

Changing the Guard:

Effective Management of Transitions in Government

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Foreword

One of the cornerstones of Canada's political system is the existence of a professional and non-partisan public service, up to and including the highest ranks of our public administration.

Our traditions in this regard are quite different from those of many other countries, including both our NAFTA partners. In both the United States and Mexico, it is both normal and accepted that elected officials make partisan appointments within the public administration.

This juxtaposition of the partisan and the non-partisan carries within it an inherent tension, as politicians struggle to meet short-term political objectives while public servants attempt to provide continuity and balance.

Nowhere is this tension more apparent, and nowhere is the task of the public servant more difficult, than during the period of transition from one government to another. Balancing loyalty to the current administration against the need to prepare for the possible arrival of a new one is both delicate and sensitive.

Over the last twenty years, however, Canadian public servants and politicians have slowly developed experience in the art and science of transition. The following report summarises the current state of that art, as told by those who are its keenest practitioners.

We hope that it will stimulate debate, and be of use to both students of Canadian government and to those who might be called upon themselves to help guide a transition at the federal or provincial level of government.



David Zussman
President

July 2000

About the authors

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Introduction

On a summer morning in 1993 Mr. Glen Shortliffe, Clerk of the Privy Council, Secretary to Cabinet, and key adviser to Prime Minister Kim Campbell, had an appointment on his calendar to meet with David Zussman, key adviser to Jean Chrétien, then Leader of Her Majesty's Loyal Opposition. The topic on the agenda was an unusual one – what they would do in case Mr. Chrétien were to become prime minister after the next election.

At first blush it might seem surprising that Mr. Shortliffe would agree to such a meeting. As Clerk of the Privy Council, he needs the full confidence of the prime minister in order to do his job, and confidential meetings with emissaries from political opponents would normally be totally inappropriate.

But the role of the Clerk of the Privy Council is a non-partisan one. The clerk is expected to give professional, non-partisan advice to the prime minister based on a thorough analysis of options available. The clerk is also expected to ensure that the policies of the government of the day are implemented in a competent and professional manner, and that the business of government is carried on effectively, even through periods of political change and uncertainty.

At the time of that first meeting between Mr. Shortliffe and Dr. Zussman, no election had yet been called. However, it was widely anticipated that one would be called within the next 12 months. And the process they were engaged in is called “transition” – or how to ensure a smooth passing of the reins from one administration to the next.

For most of Canadian history, new governments at both the provincial and federal levels have taken a casual, some would say ad hoc, approach to transition management. Shortly after an election, the newly elected premier (or prime minister) would huddle with close confidants to see which of their campaign promises they could carry out, and what changes might be required in the public service. Often there would have been little or no contact between an incoming government and senior public servants prior to an election, except on a “private” and even “semi-clandestine” basis.

As a result, newly elected governments often regarded many senior public servants as “loyal” to the outgoing government and therefore “untrustworthy” for the new administration, which frequently replaced them. In the smaller Canadian provinces this is still a common practice.

However, a massive change in staff at the senior levels is necessarily disruptive. Replacement can take months, and even then it can take many more months to develop an effective team. It also encourages the “politicisation” of the senior levels of public administration, as successive governments name public servants seen as “friendly” to their policies.

As a result, the effective management of a smooth transition process has become a priority for both new governments and for the public servants whose duty it is to serve them. Many observers feel that the lack of an adequate transition process compounded the problems facing Premier Bob Rae and contributed to the early downfall of his administration in Ontario. It was clear that the Harris team carefully studied Rae’s unhappy experience, and under the leadership of David Lindsay made meticulous preparations for transition prior to the provincial election in 1995.

At the federal level, the first systematic approach to transition came with the Diefenbaker government, as Nicholas d’Ombain explains in his article. Since then, the transition process has become progressively more systematic and more regularized. It has also become more extensive. For example, from the initial creation of the team, to a final meeting about three days after the election, the Chrétien transition process lasted 18 months. Over that period, the team would meet at least once a month.

The basis of the “transition” meetings lies in the common interests of three different parties – the potential new government, the public service, and the outgoing government.

The interest of those who would potentially form a new government is most clear – they want to take charge. After ten years in political opposition, the Chrétien team had a new agenda. But in order to carry it out, many decisions had to be made. Some of these decisions – like whom to name to a new cabinet – were purely political. But hundreds more – from whether some

government departments should be restructured, to which deputy ministers should be put where, could not be made without detailed information and insight only available from the public servants currently managing the system.

The interest of the public service is also clear. Because the public service is non-partisan, it must be able to loyally serve the democratically elected government of the day. Ideally the public service wants to be in a position to say to a newly elected prime minister "Congratulations on winning the election. We have studied your platform, and we are here to help you implement it. Here are some options we have thought of." This can be done, in part, by studying the platforms and political statements of the various parties leading up to the election. But it sometimes requires face-to-face meetings to understand the new leader's top priorities. In addition, it can also be valuable for the professional public service to explain, from its point of view, some of the key issues that a new government will have to deal with.

And finally, what is the interest of a current prime minister in allowing a chief adviser to meet with those determined to overthrow him or her? The answer lies in two parts. The prime minister has a stake in ensuring that the Government of Canada is administered in a smooth and efficient manner. In addition, the Canadian system is predicated on an alternation of political parties. The outgoing party of today hopes to be the incoming party tomorrow. So everyone has a common interest in managing the whole system effectively.

In the case of the Chrétien transition, Mr. Shortliffe would almost certainly have consulted with Prime Minister Mulroney on the advisability of meeting with the Chrétien team, and they would probably have agreed on the range of topics that could be discussed. And according to written reports, Premier Bob Rae provided exemplary support to ensure the effectiveness of the transition to the new Harris government.

Because of its sensitive nature, there is little written about the transition process in Canada. Most of the process takes place in quiet meetings behind closed doors. Little is committed to paper. As a result, those who are thrust into the transition process often have little to go by.

For this reason, the Public Policy Forum decided to prepare this edited collection of writings on the transition process in Canada. Each is written from a slightly different perspective.

In his article “The 6 ‘P’s’ of Effective Transitions,” Bill Neville summarizes the findings of a one-day roundtable convened by the Public Policy Forum in September 1999, attended by many senior public servants and political advisers who have been directly involved in transitions in federal and provincial governments over the last 15 years.

In the following article, “Managing Transitions of Power in Canada,” Nicholas d’Ombrain sets out a general process for transitions from very early pre-election preparations to transition day. His perspective is that of a public servant ensuring that all the legal aspects are considered.

In the final article, David Zussman sets out a generic description of roles, tasks and responsibilities of the key players for the benefit of new ministers. It is particularly aimed at transitions at the provincial or territorial level of government. The document was originally developed as part of a package developed to assist transitions in Nunavut in 1999 and Yukon Territory in January 2000.

The reader will find some overlap among the three articles, but there is perhaps some comfort in knowing that, despite the different perspectives, there is a high degree of consistency among them.

Finally, for those who would like to explore the topic further, we have prepared a short annotated bibliography.

The Public Policy Forum hopes that this volume will be of use to scholars and practitioners alike.



Peter Larson
Executive Vice-President

January 3, 2001

The 6 “P’s” of Transition¹

Bill Neville, Chairman, The Strategies Group

Introduction

The transition from one government to another, whether the consequence of a general election or a change in leadership of the governing political party, is one of the fundamental expressions of our parliamentary democracy at work.

It is a time for formal ceremony, much of it involving the Governor General as head of state – or, in the case of the provinces, the Lieutenant-Governor. But it also is a time for key political decision making as cabinets are structured and populated, key political and public service appointments are confirmed, and at least the initial directions of a new administration are set.

Despite the importance and profile of government changeovers, relatively little is available in Canada’s governance literature to guide those entrusted with advising political leaders on the most effective means of achieving a successful transition. To help fill the gap, in the fall of 1999 the Public Policy Forum gathered together 17 individuals whom as either political advisers or senior public servants had participated in recent federal or provincial transitions, to try and identify some of the “best practices” of transition.

What follows is a distillation of that discussion, offered in the hope it will be of some practical value to those mandated in the future to help a changeover of government in Canada proceed as smoothly and effectively as possible.

¹ This article was prepared based on the findings of a one-day roundtable held in Ottawa in September 1999. Collectively the participants had managed or played a key role in over 30 transitions at the federal or provincial levels of government. For a list of participants see the acknowledgements on page 68.

The examination of the changeover process focused on what were termed “the six ‘P’s’ of transition”:

1. **Preparation.** The process of transition takes intense planning, beginning well before an anticipated election.
2. **Process** issues, formal and less formal, of transferring power from an outgoing government (or prime minister/premier) to an incoming administration.
3. **Personnel** decisions are central to the process – the structure and appointment of a cabinet, organizing and staffing the prime minister’s (premier’s) office and ministers’ offices, potential changes in the senior public service, and putting in place a system to manage Order-in-Council appointments.
4. **Pressing Issues requiring immediate action:** Who deals with them and how are they dealt with amid the transition process?
5. **Policy** agenda cannot be overlooked. How the government is to be organized to translate an election or leadership platform into government policy and how priorities should be set to move that agenda forward.
6. **Pitfalls** abound. Where the process can go wrong and how to avoid these potential mistakes.

Within these six main headings, note was taken of some important sub-themes.

First, there are, in fact, different kinds of transitions, each with its own particular characteristics. Attention tends to focus on the most evident change, when a new leader and political party win power from an incumbent leader and government. But there also are important transitions when the party in power changes leaders between elections and even when the leader and party in power win re-election.

Secondly, transitions can be seen from two distinct, though closely intertwined, perspectives. Transitions have a healthy dose of partisan politics, driven by the leader’s political allies and advisers. But transition also is an act of governance with significance to – and significant input by – senior public servants, led by the secretary to the cabinet. Getting these respective roles right and achieving the necessary coordination and cooperation between them is one of the keys to a successful transition.

Preparation

By historical standards, preparing for transition is a fairly recent phenomenon. It probably was less than three decades ago that political parties came to power having done little or no advance work on how they would manage the key elements of changeover. Cabinet offices, for their part, provided guidance on the formal steps or rituals involved and not much else.

That changed, certainly by the late 1970s, and now it is unusual for a new leader or government to take office without having done preparatory work of their own and without having received from the senior public service sophisticated and comprehensive advice and briefing materials. (Unusual, but not unheard of. One thinks of the New Democratic Party's surprising – including to itself – victory in Ontario in 1990 and the scramble that ensued, not without cost, to cope with transition questions that really had received little advance consideration.)

On the political side, preparation these days usually involves the appointment by the leader of a party contending for election or by a candidate for the leadership of a party in or, hopefully near, power of a transition team or committee to work on changeover issues. Ideally such a committee would be in place 6-12 months before the election or leadership convention occurs.

Experience suggests there are several “best practices” in putting together a political party's transition team. Its leadership and membership should:

- have the personal confidence of the leader,
- consist of individuals who have practical knowledge and experience of how the government decision-making system actually operates,
- be separate from the party's election campaign or the candidate's leadership campaign team,
- be knowledgeable of the party's election platform or the candidate's leadership platform and the style of leadership with which the would-be prime minister (premier) is most likely to be comfortable, and
- not be individuals who expect or are expected to play a significant ongoing role in a new government.

