THE SPEAKERSHIP IN BRITISH COLUMBIA: 1970-1979

by

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ABSTRACT

The purpose of this study was to gain some insight into the role of the Speaker within the contemporary legislative process in British Columbia.

The first objective of the thesis was to determine the nature of the Office of Speaker as it obtains in the British and Canadian House of Commons. The second objective of the thesis was to provide an overview of the legislative process in British Columbia for the three Parliaments that sat between 1970 and 1979. The third objective of the thesis was to systematically discuss the four principal components of the Speakership in British Columbia. The fourth objective of the thesis was to compare and contrast the evidence presented in the preliminary chapters with that presented in chapters four through seven in an effort to assess the extent to which the B.C. Speakership is a leadership role in the contemporary legislative process.

The thesis is a descriptive study. The background chapters are derived from secondary materials. The major portions of the work are based upon a wide range of primary materials. The basic strategy in the paper was to firstly define the formal and informal authority of the Speaker. Secondly, any changes to that authority in the period were duly noted. Thirdly, reference to primary sources were used to

see to what extent Speakers have provided leadership in the exercise of this authority.

The paper concluded that the Speakership in British Columbia is a leadership role within the provincial legislative process. It was also concluded that the Speakership in British Columbia was less of a leadership role than that of the British or Canadian Speakerships. The constraints on the ability of the B.C. Speaker to serve as an unquestioned parliamentary leader are to be explained in terms of the idiosyncrasies and limitations existent in the political process in British Columbia.

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DEDICATION

This thesis is dedicated to the four Speakers who have served the Legislative Assembly during the study period:

1970-1972 -- Honourable William H. Murray

1972-1975 -- Honourable Gordon H. Dowding

1976-1978 -- Honourable Dean E. Smith

1978-1979 -- Honourable Harvey W. Schroeder

CHAPTER I

AN INTRODUCTION TO THE SPEAKERSHIP

This thesis will attempt to analyse the role of the Speaker of the Legislative Assembly of the Province of British Columbia. The purpose of the study will be to gain some insight into the nature of the role that the Speaker performs within the modern provincial legislative process. The study will concentrate on the Speakerships of the 29th, 30th and 31st Parliaments; the period from January 22, 1970, to April 3, 1979.

This period of history was selected for two reasons. Firstly, it represents one of the most politically volatile and, therefore, interesting epochs in the political history of British Columbia.[1] Secondly, while several writers have recently attempted to chronicle and interpret the politics of this period, almost no attention has been devoted to analysis of either the role of the Legislative Assembly in provincial politics or the role of the Speaker within the legislative process.[2] Paradoxically, one must assume that the Speaker of the Legislative Assembly would likely be, at the very least, one of the key actors and, perhaps, a driving force behind the legislative process. This unfortunate gap in our knowledge of the role of the Speaker in the B.C. Legislature is, taken by itself, ample justification for undertaking the present study. However, if the thesis is to

achieve its goal it must seek answers to several fundamental questions.

Primarily this thesis will attempt to ascertain the extent to which the Office of Speaker is able to serve as a leadership role within the legislative process in British Columbia. The research will attempt to provide some understanding of the multi-dimensional nature of the role of Speaker. Therefore, the following secondary questions will serve as the operational framework for the analysis:

1. To what extent is the Speaker, as the presiding officer of the Legislature, a master or servant of the House?
2. To what extent is the Speaker, as the head of the administrative apparatus supporting the Legislature, the chief executive officer of the House?
3. To what extent is the Speaker, both as President of the provincial branch of the Canadian region of the Commonwealth Parliamentary Association and as Speaker per se, an ambassador of the Legislature in the external affairs of the House?
4. To what extent is the Speaker able to initiate reform of the legislative process?

On a procedural level, the above questions should provide useful parameters for the research. On a substantive level, this study should yield some new information on both the speakership and the provincial legislative process. In any event, the study will focus on a ten year three parliament time frame to avoid generalizations based solely upon the style of any individual Speaker. Before undertaking an analysis of the B.C. Speakership it will be necessary

to acquire some perspective of the role of speaker of both the British and the Canadian Houses of Commons.

Reference to the British Speakership will not be comprehensive as a good deal of excellent literature is available.[3] A brief review of some of this material will describe the origins of the office of Speaker, chronicle some of the principle achievements of the office, and describe the nature of the contemporary Speakership--all as a backdrop to the present study.

The origins of the British Speakership predate the emergence of the House of Commons as a discrete entity some 721 years ago.[4] The first "Speakers" were titled, variously, "Parlour," "Procurator," or "Prolocutor."[5] Peter de Montfort, selected on June 11, 1258, when Parliament met at Oxford, is the first recorded presiding officer in the English Parliament.[6] The initial functions of the "Speaker" were very limited. In fact, " . . . the original function of the holder of the office was to sum up, like the judge at a trial, the case of both sides at the end of a debate; and to "speak" the views of the House in the contentions with the Crown."[7] Parliament, as a political institution, perceived a need for the collectivity to select a spokesman to communicate with the Crown, as an individual. Thus, the role of Speaker emerged as the first parliamentary leader.

The role of the presiding officer was consolidated over the first century of its existence.[8] By 1376, we have the first reported election of a Common's spokesman in the person of Sir Peter de la Mare.[9] In 1377, Sir Thomas Hungerford became the first spokesman

of the Commons to be accorded the title of "Speaker."[10] While the position of Speaker appears to have adapted successfully to changing circumstances in this early period, the functions of the office, while not without significant risks, were fairly static:

> The principal function of the speaker in those early days was to act as the mouth-piece of the Commons and to communicate their resolutions to the King. It was often an unenviable task, and at least nine Speakers are known to have died a violent death . . .[11]

The office of Speaker, as a leadership role in the English Parliament, was able to survive and evolve in the face of adversity.

The evolution of the role of Speaker spans the last six centuries during which no fewer than one hundred and thirty-eight Speakers individually contributed to the development of the office. The net result of this long period of development is chiefly characterized by a significant expansion of the authority, influence, and power of the office of Speaker. This evolution in the Speakership has produced the leadership role that epitomizes this great office.

The evolution of the role of the British Speaker is distinguished by several features. As we have seen, the role of Speaker was developed over a relatively long period of time. This development occurred on an incremental basis, with advances being, at times, almost imperceptible.[12] Whatever advances were made were often accompanied, in the short run, by set-backs. In fact, the ability of the office to overcome temporary regressions bolsters the claim to the leadership capability of the speakership. Leadership implies an ability to cope with adversity.

Excellent illustrations of the types of set-backs experienced by the office of Speaker are to be found in the historical relationship between the Speaker and the Monarch. These relations have ranged from almost total animosity to almost total unanimity of purpose. An example of the first case occurred in 1399, when Sir John Bussy, Speaker of the House of Commons, became the first Speaker to be executed by the King. He perished, without recourse to legal proceedings, at the hands of Bolingbroke, the self-proclaimed King of England who had so recently deposed Richard II.[13] An example of the latter case may be found in the almost symbiotic relationship between the Speakers and the Stuart kings:

> In the long contest between Parliament and the Stuart kings . . . the effort of the Commons to establish constitutional government were often thwarted by a Speaker who acted more as the abject servant of the arbitrary sovereign than as the President of a great and free representative assembly.[14]

Obviously, leadership roles may be utilized for progressive or retrogressive purposes. Fortunately for the parliamentary process, the evolution of the office of Speaker has, on balance, featured progressive developments.

One of the major developments in the history of the speakership was the establishment of the principle of the independence of the Speaker. This principle acknowledges that the first responsibility of the Speaker is to the House of Commons and not to the Monarch. It was established in 1642 by Mr. Speaker Lenthall during the reign of Charles I.[15] This Speaker successfully challenged the absolute right of the Monarch

in what was perhaps the most dramatic confrontation between the office of Speaker and the Monarch.[16] While the independence of the Speaker has subsequently, and materially, been enhanced with greater perquisites and with formal de-politicization the above development was a land-mark achievement of the British speakership.[17]

Another important principle established by British Speakers concerns the tenure of the speakership. The concept of the continuity of the Chair was first advanced in 1722, with the re-election of Mr. Speaker Compton.[18] It has, in fact, been argued that the modern speakership may be dated to this time.[19] Nevertheless, the fact remains that the Speaker still had close and powerful connections with the government until at least 1728.[20] The struggle for a tenured Chair was not finally consumated until the nineteenth century. In 1841, Speaker Shaw-Lefevre firmly established the dual convention of the continuity and non-partisan nature of the office of Speaker.[21] The prestige and independence of the Chair has increased ever since. Many Speakers had confrontations with elements of the House of Commons but since Charles Manners-Sutton was unseated in 1835 following a change of government no British Speaker has ever been deposed as a result of a change of government.[22]

The doctrine of the impartiality of the speakership is one of the signal conventions of the British Constitution. It is parallel to such famous doctrines as the collective and individual responsibilities of members of Cabinet.[23]

While the office of the Speaker has made long term advances on behalf of the House of Commons it has often had to repel incursions. For example, during the 1860's, Speaker Denison was successful in nullifying an attempt by the House of Lords to reduce the prerogatives of the Commons in the matter of supply.[24] The Speaker has played a leading role in insuring that the Commons maintained its ancient right to control the purse strings of the British nation.

During its long history the office of Speaker has acquired an almost mythical reputation in parliamentary affairs. A fascinating insight into these mythical qualities was revealed in an obituary on the occasion of the death of Speaker Denison:

> . . . the guiding touch of the presiding hand is not most truly felt in calls to order or sonorous decisions, but in the silent influence of personal character and in quiet suggestion of temperate advice, by smoothing away difficulties rather than in repressing discord . . .[25]

In short, the evolution of the role of Speaker is characterized by the establishment of the absolute moral authority of the Chair. This authority is based, not merely on over seven hundred years of tradition, but from a functional and contemporaneous inclination of the institution to accept the leadership role of the Speaker who has come to personify the essence of Parliament.

Erskine May, the foremost authority on parliamentary practice, has stated that the contemporary Speaker of the British House of Commons:

> . . . is the spokesman or representative of the House in its relations with the Crown, the House of Lords and other authorities and persons outside Parliament . . . he presides over the debates of the House of Commons and enforces the observance of all rules for preserving order in its proceedings.[26]

It is also possible to argue, after close inspection of May's treatment of the speakership, that the contemporary office of Speaker fulfils the four functions suggested earlier in this paper.[27] Namely, the Speaker is the presiding officer of the House, the chief executive officer of the Legislature, the ambassador of the House, and a parliamentary reformer in his own right. These various duties have been acquired at different points and have varied in relative importance throughout the history of the office. All of these duties are central to the modern speakership.

The authority of the Speaker, as the presiding officer of the Legislature, is manifested in the functional and symbolic position of the Speaker in the Chamber. All of the debates are conducted to and through Mr. Speaker. The presiding officer quite literally decides who will speak and who will listen. When the Speaker rises from his elevated position at the focal point of the Chamber, to obtain order or give a decision, the House falls silent and the members are expected to take their seats out of deference to the Chair. While the above description is somewhat idealistic it reflects the degree of moral authority invested in the role of the presiding officer. In addition, any action by a member of Parliament that may be interpreted by the House as a demonstration of contempt for the position of Speaker is

treated as a de facto breach of privilege. In fact, it is only procedurally correct for the Speaker to be criticized or censured by a substantive motion of the House.[28]

The range of duties of the presiding officer in the Chamber enhances his ability to manage the House.[29] Mr. Speaker preserves order and decorum. He enforces the standing orders of the House. He rules on points of order and determines whether a question of privilege should take precedence over other business. He has considerable discretionary powers to restrict debate and to prevent disorder. Most of the discretionary powers of the presiding officer are codified in the standing orders of the House.[30] These powers equip the Speaker with an almost infinite capacity to exercise discretion and authority. They are granted to the Speaker, as presiding officer, because the House trusts its Speaker. This trust is grounded on the belief that the Speaker is impartial.

The impartiality of the presiding officer is manifested in his abstaining from debate, from voting only to break a tie and even then under prescribed rules, and from running in general elections simply as Mr. Speaker seeking re-election.[31] The actual and perceived impartiality of the presiding officer has bolstered the moral authority of the Speaker to the point where:

> . . . the rulings of the Speaker in the House . . . afford an obvious parallel to the decisions of judges in the courts. The House of Commons has its own body of case-law. This consists primarily of rulings given by Mr. Speaker in answer to questions raising points of order on current business. Such rulings are . . . the principle source of modern practice.[32]

The presiding officer is accorded considerable latitude in defining the nature of his leadership role. Modern Speakers appear to prefer to resort to the use of moral authority as opposed to the blunt exercise of power.[33] Good powers of judgement are a key requisite for a presiding officer. Like all leaders, the Speaker has to know intuitively when to take a passive position and when to assert an activist approach. A sharp wit and a good sense of humour are also definite assets for the position of Speaker. The continuing dilemma of the modern presiding officer is to balance dispatch in the conduct of public affairs with insuring that minority view points are protected.[34]

It is important for the Speaker to be as diplomatic in conducting the external relations of the House as it is for him to be impartial in presiding over the deliberations in the House. Mr. Speaker is required to function as the Ambassador of the House of Commons in its relations with external bodies and officials.

In this discussion the term "ambassador" will mean "any authorized messenger or representative."[35] Erskine May has utilized the term "representative" to describe these duties and in this vein can be taken to mean "one qualified to serve as an authorized official, delegate or agent."[36] The usage of the term "ambassador" is justified on the grounds that it more accurately reflects the prestige and prerogatives that flow to the Speaker in this matter.

In any event, the British Speaker, as ambassador of the House of Commons, represents the legislature in its relations with the

Monarch, the House of Lords, and all other external bodies. Firstly, the Speaker claims, from the sovereign, all of the privileges of the Commons at the time of his investiture.[37] He reads the throne speech in the Commons. He presents addresses from the Commons to the Monarch. He issues, in the name of the Crown, election writs. Secondly, in his dealings with the House of Lords, the Speaker scrutinizes all proposed amendments by the Upper Chamber to the legislation of the Lower Chamber to preserve the integrity and supremacy of the Commons.[38] Thirdly, the Speaker, in representing the House to all other external bodies, may be required to communicate resolutions of the Commons to various external parties. In this regard he may have occasion to issue warrants to implement the decisions of the House. In turn, the Speaker apprises the House of any documents that he receives on behalf of the entire legislature. In performing these various ambassadorial duties the Speaker has ample opportunity to exercise authority and influence as the leader of the House of Commons in its external affairs.

The British House of Commons has also come to accept the leadership of the Speaker in its internal administrative affairs. The British Speaker has acquired a considerable arsenal of administrative powers. He is invested with the responsibility for the custody and management of that portion of the Parliament Buildings occupied by the Commons. He is responsible for the delivery of various services to members of Parliament and is assisted in this regard by a Parliamentary Committee. He is responsible for the production and

distribution of House documents. Mr. Speaker has both a department and a personal staff to assist him in meeting these executive responsibilities.[39]

In addition to the above administrative responsibilities, the Speaker has further administrative duties explicitly conveyed by at least eight separate statutes.[40] Taken together, these duties represent a codified vote of confidence in the office of Speaker. Mr. Speaker is the chief executive officer of the House of Commons. The most interesting aspect of this component of his overall role is that it appears to be continually expanding.[41] It is also important to note that the administrative authority of the British Speaker is continuous, irrespective of whether the House is in or out of session, prorogued, or dissolved for a general election. Mr. Speaker is the chief executive officer of the House until he dies or retires.[42] He remains Speaker following a dissolution of Parliament, even if he does not stand for re-election, until a successor is elected at the beginning of the ensuing Parliament.

In addition to all of the above roles, the Speaker has a unique opportunity to serve the Commons as a parliamentary reformer. The question of Parliamentary reform may entail the Speaker implementing procedural changes, or affecting administrative reorganization, or revamping the image of Parliament currently held by mass publics. Thus, the Speaker has many forums in which to enact Parliamentary reform. Procedural reform, for example, could be advocated in the House, in a parliamentary committee, outside the House, or in a

conference in which the Speaker assumes an active role.[43] In fact, many proposed reforms would be introduced on the initiative of the Speaker or with his concurrence.[44] In Britain, while procedural committees are often responsible for these changes, the advice of the Speaker is often acquired and not infrequently he is called as a witness to give evidence which, when coupled with his rulings from the chair, have a profound impact in the matter of parliamentary reform.

The office of Speaker has evolved into a matrix of roles which, individually and collectively, have been capable of exerting a profound leadership role in the British House of Commons. Perhaps the most intriguing aspect to the story of the office of Speaker is the fact that it has become one of the most famous of all the British institutional exports. In the Canadian federation fourteen speakerships, patterned on the British model, have developed in the last one hundred and fifty years. If the British speakership has assumed a significant leadership role in Parliament in over seven hundred years it will be interesting to inspect the experience of his Canadian colleague whose office has existed for some one hundred and fourteen years.

CHAPTER I--NOTES

[1]In slightly less than a decade students of B.C. politics witnessed the end of the twenty year reign of the Social Credit Party under W.A.C. Bennett, the coming to power of the only N.D.P. government to hold office in B.C. under David Barrett, followed by a return to power of a revitalized Social Credit Party lead by Bill Bennett. The elections of August 30, 1972, and December 11, 1975, represent significant turning points in the approach to public affairs in B.C. During this period, no fewer than four M.L.A.'s were elected to serve as Speaker of the Legislative Assembly.

[2]The definitive book on B.C. politics has yet to be written. In fact, there are very few systematic attempts to discuss B.C. politics. It is interesting to note that the standard historical work on B.C., Margaret A. Ormby, *British Columbia: A History* (Vancouver: MacMillan, 1958) has just a few pages relating to Legislative affairs and no index reference to Mr. Speaker. More recent works yield even fewer insights. For example, Paddy Sherman's book *Bennett* (Toronto: McClelland and Stewart, 1966) has no index reference to either the Legislature or the office of Speaker. Recent popular accounts of B.C. politics do not deal with these matters. c.f. Paul Hurmuses, *Power Without Glory* (Vancouver: Balsam Press, 1976); Lorne J. Kavic and Garry Brian Nixon, *The 1200 Days: A Shattered Dream* (Coquitlam: Kaen Publishers, 1978); Stan Persky, *Son of Socred* (Vancouver: New Star Books, 1979). Admittedly, Kavid and Nixon deal with the Legislature in three rather terse pages.

[3]As one might expect, there is a vast amount of literature on the general subject of British politics. On the more specialized area of the British speakership there is considerable literature. The books dealing with the speakership appear to fall into two categories; those written by former Speakers and those written about the office of Speaker by various scholars. In the former case compare J.E. Denison, *Notes From My Journal When Speaker of the House of Commons* (London: J. Murray, 1899) with Lord Ullswater, *A Speaker's Commentaries* (London: E. Arnold, 1925, 2 volumes) and Selwyn Lloyd, *Mr. Speaker, Sir* (Newton Abbott: Reader's Union, 1977). In the latter case please refer to A.I. Dasent, *The Speakers of the House of Commons* (London: John Lane, 1910) and P.A.C. Laundy, *The Office of Speaker* (London: Cassell, 1964) and S.A. Walkland, ed., *The House of Commons in the Twentieth Century* (Oxford, Clarendon Press, 1979).

[4]The first record of a presiding officer for the British Parliament dates to 1258. The Parliament did not formally become a bi-

cameral legislature until about 1341. See Philip Laundy, *Office of Speaker* (London: Cassell, 1964), p. 137f.

[5]See Norman Wilding and Philip Laundy, *An Encyclopedia of Parliament* (London: Cassell, 1971), p. 707.

[6]Laundy, *Office of Speaker*, p. 137.

[7]Michael MacDonagh, *The Book of Parliament* (London: Isbister, 1897), p. 115.

[8]See Laundy, *Office of Speaker*, Chapter 19.

[9]*Ibid.*, p. 139.

[10]*Loc. cit.*

[11]Wilding and Laundy, *An Encyclopedia*, p. 708.

[12]P.M. Briers, in her essay on the British Speaker, observed that "It is typical of the constitutional history of England, and of its Parliamentary institution in particular, that the office of Speaker of the House of Commons developed gradually rather than began." See P.M. Briers et al., *Papers on Parliament* (London: The Hansard Society, 1949), p. 2.

[13]Laundy, *Office of Speaker*, p. 142.

[14]MacDonagh, *The Book of Parliament*, p. 115.

[15]Wilding and Laundy, *An Encyclopedia*, p. 708.

[16]For a fascinating account of the circumstances behind this development see Laundy, *Office of Speaker*, Chapter 24, pp. 203-216.

[17]See for example, R.M. Punnett, *British Government and Politics* (London: Heinemann, 1976), Chapter 8, pp. 221f; also, Wilding and Laundy, *An Encyclopedia*, p. 710f.

[18]Briers, *The Speaker of the House*, p. 7.

[19]*Ibid.*, p. 11.

[33]Selwyn Lloyd claims that the British Speaker has almost infinite opportunity to exercise considerable power but in practice attempts " . . . to be circumspect as to the extent to which he uses them." See Selwyn Lloyd, *Mr. Speaker, Sir,* p. 61f.

[34]See Laundy, *Office of Speaker,* p. 337f; Briers, *The Speaker of the House,* p. 17, and MacDonagh, *The Book of Parliament,* p. 119f.

[35]William Morris, ed. *The Heritage Illustrated Dictionary of the English Language* (New York: American Heritage Publishing Company, 1969), p. 40.

[36]*Ibid.*, p. 1104.

[37]May, *Parliamentary Practice,* 19th Edition, p. 228.

[38]*Ibid.*, pp. 228-9.

[39]For interesting and complete accounts of the Speaker's duties as the chief executive officer of the House of Commons see May, *Parliamentary Practice,* 19th Edition, pp. 231-2, pp. 240f; Philip Marsden, *Offices of the Commons, 1363-1965* (London: Barrie and Rockliff, 1966), Chapter 11, pp. 176-195; Michael Rush and Malcolm Shaw, ed., *The House of Commons Services and Facilities* (London: Allen and Unwin, 1974), Chapter 4, pp. 100-133; Joseph Redlich, *The Procedure of the House of Commons,* Volume II (New York: Ams Press, 1969), pp. 131-139.

[40]For the details please refer to May, *Parliamentary Practice,* 19 Edition, p. 232.

[41]See Lloyd, *Mr. Speaker, Sir,* p. 118f.

[42]May, *Parliamentary Practice,* p. 232.

[43]For an interesting account of the Speaker's contribution to Parliamentary reform via the medium of Speaker's conferences see Laundy, *Office of Speaker,* Chapter 18, pp. 130-136.

[44]For fascinating accounts of the role of the Speaker in the consideration of the televising of the proceedings of the House of Commons see Lloyd, *Mr. Speaker, Sir,* p. 164f.

CHAPTER 2

THE SPEAKERSHIP OF THE CANADIAN HOUSE OF COMMONS

The office of Speaker of the Canadian House of Commons has existed since 1867. A survey of the available literature suggests that the history of the office may be roughly divided into three periods. The Canadian speakership was established between 1867 and 1891.[1] The role of Speaker experienced a lengthy and rather slow evolution from 1891 to the late 1960's. The contemporary office of Speaker can be dated to the period between 1968 and the present. A brief survey of the history of the Canadian speakership will provide a useful benchmark for the analysis of the British Columbia speakership.

The establishment of the office of Speaker in Canada was founded on structural and functional premises imported from Britain.[2] The creation of the office was an explicit requirement of the British North America Act.[3] The terms of reference for the Canadian speakership were codified in the standing orders of the House of Commons which were also borrowed, in the main, from Westminster. Despite these institutional guideposts, the first quarter century of both the House of Commons, and the speakership as a component of the House of Commons, failed to replicate British practices.

In fact, Norman Ward has argued that the formative years of both institutions reflect a rather juvenile attempt to duplicate the British House.[4] Early Canadian parliamentary practices featured total executive dominance of the legislature, rather unsophisticated proceedings, and a public administration which often entailed the rather large scale dispensation of patronage by the government. This parliamentary environment placed serious constraints upon the office of Speaker.

It was next to impossible, under the circumstances prevailing between 1867 and 1891, for the Canadian Speaker to play a leadership role. The authority of the Speaker was severely circumscribed. He was the government's man, nominated by and selected from the ranks of the party in power.[5] Early Speakers were overtly partisan. In fact, they believed that their roles included the right to dispense political patronage to their constituents.[6] The speakership was frequently a consolation prize for an incumbent who failed to receive a Cabinet appointment.[7] Naturally, these practices failed to instil, at least in the mind of the Official Opposition, a sense of confidence in the office of Speaker. The resulting lack of legitimacy in the office of Speaker limited his moral authority to such an extent that it was often difficult to preside over a petulant House.[8] In fact, so precarious was the position of Speaker, that one Speaker was unable to enforce an order of the House to close its saloon which had become a serious impediment to the pursuit of the public business.[9] Obviously, the prestige of the speakership was rather low during these

early times. The Commons was controlled by the government in every significant way.

In spite of these constraints, early Speakers were able to establish a few interesting precedents. For example, the first French Canadian Speaker to be elected by the House of Commons was Joseph-Goderie Blanchet on February 13, 1879.[10] In fact, the uniquely Canadian tradition of alternating the Chair between English and French speaking incumbents originated on this date.[11] It is interesting to note that no Canadian Speaker was ever censured by the House.[12] As well, several Speakers between 1867 and 1913, were required to play a greater role in the House as the result of the House exercising some ancient prerogatives.

During the period just mentioned, the House of Commons of Canada placed its Speaker in a leadership role in at least eighteen instances when the House sat as a High Court of Parliament.[13] The Speaker played the combined role of Chief Justice and Prosecutor.[14] He issued warrants compelling persons to appear before the House.[15] The Speaker committed at least one person to jail.[16] The Sergeant-at-arms was authorised by the Speaker to travel considerable distances to arrest individuals in the name of the House of Commons.[17] In short, Mr. Speaker was forced by circumstance to assert, in the Canadian House of Commons, the ancient privileges of the Commons of Britain. However, there is little, if any evidence to prove that the Speakers played as vigorous a leadership role in these matters as was the case in Britain.[18]

Thus, whether it resulted from lack of opportunity or lack of initiative, the early Canadian Speakers failed to fulfil active leadership roles in the House of Commons. This situation accounts for the establishment of a tradition of weakness in the office of Speaker which has persisted until very recently.

The weakness inherent in the office of Speaker of the Canadian House of Commons during this evolutionary period include the failure of the Speaker to be non-partisan, and the failure of the House to establish the principle of a tenured Chair.[19]

The Speaker was not able to become truly independent of government in a House that was totally dominated by the Cabinet. However, the records of the House illustrate that the Speaker was always, except in 1878, and again in 1936, the unanimous choice of the House.[20] In this regard, it is difficult to determine whether the House was hypocritical in its approach to the speakership or whether the majority of members merely accepted the practices that existed. In any event, the first example of the Speaker being nominated by the government and seconded by the Official Opposition did not transpire until 1953.[21] It is possible that gains were made towards a more independent office of Speaker in conjunction with the increasing impartiality of the Chair.

Dawson has argued that Canadian Speakers have progressively withdrawn from the political activities of the House.[22] However, Canadian Speakers have not withdrawn from partisan politics to the same degree as their British counterparts. For example, only one

Speaker has ever disassociated himself from his political party in a general election.[23] In addition, many Speakers, upon retirement, have tended to maintain fairly high political profiles in other occupational roles.[24] Both of the above trends are anathema to the practices in Westminster. However, without some form of tenure in the Chair, it is unfair to condemn Speakers for failing to protect their own occupational interest.

Canada has generally had a new Speaker for each Parliament.[25] Most Speakers have apparently had far less previous parliamentary experience than their British colleagues. Part of the explanation for the relatively rapid turnover in the Chair does relate to the Canadian tradition of rotating the Chair between English and French speaking incumbents. Part of the explanation must also relate to the other historical shortcomings in the position of Speaker. The conditions of service for the Canadian speaker were not changed by forces from within the institution of Parliament. It is an interesting commentary on the House of Commons, as an institution, that reform to the Speakership was produced by pressures generated by academics outside of the institution.

Professor J.H. Aitchison conducted a personal campaign to reform the Canadian speakership in the early 1960's.[26] He argued that the speakership was debilitated by a failure to develop institutional arrangements to insure the impartiality of the Chair. Aitchison insisted that the Commons could not function properly if the speakership was not removed from the political control of the majority

party. The failure of the House to de-politicize the role of Speaker demonstrated ignorance, ambivalence, and hypocrisy. Aitchison defined the co-requisites of impartiality in terms of a need for tenure in the Chair, real freedom from government control, and increased salary and allowances.[27] He concluded that, under the prevailing institutional circumstances, our Speakers have done remarkably well.[28]

This extra-parliamentary campaign to reform the speakership was joined by Professor Denis Smith in 1963. He published a biting indictment of the failure of the Diefenbaker government to reform the speakership.[29] Smith claimed that the Conservative regime had ignored a golden opportunity to establish the principle of a permanent and non-partisan speakership despite a previous commitment to do so.[30] Obviously, the attitude of the Prime Minister was transformed between his opposition and his government days.[31] While both of the Conservative Speakers dignified the office, Diefenbaker exploited both the office of Speaker and that of Deputy Speaker for the partisan advantage of his government.[32] Diefenbaker apparently did not like to defer to the Chair. In retrospect, Diefenbaker's attitude towards the office of Speaker was not inconsistent with that of most Canadian Prime Ministers right back to Sir John A. Macdonald who first established the tradition of executive dominance in the legislature.

The most useful result of these extra-parliamentary campaigns to reform the speakership was the commissioning of a study by the House of Commons of the office of Speaker. Professor Smith was given a mandate to study the role of the Speaker and to produce

practical recommendations for reform.[33] This report was facilitated as a result of the institutional recognition, on the part of the House of Commons and the Pearson government, of not only the lack of but the need for leadership in the role of Speaker.

Smith concluded that the Canadian office of Speaker was neither independent nor non-partisan.[34] He explained the failure to conform to the British model in terms of a general lack of understanding among Parliamentarians as to the advantages of an autonomous office of Speaker. His prescriptions for the speakership were designed to facilitate a leadership role for the Speaker within the Parliamentary process.[35]

It is difficult to assess the exact impact of the Smith report. However, several interesting developments in the House of Commons came sufficiently soon after the submission of the report to accord some credit to Pressor Smith for the recent reforms to the office of Speaker.

The first development came when Lucien Lamoureux, a Liberal M.P. elected Speaker in 1964, ran for re-election to Parliament as an Independent in 1968. He was re-elected both as an M.P. and as Speaker. The re-election of Speaker Lamoureux laid the foundation for an impartial and tenured speakership.[36]

One of the interesting antecedents to the above development was the introduction of major procedural reforms in 1968 and 1969. In part these reforms represented recognition by the Trudeau government for the pressing need to institutionalize the independence and impart-

iality of the speakership.[37] The reforms were based on the premise that Parliament must become a more efficient forum in which to conduct government business while, at the same time, preserving opposition rights to criticise the actions of the government. In the final analysis, the government accepted the need to increase the authority of the Chair. As a consequence, appeals from the Speaker's rulings were abolished.[38] Henceforth, government and opposition could not challenge or overrule, in the traditional pro forma yet debilitating manner, the rulings of the Chair. The government deliberately avoided giving the Speaker the power to control the time of the Commons on the grounds that such decisions were too political in nature and as such best left to the party whips.[39] This development tends to reflect genuine concern for the political neutrality of the Speaker. Additional changes in the standing orders gave the Speaker more discretion and authority.[40] The House of Commons was finally maturing in its approach to the office of Speaker.

