



GOVERNMENT OF TRINIDAD AND TOBAGO

THE NATIONAL POLICY ON BROADCAST AND
THE BROADCASTING INDUSTRY

Ministry of Public Administration and Information

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FOREWORD

On behalf of the Government of the Republic of Trinidad and Tobago, I am pleased to present to the national community, the National Policy on Broadcast and the Broadcasting Industry for Trinidad and Tobago. This is the first comprehensive policy produced for the development of the Broadcasting Industry in this country.

The Policy is the product of consultation with the main stakeholders in the industry. Views were sought, contributions made and most serious and diligent consideration given to all opinions and perspectives presented. There were several iterations of the document before it was finally passed. It is therefore a long awaited document.

The Government recognizes the invaluable contribution already made by the broadcast industry to the development of our nation. This Policy is intended to ensure an even greater contribution by this sector to our nation's well-being. It aims to create a framework for greater creativity, entrepreneurial activity, responsibility, modernization and capacity to face the challenges of competition and change in the sector.

A major foundation of this Policy is our constitutionally guaranteed freedoms of expression, of the press and of the media. At the same time the policy reinforces the need for the broadcasting sector to ensure that it does not abuse these freedoms. It recognizes the indispensable role of competition and private enterprise for the growth of the industry. It also supports the attainment and maintenance of the highest standards of quality, fairness and

objectivity. Most importantly, the policy underscores the need, in our plural society, for the expeditious application of the law to deal with any attempt to incite ethnic tensions and divisiveness by the Broadcast Sector.

On the very important question of local content in commercial broadcasting, the Government in the first instance shall pursue with the Broadcasting Industry, a voluntarily imposed quota for the airing of local products on the country's radio and television stations. At the same time, the Government recognizes its duty to provide very significant opportunities for development of local culture through broadcasting. We shall do this through the Public Broadcasting Service, which Government is taking steps to develop.

The Policy also requires adequate transmission to Tobago by all national Broadcasters. No geographic location in Trinidad and Tobago should be underserved by services that are national in scope.

This policy is an adequate basis for moving the industry forward. However, we recognize that quick and constant change is now a main characteristic of this sector. The Government therefore intends to continuously review this Policy and make the necessary adjustments and modifications to it so as to keep the industry in step with developments both at home and abroad. In other words, the policy framework for this sector will be as dynamic as the industry, which it seeks to develop and regulate. I therefore invite your feedback both in writing or on our website - www.fastforward.tt. This is the first step in a process of ongoing dialogue with interested stakeholders on how this sector should evolve.

Senator Dr. the Honourable Lenny K. Saith
Minister of Public Administration
and Information

February, 2004

THE NATIONAL POLICY ON BROADCAST AND THE BROADCASTING INDUSTRY

BACKGROUND

The Broadcasting Industry in Trinidad and Tobago has grown in a relatively unregulated fashion. It has been influenced by the unique cultural norms and traditions of Trinidad and Tobago as well as by trends in the global environment. Before 1990, it was an industry operating under several constraints and limitations, with one television station and four radio stations. The Internet was not yet widely available to the general public and there was no satellite or cable television.

Domestic, social and political evolution, globalization and liberalization and the international communications revolution have since impacted significantly and positively on the broadcast industry of Trinidad and Tobago. There are now three television stations, twenty-one radio stations, two Cable companies, and one Direct-to-Home T.V. Company operating for the patronage of just over 1.3 million people. Liberalisation however came without a true policy framework.

Meanwhile, global communications have improved and expanded tremendously. The Internet is now indispensable and is transforming education, business and personal interactions. Convergence and digitalization are transforming the telecommunications environment and the way we conduct business. Speed, efficiency and the virtual disappearance of borders characterise communications at the start of the new century.

Governments all over the world have a constant challenge in terms of managing and regulating the sector.

OBJECTIVE

The objective of this Policy is to create the environment for the development of a fully modernized and dynamic broadcasting sector and to ensure that the sector contributes to the economic, social and cultural development of our nation.

The Government acknowledges the very positive contribution that has already been made by the Broadcasting Sector to the development of Trinidad and Tobago.

