

Acting President

Tuesday, November 18, 2008

SENATE

Tuesday, November 18, 2008

The Senate met at 1.30 p.m.

PRAYERS

[MR. VICE-PRESIDENT *in the Chair*]

ACTING PRESIDENT OF TRINIDAD AND TOBAGO

Mr. Vice-President: Hon. Senators, I wish to inform you that the President, Sen. The Hon. Danny Montano is currently acting as President of the Republic of Trinidad and Tobago.

LEAVE OF ABSENCE

Mr. Vice-President: Hon. Senators, I have granted leave of absence to Sen. The Hon. Arnold Piggott, who is out of the country.

SENATORS' APPOINTMENT

Mr. Vice-President: Hon. Senators, I have received the following correspondence from His Excellency the President, Professor George Maxwell Richards, T.C., C.M.T., Ph.D., and His Excellency the Acting President, Senator The Honourable Danny Montano:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards
President.

TO: MR. JOEL PRIMUS

WHEREAS Senator Arnold Piggott is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the

Senators' Appointment
[MR. VICE-PRESIDENT]

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Republic of Trinidad and Tobago, do hereby appoint you, JOEL PRIMUS, to be temporarily a member of the Senate, with effect from 18th November, 2008 and continuing during the absence from Trinidad and Tobago of the said Senator Arnold Piggott.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 14th day of November, 2008."

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency DANNY MONTANO, LLB., BComm., C.A., Acting President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ Danny Montano
Acting President.

TO: MR. FOSTER CUMMINGS

WHEREAS the President of the Senate has temporarily vacated his office of Senator to act as President of the Republic of Trinidad and Tobago:

AND WHEREAS the Vice-President of the Senate is acting President of the Senate:

NOW, THEREFORE, I, DANNY MONTANO, Acting President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, FOSTER CUMMINGS, to be temporarily a member of the Senate, with immediate effect and continuing during the period that Senator Danny Montano has temporarily vacated his office as Senator.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 17th day of November, 2008."

OATH OF ALLEGIANCE

Senator Joel Primus took and subscribed the Oath of Allegiance as required by law.

FINANCIAL INSTITUTIONS BILL

Bill to provide for the regulation of banks and other financial institutions which engage in the business of banking and business of a financial nature, for matters incidental thereto and for the repeal of the Financial Institutions Act, 1993, brought from the House of Representatives [*The Minister in the Ministry of Finance*]; read the first time.

Motion made, That the next stage of the Bill be taken at a sitting of the Senate to be held on Tuesday, December 02, 2008. [*Hon. M. Browne*]

Question put and agreed to.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the Statement of Recovery of Expenses of the Ministry of Energy and Energy Industries for the year ended December 31, 2007. [*The Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne)*]
2. Annual audited financial statements of Palo Seco Agricultural Enterprises Limited for the year ended September 30, 2000. [*Sen. The Hon. M. Browne*]
3. Annual audited financial statements of Palo Seco Agricultural Enterprises Limited for the year ended September 30, 2001. [*Sen. The Hon. M. Browne*]
4. Annual audited financial statements of Palo Seco Agricultural Enterprises Limited for the year ended September 30, 2002. [*Sen. The Hon. M. Browne*]
5. Annual audited financial statements of Palo Seco Agricultural Enterprises Limited for the year ended September 30, 2003. [*Sen. The Hon. M. Browne*]
6. Annual audited financial statements of the National Helicopter Services Limited for the year ended September 30, 2007. [*Sen. The Hon. M. Browne*]
7. Annual report of the Police Service Commission for the year 2007. [*The Minister of National Security (Sen. The Hon. Martin Joseph)*]
8. Annual Report of the Public Service Commission for the year 2007. [*The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill)*]
9. Annual Report of the Teaching Service Commission for the year 2007. [*Sen. The Hon. C. Enill*]

ORAL ANSWERS TO QUESTIONS**Pensions****(Raising Eligibility Ceiling)**

92. Sen. Mohammed Faisal Rahman asked the hon. Minister of Social Development:

Would the Minister state whether Government plans to raise the eligibility ceiling for pensions to equal the personal tax allowance?

The Minister of Social Development (Hon. Dr. Amery Browne): Mr. Vice-President, the eligibility ceiling for the Senior Citizens Grant at fiscal 2007/2008 was \$30,000 per annum. This income ceiling was established by the Finance (No. 2) Act of 2007, which gave effect to the amendment of the Old Age Pensions Act, Chap, 32:02. The question proposes the raising of the eligibility ceiling from \$30,000 per annum to equal the personal tax allowance of \$60,000 per annum. This would have implications in relation to:

- the increased number of eligible recipients for the grant;
- the increased annual expenditure for the programme;
- increase in the public debt to fund the grant;
- sustainability of the increased cost of the grant;
- the increase in the level of taxation on the public; and
- the increased demand on the human resource capacity within the Social Welfare Division of the Ministry of Social Development to implement the programme before an integrated social enterprise management system is implemented.

It is instructive to note, however, that despite these concerns, given the Government's commitment to providing additional income to citizens and to bring relief to more of our senior citizens, the qualifying income ceiling as announced in the 2008/2009 budget was increased from \$2,500 to \$2,800 per month. That is an increase in the eligibility ceiling from \$30,000 to \$33,600 per annum.

The impact of this change is that 80,000 persons are now eligible for the grant. The Senior Citizens Grant was also increased from \$1,650 to \$1,950 per month. Over the 11-year period between 1996 and 2007, the Senior Citizens Grant has increased incrementally by 363 per cent, from \$356 to \$1,650.

The survey of living conditions 2005 cites that the proportion of the national population consisting of persons 65 years and over was estimated to have increased slightly between 2000 and 2005 from 7.1 per cent to 7.6 per cent, indicative of the population ageing in Trinidad and Tobago.

According to the Central Statistical Office, population projections suggest that there would be a doubling of the 60-year-old-and-over age cohort by the year 2020, with the proportion of the population in that age group moving from 9.4 per cent to 16 per cent of the population.

As at October 2008, 84 per cent of persons in the age cohort over 65 years, that is, 69,419 persons, were in receipt of the Senior Citizens Grant. If a scenario were to be depicted whereby the eligibility ceiling for the Senior Citizens Grant were increased to equal the personal tax allowance of \$60,000 per annum, it is possible that the vast majority of the remaining 16 per cent of the age cohort would qualify to receive the grant on the basis of income criterion, making the assumption that all persons 65 years and over, 82,642 persons, would now qualify to receive the Senior Citizens Grant and, using the third and last level of the sliding scale whereby the average monthly income exceeds \$1,000, a grant would be payable in the sum, that is the difference between the qualifying income ceiling of \$5,000 per month, and the income received.

1.45 p.m.

Under such circumstances, a maximum grant of \$3,999.99 per month would be payable. It is estimated that the cost to the Government of introducing such a measure would be \$4 billion per annum; I repeat, \$4 billion per annum. A more accurate determination would necessitate assessment of the individual's actual income received.

While focusing on increase of pension for older persons, it is also essential to recognize economic growth is necessary for the economy to provide income security for those who have retired. The projected demographic transition implies an increasing dependency ratio of the population of Trinidad and Tobago. Given anticipated increased levels of functional dependency as individuals age, it is also expected that demand for pensions for the elderly and disability pensions would increase.

Additionally, since pensions for the aged are financed by revenue derived essentially from taxes on individual income, labour as opposed to capital would bear the burden of maintaining and financing any increase in government pensions. At the same time, government expenditure levels are likely to increase

in areas such as health, housing, transportation and social services for the aged. Therefore, any increase in the Senior Citizens Grant must be feasible, sustainable and based on long-term planning that takes into account the expected changes in economic and demographic conditions of this country.

It is the mandate of the Ministry of Social Development to address the issues of the vulnerable and at risk groups in society, of which the elderly is a significant segment.

Bearing the aforementioned factors in mind, and recognizing that there was a significant increase in the qualifying income ceiling in the current fiscal year, the Government of Trinidad and Tobago has no immediate plan to raise the qualifying income ceiling to equal the personal tax allowance.

Thank you.

Sen. Rahman: Is the Minister saying that to raise this eligibility ceiling, so that people who are paying for a pension can get more of the established Senior Citizens Grant is going to automatically increase the Senior Citizens Grant?

Hon. Dr. A. Browne: Yes.

Sen. Rahman: To \$3,999? I do not understand. Would the Minister care to explain how that happens? If you have a maximum Senior Citizens Grant, how will it automatically increase? I cannot understand it. Those people who have been denied the Senior Citizens Grant would be allowed to get it since their qualifying would be \$5,000. I do not understand the connection.

Hon. Dr. A. Browne: The question posed a certain hypothetical scenario and I have taken great pains to outline the computation as derived within the Ministry of Social Development. Further clarification can be sought by the submission of a further question to the Senate.

Sen. Dr. Nanan: Is the Minister aware that Caroni (1975) Limited workers are being marginalized by this system? Do you have a figure for the value of the Senior Citizens Grant from the figure you quoted of 69,419?

Hon. Dr. A. Browne: I did not hear the question.

Sen. Dr. Nanan: Is the Minister aware of the marginalization of Caroni (1975) Limited workers because of the ceiling, with respect to the Senior Citizens Grant? Do you have a figure for the value of the Senior Citizens Grant to date for the 69,419 recipients?

Hon. Dr. A. Browne: I believe the attempted supplemental question requests an opinion of the Minister. I do not know if that is a proper position to request.

With regard to the current expenditure on the Senior Citizens Grant, I do not have that specific figure before me, but I know it is greater than TT \$1 billion at this point.

**Public Transport Service Corporation
(Status of Local Agents for Volvo Buses)**

46. Sen. Dr. Adesh Nanan on behalf of Sen. Wade Mark asked the hon. Minister of Works and Transport:

- (a) With respect to the Volvo manufactured articulated buses owned by the Public Transport Service Corporation, could the hon. Minister of Works and Transport inform the Senate who are the local agents for these buses?
- (b) Could the Minister also inform the Senate whether those agents have a workshop and spare parts facility in Trinidad?
- (c) If the answer to (b) is in the affirmative, could the Minister state where this workshop and spare parts facility is located?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. Vice-President, the answer to question No. 46 to the hon. Minister of Works and Transport is not now ready. We would endeavour to have it in two weeks' time.

Question, by leave, deferred.

**UDeCott
(Transaction of Loan)**

107. Sen. Dr. Adesh Nanan on behalf of Sen. Wade Mark asked the hon. Minister of Planning, Housing and the Environment:

With respect to the loan secured by UDeCott on the US Market for the Port of Spain Waterfront Project, could the Minister state:

- (i) who were the agent(s) of the loan for both the borrower and lender(s); and
- (ii) what was the commission and/or fees paid on the transaction to these agents?

The Minister of State in the Ministry of Planning, Housing and the Environment (Sen. The Hon. Tina Gronlund-Nunez): Mr. Vice-President, unfortunately we do not have the answer for this question ready as yet. We ask for another two weeks. Thank you.

Question, by leave, deferred.

**WRITTEN ANSWER TO QUESTION
National Plan of Action for Children
(Details of Nutrition Drop-in Centres)**

102. Sen. Cindy Devika Sharma asked the hon. Minister of Social Development:

With respect to the National Plan of Action for Children aimed at establishing nutrition drop-in centres in cities and main towns for homeless and street children, would the Minister indicate to the Senate:

- (i) the total number of centres established as at July 2008?
- (ii) the locations of these centres; and
- (iii) the number of persons who have benefited from the operation of these centres as at July 2008?

Vide end of sitting for written answer.

Mr. Vice-President: Hon. Senators, we will now proceed with the swearing in of Foster Cummings.

OATH OF ALLEGIANCE

Sen. Foster Cummings took and subscribed the Oath of Allegiance as required by law.

**GOVERNMENT OF TRINIDAD AND TOBAGO
AND THE MEDIA
(RELATIONSHIP)**

The Minister of Information (Hon. Neil Parsanlal): Mr. Vice-President, I thank you and Members of the Senate for the opportunity to make a statement to the national community on the relationship between the Government of Trinidad and Tobago and the media.

Successive administrations have, to one degree or another, experienced some measures of tension between themselves and the media and it is in this context the apparent tensions that currently exist are no different. Indeed, all over the world

and throughout time, this tension has existed and that has led, in most cases, to a deepening of the understanding that each had for the other. There is no gainsaying that a free media is a vital part of a free society.

In recent times, actions or statements by this Government have been variously interpreted as intimidatory, inappropriate and indicative of a Government at war with the media. Numerous have been the commentators and colourful the commentary on the issue, all given wide circulation and ventilation in a media that is still free to carry out its operations, unfettered by any type of governmental interference. This Government is not anti-media, nor does it expect a pro-government stance from any media house. What the Government desires is the time honoured journalistic practice of accuracy in reporting and balance in coverage by the media.

It is a known fact that there are sections of the media that have judged the present Opposition in Parliament, weighed them in the balance and found them wanting, and in that respect, have decided to assume the role of the real opposition to the Government. That is their right so to do and this Government will defend that right.

Members of the media and media houses must, however, stop the pretence of being apolitical. In the same manner that some commentators who have weighed in on this issue, have pointed to what obtains in other jurisdictions, those media houses are professional enough to declare their positions on issues. The Government will welcome such declarations as part of the inexorable march to maturity as a society.

No one is better convinced than we are, that the media has a tremendous responsibility as a detached informer, educator and entertainer. The media influences and marshals public opinion, but it also cannot be understated that only a press that is fair will retain the public confidence that is needed by a free press. I wish to repeat that statement: only a press that is fair will retain the public confidence that is needed by a free press.

While the opinion polls are unanimous in their recognition of freedom of the press enjoyed in Trinidad and Tobago, the jury is still out on whether that free press has in fact been fair.

Independent Sen. Helen Drayton commenting in an article in the *Newsday* of Sunday, November 16, 2008 noted:

Government and the Media
[HON. N. PARSANLAL]

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“...the reality is members of the mass media have become ultra sensitive and thin skinned to the point that it could be perceived that they no longer understand what constitutes a threat to freedom of the press...

Their response to criticism is met with the same attitude for which they accuse the Government—arrogance—and sometimes, the cunning of politicians demonstrated in the way some seek to imply an ulterior motive of those who criticise.”

She continued:

“The following statement made by the *Chicago Tribune* many years ago is worthy of mention: ‘One of the most effective ways of improving the press is blocked by the press itself. By a kind of unwritten law, the press ignores errors, misrepresentations, the lies and scandals of which its members are guilty.’”

Sen. Drayton’s comments are in fact echoed by Mr. Michael J. Williams, who has been Chairman of the Media Complaints Council for the past 10 years. In an interview with Clewon Raphael in the *Sunday Guardian* of November 16, 2008, Mr. Williams noted that while media houses were committed to publishing the MCC’s adjudications on complaints, “we have been having some problems in getting some of them to publish our adjudications.”

Sen. Drayton went on to state:

“Freedom of the press is not in principle only a constitutional thing, it is the exercise of choice either to advance the media’s progress, the progress of civil behaviour or to thwart civility.

It is the freedom to ‘uplift or debase’ or ‘contribute to vulgarizing society or to help keep the peace or endanger it, or to beat your own drum regardless of consequences to society as a whole. The choice made is what would more than likely preserve freedom or erode it in a democratic society.’

For those who do not understand what contributes freedom of the press and intimidation, then talk to the media in Singapore, or Dubai, or China, or Saudi Arabia.”

I wish to remind this honourable Senate today that this Government has, in the past and we wish to reaffirm today, our commitment to the freedom of the press. Indeed, it was a People’s National Movement government that ensured that freedom of the press was enshrined in the Constitution of this great country.

Moreover, when others who occupied his chair would not, it fell to the current Prime Minister to sign the Treaty of Chapultepec in 2004, signalling yet again, this Government's commitment to the freedom of the press.

2.00 p.m.

This Government has never engaged in the punitive actions taken by other governments and in different countries, of putting restrictions on the importation of newsprint, of banning journalists from either entry or re-entry into Trinidad and Tobago or of calling for boycotts of specific media entities.

Mr. Vice-President, no right is absolute, and concomitant with rights are responsibilities. Even in this august Chamber, where the right to speak and be heard is jealously guarded, there are certain prohibitions against what can be said and what cannot. In this context, therefore, there has to be an understanding by all that the freedom enjoyed by the press is buttressed by the responsibility to be accurate and impartial in their reporting on all issues and across all media.

Even with the best intentions in the world mistakes will be made—either by the Government, which the media is free and entitled to point out, and by the media, which the Government is similarly entitled to point out.

Mr. Vice-President, as part of its responsibility to account to the people for its activities, this Government has put a number of mechanisms in place to ensure that all arms of the media have access to Government information in a timely manner. These mechanisms include, but are not limited to the following:

1. The weekly post Cabinet briefings where Ministers report on specific aspects of their portfolio that were deliberated upon by the Cabinet and in respect of which key decisions were made.
2. The Parliament Channel, where proceedings of both Houses of Parliament are carried live from gavel to gavel, on both television and radio, and is also streamed live on the World Wide Web. An adjunct of this is the Hansard Library, an invaluable resource to any media house interested in accurate reporting on matters deliberated upon in this hallowed hall.
3. The Government Information Services Limited which produces www.news.gov.tt; an online resource for all government media releases and other information from government ministries and agencies.
4. *fastforward*/TT Connect—a government portal that links all government ministries and currently provides access to more than 400 government related websites.

5. A direct line to Ministers. It is a common practice, and certainly one that has persisted with this administration, that journalists have direct access to Ministers, through relationships cultivated over time.
6. The Freedom of Information Act, a legislative tool to ensure that certain types of information are produced on demand to any member of the public without questioning the motive behind the request.
7. The Ministry of Information which is now a repository for all government information, or which can point any interested party in the direction they must go in search of specific information.

All of this is designed to ensure that this country moves from a culture of secrecy to a culture of disclosure. We on this side are well aware that there are no secrets in this country, only secrets in circulation. [*Laughter*]

Notwithstanding these multiple avenues of access to government information, there is almost unanimous recognition that the quality and standards of local media have fallen over the years. Many, with some justification, have attributed this to the liberalization of the telecommunication sector by this Government. In fact, none other than the dean of local journalism, former minister and media owner, Mr. Ken Gordon, has weighed in on the matter, indicating that the failure of the Telecommunications Authority of Trinidad and Tobago (TATT) to implement guidelines for the sector must rest at the feet of this Government.

Hon. Senators, this Government is mindful of its relationship with the Telecommunications Authority as a creature of statute, and the line Minister under whose purview TATT falls will, no doubt in time have something to say about this.

Mr. Vice-President, this Government has absolutely no regrets whatsoever in the role it has played in the liberalization of the telecoms industry in Trinidad and Tobago. Indeed, it is a role we are extremely proud of, for a free, unfettered, thriving and liberalized media sector is the cornerstone of any healthy democracy. There can be no doubt, however, that the liberalization of the sector has opened the floodgates to the creation of a billion dollar industry, marked by stiff competition and extensive market differentiation.

What was once a one-television, two-newspaper town, has now become a burgeoning sector, with three daily and six weekly newspapers, six operators of free-to-air TV broadcasting services, seven providers of subscription-based broadcasting services, four cable-based broadcasters who broadcast via leased channels, and more than 30 operators of free-to-air FM radio broadcasting services.

As is the case in most sectors, this commercialization of what was once viewed as a vocation by its practitioners, has generated heated competition among media houses, and what we are now faced with is a race to see who could get there first and fastest, ignoring, at the peril of basic journalistic ethics, that first and fastest does not always equate to accurate or balanced.

It is into this vacuum, as it were, that there have been increasing calls for the Government to provide clear and cogent guidelines through which the media will be held accountable for its actions. Equally strident though, have been the media voices resisting any attempt to introduce guidelines, regulations or standards, even when media houses find themselves in clear violation of basic journalistic tenets. Clearly, the media needs to do much more to ensure that all of its parts operate in a professional manner and in accordance with standards that underscore balance and fairness to all individuals and institutions.

