

A Time For Change

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Throughout life there are many good winners, but only a few good losers. Those who score the most points usually prevail. Not so in first-past-the-post politics, where it takes less than 40 percent of the total votes cast in a Canadian federal election to win 60 percent of the seats and gain 100 percent of the power. Were we to switch to proportional representation, there would be more winners than losers yet, in all likelihood, we would suffer the dysfunction of continuous minority governments. Whatever, governing Canada is never an easy assignment and unfortunately elections tend to exaggerate, rather than allay, our regional differences.

In addition, the Canada Elections Act of 2000 makes it illegal for advocacy groups and citizens to voice an opinion in an attempt to influence the results of an election. As a result the voters are left with a predictable campaign full of the same old self-interest, party-sponsored advertisements, while concerned individuals, like myself, who might otherwise offer an original or even contentious alternative point of view, are supposedly denied their say. It is hard to believe the Supreme Court of Canada would attempt to impede the freedom of speech, so it is vital the muzzle be removed at the first possible opportunity. Otherwise I may face imprisonment for this simple act of telling it as I see it!

AS IT NOW STANDS

Although Paul Martin held upwards of a ten-point lead at the outset of the election campaign, by the Christmas-break 27 percent of Canadians thought he would make the best prime minister, compared to 23 percent for Stephen Harper. In populous Ontario, the two leaders are now virtually tied at 40 and 38 percent. Nationally, the Liberals stand at 33 percent of decided voters, the Conservatives 32, the NDP at 16, the Bloc Québécois at 13 and the Green Party at just 5 percent. Fully 12 percent remain undecided or refuse to say who they will vote for. The Liberals are running scared as voting patterns mean a Conservative victory is feasible, even with a slightly lower percentage of the votes.

Giving Canadians a choice is important. I believe the differences in the party platforms will become more evident in the second half of the campaign. If not, many people will remain convinced the electoral system is broke and no one with any political muscle seems prepared to step forward and fix it. As a point of reference, in the last election the Bloc Québécois received 1.7 million votes in Quebec and gained fifty-four of the 308 seats in Parliament. The NDP with 2.1 million votes from across Canada ended up with only nineteen. The Green Party got more votes in total than the Liberals did throughout the Atlantic provinces, yet the Grits elected twenty-two members from the Maritimes to the House of Commons, the Greens not a single one.

Furthermore, many a Western Canadian is frustrated to learn the winner has been declared long before the polls close and the television network coverage begins in their time zone. As a consequence a goodly number refuse to participate in federal elections. While many feel a more equitable process is required, such will never come to pass without solving the riddle which is Quebec, the Bloc Québécois happy to be in opposition focusing on Quebec issues, and not participate in the governance of Canada as a whole.

While I have no doubt Messrs. Martin, Harper, Layton, et cetera are committed to keeping Canada whole, Quebec will continue to garner more concessions from Ottawa than any other province as its elected representatives and supporters are far and away the most able politicians in Canada, politics having been the key to survival of the French culture since the arrival of the British to our shores. They, like any top-flight salesperson, simply will not take no for an answer! I will address this vital matter in greater detail in due course. In the meantime allow me to put to rest a number of less contentious election issues.

CANADA—U.S. RELATIONS

In my mind the Americans did us a favour by sending an unannounced submarine across our North. In doing so they have convinced many Canadians we need to improve our ability to deal with the routine responsibilities of nationhood, by upgrading the capabilities of our navy, army, and air force, and search and rescue teams. While we are at it, let us realize Yankee-bashing will never give us a leg up in world diplomatic circles, or commerce. Though I would never suggest the U.S. always does things better than we, Canada has much to gain by keeping the world's most powerful nation onside. Paul Martin's recent grandstanding vis-à-vis the Kyoto Protocol is uncalled for, incorrect and childish behaviour at best.

IMPROVING HEALTH CARE AND CHILD CARE

As to the rationale for less government, the bigger and more monopolistic the public sector becomes, the more likely it is to be run in the interests of the people providing the service, not the ones the service is for. It will never be as quick, flexible or responsive as it might otherwise be if there was a wealth of competition. The Supreme Court's Chaoulli versus Quebec decision, which says timely access to health care is a fundamental right, is likely to trigger the development of a concurrent private system in the not too distant future. At present, the polls suggest many Canadians think alternative delivery of public services is only acceptable as long as the government pays the bills. That too will change in time when the man on the street eventually comes to realize private health care will result in more expedient delivery of medical services for everyone. Why even Jack Layton seems to have gotten the message and changed his tune, from the ideological purity of a government monopoly, to embracing the benefits of private health-care options as being fundamental to what Tommy Douglas first envisioned.

