

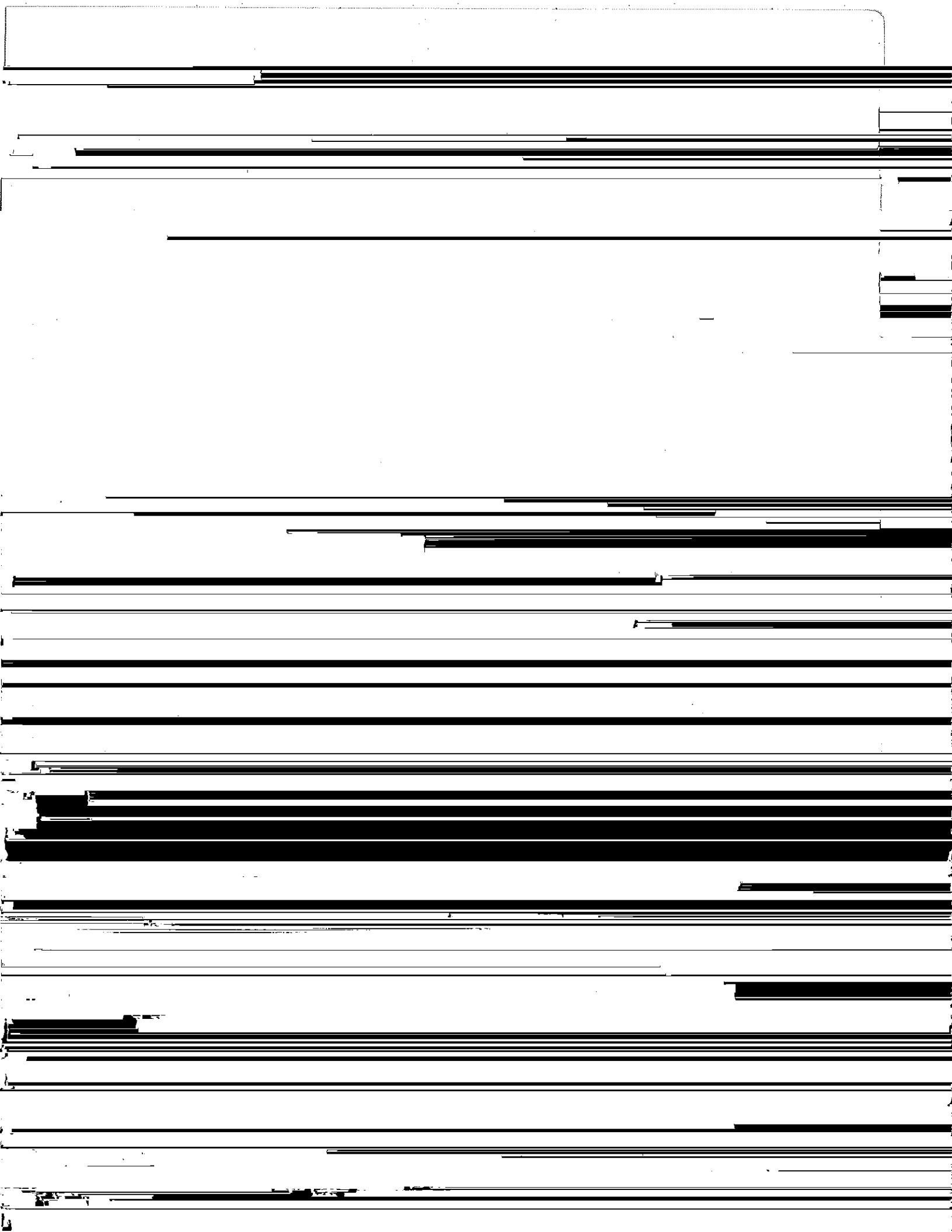
~~CONFIDENTIAL~~

C. 2

INSTITUTE OF INTER-  
GOVERNMENTAL RELATIONS.

THE YEAR IN REVIEW 1982:  
INTERGOVERNMENTAL RELATIONS  
IN CANADA

Sheilagh M. Dunn





PREFACE

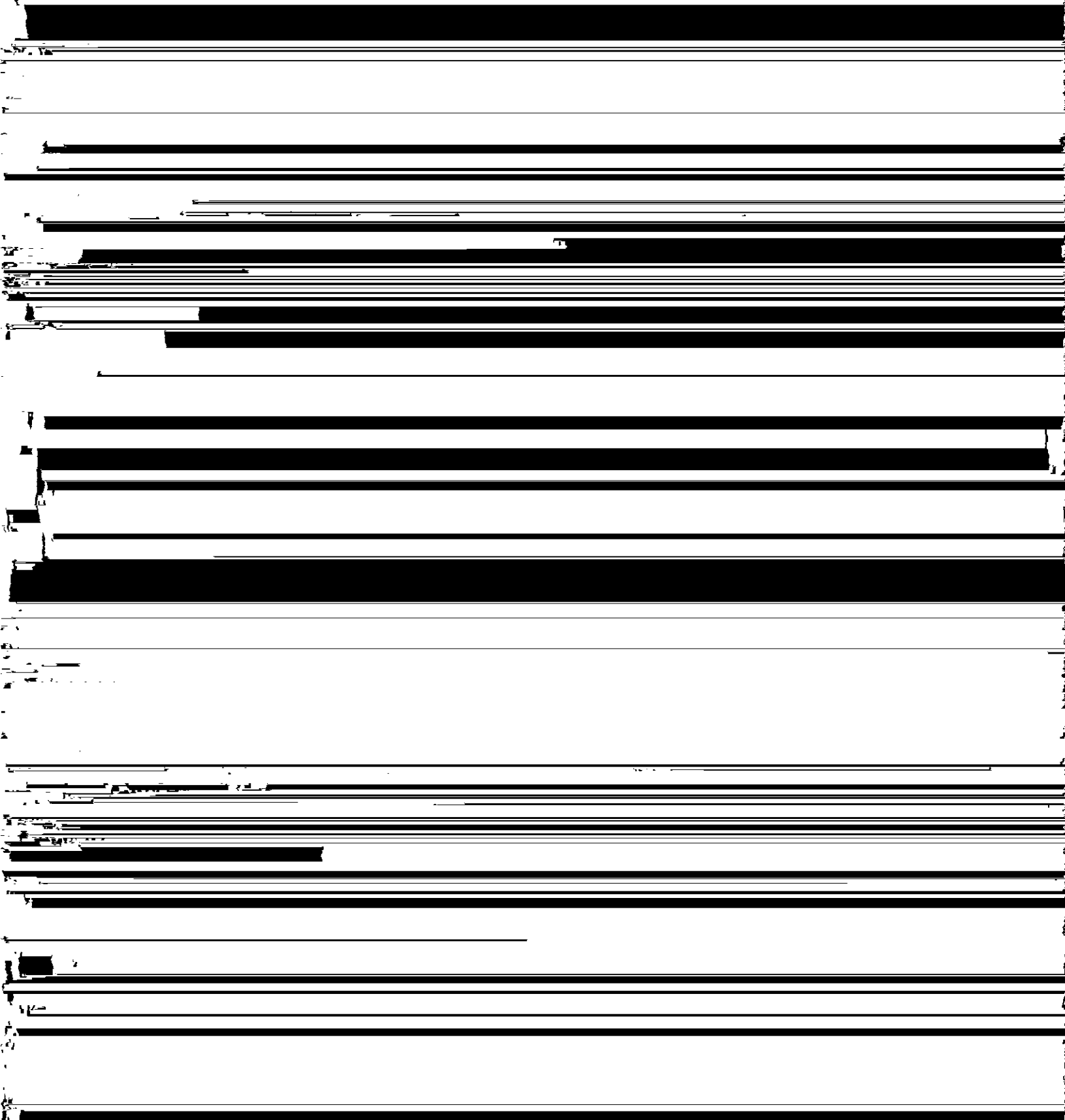
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This volume is the sixth annual review of developments in Canadian

DEVELOPMENTS IN CANADIAN FEDERALISM

2/Year in Review 1982

campaigns had a wide appeal in the west. In Newfoundland, Premier Brian



Developments/3

4/Year in Review 1982

I will speak my mind quite frankly on this. I think that



premiers publicly voiced their concerns about federal policies, decisions and attitudes which confirmed Ottawa's aversion to such conferences

6/Year in Review 1982

are not a nation. ("Transcript of the Prime Minister's Speech  
at the Liberal Party of Canada Fund Raising Dinner." Vancouver

In several instances, Ottawa cancelled the 1982-83 season.

The "new federalism" had several elements. The federal government was  
disenchanted with the success of "centralized federalism" and sought to

8/Year in Review 1982

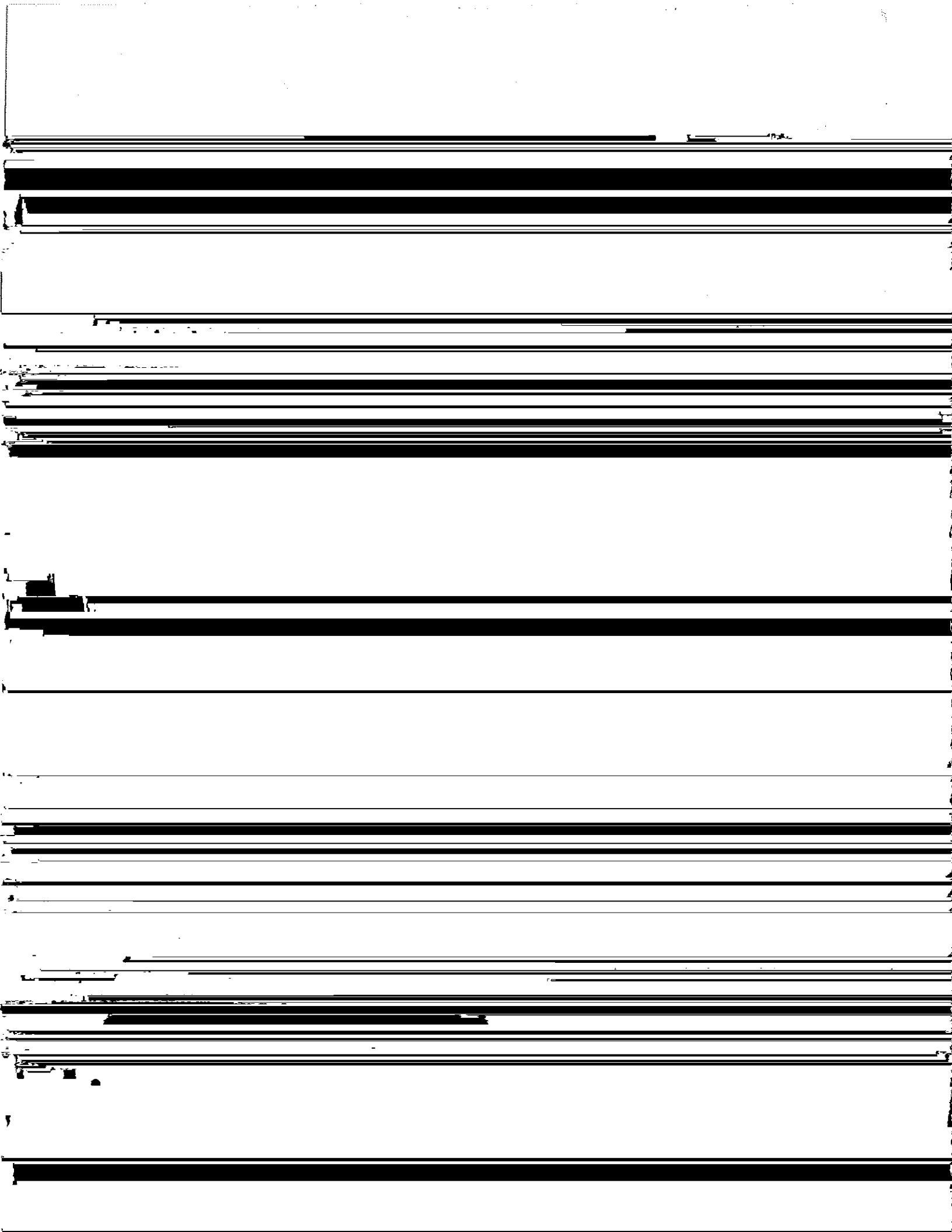
③ Finally, the assertiveness which characterized Ottawa's attitude to federal-provincial relations was also seen in Parliament. Constitutional limits were tested in several instances.

the "notwithstanding" clause providing blanket exemption of Québec

10/Year in Review 1982


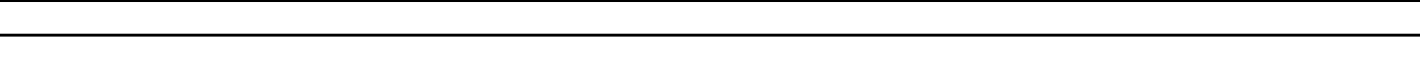


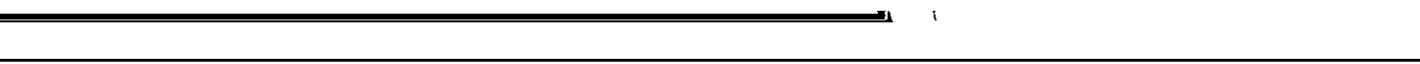
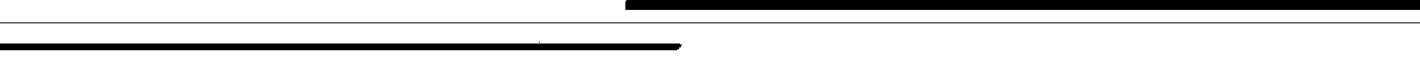
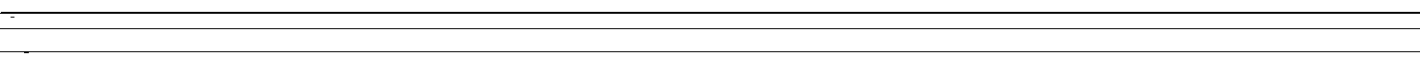

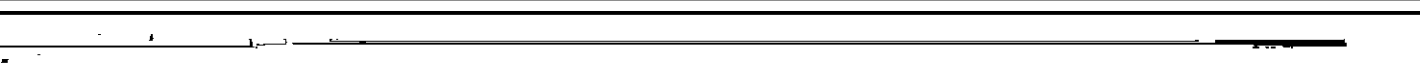
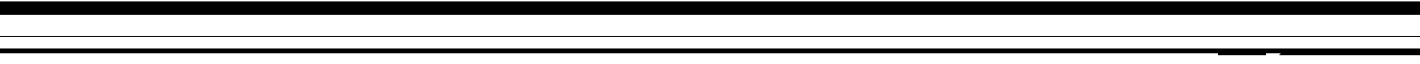
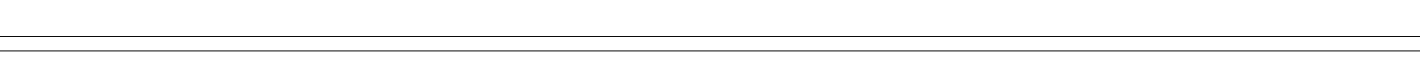
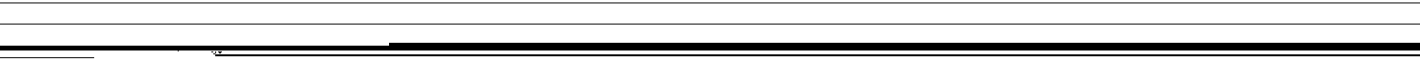







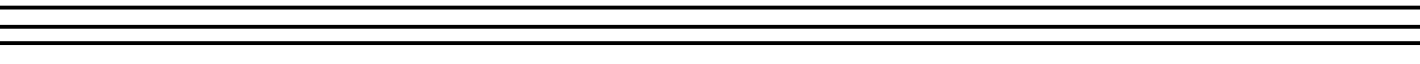


constitutional question we can't count on the other provinces.

(quoted in Globe and Mail 7-24-82 p. 20)



12/Year in Review 1982

denounced for being too "big" and interventionist; the WCC's attack on the Heritage Fund was an example of this thinking. The party was characterized as "right-wing," regarding any government role in the economy as "socialism." The federal and provincial governments were





his government was attempting to govern a region which did not want to be

2 A YEAR AT THE POLLS

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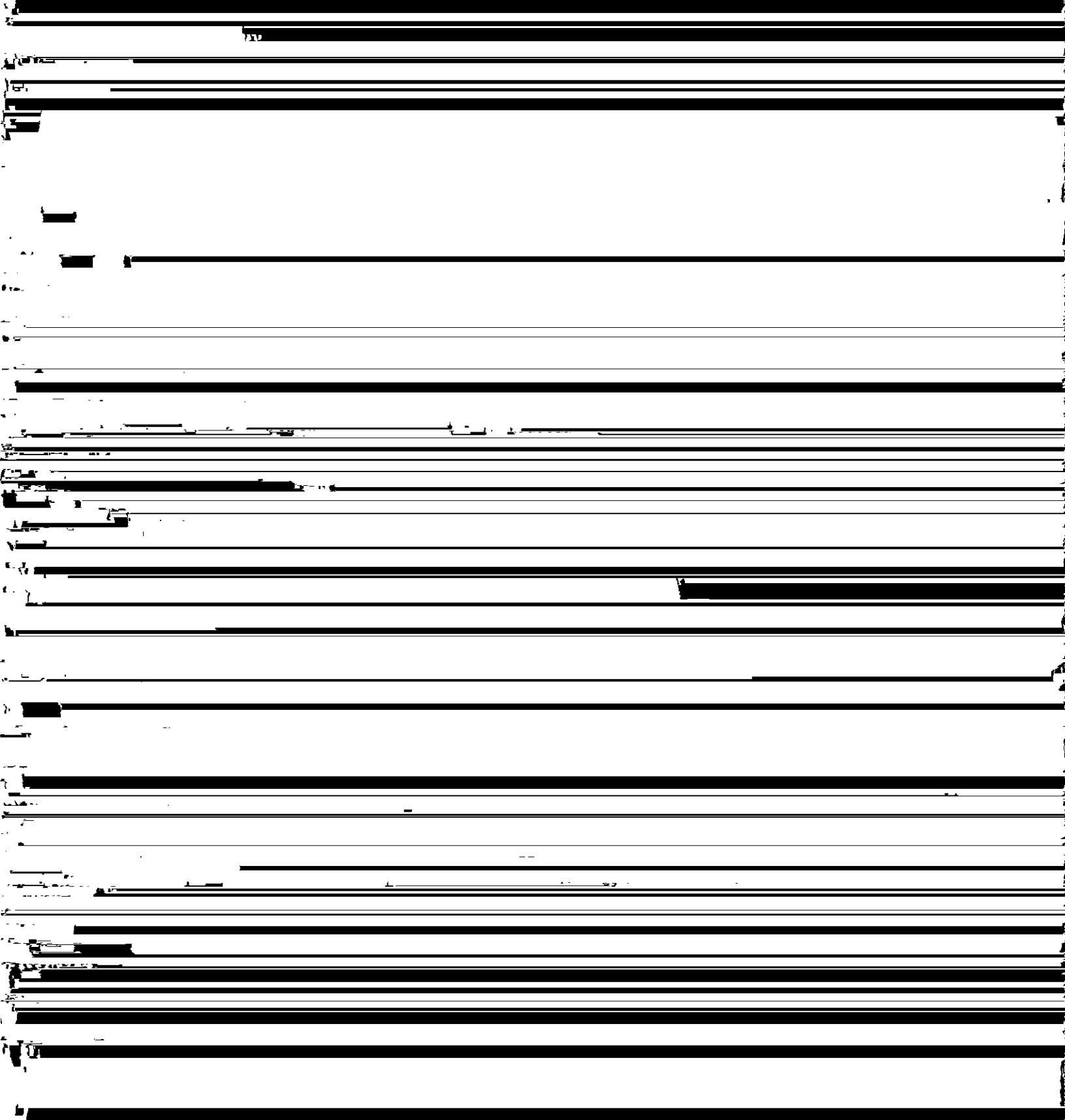
Five provincial general elections were held in 1992. One government fell



16/Year in Review 1982

A Year at the Polls/17

The call came less than three months past the halfway point of the  
Constitutional term of office. Assemblyman James G. Thompson, Jr.



