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des débats  
(Hansard)**

**Tuesday 31 May 2005**

**Mardi 31 mai 2005**

Speaker  
Honourable Alvin Curling

Président  
L'honorable Alvin Curling

Clerk  
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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Tuesday 31 May 2005

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Mardi 31 mai 2005

*The House met at 1845.*

**ORDERS OF THE DAY**

TOBACCO CONTROL STATUTE LAW  
AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS  
EN CE QUI A TRAIT  
À LA RÉGLEMENTATION  
DE L'USAGE DU TABAC

Resuming the debate adjourned on May 30, 2005, on the motion for third reading of Bill 164, An Act to rename and amend the Tobacco Control Act, 1994, repeal the Smoking in the Workplace Act and make complementary amendments to other Acts / Projet de loi 164, Loi visant à modifier le titre et la teneur de la Loi de 1994 sur la réglementation de l'usage du tabac, à abroger la Loi limitant l'usage du tabac dans les lieux de travail et à apporter des modifications complémentaires à d'autres lois.

**The Acting Speaker (Mr. Ted Arnott):** Further debate?

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** I've actually been looking forward to rising this evening to speak to Bill 164, the Smoke-Free Ontario Act. I know we'll be here until midnight this evening, so I am looking forward to kicking off the first hour.

A few short months ago, with this bill's introduction, I had an opportunity to address the issue. I remain opposed to this particular piece of legislation. In principle, we all support prevention. We all support funding for cessation programs with respect to smoking. We all recognize the ill-health effects of those who spend a lifetime smoking, and smoking in excess. I think what I do oppose is the approach that this government has taken. They labelled their approach "the war on tobacco," and it's an approach to smoke reduction, as found in the proposed legislation we're debating this evening.

It is an opportunity for all three parties to speak this evening, and I am particularly interested in hearing what the government members opposite have to say. As I indicated, we have until midnight. They have introduced this legislation. A number of amendments have been made. There has been a modicum of consultation, and I look forward to hearing the government members defend this particular piece of legislation.

Over a number of weeks, finance committee hearings were held on the Smoke-Free Ontario Act. This is a bill that, if passed, as we know, will prohibit smoking in all workplaces, work vehicles and public places such as bingo halls, bars, restaurants and certainly taverns and Legion halls. I sit as a member of the finance committee and sat through four days of hearings. I found them very interesting and really quite informative. When you begin to scratch the surface, when legislation is introduced, albeit at the bidding of certain interest groups, during the hearings you start to hear from not only the other side, but a number of sides. We certainly heard from business, from farmers, from those bingo halls and those restaurants. We heard from the taverns and the bars. We heard from members of the Royal Canadian Legion.

In Oshawa, the hearings were attended by the Grim Reaper. He had a mask. He carried a very large anti-tobacco sign. The Grim Reaper also greeted farmers as they filed into the Tillsonburg Special Event Centre, where the legislative hearings were held. Farmers were coming in to submit their bids on the quota buyout. Essentially that day, at least 150 farmers came in to submit their bids and to exit the industry forever, to no longer be tobacco farmers. It's regrettable that these farmers were met by the Grim Reaper with a sign in opposition, bad-mouthing the particular crop that they grow. I will say, to his credit, the Grim Reaper didn't leave his mask on for long. I know he left his mask on all day at the Oshawa hearings, but he wisely took his mask off, I feel, out of respect for those farmers who were filing into the room all day that we were conducting hearings, filing into the room adjacent to exit the industry.

**1850**

It was also symbolic that an organization called Tobacco Farmers in Crisis kicked off the first day of hearings in Toronto. I say "symbolic" because these same tobacco farmers really are the ultimate casualties in George Smitherman's and Premier McGuinty's war on tobacco. In their presentation, the group impressed upon the finance committee their concerns with respect to the import of offshore tobacco, something that will only continue to grow as our Canadian and Ontario farmers are pushed out. Our farmers are being replaced by farmers from India, China, Brazil, tropical countries where who knows what chemicals are sprayed on the leaf that they grow.

Tobacco Farmers in Crisis were represented by their speaker, Luc Martial, who told us, "What we're seeing in terms of an emerging threat to the health of Ontarians—

and this is why I believe it is important to raise this issue now—is a tremendous shift in the use of foreign tobacco leaf in Canadian-style cigarettes.” Mr. Martial went on to say, “In terms of how this relates to health, while we can and do have the authority to control Canadian tobacco growers, we have less authority to control foreign producers of tobacco products.”

I had an opportunity, as we all do in committee, to question Mr. Martial as to whether or not there is any testing for agri-chemical residue with respect to herbicides, insecticides, fungicides on tobacco that is grown in tropical countries. Again, my assumption is that there would be a different recipe of chemical sprayed, blown or actually administered to that particular crop in a tobacco country as opposed to a Canadian crop where we know a number of these organisms are killed off over the winter.

Sadly, we all know the answer. The fact is that, as our growers are pushed out, the cadre of smokers who will always remain will be inhaling offshore or other unregulated product. That doesn't make sense to me. It doesn't make sense certainly from a health perspective. Does government have any idea what kind of tobacco people, including young people, are buying from the trunk of a car or perhaps from their local native reserve? Six Nations and New Credit in my riding have seen the growth just in recent months of 279 new smoke shops. These have sprung up to seize the economic opportunity over the past two years of a change in tobacco policy that has given up any modicum of control.

I see in local media reports that—the figures are in—we've lost something like 150 tobacco farmers, again casualties of the war on tobacco. In my view, extended war reparations are in order, and I feel the extended allocation of assistance to tobacco farmers should be tied to the passing of this bill.

Things have gone from bad to worse down in tobacco country, in Norfolk, Elgin, Middlesex, Oxford and Brant county. The \$35 million that has been allocated to farmers—part of the \$50-million promise of about two years ago on behalf of this government—clearly, given the accelerated decline and downturn in the agricultural economy locally, is not going to be enough to help out to the extent one might think.

While we're on the subject of what this government should be doing for people whose livelihoods are being sacrificed in the name of a smoke-free Ontario, I'm calling for what our government described a number of years ago as a rural jump team to set up shop in tobacco country—storefront, if you will. The town of Delhi might be a good location. There are lots of empty storefronts in Delhi. They could be there to help, advise and provide support not only for farmers but for rural people and people in towns like Delhi, Langton and Tillsonburg. Some of the effects are beginning to accrue in the neighbouring town of Simcoe. Even though towns like Simcoe, Ohsweken and Caledonia are tobacco towns, much of their manufacturing is more and more relying on foreign tobacco.

In a town like Delhi, where they've lost all three car dealerships, you cannot buy a new car now. That was a town that in my lifetime to date has always been a very prosperous agriculture-based community.

We attended hearings in Tillsonburg. Norfolk Councillor Roger Geysens testified. He indicated, “We have already lost a number of businesses and the jobs they provided.” He made mention of the “Delhi Foundry, manufacturer and seller of specialized tobacco equipment, closed; Harley Smith, tobacco equipment supplier, closed; Jacob's Greenhouses, closed; Delhi Dodge, closed;” Blue Star “Ford, Delhi, closed; Norfolk Co-op”—my grandfather was a founding member back in the early 1800s. The Norfolk Co-op is a crop input supplier. I used to work in the fertilizer warehouse. Much of our business was with tobacco farmers. The co-op is now restructuring under bankruptcy protection. These are just a few of the businesses that have been either closed or on the way to bankruptcy.

I sincerely feel that it is time for this government to stop ignoring the consequences of its own actions and do the right thing. At minimum, come forward and help communities and help these families rebuild. Again, it's in this context that I urge this government to send a rural jump team down to tobacco country before the economic base, let alone the social base, is eroded completely.

There is no question, again, that in tobacco countries—Middlesex, Brant, Oxford, Elgin, Norfolk—people are scrambling. I see a rural jump team, a cadre of ministry staff—primarily Ministry of Agriculture and Ministry of Economic Development staff. They are needed for support, at a minimum to be there to have some visibility and to provide some answers. That's one way.

I say “one way” because this is only a part of the role that I feel government is obligated to fulfill as the smoke-free boulder rolls over our rural communities. In addition, I echo the call of others who testified at the committee hearings. There was a call for what is being termed an agriculture innovation centre. I am trying to present some positives in what has become an all-encompassing and albeit a very negative situation in the counties down in the rural south. I ask this government to consider a proposal—I understand that it is sitting on the desk of our Minister of Agriculture—for an agriculture innovation centre to help farmers look to other communities and other sectors for future alternatives: alternative crops to tobacco; alternative economic activity to tobacco. As I understand, that has gone forward to the Minister of Agriculture. I would hope we could see some action on an ag centre because there is very little agricultural future, at the present time, in tobacco country without tobacco.

I want to make mention—and I'll change gears a bit—with respect to testimony we all heard from representatives of corner stores across Ontario and the impact this legislation has on convenience stores, both financially and from a safety perspective.

Again, I'm also thinking of the Korean community, for example, and the impact it would have on their social

life, essentially their cultural and family life. These are truly family-operated businesses.

#### 1900

Corner store employees have long been partners in ensuring tobacco is not sold to minors. The employees have been vigilant when it comes to not selling smokes to underage customers. Now we have legislation that in effect punishes them, when we know that young smokers have found, and will continue to find, alternative ways of buying smokes: again, out of the trunk of a car. The guy selling cigarettes out of the trunk of a car or the back of a van never asks for ID, unlike the corner store operators.

I'll mention again the fact that in my riding alone, in the last year and a half or so, I have seen the creation of 279 smoke shops. They have opened up both on Six Nations and on New Credit, and I can assure you business is booming. Why wouldn't it be? People can buy legal cigarettes at \$60 a carton, or come on over to native land and you can pay \$25 or \$30 a carton for tobacco, with no guarantee where that tobacco came from or what's been sprayed on it. For some reason, the government seems to be happy to ignore this reality that's right under their nose. Smokers will find tobacco where they have to, a smoke-free Ontario or not. If that means the use of illegal tobacco, contraband tobacco or other unregulated tobacco, so be it. People vote with their feet; this is the marketplace.

So what we are seeing as a result of government legislation and regulation, and primarily at this point taxation, because this bill hasn't kicked in yet, is smokers forced to use a more dangerous product. At the same time, my tobacco farmers are being forced out of their livelihood, a livelihood based on a very highly regulated industry.

Back to convenience stores. Approximately 25% of convenience stores have experienced robbery in the past year. That's a 50% increase over the previous year. The corner store operators attribute these statistics to the Ontario Liberal government's decision to jack up tobacco taxes three times since coming to power. Across Ontario, governments take in well over \$8 billion a year in tax revenue. It is felt very clearly that Bill 164 will add to this critical situation. Perhaps it's time for both the provincial and federal governments to allocate some of that \$8 billion in treasury taxation revenue to provide additional protection for these corner stores. Let's provide some protection for the employees and operators of these corner stores that are being robbed. Each year, one in four is being robbed. Why would they rob a corner store? In the majority of the cases, it's for cigarettes.

Bingo halls: As I said before, this is certainly not just about farmers. Over the past several months, we on the committee and those of us involved in consulting on this legislation have worked closely with a number of groups, including representatives from charity bingo. Ontario bingo halls employ 4,200 people. Ontario bingo halls support 4,000 charities, and they generate \$100 million for local charities. Municipal smoking bylaws have already closed many of Ontario's bingo halls. In Niagara Falls, for

example, one bingo hall remains. There was testimony from this bingo hall in which it was indicated that if Bill 164 closes the doors of the last bingo hall in Niagara Falls, you will see 91 charities without a source of funding. Again the question is, who will provide funding for people who rely on these 91 charities?

The hospitality industry: We certainly received a great deal of feedback from the restaurants, taverns and bars, much of it around the fact that designated smoking rooms were constructed in good faith, and then the carpet was yanked out from underneath them. I will continue to press for extended compensation, as I have been for tobacco growers. I feel there should be compensation for additional police protection of the corner stores, and I'll press for extended compensation for the hospitality industry. Many in the industry have spent somewhere between \$15,000 and \$300,000 to establish a separate ventilated designated smoking area, and they've lost that investment if this bill goes through. Premier McGuinty could avoid paying the hospitality industry anything if he'd take a look at a model that was developed in British Columbia, whereby restaurants, bars and pubs have been given the option to maintain a separate ventilated smoking room.

I think you can see that if this bill is passed this evening or tomorrow, it will impact and has already impacted a wide range of groups, not only farmers, not only bingo halls, not only the corner stores or the restaurants and bars. It will impact Royal Canadian Legions, for example.

We hear today of the \$50-million announcement for tobacco prevention and cessation programs, something promised by this government at least two years ago. I hope we don't have to wait another two years for additional money to better enable our professionals in the health units, for example, to encourage young people to either not take up smoking or to cease smoking. But again, is there money slotted for surveillance? Is there money slotted for the hospitality sector? I certainly saw today not a penny for convenience stores, not one red cent for those charities who will be hit hard by the loss of their bingo hall supporters. Of course, as with the budget, there's no additional mention of remuneration for our tobacco farmers.

It's a very long list of stakeholders who have a very keen interest in this legislation. They await the implementation of this bill one year from now, if it's passed. The corner store people were blindsided a bit by losing the right to have their back-wall displays. They're somewhat puzzled that this back-wall display will not be administered until after the next election, in 2008. Clearly, this government has made that an election issue.

In addition to the good people who testified over the months and provided us with so much information, in my research I have certainly been drawing on some work from my assistant, Rob, and also my executive assistant, Bobbi-Ann. Bobbi-Ann just had a baby this morning, baby boy Carter, soon to be joining big sister Addison,

and they'll soon be visiting dad's and grandfather's tobacco farm up in Oxford county.

I was disturbed by the process involved in the hearings. Over the course of those hearings, 225 associations and individuals applied to testify. Only 88 people were given the right to speak; 137 were turned away. Many of these people attended the hearings anyway, and I certainly heard from them the fact that they were truly disappointed with the lack of consultation with respect to the anti-tobacco bill.

There were Liberal MPPs who were disappointed as well, and I can quote MPP Dwight Duncan in the Windsor Star. "It's quite unusual", he said of his and [MPP Sandra] Pupatello's request that the committee, headed by Chatham-Kent Essex MPP Pat Hoy," who is at least one Liberal here this evening, "hear from an additional delegation." But they made the request anyway, because even they, MPPs Duncan and Pupatello, realized that the public must be given a chance to have its say. I will report, there was no additional delegation.

#### 1910

This Smoke-Free Ontario Act, if passed as is, will impact many people, it will impact many businesses, and I question why this government wouldn't want to hear from all of those who know first-hand what Bill 164 will do for them, will do to them. For example, on the fourth day of hearings in Tillsonburg, many delegates who had been turned away showed up anyway, and a number of them did attempt to speak, much to the disconcertion of the Chair. To that end, on that fourth day of hearings I did table a motion to the finance committee, and I'll just quote in part:

"Whereas the House leaders negotiated four days of hearings on the Smoke-Free Ontario Act but 225 people and/or organizations applied to testify; and

"Whereas 137 people and associations have not had an opportunity to testify, for example, Avondale Stores Ltd. The Ontario Minister of Health ... Imperial Tobacco. The medical officer of health ... Dr. Basrur, has not had an opportunity. Taps Tavern, Toronto councillor Frances Nunziata; the Centre for Addiction and Mental Health"—did not get an opportunity to testify about the smoke-free Ontario legislation that was resting with the finance committee.

Again, I made the motion that the Ontario government continue to consult with the remaining 137 applicants, both for and against this piece of legislation. My motion was defeated by the Liberals.

Now, while this government may not want to hear what these people have to say, I'm pleased to report that they really aren't muzzled altogether. In fact, public hearings are slated for June 13 in Windsor—again, no matter what this government decides to do with the bill today. So to some extent, at least in Windsor in a few days, people will have another opportunity to have a say.

If you would allow me, Speaker, to take a few more minutes—and I know I have until midnight. You know, we won't be able to hear a lot of that testimony, but I

would like to take a closer look at what some of the groups were telling us in committee.

In Tillsonburg, one of our speakers was a Norfolk county councillor, Roger Geysens. Mr. Geysens is a tobacco farmer—a former tobacco farmer, I should say. I feel that it would be important—I'll quote in part from some of his testimony. The Norfolk sand plain hosts rural communities with a diverse agricultural base. "Many of our commodity groups find themselves in difficulty, and Norfolk county has lobbied government for assistance for all our commodities. I'm here today to talk to you about tobacco. The tobacco industry has been the mainstay of Norfolk for 50-plus years. It provides employment income to a large share of families in this community, and the ripple effect is seen throughout all of Norfolk."

I will mention that the Norfolk sand plain extends not only across Norfolk, but into Middlesex, certainly Elgin county, Brant county and Oxford county.

Mr. Geysens went on to say on behalf of county council: "The tobacco industry faces many uncertainties. The federal and provincial governments and Norfolk county have all acknowledged that the tobacco industry is declining and that Norfolk will suffer social and economic losses, especially with close to 60% of the tobacco produced in Ontario grown in Norfolk.

"There are a number of factors driving this decline," he explained to the finance committee: government policies being one; high taxes, of course; illegal cigarettes, as I've mentioned earlier; tobacco imports; and, of course, the lower consumption of tobacco, certainly the lower legal consumption of tobacco, albeit I think we all recognize that the illegal consumption of tobacco is increasing—something that really flies in the face of the spirit or the principle of this legislation before us this evening.

Mr. Geysens presented some figures: "Between 1990 and 1992, an average of 81 million pounds of tobacco were marketed annually from Norfolk, generating \$159 million of farm income and employing 3,965 full-time equivalent employees, and that does not take into consideration the value added" to the crop. I think of Simcoe Leaf in the town of Simcoe. I think of the millions of cigarettes that are being manufactured now at Six Nations. I think of the Podium brand that is now being manufactured in Caledonia, in Haldimand county. In 2003, this "dropped to 56 million pounds marketed from Norfolk, generating \$126 million of farm income and employing" now down to "2,523 people." If you compound the difference between the \$126 million and the previous \$159 million, that's a loss of \$200 million depreciated over 10 years, and that's a loss of 1,450 jobs.

People and businesses will be affected in all economic sectors. In Norfolk, the greatest effect is, of course, being felt by the farmers, as both their equity is eroded and their profitability wanes dramatically. But, you know, within rural communities especially, the social effects may have as important an impact as the economic effect. Communities will change, obviously. People's lives will

be affected somewhat dramatically and will be altered permanently.

We've already lost a number of businesses and the jobs they provided, and I think this bears repeating. Delhi Foundry was a major employer, a major manufacturer, a seller of specialized tobacco equipment. It's closed. Harley Smith, tobacco equipment suppliers: closed. I mentioned that Jacob's Greenhouses, Delhi Dodge and Blue Star Ford have all closed. Our own Norfolk Co-operative—the Norfolk Co-op has been there since I think 1918—is now restructuring under bankruptcy protection. These are just a few. There are so many empty retail stores in our downtowns, in particular in the town of Delhi, and those that remain were so dependent on a tobacco-based economy that they're barely surviving.

There's been considerable discussion, over the years, of alternatives to tobacco and alternative crops and ways of trying to enable growers to transition to other economic activity. Norfolk county alone was 30,000 acres dedicated to tobacco production. Again, it's not so much a problem of finding something to grow—you can grow just about anything down there except citrus, bananas and other tropical crops—it's a problem of trying to find something to grow that's not only profitable but sustainable, something that would provide a decent income for our families that will not collapse basically the ag economy, other commodities that grow on the Norfolk sand plain.

We can grow just about anything. The problem is, how do you market it and whom do you sell it to? That's the question, and that is a question that, in my view, does require the expertise of our Ministry of Agriculture and Food and some of our experts with respect to rural economic development.

If you look at the past, two diversification programs have been implemented for tobacco growers. One was called the alternate enterprise initiative program, which ran from 1987 to 1992. A second one was called the tobacco diversification program, and that one ran from 1994 to 1999. Few of the projects that were funded under either one of those programs stood the test of time. If we define a successful outcome according to whether a project resulted in a sustainable enterprise, then essentially these earlier programs were unsuccessful. Both of them really didn't make it.

#### 1920

Based on these kinds of results, it would seem that there are few alternatives to replace tobacco. We have to bear in mind that any transition will take decades. Indeed, there were once some 3,000 or 4,000 and, at one point, up to 4,500 farm families growing flue-cured tobacco, again, in Brant, Oxford, Elgin, Norfolk and Middlesex. Thousands of families over those years have been put out of work and forced to close down and start over again. Now we have another 1,000 families who are threatened and forced to go right back to square one, in part as a result of the impact of this particular legislation and this government's—and I quote the health minister—"war on tobacco." What are these people going to do?

Again, a Norfolk county councillor went on to tell us, "You can grow anything in Norfolk county. Tobacco farmers have, over the years, built up the area to where you can produce almost anything." As he pointed out, "30,000 acres has an impact on everybody else if it's one particular commodity."

In 1988, asparagus, peanuts and tomatoes were all touted as the answer during the decline at that time in tobacco production. The asparagus industry just about collapsed, again, because of the increased acreage. We've certainly seen the very significant decline in ginseng prices. Again, this is where we need some help. This is where we need some market research.

This was a theme that was picked up by Harold Schooley. He testified before the finance committee. He's research chair with the Ontario Fruit and Vegetable Growers' Association. He made a case, and really gave us, and I would certainly say he gave this government, something to think about as far as future direction for the tens of thousands of acres in southern Ontario. Mr. Schooley told us that the overall economy of Ontario, especially in the counties that I've mentioned—Norfolk, Brant, Oxford, Elgin—is significantly impacted by tobacco. This was once a vibrant industry. He made reference to the 4,500 growers managing, at that time, 210,000 acres of land. They were producing over 100,000 acres of tobacco. Now we're down well below 1,000 or perhaps 750 growers growing 30,000 to 35,000 acres of tobacco on 70,000 acres of land that they own. The remaining land would be woodland or crop rotation; rye, for example. A further decline, obviously, is anticipated.

I would point out that, as Mr. Schooley was testifying, you could see tobacco farmers come into the back of the hall and walk into the adjoining room. The reason they were coming in was not to hear the finance committee hearings; they were coming in to submit their bids to exit the industry and to end two, three or four generations of tobacco farming.

Mr. Schooley went on to say that the present acreage generates over \$150 million just to the local economy, which obviously, would have a very significant impact if lost. But the decline to this level has caused not only untold hardship for their producers but also for local businesses and the local communities like Delhi, which I described earlier.

As tobacco acreage declined, government programs were set up in an attempt to enable an orderly transition into other crops. This did not work out very well. This is not easy. It's not easy to take a small tobacco farm with a crop solely oriented to Norfolk sand that's based on irrigation technology. It's very difficult. Tobacco farmers are not large. You can't replace it with corn and soybeans, for example. That's not viable. Part of my income comes from soybeans. I'm involved in a partnership. You need about 1,000 acres to put together soybeans. You can't grow soybeans on 50 acres, make a living and put your kids through school.

They need some kind of economic activity, ideally a crop to replace an income of about \$1,000 an acre to

remain viable. If not, they lose their farm. When a farmer loses their farm, they lose their house. The family is gone. You've got to move into town and maybe live in an apartment. However, because the acreage is so small, much of the alternative would be horticultural crops, but the acreage of these crops is very small as well. The people who are already growing the existing horticultural crops already have their customers. They're already filling that consumer demand.

