



REPUBLIC OF TRINIDAD AND TOBAGO

# Debates of the House of Representatives

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**OFFICIAL REPORT  
(HANSARD)**

THE HONOURABLE WADE MARK  
SPEAKER

THE HONOURABLE NELA KHAN  
DEPUTY SPEAKER

**Friday 13th December, 2013**

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*Leave of Absence**Friday, December 13, 2013***HOUSE OF REPRESENTATIVES***Friday, December 13, 2013*

The House met at 1.30 p.m.

**PRAYERS**[MR. SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, I have received the following communication: the hon. Prakash Ramadhar, Member of Parliament for St. Augustine, is currently out of the country and has asked to be excused from sittings of the House during the period December 12—22, 2013; hon. Winston Dookeran, Member of Parliament for Tunapuna, is also out of country and has asked to be excused from sittings of House during the period December 07—16, 2013. Mr. Colin Partap, Member of Parliament for Cumuto/Manzanilla and Mrs. Patricia Mc Intosh, Member of Parliament for Port of Spain North/St. Ann's West, have both asked to be excused from today's sitting of the House. The leave which these Members seek is granted.

**PAPER LAID**

Annual Report of the Criminal Injuries and Compensation Board for the period October 01, 2010 to September 30, 2011. [*The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal)*]

**SELECT COMMITTEE REPORTS****(Presentation)****Municipal Corporations and Service Commissions**

**The Minister of Tourism (Hon. Chandresh Sharma):** Thank you very much, Mr. Speaker. I wish to present the following report:

Twelfth Report of the Joint Select Committee of Parliament appointed to inquire into and report on Municipal Corporations and Service Commissions on a re-evaluation of the efficiency and effectiveness of the Statutory Authorities' Service Commission.

### Standing Orders Committee

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** It is indeed a pleasure to present the following report:

First Report of the Standing Orders Committee of the House of Representatives, Fourth (2013/2014) Session, Tenth Parliament. [*Desk thumping*]

#### ORAL ANSWER TO QUESTION

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** There is one question on the Order Paper, I will ask for a deferment of two weeks, please.

**Miss Cox:** Again?

**Mr. Hypolite:** Mr. Speaker, the hon. Leader of the House indicated on November 29 that this question would have been answered today.

**Mr. Sharma:** “And wha’ is de problem?”

**Mr. Hypolite:** All right. This is the second time that he is asking for a deferral. [*Crosstalk*] Can he indicate whether or not on that—[*Crosstalk*]

**Mr. Speaker:** Please, please, hon. Member.

**Mr. Hypolite:**—third occasion—[*Crosstalk*] whether or not we will definitely get that particular question answered?

**Mr. Roberts:** Definitely?

**Mr. Speaker:** Hon. leader?

**Hon. Dr. R. Moonilal:** Mr. Speaker, the Minister of National Security has a draft reply before him and they are finalizing this reply, and I am sure on the next occasion we will be in a position to respond.

**Mr. Sharma:** Excellent!

**Mr. Roberts:** What about the 120 questions—[*Interruption*]

*Oral Answer to Question*

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*The following question stood on the Order Paper in the name of Miss Donna Cox (Laventille East/Morvant):*

**Fire Tender Accident, Blanchisseuse  
(Details of)**

9. With respect to the fire tender which was involved in an accident in Blanchisseuse in November 2012, could the hon. Minister of National Security state:
- a) What was the exact date and approximate time of the accident?
  - b) When was the tender bought and at what price?
  - c) What was the book value of the tender at the time of the accident?
  - d) What is the total cost associated with the recovery of the wreck?
  - e) What payment has been made to the contractor to date and how much is outstanding?
  - f) What was the approval process involved in authorizing the payment?
  - g) Who authorized and effected the payment?
  - h) Under which Head and Sub-Head were payments made?

*Question, by leave, deferred.*

**BAIL (AMDT.) BILL, 2013**

[Second Day]

*Order read for resuming adjourned debate on question [December 06, 2013]:*

That the Bill be now read a second time.

*Question again proposed.*

**Mr. Speaker:** The hon. Leader of Government Business and the Minister of Housing and Urban Development, and Member of Parliament for Oropouche East, was on his legs when we last adjourned. He has 32 minutes of original speaking time remaining.

**Hon. Dr. R. Moonilal:** [*Desk thumping*] Thank you very much, Mr. Speaker. It is a pleasure to rejoin the debate on a matter which occupied our attention a week ago: a Bill to amend the Bail Act, Chap. 4:60, piloted by the hon. Attorney General. On the last occasion, using a few minutes, I took the opportunity to deal

*Bail (Amdt.) Bill, 2013*  
[HON. DR. R. MOONILAL]

*Friday, December 13, 2013*

with a couple of matters in rebuttal to colleagues opposite who spoke before on this measure, notably the Member for Chaguanas West and the Member for Diego Martin North/East.

On that occasion, I reminded hon. Members that this measure before us, while being a very important matter and important piece of legislation for us in the Government, it is not the only initiative that the Government has adopted in combating crime and dealing with the very serious state of affairs in Trinidad and Tobago as it relates to the criminal elements, and particularly, homicide and gun-related violence. Mr. Speaker, I also pointed out that while the measure was before us and Members raised matters concerning its legality and constitutional properness, that these matters were matters that were dealt with before.

Today, in the time available to me, I want to give just a brief history of the evolution of Bail amendments dating back to 1994 coming to 2005, 2007, 2010, and today, in 2013, because let me begin by saying that amending the Bail Act is nothing new. This is an Act that has been amended on several occasions by several Governments, not only a Government of the Partnership or the United National Congress, but indeed, by my friends opposite when they sat in Government and represented the People's National Movement.

**Dr. Browne:** We had a Government then!

**Hon. Dr. R. Moonilal:** Mr. Speaker, I also want to indicate that—  
[*Interruption*]

**Dr. Gopeesingh:** A better one!

**Hon. Dr. R. Moonilal:**—when we look at the—[*Interruption*]

**Dr. Browne:** And the best is yet to come!

**Hon. Dr. R. Moonilal:**—crime figures for January 01 to November 30, 2013, and when we look as well at the data in a comparative sense from 2011/2012, this Government is pleased that there has been a 30 per cent decrease in serious crimes. [*Desk thumping*] Mr. Speaker, this Government is not pleased and is not happy that we have not seen a corresponding decrease in the rate of homicide murders.

But, Mr. Speaker, just for the record—I need to place on record that during the period 2011—2013, we have seen reduction in such offences as wounding and shootings: in 2011, 507; 2012, 541; 2013; a 12 per cent decrease. In terms of rape, incest and other sexual offences, we have had a 44.9—a 45 per cent decrease in



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that category of serious crimes; rapes, incest and other sexual offences. In terms of an offence, serious indecency, we “have had a 30 per cent decrease; burglaries and break-ins, 33 per cent decrease: 2011, 3,908; 2012, 4070; 2013, 2,717. A decrease of 33 per cent in burglaries and break-ins is nothing to sneeze at. [*Desk thumping*] That is a serious decrease in a serious offence that touches ordinary citizens, members of the business community, ordinary householders and so on.

Mr. Speaker, in terms of robberies, we have moved from 3,416 in 2011 down, today, 2013, to 2,713—a decrease of 34 per cent. General larceny decreased by 30 per cent; larceny on dwelling houses decreased by 34 per cent. Murder, however, homicide rate, when we do the comparative: 319 in 2011; 355, 2012; 364 as at November 30, 2013. That is a data that we are not happy with at all. There is a 2.5 per cent increase.

I confronted that reality to say that this Government is not pleased at all; that the decrease in total serious crimes together was 30 per cent but yet we could not find a corresponding decrease in homicide rate. So there is much more to be done; much, much more to be done; 364 is certainly not a place that we would like to be. Now, this is not the half of “ah” 1,000 that we experienced in 2008, 2009 or thereabout. The murder rate, I think, was 576—[*Interruption*]

**Mr. Sharma:** Five seven under the PNM.

**Hon. Dr. R. Moonilal:**—in 2009 or thereabout. So, while we have moved from 576 down to 364, that to us, is not pleasing, it is not a happy movement—[*Interruption*]

**Hon. Member:** That is right.

**Hon. Dr. R. Moonilal:**—we would wish that to be much lower.

But, Mr. Speaker, we also take note that the strategies, the anti-crime initiatives, the work of the protective services appear to be reaping rewards as it relates to other serious crimes, and homicide is a serious crime. But, in terms of the other crimes and offences, it appears that the work of the police and the relevant authorities would be working and our crime strategies are bearing fruit.

But, having said that, we acknowledge that when you look at crime data, homicide is generally the barometer, the indicator, the litmus test of crime, but the person who conducts his business on a daily basis and will not suffer from a burglary, a break-in, a robbery, Mr. Speaker, that person is protected. Persons who are not victims of wounding and shootings are protected. Persons who may

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not be victims of rape, incest, other sexual offences are protected, but much more, we agree, has to be done and will be done in the coming year to deal with the homicide rate.

**Hon. Member:** “Um-hmm.”

**Hon. Dr. R. Moonilal:** Mr. Speaker, the measure before us attempts to deal with several offences that I have already listed. It attempts to deny bail to persons who were convicted within the last 10 years of an offence listed in this amendment, and there are several offences listed here, including larceny of a motor vehicle, arson, gang membership, participation in criminal activity, possession of bulletproof vest, firearm and so on.

Mr. Speaker, also other offences listed in Part II: robbery, robbery with aggravation, violence, demanding money with menace, rape, grievous sexual assault—several offences, including offences with the use of a firearm or ammunition. So, this is one attempt, one initiative, to assist in dealing with the problems we face today—the crime rate.

**1.45 p.m.**

Mr. Speaker, hearing our colleagues opposite they had really two or three points to raise and all their speakers invariably will repeat those two or three points. And I wanted to separate them and deal with them one by one, or individually. The Member for Diego Martin North/East—the Opposition had two speakers last week, Mr. Speaker. The Member for Chaguanas West is a Member of your Opposition.

**Hon. Member:** He is not a member of the PNM.

**Hon. Dr. R. Moonilal:** You are not a member either. Mr. Speaker, they raised the matter of the constitutionality and the policy of the measure. Mr. Speaker, as I said before, since 1994, this Parliament has been engaged, in one way or another, in dealing with measures to prevent bail, to ensure that persons accused are denied bail. And you know, Mr. Speaker, in going through my research and so on, I could not help but take a quotation from a gentleman deceased—may his soul rest in peace, Mr. Speaker—but it was in 1994 that then Attorney General and Minister of Legal Affairs, the hon. Keith Sobion—the late Keith Sobion—in piloting a Bail Bill in 1994, the former Attorney General, Keith Sobion had this to say.

**Hon. Member:** The PNM Attorney General.

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**Hon. Dr. R. Moonilal:** He said—the PNM Attorney General, Mr. Speaker, he said:

“There is a dearth of statutory guidelines governing the exercise of judicial discretion for granting bail in such proceedings. Whilst it...”

And this, Mr. Speaker, is August 12, 1994, Friday. Mr. Sobion said:

“Whilst it is clear that the bail decision must ultimately be discretionary, the identification of relevant criteria in legislative form would be of assistance to judicial officers in making an informed and rational decision.”

**Hon. Member:** Right.

**Hon. Dr. R. Moonilal:** The—“...first purpose...”—Mr. Speaker, of his Bail Bill in 1994—“...is to provide a statutory framework and guidelines whereby judicial officers can be guided...”—[*Interruption*]

**Mr. Roberts:** Ahh.

**Hon. Dr. R. Moonilal:**—“...in exercising their discretion...”—[*Interruption*]

**Mr. Roberts:** Ahh.

**Hon. Dr. R. Moonilal:**—“...in the grant of bail.”

**Mr. Roberts:** Yes.

**Mr. Sharma:** Repeat it, repeat it.

**Hon. Dr. R. Moonilal:** Now, Mr. Speaker—[*Interruption*]

**Mr. Roberts:** That was an intelligent PNM.

**Hon. Dr. R. Moonilal:**—Mr. Sobion, as all would know, was something of a legal scholar and I could not put it better myself, Mr. Speaker.

**Mr. Sharma:** That was a legal scholar.

**Hon. Dr. R. Moonilal:** He said:

“The second purpose... is to strike the right balance between, on the one hand, the principle that no one should be deprived of his liberty unless and until his guilt is proved and, on the other hand, the community interest that...”—[*Interruption*]

**Mr. Roberts:** Ahh.

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**Hon. Dr. R. Moonilal:**—“...persons accused of criminal offences should not easily avoid trial, and that no one is released who cannot be released on bail with comparative safety.”

Mr. Speaker, the hon. Attorney General at the time recognized the role of the Parliament and the Legislature in providing guidelines—[*Interruption*]

**Hon. Member:** And assistance.

**Hon. Dr. R. Moonilal:**—and assistance to the judicial officers to govern the decision on the grant of bail. It was Mr. Keith Sobion.

**Hon. Member:** Well said there Rudy.

**Hon. Dr. R. Moonilal:** Mr. Speaker, to move from a quotation from the hon. Keith Sobion to a quotation from the Member for Diego Martin North/East is really—[*Interruption*]

**Mr. Sharma:** Chalk and cheese.

**Hon. Dr. R. Moonilal:**—a disservice—[*Interruption*]

**Mr. Sharma:** I agree.

**Hon. Dr. R. Moonilal:**—to history. But, Mr. Speaker, I want to quote from the Member for Diego Martin North/East when he stood last week—Friday December 06, 2013. He said, and I quote:

“The statements made by the Attorney General, the inaccurate statements made by the Attorney General were so numerous...”—to mention—“...but I would start immediately by”—saying—“that I was present at one of the ‘anti-crime discussions’ where the Attorney General told us that it was the intention of the Government to introduce legislation to—limit bail in situations where persons had one previous conviction, and we told him clearly, unambiguously, emphatically, in unison that we will not support this legislation.”

**Hon. Member:** That is true.

**Hon. Dr. R. Moonilal:** Mr. Speaker, so says the Member for Diego Martin North/East, Friday December 06, 2013. But when I looked at the report of the Joint Select Committee established to consider and report on the Anti-Gang Bill, 2010 and the Bail (Amdt.) Bill, 2010, a document of this House, a Joint Select Committee was established, which included, Mr. Speaker, the Member for Diego Martin North/East.

**Mr. Imbert:** That was another Bill. [*Laughter*]

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**Hon. Dr. R. Moonilal:** Mr. Speaker, there was a Bail (Amdt.) Bill, 2010 to deal with the gang legislation.

**Mr. Imbert:** That was another Bill.

**Hon. Dr. R. Moonilal:** And, Mr. Speaker, this also provided for one strike and you are out and the Member signed the Bill in agreement.

**Mr. Imbert:** If you are in a gang.

**Hon. Dr. R. Moonilal:** And supported—[*Interruption*]

**Mr. Imbert:** Stop being so—[*Inaudible*]

**Hon. Dr. R. Moonilal:**—a measure of one strike, you are out.

**Mr. Imbert:** If you are in a gang.

**Hon. Dr. R. Moonilal:** And I want to read from this measure, Mr. Speaker, the Bail (Amdt.) Bill, 2010 that accompanied the gang legislation. It said:

“A Court shall not grant bail to a person who is—  
charged with an offence listed...”—in the particular—“...Schedule...”

And so on, Mr. Speaker. And, Mr. Speaker:

“...who has, in relation to...”—listed offences—

“...been convicted of at least on one such offence within the last ten years...”—[*Interruption*]

**Mr. Roberts:** Ohh!

**Hon. Dr. R. Moonilal:**—“...whether the conviction was for an offence arising...”—or not. [*Crosstalk*] Mr. Speaker—[*Interruption*]

**Mr. Roberts:** “Yuh ketch him.”

**Mr. Imbert:** “Whuh bout the and part.”

**Hon. Dr. R. Moonilal:**—“at least two pending charges for such offences...”

**Hon. Member:** Ahh.

**Mr. Imbert:** At least two pending charges.

**Hon. Dr. R. Moonilal:** But has been convicted already of one.

**Mr. Roberts:** One—convicted.

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**Hon. Member:** Story done.

**Hon. Dr. R. Moonilal:** So they supported—*[Interruption]*

**Hon. Member:** You—*[Inaudible]*—once again.

**Hon. Dr. R. Moonilal:**—a measure, Mr. Speaker—*[Interruption]*

**Mr. Imbert:** Nonsense.

**Hon. Dr. R. Moonilal:**—they supported a measure—*[Interruption]*

**Mr. Imbert:** Read the whole thing.

**Hon. Dr. R. Moonilal:** But I am reading it, I told you.

**Mr. Imbert:** Read the “and”.

**Hon. Dr. R. Moonilal:** The—*[Interruption]*

**Dr. Rowley:** And.

**Mr. Imbert:** And.

**Hon. Dr. R. Moonilal:** It has “or” not “and”.

**Mr. Roberts:** Ahh.

**Hon. Dr. R. Moonilal:**—“at least two pending charges for such offences but the offences, but the offences...have arisen out of separate transactions...”

**Mr. Imbert:** And it is a gang offence. *[Crosstalk]*

**Hon. Dr. R. Moonilal:** Mr. Speaker, but the gang offences also deal with other criminal offences.

**Mr. Imbert:** Crazy, crazy.

**Hon. Dr. R. Moonilal:**—“possession of bullet-proof vest, firearm...”—*[Interruption]*

**Hon. Member:** Busted.

**Hon. Dr. R. Moonilal:**—“...ammunition...”—*[Interruption]*

**Mr. Imbert:** As a member of a gang.

**Hon. Dr. R. Moonilal:** So they supported a measure where you had one conviction.

**Hon. Member:** One strike and out.

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**Hon. Dr. R. Moonilal:** They supported that; one conviction. And then came last week and say, “Look we not supporting this at all”; unconstitutional, against the law.

**Mr. Roberts:** Yes.

**Hon. Dr. R. Moonilal:** But, Mr. Speaker, the fact that you have pending charges means that person may be innocent of those offences.

**Hon. Member:** Exactly

**Hon. Member:** Um-hmm.

**Hon. Dr. R. Moonilal:** You could have two pending charges, you could have ten, you could have none. You are innocent of those charges. But where you have been convicted of at least the offence, they agreed, Mr. Speaker, with the Bail (Amdt.) Bill that accompanied the gang legislation.

**Hon. Member:** When was that—[*Inaudible*]

**Hon. Dr. R. Moonilal:** They agreed with this, Mr. Speaker, and they signed.

**Mr. Roberts:** “Now they flip-flopping.”

**Hon. Dr. R. Moonilal:** And now, Mr. Speaker, they flip-flop. They come to tell us “we not agreeing with that”. This was February 28, 2011, signed by the Member of Parliament for Diego Martin North/East, Mr. Speaker—[*Interruption*]

**Mr. Roberts:** Oh my goodness. [*Crosstalk*]

**Hon. Dr. R. Moonilal:**—who agreed that in the Bail (Amdt.) Bill, to the gang legislation, one strike and you are out.

**Mr. Imbert:** “If you in a gang.”

**Mr. Roberts:** Yes.

**Hon. Dr. R. Moonilal:** Okay, “so you in a gang”—so you agree that there are conditions—[*Interruption*]

**Mr. Imbert:** And two charges.

**Hon. Dr. R. Moonilal:**—that will merit one strike and you are out.

**Mr. Roberts:** Exactly.

**Hon. Dr. R. Moonilal:** Okay—[*Interruption*]

**Mr. Imbert:** And two charges.

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**Hon. Dr. R. Moonilal:**—I will take it from there. I will take it from there.

**Mr. Roberts:** Good thing—*[Inaudible]*

**Hon. Dr. R. Moonilal:** So the Member agreed—*[Interruption]*

**Mr. Roberts:** You—*[Inaudible]*

**Hon. Dr. R. Moonilal:**—that in certain circumstances, one strike and you are out.

**Mr. Roberts:** Yes.

**Hon. Dr. R. Moonilal:** Last week he came and say “the Attorney General told us the intention of Government to limit bail in situations where persons had one previous conviction and we said no, we not supporting that”.

**Mr. Roberts:** Unconstitutional.

**Hon. Dr. R. Moonilal:** And unconstitutional.

**Mr. Roberts:** Yes.

**Hon. Dr. R. Moonilal:** But it was not unconstitutional in the Bail Act in 2011. *[Desk thumping]* It was not unconstitutional then when you did it, *[Desk thumping]* when you supported it.

**Mr. Imbert:** It is not the same thing.

**Mr. Roberts:** No wonder you—*[Interruption]*

**Hon. Dr. R. Moonilal:** Mr. Speaker, so if we throw in another condition, that you have three pending charges, what—it becomes constitutional?

**Mr. Imbert:** I spoke about that.

**Hon. Dr. R. Moonilal:** It becomes constitutional because you are charged?

**Hon. Member:** Yeah.

**Hon. Dr. R. Moonilal:** It cannot be. You are accused. You are innocent until proven guilty.

**Mr. Roberts:** Exactly. Correct.

**Hon. Dr. R. Moonilal:** So where did the constitutionality come between 2011 and 2013?

**Mr. Roberts:** No wonder he—*[Inaudible]*



**Hon. Dr. R. Moonilal:** Where did that come from? If you agreed in 2011 and on a measure to deny bail with one conviction, you disagree today but the accompanying conditions in 2011, Mr. Speaker, are charged, accused—not guilty, eh, accused. So, Mr. Speaker, this is really a key argument that the Opposition Members raised—*[Interruption]*

**Mr. Roberts:** Debunk.

**Hon. Dr. R. Moonilal:**—and, Mr. Speaker, there is no merit, simply put, in that argument. And since 2011 to today, I mean, “anybody take up the “matter””? Is there any constitutional motion? Did Lester Pitman address his legal mind to that issue, Mr. Speaker, *[Laughter]* 2011 to today? No! No. But today, will carry an argument to suggest that what we are trying to do is unconstitutional.

**Hon. Member:** “Do it nuh.” See what happens.

**Hon. Dr. R. Moonilal:** Mr. Speaker, there was another memorable moment in our parliamentary history that I wanted to draw to your attention, Mr. Speaker.

**Mr. Roberts:** When North/East lost?

**Hon. Dr. R. Moonilal:** Since 1994 to today many spokespersons on law enforcement from the PNM have supported amendments to the Bail Act that removed the right to bail. They have always supported that. In fact, they were quarrelling with the UNC previously about this matter, Mr. Speaker. They were quarrelling.

Mr. Speaker, there was of course another matter of a Bail (Amdt) Act, 2005, dealing with kidnapping and so on and then Attorney General, John Jeremie, piloted this matter. I just want to read into the record some of his statements.

**Mr. Roberts:** “Whuh party he from?”

**Hon. Dr. R. Moonilal:** Former Attorney General, John Jeremie, Friday December 16—*[Interruption]*

**Hon. Member:** PNM.

**Hon. Dr. R. Moonilal:**—2005.

**Hon. Member:** “I doh know who you trying to convince.”

**Hon. Dr. R. Moonilal:** On a Bail (Amdt.) Bill, Mr. Speaker, he said:

“Prior to the enactment of the Bail Act 1994, the law relating to bail in criminal proceedings was to be found partly in the common law and various statutes. There was no single piece of legislation dealing...with the subject.”

And he reminded us that:

“The necessity for legislation was grounded, not in the right of the individual to bail, but in the right of the society to rational decision by judicial officers in criminal matters where error could cost innocent lives.”

Former Attorney General, John Jeremie, reminding us of the role of legislation, of amendments, Acts of Parliament, to provide, Mr. Speaker, for rational decision by judicial officers, because the former Attorney General of the PNM understood clearly the importance of such a measure. He understood clearly.

And he spoke, Mr. Speaker, in glowing terms about that balance that would be required and quoted several judgments in the United States as well, to deal with policy guiding bail. It is not necessary to read back into the record his statements, but to make the point that legislation has a role in providing guidelines; in providing for a rational decision in all our circumstances. That is a critical matter.

Mr. Speaker, in that debate for the 2007 bail amendment, certain issues were raised, and I believe there were issues of constitutionality, raised by no less a person than the then Member of Parliament for Tabaquite—the Member of Parliament who went on at some time in his career to launch a political party to contest elections at different points, the very member of Parliament who—*[Interruption]*

**Mr. Roberts:** He lost his deposit?

**Hon. Dr. R. Moonilal:** Quite a few—”he lost ten deposit in one election” but, Mr. Speaker, the then Member of Parliament who had a lot to say on this measure. And, Mr. Speaker, the Member of Parliament for Tabaquite then had raised this issue of constitutionality and rebutting him was the Member for Diego Martin North/East—*[Interruption]*

**Mr. Roberts:** Orhh.

**Hon. Dr. R. Moonilal:**—who rebut him—*[Interruption]*

**Hon. Member:** Let us hear what he said.

**Hon. Dr. R. Moonilal:**—Mr. Speaker. And he indicated:

...that the matter of the constitutionality does not arise...—[*Interruption*]

**Mr. Roberts:** Oh good.

**Hon. Dr. R. Moonilal:**—...since the Government was using a special majority to pass the legislation.

**Mr. Roberts:** “Oh good”.

**Hon. Dr. R. Moonilal:** ...and recognizing that while we are tampering with section 4 and 5 of the Constitution, our fundamental rights, the Parliament can and as they did before, alter the Constitution with the requisite majority. *Interruption*]

**Mr. Roberts:** Great research.

**2.00 p.m.**

Mr. Speaker this was in a response to the Member of Parliament for Tabaquite—former Member—who is an attorney-at-law and would have had special experience in the criminal jurisdiction as well. So you see, Mr. Speaker, the point I am making is, when they sat in Government they understood the importance of this measure. Now they are in Opposition, they will pretend, Mr. Speaker, that they do not understand it; that there is no merit in a policy of temporarily denying bail, temporarily denying bail.

You see, Mr. Speaker, they will change their tune because they happen to be on the next side. But when the Member for Tabaquite raised those very issues of constitutionality they rebutted and in fact, the Member for Diego Martin North/East said: “We intend to vote today. We intend to vote today with the majority.”

