The Parliament of Canada

C.E.S. Franks (1987)

EDITORS’ INTRODUCTION

C.E.S. (“Ned”) Franks is one of Canada’s foremost scholars of Parliament, having taught at Queen’s University for 35 years. A Fellow of the Royal Society of Canada, among other honours, he has penned hundreds of pieces both academic and non-academic, on a variety of subjects, including legislatures, public administration, aboriginal self-government, and sport.

This excerpt, which is the introduction to his 1987 book The Parliament of Canada, explores the key functions of Parliament. It also sets out the arguments and themes of the book, in which Franks seeks to explain growing dissatisfaction with the Canadian system. His observations are still relevant decades later, and are likely to be pertinent for years to come. Perhaps most importantly, in this book Franks addresses not only potential reforms to the system, but also the barriers to reform and the problems with past attempts at reform. Franks also makes use of comparisons with Britain and the United States, in order to highlight the strengths and weaknesses of the Canadian system. An important part of his argument is the observation that the Canadian parliamentary system is performing better than many critics would suggest.

Introduction: Parliament in an Age of Reform

Ours is an age of reform. In 1979 the privy council office, in its submission to the royal commission on financial management and accountability, claimed that “during the last twenty years … more change has occurred in the way the government orders its machinery for getting things done, and in the variety and pervasiveness of the programs it delivers, than in any comparable period in our administrative and social history.” Parliament underwent more reform in those twenty years than in any previous period, and arguably more than in its entire previous existence. And the process of reform did not stop in 1979. The study of procedure of the House of Commons by a special committee in 1982 led to many important reforms. Further changes were made in 1985–6, and the special committee that proposed those reforms claimed that its recommendations were “the most ambitious attempt to pursue...
major and comprehensive reform in the more than one hundred-year history of the Canadian House of Commons.” The Senate also has been the target of innumerable studies, and Senate reform remains one of the more written-about topics in Canadian politics.

The record of the reforms of the past decades is not one of unblemished success. As we shall see, many reforms have not accomplished their stated objectives, while others have had unanticipated and undesirable consequences. Reforms that are not solidly grounded in reality are not likely to succeed. Quite the reverse, they are likely to create unreasonable and unreal expectations which cannot be met. The resulting failures lead to disillusionment, pessimism, and a loss of legitimacy for the public and participants. Constant reform can become as much a habit as immobility and can be as inappropriate a response to problems.

The purpose of this book is not to make more proposals for reform. The themes of reform have not changed. The same complaints of excessive partisanship, government domination, lack of influence of the private member and the need for improved committees and accountability, for a greater role for parliament in policy-making, and for reform of the Senate continue despite the passage of time and the many changes that have been made. Similarly, the list of proposed reforms has changed little. Rather, the purpose of this book is to place discussion of parliament and its reform solidly in its context—the Canadian society, economy, political culture—and the stresses and demands to which Canada and its political system are subject. A secondary purpose is to examine the various proposed and implemented reforms in the context of this broader look at parliamentary government and its functioning in Canada. This examination will, I hope, illuminate some of the obstacles to reform, some of the ways in which criticisms and attempts at reform have been misguided, and some of the strengths (which are often neglected and sometimes difficult to see) as well as the weaknesses of the Canadian parliamentary system.

The Canadian parliamentary system is based on the British prototype. Like the Canadian House, the British House of Commons has changed in many ways during recent years. However, in some areas, such as strengthening committees and giving MPs more independence from party discipline, the British House has been more successful. The comparison of Canadian and British experience helps illuminate some of the obstacles to reform in Canada, and the importance of many underlying factors that are usually not taken into account in proposals for reform. For these reasons I have used British experience as basis for comparison and as an illustration in several key places in this book.

I have used the example of the U.S. congressional-presidential system less often. This system, because of its high visibility, and the power and influence of the United States, inevitably becomes a basis for comparison in the discussion of parliamentary reform in Canada. On some issues our institutions have been caught between the constraints of the basic principles of the parliamentary-cabinet system and the beguiling image of the U.S. system, with its powerful committees and highly visible and influential senators and congressmen. But the U.S. system is very different, both in terms of representation and in terms of control and use of political power. There are no positions in the U.S. system in which power and responsibility are concentrated to the extent that they are in the prime minister and cabinet in Canada. Nor is there any forum in which the U.S. president and political executive are subjected to the sort of continual gruelling scrutiny that the Canadian prime minister and cabinet receive in question period and debate. The structure of elections is different in the United States, as is the role of the party. The kinds of policies that emerge from the U.S. system are different
from, and not necessarily better than, those that come from the Canadian parliamentary system. I agree with the recent observation that “the U.S. model is misleading and irrelevant for Canadians.”

