



Does Constitutional Protection Prevent Education Reform in Ontario?

by Bruce Pardy

SUMMARY

■ The Canadian Constitution entitles Ontario Catholic schools to be funded by the public purse.

■ That funding is shielded from Charter review, meaning that citizens cannot challenge it in the courts. However, the constitutional entitlement does not tie the hands of the Ontario government because amending or eliminating it is not legally difficult.

■ Unlike amendments to other parts of the Constitution that are subject to more onerous

amending requirements, amending separate school funding as it affects Ontario requires only a resolution passed by the Ontario legislature and federal Parliament. Essentially, the Ontario government could simply legislate its way out of the commitment.

■ The federal resolution should follow as a matter of course.

■ Given the ease with which the provision can be amended, broad education reform is possible.

Constitutional support for Catholic schools in Ontario

Constitutions are thought to express grand principles, but they also reflect political trade-offs made at the time of their creation. The circumstances that compelled those trade-offs pass into history, but the bargains themselves endure in the form of constitutional provisions, sometimes to the detriment of later generations.

One such bargain is found in section 93 of the *Constitution Act, 1867*. Section 93(1) entitles Ontario Catholic schools to public funding and control over a separate, denominational education system in preference to any other religious constituency. Section 93(1) states:

93. In and for each Province the Legislature may exclusively make Laws in relation to Education, subject and according to the following Provisions:

(1) Nothing in any such Law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of Persons have by Law in the Province at the Union;

Section 93(1) does not establish a right to specific funding levels or a particular management structure for the Catholic system in Ontario. Instead, the Supreme Court of Canada has held that it provides Catholic schools with the right to funding comparable to the public system and control over the religious elements of the educational curriculum. In *Reference re Bill 30*, Madam Justice Wilson concluded:

... Roman Catholic separate school supporters had at Confederation a right or privilege, by law, to have their children receive an appropriate education... and that such right or privilege is therefore

constitutionally guaranteed under s. 93(1) of the *Constitution Act, 1867*.... As in the case of the common school trustees the separate school trustees had, by law, a right to manage and control their schools. They also had a broad power, subject to regulation by the Council of Public Instruction, to determine the courses to be taught and to prescribe the level of education required to meet the needs of the local community.... It is clear that if the foregoing right was to be meaningful an adequate level of funding was required to support it. (paras. 59–60)

In *Ontario English Catholic Teachers*, Mr. Justice Iacobucci stated similarly:

Section 93(1) of the *Constitution Act, 1867* guarantees denominational school boards in Ontario the right to fair and equitable funding, and to control over the denominational aspects of their education program, as well as those non-denominational aspects necessary to deliver the denominational elements. Although s. 93(1) uses the public school system in Ontario as a comparator for separate school funding, it does not guarantee any particular elements of the design of the public school system. (para. 80)

The historical rationale for the political bargain in section 93

At the time of Confederation, the population of Ontario consisted of two main groups: Protestants and Catholics. Protestants were the majority and Catholics the minority, but they were a dominant minority,¹ vastly outnumber-

¹ According to Joseph Schull in *Ontario Since 1867*, at about the time of Confederation, Catholics made up 18 percent of the Ontario population: “By 1861,

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ing any other religious constituency. The deal reflected in section 93 was designed to protect the education rights of the Catholic minority from being overcome by the educational system of the Protestant majority. Peter Hogg describes the rationale:

