

BILL NO. 107

**Thirty-first Legislative Assembly
First Session**

Democratic Reform Act

Preamble

Recognizing that, in a democratic society, government exists to serve and protect the best interests of all members of that society; and

Recognizing that the proper functioning of a representative system of government requires a high degree of mutual trust, confidence and respect among those who have the responsibility of conducting the executive and legislative duties of government and those on whose behalf they conduct those duties; and

Recognizing that the people of the Yukon have a direct interest in the manner by which they choose their elected representatives and in how their representatives conduct the public's business on their behalf in the Yukon Legislative Assembly; and

Recognizing that the failure of democratic institutions to adapt to changes in public needs and perceptions can result in a sense of alienation from the political process, public skepticism about the relevance and value of political institutions, and decreased public involvement in the decision-making process; and

Recognizing that it is prudent to subject the role, structures and practices of government to public scrutiny, review and, where necessary, revision from time to time, in order to ensure their continuing relevance and effectiveness in serving the best interests of the Yukon people;

The Commissioner of Yukon, by and with the advice and consent of the Legislative Assembly, enacts as follows:

**PART I
*ELECTORAL REFORM***

Electoral Reform Commission

1. (1) Within three months of this bill receiving assent, the Commissioner in Executive Council shall establish an Electoral Reform Commission consisting of five Yukon electors for the purpose of conducting a public review of the method to be used to elect members of the Yukon Legislative Assembly.

(2) Membership of the Commission shall be chosen to reflect, as closely as possible, the demographic makeup of the Yukon population.

(3) The members of the Commission shall choose from among their number a Chair of the Commission.

Mandate

2. (1) Within six months from the date of assent, the Commission shall begin a process of public consultation throughout the territory, including both oral and written submissions related to, but not limited to, the following areas of consideration
- (a) the strengths and weaknesses of the electoral system currently in use in the Yukon;
 - (b) review of the principal electoral systems currently in use or under consideration in such representative democracies as Great Britain, Australia, New Zealand, the United States of America and member nations of the European Union;
 - (c) review of electoral reform initiatives currently under consideration in other Canadian jurisdictions such as the Province of New Brunswick and, specifically, the proceedings and reports of the Citizens' Assembly on Electoral Reform in the Province of British Columbia;
 - (d) variations within both Majoritarian and Proportional Representation systems, including preferential balloting mechanisms, which may be applicable to the Yukon; and
 - (e) options regarding the Yukon's electoral system that the Commission believes should be presented to Yukon electors by way of a plebiscite under the *Plebiscite Act*.

(2) The Commission may issue interim reports of its proceedings and findings as it sees fit to do so, and shall make such interim reports available for public review and input as part of the consultation process.

(3) The Commission shall provide a final report of its findings and recommendations to the Commissioner in Executive Council within one year from the date of assent.

(3) The Commissioner in Executive Council shall make the final report of the Electoral Reform Commission public, in its entirety and without amendment, no later than five days from its receipt, and shall table the Commission's report in the Yukon Legislative Assembly on the day on which the report is released to the public or, if the Assembly is not sitting on that day, no later than the first sitting day following its public release.

Commission Procedures

3. The Commission shall determine its own procedures for achieving the general mandate as outlined above, including the form of public consultation to be used, and shall conduct its public consultation functions within a budget to be set aside for that purpose within the departmental budget of the Executive Council Office.

Secretariat

4. (1) The Commissioner in Executive Council shall establish within the Executive Council Office a secretariat to provide administrative and research support to the Commission, including the compilation of comparative information from other jurisdictions, preparation of public discussion papers and other documents as required, coordination and advertising of public meetings, development and maintenance of a Commission website, preparation of interim and final reports of the Commission, and other operational requirements of the Commission.

(2) The Chief Electoral Officer, either directly or by delegation to the Assistant Chief Electoral Officer, will advise and assist the Commission in the preparation of its final report and recommendations, as well as in the preparation of questions to be put to the electorate by way of a plebiscite.

Implementation

5. (1) Should the Electoral Reform Commission recommend that a plebiscite be held to determine the opinion of Yukon electors on the type of electoral system they prefer, the Commissioner in Executive Council shall take whatever steps are necessary to ensure that such a plebiscite is conducted within two years of the date on which the Commission delivers its final report.

(2) Implementation of any other recommendation contained in the Commission's final report, in whole or in part, shall be subject to the approval of the Legislative Assembly.