Shortly after assuming duty as Minister of Information, I invited both print and television editors, the Media Association of Trinidad and Tobago (MATT) and the Trinidad and Tobago Publishers and Broadcasters Association (TTPBA) to a series of meetings. These meetings were meant to clarify media expectations about government communications, the quality of journalism, to elicit general feedback and to collectively engage each other in charting the way forward for the dissemination of government information.

One of the outcomes was to explore training opportunities via scholarships, fellowships and attachments or internships. The Ministry of Information did seek and received information on the matter and promptly sent all that it had gathered to the MATT and the TTPBA to deal with as they saw fit.

Mr. Vice-President, much more needs to be done by the media owners and managers to promote improved quality of their product, particularly in the areas of training and development, and we encourage media owners to look beyond the profit margins to ensure that their staff are provided with some level of training. In this regard, it is important to note that two out of the three daily newspapers, the *Express* and *Guardian*, have recently concluded in-house training programmes for their staff.

Mr. Vice-President, the debate over the last two weeks has been intense. It has brought to the fore all the points raised here this afternoon, and will undoubtedly be continued for some time to generate even more discussions but, at least, the nation is talking—talking about standards of behaviour by public individuals and

media houses; talking about the quality of the media product; talking about the standards by which we ought rightly to hold public officials; and the standards by which we ought rightly too, to hold those who criticize public officials.

The question is: Where do we go from here? Self-regulation, as admitted by the chairman of the Media Complaints Council has not worked and media houses are adamant that there should be no imposed regulations, all of which begs the question: Who will guard the guards?

In recognizing this, this Government has asked Mr. Ken Gordon to chair a committee comprising principally of media practitioners, both owners and workers, to examine what specific guidelines that might, under the circumstances, be a middle ground between the two varying positions, but which would still achieve the ultimate objective of improving media standards and quality.

As I close, it is important to reiterate the salient points I have outlined today:

1. This Government is not anti-media, nor does it expect a pro-government stance from any media house. We require no favours. What is important is accuracy in reporting and balance in coverage.
2. This Government has pledged its commitment to upholding the freedom of the press, but it is necessary for the media to understand that with this freedom comes a responsibility to be accurate and impartial on reporting on all issues and across all media.
3. As part of its responsibility to account to the citizens for its activities, the Government has a number of mechanisms in place to ensure that all arms of the media have access to government information.
4. The media industry needs to do more to ensure that all of its parts operate in a professional manner and in accordance with standards that underscore balance and fairness to all individuals and institutions.
5. Liberalization of the telecommunications sector has caused stiff competition among media houses, which has resulted in the proverbial “watering of the brandy”.

Mr. Vice-President, this Government recognizes its relationship with the media as an interdependent one. Anyone who believes that the media does not need the Government is as misguided as anyone who believes that the Government does not need the media. The relationship, though tense at times, is symbiotic, as we pursue the same objective; the education and empowerment of our citizens, through the provision of information that is timely, accurate and relevant.

As we move forward, I wish to assure the media fraternity and the national community by extension that they have absolutely nothing to fear from this Government, and urge, at the same time, that they continue striving for the higher heights set by luminaries such as Messrs. Ken Gordon, George John, Sir Trevor Mc Donald, Raffie Knowles, June Gonsalves, Hazel Ward-Redman, Hans Hanoomansingh, Ed Fung, and the list goes on and on but, certainly, others of that calibre.

Mr. Vice-President, I thank you.

TOBACCO CONTROL BILL

Order for second reading read.

The Minister of Health (Sen. The Hon. Jerry Narace): Mr. Vice-President, I beg to move,

That a Bill to prevent tobacco use by young people; enhance public awareness of the hazards of tobacco use and ensure that consumers are provided with information to make more fully informed decisions about using tobacco; protect individuals from exposure to tobacco smoke; prohibit or restrict promotional practices; prevent illegal conduct, including but not limited to smuggling; provide for regulation of tobacco products to mitigate against the harmful effects of tobacco; provide for sufficient regulatory flexibility to respond to new technological and scientific innovations and findings and to changes in consumer behaviours; create a national coordinating institution for tobacco control and provide for other related matters and purposes, be now read a second time.

Mr. Vice-President, it is now globally and unequivocally accepted that there is no safe level of exposure to second-hand smoke. Global health authorities such as the World Health Organization, the United States Surgeon General and the United Kingdom Scientific Committee on Tobacco and Health, concur that second-hand smoke exposure contributes to a range of diseases. Diseases caused by second-hand smoke include: coronary heart disease, lung cancer, middle-ear disease, respiratory symptoms, impaired lung function, nasal irritation, low birth weight and others.

2.15 p.m.

The Tobacco Control Bill before you inter alia addresses second-hand smoke concerns and seeks to protect individuals from exposure to tobacco smoke and to ensure they can enjoy their fundamental right to breathe clean air. Moreover, the Tobacco Control Bill seeks to prevent tobacco use by young people, enhance

Tobacco Control Bill
[SEN. THE HON. J. NARACE]

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public awareness of the hazards of tobacco use and ensure that consumers are provided with information to make more informed decisions about using tobacco products. It also seeks to prohibit or restrict promotional practices and prevent illegal conduct, in particular, smuggling.

Mr. Vice-President, I would like to take this opportunity to thank and congratulate the drafting team and all those who contributed to this Bill, including the Ministry of Health representatives, the Office of the Chief Parliamentary Counsel, the National Tobacco Control Committee, and indeed the LRC.

It is with a great sense of pride and humility that I inform this honourable Senate that I have just been notified by the Ministry of Health's representative, who is, as we speak, at the WHO Framework Convention on Tobacco Control in Durban, South Africa, that WHO has reviewed our Tobacco Control Bill, has found it to be truly reflective of the FCTC, has praised it as a globally top ranked piece of legislation and is now actually recommending it as model legislation to be used in other countries. [*Desk thumping*]

The introduction of this Bill today in this honourable Senate is another milestone aimed at achieving good health for our citizens. As you are aware, there is a vast number of persons in Trinidad and Tobago addicted to tobacco products. Cigarette smoking is now recognized all over the world as a major public health issue. WHO identifies tobacco as the second major cause of death in the world. In fact, it estimates that in the 20th Century the tobacco epidemic killed 100 million people worldwide; I repeat, 100 million people worldwide. While during the 21st Century, it could kill one billion people; I repeat, one billion people, if urgent action is not taken.

Chronic non-communicable diseases, such as diseases of the heart and lung, stroke, diabetes and hypertension are accepted as being linked to tobacco use, which has the effect of ultimately resulting in premature death. The Constitution of Trinidad and Tobago states in its section on Fundamental Human Rights and Freedoms, Chap. 1, Part I, that as a nation, we should respect the principles of social justice and therefore believe that the operation of the economic system should result in the material resources of the community being so distributed as to subserve the common good; that there should be adequate means of livelihood for all; that labour should not be exploited or forced by economic necessity to operate in inhumane conditions. By that, there should be an opportunity for advancement on the basis of recognition, merit, ability and integrity.

Countless empirical studies show that the use of tobacco and more importantly exposure to its smoke is extremely dangerous to one's health.

Therefore, it is the constitutional duty of the Government to uphold the common good and social justice within our society by promoting good health and educating to the best of its ability about the dangers of using tobacco products to the society at large, with a particular focus on the youth and illiterate. Providing safe, clean and healthy air, which is free from toxic second-hand smoke, is a necessity.

For too long has this society been subjected to the inhumane conditions inflicted upon them, through enclosed smoke-filled areas and the tobacco industry's misleading and erroneous advertising and promotional strategies. It is the integral duty of those in government to adhere to both our national Constitution and the International World Health Treaties, which outline that providing the best health possible is indeed a very basic and fundamental human right. As our national Constitution clearly states, the Government is obligated to use its resources to maintain the common good. In this case, the common good refers to the best possible health for one and all. Therefore, legislation regulating the tobacco epidemic is long overdue.

Hon. Members, tobacco is the only legal consumer product that can harm everyone exposed to it, and it kills up to half of those who use it as intended. Further, Professors Prabhat Tha and Frank Chaloupha in the book, *Tobacco Control in Developing Countries*, advocated that smokers are at a greater risk for malignancies both of organs that are in direct contact with smoke such as oral cavity, larynx, and lung, and in organ tissues not in direct contact with smoke, such as the pancreas, urinary tract, kidney and stomach. Past and present understandings about the hazards of smoking are due in large part to the long delay between the onset of smoking and the occurrence of tobacco related diseases in individuals, and to the long delay between an increase in smoking rates within a population and a full increase in that population's death rates from tobacco related diseases.

For example, in the United States of America, per capita tobacco consumption increased by 44 per cent between 1920 and 1950, mostly due to smoking by young men; cancer rates increased threefold during that time. However, after 1950, per capita tobacco consumption stabilized but lung cancer rates increased more than eleven-fold. Similar evidence of the delay between an increase in smoking and an increase in death rates is found in other countries such as Japan, Finland and the United Kingdom.

This Government is concerned, not only by the current mortality from past smoking patterns but perhaps even more so by the much larger death rates that are projected in future decades as a result of current smoking trends. Peto and Lopez,

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in an article in the book, *The Future Worldwide Health Effects of Current Smoking Patterns*, using data on previous smoking and mortality patterns concluded that tobacco will cause about .5 billion deaths amongst smokers alive today.

Further, they advanced that at some point in the second decade of the 21st Century, annual deaths from tobacco will average 10 million per year. This total may appear earlier or later, they concluded, depending on smoking patterns and background rates of tobacco attributable diseases. They further advanced that on current smoking patterns, there would be about 450 million tobacco deaths between 2000 and 2050. Projections beyond 2050 are more uncertain. They further advised that if the proportion of people taking up smoking continues at the current rate—that is between one-quarter and one-third of young adults given population growth—an additional 500 million tobacco deaths are expected in the second half of the 21st Century.

These are indeed alarming statistics. Consequently, in response to such compelling evidence of the advanced health effects of tobacco, public health officials in many industrialized countries have called for tough legal restrictions on cigarette marketing and its use. They have also called for mass education campaigns that encourage smokers to quit and that persuade young people not to begin smoking. Cognizant of our public health function and the Government's duty to protect our population from exposure to tobacco and its toxic smoke, it is our intention through this Bill to regulate the manufacture, promotion and sale of tobacco products.

We propose to do so within a regulatory framework that provides flexibility to address advances in knowledge, technology and science as they occur. Therefore, we are looking at an effective legal framework for addressing the harm caused by tobacco products. While there are limited data to confirm the extent of national use of tobacco, information suggests that use among the young is quite high and rising. A national survey conducted in 2000 reported that 40 per cent of those surveyed—that is between the ages of 11 years and 15 years old—smoked cigarettes at least once in their lives.

Previous studies also provided disturbing data. The first was the St. James Cardiovascular Survey, which was a 10-year community survey that sought to identify predictive risk factors for cardiovascular events. The sample comprised 1,343 men and 1,149 women between the ages of 35 years and 64 years, who were questioned about their smoking habits. That study showed smokers comprised of 39.4 per cent men of African descent; 46.1 per cent of men of East

Indian descent; 39.9 per cent men of mixed descent and 36.7 per cent men of European descent. Heavy smoking, that is over 20 cigarettes per day, was present in 17.1 per cent of men of African descent; 23.9 per cent of men of East Indian descent; 17.2 per cent and 26.3 per cent for the other two groups respectively. Current women smokers comprised less than 10 per cent and heavy smokers less than 2 per cent, except in European women.

A second study, the Pattern of Substance Abuse among Secondary School Students, which was conducted in 1988, surveyed 1,603 secondary school students aged 14 years to 18 years, and assessed their drug, alcohol and tobacco use; 34.8 per cent admitted to having used tobacco at some time, and 10.5 per cent had used it in the last month preceding the survey. Most of the group had tried their first cigarette between 14 years and 16 years of age.

The third study was in fact a component of a National Health Needs Assessment Survey, conducted in 1995. Part of this study examined tobacco use among persons 15 years and older. The result showed a smoking percentage figure of 29.8 per cent among males and 5.1 per cent among females nationally. The respective figures for past smokers, that is those who would have quit, were 11.5 per cent and 3.5 per cent.

The lowest percentage was recorded in Tobago. The highest percentage was found in the 35—44 age group and the lowest in the 15—24 age group. Female smoking was consistent with this pattern. Overall, most current smokers were found in the 35—44 age group and most quitters were in the 65-plus age group. Our records show that some of the leading causes of death and illness for the past three decades in Trinidad and Tobago have been cardiovascular disease, cerebrovascular disease, cancers and diabetes. A proportion of those who suffer from diabetes also suffer from these other diseases.

In spite of these statistics, the sale of cigarettes has been on the increase, notwithstanding the fact that increases in taxes were imposed intermittently. Currently, legislation related to smoking is minimal and not consistently enforced. Further, there is no legislation to control advertising and promotion. Also, there is no sustained public education or effective lobby to control tobacco use or advertising.

In the context of such lax regulatory mechanisms, the local tobacco manufacturing company has a free hand in advertising and promotion, and has succeeded in building a very impressive corporate image as a company that supports athletic, cultural and educational activities in the country. In 1997, the

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Ministry of Health supported a tobacco-free lifestyle by instituting measures to curb tobacco use, including a policy that mandates a smoke-free environment.

As such, all buildings, hospitals and vehicles belonging to the Ministry of Health and the RHAs were declared smoke free in April 2005. Cabinet approved a policy for the establishment of a smoke-free environment in all vehicles and buildings owned by any ministry, department or state agency.

2.30 p.m.

Mr. Vice-President, this policy was again supported by tailored educational interventions whereby employees were exposed to information on the health risks associated with smoking. Consequently, we have had full support for this policy and, as such, all public buildings housing public officers are now smoke free. Despite these actions, we are minded that it is still necessary to implement on an ongoing basis, measures that will educate the population and ultimately lead to a decrease in the demand for tobacco products.

In June 2003, the Government of Trinidad and Tobago adopted the WHO Framework Convention on Tobacco Control. This was later ratified in 2004. The objective of this convention and its protocols is to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke by providing a framework for tobacco control. Its aims also include providing measures which are to be implemented by the parties at the national, regional and international levels in order to reduce the prevalence of tobacco use and exposure to tobacco smoke.

To achieve the objectives of the convention, parties are expected to be guided by the following principles:

- every person must be informed of the health consequences, addictive nature and threat posed by tobacco consumption and exposure to tobacco smoke;
- every person must have the right to be free from exposure to tobacco smoke.

Mr. Vice-President, it was recognized that strong political commitment is necessary to develop and support, at the national, regional and international levels comprehensive measures and coordinated responses to:

- protect all persons from exposure;
- prevent initiation of smoking;

- promote and support cessation;
- promote the participation of individuals and communities in the development; and
- address gender specific risks when developing tobacco control strategies.

I will now proceed to take this honourable Senate through the Bill clause by clause.

Clause 4 sets out the proposed meaning of a number of words and phrases that are used repeatedly in this Bill. To this end, the following words have the following corresponding definitions:

- “advertisement” means any commercial communication through media or other means, that is intended to have, or is likely to have, direct, indirect or incidental effect of creating an awareness of a tobacco product, brand, manufacturer or seller; or promoting the purchase or use of a tobacco product or brand.
- “manufacturer” means the corporation or other person that manufactures, fabricates, produces, processes, packages, labels.
- “message” or “health message” means a warning or other information about the health effects of tobacco use or exposure to tobacco smoke, the benefits of, or suggestions for quitting, or any other appropriate tobacco control message, as prescribed by regulations.
- “package” means any covering, wrapper, container, or other enclosure that contains a tobacco product, or multiple packages of tobacco products, that is, cartons, and includes any label and other written or graphic information on or in it.
- “place of collective use” means any place open to the public whether it is enclosed, partially enclosed, or an outdoor public space, where—
 - (a) persons congregate in close proximity to one another;
 - (b) smoking might pose a fire hazard; or
 - (c) other criteria established in the regulations are met, examples of places of collective use include, but are not limited to, stadiums, bus stops and similar places.
- “tobacco sponsorship” means the direct or indirect public attribution, acknowledgement, association, identification or display of a tobacco manufacturer, seller, brand or product, or of any indicia of a tobacco manufacturer, seller, brand or product with, on or in connection with—

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- (a) an entertainment, sporting, recreational, educational, cultural, fashion, or other event, show, activity, or work;
- (b) any person or team participating in such an event, show, activity or work, including their equipment, clothing and accessories;
- (c) activities in bars, nightclubs, restaurants, entertainment venues, and other similar venues;
- (d) a service provided or contribution made by a tobacco manufacturer or seller; and
- (e) a building, institution, stadium, or other public place, other than one exclusively used to manufacture or sell tobacco products.

Clause 5 sets out the responsibilities of the Ministry of Health. Consequently, the Ministry of Health shall be responsible for, inter alia, developing and implementing in collaboration with national stakeholders, a national strategic approach to tobacco control and monitoring activities nationally to ensure compliance with and enforcement of the Act. We intend to establish a dedicated unit in the ministry that will be responsible for tobacco control. To this end, clause 6 will allow for the appointment of officers to carry out inspections and investigations as necessary and to take enforcement actions against persons found to have violated any provisions of the Act.

Clause 7 mandates that no person shall manufacture, import, export or sell tobacco products wholesale without first having a licence. However, it is to be noted that such persons shall have a grace period of up to six months from the date this Act comes into force to apply for a licence. Licences shall be granted by the Minister responsible for trade.

Subclause (3) provides that if the application for an initial licence or renewal is denied, the applicant shall cease manufacturing, importing, exporting or selling tobacco products, as the case may be, immediately upon notification of the application denial, subject to any right to appeal. Further, subclause (9) provides that a licence fee shall be as follows:

- (a) Manufacturer, \$12,000 per annum;
- (b) Wholesaler, \$6,000 per annum.

Once a licence is granted, it remains valid for a period of three years, and it must be renewed annually thereafter.

Clause 8 recognizes that all persons enjoy the right to be free from involuntary exposure to tobacco smoking in all public places including workplaces, places of collective use and on public conveyances.

Mr. Vice-President, the FCTC recognizes that there is a clear relationship between exposure to second-hand tobacco smoke and disease. Smoke free environments have been proven to help smokers quit, and prevent smoking initiation especially among youth.

Clause 8 further provides that it shall be an offence for any person to smoke or hold a lighted tobacco product in an enclosed public place including any workplace or in any part of an enclosed public place including the following:

- (a) offices and office buildings;
- (b) factories;
- (c) health institutions;
- (d) educational institutions of all levels;
- (e) premises in which children are cared, for a fee;
- (f) any means of transportation used for commercial, public or professional purposes used by more than one person;
- (g) public transportation terminals;
- (h) retail establishments including bars, restaurants and shopping malls;
- (i) clubs;
- (j) cinemas;
- (k) concert halls;
- (l) sport facilities;
- (m) pool and bingo halls;
- (n) publicly owned facilities rented out for events;
- (o) facilities that employ paid personnel; and
- (p) any other facilities that are accessible to the public.

Subclause (5) provides that where a person is found to be smoking in a public place, the manager, owner and lessee of the place is deemed to have contravened

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the Act and is liable for such contravention. However, in their defence, it may be demonstrated that they exercised reasonable care and diligence to prevent the contravention.

Subclause (9) provides that a person who contravenes this provision is liable on summary conviction to a fine of \$50,000.

In August 2005 the MORI survey conducted for Trinidad and Tobago found that 72 per cent of persons strongly agreed that all enclosed workplaces, including public places, should be smoke free. Sixty-five per cent of smokers themselves strongly agreed with this proposition while just 23 per cent of smokers tended to disagree.