Four essential functions of parliament in the Canadian system are: first, to make a government, that is, to establish a legitimate government through the electoral process; second, to make a government work, that is, to give the government the authority, funds, and other resources necessary for governing the country; third, to make a government behave, that is, to be a watchdog over the government; and fourth, to make an alternative government, that is, to enable the opposition to present its case to the public and become a credible choice for replacing the party in power. Parliamentary activities of legislating and policy-making are largely aspects of the function of making a government work, and parliament's role in them is not now, nor has it ever been, the dominant one. In comparison, the U.S. Congress has virtually no role in the functions of making a government and creating an alternative government, and has a very large role indeed in the function of policy-making.

There are two further functions of parliament which are so important that they deserve to be identified in their own right, though they might also be subsumed under the general rubric of making a government work. The first of these is the function of parliament as a recruiting and training ground for political leaders; the second is the function of political communication, where the processes of parliamentary discussion, in Bagehot's terms, express the mind of the people, teach society, and inform both government and citizen of grievances and problems.

In structure this book progresses from a general look at the form and rationale of parliamentary government to an examination of how the system works in Canada. Chapter 2 introduces some conceptual issues and underpinnings. After a review of some fundamental principles, it shows that discussion of reform in Canada chooses one particular way of looking at parliament, and one which, it will be argued throughout this work, is at odds with how the system actually works and with the policy orientation of successive Canadian governments. Chapters 3 to 5 consider aspects of the central and essential basis of parliamentary government, the processes of representation in the House of Commons. The role of parties and the electorate, the members of parliament, and the parliamentary workworld are examined in turn. These three chapters place the House of Commons in the context of Canadian political culture and society, and illustrate the very real problems in the role and position of the member of parliament. Chapters 4 to 9 look at how parliament operates, and its work and activities. Procedure, debates and question period, and committees are examined successively and the constraints placed on them by the realities of representation are illustrated. Chapter 9 examines the Senate; chapters 10 and 11 examine two key functions of responsible government: policy-making (or making a government work) and accountability (or making a government behave). In these functions parliament and government interact, and committees, debates and question period, cabinet ministers, opposition leaders, and private members make their impact. Here many of the strengths, as well as the weaknesses, of the parliamentary system are identified. The focus of this book, therefore, develops progressively from questions of theory, to the basis of representative government in the electorate and nation, to parliament and its workings, to the relationship of parliament to government. The final chapter returns to the question of reform, and assesses its success in fulfilling the very demanding functions it is expected to perform.
The fundamental argument in this book is that reform of parliament is not simply a technical matter of making parliament more effective and efficient, although it is often presented in those terms. Reform is also a question of the purposes for which political power is to be used in Canada and how various interests and viewpoints succeed or fail to influence political choices and outcomes. The balance between parliament and government affects the balance between an emphasis on the particular and on the general welfare. There are many collective, public goods that can only be provided by government, and will only be adequately ensured if a strong voice defending a general public interest is heard in politics. Fundamental and often competing goals of equality, freedom, justice, private and public goods, and economic growth and stability must be balanced in the political processes. The parliamentary system, with a concentration of power in the cabinet and competition between parties in parliament, provides a powerful means of asserting a collective interest over and above the particular. The rhetoric of reform argues for a parliament-centred structure of power; the reality of Canadian politics is an executive-centred system. The differences between the two are not merely questions of who has power, but of what kinds of policies we want. The executive-centred system has enabled a collectivist voice to be expressed in Canadian politics that would be diminished if the system were to become strongly parliament-centred.

The second argument is that parliament has two modes of operation, the adversarial and the consensual. The adversarial mode is most prominent in question period and debates, the consensual in committee work. Each mode has its strengths and weaknesses. The rhetoric of parliament-centred reform argues for more emphasis on the consensual. It exaggerates the strengths of this mode, and understates its weaknesses, while at the same time it ignores the real and important virtues of the adversarial elements.