A move by tobacco growers into these other horticultural crops would obviously create a supply imbalance, not only in my area but elsewhere across Ontario. It would create hardship for the existing horticultural producers and also for the new people coming in. There are examples of this happening already. I know that the last two falls I've certainly noticed in our area farmers disking down pumpkins that they had no market for, no ability to sell.

However, there can be a future for the horticultural industry to expand in our area and for tobacco farmers to be part of that. The tobacco belt—Mr. Schooley made this clear as well—has the potential to be the largest, the most diverse and the most innovative fruit and vegetable growing area in Canada. Tobacco farmers can take credit for building up the land. This weekend, I attended an opening ceremony for an interpretive centre at the St. Williams Forestry Station. The Norfolk sand plain was logged over in the mid-1800s. By the early 1900s, it was blow sand. People were forced off the land at that time. Since 1908, based under the St. Williams tree farm we have seen close to 100 years now of reforestation on the Norfolk sand plain, and part of that in more recent years, certainly from the 1920s, involved tobacco growers and what they did to bring that land back to production.

So we have an excellent land base. We have the kind of soil that is ideally suited to tobacco, but much of it is also suited to ginseng, asparagus, tomatoes and other crops. These soils are very productive. We're blessed as well with a climate that allows for the production of a very large variety of fruits, vegetables and herbs. Where else in Canada can you grow sweet potatoes and peanuts alongside tobacco? These are all southern crops. They do very well in our area.

The farms have access to abundant water for irrigation. They have the irrigation equipment, the greenhouses, the bunkhouses, the storage barns and the kilns for drying. The infrastructure is there. The local businesses are there to not only sell the equipment, especially the specialized equipment that's required for things like potatoes, ginseng and asparagus, but also the infrastructure is there to service that kind of equipment. They have the bunkhouses to house labour. I have worked in tobacco and have stayed in these bunkhouses. Farmers down there have the experience in managing the large labour crews that are required for tobacco, the same kind of labour crews that are required for most specialty and horticultural crops.

### 1930

In my opinion, there is an opportunity to enhance irrigation-based agriculture on the Norfolk sand plain. In trying to get away from some of the negative impacts of this legislation that will put farmers out of business, I ask this government to consider an idea to pipe raw water from Lake Erie to be used not only for irrigation-based agriculture but also, once it's properly treated, to serve municipal needs. Towns like Tillsonburg, Simcoe, Delhi, Cortland and Waterford are all on wells. There may be a business case to be made to pipe water to these communities, water that is available initially for ag irrigation and then, once treated, for municipal use. In fact, I would like to see this government explore the feasibility of Lake Erie water continuing to be piped north to serve communities like Brantford and Kitchener-Waterloo, which draw very heavily on the Grand River.

If I can go back to Mr. Schooley's testimony:

"We have the ability to grow right here,"—in Norfolk county—"using Canadian rules and regulations around ... food safety, worker welfare, pest control products"—I made mention of the insecticides, herbicides, fungicides and rodenticides, for that matter, that really have become a factor in modern-day commercial agriculture—"and environmental stewardship, produce that could replace imports from countries where we have no such control"—over what's sprayed on those products. "Furthermore, export opportunities abound, as we are a day's drive from half the population of North America"—and an hour and a half to Toronto, and can readily access, within a day, markets in both Chicago and New York City.

"Premier Dalton McGuinty has spoken about the 800-pound gorilla on his back called health care costs. What is now called diabetes is the fastest-growing health concerns for Canadians," and, I would assume, for this government. "Increasing the consumption of fruits and vegetables"—there is a link with alleviating such problems as obesity, cancer and heart disease. "Health-conscious eating has come into vogue, but it needs to become the norm. You have all heard the catchphrase, 'You are what you eat.'" There is a case to be made to have government involvement and incentives for Canadian horticulture and accrue those beneficial impacts to the health of Ontarians. Another factor to consider is if this government could see its way clear to helping with the transition out of tobacco farming.

"Our ethnically diverse, more health-conscious population has created opportunities for horticultural crop producers. The market for value-added and niche-market horticultural products is growing. This is expanding the demand for ... fresh and processed horticultural crops, for specialty crops like herbs and essential oils and for non-traditional crops," which are consumed by various ethnic communities in our larger urban areas.

Going back to ginseng, already the Norfolk sand that is used to grow tobacco is also the world's largest production centre of ginseng, right here on tobacco sand. But there's a lack of processing and a lack of packaging. Technology is really growing by leaps and bounds in the

horticultural industry. For example, I shared some freshly packaged apple slices the other day in the Legislature, actually, with the member from Halton, my seatmate Mr. Chudleigh. These apples by and large are empire apples grown in Norfolk county. They're sliced in Burlington. They're distributed through McDonald's. Again, there are alternatives for this land down there that this government is presently putting out of business. I think that was Mr. Schooley's main point. The government is putting one aspect of farming out of business down there, and it's felt locally that it is incumbent on this government to invest in research and innovation to try to bring along some alternatives.

The county of Norfolk has commissioned a report. It's entitled, *Norfolk at the Crossroads: Directions for a Prosperous Future in Norfolk County*. This was prepared by TACT, the Team Advising on the Crisis in Tobacco. One of the recommendations: "An agri-food innovation centre to be established in Norfolk will greatly enhance the capacity of local industry to capture new and expanded markets for horticultural products. It will also provide opportunities to add value to farm products, thereby increasing local jobs and profits. The University of Guelph will play a leadership role to coordinate research efforts and transfer knowledge to producers, processors and others in the value chain."

I've certainly had a number of discussions with farmers and with researchers locally, and I think there is a lot of merit in this idea of an agri-food innovation centre, a centre to bring into one location the research capability, the development, the information transfer, the technology development, whether it's for new crops, for value-added technology, really to pull together a cluster to create a synergy.

The University of Guelph presently operates what locally we call the hort station. It's on the BlueLine. It's a horticultural research station just outside of Simcoe. Very significant research has been done already with respect to strawberries; of course, we export strawberry plants from our area. Research has been done with respect to raspberries, sweet potatoes, cabbages and cucumbers. I think the time is right for an ag innovation centre, potentially to rejuvenate and to invigorate this area. It's on its knees right now, actually, as a result of this particular piece of legislation.

As I discuss the impact of this legislation on tobacco-growing communities, I would be remiss if I didn't make reference to input to this government from the Ontario Flue-Cured Tobacco Growers' Marketing Board in the person of their chairman, Fred Neukamm. In testimony before the finance committee, Mr. Neukamm indicated that these policies, although intended to have one effect, are in fact causing unintended consequences which compromise the government's objectives. For example, high tobacco tax levels result in high demand for cheaper contraband and counterfeit products. Criminals make these cigarettes readily available to both adults and young people; they do not check for ID. According to government policies, high taxes supposedly restrict youth

access to tobacco products. In fact, high taxes can and are driving cigarettes into the hands of young people through illegal channels. As well, the government is losing tax dollars every day. There are no taxes paid on black-market sales. According to your own finance department officials, tax evasion is a recognized problem and was one of the factors taken into consideration at the time of the latest tax increase of \$1.25 per carton, rather than the \$2.50 increase that your government had been instituting before January of this year.

#### 1940

Current tax levels are also creating an upsurge in the value-for-money cigarette market. Consumers are demanding cheaper products. In contrast, Minister Smitherman has stated that it's one of his goals to increase the cost of cigarettes. The question is, what effect does cheaper imported tobacco have on this government's policy? The answer: It allows cigarette manufacturers to keep prices down while maintaining profits. Cheaper imported tobacco means cheaper cigarettes. That is a fact, and it's compromising this government's own health goals. Obviously illegal, back-of-the-trunk tobacco at \$25 or \$30 a carton, where you don't pay taxes in a native community, compared to the regular price of \$60, is quite a bargain. The price is down; the demand is up, especially among young people and that cadre of people who can ill afford high-priced cigarettes. It's simple economics.

We've recently heard of new money for smoking cessation programs, but the reality is that more must be done to curb the underground market, because the harder you make it to get legal cigarettes, the harder people will try to sniff out the cheaper, unregulated, counterfeit, contraband product. By allowing this criminal activity to continue, price-driven, you're essentially placing the health of these smokers at even more risk. Again, it doesn't make much sense to me.

Your policies have to take into consideration the real marketplace out there with respect to tobacco. I remind the members opposite that the government's tax hikes have seen the price of a carton rise by \$6.25 since November 2003. I've indicated that the number of smoke shops in my riding has risen exponentially. Again, why wouldn't people go there to pay \$25 or \$30 a carton? Why pay \$60 a carton? For that reason, we now have close to 300 smoke shops that have sprung up on both Six Nations and New Credit, just south of Brantford.

**Mr. John R. Baird (Nepean—Carleton):** How many?

**Mr. Barrett:** Close to 300, John.

We heard a lot of input and testimony from the corner stores in Ontario. I regret to inform you that while the Ontario Convenience Stores Association and the Ontario Korean Business Association took the time and effort to hold a media conference right here at Queen's Park, not one government member was present to hear what they had to say. By the same token, I am beginning to question whether any of the government Liberal members opposite will have the fortitude to rise in the House tonight to make a presentation to defend their own bill. However, we do have until midnight. We'll see if

anybody is going to speak up on their own piece of legislation, other than perhaps a token two minutes.

At any rate, for those of you present on the government benches who were not in attendance, I can tell you that Howard McIntyre, president of the Ontario Convenience Stores Association, did have some grave concerns about the direction of Bill 164. His association represents over 7,000 convenience stores within Ontario. They employ over 50,000 Ontarians just at the store level. As a whole, the industry generates over \$6 billion in economic activity every year. As well, the Ontario Korean Business Association serves another 2,400 stores. Every day in the corner stores across Ontario, 1.5 million people come in to purchase product.

The request at that news conference was to not amend the bill to allow a complete ban on back-wall retail displays. What did this government do? It amended the bill to allow a complete ban, albeit a ban that would not come into effect until the year 2008. What the McGuinty government has just done is created an election issue for 2007.

A couple of years' difference will really do nothing to mitigate the concerns of the convenience stores. They have the safety and the security issues that I mentioned before. The Korean businessmen have indicated to us that 30% of their stores will go bankrupt because of this legislation.

I am wrapping up. I regret that I have not—

**Interjection:** You're running out of time.

**Mr. Barrett:** I know we have until midnight. I would like to speak further. I would like to address the issue of Royal Canadian Legions and veteran halls that have been done in. I would like to address the issue of those charities that will lose their source of income from bingo halls.

Am I being cut off, Speaker?

**Mr. Baird:** On a point of order, Speaker.

**The Acting Speaker:** I regret to say that your time is up, but there's a point of order by the member for Nepean—Carleton.

**Mr. Baird:** On behalf of the member for Haldimand—Norfolk—Brant, I would like to ask for unanimous consent that his voice not be silenced and that he be given an additional hour to speak.

**The Acting Speaker:** Is there unanimous consent that we give the member an additional hour? I don't think there is.

I'll move now to questions and comments.

**Ms. Shelley Martel (Nickel Belt):** There are a couple of things the member had to say that I agree with and that need to be reinforced, although I understand that he's going to be voting against the bill and I will be voting in favour.

I must say that through the course of this bill and until we really had farm representation before us, I really didn't understand the extent to which farm families are suffering in Ontario right now. That became very painfully obvious during the course of the public hearings. I know the bill hasn't been passed yet so I'm not blaming

that on the bill, but certainly there has been a decline in people smoking that has seriously impacted upon farmers who are involved solely in tobacco production. Frankly, the government response of about \$35 million is just not going to be adequate at all.

It is very clear that we need substantial federal and provincial government response. It needs to be quite dramatic, it needs to start now and it needs to go over a long period of time if we are going to be able to move farm families out of tobacco production and into some other agricultural crop that's actually going to provide a living for them. I say that to the government. Once this bill is passed, this government had better be on top of what's happening in the agricultural community, particularly with respect to these farm families.

Secondly, we heard a lot from the corner stores about how a ban on retail advertising in their stores is going to impact on them. That is why we as New Democrats suggested a couple things. Number one, the government should look at some of the extensive tax revenue that it has brought in from cigarettes and actually apply some of that to government promotion in retail stores. The government has brought in well over \$222 million in new cigarette revenue in two of the last three tax increases. They have more than enough money to actually promote healthy advertising in a number of corner stores. We said they should increase the commission on those retail outlets that are selling lottery tickets. We felt there were other producers who would come forward and want to use the space behind the counter if cigarette advertising is no longer there.

All of those things could happen. The government should do that now, and the government should also make sure that all advertising is banned by 2006.

**The Acting Speaker:** Questions and comments?

**Mr. Ernie Parsons (Prince Edward—Hastings):** The member for Haldimand—Norfolk—Brant—

**The Acting Speaker:** I'm sorry, I haven't recognized you yet. The member for Prince Edward—Hastings.

**Mr. Parsons:** —a prince of a fellow; easy to remember—presented some very interesting information on smoking, on the affected businesses, on the loss of revenue to them and the loss of revenue to the government, and on smuggling. I don't know a lot of detail about that. It was informative. But I'll tell you what I do know. I know that as a young teenager I held my mother's hand while she died of lung cancer. She never smoked a cigarette in her life, but she sat around those who did. Every year in Ontario we lose 16,000 people needlessly. We lose not only them but their family and their friends in the community. Society has paid too high a price for cigarettes.

I support this bill with every ounce of my body.

**1950**

**Mr. Joseph N. Tascona (Barrie—Simcoe—Bradford):** I am pleased to comment on the statements made so far by the respective members. Certainly this is a serious issue and it calls for the question, based on the comments made by the member from Prince Edward county—the

legalization of smoking is at the federal government level. It's the federal government that legalizes the right to use a drug such as nicotine. This is a legalized drug. That's what's troubling about this debate. No one disagrees that smoking can be harmful to your health, but what we have here is a legalized product. I think the member from Haldimand–Norfolk–Brant has put out the position of trying to balance it in terms of the farmers who have made a livelihood off this product and the convenience store owners and retailers who try to sell this product, because it's a legal product.

The provincial government gets involved in the debate and they're now going to regulate it, because they have the right to regulate trade and commerce under the Constitution. At the same time they're stamping out smoking, tobacco, the federal government is talking about legalizing marijuana—the federal Liberal government, I may add—so the debate becomes almost nonsensical in terms of what we're trying to do.

To the member across, in terms of what he's saying about the harmful effects of smoking, nobody disagrees with that. The cost to the health care system is in the billions, and that's something that has to be balanced off against the competing economic interests and the rights that flow from the federal government allowing this product to be legal.

**Mr. Peter Fonseca (Mississauga East):** As the member for Prince Edward–Hastings said so eloquently, this legislation is about protecting all Ontarians, the 16,000 who pass away due to tobacco-related illness every year. This legislation is also about improving our economy, improving tourism and improving the hospitality industry.

The member for Nepean–Carleton also speaks of Ottawa. We know that in Ottawa, once they went smoke-free, they increased the number of hospitality establishments by 181. We heard many presenters from Ottawa speak to us at committee and they talked about the increases they have seen in their business. People now are going into establishments where they couldn't before because of the smoky environment and due to asthma and many other ailments they were experiencing. That's what we have found in Ottawa.

South of the border, New York City went smoke-free. They increased the number of jobs in New York City in the hospitality establishments by 10,300. They've also seen revenues go up.

We had a chance to travel around the province, going up to Sudbury and seeing how well their smoke-free bylaws have gone over in that city.

This legislation on World No Tobacco Day is around protection, around preventing youth from starting to smoke, the cessation program, \$50 million being invested to help protect Ontarians from the harmful effects of second-hand smoke, but also to help Ontarians from ever starting to smoke. We know our youth are preyed upon daily by the big tobacco companies.

It's something we should all be proud of and all support.

**Mr. Baird:** On a point of order, Mr. Speaker: I think if you ask for unanimous consent, the chief government whip would grant an additional two-minute hit.

**The Acting Speaker:** Is there unanimous consent to allow an additional two-minute response? Agreed.

**Mr. Baird:** Thank you very much. I want to thank the members. That's very kind.

I want to speak to the speech and remarks, which I listened to with great interest, by my colleague from Norfolk county. I will say that there is no member of this House in my 10 years I have been here—he is not afraid to stand up for what he thinks is right and is not afraid to stand up for his constituents. No member I have worked with do I consider myself more proud to have associated myself with than the member who currently represents Norfolk county. He is a defender of his constituents. The issue may get tough, it may be politically incorrect, it may be difficult, it might make him unpopular in some circles, but that member will always stand up and fight for what he believes is right. That is a big compliment I'm paying the member. I am very proud to call him a colleague and a friend, and he is by far one of the most principled people in public life that I have had the pleasure to work with.

He speaks about the smuggling going on there, the 300 smoke shops that he was talking about where smuggling takes place. He talks eloquently and fights hard on behalf of the family farms in his riding. The member for Nickel Belt talked about how his efforts to get this bill to committee helped shed light—even someone who supports the bill has a better understanding of the reality that farm families have in his part of the province. And I agree that \$35 million in transitional funding isn't enough. There has got to be more that we can do to help. Decreasing the amount of smoking is a good public policy issue, and I think we all support that, but we have to do more for our family farms.

I share so much of what the member from Norfolk had to say, and I want to associate myself with his principled objection to this piece of legislation.

**The Acting Speaker:** I turn now to the member for Haldimand–Norfolk–Brant. You have two minutes to reply.

**Mr. Barrett:** I appreciate the opportunity to respond.

The member for Nickel Belt was a real trooper travelling around on these hearings. I think she might agree with me that we did accrue a wealth of information on those hearings. We really did hear the other side from the corner stores, the restaurant industry.

I regret I didn't get an opportunity in my limited time this evening to even address the restaurant and tavern issue, the designated smoking room issue. I didn't get a chance to talk about the cigar stores. I didn't even get a chance, in my limited time, to talk about the Royal Canadian Legions, the army, navy and air force clubs.

The member for Prince Edward–Hastings raises the issue of health. In the very first testimony on the first day of hearings, Tobacco Farmers in Crisis raised the issue of health and what they consider the untoward effects on health when illegal tobacco comes on the market, the

price comes down, young people buy cigarettes from a van, they have no idea what they're smoking, and government has no idea what is being sprayed on this tobacco that's grown in tropical countries.

The member from Barrie–Simcoe–Bradford raises the issue of the legality of tobacco and made an interesting comparison with marijuana. You know, this investigation really didn't do any comparison with tobacco versus marijuana usage amongst young people, let alone the comparative fines.

The member from Mississauga East spoke yesterday, probably the last Liberal to speak on this bill.

To the member from Nepean–Carleton, my former seatmate, what can I say? I appreciate his comments. Again, he has made it clear there is a lot more to this issue than is on the surface.

**The Acting Speaker:** Further debate?

**Mr. Frank Klees (Oak Ridges):** Before I make my comment, perhaps I could ask for unanimous consent for the member from Haldimand–Norfolk–Brant to be given some additional time. He has indicated that there are a number of areas he would like to address. I am sure members in this House would want to hear the comments he has yet to make. I'd seek that unanimous consent, and I hope the members will grant it.

**The Acting Speaker:** Is there unanimous consent? I heard a no.

The member for Oak Ridges has the floor.

**Mr. Klees:** I'm disappointed in that, because I would have expected that members from the Liberal Party, who, it will be observed, will not be speaking to this bill tonight—I find it very interesting that they wouldn't take the opportunity to speak to a very important piece of legislation, other than the two-minute comments, given the far-reaching implications of this legislation. So I will take my opportunity.

**2000**

I have 20 minutes, and within that 20 minutes, I want to address a number of issues relating to this bill. I will be voting against this bill, and I want to put on the record my reasons for doing so. I will start, Speaker, by confirming what you well know: I am a non-smoker. No one will deny—I certainly am a strong proponent of government doing whatever it possibly can to ensure that individuals are given assistance and are encouraged not to smoke.

As my colleague previously indicated, here is the problem that we face in this country: We have a product that is legalized for sale by the federal government of this country, we have an entire industry that is based on it and we have many people who are addicted to this drug. Now we have a provincial government that is introducing legislation here, and all the while, we have a federal government saying there's nothing wrong with this product. In fact, we have a federal government, as my colleague indicated, that is now saying, "In addition to tobacco, we will find justification to decriminalize marijuana. We're going to add one more product to the menu that people

have to choose from, to create further difficulties and challenges in our society."

I want to address something that is more of a general nature before I get to the specifics of the legislation. There's a perception, wrongfully so, that it's the Liberal Party that is the great protector of civil liberties. I'd like us to take a close look at what has happened in the very short time that this Liberal government has been in office. I think it's important for people to understand what this government is doing to change the face of our society.

It started off with Bill 8. You'll recall that that is a piece of legislation introduced by this government that effectively stripped hospital boards of their authority; that, in the area of health care, effectively took away any local ability to deal with health care issues. It put into the hands of the Minister of Health an authority that no Minister of Health has ever had and effectively said, "Do you know something? Volunteers, citizens in this province, we're not interested in your input. The government knows best."

Then we move on from there, and we see a government that introduced legislation to tell the citizens of this province what kind of dogs they can own: the pit bull legislation. We have an Attorney General who, rather than deal with the many issues of community safety that we are facing in this province today—we have young people being murdered on schoolyards, we have all kinds of challenges within our inner cities, and this Attorney General takes the time of this Parliament to introduce pit bull legislation that tells people you can't own a particular type of dog and totally misses the opportunity, as proposed by Julia Munro on our side, of dealing with the real issue of dangerous dogs.

Furthermore, we have this Minister of Education, who stands in his place, and what does he do? The Minister of Education for this province, instead of dealing with the real issues that are facing students and parents in this province—the same Minister of Education who, while he was on the campaign trail along with his Premier, the wanting-to-be Premier at the time, promised parents in this province that their autistic children would receive support in our school system beyond the age of six—

**Mr. Baird:** What a lie.

**Mr. Klees:**—now that he is the Premier, now that he is the Minister of Education, takes it upon himself—

**Mr. Baird:** Like a rug.

**Mr. Klees:**—to drag the parents of autistic children into the court system to keep from giving them—

**The Acting Speaker:** Please take your seat. The member for Nepean–Carleton made a blatantly unparliamentary remark and I would ask him to withdraw it, please.

**Mr. Baird:** Withdrawn.

**The Acting Speaker:** The member for Oak Ridges has the floor.

**Mr. Klees:** This same Minister of Education and this same Premier who committed during the campaign period, while they were lobbying and scratching for votes in

every part of this province, are now saying no to parents of autistic children. They take all kinds of time and effort and resources to go into the court of our land to challenge those parents who are simply trying to get the kind of support for their children that they need. This Minister of Education spends his time saying there are snack foods that are off limits in the schools of our province. Banning of snacks is more important to this government than doing the right thing for the citizens of this province.