Smoking was banned in all workplaces, including bars and restaurants in New York City in March 2003. Since that time, there has been no adverse economic consequences arising from this measure. According to data provided by PAHO, employment in bars and restaurants was the highest in the ensuing years, restaurant and bar tax receipts went up by 8 per cent and compliance with the law is nearly 100 per cent.

About five years ago, Uruguay was a country in which tobacco control policies were rare and ineffective. However, on March 01, 2006 it became the first country in the Americas to become 100 per cent smoke free in public places. The Uruguay government claims that its most significant achievement in its tobacco control efforts was the promulgation of a decree in September 2005 which banned smoking in all enclosed facilities designated for public use, as well as in all work environment. The decree came after the success of a 2004 decree which banned smoking in all health facilities and public offices.

It is to be noted that nothing in this Bill shall require an owner, occupier or employer to designate separately ventilated rooms for smoking.

Clause 9 provides that in interpreting the provisions of this Bill the rights of non-smoking members of the public and workers shall prevail. Tobacco advertising, promotion and sponsorship increases tobacco initiation and overall consumption. Promotion creates a “friendly familiarity” for tobacco that makes it seem normal and acceptable. Tobacco use decreases faster in countries with bans or comprehensive restrictions on advertising, promotion and sponsorship.

Consequently, clause 10 provides that all persons shall have the right to be free from all forms of tobacco advertising, sponsorship and other forms of tobacco-related promotion, whether such forms are direct, indirect, overt, covert or incidental.

Advertising can be defined as a use of media to create positive product imaging, a positive product association or to connect the product with desirable personal traits, activities or outcomes. Promotion, also called marketing, can be defined as the mix of all activities that are designed to increase sales.

In the United States, federal law requires that cigarette companies report their current practices and methods of cigarette advertising and promotion. Advertising is an important method of competition in industries that are highly concentrated, such as the cigarette industry. According to Baker and Murphy in 1993, advertising is an information complement to the goods itself, as cigarette advertising is not designed to convey information about the physical characteristics of the product; rather, it is designed to create a fantasy of sophistication, pleasure and social success. This becomes the product “personality” which the advertisers expect will appeal to specific segments of the market. In developing countries, this imaging can be designed to associate the product with a glamorous fantasy of American or European lifestyles. Consequently, the relatively small expenditure on these products provide a link to this fantasy lifestyle.

A number of countries have successfully passed partial limitations on tobacco advertising. However, international studies have found that partial bans have no effect on sales. Evidence suggests that partial advertising bans simply result in substitutions to other media or promotional methods. Tobacco companies and advertising agencies have shown great creativity in partial ban situations. For example, in 1976 French law banning tobacco advertising resulted in advertising for matches and cigarette lighters with the company logo and so forth. As such, a number of countries have imposed comprehensive bans. Some of them are Canada, New Zealand, Norway, Thailand and Singapore.

Consequently, clause 11 provides that no person shall promote a tobacco product by means of an advertisement that depicts, in whole or in part, a tobacco product, its package or a brand element of one that evokes a tobacco product or a brand element. However, clause 11(2) allows for limited advertising.

“Brand preference advertising” means advertising that promotes a tobacco product by means of its brand characteristics. In addition, “information advertising” means advertising that provides factual information to the consumer about a product and its characteristics or the availability or price of a product or brand of product, whilst “lifestyle advertising” means advertising that associates a product with, or evokes an emotion about or image of, a way of life such as one that includes glamour, recreation, excitement, vitality, risk or daring.

2.45 p.m.

Clause 12 provides that tobacco sponsorships and other promotions of tobacco sponsorships in which the name of a sponsoring entity is publicized are prohibited. As such, tobacco companies are permitted to sponsor events, but they cannot take any overt credit for such sponsorship. A person who engages in any activity prohibited under this clause, commits an offence and is liable on conviction to imprisonment for five years and a fine of \$500,000.

Clauses 13, 14 and 15 seek to prohibit other forms of promotion, brand stretching and incentive promotion. Consequently, clause 14 provides that no person shall use the brand name, trademark or other sign, symbol, logo or similar matter, in whole or in part, commonly associated with a tobacco product or service, on a tobacco product, except for tobacco products for which a trade or brand name of a non-tobacco product or service was in use prior to the coming into force of this Bill.

Clause 14 provides that a person who contravenes subsection (1), commits an offence and is liable on conviction on indictment, to imprisonment for one year and a fine of \$500,000.

Mr. Vice-President, clause 15 provides that no person shall offer or provide any direct or indirect consideration for the purchase or use of a tobacco product including a bonus, premium, cash rebate or right to participate in a game, lottery or contest.

Clause 16 recognizes that all persons have the right to be fully informed of the health and other effects of tobacco use and the risk from exposure to tobacco smoke. This right includes the right to receive this information without interference from distracting or misleading tobacco product labelling or packaging practices. To this end, no person shall sell, offer for sale, supply, display, import or export any tobacco product that is not labelled and packaged in a manner that complies with the requirements of this Act and its regulations. Contravention of this can result upon conviction of imprisonment of two years and a fine of \$1 million.

Mr. Vice-President, smokers are similar to other consumers in that they face problems in learning about the price and quality of their prospective purchase. However, they are unlike most other consumers, in that their purchased goods are addictive and have serious health consequences. Smokers are unaware of the addictive properties and the health consequences of tobacco, and are not buying the products they think they are buying. In essence, each purchase of a tobacco

product involves two components: the goods to be consumed in the present, and the flow of future consequences from that consumption. It is our responsibility to make that evident to all consumers.

Hon. Senators, poorly informed consumers do not place enough weight on the flow of future consequences. As a result, they make purchases of tobacco products that they later regret or would judge not to be in their best interest if they had more information. Many governments have played active roles in disseminating information about the health consequences of tobacco use. Information policies range from publication of official reports, to a requirement for warning labels on packages and advertisements, to school health education and mass media campaigns.

Mr. Vice-President, publication of official reports by the Royal College of Physicians in Britain in 1962 and by the US Surgeon General in 1964 are milestones in tobacco control in high income countries. It marked the beginning of serious efforts to impose consumer information about smoking and health. Following these official reports, many countries required warning labels on tobacco product packaging and advertising. The US has been requiring warning labels on all cigarette packages since January 01, 1966. In 1972, all print advertisements were required to contain one of four rotating messages about health hazards. As early as 1991, 77 countries imposed health warnings on tobacco product packages. Today, a large number of countries require rotating for strong warnings and a few such as Norway, Brazil and Uruguay include pictures to enhance the likely effectiveness of warning labels.

Consequently, clause 18 provides that all tobacco products shall contain permanently affixed messages on their packages or individual wrappers in the case of cigars. These messages shall be unattributed. Evidence from Brazil indicate that 54 per cent of smokers had changed their opinion on the health consequences of smoking as a result of warning messages placed on cigarette packages. In Canada, 44 per cent of smokers said the warnings had increased their motivation to quit. Mr. Vice-President, it is an offence for any person to sell or supply any product or device that is intended to be used, or can be used to cover, obscure, mask, alter, or otherwise detract from the prescribed messages on tobacco product packages and this prohibition includes design and so forth.

Clause 19 mandates that all tobacco products must contain a list of the constituents and additives in a manner as may be prescribed.

Clause 20 provides that no tobacco product package or label shall contain any information that is false, misleading, deceptive, or that is likely or intended to

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create an erroneous impression about the characteristics, health effects, or health or other hazards of the tobacco product or its emissions. The prohibition includes, but is not limited to, the use of the words, "light", "ultra light", "mild", "low tar", "slim", et cetera.

Mr. Vice-President, in an effort to prevent smuggling, tobacco manufacturers, exporters and importers must ensure that their bulky packages contain the tracking, tracing and tax status labelling information required by clause 23. To this end, the cellophane or other wrapping on all sides of each tobacco product package including each carton at the time of manufacturing should include:

- (a) name and licence number of the manufacturer;
- (b) unique manufacturer serial number;
- (c) name of the country;
- (d) name of the country in which the product is entitled for sale.

A person who contravenes this provision, commits an offence and is liable on conviction to imprisonment for five years and a fine of \$1 million.

Clause 24 mandates tobacco manufacturers to design their product packaging and labelling in such a way, as to make them tamper-proof.

Clause 26 mandates the Minister from time to time to evaluate the effectiveness of the messages printed on the packages and to take corrective actions where necessary.

Clause 28 provides that smoked tobacco products with the exception of cigars, may be sold as individual units so long as they are contained in a package of at least 20 units. As such, persons will not be permitted to sell less than 20 units at any one time. Further, clause 29 provides that smokeless tobacco products shall be contained in a package of at least 20 grams.

Clause 30 provides that no person shall sell any tobacco product to any person under 18 years of age. Clause 30 provides that a person who contravenes the provision is liable on summary conviction, to imprisonment for two years and a fine of \$500,000. The onus of establishing the age of the buyer is on the seller.

Clause 31 provides that no person who sells tobacco products shall hire or use any person under 18 years of age to sell any tobacco product or to handle any tobacco product.

Mr. Vice-President, economists have suggested that protection of children is the most compelling economic reason for higher taxes. In an article by Warner et al entitled "Criteria for determining an optimal cigarette tax", the economist's

perspective advanced that governments can choose to protect children for several reasons. Firstly, childhood is when routine addiction is likely to begin. Secondly, children are not yet sovereign adults making informed choices, so that the argument for not intervening does not apply to them as strongly as to adults. Thirdly, there is evidence that the tobacco industry targets children with glamorous advertising and promotion. Consequently, it is incumbent on us to try and educate children, restrict A&P targeted to children and to restrict their access to tobacco products.

Clause 32 provides that no person shall sell any tobacco product in such a way that a consumer may handle the product without the assistance of a sales clerk or other employee or agent of the seller prior to purchase.

Clause 33 provides that no person shall display tobacco products in such a way that they are visible to the public, while clause 34 prohibits the sale through self-service, including automatic vending machines. A person who contravenes these provisions is liable on summary conviction to a fine of \$100,000 and \$500,000 respectively.

Clause 35 prohibits the sale of tobacco products in facilities where health care services are provided; sports, athletic or recreational facilities; government buildings; educational facilities; and any other place prescribed by the Minister by regulations.

Clause 36 provides that no person shall manufacture, sell, display for sale or supply any sweets, snacks, toys, or other non-tobacco item or object in the form of tobacco products, or which imitate tobacco products.

Clause 38 provides that no tobacco product package may make any claim stating, suggesting or implying that its use or exposure to its smoke is not hazardous or is less hazardous than other tobacco products or brands, unless authorized by the Minister after he is satisfied that the claim is accurate upon a showing of significantly competent and reliable evidence which includes—

- evidence demonstrating that the product will significantly reduce harm to the individual tobacco user;
- evidence that the product will benefit the health of the population as a whole;
- any other considerations deemed appropriate by the Minister.

Clause 40 provides that every manufacturer and importer of tobacco products shall submit to the Minister on at least a quarterly basis, unless otherwise

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prescribed by regulations to be more frequent, reports containing the information required by this Bill, as well as any other information the Minister may prescribe by regulations.

Clause 48 provides that authorized officers appointed under clause 6 shall have the powers to enter the premises of any place where tobacco is manufactured, sold, transported, received, distributed, supplied, or otherwise found or is likely to be found, or to have been present during the previous six days.

Clause 52 provides that in any action for non-compliance with any provision of this Bill or regulations made thereunder, the following penalties may be imposed:

- licensure suspension, revocation or limitation;
- removal by an authorized officer of offending person from the premises and confiscation of the tobacco products, equipment, machinery, raw material, et cetera;
- removal of tobacco product that fail to conform to the product requirement; and
- removal of tobacco products for which applicable taxes and duties have not been paid.

Mr. Vice-President, part of the implementation and enforcement process involves ongoing oversight through monitoring, surveillance, reporting and inspections. Oversight is essential, not only for strong enforcement, but also for the country's ability to improve the legislation over time. Meaningful enforcement is essential, and it demonstrates the Government's commitment to the law and to tobacco control. We expect that these measures will attract broad public support. The public will be invited to report violations. Moreover, the components of this legislation that seek to regulate the tobacco companies will always require vigilant enforcement.

Mr. Vice-President, in the long term, the most successful tobacco control laws are not enforced by police officers or other government agencies, but by society itself. We expect that as the public becomes aware of the importance of these laws and support for them increases, formal enforcement becomes less necessary. The ultimate goal of this legislation is to reshape public attitudes and norms. As this shift takes place, the pressure of society's expectations will become the strongest force of compliance.

In recent years, Brazil has established itself as a global leader in tobacco control. Brazil's legislation is noteworthy for its strength, comprehensiveness and integration of measures at the national, state and municipal levels. Strikingly, Brazil has achieved these results even though tobacco plays an important role in its economy, with a population of 170 million people living in more than 5,500 municipalities, located in 26 states, boasts 750,000 tobacco growers.

3.00 p.m.

Brazil is the world's largest tobacco leaf exporter, the fourth largest tobacco producer and the eighth largest cigarette exporter. In 2000, Brazilians consumed 853 cigarettes per capita. Souza Cruz and Philip Morris control much of the tobacco market.

Brazil's National Tobacco Control Programme is directed by the National Cancer Institute, which coordinates the country's cancer control programme and organizes national educational activities. Nevertheless, the heart of the comprehensive programme is legislation.

Brazil has adopted one of the world's most impressive set of laws. It is the largest producer, but it has the most impressive set of laws. These laws cover the full spectrum of tobacco control. They banned the sale of cigarettes to minors; the distribution of free samples; the sale of tobacco in health centres and schools. They eliminated smoking in most public places, as well as in airplanes, public transportation, et cetera. They banned television and radio advertising for tobacco products; point of sale advertisements are restricted, and tobacco packages must include health warnings. Manufacturers must report on their production and sales and on product consumption.

Stringent new regulations require large colour images and warnings on cigarette packs, and prohibit deceptive descriptive terms such as light and mild. Brazil bans most tobacco sponsorships with the exception of international sporting events. Sale of tobacco products on the Internet is prohibited as is the manufacture of candy cigarettes. In 2002, Brazil began providing free support for smoking cessation services.

Cigarette taxes accounted for more than 5 per cent of the nation's revenue in 2001; health authorities have also considered litigation against the tobacco industry. Mr. Vice-President, 750,000 growers, serious contribution to the economy, yet they did all these things.

The World Health Organization states that tobacco use and poverty are inextricably linked. Let me repeat: The World Health Organization (WHO) states that tobacco use and poverty are inextricably linked. Many studies have shown

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that in the poorest households in some low income countries, as much as 10 per cent of total household expenditure is spent on tobacco—as much as 10 per cent of total household expenditure in the poorest households is spent on tobacco. This means that these families have less money to spend on basic items such as food, education and health care. In addition to its direct health effects, tobacco leads to malnutrition, increased health care cost and premature death. Indeed, it is felt that tobacco's role in exacerbating poverty is largely ignored by researchers.

The negative effects of tobacco use to an individual's health has been serialized by Donnica Moore, MD, in an article entitled, "The Dangers of Cigarette Smoking". In this article, which was written in 2003, and which speaks to the American situation, the author states:

"There are few things that doctors generally agree upon, but the dangers of cigarette smoking are one of them. Ironically, the more we learn about smoking, the more dangers we learn it has, yet teenage girls are still increasingly starting the habit. In 2001, more than 351,500 American children under age 18 started smoking; of these, more than 112,000 will eventually die from a smoking related illness. Seem surprising? Tobacco use is directly responsible for more than 25 causes of death and is a risk factor for numerous others."

Numerous studies have shown that women are more negatively affected by smoking than men. Lung cancer deaths among women have increased 150 per cent; 150 per cent. I want to repeat that: Numerous studies have shown that women are more negatively affected by smoking than men. Lung cancer deaths among women have increased 150 per cent between 1974 and 1994, as compared to only a 20 per cent increase in men.

Half of all heart related causes of death in women younger than 65 years are due to cigarette smoking. I want to repeat that too: Half of all heart related causes of death in women younger than 65 are due to cigarette smoking. Many women who smoke are surprised to find out that lung cancer surpasses breast cancer as the leading cancer killer of women. In fact, one out of three cancer deaths are related to smoking. Tobacco does not just cause lung cancer; it is linked to cancers of the mouth, throat, esophagus, pancreas, bladder, breast and the cervix.

Parental smoking is one of the strongest risk factors for children and teens beginning to smoke. Maternal smoking influences their children even in utero. Women who smoke during pregnancies have babies that weigh, on average, seven ounces less than babies of non-smoking mothers. These babies show nicotine

levels in their blood equal to adult levels, and they go through nicotine withdrawal in their first days of life. That is worth repeating also: Women who smoke during pregnancy have babies that weigh, on average, seven ounces less than babies of non-smoking mothers. These babies show nicotine levels in their blood equal to adult levels, and they go through nicotine withdrawals in their first days of life. Mothers who smoke have children with significantly higher rates of ear infections, even when they reported that their children were not exposed to their second-hand smoke. In addition, sudden infant death syndrome occurs more often in babies of smoking mothers.

Mr. Vice-President, this is why tobacco control is a public health priority for this Government. This Bill is strongly supported by the medical community and many non-governmental organizations (NGO) and interest groups in Trinidad and Tobago. In fact, the Ministry of Health has received numerous letters of support for this legislation. Please permit me to quote from one of those letters from Dr. Terrence Seemungal, specialist in diseases of the chest and general internal medicine, senior lecturer and head of the Adult Medicine Unit at the University of the West Indies.

"The Tobacco Control Bill that was announced in Parliament in April 2007 is a crucial step in the fight against chronic non-communicable diseases in Trinidad and Tobago. The medical fraternity of Trinidad and Tobago is pleased to see that, in its current format, the Bill fully encompasses all the stipulations outlined by the FCTC. In particular, we fully support clauses 8 and 9 that deal with smoke free public spaces and non-smokers rights.

Furthermore, research shows that a substantial number of smokers start this deadly habit when they are minors. As a result, the medical fraternity also fully supports clauses 16 and 17 that mandate that all tobacco products must be labeled and packaged in accordance with the Bill.

Clause 55 is also of crucial importance to the medical community as it refers specifically with providing public education programmes, once this Bill has been passed to prevent the initial use of tobacco.

The medical community in Trinidad and Tobago strongly supports all legislation that will take action against the tobacco epidemic that afflicts our society. The outlined clauses above are of particular importance if we are to see the diseases caused by the tobacco product properly managed and, hopefully, one day eradicated. We trust that we have your full support in this initiative."

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Hon. Senators, permit me to quote from yet another letter which supports the Tobacco Bill and endorses the provisions therein as being fully compliant with all the stipulations outlined by the FCTC. This letter was sent by Prof. P. R. Murti, Professor of Oral Pathology and Director at the University of the West Indies:

"Tobacco use in any form is harmful to health—including oral health. The most serious oral health consequence of its use is mouth (oral) cancer. The attributable risk for tobacco for oral cancer is 90 %;..."

Mr. Vice-President, I repeat that:

"The attributable risk for tobacco for oral cancer is 90 %; its continued use following the treatment for oral cancer also leads to its higher recurrence rates. Tobacco use also causes adult periodontal (gum) diseases and congenital defects such as cleft lip and palate in children. Tobacco suppresses the immune system's response to oral infection, compromises healing following oral surgical and accidental wounding."

In closing, this Bill before this honourable Senate is yet another measure towards achieving the Vision 2020 goal to empower our population to live long, healthy, happy and productive lives. The enactment of this legislation will be the most important first legislative step taken by this country to prevent hundreds of thousands of lives from disease, disability and premature death as a result of direct and indirect effects of tobacco.

I repeat that, Mr. Vice-President: The enactment of this legislation will be the most important first legislative step taken by this country to prevent hundreds of thousands of lives from disease, disability and premature death as a result of the direct and indirect effects of tobacco.

