Accountability in a Collectivized Environment

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Abstract

A key element of Canadian democracy is the political accountability of administrative institutions. An under-recognized feature of the Canadian Westminster model is its dual concept of collective and individual ministerial responsibility, with New Public Management and the Gomery Report tipping the balance of attention towards the latter. The growing centrality of information and technology and the emergence of models of electronic governance give renewed significance to collective responsibility. The paper reviews some resulting challenges. A first set arises from efforts to consolidate government services to citizens and administrative services to government. A second set grows out of new collaborative relationships between government and external partners, notably other jurisdictions and the private sector. A third arises from the growing political sensitivity of government communications. These dynamics are complicated by unfocused Parliamentary oversight. The paper argues that political accountability for administrative institutions will be increasingly ineffective if the new situation is not recognized and addressed.

A foundation of Canadian democracy is the political accountability of administrative institutions. This is embedded in the principles and practice of ministerial responsibility, itself a basic component of the Westminster model of responsible governance. Ministerial responsibility has both an individual and a collective dimension: the work of government is organized vertically, built on discrete ministerial portfolios and departments, and high-level decision-making is structured horizontally around Cabinet and its supporting central agencies. This duality is a feature of all versions of the Westminster model but is particularly marked in the Canadian federal government. In recent years it has been under considerable stress. The ideas associated with the New Public Management and the recommendations of the Gomery Commission, which were reflected in the Harper government's *Federal Accountability Act 2006,* have tipped the balance of attention towards individual responsibility of Ministers and accountability of their officials in that context. At the same time, the growing centrality of information and technology in public administration and the emergence of models of electronic governance give renewed practical significance to collective responsibility. This paper discusses the tension between individual and collective dynamics and reviews some resulting challenges. It argues that the collective dimension is not sufficiently recognized and accordingly that political accountability for administrative institutions will be increasingly ineffective if this reality is not addressed.

The paper begins with a discussion of collective responsibility in the Westminster model and its Canadian variant and identifies some of the factors that have contributed to an erosion of collective responsibility when applied to the accountability of administrative institutions. It then considers forces for what can be termed "recollectivization" of public administration, arising in particular from the widespread adoption of networked information and communications technologies (ICTs) and the changes they have brought to the organization and relationships of government. An additional pressure arises from the way in which ICTs have changed the conduct of politics in Canada. The paper's third section discusses systemic challenges that will need to be faced in order to rebalance accountability. The paper does not offer a definitive solution. Its intent, rather, is to raise issues and propose some avenues for discussion as a contribution to a debate that is as old as the institutions of Canadian democracy.

Collective responsibility and the Canadian Westminster model

Collective responsibility and associated accountability mechanisms are integral features of all versions of the Westminster model. While individual ministers are assigned the powers to manage government departments and carry out government programs, major policy and resource allocation decisions are taken by Cabinet. When legislation, Budgets or confidence votes are introduced in Parliament, or when there is public controversy, Cabinet solidarity is invoked to support a ministerial colleague or the government as a whole. The ministry is appointed as a group by the Crown, and the government stands or falls in the House of Commons or before the electorate as a group. Notwithstanding this foundational collective dimension, however, constitutional practice focuses on the day-to-day responsibility and answerability of ministers individually to Parliament for their own actions and those of their officials. In its most concrete form, departmental spending Estimates and Public Accounts are defended by the responsible

minister, and parliamentary questions are directed to them individually. In a study for the Gomery inquiry into the sponsorship scandal, Smith (2005) states that the doctrine of ministerial responsibility privileges individual over collective responsibility, as "only by doing so can the relationship between ministers and deputy ministers be explored" (106), adding that ministerial authority monopolized protects authority, while ministerial responsibility shared depreciates it (109).

For the purposes of this paper, responsibility and accountability are used as distinct terms – the same elements can be found in each but there are significant differences in emphasis. Responsibility is the foundational concept and carries with it the connotations of span of control (ministerial "territory" or mandate) and of related authority. Ministers are responsible to Parliament as Members of Parliament, which officials by definition cannot be. Accountability places more emphasis on the process for holding public office holders – both ministers and public servants – to account for the exercise of authority granted to them by virtue of their office. The core of such accountability is answerability – at its most basic, an obligation to respond to parliamentary questions – although it can extend to suffering consequences, which are tied to the nature and source of the office holder's authority and in principle are proportionate to the actions under scrutiny. In the Canadian departmental model, in common with other Westminster systems, there is a vertical chain of accountability running from the minister through the senior permanent official (the Deputy Minister) to the most junior clerk.

