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JOHN YAKABUSKI, M.P.P. - RENFREW-NIPISSING-PEMBROKE

Legislative Debate

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Smoke-Free Ontario Amendment Act, 2008, Bill 69

Mr. John Yakabuski: It's a pleasure to join the debate on Bill 69, the Smoke-Free Ontario Amendment Act, this morning. You've already heard from a number of our speakers, including our critic for health promotion, Laurie Scott, who spoke for an hour on this bill. I congratulate her for being able to speak on this bill for an hour because, like so much of the legislation that is being brought forward by this government, there's not a lot to the bill. But we are required to debate legislation. It would be nice if the legislation we were debating in this House these days dealt with the single most important issue of the day, and that is the economy. But the government does not want to talk about the economy. They don't want to talk about the economy at all. In fact, this morning—Mr. Speaker, I'm going to get to the bill in a very short second here—the Premier is doing a 180 and wants to talk about John O'Toole's bill on cellphones. So today we're talking about David Oraziatti's bill, the member from Sault Ste. Marie, and also Liz Witmer's, who was a big proponent, as our health critic, of bringing forth anti-smoking or prohibitive smoking legislation for cars being occupied by children under the age of 16 years.

It's not a difficult issue. Goodness gracious; we all know how damaging smoking is. We all know about the number of dangerous and toxic chemicals in a cigarette. Some people have been smoking for many years; they're addicted to it. And many of them are working to get off it. I certainly congratulate my friend the member for Durham, who in the last few months has kicked the habit himself—and he's not a young man. I won't give you his age, but he's not getting a pension from here, but I think he's getting one from somewhere. I give him credit for kicking the habit at this stage, because he recognized that smoking wasn't doing him any good, or anybody else any good either.

Do we want smoking in cars with children under the age of 16? No, of course not. We support that legislation. We don't support many of the things that this government is doing. We don't support many of the things in many of the bills that we actually support. But this is so full of contradictions. I have no objection to the Minister of Health Promotion; she seems like a very charming lady. But she is in over her head on this one.

She's going to ban smoking in cars-that's a great idea-with children under the age of 16. But you know all those dangerous chemicals I was talking about, all those dangerous chemicals in a cigarette? We've identified them all. We know they're there. So when you go into the corner store or the convenience store, or wherever, and pick up that pack of cigarettes, we know what those cigarettes contain. They contain many dangerous substances and chemicals. Some are addictive and some are simply toxic at different levels.

But do you know what? All of those cigarettes-about a third of the cigarettes consumed in this province today-that are coming illegally through First Nations reserves contain all of those chemicals, and maybe some we're not even aware of, too, because we have no control over the manufacture or distribution of those cigarettes.

So what does the Premier, and this is where I say the Minister of Health Promotion-do you know what? I think if she had her way, she'd probably be doing something about that. But we know that everything runs through the corner office on the second floor. No decisions are made in that caucus, in that cabinet, in that party, except by the king himself, King Dalton. He runs the show. And he's telling those people, he's telling the Minister of Health Promotion and he's telling all of these backbenchers over here-well, the few of them who are dutifully here for their 9 o'clock appointments: "This is what you're going to do in my Liberal Party, in my Liberal government. You're not going to say anything negative. You're not going to say that the government isn't doing something it should be doing when it comes to attacking and dealing with illegal contraband tobacco being filtered through First Nations. No, no, we don't touch that. We don't touch that in Ontario."

What's regrettable about that is that it sets two standards. It says on the one hand that law-abiding, taxpaying businesses are losing revenue because tobacco, even though it's a bad substance, currently is a legal substance. I want to clarify that. If I say it too fast it might sound like I'm saying it's an illegal substance. It's a legal substance. Those legitimate businesses are losing money hand over fist. I talk to people in my riding all the time whose cigarette sales are way down. Oh, and by the way, you used to hear the Minister of Health Promotion and the former Minister of Health Promotion, who is now the Minister of Municipal Affairs and Housing, jumping up and saying, "The McGuinty anti-smoking strategy is working well in Ontario. We're seeing huge drops in the number of people who are smoking in this province." That's not happening at all, and they know it. What is happening is, instead of people buying those cigarettes at a legal, law-abiding business, they're buying illegal cigarettes filtered through the First Nations reserves, with no taxes attached to them. I talk to folks in my riding, and they buy them by the garbage bag. I guess that's going green: Go get a green garbage bag full of cigarettes off the reserve; maybe that is going green. Maybe that's the new McGuinty green plan. They paid a little over a dollar, around a dollar, for a pack of 20 cigarettes.

When I talk to these tobacco enforcement people, do you know what they say? "You watch out, mister. If you're buying those illegal cigarettes, we're going to get you. We're

going to put the hammer down on you." But they're not going to deal with the source: "No, no, we're not going to touch that at all."