THE ISSUES

A. CONTENT

1. The Constitution of Trinidad and Tobago guarantees freedom of expression and freedom of the Press and Media. This broadcast policy supports and endorses these freedoms.
2. The government does not propose to dictate content in broadcasting. The plurality of voices and views must contend and high standards of substance, variety and persuasion shall determine the success or failure of private endeavour in the commercialized broadcasting sector.
3. The Society of Trinidad and Tobago is built on universally accepted standards of decency and quality. These find expression in both societal norms and the laws of the nation, both of which have always sought to ensure that freedom of speech does not mean the licence to be offensive or destructive and to jeopardize fairness and privacy. This Broadcast policy supports these norms and the full implementation of the law for the benefit of both the citizenry and the broadcast industry. To this end, the Government will however encourage the formation of watchdog bodies and industry - led groups that will assist in monitoring content.
4. Trinidad and Tobago is a plural society. The government will not tolerate any incitement to racial animosity and ethnic divisiveness emanating from the broadcast industry and will rely on the law to deal expeditiously with any such violations.
5. Much argument has taken place regarding a mandatory percentage for local content in the commercial broadcasting sector. The Government is of the view that it is contrary to both the Country's Constitution and the tenets of free enterprise to legislate content for the broadcast industry. Besides, such a move could be counterproductive, since it could engender complacency and consequential mediocrity. Local output in all fields, including culture, must develop the resilience for the tough competitive environment of the modern world.
6. The Government is not unmindful of its responsibility to foster the development of the local culture and entertainment industry. It also recognizes the acute challenges to local artists posed by the overwhelming presence of foreign products in the sector. It will enter into dialogue with the Broadcasting Industry to decide on a voluntarily imposed quota for local content on the television and radio stations of the country. The Government proposes to provide very significant

exposure and development for local culture through the development of a Public Broadcasting Service.

7. Advertising is an important and substantial part of content in commercial broadcasting and shall be subject to the expectations and obligations outlined in this broadcast policy and to the laws of Trinidad and Tobago.
8. Broadcasters shall operate within the law and must respect the rights of the individual as enshrined in the Constitution of Trinidad and Tobago and protected by the laws of the land.

B. THE MARKETPLACE

1. The Government sees competition as key to the development of the sector and to the provision of choice for the consumer.
2. The market will determine the level and nature of competition in the sector.
3. Government will take the necessary steps to ensure that the citizens of Trinidad and Tobago have access to a wide variety of high-quality services in this sector. In this regard, Government has noticed that, in Radio Broadcasting, Tobago has largely been under-served by existing Licensees. Government will take more stringent steps to ensure that when National Broadcast Licences are issued, transmission in Tobago is given equal priority, as is transmission in Trinidad. Furthermore the award of Community Licences will also be put under more stringent scrutiny. Generally, with regard to all forms of broadcasting, it is the intention of the Government to ensure that Tobago is not under-served.
4. Government shall promote the development of a system that will allow for a more stringent classification of National and Community Broadcast systems.
5. The number of Broadcasting Systems that will be permitted to operate in Trinidad and Tobago shall be determined, inter alia, by the availability of Spectrum.

C. SPECTRUM

1. The Broadcast RF Spectrum is a finite national resource. Discipline and prudent management are required to enable the maximum and most efficient utilization of this resource by the broadcast industry.

2. A deadline period shall be imposed from the date of issue of a licence from an applicant to establish and operate the broadcast system for which the licence has been granted. At the expiration of the deadline, the licence shall be revoked and the assigned frequency/spectrum returned to the Regulatory Body.
3. A plan for the allocation of broadcast spectrum shall be developed and made public.

D. PUBLIC BROADCASTING SERVICE

1. Trinidad and Tobago is a developing, plural society and there is the need for a developmental dimension to broadcasting. The Government will seek to make its contribution through the Public Broadcasting Service.
2. The Public Broadcasting Service must serve the interests of all the people of Trinidad and Tobago. It shall be characterized by objectivity, trustworthiness and transparency and shall be an instrument for the positive social and cultural evolution and enrichment of Trinidad and Tobago.
3. The development of local programming shall be a major part of the mandate of the Public Broadcasting Service. It must face the challenge of competition with other players in the information market place for audience attention.
4. Spectrum shall be reserved within the FM Broadcast Band Plan for the provision of the Public Broadcasting Service.

E. THE INTERNET

1. The Government recognises the challenges posed by the Internet in the formulation of its Broadcast Policy. In this regard, the Internet transcends all national boundaries and is accessible via diverse technologies. As the Internet evolves and new issues arise, the Government shall develop and/or revise its Policy, as necessary, to ensure that its overall societal and economic objectives are met.
2. The Government shall develop effective mechanisms on an on-going basis to deal with matters such as: the promotion of a rating and filtering system to help users control Internet exposure in the home; illegal material on the Internet; and intellectual property rights.

3. This Policy recognises the primacy of parental guidance and supervision in the use of the Internet by children. The Government shall endeavour to ensure the easy availability of software and hardware tools to assist parents in the supervision of their children.

F. NON-COMMERCIAL ORGANISATION

1. Trinidad and Tobago is a plural society where religious, cultural and other non-governmental organizations play a critical role in the quality of national life. Freedom of worship and association are guaranteed by the Constitution.
2. However, mindful of the scarcity and consequent economic value of the RF Spectrum, the Government prefers that non-commercial organizations access airtime through individual arrangements with commercial stations.