A longstanding issue has been how (or how much) ministers can be held accountable for the actions of their officials. A general guideline, which can be seen as the essence of responsibility, is that Ministers can personally be asked to account for setting the environment – including policy and ethical direction, resources, and political support – in which public servants do their work and for dealing with the actions of their officials when problems or allegations of wrong-doing come to light. These groundrules have not always been accepted by ministers (Sutherland 1991) or their parliamentary critics, however, if only because they leave an elusive zone with respect to the discretionary actions of officials within the framework set by ministers. The Gomery commission and other recent discussions (e.g., Aucoin and Jarvis 2005) have proposed the Accounting Officer – which is well established in the United Kingdom – as a means of providing a more direct deputy ministerial accountability (at least in the sense of answerability) to Parliament within the framework of ministerial responsibility. This was enshrined by the *Federal Accountability Act 2006* in what are now ss. 16.3—16.5 of the *Financial Administration Act (FAA)*.

There is considerable variation among Westminster systems in the degree to which the collective dimension is institutionalized and in the formality accorded to collective responsibility. Whereas in Britain collective responsibility is largely a matter of constitutional convention, often underpinned by the exercise of the Royal Prerogative (i.e., discretionary powers of the Crown that have not been circumscribed by legislation), in Canada it has been institutionalized to a considerable extent, supported by explicit constitutional doctrine. This came to be through a long evolution, with roots that extend to early colonial times and a series of reinforcing events since Confederation.[1]

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[1] See Mancke 1999 for a discussion of the origins of the strong governor-weak assembly model that was introduced in all Canadian colonial governments from early Nova Scotia onward (in contrast to the experience of most of the original thirteen colonies that formed the United States). Hodgetts 1955 gives the

The resulting elements of the Canadian Westminster model can be summarized as including: Treasury Board as a statutory committee of the Queen's Privy Council for Canada (itself a statutory entity); extensive use of the Governor in Council to enact secondary legislation and make appointments (in the UK, these powers are largely in the hands of individual ministers); and the use of legislation to establish government departments and agencies and also to regulate management practices in the government (the British version of the Accounting Officer arose in the absence of such legislation). In other words, the Canadian Parliament is much move involved in structuring the institutional environment of government, and in particular its collective features, than is the case in the UK.[2]

The 1962 report of the Royal Commission on Government Organization – the Glassco commission (Canada Glassco 1962) – cemented the foundation of the current environment. It reinforced the institutionalized collectivism by focusing on the needs of departmental administration and of central direction as two parts of an integrated whole, embodied in a three-fold organizational taxonomy of vertically-organized program departments, central agencies supporting (horizontal) collective decision-making, and common service organizations supporting collective needs through vertically structured line departments (Canada Glassco 1962 1). Again, this taxonomy is more formal and holistic than in the UK or other Westminster systems and continues to provide the organizational underpinnings of the federal government.

Glassco made a second important distinction that has been obscured over time. It defined departmental administration to include a number of high level tasks, including advice to the minister, planning and budgeting, organization, obtaining qualified staff, developing and applying management tools appropriate to departmental operations, and appraising the performance of operating units and administrative staff (49—50). These administrative tasks were common to all departments and the ones susceptible to central direction, parallelled by a separate list of "functions of over-riding concern to the government collectively" (52). A key distinction is between such administrative functions – which should be under direct ministerial control and responsibility – and the department's operational (the British use the term "executive" in this context) functions. The latter are by definition uniquely governed by the nature of the department and should be subject to a minimum of ministerial controls, either individual or collective. Citing the different model for ministerial accountability to Parliament that applies to non-departmental agencies (50—51), the commission argued that "formal responsibility [for departments must] continue to reside in ministers, but they should be held personally accountable only for the policies and general effectiveness of their departments" (51). The Accounting Officer model that has emerged in recent years can therefore be best understood in the context of answering for operations as distinct from administration.[3]

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definitive account of the development of collective institutions in the pre-Confederation United Province of Canada, and a follow up study (Hodgetts 1973) discusses the evolution of the UPC's federal successor.

[2] The Canadian Westminster model has other noteworthy features that do not affect the argument in this paper. The most important is the divided Crown (i.e., Canadian federalism). Canada also has a more structured approach than the UK or other Westminster countries to providing partisan advice to ministers and the party in power, embodied in the distinction between Privy Council Office and the Prime Minister's Office and in the statutory separate existence of ministerial exempt staff.

