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CANADA

GUIDANCE FOR MINISTERS

PRIVY COUNCIL OFFICE

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Preface

This volume contains information and advice for Ministers on their duties and responsibilities as Ministers of the Crown. The Prime Minister has asked that every Minister should receive and be guided by this advice. Further information on the matters raised herein can be obtained from the Minister's deputy, or from the Secretary to the Cabinet.

PRIVY COUNCIL OFFICE
OCTOBER 1988

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Fundamental Responsibilities

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I.1. Cabinet Government and Ministerial Responsibility

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As Minister of the Crown, you are held accountable by the Prime Minister and publicly by Parliament for the exercise of *two fundamental responsibilities*: your individual position or portfolio in the Government, *and* your support of the Cabinet team to which you belong. Ministers both head their own departments and collectively constitute the political executive, under the Prime Minister's leadership.* Taken together, Ministers' individual and collective responsibilities sum up enduring principles to guide governmental action, and give rise to standards for Ministerial behaviour with very practical implications.

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Individually, a Minister is sworn to carry out the powers, duties and functions of his or her portfolio in accordance with the opportunities and the constraints provided by statute and convention (summarized in this briefing). Ministers are responsible for the policies, programs and administration of their departments. It is from Ministers and their departments that policy and program initiatives primarily flow, and by them that they are implemented.**

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As a Cabinet Minister, you participate with your colleagues in overseeing the conduct of national affairs. Ministers are collectively responsible before Parliament for the policies of the Government and for the policies and programs of each Minister as a member of the Government. A Minister cannot repudiate or divorce himself from the

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* The special position of Ministers of State to assist is described in Part II.3.

** Ministers' portfolio responsibilities are dealt with at more length in Part II.

decisions of his or her colleagues in the Ministry. The conventions and confidentiality of Cabinet decision-making must be observed by every Minister. That is the significance of your oath as a Privy Councillor.

Collective responsibility in essence is a pact with the Prime Minister and your colleagues. Your individual actions as a Minister affect your colleagues and the credit of the whole Ministry. There are common sense consequences: the Cabinet stands or falls together. A fundamental political limit to your powers as a Minister is the necessary support of your colleagues and the Prime Minister for your proposals. If, for instance, a Minister discloses forthcoming Cabinet business, or makes his own preferences known publicly before (or after) Cabinet decides on an issue, even one concerning his own portfolio, the solidarity of the Ministry is fractured; the Minister runs the risks of losing credibility with his colleagues, of an embarrassing public reversal or even a call for resignation if Cabinet does not agree with his position.*

Ministers also decide collectively for very practical reasons. Ministerial responsibilities inevitably overlap. In addition to Ministers' needing the political support and counsel of their colleagues, policies and programs must be reviewed in relation to each other if they are to be successful. Ministers share both Parliamentary time and the scarce financial resources of dollars in the Consolidated Revenue Fund. These resources are allocated amongst Ministers by collective agreement, and their use coordinated for the collective benefit. Only a relatively small number of major initiatives can be handled at one time, so the Government's overall agenda affects each Minister. Moreover, Ministers' responsibilities for representing the differing perspectives and interests of their regions cut across the division of governmental activities into departmental spheres.

In sum, both for constitutional and for very practical reasons, *Ministers can only fulfill their individual responsibilities by acting in concert.* Canadian Cabinet government requires Ministers to be continually seeking consensus upon their goals, policies, programs and even, to the degree the whole Ministry is affected, upon the means of

* Since our languages lack a neutral pronoun, "he" or "his" will reluctantly be pressed into service for "he/she" and "his/her".

implementing their programs. These principles lie behind the Ministry's decision-making machinery and coordinating institutions.*

In fact these principles are also often expressed *in law* through requirements for approval of Ministerial actions by the Governor in Council or the Treasury Board, on matters such as program expenditures, regulations, appointments, management practices and standards of behaviour.

I.2. The Prime Minister

The Prime Minister is principally responsible for providing the cohesion and direction necessary to the unity of the Ministry, which is essential if the Government is to retain the confidence of Parliament. The Ministry and the Cabinet are identified with the Prime Minister politically and constitutionally (as only he is commissioned by the Governor General to form a Government) and cannot exist without his leadership. His principal functions and exclusive powers (or prerogatives) are no accident of personality or history, but are required to make Cabinet government work.

You are advised to ensure that you and your colleagues respect and protect the Prime Minister's functions and prerogatives:

- The Prime Minister leads and most heavily influences *the process of setting the general directions of government policy*. He is responsible for arranging and managing the decision-making process as a whole. He arbitrates differences or disagreements amongst Ministers. He determines the Ministry's posture before Parliament: it is the Prime Minister's prerogative to recommend to the Governor General the summoning and dissolution of Parliament, to draft the Speech from the Throne for the Governor General, and to approve every piece of Government legislation put before Parliament.
- The Prime Minister *chooses the principal holders of public office*. In addition to Ministerial appointments (or resignations, for which he may ask at any time), it is also his prerogative to recommend to

* Described in Parts III and IV.

the Governor General numerous *senior appointments* including all deputy ministers, heads of agencies, and many others. The Prime Minister and his officials monitor and coordinate all appointments recommended by any Minister to the Governor in Council, including their terms and conditions. Ministers are advised to consult the Prime Minister's officials before making any commitments along these lines.*

- The Prime Minister decides *Cabinet's organization and operations*, including establishing Cabinet committees, selecting membership, convening Cabinet itself, and generally determining how Cabinet and its committees work.
- The Prime Minister decides *the broad organization of the Government of Canada*, subject to action by Parliament or by Order in Council if legal changes are involved. He is responsible for allocating Ministers' portfolios, establishing their mandates or jurisdictions, and adjusting the relationships among them. His approval is required for the creation of new institutions. To support the Prime Minister's leadership and prevent unnecessary disputes among colleagues, Ministers should be alert to ensure that any proposals for significant organizational change, or which may affect their own mandates or the mandates of other Ministers, are referred first to the Prime Minister (and not discussed publicly before he decides).
- The Prime Minister establishes *standards of conduct for Ministers*, subject always to the basic requirements of law. Ministers should recognize that the Prime Minister will hold them accountable for maintaining, and appearing to maintain, a standard of propriety in the conduct of public business stricter than required by law or expected in other occupations.**
- The Prime Minister has *special responsibilities* for national security, federal-provincial relations, and aspects of foreign affairs that touch on his role as head of government. He may also take a special interest in other areas as circumstances require. You are advised to be alert for activities of your own which touch on Prime Ministerial concerns.

* For appointment procedures, see Part IV.6.

** See Part V.

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The Prime Minister is supported by three main government offices: the *Prime Minister's Office* (his political and personal staff), and the *Privy Council Office* and *Federal-Provincial Relations Office* (his public service officials). All three work to provide the Prime Minister with the fullest possible information and analysis on proposed policies and priorities. Your own staff and your departmental officials are expected to keep in touch with their counterparts in these offices.*

From time to time, Prime Ministers have appointed one Minister to serve as a *Deputy Prime Minister*. This is a political designation, the duties of which depend on the Prime Minister's priorities and preferences, and which detracts not at all from the Prime Minister's own rights and responsibilities. The *House Leader*, who usually is the President of the Privy Council, acts on behalf of the Prime Minister in managing House business for the Government.

I.3. Ministers, the Governor General and the Privy Council

a) *The Governor General and the Crown*

The Executive Government of Canada is vested in the Sovereign, who is the Head of State. The Governor General is the representative of the Sovereign and exercises virtually all of her powers. As a Minister of the Crown, you are appointed by the Governor General on the advice of the Prime Minister.**

The Governor General exercises executive powers (e.g. approving Orders in Council including appointments) on the advice of the Ministry in almost all circumstances, but it is important to respect the constitutional and lawful requirement that the Governor General's approval must be obtained, where it is required, *before* decisions can take legal effect or be announced. The Prime Minister offers individual advice to the Governor General on some matters (e.g. the appointment of Ministers); other advice, such as for the passage of Orders in Council, comes from the Ministry as a whole (with certain rare exceptions), even though one Minister initially recommends the advice to his colleagues.

* These offices are described in Part IV.

** The fundamental elements of responsibility and accountability in our constitutional system are described in "Responsibility in the Constitution", in the 1979 submission by the Privy Council Office to the (Lambert) Royal Commission on Financial Management and Accountability.

Any apparent lack of respect for the Governor General's position (e.g. announcing actions which require the Governor General's approval before it has officially been given) usually is taken as disrespect for the Sovereign or as a misunderstanding of the Minister's own constitutional position.

b) Cabinet, Ministry, Privy Council and Governor in Council

The *Ministry* of the Crown consists of those members of the Queen's Privy Council for Canada who currently hold Ministerial office and collectively command the support of the House of Commons. Constitutionally speaking, the *Privy Council* is an advisory body to the Sovereign, but it is exceedingly rare for the Privy Council to meet as a body and, even then, it does so only for ceremonial purposes. All Ministers must be sworn to the Privy Council. They remain Privy Councillors for life, entitled to be styled "The Honourable" and to use the initials "P.C." after their names.

Unlike the Ministry, the *Cabinet* has no statutory constitutional standing. In theory it is an unofficial committee of the Privy Council composed of the members of the Privy Council currently holding Ministerial office. The reality, of course, is that the Cabinet (with its committees) is the fundamental and final forum for reaching a political, authoritative consensus upon governmental issues, under the Prime Minister's leadership. Because the Cabinet is essentially an unofficial and political body its organization, procedures, and composition are for the Prime Minister to decide.

The *Governor in Council*, for most practical purposes, is the Cabinet acting in a legal guise. Properly speaking, it is the Governor General acting by and with the advice of the Ministry. Thus, the Governor in Council may issue *Orders in Council*, pursuant to a statutory authority or (infrequently) royal prerogative, giving legal force to Cabinet decisions.*

I.4. Ministers and the Law

It is essential to recognize how far *legal requirements permeate government* and orient daily practices as well as high policy. The Prime

* The procedures for passing Orders in Council are dealt with in Part IV.7.

