

Yukon Legislative Assembly

Information Sheet No. 4 The Evolution of the Legislative Assembly

Representative Government

The term 'representative government' refers to a form of government that includes an assembly whose members are elected by the people. The governing structure created in by the *Yukon Act* - the Council of the Yukon Territory – was not representative. It consisted of a Commissioner and four other members all appointed by the Government of Canada. The Commissioner exercised executive authority but was responsible to the Government of Canada, not the people of Yukon.

This arrangement offended the people of the Klondike and in 1900 elections were held to add two elected members to the council. The balance between appointed and elected members gradually tipped in favour of elected members. By 1909 Yukoners had a wholly elected council of 10. But while this council could pass ordinances and debate issues, the appointed Commissioner and assistant commissioners held executive power, and ran the territorial government on a day to day basis.

Growth and Change in the Assembly

The Yukon's population decreased after the gold rush ended. The federal government's response was to reduce the council from 10 members to three in 1920. The council remained at three until 1952 when it was increased to five, then seven in 1961, 12 in 1974, 16 in 1978, 17 in 1992 and 18 in 2002.

Along with an increase in size the composition of the Assembly has changed. One important change was the introduction of party politics in 1978. Until then members had been elected as independent, though some had known affiliations to federal political parties. Independent candidates may still run in Yukon elections, but few have been elected since 1978.

Another important change in the Assembly is a result of the expansion of the right to vote since 1898. Women gained the right to vote and stand for election in 1919, while First Nations people first voted in a territorial election in 1961. These important changes made Yukon government and politics more representative and more democratic. However, even after women and first nations people gained the right to vote it took some time before the composition of the Assembly changed. The council's first woman member was elected in 1967; its first First Nations members were elected in 1978.

In 1974 the territorial council started to call itself the 'Legislative Assembly.' However, the *Yukon Act* still referred to a 'Council of the Yukon Territory.' This did not change until the new *Yukon Act* came into effect on April 1, 2003. The *Yukon Act* now refers to the territory's representative institution as the 'Legislative Assembly of Yukon.'

Devolution

'Devolution' refers to the transfer of authority from Canada to Yukon. This has been a gradual process, largely over the past 30 years. In the 1970s the Yukon gained control

over the administration of justice, highway maintenance personnel and resources, and the administration of fresh water sports fishing. In the 1980s came control over land titles and the assets of the Northern Canada Power Commission. The 1990s saw the transfer of control over oil and gas, health care and airports.

On April 1, 2003 Yukon gained control over its natural resources, a power the provinces have but Nunavut and the Northwest Territories do not. Crown Land (land belonging to the government) is still owned by the federal government, though the territory manages it and has the right to get resources royalties from it. In the provinces the provincial government owns Crown Land.

With this transfer the Yukon Legislative Assembly now has the power to make laws in more areas than before. However, this transfer of power will not change the Yukon's constitutional status. Territorial jurisdiction will continue to be enshrined in a federal law, the *Yukon Act*, not the Constitution of Canada.

The Yukon Legislative Assembly today

Today the Yukon's governing structure, and its day-to-day operations, resemble those of the provinces and the federal government, although on a smaller scale.

Each of the 18 Members of the Yukon Legislative Assembly (MLAs) represents one electoral district. The party with the most MLAs – usually, but not always a majority – forms the government caucus. This group sits to the right of the Speaker in the Assembly chamber. The leader of the government party is called the Premier. The Premier names some MLAs to be cabinet ministers. They have a special duty to give direction to, and answer questions about, different government departments and corporations. Other government caucus members who are not appointed to cabinet are called government private members. A more commonly used term is 'backbenchers.'

The MLAs not in the government caucus are called the opposition. They sit to the Speaker's left. The opposition party with the most members is called the Official Opposition, and their leader is called the Leader of the Official Opposition. Any other opposition party is referred to as the third party.

The Assembly's smaller size affects its daily operations. Larger assemblies tend to deal with bills in committees that are set up to oversee specific areas (Foreign Affairs, Defence, Transportation, etc.). These committees are made up of a select number of members and meet outside the Assembly chamber. The Yukon Legislative Assembly almost always deals with its bills in Committee of the Whole. All MLAs are members of this committee, which meets in the Assembly chamber.

Also, unlike larger assemblies, those MLAs appointed to cabinet are usually responsible for more than one government department or corporation. And some of these portfolios would be more than one in a large province or in Ottawa.

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

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