

BLAME ALL MEMBERS OF PARLIAMENT FOR THE GOVERNMENT'S FAILINGS



DAVID ZUSSMAN

Despite the vacation atmosphere here in Ottawa, there is a growing restiveness in the capital about the government's fall policy agenda and its anticipated response to the Gomery report that will be released in November. Since no government wants to appear unprepared for the findings and recommendations of any inquiry, a mini industry has sprung up in the nation's capital that is trying to guess what Justice John Gomery will say.

To set the context for the government's response, let's remind ourselves that Prime Minister Paul Martin called the inquiry after the auditor general released her second report on the sponsorship program in 2003. In summary, she concluded that the \$250-million program did not have adequate spending controls and that a small number of Quebec-based advertising executives appeared to have taken advantage of the weaknesses in the system to overcharge for their services — and, at times, their non-service.

The Gomery Inquiry held its first public hearing on June 21, 2004 and con-

cluded its proceedings almost a year later on June 17, 2005. In all, more than 136 days of testimony were provided by almost 200 witnesses. At this point, it appears the direct costs of the inquiry will be almost \$100 million. The hearings corroborated to a great extent the work of the auditor general, but also revealed that some of the advertising executives involved in the sponsorship program had made financial contributions to the Quebec wing of the Liberal party.

With all this evidence now before Canadians, we are seeking answers to two questions. First, what is to be done in those instances when government contractors inappropriately take advantage of weak contracting and administrative practices? And second, when wrongdoings are discovered, who is accountable for what in our parliamentary system of government?

It seems our criminal courts are going to provide us with answers to the first question as they work their way through the prosecutions that have been brought against a number of advertising companies and their key executives. It is the second question that is most problematic (and more interesting), since it goes to the core of Canadian public administrative practices and brings into sharp focus the complex accountability relationship between the public, Parliament, ministers and their public servants.

Fortunately, a new booklet published by the Canada School of the Public Service and written by Dalhousie academic

Peter Aucoin and public servant Mark Jarvis provides us with recommendations that build on the new accountability regime introduced into the federal public service over the last two years.

It is important to note that the senior public service has been preoccupied with the accountability issue for some time and has developed three initiatives to address many of the problems raised during the Gomery Inquiry.

First, the Guidance to Deputy Ministers explains the responsibilities of deputy ministers to support ministers and provide leadership to the public service. Second, the Management Accountability Framework sets out for the public and Parliament what is expected of departments. And third, the Values and Ethics Code for the Public Service describes what is expected of individual managers.

Aucoin and Jarvis build their argumentation on these changes by concentrating on the role of Parliament and members of Parliament in addressing the accountability issue. Without any direct reference to the sponsorship program, the authors suggest that the major weakness in the current accountability regime is that parliamentarians are not fulfilling their parliamentary obligation to hold the government to account for its actions. In essence, they argue, the "effectiveness of the Westminster parliamentary system depends largely on the robustness of parliamentary scrutiny in holding ministers to account, especially

in requiring them to render accounts."

It is the failure of our members of Parliament to take on the accountability role, they argue, that has created our relatively weak accountability regime.

They also note that this role falls squarely on the shoulders of MPs since senators do not have "democratic legitimacy" to hold government to account, unlike their counterparts in Australia.

At this point, the authors do not hold much hope for reform in Parliament since so few MPs appreciate the crucial accountability role traditionally played by government backbench members. Given Canada's long record of majority governments, where the opposition parties are understaffed and outnumbered, it does not appear that a simple solution is at hand.

Justice Gomery started his work by examining the activities of a few public servants and advertising companies that appeared to have benefited from the hasty implementation of the federal government's 1995 post-referendum strategy. In the end, he will likely offer recommendations that question the way Parliament works. Given the importance of this work, it is critical that Justice Gomery move beyond the unchallenged testimony of witnesses and take into consideration the far-reaching administrative measures that have been implemented since the publication of the auditor general's report.

In the end, Aucoin and Jarvis argue that the answer to the question of who is accountable for what is likely found in the way in which our Parliament currently isn't working.

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