In terms of health care, we rank thirtieth, the U.S. thirty-seventh. Of the forty major industrialized nations, only North Korea, Cuba, and Canada are without a private provider component. We must find a better way. Let us stop pointing fingers and get on with what can be done to make the master plan something of which we all can be proud. Waiting times will never improve by simply throwing more money at the same odds. Only innovation and competition, coupled with consumer empowerment and responsibility,

will better the situation and keep costs in check. The current method of doing things has got to be changed if we ever hope to be more proficient, and able to effectively deal with an ever-aging population.

So far the Tories plan is more realistic, pledging to permit wait-listed patients to go anywhere when timely treatments are unavailable close to home, including public facilities in other provinces, private clinics, or even foreign hospitals. The Grits would compel frustrated patients to stay within Canada and limit them to government-run hospitals and clinics where, as you well know, they would simply be going from one waiting line to the next.

As regards child care, the Liberal's "government knows best" approach is poles apart from that of the Conservative party. The Grits plan to spend \$10 billion over ten years, the money transferred to the provinces, to be paid out to selected licensed, regulated, and probably unionized, day care centres. The Tory proposal is to spend a like amount over five years, the funds given directly to the parents. Not only is this plan universal, it is portable; the money follows the child, wherever he or she goes. Furthermore, the parents have the right to choose whichever type of care they believe is best for their child. All of which will result in greater competition and better services from the providers. In sum, the Conservatives would fund the children, the Liberals the "spaces." If Paul Martin's proposal does not remind you of the hapless national gun registry it should!

FISCAL POLICY MUST BE APPROPRIATE

The Liberal's most recent fiscal update announced a new long-term target for the ratio of net federal debt to gross domestic product: 20 percent by 2020. Once again they have set an easily achievable policy goal for the future, while ignoring the major deficiency in Canada's macroeconomic framework, the lack of a medium-term anchor to hold fiscal policy in check. The oversight means accountability remains lacking and policy-makers need not face clear and visible tradeoffs when formulating annual budgets. Under the current system, as the fiscal year draws to a close and Ottawa inevitably has extra money left over, politicians look for immediate ways to spend the surplus. As a result fiscal policy has become strongly procyclical. In effect, the government increases spending in buoyant times and cuts back when they are trying. By increasing interest rate volatility and potentially hindering the growth in GDP, it achieves the exact opposite of what proper economic policy dictates. The good news is the Conservatives know what is needed and the election campaign presents an opportune time for Stephen Harper to articulate a reasonable, binding, medium-term target to guide fiscal policy, and improve transparency. Hopefully, once in power, the Tories will see fit to reduce government spending and income taxes. It is highly unlikely the Grits ever will. Such is not part of their makeup. They never have focused beyond the next election. As his most recent utterings suggest, Paul Martin will say and do almost anything, no matter how duplicitous, to win a vote. Fortunately, the press is now on his case and giving him a tough time, as they should. One can only hope the public at large will soon follow in step, cautious as Canadians are about embracing change, even when it is for the better!

GETTING DOWN TO BRASS TACKS

The comic high point of the first election debate was occasioned by a question from the audience as to whether or not any of the political party leaders was willing to swear on a

Bible (“or whatever is dearest to your heart”) to keep to their promises if elected prime minister. Whereas we all have a stake in devising means of holding politicians to some minimal standard of truthfulness, the profession having failed so utterly to govern itself, the query seemed to have caught all four off guard, and not a one gave a simple yes or no answer. Which has prompted some voters to suggest there be legal penalties attached to lying in the political arena, as there are in the commercial and legal worlds. If a company issuing securities took as many liberties with the truth in its prospectus as politicians do on the campaign trail, its senior executives would all be in jail! That said, let us listen to the political debate with an open mind, willing to at least give the main combatants the time of day, rather than just hang on to preconceived notions. At a minimum, we should be looking out for the one who seems to at least have a reasonable chance of keeping the country stitched together.

Whereas the Liberal point men insist Stephen Harper speaks in code, the press and the polls suggest otherwise. He is scoring many more points than Paul Martin on a host of policy issues, including support for fixed election dates, an elected Senate to replace the discredited practice of prime ministerial patronage appointments for the party faithful, and across-the-board tax cuts for all hard-working Canadians. He is also in favour of reduced dividend and capital gains taxes for investors, and lower capital taxes for corporations striving to improve productivity. As you are no doubt aware, the Conservatives are convinced successful entrepreneurs are the stepping-stone to creating better-paying jobs, not subsidies to mismanaged businesses or government bureaucracies.

Going back in time, a Quebecker has been the prime minister of Canada for fully fifty-one of the past 138 years since Confederation, doing well in *la belle province* a harbinger to winning national power. One has to wonder why almost everything has been turned upside down in a political sense in the past quarter century. Though the Québécois have never had it so good, many remain unhappy with their lot in life. So much for the theory about a healthy economy resulting in political peace!

