
A Survey on the Ontario Speakership

by Aamir Taiyeb

The Speakership is an old and venerable office. Much has been written about the Speakership in Westminster, where the office, as well as much of Canada's parliamentary traditions originated. However, the Speakership at Westminster is not the same as the Speakership in Canada and the thirteen provincial and territorial Speakerships also have some distinctions among them. This paper examines certain issues relating to the Speakership in Ontario including the election of the Speaker, the Speaker's role in the house, the Speaker's role as representative of the Legislature and the importance of personality. In so doing, it attempts to provide a better understanding of the role of the 'first commoner' in Ontario.

As recently as May 2008, in a report entitled *Everything Old is New Again: Observations on Parliamentary Reform*, Thomas Axworthy, recommended that the Speaker of the House of Commons make better use of her or his ability to influence the outcomes, efficiency and working of the House through the use of 'moral suasion'. The report also urged the Speaker to use his authority to undo logjams in Parliamentary Committees¹. This is evidence that the Speakership is, and continues to be, held in high esteem across Canada. It is also telling that the Speaker's authority, at least at the federal level, derives directly from the Constitution. Article 46 of the *Constitution Act 1867*, states that "The Speaker shall preside at all Meetings of the House of Commons".

Similarly, Ontario's *Legislative Assembly Act* authorizes the Speaker to assume various key roles, including that of head of the Office of the Assembly. The Ontario Speaker is fourth in the protocol chain, behind the Lieutenant-Governor, Premier and Chief

Justice. Throughout Ontario's history, Speakers have played a vital role in shaping the highest institution in the province.

The Election of Speaker

The procedure for the Speaker's election is provided for in the Standing Orders, the rules of procedure that govern the conduct of the Legislative Assembly of Ontario. According to Standing Order 3, the Clerk administers the election and the voting process itself is completely secret. The candidate with the most votes is then declared the Speaker by the Clerk.

Official sources are silent on the candidates' campaigns for the Speakership in Ontario. While, arguably, the position of Speaker is on par with that of a Minister, elected Members cannot campaign for inclusion in Cabinet as they can for the Speakership. Any elected Member can campaign to be Speaker, provided that they are not already members of the Executive Council, or the Leaders of a recognized party in the House. The Speakership is perhaps prized because of its accompanying privileges (use of an apartment in the Legislative Building at Queen's Park and a salary increase) or perhaps because it allows for a great degree of influence and respect in the Chamber. Whatever the reason(s) may be, it is telling that no less than five candidates vied for this position after the 2007 general election. Each one, tried in one way or another, to influence their fellow colleagues. For example,

Aamir Taiyeb was an intern with the Ontario Legislative Internship Programme in 2007-2008. This is a revised version of a paper delivered at the Annual Meeting of the Canadian Political Science Association in Vancouver, on June 5, 2008. It was based on a 2008 survey to all Speakers and Clerks across Canada, as well as to selected academics and senior Parliamentarians. The survey was designed, administered, and the responses aggregated anonymously, by the author.

Ted Arnott, MPP for Wellington-Halton Hills, wrote a campaign-style letter to all MPP's expressing his desire to pursue, among other things, improvements to Legislative decorum.² Other candidates spoke individually with their elected colleagues.

Former Speaker David Warner related how in the 1985 Speaker's campaign, he and other candidates were permitted to speak to each caucus individually, pitching their case in person.³ Mr. Warner even lobbied his counterparts in the hallways and over coffee in the Legislature. While the official procedure today remains unchanged since 1985, the approach taken by candidates today seems much more streamlined than it did in the past.

Most persons surveyed agreed or were neutral with the statement that 'Candidates for Speaker often lobby their fellow members during the election process.' All agreed with the statement that 'Candidates for Speaker should not be allowed to lobby their fellow Members. However, perhaps the most interesting question in this section of the survey was the last: 'The election of Speaker is usually fair, open and transparent'. Two responses, disagreed with this statement.

Some respondents suggested, although no concrete evidence was available, that the Premier's Office in the past has been known to interfere in the Speaker's election. Former Speakers Gary Carr and Chris Stockwell appear to have had this experience, perhaps an unfortunate vestige of days past when the Speaker was almost entirely the choice of the sitting Premier.