18/Year in Review 1982

to work productively with Ottawa, not just over the offshore but in a number of policy areas. Armed with the endorsement of the Newfarmer

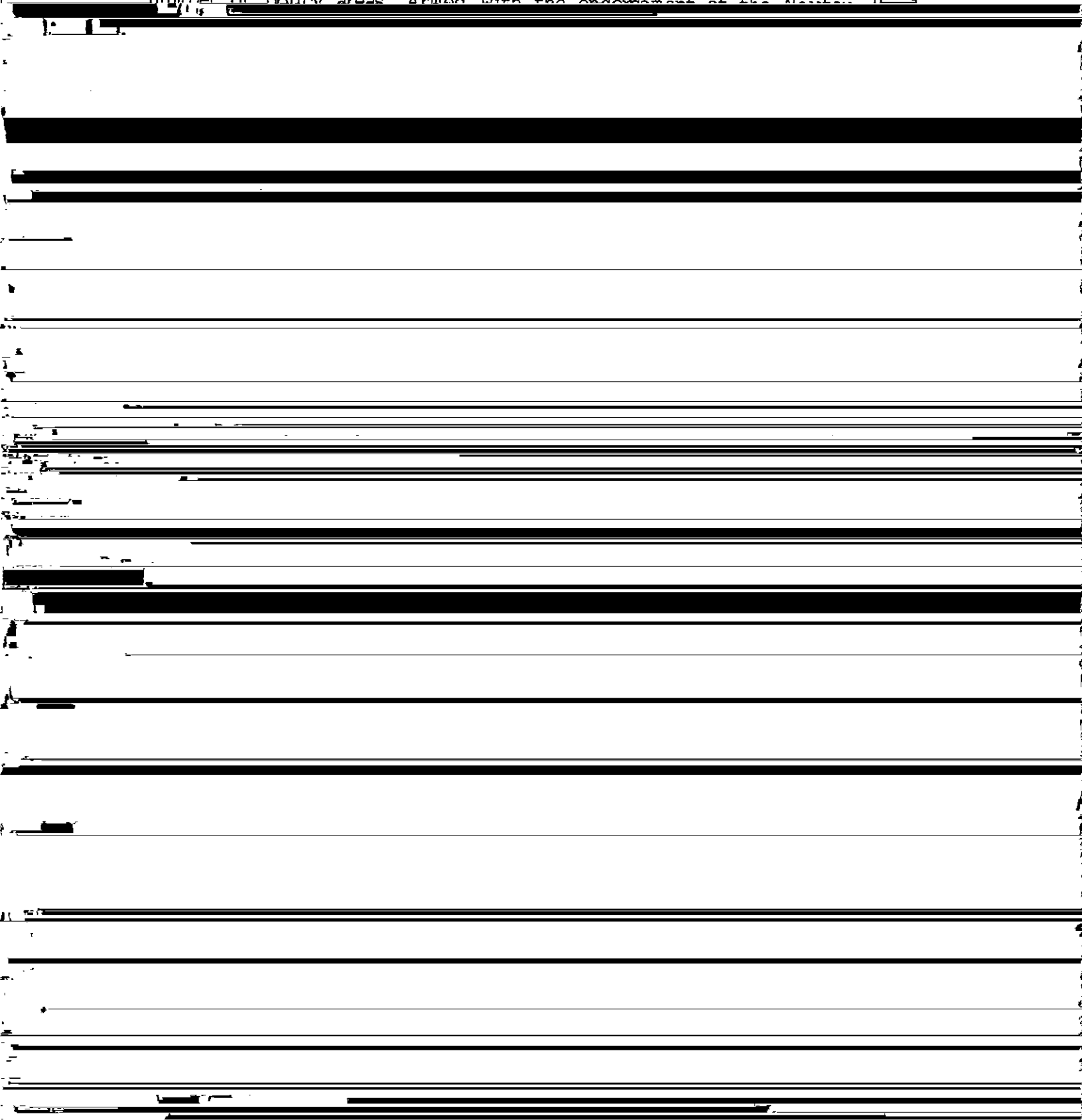


Table 2:1  
Results of the 1982 Newfoundland Election

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	Standings at Dissolution	Election 1982	% Popular Vote 1979	% Popular Vote 1982
Conservatives	34	44	50.4	61.2

---

[REDACTED]

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[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





22/Year in Review 1982

one of his Cabinet members were defeated. Analysts noted that the week before the two parties had been neck and neck in the polls but that

cont turnout it appeared that the wanted MDD consideration had been



24/Year in Review 1982

Another important plank in the Conservative platform was the preservation of the Island's rural communities. In line with the "think

The Conservative response was that these "rash promises" would cost the

26 Year in Review 1982

proposals. The Tories saved the release of their full platform, complete

28/Year in Review 1982

A Year at the Polls/29

Youth Advisory Board, expansion of medicare and prescription drug services  
for senior citizens and abolition of the New Democratic Highway Patrol

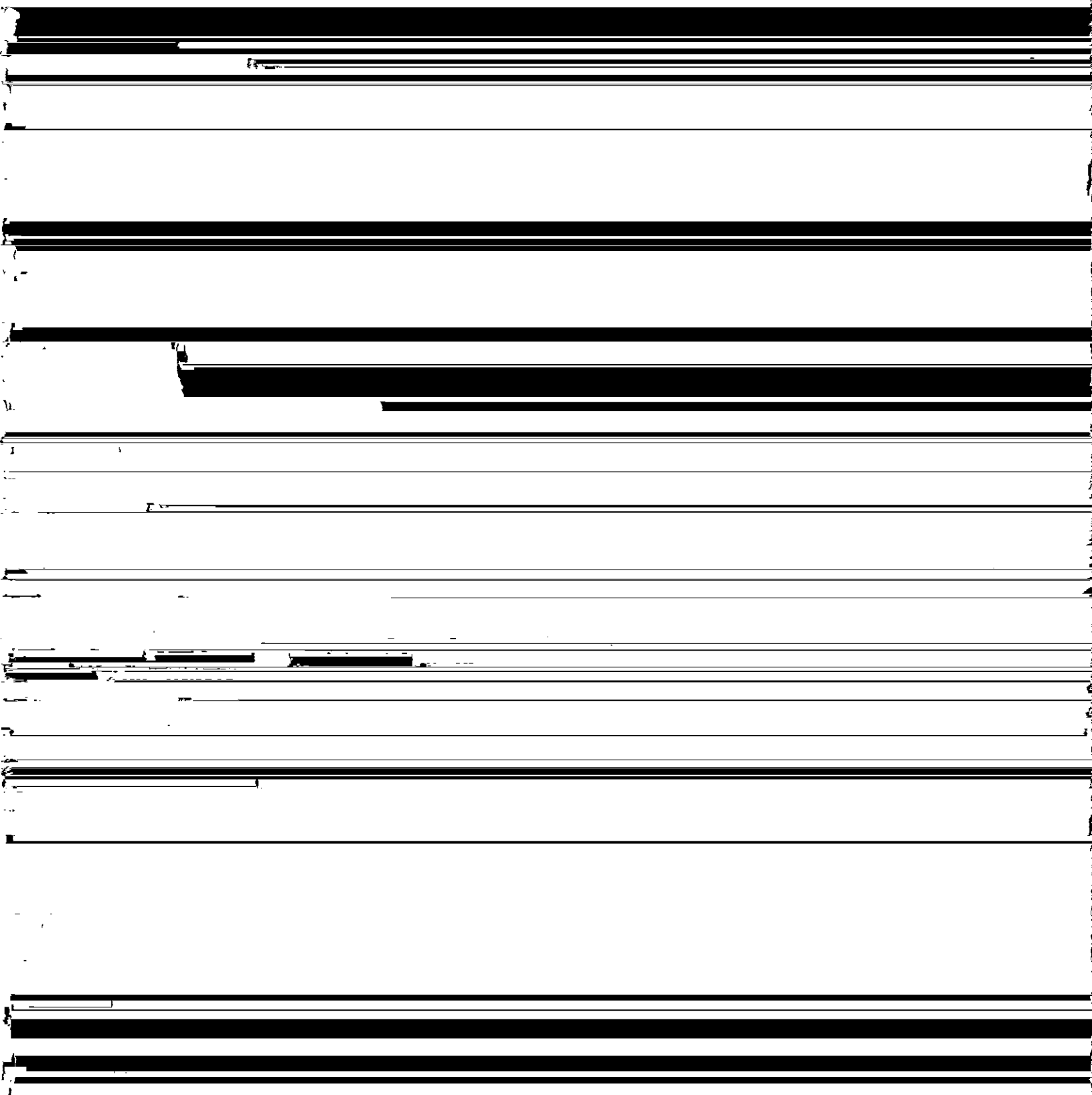
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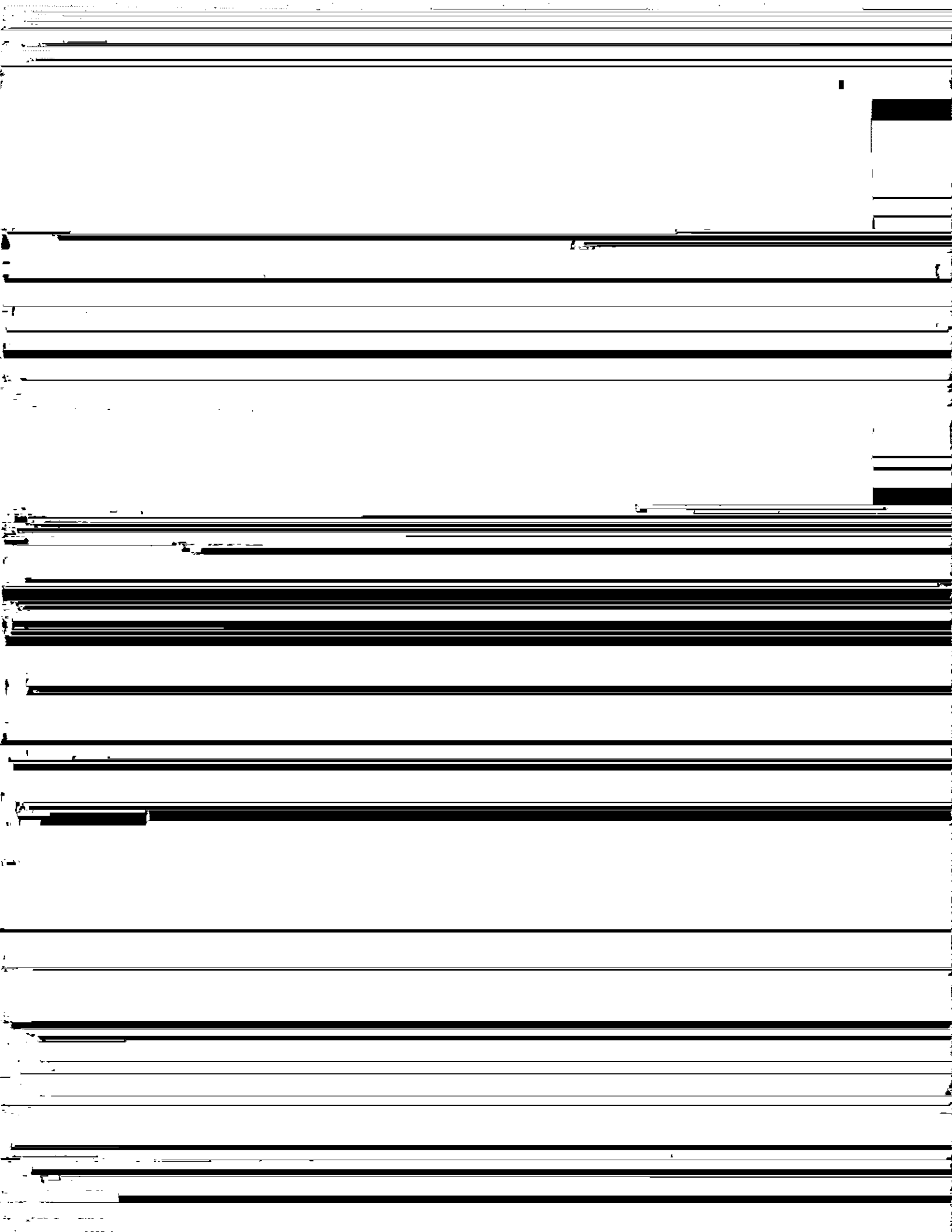
30/Year in Review 1982

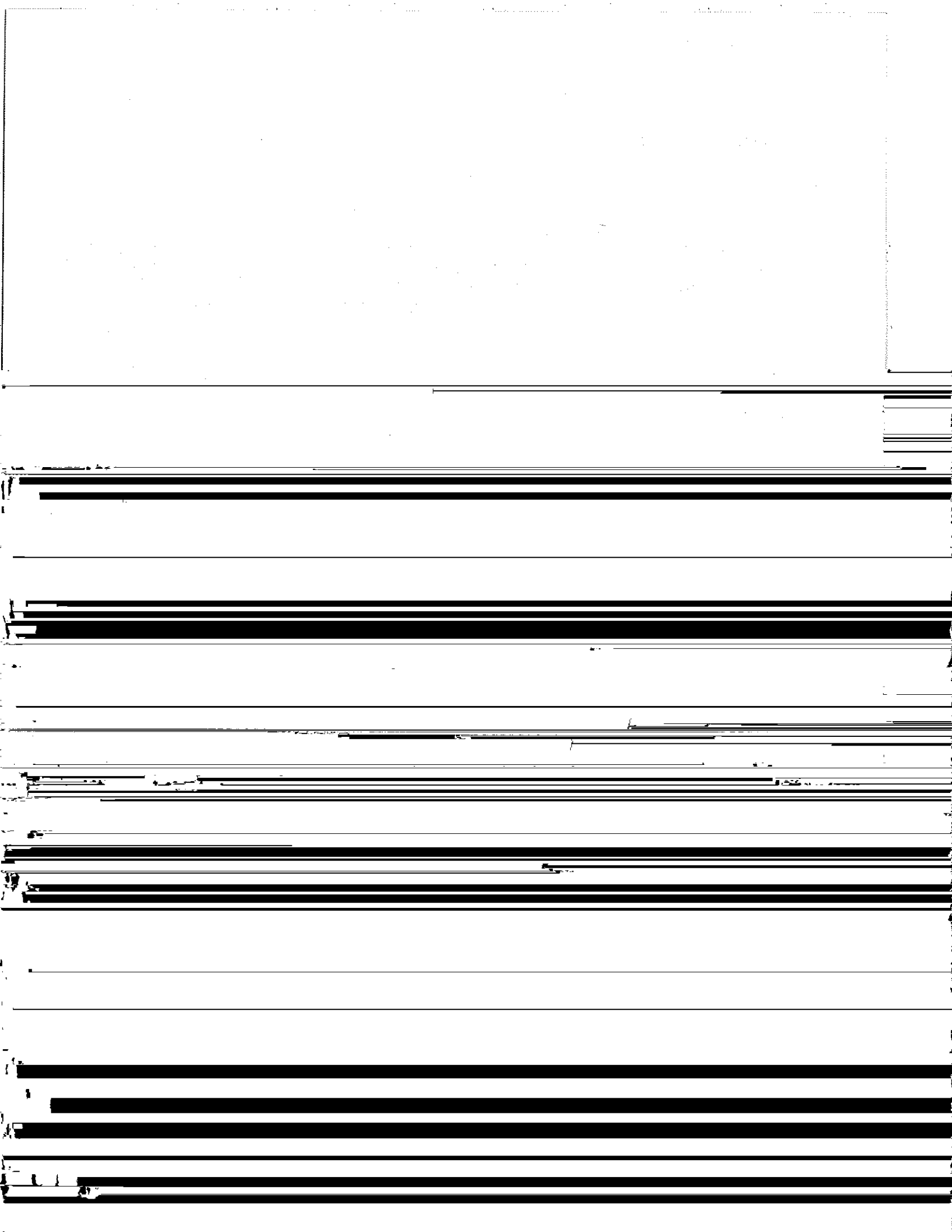
settlement, for intervening in various sectors of the economy, and in particular for "destroying" the oil industry.

The next day, the Alberta Conservative Party...



32/Year in Review 1982





36/Year in Review 1982

Although the heady pace of constitutional negotiations has subsided,


Of an each right... (mirrored text)

constitutional, legal and political questions which warranted delaying passage of the bill.

