
STATES OF JERSEY



RELIGIOUS REPRESENTATION IN PARLIAMENTS IN OTHER JURISDICTIONS

**Presented to the States on 5th January 2010
by the Privileges and Procedures Committee**

STATES GREFFE

REPORT

Foreword

On 4th February 2009 the States agreed to undertake a review into the rôles of certain un-elected members of the States. The Deputy of St. Martin's original proposition (P.5/2009) asked the States to agree that an independent review be conducted into the rôles of the Bailiff, the Lieutenant-Governor, the Attorney General, the Solicitor General and the Dean. However, the States accepted an amendment of the Privileges and Procedures Committee, and the rôles of the Lieutenant-Governor and the Dean were removed from the scope of the review. At the time, the Committee had argued that it was difficult to see what an external review could add to any future debate on the Dean's role as an un-elected, non-voting, member of the States, as this appeared to be a purely political decision.

The Committee has since carried out research into religious representation in parliaments in other Commonwealth jurisdictions, the findings of which are presented here as they may be of interest to Members. Of the 22 jurisdictions who responded, only 2 have religious representation in parliament (the United Kingdom and the Isle of Man) and 17 have some form of prayers.

<i>Parliament</i>	<i>Religious representative</i>	<i>Prayers</i>	<i>Details</i>
British Columbia	No	Yes	<p>The only proceedings in the British Columbia House that relate to religious input are at the time of <i>Prayers</i> during <i>Routine Proceedings</i>. Prayers are held in the House with both officers and strangers present.</p> <p>Prayers are generally interdenominational and are delivered by Members, visiting clergy (on occasions such as the Opening of Parliament) or the Speaker. Members can choose from a selected list of prayers or may use one of their own.</p>
Bermuda House of Assembly	No	Yes	<p>Current Standing Orders allow a provision for prayers under Standing Order 14. The Speaker or the Clerk of the House leads the prayer.</p> <p>The Legislature at this point in time is not considering religious representation.</p>
Gibraltar Constitution	No	Yes	<p>The Gibraltar Constitution does not provide for any religious representation in Parliament or its proceedings. The Speaker recites prayers at the beginning of each Meeting of Parliament.</p>
Isle of Man	Yes	Yes	<p>The Bishop of Sodor and Man is a member of Tynwald and Legislative Council, with full speaking and voting rights.</p> <p>The sittings of Tynwald and the Keys and Council start with prayers (led by the bishop in the Council and Tynwald); the House of Keys has its own chaplain, who takes prayers, but who has no other role in proceedings.</p>
Legislative Assembly of Nunavut, Canada	No	Yes	<p>In its daily proceedings the Legislative Assembly of Nunavut has prayer as Item 1 on its Order Paper.</p> <p>A member is chosen each day to deliver a prayer of their choice.</p>
Legislative Assembly of Saskatchewan, Canada	No	Yes	<p>The only religious input in proceedings is the daily prayer, which is required by the standing orders to be read at the commencement of each sitting. Recently, a second prayer is offered at the commencement of each session after the Speech from the Throne by a First</p>

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			<p>Nations elder. The prayer is usually done in one of the indigenous languages and in English as a blessing on the members for the decisions they must make during the coming session.</p> <p>Additionally, there are a couple statutory requirements that involve religion. Members are required to swear or affirm allegiance to the Queen of Canada upon their election and before they may take a seat in the Assembly. Swearing allegiance involves placing a hand on the Bible and reciting the oath. Similarly, witnesses before the Assembly or its committees, if required to take an oath, must either swear or affirm their testimony is the truth. If a person is to swear to the truth of their evidence, the oath ends with the phrase “so help you God.” The noted phrase is not used for an affirmation, nor is a Bible used when the affirmation option is exercised.</p> <p>Returning to the subject of the Assembly prayer, I can outline for you a summary of its history. In short, the question of having a prayer at the commencement of the daily sittings was first brought up during session of 1930 but was not acted upon at that time. During the session of 1931, on January 28, the following motion ordered that a “Select Special Committee... be appointed to consider the desirability of opening each day’s sitting... with prayer, and report to this Assembly with a suggested form of prayer if favourable.” On February 5th of the same year, the committee recommended a prayer be read every day before any business is entered upon. The next day, February 6th, 1931, the prayer was read for the first time.</p> <p>The report stated that the prayer adopted was part of the prayers used in the British House of Commons, which had been used there since about 1597. It was also to be found in the Church of England Prayer Book as the fourth of the occasional collections for the Holy Communion. The text of the prayer is as follows:</p>