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Minister and Ministers, individually and collectively, all act within limits laid down by Parliament or pursuant to Parliamentary authority. The key statutes of Parliament which affect your Ministerial activities and the capacity of your department to implement your decisions are:

- The Acts of Parliament (principally *departmental Acts*) which create the offices to which Ministers are appointed, establish the departments over which they preside, and provide a basic framework of "powers, duties and functions" for which Ministers are accountable. These and related Acts establish the *deputy minister's* responsibility to provide overall support to the Minister in all aspects of his departmental portfolio from policy advice to coordination and administration.*
- The *Public Service Employment Act* which lays the basis for the continuing, professional, and non-partisan Public Service. It establishes the *Public Service Commission* with its powers to appoint public servants and authorizes the appointment of Ministers' exempt staffs outside the Public Service regime. The Public Service Commission's authority extends to all departmental officials except deputy ministers.
- The *Financial Administration Act*, which shapes nearly all aspects of government management, principally through the powers over departments given to the *Treasury Board*. The Board is in effect the Cabinet committee for public service and expenditure management, but many of its decisions have statutory force which limit even Ministers' discretion to manage and direct their departments.
- The *Access to Information* regime (including the Privacy Act) which establishes a public right of access to government documents subject only to certain exclusions and conditions under which the government may withhold material which could injure the public interest if released, and imposes conditions governing personal information held by the government.**

* The functions of the deputy minister and departmental public servants are dealt with in Parts II.1(b) and (c).

** See also Part V.6.

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- Most fundamentally, the *Charter of Rights and Freedoms*. Ministers also are personally affected by the *Salaries Act* and by provisions of the *Senate and House of Commons Act* which distinguishes between Ministerial status and rights, and the status and rights of private members; for instance, private members are prohibited from accepting payment in the service of the Government (excepting travelling expenses only where the travel is undertaken at the formal request of the Governor in Council)*. Certain Acts also govern particular programs or non-departmental agencies.

The accumulated constraints resulting from this legal framework may appear cumbersome or bureaucratic. You should expect your officials to have the knowledge and experience to help accomplish your objectives while avoiding frustrating limitations or delays as far as possible. They are nonetheless bound to act according to law and government regulations, and to advise you where such constraints apply, where they do not, and how they might be changed if necessary.

* Ministers also will be affected by the provisions of the legislation to regulate conflict of interest matters that was introduced in the House of Commons on February 24, 1988 (see Part V.2).

II

Portfolio Responsibilities and Support

Your deputy minister will brief you in detail on issues and programs.* This section advises you on the framework for handling those issues, on the general character of your portfolio responsibilities, and on the resources upon which you can call for support.

II.1. Portfolio, Department and Deputy Minister

a) *"Powers, Duties and Functions"*

As a first constitutional and political principle, you are individually responsible to Parliament, and to the Prime Minister, both for your own actions and for the activities of your department, including the actions of all officials under your management and direction. Your portfolio may also extend to a variety of non-departmental bodies**, though your authority in relation to these is not usually as direct and persuasive as it is in relation to your department. In addition, the Prime Minister may assign a Minister additional responsibilities, either through Order in Council or by political designation, and may provide specific direction from time to time.

A Minister's *departmental "powers, duties and functions"* are ordinarily defined by Parliament in a departmental Act. That Act normally gives the Minister general authority over the management and direction of the department and its officers. Powers are vested in the

* A Minister of State to assist may be briefed by the deputy or by another senior official in the department who advises and supports him directly. Ministers without departmental responsibilities may be briefed by the Privy Council Office.

** See Part II.7.

Minister himself, and may be exercised by the deputy minister and departmental officials who act on the Minister's behalf according to law.

There is a distinction between, on the one hand, departmental portfolios (i.e. those held by Ministers who are appointed under a departmental Act and head a statutory department) and their equivalent (e.g. the President of the Privy Council or the Prime Minister himself); and, on the other hand, Ministers of State appointed to assist senior colleagues (whose position is described below*). Infrequently, the Prime Minister may decide on the appointment of a Minister of State to head a *Ministry of State* which is a separate department having primarily policy coordination responsibilities (e.g. the former Ministry of State for Urban Affairs). Occasionally, Ministers of State may be assigned certain statutory responsibilities in their own right, and may have responsibility for a portion of the public service.

A Minister's partisan political work, in relation for instance to the party's parliamentary caucus or to the Minister's constituency, is of course distinct from the Minister's official departmental responsibilities. Departmental public servants are prohibited from participating in partisan activities.

b) Deputy Minister

Deputy ministers are professional, non-partisan public servants. They are *chosen and assigned by the Prime Minister* to provide Ministers with the broadest possible expert support in all their responsibilities, short of partisan political activities. Their status is that of an appointment by the Governor in Council on the Prime Minister's advice.

Deputy ministers should help the Minister achieve his and the Government's objectives and help keep him and his department out of trouble. You should expect of your deputy minister that he advise you fully and frankly on policy issues as well as on management concerns, *and* manage the department on your behalf, on the basis of his professional experience and drawing on the accumulated knowledge of the department.

* Part II.3.

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In order to use your deputy effectively, you should know the responsibilities for which he may and will be held accountable. The deputy minister is responsible for:

- *Policy Advice.* Deputy ministers should play the central role in formulating advice for their Ministers on policy matters and on alternative means of achieving Governmental objectives, as well as implementing effectively the Government's policies and programs. Deputies are expected to anticipate problems and initiate the development of policy options. Your deputy's advice should cover alternative policies, communications and the impact of policy choices on the public and on different interests. Obviously you are not bound to take his advice; but he is bound to offer it. You are advised to ensure you receive that advice, and give it due consideration.
- *Internal departmental management.* Deputy ministers are expected, and authorized in law to exercise on the Minister's behalf his "management and direction" of the department. In so doing, the deputy is naturally subject to the Minister's direction. At the same time, he is required by law to observe financial, administrative and personnel management standards and practices established government-wide by the Treasury Board on behalf of the Ministry as a whole. The deputy minister also exercises certain powers of personnel and financial management assigned by law or delegated to him directly by the Public Service Commission or the Treasury Board acting on Parliamentary authority.
- *Interdepartmental coordination.* The deputy minister is an important link for the Minister to the wider government machinery for policy development and decision-making. The deputy participates in interdepartmental consultations as a contribution to coherent government, and as a means of resolving potential clashes of interest or technical differences before they take up scarce Ministerial time unnecessarily. These interdepartmental activities also enable the deputy to inform his Minister of other departments' initiatives which may affect the Minister's portfolio, and to advise the Minister (as the Minister chooses) on contributions the Minister may want to make to Cabinet or Cabinet committee discussions.

Deputy ministers, therefore, have a fundamental duty to *support both the individual and collective responsibilities of their Ministers*.^{*} In so doing, each deputy is answerable in the first instance to his Minister. As part of their participation in the collective management of the government, deputies are also responsible to the Prime Minister for responding to the policies of the Ministry as a whole and to the Treasury Board and the Public Service Commission. This includes appropriate interdepartmental consultation where other Ministerial responsibilities are concerned. In this capacity, deputies are required to inform the Secretary to the Cabinet of any significant matter affecting their or their Ministers' responsibilities.

Accordingly, the working relationship between Minister and deputy minister is most important: their mutual confidence is the cornerstone of a successfully operating department. Any serious differences should be discussed first of all by the Minister with the deputy minister. If the matter cannot be resolved, the Secretary to the Cabinet may be of assistance or, ultimately, the Prime Minister may be involved.

c) Departmental Officials

The *departmental organization* reports to the Minister through the deputy minister, according to the usual principle of a clear chain of command. It is the deputy who is answerable to the Minister for the quality of management and advice provided by the department, and who is responsible for disciplining subordinate officials if circumstances warrant. Assistant deputy ministers and all other departmental officials are appointed by the Public Service Commission or, below the senior management levels, by the deputy according to conditions set by the Commission.

The first requirement for all officials is to serve their Ministers professionally, that is with equal skill, expertise, energy and non-partisan loyalty, and according to the laws of the Parliament of Canada. If you are not satisfied that this requirement is being met, you are advised to speak to your deputy, to the Secretary to the Cabinet as the

* The role of departmental officials, including deputy ministers, in appearing before Parliamentary Committees in support of Ministers is outlined in Part II.6(b).

government's senior public servant, or ultimately to the Prime Minister.*

II.2. Minister's Office and Exempt Staff

Your Ministerial office generally responds to your political and personal needs as you choose, under your direct supervision, within certain resource limits and standards of behaviour. Nowhere else is your individual responsibility more visibly engaged. (Of course, departmental officials assigned to your office remain subject to the usual limitations on public service activities.)

The capacities and conduct of your staff are not only vital to your own effectiveness, but are also likely to be publicly scrutinized as a reflection of your personal capacities and conduct. And of course the media do scrutinize activities of Ministers' staff, daily and through the provisions of the Access to Information regime. You are advised to ensure that your staff members know, in the clearest terms, the limits of their responsibilities and authority, and that they do not create the impression of speaking or acting on your behalf unless clearly directed to do so.

Every Minister depends upon his staff's political expertise and support, and their skills in managing his time effectively. Staff members should be chosen who enjoy your personal confidence in their loyalty and probity, and combine the energy required to work long hours with a capacity to work well with others both outside and inside the government.

Moreover, a Minister's success will to a significant degree hinge upon establishing productive working relations between his personal, partisan political staff and his deputy and departmental officials. A Minister's chief of staff and his deputy minister fulfill distinct but complementary roles providing the Minister with two streams of advice and support.

* A longer exploration of the position of deputy ministers and departmental officials is "The Office of Deputy Minister", issued by the Privy Council Office.

a) Composition

The core of every Minister's office is his "*exempt staff*", that is the staff appointed by the Minister who are outside the official Public Service and exempt from Public Service Commission controls. They are appointed under the special authority of section 37 of the Public Service Employment Act, and subject to terms and conditions set by the Treasury Board for the Ministry as a whole.

The purpose is to ensure that Ministers have at hand some advisors and assistants who are not departmental public servants, who share the Minister's political commitment, who can supplement the professional, expert and non-partisan advice and support of the public service, and who may contribute a particular qualification or point of view which the public service cannot provide. This also ensures that the public service is not used for politically partisan purposes, so that it can continue to serve successive Ministries.

