

## THURSDAY 18<sup>TH</sup> MARCH 2010

The Speaker, Rt Hon. Sir Peter Kenilorea took the Chair at 10.15 a.m.

Prayers.

### ATTENDANCE

At prayers all were present with the exception of the Ministers for Planning and Aid Coordination; Lands, Housing & Survey; Environment and Conservation; Justice & Legal Affairs and the Members for East Are Are; Baegu/Asifola; West New Georgia & Vona Vona; Lau/Mbaelelea; Central Makira; West Are Are; East Makira; North Guadalcanal and North West Guadalcanal.

**Mr Speaker:** I understand that the report of the Bills and Legislation Committee is yet to be ready for presentation, although we do have a copy of the Bill before us. They have asked that we should give them a little bit more time this morning, and so Parliament shall be suspended for half an hour or until the Committee is ready.

*Sitting suspended for 30 minutes*

### **PRESENTATION OF PAPERS AND OF REPORTS**

- Report of the Bills and Legislation Committee on the Tobacco Control Bill 2010 (National Parliament Paper No. 5 of 2010).
- Constituency Boundaries Commission 2009 Report (National Parliament Paper No. 6 of 2010).

### **STATEMENT OF GOVERNMENT BUSINESS**

#### **BILLS**

##### Bills – Second Reading

The Tobacco Control Bill 2010

**Hon SOALAOI:** Thank you for giving me this opportunity to speak this morning. I move that the Tobacco Control Bill 2010 be now read the second time.

In moving this very important Bill, allow me first to acknowledge those who have contributed one way or the other in finalization of the Bill and seeing it come to the floor of Parliament. I must first of all thank my Caucus and Cabinet colleagues for their support, and I must also thank the Honorable Prime Minister for his support towards the Tobacco Control Bill. Thanks also go to the Attorney General's Chambers, the Attorney General and his staff for the drafting and finalization of this Tobacco Control Bill 2010. I also thank our stakeholders and the Ministry of Health staff for their services and support to the Bill. Allow me also to thank the Bills and Legislation Committee for taking the time to look through and review the Bill. I must also thank the Parliamentary Secretariat for the support toward the Bills and Legislation Committee. I must also thank any others who have helped and supported us towards the Bill but not mentioned here this morning.

The support from people I mentioned shows a strong commitment to have this country comply with our obligations under the WHO Framework Convention on Tobacco Control and to protect our current and future generations from the effects of the increasing tobacco epidemics in Solomon Islands.

I will brief you on the health social and economic cost of tobacco consumption and exposure to tobacco smoke and the disease burden related to tobacco use in Solomon Islands, particularly a situation of youth tobacco use. I will also introduce that the Tobacco Control Bill 2010 and our obligations under the Framework Convention of Tobacco Control of the WHO.

Tobacco is the single greatest preventable cause of death in the world today. In the 20<sup>th</sup> Century, tobacco use has killed 100million people worldwide. Currently, 5.4million people die from tobacco use every year. This is more than those who are dying from tuberculosis, malaria and HIV/Aids combined. Unless urgent action is taken, by 2030 there will be more than 8million people dying from tobacco each year, and 80% of this will be in developing countries like Solomon Islands.

Tobacco is unique among legal consumer products and fortunately not in a positive sense. It is the only such product that kills when use exactly as intended by the tobacco industry. In saying this, even if you strictly follow instructions it still kills you. Tobacco kills up to half of the people who use it and half of this death occurs in middle age group between 45 and 54 years old.

Cigarettes and other products containing tobacco are highly engineered so as to create and maintain dependence, and many of the compounds they contain and the smoke they produce are pharmacologically active, toxic, mutagenic and

carcinogenic, and that tobacco dependence is separately classified as a disorder in major international classification of diseases.

There are more than 4,000 chemicals in tobacco smoke as we all know, of which 250 are known to be harmful and more than 50 are known to cause cancer. Raw tobacco leaves are equally harmful. There is no safe tobacco. Like I said whether it is manufactured or “roll it your own”, smoked or smokeless they are all deadly.

One may argue that this Bill will put tobacco growers out of work. However, we must be mindful of the health effects they are also exposed to while growing tobacco. Among the health risks associated with tobacco growing are green tobacco sicknesses through absorption of nicotine by the skin and exposure to dangerous pesticides, tobacco dust and other injuries.

Tobacco farmers have very little or no bargaining power on grade and price determination, they have limited opportunities for loans with affordable rates and because they often get loans including inputs from the tobacco industry, they have their hands tied and depend on the industry’s decision making. Due to the high labor density of that crop, child labor is also found in tobacco farming throughout the world. (We do not want this to happen in Solomon Islands).

Scientific evidence has established that tobacco consumption and exposure to tobacco smoke causes death, disease and disability. Tobacco use is a risk factor for the six of the eight leading causes of death in the world. Smoking tobacco causes cancer of the lung, larynx, kidney, bladder, stomach, colon, oral cavity, esophagus as well as leukemia, chronic bronchitis, chronic obstructive pulmonary disease, ischemic heart disease, stroke, miscarriage, premature birth, birth defects, and infertility amongst other diseases.

Smoking affects not only the health of smokers but also that of those around smokers who are exposed to second-hand smoke. These are people like their children, their spouses and relatives at home, public places and their co-workers in the work places. Exposure to second-hand smoke cause serious and fatal disease in adults and children. It has no respect for even adults. Please note that second-hand causes cancer, heart disease and serious lung elements in adults. In children, it causes Sudden infant Death Syndromes (SIDS), exacerbation of asthma, chronic respiratory illness, reduced lung function, slows growth retardation (stunted growth), middle ear disease and acute respiratory illness, just to mention a few.

Recent reports which includes the 2004 monograph from the International Agency for Research on Cancer, and the 2005 report from the California Environmental Protection Agency in the United States, and the 2006 of the United States Surgeon General have synthesized that this evidence, and have

reached clear conclusions in regards to the adverse consequences of exposure to second-hand smoke.

Tobacco consumption imposes costs on both tobacco users and non-users. The costs to non-smokers clearly include health care damage as well as nuisance, irritation from exposure to second-hand smoke. In any given year, smoker's healthcare costs will on average exceed those of non-smokers. In addition, tobacco users impose the financial burdens of their own health problems on the state because the government must pay to care for them as well.

The World Bank estimates that in high-income countries, smoking related healthcare accounts for about 15% of all annual health-care costs. The economic costs related to tobacco use in the United States total approximately to \$193billion USD per year, and that includes health care expenditure and also productivity losses. There are direct health care costs derived from the treatment of tobacco related diseases and also indirect costs caused by productivity losses from lost wages due to disability and premature death, as well as emotional costs to the family and friends of the individuals affected.

The increased health expenditure due to disease and deaths attributable to tobacco use is often imposed on poor families, particularly in development countries where health coverage is low. In addition to the estimated health-care costs, the opportunity cost of tobacco use can also be very high, particularly for the households. The money spent on tobacco is taken away from expenditures on other essential needs. For example, in the Philippines, household expenses among the poor are higher on tobacco than on education, health and clothing. In terms of minutes of labor, for example, in Chile, China and India, a person needs to work three times more to be able to buy a pack of local cigarette in comparison with trying to buy a kilogram of rice.

Several studies estimate that 10% of total tobacco related economy costs are attributable to second-hand tobacco smoke exposure. Secondhand smoke imposes economic burdens on individuals and countries, both for the costs of direct health care as well as indirect costs from reduced productivity. For example, secondhand tobacco smoke exposure in the United States alone costs an estimated USD \$5billion annually and direct medical costs is another \$5billion in indirect costs by productivity losses, from lost wages due to disability and premature death.

We do not want Solomon Islands to be plagued in the same way like these advanced countries. We just do not have the funds for that. The US Occupational Health and Safety Administration estimates that in 1994 clean air increases productivity by 3%. Existing data suggests that economic costs related to secondhand tobacco smoke exposure elsewhere are similar to those in the

United States. That is the reason why I have been referring to the USA in my speech.

In Hong Kong, a special administration region, China, for example, the cost of direct medical care, long term care and productivity losses attributable to secondhand tobacco smoke exposure is approximately USD \$156million a year. As I have mentioned, we do not want to place Solomon Islands with the rich and developed countries. We just simply do not have such resources for it. I think it is time for us to be proactive and prevent it from happening in our beloved Solomon Islands.

In Solomon Islands, about 39.8% among those aged between 25 - 64 years currently smoke with 54.1% men and 25% women. About 30.6% smoke daily with 43.9% men and 16.9% women. Smoking is strongly associated or correlated with betel nut chewing. In fact, oral cancer is the most common cancer among men, killing 170 men in Solomon Islands in 2002 and the third most common cancer among women killing 110 women in 2002. A 5-year retrospective study (1994-97 and 1999) on the prevalence of oral cancer was conducted using patients' records at the Dental Department in the National Referral Hospital found that the combination of chewing betel nut and smoking tobacco are the main risk factors for oral cancer in Solomon Islands. As we all know, those of you who smoke would love to have it together with betel nut. Unfortunately, let me remind you that that is the most common cause of oral cancer in Solomon Islands. It is also notable that lung cancer which is very closely associated with tobacco use killed 85 men and women in Solomon Islands, the same year in 2002. In 2009, by mid-year, 92 people had died from lung cancer alone. Do we want to allow this to continue to happen as we all look on? I believe we do not want to see this happening in Solomon Islands.

The Ministry of Health has just completed the Global Youth Tobacco Control Survey, commonly referred to as (GYTS) among 13-15 year old students. This survey (GYTS) is an international comparable survey conducted in more 100 countries. It also gives a couple of good indicators to monitor countries implementation of the Convention which is the Framework Convention on Tobacco Control (FCTC).

The survey results show that 41.2% students have ever smoked, 24.2% (1 in 4) students currently smoke while the global average is 10% (1 in 10). In other words, our kids smoke 2.5 times more than the rest of the world. 23.4% (1 in 4) students currently use other tobacco products. Again the global average is 10% (1 in 10). Our kids use other tobacco products 2.5 times more than the rest of the world, again. To make things even worse, 25.6% (1 in 4) are likely to initiate smoking within a year if nothing is done now. On top of these alarming figures, 79.2% (8 in 10) students are exposed to smoke from others at public places.

70.5% (7 in 10) students saw advertisement for cigarettes in the past month. 17.2% (1 in 5) have an object with a cigarette or tobacco logo on it. In total, 87.7% (9 in 10) are exposed to direct or indirect advertisement and promotion.

The tobacco industry catches our kids very young. Tobacco is no longer an adult problem for people with informed decisions. For the tobacco industry to survive, it must recruit young customers to replace those who are sick, those who are dying and those who have quit. The more younger children initiate smoking, the more likely they will get hooked by the deadly addiction that may last for the rest of the smokers' lifetime. Unfortunately that might be very short.

Each year, tobacco industry spends billions of dollars to spread its marketing net to attract young customers. The more young people are exposed to tobacco advertising, promotion and sponsorship, the more likely they are to use tobacco. The industry designs advertisement campaigns featuring happy young people enjoying life with tobacco. The tobacco industry falsely associates use of its tobacco products with desirable qualities as glamour, energy and sex appeals as well as exciting activities and adventure. Widespread tobacco advertising makes smoking part of social norm, which is acceptable to the mainstreams of society.

Youths are particularly at risk of tobacco addiction. Tobacco manufacturers know that most people will not start smoking after they reach adulthood and develop the capacity to make informed choices decisions. Young people underestimate the risk of becoming addicted to nicotine and the severe health consequences that tobacco causes. But we do have solutions.

Experiences from around the world have shown that total ban on tobacco advertising, promotion and sponsorship is the only effective way to save our youths from this deadly product. That is why we need a strong legislation to ban tobacco advertisement, promotion and sponsorship and leave no loopholes for maneuvering by the tobacco industry. Our kids demand us to ensure a smoke free environment. About 45.6%, almost half of our students support banning smoking in public places and 90.8% (9 in 10) of them want to quit smoking. About 85.4% of them have actually tried to stop smoking during the past year but failed.

These kids did not ask to be born and so it is our responsibility to ensure they are accorded a clean environment. We need to urgently put legislative measures, policies and services in place to address this. The future of our nation lies in our hands and we need to act decisively now. Otherwise, history will not forgive us.

In response to global tobacco epidemic, the member states of the World Health Organization developed and adopted the WHO Framework Convention on Tobacco Control (FCTC) at the 56<sup>th</sup> World Health Assembly Meeting on 21

May 2003. This landmark treaty is the first international health treaty under the auspices of the World Health Organization. Currently, 168 parties or countries have ratified the Convention, making it one of the most popular international treaties in the history of the United Nations, and this includes Solomon Islands.

As a member of the World Health Assembly, Solomon Islands ratified the WHO FCTC on 10<sup>th</sup> August 2004. Solomon Islands also was among the 40 pioneering parties or countries required to make the Convention into law on 27<sup>th</sup> February 2005. The Convention became effective for Solomon Islands on the same day. However, five years have passed since then, and now it is time to bring international commitment into national public health gains.

In order to assist parties in meeting their obligations under the Articles of the Convention, the Conference of Parties, which is established by the parties as a governing body or decision making body of the Convention, adopted the respective guidelines in consensus. Some other guidelines are in the process of development and the process is ongoing. These guidelines draw the best available evidence and the experience of parties or countries that have successfully implemented effective measures. Like other countries, Solomon Islands has always been part of this process. As a party to the Convention, Solomon Islands is bound to implement its legal obligations. The object of the Convention is to protect our current and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke.

The Convention states that each party shall adopt and implement effective legislative, executive, administrative and other measures in developing appropriate policies for preventing and reducing tobacco consumption, nicotine addiction and exposure to tobacco smoke. It is important to bear in mind that the Convention just sets a floor rather than a ceiling. Article 2.1 states that parties are encouraged to implement measures beyond those required by this Convention and its protocols, and nothing in these instruments shall prevent a party from imposing stricter requirements that are consistent with their provisions and in accordance with international law. The Tobacco Control Bill 2010 will be a significant step to bring us closer to the full implementation of and compliance with the Convention.

Solomon Islands spends huge amounts of financial resources attending international meetings and ratifying international conventions as a member state of international organizations such as the UN and its agencies. If they do not become part of our national laws, then it is a waste of time and money that can be better used for other developments in our country.

The Tobacco Control Bill 2010 before you, therefore, is in accordance with the Convention and its guidelines to fulfill our obligations and develop a legal framework to guide future tobacco control policies and interventions.

The Bill is divided into 8 parts and has relevant sections of the Convention and the Bill, I believe, is with all Members now. I will briefly mention the parts of the Bill and also the clauses and what they deal with. Part 1 of the Bill is clauses 1 to 3 and it deals with the preliminary. This part covers the short title and commencement, interpretation and objects of the Bill. Part 2 includes clauses 4 to 14, and it deals with sale, advertisement and promotion. This part covers ban on advertisement and promotion. Part 3, includes clause 15, which deals with license to distribute or sell of the product. This part deals with the supply chain and combating illicit trade. Part 4 of the Bill includes clauses 16 to 18 and this deals with constituents of tobacco products. It regulates the contents of tobacco products and obligates the manufacturer or importer on the testing of products and disclosure of information. Part 5 of the Bill includes clauses 19 to 23, and this deals with the control of secondhand smoke. This part regulates smoke free places, public places, schools, hospitals and public transports. Part 6 includes clauses 24 to 27 and it deals with healthy lifestyle promotion committee and fund. This part establishes the healthy lifestyle promotion committee and fund, articulates composition and functions of the committee and identifies funding sources for that fund. Part 7, includes clauses 28 to 34, and this deals with enforcement. This part articulates enforcement mechanisms and means. Part 8 includes clauses 35 to 42 and it deals with miscellaneous. This part sets out appeal mechanisms, penalties, prohibits authorized officers from having conflict of interests with tobacco industry and empowers the Minister to make regulations.

The development of the Tobacco Control Bill 2010 has gone through a comprehensive consultative process for more than 10 years. The consultations involves stakeholders, both within the Ministry of Health and Medical Services, with other Ministries such as the Ministry of Environment and Conservation, the Ministry of Education and other sector such as the Civil Societies, the NGOs, community groups, Faith Based Organizations as well as SPC, AUSAID and the World Health Organization. From within the Ministry, consultations includes and involve a clinical specialists at the National Referral Hospital and provincial hospitals, the Health Information System, Health Promotion Divisions, Council Registry, Non-communicable Diseases, Disease Control Division, Policy and Planning Divisions and the senior executive committee. A committee that functions as a secretariat was formed to co-ordinate the activities in these tobacco free initiatives. The subject was raised in several forums where all stakeholders



were invited and participated. This included the NGOs, Civil Societies and others that I mentioned already.

The Health Promotion Division spearheads the health promotion activities of tobacco free initiative through its health promotion programmes in the radios, TV, pamphlets and also use of billboards. I believe we have done thorough consultation on the bill.