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I don't absolve the federal government on this one either. Enforcement of tobacco laws is both provincial and federal, and we need to do more to ensure that those illegal cigarettes are not being distributed on First Nations. We've got a problem on First Nations. If we're not offering them reasonable opportunities to better their own lives and we don't negotiate in good faith on many of the issues that are important to them, and should be important to us, the argument may be made that we're forcing them into these corners. That's a fair argument but that doesn't justify breaking the law. That doesn't justify illegal acts.

When it came to the war on drugs, or the so-called war on drugs, one of the things we always said was, "We are going to attack the source." Government said, "We want to get to the source." The RCMP and police forces said, "We want to get to the source. We want to get to the people who are selling these drugs to our young people. That's how we're going to deal with the war on drugs."

Alas, when it comes to the war on tobacco, no such policy. They don't want to talk about it. They don't want to talk about it because they don't want to deal with the real issue, which is illegal tobacco. That's the real issue.

What are we going to do if we catch somebody smoking in a car with an infant? It's the wrong thing to do, absolutely the wrong thing to do. There's no justification for it. But are we going to see if they're smoking illegal cigarettes? And if they are smoking illegal cigarettes, is part of that investigation going to be, "Okay, let's find out where those cigarettes came from, because we're going to nip this in the bud. We're going to get at the source"? No, no, nay, not so. That won't be happening-inconsistencies in this government's anti-tobacco strategy.

If you're going to play the game, if you're going to attack what we know is a substance that is harmful, then you've got to attack it from all sides. You can't pick and choose. You can't say, "We're going after the legitimate business owner because he's an easy target, but we're not going to go after First Nations reserves because we don't want to inflame the situation."

We have a lot of things that we need to do with First Nations reserves and First Nations peoples. There are a lot of injustices that we've got to make up for, but failing to enforce laws and turning a blind eye to the breaking of laws is not the right message to them and it is not the right message to everyone else here in this province or in this country.

Another one of the terrible inconsistencies-did you ever hear of Gator Ted's? Gator Ted's is a bar down in Burlington. Gator Ted's was periodically, and I think regularly, visited

by a gentleman who had a medical exemption to smoke marijuana. Now, regardless of your views on marijuana, and certainly views are changing-

The Acting Speaker (Mr. Ted Arnott): I'm very sorry to interrupt the member, but take your seat, please. I'm just inquiring as to how this relates to the bill at hand, the bill that's before the House.

Mr. John Yakabuski: Can I answer that, Mr. Speaker?

The Acting Speaker (Mr. Ted Arnott): Absolutely.

Mr. John Yakabuski: It certainly relates to the bill at hand because this bill is about the protection of children. What I'm talking about is the protection of children from tobacco or any other substances in the air that could affect their health. I'd like a little bit of latitude on that because I think this is important. Continue?

The Acting Speaker (Mr. Ted Arnott): Yes.

Mr. John Yakabuski: Thank you very much, Mr. Speaker.

So let's talk about Gator Ted's. Gator Ted's asked that this man not be allowed to smoke marijuana where he wouldn't be allowed to smoke tobacco. As you know, in Bill 40, or whatever bill it was there a couple years ago, tobacco smoking in public places was banned, including in bars and restaurants. You had to go outside to have a cigarette. Well, in Dalton McGuinty's Ontario, you can go outside and have a joint providing you've got this medical exemption.

I'm a little biased, I'm the first one to admit that, but I think these medical exemptions for marijuana started getting handed out like Smarties at a point, because once one person got one, the next person said, "Well, I need marijuana." They just started handing them out like they were coming out of Cracker Jacks. So this guy has an exemption to smoke marijuana and now he's smoking it outside of Gator Ted's. How do you think you feel, as another individual, if you can't walk into Gator Ted's without going through a cloud of marijuana smoke but you can't smoke a cigarette where this guy can smoke marijuana? Kind of strange, isn't it?

I don't expect you to answer that, Mr. Speaker. You're impartial in these debates, I understand that, but you really have to ask yourself, "What are we thinking?"

My colleague from Burlington, Joyce Savoline, brought in a private member's bill that would have compelled this government to treat the smoking of marijuana exactly the same, from the point of view of prohibitions, as smoking tobacco. So this person would have been banned from smoking marijuana where he could not have smoked tobacco. They voted it down. They don't want to deal with significant, serious issues with regards to rights and health.

So what's the easy thing to do? " Well, let's bring in a smoking-in-cars bill. Who's going to be against it? We may feel that it's a little bit soft, but nobody's going to be standing up and ranting against it." We know that if nobody smokes in cars, our children, our grandchildren are much better off than if they do smoke in cars. There's no argument there. There's not a single person in here who's going to argue that people aren't better off if they're not subjected to the fumes and the second-hand smoke of other people. We have to certainly question the judgment of a parent, or the custodian or guardian of a child, who would smoke in their car. You really have to question their judgment. There's enough information out there to conclude that that is not good for the child, so why would we be doing it?