On December 19, 1981, Premier Lévesque wrote to Prime Minister Thatcher outlining Québec's case, emphasizing that the province's objections were "not based on technicalities but touch rather the general



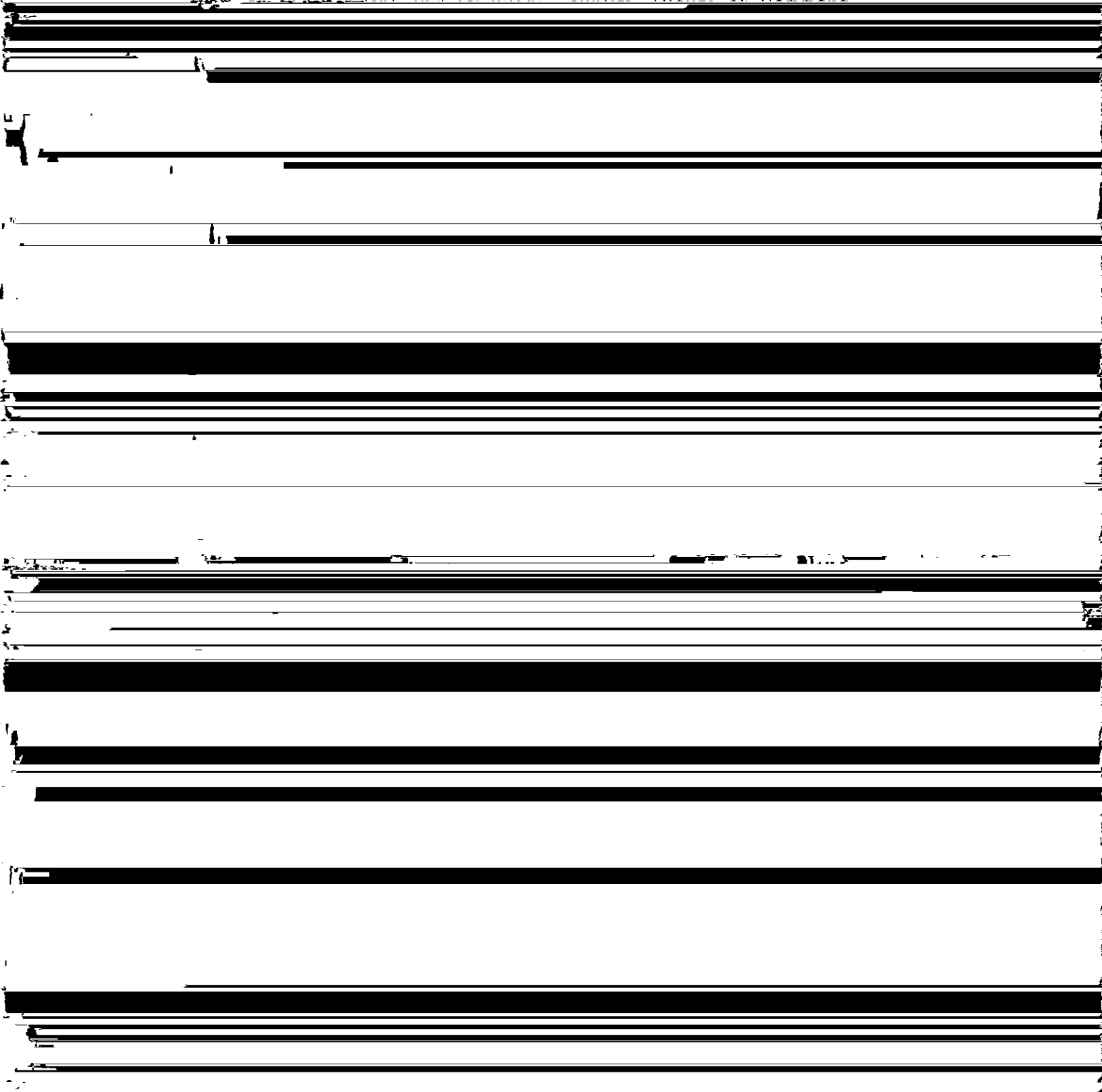
In February, the agent-general for the Québec delegation in London, Gilles Loiselle, circulated a 14 page memorandum to members of the House of Commons and the House of Lords which set forth Québec's argument that



40/Year in Review 1982

Parliament in dealing with a constitutionally proper request

~~From the Report of the Commission of Inquiry into the~~



... that the British Parliament should not interfere with the bill by

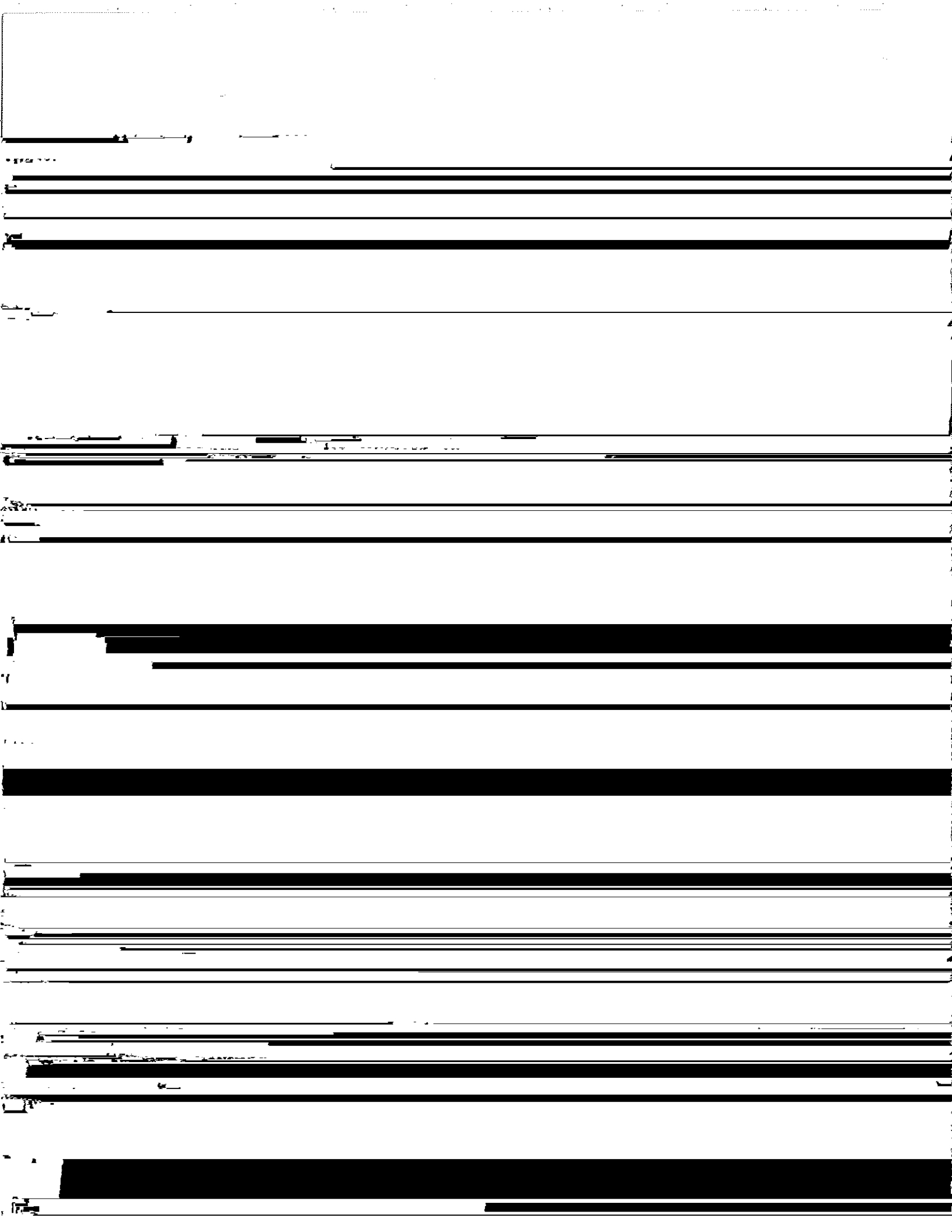
42/Year in Review 1982

has received preliminary clearance from the FBI and the Justice Dept.

1980 referendum. Trudeau characterized these people as the "silent majority" which "by definition does not make a lot of noise. It is content to make history." After signing the elaborately scripted proclamation, the Queen addressed the crowd. She expressed "regret" that the government of Québec had chosen not to participate in the event but stressed that:

no law by itself can create or maintain a free society, or a

commitment of the

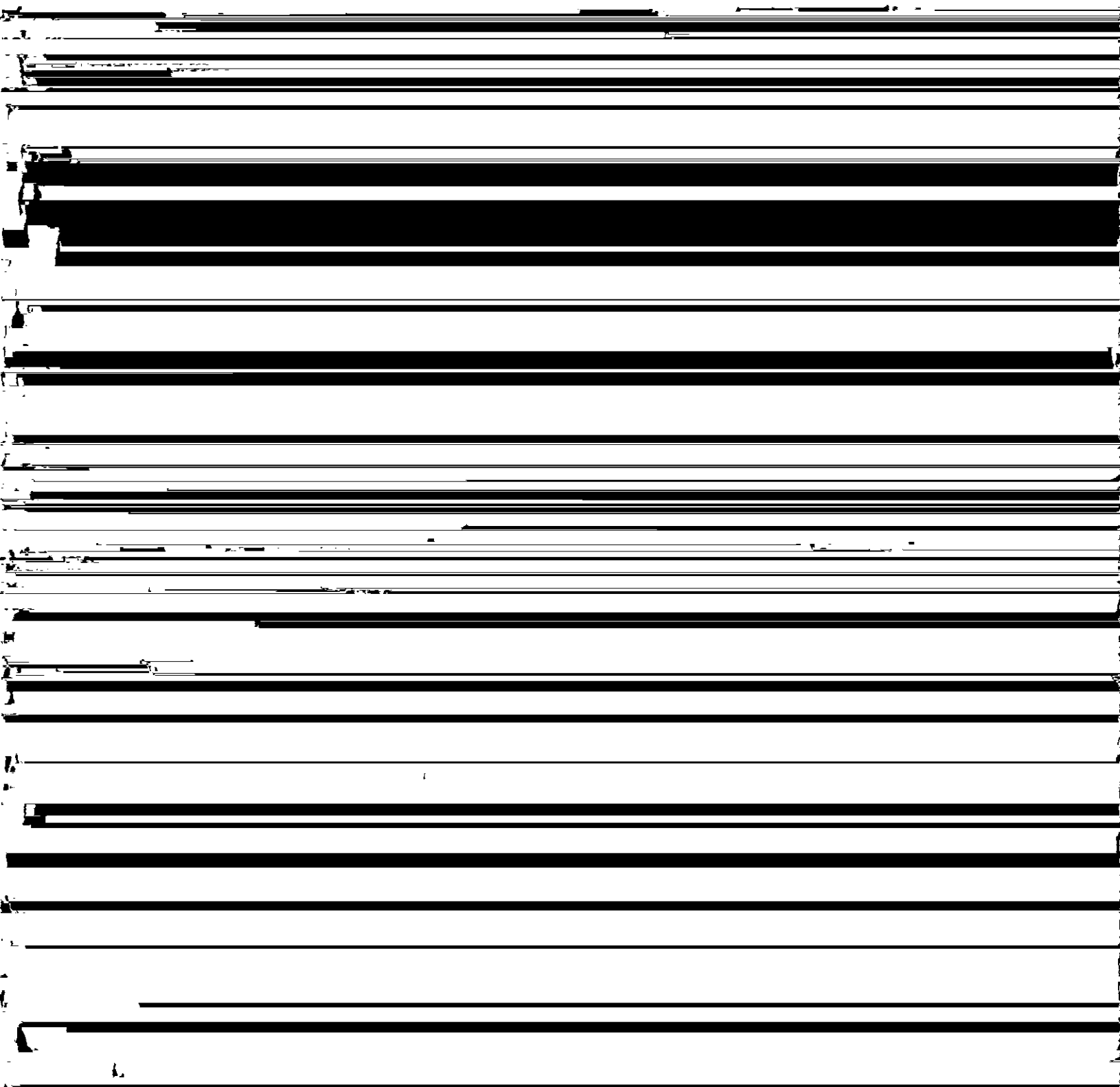


he argued that the mobility rights clause could thwart the province's collective development. He cited a ruling from the federal Minister of

46/Year in Review 1982

Both the Liberal opposition under Claude Ryan and the federal government



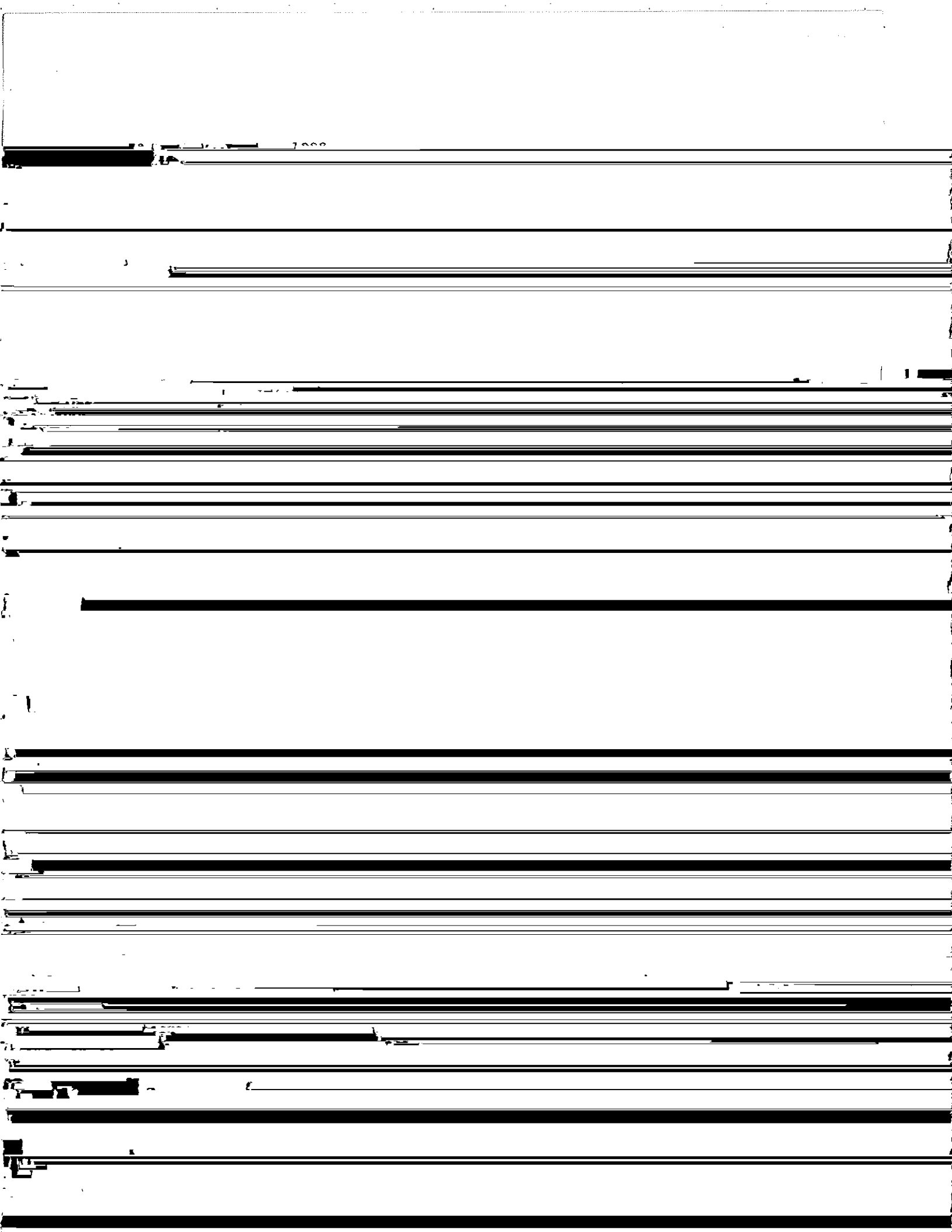


48/Year in Review 1982

Lévesque reiterated Québec's conditions for changes to the constitution which would make it acceptable to Québec: a recognition of duality, a veto

the First Amendment and Confederation

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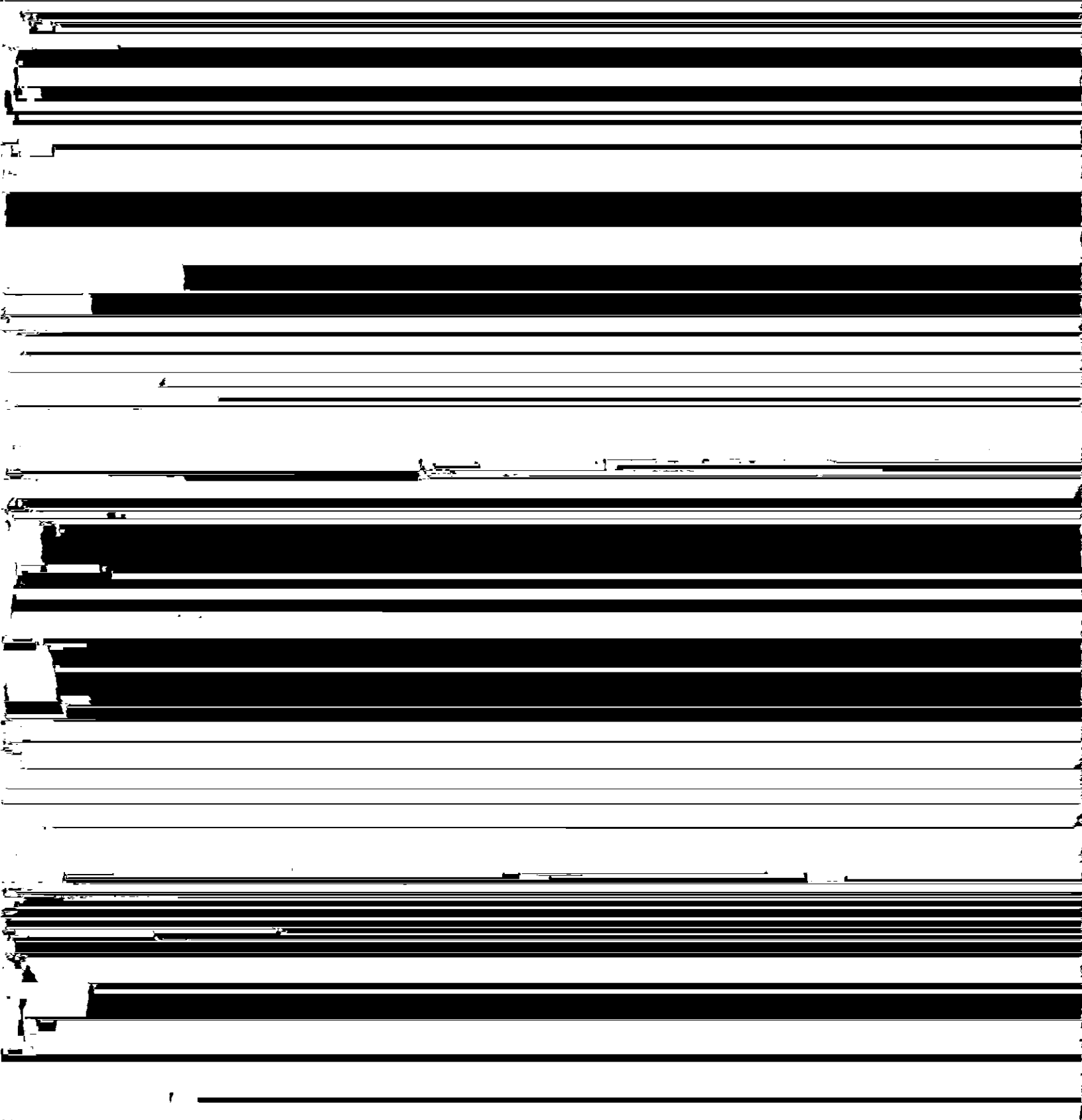
(NCC) speaking for over one million non-status Indians and Métis, and the Inuit Committee on National Issues (ICNI), the constitutional arm of the Inuit Tapirisat of Canada which acts on behalf of 25,000 Inuit. Each

52/Year in Review 1982



54/Year in Review 1982

For all the theoretical work the associated costs have its





regional representation was highlighted by the declining regional function of the Cabinet and political parties.

The Alberta government recommended that the Senate be appointed

[REDACTED]

56/Year in Review 1982

rather division under the terms of the governments proposed" (Constitutional Development in the Northwest Territories, Report of the Special Representative, January 1980, p. 8). The 1978 Agreement in Principle reached with the Committee for Original Peoples' Entitlement (COPEP) in 1980. The Committee for Original Peoples' Entitlement

Assembly voted unanimously to ask the federal

to recommend a boundary.

