



# Speaker's Ruling

## Status of the Speakership: A comment

**Background:** In the previous issue we published a statement by D. James Walding, Speaker of the Manitoba Legislative Assembly in which he outlined some of the problems facing presiding officers and suggested certain solutions. In this issue we are publishing a comment by Speaker Gerard Amerongen of the Alberta Legislative Assembly on that statement.

**Gerard Amerongen:** My respected colleague, Speaker Walding sees three difficulties as serious problems of Canadian Speakers.

One of them is separation of a Speaker from his constituency and party. He says: "The more a Speaker strives for a position of impartiality, the more he becomes separated from the constituency and the party which endorsed him in the previous election."

No one could seriously disagree with Speaker Walding's perception of a Speaker's separation from his party. That is customary in Canada, though the separation is not as complete as in the United Kingdom where it is total.

But, what of separation from constituents? If Speakers are more separated from their constituents than are other members, then they must have more difficulty being re-elected. Yet, generally, Speakers fare better than other members (including ministers). A survey of provincial election results since 1930 shows that the percentage of Speakers re-elected is higher than the percentage of other members re-elected in every province except Newfoundland, Prince Edward Island and Saskatchewan. In Alberta and New Brunswick every Speaker who has sought re-election since 1930 has been re-elected. In Ontario, Quebec and Manitoba more than 90% have been re-elected.



A second difficulty seen by Speaker Walding is stated as follows: "There is an inherent unfairness in the Legislature which places one of its Members, and one only, in the position of being expected to support the initiatives of the government of the day while at the same time being required to act with fairness and impartiality."

Since Speakers are always expected to be fair and impartial *inside* the House and are never expected, to support (*in the House*) the initiatives of the government, the dilemma referred to by Speaker Walding, of having to be partial and impartial "at the same time" obviously refers to what the Speaker may say *outside the House*. But is that a real difficulty?

It is true enough that a Speaker who makes dramatically partisan statements outside the House, may be perceived

to be partisan in the House. The best antidote for such a wrong perception is a continuing, sturdy impartiality in the House. Does not every Speaker express opinions to his constituents? It is true that Speakers do not usually engage in 'high profile' statements on current political issues, but even if they did, surely, that, would not prevent them from being impartial in the House.

In other words, a Speaker is not required to be partial and impartial "at the same time". The same is true of any chairman. It would be impossible to find a bias-free chairman. The only reasonable requirement is that he put aside bias while in the chair.

A third difficulty of the speakership as perceived by my respected colleague from Manitoba is the Speaker's lack of opportunity to debate in the House. Relevant to this and the preceding two points is a study by a distinguished committee of the House of Commons at Westminster in 1938. The resulting report appears to be the Westminster Parliament's last word on the subject to this date.

The Committee consisted of some well known and experienced parliamentarians, among them David Lloyd-George, a former prime minister who chaired the committee, and Sir Winston Churchill.

It must be remembered that this committee was studying the role and position of the British Speaker whose separation from his party is total and not partial as in Canada. So, if separation from one's party is a problem, it should be a far greater problem in the U.K. Yet the committee recognized that the existence of a conflict between the rights of the Speaker's electors and the Speakers own political aloofness, but pointed out that it was the preservation of those very rights in the House of Commons which compels the Speaker to withdraw from political combat. The

conclusions of the Committee were as follows:

"To attempt to deprive a constituency of the right to choose as its member one who is considered most representative of the popular will would be a serious infringement of democratic principles. To alter the status of the Speaker so that he ceased to be returned to the House of Commons by the same electoral methods as other members or as a representative of a parliamentary constituency, would be equally repugnant to the custom and tradition of the House. To advocate that a Speaker should modify, even in his own defence, the established attitude towards political controversy would be to reverse the whole trend of our parliamentary evolution. Such are Your Committee's conclusions. No scheme or proposal within their purview offers more than a partial solution, and each introduces new elements which, in your Committee's considered judgment, would be less acceptable than the ills they seek to cure." (Quoted in Philip Laundy, *The Office of Speaker* p. 71)

Mr. Laundy continues: "The suggestion, sometimes heard, that the Speaker is not able to represent his constituents adequately because of the political restraints upon him does not seem to be well-founded." (Laundy pp. 71-72) The select committee appointed in 1938 made the following comments on the matter:

"It has been argued by those who advocate some change in the existing system that the Speaker's non-political position after election further disfranchises his constituents, in that he cannot express their views in debate or by his vote in divisions, nor can he by political means seek to redress their grievances. Your Committee do not find themselves impressed by these arguments. In the British political system, whatever may be its merits or demerits, there is a strong party control over the

action of members in the House and the sterilization of a single vote on whichever side it might have been delivered will have so small an influence on matters which are the subject of party divisions as to be entirely negligible. On the other hand, on non-controversial matters and particular grievances your Committee feel assured that there are many members in any House who would most willingly place their services at the disposal of the Speaker and his constituents.

In matters of individual interest or grievance the Speaker's constituents are in fact in a peculiarly favoured position. Though the Speaker himself can put down no questions, any matter affecting them which he feels justified in raising privately with a Department of State will, in the nature of human reactions, coming from such a source, receive the most careful consideration. Again, if the circumstances of a particular case require that a question should receive public expression it would be, and in fact is, willingly sponsored by other members. Apart from these considerations, it cannot be disputed that a great honour is conferred on the constituency whose member is chosen from among all others for those rare qualities which will enable him to fill the high office of presiding over the deliberations of the House of Commons and representing it as the first commoner in the land.

There are many ways in which a member may, by actions within his constituency, advance the proper interests of his constituents of whatever party, while yet holding himself completely outside the field of political controversy; and the value of such services cannot fail to be enhanced by the status of their proponent. Your Committee are convinced that participation in such activities could in no way derogate from the authority and impartiality of the Speakership; and no man is in a better position to judge to what

extent they might be carried than one who has been elected to this office." (Laundy p. 72)

Lack of space prevents further quotation except Mr. Laundy's reference to the late Speaker Selwyn Lloyd's remark that those who have themselves held office as Speaker appear to agree with the views expressed by the Committee. Mr. Selwyn-Lloyd thought the Speaker could represent a constituency more effectively than a minister since the former is not bound by collective responsibility and is therefore not inhibited in raising constituency problems even though he may be obliged to raise them privately. He is also on the record as defending the present system of electing the Speaker.

If this system is altered, a fundamental blow will be struck at the Speakership. If by some resolution of the House the Speaker became a notional Member for a fictitious constituency, it would gravely diminish his authority and standing. He would soon have only the status of an official of the House without a corresponding security of tenure.

In conducting the business of the House, moreover, the Speaker should be familiar with what ordinary people are thinking, by letters from those whose homes and backgrounds he knows, and by personal contacts with them."

All of this does not say that my colleague Speaker Walding is not raising genuine concerns. What it does say is that Speakers should continue to be elected first by constituents and then by the House. They should not become civil servants nor be without an ordinary constituency. The real need is for an increasing recognition and understanding of the realities facing the one member without whom a parliament cannot function.