

Should ministers or senior bureaucrats be held accountable for the department?

[Business](#), [Accounting](#)



For years, Canadians have stood by and watched as officials of the Canadian government have been questioned, accused and held up for public scrutiny on issues of misappropriation of funds, personal and public scandals, and inappropriate departmental spending of taxpayers' dollars. In the public eye, Ministers abused their public authority and were inadequately serving the public.

Lack of confidence was evident when election time arrived and voter turnout was dismal at best. In 2008, the lowest voter turnout on record was at 58.8% and most recently, voter turnout has been 61.4%, the third lowest in Canadian history. Public perception of government, from Prime Minister down to department clerk, has held a lack of confidence. There was a need for enforceable measures to be put in place to make certain responsibility, answerability and accountability were at the forefront of government ministries.

Stephen Harper ran his 2006 "Stand up Canada" campaign stressing accountability in government. "For those Canadians seeking accountability the question is clear: which party can deliver the change of government that's needed to ensure political accountability in Ottawa? We need a change of government to replace old style politics with a new vision. We need to replace a culture of entitlement and corruption with a culture of accountability. We need to replace benefits for a privileged few with government for all." The mantra paid off and the disheveled Liberal party was ousted from power.

Prime Minister Harper promised the Canadian people corruption would end and backroom deals would be history. The first bill tabled by the newly-elected Conservative government, Bill C-2, was the Federal Accountability Act, introduced by President of Treasury Board, John Baird, and was passed by the House of Commons on June 22, 2006, by the Senate on November 9, 2006, and granted royal assent on December 12, 2006. The Act and Action Plan provided conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

Based on Britain's Westminster model for responsible government, Canada's Parliament has a responsibility to hold the government to account, as well as all Ministers, collectively and individually. While senior bureaucrats in public service are not directly accountable to Legislature, they are directly accountable to superiors of their department, internal government authorities, and the courts. Accountability should be the responsibility of those who have the greatest opportunity to control departmental situations.

Therefore, it is not reasonable to blame Ministers for the actions of their Department, as it is the Deputy Ministers and Senior Bureaucrats who run the day to day operations of Ministerial departments and influence not only the development of policy, but the implementation of policy. At the root of Canada's parliamentary structure is the British model for a responsible government known as the Westminster model, whereby a Cabinet Minister bears the ultimate responsibility for actions of his Ministry or department.

Before a law can be passed, the symbolic monarch, in Canada's case the Queen, a lower house of members elected by citizens and the upper house of appointed members, must approve legislation. The principle of a collective agreement remains, regardless of how legislation procedures may vary. This doctrine is the principle for a responsible government and accountability is essential to guarantee that an elected official is answerable for actions made. There is no common model for accountability however the Westminster system relies on Ministers being accountable in the House of Commons and to the electorate.

The functioning of government management depends on the democratic principle of accountability for all elected officials. Ministers are career politicians and hold the majority of power and authority within the democratic government, after the Prime Minister. At the top of the hierarchy, in the Westminster model, is the Minister, followed by the Deputy Minister, departmental management and then front line public servants. Accountability flows upward and the degree of responsibility depends on how much authority has been delegated to a particular individual within the organization.

Accountability enforces and enhances responsibility. Being able to understand each official's responsibilities, one must recognize there are different components to consider. There are two different types of Ministerial responsibility, collective and individual. These two terms are "separate but interrelated unwritten rules of behaviour in the operation of parliamentary government." Collective Ministerial responsibility is a constitution

convention that dictates the prime Minister and the Cabinet must publicly support all government decisions, or suppress any criticism.

In any case a Minister cannot hold true to this, they must object and ask the governor general for the act of ending parliament, if the House of Commons passes a vote of non-confidence. If they are not willing to endure this process, they must announce their resignation. On the other hand, individual responsibility refers to a Minister who holds a Cabinet office, which has the obligation to take responsibility of the policies they introduced. The responsibility still has to be accepted by the Minister " even if the minister did not approve an action in advance or had no knowledge of it. In a " nutshell" it means, " the minister is responsible for everything done in the department. " Major components of individual responsibility consist that Ministers will be held accountable or even forced to resign if any serious administrative errors occur within their department. Another traditional component is that the Minister must summarize and be willing to support the actions, to the presence of parliament, which his or her department is pursuing. Governments tend to be left with the messy, complex, and difficult jobs - and the messy, complex, and difficult results are harder to define and measure. " It is hard to pinpoint responsibility in the government, whether it be collectively or individually, because there will always be criticism and complexities arising within parliament due to the difficulty in these jobs. Black and white answers are non-existent when it comes to implementation of policies and procedures on how to run the government and attend to the public.

