i>accepted as amended</i>.</p>
<p>CLAUSE 81</p> <p>Except to the extent that the regulations may designate the payment of fines to the Agency or the Commission, or the Telecommunications Code designates the payment of fines to the Agency, for violations of this Act, the regulations, the Telecommunications Code or a licence, exemption or frequency authorisation, any fine imposed under this Part shall be paid to the Accountant General.</p>	<p>Except to the extent that the regulations may provide for the payment of penalties and fines to the Agency or the Commission, or the Telecommunications Code provides for the payment of penalties and fines to the Agency, for violations of this Act, the regulations, the Telecommunications Code or a licence, exemption or frequency authorisation, any penalty or fine imposed shall be paid to the Accountant General.</p> <p>Clause 81 was then <i>accepted as amended</i>.</p>
<p>CLAUSE 82</p> <p>Subsection (1), paragraph (a)</p> <p>Paragraph (b)</p> <p>for any document that it makes available or any testing, certification, and service that it provides or any other function that it performs under this Act or other applicable</p>	<p>Unaltered</p> <p>for any document that it makes available or any testing, certification, and service that it provides or any other function that it performs under this Act, the regulations, or</p>

<p>written law.</p> <p>Subsection (2)</p> <p>The Agency may determine to charge fees, pursuant to subsection (1)(a), for any initial or renewal application for a licence, exemption, frequency authorisation, or other permit or certificate; upon the initial grant of a licence, exemption, frequency authorisation, or other permit or certificate and any renewal thereof; on an annual or other periodic basis; and for the use of the spectrum in accordance with section 44(7), and any such fees may be based upon a percentage of the gross annual revenues of the applicant, licensee, exemption holder, authorisation holder, or of any other person to whom any permit or certificate is issued or such other basis provided for in the regulations or the Telecommunication Code.</p> <p>Subsection (3)</p> <p>Except as provided in sections 44(7), fees charged by the Agency pursuant to subsections (1) and (2) shall be commensurate with the cost of –</p> <p>Paragraphs (a) to (c)</p> <p>and shall be charged to licensees, exemption holders, authorisation holders or other persons, where applicable, on a just and reasonable basis as the Agency may determine.</p> <p>Subsection (4)</p>	<p>other applicable written law.</p> <p>The Agency may determine to charge fees, pursuant to subsection (1)(a), for any initial or renewal application for a licence, exemption, frequency authorisation, or other permit or certificate; upon the initial grant of a licence, exemption, frequency authorisation, or other permit or certificate and any renewal thereof; on an annual or other periodic basis; and for the use of the spectrum in accordance with section 44(7), and any such fees may be based upon a percentage of the gross annual revenues of the applicant, licensee, exemption holder, authorisation holder, or of any other person to whom any permit or certificate is issued or such other basis provided for in this Act, the regulations or the Telecommunication Code.</p> <p>Unaltered</p> <p>Unaltered</p> <p>and shall be charged to licensees, exemption holders, authorisation holders or other persons, where applicable, on a just, reasonable and non-discriminatory basis as the Agency may determine.</p> <p>Unaltered</p> <p>Clause 82 was then <i>accepted as amended</i>.</p>
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<p>CLAUSE 83</p>	<p>Clause 83 was <i>accepted</i> as <i>presented</i>.</p>
<p>CLAUSE 84</p>	<p>Clause 84 was <i>accepted</i> as <i>presented</i>.</p>
<p>CLAUSE 85</p> <p>Subsection (1), paragraphs (a) to (j)</p> <p>Paragraph (k)</p> <p>the telecommunications numbering system, dialing parity, number portability, equal access and domain names;</p> <p>Paragraphs (l) and (m)</p> <p>Paragraph (n)</p> <p>interconnection and access;</p> <p>Paragraphs (o) to (z)</p> <p>Paragraph (aa)</p> <p>the penalties for contravention of any regulation or the Telecommunications Code made under this section;</p> <p>Paragraph (bb)</p> <p>Subsection (2)</p> <p>Prior to making, amending or revoking regulations under subsection (1), the Minister shall send a draft of the proposed regulation or amendment, or notice of the</p>	<p>Unaltered</p> <p>numbers, the telecommunications numbering system, dialing parity, number portability, equal access and domain names;</p> <p>Unaltered</p> <p>Interconnection, access, collocation and joint use;</p> <p>Unaltered</p> <p>the penalties and fines for contravention of any regulation or the Telecommunications Code;</p> <p>Unaltered</p> <p>Prior to making, amending or revoking regulations under subsection (1), the Minister shall send a draft of the proposed regulation or amendment, or notice of the proposed</p>

<p>proposed revocation, to every operator, service provider, authorisation holder and public utility affected thereby and specifying the period within which written representations may be provided to the Minister, and he shall consider such written representations as may be received.</p> <p>Subsection (3)</p>	<p>revocation, to every operator, service provider, authorisation holder and public utility likely to be affected thereby and specifying the period within which written representations may be provided to the Minister, and he shall consider such written representations as may be received. Provided, however, that this subsection (2) shall not apply to the initial making of the following regulations after the appointed day:</p> <p>(a) Licensing and Frequency Authorisation (Telecommunications) Regulations;</p> <p>(b) Interconnection and Access (Telecommunications) Regulations;</p> <p>(c) Pricing (Telecommunications) Regulations;</p> <p>(d) Universal Access and Universal Services (Telecommunications) Regulations;</p> <p>(e) Competition (Telecommunications) Regulations;</p> <p>(f) Consumer Protection (Telecommunications) Regulations; and</p> <p>(g) Spectrum Management Regulations.</p> <p>Unaltered</p> <p>Clause 85 was then <i>accepted</i> as <i>amended</i>.</p>
<p>CLAUSE 86</p>	<p>Clause 86 was <i>accepted</i> as <i>presented</i>.</p>
<p>CLAUSE 87</p>	<p>Clause 87 was <i>accepted</i> as <i>presented</i>.</p>

<p>CLAUSE 88</p> <p>Subsection(1), paragraphs (a) and (b)</p> <p>Paragraph (c)</p> <p>impose penalties and forfeitures in respect of the failure by any person to fail to comply with any direction or authorisation given by him under this section.</p> <p>Subsections (2) to (5)</p>	<p>Unaltered</p> <p>impose penalties and forfeitures in respect of the failure by any person who fails to comply with any direction or authorisation given by him under this section.</p> <p>Unaltered</p> <p>Clause 88 was then <i>accepted as amended</i>.</p>
<p>CLAUSE 89</p>	<p>Clause 89 was <i>accepted as presented</i>.</p>
<p>CLAUSE 90</p> <p>Paragraph (a)</p> <p>Paragraph (b)</p> <p>facilities, telecommunications networks, or telecommunications services operated or provided exclusively by or for the Guyana Defense Force, the Guyana Police Force and civil aviation authorities, except as otherwise expressly provided in this Act;</p> <p>Paragraph (c)</p> <p>Paragraph (d)</p> <p>any ship, aircraft or other conveyance belonging to or exclusively used in the service of the Government, the Guyana Defense Force, the Guyana Police Force or civil aviation, harbour or maritime</p>	<p>Unaltered</p> <p>facilities, telecommunications networks, or telecommunications services operated or provided exclusively by or for the Guyana Defence Force, the Guyana Police Force and civil aviation authorities, except as otherwise expressly provided in this Act;</p> <p>Unaltered</p> <p>any ship, aircraft or other conveyance belonging to or exclusively used in the service of the Government, the Guyana Defence Force, the Guyana Police Force or civil aviation, harbour or maritime</p>