The process for choosing a Speaker has matured over time at Westminster. The incumbent, barring any egregious behavior or flagrant misconduct, is returned unopposed to his/her former role. He or she must run in a general election of course, and win, but even here tradition dictates that parties will not field candidates in the incumbent Speaker's riding. This allows for a

certain continuity of office that transcends partisanship and party politics. But Ontario according to some of those interviewed for this paper, is simply not mature enough to adopt this practice. Although, in Canada Lucien Lamoureux, ran twice as an Independent and was elected unopposed by any major political party. Danis Marcel, a former Deputy Speaker of the House of Commons suggested that:

Lucien Lamoureux planted the seeds of what may yet see the light of day in our parliamentary tradition: first, the beginnings of the concept of a continuous speakership; and, given this concept, the idea that a Speaker seeking office in a general election ought not to participate in a partisan fashion.⁴

Whatever the merits of each argument may be, the winds of change may yet blow through this hallowed office in the province of Ontario in this regard. The survey also asked a question relating to the Speaker's role outside the Chamber which elicited some of the following responses:

- A Speaker who is able to bring Members together is effective; this could be done through dinners with the Speaker, etc
- Demonstrate to your constituents that you still represent them. Be active in the day-to-day operations of Queen's Park: i.e. administration, weekly dinners with MPPs. Important to maintain an open-door policy with Members and their staff
- A good administrator. An affable diplomat. Someone whose presence internationally will enhance our countries reputation
- Solid understanding and interest in the operation and purpose for representative/parliamentary institutions coupled with a willingness to share this knowledge, in an engaging way, with those who are interested
- Being non-partisan in comments, not commenting on issues in the media, including Members from all sides of the House in events or functions or dinner hosted by the Speaker and including Members from all sides of the House in conference delegations headed by the Speaker
- An interest in parliamentary issues and procedures and a desire to promote parliamentary principles and an exchange of ideas and practices
- Active and visible participation in educational, ceremonial and community events; effectively pursuing constituency issues in a manner that does not compromise the Speaker's impartiality in the House
- Respectable personal qualities such as strong active listening skills, community-mindedness, accessibility, respect for cultural differences, being of strong moral standing, modesty, and a healthy, positive lifestyle. Professional and political experience including an awareness of the

The Election of Speaker			
Statement	Strongly agree/agree	Neutral	Disagree/strongly disagree
Candidates for Speaker often lobby their fellow Members during the election process	84%	8%	8%
Candidates for Speaker should not be allowed to lobby their fellow Members for conflict of interest reasons	100	0	0
The election of Speaker is usually fair, open and transparent	70%	15%	15%

circumstances leading up to political decisions, understanding the process, and how/where the Speaker can shape those decisions that impact on his/her constituents while working 'behind the scenes'. A healthy respect for the institution and recognition of the goals and aspirations of the Members also helps

- Basic policy/advocacy skills – but overall influence is very limited
- A thorough understanding of the operations of the Assembly and importance of its independence from the executive. It is only with this understanding that a Speaker can work in the best interest of the institution
- An air of being well-informed, a sense of self-confidence and non-partisan

Balancing Government and Opposition

The Speaker's role is pivotal in our system.

Regardless of an assembly's size or composition, every Speaker bears responsibility for balancing two fundamental principles of parliamentary democracy. The majority has the right to conduct its business in an orderly manner and the minority has the right to be heard. This responsibility makes the Speaker a crucial figure in our parliamentary form of government.⁵

The Speaker thus has the ultimate responsibility to manage the needs of both the Opposition and the Government in the House. Survey responses were reflected in the following table.

The purpose of the first question was to determine whether or not, Speakers were perceived as being biased in their application of the Standing Orders. This does not seem to be the case for any of the respondents in this survey. Speakers are also generally seen to be rather dependent on the Clerks in terms of procedural assistance in the House. However, it is important to mention that all the Speakers who completed this survey felt that they were also somewhat qualified in their understanding of the House Rules. The third question relating to the 'relevance' of matters under discussion in the House was designed to determine whether or not respondents felt this was an important aspect of the Speaker's jurisdiction. Respondents overwhelmingly seemed to think it was; this may be because many jurisdictions allow the Speaker under the Standing Orders to rule on such matters in the House.