And then we have before us the greenbelt legislation, Bill 135. That greenbelt legislation—

*Interjections.*

**Mr. Klees:** I find it ironic that these people over here, first of all, aren't giving us the same credit that we give them when they speak, to listen to them. There are catcalls that come across the way because I want to point out—

**The Acting Speaker:** You're absolutely right. I would ask the government members to please come to order and allow the member for Oak Ridges to make his points. Member for Oak Ridges, I apologize for interrupting again.

**Mr. Klees:** Thank you, Speaker. I simply want to make this point: We have a Liberal government that is eroding the rights and privileges of the citizens of this province incrementally. The greenbelt legislation strips property rights from landowners and tells them not what the local municipalities should be doing, but strips local municipalities of the right to rezone and do the planning, and it is this government, the cabinet, the Minister of Municipal Affairs, who are now telling people where they can live and what they can and cannot do with their property.

Bill 136, the Places to Grow Act, is one more encroachment on the property rights of citizens in this province. Then they go on and pass regulations about how high the temperature can be in your water tank. How much more intrusive can a government become in the affairs of their constituents?

I now want to turn my attention to this act, because it is one more encroachment on the rights of citizens of this province. As I've said before, I am in full support of doing whatever we can to reduce smoking and its harmful effects. This bill, however, does something very different. This bill encroaches on the rights of individual citizens. It places the government in a position of saying, "I know best." But that's consistent with how this government is going about its business, you see. The cabinet ministers know best what is good for the average citizen. The cabinet ministers know what people should be doing in the privacy of their own private spaces.

We have veterans in this province who now attend their Legions, and it's against the law, according to this government, for them to smoke. These are veterans in my riding of Oak Ridges who were willing to lay down their lives for people in this country so that we could have freedom, so that we could have rights, and this government now has the audacity to reach into their own private space in their Legions and say, "You know what? It doesn't matter that you're mature. It doesn't matter

what you've done for our country. We're going to tell you how to live your life."

That's fundamentally wrong. That's why I'm opposed to this. It's the principle of telling individual citizens that their rights are being taken away by this government.

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I want to read to you some of the comments from individual businesses within my riding. I think if we listen to the words of ordinary Ontario citizens, it may make some impact. I know it won't on members of the government, because they've made up their minds; they've been told how to vote; they've been told to be single-focused on this issue and not to worry about any other facts that may be brought to their attention. But do you know what? What I'm hoping—and I'll count on this—is that at least people in our communities who are observing this debate will be able to draw their conclusions about the type of government that they have when they hear the words of individual business people within our communities.

You know well that it was government that imposed the designated smoking rooms on businesses in this province. It was government that said, "Go out and create designated smoking rooms. Spend hundreds of thousands of dollars constructing those, and we will then allow individuals in those designated smoking rooms within restaurants and within hospitality facilities to smoke. We will let those who prefer not to smoke be in a smoke-free environment." That was government. As a result of that, there were hundreds of thousands of dollars spent in this province by business people on those designated smoking rooms.

Now this government comes along and says, "Oh, by the way, that was yesterday. That was then. We're now going to override all that, and we're going to force you to eliminate those. It doesn't matter that you've invested all this money. It doesn't matter that you may lose business as a result of that. We're going to wash our hands of that, you see."

I want to read to you a letter that I received from Imran Sheikh and Tariq Noor, who are the owners of Shoeless Joe's, a restaurant in my riding. It reads as follows:

"Let me begin by emphasizing my support for province-wide"—

*Interjection.*

**Mr. Klees:** Speaker, I'm going to ask my colleague the member from Nepean to stop heckling.

**The Acting Speaker:** And perhaps he'll listen to you; I would hope he might.

If the member for Nepean—Carleton and the Minister of Tourism and Recreation wish to have a conversation, would they please take it outside of the chamber.

We'll return to the member for Oak Ridges.

**Mr. Klees:** With all respect, I consider this important. If other members don't want to listen, I would at least expect some respect in terms of putting this on the record.

This letter reads as follows:

"Let me begin by emphasizing my support for province-wide legislation. However, the development and imple-

mentation of provincial smoking regulations must recognize the realities of the industry in Ontario. First, while everyone welcomes the decline of smoking in society, 20% of adults in Ontario or 1.8 million people still smoke." That's just simply a reality. "Second, in businesses like mine, a disproportionately high number of customers are smokers. Finally, designated smoking rooms (DSRs) have been legislated in several Ontario municipalities and hundreds of operators have invested in DSRs to accommodate their non-smoking and smoking customers and protect employees from second-hand smoke.

"In my business I have invested \$60,000 in a DSR. There is no doubt in my mind that if we are not able to accommodate smoking patrons, my business will be severely impacted."

I have another letter here from Salvatore Morra, owner of Spezzo restaurant, another establishment within my riding.

He says this:

"I just wanted to voice my concern with the upcoming Bill 164. As a proprietor of a smoking establishment, I feel after investing in a designated smoking room we should have the opportunity to recover the money invested in such rooms. Furthermore, after discussing with staff on this issue, they have concerns about their future in the hospitality industry." Due to their concerns about their future in the hospitality industry, they ask me to bring this issue to the attention of the government.

I have in my possession many, many other letters from very concerned business people in my riding.

I oppose this on the principle that there should be choice in our society. In fact, there should be encouragement by the government to help people stop smoking. There should be an investment on the part of this government in ensuring that people understand the importance of good health. But simply to pass legislation that encroaches on individual rights, on personal choice, is fundamentally wrong.

I want to close by saying this—and how consistent this legislation is with this government's encroachment on individual rights. It's a bill that is before the House as we speak, and it's the adoption bill. In that bill, this government once again is showing disregard for the rights of human beings, of individual citizens in this province. Even the Information and Privacy Commissioner of the province of Ontario, an officer of this House, has made it very clear to the minister and to the Premier that she opposes the legislation on the basis that it encroaches on the privacy, the right to privacy, of Ontario citizens.

That legislation is going to open up the records of any adoptee, an adoptee parent, an adopted child. For those individuals, regardless of what the circumstances were around the adoption, they can go back years and seek and get information about the adoptive parents, about the location and the history of the individuals. I am on record as supporting an adoption system that provides access—and on a go-forward basis, if what we want to do is

ensure that absolute and open disclosure, I would even support that. But for this government to retroactively interfere and encroach and take away those privacy rights is yet one more encroachment on the rights and the freedoms of the people of this province.

There is a common thread that runs through the legislation that has been brought forward by this government. It's a common thread that effectively says to individual citizens of Ontario, "It doesn't matter what you think. It doesn't matter what your preferences are. We, as a government, don't care about individual choice. Government knows best." Well, that is not the Ontario that I know. It is not the Ontario that the vast majority of citizens in this province have embraced. I believe that this government is overstepping its boundaries, is overstepping by degrees incrementally, but the electorate of this province will awaken to what this government is doing to them, to their freedoms. I'm opposing this legislation on the principle that Ontarians should have choice.

**The Acting Speaker:** Questions and comments?

**Ms. Martel:** With respect to Bill 164 itself, the piece that I do agree with, which was referenced by the member from Oak Ridges, has to do with those individuals, those bar and restaurant owners who, operating under the municipal bylaw that was in place at the time, spent money to create a designated smoking room, believing that they would have the period of time of the bylaw to recoup the amount of money that they borrowed or put out to build that DSR and who are now, of course, with this legislation before us, finding out that they will not, in fact, recoup that money. Some—not all, by any stretch of the imagination—could be out a significant amount of money. That is why, during the debate on second reading and during the course of the public hearings, when we had some of those bar owners and restaurant and tavern owners before us, I made it very clear that I did think the government should look at compensation for those restaurant owners who had made that decision, operating, as I said, under the law that was in place at the time, the municipal bylaw that made it perfectly within their legal rights to do what they did.

I have spoken about a precedent that was set by the previous government, who provided compensation to a number of tourist operators in northern Ontario when the government, through its own policy, cancelled the spring bear hunt before the last election.

But I have also said very clearly to those restaurant owners that I agree that the legislation should ban all designated smoking rooms. I think we heard enough information during the course of the public hearings to make it clear that you can't have a smoking room that truly works, that smoke isn't coming out of, that will protect other patrons in other parts of the restaurant. I think we heard a lot of information during the course of the public hearings to show that as evidence for us. I agree with the approach that was taken by my own municipality, which was to ban smoking altogether and to not allow designated smoking rooms. However, for

those municipalities that did, I think the government has some kind of obligation to deal with people who operated within the law at the time.

**2020**

**Mr. Dave Levac (Brant):** I have just a quick comment. We're talking about compensation. Compensation on tobacco alone would be \$1.4 billion, and then I took some time to take a look at the compensation package for all of the other circumstances that the member opposite was talking about. We're talking about somewhere in the neighbourhood of a \$6.7-billion compensation package, and I think that would be irresponsible. Quite frankly, it's a very expensive compensation package the member is talking about. I've got 16,000 people a year dying on this side. I choose to try to affect the 16,000 people who are dying.

**Mr. Baird:** The member opposite here says it's too expensive. They can't afford to pay it because it's too expensive. I say to him, what about the small business people that my colleague from Oak Ridges talked about? It's too expensive for them as well. Just because we have the power of the state, to come down on property rights is inexcusable. If it's too expensive for the government to pay, I'd suggest it's too expensive for these small business people like the restaurant owner who was quoted by the member for Oak Ridges.

I want to associate myself with the remarks of the member for Oak Ridges. The absolute disdain that this government has for property rights—there's a pattern here. It's not just this bill. It goes back to the Adams mine. It goes to this bill. It goes to the greenbelt. It goes to the heritage bill. This government has a disdain for private property and the rights of the men and women, the hard-working taxpayers, who own that property. As the member for Norfolk county says, it's government knows best. When we talk about an issue—what about these designated smoking rooms? What if we ban staff from going in these separately ventilated rooms? All the arguments disappear, but it's no.

**Mr. John Wilkinson (Perth–Middlesex):** Who's going to clean them?

**Mr. Baird:** Well, they're separately ventilated. They can be cleaned after hours when the establishment is closed, I say to the member opposite.

But it shows that this is social engineering on steroids. This is a government that has no respect for private property and little respect for our veterans, whom the member for Oak Ridges also spoke about. Frankly, these members should all be ashamed of themselves.

**Hon. Christopher Bentley (Minister of Labour):** This bill—and that's what we're debating—is about the dangers of second-hand smoke. Medicine and science resolved the issues decades ago. Society has debated the issue for decades. It's now time to act on the science, protect the lives of people. Everybody has had adequate notice. Let's pass the bill.

**The Acting Speaker:** That concludes our time for questions and comments. I'll return to the member for Oak Ridges for his two-minute response.

**Mr. Klees:** The self-righteous attitude of the government member is just unbelievable. We've had decades, he says, to debate this. If that's the case, if tobacco is so bad, then why don't you make tobacco illegal? Why not deal with the issue instead of crippling businesses?

The member from Brant talks about a \$6.7-billion compensation package. Does he realize that what he's doing, if his numbers are correct, is taking \$6.7 billion out of the economy in one fell swoop with this piece of legislation? How can he possibly justify that? How can he do that?

*Interjections.*

**The Acting Speaker:** I would ask the House once again to come to order and allow the member for Oak Ridges to conclude his two-minute response.

**Mr. Klees:** I think we've hit a nerve, and the nerve is that these members of this government are coming face to face with the reality that they are changing the face of Ontario in terms of what people—

*Applause.*

**Mr. Klees:** You know, Speaker, the cynicism of their applause speaks to the level with which they understand what they're doing. They are interfering with the basic fundamental rights of citizens in this province. They can't get beyond their performance. They can't get beyond what they're told to do. They can't get beyond the fact that they are instructed to come into this House and support anything that is presented to them by their ministers. I challenge the members opposite to think for yourselves, think about the implication of this bill. Rise up and protect freedoms in this province. But I know they won't.

**Mr. Baird:** On a point of order, Mr. Speaker: I would like to seek unanimous consent to move the following motion with respect to this evening's debate on Bill 164:

That when the debate on the motion for third reading of Bill 164 adjourns this evening, that it be considered to be one full sessional day and that the following members be deemed to have spoken to third reading: the member for Nepean–Carleton, the member for Simcoe–Grey and the member for Barrie–Simcoe–Bradford. That would allow the debate to conclude this evening and for us to all work on other important issues within our constituencies.

Can I get unanimous consent, Mr. Speaker?

**The Acting Speaker:** The member read it rather quickly, but the member has sought unanimous consent to move that motion. Is there consent in the House to do so?

There is not consent. I heard a no.

Further debate?

**Mr. Jim Wilson (Simcoe–Grey):** My colleague Mr. Baird I think made a generous offer just a moment ago to the government members, to say that if you really care about anti-smoking and anti-tobacco, this being World No Tobacco Day, that you actually embrace the unanimous consent that he asked for a minute ago, because that would allow the three of us speakers to sit down and not say anything and allow this bill to proceed on its merry way.

First of all, I want to congratulate the Essa Challenge, the Essa township challenge, which is an annual event in my riding and Garfield Dunlop's riding, because it covers both ridings, Barrie and Essa township, right next to Barrie. It's called the Tangle Creek golf tournament, Tangle Creek being a five-star golf course in my area. It's all about raising money for Cancer Care Ontario, which is part of this bill tonight, in terms of cancer being, unfortunately, a result of smoking too much.

The fact of the matter is that for years we in Essa township and in Barrie have been raising money for cancer and raising money for the cancer treatment centre in Barrie. Unfortunately, in spite of the fact that it was announced years ago, in spite of the fact that fundraising is going on right now—both for a four-bunker cancer treatment centre in Barrie and a four-bunker cancer treatment centre in Newmarket, which would serve the south ending of my riding from Alliston south to Highway 9 into the GTA—this government hasn't moved at all. They've been in almost two years. They've done nothing to advance the cause of cancer treatment.

**2030**

Today we heard the Minister of Health, the Honourable Mr. Smitherman, talk about the fact that we have the longest MRI wait list in the province. I was northern minister, and Mr. Bartolucci is here tonight as northern development minister. The fact of the matter is that they're longer than Thunder Bay; they're longer than Sudbury. It's twice as long as Thunder Bay and Sudbury in Barrie, because we live in the shadow of the GTA. We live in the shadow of Toronto. So when the Ministry of Health does its statistics—and I don't care if it's the David Peterson government, the Bob Rae government or Mike Harris's government—we can't seem to correct it. We live in the shadow in terms of statistical purposes.

**2030**

So they think we're getting great cancer treatment in Collingwood, Owen Sound, Barrie, Creemore, Stayner and Alliston, but the fact of the matter is that we're rolled into Toronto's statistics, which you don't suffer from in Sudbury or Thunder Bay. The fact of the matter is that we get the worst treatment in Ontario right in central Ontario. We pay the highest taxes. We have some of the most prosperous people. Some 27,000 people a day go down Highway 400 to commute to Toronto from Barrie and my riding and then go back again at night, suffer through gridlock, suffer through things that this government has no answer for, and at the end of the day, we end up on the same waiting lists in Toronto as Torontonians, which is horrible. Because our address isn't in Toronto, frankly—as a former Minister of Health, and I would never admit this when I was on the government side, but I'll admit it now—you end up behind them. If your address isn't Wellesley Street or Avenue Road in Toronto and it's Barrie, Alliston, Creemore, Stayner or Thornbury, you end up behind the Toronto list when you go for cancer treatment in Toronto. It's sad.

I had a brother die of cancer at 38 years of age four years ago. He left behind 10-year-old twins. He had to go

to London for his cancer treatment. It was disgraceful then; it's disgraceful now. This government promised that it would control waiting lists, that it would do something, and they've done nothing. If you're in my riding today, you go from Owen Sound to London, you go from Collingwood to London. Why London is in our catchment area, I don't know. I have to drive through Toronto to go to London. I have to drive past Princess Margaret to go to London. If you have breast cancer, you go to Sudbury from my riding. So the poverty regions, and I've never been able to convince them—and I don't blame the Liberals totally; I was never able to convince my own government and I couldn't convince their government. The fact of the matter is, if you have cancer in my part of the province, you're split off, you're left as a statistic in the shadow of Toronto. So the government thinks they're looking after you, and I don't blame George Smitherman or others, they think they're looking after you, but the fact of the matter is that our travel times are greater than most of Mr. Bartolucci's constituents. That's the fact.

I was northern minister for almost three years, and I used to run around and they used to say, "Oh, woe is me," and I used to say, "You've got an MRI. We don't have an MRI in central Ontario." Barrie has one, but it's half operational. There was something in question period today to say they would make it fully operational. Fine. I wish you luck, and I hope for the best. You've got to deal with the union. That's the stumbling block up there, not the fact that the government hasn't oodles of money to give these people to work after hours.

The fact of the matter is that the worst cancer treatment according to Cancer Care Ontario's own study is within an hour of Toronto. It's not in the north; it's not. You had the machines before we had the machines. When I became northern minister, they used to criticize me because the only thing I could say was that my great-grandfather was a butcher just outside Sudbury, and he was, for longer than Rick Bartolucci's family has ever lived in the north. But I was never accepted as a northerner. Fine. It hurt me. It hurt me a lot. The fact of the matter is—

**Hon. Rick Bartolucci (Minister of Northern Development and Mines):** Ah.

**Mr. Wilson:** Thank you, Rick. It hurt me a lot—  
*Interjection.*

**Mr. Wilson:** Ah, Rick, you sympathize with me one day and you piss on me the next. That's your life. Sorry, Mr. Speaker, I shouldn't have used that.

**The Acting Speaker:** I would ask you to refrain from that sort of language in the interests of the institution.

**Hon. Mr. Bartolucci:** You really hurt me.

**Mr. Wilson:** I possibly hurt Rick Bartolucci. It's the Liberals. They're far better at this than I could ever be in my life.

Anyway, I just want to say thank you to the Essa Challenge, which takes place every year in July—July 26 this year. I hope everyone signs up. It's to try to get us four bunker units for a cancer treatment centre in Barrie

and four in Newmarket. It was announced by our government in 2002. Unfortunately it didn't take place. We're looking to this government to do the right thing. If you look at the statistics, the fact of the matter is that we're worse off than the north, we're worse off than southwestern Ontario and we're worse off than Toronto. It's a shame because of the way the statistics are run out of the Ministry of Health.

There's also the smoking bill tonight. I want to support this bill. I think it's abhorrent that we have these high cancer rates when we could avoid them.

We also have the cancer Ride for Dad, which I personally support to the tune of several hundred dollars a year—my own money, not my riding association money or anything. By the way, I make less today than I made in 1987 as assistant to the Honourable Perrin Beatty. I hope you're listening over there, cabinet ministers, because we get paid terribly. But it's the Ride for Dad for prostate cancer. About 500 motorcyclists take part in that every year. I want to say that Joe Tascona, I and Garfield Dunlop—and I'm sorry, I don't remember everyone's riding at the moment—but the Simcoe county MPPs support the ride, we support the Essa Challenge every year at the golf course, and we want people to remember that they need to sign the petitions that we have out there. They need to really push the government. The squeaky wheel gets the grease. We need a cancer treatment centre in Barrie, we need one in Newmarket, and it's the only fair thing to do. The reason I mention that is that I look at Cancer Care Ontario's list, and it's not necessarily as scientific as people think it is, having been a former Minister of Health and health critic for five years, and Minister of Health for two and a half years. The fact of the matter is that the squeaky wheel does get the grease. The fact of the matter is that the stats support central Ontario, but you've got people from Kingston, Ottawa and others on the list before us. I know the patients out there are equally deserving of cancer treatment, but the fact of the matter is, it's worse in central Ontario and it's time that this was dealt with by governments.

I want to read a letter here from Dr. Hazel Lynn, who is the medical officer of health for Grey-Bruce. She's very supportive of this legislation, and I promised her I would read it into the record. It's dated May 10, 2005.

“Dear Mr. Wilson:

“I am writing with regard to Bill 164—Smoke-Free Ontario Act—currently before the Legislature. Grey and Bruce counties have enjoyed smoke-free workplaces and public places for almost three years and I am very pleased that all Ontario residents will soon have the same protection upon implementation of this act.

“I strongly endorse the amendment to Bill 164 which proposes a ban on all tobacco displays of any type at retail.”

Now, I'm not sure that's true. I mean, it's true, but it's 2008, I think, before the power displays—which means probably another government. Probably this will be, I hope, a Conservative government's problem to deal with after October 2007, because these weak-kneed, weak-

minded Liberals, who promised to be the most anti-tobacco people in the world, in spite of unemploying my constituents and those in Mr. Barrett's riding, in spite of ignoring tobacco farmers, which was a legal product for years, in spite of all of that, they were going to be the most anti-tobacco. They were going to meet Michael Perley and the anti-tobacco Nazis that we deal with, that I've dealt with for 19 years of my life. They threaten you. I can remember when they took out ads, Michael Perley and Garfield Mahood and all these people you paid for under the public health administration to be anti-tobacco. I can remember when they took out ads against Leo Jordan—and I'm sorry, Mr. Speaker, I don't remember the names of the ridings back then; that's not my fault, so it shouldn't be cut off—Mike Harris and Bob Runciman because the four-plated printing for Players cigarettes was done in their ridings. I can remember that they took out ads saying, “You're killing babies in Ontario.” The Liberals lapped it up.

Now, I'm not sure this particular bill solves all the problems that were meant to be solved in those days, but the fact of the matter is that they hurt people in order to save lives. From my nine years of theology, that's not right. Two wrongs don't make a right. You make your point on a positive point; you make your point on saving people's lives, but you don't tear down people. As the Honourable Reverend Wally Downer, who was the Speaker for 38 years in this House, prior to the Honourable George McCague being elected in 1974 in my riding—and by the way, my riding has been Conservative since Confederation at the provincial level, the only one in Ontario to be so. Reverend Canon Wally Downer used to get up and say, “I didn't come here to this meeting to tear down others to build myself up.” He was a Presbyterian minister, and he was great. He wouldn't approve of this sort of attack on small business owners, for example.

There's an article here from the Windsor Star, a Liberal-based newspaper if I ever read one in my life. I was Minister of Health and this newspaper never gave me a break once, never. I actually announced a cancer centre, which is now built and which Papatello opened. I announced it, paid for it in Windsor and they called me a liar on the day that I turned the sod for that, because Papatello was part of the rat pack back then, the absolute rat pack, biggest liars I ever met in my life. But I shouldn't say that, because it's unparliamentary, and I withdraw it.

**The Acting Speaker:** Thank you.

**2040**

**Mr. Wilson:** But they got away with it. They got away with it because they're Liberals. I sat through seven all-candidates meetings where Mark Redmond, a retired teacher, ran against me, and he called me a liar at all seven meetings. It was a pattern. We'd be about six minutes into it, and he'd say, “You're a liar.” I'd say, “Sorry, politics doesn't mean that much to me; facing my God at the end does.” I don't mean to be holier than thou, because I'm not. In my private life, I'm probably horrible—

*Interjection.*

**Mr. Wilson:** I'll speak up. You've all been out drinking with me.

But the fact of the matter is that I take public life and the trust that people put in us very seriously, and that's not what occurred.

The cancer centres—going back to this anti-smoking bill—were promised by Mr. Redmond. How do you send out a guy for seven all-candidates meetings, he checks with headquarters three times, as he told the media, and they say, "It will be built in Barrie, it will be built in Newmarket"? The cancer centres will be built, just like Highway 26, which you've cancelled. There are no bulldozers on it, and it's construction season.