**Mr. Imbert:** “What Tabaquite saying dey?”

**Hon. Dr. R. Moonilal:** You see, Mr. Speaker—but you should know what he said, he is your platform partner. I understand he was the platform partner of the Member for Diego Martin West. You all were somewhere in St. James, by the roti vendor up there in a meeting at some time; the former Member for Tabaquite. So the Member for Diego Martin West must be aware of his thinking.

**Mr. Roberts:** He was having food.

**Hon. Dr. R. Moonilal:** Yes, Mr. Speaker.

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**Mr. Imbert:** It was Woodbrook.

**Hon. Dr. R. Moonilal:** You see, and I want to remind the Member for Diego Martin North/East—[*Crosstalk*]

**Hon. Member:** Woodbrook?

**Hon. Member:** Independence Square?

**Hon. Member:** No, St. James.

**Hon. Dr. R. Moonilal:**—no, but they were always—[*Interruption*]

**Mr. Roberts:** Ken Gordon?

**Hon. Dr. R. Moonilal:** No, I am not going there. The Member for Diego Martin North/East, just for your record you could go and check because you are very good with googling. January 18, 2008, your statement in the Parliament on the Bail (Amdt.) Bill.

**Mr. Roberts:** Google yourself.

**Hon. Dr. R. Moonilal:** This is what you have to say. Let me just repeat it for him because last week Friday you did not remember what you said before and I quote you.

**Mr. Roberts:** Read it with arrogance eh.

**Hon. Dr. R. Moonilal:** “...at this point in time the Government is satisfied that the due process provisions in the legislation, namely, the right of a person to be brought before the court with prosecution commencing within 60 days of the reading of the charge, and if that does not happen the person is entitled to make an application to a judge in chambers for bail—we are of the view that that satisfies the test in the Constitution, that you are not to be denied your fundamental rights and freedoms except without due process.”

And that was one.

“That is our view at this point in time. So, we do not agree with the point made by the hon. Member for Tabaquite that this legislation is in fact altering the Constitution and requires two-thirds majority. We are of the view that our three-fifths majority—which we have, all 26 PNM Members are here today—is adequate to pass this Bill...”

**Mr. Imbert:** Was.

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**Hon. Dr. R. Moonilal:** “We are of the view that it simply infringes sections 4 and 5 of the Constitution...”

**Mr. Roberts:** Read it with more arrogance.

**Hon. Dr. R. Moonilal:** I cannot read with more arrogance. The Member for Diego Martin North/East can do that:

“and the due process provision deals with the point made by the Member for Tabaquite.”

And then he went after the then Member for Princes Town North.

**Mr. Roberts:** Oh God!

**Hon. Dr. R. Moonilal:** And then you did not stop there. You went after the Congress of the People;

**Mr. Imbert:** Well that is fair. [*Laughter*]

**Hon. Dr. R. Moonilal:**—all in a bid to tell them you support one strike and “yuh out”, Mr. Speaker; all in a bid to do that, the Member for Diego Martin North/East. But this happens when people over-talk in Parliament “yuh know”, Mr. Speaker.

**Mr. Imbert:** Kidnapping!

**Hon. Dr. R. Moonilal:** So, okay it is kidnapping. Oh now we understand—  
[*Interruption*]

**Mr. Roberts:** So murder, rape and the convicting—

**Hon. Dr. R. Moonilal:**—so the gun-related offences, those offences, listed here, the issue is the offence. So for kidnapping we will have one strike and you are out, no bail, but for other criminal offences rape, and so on, it is okay, you can go back out.

Mr. Speaker, I would leave it right there because I think the record is there. We have read from their arguments of 2006, 1994, 2007, under their own administration. And listen, there are quotations here from the former Senator, I think he is now into private life;

**Mr. Roberts:** Fitzgerald Hinds.

**Hon. Dr. R. Moonilal:**—attorney-at-law “Fitzgeneral”—what is his name? Fitzgerald Hinds. Mr. Speaker, he is now an attorney-at-law in private life. I can make some—[*Interruption*]

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**Hon. Member:** Poor Fitz.

**Hon. Member:** He is a temporary Senator. What a shame!

**Hon. Dr. R. Moonilal:** No, he is a temporary Senator. He was fired one day and returned the next week as a temporary Senator. That fella has devalued shame. [*Desk thumping and laughter*]

**Mr. Seemungal:** Grovelling, grovelling.

**Hon. Dr. R. Moonilal:** He has devalued shame. Yeah. I mean, and then sit next to a guy who got “400 vote in ah election, who loss he deposit 20 time in one election.” But, Mr. Speaker, let me move on.

**Mr. Roberts:** Move on, move on.

**Hon. Member:** You have said that en passant.

**Hon. Dr. R. Moonilal:** And do not distract me. [*Interruption*] You learnt nothing in South Africa; nothing. “Man conduct yuhself with some—”

**Mr. Roberts:** Yes man.

**Hon. Dr. R. Moonilal:** “—some of Mandela’s.”

**Hon. Member:** The addresses, “doh” look at the addresses.

**Mr. Roberts:** “Remember yuh rebrand.”

“**Hon. Dr. R. Moonilal:** He rebrand what? “Dey waste \$500,000 on he.” [*Desk thumping*] Mr. Speaker, I want to raise another matter concerning the prison. “Dah Rowan Sinanan money dey waste.” [*Continuous crosstalk and interruption*] Mr. Speaker, please, please. [*Laughter*]

**Mr. Speaker:** Yes, I know that we are approaching the festive season, so Members are somewhat in a merry mood but I would ask Members, and so on, to allow the Member for Oropouche East and Minister of Housing and Urban Development to speak in silence, in accordance with Standing Order 40(b) and (c), respectively. Continue, hon. Minister.

**Hon. Dr. R. Moonilal:** Thank you so much, Mr. Speaker. Another area that has attracted attention from Members opposite is a real problem of those conditions existing at the Remand Yard at our nation’s prisons.

The Government, quite recently, appointed Prof. Ramesh Deosaran, prominent social scientist, to conduct a report which Prof. Deosaran and his committee completed a comprehensive report in record time on the problems

affecting the prison sector. Mr. Speaker, it is this Government that appointed a commissioner—an Inspector of Prisons who conducted the most comprehensive report, I think it is Daniel Khan, a most comprehensive report ever, a voluminous report, that gave us a deep and comprehensive insight into conditions at the prison. It is known.

Those conditions at the prison did not begin on May 24, 2010. It did not begin there. Those conditions arise from years and years and years of neglect, years of policy failure.

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member has expired.

*Motion made:* That the hon. Member's speaking time be extended by 30 minutes. [*Hon. E. McLeod*]

*Question put and agreed to.*

**Hon. Member:** You may continue, hon. Member.

**Mr. Roberts:** Continue to destroy him.

**Hon. Dr. R. Moonilal:** Thank you very much. So Mr. Speaker, Prof. Deosaran came in with his report. Now what do we do? There have been several reports over the years. Persons have visited the prison and have made vivid accounts of what they have seen. I do not think it is necessary that everybody go to the Remand Yard to tell us how bad it is. We could take their word for it. We do not think they are lying. What do you do is the issue.

Having received the report from Prof. Deosaran, the Cabinet then moved to appoint a technical team to fast-track the implementation of the decision of the Cabinet in accepting the report of the special prisons committee. So what we are saying is that Prof. Deosaran came in with a report. Let us not put that report on the shelf to get dust and cobweb and so on and next year, when we have a problem, we go back and say well let us do a next report. Prof. Deosaran was very passionate when he recounted the scenes that confronted him at the prison and we do not want to send back Prof. Deosaran there again. But for that work, we owe it to “the committee, to the nation and to all citizens, including those who are incarcerated, to take steps to improve the conditions there.

Mr. Speaker, a commitment was made by the hon. Minister of Justice, Sen. Emmanuel George, in this very House, that the Government will implement and will appoint an implementation committee to deal with the recommendations of

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that report and the committee has been appointed by the Cabinet and that committee will be chaired by Sen. The Hon. Emmanuel George. The committee includes Mrs. Melba Didier, Permanent Secretary, Ministry of Justice; Mr. Martin Martinez, Commissioner of Prisons; Mr. Conrad Barrow, Deputy Commissioner of Prisons; Miss Jearlean John, Chief Executive Officer of the Trinidad and Tobago Housing Development Corporation; Mr. Richard Lewis, member of the Council for Competitiveness and Innovation; Mr. Peter Kanhai, Chairman of the Sports and Culture Board of Management; Mr. Wayne Chance, President, Vision on Mission; and Mrs. Nadia James-Reyes Tineo, Director of the Legal Department, Ministry of Justice.

This implementation committee is meant to look at that report and fast-track the implementation. So if there is a recommendation—as there is—to purchase 300 beds, this committee has to report weekly on what is happening, how are you procuring, when are we expecting those beds. If there is a recommendation—as there is—to purchase new bulletproof vests, what they refer to now as stabproof vests, there is a recommendation. This committee’s job is to ensure that they purchase those bulletproof vests/stabproof vests.

Mr. Speaker, there is another recommendation. We are aware of it. Everybody will tell us, you go to Remand Yard and a cell for six people has 16 people and so on. We know it. We “doh” have to go there to see it. We know it.

Mr. Speaker, the correctional centre at Santa Rosa currently has, I believe, 150 convicted persons. That has been used as a facility to place those incarcerated who are on the verge of being released, one year or so. So if you are going to be released in a year, a year and a half, there are special programmes at that facility teaching life skills, trade, counselling and so on. At that correctional facility, it is the intention of the Government to expand in the skills, expand the life skills, expand the courses available to ensure that persons who are to be released, whether in a year, two years, three years, they can go there first to get some necessary skill, to get some necessary expertise, whether at an elementary level or otherwise, so that when they come back into the society, they can offer themselves somewhere for gainful employment. That correctional centre, it is possible to increase the number of persons there for the purpose of training and those persons will be persons who are earmarked to be released in the near future.

So when we do that, we expect in the short term that the Remand Yard facilities can be expanded because if you move people to Santa Rosa, who are going to be released, you will ensure you have more space to expand Remand Yard in the short term.



But Mr. Speaker, we have taken a decision already to construct a new prison facility at the Golden Grove location for a new prison for the Remand Yard prisoners. That decision has been taken by Cabinet but we know these decisions, they take time to implement. You have to design, conceptualize, procure properly and so on, get your project management in place. In the meanwhile, Mr. Speaker, the Santa Rosa facility can assist, not by moving prisoners on remand but by moving those who are likely to be released soon and you create more space.

Because you see last week, Mr. Speaker, Members opposite also made a big joke when the Member for, I think La Horquetta/Talparo—[*Interruption*]

**Mr. Seemungal:** Yes.

**Hon. Dr. R. Moonilal:**—was speaking about the skills available to persons. The Member opposite said: “If you on Remand Yard and yuh not convicted, yuh know, what skill yuh learning?” But this measure before us deals with persons who themselves have been convicted; they serve a time in prison and so many—the point we were making is that so many services are available, so many opportunities to gain skill, to reform and there are persons who have not—and maybe will not, for other reasons—availed themselves of the opportunity to rehabilitate. Those persons pose a clear and present danger to our society and it is those persons that we are attempting to deal with by the measure before us.

**2.15 p.m.**

So when my friend from La Horquetta/Talparo and the Attorney General spoke at length about the facilities available for skill enhancement and so on, they were laughing, Mr. Speaker, they were laughing. “Dey say in Remand Yard yuh teaching skill?” But they were dealing with persons who were convicted. They came out and they committed a crime again, similar, and they are charged for a similar offence. And this is what Opposition Members did not grasp, but it may well have been because the former Minister in the Ministry of National Security, with responsibility for rehabilitation, was the very Senator who was fired last week. So they may not have known of any progress in the area of rehabilitation.

But, Mr. Speaker, we assured last week that there are persons there entrusted to do that job. I had the opportunity to visit the Santa Rosa facility—myself—with the former Minister of Justice. I was amazed, it looked foreign to begin with, and when I passed around”, Mr. Speaker, I would have thought I was at “ah UTT Campus or ah UWI wing”, when I saw persons teaching those “sit down, you know, around ah table”, conference style, writing notes. I saw male and female teachers, or lecturers or tutors whatever they are called, and persons were in

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obedience, listening. There were about eight classes going on at the last time. The place was extremely clean, well kept, and Mr. Speaker, that is facility that one can expand for persons before they are released, so that they go there and avail themselves of opportunities because we have a commitment to that as well. But, Mr. Speaker, what happens to the people who do not take those opportunities? Do we allow them to come out and commit crime and commit crime? And, therefore, that is why we are here today. That is why we are here today.

So, Mr. Speaker, this measure is not a measure that is new in its nature. This is not a new policy that the Government has introduced suddenly. There is a policy since 1994 of using this amendment to the bail legislation as an instrument to deal with a surge in crime. We have done this before relating to kidnapping. We have done it before relating to offences under the gang legislation. Today we are here attempting to do it again relating to other offences that we believe to be serious, Mr. Speaker.

You see, Mr. Speaker, my friends opposite speak at length about the conditions at the Remand Yard, and how bad it is, and “yuh putting more people”, and more people going there, you know, as if when the people go there, they go as tourists and you keep them, Mr. Speaker. Persons are accused, they go there. We are trying to enhance the conditions; that is the objective, to enhance the conditions.

But, Mr. Speaker, we also need to spare a thought to those persons who are the victims. The families of persons killed, murdered, Mr. Speaker, the victims of crime. Members of the Opposition—the Members opposite do not express that sympathy, that care, that sincerity, that love for persons who are victims of crime. And we know persons are accused, they are not committed, they are not found guilty, we know that, and we take steps to improve that condition as well, and all the other matters affecting us in terms of the criminal justice system, but we must also spare a thought for the victims. We must spare a thought for what may be happening today. The Attorney General indicated—he brought real examples, flesh and blood examples, to tell us that these are individuals who commit crimes over and over again, on sometimes, the same people.

**Mr. Imbert:** “Yuh” mean more than once.

**Hon. Dr. R. Moonilal:** You see, Mr. Speaker—

**Hon. Member:** “Da is whey” it mean, over and over.

**Mr. Imbert:** More than once, right? This is not one time. That is more than one time.

**Hon. Dr. R. Moonilal:** So, Mr. Speaker, they will argue whether it is strike, one, two, three or ten, but spare a thought to the victims. We have a duty, the Government—the Parliament has a duty to protect citizens and in pursuance of that duty, we are here today to adopt a legislative measure. Mr. Speaker, in the measure before us there is a sunset clause, how long is it? Three years?

**Miss Cox:** Three years.

**Hon. Dr. R. Moonilal:** Mr. Speaker, so what we are saying is that this measure will be in effect for three years. Who knows if it does not work, if it makes no difference, if it is abused somehow, the next administration of the People's Partnership—

**Miss Cox:** Only one year remaining.

**Hon. Dr. R. Moonilal:**—the next administration, Mr. Speaker, will have an opportunity—[*Interruption*]

**Mr. Imbert:** What partnership?

**Hon. Dr. R. Moonilal:** It would not be your partnership.

**Mr. Imbert:** “Yuh mean de UNC?”

**Hon. Dr. R. Moonilal:** But you would not be here, whether you are in Government or Opposition, you would not be here. Mr. Speaker, all of “dem gone yuh know, dey just doh know it”. [*Laughter*] Well, all except the Member for St. Joseph, he will try again. Mr. Speaker, whatever administration is in place in three years—[*Interruption*]

**Miss Cox:** “Why yuh trying to talk PNM thing?”

**Hon. Dr. R. Moonilal:** Mr. Speaker, I do not get into PNM business.

**Mr. Roberts:** “Doh slap de man, yuh know.”

**Hon. Dr. R. Moonilal:** I do not get in—I only organize duck cook and table beating. I do not get into PNM business.

**Hon. Member:** “Take care yuh geh slap, you know.”

**Hon. Dr. R. Moonilal:** I do not get into PNM business. That is their business, but I can tell you, Mr. Speaker, apart from the Member for St. Joseph, it is unlikely anybody else will be here in the next Parliament.

**Mr. Imbert:** “So he going an win den?”

**Hon. Dr. R. Moonilal:** “Dai ‘is’ if he could make it. [*Laughter*]

**Miss Cox:** “Dat mean yuh sure he winning.”

**Hon. Dr. R. Moonilal:** He could be—he may be the only one nominated.

**Miss Cox:** “Dat means yuh sure he winning.”

**Hon. Dr. R. Moonilal:** Mr. Speaker—[*Interruption*]

**Hon. Member:** “He talking ‘bout nomination.”

**Hon. Dr. R. Moonilal:**—and you will see, because he speaks on everything, and I am sure he is going to speak on this, and when the tobacco come, “ah bet yuh he speaking too”, the Member for St. Joseph. In fact, every single Bill come to this House, the Member for St. Joseph will speak. [*Laughter*] I am sure. “Bill we eh know yet”, he will speak on it. [*Laughter*] Mr. Speaker—

**Mr. Roberts:** Bill Clinton, “he talking ‘bout.” [*Laughter*]

**Hon. Dr. R. Moonilal:**—because that is the strategy, you see. So, Mr. Speaker, the measure here will be up in three years. The measure will be up in three years, Mr. Speaker, and another administration will take a decision whether this is helpful or not. We have been guided. The police has advised, law enforcement agencies have advised, and they have advised us in this direction, Mr. Speaker, and we will try this. We have a duty to adopt serious measures.

You see, Mr. Speaker, one of the problems, you know, with this approach we have in this country is that there are some people, but certainly not all, who speak to us and you know, they give out a sense of hypocrisy. Everybody tells you take strong action, and when you take strong action, “dey say okay, yuh draconian”. [*Laughter*] Everybody tells you, you have to, you know, try new strategies, and when you try new strategies, “dey say but that cyar work”, you know.

**Hon. Member:** “It too hard.”

**Hon. Dr. R. Moonilal:** Because they want us to do the same thing.

Mr. Speaker, you know they can boast that they won three—is it three out of four?

**Mr. Imbert:** Yes, three out of four.

**Hon. Dr. R. Moonilal:** Well, I do not know which is the three because in Tobago none of them were there. So, Mr. Speaker, they are the only team—”yuh

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know” somebody opposite said, what? It is for *The Guinness Book of World Records* that the Government lost four elections in a row.

**Mr. Imbert:** That is a record.

**Hon. Dr. R. Moonilal:** But the other record is that the Opposition won three and remains in the Opposition. [*Laughter*] It is the first time anywhere in the world; they have won three elections and remained in Opposition. It is for *The Guinness Book of World Records*. [*Crosstalk and laughter*] You see, Mr. Speaker—[*Interruption*]

**“Mr. Roberts:** “Buh is you all start de talking. “Dey cyar take talk.”

**Hon. Dr. R. Moonilal:** “Dey win ah couple warm-up match and dey feel dey win de Ashes, dai is de problem.” [*Laughter, crosstalk and desk thumping*] The Member for Caroni East opened the bowling for Trinidad and Tobago already. He would tell you, “yuh could win de warm-up match, but yuh have no place in the test match”. So, Mr. Speaker, let “dem talk what dey want”. We have “ah” duty to take action, [*Crosstalk*] and in taking action, Mr. Speaker, we have a duty to take the tough measures and when you take tough measures you expect tough responses.

**Mr. Imbert:** “And yuh calling it warm-up.”

**Mr. Roberts:** Standing Order 40 (b) and (c).

**Hon. Dr. R. Moonilal:** Mr. Speaker, I want quote from somebody, the most unlikely person I would ever quote from in life, but it is here before me in red. The former Minister of National Security, Martin Joseph.

**Mr. Roberts:** Noooo!

**Hon. Dr. R. Moonilal:** I had written a letter of resignation for him at one time, [*Laughter*] and he did not take it then. Mr. Speaker, but Mr. Martin—well, former Sen. Martin Joseph, September 16, 2008 defended the Bail (Amdt.) Bill in 2008, and he said, he condemned the then Opposition, and he was condemning a Senator here, Sen. The Hon. Wade Mark, you know he attempted to deal with that Senator by telling the Senator, that this bail measure has nothing to do with our failure to improve the detection rate: —it was “the correct way to go”.

So that while Members opposite would like to think and advance that the Government is using this measure because there is a failure to deal with “detection, it was the most unlikely source that told us that it had nothing to do with detection rate, it had to do, Mr. Speaker, with confronting the runaway crime at the time; Sen. Martin Joseph—[*Interruption*]

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**Mr. Imbert:** When was this?

**Hon. Dr. R. Moonilal:** September 16, 2008, it came to the Senate after.

**Mr. Imbert:** How much elections—[*Inaudible*]

**Hon. Dr. R. Moonilal:** You see, Mr. Speaker,

**Mr. Imbert:** Six elections ago.

**Hon. Dr. R. Moonilal:**—and he, in fact—the Member, the former Minister regretted that after two years in office then or so, they were now bringing this measure. He said they should have brought it before, and he highlighted again the rampant crime at the time with gang-related offences, Mr. Speaker.

So that, Mr. Speaker, all of them whether it was Sen. Jeremie; Sen. *Sobion*, deceased; Sen. Joseph; former Sen. Hinds; the Member for Diego Martin North/East, they all supported at one time or another measures like these.

**Dr. Gopeesingh:** Yes.

**Hon. Dr. R. Moonilal:** Today, they come to confuse people and to frighten people about Constitution. Where was the Constitution in 2007/2008?

**Hon. Member:** Ninety-four—[*Interruption*]

**Mr. Roberts:** “In Manning pocket.”

**Hon. Dr. R. Moonilal:** Where was it 2011, when you agreed—

**Mr. Imbert:** You lost—[*Inaudible*]

**Hon. Dr. R. Moonilal:**—with the Bail Bill related to the gang Bill that you can deny bail one strike and you are out?

**Mr. Imbert:** “Yuh” will lose this one.

**Hon. Dr. R. Moonilal:** But, Mr. Speaker, the Member for Diego Martin North/East, our friend from Diego North/East one of the most well-researched MPs in the House—[*Interruption*]

**Dr. Gopeesingh:** Yeah, give him that. Give him that.

**Hon. Dr. R. Moonilal:**—but who is always wrong [*Laughter and crosstalk*]*—*and you know, Mr. Speaker, they made the point last week and I want to indicate, they raised the Capital Stone Street Case with the Central Bank and so on, Mr. Speaker, that matter I understand is a matter being appealed at this time, so I prefer not to discuss that, but the matter is under appeal; that matter.

And, you know, every time they talk, they threaten, well, somebody will take to court, somebody will take to court, but that is the role of the court, to go to court. Mr. Speaker, the role of the court is to hear claims, and that may be why the SRC within recent times sought to improve the conditions of judges, and not the condition of the Member of Diego Martin North/East, Mr. Speaker. But more of that on another occasion. I do not want to pre-empt and anticipate another debate.

Mr. Speaker, let me in the few minutes left, I think 10 or so, indicate that in the coming days we expect in a few days, we will launch the NSCC, the National Coordinating Committee to deal—a council to deal with coordinating all the efforts of law enforcement officers. Sen. The Hon. Gary Griffith, Minister of National Security, will launch that national coordinating council that, Mr. Speaker, will coordinate all the branches of our security, and particularly security related to technology-driven instruments. We will launch that in a few days.

A few weeks ago I had the honour, along with the hon. Prime Minister, to open the Arima Police Station, [*Desk thumping*] for the people of Arima.

**Hon. Member:** Finally.

**Hon. Dr. R. Moonilal:** Mr. Speaker, that was promised in 2004 by the former Minister of Finance, then Prime Minister, the hon. Patrick Manning. In 2004, Mr. Manning promised in the budget the construction of the Arima Police Station. It was built in 2013 and opened by this Government; Arima. [*Desk thumping*]

Mr. Speaker, Piarco Police Station to be opened in January; by February, Maloney; by March, we go to somewhere down La Brea, I believe.

**Hon. Member:** Brasso!

**Hon. Dr. R. Moonilal:** Brasso—for the next eight months we can open a police station every month. [*Desk thumping*]

**Hon. Member:** “La Brea is ah good MP! Ah good MP!”

**Hon. Dr. R. Moonilal:** That is our commitment to improving the conditions for police officers, and St. Joseph is not left out. We have some work in St. Joseph to do, Mr. Speaker. We have some work in St. Joseph to do. [*Crosstalk*]

In Mayaro, I want to tell you, Mr. Speaker, the first leader of the PNM, Eric Williams went to Mayaro, but he was not Prime Minister, he was Premier, he went in an Austin Princess to Mayaro as Premier. He promised the people of Mayaro a fire station. A fire station “has started construction” under this Government. [*Desk thumping*] We are implementing not only our promise. We are implementing your promise.

**Mr. Peters:** “He promise we ah library too.”

**Hon. Member:** Dr. Williams must be—[*Inaudible*]

**Hon. Dr. R. Moonilal:** Dr. Williams promised the Mayaro fire station—

**Hon. Member:**—1966, aquatic centre.

**Hon. Dr. R. Moonilal:** Yes, Mr. Speaker, aquatic centre. He promised that. “We are building that in Couva.

**Hon. Member:** Yes.

**Hon. Dr. R. Moonilal:** So we have the police stations, we have the fire stations, because our police officers deserve the best. You see, Mr. Speaker, our police officers deserve the best. [*Continuous crosstalk*] They deserve proper conditions; members of the Trinidad and Tobago Police Service. It was under this administration that they got their \$1,000 a month allowance. Now I understand the municipal corporation officers will receive that. Mr. Speaker, we have done this for the police officers, for the army, all involved in fighting crime. We have provided more vehicles. I was told by someone on the contingent that in South Africa as well, the colour of the vehicles down there, the police colour, is what? Blue and yellow—in South Africa, their patrol vehicles.

**Mr. Roberts:** Where the Member for Diego Martin West was looking excited, in glee.

**2.30 p.m.**

**Hon. Dr. A. Moonilal:** We have increased the fleet in the police service—over 300 vehicles. We have brought on over 1,000 new officers, building police stations, ensuring visibility. [*Desk thumping*] This is why serious crime is down, but homicide requires more work because of the gang-related nature of that, the domestic violence and so on associated with a lot of the homicide.