The third argument is that there is a severe problem in the role and position of the member of parliament in Canada. This problem is normally discussed in terms of the constraints of party discipline. This focus is wrong. Party discipline is a product of the root problem and is not the cause. The underlying problem is that the processes of representation, of parties, of electoral attitudes and behaviour, of demographic change and many other factors, all contribute to creating a House of Commons composed of amateur and short-term members who are asked to perform a very difficult and underappreciated job. MPs generally have little political experience before being elected to the House and stay there only a brief time. Senators, in comparison, have more previous experience and longer tenure. Parliament, and the cabinet too for that matter, can be no more effective and influential than resources of manpower permit. The constraints of manpower affect all aspects of parliamentary government: the executive, in limiting the range of choices and quality of potential cabinet ministers; the opposition, in being effective critics of government and creating a plausible alternative to the government; committees of the House, in rapid turnover and sometimes ineffective chairmanship and members; the value and interest of debates and question period; the capacity of members to understand and use procedure; and the speakership. The position of the individual member in terms of career, workworld, future expectations, and personal satisfaction is crucial to the working of the parliamentary system, and to the possibilities for reform. It is also unsatisfactory.

Fourth, there is a paradox that at the same time as the parties are so influential and powerful within parliament, they are weak outside it, both in terms of gaining consistent strong allegiances within the electorate and in terms of generating ideas and policy proposals. It is
a well-known and often criticized fact that the parties are the most important control over an MP’s voting behaviour within parliament. Not so much appreciated is how important party is to the entire career of an MP, from election, through every aspect of parliamentary tenure, to post-parliamentary life. At the same time, the weakness of parties outside parliament is one of the reasons why MPs are amateur and transient. It is also one of the reasons why political discussion in Canada often lacks both thoughtfulness and power.

Fifth, parliament and the parliamentary system are under severe stress because of the growth of government. Where the theory of parliamentary-cabinet government postulates two systems—a parliament and a government, with the cabinet as the link between them—there are now three systems, with the emergence of a huge and in many ways autonomous bureaucracy. Ministerial control over departments and agencies is now as much an issue as parliamentary control over ministers. The role of parliament is also changing in an increasingly complex and growing system of government and government–interest-group relations. These problems are exacerbated by the increasing importance of federal–provincial relations in Canadian politics, and the domination of these relations by executive federalism, in which political argument and negotiation is between levels of government rather than between parties in parliament.

Sixth, communication through the media plays a particularly important role in explaining and interpreting parliament in Canada because of the weaknesses of the parties as policy-creating and -discussing bodies. The media tend to be superficial and critical in their presentation of government and politics. While parliament and parliamentary committees are often insightful and thorough in their studies and discussion, little of this gets reported. There is a huge gap between serious discussion of policy within government, or even in parliament, and what gets reported. As a result, public understanding and the mobilization of consent are now big problems.

The final argument is that despite its faults the parliamentary system in Canada works better than the literature would lead one to believe. The system was transplanted to this country a century and a half ago, and since then has grown and adapted in the Canadian environment. A century and a half is not a long time in the perspective of the development of parliamentary institutions, and it is not surprising that the Canadian system still suffers from growing pains. But there is a vast difference between growing pains and the death throes some observers claim to see in looking at the Canadian parliament.

Reform has focused on the obvious and easy things to change, such as parliamentary committees, procedure, and the Senate, while many of the real problems lie elsewhere, in leadership, parties, the media, and political culture. Institutions have, to a large extent unfairly, borne the brunt of dissatisfaction, while the causes and remedies lie in less structured and less malleable parts of the political system. Perhaps, too, concentration on institutional reform has misrepresented too much political discussion towards administration and away from content, away from substantial issues of policy.

It would require unrealistic expectations for the possibility of perfection in human institutions to hope that parliament would completely fulfill all the demands and hopes laid upon it. Parliament has many faults. It is also central to the use of power in society. The size and scope of modern government and government’s intimate involvement in the economy, society, and the lives of individuals mean that government cannot be regarded as a neutral instrument. Government harms some, benefits others, and its powers and actions are legitimated by
parliament. Citizens, fully aware of how their lives are affected by government, do not regard politics or political institutions neutrally. Violent passions, including greed, aggression, hate, anger, even idealism, are intimately and understandably involved in politics, and political institutions as well as leaders are the targets of these emotions. Many of the criticisms of parliament and the parliamentary system are legitimate, and relate to procedures and structures which can and need to be improved. Others arise from unreasonable expectations of what politics and political institutions can accomplish, or from dissatisfaction with outcomes. The Canadian parliamentary system has been created and is made to work or fail by human beings, with all their warts and imperfections. Institutions are not perfect, any more than people are.