<p>authorities; and</p> <p>Paragraph (e)</p>	<p>authorities; and</p> <p>Unaltered</p> <p>Clause 90 was then <i>accepted as amended</i>.</p>
<p>CLAUSE 91</p>	<p>Clause 91 was <i>accepted as presented</i>.</p>
<p>CLAUSE 92</p>	<p>Clause 92 was <i>accepted as presented</i>.</p>
<p>CLAUSE 93</p> <p>Subsections (1) to (5)</p> <p>Subsection (6), paragraph (a)</p> <p>With effect from the appointed day, the licences issued under the Telecommunications Act 1990 to Guyana Telephone & Telegraph Company Limited and to Cel*Star Guyana, Inc. and transferred to U-Mobile (Cellular) Inc., and all authorisations for use of the spectrum or the installation or operation of radiocommunication equipment issued by the Unit to any of them, shall stand terminated, and the Minister shall issue individual licences and frequency authorisations under this Act to Guyana Telephone & Telegraph Company Limited and U-Mobile (Cellular) Inc., and individual licences and frequency authorisations to the Guyana companies Nexlink Communications Inc., E-Networks Inc., Quark Communications Inc., and i-Net Communications Inc., or the successor in interest of any of them, without the need for any application therefor from any of those entities.</p>	<p>Unaltered</p> <p>With effect from the appointed day, the licences issued under the Telecommunications Act 1990 to Guyana Telephone & Telegraph Company Limited and to Cel*Star Guyana, Inc. and transferred to U-Mobile (Cellular) Inc., and all authorisations for use of the spectrum or the installation or operation of radiocommunication equipment issued by the Unit to any of them, shall stand terminated, and on the appointed day the Minister shall issue individual licences and frequency authorisations under this Act to Guyana Telephone & Telegraph Company Limited and U-Mobile (Cellular) Inc., and individual licences and frequency authorisations to the Guyana companies Nexlink Communications Inc., E-Networks Inc., Quark Communications Inc., and i-Net Communications Inc., or the successor in interest of any of them, without the need for any application therefor from any of those entities.</p>

Paragraphs (b) to (i)	Unaltered Clause 93 was then <i>accepted</i> as <i>amended</i> .
Clause 94	Clause 94 was <i>accepted</i> as <i>presented</i> .
Clause 95	Clause 95 was <i>accepted</i> as <i>presented</i> .

**THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006- 2011)**

**MINUTES OF THE
3RD MEETING OF THE SPECIAL SELECT COMMITTEE ON THE PUBLIC UTILITIES
COMMISSION (AMENDMENT) BILL 2011 - BILL NO. 17 OF 2011 AND THE
TELECOMMUNICATIONS BILL 2011 - BILL NO. 18 OF 2011**

**HELD ON THURSDAY, 25TH AUGUST, 2011 AT 1.12 P.M. IN THE COMMITTEE ROOM NO.2
(GROUND FLOOR, WEST OF THE MAIN STAIRWAY), PUBLIC BUILDINGS, BRICKDAM,
GEORGETOWN.**

MEMBERS OF THE COMMITTEE (6)

CHAIRMAN

(Nominated by the Committee of Selection on 12th August, 2011)

(Elected by the Committee on 17th August, 2011)

The Hon. Samuel A.A. Hinds, M.P.,
Prime Minister and Minister of Public Works and Communication

From the People's Progressive Party/ Civic (PPP/C) (5)

(Nominated by the Committee of Selection on 12th August, 2011)

The Hon. Clement J. Rohee, M.P., - (Absent)
Minister of Home Affairs

The Hon. Manzoor Nadir, M.P.,
Minister of Labour

The Hon. Jennifer I. Webster, M.P.,
Minister within the Ministry of Finance

Mr. Mohabir A. Nandlall, M.P. - (Excused)

Mr. Odinga N. Lumumba, M.P.

Front the People's National Congress Reform- 1 Guyana (PNC/R-1G)

No nominations were made by the PNC/R-1G.

From the Alliance For Change (AFC)

No nominations were made by the AFC.

Officers

Ms. Sherene Warren	- Clerk of Committee
Ms. Candayce Girard	- Assistant Clerk of Committees
Ms. Tracy Armstrong	- Assistant Clerk of Committees

In Attendance:

Mr. Cecil Dhurjon	- Chief Parliamentary Counsel
Ms. Gita Raghbir	- Director of Telecommunication, Office of the President

ITEM 1: CALL TO ORDER

1.1 At 1.12 p.m., the Chairman called the meeting to order.

ITEM 2: ANNOUNCEMENT

2.1 Excuses:

2.1.1 The Committee was informed that Mr. Mohabir A. Nandlall, M.P., had asked to be excused from the meeting.

ITEM 3: CIRCULATION OF DOCUMENTS

3.1 The following documents were circulated prior to the meeting:-

- (i) Notice to attend the 3rd Meeting dated 23rd August, 2011;
- (ii) Minutes of the 2nd Meeting held on 22nd August, 2011; and
- (iii) Matrix showing amendments to the Telecommunications Bill 2011 – Bill No. 18 of 2011 approved by the Committee (Clauses 1 to 95).

3.2 The following documents were circulated at the meeting:-

- (i) Matrix showing additional proposed amendments to the Telecommunications Bill 2011- Bill No. 18 of 2011; and
- (ii) New matrix showing proposed amendments to the Public Utilities (Amendment) Bill – Bill No. 17 of 2011.

ITEM 4: CORRECTION AND CONFIRMATION OF MINUTES OF THE 2ND MEETING HELD ON 22ND AUGUST, 2011.

4.1 Confirmation:

- 4.1.1 The Minutes were confirmed, without corrections, on a motion moved and seconded by the Hon. Jennifer I. Webster, M.P., and Mr. Odinga N. Lumumba, M.P., respectively.

ITEM 5: MATTERS ARISING

- 5.1 There were no matters arising from the Minutes.

ITEM 6: TO CONTINUE CONSIDERATION OF THE TELECOMMUNICATIONS BILL 2011 - BILL NO. 18 OF 2011

6.1 Consideration:

- 6.1.1 The Committee continued consideration of the Bill by examining the matrix (showing the Clause by Clause amendments to the Bill) with approved amendments by the Committee in collaboration with the matrix showing additional proposed amendments to the Bill.

- 6.1.2 In addition to the previous amendments made to the Bill, **Clauses 29 and 43** were amended. **Clauses 2, 40, 41, 79 and 85** were further amended.

- 6.1.3 Matrix showing the approved amendments made to the Bill by the Committee is appended to the Minutes.

6.2 Draft Report:

- 6.2.1 The Clerk was requested to prepare a Draft Report on the Telecommunication Bill 2011 – Bill No. 18 of 2011 for Members consideration at the next meeting of the Committee.