The reasoning behind it is due to the fact that one cannot judge or assess the exact results that will affect both the short and long term outcomes. The path for finding the individual(s) who must be held accountable for said actions may be described as being intricate, because of the difficulty of first finding who is responsible. When looking at the hierarchy within the government, you realize senior bureaucrats have more authority than you are lead to believe.

Stephen Harper has tried to pursue to answer these black and white answers by taking the steps to distinguish and strengthen responsibility. Some of Stephen Harper's initiatives in "Stand up for Accountability" were strengthen auditing and accountability within departments. The sponsorship scandal first came to light in an internal audit - an audit that the Liberals initially tried to cover up. Under the Liberals, the lines between Ministers and non-partisan civil servants have been blurred, and clear lines of accountability need to be re-established.

The Conservative government will give the Comptroller general overall authority for internal audit function in each government department, designate the Deputy Minister of each government department or agency as the Accounting Officer for that department, which that Deputy will be responsible to Parliament for the departmental spending and administrative practices of his or her department. Also, in the event of a disagreement between a Minister and Deputy Minister on a matter of administration, the Minister must provide written instruction to the Deputy Minister and notify the Auditor General and Comptroller General of the disagreement.

The position of Deputy Minister in the Canadian government is one of the most contentious and vital appointments. Their responsibilities are both political and non-partisan as they function between the non-partisan civil service and the political realm of executive and elected officials and executives. Deputy Ministers are accountable to the Minister, the government, their Ministry, agencies, and Parliament. They provide Ministers advice that comes from the civil service, and they also “ carry out” any delegations of authority that come from the Minister.

Appointment to Deputy Minister is at the Prime Minister’s discretion and likewise, being relieved of their duties is the same, at the Prime Minister’s discretion. Senior bureaucrats service the government and as one Deputy Minister stated, “ As soon as he assumes his duties, the Minister signs a delegation of authority for me, and then I become the person responsible to him... and the person in command. ” It is a “ relationship full of paradoxes. ” “ The most important player in the Canadian political system” are “ extremely busy people. ” Dealing with Prime Minister’s priorities, implementing the government’s agenda, protecting the Minister, networking with other deputies, the provincial governments, and the department’s stakeholders, articulating and promoting the department’s interests, as well as managing political crises can consume much of a Deputy’s ten to twelve hours. ” Accountability is always a topic for discussion as senior bureaucrats hinge between political and non-partisan. What is clear is that, “ Deputy Ministers are not accountable to the public or to Parliament. They are accountable to the Prime Minister, and to a lesser extent their Minister, the clerk of the Privy Council, the Treasury Board, and the Public Service

Commission. " Overall, [for Deputy Ministers] " the lines of accountability are not clear nor are performance measurements, despite extensive literature that shows how difficult it is to evaluate performance in government. " Government hierarchy stature insists that the higher power be held accountable, although it should not always be the case.

Cabinet Minister, appointed by the Governor General on behalf of the Queen, are the head of government departments. Each department has some type of specialization, whether it is law, trade, foreign affairs, or finance. These members of parliament are chosen for their portfolio because they are supposed to be the " best qualified" to assist the prime Minister in running the country of Canada. However, the reality is that most are chosen either because of a personal relationship with the prime Minister, or because they lend the right balance to the Cabinet as far as ethnicity, gender or geographic location.

As a result, the Minister's appointment can be disguised as " qualified" thus leaving the Canadian people with a false hope that they are right for the job. Most Cabinet Ministers are not qualified to handle the department, mentally or intellectually, and rely heavily on the Deputy Minister to handle the day-to-day operations. " It is Deputies and not Ministers who actually manage the departments of government. And that's the way it should be. Ministers have neither the time nor (as a rule) the skills to manage large institutions. Furthermore, senior bureaucrats hold office impartially, over the years serving different political parties, and are qualified bureaucrats with a considerable amount of knowledge, experience and time served. Regardless

of who is in office, a Deputy Minister must be neutral and non-partisan in order to get all bureaucrats to achieve the goals of the Minister and the ruling party. As leading management under the Minister, there is ample opportunity and authority for senior bureaucrats to alter the vision bestowed upon the department by the Minister and change opinions and actions of the other bureaucrats.

Senior bureaucrats are allocated to manage and administer directly under the law, because of these expectations, Parliament should hold them accountable for the performance of their duties and implementing their authority. The article about authority and accountability has given great insight and is the most compelling when determining how officials are elected and the real responsibilities each department/individuals carry. Not only does the article show the specific details to being a Cabinet Minister, but also talks about the civil servants and the Privy Council Office.