<i>Parliament</i>	<i>Religious representative</i>	<i>Prayers</i>	<i>Details</i>
			<p><i>“Prevent us, O Lord, in all our doings with Thy most gracious favour and further us with Thy continual help, that in all our works, begun, continued, and ended in Thee, we may glorify Thy Holy Name, and finally by Thy mercy attain everlasting life, through Jesus Christ Our Lord. -- Amen.”</i></p> <p>During the 1960s, the Speaker began using the words “Present us, O Lord”, as this seemed to him to make more sense than the ordinary meaning of “prevent”. In 1975, the Speaker of the day noted that the old meaning of the word “prevent” meant “go before” or “guide” and consequently reverted back to the original words. In 1976, a Rules and Procedures committee again took note of the prayer and the result was that the words “through Jesus Christ our Lord” were omitted to make the prayer more acceptable to non-Christians. At sometime in the early 1980s, the Speaker again substituted again the word “present” in place of “prevent”, apparently to make the words more understandable to the modern ear. Today, the prayer reads as follows:</p> <p><i>“Present us, O Lord, in all our doings with Thy most gracious favour and further us with Thy continual help, that in all our works, begun, continued, and ended in Thee, we may glorify Thy Holy Name, and finally by Thy mercy attain everlasting life. -- Amen.”</i></p>
Manitoba Legislative Assembly, Canada	No	Yes	<p>In Manitoba, there is no religious representation in the Legislative Assembly in terms of a seat in the Legislature or a role in the Legislature by any religious group or organization.</p> <p>There is a daily Prayer that is recited by the Speaker at the start of every sitting day. The wording of the Prayer is as follows:</p> <p><i>“Oh Eternal and Almighty God, from whom all power and wisdom come, we are assembled before Thee to</i></p>

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			<p><i>frame such laws as may tend to the welfare and prosperity of our province. Grant Oh merciful God, we pray thee, that we may desire only that which is in accordance with thy will, that we may seek it with wisdom and know it with certainty and accomplish it perfectly. For the glory and honour of thy name and for the welfare of all our people, Amen.”</i></p> <p>In addition, for the first sitting of a new session when the Speech from the Throne is being delivered by the Lieutenant Governor, religious leaders are part of the special guests, including the judiciary and the special guests of Members of the Legislative Assembly, guests of the cabinet ministers and guests of the Speaker, who are invited to attend the sitting for the reading of the Throne Speech.</p>
Namibia	No	Yes	<p>There is no direct religious representation in the Namibian Parliament. All Members of Parliament only represent political parties. There is however the practice whereby each sitting starts with a prayer which speaks to acknowledgement of divine guidance. One can say there is indirect religious representation, if you like, in the sense that all Members of Parliament are religious people.</p>
National Assembly for Wales	No	No	<p>The National Assembly for Wales is entirely secular in its statutory basis and has no references to religious observance in its standing orders or other formal rules of proceedings. There is no reference to religious leaders.</p> <p>There is a statutory provision which places a duty on the Assembly to secure equality of opportunity in its work, and faith is taken into account in this respect.</p>
National Assembly of Québec	No	No	<p>The National Assembly is a secular social space. Therefore, no religious demonstration is authorized in the Parliament Building.</p> <p>In 1976, the opening prayer was abolished and was replaced by a moment of reflection.</p>

