

Ministerial offices and departments are established entirely by prerogative acts. Parliament's supervision is exercised partly by stipulations in terms of the numbers of Members of Parliament that may comprise the ministry at any one time, partly in terms of the allocation of supply and partly by subjecting transfers to new ministers to the liability of potential annulment by negative resolution within a given number of days following tabling of the relevant Order in Council. Within this framework, I think it can safely be said that the government of the day may advise Her Majesty, and Her Majesty may deem it appropriate, to organize her ministry and her public service in any way she wishes.

We in Canada have a somewhat more restrictive tradition. Fundamentally, of course, the prerogative vested in the Crown to establish ministerial offices and fill them remains as untarnished here as it ever was. The office of the President of the Privy Council, and that of the first minister, are examples of offices created under the prerogative. Following Confederation, there was for a time the office of the Secretary of State for the Provinces and there is no reason that this could not be reinstated or other secretaries of state established. Likewise, a minister for this and for that. But notwithstanding all of this, as a general rule, the Crown in Canada has accepted limitations on its power to organize itself for affairs of state which are not known in Great Britain. Largely as a result of our colonial past, ministries and departments of government have been established by legislation as well as being subject to constant reconfirmation by votes of supply. Even if the Crown established a host of new ministers and departments under the prerogative, it could not pay one of them a penny without the authority of this House and of Parliament. When the Public Service in its broadest sense included no more than a few thousand officials and the activities of the public sector trespassed no more than a few percentage points on the gross national product, when at the turn of the century life was somewhat slower and ministers, officials and members could take their tea on Thursday afternoons in front of fireplaces in their offices, one can understand that delays in organization were almost as inconsequential as the endless metaphysical debates about the jurisdictions of ministers. But the circumstances of today do not admit of delays and jurisdictional uncertainties of the dimensions of the past and so, clearly, we must regard as wholly unsatisfactory a system that admits of such delays and uncertainties. Today, jurisdictions must be clear, and actions must be swift. Above all, a government which disposes of an annual budget of one-sixth of the gross national product, and which employs hundreds of thousands of people must be subject to clear direction and close supervision by the elected representatives of the people and, from amongst them, the Ministers of the Crown.

I have mentioned that in days of yore it was the general rule that governments gave effect to their organizational proposals one by one as urgent demands upon the time of the House permitted. Under these circumstances, the implementation of government initiatives, however vital, and even the simple acts of housekeep-

ing—routine but of enormous consequences in terms of dollar amounts—had to be postponed and sometimes even put over from year to year.

• (4:30 p.m.)

It was in the face of this relentless and often inevitable tendency that governments began some years ago to make greater and greater use of the Public Service Rearrangement and Transfer of Duties Act, and in this connection, of ministers without portfolio. Duties, powers and functions have in the past been transferred in great numbers to and from ministers without portfolio and efforts have been made with more or less success to transfer to ministers without portfolio the control and supervision of portions, if not of the public service properly speaking, at least of employees of the Crown corporation and agencies. We thus arrived at a situation where ministers without portfolio in fact had portfolios. A complicated situation became further complicated, and jurisdictional lines already confused became further confused.

This created a problem for Parliament, and for this House in particular, because the accountability of the government to Parliament was much more confused, diluted and imprecise than it should have been. In other words, Parliament was the weaker as the result of a ministerial system which had failed to keep pace with the demands placed upon it.

Partly to alleviate this situation, the previous prime minister introduced the technique of the government organization bill and that has, to an extent, ameliorated the situation. It has not, however, solved the problem of delay or put in place a ministerial structure sufficiently varied and flexible to cope with contemporary demands of complex issues and big government. Nor has it solved the problem of a prime minister in allocating manageable responsibilities to ministers and defining them with precision. It is to resolve these problems that we propose what in the current government organization bill is identified as the ministries and ministers of state act.

This legislation would identify two kinds of ministers in addition to the departmental ministers and ministers without portfolio with which we are all familiar. I say "identify" rather than "establish" because we already have the kind of ministers described in the bill and all we are now doing is putting names to what already largely exists. The ministerial structure described in the bill flows from an analysis of what governments have been doing under the Public Service Rearrangement and Transfer of Duties Act and under the prerogative in relation to ministers without portfolio. This analysis leads to the identification first of the departmental minister, such as the secretary of state or the minister of national defence, who is the subject of departmental legislation. At the other extreme, there is the minister without portfolio whose title suggests a freedom from particular administrative responsibilities to take up a roving commission that would give his colleagues in cabinet a source of advice and judgment.

In between the departmental minister and the minister without portfolio, circumstances have clearly demonstrated a requirement for a kind of minister for a designated