

## LAW AND DEMOCRACY WEEK

### Course n°13: The Varied Forms of Accountability (Anne Marie Smith)



Anne Marie Smith has spent the last 22 years of her career as a lawyer in the Office of the Auditor General. Senior General Counsel since 2007, she has extensive knowledge of the issues facing federal departments and agencies. She provides strategic advice to the Auditor General on various policies, programs and issues, and has been involved in all of the high-profile audits reported by the Auditor General. In addition, she represented the Office of the Auditor General in the Gomery Inquiry. Anne Marie was admitted as a solicitor in Scotland in 1980 and received her call to the Ontario Bar in 1986. Her private practice experience includes corporate, commercial and administrative law. She holds an LL.B (Hons) from Strathclyde University, Glasgow, Scotland and an LL.M from the University of Ottawa.

Current public discourse is highly focused on the notion of “accountability”. However, the political class has not adequately defined the concept and that part of the citizenry and of the electorate which is attentive often envisages accountability as no more than a political slogan, or as a state of affairs in public life which is desired but unaccomplished. This class will dissect the factors in the concept of accountability and examine it from two particular perspectives relevant to the legal profession in public life. First, what is accountability to law as a principle applicable to the institutions and officials of the state? Second, what mechanisms exist in political law to project accountability to law on public officials? If democratic public life is a blend of rights, duties and responsibilities, can this form of accountability be properly seen as a counterpart to the constitutionally entrenched and legally enforced civil and political rights? Is it justified to conceive of accountability to law as part of the underpinning for the rule of law or for the role of law in democracy? In this context, particular attention will be paid to the accountability to law of heads of state or government.

This class will deal with accountability in general and specifically with accountability to law as a feature of democracy, in its various forms:

- The Department of Justice and the role played by the Minister of Justice and Attorney General, with specific reference to litigation and prosecution;
- Audit and the Office of the Auditor General;
- The Parliamentary Budget Officer and the task of providing parliamentarians about the financial and fiscal impact of their legislative and public administration;
- Access to information and transparency in the conduct of government;
- Rules on lobbying and access not to information but to people thought to be of influence.