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Norfolk Island	No	Yes	<p>At the opening session for each new Assembly the Chair invites a Minister of Religion to say Prayers which are of his/her choosing.</p> <p>The following Prayer is read by the Speaker and Members usually join in:</p> <p>37. <i>Upon the Speaker taking the Chair at the commencement of each sitting, and a quorum of Members being present, he shall read the following Prayer:</i></p> <p><i>“Almighty God, we humbly beseech thee to vouchsafe Thy blessing upon this House. Direct and prosper our deliberations to the advancement of Thy Glory, and the true welfare of the people of Norfolk Island. Amen.”</i></p>
Nova Scotia	No	Yes	<p>Before the start of every legislative day the Speaker leads all Members assembled in a non-denominational (but still Christian) prayer. This prayer was written by a former Speaker of the House and incorporates the Lord’s Prayer.</p> <p>Attendance at prayer is not mandatory and is not considered to be part of the day’s official proceedings. The prayer is held in private, the public galleries are closed. There are no ties to any particular religion, through representation or otherwise.</p>
Ontario	No	Yes	<p>In Ontario, we begin each day with the recitation of the Lord’s Prayer followed by either a moment of silence, a non-denominational prayer or one of 8 different religious prayers. The Speaker alternates the reading of the prayers based on the percentage of representation of that religion in the Province.</p>

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Parliament of Western Australia	No	Yes	<p>No religious representation as such, although a number of members subscribe to a faith.</p> <p>Each day commences with prayers as follows:</p> <p style="text-align: center;"><i>“Almighty God, We humbly beseech Thee to vouchsafe Thy special blessing upon this Parliament now assembled, and that wouldst be pleased to direct and prosper all our consultations to the advancement of Thy glory and the true welfare of the people of Western Australia.”</i></p> <p>This is followed by the Lord’s Prayer.</p>
Parliament of New Zealand	No	Yes	<p>While some Christian traditions may be observed on occasion, religious considerations do not form part of New Zealand’s statutory constitutional arrangements. No public office is accorded ex officio to a member of the clergy.</p> <p>The Queen as Sovereign in right of New Zealand is the Head of State, although Her Majesty is generally represented by the Governor-General. The Queen’s full official title in New Zealand includes the words, “Defender of the Faith”, in reference to Her Majesty’s role as Supreme Governor of the Church of England. The Letters Patent Constituting the Office of Governor-General of New Zealand (1983, amended in 1987 and 2006) require the Governor-General on appointment to take an Oath of Allegiance that includes the words, “So help me God”, and (unlike other Oaths taken by people appointed to public office) no alternative secular Affirmation is provided for in this context. This implies that a prospective appointee for this role should be prepared to profess a sense of religious affinity.</p> <p>In terms of the procedures of the House of Representatives, the only time at which Christian tradition is regularly incorporated into proceedings is at the commencement of each sitting, when the Speaker reads a prayer. Standing Order 59 requires that a prayer be read but does not specify the wording to be</p>

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			<p>used. The current wording was adopted by the House in 1962, and is as follows:</p> <p style="text-align: center;"><i>“Almighty God, humbly acknowledging our need for Thy guidance in all things, and laying aside all private and personal interests, we beseech Thee to grant that we may conduct the affairs of this House and of our country to the glory of Thy holy name, the maintenance of true religion and justice, the honour of the Queen, and the public welfare, peace, and tranquillity of New Zealand, through Jesus Christ our Lord. Amen.”</i></p> <p>While the Speaker is not necessarily bound to follow this wording, there is an expectation that an amendment to the wording would be put to the House for endorsement. A version of the prayer in the Maori language has been used occasionally since 1993.</p> <p>The reading of a prayer at the start of sittings has occurred since the first meeting of the House in May 1854, though on that first occasion it was not without controversy and resulted in the first divided vote in the House. There have been suggestions that the wording should be amended to make it more inclusive of religions other than Christianity. In 2007, the Standing Orders Committee reported on a petition that requested that the wording of the parliamentary prayer be amended, with the particular suggestion that the words “through Jesus Christ our Lord” be omitted. The committee did not support the request; its report is available on the Parliament website.</p> <p>The Constitution Act 1986 (section 11) requires that all members of Parliament must take an Oath of Allegiance in the form prescribed under the Oaths and Declarations Act 1957 before taking their seats in the House. However, the form prescribed under the latter Act includes a secular Affirmation as a full alternative to the Oath. A similar option would be available to any person required to take an oath or make an affirmation before</p>