The Privy Council Office (PVO) is the highest ranking bureaucratic agency in Canada, very important and powerful, and the Clerk of the Privy Council, known as the "Secretary to Cabinet" is head of the public service of Canada. The Clerk serves as the "spokesman of the bureaucracy" to the executive branch in the Canadian government and is appointed by the Prime Minister. One duty is to swear in the Prime Minister, which is somewhat of a symbolic gesture confirming the relationship between the two offices.

Like the Deputy Ministers, the Privy Council Office is supposed to be non-partisan, and their advice and recommendations are technical and professional in nature. The Prime Minister is not always in favor of the PVO

and has his own alternative organization, the Prime Minister's Office (PMO), headed by the Prime Minister's Chief of Staff, which advises and coordinates the Cabinet and bureaucracy mostly on the basis of ideology, partisanship, political strategy and public image.

Since the PVO and the PMO have two significantly different objectives, it is safe to say the two networks of advisers do not always get along. The PMO has eclipsed the PCO in terms of relevance and power, and the question is whether the era of non-partisan advisers is over. Much of this was due to the perception amongst many in the public, and some members of parliament, that " the executive had rule over Parliament, but the civil service had rule over the executive. " Governments indiscriminately added functions, tasks, and accountability requirements to the machinery of governments without rewriting the traditional bargain. " Further, " governments now tend to concentrate some policy and decision-making authority with a few key officials, who carry an unmanageable burden, but they also defuse authority on other issues to the point that accountability evaporates. " The problem can be summarized as follows: " Political and policy actors have lost the sense of the traditional space that they are expected to occupy.

MPs no longer call the government to account; Ministers are not making policy; the prime Minister, the Prime Minister's Office, the Privy Council Office, and a handful of senior Ministers now fill more functions than they should; and the public service is increasingly uncertain about its role in policy and management. " Bureaucrats administer and implement the laws

and policies of the Government of Canada and, in that capacity, should not act unethically even if they believe what they are doing is justifiable.

The sponsorship scandal, under the Liberal Government, was a good indicator that the public does not accept anyone in power act unethically in order to promote unity amongst the nation. Canadians were outraged that trust was abused and ending the Liberal reign sent a loud message that the end does not justify the means when tampering with public interest. Bureaucrats have to embrace their role and not blindly follow their Minister's wishes or never say anything negative about the position they hold. Senior bureaucrats need to be accountable for their actions and their recommendations.

If they come under fire, they cannot be shuffled off to another Ministry until the storm passes and they cannot hide behind their superior to take blame for wrongdoings they may have initiated or caused. As the Clerk of the Privy Council observed in the Twelfth Annual Report to the Prime Minister on the Public Service of Canada, " We cannot tolerate breaches of the law or of our core value and ethics...but we cannot build systems based on distrust. We cannot go backwards, building layers of hierarchy and rules governing each transaction. And we cannot treat all errors the same way.

Errors made in good faith are inevitable, especially in an organization that values innovation and creativity. Accountability requires that we report honestly and accurately, including the errors, and demonstrate that we have learned from the mistakes and have made the necessary adjustments. But accountability cannot become mere blaming. " Evidently, Canadians are

concerned with the accountability held within the government. Although there are a number of institutional checks and preventive measure, they lack improvement and overall outcomes.

Other countries have tampered and improved their accountability through various laws and initiative, logically Canadian should consider replicating their process. Thus, government individuals should be held responsible and ultimately accountable if they have the best opportunity to alter their department substantially. Through various studies, one can conclude that senior bureaucrats are the ideal representatives to impose and instill changes within their departments, as well as the whole government.

Senior bureaucrats have three main ethical responsibilities as public servants: First, they are responsible to act non-partisan when carrying out or implementation of policies. Second, they are seen as trustees for the Canadian citizens and, therefore, they have a fiduciary responsibility not to abuse their trust. Third, their duty is to account for both their activities and decisions. It is extremely easy for the public to make Minister's obvious scapegoats and set them up for criticism and ridicule due to their position on the hierarchy.

As depicted, senior bureaucrats are the officials with the most responsibility and hands-on participation within their department, managing personnel, implementing policies and ensuring the public interest's are met on a daily basis. Regardless of how long a Minister holds his portfolio or is in power, it is the senior bureaucrat who maintains their position and ensures their Minister

is held in high esteem with informed and experienced expertise about departmental operations.

Through traces of systematic accountability, failures demonstrated within the government leads one to conclude that the political outcomes remain the same because the solutions come from the same sphere.

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