

A NIGHT TO REMEMBER: THE FIRST ELECTION OF A SPEAKER BY SECRET BALLOT*

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"The House of Commons is the country's most important institution, and it is in a crisis of our own making. Restoring the self-respect of Parliament requires both a fundamental change of attitude and a catalyst. For my part, I think I can contribute more effectively to that reform as a Private Member in a House that has freely invested a new Speaker with full authority." With those words Speaker John Bosley tendered his resignation after presiding over the House of Commons for two tumultuous years.

The resignation opened the way for one of the most radical reforms in Canadian parliamentary history—the election of his successor by secret ballot of all members of the House. This procedure, begun at 3:00 P.M. on September 30, 1986, ended twelve hours and eleven ballots later with the election of John Fraser as thirty-second Speaker of the House of Commons.

Despite some publicity in the weeks between Speaker Bosley's resignation and the early recall of Parliament for the purpose of choosing his successor, the new procedure came as quite a shock to the public, the press, and even to many Members of Parliament. In fact reform of the election process has been under discussion for nearly five years. The unexpected resignation merely brought to fruition a process that otherwise would not have taken place until after the next general election.

Background

The secret ballot was intended to be a further step toward strengthening the office of Speaker. The presence of an impartial person devoted to applying the rules of procedure fairly and protecting the privileges of all members is generally recognized as an essential ingredient for any legislative body worthy of the name. The tradition of an independent Speakership, however, is of relatively recent origin.

After Confederation Prime Minister Sir John A. Macdonald argued that Canada should follow the British example whereby Speakers would not be changed capriciously after each Parliament. Over the next hundred years only three persons, James Cockburn, Edgar Nelson Rhodes, and Rodolphe Lemieux, served more than one parliament. The prestige of the office fluctuated with the performance of individual Speakers, reaching a nadir during the Pipeline Debate in 1956 and an

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apogee under Speaker Lucien Lamoureux who resigned from his party and contested both the 1968 and 1972 general elections as an Independent. In 1979 his successor, James Jerome, became the first person to maintain the Speakership following a change in government due to an election.

After the 1980 election Prime Minister Trudeau nominated Jeanne Sauvé as Speaker. Although a cabinet minister for eight years, Mme Sauvé had never spent a single day on the backbenches. She also had the misfortune to preside over some of the most acrimonious debates in Canadian history, including the 1981 constitutional resolution and changes to the Crow's Nest freight rates in 1983. Another serious parliamentary crisis occurred in March 1982 when both opposition parties objected to the massive *Energy Security Act*. They asked that it be divided into several items to be considered separately. The Opposition moved an adjournment motion and then refused to appear for the vote which, by tradition, is held only when both the government and Opposition whips indicate they are ready.

Bells summoning members to vote continued to ring. Pressure mounted on the Speaker to break the deadlock but Mme Sauvé maintained it was up to the parties themselves to resolve the dispute. After more than two weeks of bell ringing an agreement was reached whereby the omnibus bill was divided in return for agreement on a timetable for passage of the separate bills. When the House resumed sitting after the unprecedented incident, Speaker Sauvé made a short statement elaborating her reasons for not intervening. She concluded with an observation that the time had come for a thorough review of certain aspects of parliamentary procedure.

A few weeks later the House adopted a government motion to create the Special Committee on the Standing Orders and Procedure, chaired by Tom Lefebvre. Among the subjects examined by the Committee was the traditional method of choosing a Speaker. The Committee felt the House should exercise a more direct role over the nomination of candidates for the Speakership. "The Speaker belongs to the House, not to the Government or the Opposition. Although the servant of the House, the Speaker is expected to show leadership in promoting and safeguarding the interests of the House and its members. . . . Although the Speaker once elected has always become the true representative of the House of Commons, the Prime Minister under our practice has always exercised a very strong influence over the initial choice of a candidate."

The report said the Speaker should cease to be nominated by the prime minister and should instead be elected by secret ballot of all members of the House. Balloting would continue until a single candidate received at least 50 per cent of the votes cast plus one. The Committee recommended that the Clerk of the House count the ballots in the pres-

ence of one member of each political party. It also made a rather vague recommendation calling on the House "to respect the linguistic traditions governing the selection of Canadian speakers."

