

Ministerial Resignations in the Province of Ontario

draft

The Ontario Legislature Internship Programme

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Introduction

Ministerial resignations are always a hot topic of conversation in any political sphere. From reporters and academics to the average Ontario voter, a minister resigning his or her post over a perceived or actual scandal is always front page material for any newspaper, which then provides for a lot of conversation around the proverbial 'water-cooler' and beyond. A minister resigning over a scandal is music to the ears of opposition politicians because it can create an air of incompetency, especially after a number of successive resignations. Resignations are also much loved by reporters because it provides news worthy material for a number of media cycles which causes a lot of headaches for the government and their respective political supporters.

The topic of ministerial resignations has been covered extensively by academics in the United Kingdom and in Australia, however in Canada the subject has not been entirely explored, and this is especially true in regards to the Provincial Legislature in Ontario. This paper will endeavour to rectify that situation by exploring ministerial resignations in the Province of Ontario by seeking to answer the question: why do ministers resign or not resign? This rather broad question formed the basis of the research that was conducted in preparation for this essay in conjunction with the theoretical framework of individual ministerial responsibility. In answering the aforementioned question a complete listing of ministerial resignations in the Province of Ontario were examined dating back to Confederation. These resignations, followed by some specific in-depth examples, will show that ministerial resignations in Ontario do not necessarily occur because of an adherence to the classical doctrine of ministerial responsibility, but rather because resignations tend to be political decisions. These decisions are made out of self-preservation and the need for the government to control the agenda. Subsequently, even a resignation made on the basis of ministerial responsibility is based on the need to protect the government from ones own personal miscalculations or errors in judgement. The need for further investigation into the practice of ministerial resignations in Ontario must be more deeply examined, and it is hoped that this essay will be a starting point.

Following an examination of individual ministerial responsibility, an empirical look at ministerial resignations in the Province of Ontario will help in examining ministerial resignations in Ontario. In addition, a closer look at a number of case studies will help in highlighting the fact that ministerial resignations are political decisions and merit

further investigation. This will be supported by interviews conducted by the author, as well as academic literature on the subject. Such an investigation goes to the heart of parliamentary government and hopefully will contribute to the study of ministerial resignations in Ontario.

Doctrine of Ministerial Responsibility

Before exploring ministerial resignations in the Province of Ontario, it is important to highlight the theoretical framework of ministerial responsibility which forms the basis of this treatise. For the purpose of this section, academic literature on the doctrine of ministerial responsibility will be investigated, which will go towards supporting this paper's argument, that of the need for further exploration of the practice of ministerial resignations in Ontario, which occur not necessarily because of an adherence to the classical doctrine of ministerial responsibility, but rather because resignations tend to be political decisions.

Prior to reading the following paragraphs it is important to understand that ministerial responsibility, and its overarching framework of responsible government, are constitutional conventions. These conventions can best be understood as rules that politicians "ought to feel obliged to observe."¹ They are not written into law, but evolve over time and through practice which then become the very structure of democratic government. Conventions play a very important role in parliamentary government and are paramount to the daily operation of legislatures across Canada, for they provide a basis for the interpretation of written and unwritten law. It is important to understand conventions because ministerial resignations, and the larger concept of responsible government, are constitutional conventions that form the framework upon which this essay is grounded.

Westminster parliamentary governance forms the basis of our governmental structure in Ontario, as it does in the rest of Canada and other Commonwealth countries. The theoretical doctrine that binds our governmental structures together is that of 'responsible government.' According to Graham White, a professor of political science at the University of Toronto, to completely understand our democratic institutions one must first comprehend the tenets of responsible government and the supremacy of parliament.² In White's opinion, there are four central principles of responsible government: cabinet's monopoly on executive power, cabinet being responsible to the House thereby retaining 'confidence', cabinet solidarity and lastly, ministerial responsibility.³ Briefly stated, cabinet's monopoly on executive power means that cabinet alone controls the apparatus of the state, for example only cabinet members can introduce 'money bills'. The second tenet of responsible government is

¹ S.L. Sutherland "Responsible Government and Ministerial Responsibility: Every Reform Is Its Own Problem," *Canadian Journal of Political Science* 24, no. 1 (1991): 94.

² Graham White, *Cabinets and First Ministers* (Vancouver: UBC Press, 2005), 13.

³ Ibid.

“that the cabinet gains and holds power by maintaining the support, or confidence, of a majority of the members in the House, which is manifested by winning all the crucial votes in the legislature.”⁴ The third aspect of responsible government is cabinet solidarity, which plainly put, states that cabinet ministers must publicly support cabinet decisions and government policy regardless of any personal views the minister might hold.⁵ The last principle of responsible government, and the most important for this paper, is that of ministerial responsibility. According to Professor White, ministerial responsibility essentially states that individual ministers are responsible for their departments which includes all political and non-partisan civil servants.⁶ This forms the basis of political accountability in our parliamentary system of government as it is the elected official, and not the bureaucrat or the political staffer, that is accountable to parliament.

Ministerial responsibility also goes beyond the purview of a minister simply being accountable to parliament for all actions undertaken by the staff in his or her ministry. Ministerial responsibility has also grown to include the actions taken by the individual minister. According to Geoffrey Marshall, a former political scientist from Oxford University, a “minister should offer his or her resignation if guilty of either a significant personal or political misjudgement.”⁷ Now of course a ‘significant personal or political misjudgement’ is open to interpretation, and is ultimately why whether or not a minister resigning merits further examination, but for a political convention, it generally holds true. Other types of ministerial resignations can be a result of personal moral or financial misdemeanours that are not related to departmental work. Also, states Marshall, ministers can be ‘forced’ to resign over personal or political responsibilities, or even voluntarily resign due to a disagreement with cabinet decisions or government policy.⁸ Thus ministerial responsibility means accountability for ones personal actions, as well as ones administrative endeavours as it pertains to his or her ministry. Having framed and defined ministerial responsibility, an in-depth investigation of ministerial resignations in the Province of Ontario will go towards supporting the need for an academic discussion on ministerial resignations.