Transition is not a “business” exercise and thus, absent some of the above qualities, corporate executives probably are not the first choice for this assignment. And it is simply too important to be handed off to a leader’s political “cronies.”

Much of the political preparatory work will centre on key personnel issues facing the new leader. Does the leader’s platform include proposals for major changes in the cabinet structure or system? Who are the elected members or candidates who should be on a long list of potential ministers? Does the leader have the staff resources for his or her own office? Can the team assemble an inventory of potential political aides for ministers’ offices? And on the non-personnel agenda, what are the one or two key events or accomplishments that a new leader would like to achieve in the early days of the mandate?

Within the senior public service, led by the cabinet secretariat, preparing for transition also has become a process launched well before the actual event. Election campaigns, during which political leaders are busy campaigning, governing per se tends to be on an “only as required” basis, providing a particular opportunity for the cabinet secretariat and other senior officials to collect the information and advice they will have ready for a new leader following an election or leadership convention.

The transition preparatory agenda for the public service is a mix of procedural guidelines and policy briefings and analysis. There are now, for example, well-established protocols on what is necessary and appropriate to ease the departure of an outgoing government or leader and to facilitate the assumption of power by a successor. There are short-term issues and near-term events on which almost immediate decisions and direction are required. Political platforms can be analyzed and at least initial advice provided on how they can best be implemented. Economic and fiscal updates are virtually a standard request of any incoming government or leader.

The result of all of this is an ever-expanding series of “briefing books,” binders delivered to an incoming prime minister or premier by the cabinet clerk to help him or her decide on everything from who will staff and pay for the official residence to where and how contact with other world leaders should be initiated. One wonders what prime ministers designate past did for bedtime reading without their “books”!

Process

While there is a lengthy list of things that happen when one government or leader succeeds another, it is, above all else, a political process focused on two essential transactions – the taking of power and the formation of a cabinet. Everything else is, in a sense, secondary.

There is no fixed or legal timetable for a transition. Rather, the timing is essentially to be negotiated between the incoming and outgoing leaders with due sensitivity to the prerogatives of the third major party – the Governor General or Lieutenant-Governor – who will formally accept the resignation of the outgoing first minister and government and formally install their successors.

Given the critical importance of many of the decisions involved, especially in terms of personnel, the best advice probably is to take one’s time and not rush unduly the understandable desire to take hold of power. Two weeks would seem to be a base minimum; depending on circumstances, up to a month is not an excessive time period to carry out a smooth and efficient transition.

(Occasionally, of course, one does not have the luxury of choosing a measured pace for the changeover. Governments, especially where no party has a majority in parliament, can change without an election or leadership contest, as happened in Ontario in 1985. In such circumstances, the transition timetable is by necessity impacted and an incoming prime minister or premier probably has no choice but to make the required decisions in a short time span, in the hope and understanding that circumstances will allow adjustments going forward.)

A successful transition process demands effective cooperation among a handful of key players – the outgoing prime minister (premier) and his or her most senior political staff member, the

incoming prime minister and his or her senior transition adviser, and the cabinet secretary. Together or in some combination, these five individuals will make and at least set in motion the implementation of most of the key decisions, including:

- the precise timetable and arrangements for the formal handing over of power;
- the necessary arrangements to accommodate the outgoing administration, including disposition of its official and personal papers, severance and other provisions for outgoing political (Order-in-Council) staff and appointees, and even, in the case of federal leaders, transitional housing arrangements; and
- disposition of the “can’t wait” government decisions that must be made before the formal changeover is completed.

It is worth considering that a transition is, first and foremost, a political event and a communications event. The key decisions are essentially political. While many of the deliberations leading to decisions are wrapped in as much secrecy as can be realistically achieved, the decisions themselves are very much public. How they are communicated – or “spun,” as the current terminology puts it – is of critical importance to a new government. Its political advisers most certainly will give top priority to these communication challenges, and senior public servants are well advised to be sensitive to them and, within limits of outright partisanship, to be prepared to facilitate them.

One cannot over-emphasize the critical importance to a successful transition of establishing an effective working relationship between the incoming leader’s principal political and public service advisers. Each has a key role to play; each has particular roles and responsibilities. But the dividing lines of responsibility are murky at best; the practical reality is that most of the key decisions lie ultimately with one person, the prime minister or premier designate, who is dependent on these most senior advisers for clear, constructive – and coordinated – advice.

Both sides are well served when they leave preconceived biases at the transition door. Political aides and advisers, especially if their party has been in opposition for some time, often develop a “them” attitude toward the senior public service and approach

power with a “we’ll show them who is in charge” mentality. There are still some senior public servants who look on political staff with a “what do they know” disdain and treat them as a kind of necessary evil.

Both attitudes are destructive and ill serve the incoming leader and government. It is a benchmark of virtually every successful transition that senior political and public service advisers accepted each other’s roles and responsibilities and worked in concert to provide their common prime minister or premier designate with the best advice and assistance they together can provide.

Finally, there is one question that arises under the heading of both process and personnel. It is whether the transition from one leader and government to another is the appropriate time to make major changes in the structure of government.

Many incoming prime ministers or premiers, as a result either of their election or leadership platform or of the preparatory work done by their transition team, come to office with definitive plans about how their government, especially their cabinet, will be organized. The most common initiatives in this area involve the creation, consolidation or elimination of ministerial portfolios or departments that existed under the previous government or perhaps the use of “junior” ministers (Secretaries of State or Ministers without Portfolio) as a feature of their administration.

Modest changes of this kind can and should be accommodated within the transition process. Hopefully a leader’s transition team will have done the necessary homework. Senior public servants undoubtedly will have noted such proposals and prepared a “here’s how to do that” briefing note.

The more difficult judgment arises if the proposed changes in structure are of a magnitude to fundamentally alter the shape of the government and thus require wholesale change in the ministry itself.

On this question there is no overall consensus. Some argue that the outset of a fresh mandate is precisely the time to initiate such changes, before a new government becomes settled into the inherited status quo and resistant to major disruption of it. Others worry that asking a new leader and government to simultaneously

get a firm hold of the reins of power while fundamentally altering the structure and operation of government is asking too much of what might be a neophyte administration. Better, in this view, to get settled into government first and be sure you understand its levers and pitfalls before initiating major structural change. Those who were involved in the 1993 transition when newly-chosen Prime Minister Kim Campbell launched her short-lived government with a major reduction in the ministry and a wide-ranging restructuring of government departments believe on reflection that this was an overly ambitious – and disruptive – agenda at the outset of a new government.

Personnel

Other than the formal process of taking office, transition is dominated by “people” questions as the prime minister or premier designate assembles the team of elected representatives and appointed officials who will be the key players in virtually all of the decisions the government will make.

At the top of the “people” agenda is the formation of a cabinet. While there are many ways to go about cabinet making – and this exercise, like many others, will be affected by the personal style and biases of the incoming leader – the ideal sequence would go like this:

- First, decisions need to be made on the size and shape of the ministry. Reducing the federal cabinet from 35 to 23, as Kim Campbell did in 1993, poses quite different challenges from forming a ministry of 30-plus members. One needs here to decide whether specific portfolios are to be added, combined or eliminated, and whether some form of “junior” ministers (such as Secretaries of State) are to be used to supplement the basic ministry. These are essentially political decisions, driven by the leader and his or her senior political advisers, with input from the cabinet secretariat on how best to deal with questions raised by any revision to the existing ministry.
- The next step normally involves putting names to the major or central portfolios – federally, departments such as Finance, Industry, Foreign Affairs, and Justice. As far as practically possible, these choices should be driven by merit; put the

“best and the brightest” in the jobs which are central to the government’s success.

- Ideally one should fill the rest of the available portfolios on the same merit principle. However, few prime ministers or premiers designate have been able to ignore representative issues of gender, geography, ethnicity and the like in building a cabinet. These factors may mean some apparent sacrifice of pure talent or quality, but ours is a representative system of democracy and all Canadians should feel that their interests are represented within the cabinet that will direct the nation’s business.

Putting a cabinet together is a time-consuming exercise, especially in the case of a full-blown change of government. There really is no substitute for having the prime minister or premier designate meet individually with each appointee and being satisfied that not only is the right person in the right post, but that the individual involved has no “skeletons” that would effectively disqualify him or her from cabinet duty. (Security checks of a leader’s “long list” of cabinet candidates, done through the cabinet office, are another means to protect against unforeseen surprises.)

While putting together a cabinet is the number one personnel challenge facing an incoming leader, he or she has other important people decisions to make.

1. The Prime Minister’s (or Premier’s) Office

Under our system, the leader of a government has the right to appoint his or her personal staff who are confirmed by Order in Council and not subject to relevant public service legislation. Most leaders arrive at the door of power with personal aides they have accumulated in opposition or during the election or leadership campaign. Loyalty and comfort often incline a leader to keep most of these people in place in government, but it is worth noting that governing is a different and more challenging ball game, and a prime minister or premier designate perhaps can attract talent that was not available before reaching high office.

There is no single organizational model for a Prime Minister’s Office (PMO) or Premier’s Office. As in other areas, a leader’s office needs to reflect his or her style or way of doing business. But some basic guidelines would suggest that there needs to be a senior staff member at the top of the organizational chart

(Principal Secretary or Chief of Staff), and units reflecting the main needs or demands of the leader – time management, including travel; policy, especially the politics of policy; communications and media relations, and Order-in-Council appointments. The office also requires an administrative head and basic services such as a correspondence unit.

2. Ministers' Offices

The prime minister (premier) is not the only one who needs political staff; so do all the new cabinet ministers. As a general rule, ministers' staffs will not be as large or elaborate as the PMO or Premier's Office, but they need to be organized and staffed to cover off many of the same functional areas.

There is continual debate among transition veterans over how much central influence or control the prime minister (premier) and his or her senior advisers should seek to exercise over ministerial staff appointments. Some argue that a fair amount of central direction is required; otherwise the likely outcome is that the most able ministers will attract the best staff and the less experienced ministers will get what's left. Others counter that ministers are entitled to select their personal staff as the prime minister or premier does, and that too much central control leads inevitably to ministers and staffers who are not really comfortable with each other.

While this debate is far from over, some consensus has emerged about best practices for ministers' staffs. One is that among the responsibilities of the leader's transition team is the need to put together a personnel file of interested and apparently qualified individuals who are available for these assignments and which thus provides a minister who needs help with a pool from which to draw. It is also acceptable for a leader's office to lay down at least guidelines in regard to the makeup of a minister's office (objectives in regard to language and gender, for example) and to at least ask to be advised of the minister's choice for his or her most senior political aide before the appointment is finalized.

3. Order-in-Council Appointments

Senior governments have the right and responsibility to make literally hundreds of what are called Order-in-Council (OIC)

appointments, i.e. appointments made by cabinet order generally outside the purview of the public service regime. Many of them are part-time assignments to boards and agencies of government; some are full-time appointments to head Crown Corporations and other important agencies. Many are the formal prerogative of the prime minister or premier; in practice, his or her office exercises at least the right of final sign-off over almost all of them.

