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# Speaker's Ruling

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Statement on Reasons for Vote to Break a Tie, Speaker Myron Kowalsky, Saskatchewan, March 29, 2004.



Hon. Myron Kowalsky

**Background:** On March 29, 2004 the question on the Address in Reply to the Speech from the Throne in the Saskatchewan Legislative Assembly ended in a tie vote with 27 in favour and 27 against. The Speaker does not normally vote however he must do so in the case of a tie. Certain principles guide a casting vote and these were outlined in the following statement.

**Speaker Kowalsky:** In parliamentary assemblies in the Westminster

tradition, a central principle underlying the system is the impartiality of the Speaker. Both Erskine May and Beauchesne state the following:

Confidence in the impartiality of the Speaker is an indispensable condition of the successful working of procedure, and many conventions exist which have as their object, not only to ensure the impartiality of the Speaker but also, to ensure that his impartiality is generally recognized. He takes no part in debate in the House. He votes only when the voices are equal, and then only in accordance with rules which preclude an expression of opinion upon the merits of a question. (May 22nd edition, p.90; Beauchesne 6th edition, p. 49 ... paragraph 90.)

The principle that the Speaker votes only to break a tie is enshrined in both legislation and rules in the Legislative Assembly in Saskatchewan. The *Legislative Assembly and Executive Council Act* states as follows:

Section 18: Questions arising in the Assembly shall be decided by a majority of votes, other than that of the Speaker or Acting Speaker, but where there is an equality of votes, the Speaker or Acting Speaker has a vote.

The *Rules and Procedures of the Legislative Assembly of Saskatchewan* state the following:

Rule 26(1) The Speaker shall not take part in any debate before the Assembly.

Rule 26(2) In case of an equality of votes, the Speaker shall give a casting vote, and any reasons stated by him shall be entered in *The Journal*.

Under these rules, the Speaker is obliged to vote when the voices are equal.

How then does the Speaker vote? Marleau and Monpetit, summarize parliamentary convention in this area as follows:

In theory, the Speaker has the same freedom as any other Member to vote in accordance with his or her conscience; however, the exercise of this responsibility could involve the Speaker in partisan debate, which would adversely affect the confidence of the House in the Speaker's impartiality. Therefore, certain conventions have developed as a guide to Speakers, (and Chairmen of Committee of the Whole) in the infrequent exercise of the casting vote. Concisely put, the Speaker would normally vote to maintain the status quo.

Canadian and British authorities describe these principles or conventions as follows:

- The Chair should always vote for further discussion;

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- Where no further discussion is possible, important decisions should not be taken except by a majority;
  - Where amendments to a Bill are involved, the Bill should be left in its existing form.

Generally the Chair votes to maintain the status quo regarding the motion and leaves the matter open for future discussion. That the Speaker should follow these principles rather than any partisan position was reinforced when this legislature unanimously made the decision to select a Speaker by secret

ballot of the elected members instead of appointment by the Premier.

These principles also apply to a vote of confidence. The vote on the address in reply to the Speech from the Throne is traditionally viewed as a question of confidence. In our parliamentary system, a question of confidence is a motion which, if defeated, indicates that the government has lost the confidence of the House and is thus unable to continue in office.

In general the principle that applies in this instance is that deci-

sions of the legislature should be taken only by a majority. In a vote such as this one, that is a test of the Assembly's confidence in the government, the decision of non-confidence should be clearly stated by a majority. It would not be appropriate for the vote of the Speaker alone to overturn the status quo as determined in the last election.

I therefore vote in favour of the motion to adopt the address in reply to the Throne Speech. The motion is carried.