Before the report could be adopted Parliament was dissolved for the 1984 election. The new Conservative Government of Brian Mulroney gave high priority to parliamentary reform and immediately announced creation of a Special Committee on Reform of the House headed by James McGrath. It tabled three reports. The theme of each was that responsibility for what happens in the House should be spread more evenly among all members instead of leaving so much in the hands of party leaders, cabinet members, House leaders, and whips. The McGrath Committee considered and accepted a number of proposals from the Lefebvre Committee, including the idea of electing the Speaker by secret ballot. All references to linguistic traditions were omitted since the Committee realized that no binding conditions could be attached to a secret ballot.

During the course of its work the McGrath Committee heard evidence from Speaker Bosley who, when asked about the new procedure, raised some potential pitfalls for consideration by the Committee. "We might wind up with the situation where people campaign to be Speaker. I am not sure that is in our best interest as a House of Commons. We have not really ever seen that. . . . I am worried about the ability of the Chair to start and end impartially, if the method of getting there were an electoral process, as we know it as politicians. I do not know how you would not get to that point if you started having it truly elected. I do not know how you would not get to campaigning for it."

In due course the government announced it agreed with the principle of electing the Speaker by secret ballot. In drafting the Standing Orders it made some significant changes to the Lefebvre and McGrath proposals. The suggestion for scrutineers was eliminated. After each ballot the results would be announced in alphabetical order rather than in the order of votes received. Standing Orders implementing the new procedure were adopted by the House in February, 1986. They fix responsibility for presiding over the election with the retiring Speaker or the senior private member present. Except for cabinet ministers and leaders of recognized parties, every member of the House is eligible to be elected Speaker. Those wishing to withdraw must notify the Clerk in writing.

As provided by the new rules, Speaker Bosley presided over the election. He also considered whether he should let his own name stand but decided against it. "My reluctant, but firm conclusion is that the spirit of the reform—the unfettered choice by Private Members of their Speaker—would be better served if the incumbent Speaker did not reoffer."

The House convened on September 30 for the purpose of electing a

new Speaker. Speaker Bosley outlined the procedure and read the names of the thirty-nine persons who had not withdrawn. Members then left their desks, proceeded through the lobbies and re-entered the Chamber through the two doors on either side of the Speaker. Members were issued a ballot paper and their names struck off the voters' list. They voted six at a time in portable voting booths set up on each side of the Clerk's table. As soon as the presiding officer was satisfied that all members had voted, he deposited his ballot in a specially carved wooden box brought to him by the Sergeant-at-arms. The session was then temporarily adjourned while the Clerk counted the votes in another room.

Each ballot took between 45 and 80 minutes. A five-minute bell signified resumption of the sitting and the announcement of results. Speaker Bosley then read the names of candidates still in the running and asked if anyone wished to withdraw. Few did and gradually ballot by ballot the last of the candidates were eliminated—Reg Stackhouse, Marcel Prud'homme, Steve Paproski, and Doug Lewis. The eleventh and final ballot was between Deputy Speaker Marcel Danis and a former cabinet minister, John Fraser. Finally at 1:48 A.M. Speaker Bosley announced the results. He then left the chair and escorted Mr. Fraser to the dais. After thanking members for their support Speaker Fraser recognized the prime minister and the leaders of the two opposition parties. All pledged their support to him and for the principle of the secret ballot by which he was chosen.

In his congratulatory speech John Turner noted that the proceedings could have been shortened if the procedure recommended by the McGrath and Lefebvre Committees had been followed. This theme was picked up by a number of newspapers which were critical of the new reform. Clumsy, complicated, ridiculous, undemocratic, farcical were but some of the adjectives used by journalists to describe the details of the election process. While the details could be streamlined, there was little support among members for returning to the old system. Some, however, were critical of the new process for failing to uphold the principle of alternation of the Speakership between English- and French-speaking Canadians.

Both French and English have been official languages in Parliament since 1867 but for many years francophones tended to be the only bilingual members. The choice of an anglophone Speaker left many French-speaking members at a disadvantage. The fairest solution that could be devised was to alternate the Speakership and to create, in 1885, a Deputy Speaker who is required to be fluent in the official language other than that of the Speaker.