[3] This conceptual thread runs though the Royal Commission on Financial Management and Accountability (Canada Lambert 1979) to the Gomery report (Canada Gomery 2006). It cannot be accidental that

The resulting Canadian accountability model necessarily gives more explicit weight to collective accountability mechanisms, especially in the realm of public administration. At one level these are relatively straightforward. The accountability focal point for management is the departmental Minister and Deputy Minister, who together are given a package of authorities from a variety of sources, including departmental statutes, delegation from Treasury Board and collective management statutes,[4] combined with policy direction from the Prime Minister and Cabinet. Each of these authorities creates a line of accountability to its source – in many areas to collective arms of the executive, notably Treasury Board but also the Prime Minister and even Cabinet committees.[5] The situation becomes more complex, however, when the chain of accountability is extended to Parliament. At its most basic, the question is which minister is answerable when a management problem is found – the Minister of the department where the problem occurred or the President of the Treasury Board, who set the rules and oversees their implementation? There is no simple answer and it is an issue with which Parliament, the Auditor General and Treasury Board have been wrestling for some time, a recent case being the distribution of responsibilities for the management of grants and contributions (Canada Auditor General 2001 & 2004).

Delegitimization of collective accountability

The basic structures of collective responsibility and accountability remain in place and would require a major reconfiguration in the machinery of government and legislation to change. While this is highly unlikely, over the years a variety of forces have led to an erosion of the understanding of collective accountability and even its legitimacy. One pervasive pressure has been the body of ideas often labelled as New Public Management (NPM), which came into prominence in the 1980s and have had a major influence on contemporary approaches to public sector management. These were most visibly represented by the Public Service 2000 initiative that ran from 1989-1991 (Tellier 1990) and emphasized deregulation of departments from central (mainly Treasury Board) control, increased authority of deputy ministers and program managers, and empowerment of staff, especially those providing services to the public. One consequence of these developments was that the distinction between administration and operations was lost, both subsumed under the heading of management and – perhaps without meaning to – creating pressure for a homogenized approach to accountability. A compounding factor in the mid-1990s was the Program Review exercise, which introduced severe cuts in departmental budgets as a means of balancing the budget (Bourgon 2009), accompanied by further reduction in central regulation in order to give departments maximum flexibility in meeting their reduction targets.

Glassco's editorial director, J.E. Hodgetts, was a member of the Lambert commission and then an advisor to Gomery, over 40 years after Glassco.

[4] An exception is delegation of appointment authority under the *Public Service Employment Act*, which is to Deputy Ministers only, as a key component of the merit system. Generally, however, the distinction between Ministers and their Deputies is not their formal powers but their manner of appointment, which creates different accountability dynamics.

[5] See the study by Gordon Osbaldeston, then a recently retired Clerk of the Privy Council, on the many dimensions of the accountability of Deputy Ministers, as it is understood in the federal public service (Osbaldeston 1989). With each incoming Prime Minister, Privy Council Office prepares updated guidance documents for Ministers and Deputy Ministers, including on collective and individual responsibility. For the current versions, see Canada PCO 2008 (Ministers) and 2003 (Deputy Ministers).

Major controversies in the later years of the Chrétien government with respect to the administration of grants and contributions and the sponsorship program led to efforts to tighten the accountability of individual Deputy Ministers, especially to Parliament, leading to the Harper government's 2006 *FAA* amendments described earlier. The same legislation included the establishment of a number of Parliamentary agents to oversee various aspects to public service behaviour, although with uncertain results (Thomas 2009, Canada Auditor General 2010). This has been accompanied by internal efforts in Treasury Board to update its framework of management policies and to establish a stronger management accountability regime within the government (Canada TBS 2007, 2008, 2010), but the cumulative effects of these internal and external measures is not clear. A different kind of pressure has been centralizing forces within Cabinet to strengthen the hand of the Prime Minister and the PMO in relation to Ministers collectively and to the public service central agencies that support them (Savoie 2008).

Recollectivization in the digital era

The inherent tension between the treatment of collective accountability in the Canadian Westminster model and recent measures that seek to sharpen individual accountability is heightened as ICTs increasingly define our era. Through their ability to link entities and individuals in ways that cut across the standard organization chart and to be simultaneously centralizing and decentralizing within an integrated institutional environment, ICTs are seen by commentators as having transformative potential, leading to what has variously been described as IT-enabled government (Borins 2007) or even digital-era governance (Dunleavy et al. 2006). Borins describes structural changes that result from the widespread adoption of ICTs, both in the internal organization of the public service and in its external interfaces – with society in its various guises of voters, interest groups and users of government services, and with suppliers of goods and services to government.