Ministerial Resignations in Ontario

Ministerial resignations at Queen’s Park are just as prevalent as in other Westminster parliamentary democracies around the world. To further explore how ministerial resignations at Queen’s Park are political decisions and not necessarily based on adherence to a classical view of ministerial responsibility, it is imperative to examine resignations that have occurred in Ontario. This will be accomplished through

⁴ Ibid., 14.

⁵ Ibid., 15.

⁶ Ibid., 16.

⁷ Geoffrey Marshall, *Ministerial Responsibility* (Oxford: Oxford University Press, 1989), 6.

⁸ Marshall, 6.

an investigation of past resignations by means of data that was compiled by the author from a list that was obtained from the Legislative Library at Queen's Park.⁹

The list that was acquired was a listing of all ministerial resignations at Queen's Park since Confederation, and include every imaginable reason for the resignation.¹⁰ From health reasons and federal appointment to political scandal and the defeat of government, this list included all reasons for resignation at Queen's Park, excluding cabinet shuffles. Using SPSS statistical software, a data file was compiled of all resignations as a result of a political scandal. Scandal in this exercise included both personal and administrative misconduct and was coded into three different categories of resignation. The first category titled 'scandal resignation', included all resignations that occurred as a result of a scandal. Scandal in this context is defined as 'an action or event regarded as morally or legally wrong and causing general public outrage.' The second category titled 'principled resignation', included resignations that occurred as a protest over government policy or actions. The third category titled 'forced resignation', included all resignations that resulted from the premier forcing the minister out of cabinet as a result of personal or administrative actions.

Looking at Table 1 we can see that since Confederation there have been a total of 38 ministerial resignations that were a result of either a scandal, forced or principled action. According to the data collected, 71.1% of these resignations were scandal related which included both personal and professional misconduct unbecoming of a cabinet minister. Next the data shows us that 18.4% of resignations were forced resignations that were a result of the Premier requesting the resignation of the minister in question. A recent example of this would be in 1991 during the NDP Government of Bob Rae when Cabinet Minister Peter Kormos posed fully clothed as a 'Sunshine Boy' in the Toronto Sun. Premier Rae deemed this behaviour unbecoming of a minister and forced Mr. Kormos to resign.¹¹ Lastly, 10.5% of ministerial resignations in Ontario were principled resignations. These included resignations based on a disagreement with government policy, actions or even disliking the leader of a governing party. For example, in 1926 dedicated temperance supporter William Nickle, then the Attorney General in the George Ferguson Government, resigned once his government adopted a policy of regulation and control of alcohol instead of outright prohibition.¹²

⁹ A special thank you to Rick Sage from the Legislative Library Research Services department at Queen's Park for the comprehensive list of Ministerial Resignations at the Ontario Provincial Legislature.

¹⁰ It should be noted that the list acquired was not compiled by the author and thus taken at face value for its accuracy and exhaustiveness, any omissions in the list should be addressed by the Legislative Library at Queen's Park

¹¹ Rick Sage "Ministerial Resignations in Ontario: 1867-2010", Ontario Legislative Library, 2010.

¹² Ibid.

Table 1: Resignations By Type

Resignation Type	Frequency	Percent
Scandal Resignation	27	71.1
Forced Resignation	7	18.4
Principled Resignation	4	10.5
Total:	38	100

Looking at Table 2 it is also interesting to note that only 10.5% of resignations occurred during the first seventy years following Confederation, and 31.6% occurred during the period between 1940 to 1984. What is astounding is that 58% of all resignations in the Province of Ontario have occurred since 1985, and by looking at Table 3, 77.8% of those resignations were as a result of scandal. What these numbers show is a growing amount of resignations based on scandal over the past 25 years in the Province of Ontario which, hypothetically, could be a direct correlation with the decline in voter turnout in the province due to higher incidences of cynicism.¹³

Table 2: Year of Resignations

Year	Frequency of Resignations	Percent
1867-1939	4	10.5
1940-1984	12	31.6
1985-2010	22	57.9
Total:	38	100

According to the compiled data, there have been 27 scandal resignations in Ontario since Confederation, followed by 7 forced and only 4 principled resignations. These numbers, in correlation with the breakdown of resignations by year, show the greater frequency falling within the last 25 years of politics in Ontario. Many conclusions can be made as to the reasoning behind this phenomenon, however, further data analysis would need to be conducted with an acute eye to historical trends and references.

Table 3: Resignation Type by Year

	Resignation Type			
	Scandal	Principled	Forced	Total

¹³ This point is purely hypothetical which would require further data analysis

	Resignation Type			
1867-1939	1 3.7%	1 25%	2 28.6%	4 10.5%
1940-1984	5 18.5%	3 75%	4 57.1%	12 31.6%
1985-2010	21 77.8%	0 0%	1 14.3%	22 57.9%
Total:	27 100%	4 100%	7 100%	38 100%

Table 4 is an interesting cross-tabulation that shows type of resignation by premier. According to the data compiled, looking at the past 25 years the premier with the most amount of resignations was former NDP Premier Bob Rae. He had a total of 8 resignations or 21.1% of all resignations occurring under his leadership and 7 of those were as a result of a scandal. In his book *Rae Days*, Thomas Walkom opines that “putting together a cabinet was an exercise in making the best from thin gruel,” for Premier Rae.¹⁴ What Walkom was getting at in his statement was that the caucus that Rae had to choose from to create a cabinet, was full of political neophytes. This forced Rae to promote MPPs into his cabinet that were inexperienced and thus more likely prone to political scandal; as the numbers show, this is precisely what happened. One of the more famous resignations during the Rae Government was former Cabinet Minister Peter North’s so called ‘sex scandal’. In November 1992 *The Toronto Star* ran a story in which a Toronto women alleged that North offered her a job in return for sexual favours. North was told to quit cabinet while police investigated the matter. No evidence of wrong doing was found by the police, but as the story progressed it came out that North and the lady never had sex, they would just lay in bed fully clothed and ‘pet’ each other. North was never brought back into cabinet once cleared of any wrong doing, and in August of 1993 he held a press conference saying that he decided to cross the floor and sit as a Tory MPP, unfortunately, according to Walkom, he forgot to ask PC Leader Mike Harris, who said there was no room in his caucus.¹⁵ As a result of this Peter North goes down in history as losing his cabinet seat over a no-sex sex scandal.