**Mr. Garfield Dunlop (Simcoe North):** That's disgraceful, what has happened with Highway 26.

**Mr. Wilson:** Garfield Dunlop, my colleague from next door to my riding, would agree.

*Interjection:* Simcoe North.

**Mr. Wilson:** From Simcoe North, thank you, and Simcoe—

*Interjection:* Barrie.

**Mr. Wilson:** Barrie. We sat through seven all-candidates meetings in my riding, five in yours, too many in Joe Tascona's, and they were going to build this cancer centre. People sat there and they believed you. You're a bunch of people who don't live up to your word. You don't. How did you let candidates—how did headquarters say to these people, "We're going to build your cancer centres," and then you didn't? You haven't, and you've done nothing, absolutely nothing. You're a disgrace. We had to sit through it. We sat through it night after night after night. After 12 years in this Legislature, I had people show up at all-candidates meetings—

*Laughter.*

**Mr. Wilson:** You laugh. You laugh because you're a disgrace. You're a disgrace to human beings. You're a disgrace to anyone who was ever born on the face of this earth, because you lied.

**The Acting Speaker:** I would ask the member for Simcoe-Grey once again if he would please withdraw that remark.

**Mr. Wilson:** I withdraw. I shouldn't call them that, but what do you do? You're asked as a young kid to go to confession, and you're asked to say, "I hurt my mom," "I stole 20 bucks," "I stole 10 bucks," "I stole an eraser" or whatever. But you go through seven all-candidates meetings as a Roman Catholic and you find out that these guys aren't telling the truth at every one of them. I used to say to Mark Redmond, the Liberal candidate, "That's not the way it's going to work. You don't know. Your headquarters is not telling you the truth." He would still spiel it out. He promised the people of Barrie and my riding and Newmarket a cancer centre to deal with smoking, to deal with all the things that cause cancer.

The reason that's so sensitive for me is that my brother died three years ago at 38 and left behind 10-year-old twins. He died. That means a lot to me. I thought we'd have a cancer centre. He had to go to London, which is

two and a half hours, through Toronto. You promised it, and you've done nothing, absolutely nothing. You should be ashamed of yourselves. I don't know how you face your God in the end, I really don't.

**Hon. Mary Anne V. Chambers (Minister of Training, Colleges and Universities):** What did you do?

**Mr. Wilson:** Shut up. You don't know what you're talking about. We announced the cancer centre. We were going to pay for the cancer centre. We were moving ahead with the cancer centre. You've cancelled it, just like you have Highway 26.

*Interjections.*

**Mr. Wilson:** Well, it's very personal with me, it's personal with my family, and it's personal with my constituents who have to drive hours, longer than Mr. Bartolucci's constituents. I was northern minister for three years. I know what I'm talking about. You guys have ignored central Ontario.

I'm sorry there were mistakes made in the past. But cancer centres weren't known until a few years ago. The first ones were built by the NDP, and I give Ms. Martel and everyone credit. Bob Rae, in a spending spree, did a great job of, for the first time, opening major cancer centres. As Minister of Health, I remember I opened Princess Margaret with Princess Margaret. I opened St. Mike's with Prince Philip. I opened a lot of things because the NDP had done it, so I hope they speak next.

But it's very personal. Don't get up at an all-candidates meeting in the future—if you don't like me now, fine—and promise things that you know you're never going to do, right?

Gerry Phillips said there was a deficit of \$2 billion. He knew there was a deficit. We knew there was a deficit. I wasn't going to take a \$9,000 cut in pay. I dealt with an \$11.6-billion deficit under the NDP back in 1995. Your \$5.6 billion, or whatever you made up—I think it was \$2.2 billion, but whatever you made up—could have been dealt with. You just had to freeze civil service wages, by the way, for one year to make \$5 billion, and you had \$3 billion in extra revenue from corporate and personal income taxes and PST. So I don't know.

Greg Sorbara went to St. Mike's with me. I don't know how he faces the same God I do. I have no idea how he does that. I have no idea. He lives down the highway from me. I don't know how he does it, because the fact of the matter is, you promised one thing, and you've done nothing. It's a shame. You've made my family feel horrible.

The fact is, this anti-tobacco legislation I support. But at the end of the day, people do smoke. At the end of the day, people do get cancer. At the end of the day, we need cancer centres in Barrie and Newmarket. You promised them. I said that I would do the best I could to build these cancer centres. I didn't get up at seven all-candidates meetings and say, "I will build them." But your guy did, and I got criticized, criticized, criticized and criticized. At the end of the day, I told the truth. I said, "We will build them as we have the money to build them." I just want

you to remember that. I don't want any more elections like that. I intend to be here for another 20 or 30 years.

*Interjection.*

**Mr. Wilson:** Rick might be too.

I hope we don't have more all-candidates meetings like that. You don't know how demoralizing that is to the soul, to know that the poor guy next door is reading what Liberal headquarters gave him and he doesn't know the difference. You have to rethink the way you run elections.

It's the same thing when we were never going to end rent control in Toronto—I have an apartment in Toronto, as many of you do—but you guys would put under the door before every election that the Tories were going to end rent control. That was the first dirty trick. We haven't had it in Simcoe–Grey yet; you start it in Simcoe–Grey and I'll run you out of this country. But the fact of the matter is, you've done it in Toronto. You've been scoundrels in many areas of the province. Just stop. Let's call a truce and let's have a more civil debate. I'm sorry for being uncivil tonight, but it's very personal.

You promised something. You've been in almost two years, and you've done nothing about it. Yet the local communities are working their hearts out to raise money for these cancer centres.

This is an anti-smoking bill. I support it. At the end of the day, you should support the cancer centres in Barrie and Newmarket.

**The Acting Speaker:** Questions and comments?

**Ms. Martel:** I'm not going to focus on the cancer centres. We did announce a number of them, and I was happy to see that they were built to support people close to home.

I do want to focus, however, on the one aspect of the bill that really reflects a broken promise by the government with respect to this legislation. Before the election, the Liberals said very clearly that they were going to ban over-the-counter and behind-the-counter advertising of tobacco products. The reality is that the legislation we are dealing with tonight does not ban behind-the-counter advertising of tobacco products.

The fact is that in every retail establishment across this province, retailers can continue to have as many packs of cigarettes behind the counter, behind the cash register, as they want, in all their glory, all acting as an enticement to young people to try to get them to start smoking. That's the reason why the tobacco industry spent \$88 million in 2003 on retail advertising in corner stores, because they know how powerful an attraction and incentive that is, particularly to young people who are coming into convenience stores regularly during the course of the week.

We heard over and over and over again during the course of the public hearings that if the government really wanted to ensure that young people didn't start to smoke and become one of those cancer statistics 20 years from now, then the government should ban all tobacco advertising at point of sale in retail stores—all, not just on the counter by 2006 and behind the counter by 2008. All that's going to happen during the two years that this government allows behind-the-counter advertising of

tobacco products to continue is that thousands and thousands more young people will be attracted to start smoking, to become addicted, and to become the cancer statistics 20 years from now.

This government had an opportunity to ban advertising, like they promised. They should have done that in this bill, and done it by 2006.

**2050**

**Hon. Mrs. Chambers:** I rise to reflect on the reality that this issue is indeed very personal, as the member across the floor has suggested. It's personal for just about all of us. I don't think any one of us can say that we have not had a family member or a friend cut down all too soon either through smoking themselves or through secondary smoke.

I recall visiting Niagara College for their convocation last year. It was a delightful event. I spoke to these young, aspiring men and women. A couple of weeks later, I was visiting Niagara with my husband and went into a restaurant and met one of the graduates from that convocation, who came and introduced herself to me. She sat and chatted with us for a bit and told us that she was so happy to be able to find a job where she did not have to inhale second-hand smoke from her customers. Here I was, looking at a young person; some of us think that perhaps they're not as wise as the rest of us are, but I was touched by the fact that for years she had had to earn income to pay her way through college at risk to her personal health.

I am very proud to be a member of a government that is prepared to make this very bold step. I certainly have sympathy for those who will have to look for other sources of revenue as a result of not being able to sell cigarettes, but I'm totally committed to doing the right thing.

**Mr. Tascona:** I want to join in the debate. The comments made by the member from Simcoe–Grey were very emotional.

The issues facing the much-needed cancer care centres for RVH in the north part of my riding and Southlake Regional Health Centre in the south end of my riding are very, very important. I was at Royal Victoria Hospital on Friday. There are situations where individuals in my riding have to get their chemotherapy in the morning in Barrie and then go to get their radiation treatment at Princess Margaret here in Toronto, both in one day. Those lengthy travels obviously have a tremendous impact. It's frustrating for the community. I'll say this, though: The fundraising efforts for Southlake and RVH are truly tremendous and the volunteer work going on is fantastic. One of the things they're raising with this wristband we have—it says, "I believe." That's what people in the area are purchasing just to make sure that everybody knows they're behind the cancer care centres 100%.

There's one other area I want to comment on, and I mentioned it before. The federal Liberal government legalizes the tobacco product and at the same time they're also looking at legalizing marijuana, yet here in

the province of Ontario, the provincial Liberal government is looking at regulating tobacco and banning its use. I don't even know why it's here. If they feel that strongly about it, why wouldn't the provincial government have said to the federal government, their cousins, "Stop tobacco smoking"? That would have been the end of the story, and we wouldn't be dealing with this. This is what the problem is.

**Mr. Jeff Leal (Peterborough):** I share the very personal side that the member from Simcoe–Grey talked about. I lost my father at age 63 due to lung cancer. I lost my mother at age 66 due to lung cancer. The ironic thing about my mother was that she was a nursing supervisor at St. Joseph's in Peterborough for 40 years. During my mother's career as a nurse, the way she coped with the stress of the nursing occupation was to smoke. So I do take this very personally.

When I had the opportunity to get on Peterborough city council, one of the first things I was involved with was developing an anti-smoking bylaw in the city of Peterborough. At that time, it was one of the leading bylaws, and it was a bylaw that was copied by other jurisdictions across Ontario. When I had an opportunity to look at people who were impacted by second-hand smoke and by the 16,000 people who die prematurely in the province of Ontario, I always thought it was incumbent upon me—then, as a city councillor, and now, with the privilege of representing the residents of Peterborough in this Legislature—to bring forth a piece of legislation that I think could go a long way to address a very serious problem.

As I said, I do share with the member from Simcoe–Grey the very personal side of this issue. I think we have an obligation and a responsibility to move this legislation forward. One of the things that I find particularly problematic is the young women who are now smoking. We know there's a direct link between smoking and breast cancer and other serious cancers that particularly afflict young women. I feel that anything we can do to bring this legislation forward is very important, and I think it's important that we pass this legislation as quickly as possible.

**The Acting Speaker:** That concludes the time available for questions and comments. The member for Simcoe–Grey has two minutes to respond.

**Mr. Wilson:** I want to thank the last Liberal member who spoke—very kind—and the Minister of Training, Colleges and Universities, Ms. Chambers, and the member for Nickel Belt, my friend for many years, Shelley Martel.

The fact is: Could you please pressure your health minister and others? There was a commitment made. There are cancer patients who are driving longer distances than northern Ontario. We get ignored in central Ontario because of the way the statistics are skewed: They are skewed in favour of the GTA, but they must realize that people in my area actually get in line behind people in the GTA and Toronto. It's not sustainable and it's not fair.

I want to say to my colleague from Barrie–Simcoe–Bradford, who wears the bracelet that says "I believe"—I had one on until this morning, actually, when I took it off for some strange reason, because no one seemed to know what this blue bracelet was. It's "I believe." It's a campaign we've had going for months, sponsored by the Bank of Montreal, in the Barrie area and in my area.

You will probably give a great challenge to Joe Tascona and me politically if you actually build the cancer centres. Bob Rae did it. He had no reason, in a riding that's been Conservative since Confederation, to expand our hospitals or to build things, but they did it. They did it because the population is there. I read about the 905 every day. My colleague Julia Munro needs a cancer centre—she's a cancer survivor herself—in the Newmarket area, but we also need one in the Barrie area. It's a no-brainer. You're going to do it anyway. Why don't you announce it, put a spade in the ground and get going? At the end of the day, you're going to have to do it anyway. The numbers are there, the patients are there, and the impatience of the local members is there also.

**The Acting Speaker:** Further debate?

**Mrs. Julia Munro (York North):** I welcome the opportunity tonight to speak to this bill. I think back, as many of you might as well, to the way in which cigarette smoking was, at one time, very much a socially acceptable thing to do. There wasn't a movie that didn't portray the key characters smoking. It was all part of being sophisticated, being—

**Mr. Wilson:** Cool.

**Mrs. Munro:** Yeah, cool. It was part of the whole image of the individual. You had arrived if you smoked. Advertising? If you look at old advertisements, how many people were smoking? And they weren't advertising smoking; it was all part of that image projection that we all saw and were influenced by. I know that many people my age saw that as something that was like a rite of passage, that you had to start smoking. It's very interesting when you look at those old movies now and you see all the characters smoking.

**2100**

I mean, even ashtrays have become obsolete. I can remember that, as a young bride, some of the gifts I received were ashtrays, because no home was complete without an ashtray or a dozen. I can remember that if you objected to anyone smoking in your house, there was really something wrong; you just didn't understand social mores. I had a sign, before it was popular, saying that my house was a non-smoking house, and I remember serving coffee to people who said to me, "I can't have a coffee without a cigarette," so I put out only three cups for coffee, because obviously the fourth person wasn't going to have it. When he saw that I had only put out three cups, he said, "I think I'll have a cup of coffee." I thought, "That's fine, as long as you don't smoke in my house."

I thought it was really a coming of age when we saw municipalities take hold of that issue and start, on their own initiative, to introduce bylaws that restricted smok-

ing. It demonstrated the kinds of problems you had when, on one side of the busy street, there were bars and restaurants that allowed smoking, and on the other side of the street, there were those that did not.

It is that issue that I think is part of the problem we look at today. We saw the bylaws then, and the very heated debates that took place in those municipalities where they undertook to introduce non-smoking bylaws. They were constantly wrestling with the issues around what areas it would be allowed in and what areas it would not.

I remember, as I'm sure everyone remembers, visiting people in hospitals. I also remember when doctors smoked in their offices. I remember when you had to run the gauntlet, as you went into the hospital, of all the people, both staff and patients, who were outside the hospitals smoking. I remember a very close family friend of ours who sat under an oxygen tent. My husband visited him just prior to his passing away, and he asked my husband to help him take the oxygen tent off because he had a cigarette stub in his pyjama pocket. He died two days later. It spoke to the incredible addiction that smoking represents.

We're here looking at this particular bill in the context of that history, a history that has gone from a very, very socially acceptable—in fact, almost envied—kind of behaviour to today.

My problem with this bill, in addressing the idea of a smoke-free Ontario—which, fundamentally, I agree with. I'm actually very allergic to tobacco smoke. I learned that in my late teens when I of course wanted to join the cool group who smoked. I discovered that was not going to be part of being cool for me. But I am very concerned when governments decide to have a societal good that has not addressed the issues of people who stand to lose by those rules.

I'm concerned about entrepreneurs. In York region, there was a natural reaction, in terms of the health issues and things like that, with regard to having a smoke-free York region. In an effort to try to balance the interests of smokers and non-smokers, they introduced the whole notion of smoking rooms. In good faith, those entrepreneurs, those restaurant and bar owners, made those changes to their restaurants and their bars. That's where I feel that the government has overlooked that issue.

Yesterday, I raised this issue in a brief response in debate, and the answer the government gave was that a very small percentage of entrepreneurs are thus affected. It's a good thing, I guess, that there is a small number, but I think we have an obligation to that small number. When you offer something like a smoke-free Ontario, you have to consider that there are losers in this initiative. I think it's important for government to be sympathetic to those people who are adversely affected.

We're talking about people who have made those investments, some of which, in my riding, are \$100,000. You have to sell a lot of coffee or serve up a lot of beer to pay for a \$100,000 investment, particularly when it now

becomes obsolete. Those are the kinds of things that the government has not taken into consideration.

Much has been made about the commitment by the government to offer transition money to the agricultural community, yet when we look at the fine print, it appears that has been glossed over. They're not being provided with the kind of support they believed would be available to them.

I want to talk for a minute about another group of people that have been left out of this conversation: the people who are psychiatric patients, the people who live in residences, for whom tobacco is basically their one and only diversion. There should have been some consideration provided for those people. They have very few appropriate outlets. Many of them have chosen tobacco. It's very unfortunate that those people are not in this conversation. They are not provided for in the limits of this piece of legislation. They are very often residential. This is their home. This is the only place. When you start thinking in terms of workplaces and public places, it's to the exclusion of those people who live permanently in those residences and who rely on that kind of diversion.

#### 2110

Lastly, I have to talk in the same way—well, not quite the same emotional way—that my colleague from Simcoe-Grey talked. Obviously, I'm very sympathetic, as a cancer survivor, to the whole issue of the impact of tobacco. I'm also very sensitive to the importance of providing cancer care to everyone in this province. I'm also very conscious of the need for investment. I was really shocked when, in our local newspaper, the information was made public a few months ago that York region has a higher cancer rate, in both breast and prostate cancer, than anywhere in the province. So I will use this opportunity to make a similar plea that we provide cancer care for the people in the area. Being able, throughout the trauma of cancer treatment, to have it closer to home is extremely important and something that all the families and the community, frankly, who provide the volunteers to do the driving, appreciate.

In my riding, there has been an indication of support, but we need to have more than that. We need to have cancer treatment at Southlake. We are buoyed by the fact that the community has rallied. The kind of money that has been raised to support the interests of Southlake in providing cancer treatment to an ever-growing population is obviously extremely important. We were extremely pleased by the fact that Magna, as one of the largest employers in York region, has contributed \$8 million to a cancer treatment centre at Southlake.

The notion that the community is very much behind this initiative makes it all the more poignantly urgent for us to see the government of Ontario come forward and provide the kind of support and money that would allow people in York region, as well as south Simcoe and as far north as south Muskoka, to be able to access the kind of treatment that is life-giving, frankly.

We can't divorce this government's initiative on providing a smoke-free Ontario from the need to provide treatment as well. When we have a 42% increase in cancer in York region, it comes as an alarming message to all of us on the importance of providing cancer treatment.

The whole government initiative on creating a smoke-free Ontario is one that they claim has to do with reducing the dangers of second-hand smoke, and first-hand smoke, obviously, and the carcinogenic influence it has. But hand in hand with that has to be the commitment to extend cancer treatment, particularly in areas where there is an identified need.

We are on the point of something that's quite historic, when you look at the change that has taken place in the public from the notion that smoking was a cool thing to do, was certainly socially acceptable, was something that you should do if you really wanted to demonstrate your sophistication. Those of us who remember receiving all the ashtrays—I don't know what other people have done with their ashtrays over the last few years. Some of them were really works of art.

But I do think that as we're on the brink of making this kind of landmark legislation, there are two things that we have to remember: You can't ignore those people who are paying a huge personal price for a societal good. I think the government is missing an opportunity to respond to those people who, in good faith, have made those kinds of investments, and who therefore should have some kind of support from the government, and the people who are frail, are fragile in our community, who do have tobacco as one of their very few diversions. And finally, the importance of providing cancer treatment in an equitable way across the province. My community has made a very significant financial contribution. It has risen to the challenge, and we would hope that the provincial government will do the same.

**Mr. Baird:** On a point of order, Mr. Speaker: I'd like to ask for unanimous consent to move the following motion with respect to this evening's sittings on Bill 164: That when the debate on the motion for third reading on Bill 164 adjourns tonight, it be considered to be one full sessional day, and that the following members be deemed to have spoken to third reading: the member for Nepean-Carleton, the member for Simcoe-Grey and the member for Barrie-Simcoe-Bradford.

**The Acting Speaker:** Is there unanimous consent to move a motion? I heard a "no."

Questions and comments?

**Ms. Martel:** I want to just say a few things with respect to the comments that were made by the member from York North. The first thing I want to do is to acknowledge her own fight with cancer, and to say as a member of the public accounts committee who sits with Mrs. Munro that I for one was very glad to see her return to this assembly and to that committee after her many, many months of battle with cancer. It's been very good to have her back. I for one, and I'm sure all members, wish her very well.

One thing that struck me about what she said was that there was a time when there wasn't a movie that didn't portray actors smoking. She could also have said that it wasn't that long ago when in every movie theatre and cinema you went into, people were allowed to smoke. It wasn't that long ago, but it's funny: When you talk to people who are younger than me and you relate that story to them, they find it hard to believe that that could be the case.

Having said that, I think it speaks to the reason why we need to be sure that we make smoking as abnormal as possible, that we denormalize smoking, that we make sure that young people understand that the majority of people in Ontario don't smoke and don't think it's a good thing.

That is why I remain very distressed by the fact that the government refused to accept an amendment that I moved at committee, which would have banned tobacco advertising behind the counter. I did this because we heard from so many young people during the course of the public hearings that seeing 200 or 250 packages of cigarettes in a retail store behind the cash register makes them think that it is normal. It makes them think that thousands and thousands of people smoke, and that it's OK. Really, the government should have done what it promised in the election and banned tobacco advertising, not just on the counter but also behind the counter at point of sale, if we're really going to encourage young people not to start smoking in the first place.

**The Acting Speaker:** Further questions and comments?

2120

**Hon. Madeleine Meilleur (Minister of Culture, minister responsible for francophone affairs):** I wanted to say to the House tonight that I was part of the government in Ottawa after amalgamation when we passed a bylaw to have a non-smoking city. That was the one thing that we did where we were recognized by the whole population and thanked for what we had done. First of all, it is a minority of the citizens who smoke. We speak sometimes as though it were the majority, but no, it's a minority. The people were very thankful. Now, when we visit other cities where you go into a restaurant and they ask you, "Smoking or non-smoking?" we're shocked. We feel strange, because it's something that is never asked.

I was listening to the member from York North. You brought up a lot of good points, because in hospitals, nurses and doctors were smoking—not in their offices, but at the desk—and the patients were smoking. Now, reflecting on that, I'm wondering why we were doing that. For those who didn't smoke, it must have been terrible to sit in a room with a lot of smoke. As a nurse working in the delivery room, I was always amazed that a mother in labour, almost ready to deliver, would want to smoke. At that time, they were permitted to smoke in their rooms. So I hope that we're going to adopt this bill, and I hope that pretty soon we will have a smoke-free Ontario.

**Mr. Robert W. Runciman (Leeds–Grenville):** At the outset, I want to compliment the member for York North, Mrs. Munro, for her contribution to the debate this evening, and to compliment her personally. As I think all of us in this House know, she's had her own challenges and battles with cancer. I've heard many of us talk this evening about family members and other loved ones who have faced these challenges, but we have here in our midst a member who has faced this challenge in the recent past and has shown great courage in her battle. I can tell you how proud we are of her and of what she's done. I don't think it's been referenced here during the discussion.

I personally support the legislation. I have concerns about certain aspects of it: certainly, the treatment of private property and of the people who have made significant investments in their businesses and who are now receiving no recognition for that whatsoever from the Liberal government. I think we can move rather expeditiously on this legislation.

