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Why not let the Speakers do the talking?

The groundwork for a constituent assembly could be laid by the Speakers of Canada's various legislatures, argues Gary Levy, a political scientist at the University of Western Ontario. His model, excerpted below, was presented to both federal and Ontario hearings on the Constitution.

By Gary Levy

WHEN FACED with a seemingly insoluble predicament it is often advisable to return to the basics. Who is ultimately charged with passing constitutional amendments? Since 1982, the answer has been the legislatures (not the First Ministers). Who is the head of the legislature? The Speaker is the symbolic head and spokesman for the assembly as a whole. The Prime Minister is simply the leader of the largest party.

It would seem to follow, therefore,

that the way to establish a constituent assembly independent of the First Ministers but yet commanding their support is to leave the organization to a group of individuals whose political legitimacy has actually been increasing in recent years — the Speakers of the federal, provincial and territorial legislative assemblies.

Speakers are selected not for their constitutional expertise but for their ability to preside fairly over political debate and ensure integrity and respect for the rules. Let us ask the 12 provincial and territorial Speakers to meet with the Speaker of the House of Commons, not to discuss any substantive constitutional change, but to consider the feasibility and organization of a constituent assembly. They would of course consult with their prime ministers prior to meeting but they would also consult with the leaders of other parties.

When they did meet they would deliberate as the heads of the elected legislatures not as representatives of their parties or governments. (Although only three of the Speakers are actually elected by secret ballot of all the members the others are usually elected unanimously and enjoy the confidence of all sides of the House.)

At the organizational meeting Quebec would be only one out of 13. But since this would not be a substantive discussion of constitutional issues there is no reason to think Quebec would boycott it. More likely Quebec would argue for a two-nations format for the assembly. While there might be some support for this idea, Quebec would probably wind up with somewhere between 25 per cent and 35 per cent of the places. This would be less than 1:1 ratio but more than the one out of 11 relationship at First Ministers' conferences.