A Minister's office may also include a limited number of public service *departmental assistants* (officers and secretarial or clerical staff) assigned by the deputy minister from departmental resources at your request, subject to conditions set by the Treasury Board. Their role is to liaise with the department and provide the Minister with administrative support and advice or general assistance in respect of his departmental or other governmental duties. They cannot, of course, undertake partisan or constituency work, and should not be asked to perform duties in the Minister's office which could appear to place them in a partisan light (e.g. caucus liaison functions).

A Minister who is an M.P. may also receive constituency office and other *support provided by the House of Commons*. You are advised to ensure that such support is used only according to House of Commons rules.

b) Functions

Generally speaking, exempt staff fulfill the key functions of managing the Minister's time and providing him with partisan political support and advice. They support his political concerns through activities such as party, parliamentary and interest group liaison, constituency work, travel and correspondence, media relations and, usually, policy advice from a partisan political point of view. Normally they play an important part in keeping the Minister in touch with the

Government's leadership in the House and Senate and the Parliamentary caucus.*

These functions are distinct from those of departmental officials, but exempt staff naturally work in contact with senior departmental management and can call upon the department for information through channels provided by the deputy minister. In principle, and for the most part in practice, departmental officials (through the deputy minister) and exempt staff provide separate channels of advice and different kinds of operational support to the Minister. It is important to recognize that exempt staff can neither replace the functions of the departmental public service nor instruct departmental officials in their responsibilities. By the same token, departmental officials cannot, nor should they be expected to, provide partisan political advice or support to a Minister.

c) Organization and Budget

The organization of the office, its size, and its hierarchy are largely open to you to determine, although experience suggests that the establishment at the outset of a clear allocation of responsibilities, and clear channels of communication and direction, will pay off.

However, your exempt staff must be appointed and paid within the overall *exempt staff budget*, and your office must operate in accordance with the *specific terms and conditions established by the Treasury Board* and statutory constraints which apply to Ministers' offices as well as departments.** In sum, these conditions cover:

- Staff budget, titles, and salary levels for key positions (Chief of Staff, Executive Assistant, Special Assistants and Private Secretaries).

* You or your staff may be interested in "Time Management for Cabinet Ministers", a short document prepared by the Bureau of Management Consulting (Department of Supply and Services) and available from the Privy Council Office.

** The conditions set by the Treasury Board may be detailed and rigorous. Your deputy minister can assist in providing any further information necessary. Detailed information on current rules can be found in the handbook "Administrative Practices: Guidelines for Ministers Offices" which is issued by the Treasury Board Secretariat.

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- Staff pay and benefits, including severance benefits and separation payments which a Minister may grant to exempt staff in certain circumstances.
- Office facilities, including the possibility of office space in federally owned or rented buildings in or near your riding, for governmental purposes.
- Travel, relocation and hospitality expenses.
- Financial management and authorization of expenditures.

You should also keep in mind the application of the Official Languages Act, the necessary bilingual capacity of your office, and the expectation of a balance between men and women.

The deputy minister can ensure the immediate needs of a new Minister are met until the Minister's own office and staff are fully in place.

d) Ethical Standards and Security

You are advised to devote particular attention to *ensuring that your staff are appointed and behave in a manner that does not give rise to the slightest appearance of impropriety*. Three aspects must be of special concern:

- *Security*: Security of offices and staffs is the personal responsibility of Ministers, for which the Prime Minister holds them accountable. You are responsible for ensuring that all members of your personal staff are fully trustworthy. Your staff is covered by the Government Security Policy directive issued by the Treasury Board. *All prospective employees (including constituency or contract staff working in any of your offices) must be cleared for security purposes before their appointments take effect*. This normally takes about two days. These clearances are arranged by the deputy minister; the Intelligence and Security Coordinator in the Privy Council Office can also advise you.
- *Ethical conduct of exempt staff*: The attitudes and conduct of Ministers' staffs, like those of Ministers, are expected to be so scrupulously ethical that they may bear the closest public scrutiny.

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More is required than simply acting honestly and within the law. For instance, no pecuniary interest can be allowed to exist which could appear to conflict with the discharge of public duties. Exempt staff members are obliged to maintain the confidentiality of classified information or personal information about members of the public that comes to them through their official duties. They must not use official information (classified or not) for their own interest or advantage, or for that of any friend, relative or associate. Specifically, all exempt staff are subject to the *Conflict of Interest and Post-Employment Code for Public Office Holders*, and they should be sure to read its provisions carefully. Each Minister is responsible for designating senior exempt staff members to whom the strictest (or Ministerial) guidelines apply. To ensure compliance, Ministers are asked to make known their decisions in this regard to the *Assistant Deputy Registrar General*, who can also inform Ministers on the application of the Government's policy.

- *Financial probity and prudence:* Your office expenditures are not only subject to statutory and Treasury Board strictures governing the use of public monies, but may also be subject to special scrutiny by Parliament or the media. You are advised to ensure that all expenditures are properly and prudently managed, and relate to the conduct of official business.*

II.3. Ministers of State to Assist

Ministers of State to assist are appointed by the Governor General on the recommendation of the Prime Minister to assist a senior colleague generally or in respect of a particular aspect or aspects of his responsibilities. Any specific responsibilities are assigned to the Minister of State by his senior colleague, subject to the approval of the Prime Minister. It is important to recognize that, notwithstanding their membership in Cabinet or their personal stature, Ministers of State to assist do not have a portfolio standing independent of the senior Minister concerned. Although a Minister of State may fulfill a clear and substantial role, the senior Minister retains ultimate authority for his entire portfolio. Only he can perform any action which must by law be performed by "the Minister". The senior Minister's deputy is

* Details can be obtained from the Treasury Board Secretariat.

responsible to his Minister for providing departmental support to the Minister of State, since Ministers of State to assist do not themselves formally preside over a department or any other portion of the public service.

Each Minister of State to assist should act in concert with his senior colleague, and take policy issues to Cabinet or a Cabinet committee only with the senior Minister's concurrence. Disagreements which cannot be resolved between the two colleagues should be referred to the Prime Minister, who will act to maintain the unity of the Ministry.

II.4. Acting Ministers

The Prime Minister establishes a standing roster of Acting Ministers appointed to cover for each other's temporary absences (or potential incapacity). The roster is formalized by Order in Council, and tabled in Parliament. The Prime Minister also can act for every Minister, but normally does so only when neither the designated Acting Minister nor his alternate is available.

Acting Ministers may exercise the full powers of the Minister, but are advised not to make major decisions in the Minister's temporary absence. In urgent cases, they should consult the Minister, the Prime Minister, or other Cabinet colleagues as appropriate.

In order to safeguard your own responsibility and interests, you should ensure that your office provides your itinerary to the Prime Minister's Office and the Privy Council Office so that you can be reached or the Acting Minister "activated". You are also advised to ensure that, in your absences, your Acting Minister(s) will be properly briefed on issues that could arise.

II.5. Parliamentary Secretaries

Parliamentary Secretaries are *chosen by the Prime Minister* and assigned to assist Ministers for up to one year at a time, within the limits of their unique status. They normally fulfill functions connected predominantly with the Minister's Parliamentary business, and also his relations with the public and interest groups. You are advised to recognize the potential scope and the limits of your Parliamentary Secretary's activities, and to supervise him accordingly.

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Parliamentary Secretaries are *not members of the Ministry or junior Ministers*. This means that they cannot speak for the Ministry as a whole; they are not bound by collective responsibility; they cannot participate in Cabinet or Cabinet committee decision-making. Your Parliamentary Secretary may explain your policies, but he cannot have delegated to him your departmental "powers, duties and functions"; therefore, he cannot supervise elements of your department or take over responsibility for developing legislation.

But, unbound by executive responsibilities, Parliamentary Secretaries generally assist in carrying out a range of *House responsibilities* for their Ministers. They may, for instance, arrange responses to written questions; speak for their Ministers during Private Members Hour and in the adjournment debate; or conduct legislation which does not involve a major policy question through some or all stages in the House. Overall, Parliamentary Secretaries may help maintain the Minister's contacts with other Members and Senators. They should not, however, be asked to reply to sensitive policy questions during Question Period. In the Minister's absence, those questions should be answered by the Acting Minister.

Parliamentary Secretaries may be members of any *legislative committee* of the House, and in this capacity advocate their Ministers' positions or organize the participation of Government members on the committee. However, in recognition of their links to Ministers, Parliamentary Secretaries are excluded by House rules from membership of *standing committees*. Nonetheless, they can attend and may play an important committee role for the Minister: they may accompany officials in order to protect the Minister's political interests and policy responsibilities; help explain the Minister's policies to committees; and generally keep in touch with committee members.

Outside Parliament, a Parliamentary Secretary often *represents his Minister* in dealings with members of the public and interest groups, including delivering speeches on the Minister's behalf. In appropriate portfolios, a Parliamentary Secretary may act as a Canadian representative abroad (but may only sign agreements with the prior approval of the Governor in Council on the recommendation of the Secretary of State for External Affairs).

You are advised to ensure that your Parliamentary Secretary is briefed on *departmental matters* about which he may need to be

knowledgeable when speaking on your behalf. Classified information may be provided to Parliamentary Secretaries, but only with your authorization as Minister and *on your responsibility*. Parliamentary Secretaries do not normally have access to Cabinet documents; only the Minister personally, on his own responsibility, may authorize exceptions on a case-by-case basis. It is also for you as responsible Minister to decide whether you wish your Parliamentary Secretary to have any further access to departmental discussion and officials' advice and assistance. Parliamentary Secretaries do not, however, have authority over officials and cannot themselves initiate departmental actions.

Even though Parliamentary Secretaries are not members of the Ministry, they should not criticize the Minister they serve or his department, and it would be difficult in practice for a Parliamentary Secretary to criticize the Government and continue to serve his Minister. It is also inadvisable for a Parliamentary Secretary to introduce a Private Member's Bill or Motion lest the appearance be given of Government endorsement.