The concern on this side of the House is related to the adoption legislation and to the government's intransigence in terms of crown wards and the ability to have a veto with respect to retroactivity for crown wards. We're talking about a very small number of people: people who have been victims of incest, victims of sexual assault. We're talking primarily about women here. We've asked the government to recognize that concern. I think we can move forward on a range of issues that are on the agenda at the moment. I want to put that on the record, and I'll elaborate more later this evening.

**Mr. Pat Hoy (Chatham–Kent Essex):** I'm pleased to rise and make a few comments about this very important piece of legislation for our government, Bill 164.

I chaired the committee hearings, and it was mentioned that various municipalities had introduced bylaws on their own in this regard to control and ban smoking in public places. I don't think it was ever mentioned that Chatham-Kent is one of those municipalities.

Through the hearings, we did hear from many persons, groups, organizations and individuals who said that what we must have in Ontario is a level playing field. We have jurisdictions that have smoking bans, and right across the street, where that jurisdiction happens to end as a municipality, there is not a smoking ban. People were really looking for a common law, something that applied to each and every jurisdiction, for the betterment of the public at large. Bill 164 does that for those persons. Consistency will arrive in Ontario at the passage of this bill, and I hope that will happen here tonight.

We've learned a lot. The member opposite said it was cool to smoke at one time, and indeed it was. Most high school and university students, at one time decades ago, found the notion of smoking to be cool. People wanted to fit in. I think that, in some regard, when teens are asked not to grow their hair long, that's the first thing they do, is grow their hair long. Ask them not to smoke, and they'll smoke. When I could, I grew my hair long, and all manner of costume might have appeared on me as a

youth. But it will be incumbent on us as a government now to ensure that, along with this ban on smoking in public places, the youth of today know that smoking is not cool. We must protect future generations of youth here in Ontario.

**The Acting Speaker:** The member for York North has two minutes to reply.

**Mrs. Munro:** I certainly appreciate the comments made by the member for Nickel Belt, the Minister of Culture and the members for Leeds–Grenville and Chatham–Kent–Essex.

The member from Leeds–Grenville, and obviously the government members, talked about support for the bill in its general concept. The concern is the people who have been left out of the changes. That's something that is of concern. I certainly agree with the member from Chatham–Kent–Essex when he referred to the patchwork that was developing across the province. As I said in my remarks, on one side of the street, there could be no smoking, while on the other side there is smoking.

I just offer this suggestion too: We have to be really careful about where we eliminate and reduce people's choices. I thought it was very interesting that businesses chose to put up signs, in areas where there was smoking, that said, "This facility is smoke-free." Then people had a choice. Those businesses did not go out of business; in fact, people flocked to them. Some of that kind of opportunity should be available. In this particular piece of legislation, we have to be very careful to protect everyone's rights.

**The Acting Speaker:** Further debate?

**Mr. Baird:** I'm pleased to rise to speak on this debate tonight.

I bet there are all kinds of people watching this on television saying, "Why is the Speaker calling on another speaker?" because it's 9:30, and at 9:30 the House adjourns. I think we need to explain that the government is turning up the heat, trying to hold us hostage. We're going to sit until midnight, and no one's allowed to leave until Dwight Duncan gets what he wants. Well, where's Dwight Duncan? Is Dwight Duncan here tonight? Dwight Duncan—

**The Acting Speaker:** I ask the member for Nepean–Carleton not to refer to other members of the House by their surnames, and I would also ask him not to make reference to the absence of any member of the House. He knows full well that those particular habits are not tolerated.

**Mr. Baird:** I apologize, Speaker.

Who is keeping you here? They're trying to put the sauna on, trying to turn up the heat, and to say to the opposition, "You'll do everything we want or this House will sit around the clock until we get what we want." It's a terrible tactic.

Do you really think it's the government House leader who's calling the shots on this? No, no. It's the whiz kids in the Premier's office who are calling the shots. I look here in the phone book: Don Guy. Where is Don Guy? Don Guy is keeping all of you folks here tonight. Where

is Don Guy? I'll tell you. He's not having to stay late at work. He's probably at some five-star, chi-chi, frou-frou, hoity-toity restaurant, while you guys have to work until midnight.

**2130**

**Mr. Runciman:** On a government expense account.

**Mr. Baird:** "On a government expense account," no less, says my colleague here.

Why isn't David MacNaughton here? Where is David MacNaughton? I'll bet you someone said to David MacNaughton, "Don't worry, you don't have to be there. We'll make all those backbenchers be there." This is what David MacNaughton probably said: "Don't worry, there are lots of hungry backbenchers who want to be ministers"—they've got them on a short leash, because there's a rumour of a cabinet shuffle coming—"and they will all stay there." And someone said to him, "But you don't want to have to stay here, David. You're an important man. You've got decisions to make, chi-chi restaurants to go to. Why would you want to stay here?" "I don't have to stay here," he would say. That's what I bet.

Let's look at who else. Bert Clark: Do you think Bert Clark is here tonight? Where's Bert?

**Hon. Mrs. Meilleur:** Who's Bert Clark?

**Mr. Baird:** Bert Clark has a lot of influence, I say to the minister, more than you guys do.

Robert Silver. I bet if Robert Silver were here—he's not, but I bet if he were—he'd be saying, "Boy, aren't they suckers?" If he could speak in this House—I bet that's what he's thinking.

*Interjection.*

**Mr. Baird:** He's gone, the minister says. He's not here.

**Mr. Runciman:** Don't forget Matt Maychak.

**Mr. Baird:** I haven't gotten there yet. What about Gerald Butts? Do you think Gerald Butts is here tonight? I like Gerald Butts. Gerald's a good guy. Why does he bother? He doesn't have to stay here till midnight. All of you have to stay here till midnight. Gerald Butts doesn't have to stay here.

What about Kate Keefe? She doesn't have to stay here. Dave Pryce wouldn't be here. What about Charrissa McQuaig? She's not here. She says, "No, we have junior underlings to do that. They're called caucus. They'll have to stay till midnight."

**Mr. Runciman:** Nobodies. That's what Pierre Trudeau called us.

**Mr. Baird:** That's what the former leader of the Liberal Party called members of Parliament: nobodies. These are all disciples of Trudeau.

What about Karli Farrow, the director of policy and research? I have to tell you, I like Karli. She used to work for me. Karli Farrow was an intern in my office. She did a fantastic job, and I'm glad the Liberals have kept her on. She's a very smart woman. What about Aaron Dobbin, David Harvey, Alex Johnston, Erin McGinn and Jamison Steeve? Where are they? If this were important, they would be here, but they don't have to be here.

**Mr. Runciman:** Where's Matt Maychak?

**Mr. Baird:** Matt Maychak said, "We're going to play hardball with these guys. Make these backbenchers stay late." I bet you they'd have to say that.

Let's look at who else is not here. Look at the communications team in the Premier's office. They're firing 757 nurses, but we've got Jim Warren. I like Jim Warren, actually. I won't talk about Jim. He's a good guy. But we've got Meghan Lauber. We've got James Ip. We've got Tony Rossi. We've got Jennifer Tracey. We've got Terri Lohnes. Oh, Terri. I went to Queen's with Terri. I like her. She was on the student government when we were at Queen's.

**Mr. Runciman:** You like too many of these Liberals.

**Mr. Baird:** I do. I get along with these Liberals. I'm the most non-partisan partisan guy you'll find, I say to the opposition.

**The Deputy Speaker (Mr. Bruce Crozier):** Member for Nepean-Carleton, please take your seat. I've watched the clock, and it's been some time since I've heard a reference to Bill 164 or to smoking. You did ask me at one point where these people are. Far be it from me to warn you, but you should know that some of these people may have a legitimate family or personal reason, so you should tread carefully.

**Mr. Baird:** Thank you, Speaker, for that guidance.

Matt Maychak: Now, Matt—

**The Deputy Speaker:** Member for Nepean-Carleton, please sit down. I told you that I want to hear about Bill 164. Get to it quickly, please.

**Mr. Baird:** Thank you, Speaker. Matt Maychak would have us believe that this bill is going to solve all the problems of world, but if Matt Maychak thinks this bill is so important, where is he? He should be here, but he said, "No. We'll have our people come and show up for the debate on Bill 164."

**Mr. Runciman:** The nobodies.

**Mr. Baird:** The nobodies. "We'll make them stay. They'll come." I like Matt Maychak too. Have no doubt about it: Matt Maychak will have a lot to say on who gets in the cabinet. Matt, if you're watching, I could rhyme off the people here to support Bill 164. Matt Maychak would want to know, because he will be one of key people who gives advice to the Premier on who will get in cabinet.

I know it must be awful. I look at people who have been here for 10 years, a well-respected member like Pat Hoy, who is here. He has to watch Steve Peters ruin the Liberals' support in rural Ontario—ruin it. The Minister of Agriculture obviously has little, if any, influence in this government, and someone like Pat Hoy comes here every single day and has to put in his time watching the Minister of Agriculture preside over a 23% cut in his budget.

*Interjection.*

**Mr. Baird:** That's not true? Well, go to page 29 of the budget papers, top of the chart: Greg Sorbara tabled the facts in this Legislature. But Pat Hoy has to come here every day and watch this bumbling minister bumble along. Matt Maychak knows. It's a short leash.

*Interjection.*

**Mr. Baird:** I know my friend Wilkinson here, from Perth, would make a fine Minister of Agriculture.

**The Deputy Speaker:** No, no. Let's get an understanding. You have been warned once tonight that you don't use the first names. You can use the name of the person's riding. I have listened to a few of them, and I think now it's time to abide by the rules.

**Mr. Baird:** Thank you, Speaker. The member for Perth–Middlesex: Now there would be a Minister of Agriculture who could fight for tobacco farmers. That minister is not doing a good job, but the member for Perth–Middlesex would do a fine job in fighting for tobacco farmers, don't you think?

**Mr. Runciman:** What about Peter Fonseca?

**Mr. Baird:** Peter Fonseca? He's in health; he's the PA. He's here. The Minister of Health is here too. I'm glad to see him here, because poor Fonseca has had to defend this bill all night by himself—

**The Deputy Speaker:** Order. I want to remind the member for Nepean–Carleton that that gentleman is the member for Mississauga East.

**Mr. Baird:** Thank you, Speaker. The member for Mississauga East has had to defend this bill all evening. I'm glad the Minister of Health has come to join us. They probably heard my speech that said, "Bring in some of the bigwigs." "I'm not coming in," said some of the staff. "Get the Minister of Health in."

**Mr. Runciman:** They knew you were in trouble.

**Mr. Baird:** They're feeling the heat already. I could go on. They do have a lot of staff. Christine McMillan: She's the director of operations in the Premier's office. They probably have people here, instead of helping Bill 164 pass—"We'll just get the caucus to stay here," they probably said.

I could go on. Minister Smitherman is here. I apologize, Speaker: The Minister of Health is here. I'm glad to see he's here. I also notice that his hardworking assistant, Abid Malik, is here. Abid is here, and if it's good enough for Abid, where are all the people in the Premier's office? Poor Abid Malik has been here all night, working hard on trying to get Bill 164 passed. I've been trying to help him get this bill passed; as the health spokesperson for the Conservative Party, I've been trying to help my good friend Abid get this bill passed. But they've abandoned Abid here to try to pass this bill by himself. I know where Abid would rather be. He would rather they turn off the sauna, turn off the steam room and all the political heat and have a more honest debate about this. That's what Abid would say if he could speak here. But I will be Abid's voice if he can't speak in this place, because Abid's a good guy. I like him. He's here today to talk about Bill 164, the tobacco bill. I could go on and on.

2140

I could also go on about other areas. My friend the Minister of Northern Development and Mines was the one member who said no to getting out of here at a reasonable hour, to say no in support of the terrible

tactics of the whiz kids in the Premier's office. Bartolucci is here, but is Alexandra Dostal here? No. Is Joanne Campea here? No. Is Tammy Bender here? No. Is Lindsay Maskell here?

**Hon. Mr. Bartolucci:** Yep.

**Mr. Baird:** Is Lindsay here? Where is Lindsay?

**Hon. Mr. Bartolucci:** She's over there.

**Mr. Baird:** I don't see her. The gallery's empty. They don't have to be here. Lindsay doesn't have to be here. Lindsay, if you're watching at home—she has probably got a Diet Coke in her hand and her feet up. Lindsay's not worried about Bill 164 and the high-pressure tactics of the McGuinty government. Lindsay probably said, "Rick is here. I'll just go home," and Lindsay's at home having a nice Diet Coke with ice and maybe a little lime in it. She's probably watching American Idol or CSI or something like that. She just says, "I'll let the minister stay here. I don't have to be here to discuss Bill 164." Christine Fish probably said, "I'll put this on the minister's schedule and he'll have to attend." Thank God she doesn't have to attend. Julie Santoro was probably on her way home—

*Interjection.*

**Mr. Baird:** Sorry. Julia Santoro. The government phone book made a mistake. You better complain to your friend the Chair of Management Board. There's a mistake here. There are so many political staff that they make mistakes when they put them in.

**Mr. John Milloy (Kitchener Centre):** John, how are you voting on the bill?

**Mr. Baird:** I'll be voting against the bill.

**Mr. Milloy:** Why?

**Mr. Baird:** Because I believe in property rights.

We know where all the whiz kids in the Premier's office are: They're all at home.

But they've got the yoke around them. It's the end of the session; it's coming up to the two-year anniversary. Traditionally, that summer is when they have the big cabinet shuffle. The Minister of Health is here now. The Minister of Labour was here. He's got a certain stride in his step nowadays. He's been here a little while and has done a good job, and he's on the way to a cabinet promotion. But I think the Minister of Health is going to stay in his position, because I watch him and the Premier, and the Premier and Minister of Health have this bond, this close relationship; they're clearly in sync.

**Mr. Runciman:** "Keep me out of it." That's what the Premier said to him when—

**Mr. Baird:** That's right. When they were talking about private hospitals, the Premier leans over, as he often confides in the Minister of Health—and this is his bill, Bill 164—the Premier leaned over to him and said, "Just keep me out of it."

**Hon. Mr. Bentley:** On a point of order, Mr Speaker: I heard my name called. Is it time to speak about the bill? Is it time to speak about ending smoking in public places or not?

**The Deputy Speaker:** The member for Nepean–Carleton will be reminded that Bill 164 is the topic.

**Mr. Baird:** I notice the Minister of Labour always watches health issues, because he's boning up on his health policies, waiting for the cabinet shuffle. He'd like his name to appear on the front of Bill 164. I think he's going to get a demotion. He could be demoted to health or demoted to finance. With his performance in cabinet, he could be demoted to health, finance, education or management board. That's the kind of demotion this minister is facing. I don't think he would pursue Bill 164 or the House business this way. I would say that on the high-pressure tactics they're using to pass Bill 164, if the Minister of Labour was the government House leader, he would be far more reasonable. He wouldn't keep his caucus colleagues here till midnight playing legislative tomfoolery with the order paper, with high-pressure tactics to try to intimidate the opposition on Bill 164, the tobacco bill, and the adoption bill, which I know some members have significant concerns about.

I say the Minister of Labour would make a good health minister, and he would present a better bill than the one we have been presented with.

**Mr. Runciman:** He's already bumping into the seat there.

**Mr. Baird:** Maybe he'll be Minister of Community and Social Services, because he has already taken her seat. She's on thin ice. I think she's in trouble today. I was speaking about her performance during question period.

Bill 164 is before the House, with the high-pressure tactics of our friend the Minister of Northern Development and Mines, who's the acting House leader tonight. He said no to the politics of unity and trying to work together. It was always the hallmark of the time when I was government House leader that I never once threatened to use time allocation. I don't believe in threats when working with the opposition. I think if you confided in them, they would tell you that that was not something that I ever once, as government House leader, threatened to do. I think it's important to put that fact on the record.

I think we should have a regime that is more cooperative and constructive in working with the other parties in this place. We have a minister for democratic renewal on Bill 164, the tobacco bill, who would say that we should have a more constructive environment in this place. I want to say that the government House leader, on occasion, has been good to work with and has been constructive, but I suspect he is being shackled by the whiz kids in the Premier's office.

One of the whiz kids who works in the government House leader's office, Bill Wrye, had to check with whiz kids in the Premier's office. Bill Wrye would be a good government House leader. Absolutely. I like Bill Wrye. He's a good fellow; he's a reasonable, common sense fellow. I would dissociate Mr. William Wrye from any remark I have made in this speech about whiz kids and staffers causing backbenchers problems, because he's someone who has actually had the guts and courage and fortitude to put his name on the ballot, and there's a lot of respect in that.

**Interjection:** He knows what it's like to sit in here.

**Mr. Baird:** He knows what it's like to sit in here, exactly, because he had to sit in here for hours while the Premier's office played games.

I hope that Bill 164—we will have a vote on it, and I support having a vote on it. I think everyone in my riding would like to see a vote on the bill. I would acknowledge that I have significant problems with this bill. I would be remiss if I didn't acknowledge there are some constituents in my riding and in Ottawa who do support this bill, who do like the bill. I have concerns about it. I have concerns about property rights. I have concerns with respect to small business people who have been honest and worked hard to put in a designated smoking room. They've even gone so far as to say, "We won't allow staff to work in them." But apparently that's not good enough for this uncompromising, "our way or the doorway" government we have in Ontario, and that's too bad.

**The Deputy Speaker:** Questions and comments?

**Mr. John O'Toole (Durham):** The member for Nepean–Carleton has said most of what I expected to say in the next 20 minutes, but the passion that he has brought to it, the realism that he has brought to it—"It's our way or the highway." That's the high-handedness of the current government. They're not listening to small businesses. Any transitional plan that anyone could imagine for the hotel, restaurant and entertainment business, which had been given signals to encourage them to make certain commitments, is now being abolished. That's the arrogance of the government when they're probably on the right track. No one would ultimately agree with the issue of smoking in public places. There's evidence that would support that it's the right thing to do, but to do it with the stroke of a pen, with little consultation and a lack of a transition plan from the minister, not just for the hospitality industry but for the agricultural industry, is completely insufficient.

But I can only talk, and I will be speaking later with respect to how this impacts my riding, but the passion and the comments made by the member from Nepean–Carleton really are very hard to surpass, and I would hope that those who are tuned in would be—

*Interjection.*

2150

**Mr. O'Toole:** I would say that Mr. Wilson's earlier comments would be hard to surpass as well, and I'll try to stay away from that. The member from Simcoe–Grey did have a lot of passion in his comments. But the issue I'm trying to make is one that you're either with them or against them, and it isn't quite that simple. Bill 164 and the rush to make it law on the day that categorically is marked as the non-smoking day is really an indication of their "haste makes waste." And that is indicated in many pieces of legislation that are before the House today.

**Mr. Gilles Bisson (Timmins–James Bay):** When my good friend the member from Nepean–Carleton talked about all the political staffers who weren't here tonight, he wanted to know where the political staffers were who didn't want to deal with banning the power walls,

because that is certainly an issue that should have been dealt with in this legislation. This government is saying they're not going to do it until 2008. We, the New Democrats, put forward an amendment to the legislation that said we should ban power walls, because that's something that has been asked for by public health units and others when it comes to the issue of being able to try to curtail tobacco use among young people. I know my good friend from Nepean–Carleton will want to comment on why it is that the political staffers were not here to assist with the issue of the power walls.

**The Deputy Speaker:** Further debate?

**Mr. Bob Delaney (Mississauga West):** It's a good thing that the member for Dufferin–Peel–Wellington–Grey is not here. Tomorrow is opposition day.

**Mr. Baird:** Mr. Speaker, on a point of order: As you so correctly pointed out to me, the member has made reference to the absence of a member, and I would ask you to rule if that is in order.

**The Deputy Speaker:** That is a point of order. The member from Mississauga West knows full well that you're not supposed to point to somebody's absence.

*Interjections.*

**The Deputy Speaker:** When the Speaker is standing—OK, let's get back to it.

**Mr. Delaney:** Tomorrow is opposition day, and there is a resolution to be debated that has to do with decorum in the House.

**The Deputy Speaker:** Member for Mississauga West, you can't refer to something that might be coming before the House. Stick to the issue at hand, please.

**Mr. Delaney:** Well, Speaker, what does decorum in general have to do with Bill 164? Nothing. What does eating up speaking time through an endless repetition of names of staff people in the phone directory have to do with Bill 164? Nothing. What does a temper tirade have to do with Bill 164? Nothing. It may be about a lack of decorum shown toward the institution of government in the province of Ontario. Yet if it should come to pass that we debate decorum, members may rise in their sanctimonious glory and talk about whether or not there should be a higher level of debate in this chamber. So let it be recorded then—

**The Deputy Speaker:** Thank you. Questions and comments?

**Mr. Runciman:** I want to commend the member for Nepean–Carleton for his usual very cogent and persuasive arguments placed before the Legislature. I think the message he delivered this evening was truly effective.

The government member who spoke just before me asked, "Why are we here this evening?" and I think that's a good question. People who are viewing the proceedings this evening may also ask themselves, "Why are only member of the Progressive Conservative Party effectively participating in this debate? What's the point of this?"

I indicated in an earlier intervention that I will be supporting the legislation, as will many of my colleagues in the Progressive Conservative Party at the end of day,

although we have significant concerns about property rights, the treatment of tobacco farmers and so on. But our primary thrust here this evening is our frustration with the government over the adoption legislation and their refusal to deal in an effective manner with victims—and we're talking about 3% to 5% of the population that will be impacted by the adoption legislation, in terms of its retroactivity provisions. We want those 3% to 5% who were victims of sexual assault, victims of incest, primarily women, to have the right to a veto. That's what we're talking about. The government is stonewalling us on this legislation. We in the opposition have very few options open to us to deal with this, to try to persuade the government members to face the facts, to face reality with respect to the adoption legislation. One of those options open to us is to delay passage of this kind of legislation. Even though a majority of us may support it, we have to use the tools available to us. That's what we're doing this evening, and we will continue to do so.

**The Deputy Speaker:** Does the member for Nepean–Carleton wish to reply?

**Mr. Baird:** I'd like to thank the members for their interventions.

To the member from Mississauga who spoke, what we're doing is standing in this place and saying we respect the fact that the Liberal Party won the election in 2003, but they have to respect the fact that a majority of the people of the province of Ontario did not vote for them; they voted for those of us on this side of House. Furthermore, there should be a meaningful dialogue, not a "my way or the highway" approach to negotiating between the different political parties. This kind of demand that the opposition House leader has put forward—"Could we have an hour or two hours of testimony before committee from the privacy commissioner?"—"No, no. That's too much to ask. I'm sorry. I know you got 55% of the vote from the people of Ontario on the opposition side, but we're not going to allow you to call the privacy commissioner before the committee for that amount of time. Two hours is too much to ask for."

Or when I asked the government House leader if we could send a bill on newborn screening to committee for a day of hearings, "No, no. We can't discuss that. That's too much to ask." Well, it wasn't. It was fine for that member to put the bill on newborn screening as a private member's bill when he was in opposition, but it's too much to ask for: one day of hearings on a bill for newborn screening for little infants, to try to find a way to save lives.

That is what this is about. It is a serious, genuine attempt from the official opposition to get the attention of the government, which is becoming far too increasingly arrogant far too early in its mandate.

