

Legislative
Assembly
of Ontario



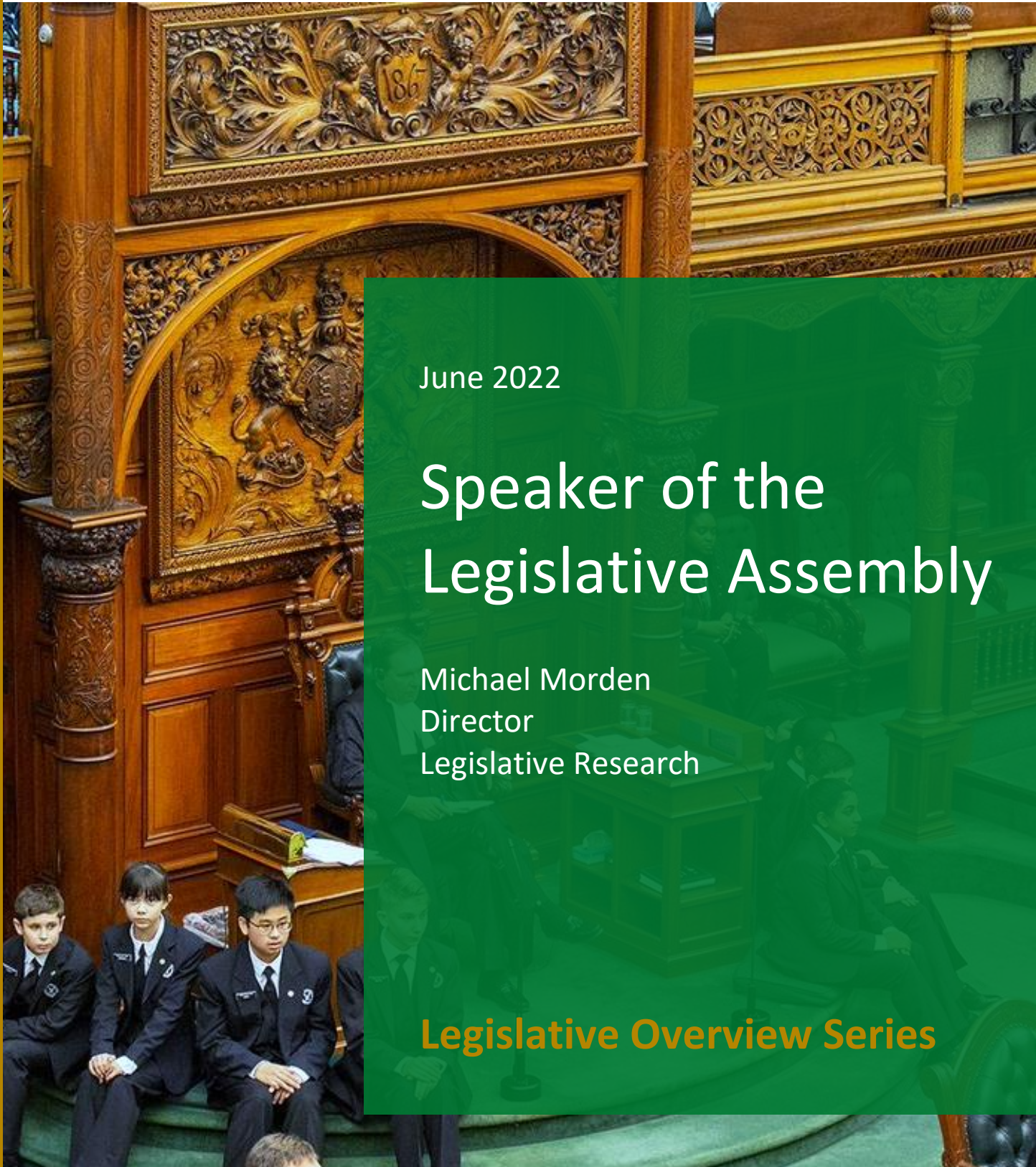
Assemblée
législative
de l'Ontario

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Speaker of the Legislative Assembly

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Legislative Overview Series



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Summary

This brief outlines the core roles of the Speaker of the Legislative Assembly and describes how the Speaker interacts with Members on a daily basis.

Introduction

At the south end of the Legislative Chamber, and at the centre of its action, sits an ornately carved wooden chair on an elevated dais. From this chair, the Speaker of the Legislative Assembly presides over the business of the House.

The Speaker is one of the leading figures at the Legislative Assembly. They occupy an ancient role, as the parliamentary presiding officer and guardian of Members' historical rights and privileges. The Speaker has jurisdiction over the Legislative Precinct, and is central to the governance of the Assembly.

Choosing a Speaker

Electing the Speaker is the first order of business when the House sits following a general election, and at the start of any subsequent session or sitting if the role has become vacant.

The election of the Speaker takes place before even the Throne Speech is read. Members other than the recognized party leaders and Cabinet Ministers may nominate their colleagues for the role (Ministers and leaders of the recognized parties are not eligible for the position). Those nominated have the option of accepting or declining the nomination. Since 1990, the Speaker has been elected by the Members of the Assembly in a secret ballot election, the only secret vote cast at the Assembly. If necessary, multiple rounds of voting take place, until one candidate receives an outright majority of votes.

Living Dangerously

When a Speaker has been elected, they are playfully dragged by colleagues to their place in the Speaker's Throne, while they pretend to resist. This tradition nods to the long history of the parliamentary Speakership. In the Medieval Parliaments of Great Britain, the Speaker was an appointee of the Crown, and often caught in conflict between Parliaments and kings. As a result, the role was feared; seven Speakers were beheaded in the space of 150 years. In 1642, during the English Civil War, the Speaker of the House of Commons famously defied King Charles I, declaring himself a servant of Parliament alone. The norm of service to and protection of the Legislature is still embodied in the role today.

