

Yukon Legislative Assembly

Information Sheet No. 1 The Speaker

The position of Speaker is almost as old as parliamentary government itself. The House of Commons in England first selected a Speaker in 1376. The Speaker acts as the official spokesperson for an Assembly in dealing with persons outside the Assembly. This is different from the role of the Premier, who speaks on behalf of the government, and the other political party leaders who speak on behalf of their own party.

The Speaker's authority to speak on behalf of the Assembly is derived entirely from the Assembly and is exercised entirely for its benefit. Speaker William Lenthall made this point forcefully in 1642, prior to the outbreak of the English Civil War, when King Charles I entered the House of Commons and demanded the surrender of five parliamentary leaders on charges of treason. Speaker Lenthall said:

May it please Your Majesty, I have neither eyes to see, nor tongue to speak in this place, but as the House is pleased to direct me, whose servant I am here; and I humbly beg Your Majesty's pardon that I cannot give any other answer than this to what Your Majesty is pleased to demand of me.

In other words, Speaker Lenthall told the King that he was the servant of the House of Commons, not the King. He therefore had no authority to do anything, in this case hand over Members of Parliament, unless the House of Commons gave him the authority to do so.

Electing a Speaker

When the Legislative Assembly reconvenes after a general election the Clerk of the Legislative Assembly reads a proclamation calling the Assembly together. The Commissioner then enters the chamber to read the Speech from the Throne. The Clerk advises the Members of the Legislative Assembly (MLAs) that the Commissioner will not read the Speech until they elect a Speaker. The Commissioner then leaves the Chamber until a Speaker is elected.

In the House of Commons of Canada Members of Parliament elect their Speaker by secret ballot. In Yukon the Speaker is elected by way of a motion that a certain member "take the Chair of this Assembly as Speaker." This motion is usually put forward by the Premier and seconded by other party leaders. If the Assembly approves the motion that member becomes the Speaker. If the motion is not approved another member must put forward another motion proposing that another member take the Chair. This process would continue until the Assembly approves one such motion.

There is a legal basis to this practice. Section 14(1) of the *Yukon Act* requires the election of a Speaker. Section 21 of the *Legislative Assembly Act* requires that This be done as soon as possible on the first sitting day of a new legislature. Once the Speaker is

elected the Commissioner returns and reads the Speech from the Throne and the Assembly begins its business.

The Speaker's Duties

Once a Member is elected Speaker his or her role in the Assembly is very different from that of the other MLAs. Though the Speaker is usually a member of the governing party, he or she is the servant of the entire Legislative Assembly and treats all members equally.

The Speaker's role is defined in the Standing Orders, the rules by which the Assembly operates. The Speaker has the authority to enforce the rules and in doing so tries to balance two fundamental principles: to allow the majority to conduct its business in an orderly manner, and to protect the minority's right to be heard.

The Speaker as Presiding Officer

The Speaker presides over debate during sittings of the Assembly, ensuring that business is conducted according to established rules and practices. The Speaker's duty is to ensure that all MLAs receive a fair opportunity to take part in debate. This includes making sure all motions for debate are properly put before the Assembly, determining the order in which members shall speak, and deciding questions of order and ruling on questions of privilege.

Balancing the right of the majority to conduct its business with the right of the minority to be heard can be one of the Speaker's most difficult tasks. The Speaker must not be seen to be favouring one side over the other. The Speaker also has a duty to repress disorder, on the floor of the Assembly and in the public gallery, if it should arise.

Participation in Debate and Voting

The Standing Orders, and the traditions and practices of parliamentary democracy dictate that the Speaker does not take part in, or vote on, any debate of the Assembly. The Speaker may only address the Assembly if all Members agree. If there is a tie vote, the Speaker must then vote. In casting this vote the Speaker adheres to certain strict principles. These principles are not based on the Speaker's personal views, or the position of the Speaker's party. In general the Speaker votes in a way that maintains the status quo, thereby allowing the Assembly to continue debate on the issue until a majority opinion emerges.

The Speaker's Administrative Role

The Speaker also has an important role outside the Legislative Assembly chamber. The Speaker chairs the Members' Services Board (MSB), a committee of the Assembly that oversees all administrative matters affecting the Assembly and its members. This includes reviewing and approving the Legislative Assembly's budget, deciding how office space will be allocated and determining levels of funding for the party caucuses.

For more information contact the Office of the Legislative Assembly at
Box 2703 • Whitehorse, Yukon, Canada, Y1A 2C6
Phone: 867-667-5498 • Fax: 867-393-6280 • E-Mail: yla@gov.yk.ca

Or visit the Legislative Assembly's website at: <http://www.legassembly.gov.yk.ca/>