At the time of Confederation it was a matter of concern that the new Province of Ontario (formerly Canada West) would be controlled by a Protestant majority that might exercise its power over education to take away the rights of its Roman Catholic minority. There was a similar concern that the new Province of Quebec (formerly Canada East), which would be controlled by a Roman Catholic majority, might not respect the rights of its Protestant minority.... With respect to religious minorities, the solution was to guarantee their rights to denominational education, and to define those rights by reference to the state of the law at the time of confederation. In that way, the

when the third census was taken, the pattern of population had been well established. It did not change essentially with the growth of the next six years.... More than half the people, some 63 percent, were now native born and mainly of British stock. Another 20 percent had been born in the British Isles, more of them Scots than English and more Irish than Scots. Some 3 percent were of French origin, 2 percent of German origin, and less than 4 percent were American born. Upper Canada was British, overwhelmingly British, but it was seamed with many of the fissures that divide faiths and men. The Church of England was not the established church; that hope was gone. There were more Methodists and Anglicans in Upper Canada, and almost as many of the Presbyterian persuasions. Eighteen percent of the people were Roman Catholic, 4 percent were Baptist, and 2 percent were Lutheran. There were Quakers, Tunkers, Mennonites and a dozen scatterings of other faiths as well as of unbelievers..." (1978: 27–28).

existing denominational school rights of the Catholic minority in Ontario could not be impaired by the Legislature; and the Protestant minority in Quebec would be similarly protected. This is the reason for the guarantees of denominational school rights in section 93. (Hogg, 2007, vol. 2: 57–2 to 57–3)²

Two major changes have made the constitutional protection of Catholic education an anachronism. First, instead of a small minority in a province dominated by Protestants, Catholics are now one of two dominant religious constituencies within a diverse popula-

² Schull's account of the section 93 "deal" is as follows: "Government embraced schooling, schooling touched on religion, and religious faith was involved with language. The desire for 'separate' schools, whether of faith or language, was opposed to the general Protestant wish for common 'national' schools. It divided Upper Canada, with its majority of the Protestant faith, from the French in Lower Canada, which was mainly Roman Catholic. Yet some Irish, Scots and English in Upper Canada who were also Roman Catholics, and even a scattering of Protestants, desired separate schools. Maintained privately, they were beyond most men's means, yet state support of any school demanded a broad consensus. Egerton Ryerson, Methodist preacher, teacher and journalist, was a statesman who was seeking to cope with the enduring problems of education. By 1867, as Superintendent of Schools, he had fought through twenty years for a fixed idea. 'Education is a public good, ignorance is a public evil... every child should receive an education... if the parent or guardian cannot provide him with such an education the State is bound to do so.' As the state took up its burden it had followed Ryerson's plan, though not to the extent he wished. A system of common schools was established throughout the province, open to all children officially non-sectarian and under Ryerson's direction. Within that frame, moreover, as a concession to Roman Catholics, room was made for separate schools" (1978: 28–29).

tion. According to Statistics Canada, Catholics presently comprise around 30 percent of the Ontario population, comparable to the population of Protestants and other Christians combined (Statistics Canada, n.d.). Second, the public education system is no longer Protestant but secular. Catholics do not need protection from a Protestant school system because no such system exists. Yet Catholic students have a right to public funding for their own separate schools, a right not shared by Protestants, Jews, Muslims, Hindus, Sikhs, or any other religious constituency. The 1867 minority has become the favoured group.

While section 93 “applies directly to Ontario, Nova Scotia, New Brunswick, Prince Edward Island and British Columbia, only Ontario had denominational education rights conferred ‘by law’ at the relevant time, and so the guarantees provided by s. 93(1) are of no importance in Nova Scotia, New Brunswick, Prince Edward Island, and British Columbia” (Mr. Justice Iacobucci in *Ontario English Catholic Teachers’ Assn. v. Ontario* (Attorney General) [OECTA], 2001 S.C.C. 15, para 4). As a result of constitutional amendments, denominational school systems no longer exist in Quebec or Newfoundland & Labrador, as will be discussed in more detail below. A modified version of s. 93 applies to the western provinces of Manitoba, Saskatchewan, and Alberta.³

³ Section 22 of the *Manitoba Act, 1870*, S.C. 1870, c. 3; section 17 of the *Saskatchewan Act*, S.C. 1905, c. 42; and section 17 of the *Alberta Act*, S.C. 1905, c. 3. Also, see OECTA, paragraph 4.