We have to announce that a 30 per cent decrease in serious crimes outside of homicide is nothing to sneeze at. It is something that Government and the country will take stock of. Now, we have to put much more effort in dealing with homicide, clearly. But this Government has been able, in three and a half years, to reduce serious crimes by 30 per cent, but we are not happy there. We have a lot more work to be done.

I appeal, Mr. Speaker, in closing, to my friends opposite. This is a golden time we live in. It is a time with great inspiration to support the Government on this measure as we supported the former PNM administration on the anti-kidnapping



legislation and so on. Support us! Let us work together. Let us take these harsh decisions and let us see if it can bring the rewards.

The people who are being killed, who are being injured, who are the victims of crime, are members of your constituencies, members of ours. So, on crime and fighting crime, we cannot have politics. Politics could be elsewhere, I agree, but not on these issues because if you fail on these issues, it is your own constituents, maybe your own families who will suffer.

A few nights ago someone was killed, I believe, in a kidnapping attempt. This is something that cannot be tolerated and Governments, while it is easy and political to blame Government, blame police, blame everybody, we must also have a collective responsibility in the Parliament and this is a great moment to seize the opportunity.

Mr. Speaker, last night I had a great honour in receiving the Prime Minister. The hon. Kamla Persad-Bissessar, returned from South Africa last evening with her delegation after attending several events in South Africa to mark the memorial to the late Nelson Mandela.

I heard from the Prime Minister and I heard from the other leaders present, including the Member for Diego Martin West. You know what I felt, Mr. Speaker, that when they left on that aircraft and when they were coming back, they were not there. They never went to attend a funeral. They went on a pilgrimage. In fact, they spoke all like pilgrims, not mourners, because of the immensity, because of the vastness of that experience and what it meant to all individually and what it should mean collectively. I think, at a moment like this, when that type of unity and that type of cohesion abounds, we should seize this moment to make it real by supporting legislation which we believe can work and can help. [*Desk thumping*]

Colleagues opposite, we ask for this. There are other measures that will come in the new year. The Member for Diego Martin West has called not once, maybe on more than one occasion, for legislation dealing with tampering, jury tampering. It is something that is engaging our attention. That is an idea that came from the Member for Diego Martin West. It has been around, but he has been advocating that on two or three occasions.

We have listened. We listen and we are doing our own homework now to look at that issue to see if we can introduce that issue as well—jury tampering or tampering with judicial officers and so on, to create a higher level offence—apart from tampering with the witness, but members of a jury—looking at creating

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higher level offences so that again we can put the criminal elements on the back foot. That is what it is about, Mr. Speaker. The criminal elements must be on the back foot. We have to create a society where persons must believe that if they commit a crime they can be punished because we have provided enormous opportunity for rehabilitation.

The suggestion of the Member for Diego Martin West and Opposition Leader is a suggestion that did not fall on deaf ears. We are working on that and we hope, in the near future, in the new year, to provide some first policy document, a policy guideline and share with the Opposition and then move toward legislation and implementation.

So, Mr. Speaker, I ask my colleagues opposite to join us in supporting this measure. It is a measure that has its ancestry in their own legislation. We ask you to join us, and this, along with the other initiatives, we believe, can make a dent in the new year on serious criminal activity, including homicide. I thank you. [*Desk thumping*]

**Mr. Speaker:** The hon. Member for St. Joseph. [*Desk thumping*]

**Mr. Terrence Deyalsingh** (*St. Joseph*): Thank you, Mr. Speaker, for allowing me the opportunity to contribute on the Bail (Amdt.) Bill, 2013. I thank all speakers before because they have broadened the debate to such a “point that anything now is fair game. I begin by referring to our Constitution, especially when one reads our commencement part of the Constitution. When one reads the commencement, one gets the distinct impression that our Constitution is based on due process. Having said that, we also have the section 13 exceptions where we could come to the Parliament to pass a piece of legislation that contravenes sections 4 and 5 of the Constitution, which talks about our right to freedom, right to property and so on.

I also refer to section 75 of the Constitution, which speaks about Cabinet, and section 76 of the Constitution which speaks about appointment of Ministers. In this case, in this Bail (Amdt.) Bill, I will be referring specifically later on to the appointment of the Minister of Justice because when you look at the Minister of Justice and the Ministry of Justice, that person and that entity is solely responsible for the administration of the criminal justice system, which we are speaking about here today.

The purpose of this piece of legislation is to repeal subsections (2) to (10) of the Bail Act, Chap. 4:60 and to replace them with a new section. The Bail Act, as

other speakers have said—we have had nine amendments to date and today we are now debating the tenth amendment.

Mr. Speaker, allow me a couple minutes to lay some groundwork as my debate develops—this debate, and my points will be centred around the rule of law which speaks about no arbitrariness on the part of an Executive; that our law should not be arbitrary. This piece of legislation touches on separation of powers and I will not be referring to English cases when I talk about separation of powers, but two local cases which are critical to this debate.

I will be referring (1) to Justice Dean Armorer’s judgment in the matter of *Steve Ferguson v The Attorney General of Trinidad and Tobago*. In that judgment, which has since been appealed, delivered on Friday, April 05, 2013, she speaks about the presumption of constitutionality. So when we pass legislation, there is a presumption of constitutionality.

It speaks about separation of powers, which this piece of legislation is about. It speaks about due process of law and I started my contribution by saying that our Constitution is predicated on due process. It speaks also about the admissibility of material from *Hansard*. For the lawyers who know about this stuff, and especially my colleague there from Caroni Central who has just finished law, the old *Pepper v Hart* case comes in here. How does the Judiciary use the *Hansard* to determine what we actually mean and whether things are actually constitutional or not?

I also would be referring, Mr. Speaker, to the Stone Street Capital judgment, the Claimant, and the Attorney General of Trinidad and Tobago. And if you will permit me, very briefly—and I recommend this as compulsory reading for all of us who are going to debate on this—it talks about the separation of powers and I will be referring to it.

This piece of legislation speaks directly to the separation of powers, the three arms of the State—the Executive, the Legislature and the Judiciary. Before I go on, let me admit openly that our Whitehall model of Government, which we have inherited from the Westminster system, has inherently built into it, a weak separation of powers—that is a fact of life—especially between the Legislature and the Executive; and especially when you have a Legislature dominated by a strong Executive, as we have here now. It is an inherent feature of Westminster and Whitehall models of Government, as let us say opposed to the US model of Government where you do have a purer separation of powers, much purer separation of powers.

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Those are the weaknesses and strengths of separation of powers that we have throughout the Commonwealth and for that, Mr. Speaker, if you will allow me to refer to page 30 of the Stone Street judgment, where it talks about, paragraph 57:

“A law which does that patently infringes the separation of powers which is a fundamental feature of our Constitution. It is as an encroachment on the judicial function. Such a law must be unconstitutional.”

That is what was said in the Stone Street judgment delivered by Honourable Mr. Justice Ronnie Boodoosingh.

If one turns to page 35 of that same judgment, Mr. Speaker—

**Mr. Speaker:** Hon. Member, I do not want us to infringe Standing Order 36(2) on the question of a matter that is sub judice. I understand the matter is under appeal and, in that sense, I would not want you to dwell too long on that matter.

**Mr. T. Deyalsingh:** Thank you, Mr. Speaker, but I understand what the Standing Orders say. I am simply reading what is already in the public domain. I am not making any comments which will affect the appeal. I am just saying what is already in the public domain. I offer no commentary on it. May I?

**Mr. Speaker:** I am advising you not to go too far with the case.

**Mr. T. Deyalsingh:** Sure. I understand. I am just reading what I received from the Hall of Justice.

**Mr. Speaker:** Yes, but that is not in the public domain.

**Mr. T. Deyalsingh:** Yes, it is, Mr. Speaker. It is a judgment in the public domain.

**Mr. Speaker:** When I say public domain, I am thinking—Listen, we do not like to infringe on the Judiciary and we do not like the Judiciary to infringe on our space. There is something called a separation of powers as you rightly said. All I am saying, I am just advising you do not go too deeply into a matter that is under appeal. In other jurisdictions, you are not even allowed to speak to matters that are before the court. Once it is before the court, it is sub judice. Do not get there! I am still allowing you some flexibility to go, but I am saying do not go too deep.

**Mr. T. Deyalsingh:** Thank you, Mr. Speaker, I will just read a brief line. This document is a public document and I would just read something on page 35:

“The Amendment Act here,”—which refers to the Central Bank (Amdt.) Act—“took away the Judiciary’s core function which infringed the separation of powers and ultimately the rule of law.”

And I started my contribution speaking about the rule of law and the separation of powers.

It is instructive that this Parliament has taken heavy body blows in the past two years. We have had the body blow of the way the anti-gang legislation was used during the state of emergency. We have had the body blow of how the abolition of preliminary enquiries was used. We have had the body blow of the Central Bank (Amdt.) Act and now we have another piece of legislation which seeks to take away the Judiciary's function, and I will get to that later.

**2.45 p.m.**

Mr. Speaker, I recommend, again, for compulsory reading, my colleague, the Member for Diego Martin North/East's contribution on proportionality which he gave last week. And, again, in the case law, in Trinidad and Tobago, if one reads Justice of Appeal Kangeloo's decision in *Ferguson v Galbaransingh—Ferguson and Galbaransingh v The AG* again, public domain.

**Dr. Gopeesingh:** That is sub judice.

**Mr. T. Deyalsingh:** It is not.

**Dr. Gopeesingh:** Yeah, the matter is still on man, come on!

**Mr. T. Deyalsingh:** I am not referring to the matter, I am referring to a judgment, which I am entitled to do.

**Dr. Gopeesingh:** No, you are not.

**Mr. T. Deyalsingh:** He says here:

“...proportionality and our responsibility to pass law which will not be struck down.” [*Crosstalk*]

So the issue of proportionality, Mr. Speaker, is central to this issue. Mr. Imbert has dealt with that quite well, and I will not go there.

**Dr. Gopeesingh:** Diego Martin North/East.

**Mr. Speaker:** The Member for Diego Martin North/East.

**Dr. Gopeesingh:** The Member for Diego Martin North/East.

**Mr. T. Deyalsingh:** Sorry, the Member for Diego Martin North/East. The Member for Oropouche East—[*Interruption*]

**Mr. Imbert:** He could call me any name he wants.

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**Mr. T. Deyalsingh:**—spoke earlier about various statistics to justify this Bill, and to excuse his Government’s failure to live up to their own crime benchmarks. Mr. Speaker, I refer to the *Medium Term Policy Framework 2011—2014—Innovation for Lasting Prosperity*, and on page 30 of that document, these are the Government’s benchmarks, bearing in mind, this is 2011—2014; we are mere days away from 2014:

- “Reduce the number of gangs in operation”

Not done! Recently, an international organization spoke very badly of us when it came to gangs in operation.

- “Increase the crime solvency rate”

And hear the targets:

“15% in 2011-2012; 20% in 2012/13, 25% 2013/14...”

By the Member’s own admission, we are today at 15 per cent, but we are supposed to be nearing 25 per cent in 2013/2014. Listen to this one.

- “Increase homicide detection rate...15% in 2011-2012; 20% in 2012/13, 25% 2013/14...”

But here is the flight of fancy because this document is simply a flight of fancy. Hear the flight of fancy:

“...increasing thereafter”—and that is the homicide detection rate—“until an 80% detection rate is achieved”—80 per cent.

And we are hearing today, we are what? In the teens—10 per cent—by the Member for Oropouche East’s own admission, their crime plans have failed; flights of fancy. But let us talk about the Bill, Mr. Speaker.

**Mr. Roberts:** Please.

**Mr. T. Deyalsingh:** There is a penchant amongst the UNC speakers when speaking about crime to send the country into a state of hysteria, so that if the country is frightened enough, they might overlook the draconian measures named after Draco, Mr. Speaker, the first Athenian person to come up with these harsh laws. Draco came up with very harsh laws for both serious and non-serious crimes hence we have the term draconian. The public then, without reading the legislation being proposed, falls prey to the hysteria being peddled.

We saw the population fall prey to the soldier Bill. They wanted it, but it is only when we deconstructed the argument of the Attorney General to show that

the Jamaica experience which he was proposing to us was totally incorrect, that we finally saw the demise of that piece of legislation. It is only after Sen. Gary Griffith was appointed Attorney General, he saw—[*Interruption*]

**Mr. Roberts:** Appointed what?

**Mr. T. Deyalsingh:**—appointed Minister of National Security—I am sorry—he, himself said that soldiers should be back in the fields cutting down marijuana and the soldiers should not be mixing with police. But the hysteria in debates sends the population into a state of panic where they will accept anything without looking at it.

If we spare a thought for the victims, as the Member for Oropouche East said, if we pass laws which are unconstitutional and which impinge on separation of powers and take away judicial discretion, and are then struck down: how are we serving the victims' interest when those laws are struck down? Explain that to me! How do we serve the victims' interest when we as a Parliament, Mr. Speaker, continue to pass bad legislation?

The Member for Oropouche East says “work with us; work with us.” He alluded to the recent trip to South Africa with the Leader of the Opposition and the hon. Prime Minister, a pilgrimage—“work with us, spirit of cooperation”. Member for Oropouche East, where was that spirit of cooperation when the PNM wanted to bring the legislation to give life to the Caribbean Court of Justice which your Government were the parents of? We were the child givers; we were the midwives and, what you did? You aborted the idea. Where was the spirit of cooperation to bring the Caribbean Court of Justice to Trinidad and Tobago?

**Dr. Moonilal:** You are sounding bitter.

**Mr. T. Deyalsingh:** Where was it? Where was it? It was nowhere in sight.

**Dr. Moonilal:** You are sounding bitter.

**Mr. T. Deyalsingh:** Nowhere in sight. So talk about flip-flop and all that.

Mr. Speaker, I spoke early about the hysteria. There was a lot of hysteria in dealing with crime since this Government has come into power: state of emergency, arresting 11 Muslims over some attempt to assassinate the Prime Minister—never happened—and then the latest take of hysteria is the hon. Attorney General's piloting of this Bill last week Friday, which I will now refer to because I have his *Hansard*.

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He spoke about Mr. S who had 11 charges and got bail eight times—so 11 charges, bail eight times. I agree that should not happen, and when the public hears that, they say, “Well, this Bill is necessary, we need this Bill; this is a good piece of legislation. How could anyone go before a court on 11 charges and get bail eight times?” To the uninitiated, it sounds good.

The Attorney General spoke about Mr. R, 11 charges, multiple bail. [Crosstalk] And, again, it sounds good. This is appealing to the public, and it appeals to the public to the point where, if you look at the letter writers in the newspaper—[Interruption]

**Mr. Roberts:** North/East is the best.

**Mr. T. Deyalsingh:**—“Jail those repeat offenders”, and I quote from Sarah Samaroo of San Fernando:

“The ‘one strike and you’re out’ Bail...Act...is a very good way to keep the crime rate down in Trinidad and Tobago.”

**Hon. Member:** Very good one.

**Mr. T. Deyalsingh:** So, the Government has a way of tapping into the mood of the country; getting the public on their side with these letters—and I agree with Sarah, something has to be done with crime—but the same way we deconstructed the “solider/police” Bill, let me now deconstruct for Miss Samaroo to understand what it is we are dealing with.

So somebody gets bail multiple times; very simple way to deal with it, Mr. Speaker. If one goes to the Bail Act, Chap. 4:60, and one turns to the Bail Act under sections 5 and 6, let us talk about the discretion to deny bail. Earlier, the Member for Oropouche East quoted Mr. Keith Sobion about the circumstances to guide the Judiciary. He spoke about it being recognized role of Parliament to give guidelines. Let me illustrate the guidelines for the discerning members of the public who will not fall prey to hysteria, but look at the law in the cold hard glare of objectivity, and let us see how Mr. B, Mr. S and Mr. R could have been dealt with.

In the exercise—and I quote, Mr. Speaker, section 6(3) of the Bail Act which deals with circumstances where bail may be denied. We are talking here about denying bail.

“In the exercise of its discretion under subsection (2)(a) the Court may consider the following:

(a) the nature and seriousness of the offence...”



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I want the Attorney General who spoke on this, the Minister of Legal Affairs who is in charge of the LRC to answer me and tell me what I am saying here is wrong. You could look at:

“the nature and seriousness of the offence...and the probable method of dealing with the defendant for it;”.

Listen to this:

“the character, antecedents...”

What this person has done before.

“...associations...”

Gang membership.

“...social ties of the defendant;”

So Mr. S, Mr. R and Mr. B who got bail eight times, could have been denied bail here.

“the defendant’s record...”

So you have a record: 11 convictions; 11 charges. You could be denied bail. The Judiciary has this. This is separation of powers.

“any other factor which appears to be relevant.”

What the Attorney General did not say when we got his analysis from the Crime Prevention Unit, was that the responsibility of telling the judge in chambers or the magistrate about the antecedents of the person before them rests on the part of the police and their tracing of that person’s criminal record.

Once you have proper tracing, and you present that evidence to the judge in chambers or to the magistrate, the magistrate and judge simply goes to section 6(3), circumstances where bail may be denied, and the hysteria that the Attorney General brought to bear on this debate about Mr. S, Mr. B and Mr. R would be taken care of.

I would give way, Mr. Speaker, to anyone who can rebut that. Let the Attorney General, let the Minister of Legal Affairs, the Member for St. Augustine, tell me that I am wrong; tell me that I am wrong. It goes on, to deny bail:

“Where any offence of which the defendant is accused or convicted...”

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And clause 2 of this Bill speaks directly to people accused and people convicted:

“...in the proceedings is one which is not punishable with imprisonment, it shall be within the discretion of the Court to deny bail...”

So the Bail Act is already replete with a plethora of reasons which consider everything that the hon. Attorney General brought to bear. There is no need for the hysteria; there is no need to take away judicial discretion, it will be struck down, just as the Central Bank (Amdt.) Bill was struck down; just as it.

Let us really get to the root of the matter. The root of the matter is to ensure proper tracing of the antecedents of the person before the judge or before the magistrate. If you want a solution that is your solution; the solution is better forensics. It takes two to three years for ballistics to come back. If you cannot trace it, then the person might get bail, but if we are serious about the criminal justice system, we will not take away people’s rights as a plaster, but we will fix the system, and as I said earlier, under the Constitution, sections 75 and 76, it now falls on the Minister of Justice.

That Ministry was created by the hon. Prime Minister of her powers under section 75 to create a Ministry of Justice. That is the responsibility of the Ministry of Justice. We are now on our—what?—third or fourth Minister of Justice and nothing has been done. So that deconstructs the hon. Attorney General’s argument about people getting bail for multiple convictions.

Mr. Speaker, this piece of legislation is frightening, not because of the draconian nature of it, but it is frightening because of its poor drafting, and it is this poor drafting which can give rise to many different interpretations. It is my intention now, Mr. Speaker, to talk directly to subsection (2) of this amendment and subsection (3) and subsection (4) and to demonstrate—and, again, I will give way to anyone who can say that these interpretations are incorrect.

### **3.00 p.m.**

There are about two major ways, Mr. Speaker, to interpret subsection (3), and to show how it does not dovetail with subsection (2) and subsection (4). So before we do that, Mr. Speaker, what is the subsection (2) objective? The subsection 2.2 objective is simply the one-strike rule. Fine! Great! Let us do that. So you are charged for larceny, I steal a \$10 pen; I steal another \$10 pen within 10 years—  
[*Interruption*]

**Mr. Roberts:** Confession is good for the soul.

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**Mr. T. Deyalsingh:**—no bail. Because under the new Part II that we are replacing it just says larceny, it does not say a value. So I can steal a \$10 pen today, be charged, be convicted; I can steal a \$10 bill three years from now, no bail. One strike and you are out. I am not stealing \$500 million from the Treasury, you know, Mr. Speaker, I am stealing a \$10 bill, a \$10 pen. [*Interruption*]

**Mr. Roberts:** “Calder Hart did that for yuh.” [*Laughter*]

**Mr. T. Deyalsingh:**—It is a pen. Look at this. So if we do that, regardless of the original charge—so I steal a \$10 pen in 2003, but I do something else three years later—just as inconsequential, I get no bail. So the son of this letter writer in the *Express* who agrees with it, Sarah Samaroo, if her son stole a \$10 pen in school under this piece of legislation, if he does that three years from now again, he gets absolutely no bail. He goes into remand. And this is where the education of the public needs to come in, and this is where the hysteria does not serve the public interest. That is one interpretation. Tell me if I am wrong.

If that is the case, listen to what subsection (3) says now, Mr. Speaker, if I could just briefly read subsection (3):

“Subject to subsection (4)”—and subsection (4) deals with the Anti-Gang Act—“where a person is charged with an offence listed in Part II...”

So we have the Part II which includes larceny, \$10 pen again; not \$500,000, not \$1 million. You steal a \$10 pen and then five years from now you steal another \$10 pen, no bail, remand, and are brought before the court but no evidence has been taken within 120 days of reading the charge; that person is entitled to make an application to a judge in bail. My question is: if section 2.2 is about the one-strike rule then subsection (3) has a lacuna? Let the hon. Members opposite tell me that I am wrong, that this person can in fact get bail. Tell me.

Also, tell me how this dovetails with the Kidnapping Act. Is kidnapping a bailable or a non-bailable offence? If it is non-bailable is it possible under this new amendment that a kidnapper could possibly get bail the first time, if kidnapping was meant to be a non-bailable offence? I raise that for the public to consume, to digest and think about. And, Mr. Speaker, what is bothering me is that this piece of legislation went through the LRC, headed by the Member for St. Augustine. Did the LRC look at this? [*Member taps on document*] Did the Criminal Bar Association look at this? First of all, was it even sent to the Criminal Bar Association? If not, why not? And if they did, what were their comments? What did the Criminal Bar Association have to say on this piece of legislation?

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But, Mr. Speaker, the more frightening interpretation of section 3.3 is this—and, Mr. Speaker, note what I am saying—subsection (3), in my view, is open to interpretation. It is open to more than one interpretation. I have given you one already. I am going to give you a more frightening one now, mainly because of how badly drafted this piece of legislation is, and I hold the LRC responsible for this poor drafting.

So, a person is charged for receiving the same \$10 pen, a Bic pen, \$10; the legislation talks about no evidence is taken, but, Mr. Speaker—and this is what I want the Attorney General who have spoken, the Member for St. Augustine, Head of the LRC, who has spoken, the Member for La Horquetta/Talparo, a lawyer who has spoken, the Member for Oropouche East, a lawyer who has spoken; four lawyers have spoken on this piece of legislation—four—even though the legislation says no evidence is taken—and, Mr. Speaker, I want to draw your eyes to that—my question is, what happens if in fact some evidence is taken?

So I have stolen the \$10 pen and somebody gives evidence, regardless—and this is the frightening part, Mr. Speaker—I would like someone from the opposite side for clarify for me whether the interpretation I am now about to put speaks to a person who does not have a previous charge, because when one reads it, it says:

“Subject to subsection (4), where a person is charged with an offence...in Part II...”

It says nothing about a previous conviction, so I am charged for the first time. Tell me, please. Let someone get up and tell me I am wrong. You are now being charged for the first time. The letter writer’s son is now being charged for stealing a \$10 pen and somebody goes on the box and says, “Yes, he stole the pen”; that person now, evidence has been taken regardless of a previous conviction. Tell me what is that person’s situation? That person is denied bail, Mr. Speaker? Because a reading of subsection (3)—because of its poor drafting—opens the door for someone to be charged for an offence to be denied bail without having a previous conviction.

So this is not a one-strike rule, Mr. Speaker, this is a no-strike rule. This is the umpire looking at you in the pavilion and telling you, “You are out”. You have not even walked on to the field of play as yet but you are out. Subsection (3) is badly drafted. It is open to interpretation. Let someone tell me please that I am wrong.

Mr. Speaker, again, so you are charged with a Part II offence, assault occasioning actual bodily harm. Mr. Speaker, to the lay person, assault

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occasioning actual bodily harm sounds like a serious offence—I have assaulted you and I have caused you actual bodily harm—but as our good friend from Caroni Central will know, and myself, we have just finished the LLB together, there is a case called *DPP v Smith*, and do you know what the definition—what one of the circumstances of assault occasioning actual bodily harm is? *DPP v Smith*, Mr. Speaker, was a case between two lovers, and one thought that he was not paying attention to her; he took up a pair of scissors and cut her hair. That falls under assault occasioning actual bodily harm. My question is; [*Crosstalk*]

**Hon. Member:** It was weave or her hair?

**Mr. T. Deyalsingh:**—is this the type of offence we want to make non-bailable? So I cut the hair of my colleague, the Member for Laventille East/Morvant—[*Interruption*]

**Hon. Member:** La Brea safe then?

**Mr. Roberts:** No. No. No. No. [*Inaudible*]

**Mr. T. Deyalsingh:**—I cut the hair of my colleague, the Member for Laventille East/Morvant and she decides to bring a charge against me, I can get no bail.

**Mr. Roberts:** “She go handle yuh.”

**Mr. T. Deyalsingh:** That is the type of draconian law that we are passing here today. Again, let someone tell me I am wrong. The bar on some of these offences are set way too low—way, way, too low. [*Interruption*]

**Mr. Roberts:** Zero tolerance.

**Mr. T. Deyalsingh:** Right. So when the Attorney General speaks with that emotion and scares the public it works, because you get the public on your side. You get the public on your side. Assault occasioning actual bodily harm: “that sound like ah cuff down somebody, blood oozing,” but under the definition, case law will tell you, “I jus’cut somebody hair and dey doh like it dey can press a charge”, and that is assault occasioning actual bodily harm.