Followed by Rae, former Premier David Peterson had the next highest amount of resignations. During his 5 years as Premier, Peterson had 5 resignations or 13.2% of all resignations occur under his Government which were all a result of scandal. Tied with Peterson with 5 resignations was former Premier Leslie Frost. What is interesting with Frost is that his resignations were predominately forced resignations due to Cabinet Minister’s breaking the conflict-of-interest guidelines that the Premier had instituted. Three of Frost’s ministers were forced to resign for holding shares in a

¹⁴ Thomas Walkom, *Rae Days* (Toronto: Key Porter Books Limited, 1994), 51.

¹⁵ *Ibid.*, 244.

mining company, and lied about it, which was against Frost's rules.¹⁶ Following Peterson and Frost with the most resignations is former Premier Mike Harris. Harris had a total of 4 resignations that occurred due to scandal during his almost 7 years as Premier. One such resignation, which will be discussed in more detail below, was former Minister of Health Jim Wilson. Wilson voluntarily resigned his post when he found out that a political aid disclosed confidential health information to a reporter.¹⁷ Looking further at the last 25 years, Ernie Eves had 2 resignations occur under his government and current Premier Dalton McGuinty has so far had 3 resignations occur as a result of political scandal.

Table 4: Resignation Type by Premier

	Resignation Type			
	Scandal	Principled	Forced	Total
George Ferguson	1 3.7%	1 25%	0 0%	2 5.3%
Mitchell Hepburn	1 3.7%	1 25%	2 28.6%	4 10.5%
Gordon Conant	0 0%	2 50%	0 0%	2 5.3%
Leslie Frost	2 7.4%	0 0%	3 42.9%	5 13.2%
John Robarts	0 0%	0 0%	1 14.3%	1 2.6%
Bill Davis	2 7.4%	0 0%	0 0%	2 5.3%
David Peterson	5 18.5%	0 0%	0 0%	5 13.2%
Bob Rae	7 25.9%	0 0%	1 14.3%	8 21.1%
Mike Harris	4 14.8%	0 0%	0 0%	4 10.5%
Ernie Eves	2 7.4%	0 0%	0 0%	2 5.3%
Dalton McGuinty	3 11.1%	0 0%	0 0%	3 7.9%

¹⁶ Sage, 15.

¹⁷ Ibid., 22.

	Resignation Type			
Total:	27 100%	4 100%	7 100%	38 100%

Looking at Table 5 and 6, it is interesting to note that the Progressive Conservative Party has had a total of 16 resignations occur during their 80.32 years as the Government of Ontario, and this amounts to an average of 0.2 resignations per year. The Liberal Party, having formed government for 54.53 years in Ontario, have seen 14 resignations under their watch which averages out to 0.26 resignations per year. What is interesting to note is that the NDP, having formed Government for only 4.74 years in the Province's history, saw 8 resignations occur during their time in office which averages to roughly 1.69 resignations per year. These numbers show an interesting history of resignations in the Province of Ontario which merits further investigation.

Table 5: Resignation Type by Party

	Resignation Type			
	Scandal	Principled	Forced	Total
PC	11 40.7%	1 25%	4 57.1%	16 42.1%
Liberal	9 33.3%	3 75%	2 28.6%	14 36.8%
NDP	7 25.9%	0 0%	1 14.3%	8 21.1%
Total:	27 100%	4 100%	7 100%	38 100%

Table 6: Average Resignation Per Year in Government

Party	Years in Government	Average Resignation
PC	80.32	0.2
Liberal	54.53	0.26
NDP	4.74	1.69

Resignations in Practice

During the course of researching for this essay, I had the pleasure of sitting down with two former cabinet ministers that had to resign as a result of a scandal. Jim Wilson, PC member for the riding of Simcoe-Grey and Greg Sorbara, Liberal member

for the riding of Vaughan, both resigned their cabinet seats when their scandal first came to light and both were eventually cleared of any wrong-doings and were brought back into cabinet by their respective premiers. As previously mentioned, the classical view of ministerial responsibility requires that a cabinet minister must resign if they are subject of personal or political controversy or misconduct. These two former cabinet ministers followed that classical doctrine very closely when confronted with political scandal. The interview conducted with these two MPPs at Queen's Park included questions about their resignation, thoughts on ministerial responsibility and ministerial resignations in general. Both cases will be looked at individually which will hopefully provide some insight on resignations in practice at the Ontario Legislature.

Jim Wilson

On December 9th 1996, former Minister of Health Jim Wilson rose in the House prior to question period on a point of privilege and announced his resignation from cabinet. Wilson stated, that it had recently come to light that a political staffer inappropriately disclosed confidential health records to a member of the media, and that upon learning of the allegation, the Minister requested and received the resignation of the staffer in question. Furthermore, stated Wilson, the Information and Privacy Commissioner was called in to investigate the matter and "to ensure the integrity of the investigation by the commissioner, I believe it is both honourable and appropriate that I step aside as Minister of Health until the investigation into this matter is complete."¹⁸

Mr. Wilson's resignation closely followed the classical view of Ministerial Responsibility. Upon learning of an allegation of inappropriate disclosure of information by a member of his staff, Mr. Wilson took responsibility for the action and immediately resigned his cabinet post until the matter could be investigated by the Privacy Commissioner. When sitting down with Jim Wilson and interviewing him for this paper, the overarching theme that was consistently repeated by Wilson was that "Ministers need to lead by example."¹⁹ Wilson elaborated by saying "As a minister you have a sense of responsibility; you lead a team, a department, and whether or not it is your fault, if an allegation of misconduct comes to light, then it is the responsibility of the minister to step aside until cleared of any wrongdoings."²⁰ Civil servants, deputy ministers, political staff all follow the lead of the minister, so if the minister has a cavalier attitude towards integrity and responsibility, then, stated Wilson, "the staff will start to

¹⁸ Jim Wilson. "Disclosure of Confidential Information." In Ontario. Legislative Assembly. Legislative Debates (Hansard). 36th Parl., 1st Sess. (December 9, 1996) (Online) Available: http://www.ontla.on.ca/web/house-proceedings/house_detail.do?Date=1996-12-09&Parl=36&Sess=1&locale=en#P67_15237 [May 11, 2010].