The fourth question generated the greatest controversy in this survey. In-person respondents expressed their reservation at the Speaker having the authority to limit, curtail or impede debate based on his/her judgment of the 'quality' of debate in the House. These respondents felt this was a slippery

Speaker's Role in the Chambre / House			
Statement	Strongly agree/ agree	Neutral	Disagree/ strongly disagree
Most Speakers are completely non-partisan in enforcing the Standing Orders/House Rules	100%	0	0
Most Speakers rely entirely on the Clerks for advice on procedural matters (as opposed to themselves)	70%	15%	15%
The Speaker should have the ability/authority to rule on the 'relevance' of matters under discussion in the House	92%	0	8%
The efficiency of the House would be increased if the Speaker was able to rule more often on the 'quality' of comments/debates/questions in the House (for ex.: unnecessary repetition in House debates)	77%	8%	15%
Speakers often advocate their own agendas or their party's agenda in the House/Parliament	0	0	100%

slope that would lead to less democracy and freedom of speech in the House. Two respondents however felt that this idea has some merit, one a long-serving former parliamentarian and one a principal clerk. Such a response leads the author of this study to believe that this area of the Speakership needs further study. Providing some discretion in the Standing Orders for Speakers to rule on the quality of debate may allow for the House to be more efficient and streamlined. At the same time, it may also limit the democratic rights of all Members to express their views and beliefs openly and without hindrance in the House.

Another open-ended question on ways in which the Speaker may be able to improve Legislative decorum elicited the following responses:

- A Speaker may improve legislative decorum using exceptional people managing skills, applying the House rules consistently, fairly and firm, holding each Member accountable. Applying the rules in a manner that is consistent, fair and firm – A Speaker who is without 'favorite' Members and can hold each Member to the same degree of accountability contributes greatly to legislative decorum
- The House is effective as it stands currently. It is what it is
- Consistency, humor, stop personal attacks quickly. Allow some cross-the-floor debate
- a) make sure that he/she treats all Members with apparent equality; b) doesn't debate ordinary rulings as much as the QP tradition seems to allow i.e. make the call and move on without allowing

the offending Member an endless opportunity to debate the ruling, esp. if it concerns what I would call 'routine behavior'

- Rigidly rule against personal and individually insulting remarks
- Establishing their authority as credible and non-partisan protectors of parliamentary privileges and practices
- Consistent enforcement of House rules and procedures; effective use of moral suasion to encourage a high tone of debate
- Private discussions with House Leaders and Party leaders and Members; issuing statements in the House, informal chats with Members who are guilty of breaching decorum
- Consistent and proactive application of the Rules of the House and by further promoting, through meaningful outreach initiatives a better understanding of the work of parliament and all Members
- Being fair and firm. Consistency in ruling against unacceptable language and behavior. Retaining a good sense of humor

The Importance of Personalities

It was somewhat surprising to discover how many people commented about the importance of each Speaker's individual personality. Most viewed this as one of the most important attributes of a Speaker, often surpassing other vital skills such as knowledge of parliamentary procedure. Kindness, humor and hard-work seem to be the stuff good Speakers are made of, and their 'personal touch' is perhaps their greatest asset in this office.

A senior staffer spoke about the importance of having a Speaker with a personality that 'meshed' easily with others at the Assembly, particularly members of the Assembly staff. The example of former Speaker Warner was cited as one who made a sincere effort in 'rapport-building' with staff, even personalizing his relationship with them by signing individual birthday cards for each staff member at the Assembly. According to this person, such simple actions did wonders for boosting the morale of all staff at the Assembly.

Similar to any other large corporation, the outcome, efficiency and productivity of the institution will be greatly affected by those at the top. As de-facto CEO, the Speaker sets the tone for the organization; this in turn affects productivity at the Assembly. As the 'head' of the governing body of the province of Ontario, most observers would agree that it is crucial to ensure that each Speaker understands this important part of their role, and that their personalities are suited for the office.