Charter challenges

If the Constitution were drafted today, a proposal to fund education for only one religious denomination would be regarded as anathema to the principle of equal application of the law. The funding of only Catholic schools is discriminatory and violates the equality provision in the *Charter of Rights and Freedoms*. Section 15(1) of the *Charter* states:

15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on ... religion

On its face, the special status granted to Catholic education conflicts with section 15 and possibly section 2(a), which establishes the freedom of religion. Indeed, the Supreme Court has acknowledged that the entitlement of Ontario Catholic schools in section 93 is inconsistent with *Charter* rights. In *Reference re Bill 30*, Mr. Justice Estey said

It is axiomatic (and many counsel before this Court conceded the point) that if the *Charter* has any application to Bill 30 [a bill to extend funding to Catholic secondary schools pursuant to section 93], this Bill would be found discriminatory and in violation of s. 2(a) and s. 15 of the *Charter of Rights*. (at paragraph 79)⁴

⁴ See also *Reference re Bill 30* per Justice Wilson, para. 63, and Adler per Justice Iacobucci, para. 33. In its decision in the *Reference re Bill 30* case, (1986) 53 O.R. (2d) 513, the Ontario Court of Appeal stated: “These educational rights [in section 93], granted specifically to the Protestants in Quebec and the Roman Catholics in Ontario, make it impossible to treat all Canadians equally. The country was founded upon the recognition of special or unequal

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However, the *Charter* also contains section 29, which exempts entitlements under section 93 from *Charter* review. Section 29 states:

29. Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools.

The Supreme Court of Canada has held that the separate school rights provided under section 93 are shielded from *Charter* review by section 29.⁵ In *Reference Re Bill 30*, Madam Justice Wilson stated:

... [section] 29 is there to render immune from Charter review rights or privileges which would otherwise, i.e., but for s. 29 be subject to such review. The question then becomes: does s. 29 protect rights or privileges conferred by legislation passed under the province's plenary power in relation to education under the opening words of s. 93? In my view, it does... they are insulated from Charter attack as legislation enacted pursuant to the plenary power in relation to education granted to the provincial legislatures as part of the Confederation compromise. Their protection from Charter review lies not in the guaranteed nature of the rights and privileges conferred by the legislation but in the guaranteed nature of the province's plenary power to enact that legislation. What the province gives pursuant to its plenary power the province can take away, subject only to the right of appeal

educational rights for specific religious groups in Ontario and Quebec" (575-76).

⁵ *Reference re Bill 30; Adler; Ontario Home Builders' Assn.*; OECTA.

to the Governor General in Council. But the province is master of its own house when it legislates under its plenary power in relation to denominational, separate or dissentient schools. This was the agreement at Confederation and, in my view, it was not displaced by the enactment of the Constitution Act, 1982. (para. 64)

In *Adler*, the Supreme Court confirmed its judgment in *Reference re Bill 30* that funding for Catholic schools was immune from *Charter* review. Mr. Justice Iacobucci, writing for the majority, stated that "I find that public funding for the province's separate schools cannot form the basis for the appellants' Charter claim" (para. 39).⁶ In short, the *Charter* has no application to the special status afforded Ontario Catholic schools in section 93.⁷

Preferential funding for Catholic schools also offends equal treatment provisions of the *Ontario Human Rights Code*, which provides in section 1:

1. Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of ... creed ...

⁶ The claimants in *Adler* did not seek to end funding for Catholic schools, but to extend it to other religious schools.

⁷ That is not to say that the *Charter* has no application to any aspect of the operation of a denominational school system under section 93. The *Charter* applies, but not to the grant of special status created by section 93. The *Charter* cannot be used to challenge the discriminatory effect of section 93, but it would apply, for example, if a separate school board engaged in unreasonable search or seizure, racial discrimination, unlawful detention, or any other measure that did not relate to the religious nature of the education (see Hogg, 2007: 57-9).