A significant new precedent in the Canadian speakership was established on October 9, 1979, with the opening of the thirty-first Parliament. Mr. James Jerome, a Liberal M.P., first elected speaker in 1974 without the official endorsement of the Progressive Conservative party, was re-elected Speaker in spite of the change of government. The motion to appoint Mr. Jerome to the Chair was moved by the Prime Minister, Mr. Clark, and seconded by the Leader of the Opposition, Mr. Trudeau.[41] Mr. Jerome was the second opposition M.P. ever to become Speaker. Speaker Lemieux, a Liberal

M.P., held office for the seven days the Conservatives held power during the 1926 constitutional crisis.[42] With this development, the speakership became more removed from government, more visibly non-partisan and to some extent more permanent. However, only the passage of more time will confirm or refute this assertion.

The speakership has evolved in Canada to the point where one could argue that we are generally moving closer to the British model of the speakership than ever before. The contemporary Canadian Speaker is required to assume leadership roles as the presiding officer of the Commons, as the chief executive officer of the House, as the ambassador of the House, and as an agent of parliamentary reform.

As the presiding officer of the Commons, the Speaker is clearly the master of procedure in the daily routine of the House. His position is defined in the British North America Act and clarified in the standing orders of the House. The Speaker must insure that proceedings of the House are conducted in conformity with parliamentary laws and practices. His authority to regulate the individual behaviour is unquestionable.[43] He is empowered to protect the rights of minorities. He cannot be overruled by the majority in the normal course of events.[44] While he has the prerogative to accept or reject the recommendations of the government to call the House into session it is highly unlikely that he would ever do so. The Speaker's discretionary powers appear to be on the increase. Nowhere is it more evident than in the daily question period.[45] The Speaker selects the questioners, allows or disallows supplemental questions,

all without appeal. Aside from being one of the biggest challenges to the patience and intellect of the Speaker, the question period is also the most public of forums wherein the authority of the Chair is either asserted or reserved, at the discretion of the Chair.

However, it must be emphasized that, in the final analysis, the House has recourse to ensure that the Speaker acts in the best interests of the institution. In the short run, the Speaker can be censured by a substantive motion. In the medium term, an incompetent or unsatisfactory Speaker can be rejected as a candidate for the Chair at the opening of the next Parliament. In the long term, the collective power of the majority could be used to amend the rules of the House to circumscribe, if necessary, the authority of the presiding officer. Thus, while the House collectively can take measures to ensure the responsiveness and responsibility of it's Speaker, it is clear from the history of the office that the House is unlikely to do so--at least in the foreseeable future.

At the administrative level, the House has entrusted Mr. Speaker with the responsibility for the custody and administration of all House of Commons facilities.[46] Mr. Speaker is responsible for the production and distribution of all House documents.[47] He has the control over televising and broadcasting of the proceedings of the House.[48] He plays a leading role in the management of the financial affairs of the legislature. Furthermore, the Speaker has continuous administrative authority which is not voided during adjournment, prorogation, or dissolution of the House.[49] The speaker is ultimately

responsible to the House for a staff of some two thousand employees and a budget of upwards of 67 million dollars annually.[50] Mr. Speaker is thus the chief executive officer of the House of Commons in its internal administrative affairs.

Mr. Speaker plays an important role in the external relations of the House of Commons. He is the sole legal representative of the House in its relations with the Crown, the Senate, and all other outside persons and authorities.[51] The office of Speaker is involved in a wide range of interparliamentary relations. Time allocated for attendance at international parliamentary conferences, domestic parliamentary gatherings, the presentation of communication and papers is on the increase.[52] The Speaker plays a leading role in representing the Canadian Parliament to the rest of the world. In these duties he acts as the ambassador of the House of Commons.

The Speaker also has to allow time in his busy schedule for considerations of parliamentary reform. The Speaker has many opportunities to change the proceedings and style of the legislature. He can modify House rules by his decisions as presiding officer. He can change the ability of the House to organize its affairs by amending financial and administrative policy. As we have seen, the Speaker plays an active role in conveying the image of the House to the outside world. He can play an activist role in the question of technical procedural reform.[53] The Speaker is constrained in the area of parliamentary reform only by his interpretation of and by the actual will of the majority. Currently, both the formal and informal,

or moral authority, of the Canadian Speaker must be considered to be at an all time historical peak.

This paper has so far attempted to provide an overview of the office of the Speaker as it developed in the British and Canadian Parliaments. The literature, while uneven and diverse, has provided sufficient information to permit the generation of general comments. The researcher focusing on the office of Speaker of the Legislative Assembly of British Columbia is not so fortunate. The balance of the thesis will look closely at the speakership in British Columbia commencing with an overview of the activities of the Legislative Assembly in the period since 1970.

CHAPTER 2--NOTES

[1]See Norman Ward, "The Formative Years of the House of Commons, 1867-91," *Canadian Journal of Economics and Political Science*, 28, No. 4 (1952), pp. 439-451.

[2]For a general discussion of this point see W.F. Dawson, *Procedure in the Canadian House of Commons* (Toronto: University of Toronto Press, 1962), Chapter 4, and Laundy, *Office of Speaker*, Chapter 36.

[3]Laundy, *Office of Speaker*, p. 359.

[4]Ward, *The Formative Years*, passim.

[5]*Ibid.*, p. 435.

[6]*Ibid.*, p. 436.

[7]*Ibid.*, p. 435.

[8]*Ibid.*, p. 438.

[9]*Ibid.*, p. 432f.

[10]*Ibid.*, p. 437. See also J.K. Johnson, ed. *The Canadian Directory of Parliament* (Ottawa: Queen's Printer, 1968), p. 51.

[11]*Loc. Cit.*

[12]In fact, member's attitudes toward the Chair were so lax that one Speaker held office for over 3 years while he was formally disqualified as an M.P. See Ward, *The Formative Years*, p. 439.

[13]See Norman Ward, "Called to the Bar of the House of Commons," *The Canadian Bar Review*, 35 (1957), pp. 529-546.

[14]*Ibid.*, p. 541.

[15]*Ibid.*, p. 533.

[16]*Ibid.*, p. 540f.

[17]*Ibid.*, p. 542.

[18]*Ibid.*, passim.

[19]For a general discussion of these problems see Laundy, *Office of Speaker*, Chapter 36; Denis Smith, "The Speakership of the Canadian House of Commons: Some Proposals," A paper prepared for the House of Commons Special Committee on Procedure and Organization (Ottawa: Queen's Printer, 1965); J.H. Aitchison, "The Speakership of the Canadian House of Commons," *Canadian Issues: Essays in Honour of Henry F. Angus*, Ed. R.M. Clark, (Toronto: University of Toronto Press, 1960), pp. 23-56; and Dawson, *Procedure*, Chapter 4.

[20]See Dawson, *Procedure*, p. 58f and Smith, *The Speakership*, p. 6f.

[21]Dawson, *Procedure*, p. 66.

[22]*Ibid.*, passim.

[23]Lucien Lamoureux in 1964 and 1968.

[24]For example, former Canadian Speakers have become Ministers of the Crown, one has become Governor-General, and one an Ambassador. See Laundy, *Office of Speaker*, Chapter 36; Smith, *The Speakership*, p. 12f and Aitchison, *The Speakership of the Canadian House*, p. 37f.

[25]See Dawson, *Procedure*, p. 60f and Colin Campbell, *Canadian Political Facts: 1945-1976*, (Toronto: Methuen, 1977), p. 60.

[26]Professor Aitchison is a political scientist from Dalhousie University. He advocated reforms to the office of Speaker in numerous articles, radio shows, and letters-to-the-editors. For example, see Aitchison, *The Speakership of the Canadian House*, pp. 22-56.

[27]*Ibid.*, p. 24f.

[28]*Ibid.*, p. 40.

[29]Denis Smith, "The Speaker," *The Canadian Forum*, XLIII, No. 507 (April 1963), pp. 4-5.

[30]*Ibid.*, p. 4.

[31]Recall that the 1956 pipeline debate in which Diefenbaker played such a leading role featured two developments: (1) the demise of the Liberal regime and the rise to power of John Diefenbaker; and (2) the first motion of censure against a Canadian Speaker. See Philip Laundy, "Canada's Speakership Attains Independence," *Parliamentarian*, 50, 1969, pp. 12-15.

[32]Smith, *The Speaker*, p. 5. In the first instance Diefenbaker "promoted" Speaker Lambert into his Ministry. In the second instance, he apparently used the Deputy Speakership as a training ground for future ministers.

[33]Smith, *The Speakership*, pp. 1-2.

[34]*Ibid.*, p. 11f.

[35]*Ibid.*, pp. 22-24.

[36]See Laundy, *Canada's Speakership Attains Independence*, p. 16.

[37]See Hon. Donald S. MacDonald, "Changes in the House of Commons--New Rules," *Canadian Public Administration*, 13, No. 1 (1970), pp. 30-37.

[38]*Ibid.*, p. 32.

[39]*Ibid.*, p. 37.

[40]See Philip Laundy, "The Future of the Canadian Speakership," *Parliamentarian*, 53, No. 2 (April 1972), pp. 113-117.

[41]The former Liberal Deputy Speaker, Mr. Gerald Laniel, was also re-appointed. See *Ottawa Letter*, Vol. XIV, No. 4, October 9, 1979, p. 266.

[42]Gary Levy. Letter to the author.

[43]A. Beauchesne, *Rules and Forms of the House of Commons of Canada*. Ed. Alistair Fraser et al. (Toronto: Carswell, 1978, 5th Edition), p. 38f.

[44]*Ibid.*, p. 39.

[45]For a fascinating account of the role of the Speaker in the Daily Question Period see Jerome, *The Speakership in Canada*, p. 5f.

[46]Beauchesne, *Rules and Forms*, 5th Edition, p. 40.

[47]*Loc. Cit.*

[48]Jerome, *The Speakership in Canada*, p. 13f.

[49]See House of Commons Act, R.S.C. 1970, Chapter H-9, Section 15.

[50]See Jerome, *The Speakership in Canada*, pp. 6-8.

[51]Beauchesne, *Rules and Forms*, 5th Edition, p. 37.

[52]Jerome, *The Speakership in Canada*, pp. 8-19.

[53]*Loc. Cit.*

CHAPTER 3

THE LEGISLATIVE ASSEMBLY OF BRITISH COLUMBIA: 1970-1979

Before an attempt is made to analyze the role of Speaker in British Columbia it will be necessary to provide an overview of the activities of the Legislative Assembly since approximately 1970. Such an overview is important for two reasons. Firstly, this study assumes that the style of operation and the basic structure of the Legislative Assembly imposes certain constraints upon the role of Speaker. Secondly, since the balance of the thesis will discuss various facets of the role of Speaker, thus somewhat distorting the composite nature of the position, it will be important to provide an overall description of the basic relationship between the Speaker and the legislature. In short, this initial overview is justified on the grounds that the potential ability of the Speaker to assume a leadership role is best evaluated with some understanding of the constraints in the relationship between the Speaker and the Legislative Assembly.

Some of the basic structural characteristics of the Legislative Assembly of British Columbia are summarized in Table I. Perhaps the static indicators should be noted first. The B.C. Legislature is, at least potentially, an intimate parliament because of the relatively

Table I

Structure of the Legislative Assembly, 1969-1979

	Indicator	29th Parliament[1]	30th Parliament[2]	31st Parliament[3]
(1)	Number of MLA's in Legislature	55	55	55
(2)	Number of Political Parties in Legislature	3	4	4
(3)	Relative Strengths of Parties in House			
	(a) Liberal Party	5	5	1
	(b) New Democratic Party	12	38	18
	(c) Progressive Conservative Party	0	2	1
	(d) Social Credit Party	38	10	35
	(e) Other	0	0	0
(4)	Election Results by Popular Vote by Party (Percentages)			
	(a) Liberal Party	19.03	16.40	7.24
	(b) New Democratic Party	33.92	39.59	39.16
	(c) Progressive Conservative Party	0.26	12.67	3.86
	(d) Social Credit Party	46.79	31.16	49.25
	(d) Other	0.26[4]	0.18	0.49
(5)	House Membership in Terms of Turnover			
	(a) Number of Incumbents Re-elected	46	23	31
	(b) Number of New[5] MLA's by Party (Total)	9	32	24
	(i) Liberal Party	0	1	
	(ii) New Democratic Party	1	26	1
	(iii) Progressive Conservative Party	0	1	0
	(iv) Social Credit Party	8	4	23
(6)	Size of Executive Council[6]	16	14	15

Source: British Columbia. Chief Electoral Officer. *Statement of Votes*. Victoria: Queen's Printer, 1970, 1973, 1976, unless otherwise indicated.

TABLE I--NOTES

[1]Figures reflect results of the provincial general election of August 27, 1969.

[2]Figures reflect results of the provincial general election of August 30, 1972.

[3]Figures reflect results of the provincial general election of December 11, 1975.

[4]Report combines figures for Progressive Conservative and others for 1969.

[5]"New" signifies M.L.A.'s elected who were not M.L.A.'s in the previous parliament. Some of these M.L.A.'s may have been M.L.A.'s in the distant past, that is, at least two parliaments removed.

[6]Figures include Premier, Ministers with and without portfolios but do not reflect changes over the term of the government. For example, some administrations started with one Minister holding multiple portfolios.

Source: (a) British Columbia. Department of the Provincial Secretary. *Annual Report*. (Victoria: Queen's Printer, 1975, Appendix C, pp. AA85-89).

(b) British Columbia. *Estimates of Revenue and Expenditure*. (Victoria: Queen's Printer, 1978/79).

(c) Pierre G. Normandin, Ed. *The Canadian Parliamentary Guide*. (Ottawa: Annual).

small membership. Speakers could be expected to know personally all of their colleagues. The size of the legislature was constant over three parliaments.[1] The size of the Executive Council, at least at the opening of each of the parliaments, was also relatively constant.[2] Speakers were required to preside over a house in which one quarter of the members were ministers of the crown. Therefore, the Speaker had to deal with a relatively small opposition. While the above structural characteristics tend to suggest a relatively stable legislature for the presiding officer, the dynamic political developments in the province were also reflected in the composition of the legislature.

While the legislatures of this period were always multi-party assemblies, there are clear signs of an increasing polarization between the political forces of the left, represented by the New Democratic Party, with those of the right, represented by the Social Credit Party. Each successive parliament reflected dramatic changes in the fortunes of the major political parties. For example, the 29th Parliament contained members of three political parties but was dominated by the Social Credit Party which held almost 70 per cent of the seats. The Liberal and the N.D.P. parties occupied the balance of the 55 seats in the 29th Parliament. However, the 1972 election practically reversed the relative strength of the major parties. The Social Credit and N.D.P. caucuses exactly reversed their standings in the legislature in terms of seats. The Progressive Conservative Party gained two seats after the defeat of the W.A.C. Bennett regime.

The Liberal Party commenced a decline in terms of seats and popular vote after the 1972 election. It is likely that the rise of the Progressive Conservative Party after 1969, helped to engineer the defeat of Social Credit. The 1975 general election produced the 31st Parliament which was almost totally polarized at the outset.[3] Again, Social Credit exchanged positions with the N.D.P. in relative standings in the Legislature. Therefore, the Legislative Assembly was relatively dynamic in terms of political structure during this period.

The speakership changed hands as governments changed. Each successive Speaker had to mediate between multiple opposition parties and large majority governments each placing competing demands upon the time of the legislature. Third parties never held the balance of power as has sometimes been the case in the federal parliament. Thus, we might assume that there would be pressure on the Speaker to protect minority rights in a legislature dominated by the executive. It is likely that opposition rights were serious issues given the nature of popular electoral support. For example, the N.D.P. never won less than 33.92 per cent nor more than 39.59 per cent of the vote regardless of whether they sat in the House as government or opposition. Therefore, their moral claim to political power and the time of the legislature would be relatively constant. The Socreds had similar experiences. Speakers might, therefore, be expected to mediate fierce partisan battles in the legislature.

Speakers also would have been affected by the relatively high turnover rate in the membership of the House. A high rate of turnover

would tend to disrupt internal equilibrium in the House, particularly when such a phenomenon introduced many partisan and inexperienced M.L.A.'s to the House. In fact, Speakers have often had to deal with both problems. Speaker Murray faced nine new M.L.A.'s after 1969 (16.4 per cent). Speaker Dowding had to cope with 32 new M.L.A.'s in the 30th Parliament (58.2 per cent). In the 31st Parliament, Speaker Smith had to contend with 24 new M.L.A.'s (43.6 per cent) elected in the 1975 general election. While the vast majority of new M.L.A.'s came from the governing party, the Speaker was required to preside over a House containing many inexperienced parliamentarians. Speakers had to explain parliamentary procedures to the new M.L.A.'s and tolerate more misuse of the rules and conventions of parliament or, alternatively, play a school master's role for one's colleagues.

The indicators selected to reflect the operation of the Legislative Assembly may be divided into two groups; those that are relatively static and those that are more dynamic. A static indicator is one which reflects stabilizing forces. A dynamic indicator is one which reflects forces of change. These indicators are summarized in Tables II and III.

The first operational characteristic of the Legislature concerns the duration of the parliament. The parliaments extended from 35 to 41 months and averaged 38 months. The duration of each of these parliaments continued a historical pattern dating back to at least 1953, and may be classified as one of the more stabilizing

Table II

Operation of the Legislative Assembly, 1969-1979

Indicator	29th Parliament	30th Parliament	31st Parliament
(1) Duration of Parliament[1] [months]	35	38	41
(2) Number of Sessions per Parliament[1]	3	5	4
(3) Length of each Session[1] [days]			
(a) First Session	72	11	69
(b) Second Session	72	84	137
(c) Third Session	71	56	66
(d) Fourth Session	N/A[2]	108	9
(e) Fifth Session	N/A[2]	86	N/A[2]
Total length of Parliament [days]	71 3 | 215	69 5 | 345 30 45	80 4 | 281 140 80 3 | 220
(4) Legislative Input/Output [Bills introduced: Bills passed]			
(a) First Session	80:56	29:13	86:58
(b) Second Session	100:72	173:92	115:86
(c) Third Session	106:67	105:68	68:42
(d) Fourth Session	N/A[2]	166:115	13:1
(e) Fifth Session	N/A[2]	129:83	N/A[2]
Total per Parliament	286:195	602:373	282:187
(5) Financial Appropriations Approved (main estimates passed in each fiscal year during each Parliament) [Billions of Dollars]	70/71 1.165 71/72 1.300 72/73 1.451	73/74 1.718 74/75 2.172 75/76 3.222	76/77 3.667 77/78 3.866 78/79 4.280 79/80 1.227[3] [interim supply only]

Source: British Columbia. Legislative Assembly. *Journals* (Victoria: Queen's Printer, Annual).
British Columbia. Legislative Assembly. *Statutes* (Victoria: Queen's Printer, Annual).

TABLE II--NOTES

[1]For a chronology of each Parliament please see Table III.

[2]N/A = not applicable. The number of sessions in a given Parliament may vary.

[3]This figure represents the interim supply described by Bill No. 2 assented to on April 3, 1979, the same day the 31st Legislature was dissolved for the May 10, 1979 Provincial General Election. The total budget for fiscal 79/80 was passed July 27, 1979 and was $4,628,090,738.

Table III

A Chronology of Parliaments and Sessions, 1969-1979

Event	Duration	Session	Reference[1]
29th Parliament			
General Election	August 27, 1969		
First Session	January 22-April 3, 1970	1	
Second Session	January 21-April 2, 1971	2	
Third Session	January 20-March 30, 1972	3	
Dissolution	July 24, 1972		
30th Parliament			
General Election	August 30, 1972		
First Session	October 17-27, 1972	4	
Second Session	January 25-April 18, 1973	5	
Third Session	September 15-November 7, 1973	6	
Fourth Session	January 31-June 20, August 9, November 1-26, 1974, and February 17, 1975	7	
Fifth Session	February 18-June 26, 1975 and October 7, 1975	8	
Dissolution	November 3, 1975		
31st Parliament			
General Election	December 11, 1975		
First Session	March 17-June 30, 1976 and January 13, 1977	9	
Second Session	January 13-September 27, 1977 October 19-21, 1977 and March 29, 1978	10	
Third Session	March 30-June 29, 1978 December 8, 1978, March 21, 1979	11	
Fourth Session	March 22-April 3, 1979	12	
Dissolution	April 3, 1979		

Source: British Columbia. Legislative Assembly, *Journals* (Victoria: Queen's Printer, Annual).

TABLE III--NOTES

[1]This column assigns a numerical reference to each session of the three Parliaments under consideration in this paper. This numerical assignment is for reference convenience only.

characteristics of the Legislature in this period.

The second indicator suggests that the work habits of the assembly changed dramatically after the 1972 general election. The old pattern of three short spring sessions per Parliament was replaced, during and after the 30th Parliament, by more and longer sessions. In a sense, this state of affairs can be explained by a party coming to to power which had previously known only decades as opposition. Interestingly enough, the tendency towards more frequent, if not actually erratic, scheduling of legislative sessions was continued in the 31st Parliament despite the re-election of the Social Credit Party. For one reason or another, the role of the Legislature in the political process appears to have changed.

Since 1970, the Legislature has met more frequently and sat longer. For example, the 29th Parliament sat for 215 days compared with 345 days in the 30th Parliament. The 31st Parliament sat for 281 days. An interesting pattern seems to have emerged in the 30th Parliament. The Legislature met in the spring and considered both legislative and budgetary measures. It reconvened in the fall to deal with just legislation. The role of the M.L.A., at this point, was proclaimed to be a full time job by Premier Barrett. By extension, the role of the Speaker became a full time job as well. The pattern of the 31st Parliament is more difficult to decipher in these matters. The government appears to have attempted to return to the old pattern of short spring sessions but has not generally accomplished this goal.[4] However, both the roles of an M.L.A. and that of the Speaker are

still considered to be full time vocations.

Despite the full time nature of the key political roles in the Legislature, governments have likely discovered that time imposes absolute constraints on the outputs of the Legislative Assembly. For example, in the 29th Parliament 1.7 Bills were introduced per day. The 31st Parliament introduced 1.0 Bills per day. Furthermore, the ratio of Bills introduced to those passed varies very little between the various parliaments. Thus, there seems to be absolute limits as to how much legislation an Assembly can pass per unit of time. As the above figures suggest, any government that attempts to push the House will simply increase tensions among the M.L.A.'s, particularly those in opposition, thus exacerbating the Speaker's job. This phenomenon is important in legislatures, like the one in British Columbia, which experience considerable pressure from the executive for approval of government measures.

A more elusive legislative output concerns the magnitude of the public expenditures approved in each Legislative session. The first session of the 29th Parliament approved a budget for fiscal 70/71 in the amount of $1,165,460.[5] The third session of the 31st Parliament passed a budget for fiscal 78/79 in the amount of $4,280,350.[6] The level of public expenditure approvals increased 367 per cent in 9 fiscal years. The escalation of public expenditure seems to be constant over time and unaffected by changes in government. However, the larger the budget the more time is required by the House. Thus, the Speaker has to ensure that Parliament's control of the purse

strings is not subverted.

The legislative environment of this period was both a fascinating yet frustrating place for the Speaker. Typically, the Speaker was required to preside over a small, increasingly polarized legislature that was dominated by a government with a massive majority and controlled by a fairly large Cabinet. Each Parliament resulted in a new government, a new Speaker, and as we have seen, many new members. The Speaker was required to preside over a Parliament with a fairly short life span. Each successive Parliament varied the scheduling of sessions. As a result, the legislature tended to operate intermittently throughout the year and demanded that both M.L.A.'s and the Speaker be full time parliamentarians. Each Parliament was only able to approve two-thirds of the legislation that was introduced. Speakers probably had to preside over a legislature that was inhabited by a frustrated government.

The foregoing discussions have attempted to describe the structure and operation of the legislature and relate some of these factors to the role of Speaker. It will now be appropriate to briefly expand upon the incumbents of the speakership during the study period. Table IV attempts to provide a basic profile of each of the four Speakers.

The 29th Parliament was presided over by the Honourable W.H. Murray, Social Credit M.L.A. for Prince Rupert. The 30th Parliament was presided over by the Honourable G.H. Dowding, N.D.P. M.L.A. for Burnaby-Edmonds. The Honourable D.E. Smith Social Credit M.L.A. for

Table IV

Profiles of the Speakers, 1970-1979

					Synopsis of Public Service			
Speaker	Date of Birth	Occupation Before Politics	Electoral District	Political Party	Total Years MLA	No. Years MLA Before Speaker	Other Positions	No. Years Speaker
William Harvey Murray	September 12, 1916	Accountant/ Notary Public	Prince Rupert	Social Credit	16	8	Public Servant 1934-50	8
Gordon Hudson Dowding	March 1, 1918	Lawyer	Burnaby Edmonds	New Democratic	19	16		3
Dean Edward Smith	October 21, 1928	Life Insurance Underwriter	North Peace River	Social Credit	13	9	Alderman 6 years	2
Harvey Wilfred Schroeder	June 16, 1933	Clergyman	Chilliwack	Social Credit	7	6	Deputy Speaker 2 years	1

Source: Pierre G. Normandin, Ed. *The Canadian Parliamentary Guide*. Ottawa: annual.

Notes: [1]Speaker Schroeder was elected on March 30, 1978, at the opening of the third session of the 30th Parliament. He was re-elected as an M.L.A. in the general election of May 10, 1979. He was re-elected Speaker on June 6, 1979, at the opening of the 1st session of the 32nd Parliament.

North Peace River, served as Speaker for two years from 1976 to 1978, in the 31st Parliament.[7] The Honourable H.W. Schroeder, Social Credit M.L.A. for Chilliwack, served as Speaker from March 30, 1978 until the 31st Parliament was dissolved on April 3, 1979.[8] While each Speaker came to office from a rather diverse background and with very different political styles, it is possible to make some generalizations about them.

The Speakers were all members of the governing political party. The British principle of continuity in the Chair has not become established in British Columbia. All the Speakers came to politics from the business or professional world. All Speakers were relatively mature, in terms of age, when they assumed the Chair. All had considerable parliamentary experience before assuming office. Mr. Speaker Schroeder had the shortest parliamentary career prior to becoming Speaker but was the only presiding officer in this group to have first held the position of Deputy Speaker. The Legislature has drawn its Speakers from diverse regions in British Columbia. Two of the Speakers have come from northern ridings while two came from southern ridings. Three Speakers represented rural ridings.

Unlike the British House of Commons the Legislature offers no special retirement plan for its Speakers. In fact, Speakers in British Columbia appear to rise and fall in their political careers along with the fortunes of their political party. For example, Speakers Murray and Dowding each lost their seats when their parties were swept from power. Speaker Smith failed to receive

the nomination of the Social Credit Party after his resignation as Speaker. Mr. Speaker Schroeder was re-elected as M.L.A. for Chilliwack in 1979, and re-appointed as Speaker in the 32nd Parliament.[10]

In spite of the different personalities and fortunes of the four incumbents, the office of Speaker has experienced continuous expansion and development over the past decade. The Speaker's office was transformed from a sessional office which operated from ten to twelve weeks per year into a year round operation. The staff complement has risen from one sessional stenographer to, at the end of the 31st Parliament, three permanent positions and one sessional appointment.[11] These positions included an administrative assistant, an executive secretary, and two stenographers. These changes were made in an effort to ensure that the needs of M.L.A.'s and the House were met. As late as 1971 the entire cost of legislative staff was $165,236 which included the salary costs for the office of Speaker.[12] However, in fiscal 78/79 the program budget for the office of the Speaker per se was $224,894 of which $54,828 were allocated for funding the three permanent positions.[13]

The office of Speaker appeared to reflect, in microcosm, the changes in the larger legislative environment. To re-iterate, Speakers changed with governments. There have likely been corresponding changes in policy and staff. However, out of all of these developments the Speaker's office has endured and expanded its role in the legislative process. The balance of this thesis will attempt to describe and evaluate the various aspects of the role of

Speaker bearing in mind the constraints imposed by the legislative environment that have been detailed in this chapter.

CHAPTER 3--NOTES

[1]The membership of the B.C. Legislature was increased to fifty-seven members on April 3, 1979, with the dissolution of the 31st Parliament. Redistribution was enacted under a 1978 amendment to the Constitution Act that was based upon recommendations of a Royal Commission conducted by Judge L.S. Eckardt. For details of the redistribution, see Province of British Columbia. Royal Commission on Electoral Reform, 1978. *Interim Report on Redefinition of Electoral Districts* (Victoria: Queen's Printer, 1978). However, it should be noted that in terms of impact this redistribution is clearly outside the period of the current study.

[2]It should be noted that the Executive Councils tended to grow in size during the life of a Parliament. Portfolios were rotated as well. See the annual edition of *The Canadian Parliamentary Guide* for the details of the size and composition of the various Executive Councils.

[3]The polarization of the B.C. Legislature became complete with the resignations of Dr. G. Scott Wallace, M.L.A. for Oak Bay and leader of the Progressive Conservative Party, on December 31, 1977, followed by the resignation of the lone Liberal M.L.A. Gordon Gibson, M.L.A. for North Vancouver-Capilano, on January 16, 1979. The 31st Parliament became the first two-party Legislature in B.C. political history. This situation was re-enforced in the provincial general election on May 10, 1979, which produced a two-party Legislature in the 32nd Parliament.

[4]The 30th Legislature sat for 345 days compared with 215 days for the 29th Legislature, an increase of 60 per cent. The 31st Parliament sat for 281 days or a decrease of only 19 per cent despite Premier Bill Bennett apparently favouring one session a year. The only short spring session of the 31st Parliament was the fourth Session which lasted only 9 days as a result of the Premier dissolving the House on April 3, 1979, for a provincial general election.

[5]British Columbia. *Estimates of Revenue and Expenditure* (Victoria: Queen's Printer, 1970).

[6]*Ibid.*, 1979.

[7]Ed Smith, Social Credit M.L.A. for North Peace River was elected Speaker of the Legislature on March 17, 1976, without the support of the three opposition parties. He was not one of the more popular Speakers in this period. Among other things, he was apparently instrumental in securing appointment of a close personal friend in the office of the Auditor General in 1977. While this issue was dormant for some time it became a fiercely contentious issue in early 1978, and was quite likely the direct cause of Mr. Smith's resignation as Speaker on March 29, 1978. Mr. Smith defended his actions in a press release dated March 29, 1978, but accepted the responsibility for his actions:

> If you wish to apportion fault then fault me for poor judgement in having provided a temporary employment for a close personal friend. By no stretch of the imagination was that temporary employment used in a political manner.

A remarkable statement. The whole episode suggests that, in the rough and tumble world of B.C. politics, even the Speaker cannot always stay above the fierce partisan battles and may indeed pay a greater price for his actions than his colleagues in the Cabinet.

[8]Mr. Speaker Schroeder continues in office.