As shown in the following table Speakers are generally seen to be non-partisan in their approach to the House. Being non-partisan is one aspect of the job; arguably what is even more important is to be seen to be non-partisan. The ouster of a Speaker from the position is almost inevitably linked to the general perception of their being partisan in their approach. In fact, it was widely perceived that some former Speakers at Queen's Park, especially those who despite their incumbency managed to lose the election, had been seen as partisan in the House in the past. To a certain degree, it would be naïve to assume that all Speakers are completely non-partisan; after all, Speakers at Queen's Park often belong and maintain membership in their respective political parties while Speaker. One way to improve upon such a state of affairs is to explore the option of a 'continuing Speakership' mentioned elsewhere in this paper, although barring this possibility it is hard to imagine how a Speaker can escape occasional charges of partisanship in the exercise of their duties.

As for the second question, results were mixed with regard to a Speaker's past performance in the House as a tool for judging their future performance. About 54% of respondents were of the opinion that a Speaker's past performance is important, while 38% disagreed with this hypothesis. This may lead readers to conclude that a potential candidate for Speaker should be acutely aware of their performance in the House, although this does not mean that those with a performance that is seen as somewhat lacking need not apply. Indeed, performance in the House is one criteria by which a future Speaker's performance may be judged, but it is not, by far, the only factor.

The third open-ended question related to speakers' personalities and elicited the following responses:

- Demonstrate non-partisanship. Get to know all Members of the Assembly
- Thoughtful, knowledgeable. Have a strong sense of the traditions of the institution

Speaker's Personalities			
Statement	Strongly agree/ agree	Neutral	Disagree/ strongly disagree
Speakers often bring a political bias/partisan approach to their role	23%	8%	77%
A prospective Speaker's past performance in the House as a Member is important in judging their future potential as Speaker	54%	8%	38%

- A good sense of humor. A good listener. Not being judgmental. Being impartial. Willing to listen to everyone
- An inherent ability to see problems from all perspectives
- Active listeners. Thorough and even-handed approach to issues. Low-key personalities that don't react in an emotional manner
- Diplomacy, fairness and decisiveness
- Personal integrity. Interest in procedure, practice and heritage. Strict neutrality. Flexibility to allow give and take in debate and question period while balancing decorum, rules of debate and protection of the rights of all Members
- Consistency – flexibility when circumstances require it, having a sense of humor
- Fair-minded. Approachable. Engaging and humble, yet willing to stand firmly behind his/her convictions and decisions, yet open-minded enough to hear opinions that may differ
- Good listening skills. Sense of humor

A Look at Parliamentary Diplomacy

Almost all descriptions of the role of the Speaker identify a role for the Speaker as Representative of the Legislature (receiving foreign dignitaries, attending ceremonial events on behalf of the Assembly, representing the Legislature internationally heading missions to other Parliaments)

This aspect of the Speakership which may well be the least-explored, at least at Queen's Park.

Various Speakers have seen this role in different lights. Speaker David Warner, in a diary he maintained while Speaker at the Ontario Legislature saw this part of his job as perhaps the most enjoyable and interesting.⁶ In a personal interview, former Speaker Warner made some of the following comments related to the Speaker's international role:

The Speaker by virtue of his role is considered neutral and may have an easier time in opening doors than the government of the day. The Speaker could pursue relations that may be state-to-state or Assembly-to-Assembly in a form of 'quiet diplomacy'. The Speaker has the opportunity to do this kind of work after consulting with Foreign Affairs. The Speaker is not perceived as having a hidden agenda. It is easier for the Speaker to pursue such relations as opposed to a Cabinet Minister and Ambassadors. I had dinner regularly with many of the Consuls-General in Toronto for example. Such diplomatic initiatives take pressure off the government.⁷

Speaker Warner practiced a form of what is called parliamentary diplomacy during his tenure as Speaker, a practice that runs parallel to, supports, and

complements the international work done by state or provincial governments. Recently, the Senate and House of Commons Speakers spoke about this subject:

As Speakers, our principal role continues to be presiding over the deliberations in our respective chambers and playing a role in the administration of our houses. However, the realities outlined above have placed greater emphasis on the perhaps less well known role we play in fostering diplomatic relations with other parliaments and countries. In our view, Canadian parliamentary diplomacy must be an important complement to the diplomatic initiatives undertaken by the government in our federal political system. What follows is a brief description of how we, as Speakers, and all members of the Senate and the House of Commons, contribute to interparliamentary relations, specifically the promotion of democracy, good governance and of the Canadian parliamentary system on the international scene.⁸

Such statements help to establish the notion that parliamentary diplomacy is both accepted and wide-spread among Parliaments. In fact, the Inter-Parliamentary Union, an international association of state parliaments, even has a guide for parliamentarians entitled: *Parliament and Democracy In The Twenty-First Century: A Handbook for Parliamentarians* where the practice of parliamentary diplomacy has been extensively addressed.⁹ Speakers, as head of their respective Assemblies, play a special role internationally as opposed to the regular Member. This is perhaps best epitomized in the Québec National Assembly, where the Speaker is 'responsible for directing the interparliamentary and international relations' of the Québec National Assembly.¹⁰

Four major objectives govern international relations at the National Assembly:

1. The upholding and reinforcement of the efficiency of the parliamentary institution and of the elected representatives in their duties with regard to legislation, control, consideration of issues of public interest and representation;
2. The active participation of the National Assembly in building a world community based on democracy, peace, justice and prosperity;
3. The improvement of the international positioning of the Assembly, which contributes to the optimal outreach of Québec society;
4. The institutional outreach of the Assembly within the interparliamentary networks.¹¹

It is of course important to note that Québec is somewhat unique in its parliamentary relations given its very particular history, and its desire to distinguish itself on the world stage. As foreign and international affairs fall largely within the exclusive jurisdiction of

the national Parliament in Ottawa, Québec has made effective use of its provincial parliament to conduct its de-facto 'international relations'. Nevertheless, Québec remains an interesting case study on the Canadian scene of the effective, and increasing, usage of parliamentary diplomacy among Parliaments worldwide. The following table were the results of some survey responses related to the Speakers' Role as Representative of the Legislature.

Responses to the first and last question in the table shown above were largely uniform. Almost all respondents agreed that a) Most Speakers effectively represent their respective jurisdiction/ Parliament to foreign representatives and that b) Speakers are effective in improving international relations with other jurisdictions. The responses to these two questions serve to dispel any myths regarding the efficacy of the Speaker's international role, at least as determined by those surveyed for this paper.

With regard to the second question in the table responses were somewhat split with a little more than half of respondents agreeing that Speakers undertake independent projects, while 23% disagreed; 23% were neutral. This leads the author to believe that a greater potential for Speakers to undertake further independent projects is there; the only limit is that imposed by a Speaker's time and imagination. In other words, if the will exists, Speakers can, if they so wish, help to undertake projects such as trade visits, parliamentary exchanges, legislative assistance for developing democracies, and friendship agreements with other legislatures.

The last open-ended question related to speakers' as the official representatives of the Legislature/ Parliament, elicited the following responses:

- Regular meetings with Ambassadors and Consuls-General. Attend meetings in other countries
- The Speaker is much more of a background player these days in this area
- Some Speakers better understood the unique characteristics of the job better than others and successful Speakers typically were interested in the Speakers job as a job and not just happy to be there as a consolation prize for not being in Cabinet. I would cite Mr. Speaker Stokes as a very successful Speaker (1977-1981) because of his rigorous even-handedness in the Chair and as someone who was quite prepared to make a firm decision and stick by it!
- Speakers who aspire to the role are more effective in my opinion. Speakers who are promoted because of political trade-offs are less effective because they are viewed less favorably by Members in general
- By developing, supporting and participating