This legislation will also assist in the sustainability of our health care delivery system, as it will allow for a more useful allocation of resources. Once this legislation is passed, in the long run, it will allow our health care system to be released from budgetary and other constraints currently imposed upon it by tobacco related diseases. The health sector will then be free to redirect its resources to less preventable diseases and also widen the range of health services provided to citizens.

The tobacco epidemic is the most preventable of them all, and with this legislation we can decrease tobacco related illnesses and thus engender a healthier population, starting with our young citizens who comprise the future of our nation.

Therefore, Mr. Vice-President, upon the Members of this honourable Senate lies a most serious responsibility. Avoidance of enactment of this legislation is simply not an option. This legislation will assist our citizens in living longer and ageing better. It will also ensure that our young people enjoy a healthier elderly age. In fact, this piece of public policy will benefit babies, born and unborn, children, teenagers, mothers, fathers, grandparents, essentially every single citizen in our society. It is, indeed, our expectation that by the passing of this legislation, the general health status of Trinidad and Tobago, will be greatly enhanced.

I beg to move.

Question proposed.

3.15 p.m.

Sen. Dr. Adesh Nanan: Thank you, Mr. Vice-President. Whether we are dealing with smokeless tobacco or cigarettes, the fact remains that we are dealing with a dangerous drug and I would have thought the Minister in his presentation would have given us some idea of why tobacco is so addictive. So whether the matter is dealing with either chewing or smoking tobacco leaves, the fact remains that the addictive power of tobacco is nicotine and we need to have some idea of the mechanism by which nicotine produces this euphoric feeling.

We heard from the Minister in his entire presentation about the addictive power of tobacco. But let us deal with nicotine because the mere fact is whether you are smoking cigarettes or utilizing smokeless tobacco, what the user is trying to get is that effect of euphoria, what we call “the feel good syndrome”. And this “feel good syndrome” is a mechanism that is triggered in the brain. If you smoke a cigarette, it takes about 10 to 15 seconds for nicotine to act on the brain. That is the time in which this particular drug affects the brain, and it is cleared from the bloodstream in one hour.

Mr. Vice-President, we need to deal with the physiology in terms of the functioning of the brain because it is important. When nicotine reaches the brain, it mimics a neurotransmitter and it is this power of mimicking the neurotransmitter in the brain that gives this kind of euphoric feeling. And to be simple, we have cells connecting to each other via what is called a synapse which is really a connecting medium and one cell transmits information to another cell utilizing a chemical substance or a transmitter and this particular chemical substance in the brain, what is called acetylcholine, is what nicotine mimics. So wherever you have these acetylcholine receptors you would have nicotine acting on them to give a specific reaction.

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In the normal functioning of the body, you will have a certain minimal amount of this transmitter released, but when nicotine enters the brain, there is not a small release, but a widespread one. In fact, it is so widespread that you get this kind of feeling that takes place and this nicotine acts on these receptors and they have direct actions on the body. Nicotine increases the heart rate, breathing, and it has a direct action on muscle. And I am sure many are aware of the flight and fright mechanism, this is how nicotine operates. It is described as what we call a “wake-up call”. This particular mechanism whereby nicotine triggers these actions gives the smoker that kind of high.

Mr. Vice-President, certain chemicals are released in the brain that play a major role in this mechanism. The Minister made reference to diabetes and tobacco can have an effect in terms of diabetes. The reason is that nicotine causes the sugar levels to rise, that is, glucose enters the bloodstream and suppresses the hormone insulin that normally would remove glucose from the bloodstream and it is this “flight of fright” mechanism that can have that effect on the pancreas and that is how you can get that diabetic problem developing.

It releases the chemical glutamate which acts on the brain to give that euphoric feeling. It also releases dopamine which is another neurotransmitter in the brain that gives the euphoric feeling also, but the difference is that the chemical glutamate gives you a memory loop and that is what helps many smokers to remember the euphoric feeling that they get from the release of dopamine in the initial phase.

The last part you need to know also is that endorphins are produced in the brain, and when these are released, they are like the synthetic drug morphine which is a powerful pain killer. So in many long-distance races when endorphins are released you have that kind of pain killer effect, and you do not feel pain. That is what is called a runner’s high, and that is how nicotine operates on the brain and gives you that kind of addictive mechanism.

The Minister also made reference to the situation in the mouth and I would like to speak to that because it is very important when we are dealing with the use of tobacco. It is very important in terms of diagnosis because that is why it is recommended that you have frequent dental visits especially if you are over 40 years, because the dental surgeon can do a clinical examination and pick up this particular situation where cancer may appear on the oral tissues.

I want to draw reference quickly to certain white patches because you have to be extremely careful if you are looking in your mouth and see white patches especially located on the tongue, because many cancers start on the tongue; at the

sides of the tongue, at the back of the mouth. If they become reddish over a period of time or appear velvety, you have to be extremely careful because that could be a manifestation of cancer. The sides of the tongue, the floor of the mouth and the inside of the cheek are where these lesions appear. Not only these white and velvety patches you have to look for, but if you have a lesion in the mouth that remains over a period of time, that can also be a possibility for cancer. If the surgeon sees that, he can do a simple biopsy and take a piece of the tissue for testing to see if it is cancerous or not.

So when the Minister mentioned the oral cavity and cancers of the mouth, it is extremely important. Not only with respect to smoking cigarettes, but with respect to using smokeless tobacco because snuff is really powdered tobacco that is put directly into the mouth in small portions and the main reason for this is absorption of nicotine whether it is the skin, the lungs, or mucous membrane of the nose, gums or gingival, that is where the nicotine is picked up into the bloodstream. This situation where using either snuff and smokeless tobacco, as the Minister rightly said in terms of the dentition, you have a high incidence of periodontal problems of the tissues around the tooth surface as well as a lot of breakdown of the actual tooth structure and dental caries especially when you are using smokeless tobacco.

As we deal with this particular situation in terms of cancers of the mouth, I also want to bring in the fact that we should examine the health sector because perhaps this particular piece of legislation—was modelled legislation as the Minister puts it—deals with prevention. But as I extrapolate out of this particular area in terms of treatment of cancer in Trinidad and Tobago, we cannot forget the Oncology Centre that has been promised over a seven-year period.

Why is this important? We have allocated certain money for equipment but if we are dealing with treatment of cancers—and I want to go back in terms of the history because it is important. On October 27, 1951 was the discovery of the use of the radioisotope cobalt to treat cancers. It was in the War Memorial Children's Hospital in London, Ontario, if I recall, where a particular experiment was utilized to use that radioisotope cobalt to treat cancer. It was done by using teletherapeutic therapy. It is actually sending a beam of radiation from outside to inside the human body. Why is that important? It is, because before they were using radium which was weak so they had to take radium and put it as close as possible to the cancerous tissue, but now with the discovery of this radioisotope cobalt, you can use this beam from outside directly to the cancerous cells.

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As I speak about the National Oncology Centre, I do not know if the equipment that are bought would include linear accelerators. Because a linear accelerator is different from this particular utilization of cobalt and it is important because you need to know some chemistry of cancer and cancerous cell. As the cancer grows, it outlives the environment in which it is as the cells multiply and they do not have enough oxygen supply, or they outgrow the blood supply and without the blood supply, they become very difficult to control because normally you would have the situation where you would have oxygen in the environment. But if there is no oxygen, then this particular ionizing radiation cannot utilize the ionization of these groups to produce free radicals to actually destroy the DNA in these cancer cells. That is why linear accelerators have bridged the gap and they can be used to treat these cancer cells that have outgrown their blood supply. That is one area.

The other area is cobalt's half life which is 5.3 years. So after a period of 5.3 years, you have to reenergize the machine with respect to cobalt. In terms of the actual use of radiation on these cancer cells, it is important that they are attacking the DNA of these cancer cells and, of course, everybody would ask what the difference is because there is DNA also found in the normal cells, so why are the cancer cells being targeted. It is because the normal human cells have the potential for recovery.

3.30 p.m.

I went there because I was dealing with radiation and the Bill speaks about radiation; the Bill speaks about cancer therapy. I do not want to have to quote the clause, but the Bill speaks to treatment methods, and if you want me to move away from there, I will move away from there. I will go to the other area which is—and as I was dealing with the oncology centre and I asked whether you are going to have the linear accelerator, the country needs to know what a linear accelerator is and how it functions.

But I also want to ask in terms of the health system as a whole—away from the oncology centre—this particular use of tobacco whether ex-smokers, current smokers or potential smokers; you have to have some treatment—this is prevention and we need that form of treatment. And if you look at our public health institutions, you have to ask the question with respect to the use of Government funds in private nursing homes, because the figure is over \$18 million annually to pay these private nursing homes for health care. It shows a failure on our public health institutions.

The other area I want to make reference to is the Brian Lara Cancer Foundation. The patron is Brian Lara but there is a conglomerate. If I recall it is MedCore and the Government is giving a subvention of \$12 million annually for patients for cancer treatment. The question I am asking the Minister is: What is the selection criteria? Because over 1,000 cancer patients have the need and if I recall, about 200 cancer patients are being screened and given the treatment at this particular centre. The reason I brought that up was the lack of the National Oncology Centre and the Government's allocation to MedCore with respect to cancer treatment.

The other area I want to deal with is the area of the Chronic Disease Assistance Programme (CDAP). It is important here because we are dealing with—in fact, the use of tobacco causes chronic obstructive pulmonary disease. So if you are an asthmatic patient it can be even worse. It also causes coronary heart disease; it causes strokes and hypertension. The Chronic Disease Assistance Programme supplies medication in these particular areas, but I have to ask the Minister, because the public confidence in this programme is deteriorating rapidly.

I do not know if the Minister is aware that the brands are changing on a monthly basis and if we are changing the brands with respect to these particular drugs on the programme to deal with asthma, heart disease, emphysema and hypertension, we have to deal with the efficacy and bio-availability of the drug and these generic drugs that are being brought into the country and are being utilized under CDAP. There are reports that they are having debilitating effects on the human body. Instead of having a beneficial effect, they are having harmful effects. They are causing diabetes to be exacerbated; they are causing more strokes in patients. So the Government needs to take a second look at this programme in terms of what they are actually giving to the population in terms of trying to assist with respect to treatment of these chronic diseases.

Many times the patients are turning up at these particular pharmacies and are not getting the drugs. It happened in the case of insulin and insulin is over \$120 for the vial. In fact, one needle for an insulin patient, if I recall, is \$1.40. So it is very costly and we heard today that we are not getting any increase in the ceiling for pensions. The Government needs to look at what it is giving on this particular programme and also it is very tardy in terms of payments. So what is really happening is, any success in this programme is not because of the Ministry of Health; it is in spite of the Ministry of Health, because it is the role and function of the pharmacists that are keeping this programme going because of the situation with respect to the tardiness in payments to these pharmacists.

In fact, I think the Minister of Health needs to look at that, in terms of ordering on a monthly basis, these drugs that are coming into the programme, especially with these shortages. We have also the dispensing aspect to deal with because we have a shortage of pharmacists, especially in our health centres, to actually dispense these drugs. Not only a shortage of pharmacists with respect to Trinidad and Tobago, but we also have to deal with shortages in terms of the senior doctors and consultants in our public health institutions, because we have some very large numbers in terms of vacancies in our health system.

If I recall, we have a shortage of over 1,000 nurses. So how can we have an effective functioning health system when we have a shortage of senior doctors and consultants? What we are having is young interns and house officers running our public health institutions. What is the standard of care? We have to question that particular situation. What is the Government doing to improve that particular situation with respect to vacancies? If you do not have these nurses and doctors in our public health institutions, how can we administer help to these patients who have been ex-smokers, smokers and new smokers? The Minister spoke about the delay of these particular conditions to arise. It does not happen overnight but over a period of time. In fact, if you are utilizing snuff and smokeless tobacco continuously for three to five years, then you can see manifestations of cancer in the mouth.

The Bill also speaks about educating the public. The Minister spoke at length in terms of the public education programmes that are necessary and the Minister was quite right, because there is a report—in fact, I saw that—that although you have the manufacturers producing cigarettes with less nicotine and tar, that did not bring down the mortality rates in terms of tobacco usage. One of the reasons given for that particular situation was that the habitual smoker would take deeper puffs and smoke more cigarettes to get the effect. As I am speaking on the number of cigarettes, if you are utilizing smokeless tobacco, as the Bill says, it comes like you are smoking three to four cigarettes. That is the reference in terms of the potency of smokeless tobacco as compared to cigarettes.

This particular area of smokeless tobacco can become something significant because you can have people turning away from cigarettes and we have to watch what is happening with respect to smokeless tobacco and cigars. The Bill defines smoking and it defines the tobacco products. With respect to the secondary smoke—and the Minister gave figures which are very important in terms of mothers who smoke during pregnancy, because the Minister said that you have the birth weight of the infant being significantly reduced. That is correct. The

Minister also made reference to the Sudden Infant Death Syndrome (SIDS) which is very prevalent in mothers who smoke. Those are particular areas to look at in terms of the effect of tobacco on the children.

But it goes even further when you are examining the tobacco situation and this particular Bill, because if you look at the research anywhere you will see there are over 4,000 substances that they have identified in tobacco smoke, and out of those, 69 are carcinogens. That means they are cancer-causing. And if they are not cancer-causing, they can be assistant to tumors and they are also co-carcinogens, which means that they are also related to cancer. So carbon dioxide, carbon monoxide, nitrous oxides, volti nitrosamines and all those other compounds that are found in cigarette smoke can have that effect and that is why it is so dangerous in terms of secondary smoke inhalation.

That is why, when you are having this legislation before the Senate in terms of prevention, we need to put systems in place; we need to have confidence in our health system, in terms of our public institutions. We must not utilize this particular situation to go even further into the area of private nursing homes.

I want to deal with another area if you will permit me, because I do not know how far you will let me go in terms of dealing with this particular area. In terms of the matter of the hypertension aspect, which is important, because nicotine—I said it can be a precursor for strokes and strokes are really caused by high blood pressure. Really, it is just a drop of blood in the brain that causes the stroke, or a blood clot travelling to the lungs. But how does it work? It is important to understand that what nicotine does on these peripheral blood vessels is that it causes the—normally the platelets would be flowing very freely but with nicotine around, the platelets get very sticky and you have clumps taking place and you have, what is called, this obstruction to flow. That is why you have this high blood pressure developing.

Not only does nicotine do that, it also increases the bad cholesterol in the bloodstream. So you have two factors developing there, which are the LDSs and the stickiness of the platelets that would cause this kind of constriction of the arteries leading to high blood pressure. What nicotine also does when mimicking these particular situations in the brain, it increases the oxygen level of the heart and you also have the suppressed flow to the heart. So you have a requirement for increased oxygen but it is not coming because of constriction of the blood vessels. So it is constricting here; you have hypocia developing and you have this situation with the heart and that is how you get this coronary disease or heart attacks developing from that particular mechanism.

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I just wanted to explain that in terms of how that nicotine causes those problems. It is also important to know in terms of clearance, because you can test. A person who is smoking will say, who says I am going to stop smoking—what happens in terms of the effect is 10 to 15 seconds to the brain; one hour clearance from the blood stream, but you have a period of one to two days where you can test the urine for the breakdown product of nicotine by the liver which is cotinine and that particular product will give you an idea of the persons' smoking. So you cannot really hide with respect to smoking because of the availability of cotinine in the urine. You can test for that.

3.45 p.m.

I will deal with one more area in terms of the tobacco especially with the situation in schools. If we do not have it, the use and harmful effects of tobacco should be placed on the curricula of our schools from kindergarten to the higher levels, so that the children would be aware from kindergarten. I saw in this Bill that you are dealing with kindergarten children, but I think that they were talking about children that pay. I do not know why we are limited to that particular situation where we are dealing with children who pay a fee. It should be across the board, children on the whole. The Minister pointed to the nicotine levels in infants. That is because of the secondary smoke environment. That is an area which we need to address in this particular Bill. This is what you are trying to prevent.

There was a report that every day in the United States, 3,000 students under the age of 18 years start to smoke and over 5,000 are becoming habitual smokers on a daily basis. There is that increasing incidence in the United States. Smokers will find all kinds of creative ways to get greater effects of nicotine. If we look at two examples in India and Sri Lanka, we would see that they do reverse smoking. I was quite shocked when I saw that. Reverse smoking is when you light one end of the cigarette and smoke it. They actually put the flame in their mouths to get the full effect. This is rather strange. People find creative ways to get nicotine in the system because the main thing is to get nicotine.

While you are getting in nicotine, all possible carcinogens come in at the same time. It does not matter if there are filters on the cigarettes. The manufacturing of cigarettes has a lower potential in terms of nicotine. A cigarette has between .8 to 20 milligrams of nicotine. Only 1 milligram is absorbed in the body. Much of it is not absorbed, but that 1 milligram is significant to cause that kind of euphoric feeling that is so addictive.

Nicotine has some value. If I recall there are two advantages. One is in the treatment of Alzheimer's disease, that is the loss of memory because nicotine works on the neurotransmitters in the brain. Because of the memory capability or the memory loop that develops with nicotine you can utilize it for Alzheimer's disease. There is another situation with much twitching and nicotine can be used to control tremors. Those are two small medicinal uses of nicotine, but the disadvantages far outweigh the advantages in terms of nicotine use.

We heard about model legislation from the Minister. I saw that about a month ago Nigeria passed an Anti Smoking Bill. When I looked at the legislation certain things are not in it. I do not know if the Minister and the technocrats looked at the Nigerian model. It is a very important model in terms of the legislation aspect. You might need to look at Nigeria in terms of how they are approaching this anti-smoking situation.

The Preamble of this Bill talks to the reason you cannot ban the use of tobacco. If you ban the use of tobacco, you would have to deal with the people who are addicted. The Preamble talks about people who are addicted and need to have the nicotine intake or else they would have all kinds of withdrawal symptoms.

The Bill talks about restaurants and bars, but it does not deal with any enclosures. The Bill does not say that a restaurant or bar should have an enclosure or designated area for people to smoke. I do not know if we need that here.

Sen. Narace: Thank you, Senator. What do you mean by enclosures? Do you mean a special designated smoking area?

Sen. Dr. A. Nanan: The Bill does not mention that. It says across the board no smoking in essence. In some countries there are designated smoking areas. That may be considered for the people who are addicted to smoking and it is very difficult for them to stop so they may need to have some gradual—Many situations develop in terms of the withdrawal. You know about nicotine patches and how they utilize it in trying to get people away from smoking. It is something that you may consider in terms of designated areas for smoking.

In terms of the use of tobacco and advertising, it is very important to note what is put forward. I read the Bill but I did not see anything about the Internet. You mentioned that you looked on the Internet and saw the ban on cigarettes. You know how creative our society is in getting access to Utube and utilizing Internet. That is something you may look at. In terms of Internet access, I know that the Minister will want to ensure that it is properly policed, even if it is in the Bill. You will have it there and then in some other way they can utilize another source.

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Another area the Minister mentioned is that of taxation. Although taxes were increased, the sales still increased. There were the statistics in terms of taxing to reduce the use of cigarettes. Whatever strategy is available and is utilized, the best method so far is prevention. That is why I mentioned education not only of the adults, but also the children in our schools.

It is important that we look at nicotine and the combinations that make it up. This debate could go to dangerous drugs because of the use of cocaine and heroin. Nicotine becomes a gateway drug because it is very easy for habitual smokers to move to a different level like heroin and cocaine. [*Desk thumping*] They have that kind of euphoric feeling in their system. You must be extremely careful.

This particular situation with cocaine and the euphoric feeling is something that we need to recognize, when we are dealing with the drug trade and what is fuelling it. It is the feel-good syndrome, the euphoria of utilizing these drugs to get this high glucose content in the bloodstream at one point in time and the euphoric feeling in the brain for 10 to 15 seconds. It is the longing to have that. We can ask certain questions. When we are in a stressful society; we have traffic jams and congestion on the roads and flooding to deal with, are these stress relievers? Are people turning towards this particular situation for a happy feeling because they are not getting it from the present Government in terms of proper governance? We have to ask those questions.

