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18TH ANNUAL PREMIERS CONFERENCE

Background Paper

Report on the Western Premiers' Task Force
on Constitutional Trends

Saskatchewan

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Report on the Western Premiers' Task Force on Constitutional Trends

The four Western Premiers, at their Conference in Medicine Hat, Alberta, in the spring of 1976, expressed concern over the increasing number of federal legislative moves into areas of traditional provincial jurisdiction. Accordingly, they established a Task Force of Ministers, chaired by British Columbia, to prepare a detailed inventory of these apparent federal intrusions, and to report its findings and recommendations in one year's time.

The Task Force submitted its report to the Western Premiers at their Conference in Brandon, Manitoba on May 5 and 6, 1977. The Report was endorsed by the Premiers and forwarded to other First Ministers, with the expectation that it could play a constructive role in resolving current federal-provincial tensions.

In order to compile a detailed inventory of federal intrusions, Task Force staff developed a common questionnaire, and administered it to the appropriate Ministries in each of the four provinces. The following policy areas were addressed:

1. Consumer and Corporate Affairs.
2. Resources.
3. Housing, Urban Affairs and Land Use.
4. Economic Development.
5. Communications.
6. Immigration, Manpower and Labour.
7. Administration of Justice.
8. Interventions by the Government of Canada before the Supreme Court of Canada.

While the four Western governments assign varying priorities to the intrusions identified in the Report, and not all recommendations are unanimously endorsed, a high degree of consensus emerged. There was general agreement that federal initiatives have too often been unilaterally imposed, unappreciative of legitimate provincial interests and regional aspirations, or developed without adequate consultation with the provinces. This has led, in the view of the four Western provinces, to an unnecessarily large number of "friction points" between the federal government and the provinces.

In reviewing the findings of the Task Force, the Western Premiers noted that many of the intrusions affected not only the Western provinces, but all provinces. Many of the concerns were not specifically regional in nature, but national in scope. This prompted the suggestion that this topic be placed on the agenda of the Annual Premiers' Conference, so that all Premiers might have an opportunity, jointly, to consider these issues.

It was the hope of the Western Premiers that the Report would assist in creating a climate in which the federal government would be more sensitive toward legitimate provincial concerns, and more alert to the need for meaningful intergovernmental consultation. It was with some regret, therefore, that we have noted two additional intrusions of a major nature since the Report's publication -- the amendments to the federal Fisheries Act and the proposed Home Insulation Program. Both of these initiatives directly affect the provinces and impinge on provincial jurisdiction; in both cases, however, prior consultation was inadequate or non-existent.

For example, while most provinces would agree with the energy conservation objectives inherent in the proposed Home Insulation Program, none would fully agree with the manner in which it was presented -- more or less as an "ultimatum" to the provinces. This course of action is incompatible with constructive federal-provincial co-operation.

The letter to the Prime Minister, transmitting the Report, noted that the Task Force would continue to operate, in order to facilitate follow-up discussions with federal officials. Prime Minister Trudeau's reply indicated a willingness to discuss these matters, and placed the federal responsibility for this follow-up process with the Federal-Provincial Relations Office (FPRO).

An initial meeting of Task Force officials and FPRO officials has been held, and a tentative follow-up process identified. It remains unclear, however, to what extent concrete results will flow from this process, and, more generally, how seriously the federal government regards the entire exercise.