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			<p>giving evidence to a select committee (a requirement that is imposed very rarely indeed).</p> <p>Finally, religious observances may be included on particular occasions as tradition or protocol requires. For example, a select committee conducting a meeting on a marae (place of meeting) would usually be welcomed with a powhiri (welcoming ceremony conducted according to Maori custom). Such a ceremony would tend to include karakia (prayers).</p>
Prince Edward Island Legislative Assembly	No	No	<p>The Speaker of the Prince Edward Island Legislative Assembly leads the House in prayer (behind closed doors with only Members and certain House staff present).</p> <p>Three prayers are observed, one for Prince Edward Island, one for the Queen and the Lord's Prayer.</p> <p>There is no clergy or official religious representation present at Legislative sittings.</p>
Scottish Parliament	No	No	<p>Religious representation in the Scottish Parliament takes the form of 'Time for Reflection', which is held in the Chamber as the first item of business each week (usually at 2.30 p.m. each Wednesday). It lasts for up to 4 minutes and is recorded in the Official Report.</p> <p>Invitations to address the Parliament at Time for Reflection are issued by the Presiding Officer on the advice of the Parliamentary Bureau. The pattern of speakers reflects the balance of faiths and beliefs in Scotland (based on the Census). It is also recognised that there is a proportion of the population that does not adhere to any particular faith, although any contributors in this category should also have a humanitarian connection. In addition, factors such as gender and geographical location are also borne in mind.</p> <p>In general, nominations of possible contributors are proposed to the Presiding Officer by MSPs or by the religions or faiths directly. Action of Churches Together in</p>

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			<p>Scotland and the Scottish Interfaith Council play a particularly active role in nominating possible contributors and on occasion, suggestions are also received from individuals.</p> <p>Current guidance on Time for Reflection is outlined below:</p> <p>Background</p> <p>The introduction of Time for Reflection stems from a motion on the subject of prayers which was debated in the Scottish Parliament in May 1999. The Parliament resolved:</p> <p><i>“That this Parliament agrees in principle for Prayers to be held on a non-denominational basis, at the start of each plenary session of the Parliament, and remits to the Parliamentary Bureau to make arrangements therefore and to come forward to the Parliament with recommendations speedily.”</i></p> <p>The Parliamentary Bureau reported to the Parliament on 9 September 1999 and the following motion lodged by the Minister for Parliament, on behalf of the Parliamentary Bureau, was agreed:</p> <p><i>“That the Parliament agrees that, further to the decision on motion SIM-1 on prayers, the provision of a Time for Reflection should be as outlined below—</i></p> <ul style="list-style-type: none"> • <i>Time for Reflection will be held in the Chamber in a meeting of the Parliament normally as the first item of business each week;</i> • <i>Time for Reflection will be held in public and will be addressed both to Members and to the Scottish people;</i> • <i>Time for Reflection will last for a maximum of four minutes;</i> • <i>Time for Reflection will follow a pattern based on the balance of beliefs</i>

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			<p><i>in Scotland;</i></p> <ul style="list-style-type: none"> • <i>Invitations to address the Parliament in leading Time for Reflection will be issued by the Presiding Officer on advice from the Parliamentary Bureau, and</i> • <i>Time for Reflection will be recorded in the Official Report.”</i> <p>Whilst the Parliamentary Bureau subsequently agreed guidance on Time for Reflection shortly thereafter, it was updated in May 2001, following the Bureau’s agreement that it should more accurately reflect practice by not restricting contributions to prayers and/or readings.</p> <p>GUIDANCE ON TIME FOR REFLECTION</p> <ol style="list-style-type: none"> 1. Time for Reflection will normally be held in the Chamber of the Scottish Parliament as the first item of business each week (i.e. on Wednesdays at 2.30 p.m.) and recorded in the Official Report. Time for Reflection will last for a <u>maximum</u> of 4 minutes (up to 400 words at normal speaking speed). The Presiding Officer will invite contributors to lead Time for Reflection. 2. The content of time for reflection should adhere to the following guidelines: <ol style="list-style-type: none"> (a) it will be in public and should be led in the context of both Parliament and the Scottish people as a whole; (b) it should consist of either a short narrative relating to personal experience or current affairs and/or prayers/readings from appropriate texts; (c) it should normally reflect the practice of the faith community to which the time for reflection leader belongs (if any);

