

Ministerial Responsibility

the public service. He describes the situation as he found it in those days, with a great deal of accuracy. He states in that article which was published in the "Canadian Public Administration," volume 19, in the spring of 1976, that he entered the public service in 1942. Then he goes on to say:

The tradition was an oral one, and the recommendations of ministers were seldom rejected. Cabinet agenda were reasonably flexible so that matters could be raised of which notice had not been given . . .

There were few formal cabinet committees except Treasury Board, the Defence Committee and, for a time the Wheat Committee. Proposals by ministers came before cabinet in the first instance and only in the event of disagreement were they referred to ministerial committees which were more often than not ad hoc. At that time, interdepartmental committees of officials were more numerous than ministerial committees.

A great many comments were made this afternoon relating to the suspicion that the public service in Canada at one time really governed the government. There might have been some reason for that suspicion at the time when the President of the Privy Council first entered the public service. He states in the article:

When I arrived in Ottawa at the beginning of 1942, I recall Dr. Mackintosh's account of how he had been instructed to prepare a statement for Mr. King to use when announcing on the radio the over-all price ceiling which came into effect toward the end of 1941. He showed his draft to the prime minister who, after reading the opening paragraphs, looked up and said: "This is important, isn't it, Dr. Mackintosh?" I couldn't imagine Mr. Pearson or Mr. Trudeau being so unaware of the momentous consequences of introducing over-all price controls.

● (2030)

Indeed he says in his article that in those days decisions originated much more in the public service than they did in the cabinet itself. He goes on in his article as follows:

The main characteristic of the Trudeau Cabinet in my judgment has been the application of the principle of collegiality, the practical application of the concept of joint responsibility.

Under Mr. Trudeau all proposals must be fully documented, their conclusions and recommendations based on a careful consideration of alternatives and presentation of the arguments pro and con. Lengthy documents must be accompanied by a summary in both official languages . . . Caucus consultations must be described or reasons given if these have not taken place.

I can personally attest to the fact that cabinet decisions now cannot be taken unless there has been prior caucus consultation.

Mr. Baker (Grenville-Carleton): That is why they are so bad.

Mr. Blais: That caucus consultation has been substantial and very beneficial, if we consider the list of statutes and enactments which were enumerated by the Minister of Consumer and Corporate Affairs this afternoon. The President of the Privy Council stated further as follows:

The general rule, to which there are extremely few exceptions, is that proposals are referred in the first instance to the cabinet committees for consideration and decision or, failing decision, report to cabinet.

He goes on to say the following:

The Trudeau approach to decision-making in the cabinet has had many consequences. Perhaps one of its most significant has been to require ministers to become knowledgeable, even expert, to an extent that was not required of them in the past.

My impression is that for these reasons ministers are not as dependent upon their principal civil servant advisers for policy guidance as they were in earlier administrations and that interdepartmental com-

[Mr. Blais.]

mittees, while they remain numerous, are not as significant in the decision-making process as they once were.

This afternoon the hon. member for Winnipeg North Centre alluded to that fact. Although his particular position in this House did not permit him to commend the government for having taken these initiatives, I could read between the lines that indeed he approved of the greater political input in the government decision-making process. I do as well, because at this particular time we are facing a development of the powers of the House.

It is not a question, as has been said by hon. members of the opposition, of reinstating in the House powers which once were within this House. I disagree. It is a question of evolution. As members of parliament we are headed toward an increase in the control we can have over the operations of the government and over the administrative aspects of government and the bureaucracy. More and more, members of parliament are becoming ombudsmen vis-à-vis the bureaucracy in the public service, and members of parliament on both sides of the House are demanding more power, more time in the House, more control over the operations of the government and of the bureaucracy, and that is as it should be. I fully agree with that.

When we look at the changes which are being announced, undoubtedly the government in the next session will be introducing legislation relating to freedom of information. That is an essential piece of legislation, but I am surprised that hon. members opposite have not directed their minds to the principle of individual ministerial responsibility vis-à-vis the question of freedom of information. That is one of the major stumbling blocks.

When the hon. member for Grenville-Carleton attacks the Minister of Supply and Services for having chastised or castigated a member of the public service in the House, he is working against his own interest with regard to freedom of information because there is nothing wrong with what the minister did. That course of action has been followed in parliamentary democracies such as ours. It has been followed in Westminster, in New Zealand, and in Australia, and if I may quote from an article—

An hon. Member: You are showing your ignorance.

Mr. Blais: I am not showing ignorance at all. I am just showing more depth than the hon. member who is singing on the other side.

I would like to call the attention of the House to an article published by Hutchinson in 1961 and written by C. Marshall entitled "Some Problems of the Constitution". Under the heading "Responsibility for Civil Servants", at page 84 it is stated:

There seems to be uncertainty about the doctrine that Ministers are responsible for every act of their Civil Service subordinates. Sir Ivor Jennings in his *Cabinet Government* speaks of 'the responsibility of the Minister for every act done in his department'. In Mr. Herbert Morrison's words, 'There can be no question whatever that Ministers are responsible for everything that their officers do!' The Minister 'is responsible for every stamp stuck on an envelope'. Now it is clear in the light of earlier discussion of the term 'responsible' that such a statement might mean a number of things. It might mean that each act is legally to be considered that of the Minister. It might mean that the Minister must hold himself morally responsible for every act of his subordinates. Or it might mean that the Minister (and the Minister alone) is the constitutional mouthpiece through which departmental