When the Government attacks farmers—many of them are habitual smokers because of the stress situation placed on them. In terms of agriculture, it is difficult because it is a very taxing. To become a farmer and face the hardships on a daily basis is very difficult, especially when there are situations which the farmer cannot control such as poor irrigation and drainage. That is another area that the Government may need to look at in terms of providing some kind of stress relief. They can do so by governing properly and putting systems in place to minimize the traffic problems.

As I mentioned traffic problems, I read a particular area dealing with psychologists. You need a certain amount of professional training to deal with smokers. You need psychologists on board when you are trying to wean people off the smoking habit. I heard the Minister make reference to a designated unit in the ministry. Will that designated unit employ psychologists for this particular exercise? This Bill is giving effect to the harmful effects of smoking. When the Minister read the 43 clauses or close to, I am sure it would hit hard in terms of the national community. If many people want to quit smoking, you need to have psychologists on board. It is very difficult to get over this euphoric feeling.

Mr. Vice-President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Hon. J. Narace*]

Question put and agreed to.

Sen. Dr. A. Nanan: Mr. Vice-President, I thank all Senators including the Minister of Health for extending my time. I entered this debate supporting the legislation because I recognize the importance of this particular measure. The Minister mentioned that the children, adults, grandfathers and the whole family tree benefit.

4.00 p.m.

When I did some of the research—because I knew some of the physiology in terms of the effect of nicotine—and I looked at various countries, for example, Sri Lanka, India and Nigeria, and what they are putting in place—it was surprising that I did not do Brazil in terms of tobacco production and what they have done there—it shows the commitment to a healthy lifestyle. It shows the commitment to saving mankind.

I do not know how many of you will recall that this same cobalt 60 radioisotope that I spoke about could have been a cobalt bomb. In many of the sequels to science fiction movies, they use that cobalt 60 isotope—the radiation from cobalt could cause the end of mankind because of the radiation emitted from cobalt in large quantities.

What we are seeing is the utilization of chemistry. This particular use of cobalt originated in Canada and it was because of a nuclear reactor programme that they developed these various radioisotopes. They had scientists from European countries working toward the particular nuclear bomb and, just as an aside, they came up with the utilization of cobalt for the treatment of cancers.

This shows what you can utilize in terms of the success of mankind and how the world is now changing. At that time, they were utilizing cobalt, discovering these particular isotopes and using it to destroy mankind. That was the aim at that time. Now countries are getting together to save mankind with this preventive legislation in all the various areas.

In terms of this debate, I feel this sense of commitment by the Minister of Health. I urge the Minister to look at the peripherals, the satellite areas. As you deal with this particular legislation and beat your chest and talk about model

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legislation, we need to get the hospitals organized; we need to get an oncology centre on board and we need to get more confidence in the Chronic Disease Assistance Programme (CDAP) and public health institutions.

I thank you.

Sen. Helen Drayton: Thank you, Mr. Vice-President. Let me open by stating that I endorse the stated intent of this Bill and have no doubt that legislation is necessary and warranted to control tobacco. However, to entertain any legislation that will impair the constitutional rights of persons, it must satisfy the test of reasonableness and rationality. The measures must be in direct proportion to the stated objectives. It should not be any more than is necessary to serve the overall public good.

There are several measures in this Bill that have gone too far; much beyond what is necessary and much beyond what is stated in the FCTC Convention. It is also much beyond the legislation which was enacted in all the civilized countries that the Minister spoke about. None of them has intruded on the rights of the home dweller.

Further, the penalties in this Bill are excessive. So much so, anyone reading this Bill carefully will get the impression that the intent is to criminalize smoking totally and to shut down the operations of the West Indian Tobacco Company Limited (WITCO). If that is the case, fine; let that be the stated intent. But that is not the intent. You simply cannot legislate for every single thing, and to attempt to do so is a waste of time. Because of the several areas of serious concern, I recommend that this Bill be referred to a select committee where it can be deliberated on, refined and designed to definitely fulfil the stated objectives.

There are so many areas of concern and I will restrict them to just three. The first is the intrusion on the individuals' rights to privacy in their homes. There is the virtual total ban on the use of the company's trade mark, its intellectual property as distinct from a ban on product advertising. The Minister has stated in his presentation that the ban on advertising will not have an effect on sales. So the company has a right to its institutional advertising and the right to use its trade marks.

Also, I would like to deal with the denial of the right to a hearing under clause 9. It removes that right from an individual and it removes the presumption of innocence.

Before I continue, I declare that I am the President of the Advertising Standards Authority, a voluntary body operating under the auspices of the Trinidad and Tobago Chamber of Industry and Commerce. We assist the Bureau of Standards with their

advertising regulations. That is why I can say with confidence that WITCO has taken voluntary action. You do not see mass media advertising for any of its brands. You do not see them on billboards that destroy the whole environment. I think that to be fair that needs to be said.

Now I will premise my contribution on the fact that I fully endorse reasonable efforts to protect children and adults from the involuntary consumption of tobacco; I fully endorse legislation to curtail significantly mass media advertising and promotion of tobacco products; I fully endorse legislation to make it as difficult as possible for children to obtain tobacco products.

In this Bill, the definition of “advertising” is sweeping. It leaves absolutely no room for the manufacturer legitimately to carry on the affairs of a legal corporate entity. It leaves no room for institutional advertising as against product and brand advertising. In the advertising industry, there is something called corporate and institutional advertising where it is not engaged in inducing consumption of products; it simply speaks to the company. Advertising of any type, corporate or otherwise could have an unintended effect of bringing about awareness of the company, but not necessarily the product or the brand.

Advertisement is defined as any commercial communication through the media or other means that is intended to have or is likely to have a direct, indirect or incidental effect of creating awareness of a tobacco product, brand, manufacturer or seller, or of promoting the purchase or use of a tobacco product or brand. Institutional advertising does not do that.

The company, by its very name, West Indian Tobacco Company Limited, runs the risk of infringing the law if this Bill is approved, as in the use of even normal signage on any corporate item, and if it is used in distributive channels. All the legislation of countries in the Commonwealth permits advertising through trade, but not product advertising direct to individuals and for consumption. That is why I say this Bill has gone way too far.

This definition and the definition of sponsorship, when taken together with factual information—tobacco sponsorship, graphic—constitute a total ban on the marketing operations. The sweeping definitions deny the company the right to conduct normal business and far exceed the FCTC requirements. Nowhere in the FCTC guidelines does it promote impairment of a country's constitution. In fact, in the FCTC's guidelines, they have taken great care to say that this must be done within the context of a country's constitution. We have decided, in our Bill, to create much room for the invasion of homes. That cannot be right.

Reference to factual information, when read in conjunction with clauses 10, 11, 12 and 13, makes virtually all forms of sponsorship and product-related promotion illegal. It gives persons the right to bring civil proceedings if they feel their right to be free from all tobacco advertising has been violated, although they may not be affected by such advertising. These measures certainly do not meet the test of rationality and are not in proportion to the intended objectives. Of course, there is a risk with a clause such as this for a lot of abuse of the process of the courts through frivolous claims.

There is also a contradiction because information advertising is defined as advertising that provides factual information to the consumer about a product and its characteristics, its availability or its price; all of which promote purchase. On the other hand, it says that such information advertising can be done by way of a publication that has an adult readership of not less than 85 per cent. That has to be nonsense! Virtually every publication in Trinidad and Tobago, including all newspapers, would have adult readership of over 85 per cent. What is the purpose of this contradiction?

Clause 10 states that all persons should have the right to be free from all forms of tobacco advertising, yet you permit such advertising in terms of its price and its characteristics, its brand and everything else in another section. You are saying, under clause 10, that whether such forms are direct, indirect, overt, covert or incidental—what is ironic about all this is that there are symbols for an illicit drug that are on clothing, hats—I am talking about marijuana. Just drive along and look at the walls on the foreshore. Drive along Mucurapo Road. The same enlightened and civilized countries you talk about that have implemented tobacco legislation, have legalized marijuana.

If you are trying to follow the civilized countries, it is very important, when bringing legislation, that we take into consideration the local situation. I would tell you, it is not the cigarettes that are killing our youth. I agree, as I said, on a ban; I agree on legislation and I agree that we must remove it from the environment of children.

As these clauses stand, they infringe the rights of a legal corporate entity and even for a tobacco company, all association with a charitable cause is not bad, for example, a tobacco company supporting scientific research in agriculture and wanting to associate its name with that. This Bill prohibits that. If West Indian Tobacco Company Limited decides to provide a home for our very elderly and to put a little plaque associated with that, this Bill prohibits that.

4.15 p.m.

More so, Mr. Minister, if West Indian Tobacco decides, I do not think they would do it for the same reason, with respect to all these children who need emergency operations, to support them, overtly this Bill prohibits that. You need to balance what is the overall public good and what is an individual's right.

I am glad that the Minister of Information quoted me on Sunday, because I made the statement that often it is not just a question of right and wrong, wisdom and stupidity or expectation, because there is much about this Bill that is wrong, there is much that is stupid and, in terms of expectation, it disappoints.

There is no correlation between such charitable activities and an inducement to consume the product; there is no correlation. As a matter of fact, association and identification, with such activities, it is an association with a public good. However, I will not endorse a tobacco company sponsoring sport, the youth, a cultural activity or anything that youths are engaged in. There is a distinction to be made and this Bill fails miserably to make any such distinction.

It would be useful to cite the Canadian law, which meets the requirements of the FCTC. It is not draconian. It embraces the rights and respect for freedom of expression, which is not addressed in the promotion of this Bill. For instance, it states that a literary, dramatic, musical, scientific, educational or artistic work production or performance without consideration is exempt from their Bill. A report, a commentary or opinion in respect of a tobacco product or brand of tobacco product, if no consideration is given, is exempt. This Bill makes no reference to that. A promotion by a tobacco grower or manufacturer that is directed at tobacco growers, manufacturers or persons who distribute tobacco plant, all that is exempt. Look at the Bill for Ireland, the Netherlands, the Canadians and what the English law has done.

I think there is no rational connection between a virtual ban of the use of the company's trademark which is involved in institutional or corporate advertising and the stated objectives of this Bill. The measures are disproportionate and they exceed what is reasonable and necessary.

I now turn to clause 18. This calls for unattributable prescribed messages and I am not too sure what is the intention. I do not know what purpose it serves. The Supreme Court of Canada struck this down on the basis that it was an infringement of the freedom of expression. It has no bearing whatsoever on the reasons given for this legislation.

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If there is one area in this Bill that really troubles me is the definition of “a workplace”. It is defined to include private residences used for commercial purposes or places for the employment of domestic workers. It should be incumbent upon homeowners who are responsible when they are hiring domestic workers, to let them know that there are smokers in the house. I think, as adults, they have a right to exercise the option not to work there, but it is unreasonable to make smoking a criminal act in your house and then fine a person \$10,000. Not only that, you give a Minister, a politician, the authority to recruit persons and authorize them to make sweeping investigations of your home—[*Interruption*]

Sen. Narace: Thank you very much, Senator. I want to clarify that the clause that spoke to the house really is the intended purpose of where the house is a workplace, if a poor domestic was in the house and was therefore subjected to all of this smoke. It was from that point of view; the intention of the legislation. Of course, it is an area that we are prepared to look at. Thank you very much.

Sen. H. Drayton: It is the same thing that I am saying; it is unreasonable. What is worse is when you look at clause 47; it strangles. This actually states that no person shall retaliate or attempt to retaliate against any employee. This is a domestic worker in your house who reports you to the authorities. If you attempt—well I do not know any one of you sitting across that Bench, if your domestic worker reports you to the police, whether she would be in your house. It is unreasonable. It does not make sense. Whoever drafted this Bill did not even apply basic common sense. [*Interruption*]

Sen. Dick-Forde: Can I ask a question? Thank you. What about the other side of it? What recourse would the domestic have if the person is subjected to cigarette smoke constantly? How are they going to—[*Interruption*]

Sen. H. Drayton: Leave the job! This is your private dwelling unit. One of the things you have to consider, if you are trying to balance the rights of smokers and non-smokers, is that you have to bear in mind that in a household you would have people who smoke—he probably smokes—and people who do not smoke. But it is not that easy because the adults in the house—there are those in the house, the wife for example, who might be trying to encourage the spouse not to smoke. It is a question an adult must ask. Where do you draw the line, in terms of choices? What I feel is that every household—if you are going to employ anybody in your household, you need to let them know that this is your private household, sure it is your workplace, and you have a choice. The choice you have is the right not to work in this household. What if you have a pet and the person has allergies? That is just as dangerous. I am sure if appropriate the doctor in the House can let you know that is also very dangerous.

All reference to private residences should be removed from this Bill. I cannot support such a measure. The Canadian law, again, would be useful. It exempts private dwelling unit, so does Ireland and New Zealand. It exempts totally, but it does make reference to a private dwelling unit. What it says is that an inspector may not enter a dwelling place, except with the consent of the occupant or under the authority of a warrant if there is reason to believe a tobacco product is manufactured, tested, stored, packaged, labelled and sold in that household. It says nothing about if a homeowner is smoking a cigarette.

Clause 9 states that the right of non-smoking members of the public and workers shall prevail if there is any question as to whether smoking is permitted in a given situation. This denies a person the right to a hearing and to defend themselves. It overturns the constitutional rights. It turns the Constitution on its head, because it in effect says that there is no presumption of innocence. I cannot support this clause. It fails to meet the requirements of due process.

I understand the reasons given in the Bill for the control of tobacco; however, there are too many inconsistencies. There are too many sweeping and draconian measures that cannot stand the test of reasonableness in the proportion of the stated objectives. These measures, as I have said, are more consistent with the legislative agenda to make cigarette manufacturing and cigarette smoking illegal and that is not the intent.

It infringes on too many rights, both at the corporate and the individual level. The right to life, which can also mean the right to be free from chemicals that are hazardous to one's health is supreme. I acknowledge that. So too is the right to choose where you want to work and where you want to socialize. So too is the privacy of your home. A democracy is a very complex form of governance, unlike communism, where you could just ride roughshod and slash and burn across your citizens. There are certain things that are enshrined within a democratic state of life and we have to be able to balance the overall public good and also balance the rights of citizens.

According to our Constitution which states:

“An Act to which this section applies may expressly declare that it shall have effect even though”—in other words, if we want to bring an Act—“inconsistent with sections 4 and 5 and, if any such Act does so declare, it shall have effect accordingly unless the Act is shown not to be reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual.”

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This Bill fails that test.

What I want to suggest is that this Bill goes to a special committee for review and refinement, so that it could answer the specific objectives and then I could give it my support, but I cannot support the right to invade somebody's home.

Thank you.

Mr. Vice-President: Hon. Senators, it is now 4.27 p.m. It is a good time for the tea break now. The sitting is suspended until 5 o'clock .

4.27 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Sen. Cindy Devika Sharma: Mr. Vice-President, thank you. Today is, indeed, a very significant day for me since we are dealing with legislation that seeks to make our public places almost a smoke-free environment. I want to begin my contribution by saying this is an issue that is very close to my heart, because I have been personally affected by the evils of cigarette smoking in a personal way, since my father passed away from the effects of smoking and smoking-related diseases. So, I feel very strongly that there is much that should be done to prevent further deaths in our nation. [*Desk thumping*]

At the heart of the matter is the question of whether or not we are going to strike that fair balance by ensuring that the rights of smokers, the rights of persons who do not smoke, but who enjoy the company of smokers and do not mind being around them and those non-smokers who hate smoke in any form, there is this fair balance we have to strive to attain.

I do feel that despite some concerns raised by persons that the measures in this legislation are draconian, invasive or too far-reaching, I beg to suggest that it is not far-reaching enough, especially the case that was brought up by the Independent Senator who spoke earlier concerning the domestic worker who is working in a person's home. Is it that we are suggesting that it is okay to have a domestic employee working for someone who lives in that place to smoke around that person or even smoke around family members who might be young children? In effect, that is what it is suggesting. For me, that goes against the whole concept of smoking being dangerous to one's health and which has much evidence to link it directly to active smoking. Of course, there are many persons who say that passive smoking being linked to cancer and other diseases is not as clear, but there is enough suggestion of a link to make it something that we do not want to encourage at all.

I want to suggest, from my point of view, this is not invasive legislation at all. In fact, more should be done to protect young persons and the children in those homes from parents who are subject to an addiction. When we talk about the rights of a smoker, is it his or her right to choose freely to smoke? After that first puff, I suspect that choice has been severely diminished, and not by their own choice, but because as my hon. colleague, Sen. Dr. Adesh Nanan spoke at length about, the very addictive qualities of nicotine which is one of the most important elements in cigarettes and specifically tobacco cigarettes. So, therefore, to suggest that this legislation is invasive in that respect, I beg to differ. [*Desk thumping*]

My own concern with this legislation, while I am happy to see it take place, is how far the Government and other related authorities are going to ensure that this legislation is going to be implemented in a very effective manner. For this legislation to be effective there must be an attitude of behavioural change in people within the society itself. Part of this attitude and behavioural change means that adults who have the knowledge to suggest and to give advice to produce research that proves that something like this is bad for health, that kind of information must not only be disseminated throughout the population in various forms to meet either those of a lower literacy level as opposed to those of a higher literacy level, but it must be in different forms, that is the educational component.

That behavioural change must be so extensive within the society, it is then that we would have made that first step toward choosing a healthy lifestyle as the lifestyle of choice of any individual human being in Trinidad and Tobago. Therefore, how do we go about seeking to ensure that we choose a healthy lifestyle as a lifestyle of choice? For me, this legislation could work toward that. Even though some might say that it is heavy handed, I say that being a non-smoker, my actions are not going to harm the smoker, but his or her actions are harming me. [*Desk thumping*] Therefore, the question is: Which right should be protected more than the other? I am not infringing on that person's rights, however, that person is infringing my rights and, therefore, I would suggest that somebody or something needs to protect me, hence this type of legislation.

The strange thing about the argument about why we should not support some of the penalties that are in this legislation, that is because they are too far-reaching to the employer or the business owner, is also linked to the question, is it really fair for an individual to be put in a workplace where they do not have a choice about what chemical or potentially hazardous chemical substance they are being exposed to? Even with the case of the domestic maid, if that person is in charge of cleaning one's

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household and has to clean cigarette residue or ashes and has to enter enclosed rooms where that substance is still in the atmosphere, especially where there are air-conditioned rooms where those houses are closed for the entire day, it is not fair to that person to be subjected to such treatment.

At the end of the day, what this means is that people need to start taking greater responsibility for their actions and how their actions affect other persons. The only way we can actually do this and achieve it is if along with this legislation we have a far-reaching and invasive educational component starting with schools, because there is where much of the damage has already been done and can be attempted to be remedied.

If smoking and other dangerous actions like this should be frowned on, why should it not be part of a school curriculum? If a child in primary school is exposed to that knowledge—more than I am suggesting is currently available—from an early age, he or she might have a positive influence on a parent or an adult who is smoking in an environment. If a young child can watch an adult and say: “My teacher told me smoking is not something that should be done because you can damage yourself and you are hurting us”, that is something that could be done in a very effective and far-reaching way.

I would like to suggest that the Minister embark on an extensive change in terms of adding this as a component of the curriculum in primary and secondary schools, because there is where you can make a big difference. There is reference to that in the Global Youth Tobacco Survey in Trinidad and Tobago which was conducted in 2000 and has since been conducted in 2007. Less than 50 per cent of the students noted or have encountered the topic of cigarette smoking within their term in school.

Normally, if you are in school, one of the things that you are supposed to do and which is a component of the curriculum is social awareness and educating the child or the student on different topics, not to brainwash them, but allowing them to do research and come to their own conclusions. That is not giving them the knowledge, but that is facilitating their growth, knowledge and awareness of things, and that must take place if this is to work.