This leads to the question whether the Canadian Westminster model is able to meet the needs of the ICT-shaped networked world. Roy has argued that Canada's Westminster-based governing and administrative institutions are ill-suited to the networked world, which for example calls for much more open deliberative processes than are found in secretive Westminster-based decision-making, and need to be reformed (Roy 2006 and 2008). McNutt and Carey are more positive, concluding that the move to digital government has been less fundamental in its implications, leading to a re-evaluation of service delivery but not requiring a significant reorganization of the state (McNutt and Carey 2008).

This paper takes the view that the Canadian Westminster model has so far proved adaptable in providing an organizational response to ICTs – for example, through the establishment of a Chief Information Officer in Treasury Board Secretariat – but ICTs also create pressure points that have potentially profound longer-term implications for the model, including with respect to collective responsibility and accountability. This section looks at three such pressure points: the internal organization of government, its external relationships, and the role of information and communications in politics.

Restructuring relationships within government

Within the public service, Borins (2007) argues that ICTs will reshape the traditional departmental model, in a sense rotating it on its axis. The traditional model

assigns to each department that delivers programs and services to the public three types of capacities: a policy development core; a service delivery capacity; and an administrative support capacity (operating within the framework of collective Treasury Board policies). Each public policy-defined department deals with the public through its own service channels and with outside providers of goods and services through its own supply arrangements. Borins does not make an explicit link to the Glassco model, but the commission's administrative functions can be found in the first of these three categories, while the latter two are primarily operational, although subject to administrative direction.

ICTs potentially bring about horizontal integration in all three dimensions (17). The ability to provide single window services organized around the citizen (rather than programs), with electronic services linked to in-person and other service channels through electronic networks and common databases, provides the basis for integrated service delivery. In the IT-industry lexicon this is often referred to as the "front room" or "front office," which can be a free-standing organization or part of one organization but providing services on behalf of several. Similarly, support services to government can be integrated in a "back" room or office, providing both a single source of administrative support to more than one department and a single purchaser in obtaining services from the private sector. Again, this can be a separate organization or part of one organization providing services to others. In this line of analysis, the most enduring element of the traditional model is the "middle" room or office, the policy component, which defines a policy sector and is linked to a portfolio Minister and the larger decision-making process. Even the middle office can become more "joined up," however, achieving greater integration both in the design of policies and programs and in the knowledge base that informs them. In addition, ICTs provide an enhanced capacity for governments to consult citizens as part of the policy process, raising questions about how far to go in the direction of actually involving (non-elected and in that sense non-accountable) citizens in the decision-making process (Borins and Brown 2007).

While Borins' three rooms model is idealized, government has moved cautiously in the direction in which he is pointing. This is easiest to discern in the front office, where Service Canada has begun to fill an integrated role on behalf of several departments with respect to the provision of services to individual Canadians, albeit not without encountering obstacles (Flumian et al. 2007). Canada Business, in Industry Canada, has a similar front-office function with respect to the business community, in particular small and medium business, although its reach is mostly confined to the mandate of its home department. Both organizations grew at least in part out of the single-window electronic Gateways sponsored by the Government On-Line (GOL) initiative, which brought 130 major transactional and information services to the public on-line between 1999 and 2006 (Brown 2007). A question that remained at the conclusion of GOL in 2006, however, was whether they would overcome the organizational and cultural challenges to integrated service delivery and channel integration (Kernaghan 2005) and become the catalyst for further organizational change across the full spectrum of services to the public (Brown 2007).

Similarly the perennial pursuit of greater integration of shared and common services indicates the potential for an integrated back office – both in the information technology (IT) area and in other areas of public administration where ICTs can help create a

common administrative platform. These latter steps have encountered greater initial resistance in the federal government than those with respect to the front office, but in many ways they build on the Glassco model's common service organizations and they are given renewed urgency by current and anticipated financial stringencies.[6]

The three rooms imply a more collective accountability model – or at least a more collective environment in which accountability dynamics play out. This is particularly evident with respect to the service-to-the-public front room. Its most important feature is the separation of policy development from delivery of programs and services pursuant to that policy, and the further separation of policy and program delivery from the administrative services that support them. For this to succeed, two tests will apply: can departments and ministers identify organizational responsibility for these various functions in a way that is clear to them in dividing up the work among themselves and in explaining it to others? And, will Parliament, the media, academics and the general public be prepared to accept and work with this new division of labour – to hold the minister responsible for Service Canada, to take one possible example, accountable for a problem with issuing a passport, rather than the minister responsible for the Passport Office?