As of this moment the polls suggest the Liberals may lose fifteen to twenty seats, and the Conservatives gain fifteen to twenty. Any governing party with only 120 seats will inevitably be wildly unstable. The NDP would need thirty-five or more seats to play kingmaker, able to deliver a majority, which is not in the cards. So, it is quite conceivable the balance of power will rest with the Bloc Québécois. If the separatists sweep the province as some polls suggest they might, and there is not an elected francophone Quebecker in the federal cabinet, the humiliation for the once proud Liberal and the Conservative parties will be acute. In which case Paul Martin and Stephen Harper may have no choice but to resign. In any event, another election within a year or two is likely unless and until, the riddle that is Quebec is resolved. As it now stands, I see little in the tarot cards to suggest the Liberals are going to make the grade in Quebec. Conversely Stephen Harper has recently put forward an intriguing proposal that may just prove to be a winning hand. Whatever, every Canadian, including all Quebeckers, should at least give him an opportunity to state his case.

In effect he is harking back to the rights and liberties granted French Canadians by the Quebec Act in 1774 and later inscribed in the British North America Act of 1867, known since 1982 as The Constitution Act of Canada. On the other hand, many Québécois wonder if Paul Martin is aware Canada has a constitution and, if so, whether he has ever read it and,

if so, whether he understands it and, if so, why he ignores it. Section 91 sets forth specifically assigned federal responsibilities, generally related to matters which affect Canada as a whole, such as monetary policy, criminal law, national defence, and other framework issues. Sections 92 and 93 concern the exclusive powers of the provinces. Both levels of government are sovereign. They are not answerable to any higher authority in respect to items ascribed to them.

Quebec's frustration with Canada is the result of the federal authorities having consistently and systematically refused to honour the constitutional rights of the provinces. Its vexation is understandable given as the division of legislative powers granted in 1867 was largely designed to accommodate those bestowed the French Canadians in 1774, intended to protect the province's prerogative to the use of its own laws, its institutions, and control and legislation of matters pertaining to its health, education, municipal government, and the property and civil rights of Quebecers. Instead it has had to face the stark and uncomfortable choice of either conceding to the rape of its privileges in order to receive offerings from the federal tax trough or, on a matter of principle founded in law, refusing the monies and thereby beggaring the province. Many of its premiers have long complained of their humiliation when needing to go to Ottawa on bended knee, not because they are courting favour, but insofar as having to ask for what is justly Quebec's, including tax dollars which should never have been collected by the federal government in the first place. Therefore, it is not surprising many Liberals and Conservatives are "parking" their votes with the Bloc Québécois. They will continue to do so until the Canadian government stops interfering in areas of provincial jurisdiction. Furthermore, Quebec's role in Canada will remain uncertain and the resentment of its citizens will become more prevalent. It may eventually tip the scales in favour of the independence from Canada if appropriate steps are not taken to rectify the situation.

Unfortunately, the French-Canadian point of view remains taboo among the business and political elite of Maritime Canada, for fear of being cut off from federal government subsidies. As far as most self-sufficient Western Canadians are concerned, Quebec has hijacked Confederation for long enough. It is time Quebecers put up or shut up. In Ontario, the mushy middle of the country, people are just tired. They cannot stand the thought of another round of constitutional wrangling. Been there, done that. Fighting for Quebec feels more like struggling to stay married to someone you are pretty sure no longer loves you. Eventually, you start to wonder why you bother. Rather than admit the challenge exists, few politicians are willing to stand tall and debate the issue. Which is not surprising given as only a smattering has a meaningful understanding of our Constitution. It is not taught in schools nor, shamefully, is the political history of Canada.

IN CONCLUSION

My purpose in writing this dissertation is to set forth the legal facts within the framework of the rights of Quebec, and explain to the rest of Canada why it is entitled to what it insists upon, and why it is in the interests of the country as a whole that its cause be recognized and respected. Which is why I am encouraged by Stephen Harper's claim Ottawa is stepping on the toes of each and all the provinces, and proposes to limit the federal government's spending power, which the Liberals have so often abused, giving rise to a domineering and paternalistic federalism. While many may fear the Conservatives might

give away the federal store, I believe Stephen Harper is on the right tact. If he is true to his word, he will provide a coherent vision of “open federalism” acceptable to both Quebeckers, and all other Canadians. It will be interesting to discover if he is able to clarify the roles of both tiers of government within the division of powers set out in the Constitution, and do so well enough before voters cast their ballot on January 23, 2006.

It is time for change. I hope we will at least gain a Conservative minority on the way to a majority a year or two from now. Please exercise your right to vote or, as they say in Quebec, vote early and vote often! Every single one counts when the going is tough and the tough must get going!