The comprehensive consultation process with the active participation of key stakeholders and communities that have gone on for the last 15 years, have really helped us build a solid foundation for future enforcement of the Bill. The enforcement of the Tobacco Control Bill 2010 once its regulations are passed should be on a good track. The Health Promotion Lifestyle Committee of the Ministry of Health which includes the Health Promotion Division and the Non-Communicable Disease Unit and others identified by the Minister will serve as the main driving force in the implementation and enforcement of the Tobacco Regulations. It will become part of the routine work of the tobacco free initiative and a continuation of the health promotion that is already in place to prevent people especially, our young people from using tobacco products.

As indicated earlier, tobacco growing has negative health outcomes as well as undesirable and harmful social economical and environmental impacts. When reduction of demand and thus the reduction of production of tobacco will occur in the long term, countries and farmers in particular and those who rely on tobacco for income will have time to adjust to the new situation. To help those dependent on tobacco products, the conference of parties has established a working group on economically sustainable alternatives to tobacco growing. The working group is working on exploring the availability of sustainable alternative livelihoods for farmers and helping increase knowledge on the harmful aspects of tobacco growing.

We will work with other ministries and key stakeholders to provide more training to farmers and small sellers. Once the resources are secured, the healthy lifestyle promotion fund will also be able to support initiatives to help those dependent on tobacco to find more sustainable alternative livelihoods. I believe there are better ways of finding money than selling tobacco.

The tobacco industry may say that they contribute to the economy of the country, and that is true. However, the money spent on tobacco related diseases costs developed countries billions of dollars both in direct health care costs and indirect opportunity costs. We simply cannot afford it in Solomon Islands. The money we spend on treating tobacco related illnesses far exceeds what we get from tobacco industries. The tax gains from tobacco, as I have said, has never been offset by the medico-social losses in any country hence this Bill is long overdue.

This Bill is a very important Bill as far as my Ministry is concerned and also as far as the government is concerned. This Bill will save lives and it will also save money.

The consultation process for the Tobacco Control Bill 2010, as I referred to earlier has been conducted for over 10 years now. The WHO Framework Convention on Tobacco Control has entered into force for Solomon Islands for the past five years. Tobacco epidemics is a big public health problem in Solomon Islands, however, we know what works. Tobacco control is relatively inexpensive to implement and the return is enormous.

Strong tobacco control legislation in line with the Convention and its guidelines will set up the legal framework for our future tobacco control interventions. It is a matter of life and death. I therefore, urge all Members of Parliament to support this very important Bill, a bill which has eluded passage for over 20 years now. Even though Solomon Islands made history as one of the pioneering countries to ratify the Convention into law, we are yet to have a bill to bring us in line with the Convention while our neighbors in Vanuatu, Cook Islands, Samoa, Fiji and Tonga have all passed their Tobacco Bills.

The Attorney General and myself will be more than happy to answer any questions you may have on the Tobacco Control Bill when we come to the Committee.

Sir, like I have said, this is a very important Bill as far as the Government and the Ministry of Health is concerned. This Bill has been around for more 20 years. This Bill, I must dedicate, to our schoolchildren, our innocent mothers who do not smoke and our innocent people who do not smoke. I also want to dedicate it to the smokers too. To those who smoke, I encourage you to think about quitting and those who do not smoke I must encourage you not to think about starting. The development of this country is in the hands of healthy and strong people, and it is our duty as the Ministry responsible to ensure that you are healthy and strong to develop our country.

With those, I thank you for your attention and I beg to move.

*(The Bill is open for debate)*

**Hon SOFU:** Thank you for giving me this opportunity to contribute very briefly to this very important Bill, the Tobacco Control Bill 2010. This Bill is overdue but I think it is not late to be brought to this House. In that regard, I would like to thank the Minister on behalf of the CNURA Government for seeing it fit in bringing this Bill to Parliament. I also would like to thank the Ministry, and those who are involved in preparing this important Bill which is now before Parliament for our deliberation.

The objective of the Bill is very clear, when the Minister presented it to us, and it is to protect the health of our citizens against the dangers of tobacco smoking. Whilst I acknowledge the fact that citizens and people of this country have their own rights, I think it is very important that we have in place mechanisms or guidelines so that our people know the bad side of smoking. I must thank Minister for Health and Medical Services for coming up with this long overdue Bill. Only then, I believe, would our good citizens of this nation know exactly the bad sides of tobacco smoking. And I believe the avenue to bring that legislation for passage is this floor of Parliament.

The Minister has rightly stated in his speech that there have been a lot of promotions made about tobacco selling and its use in our country. It has taken first priority because we only looked at the material sides of it, the benefits it brought to our people, and we tend to forget the health side of it as outlined by the Minister this morning. He referred to a big country like America with a big percentage of smokers with high risks, diseases and side effects of tobacco smoking. He tried to outline that we are a small developing nation and I see it appropriate that the Minister brought this Bill at this time. It is very timely.

The promotion made in tobacco selling takes the first place whilst the health consequences comes behinds. We need to provide adequate information to our citizens, they need to know about the bad effects of tobacco. I must thank the Government for taking the right step in bringing this Bill to Parliament.

The age group in our country that are involved in smoking, obviously, as you can see is unprecedented because young people, some of them as young as 12 years are seen smoking. We cannot blame them in the absence of proper mechanisms; a piece of legislation that can guide them was not in place. I can see that by passing this piece of legislation on this floor of Parliament would certainly help to guide our boys and our young girls to make the right decision. I would like to salute the Minister of Health and Medical Services for bringing this Bill.

Some promotions made about tobacco selling and the material part of it is luring our young people to take up smoking. This Bill does not completely stop smoking, but it calls for controlled measures to be taken, mechanisms to be in place. The fundamental objective of this Bill is to reduce smoking by providing right information to smokers and non-smokers, as the Minister stated in his concluding remarks.

It is becoming obvious that many related diseases we are experiencing in our country and in our hospitals is caused by tobacco smoking. I heard the Minister mentioned in his speech a certain percentage of people being affected, and so it has been proven and found by researchers that our lives are greatly affected by smoking tobacco. They can feel illness in their bodies, symptoms and

signs caused by smoking tobacco. Therefore, we need to have something in place to control this.

In regards to smoking in public places, I think it is very important that we need to respect those who are not smokers, as it is their right not to be polluted by the dangers that came out of tobacco smoke. It is becoming obvious that people do not respect public places like buses, offices and the markets. We need to control this. But we cannot blame them for smoking in those places because there is no proper mechanism in place to control it. There is no piece of legislation to control that. Putting this piece of legislation in place will control smokers because there are certain penalties applied when there is a breach in this piece of legislation.

The implementation part of the Bill is very important. Whatever bills we pass in this Parliament, its end part of is very important. It needs government support in terms of finance. It will be costly but we want to see it working for the lives of our people. We want to see it serving the lives of our people, our citizens. It is something the government is not going to take lightly. It is very costly, it needs money, more materials spent on programs, especially awareness programs in rural and urban centres. It will cost the government, this government and the new government that will come in after the elections, but if we want to save the lives of our people, the government must be committed towards implementation of this Bill.

As stated very clearly by the Minister, the budgetary provisions for saving smokers are beyond the money government gets in tax through tobacco. There were figures cited in the Minister's speech on this. It will cost the government a lot of money to treat someone affected by tobacco smoking and to treat him/her in the hospital. This is very important, and that is why the CNURA Government is very concerned about this. In fact, the Bill is not trying to stop people from smoking, but the Bill focuses on controlling, and this is important.

I rise to place my support on the Minister of Health & Medical Services for this very important Bill. Let us look at the benefits, because whilst it is good for us to look at the benefits of maybe getting money in return of promotion, but at the same time it is also important that we need to something in place to control and to minimize the risks to the lives of our people.

I would like to thank the Minister on behalf of the government and also staff of the Ministry of Health & Medical services and all stakeholders, and those who are involved in putting together this Bill, which is now before us in this Parliament. Once again I thank the Minister for bringing this Bill and I support this Bill.

**Hon. NUAIASI:** Thank you for giving me time to speak on this Bill. As we have heard in the speech made by the Minister of Health and Medical Services, this is a very important Bill presented before us so that we can control the smoking habit that is in the report killing a lot of people of all ages.

Also as has been said, the Tobacco Control Bill 2010 has been with various governments for almost 20 years, and today it is now before Parliament to be debated, and if passed will be enacted as a law for Solomon Islands. The Bill does not prohibit smoking but it is to control smoking as labeled on the title of this bill, the Tobacco Control Bill 2010. This means it is an individual choice to either continue smoking or quit smoking. As Solomon Island is a democratic country it is the democratic choice of each individual to either smoke or not.

It is also noted in the Bill itself that there will be no longer any single selling of cigarette by people of Solomon Islands. This is an issue or an area the government needs to look seriously into because as far as we are concerned a lot of people who are selling single rolls at the markets are not all smokers. They are doing that to earn money for their livelihood. And so if this bill is passed it will mean a lot of Solomon Islanders will be without employment, so to speak. That is the only area the government needs to look very seriously at and see what else can be substituted for the sale of cigarette rolls for our people so that they continue with their lifestyle when the sale of this type of product is banned.

**Members** (*interjecting*): Go back home and plant, copra, cocoa and kumara.

**Mr Nuaiasi:** We may say, tell them to plant kumara, but that has been done over the past couple of decades, but we can see that our people have not earned enough to sustain their lives. I am serious and that is why I mentioned it in this honorable house.

May be the other intention of the government in bringing this Bill here is for us to go in line with other regional organizations' requirements because Solomon Islands is part and parcel of this global world and therefore we have to have such legislation so that we too can be in line with them and work smoothly with them in their endeavors to achieve the objective of the health of our people.

Whilst I agree with this Bill, it is a very new bill and it would be very interesting when it is implemented. I say very interesting because a lot of things that will come into being would change the lifestyles of our people in that there will be restrictions in public areas as no smoking areas, which I as a secondhand smoker, agree very much with.

One area I need to put across here is the cigarette butts which have been thrown onto roads on the streets. How can this be controlled because this is another area we need to look into. I say this because if we try to discourage

smoking in offices and other public avenues, places that have bins for cigarette butts to be thrown at, what about the streets. You will see a lot of people throwing cigarette butts everywhere on the streets in Honiara. This is an area we need to consider because the cigarette butts once they are heaped together in one place look very disgusting.

For a non smoker like me, the Bill we are debating now is presented at the right time. Fortunately, may be it will be implemented by the new government and we do not know whether it will agree with the bill or not or it may have its own views on it and therefore could bring in another new bill of the same name, we do not know. The only thing I am more concerned about is that the implementation stage will not be done by this government but by a successive government that comes in sometimes this year.

There are good and bad things that is going to happen to our people and to Solomon Islands. It will change the attitude of our people in regards to tobacco. A lot of smokers will be trying to help themselves by coming up with budgets that will reduce the number of cigarettes they smoke. A lot of offices will be given rules that there will be no smoke in those places and so forth. And with these services we will be experiencing a lot of movements that may not be popular or may not be right to the population. However, seeing that this is an important bill as it tries to help us live long, I also see it as a very good for us to pass in Parliament today. I can see some parts and sections of this legislation as very good and should be adopted so that we see how Solomon Islands will behave when Tobacco Control Bill is implemented. With this brief contribution I support the Bill.

**Hon. TOZAKA:** Thank you for according me the privilege to speak on the Tobacco Control Bill 2010, and the importance this Bill bears on the people of Solomon Islands. I wish to thank my colleague Minister for Health and Medical Services for his foresightedness in bringing this important Bill for our consideration and enactment by Parliament at this Sitting.

The government's intervention and responsibility is manifested by this Tobacco Control Bill 2010. I am profoundly happy and more than confident that through this Bill, the health of our people in the country will be elevated to a new level and that we will have a healthy population.

You know that the majority of Solomon Islanders do not indulge in tobacco smoking, however, this is the group we want to protect so that we are not blamed for seeing our innocent people getting diseases related to smoking because of our irresponsibility.

Solomon Islanders might mingle with each other in public places, in work places, in schools, in public transport and even in health clinics and in hospitals.

Where there are smokers smoking tobacco amongst them, the risk of involuntary exposure to tobacco smoke is inevitable. Unprotected, the nonsmoking Solomon Islanders frequently become passive smokers without realizing it. The public needs reasonable protection from the hazards of involuntary exposure to tobacco smoke. I am happy that this Bill has this objective and is addressing this problem.

The smoking Solomon Islander is a liability in our health services, as already explained by our other colleagues and the government in terms of the cost to treat Solomon Islanders suffering with illnesses related to tobacco smoking. As such, smokers need to be encouraged and assisted to give up smoking altogether to lead a healthy lifestyle hence preventing illness as a consequence of tobacco smoking. The non-smokers also need to be encouraged, not only to refrain from smoking but to protect them from persuasion or inducement to use tobacco products and their consequent dependence on the product. In this sense, a robust and effective public awareness strategy, as my colleague Minister for Works has explained and which I support, and the hazards of tobacco smoking and usage is needed. Consumers of tobacco and the Solomon Islands public must know this and communicate it accurately on the relevant information on the risks posed to their health.

To deny the freedom of an individual to smoke tobacco or not maybe impractical, but grave dangers in the habit of smoking tobacco exists and is real, as highlighted by the Minister when introducing the Bill. The onus is on government to intervene and protect the health of Solomon Islanders against tobacco smoking or usage. It is indeed, a notable intention of government in this quest to forego some revenue from the sale of tobacco products.

The government must go to the extent as a measure to reduce some of the harmful effects of tobacco products by monitoring and regulating the presence of harmful constituents in tobacco products in tobacco smoke. The government must also regulate against the promotion of tobacco products, whether it be for sale or under the disguise of promoting and sponsoring sports.

Finally, the government had in 2004 ratified the WHO Framework Convention on Tobacco Control that entered into force on the 27<sup>th</sup> February 2005. This demands we must have our own tobacco control legislation as introduced by the Minister.

With those few points and remarks, I join my other honorable colleagues in supporting this Bill.

**Hon. LENI:** I shall contribute very briefly to the debate of the Bill. I join my other colleagues in congratulating the Minister for Health and Medical Services for presenting the Bill to Parliament, and also the government. Perhaps, it is

important to say here that this is a life saving Bill, as it helps us to look at ourselves and see what is necessary for us to put into our bodies, and what are the consequences of getting wrong things into our bodies, which will allow us to die quickly and perhaps give more costs to our government in terms of treating illnesses at our hospitals. But I want to dwell more on Part 5 of the Bill which talks about control of secondhand smoke.

People out there in the streets and in vehicles who may be listening into this debate must know that this Bill is trying to make us a bit more careful when smoking in public places, especially the buses. I used to travel by bus more than three or four times a week and it is very disgusting to sit in a bus where the driver and the bus conductor smoke. Some of us do not smoke, and you can see the face of the people travelling in a bus with the driver and conductor who smoke and chew betel nut, do not look good. It is not because they hate the person, but it is the practice that we do not want. And it is good that the Bill makes provision for us to take some control measures where we should smoke in public places, public transports, like taxis and buses, in schools and in offices where we must not smoke inside.

Yesterday before we go onto debating the Bill, I threw the Prime Minister's ashtray out in the balcony from his office because I hate the smell of the ashtray. Perhaps, this is a good lesson, but I think I begin with the wrong thing by throwing the Prime Minister's ashtray outside the balcony. But these are measures that remind us that we are not the only person living in this planet. There are people who do not smoke and there are people who smoke, and so let us respect those who do not smoke. I think this is where the heart of this Bill lies, and that is for us to look at ourselves and respect others who do not smoke and allow them to have a comfortable place to do themselves the favor of smoking. I think that is a good thing.

One thing mentioned here too is control on smoking and maybe Part 3 of Section 15 of this Bill, I do not quite understand it, but I think what it means here is that people who sell cigarettes out there on the streets will perhaps need a license to do that in the market and other public places such as road sides. That is also a good thing to do. In the past those who sell things out on the streets or along the roads normally get a license to do that; something called a hawker's license. At the moment, we do not know whether those people selling cigarettes have license or not. There are many people out there those who are selling cigarette rolls, if they pay license from the City Council or the Guadalcanal Province, perhaps they will contribute good money towards the government's revenue. But this is a good thing to do. In a way, people who smoke may say that maybe this Bill unfair, I do not think so. I think there are many good things about this Bill. It is making many good provisions in this piece of legislation.



Learning from other countries in the world, those of us who have travelled far and wide have seen tighter control measures in regards to smoking in other countries. Before we used to smoke in planes but this time everywhere in other parts of the world when you travel on aeroplanes, there is no smoking in planes, in terminals in most countries in the world. There are smoking zones that people queue up to smoke in other countries. That is good because it teaches us how to respect others. Sometimes when we allow ourselves to be deceived by the coolness of smoking, we forget about the business of other people who do not smoke, and be disturbed by the smoke puffing out from smokers. This is a good Bill and I congratulate the Ministry, the Minister and the government for seeing it fit to allow us to think again and allow us to do better practices in trying to control the health and wellbeing of the people of this country.