ITEM 7: TO COMMENCE CONSIDERATION OF THE PUBLIC UTILITIES COMMISSION (AMENDMENT) BILL 2011 – BILL NO. 17 OF 2011

7.1 Consideration:

7.1.1 At 2.40 p.m. the Committee commenced Clause by Clause consideration of the Bill.

7.1.2 **Clause 1 was *accepted as presented*.**

7.1.3 **Clause 2**

7.1.3.1 The Committee agreed to the following:

(i) Substitution of “*section 64*” for “*sections 64*” at paragraph (a); and

(ii) Renumber paragraph (d) as paragraph (c).

7.1.4 Thereafter, further consideration of the Bill was deferred to the next meeting.

ADJOURNMENT

At 2.55 p.m. the meeting was adjourned to 1.00 p.m. on Monday, 29th August, 2011.

Confirmed this ... 29th ... day of August, 2011


The Hon. Samuel A.A. Hinds, M.P.
Prime Minister and Minister of Public Works and Communication
Chairman

<p>Subsection 1</p>	<p>Insertion of new definition after the definition of “consumer”:</p> <p>“cost-oriented” means those charges equal to the long-run incremental cost of an efficient operator or service provider, as the case may be, plus, if applicable, an appropriate portion of shared and common costs, and such terms as may be amplified or modified in the regulations;</p> <p>Clause 2 was then <i>accepted as amended</i>.</p>
<p>PART II – TELECOMMUNICATIONS AGENCY</p> <p>Clause 3</p>	<p>Clause 3 was <i>accepted as presented</i>.</p>
<p>Clause 4</p>	<p>Clause 4 was <i>accepted as presented</i>.</p>
<p>Clause 5</p>	<p>Clause 5 was <i>accepted as presented</i>.</p>
<p>Clause 6</p> <p>Subsection (1)</p> <p>Subsection (2)</p> <p>A member shall, during his period of service with the Agency, refrain from engaging in discussions with any telecommunications undertaking or with any person engaged in broadcasting through utilisation of the spectrum regarding his employment thereby and shall be prohibited from accepting employment with any such person for a period of one year after ceasing to be a member.</p>	<p>Unaltered</p> <p>A member shall, during his period of service with the Agency, refrain from engaging in discussions with any telecommunications undertaking or with any person engaged in broadcasting through utilisation of the spectrum regarding his employment thereby and shall be prohibited from accepting employment with any such person for a period of two years after ceasing to be a member.</p> <p>Clause 6 was then <i>accepted as amended</i>.</p>

Clause 7	Clause 7 was <i>accepted as presented</i> .
Clause 8	Clause 8 was <i>accepted as presented</i> .
Clause 9	Clause 9 was <i>accepted as presented</i> .
Clause 10	Clause 10 was <i>accepted as presented</i> .
Clause 11	Clause 11 was <i>accepted as presented</i> .
Clause 12	Clause 12 was <i>accepted as presented</i> .
Clause 13	Clause 13 was <i>accepted as presented</i> .
Clause 14	Clause 14 was <i>accepted as presented</i> .
Clause 15	Clause 15 was <i>accepted as presented</i> .
Clause 16	Clause 16 was <i>accepted as presented</i> .
Clause 17 Subsection (1) Subsection (2)	Deleted Renumbered as Clause 17 Clause 17 was then <i>accepted as amended</i> .
Clause 18 Subsection (1) The Agency shall determine its own annual budget for submission to the Minister of	The Agency shall prepare an annual budget for submission to the Minister of Finance for

Finance for inclusion in the annual budget presented to the National Assembly.	inclusion in the annual budget presented to the National Assembly.
Subsections (2) to (5)	Unaltered Clause 18 was then <i>accepted as amended</i> .
PART III – FUNCTIONS OF THE MINISTER, THE AGENCY AND THE COMMISSION	
Clause 19	Clause 19 was <i>accepted as presented</i> .
Clause 20	
Subsection (1), paragraphs (a) to (k)	Unaltered
Paragraph (l)	
regulate the telecommunications numbering system and dialing parity;	regulate numbers , the telecommunications numbering system and dialing parity;
Paragraphs (m) to (p)	Unaltered
	Clause 20 was then <i>accepted as amended</i> .
Clause 21	Clause 21 was <i>accepted as presented</i> .
Clause 22	Clause 22 was <i>accepted as presented</i> .
PART IV – LICENCES AND FREQUENCY AUTHORISATIONS	
Clause 23	
Subsections (1) to (9)	Unaltered
Subsection (10), paragraph (a)	
The Minister may by order designate any	The Minister may by order or regulations

class or description of operators or service providers, and their related public telecommunications networks, public telecommunications services or value added services, as exempt from the requirement to obtain an individual licence or any other type of licence that would otherwise be required under this Act, and may establish the procedures and terms and conditions applicable to any such exemption, including –

Sub-paragraphs (i) and (ii)

Paragraphs (b) and (c)

designate any class or description of operators or service providers, and their related public telecommunications networks, public telecommunications services or value added services, as exempt from the requirement to obtain an individual licence or any other type of licence that would otherwise be required under this Act, and may establish the procedures and terms and conditions applicable to any such exemption, including –

Unaltered

Unaltered

Insertion of new Subsection (11)

(a) In the exercise of his functions under section 19 (1) (d), the Minister shall determine, by order or regulations issued on or after the appointed day, an initial list of those telecommunications networks that shall constitute public telecommunications networks and those telecommunications services that shall constitute public telecommunications services.

(b) Prior to issuing any order or regulation amending or revoking a determination made pursuant to subsection (11) (a), or making, amending or revoking any order or regulation pursuant to section 23(10) or 24(1), the Minister shall –

(i) send a draft of the proposed order or regulation to every operator or service provider likely to be affected thereby, and publish a notice in a newspaper of general circulation in Guyana, specifying the period within which operators, service providers and other interested persons may submit written

	<p>representations to the Minister; and</p> <p>(ii) hold a public consultation at which operators, service providers and other interested persons may make representations,</p> <p>and the Minister shall consider any written representations submitted and any representations made at such public consultation in making, amending or revoking any such order or regulation.</p> <p>Clause 23 was then <i>accepted as amended</i>.</p>
<p>Clause 24</p> <p>Subsection (1)</p> <p>Subsection (2)</p> <p>Where the Minister determines that a public telecommunications network may be operated, or a public telecommunications service, or value-added service may be provided, on the basis of a class licence, he shall issue an order to that effect, setting forth the type of public telecommunications network that may be so operated and the type of public telecommunications service or value added service that may be so provided and the terms and conditions thereof.</p> <p>Subsections (3) to (9)</p>	<p>Unaltered</p> <p>Where the Minister determines that a public telecommunications network may be operated, or a public telecommunications service, or value-added service may be provided, on the basis of a class licence, he shall issue an order or regulations to that effect, setting forth the type of public telecommunications network that may be so operated and the type of public telecommunications service or value added service that may be so provided and the terms and conditions thereof.</p> <p>Unaltered</p> <p>Clause 24 was then <i>accepted as amended</i>.</p>
<p>Clause 25</p>	<p>Clause 25 was <i>accepted as presented</i>.</p>