So again we go back to the issue, Mr. Speaker. Although the Bill speaks about no evidence, my question is to the LRC, the Law Association, the Criminal Bar Association, the Attorney General, La Horquetta/Talparo and Oropouche East; if evidence is taken—and the evidence could be a range of evidence: circumstantial evidence, hearsay evidence or formal evidence—I will be denied bail even if the witness goes on the stand for one minute and says, “I think he did it”. Is that the

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type of law we want to pass, where on flimsy evidence I go on the stand for two minutes and I just give some formal evidence, I will be denied bail? Is that what we are proposing?

If that is the case, Mr. Speaker, where that letter writer's son, who has stolen a \$10 pen, goes on the box and one of his friends from school comes and says, "That is the boy", that person is denied bail without any chance of rebuttal, because all I am giving is some minor piece of formal evidence. Again, the umpire is giving you out before you even walk on the field. "Yuh doh even have ah chance to bat up and take guard." And that is what I am talking about, Mr. Speaker, about the rule of law, arbitrariness and separation of powers taking away the discretion of the court to grant bail in these types of circumstances.

And on a reading of subsection (3), somebody has to tell me that my interpretation, and the interpretation of many others, is incorrect, where you do not even have to have a charge, but on a reading of subsection (3), which I will repeat:

"Subject to subsection (4), where a person is charged with an offence...listed in Part II..."

Let somebody tell me I am wrong, please, because this is a type of state, Mr. Speaker, that I do not want to live in. I do not want to live in a state where it is possible—after 50 years of independence—for someone merely charged with stealing a \$10 pen you are denied bail. It takes away judicial discretion, separation of powers, because someone can go on a box, Mr. Speaker, and give any kind of evidence untested, and then the case drags on and on; and you know what? You are in remand. I do not want to live in a state like that. Definitely not! Definitely not!

But what is the solution, Mr. Speaker? Mr. Speaker, if one looks at the Bail Act, and if one turns to page 26 of the Bail Act, under section 5(a), you will see a much more elegant wording, and I recommend that you look at that. I leave that for the drafters because we are not supporting this piece of legislation, no way, no how. But the Bill is so badly crafted that I am absolutely amazed that the LRC would have looked at this, and all the different associations.

The Member for Oropouche East spoke about the sunset clause of three years, and earlier, Mr. Speaker, I spoke about the body blows that this Parliament has taken over the years, the recent years, and one of those body blows was the Indictable Proceedings legislation, now infamously called "section 34", which was part of the solution to deal with backlogs, to bring swifter justice; that piece

of legislation is now in purgatory. It is somewhere between heaven and hell. No one has seen it. No one speaks about it again. Not proclaimed. There was an early proclamation of section 34, since repealed, which was part of the argument in *Justice Dean-Armorer's* judgment.

**3.15 p.m.**

My question is, now that the Government has found itself on a proverbial sticky wicket with section 34, that they are going to abandon the proclamation of that piece of legislation and this is why they are bringing in this, because the three-year sunset clause, I want to ask the hon. Attorney General, what is your intention for section 34 and everything surrounding it? The abolition of preliminary enquiries, what is going on with that? Are these offences, are these preliminary enquiry offences ever going to be heard? Ever going to be heard! Are they going to be thrown into the dustbin? And this is why we always say on this side, the Government simply cannot be trusted.

You cannot be trusted. This Parliament has gotten enough black eyes and enough body blows, and we have not learnt, and we are going to commit the same error again here today, where we will be passing a piece of legislation with a strong Executive, going back to separation of powers, which I spoke about. They have the constitutional majority; they are going to pass it; it is going to the Senate and our only hope, Mr. Speaker, is the Senate. That is our only hope. I hope other people read the contributions that we on this side are making. So when they reach the other place for discussion they can be so informed. So, letter writers beware, your constitutional rights are being taken away because you subscribed and gave in to hysteria. Read the legislation. Understand the impact of the legislation on your rights and freedoms.

Mr. Speaker, I now come to the issue of the Ministry of Justice which I spoke about earlier. I said under 75 and 76 of the Constitution we can create the Ministry of Justice. And what is the *raison d'être* of the Ministry of Justice? To oversee the criminal justice process. When one goes to the Ministry of Justice's website, one hears about, "brings the guilty to justice in a speedier manner." That was the objective of the abolition of preliminary enquiries. Not done! The legislative arm which creates laws. That is what we are doing here today. But, Mr. Speaker, they are asking us to create bad law, unconstitutional law, laws which take away the discretion of a judge in chambers or a magistrate to grant bail or not grant bail.

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One has to read the Bail Act to realize that we give the judges the discretion to either grant bail, but more importantly, not grant bail. And I read out the Bail Act, section 6.3, which speaks to all the circumstances where a judge may deny bail, but the judge can only deny bail if the tracing is done and the docket put before the judge has a correct history and the correct antecedent of the person charged, and that is the solution, to equip the police with the forensic capability, with the training and the ability to trace. If we do that there is no need for the hysteria about Mr. S; Mr. B; and Mr. R. It talks about here under the Ministry of Justice, the Trinidad and Tobago Forensic Science Centre. Mr. Speaker, if one goes back again to the flight of fancy which is this *Medium-Term Policy Framework*, let us hear what it says on page 35:

A coroner's court project will be implemented to expedite coroner's inquest.

Not done! It is speaks about forensic centres. Not done! It speaks about sourcing of two long range patrol vehicles. Not done! It speaks about administration of justice: "A new state-of-the-art forensic centre will be constructed and properly equipped." Does that not sound like SAUTT? Does not all of this sound like the SAUTT and the OPVs? *Quo vadis* SAUTT! *Quo vadis* the OPVs? If it is SAUTT was illegal, why not just bring the legal clothing? Why disband it? SAUTT had—the detection rates under SAUTT were climbing and climbing impressively. In Cumuto you had state of the art labs; you had training, but it was a PNM thing, scrap it, and we are paying a heavy price today for that. Total failure! Total failure! Not forgetting that the PP Manifesto said, "crime plan within 90 days". Not done!

Mr. Speaker, the same way the Attorney General relies on hysteria, the Minister of Justice relies on prose, and listen to what the website has:

"Created with the mandate to reform the Criminal Justice System of Trinidad and Tobago, the Ministry of Justice is pursuing our remit utilising two main strategies, namely policy development which informs legislative reform..."

What is the policy informing this piece of legislation? To lock up people for "tiefing" a \$10 pen? To lock up somebody for cutting someone's hair? That is the policy?

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member for St. Joseph has expired.

*Motion made:* That the hon. Member's speaking time be extended by 30 minutes. [*Mr. N. Hypolite*]

*Question put and agreed to.*



**Mr. T. Deyalsingh:** Thank you, Mr. Speaker. [*Desk thumping*] So, after three Ministers of Justice and possibly a fourth, who did not take up the appointment at the last minute, at one minute to twelve he, somehow, did not take up the appointment, so after three and a half, we have no clear policy framework. The *Medium-Term Policy Framework*: failure on crime.

So, Mr. Speaker, those are some of the issues facing us. The hon. Member for St. Augustine spoke at length about the judicial centres. Question to anyone who could answer me: has sod been turned for any judicial centre as yet? And the answer is a resounding, no!

**Hon. Members:** Noooo!

**Mr. T. Deyalsingh:** And do you know why, Mr. Speaker? Because they have violated the tendering rules under the Central Tenders Board. [*Interruption*]

**Hon. Member:** My Lord!

**Mr. T. Deyalsingh:** Total violation! Plus, Mr. Speaker, the plans drawn by the American architects are totally unsuitable for our mode of delivery of justice. Not one! Not the one in Sangre Grande; not the one in Siparia; not the one in Trincity; not the one in Carlsen Field. None! None! None! None! Not a blade of grass has been cut. So, where are the judicial centres? Where are the masters of the High Court to lead the sufficiency hearings?

**Dr. Rowley:** Section 34.

**Mr. T. Deyalsingh:** And this is what I talked about earlier, section 34.

The aim of the Government is not to proclaim section 34 but to bring this instead. This is a substitute for section 34. A total—tell me, when are you going to proclaim that piece of legislation? Let anyone get up and tell me today when is section 34 and its accompanying sections under the abolition of preliminary inquiries—that piece of legislation—when is that piece of legislation going to be proclaimed? This sunset clause takes you past the next election so it has a political dilemma, a political dimension. The Government has found itself between a rock and a hard place; the devil and the deep blue sea over section 34. [*Interruption*] It is caught in a tailspin; it knows not what to do and this is their solution. Tell me I am wrong. Tell me I am wrong.

So, we have no judicial centres; we have no coroner's court; we have no state-of-the-art forensic centre; we have no OPVs; we have no SAUTT, but this is what you bring.

**Hon. Members:** The Bail Bill.

**Mr. T. Deyalsingh:** A piece of legislation, which on a reading of subsection (3), possibly, denies bail to a person charged for the first time. Tell me. Let someone get up here and say, I am wrong.

So, what is the solution, Mr. Speaker. Mr. Speaker, as you know, before the state of emergency when there was a spate of murders in Arima, the hon. Leader of the Opposition wrote to the hon. Prime Minister, extending the same olive branch that the Member for Oropouche East was talking about today, and this was before they went to a funeral. The Leader of the Opposition saw the opportunity to deal with crime with responsible politics in a non-partisan way. So, when the Member for Oropouche East speaks about cooperation on crime, we wanted to cooperate in August of 2011; there were seven murders in 24 hours and the Government panicked, and what did they do? State of emergency. And what did they do? Detain 8,000 persons. And what did it get? One charge.

Detain 8,000 people to get one charge. Is that a rate of success? Eight thousand to one and we talk today about statistics and we arrest 11 people of the Muslim faith because of some plot to assassinate the Prime Minister. But we wanted to work with you. We not only extended an olive branch, we gave you the whole tree. We uprooted an olive tree and said, here, look, take an olive tree, let us work on crime together, but we got a state of emergency.

Recently there was another spate of criminal activity and this time the Government accepted the invitation of the Leader of the Opposition, the hon. Dr. Keith Rowley, under the chairmanship of the Leader of the Opposition Business in the House, Member of Parliament for Port of Spain South, Miss Marlene Mc Donald. We made many proposals during those crime talks, Mr. Speaker. We spoke about the convoluted mess that it is to appoint a commissioner of police and a deputy commissioner of police, and let me put on record for posterity's sake and for those with short memories. This convoluted mess of appointing a commissioner of police and a deputy commissioner of police, is as a result of UNC intransience then in not wanting to support the PNM's crime plans at that time and crime legislation until they get that. That was their caveat, and we are suffering today in 2013 because of UNC policy back then to oppose for the sake of opposing.

We spoke about a police audit, an independent police manpower audit. So, to address the situation of Mr. R and Mr. S and Mr. B, who come before the courts and get bail, if you have the police properly engaged, properly resourced, they can

do the tracing, so that the judge in chambers and the magistrate can know the antecedents and use the current Bail Act, Chap. 4:60 to deny bail under section 6.(3). Once the judge knows your associations, inclusive of gang associations, your antecedents; he can deny bail, but the judge can only go on what is before him, on what the docket says, and if the docket is deficient you cannot blame any judge or any magistrate for assuming the innocence of the person before him. Due process! Our Constitution, Mr. Speaker is a due process Constitution.

We spoke about the hiring of municipal police; 150—300 in every municipality. Put boots on the ground, put presence on the ground, have the police visible, Mr. Speaker. That did not find favour with the Government. We spoke about legislation because hanging is a big issue. The Government sees hanging as this deterrent to crime. We support the penalty for murder is death by hanging. We support that in the PNM. We also recognize the difficulty in adhering to the five-year time limit under *Pratt and Morgan*. We told the Government in the crime talks; let us work our legislation to make sure that the appeals, especially to the OAS, can be done within the *Pratt and Morgan* time frame. That has not found favour. You want to hang people? Hang them! It is the law. We support the law. If Ramesh Lawrence Maharaj could do it, we could do it.

### **3.30 p.m.**

We spoke about strengthening the Police Complaints Authority. That piece of legislation was originally passed in 2006. It was the first of its kind in Trinidad and Tobago. It was a good piece of legislation then, but experience with the legislation over the past seven years has taught us, has told us, has informed us, that maybe it is time for a re-look at the PCA, a re-look at its modus operandi and maybe a re-look at its powers.

Under the Police Complaints Authority Act, 2006, they have all the powers of any commission of enquiry. Is it time to revisit that—and I am not expounding PNM policy here, I am just saying it may be time to look at the Police Complaints Authority with the hindsight of experience; look at the deficiencies. Maybe it may be time to revisit it; maybe it may be time to give them the same immunities and powers as police. Because right now they are constrained as to what they can and cannot do at a crime scene.

They cannot touch evidence. So maybe it is time, Mr. Speaker, to re-look at that. Maybe it is time to look at witness tampering legislation. Maybe it is time for anonymous witness evidence to be held in camera. Those were some of the proposals we had in our crime talks as recently as July/August of this year, sensible proposals.

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This is not being soft on crime; this is fixing the system so the system can work for the victims and the accused because what we are doing is passing legislation which, ultimately, if struck down, does not protect the victim, and if we strip away the hysteria, this is what we are going to be looking at.

We have to clear the court list. We have to do all of these things. But what do we do? The office of the Attorney General has, at its disposal, under different budgets, probably close to \$300 million. There was recently an exposé in one of the newspapers where a handful of lawyers got \$53 million.

**Hon. Member:** Not the *Sunshine*?

**Mr. T. Deyalsingh:** So we are spending money in the Attorney General's office like the proverbial dose of salts. Lawyers are making millions of dollars. The lawyers are raking in the profits, but we are not spending the money where it needs to be spent, which is the criminal justice system.

Build the four centres, build the state-of-the-art forensic centre you spoke about, build the centralized coroner's court. Do all of that. But what we have is an expanding, bloated, obese Ministry of the Attorney General making lawyers fatter than they need to be. That is what we need to do. [*Interruption*]

**Hon. Member:** Like sacred cows.

**Mr. T. Deyalsingh:** Yes, sacred, fat cows. Mr. Speaker, I have attempted to deconstruct the Attorney General's argument. I think I have shown that the current Bail Act gives the Judiciary enough powers to deny bail. I recommend a reading of the Bail Act to all citizens who are scared. Read the Bail Act for yourselves and determine for yourselves if it is the Judiciary currently has the powers not to deny bail. If this piece of legislation is passed, Mr. Speaker, it will be held ultra vires; it will be held unconstitutional—[*Interruption*]

**Hon. Member:** By whom?

**Mr. T. Deyalsingh:** We will be taking away the court's discretion.

Mr. Speaker, I close on a personal note. I have always said, and for anyone who is willing to listen to me—[*Interruption*]

**Hon. Member:** No one.

**Mr. T. Deyalsingh:**—that one of the solutions for crime starts in the home. I have always said that you cannot legislate good parenting. I wish we could. Mr. Speaker, in the absence of legislating for good parenting, the fight against crime

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starts in our living rooms, in our bedrooms, in our porches. I want to ask people today to make a commitment to stop the cycle of criminality at its core, at its genesis, at its beginning, and that is in the home.

I would like mothers and fathers—and many of us here do it so I am not talking to us, I am talking to the families that are, what we call “at risk”. Could we agree, mothers and fathers out there, that the time has come, again, where fathers, especially, sit with their children in a rocking chair, read the nursery rhymes to them—*[Interruption]*

**Hon. Member:** “Grandfadda yuh talkin bout?”

**Mr. T. Deyalsingh:**—do the “timetables”, monitor your homework. “What Miss say in school today? What words? Lemme help yuh with the spelling.” Those days need to return if we are to grapple with crime at its most basic level. Read the scriptures, bible stories, the Qur’an, the Bhagavad Gita. There are many good lessons in those holy books, Mr. Speaker. The time has come where parents need to go back to the basics of parenting, be a role model, teach your children, monitor their school, make sure they go to school, help them with their homework, pray with them, sing with them, celebrate with them, discipline them.

Mr. Speaker, with those few words, I thank you very much. *[Desk thumping]*

#### PROCEDURAL MOTION

**The Minister of Sport (Hon. Anil Roberts):** Mr. Speaker, in accordance with Standing Order 37(3), I beg to move that the debate on the Bail (Amdt.) Bill be adjourned.

*Question put and agreed to.*

#### TOBACCO CONTROL REGULATIONS, 2013

**Mr. Speaker:** The hon. Minister of Health. *[Desk thumping]*

**The Minister of Health (Hon. Dr. Fuad Khan):** Thank you very much, Mr. Speaker.

Mr. Speaker, I beg to move the following Motion:

*Whereas* it is provided by section 38(1) of the Tobacco Control Act, Chap. 30:04 (hereinafter called “the Act”) that the Minister may make Regulations prescribing requirements and standards for tobacco product constituents, including emissions of smoked products, additives and product design and specifying methods for testing and measuring compliance with the performance prescribed and generally for carrying out the purpose of this Act;

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*And whereas* it is also provided by section 38(1) of the Act that Regulations made under that section shall be subject to affirmative resolution of Parliament;

*And whereas* the Minister has on the 12th day of September, 2013 made the Tobacco Control Regulations, 2013 (hereinafter called “the Regulations”);

*And whereas* it is expedient that the Regulations now be affirmed;

*Be it resolved* that the Tobacco Control Regulations, 2013 be approved.

Mr. Speaker, you will recall in Trinidad and Tobago we became the signatory to the Framework Convention on Tobacco Control on August 22, 2003 which was ratified and adopted by us on August 19, 2004 and came into force on February 27, 2005.

In accordance therein and subsequently, the Tobacco Control Act, No. 15 of 2009, which was assented to on December 23, 2009 was partially proclaimed on February 17, 2010. It is material to note that the remainder part of this Act was not proclaimed and, at that time, owing to, inter alia, the need for accompanying supporting regulations to give effect to the same. In this regard, Mr. Speaker, the regulations were developed and the remainder part of the Tobacco Control Act was proclaimed on August 05, 2013. Accordingly, Mr. Speaker, I am pleased to present before this honourable House, the Tobacco Control Regulations, 2013.

Mr. Speaker, it is material to note that section 23(1) of the Tobacco Control Act prohibits the sale, the offering for sale, supply or importation of any tobacco product that is not packaged and labelled in a manner that complies with the requirements of the Act and regulations. Moreover, section 24 of the Act provides that tobacco products shall contain permanently affixed on their packages, messages as prescribed by these regulations. As such, the Act already provides the framework for what must or must not be placed on a tobacco product package.

Mr. Speaker, accordingly, these regulations are intended to comprehensively address the method of, and the information that must be placed on the tobacco package, thereby fulfilling the requirements of the Tobacco Control Act and the Framework Convention on Tobacco Control.

Further, Mr. Speaker, these regulations are designed, ultimately to enhance public awareness of the hazards of tobacco use, and ensure that individuals are provided with information to make more fully informed decisions about using tobacco. It has been proven that health warnings—these labels on tobacco products constitute the most cost-effective tool for educating smokers and non-smokers alike about the health risk of tobacco use.

According to the WHO, the world is facing a tobacco epidemic. Tobacco smoke kills approximately six million people a year from lung cancer, heart disease and other tobacco-related illnesses. More than 80 per cent of these deaths occur in developing countries leading not only to a less productive workforce, but also to an inevitable rise in health-care costs. By 2030, the WHO estimates that the death toll will reach approximately eight million a year, while tobacco could kill one billion people during this century.

Mr. Speaker, the Ministry of Health is committed to providing this country with first-class health care. In this regard, since the passage of the Tobacco Control Act, the Government has made numerous strides in the fight against the tobacco epidemic. The public can now enjoy smoke-free environments because it is an offence to smoke or hold a lighted tobacco product in any enclosed public space, enclosed workplace or public conveyance. Section 12 of the Act refers to this.

Children are protected because it is an offence to sell any tobacco product to any person under the age of 18 years, or to hire or use any child to sell any tobacco product. Section 13 refers to this.

Moreover, it is an offence to import or manufacture or sell, display for sale, distribute or supply, any sweets, snacks, toys or other non-tobacco items or objects in the form of tobacco products, or which imitate tobacco products. Section 18 of the Act refers to this. Therefore, for example, electronic cigarettes are prohibited under the Tobacco Control Act.

It is an offence to sell tobacco products, inter alia, in facilities where health-care services are provided or in sport, athletic or recreation facilities or in government buildings or educational facilities. Section 17 of the Act refers to this.

Tobacco sponsorship and tobacco advertising and promotion where the name of a sporting entity is publicized, are prohibited. Section 21 of the Act refers to this. In keeping, therefore, it is my duty as the Minister of Health to educate the public on the ill-effects of smoking which will thereby reduce the number of deaths as well as the health care costs borne by the State.

Mr. Speaker, I will now proceed to briefly refer to the provisions of the Tobacco Control Regulations.

Part I one the regulations provides for preliminary matters and, as such, regulation 2 provides for key definitions for terms, for example:

“‘carton’ means a box, container or package containing more than one pack of tobacco products;...

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‘health message’ means an image set out in Schedule I;

‘pack’ means a box, a canister or any other container, other than a carton, in which a tobacco product is sold;

‘packaging’ means any outer covering or wrapping on a pack or carton;

‘principal display surface areas’ mean the front and back of a pack or carton or such other part of a pack or carton which is intended to be conspicuous to the consumer;”

Further, Mr. Speaker, regulation 3 provides a transitional period for compliance since the regulation shall come into effect one year after date of publication.

Part II of the regulations provides for labelling, in particular, regulation 4 provides mandatory labelling requirements to be displayed on the principal display surface area of a pack or carton intended for sale in Trinidad and Tobago for example:

- “(a) the type of tobacco product;...
- (c) the health messages required in accordance with Part III;
- (d) the name and address of the manufacturer; and
- (e) the declaration required in accordance with regulation 7 and Schedule 3.”

As such, manufacturers and importers will now be required to adopt highly standardized packaging.

Regulation 4 also requires all health messages to be printed on a pack or the carton and not on the packaging which serves to ensure that the user is always in a position to see these health messages.

Part III of the regulations provide for health messages. In this regard, it is material to note that over 64 countries worldwide now require pictures or images on cigarette packs as mandated by their legislation. This is because warning with pictures seems to be more effective than text-only warnings.

### **3.45 p.m.**

Mr. Speaker, it has been proven that the use of graphic pictures is an important means of replacing any positive associations with negative associations which is far more appropriate, given the devastating impact of tobacco products



on global health. As such, with specific reference to pictorial cigarette packages and warning labels, research has shown that smokers perceive these warning labels to be effective in increasing motivations to quit.

Accordingly, Mr. Speaker, the graphic pictures in Schedule 1 seek to give the public the real effects of smoking on the human body. The diseases shown in Schedule 1 range from cancer to gangrene and, additionally, there are images on the effect on children who we all know suffer the most because of poor choices of adults. All in all, warning labels decrease the attractiveness and appeal of cigarettes and help create an environment where non-smoking is the norm. Strong warning labels also countered the alluring and persuasive images of the tobacco industry, and they use these to market their products.

In addition, studies have proven that large warning labels are the most effective, since they are easily noticed and read. Moreover, warning labels that contain a clear, direct and accurate message about the dangers of tobacco use and include messages about specific health effects are the most effective. Further, studies have shown that smokers recall more frequently and accurately warnings that appear on the front compared to the side of packages.

According, Mr. Speaker, regulation 5 provides inter alia that:

“(1) The health messages shall be located on the lower half of the front and back panels of each pack and in such a way that the... message will not be damaged when the pack is opened.

(3) It should—”cover half of the principal display surface area,...”  
and be—

(4) (a) printed on a pack in a framed area,...”

This will ensure, Mr. Speaker, that the health messages are more noticeable to the potential consumer.

In this regard, Mr. President, it is material to note that other countries have surpassed the standards set by the WHO. Australia has enforced it in plain packaging legislation, which requires all tobacco products to be housed in plain packages, with health messages and warnings on the packages covering 75 per cent of the package in front and 90 per cent of the package at the back.

The following countries and the applicable average percentage on that health message, must cover in relation to the principal display surface area as follows:

80 per cent in Uruguay: which is 80 per cent of the front of the package, 80 per cent of the back of the package;

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80 per cent in Sri Lanka: which is 80 per cent in front, 80 per cent in the back;  
75 per cent in Canada: Canada has chosen to put 75 per cent of the package in front with these messages, 75 per cent at the back;  
75 per cent in Brunei: 75 per cent at the front, 75 per cent at the back;  
65 per cent in Mauritius: which is 60 per cent to the front and 70 per cent at the back;  
65 per cent of the package in Mexico: which is 30 per cent in the front and 100 per cent at the back; and  
Ecuador which is 60 per cent at the front and 60 per cent at the back.

As such, Mr. Speaker, regulation 5, in our regulations, calls for 50 per cent coverage, is far more fair and equitable to all.

Furthermore, regulation 6 provides for two distinct sets of health messages, namely Set A and Set B, which are required to be rotated in accordance with Schedule 2 over a 12-month period, the even distribution with every case of each of the 12 health messages from each set. Mr. Speaker, this will ensure that the public will not be too complacent with the images associated with smoking and, thus, avoid overexposure and desensitization of images of the ill effects of smoking.

Regulation 7 sets out the parameters for placement of the declaration in Schedule 3 on the packs of tobacco product which reads:

“Smoke from this product contains extremely addictive nicotine and toxic substances such as tar and carbon monoxide. No safe level of consumption exists for this product”

Further, regulation 8 provides that:

“The manufacturing date and batch number shall”—also—“be indicated on each pack or carton.”

Mr. Speaker, Part V of the regulations provides for cigarette dispensers. It is material to note that section 15(2) of the Tobacco Control Act prohibits the public display of tobacco products, save and except for:

“...cigarette dispensers provided by the manufacturer,”—which—“devices shall not be used for the purposes of advertisement or the promotion of tobacco products and shall meet the requirements prescribed by”—these—“Regulations.”

In such, regulation 9 provides as follows:

“The display surface area of a cigarette dispenser shall not exceed”—more than—”1 cubic metre.

(2)” That a—”cigarette”—display—”shall be white or grey and shall be made of material that is opaque.