G. CABLE TELEVISION AND DIRECT-TO-HOME SATELLITE TELEVISION

1. The Government views as unacceptable the existence of monopolies in this or any other area of the broadcasting sector.
2. In order to introduce competition to the sector the government shall work towards offering additional licence(s) for both wired and wireless services to the public.
3. In the event that a monopoly were to persist in this sub-sector, government shall consider the option of bringing rates in this area under the purview of the Telecommunications Authority.
4. Cable and Direct-to-Home Satellite TV operators shall be required to make available devices which will give subscribers the option to block access to channels and programming which their subscribers consider unsuitable for viewing.

H. OWNERSHIP

1. The Government welcomes both local and foreign private investment in the Broadcast industry. While it may be desirable from a national standpoint, for the local private sector to have ownership control of the industry, it is contrary to our international obligations to deny foreign investors opportunity in this sector. There are significant advantages to

be had from foreign capital flows into the industry, including, inter alia, expansion, quality enhancement, infusion of technology and promotion of the national interest at the global level.

2. Foreign Investment in this sector shall be facilitated and regulated by the Foreign Investment Act 1998.
3. Whilst the Government is firmly wedded to the play of market forces in the industry, the national interest demands that Government be opposed both to monopolistic control and abuse of dominance in this and other sectors of the economy.
4. Existing legislation, if necessary, will either be augmented or strengthened to protect, inter alia, national security and the interest of the consumer.

I. CONSUMER PROTECTION

1. The Government has the main responsibility to protect the interests of the consumer in this or any other industry. In the first instance, the Government shall call on the industry to present an effective Broadcast Code of Practice for delivery of services with effective means of redress when service standards are not met. Should the Broadcast Industry fail to meet the challenge, the Government will then pursue an effective regime for consumer protection through an appropriate institutional framework supported by adequate legislation.
2. The Government will encourage the Broadcast Industry to take account of the special circumstances of persons with disabilities.
3. The Government recognizes that open and competitive markets also offer consumer protection regarding, inter alia, quality of service, pricing and choice.

J. REGULATORY AND INSTITUTIONAL FRAMEWORK

1. The convergence of telecommunications, broadcasting and information technologies necessitates the creation of a single regulatory body to achieve, inter alia, cohesion in policy formulation and execution and to avoid the unnecessary and confusing duplication that is the result of separate regulatory structures.
2. The Telecommunications Act No. 4 of 2001 and regulations made thereunder, when fully proclaimed shall be the main legislation

governing the Broadcast Industry. In the meantime, the Wireless Telegraphy Ordinance shall continue to be the legal instrument for regulating the sector.

3. The Regulatory Body for all matters pertaining to the Broadcast Industry shall be the Trinidad and Tobago Telecommunications Authority (TTTEL), established under Act No. 4 of 2001. The Regulatory Body shall ensure transparency in all matters pertaining to the licensing process. It shall develop and make public, a detailed licensing procedure to include, inter alia, criteria for the soliciting and evaluation of licence applications as well as the availability of all broadcast frequencies.
4. In furtherance of this Broadcast Policy, the role of the government in conjunction with the Regulatory Body shall include:
 - (a) Facilitating the growth of the domestic broadcast industry;
 - (b) Ensuring that the country is adequately compensated for the market value of the concessions/licences awarded in respect of broadcasting;
 - (c) Formulating the strategic direction of the Public Broadcasting Service;
 - (d) Developing, in consultation with the Regulatory Body, a National Broadcast Spectrum Policy;
 - (e) Ensuring the adherence of government's commitment to international conventions, treaties and agreements;
 - (f) Protecting consumers
 - (g) Administering and enforcing broadcast regulations;
 - (h) Monitoring of broadcasting services to ensure compliance with legal and policy obligations.
 - (i) Preparing and implementing criteria for the licensing of different categories of the broadcast services.
 - (j) Making recommendations to the Minister for the granting and renewing of broadcast licences/concessions.
 - (k) Collecting appropriate fees.
 - (l) Monitoring the broadcasting sector to ensure compliance with licence conditions, relevant laws and regulations, and
 - (m) Formulation of a Broadcast Code, approved by Parliament after consultation with stakeholders.

K. LEGISLATION

1. This Government recognizes the need for the modernization of existing law and the enactment of new legislation to support the principles and objectives outlined in this policy document.

L. CONCLUSION

1. The Government recognises that the Broadcasting Sector is dynamic and ever changing as technological innovation results in obsolescence much faster than ever before. This Broadcast Policy will come under review as the environment dictates to ensure that the industry in Trinidad and Tobago is in step with national and international developments in the sector.
2. In the final analysis, the Government wishes, ultimately, to encourage the culture of self-regulation in this sector.
3. This Broadcast Policy supports that objective.

December 15, 2003