[9]See the various newspaper accounts on the general election in the metropolitan papers between April 3, 1979 and May 10, 1979.

[10]British Columbia. Legislative Assembly. *Journals* (Victoria: Queen's Printer, 1979).

[11]These figures do not include the two staff in the Speaker's constituency office or the services of legislative interns that are assigned to the Speaker's office during part of the spring session.

[12]See *Estimates* for fiscal 70/71.

[13]See *Estimates* for fiscal 78/79.

CHAPTER 4

THE SPEAKER AS PRESIDING OFFICER

The objective of this chapter will be to assess the extent to which the Speaker is the master or the servant of the Legislative Assembly. The analysis will approach the evidence from two major perspectives. First of all, it will be necessary to describe, in some detail, the theoretical role of the presiding officer. This description will catalogue the formal and informal authority that permits the Speaker to act as the presiding officer of the Legislature. This discussion will then be followed by a review of the empirical role of the presiding officer since 1970. This review should enable one to determine whether the Speaker, as presiding officer, has been able to provide leadership in the Legislative Assembly.

The potential ability of the presiding officer to fulfill a leadership role in the Legislature is both facilitated and constrained by the nature of his authority. The formal authority of the presiding officer is derived from the provincial Constitution Act, the standing orders of the Legislature, and several other provincial statutes. The informal, or moral, authority of the presiding officer is derived, in the main, from the political authority generated by his election to the chair and from the place of the Speaker in the official precedence list. More important than all of the above is the functional authority derived from his stature as a presiding officer

which in itself must relate to his personality and record of service. To summarize, the formal and informal authority of the presiding officer is, at best, a theoretical construct. The actual ability of the presiding officer to either lead or serve the Legislature is most likely determined by the continuing mesh of incumbent and circumstance in the Legislative Assembly. As we proceed with the analysis, it will be important to note both the original authority, both formal and informal, granted to the presiding officer as well as to take note of any subsequent amendments to that authority.

The constitutional authority of the presiding officer, the most basic source of his formal authority, can be found in the 1960 consolidation of the provincial Constitution Act.[1] The constitution requires the B.C. Legislature to elect a Speaker at the opening of a new Parliament and to ensure that the office is always filled.[2] The Act does not detail the process by which the presiding officer is selected nor does it prescribe his exact duties. The Speaker is, nevertheless, required to preside over all proceedings of the House.[3] However, the presiding officer can delegate his authority to any member of the legislature for determinant periods of time and be certain that all subsequent proceedings under his Deputy are legal.[4] While the Speaker, as the presiding officer of the Legislature, may not take part in the debates per se he must give a casting vote in the case of a tie.[5] B.C. Speakers have used the casting vote sparingly. In fact, it has only been utilized 33 times since 1872. Mr. Speaker Pauline last used the casting vote on

September 14, 1922.[6] The presiding officer is empowered to issue warrants to fill vacated seats in the legislature. He is the trustee for the resignations of members when the House is in session.[7] The presiding officer must ensure that persons assuming a place in the legislative chamber have been legally elected and have taken the oath of office from the Clerk and have signed the parliamentary roll.[8] The authority of the presiding officer may not exceed those privileges, immunities and powers enjoyed by the Speaker of the British House of Commons as at February 14, 1871.[9] In addition, the authority of the presiding officer is expressly limited to the life of the Parliament by the Constitution.[10] Unlike his British colleague, when the B.C. Legislature is dissolved, the authority of the presiding officer, both legal and practical, is voided.

The foregoing discussion has outlined the basic constitutional powers of the Speaker. However, between 1960 and 1979, there have been 13 amendments to the Constitution Act.[11] It will be important to review those amendments which are relevant to the speakership.[12]

Several of these amendments relate to the salary of the presiding officer.[13] The salary of the Speaker, quite apart from his M.L.A.'s allowance, has risen from $9,000 in 1970, to $19,000 in 1979.[14] In fact, the increases in the Speaker's salary far outstrip those of cabinet ministers.[15] This salary change per se suggests that the dominant perception of the role of the Speaker changed quite dramatically during the period under study.[16] The Speakership developed into a full time legislative position.

Despite the above comments, it must be noted that, on balance, the numerous other constitutional amendments did not result in a significant expansion or contraction of the constitutional authority of the presiding officer. However, there are several indications of some attempt to clarify the Speaker's constitutional authority. For example, the 1973 amendment equated, for the first time, the salaries of the Speaker and the Leader of the Opposition. By way of comparison, the salaries of the Canadian Speaker and Cabinet ministers are on a par.[17] The B.C. Legislature assigns a higher status to cabinet ministers than it accords the Speaker. This situation is not unique to British Columbia. For example, in 1970, six provincial legislatures paid higher salaries to the Leader of the Opposition than they did to the Speaker while two provinces equated the salaries and two provinces (Alberta and Newfoundland) paid their Speaker more.[18] In 1979, seven provincial legislatures paid more to the Leader of the Opposition while two equated the salary to that of Mr. Speaker but only one (Newfoundland) paid the Speaker more.[19] Alternatively, this situation may provide at least superficial evidence of executive dominance in the legislature. The tendency to depreciate the authority of the presiding officer is further evidenced in the 1974 constitutional amendment which requires the Executive Council, and not the Speaker, to set the allowances payable to chairmen of legislative committees. Government has also ensured the authority of the presiding officer is neutralized when the House is dissolved.[20]

Taken as a group, these constitutional amendments have provided greater compensation for the presiding officer but not greater powers. In fact, evidence will shortly be presented to illustrate that the Barrett government made several attempts to curb the administrative authority of the presiding officer. However, as we will see in Chapter 7, this government also expanded the authority of the Speaker to advocate parliamentary reforms.

Under the provincial constitution, provision is made to further codify, via the standing orders of the Legislature, the formal authority of the presiding officer.[21] The basic standing orders of the B.C. Legislative Assembly were approved on February 20, 1930, and implemented on May 1, 1930.[22] The standing orders that pertain to the formal authority of the presiding officer may be divided into four groups for purposes of analysis. The first group of standing orders impose duties upon the presiding officer. The second group of standing orders convey considerable discretionary powers to the presiding officer. The third group of rules relate to the traditional or symbolic authority of the Chair. The fourth group of standing orders are really prohibitions upon the Chair. A closer inspection of these rules is necessary.

The first group of standing orders imposes no fewer than eleven mandatory duties upon the presiding officer. For example, rule 9 requires that the presiding officer preserve order and decorum in the chamber, determine questions of order, and explain the reasons for such decisions. The ruling of the presiding officer on points of order

can be appealed. Rule 10 requires the Speaker to supervise all divisions in the House. Under rule 42(3), the presiding officer must advise the House when debate on a given motion is to be terminated. The presiding officer is required to put questions of closure, by rule 46(1) if the motion is in order and not an infringement of minority rights. Under rule 50, the presiding officer will only entertain motions that are presented in written form, signed by both mover and seconder, and submitted directly to the Chair. Under rule 58, the presiding officer must apprise the House of motions that he considers to be unparliamentary. Rule 59 requires that the Speaker appoint the Chairman of the Committee of the Whole. Rule 72 requires the presiding officer to establish and authorise an appropriate payment for witnesses called to appear before legislative committees. Collectively, his compulsory duties ensure that the presiding officer has the authority necessary to chair the daily proceedings of the Legislature.

The second group of standing orders invest the presiding officer with several discretionary powers. Under rule 35(3), the Speaker has considerable latitude to determine if motions requesting adjournment of the House to discuss matters of alleged urgency are both valid and urgent. Under rule 44, the presiding officer can reject or accept any irregular motions. The presiding officer may order that lengthy questions be placed on the Order Paper as notice of motions pursuant to rule 47(2).

In addition to the above discretionary powers, the presiding officer has several rules that enable him to insure that the chamber is an orderly forum in which to conduct the public's business. For example, under rule 19, the Speaker can name a member for flagrant disrespect of the authority of the Chair or for a serious breach of the rules.[23] He is free, in the above situation, to ask the House to sanction his temporary removal of any member from duty in the chamber by introducing a motion to permanently suspend a member. Under rule 20, the presiding officer can eject any member from the chamber, for determinant periods, if he considers that the conduct of the member in question is unparliamentary. In the event that the entire Assembly is unruly, the presiding officer can adjourn, or recess, a sitting under rule 22. Under rule 23, the presiding officer can order that strangers be removed from the chamber.

The above discretionary powers of the presiding officer are enhanced by a third group of rules which bolster the traditional or symbolic authority of the Chair. For example, under rule 17(1), members must sit in silence when the Speaker puts questions to the Assembly. Rule 36 insures that all debate is addressed to the Speaker. This procedure is designed to reduce the animosity inherent in some debates but also demonstrates respect for the position of the Chair. The presiding officer, under rule 37, has the absolute prerogative to recognize members who seek the floor of the House. As well, under rule 43, the presiding officer has the right to terminate an address that he considers to be grossly irrelevant or repetitious.[24] The

presiding officer has, under rules 120 and 121, the authority to accept or reject applications from parliamentary agents who wish to conduct business in the Legislative Assembly of British Columbia.[25]

While all of the above rules invest a great deal of authority in the presiding officer the fourth group of standing orders explicitly prohibit the Speaker from several activities. For example, under rule 10, the Speaker is prohibited from participating in either the debate of the House or from voting in the Legislature except in the case of providing a casting vote. In the latter situation, he must ensure that any reasons accompanying his decision are entered in the Journals of the House.

Collectively, the standing orders of the Legislative Assembly of British Columbia add considerable authority to the basic constitutional powers of the Speaker. These powers conferred by standing orders ensure that the presiding officer is equipped to chair the proceedings in the House in a fair and equitable manner. In keeping with the approaches adopted earlier in the thesis it will be important to review the changes to the above provisions that have occurred during the period of this study.

The standing orders of the legislature have been amended on eleven different occasions in the period under consideration. Five of these amendments have had a direct and significant impact on the role of the presiding officer while another three of the total amendments had a direct but limited impact and three other amendments had an indirect impact upon the Chair. However, it will be important to

summarize all of these changes in the standing orders if we are to gain an understanding of how the Speakership has developed in the study period.

The first amendment to the standing orders that will be considered herein was introduced by the W.A.C. Bennett government and approved by the Legislature on April 3, 1970.[26] This amendment created a Hansard service. While the motion affecting this amendment was sponsored by the Provincial Secretary, the Honourable Wesley D. Black, it was verbally introduced by Premier W.A.C. Bennett.[27] He did not explain or defend the decision to introduce Hansard into the B.C. Legislature.[28] In fact, a reading of the debate on the resolution suggests that neither the government nor the Speaker consulted with the other political parties represented in the House. In addition, Speaker Murray had personally authorized the recording of the debates before the resolution authorizing it was adopted by the House.[29] These circumstances, plus the nature of the proposed Hansard service, invoked strong criticisms from some opposition M.L.A.'s. For example, David Barrett, then Leader of the Official Opposition, decried the move because he felt Hansard should be a full and complete record of all legislative proceedings.[30] The Hansard provided by the above rule was a partial service in that it would not provide for the recording and transcription of the proceedings of any of the legislative committees[31] including Committee of the Whole which deals with departmental spending estimates. As a consequence, the N.D.P. attempted to introduce an amendment to the operative motion.

This amendment, had it been adopted, would have resulted in the expansion of Hansard to include the recording of all proceedings but concomitantly would have prohibited the broadcasting of same.[32] Not surprisingly, this amendment was ruled out of order by the presiding officer, in this case the Deputy Speaker.[33] Mr. Gordon Dowding, the N.D.P. spokesman on this issue, advanced proposals to streamline the cumbersome verification procedures, provide the reports of all proceedings on a daily basis, and eliminate any discretion for the presiding officer in the matter of broadcasting Hansard reports.[34] Interestingly enough, no government M.L.A. spoke for or against the motion when it was debated in the House.[35] In the end, the House assented to, without a division, providing a partial record of the proceedings, including only the formal debates, with typescripts to be distributed to the M.L.A.'s and others after the end of the session.

Notwithstanding any shortcomings of the measure, this standing order represented a radical innovation in B.C. parliamentary procedure because it gave the House its first verbatim record. Efforts to establish such a record date to 1888 but were all unsuccessful.[36] Concomitantly, this new rule significantly increased the role of the presiding officer. The Speaker was charged by standing order No. 129, with the full responsibility for developing and supervising the operations of Hansard. This development gave the Speaker additional power within the legislative process as he would be responsible for not only the written Hansard but any bureaucracy assembled to produce it.

On February 21, 1973, the newly elected N.D.P. government introduced a motion to amend standing order 129.[37] The amendment had the effect of transforming the partial Hansard service into a full verbatim record by insuring that all proceedings of the House were recorded and transcribed for daily distribution.[38] In addition, both select standing and special committees were to receive transcripts of their proceedings upon application to the Speaker.[39] This rule change increased further the responsibility of the presiding officer.

The House was to continue this trend towards placing more responsibility upon its presiding officer. Early in 1973, the Select Standing Committee on Standing Orders and Private Bills considered the matter of an oral question period.[40] The Committee recommended to the House that a daily oral question period be introduced in the B.C. Legislature.[41] The question period envisaged by the report was to span 15 minutes and would allow the Speaker the freedom to select urgent questions to be asked without notice. The Speaker would select supplementary questions as he saw fit. No appeals to his rulings in question period would be allowed.[42] This reform would be sanctioned by the re-interpretation of standing order 25. Thus, much of the procedural controversy in question period would be focused upon the presiding officer since his decisions could not be appealed. An oral question period became a reality on March 2, 1973.[43]

Only one other amendment to the standing orders in this period increased the visibility and importance of the presiding officer's

role as much as the one above. That amendment concerned the imposition of time limits for debates. On May 30, 1974, the chairman of the Select Standing Committee on Standing Orders and Private Bills tabled a report that made comprehensive recommendations to impose time limits upon all types of House business. This report was adopted on June 20, 1974, after considerable debate in the House.[44] The introduction of time limits required the presiding officer to catalogue the time of the House and enforce standing order 45(a) by closing debate as time ran out. It imposed a difficult job upon a presiding officer who is also required to maintain the confidence of all members including those of minority parties.

As we have seen, the Hansard service was established in two stages. Each of these stages were authorized by amendments to the standing orders. For example, on March 2, 1973, the Provincial Secretary introduced a motion to amend standing order 129 to provide for the production and distribution of Hansard transcripts for all House activities except proceedings of Select Standing and Special Committees.[43] Hansard would now be available in a collated form after the end of the session.[46] The Hansard service was further expanded and improved on June 18, 1974, when amendments to the standing orders stated that all proceedings of the House could now be recorded and transcribed.[47] The Speaker increased the frequency of distribution of Hansard to more than once per session. The above rule changes, while relatively minor in nature, are examples of the leadership role that the presiding officer can play in disseminating the records

of the Legislative Assembly.

Yet another rule change had the effect of both relieving the presiding officer of one of his more contentious powers and returning matters to the status quoante. On June 16, 1977, Premier W.R. Bennett introduced a motion to amend standing order 45(a). Specifically, subsections (1), (2) and (3) of standing order 45(a) were repealed. This rule had provided for a time limit of 45 sittings or 135 hours on the proceedings in Committee of Supply. Naturally, when the Speaker had been required to enforce this standing order, which facilitated the expediting of government business, it was difficult for him to win support from the opposition. While a debate ensued on the motion to appeal the vote it passed the House unanimously.[48] The role of the presiding officer as a watch-dog of Committee time was therefore obviated.

The final group of amendments to the standing orders in this period had an indirect impact on the role of the presiding officer. For example, the House amended standing orders 2 and 3 on February 27, 1973.[49] Basically, the changes revolved around a desire to terminate House proceedings by 11 p.m. daily except for Fridays when the House would sit from 10 a.m. to 1 p.m.[50] Presumably the change underscored both the N.D.P. government's dislike for the infamous all-night sittings and the recognition of the full-time year round nature of the role of M.L.A.'s. The amendment to standing order 68(1) approved on October 11, 1973, changed the titles of the various Select Standing Committees to reflect recent changes in the structure of government.[51]

On August 25, 1977, Premier W.R. Bennett introduced a motion to add standing order 72(a) to the rule book.[52] The order would establish a permanent legislative committee with a mandate to review the activities of certain Crown Corporations.[53] Under these amendments, no new duties or powers were given to the Speaker.

Thus one can argue that the formal authority of the presiding officer, as derived from the standing orders, was considerably expanded between 1970 and 1979. It will now be appropriate to review the B.C. statute law that relates to the role of the presiding officer. This inspection will complete the discussion of the formal authority of the Speaker as the presiding officer of the Legislature.

A search of the statute books has revealed that the formal authority of the presiding officer is enlarged by two statutes. It will be important to review both pieces of legislation as they add significant powers to the formal authority of the presiding officer.

The first statute to alter the formal authority of the presiding officer is the Legislative Assembly Privileges Act.[54] This legislation attempts to clarify the privileges, immunities, and powers of the Legislative Assembly en toto. It inevitably discusses the authority of the Speaker as the presiding officer of the House. For example, section 4 allows the Speaker to issue a warrant or subpoena compelling witnesses to appear either before the House or one of its Committees. Under section 5, the Speaker is not liable for damages, civil or criminal, for his actions under the Act. Section 6, establishes the Legislature as a court of record to inquire into and punish offenders

for breaches of the privileges of parliament. Presumably, the Speaker would act as Chief Justice and/or Prosecutor in the event of such proceedings.[55] Section 8 of the Act requires the Speaker to enforce the judgement of the House including, if necessary, the imprisonment of persons. Section 9, in applying the doctrine of the supremacy of parliament, asserts that the B.C. Legislature cannot be overruled by any other court of law. In short, the presiding officer of the House is responsible under this statute, for the protection from encroachment of all the privileges, immunities and powers of parliament.[56] The legislation provides the vehicle for the Speaker to assert his leadership should either government or some outside person or group attempt to seriously erode the freedoms implicit in the parliamentary tradition.[57]

The second source of statutory authority for the presiding officer is embodied in the Legislative Procedure and Practice Inquiry Act.[58] This Act gives the Speaker almost carte blanche authority to investigate into and make recommendations pertaining to the entire legislative process.[59] He may appoint staff or an advisory group of M.L.A.'s to assist him in this task.[60] He can work on this assignment during and between sessions.[61] The presiding officer or his assistants have all the powers of a Select Standing Committee of the Legislative Assembly and a Public Inquiries Commissioner. A more detailed discussion of the matters coming under this legislation is reserved for Chapter 7 of the thesis.[62]

The discussion of the role of the presiding officer has concentrated, to this point, on detailing the formal authority of the Speaker. Equally important to this study is the informal, or moral, authority of the Chair. The informal authority of the presiding officer is, unfortunately, a much more elusive commodity to describe or measure. This difficulty is particularly acute in a jurisdiction such as British Columbia which is almost devoid of any proclivity towards recording its institutional traditions. In an effort to overcome the problem the following discussion will focus on two basic, if not obvious, indicators of the informal authority of the presiding officer. The first indicator will relate to the authority of the presiding officer as derived from the nature and extent of support afforded at the time of his election. The second will center upon an analysis of the place of the presiding officer in the official precedence list. Both indicators should provide at least some evidence, albeit circumstantial, of the nature of the informal authority possessed by the B.C. Speaker.

For purposes of analysis, one could hypothesize that the greater the support afforded to a candidate for the speakership at the time of his election, the greater would be his subsequent moral authority over both the proceedings and members of the Legislative Assembly. As was indicated in Chapter 3, four presiding officers have served the Legislature from 1970 to 1979. During these three Parliaments, the elections of three of the presiding officers were contested in various ways. Only one Speaker received the unqualified and enthusiastic support of all parties and members in the House at the time

of his election. It will be necessary to review the election of the Speakers to attempt to prove or disprove the above hypothesis.

At the opening of the 29th Parliament two M.L.A.'s were proposed for the speakership. William H. Murray, Social Credit M.L.A. for Prince Rupert, was nominated by Premier W.A.C. Bennett and seconded by the Honourable Leslie Peterson, Attorney-General.[63] Garde B. Gardom, Liberal M.L.A. for Vancouver-Point Grey, was also nominated for the chair by Alex Macdonald and Ernest Hall from the N.D.P.[64] Unfortunately, the debate that ensued was not recorded in Hansard.[65] However, a review of media reports indicates that Premier Bennett, in a "virtually unprecedented" move, had personally consulted with the Opposition House Leader about nominating Bill Murray for the chair.[66] Mr. Barrett refused to support the Premier's initiative because of Murray's role in a censure motion against Gordon Dowding on the last day of the 1969 session.[67] Mr. Barrett argued that, in allowing a question of privilege raised by Herb Capozzi on April 2, 1969, which had resulted in Mr. Dowding being suspended from the House, Mr. Speaker Murray was partisan. Murray had, at the time and in subsequent statements, denied these accusations. In fact, he had attacked them as being "malicious and politically oriented statements" in a news conference that he had called on the matter.[68] Also, during the move to install Murray in a third term as Speaker, Mr. Barrett criticized Mr. Bennett for nominating the candidate for the speaker-ship on grounds that the nomination should have come, in the best of parliamentary traditions, from the ranks of the private members of

the House.[69] Nevertheless, in the division, Messrs. Gardom and Murray voted each for the other.[70] The five Liberals of the House, although they had voted against Murray, were seen visibly banging their desks in apparent pleasure as Murray was dragged off to the dais.[71] In the end, Murray was elected by a vote of 38:16.[72] It is difficult to know if and by how much the speakership was damaged by such an unfortunate incident but it certainly is indicative of a lack of respect for the position of Speaker in the Legislative Assembly of British Columbia.

At the opening of the 30th Parliament the names of two M.L.A.'s were again advanced for the job of presiding officer. Gordon Dowding, N.D.P. M.L.A. for Burnaby-Edmonds, was nominated by Graham Lee, N.D.P. M.L.A. for Prince Rupert and Minister of Highways, and seconded by Pat McGeer, a Liberal M.L.A. for Vancouver-Point Grey.[73] Garde B. Gardon, Liberal M.L.A. for Vancouver-Point Grey, was nominated again, this time by James Chabot, Social Credit M.L.A. for Columbia River, seconded by Don Phillips, Social Credit M.L.A. for South Peace River.[74] Mr. Chabot did not, however, consult with Mr. Gardom in advance nor did he explain his reasons for the nomination to the press.[75] He did say, in moving the motion, that "I think what I am doing today is moving a very impartial man to take the Speaker's chair, a man who has shown his impartiality."[76] Mr. Gardom countered by stating:

> Mr. Clerk, I would like to make a statement to the House because this is a repetition of an honour afforded to me in 1969 . . . I was at that time approached and my consent to stand was then obtained . . . I have not been approached and I have not had

> the opportunity to consult with my colleagues and with every respect I must respectfully decline.[77]

When Gardom declined the nomination, Mr. Dowding won by acclamation.

At the opening of the 31st Parliament two candidates for the speakership were again proposed. Ed Smith, Social Credit M.L.A. for North Peace River, was nominated by Premier W.R. Bennett and seconded by the Honourable Grace McCarthy, then Provincial Secretary and Deputy Premier in the new Social Credit government.[78] Alex Macdonald, N.D.P. M.L.A. for Vancouver East, was nominated for the Chair by Bill King, N.D.P. M.L.A. for Revelstoke-Slocan, and interim Opposition Leader, and seconded by Gordon Gibson, Liberal Leader and M.L.A. for North Vancouver-Capilano.[79] A rather vitriolic debate ensued after which Mr. Smith was elected Speaker but without the support of the opposition parties.[80]

Bill King, House Leader for the Official Opposition, led off the debate by suggesting that his party would have considered seconding the nomination of Ed Smith to the chair had it not been for several questionable developments during Smith's tenure as Speaker-Designate.[81] "We feel that certain questions have arisen, particularly with respect to the Speaker-Designate . . . having subordinated the authority of the Office of Speaker to both treasury benches and to certain ministerial intervention (sic) . . ."[82] He based his argument on a memorandum dated January 5, 1976 issued by Dan Campbell, then the Premier's Executive Director of Intergovernmental Affairs, to Speaker-Designate Smith which, in effect, placed restrictions on the staff

available to parliamentary caucuses.[83] King was angered, not so much by the substance of the missive, but by Smith's acceptance of it. "Mr. Clerk, the members of the Opposition view with grave concern the incursion and the erosion of the independent (sic) and the prerogatives of the Speaker's Office by those people who are retained by crown ministers--not even elected people--who would intrude on the Speaker's authority to provide and designate the facilities and the resources which only this House, only this Legislature, has the right to empower the Speaker to provide."[84] He ended his speech by refusing to support Mr. Smith for Speaker.

Gordon Gibson, then Liberal Leader, joined the debate with a long and detailed account of the circumstances of Ed Smith's tenure as Speaker-Designate.[85] Gibson resented the lack of consultation and consensus in the nomination of Smith for the Chair.[86] He questioned the wisdom of the Premier in announcing Smith's candidature with the naming of the cabinet.[87] He pointed out that the position of Speaker and the role of the Legislative Assembly are not subject to the dictates of Treasury Board. The Liberal chieftain questioned the authority of Smith summarily discharging all of Speaker Dowding's office staff.[88] He decried the establishment and operation of a special committee on the affairs of the Legislature which had operated out of the Premier's office under the direction of Dan Campbell. On this latter point, Mr. Gibson argued that Mr. Smith should have either resigned immediately or, alternatively, have asserted his independence, as Speaker-Designate, from any control by the Premier's office.[89]

Gibson detailed a number of decisions of the former Speaker which seemed to illustrate a tendency for Mr. Smith to use the full authority of the Office of Speaker when it suited him as, for example, in the acquisition of new office staff, but in the abdication of that authority when it came to defining member's services as in, for example, the retention of M.L.A.'s staff and mailing privileges. Gibson castigated Smith for having allowed himself to be directed by government in the matter of oaths of office for parliamentary staff. As with Mr. King, Mr. Gibson was less concerned about what was done and more alarmed with the procedures and philosophy implicit in Mr. Smith's action.[90] Gibson agreed, again with King, when he stated that the debate on the matter could have been avoided if the Bennett government had been more sensitive to parliamentary traditions concerning the speakership. They were keen to assert the need to consult with Opposition members on the candidate to be advanced for the Chair. He was prophetic, in closing his remarks, when he argued that the election of Ed Smith as Speaker, without the full and active support of all members, would "haunt the life of this parliament as a direct result of the actions of this government."[91]

To a large degree, King's and Gibson's remarks were repeated by Scott Wallace, Leader of the Progressive Conservative Party, and Graham Lea, N.D.P. M.L.A. for Prince Rupert.[92] Lea also took time to laud the tenure of Bill Murray as Speaker. He praised Speaker Murray as a presiding officer who possessed "integrity, impartiality, and indeed courage."[93] The latter comment alluded to a situation wherein Mr. Murray

handed down a decision which was overturned by the Bennett government.[94] It would seem that Speakers who follow their consciences in their duties as presiding officer will eventually win the grudging respect of all of their colleagues.

In speaking to the motion, Alex Macdonald summarized the duties of the Speaker to provide both protection for all members and services to enable them to carry out their parliamentary duties. Interestingly enough, he erroneously believed that the role of Speaker was clearly codified in the Legislative Procedure and Practice Inquiry Act.[95] This assumption may reveal something very basic about the B.C. Legislature. Few members seem to truly understand either the position of Speaker or the long and varied history of parliamentary institutions. Returning to the main point, it is worth noting that Ed Smith did not speak in support of his claim to the Chair except to graciously cast his ballot for Mr. Macdonald. In fact, no government M.L.A. spoke to the motion. In the end Mr. Smith was elected Speaker by a vote of 35:19 divided strictly along party lines.[96]

As events would have it, a further election was required to fill the vacancy caused by the resignation of Speaker Smith on March 29, 1978.[99] Harvey Schroeder, Social Credit M.L.A. for Chilliwack and then Deputy Speaker, was nominated by Garde Gardom, by then Social Credit Attorney-General and government House leader, seconded by Bill King, N.D.P. House leader.[98] He was elected by acclamation.

It may be reasonable to assume that since three of the four presiding officers in this period did not start out in office with

the full confidence of the House, the informal or moral authority possessed by the presiding officer would be low enough to compromise his effectiveness. However, the evidence presented in Table V seems to indicate that there is no simple relationship between the Speaker's support from the House at the time of his election and the subsequent challenges or lack thereof to his authority. For example, Speaker Smith was opposed during his election to the Chair but was formally challenged five times in his first session while Speaker Schroeder, elected unanimously to the Chair, was challenged six times in his first session as presiding officer. Furthermore, the appeals to the rulings of the Speaker throughout the period were only a small percentage of the number of divisions of the House. There is no simple relationship between the number of challenges to Speaker's decisions and the number of sittings in either a session or an entire Parliament. Speaker Dowding's authority was challenged the least in this period in both absolute terms and in the ratio of appeals to sittings in the House. Speaker Smith was the only Speaker during this period to have a formal motion of non-confidence moved against him.[99] He was the second presiding officer to resign from the speakership.[100] The only other recorded resignation of a presiding officer in British Columbia was that of Mr. Speaker Higgins on March 9, 1898.[101] Mr. Speaker Higgins, after three unanimous appointments to the Chair, decided to return to "the floor of the House to continue to work . . . for the advancement and progress of the Province."[102] It would seem, therefore, that the informal or moral authority of the presiding

Table V

Challenges to the Authority of the Speaker, 1970-1979

arliament	Session	Year	Total Sittings Per Session	Total Divisions Per Session	Total Challenges to Speaker's Ruling	Total Motions to Censure Speaker
29	1	1970	75	62	3[1]	Ø
29	2	1971	78	33	3[2]	Ø
29	3	1972	75	66	3[3]	Ø
30	1	1972	11	18	2[4]	Ø
30	2	1973	101	90	Ø	Ø
30	3	1973	46	48	Ø	Ø
30	4	74/75	160	145	Ø	Ø
30	5	1975	136	100	1[5]	Ø
31	1	1976	112	99	5[6]	Ø
31	2	77/78	199	179	5[7]	1[9]
31	3	78/79	94	51	6[8]	Ø
31	4	1979	12	2	Ø	Ø

ource: British Columbia. Legislative Assembly. *Journals* (Victoria: Queen's Printer, Annual).

TABLE V--NOTES

[1]See *Journals*, 1970, pp. 233-234-235. Challenges related to decisions of the Speaker to rule certain bills out of order. Appeals were lost with the House dividing and the majority supporting the ruling of the speaker.

[2]See *Journals*, 1971, pp. 15, 32, 65. First two appeals were lost in division but third appeal did not result in a formal division in the House.

[3]See *Journals*, 1972, pp. 8, 46, 261. On February 10, 1972 the Government used its majority to overrule the ruling of the Speaker (Vote was 32:16). See page 64. On the two other appeals, both were lost, one resulted in a formal division of the House. (January 8, 1972 at page 8).

[4]See *Journals*, 1972, pp. 40-41.

[5]See *Journals*, 1975, p. 167.

[6]See *Journals*, 1976, pp. 48, 49, 99, 145, 157, 158, 179.

[7]See *Journals*, 1977-78, pp. 134, 175, 235, 304, 308.

[8]See *Journals*, 1978-79, pp. 30, 31, 86, 121, 139, 164, 165.