(3)” and that—”A cigarette dispenser shall—

(a) not bear any trademarks, company logos or other identifying marks of tobacco products;”

Mr. President, I have already spoken at length about the importance of health messages and warning labels in decreasing the attractiveness and appeal of cigarettes. As such, regulation 9 also provides that cigarette dispensers shall:

“(b) depict the health messages...set out in Schedule 1 and”—that the health messages shall be rotated—”in accordance with Schedule 2.”

Further, regulation 9 limits the cigarette dispensers to only one per outlet.

Mr. Speaker, the protection of the underage population remains paramount and, accordingly, regulation 10 mandates sellers to display:

“...at all times, in a prominent place in that part of the premises where tobacco products are offered for sale, a sign in bold upper case letters, that reads...

‘THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER THE AGE OF EIGHTEEN YEARS IS PROHIBITED’.”

It is material to note, Mr. Speaker, that::

“(2) A person who fails to comply with”—this regulation—”...commits an offence and is liable on summary conviction to a fine of five hundred dollars.”

Mr. President, this Government is committed to transforming Trinidad and Tobago into a healthy nation. It takes many steps to achieve this feat and diseases that are caused by smoking are preventable. If we can prevent lung and mouth cancers and reduce the infant mortality rate as a direct result of smoking, the hospitals can then focus on those diseases and issues that are not preventable, and treat those patients with the additional resources available.

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Mr. Speaker, the World Health Organization in its Framework Convention on Tobacco Control, in its foreword indicates that the WHO Framework Convention on Tobacco Control “was developed in response to the globalization of the tobacco epidemic” which we spoke about. The spread of this tobacco epidemic is facilitated through a variety of complex factors with cross-border effects including trade, liberalization and direct foreign investment. Other factors such as global marketing, transnational tobacco advertising, promotion and sponsorship, and the international movement of contraband and counterfeit cigarettes have also contributed to the explosive increase in tobacco use.

**Dr. Douglas:** That is right.

**Hon. Dr. F. Khan:** What the Framework Convention on Tobacco Control requires to do is, demand reduction and supply reduction and also behavioural change. The core demand reduction of the WHO Framework Convention on Tobacco Control are seen in Articles 6 to 14. However, they have indicated there should be price and tax measures to reduce a demand for tobacco, but there are some non-price measures to reduce the demand for tobacco and this is taken directly:

- “• Protection from exposure to tobacco smoke;
- Regulation of the contents of tobacco products;
- Regulation of the tobacco product disclosures;
- Packaging and labelling of the tobacco products;
- Education, communication, training and public awareness;
- Tobacco advertising, promotion and sponsorship; and,
- Demand reduction measures concerning tobacco dependence and cessation.”

The preamble of the Framework Convention on Tobacco Control—one of the parts of the preamble indicates that:

“Recognizing...that cigarettes and some other products containing tobacco are highly engineered so as to create and maintain dependence, and many of the compounds they and the smoke they produce are pharmacologically active,”—they are—”toxic, mutagenic and carcinogenic, and tobacco dependence is separately classified as a disorder in major international...diseases.”

That is part of the preamble, Mr. Speaker. You go further:

“Recalling that the Convention on the Elimination of All Forms of Discrimination against Women,”—the convention indicates that—  
 ”appropriate measures to eliminate discrimination in the field of health care,”

Well, that is one.

Article 1(c) indicates that:

“‘tobacco advertising and promotion’ means any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly;”

Article 4 shows the guiding principles. Number one says:

“Every person should be informed of the health consequences,”—the—  
 “addictive nature and moral threat posed by tobacco consumption and exposure to tobacco smoke and effective legislative, executive, administrative”—and—“other measures should be contemplated at the appropriate governmental level to protect all persons from exposure to tobacco smoke.”

As it goes on, Mr. Speaker, it talks about:

“Strong political commitment”—that—”is necessary to develop and support, at the national, regional and international levels,...multisectoral measures and coordinated responses, taking into consideration:”

Article 11 speaks about the packing and label of tobacco products.

“1. Each Party shall, within a period of three years after entry into force of this Convention for that Party, adopt and implement, in accordance with its national law, effective measures to ensure that:

- (a) tobacco product packaging and labelling do not promote a tobacco product by any means that are false, misleading, deceptive or likely to create an erroneous impression about its characteristics”—the—  
 ”health effects, hazards or emissions, including any term, descriptor, trademark, figurative or any other sign that directly or indirectly creates the false impression that a particular tobacco product is less harmful than other tobacco products. These may include terms such as ‘low tar’, ‘light’, ‘ultra-light’ or ‘mild’;

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- (b) each unit packet and package of tobacco products and any outside packaging and labelling should also carry health warnings describing the harmful effects of tobacco use, and may include other appropriate messages. These warnings and messages:
  - (i) shall be approved by the competent national authority,
  - (ii) shall be rotating,
  - (iii) shall be large, clear, visible and legible,
  - (iv) should be 50% or more of the principal display area but no less than 30% of the principal display areas,
  - (v) may be in the form of or include pictures or pictograms.”

It goes on and talks about packaging and labelling; it talks about education, training and awareness.

Mr. Speaker, the Tobacco Control Act of 2009—Act 15—indicates that in the first part, this is:

“An Act to prevent tobacco use by children; regulate tobacco use by individuals; enhance public awareness of the hazards of tobacco use and ensure that all individuals are provided with information to make more fully informed decisions about using tobacco; protect individuals from exposure to tobacco smoke; prohibit and restrict promotional practices; prevent smuggling of tobacco; provide for regulation of tobacco products”—et cetera—”and provide for other related matters.”

It goes on:

“And whereas smoke from tobacco products is a serious health threat to persons exposed to the smoke, causing serious diseases in adults and children:

And whereas most smokers who start smoking at a very young age are not aware of the extent and nature of the harm caused by tobacco products, and because of the addictive properties of nicotine, and often unable to quit even when they are highly motivated to do so:

And whereas the marketing of tobacco products through product design, promotion, packaging, pricing and distribution, is known to contribute to the demand for tobacco products:”

And it goes on to say there that health message—this is the definition:

“means a warning or other information about the health effects of tobacco use or exposure to tobacco smoke;”

Part II of the Act, Mr. Speaker—the administrative part of the Act—talks about the Minister establishing a unit with the Ministry. Mr. Speaker, I may say that the Director of that unit has been identified. It took a while because of the bureaucratic nature of finding that director, and we are in a process of putting the director together and also the unit. May I say that, according to section 38(1) of the Act, the Act gives the Minister the ability to make regulations, and I should so read:

“The Minister may make Regulations subject to an affirmative resolution of Parliament—

(2) The Minister may by Order, subject to affirmative resolution of Parliament, amend the Schedules.

(1) (b) generally for carrying out the purposes of this Act.”

Mr. Speaker, when you look at the regulations, the regulations are intended to deal specifically with the packaging and labelling of tobacco products. The regulations specify a mandatory rotation of graphic images on the packages together with health warnings in an attempt to discourage smoking.

#### **4.00 p.m.**

These regulations, today, that we are here to pass, Mr. Speaker, Part II of the regulations speaks about the labelling of the pack or carton intended for the sale. It talks about the type of tobacco product, the net contents and the number of units per pack, the health messages required in accordance with Part III, the name and address of the manufacturer and the declaration which is seen in Schedule 3.

Mr. Speaker, it goes on, and it speaks about the health messages, the size of the health messages, where these health messages are supposed to be located, and it indicates also in section 5(5):

“No statement related to smoking or health, other than that prescribed in Schedule 3, shall be included in or on any pack or carton.”

That takes into consideration that the competent authority, which is the Ministry of Health, will determine what messages are to be placed on the pack or carton, and so no discrepancy of low tar, ultra-light, lysine and change of messages that tells you that one tobacco product is better than the other.

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“Where a cigarette is intended to be sold individually, each cigarette shall wrapped and the message ‘SMOKING IS DANGEROUS’ shall be displayed conspicuously on the wrapper.”

Mr. Speaker, it then speaks about the cigarette dispensers, the display service area, et cetera, and it goes on to speak about it being opaque and the messages are supposed to be seen by the public.

Schedule 1 has a number of different messages. One, it starts off with behaviour changes, and then it goes to the effects and it goes to indicating—well, let us say number one. The front side, the initial Set A shows a slipper or a shoe crushing cigarettes: “WARNING QUIT SMOKING NOW”; “TAKE THE STEP”—and—”QUIT”—smoking. That was one of the initial messages trying access at behaviour change.

The second part of that page shows “WARNING Smoking Causes AGEING”. Now when you say “Smoking Causes AGEING”, we really mean smoking causes ageing looks. It could cause ageing looks, not just ageing in chronological time, because, you know, it how you may look compared—[*Interruption*]

**Hon. Member:** Eat!

**Hon. Dr. F. Khan:** If you do not eat, if you do not smoke, you may not look as how you look if—you may look younger, and it is targeted specifically, if you notice, Mr. Speaker, to women because of the nature of the type of ageing looks.

You go ahead and you look, again, on number three:

“WARNING YOUR Smoke May Kill YOUR Children”

So it sends a message out hoping that if you do read it and you take notice of it, and it is large enough for you to look at, smoking may kill your children, and it is a sort of a deterrent with a message, because, in China, it has been shown that less than 38 per cent of people who were given a questionnaire—[*Interruption*]

**Mr. Sharma:** It could prevent you from having children too.

**Hon. Dr. F. Khan:** Yeah, well, “we coming to that”. Less than 38 per cent of people who are smoking did not know the effects of smoking. They did not know that smoking causes cardiovascular disease, they did not know smoking causes Buerger’s disease, gangrene, stillborn children. They did not know that smoking affected pregnancy and the placenta. [*Interruption*] So this hopefully will send a message and allow people to be more aware with the imagery.



The other part:

“Smoking Causes MOUTH CANCER”.

Not only does smoking causes mouth cancer, this tells you about cancer and it gives you a graphic picture of the cancer itself. Smoking causes what they call nasopharyngeal cancer; it causes laryngeal cancer—[*Interruption*]

**Dr. Gopeesingh:** Bladder.

**Hon. Dr. F. Khan:** It causes cancer of the bladder. People stop smoking for 20 years and turn up with cancer of the bladder—a rampant form of cancer that is highly aggressive. [*Interruption*] I see—well, yeah, I just remembered, Tim. Cancer of the bladder is a highly aggressive tumour of the bladder and whatever cancers that we have not yet identified that are caused by smoking. Because, you see, Mr. Speaker, the smoke from cigarettes has close to about 4,000 active chemicals; among that, 250 of those chemicals are highly addictive and cancerogenic-form cancer.

The other pictorial message shows another effect of a cigarette in a certain direction causes impotence in front and back, and it shows:

“WARNING Smoking Causes IMPOTENCE”

**Hon. Member:** True.

**Hon. Dr. F. Khan:** It also says that smoking can cause blindness and it shows that it can have irreversible damage to the eye. There is a picture with a gentleman, he says:

“...Smoking caused MY lung cancer”—and—“QUIT NOW and reduce your risk”.

And it shows that:

“Smoking Causes STILLBIRTH”

—and premature births, as well as Dr. Gopeesingh will tell you, a smaller premature baby. [*Interruption*]

It shows a number nine:

“Smoking contains”—they said—“benzene”—Benzene which is highly cancerogenic—“nitrosamines, formaldehyde”—which damages the eye and—“hydrogen cyanide”—which is bad for the lungs and it shows you that there.

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Smoking can cause the sperm count and decreased fertility because it causes constriction in the testicular arteries. In the same manner it causes constrictions of the fingers, the toes and the noses, you can end up with gangrene, and there is a condition called Buerger's disease brought on by smokers where their fingers become extremely cold and sometimes can proceed to gangrene.

It also says there in number 11:

“Smoking is highly addictive”—so—“don't start”

—and it shows somebody behind bars. And:

“Smoking, when pregnant, harms your baby”

—and it goes on:

“QUIT NOW”—and—“SAVE MONEY”.

If you stop smoking, you will get money; if you stop smoking, the State will save money, because smoking is something that damages your heart, your lungs, your kidneys and every part of your system that you can think about and the person who picks up that tab is the health system.

**Dr. Gopeesingh:** Yes.

**Hon. Dr. F. Khan:** The health system takes up that tab—[*Interruption*]

**Mr. Samuel:** Well said!

**Hon. Dr. F. Khan:**—bed cost, et cetera, nurses, doctors and it keeps going on. Lung cancer—in fact, it also goes to show you the poisons of smoking. If you look at number—you go again, it is the same type of thing:

“...Smoking”—may—“Causes MOUTH DISEASE”

It shows you a picture of some very carious teeth.

“Smoking”—will—Causes NECK CANCER”

“...Smoking Causes GANGRENE” of the feet and it goes on.

Now, nicotine, Mr. Speaker, is a highly addictive compound but before I go there, I want to just read an article by Huang et al, it was seen in the scientific journal of tobacco control, and it showed that when you have very large graphic images, it shows that the graphic images decreased—they sterilization of cigarette smoke and caused the cigarette smoker to quit in approximately 17 per cent to 20 per cent of cases between—sorry, 12 per cent to 20 per cent of cases from 2000—

2009. This is a Canadian study where graphic warning labels on cigarette packets led to decrease in smoking rates in Canada, and the author is estimating that the same model was applied to the United States: an introduction of graphic warnings. It would have potentially led to a decrease between 5.3 and 8.6 million smokers.

A reason I read that, Mr. Speaker, is because there is a strong lobby from the tobacco industry that is trying to prove that graphic images do not help. In fact, the cost goes out—the amount of people smoking, it has climbed. However, if you look at—they have indicated that in the manufacturer of cigarettes, the profits have increased in this country. And they assumed that because the profits have increased then therefore more people are smoking. That is not so. Profits can increase if the price of the item increases and the expenses remain the same. So you could increase the price, keep your expenses down, and you will find that the quantum of the product may be the same or may be less, but you may get a larger profit, so that debunks that argument.

Mr. Speaker, in England, “Cancer UK had said that the move would save thousands of lives”, which is the change in the packaging. Australia has gone way, way passed that into plain packaging and showing really graphic images; Brazil is even worse. They said that:

“...‘Stopping cigarettes being marketed to children as a glamorous and desirable accessory, is one of the greatest gifts we can give to the next generation’.”

Many hospitals have already made it into a smoke-free environment and the public health minister in England, Jane Ellison, said the:

“...time”—has come—”to examine the emerging evidence. In a Commons statement, she said standardized tobacco packaging would be brought”—if—”after review”—they—”are satisfied that there are sufficient grounds to proceed, including a public health benefit’.”

Mr. Speaker, the WHO’s most recent facts on tobacco use, July 2013, show that tobacco kills approximately half of its users. It is the leading cause of death, illness and impoverishment because when—in some children, when somebody is ill from the effects of cigarette smoke and tobacco smoke, you will find that they end up with what we call the social determinacy of health where the family itself, the breadwinner is sick, goes into a state of poverty, and, as a result of that, pushes into impoverishment.

Second-hand smoke, Mr. Speaker:

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“Second-hand smoke...that fills restaurants”—et cetera, that—well, not now, okay—has—”more than 4,000 chemicals in tobacco smoke, of which at least 250 are known to be harmful and more than 50 are known to cause cancer”; we have gone through that.

“Picture warnings work.

Hard-hitting anti-tobacco advertisements and graphic pack warnings - especially those that include pictures - reduce the number of children who begin smoking and increase the number of smokers who quit.

Graphic warnings can persuade smokers to protect the health of non-smokers by smoking less inside the home and avoiding smoking near children. Studies carried out after the implementation of pictorial package...”—one is—”in Brazil, Canada, Singapore and Thailand consistently show that pictorial warnings significantly increase people’s awareness of the harms of tobacco use.

Just 30 countries, representing 14% of the world’s population, meet the best practice for pictorial warnings, which includes the warnings in the local language and cover an average of at least half of the front and back of the cigarette packs.”

Mr. Speaker, we are one of those countries, that is utilizing 50 per cent of the pack to send our message forward. It allows the other part of the pack to put the logo of the manufacturers under these regulations, so it is not as bad as it is making it out to be.

Mr. Speaker, the American College of Physicians, in their recommendations, indicate the same thing, but, however, they indicated that tobacco control and tobacco problem cannot just be made by piecemeal action. They need—effective tobacco control occurs when a concerted effort is made to establish and financially maintain comprehensive tobacco control initiatives by increasing tobacco excise taxes, prohibiting smoking in public places, preventing tobacco use among people, facilitating smoking cessation programmes and banning tobacco additives such as menthol flavouring, et cetera and it goes on to the different regulations.

This is a one warning on a cigarette packet in Australia. In fact, it is the whole package, 100 per cent.

**Mr. Roberts:** “Let we see it, nah.”

**Hon. Dr. F. Khan:** “Why yuh ent ask permission?” Mr. Speaker, do I have permission just to show this? Okay, this shows it, right. [*Minister holds up picture*] That is the whole package. The warning is on the side and the whole health message and the pictorial and the brand. Okay.

**Dr. Browne:** You have plenty to show.

**Hon. Dr. F. Khan:** Uh?

**Dr. Browne:** “Go ahead, go ahead, yuh going good.”

**Hon. Dr. F. Khan:** Yeah. All right, so, Mr. Speaker, with these few words, I would like to beg to move. Thank you, Mr. Speaker. [*Desk thumping*]

*Question proposed.*

[*Continuous crosstalk*]

**Mr. Speaker:** The hon. Member for Diego Martin Central.

**4.15 p.m.**

**Dr. Amery Browne** (*Diego Martin Central*): [*Desk thumping*] Thank you very much, Mr. Speaker. It is my pleasure and privilege to join the debate on this Motion to affirm the Tobacco Control Regulations, 2013.

Mr. Speaker, I listened very attentively to the hon. Minister of Health and I must say that sometimes many of the issues that arise in this Chamber might seem irrelevant or academic in nature to a number of the members of the listening public, but it is my hope that this debate would be quite different because this entire matter of tobacco control is absolutely relevant and critical to the health of Trinidad and Tobago and to every citizen of this country. [*Desk thumping*] So this is a special debate.

I believe it is something that is very, very important when you look at the deleterious effect—[*Interruption*]

**Mr. Samuel:** Well said.

**Dr. A. Browne:**—of cigarettes and other tobacco products on the health of this nation. So I want to do something—maybe a little bit unusual—and congratulate the Minister of Health for bringing these regulations. [*Desk thumping*]

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*and crosstalk*] I believe that this is a critical part of what should be an ongoing and comprehensive international and national effort to reduce the damage that cigarettes and similar products do—[*Interruption*]

**Mr. Samuel:** Well said. [*Desk thumping*]

**Dr. A. Browne:**—to human beings and that is what we are about—we are about preserving and enhancing human life. But, Mr. Speaker, while I congratulate the hon. Minister, I do have some concerns that he did not really put this—these regulations—into the bigger picture and I almost got the impression towards the end of his contribution, when he showed an unauthorized image and other things, I got the impression that he was leaning a bit too heavily on these images and labels and warnings that will be on cigarette products, and products associated with the sale of cigarettes, as a means of informing the general public and I think that is a big, big danger.

And all of the countries that he cited, Mr. Speaker, as examples that he seems to want to follow, in all of those countries, much stronger efforts were made to reduce the chances that non-smokers would become smokers. I fear that in this nation we are lagging behind horrifically in that department. If I am trying to get an education message, or to advise a schoolchild today to avoid smoking, these regulations are largely irrelevant in that consideration because unless they go into a parlour or a shop and actually approach a pack or a carton, or a cashier where there is a dispenser, they are not getting this information.

So while some of this information is quite good and quite accurate, this is just a drop in the bucket, Mr. Speaker, and after four years since the passage of the Tobacco Control Act, 2009—[*Interruption*]

**Hon. Member:** Which they did not support.

**Dr. A. Browne:**—I am very concerned that this Minister will be lulled into a false sense of security; “hurray we have regulations now” but the important critical and life-saving work of getting that public information to our citizens is simply not being done at this time. And I do not know if any Member can rise here and say when last they saw a mass media message targeting non-smokers in this country that is effective and driven by behaviour-change science. I am very curious about the answer because it is not happening, in spite of whatever good intention might exist.

So I am pleased but very, very concerned and I want to issue a warning to the Government that this is by no means mission accomplished. This is just one small

step on a journey that must be taken. I just want to remind the House, Mr. Speaker, that in 2003, we as a nation signed the Framework Convention on Tobacco Control and in congratulating the current Minister, I need to signal that the Minister of Health at that time, is present with us today.

**Hon. Member:** Yeah. [*Desk thumping and crosstalk*]

**Dr. A. Browne:** Hold on. The Member for Diego Martin North/East and we have—[*Interruption*]

**Mr. Imbert:** It was I.

**Dr. A. Browne:**—to give credit where credit is due. That was a critical step in the—[*Interruption*]

**Dr. Gopeesingh:** It was Jerry Narace.

**Dr. A. Browne:**—right direction.

**Dr. Gopeesingh:** Jerry signed it.

**Mr. Imbert:** “I sign it boy.”

**Dr. A. Browne:** Because we recognized at that time—and nations across the world, Mr. Minister of Health, recognized—that our populations are vulnerable and these actions are taken to protect our vulnerable population. [*Crosstalk*] Mr. Speaker, in—I am just giving a little timeline because the Minister of Health did not quite do that. In 2004, this nation ratified and adopted that Convention—the Framework Convention on Tobacco Control. And then in 2005, the Convention came into force. So we are seeing incremental steps. And then in 2009, four years later—four years later—the Tobacco Control Act, 2009 was brought to the Parliament and debated. [*Interruption*] One Member is saying one of the issues is that members in public life [*Crosstalk*] were or are smokers themselves. And maybe that led—[*Interruption*]

**Mr. Imbert:** Members of Parliament.

**Dr. A. Browne:** All right, hold on, we will get to that. Mr. Speaker, it took four years—[*Interruption*]

**Hon. Member:** Six years.

**Dr. A. Browne:**—after we ratified the Convention for the Bill to be brought to Parliament and debated, and it was passed under a People’s National Movement Government.

**Hon. Member:** Yeah. [*Desk thumping*]

**Dr. A. Browne:** And that probably was the single most important step [*Crosstalk*] in this nation's journey toward reducing our vulnerability to the tobacco industry. That was the Tobacco Control Act, 2009. And Mr. Speaker, that Act was partially proclaimed to allow the initiation of implementation. But I would have to put on the record today—and I listened to the Minister very carefully, and he said “we” and, you know, “we banned smoking in public places” and you almost got the impression that Members on his side had something to do with this. But I want the public to know today, Mr. Speaker, that when this landmark legislation was brought to the House—[*Interruption*]

**Hon. Member:** “They didn vote for it.”

**Dr. A. Browne:**—they did not vote for it.

**Mr. Deyalsingh:** They did not support it.

**Mr. Imbert:** They did not vote for it.

**Dr. A. Browne:** They did not support it. And I heard the Member for Oropouche East earlier [*Crosstalk*]—[*Interruption*]

**Hon. Member:** They abstained.

**Dr. A. Browne:**—going green in the gills, appealing for support and—[*Interruption*]

**Hon. Member:** Cooperation.

**Dr. A. Browne:**—what he sees as a national issue and partnership. But what could have been [*Crosstalk*] more important than this? And I would—green, I know you would like the term green. Mr. Speaker, why did they not support the Tobacco Control Act? And I would like the next speaker, or speakers on that side, to justify that. And then coming here today and boasting about the consequences.

Mr. Speaker, if there were problems with that Act, this Government—this current Government has had four years in office, did they bring a single amendment to the Act that was passed then? They abstained in the Lower House, they abstained in the Senate. They have not brought a single amendment in four years. In fact, they have done nothing at all. The Minister tells us today, “we have just identified a director”. This is how they deal with saving the lives of our population. And now today we have regulations and somehow everything is going to be okay.

Mr. Speaker, it is four years after the Act was passed we have the regulations, so I do not know if we are taking, in four-year increments, a critical issue like



saving the lives, especially of our young people. These regulations deal with packaging and labelling to discourage smoking. They do very, very little, if anything, to treat with the most critical issue—preventing our young people from starting to smoke in the first place. And I want to light a fire, the Minister of Health needs to make that a most urgent priority.

So, Mr. Speaker, maybe one day in the future we will look back at this debate and some of the contributions that Members would make and at that stage we would have a healthier and safer Trinidad and Tobago, and maybe we would recognize that we did some important work here today. I want to serve notice that this Opposition is very different to the Opposition that preceded us. And when we recognize something that is vital and worthy of support and in pursuit of the best interest of our citizens, we would support it and—[*Desk thumping*]  
—I want the Government to take note of that because very soon they will be on this side, and I would hope they would adopt the same approach. [*Crosstalk and desk thumping*]

Mr. Speaker, every now and then this Minister of Health gives us a little glimmer of hope, just a little glimmer, and then he takes it away with all the nonsense that is going on in the health sector. And every now and then, such as with some of these regulations, some aspects of the regulations, we get a sign that there is some intelligent life in the building that we call the head office of the Ministry of Health. So that is a good thing—not very often, but when it happens we are happy. And I am not going to be miserly with regard to my salutations on these regulations. I think there is some excellent work that would have gone into this.

I am reminded—when I think of the health sector and I look at these regulations—of a Christmas event that we had in east Port of Spain a few years ago with the children. And while there, there is a large drain that runs next to the compound where the party was being held and this drain was stagnant, mossy, overgrown—horrific. And then I saw in that stagnant water, right there in east Port of Spain, one of the most beautiful, red, tropical fishes, swimming and seeming very comfortable in spite of the horrific stagnant surroundings. It might seem a little bit of a stretch but I look at these regulations almost like that little fish—something worthwhile in the stagnant morass of the legislative agenda of this particular Government.

Mr. Speaker, unfortunately not everything in these regulations are worthy of support. I want to say that this debate is serious business. The cigarette itself is one of the most diabolical and devious inventions created by the human mind. It is a very efficient illness-delivering device; very, very efficient and within a few

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minutes it serves its purpose time and time again, designed to degrade the health of any population. Mr. Speaker, the science is clear. There is no controversy and I would hope no Member stands here and debates the basic science that this is founded on. The science is clear—cigarettes kill.

