

# *Censure Motions Against Speakers of Legislative Assemblies*

*Maurice Champagne*

Speakers of legislative assemblies must sometimes make controversial decisions. In Quebec and most other provinces members who wish to complain of the conduct of the President must make a motion to that effect (rules 315 and 316 of the *Rules of Procedure of the Assemblée nationale*). No other course of action is open to them.

On this subject, the Speaker of the National Assembly stated the following in 1973: "The House of Commons of Canada follows the British practice whereby a motion to censure the Speaker may be introduced and debated. This is the only way of discussing the President's decisions. Until a motion of censure is introduced, members must place their trust in the Speaker."<sup>1</sup>

In the past, motions to censure the Speaker were very rare, since members could appeal his decisions. However, since the early seventies, in the Quebec National Assembly as in most other Canadian legislative assemblies, the Speaker's decisions have been final. Members can no longer comment on them. If a member disregards a decision of the Speaker, he can be expelled from the Assembly (rules 41 and 42 of the *Rules of Procedure of the Assemblée nationale*). In view of this radical procedure, members increasingly rely on substantive motions to complain of the conduct of the President.

Motions of censure directed at the Speaker are no longer uncommon in the provincial legislative assemblies. In Quebec a motion of censure was introduced on March 20, 1984. It was debated and rejected. The Official Opposition sided with the Speaker on this matter.<sup>2</sup> On two other occasions, namely in 1973 and 1976, the conduct of the Deputy Speaker of the Assembly was the subject of an interpellation. Both motions of censure were defeated.<sup>3</sup>

In the British Columbia Legislative Assembly an opposition member placed on the order paper for September 21, 1983 a notice of motion to censure the Speaker for making a decision favouring the government. Since he was unable to present his motion, the member attempted to raise a question of privilege, but was not recognized by the Speaker.<sup>4</sup>

In Manitoba Speaker D. James Walding was also the target of a motion of censure on December 13, 1982, allegedly for having altered a decision which he had already made and for accepting

representations from the Premier and from the Government Leader outside the Legislative Assembly.<sup>5</sup>

A motion of censure was introduced against Speaker John Brockelbank of Saskatchewan on three occasions in 1980 and 1981. Only once was the motion debated and a vote taken, namely on April 29, 1980. The motion was defeated.<sup>6</sup>

In Alberta, on November 24 and 25, 1981, a motion to censure Speaker Gerard Amerongen on the grounds that he had refused to allow a member to explain himself on a question of privilege, was debated and rejected. A week earlier the New Democratic Party introduced a motion in the Ontario Legislature to censure Speaker John M. Turner. The motion was debated and defeated, with the Opposition Liberal Party voting with the government.<sup>7</sup>

Members do occasionally complain about the Speaker's conduct without following the procedure outlined in the rules. For example, in Saskatchewan on March 26, 1981, a group of parliamentarians withdrew from the Assembly to protest the Speaker's actions. This tactic goes against the principles of the democratic parliamentary process but there is nothing in the rules of procedure to prevent it.

A more widely used tactic is for members to criticize the Speaker outside the Assembly. In such instances, a member (usually the Prime Minister or the Government House Leader) can introduce a motion under rule 315 charging the critical member with a breach of privilege.<sup>8</sup>

The precedents listed on pages 159-160 of the 20th edition of *Erskine May* date back a number of years, with the most recent being in 1937-38. More recently, a precedent emerged in New Zealand in 1982.

During an adjournment, a member complained to journalists about the conduct of the Deputy Speaker. The following morning, the media reported the complaint. On motion of the Government Leader, the matter was referred to the Committee of Privileges. Four newspaper owners, one radio station owner and the member who made the complaint were called as witnesses. Two of the newspaper owners, as well as the radio station owner and the member in question were found guilty of breaching the privileges of the House.