<p>Paragraph (b), sub-paragraph (vi)</p> <p>conduct such other activities as may be authorised by the Minister in the regulations, by order, or in the terms of a licence, or by the Commission by order,</p>	<p>conduct such other activities as may be authorised by the Commission or authorized or required by the Minister or other Government Agencies in the regulations, by order, or in the terms of a licence,</p> <p>Clause 29 was then <i>accepted as amended</i>.</p>
<p>Clause 30</p> <p>Subsections (1) to (8)</p> <p>Subsection (9)</p> <p>A frequency authorisation shall be consistent with the spectrum plan established by the Agency pursuant to section 44 and the regulations and shall confer on the authorisation holder the right to use a specific frequency band or bands and install and operate specific types of radiocommunication equipment for the use of such frequency band or bands, subject to such conditions as may be set out therein and in the regulations.</p> <p>Subsection (10), paragraph (a)</p> <p>Paragraph (b)</p> <p>A person that intends to reconfigure or otherwise alter the technical parameters of any radiocommunication equipment authorised for installation and operation under a frequency authorisation, or add any type of radiocommunication equipment that is not already authorised in its frequency authorisation, shall notify the Agency of its intention in writing, and shall be required to be granted an amendment of its frequency</p>	<p>Unaltered</p> <p>A frequency authorisation shall be consistent with the spectrum plan established by the Agency pursuant to section 44 or 93 (5) (b), as the case may be, and the regulations and shall confer on the authorisation holder the right to use a specific frequency band or bands and install and operate specific types of radiocommunication equipment for the use of such frequency band or bands, subject to such conditions as may be set out therein and in the regulations.</p> <p>Unaltered</p> <p>A person that intends to reconfigure or otherwise alter the technical parameters of any radiocommunication equipment authorised for installation and operation under a frequency authorisation, or add any type of radiocommunication equipment that is not already authorised in its frequency authorisation, shall notify the Agency of its intention in writing, and shall be required to be granted an amendment of its frequency</p>

<p>authorisation by, or other written approval of, the Minister, prior to effecting any such reconfiguration or other alteration or addition, as the case may be.</p> <p>Subsection (11)</p> <p>Notwithstanding any other provision of this Act, the Minister may, by order, designate certain radiocommunication equipment, and the portions of the spectrum used when such equipment is installed or operated, as available for use by the general public or any other person without the need for obtaining a frequency authorisation, subject to any terms and conditions set forth in the order, the regulations, or the Telecommunications Code, including any obligation that any such person be subject to provisions of this Act, the regulations or the Telecommunications Code.</p> <p>Subsection 12</p> <p>The Minister may make such provisions in regulations as he may deem appropriate requiring any person -</p> <p>Paragraphs (a) and (b)</p>	<p>authorisation by, or to be granted other written approval of, the Minister, prior to effecting any such reconfiguration or other alteration or addition, as the case may be.</p> <p>Notwithstanding any other provision of this Act, the Minister may, by order or regulations, designate certain radiocommunication equipment, and the portions of the spectrum used when such equipment is installed or operated, as available for use by the general public or any other person without the need for obtaining a frequency authorisation, subject to any terms and conditions set forth in the order, the regulations, or the Telecommunications Code, including any obligation that any such person be subject to provisions of this Act, the regulations or the Telecommunications Code.</p> <p>The Minister may, by order or regulations, make such provisions as he may deem appropriate requiring any person -</p> <p>Unaltered</p> <p>Clause 30 was then <i>accepted</i> as <i>amended</i>.</p>
<p>Clause 31</p>	<p>Clause 31 was <i>accepted</i> as <i>presented</i>.</p>
<p>Clause 32</p>	<p>Clause 32 was <i>accepted</i> as <i>presented</i>.</p>
<p>Clause 33</p>	<p>Clause 33 was <i>accepted</i> as <i>presented</i>.</p>
<p>Clause 34</p>	<p>Clause 34 was <i>accepted</i> as <i>presented</i>.</p>

<p>Clause 39</p>	<p>Clause 39 was <i>accepted as presented</i>.</p>
<p>Clause 40</p> <p>Subsections (1) to (4)</p> <p>Subsection (5), paragraph (a)</p> <p>Paragraph (b)</p> <p>Two or more operators, service providers or other telecommunications undertakings shall be considered jointly dominant with respect to a telecommunications network, a telecommunications service or a type of facility, or any market for them, where such operators, service providers or other telecommunications undertakings jointly occupy such a position of economic strength as will enable each of them to operate in such market without effective constraints from their competitors, potential competitors, consumer or other users.</p>	<p>Unaltered</p> <p>Unaltered</p> <p>Two or more operators, service providers or other telecommunications undertakings shall be considered jointly dominant with respect to a telecommunications network, a telecommunications service or a type of facility, or any market for them, where such operators, service providers or other telecommunications undertakings jointly occupy such a position of economic strength as will enable them, individually or jointly, to operate in such market without effective constraints from their competitors, potential competitors, consumer or other users.</p> <p>Insertion of new paragraph (c)</p> <p>Every reference to “dominant” or “dominance” in this Act, the regulations and the Telecommunications Code shall, unless expressly provided otherwise, be read to include “jointly dominant” and “joint dominance”.</p> <p>Clause 40 was then <i>accepted as amended</i>.</p>
<p>PART VI – INTERCONNECTION AND ACCESS</p> <p>Clause 41</p> <p>Subsection (1), paragraphs (a) to (g)</p>	<p>Unaltered</p>

<p>Paragraph (h)</p> <p>comply with any decision rendered by the Commission pursuant to subsection (1)(g) and the regulations; and</p> <p>Paragraph (i)</p> <p>as may be required by the regulations or, to the extent not provided for in the regulations, by the Commission, provide equal access to consumers using the public telecommunications services of other service providers.</p>	<p>comply with any decision rendered by the Commission pursuant to subsection (1)(g) and the regulations;</p> <p>as may be required by the regulations or, to the extent not provided for in the regulations, by the Commission, provide equal access to consumers using the public telecommunications services of other service providers; and</p> <p>Insertion of new Paragraph (j)</p> <p>to the extent required by the regulations, disaggregate its telecommunications networks and facilities, and unbundle its telecommunications services, and on a cost-oriented basis as the regulations may require or, to the extent not specified in the regulations, the Commission may specify, establish prices for its individual elements and offer the elements at the established prices to other operators and service providers.</p>
<p>Subsections (2) and (3)</p>	<p>Unaltered</p>
<p>Subsection (4)</p> <p>In addition to the other obligations provided for in this section, every operator and every service provider that is dominant shall –</p>	<p>Unaltered</p>
<p>Paragraph (a)</p> <p>disaggregate its telecommunications networks and facilities, and unbundle its telecommunications services, and on a cost-oriented basis such as the regulations or the</p>	<p>disaggregate its telecommunications networks and facilities, and unbundle its telecommunications services, and on a cost-oriented basis such as the regulations or, to</p>