It is all well and good to wake up one morning and smoking no longer exists in public places, but if you go to rural establishments like a bar or a “rum shop” or a parlour where people would normally go—they would go and take a break and purchase something to eat and have a beer since the door is open, and it is not an air-conditioned establishment—how do we get that cultural change to occur

within our society? It is all well and good to say that you are banning it, but do these people take you seriously enough to do that? For this to work, it means that somebody within that establishment has to report to the bar owner or the restaurant owner and say: “I do not like this person smoking next to me and it is illegal for people to be smoking here.” For that to occur, extensive education must take place.

There is the case also where you have neighbours living in small communities having to go and report on someone who runs an establishment near to them. That person who owns the restaurant, bar or whatever business it is, is going to feel that the neighbour is causing a lot of conflict. How do we avoid these things? The only way this can be avoided is to go into these communities and speak to the workers and families through the community centres and through the schools that are there. There is an extensive group of persons for you to influence, but you have to make the effort. That is what is necessary. At the end of the day, there may not be need for such, as some persons say, draconian measures, because people would have made the choice that this is something that is not good for them.

With respect to the issue of the sponsorship of events by tobacco companies, I would like to suggest that the sponsorship is probably a drop in the barrel of the wealth that they have earned over 100 years of creating a product—and they know it—that knowingly harms thousands of people—

Sen. Narace: Millions of people!

Sen. C. D. Sharma:—millions of people. They know that. That is why in the past they had to make a billion-dollar payout in the United States of America when they lost a case. They had to admit that they were actually putting in higher amounts of nicotine to make persons more addictive to the substance. So, should these companies that have been engaging in such practices be rewarded by having their names associated with the sponsoring of a sporting event? That is nothing compared to what they have made in the past. As far as I am concerned, this in no way recompenses a person who has lost someone dear to them, because of what they have done knowingly. [*Desk thumping*]

5.15 p.m.

In fact, some persons might say well, if you want to ban smoking in public, ban alcohol in public, but smoking and alcohol are two different things. Someone can go take a drink; one beer, two beers, they might not affect every single person in the room; they could if they decide to probably pull out a gun; if they got drunk

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and decided to do something. A smoker has that sphere of influence, and that is something that must be considered very, very carefully.

So, tobacco companies, as far as I am concerned, should be made to pay a fee to the Ministry of Health. They should be made to give a percentage of their profits towards fighting the disease and presenting programmes that speak towards the dangers of smoking. [*Desk thumping*] They clearly know it is a danger, otherwise they would not have put it on their package. It is on their packaging; they accept that it is a danger. Therefore, they should be made, as far as I am concerned, to contribute. [*Interruption*] They did not choose to put it, the Senator is suggesting. Well, as far as I am concerned, it is an addictive substance; we have put our foot down with marijuana; we have put our foot down with other substances that are addictive, why can we not do it with this one? This one might even be more evil because of the far greater number of persons who are actually exposed to its influence unknowingly at times.

Studies show that the persons with lower literacy rates are targeted right now. The big cigarette companies have targeted the poorer regions of the world because they have the highest growing level of tobacco smoking in the world. Why have they done this? Because it is a money making industry, clearly. Should something that is making money off the endangering of the lives of these people, occur? Should that be assented to? I think not.

Better and more should be expected of our companies and of people in general, and good thinking people, because if on the one hand we want to promote individuals and the rights of individuals to have a good life, to prosper without taking away from their right to choose certain courses of actions that they might want to take or choose a path in life that they might want to take; nobody is denying that person that, but clearly, at some point in time, somebody who has the information, somebody who has some sense has to take a step and say, hear what, we need to think very clearly about what we are doing, and this is not good for you. It might sound as if we are talking to a child, but that is not the case, and sometimes maybe the heavy hand of the law is needed where good sense might not prevail. [*Desk thumping*]

The unfortunate thing is, while these measures might come into play, there are only a few countries and states that I could think about that have had a successful reduction in smoking in terms of the number of persons smoking. I think California in the USA was one of the successful ones, because they have a very extensive educational complement in their system, and they are substituting it, yes, with—

Hon. Senator: Marijuana.

Sen. C. D. Sharma: Not marijuana—the ones to inhale or to chew; smokeless tobacco. Even though we want to have legislation that seeks to make it impossible for someone to smoke in a public area, nobody is saying you cannot walk on the road and smoke your cigarette; nobody is denying you that right; nobody is denying you the right to step outside of your home and smoke a cigarette. So, the point about the domestic worker, for me, does not make sense.

Hon. Senator: It is your own home.

Sen. C. D. Sharma: It is your own home? But you are endangering the lives of your children if you are smoking in there. [*Desk thumping*] In fact, I remember my own father was a smoker unfortunately, and my family and I took a stance; you could not smoke inside our house.

Hon. Senator: This is legislating.

Sen. C. D. Sharma: This is not legislating as far as I am concerned, putting someone out of their home. If your home employs someone and this person is subject to your influence, you have a responsibility to ensure that their health and their welfare is taken care of. [*Desk thumping*] That is why I do not believe we are affecting anybody's rights in this case.

So, with regard to the tobacco companies and their sponsorship of events, et cetera, they are not doing enough. If they need to hide their names, I have no problem with that, and they should not as well. I see you have a six-month period for the acquisition of licensing. I think that should be extended; I think six months is not enough, especially with the bureaucracy that takes place in Trinidad, and the fact that everybody likes to wait for the last month to do everything. Please have an extensive educational programme and let them be aware of the deadlines, and it should be deadline one, deadline two.

Secondly, businesses should also be given an opportunity to provide outdoor seating if they have an establishment. They should be given a time period to provide seating outdoors to facilitate smokers in their places, because nothing is saying that you cannot walk into a bar, have a drink, step outside, take a smoke, and many good sensible people still do that. Even though you might have an establishment where you have a smoking section and a non-smoking section, as far as I am concerned, if you are smoking over there, I am affected over here. I do not believe we should have a separate room unless that room is in itself closed off from the other parts of the building. So, if they want to stay and smoke in a concentrated smoking zone that is their choice, but it should not be the choice of a non-smoker, nor should it be the choice of somebody who has to clean that room

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afterwards. That person who is working there should choose to go and clean a smoking area, and a person who does not want to clean should have that choice as well. We live in an imperfect world, and employers are not very tolerant of workers, and that is a sad truth.

While I am very much in favour of this, I say much more must be done by our employers. They must take more responsibility, they must have a heart and think about people other than themselves. I firmly believe that. Therefore, it is from today; it is from other days like today; another legislation that seeks to provide for the better welfare of our people, that we need to work together at all times to ensure that takes place. [*Desk thumping*]

Another problem I noted. I teach in a secondary school; there have been times when you would see cigarette butts around the school. I have encountered children from Form I, who have started smoking already. It is horrible! Why? Their parents smoke. At age nine years or 10 years, you think they know about the evils of smoking and comprehend that? Clearly they cannot comprehend it. Think about how hard it is for an adult to stop smoking, far less for a child at 10 years or 11 years to understand clearly, the evils of this particular recreational pastime, as I might call it.

Much needs to be done to ensure that the accessibility and availability of cigarette or tobacco products is cut down or severely diminished, because it is an unfortunate cultural habit in Trinidad and Tobago where the parent will send the child to buy something in the parlour and because it is the neighbour and they know each other, they allow them the choice of buying the product, which is not right. [*Desk thumping*] Our adults need to stand and act in a responsible manner.

My other point relates to, if we are going to have—and I will just relate the case with my own father. At one point in time he wanted to stop smoking, so he and his friend got together and bought the nicotine patches and they tried to support each other. I was not aware at that age of what was going on, but I did tell my mum, you know my father is so irritable; what is wrong with him these days; he is easily upset.

In that transition to become a non-smoker, are we really catering for persons who are going through this difficulty? I do not think we are catering for it right now. Are we going to cater for those persons, because as far as I have seen most studies indicate that people who started smoking want to stop smoking.

Sen. Narace: Senator, thank you very much. Through you, Mr. Vice-President, that is a critical aspect of our intervention, not just the sensation, but

the psychological support and all that is required to ensure that we assist people in kicking this nasty habit, this detrimental and fatal habit. Therefore, the Ministry is, as we speak, working on the interventions. It is a most valuable point and certainly not lost on this.

Thank you very much.

Sen. C. D. Sharma: Thank you, Mr. Minister. I would have liked to have heard some more about those interventions later on of course, and probably I would like to see a little advertisement in the newspapers, some time soon, especially in schools.

I like hearing these fancy words and these promises, but again, I expect to see it at some point in time come true. So, I am hoping that it does, because I would like to see that it happens.

One of the things I think would be a major assistance, especially in terms of not only smoking as a bad habit and a dangerous habit, there must be alternatives for people to have, because sometimes people pick up bad habits in their idle time. If someone is committed to sports or living a full and all-round life, and they have the opportunity to do so, which is denied to people in low income brackets, because they have to work two jobs sometimes, and in order to deal with that stress what do they do; they turn to something, which relieves the stress far more easily than getting two hours to play a football match; they smoke a cigarette. How are you going to provide for those persons? More must be done to provide recreational areas in terms of physical sporting facilities.

My secondary school with 400-plus students, we do not have a playing field; we do not have a courtyard; they put classrooms on it. As a Manzanilla High School local school board member, we have been trying to get someone to survey the school property to determine our borders so we could have a playground. We have met block after block after block. It is not as if we are asking to buy land; we just want a playground, so our children can relieve their stress; they can have somewhere to play. Right now we have 400-plus students with one auditorium, which was built for 350 people, by the way, and it probably caters for less than that. Drama has to take place there, hockey, physical education, students play there. That is not fair, so we need a greater commitment. Find out all those schools that have these problems.

I went to a primary school and in that primary school the field was a field of dust. For me, government after government has spoken about their commitment to providing for the citizens of our country, but they have not actually walked that

road, and in a time when we have had budgets in excess of \$40 billion, why should we have a primary school or any school in Trinidad and Tobago without a playground or some playing field nearby? I do not want to take my children on the road in any car in case they get in an accident to go and use a playing field. Why can we have that in our country? It is not to say we do not have the property. In Manzanilla for example, we have enough property, but we do not know our boundaries. There is a protocol obviously involved in getting permission to go ahead and create a playing field. Why should it not be easy for us to facilitate that? Why should it be difficult for a school and a school community that has recognized these issues, that we cannot get it done? This is exactly the point about smoking. People relieve their frustrations and they turn to other things that are not good for them because of the frustration they feel.

5.30 p.m.

Over the last few years as a board member—I am in my second term—we have been frustrated, ever so often you might hear—I would not do it—let us go and take a drink, I need to relieve the stress, we feel that we have been hitting our heads against this wall. So, if I feel this way—but I have enough sense not to take up some addictive thing that will make me feel happy, not everybody is probably capable of making that choice which is why we diminish their access to substances that encourage a false feeling of euphoria, hence cocaine, marijuana; these things are banned substances.

Clearly, we need to ensure that we provide alternatives to people who want to lead a healthy lifestyle. So, as far as I am concerned, this should not be only about banning the use of cigarettes, it should also be part of a wider campaign to live a healthy lifestyle and it should encompass something as simple as encouraging students in schools and people everywhere to exercise, eat properly; so it should not be just one little piece of the puzzle. It must be part of a holistic programme, hence my pleading for something like food and nutrition to be part of the school curriculum.

Our children are growing up or coming into a secondary school system where they do not have that reminder about what are the food groups, what types of food are good for them, that is why they are only going to those fast food outlets and eating very unhealthy foods. So, it is not a matter of only tobacco smoking, it is a matter of leading a healthy lifestyle hence our need to make sure that we do our best to ensure that we maintain the best type of life for our people, and to do so we need to ensure that we have simple things like this take place.

I would like to end my contribution by saying that I wish to support any action that is done, especially if it is in the best interest of the citizens of our country and especially those children who have no choice in the matter because they are the ones who have to live with the smokers—especially—and they might, themselves, be denied that right to choose later on because they have already been programmed into a certain way of life.

So, Mr. Vice-President, I would like to end my contribution and I would like to say that I hope that some of the recommendations I have made will be accepted and supported by our Minister of Health.

Thank you.

Sen. Prof. Ramesh Deosaran: Mr. Vice-President, this is on the face of it a very ambitious piece of legislation. It is only this morning I was able to spend the time to review the provisions and the intention of this legislation brought forward by our very hard-working, diligent Minister of Health. But as I read the clauses and more recently as I listened to my colleague Sen. Helen Drayton, and as I said on the face of it, it took on the mask of ayatollah legislation.

That alone does not make it objectionable, because the extent of the problem that we are dealing with could quite possibly merit such a response from the Government. It is indeed, draconian on the face of it, so I tried to synthesize the issues in this legislation. There are four major issues.

One, that it reveals the power that the State has over individual citizens; such relationship, of course, guarded by the Constitution. In fact, as section 13 was quoted, it is not only that it requires a three-fifths majority—section 13—but even though passed with a special majority the legislation must also pass the test as to whether it is justifiable and reasonable in a democratic society. So, it is not an easy passage by just having a special majority. It has to pass another hurdle.

The second issue which perhaps so far is the most fundamental of all with respect to the Government's responsibility, is whether or not the habit of smoking, the selling of cigarettes and tobacco products are harmful to others. The question of harmfulness to others is a fundamental issue in this legislation. It is to me, looking at the provisions, the driving force behind not only the obligations but the sanctions for violating the provisions.

The third issue is to what extent do habitual smokers become a burden to the taxpayer? If that is established to some great extent it means the Government has to take some initiative as it seems to have taken.

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The fourth issue is for me the most enigmatic of all. It is how does a government tackle self-destructive happiness? Smoking brings happiness to a number of people. Whether that feeling is physiologically valid or not, people believe that taking a smoke, like taking a drink, brings some form of relief and practised out of free choice in a democratic society. So, these are the four issues as I see them.

Let it not be said or let the mistake not be made—and I feel that is what is coming through in some way in the debate, especially by the last speaker. I do not think from what I have heard so far that the objection or there is support—to put it another way—for smoking. I do not think that is what people have been saying so far. I do not think Sen. Drayton made that point. We are against smoking in a very habitual form and in an extreme way so as to affect others as I said. But the central question is, have we gone too far in the legislation in the midst of all these dilemmas, free choice, the privacy of your home and the State exercising such overwhelming powers over the lives of citizens, bearing in mind the incidence of harming others? So, the Government surely is in a position that it must come out with a piece of legislation, apart from the fact that it has to subscribe to other international Treaties, the World Health Organization and so on.

I therefore look at clauses 8, 12, 14, 16 and 18 and even clause 28. Let us take 8(2), when you look at 8(2) it seems as if there is no safe harbour for a smoker. Maybe he can run but he cannot hide: offices, factories, health institutions, educational institutions, any means of transport, retail establishment, clubs, cinemas and so on; and still the last item, any other facilities that are accessible to the public. That is just one provision to show the extremity to which the legislation has gone. Similarly, if you look at clause 8(5), you are putting each manager, owner or lessee in a very precarious position. Really, but let me pause to reiterate what I said, it is not that you want to encourage smoking or you are supporting habitual smokers.

This is a private matter to some extent. But we are looking at the extent to which these provisions can be upheld in a court of law, because the question of proof as in so many other cases is a matter that legislators—I think responsible legislators—should bear firmly in mind. Do not just pass the law out of passion, out of sentiment for one reason or another. A legislator has to be a more responsible public official. A very responsible public official, and just as we are seeking a balance in the provisions, so the thinking of a legislator must be as balanced as possible, because of the one reason I give. Could this provide a fair trial in court by bringing in the manager, the owner and the lessee if smoking takes place in his or her premises?

Sen. Annisette-George: Senator, would you kindly give way? With respect to the clause 8(5) that you refer to, if you see it is subject to subsection (7) and therefore I refer you to clause 8(7) which provides a defence where the owner, manager, lessee, employee demonstrates that he has exercised reasonable care and diligence to prevent the contravention.

Hon. Senator: That is a recent addition.

Sen. Prof. R. Deosaran: I know, I saw the provision. [*Interruption*] We have this in several other laws; you have drugs in your vehicle, you have to prove that you know nothing about it and I have known several cases where that proof has not stood up in court. I do not want to get into the question of framing and wrongful prosecutions.

Sen. Seetahal SC: Shift of the burden of proof.

Sen. Prof. R. Deosaran: Yes, the shift of the burden of proof is a phenomenon that should be closely looked at because it violates fundamentally the important principle of someone is guilty until proven innocent. So, you are reversing—

Sen. Seetahal SC: The burden.

Sen. Prof. R. Deosaran:—the burden, you are reversing it, but I still do not mind as I have said before, if the circumstances are justifiable. Thank you very much, hon. Attorney General, but I have looked at it, but I think the burden is too heavy in the circumstances and for such offences and as I said, if I try to keep balance in this matter I would want to take a second look at this.

Section 12(2), well, this is a million dollar piece of legislation, because in so many provisions I keep hearing you will be charged \$1 million or five years in jail; here, there and everywhere. [*Interruption*] Down the road is \$1 million or five years in jail.

Sen. Rahaman: And jail.

Sen. Prof. R. Deosaran: And. Clause 16, clause 17, clause 18(4), five years and \$1 million, clause 19(3), five years and a fine of \$1 million and it goes on. It therefore brings me back to my earlier comment, is this not a bit too extreme even though the intention is honourable and justifiable? It therefore means we have to in this sense separate the intention from the punishment, because there is a section where a poor vendor on Frederick Street either deliberately or accidentally sells two cigarettes and having to end up paying a fine of \$12,000 and six months in jail.

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5.45 p.m.

Now tell me, where that lady would get \$12,000 when she is trying to make 12 cents. Again, reason and balance must prevail. Just as you want a balance between harming others and the smoking habit, so too as legislators, I believe that this is an opportunity for us to demonstrate our ability to be responsible legislators, making law.

Renowned jurists have said and so too have experienced attorneys, and of course, I am quite sure she might add much more value to what I am saying when her turn comes to speak, laws made out of passion prove to be very ineffective laws because they lack the generality that legislation should serve. It becomes too specific, too sentimentally driven and it does not have the generality it is supposed to have, just like laws made in haste suffer the same fate. It is not that the laws are deficient. It is, could you prove those laws or prove the charges under those laws in court? I do not have to remind you about so many instances where the laws have been found to be defective—especially squatting—where we move with haste and are driven by public opinion. We come here to be popular with the masses and we commit a fatal flaw as legislators.

I therefore repeat, it is not that there is not a problem, there is a problem, but I am still asking whether we have gone too far in the instant case of punishment and sentencing. The fundamental rights we enjoy and we boast about in section 4 and the framers of many of a democratic Constitution across the world including ours, individual rights and individual freedoms, these things did not just come about by magic or somebody has a brilliant opinion. It has been enunciated since the Magna Carta, in a more general way, for human rights. But more specifically and in a large way, it emerged from a very small text that fed into the Westminster system, fed into the Canadian Bill of Rights and it also fed into our own Constitution, individual rights and freedoms and the struggle to enjoy that individual right, but still serve the public interest. This is the book [*Book displayed*]; it is a book written by John Stuart Mill and it is entitled *On Liberty*. It is a small book, but it has had a very powerful effect on the shaping of the Westminster system, the articulation of individual rights and freedoms, but at the same time trying to get that balance that such rights and freedoms should not harm others.

At this point and before I continue, let me read a very relevant passage, with your permission just for one minute. On page 68 it says:

“...the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant”—to do so.

You cannot pass a law saying, “Well, it is good for him.” He knows better than you about his body, but you can do so if it is demonstrated that it is harmful to others. It continues:

"He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because, in the opinions of others, to do so would be wise or even right. These are good reasons for remonstrating with him, or reasoning with him, or persuading him, or entreating him, but not for compelling him or visiting him with any evil"—or punishment—"in case he do otherwise."