The secret ballot marks the end of the alternation convention but it was something that may have outgrown its usefulness. With the advent

of simultaneous translation services in the House in 1959, the existence of language training programs over the past 15 years, and the expansion of the number of assistants to the Speaker the main argument in favour of alternation is symbolic. Yet, since the pool of talented individuals available for and interested in the Speakership is relatively small, it can be counterproductive to exclude anyone for purely ethnic reasons. In future there may well be three or four consecutive Speakers who happen to be French Canadian.

On the other hand, one may ask whether functional bilingualism is not an essential qualification for the Speakership. Roland Michener in 1957 was probably the first anglophone Speaker with a working knowledge of French. Bilingualism has now come to be regarded as an important prerequisite. Mr. Fraser's initial remarks were in French and he indicated his intention to improve his knowledge of that language. In the final analysis the House of Commons is a bilingual institution and respect for the Speakership will continue to demand recognition of this fact.

Concerns relating to process and language have gradually given way to a realization that something fundamental transpired on the floor of the House of Commons on September 30. Speakers have come in for much criticism in recent years, much of it from members of the House and the media who do not appreciate the difficulties of the office or realize that the Speaker is in no position to defend himself publicly. The new selection procedure may help to bestow on Speakers a legitimacy that will shield them from unfair criticism. It will not, by itself, help them come to grips with a more fundamental problem—the conduct of question period.

The importance of this 45-minute segment of parliamentary business has been blown out of all proportion in Canada. For one thing question period is good copy and good television but the media tend to ignore what goes on in committees or in other parts of the parliamentary day. Even members tend to behave as if question period was synonymous with Parliament itself. Yet question period did not really exist in its present form until the 1960s. At that time few other opportunities existed for opposition members to attack government policy.

Over the past 20 years numerous new procedural reforms have provided opportunities for members to participate in the affairs of the House and to hold the government accountable. Opposition days, members' statements, the question and comment period after speeches, a new private member's business procedure, reformed committees with power to define their own mandate are only some of these reforms. Still, question period stands out in the minds of many as *the* accountability forum with the rest being secondary. This has produced poor government, poor opposition, public disillusionment with Parliament

and tremendous pressures upon the mere mortal asked to preside over question period.

The election of the Speaker by secret ballot could become a catalyst for a certain attitudinal reform. Canadians have never been very innovative when it comes to political change. Confederation was a step into previously uncharted waters. The adoption of a *Charter of Rights and Freedoms* in a parliamentary system was a bold measure. But virtually every study of parliamentary reform comes to the conclusion that institutional changes are of little value unless accompanied by attitudinal change. But has such attitudinal change been accomplished?

During the election of the Speaker some unusual things happened on the floor of the House. For nearly 12 hours appointments, meetings, and all other activities of members had to be fitted around the various ballots. The prime minister and almost all of the cabinet were in the House throughout the voting. Between ballots members spent their time chatting with one another. At one point the prime minister and leader of the Opposition engaged in a long relaxed conversation in the centre aisle uninterrupted by staff, aides, telephones, or microphones. That may not seem unusual until one tries to remember the last time such an event took place or imagine under what conditions it might happen in the future.

If there ever was a golden age of Parliament the conditions on the floor of the House that night must have recalled that era. Perhaps the Chamber will become a place where important decisions are made from time to time and where the opinion of an individual member counts for something. If that happens, and it happened during the election of Speaker Fraser, there is no telling what further changes could be envisaged in Canadian politics.

In his acceptance speech Speaker Fraser noted that the process of election may have changed but the Speaker is still the servant of the House. He might have added that the House of Commons is still a reflection of the population in general. Attitudes and behaviour will not change easily but those present at the end of the election process knew they had witnessed a bit of Canadian history. It was a night to remember.

A PRIVATE MEMBER LOOKS AT PARLIAMENTARY REFORM*

Lise Bourgault

The role of yesterday's MP is not that of today's. That of tomorrow's MP will be different still. In the past, parliamentarians took the initiative in

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