A different accountability dilemma arises from another aspect of the front room: the risk that those receiving services will consider that the public servant service providers are in some sense directly accountable to them as citizens and taxpayers – and that this view may be shared by the service providers themselves. While partly an understandable matter of human psychology, this raises questions about the traditional accountability model – does it "disintermediate" the ostensibly accountable Minister or even the entire parliamentary accountability chain? This is a hazard of the greater visibility – the "decline of anonymity" (Mitchell and Sutherland 1997) – of public servants since the emergence of ICTs in the past generation.

External partnerships

A characteristic feature of ICT-enabled public administration is partnerships, within the public sector, with other jurisdictions and with the private sector. The three rooms model is about a new division of labour and set of working relationships within government, i.e., internal partnerships. Partnerships with other jurisdictions arise especially in the context of collaboration in providing services to a common client group; there are also instances where one level of government provides services to or acts on behalf of another. Partnership with the private sector is primarily related to the process of government acquiring IT-intensive goods and services. This section discusses accountability issues that arise from the relationships with other jurisdictions and with the private sector. (This paper does not address another set of government relationships that has come into prominence in the past generation, i.e., with the voluntary sector. These include a growing number of partnerships, both contractual and collaborative, which raise accountability issues that are reminiscent of those with both other jurisdictions and the private sector – these are discussed, for example, in Phillips and Levasseur 2004.)

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[6] Since 1993, there have been at least three serious attempts to consolidate the administrative backroom in the federal government, all of which were ultimately stillborn. One source of resistance was the view nurtured by NPM that full Deputy Ministerial accountability depends on their having complete control of all the operational "factors of production" that support departmental operations and the desire to tailor administrative environments to the programs they support. This can be seen as the product of the blurring of the Glassco commission's distinction between administration and operations that resulted from the shift to a focus on "management" in the 1980s.

The Glassco commission identified four types of federal-provincial cooperation (Glassco 1962 3: 124—130): consultation, where there is concertation of plans and operations; joint programs, with shared costs and administration; delegation of functions by one government to another; and contracting of service by one government to another. Examples of all four can be found today, and if anything the range and volume of interjurisdictional cooperation has increased over the years. Each type creates its own accountability dynamics, but the most far-reaching arise from the logic of citizen-centred service – of taking an "outside-in" approach to service improvement (ICCS 2010) that cuts across jurisdictional boundaries and brings together programs and services from multiple levels of government, whether through joint websites or storefronts. The challenge of ministerial accountability for the front-office common service delivery agent is in fact common to all jurisdictions, and pooling service delivery across jurisdictional lines simply adds to an already complex situation. Shared accountability is possible (Fox and Lenihan 2006) but it requires effort in the context of each collaborative undertaking and also a shift in political culture. To a considerable degree, it is a matter of alignment. Each jurisdiction has its own internal corporate and legislative regulatory and oversight machinery, and a useful test in any given circumstance is to ask whose information or appropriation is in question, who is in control of it, whose privacy commissioner or auditor general has oversight, and ultimately which minister and legislature provides the forum for addressing problems?

In many respects these issues, which are real ones given the large amount of information and finances that flow between jurisdictions and the interlocking nature of their dealings with the public, are similar to the ones of sharing liability and risk that occur between contracting partners in the private sector. In the public sector, there is a grey zone, however, which is political, with the underlying currency being credit and blame, rather than the private sector's concerns with financial cost and corporate survival. While the potential for political controversy in interjurisdictional collaboration is very real, and needs to be anticipated, in practice the risks have to date not been realized. This may be because politicians have not yet become fully engaged in the implications of citizen-centred federalism (Ambrose et al. 2006). It may also be due to a successful abundance of caution on the part of the public service officials involved – or because in the final analysis better service and more integrated program delivery are generally considered to be good news.