In its report, the New Zealand Committee considered that it was a serious matter for a member to attack a Deputy Speaker and that the member should have followed the appropriate procedure. The Committee thus recommended that the member be

*Maurice Champagne is a political scientist with the Research Service, Legislative Library, Quebec National Assembly.*

severely reprimanded by the House and that the media make amends in the new reports. The Committee's report was adopted by the House.<sup>9</sup>

Another way of handling a complaint lodged against the Speaker outside the Assembly is for the Speaker himself to make a simple clarification which may or may not be accompanied by an order. This is what happened in Quebec in 1973 and in 1986 when a member made some comments about the Speaker's conduct outside the Assembly and the comments were subsequently reported by the media. In 1973, the Speaker was satisfied with a simple clarification<sup>10</sup> whereas in 1986, he made a clarification along with an order: either the member apologize or introduce a formal motion of censure a member's conduct, including the Speaker's conduct (rule 315), or else he was open to charges under the same rule. The member in question ultimately made a statement on June 3, 1986 to the effect that he had not questioned the impartiality of the President.<sup>11</sup>

If a majority but not all members vote against a motion to censure the conduct of the Speaker, should he later still consider, despite these results, that he had been severely censured?

The Speaker could interpret this result as a form of censure, but it should not necessarily be viewed by him as reason

for resigning his position, particularly if a greater number of members opposed the motion, as compared to those who supported it.

Thus, during the debate on the Trans-Canada Pipeline in the House of Commons in 1956, a motion to censure Speaker Louis-René Beaudoin was rejected by a majority vote of 109 to 35. Not only did Mr. Beaudoin remain in the Speaker's chair until the end of the session, he continued to serve as Speaker for two additional sessions.<sup>13</sup>

The motion against Mr. Amerongen was defeated by a majority vote of 51 to 4 and the Speaker remained in the chair. The vote against Mr. Turner in Ontario was 86 to 17 and in Saskatchewan the motion of censure was defeated by a vote of 20 to 11.

The 1974 motion to censure the Speaker of the National Assembly was defeated by a large majority vote (68 to 2). The same thing occurred in the case of two Vice-presidents. Motions of censure introduced in 1973 and 1976 were defeated by a majority vote and both Vice-presidents remained in office.

The closest any motion has come to succeeding was in Manitoba where the margin was 31 to 23 on December 13, 1982. Mr. Walding nevertheless continued to serve as Speaker until 1986. ■

---

## Notes

---

<sup>1</sup>*Journal des débats*, December 19, 1973, p. 664.

<sup>2</sup>*Journal des débats*, March 20, 1974, p. 84.

<sup>3</sup>*Journal des débats*, 1973, p. 811; April 12, 1976, p. 614.

<sup>4</sup>*Orders of the Day of the Legislative Assembly of British Columbia*, September 21, 1983. See also debated of October 5, 1983.

<sup>5</sup>*Legislative Assembly of Manitoba, Votes and Proceedings*, December 13, 1982, pp. 27-28.

<sup>6</sup>*Debates of the Legislative Assembly of Saskatchewan*, 24 and 19 April 1980 and 26 mars 1981.

<sup>7</sup>Philip Laundy, *The Office of Speaker in the Parliaments of the Commonwealth*, London, Quiller Press, 1984, p. 137.

<sup>8</sup>Beauchesne, *Règlement annoté et formulaire de la Chambre des communes du Canada*, 5<sup>e</sup> édition, 1978, p. 38; Erskine May, *Parliamentary Practice*, 20<sup>e</sup> édition, 1983, pp. 159, 235, 289, 378 et 430.

<sup>9</sup>*The Table*, Vol. LI, 1983, pp. 139-140.

<sup>10</sup>*Journal des débats*, 19 décembre 1973, pp. 664-665.

<sup>11</sup>*Journal des débats*, 29 mai 1986, p. 1907.

<sup>12</sup>*Journal des débats*, 3 juin 1986, p. 2055.

<sup>13</sup>Canada, *Débats de la Chambre des communes*, 1956-1957.

---