With these few remarks I support the Bill.

**Hon SOGAVARE:** I too would like to contribute to the debate of this Bill. So far I can only see those of us who are non-smokers have been talking so far, and so I expect maybe after me, some smokers stand up and contribute to the debate of this Bill.

Sir, eventually this Bill is going to be passed. This side of the House really has no problem whatsoever with this Bill. We will fully support it. As the Minister stated, it has taken about 20 years to prepare this Bill. That is understandable because we need to consult very widely, and I think more intense consultations have been made 10 years ago and now we see this Bill come before the House.

If we classify decisions made in this Parliament, this bill will be one of the very responsible decisions that this Parliament has ever taken, a very responsible law that is passed in this Parliament for the good of our people. And as the name suggests, the title of this Bill states very clearly, and as highlighted by a number of speakers who have spoken, it is a Tobacco Control Bill. It is not stopping people from smoking, but we are just putting in place a law that will control the use of this product.

Since it has taken more than 20 years to prepare this Bill, I would have expected some sort of statistics directly relating to Solomon Islands to be presented in Parliament, and probably this is an opportune time for the nation to hear from the Minister the bad effects of the use of this product. I was expecting that in the Minister's presentation. He briefly touched on it, for example, the number of people who have died so far in Solomon Islands as result of smoking. That needs to come out very clearly so that our people appreciate a serious decision this Parliament is making today. The Minister mentioned one hundred

million people worldwide, but how many in Solomon Islands? It kills half of the people who use it, and how many people are smoking here in Solomon Islands and whether that claim is also true for Solomon Islands that half of smokers die in Solomon Islands.

Of course, we agree that there is no safe tobacco. That also needs to come out very strongly. The Minister also talked about tobacco growers not safe. I understand that Solomon Islanders have been growing some equivalent, some lekona or some something like that for years or for centuries, and so how many people have died from smoking the lekona, so that we put our debate in context and people understand what we are trying to say here.

Tobacco has caused many disorders, what is the statistics in Solomon Islands? We would like to know that. Secondary passive smokers, the Minister also came up with some statistics overseas. What is the statistics of this in Solomon Islands, the statistics of passive smokers who are also affected by smokers? He used the California statistics. This is overseas, but we would like to know the statistics in Solomon Islands so that we relate to this Bill.

Social costs to the state, and from the report of the Bills Committee, there is only one major producer or manufacturer of this product locally, the Solomon Islands Tobacco Company and many others that are importing this product overseas. From statistics we have, as presented in this report by the Bills and Legislation Committee, we are looking at just \$80million in terms of taxation the Tobacco Company is paying to the government in the form of tax. If we look at applying that directly, of course, to the cost of running health services in Solomon Islands, how much in terms of government revenue is directly related to keeping people who suffer from tobacco related sickness in the hospital. The Minister came up with a figure of US\$193billion in high income countries. But what is the figure in Solomon Islands so that we can put it in context.

On opportunity costs, the Minister made mention of the experience of people in the Philippines, and very little in Solomon Islands. He also told us that 10% of opportunity costs is attributed to secondhand smoking. What I am getting at is that we should have more are statistics directly related to us in Solomon Islands so that we get the seriousness of it to our people. Because not only smoke is affecting the health of our people in this country, and if this Parliament is concerned about the bad effects of things we are putting into our bodies, then we should also be seriously thinking about everything we are putting into our bodies by our people. We are talking about betel nut, alcohol, kwaso, and the Minister, of course, made comparison with more people probably getting sick with smoking related diseases than AIDS, STDS and other sickness. If we are serious at all, I think we also extend these control measures to the products I mentioned. How are we going to control betel nut, which is a product

related to smoking tobacco? People who smoke chew betel nut with it, and so we might need to look at some control measures there. If we live do not have any control measures there then it questions the seriousness of this Parliament on putting control measures only on tobacco and not the other products. The same also goes for alcohol. People have just had road accidents this week, and from reports that came out some of these people who are driving these vehicles were drunk. That is a death directly caused by people using alcohol. In other words, what I am saying is that they are all dangerous things and we must need to look at control measures.

God is very wise. Sometimes I heard somebody says that if God wanted us to smoke He would have put a chimney on our heads so that we walk around with smoke coming out from our heads, if that is what we want to see. Or if He had wanted us to feel groggy maybe He would have created some parts of our body that can twist and we groggy; the effect of alcohol. But God is so wise, He cares about our health, He created us very perfect and does not want us to put those things into our bodies. It was never, never the intention of the Creator Himself that we put those things into our bodies. Like I said, this is a bill that must get the support of this House so that some control measures are now put in place. As mentioned, it is not to stop people from smoking but it is basically saying that we respect the rights of people who are not using this product so that they too consider themselves as people who have rights in this country.

I share, of course, the concern raised by one or two that have spoken on some of the things that we need to consider when putting this Bill to become law. Of course, it has to be administered. I think there is a point raised by the Minister for Infrastructure and the Chairman of the Bills and Legislation Committee. But this is a cost worth appropriating in the national budget. And I see the committee that was established by one of the sources of funds to get that committee going is from the appropriation budget. If it is something that we are serious about then we also need to be serious when it comes to allocating resources in administering this law because this product is consumed very widely not only in Honiara, but right down in the villages. And so how can we effectively administer this Bill. The Minister talked about national awareness programs, and as reiterated by the Minister of Public Service we need to do that and that is the challenge that if this Parliament comes up with this responsible decision then that responsibility must go all the way through to also supporting the Ministry in administering this Bill.

The other concern that was raised by the Chairman of the Bills and Legislation Committee is very true, although we laugh at, is that there are people who actually depend on this product for money by selling it on the streets. The Minister has given an assurance to our people and he promised to assist people

who depend on the sale of tobacco product, and that is to get them out of selling this product into other income generating activities. That is quite an assurance made to the people, and probably these are some of the concerns why it takes 20 years for this Bill to come to Parliament because our people are so involved in it. There is also this \$80million that would probably be affected as a result of this policy coming through, and not only that, there is \$80million taxation. Probably the companies and the importers who are dealing with this product will reduce the scale of their activities and that will directly affect revenue and the gross national product as well. It has string effects right down to the people who depend on it, and that is why it probably takes quite a while for this Bill to come through, but it is a welcome thing that it has arrived now in Parliament for us to make decisions on.

The point I want to raise in support of the point raised by the Chairman of the Bills & Legislation Committee is that we have made the assurance to people who depend on this product for their livelihood. If you go around at night or even daytime in the Honiara City, there are more betel nut and tobacco stalls around the streets in Honiara. These people will now probably go out of business. As a responsible Parliament we do care about these people who depend on all these activities to pay for their school fees and buy little things that support their livelihood.

As I said this is a challenge that we agree as this House to take on upon ourselves. If we make this decision then all these decisions and responsibility must also go as to how we will deal with the effects of the decisions we made in this Parliament. I think that is all I wanted to say because the Minister almost took an hour in introducing the Bill, and rightly so, as it is a serious Bill and it took that long introducing it, and the reasons he outlined are serious issues.

I was talking about statistics overseas but they are statistics we should learn from and they are important for this country. This is the same smoke that goes to the same kind of lungs we also have in Solomon Islands. I guess this is also a protective bill, and what the Minister was saying is that we do not want to drive this country down the path that those other bigger countries are experiencing now where the cost he mentioned are in billions of dollars. We do not have that kind of money to spend just to fight or to address the effects of people who are allowed to kill themselves while leaders just look on.

This Bill gets the support of this side of the House, of course, we will hear from smokers themselves very soon. Thank you and we support it.

*Sitting suspended for lunch break*

**Mr. AGOVAKA:** Thank you for giving me this chance to also speak on the Bill. First of all, I would like to thank the Minister and those involved in tabling the Bill in Parliament. Like the Minister has said, it has taken 20 years for this Bill to finally arrive in Parliament. The passage of this Bill would be a landmark achievement for this country.

In reading the objects and reasons of the Bill, it is plain in our mind that this country will have joined the ranks of nations that have passed the tobacco bill, the legislation that puts in place tobacco controlled measures within our society, a crucial health component benefitting the economic development of the society. As I said, the tobacco control legislation will be a great achievement to the society and the community of Solomon Islands. It is a clear indication that we are moving towards a developing nation status from our current least developed nation status and sets us on track to achieving a healthy nation. But I would like to bring our attention or the Parliament or the House's attention to Part 2 of the Bill, in particular Clause 12 and also Clause 13, which reads, "no person shall, at the expiry of 12 months from the commitments of this Act, sell any cigarette or bide other than in unbroken packages containing not less than 10 or 20 cigarettes or bidis, as the case may be, or "(b) sell a tobacco product other than cigarettes, bidis or cigars other than in unbroken package containing not less than 30 grams of tobacco". Sub clause 2 says, "a person who contravenes subsection 1 commits an offence".

It would be a frightening thought to see some old women selling single cigarettes at a vendors shop to be prosecuted and face the court and the magistrate at his will, will either fine her or send her to prison or jail term. Is this a kind of bill this nation needs? It is a punitive kind of legislation. Is this what we want for our nation? Part 2- Clause 12, I have difficulty accepting this part of the Bill because hundreds of people who live and strive through the informal sector, and selling single cigarettes is one form of that informal sector in business. For these hundreds of people in Honiara and elsewhere in our country who live and struggle through this informal sector, this piece of legislation is contentious to them. How are they going to live and make ends meet? Is the government going to provide jobs for them so that they earn a living?

What the government is doing through this legislation is removing the only source of revenue for these people. What we are saying now is criminalizing them through this legislation. The informal sector now is marginalized and so what is the alternative for these people? But I am comforted and I am pleased to learn and to note from the Minister's speech that there are alternative ways whereby the government can assist these people. And like the Leader of Opposition has said he too is pleased to hear that. Just make sure that you live up to what you said.

What this Bill is also saying is that it is forbidding the sale of single rolls of cigarette, and if they do they will attract of course, penalties. Having said this, those who sell single rolls will contravene subsection 1 and so commit an offence, and what is the offence; the offence is nothing more than selling one roll single cigarette. And what is the penalty for the offence? If we look at the explanation there, for the first offence, and I quote, "A fine of not more than 20,000 penalty units". What is this equivalent to? It could be \$200, \$20, or imprisonment of a term not exceeding two years. The second part of that offence is, "second offenders or subsequent offences, a fine of not more than 50,000 penalty units or imprisonment for a term not exceeding four years".

Indeed, this legislation is punitive legislation rather than an educational one and a rehabilitation one; an educational and rehabilitated orientated legislation. I begin to question, what a law? A vendor who appears before the court is at the whim of the magistrate who would fine or imprison the defendant. And the poor old vendor, a woman who is selling a single cigarette will end up having a fine of more than what she earns, and not only that, but will almost spend a maximum, if found guilty, of two years imprisonment. Is there a better way of doing this, may I ask?

I want sub-section 2 that speaks of a fine and jail term to be deleted. I say so because the penalty must be provided in the regulation. We can come up with regulations where the Minister can make regulations to cover this. We should not make subsection 2 that speaks of fine and jail term to be part of the bill, but rather a part of the regulations. Whilst we punish the vendor, what about the buyer, the person who buys the single cigarette? Does he escape the court fee of the crime of the offence? How are we going to punish those who buy cigarettes? We are only punishing those who are selling cigarettes here.

Part 2, Clause 14- if I may bring your attention to it, that no person shall install or operate a self service vending machine from which tobacco products may be sold, given or in any way provided directly to the public" and then subsection (2) says, "a person who contravenes section 1, commits an offence.

While I have the right under the constitution to set up a business, this law is now saying to me you cannot set up a business by establishing a vendor machine for cigarettes. I seriously think that whilst retailed cigarette is allowed we are on the other hand prohibiting the vending machine. I think we should allow the vending machines, but we must not allow it to be used to advertise or promote cigarette, and secondly, their sizes, the size of the vending machines and the proportions to be spelt out again in the regulation. I have difficulty accepting Part 2, Clause 14 of the Bill as it does not allow me as a business person to set up a vending machine. It contravenes my right of setting up a business.

The extra ordinary thing about this Bill or law is that nowhere in it does the government make it mandatory for those charged under the law to attend some sort of educational classes on the dangers of cigarette smoking and the aim being to rehabilitate those who are not only smokers but sellers of smoke. As I said earlier, the legislation is only punitive. Punitive, the National Referral Hospital or the Ministry of Health should provide free services to aid people to quit smoking.

There is one advertisement on the TV educating the public on the ill-effects of smoking, but I would like to say that the Ministry and Government must do more education; more education should be done. Mass education is needed to ensure that the population is aware of the ills of smoking. Only the illiterate will not know the negative effects of smoking. If we do mass education our population will be able to know the ill-effects that smoking will cause to them. But again would such a service work in Solomon Islands where the hospitals and Health Centres often do not have aspirin? Will such a mass education has the budget the resource to teach our people of about the ill-effects of smoking. Will it work in Solomon Islands when hospitals and Health Centres often do not have even aspirin?

I would like to suggest that instead of a jail term punishment for violating some aspects of this Bill, we could be helping those dying from smoke related cancers, keeping them accompany, ensuring that they have what they need, helping their families etc, instead of a jail term because this Bill is going to cause a lot of problem for those in the informal sectors, especially, the vendors of cigarettes in our country.

I quite agree with a lot of the positive comments and I support it. The benefits to the Solomon Islands population hailed from tobacco control are well recognized and I, too, recognize that. Again, it is vastly supported among health professionals and non-smokers. We have just heard it from some of the speakers.

Sir, this to me is a public policy incentive that no one can claim ownership to it. It is our people, this public health incentive. Let me say that health is very important to the citizens of this country to leave it to the hands of Government who apparently sometimes do as it wish without properly consulting people down at the rural areas and try to convince us that we are of no significance.

The people of this country, especially in the rural areas are, of course, significant to the bills and laws that we pass in this country, hence their needs and aspirations need to be taken on board. I say this because when I consider Clauses 16 and 17 I feel sorry for the poor village man who plants his tobacco for his own consumption because he will now be obligated to have his tobacco product tested for toxic constituents, and furthermore shall provide a report to

the Minister in the prescribed form and manner on the result of all the tests. How would an old man, for example in the middle of Paripao ward who has a tobacco plantation, how would he be able to test the toxic constituent of his tobacco, of his lekona? And now he would be required to have a license to sell the lekona, and now he will be obligated under this law to report to the Minister about the results of the test. How are we going to police that? These are some of the negative aspects of this Bill which is going to cause problems for our people.

Is this what we want? And if the poor village man contravenes Clauses 16(1) and 17(1) & (2) he too will commit an offence and the poor old man will pay a fine or go to jail because of this. How this legislation was designed convinced me that a poor village man is of no significance at all because we have not considered him. The same can be said about the old lady selling single cigarettes at a vendor's hut. May I remind us that this Parliament in our role of scrutinizing bills presented to us by government must seriously bear in mind the current needs and realities of our people. We must be attuned to the needs and expectations of our people, which means the legislations we pass must be consistent with public interest.

I will be brief as I know that others would like to talk as well, like the Deputy Prime Minister who is itching now to speak.

Having said this, I am reminded of the fact that whilst we are trying to prohibit and control tobacco use, we forget the serious abuse of other drugs like marijuana, cocaine and so forth. People will now turn to other drugs once we start punishing them about tobacco. Now they will start using marijuana and cocaine and other drugs to satisfy themselves. Should the government also prevent and control marijuana and other drug use? Of course, it should. These drugs are as destructive and deadly as tobacco.

How can we police and enforce the Bill? As I have said, if somebody up at Paripao plants his tobacco, how are we going to police and enforce the law? As I have said earlier on, this Bill is punitive, and so is the intention of the Bill to punish our very own people? Or should this Bill be educational, rehabilitation oriented rather than punitive? However, on the other hand the majority of the population will agree and this house will also agree and I stand to speak that I too agree. Like I said in my opening remarks the passage of this Bill will be a landmark achievement for this country. If we pass the Tobacco Control Bill 2010 today, we will join the ranks of nations that have passed the Tobacco Control Bill. Before I resume my seat, I too would like to support the Bill, and thank you.

**Mr KENGAVA:** Thank you for giving me a bit of time just to contribute also on this very important Bill. First, I would like to thank the Minister and the ministerial staff for working very hard on the Bill. I think the Minister is a man



of his words because at the end of last year he said he will make sure this comes to this house next year, and here we are dealing with what he said.

I would like to start off by saying that all acts of Parliament are the same because all of them are laws, yet they are different in relation to their intentions. This is one thing that we must keep in mind, that all acts are the same in that they are laws but they are not the same because of their intentions. Therefore, an act can only be useful when its intentions are successfully implemented. When the acts intentions are successfully implemented we can say the objectives are achieved. Therefore, the Tobacco Control Bill, in my understanding, its intention is to control how tobacco products are sold in public and how the usage of tobacco products respects both smokers and non-smokers. It is not to stop people from smoking; this is my understanding of this Bill. Therefore, it allows the rights and freedoms of individuals to smoke, and secondly producers, sellers and growers of tobacco products still can continue with their business. With that understanding of the Bill's intention, I also joined others in welcoming this overdue Bill.