58/Year in Review 1982

As a result of the government's decision, the NDP Member of Parliament for Nunatsiart Peter Ittinuar, crossed the floor to sit with

#### 4 JUDICIAL REVIEW

With the proclamation of the Canadian Charter of Rights and Freedoms in 1982, constitutional litigation will no longer be

60/Year in Review 1982

remedy from the courts for an alleged violation of guaranteed rights, provided in s. 24, ran up against the power of governments to impose "reasonable limits," granted in s. 1, on rights guaranteed under the Charter. In his decision, Chief Justice Jules Deschênes of the Québec Superior Court found that the quest for a remedy for rights violations

(i) the legislative authority of the Québec legislature  
by virtue of the Canadian constitution;

(ii) the status or role of the Québec legislature or  
government within the Canadian federation;

Québec's objection under such a resolution

62/Year in Review 1982

11-11-82 10:00 AM





64/Year in Review 1982

...the validity of some of

CHARTER OF RIGHTS AND FREEDOMS

66/Year in Review 1982

(d) the younger brothers and sisters of a child described

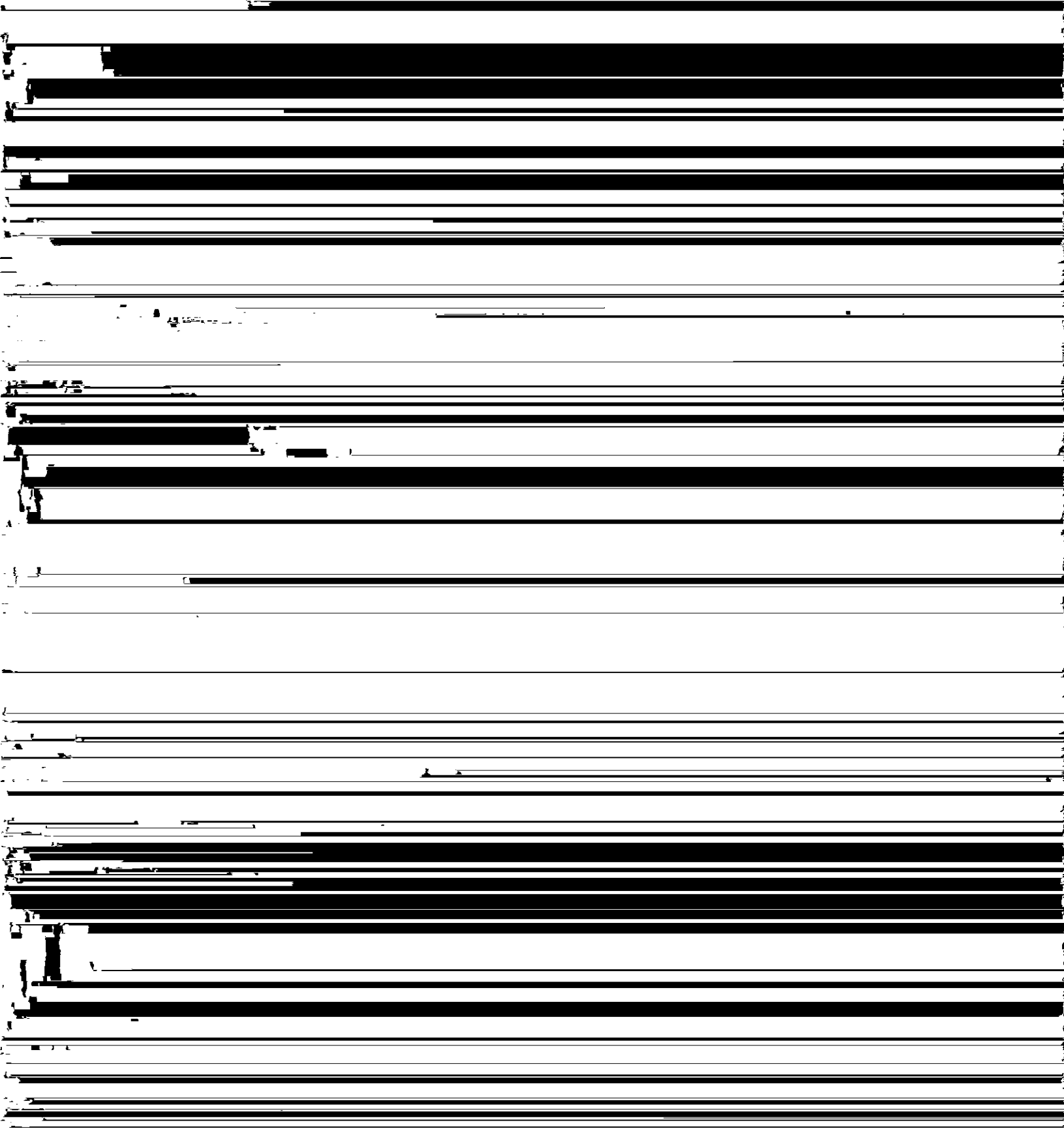


68/Year in Review 1982

inconsistent with it, Deschênes concluded that it must be read in conjunction with s. 1 which allows "reasonable limits" on guaranteed  
Bill 101 provisions for minority language

Judicial Review/69

this concept of society has never taken root here -- even if



70-42-1000



The provincial government also sought a declaration about the nature of



criminal offences which are part of legislation based on federal heads of power other than the criminal law power. This was confirmed by the 1979 Supreme Court decision, R. v. Hauser. There, a majority of the court found that the federal government's Narcotic Control Act was based on the

74/Year in Review 1982

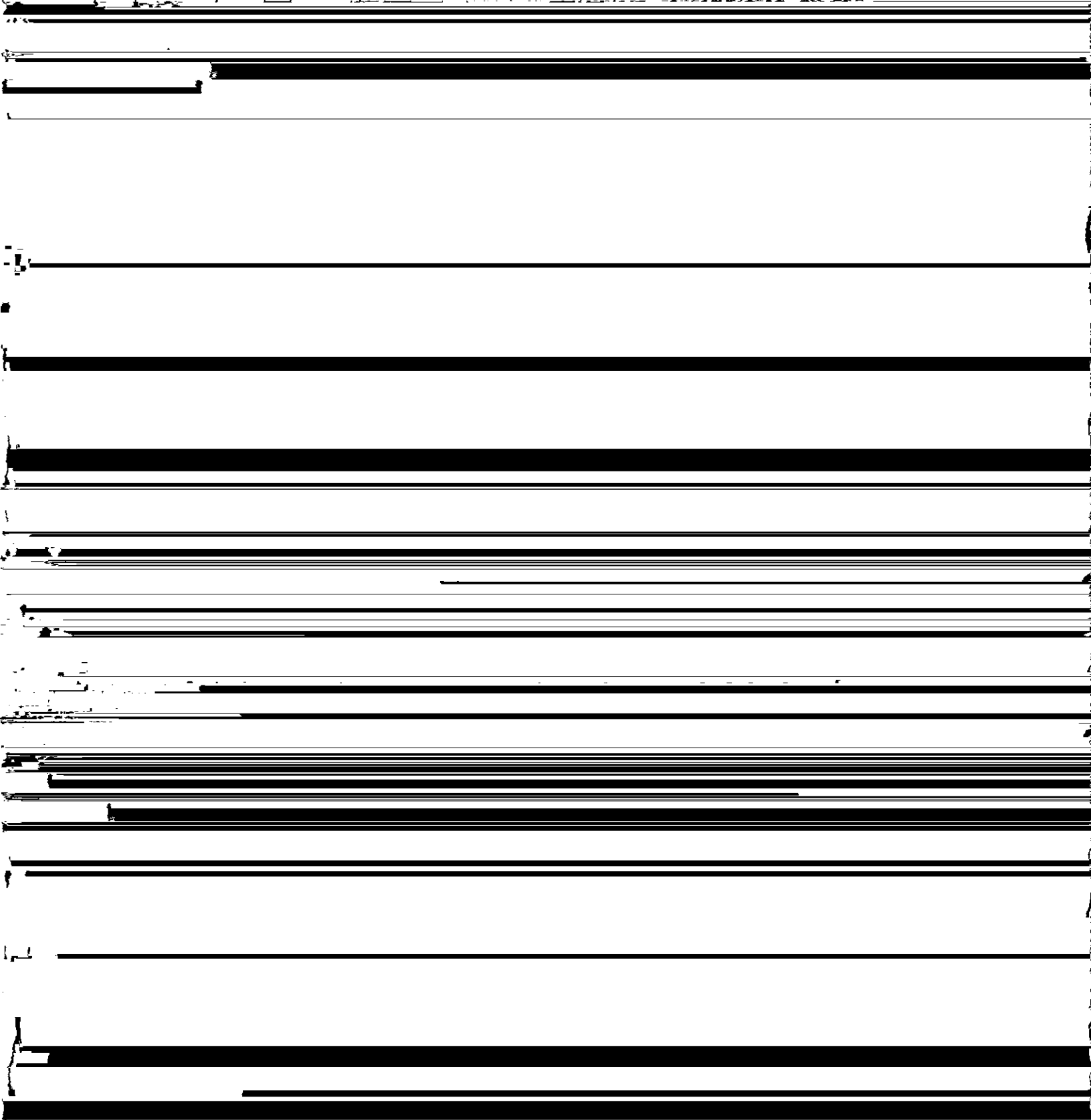
Section 3 of the Government of India Act, 1952

76/Year in Review 1982

... .. 1982 to the Supreme Court where the

[The remainder of the page is obscured by heavy horizontal black bars, likely representing redacted text or scanning artifacts.]

out functions pursuant to federal jurisdiction over Indians. Cameron was satisfied, therefore, that the power to regulate the labour relations of a



78/Year in Review 1982

710921 136 D E R



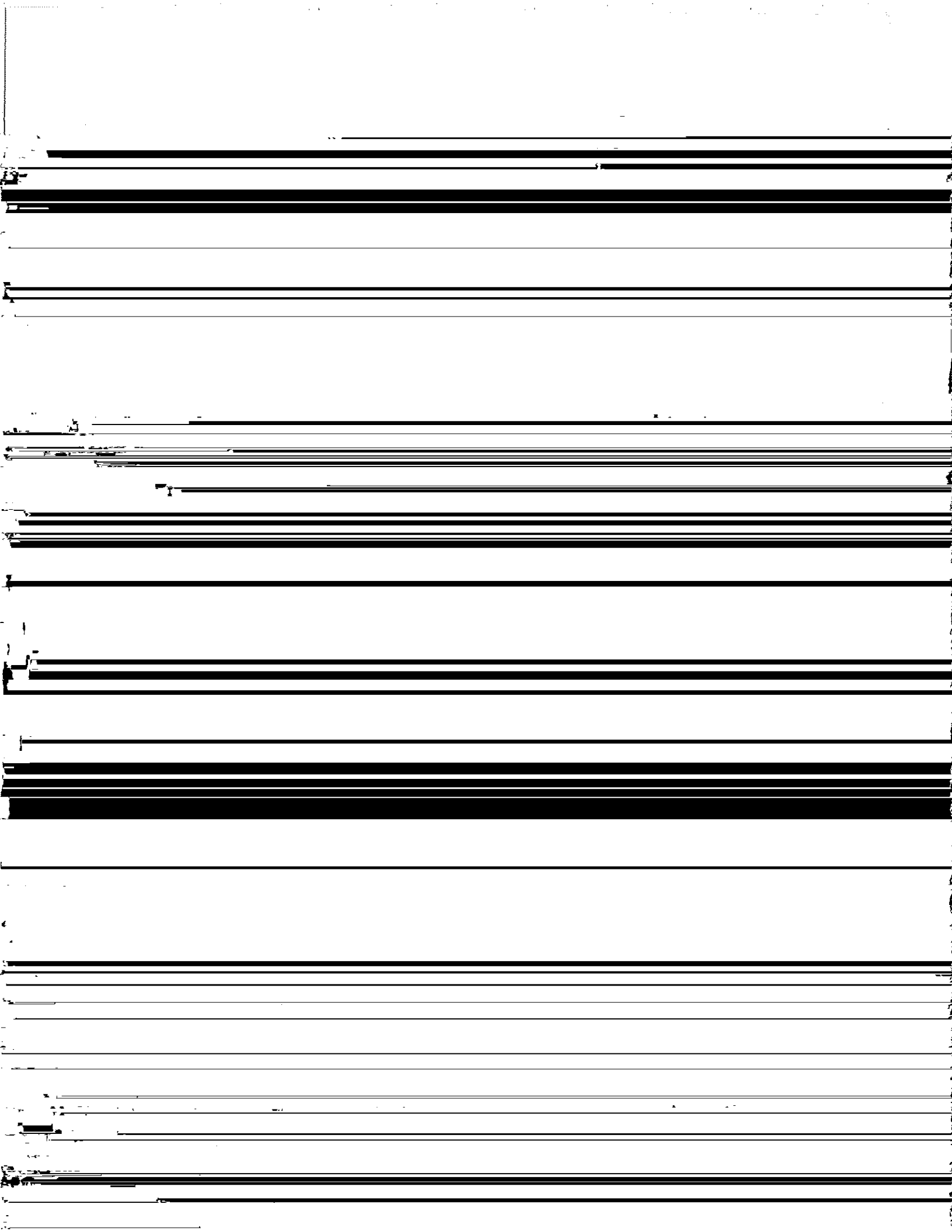
constitutional questions were added and the federal government and five provincial governments intervened.

Where the lower courts had addressed only the relationship of the federal and provincial insider trading provisions, the Supreme Court was asked to consider the validity of the impugned sections before addressing their consistency.

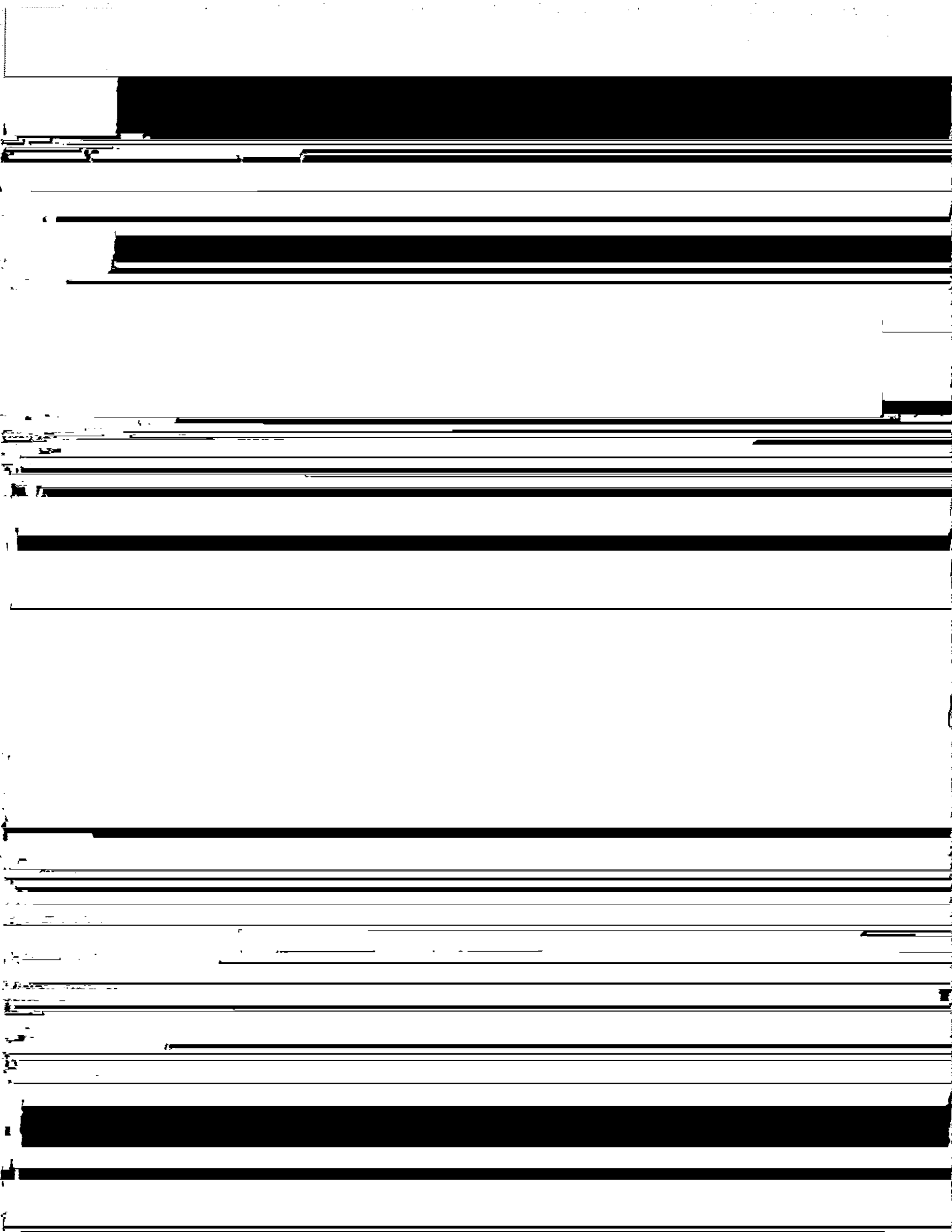
Counsel for Multiple Access and Ontario argued that the insider trading provisions of the federal legislation created civil liabilities and rights



g0/Year in Division 1000



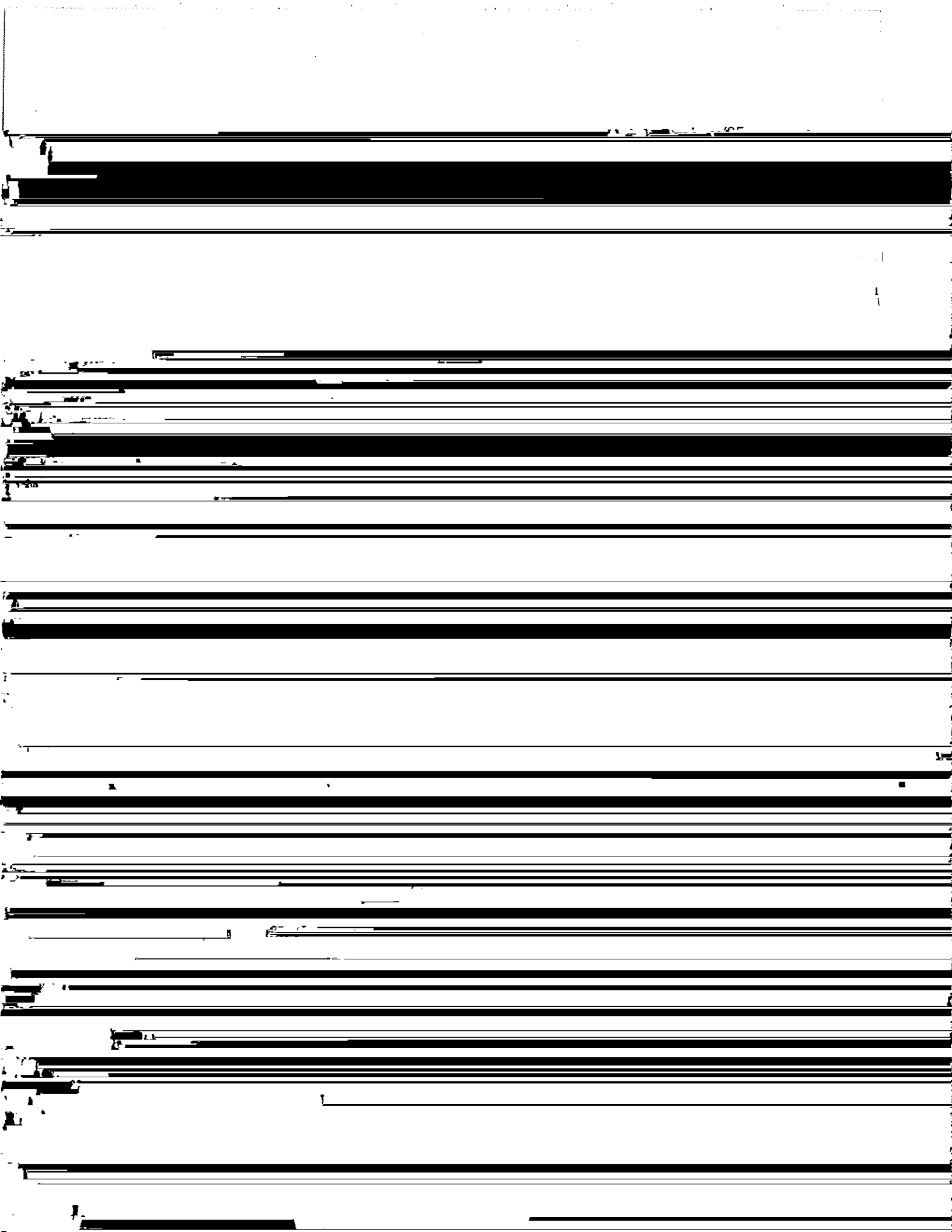
82/Year in Review 1982





[The page contains approximately 20 lines of text that have been almost entirely obscured by heavy horizontal black redaction bars. Only a few faint lines of text are visible through the gaps between the bars.]





For much of 1982, the federal and provincial governments carried on an extensive and well-publicized debate over management of the economy. As



88/Year in Review 1982

homeowners, small businesses and farmers. Job creation schemes to assist

a... .. its 110 and 111 cases and other... .. in its

Debate Over The Economy/89

stimulate the economy at this time will invariably lead to worsened prospects for inflation, real growth, and employment.