¹⁹ Jim Wilson - MPP (Simcoe-Grey). First Deputy Chair of the Committee of the Whole House; Member, Standing Committee on Government Agencies; Critic, Colleges and Universities; Critic, Research and Innovation. *Interview*. Thursday, March 11 2010. 2:00 pm. Queen's Park, Toronto.

²⁰ Ibid.

ask, why should I?”²¹ In his situation a member of his team revealed information that should not have been made public and he felt it was his responsibility to step aside until the Commissioner ruled on what occurred. Following his resignation as Minister of Health former Premier Mike Harris went into caucus and stated, said Wilson, “this is how we do it, Jim did not have to be told to resign, he resigned on his own; he is leading by example.”²² Essentially, Harris was trying to make Wilson’s actions on ministerial responsibility the norm for his government, and that all future transgressions were to be dealt with exactly as Wilson did. Wilson elaborated further and stated that the premier should not be involved in ministerial resignations, the premier should be seen as being above the politics; an elder statesmen.

In Question Period following Wilson’s resignation, then leader of the Opposition Dalton McGuinty, asked Deputy Premier Ernie Eves, if he would call an inquiry into the matter because “I am convinced, as I’m sure the minister is, that the Information and Privacy Commissioner will not consider the issue of ministerial accountability.” Mr. Eves replied, “In terms of ministerial responsibility, I don’t think you can see any higher standard than the one displayed by the Minister of Health a few moments ago.”²³ Wilson’s actions closely follow the doctrine of ministerial responsibility to the legislative assembly, and Mr. Wilson still believes to this day that his actions were the right thing to do, and he would do it again if faced with similar circumstances, even if the disclosure of information was done by a civil servant and not a member of his ministry staff, stated Wilson.²⁴

The politics of what occurred should also be pointed out. Wilson felt that it was his duty, his responsibility to step aside because we has responsible as minister. However, he also stated that he did not want the actions of his staffer to tarnish the government or bring into question the integrity of then Premier Mike Harris, so there was a political decision that needed to be made. On Saturday December 7, 1996 the story in the *Globe and Mail* was that Wilson’s staffer had resigned. On Monday December 9, 1996 Wilson resigned, and only for two more days following his resignation were there stories in the media about the affair. Therefore, it can be surmised that Wilson’s resignation as Minister of Health effectively killed the story, because in the mind of the media, and arguably the public, accountability and responsibility were upheld.

In the ruling submitted to the Ontario Legislature by then Information and Privacy Commissioner Tom Wright, Mr. Wright stated that Brett James, the staffer in question, “disclosed personal information on his own initiative without the knowledge of, or at the

²¹ Ibid.

²² Ibid.

²³ Wilson, “Disclosure of Confidential Information”.

²⁴ Wilson, *Interview*.

request of, Wilson, other Minister's Office or Ministry staff."²⁵ This effectively cleared Jim Wilson of any wrongdoing and he was subsequently brought back into cabinet by then Premier Mike Harris as Minister of Health in February 1997. Wilson's resignation is a good example of ministerial responsibility because it closely followed the classical doctrine, but it also provides a good political example because it shows how a resignation can effectively allow the government to control the life of a negative story.

Greg Sorbara

On October 11, 2005 a statement was issued by then Minister of Finance, Greg Sorbara, which read "Earlier today I became aware of a search warrant alleging that I was the subject of an RCMP investigation relating to a land transaction somewhere between 1996 and 2002. While I have no idea as to what the allegations are or the facts on which they are based, my responsibility as a Minister of the Crown is to step aside pending a determination of the matters alleged in the warrant."²⁶ Sorbara's actions on that day signal an adherence to the classical view of ministerial responsibility. Allegations of a personal misconduct occurred, while the member was not a sitting politician, and he felt that in the interest of both his party, premier and family, it was in his best interest to step down "pending a determination of the matters alleged in the warrant."²⁷

In an interview with Mr. Sorbara, the question of whether or not the classical doctrine of ministerial responsibility still holds was asked, and he responded that he was not sure it ever held. According to Sorbara, every resignation is a political decision. If the allegations of personal or administrative misconduct are serious enough, then for political salience the minister should resign.²⁸ Furthermore, Mr. Sorbara stated that ministers resigning is a decision made by the premier which will, it is hoped, alleviate media and opposition scrutiny.²⁹ This seems to have worked because the Official Opposition only asked questions about the resignation for a single Question Period. Therefore what Mr. Sorbara was getting at in his statement, was that ministerial resignations are political decisions which trump the doctrine of ministerial responsibility; thus politics over political science. His alleged personal scandal, stated Sorbara, could have had the effect of calling into question the integrity of the McGuinty Government. Thus he decided it was in his best interest, and the interest of his government, if he

²⁵ Tom Wright. "A Special Report to the Legislative Assembly of Ontario on the Disclosure of Personal Information at the Ministry of Health." February 20, 1997: 17.

²⁶ Greg Sorbara. "Statement by the Hon. Greg Sorbara, Minister of Finance." *CNW Group (2005). General OneFile*. Web. March 15, 2010. <http://find.galegroup.com/gtx/infomark.do?&contentSet=IAC>

²⁷ Greg Sorbara - MPP (Vaughan). *Interview*. Monday March 15, 2010. 2:00 pm. Queen's Park, Toronto.