The dangers, effects and hazards of smoking tobacco products were well imparted to this House by the Minister himself. A more alarming situation probably could be seen if the Minister provided data in Solomon Islands case as raised by the Leader of Opposition therefore the importance of why this Bill must go through this House.

I am interested also to know what exactly would be the cost of spending money on sicknesses and death related to smoking tobacco products here in Solomon Islands. How much of the national budget every year has been affected by spending money in the Ministry of Health or other Ministries just because of tobacco related problems and sicknesses? Therefore, we should take heed of the dangers of smoking for the sake of our new generation and also how to save little revenue that is coming into the government coffers.

A small country like Solomon Islands with just over half a million people, if we are determined, we should be able to improve the health standards of this country and our people, and I am sure this Bill is one practical way to rain in the use of tobacco products, and is the way forward to start. But sometimes tobacco companies are very successful in selling their tobacco products, and why is that so? We all know that it is mainly through aggressive promotion of their products through the media, marketing, sports and the selling of colorful products. We all know that businesses that sell what people enjoy, what people love will always make money. Take for instance, the casino, selling of beer, selling of ice cream, going to the movies and so on are things that people like; these are things that people like. Those businesses will still make money. It is

through advertisement and marketing promotions that people will always like to smoke.

Even in times of economic difficulties businesses which sell what people like or are addicted to will still operate. That is why the sale of tobacco during the ethnic tension still continues, and still operates. It can be proved that tobacco, alcohol, drugs and foods will always be sold even in times of war, hunger, unemployment and economic depressions. This is because even in times of war soldiers must still eat food before they are killed in the battlefields, and people will still want to smoke. In other words, there are some things in our commercial markets that are very attractive to people, simple people like our people in the rural areas, and smoking is one of such.

We are here today, I am sure, doing the right thing, and that is to control a product that is causing death, hardship in homes and eating away the national budgets every year. It is a way forward and I must commend the CNURA Government for bringing this Bill to address the need to raise the health and living standards and a good life for our citizens. Selling tobacco is the business of business people, saving lives and the national budget is our business. Today we need to make that decision and save lives.

We must be ready for the outcome of the passage of this Bill that there is a need to counter the promotion of tobacco products in this country. This means we should support companies that sell and distribute products proved to bring about better healthy lifestyles, for example companies selling milo, milk, pharmaceutical products, fitness equipments, sports and health food are areas we must support and promote, so that they can advertize and sell their products in the country and not tobacco products.

Maybe the role of the healthy lifestyle promotion committee under section 24 of the Bill should be given greater role in seeing the promotion of good and healthy lifestyle products by companies doing that. You will expect strong competition from Tobacco Companies when this Bill is implemented and we need to counter that.

I fully support the restrictions to smoke in public places, in public transports, schools and designated areas for non smoking. This will greatly help non smokers and the actual implementation of the intentions of the Bill. However what I see as needed, however, is that designated areas for smoking should also be made in public places, schools, public transport in order to be fair to those still choosing to smoke. For example, a bus where smoking is allowed inside should have a sign to say smoking is allowed and a bus where smoking is not allowed should also have a sign that says it is not allowed for smoking so that people can choose which bus to travel in. Despite of these control measures

we must still allow non-smokers to have smoking zones in hotels, restaurants, buses and where people frequent for social gatherings.

My contribution is very brief and therefore in conclusion I would like to state a few points here. First, I think before the Bill is enacted there needs to be a strong education campaign by the Ministry of Health, the Ministry of Education and Provincial Authorities to inform our citizens, not only here in Honiara but those in the rural areas through television, radios and newspapers about this Bill. We must do this so that it helps our citizens to know the implications of this Bill once it is passed. The Bill should not frighten people but help them see the difference between controlling tobacco products and the freedom to smoke.

Secondly, now that this Bill is here and if passed and implemented, it means that every government from now on must work hard to create jobs, support local small business in urban and rural areas for our people, especially those who are going to lose money by selling cigarette rolls on the streets because people sell cigarette rolls and tobacco even in the villages. I think the way to go about this is to address unemployment in this country. Here we tend to depend too much on foreign investors to create jobs for us. Now that we are going to touch on an area that is going to affect our ordinary people out there on the streets, I think the government or we, leaders of this country must now look at addressing and supporting small local businesses in this country, the hundreds of local entrepreneurs here in Honiara, from shopkeepers in trade stores to selling of timbers. Supporting them means to look at ways of funding their businesses so that if 200 local businesses can employ 10 people, you can just work out how many people will find jobs from that. We have been waiting and depending very much on foreign investors to create jobs for us, and that is where we miss the point. It is now about time to look at our local entrepreneurs and support them.

The Development Bank of Solomon Islands is no longer operating, but we must devise ways to give funds to small local businesses, like running poultries or piggeries in town so that they can employ more people. Our target is to support our local businesses so that they can employ more people in this country. I think by doing that we help alleviate a little bit of the problem that will come about once people are restricted to sell cigarette in sticks or rolls.

We will lose out millions of dollars on tobacco imports as forgone revenue which must be replaced by other means. This is one thing we must work hard to look into. We must do not pass this Bill and then sit down and wait, no, but we pass this Bill and start working on other means that will provide employment and support our local business to give employment to local people.

Thirdly, the acceptance by sporting and fundraising bodies for tobacco companies to sponsor or advertise events should be discouraged. We must not

forget that. These companies know how to go about selling their products. In the name of sports they still sell their products, which to me is contradictory. Therefore, it is up to the sporting bodies to help this Bill by refusing to be sponsored by tobacco companies, alcohol companies, drug companies, etc. They must refuse it, and instead accept sponsorship from companies that encourage actual sporting and also health standards.

Lastly, I agree with others that this is the first step in the right direction towards bringing a better healthy life for our people. I hope that one day the next bill should be the one to control alcohol to be followed by another for drug and then betel nut. With those few statements, I support the Bill.

**Mr. TOSIKA:** Thank you for allowing me to talk on this Bill. I think this Bill, in my view, as well as the Minister is overdue. Tobacco is not a new thing to our society. Tobacco has been here for a long time now, even in the olden days, tobacco existed in those days. It was used by people to socialize between themselves when they came together to mitigate with themselves telling stories and that sort. That is how tobacco has been used.

Quite surprisingly, tobacco entered our societies in Solomon Islands through our colonial masters during those days. And behind the minds of these colonial masters they knew very well that tobacco is poisonous, it is a drug that gives high feeling and good feeling when smoked. It is kind of a pressure release when tobacco is smoked. I think they are trying to entice our people during those days by selling pipes and tobacco to our people, and so it became a permanent product in our country and so people tend to use it and use it in the cultural sense too. We also find that maybe 60% of our population is using tobacco, and even some of our small children are smoking tobacco.

This Bill has six objectives, one of which is to protect the health of people against the dangers of tobacco smoking. Another one of its object is to encourage non-smokers to refrain from smoking, so that other people do not entice or induce them to smoke because smoking is will now be restricted in public places, in schools, buses and so forth. Another object is to enhance public awareness of the hazards of tobacco use so that people know their rights. The fourth object is to protect the public to the extent deemed reasonable and possible from the hazards of involuntary exposure to secondhand smoking. Like myself, I do not smoke but I used to sit with people who smoke and sometimes I feel bad and so I had to leave. It is to assist smokers to prevent them from sickness and disease. And the last object is to reduce and control harmful constituents in tobacco or cigarette. Those five objective are very good objectives in this Bill. People in Solomon Islands should understand that it is upon these five objectives that this Bill has come about to give healthy lifestyle to our people.

When we look at this Bill there are some arguments by people manufacturing tobacco. Today, in the country, the tobacco company pays excise duty to Customs, and witnesses said that they spent about \$80million through wages, salaries and tax they pay to the government. Therefore, they think that tobacco is one of the products that is helping this country in terms of taxation. If we look carefully at these arguments, the argument health wise is that tax from tobacco does not match the damage it does to people's health, which is very high. Money spent on treating people at the hospital is higher than the tax money that government is receiving. That is the argument by the Ministry of Health.

Again, when we come to people on the streets, a lot of Solomon Islanders, maybe half of Solomon Islanders are selling cigarette rolls on the streets. Everywhere you go in Solomon Islands you would find vendors selling rolls, and who are these vendors? There are classes of people in the country. At the top are the rich people, the middle class, and the grassroots, people that do not have any opportunity in terms of education and in terms of finding jobs. They are the ones you would see everywhere on the streets trying to make ends meet, trying to assist their families and their households and looking for means to pay for school fees, and so they venture into selling rolls because rolls is something that is sellable. The demand for a roll of cigarette is quite high because almost everybody smokes. Therefore, the only viable option for them is to sell rolls on the street, sell betel nut and others. If they sell a plate of food it would not be paid because everybody has their food at home. That is why roll is one of the businesses that people take up. If this is carefully assessed, if one person sells one sleeve cigarette per day, out of the 10 packets of cigarettes he will get \$7 out of one sleeve, and so he gets \$70 per day. And if he gets \$70 per day it means he gets \$700 a week, and if it is 100 days he will get \$7,000, if it is 200 days he will get \$14,000 and 300 days is \$28,000 and that is per year. Therefore, people really make a living out of selling rolls.

Now, what I would like to know, as my colleague said earlier this morning is in regards to section 12. We know that tobacco is a legal product for making money but we then turn around and say do not sell rolls. We are making the sale of a single roll to become illegal when sold in public. But for a packet it is alright to be sold. That is what I do not understand because we want to put a stop to small things and we allowed a big thing to be sold. That is what I cannot understand.

When we look at it carefully, it is a person who decides whether to smoke a cigarette or not. All the rights must be given to our people. Now we come up with a control bill, yes it is good that we control it, but why did we privilege only one sector in life. And we are talking about three, of which one at the top, one in the middle and one down. Only those at the top and the middle can afford to

purchase the packet, but what about those down there, the grassroots. Do you not recognize their rights here because they cannot purchase any packet because they do not have money enough to purchase a packet, but can only afford a roll?

When we make legislation we must be fair to every people; the structure that we have. I do not oppose this Bill, it is a very good bill because I do not smoke. I was thinking of not supporting this Bill because I do not smoke and so it is not my problem but the problem of those who smoke. If they want to smoke to their death, it is up to them. But because I feel responsible I will support this bill for the health of our people. If not, if I am careless I will not support this Bill. But I will support this Bill for the good of this nation and the future of our children. That is the concern I have. As for every other provision in here, they are good ones that talks about control except for Section 12 that I do not agree with. Ten penalties of 20,000 units means \$20,000 penalty for a person selling roll on the street is not justified. Again, the enforcement part is going to be problem. People have already seen an income of \$28,000 per year from the sale of rolls. If they sell two sleeves per day it means for 100 days they get \$14,000, 200 days is \$28,000 and 300 days is \$42,000. They earn more than any public service at Level 3 is getting per annum. This means you cannot fight against it because they already know its earning. So enforcement must be strong. If there is no enforcement people will turn into criminals or turn their attitude the other way by selling cigarettes in hideous places you do not know. But it is you that is creating this offending mentality. It is us, those of us in here who is creating this offending mentality on the grassroots people, and then we turn around and say these people are not observing the law. Survival is their livelihood. Laws must also support our people to survive and not suppress them to live up to the standards they cannot cope with.

I think that section 12 should be carefully looked into and also we should allow for the rights of people so that we do not have people that will look upon the law and not follow it.

With these few brief remarks, I support this Bill.

**Mr. BOSETO:** Thank you for giving me the opportunity. I rise to make a very brief contribution on the Tobacco Control Bill 2010.

First of all, I thank the Honorable Minister for Health and Medical Services, for his courage and affirm start to bring up to the Cabinet and now to this floor of Parliament this very important and life rescue the Tobacco Control Bill 2010. I endorse all the objects of this Bill. They are inclusive, balance and positive to both smokers and non smokers and its concern for this present generation and the coming.

Objective (e) of the bill says “to encourage and to assist smokers to give up smoking to promote good health and the prevention of illness”. This object has three parts, which I believe has already been put in detail through this Bill, and some of my previous colleagues have alluded to. The three parts are to encourage and assist smokers to give up smoking. Second is to promote good health, and third to promote the prevention of illness. This Bill is to encourage smokers to give up smoking as well as to encourage non smokers to refrain from smoking.

Obviously, smoking is a killer that continues to kill numbers of people in hundreds and thousands. The examples can be noted in the report of the Bills and Legislation Committee during the 20<sup>th</sup> century. Smoking is a consumer that continues to consume more money than other commodities. Smoking is a deceiver that continues to create hunger for more smoking but it never gives satisfaction to the smokers. Smoking is a cause of family conflict, for example, when a small amount of money which should be spent on rice or other food items for the children for the day is already spent by the old man on tobacco or cigarette or cigars.

Smoking appears to have no daily and weekly budget for its own, but it continues over spent daily without noticing its consequences. Smoking makes an addictive smoker into captivity, which I believe this Bill’s objects and purpose will set them free. Therefore, I once again thank the honorable Minister of Health and Medical Services who has been able to revive again our previous desire for a legislation to help both smokers and non smokers the dangers of smoking as a killer, a consumer, a deceiver, and a cause of family conflict and so on and so forth. With those few remarks, I support the Bill.

**Mr WAIPORA:** Since last week I have been talking about tobacco until yesterday. Today again, we are debating the subject of tobacco inside Parliament. But I must thank the Honorable Minister for bringing this important Bill to Parliament. I remember when the Grand Coalition for Change Government brought in this same bill but we wanted to change a few things in the bill before it can be brought back and so he took it back and now that he is back again in the Ministry of Health he brought this Bill again.

Only people who do not have the right mind will not support this Bill. I fully support this Bill and to admit that although I am a great smoker I must say that I support this Bill. If you want me to stop, I can stop now.

When the Tobacco Company appeared before the Bills Committee, I posed a question to them. I said to them have you seen this point? I told them that at first, the product they are producing for the public is a concern to the Ministry of Health and then churches too are concerned about it. I told them that it must be

something bad and that is why in the end we are going to end up with this concern in a form of a bill, which will now become an Act. Therefore, there will be three authorities that are going to be involved now. The churches are concerned about it, the Ministry of Health is also concerned about it and that is why it brought this Bill and now the Police will be concerned with it. We are talking about three authorities that are concerned about this Bill. It is three authorities versus the economy and money. The economy stands here, the Ministry of Health, the Church and the Police stand here, and then Parliament says we will control us. Can you see the picture I am putting here? That is what we are doing today.

The economy and money is saying to the Police, the Church and Health that I am producing money for you to run the things that you want like curing people who go to the hospital and so on, but we do not know how much. It is a problem. You are going to stop those of us who smoke but the root of the problem still remains. The root of the problem still remains, and that is the people who are producing the tobacco. That is my argument on this. But we will try and control it.

The things on page 10 here are just too many, and if we are to effectively carry out this law, implement this law in urban areas down to the rural villages, we effectively implement this Bill, our record will be the highest in the world for criminality. Do you understand what I am saying? You are going to arrest everyone, add up all those people you arrest, how many people are you going to arrest throughout the country?

I am emphasizing this because we must prepare for the control part of it, and how much money are we going to spend in this control. And some are here, which says indoor, enclosed spaces, which employees, contractors, volunteers and other persons performing their duties and employment services or other work places, restaurants, bar, and all these. Will be able to control it?

The Ministry of Health, the Police and Churches must all work together now to implement this law, because we cannot just pass this law and that is it. It must be implemented, and this is the one that is responsible.

I talk about church because my church stops smoking, and so it is good that a law is put now. It will be very good because the government puts a law to control it so that those of us in that particular church who smoke and are regarded as backsliders, it is now time for us to repent. And so it is good that the government steps in to control it and so it is going to control us. Mr Prime Minister, you must make sure that both of us when this Bill is passed, both of us must stop from smoking.

I fully support this Bill because it is a good bill or good law for our generation today, tomorrow, for our great, great sons and daughters who are



going to come up later, and so we must prepare good things for them now. As I said, for the last two weeks our Committee has been dealing with this Bill and we sorted it out and everyone in the committee appreciates that this Bill will help, especially health that we often talked about. If you compare betel nut, alcohol and tobacco, I think alcohol although very dangerous that we should put law for it as well because it kills inside the body and kills the physical body outside with knives and axes, and so we must try to look at it. But I think this bill was brought up with first because it is all over the whole country, in most rural villages and so it is affecting everybody and so maybe its effect is much more than alcohol and others. I do not know but that is why the Ministry of Health is concerned very much about it. But as I said it is a very serious thing that we as a country must seriously look at controlling because, as we have heard from the Ministry of Health, it is causing a lot of health problems now, and not only in terms of money but on health, especially. I think in the future some of these times maybe the Minister will answer us and he can tell us a little bit detail about the costs in terms of treating sicknesses caused by tobacco. I heard a little bit of it, but I think it is good for some more information about it because the government is more concerned about now is if we are to stop smoke, in terms of tax we may not collect money out of it.

