

The Office of Speaker

by Hon. John A. Fraser, P.C., Q.C., M.P.
Speaker of the House of Commons
(M.P. — Vancouver South)

Hon. Michael Wilson (Minister of Finance): *Mr. Speaker, the Hon. Member has it all wrong or he is purposely twisting the truth.*

Mr. Speaker: *Order, please. I know the Hon. Minister would want to change the way he put his answer because, of course, it is inappropriate to say another Hon. Member is purposely twisting the truth.*

Mr. Wilson (Etobicoke Centre): *Mr. Speaker, would you allow me to say he is twisting the facts?*

Mr. Speaker: *Order. I can say to the Hon. Minister that that is an honourable occupation in this Chamber.*

Hansard: 17th December, 1986.

The Speaker of Canada's House of Commons is a fairly direct historical descendent of the first Speaker in what was then known as the House of Commons of England. The first Speaker to be so designated was appointed in 1377, but the origin of the Speakership can be traced back to a considerably earlier date.

At that time, the Speaker's role was to act as an intermediary between the Commons and the King, a person selected by, and to speak for, the Commoners. While the Speaker's independence from the King was at times suspect, by the 17th century the concept of the Speaker as the servant of the House, rather than the Crown, was being established.

This new orientation became most clear in 1642 when King Charles I made a wholly unconstitutional incursion into the House of Commons with an armed escort and demanded the surrender of five Members who he claimed were guilty of treason. On being met with stony silence, he asked Speaker Lenthall to tell him where the five Members were. Lenthall replied: "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."

Even though the Speaker was established as independent of the Crown, the development of political parties in the House meant that the position remained for many years a partisan one and typically was used to advance the interests of his party.

It was not until the nineteenth century that Members of Parliament insisted on political neutrality in the Chair and it was during those decades that the Speaker became as distant from the Prime Minister and the Cabinet as he had earlier been from the Crown.

It is of interest to note that when the Fathers of Confederation adapted the British model of Parliament to the needs of the new country they were creating, the impartiality of the Speaker was a relatively recent development. Indeed, if Confederation had occurred a century earlier, Canada likely would have had a partisan Speaker.

In fact, that is just what happened in the United States of America. The Americans asserted their independence at a time when the British Speaker was anything but

impartial. Also, they had years of experience with a similar style of Speakers in their own colonial legislatures. When the House of Representatives met for the first time in 1789, the Members, therefore, gave their Speaker powers and duties, including partisan responsibilities, similar to other Speakers of the time.

Interestingly, the American Speaker was given the responsibility to protect the minorities and to ensure that all sides could participate in debate.

Prior to 1986, all Canadian Speakers were nominated by the Prime Minister, albeit, in contemporary times, after consultation with the opposition leaders. A *pro forma* election then ensued in the House without debate or contest.

The McGrath Committee on Parliamentary Reform recommended, among other reforms aimed at raising the profile and significance of private Members, that future Speakers be elected by secret ballot by all the Members of the House.

Following Speaker Bosley's resignation in September 1986, I became the first truly elected Speaker in a voting process that started at 3:00 o'clock one afternoon and ended at 2:30 the next morning after eleven ballots. It was indeed a great honour to be chosen by one's peers, but in political terms, it was hardly a landslide!

Although I am the first Speaker from British Columbia and the first to be elected by secret ballot, I am not, as may be expected, the first lawyer to preside over the House of Commons. In fact, of the 32 Speakers since Confederation, 22 have been members of the legal profession. (The remainder have come from a wide variety of backgrounds, including medicine, journalism, business, newspaper publishing, farming and dentistry.)

This statistic is perhaps indicative of the advantage of legal training in what is, in many respects, a quasi-judicial function. Yet, to claim that a thorough knowledge of the law is necessary or indeed the only qualification for the office would not be accurate, because a Speaker's responsibilities and activities span a much wider spectrum than those primarily connected with questions of parliamentary procedure and privilege. Oddly, the Speaker is by practice forbidden from ruling on points of law.