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However, section 19 excludes Catholic school funding from the *Code's* application. Section 19(1) states:

19. (1) This Act shall not be construed to adversely affect any right or privilege respecting separate schools enjoyed by separate school boards or their supporters under the Constitution Act, 1867 and the Education Act.

In *Waldman v Canada*, an Ontario Jewish man challenged the legality of Catholic school funding in Ontario before the United Nations Human Rights Committee. The committee found that the special status of Catholic schools violated Article 26 of the *International Covenant on Civil and Political Rights*.⁸ The committee concluded:

Providing funding for the schools of one religious group and not for another must be based on reasonable and objective criteria. In the instant case, the Committee concludes that the material before it does not show that the differential treatment between the Roman Catholic faith and the author's religious denomination is based on such criteria. Consequently, there has been violation of the author's rights under article 26 of the Covenant to equal and effective protection against discrimination. (para. 10.6)

In response to the committee's finding, the Ontario government stated in correspondence to the Canadian government that it had:

⁸ Article 26 reads: "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as ... religion ..."

... no plans to extend funding to private religious schools or to parents of children that attend such schools, and intends to adhere fully to its constitutional obligation to fund Roman Catholic schools.⁹

Such a response is legally tenable because the committee's conclusion is unenforceable in domestic Canadian courts. In *Landau*, the most recent unsuccessful attempt launched by a citizen to challenge public funding of Ontario's Catholic schools, the Ontario Superior Court observed:

The United Nations jurisprudence may be of persuasive authority in Canadian courts, but it cannot be used to amend or repeal constitutional provisions. Rather, it is a signal from the United Nations that s. 93 of the Canadian constitution offends international human rights norms. (para. 34)

In summary, preferential treatment for Ontario Catholic schools is immune from attack on the grounds that it is discriminatory or unequal. Court challenges to the substance of section 93 and to the content of Ontario legislation that provides for Catholic school funding and governance are not a feasible option under the present state of the law. As the court in *Landau* put it, if preferential treatment for Catholic schools offends human rights norms, solving that problem "is a matter of political action: constitutional amendment" (para. 34).

⁹ Government of Canada, correspondence, Feb. 1, 2000, reproduced in Bayefsky and Waldman, 2007: 1035.

Amending the Constitution to eliminate the special status of Ontario Catholic schools

The *British North America Act* was a statute of the UK Parliament. Prior to the patriation of the Canadian Constitution in 1982, amendment of the Act required legislative approval of the UK Parliament. Part V of the *Constitution Act* 1982 changed that state of affairs by stipulating how amendments to the Constitution could be made. The widely known “amending formula” in section 38 is onerous: approval of the federal Parliament and seven of ten provinces containing at least 50 percent of the population. It operates as the residual or default amending formula but applies only to certain central parts of the Constitution¹⁰ such as the proportional representation of the provinces in the House of Commons and the makeup of the Senate. Section 41 sets an even higher threshold by requiring unanimous consent of all provinces and both houses of the federal Parliament for the amendment of certain other constitutional features,¹¹ such as the office of the Queen, the

Governor General, and the Lieutenant Governor of a province, and the composition of the Supreme Court of Canada.

These amending formulas apply only to certain parts of the Constitution. Amendments to other provisions that apply to one or more, but not all, provinces can be made much more easily. Section 43 of the *Constitution Act* 1982 states:

43. An amendment to the Constitution of Canada in relation to any provision that applies to one or more, but not all, provinces... may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies.

Under section 43, eliminating preferential support for Catholic education in Ontario requires only a resolution passed in the Ontario legislature and federal Parliament. Quebec¹² and New-

¹⁰ 42. (1) An amendment to the Constitution of Canada in relation to the following matters may be made only in accordance with subsection 38(1): (a) the principle of proportionate representation of the provinces in the House of Commons prescribed by the Constitution of Canada; (b) the powers of the Senate and the method of selecting Senators; (c) the number of members by which a province is entitled to be represented in the Senate and the residence qualifications of Senators; (d) subject to paragraph 41(d), the Supreme Court of Canada; (e) the extension of existing provinces into the territories; and (f) notwithstanding any other law or practice, the establishment of new provinces.

