

### Government Orders

which provides that all strictly local and private matters fall under provincial jurisdiction.

Moreover, subsection 13 of the same section recognizes that Quebec has jurisdiction over civil law, which is a fundamental feature of our distinct society. Also, section 93 of the Constitution Act, 1867, confirms that provinces have jurisdiction over education, which is undoubtedly an essential element of the cultural sector.

Finally, section 40 of the Constitution Act, 1982, provides that where an amendment is made under subsection 38(1) regarding education or other cultural matters, Canada shall provide, and I quote: "reasonable compensation to any province to which the amendment does not apply".

So, in reality, provincial legislatures have exclusive jurisdiction over most cultural matters.

• (1230)

The federal government has interfered in the cultural jurisdiction only because of its spending power, and we know to what extremes its uncontrolled spending power led it. The federal government must withdraw from that field, because it is using its power in a way that goes against the will Quebecers—and at times other Canadians—have expressed for the last 30 years.

Let us look at the historical demands of Quebec in the cultural area. The federal government's refusal to recognize in this bill the distinct nature of Quebec society is unacceptable. In February 1994, in his address in reply to the throne speech, the hon. leader of the Official Opposition said, and I quote: "Our cultural objectives are closely linked to our collective objectives. Culture is what unites the men and women who want to live together. It represents the essence and the basis of any society. Measures and policies must be undertaken to protect and reinforce Quebec's unique and specific culture".

The mandate of the Minister of Canadian Heritage, as defined in clause 4(1) of this bill being considered at second stage, is as follows: "The powers, duties and functions of the minister extend to and include all matters—relating to Canadian identity and values, cultural development, heritage and areas of natural or historical significance to the nation".

This bill does not refer to Quebec as a distinct society nor mention its cultural specificity. Again, Ottawa deliberately and knowingly ignores Quebec's cultural reality by mixing it in an hypothetical pan-Canadian cultural identity based on bilingualism and multiculturalism, whose risks for Quebec's language and culture have often been denounced.

In doing so, the federal government ignores the historical demands Quebec has made these last 30 years. In 1966, Mr. Daniel Johnson stated that Quebec must make its own decisions concerning its cultural development, in the arts, literature and

linguistic areas. In 1969, Mr. Jean-Jacques Bertrand maintained that cultural affairs were a provincial jurisdiction.

In 1971, under Bourassa, when Quebec went through its cultural sovereignty period, Quebec asked for some changes to the jurisdiction pertaining to culture, under the Constitution. In 1973, Quebec demanded total control over all cultural policy, including the budgets.

In 1975-76, Quebec proposed that every province be able to legislate exclusively in art, literature and heritage matters. In 1978, based on its primary responsibility in cultural and natural heritage matters, Quebec asked the Canadian government to negotiate the return to Quebec of the management of cultural property and historical sites and property located in Quebec.

In 1985, Quebec requested that all grants and contributions given by Ottawa, pursuant to its spending power, to individuals and institutions involved in culture and education be approved by the Quebec government according to its spending power.

In March 1991, the Bélanger-Campeau report said that Quebec should have the exclusive jurisdiction and responsibility over its social, economic and cultural development as well as language matters. In 1991, the Allaire report recommended that culture be Quebec's exclusive jurisdiction.

In 1992, following extended consultations and discussions with major stakeholders, Quebec adopted its own cultural policy statement. On this point, in 1992, Ms. Liza Frulla, Minister of Cultural Affairs in Quebec's previous Liberal government, speaking before the Standing Committee on Culture, said: "As for programs, the federal government does little or no consulting". And also: "When, as often happens, it is faced with a *fait accompli*, Quebec has to state its real needs after the fact".

• (1235)

As you can see with this brief historical background, Madam Speaker, successive Quebec governments all agreed in their demands concerning culture and communications. Unfortunately, the federal government almost always turned a deaf ear to these claims, giving way naturally to many a confrontation and overlapping. This kind of overlapping was criticized many times.

Here is what can be found in the Arpin report on the Cultural and Arts Policy, which was submitted to Mrs. Liza Frulla-Hébert in June 1991. "We can conclude that there is obvious duplication between the two levels of government in terms of program structure, in terms of clients and even in terms of legislative and tax measures. We can even say that this duplication is driving up the costs. There are differences in directions and priorities depending on the clients. Some measures taken by the federal government go completely against Quebec's options. The harmonization of interventions by both levels of government has always been difficult. The federal government has