Cigarettes cause premature death. Those are facts. I will talk a little bit about ageing as well. You might expect me to argue about that, but no, cigarette smoking does cause premature ageing of the skin and other organs. We will talk about that. Other tobacco products kill as well, not just cigarettes—cigars, which are very popular now among our young people, our trendy young people. Mr. Minister, you are always on the avenue drifting up and down, I sure you have seen them. [*Laughter*]

When we win a football game or when we win a cricket—well, I “doh” know. [*Laughter*]—When we win a football game, Mr. Speaker, [*Crosstalk*] people go out there at these bars and they light cigars, and it is trendy, it is nice, it is fashionable, but, Mr. Speaker, the science is clear—smokers die on average faster and earlier than non-smokers. And these are highly unpleasant deaths. I will just read quickly from the WHO Global Report—Mortality Attributable to Tobacco.

“Tobacco is the only legal drug that kills many of its users when used exactly as intended by...”—the manufacturer.

You do not have to abuse this product. When you use it exactly as it is intended, it destroys you. Sometimes the comparison is made with alcohol and so on but—I hold no brief for the alcohol industry—when you abuse some of those other drugs, it results in health damage. It results in car accidents and all those other consequences we have, cirrhosis and other things. This is not something that even requires abuse—any use—any smoke-related product; any tobacco-related product causes damage to health.

So this is serious business and I take this debate very seriously. And we talk about second-hand smoke—I think the Minister may have mentioned that. But now there is a phenomenon of third-hand smoke where you do not even have to be exposed to the smoke itself but it remains on clothing, on the desk, on car seats, in the environment, and when a baby or any other vulnerable person who is exposed to that situation, goes into a taxi, the next day there are consequences, even leading to potential death. So this is not a joke, Mr. Speaker.

I always remember when I was at medical school; one of my tutors was the Member for Caroni East, who was quite good at that job—[*Interruption*]

**Hon. Member:** Oh yes. [*Desk thumping and laughter*]

**Dr. A. Browne:**—not good at this job [*Laughter*] but, Mr. Speaker, [*Crosstalk*] I remember—speaking of brilliant—there was one professor, Mr. Speaker [*Interruption*] that I will never forget. If I had to call anyone a genius, he was a genius. And one day I remember meeting him towards the end of my medical school career and he said, “Young Browne, I am dying”. At first I thought he was joking.

**Dr. Gopeesingh:** Yeah, Prof. Richards.

**Dr. A. Browne:** He said, “Young Browne, I am dying”.

**Hon. Member:** Max Richards?

**Dr. A. Browne:** He said, “And I am not just dying. It is a terrible death. It is a terrible death.” And that was related to the discussion at hand today, Mr. Speaker. And we have seen it time and time again—our poor citizens. So many of us go to the supermarket or into a shop and you would see this pleasant, nice, old man standing in the line and he would have one tin of sardine and three packs of cigarettes.

**Mr. Samuel:** Yes.

**Dr. A. Browne:** And he wants to skip over you because he needs to go outside and smoke. And that is someone who is just part of an industry that is designed to make money and destroy. That is the reality and I am not going to pretend it is very different. I lost my great-grandmother—I never got to meet her—to the effects of cigarette smoking.

**Hon. Member:** I lost my father.

**Dr. A. Browne:** She used to be proud of it back in those days because she was not educated. And we still have people—do not assume that people have all of the information they need to have. And, Mr. Speaker, I know we are approaching tea, but I want to give the Minister one example that is relevant to him.

I recently had an experience on the postnatal ward, in our health system, which is where babies go after being delivered. And the nurses, they have a story in Port of Spain about assuming people have information. One day they sent a young mother in—a new mother—into the ward, and they said, “You can now go in and feed your baby”. It was a premature infant. And she went in to feed her baby. And they said, “Let us go and check on her”. When they went in there, do

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you know what she was doing? She had an apple, Mr. Speaker, and she was chewing it, biting it and chewing it, and then taking bits of that apple from her mouth and putting it into the mouth of that premature, newborn infant.

**Hon. Member:** Hmm!

**Dr. A. Browne:** We cannot assume. It is dangerous to assume that because we know something, the people who need to know it out there, know it. I just want to say, as we pause for tea, Mr. Speaker, that I get the impression from this Minister that he is relying too heavily on the messages on cigarette packs and cartons to educate a public which needs a much more comprehensive effort, Mr. Speaker.

**Hon. Member:** Thank you.

**Mr. Speaker:** Hon. Members, before we pause for tea, I just want to revert to “Announcements”.

#### LEAVE OF ABSENCE

**Mr. Speaker:** I have received communication from the hon. Kamla Persad-Bissessar, Member of Parliament for Siparia and Prime Minister, and she has asked to be excused from today’s sitting; also, the hon. Vernella Alleyne-Toppin, Member of Parliament for Tobago East; and Miss Marlene Mc Donald, Member of Parliament for Port of Spain South. They have also asked to be excused from today’s sitting of the House. The leave which the Members seek is granted.

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**Mr. Speaker:** Hon. Members, this is a good time for us to pause and this sitting is now suspended until 5.05 p.m.

**4.31 p.m.:** *Sitting suspended.*

**5.05 p.m.:** *Sitting resumed.*

**Mr. Speaker:** The hon. Member for Diego Martin Central. [*Desk thumping*]

**Dr. A. Browne:** Thank you, Mr. Speaker. Before I close I was—before we paused, I asking the Government for an explanation of their non-vote, their abstention, on the Tobacco Control Act, particularly curious about the positions of the medical doctors on the then team. Dr. Hamza Rafeeq abstained, Dr. Tim Gopeesingh abstained and the fact of the matter is, if there were serious problems with the Bill and then the Act, why did they fail to bring any amendments whatsoever in the last four years and have now turned up today smiling brightly with regulations for the Parliament.

Mr. Speaker, I also mentioned that elderly man whom we all know and have seen in the shops and groceries lining up with the tin of sardine and three packs of cigarettes, anxious to go outside and smoke them, the cigarettes that is, and I am wondering—for the elderly and those who may have poor eyesight sometimes due to cigarette smoking itself—would they really be able to read some of these messages that the taxpayer is now investing their energy and time in? And I would talk a little bit more about that, in terms of the appropriateness of these messages upon which the Ministry seems to have put all its chips hoping for some sort of results, in terms of reduction in non-communicable and communicable diseases, both of which are caused by cigarette smoking in many cases and the use of tobacco products in many cases.

Mr. Speaker, I mentioned my great-grandmother. A street is named after her in Diego Martin, Bissoonia Trace; old, Hindu lady, great-grandmother, heavy smoker. I never got to meet her and she died as a result of the complications of tobacco and in complete ignorance of the consequences of that use.

Mr. Speaker, it is also a matter of public record that almost every single Prime Minister this country has ever had, either was or is a smoker of cigarettes and that is not a proud legacy. I think only maybe Mr. Robinson. I am not aware of him being a smoker. I am aware of every—[*Interruption*] sorry, the Prime Minister of Trinidad and Tobago. Think about it, Minister. So that tells us something. If we are just assuming that, on the basis of intelligence or general knowledge, people would know to avoid these things, it does not work like that. So I am charging you with a responsibility to get this public education campaign up and running in the shortest possible time because the future Prime Ministers, those little children, are looking on and I am hoping they would have listened to some of your statistics. But we cannot just rely on a debate to get the message across.

Mr. Speaker, these regulations are only a small part of what must be done and I want to take the House back to the Act itself, the Tobacco Control Act, 2009, Part II, section 5(1):

“The Minister shall establish a Unit the Ministry...”

this is 2009, eh.

“...shall establish...”

So the law is instructing the Minister on his duty, his job.

“The Minister shall establish a Unit within the Ministry which shall be responsible for—

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developing and implementing, in collaboration with civil society, national strategic approach to tobacco control;”

Do we have a national strategic approach to tobacco control? Do we even have a unit? The Minister sort of cleverly on the fly mentioned: “Well we have identified a director” or something along those lines. And I am wondering: what has happened since then? Where is the unit? How many—and I am going to ask some specific questions there at the end that I hope the Minister will be forthright enough to respond to. But I am curious about the current structure of that unit and how many warm bodies do we have in there actually doing work on behalf of the taxpayer and trying to save our next generation.

This unit that the Minister shall establish, will undertake:

“...impact assessment of national policies and programmes aimed at controlling consumption and production of cigarettes and other tobacco products;”

This unit will be:

“designing and disseminating messages for inclusion on tobacco products;”

Well if the unit does not exist or they just identified a director, then who designed and identified these messages and labels? I doubt it was the Minister in his free time. So I am curious about that as well, because this is not the business of amateurs, and we can all sit here and sketch up something, but behaviour change messaging is a science. Behaviour change communication is a science and we have to rely on experts to do the right job and ensure that the messages achieve the right results.

“monitoring activities nationally...

considering and evaluating application for licences...”

That unit is essential. This is where it starts, in terms of really implementing the meat of this Act and it appears that we are not there at all. We are very, very far from there.

And then the law goes on to state, subsection (3):

“The Unit shall be provided with...”

This is an instruction to the Minister.

“The Unit shall be provided with adequate staff with the requisite qualifications and experience for the discharge of its functions.”

Four years later we are in 2013, the unit does not appear to exist and it certainly has not been provided with any adequate staff with the requisite qualifications and experience.

And then in section 6:

“The Unit shall establish and carry out evidence-based programmes to inform the public of—

the dangers and addictiveness of tobacco use and the dangers of exposure to tobacco smoke;

the benefits of quitting and strategies to quit smoking;”

We cannot rely on packages, cartons and dispensers to do that job. That calls for a national strategic approach. That calls for national-level public education campaigns, none of which exists today. The question is: when will we be able to gather and say it exists? And I am asking that question to the hon. Minister of Health today. It is dangerous to assume that the citizens know the risks. Do not ever make that particular assumption.

“The Unit shall—

make educational and cessation materials available to municipal corporations, health care workers and facilities, schools, the media, non-governmental organizations...”

Four years later, none of this has been implemented.

Mr. Speaker, it really reminds me of the issue of children and there is overlap where we pass those laws, the relevant laws, in 2009 and the laws call for the implementation of a Children’s Authority. The foundation was laid. I was part of the process, along with others and four years later, we still seem to be dealing with vapours, with smoke and it is the same parallel here and we are dealing with human lives, including the lives of children. So this Government and this Ministry of Health has been way too slow to build on the foundation that was laid since way back in 2003/4/5. I gave the timelines up to 2009 with the Act. It has just been way too slow and unfortunately in these matters, our children are the biggest targets. Our children are the biggest victims. Our children are the biggest victims. Where is the—*[Interruption]* Yeah, they target them.

Where is the public education? We cannot rely on these regulations to do that for us. Who is educating and warning the future potential smokers? Where is the mass media campaign? We see a lot of self-promotion and use of the mass media

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to promote oneself in government at this time and that is literally the case. But we are not seeing the expenditure, the effort or the commitment to provide public education, even when it is mandated by the law of Trinidad and Tobago. Just the fact that they abstained on the vote does not mean that they are not obliged to implement and fulfil these clauses.

Mr. Speaker, where is the national social media campaign? It does not exist. Some Members are on Facebook more than others. Some are on Twitter and Instagram, et cetera, and I guarantee they have never come across these types of messages because the Ministry of Health is asleep at the wheel in this regard.

Where are the comprehensive school campaigns? We cannot just rely on, you know, different units, a principal who may be passionate about the issue. This has to be systematic and there has to be leadership from this unit collaborating with the Ministry of Education to get this done, otherwise we are “spinning top in mud”. These regulations are about reduction and cessation for smokers. The bulk of the effort has to deal with prevention efforts for non-smokers.

Mr. Speaker, and I want to raise another point here because there is some effort in these regulations to deal with loose cigarettes but it is loosely termed loose cigarettes. But, Mr. Speaker, if you think about a young person who is being offered their first cigarette, think about that young person who is being offered their first cigarette. It is not from a supermarket. It is not even from the vendor at the side of the road who has their dispenser and so on. It is from an opened pack, usually from a peer or they go into their father’s opened pack of cigarettes. It is from an opened pack. And guess what? They may not be exposed to any of these messages at that time when they withdraw that cigarette. That loose cigarette that they are extracting from that pack, or was being offered to them, is not individually wrapped with anything. There is no message, no photograph, no warning on that cigarette, because it has escaped the effort of these regulations. It might sound like a mountain out of a molehill but I am just using this opportunity to let you know that I would like to see much, much more effort. Light a fire under the Ministry with regard to that public education campaign because this is not really hitting the mark at all.

It is not satisfactory to say that now the cigarette companies cannot advertise. That is not satisfactory at all because guess what, Member for Tabaquite? The advertising is going on. It is not formal advertising but there is informal advertising taking place and the tobacco industry is benefiting from that. They may not always be the ones paying for that advertising or directly supporting it,



not always, but it is taking place. [*Interruption*] You would talk about the growth of profits and I am sure you want to say something on it. I cannot say everything for you, you know. You have a job to do as well.

Mr. Speaker, just to say that they cannot advertise is not good enough. First of all, the fact that they cannot advertise is as a result of good PNM policy and legislation. That is number one. [*Desk thumping*] No thanks to any support on the other side. But be that as it may, the fact that they cannot advertise is not good enough because do you know what the best advertisement is? It is peer pressure and there is strong negative peer pressure in this regard. That is alive and well.

And guess what is the other source of advertising that is going on to our young people, with regard to the tobacco industry? You might be surprised, Mr. Speaker, the entertainment industry; the movie industry, and studies are being done right now about smoking in movies, which all our young people are exposed to every single day and you know that has actually gone up while the very countries, the United States, the United Kingdom and other countries where these films are produced, are bringing all these heavy laws and regulations, including here in this country. There is a subliminal message continuing to go to our young people, that smoking is cool and without the formal ads in the newspapers and the magazines which we used to have before, the pernicious message continues to go out there.

In 2012, incidents, smoking incidents per movie coming out of the United States increased by 54 per cent above the 2011 level. I do not think that is an accident, a 54 per cent increase in that type of exposure. In theatre, tobacco-related impressions delivered by youth-rated terms which is PG13 and under, rose 33 per cent from 2011—2012.

### **5.20 p.m.**

There is an estimated 14 billion times young people have been exposed during the course of 2012 to cigarette-related messaging through the movie industry. If you look by companies, Time Warner is the most audacious of all of them, and this is a report from the Centre for Disease Control, smoking in the movies. Tobacco-related incidents per movie and movies produced by Time Warner, increased by 26.5 per cent in 2012 alone. I do not think this is an accident. This is a company, Time Warner, which has a tobacco policy in place before 2012. I do not think that is an accident.

Mr. Speaker, one of the messages that this Minister I am sure is aware of, but we all need to know is that the Tobacco industry is active, it is reaching out, it is

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clever, it is heavily financed, it is trying to get into the minds and ears even of Members of Parliament, because they have a job to do, but we know the end result of their industry and their work, and it is not compatible with a healthy population; that is just the truth, Mr. Speaker.

So the advertising is going on. The laws in place, in terms of banning, public advertising, but our young people are exposed to the wrong messages every single day. Unfortunately, those who are charged with a responsibility under the law are not fulfilling that responsibly in a forthright manner, and our next generation will pay. And we may have—well, maybe the next Prime Minister may not smoke, but we may have in the future, the same thing going on where, you know, leadership even finds itself vulnerable to these situations.

Mr. Speaker, I want to talk a little bit about some of the specifics in the legislation, in the regulations, because I do not have too much time allotted to me, Member for Oropouche East. Mr. Speaker, I just want to turn to page 3, which is Part III of the regulations, under Health Messages. I just have a few questions and concerns to share with the Minister. I see the Member for Oropouche East is beating his table, and I understand he has gotten very proficient at table beating in recent times, [*Laughter and crosstalk*] much to the distress of some persons, Mr. Speaker. You know, but, yes, [*Crosstalk and desk thumping*] well, it begs a question, what are political parties really most concerned about? Because it would be a little bit sad if I were to stand here berate the Government, the Government, when there is responsibly on the part of all of us, political parties even, to be concerned about something like tobacco control, and we should be sending messages even at our events, and to our membership in this regard. It is not just for the Ministry of Health.

So instead of being so alarmed sometimes about things like “curry duck”, maybe we should be spending more of our energy being concerned about tobacco and its use. [*Continuous crosstalk*] So it tells you where your priorities are sometimes, Mr. Speaker. [*Crosstalk*] Settle down, settle down. Mr. Speaker, I do not want to have to chide or berate the Member of Tabaquite [*Laughter and crosstalk*] he is getting a little exuberant. [*Laughter*]

Page 3, Part III, under Health Messages, Mr. Speaker, clause 5(4)(b), because this is an attempt by the Minister of Health to describe the health messages. So I want to go to Part (b):

“The health messages shall be—reproduced from electronic images obtained from the electronic files approved and managed by the Unit used to generate the health messages in Schedule 1.”

Mr. Speaker, “reproduced from electronic images obtained”, so the unit is generating these electronic images, and providing them via electronic files to the manufacturers, producers, et cetera. My concern is the quality of those images that would be generated; our government service, our public service is not always known for the highest quality IT work. If you just look at the quality of the images that have been provided to this Parliament—and I spoke to the parliamentary staff—designed to persuade us to affirm these regulations, the quality is extremely poor, and this is in larger size than you would find on a pack of cigarettes.

Some of these images are illegible, the messages cannot be read. Some of the photographs are indecipherable, and it clearly is a very low standard that was applied here. Heaven help us if we are now beating the tobacco industry, getting everyone online, et cetera, with this, and then what we end up with, the quality of the product and the message designed to save lives, that we end up with, is insufficient or inadequate to achieve a behaviour change outcome which is what we have set out to do. So I am very concerned about that and the Minister, I would want him to put a lot of attention, because these images that we have been given, and the Parliament has been given, have not been reproduced properly, they have been reproduced very poorly.

I want to move on that same page 3, to subsection (6), under Part V, health messages:

“Where a cigarette is intended to be sold individually,”—and there is a lot of noise about this elsewhere—“Where a cigarette is intended to be sold individually, each cigarette shall be wrapped and the message ‘SMOKING IS DANGEROUS’ shall be displayed conspicuously on the wrapper.”

“Where a cigarette is intended to be sold individually...”—this is the so called loose cigarette—“each cigarette shall be wrapped and the message ‘SMOKING IS DANGEROUS’ shall be displayed conspicuously...”

I am asking for the—there seems to be a lack of specifics here, and whereas the Minister of Health in these regulations, has paid a lot of attention to the dispenser, and the pack, and colours and so on, when it comes to the wrapping of these individual cigarettes, there are no specifics, there are no specifications whatsoever, it just says they “shall be wrapped” with a message. It says nothing about colour, it says nothing about highlights, vendor—*[Interruption]*

**Mrs. Gopee-Scoon:** Who is wrapping?

**Dr. A. Browne:**—well, that is the other question, but the vendor down the road, he may bring out a Christmas wrapping for his loose cigarettes. So I am saying Mr. Minister, you have placed so much energy on some of those other specifics, it appears here is an open field. Yes, there is a message, but I got the impression that whoever these mysterious scientists and technical advisors are, they have been persuaded that colour, presentation, lack of flash detail and those other things, decoration and highlights, the absence of those things are very important in terms of reducing attractiveness—if the loose ones, which are the readily, cheapest available form of this tobacco, we seem to have let down our guard a bit, and just said you just have to have the message and it must be wrapped. I think we need some specifics there, or I would suggest that. It does not say clear, opaque; there are no details in that regard. So the regulations appear very specific in some areas and very loose in other areas with no explanation as yet provided.

Mr. Speaker, I want to go to page 5 of the regulations as well, because I have a concern there, this is about the sign that our sellers will now be obliged to display, okay. And section 10(1); so sellers now have to display a sign. Bravo! That is good news:

“A seller shall cause to be conspicuously displayed at all times, in a prominent place in that part of the premises where tobacco products are offered for sale, a sign in bold upper case letters, that reads as follows:

‘THE SALE OF TOBACCO PRODUCTS TO PERSONS

UNDER THE AGE OF EIGHTEEN YEARS IS PROHIBITED’.”

Now, that is a critical piece of signage; that is critical, and we see that all over the world in an attempt to ensure that—to discourage the sale, or to reduce sale of tobacco products to children. So there needs to be a sign that is according to the regulations, “conspicuously displayed at all times, in a prominent place.”

Again we have all these specifics with regard to the messages on the packs and the cartons, and half the size of the pack, and the bottom half and all those specifics, but with regard to this sign, this very important sign, there is no size, there is no minimum size, there is no specification. I could have a very small sign that is conceptually displayed, in my opinion. I am sure the Minister has the answer for all of these things, but it is not apparent on reviewing the regulations. I can have a—and “bold upper case letters” says. What is the font? What is the minimum size we are dealing with here? The Minister would know if you are

setting up a medical practice, there are specifications to the size of the sign you can put outside of there. So these things are well obtained in law. *[Interruption]* Yes. Yes. So you know.

So if we are serious about doing this, I do not think just saying sign with “bold upper case letters”, I could have an upper case—I could write my name in upper case right now and it would be font size too, you would not be able to read it. I could display it prominently. I could have it on my forehead, but nobody could read it. So I just find there is an unevenness in the way some of these things have been prepared, and again it suggests that maybe this one person or zero persons in the Ministry that have worked on this may not have paid attention to comprehensiveness. Upper case can be very small, and that signage is critical. We have paid a lot of attention to specifics elsewhere in the regulations, but I am seeing some looseness here.

We go on to 10(2):

“A person who fails to comply with subsection (1) commits an offence and is liable...”

So someone who does not put up the sign at all:

“is liable on summary conviction to a fine of”—wait for it, is it a million dollars? No, Mr. Speaker, “five hundred dollars.”

Now, really, we are operating under the premise that the tobacco industry generates hundreds of millions of dollars, the lateral reality and those profits are going up every year undeterred by increases in taxes, and all those other things. We have decided that if someone clearly does not care about protecting our children, to the extent of violating the law, and not putting up this sign prohibiting sale to those under 18, they will pay a hefty fine of \$500, and that appears inconsistent with the intent of the Act, and the intent of these regulations overall, Mr. Speaker.

**Hon. Member:** Raise the fine.

**Dr. A. Browne:** Sorry?

**Hon. Member:** Raise the fine.

**Dr. A. Browne:** Absolutely. Obviously. Eureka! You got it! *[Laughter]* Mr. Speaker, moving right along. So, why so small a fine? I think it is disappointing because it suggests that we are not very serious. Mr. Speaker, I want to move on because I have been encouraged, you know, to keep it sharp, do not listen to them?

**Mr. Imbert:** “Nah.”

**Dr. A. Browne:** Mr. Speaker, I am not really doing that, you know, I am just mamaguying them a little bit. Page 6 of these regulations, Schedule 1, and we are coming to the images themselves, and I have some serious concerns or considerations to share and there is a Set A. So what the Minister has done is shared with us a whole series of images which are designed to discourage, some of them are pretty graphic and within the images, within the frame of the images, Mr. Speaker, we have some wording, some messages. So one, there is an image of—and I thought the Minister would have done this, because someone listening would not know what he was talking about. I will just give some examples. [*Dr. Browne holds up pages of illustrations*]

There is the image of someone— in sandals stamping out cigarettes, and there is a message on it saying: “WARNING, QUIT SMOKING NOW.” And on the toenail of the person’s foot, there is a little fancy image, like a cigarette with a red cross over it. In other words, I have stopped smoking basically, and there are different variances of that particular image: “TAKE THE STEP TO QUIT NOW”, and these are designed to be rotated over time on the packages and so on.

Mr. Speaker, again, the quality of the imaging, some of these things are barely visible or identifiable even on the size we have been given here. I am just wondering, and I do not know if the Minister has thought of this, when you look at these regulations, they say:

“The health messages shall be located on the lower half of the front and back panels of each pack and in such a way that the health message will not be damaged when the pack is opened.”

And it says about “half the surface area”. If I am a diabolical manufacturer of which I hope we have none in this country; you never know. If I am, and I am obliged to display messages like this, with these small words and very tiny details on the image, you know what I am going to do, Mr. Speaker? I am going to ensure that I start bringing out smaller and smaller packs. Are you prohibiting that, Mr. Minister? That is what I am going to do. So that eventually all of this clutter is going to disappear, and it is going to be almost like a dot on my pack. I am going to have a pack with five cigarettes in it, so half of that pack will be Mr. Minister’s fancy image here, but no one is going to be able to read or see anything.

**Dr. Rambachan:** [*Inaudible*—advertisement, there is a national advertisement.

**Dr. A. Browne:** Oh, Member for Tabaquite, no wonder the Member for Diego Martin North/East was saying to ignore you all along. I now understand. Ridiculous!

**5.35 p.m.**

Try to listen and understand the concern that I am sharing. That is all I ask of you; cannot ask any more of you—[*Interruption*] No, no. And the Minister knows that. You are dealing with an industry whose survival depends on avoiding the impact of these messages, so you do not expect them to just be broadcasting your stuff all over the place. They are going to find ways, and I am concerned about that because even at this size, larger than life size, I can hardly read anything and my eyes are young eyes—not perfect eyes.

**Hon. Member:** Young Browne.

**Dr. A. Browne:** Anyway, let us move on. Mr. Speaker, I see some other photographs—Minister of Health, do not listen to the Member for Tabaquite, you know, he is misadvising you. Boy.

Still on page 6, there is another one:

“WARNING

Smoking Causes AGEING”

And there an image of a lady with half her face looking young and the other half of her face looking older. Now, I can barely read that.

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member for Diego Martin Central has expired.

