

Cigarette vendors feel wrath of government

Lose their livelihood

Governments should compensate businesses for the impact of new laws

DAVID ROMANO

I met them in Montreal — three average middle-aged small-business owners who had worked hard their whole lives, paid their taxes and obeyed the law. They looked tired, anxious and full of despair. You see, the Quebec government has put forward legislation that will kill their business in one fell swoop when it is enacted.

Their crime? They own and distribute cigarette vending machines, and Quebec's health minister has declared war on tobacco and smokers. The machines would be outlawed as of Jan. 1. Now you might think that banning cigarette vending machines

is necessary to keep a dangerous product out of the hands of minors. Quebec's health department and recent news stories made precisely this argument.

But as the three of them lamented, it's a false argument — Quebec law already requires that cigarette vending machines be located only in bars, where minors are not permitted. In the minority of cases where establishments have a bar and restaurant licence and minors can enter, the machines must have a remote-control lock that the bartender disarms on request, when someone wants to buy cigarettes.

These small-business owners said in no uncertain terms how

they worked hard to adjust to government regulations like these, and how they were proud to have done so. They make their living supplying what customers demand.

That doesn't concern the bureaucrats and health militants though — they're determined to harass smokers in any way possible (although they call it "denormalization"), and that includes smoking bans, limiting retail access to cigarettes and efforts to put anyone even remotely involved with the tobacco industry out of business.

In this holy war, the ends justify any means, including manipulating statistics, fear-mongering and making law-abiding citizens destitute (the three I spoke to, from Le Regroupement des Exploitants de Distributrices de Cigarettes, don't even know how they'll continue paying their mortgages after January).

All of which makes me think — in this era of banning crazes and increasingly interventionist nanny government, perhaps it's time to add a new article to our Charter of Rights and Freedoms. This one will be for business owners, however (they're individuals, too, right?).

The article would go something like this: "Any legal business pushed into bankruptcy by new legislation is entitled to compensation or an exemption from the legislation in question."

The business-owner would have to be able to demonstrate that new government legislation was the most likely cause of his or her bankruptcy (for instance, comparing income before the legislation with post-legislation revenues and showing no other extraneous factors to explain the decline exist). Besides providing a bit of jus-

tice and relief to people like the three I spoke to in Montreal, this kind of thing might just make governments pause a bit and consider the impact of their latest decrees, especially since they'll be liable for the businesses and lives they destroy.

I tested this idea by considering some recent legislation I agreed with — a ban on pesticides used for cosmetic purposes (e.g. your lawn) where I live. Now let's think about the local pesticide companies: They built their businesses and clientele bases at a time when using pesticides was legal, and there was a demand for their services.

I don't think any of us, apart from perhaps some of the more fringe tree-spiking environmentalists, could fault them for this. Suddenly, our government passes a law that destroys their business. The only just thing to do would be provide them with

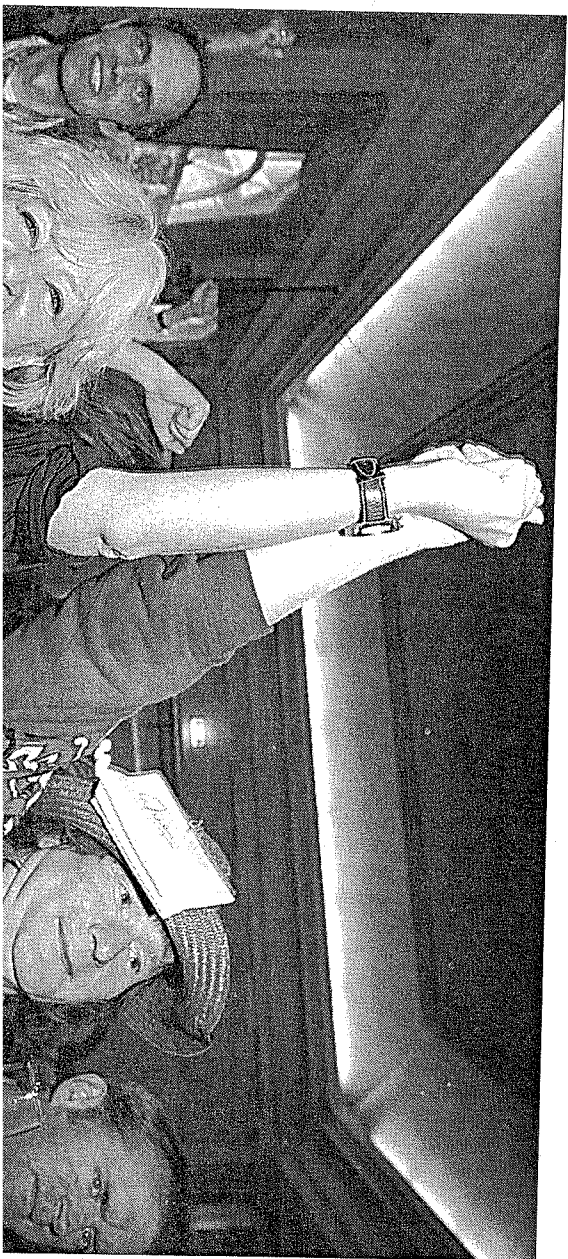
compensation, the same way we give workers unemployment insurance.

This would be the right thing to do, despite the fact I don't like pesticide companies (or tobacco companies for that matter) one bit.

More importantly, it would make us consider the tens of thousands of new laws passed every year a bit more carefully. We might even reconsider our attitudes about businesses that provide what their customers want.

Maybe this way someone would care more when three middle-aged average, hard working and law-abiding citizens get pushed up against the wall by the behemoth that our governments have become.

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Harper needs to take bold action



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al unity (too close to the Bloc) and on foreign policy (too close to the United States).

They've said it before, and it worked. They're saying it again, and it's working. A year ago, voter anger with the Liberals over