[9]See *Journals*, 1977-78, pp. 189, 191, 194, 195, 201, 202, 204, 205, 211, 213, 214. Mr. Speaker Smith resigned on March 20, 1978, see *Journals* at pp. 329-330.

officer varies with the issues debated in and the overall disposition of the House. No presiding officer, despite the support or lack thereof at his election, is safe from future challenge, attack, or even censure by a Legislative Assembly that becomes dissatisfied with his performance as presiding officer.

The authority that accrues to the position of Speaker is officially recognized by many of the parliamentary institutions. In most Commonwealth Parliaments, including many in Canada, the relative place of the Speaker in the official table of precedence can be taken to be some form of structural recognition for the respect held for and authority assigned to the presiding officer. The moral authority of the presiding officer should be relative to his place in this official hierarchy of the state if the legislature has honestly assigned its priority for the Speakership. For the purposes of comparison, reference will be made to the tables of precedence of the British House of Commons, the Canadian House of Commons, and several provincial parliaments.[103]

In 1970 the British Speaker ranked eighth in the British table of precedence.[104] At the same time, the Speaker of the Canadian House of Commons ranked fifth in the Canadian table of precedence.[105] The order of precedence for Quebec placed its Speaker fourteenth.[106] In Newfoundland, the Speaker ranked eighth in the table of precedence.[107] Unofficial lists in Prince Edward Island and New Brunswick place the presiding officer fourth and fifth respectively.[108] The Speaker of the Legislative Assembly of British Columbia was fourteenth in the official table of precedence.[109] Except for Quebec's National Assembly

it would appear that the B.C. Legislature values its presiding officer somewhat less than other jurisdictions. This state of affairs has not changed in the period under consideration.[110] Obviously then, the place of the Speaker in the official hierarchy of the Province of British Columbia has not been officially re-evaluated.

This chapter has so far attempted to catalogue and discuss the nature of the formal and informal authority of the presiding officer. The reader should have some idea of the theoretical authority of the Speaker in his capacity as the presiding officer of the Legislative Assembly. What is still unclear is how the Speaker has used his various powers to preside over the Legislature. It will be important to attempt to discover the relationship between the powers of the presiding officer, on the one hand, and the way in which these powers have been used in the last three Parliaments, on the other. In short, what can we say about the empirical role of the presiding officer in the last decade? The data presented in Table VI is an attempt to aggregate some of the obvious indicators of the Chamber duties of the presiding officer. These activities introduce a quantifiable component to the discussion. While individual figures or totals are not very important or indeed very useful the trends and the patterns may very well tell the reader something about the role of the presiding officer. This data is an attempt to compare political theory with political reality.

Successive presiding officers have had to give more formal decisions. It is difficult to know if this reflects a less experienced House or a more contentious one or both. In general, the presiding officers

Table VI

Chamber Duties[1] of the B.C. Presiding Officer, 1970-1979

Activity	29th Parliament			30th Parliament					31st Parliament			
	Sessions			Sessions					Sessions			
	1	2	3	1	2	3	4	5	1	2	3	4
Decisions[1]	Ø	2	3	Ø	10	Ø	12	16	16	38	23	4
Motions Ruled Out of Order	6	4	4	2	6	4	4	4	13	14	7	1
Bills Ruled Out of Order	7	9	7	14	37	14	Ø	6	2	4	Ø	Ø
Questions of Privilege	Ø	Ø	1	Ø	4	4	12	16	8	24	6	Ø
Points of Order	Ø	Ø	Ø	Ø	Ø	Ø	Ø	13	6	18	16	2
Statements of Order	4	1	1	4	5	8	16	11	10	20	Ø	Ø
Divisions Supervised	62	33	66	18	90	48	145	100	99	179	51	2
Cases of Disciplinary Action	Ø	Ø	Ø	Ø	Ø	1	5	5	2	1	1	Ø

Source: British Columbia. Legislative Assembly. *Journals* (Victoria: Queen's Printer, Annual).

Note: [1]While all of the chamber duties of the presiding officer are decisions of some sort, in an executive sense, "decisions" of the Speaker are defined by the Clerks-at-the-table as Responses of the Chair to specific requests for formal rulings on procedural matters.

have had to reject more motions and bills. It would seem that members, especially those from the back bench, may be trying harder to change the public agenda. As the volume of government initiatives in the Legislature increases, it would seem the less time there is for private members business. Private members may resist this development by generating more private members bills, urgency motions, points of order, questions of privilege, and oral and written questions. Each measure has a different and variable impact on the order of business. Critics would likely argue that private members are impotent. Private members attempt, to their collective credit, to disprove these charges by a rigorous approach to holding the government of the day accountable to the Legislature. In any event, the presiding officer is forced to invoke parliamentary precedents when proposals to change the public agenda are at variance with established customs. If this is a correct observation there is some danger that the presiding officer may appear to be furthering government plans and priorities. Both questions of privilege and points of order have accelerated in recent years. In the case of questions of privilege it may simply be that the procedure has become a form of protest, a parliamentary technique to slow down the pace of business and frustrate the government. It also makes it extremely difficult for the presiding officer given the fact that the majority of these claims are rejected on what appears to be reasonable grounds.[111] The case is similar with points of order.[112] The use of formal divisions has increased tremendously, especially in the last two parliaments. Once again, it may be that the opposition

parties are simply trying to slow down the pace of business and frustrate the government. On balance, the presiding officer is certainly worked very much harder. In terms of increased numbers of alleged questions of privilege, points of order and divisions it may be possible to hypothesize that these developments are the unanticipated result of political polarization in the B.C. Legislature.

In any event, the Speaker has been forced to assume a greater role in explaining parliamentary procedure to the members and, in some cases, expanding upon the reasons behind his decision. This statement is evidenced by the great increase in number of statements, policy and procedural in nature, made by presiding officers. The presiding officer has had to check an unruly House and discipline its members with greater frequency. It is difficult to ascertain if the disregard for parliamentary procedure and decorum by some members is a protest against government, the presiding officer, or both. It may also be a new public relations technique to draw the attention of the media. In fact, it is obvious that at least some M.L.A.'s appear to be willing to test the authority of the Chair and, concomitantly, risk their parliamentary reputation in a bid for some form of public recognition. For example, one of the classic running battles between the authority of the Chair and the freedom of an M.L.A. relates to the tug of war between David Anderson, second M.L.A. for Victoria in the 30th Parliament, and Mr. Speaker Dowding. Mr. Anderson was suspended for a sitting on three separate occasions in March of 1974.[113] In June of the same year Mr. Speaker Dowding ordered him to withdraw

from the parliamentary precincts for a sitting day.[114] He finally 'named' Mr. Anderson on June 4, 1974.[115] He suspended him, for a sixth time on May 8, 1975.[116] Thus, the presiding officer is required to take a leadership role in controlling aberrant behaviour of members.

At the outset of this chapter a question was posed: To what extent is the Speaker the master or servant of the Legislature? Perhaps one could have asked: To what extent can he be master? The answer to this question is that the Speaker in British Columbia has sufficient authority to preside over the House. However, his authority is limited. His rulings can easily be appealed. On rarer occasions the decisions of the Speaker are overturned. He is not the undisputed master of the Legislature. For example, cabinet orders and not Speaker's warrants, are still used to determine allowances for chairman of legislative committees. Nevertheless, the formal authority of the presiding officer expanded between 1970-1979. The Speaker is not above politics nor is he a totally servile adjunct to the House. A second question could now be posed: To what extent should he serve the House? The answer to this question came too late for Speaker Smith. Speakers must serve the House, and all of its members, as faithfully and fairly as possible lest they eventually be destroyed by the institution that they seek to serve.

Thus the answer to the main question comes almost as a riddle: Speakers must master the Legislature if they are to serve it. The Legislative Assembly of British Columbia has not completely defined the role that it wishes its presiding officer to play. This statement

is supported by reference to weaknesses in both the formal and informal authority of the Chair. A presiding officer whose decisions can be appealed, whose place in the order of precedence is rather deflated, and who at many points is too closely enmeshed in the politics of the Legislature is simply given a role that must invite disaster. As well, the moral authority of the B.C. Speaker can be viewed as weak given the proclivity of the House to divide over his election to the Chair. Governments in British Columbia are often overly anxious to dominate the Legislature and its Speaker. In fact, the B.C. Legislature lacks an unqualified respect for and understanding of the role of its presiding officer. Speakers have largely been towers of strength because they have survived, if not avoided, most of the political battle of the last decade. If Speakers must be politicians they should avoid being partisan by serving all interests in the House. The fact that the Office of Speaker survived and grew in this period is ample evidence of the ability of the presiding officer to play a leadership role in the institution that he is elected to serve.

CHAPTER 4--NOTES

[1]RSCB, 1960, c. 71.

[2]*Ibid.*, s. 42(1) and s. 43.

[3]*Ibid.*, s. 45.

[4]*Ibid.*, s. 46(1). See also *Erskine May's Treatise on the Laws, Privileges, Proceedings and Usage of Parliament*, ed. Sir David Lidderdale (London: Butterworths, 1976, 19th Edition), pp. 403-406; *Beauchesne's Rules and Forms of the House of Commons of Canada*, ed. Alistair Fraser et al (Toronto: Carswell, 1978, 5th Edition), pp. 76-77; E. George MacMinn, *Parliamentary Practice in British Columbia* (Victoria: Queen's Printer, 1981), pp. 15-16.

[5]*Ibid.*, s. 49.

[6]A review of the journals suggests that the casting vote was used a fair amount in the first half century of operation of the B.C. Legislative Assembly. The casting vote was used as follows:

Date	Speaker	Item of Business	Journal Page Reference
March 13, 1872	Trimble	Bill	Page 38
March 25, 1872	Trimble	Report	Page 50
Jan. 27, 1873	Trimble	Report	Page 43
Jan. 24, 1876	Trimble	Motion	Page 14
March 12, 1877	Trimble	Motion	Page 21
March 27, 1882	Williams	Motion (3)	Page 26
March 31, 1882	Williams	Report	Page 28
April 12, 1883	Mara	Bill	Page 56
March 7, 1885	Mara	Motion	Page 72
March 22, 1886	Mara	Motion	Page 57
April 3, 1886	Mara	Resolution	Page 89
Feb. 13, 1889	Pooley	Bill	Page 16
March 29, 1892	Higgins	Motion	Page 78
April 11, 1892	Higgins	Motion	Page 109
April 11, 1892	Higgins	Bill	Page 113
March 8, 1894	Higgins	Bill	Page 80
April 4, 1894	Higgins	Bill	Page 132
Jan. 10, 1895	Higgins	Bill	Page 69
Feb. 8, 1895	Higgins	Bill	Page 108

Date	Speaker	Item of Business	Journal Page Reference
Feb. 21, 1895	Higgins	Motion	Page 144
Feb. 6, 1896	Higgins	Bill	Page 27
Jan. 4, 1900	Forster	Motion (2)	Page 5
Feb. 12, 1900	Forster	Motion (3)	Pages 61-62
May 9, 1901	Booth	Motion	Page 129
May 26, 1902	Booth	Motion	Page 128
April 6, 1903	Booth	Motion	Page 22
Feb. 4, 1904	Pooley	Bill	Page 95
Dec. 14, 1922	Pauline	Bill	Page 212

While further research would be required to definitively explain why the casting vote has fallen into disuse it is worth noting that the vast majority of cases involving its use date before the introduction of formal political parties into the B.C. House in 1903.

[7]An interesting discrepancy in this matter arises in the Constitution Act, RSBC 1960, c. 71, s.55, which states that the Speaker may issue a warrant to fill a vacancy while section 60 of the Act implies that he must do so. The question becomes academic if there is no Speaker or if the Speaker is absent from the capital in which case the Deputy Provincial Secretary is empowered to issue the writ. Additional consideration of this matter will be given in Chapter 5 which will deal with the various administrative duties of the Speaker.

[8]Constitution Act, RSBC 1960, c. 71, s. 35. This provision is generally a mere formality but after the May 10th, 1979 provincial general election it assisted Mr. Speaker Schroeder in a very sensitive political matter. The M.L.A. for Atlin in the 30th Parliament (Frank Calder representing the Social Credit Party) apparently lost his seat in the above election to the challenger (Al Passarell representing the N.D.P.) but requested and received a judicial recount. However, the 32nd Parliament opened before the recount was completed with the result that the member for Atlin was not in his place on the floor of the House for the opening of Parliament. Mr. Passarell, the eventual winner in the recount, did receive a seat in the Member's Gallery on opening day. Mr. Speaker Schroeder had to diplomatically balance both political and legal considerations while remaining within the provisions of the Constitution Act.

[9]Constitution Act, RSBC 1960, c. 71, s. 74.

[10]*Ibid.*, s. 42(1).

[11]Constitutional amendments were approved by the Legislative Assembly in 1961, 1962, 1963, 1965, 1966, 1967, 1970, 1972, 1973, 1974, 1976, 1978, and 1979. The amendments of 1963, 1965, 1966, 1970, 1973, 1974,

1976, and 1978 directly concern the speakership in terms of the Speaker's salary, allowances or potential scope of his authority. All other changes in the constitution act more directly affected some other aspects of the provincial governmental process.

[12]Every amendment except that of 1972 and 1979 directly affected the speakership.

[13]The language utilized to describe the salary of the Speaker in the various editions of the constitution act is incredibly inconsistent. For example, in the 1963 amendment, a reference is made to the Speaker's "sessional allowance." In the 1965 amendment, a reference is made to "a special allowance . . . in payment of expenses incurred by him in the discharge of his duties as Speaker." In 1970, the benefit is called an "allowance." The 1973 amendment refers to a "Speaker's salary" which abruptly changed in 1974 to the Speaker's "special allowance." The varying terminology may reflect changing interpretation of the role of the Speaker or, on the other hand, a rather lax approach to legislative drafting.

[14]The salary of the Speaker does not include his salary and expense allowances as an M.L.A. It should be noted that the Speaker's salary and expense allowances were reduced by 10 per cent in 1976 (April 1, 1976 to March 31, 1979) along with all the salaries and allowances of all the provinces politicians in an apparent effort to support the government's policy of fiscal restraint. All salaries and allowances returned to their previous levels after April 1, 1977. For additional details see the Constitution Amendment Act, 1976, SBC, 1976, c. 13.

[15]These figures reflect the salary accorded to a minister holding a portfolio. In any event, the Speaker's salary escalated 111 per cent in the 1970 to 1979 period compared with 20 per cent for the cabinet ministers with portfolios.

[16]The largest single increase in the Speaker's salary in this period occurred in 1974. The Speaker's salary had been increased in 1973 by $2,000 per annum (or 22 per cent) but was eclipsed in 1974 by an $8,000 per annum increase (73 per cent).

[17]See, for example, Gary Levy, "Salaries and Allowances of Federal and Provincial Legislators," *Canadian Regional Review*, Number 2 (October 1978), pp. 24-27; Dr. Cliff McIssac and Hon. Leon Balser, *Report of the Commission to Review Salaries of Members of Parliament and Senators* (Canada: Minister of Supply and Services, 1980), pp. 10, 114-115.

[18]Levy, *Salaries and Allowances*, pp. 26-27. See also the 1970 and 1979 editions of the *Canadian Parliamentary Guide*.

[19]*Loc. Cit.*

[20]Constitution Act, SBC 1974, c. 20.

[21]See RSBC, c. 71, s. 50.

[22]See British Columbia, Legislative Assembly, *Journals* (Victoria: King's Printer, 1930). Hereafter cited simply as Journals and British Columbia, Legislative Assembly, *Standing Orders* (Victoria: Queen's Printer, 1979), p. 1. An interesting potential conflict from this rule arises from the phrase "as in force at the time" when one refers to the implied restrictions of section 74 of the constitution act. While there can be little doubt that the B.C. Legislature consciously sought to model itself after the Westminster Parliament it does not seem that, until otherwise amended, the B.C. House will be required to adopt the Westminster measures circa February 14, 1871.

[23]The act of "naming" a member is considered a serious matter in parliament:

> A declaration by the Speaker or the Chairman of a Committee of the Whole House that a member has been guilty of some irregular or improper conduct.

It is a serious charge and may result in the member being suspended from parliamentary service although usually for only a short period. See S.C. Hawtrey and H.M. Barclay, *Parliamentary Dictionary* (London: Butterworths, 1970, 3rd edition), pp. 130-131.

[24]In fact, some Speakers do not seem keen to enforce this provision at all. For example, in 1973, Mr. Don Phillips, Social Credit M.L.A. for North Peace River spoke for over five hours continuously against the new N.D.P. Land Act. It is difficult to visualize a five hour speech that would not be grossly irrelevant or repetitious at least at one point. Apparently this member has a penchant for such speeches. See newspaper accounts as follows:

Victoria Times, February 27, 1973, p. 15.
Vancouver Sun, March 14, 1973, p. 20.
Vancouver Province, March 21, 1973, p. 16.
Vancouver Province, May 10, 1973, p. 28.

[25]If the 1872-1971 cumulative index of the Journals is any indication as to the relevance of Parliamentary agents in the B.C. Legislature, then this provision in the standing orders is rather obsolete. The only reference to parliamentary agents in the above document is a reference to a 1919 Journal entry relating to the fees for parliamentary agents. See British Columbia, Legislative Assembly, *Index to the Journals*, compiled by Christine Ross Fox (Victoria: Queen's Printer, 1974), p. 570.

[26]*Journals*, 1970, pp. 238-9.

[27]British Columbia, Legislative Assembly, *Debates of the Legislative Assembly* (Victoria: Queen's Printer, 1970), p. 795. Hereinafter referred to as *Hansard*.

[28]*Loc. Cit.*

[29]*Ibid.*, pp. 795-9, and p. 35.

[30]*Ibid.*, pp. 795-6.

[31]*Journals*, 1970, pp. 230-9, see Section 1.

[32]*Hansard*, 1970, pp. 796-7.

[33]*Ibid.*, pp. 797-8.

[34]*Loc. Cit.*, and *Journals*, 1970, pp. 238-9. Interestingly enough, part of the thrust of the N.D.P. proposed amendments would have had the effect of curtailing the discretionary powers of the Speaker insofar as Hansard was concerned. Ironically, this amendment was moved by Gordon Dowding, a man who would find himself in the Speaker's Chair two years hence.

[35]*Loc. Cit.*

[36]See also *Index to the Journals*, 1974, pp. 181-182.

[37]*Journals*, 1973, pp. 93-4.

[38]*Loc. Cit.*

[39]The government accepted a Liberal Party amendment to their main motion to allow any committee member to apply to the Speaker and subsequently receive transcripts of committee proceedings.

[40]The Committee reviewed the recommendation concerning an oral question period advanced by Speaker Dowding in his first report pursuant to the Legislative Procedure and Practice Inquiry Act. While the Committee ignored several of Mr. Speaker Dowding's suggestions, the concept of an oral question period and several of his original guidelines were adopted by the Committee and subsequently ratified by the House. See British Columbia, Legislative Procedure and Practice Inquiry Act, *First Report* and compare this with the *Journals*, 1973, pp. 118-9.

[41]The House normally sits on Mondays to Thursdays from 2-6 p.m.

[42]See the *Journals*, 1973, pp. 119, items 1 and 2 for February 27.

[43]See the *Journals*, March 2, 1973, p. 130. It is not clear why such a sessional order was required given the motion agreed to on February 27, 1973. See the *Journals*, 1973, pp. 118-9. Whatever the reason, such a sessional order has been introduced at the commencement of every session since 1973. A permanent amendment to the rule book has not been made. This fact suggests that the oral question period may be dispensed with at some future point.

[44]See the *Journals*, 1974, pp. 212-14 for May 30, 1974 and for June 20, 1974, p. 276. The move to fix the time allowed for various items of business was strongly opposed by the three opposition parties who fielded numerous amendments which the N.D.P. government rejected. The measure was finally adopted on June 20, 1974 but the House divided 27 to 3. Interestingly enough, the official opposition, the Social Credit Party, who initially and vehemently opposed the initiative abstained from the final vote.

[45]M.L.A.'s would receive these transcripts free of charge after prorogation but others would be required to pay a charge to be levied by order-in-council. Surprisingly enough, no division of opinion was recorded in the Journals on this motion. See the *Journals*, 1973, p. 130. See also *Vancouver Sun*, February 22, 1973, p. 1.

[46]See *Vancouver Sun*, November 22, 1978, p. 1.

[47]The Committee would have to approve a motion to do so. See the *Journals*, 1974, p. 259 for June 18, 1974.

[48]See *Journals*, June 16, 1977, pp. 158-9. Mr. Bennett's "not a dime without debate" campaign of 1975 which he waged against the N.D.P. government had come back to haunt him. After a protracted session in 1976, Premier Bennett decided to act on his previous principle and rid the House of this contentious rule. For a description of the not a dime without debate campaign see the following newspaper accounts:

Vancouver Sun, May 13, 1975, p. 25
Vancouver Sun, May 15, 1975, p. 1 and p. 24.

[49]*Journals*, February 17, 1973, pp. 117-8.

[50]This measure had been recommended in Mr. Dowding's First Report under the LPPIA.

[51]*Journals*, October 3, 1973, p. 70. The number of committees remained at eight. There was no division of opinion recorded on this matter.

[52]See *Journals*, August 25, 1977, pp. 266-68. Considerable debate ensued after the motion was introduced. Most of the debate centered around attempts by the N.D.P. and Liberal parties to ensure that the Chairman of this new and potentially high profile Committee would be an opposition member. However, the government used it's majority to overrule these objections and the main motion was finally adopted.

[53]See Crown Corporations Reporting Act, SBC 1977, c. 49.

[54]RSBC 1960, c. 215. According to the B.C. Statutes Citator this act is administered by the Attorney-General and there have been no cases and no amendments to the original legislation.

[55]Parallels to this situation exist in both the U.K. Parliament and the Canadian House of Commons. See chapters 1 and 2 of this thesis for detailed examples and citations.

[56]It appears that the privileges, immunities and powers that are to be protected by the Speaker are equivalent to those enjoyed by the U.K. Parliament as at February 14, 1871. See section 2 of the act. While these privileges, even at 1871, could draw on about 600 years

of parliamentary case law, it would be interesting to speculate on what may be excluded viz a viz the last 100 years or so in terms of the development of parliamentary law and precedents.

[57]For an interesting analysis of an important historical case of parliamentary privilege in the B.C. Legislature see David J. Adams, "Called to the Bar of the Legislative Assembly: A Case Study in Parliamentary Privilege" (Victoria: unpublished essay, March 10, 1980).

[58]SBC, 1972, second session, c. 6. According to the B.C. Statutes Citator this act is administered by the Ministry of the Provincial Secretary and Government Services. There have been no cases arising from nor amendments made to the legislation since it became law on October 27, 1972.

[59]See s. 1. generally and sub-section A-k specifically.

[60]SBC 1972, c. 6, s. 2 and 5.

[61]*Ibid.*, see s. 3.

[62]This deferral is justified on the grounds that this legislation and the work pursuant to it are more usefully reviewed in chapter 7 which will consider, at some length, the role of the Speaker as a parliamentary reformer.

[63]See *Journals*, January 22, 1970, p. 1. Oddly enough, Speaker Murray had been nominated by Premier W.A.C. Bennett and seconded by Robert Strachan and elected unanimously at the opening of the 27th and 28th Parliaments. See the *Journals*, January 23, 1964, p. 1 and the *Journals* for 1967, p. 1.

[64]*Loc. Cit.*

[65]*Hansard*, 1970, p. 1.

[66]*Vancouver Province*, January 21, 1970, p. 1.

[67]*Loc. Cit.* Cf *Journals*, 1969, pp. 222-3.

[68]*Vancouver Province*, January 21, 1970, p. 1. See also *Vancouver Province*, May 20, 1969, p. 2.

[69]*Victoria Times*, January 23, 1970, p. 2.

[70]*Loc. Cit.*

[71]*Loc. Cit.*

[72]*Journals*, 1970, p. 1.

[73]*Journals*, October 17, 1972, p. 1. Oddly enough, the Hansard account of this measure records that Hartley Dent, M.L.A. for Skeena, and not Graham Lea, M.L.A. for Prince Rupert, nominated Mr. Dowding for the Chair. See *Hansard*, 1972 (2nd session), p. 1.

[74]*Loc. Cit.*

[75]See *Vancouver Province*, October 18, 1972, p. 12.

[76]See *Hansard*, 1972 (2nd Session), p. 1.

[77]*Loc. Cit.*

[78]*Journals*, March 17, 1976, p. 1 and *Hansard*, 1976, p. 1f.

[79]*Loc. Cit.*

[80]Interestingly enough, the Journals for 1976 do not record the division that took place in the House on March 17, 1976. For an account of this election refer to the Hansard account for the same date.

[81]*Hansard*, 1976, p. 1.

[82]*Loc. Cit.*

[83]*Ibid.*, p. 2.

[84]*Loc. Cit.*

[85]*Hansard*, 1976, pp. 3-5.

[86]*Ibid.*, p. 3.

[87]*Ibid.*, p. 4.

[88]*Loc. Cit.*

[89]*Loc. Cit.*

[90]*Ibid.*, p. 5.

[91]*Loc. Cit.*

[92]*Ibid.*, pp. 7-8.

[93]*Ibid.*, p. 7.

[94]*Loc. Cit.* See also *Colonist*, February 11, 1972, p. 1.

[95]*Hansard*, 1976, p. 2.

[96]*Hansard*, 1976, p. 9. See also *Vancouver Sun*, March 17, 1976, p. 1; *Vancouver Sun*, March 10, 1976, p. 72 and *Daily Colonist*, March 17, 1976, p. 1.

[97]For the text of Speaker Smith's resignation see the *Journals*, March 20, 1978, pp. 329-30.

[98]See *Journals*, March 30, 1978, p. 1. Speaker Schroeder was unanimously re-elected at the opening of the first session of the 32nd Parliament. See the *Journals*, June 6, 1979, p. 1. See also *Victoria Times*, March 30, 1978, p. 1 and *Vancouver Province*, March 31, 1978, p. 31.

[99]See *Journals*, 1977-78, pp. 189, 191, 194, 195, 201, 202, 204, 205, 211, 213, 214. See also *Vancouver Province*, July 22, 1977, and *Daily Colonist*, July 29, 1977, p. 1.

[100]See *Journals*, 1977-78, pp. 329-30 for the text of his notice of resignation delivered to the House on March 29, 1978.

[101]*Journals*, 1898, p. 49.

[102]*Loc. Cit.* The quotation is from his letter of resignation dated March 8, 1898, which was laid before the House by Thornton Fell, Clerk of the Legislative Assembly. John P. Booth was elected to replace Mr. Speaker Higgins.

[103]See "The Place of the Speaker in the Official Order of Precedence in Canada and the Commonwealth" (Ottawa: August 6, 1970, Research Branch, Library of Parliament). This document provides an authoritative and convenient source of information for our purposes.

[104]*Ibid.*, p. 5.

[105]*Ibid.*, app. 1.

[106]*Ibid.*, p. 2.

[107]*Loc. Cit.* and app. 4.

[108]*Ibid.*, p. 2.

[109]*Ibid.*, p. 3.

[110]An up-dated version of the above paper dated February 15, 1978, written by Philip Laundy is available for comparative purposes. See particularly p. 6 and app. 6.

Table of Precedence for Mr. Speaker

Jurisdiction	1970	1978
United Kingdom	8	8
Canada	5	5
British Columbia	14	14
Quebec	14	N/A
Newfoundland	8	8
P.E.I.	4	4
New Brunswick	5	5
Nova Scotia	N/A	8
Ontario	N/A	4

[111]See for example, the looseleaf compilations of speaker's decisions. These compilations are extracts from the journals. Volume 5 of these compilations relates to part of the period under study. The final source is, of course, the journals of the House.

[112]It may also be that points of order were not fully recorded as such in earlier versions of the Journals.

[113]See *Journals*, 1974, for March 6 (p. 58), March 7 (p. 60), March 8 (p. 61).

[114]*Journals*, June 3, 1974, p. 218.

[115]*Ibid.*, p. 221.

[116]*Journals*, 1975, p. 129.

CHAPTER 5

THE SPEAKER AS CHIEF EXECUTIVE OFFICER

In the last chapter, it was established that the presiding officer was assigned the responsibility of managing many new services provided for M.L.A.'s. In fulfilling this administrative mandate, it is likely that the Speaker has had to devise many new administrative policies and procedures. The purpose of this chapter will be to assess the extent to which the Speaker is the chief executive officer of the Legislative Assembly. Answers are required to several key questions. Firstly, what role is the Speaker required to play in the administrative affairs of the Legislature? Secondly, what role has he played? A comparison of the answers to these questions should reveal the nature and extent of any leadership provided by the Speaker in the administration of the Legislative Assembly.

The formal administrative authority of the Speaker is not comprehensively defined in either constitutional or statute law, nor is it codified in the standing orders of the Legislative Assembly.[1] However, certain elements of the administrative role of the Speaker are described in the Constitution Act, the Legislative Assembly Allowances and Superannuation Act, and the Legislative Library Act. Closer inspection of these statutes is required.

The Constitution Act imposes several administrative duties upon the Speaker.[2] For purposes of analysis these administrative duties may be grouped under three rubrics. These rubrics include member's elections, member's staff, and member's benefits.

Under the Constitution, the Speaker has administrative responsibility for certain facets of the electoral process. For example, the Speaker is required to issue a writ for the election of a member to fill any vacancy caused when a provincial judge voids an election.[3] The Speaker is required to advise the Clerk of the House of the results of election petitions to insure that only legally elected members are administered the parliamentary oath, sign the parliamentary roll, and claim a seat in the Legislative Assembly.[4] In fact, the Speaker must apprise the Legislature of all the administrative affairs relating to the election of members and also insure that the appropriate records are made in the journals.[5]

The Speaker is required to activate the administrative procedures that govern by-elections resulting from the resignations of sitting members.[6] As we have learned, the Speaker may receive the resignation of a member. He may issue a warrant directly to the Deputy Provincial Secretary who will draft a writ for the election to fill the vacancy. For example, on November 28, 1977, Speaker Smith received the written resignation of Scott Wallace, M.L.A. for Oak Bay and the Progressive Conservative Party Leader.[7] This particular resignation resulted in a series of legal opinions being solicited from government lawyers because Dr. Wallace had only indicated his intention

to resign as of December 31, 1977, and also had neglected to affix a seal to the original letter of resignation.[8] In any event, Mr. Speaker Smith issued a warrant on January 6, 1978 authorizing the Deputy Provincial Secretary to issue a writ to fill the vacancy.[9] Similarly, Mr. Speaker Schroeder was required to execute two warrants, one for the resignation of Jack Davis, M.L.A. for North Vancouver-Seymour who resigned on September 15, 1978,[10] and one for the resignation of Gordon Gibson, M.L.A. for North Vancouver-Capilano, dated January 16, 1979.[11]

However, if and when a member dies in office or is disqualified from sitting in the Legislative Assembly, the Speaker must give out a warrant directing the Deputy Provincial Secretary to issue the appropriate election writ.[12] Thus, the Speaker must assume executive responsibility for the electoral procedures that relate to sitting members of the Legislative Assembly.