¹¹ 41. An amendment to the Constitution of Canada in relation to the following matters may be made by proclamation issued by the Governor General under

the Great Seal of Canada only where authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province: (a) the office of the Queen, the Governor General and the Lieutenant Governor of a province; (b) the right of a province to a number of members in the House of Commons not less than the number of Senators by which the province is entitled to be represented at the time this Part comes into force; (c) subject to section 43, the use of the English or the French language; (d) the composition of the Supreme Court of Canada; and (e) an amendment to this Part.

¹² “Quebec has removed the protection of denominational education rights altogether, by amending the Constitution so that ss. 93(1) through (4) no longer apply to Quebec” (OEFTA, para. 4).

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foundland & Labrador¹³ have already eliminated provincial denominational schools by passing such amendments. Newfoundland & Labrador's amendments were passed in two stages, each following a province-wide referendum approving the changes, creating a single, publicly funded, non-denominational school system. The current provision reads:

17. (1) In lieu of section ninety-three of the Constitution Act, 1867, this term shall apply in respect of the Province of Newfoundland and Labrador.

(2) In and for the Province of Newfoundland and Labrador, the Legislature shall have exclusive authority to make laws in relation to education, but shall provide for courses in religion that are not specific to a religious denomination.

(3) Religious observances shall be permitted in a school where requested by parents.¹⁴

¹³ "Newfoundland no longer has denominational schools, but instead guarantees the provision of courses in religion that are not specific to a religious denomination and guarantees that religious observances shall be permitted in a public school where requested by parents" (OEFTA, para. 4).

¹⁴ *Constitution Amendment, 1998 (Newfoundland Act)*, SI/98-25; and the *Constitution Amendment, 2001 (Newfoundland and Labrador)*, SI/2001-117. Term 17 of the Terms of Union of Newfoundland with Canada originally read as follows:

17. In lieu of section ninety-three of the Constitution Act, 1867, the following term shall apply in respect of the Province of Newfoundland:

In and for the Province of Newfoundland the Legislature shall have exclusive authority to make laws in relation to education, but the Legislature will not have authority to make laws prejudicially affecting any right or privilege with

The Quebec resolution, passed by a unanimous Quebec legislature, reads simply:

93A. Paragraphs (1) to (4) of section 93 do not apply to Quebec.¹⁵

Approval of the federal Parliament followed as a matter of course in both cases once the Quebec and Newfoundland legislatures acted. The same could be expected if the Ontario legislature did similarly. The acquiescence of the House of Commons and Senate cannot be guaranteed, especially if an Ontario resolution was passed against the objections of the province's Catholic constituency and without the demonstrable support of a majority of the province's population. However, given the precedents, and relative to other kinds of constitutional amendments, the path is straightforward. Eliminating the special status of Catholic education in Ontario can be accomplished simply by legislating at both levels of government.

respect to denominational schools, common (amalgamated) schools, or denominational colleges, that any class or classes of persons have by law in Newfoundland at the date of Union, and out of public funds of the Province of Newfoundland, provided for education,

(a) all such schools shall receive their share of such funds in accordance with scales determined on a non-discriminatory basis from time to time by the Legislature for all schools then being conducted under authority of the Legislature; and

(b) all such colleges shall receive their share of any grant from time to time voted for all colleges then being conducted under authority of the Legislature, such grant being distributed on a non-discriminatory basis.

¹⁵ *Constitution Amendment, 1997 (Québec)*, SI/97-141; s. 93A of the *Constitution Act, 1867*.