²⁸ *Ibid.*

²⁹ *Ibid.*

resigned to focus on fighting to clear his name.³⁰ Sorbara's efforts proved fruitful when in May 2006, some seven months after he resigned his post, his lawyers were successful in having Sorbara's name removed from the search warrant, and on May 23rd of that year, McGuinty reinstated Sorbara to his former post.³¹

What are the outcomes of a minister resigning? When posed that question, Sorbara stated that "every ministerial dismissal has a high degree of political judgement," questions such as: what are the outcomes, does it ultimately help or hurt us as a government, what are the impacts, will it kill or prolong the story?³² Thus before a minister does resign there is a lot of thought that goes into the pros and cons of the resignation. Mr. Sorbara also discussed the need to update the classical view of ministerial responsibility to fit the twenty-first century, this in regards to the actions of public servants within government. According to Sorbara, the classical doctrine was developed in a time when government was small, less complex and easily manageable. Yet, stated Sorbara, "today the size and complexity of government forces ministers to know less and less what is actually occurring and thereby placing great levels of trust in career civil servants that arguably free parliamentary accountability."³³ Sorbara pointed to the eHealth scandal that recently rocked the McGuinty Government, stating that the problems in that department started eight years ago under a previous government and were complex in nature, however, the problems did continue under the Liberals. And when the problems came to light, then Minister of Health David Caplan was the one left holding the baggage even though he had only been minister for little over a year. Regardless, stated Sorbara, someone needed to be held accountable and he was the individual standing at the plate when the Auditor General released his report.³⁴ Accountability in this case, it can be surmised by Sorbara's comments, should have rested with the individuals within eHealth that allowed the wasting of nearly \$1 billion, and not the minister only there for little over a year. Lastly, Mr. Sorbara stated in his interview that the opposition, regardless of which party is in power, will at any opportunity try to to embarrass the government by calling for the resignation of ministers for any perceived infraction, which has contributed to the diminished importance of the doctrine of ministerial responsibility.³⁵

Mike Farnan

³⁰ Ibid.

³¹ John Lorine. "The accused: when the RCMP fraud squad went after the finance minister, it did so with a vengeance. But Greg Sorbara is a proud man, and there's nothing worse you can do to a proud man than besmirch his name - especially a name his father worked so hard to build." *Toronto Life* Oct. 2006: 6.

³² Sorbara, *Interview*.

³³ Sorbara, *Interview*.

³⁴ Ibid.

³⁵ Ibid.

Having looked at two circumstances where a minister resigned immediately following the media reporting on a scandal, it will now be advantageous for our discussion to examine situations where ministers refused to resign. One such case is former Cabinet Minister Mike Farnan who served under the Rae Government. In April 1991 Farnan was Rae's Solicitor General and Minister of Correctional Services, during which time a scandal erupted over two letters sent by a political staffer in Farnan's office. The letters were signed with Mr. Farnan's name and sent to a justice of the peace asking the judge to consider dropping a parking-violation charge against a constituent living in the Minister's riding of Cambridge. In the legislature opposition members called for Premier Rae to demand the resignation of the minister in question, yet Rae refused on the grounds that Farnan knew nothing about the letters sent and thus should not have to step down. Opposition MPPs grilled Rae stating that "the overall responsibility for the letters lies with the minister," regardless of whether or not he knew anything about them.³⁶ Rae's defense of his minister would continue. According to an April 25th 1991 *Globe and Mail* front page story, Rae continued to defend Farnan reiterating that the minister had no prior knowledge that the letters were sent.³⁷ The following day, on Friday April 26th 1991, the *Globe and Mail* again wrote a front page story about the affair highlighting the continuous calls from Opposition Members that Farnan resign. The article states that Rae, backed by Attorney-General Howard Hampton, supported Farnan refusing to listen to the demands of the opposition.³⁸ In an interview with Howard Hampton on April 26th 2010, the question was posed to him about governments following the doctrine of ministerial responsibility. Mr. Hampton responded that "the McGuinty Government does not follow the principle of ministerial responsibility," referring to situations where Premier McGuinty refused to sack his ministers over transgressions that merited it. However, stated Hampton, "the Harris and Rae Governments closely followed the doctrine of responsibility."³⁹ Understandably it has been some time since the event occurred, but according to media from the time, Howard Hampton defended Mike Farnan. This shows that while in opposition, the doctrine of ministerial responsibility must be upheld at all times, yet while government, politics and political necessity trumps political science.

According to media and Hansard documents from spring 1991, the Farnan Affair, as it was known, continued for some time. The letters came to light on April 22/23 1991, with the *Globe and Mail* Editorial Board writing an opinion on the 26th calling for Farnan to resign. In the piece the *Globe* states that "Premier Rae defines ministerial responsibility narrowly, saying it is unreasonable to hold ministers accountable for their

³⁶ Gene Allen, "RCMP asked to investigate Farnan letters," *The Globe and Mail*, April 24, 1991, A1.

³⁷ Gene Allen, "Solicitor-General stays, Rae says," *The Globe and Mail*, April 25, 1991, A1.

³⁸ Richard Mackie and Margaret Polanyi, "Deputy Minister knew of letter," *The Globe and Mail*, April 26, 1991, A1.

³⁹ Howard Hampton - MPP (Kenora-Rainy River). Critic, Public Infrastructure; Member, Standing Committee on Government Agencies; Critic, Natural Resources; Critic, Economic Development; Critic, Agriculture, Food and Rural Affairs. *Interview*. April 26 2010. 12:00 pm. Queen's Park, Toronto.