The Constitution has instructions for the Speaker concerning the staffing of the Legislature. These instructions are at once ambiguous and out-dated in terms of current practices. For example, the Constitution Act does not expressly require the Speaker to appoint the permanent officers of the House.[13] In fact, in the past, these appointments appear to have been effected as initiatives of government.[14] However, since 1971, the recommendation for the appointment of permanent officers have come from the office of the Clerk to the Speaker who in turn made representation to the Executive Council.[15] Initially, these appointments are made by order-in-council. Subsequently, they are

ratified by resolution of the House. For example, in 1975, the Legislature required an additional table officer. Mr. Ian M. Horne, Q.C. Clerk of the Legislative Assembly, recommended to Mr. Speaker Dowding that Mrs. Evelyn Miller, long time secretary to the Clerk, be appointed Clerk Assistant and Clerk of Committees.[16] Mr. Speaker Dowding endorsed the recommendation and Mrs. Miller was appointed.

In terms of all other officers, clerks and servants of the Legislature, Mr. Speaker is able to appoint them on his own authority.[17] In fact, technically, all legislative staff are appointed by the Speaker. Before 1976 they were appointed by order-in-council but upon the recommendation of the Speaker. Since late in 1977 all staff in the Legislature have been appointed by Speaker's warrant.[18] This change was a deliberate attempt to separate the Speaker from government in personnel matters.

The last administrative duty imposed by the Constitution relates to member's benefits. Until the Constitutional amendment of 1974, the Speaker was required to certify the claims of members for automobile allowances.[19] This rather clerical function was replaced by a requirement for the Speaker to approve all expense allowances claimed by members who were designated to attend Commonwealth Parliamentary Association or other similar conferences.[20]

The various amendments to the Constitution Act in this period are evidence of an ambivalent attitude towards the Speaker as the chief executive officer of the Legislature. While the Constitution was amended twelve times between 1960 and 1978, no significant

statutory changes were made to the administrative duties of the Speaker. In fact, one could argue that the administrative authority of the chief executive officer was significantly curtailed by the 1974 amendment which explicitly stated that the Speaker's powers are nullified upon dissolution of the Legislative Assembly.[21] An incoming or retiring Speaker is forced to endure a period when he simply does not have legal authority to act.[22] In practical terms, speakers have to proceed with the job at hand hoping that their authority will not be seriously challenged. Paradoxically, the same amendment asserted that M.L.A.'s continued in office after dissolution to the date of the general election.

In summary, the Constitution Act, and its relevant amendments, impose administrative duties upon the Speaker concerning the election of M.L.A.'s, the staffing of the Legislature, and the authorization of payment of certain benefits to M.L.A.'s. It fails to define comprehensively the administrative authority of the Speaker. It will be interesting to see if this state of affairs is replicated in the other statutes that have relevance to the speakership.

Several other statutes have sections that relate to the administrative authority of the Speaker. For example, under the Legislative Assembly Allowances and Superannuation Act, the Speaker has the power to designate the M.L.A.'s who will attend, or act in an official capacity, at any meeting, conference, task force, committee, visitation or similar function and receive expenses for such assignment.[23] On another matter, the superannuation Commissioner, and not the Speaker,

is responsible for the management of the M.L.A.'s superannuation plan. In fact, this official reports to the Provincial Secretary.[24] The Legislative Assembly Allowances and Superannuation Act repeats certain provisions of the Constitution Act relating to the administrative authority of the Speaker.

Under the Legislative Library Act, the Speaker is required to chair a management committee composed of, in addition to himself, all the members of the Executive Council.[25] The statutory role of this committee includes responsibilities for library policy, the establishment of administrative procedures, and financial probity in the operation of the Legislative library.[26] This committee has, under the legislation, a continuous mandate and is supposed to meet periodically. Interestingly enough, this management committee has apparently never met since the original legislation was passed in 1894.[27] The Speaker is also responsible for providing sessional staff for the library.[28] The Librarian submits an annual report to the Speaker who, in turn, tables it in the Legislative Assembly each session.[29] The above statutes, when read in conjunction with the Constitution Act, tend to suggest, at best, an ad hoc approach to the administrative affairs of the Legislative Assembly. This body of law gives minimal direction to the Speaker and is only marginally clarified by reference to the standing orders of the Assembly. It is noteworthy that only six out of 129 standing orders have any relationship to administrative affairs. Nevertheless, reviews of these provisions would be a logical extension to the above discussion.

The standing orders appear to give the Speaker executive power in three general areas.[30] Firstly, it appears that the Speaker is the administrative head of the Legislature. Under standing order 92 the Speaker directs the Clerk who in turn is responsible for both the legislative records and the supervision of all officers and clerks. The lack of further specificity would suggest that early Legislatures acknowledged few administrative duties for their presiding officer. Secondly, the Speaker has certain administrative responsibilities for the Legislative Library.[31] Since these standing orders essentially duplicate the enabling legislation for the library, further discussion is not necessary. Thirdly, the standing orders further provide that the Speaker has executive responsibility for Hansard.

Under standing order 129 the Speaker is the official custodian of the verbatim aural records of the House. He controls all duplication of the electronic recording tapes. He supervises the public distribution of Hansard. The Speaker can use the tape record to verify speeches of members and note any discrepancies in the journals of the House. In short, the Speaker is required to supervise the production and distribution of Hansard. It is interesting to note that while the Clerk was given executive responsibility for the written records of the House, the Speaker was given executive responsibility for the oral records of the Assembly.

It is important to note that, neither in statute law nor in the standing orders, is there any provision to establish a legislative committee, or similar body, relating to members' services in the B.C.

Legislature.[32] There is no equivalent to a Board of Internal Economy in the B.C. House.[33] Therefore, it would appear that the Speaker is required to exercise a great deal of discretion in the administration of the Legislature and the provision of services to members. Ironically, the formal authority of the Speaker in administrative matters is very sketchy. It would seem that a fair amount of the authority of the Speaker in these matters must be based upon conventions or informal practices. The balance of this chapter will inspect some of the administrative records of the Assembly to determine the empirical role of the Speaker as chief executive officer of the Legislature.

Attempts to compile information on the administrative history of the Legislative Assembly are frustrated by the lack of conventional sources.[34] Thus, by a process of elimination, the searcher is forced to refer to and rely upon the annual estimates of expenditure for the Legislature which are detailed under vote 1. Taken as an individual document, the annual estimates for vote 1 provide only very limited insight into the role of the chief executive officer. However, by aggregating the estimates for vote 1 for the last ten fiscal years, some interesting patterns begin to emerge from the data assembled in Table VII. It may be useful to look at this data from two perspectives. Firstly, an attempt will be made to look at the estimates of expenditure patterns from a chronological perspective. Secondly, an attempt will be made to look at this data from a program oriented perspective.

Table VII

Estimates of Expenditure for Vote 1 by Programme

(Fiscal Years 1970 to 1980)

Year	Total Budget Vote 1	Total Expended	MLA's Benefits	Legislative Committees	Inter-parliamentary Committees	Speaker's Office	Legislative Caucus Offices	Clerk's Office	Legislative Review Office	Sessional Expenses	Hansard	Legislative Dining Room
1970	611,640	728,643	465,000	1,000	8,000	ø[2]	16,440	11,700	ø[3]	102,500	ø[4]	7,000
1971	743,786	799,590	579,000	1,000	8,000	ø[2]	18,036	13,250	ø[3]	117,500	ø[4]	7,000
1972	790,286	778,259	579,000	1,000	8,000	ø[2]	19,536	13,250	ø[3]	161,000	ø[4]	8,500
1973	827,678	1,090,554	579,000	1,000	8,000	ø[2]	20,928	13,250	ø[3]	196,000	ø[4]	9,500
1974	1,254,786	1,750,771	694,000	100,000	8,000	10,212	58,644	16,500	ø[3]	222,000	135,430	10,000
1975	1,784,834	3,261,909	734,000	100,000	8,000	11,232	445,000	31,500	ø[3]	267,000	175,102	12,500
1976	3,114,340	3,191,550	1,763,500	150,000	9,000	19,465	175,623	62,400	ø[3]	615,376	268,976	50,000
1977	3,264,110	3,345,188	1,775,650	50,000	9,000	52,900	297,560	51,000	ø[3]	644,000	334,000	50,000
1978	3,580,426	5,131,913	1,914,000	50,000	35,000	181,750	430,376	94,900	ø[3]	478,000	346,400	50,000
1979	3,997,588	5,661,886	2,118,500	125,000	13,000	224,894	464,574	84,200	30,000	541,000	346,420	50,000
1980	3,307,865	Unavailable to date	2,209,700	125,000	43,000	254,214	533,706	88,500	30,000	605,125	369,620	50,000

Source: British Columbia, Legislative Assembly, *Estimates of Revenue and Expenditure* (Victoria: Queen's Printer, Annual).

TABLE VII--NOTES

[1]The official total published in the Public Accounts is not available until after September 30, 1980.

[2]Budgetary provisions for staff and other sessional costs were provided in the "Sessional Expenses" programme.

[3]Certain expenses have been incurred since 1973 to support work relating to the Legislative Practice and Procedure Act. Some expenditures were listed as statutory encumbrances in the Public Accounts. Other costs may have been absorbed in several of the other programme budgets. The first formal programme budget for the Legislative Review Office (The MacMinn Commission) was established for fiscal 1979.

[4]Hansard costs for fiscal years 1970 through 1973 appear to have been absorbed in the "Sessional Expenses" budget.

An analysis of the estimates of expenditure for the Legislative Assembly for the last ten years reveals a number of significant changes. Vote 1, in fiscal 1970, totalled just over $600,000. The majority of these funds were designated for member's salaries, expense allowances and other direct payments. The total sessional staff budget was $64,000.[35] In fact, the estimates suggest that the permanent legislative staff consisted of three part-time officers of the House and two full-time staff in the caucus of the official opposition. In fiscal 1971, extra funds were provided for Hansard.[36] The 1972 budget provided significant additional funding for sessional staff and for the printing of Hansard. The 1973 legislative estimates again expanded the provisions for sessional staff and Hansard. The 1974 estimates for vote 1 increased by an unprecedented 51.6 per cent. The estimates provided for more legislative staff. For example, the Speaker obtained his own secretary and a Chief of Hansard. As well, the opposition parties received extra funds for permanent staff. In fact, the total budget for sessional staff was dramatically increased. The budget for legislative committees was increased by one hundredfold. Hansard received considerable additional funding. The legislative budget for fiscal 1975 increased substantially. It provided for both a Clerk Consultant and a Clerk of Committees. The government caucus received funding for executive and research support staff. The Speaker provided $330,000 for constituency secretaries for M.L.A.'s. Members received additional funds for air transport. The 1976 edition of vote 1 provided for even greater

staffing of the legislative caucuses. The Speaker was provided with an executive assistant.[36] The budget for legislative committees reached an all-time historical peak at $150,000. The annual subsidy for the legislative dining room increased to $50,000. The Speaker provided public funds for a legislative internship program. The 1977 legislative budget provided funding for three permanent staff in the Speaker's office. There were also large increases in budgets for sessional staff including significant increases for the Sergeant-at-arms office and the dining room. The 1978 estimates for vote 1 reflect the introduction of a full-scale program budgeting format. The budgetary provisions included the largest ever funding for inter-parliamentary relations, the Speaker's office, the legislative caucuses, and Hansard. Funding was allocated for a full-time Sergeant-at-arms. In fiscal 1979, the budget for legislative committees was dramatically increased. A separate program budget was established for the MacMinn Commission which had been appointed pursuant to the Legislative Procedure and Practice Inquiry Act. It is interesting to note that the 1979 budget was the first budget for the B.C. Legislative Assembly that was prepared on a program basis by staff in the Speaker's office.[37]

The foregoing discussion has indicated that the benefits, services and facilities accorded to M.L.A.'s were continuously improved after 1970. In fact, a major theme in the evolution of the Legislature during this period can be traced to the declaration of the full-time nature of the role of an M.L.A. after 1972. Full-time M.L.A.'s

needed full-time staff. The Speaker had to respond to the demands for legislative personnel.

The staff employed by the Speaker on behalf of the Legislative Assembly increased dramatically after 1970. For example, in the 1970 edition of the annual report of the public service commission, the total staff provided for the Legislature was reported to be 4.[38] By 1973, 59 staff were listed as legislative employees.[39] Legislative staff peaked at 115 in 1978.[40] However, the public accounts records indicate a much more dramatic picture for the growth in legislative personnel during this same period. For example, in 1970, 48 legislative employees were paid out of vote 1.[41] The legislative staff doubled in 1973 and again in 1977 according to public accounts. Personnel paid out of vote 1 reached a peak for the period in 1978 at 277 employees.[42] The 1979 edition of the public accounts reveals that 226 legislative employees were paid a total of $1,767,934 in salaries and received collectively $50,560 for travel associated with their legislative duties.[43]

It is very difficult to ascertain the precise role of the Speaker in the matter of personnel administration. For example, in 1971, it appears that concessions were made to the opposition in the form of additional staff.[44] It is not clear from the records available if these positions were granted by the Speaker or by the government. Since all legislative staff were appointed under the authority of an order-in-council it is likely that government had a significant role in the decisions. The government certainly played a role when

it came to the permanent officers of the Legislature. Government appointed all officers by order-in-council. They also fired them on occasion. For example, order-in-council No. 4426, dated December 6, 1971, effectively discharged the Sergeant-at-arms, Mr. Denzil G. Ashby. He was replaced by Alan M. Hutchinson. The salary of the Sergeant-at-arms was set by the order but it also stated that "the sessional duties of the Sergeant-at-arms in respect to each session shall commence and terminate on a date to be determined by the Speaker."[45] As late as 1974, the Provincial Secretary established the salaries of legislative officers.[46]

Intrusion by the executive council in the matter of legislative personnel did not end with the election of a new government in 1972. For example, the constituency secretary program, whereby all M.L.A.'s received a specified amount of money to engage secretarial staff within their constituencies, was started in 1973 as a result of a government initiative. In fact, while the initiative was welcomed by Mr. Speaker Dowding, it was clearly the result of a policy decision by the Barrett government.[47] Involvement by the Cabinet in the staffing for the Legislature can be explained in terms of several structural deficiencies in the administrative authority of the Speaker. There is no enabling legislation in British Columbia for either the Speaker's administrative authority or for a separate department of the Legislature as obtains in other Canadian jurisdictions. Before 1977 it was assumed that all legislative staff had to be appointed by an executive instrument, namely an order-in-council, in order for the incumbent to hold

office and draw a salary. The Speaker therefore assumed that he had to ask the Deputy Provincial Secretary to appoint all permanent and sessional legislative employees. While the Government appears to have accepted the recommendations of the Speaker in the matter of legislative personnel, there are several examples where governemnt simply made the operative decisions. For example, in 1976, the Provincial Secretary refused to accept proposals to re-classify certain staff in opposition offices.[48] The Speaker, ironically in the same missive, was asked by the Provincial Secretary to deal with these matters in the future.[49] The Government seemed willing to allow a greater role for the Speaker in legislative administration. In any event, this situation is too complex to be able to determine any blame. Without formal status for legislative employees, or a department to employ them, or clear cut authority for the Speaker, it was natural that ad hoc arrangements and confusion would be the order of the day. The party leaders were not clear on how to proceed on personnel matters. For example, Dr. Scott Wallace, Leader of the Progressive Conservative Party, wrote to the Provincial Secretary on December 2, 1976 and asked for an early decision on his request for additional staff.[50] Speaker Smith chose to ignore this request.

Ironically, a major breakthrough came in 1977 when Speaker Smith asked for a legal opinion on his authority to grant cost of living increases to legislative staff. The opinion received from Legislative Council[51] resulted in the Speaker adopting the practice of appointing all legislative staff on his own authority except for the four permanent

officers of the House. Since 1977 all legislative staff have all been appointed by Speaker's warrant and not by order-in-council as had previously been the practice. While staff appointments down to the end of the 31st Parliament were made by the Speaker it should be noted that there is still no clarification as to the status of legislative employees. They are not government employees, do not belong to any union, and have no tenure in the manner of public servants. Also, while the Speaker's authority in personnel matters has been expanded to include the power of appointment there is still no consulting mechanism to insure that M.L.A.'s are satisfied with the level of legislative staffing. There is scattered evidence to suggest that government still plays a role in these matters.[52] This state of affairs not only compromises the authority of the Speaker but insures that the administrative affairs of the Legislative Assembly are conducted in a politicized atmosphere rather than an atmosphere of trust and political neutrality. Additional insight into these matters will be available later on in the paper when the approach to financial administration in the House is detailed.

The forgoing discussion merely highlights some of the administrative changes and problems of the past decade. Table VIII represents a more systematic attempt to compare the various components of vote 1 as they have changed during the study period. Most components of the legislative budget made astronomical gains.[53] Table IX attempts to analyse the management of the legislative budget. In both cases it will be interesting to relate the estimates expenditure

Table VIII

Growth in Estimates for Vote 1 by Programme
(Fiscal 1970 and 1979)

Programme Budget	1970	1979	% Change[1]
Vote 1--Total	611,640	3,997,588	+ 544
M.L.A.'s Benefits	465,000	2,118,500	+ 356
Legislative Committees	1,000	125,000	+ 12,400
Interparliamentary Relations	8,000	13,000	+ 63
Speaker's Office	Ø	224,894	
Legislative Caucus Offices	16,440	464,574	+ 2,726
Clerk's Office	11,700	84,200	+ 620
Legislative Review Office	Ø	30,000	
Sessional Expenses	102,500	541,000	+ 428
Hansard	Ø	346,420	
Legislative Dining Room	7,000	50,000	+ 614

Source: British Columbia, Legislative Assembly, *Estimates* (Victoria: Queen's Printer, 1970 and 1979).

Notes: [1]Calculations by the author.

Table IX

Estimates Versus Expenditure for Vote 1

Fiscal Year	Percentage Change Vote 1[1]	Estimates Versus Expenditures[2]
1970	.9	+ 19.1
1971	21.6	+ 7.5
1972	6.3	- 1.6
1973	4.7	+ 31.8
1974	51.6	+ 39.5
1975	42.2	+ 82.8
1976	74.5	+ 2.5
1977	4.8	+ 2.5
1978	9.6	+ 43.3
1979	11.7	+ 41.6
1980	7.7	N/A[3]

Source: Calculations by the author based on figures derived from the Estimates and Public Accounts for fiscal years 1969-1980.

Notes: [1]Figures in this column are percentages, and compare the change in estimates between succeeding fiscal years.

[2]Figures in this column are percentages, and compare estimates of expenditure with actual expenditure. Positive (+) signs denote over-expenditures and negative (-) indicates under-expenditure.

[3]Public accounts totals for fiscal 1980 are not available.

patterns to the various Speakers.

Under the aegis of Speaker Murray the budget for vote 1 increased modestly between fiscal 1970 and 1973, totalling 3.5 per cent. Overruns declined continually until fiscal 1973, and appear to correspond with the coming to power of the N.D.P. after August 30, 1972. Overruns for fiscal 1970 to 1973 total 56.8 per cent.[54]

Under the aegis of Speaker Dowding the estimates for vote 1 increased 168.3 per cent between fiscal 1974 and 1976. Overruns were substantial totalling 124.8 per cent during this period and relate to the many new initiatives embraced by Speaker Dowding. A return to fiscal and programme restraint seems to coincide with the re-election of a Social Credit government on December 11, 1975.

Under the aegis of Speakers Smith and Schroeder the estimates for vote 1 increased a modest 26.1 per cent between fiscal 1977 and 1979. However, overruns were still substantial totalling 87.4 per cent for the period.[55] In summary, the estimates expenditure patterns for vote 1 in this period represents a picture of dramatic change in the Legislative Assembly of British Columbia.

Significant changes in the financial management of the Legislature have also occurred during the study period. The Speaker and his staff have come to play a more meaningful role in the budgetary processes related to vote 1. The Speaker and his office have become an integral part of the financial management system that serves the Legislature. It will be important to detail the roles of the various actors who have responsibilities in the financial affairs of the

Legislative Assembly.

The budgetary process utilized in the Legislature lacks many of the formalized procedures used in government. However, the three basic components of budgeting exist within the Legislature. These components relate to the definition of budgetary requirements, the preparation of draft estimates of expenditure, and the approval of an annual operating budget.

The B.C. Legislature lacks any formal machinery to define budgetary requirements. As we have seen, there is no committee of members to assist the Speaker, as chief executive officer, in financial matters. Therefore, by default if not design, a major share of the responsibility for the definition of the budgetary requirements of the Legislature, its members and staff accrues to the Speaker. It is, however, exceedingly difficult, if not impossible, to define or describe the precise nature of the role of the Speaker in setting the budgetary guidelines for vote 1. But, by the same token, there is ample evidence that suggests that the Speaker has always taken a close personal interest in the matter. Both comptrollers that served the Legislatures and Speakers of this period have certified that the Speaker has always been intimately involved in negotiations concerning vote 1.[56] While Speakers have been given the funds they have asked for, there has been a considerable involvement by government ministers, agencies and officials in the definition of financial policy for vote 1.[57]

In the absence of a formal process for budgetary matters, the Speaker and the representatives of government and opposition parties were forced to rely on ad hoc negotiations and arrangements. It would seem that this state of affairs did not produce many stresses before 1972.[58] Previous to this date the role of M.L.A.'s and the Speaker were not acknowledged to be full time. Vote 1 was little more than a salary account for M.L.A.'s and the few sessional staff that were available to private members. While the opposition parties were never fully satisfied with this state of affairs, there were no precedents in British Columbia for other arrangements and no receptivity on the part of government to alter the status quo. After 1972, members expectations began to change. Government back benchers openly demanded more staff and better services in order to carry out the responsibilities of their new role.[59] Some opposition members also demanded better facilities and services.[60] Oddly enough, the pressures on the system for input by private members into the definition of the budget for vote 1 were not great enough to affect structural change. Treasury Board, even under the N.D.P. government with its avowed respect for the independence of the Speaker, set many of the policy guidelines for vote 1. For example, in 1973, Premier Dave Barrett justified the slowness of his government to introduce staff support services to M.L.A.'s in the form of constituency secretaries as a conscious decision to avoid criticism from the Social Credit Opposition about N.D.P. propagandizing. He also conceded that " . . . I see no reason why M.L.A.'s should not have an office and a secretary in his home

riding . . . . The plea for office space and the plea for secretarial help, I hope, will fall on receptive ears in the Treasury Board . . ."[61] Obviously, the N.D.P. government did not envisage a separation of powers between the executive and the Legislature. They did not decide, as government, to give the Speaker additional authority to define the budgetary requirements of the Legislature.

This state of affairs did not alter with the change of government in 1975. Government was still involved in establishing the policy for what resources would be available to members individually and the Legislature collectively. It would however be unfair to criticize Speakers for this state of affairs. The parliamentary system does not facilitate a formal separation of powers between the executive and legislative functions of parliament, particularly in the matter of the expenditure of public monies. Any independence for the Speaker in the House comes as a result of convention, informal consensus, and as such varies with the personalities of the actors. While the Speaker has not enjoyed sovereignty over the definition of policy for vote 1 it is clear from various sources that he was not the abject servant of government either.

In fact, his influence was considerable. It was simply a situation whereby the financial affairs of the Legislature were never re-designed to provide an impartial, formal and independent system that would enable the Speaker, as chief executive officer, to set the parameters of vote 1 in consultation with all of his colleagues.

The second stage of the budgetary process, the preparation of estimates of expenditure for vote 1, has ironically undergone more change than the first stage of the budgetary process. This change can be explained in terms of greater involvement by the Speaker and his staff. Between 1970 and 1977 the comptroller's staff prepared the draft estimates of expenditure for vote 1 after the policy guidelines had been established by government and endorsed by the Speaker.[62] While the comptroller's office was, and is, an agency within the Ministry of the Provincial Secretary and Government Services it serves the Speaker as would any independent management consultant. After 1977-78 the Speaker's office prepared the draft estimates for vote 1.[63] The comptroller's office continued to provide a full range of financial and accounting services to the Legislature through the Speaker's office.[64] The above noted change came as a result of Speaker Smith acquiring professional administrative staff in his own office. He was determined to consolidate many of the management functions in the Legislature within his office. He appointed an administrative assistant to attend to these matters. As well, he took a close personal interest in budgetary matters. Speaker Schroeder has delegated responsibility for budget preparation to his administrative assistant. This officer is also required to pilot the draft estimates through reviews conducted by Treasury Board staff.

Treasury Board's substantive role in the preparation of draft estimates for vote 1 has remained relatively constant throughout this period. In short, Treasury Board vets and approves the estimates of

expenditure submitted by the Speaker. However, the procedures used by Treasury Board have evolved considerably within this period. Before 1972 Treasury Board staff consisted of the Deputy Minister of Finance.[65] This official reviewed the estimates for vote 1 but apparently did not restrict the funding available to the Speaker. Speaker Murray was known for his independence of mind and would never have tolerated such interference.[66] During the 29th Parliament the cabinet did not look too closely at vote 1. However, during the 30th Parliament, Treasury Board did have input into vote 1 as the government firmly supervised many reforms of the legislative process.[67] Mr. Speaker Dowding did, however, manage to maintain control over the scope and magnitude of vote 1. He was receptive to input from cabinet ministers and private members alike. Since 1976, Treasury Board, Cabinet Committee, has been very accommodating with the Speaker. However, Treasury Board staff have built up a larger agency which does review vote 1 in much the same way as they would for any ministry of government. Treasury Board staff, who are all public servants per se, does have some difficulty understanding the uniqueness of the Legislature. However, on balance, they have not attempted to compromise the Speaker. In fact, in the 31st Parliament both Speakers Smith and Schroeder enjoyed the full co-operation of Treasury Board staff.[68]

The third step of the legislature's budgetary process relates to the approval, by the Legislative Assembly, of the estimates for vote 1 which have been generated by the Speaker's office, approved by the Speaker and reviewed and approved by Treasury Board. The estimates

for vote 1 have traditionally been presented to the Legislature by the Provincial Secretary. This practice was followed in every fiscal year embraced by the current study.

The House has generally approved vote 1 without debate.[69] The Speaker does not defend his estimates before the Committee of Supply which reviews and approves all estimates of expenditure in the B.C. Legislature. The Provincial Secretary simply tables the estimates for vote 1 and traditionally they were summarily approved.

However, there have been several departures from these established practices. In the 29th Parliament Hansard did not record proceedings in Committee of Supply. Therefore, while it is difficult to state categorically that vote 1 was not discussed, a search of the journals and the newspapers of the period suggest that no debate ensued. Between 1973 and 1975 the House approved vote 1 without formal debate.[70] However, the indexes to both Hansard and the journals do reveal that after 1972 many members raised questions in the House about various matters that came under the aegis of Mr. Speaker.[71] The first recorded discussion of the estimates for vote 1 came in 1975. Three members raised questions about several administrative matters that came under the authority of Mr. Speaker. Mr. Speaker Dowding did not answer each question but chose to opt for a very interesting recommendation to the House:

> I want to suggest to the Honourable Members that it would be useful if a committee of the House dealt with these matters that deal with legislation each year and put their recommendations to the House as they do in Ottawa and as they do in Westminster. I think it is improper,

> if I may say so, for a government member--that is, a member of Cabinet--to be defending the office of the Speaker, because I don't believe that that should be the case in this House. I believe that the Speaker is the servant of the House and certainly not of the government.[72]

Mr. Speaker Dowding recognized the need for the Legislature to be divorced administratively from the executive. He also thought it prudent for the Speaker to receive advice in these matters from the members themselves. His recommendation was not acted upon.

The next record of debate pertaining to vote 1 came in 1977. Gordon Gibson, Leader of the Liberal Party, gave a fairly lengthy speech on the state of the legislative process in British Columbia.[73] He concluded that the rules and organizational format of the Legislature precluded it from doing the job that he argued it was elected to do.[74] Cyril Shelford, Social Credit M.L.A. for Skeena, argued that the B.C. House was 50 years out of date and proposed that members be given additional staff.[75] Bill King of the N.D.P. supported Shelford.[76] The Honourable Grace McCarthy, Provincial Secretary, agreed to look into these complaints.[77] Mr. Speaker Smith did not participate in the debate. His administrative record was not discussed at that time. A fascinating insight into the affairs of the Legislature was afforded during the 1978 debate on vote 1 when Gary Lauk, N.D.P. M.L.A. for Vancouver-Centre, asked Mr. Speaker Schroeder to comment on his estimates:

> I wonder if the member for Chilliwack has anything to say about this vote. He didn't circulate the usual confidential memorandum about how the money was to be spent, or the odd whisper or rumour over a coffee cup.

> I might have an objection. I was only invited once to lunch with the Speaker this session, and the sherry was local.[78]

This reference would support the argument that the B.C. House has not given much serious thought to its own internal administrative arrangements or procedures. It would also indicate that at least some members do not appreciate the considerable growth in the administrative responsibility of the Speaker. In any event, vote 1 was approved in 1978 with only several other questions raised. Interestingly enough, when Karen Sanford, N.D.P. M.L.A. for Comox, asked the minister responsible for vote 1 to defend the estimates of the Legislature she was advised by the Chairman of the Committee of Supply that there was no minister responsible for vote 1.[79] While this response may simply have been a tactic to defuse the political scrutiny afforded to vote 1 it is also, to some degree, recognition of a need to separate the Speaker from the Treasury benches. The Provincial Secretary did not speak to the estimates.

The 31st Parliament was dissolved before the estimates for fiscal 1979/80 were approved. However, when the 32nd Parliament convened these estimates were considered. The debate on vote 1 at that time was the most extensive of those recorded by Hansard.[80] The opposition attacked the government for failing to negotiate with the opposition for increased funding for legislative staff.[81] The government defended itself.[82] Some of the comments made during the debate provide significant insight into the legislative process in British Columbia and, as such, merit further consideration.

Dennis Cocke, N.D.P. Whip, complained about the lack of input accepted from the opposition in formulating the budget for vote 1.[83] He claimed that the opposition caucus was inadequately funded and staffed. He further charged that government representatives had not negotiated in good faith with the opposition.[84] The Leader of the Opposition, Mr. David Barrett, while acknowledging that debate over vote 1 was not only unfortunate but somewhat improper, contributed to the debate by detailing many of the inadequacies of the past viz-a-viz the operation of the Legislature.[85] While he argued that M.L.A.'s required more resources to do their jobs he conceded that progress had been made:

> It is a matter of responsibility and right for all M.L.A.'s to have proper services to do their job in this House. No M.L.A. should be handicapped . . . it is the government of the day and the opposition of the day that must say clearly that every member must have the services necessary to do their job to the best of their ability . . . we've made great progress. I'm not saying that we haven't made progress . . . we've made great progress.[86]

He closed his speech with an appeal for more staff for the caucus of the official opposition.[87] The case of the opposition was pleaded by several other speakers who, in essence, repeated the above remarks.