Children, of course, have no say in the matter. They don't get to decide whether that person driving the car or an adult passenger in the car-they don't get to decide if that person smokes. So it is incumbent upon that person to make that decision. Not respecting whether we have a law or not, that decision should be a no.

The fact that we will have a law-and I will concede this-I think does give some strength to anyone who is observing someone who is smoking in a car with a child. You're not only doing something that we believe is wrong, you will now be doing something that is against the law. I think that is a good part of this legislation. They will now be doing something that John Q. Public knows is against the law. I think it gives people a little more comfort in maybe just saying, not in a confrontational way but in a polite way, "Excuse me,"-if you're at a stoplight or something, tap, tap, tap-"you're smoking in the car. That's against the law and that's bad for your children. Don't do that." Maybe not many people would do that, but I believe there will be some.

We certainly know about the dangers of second-hand smoke. Studies have shown-and I know my colleague, Laurie Scott, was talking about it in her address-that second-hand smoke is 23 times as toxic in a confined space like a car. Again, this speaks to what I'm saying. There's no argument. There's no debate about the importance and the righteousness of not smoking in a car where there are children. But this is, quite frankly, another one of the Premier's favourite ways of dealing with things. It's number two. His first is to deny. Number one, deny; number two, deflect. So this is number two; this is deflect. So if we bring in a piece of legislation that is going to tie up the Legislature and is going to put some ink on the newspaper, that's deflecting. That's what he's doing here. He's doing it again today because he doesn't want to talk about the economy.

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I was speaking to a gentleman last night who was telling me there are about 1,300 fishing lodges in this province. Almost all of them are for sale because they can't attract US tourists here. They're for sale or they're in trouble. Does Mr. McGuinty want to talk about that? No. Do you know what he wants to talk about today? He wants to talk about John O'Toole's private member's bill from the past about banning cellphones in cars. Just a few months ago, Premier McGuinty said, "No, we're not going down that road. Absolutely not. That's not for us. We can't control everything." But he's concluding that that's exactly

what he wants to do. He wants to control everything, and what he really wants to control is what you're reading in the newspapers or what you're watching on the television. That's what he wants to control. How do you do that? You deflect away from the issues that matter and you bring these other issues out on the floor-cellphone bans.

Listen, I recognized and I supported John O'Toole on his private member's bill. That was three years ago. What's the problem? He said no way then, but do you know what? The economy was pretty good then. He didn't want to deflect anybody away from the economy with a cellphone ban. He wanted to talk about how things were going in Ontario. Well, times have changed. Things are not going so well in Ontario. All of a sudden, " Oh, no. We can't talk about the economy. We've got pressing issues here. People of Ontario, we've got pressing issues. We've got to ban cellphones and GPSs and BlackBerries and everything else. And watch out, don't be putting your makeup on anymore in the car, ladies. You're going to be in trouble." That's what the Premier wants you to think about. He doesn't want you to think about the economy. Mr. Deflecto is up to his old tricks

Mr. John Yakabuski: I want to thank the member from Parkdale-High Park for her comments, as well as the member for Durham. Apparently all of the Liberal members agree with what we said, so they chose not to respond. I appreciate their support for my comments. That's refreshing, and it's good to see some improvements over on that side of the House.

Let's conclude with a couple of important points. First is the importance of enforcing laws and treating tobacco equally across this province, whether it's sold in legal smoke shops or in illegal ways. Whether it's the illegal smoke shop on government land on Argyle Street in Caledonia, or filtering illegal cigarettes through First Nations reserves, we have to deal with that. That is important. That is a crucial part of an anti-tobacco strategy in the province of Ontario.

Let's also talk about why this bill is before us, the real truth. It's because this government wants to deflect. It does not want to talk about the real issues. It doesn't want to talk about its failures to deal with the economy in 2008 in the province of Ontario. Everywhere you go, you're hearing analysts say that this province is in trouble. And what does Dalton McGuinty do? He puts blinders on and says: "You know what? I've got some important stuff for you, ladies and gentlemen. I've got some real important stuff." Now that the smoking bill is winding down, "Hey, let's go with cellphones." What's next? What is he going to bring up next?

Our party put forth a very good idea with regard to economic stimulus in the province of Ontario: helping our tourism industry that is suffering under Dalton McGuinty. What do they do? They pooh-pooh the whole thing. They're not interested. They would rather put their heads in the sand like a group of ostriches and not face the real challenge here in Ontario, which is the economy. Get on with it.