(Sara McPhee-Knowles)

Hey, welcome back, everyone in the room and also in our zoom session. I'm very pleased that we also have with us today, Tony Penikett, who is the former premier. Tony has also worked on a number of negotiations and while in government, his government brought forward lots of really pioneering legislation in a bunch of areas as well as negotiating final agreements. And he's also written a number of books and two screenplays, I believe two. Two screenplays, so very pleased to have Tony with us today. And we'll follow the same format as last time where (cut off).

(Tony Penikett)

Thank you, Sara. Thank you for the invitation and merci, Madame, Monsieur, (greetings in other languages). I'm really going to talk not just about the official topic about the voting system, but build on some of the conversation you had with the previous speaker. And I do so because I was involved, having no marketable skills, in every election from 1970 to 1992, here until 1995. And I have opinions, some of them strong opinions on some of the things we just heard.

I would divide my remarks into three parts. The first I think would be a long struggle, what I would call, for self government, by that I don't mean Aboriginal self-government, but I mean self-government for the people of the Yukon, here because as you all know, we first had elected bodies or partially elected bodies in the Yukon Council, following the gold rush, of 1898. The hard reality in those times, though, where the Commissioner federal appointee was the person who ultimately had all the decision-making power, and indeed, the federal minister in Ottawa had the decision-making power. And that continued in one form or another, we need to realize, until, some would say in 1970, but some others would say 1979 and even beyond that.

So, part of what I'm going to say is in the context of that reality. Sometimes elections mattered here, sometimes they didn't, but we did have some really interesting, unique, you would say law making traditions here and I want to talk about that and a little bit about the Council.

The Gold Rush was essentially, as all of you know, who've been in the Yukon for anytime, essentially ruled by the Mounties. Someone sat at the head of the Chilkoot Pass and decided if you didn't have a ton of goods, you couldn't get into the territory. While Skagway, the rush managing in Alaska, was essentially run by Sophie Smith, the gangster. In the Yukon Territory, it was run by an RCMP officer, who was very strict, didn't on any American style, murdering or thieving, but was quite happy to have prostitution and gambling as a necessary to keep peace in the, peace in the land, as it were.

In the very first elective bodies, though, is interesting, as Canadians, we had a fairly interesting balance between French and English representation, even though the factual truth about the gold rush is that most of the people came were Americans who didn't have a vote and didn't have much say. And for the most part, it didn't stay very long. For Indigenous people, they were entirely separate reality. They weren't involved in the governance, although occasionally they found themselves at the wrong end of the law, not their law, but British law or Canadian law. And there's a very interesting event, which I'll mention because it says something about the power of the police here. Jack London when he was, after he left here and went back to California, wrote a book called, a story, that called the League of Old Men. Which was about, so I mean there's (digital) man who, who were hung for having murdered, reason for the

murder. But in his autobiography, Sam Steele, who was the commanding officer for some of the time here and as a street named after him in Whitehorse, wrote about this event in which these 4 Indian men were going to be hung for this murder. And there was a reporter, a woman from the Toronto Star, who covered this story of the hanging. Wrote a story, filed it and it was dispatched (digital)it and then the French Canadian judge who was hearing the case, decided that the hanging was going to be it was going to take place in the Catholic holiday and therefore he delayed it.

Rendering the story that had been written by The Toronto Star reporter is less than truthful. Sam Steele dispatched a unit of RCMP officer by dog team to retrieve what he called the offending article, to save the honor of the maiden from the Toronto Star. Very Victorian values, but perfectly description of the kind of dominant view at the time. No regard for the views of Indigenous people, probably not much interest in the views of the Americans who were there, but someone who made decisions on his own without consulting anybody in the territory.

It's, as someone has said about that decision that he made in respect to that offending article and the honour of the maiden, the journalist, was that he was a very modern Major General, and indeed that's what he ended up as a modern Major General in the Boer war in South Africa. And then he wrote an autobiography which is curiously named, My 40 years in Canada, as if he was born in Britain or something, but he was actually born in Ontario. But. Anyway, he was a guy who evolved.