<p>Commission may specify, establish prices for its individual elements and offer the elements at the established prices to other operators and service providers;</p> <p>Paragraph (b)</p> <p>prepare, and obtain the Commission's approval of, Reference Interconnection Offers and publish, in such manner as the regulations or the Commission may specify, the prices, technical, commercial and other terms and conditions thereof;</p> <p>Paragraphs (c) to (e)</p> <p>Subsections (5) and (6)</p>	<p>the extent not provided for in the regulations, the Commission may specify, establish prices for its individual elements and offer the elements at the established prices to other operators and service providers;</p> <p>prepare, and obtain the Commission's approval of, Reference Interconnection Offers and publish, in such manner as the regulations or, to the extent not provided for in the regulations, the Commission may specify, the prices, technical, commercial and other terms and conditions thereof;</p> <p>Unaltered</p> <p>Unaltered</p> <p>Insertion of new Subsection (7)</p> <p>Every operator, service provider and public utility that, as of the appointed day, is providing or receiving interconnection, access, collocation or joint use under any terms and conditions, whether or not such terms and conditions constitute a formal or binding agreement between the parties, shall continue to provide such interconnection, access, collocation and joint use under such terms and conditions, until such time as the parties have concluded an interconnection agreement, access agreement, or agreement for collocation or joint use under this Act and the regulations.</p> <p>Clause 41 was then <i>accepted as amended</i>.</p>
<p>Clause 42</p>	<p>Clause 42 was <i>accepted as presented</i>.</p>

<p>PART VII – UNIVERSAL ACCESS AND UNIVERSAL SERVICES</p> <p>Clause 43</p> <p>Subsection (1)</p> <p>Subsection (2), paragraph (a)</p> <p>universal access to a high quality public telephone service, including a free telephone directory for consumers of such service, a free telephone directory at each pay telephone or other public access point, and operator directory assistance;</p> <p>Paragraphs (b) and (c)</p> <p>Subsection 3</p> <p>Subsection 4, paragraph (a)</p> <p>Paragraph (b)</p> <p>The Agency may, with the approval of the Minister, require that persons operating private telecommunications networks and providing private telecommunications services and value added services, as well as telecommunications undertakings that use such networks and services and provide any other telecommunications services, contribute to the funding of universal access and universal service.</p> <p>Paragraphs (c) and (d)</p> <p>Subsection 5</p>	<p>Unaltered</p> <p>universal access to a high quality public telephone service, including, as may be further provided for in the regulations, a free telephone directory for consumers of such service, a free telephone directory at each pay telephone or other public access point, and operator directory assistance;</p> <p>Unaltered</p> <p>Unaltered</p> <p>Unaltered</p> <p>The Agency may, with the approval of the Minister, require that persons operating private telecommunications networks and providing private telecommunications services and value added services, as well as such other telecommunications undertakings as the Minister may determine, contribute to the funding of universal access and universal service.</p> <p>Unaltered</p> <p>Unaltered</p> <p>Clause 43 was then <i>accepted as amended</i>.</p>
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**PART VIII – SPECTRUM
MANAGEMENT, NUMBERING AND
DOMAIN NAME MANAGEMENT**

Clause 44

Subsection (1)

The Agency shall manage and allocate the spectrum in order to promote the economic and orderly utilisation of frequencies for the operation of telecommunications networks and the provision of telecommunications services and for the operation of broadcasting networks and the provision of broadcasting services, to recover the cost incurred in the management thereof.

Subsection (2)

Subsection (3), paragraph (a)

The Agency shall, in accordance with the regulations, develop and adopt a spectrum plan, which may be amended from time to time, in order to allocate the uses of the spectrum.

Paragraph (b)

Subsection (4)

In developing the spectrum plan and in coordinating the allocation of frequency bands, the Agency shall consult bilaterally, regionally and internationally as it deems necessary and appropriate and as may be otherwise required by the regulations.

Subsections (5) to (7)

The Agency shall manage and allocate the spectrum in order to promote the economic and orderly utilisation of frequencies for the operation of telecommunications networks and the provision of telecommunications services and for the operation of broadcasting networks and the provision of broadcasting services, to recover the cost incurred in the management thereof, **and to recognise that the spectrum is a valuable public resource.**

Unaltered

The Agency shall, in accordance with the regulations, develop and adopt a spectrum plan, which may be amended from time to time, in order to allocate **and reallocate** the uses of the spectrum.

Unaltered

In developing the spectrum plan and in coordinating the allocation **and reallocation** of frequency bands, the Agency shall consult bilaterally, regionally and internationally as it deems necessary and appropriate and as may be otherwise required by the regulations.

Unaltered

Clause 44 was then *accepted as amended*.

<p>Clause 45</p>	<p>Clause 45 was <i>accepted as presented</i>.</p>
<p>Clause 46</p> <p>The Agency, in the exercise of its functions under sections 44 and 45, shall take into account –</p> <p>Paragraph (a)</p> <p>the objectives of this Act;</p> <p>Paragraph (b)</p> <p>the impact of the spectrum plan on existing and future use;</p> <p>Paragraphs (c) to (e)</p> <p>Paragraph (f)</p> <p>any other relevant matters, having regard to the circumstances of the case, as may be set forth in the regulations or determined by the Minister or the Agency.</p>	<p>Unaltered</p> <p>the objectives and provisions of this Act;</p> <p>the impact of the spectrum plan on existing and future use and availability of the spectrum;</p> <p>Unaltered</p> <p>any other relevant factors, having regard to the circumstances of the case, as may be set forth in the regulations or determined by the Minister or the Agency.</p> <p>Clause 46 was then <i>accepted as amended</i>.</p>
<p>Clause 47</p> <p>Subsection (1), paragraph (a)</p> <p>Paragraph (b)</p> <p>ascertaining whether frequency bands are being used in accordance with this Act; and</p> <p>Paragraph (c)</p>	<p>Unaltered</p> <p>ascertaining whether frequency bands are being used in accordance with this Act, the regulations, and the terms and conditions of a relevant frequency authorisation; and</p> <p>Unaltered</p>

<p>Subsection (2)</p> <p>A frequency monitoring station operated by the Agency shall be exempt from any of the provisions of this Act.</p>	<p>A frequency monitoring station operated by the Agency shall be exempt from any of the provisions of this Act and the regulations.</p> <p>Clause 47 was then <i>accepted as amended.</i></p>
<p>Clause 48</p>	<p>Clause 48 was <i>accepted as presented.</i></p>
<p>Clause 49</p>	<p>Clause 49 was <i>accepted as presented.</i></p>
<p>Clause 50</p>	<p>Clause 50 was <i>accepted as presented.</i></p>
<p>Clause 51</p> <p>Subsection (1)</p> <p>The Agency shall be responsible for the registration and management of the top level domain names of Guyana, in accordance with the manner that it shall determine with the approval of the Minister.</p> <p>Subsection (2)</p>	<p>The Agency shall be responsible for the registration and management of the Guyana country-code top level domain name, in accordance with the manner that it shall determine with the approval of the Minister.</p> <p>Unaltered</p> <p>Clause 51 was then <i>accepted as amended.</i></p>
<p>PART IX – TERMINAL EQUIPMENT, OTHER EQUIPMENT, TESTING AND TECHNICAL STANDARDS</p> <p>Clause 52</p>	<p>Clause 52 was <i>accepted as presented.</i></p>
<p>Clause 53</p>	<p>Clause 53 was <i>accepted as presented.</i></p>