Ceremony and Custom

The Speaker is central to the ceremonial practices of the Assembly. Each sessional day begins with the Speaker's Procession, when the Sergeant-at-Arms, shouldering the ceremonial mace, leads the Speaker and clerks through the Assembly building and into the Chamber. Members stand when the Speaker enters, and remain standing until the Speaker takes their chair.

Respect for the position is reflected in many of the customs of the Chamber. Most importantly for the proceedings of the House, Members are required to stop speaking when the Speaker rises from their chair. All remarks made by Members must be addressed to the Speaker. Members must make sure they do not block the Speaker's view of a Member who is speaking, or walk between the Speaker and the ceremonial mace. Members are also expected to bow to the Speaker when they enter or exit the Chamber, or cross the floor.

The Speaker's Work

The Speaker leads the House in all its proceedings. They move the House through the daily agenda, and recognize Members to ask questions and speak in debates. Though usually elected to the Legislative Assembly as the member of a party, the Speaker is expected to act in a rigorously non-partisan capacity. Once selected for the role, the Speaker ceases to attend caucus meetings or participate in other partisan activities. Outside of their presiding role, they do not participate in debates or vote, except to break a deadlocked vote.

The Speaker is called on to interpret and enforce the written rules, as well as make decisions about “contingenices not provided for in the Standing Orders” (S.O. 1). In those cases, the Speaker bases their decisions on the democratic rights of Members, defined in precedents and reinforced through parliamentary traditions. The Speaker is the final word on procedural questions; their decisions cannot be appealed.

Speaker’s rulings are indexed in [Hansard](#), the transcript of the Legislative Assembly, as well as the Journals (the official record). The website of Canada’s House of Commons also [maintains a collection of speakers’ rulings](#), which sometimes reflect similar principles as those enforced by the Speaker of the Legislative Assembly.

Points of Order and Questions of Privilege

The Speaker is regularly asked to rule on “points of order” and “questions of privilege” raised by Members in the House.

- **Points or Order:** Members raise a point of order when they feel that the rules of the Assembly (the Standing Orders) have not been observed. The Standing Orders require that a Member succinctly make their case about which rule has been broken and how (S.O. 14(d)). The Speaker’s job is to determine whether or not the Member raising the point is correct that a rule has been broken. The Speaker may rule on the point of order immediately or bring a ruling back to the House at a later time.
- **Questions of Privilege:** The Members individually and the House collectively hold special rights, called parliamentary privileges. Members may rise on a “question of privilege” to point out where they feel parliamentary privileges have been infringed. For example, they may argue that they have been obstructed in some way from performing their parliamentary work. Questions of privilege are taken very seriously, so if the Speaker determines that “prima facie” (or at first glance) a case exists, the matter is dealt with immediately. The Speaker is responsible for that initial decision about whether the issue should be considered more closely. But the House ultimately decides when privilege has been breached, through a vote.

Incivility and Unparliamentary Language

The Speaker is responsible for maintaining decorum and civility in the Chamber. Parliamentary proceedings are often intense. Parliamentarians are meant to hold governments to account, and represent and reflect the serious debates that exist in society. But the Speaker maintains guardrails amidst heated exchanges, to ensure debate is constructive and upholds the dignity of the institution and its members.

Members will be called to order if they use “unparliamentary language”. Some examples include

- Making allegations against another Member
- Attributing false motives to another Member
- Accusing another Member of lying
- Using abusive or insulting language
- Using language that is likely to create disorder

Unparliamentary language is not simply a matter of the words used. While some utterances are strictly off-limits, like obscenities or insults, in other cases the context determines what is unparliamentary. The tone, apparent intent, and demeanour of the Member can factor into whether they are found to have used unparliamentary language.¹ It’s the Speaker’s job to interpret general rules and precedents and apply them in specific instances.

If a Member is disrupting proceedings, the Speaker will commonly bring a debate to pause and call that member to order. If a Member is heard to use unparliamentary language, the Speaker will ask them to withdraw it. Usually Members do so readily. In rare cases, the Speaker can “name” a Member, addressing them by their name rather than as “the Member from (the name of their riding)”. When this occurs, that Member is expelled from the House and committee meetings for the rest of the Sessional day or longer.

Defending The Assembly’s Rights

The Speaker may also be called upon to defend the collective rights of the Assembly. For example, the Legislative Assembly has the right to compel the attendance of witnesses or the production of documents which are required for its business. That right is often wielded by committees, in their work to closely scrutinize areas of policy and administration. If a committee’s requests for documents or witness attendance are ignored, it may ask the House to take action by concurring with its report or passing a motion. If the House does so, the Speaker can issue a warrant to send for people or papers.

Administrative Responsibilities

In addition to their role as the chief presiding officer of the Chamber, the Speaker is the head of the Office of the Assembly, which comprises the professional, non-partisan supports and administrative offices of the Legislative Assembly. In their role as the administrative leader of the Office of the Assembly, the Speaker works closely with the Clerk of the Legislative Assembly, a non-partisan official who is the chief permanent officer of the Assembly.

The Speaker is also the Chair of the Board of Internal Economy, a committee which oversees the budget and governance of the Assembly. The Board of Internal Economy, which includes

representation from all recognized parties, reviews and approves the budget estimates of the Office of the Assembly.

Conclusion

The Speaker is a unique and important figure in Ontario's Parliament and its democracy. They stand apart from partisan politics, and act as an impartial champion of the institution and its members.

Notes

¹ Marc Bosc and André Gagnon, *House of Commons Procedure and Practice, Third Edition* (House of Commons, 2017), p. 624.

Asked. Answered.

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