It would seem that the partisan debate over vote 1 was motivated by two factors. One, the government again had become involved in conducting negotiations between government and opposition for legislative budgets and staff. Second, these negotiations evidently became involved in political deals and counter deals relating to the

expedition of the business of the session. The opposition denied that they were holding the government up to ransom for their demands.[88] The government denied that the executive were trying to compromise the work of the opposition M.L.A.'s. The Minister of Finance brought the matter to a head when he said "On behalf of the government, I categorically and absolutely, without hesitation, reject the inference that the Government is attempting to squeeze the Opposition."[89] The Minister of Finance reviewed the considerable improvement in M.L.A. services. For example, M.L.A.'s were allocated 28 return trips per year between their constituencies and the capital. They were provided with $1,500 per year for intra-constituency travel and $1,300 per month for constituency office operations. Each legislative caucus was to receive annual global budgets for staff which they could expend at their discretion. Mr. Curtis asserted that the treatment of the opposition had never been better. He pointed out that the opposition received 21 per cent more financial resources in fiscal 79/80 over that of 78/79.[90] At that point, vote 1 was approved without further debate.

The above discussion reveals some startling things about the legislative process in British Columbia. First of all, the major political actors have not formally defined the legitimate needs of M.L.A.'s or of the House itself. Secondly, the operation of the Legislature has not been separated from the partisan political arena. Thirdly, the role of the Speaker, as the chief executive officer of the Legislative Assembly, has not been modernized or formalized

to obviate the first two problems. Fourthly, Speakers have attempted to point out the deficiencies of the present system while avoiding entanglement in it as much as possible.

Aside from the above developments there has been continual growth of the legislative enterprise. The Speaker has equipped himself with staff to bolster his administrative operation. In fact, he has built up a reasonably sophisticated financial management system. He has responded to the collective demands of members for more resources, staff and better facilities and services. He has managed, in the administration of legislative programs, to separate his office from that of the Provincial Secretary to a greater extent than ever before. In fact, Speaker Dowding was able to reduce the responsibilities of the Provincial Secretary over legislative matters by taking the responsibilities unto himself.[91] Speaker's Smith and Schroeder continued this departure. Jurisdictional conflict between the Speaker and the Provincial Secretary did not center on vote 1 but rather on larger issues like jurisdiction over the management of the Parliament Buildings themselves, security in the buildings and other related matters. In any event, conflict occurred more at the level of senior staff than at the level of the political executive.[92] In any event, by the end of the 31st Parliament, the Speaker's office was clearly established as an autonomous administrative entity in charge of all legislative activities.

The emergence of a full time autonomous Speaker's office parallels a dramatic increase in the administrative jurisdiction of the Speaker.

As noted earlier in this chapter, every new venture by the Assembly was placed under the aegis of the Speaker. Services to members were constantly improved.[93] The record also suggests that Speakers were responsible in their approach to the expenditure of public funds. For example, in a memorandum dated November 6, 1975, Speaker Dowding cautioned M.L.A.'s against abusing the photocopying and telephone service privileges of the House. Speaker Smith followed suite on several occasions. Thus the Speaker has had a considerable role to play in day-to-day administrative affairs.

In addition to daily administrative tasks, Speakers were able to introduce several major administrative innovations. Between 1972 and 1975, Speaker Dowding used the authority granted him by the Legislative Procedure and Practice Inquiry Act to propose administrative changes for the Legislature. For example, in his second report, Speaker Dowding reviewed the operation of the member's dining room.[94] Although he was a keen proponent of a first class members restaurant, Dowding did not go ahead and establish one on his own. He chose to refer the matter to a committee of the House for further consideration.[95] In his third report, Dowding detailed proposals for the introduction of a Legislative Internship Programme.[96] This programme would provide a work and educational experience for university graduates in public affairs. It would also provide M.L.A.'s with competent research assistants.[97] Mr. Speaker Dowding obtained the approval of the four party leaders and provided $22,000 in vote 1 for this programme. In his fourth report, Speaker Dowding discussed the general

arrangements and jurisdictional requirements for the Speaker.[98] It is noteworthy that, after several years in the position of Speaker, Mr. Dowding lamented the lack of autonomy afforded to the Speaker in administrative matters.[99]

Speaker Smith continued Mr. Dowding's work of expanding the Speaker's administrative authority. For example, he established the Parliamentary Space Committee. This committee was comprised of the Speaker as Chairman, the Minister of Public Works and the Provincial Secretary as the other members. This committee had a mandate to manage the Parliament Buildings. Speaker Smith obtained more modern financial services for his office in the form of a computer based monthly financial reporting system. His office prepared the legislature's estimates of expenditure. Speaker Smith started the practice of appointing all legislative staff on his own authority.

Speaker Schroeder directed that the annual estimates for vote 1 be prepared on a zero base budget basis. He also obtained the agreement of the Provincial Secretary that the Speaker's office would henceforth be responsible for co-ordinating all legislative ceremonies. Legislative ceremonies include Prorogation Day, Opening Day, and Budget Day. There is a great deal of administrative work relating to these ceremonies and it involves co-ordinating various government and legislative agencies. While these ceremonies had always been conducted on behalf of the Speaker, the administrative work was previously conducted by the office of the Deputy Provincial Secretary.

This work would now be done by the Speaker's office. Mr. Speaker Schroeder also insisted that his office be responsible for the administrative arrangements for inter-parliamentary conferences and visits and also for the operation of the Parliamentary Space Committee.

To summarize, this chapter has attempted to describe the administrative role of the Speaker. The role of the Speaker, as chief executive officer, has grown dramatically from 1970 to 1979. The role of the Speaker as chief executive officer is now considerable. However, the formal requirements of the Speaker in these matters are still rather primitive. This period was characterized by the continuation of ad hoc arrangements for administrative affairs yet ironically featured an expansion of the administrative authority of the Speaker. The Speaker is the de facto head of a small department. He has acquired a significant role to play in the personnel, financial and programme management aspects of the Legislature's affairs. While he has acquired more staff to assist him, he is not formally advised or supported by his colleagues nor is he entirely free of the periodic interference by government in legislative affairs. He has a great deal of discretionary power in administrative matters. The Legislature has not grappled with modernizing this aspect of the role of the Speaker.

In conclusion, it is possible to argue that the Speaker has played a very considerable leadership role as chief executive officer of the Legislative Assembly. Without the aid of formal executive powers or the support of formal administrative machinery, the Speaker

has assumed the overall responsibility for the administration and organization of the House in the provision of services to members. Discretion and initiative have combined, in true leadership fashion, to overcome adversity. The job has been done. Speakers must be accorded the credit for providing the executive leadership so vital in an enterprise that has not legitimized itself either in structure, process, or law.

CHAPTER 5--NOTES

[1]In British Columbia, there is no single statute that defines either the administrative authority of the Speaker or that which creates a department of legislative or member's services. Such legislation exists in the British House of Commons. See, for example, The Parliament Act, 1911; House of Commons Act, 1846; and the House of Commons (Speaker) Act, 1832. See also chapter one of this thesis. Similar legislation exists in the House of Commons of Canada. See for example: House of Commons Act, RSC, 1970, Ch. 9 and the Speaker of the House of Commons Act, RSC, 1970, c. S 13.

[2]The Constitution of British Columbia is to be found in the Constitution Act, RSBC 1960, see c. 71. For all purposes, reference shall be made to this version of the constitution unless otherwise noted.

[3]RSBC 1960, c. 71, S. 36.

[4]*Ibid.*, section 39.

[5]*Ibid.*, s. 41.

[6]*Ibid.*, s. 55.

[7]Letter from G. Scott Wallace, M.L.A. to Speaker Smith.

[8]Speaker's office, administrative files.

[9]*Loc. Cit.*

[10]Letter from Jack Davis, M.L.A. to Mr. Speaker Schroeder.

[11]Letter from Gordon Gibson, M.L.A. to Mr. Speaker Schroeder.

[12]*Ibid.*, s. 60. If there is no Speaker or the Speaker dies or is disqualified as an M.L.A. any two M.L.A.'s may fulfill the requirements of section 60 above.

[13]*Ibid.*, s. 44.

[14]Interview with Ian M. Horne, Q.C., Clerk of the House, March 24, 1981.

[15]*Ibid.*

[16]*Ibid.*

[17]RSBC 1960, Ch. 71, s. 44.

[18]Office of the Speaker, administrative files.

[19]Constitution Amendment Act, SBC 1974, c. 20. The old provision was s. 69 of RSBC c. 71.

[20]*Ibid.*, s. 10.

[21]*Ibid.*, s. 2.

[22]See Clarence L.W. Reser, "Parliamentary Reform in British Columbia: Mr. Speaker as Advocate," *Canadian Parliamentary Review*, Vol. 4, No. 1 (Spring 1981), pp. 10-11.

[23]Legislative Assembly Allowances and Superannuation Act, RSBC 1960, c. 240, s. 13(b).

[24]*Ibid.*, s. 14.

[25]The Legislative Library Act, RSBC 1960, c. 216, s. 3(2).

[26]*Ibid.*, s. 5(1).

[27]This interesting anomaly was pointed out by Mr. James Mitchell, Legislative Librarian. The Librarian has worked all these years without benefit of co-ordinated direction from a management committee. The Library is housed, for administrative purposes, in the Ministry of the Provincial Secretary and Government Services. However, the Librarian submits a copy of his annual report to both the Speaker and the Provincial Secretary. This practice of con-joint jurisdiction is quite likely a practice dating from the time when the speakership was a part-time appointment and the Speaker's office only operated during the legislative sessions.

[28]RSBC 1960, c. 216, s. 9.

[29]*Ibid.*, s. 10.

[30]For a general treatment of these issues, see E. George MacMinn, *Parliamentary Practice in British Columbia* (Victoria: Queen's Printer, 1981), pp. 13-17 and pp. 137-138.

[31]Several of the standing orders detail the administrative responsibility of the Speaker insofar as the Legislative Library is concerned. For example:

Standing Order 123 -- Indicates that the Speaker is to receive an annual report from the Legislative Librarian.

Standing Order 124 -- The Speaker is to control access to the Library during the session.

Standing Order 125 -- The Speaker is to control the loan policy of the Library during the session.

Standing Order 126 -- The Speaker and the Provincial Secretary are to share administrative responsibility for the Library but the Speaker's authority apparently has precedence.

The above provisions duplicate the requirements of the Legislative Library Act, RSBC 1960, C. 216.

[32]The Speaker of the Commons in both Westminster and Ottawa has the assistance of Legislative Committees and/or boards of internal economy to assist with the financial administration of the legislature. See May's 19th edition at page 232 where the British Speaker is supported by a House of Commons Services Committee and Beauchesne, 5th edition at pages 251-2 where the Canadian Speaker is assisted in administrative matters by four Commissioners of Internal Economy, who are Cabinet Ministers, and since 1975, by a Standing Committee on Management and Members' Services. A recent study on provincial legislatures reveals that five provinces have similar bodies. See "Comparative Study of Administrative Structures of Canadian Legislatures," Office of the Director of Administration, Legislative Assembly of Ontario, (Toronto: October 25, 1979, p. 3f). It is interesting to note that Judge Eckardt, in volume III of his Royal Commission on Electoral Reform Report recommended that the B.C. Legislative Assembly establish a Board of Internal Economy "to examine and where appropriate, approve applications for reimbursement of

allowable expenses of members of the British Columbia Legislative Assembly" (p. 116). Judge Eckardt seemed to say that the current practice of the Speaker managing and funding services to members was not completely effective on the grounds that individual members cannot appeal to the Speaker for funding for out of pocket expenses. See also p. 115 of his volume III report.

[33]Reser, *Parliamentary Reform in British Columbia*, p. 11.

[34]There are no annual reports on the operation of the Legislative Assembly as the offices that serve the Legislature are not organized as a discrete administrative entity. Consequently, there are no departmental publications. Recourse to a search of all existing files is rejected as being far too massive a task for the purposes of this study.

[35]British Columbia, Legislative Assembly, *Estimates of Expenditure* (Victoria: Queen's Printer, 1970) and particularly those sections referring to Vote 1.

[36]Hansard, when it was created in 1970, did not record proceedings in the Committee of the Whole or in any other legislative committees. Recordings were made of only the formal debates of the whole House. A full Hansard service was introduced in 1973, accompanied by an appropriate amendment to standing order 129. See Chapter 4 of this thesis. See *Victoria Times*, March 8, 1975, p. 11.

[37]The author has served as the Administrative Assistant to the Speaker since November 15, 1977, and was charged with the responsibility for assembling a complete program budget for the Legislature in 1979, based upon the Speaker's policies and priorities. Current Treasury Board guidelines were adopted wherever possible. This draft budget was piloted through the review process conducted by Treasury Board staff by the author.

[38]British Columbia, Public Service Commission, *Annual Report* (Victoria: Queen's Printer, 1970), p. y29

[39]*Ibid.*, 1973, p. u30.

[40]*Ibid.*, 1978.

[41]British Columbia, Ministry of Finance, *Public Accounts* (Victoria: Queen's Printer, 1970).

[42]*Ibid.*, 1978.

[43]*Ibid.*, 1979.

[44]Reference to this matter was made by Dave Barrett in 1979 during debate on the estimates for vote 1-Legislation. See *Hansard*, 1979, p. 1075-1076. Apparently, the government in 1971 had granted the Liberal Party a secretarial position and also provided an executive assistant to the Leader of the Official Opposition--the N.D.P. Party.

[45]Order-in-Council 4426 dated December 6, 1971 and approved by Cabinet on December 2, 1971 in Victoria.

[46]Interview with Harold J. Price, Comptroller for Legislation (retired), April 7, 1981.

[47]Memorandum from Evelyn M. Miller, Clerk Assistant to the department Comptroller, Harold J. Price, dated October 4, 1976.

[48]Letter from the Honourable Grace McCarthy, Provincial Secretary, to the Honourable D.E. Smith, Speaker, dated December 21, 1976.

[49]*Ibid.*, p. 1.

[50]Letter from G. Scott Wallace, M.L.A. and Leader of the Progressive Conservative Party to the Honourable Grace McCarthy, Provincial Secretary, dated December 2, 1976, p. 3.

[51]Letter from G.A. Higenbottom, Legislative Counsel to the Honourable D.E. Smith, Speaker, dated March 10, 1977, p. 2.

[52]Letter from G. Scott Wallace to D.E. Smith, March 3, 1976; letter from Dennis Cocke, N.D.P. Whip to the Honourable D.E. Smith, Speaker dated August 7, 1977; and letter from Dennis Cocke to the Honourable Evan Wolfe, Minister of Finance dated December 13, 1977.

[53]It must be noted that the estimates for fiscal 1970 were not categorized by the program budget format as is the case for the estimates for fiscal 1979. However, the allocations for fiscal 1970 were placed as logically as possible to give a fair representation of the various figures. Even allowing 10 per cent per year for inflation over the base year of 1970, or 90 per cent in total, the budgetary expansion in real terms is nothing short of remarkable.

[54]Overruns for vote 1 are the result of three phenomena:

(1) insufficient budgetary provisions;
(2) inability to predict or control the length of legislative sessions; and
(3) the adoption of new administrative policies and procedures by the Speaker without, or prior to, budgetary approvals.

[55]Overruns are not necessarily conclusive evidence of poor management per se. It is acknowledged that it is exceedingly difficult for the Speaker to prepare a budget that he can live within since he cannot predict, with absolute certainty, the length of the legislative sessions. The estimates expenditure exercise is distorted to some extent by the above situation. However, analysis of the exercise does reveal the approaches to planning and co-ordination by the various Speakers.

[56]Interview with Ian G. Fraser, Comptroller for Legislation, March 31, 1981. Interview with Harold J. Price, retired Comptroller for Legislation, April 7, 1981.

[57]*Ibid.*, see also *Hansard*, 1975, p. 4093; *Hansard*, 1978, pp. 2155-56.

[58]Fraser interview, Price interview.

[59]For example, in 1973 Colin Gablemann, an N.D.P. backbencher, complained about the lack of services to M.L.A.'s--airline passes, secretarial assistance, research assistance, in the first full session of the Legislature under the Barrett administration; see *Hansard*, 1973 (2nd session, 30th Parliament), pp. 164-165. He continued to complain in the 3rd session, see *Hansard*, 1973 (3rd session, 30th Parliament), p. 188.

[60]In 1973 Scott Wallace, Progressive Conservative M.L.A. for Oak Bay, also lamented the lack of research assistance for his party. See *Hansard*, 1973, p. 751.

[61]*Hansard*, 1973, 3rd session, 30th Parliament, p. 298.

[62]Price and Fraser interview.

[63]*Ibid.*

[64]*Ibid.* The office of the Comptroller for Legislation is responsible for processing all of the accounts of the Legislative Assembly. It provides the Speaker's office with payroll and personnel support services, budget and audit services, and a full range of financial records including since 1978 a computer based monthly financial management report which details all expenditures in all legislative programs under the aegis of Mr. Speaker.

[65]Price interview.

[66]*Ibid.*

[67]*Ibid.*

[68]*Ibid.*, and Fraser interview.

[69]*Ibid.*

[70]See *Hansard*, 1973 (2nd session, 30th Parliament), pp. 164-5, p. 751; *Hansard*, 1973 (3rd session, 30th Parliament), pp. 36, 188, 298; *Hansard*, 1974 (4th session, 30th Parliament), pp. 3715, 2261, 2262, 4554.

[71]*Hansard*, 1975, pp. 4092-93.

[72]See *Hansard*, 1974, pp. 2261-62 and p. 4554. In the latter instance Speaker Dowding responded to a question on the staff of the Legislature from Rosemary Brown. He reported to the House on November 7, 1974 that the House had 116 staff, 47 of whom were male and 69 female.

[73]*Hansard*, 1975, p. 4093.

[74]*Hansard*, 1977, pp. 4240-4250.

[75]*Ibid.*, p. 4244.

[76]*Ibid.*, p. 4246.

[77]*Ibid.*, p. 4247.

[78]*Ibid.*, p. 4250.

[79]*Hansard*, 1978, p. 2156.

[80]See *Hansard*, 1979, pp. 1074-1082.

[81]*Ibid.*, pp. 1074-1078 and p. 1080. See, in particular, speeches by Dennis Docke, David Barrett, and Bill King.

[82]*Ibid.*, pp. 1075, 1078-79, 1081-82. See, in particular, speeches by Hugh Curtis, George Mussallem, and Pat McGeer.

[83]*Ibid.*, pp. 1074-1075.

[84]*Loc. Cit.*

[85]*Loc. Cit.*

[86]*Ibid.*, pp. 1075-76.

[87]*Ibid.*, p. 1076.

[88]*Loc. Cit.*

[89]*Ibid.*, p. 1080.

[90]*Ibid.*, p. 1082.

[91]*Loc. Cit.*

[92]Ian Fraser interview.

[93]See documents dated August 17, 1973, in which Speaker Dowding gives reviews of the entire legislative process. Compare this document with a similar one entitled "British Columbia" dated December 27, 1974. Both of these documents are in files maintained by the office of the Speaker.

[94]Gordon H. Dowding, Legislative Procedure and Practice Inquiry Act, *Second Report* (Victoria: Queen's Printer, September 1973), pp. 48-50.

[95]*Ibid.*, p. 50. See recommendation No. 7.

[96]Legislative Procedure and Practice Inquiry Act, *Third Report*, February 14, 1974, pp. 3-5.

[97]*Loc. Cit.*

[98]Legislative Procedure and Practice Inquiry Act, *Fourth Report*, June 20, 1974, pp. 1-5.

[99]*Ibid.*, p. 4.

CHAPTER 6

THE SPEAKER AS PARLIAMENTARY AMBASSADOR

This chapter will assess the extent to which the Speaker serves as an ambassador[1] of the Legislature in it's external relations. Two sets of questions will require answers. Firstly, what ambassadorial role can the Speaker play? In short, what are the institutional expectations in this regard? Secondly, what role has the B.C. Speaker played in the field of extra-parliamentary affairs? If the Speaker's activities in this matter exceed the formal and informal expectations of the Legislature then it will be possible to conclude that the Speaker has played a leadership role in this area.

The opportunity for the Speaker to play an ambassadorial role is both constrained and facilitated by formal and informal imperatives. Formal imperatives consist of the requirements of the constitution, the provisions of the standing orders of the Legislature, the duties imposed by statute law, and the precedents established by previous Speakers' rulings. The informal imperatives are to be found in any legislative traditions that may exist in the relationship between the Speaker and the House, on the one hand, and all outside persons and institutions, on the other. It will be important to attempt to identify any changes in these imperatives that have occurred since 1970.

Despite the fact that Canadian provincial legislatures have the constitutional authority to unilaterally amend their constitutions, except as regards the office of Lieutenant-Governor,[2] the B.C. Legislature has not dealt in any substantive way in its constitution with the Speaker's ambassadorial role.[3] In fact, the only reference to the Speaker's extra-parliamentary duties in the constitution relates to a 1974 amendment.[4] This amendment provided that public monies could be given to M.L.A.'s for attending a broad range of inter-parliamentary and other conferences.[5] The Speaker was empowered, under this amendment, to approve all such claims.[6] However, as a formal imperative, the provincial Constitution Act does not constrain or facilitate, to any great degree, the Speaker as a parliamentary ambassador. Theoretically at least, the Speaker is free to pursue the question of extra-parliamentary affairs as he sees fit.

The second set of formal imperatives, the standing orders of the House, do not clarify the ambassadorial duties of the Speaker. In fact, the only specific reference to external affairs that are under the aegis of the Speaker relate to the regulation and control of parliamentary agents.[7] For all intents and purposes, the regulation and control of such persons would not likely constitute a significant part of the ambassadorial duties of the contemporary Speaker. Nevertheless, the standing orders do reiterate that it is the responsibility of the Speaker to protect the rights of Parliament and Parliamentarians insofar as outsiders are concerned.[8] It would appear that the House, at least when it adopted its' current set of standing orders on

February 20, 1930, did not envisage any need to codify the duties and responsibilities of the Speaker as regards extra-parliamentary relations. Of course, the Speaker could activate the provisions of standing order 1, which enables the B.C. Legislature to look to Westminster for the procedural guidance in all unspecified cases.[9]

The only statute that seems to directly relate to the extra-parliamentary role of the Speaker is the Parliamentary Association Conferences Act.[10] This legislation gives implicit recognition to the existence of inter-parliamentary groups such as the Commonwealth Parliamentary Association. More specifically, this Act allows any M.L.A. who is officially selected to attend any CPA activity to secure public monies as reimbursement for travelling and living expenses without penalty of disqualification from office.[11] Curiously enough, the amounts of the expenses to be allowed under the above legislation were to be set by Cabinet order-in-council.[12] Therefore, one could argue that the Parliamentary Association Conferences Act does not give the Speaker any significant powers or impose any special duties in the area of extra-parliamentary affairs.

The final source of formal authority governing the Speaker's conduct in extra-parliamentary affairs relates to the parliamentary precedents that may have been established by previous Speakers. Extensive consultation with the Journals of the House and the published decisions of the Speaker revealed that B.C. Speakers have not dealt with this matter.[13] It would therefore appear that, at least in terms of formal imperatives, the B.C. Legislature does not expect

or indeed demand much of its' Speaker in the matter of extra-parliamentary relations.

Not all members of the legislature have accepted the above situation. For example, in 1971, Mr. Ernest Hall, N.D.P. M.L.A. for Surrey, introduced a private member's bill entitled "An Act Respecting Delegates to Commonwealth Parliamentary Association Conferences."[14] If passed, this bill would have provided for the election of delegates to CPA meetings by the Legislative Assembly and would have required that each delegate submit a report to the House outlining all inter-parliamentary conferences attended. As one might expect, the bill was ruled out of order on the grounds that it offended standing order 66 and was dropped from the order paper.[15] Interestingly enough, this initiative was never revived when the N.D.P. came to power in 1972.

The formal imperatives catalogued above do not impose many duties upon the Speaker in the matter of inter-parliamentary relations. It will be important to inspect the activities of the Speaker in this period to see if informal imperatives, or conventions, have supplemented the authority of the Speaker in the matter of inter-parliamentary relations. Only then will it be possible to evaluate the extent to which B.C. Speakers have served their legislature as a parliamentary ambassador.

In the arena of extra-parliamentary relations, B.C. Speakers have had a role to play on four stages. They have had relations with the Crown. They have had to do business with the provincial Cabinet.

Speakers have had to play an ambassadorial role in relations between the B.C. Legislature and other parliamentary bodies. The Speakers have also conducted on-going relations with the community at large. Evidence will be presented that gives every indication that, at least in the last decade, B.C. Speakers have played a greater role as the ambassador of the Legislative Assembly.

In the period under examination, no Speaker has had the opportunity to receive the reigning monarch.[16] The Governor-General, the Queen's representative in Canada, has also been an infrequent visitor to British Columbia.[17] The Speakers have had most of their relations with the Crown confined to dealings with the Lieutenant-Governors. Speakers have had continuous dealings with the Lieutenant-Governors on official, social, and educational matters.

Official relations with the Lieutenant-Governor have focused upon legislative ceremonies such as Opening Day, Prorogation Day, and Royal Assent. For example, on Opening Day, the Speaker obtains the speech from the throne from the Lieutenant-Governor to "prevent mistakes." At the opening of a new parliament, the Lieutenant-Governor does not appear before the House until it has chosen a Speaker. As is the case for Canadian speakers, the B.C. Speaker does not submit himself after his election to the Crown for confirmation.[18] On Prorogation Day, and on those occasions when the Lieutenant-Governor gives royal assent to legislation, the Speaker announces to the House of the imminent arrival of His Honour and then stands by until the ceremony is completed with the Lieutenant-Governor in the Chair.

Social relations between the Speaker and the Lieutenant-Governor are centered upon the annual State Ball and the State Dinner. The Lieutenant-Governor hosts both of these events. The Speaker, by long-standing tradition, is invited and accorded a special place in these activities.

Educational relations between the Crown in British Columbia and the Speaker are a more recent development. Since 1976, the Speaker of the House has sponsored a legislative internship programme which has resulted in an informal liaison between the Lieutenant-Governor and the Speaker as a consequence of the Interns frequently being received at Government House.[19] Mr. Speaker Schroeder furthered this liaison by inviting, in June of 1979, Lieutenant-Governor Henry Bell-Irving to present the diplomas to the graduates of this programme. In light of the above, it is possible to argue that Speakers have enjoyed an evolving relationship with the Lieutenant-Governors of British Columbia.

The Speaker has relatively infrequent contact with Cabinet in the matter of extra-parliamentary relations. On the surface this statement appears somewhat misleading since the Premier is technically a Vice-President of the provincial branch of the Commonwealth Parliamentary Association.[20] However, since the B.C. branch of the CPA has never operated on a regular or formal basis,[21] the potential forum for interaction between the Speaker and the provincial cabinet has not been utilized. This is not to say that members of the Executive Council, including the Premier, have not expressed an

interest in inter-parliamentary relations. At least one Premier in the study period has assumed that he had the right to nominate the delegates to inter-parliamentary conferences.[22] Individual cabinet ministers have also offered advice to the Speaker on inter-parliamentary projects.[23] The Executive Council does not appear to have attempted to restrict the budgetary provisions for inter-parliamentary relations. As Table X will attest, the rather modest budgetary allocations for these activities have been exceeded in four of the last nine fiscal years.[24]

Successive Speakers have played a leadership role in extra-parliamentary affairs. For example, Speaker Dowding wrote individual Caucus Chairmen in November of 1973, asking for names of delegates to the first Canadian Regional Seminar on parliamentary practice and procedure.[25] This practice has been maintained to the present.[26] In 1977, Speaker Smith hosted a tour group from the 23rd plenary conference of the CPA.[27] The 1980 Canadian Regional Conference of the Commonwealth Parliamentary Association was hosted in British Columbia by Speaker Schroeder. He played an active role in the planning and hosting of this conference.[28] The Speakers office managed all aspects of this large parliamentary conference.

In all of the extra-parliamentary relations of the Speaker, probably the most important and most frequent inter-action has been conducted between the Speaker, as the ambassador of the legislature, and other parliaments and governments. As Table XI suggests, there are two basic categories of extra-parliamentary relations.

Table X

The Funding of Inter-Parliamentary Relations (I.P.R.)
By the Legislative Assembly of British Columbia

Fiscal Year Ending March 31	Total Estimate for I.P.R.[1]	% of Total[2] Vote 1	Total Spent For I.P.R. Account[3]	Notes
1970	8,000	1.31	6,667	CPA[5] payment
1971	8,000	1.07	6,874	CPA[5] payment
1972	8,000	1.01	6,517	CPA[5] payment
1973	8,000	.96	3,943	CPA[5] payment
1974	8,000	.63	7,588	CPA[5] payment
1975	8,000	.45	10,039	CPA[5] payment
1976	9,000	.29	11,709	CPA[5] payment
1977	9,000	.28	18,394	IPR payment
1978	35,000	.98	29,716	IPR[6] payment
1979	13,000	.36	20,825	IPR[6] payment
1980	43,000	1.00	N/A	N/A[4]

Source: British Columbia, Legislative Assembly, *Estimates* (Victoria: Queen's Printer, Annual).

TABLE X--NOTES

[1]This figure was obtained from the descriptions written into the annual estimates of expenditure enumerated under vote 1. Vote 1 is generated and expended under the direct supervision of the Speaker.

[2]This percentage figure is a ratio between the figures in column one compared with the total estimate for vote 1 for each fiscal year. Refer also to Table VII . Percentages are rounded off to nearest two decimal places.

[3]As per public accounts issued for each fiscal year.

[4]These figures are not yet available.

[5]From 1970-1976, the I.P.R. account appears to have almost exclusively been used to fund the contribution of the B.C. Branch of the C.P.A. to the Canadian Region and Plenary Group of the C.P.A.

[6]Since 1977 this account includes those items enumerated in footnote 5 plus expenses for all I.P.R. activities such as trips to other parliaments and I.P.R. conferences plus the costs of hosting same in British Columbia. These figures (column 4) are derived from the detailed version of the B.C. Public Accounts.

Table XI

Typology of Hypothetical Relations Between B.C. Legislature And Other Parliaments and/or Governments

Direction of Relations	Description of Relations
GROUP 1: To B.C. Legislature	1. Messages to B.C. Legislature from other Parliaments and/or governments. 2. Informal visits to B.C. Legislature from other Parliaments and/or governments. 3. Official delegations from other Parliaments and/or governments to functions hosted by or on behalf of B.C. Legislature.
GROUP II: From B.C. Legislature	1. Resolutions of B.C. Legislature addressed to other Parliaments and/or governments. 2. Correspondence from Mr. Speaker on behalf of B.C. Legislature addressed to other Parliaments and/or governments or individuals. 3. Official delegations from B.C. Legislature to other Parliaments and/or governments. 4. Official delegations from B.C. Legislature to attend Inter-Parliamentary Association conferences or similar activities.

Firstly, there are those inter-parliamentary relations in which the Speaker is the contact for visiting delegations. Within this group of inter-parliamentary relations there are at least three distinct types of inter-parliamentary contacts. For example, the Speaker receives, albeit infrequently, messages from other parliaments.[29] He receives, on behalf of the members, informal visits from other parliaments and, although less frequently, visits from other governments. This type of interchange has increased dramatically in the past decade.[30] The Speaker also hosts, on behalf of the B.C. legisative assembly, official delegations from other parliaments.

Secondly, there are four main types of out-going inter-parliamentary exchanges. The Speaker may be required to communicate resolutions of the House to other parliaments or governments.[31] Not infrequently the Speaker takes it upon himself to forward a special message to an outside individual or parliamentary body without a formal resolution of the House.[32] The Speaker may appoint or accompany an official delegation from the B.C. Legislature to other parliaments.[33] In fact, the Speaker leads most official B.C. parliamentary delegations which attend inter-parliamentary association conferences.