I think I speak in support of the Deputy Speaker that the next bill to be looked at is alcohol and betel nut because they are getting worse too. As I said, I have been talking a lot about this Bill last week until yesterday and so I just stand up this time to make up my voice in support of this Bill otherwise those in West Makira question whether their Member supports this Bill or is against it. I must talk so that my people that I am in support of this Bill to protect the life of my people of the West Makira Constituency. With that I thank you for allowing me to contribute and I support this Bill. Thank you.

**Hon TORA:** Thank you for giving me this opportunity in joining other speakers who have spoken on this Tobacco Control Bill 2010.

I too would like to, first of all, thank my good colleague Minister for Health and Medical Services for bringing this very important Bill to Parliament on behalf of the CNURA Government. I also would like to thank our stakeholders for availing themselves to come before the Bills and Legislation Committee and to contribute to give their views and opinions about this very important legislation. I do not forget the Attorney General's Chamber and the officials of the Ministry of Health and Medical Services for their help in putting together this Bill before for tabling in this House.

Sir, much have been said by previous speakers who have spoken on this very important Tobacco Control Bill 2010. Some opposed this Bill from the start, but I am glad that at the end they gave their support towards it.

Any responsible government of the day cannot just sit back and watch anything that is disastrous happening to its people. Like in this case, smoking tobacco is causing a lot of deaths and sickness to millions of people, as we have heard from the Minister responsible this morning. That is why I said that any responsible government cannot just sit down and watch, but it must do something for its people. Because at the end of the day, although it will not affect the minority of our people, like the good Honorable Member for West Honiara has said in his contribution that there are three classes of people in this country and this Bill is going to affect the low class people that depend on cigarettes they sell every day to sustain their livelihood every day as well as meet school fees and so forth. But that kind of thinking cannot be allowed by any responsible government because anything that will cause death to its people, the government must try to make sure that a law or a mechanism is put in place to control it, and not to ban it. Like my colleague MP for West Makira has said, its root cause will still remain. This is true because people that produce the cigarette still remain. This is only a control of the smoking and the selling of it. As time goes on, our people will realize that smoking is one thing that causes death to their own lives in the long run if they continue to take it.

This practice is similar to people chewing betel nut. I am glad that this Tobacco Control Bill has now come, but I think future governments should also look at a similar bill to control the chewing and selling of betel nut on the streets of Honiara, in public places, in public transports and so forth, because these two things without people realizing it is a dirty undertaking. Many times people are careless when chewing betel nut and throw the shells of the betel nuts all over the place, they smoke and also throw cigarette butts along the streets. No wonder they ranked our city as one of the dirtiest cities in the Pacific or in the world. But who is doing this? It is ourselves because we know there are bins to throw our rubbish into instead we throw the rubbish all over the places. I am in support of this Bill and I believe it comes at the right time because it is to educate our people, not only to control their smoking habits but to ensure our city is clean and our public places are also clean as well as public transports.

I am very sad this morning on returning from Tamalan School after dropping off my grandchildren at, and on my way back I stop a few minutes at the Rove Market to buy some betel nuts. As I was standing there I can see one public bus stopped in front of me full of passengers and the bus conductor going out to buy a roll of cigarette while the passengers are waiting inside the bus. If I

were those passengers I would get off from the bus the same time. You can just see how we are not controlled in our smoking habits.

As I said, much has been said on this very, very important Bill and I am glad to hear that the other side of the House also supports this Bill because it is for our good in the long run as it is going to control our people in their smoking habits, it will make our people learn cleanliness in knowing where they are supposed to throw their rubbish in. This Bill is going to educate our people, even though some are negative about it, but change is always like that. Any change in the government will take time so that people adjust to the change and fit in. Without taking much time, with those few remarks I fully support the Bill.

**Mr ZAMA:** Thank you for allowing the floor to me so that I contribute briefly on this Bill from the government and by the government. I would also like to thank the Minister and his officials for coming up with this Bill. If my understanding serves me right, this is not a new bill to be introduced to Parliament. It has taken Solomon Islands more than 10 years to come up with this Bill. This is a very old Bill that finally finds its way to the floor of Parliament. And so I thank the Minister and his officials for their hard work in the Ministry in putting this together with the help of the Attorney General.

Listening to the arguments forwarded by the Minister of Health, especially the comparative analyses he has put forward that this Bill came about because of the high death rate of people smoking tobacco and other related products. It is a little bit unfair because if the Minister does care to really come up with a much wider comparison with the different kinds of deaths and their causes, I do not think and believe that death cause by tobacco is that alarming. Even in Solomon Islands today there are more deaths by malaria and other diseases and other things rather than just tobacco smoking and its related products.

I read through the Bill and whilst in support of some sections of the Bill, I find it quite difficult to absorb some of the sections in this Bill. Reading through the objects and reasons why this Bill finds its way to Parliament, in my view, this Bill is trying to regulate to limit the choice of people to smoke, and that is why I find it a little bit hard to go in line with the arguments advanced by the Minister and those who have spoken in support of the Bill. But whilst saying that, this Bill is quite well overdue. Looking at Part 5 on the control of secondhand smoking in public places, this Bill is welcome news, especially where it restricts smoking in work places, in schools, in hospitals and in public transport. This is a good Bill that I think we should start somewhere to make educational awareness. Or maybe instead of implementing the whole Bill, we should start off by making

people aware and implement only parts most appropriate and where it can become more useful.

Smoking causes inconvenience to other people. For those of us who do not smoke and will not be lured into smoking, it is really a nuisance. It is really like protruding into the privacy of other people because the smoke from tobacco cannot be restricted to where it is blown to, and that is why I really welcome Part 5 of the Bill that it is really overdue.

Just moving on from this Bill, the area I find it quite difficult to absorb is where people are selling tobacco in single units and restricting their freedom of choice and making that out as a means of livelihood. That is where my difficulty is, especially if you look around the streets of Honiara or maybe in our urban centres, it is the women that mostly are sitting on the streets selling single rolls of tobacco and betel nut. This begs the question to me as to why these women are sitting there day in day out in various conditions, hot conditions, miserable situations and doing this. When you look at this, it is quite challenging and these people are genuine about what they are doing. That is the difficulty I have. Whilst looking at the genuineness of this Bill, which is to control smoking in public places, I find it difficult when the government does not prepare any alternative means and ways of how these people should survive.

We have all along advanced the argument that such people should go back to their villages, but again it is the governments' responsibility to provide alternative opportunities for people to go back to rural areas because people find it easier to earn a living in cities and towns than in the rural areas, and that is why we are seeing all these problems creeping out in our urban centers.

That said, once this Bill is passed by Parliament, there is only one thing I see, and that is the moment we pass this Bill all those people sitting on the streets selling betel nut and tobacco will become criminals. Parliament will make those people to become criminals. I just want to sound that warning here so that we are mindful of this, because regardless of how genuine they are in supporting their livelihood. Many of the people who are selling those rolls are doing it for survival. They do it as a way and means to support them in school fees and support them in many things that needs to be paid for. But unfortunately with the passage of this Bill in Parliament those kinds of activities will cease and anybody doing that after this Bill is passed automatically becomes a criminal and will be fined or maybe imprisoned. If that is what the government wants to do, so be it, let us go for it.

I think we have really advanced ourselves in areas that maybe there should just be control in the first place. May be we should just restrict smoking in public places, and the other bits should be well researched in the first place. That is how I see it. Especially like in the objects of the Bill on (b), which is to

encourage non-smokers to refrain from smoking and protect them from persuasion or inducement to use the tobacco products and consequent dependence on them, I do not need a law not to induce me to smoke. It is just needs a simple will power. You do not need a law to tell people not to smoke. The moment we do this, I think we are contravening sections of the Constitution whereby we are impinging on the freedom of choice, and the freedom of people to make their own judgments and decision. If that is what this Bill is trying to do then I feel that some of these sections are unconstitutional. I do not want to say much on that, but that is why I support the Bill on some parts and I do not support it on other parts. But if that is what the government wants to do, then mind is a long way, because the government has the numbers and so it can pass this Bill without me supporting it. With those brief remarks, I resume my seat.

**Hon. Soalaoi:** I must first of all thank all Members of Parliament who contributed to the debate of the Bill. I am, in fact, impressed with the debates; a lot of very important points were raised during the debate. I was taking note and I think all Members of Parliament appreciate the fact that this Bill is long overdue and that we also need a law to at least regulate the use of tobacco product in this country. Like I have said, I have heard a lot of good contribution coming from the debates, and I must once again thank all of you have contributed including my other colleague Ministers on this side and also the Leader of Opposition who raised very important issues, as well as other Members on the other side of the House.

Like I have said in my introductory remarks, I want to further stress it again that tobacco truly is a controversial product and the need to have a law to regulate it is very urgent. By doing this, at least we are also trying to ensure that the only tobacco company we have in the country operates in a legal environment. In saying this, I wish to assure the company that regardless of some of the issues the company still does not come to terms with, we are trying to ensure that this controversial product is regulated and that the company producing it in this country operates in an environment that is legal.

The Tobacco Control Bill 2010 will end a legislation vacuum that has been in existence in our country for tobacco control. You may also recall, as I have said, in my introductory speech today that this Bill has been around for more than 20 years, and we do not have to wait. I, therefore, would like to once again urge all of us to act decisively enough. Also from the strong commitment shown from the debates by Members of Parliament, this shows your strong commitment and leadership in fulfilling our obligations under the Framework Convention for Tobacco Control which I referred to in my introductory remarks this morning.

Solomon Islands, like I also mentioned this morning was among the 40 pioneering countries earmarked to make this international convention become national law. But still up until today after today's meeting, if we pass this Bill, we will then be counted amongst those 40 countries. I think I mentioned earlier today that we spent money going overseas attending meetings, and if we do not do our part in making sure our international commitments are translated into international public gains then we are just wasting our money and wasting our time going overseas.

I have already said that tobacco is the most single preventable cause of death in the world today and also in Solomon Islands. Because of other interventions in the Ministry we are seeing a decline in diseases such as malaria and an increase in non communicable diseases because of tobacco use. Concern was raised during the debate on what about the other diseases. I have already said that we are seeing a decrease in other diseases and an increase in tobacco related diseases in our country today. We must help our people to stop from this unhealthy habit.

I referred to a survey carried out on our youths and the results were alarming since it affects our school children. Also, you will be hearing statements like 'you can only smoke if you over 18 years old'. Tobacco use has no respect for any age groups. Tobacco related diseases do not only affect people who are less than 18 years old but it affects everybody.

When smoke is exhaled by a smoker, it affects everybody around the smoker and then it is inhaled by everybody regardless of age. Children's noses cannot block smoke that smokers blow out. So it does not take into account whether you are 18 years or older as it can kill any body of any age.

We understand some of the issues raised, especially with the sale of single sticks. One very important thing we are trying to do here is to discourage young people from spending little money they have on cigarette. When you know that you cannot afford a packet of cigarette then it simply means that you do not have enough money, and that very little money you have should be spent on something better than tobacco. This Bill is not trying to punish our people here but it is helping them to make good choices. We are helping them to choose to buy something better instead of buying a roll of cigarette.

Some of our students are asking for bus fare every day because when they are given bus fares it is enough for them to buy a roll of cigarette after school or on the way to school. Therefore, I think we are doing the right thing in trying to help them to buy other things instead of a roll of cigarette.

I have already said in my speech that the Ministry will work with other stakeholders like the Ministry of Commerce, Finance and Rural Development to look at ways, alternative ways in which our people can earn money for their

living instead of selling tobacco. It is also our responsibility as leaders to assist our people to find other means of earning money. We cannot just watch our people involved in something that is harmful to their health.

We fully understand the concerns raised but I also think that we better start telling our people to do the right thing too. It will take time, and I know just like any other laws, people break laws. We do not want people to break laws but just like any other laws it will take time before, even the smokers will realize it is not a good habit.

I know that we can read and follow instructions. When you read health warnings on a packet of cigarette which says, 'smoking causes lung cancer', what do you do after that? I hope that is another way of saying that you should not smoke. That health warning, I believe, is enough to help people decide what to do.

Before this tobacco epidemic gets worse we have a window of opportunity to stop it. We know what interventions work. The convention I was referring to earlier today is an evidence based international treaty which articulated all the effective measures of tobacco control. They are relatively less expensive to implement and the returns from it are quite enormous.

Also, today I referred to some international data during my introductory speech. We have some local data in the Ministry that we will be giving out during the course of awareness when enforcement is carried out. Also, awareness program is an ongoing activity in the Ministry. There is a health promotion department in the Ministry that is doing health promotion every day, and so that is an ongoing activity. Up scaling of such awareness activities is planned for when enforcement starts. But this information can also be made available to Members of Parliament to assist them if they want to also give awareness to their people about the effects of tobacco use. The way I introduced the Bill today was in such a way that it has also happened in other countries, because I want us to look at it as something we can learn from and avoid.

Sir, I wish to assure that the Ministry of Health and Medical Services will put tobacco control and enforcement of the Tobacco Control Bill 2010 as its top priority when it comes into force. All these said, we will work closely with other relevant ministries and international partners to make this Bill a success, if not immediately, after sometime. But I think we need to start somewhere.

Sir, the support that Members of Parliament have shown to the Bill during the debate today is very important to the health of our people and the future of our nation. I think we are making a difference, and I am confident that this Bill will be passed and will open a new chapter of public health in Solomon Islands.

I want us to be mindful of the fact that the health of our people is the wealth of our people. We believe that a healthy person can find something to

live on. Healthy people can work and make their living. I have already stated today that tobacco respects nobody. We respect smokers but we do not respect the habit of smoking. Just like the good Lord who says 'I love sinners but I do not love sin'. And so we love our people, even those who smoke but we do not love that habit. When you smoke you do not realize it but to me or to non smokers you are not respecting them, even for your own children if you smoke inside the house and you blow out the smoke everybody inside the house inhale what you exhale. And worst enough when you smoke you only take in the smoke but secondhand smokers or passive smokers take in more than that because they take in smoke that is blown out and so they take in what is blown out from the cigarette.

I do not want people to misunderstand the intention of the government on this Bill. The Bill is simply to control tobacco use. I have a strong belief that as we go along people will begin to understand and people will begin to comply. It does not mean its start off is going to be perfect for every good thing takes time before it is perfect.

In Solomon Islands, I think we need to be told what to do. It is very true that you cannot regulate against the rights of people, and I fully agree with that but if in the course of exercising your right you choose something that is helpful to you, you need help from other people to tell you what to do.

Selling of cigarette is a business of business people and our business is your health. It is your business to sell cigarette but it is our business is to look after your health. Sometimes we blame students why they break school rules by smoking. We should not blame them for smoking because they see it from the house.

I am glad to hear colleague Members of Parliament indicating they are going to stop the habit after passing the Bill. That is good news to our children in our homes. I think when they hear their daddy saying he is going to stop, they are happy because they will no longer run around outside when the daddy smokes. We say we love our kids but when you blow smoke to them it shows you do not love them. One of the ways to show our people that we love them is to care for their health, and we should start that in our homes first. We are educated people, some of us in here, (and I am referring to the health warning on the packets of cigarettes), because after reading the health warning, you smoke again. I just cannot understand that. Maybe because I do not smoke but when we are big enough to make a decision and we can read and if we read the warning we should stop. Some of us have become politicians now but we still do not understand the health warning.



I am very glad to hear signals from our good leaders that they are thinking of giving up the habit of smoking. I must congratulate you on behalf of your children and on behalf of the non-smokers for taking that step.

This Bill, if it is not for us today it is for our children and for their children's, children and for the next generation. I know that some of our women even have arguments with their husbands about this habit inside the house. I witnessed this first hand in many homes where a mother was angry at her husband for taking the money to buy cigarettes, and so phrases like this comes up: "if so give the cigarette also to the children to eat because they are hungry and so what are we going to feed them with". I think there are better ways of finding money and I think there are better things that we can buy using money other than buying cigarette, which is not only harmful to you but also harmful to people around.

I think we are running out of time but I wish to stress some of the things that I stated today. The rate of tobacco related illnesses in this country is truly alarming as far as the Ministry is concerned and if we do not do anything now it is going to get worse. The good news is, like I have already mentioned, there is a window of opportunity for us and this is Bill is a good way for us to start.

By way of summarizing, let me say that I think we are struggling with some of our habits because we do not understand things. I can mention the names of people that I have tried to help them stop smoking. I said to them whether they understand what this one means and they said they understand it, and then I said so why do you smoke. If you know that something is not good I think it is not good for you to take it.