Now, the early days of the legislature are interesting and I want to just tell one other story because Willard Phelps, who some of you may know, was a contemporary of mine on the legislature here. His father, and grandfather, were both members of the legislature. His grandfather was a famous Liberal member for a long, long time. In 1986-87 when we were doing Human Rights Act, when Willard, who was a pretty, intelligent guy, very well educated, smart guy, he said a very stupid thing on the floor of the house. We all do it, but, in which he said that if the Human Rights Act passed that gay people would have that have two separate washrooms all over the Yukon for gay people. And I remember being in the legislature, looking up at the press and seeing they were all sleeping, they weren't paying any attention. So, I asked him if he would repeat the question again because I thought his remark was curious and so he did, and I looked up at the gallery and the reporters were still asleep. Finally, I asked him in a loud voice if he repeated, he did in a loud voice, and the reporters woke up and next day it was the headlines in the story.

Now that's relevant because, two reasons, one, the next day with big public meetings about this bill, most of them very nasty, very offensive, very angry. But the next day I had a meeting in my constituency, Whitehorse West, where hundreds of people came out to talk about how ridiculous they thought this remark had been by my honourable friend, and indeed it was one of those cases, which is relevant to some of the discussion you're having, where the governing party didn't actually win the debate, but actually the opposition lost it. And there are several cases where that happened, and I will mention them. The irony of it is, that I mentioned to Willard that his grandfather Willard, when BC was passing a law to ban disenfranchise Orientals, all Asian people and all Aboriginal people from voting, there was a similar message moved by George Black, Conservative leader in the legislature in the Yukon following the gold rush, to do the same thing here. And in the Yukon Territory, thanks to Willard Phelps, the original, it was

voted down. So, while BC had passed this regressive racist law, in the Yukon it actually was defeated. Even then, it was a different kind of place.

As you know, the gold rush passed and the population shrank very rapidly. Federal government decided to make the Council smaller. Silver was discovered in Mayo that became the next Boomtown, and later of course, copper. But the territory became so emptied of talented, educated people at some point, that we had one federal election in which both the federal and the Liberal candidate, the Tory and Liberal candidate, were actually living in Vancouver at the time of the vote. That's how much the population here had shrunk. But in, even until almost through the edge of the Second World War, the future of the Yukon was pretty uncertain, and nobody very much knew about the southern arrival of these American soldiers to build the Alaska Highway. There was obviously a big event and devastating in, to the Indigenous communities along the route. We still had residential schools back then, and indeed, there's a very interesting story where a man by the name of Duff Petillo, who became premier of British Columbia and decided he wanted to annex the Yukon, make it part of British Columbia.

What people here knew, but people in BC didn't, was that he had actually been in the Yukon at one point as clerk of the Legislative Assembly. So he actually knew the place he was trying to annex, but he didn't succeed only because there was a Catholic school in Dawson City. With some French speaking Catholic girls. And because there weren't separate schools in British Columbia, the Catholic Church in Quebec persuaded the Prime Minister of Canada to not allow this annexation.

So, these funny threads that go through Yukon history about language and culture and distinctiveness that actually matter here in how we're doing our electoral system.

So almost all decisions up until that point were involved debates by the Yukon Council, it was called. But the fact of the matter is, that they were not consulted about very much, didn't have much of a say. They had opinions, but they weren't listened to very much. And Indigenous people and non-Indigenous people led separate lives and I'll come back to this, but as you I'm sure you all know, even though we'd had a legislature since the time of the gold rush, no Indigenous person was ever elected to the Yukon Legislature until 1978. But by 1985, half of the governing party were Indigenous MLAs and this was a huge change that allowed us to actually complete the land claims negotiations and do the, what I still think are the best self-government arrangements in Canada.

Mention was made of changing the size of constituencies so that rural people weren't disenfranchised or disrespected. I can't remember the exact word, but I was involved in the 1970 election, I didn't win, it was a five-way race, I came second. I shouldn't have been in the race anyway. I wouldn't have known what I was doing if I'd been elected. But I was 24 and a bunch of people decided to nominate me. That's the way it happens sometimes. What was interesting was that after the election, I took a look around at the votes in rural Yukon. And there was a very obvious reality, some of which still has an echo today. Which was the turn out not just in the First Nation communities, but in the mining towns in rural Yukon was very, very low.