*Motion made:* That the hon. Member’s speaking time be extended by 30 minutes. [*Mr. N. Hypolite*]

*Question put and agreed to.*

**Dr. A. Browne:** Thank you, Mr. Speaker. [*Desk thumping*] I was going to make a different point, but I realize, on both sides of the House, there is a little concern—and I heard it elsewhere—about this issue of ageing and does smoking really cause ageing. The Minister attempted to defend it on a previous occasion and I do not want to do his job for him, but this is relevant to all of us and there is good scientific material to support the literal reality that smoking causes ageing.

This particular image is defensible in terms of its basic message and the Mayo Clinic in the United States, unlike the Ministry of Health, puts out health

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information bulletins on a regular basis and there was a recent one by Dr. Lowell Dale, which seeks to answer the question: is it true that smoking causes wrinkles? The answer, of course, was yes.

“Smoking can speed up the normal ageing process of your skin.”

That sounds like ageing to me.

“Smoking can speed up the normal ageing process of your skin, contributing to wrinkles. These skin changes may occur after only 10 years of smoking.”—and—“The more cigarettes you smoke and the longer you smoke, the more skin wrinkling you’re likely to have—even though the early skin damage from smoking may be harder...to see.

And smoking does not only cause wrinkles on your face.”—Mr. Speaker, of course not directed to you personally, but it—“also is associated with increased wrinkling and skin damage on other parts of the body”—especially—“the inner arms.”

So it is not just the face, it is the arms as well and this is not reversible, but by quitting, persons can prevent the worsening of wrinkling.

You also have ageing of the other organs. Skin is the largest organ in the body, but you have other organs that age at an accelerated rate due to the exposure to a whole range of the toxins that form part of the reality of smoking.

So, in terms of the basic science, I would be one to say that yes, smoking causes ageing. So we are not going to wrestle on that. Again the images themselves, the wording—there is some wording at the bottom here that can hardly be read at this time. When it is reduced under a pack of cigarettes, I do not know what the resolution would be. Then when the innovations come to try to mask these messages in various ways, including based on size, then I think some of this wording and these messages—I predict—are going to be lost. We will see. I predict it is going to be lost.

I would not talk more about ageing, I heard the Minister say it is only a concern for women or something like that, but that is not true. There is ample evidence—I am not going to point in any direction—persons spend a lot of money on hair dye and all sorts of other things designed to mask the ageing process. It really would be futile, Member for Arima, if we do that and we smoke cigarettes at the same time. We are spinning top in mud.

There is the image on page 7, health message No. 4.



“WARNING  
Smoking Causes  
MOUTH CANCER”

Then the image associated with that message would make no sense to the layperson or the average person. It just looks like—I do not even know how to describe how that looks like at this size. It does not appear to be anything that is clear and, therefore, when you talk about behaviour change communication, you have to start with a very clear image or message otherwise you are just losing more and more people along the road.

So that image does not appear to be constructive at all, Mr. Minister. I do not know if it is to you. Remember you are a medical doctor, you know. The people who are opening these packs of cigarettes are not doctors. You are not talking to yourself; you are talking to the general public.

Some of the other messages going along, Mr. Speaker, I have no issue with whatsoever. There is one on page 9, again, lots of words:

“WARNING  
QUIT NOW  
I wish I had quit before  
it sickened my lungs  
The late  
John Maxwell”

Very good that he and his family decided to make themselves available to this messaging, but you have white lettering on very pale or white background for much of the message and again, as the size decreases, it is just going to be lost. You can dismiss all of this, Mr. Minister, but—and the other one on still births on the same page, again, you are ending up with very small lettering as prescribed, as enshrined in these regulations and I think a lot of this is going to be lost.

So maybe good intentions, but when it comes to the actual design, there are issues. And then, some of the other messages from their page 10, et cetera, you are ending up with red font on black background and while that may sound like contrast, that really does not provide adequate contrast for health messaging. If you just look at it, Mr. Minister—I do not know if you have a different page to what I have here in my hand—if you just look at it, it cannot be read on this side, far less on a pack of cigarettes.

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So, again, it just tells me that the science, the communication science was absent in the room when some of this was done and that should make us a little concerned about the whole package, but I am also focused on the overall intent and that gives me some degree of comfort. Red on black, poor contrast, and several of the messages suffer from that—small details.

It appears some of these—and I want to turn the Minister specifically to the one on page 12, Set B, No. 1:

“WARNING  
QUIT NOW

You work too hard to burn your”—memory

“Calculate what YOU WILL save after just”—10—”days of”—smoking

Then there is a smaller box in there.

“Multiply NUMBER...”

And there is some calculation—all of that. This appears to be designed for a billboard, Mr. Speaker. Look at it! This cannot be a design for half a pack of cigarettes at this size, far less for a smaller one. So, I am concerned. I am concerned. This has not been fully thought out. Intent, bravo! Execution. This is a billboard at minimum and it is too wordy even for a billboard, far less for a small health message.

Then there is a listing: hydrogen cyanide, arsenic, carbon monoxide, naphthalene, nicotine. Great! All of these are deadly, every single one of them.

So, Mr. Speaker, those considerations apply to all of the remaining messages. I support the intent. I support even the wording in some cases, which might be literally accurate, but you are not just talking about a message hanging on its own, you are talking about the size of it, how it will be delivered and will it be effective; will it be visible? Will it be striking? Will it be legible and in many cases it simply would not. If you have messages designed for a billboard, they are not going to work on a carton far less for a pack and, even the loose ones, I do not know the font because he did not provide details for that.

Mr. Speaker, there is a lot more that I could say but I just want to ask the Minister some specifics because they are very good at going through a debate and in winding up, they just pretend, “Well we have nothing to respond to. Let us vote.” No, no, no. So I have formed the habit, especially dealing with characters like the Member for Oropouche East, you have to get specific. So let me be specific.

I am asking for the status of this implementation unit. I hope it has not gone down the road of the Children's Authority where they dance and dance and dance and when you check, there really is almost nothing going on. The Minister said, we have identified a director. I have identified a major gap, if what he said was correct. I want the status of the unit and some timelines there. The modalities for monitoring and enforcement of these regulations, what is the plan really? Share it with us. Take us into your confidence.

I want the Minister to share his vision and timetable for public education. Yeah, we can beat him up, beat him up. Obviously it is not going on, but I want his vision and the timetable for that public education. When is it really going to kick in?

I want to hear about the plans for schools and youth programming because that is not reached by the regulations as outlined here. Think about it, Mr. Speaker, can you name three successful athletes that are chronic smokers? I am certain you cannot—

**Miss Cox:** Not even one.

**Dr. A. Browne:**—and if we have our young people still continuing to be exposed to those subliminal messages in movies and elsewhere; and in the music as well and in video games now, characters are smoking cigarettes in the video games.

I am not going to make the accusations that I could make as to some of the fingers behind the entertainment industry. There are layers and layers and layers and layers of influence, but at the end of the day we could be losing a number of potential footballers. We could be losing a number of potential runners year after year because we are not stopping some of these children with talent from beginning to smoke in the first place and, if we are talking about potential cricketers, we cannot afford to lose any potential cricketers in the region. *[Laughter]* So it is serious.

I also want to hear about the Minister's vision for assisting, or for free cessation programmes that would be available nationally because all of this would be really meaningless. You can terrify a smoker tomorrow morning—O, my God—but he is addicted. He is an addict. He is hooked on a drug that we have offered him—this society has offered him.

**Dr. Douglas:** He or she.

**Dr. A. Browne:** He or she is an addict. We have scared him or terrified him or his wife when she reads the package and “she come in and she hit him on de head: Boy, yuh killing yuhself; yuh killing meh baby.” How are we helping him?

Yes, Mr. Minister, you might say you have something in Toco or something somewhere, but I am talking about a national level service just like we have—I cannot give many examples in primary care right now. I was going to say dentistry, but Good Lord! we do not. I cannot give any examples at the moment. But what is the Minister’s vision for a national level service available to citizens?

We have gotten their attention now. Where do they go? Who is going to help them? Many times we will say: “Go to your private doctor”, but some of these doctors are not trained. They are not equipped. Some of them are smoking more than anybody else.

**Hon. Member:** “Yeah, in true.”

**Dr. A. Browne:** Some of the heaviest smokers I know are surgeons who have looked into lungs and so on, so there is a lot of work to be done to help people. We have gotten their attention, we have to help them, otherwise our work is—it reminds me of George Bush when he said, “Mission accomplished. The Iraq war is finished.” He had not even started and it is still going on today.

“The Mission not accomplished, Mr. Minister.” So smoke-free cessation services nationally, is that not a noble objective? Mr. Speaker, what about incentives for projects that help people to stop smoking? And I would encourage the Minister to be very creative because if we had a creative Minister of Health, I think we would hear some of that in the budgets and other opportunities because there are other products available nationally and internationally to help persons. I know my colleague has some of them—

**Hon. Member:** No, no, no, no.

**Dr. A. Browne:**—tobacco products that he is bringing out. I hope he is not going to light up a cigarette here today. But seriously, Mr. Speaker, if we are talking about this national strategic effort, of which the Government has demonstrated little strength, part of that would be incentives for products that help people to quit smoking.

**5.50 p.m.**

Mr. Speaker, the tobacco lobby is alive and well and, you know, we have already heard from them in more ways than one during the course of these debates.

I want to ask the Minister, again—because I do not want him to forget; he might forget—why did they abstain on the Tobacco Control Act in 2009? And, having done that, they did not bring any amendments subsequently and have now brought regulations on the same Act? [*Crosstalk*]

**Mr. Deyalsingh:** Especially the gynaecologist.

**Dr. A. Browne:** Mr. Speaker, those are my considerations, and I just want to end by encouraging the Minister, do not relent; please do not rest on any laurels. There are many lives to save. There is a lot of work to be done in the health sector, which is in serious disarray at this time, but this aspect of the national effort—[*Interruption*]

**Mr. Deyalsingh:** The Eastern Regional Health—[*Interruption*]

**Dr. A. Browne:**—do not get me started. This is the truth—is winnable. It is concrete; it is definitive, but it is going to take some more passion. It is going to take collaboration with, I guess the CPO and other units as well, to mobilize the strength that is required, but I would not want us in 2015 to be back here talking about, “We wish we had a unit; we wish we had a public education campaign; we wish we were able to reach our school children.” These are things that need to be put in place. It should have been put in place already because there is an important mission when it comes to saving lives and helping to achieve a more healthy next generation for Trinidad and Tobago.

I support the spirit of these regulations. They are very much based on policy that we have brought to this Parliament. I congratulate the Minister on the effort that has been made, but I warn him that this is a drop in the bucket, and on its own does nothing to save Trinidad and Tobago from the tremendous social, economic, health and human burden that the tobacco industry has placed on this planet. Mr. Speaker, I thank you. [*Desk thumping*]

**Mr. Speaker:** The hon. Member for St. Joseph.

**Hon. Member:** Oh goood!

**Mr. Terrance Deyalsingh** (*St. Joseph*): Thank you, Mr. Speaker, for allowing me to make a short, a very short—[*Interruption and crosstalk*]

**Mrs. Gopee-Scoon:** You all have nothing to say on this. [*Interruption*]

**Mr. T. Deyalsingh:**—very short contribution today—[*Interruption*]

**Mrs. Gopee-Scoon:** They have nothing to say on this.

**Mr. T. Deyalsingh:**—on the Tobacco Control Regulations. Mr. Speaker, we are here today to give life to Part IV of the Act, which speaks about packaging and labelling. My contribution has to deal with some very short questions, which I would like the Minister to deal with in his wrap-up.

Issue No. 1 to the Minister, through you, Mr. Speaker, how does this Act regulate cigars? Does it also apply to cigars—*[Interruption]*

**Dr. Khan:** Tobacco products.

**Mr. T. Deyalsingh:**—and are we going to see the same messages on cigars? Who is responsible for rolling and selling individual cigars?

**Dr. Khan:** Tobacco products as a whole.

**Mrs. Gopee-Scoon:** “Listen nah man!”

**Mr. T. Deyalsingh:** And, two, the regulations which deal on—*[Interruption]*

**Dr. Browne:** “Give him ah hearing.”

**Mr. T. Deyalsingh:**—on point two, Minister, under “wholesaler” it says:

“...means any person who buys tobacco products in bulk...”

What is bulk? *[Laughter]* One case, 10 cases? *[Interruption]*

**Dr. Moonilal:** Plenty.

**Mr. T. Deyalsingh:** Plenty, good. If you are happy with that type of regulation, fine. If that is the flippant answer you want, which will allow the tobacco industry to file some sort of—so if you are happy with a flippant answer—*[Interruption]*

**Hon. Member:** More than one pack.

**Mr. T. Deyalsingh:**—as the Member for Oropouche East said “plenty”, Minister, I am fine with that too.

**Mr. Roberts:** Next question.

**Mr. T. Deyalsingh:** It speaks about dispensers in Part IV,

“...dispensers should be white or gray...”

In visiting all the supermarkets, bars, I see all the dispensers now are black or charcoal grey black. Is it that they have to replace all of those dispensers with white or gray dispensers? Can these current dispensers which are opaque not work? Very simple questions.

Mr. Speaker, my last intervention on this, if it is our objective as a Parliament, to discourage smoking, there is another aspect of it that we need to address. The one-year time frame which the regulations speak about for the implementation of this—I want to ask the Minister a direct question—for any tobacco manufacturer to comply within one year: who is it that is supplying the graphics and the images? Is it the unit? So does the one year start from the date of proclamation or does the one year start from the date of supply of the images to the cigarette manufacturer?

**Hon. Member:** You talk to Witco boy!

**Mr. T. Deyalsingh:** Because if we want this piece of legislation to succeed and on section 5 of the parent Act the Minister establishes the unit, and in 5(c) the unit is responsible for the designing and disseminating of messages for inclusion of tobacco products. So if we want to see this succeed, Mr. Minister, could you please inform the public, inform me, when does the clock start to run, from the date of proclamation or from the date of supply of the images? We do not want to see a challenge to the legislation.

My very last point, Mr. Speaker, and I will be brief, we are all concerned about the deleterious effects of smoking, and we want to see smoking curtailed, stamped out and people make correct decisions as far as possible. The hon. Minister of Health, the Member for Barataria/San Juan will know, as I do know, in the pharmaceuticals industry, we have for years—and every administration has not been successful in stamping out the illegal suitcase trade in pharmaceuticals. The term “suitcase trade”, to my knowledge, originally started off with pharmaceuticals because pharmaceuticals are small, expensive, so you could literally bring in a suitcase of pharmaceuticals and sell it for huge amounts of money, hence the term, I suppose, “suitcase trade”. Our local supply chain of pharmaceuticals is contaminated from top to bottom with contraband pharmaceuticals, and no administration—whether it is PNM, UNC, NAR, UNC again, UNC again, PNM, now this administration—has been able to deal with ports of entry and points of entry of these types of pharmaceuticals.

I dovetailed that, Mr. Speaker, very briefly, with what we are attempting to do here today. If it is we are concerned about smoking and control of smoking by passing these regulations, they are coming into our ports and into our country, container loads of contraband cigarettes. Mr. Speaker, you will remember I had asked you permission, I just have a sample here of six packs of contraband cigarettes. We all know what this one is meant to look like [*Pack in hand*]

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**Mr. Roberts:** “You are supporting the trade oh what!” [*Crosstalk*]

**Mr. T. Deyalsingh:** We all know what this is meant to look like—[*Pack in hand*]

**Mrs. Gopee-Scoon:** Benson and Hedges.

**Mr. T. Deyalsingh:** Benson and Hedges. We know what this one is meant to look like. [*Pack in hand*]

**Mrs. Gopee-Scoon:** “Leh meh see.”

**Mr. T. Deyalsingh:** Du Maurier.

**Mrs. Gopee-Scoon:** Yes.

**Mr. T. Deyalsingh:** They have one called “Coco Palm”. [*Pack in hand*] All the bars have this selling.

**Mr. Roberts:** But that is a charge, you have that.

**Mr. T. Deyalsingh:** “Cinegar”. [*Crosstalk*] We have one called “Horeze”. I cannot even pronounce it, and this is just a sample [*Interruption*]

**Mr. Roberts:** Officer lock him up.

**Sen. T. Deyalsingh:** You see, you all are being flippant on an important issue.

**Mr. Roberts:** Not flippant! “Whey you buy that from?”

**Mr. T. Deyalsingh:** This is an important issue. [*Crosstalk*]

**Hon. Member:** We want to know where you get it.

**Mr. Roberts:** “You buy de thing.” [*Crosstalk*]

**Mrs. Gopee-Scoon:** You will get a turn.

**Mr. T. Deyalsingh:** Mr. Speaker, may I speak in silence, please?

**Hon. Member:** He got it from the police. [*Crosstalk*]

**Mr. Speaker:** Hon. Members, could you allow the Member to speak in silence, please? Continue, hon. Member. [*Laughter*]

**Mr. T. Deyalsingh:** These are just samples of five packs—[*Interruption*]

**Dr. Rambachan:** You brought it here?

**Mr. T. Deyalsingh:**—of about 15 brands that are available in our bars and the underground economy. So if we want to—[*Interruption*]



**Dr. Rambachan:** Are they on shelves? No, seriously.

**Mrs. Gopee-Scoon:** They are in bars, they are available.

**Mr. T. Deyalsingh:** They are in available in bars.

**Dr. Rambachan:** Name a bar!

**Mrs. Gopee-Scoon:** What is this?

**Dr. Browne:** Parrot!

**Dr. Rambachan:** Well, name a bar. [*Crosstalk*]

**Mr. T. Deyalsingh:** Mr. Speaker, these are just five—[*Interruption*].

**Dr. Rambachan:** Name the bar!

**Mr. T. Deyalsingh:**—Mr. Speaker, these are about five or six packs of about 15 that exist in the country. So if it is we are placing reasonable restrictions, then we also have to look at our ports of entry because what we are seeing is that these illegal cigarettes, contraband cigarettes, sell at a discount to the typical brands of about \$10, and what this does is drive smoking and the purchase of these cigarettes underground. Teenagers in Trinidad and Tobago would have access to this.

We need to do something about the ports of entry because there are countries in the world where you can go, hon. Minister of Health, and you know this, and order a container load of cigarettes with your brand and call it “Barataria/San Juan” or I could do it and call it “St. Joseph”. They would do anything and the danger is, this illegal trade in cigarettes, if we are serious about curtailing the use of tobacco and tobacco products on the legal side, we have to be conscious that if we decrease smoking of the legal product, we may actually be increasing the smoking of the illegal product, and that is something we as a Parliament have to be aware of. There is absolutely no tracing of these cigarettes in case there is a recall or a health warning. Recently, we had the case where—[*Interruption*]

**Dr. Rambachan:** Mr. Speaker, will the Member give way for a question? Is the Member prepared to say from the packs that he has produced here, where those packs have been produced in what part of the world?

**Hon. Member:** Yes.

**Mr. T. Deyalsingh:** Let us see. These packs have no country of origin—yes, sorry, Shenzhen Tobacco Industrial Company Limited. That is it.

**Dr. Rambachan:** And no country?

**Mr. T. Deyalsingh:** No, Sir, and this is coming in.

**Hon. Member:** What country you think it is, Shenzhen?

**Mr. T. Deyalsingh:** The other one, let us see, Grand River Enterprises, Six Nations Limited, Canada—[*Interruption*].

**Mr. Roberts:** How you were able to get that?

**Hon. Member:** “I never see dem thing here.”

**Mr. T. Deyalsingh:**—made for Aberdeen International FZE manufactured in India. No country of origin on this one.

**Mrs. Gopee-Scoon:** Let me see.

**Mr. T. Deyalsingh:** Happy? This one—[*Interruption*]

**Mrs. Gopee-Scoon:** This is a Dutch one.

**Mr. T. Deyalsingh:**—made under authority of Venetian Tobacco Company Limited; any country of origin?

**Mrs. Gopee-Scoon:** This one is Germany.

**Mr. T. Deyalsingh:** It just said Germany; this one is Germany. This one just says, Venetian Tobacco Company; any country of origin? Virginia Blend for export, no country of origin. So that answers the question for Tabaquite.

**Hon. Member:** The United Nations of Tobacco.

**Mr. T. Deyalsingh:** Mr. Speaker, the world has had experience in the past with outlawing alcohol which drove it underground, which gave rise to the Chicago gang culture. These products are also going to do the same thing. So we support the regulations, but as a concerned citizen and non-smoker and as a Minister of Health, we also have to be cognizant that what we are doing here today is just plugging one hole in the dam. If we do not find a way—because I drew the example with pharmaceuticals—you know Minister that the pharmaceuticals supply chain is contaminated. You know that. I know that. We have tried our best over the years, Mr. Speaker, nothing! Our ports of entry are porous. Something is going on there—[*Interruption*]

**Mrs. Gopee-Scoon:** That we know.

**Mr. T. Deyalsingh:**—and that happens again with cigarettes, but on a larger scale. So, Mr. Speaker, I just want to say while we support the intent of this, let us not think that passing the legislation and approving the regulations by affirmative resolution today is the panacea for this. Until we look at the illegal trade in cigarettes, we may not be doing the service to Trinidad and Tobago as we think.

Mr. Speaker, with those very few words, I thank you. [*Desk thumping*]

**Mr. Speaker:** The hon. Minister of Health, oh sorry, the hon. Member for Diego Martin North/East. [*Crosstalk*]

**Mr. Colm Imbert** (*Diego Martin North/East*): Thank you, Mr. Speaker— [*Interruption*]

**Dr. Browne:** The night has just begun.

**Hon. Member:** Do not try that.

**Mr. C. Imbert:** Mr. Speaker, I am still a Member of this House. [*Laughter and crosstalk*] Mr. Speaker, there are some important points that need to be made.

**Dr. Moonilal:** You have any contraband? [*Laughter*]

**Mr. C. Imbert:** I see the Christmas spirit is getting to Members, Mr. Speaker, and what they are doing, they are motivating me to speak for 75 minutes which was not my intention.

**Mr. Roberts:** “Deyalsingh, dey go lock yuh up outside eh.”

**Mr. C. Imbert:** Mr. Speaker, could you control the House?

**Mr. Speaker:** Members, could you allow the hon. Member for Diego Martin North/East to speak in silence?

**Mr. C. Imbert:** Yes, Mr. Speaker. I know that Members want to go and imbibe and partake in festivities, but I will not be long.

Now, Mr. Speaker, I have the pleasure to remind Members that I was the Minister of Health in 2003 who was responsible for Trinidad and Tobago acceding to the Tobacco Control Framework in May or June of 2003. I was just the Minister at the time, and I must say, Mr. Speaker, that what I did in 2003, followed on the work done by the Minister of Health before me and even the junior Minister of Health before me, who is now the Minister of Health, but the Ministry of Health was committed—

**Dr. Browne:** Senior Minister.

**Mr. Imbert:**—he is now the Minister of Health—was committed to the control of tobacco products. I came in as Minister, I followed through, and we acceded to the framework on tobacco control in Geneva. I believe it was in May 2003. It is now December 2013, and that gives you, Mr. Speaker, some idea of the power of the tobacco lobby. Ten years after I caused the framework control on tobacco to be lodged in Geneva and acceded to by Trinidad and Tobago, ten years later we are now debating regulations with respect to [*Laughter*] the advertising of tobacco products, and the regulation of tobacco, generally. Ten years later. It shows you the power of the tobacco lobby, Mr. Speaker.

**6.05 p.m.**

I have in my possession a document that was sent to various Members, clearly in an attempt to influence them with respect to this debate. [*Interruption*]

**Hon. Member:** Somebody said something?

**Mr. Browne:** Put the spotlight on them.

**Mr. C. Imbert:**—I have received this, and I understand several Members of Parliament have received this.

**Hon. Member:** What is that?

**Mr. C. Imbert:** It is a document prepared by the West Indian Tobacco Company, and it is entitled “Comments on the Tobacco Control Regulations 2013 for the labelling of tobacco products and requirements for dispensers”.

**Hon. Member:** They are still selling more every day.

**Mr. C. Imbert:** And, Mr. Speaker, it goes into a lot of detail. It is several pages long and it goes through the regulations one by one, seeking to take issue with virtually each one of the regulations, declaring each one of the regulations to be unconstitutional, ultra vires, wrong and just bad, and urging Members of this House, and the other place, to reject the regulations. [*Crosstalk*] And I would read some of the things that they have said.

**Hon. Member:** “Doh bother with them, Colm.”

**Mr. C. Imbert:** No, I am not going to bother with them. [*Laughter*] The point I am making is, that as a country we agreed to control tobacco in 2003. It is now 2013—[*Interruption*]

**Hon. Member:** All right—[*Inaudible*]

**Mr. C. Imbert:**—and in 2013 the tobacco lobby is still at it, 10 years later. [Crosstalk]

**Mr. Roberts:** Jerry Narace did nothing after you left.

**Mr. C. Imbert:** No, he passed the Tobacco Control Act in 2009; “give Jack his jacket”. The former Minister of Health, Mr. Narace, was very strong towards controlling tobacco and tobacco use in this country. “Give Jack his jacket.” He passed the Tobacco Control Act.

**Mr. Roberts:** Jack gone.

**Hon. Member:** He had good support from the Cancer Society.

**Mr. C. Imbert:** Now, let us look at what these people are saying:

We fully support the introduction of regulations to address specific issues that the Government has identified to the extent that such regulations are workable, reasonable, constitutional in accordance with domestic law and the country’s international obligations.

And then they go on:

We oppose attempts to implement tobacco control measures that extend beyond the Act’s clearly stated objectives. We state that regulations cannot extend the scope of general operation of an Act, but must be strictly ancillary to the Act. We oppose attempts to implement measures that arbitrarily or excessively invade the enjoyment of guaranteed rights, including the right of freedom of thought and expression, and the right to property or are unreasonable.

So this is what the West Indian Tobacco Company is telling legislators— [Interruption]

**Dr. Gopeesingh:** Did they say anything about right to life?

**Mr. C. Imbert:** I am going to that. Then they go on to say that—they are complaining about the graphic advertisements that the Member for Diego Martin Central referred to. And the Member for Diego Martin Central was making the point, that in his opinion, these graphic advertisements that are displayed in the regulations are insufficient. They should be better. They should be more potent. They should be more attractive in terms of capturing the imagination of the people looking at them.