The Privy Council or Cabinet Office manages the machinery and system necessary to process these appointments. But the appointments themselves are essentially “political” and thus it has become a standard feature of the modern-day PMO or Premier’s Office to include a senior staff person whose principal responsibility is to gather recommendations and bring politically-acceptable nominees before the leader and the cabinet. That individual’s role normally includes liaison with the line and regional ministers with an interest in a specific appointment and perhaps also with groups like the caucus and the political party’s hierarchy.

Debates in the media about OIC appointments usually imply that the choice is between appointees of merit and “political” nominees with, according to the media, the latter usually getting the appointments. To many, that seems a false debate – unless one believes major political parties have no supporters with the required ability and experience to serve on a government board. The problem frankly is that on too many occasions the system seems to settle for politically-acceptable choices without searching very hard to find nominees who are both qualified and, if necessary, also of the “right” political persuasion. Governments who consistently fail to seek out that combination put themselves at risk; poorly performing boards of directors encourage poorly performing Crowns or agencies that inevitably cause problems for the administration.

4. Senior Public Service

Deputy ministers, led by the clerk of the cabinet, are themselves Order-in-Council appointees who serve in their positions at the pleasure of the prime minister. Thus, especially when a new government takes office, there usually is a debate, especially among the leader’s transition advisers, over what changes, if any, are needed in the senior public service.

In theory – and this indeed is often the practice – the short answer should be “none.” Senior public servants usually rise to the top of the organization because they are the most able and competent in the system. We pride ourselves, both federally and provincially, on the professionalism of our career public servants. Thus, their ability to serve governments of different political stripes should not be an issue. Occasionally the outgoing government has put individuals of clear partisan identification into senior government positions; if so, a new government has every right to replace them, hopefully with competent non-partisan professionals.

A good working relationship between an incoming leader and his or her cabinet, on the one hand, and the senior public service, especially the deputy minister community, on the other, is one key to a successful transition. It is important that an incoming prime minister or premier communicate early in the process with the senior public service, outlining to them the new government’s plans and priorities, his or her expectations of them and, hopefully, his or her respect for their ability and integrity as professionals.

Pressing Issues

During a transition, the incoming leader and his or her political advisers are focused primarily on the major challenges, especially in the personnel area. But there are a myriad of other issues that arise in the period immediately following an election or leadership contest and require attention and management.

There are, to begin with, a number of short-term administrative matters to be handled. The outgoing leader and/or government and the outgoing political staff have severance, pension or other personal questions to settle. They need help to remove their personal effects from their offices, remove or disposal of personal documents, and to make the necessary arrangements for official papers to remain within the government. There are well-established precedents and protocols for all of this which should be respected.

While a leader and a government technically remain in power until their formal resignation is submitted, it is clearly understood that outgoing leaders and ministers will not make any decisions of substance or consequence without consulting with the incoming leader. Good communication between the senior political staffs of the outgoing and incoming leaders can go a long way to avoiding unnecessary misunderstandings.

The early days of the transition process are particularly important for the senior public service. For them, it represents their initial opportunity to establish a relationship of mutual respect and trust with the new political leadership.

Senior public servants who have dealt with changes in leadership and/or government emphasize the need to “set the right tone” for the relationship right at the outset. That tone needs to balance a genuine offer of assistance and support with an honest assessment of the challenges and problems facing the new leader or administration.

This initial exchange between a new leader and the senior public servants also will allow the latter to get some sense of the leader’s preferred style or approach to governing. Will it be centrally driven or more “bottom up” in developing and driving the agenda? What consultative processes will be emphasized and with whom – caucus, the public service, interest groups, etc.? How does the new leader want to stage or prioritize over four years the platform or agenda he or she brought to office?

Senior public servants can be particularly helpful to new leaders in identifying gaps which need to be addressed between policy and legislative plans or goals and the effective operation of the government. Policy gets the lion’s share of attention during an election or leadership contest but, in fact, it is only one element of “good government.” Maladministration can undercut good policy ideas.

One issue that arises under this general heading is the challenge presented by a leadership race to replace an incumbent prime minister or premier, where many of the leading candidates are themselves incumbent cabinet ministers. The issue is twofold. First, can ministers seeking to become party leader at the same time pay adequate attention to their portfolios? And secondly,

how does one ensure that ministers involved in a leadership campaign do not abuse their position or the perquisites that go with it to further their partisan campaigns?

There is precedent for requiring that ministers seeking to succeed an incumbent prime minister or premier resign their portfolios once they declare their candidacy. Recently, the tendency has been to stop short of that and to rely instead on strict guidelines for such ministers, especially in terms of the use of their Order-in-Council staff, government aircraft, and the like for leadership campaign purposes.

Policy Challenges

The longer-term challenge facing a new leader or government is primarily one of agenda. Do the leader and his or her associates know what they hope to achieve over the four to five years of their mandate? Do they have a sense of timing or priority?

Every government is to some extent diverted from its initial agenda. Unforeseen “crises” are certain to develop from time to time – especially if the political opposition is doing its job – that have to be managed. Policy initiatives not on the original government agenda can develop within the system and become de facto a major part of the government’s program (e.g., the free trade initiative of the Mulroney government).

How susceptible to “derailments” a government is depends to no small extent on how well prepared its agenda is when it comes to office. The most recent textbook in this regard was written by the Ontario Progressive Conservative Party under leader Mike Harris in 1995. Its “Common Sense Revolution” platform was completed and published a full year before the election. The Harris transition team worked months in advance of the election on what would be required to turn the platform into legislative action. Party candidates were summoned to “platform school,” tested on the results and sent off with firm instructions on how to sell and stick to the agreed script. All in all, it set the standard for platform preparedness and execution.

How governments function going forward ultimately reflects the style and personality of their leader. In Ottawa, governments have moved from the highly structured system of the Trudeau

era through a Mulroney prime ministership much more given to *ad hoc* problem-solving arrangements, to Prime Minister Chrétien where the inner circle keeps tight rein on key issues, while allowing individual ministers plenty of scope to run the day-to-day operations of their ministries.

There is a growing concern that in some cases the cabinet system is losing its focus. Memoranda to Cabinet (MCs) and Ministerial Recommendations (MRs) are becoming ever larger and more complex. There is a growing tendency to effectively replace them with presentation “decks” that try to maintain cabinet members’ interest and attention by reducing complicated policy issues to a series of one-liners. Some see grave risks in continuing along this path. The key, in their view, is to tightly control the number of issues cabinet is asked to consider at any point in time to encourage more focused government and to ensure that important issues receive the discussion and consideration they deserve.

Pitfalls

Transition, by definition, is a risky process. New leaders and new governments are being asked to make fundamentally important decisions, often before they have gotten their feet wet in power.

To avoid some of the pitfalls, it is critically important to understand that transition is, above all, a political process, not an administrative one. Its essential purpose is to allow a new leader and government to take office and for a prime minister or premier to form a cabinet. The first task of transition advisers is to help the incoming leader achieve those two objectives. Any other agenda is *per se* secondary and should not be allowed to interfere with the fundamental objectives of the exercise.

Transition is also about building relationships – between the leader and his or her senior political and public service advisers, and between these two groups. Sound relationships based on respect and trust formed in these initial days will provide an important foundation going forward. Conversely, if these relationships start off badly, they virtually guarantee serious problems for the new leader in the days ahead.

One experienced transition adviser emphasized the importance of understanding that “Transition is about emotion, not intellect; it is about perception, not fact; it is about body language, not content; it is about trust and mutual understanding. It is much less about structure, issues, policies or administration that we think it is.”

Are there characteristics of contemporary politics and government that may require some rethinking about the transition process? One can identify at least three such factors.

The first is the loss of collective memory and shared understanding of the conventions of our system of government. It is not unusual in modern politics for a political leader and his party to come to power with virtually no previous knowledge or experience in government. That would seem to re-emphasize the need for effective training and development programs, certainly for political staff, but perhaps for inexperienced ministers as well.

A second reality of modern politics is that the power and influence of political parties have declined, replaced by “the cult of the leader” with effective power very much concentrated in the hands of the prime minister or premier and his or her principal advisers. Those advisers, in particular, need to think about the issue of balance and the long-term advantage to the government of having capable ministers supported by qualified and trained political staff.

Finally, one might note what one commentator has termed “the convergence of politics and entertainment.” Style matters – and thus the way governments act, or are seen as acting – is often as important as what they actually do. “Selling the government” may be an essentially partisan activity correctly left to political staff, but public servants should understand just how important messaging is in the politics of today and that the public service inevitably will have some role to play in communicating the government’s main messages to the public.

Perhaps the ultimate pitfall is to believe that there is one transition template that fits all. In fact, each transition, whether it involves a change of government, a new leader or simply adjustments following an incumbent’s re-election, is an event unto itself that requires a plan hand-tailored to the circumstances and personalities of the situation.

Conclusion

Each transition is unique, with its own special characteristics, personalities and challenges. And because few people are asked to steer more than one or two transitions, it is almost always the case that those who are responsible have limited experience in the endeavour. However, approaching the transition from the point of view of the six “P’s” might help provide a framework for attacking the challenge in a logical and effective manner.

Managing Transitions at the Federal level in Canada

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The transition of power between administrations places the spotlight on the permanent institutions of the state, particularly on the senior levels of the public service. The leaders of the permanent public service provide continuity between administrations. Their ability to earn and retain the trust of successive administrations is a critical factor in the smooth transition of power from one group of elected officials to another.

Transitions of government are about the handing of power from one administration to the next. Transitions occur between administrations formed by different, adversarial political parties, or they can occur within the governing party when its leader is changed and succeeds to public office. This article will focus on transitions of the federal government.

Transition planning takes place prior to every federal election in Canada, as well as whenever the incumbent prime minister indicates his or her intention to leave office. Transitions themselves occur quickly, leaving little time to improvise; they usually occur within the space of about ten days, the period between the polling of the general election and the day on which the new government is sworn into office. This is a period of intense activity for the outgoing government, the secretary to the cabinet and the staff at the centre of government (in Canada, the Privy Council Office), and above all for the prime minister designate. Advanced preparations are, therefore, essential.

More often than not, general elections do not result in changes of government; but in the event of the re-election of the incumbent government, a good deal of the work involved in transition planning is applied by a re-elected prime minister in reinvigo-

rating the government, shuffling ministers, changing mandates and organization, and bringing in new blood.

A successful transition will bring the new government to office smoothly, with the new prime minister supported by a cabinet and a decision-making system that reflects his or her needs while respecting the requirements of the constitution. Decisions made during a transition provide an opportunity for the prime minister designate to set a personal stamp on the new administration by adjusting its organization and issuing instructions to ministers that reflect his or her appreciation of the overall needs of the government. The intensive process of transition permits a new prime minister to get to know the secretary to the cabinet and to get a sense of the loyalty and effectiveness of the public service as a whole.

Since this is a paper about the Canadian experience, with orderly transitions of democratic government, the next section provides the political context within which transitions occur in Canada.

The Constitutional and Political Context

Canada is a parliamentary democracy that operates under a single constituency, "first past the post" electoral system. It is a Westminster-style form of responsible government based on the collective responsibility of the ministry to the House of Commons. In the 133 years since Canada's existing administrative constitution was adopted, there have been 36 general elections, producing 27 majority and 9 minority governments. The electoral system has ensured that for the preponderance of its history, two political parties, Conservatives and Liberals, have dominated the federal parliament. These two parties have exchanged power 15 times.