Parliamentary Secretaries are subject to the *Conflict of Interest and Post-Employment Code for Public Office Holders*, and are sworn not to disclose privileged information.*

II.6. Relations with Parliament

a) Ministerial Answerability

The principle of Ministers' responsibility and answerability to Parliament is fundamental: Ministers answer to Parliament for their own actions and for the actions of all officials under their management and direction. The departmental Acts and any other Acts or organizations for which a Minister is responsible, together with the corresponding Estimates, provide a basic framework of responsibilities.

Thus, in response to *Parliamentary questions*, you are advised to answer within your areas of statutory authority as clearly, fully, and cooperatively as possible. You should be careful, nonetheless, not to appear to assume responsibility for matters over which you have no

* Further information is provided from the Prime Minister's Office or Privy Council Office in "Briefing Notes for Parliamentary Secretaries".

authority — for instance, the internal management and operations of most non-departmental bodies, or the statutorily independent activities of regulatory commissions or tribunals. Parliamentary questions must not seek from a former or current Minister information concerning transactions during his term of office in a previous portfolio.

Your relations with and duties in Parliament evidently will demand a great deal of your own time and attention, and significant official support. Your House duties normally take precedence over other business. The careful daily and long-term coordination which is required with the Prime Minister and the Government's Leaders in the House and the Senate, and their offices, is outlined in part IV.*

In this light, you are advised to ensure that a senior *member of your exempt staff* is assigned to support your relations with Parliament, to ensure ongoing liaison with the Whip's Office and the House Leader's Office regarding House business and questions, and to act as a key contact point with departmental staff in this regard. You should ensure you are fully briefed each day before Question Period. Your deputy minister will ensure that departmental officials provide you with all relevant information. Of course, your Parliamentary Secretary may also assist you.

b) Parliamentary Committees and the Role of Departmental Officials

Recent changes to Parliamentary rules have increased both the scope of committee inquiry and the number of occasions on which you and your officials may be asked to appear. The *appearance of departmental and non-departmental officials* before parliamentary committees is an important means of informing Parliament. However, you will want to assure yourself that your own responsibilities and prerogatives are respected, and that officials do not discuss — or are not drawn to discuss — questions properly reserved for Ministers.

Therefore, you are advised to ensure that your officials respond only in accordance with your responsibility, and not on their own account. The principle of ministerial responsibility and its political significance

* See Part IV.4.

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should guide you and any of your officials who appear before committees. That is, Ministers are responsible and answer to Parliament for the Government's policies, programs and activities; public servants are ultimately accountable to Ministers, rather than directly to Parliament; officials may assist Ministers by answering questions at Parliamentary committees, but they do so only on the Minister's behalf.

As a general principle, then, appearances by officials before Parliamentary committees should be conducted in a manner fully consistent with ministerial responsibility, the neutrality of public servants including the conscious avoidance by public servants of identification with particular policy positions, and the loyalty of public servants to the government of the day.

More particularly, the ultimate responsibility of Ministers for providing information to Parliament dictates that any information given by officials to Parliamentary committees beyond that which would be given out to the public can be provided only on the Minister's authorization. Matters of policy and political controversy are reserved more or less exclusively for Ministers, principally because political answerability on the part of officials would undermine the authority and responsibility of their Ministers, and would inevitably draw officials into controversy, thereby destroying their neutrality and permanent utility to the system. Officials' answers are limited to explanations rather than to defences of policies or debate on alternative policies.

Deputy ministers have received guidance from the Privy Council Office along these lines.* Nevertheless, as Minister *you will want to determine yourself which officials will speak on your behalf at committees, and decide which questions properly should be answered by officials and which questions should be reserved for yourself.* In this regard, you would find it advantageous to ensure that officials do not appear at committees without clear ministerial guidance and, in any cases where matters of political controversy are likely to arise, without an authoritative political presence, if not yourself then your Parliamentary Secretary. You will doubtless want also to keep in touch with the ongoing concerns of the appropriate committees.

* "Notes on the Responsibilities of Public Servants in Relation to Parliamentary Committees", circulated to all Ministers and deputy ministers by the Privy Council Office.

Upon request by caucus spokesmen, the responsible Minister may also arrange for departmental officials to provide purely factual briefings to *Parliamentary caucuses*, subject to certain conditions consistent with preserving Ministerial responsibility, the necessary confidences of government, and the political impartiality of public servants.* Briefings organized for one caucus will be available on request to other Parliamentary caucuses. The House Leader of each party will be alerted to each such briefing given to other caucuses. The Secretary to the Cabinet should be kept informed of caucus briefings, and consulted in cases of doubt.

II.7 Non-Departmental Bodies

Most Ministers have within their realm of responsibility several non-departmental bodies in the form of *Crown or departmental corporations, agencies, commissions, tribunals and boards*. A Minister's relationship to these bodies, his degree of responsibility for them, and his powers of direction over them are usually significantly different from his relationship with his department. The relationship may be a matter of public sensitivity.

Generally speaking, non-departmental bodies are established to achieve a greater degree of independence from direct ministerial control and from government personnel, administrative or budgetary controls, than is the case for departments. For that reason, powers are usually vested by statute in the board of directors or head of the non-departmental body rather than in the Minister. Ministers individually and collectively exercise varying degrees of control and responsibility in accordance with each non-departmental body's constituent Act. In addition, the *Financial Administration Act* sets out the financial accountability framework for the relationship between many of the non-departmental bodies, their "appropriate Minister", and the Government as a whole (represented by the Treasury Board, Governor in Council or the Minister of Finance).

Parliament has gone to special lengths to protect the independent mandate and powers of certain other agencies such as *granting bodies or tribunals*. You are advised to take very special care to avoid

* Government policy in this regard is stated in "Briefings by Officials to Parliamentary Caucuses", available from the Privy Council Office.

intervening, or appearing to intervene, in cases under consideration by quasi-judicial bodies.

Within this framework, many of those Crown corporations or similar agencies which have their own statutory basis are responsible not to Ministers but to Parliament *through* Ministers. There are, however, instruments (such as financial instruments, appointments, or powers of direction) by which to ensure that non-departmental bodies are responsive to governmental policies to the extent consistent with their particular nature and governing legislation. As a matter of practice, Ministers usually seek to establish effective communications links with Crown corporations, to keep corporations informed of Government objectives, provide for the appropriate degree of accountability, and ensure Ministers are apprised of problems requiring their attention. But *in responding to Parliamentary questions, you are advised not to accept direct responsibility for actions taken by the Crown corporation or similar agency* in the exercise of its own statutory powers, nor to provide information which could harm a Crown corporation's competitive position. In such cases, a Minister is responsible for inquiring into problems, reporting the required information to Parliament, and, if necessary, undertaking to remedy a problem within the limits of the law.

It cannot be emphasized enough, however, that generalizations with respect to non-departmental bodies are subject to the Parliamentary mandate and specific authorities governing each. You are advised to ensure you are thoroughly briefed on the conditions and constraints of your responsibilities for non-departmental bodies: your deputy minister, departmental legal advisor, and, as necessary, the Secretary of the Treasury Board or the Secretary to the Cabinet can assist you.

III

Cabinet Decision-Making

Ministers propose, and the Cabinet disposes. Decision-making by Cabinet — which in modern practice usually means Cabinet committees — is collective political action by and for all Ministers, led by the Prime Minister. It is in addition the ultimate means of coordination and the final sanction for proposed ministerial actions, reflecting the principles of Cabinet government and ministerial responsibility. Ministers are bound to observe Cabinet decisions, but the decisions themselves have no legal standing.

This section outlines main elements of the organization and conduct of Cabinet decision-making. The Secretary to the Cabinet can provide further information or explanations.

III.1. Ground Rules for Cabinet Business

The basic ground rules for the conduct of Cabinet business are few but essential for maintaining Cabinet solidarity and Cabinet's practical effectiveness. They include:

- *Access:* In principle, every Minister has the right to seek his colleagues' consideration of proposals for Government action in his area of responsibility, subject to the Prime Minister's setting of the agenda in accordance with his determination of Government priorities, and the setting of Cabinet committee agendas by the Committee chairmen acting for the Prime Minister. (Ministers of State to assist normally bring issues to Cabinet only with the concurrence of their senior colleague.)

- *Confidentiality:* Both the upcoming business and the deliberations of Cabinet are secret. This is to ensure that: Ministers can express themselves with absolute frankness; Cabinet solidarity is based on and maintained by collective decisions reached through collective deliberation; and individual Ministers do not lose face publicly if their proposals are changed or rejected by their colleagues. It follows from this that Ministers must not announce policies before Cabinet decisions are taken, and must support Cabinet decisions once they are made. The formal manifestation of this necessary practice is the Privy Councillor's oath.
- *Consensus:* Cabinet government works through a process of compromise and consensus culminating in Cabinet itself. Cabinet and Cabinet committees do not vote on questions before them. The Prime Minister (or committee chairman) "calls" the consensus after Ministers have expressed their views; the Cabinet secretariat in the Privy Council Office records and communicates the decision for him.
- *Leadership:* Cabinet decision-making is led by the Prime Minister. He provides Ministers with the Cabinet and committee forum in which they resolve their different perspectives; organizes Cabinet and Cabinet committee decision-making as he sees fit; determines the agenda for Cabinet business; and chooses committee chairmen to act on his behalf.
- *Efficiency:* Cabinet business is extensive, and Cabinet consensus often is difficult to achieve. Yet clear Cabinet decisions are so important to government operations, and Ministers' time so limited, that the efficient conduct of Cabinet business requires constant attention. Cabinet procedures in accordance with these ground rules must be widely understood and mutually respected. To this end, the Privy Council Office acts as Cabinet's secretariat and as the administrator of the Cabinet decision-making process on behalf of the Prime Minister.
- *Consultation:* Consultations among the Ministers concerned in any issue (or among their departments) must *precede* the submission of a proposal to Cabinet by the responsible Minister(s). Ministerial discussions in Cabinet or Cabinet committee resolve differing views or confirm the course a Minister proposes to follow: they are not occasions for a first exposé of a problem. Your deputy minister is

expected to ensure other affected departments are adequately informed in advance, so that their Ministers can be advised.

III.2. Content of Cabinet Business

Issues are brought by Ministers to Cabinet so that their colleagues may be informed; so that they may have the opportunity to influence or participate in the final decision as required by collective responsibility; and so that policies and programs may be coordinated and scarce resources allocated among Ministers.