Before I conclude, let me assure our people that we are not trying to stop you from selling cigarette and earn your living. What we are trying to do is to avoid people from involving in things that are harmful to their health, and the government is already looking at ways of assisting people to engage in better means of finding money.

With that, I thank all Members who have spoken on the Bill and thank CNURA Government once again for the support given to me as Minister responsible. I must also thank former Ministers of Health for their part in supporting the Bill. I must thank also those people in the past who have supported and worked on the Bill. I know it has been around for the past 20 years, and so let us do the right thing as responsible leaders by making sure we have this law in place.

We will continue to make the health of this nation our passion, and we are urging to give up the habit of smoking. With these, I beg to move.

*The Bill is passed*

*Sitting suspended for 10 minutes*

## Bills – Committee Stage

Tobacco Control Bill 2010

**Mr Chairman:** Honorable Members, the Bill before us now for consideration at the committee of the whole house is the Tobacco Control Bill 2010.

### Clause 1

**Hon. Sogavare:** I just want get the views of the government that following some of the concerns that were raised during the debate on the need for awareness first where so much is raised on the implications of section 12 if effected immediately. What is the government's view on that? Would there be awareness first before the Minister brings this Bill into operation so that people understand fully the implications of this section before it is brought into operation? What is the government's view so that we are tag sort of approach in getting the bill into operations, some sections come first and some sections will be considered first before they are brought into operation? That is one question.

The other one is an issue that was also raised in relation to section 12 is on alternative assistance intended for our people who are going to be affected by this, and the Minister in his round up speech made mention of something like this, and so I feel that maybe this is the appropriate time to raise this. It is not referring to any sections of the Bill, but I think before we even start to talk about bringing this Bill into operation, what kind of alternative assistance has the Cabinet been discussing and which Ministry will those assistance be implemented through?

**Hon. Soalaoi:** In fact the Leader has rightly stated what is going to be done. There will be awareness programs conducted before the commencement date is announced. There will be up scaling of awareness programs.

The alternative approaches I referred to in my speech is in regards to the different ministries of the government. The ministries concerned will look into this along with some other stakeholders. I even mentioned earlier on today that international stakeholders too will look into assisting people to start something that will help them make a living and then allow them to find their own ways to make a living.

*Clause 1 agreed to.*

## Clause 2

**Mr Oti:** Can we ask questions on the definition of the interpretation provisions here?

**Mr Chairman:** That is the content of Clause 2 and so you can proceed.

**Mr Oti:** Manufacturer, on page 8, includes any entity that is associated with a manufacturer in relation to the manufacturing of tobacco products. Tobacco product is defined on page 9 as product from tobacco whether or not manufactured and intended for use by smoking, inhaling, mastication, orally taken by mouth" and so on and forth. The definition of tobacco on page 9 also means any preparation of dried leaves of the nicotiana tabacum plant of the nightshade family. I want to ask this in relation to the lekona or savusavu which our old men are growing as an income. Will they be qualified to be regarded as manufacturers because the product they are producing is by definition that plant which is what they are planting and producing. Are they going to be qualified under that? Because when we come to licensing and that section, are they going to be subject to the same license? Since they are manufacturing, by definition they are qualified and tobacco by definition of that plant, they are also qualified, are they going to be licensed?

**Hon. Soalaoi:** The AG is going to assist me on this. Really, if anybody starts to sell it then he can be referred to as a manufacturer. I believe that is how we should look at it because the definition includes what the Member has mentioned.

**Attorney General:** The way the question was structured takes me to Clause 15, which is the clause dealing with license on page 20, which says that "no person shall manufacture, sell, distribute, import or export or cause to be manufactured, sold, distributed, imported or exported any tobacco product". Therefore, when it says "no person", you can shorten that sentence to say "no person shall sell any tobacco product". That would cover the local product, lekona.

If you look at the definition of tobacco product, I am going back to page 9 now, you can see that clause 15 uses the phrase 'any tobacco product' but when we go back to page 9 the definition of tobacco product means 'any product of tobacco whether or not manufactured'. I want to place emphasis on the words "whether or not". Whether the local product lekona is in process or

manufactured product or not, it will be covered under tobacco product definition.

**Mr Tosika:** If we closely look at those two definitions they two do not correlate because the other one denies the other. Manufacture means manufacturing tobacco products and then tobacco product says even if a person manufactures it is included as a product.

What I would like to stress here is when we talk about section 15, import, if those items are classified, a manufactured product must go through transformation where there is input and there is output. Transformation takes place at the centre. Take, for example, if you put leaves into the system here on manufacturing you will come out with cigarettes and tobacco sticks and so their classification is different. Because under international system called the harmonized system its rule says if an item has a change of tariff heading that item becomes a different item from the original item. It must confer to a change of nature, its character, and therefore if a tobacco leaf is put as an input and goes out then the classification of tobacco leaf becomes different from the classification of cigarette according to the harmonized system. Therefore, I think a tobacco product must have a change.

In terms of lekona, it has no character, there is no change in its any character, it remains the same because the leaves still remain as lekona. I think there is no conformity here. Otherwise we penalize people down in the rural areas that do not have any machines and so there is no transformation. They only get the leaves, dry them and bind them together and it becomes lekona. That is my concern.

**Mr Chairman:** I think the honorable Attorney General ought to explain that because it says 'whether or not manufactured' and so it is either manufactured product or is still a leaf, which is still lekona or what? So it caters for your concern, I think.

**Mr. Oti:** I think the qualifying words there on this tobacco product undergoing transformation through manufacturing, first what we are saying is that perhaps what the Leader of Independent and MP for West Honiara stated is because it does not underwent any substantive transformation it remains the old product.

That aside, it is also the selling of that product that is the catch word there. It means that the lekona producers in Solomon Islands at this time, once this new law comes into place which is your source of income at this time henceforth it is now restricted for you to sell that product but you can give it free to those who would like to smoke, because if you sell it, and it is qualified as a tobacco product

or even because it is tobacco itself you can continue to produce it but for your own consumption, and not for sale. Can the AG confirm this?

**Attorney General:** We will have to look at the word 'manufacture' whether they are manufacturing, if they are not manufacturing then they are not manufacturing, if they are selling then they are selling. That is how it is. And when you go back to the definition of the word 'tobacco product', the definition says whether it is manufactured or not manufactured. I think those are the points we need to understand clearly.

**Mr Oti:** Therefore, whether it is manufactured or not and intended for use. Is it for use to smoke it or for sale?

**Attorney General:** If we look at clause 15 sub clause 1, it does not add on the words the Member wants to add on there. It does not say manufacture for sale or distribute for sale or distribute for use, but it just says 'manufacture, sale, distribute, import'. This is the clause that puts control like there. I think there is a good reason why that clause just stops there, but the title of the Bill is for control, so that anyone who manufactures or sells or distributes or imports this product has to have a license. That is the control.

**Mr Chairman:** The time is 4.30pm and so Parliament shall resume.

*Parliament resumes*

**Hon Sikua:** Mr Speaker, I seek your consent to move suspension of Standing Order 10 in accordance with Standing Order 81 to allow the business of the House to continue until adjourned by the Speaker under Standing Order 10(5).

*Standing Orders suspended after 4.30pm to allow the business of the House to continue.*

### Committee Stage

*Clauses 2 & 3 agreed to.*

### Clause 4

**Hon Sogavare:** Clause 4(2) and (3). On 4(2), can the Minister explain to us how we are going to enforce the requirement of that clause outside of Solomon Islands? And the second one is on sub clause 3, "no person may, whether or not

for payment or other consideration publish, broadcast or disseminate on behalf of another person". What about a person doing it on his behalf, is that allowable?

**Hon Soaloi:** Sub clause 2 is actually about any tobacco product meant for sale in Solomon Islands. When other countries are mentioned it means anything different that we see must be outside of the law. That is what it means there.

The other one simply means if you are using other persons to do advertisements for you then it means there is a likelihood of you doing it in public places, and anything of that nature would not really promote tobacco, which is something that we would like to restrict here.

**Hon Sogavare:** I wonder whether the Attorney General can further explain to us Clause 4(2) which makes reference to 'in another country'.

**Attorney General:** Clause 4(2), perhaps an example I could give would be because of the prohibition in doing advertisement local in Solomon Islands is in sub clause 1, one may plan to do some documentations or magazine and display them at a terminal in Port Villa, in Brisbane or Nadi. It is doing your promotion in another country. That would be an example of the kind of situation clause 4(2) is looking at. It is displaying or publishing any tobacco product advertisement that is viewed by persons in another country. Or using recent technology people can view products in another country through internet perhaps.

**Hon. Sogavare:** We understand that. My question earlier on is how we are going to enforce this.

**Hon. Soaloi:** In fact, enforcement will be undertaken by people who are assigned to do the work. A lot of things will happen before we even announce the date of commencement. Some people might think that tomorrow people will stop selling rolls but the date for commencement will be announced for and the details of how this will be enforced will be dealt with because one of the things we are going to wait for are the regulations.

*Clause 4 agreed to.*

#### Clause 5

**Hon. Sogavare:** Maybe the Attorney General and the Minister can explain to us how we are going to understand clause 5(3) as it is to do with display or

advertisements outside of the place of business by retailers. There is prohibition directly there in clause 5(3), and sub clause 4(5) which seems to open it up using the words 'notwithstanding subsection 3, and notwithstanding subsection 4', and there is a period there not 'exceeding 12 months from commencement of this Act'. That clause is used in both subsections. I want the Attorney General to explain to us how we can understand those sub clauses.

**Attorney General:** The expression 'notwithstanding' which appears in sub clause 1 of clause 5 and which also appears in sub clause 4 and sub clause 5 means that despite the existence of clause 4 which we have looked at, these would be the rules or the laws to be applied. You do not see the expression 'notwithstanding' in sub clause 3. Therefore, the expression 'notwithstanding' is applicable only to those specific sub clauses; they apply only to those specific sub clauses. The expression does not apply in sub clause 3 of clause 5. I am not sure whether that answers the question asked by the Member.

*Clause 5 agreed to.*

#### Clause 6

**Hon. Sogavare:** Clause 6(3), I think one word is missing out there. I do not know whether we have the same copy but there seems to be a word missing there between the words 'use' and 'tobacco'.

**Attorney General:** I believe there is a list being distributed and on that list the word 'of' is on it. The word 'of' will be inserted after the word 'use', and so it should read 'the use of tobacco'.

**Hon. Sogavare:** Some of us do not have that list but that is alright, let us progress.

*Clause 6 agreed to.*

#### Clause 7

**Hon. Sogavare:** I understand the law is trying to cover every area. Clause 7(1) says 'no distributor may at the expiry of six months from the commencement of this Act, distribute tobacco products in the absence of payment or other consideration or provide tobacco products to any person for the purpose of their

subsequent distribution without payment or other consideration'. I do not know whether that is really happening in practice.

I think the whole idea of getting tobacco products sell quickly or to encourage sale, normally businesses give credit to their agents for 30 days or 60 days terms before payment is made to speed up the sale of their products.

I just want to get the reasoning behind this section. What are we really trying to drive at? If we are concerned about the sale or distribution of this product, any strategies to get this product sell very fast, would that also include the distribution of this product by credit sales?

**Attorney General:** If we refresh ourselves sales with the objects of the Bill, the harm that may be caused by tobacco does not only come from bought or sold products, but it can also come from products given freely. That kind of clause is consistent with the general object of the Act. So it is not only bought products that will cause harm to health but it is also products distributed freely. That will be consistent with that kind of purpose.

But for commercial purposes you would see in sub-clause 3 of clause 7, there is recognition there to trade discounts or rebates given in the course of normal business practices. Probably distributors and the chain of distributors may have their own arrangements and so this kind of distribution is not affected because that is the normal business practice.

*Clause 7 agreed to.*

*Clause 8 agreed to.*

#### Clause 9

**Mr. Agovaka:** As I alluded to in my debate if an old man in the middle of the bush produces what we called lekona or savusavu, will he be now required by this law to display his product with labels warning people of the dangers of smoking?

**Attorney General:** If we read sub-clause 1 paragraph (a), we see the word 'package' used there. I am not sure whether lekona is sold in packages, but we should read down further in sub-clause 2 which says, "Any information or warning specified in subsection (1) shall be displayed on tobacco packages in accordance with the form and manner as are prescribed by regulations". It is the regulations that will clearly tell us the answer to the question asked by the



Member. Obviously, if lekonas are not sold in packages then that is something for the Ministry and the Minister to look at when making the regulations.

You should also read further down in sub-clause 3 which says, "A prescribed warning", so all these warnings will be detailed in the regulation. I believe that the Minister when making the regulations understands the special circumstance of the lekona.

**Mr. Waipora:** When we started off right from the beginning up until this time, I can see a lot of things that would require enforcement of this Bill on page 27. Just a general question not here but are you planning to have a separate division altogether so that division will form the people who are going to be appointed under Part 7 so that they look at the offences? Because from the beginning you start off with monitoring and enforcement of this law to make sure that nobody offends these laws. All these sections need policing, they really need enforcement officers to enforce them. I understand that you provided Part 7 - enforcement, and there are officers that will be appointed by the Minister but officers are going to be spread all over the place and so are you going to have a division or a department in the Ministry of Health to deal with this?

**Hon. Soalaoi:** I think I have mentioned in my introductory speech what the Member is asking. Usually, a large number of people will be involved, as he rightly said, spearheaded by a department in the Ministry of Health.

We also have officers in the provinces that will go down to the rural areas. The officers we will engage are living there. All these things will come into play when the commencement date starts.

*Clause 9 agreed to.*

*Clause 10 agreed to.*

Clause 11

**Hon. Sogavare:** I want the Minister to explain the word on the third line on top of page 19, the first word on the third line. Is there such a word as "descriptor"?

**Hon. Soalaoi:** This is simply trying to describe tobacco as, for example, the expression it is making so that we see it as good or mild. I think this is what it is referring to. Those are the kind of things that might appear as misleading in labeling. The labels on packets of cigarettes must reveal the truth about the contents. We know that tobacco is bad but what is written on the label are words

like mild or nice then that is false labeling. That is what is put there to try and describe the feeling or what comes from tobacco as good when in fact it is not.

**Mr. Tosika:** I would like to add that some shops nowadays are selling small packets labeled as cigarettes but things that look like lollies are inside. When I see kids holding them I thought they are small packets of cigarette, but when I opened them I can see lollie sticks inside. I think that is the kind of thing this section is referring to. When I saw this I was saying to myself that this is trying to encourage small kids to say it is a packet of cigarette but when it is opened it is lollies.

The question I want to ask the Minister is that if this Bill comes into effect, what is going to happen to all the lollies that are in false packets like this? What are you going to do with them?

**Hon. Soaloi:** The enforcement team will have to go around and check on such items and they have to be removed from the shelves.

*Clause 11 agreed to*

Clause 12

**Mr. Agovaka:** I think I alluded earlier in my debate that now that we will be banning the sale of single rolls or single cigarettes, what is the Ministry's plan in trying to mass educate people about this Bill? Habits die hard and a lot of the people that this bill will be targeting are those in the informal sectors, the vendors on the streets, not only here Honiara but throughout the country in the villages and they will be hard hit by this legislation. What is the plan of the Ministry in terms of informing and mass educating people about the sale of single cigarettes as opposed to selling them in packages of 10 and 20?

**Hon. Soaloi:** I must thank the Member for that question. One of the main reasons why cigarettes should not be sold in single sticks is because people buying single sticks do not have the opportunity to read the warnings on the packets because they do not see the packets. The warnings are there for people to read so that after reading before they choose to smoke so that the choice is yours.

Awareness still continues, as I said but for the sake of this law our activities on tobacco will be up scaled. When the enforcement team starts working there will be mass awareness on this bill before it comes into force. We will try and tell people some good things about not selling single tobacco rolls. They will be educated that selling tobacco in rolls makes it very easy for children

to buy them, and that is what we would want to avoid. We will go a long way but we want to start and see how things go, but we are very hopeful that with the plans the Ministry will put in place, people will understand it.

**Mr. Oti:** I am trying to work out the definition of one word in there. Cigarette, I can well understand, I have a bad habit of smoking a cigarette, but I do not know what bidi is, and so if that can be explained.

The second question is about the roll twisted tobacco, where even the block tobacco does not even contain any warning, much less what is sold in rolls and sold. Where would this come in under this definition of cigarette? That is why I am asking about the meaning of bidi. What language is this?

**Attorney General:** I do not smoke but bidi is a cheap type cigarette that is made out of unprocessed product normally wrapped in leaves. That is what I understand as bidi. We may have our own version of bidi, but bidi is a cheap product normally rolled up in leaves, common in Indian sub-continent.

**Mr. Oti:** Therefore, what I was trying to think about to be roll tobacco does not fall inside anywhere in here. Are they going to be captured under this section or anywhere in this bill, and therefore would also be subject to the sale of this product? After the expiry of 12 months where would they come in to qualify since bidi is not, cigarette, I understand is what comes out from the packet, the tobacco rolled in paper and are sold, where will those come in here?