There was a practical reason for that, which is they didn't see the legislatures as having anything to do with them. Didn't have any concern with their concerns, never consulted them, the MLA's that were elected from rural constituents who were never in cabinet. And this is a point made by the previous

speaker that talked about the influence of the MLA. Let me be brutally frank, having been a minister and a deputy minister. Influence with MLAs doesn't matter much. Influence with ministers matters a whole hell of a lot. And for most of the Yukon history, most of the ministers have come from Whitehorse. They usually were Chamber of Commerce types, they were usually people who knew all the deputy ministers already because they socialized with them. They already had power before they came to office. And that is a reality that perpetuates here that still needs to be addressed in any electoral reform question.

So, in 1970 what happened is, for the first time, the Liberals in the territorial election ran as Liberals, and enough of them got elected that they actually formed the majority on the Executive Council. The Commissioner was still the Chair of the Executive Council, but they had, they had clout. In 1974, there were a couple of NDPers elected on a party ticket and didn't work well together, but they were there. And in 1978 the Conservatives came out of the closet, as some people said, because what had happened, they believed that Eric Nielsen, that always handpicked the independents who got elected anyway, and that they were Conservatives, but they weren't "out" as the saying goes.

In 1978, they came out in this big, big way because they were, they had 12, and therefore a very big majority in the legislature. There were only two liberals and one NDPer and myself who were elected that year. And that was very interesting in terms of the clout because by 1979, Jake Epp wrote his famous letter, which said, as the Minister of Indian Affairs, he was now instructing the Commissioner to no longer chair the cabinet, and to take advice, instructions from the legislature and from the cabinet. In other words, we would have responsible government. That was the plan and that was a big, big moment. I don't think everybody in the Yukon understood that and the Commissioner resigned in protest, but the government went on and the person who was the government leader, then Chris Pearson, was a career public servant, pretty well knew how to run things properly and reasonably did, but there was an interesting thing that happened.

In that time, when bills were presented to the legislature, they weren't presented and explained by ministers. They were presented by deputy ministers, the people who were the experts, who were seen to know what they were doing. And that went on until another language issue came up. Now it so happened that Ian Mackay, who was a chartered accountant, a Scottish born guy, a Scottish educated guy, and I, had been two people in the opposition who actually had suffered Latin training when we were kids. And the deputy minister of Justice at the time decided to explain bills and lard the text of bills with all these Latin expressions. And inevitably, members of the legislature would ask, well, what does that mean and why is it in this bill? And the deputy would explain it. And then Ian usually would ask, well, what does that mean? And then he would explain what it meant in English and he or I, we got up to say, well, that's not what it means in Latin. And, this happened enough times that the premier asked the deputy ministers not to present anymore bills. In fact, none of the deputy ministers after that moment ever presented any bills. Small little thing in a single day in the legislature, but it changed a lot. It meant ministers now had to take the responsibility for presenting and explaining the bills, which means they had to read them. Which was a fairly radical innovation.

And, we had a very active period in that 70s, it went on until the 80s, when we had a 1982 election, which it was believed was very much fought on the land claims issue because First Nation people in rural ridings began to recognize, they thought that, under the current territorial government, they were never

going to get a land claim settlement that they wanted. And indeed, there was an agreement reached between the federal government. with territorial government as part of the federal team. in 1984 which the Yukon Chiefs rejected. There was a lot of money in the settlement, but there wasn't enough land and there was no self-government.

So, in the next election, my crew campaigned on the basis of settling land claims, doing self-government and a number of other things. At that time, we were in the middle of a recession and all the mines in the Yukon were shut, and so we were, I don't know why we thought we could do it, but we promised to reopen the mines. Anyway, we did and the land we got by land claim settlement we had by 1985 we had a government, first time you going to see half of the MLA's, on my side of the House, on the government side were Indigenous. They were chiefs or leaders from their Indigenous community, which meant they were very influential people. And we had a group of younger people from who had lived in rural communities, Faro, Dawson City, Mayo, but who were university educated and all became ministers after the election. And the interesting thing about that was, we got to a land claim settlement and there was a very interesting event, we got an agreement in principle, when Pierre Cadieux, who was the minister, came up to announce the agreement in principle.

Unfortunately, Elijah Smith, love him to bits, but he kept referring to the minister instead of Pierre Cadieux as Pierre Cadeau, which annoyed the minister somewhat. And I tried to calm, smooth the waters by inflicting my bad French on the meeting, which didn't please Elijah, or the Minister, I suspect. Anyway, but it was an example of how language was still, language, speech, language was still a real problem. And later on, I'll tell you about a problem we had on the languages law.