To defend parliament this way is not to imply that the institution does not need reform, but to warn that caution is needed in advocating change. Government and government institutions are inevitably going to provoke some hostility and criticism, and often the institutions bear the brunt of unreasonable criticisms, or criticisms more properly directed elsewhere, perhaps at the individuals the electorate has chosen to run those institutions. One challenge is to identify the criticisms that are reasonable, that address problems that can be corrected, and to distinguish those problems from ones that would be more properly resolved through political action and change, or that arise from the uncertainty and difficulties that are part of the human condition. Another is simply to understand and appreciate parliament and its place in the processes of representation and governance. Parliament is not just a background for an agenda of reforms. It is a lively and vital part of the living constitution.
The Rise of Court Government in Canada

Donald J. Savoie (1999)

EDITORS’ INTRODUCTION

Donald Savoie teaches at the Université de Moncton. Since 2004, he has held the Canada Research Chair in Public Administration and Governance, and during 2004–2005, he was director of research and senior adviser to Justice John Gomery’s Commission of Inquiry into the Sponsorship Program and Advertising Activities in the Government of Canada. He has published widely on questions of public policy, regional development, public administration, and federalism.

The following piece was originally presented as the presidential address of the Canadian Political Science Association (CPSA) at the Université de Sherbrooke in June 1999. It is one among many works by Savoie that address the changes to our traditional understanding of the operation of government. The Westminster tradition points to the prime minister as primus inter pares, or “first among equals,” in relation to Cabinet. As Savoie notes, however, increasingly it seems that the prime minister is simply first, while Cabinet’s role has been minimized, and he suggests that this arrangement is unlikely to change in the near future.

In 1956, C.B. Power, a senior minister in the Mackenzie King government, observed with deep concern that the war years had strengthened the prestige and power of Cabinet at the expense of Parliament.1 Power’s concerns, as history has shown, were well founded. Ned Franks has stated that “unquestionably Parliament has become a less prominent place for major political announcements and debates, and the decline is continuing.”2 In this article, I argue that Cabinet has joined Parliament as an institution being bypassed, that it is clear that effective power no longer resides with the prime minister acting in concert with his “elected Cabinet colleagues.”3 Court government has taken root in Canada. By this I mean that in the late 1990s, effective power rests with the prime minister and a small group of carefully selected courtiers. These include key advisors in his office, two or three senior cabinet ministers (notably the minister of finance), carefully selected lobbyists, pollsters and other friends in court, and a handful of senior public servants.

In the latter part of the twentieth century, Canadians witnessed major changes in the way they were governed. The changes were neither sudden nor, for the most part, introduced with much fanfare. They were gradual, which may explain why they attracted little notice. The public debate in Canada since the late 1960s focused on actual or proposed constitutional changes and not on the internal machinery of government. In any event, changes to the machinery of government rarely, if ever, enjoy much media or public profile. Yet the evolution of the machinery of government, particularly within the federal government, has had far-reaching consequences for the public service, public policy, Canadian federalism and, ultimately, for Canadians themselves.

This article challenges long-established conventions or understandings about how our government works. Gordon Robertson, former secretary to the Cabinet, stated in 1971 that in our system “ministers are responsible. It is their government.”4 The Privy Council Office, in its 1993 publication on the machinery of government, argued that “we operate under the theory of a confederal nature of decision making where power flows from ministers.”5 I maintain, to the contrary, that power no longer flows from ministers, but from the prime minister, and unevenly at that.

The above speaks to the evolution of how policies are struck and decisions are made in Ottawa. J.S. Dupré argued that “institutionalized” Cabinet replaced the “departmentalized” Cabinet in the late 1960s and early 1970s. Individual ministers and their departments lost a great deal of autonomy to full Cabinet, or to shared knowledge and collegial decision making.6 This era did not last very long before court government started to take root. To be sure, information was gathered at the centre. However, it was gathered for the benefit of the prime minister and a handful of senior advisors operating in the Privy Council Office (PCO) and the Prime Minister’s Office (PMO), not for collegial decision making. Court government took root in Ottawa under Pierre Trudeau and, if anything, it grew stronger under both Brian Mulroney and Jean Chrétien. …

The Forces

Prime Minister Pierre Trudeau established in 1975 a central agency to deal with federal–provincial relations. Ever since, federal–provincial relations have enjoyed a strong presence at the centre of Ottawa’s decision-making processes. The responsibility has always been a part of the Privy Council Office or has enjoyed separate status. It has never, however, shrunk to pre-1975 days, when it had only about eight officials.

