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Thursday 10 April 2008

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Jeudi 10 avril 2008

**Standing committee on
finance and economic affairs**

Subcommittee report

**Comité permanent des finances
et des affaires économiques**

Rapport du sous-comité

Chair: Pat Hoy
Clerk: William Short

Président : Pat Hoy
Greffier : William Short

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

COMITÉ PERMANENT DES FINANCES ET DES AFFAIRES ÉCONOMIQUES

Thursday 10 April 2008

Jeudi 10 avril 2008

The committee met at 0906 in room 151.

SUBCOMMITTEE REPORT

The Chair (Mr. Pat Hoy): The standing committee on finance and economic affairs will come to order. We have called the Conservative member's office and there's no answer there. We are behind already, so we will begin. We're here, as the standing committee on finance and economic affairs, to hear the report of the subcommittee on committee business. Mrs. Savoline, would you like to read that into the record?

Mrs. Joyce Savoline: Your subcommittee did meet on this Monday past, April 7, 2008, to consider the method of proceeding on Bill 42, An Act to amend the Smoke-Free Ontario Act, 2008, and recommends the following:

(1) That the committee hold public hearings in Toronto on the morning of Thursday, April 17, 2008.

(2) That the committee clerk, in consultation with the Chair, post information regarding Bill 42, An Act to amend the Smoke-Free Ontario Act, 2008, on the Ontario parliamentary channel and the committee's website.

(3) That the committee meet for the purpose of clause-by-clause consideration of Bill 42, An Act to amend the Smoke-Free Ontario Act, 2008, on the afternoon of Thursday, April 17, 2008.

The Chair (Mr. Pat Hoy): Any comment?

Mr. Wayne Arthurs: I had the opportunity, obviously, as a subcommittee member, to meet with my colleagues across the way in the subcommittee and indicated at that time what my preference would have been. That would have been to have this matter referred to the House leaders, because it's my view that, historically and otherwise, in this place we're very dependent upon the House leaders to help us direct traffic, if I can call it that, in the context of bills and matters before committee.

As recently as yesterday, this committee had a resolution directed to it with respect to the Ontario health premium review. That's a requirement. So, already, we have matters of government business that are directed to committee. Given the nature of this particular week in the Legislature, in which all of the activity to date, if I recall, is finance-related—the budget measures bill, the matter with respect to the Ontario investment strategy for municipalities, as well as the matter that ended up being directed through finance, the Ontario health premium review, in all likelihood are going to create a level of

activity for this committee, should the House leaders send them to us in an expeditious fashion to deal with.

I'm not going to be able to support the subcommittee report. I think that was probably reasonably clear at our subcommittee meeting. I would anticipate, although I can't speak for them, that my colleagues on this side of the committee will feel much the same way, in the context of the precedence priority that House leaders need to set in the context of assisting us with steering government business. It's not a commentary at all on the bill, which had very strong support, as many private members' bills, do in the Legislature for first and second reading. That will be a matter for my consideration at committee as we continue that deliberation, obviously. But in the context of the subcommittee report, moving this matter forward to April 17 is something that I don't find myself to be in a position to support.

Mr. Michael Prue: I have to state that I am disappointed, not so much by my colleague from the Conservative Party and her bill—because I think it's a good bill—but because what the parliamentary assistant has said is that this committee does not really exercise the jurisdiction that the House has given to it and that is contained within the standing rules and orders.

This committee has the authority to hold whatever hearings it deems essential or necessary in order to conduct its business. If the committee chooses to do so, of course we can hear this bill. What has been said is that we ought not to do so because there may be some government legislation. I use the words "may be"—because that's what it is.

There was a bill, potentially, sent yesterday, and it will take, I think, some weeks to get the necessary documentation together in support of the motion. I don't know what business, if any, is before the committee other than this private member's bill. This is merely asking two weeks, and the reason that the subcommittee set two weeks and not one week—well, it's one week from today—was to provide an opportunity to have people come forward to make deputations, to put it on the parliamentary channel. This will take all of one day: a half-day to listen to people and a half-day to debate the merits of the bill and either pass it or not pass it.

There's nothing being lost by the Liberal Party or the government if we hear this bill. The government is free to vote for it or against it, and then—and only then—the House leaders have the responsibility to negotiate and to

discuss. The government House leader has the responsibility of bringing it forward for third and final reading, should the government House leader decide to do so.

There are plenty of ways that the government can stop this bill, or any bill, if they chose to do so. But to try to exercise control over this committee in advance, I think is doing a parliamentary disservice. I, for one, intend to support the subcommittee's recommendation. I do know that in other committees, of one of which I am the Chair, we have had preliminary discussions about having the bills brought forward to committee and holding public forums on them. We believe that that's the committee's responsibility. The government's responsibility is different and the House leader's responsibility is different, but the committee's responsibility is to do all of the work that is sent to it.

We only have this one bill presently before us. It is scheduled one week hence. It's not going to tie up government bills or government duties or other responsibilities of this committee into the next few weeks or months that we're in session. Certainly, if there's a lot of work, it is possible for the House to determine that the committee can meet in periods when the House is not in session.

I am perplexed and a little disappointed but it seems that a great element of control is coming from on high.

Mrs. Joyce Savoline: I too am very, very, very disappointed. This bill is a no-brainer. All it does is support the government bill. It was cross-jurisdictional, and that's why I brought it to this committee. It does have some economic ties. There are businesses that are having to decide whether to allow patrons to smoke, in spite of the fact that there are patrons upset about folks smoking in doorways or insisting on smoking medical marijuana in an establishment or a public place, and then getting in a car and driving home. Police hands are tied. With this, we close a loophole. This is nothing more than promoting, first of all, the ability for an owner of an establishment to have some muscle, something to fall back on, when they're asking somebody not to smoke in the presence of their other patrons.

Second of all, the risk to the patrons who are walking in and out of the doorway, to the staff—second-hand smoke is documented as a very serious thing in our society. There are jurisdictions that have banned smoking altogether, even outside on patios and from much further distances than what we're allowing for in this bill.

I would have hoped, since there is no business this committee is doing, that we do have the jurisdiction within our committee system to decide to take on business. It doesn't have to come from the House leaders. We have the opportunity to move this forward and close that loophole, have the whole thing said and done, and we move on. To stand on precedent, even though we have the jurisdiction, to me makes no sense in this matter.

This is not reinventing the wheel; we're not starting with a brand new bill. We are simply imposing a layer of greater safety for the residents of Ontario and some support for business owners who find themselves in a predicament where they cannot, because of the little certificate that allows people to smoke marijuana for medicinal purposes, move these folks away from other patrons at their establishments.

I would hope that today we understand the difference between having the time and being able to move this forward in a logical and responsible way and banking on precedent and whatever—I don't know. Orders have come down from on high that no bill will move forward through committee regardless of how little work the committee has at the present, because that's the way it's going to be. It just makes no sense. I cannot follow that logic. I'm not understanding why this bill in particular, considering it strengthens and closes a loophole in a government bill that everybody was extremely thrilled came forward and passed—we finally had an Ontario-wide smoking ban. That couldn't have been better. All this does is make that bill stronger.

The Chair (Mr. Pat Hoy): Further comment? Hearing none, I'll call the question.

Mr. Michael Prue: Recorded vote.

Ayes

Barrett, Prue, Savoline.

Nays

Aggelonitis, Arthurs, Lalonde, Pendergast, Ramal.

The Chair (Mr. Pat Hoy): The report has not carried and the committee is adjourned.

The committee adjourned at 0916.

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