But the other thing that happened in the 1980s, apart from the fact that all of a sudden, northern ministers from the NWT, and the Yukon were being invited to federal provincial conferences, and there were a lot of there was Charlottetown and Meech Lake and Charlottetown, and constitutional conferences that we were actually participating in, for the first time ever, having something to say and acquitting ourselves, I think fairly reasonably well. We went through each we went through Charlestown, we went through the Indigenous rights section 35 debates, which were very difficult. And that was a learning experience, I think for every, all the provinces, but also the federal government as well as us. And we learned a very different, an interesting thing then about the different ways in which we go about political issues, of course, in the federal/provincial arena, partisanship was very serious, Conservative governments lined up with Conservative governments and Liberal governments lined up with Liberal governments, et cetera. And in fact, we got permanent status in the First Ministers conference simply because at one moment there were four NDP governments in the country. BC, Saskatchewan, Ontario and us.

And the premiers in BC, the 2nd and Ontario, the largest province and the third largest province of Saskatchewan, said to Mr. Mulroney. We need to change the situation of the territories, they need to be permanent Members of this forum, which is what happened. But also made it permanent that Indigenous people would also have a voice, which was also a big change.

And one of the big changes there was a, it had a dampening effect on polarization, which is one of the problems you get and which is dangerous in the territory where elections, as was mentioned earlier, can

be won by one or two votes. In fact, when we lost power in 1992, we lost power because we, by three votes in one constituency, we were three short, and that's how small numbers can really matter.

But there was also, I think an increasing feeling in the public, which has bearing on this issue about polarization, about conflicts between right and left, between business and labor, between First Nations and non-First Nations people, and a sense that this was unnecessary and actually surplus to the needs to join the public business. And we also had has echoed this earlier today, real tension between rural communities where mining was doing, and First Nation communities and this city Whitehorse, which seemed to have all the power and all the money. And there was a deep cultural divide. And I was talking to Margaret Joe, Moxie Joe, one of my colleagues who's now 90 years of age, who, God bless her, is sitting in Chilliwack reading Hansard and feeling horrified about how angry and nasty some of the debates were, which is true. And it was culturally offensive to her, but, you know, we were for, for actually at one point, our caucus had five Indigenous people and four of us who weren't, and none of them were comfortable with the kind of nastiness that went on with for the legislature.

And in contrast, in 1986, they're very interesting thing happened, Gro Harlem Brundtland, the Prime Minister of Norway, led a United Nations Commission on the economy and the environment. A Commission that invented sustainability as an idea. And the idea that we should be balancing environmental and economic interests. And we should be building discussions going forward on, building on agreement rather than well, as I would illustrate it, the legislative debate, which is we use the British model. Where peoples on the government side and the opposition side sit, by no accident, two sword lengths apart. You can imagine where that came from, not, recently. Oh, you want to move my mic? All right. And the basically the debates. Would go of course their bill that they're this and this, and then this and, you know, plus negate, negate. If you had a third party, you might have, you know, both or either or both.

And what we realized that, what Brundtland was actually talking about was actually something that was strangely familiar to us. Which was Indigenous edition of the Council for Fire, and I remember this as a very young man going to Alaska in a remote village, and listening to a discussion long into the night around, and the shape of that discussion was, with people not being negating what the person has said, but adding something to it. And that's how it would proceed. And then maybe someone be negative along the way, but there was a different model, a different character to the discussion. It was a sense in which functioning as a community, you don't have any interest in destroying the character or attacking the quality of another person in the room, you actually are fostering community by listening respectfully, respectfully to what they said and adding something to it.

And that Council Fire model, if you like, is thousands of years old and it's the reason why the NWT, when they created their legislature, went into a circle and it’s why Nunavut insisted on doing it in a circle too.

Now people would say well, that's because they are nonpartisan, well, that's not true. I worked in Nunavut six years and I worked in the NWT for quite a long time, and I knew the federal political orientation of every single member of the legislature. But it didn't mean that they were culturally attacking or aggressive towards people in their own community or different views. There was, there were, of course, there were disagreements, of course there were arguments, but there was a way of going about it, which was very different than the British system.

So, one of the things that I'm going to suggest to you here as you go forward in this process, is to think about whether there are ways of doing things, either in the legislature or as whole or in the committee process that actually don't encourage the gutter partisan kind of approach. So, I actually think, tinkering, which is what we may be doing about—you know, this is the first, I've talked to thousands of people in the room and I've never had to worry about a mic before, but OK, this is I must be losing my voice. Is that what's happening, OK.