Cabinet issues in general are matters of "policy" as opposed to more detailed matters of administration. Nonetheless, whether an issue is at first sight one of policy or administrative import, it may be a matter for Cabinet because of its general importance to the Government, or because it affects a number of Ministers' responsibilities, or because it represents a new policy direction or a significant new program, or because of its general or specific political significance. All such matters engage Ministers' collective responsibility. The bottom line is ultimately an assessment combining policy *and* political criteria.

III.3. Cabinet Structure and Cabinet Committees

Cabinet committees are an extension of Cabinet itself. The Prime Minister establishes both standing and temporary (or special purpose) committees, chooses their membership, prescribes their procedures, and changes them as he sees fit.

The bulk of collective Ministerial deliberations now takes place in Cabinet committees. Committee chairmen act for the Prime Minister and with his authority, including in setting committee agenda. For the most part, decisions are taken by the appropriate committee, subject to confirmation by full Cabinet or by the Cabinet Committee on Priorities and Planning. A basic goal of this system is to settle as many questions as possible at the committee stage in order to lessen the workload of the Priorities and Planning Committee and full Cabinet, and to allow them to concentrate on priority issues and broad political concerns.

The *Cabinet Committee on Priorities and Planning* is the principal focal point for decision-making. Chaired by the Prime Minister, it is both the main forum for determining the Government's strategy,

priorities, fiscal framework and basic policies, and the one committee with authority to ratify the reports of all other committees.

The *Treasury Board* is a unique case. Although it may act as the Cabinet committee for public service and expenditure management, it is unlike all other committees in that it is established by law as a Committee of the Privy Council and many of its decisions have legal force. The Board is the employer for the Public Service; it establishes policies and common standards for administrative, personnel management, financial and organizational practices across the government; it controls the allocation of financial and personnel resources to departments and programs.*

Ministers may attend any Cabinet committee meeting except Priorities and Planning, Treasury Board and other rare exceptions (e.g. the Security and Intelligence Committee). However, the Prime Minister designates certain Ministers as ongoing members of each committee which they are expected to attend regularly. Membership lists of Cabinet committees are provided to all Ministers by the Privy Council Office.

Most *Cabinet committees meet* weekly or bi-weekly on a regular schedule. This allows Ministers to plan their personal schedules; assists the planning for and timing of submissions to Cabinet; and ensures that meetings and decisions can proceed without delay. Your deputy minister or the Privy Council Office can provide you with the committee schedule. Of course, a committee chairman may schedule additional meetings.

The *full Cabinet* is convened by the Prime Minister himself. Ministers are expected to attend all Cabinet meetings. Cabinet's agenda is made up of items of special urgency, Parliamentary business, political communications issues, the discussion of senior appointments, and other issues of general concern to Ministers or which have not been resolved by Cabinet committees and are judged by the Prime Minister to require Cabinet consideration. Cabinet usually meets bi-weekly on Thursday mornings.

* See also Part IV.1.

III.4. Decision-making Process and Procedures

a) The Basic Process

The *process of Cabinet approval* is an essentially simple one.

In brief, an issue is raised by a Minister in the form of a memorandum to Cabinet (MC), which is normally circulated to all Ministers by the Privy Council Office before it is discussed at the appropriate Cabinet committee. The Cabinet committee's report (CR) is subject to confirmation by the Cabinet Committee on Priorities and Planning (or by Cabinet itself). Since committee reports should reflect a full airing of the issue, normally they can be confirmed without further discussion, being simply noted on the annex to the Priorities and Planning Committee agenda. At this stage, a committee report can only be reopened after discussion with the committee chairman and with the Prime Minister's prior approval. Records of final decisions (RDs) are recorded and circulated to all Ministers and their deputies, for action under Ministers' individual authority. The Prime Minister and other Ministers normally consider it very important that no announcements of any policy be made before it has been approved through this process, and by the Treasury Board where resource implications so require.

You will appreciate that the success of the process depends substantially upon high-quality preparation of Ministers' memoranda to Cabinet. Consultation well in advance ensures that your colleagues are not unpleasantly surprised and your memoranda to Cabinet take all necessary factors into account. Otherwise, where a proposal is not well-prepared and well-written, the discussion is unlikely to be fruitful — and the results may not be what the sponsoring Minister would wish. At best, in these circumstances, the Minister is likely to meet with questions or delays which can only be laid at his own door or his department's. It is normally the deputy minister's responsibility to prepare memoranda to Cabinet at the Minister's direction and for his approval. To encourage thorough preparation and facilitate rapid assessment of memoranda to Cabinet, they follow a standard format of which your officials can inform you. Of course, ultimately only you can ensure the quality of your memoranda to Cabinet.

b) Planning

Cabinet decision-making as a whole is oriented by certain key statements of Government policy and priorities in addition to electoral

commitments. The *Speech from the Throne* enunciates the Government's program for Parliament at the opening of each new session; it reflects the overall priorities of the Government and the Prime Minister. The Minister of Finance presents the Government's annual *Budget* in February, reflecting the *fiscal framework* agreed by the Cabinet Committee on Priorities and Planning (on the basis of recommendations by the Minister of Finance, after consultation with the President of the Treasury Board and Cabinet committee chairmen). The President of the Treasury Board subsequently tables the Government's detailed expenditure *Estimates*. In addition, from time to time throughout the year the *Priorities and Planning Committee* defines major priorities and policy initiatives. All these statements both shape and reflect the ongoing work of Cabinet committees.

c) *Procedures*

Although flexible, the process operates on the basis of specific procedures which have evolved through experience, are adapted from time to time at the Prime Minister's discretion, and are circulated on his behalf by the Secretary to the Cabinet. Without delving into detail here, you should be aware of three basic conditions which govern the procedures.

- *Committee discussions are necessarily ministerial in nature.* Only Ministers participate in Cabinet or Cabinet committee decisions in order to ensure privacy of Ministerial exchange, the dynamics of effective discussion and reaching agreement, and clear Ministerial responsibility for the decisions which result. Therefore, Parliamentary Secretaries do not attend Cabinet or Cabinet committee meetings since they are not members of the Ministry; nor do Ministers' political staff (since Ministers speak politically for themselves to their colleagues); nor senior officials other than the secretariat, except for limited purposes (i.e. normally to accompany a Minister sponsoring a proposal, if required, or occasionally at a committee to represent the departmental position of an absent Minister). It is for the Prime Minister to decide whether exceptions are made to these conventions, for certain of his own staff. If a Minister who is sponsoring a specific item at a Cabinet committee meeting must be absent, he is represented by the Acting Minister, not by his departmental officials, political staff, or Parliamentary Secretary. Meetings are conducted as personally and informally as possible, in both official languages (simultaneous translation is available).

- The Privy Council Office, which functions as the permanent Cabinet secretariat, is held responsible by the Prime Minister for the *efficient and discreet administration of committee business and support for each committee and its chairman*. Acting in close touch with departmental liaison officials, the secretariat prepares agendas, organizes meetings, records decisions, prepares confidential minutes, and advises the chairman on the conduct of meetings. It is Privy Council Office officials who are authorized by the Prime Minister to advise senior officials of the substance of Cabinet decisions, while maintaining the confidentiality of Cabinet discussions.
- The process requires a *full sharing of information* among Ministers before committee discussion. Thus, so that Ministers will have sufficient time to consider proposals, memoranda to Cabinet must be submitted to the Privy Council Office five working days before a Cabinet or committee meeting, for circulation to Ministers and to their deputies.

In sum, the Cabinet process and its procedures are aimed at maintaining a well-tuned decision-making system which can help Ministers master the administrative machine. Nevertheless, you will appreciate that the process and its procedures are only the necessary skeleton for a much larger body of coordination including informal or ad hoc discussions by officials and Ministers themselves, which prepare the way for ministerial deliberations and decisions focussing only on the most important, most sensitive, or most controversial matters.

IV

Consultation and Coordination

The Government's program and objectives can be realized only if Ministers work together effectively. *It is the responsibility, and in the personal interest, of each Minister and of all Ministers to protect the interests of the Government as a whole.* But Ministers personally obviously cannot consult with each other and coordinate their and their departments' activities nearly so much as the Government's interests demand. Moreover, if the ongoing work of government is to be carried out effectively, each department must be subject to the overriding needs of the whole Government for unity, coherence, and a consistent regard for the general interests of the Canadian public.

These goals are achieved ultimately through Cabinet decision-making and the Prime Minister's leadership, but they rest in practice upon continuous ministerial and interdepartmental *consultations*, and also upon the activities of *coordinating offices*. This section outlines the work of the key central offices, especially those which support the *Prime Minister* or act on his behalf.

IV.1 The Chief Central Agencies

Central agencies support the exercise by their Ministers — above all the Prime Minister — of government-wide or corporate responsibilities. Line departments primarily develop and carry out operational policies and programs under the direction of their Ministers. Each Minister's portfolio involves a coordinating or lead role within his sector of responsibilities. Each central agency makes a particular contribution to the unity and effectiveness of government activities across all sectors: *Treasury Board* in expenditure and managerial coordination, *Finance* in economic policy coordination, *Justice* in providing legal advice and

counsel, *External Affairs* in foreign policy coordination. The *Prime Minister's Office*, *Privy Council Office* and *Federal-Provincial Relations Office* report directly to the Prime Minister. Ministers and their departments necessarily work closely with all the central agencies.

You and your officials will be especially concerned to work with the Minister of Finance and the President of the Treasury Board, and their officials.

The *Minister of Finance* is responsible for the Government's macro-economic policy generally, including tax policy and tax expenditures, and for analyzing the economic impact of proposals by any Minister. The Department of Finance supports the Minister, and maintains a broad socio-economic analytical capacity on the basis of which the Minister participates in virtually every Cabinet committee and the Department advises Cabinet committee chairmen, through the Privy Council Office, on the economic impact of proposals coming to Cabinet.