**Hon. Mr. Bartolucci:** On a point of order, Mr. Speaker, I seek consent to move the following motion: That the House do now adjourn and that when Bill 164 is next called, it be ordered for a vote without further debate.

**The Deputy Speaker:** The member was seeking unanimous consent. Agreed? I heard a no.

The member for Barrie–Simcoe–Bradford, further debate.

**Mr. Tascona:** I'm very pleased to join in the debate on Bill 164. I think as the member from Leeds–Grenville put it, as to why we're dealing with this bill, there's general consensus in terms of the House; there's no doubt we're in favour of the bill. I voted in favour of Bill 164 at the last reading. It is, I think, a very important issue in terms of trying to deal with the health care issues of this province. I have indicated why I support the bill.

But the other aspect of why we're here, and I think the member from Leeds–Grenville put it there, is in terms of dealing with Bill 183, which is the adoption bill. The retroactive impact of the legislation known as the adoption bill—

**The Deputy Speaker:** Member for Barrie–Simcoe–Bradford, take your seat, please.

Before we get too far into this, we aren't debating Bill 183; it's Bill 164. So let's try to do that and get through the evening.

*Interjections.*

**The Deputy Speaker:** Well, you're a lawyer. I know you'll get to the point, like a judge would say.

**Mr. Tascona:** I thought you were going to ask the member from Peterborough not to interrupt while I was trying to speak, Mr. Speaker.

**The Deputy Speaker:** No, I was asking you to sit down while I was trying to give a ruling, and you're still not sitting down when the Chair stands. You know you're supposed to sit down when the Chair stands. Thank you. I'll address the member from Peterborough when it's necessary. Please, 164.

**Mr. Tascona:** I've got a different understanding of the rules. I guess we're going to have a really interesting debate here.

2200

**The Deputy Speaker:** Member for Barrie–Simcoe–Bradford, it won't be a debate. I assure you of that.

**Mr. Tascona:** That's for sure, because I can't seem to get up and hold the floor. So, Mr. Speaker, I'd just like to comment on the bill, which I think I'm entitled to do, since I'm on the floor and I'm just speaking on Bill 164. If you want to listen to me, I'd be more than pleased to speak.

Dealing with this bill, I just want to say very clearly that there are a number of aspects—and I mentioned it earlier. I've spoken many times, even before you were in the Speaker's chair tonight, about the aspects of this bill. It's such a contradiction in terms. The federal government has jurisdiction over smoking in terms of the Canada Health Act and dealing with a drug, which is tobacco. They've chosen to make this product legal. So we have federal jurisdiction which makes smoking tobacco legal. It goes back to the member from Halton–Brant in terms of dealing with property rights. There are two aspects to this bill. There's the property rights aspect, because the federal government has made the smoking of

tobacco legal. The provincial government has a role in terms of regulating smoking within the province. What they've chosen to do is to regulate it by banning smoking throughout the province. That's the fundamental contradiction in terms of what we're dealing with here. The federal government could make this a very easy issue for everyone: Ban smoking in the country. But they've chosen not to do that. Why they've chosen not to do that is because they believe, rightly or wrongly, that the selling and the retailing and the smoking of tobacco should be legal. So we now get into provincial jurisdiction, where they're saying, "We're going to regulate this, because we think smoking is wrong."

I'm quite surprised there hasn't been, in terms of an overlap of powers here, a constitutional challenge with respect to this legislation. I suspect there will be. I suspect there will be a charter challenge with respect to this legislation because, quite frankly, this is an overlap in terms of jurisdiction. The federal government says it's legal to smoke; the provincial government says, "No, we're not going to allow smoking." So you have the competing aspects of health care—and everybody in this House recognizes that health care is important. There is a tremendous cost to the health care system because of cancer, and to people who smoke—that's an undeniable fact—and to people who are faced with people who smoke, second-hand smoke, as we know it. So on that side, everybody recognizes what the provincial government is trying to accomplish here in terms of making sure that we have a safe environment where people can go out and eat, a safe environment where people can go out for entertainment, a safe environment for people when they go into the workplace.

The other side of the coin is that the federal government has said, "We are legalizing this product." So what we have is retailers and businesses that have been in business for many years and have been getting mixed signals over the years. The mixed signals are, "We're going to allow smoking," from the federal government; the provincial government says, "No, we're not going to allow smoking unless you have ventilated room systems. If you do that, that's fine. We'll allow that to happen," without giving an exemption to, say, the Legion, to say, "You can smoke at the Legion, because you are veterans and we're going to allow that to happen." So Legions acted on that by saying, "OK, we're going to get ventilated smoking rooms." They are expensive; they were very expensive. They followed the rules with respect to how to operate their businesses and implemented ventilated smoking rooms.

Now the rules have changed again, for policy reasons, I presume, or for reasons the current Liberal government feels they want to act on in terms of dealing with smoking. There is an argument to be made that probably, if the government didn't act provincially, it may have happened anyway. My understanding was that even before this legislation was in place, more than 63% or so of municipalities had already enacted smoke-free municipal bylaws, so they were moving in that direction

without the help of the provincial government. Why the provincial government has decided to change the local solution in terms of how people want to do things probably has a lot to do with the way this government thinks ideologically and the way they want to intervene in property rights and intervene in local solutions.

An example of that—I don't want to get too carried away, because the Speaker will be listening to me—is the Peel governance bill. They decided, "We're going to tell them how to operate at the local level," even though they had a way of operating at the local level. They're intervening because they feel it is right. And it has a lot to do with the way the Ministry of Labour operates in terms of their remedial approach to making sure the workplace is safer. Obviously, they're to be commended, because the fact of the matter is that we want a safe workplace environment.

I think the purpose of this bill is that they want a safe environment for people to not be exposed to second-hand smoke and to not be smoking per se. But the problem with this is that the federal government has their own rules. They have the primary power in this particular issue, and they believe that legalized smoking of tobacco is OK. They also believe that legalization of marijuana is OK. We also have measures properly being taken by the provincial government to deal with grow houses, which is another sort of competing situation, where one level of government believes a product is OK and another level of government believes it has to be regulated. But those are the responsibilities that have been given under the charter.

That's a big issue. It's an issue because now we have amazing pressures, significant pressures, on us with respect to cancer care in the province. As everyone knows, Cancer Care Ontario has set out a blueprint with respect to how they want to deal with cancer care in this province. I believe that Cancer Care Ontario plays a very fundamental role in the planning. They're an adviser to the Minister of Health, and the Minister of Health has a plan, a blueprint, that has been put forth by Cancer Care Ontario. You ask, why would I be interested in that? As the member from Barrie-Simcoe-Bradford, cancer care is a major issue in my riding because of the two areas that need cancer care facilities: Royal Victoria Hospital in Barrie and the Southlake Regional Health Centre in Newmarket are both slated to have cancer care facilities for those areas. The only question is where that falls within the capital blueprint that will be unveiled by the provincial Liberal government through David Caplan, hopefully in the next few months, in terms of where they will be in the capital planning for cancer care systems throughout the province. That's a very important document, because that is how we're going to know when these projects will go ahead.

#### 2210

I understand that each and every year, in excess of 16,000 people die through smoking. Whether it's first-hand or second-hand, those are staggering statistics. I think a lot of the policy rationale behind Bill 164—it's a

bill of the Minister of Health and Long-Term Care, Mr. Smitherman. It's his bill, so obviously it's a bill directed toward health, and the policy reason behind this bill would be to reduce the number of people who die from smoking tobacco. That's the policy rationale behind Bill 164, though, as I've said, Bill 164 has been a work in project for more than two decades, in that we've seen municipalities pass bylaws to either outright ban smoking in their community or create a ban with exceptions. Perhaps the Minister of Health was looking at that and saying that maybe the patchwork process happening at the municipal level needed to be dealt with in a much more expedited manner in terms of bringing an outright ban with respect to smoking in this province.

But that's much different than the approach taken by the Attorney General with respect to pit bulls. The Speaker, being from Essex county, knows that the city of Windsor passed a bylaw with respect to banning pit bulls, and there was one other community that did that, the city of Kitchener, yet the Attorney General decided, in his own wisdom, that there should be a pit bull ban across the province, and he imposed his solution with respect to canine control across the province.

We have a much more measured municipal approach in terms of smoking bylaws over the years, in terms of dealing with it from an outright ban to bans with exceptions to deal with local needs. Certainly Bill 164 is not going to deal with local needs. Basically, it's an outright ban, with the obvious exception of native lands, which are under federal jurisdiction. One would hope that areas governed by the Indian Act will be subject to progressive bylaws to deal with smoking within those areas so we have a consistent approach across the province.

That is really where the danger is in dealing with tobacco by the approach that some believe in for stamping out smoking, which is to increase the taxes. As we know from the past, the approach to increasing taxes on tobacco doesn't always work. What we find is that people will find a source of tobacco at a much cheaper price, whether it's across the border or whether it's in an area that allows tobacco to be sold at a lower price. That approach, though the intent is to reduce or remove smoking by youth—that's why this bill becomes a little bit of a conundrum in terms of, what did the Liberal government try to accomplish here? Initially, they came out saying, "OK, we're dealing with an outright ban. We're going to ban these power panels and we're not going to allow them within retail convenience stores," yet now, when we're dealing with the bill, these power boards are going to be given an exemption for a couple of years.

Why is the government extending the exemption for those power boards in retail stores in terms of their being logical and consistent throughout this process? The government really hasn't explained that at any time. I don't think they can explain it. I think they made a decision, for whatever reason—someone convinced the Minister of Health and the people who are advising him that that is something they should do. Obviously, the

little respect they have for property rights is shown with respect to—it's not an exemption. What is it? It's a delay in terms of how they're going to deal with retail convenience stores.

I heard from a number of them, not only about how they need these power boards for income, but how they don't have the room for storage of the product, how they believe they'll be put at more risk in terms of safety because of what they're being required to do by this. I don't know if any of those is the reason that the government decided they would delay the implementation of banning power boards. One really doesn't know. But when you look at that in terms of what they say they're trying to accomplish by this bill—they're saying they want to make sure it works so they can reduce smoking among youth, yet they do that. To me, there really is no basis for what they're saying in terms of bringing about a delay in that. It just shows that someone lobbied them sufficiently and they listened. Whether that means they're going to continue to delay it, because there is regulatory power to make that happen, one has to see.

I would be very surprised if the provincial government didn't face a charter challenge on this, because they really are stepping into an area of federal government jurisdiction. The federal government says it's legal to smoke tobacco. The province is supposed to regulate the distribution of the product, and what they're saying is, "We're going to allow it to be sold in retail stores, but you're going to sell it the way we want to sell it. You're not going to be able to sell it with any advertising or anything, and we're not going to allow you to smoke it anyway."

I was surprised by what they didn't do, which they said they would do. They were going to have the nine-foot rule around entrances. Whether it was commercial or whether it was public, they were going to have the nine-foot rule. They backed away on that too. I don't know why. Some people would support that and other people may not, but that's another area they backed down on. It may have made sense in terms of keeping an area clean, but they decided no, they're not going to have the nine-foot rule.

These are things the government said they were going to do—but didn't—to follow up on their legislative commitment to have an outright ban on smoking in the workplace. They seem to be falling down in certain areas that would have made sense in dealing with smoking. If you go to any public area where they're smoking outside and see the litter, the dirt and the lack of controls around that particular nine-foot area, I would have thought the government would deal with that to make sure their legislation is effective.

I have stuck to the subject matter. I have put forth my view. I support in general the main concepts of Bill 164, but at the same time, there's no doubt that there's a problem between the federal and provincial governments.

**The Deputy Speaker:** Questions and comments?

**Mr. Barrett:** The member for Barrie-Simcoe-Bradford raised the issue of federal-provincial relations with res-

pect to this particular piece of legislation and he raised the spectre of a charter challenge. We may well expect a legal challenge.

We saw similar legislation introduced in British Columbia three or four years ago, legislation that removed the right of the hospitality industry in British Columbia to have designated smoking rooms. Within a matter of months, the hospitality industry launched a lawsuit and was successful in having measures brought in that were actually implemented through the Workers' Compensation Board in British Columbia. The hospitality industry was given back the right to have designated smoking rooms. There was a perception that even though designated smoking rooms do eliminate the smoke, there was a concern on behalf of employees. Under the provincial legislation in British Columbia, employees only work 20% of their shift within a ventilated, separate smoking area.

As for the federal and provincial governments, there's one thing they do have in common. I would suggest there is a vested interest in keeping tobacco legal, one reason being that both levels of government accrue well in excess of \$8 billion a year in tax revenue. The federal treasury and provincial treasuries in Canada benefit to the tune of \$8 billion a year, dollars that aren't going in adequate compensation to farmers or other businesses that are hurt by this—and there is not any chance at all of this being declared illegal.

**2220**

**Mr. Dunlop:** I'd like to make a few comments on the fine comments of my colleague and neighbouring MPP from Barrie-Simcoe-Bradford on Bill 164. Mr. Tascona has been a very strong advocate of basically non-smoking. But the reality is that it hits close to home. As the member from Simcoe-Grey mentioned earlier, Mr. Tascona, the member from Barrie-Simcoe-Bradford, is a very strong advocate in this House and in this province for the Cancer Care Ontario unit at the Royal Victoria Hospital in Barrie. I have talked to the member on numerous occasions, and I know he referred to it a few times in his comments, about all the different fundraising activities and events that take place in the city of Barrie and in the county of Simcoe to make sure that the Royal Victoria Hospital in Barrie receives a Cancer Care Ontario unit.

We have felt so many times that we were that close to getting final approval and the opportunity to go to construction on that particular facility. I don't think any of the Simcoe county colleagues or maybe even the neighbouring municipalities will give up on this, because we are growing municipality. Cancer is a big issue, a lot of it caused by smoking. But the bottom line is that we have a mandate or we have a goal or an objective, whatever you want to call it, to work with the government or to lobby the government to make sure that whatever happens in the county of Simcoe, the Royal Victoria Hospital in Barrie ends up getting a Cancer Care Ontario unit for the folks in central Ontario.

I appreciate this opportunity to say a few words tonight.

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** It's great to rise today to speak on the comments of the member from Barrie–Simcoe–Bradford on Bill 164. There has been a lot of discussion in my riding of Haliburton–Victoria–Brock—soon to be Haliburton–Kawartha Lakes–Brock, probably—and a lot of concern from the businesses that have been mentioned, from the Legions. It needs to be a thoughtful process. People don't just stop smoking overnight. We need to decrease the number of people smoking, and that is certainly a trend that is happening. But we have to do this in a way that is balanced for businesses; we have to show respect for the Legions.

Working in the hospitals—I remember nursing way back, over 20 years ago, when you could still smoke on the nursing wards at night, coming in at night. I never smoked, but some did. It is incredible to see where we've come in the 20-some years, because you'd walk off the elevator on to the floor and there were puffs of smoke coming out, and that was from the nurses. I'm sure the patients had smoking too, if I can remember back; they were allowed to smoke in their rooms. Then they got so they would be creative with their wheelchairs and their stretchers and say, "Please take me out for a smoke," or they would only be able to lie on their stomachs and they'd be getting this stretcher that had wheels on it so they could wheel themselves down the elevator, down the corridor, in the cold of winter, and be sitting out there smoking. I think I learned to appreciate that it is an addiction and it's going to take a while to change the culture. But they were destined to go out to smoke and would be very, very thankful to anyone who would help them get outside to have a smoke when they could no longer smoke in the patient rooms.

Certainly, I'm glad to see the culture slowly changing over, and that fewer people are smoking today.

**Mr. Levac:** There's just a couple of observations I'd like to make about the bill we're talking about and the idea of society changing its views on smoking.

I walked into one of the service groups, and one of first guys just yelled out at me, "Hey you, Levac." I looked over and there was a gentleman sitting at the table with his oxygen tank on, with the tubes and everything else. He pulled out a cigarette and started smoking it. I thought, my gosh, what's it coming to? Anyway, his wife came to me and said, "Thank you for passing the legislation, because not all of us who are veterans smoke, and we like to be able to come into our hall." So there is another, counter discussion that has to occur when we're talking about people who are definitely saying that all veterans want to smoke. Not all veterans want to smoke and not all clubs are interested in having that smoking discussion.

Another thing I wanted to bring up, and I've given this to the Minister of Health—we're talking about those power walls. I want to talk about another type of power wall that we find in our dollar stores and candy shops.

They're still selling those imitation cigarettes. They just changed the name to "candy stick." They still make them the same way; they still have the imitation packaging, and they have the red thing at the top of the candy. One of my constituents brought this to my attention, and I forwarded it immediately to the Minister of Health and the public health officials. The real issue here is that if you're really thinking about the power walls, what about those candies that have an imitation cigarette package? They look just like a package of cigarettes, with the way they fold them, they way they package them. They just call it candy. That's an influence on the little kids. I don't like that idea and I think we should get rid of that stuff too.

**The Deputy Speaker:** The member for Barrie–Simcoe–Bradford, you have two minutes to reply.

**Mr. Tascona:** I certainly appreciate the comments made by the members from Haldimand–Norfolk–Brant, Simcoe North, Haliburton–Victoria–Brock and of course the member from Brant.

From what I've heard, there's a consensus on the dangers of smoking and health care. But the member from Haldimand–Norfolk–Brant listened very attentively to and echoed the comments I made with respect to the charter challenges and the challenges you're going to have on this. You're going to have challenges whether you like it or not, because of the problem of the overlapping powers between the federal government and the provincial government. The federal government has determined that in the land you can have the sale and use of tobacco, and the provincial government, for whatever their noble reasons in terms of policy and health, is saying, "We're going to regulate it, but we're going to regulate it into extinction." It's a problem.

The federal government caused the same problem with respect to gambling. They legalized gambling back in 1968 and said to the provinces, "You regulate it." Everybody knows where gambling went in terms of the regulation. It's a huge money-maker for the provincial governments, and a lot of that money goes toward health care. Probably the provincial governments couldn't do without that money.

This particular issue is a serious issue. We have Cancer Care Ontario with a blueprint to deal with this issue, and I know that the Minister of Health is very supportive of that and will be acting on it.

**Hon. Mr. Bartolucci:** On a point of order, Mr. Speaker: I seek unanimous consent to move the following motion: That the House do now adjourn, and when Bill 164 is next called, that it be ordered for a vote without further debate.

**Interjection:** No, absolutely not.

**The Deputy Speaker:** I haven't yet asked the question. The minister has asked for unanimous consent. Agreed? I heard a no.

Further debate.

**Mr. O'Toole:** Thanks very much. I've been waiting for some time, actually, to make comments on Bill 164. I know the Liberals—I've heard twice now tonight the

member from Sudbury, the Minister of Northern Development and Mines, try to terminate the debate. It is quite indicative of what I heard as a member who sits on the standing committee on finance and economic affairs. On this particular bill, the member from Haldimand–Norfolk–Brant and myself and others recognized that there were hundreds of members of the public who applied to speak to this bill and were denied. They tried to terminate the hearings. They tried to truncate the process. I would say to you that it's indicative of many of the bills that are before us, a few of which I could speak to. Bill 164 is just one of the bills that they're trying to rush through and limit debate on.

**2230**

They are the government. I understand that. The Minister of Health is here tonight. This is his bill. I understand that. In fact, I want to start by putting on the record that no one on this side of the House, including our leader, John Tory, would fail to recognize the importance of encouraging, in fact inciting, not smoking. Young people, middle-aged people, the elderly: Smoking is not good for you. I don't think that anyone disputes that fact. Some time ago, I stood outside with the now Minister of Health on many occasions, prior to his being the Minister of Health, and shared a cigarette. But he has reformed; he has accepted this—

**Hon. George Smitherman (Minister of Health and Long-Term Care):** On a point of order, Mr. Speaker: I'd give the member an opportunity to withdraw the comment he just made. I've certainly never shared a cigarette with him or anyone else in my adult life.

**The Deputy Speaker:** Only the member can correct his own record, so I would ask him to consider that.

**Mr. O'Toole:** I would correct the record. I stood on the same step on the stairs. I didn't share a cigarette. He was smoking and I was smoking. Now he doesn't smoke, and I understand that.

**Hon. Mr. Smitherman:** On a point of order: It's a fabrication. It's completely untrue. There's no substantiation for it—

**The Deputy Speaker:** Minister, please take your seat. The Chair can't determine what's right or what's wrong. I just ask the members to speak to the bill.

Further debate.

**Mr. O'Toole:** On Bill 164, the Minister of Health, Mr. Smitherman—Mr. Speaker, it's an important point of ethical principles here. I don't want to boil this down, because we've been having some lighthearted debate, but the Minister of Health did smoke, and I think Dalton told him to quit.

**Hon. Mr. Smitherman:** Point of order.

**The Deputy Speaker:** Member for Durham, take your seat. There's a point of order.

**Hon. Mr. Smitherman:** I'll be guided by you, Mr. Speaker. I guess I am about to be thrown out of here, but the honourable member from Durham is a liar.

**The Deputy Speaker:** I'd ask the minister to withdraw that.

**Hon. Mr. Smitherman:** I will not withdraw. I will leave this place—

**The Deputy Speaker:** Take your seat, please. I am forced to name the member.

*Hon. Mr. Smitherman was escorted from the chamber.*

**Mr. Dunlop:** This looks really good for the Minister of Health. It makes a good impression.

**The Deputy Speaker:** Order. To the member for Simcoe North, it would do us all in good stead to keep the debate on a professional level.

Member for Durham, you have the floor.

**Mr. O'Toole:** With all due respect, I did not mean to engage the Minister of Health. I can assure you that I did share time with the minister prior to his being a minister. It's really not that important.

*Interjections.*

**Mr. O'Toole:** See, they're outraged—

**The Deputy Speaker:** Point of order. Member for Durham, take your seat.

**Hon. Mr. Bentley:** On a point of order: He's continuing to impute another person's reputation and honour when they're not here. This issue should be raised tomorrow during the debate about the tenor of debate in this House under the resolution that will be drawn by the Leader of the Opposition. It's absolutely outrageous—

**The Deputy Speaker:** Minister, I have your point of order. You should not impugn the motives or actions of another member, particularly when they are not in the House, but at any time. So I am asking, please, for your co-operation. If I don't get it, I can stand here until 12 o'clock. Please, member for Durham, further debate.

**Mr. O'Toole:** Mr. Speaker, I am in a dilemma, because now the Minister of Labour is yelling at me to change the tone of my debate. I'm trying to make some points here.

**Hon. Mr. Bentley:** Point of order.

**Mr. O'Toole:** Now the Minister of Labour is up again trying to usurp—

**The Deputy Speaker:** Member for Durham, please take your seat. Minister, your point of order?

**Hon. Mr. Bentley:** My understanding, Speaker, is that the member has the floor for the purpose of debating Bill 164, but what he wishes to do instead is to engage in personal remarks and attacks about members of this House. With the greatest of respect, confine—

**The Deputy Speaker:** Thank you. Your point of order is well taken. I have asked time and time again that we stick to the debate on Bill 164 and keep it on a professional level, please.