The relationship with the private sector is in some ways more complex. The federal government does not keep systematic data on its IT-related spending (itself an accountability issue!), but a review conducted for the Martin government in 2005 concluded that it totalled just under $5B in 2003/04, about one-tenth of the government's operating budget. Roughly 60% of that amount was on the purchase of IT goods and services from the private sector, with most of the remainder on salary costs of permanent public servants (Brown 2007: 63 and fn 12). This profile of spending has many dimensions, and academic observers give considerable weight to the procurement relationship in commenting on e-government performance (Kernaghan and Gunraj 2004, Dutil et al. 2005, Roy 2006, Borins 2007) and even go as far as making it the most important factor (Dunleavy et al. 2006). The management of this relationship also generates a number of Treasury Board policies and accountabilities within the federal

government relating to contracting procedures, management of major IT projects, risk management and intellectual property, among other relevant administrative areas.

Lying behind the global procurement figure is a wide range of goods and services, which raise issues of "make of buy" first identified by Glassco (its philosophy can be summarized as "make if necessary, but it's better to buy" – Canada Glassco 1962 2). Hardware and software can be bought or leased, although government does a considerable amount of its own applications development. A significant part of IT spending is for human resources, with a large number of contract IT specialists working in government departments for short or longer periods, often in jobs that elsewhere in the government are filled by public servants. These are frequently hired as individuals but many also come from IT temporary help "body shops" or as sub-contractors. The "high" end of the spectrum includes strategic advice on diagnosing IT requirements, design of next generation hardware, software and network architecture, and management of major IT projects.

An additional degree of complexity arises when the private sector is contracted to develop and deliver a major project on a "turn-key" basis or through a Public-Private Partnership (PPP) that may not involve public financing even though it is in fulfilment of a public purpose. PPPs have also led to efforts to develop innovative financing and project governance arrangements, including "common purpose procurement" as an alternative to more traditional cost-based procurement. These raise numerous managerial, accountability and ultimately political issues (Jordan 1999, Whorley 2000) but can also serve public purposes (Hubbard and Paquet 2007).

This web of relationships and inter-dependencies with the private sector creates significant accountability challenges. A central characteristic is that the accountability is both legal and political. Ultimately the relationship between government and the private sector is contractual, representing an allocation of costs and liability between the contracting parties. This also brings in the Canadian International Trade Tribunal and the courts as dispute resolution bodies, adding another set of external actors and watchdogs in addition to Parliament and its agents. Closely related to the issue of liability is the allocation of technology and other risks. The assumption of risk sometimes has the features of a cat and mouse game where each side seeks to leave the residual risk in the hands of the other, but both sides know that ultimately the government has the deeper pockets, while the private sector also faces reputational costs (Dunleavy et al. 2006) and the government political costs. Political accountability is again caught up in a three-cornered relationship within government between the program department, the contract administrators in PWGSC and the overseers (but also the collective leaders) in Treasury Board Secretariat that is not always easy to present to Parliament.

<u>Information, communications and politics</u>

A third collectivizing pressure comes from the way in which politics is conducted in Canada. Political communications – always important in a country as large and diverse as Canada – have become the lifeblood of election campaigning and of governance. The Harper government is well known for its aggressive use of the media and internal control of public relations (Flanagan, 2007, Martin 2010), but its predecessors have also attached considerable importance to these instruments (Goldenberg 2006) and the communications function is hardwired into the machinery of government. Government communications is sufficiently important to both public servants and their political masters that it is one of a

very small number of areas where there are senior communications officials in both government departments and ministerial exempt staffs, mirrored by senior-level communications offices in both the Prime Minister's Office and the Privy Council Office. There have been Cabinet committees responsible for coordinating communications activities since Pearson – currently the Cabinet Operations Committee – and all submissions to Cabinet are required to have a communications strategy. From the establishment of Information Canada in the late 1960s – itself building on a government information function that was already well established (Canada Glassco 1962 3) – there has been a long and tortured history of government communications agencies providing common services in everything from publishing and public enquiries to advertising (Rose 2000), public opinion research (Rounce 2006) and sponsorship (Kozalanka 2006). Treasury Board's Government Communications policy (Canada TBS 2006) provides the administrative framework for all of these functions but substantive direction is political.

In the face of a symbiotic relationship between the 24-hour news cycle and a highly charged House of Commons Question Period (Chong 2010), the communications function is quintessentially a collective activity – as reflected in its place in Cabinet machinery and Treasury Board policy. Consistency in messaging is an outward manifestation of Cabinet solidarity; orchestrating that consistency is a major function of the PMO, acting with the authority of the Prime Minister as leader of the government. The political sensitivity of the communications function – to the point of politicizing some of its aspects (Kozalanka 2006) – has also placed considerable political pressure on the *Access to Information Act* (Roberts 2006), which was originally seen as an instrument of democratic accountability (Canada Secretary of State 1977) but has acquired many of the features of an instrument of information control.