Since the *Treasury Board* is responsible for the management of the Government's financial, human and material resources, the *President of the Board* maintains an overview of the Government's expenditure plan, presents the Estimates to Parliament, and coordinates the Government's financial and administrative systems.*

The President is supported by the *Treasury Board Secretariat*, which advises the Board in its rulings on proposals from departments for person-years and money to carry out programs previously given policy approval by Cabinet (and by Parliament as appropriate); and upon contracts, administrative procedures, public service classification and compensation questions, departments' internal organization, personnel management and official languages policies. To fulfill these responsibilities, the Secretariat maintains a broad analytical capacity on the basis of which the President also advises Cabinet committees, and the Secretariat advises committee chairmen (through the Privy Council Office).

* For the special status of the Board itself, see Part III.3.

IV.2. Prime Minister's Office (PMO)

The Prime Minister's Office is his political staff, which is personal to the Prime Minister in the same way as a Minister's exempt staff are to him. The Prime Minister organizes his office as he sees fit.

The Prime Minister may have his office emphasize more or less its several staff functions in support of his political leadership. In general, the PMO plays an important role in advising and enabling the Prime Minister to guide the political strategy of the Government. This role directly affects individual Ministers, for it involves coordinating the political activities of Ministers on the Prime Minister's behalf and for the advantage of the Government as a whole. The PMO may also facilitate coordination among Ministers' offices.

You should generally ensure that you and your exempt staff consult the PMO on matters of a political nature. More particularly, the PMO's roles which may directly affect Ministers' activities — and which are outlined in the following sections — include:

- appointments;
- legislative coordination and caucus liaison (in cooperation with the House Leader);
- communications strategies and announcements; and
- ministerial travel.

When the Prime Minister has designated a Deputy Prime Minister, some functions that would otherwise be performed by the PMO (e.g., coordinating government communications) might be performed by the office supporting the Deputy Prime Minister.

IV.3 Privy Council Office (PCO)

The Privy Council Office is both the Cabinet's secretariat and the Prime Minister's public service department. It is headed by the Clerk of the Privy Council and Secretary to the Cabinet, who has always been an experienced career civil servant and who enjoys the confidence of the

Prime Minister. As a consequence, he is conventionally regarded as the senior official of the public service and, in that sense, as its head.

The PCO is organized to reflect its support of the Prime Minister and Cabinet decision-making. Its major functions are:

- *Non-partisan advice to the Prime Minister* on the overall effective conduct of the Government. This includes advice on the strategic handling of governmental issues; the delineation of responsibilities among Ministers, the organization of the Government generally, and its relationships with Parliament and the Crown; senior appointments matters*; key policy questions for which any Prime Minister is ultimately responsible, such as national security; and, as required, on the policy proposals developed by Ministers and their departments.
- *Secretariat support* to Cabinet, Cabinet committees and their chairmen, as described in Part III of this briefing.
- *General coordination* of the inter-relationships of policy proposals with each other and with the Government's policy objectives as a whole.

The Privy Council Office's operational focus is upon the process of policy-making through ensuring that all the affected parties have been consulted or involved in the decision on a particular policy proposal, that relationships among policies are brought out for Ministerial consideration, and that a full range of alternatives has been considered. The PCO has a special concern for the continuity of government, which includes facilitating changes of Government and briefing individual Ministers, as in this document.

IV.4 Parliament and Legislation

a) *The Legislative Program*

The content of the legislative program is ultimately the responsibility of the Prime Minister, who is advised and assisted by his Ministerial

* See Part IV.6.

colleague, the Government House Leader. The program's main thrusts are determined by Cabinet and the Cabinet Committee on Priorities and Planning. A cabinet committee chaired by the House Leader coordinates the program and the process of translating policy decisions into Bills.

The first stage in that process is, of course, Cabinet approval of a Minister's policy proposal. Subsequently, a Bill is drafted by the Department of Justice to reflect the Cabinet policy decision, according to drafting priorities established by the House Leader and his committee colleagues. That committee undertakes final scrutiny of the Bill, before it can be conclusively approved by Cabinet for introduction in the House subject to the tactical judgement of the House Leader.*

The handling in Parliament of the legislative program is the direct responsibility of the *Leader of the Government in the House*. The House Leader has a great deal of flexibility in establishing priorities for consideration of Bills by the House and in deciding on strategy and tactics, although Cabinet discussions of House business take place regularly. He is supported by his own exempt staff and by the Legislation and House Planning Secretariat in the Privy Council Office.

b) Ministerial House Duties

It is obviously crucial to the Government's effectiveness and public standing that its position on every issue be well presented in the House by Ministers. Because House business cannot be done without Ministers' presence, ministerial House duties are a first priority. They are carefully planned and coordinated, and consist of:

- Attendance at all of *Question Period* every day. Any proposed absences are to be cleared with the Prime Minister's Office before other commitments are made. When a Minister is absent, the designated Acting Minister answers for him.
- Attendance at other specified times according to a *mandatory schedule of House duties* prepared by the House Leader. If your

* Details are available in the Department of Justice booklet on "The Federal Legislative Process in Canada".

absence is unavoidable on a duty day, you are personally responsible for arranging for another Minister to replace you and for notifying the House Leader and the Chief Whip.

- *Piloting legislation.* Ministers attend the House to pilot through their own legislation, and should give a high priority to appearances before Parliamentary Committees.
- *Other House duties,* which are assigned and coordinated by the House Leader (e.g. attendance at votes, leading the Government's response to Opposition Day motions, directing the response to "Late Show" and written questions).

In carrying out these duties, you can expect to be supported by both departmental officials and your exempt staff, as well as your Parliamentary Secretary.*

IV.5 Federal-Provincial Relations and Regional Coordination

The Prime Minister is responsible for the overall management of federal-provincial relations, since they touch on virtually all areas of federal government activity. In general, each Minister is responsible for the federal-provincial aspects of policies and programs within his own portfolio. However, it is important to ensure that activities which may appear to be desirable in one area are also consistent with other federal-provincial initiatives and with the Government's overall approach to intergovernmental relations.

The *Federal-Provincial Relations Office (FPRO)* is the public service department which advises and assists the Prime Minister in his responsibility to oversee the federal-provincial relationship, and supports Cabinet and Cabinet committee examination of issues with federal-provincial implications. From time to time, Prime Ministers have appointed a Minister of State to coordinate federal-provincial relations and have established a Cabinet Committee on Federal-Provincial Relations. Consultation with FPRO will help Ministers and their

* Advice on the responsibilities of a Minister to Parliament for his portfolio is provided in Part II.6(a). Advice is similarly provided on the roles with respect to Parliament of a Minister's officials (Part II.6(b)), Parliamentary Secretary (Part II.5), and Acting Minister (Part II.4).

departments to determine the best way to handle difficult federal-provincial issues within their portfolios, ensure consistency of their initiatives with the Government's overall approach, and keep abreast of all federal-provincial developments.

The Prime Minister may also designate *regional (or "political") Ministers* for each province or major area, who play an important role in coordinating regional or provincial politics with federal government activities. The administration of departmental programs in every region remains the individual responsibility of departmental Ministers.

IV.6 Appointments

Appointments by the Governor in Council are handled through a distinct approval process which recognizes both their special confidentiality and sensitivity, and the Prime Minister's prerogative to coordinate or determine all appointments. This process applies to the approximately 500 full-time Governor in Council appointments, *and* to the numerous part-time appointments to boards, agencies, commissions and corporations.

The Prime Minister is supported in this area by both the *Prime Minister's Office* and the *Privy Council Office*. As a rule, the two offices participate in identifying vacancies, gathering information and advising with respect to full-time and part-time appointments. The Prime Minister determines the specific role which he wishes PMO to play, and PMO informs Ministers directly in this regard. You should ensure that you and your staff are well-informed by PMO of the necessary process, and consult PMO as required.

The Senior Personnel Secretariat in PCO ensures that statutory and procedural requirements are met and advises on issues of feasibility, remuneration, and conditions of appointment. In this regard, you are advised to consult the Secretary to the Cabinet or his staff. The Senior Personnel Secretariat supports the Secretary to the Cabinet in the exercise of his responsibility to advise the Prime Minister on the appointment of deputy ministers.

You are particularly advised to take into account the following points *before* appointments are promised or recommended:

- All appointment recommendations are *subject to the Prime Minister's approval* before they go forward to the Governor in Council.
- *Salaries and remuneration* for GIC appointments, both full-time and part-time, are set or approved by the Prime Minister. In this area, he is supported by the Privy Council Office. Therefore, you should avoid quoting salary figures to candidates without his approval. You should also ensure that the boards of directors of corporations within your portfolio neither promise remuneration without authorization beforehand, nor implement compensation packages such as bonuses or termination benefits, beyond those approved by the Governor in Council (unless separate statutory provision exists).
- You should ensure that candidates do not have potential *conflicts of interest* and meet the requirements of the Government's Conflict of Interest Code.
- All Governor in Council appointees are subject to a criminal and security *records check* prior to appointment. You are responsible for obtaining from the candidate all the information required, in good time, so that the Privy Council Office can coordinate these checks.
- You should ensure with any candidate for a *full-time* position that he understands the full-time nature of the responsibilities.
- It is important to ensure that the submission to the Governor in Council accurately states the *full name* and place of residence of the appointee, as well as the *effective starting date* of the appointment when necessary.
- Appropriate representational criteria should be taken into account when recommending appointments, including linguistic, male/female, regional, visible minorities and ethnic considerations.
- Governor in Council appointments (except to judicial or quasi-judicial positions) are *tabled in the House of Commons*, after each appointment is made, so the appropriate standing committee has

the opportunity to call the appointee and examine his qualifications. Government policy is to table nominations to certain regulatory bodies for possible examination before those appointments are made official. Your office should be prepared to arrange the appropriate briefing for an appointee in your portfolio who is called to appear; the Prime Minister's Office can advise you.

- *Announcements* of appointments are coordinated by the Prime Minister's Office.

IV.7 Orders in Council

Orders in Council are, in effect, Government decrees made pursuant to some statutory authority (or, infrequently, royal prerogative). All recommendations for Orders to be made by the Governor in Council must be signed by the responsible Minister.* They only take legal effect once signed by the Governor General. If the procedures necessary to pass Orders in Council are not followed, the responsible Minister may be publicly embarrassed to find the Orders are invalid or mistaken.