With the exception of the second Borden administration, formed in 1917 during wartime (following a general election prior to which the opposition Liberal party split), Canada has never had a coalition government. It has, however, had a good deal of experience with minority governments, where one of the dominant parties has been dependent on the day-to-day support of various minor parties that have sufficient regional importance to win seats. These periods of minority government have provided an opportunity to learn about managing government in uncertain political conditions, where a loss of a vote of confidence can

result in the fall of the government or the calling of a new election at any time. In addition to the 15 transitions of government between the two dominant political parties, Canada has had 9 transitions of power occasioned by changes in party leadership, which precipitate the succession of prime ministers.

All of these changes of government have occurred peacefully and in a relatively orderly way. The credit is due to Canada's political culture, which places high value on the rule of law and respect for duly established processes. These values are fundamental to successful transition planning, and without them would not exist. Indeed, the transition planning and processes described in this paper are of relatively recent vintage, at best a complement to the fundamental values that have shaped Canada.

Canada's modern experience with transitions of government began in 1957, when the Progressive Conservatives replaced the Liberals, who had been in office since 1935. Prior to 1957 not much was done to support transitions of power. Prime ministers and their (then very limited) political staff appear to have done whatever was necessary. Until the late 1940s the only guidance new prime ministers received was a copy of an Order in Council dating from 1896 that enumerated the powers of the prime minister.

The 1957 transition was the first transition since the creation, in 1940, of written records of the agenda, submissions, deliberations and decisions of the cabinet. The existence of such papers raised questions about the confidence of the outgoing government that its political secrets would not be exploited by their political adversaries about to form the new administration.

Two solutions offered themselves: to destroy the papers, or to place them in the hands of the secretary to the cabinet with the explicit directive, agreed to by the incoming prime minister, that this official would provide only essential information to the new administration, and nothing that could be used for political purposes. The incoming and outgoing prime ministers were persuaded by the then secretary to the cabinet that the destruction of the records of the government would be a retrograde step that would make the incoming administration's task that much more difficult. Thus, a deal was struck that appointed the secretary to the cabinet and his successors as the custodians of the cabinet secrets of successive administrations. This agreement was formalised in

writing between the incoming and outgoing administrations in 1957, and the exercise has been repeated with every change of prime minister since that time, including transfers from one prime minister to another within the same political party.

The agreement of 1957 gave the secretary to the cabinet, who is the senior public servant, a particular set of responsibilities to provide for continuity of government from one administration to the next. The position of secretary to the cabinet had not existed prior to 1940, when the modern cabinet secretariat was first established. The public service had not had a recognized senior member prior to the creation of the office. There had, therefore, been no locus of authority and leadership for planning and managing transitions. In addition, because the Liberals governed without interruption from 1935 to 1957, there had been no modern occasion requiring the public service to prepare for the transition of power.

The role assigned to the secretary to the cabinet in 1957 became the basis for the current preparations made by the public service prior to each federal election. The viability of the role depends on a political culture that requires the public service to be non-partisan, and expects politicians to assume that public servants will behave professionally, providing the incoming administration with the same loyal support as given to its predecessors. The extent to which these conditions are satisfied will vary in proportion to the professionalism of the public service, the experience of politicians, and the quality of leadership of the public service.

The Transition Process

There are three sets of players involved in the transition of political authority from one governing party to the next, and the transition arrangements have three reasonably distinct phases. The players are:

- the outgoing administration; in particular the outgoing head of government;
- the incoming head of government and his or her key political advisers; and
- the public service; in particular its permanent head, in Canada the secretary to the cabinet.

A successful transition depends on the ability of each of these to play an appropriate role and to do so in highly charged and generally difficult circumstances. It also requires a good deal of preparation, often entailing months of work. The phases of transitions are as follows:

- development of briefing material about forming an administration and options for government organization and decision-making systems and processes; this usually begins in earnest about three months before an anticipated general election;
- the management of civil service activities and transition preparations during the election campaign (until recently federal campaigns in Canada ran for a minimum of 47 days, now reduced to 36); and
- the transition itself: the ten days or so between polling day and the entry into office of a new administration.

The secretary to the cabinet needs the capacity to advise on the machinery of government in all its aspects, including:

- the administrative constitution, its underlying doctrine and the practical institutional relationships necessary for its proper functioning;
- options for the organization of decision-making;
- the principles of government organization;
- the existing distribution of ministerial mandates and options for change;
- options to deal with specific organizational issues and problems;
- ethics in government;
- options for developing strategic policy: e.g., a cabinet priorities committee;
- agenda planning and management for the government and the prime minister;
- civil service management and senior appointments; and
- relationships between ministers and civil servants, including the role of political advisers.

The Canadian prime minister exercises important powers that make it vital for the secretary to the cabinet to develop expertise in all these matters. The prime minister is always the head of his or her political party. He or she appoints ministers and the senior members of the civil service, who are career officials even though they are referred to as "deputy ministers." The prime minister chairs and organizes the work of the cabinet, appointing ministers to chair cabinet committees and determining their membership. The cabinet secretariat, present at all official meetings of ministers, answers to the prime minister and keeps him or her fully informed of everything of significance that occurs in government.

The effectiveness of transition arrangements depends in very large measure on the role played by the prime minister in the Canadian system of government, and the functions and duties that fall on the secretary to the cabinet as a consequence.

A successful transition process will be built on the development of a smooth working relationship between the prime minister designate, his or her chief political adviser and the secretary to the cabinet. This is not only important for the process of transition to run smoothly, but it sets the tone for the future relationship among these key participants in government.

In Canada the secretary to the cabinet acts as the deputy to the prime minister, the adviser to cabinet ministers and the head of the civil service. It is essential that he or she and the prime minister work together closely and in harmony. Their relationship can be greatly influenced by the prime minister's political staff. The prime minister is provided with a budget to appoint a staff of political advisers. These people are partisans; they are not public servants, although they are paid from public funds and they fulfill semi-official functions. Their tasks are to provide a political overlay to the activities of government that affect the political fortunes of the party forming the government. They are influential in the development of policy, the appointment of individuals to senior positions (except for the senior public service) and the management of day-to-day crises. They provide political (as distinct from official) liaison with ministers and the political staff of ministers, with the government and opposition members of parliament, and with numerous interest groups.

The head of the prime minister's team of political advisers is usually a prominent, but non-elected, member of the government party. He or she should have the skills and experience to work with the secretary to the cabinet in providing the prime minister with co-ordinated advice, combining official and political perspectives on the issues of the day. The prime minister's political advisers work under the direction of this individual, who is normally called the principal secretary to the prime minister or the chief of staff.

Phase 1: Pre-election Preparations

The preparatory work requires a good deal of tact. The outgoing government seldom knows, or wishes to acknowledge, that it is likely to lose an election. Even in cases of transitions of power between prime ministers of the same party, transition arrangements can be the subject of misunderstandings and tensions between the new and the old.

In the six months or so prior to an anticipated general election, the prime minister will normally authorise the secretary to the cabinet to begin the work necessary to manage a transition.

Ideally, the prime minister will authorize the secretary to the cabinet to brief the leader of the principal opposition party (potentially the next prime minister) in a general way on the scope and character of work that will be undertaken to prepare for the possibility of a change of administration. The briefing will be mostly oral, although the opposition leader is sometimes given a list of the subject matters that will be covered in the transition material.

The initial contact with the leader of the opposition may be supplemented by meetings between the secretary to the cabinet and a political adviser designated by the leader of the opposition. The format of such meetings varies, but generally the practice has been for the secretary to the cabinet to be accompanied by the senior member of the cabinet secretariat whose duties include responsibility for machinery of government. The purpose of such meetings is for the public servants to learn more about the matters that the leader of the opposition would expect to be briefed on in the event of having to form an administration.

The secretary to the cabinet would inform the prime minister of such meetings, but would not normally brief the prime minister on their content.

Fundamental to these arrangements is the principle that only the secretary to the cabinet and his or her senior staff will be involved in such contacts with the leader of the opposition and his or her staff. The permanent heads of departments and other senior civil servants are specifically told that they are not to have contact with members of the opposition or their political advisers in the pre-election period. If there is a requirement to brief the opposition leader on a particular matter, the briefing will be arranged by the secretary to the cabinet who will normally be present when the briefing is given. It is extremely rare for such briefings to occur until after the results of the election are known.

The purpose of these arrangements is to minimize the opportunity for misunderstanding to arise. Ministers, in particular, cannot be expected to be at ease with the idea of their officials consorting with the opposition in the run up to an election. Nor should the possibility be overlooked that senior officials will try to ingratiate themselves with prospective new ministers and their political advisers. Attempts to do so undermine the relationship between the ministers and the public service, and sow doubts about the civil service's loyalty even in the minds of the opposition.

For these arrangements to work, it is essential that the prime minister remain in charge of the government, that the secretary to the cabinet be seen as the senior civil servant, and that the centre of government have the capacity to manage the process of transition. This means being able to work with line departments in developing briefing material and being in a position to present a potential new prime minister with a range of briefings, some directly within the expertise of the centre of government, others being matters that relate to the responsibilities of particular departments, but about which the prime minister designate needs to know enough to make decisions essential to taking office, such as the selection of ministers for particular portfolios.

The centre of government, in Canada the Privy Council Office, needs to have skills in policy and planning as well as machinery of government to support successful transitions of power.

Phase 2: The Election Campaign

When the election is called, the secretary to the cabinet will convene a meeting of all deputy ministers to review issues related to the ongoing conduct of government during the campaign and preparations either for the possibility of a change of government, or for changes of ministers, mandates and organization in the existing administration.

During an election campaign, the normal decision-making activities of government are much reduced. The cabinet may only meet once every two weeks, and even then the schedule may be very flexible. There are no formal restrictions on the sorts of issues that can be decided, but it is normal for governments to exercise a degree of restraint during electoral periods.

The secretary to the cabinet usually issues written guidance to deputy ministers concerning the use of civil service resources during election campaigns. For example, ministers may not use government aircraft for official business if any part of the journey has a partisan political purpose; ministers' political advisers must take unpaid leaves of absence if they wish to work on the election campaign; ministers may not use routine government publications to promote themselves or their political party.

The secretary to the cabinet will set out the ground rules that forbid deputy ministers and other officials from contact with members of the opposition or their political advisers in the run up to and during the election campaign without the express authorization of the secretary to the cabinet, which is rarely given. At the same time, the secretary to the cabinet will remind deputy ministers of the importance of preparing comprehensive briefings for new ministers of either party, including any policy proposals brought forth during the election campaign. Exceptionally, the secretary to the cabinet may ask particular deputy ministers to work with the staff of the Privy Council Office in preparing material on organizational and policy issues that may require action either by a re-elected government or by a new administration.

Phase 3: Ten Days of Briefing and Decisions

By the time of polling day, the secretary to the cabinet will have completed a lengthy process of preparation and consultation with colleagues in line ministries that permit him or her to assemble all the advice that will be needed in the event a new government is elected.

Provided the results are clear, the prime minister will normally concede defeat as the votes are counted on election night. If the results are unclear, the cabinet secretary will immediately produce briefings and advice for the prime minister on how to proceed in deciding whether to retain office and meet the new parliament (at the earliest possible date). This is a complicated subject, but it is one of the important scenarios that the cabinet secretary must be ready to advise on, if necessary, on election night.