I intend to ask all provincial governments what policies they

90/Year in Review 1982

had exclusive jurisdiction over national fiscal and monetary policy but  
felt that alternative policies needed to be exercised

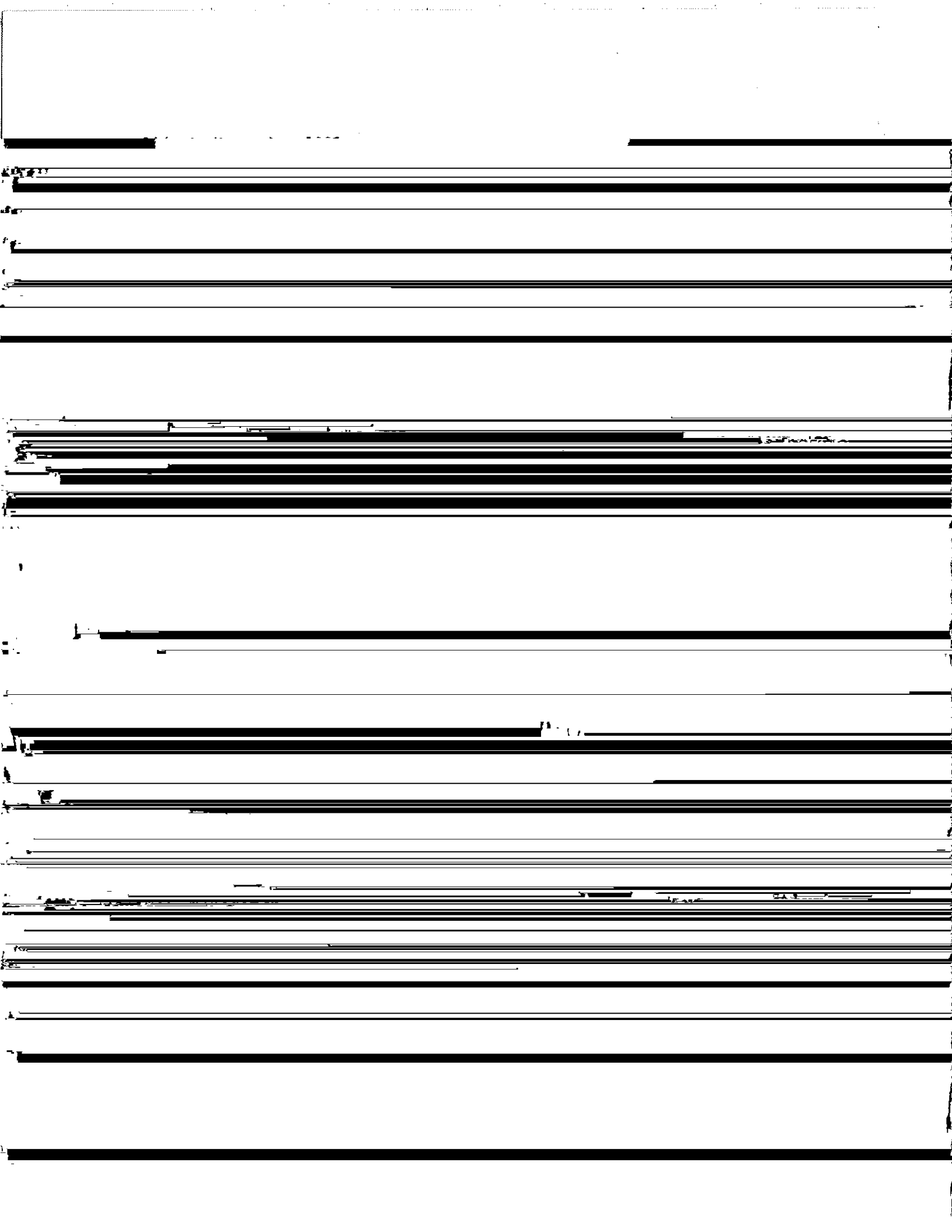
conference centre in Ottawa was picketed by public service unions who  
asked the first minister to reject any proposals for public sector

92/Year in Review 1982

The provinces also met the federal argument that the dollar would fall precipitously if interest rates were lowered. They contended that a lower

in the public sector, and he recommended that public sector wages and salaries not outstrip those in the private sector. He emphasized that he was not advocating wage and price controls as the 1975-78 program had shown these to be "ineffective and inequitable." This was part of a six point, "made in Canada" interest rate policy outlined by Lougheed which also recommended a return to emphasis on the private sector, restoration of investor confidence through re-introduction of tax expenditures eliminated in the federal budget and relaxation of foreign investment

... led to the public federal finance



Debate Over The Economy/95



96/Year in Review 1982

### Premiers' Conference

By August, when the annual Premiers' Conference was held in Halifax, wage restraint programs were in place in several jurisdictions as attempts to tackle inflation. However, the provinces argued that a more comprehensive solution, preferably an intergovernmental one, was required to pull Canada out of its recession and achieve economic recovery.

The need to stimulate investment was central to the provinces' discussions. Alberta attributed much of the blame for declining investment to "deteriorating confidence that Canada will correct its economic

Debate Over The Economy/97

Bill Clinton's government must to flesh out the August

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98/Year in Review 1982.

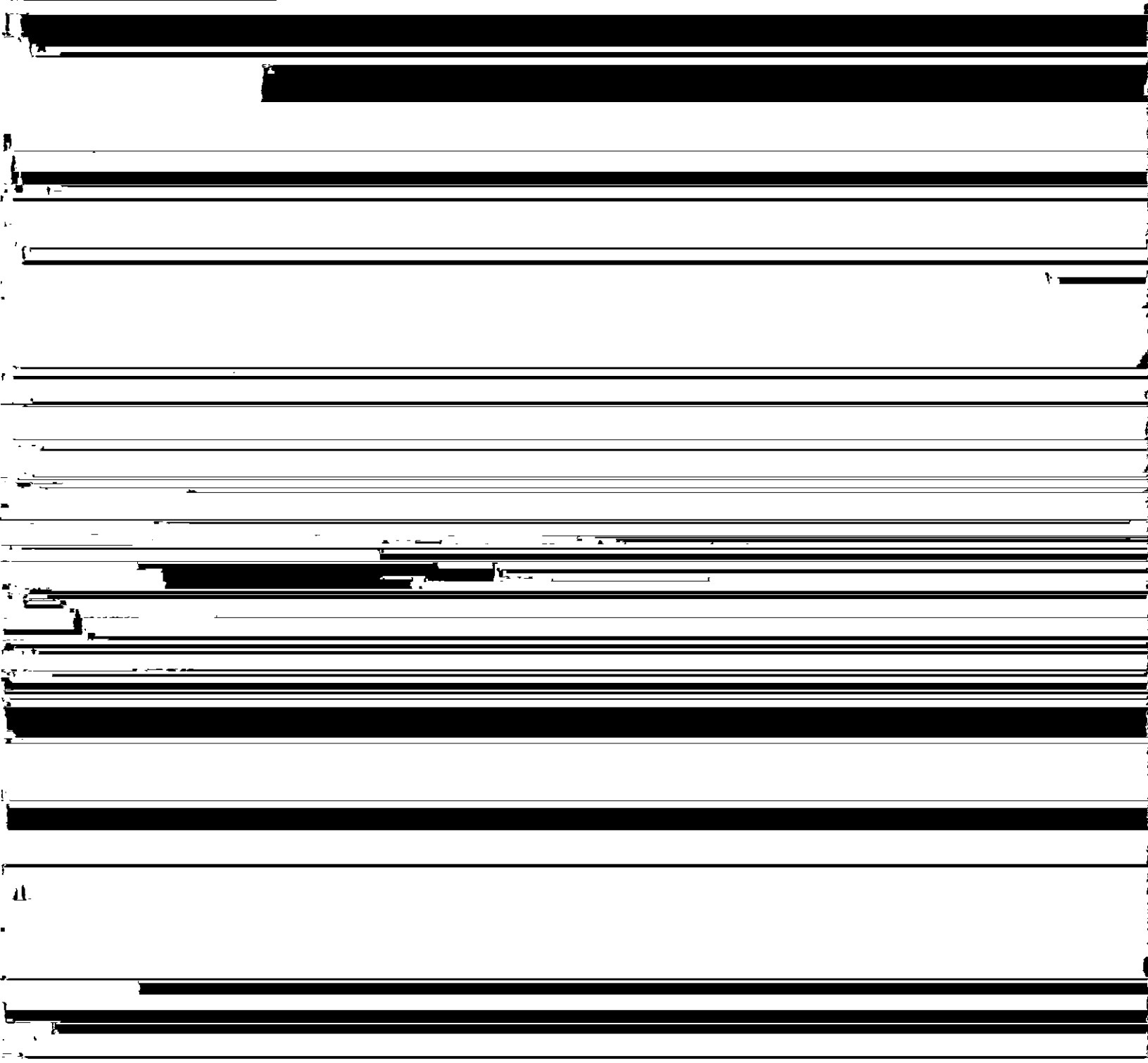
consumers were persuaded that interest rates would fall, spending would pick up (Montreal Gazette, December 18, 1982, p. C1).

The finance minister seemed to step up capital goods projects to be

year ended as deficits mounted under unforeseen expenditures, and as the economic recession worsened.

**Provincial Budget Strategies**

The Alberta and New Brunswick budgets stood out as clearly





Debate Over The Economy/101

Finance Minister Hugh Curtis of British Columbia rejected higher taxes in his restraint oriented budget. He found "heavier taxation would undermine our economic future — by discouraging investment initiative, by

102/Year in Review 1982

7. 10/24/82 24 Budget, Saskatchewan Finance Minister Bob Andrew






104/Year in Review 1982

early advantage of a national recovery when it takes place,  
and... to provide as much protection and assistance as we can  
to ~~mitigate~~ ~~Ministers~~ ~~of~~ ~~the~~ ~~new~~ ~~effects~~ ~~of~~ ~~national~~



Finance Minister Vic Schroeder in his May 11 budget, announced a public



106/Year in Review 1982

benefitting from the province's wealth. In a television appearance in

108/Year in Review 1982

operating and program expenditures were affected. The retail sales tax, the highest in Canada, was raised to 12 per cent from 11 per cent

Debate Over The Economy/109

Bank of Canada seemed incapable of reducing inflation through a tight money policy; the rate of inflation in the U.S. had fallen to below nine percent, while the Canadian consumer price index

110/Year in Review 1982

The federal government waited until the 1982 international economic summit at Versailles before changing its economic course. MacEachen had promised to deliver a "report" on the economy shortly after the Versailles summit. That report became a budget as the dollar dipped to 76 cents

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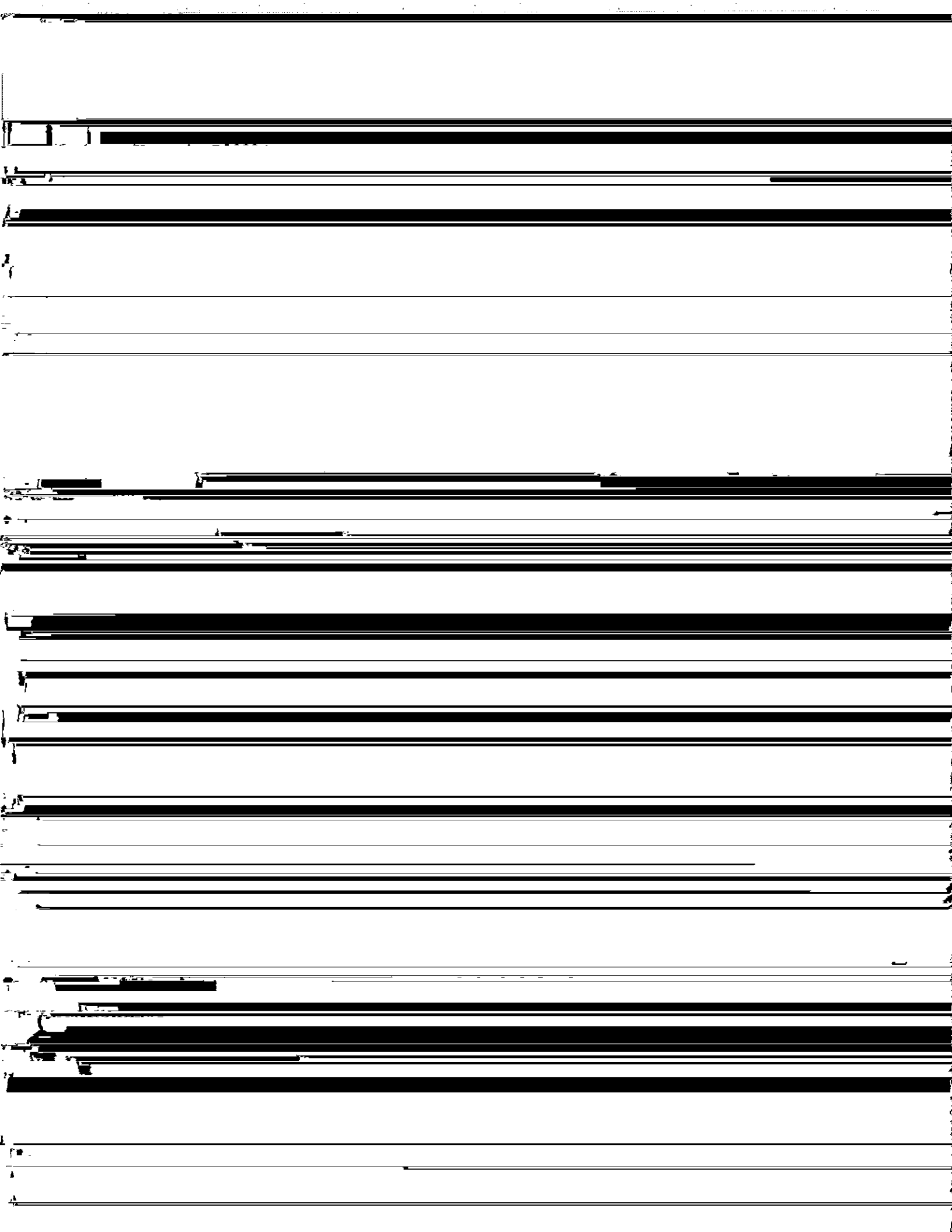


interest rates. Measures to assist job creation and housing construction,  
it was felt, did not go far enough.

so much to streamline costs and enhance productivity. What was required of Canadians was the will to act together and confront this competition from "the Japanese, the Germans and the Americans." And the fundamental element in forming that national will was trust between and among

114/Year in Review 1982

defeating inflation. However, the causal relationship between the federal



declaring the death of cooperative federalism — Prime Minister Trudeau saw the June 30 meeting as a potential beginning for "intensive consultations on the prospects for concerted action to solve the country's economic problems." He cited wage restraint, capping administered prices, and coordinating federal and provincial housing, job creation and tax measures as items for discussion.

But Trudeau warned the premiers that the economic situation and

changes in federal policies, such as interest rates or foreign investment. Trudeau claimed that he "threw the ball" back to the provinces, asking

political credibility. One western official at the conference was quoted  
as saying "The [redacted] 50-50 [redacted] liberal tool designed

[The remainder of the page is heavily redacted with multiple thick black horizontal bars.]



120/Year in Review 1982

parallel to ours. (Treasury Board President Donald Johnston, "Notes for an Address to the Financial Post Conference," Toronto, September 28, 1982, p. 2)

The British Columbia and Ontario restraint programs were the most extensive. The government of British Columbia had made an early start on its efforts to restrain government expenditures. On February 18 Premier

that controlling the private and public sectors in Ontario would have more advantages than disadvantages. In his speech to the legislature on

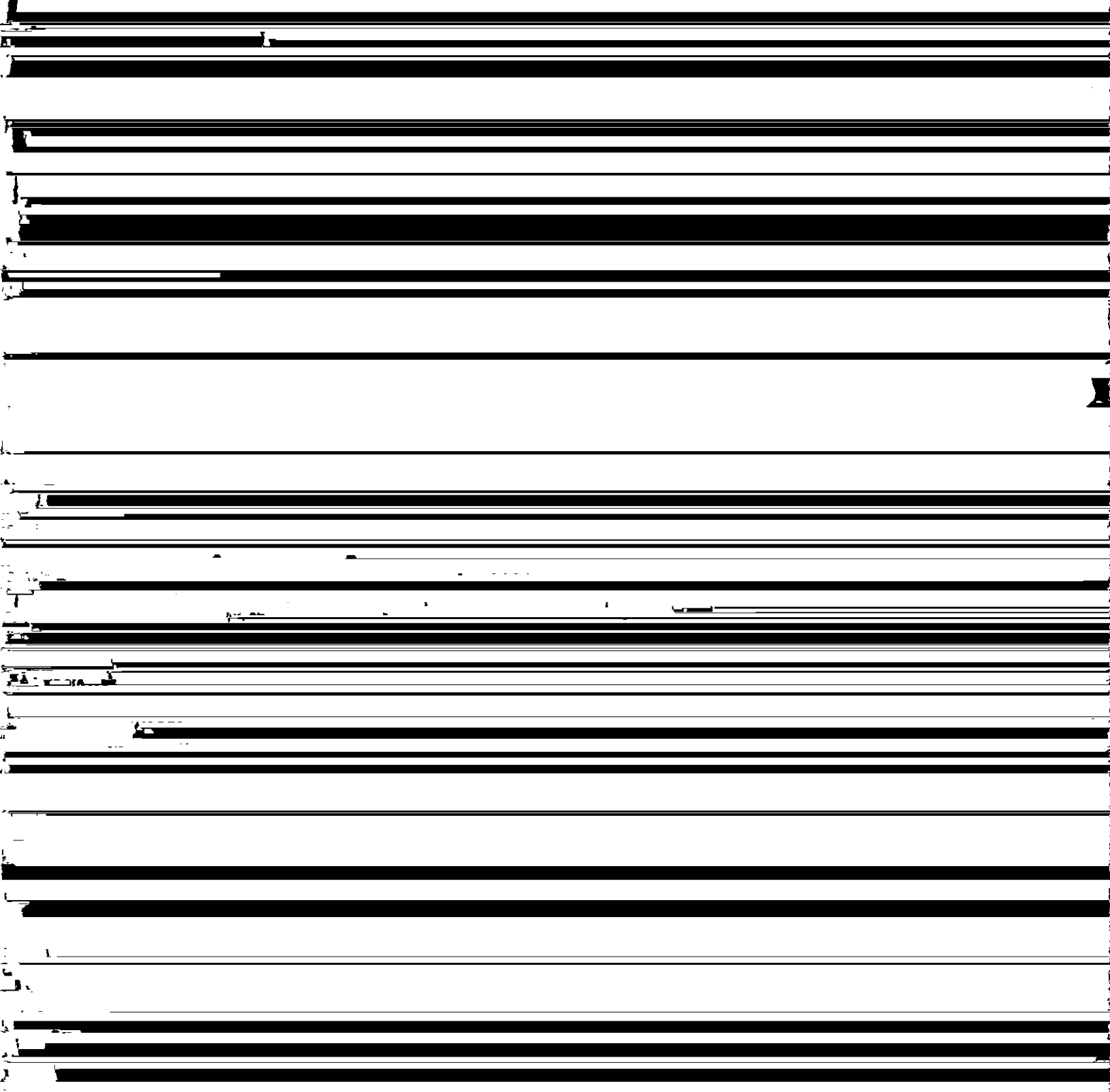
September 21, Premier Davis stated:

122/Year in Review 1982

led with the merger front of unions representing more...