You should know that:

- Submissions which do not raise policy issues, and are not related to appointments, ordinarily are considered in the *Special Committee of Council*. Submissions to the Special Committee are coordinated by the Assistant Clerk of the Privy Council.
- A special process applies to all *appointments* (see above).
- Public *announcements* regarding Orders in Council should not be made until the Privy Council Office can assure you the Orders have been approved by the Governor General. With respect to appointments, the Prime Minister's Office coordinates the timing of public announcements.
- All Orders in Council become *public documents* once signed by the Governor General. A list of Orders passed each week is made

* The "Governor in Council" is described in Part I.3(b).

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public the following Monday. It is regularly scrutinized by the media.

- Order in Council *regulations* cannot take effect retroactively, unless there is a statutory authority to do so. You should, therefore, ensure your department arranges for proposed regulations to reach the Privy Council Office well before the desired implementation date, in time to check them against prescribed standards. Many regulations are adopted only after a period set aside for public examination and comment.

Your departmental legal advisor or the Assistant Clerk of the Privy Council can advise you on the procedures.*

IV.8. Communications and Public Announcements

Government policy requires you to ensure that any public statement is made pursuant to a general *communications strategy* designed for the issue. Every memorandum to Cabinet is to include a communications plan, which must be approved according to procedures which the Prime Minister establishes, such as approval by the Cabinet Communications Committee (if one has been created) and/or its chairman, before Cabinet decides on the policy and before any announcement.

In addition, each public statement of a policy or announcement of some action (including appointments, grants or agreements) is to be carefully coordinated between the responsible Minister, acting with his office and department, and the Prime Minister's staff. Otherwise, the effectiveness of Government policies may be compromised by inconsistent communications, exposure of a decision at the wrong time, or exposure of an inter-ministerial dispute. The Prime Minister holds Ministers personally responsible for their contribution to the Government's public posture, and requires that announcements be coordinated on his behalf.

As a minimum, you are responsible for appointing one of your office staff to *seek the approval of PMO* (or the Deputy Prime Minister's

* Details are available in the Privy Council Office manual entitled "Directives on Submissions to the Governor in Council and Statutory Instruments".

Office, as determined by the Prime Minister) for the timing of all impending announcements, with the proposed text, well in advance. You are also responsible for consulting the affected *regional Minister* before the announcement. To ensure the consistency of departmental policies, the *deputy minister* should be briefed on all Ministerial statements.

IV.9 Ministerial Travel Coordination

All proposed Ministerial travel is to be *cleared with the PMO* on behalf of the Prime Minister, well in advance and before making commitments*. Ministers should also consult the Government House Leader. This process ensures the Prime Minister and Ministers can get in touch with each other, and Ministers or Acting Ministers are available to carry out essential Government and Parliamentary business. Ministers are expected to arrange even tentative travel plans consistent with their Parliamentary and Cabinet duties. The process is also designed to maximize the impact of ministerial travel, both abroad and in the various regions of Canada. Once approval is secured, the Deputy Secretary to the Cabinet (Operations) should be notified.

Foreign travel must be coordinated to take account of the full range of Canadian interests both domestically and abroad. Generally speaking, Ministers are expected to limit travel abroad to the necessary minimum, especially while Parliament is in session. When considering a trip abroad, the Minister is to seek in writing the prior approval of the *Prime Minister*, and the advice of the *Secretary of State for External Affairs* on all aspects of foreign travel, including necessary security precautions. No plans should be confirmed before the trip has been approved.* The actual arrangements for official foreign travel must be coordinated by the Department of External Affairs. Agreements may be signed only with the prior approval of the Governor in Council on the recommendation of the Secretary of State for External Affairs.

Ministers planning *private travel abroad* should also inform the Secretary of State for External Affairs well in advance, where security or policy considerations may be involved.

* The Prime Minister may from time to time enunciate specific procedures in this regard through the PMO, and you should ensure that you and your staff are familiar with them. See also Part V.8 respecting the use of air passes and government aircraft.

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Before issuing *invitations* to Cabinet-level counterparts in foreign governments to visit Canada, consultation in writing is again required with the Secretary of State for External Affairs. He and his Department coordinate these visits.

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V

Standards of Conduct

This section points out key areas where established government standards and rules of conduct apply to *Ministers personally*. Your rigorous compliance with the full letter and spirit of these standards — and not only with the summary indications given here — is of the utmost importance.

V.1. High Expectations

The *fundamental principles* applying to all public officers, and above all Ministers, are long-established. There is an obligation not simply to observe the law, but to act both in official and personal capacities in a manner so scrupulous that it will bear the closest public scrutiny.

Today, ethical conduct is subject to *more intense public scrutiny* than ever before. The public right of access to information reveals much more to be scrutinized, across a wide range of Ministerial and government activities. In addition, the rules applying to Ministerial conduct are becoming more and more detailed, complex and *stricter than equivalent standards outside government*. The appearance of unethical conduct, of taking advantage of an official position or government facilities for personal convenience, of breaching a specific rule (perhaps inadvertently) — any of these may affect the Government's reputation for integrity and may lead to calls for a Minister's resignation even before the facts are established.

A practical test is to ask whether your conduct, or that of your staff, could cause any embarrassment or be difficult to justify to the public, should it be raised in Parliament or reported in the press.

The *Prime Minister* will hold *Ministers* personally accountable for acting in accordance with the spirit of the highest standards of conduct, as well as for complying with the letter of the Government's rules. Your deputy minister can arrange briefings for you and your staff.

V.2. Conflict of Interest (and Gifts)

You should ensure you are personally familiar, and that you are and remain in compliance, with the requirements of the *Conflict of Interest and Post-Employment Code for Public Office Holders**. These requirements are not repeated here, nor summarized, because Ministers will be held accountable by the Prime Minister, and will be judged by the media and the public, according to the Code's precise provisions to which you should refer. The Code includes:

- basic *principles* of general application, and certain prohibitions;
- requirements to provide *confidential reports* to the Assistant Deputy Registrar General with respect to Ministers' assets, liabilities, former and current activities, as well as some gifts, hospitality and other benefits received;
- *post employment conditions*.

You should be fully briefed by the *Assistant Deputy Registrar General* in the days immediately following your taking office.

In addition to the provisions of the Code, it has become established that Ministers should not accept *honoraria* for speeches or interviews in relation to their Ministerial responsibilities.

V.3. Security

The importance of preserving the security of government facilities, personnel, and appropriately classified information is not simply an official matter, but one of high public sensitivity which focuses directly on individual Ministers. Even an apparent breach can be seriously

* Available from your deputy minister, the Assistant Deputy Registrar General, or the Privy Council Office.

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controversial. On security questions, such as those outlined here, you are advised to consult your deputy minister or the Secretary to the Cabinet.

Various measures are, or can be, taken to protect Ministers' *personal physical security*, including at their homes. You should speak to your deputy minister and satisfy yourself that the necessary steps are implemented.

Ministers are responsible for ensuring adequate security arrangements with respect to:

- *Ministers' offices and their staffs.* You must ensure that all members of your personal staff, whether they serve in Ottawa or elsewhere, have been security cleared *prior to appointment*, and that access to your office is appropriately secure.*
- *Classified information.* You must take personal care to maintain the security of classified information, both written and oral. Sensitive matters should be discussed face to face if at all possible rather than by *telephone (car telephones are completely insecure, and are known to have been monitored by equipment easily acquired by private citizens)*.
- *Cabinet documents.* You are responsible for the safe handling of Cabinet documents in your office and personal possession. Strict security rules apply about which your deputy minister (who also receives Cabinet documents) should inform you. For instance, no copies may be made; *everyone with access to a Cabinet document must be security cleared, including all staff in your Ottawa and constituency offices*; and Cabinet documents should never be shown to anyone outside government. Cabinet documents must be returned to the Privy Council Office and cannot be retained after a Minister leaves office.

You are advised to have your deputy minister arrange a *briefing* on how to protect your confidentiality and government security at the earliest possible moment. Your deputy will also ensure that the

* The "Security Policy of the Government of Canada", issued by the Treasury Board, is the basic authority.

Department of External Affairs briefs you on the special precautions required before any foreign travel.

If you should hear of any *allegations of misconduct or security infringements*, the Prime Minister holds you responsible to immediately notify him, the Secretary to the Cabinet, or your deputy minister in order for appropriate investigations to be undertaken.

V.4. Cabinet, Departmental and Personal Papers

Ministers face embarrassment or criticism either for withholding information that could or should be publicly released, or for mishandling material which is properly confidential. Lost documents, for example, can easily be a source of embarrassment, security problems, and delays in resolving policy questions.

For the most part, Ministers naturally rely on their staff to manage documents for them, but you should be aware of the main provisions governing the handling of official papers. You are responsible for ensuring these provisions are met. Your deputy minister is familiar with the problems and can advise you.

Ministers' papers fall into *four categories: Cabinet papers; departmental papers; other official papers (termed "ministerial records"); and personal and political papers*. You are advised to have these categories filed separately, for reasons of operating efficiency and confidentiality; to facilitate changes of office; and to be able to respond to statutory requirements since each category of documents is subject to different treatment under the Access to Information, Privacy, Canada Evidence, and National Archives Acts.

The efficient operation of Cabinet and the necessary confidentiality of Ministerial discussions — both today and under future Ministries — depends upon the proper handling of *Cabinet papers*. From your point of view as a Minister, this requires ensuring that your and your colleagues' memoranda to Cabinet, Cabinet committee reports or records of Cabinet decisions, are always in the custody of an authorized and security cleared staff member or official; and that when a Cabinet item has been dealt with, the associated Cabinet papers are returned to the Privy Council Office. You should ensure that one member of your staff is specifically charged with responsibility for the control of Cabinet

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papers on your behalf. The actual minutes of Cabinet and Cabinet committees are held in the Privy Council Office, where only Ministers may consult them personally.*

Departmental papers relate to the continuing business of the department and associated agencies. These should be kept in a separate registry. They can not be removed when you leave or change office.

The category "*ministerial records*" includes records of an official governmental character pertaining to your office as a Minister, which the National Archives Act requires be dealt with in consultation with the Archivist after you leave office (normally they would be transferred to the Archives).

