



# Parliament of Sint Maarten

## Staten van Sint Maarten

Parliamentary Year 2014-2015-075

**Initiative National Ordinance amending  
article 50 paragraph 2 of the Permit  
Ordinance (National Ordinance adaptation  
age sales of alcohol Permit Ordinance)**

**Report  
No. 5**

Parliament in its meeting of the Central Committee has exchanged views with the initiative taker on the Draft Initiative National Ordinance amending article 50 paragraph 2 of the Permit Ordinance (National Ordinance adaptation age sales of alcohol Permit Ordinance).

Parliament considers the present draft to be adequately prepared when the questions below are answered by the initiative taker in time for the public meeting so that the draft can be discussed in a public meeting.

**The United Democrats-faction** has taken note of the draft with interest. The faction asks if the initiative taker has updated information, obtained from the Lions Club or any other organization, to share with Parliament regarding the use and abuse of alcohol and other substances. Can Parliament receive from the initiative taker updated statistics regarding driving under the influence (DUI) offences, perhaps obtained from the Police Department?

The faction mentions that it took note of the comments of the Council of Advice on the enforcement of the draft Initiative National Ordinance. In addition to that the faction also took note of the response of the initiative taker on the proposal of the Council of Advice to look and focus more on the administrative enforcement. In other words: that Government or Government departments can enforce the national ordinance rather than having to have to go through criminal proceedings. Especially seeing the fact that since this draft Initiative National Ordinance was tabled, Parliament approved the National Ordinance administrative enforcement. Can the initiative taker react on this proposal of the Council of Advice?



The faction suggests that in this draft Initiative National Ordinance or lower legislation, it should be regulated that a public notice should be placed in establishments that sell alcohol.

Finally, the faction asks the cooperation of Government for this draft Initiative National Ordinance if approved, to sign off on it as soon as possible so it becomes law. The reason for this is that the Timeshare Ordinance that was approved by Parliament since February 2017 has still not been signed off on and hence hasn't gone into effect yet.

**The Sint Maarten Christian Party-faction** has taken note of the draft and expresses its support for the draft. However, the faction has some questions about its enforceability. The faction states that it goes without saying that a national ordinance prohibiting the sale of and prohibiting providing alcohol to teenagers is needed in Sint Maarten. As far as the faction knows, no scientific research has been done on the alcohol drinking habits of teenagers on Sint Maarten. However, from research done in other countries, for example the USA and the Netherlands, but also several Caribbean countries two main facts can be concluded: 1. there is an increase in alcohol consumption among teenagers and 2. the use of alcohol is dangerous for the health of teenagers as well as to society. Many parents underestimate the dangers and negative effects that alcohol has on children. Because very often it is a family member or parent who introduces the child to alcohol at a very young age. Some of the adverse effects of alcohol in teenagers are: 1. alcohol addiction, 2. poor school results, 3. the brain of the teenager is still in a developing stage and hence alcohol can have a negative effect on the teenager.

In the Explanatory Memorandum, mention is made of the fact that there are no organizational or financial consequences that come with this draft Initiative National Ordinance. The faction begs to differ and is of the opinion that as long as the draft remains on paper or in a drawer, it wouldn't have financial consequences. But national ordinances that are passed and if they are enforced would have financial consequences. The faction refers to page 179 of a report from 2011 from the Police Department along with Dutch law enforcement agencies titled "Criminaliteitsbeeld analyse", where three factors are mentioned that magnify the scope of



youth criminality. These factors are: 1. limited capacity or space in the Pointe Blanche prison, 2. structural understaffing of the police force and 3. neither the Justice Department nor police are adequately equipped to address the youth. In other words, after this Initiative National Ordinance is passed, if it were to be effective and enforced as it should (not only during Carnival), then there should be more police officers on the streets and in the districts. More staff and material will be needed which translates into an increased budget. Therefore, the sentence on page 2 in the Explanatory Memorandum that reads "the proposed changes do not require additional personnel and financing" in the opinion of the faction needs to be revisited. Can the initiative taker react on this?

The faction also points to the fact that on page 2 and 3 of the Explanatory Memorandum mention is made of the inspectors of the Department of Economic Affairs who also should enforce this Initiative National Ordinance once approved. Are these inspectors officially authorized ("bevoegd") to deal with the judicial aspects in this respect? For example writing up a report that has judicial value about the sale of alcohol to a minor or the provision of alcohol to a minor. On page 3 of the Further report mention is made that the Ministers responsible for the enforcement of this Initiative National Ordinance (Justice and Tourism, Economic Affairs, Transport and Telecommunication) should organize campaigns and information sessions. The faction thinks that these campaigns and information sessions will cost money. Radio, print, brochures and getting the information out there is a costly business. If the campaigns were to be effective, information should not only be given to the vulnerable group (the teenagers), but also to children, preteen groups, parents and adults in the community about the dangers, risks, consequences and criminal behaviour of the use of alcohol. Information should also be provided to businesses who sell alcohol so they can be aware of the damage that they inflict on teenagers by selling them alcohol. It can happen that the same teenagers might have no problem robbing or vandalizing their store because of being under the influence of alcohol. Store owners need to be aware of the penalties they can incur by selling alcohol to teenagers (prison sentence or fine). Hence the effective enforcement of this law will have financial consequences. What provisions will Parliament take to make



sure that there are enough funds for the enforcement of the Initiative National Ordinance? How does the initiative taker see this?

Many people in the community don't believe that the police is currently applying the current legislation. Can the initiative taker provide us with information on how the current legislation is being executed and enforced at present?

**The National Alliance-faction** has taken note of the draft with great interest. The faction refers to the Unity Jump during the Carnival period and asks if the initiative taker has spoken to the counterpart of the island (French side). Because teenagers can get alcohol freely on the French side. What applies here doesn't necessarily apply on the French side but it does have consequences.

This report is to be considered as Final Report.

Stipulated in the meeting of the Central Committee of June 19<sup>th</sup>, 2018.

The Reporter,

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