**Attorney General:** It would fall under paragraph (b). Paragraph (a) deals with cigarette and paragraph (b) deals with tobacco product other than cigarettes, bidis or cigars.

**Mr. Oti:** This is not a financial bill, it is a health related bill and therefore the question about the sufficiency of the 12 months is to fast track the process for which we are trying to quickly reduce the supply of cigarettes and other cigarette products, notwithstanding what cost will be borne by the manufacturers such as adjusting the size of the packets, down from the current 20 to 10. Has this been taken into account? As I said this is not a financial bill, there will be a loss perhaps on the income from the manufacturer hence the retailer, the supplier, the seller and so on. But that in itself is a deterrent, deterrent because the cost of that investment will necessarily put up the price of that product but for practical purposes or for enforcement purposes how sufficient is the time given here for compliance by the manufacturer to reduce the size of the current 25 pack to 10 pack or even to less than that, maybe 5. The timing is what I want to know, how

practical is it? It is not your concern Minister, but perhaps for enforcement purposes is what I am concerned about.

**Hon. Soalaoi:** Some parts like this as referred to by the Member is a result of consultations we have been having and we have the assurance that they can adjust quickly to numbers like 20 to 10 and to go below that, what they were saying to me is just to increase the sale. But I believe they can adjust within the given time. They should find it easy to adjust from 20 to 10. Where they will get the machines from is not far away, it is just closer to us.

**Mr Tosika:** As I mentioned in my speech today, many of the people selling the rolls do not smoke themselves but only sell the rolls, because it is their livelihood. This is a legal product and that is why the Tobacco Company is established here to manufacture cigarettes and tobacco products. But now some people who are going to sell this legal product are going to be prohibited, and that is what I do not understand. This is a matter of choice, and the choice of people will be denied. Take for example the selling of tobacco stick is now prohibited, and so what if I put two cigarettes inside a packet and I give it to one man, would I commit an offence?

This is a practical thing. We are talking about real things that happen in the daily lives of people. This is practical. We have already seen that 60% of our people live on this, and some of them do not smoke any cigarette because of the fact that poverty is suppressing them and the only means of their survival is to sell this product because this product salable, it is quick to earn money from.

But as I mentioned, if we enforce this Bill and we take into consideration the three levels that I have mentioned, we would expect a lot of people from 65 or 75 at the third level roaming around the streets causing problem and so law enforcement must become tougher. People that sell rolls will engage in activities that we do not want.

Whilst this law is good to control the use of tobacco but let us look into reality of what is going to happen to our people when this law is enforced. We are making people to say that they are criminals or we are causing people to think in their mentality that they are offenders. Law, if it exists, but suppresses the rights and conscience of people is not good because you will expect people to break the law. The sake of living is my concern here.

**Hon Soalaoi:** In fact, what the Member mentioned is quite true, the concern of the people. But I do not believe this is the only way for people to earn money to make their living. I have already said in my speech that the government will assist people to look at alternative ways of earning money for their living. When

we know that this product is harmful to the health of people, I do not think it is a responsible thing for the government to just sit back and watch. We certainly would like to assure people who think that is the only way to see that there are other ways of earning money.

This country is endowed with a lot of potentials and we want people to find out what their potentials are in this country. Even the black marketing of beer is going on. I know that things like that will happen but we have to start somewhere.

**Mr Agovaka:** Just leading on from what the Leader of Independent has said, there is this poor lady sitting there selling tobacco stick who is not a smoker, she is a non-smoker, now Clause 12(2) says that the person who contravenes Section 1 commits an offence, and so she will be punished. But we forget that the person who goes to buy that roll of cigarette is free, is not punished. We only punish the woman who does not smoke but sells the cigarette but we do not punish the person who buys the cigarette.

Can this law also look at the person who goes and buys the cigarette because he is also involved in the trade? It should not be a one-way traffic but a two-way traffic; the seller and the buyer.

**Hon. Soalaoi:** In fact, that woman is committing an offence. The man who goes to buy would not be able to buy if that old woman does not sell the tobacco and so commits an offence.

**Hon. Sogavare:** I think the issue really here is for the government to come out very clear on the assurance the Minister continues to make that it is going to assist these people. So far it is basically just a general statement. The Minister of Commerce is here, and so can you help out to tell us the package the government has already came up with to address this situation, and especially at the eleventh hour now. What package is ready to assist these people because the Minister keeps saying that the government is going to up with some packages to help these people?

**Hon. Soalaoi:** Thank you Leader of Opposition for that concern. In fact, this is going to be a comprehensive approach, and every sector must begin to work so that we give something to our people so that they do not look at selling of cigarettes as the only means for their survival.

Of course, the Committee that I referred to in my speech is going to come up with some alternatives, but we do not want people to see it as money is available there and so let us go there, like how they are treating us now that

money is with us and so they come to us. We have to address developments in such a way that people will start to involve in something that will earn them a living. That is the only thing that makes me give that assurance.

Any government that comes into power, and if we come back, we want to approach it in a way that our developments are geared towards involving our people so that they have something to do so that our concerns that they will become criminals would not happen. The selling of cigarettes will, I believe, after sometimes will not be seen as the only means of finding money to pay for school fees, buying of rice and things like that.

**Mr Kengava:** On 12(1)(a), I think one reason why people sell cigarette rolls is because it is much easier and cheaper and so people are interested to sell rolls. This clause refers to it as not less than 10 or 20. I am just wondering and to be fair to those wanting to sell cigarettes, a packet of 5 would be much easier for vendors to sell; in packets of 5. I think in between 5 and 10 so that it is much easier for people who would still want to do business selling cigarettes. I think 10 and 20 is too expensive and that is why people break it up and sell it in rolls. What is the possibility of coming up with cigarettes in unbroken packages of 5 to 10?

**Hon Soaloi:** Thank you Deputy Speaker for that concern. In fact, that is the very thing we would like to avoid, something that is easy for people to access. We would like people to go out of this habit of smoking. If it is difficult to buy it then that is what we want. We do not want it to be affordable, especially to our young people. If it is easy for them to afford it then it defeats the whole purpose of trying to stop the habit of smoking. I hope it answers your question.

*Clause 12 agreed to*

*Clause 13 agreed to.*

#### Clause 14

**Mr Agovaka:** On Clause 14, whilst the Bill allows the retail of cigarettes, here we are prohibiting a vending machine that virtually does the same thing at the convenience of people. What is the rationale here? Can the Minister rationalize why retail is allowed but prohibiting the vending machine, something that is easily accessible? That is the first question. The second question is, is the vending machine similar to a dispenser? In Australia it is called a dispenser or a vending machine? Is that a similar thing or a different thing?

**Attorney General:** The first question is why retail is allowed and not vending machines. I think the answer can be found on the last clause as an example. While a retailer can ascertain or determine that a child is below 18 comes to a shop to buy a roll, a vending machine cannot do that kind of determination. There are some obligations here where only human beings can perform or check. A vending machine being a machine cannot do that.

The question as to whether a vending machine is a dispenser can be seen in the definition of vending machine on page 10, which says, "A machine, device or contrivance". Probably the dispenser may come under device or contrivance because contrivance is what someone skillfully, craftily makes to produce something. It can probably be brought under those definitions.

*Clause 14 agreed to.*

#### Clause 15

**Mr Agovaka:** In Part 3, clause (15), would the people producing or manufacturing lekona will now be required to have a license?

**Attorney General:** I would repeat my answer given earlier on. When you look at tobacco product, the definition of tobacco product covers any product from tobacco whether or not manufactured. If lekona is not a manufactured product then it is covered under there. This section 15(1) requires any person at all whether he manufactures, sells, distributes or imports any tobacco products, and do remember that tobacco product is whether it is manufactured or not.

*Clause 15 agreed to.*

#### Clause 16

**Hon Sogavare:** Can the Minister confirm to us 16(2) whether we have any laboratory now in existence in the country that can do this kind of test that is required by the Minister under that clause?

**Hon Soaloi:** We have a public laboratory that if required to come up to that standard can do it. There are reference labs the WHO is using, and one of such is in Australia, and so we can use those reference laboratories of the WHO that the Ministry uses to verify tests that we require from certain people, like this one.

**Hon Sogavare:** Where is this WHO laboratory?

**Hon Soalaoi:** One is in Melbourne.

*Clause 16 agreed to.*

*Clauses 17 & 18 agreed to.*

Clause 19

**Mr. Tosika:** This is not a question but I would like to just comment on the public buses where a lot of drivers and bus conductors smoke. I want them to hear it that this law prohibits them from smoking inside public buses. When this law comes into force they must stop smoking in bus so that you give people their right to a clean air.

*Clause 19 agreed to.*

Clause 20

**Mr. Agovaka:** Just a clarification on clause 20. Do all school buildings, permanent or temporary structures include staff housings? Because some staff housing will have people smoking in them, because that is freedom. Would this Bill prohibit teachers living in staff houses near schools from smoking as well?

**Hon. Soalaoi:** In fact, all buildings in a school belong to the school. The idea behind here is that if you smoke at school the students might see you and start to smoke as well.

**Mr. Agovaka:** My question is after school and the staffs living in those houses smoke. For example, if you go to Bishop Epalle now, there is the school compound and behind the secondary school are staff houses. The staff in their houses can do whatever they want. Does this law also covers staff housing? And is school buildings permanent and temporary structures include staff housing?

**Attorney General:** If you look at sub clause 1 towards the end, it has the words 'including outdoor areas and grounds of schools'. That is broad enough and the reason why it is enough is for the reason the Minister has just said. It is a different kind of environment, and you will see it also uses the phrase 'smoke free', it is 100% smoke. This clause will be different from the clause dealing with



work places. This is dealing with schools and so it will be treated differently on the highest standard. The difference would be for teachers to show example to the students. That is the idea behind this clause.

**Mr. Tosika:** I think we are not going to achieve this clause because that is where teachers live, inside the school compound. Now, if this Bill is going to restrict them so that they have to go out from their houses to somewhere far to smoke, his work of marking papers at night will not be done because those who smoke if they really want to smoke has to smoke, and so if he is not allowed to smoke because he is afraid of getting sacked tomorrow or to go to prison or be penalized for 20,000 penalty units he would have to go far from his house to smoke. That is unrealistic, in real life it does not work that way. We are making a law that is not going to be enforced and every people will be penalized when they do this. Just because we want to control tobacco we now will make people to become criminals and so they will be penalized for something that their conscience says is right. If a teacher is addicted to smoking he will smoke during his private times when students are not around. Is he going to be penalized? I do not think this is right.

**Hon. Soalaoi:** As the Attorney General has explained, I think there are staff houses and schools in Honiara will be a little different because most of the schools are day schools, and so staffs live in different places and come to school. Not only schools that teachers smoke inside but even inside the house and so if they go out of their house to smoke then that is doing good for your children not to smoke in the house. This clause means any school buildings inside the school compound are smoke free. But like I said in Honiara staff houses are far from schools. But still, we should start thinking about not smoking inside our house so that even if you do not teach but you have to find a place to smoke, apart from inside the house.

**Hon. Sogavare:** In a case where a child is caught smoking, does this term 'child' carry the same meaning as a minor so that he is protected under the law and so he cannot be charged. The word 'child' is used here rather than 'minor' and so if a child is caught smoking, is he a person who is just 17 or 18 years?

**Attorney General:** The word child is defined on page 7. A child means a person who is under the age of 18 years.

**Hon. Sogavare:** And so if he is caught smoking there, is he committing an offence and so is liable to be arrested and charged?

**Attorney General:** Clause 13 is the clause that prohibits selling and giving of a tobacco product to a child. That is a law prohibiting selling tobacco product to the child, and is not dealing with a child on his/her own taking the product. It is prohibiting persons who sell or stop them from giving such products to the children. Unless the Members was looking at a different section, which I was trying to catch but otherwise that is the clause that deals with giving or selling of tobacco products to children.

**Hon. Sogavare:** My question is on Clause 20(3) which says if a person who smokes in a smoke free area in contravention to section 20, this person commits an offence. My question is in regards to a child who is caught smoking, is he committing an offence and is liable to be charged?

**Attorney General:** The expression, “a person” in sub-clause 3 is a general expression. But it would be up to the court to determine each one circumstance. The court will certainly treat juveniles, children differently from adults. They have principles in dealing with children.

**Mr. Agovaka:** I would just like to record here, for example in King George there are staff houses right up on the hills far away from the school compound. I just want to put on record that this law 20(1) is infringing into the rights and freedom of individuals. The choice of freedom to do whatever he wants to do in the privacy of his own residence. Let me put this on record today.

**Attorney General:** In the case of King George, looking at the hills at the back there is still school grounds. So the law applies to school properties, it applies to school buildings and so whoever occupies the school building must follow the law and the rules of the school. You are just an occupant, but the building belongs to the school.

*Clause 20 agreed.*

*Clause 21 agreed to.*

#### Clause 22

**Hon. Sogavare:** I was just looking at the list that is being put around here. Just a question on 22(2), third line, the words there except “that that” there. There are two “that” there. How is that read in law?

**Attorney General:** That is a kind of error the Attorney General can exercise his power to rectify. It can be passed because it is not on the list or we can add on to the list before we come to the third reading just to remove that word. If we add it on to the list now then we still have time to remove one of those two 'that'.

**Mr Chairman:** I think we might as well do that, remove one of the 'that'.

**Mr. Waipora:** It says here "the owner of a ship or vessel may designate a smoking area on a ship or vessel designated to carry passengers and marked as smoking area except that the designated areas shall be outside on a deck or observation area". Some of the vessels are not big and so they will not have any smoking zone.

What I am trying to say here is that can we provide for any launch or small ships that do not have much space, the place where they sit down is where they are going to be and no any other place to say except this area. That is my point. I think we must put it somehow, because we can only put them in big vessels and not in small ships.

**Mr. Tosika:** If we look back at section 20 and correlate it with clause 22, it gives opportunity to ship owners to designate smoking zones. But if we look at schools it is a total ban. In here we say except that a designated area shall be outside or on a deck or observation area. It looks like this law is not consistent because it says one thing here and says another thing here. I think there should be uniformity here. Like in schools that when we talked about earlier on today where school grounds is not defined. In here the law allows the owner of the vessel and it is a public transport. The earlier clause denies teachers. If you are a teacher, even in your own house you cannot smoke but here ship owners can designate places to smoke. I just want to express that there is no uniformity in this law on these sections or provisions.

**Hon. Kengava:** Just to be with the Leader of Independent. Maybe later on when the Ministry looks at regulations, I think in schools teachers who smoke in their own houses should be exceptional, it should allow a little bit of freedom for the teachers, otherwise they would have to leave the school campus and go out on the streets to smoke.

**Mr. Oti:** Subsection 1 of Section 22 is subject to the other sections in sub-section 2 onwards, and this is on the mode of transport. The mode of transport here is by

water and of course it catches the ships and so the ships will have to designate areas like that. What about canoes, what will happen to canoes?

**Hon. Soalaoi:** If it is a canoe I believe it would be your own canoe and so you can smoke. But if you carry passengers, the safest thing to do is to smoke at the back of the canoe. I think the right thing to do is if you know it is not big enough for you to smoke inside then you should stop smoking whilst travelling in a canoe. The fuel tank is also inside the canoe and so it is really not safe for you to smoke inside a canoe.

*Clause 22 agreed to.*

*Clause 23 agreed to*

#### Clause 24

**Mr Oti:** Clause 23 is Part 6 which is Healthy Lifestyle Promotion Committee functions and the fund. Its coverage for promotion of healthy lifestyle goes beyond tobacco.

I will put it in another way; the scope of section 24 in so far as the intention of this Bill, it would seem here to go outside of the purposes of this one to control the use of tobacco. Healthy lifestyle also includes other things like low sugar, low fat, and so forth, and this Committee unfortunately or fortunately is going to, by expectation, not by intention, is just for tobacco. I just want some clarification on that.

**Hon. Soalaoi:** I am going to refer to the part we are still to get to because that is the answer to that question by the MP. Section 25 says it refers to this Act is where the Committee is formed, and so its functions basically is to carry out this Act. But you are right by saying that healthy lifestyles currently also mean other lifestyle diseases, like you mentioned.

*Clause 24 agreed to.*

#### Clause 25

**Hon Sogavare:** I want the Minister to explain 25(c) on the functions of the Committee, and one is (a) to administer the fund, to assist in the promotion of health and then to fund or promote the funding of measures required under Articles 12, 14, 20, 21 and 22 of the WHO Framework Convention on Tobacco

Control. Are those requirements come with funding assistance as well? Is there any assurance from the World Health Organization that it would assist us to comply with these Articles?

**Hon. Soalaoi:** WHO will assist us but I am not saying it will give money, and that is why it says promote the funding and so the Committee's work is to seek assistance from WHO as you mentioned. Apart from funding the activities it will also promote funding on behalf of the government. The Committee will also seek funding for the activities.