This is the dilemma that was worked out in shaping our democratic Constitution, and which sits at the heart of this Bill. Minister, how far can we go in the midst of the four issues I have earlier enunciated?

I will not continue except to quote the last paragraph:

"Over himself, over his own body and mind, the individual is sovereign."

But not to the extent where it harms others, that is where the question of pornography—If you see pornography or something so in your bedroom or in the living room, should that be an offence? It is from such thinking, that question arises. When you look at 13(3), for example, again the punishment to me does not fit the crime.

Mr. Vice-President, in classical criminology—my dear Minister, I know you need the support, it will come, but not in the way that you might expect it to come—in the early days, in the 17th, 18th century, the emergence of the discipline of criminology, there was a great argument over to what extent should the punishment fit the crime? And that was modernizing the penal system because it was very brutish before that, punishment was arbitrary and philosophers like Beccaria and a number of other writers intervened. That is why in any society you need ideas, you need brains, you need vision rather than just doing things hastily. And I must tell you as I have said before, we lack that type of reflection in this society, in moving towards public policy, especially with respect to economic and social development. We are always doing things hurriedly and responding to public outcry, and in the end, we find we have done nothing effective after a great deal of money has been spent because of the lack conceptualization and the lack of reflection.

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If you look at clause 9, I find this is a very provocative clause, if I might say so. It has been alluded to and the Minister made reference to it, but that is very unfair adjudication. You are not giving the alleged offender a chance at all, as in the case where the Minister reminded me of a section where the alleged offender had an opportunity to explain and defend himself. In this clause 9 there is no defence whatsoever. You are taking somebody's word for it, arbitrarily that he or she is offended in such and such a way, and you are making that a law? I would ask with respect again, that we revisit that.

Clause 10—well I do not know if I am right, but clause 10 and there are other clauses like this, I think in clause 16—tells you all persons shall have the right to free from all forms of tobacco advertising and so on, but that is not a law, that is a preamble to a law. That is not a law in my view. That should be in the preamble. And clause 16 in my respectful view, subject to a greater wisdom, all consumers shall have the right to be informed fully of their health and other effects of tobacco use and the risk to others from exposure to the tobacco smoke. Well this statement has been articulated in a more detailed piece of legislation in the Bill, so I would want to suggest again with respect, that these things be put in the preamble and tidied up.

I listened to a talk show the night before on television—these talk shows have become very infamous—and in my view for many good reasons, but we leave that for another time—and the caller commenting on the legislation, used very obscene language and said, "dis so and so" law. And so it is across the country, there is much noise about the legislation and people find it is too far gone. My view is that it serves a good purpose, but I ask the same question, could we do it in a more sensible manner?

I had thought as I said with such legislation, before you venture into Parliament, could you not have constructed an education programme to let the public know exactly what you have said about the diseases related to smoking. Prepare the society with knowledge and give us as legislators a fact sheet. We can do our own research, but you are the Ministry of Health with much resources and from what I hear in the next budget, you will get a very significant allocation, so you can afford it. We are not so endowed especially the Independent Senators who have no office and no secretarial support, except that which we could muster on our own, those who are lucky to have such support. You see that is what the Canadians did, that is what the New Zealand government did to reach where they are and that is why they have not been as draconian as this piece of legislation is.

If you look at the Canadian legislation and the process used to reach where they are, apart from the difference in the provincial legislation, Saskatchewan versus Quebec and so on, they have a graduated system before you reach severe punishment. So again, I would submit with respect and let us look at an education programme that will not only appease the public, but it will then bring greater sense and understanding to the legislation. So I look at clause 55 of course:

- “(1) The Minister shall establish and carry out evidence-based programmes to inform the public of—
- (a) the dangers and addictiveness of tobacco use and of exposure to tobacco smoke;
 - (b) the benefits of and strategies for quitting;...”

My respectful view and the more sensible route was to have done this some months ago before you bring this legislation here, so we will all understand the necessity for it, rather than hearing people use obscene language in describing the legislation because out of ignorance are born many other evils.

You see what also bothers us as legislators and as citizens. You will need a very detailed form of infrastructure to enforce these laws. Apart from the persons you will hire, you need a range of enforcers. I remember when the Litter Act was passed, the promises that were laid out to the public to have the place clean, the beaches would be clean, the streets, the roadsides would glitter like gold because the Litter Act has been passed and the appointment of litter wardens.

Sen. Seetahal SC: When last did you see a litter warden?

Sen. Prof. R. Deosaran: My distinguished colleague is asking me, when last did you see a litter warden? I have never seen one ever, far more to see one the last time. I have not seen one the first time. I know people were appointed, but if you see Mayaro Beach or Maracas Beach, the state of those beaches is a job for the Minister of Planning, Housing and the Environment.

6.00 p.m.

Sometimes I feel that we have no—I do not want to use the word "shame"—that we have no pride. You would say that every citizen should pick up his cup and pan, of course; but he or she who does not pick up his bottle and garbage should also be charged as it is stated under the law; so you come back to law enforcement. You make laws because you know, as all other countries know, that

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people will always break the law for different reasons; that is why you have a police service. That is why I have always said that this thing about “crime is everybody's business”, is just a passing remark; it cannot really solve the problem. Why do I say so?

I am very bothered about the beaches. If you see Mayaro Beach; you never see anybody cleaning it up. You would only clean it up when you find out that tourists are coming, but for your own natives and locals, they do not really matter. They would only do it when tourists are coming. That is not the way to encourage persons to have a pride in their environment. So it is the same way that the Litter Act has failed.

If you drive on the Priority, up the Arouca, D'Abadie side, you would see piles of garbage on both sides of the Priority Bus Route; it seems a priority place to put rubbish. You should have beach wardens as well as litter wardens; clean up the place. When you bring this piece of legislation, people would say, "Yes, Government has demonstrated the moral authority and the vigilance; so we will pass it because we know something will come out of it." Tinted glass in motor cars; you cannot even see who is inside the cars. The police service has great difficulties.

"Doh" ask about those cars that smoke—you are talking about cigarette smoking—if you see the mufflers in those cars smoking, blue smoke, green smoke, red smoke. Maybe you should have a provision for smoking cars, which are more dangerous with sulfur content. So all the physiology we are talking about with tobacco smoke could also be applied to such incidents, especially when the traffic builds up and you are in the midst of that.

In terms of enforcement, because it does strike at the implementation of the Bill, we have an increasingly disturbing phenomenon; a very severe onslaught on public order and peace. The rise in firecrackers. Christmas time is coming; I would like to see police do their job, because there are laws about licensing places that sell firecrackers. If you cannot control that, how will you control places that sell tobacco products in the way that you want it to be controlled? This is a government we have; unless you want to appear as a Mickey Mouse Government, you have got to enforce the law properly and fairly. There are such big gaps, that I am afraid that all the excitement, enthusiasm and the demonstrated passion by the distinguished Minister, would likely fall to naught, if people do not have confidence in the implementation. What about the Breathalyzer Act? So you want no rum on the roads, no cigarettes, but what are you doing about the Breathalyzer Act so far?

A lot of mention was made, quite properly, to smoking and young people. The Minister was quite right in making reference to that, because I would think that is where the greater danger lies for two reasons: These children in school are too young to smoke, apart from they are getting the money, and, secondly, a lot of the research suggests that smoking at such an early age leads on to more hardened drugs. That is the research.

We did some work with primary school children eight to 11 years, with a grant from the US Embassy in 2006. We were shocked at the results, so we had to repeat the study—eight- to 11-year-olds in 13 primary schools. Almost 10 per cent of these eight- to 11-year-olds were smoking already, and not just one cigarette, but many cigarettes, in the space of a few weeks. We also asked them about alcohol consumption. My dear colleagues, 45 per cent of the eight- to 11-year-olds admitted drinking alcohol as well, and not only once or twice, but regularly. This is the situation that we are facing.

I am not saying that the Government created that situation; we are talking about homes, family life, community, peer group pressure and so on. I am just suggesting to you that the problem is much deeper than the legislation could reach.

When the distinguished Minister of Local Government was the Minister of Education, a study was done of secondary school students. The then Minister of Education recited some of those figures in Parliament, and I was surprised that nobody took it on. Those were very serious issues that she had raised. She was able to suggest that in secondary schools about 10 per cent of the students already smoked regularly, and about 20 per cent drank regularly; and that was in school. At home, 50 per cent of these secondary school students drank alcohol and 15 per cent smoked. It tells you the scope of the problem. The Minister is no longer in the Ministry of Education, but I recall that data that she had produced.

A very troublesome issue appears on page 13; Sen. Drayton did allude to it. It is not couched precisely in the provisions, but it is couched on page—*[Interruption]* I am looking for the definition of “workplace”. I cannot find the exact provision, but it says that a workplace also includes a place where domestic servants work. I too have a difficulty with that broadened definition of workplace. I think some other arrangement could be made rather than having it as an offence.

Another provision that attracts my attention is on page 6; it is not a provision, it is a preamble. On page 6, the second paragraph, it says something very interesting for policymaking:

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“Acknowledging the existence of vast numbers of persons addicted to tobacco use making it impractical to make tobacco products illegal:”

So I stood back and asked myself, "Well, why did you do it with drugs, cocaine and marijuana; people are already addicted to those too, and you made it illegal?"

I asked myself what the difference was, but in the magic of his mind, I am quite sure that the distinguished Minister will explicate when the opportunity does arise. You are discriminating between one form of addiction and another, giving the result of making it legal or illegal. If you go down the route of things which harm people, listen, KFC is no joke with fats and sugars. [*Interruption*] I am not saying to ban it, you know. [*Laughter*]

Sen. Narace: Senator, you are exactly correct. Just recently, in fact, in response to a question asked by Sen. Sharma, we formed the CNCD Council headed by Prof. Paul Teelucksingh, that would treat, not just with things like cigarette smoking through public policy, but it will treat with fats, it will treat with the nutrients in children's lunch kits, sugared drinks. Through public policy we could make an intervention in people's lives and, therefore, that is also under review at the Ministry of Health.

Sen. Prof. R. Deosaran: What about what we call sweet drinks? Dr. Teelucksingh will tell you that sweet drinks are loaded with sugar, and a lot of students' school meals are accompanied by a bottle of sweet drink. If you want healthy lifestyles and preventing these seven- and eight-year-olds from having their stomachs bulging sideways—they are too young to get so fat. Paul Teelucksingh could tell you about the spread of diabetes through sugar intake. We really need, as you are trying to do, wider coverage of the phenomenon.

As I was alluding to the then Minister of Education, Sen. Manning, she has left some very big footprints in that Ministry, very large footprints, very systematic. I proposed to her as Minister that we made schools drug and smoke free. She readily accepted the recommendation. Schools are already drug free, smoke free and alcohol free. That was the kind of Minister she was; I am not sure if she is still. [*Laughter*]

We have reached the stage where: breathalyzer, no rum drinking; no smoking now, very good, but people would ask the question, "Can you really control it at Carnival time at parties?" It becomes a cultural challenge. I am not saying that the legislation is bad; I am just telling you what the challenges on the ground are. I do not know if the enforcers that you appoint would be brave enough to walk into a fete and stop somebody from smoking; you know what the commotion would look like.

My view and a lot of people's view—and it is in the Qur'an, for example—moderation in all things. I like that; moderation in all things; people who can control themselves by doing a little of this, a little of that, without moving to the extremities of anything. Some people feel that if they do not drink or smoke, they will go to heaven; that is an illusion, because those same people would treat their fellowman spitefully, very badly. But they believe if they do not drink or smoke, they will become holy overnight, and the gates of heaven will open onto them. That kind of moral superiority is a bit overstretched. The Qur'an tells all of us about moderation in all things.

To come to the end, I heard mention about the stress in our daily lives and how that leads to smoking and drinking. Television plays a very important part, and the movies. If you look at television, especially American movies, America has done a lot of good things to the world, but, at the same time, they have spread a lot of bad habits; smoking and drinking is one. Do you know why? They have glamourized it. Every time there is a dispute or something in an office, you see the gentleman or woman going for a drink. That kind of cathartic experience, that vicarious learning, where you learn by example, has penetrated the consciousness of many a young person in the Trinidad and Tobago culture. Anytime you see some semblance of stress on television, they go for a cigarette or they go for a drink. Then you want to know why the American society is so drug ridden; the demand is so heavy that the supply side from Latin America is so very profitable.

Drinking rum and smoking is a working class phenomenon, so we have to really get down there, as the last speaker said, and do some education. I do not know how much you will gain, but in the schools there is a serious challenge for us.

Having said all this, my position now reflects what Sen. Drayton has said, that there are too many loopholes; the provisions are incomplete; in some cases they are too overbearing, and I am quite sure my colleague who will speak after me would elucidate further.

I believe a more sensible approach would be to send this to a select committee and hear all voices. We have all kinds of packages that are sent to us from all different sources, from England and from all over the world. I do not read them at all; I try to make my own judgment with whatever information I could get.

In view of what has been said, and examining the provision, Mr. Vice-President, I believe, unfortunately, but it is worth the time and the effort, to send it to a select committee for further study and deliberation, because the candle might

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be worse than the funeral. I hope this advice falls on fertile soil; the country will be more respectful of the legislation. It will also be more effective, which is what you would like.

Thank you, Mr. Vice-President.

6.15 p.m.

The Minister of Local Government (Sen. The Hon. Hazel Manning): Thank you very much, Mr. Vice-President. I rise in support of this Tobacco Control Bill, 2008. Mr. Vice-President, as I listened to the speakers on the other side a little earlier, and even with the speaker before, I became concerned that the significance of the negative impact of smoking was not considered. I want to quote a well-known ear, nose and throat specialist in Trinidad and Tobago, Dr. Wendell Dwarika, who was quoted in the *Trinidad Express* on November 26, 2007 when he addressed the Fifth Annual Ear, Nose and Throat Workshop in Port of Spain as saying that about 95 per cent of patients diagnosed with ear and neck cancer locally were smokers.

Mr. Vice-President, how could a law that is attempting to resolve such a situation be called stupid? How could a law that is now being considered by the World Health Organization (WHO) as a model be called stupid? This Government's resolve is to put in place programmes, systems and laws that would minimize the impact of tobacco and tobacco smoking on the people of Trinidad and Tobago and especially on our young people, and so I want to concentrate on the aspect of the Bill that emphasizes the need to prevent tobacco use by young people.

Mr. Vice-President, research has shown that too many of our young people are being influenced by tobacco use. The WHO estimates that about 4,000,000 deaths result each year from tobacco use among young people and this figure is expected to rise to 8.4 million by the year 2020. These deaths are due to what we call non-communicable chronic diseases and when the Minister of Health made his presentation and Sen. Dr. Nanan made his contribution, they identified the impact of tobacco on heart and lung diseases, stroke, diabetes and hypertension, et cetera, all of them being due to tobacco and these non-communicable chronic diseases, and what is so dangerous about them is that they lead to a poor quality of life.

PROCEDURAL MOTION

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. Vice-President, according to Standing Order 9(8), I beg to move that the Senate continue to sit until the completion of this debate.

Question put and agreed to.

TOBACCO CONTROL BILL

Sen. The Hon. H. Manning: Thank you, Mr. Vice-President. I was saying they lead to a poor quality of life and premature death. According to the WHO, what is disturbing about these statistics is that the smoking percentage rate among adolescents is rising, while the age of initiation to smoking is falling because children are beginning to smoke at younger ages. One author in his book *Developing Populations, the Future Health Effects of Current Smoking Patterns* predicted that if smoking trends continue, it is estimated that over 250 million children and adolescents living today will die from tobacco related causes, and most of these children would be found in poor and developing countries. The situation in Trinidad and Tobago is grave because the use of tobacco in Trinidad and Tobago is very high.

Mr. Vice-President, three studies were conducted before 1996 and they guide us: the St. James Cardiovascular Survey conducted over a period of 10 years to identify the risk factor for cardiovascular events; a second survey conducted in 1988 surveyed 106 secondary school children between the ages of 14 and 18 assessing their drug use, whether it was alcohol or tobacco and the result of that survey showed that 35 per cent, or just over a third of those interviewed had used tobacco at some time, and 10.5 per cent had used it in the month preceding the survey. Then a third survey was conducted in 1995 which was part of a national health needs assessment survey which examined tobacco use among persons 15 years and older showing a smoking percentage of 29.8 per cent; 5.1 per cent are females.

The situation in Trinidad and Tobago is grave. The leading causes of deaths and illnesses over the past three decades have been cardiovascular disease, hypertension, cancer and diabetes. As I said before, smoking is a known factor which contributes to these diseases. Do you know what is worrisome, Mr. Vice-President? In spite of these increasing statistics, the sales of cigarettes have been increasing. Cigarette production and sale increased 22 per cent between 1995 and 1999. That is really very frightening about the situation in Trinidad and Tobago.

In 1998, the WHO and UNICEF joined the Trinidad and Tobago Government to conduct the Global Youth Tobacco Survey in the schools of Trinidad and Tobago and so the Ministry of Education and the Ministry of Health distributed over 2,661 questionnaires to 60 schools to survey students between the ages of 13 and 15. The findings revealed that 40 per cent of the children interviewed smoked cigarettes at least once in their lifetime, and males have a greater inclination to smoke than the female students; twice as many males as females.

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Mr. Vice-President, how could a law that is attempting to put an end to this be called stupid? The survey discovered that one child in every five smoked before the age of 10. Again with boys outnumbering girls and with boys feeling that it looked cool to smoke. How could a law trying to stop this be considered stupid? Many students report that cigarettes were easily available because their parents smoke, many said they were aware of smoking because the advertisements were in the media: newspapers, television and radio. You know what is really very sad about this? The majority of smokers—as the research interviewed and surveyed—expressed a desire to stop smoking and could not.

The report concluded that cigarette smoking among the surveyed population is cause for great concern, and that there should be enforced legislation because continuous anti-smoking campaigns were needed, among other things, to stem this particular problem especially to prevent our young people becoming smokers. They need to stop before they start, and so in a continuous assessment of surveys to find out what is happening and to see if we could make a difference, in the year 2000—because the problem persisted—with the support of the European Union, the Organization of American States (OAS) and CCAD which provided funding and technical assistance, a national survey was conducted in Trinidad and Tobago throughout secondary schools. And so in collaboration with the National Alcohol and Drug Abuse Prevention Programme (NADAPP), the Ministry of Education and the Ministry of Health began again another intervention in the school system, and the main aim of the project was to provide Government with empirical evidence of the drug use situation throughout the Caribbean including Trinidad and Tobago because now we are starting to say we need to compare ourselves with what the Caribbean is doing.

Secondly, we wanted to collect comparable data on alcohol, tobacco and other drugs among school students at the secondary level throughout the Caribbean. We wanted to be able to assess the data and shape policy to develop prevention education and develop interventions at the national and regional levels.

We wanted to develop a trend analysis; we wanted to see whether we were doing better or not and, therefore, how we could intervene to make sure that things were getting better.

6.30 p.m.

The comparison showed that we were not doing as well as other Caribbean territories. Just two issues stood out: When we went back to interview the students and to find out those who smoked during the previous week, we were the second

highest because a lot of our children were smoking. And when we went to find out the students who were exposed to cigarettes, we were the highest; thirty-eight per cent of our students were exposed in the homes and 68 per cent were exposed in public places. So we were smoking more than the rest and we were exposed more than the other Caribbean territories.

The collection of the data has been helping us to identify risks and to produce incentives for prevention. The collection of the data has been helping us to develop appropriate policies to be able to address the problem of drugs in the school system. The collection and analysis of the data has helped us to plan an educational drug prevention programme within the national school curriculum.

I was really surprised when I heard Sen. Sharma say that we must put this in the school curriculum, because we did. We were able to produce a valuable tool for NADAPP in the creation of appropriate school-based counselling and treatment programmes.