This complex situation creates significant accountability challenges that were not adequately addressed in the Gomery report (Canada Gomery 2006) on the sponsorship scandal, which at its heart was about the administration of a communications common service. The commission's focus on stiffening the accountability of the Deputy Minister through application of the accounting officer model as the primary remedy for the sponsorship scandal was based on the judged failure of the Deputy Minister of Public Works and Government Services (PWGSC) to control the activities of the common service organization that administered the sponsorship program.

The commission's approach is open to question, however, on two grounds. One is that PWGSC is not a mainline program department operating under the traditional model in which the Minister and Deputy Minister have authority over policy development, operations and internal management (i.e., they are not in control of all three of the PWGSC-related "rooms"). Rather, it is a common service organization which, under the Glassco model, receives policy direction from central agencies and collective Ministerial decision-making. A common service Deputy Minister operates in a different – more collective – authority environment than counterparts in line departments, and this needs to be recognized in any application of the accounting officer principle. A more serious concern is that neither Gomery nor any of the subsequent commentators (e.g., Hubbard and Paquet 2005 & 2006) addressed the question of whether the standard accountability model was adequate for addressing the particular circumstances of the communications function, which is probably the single most politically oriented area of Canadian public administration. In order words, the case of the communications function is sufficiently

distinct that there is still work to be done to describe the framework of ministerial responsibility for the function and the related accountability mechanisms; any such framework will necessarily be grounded in the principles and dynamics of collective accountability.

Systemic challenges to rebalancing accountability

The tension between the embedded collective features of the Canadian accountability model and accumulated pressures in the direction of individual accountability has been heightened by a new mix of relationships created by the introduction of information and communications technologies. These are issues in the realm of political culture and constitutional convention, but they suggest that some sort of rebalancing of the accountability model is required. To a certain degree it will happen on its own as daily circumstances shape the application of the provisions of the *Federal Accountability Act* and similar measures. Any more systematic effort will face systemic challenges, however – within government, within Parliament, and in the relationship between the two.

Within government

Two challenges to rebalancing the understanding and practice of accountability arise within government. One is the strength of the Prime Minister in the Canadian system. This has been widely commented on, although greater attention needs to be given to the fact that it is not a recent phenomenon (Mancke 1999) – indeed it can be argued that every successful Prime Minister since Confederation has dominated their Cabinet and they in turn built on dynamics pioneered by colonial governors going back to the mid-18th century. Whether there are sufficient checks and balances on the Prime Minister's effective authority is a matter for debate (Savoie 1999, White 2005), but there is no doubt that the Prime Minister's role complicates both individual and collective responsibility.

While in many respects the Prime Minister's weight in the system is structural, it also arises from the incumbent's understanding of the position. In a television interview in January 2011, Stephen Harper, when asked about criticisms that he is a "one-man band" replied that: "every prime minister is accused of being a one-man band because the reality is the prime minister is the chief executive office of our government" (Davidson 2011). This is an assertion that is completely inconsistent with the Westminster model, in which legal authority is in the hands of ministers individually or the Governor in Council and Treasury Board collectively, and constitutional authority to direct ministers is in the ministry collectively, under the leadership of the Prime Minister. The Westminster model does give the Prime Minister a great deal of leverage to influence the exercise of formal authorities assigned to ministers and the collectivity, but this is a far cry from equating the role of the Prime Minister to a CEO's line executive authority. Neither Parliament nor the *Constitution Act* has assigned any powers to the Prime Minister, and an assertion of a CEO role both muddies the understanding of accountability and makes it much more difficult to exercise. (This is quite apart from the fact that the position is already taken: s. 10 of the *Constitution Act 1867* describes the Governor General as Chief Executive Officer of the Government of Canada – one of the formal checks in the Canadian constitutional balancing act.)

The second internal challenge has more to do with public service culture. While the themes of managerial empowerment and decentralization promoted by the New Public Management are no longer being pursued unreservedly, they have left a legacy of resistance to common approaches that limit the discretion of Deputy Ministers or line managers (as well as blurring the distinction between administration and operations). This has been an inhibiting factor in pursuing the possibilities of more integrated government offered by the front room and back room administrative models and more generally of "whole of government" or "enterprise" solutions. There is some evidence that past resistance demonstrated to moves in this direction may weaken in the face of the financial stringencies that government is facing, but it is also the case that there is no ideal model to work towards, so the substance of any rebalancing between individual and collective accountability for internal administration will of necessity be arrived at pragmatically.