Once defeat is conceded, the prime minister becomes the head of a caretaker administration. The secretary to the cabinet will have a briefing at hand on how to conduct a caretaker administration. With the prime minister's approval, ministers will be instructed by the secretary to the cabinet that they are to continue in office but not to take important decisions without first consulting the prime minister and the secretary to the cabinet. Sometimes this is done at a final meeting of the cabinet during the transition period. The prime minister remains responsible for governing the country during the transition period.

Ministers also need assistance in preparing to leave office. Much of this will come from their departments, but key issues such as the disposition of papers need to be directed by the prime minister with advice from the secretary to the cabinet. Instructions are needed from the centre of government about the severance entitlements of political staff. The personal position of the outgoing prime minister also needs attention: vacating the official residence in a dignified manner; ongoing security to include the family; pension and any other special benefits as a former head of government.

The prime minister will usually meet with the prime minister designate within a day or two of election night. The secretary to the cabinet may attend part of this meeting, and will advise on the timing of the actual transition of government. As noted, the transition usually takes place within about ten days. The prime

minister announces the agreed date, and the work of the prime minister designate begins in earnest.

In many cases, the prime minister designate already knows the secretary to the cabinet. They may even have worked together as minister and deputy in an earlier administration. Sometimes the secretary to the cabinet has accepted the position on the understanding that the leader of the opposition would be prepared to work with him or her in the event of becoming prime minister. It is also the case that sometimes the leader of the opposition has had fairly negative views about the secretary to the cabinet. In the latter event, Canada has precedents for the early removal of the secretary to the cabinet or for his or her removal once the transition process is fully complete (usually three to four months). Obviously, the quality of the relationship, or at least its potential to develop into a fruitful relationship, makes a major difference to the transition process.

The first item on the secretary to the cabinet's agenda is to meet with the prime minister designate to discuss practical support arrangements. The prime minister designate and his or her staff will need temporary office space and support services. The backgrounds of the political staff will need to be checked pending full security clearances. The prime minister designate and his or her chief of staff will need transportation and secure communications. The prime minister designate and his or her family will require enhanced security. They may also need temporary accommodation, and the spouse will need to be briefed on the availability and amenities of the official residence provided to the prime minister.

Getting these logistics right is every bit as important as supporting the prime minister in putting together the new administration.

The first meeting with the prime minister designate gives the secretary to the cabinet the opportunity to demonstrate his or her professionalism and commitment to serve the prime minister designate as effectively as the outgoing prime minister. The secretary to the cabinet can outline for the prime minister designate the issues that will need to be addressed in the coming days, and the prime minister designate can inform the secretary to the cabinet of any special requirements he or she may have. The chief of staff will be present and can use the opportunity to establish a sound working relationship with the secretary to the cabinet.

The first meeting should also be used to establish basic ground rules for the transition. The caretaker status of the outgoing administration will be described and it will also be made clear that during the transition the prime minister designate and his or her staff are not yet governing. It is also useful at this first meeting to establish a regular schedule of meetings for the coming ten days to ensure that all the necessary decisions are made in an orderly way and on time. The prime minister designate is normally asked to ensure that all communication between his or her staff and the public service flows through the secretary to the cabinet, for the reasons described earlier.

Most opposition leaders establish one or more teams of political advisers to prepare briefing material for transition. This work has varied greatly, and while it has tended to deal with some important questions of policy and government organization (e.g. enhancing the role of political advisers), it is not always rooted in the specifics of the measures that must be taken to form a government.

For some transitions, the prime minister designate has an expert adviser, who may be asked to join the meetings with the prime minister designate, the secretary to the cabinet and the chief of staff. Sometimes the secretary to the cabinet requests permission for one of his or her senior advisers to attend as well. This largely depends on the self-confidence of the secretary to the cabinet and the nature of his or her relationship with the prime minister designate. There is a strong temptation for the secretary to the cabinet to attend these meetings alone as a means of establishing a comfortable, informal working relationship with the prime minister designate. However, this approach does not always succeed; the secretary to the cabinet alone may have difficulty in providing all the instant, accurate information needed for decisions to be made efficiently. Nonetheless, while risky, flying solo has sometimes proven a good means of getting the trust of the prime minister designate.

A round of intensive meetings follows, during which the secretary to the cabinet takes the prime minister designate through the briefing material prepared by the public service in the months leading up to the election.

Substance of Transition Decisions

A prime minister designate requires many different sorts of information in order to form an administration and take office. The format in which this information is presented is important; so too is the sequence in which it is presented. The prime minister designate needs to know:

1. The constitutional requirements that affect the decisions that must be taken. Who may be sworn to office as a minister? How many ministerial posts may be filled? How many must be filled? What scope is there for the creation of new positions?
2. How to protect the new government from ethical and other scandals. Background and security checks are very important; so too is the political intelligence about party members known only to senior officials in the party. In addition to background checks, prospective ministers need to be asked directly, preferably by the prime minister designate personally, whether there is anything in their background that could be the cause of embarrassment to the government. Conflict of interest rules need to be reviewed or, if necessary, be established. The prime minister designate also is asked to approve a confidential, pocket-sized booklet that sets out the standards by which he or she will judge ministers and other information useful to them in understanding their functions as ministers. Once approved by the prime minister designate, this booklet is provided to all ministers when they are sworn to office.
3. What other non-cabinet rank offices should be filled. This is important so that he or she can provide minor posts to faithful followers without swelling the ranks of ministers.
4. What options are available for designing the decision-making process. Does the constitution permit alternatives to the current arrangements? Can the cabinet be split into two or more tiers? Must all ministers participate in collective decision making? Can existing cabinet committees be abolished and new ones created? Are there constraints on who chairs and sits on committees? The prime minister designate will need to instruct the secretary to the cabinet about preferences for the use of committees and meeting times for the cabinet.

5. To decide whether (formally or informally) there is to be a deputy prime minister, and what duties the prime minister designate wishes (or may be required) to vest in the holder of such an office. In the Canadian practice it will depend very much on the style of the prime minister designate; he or she may want a deputy prime minister to substitute for him or her in managing many of the day-to-day decisions of government; or the appointment of a deputy prime minister may be required primarily to satisfy political objectives, in which event the individual may have few additional responsibilities. The prime minister designate needs to know, incidentally, whether a deputy prime minister is required to carry a regular ministerial portfolio (which is the case in Canada).
6. About the prime minister's relationship with the public service. Who appoints the senior officials in departments? The prime minister, or the minister, or some other authority? Are there vacancies in the senior ranks of the public service? Why should these not be filled with political appointees? Is there room to provide ministers and the prime minister with outside, partisan political advisers paid from public moneys?
7. The options available for the number, remuneration, appointment, security clearances and role of political advisers to ministers. In the Canadian model, the prime minister has often exercised close control over the use of political staff by ministers.
8. About existing problems in the organization of the government and the extent to which he or she is free to make changes in mandates and organization to deal with them.
9. About policy and operational matters that could influence the choice of ministers. These issues need to be identified in point form so that they can be used in discussions with prospective candidates.
10. The calendar of events with which the prime minister and the government must deal during the first few weeks of office. This will include travel commitments for the prime minister, the parliamentary calendar and important national events.

11. The form and procedure to be followed in putting together the administration. For example, prospective ministers need to know not to talk to the media or otherwise disclose the post they have been asked to take on. The role of the head of state in approving the recommendations of the prime minister designate needs to be safeguarded. The prime minister designate needs to be advised not to seek the limelight or do anything else that would appear to usurp the constitutional duties of the outgoing administration. (Conversely, the outgoing prime minister must ensure that the prime minister designate is consulted on any important matters requiring decisions during the transition period.)

Each of these requirements will form the basis of a briefing book for the prime minister designate. Additional booklets are added depending on the circumstances of the transition. If, for example, the new prime minister (or a continuing one for that matter) is in a minority situation in parliament, advice will be available on the government's rights to remain in office and seek an early vote of confidence; on the role of the head of state in the selection of a prime minister in circumstances where the choice is not clear; and on how to manage the government when faced with a ongoing minority situation in parliament.

Special briefing will be provided to meet any other particular need the prime minister designate may have. For example, in Canada in 1993 the new Progressive Conservative prime minister (Kim Campbell) had committed herself to reduce the size of the cabinet from 35 to 23 ministers. This required a major reorganization of the government. The secretary to the cabinet was ready with a full range of options and firm recommendations to improve the overall administration of government while meeting the new prime minister's political objective.

Presentation of Transition Briefings

The presentation of the briefing material is of great importance. The habits of the prime minister designate and his or her chief of staff need to be understood and taken into account, as do the time constraints under which they are operating. It is important to bear in mind that important as transition is, the prime minister designate is very busy during this period. He or she will

likely have numerous meetings with senior party officials and with elected colleagues. Hours will be spent on the telephone talking to party supporters, and to winning and losing candidates. World leaders will offer congratulations. Interest groups will clamour for attention. Office-seekers of all kinds will come forward seeking preferment. The future prime minister's political office needs to be organized and staffed with professionals from among the party faithful. There may be briefing sessions with the outgoing prime minister, including (exceptionally) consultation on important matters requiring decisions that cannot be postponed until the new government takes office. Time must be allocated for extensive discussions with prospective ministers concerning their assignments, both as ministers and as senior members of the party. However, the time available to devote to transition is much less than the complexity of the decisions requires. This places a high premium on the quality of the oral and written briefings presented by the secretary to the cabinet.

The Canadian experience in the development of carefully planned briefings for the prime minister designate dates from the general election of 1974. It was widely believed that the Progressive Conservatives would replace the Liberals in the general election of that year. The secretary to the cabinet undertook extensive preparations, more extensive than any previous effort. The result was a 30 page organizational and machinery briefing that covered everything from cabinet making to imminent overseas travel for the new prime minister, and another 30-odd pages on outstanding policy and operational matters. In the end, the Liberals were returned to office and most of the briefings were filed away for the next time.

The government did change (briefly) following the 1979 general election. By that time the briefing had grown from a total of 80 pages to a stack of books that reached waist high and beyond. A similar stack of detailed briefing books accompanied the 1984 transition (from Liberal to Conservative). The new secretary to the cabinet added an important innovation, a list of key questions that required decisions. This was a useful attempt to boil down the extensive briefing to a few pages of 'Yes or No' decisions.

By the time the preparations were undertaken for the 1988 election (when the Conservatives remained in office) and the major

transitions in 1993 (first a new Conservative prime minister, followed by a general election and a new governing party) further changes were made in the presentation of the briefing materials. The stack of books was reduced from about 4 feet to 4 inches. Each volume was accompanied by a very short point-form summary that set out the options and made a clear recommendation for decision. The material was designed to be used by the secretary to the cabinet in oral briefings for the prime minister designate, with the fuller versions available to be read by political staffers before meetings on the designated subject.

The importance of presentation (and content) is difficult to over-emphasize. Wordy, imprecise descriptions will not command the attention of an exhausted and busy prime minister designate. Equally important, if the secretary to the cabinet goes in alone, the briefing must be short and presented in a visual format that lends itself to effective oral presentation. The prime minister designate needs concise explanations of what needs to be decided and why, together with clear alternatives and whenever possible, a firm recommendation.