**Mr. O'Toole:** I feel somewhat impugned and insulted, actually. I'm trying to speak to the bill, and the motive is important for the people of Ontario to understand that Bill 164—no disrespect to the Minister of Labour. He has worked hard to bring in Bill 144, which has failed the Liberals, has failed the NDP and has failed the working people of Ontario. But we won't go there.

I am going to speak directly to Bill 164. It is a small bill but it is a nanny state bill. Listen up. It is a smoking bill. It is actually eight pages, for the people viewing. It's eight pages long. It is An Act to rename and amend the

Tobacco Control Act—it's kind of retroactive, in a way—repeal the Smoking in the Workplace Act and make complementary amendments to other Acts. That's where the treachery lies: in the complementary amendments. If I were to compare this bill, it is in a sequence of bills that have to do with banning sushi, banning pit bulls, banning junk food, and now they're banning smoking.

*Applause.*

**Mr. O'Toole:** I think that's actually an applaudable fact. What is missing here, as we've seen demonstrated by the Minister of Health's orchestration and outrage, the Minister of Labour—the anxiety and angst is that they wish to pass this today on the no-smoking day. That's what this is about.

But what fails to happen here—and this is important. This is a democracy, and the member from Haldimand–Norfolk–Brant has made the point several times. There were almost 300 applicants to speak to this bill. We know it's divisive. We know it and we understand that. Less than a third of them had the right to make deputations in the public forum.

I think of my riding of Durham. They're hard-working people. Probably the majority don't smoke, and I commend them, but they don't have to be forced by government. What's missing here is the transitional plan. I would support Bill 164 on the following principles.

**2240**

Mr. Speaker, forgive me. For a moment, I digress. My very good friend Marcel Beaubien, a former member from southwest Ontario—let's see now. I would say his riding was—anyway, he was recognized tonight by l'Assemblée parlementaire de la Francophonie. He received an award tonight. I went to the reception, and the reception was held at the Bodega Restaurant, at 30 Baldwin Street. I took a little walk between the entrée—I spoke to the members of the staff there. There was an outside balcony, a lovely French ambience, excellent, first class. I asked some of the staff, “How is Bill 164 going to affect you?” One of the staff members told me, “It could cost me my job.”

**Hon. Mrs. Meilleur:** That's wrong.

**Mr. O'Toole:** The Minister of Culture, Madame Meilleur, is saying that it's wrong. That may be a very valid opinion, but these are ordinary people such as in my riding at the various restaurants. One of them would be Hanc's Too. Another would be Einstein's. I asked them, “What would be a reasonable solution?” They said that if there were an amendment—and I am quite serious here. In my time sitting on the committee on Bill 164, I moved an amendment with the member from Haldimand–Norfolk–Brant. What I said was, what would be an appropriate amendment? A reasonable compromise—there is no perfection in life; this is the human condition—was that no one working for that establishment should be required to serve in a smoking area. Persons in a smoking area that is completely ventilated, that is outside or negatively ventilated should be required to serve, so it would be a self-serve area.

Over time, the business people would say, “Look, I am paying taxes on this outside area. There is nobody here.” Smoking isn't popular, I would agree with you, but that isn't the debate here. This is about human rights. This is about choice. Some people, for whatever reason, choose to smoke; others don't. And they shouldn't smoke; I would agree with you there. But it is this arbitrary arrogance that I find even in the remarks by the minister, this ardent attitude of complete pugnaciousness, almost like—“intolerance” is the word that comes to mind immediately. They have no tolerance for ordinary, hard-working Ontarians, the people whom I represent, some of whom choose to smoke for a variety of reasons.

How ambiguous is all this? I need more time. I may seek unanimous consent. Here is the dilemma. I am listening to the Liberals, here provincially, and federally. What they're doing federally is this—I am appealing to the people of Ontario to listen; we are elected to serve you, and I am committed to serving you regardless of some of the partisan nature of this business—they are legalizing marijuana. “Decriminalizing” is actually the technical jargon. But for the ordinary person it means that young people now are saying, “Gosh, it's not criminal to smoke.” This is bad. What is the signal we're sending to our young children? Do you know why? Because eventually the federal Liberals will tax marijuana. They will find a way to find more revenue to feed their hunger for tax dollars.

Provincially, they are ignoring the veterans in our Legions. They just ignore them. I am almost brought to tears when I think of it. I met with Legion members in Port Perry and 178 in Bowmanville and Oshawa, and many of the veterans, because they fought for freedom and democracy, said to me, first of all, that they don't agree with smoking, and some of them still smoke because they are addicted. That is the downside of this where I agree with you, really. But they said that some members in their dying days, or their last few days of active life—if I become tearful here, forgive me, because these members fought for and defended our country; in fact, the government supplied them with cigarettes. Now it's like the hand that defended the freedom we enjoy today is being ignored.

I was recently at a long-term nursing home and there were veterans in the latter stage of their life. Here they are, relegated—pretty soon, they'll be relegated outside to the street to smoke.

What I'm suggesting here, as a reasonable conclusion to my remarks—and I appreciate that members now are listening. A reasonable solution would be this: I am looking for a transitional plan before I can support the bill. I've abdicated immediately by saying I support the intent and the objective of the Minister of Health, Mr. Smitherman. If I offended him, I apologize, because he is a reformed smoker. And the Minister of Labour—I don't believe he is a smoker.

**Hon. Mr. Bentley:** It never stops. On a point of order, Mr. Speaker: This is the third time the member has attacked another member of the House.

**Mr. O'Toole:** I'm not attacking.

**Hon. Mr. Bentley:** Yes, you did.

**Mr. O'Toole:** Twice now the member has—

**Mr. Delaney:** This should be the subject of the debate tomorrow evening, because it's inappropriate for that member to be doing that, in my respectful submission, sir. He should confine his comments to the bill if he's really concerned at all about it.

**The Deputy Speaker:** Thank you, Minister. I will ask the member for Durham to do just that and continue with the debate.

**Mr. O'Toole:** If I have offended anyone, I certainly withdraw from that tone.

I'm just trying to make the point that we're human, and in that context of being human, some people fail to be perfect like the Liberals—because they're all perfect, every single one of them, in their nanny-state attitude toward everything: "We have the right and only answer." I'm humbled by that superiority complex you have, which is wrong and false, because it's the arrogance that I find pervades all of the legislation that's before us. Bill 164 is just a small sample; Bill 133, the arrogance on the environmental bill; Bill 186, the Peel bill; Bill 183, the adoption bill—it takes the ball. They're remembering—

*Interjection.*

**Mr. O'Toole:** Mr. Bartolucci, if you had a brain you would say something.

**The Deputy Speaker:** Member for Durham, please take your seat. Member for Durham, please take your seat or you're done, OK? You may wish to reconsider some of your comments.

**Mr. O'Toole:** In what respect?

**The Deputy Speaker:** Well, if I have to remind you, you've got a problem. You made some remarks that I wish you would withdraw.

**Mr. O'Toole:** Mr. Speaker, if I offended anyone—

**The Deputy Speaker:** I would just like you to say, "I withdraw," or make a decision otherwise.

**Mr. O'Toole:** On a point of order, Mr. Speaker—

**The Deputy Speaker:** No, I have the floor. It's your decision, member. I'm warning the member, OK? I'm naming the member. Sergeant?

**Mr. O'Toole:** No, no, I withdraw.

*Interjections.*

**The Deputy Speaker:** I'll take some advice, but—

**Mr. Bisson:** On a point of order, Mr. Speaker: He didn't get a chance to say it; you were still standing.

**The Deputy Speaker:** Thank you. I'll take my advice from the Clerk's table. I appreciate it.

Now, to the member for Durham.

**Mr. O'Toole:** I withdraw, Mr. Speaker.

In this bill, what I found is that no one wants to hear the full argument. I'm not abdicating anything I've said. What I've tried to say here is that, for the small business people I represent in my riding of Durham, the failure of a transition plan is the most troubling. If they really wanted to help people on the smoking cessation, I would support this bill, but there's nothing in here to help people to make the change they're forcing on the people

of Ontario. I'm disappointed that some of the comments made—

**The Deputy Speaker:** Thank you. Questions and comments?

**2250**

**Mr. Delaney:** The member for Durham draws out at great length his apocalyptic version of gloom and doom in the hospitality industry. The member says that no staffer ought to be required to serve a smoker. Well, let's see. There's no chance that a boss or a restaurant owner will pressure a staff member in order to make a buck; none whatsoever. One might rhetorically ask whether the member really believes that he knows everything and that the government members know nothing on this topic.

The member's effort to appeal to people's sensitivity to, of all audiences, the Legion is regrettable. I agree with my seatmate the member for Niagara Falls. His Legion came to him and said, "Don't you dare back off this bill. The last thing we want in our Legion is people who are here to smoke, and not people who are here because they care about veterans' issues." I'm with them.

The member believes the government of Ontario ought to reward merchants who cater to the 20% of Ontarians who still smoke. I say we ought to reward merchants who cater to the 80% of Ontarians who don't smoke, the ones who made their investments in their facilities, the ones who reworked their marketing plans to appeal to the majority, the ones who reached out to families, rather than smokers. Those are the merchants who took the chance and who ought to be rewarded by this bill that brings a smoke-free Ontario throughout the entire province. Those are the ones who can say, "This is a level playing field. You get the best service here. We've appealed to the audience that we're after. We should have a chance to make a profit."

**Mr. Runciman:** I want to compliment the member for Durham for his contribution. It was outstanding; it was inspirational. I think he hit the nail on the head. It clearly upset members of the governing Liberal Party. When we saw the reactions in the House here this evening, they were truly unbelievable: the irrationality of the Minister of Labour—astounding; the Minister of Health being ejected from the Legislature. It is unbelievable to see the reaction of members of the governing party to the, I think, very common-sense, reasonable efforts on behalf of the member from Durham here this evening.

*Interjections.*

**The Deputy Speaker:** Order.

**Mr. Runciman:** Truly, truly, it should be of concern to their colleagues who want to see a significant degree of decorum brought to the business of this place. When you see what's happening with Liberal members—not only Liberal members, but members of the executive council, losing their cool, completely losing it here. The Minister of Labour, whom I have a great deal of respect for—I find completely incomprehensible what I have seen from him this evening.

**Mr. Baird:** He should apologize.

**Mr. Runciman:** Really, he should get up and apologize to the member for Durham, and in fact compliment him on the excellent contribution he has made to the deliberations here this evening. I challenge the Minister of Labour to stand up in this place now, get on his feet, and apologize to the member for Durham and compliment him on the excellent, excellent speech he just gave.

**Mr. Baird:** On a point of order, Mr. Speaker: I would like to ask that the Minister of Labour be accorded two minutes to respond and apologize to the member for Durham.

**The Deputy Speaker:** The member has asked for unanimous consent. I heard a “no.”

Questions and comments?

**Hon. Mr. Bentley:** This is an opportunity to respond to the member who was debating, allegedly, Bill 164, but making a lot of personal comments. I'm looking forward to reading the transcript of the comments, and using them and having them used in the debate tomorrow evening, which will not be about Bill 164, but will be about demeanour in the House. It will be about comments, about members' reputations. The question tomorrow about demeanour in the House, which is not about Bill 164, is not simply about what you say; it's not simply about yelling across the floor; it's about impugning other individuals' reputations by unfounded allegations, by smear, by innuendo, and we're looking forward to that being part of the discussion tomorrow evening, because it is clear that those who would bring a motion to the House calling for greater demeanour, but have a party that doesn't know the meaning of the word, clearly will be debating alone on the motion. It should be an interesting discussion, when we can take the transcripts of what has happened this evening and use them in the debate tomorrow evening. I look forward to that. It's time we actually vote on and pass the bill.

**Mr. Barrett:** The member from Durham, I felt, gave quite an emotional presentation on—

*Interjections.*

**Mr. Barrett:** Speaker, I'll start again.

**The Deputy Speaker:** Member for Haldimand-Norfolk-Brant, I'd like to help you out, but all sides of the House are guilty tonight, so just wade your way through it and we'll see how we do.

**Mr. Barrett:** I appreciate the fact that you would like to help me out. I think it is your job.

*Interjections.*

**The Deputy Speaker:** Order. Member for Peterborough, did you hear me say “Order”? Thank you.

Member for Brant.

**Mr. Barrett:** Thank you, Speaker.

The member from Durham made reference to Legions. I know that during the testimony before the finance committee in Oshawa, we had a very good presentation from the Ontario Legion. Legions, veterans' halls and the army-navy-air force have independently been making decisions on behalf of their members for many, many years. They have operated independently. Why would we not now allow them to continue to make decisions on

behalf of their members? I am suggesting, and I think the member from Durham was suggesting, that our veterans are not given the respect they deserve through this particular piece of legislation with respect to any decisions they would want to make on behalf of their members, members who have joined and have served the community through Legion halls for the past 60 years, in many cases. Sadly, the answer is no. There is no respect from this government through this legislation for veterans—veterans who fought for freedom, fought for choice. It begins to sound like a cliché to some of the members opposite. They fought for democracy and they fought for respect.

**The Deputy Speaker:** The member for Durham, you have two minutes to reply.

**Mr. O'Toole:** I'm humbled by the respect I've been shown by the members from Mississauga West, Leeds-Grenville, Nepean-Carleton and Haldimand-Norfolk-Brant in the Minister of Labour's castigation of my remarks. But really, I'm humbled at this: I can recall now, as I remember the presentation by Carl Cowden from the Royal Canadian Legion, Branch 153, on April 29, that Carl said to us, “We, as veterans, govern ourselves.” It's that freedom they fought for that they cherish. He freely admits that in their Legion branches, the vast majority don't smoke. That's what we tried to say tonight. But what's missing here is the arbitrary nature of revoking their liberties and instilling on them the Liberal way.

The Minister of Labour has done very much the same on Bill 144. He has the only solution. I am waiting for the debate tomorrow, for the anti-democratic process that is occurring in most of the legislation. I'm surprised at the legislation that's before us, at the Peel bill, and the Minister of Labour, the Minister of Health and the Minister of Northern Development and Mines—his comments personally affected me most. I was humbled by him primarily—as a former high school teacher, his demeanour was insulting to me. Mr. Bartolucci's comment was insulting to this House. Actually, he was out of order, and I am actually appalled by his behaviour as a member of cabinet, a former high school principal—or an elementary principal. With that in mind, I put my debate to rest. They're laughing. They're ignoring the people of Ontario.

2300

**The Deputy Speaker:** Further debate? I hate to interrupt, but we do have a point of order over here.

**Hon. Mr. Bartolucci:** On a point of order, Mr. Speaker: I seek unanimous consent to move the following motion:

That the House do now adjourn, and when Bill 164 is next called, that it be ordered for a vote without further debate.

**The Deputy Speaker:** Unanimous consent has been requested for a motion. Do I have unanimous consent? I heard a no.

**Mr. Baird:** On a point of order, Mr. Speaker: I'd like to ask for unanimous consent that would allow any minister in the government to call any bill that they like,

and we'll pass everything they want. Since they want to do everything without any debate, we'll just do whatever you want, and we'll forget about it.

**Mr. Runciman:** On a point of order—

**The Deputy Speaker:** Just a minute. We haven't dealt with that.

There was a request for unanimous consent. Do I have unanimous consent? I heard a no. Further debate?

**Mr. Cameron Jackson (Burlington):** To the Minister of Northern Development, I really would like to comment on this bill tonight. I understand that this is a bit of an inconvenience for you to have to sit here, but we didn't ask to sit here till midnight. In fact, it was the government House leader who insisted that we needed additional time for this bill, needed to sit until midnight tonight. I thank them for that opportunity, and I intend, as my democratic right, to put on the record some of my concerns.

I believe the minister opposite is on record now at least on seven or eight occasions to again try to limit debate and to reduce our access to our democratic rights to speak our concerns about this, and any other bill, for that matter. I would just hope that whatever burning commitments he has at 11 o'clock at night, he will be patient over the course of the next hour and pay attention to this important Bill 164.

I've seen about seven different pieces of legislation come before me on both sides of the legislative chamber over the course of the years dealing with tobacco regulation. But as the Minister of Health would rightly have us believe, this is also a public health issue, and I embrace it in that spirit as well. In fact, this is about creating healthier outcomes for Ontarians. I support the proactive principle of looking at healthier outcomes, because politicians of all stripes in all provinces have been talking about healthier outcomes, but there are very few that are actually providing the necessary funding in order to get ahead of these issues and be proactive. This is an example where there's an opportunity here to reduce the incidence of exposure to second-hand smoke, something which has only really come to light in the last 30 or 40 years in terms of how serious it is for the incidence of cancer affecting so many of our citizens. But the truth of the matter is, just this simple piece of legislation in and of itself will fall short of any public policy objectives that the government may have in terms of reducing the true incidence of cancer if in fact we're not providing additional supports. That's what I want to speak to this evening.

My colleague from Simcoe spoke passionately about promises made as they relate to cancer treatment and cancer care. I dare say that there are many people in the House who could share stories of concern about promises being made to assist cancer patients in this province that are not being honoured. This piece of legislation, to stand alone, in and of itself, in my view, would be only half of an equation that involves a commitment of substantive dollars.

There are so many aspects to this legislation that I want to speak to during the course of the limited time that the government has allowed us for discussion on this legislation. I want to first address one of the concerns that the government seems to be stylizing, that the entertainment sector in this province, those people in the hospitality industry, are somehow being irresponsible citizens by saying to this Liberal government, "We were given a certain set of expectations to modify our establishments, we followed the rules of government, our banks supported us as we went into fairly substantive debt in order to modify our places of business. Now, we find that the government has in midstream changed the terms and conditions." Now, the government has the right to do that. It does that quite frequently. It has done it with rent control. I dare say this government's first budget retroactively eliminated tax credits and tax benefits for millions of seniors in this province and for multi-millions of taxpayers. So it has the right to do that. But I think it's inappropriate, in tonight's debate at least, to hear from the government members that somehow these business operators were acting irresponsibly. I think it was legitimate on their part to say, "Look, if that's what we're required to do under the law, we're prepared to do it." But you can't literally bankrupt some of these businesses who followed the rules of the day and were led to believe that if they made those business decisions, four, five or six years down the road they'd be able to recapture their costs. This is on top of other expenditures that have impacted on these individuals: Their taxes have gone up; their hydro bills have gone up; the minimum wage has gone up. So that sector of the hospitality sector has been very badly hurt, and this is yet another example.

I want to preface my longer comments tonight by saying that I for one am a non-smoker. I've never been a smoker. There are very good reasons why I'm not a smoker. Members have heard me tell the story in this House: I'm one of 10 children, and my mother buried her first two children with respiratory disease. They literally choked to death in my parents' arms, growing up in the far north end of the city of Hamilton, in the worst industrial area. But both my parents were smokers. My older sister, myself and my next brother, Kevin, never smoked. To this day we've never smoked. But each of my brothers and sisters that followed—once one did, all the rest are smokers. To this day they seem to have the health complications in their lives, and I, fortunately—touch wood—have so far enjoyed a very fortunate health experience, as have my sister and my next-oldest brother. So for me, this is an issue that I'm prepared to defend and debate with people who choose to smoke cigarettes.

**2310**

Now, within that view that I have, in my view, there are some exemptions worthy of consideration. I note that the government has entrenched in this legislation some of those exemptions, but there are some contradictions in this legislation as well.

One of the issues that this legislation addresses is the exemption for our tourism sector. As a former tourism

minister, I can understand why we would, for example, continue to allow for smoking rooms in hotels for people who visit from out of province so that we don't adversely affect the tourism industry, which is, quite frankly, still suffering from the after-effects of SARS and, more recently, from an over \$20-million cut to the tourism budget in the recent provincial budget. So on the one hand we're telling Ontarians that you cannot, in the hospitality sector, be accommodated for like-minded smokers, and yet for visiting people who stay in hotel rooms that are designated, you will be allowed to continue.

There's a section in here, section 9.1, that allows for the protection of home care workers. Now, this is a very tricky one. I can understand the reasons why the government has included it. It's an occupational health and safety issue. I would suspect that if a home care worker comes into someone's home or a doctor comes into your home on a home visit—and I can tell you that there are doctors, GPs in this province, who still make home visits; a lot of people say they don't, but I know of several in my riding who do. An individual is required under the law to stop smoking while they are in that situation, when there is someone in their home.

There's a whole series of penalties in here and a formula which I'm finding very, very difficult to read. I make no apologies for my inability to understand some of these tables, but we're looking at fines in the \$100,000 range, \$50,000 range. I'm looking at a schedule here: \$20,000 for a second offence, \$50,000. A maximum fine for a corporation—I should stay with individuals. I'm looking at \$100,000 fines for individuals.

So I really think it's important that certain elements of this legislation are debated openly and publicly so that people understand just exactly what's contained in this legislation. Although on the one hand we can see the need to protect health care workers in this province, it's entirely another thing for the state, and particularly an intrusive Liberal government, to be setting about regulations which ultimately end up in substantive fines or in the withdrawing of services, medically necessary services, to individuals simply because they refuse to stop smoking in the privacy of their own home.

There is the issue of schools. I can tell you, as a former school trustee—

**The Deputy Speaker:** The chatter level is on the rise. If we could just listen to the member for Burlington, who has the floor. Thank you.

**Mr. Jackson:** Well, Mr. Speaker, I'm not offended. I have your undivided attention, and for that I'm deeply grateful.

As a former school trustee, I can tell you that one of the largest number of complaints I received around schools was the presence of smokers' corners on school board property. Well, of course, many, many years ago we banned that in this province. So school boards were in a position to go out and enforce that, but kids, as is their custom when faced with authority, decided to go across the street to a neighbour's property and stand on their front lawn. Of course, the police would have nothing to

do with that. As a result, the conduct and the custom continued; it just moved its activity.

Nowhere in this legislation do I see a real effort to try to address that issue, in spite of some concerns that have been expressed. It's not fair to the private individual whose front lawn is being used as an ashtray in a public setting, and yet we seem unable in this legislation to deal with that simple challenge. To those families affected by it, it's not such a simple issue; it's one that is, quite frankly, in their opinion, driving down their property values. One can only imagine what its impact is.

I said earlier that I have some concerns that the Minister of Health—and let me say this. I believe one of the challenges the Minister of Health has is that he is trying to micromanage each and every one of the individual reforms in his ministry. God bless him if he has the energy, the endurance, the stamina and the mental dexterity to stay one step ahead of his bureaucrats. But let me simply say, as someone who has held the responsibility for the long-term-care portfolio, which in and of itself is about a \$5-billion portfolio—actually, it's the third-largest portfolio in the government—that it's hard for the minister to stay on top of some of the agenda items.

We know what his priority items are. Those are very clear in terms of the stated objectives of his OMA agreement, dealing with an agreement with our nurses, to rein in hospitals and get them under control with their expenditures. He is looking at initiatives to reduce waiting times.

I was talking to one of my constituents tonight. One of the reasons I don't mind midnight sittings is because I get to phone my constituents up until 10 o'clock at night, and for those who are still watching, whom I was able to talk to earlier, I talked to one lady who called me about a health-related matter. She had expressed concern. She was on a two-year waiting list for cataract—sorry, a retina transplant. Because of the government's intervention—and this is a positive intervention—to reduce the number of cataract surgeries, she found out last week that her two-year wait has now been bumped to a three-year wait because that operating time has now been taken up with cataract. Now—

*Interjection.*

**Mr. Jackson:** Cornea; sorry. Now, a cornea transplant—thank you—left unattended will result in her absolute blindness, so she's struggling for me to explain to her why this happened and how this happened. I will discuss that more directly with the minister, but I know that the minister will not be able to resolve that issue because cornea transplants are not on their list of priorities, so we are bumping that. That is probably an unintended consequence of a minister who is so busy working on a couple of projects directly that he's unable to bring his attention to other, equally challenging issues.