Debate Over The Economy/123

... .. said the government would aim for



124/Year in Review 1982

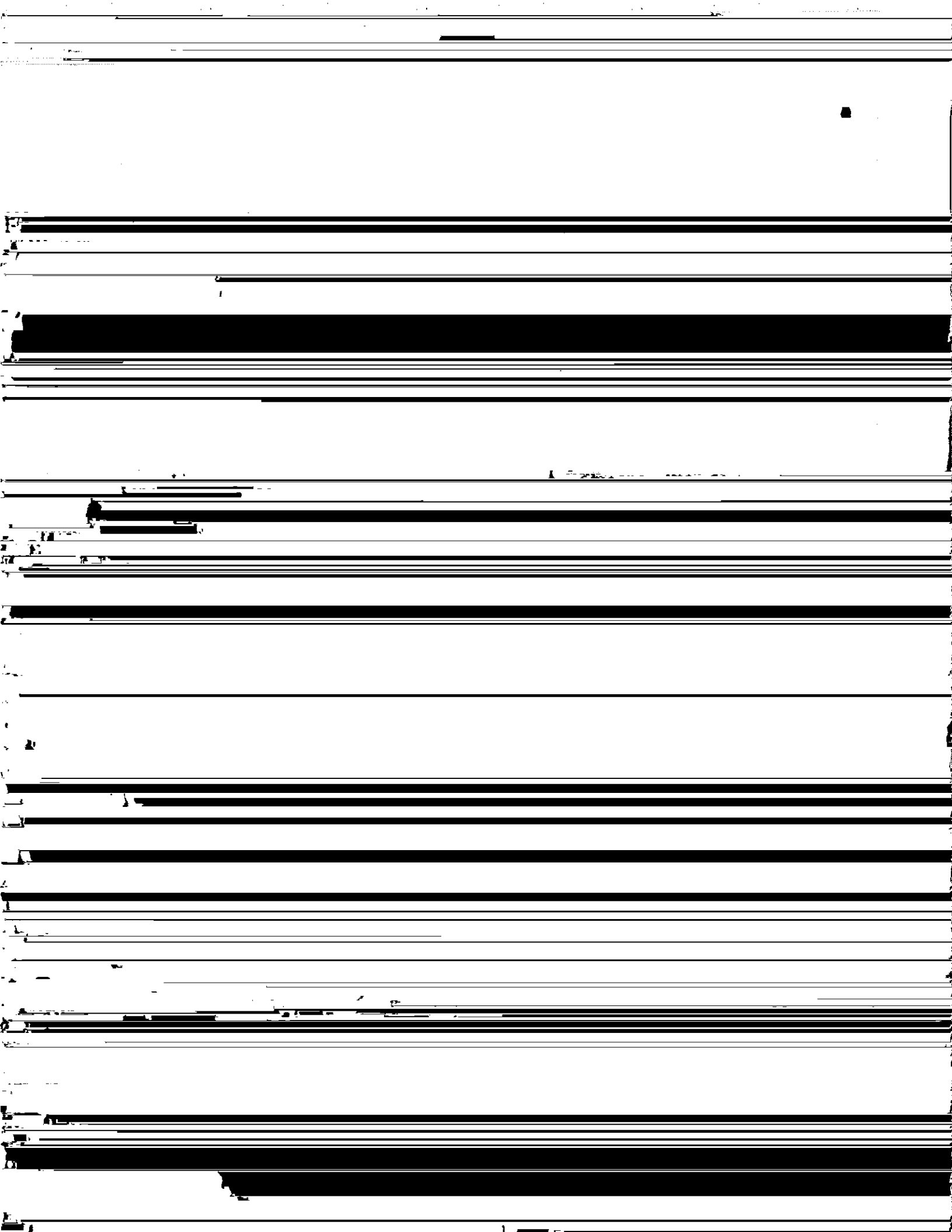
ECONOMIC AND FISCAL FEDERALISM

126/Year in Review 1982

The federal government first announced its general intention of reducing  
the amount of money transferred to the provinces in the October 1980







Minister's EPF proposal. Collective bargaining was over and the provinces relayed their answers separately to Ottawa.

On March 10, the House of Commons gave first reading to Bill C-97 which

was introduced in the absence of a collective federal-provincial agreement. All the provinces objected strongly to the "cutbacks" implied in the reduction of the proportion of the revenue guarantee but

130/Year in Review 1982

1987 76 1-1001 02

included.

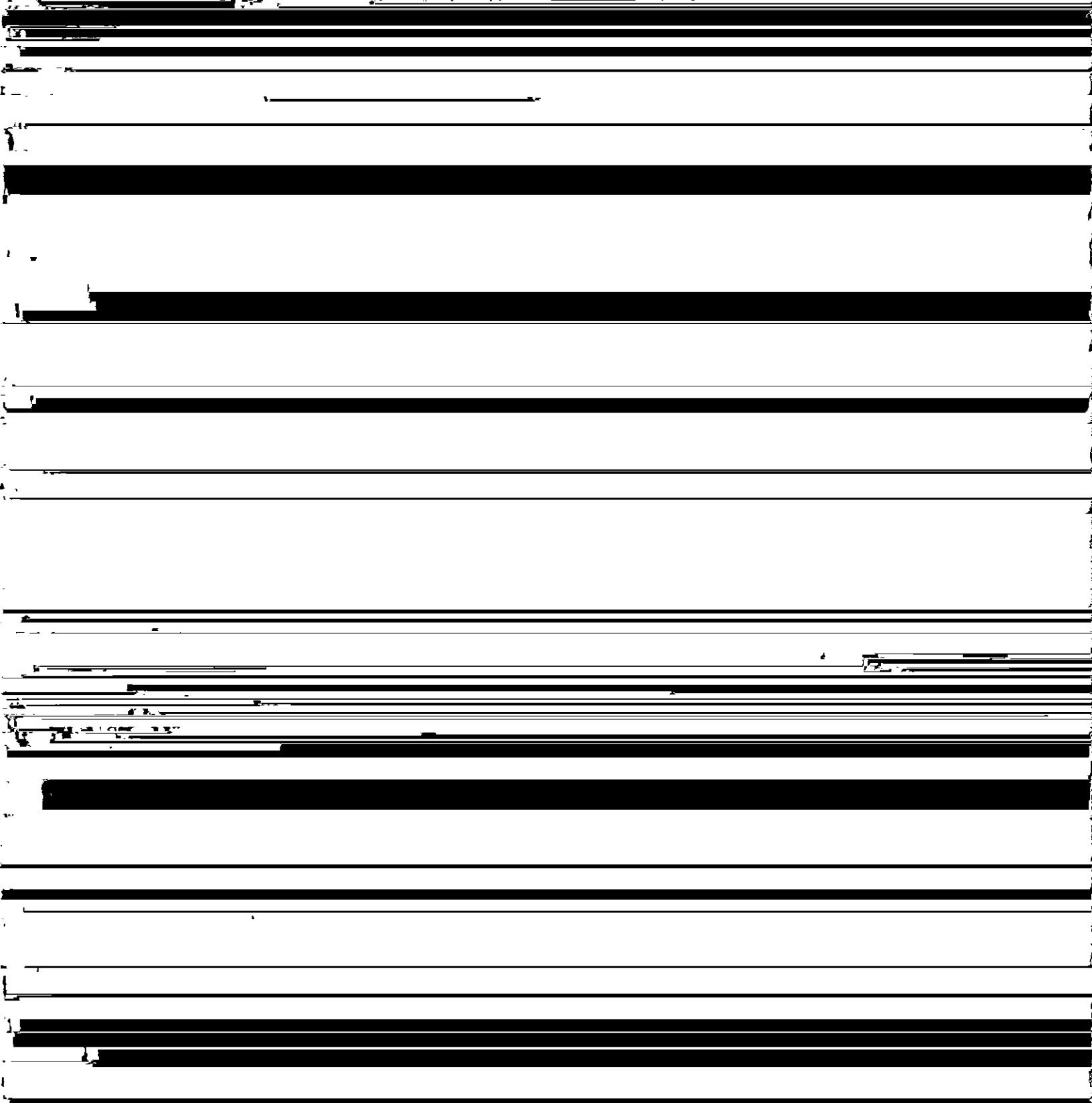
MacEachen calculated that \$29.3 billion would be transferred to the

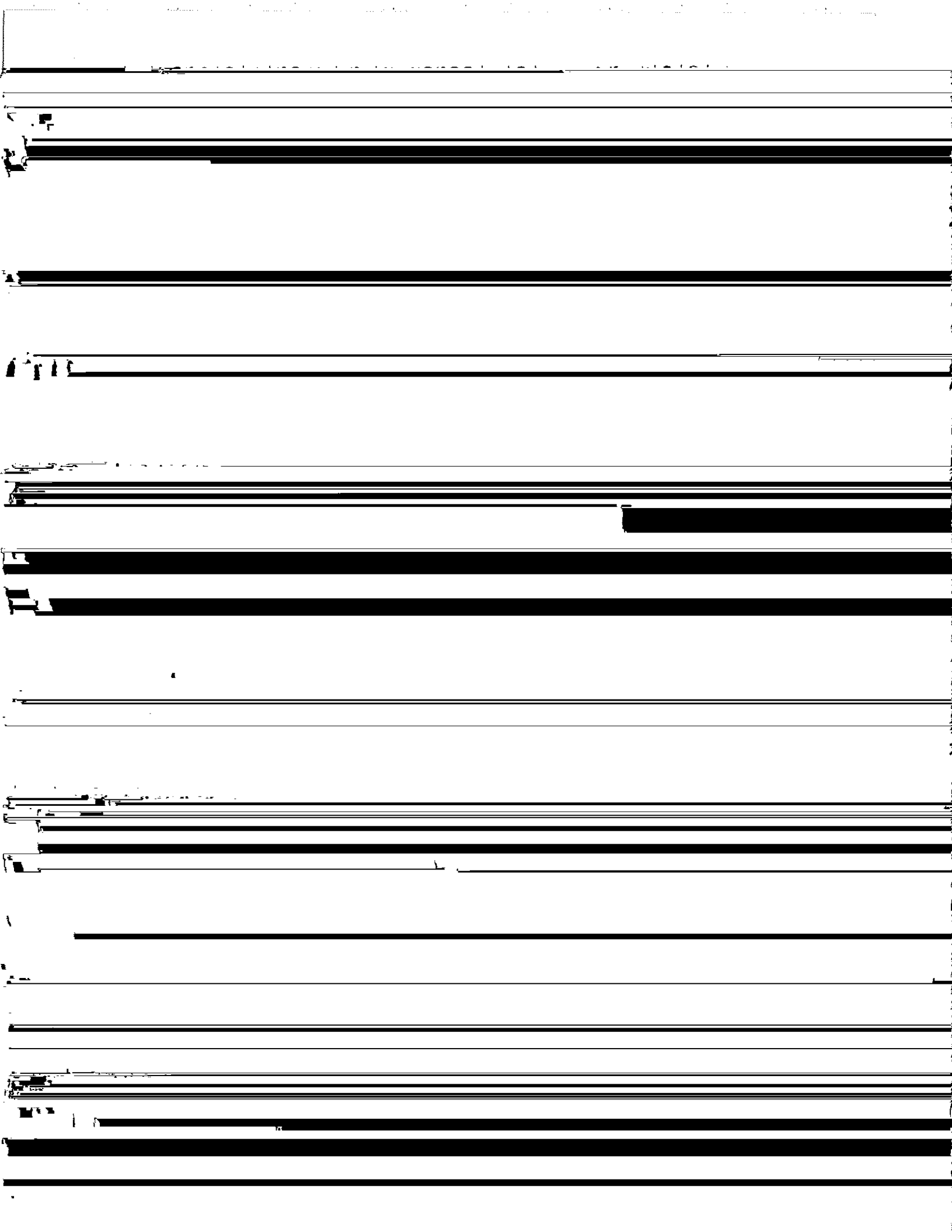
greater public presence it would generate by spending money directly rather than channelling it through provincial governments.

The provinces did succeed in having the federal government abandon the Ontario standard for equalization and substitute a formula which was to the financial benefit of the recipient provinces. However, Ottawa stood firm on its intention to eliminate any vestiges of the revenue guarantee, which the provinces said amounted to cutting back its contributions to health services and post-secondary education. The provinces did not object to discussing national standards for health care with the Federal Minister

132/Year in Review 1982

Comments on the process which had been followed by the federal government in amending the set of intergovernmental fiscal arrangements





134/Year in Review 1982

Bill S-31

On November 2, the Government House Leader in the Senate, Senator

... ..

...

...

...



136/Year in Review 1982

Economic and Fiscal Federalism/137

The legal and Constitutional Affairs Committee reported some reservations about Bill S-31 to the Senate on December 16. The senators

138/Year in Review 1982

- means of improving relations among governments, business, labour and other groups

## 7 ECONOMIC DEVELOPMENT

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In 1982, the interdependence of short term fiscal policy and economic

140/Year in Review 1982

The hopes pinned on mega-projects illustrated the regional

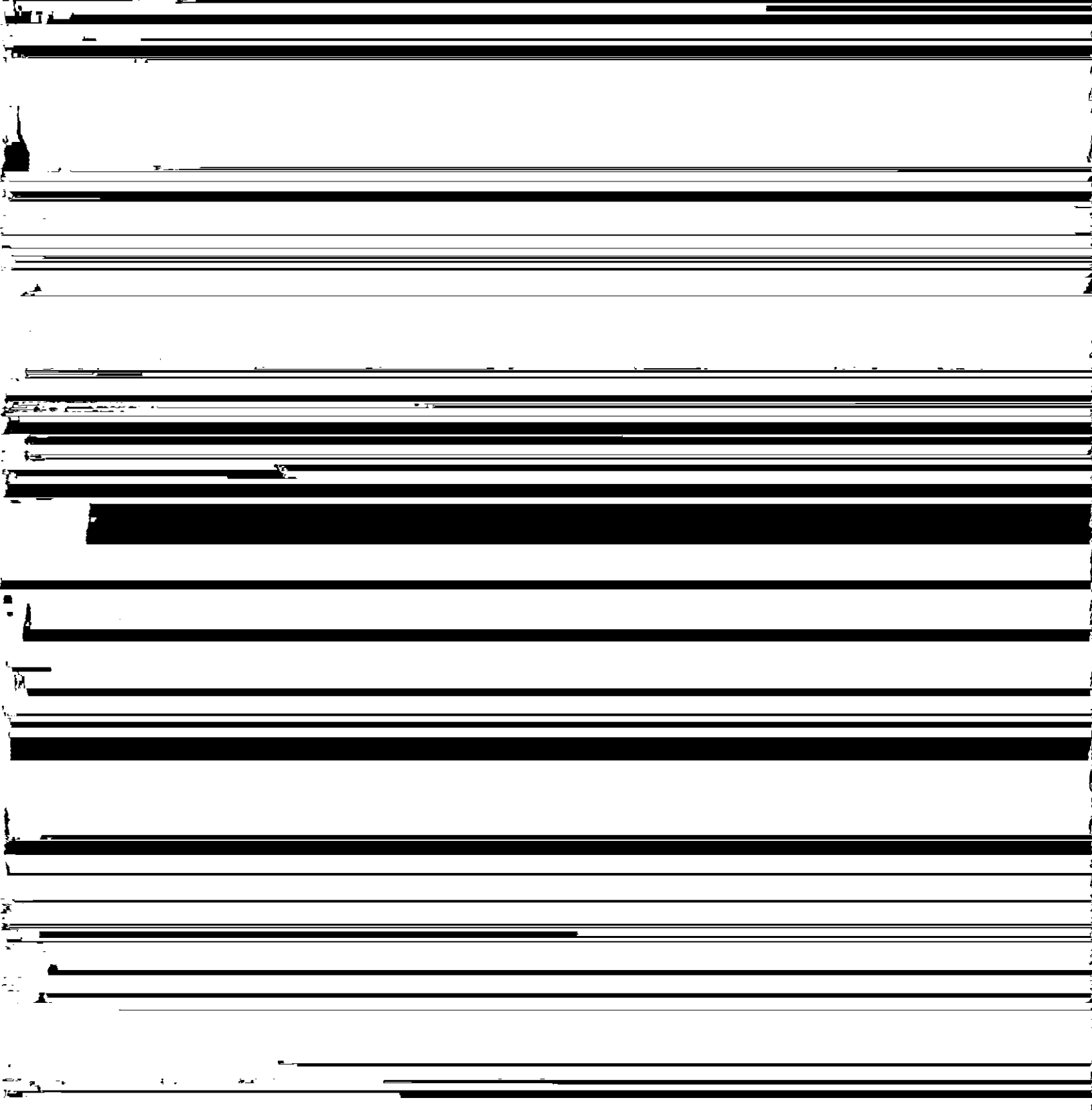
in any one province was seen to have beneficial spin-offs for others. This

PROPERTY ECONOMIC DEVELOPMENT SECTION

142/Year in Review 1982

their expiry. In their place, "new and simpler sets of agreements with the  
business involving a wider range of federal departments will be

In September, the Senate National Finance Committee issued a report





144/Year in Review 1982

A DEC

purpose and argued for a quick resolution of the ongoing debate over the Crow's Nest Pass freight rate.

ECONOMIC DEVELOPMENT AND INTERGOVERNMENTAL RELATIONS

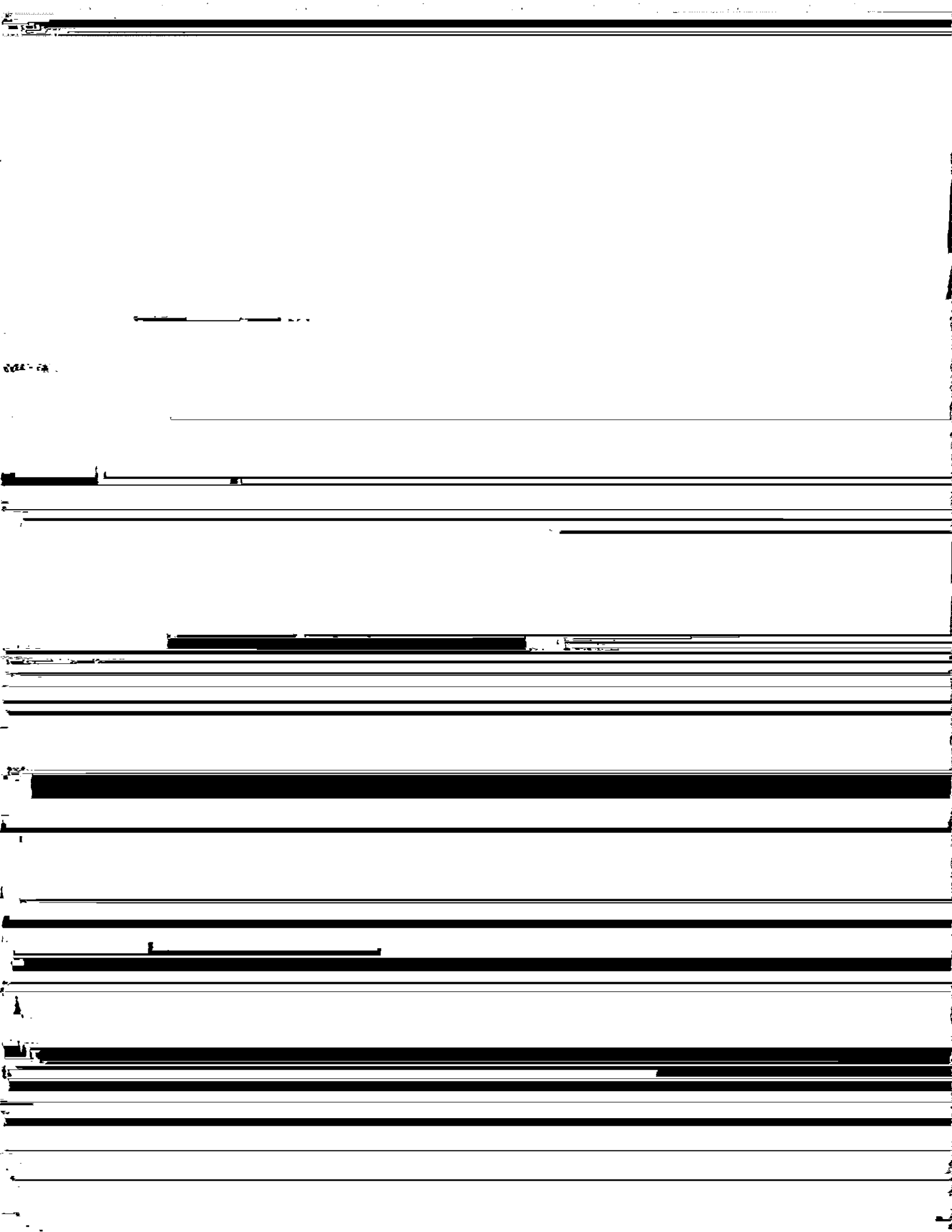
When the Prime Minister and premiers gathered for the First Ministers'

particular, Blakeney felt governments could act to make capital financing more available at lower interest rates. He claimed governments were "dreaming if we think some of these projects are going ahead with 18 and

responsible for developing regions within their own provinces. Québec claimed Ottawa was deliberately perpetrating an ambiguity in its definition of "region" to "justify its direct intervention in all

centre against periphery as the central provinces would benefit indirectly rather than directly. The eastern provinces, who were the main clients of