Nothing should be brought forward for decision that does not need to be decided in order for the government to take office. Conversely, the opportunity should not be lost to make changes that will be difficult or impossible after ministers have been appointed, especially changes in mandate and organization, which inevitably result in losers as well as winners. However, it must be said that although transitions are the ideal time to introduce major changes in government organization, the time allotted to transitions is so short and the number of decisions so many, that prime ministers designate do not have the time to indulge in extensive tinkering with the machinery of government. So while transitions may be the perfect time to introduce radical changes, the Canadian experience is that this seldom happens due to lack of time and opportunity for reflection.

The prime minister designate needs to have informed advice about what to say to prospective ministers. The new prime minister's bargaining position with ministers will never be stronger. For many years the practice in Canada has been to provide each minister with written instructions concerning changes in policy and organization that the prime minister wishes to see carried

out in each department. Since the mid-1980s these “mandate letters” have been supplemented by providing the prime minister (or prime minister designate) with detailed speaking notes so that he or she can set out the terms on which a particular office is to be offered during discussions with the prospective minister.

Transition Day and Afterwards

The decisions on all of these matters will be taken continuously during the transition. The secretary to the cabinet will keep track of everything that has been decided and check periodically to make sure that the prime minister designate has not had a change of mind in the light of events. As the briefings unfold and decisions are taken, new information will be provided as necessary. Eventually the shape of the new administration will emerge from the process. With the ministers chosen and their interviews with the prime minister designate concluded, the list of proposed ministers is provided to the Governor General for formal approval, though in practice for information.

The prime minister designate is asked to approve proposals for assigning ministers to chair and sit on cabinet committees, and to approve a list of acting ministers (each minister acts for one or two of his or her colleagues in their absence).

The secretary to the cabinet oversees the preparations for the swearing in of the new administration. Each minister takes an oath of secrecy and loyalty, and each takes a special oath related to the particular duties he or she will assume. The secretary to the cabinet works with the chief of staff to ensure that all new ministers know where to be and when, and what to do in order to be sworn to office. The officials of the Governor General must be consulted about the logistics for the swearing-in, and this can be quite complicated if the ceremony is to be televised.

Finally the prime minister designate reviews, amends and eventually signs the letters of mandate for each minister. These letters are provided to all ministers and cover two main subject areas. First, general standards of conduct for the cabinet; part of the letter makes reference to the booklet of rules and practices of conduct that are attached to the letter. Second, each minister receives a set of policy and program priorities that attempt to achieve several objectives: to give direction on major problems

of a given department that require attention; to provide a link between the new government's political platform and the work of the particular department; and to provide overall guidance relevant to all ministers on the strategic objectives of the new government.

A 'generic' example of a mandate letter:

CONFIDENTIAL

My dear Colleague,

It is with great pleasure that I welcome you as a member of the administration.

The purpose of this letter is to provide you with guidance concerning the priorities and issues that I expect you to address as Minister of XYZ, and more generally to set out my expectations for your conduct as a member of my administration.

With regard to the portfolio, you will recall that our party campaigned on a platform that included a commitment to introduce reforms in the area of ABC. Responsibility for these matters lies in part in your portfolio, but also involves the responsibilities of the Ministers of X and Y. I will expect you to take the lead in bringing to Cabinet recommendations that will permit us to fulfill our electoral commitments. In this regard, you will work closely with our colleagues, and I expect you to bring proposals forward for decision by such and such a date.

More generally, the Department that you head is responsible for a range of issues that are important to the government. It is also a Department that faces particular demands in improving the way in which it delivers its services to the public. The Department's Deputy Minister, Ms. A, will be your key advisor in bringing about the improvements necessary, just as she will be key to fulfilling any expectations regarding our electoral commitments.

In addition to the Department, your portfolio includes several other agencies and corporations. Each has a unique set of responsibilities, and some operate at arm's length from the government, for which your responsibilities are limited. To the extent these include regulatory bodies, I note that your responsibilities are limited to those described in the relevant statute, together with your responsibility for legislation and the provision of appropriate information to the House of Assembly.

Your Deputy Minister and the heads of these agencies will brief you in greater detail on the extent of your responsibilities and how to give effect to them. I would simply urge caution in not appearing to give direction or take responsibility for matters beyond your jurisdiction, and in particular not to appear in any way to become involved in particular cases except to the extent provided for by law.

Finally, with respect to the portfolio, let me draw to your attention that your Deputy Minister and the heads of the agencies and crowns are appointed by the Cabinet on my recommendation. The members of the Boards and Tribunals in your portfolio are usually appointed in a similar way, although my office may seek your advice concerning candidates.

You will find enclosed some generic guidance that I provide to all of our colleagues on appointment. Among other matters, this document explains the decision-making system, the rules governing conflict of interest - with emphasis on the importance of avoiding even the appearance of a conflict - the use of government facilities, and the role of ministerial-appointed political staff. I wish in particular to draw to your attention that your political staff is there to assist you in carrying out your duties. They are to work cooperatively with the Deputy Minister and her officers, and you should always be conscious that they have no executive authority to direct the Deputy or members of the Department. It is in part for these reasons that you should meet with the Deputy on a regular basis, and ensure that your staff develop an effective working relationship with her office.

I expect you and all our colleagues to follow the requirements of the cabinet decision-making system. The criteria for bringing matters to Cabinet are explained in the attached booklet, as is the process to be followed. In brief, significant new expenditures, new or revised policies and programs, and matters of political sensitivity are to be submitted for Cabinet approval, following the process of prior consideration by committee explained in the booklet. You should be particularly careful to avoid any public comment on the substance of the proceedings of Cabinet and its committees. Any minister who discloses the views and opinions of Cabinet colleagues, or seeks otherwise to blame unpopular decisions on the Cabinet, risks dismissal.

Your Deputy and the Secretary to the Cabinet are available to provide supplementary advice and guidance concerning your duties as a minister, and I urge you to take full advantage of this. I too am available. I stress this accessibility to senior, experienced advice because of the importance that I attach to there being no surprises. There are few problems to which solutions cannot be found provided advice is sought before issues are allowed to run out of control.

The guidance set out in this letter is intended to help you as you take up your new responsibilities. I have expressed myself frankly so that there be no doubt as to my expectations, or confusion about the resources available to advise you before action is taken. I look forward to your participation in our government, and to receiving your ideas on how to fulfill our commitments. In the meantime, I am providing a copy of this letter to your Deputy Minister in order that she be in a position to provide you with the best possible advice concerning the substance of your responsibilities and your functioning as a member of the administration.

Yours Sincerely...

The swearing-in usually occurs in the morning. As the outgoing prime minister and his or her colleagues take their leave of Canada's head of state, the new administration is literally waiting in the wings to be sworn in to office as the legitimate successor government of the nation. In recent years these ceremonies have been televised, adding to the ordinary citizen's understanding of how democratic principles govern the exercise of the power of the state. A smooth transition of power is the ultimate expression of the orderly functioning of the institutions of a democratic society. It is perhaps the single greatest test of a professional public service.

The swearing-in is followed by a luncheon with the head of state and his or her spouse. In the afternoon, the prime minister presides over the first meeting of the new cabinet. The secretary to the cabinet provides the prime minister with speaking notes. The secretary to the cabinet attends the cabinet meeting together with selected members of his or her staff and the chief of staff to the new prime minister. The first cabinet will usually be used by the prime minister to set the overall tone for the new administration, and to reinforce the general messages contained in the mandate letters, which are delivered to each minister immediately after the cabinet meeting.

When the meeting breaks up, ministers disperse to their departments where they meet senior departmental officials and begin the process of being briefed in detail on their new duties. The prime minister, the secretary to the cabinet and the chief of staff move immediately from the demanding task of cabinet making to providing day-to-day direction for the new administration as a whole.

The End of the Transition Process

The transition itself carries on for some months, as new ministers and political advisers learn the ropes. The secretary to the cabinet continues to provide advice to the prime minister, the chief of staff and individual ministers and their senior officials as necessary. By the time the prime minister is sufficiently comfortable with the office to begin to make changes in the senior ranks of the public service, the transition may be said to be complete, and the most important function of the secretary to the cabinet as the head of the public civil service has been safely discharged.

Learning the Ropes: What Every New Minister Needs to Know

David Zussman, President, Public Policy Forum²

Introduction – The Transition Process

In the first few days following an election, the newly elected premier will be faced with a significant number of decisions. Some of the more important tasks are:

- Determine the size of cabinet
- Determine the scope of different ministerial portfolios
- Select members of cabinet
- Prepare mandate letters for each minister
- Prepare an action plan to implement the policy platform
- Develop an approach to the public service including key appointments
- Ensure the smooth departure of the outgoing government
- Prepare a plan for the swearing-in ceremony
- Prepare a training program for ministers, including rules of conduct
- Plan the move into the official residence and office
- Develop a plan for personal security
- Prepare job descriptions for personal staff including reporting relationships.

The general principles outlined in this article apply equally to federal, provincial and territorial transitions. For simplicity the term premier will be used to designate the head of government and legislative assembly to designate the parliamentary body.

² This article was prepared with research assistance from John Szekula, Susan Snider, Amanda Coe and Erika-Kirsten Paupst.

In many cases, the new premier and his or her team will have already considered many of these issues during the preparatory process in the months leading up to the election. This work will usually have taken place in a series of discussions between the new leader and the transition team. However, some of the tasks – like selecting cabinet members – can only take place after the election is over.

As a general rule, those invited to join the cabinet will not have been involved in the transition process. When ministers step into their new offices for the first time, they may even be new to political life. Whatever their background, they will soon be making decisions that will have a significant impact on the province, territory or country in which they were elected.

For them, moving into a minister's office will require a quick adjustment to public life. Some of the early tasks they face will include:

- establishing a working relationship with other cabinet members as well as with the premier;
- understanding the role and structure of cabinet and its committees;
- setting up their own office;
- getting to know key public servants, including the deputy minister and assistant deputy ministers;
- reviewing the briefing documents prepared by the public service; and
- making an assessment of the status of programs and policies in place.

The accomplishment of these tasks depends on having a clear understanding of the roles, powers, and limitations of the various actors in the Westminster political system. The following notes provide a quick overview of some of the crucial "building blocks" of the Westminster system, particularly those that are relevant to new ministers during their first ten days in office.

The role of the Premier

The role of the premier is to provide overall political leadership to the government. As head of government, the premier has both a political role and an administrative one. Political priorities do not always correspond to administrative ones. As a result, most governments are organized to provide separate streams of advice to the premier.

The political stream of advice normally comes from the “Office of the Premier” while the administrative (non-partisan) one comes from the “Cabinet Office.”

Each office has its own unique role and characteristics. As far as reasonable, care should be taken to ensure that each one respects its own priorities. One way of summarizing the difference is that the Office of the Premier is politically driven and administratively sensitive, while the Cabinet Office is administratively driven and politically sensitive.

Below is a general description of each office.