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			<p>(d) it will not make political points;</p> <p>(e) it will not denigrate another faith or those without a faith,</p> <p>(f) it will be consistent with the principle of equal opportunities for all and should not include remarks or comments which are discriminatory; and</p> <p>(g) the text should be submitted in advance to the Clerk and the content of the Time for Reflection should not deviate from the text provided.</p> <p>3. Time for Reflection will be held in public, but Members and the public will not be encouraged to enter the Chamber during the duration of Time for Reflection.</p> <p>4. The procedure will be as follows:</p> <p>(i) the person leading Time for Reflection will follow the Presiding Officer in to the Chamber (once the gavel has brought the Chamber to attention) and take the seat to the left of the Presiding Officer. Members stand as the Presiding Officer comes into the Chamber and sit once he/she is seated;</p> <p>(ii) the Presiding Officer will introduce Time for Reflection;</p> <p>(iii) on completion, a Clerk will escort the Time for Reflection leader out of the Chamber and the Presiding Officer will move on to the next item of business.</p> <p><i>The Parliamentary Bureau</i></p>
South Australia Legislative Council	No	Yes	The State Parliament does not have any religious representation. However, both Houses have Standing Orders which provide that the President (in the case of the Legislative Council) or the Speaker (in the case of the House of Assembly) shall read Prayers.

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			An amendment was made to the Council's Standing Orders some years ago to provide for the President's delegate to read. The President during that period delegated the responsibility to the Clerk. However, subsequent occupants of the Chair have always read Prayers.
Tasmanian House of Assembly	No	Yes	<p>The only instance of religious activity in the Tasmanian House of Assembly is the Speaker being required under Standing Orders to say a prayer at the commencement of each day's sitting. From time to time the matter of saying a Christian prayer or saying any kind of prayer at all is raised, but after short but vocal debate the issue passes with no change.</p> <p>The Australian Capitol Territory Legislative Assembly, which was established 20 years ago, commences each day with a moment of silence or reflection where Members have the opportunity to consider what good they can do for their community at the day's sitting.</p> <p>The prayer used in the House of Assembly is as follows:</p> <p><i>"30. The Speaker upon taking the Chair each day, shall read the following prayer:-</i></p> <p><i>"Almighty God, we humbly beseech Thee to vouchsafe Thy blessing upon this Parliament. Direct and prosper our deliberations to the advancement of Thy glory and the true welfare of the people of Tasmania.</i></p> <p><i>"Our Father, which art in Heaven; Hallowed be Thy name. Thy kingdom come. Thy will be done in earth as it is in Heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive them who trespass against us. And lead us not into temptation; but deliver us from evil. For Thine is the kingdom, and the power, and the glory, for ever and ever. Amen."</i></p>

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			The first paragraph is read by the Speaker only and the second by the Speaker and any Member who wishes to participate.
United Kingdom, House of Commons and House of Lords	Yes	Yes	<p>Members</p> <p>The Church of England is represented in the House of Lords through the Lords Spiritual who enjoy the same rights and privileges as the Lords Temporal, the other category of Member. The Lords Spiritual sit in the Lords because of ancient usage and statute.</p> <p>The Lords Spiritual are the two archbishops and certain bishops of the Church of England. The following bishops now have seats in the House of Lords: the archbishops of Canterbury and York; the bishops of London, Durham and Winchester; 21 other bishops of the Church of England according to seniority of appointment to diocesan sees.</p> <p>Until 2001 and the passing of the House of Commons (Removal of Clergy Disqualification) Act, those ordained as priests or deacons (except those holding office in the Church of Wales), ministers of the Church of Scotland and Roman Catholic priests were disqualified from sitting in the House of Commons. Since 2001 no minister of any religious denomination is disqualified from the Commons, except the Lords Spiritual.</p> <p>Prayers</p> <p>In the House of Commons, prayers are read at the beginning of a sitting by the Speaker's Chaplain (an office instituted in 1659). The Speaker and the Chaplain kneel on stools at the Table during prayers, whilst Members remain standing but turn towards their places (i.e. with their backs to the opposition). Members may secure places at prayers for themselves by obtaining a prayer card in advance of that day's sitting and placing it in a holder in the seat. This is the only means by which backbenchers can reserve seats in the Commons chamber. At the conclusion of prayers the Speaker takes the Chair and the public are admitted to the galleries.</p>

