



## 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 1898 by the original *Yukon Act* – the Council of the Yukon Territory – was not representative. It consisted of a Commissioner and up to six other members, all appointed by the Government of Canada. The Commissioner exercised executive authority and was responsible to the Government of Canada, not the people of Yukon.

Soon after, the people of the Klondike began to agitate for elected representation on the Council. 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 Yukon had a wholly elected council of 10. But while this council could pass ordinances and debate issues, the appointed Commissioner and assistant commissioners still held executive power, and ran the territorial government's day-to-day operations.

### 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, 18 in 2002, and 19 in 2011.

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

Other important changes are a result of the expansion of the right to vote and be a candidate since 1898. Women gained these rights in 1919, while First Nations people first voted in a territorial election in 1961. These changes made Yukon government and politics more representative and more democratic. However, even after women and First Nations people gained these rights it took some time before the composition of the Assembly changed. The first woman member was elected in 1967. The first First Nations members were elected in 1978.

In 1974 the territorial council adopted a motion to call itself the 'Legislative Assembly.' However, the *Yukon Act* still referred to a 'Council of the Yukon Territory.' This changed when 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. In the 1970s 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 the territories did not at that time. 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 did not change Yukon's constitutional status. It is still a territory, not a province.

## **The Yukon Legislative Assembly today**

Today 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 19 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 caucus 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 caucus with the most members is called the Official Opposition, and their leader is called the Leader of the Official Opposition. If there is a second opposition caucus, it 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, MLAs appointed to Cabinet are usually responsible for more than one government department or corporation. And some of these portfolios would be more divided into more than one in a large province or at the federal level.

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