Anyway, the point I was going to make was can we adapt some, the way we operate, not just in the legislature but in the elections. You know, there are, lots of experiments that I've seen in all three territories, but some of them, none of them have lasted. There have even been experiments in Alaska, some of which we'll see whether they last. And I think one of the things you have to do is they have to be authentically, culturally authentic to one of the communities in the territory. Whatever the reforms you're going to make. And you have to be able to imagine this as something taking deep roots. Let me just give you a couple of examples.

When Sam Johnson became, who was one of our MLA's in 1985, became the speaker, he was the first Indigenous speaker in the British Commonwealth of any parliament. And he chose, he didn't consult anybody, but he chose to wear, not the black speaker's robe, which everybody else does but Tlingit regalia, Tlingit inspired regalia. And he gave a prayer in Tlingit every day. Now I always thought there were certain Members, I won't mention any names, in the legislature who were going to be going crazy about this. But they were smart enough to say nothing for the whole 8 years that he was there.

There's a funny story of when he went to a parliamentary conference, international parliamentary conference at one point, Art Webster from Dawson City was his deputy speaker at the time, and Sam was asked, with no notice to get up and give a speech, and he gave a speech in Tlingit. Art Webster jumped up beside him and then did an interpretation in English. And all the parliamentarians around the world thought this is absolutely marvelous, that this white guy could speak Indigenous language and translate so perfectly. Of course, the truth was, Art didn't speak a word of Tlingit, he just made it all up. But nobody knew so, except those two.

And we have some, I think deep thinking to do about how we can appropriately incorporate, without stealing, values and then from other parts of our communities, such as the Indigenous community. And I think there's an interesting experiment going on in Alaska now.

For, it seems, decades, Alaska is a small state, so it only has one congressman. And they had one congressman from Fort Yukon, a grumpy old white guy who was there for 50 years, or the best part of 50 years, until he died on a plane going to Seattle one night. And they had a by-election, and before the by-election for this empty seat in Congress, a very wealthy woman, I forget where she's from, but the Republicans Republican senator complained to me about this, she financed a massive process not like this, but one that would actually put to a plebiscite of changing voting system. Which is called the ranked voting system, so it wasn't two races between and Republican candidate electoral candidate. It was if you had 10 candidates, the top three candidates got in a runoff. And in a race where there were two Republicans, it became possible for the first time in decades, for a democrat to win.

And the person who won was an Indigenous woman. Mary Pelota, who had been a state member, State senator, but she won the congressional by election, and then she won, won in the general election because there were three candidates, again, two Republicans and a single Democrat. And she won. And I hope, because she is actually a marvelous legislator, she will actually continue to represent the state because they've never had anybody in Washington, representing Indigenous people of the state. And even though they have the land claim, which inspired very much the land claim here.

But the thing I would say about talking about voting systems and sizing of constituencies and all of this stuff. We should be inventive, of course, but don't overcomplicate a system. This is still a very small jurisdiction with very small electorates. And the alternatives that were presented earlier today are not the only way to do things. And, if you can find a more authentic way to do them, that is rooted in traditions of the territory, not ones you've just invented off the top of your head, you should think about it.

You know, I'm going to show you if I can find it. I don't know quite where it is in the mechanics here, a little Citizens Assembly process and I've been involved in several, one of the ones that I've been involved, and actually I think half a dozen. So when we had the election in 1986 and Gro Harlem Brundtland had developed this idea of these of the sustainability, who reinvented for a member, she's a northerner, she came from Norway, the idea of circles as a way for having discussions. And we were having, we were trying to reopen the mine of Faro, at the time, we were trying to settle land claims, the legislature was grumpy, deeply partisan. We wanted to open up the discussion a little bit more than just to this 16 or 17 people in the legislature.

And so we did a citizens assembly process called Yukon 2000. And which we brought in, we had an initial meeting with 200 people in Faro, then we did literally dozens and dozens of meetings at every community around the territory, including and ending with a big meeting in Whitehorse to try and get a consensus on how we should move forward. And we did. We reached a consensus.