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			<p>In the House of Lords, prayers are read at the beginning of each day's sitting. Ordinarily, they are read by one of the bishops (other than the two archbishops and the bishops of London, Durham and Winchester) who take a week each in turn. In the absence of a bishop, a Lord who is a clergyman of the Church of England, if present, reads prayers. If no such Lord is present, prayers are read by the Lord Chancellor or Deputy Speaker.</p> <p>Oaths</p> <p>The ordinary form and manner of administering and taking the oath are prescribed by the Oaths Act 1978, s. 1. The person taking the oath holds the New Testament, or in the case of a Jew the Old Testament, in his uplifted hand, and says or repeats after the officer administering the oath the words, 'I swear by Almighty God that...' followed by the words of the oath prescribed by law. Section 1(3) of that Act provides that 'In the case of a person who is neither a Christian nor a Jew, the oath shall be administered in any lawful manner' – which would, for example, allow a Muslim to swear on the Qu'ran. Various holy books are kept by the House authorities for the purpose of allowing Members to be sworn in accordance with their religious beliefs.</p> <p>Members who desire to do so may take the oath prescribed in the Promissory Oaths Act 1868 and kiss the book. The form of that oath is, "I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth, her heirs and successors, according to law. So help me God".</p> <p>Members who object to being sworn may make a solemn affirmation instead of taking an oath. A solemn affirmation has the same force and effect as an oath.</p> <p>Members must take the oath before voting or sitting in either the Lords or the Commons, except that in the latter case they may participate in the election of the Speaker</p>

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			<p>before they have been sworn in.</p> <p>The Church of England and parliamentary proceedings</p> <p>Parliament also has a role to play in Church of England legislation. Measures under the Church of England Assembly (Powers) Act 1919 are framed by the General Synod of the Church of England, and are presented to Her Majesty for the Royal Assent in pursuance of resolutions of both Houses of Parliament. Measures have dealt with subjects such as the liturgy used in the Church of England, the ordination of women as priests and the power of parochial church councils.</p> <p>Measures agreed to by the General Synod are submitted by its Legislative Committee to the Ecclesiastical Committee of Members of both Houses. The Ecclesiastical Committee is a statutory body and its proceedings are not proceedings in Parliament. When a Measure is submitted to the Ecclesiastical Committee, it is considered with a view to the presentation to Parliament of a report dealing with its nature and legal effect, together with the Committee's views on the Measure's expediency.</p> <p>Church of England Measures are treated for procedural purposes like delegated legislation. Motions for an Address requesting that the Measure be made in the form in which it has been laid before Parliament are traditionally moved in the Commons by the Second Church Estates Commissioner, a private Member (that is, a Member with no governmental responsibilities).</p> <p>In the House of Commons written Questions may be addressed to the Member answering on behalf of the Church Commissioners. Time is also provided on the Floor of the Chamber on a regular basis for Members to put oral questions to the Member answering on behalf of the Commissioners.</p>

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Victorian State Parliament, Australia	No	No	Neither House in the Victorian State Parliament has any religious representation, nor does any religious representative have any rights to speak in either House.
Yukon Legislative Assembly	No	Yes	<p>Religious input is minimal. Standing Order 11(1) of the Standing Orders of the Yukon Legislative Assembly says, “The Speaker shall offer prayers at the start of every sitting day.” No outside religious figure participates in proceedings. The prayers offered by the Speaker are non-denominational. Below are the three prayers the Speaker is currently using, which he uses on alternate days.</p> <p><i>“Oh great spirit, creator and leader of all people, We are thankful to be gathered here today. Oh great spirit, I ask that you touch and bless Each and every one in this house Grant that we, the elected members, Will make only strong, fair and sound decisions, On behalf of the people we represent Throughout the Yukon. Amen.”</i></p> <p>(The above prayer was bequeathed by a former Speaker who is also a leader in Yukon’s aboriginal community.)</p> <p><i>“As we begin proceedings today in this Assembly, We ask for divine guidance. May the deliberations in this House be characterized By temperance, understanding and reason. And may we, the elected Members of this House, Serve all Yukon citizens with dignity and honour. Amen.”</i></p> <p><i>“With a good conscience our only true reward, With history the final judge of our deeds, Let us go forth to lead the land we love, Asking His blessings and His help, But knowing that here on Earth, God’s work must truly be our own. Amen.”</i></p>