Personal and political papers, or papers which are primarily political as distinct from official in nature, should be kept on separate ministerial files which the Minister normally removes when leaving office. These papers, like ministerial records, are excluded from the application of the Access to Information Act, *if* they are properly kept separate from departmental papers.

On leaving office, Cabinet papers must be returned to the Privy Council Office; departmental records left with the department; ministerial records disposed of in consultation with the Archivist; and personal and political papers may be removed. You are advised to use the specially secure storage facilities and archival services offered by the National Archives to Ministers for their personal papers. You should be particularly careful to ensure the security of any sensitive matters.

You are accordingly advised to ensure your ministerial office has an efficient and complete *records system* that establishes the necessary distinctions. The accuracy of your office records not only serves operational ends, but may protect your interests when you leave office or in responding to access to information requests or accusations of wrongdoing (which may require documentation of expenses, as one instance). Your deputy minister can advise you, drawing on expertise in the National Archives and Treasury Board Secretariat.** In the event of

* See also the following section on "Access to Cabinet and Ministerial Confidences".

** The National Archives issues a document titled "Managing the Records of a Minister's Office".

uncertainty about your rights to remove certain papers of a personal and political character, you are invited to consult the Secretary to the Cabinet.

V.5. Access to Cabinet and Ministerial Confidences

The handling of all official or personal papers is subject to the recognition that maintaining the confidentiality of Cabinet discussions is fundamental both to the collective responsibility of Ministers to Parliament and to the political solidarity of each Ministry. *The confidences and papers of one Ministry must therefore be preserved from its successors.*

It is a well-established convention, respected by successive Governments, that a new Ministry may not have access to the Cabinet and Cabinet committee records or other ministerial confidences of preceding Governments. This includes most correspondence between Ministers and other documents which express Ministers' views and opinions, even if held in departmental files. However, officials are responsible for ensuring continuity in government operations and must provide all necessary information for Ministers by briefing them on necessary background and on the substance of decisions and actions taken by previous Governments. The Clerk of the Privy Council and Secretary to the Cabinet plays a central role as custodian of the convention governing access to Cabinet and Ministerial papers.

This convention is reaffirmed by each Prime Minister, as an integral part of the rules of business and standards of conduct applying to all Ministers. When a change of Government occurs, the outgoing Prime Minister traditionally leaves the Cabinet records of his Government in the custody of the Clerk of the Privy Council and Secretary to the Cabinet. The Cabinet Secretary advises the Prime Minister and Ministers on the implementation of this convention, and holds deputy ministers responsible for applying the convention to official papers in their departments.

Former Ministers have a conventional right of access to Cabinet papers (in the Privy Council Office), and generally to departmental files, which were prepared during — and only during — the period of time when they held office.

Ministers should not breach solidarity with their Cabinet colleagues by publishing *memoirs* of their ministerial experience while continuing to hold any portfolio. Of course, former Ministers intending to write about their ministerial experience are still bound to respect their oath as Privy Councillors and remain subject to the *Official Secrets Act*.

The *Secretary to the Cabinet* should be consulted for advice on all questions of Cabinet and ministerial confidences, including access by former Ministers and any requests under the Access to Information Act relating to confidences.

V.6. Public Access to Information

The Access to Information Act provides a *right of public access* to information in records under the control of government institutions, subject only to certain necessary *exceptions limited and specified in law*. You and your deputy minister are ultimately responsible for the application of the Act within your portfolio. Decisions can be reviewed by the Information Commissioner, and finally by the Federal Court. You are advised to operate in accordance with the intent as well as the letter of the Act when dealing with requests from the public for information; and you have the right to expect your department to keep you fully informed of requests for access which are being granted. Of course, potential embarrassment is not grounds for withholding information that should properly be disclosed.

Moreover, you will recognize that the Act intensifies the public spotlight on ministerial activities. All the more necessary, therefore, is care to avoid any appearance of impropriety or activities which could be interpreted as inappropriate. Necessary, too, is an effective records management system in each Minister's office.

Accordingly, you and your staff should become familiar with the Access regime. You should ensure that you are aware of the respective roles which the Access Act and the Treasury Board assign to the Minister and to the deputy minister in making decisions about requests, and also of the implications in relation to Cabinet confidences, advice provided to Ministers, and records in your ministerial office. Each department has established internal expertise and management systems for responding to Access requests, and for consulting PCO where Cabinet confidences may be involved. Actions by your staff with respect

to the Access regime should be coordinated with the responsible departmental officials. Your deputy minister should brief you in more detail.*

The related *Privacy Act* imposes conditions governing personal information held by the government. Decisions in this regard can be reviewed by the Privacy Commissioner, and finally by the Federal Court.

In respect of the *production of papers in Parliament*, you are advised to ensure that requests for information (e.g. in response to a Notice of Motion) are met as far as possible without jeopardizing effective administration, individual privacy, Cabinet confidences or national security, and in coordination with the House Leader. You should also ensure that your and your staff's approaches to the production of papers in the House and to Access requests are consistent: the provisions of the Access and Privacy Acts are the fundamental criteria.

Any decision to release records touching on *Cabinet confidences* (e.g. relating to ministerial discussions or decisions of Cabinet or its committees) may be taken only after consulting the Secretary to the Cabinet, who will seek the Prime Minister's views where any doubt exists.

V.7. Relations with the Judiciary and Quasi-Judicial Bodies

No Minister may communicate with members of the judiciary concerning any matter which they have before them in their judicial capacities, except through the Minister of Justice, or through duly authorized officials of, or counsel acting for, that Minister. On those rare occasions when any Minister might wish to communicate with members of quasi-judicial bodies concerning any matter which they have before them in their judicial capacities, they should only do so through the duly authorized officials.

V.8. Pay, Benefits, Facilities and Expenses

You are entitled to a range of remuneration and benefits from several sources. Often they are governed by Treasury Board directives. This

* See also Part V.4 concerning Cabinet, departmental, personal and political papers.

section simply points out what you should expect and where you should take care, without explaining any of the details. Your deputy minister (or the Secretary of the Treasury Board) can advise you further, and he should arrange for you to receive your full entitlements.

Of course, Ministers know they are personally responsible for ensuring that there cannot be the slightest suggestion of extravagance or the use of public funds or facilities for anything other than official purposes. This requirement applies equally to members of Ministers' staffs. To this end, you and your staff are advised to ensure that your personal records are complete and up-to-date. Since each of the benefits you may receive is constrained by certain limits, you are advised to familiarize yourself with their effects on your own and your staff's activities.*

- *Salaries and allowances:*
 - House or Senate remuneration as a Parliamentarian.
 - Annual salary**.
 - Tax-free motor vehicle allowance.
- *Pension:* Ministers participate in a special contributory pension scheme in addition to the scheme available to them as Members of Parliament**.
- *Expenses and Hospitality:* As a Minister of the Crown, you are not obliged to provide a detailed accounting for expenses that you *personally* have incurred. Instead, you are required to fill out a simple declaration (supplied by the department) stating that this or that amount of money was expended for official hospitality or for travel. You are then reimbursed by your department. By contrast,

* Your deputy minister can assist you on all these matters, and more detailed information can be found in the TBS manual "Administrative Practices: Guidelines for Ministers' Offices".

** Information on salary and pensions may be obtained from the House of Commons (or Senate) administration. The Secretary of the Treasury Board can also assist you.

expenditures made on your behalf — whether by your staff or by the department — must be accounted for in detail, with accompanying receipts. All of the above information is accessible under the *Access to Information Act*, and the media are of course alert for any expenditures that could be seen as less than scrupulously prudent.

- *Giving gifts*: Ministers have access to the government gift banks for official purposes (Secretary of State's Department for within Canada; Department of External Affairs for abroad). Otherwise, specific Treasury Board authority is required. (Receipt of gifts is covered by the Conflict of Interest Code.)
- *Office facilities*: A Minister is entitled to office space and necessary equipment, subject to certain conditions, in the premise(s) of Parliament, in his department, and outside the National Capital Region (usually this will be in the Minister's region). It is important to distinguish between the facilities provided by the government (i.e. for official Ministerial business) and those provided to a Minister as a Parliamentarian (e.g. the constituency office).
- *Telephones* (for official business): One telephone may be paid for from government funds for the Minister at his residence in Ottawa-Hull or elsewhere. Access codes to the government telephone network are also provided.
- *Cars*: Government cars are for Ministerial use only on official business, unless the Minister pays a monthly charge permitting personal use.
- *Travel passes*: Air travel passes are made available by Air Canada and Canadian Airlines International to each Minister for use on official business, in addition to the MP's free rail travel provisions for the Minister and his family.
- *Government aircraft*: Use may be made of administrative aircraft only for government business, and according to Department of National Defence guidelines. Information is made available to the public on each Minister's use of government aircraft. Further details are available from the office of the Minister of National Defence.

You should ensure that your staff *coordinate your travel plans with the Prime Minister's Office* in accordance with specific requirements established by the Prime Minister.*

V.9. Oaths of Office, Precedence, and Honours

- *Swearing-in of Ministers*

Ministers are appointed by the Governor General on the Prime Minister's recommendation. At the beginning of the life of a new Government, Ministers are usually sworn to office as a group. The Clerk of the Privy Council and Secretary to the Cabinet administers the oaths as the Governor General presides: you swear the oath of allegiance and the Privy Councillor's oath (if you have not already done so), and the oath of office for your portfolio. For counsel on the procedures or the implications of your oaths, before or after the ceremony, you are advised to consult the Secretary to the Cabinet or his Assistant Clerk of the Privy Council.

- *Precedence*

The formal Order of Precedence is based on the order in which Ministers are sworn to the Privy Council, except that the Prime Minister always comes first. The Ministry is, by custom, listed according to precedence; this order has nothing to do with individual stature or portfolios. As a matter of convenience, the Prime Minister may use the order of precedence, amongst other criteria, in determining seating at the Cabinet table, seating of Ministers in the House, or the designation of Acting Prime Ministers, but these uses are purely customary.

- *Foreign Honours*

Longstanding Government policy requires that Ministers not seek the offer of, or accept, a foreign order or decoration either personally or on behalf of a colleague, without the prior approval of the Prime Minister.

* See Part IV.9.