**Mr Agovaka:** I was trying to find the functions of the Committee. As you can see from Clause 1 right up to the previous clause, there is a sub clause at the bottom that says, "A person who contravenes this section commits an offence".

For those who are charged under this law, there is no mandatory on the government to assist them attend some kind of educational classes on the dangers of cigarette smoking, in other words, rehabilitation of offenders. I cannot find this anywhere there. I wonder if we can include this as one function of the committee, a clause on rehabilitation of offenders. Or is the Ministry of Health thinking of passing that buck onto the Correctional Services to do that. Can the Minister shed some light on this issue?

**Hon. Soalaoi:** This law is basically to control, and not basically to take up the work that other sectors are doing, where even the Ministry is doing it as well. We have a division in the Ministry that helps people who have problems like that and they should address that concern.

*Clause 25 agreed to.*

*Clauses 26 & 27 agreed to.*

#### Clause 28

**Mr Oti:** I want the AG to connect subsection 1 and 2. Subsection 1 is to do with the Minister's appointing of authorized officers. That is in (a) and (b). Subsection (2) is an authorized officer under subsection (1) has power to exercise and carry out powers and functions delegated under sub section (1). Sub section (1) is not specific on what are the powers of the authorized officers. Is it to be found elsewhere generally or I was expecting it because it refers to that and so I was trying to look for where are the powers of the authorized officers?

**Attorney General:** I think it is in sub clause 1(b) which says, "By notice in the gazette delegate to such officers or persons powers or functions under this Act".

**Mr Waipora:** Just a general comment. It is very unfortunate that we are struggling with this Bill. If we look at it, this Bill, even though looks simple is one ministry of its own.

At first the Ministry of Health is having headaches with expenses on diseases caused by tobacco and because of that it came up with all sorts of bodies or committees. It came up with committees and also officers. I would like to tell us that if we are going to appoint officers throughout the whole country, when everyone comes and answerable to a management in the Ministry of Health it is going to be a big department.

I said very unfortunate because it should be short cut to finish tobacco but it is not. If we just totally ban the production of tobacco in here then it would be much easy. But we cannot do that because it is not possible to stop the company that is producing tobacco because maybe the side effects are there too. I am just making a comment because if we look at this Bill when we go through it until the end of this Bill, it is going to be costly in terms of expenses when already, the Ministry of Health has been crying out with expenses it has and this is an addition to that expense. If I can tell you Honorable Minister, this is going to be a very big department that we are adding on because of this Bill. I hope you will arrange in such a way that there are cost cutting measures in the implementation of this Bill.

**Mr Oti:** Because of the concerns raised by the MP for West Makira, generally and not specific to this but especially when it comes to enforcement this is where the crux of the matter will be experienced.

What this is pointing to, and perhaps has already been discussed and perhaps under the Convention the parties to that Convention have certain obligations in countries that have taken this course of implementing the provisions of the convention. Maybe the Minister could inform us, because of the limitations that we probably have in terms of manpower, technical manpower, whether discussions have already taken place on what technical assistance is the Ministry going to provide, something we are very good in doing at this time. Anything we cannot do, we get in technical assistance. How much have you discussed with them already? What level of assistance are you going to get for implementation of this legislation?

**Hon Soalaoi:** In fact, as I mentioned earlier on, we will continue to receive assistance from WHO technical assistance during the course of implementation

of this Bill. Yes, we have the technical assistance available at the moment, even in the Ministry. We have the office of the WHO liaising officer here in this country. We have that assistance available now.

**Hon. Sogavare:** Clause 28 and the clauses earlier on, just the consistency on drafting. On clause 2 on the interpretation, the Permanent Secretary is defined as a Permanent Secretary responsible for this Act. When it comes to the Minister it is silent on it whereas in other Acts the Minister is actually defined too as Minister responsible for administering of the Act. I am raising a point of consistency in the drafting of the other laws that have come before Parliament, Ministers are actually defined but in here it is not, it is silent as to who this Minister is and so it could be anyone.

**Attorney General:** It will be the Minister responsible for administration of this Act as well or the Bill.

**Hon Sogavare:** So is it not necessary for him to be defined in the definition? That is understood.

**Attorney General:** It would have been much more desirable if it was included, but this is not unusual. There are some bills that do not have names of Ministers, but when it comes to assignment of responsibilities it is the Minister responsible for the bill.

*Clause 28 agreed to.*

*Clause 29 agreed to:*

#### Clause 30

**Hon Sogavare:** Clause 30 is quite long. On sub-clause (4) it is a requirement there that a person entering any premises shall leave the premises as he found them, as effectively secured against any trespasses. Okay it adds on there and that is where it qualifies it, but if we stop at “shall leave the premises as he found them”, what about if they break down some of the doors and go inside, the duty to leave the premises as he found them means that the door has to be repaired first before they leave.

Just the rationale as to why impose duty here when they have to go in, say if a person does not allow his place or he locks up some doors or warehouse or something like that, and so they have to force their way in. Is the duty to repair the door will be met by the government?

This is sub clause 4 and it reads “Any person entering any premises under this section or by warrant” but if that person does not allow his house and the people to go inside will need to get a warrant to go into the house. And then it says, “may take such other persons as maybe necessary and on leaving any unoccupied premises which the person has enter by virtue of a warrant, shall leave the premises as he found them”. If we stop there, there is a coma before the other clause comes in but if they have to break their way in to go, for example, and that is not uncommon, if you have to go into some places you normally would need to break doors to go inside. Does that mean the government has to make good that damage?

**Attorney General:** If forcible entry is required it could be up to, and obligatory on the authorized officers to go by to court to apply for appropriate warrant, if forcible entry is necessary. But whatever they do they have to do it properly and if they are acting in good faith then the protection of persons performing any functions will be protected in the normal way of the exemption clauses. So here we have an exemption clause also in clause 40. But clause 30 we are looking at has a scheme where in the first instance consent must be obtained and if that is not possible then they can apply for warrant, and in that kind of warrant they may inform the magistrate whether entry is possible or not and an appropriate order can be made.

**Hon. Sogavare:** I can understand that but if the authorized officers have to force their way in and the process needs to break doors to go in, is the government going to meet the repairs because they have to leave the premises as they found it. That is the question. My thought is that if that person does not allow his premises why impose duty on the authorized officer.

**Attorney General:** I would not give a straight answer to that question because it depends very much on a circumstance, and so if the owner of the building feels that the forceful entry was wrong then it is up to the owner of the building to sue the government and let the government decide that point rather than trying to say something that is not written in the Bill here.

**Hon. Sogavare:** What is written in this Bill is “shall leave the premises as he found them”. That is the expressed wording of that particular clause. That means if the door is broken they must fix it before they leave the place.

**Attorney General:** That is the intention of sub clause 4 the Member is referring to, “must leave the premises as he found them”. What I was saying is that if he



enters it, he either enters it by consent so therefore it is an easy entry or he enters forcefully. First you have to enter before you found what is there. To enter is either on consent or a court order if you say you cannot enter the premises because it is locked so they have to get a court order. It is the court order that may authorize them to break whatever is locked. But if having entered, the officers do something else not authorized under the warrant then that is something different, and that is why I said that will be a matter of the owner of the property to decide whether to sue the officers or not. We cannot determine that question here now as it depends on the circumstance and it is up to the court to decide on that kind of case.

*Clause 30 agreed to.*

*Clauses 31, 32, 33, 34, 35 agreed to.*

### Clause 36

**Mr. Oti:** On the issue of appeal by any persons aggrieved with the decision of the Permanent Secretary under Part 3, the person can appeal to the Principal Magistrate Court only on the question of law. If on administrative decisions, where would a person appeal to? Is there not going to be any scope for appeal because when you read Part 3 of the Bill, some decisions made may not necessarily be legal? Is there any scope for appeal in that instance?

**Attorney General:** Part 3 is actually one section or part that deals with licensing. Clause 36 we are look at now does not provide for administrative appeals to the Minister, this is only an appeal to the magistrate on licensing.

When the clause says only on a question of law then it means one has to look at the law that is set out in this Bill to see whether there is compliance or non compliance with any provisions of this Bill.

**Hon. Sogavare:** Part 8 is actually miscellaneous provisions. Maybe following on from the appeal to the decision of the Permanent Secretary, what about decisions made by the Minister because the Minister is also empowered to make some decisions here on this law.

**Attorney General:** Unless the Minister wants to make some regulations and he has power under clause 41(1), paragraph (s) on page 37, which says, "Regulating procedure, criteria conditions, processes, appeal procedures for licenses under this Act". In the meantime we only have clause 36, unless the Minister wants to

make any other appeal procedures by way of regulation, which I have just referred to.

**Hon. Sogavare:** I think later on we will need to look at this because there is a recourse here to anyone who is not happy with the decision of the Permanent Secretary, it is expressly stated there, but when it comes to the decision of the Minister there is no place for anyone to complain to. The section that the AG explained is probably in relation to licensing.

**Attorney General:** I take it that the Member was referring to more administrative appeals rather than just a license. Is that the case? If that is the case then there is no provision dealing with that kind of need to make provision for the Minister so that any appeal at all can go to Minister. The appeal provision we have here is in relation to licensing.

*Clause 36 agreed to.*

#### Clause 37

**Mr. Oti:** I would like to question the practical application of the various levels of penalties. One for an individual on first offence and on second offence, and over the page is for body corporate. I would like to use this against the backdrop of Section 12 of the Act. At the expiry of 12 months, a person who is found selling rolls on the first instance, not sold in packets, it will be not exceeding 20,000 penalty units. So it is anything from 1 to 19,999 penalty units. By the same token if you take Section 20 in schools, smoke free declared areas that the principal made under sub-section 2 or Section 12 and applying the same units of penalty. Here you have taken the responsibility out of the principal for what used to be school discipline and you put it as a crime now for the students. They do not need to be punished by the school rules any longer but straight to Rove or straight to the court.

I just want to ask the Minister, the AG and anybody there is, to tell me how practical, if not how absurd, this is going to be, especially for schools if I am in my right frame of mind.

**Hon. Soalaoi:** I must thank the Member for his concern. In fact, this will really help schools with their school rules. You rightly said it, but I think it is this 20,000 penalty units that we might see as too much, but courts have their own way. And like you rightly say it is between 1 and 20,000. Our schools have their own school rules that are different from this legislation. Schools will continue to

enforce their own rules and this is different, we do not want to interfere with school rules. But I think this legislation will assist the schools in this area.

**Mr. Agovaka:** Clause 37 says, "A person who is convicted of an offence under this Act is liable for an individual 20,000 penalty units. You would remember last year in 2009 we passed a bill called the Penalties Miscellaneous Amendment Bill 2009. I was trying to find here in this particular Bill, what does 20,000 penalty equates to in terms of dollars or in terms of a month or year, but I cannot find the formula here, so can the learned Attorney General or the Minister inform the House of what 20,000 penalty units means.

**Attorney General:** The value of 1 unit, 1 penalty unit is \$1. What the Penalties Miscellaneous Act allows us to do is, all we can do is just change the value of the units whenever we want, and then it applies across all the laws that have penalty units. At the moment 1 penalty unit equals \$1.

**Mr. Oti:** Perhaps for crimes that are committed because of the requirements of Section 12, but also in Section 20, and I still want to come back to schools. Are they interchangeable that if you punish a student from school rules, is he going to escape being fined? And secondly, is this a fine on the spot or it has to go through the court process? If indeed it has to go through the court process, can you imagine what you will subject this student to, if indeed they are not interchangeable, you cannot substitute punishment in school or you cannot substitute, and I am not sure whether legally it is practical that because the student is punished under the school rules, you cannot now charge under him this section? Is that what it means?

**Attorney General:** We have just passed Clause 33 which allows an authorizing officer to, in writing, direct a person not to contravene the law or not to repeat it. There is a provision there that should be utilized by authorizing officers to warn people about offences.

If a person is charged, and the Member was using the case of a school child, he would have to go to court and it would be the court that will decide the appropriating sentencing principles. The court has different sentencing principles, especially children, it will apply different sentencing principle.

The maximum we have here, for an individual in the first instance or first offence is \$20,000 penalty units. It is the court that will determine in the circumstance or on the face or the evidence and facts before it, the appropriate sentence it should impose. It can take into consideration if the child has been punished under the school rules as well. That is a matter the court can also take

into account and consider. What we have here does not show any connection with any school rules. The provision we have here stands separately. Any argument that the school child maybe punished twice is a matter to be considered by the court when it deals with the appropriate case.

*Clause 37 agreed to.*

*Clause 38 agreed to.*

### Clause 39

**Mr Oti:** Prevention of conflict of interest is Clause 39. Is it an oversight or is it because of the right of that man to be employed? I would have thought that the authorized officer should be a non-smoker. How can he carry out his duties if he goes to charge another man when he is a smoker himself? Can we put some sense into that section?

**Hon. Soalaoi:** In fact, it would be wrong for us to say that man must not smoke. This is a control bill. We want people who are involved to follow this law and then they can tell people to follow it.

**Mr Oti:** Sub clause (2) says if an authorized officer has a personal interest in a case under investigation, a case where he himself goes to buy and report its, and then that person says you are the one who bought the cigarette roll from me. That would really put the authorized officer at odds or would it find difficult. This is perhaps an observation, it may not be practical but we cannot control everyone but perhaps what I was trying to say is the ridicule that will be put on the authorized officer. You are enforcing something that you do it yourself.

**Attorney General:** Sub clause (1) and (2) must be read together to make the complete clause meaningful to us. When we see the expression "personal interest" in sub clause (2), it refers to words in sub clause (1) as well. If you see it says, "If a person is engaged directly or indirectly in the manufacturing", and so personal interest is to look at manufacturing, importation, exportation, marketing, fabrication, distribution or sale of tobacco products. It is in those contexts that personal interest will be considered.

**Mr Oti:** I would like to zero in on sale. I am not interested on the others, but I am particularly concerned about sale, and not the others, although it is broad. It is to do with sale and, of course, where an authorized officer has an interest or he

himself is the cause of the problem and, therefore, has to be discharged from that investigation. I still think we are still living in Solomon Islands.

**Attorney General:** It would have to be determined on a case by case. If we are to zoom in or express on sale of tobacco products, we have to look at each case, whether the case is such that that officer, the authorized officer has a personal interest and therefore he/she must disqualify himself/herself from the case or otherwise the Permanent Secretary in writing must remove him/her.

**Mr Oti:** Can an amendment be made to Section 39 to exclude a smoker to be appointed as an authorized officer? I mean yes or no.

**Mr Chairman:** We are not stopping smoking. We are just talking about control.

**Hon. Soalaoi:** I think the answer now would be no, but we might consider that in the future.

*Clause 39 agreed to.*

#### Clause 40

**Mr Oti:** We have just spared the authorized officer under section 40. Is that the intention?

**Attorney General:** Is the Member saying that the phrase or the expression “a person” refers to an authorized officer or what was the question?

**Mr Oti:** No, I was just saying that persons like that are indemnified under Section 40.

**Attorney General:** This clause is for persons who are carrying out their work in good faith and so it covers authorized officers or any persons carrying out their duty or functions, performance of functions, duty, power and authority. Any person that is performing a function duty, power or authority of an Act is protected here. But the protection is conditional that he carries out his work in good faith.

**Mr Oti:** What is the penalty for bad faith?

**Mr Chairman:** Do you expect a comment to that?

**Members** (interjecting): No.

**Mr Tosika:** Does it mean any person other than the authorized officer is alright?

**Attorney General:** The word 'person' includes authorized officer or any other person that has function or duty inside this Bill.

*Clause 40 agreed to.*

*Clauses 41 & 42 agreed to.*

*The Schedule agreed to.*

*(Parliament resumed)*

**Hon Soaloi:** I wish to report that the Tobacco Control Bill 2010 has gone through the Committee of the Whole House with no amendments.

### Bills – Third Reading

The Tobacco Control Bill 2010

**Mr Speaker:** Honorable Members before we proceed with the third reading motion, I wish to draw attention of the House to some errors in the Bill that I propose to deal with under Standing Order 58(2). Notice of these errors has been given to me and I have given my permission for the necessary corrections to be made. I now call on the Honorable Minister to formally inform the House of the corrections.

**Hon Soaloi:** By now Members should have a table indicating errors that were identified recently. The table indicates the errors and describes how these errors will be corrected. I table the list for the Parliament's record.

**Mr Speaker:** And of course, that includes the correction that the Honorable Leader of Opposition pointed out on page 24, Section 22(2), deletion of one of those two "that".

Honorable Members, the House has been duly informed of the corrections that will be made to the Bill under Standing Order 58(2). These corrections will

be made in accordance with the table before the Bill, before the Bill is sent to His Excellency the Governor General for his assent.

**Hon Soaloi:** I move that the Tobacco Control Bill 2010 be now read the third time and do pass.

*The Bill was passed*

*The House adjourned at 6.36 p.m.*