staff's actions if they don't know about them."⁴⁰ The opinion piece continues, stating, under ministerial responsibility "the person in charge of a department is ultimately responsible for the actions of his or her department, and bears political responsibility for serious breaches...Mr. Farnan should resign his portfolio, and Premier Rae should ensure that he does so."⁴¹ On April 30th 1991 another story was written in the *Globe* about the affair, followed by more stories on May 6th titled "NDP Busily patching leaks in government ship of state." In this article it is hypothesized that the reason Rae refused to force Farnan to resign was because of the already two previous resignations that had occurred prior to the Farnan Affair coming to light.⁴² It would seem that stories regarding the Farnan Affair died down after almost two weeks of constant attention both in the House and in the print media, but once the RCMP delivered their report on the letters from Farnan's office on May 28th 1991, the stories started back up again. On May 29th 1991 a news report stated that RCMP had cleared Farnan's staffers of wrong doing, yet opposition members were calling for the minister to resign because the "government has hidden behind a criminal investigation to avoid admitting ministerial responsibility." Furthermore, states the article, Rae's actions were at odds with his prior remarks as opposition leader. At the time "he repeatedly accused David Peterson of hiding behind the courts and avoiding his responsibility to carry out independent investigations that would deal with political standards rather than narrow questions of criminal wrongdoings."⁴³ The following day the *Globe* wrote another editorial piece calling for Farnan to "respect parliamentary tradition and resign his portfolio." Farnan of course did not and Rae continued to stand behind his minister citing the RCMP report found no evidence of criminal wrongdoing.⁴⁴ Media reports regarding this story continued well into the summer with the editorial board at *The Globe* writing about NDP cabinet inexperience and errors so short into Rae's mandate. Finally, on July 31st 1991, some three months after the scandal broke, Rae shuffled Farnan out of his cabinet. The analysis of the Farnan Affair shows us what happens when a minister caught up in an alleged scandal refuses to step down. The opposition attack daily in question period and media keep the story going for multiple news cycles, and in the case of the Rae Government, it contributed to an air of incompetency.

Chris Stockwell

On June 5th, 2003 a media story broke regarding a freedom of information request in which it was revealed that former Minister of the Environment, Chris Stockwell, had taken his family, two aides and their spouses on a trip to Paris and other

⁴⁰ Editorial Board, "Mr. Farnan should resign," *The Globe and Mail*, April 26, 1991. A13.

⁴¹ Ibid.

⁴² Gene Allen, "NDP busily patching leaks in government ship of state," *The Globe and Mail*, May 6, 1991. A3.

⁴³ Gene Allen, "Farnan, workers cleared by police," *The Globe and Mail*, May 29 1991. A1.

⁴⁴ Editorial Board, "Unfinished business," *The Globe and Mail*, May 30, 1991. A13.

European cities using funds from the Ontario Power Generation and his ministry budget.⁴⁵ Over the next two weeks opposition members called for the minister's resignation repeatedly in Question Period, with then Leader of the Official Opposition, Dalton McGuinty, saying in the House on June 10th 2003, "Given that the Premier has said about these matters in the past," referring to lying in the House, "why have you not offered your resignation?"⁴⁶ Questions along this nature continued with more damaging information being revealed in every news cycle yet Stockwell continued to refuse resignation. Finally the questions and media coverage reached a crescendo, and on June 16th 2003, Chris Stockwell resigned from cabinet over his expenses scandal.⁴⁷ Looking at Jim Wilson's and Greg Sorbara's experience of resigning immediately upon the uncovering of an alleged scandal, it can be surmised that if Stockwell had resign promptly, then the story would not have been alive for so many news cycles and Question Periods. During the interview with Howard Hampton, he stated that ministers sticking around in the face of controversy accomplish nothing but hurt the government and the premier. In addition, Hampton also stated that it is far better to quickly and efficiently "lance the boil" because a minister resigning at the beginning of a scandal is much better politically for the government.⁴⁸ This highlights that a minister resigning and closely following the classical view of ministerial responsibility, can effectively shield the premier and cabinet from political embarrassment.

The Media and Ministerial Resignations

To further enhance our discussion, it is important to ask the question, how does the media view ministerial resignations? On April 14th 2010, an interview was conducted with Jim Coyle from *The Toronto Star*, which provided a wonderful insight into the colliding world of ministerial responsibility and the media. In answer to the above question Jim Coyle responded, quite categorically, "we love them."⁴⁹ He further elaborated by stating they "characterize chaos, disorder, conflict and scandal, and from a reporters point of view, they are fun to cover."⁵⁰ The stories, said Coyle, "have legs and get you on the front page."⁵¹ This indicates that reporters are always looking for

⁴⁵ Martin Mittelstaedt, "Stockwell toured Europe with power firm's help," *The Globe and Mail*, June 5 2003. A1.

⁴⁶ Dalton McGuinty. "Minister's Expenses," In Ontario. Legislative Assembly. Legislative Debates (Hansard). 37th Parl., 3rd Sess. (June 10, 2003) (Online) Available: http://www.ontla.on.ca/web/house-proceedings/house_detail.do?Date=2003-06-10&Parl=37&Sess=4&locale=en#P206_38021 [May 11, 2010].

⁴⁷ Richard Mackie and Martin Mittelstaedt, "Stockwell quits over expenses," *The Globe and Mail*, June 17 2003. A1.

⁴⁸ Hampton, *Interview*.

⁴⁹ Jim Coyle - Reporter. Interview, *The Toronto Star*. April 14 2010. 1:00 pm. Queen's Park, Toronto.

⁵⁰ Ibid.

⁵¹ Ibid.

interesting and newsworthy stories to cover, thus a ministerial scandal and subsequent resignation, are pounced upon by reporters and arguably why you see it for successive news cycles, thereby further propelling the opposition into attack mode. When asked the question if ministerial responsibility still exists, Mr. Coyle responded that those days are long gone. In a hyper-partisan legislature with the opposition looking for any chance to embarrass the government, ministers will hold on to their portfolio and “bob and weave,” with past events showing us that not all ministers are able to “live up to the job, so they resist resigning to save face.”⁵² Furthermore, stated Coyle, whether or not a minister resigns can also depend on the personal relationship with the premier or importance within cabinet the minister may hold.⁵³ It is also interesting to note that Greg Sorbara, himself a former cabinet minister and party heavy-weight, said the exact same statement in regards to ministers resigning.⁵⁴

When asked about the most recent resignation at Queen’s Park, that of former Minister of Health David Caplan, Coyle responded that in the early days of the eHealth scandal, the Press Gallery figured the story was not going to go anywhere and that it would eventually blow over. Coyle also mentioned that this was how the governing Liberals, and Caplan himself, viewed the scandal. Mr. Coyle also mentioned that the Government tried to reclaim the agenda by cutting people at eHealth prior to the Auditor General’s report into the scandal. When that did not work and on the eve of the report being released, Caplan, stated Coyle, “took the bullet for the team.”⁵⁵ In a Canadian Press story on October 7th 2009, Premier McGuinty is reported as saying “I work with circumstances as I find them, and in keeping with parliamentary tradition, it’s important that when information comes to the fore, that the minister who’s in place at that time, who’s up to bat, accepts responsibility, that’s our tradition of ministerial responsibility.”⁵⁶

