



Information Sheet No. 1: The Speaker

The position of Speaker is almost as old as parliamentary government itself. Sir Thomas Hungerford became the first Speaker in the House of Commons in England when he was appointed in 1377. Before 1377, “Equivalent presiding officers...were called 'parlour' or 'prolocutor' and have been identified as far back as 1258 when Peter de Montfort is said to have presided over the so-called 'Mad Parliament' held at Oxford that year.”¹ The first Yukon Speaker was Robert Lowe, who was selected in 1909 after the election of the first wholly-elected Yukon Territorial Council.

The Speaker is the official spokesperson for an Assembly in dealing with persons outside the Assembly. This differs from the role of the Premier, who speaks on behalf of the government, and the other 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. In response, 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.²

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

Electing a Speaker

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. That day begins with the Clerk of the Legislative Assembly reading the Commissioner's proclamation calling the Assembly together. The Commissioner then enters the Chamber to read the Speech from the Throne. The Clerk then 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.

The Speaker is elected by way of a motion that a certain member “take the Chair of this Assembly as Speaker.” This motion is moved by the Premier and seconded by

¹ <http://www.parliament.uk/business/commons/the-speaker/the-role-of-the-speaker/history-of-the-speakership/>

² <http://www.parliament.uk/business/commons/the-speaker/the-role-of-the-speaker/history-of-the-speakership/>

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 continues until the Assembly approves one such motion. 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

The Speaker's role is very different from that of the other MLAs. Usually a member of the governing party, the Speaker serves the entire Assembly and treats all MLAs equally.

The Speaker's role is defined by 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 ensures that Assembly proceedings are conducted according to established rules and practices. This includes making sure all motions for debate are properly put before the Assembly, determining the order in which members shall speak, deciding questions of order, and ruling on questions of privilege. The Speaker ensures that all MLAs get a fair opportunity to take part in debate.

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 maintain order, on the floor of the Assembly and in the public gallery.

Participation in Debate and Voting

The Speaker does not take part in any debate of the Assembly. The Speaker can participate in Committee of the Whole, but rarely does. The Speaker only votes when there is a tie. In these situations the Speaker's vote is cast based on certain established principles, 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, allowing the Assembly to continue debate on the issue until a majority opinion emerges.

The Speaker's Administrative Role

The Speaker chairs the Members' Services Board (MSB), an Assembly committee that oversees all administrative matters affecting the Assembly and its members. The MSB also reviews and approves the estimates for the Legislative Assembly Office, Elections Yukon, the Conflict of Interest Commission, the Office of the Ombudsman, and the Office of the Child and Youth Advocate. These estimates are then included in the budget that the Government presents to the House.

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