The Office of the Premier

- is politically driven;
- is the premier’s personal support or service centre;
- is headed by a close personal and political aide to the premier;
- assists the premier in his/her political roles – as the leader of the government and as a member of the legislature;
- plays a lead role in setting the government’s agenda;
- determines whether a policy meets the needs and wishes of the government’s external constituencies, i.e., its political soundness;
- develops a strategy and programs to ensure government policy is adequately communicated; and
- coordinates appointments to agencies, boards, and commissions, since they are more political in nature, even if the Cabinet Office or other departments oversee the necessary processing.

The Cabinet Office

- is administratively driven;
- is normally headed by a non-partisan public servant, who is also the “head of the public service” (often the Cabinet Secretary);
- is responsible for managing the decision-making process of cabinet and ensuring implementation;
- advises on administrative soundness of proposed policy and legislation;
- advises the premier on issues of government organization and structure; and
- advises the premier on senior full-time appointments to the public service and its agencies.

It is important that at an early stage, the premier establish clear objectives and job descriptions for those heading both the Office of the Premier and the Cabinet Office. It is important that all three agree on individual roles and responsibilities.

The Role of the Minister

Cabinet ministers are accountable to the premier and to the legislative assembly for the exercise of two fundamental responsibilities:

1. individual performance related to their portfolio responsibilities within the government; and
2. the collective performance of the government.

Every cabinet minister should receive a mandate letter specific to his/her portfolio from the premier outlining the main issues the premier wants the minister to focus on. The letter is confidential and would not normally be shown to others – except perhaps senior staff who must work with the minister within the guidelines of the letter.

The mandate letter will normally include:

- the premier’s expectations for cabinet ministers’ conduct;
- the government’s overall agenda;

- priority areas for the cabinet ministers' specific portfolios;
- issues to focus on;
- responsibilities within the portfolios; and
- any immediate action that, in the premier's view, must be taken in the portfolio.

Individual Responsibility and Accountability

Ministers are:

- sworn to carry out the powers, duties, and functions of their portfolios;
- responsible for the policies, programs, and administration of their departments;
- the source of policy and program initiatives;
- vested with departmental powers, duties and functions through various acts (departmental officials have the required knowledge to advise ministers on the nature and extent of such powers, obligations and constraints);
- individually responsible to the legislative assembly for:
- their own actions;
- the policies and practices of their department, including the actions of all departmental officials under their management and direction; and
- the policies and practices of any non-departmental bodies, such as agencies, boards and commissions within the minister's portfolio.

Collective Responsibility

Ministers are:

- appointed by the premier and serve at his or her pleasure;
- expected to participate fully in cabinet decision making, including appropriate cabinet committees;
- expected to defend the government's actions and policies; and
- obliged by law to uphold the rule of cabinet secrecy.

Cabinet Decision Making

The cabinet is the forum in which ministers reach a consensus and coordinate their views on issues. It is chaired by the premier and supported by the secretary to the cabinet. It provides strategic direction and sets priorities for the government, in addition to addressing specific program and policy issues.

Leadership

- The structure of the cabinet is a reflection of the personal preferences of the premier.
- The cabinet is chaired by the premier, who presides over the discussions and decisions of ministers.
- Cabinet decision making may involve one or more committees as determined by the premier. Some premiers like to chair all committees, others do not.

Composition

- The size and membership of the cabinet are at the discretion of the premier.
- Normally the cabinet is composed of about 20 members, but across Canada cabinets have ranged from as few as 12 to as many as 40 members. Cabinet members are usually chosen from among the sitting members of the government party, but exceptions have been made for specific reasons.

Consensus

- Cabinet government works through a process of compromise and consensus.
- Through discussion and debate by cabinet, and following any final thoughts expressed by ministers, the premier (or appropriate cabinet committee chairperson) calls for consensus among the cabinet members.
- The secretary to the cabinet then records the decision and communicates it to appropriate administrative officials for implementation.

Consultation

- Issues are normally brought to cabinet through a formal process – often called the Memorandum to Cabinet (MC). The Cabinet Office normally establishes rules for MCs, including the format and the consultative process that must be followed.
- Cabinet meetings are not normally used as a forum to introduce issues; consultations among the ministers (or among their departments) normally precede the submission of a proposal to cabinet.
- Cabinet focuses on the need to resolve differing points of view, or to confirm the course a minister proposes to follow.
- Officials are expected to ensure that other departments are informed in advance so that their ministers can be prepared for cabinet discussions.

Confidentiality

- Both the proposed business and discussions of cabinet are secret.
- This confidentiality has traditionally protected the collective decision-making process and cabinet solidarity.
- Confidentiality also ensures that ministers can openly express their views before making a final decision.
- Consequently, ministers are to announce policies only after cabinet decisions are finalized.

The cabinet system of government requires ministers to be continually seeking consensus on their goals, policies and programs. This framework forms the basis of the decision-making process.

Standards of Conduct for Ministers, Staff and Officials

Canadians expect their elected officials and the public servants who work for them to maintain the highest ethical standards. Ministers and entire governments have been held politically accountable for both the letter and the spirit of the government's policies and rules.

For this reason, most governments establish some kind of conflict of interest guidelines, often interpreted and administered by an individual of known high moral standard. (Titles can vary: “Conflict of Interest Commissioner” or “Ethics Commissioner” are two of the titles frequently used.)

Conflict of interest codes are designed to minimize the possibility of conflict of interest arising between the private interest and public duties of public office holders. They are based on the assumption that it is improper for a public office holder to make a decision, or participate in making a decision, that furthers the public office holder’s private interest or improperly furthers another person’s private interest. In the case that such a conflict does arise, the codes provide a framework within which to resolve the issue.

While the words used may vary from government to government, the spirit and intent are the same. The following list sets out some key principles.

1. Ethical Standards

Those in public office must conduct themselves in the most ethical manner possible. In this way public trust in the government’s integrity, objectivity and impartiality is maintained or enhanced.

2. Public Scrutiny

Public office holders have a duty to perform their public duties in a manner that will bear close public scrutiny. Additionally, ministers and the premier are expected to organize their private lives in a way that will bear public scrutiny. This is not always accomplished by simply acting within the law.

3. Decision Making

Public office holders should make decisions in the public interest and with regard to the merits of each case. There is an emphasis on the obligation to continually act in the best interest of the public.

4. *Private Interest*

Public office holders should not benefit privately from their actions in the public capacity. Public office holders should not have private interests that would be significantly or particularly affected by government activities in which they participate.

5. *Public Interest*

Public office holders should arrange their private affairs in a manner that will prevent real, potential or apparent conflicts of interest from arising. This is aimed particularly at avoiding financial conflicts. In the event that such a conflict, financial or otherwise, does arise between the private interests of a public office holder and his or her official duties, then the conflict shall be resolved in favour of the public interest.

6. *Gifts and Benefits*

Public office holders are not to accept gifts or benefits other than customary hospitality. Only when the benefit is clearly outlined in the contract or property right of the public office holder is receipt of such benefits permitted.

7. *Preferential Treatment*

Public office holders may not step out of their official role to assist private entities or persons in their dealings with the government. Their conduct should not result in the preferential treatment of one person.

8. *Insider Information*

Public office holders ought not to knowingly take personal advantage of information obtained in their official duties that is not available to the general public.

9. *Government Property*

Public office holders shall not use government property for anything other than officially approved activities.

10. *Post Employment*

Upon leaving public office, individuals shall not act in such a manner as to take improper advantage of their previous office.

The Role of the Public Service

Government is supported by a body of employees known as the “public service.” In the Canadian tradition, the public service is non-political and non-partisan. Public servants are expected to serve the politically elected government of the day to the best of their ability. The public service has three main roles:

- *To provide policy advice and functional expertise to ministers.*
Given that the minister changes from time to time, the public service has the permanence and the depth of knowledge in each portfolio to help guide policy decisions and to provide advice on their particular function.
- *To implement government policy and programs.* Once policy has been determined by the political level, it is the role of the public service to implement the policy to the best of its ability. A good deputy minister may be called on to enthusiastically implement a policy she/he opposed in policy discussions.
- *To deliver government services to citizens.* This is the most visible aspect of the public service, from the point of view of citizens. Services might include – among others – health care, vehicle licensing and the delivery of income support and employment insurance programs.

The Relationship Between Ministers and Deputy Ministers

A minister’s relationship with the public service will normally be channelled through the deputy minister. As the administrative head of a department, the deputy minister is a critical element of any minister’s team. For each to be successful, it is important that a relationship based on trust and mutual understanding develop between the two of them. It is the responsibility of every deputy minister to get to know and understand his or her minister’s priorities and work style.

In developing a relationship with the deputy, every new minister should remember that deputy ministers are:

- professional, non-partisan public servants who are expected to serve their ministers with integrity, skill, expertise, and energy;

- nominated by the premier on recommendation of the secretary to the cabinet;
- accountable to the minister, but also to the premier, AND the secretary to the cabinet;
- responsible and accountable for policy advice, internal departmental management, and interdepartmental coordination;
- expected to provide ministers with frank, non-partisan policy advice on a broad range of issues;
- responsible for the management of the department under the direction of the minister;
- members of the senior management team of the public service as a whole; they are expected to meet with each other to review cabinet submissions (and decisions), share information, and ensure follow-up.

Some advice to new ministers...

- Deputy ministers normally prefer ministers with clear agendas.
- Establishing a good working relationship with your deputy minister is key to your success in achieving your goals.
- You will be held accountable for all the activities of your department under the direction of its deputy minister.
- Cabinet ministers must prepare themselves for cabinet meetings to ensure sound decisions are taken.
- Don't assume the public service knows your intentions.

Your Own Political Staff

Every minister has the right to a small staff – ranging from three to ten or more in a large department at the federal level. These political staffers are hired at the pleasure of the minister. Sometimes they are recruited from inside the public service, more often they are hired from outside. Picking the right people to staff an office is one of the most important decisions facing a new minister. You will be judged by how other people see and react to those you have hired.

Here are some useful tips.

Hiring:

- Take your time – don't act too quickly.
- First, establish the structure you want, then hire based on merit evaluated against the requirements of the position.
- Know your own political and management weaknesses and hire to compensate for them.
- Avoid hiring family members or close friends.
- Keep in mind the need to have diversity – e.g. language/region/gender.
- Some central coordination (i.e. by the premier's office) of ministerial staff hiring is recommended to create a team to implement the government's priorities – the premier's approval of senior staff is suggested.

Once the staff is hired:

- Training and development are necessary to accustom new staff to your habits, demands, the government's priorities, agenda, and structure.

Compensation:

- Remember you are dealing with public funds.
- It will create problems to pay political staffers more than public servants of the equivalent level.
- Look at the salary levels already in place in the previous government and compare them with those in other provinces and territories.

Annotated Bibliography: Transitions and the Roles of Ministers and Deputy Ministers³

(Alphabetical, by author)

Blakeney, Allan. "The relationship between provincial ministers and their deputy ministers," *Canadian Public Administration*, vol. 15, (1972), pp. 42-45.

This article is from an address delivered by former Saskatchewan Premier Allan Blakeney at the annual banquet of the Institute of Public Administration of Canada in September 1970. As stated in the title, it explores the relationship between provincial ministers and their deputy ministers. The article also identifies the main functions that a minister must perform with respect to the department, to public opinion and to the political direction of the government (s)he serves.

Bourgault, Jacques and Stéphane Dion. "Canadian senior civil servants and transitions of government: the Whitehall model seen from Ottawa," *International Review of Administrative Science*, vol. 56, (1990), pp. 149-169.