Of all the above types of extra-parliamentary relations conducted by the Speaker, the most significant, in terms of his role as ambassador of the legislature, is the hosting or the leading of inter-parliamentary delegations. Table XII summarizes the range and frequency of these inter-parliamentary relations.

Table XII

Synopsis of the Range and Frequency of Relations Between B.C. Legislature and Other Parliaments and/or Governments

Classification of Extra-Parliamentary Activity	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
I. Commonwealth Parliamentary Association Activities										
A. B.C. Branch Activities										
1. Executive Meeting	no	no	no	no	no	no	no	no	no	no
2. Association Activities	no	no	no	no	no	no	no	yes	no	no
B. Canadian Region Activities										
1. Attend Regional Council Meeting	no	no	no	yes	yes	yes	no	yes	no	no
2. Attend Regional Conference	no	yes	no	yes	yes	yes	yes	n/a	yes	yes
3. Attend Regional Parliamentary Seminar	n/a	n/a	n/a	yes	yes	no	yes	yes	no	yes
4. Participate in Inter-Branch Activities (No.)	no	no	no	yes (1)	yes (1)	yes (3)	yes (2)	yes (1)	yes (2)	yes (3)
C. General Association Activities										
1. Attend General Council Meeting	no	no	no	no	no	no	no	no	no	no
2. Attend Plenary Conferenc3	yes	yes	no	yes	yes	yes	yes	yes	yes	yes
3. Attend UK Parliamentary Seminar	no	no	no	yes	yes	no	no	yes	yes	yes
4. Participate in Inter-Regional Activities (No.)	no	no	no	yes (1)	yes (1)	yes (1)	yes (1)	yes (1)	yes (1)	no
II. General I.P. Affairs										
A. No. of Conferences/Meetings/Seminars Attended	0	0	0	0	0	0	0	1	2	1
B. No. of Conferences/Groups Hosted	0	0	0	0	0	1	5	5	2	0
III. TOTALS										
A. Conferences Hosted	0	0	0	1	1	2	8	7	5	0
B. Conferences Attended	1	2	0	5	5	5	3	6	5	8

Source: Legislative Assembly, Office of the Speaker, *Administrative Files*, unpublished primary material.

The Speaker participates in two types of inter-parliamentary associations. Of the first group, the Commonwealth Parliamentary Association, three levels of activity are prevalent. These activities include activities at the branch, regional, and general association levels. The energies of B.C. speakers appear to have focused on the latter two levels of activities.[34]

Of the second group of inter-parliamentary activities, there are what may be termed general inter-parliamentary affairs. These activities include visits to and from countries not of the Commonwealth. For example, exchange visits have been held between the B.C. and Washington State legislatures.[35] The B.C. House has recently commenced exchanges with the U.S. based National Conference of State Legislatures.[36] Contacts have also been established with the inter-Parliamentary Union, and a Canadian/American parliamentary study group.[37] Some contact with a French language parliamentary association has also been made.[38] Finally, there have simply been a number of ad hoc exchanges between the B.C. Legislature and various parliaments.[39] It will now be important to summarize the historic level of activity following from the above types of inter-parliamentary relations.

Between 1970 and 1972, parliamentary relations in British Columbia were conducted on a relatively infrequent basis. For example, the extent of B.C.'s participation in the activities of the Canadian Region of the Commonwealth Parliamentary Association were confined to attendance at the 1971 regional conference. Speaker Murray, at

this conference, made a rather passionate plea for assistance to improve this situation:

> . . . there's been really a lack of activity so far as the Branch is concerned in the province of British Columbia. This is something that I have reported on for a variety of years consecutively in expressing the wish or the hope or desire that there could be some leadership from the most continuing Branch . . . I close Mr. Speaker, simply expressing regret that there has not been more activity in the province of British Columbia and also with the wish that the federal Branch, with the leadership it can and has the ammunition to handle (sic), will help us not only in British Columbia, but as has been exemplified by Speakers from other jurisdictions, the assistance is seriously needed at those levels as well. (applause)[40]

This frank admission probably explains why, in all the activities of the General council of the CPA, B.C.'s participation was restricted to attendance at two plenary conferences. Also, in the 29th Parliament, B.C. hosted no inter-parliamentary conferences. This record is a rather dismal one compared to the inter-parliamentary relations conducted by the Speaker in the next Parliament.

There is ample evidence to suggest that Mr. Speaker Dowding made significant advances in the area of inter-parliamentary relations. He attended every council meeting and conference of the Canadian region of the CPA.[41] Mr. Dowding participated in the first Canadian regional seminar on parliamentary practice and procedure. He participated in a series of inter-branch visits which resulted in exchanges between both federal and provincial parliamentarians. Dowding ensured that B.C. was represented at every plenary conference of the Commonwealth Parliamentary Association and also arranged for B.C. to send

delegates to two parliamentary seminars held at Westminster. He helped to arrange for B.C.'s participation in several inter-regional exchanges. In addition, Mr. Speaker Dowding hosted four inter-parliamentary events. He successfully lobbied the Provincial Secretary to amend the Constitution to permit M.L.A.'s to be sponsored while attending inter-parliamentary events.[42] In 1975, Mr. Dowding personally led two discussions at the regional conference of the Canadian region of the CPA. All in all, Mr. Speaker Dowding achieved a noteworthy record in the area of extra-parliamentary relations.

Mr. Dowding did, however, have less success in two other matters. Despite some effort on his part, he was not able to obtain a written constitution for the B.C. branch of the CPA.[43] He was also not able to initiate regular formal interaction among B.C. M.L.A.'s within the forum of the B.C. branch of the CPA. However, to be fair, it should be noted that no other B.C. Speaker has achieved these goals to date.

On a more positive note, Mr. Speaker Dowding did make a few inroads in attempting to involve the rank and file of B.C. M.L.A.'s in inter-parliamentary relations when he successfully convinced some M.L.A.'s to serve on host committees which were charged with the responsibility of assisting in the hosting of inter-parliamentary delegations. For example, in 1975, when B.C. hosted a delegation from the Yukon, he wrote the four parliamentary caucuses and asked each Chairman to nominate members to assist him with the hosting.[44] Mr. Dowding was not the only Speaker who experienced difficulty in motivating his colleagues to participate in inter-parliamentary relations.

Mr. Speaker Smith also had difficulty in getting CPA branch activities going in B.C. He brought his concerns to the attention of his colleagues at a Regional Council meeting in May of 1977:

> I am open to suggestions and ideas from the other delegates with respect to some means of making all of the members of the Legislature more aware of the activities of the C.P.A. . . . many of our M.L.A.'s who have not had an opportunity to attend C.P.A. functions, know very little about it . . . it is one of the areas, I must say, to which we have not paid as much attention as we should have in the past. I intend to do something about that.[45]

The extent of B.C. Branch activities within the province during Mr. Smith's tenure was confined to hosting, in September of 1977, a tour group from the 23rd plenary conference which Canada hosted that year.[46] Mr. Speaker Smith managed to attend only one of the three regional council meetings held during his tenure in the Chair. However, the attendance record for B.C. was better in the regional conferences and seminars. Mr. Smith managed to participate in five inter-branch visits. As well, B.C.'s attendance at general association events was relatively good. Under Mr. Speaker Smith, B.C.'s participation in hosting various parliamentary groups reached an all-time high. Twenty individuals or groups were received in the two and a half years that he was Speaker. Representatives from the B.C. Legislature attended fourteen conferences during this period.

The level of inter-parliamentary activity was dramatically increased in certain quarters by Mr. Speaker Schroeder. In the short time that Mr. Schroeder was Speaker before the dissolution of the 31st Parliament, he attended eight inter-parliamentary

conferences. Mr. Schroeder initiated a new form of inter-parliamentary relations for the B.C. Legislature by participating in the proceedings of the National Conference of State Legislatures. In his report to the 19th Canadian Regional Conference in New Brunswick he extended a warm welcome for parliamentarians visiting British Columbia and gave every impression of taking an activist position in extra-parliamentary relations in general.[47]

Despite all of the above activities the cost to the B.C. Legislature for inter-parliamentary relations has been extremely modest.[48] As evidenced by Table X the relative expenditures on this item have declined for eight consecutive fiscal years. Mr. Smith appears to be responsible for turning around this state of affairs. In fact, he provided more funds than any other Speaker in this period. This fact, in some measure, must demonstrate the priority he attached to inter-parliamentary relations.[49]

In summary, the Speakers in this period have all expressed a desire to participate in inter-parliamentary relations. Successive Speakers have managed to raise the level of funding for and participation by British Columbia in these events. While these efforts have proven to be some of the most noticeable ambassadorial duties performed by Speakers it will be important to review another aspect of this important part of the role of the Speaker.

The B.C. Speakers have had some limited interaction with mass publics. While the Legislature has not authorized the broadcasting of it's proceedings by either radio or television on any regular basis,

the position of the Speaker is more visible than ever before since Hansard, as well as other House documents, are issued over the signature of the Speaker and are available to a great many people.[50] As well, the Speaker has initiated a modest public information program.[51] In any event, the major reason for the Speaker interacting at all with mass publics is to provide information about the parliamentary process. In fact, a great deal of the Speaker's efforts in the area of community relations hinges upon four rather diverse educational programs.

Speakers have become active supporters of the British Columbia youth parliament. This group was founded in 1923, and meets annually in Victoria to hold a model Parliament.[52] Mr. Speaker Dowding was instrumental in encouraging this group to expand it's recuitment policy. As a result, the B.C. Youth Parliament adopted a co-educational format in 1974, and started to select it's members from a wide cross-section of provincial youth groups.[53] Speakers Smith and Schroeder adopted policies that actively supported the work of this group.[54]

A parallel model parliament emerged after 1975 in the form of the B.C. Universities Parliament. This group is similar to the B.C. Youth Parliament but is somewhat less structured. Its participants are all students at one of the provincial public universities. Nevertheless, the Speakers have supported the work of this group much the same as that of the B.C. Youth Parliament.

In recent years the public school system in British Columbia has increased the frequency with which various groups of students have visited the Legislature in Victoria.[55] For years, junior and senior high school students came from all over the province to see the House in action. Recently, elementary school students have been encouraged to attend the debates as well. In fact, Mr. Speaker Schroeder, upon assuming office in 1978, was keen to encourage elementary school groups to visit the House and to this end initiated a formal policy that gave recognition and approval of this new found interest in parliamentary government.[56]

Interest in the legislative process forms the basis of yet another educational program sponsored by the Speaker. "The British Columbia Legislative Internship Programme provides an opportunity for graduates from the three public universities in the province to gain a practical exposure to the administrative and legislative process."[57] While the program originated with the initiatives of Dr. Walter D. Young of the University of Victoria, Mr. Speaker Dowding took steps to ensure it's endorsement by the members of the legislature. The B.C. Legislature Internship Programme is now fully funded by and operated out of the Speaker's office albeit with the continuing advice and support from the Department of Political Science at the University of Victoria. The direct financial support is considerable as the current programme budget is approximately $55,000 per annum.[58] More important is that young university graduates are brought into the service of provincial parliamentarians. In summary, this programme has established

a new liaison between the Legislature and the universities, on the one hand, and the Speaker's office and most departments of government, on the other. The programme, no doubt as a result of the strong personal endorsement from three successive speakers, enjoys the full and active support of the vast majority of M.L.A.'s, all party caucuses, and various government departments. A measure of its utility can be seen by the fact that many alumni of the programme have gone on to posts in the public service, the legislature, and various ministerial offices. The Legislative Internship Programme is a good example of the kind of initiative that the Speaker can make in revitalizing the legislative process.

The Speaker has several other responsibilities in the area of public relations. He has an ongoing dialogue with many of the clergy in the province. This interaction stems from the Speaker's invitation to different clergy members each day to give the invocation in the Legislature. Through regular contacts with clergy, Speakers gain some appreciation for the perception held by the public of the Legislature.

The Speaker communicates with various members of the public on a broad range of issues. Included in these communications are special messages that the Speaker sends on behalf of the House.[59]

The Speaker has to deal with various lobbyists, historically known as parliamentary agents. While the Legislature has not been prepared to give official recognition to the role of these people the fact is that they exist and work in and around the Legislature.

The Speaker maintains channels of communication with them to ensure that the interests of the Legislature are not adversely affected by members of this group.

The Speaker has regular and informal relations with the Legislative Press Gallery. The press are permitted to work in the legislative precincts but exist at the sufferance of the Speaker. Members of the gallery are constantly seeking the Speaker's advice on a wide range of procedural matters. Speakers are scrupulously discrete in not discussing members' affairs. The Speakers office is one of those sanctuaries where anyone, including the press, can have a frank discussion with the Speaker and be assured of total confidentiality.

The above discussion has attempted to detail the assortment of abassadorial duties performed by the Speaker. It is clear that a drastic change occured after 1972 when the position of Speaker became a full time parliamentary role. Before 1972, few ambassadorial duties were assigned to or performed by the Speaker. In fact, the Legislative Assembly does not, even today, formally assign ambassadorial duties to its Speaker. Speaker Dowding established an activist role in these matters which has been continued, to one degree or another, by his successors. The Speaker simply assumed a leadership role as ambassador of the Legislative Assembly after 1972.

CHAPTER 6--NOTES

[1]The use of the term "ambassador" is justified on the grounds that the Speaker is the only elected parliamentary officer authorized to act as the representative of the legislature. See William Morris, Ed., *The Heritage Illustrated Dictionary, International Edition* (New York: American Heritage Company, 1973), p. 40. The definition of the term "ambassador" reads, in part:

> 1. A diplomatic official of the highest rank appointed and accredited as representative in residence . . .
>
> 4. Any authorized messenger or representative . . .

[2]See Ronald I. Cheffins and Ronald N. Tucker, "Constitutions" in *The Provincial Political Systems: Comparative Essays*, Ed. David J. Bellamy, Jon H. Pammet, Donald C. Rowat (Toronto: Methuen, 1976), pp. 258-260. See also Elmer A. Driedger, "A Consolidation of the British North America Acts 1867-1960" (Ottawa: Queen's Printer, 1967), p. 7. Section 92(1) of the B.N,A. Act allows the provinces to amend their constitutions "except as regards the office of the Lieutenant-Governor."

[3]See RSBC, 1960, Ch. 71.

[4]See SBC, 1974, Ch. 20, Sec. 10.

[5]*Ibid.*, sec. 10. This provision seems to be somewhat redundant given the statutory requirements of the Parliamentary Association Conferences Act, RSBC, 1960, Ch. 275, Sec. 3(1) and (2).

[6]*Loc. Cit.*

[7]British Columbia, Legislative Assembly, *Standing Orders* (Victoria: Queen's Printer, 1979). See, for example, standing orders 120 and 121:

> 120. Every parliamentary agent conducting proceedings before the House shall be personally responsible to the House and to Mr. Speaker for the observance of the rules, orders, and practices of parliament, and any rules prescribed by Mr. Speaker . . .

and

> 121. Any agent who shall wilfully act in violation of the rules and practices of parliament, or of any rules prescribed by Mr. Speaker . . . shall be liable to an absolute or temporary prohibition to practice as a parliamentary agent, at the pleasure of Mr. Speaker.

[8]Along with the rules such as standing order 23 which empowers the Speaker, as the presiding officer, to eject strangers from the House and/or it's galleries.

[9]See Legislative Assembly, *Standing Orders*. For example, standing order 1 reads:

> General Rule
>
> 1. In all cases not provided for hereafter or by sessional or other orders, the usages and customs of the House of Commons of the United Kingdom of Great Britain and Northern Ireland as in force at the time shall be followed as far as they may be applicable to this House. (page 1)

[10]RSBC, 1960, Ch. 275.

[11]*Ibid.*, sec. 3(1) and 3(2).

[12]*Loc. Cit.*

[13]See British Columbia, Legislative Assembly, *Journals*, 1970-1979, passim. See also British Columbia, Legislative Assembly, *Decisions of the Speakers of the Legislative Assembly of British Columbia* (Victoria: Queen's Printer, periodical). Five volumes of Speaker's Decisions have been prepared as follows:

> Volume I 1877-1915 (published in 1915)
> Volume II 1916-1930 (published 1930)
> Volume III 1931-1943 (published in 1944)
> Volume IV 1944-1963 (unpublished loose-leaf material)
> Volume V 1964-1975 (unpublished loose-leaf material)

[14]See *Journals*, 1971, Vol. 101, p. 148. See sections 2 and 3 of Bill 90. The bill was ruled out of order on April 1, 1971. See Hansard for that date at p. 49.

[15]*Journals*, 1971, Vol. 101, p. 224.

[16]The Royal Family appears to call rarely in British Columbia. The following dates reflect the frequency of these visits:

May 30, 1939:	Her Majesty Queen Elizabeth His Majesty King George VI
October 22, 1951:	His Royal Highness the Duke of Edinburgh Her Royal Highness the Princess Elizabeth
July 14, 1958:	Her Royal Highness the Princess Margaret
July 16, 1959:	Her Royal Highness Queen Elizabeth II His Royal Highness the Duke of Edinburgh
August 12, 1978:	His Royal Highness the Prince Phillip His Royal Highness the Prince Charles
1979:	His Royal Highness the Prince Andrew

[17]A search of the Journals between 1970 and 1979 reveals no references to visits of either the Governor-General or the Queen to British Columbia at least while the House was in session. The last Royal visit of a reigning monarch occurred on July 16, 1959, when Queen Elizabeth and Prince Phillip were received in British Columbia. Once again, the House was not in session at that time.

[18]See Beauchesne, *Rules and Forms*, 5th edition, p. 58. "The Governor-General does not give any orders to the members of the Commons, neither does he tell them to present their Speaker to him for approbation." p. 58.

[19]The Legislative Internship Programme is an educational programme designed to further the training in public affairs of selected graduates from the three B.C. public universities. For further information on this programme see a brochure entitled "Legislative Internship Programme: General Information" issued by the Office of the Speaker in November, 1978 and re-issued in October, 1979.

[20]The Speaker is the president of the British Columbia branch of the Canadian Region of the Commonwealth Parliamentary Association. The leader of the official opposition and the Premier are each vice-presidents of the British Columbia Branch. The clerk of the House is the Honorary Secretary.

[21]See the response to question No. 116 submitted by British Columbia to a questionnaire on parliamentary procedure conducted by the Library of Parliament. See H. Immangeon, "Survey of Seven Provinces Replies to the Questionnaire on Parliamentary Procedure" (Ottawa: Library of Parliament, unpublished occasional paper, August 14, 1973), p. 51:

> 116. . . . regular CPA functions are not held within British Columbia . . .

[22]See, for example, a letter from Premier W.R. Bennett to Mr. Speaker Smith dated August 9, 1976.

[23]See a memorandum dated May 12, 1975 from the Honourable D.D. Stupich to the Honourable G.H. Dowding, Speaker of the Legislative Assembly. For example, in 1975, the Minister of Agriculture asked Speaker Dowding to host a group of elected councilors from the Yukon. Speaker Dowding assembled such a program. In 1975, Premier Barrett asked Mr. Speaker Dowding to receive the President of Iceland which he did on August 8, 1975.

[24]Administrative files, Speaker's office.

[25]Administrative files, Speaker's office. He had apparently got written agreement to follow such a procedure from Premier Barrett sometime in August, 1973.

[26]Mr. Speaker Schroeder asked the leaders of the parties in the House for suggestions for the delegates for various inter-parliamentary relations events. See, for example, a memorandum dated June 14, 1979 to Mr. Dave Barrett, Leader of the Opposition.

[27]See "A Report on the Events Pertaining to the British Columbia Tour of the 23rd Annual Commonwealth Parliamentary Association Conference hosted in British Columbia between September 12-15, 1977" which was tabled in the Legislature on September 27, 1977. The author of this thesis was privileged to serve as the tour co-ordinator for this event and wrote the above report for the Speaker and members of the Legislature.

[28]See the report of the Canadian Regional Council Meeting of the Commonwealth Parliamentary Association for 1979. Mr. Speaker Schroeder will Chair this conference which is the 20th Canadian Regional Conference of the CPA. He has appointed Mr. David Adams, a former legislative intern, as conference co-ordinator.

[29]It is important to acknowledge that, at least in British Columbia, the vast majority of inter-governmental, inter-jurisdictional, or similar external relations are conducted by members of the Executive Council or the Premier per se on behalf of the Government of British Columbia. Inter-parliamentary communications, pure and simple, are infrequent but when they do transpire involve the Speaker of the House.

[30]While it is impossible to accurately or precisely quantify this assertion it is possible to support this statement. The writer has personally been responsible for most inter-parliamentary visits since November, 1977 and has witnessed more and more parliamentarians coming to British Columbia. This observation is supported by Mr. Speaker Schroeder's report to the Canadian Regional Conference in 1978 and in 1979:

> 1978: In the short few weeks I have occupied the Speaker's office, we have already watched a number of delegations coming through, particularly from the lands of Australia and New Zealand. (p. 11 of the proceedings)
>
> 1979: We in British Columbia are located strategically for visitors and we have a constant and very welcome flow of guests from down under who stop in to say hello. (p. 31 of the proceedings)

[31]For example, the Journals of the House indicate that on December 8, 1978 Mr. Speaker Schroeder was asked to forward a message of condolence on the death of Golda Meir, former Prime Minister of Israel. See the Journals at p. 164. A similar request was made on May 10, 1978 on the occasion of the violent and tragic death of Italian Prime Minister Aldo Moro. See the Journals at p. 66.

[32]For example, from May 11, 1978 to March 28, 1979, Mr. Speaker Schroeder sent no fewer than eleven special letters to outsiders on behalf of the House and only one was pursuant to a formal resolution. See Speaker's office, administrative file entitled "Special Messages."

[33]For example, Speaker Dowding sent several groups of M.L.A.'s to different jurisdictions to further specific aspects of his ongoing crusade for parliamentary reform under the terms of the Legislative Procedure and Practice Inquiry Act. In November, 1973,

a group of B.C. M.L.A.'s were sent to Quebec City on a specific assignment. In April, 1975 Mr. Speaker Dowding met with officials on the Canadian Radio and Television Commission on televising the B.C. Legislature. This latter transaction was carried out during a meeting of the Regional Council of the Canadian Region of the CPA.

[34]However, it must be acknowledged that Mr. Speaker Dowding made some effort to have a constitution drafted and adopted for the B.C. Branch of the CPA, presumably as a precursor to some level of activity for the branch. Drafts of such a branch constitution were located during a recent file search of inter-parliamentary files in the Speaker's office.

[35]For example, the Governor of the state of Washington (The Honourable Dan Evans), addressed the B.C. Legislative Assembly on October 19, 1973. See the Journals at page 97. The N.D.P. were very interested in Canadian-American relations in general and B.C.-Washington State in particular. See, for example, Mr. Barrett's statement on the occasion of an announcement of a joint symposium on Canadian-American relations to be held in 1974. See the Journals for February 22, 1974, at p. 37 and see Province of British Columbia, Legislative Assembly, *Debates* (Victoria: Queen's Printer, 1974, vol. 1), pp. 475-6.

[36]See Commonwealth Parliamentary Association, Canadian Region, *Proceedings of the 19th Canadian Regional Conference* (Ottawa: 1979).

[37]*Ibid*.

[38]*Ibid*.

[39]See Table XII.

[40]Commonwealth Parliamentary Association, Canadian Regional Council, *Proceedings* (Ottawa, 1971: pp. 18-19).

[41]See the annual proceedings of the Canadian Regional Conference.

[42]See particularly the 1974 Canadian Regional Council Conference document.

[43]In his 1973 report to the Canadian Regional Conference of the Commonwealth Parliamentary Association Mr. Speaker Dowding was extremely optimistic about the future of inter-parliamentary relations

in British Columbia. He expressed an interest in a constitution for the B.C. Branch of the CPA. He also stated that he wanted to host more conferences so much so that he claimed that the B.C. Legislative Chambers had been specifically renovated for this purpose.

[44]See a memorandum dated June 10, 1975 held in the Speaker's administrative files.

[45]See the report of the Canadian Regional Conference for 1977 that summarized the Regional Council meeting held in Ottawa between May 13-15, at p. 5.

[46]See the report of the 1977 tour group alluded to in footnote 27 above.

[47]Commonwealth Parliamentary Association, Canadian Regional Council, *Proceedings* (Ottawa: 1979), pp. 30-31.

[48]Mr. Speaker Dowding did, however, complain about the lack of positive results produced by inter-parliamentary relations in the matter of parliamentary reform. See his reports under the Legislative Procedure and Practice Inquiry Act.

[49]The expenditures for inter-parliamentary relations under the various Speakers were:

Speaker	Amount*	Fiscal Years
Murray	$20,058	1970, 1971, 1972
Dowding	$21,570	1973, 1974, 1975
Smith	$59,909	1976, 1977, 1978
Schroeder	$20,825	1979

*These figures are not pro-rated to coincide precisely with the actual terms of office of each of the Speakers.

[50]See for example, Orders of the Day, Votes and Proceedings, and Hansard reports but not bills.

[51]The public information program in place includes a colourful brochure on the B.C. Legislative process and two very bland sheets, one being a list of members and one a seating plan in the chamber. While these materials provide a certain amount of basic information a great deal more could be done in this matter. Mr. Speaker Schroeder recognized the deficiencies in this regard and made a commit-

ment in July 1979 for improving the information on the Legislative Assembly when he appointed the author as a special consultant to produce an up-dated public information programme.

[52]See British Columbia, Youth Parliament, Legislative Assembly, *Journals* (Victoria: December 1979, private publishers), p. 159f.

[53]See the Speaker's office, administrative files.

[54]Such support included free use of the Legislative Chamber, committee rooms, House public address equipment, as well as the Sergeant-at-arms staff to provide assistance and security services. The B.C. Youth Parliament receives an annual grant from the Provincial Secretary.

[55]The Legislative Tour Office provides tours for school groups as well as tourists visiting British Columbia. The following figures give an overall summary of the number of tours and visitors (including school groups and tourists), for the last five years:

Year	Tours	Visitors
1979	6,102	176,721
1978	6,048	170,386
1977	5,540	164,974
1976	5,672	148,996
1975	6,176	176,485

Source: British Columbia, Ministry of Provincial Secretary, Legislative Tour Programme, *Summary of Tours, 1979-1975*. (Victoria: unpublished administrative information) Lynn McCaughey, Tour Co-ordinator, estimates that in 1979 approximately 17,000 of the total number of visitors to the Legislature were school students from British Columbia who received a free lecture tour on the Buildings and the B.C. legislative process as well as brochures on the same.

[56]This policy was codified in a memorandum to all M.L.A.'s from Mr. Speaker Schroeder dated June 20, 1979.

[57]See Legislative Assembly, Office of the Speaker, "Legislative Internship Programme: General Information" (Victoria: Queen's Printer, 1978), p. 1.

[58]The Legislative Internship Programme has a programme budget that, according to the financial management report dated February 29, 1980 was at $54,775 per annum.

[59]As fate would have it the messages of condolence far outweigh the messages of congratulation. Examples of the former include condolences on the passing of former M.L.A.'s; on February 7, 1977 Mr. Speaker undertook to write to the family of Rae Eddy, a former M.L.A. who passed away. See the Journals for 1977, p. 35. The same type of message was required on February 17, 1977 on the passing of Jacob Huhn.

CHAPTER 7

THE SPEAKER AS PARLIAMENTARY REFORMER

This chapter will assess the extent to which the Speaker has been an agent of change within the legislative process in British Columbia. A two-pronged approach will be adopted. On the one hand, are there any requirements for the Speaker to act as a parliamentary reformer? On the other hand, to what extent have the last four Speakers attempted to reform the Legislature? If the latter case exceeds the former, it will be possible to conclude that the Speaker has fulfilled a leadership role in the matter of parliamentary reform. It will be necessary to begin the examination by reviewing the formal and informal imperatives imposed upon the Speaker in this regard.

Prior to October, 1972, there were absolutely no formal imperatives requiring the Speaker to consider the matter of parliamentary reform. The constitution of the province of British Columbia did not even consider the matter let alone suggest that the Speaker play a role in it.[1] A search of other statutory instruments has yielded similar results.[2] The standing orders of the legislature do not refer either to parliamentary reform per se nor do they suggest duties for the Speaker in this connection.[3] Thus, until 1972, the Speaker was not required to take any initiatives in reforming the legislative process.

A major change in the formal imperatives placed upon the Speaker in the matter of parliamentary reform came at the first session of the 30th Parliament. In October, 1972, the newly elected N.D.P. government passed the Legislative Procedure and Practice Inquiry Act.[4] The explanatory note accompanying Bill 12, The Legislative Procedure and Practice Inquiry Act, stated that:

> The purpose of this Bill is to authorize the Speaker of the Legislature, or such other persons as he may appoint as a Committee, to review, inquire into, and investigate the practices and procedures of the Legislative Assembly and it's Committees, with a view to modernizing all aspects of the conduct of the business of the Legislative Assembly and making it's business more relevant and accessible to the public.[5]

This bill gave the Speaker considerable opportunity to take initiatives in formulating proposals for parliamentary reform.

Section 1 established that the Speaker could act as a special Commissioner to study a comprehensive list of parliamentary reforms. However, contrary to some opposition claims at the time, the legislation did not give the Speaker the power to unilaterally change any aspect of the provincial legislative process.[6] The Speaker was simply authorized to consider the issues, hire the staff he considered necessary, and prepare a report that he was required to submit to the legislature at the opening of each session.[7] Generally speaking, the bill was well received by all four parties in the House as it was quickly passed into law.[8] A reading of the debates at the time reveals that the bill was not only government policy but of some considerable priority for the new government.[9] The underlying moti-

vation for introducing the bill seems to lie in the frustrations fomented by decades in opposition that had been experienced by the N.D.P. This statement is supported by reference to the passionate speech proffered by Robert Strachan, then Minister of Highways in the N.D.P. administration and also a former Opposition leader, when he spoke in support of the bill at second reading:

> We simply have to make the system work and that's why this Bill is before us today. It's a genuine effort on the part of this government to revamp the rules. To rewrite the procedures. To allow the fullest possible participation. To maintain the strength of responsible government and increase the responsibility of the individual member. And only by so doing can we restore that respect for politics which in turn will bring respect for politicians.[10]

The end result of this initiative provided the Speaker with statutory authority to play a leadership role in the matter of parliamentary reform. This development was a major break-through for the office of Speaker. Prior to this legislation, there is no evidence to suggest that the Speaker played either a formal or informal role in the matter of parliamentary reform.[11] In fact, with the exception of the introduction of Hansard in 1970 and staff concessions to the Opposition in 1971, parliamentary reform was next to non-existent before 1972.

The second part of this discussion must focus upon the substantive efforts, both formal and informal, that Speakers have actually made to change the legislative process since 1972. For purposes of analysis, the formal efforts towards parliamentary reform will be defined as those that are outlined in the six reports produced under

the authority of the Legislative Procedure and Practice Inquiry Act or those implemented by resolution of the House or those established by legislative amendment. For convenience, the Legislative Procedure and Practice Inquiry Act reports are summarized in Table XIII. The informal contributions to parliamentary reform are defined as those agreements extracted by the Speaker on a more ad hoc basis. These achievements are enumerated in Table XIV and many of them have been referred to elsewhere in the thesis. In any event, a review of both types of reforms should shed some light on the extent to which Speakers have seized the opportunities available to advance the cause of parliamentary reform in the B.C. Legislature.