So that was the complaint of the Member for Diego Martin Central.

**Hon. Member:** They—[*Inaudible*]—on your mind. [*Laughter*]

**Mr. C. Imbert:** But the argument of the West Indian Tobacco Company—listen to this:

We are unaware whether an impact assessment on the effectiveness of graphic health warnings has been conducted, and, moreover, the available evidence demonstrates that large graphic health warnings will not actually reduce smoking prevalence, let alone have a material impact on prevalence rates. [*Interruption*]

**Dr. Gopeesingh:** “Where they get that from?”

**Dr. Browne:** What are you worried about?

**Mr. C. Imbert:** That is what they are saying. They go on to say:

We have looked at the proposed regulations and we consider they are unlawful as follows:

The requirement for health messages go beyond the ambit of the framework for tobacco control.

The requirement that no statement related to the smoking or other than health messages shall be included on the pack or carton is unlawful.

The requirement that 12 health messages be evenly distributed in each case if the product is unlawful.

The requirements for the cigarette dispenser, size, number, outlet, et cetera, unlawful.

Then they go on to speak about the one-year time frame. And let me just clarify a point that was raised as to the one-year time frame. The regulations are very clear. The regulation states in regulation 3 that:

“These regulations shall come into effect one year after the date of publication.”

And it is standard that after the two Houses approve these regulations because they are subject to affirmative resolution, they will then be sent to the printery to be published in the *Gazette*, and when they are published that is the date of publication. It is not long after the process that we are engaged in here. It could be a couple of weeks, a month at most, and then the one year will kick in as soon as the regulations are published in the *Gazette*, which hopefully will be no more than a month from today.

The question as to who provides the graphic images, that is also contained in the law, and that is in section 5(1)(c) of the law.

“The Minister shall establish a Unit...which shall be responsible for...”—several things, and one of the things they shall be responsible for is—“...designing and disseminating messages for inclusion on tobacco packages;”

So the unit is going to design and disseminate the graphic messages, and the tobacco companies have one year to put their House in order. But they are unhappy about that, and they have said:

While the proposal of commencement after one year is workable, it is essential that the electronic images for the printing of the health messages are received from the Tobacco Control Unit on the date of commencement in order to facilitate the printing process.

So what they are saying, as soon as the Minister causes these regulations to be published, they must immediately get the graphic control images otherwise they cannot do it. Well, the ball is in the Minister’s court. I will assume that he will make sure that they get the graphic control images almost immediately.

They go on and complain that:

We have been advised that in order to complete the printing of the health messages, our suppliers will require significant time to create the templates, align the messages, facilitate testing—so, so, so, so, so.

So they are saying the regulations should come into effect one year after they get the images from the unit.

Then the next complaint is—well, they keep complaining about the graphic control images. They said:

Graphic health warnings are not required by the Tobacco Control Framework at all. [*Laughter*] As such, the Tobacco Control Framework cannot be relied upon as justification for introducing larger health warnings.

Then they continue to complain about all aspects of the health warnings. They say they are too big. They are complaining, and they say that the Tobacco Control Framework says you should have a minimum of 30 per cent, but you should aim for 50 per cent. So they want to know why we are aiming for 50 per cent. [*Laughter*] I mean, this is in this document, Mr. Speaker. This is actually in this document, that they would prefer—for example, hear what they said:

Article 11 of the framework for tobacco controlled states:

Warnings should be 50 per cent or more of the display area, but no less than 30 per cent. The mandatory language of the Tobacco Control Framework

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therefore only applies to the imposition of written warnings covering 30 per cent of the displayed area. Graphic health warnings are not required by the framework control at all.

And so they go on to say. Then they say:

The introduction of text warnings cannot be justified as necessary, since the evidence from numerous markets overwhelmingly demonstrates these warnings do not reduce smoking prevalence. Such trade restrictive measures frustrate the purpose of trademarks, drive all tobacco products to be more generic looking in nature.

And they continue to complain, and they said:

The introduction of plain packaging by Australia is currently the subject of a trade dispute at the WTO, in part on the basis it is an unjustified infringement of an intellectual property.

Mr. Speaker, the one that struck me the most was that they said that the Government's attempt to impose unreasonable graphic warnings of the sort contemplated in the regulations would be found unconstitutional, because it will breach the constitutional right to freedom of expression by the tobacco companies. Mr. Speaker, I think I heard some of this being repeated in the other place, and the point is that this was circulated to all Members of this House, and Members in the other place, and it is unfortunate that some Members of the other place found themselves repeating this stuff, Mr. Speaker.

**Hon. Member:** I wonder why?

**Mr. C. Imbert:** Because as you go through, they are just complaining and complaining and complaining. And what they are saying, Mr. Speaker, is that requiring them to have a graphic health warning is unconstitutional. It is against their freedom of expression. It is breaching their right to intellectual property.

There is no evidence that these warnings will cause people to smoke or not to smoke as the case may be. They are complaining it is going to be expensive to put these 12 different messages into a case. And let me just clarify an issue. You would get the impression, Mr. Speaker, if you are not careful on what they are telling you in this document, what the tobacco company is telling you, that the regulations require, in a carton of 10 cigarettes, that every single pack must have a different health message on it. That is not so. You have cartons that go in to a larger case, so you might have 15 cartons or 100 cartons in a big case; and what the regulations require?



In the carton, each pack could have one health message, but then, of the 12 different messages in the hundred cartons in the case, these must be evenly distributed inside of there. So you would eight cartons, approximately, of each of the 12 inside of there. They are complaining that their process is automated; this is going to cost them money. Now the whole point, Mr. Speaker, of course it is going to cost them money. Of course it is. It is going to cost them money to print these graphic messages. It is going to cost them money to package the things in the manner prescribed. It is going to cost them money to put 12 warnings in a case. *[Interruption]*

**Hon. Member:** They costing us money.

**Mr. C. Imbert:** So what? You know, this is the whole problem that I have with the tobacco lobby. So what if it cost the West Indian Tobacco Company money? So what? Has anybody looked at the share price of Witco? If anybody has been following the Trinidad and Tobago Stock Exchange, Witco's shares are now retailing at, I think, \$120—a hundred and twenty dollars. And if you had looked at the share price of West Indian Tobacco maybe two years ago it was \$60, and if you had looked at it four years ago it was \$30.

So as more and more prohibition comes in, as more and more taxation is imposed on cigarettes—*[Interruption]*

**Hon. Member:** They are doing well.

**Mr. C. Imbert:**—profits are going up, share price is rising. So from a commercial point of the view, Mr. Speaker, a strictly commercial point of the view—*[Interruption]*

**Hon. Member:** “Don't feel sorry for them.”

**Mr. C. Imbert:**—I cannot feel sorry for the West Indian Tobacco Company. It is one of the most profitable companies in the Trinidad and Tobago Stock Exchange at this point in time. And as my colleague from Diego Martin Central is pointing out, they are profiting from death, because tobacco kills, Mr. Speaker, and therefore all of these complaints about infringing their constitutional rights to freedom of expression—*[Interruption]*

**Hon. Member:** Rubbish!

**Mr. C. Imbert:**—infringing their rights to intellectual property—no. All of these complaints they are making, and they are saying—they are telling legislators in this document that the court is going to strike these things down. That these regulations will be struck down by the court—*[Interruption]*

**Hon. Member:** Bring it on.

**Mr. C. Imbert:**—because the court is going to respect the tobacco company’s constitutional right of freedom of expression, and it will respect the tobacco company’s constitutional right of freedom of intellectual property, and so on, Mr. Speaker.

**6.20 p.m.**

Now, this is notwithstanding the fact that the Tobacco Control Act was passed with a special majority. This is notwithstanding that fact. They are relying on section 13 of the Constitution, and they say they will mount an argument that they are going to go to the court and notwithstanding the fact that the Act was passed with a three-fifths majority, they are going to mount a section 13 challenge and say that to cause tobacco companies to put these graphic images on cigarette packs and to cause them to put everything in a plain wrapper and so on, is not justified in a society that has respect for the rights and freedoms of individuals, Mr. Speaker. They are going to mount a section 13 challenge. So, what this Parliament is doing today, they are going to ask the court to deem it unconstitutional because it is not justifiable.

Now, Mr. Speaker, we do not need to go into all of the things that tobacco products do; the number of cancers. I do not need to repeat all of this. The Minister of Health has gone into that ad nauseam; the myriad of cancers, the problems with cardiac disease, the problem with second-hand smoke, the studies that have shown how second-hand smoke leads to a 25 per cent greater risk of cardiac disease and so on. We know all of these things, Mr. Speaker. We do not need to go—I do not intend to go into any great detail on the health risks of tobacco. But what I would simply read into the record, Mr. Speaker, before I close, because I realize members are getting restless. [*Laughter*] I read some very, very interesting material about the history of tobacco, Mr. Speaker, very, very interesting material and how tobacco was dealt with many, many years ago. I am afraid the print is so fine, I will have to use my granny glasses.

**Dr. Browne:** Grandpa glasses; grandpa glasses.

**Mr. C. Imbert:** Grandpa glasses, I am so sorry. [*Interruption*] Mr. Speaker, I am reading from a document on tobacco history, and listen to this:

“Acceptance of tobacco use was less than unanimous. In 1628, Shah Sefi punished two merchants for selling tobacco by pouring hot lead down their throats.”

**Hon. Member:** “Wha!”

**Dr. Moonilal:** Deyalsingh, that could happen to you today.

**Mr. C. Imbert:** “In 1634 Czar Alexis of Russia created new penalties for smoking. For the first offense”—of smoking—”the punishment was whipping, a slit nose, and transportation to Siberia. The punishment for the second offense was”—[*Interruption*]

**Hon. Member:** One strike and you out.

**Mr. C. Imbert:**—”execution. A Chinese regulation of 1634 made the use or distribution of tobacco punishable by decapitation.”—Mr. Speaker.

**Dr. Browne:** We not so bad at all.

**Mr. C. Imbert:** No, it is important. [*Interruption*] I think it is important that we know—[*Interruption*]

**Dr. Moonilal:** “Yeah, we not so bad.”

**Mr. C. Imbert:**—that 400 years ago, the penalty for tobacco use was death, and what we have come now, 400 years later—[*Interruption*—we have come to the situation where tobacco companies are selling death but would like us to believe that they are selling something good. In fact, there were even doctors, and the doctors among us will bear this out. Fifty years ago there were doctors that promoted the health benefits of smoking. There were actually doctors in the United States that advocated smoking because of its health benefits that smoking was good for you, Mr. Speaker.

So to deal with the regulations themselves, whatever errors these regulations have in them—[*Interruption*—and as far as I am concerned there are none because I have gone through the Act, I have gone through the parent Act. I have looked at the powers of the Minister in terms of the parent Act and I think it is necessary for the record in the event that these fellows decide to use the *Hansard* record, I think it is necessary to let the public know that the Minister is the licensing authority under this Act.

“No person shall manufacture, import, export or distribute tobacco products”—[*Interruption*]

**Mr. Roberts:** Or purchase.

**Mr. C. Imbert:**—“at wholesale, without first having been issued a licence.” And most importantly, Mr. Speaker, the most important regulation of all, as far as I am concerned, or the first most important section in the Act, section 33:

“No person shall manufacture, import, sell or commercially supply or distribute any tobacco product unless it conforms with this Act and Regulations.”—that come from this Act.

So let them go to court.

**Hon. Member:** Let them try.

**Mr. C. Imbert:** Let them try whatever they want to try. Let them see if they can defeat this section in the Act. I will read it again:

“No person shall manufacture, import, sell or commercially supply or distribute any tobacco product unless it conforms with this Act and Regulations.”

And these regulations are made in conformity with the Act, in conformity with section 38 of the Act and, specifically, in conformity with section 38(1)(b) of the Act, which is:

“The Minister may make Regulations subject to affirmative resolution of Parliament—

(b) generally for carrying out the purposes of this Act.”

And in the preamble, even though it does not form part of the Act per se, Mr. Speaker, the general principles of the tobacco control framework convention were outlined.

So, we on this side, Mr. Speaker, wholeheartedly support these regulations. It has been a long time in coming. I am personally tired of all these letters and documents that the tobacco company sends to us, and I know that even when these regulations are enforced, Witco share price may still go through the roof, because one of the things about tobacco and alcohol—[*Interruption*—is that as you try to regulate them and you try to tax them and so on, something strange occurs with these products. But we—I tell you I will go for 75 minutes, you know—as parliamentarians, we can only do our best and we can only do our duty; I am in complete support of these regulations—[*Interruption*] [*Desk thumping*]

**Hon. Member:** Well done.

**Mr. C. Imbert:** I am satisfied that they are properly made in accordance with the Act—[*Interruption*]

**Dr. Khan:** Thank you.

**Mr. C. Imbert:**—and I challenge the tobacco company, take us to court.

Thank you, Mr. Speaker. [*Desk thumping*]

**Mr. Speaker:** The hon. Minister of Health.

**The Minister of Health (Hon. Dr. Fuad Khan):** Thank you, Mr. Speaker. Mr. Speaker, I want to start—[*Continuous crosstalk*] I would like to start, Mr. Speaker, by thanking the Member for Diego Martin North/East for winding up the debate for me. [*Laughter*] I want to thank the Member for Diego Martin Central for giving me some salient points—[*Interruption*]

**Dr. Browne:** And I beg to move.

**Hon. Dr. F. Khan:**—and also the Member for St. Joseph, he has raised some points I would like to address.

The part for the Member for Diego Martin Central, you asked about the \$500 fine which was pretty small and when questioned, also realized that that is in keeping with a small offence under the Summary Offences Act. You cannot go higher than that because it is not a major breach of the legislation, so that is why it is that level. We may be able to come and amend it later down, but it is in keeping with the law itself.

The other part of what you were concerned about was the quality of the graphics. That is a photocopy of a photocopy of a photocopy, but the actual electronic images are much clearer and much more delineated that would be sent to the manufacturing company.

**Dr. Browne:** “Why you do us that?”

**Hon. Dr. F. Khan:** “I did not do you that.” I mean, you wanted extras, I give them to you.

We have started a couple of smoking cessation clinics—one in north, one in south—and that is being done by the health education unit. Now, what I would like to just say, although the unit—[*Interruption*]

**Dr. Browne:** Tell us man. Where and when and what time could people go?

**Mr. Sharma:** Go on the Ministry’s website and get that.

**Hon. Dr. F. Khan:** What I would like to say though, the real aspect of your contribution was the unit. We have identified a director from advertising, but what

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[HON. DR. F. KHAN]

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I would like to say, the Ministry of Health departments have taken on board developing the protocols for this. The first part, up to 5(a); that was implementing and looking at the national strategic approach. That was done by the policy department as we have it now. The impact assessment, et cetera, once again, was the policy department, they gave us the information on that; designing and disseminating the messages, it is a collaborative effort between our health education department and the policy department.

We did this to try to get these graphic regulations as fast as we could. I will tell you exactly what happened and why it took so late to come here. The chief medical officer, on the other hand, deals with the World Health Organization and PAHO, to do the international conferences, et cetera. The monitoring department is done by the legal team and number (f) is done by the—which is the licence, et cetera, looking at that, which is being prepared by the legal team and the chief medical officer.

We were with CROSQ and Caricom looking at these images for quite a long time to develop the images themselves and in keeping with Caricom arrangements, so that is why it took a little while for us to get approval for the images. It did take a “lil” while. And as I was speaking to the former foreign affairs Minister, the Member for Tabaquite, he indicated that Caricom does take a while to do things and that is the reason why these regulations were not really brought with these images, because we were waiting for a very long time on that.

The different products that you indicated that we should utilize to prevent smoking; that would be looked into to see how best we could deal with it, but it has to be done in keeping with the regulations because they cannot look like, or smell, or whatever, like tobacco products, will be aids to tobacco cessation. I asked my hon. Member for Caroni East, as I was on a sabbatical from politics within the years 2009/2010, why it was not supported. Apparently, there were some parts of the legislation that were not in keeping with the Constitution of Trinidad and Tobago and they were asked that it be taken out. One part of it was somebody—I remember seeing a child could report his/her parent for smoking in the house, for second-hand smoke. That was one part of it.

**Dr. Gopeesingh:** And they could get jailed.

**Hon. Dr. F. Khan:** So I have to look at it. I suggest you look at the contribution of the Member for Caroni East in the last place.

**Mr. Imbert:** Frankly, I do not have enough time. [*Crosstalk and laughter*]

**Hon. Dr. F. Khan:** I just want to chide you a little bit about ageing. Ageing could be either time ageing or looks ageing, and wrinkle is looks ageing.

The Member for St. Joseph, you talked about—you want to know what is a wholesale amount. Wholesale has to be quite a lot, as the Member for Oropouche East said—[*Interruption*]

**Hon. Member:** A bulk purchase.

**Hon. Dr. F. Khan:**—a bulk purchase. A bulk purchase is a wholesale. Sometimes you—buying two packets or cartons duty-free is not wholesale, unless you are going to sell them in a drugstore, but other than that a carton is a large amount per day.

The dispensers, the colours of the dispensers we looked at were from PAHO. PAHO advised us on the dispensers and the colours, et cetera. [*Interruption*] The one-year time frame, the Member for Diego Martin North/East, did that quite well, one year after the *Gazette*.

**Mr. Deyalsingh:** But is the unit ready with the images?

**Hon. Dr. F. Khan:** The unit will be ready because the director had just to be approved by the Minister. All right?

**Dr. Browne:** [*Inaudible*]

**Hon. Dr. F. Khan:** Yes, okay. [*Interruption*] Now, we talked about the suitcase trade and you are quite right, there is a serious suitcase trade with all types of contraband items and it is no longer a suitcase trade, it is a container trade.

But at the end of the day, we have to depend on the customs officers, customs officers who are at the ports of entry to make sure that the entries and those other documents are properly done and intact. If they are not doing their job, it is difficult. With the case of the pharmaceuticals, I am looking into something that—a lot of pharmaceuticals are coming through Barbados to Trinidad and Tobago and also through the customs area with absolute impunity. So that is what we have to look at, and I think sometimes it is difficult to police everyone, but penalties for people being caught should be higher, and this Parliament has to deal with it. Also, we may have to bring more people under the ambit of the Integrity in Public Life Act, so they may be one of the professions.

Member for Diego Martin North/East, I want to congratulate you for a very good closing of the regulations so I would like—[*Interruption*]

Mr. Speaker, I beg to move.

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**6.35 p.m.**

*Question put.*

**Dr. Moonilal:** Division.

*The House voted:*      Ayes 28

AYES

Moonilal, Hon. Dr. R.

Mc Leod, Hon. E.

Sharma, Hon. C.

Gopeesingh, Hon. Dr. T.

Rambachan, Hon. Dr. S.

Seepersad-Bachan, Hon. C.

Seemungal, Hon. J.

Peters, Hon. W.

Khan, Mrs. N.

Roberts, Hon. A

Baksh, Hon. N.

Griffith, Hon. Dr. R.

Ramadharsingh, Hon. Dr. G.

De Coteau, Hon. C.

Khan, Hon. Dr. F.

Douglas, Hon. Dr. L.

Samuel, Hon. R.

Indarsingh, Hon. R.

Roopnarine, Hon. S.

Ramdial, Hon. R.

Hypolite, N.

Imbert, C.



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*Friday, December 13, 2013*

Jeffrey, F.

Deyalsingh, T.

Browne, Dr. A.

Thomas, Mrs. J.

Hospedales, Miss A.

Gopee-Scoon, Mrs. P.

*Question agreed to.*

*Resolved:*

That the Tobacco Control Regulations, 2013 be approved.

#### ADJOURNMENT

*Motion made:* That the House do now adjourn to a date to be fixed. [*Hon. Dr. R. Moonilal*]

**Mr. Speaker:** Hon. Members, before we put the question, we know that today's sitting would constitute the last, according to the Leader of Government Business, Leader of the House. Hopefully, there will be no emergencies that will bring us back before the season of goodwill. So, at this time, I will call on hon. Members to bring greetings on this very important occasion as we celebrate the birth of Christ.

#### Season's Greetings

**Mr. Speaker:** The hon. Member for Pointe-a-Pierre, Minister of Labour, Small and Micro Enterprise Development. [*Desk thumping*]

**The Minister of Labour, Small and Micro Enterprise Development (Hon. Errol Mc Leod):** Mr. Speaker, it is with pleasure and a sense of privilege that I express season's greetings on behalf of the Government to the Members of this House and to the national community of Trinidad and Tobago.

Mr. Speaker, just a minute or so ago, in unison almost, we voted on a measure that now puts us together to fight the Witcos and whoever else might come against us, as we try to protect the lives of our people, and more particularly—  
[*Interruption*]

**Hon. Member:** Our own lives.

**Hon. E. McLeod:**—our young people. Yes, and our own lives. The coming of Christ, Mr. Speaker, had to do with building a defence of the people against the sins of the world, and I am proposing that we continue to see the importance of commonality among us as we do the business of Trinidad and Tobago, as we try to represent more properly than we have done, certainly, the interest of our country and all of our people.

At this time, one is calling on all of us to subscribe to peace and to the holiness that the Christ in our Christmas represents, and as we do that, we should spare a thought for those who are less fortunate than the majority of us, those who are without jobs, those who do not know where the next meal might be coming from. We have that on the one hand and yet, on the other, we sometimes witness a level of splurge and abandonment that will suggest that we are coming to the end of the world so that we enjoy ourselves to the merriest point without concern for those who, perhaps, will not hear these words because of their own circumstances. I hope that we can yield to what Christ has brought to the world and to spread that for our own sakes because if everybody else is comfortable, then we ourselves would realize a sense of comfort that will have us enjoy that peace and that holiness that we are talking about.

I wish that each home in this country will be visited by that peace and that holiness. I look forward to our coming together again early in the new year, to begin the—to continue the business of the people. So I wish all of us and the national community a very Merry Christmas, a very Holy Christmas season and we look forward to our carrying our country to greater levels of prosperity in 2014, and perhaps sometime later, our hon. Prime Minister will give us those watchwords that we should look forward to and I feel certain that in those watchwords will be the word, “productivity”, as we advance the interest of our country.

Thank you very much. [*Desk thumping*]

**Mr. Speaker:** The hon. Member for Diego Martin North/East.

**Mr. Colm Imbert** (*Diego Martin North/East*): Thank you, Mr. Speaker. I wish to join with the sentiments of the hon. Member for Pointe-a-Pierre. I wish to join with the sentiments expressed by the hon. Member for Pointe-a-Pierre. Speaking as a Christian, Mr. Speaker, Christmas is one of the three great religious festivals of the Christian religion, the other two being Easter and Pentecost. And on December 25, we Christians celebrate the feast of the Nativity where we celebrate the gift of Jesus Christ. We give thanks to God the Father for the birth of his son, Jesus Christ.

*Season's Greetings*

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For those of us who go to Mass—and I do not see my comrade, the Member for Chaguanas East, who goes to the same church as me—Christmas is the end of a liturgical cycle, the cycle of Advent, which continues after Christmas with the cycle of Epiphany and ends on Ash Wednesday, the first day of lent. So in the Christian calendar we have Advent, Epiphany and then we go into the most important celebration of the Christian calendar, which is the celebration of Easter, which is the Resurrection—the death and Resurrection of Jesus Christ.

So on behalf of the People's National Movement, and on my own behalf, Mr. Speaker, I wish that this Christmas, 2013 be an especially holy and spiritual Christmas for all of us in Trinidad and Tobago; that we reflect on the Christmas message which is the gift of Jesus Christ to the world, and also the other aspect of Christmas, which is the sharing, the giving, the sense of community, the sense of helping the poor and disadvantaged, that all of us as parliamentarians participate in this other aspect of Christmas, where we do whatever we can to help the underprivileged, to help the poor, to help those who are less fortunate than all of us, so that they can all, at least for some period, participate in the Christmas spirit.

Again, on behalf of the People's National Movement, I would like to also wish all Members of this House, and you, too, Mr. Speaker, our best wishes for 2014. 2013 has been a difficult year for all of us. We make jokes about the four elections, but it was not easy. It took a lot out of all of us in this Parliament. I am glad it is over, and I am glad, as we go into 2014, at least we do not have the prospect—as far as we know—of an election in the year 2014. So 2014 will be a normal year, for want of a better word, Mr. Speaker.

I wish the best for everyone in this Parliament. I wish prosperity; I wish good health and I wish everything that is good for all Members of this Parliament and, by extension, the national community.

I thank you, Mr. Speaker. [*Desk thumping*]

**Mr. Speaker:** May I join and support the sentiments expressed both by the Government and the Opposition on this very important occasion. It is my pleasure to bring end of the year greetings at this last sitting of the House of Representatives for the year 2013. 2013 was a hectic year for most of us. Quite apart from work in the House as a plenary body, we have done considerable work in committees and we have engaged in meaningful reform efforts at parliamentary strengthening during the year. However, I think that Members may also agree that as far as the future is concerned, there should be no limit to what we can achieve in the forthcoming year and beyond.

*Season's Greetings*  
[MR. SPEAKER]

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Members, as you know, the Christmas season commemorates the birth of Jesus Christ and it rekindles the spirit of generosity toward each other. It is also viewed as a time of healing and renewed strength. Therefore, I appeal to you, especially in this season of peace and goodwill toward all, to seek out and assist those who are in need, whether they be from within your respective constituencies or elsewhere.

Allow me, on behalf of the office of the Parliament and on my own family, to extend season's greetings to you and your families. I extend warm season's greetings also to the parliamentary staff, including the hard-working parliamentary attendants and the officers of the police unit, as well as the media and other guests who are present in the galleries.

On behalf of all Members of this House, I convey our prayers to the citizenry for a holy and joyful Christmas season and a bright, prosperous and peaceful 2014.

Hon. Members, I have invited, on your behalf, our senatorial colleagues to join us in a get-together in the Members' Lounge as we celebrate together, the season of goodwill and peace toward all men and women.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.48 p.m.*