Clause 54	Clause 54 was <i>accepted as presented</i> .
Clause 55	Clause 55 was <i>accepted as presented</i> .
PART X – INFORMATION, REPORTING AND INSPECTION	
Clause 56	Clause 56 was <i>accepted as presented</i> .
Clause 57	Clause 57 was <i>accepted as presented</i> .
Clause 58	Clause 58 was <i>accepted as presented</i> .
PART XI – BREAKING UP STREETS, REMOVAL OF OBSTRUCTIONS, AND ACCESS TO LAND	
Clause 59	
Subsection (1), paragraphs (a) and (b)	Unaltered
Paragraph (c) the operator shall not open or break up a road, street or bridge that might affect another operator or a public utility without first having the potentially-affected operator or public utility in writing;	the operator shall not open or break up a road, street or bridge that might affect another operator or a public utility without first having notified the potentially-affected operator or public utility in writing;
Paragraphs (d) to (g)	Unaltered
Subsection (2)	Unaltered
Subsection (3) No operator or public utility notified under subsection (1)(b) shall open or break up a road, street or bridge that is the subject of	Neither an operator that has opened or broken up a road, street or bridge, nor any operator or public utility that is required

such notice within three months of the receipt of such notification except where such operator or public utility, as the case may be, proves to the satisfaction of the Commission, the necessity of carrying out emergency works.	to be notified under subsection (1)(b) or (c), shall open or break up the same road, street or bridge within three months of the completion of the work and restoration of the road, street or bridge as required by subsection (2) (a), except where any such operator or public utility, as the case may be, proves to the satisfaction of the Commission the necessity of carrying out emergency works.
Subsection (4)	Unaltered Clause 59 was then <i>accepted</i> as <i>amended</i> .
Clause 60	Clause 60 was <i>accepted</i> as <i>presented</i> .
Clause 61	Clause 61 was <i>accepted</i> as <i>presented</i> .
Clause 62	Clause 62 was <i>accepted</i> as <i>presented</i> .
Clause 63	Clause 63 was <i>accepted</i> as <i>presented</i> .
Clause 64	Clause 64 was <i>accepted</i> as <i>presented</i> .
Clause 65	Clause 65 was <i>accepted</i> as <i>presented</i> .
Clause 66	Clause 66 was <i>accepted</i> as <i>presented</i> .
PART XII – OFFENCES	
Clause 67	Clause 67 was <i>accepted</i> as <i>presented</i> .
Clause 68	Clause 68 was <i>accepted</i> as <i>presented</i> .
Clause 69	Clause 69 was <i>accepted</i> as <i>presented</i> .

Clause 70	Clause 70 was <i>accepted as presented</i> .
Clause 71	Clause 71 was <i>accepted as presented</i> .
Clause 72	Clause 72 was <i>accepted as presented</i> .
Clause 73	Clause 73 was <i>accepted as presented</i> .
Clause 74	Clause 74 was <i>accepted as presented</i> .
Clause 75	Clause 75 was <i>accepted as presented</i> .
Clause 76	Clause 76 was <i>accepted as presented</i> .
Clause 77	Clause 77 was <i>accepted as presented</i> .
Clause 78	Clause 78 was <i>accepted as presented</i> .
<p>Clause 79</p> <p>Subsection (1), paragraph (a)</p> <p>Paragraph (b)</p> <p>if any offence of which a person is convicted is continued by such person after conviction, he shall be guilty of a further offence and liable to a fine of two hundred thousand dollars for every day on which the offence is continued.</p> <p>Subsection (2)</p> <p>All penalties imposed by or under this Act or the regulations, the recover of which is not</p>	<p>Unaltered</p> <p>if any offence of which a person is convicted under this Act or the regulations is continued by such person after conviction, he shall be guilty of a further offence and liable to a fine of two hundred thousand dollars for every day on which the offence is continued.</p> <p>All penalties imposed by or under this Act or the regulations, the recovery of which is not</p>

<p>otherwise specially provided for, may be recovered under the Summary Jurisdiction Acts.</p> <p>Subsection (3)</p> <p>Where an offence under this Act or the regulations has been committed by, or in the name of, a body corporate, every person who, at the time the offence was committed, was a director, officer, corporate secretary, manager, partner, person acting under a power of attorney, or other person with responsibility for the affairs of the body corporate, as well as the body corporate itself, shall be deemed to be guilty of having committed the offence and shall be liable to be proceeded against and punished accordingly:</p> <p style="padding-left: 40px;">Provided that nothing in this subsection (3) shall render any such person liable to punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.</p>	<p>otherwise specially provided for, may be recovered under the Summary Jurisdiction Acts.</p> <p>Where an offence under this Act or the regulations has been committed by, or in the name of, a body corporate, and a director, officer, corporate secretary, manager, partner, person acting under a power of attorney, or other person with responsibility for the affairs of that body corporate knowingly authorised, permitted or acquiesced in the commission of the offence, the director, officer, corporate secretary, manager, partner, person acting under a power of attorney, or other person with responsibility for the affairs of that body corporate, as well as the body corporate itself, shall be guilty of the offence and shall be liable to be proceeded against and punished to the same extent as provided in the relevant offence.</p> <p>Clause 79 was then <i>accepted as amended</i>.</p>
<p>Clause 80</p> <p>Subsection (1)</p> <p>Subsection (2)</p>	<p>Renumbered as Clause 80</p> <p>Deleted</p> <p>Clause 80 was then <i>accepted as amended</i>.</p>
<p>Clause 81</p> <p>Except to the extent that the regulations may designate the payment of fines to the Agency</p>	<p>Except to the extent that the regulations may provide for the payment of penalties and</p>

<p>or the Commission, or the Telecommunications Code designates the payment of fines to the Agency, for violations of this Act, the regulations, the Telecommunications Code or a licence, exemption or frequency authorisation, any fine imposed under this Part shall be paid to the Accountant General.</p>	<p>fines to the Agency or the Commission, or the Telecommunications Code provides for the payment of penalties and fines to the Agency, for violations of this Act, the regulations, the Telecommunications Code or a licence, exemption or frequency authorisation, any penalty or fine imposed shall be paid to the Accountant General.</p> <p>Clause 81 was then <i>accepted as amended</i>.</p>
<p>PART XIII – FEES</p> <p>CLAUSE 82</p> <p>Subsection (1), paragraph (a)</p> <p>Paragraph (b)</p> <p>for any document that it makes available or any testing, certification, and service that it provides or any other function that it performs under this Act or other applicable written law.</p> <p>Subsection (2)</p> <p>The Agency may determine to charge fees, pursuant to subsection (1)(a), for any initial or renewal application for a licence, exemption, frequency authorisation, or other permit or certificate; upon the initial grant of a licence, exemption, frequency authorisation, or other permit or certificate and any renewal thereof; on an annual or other periodic basis; and for the use of the spectrum in accordance with section 44(7), and any such fees may be based upon a percentage of the gross annual revenues of the applicant, licensee, exemption holder, authorisation holder, or of any other person to whom any permit or certificate is issued or such other basis provided for in the regulations or the Telecommunication Code.</p>	<p>Unaltered</p> <p>for any document that it makes available or any testing, certification, and service that it provides or any other function that it performs under this Act, the regulations, or other applicable written law.</p> <p>The Agency may determine to charge fees, pursuant to subsection (1)(a), for any initial or renewal application for a licence, exemption, frequency authorisation, or other permit or certificate; upon the initial grant of a licence, exemption, frequency authorisation, or other permit or certificate and any renewal thereof; on an annual or other periodic basis; and for the use of the spectrum in accordance with section 44(7), and any such fees may be based upon a percentage of the gross annual revenues of the applicant, licensee, exemption holder, authorisation holder, or of any other person to whom any permit or certificate is issued or such other basis provided for in this Act, the regulations or the Telecommunication Code.</p>