Labour is the source of the skills and activities that are so important to the successful accomplishment of economic



1574 Years in Past - 1000.



Québec

Québec's attempt early in the year to negotiate a short term economic scheme in conjunction with Ottawa was unsuccessful. At the first ministers' conference in February, Premier Lévesque and his economic ministers presented a plan for a \$200 million emergency fund which would

- promoting worker participation in management and laws

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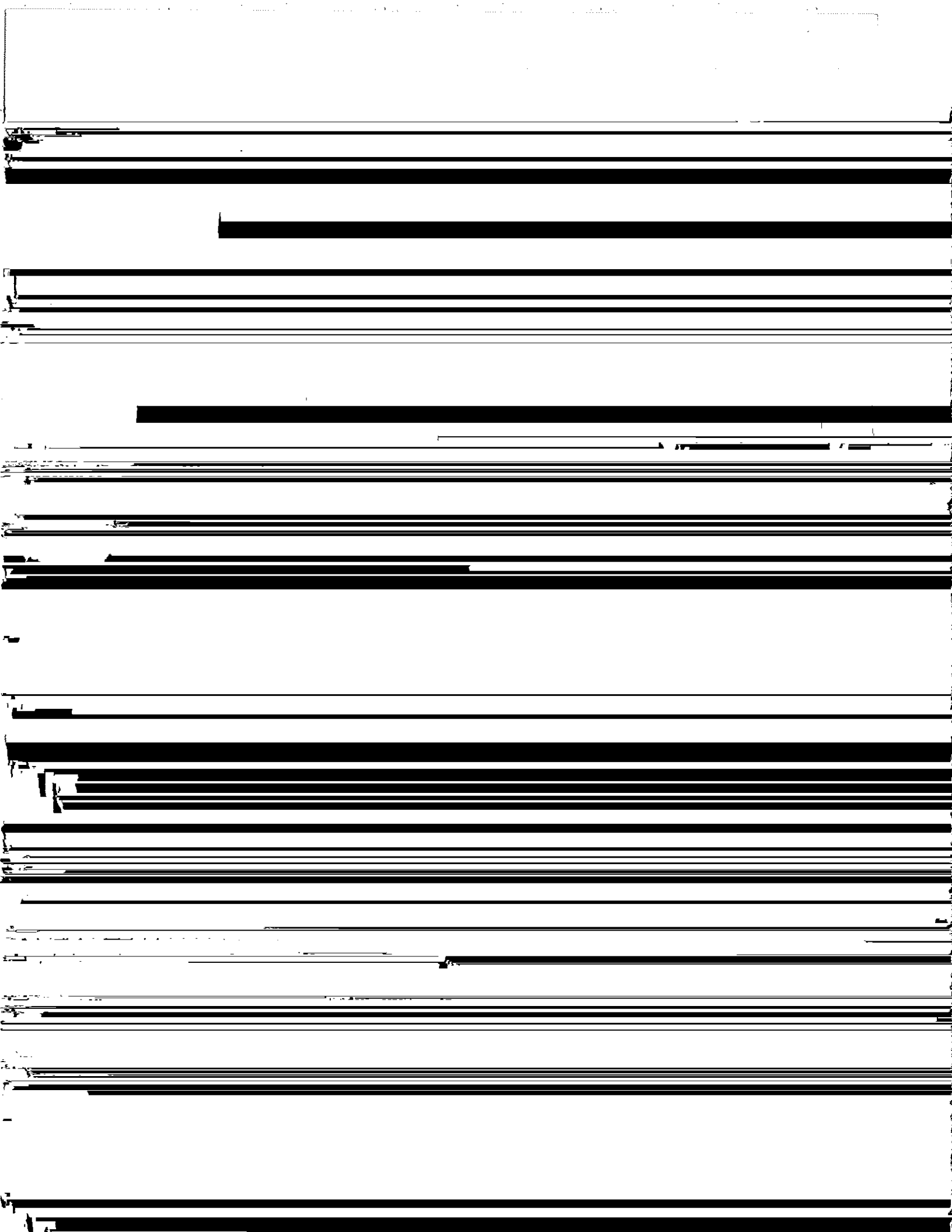
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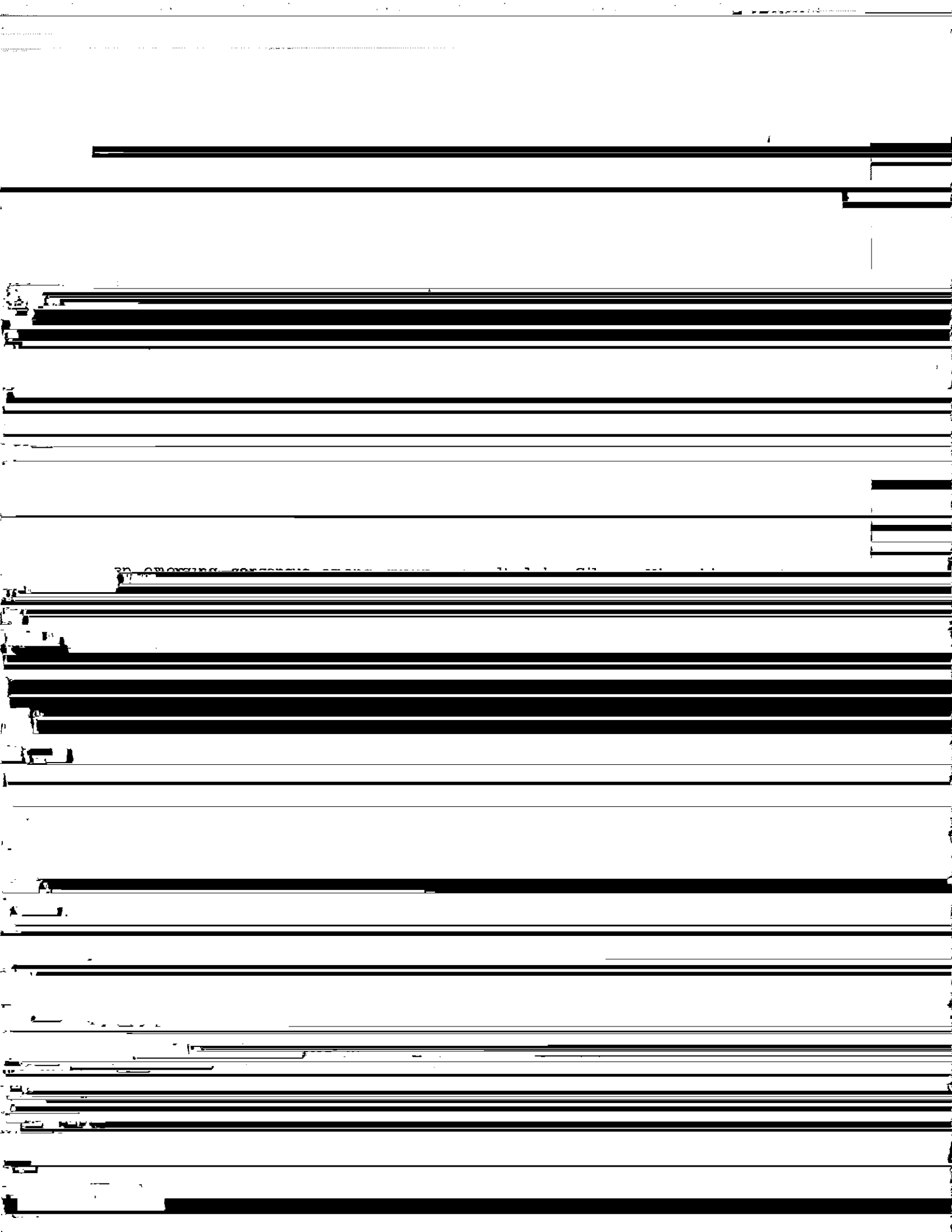
20 cent. provincial tax on gasoline was repealed.

... making them the managers were only one of many vocal groups

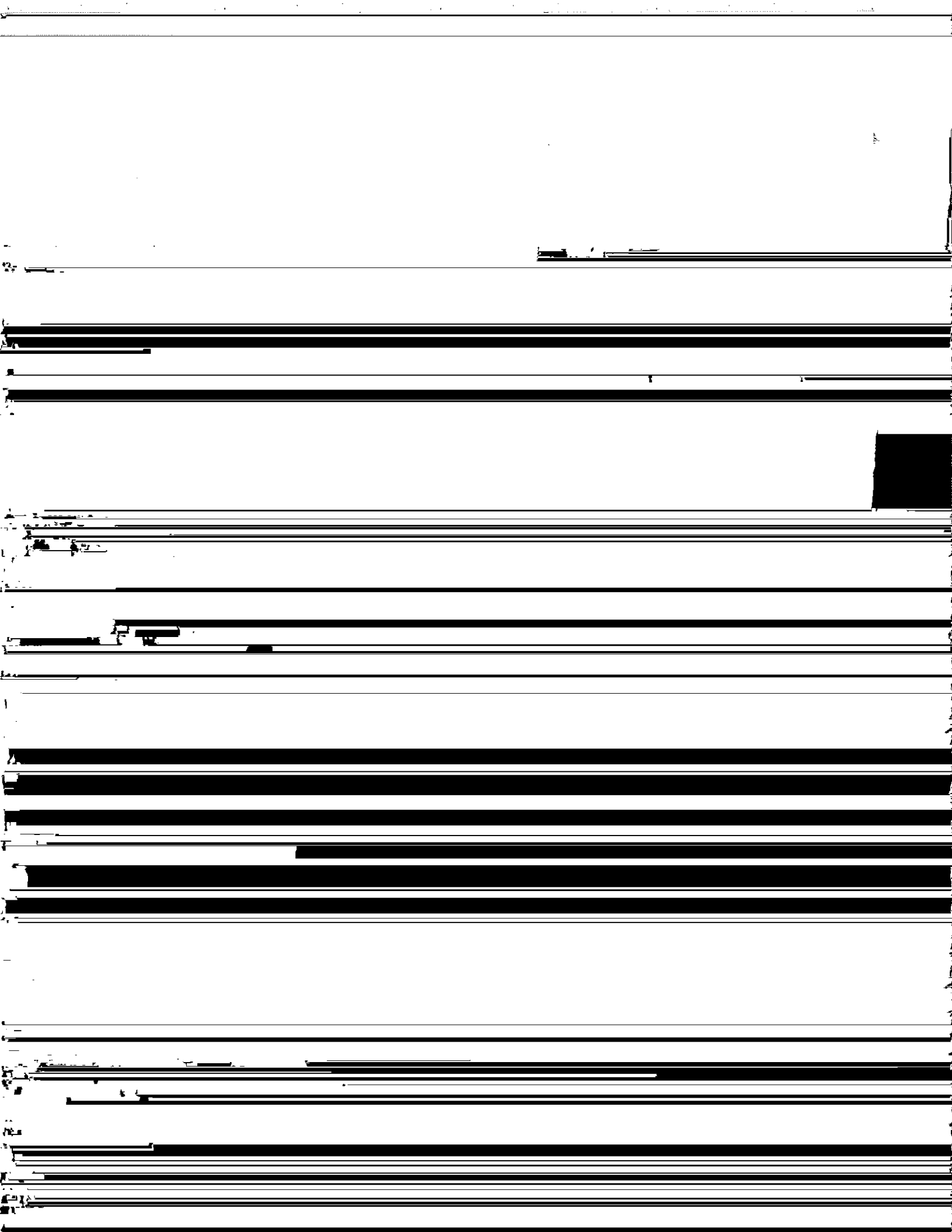
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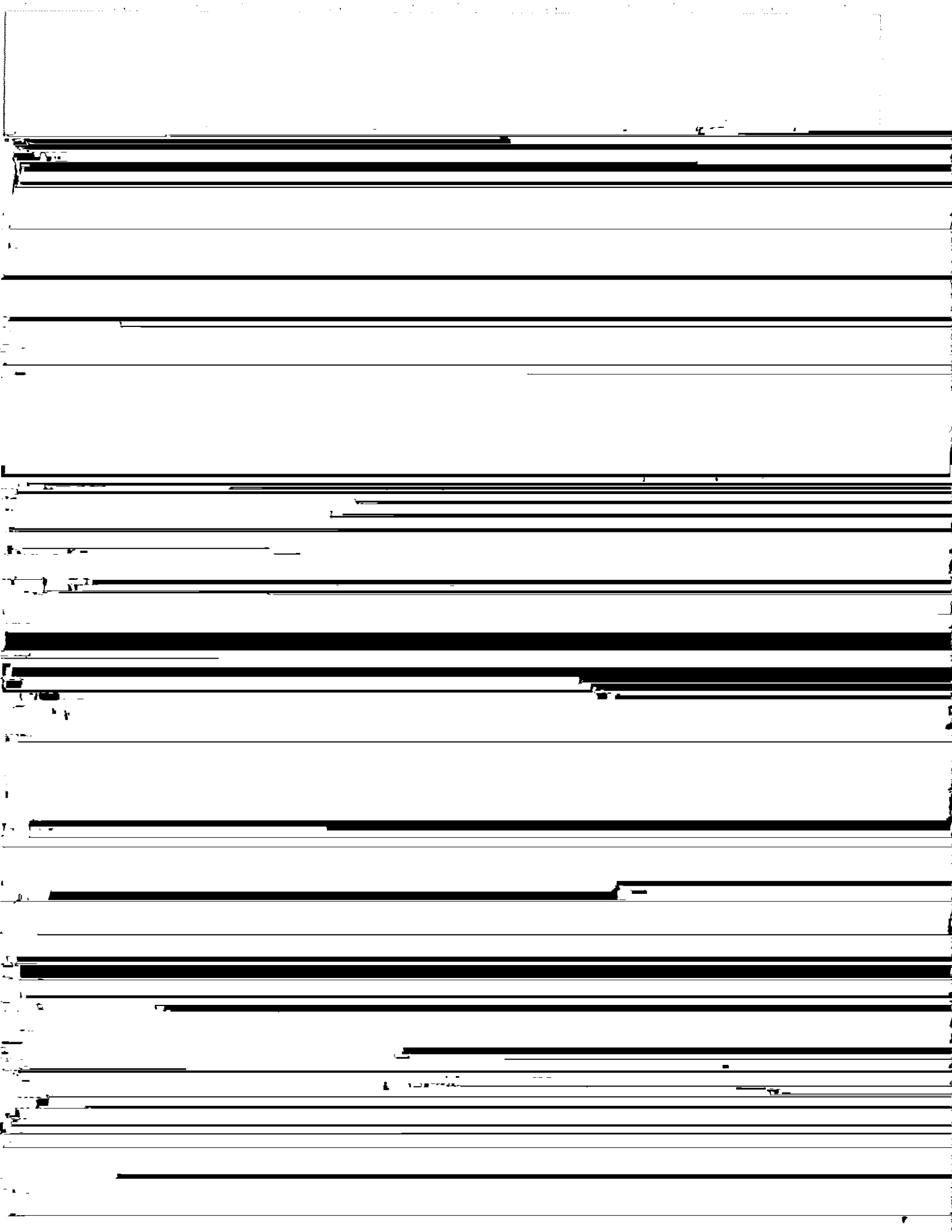




an employment growth and adjustment fund which would provide start-up capital for skills training. Comments on each of these areas from the provinces echoed several common concerns. They were worried that Ottawa was encroaching on provincial jurisdiction and that the federal government was reducing funds committed to skills training. On institutional matters, the provincial negotiators objected to federal Minister Lloyd

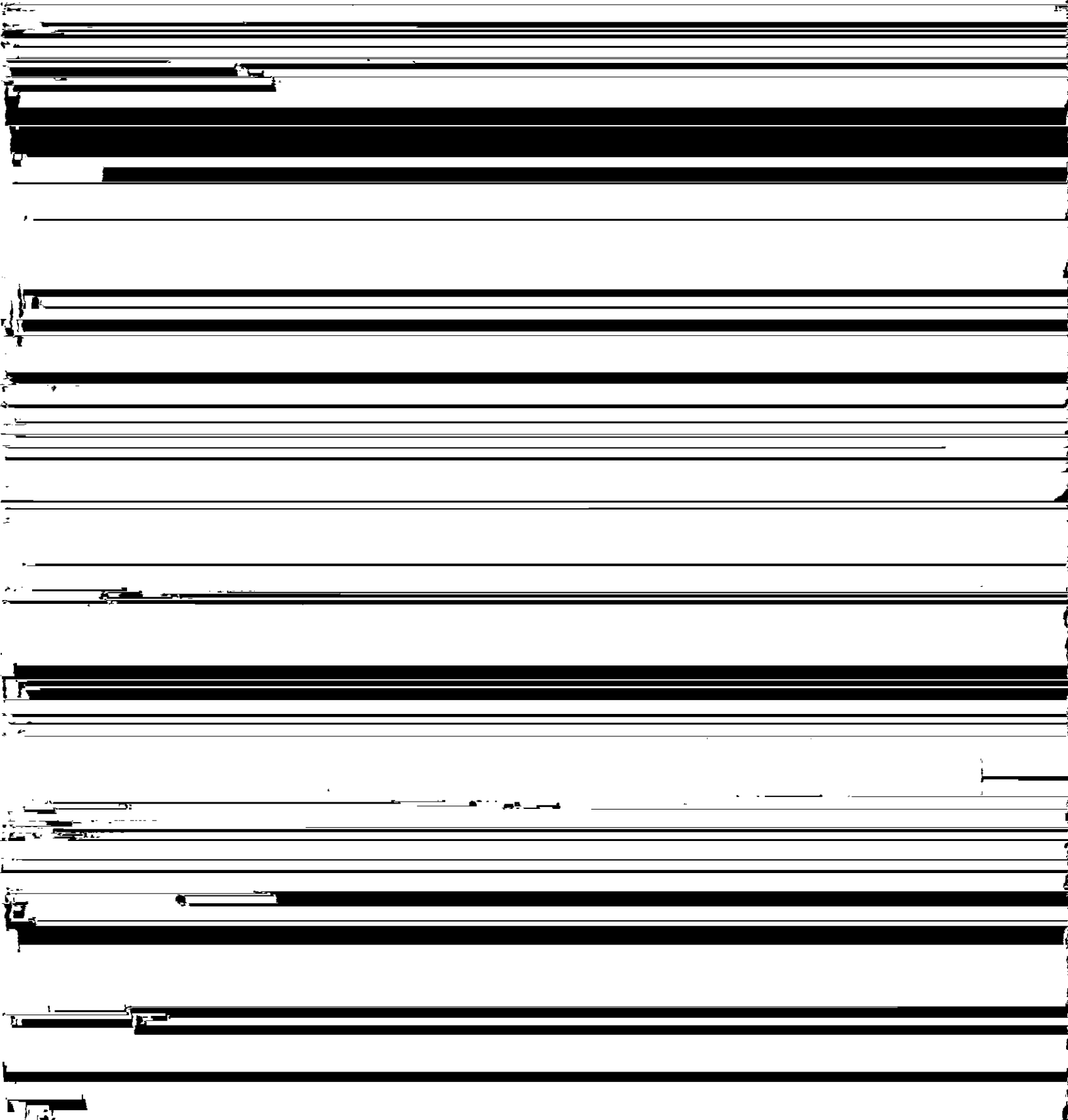
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short term job creation programs as unemployment levels rose to  
unprecedented heights with limited