This document focuses on deputy ministers (DMs) as ideal case studies for understanding how the upper echelons of administration manage to simultaneously maintain their influence over and independence from their political masters. The article examines the Canadian administrative culture, the DM's sphere of political action, the DM's career management rules, and reviews the history of relations between DM's and politicians. Based on 30 semi-directive interviews, the authors extract the rules for professional survival for senior public servants who wish to retain their posts after a change of government.

³ Prepared by Rachele Cloutier, Student Intern, Public Policy Forum.

Bourgault, Jacques and Stéphane Dion. "Governments Come and Go, But What of Senior Civil Servants? Canadian Deputy Ministers and Transitions in Power (1867-1987)," *Governance: An International Journal of Policy and Administration*, vol. 2, no. 2 (April 1989), pp. 124-151.

Do bureaucrats leave office at the same time that governments change in liberal democracies? The overall purpose of this article is to discover if the arrival of new governments tends to accelerate the mobility of senior officials, as measured by the number of new appointments, departures and transfers. The first section of the study is theoretical, presenting the strategic calculations that persuade (or dissuade) new governments to carry out a purge of high-ranking officers in the civil service; the second section sets out the empirical evidence of the article, juxtaposing the mobility of Canadian bureaucrats with transitions of power, and the third section discusses some of the patterns observed.

Bourgault, Jacques et Stéphane Dion. "Haute fonction publique et changement de gouvernement au Québec: le cas des sous-ministres en titre (1976-1989)," *Revue québécoise de science politique*, vol.19, (1991), pp. 81-106.

Cet article cherche à vérifier la véracité de l'adage « Les ministres partent, les hauts fonctionnaires restent » en examinant l'impact sur le profil des sous-ministres en titre suite à la transition du gouvernement péquiste au gouvernement libéral au Québec (1976-1989). En se référant à deux types de hauts fonctionnaires (« le grand commis » [haut fonctionnaire de carrière sans allégeance partisane] et « l'outsider politique » [individu recruté à l'extérieur en fonction de son appartenance partisane]), l'article en vient à questionner le caractère apolitique de la haute fonction publique québécoise.

Bourgault, Jacques and Stéphane Dion. "Managing Conflict in a Context of Government Change: Lessons from the Federal Government of Canada, 1984-1988," *The International Journal of Conflict Management*, vol. 1, no.4 (October 1990), pp. 323-418.

This article examines the delicate balance that exists between the politician, the political appointee and the senior career public servant (the "ménage à trois") by analysing the particularly

difficult federal transition of 1984. The analysis illustrates how important it is for the newly elected to ensure that their partisan policy advisers play their roles without getting in the way of the indispensable cooperation which must be established between ministers and senior public servants. The article offers five suggestions aimed at redressing the situation and managing this potential conflict.

Bourgault, Jacques. "The Satisfaction of Ministers with the Performance of their Deputy Ministers during the Mulroney Governments: 1984-1993," Research Paper No. 22, published by the Strategic Research and Planning Group of the Canadian Centre for Management Development, 1998. Consulted on-line at http://www.ccmd-ccg.gc.ca/pdfs/p22_e.pdf

This study by Professor Bourgault of the Université de Québec à Montréal and of the École nationale d'administration publique examines in detail the relations between ministers and their deputy ministers during the two mandates of the government of Prime Minister Brian Mulroney. The study reflects the findings of a series of interviews carried out in 1995 with 23 of the 53 ministers appointed between 1984 and 1993. Professor Bourgault sets his findings in context by first examining the traditional roles and duties of ministers, deputy ministers and chiefs of staff or executive assistants. He then explores the issue of ministerial responsibility, the role of a professional career public service in serving the public interest, as well as the key factors likely to influence the relationship between a minister and the deputy.

Bourgault, Jacques et Patrick Nugent. "Les transitions de gouvernement et la théorie des conflits : Le cas de la transition de 1984 au gouvernement du Canada," *Revue canadienne des sciences de l'administration*, vol. 12, no. 1 (1995), pp. 15-26.

This article uses concepts from social psychological theories of conflict and power to analyse the 1984 federal transition. Having first described the 1984 case (rules of organization and characteristics of the transition), the analysis then identifies a variety of sources and strategies of power and power games that occurred as organizational conflict developed and was resolved in this government transition. The authors also offer a substantial bibliography.

Cameron, David and Graham White. "Cycling into Saigon: The Tories Take Power in Ontario, 1995." Prepared for delivery at the Annual Meeting of the Canadian Political Science Association, Brock University, St. Catherines, Ontario, June 1996. Toronto: University of Toronto, Department of Political Science. Unpublished.

This paper examines the 1995 transition from the New Democratic Party to the Progressive Conservatives ("Tories") in Ontario as an example of a "smooth transition." The document briefly examines the role of the public service, offers background information on the 1985 and 1990 transitions, as well as suggestions for public service preparations and advice on cabinet formation and structure.

Cameron, Kirk and Graham White. *Northern Governments in Transition: Political and Constitutional Development in the Yukon, Nunavut and the Western Northwest Territories*. Montréal: Institute for Research on Public Policy (IRPP) Governance Series, 1995.

This book explores the evolution of government in the Yukon, the challenges associated with reconciling public and aboriginal self-government, and the creation of Nunavut, as well as the general issues and lessons related to the political process unfolding in Northern Canada.

Connell, Martin. "The Transition Process in Ontario," *The Institute of Public Administration of Canada Bulletin*, vol. 8, no. 6 (1986), pp. 10-11.

This brief article was written by the chairman of the David Peterson Transition Advisory Group, which managed the 1985 transition from a New Democratic Party government to a Liberal government. It examines the process of building the transition team, its organization into six specific groups, its activities, roles and responsibilities, as well as key factors that contributed to the success of the transition.

Public Policy Forum (with Ekos Associates). *Direction for Reform: The Views of Current and Former Deputy Ministers on Reforming the Ontario Public Service.* Ottawa: Public Policy Forum, 1995.

This joint publication reports on the management challenges and opportunities facing the Ontario Public Service (OPS) from the perspective of 25 former and current deputy ministers. It also examines issues such as compensation, performance measurement and accountability in the OPS, the redefining of business in government, organizational renewal, and human resource management issues, and concludes with a series of six recommendations geared toward reshaping government.

Fulton, E. Kaye and Anthony Wilson-Smith. "Taking charge: The Liberals assume power – and inherit a host of headaches," *Maclean's*, vol.106, no. 45 (November 8, 1993), pp. 14-18.

This article presents a case study of the sweeping 1993 federal Liberal victory, and the concrete political and logistical changes and challenges faced by the new – and old – governments.

Johnson, A.W. "The Role of the Deputy Minister," *Public Administration in Canada: Selected Readings*, 5th edition. Ottawa: Queen's Printer, (1985), pp. 289-298.

This short article explores the "uniqueness" of the deputy minister's (DM's) job. It first discusses the DM's position as "sandwiched" between the partial politician and the impartial public servant, then offers the author's personal impressions of the DM's role in the fields of policy formulation and implementation.

Kroeger, Arthur. "On Being a Deputy Minister," *Policy Options politiques*, vol. 13 (May 1992), pp. 3-6.

Written by the former deputy minister of Employment & Immigration (1992), this article attempts to explain the functions of a deputy minister in regard to his/her role as policy adviser, his/her relations with the public and public opinion, as well as the relationship (roles and responsibilities) with a new minister following a change of government.

Larson, Peter and Amanda Coe, *Managing Change: The Evolving Role of the Commonwealth's Top Public Servants*. Ottawa: Public Policy Forum, 1998.

Based on interviews with 35 deputy ministers in over 30 Commonwealth countries, the study looks at the evolution of demands on deputy ministers and their relationship with the political level of government.

Larson, Peter and Amanda Coe, *Functional relationships between ministers and permanent secretaries: The Canadian experience*, IN *Redefining Management Roles: Managing the Public Service, Strategies for Improvement*, Sam Agere, ed. Commonwealth Secretariat, London, 1999.

The paper outlines the roles, functions and codes of conduct of ministers, ministerial staff, staff associations, junior ministers, Cabinet Secretary/Head of Civil Service, and permanent secretaries, as well as the relationship between them, and the processes of performance appraisal.

Michelmann, H.J. et J.J. Steeves. "The 1982 Transition in Power in Saskatchewan: The Progressive Conservatives and the Public Service," *Administration publique du Canada*, vol. 28, no.1 (1985), pp. 1-23.

This article examines the 1982 transition in Saskatchewan as a case study of the impact of a government transition on the public service. The case is deemed "interesting" given the differences in ideology between the outgoing New Democratic Party and the incoming Progressive Conservatives, the long tenure of the previous government and the "lack of executive experience in the administration." The article also examines the two parties' views on the public service and Crown corporations, the nature of the transition with respect to dismissals and structural changes in the public service, as well as the reasons for those changes and their implications for the public service.

Osbaldeston, Gordon. "Dear Minister," *Policy Options politiques*, (June/juin 1988), pp. 3-11.

This piece takes the form of an open letter to a friend who has just been appointed to the federal cabinet. In addition to various warnings and advice, the letter explores the role of the minister, the minister's relationship with the prime minister, the cabinet and parliament, the roles of and relationship with the deputy minister and the chief of staff, as well as the challenges of setting the agenda and managing the department. The letter concludes with five key suggestions to ensure success as a minister in the federal government.

Osbaldeston, Gordon. *Organizing to Govern*, Whitby: McGraw-Hill Ryerson and the National Centre for Management Research and Development – University of Western Ontario (London), 2 volumes, 1992.

This book is concerned with the play of policy, partisan politics and personalities on governments as they create, rearrange and dissolve organizations. Though the book does not deal specifically with transitions, it is a useful tool for new governments wishing to create/rearrange government organizations. The last chapter offers the findings of the study in summary form, as well as three rules to live by for organizing and governing. Volume 2 (the appendix) lists all the government organizations and royal commissions that were created, dismantled or transferred since 1940.

Savoie, Donald J., ed. *Taking Power: Managing Government Transitions/Prendre le Pouvoir : La gestion des transitions gouvernementales*. Toronto: The Institute of Public Administration of Canada in collaboration with the Canadian Centre for Management Development, 1993.

Taking Power is an edited collection of articles on government transitions by insiders and knowledgeable observers. The cases deal with transition planning at the federal level, as well as recent transitions in Ontario, Québec, Manitoba and British Columbia. Donald J. Savoie edits the collection, and submits concluding remarks and recommendations on lessons learned.

Relevant Internet Sites

Privy Council Office:

<http://www.pco-bcp.gc.ca/>

Clerk of the Privy Council and Secretary to the Cabinet:

http://www.pco-bcp.gc.ca/clerk_e.htm

Canadian Centre for Management Development:

<http://www.ccmd-ccg.gc.ca/>

Public Service Commission: <http://www.psc-cfp.gc.ca/>

<http://learnet.gc.ca/eng/lrncentr/online/hgw/how-gov6.htm>

Public Policy Forum:

<http://www.ppforum.com>

Institute on Governance:

<http://www.iog.ca/>

Cabinet Office of the United Kingdom

<http://www.cabinet-office.gov.uk/central/1997/mcode/p01.htm>

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