When asked if a resignation kills the story in the face of scandal, Coyle responded that in most circumstances it will. Yet, if the scandal is big enough, like in the case of eHealth, then a minister resigning will not sufficiently quell the stories. If Caplan had resigned earlier, stated Coyle, it would not have made a difference because the scandal incorporated multiple players at eHealth and was a large story that went on for quite some time. However, in most circumstances once a “head rolls, the story normally dies out,” Coyle said.⁵⁷ Mr. Coyle was also asked the question about opposition members consistently asking for ministers to resign over any perceived scandal. Coyle responded that “when in opposition you make demands of government when often as

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Sorbara, *Interview*.

⁵⁵ Coyle, *Interview*.

⁵⁶ Maria Babbage and Romina Maurino, “McGuinty shuffles cabinet amid damning eHealth report, minister quitting,” *The Canadian Press*, October 7, 2009.

⁵⁷ Coyle, *Interview*.

government you did not live up to yourself,” and that this has an eroding effect on integrity and ministerial responsibility.⁵⁸ According to Mr. Coyle, the longer a party is in opposition, the more track record you have of calling for integrity and that these words can be used against you; “opposition is conducted in poetry, government in prose.”⁵⁹ This statement, it can be argued, accurately depicts how political parties view ministerial responsibility. In opposition, it is a doctrine that must be closely followed, in government it is cited only after it is unavoidable and clearly something that must be done.

Looking at the classical view of ministerial responsibility, Coyle stated that once, long ago, minister’s accepted responsibility as a point of honour. Today, in the era of large government and hyper-partisan politics, the classical view of ministerial responsibility has diminished considerably and presently it is only about personal conduct and integrity, not about being responsibly for other people’s actions.⁶⁰

Conclusion

This discussion of ministerial responsibility and resignations has hopefully provided some insights into practice and politics at Queen’s Park. It is hoped that this paper will propel others to investigate the practice of ministerial resignations in Ontario and across Confederation. The previous numbers provided highlight the past incidences of scandal, principled and forced resignations. The numbers would have to be looked at in other jurisdictions in Canada, but only 38 resignations in Ontario seems to be on the lower side of the spectrum given the 143 years since Confederation. Also, the numbers provided highlight the breakdown of resignations by premier and political party which could be further used in analysis of a more in-depth nature. In examining some specific case studies it was shown that resignations that occur as a result of ministerial responsibility, for example Greg Sorbara and Jim Wilson, tend to allow sitting governments to regain control of the agenda which was lost when the scandal broke. However, even these resignations, as admitted by the two former cabinet ministers, contain a political decision. In addition, the two cases examined where the minister did not resign immediately following the reporting of the scandal, as in the case of Mike Farnan and Chris Stockwell, the government lost the agenda because successive media cycles reported on the event. Also, the opposition parties hammered away at the governing party in Question Period and media scrums which further harmed the Government. Finally, after refusing to step down and in the face of increased pressure, Stockwell resigned and Farnan was shuffled out. It can be argued that if they had accepted responsibility almost immediately, then the government could have maintained control of the agenda.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Ibid.

Resignations, as Jim Coyle highlighted, are political decisions because whether or not a minister resigns there is an effect on government. Torun Dewan and Keith Dowding, writing out of the London School of Economics, have published a paper titled “The Corrective Effect of Ministerial Resignations on Government Popularity.” In the paper the two authors argue that a government is not powerless in the face of a scandal and or difficulties. The government can “pin the blame on individual ministers and deflect criticism and subsequent falls in popularity by sanctioning or removing the minister concerned.”⁶¹ The authors further state that in the face of problems or scandal a minister resigning can have a positive effect on their popularity, and they prove this through an in-depth statistical analysis of resignations in Great Britain produced by running multiple multi-variate regressions.⁶² Thus, conclude the authors, resignations should not be viewed as being a negative occurrence, but one that can help a government in the face of problems and scandal. Of similar analysis would need to be conducted in Ontario, and arguably across Canada, to see if their findings hold true here, but it does show that a case can be made for a need to adhere to ministerial responsibility, even if the ultimate decision is purely political.

According to Diana Woodhouse, an academic that looked into ministerial resignations in the UK during the 1990s, ministers generally tend to attempt to ride out the storm instead of accepting responsibility, and only doing so once they lack the necessary political support.⁶³ Also, Woodhouse highlights that the decision for a minister to resign or not resign is based on whether or not they party can afford the resignation, if they are ‘out of blood’ then holding onto a minister might be more beneficial, at least until the next shuffle.⁶⁴ This arguably is what happened in the Farnan Affair. Rae had already lost two ministers in a short period of time and did not want to lose a third, so he and his caucus rallied around Farnan and waited for the next shuffle to get him out. However, it can also be argued that the continuous media and opposition barrage that occurred as a result of leaving Farnan in, did more harm than good.

Ministerial responsibility, as is evident from the preceding discussions, is a doctrine that parties should adhere to. A minister resigning in the face of a scandal allows governments to regain control of the agenda, and according to Dewan and Dowding, will give the party a popularity boost. Ministerial resignations, as is evident, some time occur as a result of an adherence to the classical principle, and are always a political decision. However, the classical doctrine, as mentioned before, does need to be updated to fit 21st century politics. When sitting down with Tony Dean, former head

⁶¹ Torun Dewan and Keith Dowding, “The Corrective Effect on Ministerial Resignations on Government Popularity,” *American Journal of Political Science*, Vol. 49, No. 1 (Jan., 2005): 46.

⁶² *Ibid.*, 47.

⁶³ Diana Woodhouse, “Ministerial responsibility in the 1990s: when do ministers resign?” *Parliamentary Affairs*, 1993; 46: 281.