The students interviewed were from Forms 2, 4 and 6. They were from public and private schools; they were between the ages of 12 to 21 and the results showed that 37 per cent of them, or one in every three students, had tried cigarettes in their short lifetime. The results showed that one in six had tried it within the last 12 months of the survey; the results showed that lifetime use of cigarettes showed that students 15 years and older reported a notably higher proportion of use compared to other age groups. Sixteen per cent of use had been initiated by age 9 and 72 per cent of use by age 13. The results showed that curiosity was what caused these young people to get involved in smoking; 42 per cent admitted that, while 20 per cent admitted they were using drugs to cope with problems and to cope with peer pressure.

The students knew what they were doing. They knew that it was harmful. Ninety-three per cent agreed that cigarettes and alcohol use was harmful, but they were hooked. So a lifetime use of cigarettes, as was said by the Senators on the other side, began because cigarettes were easily available, but what was dangerous about it was that these cigarettes were gateway drugs to alcohol, marijuana and to inhalants.

What we also discovered was that the vast majority of students—about 66 per cent of them—had not participated in any drug prevention activities. Seventy per cent of those who participated viewed the activity to be useful and 82 per cent, the vast majority of students, said, yes, there should be a school policy on drug use.

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So, based on the four research projects that we had over the years, a school policy on drug use and prevention—and I really want to show it, because this was done based on the research, with principals of the schools, the stakeholders of the school system and was developed with the assistance of the school population.

[Document shown]

Sen. Sharma: I thank the hon. Minister for giving way. I just want to get some clarification. With regard to that policy and what is involved in the curriculum in terms of educating on the smoking, what monitoring has taken place since that document has been implemented in terms of, one, have you a report that gives information about how many schools have actually implemented that policy document? And two, what kind of monitoring takes place right now with regard to that?

Sen. The Hon. H. Manning: Mr. Vice-President, I am not now in the Ministry of Education but I can tell you that this was done. The guidelines were drawn up; the guidelines spoke to highlighting an awareness, having an awareness programme; the guidelines spoke to the creation of an ideal learning environment in all the schools; the guidelines spoke to a holistic approach to the development of all children, paying attention to the total development of the child. All this is part of the curriculum.

Under this policy, no one is permitted to have illegal drugs on their person, whether for personal use or for trafficking. Alcohol should not be used in specific circumstances and only with the prior approval of the Ministry of Education; if you are having functions, et cetera. Under this policy, smoking is prohibited in all school buildings, including classrooms, laboratories, offices, workplaces, work areas, staff rooms, meeting rooms, restrooms, stairwells, et cetera.

The responsibility lay with the principal, the manager of the schools and the teachers within the school system, to manage their own system. The Ministry of Education at St. Clair, as I keep saying here almost every time I get up to speak, cannot stay in St. Clair and manage the school in Manzanilla; cannot stay in St. Clair, I keep saying, and manage the school across the fence, QRC; that the principal is the manager of the school; that the Ministry of Education's main purpose is the development of policy. The policy was developed, working with the stakeholders and, therefore, we have put in place a policy system. We have also put in place a student support services division which provides psycho-social

support and is normally outside there in the school system monitoring what is happening in the school system in this particular instance. Therefore, it is an enabling policy and enabling legislation that rolled out of it to ensure that the school is enabled to get up and do what it has to do.

In that policy we also prohibited smoking in all buildings and all offices of the Ministry of Education. Smoking can only be done beyond the gates of all offices and buildings of the Ministry of Education. A smoke-free work environment policy was also established and also applied to vehicles belonging to the Ministry of Education. I heard the Minister of Health say the same thing about the Ministry of Health.

It talked about the fact that controlled or restricted drugs should only be allowed in the school system by an individual if approved by a licensed medical practitioner. Other than that, there is a zero tolerance system in the school system to ensure that drugs are not part of that particular process. It is the duty of all personnel in the school compound to treat the possession or the use of tobacco, controlled and illicit drugs on school premises as a serious violation of the policy.

Therefore, as a consequence, all personnel are expected to fully uphold this policy and in no way whatsoever, either by word, deed or omission are they allowed to bring tobacco products on the school compound. The school compound is a drug-free, smoke-free learning environment.

To ensure that there was no confusion, the policy document took the time to define almost every word in the document. When they spoke about drugs, they defined what drugs were; when they spoke about drug use, they defined that; drug abuse, problem users, so that everybody was clear; everybody was very much sure when we were communicating, exactly what we were talking about. We took time also to define what a minor was. A minor was someone under the age of 18 years and, therefore, could not at all enter the school compound with illegal drugs, with tobacco in this particular instance.

A support system was provided to all members of the school community to create a healthy environment. As I said, the student support services unit was put in place where we have got guidance officers, school social workers—as many as we can get on board, they have been out there looking at some of the challenges that exist in the school system.

So this policy spoke to the fact that the Ministry would afford fair and equal treatment to all offending students, all parents, guardians and staff. The policy

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spoke to the fact that they would treat all matters confidentially as they counselled students and parents. The policy spoke to the fact that procedural guidelines for students, teachers and school personnel who had violated rules and regulations, would be dealt with.

The policy also spoke about a prevention policy and there was a statement that was provided, because it was believed that prevention is the cornerstone of this antidrug programme and that the position of zero tolerance against drugs must be put in place and that that zero tolerance was to include all parents, teachers, all stakeholders; non-teaching staff, et cetera.

6.45 p.m.

The policy spoke from early childhood care until form 6 if it existed. It also spoke to teacher education because we thought that teachers must be able to identify factors that would lead to drug use, drug abuse and to help teachers to support the intervention and reorganize behavioural patterns of students; to guide students for appropriate choices and to change attitudes.

In many schools the policy went into place. Principals and teachers were given the document and through the student support unit, the programme was implemented. I remember visiting schools during Carnival time when there was a project with a pre-Carnival programme. Those were periods of high risk when we introduced a number of programmes in the schools, such as the Peace Promotion Programme, the Right Choices Programme and the Pre-Carnival Preparation Programme.

I remember visiting schools at that time to ensure that the schools were engaged in activities that would make it easy for the children to understand the dangers of cigarette smoking and other challenges that would come with it. It is one reason the Minister of Education instituted the Student Councils. When they were put into the school system one mandate was that the councils must engage the school population and work out some of their challenges and to speak to the school board and work out resolutions. How do we solve some of the challenges? If drug abuse is one, that would be put on the agenda.

While that was going on, for the sustainability of the programme the curriculum was looked at. At the primary level the ministry introduced the health and family life education curriculum, that speaks to the development of a good lifestyle, eating nutritious meals, exercising and doing the right things. In that kind of environment where the attitude is one of health and doing what is right, smoking should not be part of the choices. The curriculum spoke to making compulsory a moral and value education programme and the Physical Education Programme.

I have heard the Senator on the other side speak to the fact that some schools did not have recreation grounds. Since the Physical Education Programme is now compulsory, the schools are now attempting to put recreation grounds in place to support the Physical Education Programme. That programme is now compulsory throughout the system and examined at form 5 by CXC. There are over 700 schools and it is slowly getting in place. I am sure that in time to come, if not every school, schools in clusters will be able to have grounds. Not every school will have the land space around it. Schools in clusters will be able to have a common recreation ground. The new schools now have land space of five acres for the primary schools and about 20 acres for secondary schools. Recreation grounds are important to the new schools that are being developed.

After we had put the system in place in approximately 2002, we began a monitoring system as we developed and did more research. We developed a monitoring system and engaged Sen. Prof. Ramesh Deosaran. This monitoring of the school system began in 2003 and there was another survey in 2006. There is continuous monitoring as to what is happening in the system. Over 2,760 students from 20 schools were surveyed. Not only did they ask questions of parents, teachers and children, but they also observed. They observed the school compounds, the communities outside the schools, shops, parlours and residential areas to get a clear sense of how these children operated.

In his study on Benchmarking Violence and Delinquency in the Secondary Schools Towards a Culture of Peace and Civility, Sen. Prof. Deosaran in a comprehensive and professional report was able to show for the first time, through research that was done, the number of students who smoked in the schools and within the school compounds, as Sen. Sharma said. He discovered that 7 per cent of those interviewed smoked in school; 15 per cent smoked at home and a whopping 68 per cent said that they smoked at home and in school and never got caught.

At the end of his research, Sen. Prof. Deosaran concluded that there should be a fresh commitment to tackle this serious problem of school violence and delinquency and that was needed and needed now. There is a link with smoking, drug taking and violence. This was in 2006. For almost immediate action, Sen. Prof. Deosaran in his document recommended that the Government should review, renew and strengthen all legislation pertaining to school discipline. He also recommended that the relevant sections of the Education Act, 39:01 should be put into full force, especially when dealing with under age students who

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smoke, drink and gamble. They do that on the school compounds. Students should be informed about the penalties for possession and the use of illegal drugs, under age smoking and drinking and that the school environment must be a drug free zone.

Sen. Prof. Deosaran provided about 35 recommendations. Almost all those recommendations were accepted and implemented. To be able to monitor what was happening in the system, for the first time we put in place school security officers. These officers were hired to enforce the law.

In spite of all these changes—in the curriculum such as the Awareness and Education Programme; many projects and programmes throughout the year; the new law, the Education Act being upgraded; the fact that Government increased taxes on tobacco; the rising prices and several health warnings and statements especially on cigarette packages in this country—the amount of money spent on cigarettes kept increasing.

I quote the *Newsday* of April 12, 2007. This is a headline by Clint Chan Tack, “Puffing Profits”. Based on a statement that was made by the hon. Senator on the other side, I want to read this statement.

“The West Indian Tobacco Company (Witco) is not worried about any negative economic fallouts of a possible ban on smoking in public places. This confidence on the part of the country’s leading tobacco manufacturer could be attributed to its ‘smoking profits’ over the last five years. These figures were announced at the company’s recent annual general meeting at the Crowne Plaza Hotel in Port of Spain.

From 2002 to 2006, WITCO’s profits before taxation were approximately \$113 million”—

Then it moved to \$122 million approximately; then \$139 million approximately; then \$158 million and then \$194 million. It just kept moving up in spite of all that was being done to ensure that we were making a difference to tobacco and cigarette smoking in the school system.

“Even after tax those figures still looked healthy:”

Approximately \$76 million after tax; \$88 million the next year; \$98 million; \$115 million and \$143 million, respectively. In terms of domestic revenue from 2002 to 2006, from Trinidad alone, they got \$362 million in the first year; \$373 million; \$417 million; \$458 million and \$520 million. Mr. Chan Tack concluded, the profits made good reading.

We need to be concerned. We have tried everything as an awareness programme and a marketing programme as against tobacco and smoking. We put systems in place in the school system. We have had educational programmes around Carnival time. We have been persuasive and have had gentle reminders. We on this side feel that it is now important that we put some bite to all that we are doing.

7.00 p.m.

Mr. Vice-President: The hon. Senator's speaking time has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Hon. C. Enill*]

Question put and agreed to.

Sen. The Hon. H. Manning: Mr. Vice-President, thank you very much and thanks to all who approved. I am about to wind up.

We are saying that we need to put some bite into all we are doing to be able to help improve the quality of life of our young people—I stayed focused on the young people—to encourage them to ensure that they live healthy lifestyles so that they do not, at an early age, go off track. Our young people are really very important to us in this country and in any country, as we consider them our future leaders and as we think of growth and development. They are too precious to leave unattended.

I would like to ask all Senators on the other side to join with us to help us to put in place a system to curb the increasing use of tobacco, especially cigarette smoking, among the young people of this country; to ensure that there is effective enforcement of the existing laws prohibiting sales of cigarettes to minors; to ensure the enactment of legislation to make it an offence for adults to use minors to purchase cigarettes and other tobacco products, and to ensure that we prevent the employment of minors to sell or handle such products.

I call on all Senators to join hands to save our young people. Thank you very much, Mr. Vice-President.

The Minister of Health (Sen. The Hon. Jerry Narace): Mr. Vice-President, we have taken note of all the comments made.

I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Sen. The Hon. J. Narace: Mr. Vice-President, I beg to move that this Bill be referred to a special select committee of the Senate in accordance with Standing Order 51(1) and that the committee report to the Senate in 21 days.

I also beg to move that the Members of the committee be: Sen. The Hon. Jerry Narace, Sen. The Hon. Dr. Emily Dick-Forde, Sen. The Hon. Hazel Manning, Sen. Cindy Sharma and Sen. Dana Seetahal. SC.

Bill referred to a special select committee of the Senate appointed by the President as follows: Sen. The Hon. Jerry Narace, Sen. The Hon. Dr. Emily Dick-Forde, Sen. The Hon. Hazel Manning, Sen. Cindy Sharma and Sen. Dana Seetahal SC.

ADJOURNMENT

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. Vice-President, I beg to move that the Senate do now adjourn to Tuesday, November 25, 2008, which will be Private Members' Day.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 7.07 p.m.

WRITTEN ANSWER TO QUESTION

The following question was asked by Sen Cindy Devika Sharma:

National Plan of Action for Children (Details of Nutrition Drop-in Centres)

102. Sen. Cindy Devika Sharma asked the hon. Minister of Social Development:

With respect to the National Plan of Action for Children aimed at establishing nutrition drop-in centres in cities and main towns for homeless and street children, would the Minister indicate to the Senate:

- (i) the total number of centres established as at July 2008?
- (ii) the locations of these centres; and
- (iii) the number of persons who have benefited from the operation of these centres as at July 2008?

The following reply was circulated to Members of the Senate:

i. As at July 2008, the following organisations provided services to street children:

- The Credo Foundation for Justice

In partnership with the Ministry of Social Development, this organisation began its awareness-creating programme regarding children on the streets in 1994 and has expanded its services to address the different needs of its clients. This collaborative approach was further strengthened in 1996 with the establishment of:

- A Drop In and Development Centre (Credo Centre for Socially Displaced Boys) which provides meals, clothing, counselling and remedial services to children who live and/or work on the street. Where required, short-term night accommodation is provided. A Family Support System is also available to families of the children already on the street as well as to those at risk.

The Government of Trinidad and Tobago facilitated this initiative by purchasing a building for the operation of the Centre which opened in June 1997.

- The Aylward House – which is an extension of the Credo Centre for Socially Displaced Children and which began operations in February 2001. This facility provides temporary accommodation for young men who have returned to the education system but were not yet reintegrated with their families.
- The Sophia House – which began operations in January 2004 and which is geared towards the Empowerment of Young Girls who are living and/or working on the streets and living in abusive and/or degrading circumstances.

The Credo Foundation for Justice currently receives an annual subvention from the Ministry of Social Development in the sum \$482,856.00 for the operation of these three centres.

- The Young Men's Christian Association (YMCA)

The YMCA embarked on a project for street children in 1995 and has since broadened its scope to address youth at risk. The organisation acts as a drop-in centre for the rehabilitation of male street children and provides

them with counselling and training in life skills, numeracy and literacy. The Ministry of Social Development currently provides the YMCA with an annual subvention of \$156,000.00 per annum, approximately a 90 per cent increase over their previous subvention allocation of \$81,600.00.

- The Rainbow Rescue

This organisation targets male children who live on the streets and who may have been referred by the Courts, Social Services, the Police or family. The residential facility also provides services such as counselling and anger management that will assist the young men to reintegrate into society. This organisation receives an annual subvention from the Ministry of Social Development in the sum of \$242,252.00.

The Ministry of Social Development also provides financial assistance via subventions to a number of other organisations that work with and/or provide services including boarding and lodging for children in difficult circumstances or those at risk. These are as follows:

✓ The Child Welfare League	\$ 1,235,556.00
✓ Jaya Lakshmi Children's Home	\$ 60,000.00
✓ Ferndean's Place Children's Home	\$ 40,000.00
✓ Shelter for Women and Children	\$ 90,000.00
✓ Petherton Trust for Girls	\$ 1,380,072.00
✓ St. Dominic's Children's Home	\$ 9,500,000.00
✓ St. Mary's Children's Home	\$10,000,000.00
✓ St. Michael's School for Boys	\$ 8,000,000.00
✓ St. Jude's School for Girls	\$ 5,500,000.00
✓ Islamic Home for Children Inc.	\$ 40,000.00
✓ The Cyril Ross Nursery	\$ 200,000.00
✓ Hope Centre	\$ 25,000.00
✓ Mother's Union Children's Home	\$ 150,000.00
TOTAL	<u>\$36,220,628.00</u>

Altogether a total of \$36,220,628.00 is provided annually to such organisations.

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- ii. The facilities mentioned in Part (i) above operate in the following locations:

ORGANISATION	LOCATION
Credo Foundation for Justice	Port of Spain
Young Men's Christian Association (YMCA)	Port of Spain and Sangre Grande
Rainbow Rescue	Port of Spain
Child Welfare League	Arima, Barataria, Diego Martin, Port of Spain and Tobago
Jaya Lakshmi Children's Home	Chaguanas
Ferndean's Place Children's Home	Point Fortin
Shelter for Women and Children	Port of Spain
Petherton Trust for Girls	Moruga
St. Dominic Children's Home	Port of Spain
St. Mary's Children's Home	Tacarigua
St. Michael's School for Boys	Diego Martin
St. Jude's School for Girls	Port of Spain
Islamic Home for Children	Gasparillo
The Cyril Ross Nursery	Tunapuna
Hope Centre	San Fernando
Mother's Union Children's Home	San Fernando

- iii. The various children's homes and organisations that provide services for children in Trinidad and Tobago all treat with the issue of 'street children', to various degrees, through the provision of food, shelter, residential programmes and other rehabilitative services. However, given the transient nature of children living and/or working on the streets, it is difficult to disaggregate the available data to precisely identify the children that benefit from social interventions as particularly being 'street children'. The figures below present information on the three (3) major programmes which comprise services that most directly target street children.

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- The Credo Foundation for Justice

Over the period 2002 to July 2008, the Credo Foundation for Justice, via the operation of its three (3) facilities has treated with two-hundred and forty-eight (248) children, all of whom benefited from its range of services.

Long-term in-residence & development/ remedial programme	2002	2003	2004	2005	2006	2007	2008	TOTAL
Credo Drop-in and Development Centre	13	15	14	15	16	16	10	99
Aylward Transitional Facility	7	7	7	8	8	8	8	53
Sophia House Empowerment Centre (<i>est. 2004</i>)	-	-	15	19	24	22	16	96
TOTAL	20	22	36	42	48	46	34	248

It is estimated that two (2) to three (3) boys come to the Drop-in Centre on a weekly basis—often with repeat visits. Approximately fifty (50) parents/guardians/families are assisted on an annual basis under the facility's Parenting Skills & Support Programme. For the years 2002, 2004 and 2006, the Credo Foundation conducted an Income Generating Skills Programme which, over the period, benefited twenty (20), twenty-two (22) and nineteen (19) children respectively.

- The Rainbow Rescue

Ninety-one (91) children were housed at Rainbow Rescue during the period 2002 to July 2008. The following is a breakdown of the number of children that benefited from particular services at Rainbow Rescue throughout the period:

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- | | |
|--|----|
| ▪ Psychologist Counselling | 20 |
| ▪ Residents who were placed in the school system | 77 |
| ▪ Residents who are employed | 30 |
| ▪ Reunited with their family | 23 |
| ▪ Returned to the streets | 7 |
| ▪ Referred to a correctional institution | 3 |
| ▪ Relocated to a Special Home | 1 |
| ▪ Whereabouts unknown | 9 |
- The Young Men's Christian Association (YMCA)

The YMCA, under its Youth Outreach Programme, targets both out-of-school youth and socially displaced young persons in the 13—19 age group. Centres are operated in Sangre Grande and Port of Spain and offer educational, behavioural and rehabilitative as well as social services to the youth. Over the period 1995—July 2008 the organisation worked with 327 young persons to achieve the following outcomes:

- | | |
|---|-----|
| ▪ Returned to formal educational institutions | 242 |
| ▪ Presently employed | 49 |
| ▪ Migrated | 2 |
| ▪ Deceased | 5 |
| ▪ Cannot be contacted | 29 |