S.L. Sutherland, “Responsible Government and Ministerial Responsibility: Every Reform is its own Problem,” *CJPS* 24:1 (March 1991)

**Overview**

The article defends the classical version of ministerial responsibility against recent initiatives to implement a form of direct accountability for administrators. Constitutional convention and ministerial resignations from active cabinets in the Cdn federal govt and in Britain are described. In neither country do ministers resign for the maladministration by their officials, nor does the doctrine suggest they should. Rather, the pattern of resignations indicates the importance of collective responsibility as well as the relative unimportance of ministerial misbehaviour. The article argues that there are negative implications for democratic govt in substituting the kind of direct “accountability” of officials, extracted in political forums, for the responsibility of ministers. Partial and flawed reforms may well make govt less accessible to the influence of elected ministers, thus less to the electorate.

**Background**

Classic convention of ministerial responsibility contains 4 threads:

* The provision of legal responsibility;
* The idea of government subordination to Parliament;
* The idea of the moral culpability of ministers as for everyone else; and
* The sense of ministers being constitutionally accountable to Parliament and liable to suffer the penalties, if any, or parliamentary disapproval

Collective cabinet responsibility – provides a definition of what government is in our system

* The substance of the government’s collective responsibility could be defined as its duty to submit its policy to and defend its policy before the HOC, and resign if defeated on an issue of confidence
* Ds
* Resignations are rare, and there are no cases in which a Canadian minister has been forced to resign by outrage in the HOC for errors attributable to officials. The opposition can force a resignation only when it can make a case as to lack of personal ethics or probity of a kind for which the minister’s own colleagues and the PM *refuse* to extend the protection of collective responsibility, or where cabinet cannot extend solidarity because the govt is in a minority

Reforms – Holding Public Servants to Account

* Problems include: lack of constitutionality; lack of due process and fairness; lack of a structure in the HOC to realize a “responsible” coverage and operation; secrecy; and the affordability of the bureaucracy of the Office of the Auditor General

**Conclusions**

The new accountability initiatives have addressed problems that do not exist, failed to address other problems that do exist, and created a challenge for responsible govt. The difficulties created are how to relegitimate political and ministerial responsibility, how to ensure that officials are treated with fairness in the representative institutions, and how to correct the distortions introduced by the flawed accountability initiatives.