Speaker's Role as Representative of the Legislature			
Statement	Strongly agree/agree	Neutral	Disagree/strongly disagree
Most Speakers effectively represent their respective jurisdiction/Parliament to foreign representatives	92%	0	8%
The Speaker often undertakes independent projects on behalf of his/her jurisdiction/Parliament abroad (reciprocal exchange agreements for ex.)	54%	23%	23%
Speakers are effective in improving international relations with other jurisdictions (by leading delegations abroad, hosting foreign dignitaries	92%	0	8%

effectively in educational outreach programs

- Active and visible participation in educational, ceremonial and community events; active participation in interparliamentary forums and organization
- Some Speakers are more comfortable than others when meeting with dignitaries and hosting events and engaging in small talk
- Having a good knowledge of international concerns, issues, history of various countries. Being a good diplomat. Having an interest in developing programs which could benefit other countries (e.g. literacy)

Conclusion and Recommendations

An interesting trend that seems to have emerged from my research is that there is a wide amount of variance in a role that many equate to being as prescribed, neutral and pre-determined. Some Speakers are more 'activist' than others. 'Activist' Speakers could be those classified as being involved extensively on the international scene, those more likely to look for quality in debates, to interject frequently with their own statements or comments, and to undertake their own independent projects within or outside the legislature. Less activist Speakers may be those who are less likely to 'rock the boat'; they are those who view their duties, both in the House and outside, as that of a rigidly neutral caretaker and administrator. These Speakers are the ones most likely to identify with former Premier Bill Davis' famous quote regarding his longevity in politics and electoral success: *bland works*. Some may argue that perhaps personality and background more than anything else can help explain this apparent variance. What is certain however is that this variance helps

enrich, expand and most importantly contributes to the constantly evolving institution of the Speakership.

Based on my observations and research I would make the following recommendations:

- Guidelines should be established to ensure that candidates follow a prescribed procedure in their campaigns for this position. The Premier and Cabinet Office should refrain from any involvement whatsoever in the campaign.
- The idea for a continuous speakership deserves further study perhaps by the Standing Committee on the Legislative Assembly.
- There should be mandatory follow-up meetings with Members who have been 'named'. The Speaker should also meet with those reprimanded in the House (short of naming) beyond a certain number of times each week.
- The Speaker's budget devoted to international activities should be increased in order to allow for greater flexibility in order to pursue international activities abroad.
- Speakers should take the lead in encouraging all Members of the House to get involved in parliamentary diplomacy activities. Queen's Park should be a model for other Parliaments when it comes to areas such as parliamentary exchanges, friendship agreements, hosting dignitaries, democratic development in poorer countries; the Speaker's role is key in this regard.
- It may be beneficial to have clearer guidelines that would allow the Speaker to determine whether or not Members stay on topic in the House and avoid unnecessary repetition.

Notes

1. Thomas S. Axworthy, *Everything Old is New Again: Observations on Parliamentary Reform*, The Centre for the Study of Democracy, School of Policy Studies, Queen's University, April 2008, p. 30.
2. A full version of this paper including this letter can be found at: <http://www.cpsa-acsp.ca/papers-2008/Taiyeb.pdf>.
3. Interview with David Warner, former Speaker of the Legislative Assembly of Ontario, May 12th, 2008.
4. Marcel Danis, "The Speakership and Independence: A Tradition in the Making", *Canadian Parliamentary Review*, Vol. 10, No. 2 Summer 1987, p. 18.
5. Gary Levy, "The Evolving Speakership", *Canadian Parliamentary Review*, Vol. 21, No. 2 Summer 1998, p. 7.
6. David Warner, Personal Diary, Legislative Library, Legislative Assembly of Ontario.
7. Interview with David Warner.
8. "Parliamentary Diplomacy: the Canadian Approach", Speech by Senate Speaker Noël A. Kinsella and House of Commons Speaker Peter Milliken, May 4th 2007. Available at: <http://www.sen.parl.gc.ca/nkinsella/PDF/Speeches/ParlDiplomacy-e.pdf>
9. Inter-Parliamentary Union, *Parliament and Democracy In The Twenty-First Century: A Handbook for Parliamentarians*, Available at: http://www.ipu.org/PDF/publications/democracy_en.pdf
10. Meeting with the Interparliamentary and International Relations Dept, National Assembly of Québec, December 2007. Exchange visit by Ontario Legislative Interns to the Québec Assembly.
11. Activity Report of the National Assembly, 2002-2003. Published by the National Assembly of Québec.