One of those is the whole issue around cancer care. That has been raised a number of times in relation to this bill.

I guess my concern is on several levels. To reduce the incidence of smoking and to reduce the risks inherent with persons who maybe come into contact with second-hand smoke is a laudable public policy objective. But in terms of health outcomes, in the absence of accelerating earlier intervention, with medications and treatments to treat cancer, we're not really moving the morbidity rates in this province as it relates to cancer. Most of the damage that has been done to adults of all ages has already occurred because governments have been late to act on this kind of legislation. So in the absence of any serious effort at cancer care reform or increases to cancer care budgets, we're going to continue to see the kinds of morbidity rates in this province that, frankly, are a measurement of the success of the program.

**2320**

I'll tell you, one of the areas that is of concern to me, and I've raised it in this House, is the issue of the government's freeze on expanding new drug initiatives for Cancer Care Ontario. The minister objected strenuously when I raised this in the House. I presented documented proof of memos from his own ministry. I presented them to the Premier. I actually presented them to the Premier before I asked the minister the question. I said, "Your minister is going to tell you one thing, and here are the facts," and 11 questions later, we found out that the minister was, in fact, incorrect. Whether or not his bureaucrats had misled him, we'll never know the answer, but the fact of the matter is that we had documented proof that the government had moved to freeze the access to new drugs.

The number one most successful drug for lung cancer in the world was released for all of its medical studies last year at a conference in Louisiana. The cancer community in Ontario returned to Ontario filled with enthusiasm about the clinical trials and the success of this new medication. Yet the government has frozen the budget for new drugs for cancer care in the province. We won that round because we got the minister to capitulate, and the Premier intervened. I want to thank the Premier publicly for picking up the phone and telling his Minister of Health that he had to give the money to cancer care. I'm here to report that even though that successful effort was established last June, those dollars have still not flowed to Cancer Care Ontario for that drug program for persons who are afflicted with that particular form of cancer. So there is a crisis with Cancer Care Ontario in terms of access to treatment, but in particular to new drugs.

So I say to the government, although I will be supporting this legislation that purports to limit the exposure to second-hand tobacco smoke in the province, it is a vain effort unless this government's prepared to increase support for Cancer Care Ontario, which is what Ontarians richly deserve.

**The Deputy Speaker:** Questions and comments?

**Mr. Levac:** I want to thank the member for his 20-minute speech on Bill 164, what we're talking about, and

I'm glad that he stayed on the topic of cancer and support for the bill in terms of the intent.

I want to reiterate a couple of points I made earlier. Number one, we're talking about 16,000 people a year who lose their lives to smoke-related issues, second-hand smoke, and the member has acknowledged that second-hand smoke does kill. Unfortunately, in this very House I believe we have some people who don't believe that. They don't believe the science. Unfortunately, that's the case. The science is there. The evidence is quite clear. We have had statements from some people here that said that the jury's out on second-hand smoke. Some people are unfortunately not accepting the reality that it is killing people.

The second point that I want to make to the member is the important issue of leadership in making sure that our kids don't start. The other component of the bill is cessation programs. Programs that help people remove themselves from the bane of cigarette smoke are included in this. When I bring out the Hansard and the comments for the news clipping for the member opposite who is yakking at me, he'll have to stand up and say: "I'm sorry; you were right. There was somebody in this place who was doing that." In respect to the person that I'm showing, I want to make it clear that the science is there, and it's evident.

What this legislation also does is make it clear to the public of Ontario that we care about those workers in all those places who have been exposed to this year after year and decade after decade. I want to make it clear that I have heard from members on the other side who are going to be supporting this bill, and that's good news, because it's good news for those people who are losing lives as a result of a preventable cause.

**Mr. Ted Arnott (Waterloo-Wellington):** At this late hour of approximately 11:27, the member for Burlington has offered the House a thoughtful expression of his views and concerns about the government's anti-smoking bill. He made reference to the effect of this bill on Ontario's hospitality sector. As a former Minister of Tourism, he knows of what he speaks. Clearly, this is a significant drawback to the bill.

How can the government justify their dismissal of the interests of these small business people who own small, independent restaurants, who in many cases, in order to conform and comply with municipal anti-smoking by-laws, have spent upwards of \$100,000 to construct separate smoking dining rooms? Why is the government ignoring this legitimate concern with this bill? Why is it unwilling to allow a reasonable phase-in of the new anti-smoking rules to allow these restaurants to recoup their investment or look at compensation for these small business people? It's my understanding that amendments were brought forward at the committee stage of the bill and were voted down.

I think the member for Haldimand-Norfolk-Brant has brought forward an extraordinary amount of information tonight in his speech. His one-hour lead-off speech went a long way to touch on many of these issues. We've

heard many of the views that he brought forward continue to come up during the course of this debate. Certainly, the member for Burlington, as a member of this House with 20 years of experience, demonstrated his experience tonight with his effective presentation of his views.

It's always been my belief that, as a society, we need to discourage people from smoking, especially our young people. When it's possible to do so, we need to take steps, through legislation and regulations, to ensure that we are in fact doing that. For that reason, when this bill comes to a vote ultimately, I will be supporting it. But I would also say that I have a number of reservations about a number of provisions of this bill, and I'm disappointed that the government wasn't prepared to listen to the public during the hearings process and make meaningful revisions on the legitimate issues that were raised.

Again, I want to compliment the member for Burlington for his presentation this evening.

**Hon. Mr. Bartolucci:** I want to thank the member from Burlington for his very good 20-minute presentation. I am impressed that he stuck to the topic, at least, and offered his point of view in a very rational, very real way. I commend him for that.

Listen, there are many people in this House who can tell personal stories about cancer in their family. I had a father who suffered a horrible, slow death due to cancer. I had a father-in-law who suffered unbelievable pain as he died from lung cancer. So we look at this bill, as a government and as individuals on this side of the House, and we believe that it is extremely important that this bill become law.

Sometimes in this House we forget the importance of good legislation and how it impacts on the community at large called the people of Ontario. Although we have received good insight tonight, especially from the member from Burlington, I believe this bill should already have been law, this bill should have already been voted on, this bill should already have been enacted, so that we would be able to save lives in the province of Ontario.

I offer that today as an opportunity to have the bill voted upon the next time this comes up. I believe it's extremely important that this become law. I don't believe we should be playing politics with people's lives. I commend the member from Burlington for offering his comments, but certainly the reaction and actions of the opposition tonight were anything but helpful.

**Mr. Baird:** I say to the member opposite that all of our families, on every street and in every neighbourhood, have been touched by cancer, and that doesn't not have an effect on how you want to approach health care policy or public health issues.

I do want to respond to something that he said. He said that he thinks this should have been law. Then why were we debating legislation like bring-your-own-wine-to-restaurants? Why was that more important than this piece of legislation? Why did we debate a bill to ban pit bulls? How many people have died of pit bulls versus the 16,000 you claim have died, and the Canadian Cancer

Society and the government figures have suggested have died, from cancer? Why did that bill get priority over this bill?

**2330**

The kind of junk legislation that this government has brought forward—we had a special winter sitting and sat for four weeks. You didn't call this bill once for debate during that time, because you thought it was more important that you be allowed to bring your own wine to a restaurant than to pass this bill. That is the honest truth, and that's a direct response to this member's statement. I think this bill should have had a greater priority than bringing your own wine to a restaurant.

I do want to compliment the member for Burlington, who, as usual, has relayed the concerns expressed to him by the good people of Burlington, and talked about their concerns and their support for this bill. I disagree with his conclusion, but I know that his thoughts are heartfelt and that he has struggled with this issue. Despite the bill's shortcomings, he plans to support it. God bless the member for that. I do have a different view with respect to property rights and with respect to the economic impact of the bill.

**The Deputy Speaker:** The member for Burlington, you have two minutes to reply.

**Mr. Jackson:** I want to thank the member for Brant. I am painfully aware of the 16,000 people who will lose their lives. In fact, my constituency assistant died Monday of this week from lung cancer, and unfortunately, if the vote is Thursday, I will be at her funeral. To Eleanor Craney, who was—and I helped her bury her husband four years ago from the same illness.

I want to make sure that you embrace the concern that I've been sharing within this House for some years now, and that is that our cancer care program in this province is falling behind the national standard. There is not a national program for cancer in this country. Ontario historically provides leadership in this area, and we are falling behind. I know the member opposite knows these issues and shares the concern with me, but there's clear evidence that there will be cost containment strategies applied in cancer care. So yes, it's good that we're going to reduce incidents, but on the other hand, we have this other challenge.

There is an interesting unintended consequence which I'm very pleased about, and that is there is an exemption in this legislation for nursing homes and retirement homes. When you think about it, one of the bigger challenges we have is that our seniors do not get the kind of visitations from their family members that they deserve after a lifetime of sacrifice. Some of them only get to see their relatives at Easter or Christmas and so on. When you think about it, one of the last few smoking rooms that are allowed in the province of Ontario is where Grandma and Grandpa are staying. We may actually have more visitations, and when you consider that loneliness is the number one disease affecting seniors, maybe smoking rooms are going to bring families closer together. I don't want to leave on that

humorous note, but I have to believe that there will be some families that will be there simply because they'll be able to have a smoke with Grandpa.

**The Deputy Speaker:** Further debate?

**Mr. Runciman:** I appreciate the opportunity to participate this evening. Anyone tuning in on the parliamentary channel this evening may be wondering why only Progressive Conservatives are participating in this debate this evening. Essentially, we have, on occasion, had some Liberal members intervene with respect to what we call two-minute hits, but for whatever reason, they feel it's not necessary to participate in a fulsome discussion and debate of what they consider to be very important legislation. We've heard them say that time after time with respect to their responses to speeches delivered by members of the official opposition, but they have yet to partake of an opportunity to provide 20 minutes of discussion with respect to some of the concerns that have been, I think, very articulately expressed by members of the official opposition.

At the end of the day, as I indicated earlier, I will support the legislation. I have very serious concerns about the way the Liberal government is proceeding with this legislation. Going back to the last provincial election, in one of the all-candidates debates—and maybe more than one—it came up: “Would you support a province-wide smoking ban?” I indicated that yes, individually, as a member of the Legislature, I would, and I do and I will.

But beyond that, I guess it's the way that you bring forward a province-wide smoking ban. I think a lot of concern that remains with the official opposition is the way the government has proceeded with this legislation.

**Mr. Baird:** Bullies.

**Mr. Runciman:** Bully, I think, is a trademark of the government. Two years into their mandate, the arrogance—and we saw it here this evening with the reactions of the Minister of Health, the Minister of Labour, the Minister of Northern Development. It's very unbecoming of members of the executive council, and certainly unfortunate.

Tomorrow we're going to be debating the way this place conducts business. I think what we've seen with the carriage of this legislation, the refusal of the government here this evening to even participate in the debate on this legislation, is indicative of the way they approach matters of business in this place, the way they deal with members of the official opposition and members of the third party. There's a level of disdain which is palpable. We see it in question period when the Premier, and his ministers following suit, refuse to respond to critically important questions that are posed to them on a daily basis in this place, and that sets the standard. That sends a message throughout the ranks that this is the way we're going to treat this place, this is the way we are going to treat members of the official opposition and the third party. As someone who has sat in this place for going on 25 years, I have to say how regrettable that is.

One of the reasons the official opposition has opted not to move quickly in terms of passage of this legis-

lation, even though we feel, despite our concerns—and we want to put our concerns on the record. We're prepared to deal with the legislation in an expeditious manner. I said this earlier in a two-minute response, as you may recall. There are a limited number of options available to the official opposition and to opposition members to express their concerns about the way the government is dealing with the business of the House. One of the ways that we have is to do what we are doing this evening. Even though we may essentially agree with this legislation, acknowledge that it's going to pass, we are debating this legislation essentially focused on one reason, and the reason is the government's adoption legislation.

We heard in question period today and we've heard from the privacy commissioner herself very significant concerns about the government's refusal to recognize the very legitimate concerns surrounding crown wards. We're talking about a very small number of people, primarily women, who have been the victims of incest, sexual assault, who now, through this government legislation, could be in very difficult positions. We've heard, with respect to certain religions, of people threatening suicide as a result of this legislation.

What we have called for on this side of the House—and the privacy commissioner has called for this—is a very modest change which would provide protection through a veto with respect to the retroactive nature of this legislation for crown wards.

**2340**

That is essentially why we are here this evening, why we are extending debate on the smoke-free Ontario legislation. We will continue. Our concern is not going to be limited to Bill 164. With any legislation that the government calls in the next week, or two, three or four weeks, we are going to conduct ourselves in the same manner, regrettable as that may be for all of us in this place. We want to see this place be effective and we want to see legislation move forward that we believe is beneficial to most Ontarians, but with respect to this, it is a matter of principle. Our caucus has made a decision and we feel very strongly about it. You can see the enthusiasm in our ranks this evening. That is not going to dissipate. We feel very strongly and we're going to stand by it. Take heed of this, Liberal members of the government: We are not backing away from this.

**Mr. Wilkinson:** Good.

**Mr. Runciman:** You can say “good,” and that's fine and dandy. We have asked for a very modest change that recognizes very real, legitimate concerns that have been expressed to you on a number of occasions by the privacy commissioner herself. For you to ignore that and to ignore our concerns—we're going to use the limited number of tools available to us. That is a role we have to play as an official opposition. You may resent it, you may be upset by the fact you have to be here, but that is the job we were elected to do, and that is the job we are going to continue to do. Count on it.

I will talk a bit about the legislation as well and reiterate concerns. I appreciate the opportunity to put them on the record. One of the things that really bothers me about this legislation, and I gather it applies to so many initiatives of this government, where they really do not consult, and if they consult, it is with a very narrow group of folks—we heard this selective interest, and they have very little, if any, consideration for the impact their decisions might have on the residents of this province.

I was recently told this by someone in the Toronto area. This is perhaps extreme, but I think it is indicative of some of the investments that have been made around the province, especially in the major urban centers. Someone had invested upwards of \$300,000 in a designated smoking room in one of the establishments in the city of Toronto, and this government is coming forward with its heavy-handed approach without any phase-out period, without an opportunity for these people to recoup their investment, shoving it down their throats—

**Mr. O'Toole:** Ram.

**Mr. Runciman:** Ramming it—that is perhaps even more descriptive. This is the sort of approach that I think is truly offensive to most Ontarians.

We have come to accept that this is the modus operandi of the Minister of Health, “Furious George” as he has been nicknamed: “Take it or leave it, this is the way it’s going to be. I don’t care if you have concerns, legitimate or otherwise, this is the way I want it to be and that is the way it is going to be.” That is the Liberal stamp with respect to so much of their legislation and so many of their initiatives, policy and otherwise.

We think there should be some recognition of the good folks in the hospitality sector who have made these kinds of investments and I think require some sort of transition period in terms of being able to cope. I have a good friend Courtney Donovan, who is employed with the Canadian Restaurant and Foodservices Association. Doug Needham, with that same organization, is her boss, I believe. Doug had an op-ed piece in the *National Post* today talking about the imminent passage of the Liberal government’s Bill 164 and about some of the problems the hospitality and restaurant sector has had to contend with over the past number of years. Certainly, we know about them, with 9/11 and the outbreak of SARS and the impact those have had on the restaurant, hospitality and hotel sectors.

Insurance and utility costs, Doug Needham points out, are rising, but sales are trending downward. Between 2001 and 2004, average sales per establishment fell by almost 25%, with 4,100 jobs wiped out. That is the equivalent, as Doug Needham points out, of closing the Oakville Ford plant. This is an industry heavily dependent on tourism. Business is plummeting. We had the NHL shutdown, and now we know what has happened with respect to the impact of the NHL closing. These are a whole range of areas that this government has chosen to completely ignore.

The hospitality industry is truly suffering. Without some kind of an opportunity to have a phase-out here, not

only are the investments going to be lost, but we’re going to see many, many more businesses fail and jobs lost. But that is clearly not a concern of the Liberal government of Dalton McGuinty. They are completely oblivious to the fact that this is going to have such a negative impact in that sector. They want to ignore it.

*Interjections.*

**Mr. Runciman:** We are even hearing hectoring here this evening from a member who represents a riding which has a large agricultural sector. He’s treating this issue with contempt. We know how this government has treated tobacco farmers despite the pledges and promises they made to tobacco farmers. They have treated them like dirt in terms of providing an opportunity for transition to different crops. That has been very sad, very unfortunate; I think “despicable” is not going over the top. I think “despicable” is an appropriate way to describe the way the Liberal government of Dalton McGuinty has treated tobacco farmers. The way they are treating people in the hospitality, hotel and restaurant sectors of this province is truly, truly unfortunate. We will pay the price as a province, but that doesn’t seem to matter to these folks across the way.

I have a sense of déjà vu when I listen to the Liberal backbenchers. It reminds me of being in this House between 1990 and 1995 and listening to the NDP backbenchers, oblivious to what they were doing to the province of Ontario, oblivious to what they were doing to the economy of the province of Ontario, oblivious to what they were doing to the future of the province of Ontario and oblivious to what it meant to them in terms of their electability. That is what I see happening here. They go into their caucus meetings every Tuesday, and they get this message from the House leader, they get this message from the whip, they get the message from the Premier: “This is this, this is that, this is what we’re going to do,” and it’s, “Yes, sir. No, sir.” They all stand up and they parade in here with the blinkers on. They don’t know what they’re doing or why they’re doing it, but they’ve been told to do it, and, “By gum, that’s what we’re going to do.”

**Mr. Bisson:** That certainly didn’t happen in the pension debate under Harris.

**Mr. Runciman:** My good friend, he is one of the survivors. There are—what?—eight or nine of them there. Folks, smell the coffee. You are heading right down the same road, folks. Stand up and start defending the people you were elected to represent—not Dalton McGuinty, not the Minister of Finance, not Warren Kinsella, not Matt Maychak, not the whiz kids in the Premier’s office who are sitting at home sipping their lattes or having their evening drinks while you are in here doing the sucker jobs for them. You are the suckers, in capital letters. That’s the reality.

**Interjection:** Is that water?

**Mr. Runciman:** Good Ontario H<sub>2</sub>O.

I’m keeping them awake, Mr. Speaker. That’s my prime objective here: keeping them awake.

I used this term earlier, the “modus operandi” of this government, this sort of arrogance; I call it a Toronto-centric approach. Mr. Speaker, you know this. I think you have a fairly large rural component to your riding. There are a number of us in this place, Pat and others, who have rural—

**Mr. Baird:** Me.

**Mr. Runciman:** Mr. Baird, Nepean–Carleton. You see what they’re doing in rural Ontario, this complete sort of nonchalance. There’s no appreciation, no respect, no understanding of rural Ontario, what the history of rural Ontario is all about.

We see it with the Minister of Labour here this evening. He’s sending his inspectors to agricultural fairs and steam fairs and shutting down these historic steam locomotives, steam engines, which have been in rural and agricultural fairs for 30, 40, 50 years, with these people who have operated them for 40 or 50 years. He’s got his wet-behind-the-ears inspectors going in and shutting them down, saying, “You can’t have a steam engine fair any more. You can’t have a steam engine at a corn fest.” That’s what this Minister of Labour is doing. That’s what this Liberal government is doing to rural Ontario.

Look at what they’re doing in terms of farmers’ markets. They’re sending in their troops, saying, “You can’t sell pies. You can’t sell jams. You can’t sell baked goods of any kind.” What’s happening next?

*Interjections.*

**Mr. Runciman:** It’s happening in our ridings.

**Mr. Baird:** The jam police.

**Mr. Runciman:** The jam police. Yes, the jam police. That’s for sure. The McGuinty jam police.

**Interjection:** Nanny state.

**Mr. Runciman:** What a nanny state. It’s truly offensive. If any of you had one ounce of intestinal fortitude, you’d stand up and fight against it. But no, you’re there to sing out of the Liberal hymn book—sing out of the Liberal hymn book. Who drafted it? Don Guy, Warren Kinsella, David MacNaughton—

**Mr. Baird:** Jim Warren.

**Mr. Runciman:** Absolutely, Jim Warren, Matt Maychak. You don’t know how meaningless you are to these guys. They’re calling the shots.

We talk about democratic renewal—and I’ve been through this. I am not saying this is solely a Liberal problem. We have to deal with the fact that there’s so much power centred in the Premier’s office. People who are elected across the province get here thinking they’re going to have real influence and ability to make decisions that impact on the people they were elected to represent, and they find out they are not able to do that. It’s this small coterie of people around the Premier who effectively make the decisions every day that affect what happens in this place. You get up, as the folks who have been elected, and whose guidance are you following? Not the people who put you in office. No, you’re not following their guidance. You’re following Don Guy’s guidance.

**Mr. Baird:** Gerald Butts.

**Mr. Runciman:** You’re following Gerald Butts’s guidance. You’re following Matt Maychak’s guidance. That is a sad, sad commentary on the state of democracy in the province of Ontario.

**The Acting Speaker (Mr. Ted Arnott):** It being close enough to 12 o’clock, this House stands adjourned until tomorrow at 1:30 p.m.

*The House adjourned at 2354.*



## CONTENTS

**Tuesday 31 May 2005**

### THIRD READINGS

#### **Tobacco Control Statute Law Amendment Act, 2005,**

Bill 164, *Mr. Smitherman*

Mr. Barrett.....	7305, 7313, 7332, 7337
Ms. Martel.....	7312, 7316, 7321, 7324
Mr. Parsons .....	7312
Mr. Tascona..	7312, 7321, 7330, 7333
Mr. Fonseca.....	7313
Mr. Baird.....	7313, 7317, 7324, 7325 7329, 7341
Mr. Klees.....	7314, 7317
Mr. Levac .....	7317, 7333, 7340
Mr. Bentley .....	7317, 7337
Mr. Wilson .....	7317, 7322
Mrs. Chambers .....	7321
Mr. Leal.....	7322
Mrs. Munro .....	7322, 7325
Mrs. Meilleur.....	7324
Mr. Runciman .....	7325, 7329, 7336, 7341
Mr. Hoy.....	7325
Mr. O'Toole .	7328, 7333, 7334, 7337
Mr. Bisson .....	7328
Mr. Delaney.....	7329, 7336
Mr. Dunlop.....	7332
Ms. Scott .....	7333
Mr. Smitherman .....	7334
Mr. Jackson .....	7338, 7341
Mr. Arnott .....	7340
Mr. Bartolucci .....	7341
Debate deemed adjourned .....	7344

### TABLE DES MATIÈRES

**Mardi 31 mai 2005**

#### TROISIÈME LECTURE

##### **Loi de 2005 modifiant des lois**

**en ce qui a trait à la réglementation de l'usage du tabac,**  
projet de loi 164, *M. Smitherman*

Débat présumé ajourné.....	7344
----------------------------	------