166/Year in Review 1982

"true partnership," a permanent, constitutionally entrenched arrangement,





168/Year in Review 1982

As the legal moves developed, the political theme played on. The February 28 deadline imposed by Ottawa was extended for two weeks because

agreement on joint management and revenue sharing which was held up by

The province claimed that to refer a matter directly to the Supreme Court while it was being considered at a lower level was contrary to Canadian judicial practice. When asked for his opinion by Newfoundland, constitutional expert Eugene Forsey claimed that Ottawa's move

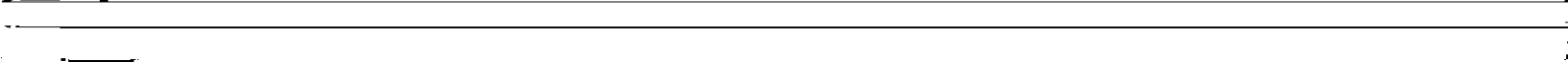
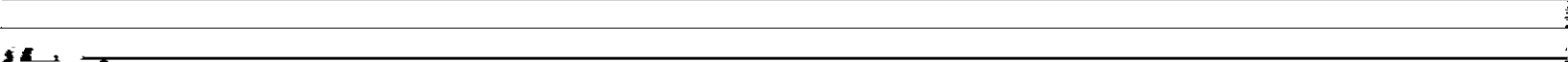
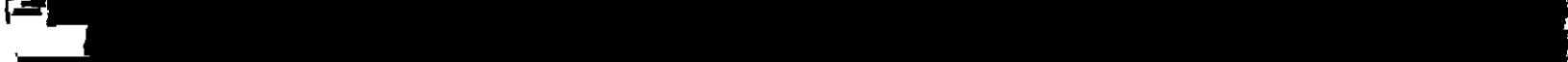
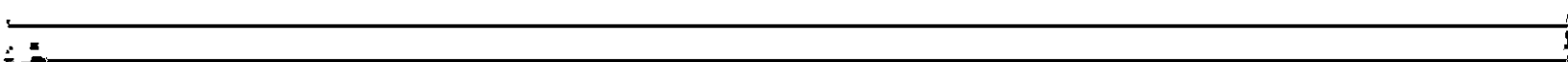
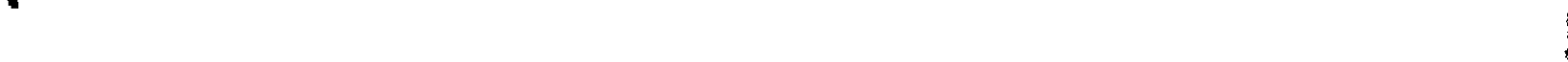
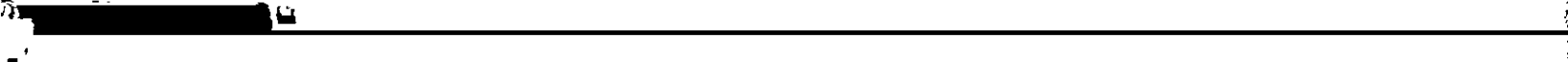
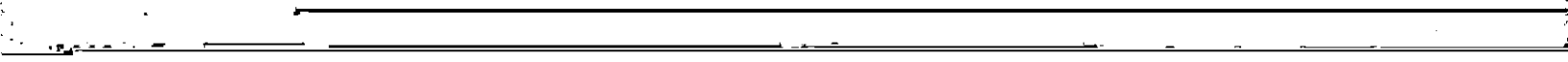
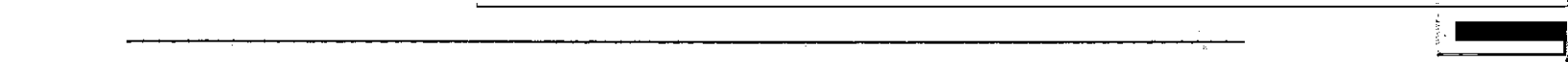
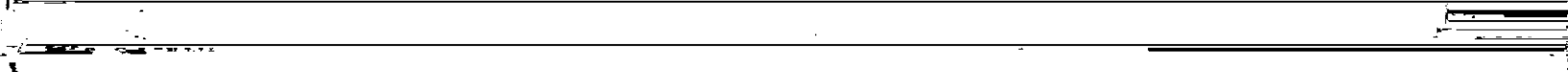
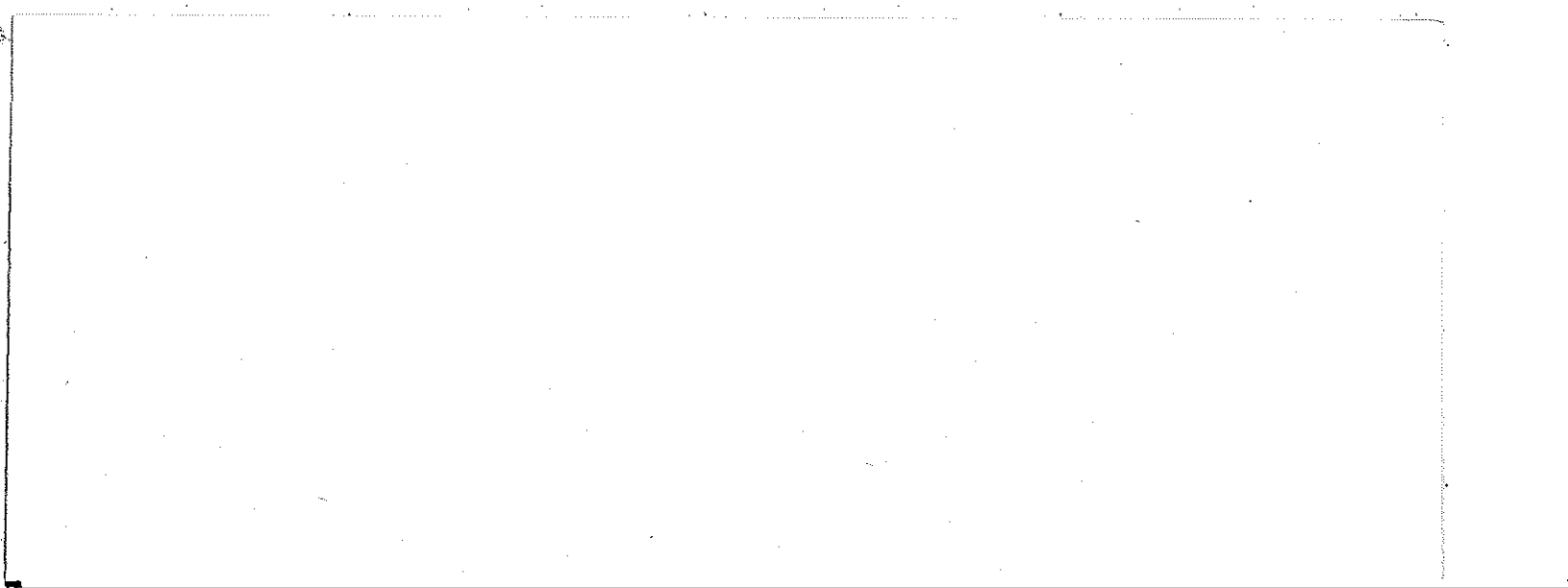
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Trudeau specified that the "law of the land" should be understood and

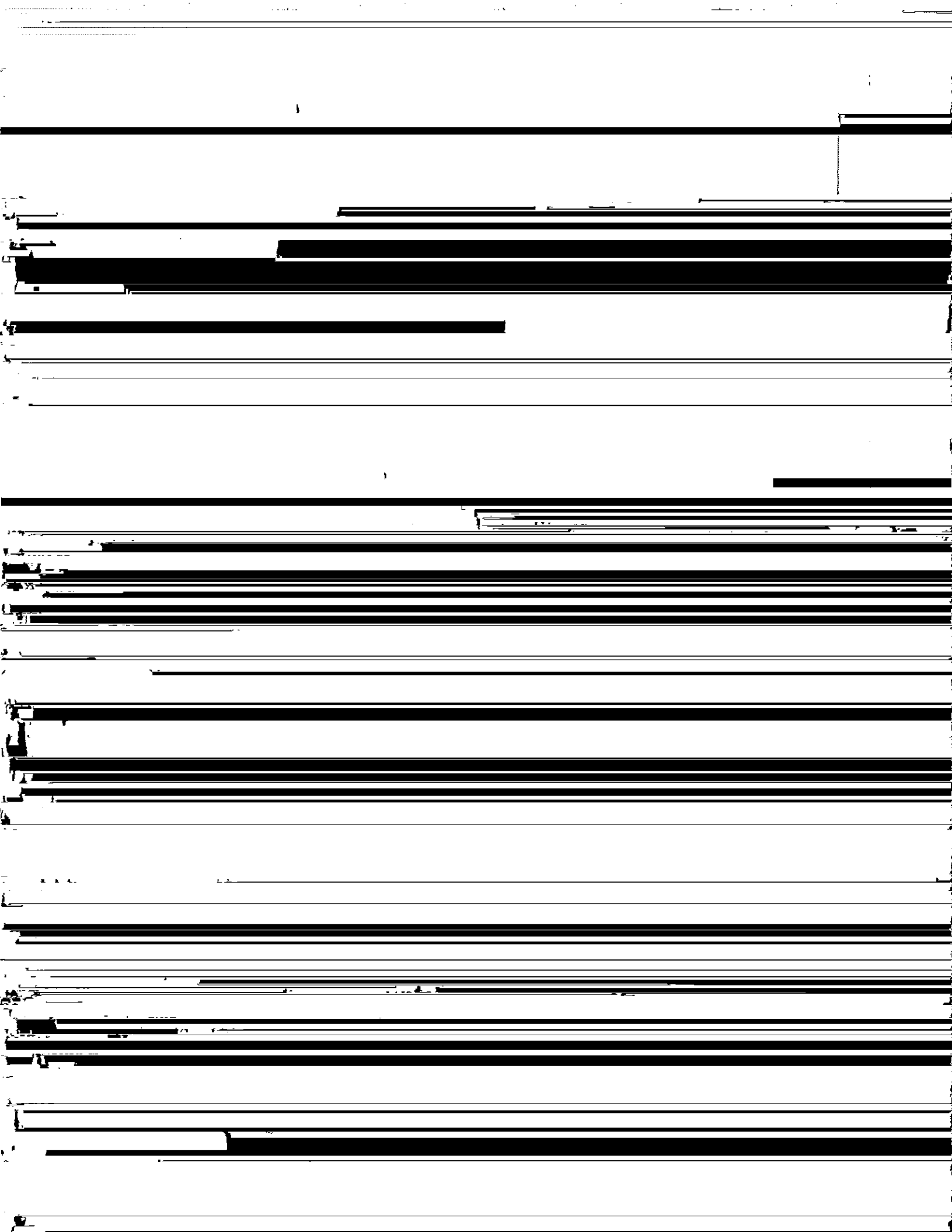
issues.

However, the October 1 meeting between the two first ministers

oil were reduced, benefitting especially producers of oil, or those whose  
oil were reduced. Benefits were also reduced for natural gas and the



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176/Year in Review 1982

Alberta's position was more limited. The government conceded federal jurisdiction over broadcasting and interprovincial pay television networks



electromagnetic or optical means. (Newfoundland Information  
Service Press Release August 13 1982)



Perhaps as a device to prod the provinces into agreement, federal

180/Year in Review 1982

Although the Act was given royal assent in July, proclamation was delayed until October 1983 to allow the provinces more time to overhaul their justice systems, but no federal financial assistance was forthcoming.

#### MEDICARE

With the renegotiation of federal-provincial fiscal arrangements in 1981, the

Social and Cultural Policy/181

The federal and provincial ministers met in Ottawa on May 26 to begin

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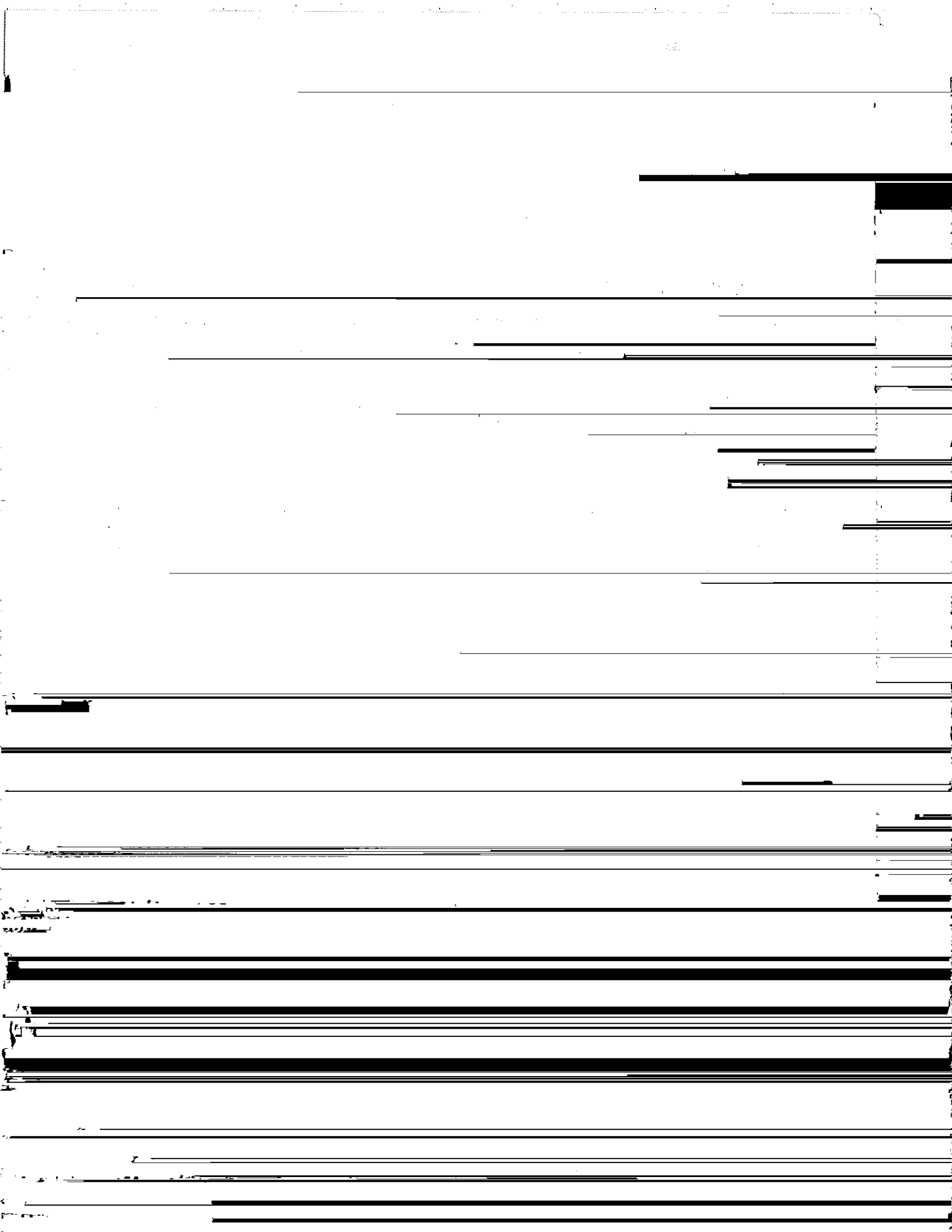
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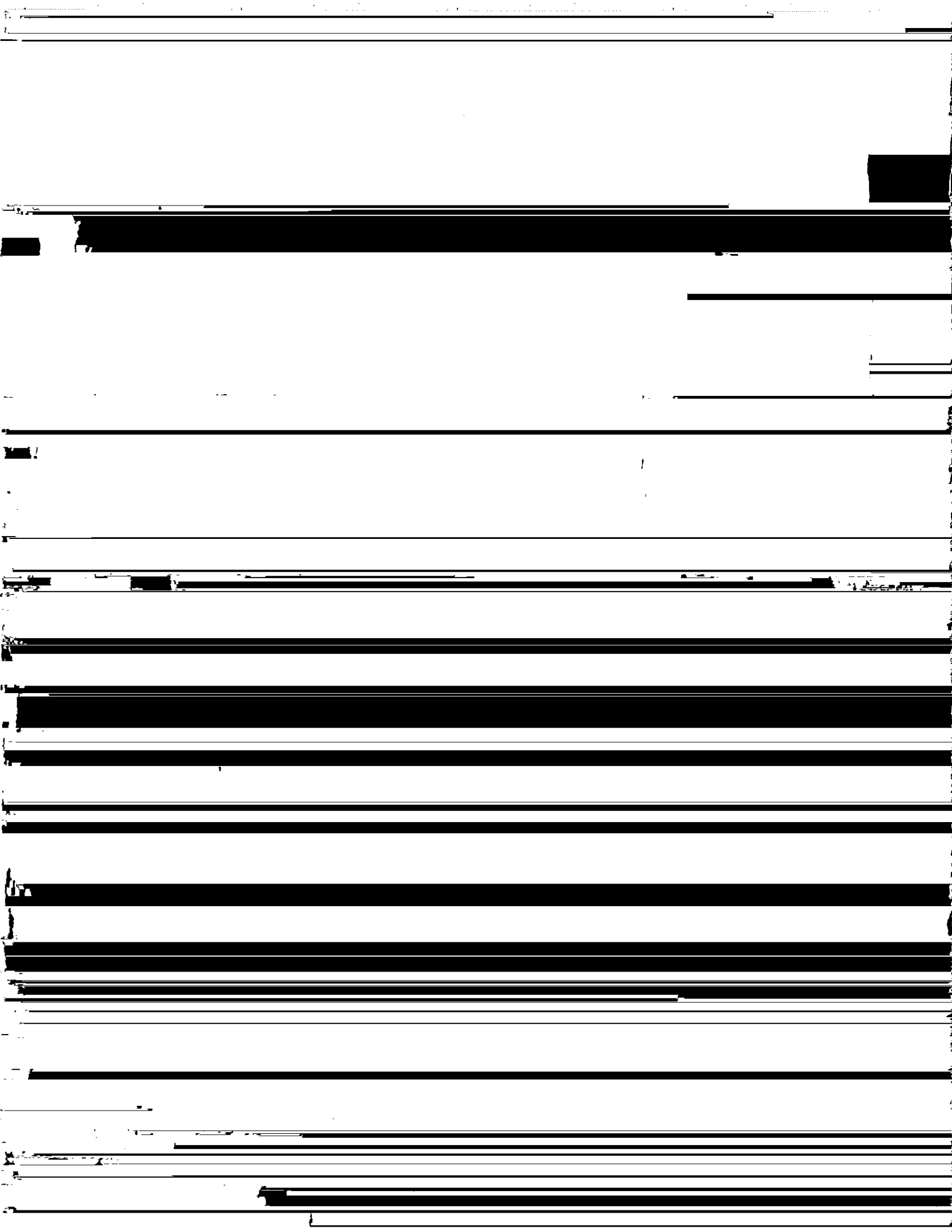
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