What kind of federal–provincial issue can involve the centre of government and even the prime minister? The short answer is anything, everything, and it depends. There are no set rules. All major federal–provincial issues qualify, of course, but some minor ones can too, and on a moment’s notice. The level of funding for a specific programme, or whether a federal programme applies in one region but not in Quebec (or vice versa), can appear on the prime minister’s radar screen. It will make it to the radar screen if it gains visibility in the mass media.

The prime minister, it will be recalled, was firmly in charge of the failed Meech Lake and Charlottetown constitutional accords. Neither initiative was born out of Cabinet’s collective decision making. Similarly, Chrétien’s Verdun speech on national unity in 1995, where firm
commitments were made to Quebeckers, was drafted by his advisors and others at the centre. Cabinet was not consulted on its contents, let alone asked to make a contribution.\textsuperscript{12}

Provincial premiers have direct access to the prime minister and do not hesitate to pursue an issue with him. If the prime minister decides to support a premier, then the issue is brought to the centre of government in Ottawa for resolution. Commitments are made between two first ministers, for whatever reason, and the prime minister cannot risk the system or the process not producing the right decisions. As a result, someone at the centre will monitor the issue until it is fully implemented. When that happens, ministers and their departments inevitably lose some of their power to the prime minister and his advisors. Examples bound. In the summer of 1997, Frank McKenna, premier of New Brunswick, put two proposals to Chrétien during a golf game: that the federal government support a conference on the economic future of Atlantic Canada, and that it cost-share a new highways agreement to continue with the construction of a four-lane Trans-Canada highway. The prime minister agreed and instructed his officials to make it happen. One government agency provided some funding to support the conference, and several federal ministers, including the prime minister, attended it. Officials, meanwhile, were instructed to prepare a Treasury Board submission to secure the necessary funding for the highways construction agreement. Within a few weeks, everything had been sorted out and an announcement was made on both an Atlantic Vision conference and a new Canada/Highways agreement. The prime minister did not ask Privy Council and the Treasury Board Secretariat or relevant department officials to prepare a proposal and submit it for consideration in the government’s decision-making process. His instructions were clear—make these two initiatives happen. Such incidents are not daily occurrences in Ottawa, nor do all federal–provincial projects enjoy the same status. But they are revealing of what happens when the prime minister decides to get involved.\textsuperscript{13} …

The Centre of Government

At the end of the 1990s, the centre of government remained largely intact, despite a management de-layering exercise in the early 1990s, a massive government restructuring introduced in 1993 and the programme review exercise launched in 1994. It remained intact even though the workload of central agencies should have decreased substantially, given that the PCO has far fewer cabinet committees to service than in the 1970s and the 1980s. The overall size of the government is also smaller than it was in the late 1960s: numerous crown corporations have been sold and over 50,000 permanent positions have been eliminated from the public service. Yet in 1999, the PCO employed 372 people, compared to 209 in 1969. In 1998, the PMO employed 85 people, compared with 40 people in 1968.\textsuperscript{33}

One might well ask, then, what do officials at the centre do? When Trudeau decided to enlarge the size and scope of the PMO in the late 1960s, his first principal secretary sought to reassure critics and cabinet ministers that the office would remain essentially a service-oriented organization. He explained that it existed to “serve the prime minister personally, that its purpose is not primarily advisory but functional and the PMO is not a mini-Cabinet; it is not directly or indirectly a decision-making body and it is not, in fact, a body at all.”\textsuperscript{34} It is, of course, not possible to distinguish between a service function and a policy advisory
function in this context. Drafting a letter or preparing a speech for the prime minister can constitute policy making, and many times it does. There is also no doubt that several senior officials in the PMO do provide policy advice to the prime minister, and if some in Trudeau’s early PMO denied this, advisors and assistants certainly no longer do.35

PMO staffers have the prime minister’s ear on all issues they wish to raise, be they political, policy, administrative or the appointment of a minister or deputy minister. They can also work hand-in-hand with a minister to initiate a proposal, and the minister will feel more secure knowing that someone close to the prime minister supports the proposal. They can also, however, undercut a proposal when briefing the prime minister. In short, senior PMO staff members do not consider themselves simply a court of second opinion. They are in the thick of it, and do not hesitate to offer policy advice or to challenge a cabinet minister.