⁶⁴ *Ibid.*, 284.

of the Ontario Public Service, the question of ministers resigning over errors in the civil service was posed, and his response was that he had seen good cabinet ministers resign as a result of errors committed by public servants. He elaborated by stating that there is too much accountability placed on elected officials; emphasis, he said, should be on the actions of career civil servants. Deputy ministers, stated Dean, should step up and take responsibility for actions within their ministries.⁶⁵ This because it is the job of the deputy to run the civil service, not the elected official. Ministers should not interfere with the experts within their ministry and civil servants should not interfere with the political side of government; which is currently occurring under the classical view of ministerial responsibility.⁶⁶ Dean's comments highlight an interesting view for the need to modernize the classical doctrine of ministerial responsibility, which further contributes to our discussion of ministerial resignations.

This article set out to examine the practice of ministerial resignations in Ontario. It has looked at the data behind past resignations, it has looked in-depth at certain case studies over the past twenty-five years, and it has discovered how the media views resignations. It is hoped that this article has highlighted the need for further study on this subject, because resignations are a beautiful mix between the practical and theoretical side of politics and thus a perfect subject for further academic study.

⁶⁵ Tony Dean, Former Head of the Ontario Public Service, *Interview*. April 27, 2010: 3:00 p.m.

⁶⁶ *Ibid.*

Bibliography

- Allen, Gene. "RCMP asked to investigate Farnan letters," *The Globe and Mail*, April 24, 1991, A1.
- Allen, Gene. "Solicitor-General stays, Rae says," *The Globe and Mail*, April 25, 1991. A1.
- Allen, Gene. "NDP busily patching leaks in government ship of state," *The Globe and Mail*, May 6, 1991. A3.
- Allen, Gene. "Farnan, workers cleared by police," *The Globe and Mail*, May 29 1991. A1.
- Babbage, Maria and Romina Maurino, "McGuinty shuffles cabinet amid damning eHealth report, minister quitting," *The Canadian Press*, October 7, 2009.
- Coyle, Jim. Reporter, Interview, *The Toronto Star*. April 14 2010. 1:00 pm. Queen's Park, Toronto.
- Dean, Tony. Former Head of the Ontario Public Service, *Interview*. April 27, 2010: 3:00 p.m.
- Dewan, Torun and Keith Dowding, "The Corrective Effect on Ministerial Resignations on Government Popularity," *American Journal of Political Science*, Vol. 49, No. 1 (Jan., 2005): 46.
- Editorial Board, "Mr. Farnan should resign," *The Globe and Mail*, April 26, 1991. A13.
- Editorial Board, "Unfinished business," *The Globe and Mail*, May 30, 1991. A13.
- Hampton, Howard. MPP (Kenora-Rainy River). Critic, Public Infrastructure; Member, Standing Committee on Government Agencies; Critic, Natural Resources; Critic, Economic Development; Critic, Agriculture, Food and Rural Affairs. *Interview*. April 26 2010. 12:00 pm. Queen's Park, Toronto.
- Lorine, John. "The accused: when the RCMP fraud squad went after the finance minister, it did so with a vengeance. But Greg Sorbara is a proud man, and there's

nothing worse you can do to a proud man than besmirch his name - especially a name his father worked so hard to build." *Toronto Life* Oct. 2006.

Mackie, Richard and Margaret Polanyi, "Deputy Minister knew of letter," *The Globe and Mail*, April 26, 1991. A1.

Mackie, Richard and Martin Mittelstaedt, "Stockwell quits over expenses," *The Globe and Mail*, June 17 2003. A1.

Marshall, Geoffrey. *Ministerial Responsibility*, Oxford: Oxford University Press, 1989.

McGuinty, Dalton. "Minister's Expenses," In Ontario. Legislative Assembly. Legislative Debates (Hansard). 37th Parl., 3rd Sess. (June 10, 2003) (Online) Available: http://www.ontla.on.ca/web/house-proceedings/house_detail.do?Date=2003-06-10&Parl=37&Sess=4&locale=en#P206_38021 [May 11, 2010].

Mittelstaedt, Martin. "Stockwell toured Europe with power firm's help," *The Globe and Mail*, June 5 2003. A1.

Sage, Richard. "Ministerial Resignations in Ontario: 1867-2010", Ontario Legislative Library, 2010.

Sorbara, Greg. "Statement by the Hon. Greg Sorbara, Minister of Finance." *CNW Group (2005). General OneFile*. Web. March 15, 2010. <http://find.galegroup.com/gtx/infomark.do?&contentSet=IAC>

Sorbara, Greg. MPP (Vaughan). *Interview*. Monday March 15, 2010. 2:00 pm. Queen's Park, Toronto.

Sutherland, S.L. "Responsible Government and Ministerial Responsibility: Every Reform Is Its Own Problem," *Canadian Journal of Political Science* 24, no. 1 (1991): 91-120.

Walkom, Thomas. *Rae Days*, Toronto: Key Porter Books Limited, 1994

White, Graham. *Cabinets and First Ministers*, Vancouver: UBC Press, 2005.

Wilson, Jim. "Disclosure of Confidential Information." In Ontario. Legislative Assembly. Legislative Debates (Hansard). 36th Parl., 1st Sess. (December 9, 1996) (Online) Available: http://www.ontla.on.ca/web/house-proceedings/house_detail.do?Date=1996-12-09&Parl=36&Sess=1&locale=en#P67_15237 [May 11, 2010].

Wilson, Jim. MPP (Simcoe-Grey). First Deputy Chair of the Committee of the Whole House; Member, Standing Committee on Government Agencies; Critic, Colleges and Universities; Critic, Research and Innovation. *Interview*. Thursday, March 11 2010. 2:00 pm. Queen's Park, Toronto.

Woodhouse, Diana. "Ministerial responsibility in the 1990s: when do ministers resign?"
Parliamentary Affairs, 1993; 46: 281. **** 277-293

Wright, Tom. "A Special Report to the Legislative Assembly of Ontario on the Disclosure
of Personal Information at the Ministry of Health." February 20, 1997: 17.