PART II ***LEGISLATIVE RENEWAL***

Special Committee

6. (1) A Special Committee consisting of four members of the Legislative Assembly shall be appointed for the purpose of conducting a public review of the legislation, rules and practices that apply to the Yukon Legislative Assembly and its members.

(2) The Speaker of the Legislative Assembly shall be a member of the Committee and shall be the Chair of the Committee.

(3) At any time that the Speaker is unable, from illness or other cause, to attend the business of the Committee, the Deputy Speaker shall substitute for the Speaker as a member and as Chair of the Committee.

(4) The three remaining members of the Committee shall be chosen by the recognized leaders in the Legislative Assembly. Each of the leaders shall notify the Speaker in writing which member of their caucus will be on the Committee.

Mandate

7. (1) The Committee shall conduct public consultations throughout the territory, beginning no later than six months after this bill receives assent, and shall report its findings and recommendations to the Legislative Assembly no later than one year from the date of assent.

(2) If the Legislative Assembly is not sitting at such time as the Committee is prepared to report, the Chair shall transmit the report to all members of the Assembly, make the report public and, when the Assembly next sits, table the report.

(3) The scope of the public consultation shall include, but not be limited to, the following areas of consideration

- (a) amendment of the *Legislative Assembly Act* including establishing in it a Code of Ethical Conduct for members;
- (b) creation of a separate *Legislative Indemnification Act* to address matters pertaining to indemnification which are currently contained within the *Legislative Assembly Act*;
- (c) creation of an *Executive Council Act* including
 - (i) definitions of the terms “Premier” and “Minister” and the principal duties pertaining to those roles, and
 - (ii) qualifications required of members to be appointed or, once appointed, to continue to serve as Cabinet Ministers;
- (d) assessment of whether the appointment of government private members to Cabinet committees, to positions such as legislative secretaries or legislative assistants to ministers, or as Cabinet Commissioners aids in the governance of Yukon or whether such appointments potentially harm the Legislative Assembly by endangering the independence of those private members;
- (e) options for increasing resources and support for members’ constituency responsibilities;
- (f) measures to improve public awareness of proceedings of the Yukon Legislative Assembly and the legislative process, and to encourage public participation in the decision-making process; and
- (g) amendment of the Standing Orders of the Yukon Legislative Assembly respecting
 - (i) fixed opening dates for legislative sittings,
 - (ii) composition and role of standing, special and select committees,
 - (iii) mechanisms for the referral of reports from departments and agencies and for the review of government bills prior to second reading,
 - (iv) suggested rules for tributes, ministerial statements and private members’ statements,
 - (v) proposals for the review of Deputy Head appointments and appointments to major boards and committees,
 - (vi) measures to improve the accountability of Ministers to the Legislative Assembly for the performance of the departments, Crown corporations, or agencies for which they are responsible,
 - (vii) the use of free votes to enable members to vote on the basis of their personal convictions or the wishes of their constituents,

- (viii) ways to increase public involvement in legislative decision-making, such as allowing witnesses to appear before standing, special or select committees,
- (ix) election of the Speaker by secret ballot,
- (x) improving the ability of opposition members to exercise their legitimate roles of legislative review and government scrutiny, by requiring Ministers to provide accurate, thorough and timely information, and to provide relevant and factual answers in Question Period,
- (xi) proposals for greater access of private members' business to the Order Paper.

Committee Procedures

8. The Committee shall determine its own procedures for achieving the general mandate as outlined above, including the form of public consultation to be used, subject to the approval of its budget by the Members' Services Board.

Administration and Research

9. (1) Administrative and research support to the Committee, including the compilation of comparative information from other jurisdictions and the preparation of public discussion papers and other documents as required, shall be provided through the office of the Clerk of the Legislative Assembly.

(2) The Clerk will assist in the preparation of the final report and recommendations of the Committee to the Legislative Assembly, and may advise on legislative amendments or other initiatives that may be required to bring effect to the Committee's recommendations.

Implementation

10. Implementation of the Committee's recommendations, in whole or in part, shall be subject to the approval of the Legislative Assembly, and nothing in this *Act* shall limit the ability of the Legislative Assembly to establish its own rules of procedure.

Future Review

11. Public consultation in line with the mandate of this *Act* shall be undertaken at regular intervals no longer than ten years apart, beginning no later than ten years after completion of the work of the Select Committee established herein.