The role of the Privy Council Office has also changed. Arnold Heeney, the architect of the modern cabinet office in Ottawa, wrote after his retirement that he had successfully resisted Mackenzie King’s desire to make the secretary to the cabinet “a kind of deputy minister to the Prime Minister: or “the personal staff officer to the Prime Minister.”36 It is interesting to note, however, that no secretaries to the cabinet since Gordon Robertson have described their main job as secretary to the cabinet. In 1997, the Privy Council Office produced a document on its role and structure whose very first page makes it clear that the secretary’s first responsibility is to the prime minister. It states that the “Clerk of the Privy Council and Secretary to the Cabinet” has three primary responsibilities:

1. As the Prime Minister’s Deputy Minister, provides advice and support to the Prime Minister on a full range of responsibilities as head of government, including management of the federation.
2. As the Secretary to the Cabinet, provides support and advice to the Ministry as a whole and oversees the provision of policy and secretariat support to Cabinet and Cabinet committee.
3. As Head of the Public Service, is responsible for the quality of expert, professional and non-partisan advice and service provided by the Public Service to the Prime Minister, the Ministry and to all Canadians.37

The direct link between the prime minister and the secretary to the Cabinet and the Privy Council Office is made clearer still in the Office’s missions and values statement. Its mission is “to serve Canada and Canadians by providing the best non-partisan advice and support to the Prime Minister and Cabinet.” Its values statement makes absolutely no mention of Cabinet. It reads: “We recognize the special need of the Prime Minister for timely advice and support. We dedicate ourselves to our work and to the effective functioning of government.”38

When asked to sum up the work of the Privy Council Office from the perspective of a line department, a former senior line deputy minister observed, “If PCO, or for that matter other central agencies, were ever asked to ice a hockey team, they would put six goaltenders on the ice.”39 To be sure, the Privy Council Office has a well-honed capacity to stop the great majority of proposals from line departments dead in their tracks, if it has to. But the Office can also make things happen and take the lead in certain areas if the prime minister so wishes. In any event, in one area—machinery of government—only PCO has the mandate to initiate change. Still, goaltenders can be extremely useful to prime ministers in their efforts to avoid
or manage errors the media might pick up and to keep things on an even keel so that the centre can concentrate on carefully selected policy objectives. …

The Working of Court Government

Canadian prime ministers have in their hands all the important levers of power. Indeed, all major national public policy roads lead one way or another to their doorstep. They are elected leader of their party by party members, they chair cabinet meetings, establish cabinet processes and procedures, set the cabinet agenda, establish the consensus for cabinet decisions; they appoint and fire ministers and deputy ministers, establish cabinet committees and decide on their membership; they exercise virtually all the powers of patronage and act as personnel manager for thousands of government and patronage jobs; they articulate the government’s strategic direction as outlined in the Speech from the Throne; they dictate the pace of change and are the main salespersons promoting the achievements of their government; they have a direct hand in establishing the government’s fiscal framework; they represent Canada abroad; they establish the proper mandate of individual ministers and decide all machinery of government issues and they are the final arbiter in interdepartmental conflicts. The prime minister is the only politician with a national constituency, and unlike members of parliament and even cabinet ministers, the prime minister does not need to search out publicity or national media attention, since attention is invariably focused on the person, the office and even the prime minister’s residence, 24 Sussex Drive.

Each of these levers of power taken separately is a formidable instrument in its own right, but when you add them all up and place them in the hands of one individual, they constitute an unassailable advantage. Other than by defeat in a general election, prime ministers can only be stopped, or slowed, by the force of public opinion and by a cabinet or caucus revolt. Even then, public opinion may not be much of a force if the prime minister has already decided not to run again in the next general election. One only has to think of Trudeau or Mulroney’s final years in office to appreciate this. As well, caucus or cabinet revolts or even threats of revolts, are historically extremely rare in Ottawa, if not so rare in other parliamentary systems, as some British and Australian prime ministers can attest.