The vast majority of the efforts made towards formal parliamentary reforms are contained in the six reports produced under the Legislative Procedure and Practice Inquiry Act. Three successive Speakers have used this legislation to produce studies which to date have ranged across some thirty topics and produced no fewer than twenty-eight formal recommendations for parliamentary reform.

Speaker Dowding wrote the first five reports.[12] In successive reports he seemed to move away from generating specific formal recommendations to producing reports that were more of a discussion paper in nature.[13] All of Dowding's reports followed a similar format: Firstly, study and report on a number of specified matters and, when they were proffered, the formal recommendations suggested reference to the Select Standing Committee on Standing Orders and Private Bills for consideration and possible implementation by the House.[14] Speaker

Table XIII

Formal Proposals for Parliament Reform in B.C. Under the Legislative Procedure and Practice Inquiry Act, 1972-1978

Report Number	Date of Presentation	Commissioned By	Written By	Number of Formal Recommendations	Number of Topics Covered	Subsidiary Reports
1	February 12, 1973	G.H. Dowding	G.H. Dowding	9	9	2
2	September 28, 1973	G.H. Dowding	G.H. Dowding	7	7	0
3	February 14, 1974	G.H. Dowding	G.H. Dowding	0	7	0
4	June 20, 1974[1]	G.H. Dowding	G.H. Dowding	0	3	1
5	March 4, 1975[2]	G.H. Dowding	G.H. Dowding	6[4]	3	1
6[3]	June 28, 1978	H.W. Schroeder	E.G. MacMinn	6[5]	1	0
TOTALS 6	-	-	-	28	30	4

TABLE XIII–NOTES

[1]Report was dated June 20, 1974 but tabled in the House on August 9, 1974.

[2]Report dated March 4, 1975 but tabled in the House on March 5, 1975.

[3]This report has not been printed by the Queen's Printer to date. While it is the sixth in the series under the Legislative Procedure and Practice Inquiry Act it does not carry the label "Sixth Report."

[4]These formal recommendations were the product of the subsidiary report by Professor Edward McWinney.

[5]Actually these recommendations were not formally stated as in Reports 1 and 2 but were opinions/proposals subordinate to the main recommendation which contemplated a major overhaul of the Legislative Committee system.

Table XIV

Parliamentary Reform Via Informal Processes, 1972-1978

Description	Initiative	Date	Means
Building Restoration/ M.L.A.'s Legislative Office space	G. Dowding	1972-1973	Lobby Minister of Public Works
M.L.A.'s Legislative Staff	G. Dowding	1972	Creative use of section 44 of the Constitution Act and S.O. 95(4) and 92
Constituency Secretary Programme	G. Dowding	1972	Creative use of section 44 of the Constitution Act and S.O. 95(4) and 92
Legislative Intern Programme	G. Dowding/ E. Smith	1974	Implementation of proposal from Dr. W.D. Young of University of Victoria
Member's Orientation Course and Handbook	E. Smith	1976	Personal Initiative
Parliamentary Space Committee	E. Smith	1976	Agreement with Provincial Secretary and Minister of Public Works
Legislative Ceremonies Management	H. Schroeder	1978	Agreement from Provincial Secretary

Dowding also used committees of M.L.A.'s for various investigatory assignments.[15] He was prepared to adopt procedures from other jurisdictions when he believed them both suitable and useful.[16] Speaker Dowding seemed to be anxious to commence broadcasting the proceedings of the B.C. Legislature.[17] He spent a great deal of his time on this single issue[18] and while he seemed to recognize that the electronic broadcasting of the legislature would change its very character, he was prepared to accept some of the attendant dysfunctions.[19] Speaker Dowding was fortunate enough to acquire internationally acknowledged expertise to assist in some parts of his reform program.[20] In spite of all Mr. Dowding's good intentions[21] and his numerous recommendations[22] it appears that less than 30 per cent of his formal reform initiatives were ever implemented.[23] For example, in the matter of question period both the House and the government chose to ignore the recommendations of Mr. Dowding. Perhaps, if Mr. Dowding had remained in office longer more of his labours would have come to fruition. Nevertheless, he established many precedents for an activist role for the Speaker in the matter of parliamentary reform. It is interesting to note that his successors have attempted to replicate, to one degree or another, his activities in this area.

Speaker Smith utilized the authority of the Legislative Procedure and Practice Inquiry Act to establish the MacMinn Commission on Parliamentary reform. While it appears that the idea of the Commission may have originated with George MacMinn,[24] a former Deputy Clerk and

Law Clerk of the Legislative Assembly, Mr. Speaker Smith seized this opportunity to engage an experienced parliamentary officer to conduct a very useful study. Mr. MacMinn was asked to prepare a B.C. parliamentary authority similar in nature to Beauchesne as well as to prepare a procedural handbook for all M.L.A.'s. He was also asked to submit recommendations for amendment of the long outdated standing orders.[25] While Speaker Smith was warmly endorsed by several legislative leaders[26] he did not remain in office long enough to receive credit for his initiatives in this matter.

Speaker Schroeder not only continued the work of the MacMinn Commission but decided to expand upon it. On October 24, 1978, Mr. Speaker Schroeder wrote to Mr. MacMinn and instructed him to conduct a major review of legislative committees:

> In addition to those tasks already assigned to you under the Legislative Procedure and Practice Inquiry Act, it is my desire that you direct your attention to the broad structure of Committees of the Legislature. Please include in your studies all functions of Committees, whether they be select or special or of the whole House, or of a statutory nature.[27]

On June 28, 1978, Mr. Speaker Schroeder tabled the first report of the MacMinn Commission on Parliamentary Reform.[28] Ironically, the above report dealt with one of the topics that Mr. Speaker Dowding did not manage to deal with.

In addition to the above formal initiatives, it is quite likely that various Speakers have either initiated or, at the very least, provided input into several constitutional amendments and amendments

to the standing orders. For example, Speaker Dowding made representation to the government that resulted in the 1973 amendment to the Constitution Act. This amendment dealt with the revisions of the Speaker's salary and the expansion of the authority and general arrangements for legislative committees.[29] The same assertion can be made for the 1974 amendment to the Constitution Act. In this latter case, the Speaker's authority has been clarified insofar as the summoning of the House is concerned and in the designation of delegates for inter-parliamentary events.[30] He designates delegates for inter-parliamentary exchanges but seeks the advice of government and opposition caucus leaders. The Speaker has played a role in reform of the standing orders. For example, Speaker Murray was consulted by then Provincial Secretary Wesley Black prior to the introduction of standing order 129, which established Hansard on April 30, 1970. Speaker Dowding played a role in the expansion of Hansard and the concomitant amendments to standing order 129 that were passed on February 21, 1973. We have seen that Speaker Dowding instigated the official reinterpretation of standing order 25 which facilitated an oral question period. Mr. Dowding's own recommendations resulted in the introduction and approval of standing order 45A.[31] While there are several other examples available[32] the point has been made; the Speaker has played a considerable role in introducing formal procedural reforms since 1970.

The Speaker has also played a role in expediting reforms on a less structured basis as we can see in the data in Table XIV. While

each of these areas are important extensive elaboration is not required as these issues were fully discussed in the previous chapter. Suffice it to say that these initiatives have become successful programmes operating under the aegis of the Speaker although none of them have formal or codified recognition. These initiatives are simply further proof of the utility of the leadership role in parliamentary reform for the Speaker.

It is possible to place all of the above descriptions of the reform activities of the Speaker into two categories. Firstly, the Speaker has helped to establish a reform process, a structure to house this type of work, in the form of the Legislative Procedure and Practice Inquiry Act. Secondly, the Speaker has played a useful role in actually reforming the legislative process. Legislative reforms per se have related to three sub-categories; those relating to the role of the M.L.A., those relating to purely procedural issues, and finally those relating to institutional issues on a larger scale.

Probably the most major achievement of this period was the establishment of the mechanism for parliamentary reform which as a tenet of it's existence recognized the leadership role of the Speaker in this matter. Actual reforms to date have been more modest than those anticipated by some Speakers. The ability of the Speaker to lead his colleagues is a relative matter dependent to some extent on the receptivity of the Executive who in turn control the majority of the members of the legislature.

CHAPTER 7--NOTES

[1]See RSBC, 1960, Ch. 71. In fact the 13 amendments to the Constitution Act in the period from 1961 to 1979 did not change the constitutional status quo in this regard. See also SBC, 1961, Ch. 10; SBC, 1962, Ch. 13; SBC, 1963, Ch. 9; SBC, 1965, Ch. 6; SBC, 1966, Ch. 11; SBC, 1967, Ch. 13; SBC, 1970, Ch. 7; SBC, 1972, Ch. 15; SBC, 1973, Ch. 20; SBC, 1974, Ch. 20, SBC, 1976, Ch. 13; SBC, 1978, Ch. 14; SBC, 1979, Ch. 35.

[2]See Legislative Assembly Privileges Act, RSBC, 1960, Ch. 215.

[3]See British Columbia, Legislative Assembly. *Standing Orders* (Victoria: Queen's Printer, adopted February 20, 1930). These orders are authorized by the House pursuant to Section 50 of the Constitution Act and may be amended at any time upon resolution of the House.

[4]SBC, 1972, second session, Ch. 6. Bill 12, The Legislative Procedure and Practice Inquiry Act, was introduced as a message bill by the Honourable Ernest Hall, Provincial Secretary on October 17, 1972. It was given second reading on October 24, 1972, considered in Committee on October 25, 1972, and given third reading on that same day. The Bill was given Royal assent by the Official Administrator on October 27, 1972.

[5]SBC, 1972, Second session, p. 3.

[6]The spokesman for the official opposition, Social Credit M.L.A. Pat Jordan, enumerated a number of concerns that she had about the Bill, not the least of which erroneously centered upon an assumption that the Speaker was somehow being licensed to alter, to the apparent detriment of the opposition and the public, the process of democracy in British Columbia. See Hansard for October 24, 1972, especially pp. 182-4. Mrs. Jordan was rebuffed by both the Provincial Secretary (see p. 198) and the leader of the Conservative Party (see p. 187). In fact, the Honourable W.A.C. Bennett, subsequently neutralized the support of a Liberal amendment to the Bill when he accepted the word of the Provincial Secretary to the effect that any recommendations for parliamentary reform would be duly referred for consideration by an all-party committee. See *Hansard*, pp. 307-8.

[7]See sections 2, 5 and 7, of the Bill.

[8]The Liberal, Conservative, and Social Credit parties supported the Bill. See *Hansard* for October 27, 1972, pp. 185-187.

[9]The fact that the Bill was introduced by the Provincial Secretary is proof that it was government policy. This fact was re-iterated by Mr. Hall on his opening remarks (see Hansard, p. 181). Premier Barrett, during committee stage on the Bill, was also keen to see the Speaker bring in recommendations for parliamentary reform. See *Hansard*, October 25, 1972, p. 305.

[10]British Columbia, Legislative Assembly. *Official Reports of Debates* (Victoria: Queen's Printer, October 24, 1972), p. 195. Referred to as Hansard.

[11]In fact, in his first report filed pursuant to the Legislative Procedure and Practice Inquiry Act, Speaker Dowding lamented the fact that between 1893 and 1972 the procedures used in the B.C. House remained virtually unchanged. Dowding firmly believed that parliamentary reform should be a continuous process. See Legislative Procedure and Practice Inquiry Act, *First Report*, p. 1f (L.P.P.I.A.).

[12]Except for the majority of report No. 5 which was written by Professor Edward McWhinney who had been appointed as a special Commissioner under the terms of the L.P.P.I.A. by Speaker Dowding.

[13]Compare reports 1 and 2 with 3 and 4. In fact, by report No. 4 Speaker Dowding appeared somewhat frustrated by the slowness of his reform program. See p. 4 of Report No. 4.

[14]See L.P.P.I.A., reports 1-5.

[15]See for example the subsidiary reports appended to L.P.P.I.A. reports 1, 4, and 5. A memorandum dated April 22, 1974, from Speaker Dowding to the Members Legislative Facilities Committee lists the 12 M.L.A.'s on this all-party Committee, sets out 9 areas of concerns, and establishes fairly clear terms of reference for the work of this committee.

[16]See L.P.P.I.A., Second Report, recommendation No. 1.

[17]See a memorandum dated November 9, 1973, from Speaker Dowding to Bill Hartley. Also see a memorandum dated December 13, 1973, to all cabinet ministers.

[18]See First Report, recommendations 2, 7 and 8; Second Report, recommendations 1, 2; Third Report, sections 2 and 5; Fourth Report, the entire issue.

[19]See L.P.P.I.A., Second Report, recommendation 1.

[20]Professor Edward McWhinney, an internationally recognized constitutional authority, accepted Mr. Dowding's offer to submit a report on the legal implications of broadcasting the proceedings of the Legislative Assembly. See L.P.P.I.A., Fifth Report.

[21]Mr. Dowding's goals at parliamentary reform were, in addition to those enumerated in the L.P.P.I.A., carefully enumerated in his first report. They included a desire to modernize or introduce:

1. private members day;
2. committees for budgetary matters;
3. committee chairmen;
4. committee for determining the length of debate;
5. committee for House business;
6. research and information services for M.L.A.'s;
7. accommodation for M.L.A.'s;
8. procedures for public bills fielded by private M.L.A.'s;
9. executive monitoring committee; and
10. general legislative committee requirements.

See p. 29, L.P.P.I.A., *First Report*.

[22]See Table XIII. Twenty-two recommendations were fielded in Mr. Dowding's five reports.

[23]A survey of the Journals of the House suggests that only a few of the 28 formal recommendations were referred to the Select Standing Committee on Standing Orders and Private Bills and only 8 measures were finally adopted (approximately 28.5 per cent of the total).

[24]Memorandum from George MacMinn to Ed Smith dated March 24, 1977.

[25]A letter from Speaker Smith to George MacMinn dated May 9, 1977.

[26]The Honourable Garde Gardom, Attorney-General and government House leader, and Gordon Gibson both took the time to write to Speaker Smith, firstly on June 6, 1977, and secondly on June 14, 1977, to endorse the initiative.

[27]Letter from Speaker Schroeder to George MacMinn. It is appended to Schedule A of the MacMinn Report.

[28]British Columbia, Legislative Assembly, *Journals* (Victoria: Queen's Printer, June 28, 1978), p. 151.

[29]SBC, 1973, Ch. 29, see sec. 12 and 19.

[30]See SBC, 1974, Ch. 20, sed. 2 and 10.

[31]Standing order 45A concerns time limits on debates. This issue was so strongly contested by the Social Credit opposition that the order took almost a month to get through the House, being introduced on May 30, 1974, and passed on June 20, 1974. The Bennett administration repealed it in June, 1977.

[32]For example:

Standing order 50 from LPPIA, First Report, recommendation 9; standing order 68(1) also LPPIA First Report, recommendation 3. Introduction of money bills were streamlined.

CHAPTER 8

CONCLUSIONS

In Chapter 1, it was determined that the general goal of the thesis would be to gain some insight into the nature of the role of the Speaker in the legislative process in British Columbia. Specifically, it would be important to ascertain if the Speaker played a leadership role within the legislative process. To achieve this goal, some background discussion of the history of the Speakership, in both Britain and Canada, was provided. This discussion was further enhanced with an overview of the legislative process in British Columbia since 1970. Following these preliminary excursions into the subject, the paper then became an analysis of the four principle components of the provincial Speakership.

To recapitulate, Chapter 1 attempted to provide the reader with some perspective of the Office of Speaker as it evolved within the British Parliament. We noted that the Speakership preceded, by several centuries, the creation of an elected executive. We also learned that British Speakers were able to forge the Speakership into a great office. Over a long period many traditions, principles, laws, and conventions were developed to sustain and enhance the role of the British Speaker as a parliamentary leader. The British model of the Office of Speaker became a major institutional export during

the colonial period. Canada, firstly as a British crown colony and secondly as a federation, established fourteen Speakerships based upon the British model.

In Chapter 2, it was noted that, although the Speakership of the Canadian House of Commons was fashioned after the British model, it required nearly a century of evolution before the principal features of the Canadian Speakership approximated those at Westminster. Interestingly enough, major reforms of the Canadian Speakership were recently initiated from outside Parliament. These externally activated reforms became a matter of government policy. In fact, the Pearson government recognized the need to transform the Speakership into a leadership role. These reforms were bolstered by Speaker Lamoureux who laid the foundation for an impartial and tenured chair when he was re-elected, both as an independant M.P. and as Speaker, in 1968. In that same year appeals from the Speaker's rulings were abolished as part of a modernization of the Standing Orders. In 1979, Speaker Jerome became the second Opposition M.P. to be elected to the Office of Speaker. Thus, the Speakership of the House of Commons has been transformed into a leadership role in the Canadian Parliament.

In Chapter 3, it was noted that the legislative process in British Columbia experienced significant change after 1970. The three Parliaments between 1970 and 1979 witnessed the evolution of a polarized two party political system in British Columbia. The role of the provincial M.L.A. became, for the first time, publicly acknowledged to be a full time political office. The Legislature operated throughout

the year during this period. Naturally, the Speakership became a full time parliamentary office. Four Speakers attempted to serve the Legislature in a role that was itself in a state of transformation. Throughout this period, the Speakership was constrained by political factors. These factors included a tradition of executive dominance in the Legislature which, coupled with the general political polarization in the province, seems to have prevented the growth of a non-partisan parliamentary tradition. Rather, the Legislature continued to be a very partisan institution presided over by a Speaker whose skills, endurance, and patience were under constant trial. The Office of Speaker has been materially affected by several changes in the legislative process. Perhaps the most dramatic changes were the extended operation of the Legislature, the establishment of a full time Speakership, and the introduction of a rudimentary legislative bureaucracy.

In Chapter 4, an attempt was made to assess the extent to which, as presiding officer, the Speaker was the master or servant of the Legislative Assembly--a body habitually dominated by government in British Columbia. It was discovered that the formal authority of the presiding officer was signficantly expanded in the 1970's. The full time nature of the presiding officer's position resulted in the assignment of a much higher salary. This development was de facto recogntiion of a change in the nature of the position.

However, the above developments were limited in two ways. Firstly, the authority of the presiding officer was still seriously constrained

by the fact that appeals to rulings of the Speaker, except for those in Question Period, were still possible under the rules. This measure results in decisions of the Speaker being ratified by the government majority which, in turn, reduces the credibility of the Chair in the eyes of the Opposition. Secondly, the salary of the presiding officer was equated to that of the Leader of the Opposition and, as such, was less than that provided for cabinet ministers. This suppressed status for the presiding officer was further reflected in his relatively low position in the B.C. Table of Precedence. The above factors suggest that the position of Speaker is not as valued in British Columbia as it is in other parliamentary jurisdictions. The Speakership cannot be said to be totally free from government.

In fact, the advantages of an enhanced Speakership do not appear to be appreciated by either of the major parties represented in the British Columbia Legislature. Governments throughout the period have, on balance, demonstrated a somewhat ambivalent attitude towards the Chair. Speakers are still materially affected by government policy in many matters. While the role of the presiding officer has become progressively more difficult in an increasingly polarized Legislature, governments have still not accepted the need for the Speakership to be seen and to be totally divorced from partisan politics. In fact, the collective behaviour of the House continually suggests that many M.L.A.'s either do not respect, or do not understand, the role of the presiding officer. While homage is occasionally paid to the impartial and non-partisan position of the presiding officer, the day-

to-day political struggles often involve the Speaker. Members apparently see no contradiction in supporting a candidate for the Chair at one point and then challenging his authority at another. The presiding officer in British Columbia does not possess absolute moral authority because the House has not developed a tradition of trust and respect for its presiding officer. While Speakers have demonstrated a great deal of courage in presiding over a very raucous Legislature they have not been able to transform the Legislature into a more enlightened parliamentary institution. Perhaps this expectation is beyond the scope of the Speakership.

In Chapter 5, an attempt was made to assess the extent to which the Speaker served as the chief executive officer of the House in its administrative affairs. It was noted that the administrative authority of the Speaker was not fully or clearly defined in formal instruments. In fact, the administrative authority of the Speaker is specifically voided upon dissolution of the Legislature. The authority of the Speaker-Designate is also somewhat indeterminate. Paradoxically, the period witnessed a tremendous growth in services and facilities for M.L.A.'s. The responsibility for all of these activities was vested in the Speaker. This trust required the establishment of a full time Speaker's Office after 1972. These initiatives resulted in the emergence and growth of a loosely structured legislative bureaucracy under the aegis of the Speaker. The Speakership started to become administratively autonomous from the Ministry of the Provincial Secretary. Mr. Speaker Dowding used the Legislative Procedure and Practice

Inquiry Act to propose and give effect to some administrative reforms. Speakers Smith and Schroeder used the increased authority of the Speaker's Office to gain a larger role in the management of the Parliament Buildings. The Speaker acquired a more sophisticated financial management system.

Nevertheless, despite a considerable amount of leadership in administrative matters Speakers still did not have codified authority in administrative affairs. They are not supported by a formal department of the Legislature with the bureaucratic attributes of formal procedures, structure, tenure, and impersonal management processes. In fact, in administrative matters, Speakers are expected to play the role of the consummate politician. In administrative matters Speakers must use their political skills to determine policy and procedures and to provide the administrative resources demanded by M.L.A.'s. As chief executive officer of the Legislature, Speakers have demonstrated a great deal of political leadership. However, this leadership has not been rewarded by the appropriate institutional recognition of the Speakers role as the chief executive officer of the Legislature.

In Chapter 6, an attempt was made to assess the extent to which the Speaker serves as an ambassador of the Legislature in its external relations. The B.C. Legislature does not formally assign duties for the Speaker in the matter of extra-parliamentary relations. However, Speakers have been increasingly active in extra-parliamentary relations since 1973. Mr. Speaker Dowding established a precedent for an activist role for the Speaker as a parliamentary ambassador. The period was a

transitional one for the B.C. Legislature in the matter of extra-parliamentary relations. The Speaker came to play a major role in leading and hosting parliamentary delegations after 1973. Speakers attempted to involve more M.L.A.'s in these activities. As well, new liaisons were encouraged with outside educational groups. The offices of Speaker and Lieutenant-Governor were brought closer together through informal contacts developed from one of the educational enterprises after 1976. Efforts were made to increase the awareness of the general public for the parliamentary process. While all of these efforts were considerable, they were disjointed thus rendering it difficult to see a clear pattern across the range of extra-parliametnary relations. One clear factor that does emerge are the numerous examples of leadership provided by the Speakers as ambassadors of the Legislative Assembly.

In Chapter 7, an attempt was made to assess the extent to which the Speaker served the Legislature as a parliamentary reformer. Before 1972, Speakers had little opportunity, if any, to play a role in parliamentary reform. The passage of the Legislative Procedure and Practice Inquiry Act in 1972 institutionalized a reform role for the Speaker. In fact, the Speaker was encouraged to take the role of an advocate in the matter of parliamentary reform. Speaker Dowding established enviable precedents in this area with his submission of five reports prepared under the terms of the Legislative Procedure and Practice Inquiry Act. Speakers since Mr. Dowding have attempted to make similar contributions. However, parliamentary

reforms proposed by Speakers have been rather few in number. These reforms, to be implemented, must become government policy. In short, governments in the 1970's have been relatively reticent to undertake major reforms of the legislative process. While Speakers have definitely provided leadership in the matter of parliamentary reform, their efforts have been constrained by the attitudes of both Government and Opposition parties.

The foregoing discussion represents an attempt to answer the main question posed in Chapter 1: To what extent is the Office of Speaker a leadership role within the legislative process in British Columbia? There can be little doubt that the Speakership has emerged as a leadership role in the B.C. Legislature. In every area of his responsibility, the Speaker has surpassed the basic formal requirements of the role and provided the direction and service he deemed necessary. This fact alone suggests that Speakers have been leaders rather than mere followers. Speakers have attempted to rise to the expectations placed upon them by an institution that was itself in a state of transition. The stresses of this transition were considerable and placed real constraints on the extent to which Speakers could provide leadership in the Legislature. Collectively, these constraints mean that the B.C. Speakership is less of a leadership role than that of its counterparts at Westminster and Ottawa. The political process in British Columbia, after only a century of development, has not approximated that at Westminster, which has seven centuries of experience behind it. Unfortunately, the Speakership in British Columbia

did not precede the executive. As a result, the Speakership has had to compete with the Government for the right to provide leadership in the Legislature. That right has not been fully granted due to the nature of the political process in British Columbia.

Politics in British Columbia does not exclude any office or institution from incessant partisan battles. Both Government and Opposition each view their relative political advantage as more important than endorsement of the concept of a strong Speakership. Until the predominant political values change the Speaker will continue to struggle, against formidable forces, to serve both Government and Opposition M.L.A.'s as a parliamentary leader.

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APPENDIX I

Speakers of the Legislative Assembly of British Columbia 1872-1980

SPEAKERS OF THE LEGISLATIVE ASSEMBLY OF BRITISH COLUMBIA--1872-1980

First Parliament

25 members
First session commenced February 15, 1872
Fourth session ended April 22, 1875
Speaker--Hon. James Trimble--February 1872-January 1876
No political parties in B.C. Government between 1872-1903

Second Parliament

January 10, 1876--April 10, 1878
Speaker--Hon. James Trimble--January 1876-April 1876

Third Parliament

July 29, 1878-April 21, 1882
Speaker--Hon. Frederick W. Williams--July 1878-June 1882

Fourth Parliament

January 25, 1883-April 6, 1886
Speaker--Hon. John Andrew Mara--January 1883-June 1886

Fifth Parliament

January 24, 1887-April 26, 1890
Speaker--Hon. Charles Edward Pooley--January 1887-April 1889
Hon. David Williams Higgins--January 1890-May 1890
N.B.--27 members in Legislative Assembly

Sixth Parliament

January 15, 1891-April 12, 1894
Speaker--Hon. David Williams Higgins--January 1891-June 1894
N.B.--33 members in Legislative Assembly

Seventh Parliament

November 12, 1894-May 20, 1898
Speaker--Hon. David Williams Higgins--November 1894-August 1898

Eighth Parliament

January 5, 1899-March 1900
Speaker--Hon. Thomas Forster--January 1899-March 1900
N.B.--38 members in Legislative Assembly

Ninth Parliament

July 19, 1900-June 4, 1903
Speaker--Hon. Paton Booth--July 1900-February 1902
Hon. Charles Edward Pooley--February 1902-June 1903

Tenth Parliament

November 26, 1903-March 12, 1906
Speaker--Hon. Charles Edward Pooley--November 1903-December 1906

Eleventh Parliament

March 7, 1907-March 12, 1909
Speaker--Hon. David McEwen Eberts, K.C.,--March 1907-
March 1909

Twelfth Parliament

January 20, 1910-February 27, 1912
Speaker--Hon. David McEwen Eberts, K,C.,--January 1910-
February 1912

Thirteenth Parliament

January 16, 1913-March 31, 1916
Speaker--Hon. David McEwen Eberts, K.C.

Fourteenth Parliament

March 1, 1917-April 17, 1920
Speaker--Hon. John Walter Weart--March 1917-August 1917
Hon. John Keen--February 1918-October 1920

Fifteenth Parliament

February 28, 1921-December 21, 1923
Speaker--Hon. Alexander Malcolm Manson, K.C.--February 1921-
January 1922
Hon. Frederick Arthur Pauline--October 1922--May 1924

Sixteenth Parliament

November 3, 1924-March 14, 1928
Speaker--Hon. John Andrew Buckham--November 1924-June 1928

Seventeenth Parliament

January 22, 1929-April 7, 1933
Speaker--Hon. James William Jones--January 1929-October 1930
Hon. Cyril Francis Davie--February 1931-November 1933

Eighteenth Parliament

February 20, 1934-November 20, 1936
Speaker--Hon. Harry George Thomas Perry--February 1934-April 1937

Nineteenth Parliament

October 26, 1937-December 6, 1940
Speaker--Hon. Norman William Whittaker, K.C.--October 1937-July 1941

Twentieth Parliament

December 4, 1941-March 28, 1945
Speaker--Hon. Norman William Whittaker, K.C.--December 1941-August 1945

Twenty-First Parliament

February 21, 1946-March 24, 1949
Speaker--Hon. Norman William Whittaker, K.C.--February 1946-September 1947
Hon. Robert Henry Carson--March 1948-July 1948

Twenty-Second Parliament

February 14, 1950-March 26, 1952
Speaker--Hon. Nancy Hodges--December 1949-April 1952
N,B.--First ever woman to be elected Speaker of the Legislative Assembly of British Columbia

Twenty-Third Parliament

February 3, 1953-March 27, 1953
Speaker--Hon. Thomas James Irwin--February to March 1953

Twenty-Fourth Parliament

September 15, 1953-March 2, 1956
Speaker--Hon. Thomas James Irwin--September 1953-March 1956

Twenty-Fifth Parliament

February 7, 1957-March 18, 1960
Speaker--Hon. Thomas James Irwin--February 1957-April 1957
Hon. Lorne Hugh Shantz--January 1958-August 1960
N.B.--52 members in the Legislative Assembly

Twenty-Sixth Parliament

January 26, 1961-March 27, 1963
Speaker--Hon. Lorne Shantz--January 1961-August 1963

Twenty-Seventh Parliament

January 23, 1964-April 1, 1966
Speaker--Hon. William Harvey Murray--January 1964-August 1966

Twenty-Eighth Parliament

January 24, 1967-April 2, 1969
Speaker--Hon. William Harvey Murray--January 1967-July 1969
N.B.--55 members in the Legislative Assembly

Twenty-Ninth Parliament

January 22, 1970-March 30, 1972
Speaker--Hon. William Harvey Murray--January 1970-July 1972

Thirtieth Parliament

October 17, 1972-October 7, 1975
Speaker--Hon. Gordon Hudson Dowding--October 1972-November 1975

Thirty-First Parliament

March 17, 1976-April 3, 1979
Speaker--Hon. Dean Edward Smith--March 17, 1976-March 20, 1978
Hon. Harvey Wilfred Schroeder--March 29, 1978-April 3, 1979

Thirty-Second Parliament

June 6, 1979--
Speaker--Hon. Harvey Wilfred Schroeder--June 6, 1979--
N.B.--57 members in the Legislative Assembly

Source: British Columbia. Department of the Provincial Secretary. *Annual Report*. Victoria: Queen's Printer, 1973, 1974, 1975.

VITA

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UNIVERSITY OF VICTORIA	1973	to	1975
UNIVERSITY OF VICTORIA	1976	to	1981

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Executive/Legislative Internship, 1975/1976

Publications:

"The Parliamentary Tradition in British Columbia," *Canadian Regional Review*, No. 3, Vol. III (1980), 3-10 (with David Adams).

"Parliamentary Reform in British Columbia: Mr. Speaker as Advocate." *Canadian Parliamentary Review*, Vol. 4, No. 1 (1981), 9-14.

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Title of Thesis

THE SPEAKERSHIP IN BRITISH COLUMBIA: 1970-1979

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Signature

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July 27, 1981

Date