Ontario can legislate as it sees fit on the form of public education

The Constitution guarantees no particular level of funding or model of governance for publicly funded and governed schools. The Ontario legislature has the jurisdiction to act as it wishes on the form of public education, subject only to the provisions of the *Charter*. As Mr. Justice Iacobucci stated in *Ontario English Catholic Teachers*:

The Constitution gives the provincial government the plenary power over education in the province, and it is free to exercise this power however it sees fit in relation to the public school system. (para. 61)

Conclusion

The combined effect of section 93 of the *Constitution Act 1867*, section 29 of the *Charter*, and section 43 of the *Constitution Act 1982* makes the preferential treatment of Ontario Catholic schools exclusively a political problem rather than a legal one. Citizens cannot challenge the special status of Catholic schools in the courts because it is shielded from *Charter* review. However, the constitutional entitlement in section 93 is simple to amend. Under section 43, all that is required is a resolution passed by the Ontario legislature and federal Parliament. Essentially, the Ontario government could simply legislate its way out of the commitment and request the acquiescence of the federal Parliament. Given the relative ease with which the Constitution could be amended, section 93 is hardly a guarantee for the funding or continued existence of Ontario's Catholic separate schools, but rather a shield against legal challenges in the courts. Any Ontario politician who claims that there is a constitutional guarantee

to Catholic schools that binds the government is being disingenuous. The only thing that sits in the way of fixing a discriminatory and unfair constitutional anachronism is the reluctance of Ontario political parties to do so.

Legal citations

Adler v. Ontario, [1996] 3 S.C.R. 609.

Alberta Act, S.C. 1905, c. 3.

Constitution Act 1867, 30 & 31 Victoria, c. 3 (U.K.), formerly the *British North America Act*, 1867.

Constitution Act 1982, enacted as Schedule B to the *Canada Act 1982*, 1982, c. 11 (U.K.).

Constitution Amendment, 1997 (Québec), SI/97-141; s. 93A of the *Constitution Act*, 1867.

Human Rights Code, R.S.O. 1990, c. H19.

International Covenant on Civil and Political Rights, 999 UNTS 171 (in force 23 March 1976).

Landau v Ontario (Attorney General), 2013 O.N.S.C. 6152.

Manitoba Act, 1870, S.C. 1870, c. 3;

Ontario English Catholic Teachers' Assn. v. Ontario (Attorney General), 2001 S.C.C. 15 [OECTA].

Ontario Home Builders' Assn. v. York Region Board of Education, [1996] 2 S.C.R. 929.

Reference re Bill 30, an Act to amend the Education Act (Ontario), [1987] 1 S.C.R. 1148.

Reference re Bill 30, an Act to amend the Education Act (Ontario)(1986), 53 O.R. (2d) 513 (O.C.A.).

Saskatchewan Act, S.C. 1905, c. 42.

Waldman v. Canada, #53 United Nations Human Rights Committee, 3 November 1999, Final Views: Communication No. 694/1996, A/55/40 vol. II, Annex IX.H (2000), Annual Report of the United Nations Human Rights Committee.

References

- Bayefsky, Anne, and Arieh Waldman (2007). *State Support for Religious Education*. Martinus Nijhoff.
- Ensslen, Karen (2014). Who Has a Genuine Interest in the Funding of Catholic Schools? *Education and Law Journal* 23: 171.
- Hogg, Peter (2007). *Constitutional Law of Canada*, 5th edition (looseleaf). Carswell.
- Schull, Joseph (1978). *Ontario Since 1867*. McClelland and Stewart.
- Statistics Canada (n.d.). 2011 National Household Survey: Data Tables: Ontario Religion (108). Government of Canada. <<http://www12.statcan.gc.ca/nhs-enm/2011/dp-pd/dt-td/Rp-eng.cfm?LANG=E&APATH=3&DETAIL=0&DIM=0&FL=A&FREE=0&GC=0&GID=0&GK=0&GRP=0&PID=105399&PRID=0&PTYPE=105277&S=0&SHOWALL=0&SUB=0&Temporal=2013&THEME=95&VID=0>> as of August 22, 2016.
- Stephens, Adam (1999). Privilege for Few – Equality for None: Constitutional Protection of Roman Catholic Separate School Funding in Ontario. *Education and Law Journal* 10: 179.



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