Briefly, the Speaker has a wide range of responsibilities: to represent the House, not the Government, as its spokesperson; as presiding officer, to manage the conduct of debates according to the rules established by the House; as chairman of the Board of Internal Economy, to administer a budget of \$190 million and three thousand employees; to fulfill a quasi-diplomatic role with respect to inter-parliamentary associations and representatives of foreign governments; and, of course, in my case, to meet the obligations that continue as the elected Member for Vancouver South.

The Speaker's most visible role is to preside over debate in the House and to apply the rules from time to time in the interest of order and decorum. But the task is much more than just a rigid adherence to the rules of the place. It is important to sense and measure the mood of the House, to know when to intervene effectively and to know when to let something go.

Ultimately, the maintenance of order depends on the collective self-discipline of the Members because the authority of the Speaker derives from the support and cooperation of the whole House. As much as possible, I try to anticipate in advance what issues are likely to cause intense differences or, at times, disorder. I try to maintain reasonable order in the Chamber because, without that, there can be no freedom of speech.

The House of Commons has never been a tea-party. It consists of strong-minded, often very idealistic people, who, for the most part, are trying to accomplish something for our country. We are the inheritors of an adversarial system and that, in itself, fosters conflict. Thus, it is the Speaker's task to contain vigorous differences within the bounds of civility, and at the same time to permit the often emotional expression of feelings which reflect the intensity of some issues.

While the accumulation of well over one hundred years of traditions, rules and practices provide a solid base of jurisprudence upon which the Speaker can rely, there are many grey areas. As such, the application of rules according to a strict compliance with precedent is not always appropriate. There are times to be very firm, and other times to be flexible. Of course, there are times when there is very little by way of guidance for the Speaker. Consider the amusing story of a new British Speaker faced with a difficult situation who wrote a note to his clerk asking: "What do I do now?" The clerk's reply: "If I were you, Mr. Speaker, I should proceed with caution!"

The modern Speaker must abstain from party politics. I do not attend caucus. I cannot speak on partisan issues in the House nor do I attend committee meetings. Outside the House, I do not comment on issues that divide the Members. It has been said that the Speaker's task is a lonely one, and that he must withdraw into a state of splendid isolation whence he observes from a distance the tumult of the political fray. This may have been true in the past. However, while I cannot be partisan, my role remains intensely political because the House is a political arena. It is my practice to be in daily contact with the House leaders of all parties, and I maintain an open door policy for all Members.

A Speaker who is in close touch with all three parties can achieve things through negotiation and consultation that just can't be accomplished in the Chamber. Now, with the election of the Speaker, there is, I think, a closer relationship of trust and confidentiality between Members and the Speaker. That, inevitably, changes a person from a partisan to something akin to a judge. While the role is judicial in many respects, I find that I am a combination of parish priest and social worker, advisor and conciliator and, often, a friend and confidant.

Although a Speaker must be non-partisan and cannot debate, there is a long standing tradition that is very much alive. It is simply this: due to the limitations on the Speaker, which he has accepted in the interests of all Members, Cabinet Ministers, Private Members and, to a remarkable degree, senior civil servants, go out of their way to assist the Speaker to resolve his constituents' problems. It is an unusual but very effective relationship which affords the Speaker full access to those in positions of influence and power. Notwithstanding all the duties of the office, a Speaker must still serve his constituents, his community and be re-elected.

What makes a good Speaker? Many things, I suppose, and they are not all learned from a textbook. Experience, patience, understanding and humour all play a part. Grand attributes have been mentioned. In the reign of Elizabeth I in 1597 Speaker Yelverton said: "Your Speaker ought to be a man big and comely, stately and well spoken; his voice great, his carriage majestic, his nature haughty, and his purse plentiful." He went on to say, in becoming modesty, that he fell short of all of this, and, of course, so do I. But I have had the privilege of serving the House, with the cooperation and understanding support of all the Members and, I hope, my electors in Vancouver South.

The demands upon my time and energy are considerable. There is a daily intensity to the job which, to paraphrase Dr. Johnson, concentrates the mind mightily. Yet, after almost two years as Speaker, I continue to appreciate the many challenges the Speakership brings. Given the challenges, it is an extremely rewarding and fascinating experience. And, I do believe, it has been easier than it might have been for being a lawyer.