<p>Subsection (3)</p> <p>Except as provided in sections 44(7), fees charged by the Agency pursuant to subsections (1) and (2) shall be commensurate with the cost of –</p> <p>Paragraphs (a) to (c)</p> <p>and shall be charged to licensees, exemption holders, authorisation holders or other persons, where applicable, on a just and reasonable basis as the Agency may determine.</p> <p>Subsection (4)</p>	<p>Unaltered</p> <p>Unaltered</p> <p>and shall be charged to licensees, exemption holders, authorisation holders or other persons, where applicable, on a just, reasonable and non-discriminatory basis as the Agency may determine.</p> <p>Unaltered</p> <p>Clause 82 was then <i>accepted as amended</i>.</p>
<p>PART XIV – GENERAL AND TRANSITIONAL PROVISIONS</p> <p>Clause 83</p>	<p>Clause 83 was <i>accepted as presented</i>.</p>
<p>Clause 84</p>	<p>Clause 84 was <i>accepted as presented</i>.</p>
<p>Clause 85</p> <p>Subsection (1), paragraphs (a) to (j)</p> <p>Paragraph (k)</p> <p>the telecommunications numbering system, dialing parity, number portability, equal access and domain names;</p> <p>Paragraphs (l) and (m)</p>	<p>Unaltered</p> <p>numbers, the telecommunications numbering system, dialing parity, number portability, equal access and domain names;</p> <p>Unaltered</p>

<p>Paragraph (n)</p> <p>interconnection and access;</p> <p>Paragraphs (o) to (z)</p> <p>Paragraph (aa)</p> <p>the penalties for contravention of any regulation or the Telecommunications Code made under this section;</p> <p>Paragraph (bb)</p> <p>Subsection (2)</p> <p>Prior to making, amending or revoking regulations under subsection (1), the Minister shall send a draft of the proposed regulation or amendment, or notice of the proposed revocation, to every operator, service provider, authorisation holder and public utility affected thereby and specifying the period within which written representations may be provided to the Minister, and he shall consider such written representations as may be received.</p>	<p>interconnection, access, collocation and joint use;</p> <p>Unaltered</p> <p>the penalties and fines for contravention of any regulation or the Telecommunications Code;</p> <p>Unaltered</p> <p>Prior to making, amending or revoking regulations under subsection (1) including any order changing any Schedule to the regulations, the Minister shall send a draft of the proposed regulation or amendment, or notice of the proposed revocation, to every operator, service provider, authorisation holder and public utility likely to be affected thereby and specifying the period within which written representations may be provided to the Minister, and he shall consider such written representations as may be received. Provided, however, that this subsection (2) shall not apply to the initial making of the following regulations after the appointed day:</p> <p>(a) Licensing and Frequency Authorisation (Telecommunications) Regulations;</p> <p>(b) Interconnection and Access (Telecommunications) Regulations;</p>
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<p>Subsection (3)</p>	<p>(c) Pricing (Telecommunications) Regulations;</p> <p>(d) Universal Access and Universal Services (Telecommunications) Regulations;</p> <p>(e) Competition (Telecommunications) Regulations;</p> <p>(f) Consumer Protection (Telecommunications) Regulations; and</p> <p>(g) Spectrum Management Regulations.</p> <p>Unaltered</p> <p>Clause 85 was then <i>accepted as amended</i>.</p>
<p>Clause 86</p>	<p>Clause 86 was <i>accepted as presented</i>.</p>
<p>Clause 87</p>	<p>Clause 87 was <i>accepted as presented</i>.</p>
<p>Clause 88</p> <p>Subsection(1), paragraphs (a) and (b)</p> <p>Paragraph (c)</p> <p>impose penalties and forfeitures in respect of the failure by any person to fail to comply with any direction or authorisation given by him under this section.</p> <p>Subsections (2) to (5)</p>	<p>Unaltered</p> <p>impose penalties and forfeitures in respect of the failure by any person who fails to comply with any direction or authorisation given by him under this section.</p> <p>Unaltered</p> <p>Clause 88 was then <i>accepted as amended</i>.</p>

<p>Clause 89</p>	<p>Clause 89 was <i>accepted as presented</i>.</p>
<p>Clause 90</p> <p>Paragraph (a)</p> <p>Paragraph (b)</p> <p>facilities, telecommunications networks, or telecommunications services operated or provided exclusively by or for the Guyana Defense Force, the Guyana Police Force and civil aviation authorities, except as otherwise expressly provided in this Act;</p> <p>Paragraph (c)</p> <p>Paragraph (d)</p> <p>any ship, aircraft or other conveyance belonging to or exclusively used in the service of the Government, the Guyana Defense Force, the Guyana Police Force or civil aviation, harbour or maritime authorities; and</p> <p>Paragraph (e)</p>	<p>Unaltered</p> <p>facilities, telecommunications networks, or telecommunications services operated or provided exclusively by or for the Guyana Defence Force, the Guyana Police Force and civil aviation authorities, except as otherwise expressly provided in this Act;</p> <p>Unaltered</p> <p>any ship, aircraft or other conveyance belonging to or exclusively used in the service of the Government, the Guyana Defence Force, the Guyana Police Force or civil aviation, harbour or maritime authorities; and</p> <p>Unaltered</p> <p>Clause 90 was then <i>accepted as amended</i>.</p>
<p>Clause 91</p>	<p>Clause 91 was <i>accepted as presented</i>.</p>
<p>Clause 92</p>	<p>Clause 92 was <i>accepted as presented</i>.</p>

<p>Clause 93</p> <p>Subsections (1) to (5)</p> <p>Subsection (6), paragraph (a)</p> <p>With effect from the appointed day, the licences issued under the Telecommunications Act 1990 to Guyana Telephone & Telegraph Company Limited and to Cel*Star Guyana, Inc. and transferred to U-Mobile (Cellular) Inc., and all authorisations for use of the spectrum or the installation or operation of radiocommunication equipment issued by the Unit to any of them, shall stand terminated, and the Minister shall issue individual licences and frequency authorisations under this Act to Guyana Telephone & Telegraph Company Limited and U-Mobile (Cellular) Inc., and individual licences and frequency authorisations to the Guyana companies Nexlink Communications Inc., E-Networks Inc., Quark Communications Inc., and i-Net Communications Inc., or the successor in interest of any of them, without the need for any application therefore from any of those entities.</p> <p>Paragraphs (b) to (i)</p>	<p>Unaltered</p> <p>With effect from the appointed day, the licences issued under the Telecommunications Act 1990 to Guyana Telephone & Telegraph Company Limited and to Cel*Star Guyana, Inc. and transferred to U-Mobile (Cellular) Inc., and all authorisations for use of the spectrum or the installation or operation of radiocommunication equipment issued by the Unit to any of them, shall stand terminated, and on the appointed day the Minister shall issue individual licences and frequency authorisations under this Act to Guyana Telephone & Telegraph Company Limited and U-Mobile (Cellular) Inc., and individual licences and frequency authorisations to the Guyana companies Nexlink Communications Inc., E-Networks Inc., Quark Communications Inc., and i-Net Communications Inc., or the successor in interest of any of them, without the need for any application therefor from any of those entities.</p> <p>Unaltered</p> <p>Clause 93 was then <i>accepted as amended</i>.</p>
<p>Clause 94</p>	<p>Clause 94 was <i>accepted as presented</i>.</p>
<p>Clause 95</p>	<p>Clause 95 was <i>accepted as presented</i>.</p>

**THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006- 2011)**

**MINUTES OF THE
4TH MEETING OF THE SPECIAL SELECT COMMITTEE ON THE PUBLIC UTILITIES
COMMISSION (AMENDMENT) BILL 2011 - BILL NO. 17 OF 2011 AND THE
TELECOMMUNICATIONS BILL 2011 - BILL NO. 18 OF 2011**

**HELD ON MONDAY, 29TH AUGUST, 2011 AT 1.23 P.M. IN THE COMMITTEE ROOM NO.2
(GROUND FLOOR, WEST OF THE MAIN STAIRWAY), PUBLIC BUILDINGS, BRICKDAM,
GEORGETOWN.**

MEMBERS OF THE COMMITTEE (6)

CHAIRMAN

(Nominated by the Committee of Selection on 12th August, 2011)

(Elected by the Committee on 17th August, 2011)

The Hon. Samuel A.A. Hinds, M.P.,
Prime Minister and Minister of Public Works and Communication

From the People's Progressive Party/ Civic (PPP/C) (5)

(Nominated by the Committee of Selection on 12th August, 2011)

The Hon. Clement J. Rohee, M.P., - (Excused)
Minister of Home Affairs

The Hon. Manzoor Nadir, M.P.,
Minister of Labour

The Hon. Jennifer I. Webster, M.P.,
Minister within the Ministry of Finance

Mr. Mohabir A. Nandlall, M.P. - (Excused)

Mr. Odinga N. Lumumba, M.P. - (Excused)

From the People's National Congress Reform- 1 Guyana (PNC/R-1G)

No nominations were made by the PNC/R-1G.

From the Alliance For Change (AFC)

No nominations were made by the AFC.

Officers

Ms. Sherene Warren	- Clerk of Committee
Ms. Candayce Girard	- Assistant Clerk of Committees
Ms. Tracy Armstrong	- Assistant Clerk of Committees

In Attendance:

Mr. Cecil Dhurjon	- Chief Parliamentary Counsel
Ms. Gita Raghurir	- Director of Telecommunication, Office of the President

ITEM 1: CALL TO ORDER

1.1 At 1.23 p.m., the Chairman called the meeting to order.

ITEM 2: ANNOUNCEMENT

2.1 Excuses:

2.1.1 The Committee was informed that the following Members had asked to be excused from the meeting:-

- (i) The Hon. Clement J. Rohee, M.P.
- (ii) Mr. Mohabir A. Nandlall, M.P.
- (iii) Mr. Odinga N. Lumumba, M.P.

ITEM 3: CIRCULATION OF DOCUMENTS

3.1 The following documents were circulated prior to the meeting:-

- (i) Notice to attend the 4th Meeting dated 26th August, 2011;
 - (ii) Minutes of the 3rd Meeting held on 25th August, 2011;
 - (iii) Draft Report on the Telecommunications Bill 2011 – Bill No. 18 of 2011;
- and

- (iv) Matrix showing amendments to the Telecommunications Bill 2011- Bill No. 18 of 2011 approved by the Committee on 25th August, 2011.

3.2 The following documents were circulated at the meeting:-

- (i) Public Utilities Commission Act 1999 – Act No. 10 of 1999; and
(ii) Letters dated 15th August, 2011, to the Leader of the PNC/R -1G and the AFC, enquiring whether their parties would be nominating Members to the Committee.

ITEM 4: CORRECTION AND CONFIRMATION OF MINUTES OF THE 3RD MEETING HELD ON 25TH AUGUST, 2011.

4.1 Confirmation:

- 4.1.1 The Minutes were confirmed, without corrections, on a motion moved and seconded by the Hon. Manzoor Nadir, M.P., and the Hon. Jennifer I. Webster, M.P., respectively.

ITEM 5: MATTERS ARISING

- 5.1 There were no matters arising from the Minutes.

ITEM 6: TO CONSIDER THE DRAFT REPORT OF THE TELECOMMUNICATIONS BILL 2011 - BILL NO. 18 OF 2011

6.1 Consideration:

- 6.1.1 The Committee examined the Draft Report paragraph by paragraph and made the following corrections:

6.1.1.1 Page 2

Insertion of a new *paragraph (7)* to read:

“No Members from the Opposition attended this meeting.”

Thereafter, the subsequent paragraphs were renumbered.

6.1.1.2 **Page 3**

- Substitution of the words “*copies of letters sent*” for the words “*sample of letter sent*” in the parenthesis at the first paragraph.

6.1.1.3 **Page 4, paragraph 10 (New paragraph 11)**

- (i) Substitution of the Heading “*Methodology*” for “*Methodology Process*”.
- (ii) Substitution of the word “*submissions*” for the word “*submission*” in line 4.
- (iii) Substitution of the words “*stakeholders as the Bills were drafted*” for the words “*the telecommunications agencies in Guyana before the Bills were drafted*” in the last line.

6.1.1.4 **Page 5, paragraph 18 (New paragraph 19)**

- Deletion of the word “*accordingly*” before the word “*hereby*”.

6.1.1.5 **Page 6, paragraph 20 (New paragraph 21)**

- (i) Deletion of the word “*Verbatim*” at the beginning of the paragraph.
- (ii) Substitution of the words “*are being prepared and will be available at the Parliament Office*” for the words “*have been prepared and are available at the Parliament Office*”.

6.2. Thereafter, the Draft Report on the Telecommunication Bill 2011 – Bill No. 18 of 2011 was adopted by the Committee. The Committee agreed that the Report would be presented to the National Assembly on September 8th, 2011.

ITEM 7: TO CONTINUE CONSIDERATION OF THE PUBLIC UTILITIES COMMISSION (AMENDMENT) BILL 2011 – BILL NO. 17 OF 2011

7.1 Consideration:

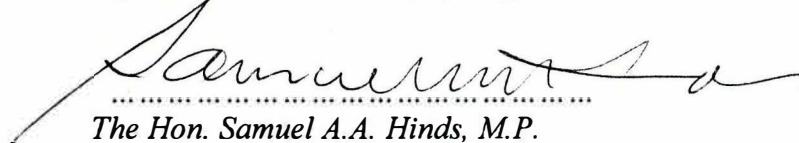
7.1.1 The Committee continued consideration of the Bill from Clause 3 and concluded at Clause 26.

- 7.1.2 The amendments made to the Bill are reflected in the appended matrix.
- 7.1.3 Thereafter, Members agreed that the Committee would meet on Tuesday, 30th August, 2011, at 12.00 p.m., to conclude consideration of the Bill.

ADJOURNMENT

At 4.00 p.m. the meeting was adjourned to 12.00 p.m. on Tuesday, 30th August, 2011.

Confirmed this day of August, 2011

A handwritten signature in cursive script, appearing to read 'Samuel A.A. Hinds', written over a horizontal dotted line.

*The Hon. Samuel A.A. Hinds, M.P.
Prime Minister and Minister of Public Works and Communication
Chairman*