Parliament and Parliamentary relationships

In many ways, it is even more difficult to get a handle on collective accountability from the perspective of Parliament and its relationship with the government. Parliament's view of accountability is also highly pragmatic, arising in four major contexts: confidence votes, scrutiny and approval of appropriations and of legislation in general, and Question Period. Confidence votes and appropriations are clearly voted on a collective basis, although the Estimates are structured around individual government entities and are scrutinized individually by departmental Standing Committees. Bills generally relate to individual ministerial responsibilities – although they can relate to more than one portfolio and also to collective management instruments such as the *FAA* – and are collectively backed by the government. Not every Bill is tied to the government's survival, however. The theory and practice of accountability is put to the test most visibly in the daily Question Period, which, with its link to intensive media coverage, privileges confrontation and blame and has limited tolerance for the subtleties of shared or multiple responsibility.

Even in the debates over the introduction of the accounting officer, it is not clear that Parliament has a well-developed understanding of ministerial responsibility, much less of the inwardness of collective versus individual accountability. Although there has been some debate in the academic literature about the accounting officer principle and appearances by officials before Parliamentary committees (d'Ombrain 2007, Franks 2009), there is little to indicate that Parliament as an institution has done more than take note; this is not surprising, as Parliamentary procedure is highly case driven, with Speakers' rulings on individual situations playing an important role. Structurally, Standing Committees focus on issues defined by individual ministerial portfolios – there is some scope for a more horizontal view through the emergence of the Standing Committee on Government Operations in the past decade, but its impact on an understanding of collective responsibility is not yet very distinct. The Public Accounts Committee (PAC) is the most accountability-oriented of any House of Commons standing committee, but its role is necessarily retrospective; as the committee where the accounting officer model has the greatest practical application, there is always a question about how far practices followed by the PAC extend to Parliament more widely.

Similarly, the incentives for individual Members of Parliament do not encourage them to take an interest in the combination of Parliamentary procedure and constitutional

convention that accountability issues entail. Typically, MPs do not stay in Parliament long enough for them to take more than a pragmatic interest in these issues, and they develop greater visibility and prospects of advancement through performing aggressively in Question Period. For all of these reasons, the accountability dimensions of the three rooms model and of the government's external relationships, including the risks of disintermediation, have not been put to the test. In principle, the Speaker has a role in indentifying ministerial responsibility for the purposes of Parliamentary accountability mechanisms, but in the end it is a matter of what MPs on all sides are prepared to accept.

Conclusions

There have been longstanding debates about the accountability model in the political context, why it suffers from misunderstanding and has had difficulty working (Mitchell and Sutherland 1997) but also why it can work (Malloy and Millar 2007). These debates generally take collective responsibility and related accountability issues for granted – part of the general backdrop but not requiring attention. The pressures in recent years have been in the direction of turning all accountability issues into ones of individual ministerial responsibility, reinforced by the approach taken by the Gomery commission and then by the Harper government's *Federal Accountability Act* in 2006. In claiming to be the government's chief executive officer, Prime Minister Harper can be seen as simply taking the logic of individual accountability one step further, sidestepping the complexity of collective accountability by having all accountability roads lead through him. He may be succeeding: it is striking that there was very little, if any, media or academic commentary after he made his assertion.

At the same time, the pressures in the direction of a collective understanding of accountability are also present. The Canadian Westminster model has extensive collective features built into it. These are reinvigorated as networked information and communication technologies create new, more comprehensive relationships within government and between government and the citizen on the one hand and external partners – other jurisdictions, the private sector and civil society – on the other. Efforts to address the current fiscal situation in the federal government point in a similar direction. These pressures are already changing many of the details of how government operates and can only increase. It is only a matter of time before they bring collective accountability back into focus, along with practical questions of how to make it work. The question will then be whether new divisions of labour and related lines of accountability are – or can be made – clear within the government, whether they can be credibly presented to the outside world and whether Parliament (not to mention academic commentators) will be willing to work with them and make them work. The danger is that without a constructive response to the re-collectivization of Canadian public administration, its activities will be increasingly less visible and its accountability correspondingly less effective. Canadian democracy will be diminished as a consequence.

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