Canadian prime ministers have enjoyed these avenues of power for some time; however, other developments have served to consolidate the position of the prime minister and the prime ministerial advisors even further. Indeed this is evident even before they and their party assume office. Transition planning, a relatively new phenomenon in Canada, has become a very important event designed to prepare a new government to assume power. Transition planning also strengthens the hand of court government, given that, by definition, it is designed to serve the prime minister.57 It is the Privy Council Office, however, that leads the process and it is clear that “transition services [are for] the incoming prime minister.”58 Indeed, the focus of the PCO transition planning process is entirely on party leaders or would-be prime ministers. In any event, it would be difficult for it to be otherwise, since in the crucial days between the election victory and formally taking power, the only known member of the incoming Cabinet is the prime minister-designate. For other potential cabinet ministers, it is a “moment of high anxiety,” waiting to see if they will be invited to sit in Cabinet and, if so, in what portfolio.59
The central purpose of transition planning is to equip the incoming prime minister to make a mark during the government’s first few weeks in office. It is now widely recognized that these early weeks can be critical in setting the tone for how the new government will govern. It is also the period when the prime minister will make important decisions on the machinery of government and decide which major policy issues the government will tackle during its mandate. These and such key decisions, such as whether to try to amend the constitution or fight the deficit, are taken or set in motion during the transition period. …

The way to govern in Ottawa—at least since Trudeau—is for prime ministers to focus on three or four priority issues while always keeping an eye on Quebec and national unity concerns. Tom Axworthy, former principal secretary to Pierre Trudeau, in his appropriately titled article, “Of Secretaries to Princes,” wrote that “only with maximum prime ministerial involvement could the host of obstacles that stand in the way of reform be overcome … [the prime minister] must choose relatively few central themes, not only because of the time demands on the prime minister, but also because it takes a herculean effort to coordinate the government machine.” To perform a herculean effort, a prime minister needs carefully selected individuals in key positions to push the agenda. Cabinet, the public service as an institution, or even government departments, are not always helpful. For example, Trudeau established an ad hoc group of officials at the centre to pursue his 1983 peace initiative “largely because of the skepticism of the Department of External Affairs.”

The result is that important decisions are no longer made in Cabinet. They are now made in federal–provincial meetings of first ministers, during “Team Canada” trade visits abroad, where first ministers can hold informal meetings, in the Prime Minister’s Office, in the Privy Council Office, in the Department of Finance, in international organizations and at international summits. There is no indication that the one person who holds all the cards, the prime minister, and the central agencies which enable effective political authority to reside at the centre, are about to change things. In Canada, there is little in the way of internal institutional checks to inhibit or thwart the prime minister. Prime ministers Margaret Thatcher of Britain and Bob Hawke of Australia were tossed out of their offices before their mandates were finished. Their own parliamentary caucuses showed them the door. This would be unthinkable in Canada. Even at the depths of Mulroney’s unpopularity, there was no indication that his caucus was about to boot him out of office. In any event, in Canada the caucus holds no such power. In Britain, prime ministers must still deal with powerful ministers who have deep roots in their party and well-established party policies and positions on many issues. In Australia, the prime minister must contend with an elected and independent Senate.

In Canada, national unity concerns, the nature of federal–provincial relations and the role of the mass media tend, in a perverse fashion, to favour the centre of government in Ottawa. The prime minister’s court dominates the policy agenda and permeates government decision making to such an extent that it is only willing to trust itself to overseeing the management of important issues. In a sense, the centre of government has come to fear ministerial and line department independence more than it deplores line department paralysis. As a result, court government is probably better suited to managing the political agenda than is cabinet government. The prime minister decides, at least within the federal government, who has standing at court.

But this is not without significant implications for national political institutions and, ironically, for Canadian federalism. Indeed, from a long-term perspective, court government
may not be as effective as the courtiers might assume. The fact is that the prime minister and a handful of courtiers can hardly fully appreciate, let alone accommodate, the regional factor in policy making.

Notes
12. See Donald J. Savoie, Governing from the Centre: The Concentration of Political Power in Canada (Toronto: University of Toronto Press, 1999), 152.
13. Ibid., chap. 4.
34. Ibid., 520.
35. See Savoie, Governing from the Centre.
38. See the mandate discussion in Canada, Privy Council Office 1997-98 Estimates.
39. Quoted in Savoie, Governing from the Centre, 122.
57. Jean Chrétien, Straight from the Heart (Toronto: Key Porter, 1985), 108.
58. Ibid., 99.
60. Ibid., 1.
87. Ibid., 262.