But, did the consensus come into effect? Nah, Nah. Things moved on, mines got opened, land claims got settled, people forgot about why we were doing it. But what was important was years afterwards people came out to me on the street and said how happy they felt, how enriched they felt at a process like this, where you're building on agreement, where you're talking to each other about what you agree, not what you disagree about. That a placer miner, I mentioned this on Leonard Linklater yesterday, a placer miner could sit down with someone who was a commercial fisherman and talk about how they both love fishing. That you actually didn't start immediately to get into what you were fighting about, whether it's whack the tax or whatever that expression is or whatever is the slogan of the day. But to actually get into a discussion about, you know, how you work together, how you live together, how you can deal, how you can deal with each other in a complicated situation.

And the, what people were saying to me was that it was a gratifying, enriching process. And you know, we didn't ask what the politics were or the people who were participating, but we ended up adding a clause into the land claim. We created a Council on the economy environment which had 1/4 representative from the business community, 1/4 from the Labor, 1/4 from the environmental community, and 1/4 for First Nations. And it's actually referenced in Chapter 22 of the land claims.

But for some reason, some government in the last few years decided to do away with it or just not have it. Which is, I think, the dangerous thing about treaties. Treaties are supposed to be the highest form of law in our land. And if you don't respect treaties and honor treaties and implement them, you are actually as a legislator, let me just leave it to them, you're disobeying the law and you're showing disrespect for the work done by your, by the elders and previous generations.

And I think it's a serious problem because I recently reread chapter 22, I'm not the only one, but I think less than half of it has been implemented, even the easy stuff 30 years later. And that's a crying shame. And it's irresponsible on the part of the legislators who are responsible for this. But it's also, let me be fair, it's irresponsible on the part of the deputy ministers who have responsibility to advise ministers on what should be done and what needs to be done.

So I'm going to actually leave you with just a short clip about this group, which we did in 2019. I come up here doing various little jobs from time to time, whether I'm in the NWT, I spend time in Iceland every year and I've done 20 visits to Northern Nordic countries on different projects. And one of the things that I kept running into people, federal negotiators, territorial negotiation, First Nation negotiators who were really upset that the failures to implement the land claim as negotiated.

And so, at some point I said, well, let's quit bitching, why don't we pull together people on a weekend, everybody pay their own way, volunteers. We met on a -40 below January weekend in 2020. Federal negotiators, territory negotiators, First Nation negotiators, all coming at their own expense. One, Barry Stuart flew in from Mexico at his own expense. Other retired negotiators from Ottawa came up at their expense. Former chiefs came, former territory negotiators came. And we said, what is the problem with actually living up to the treaty, which we negotiated honorably and which the legislators now are failing to implement?

And somebody said, well, maybe the problem is the damn thing is 292 pages long, which means everybody, nobody reads it. Which is probably fair comment, and I put it in the context of saying the United, the Constitution of the most powerful nation in the world, the United States, for now, is 12 pages long. Which means it's read by every kid in every classroom at every school in the United States. And so, whether they know it and I can think of one famous American who doesn't seem to know it, but let me, they know something about it, they have some understanding about what the words mean or what this intentions were behind it.

We don't have a similar document here, so the people who participated in that cold weekend wrote a nine-page version of the UFA (Umbrella Final Agreement), the nine-page version. Not as a final word, but as an educational tool to be used in the schools and the colleges and so forth, and in community groups, but we posted it on the website as a draft, with the idea that anybody in this, any citizen in the territory, can come and make improvements or write a new draft or offer it for public discussion.

Now the site hasn't been as active as I would like it, partly because I haven't been able to raise enough money to make it animated. But at some point, I'll get around to that, but it's an effort, a genuine effort for citizens' participation in public education of something which I think is the most important document for the Yukon in the 20th century. And hopefully in the 21st and so maybe I'll just show you this clip if I know

how to turn this thing on. It's only a minute, but I'll end on this note, which is, says something about the possibilities of citizens assemblies.

(Video clip: https://vimeo.com/714779345/9e9af1a5d0)

(Tony Penikett)

Thank you if any of you see any linkages with what you're doing here and this, you're welcome to join us. Thank you.

(Sara McPhee-Knowles)

Question questions. Are there questions to start us off? I'm going to move to the back so I can see the room. Just so that we get to hear from more folks.

(Member)

(Digital) Tell us more about the Alaska citizens forum and how that was formed and how long it lasted and what it did that kind of thing.

(Tony Penikett)

I think the point about it, one of the reasons why the Republicans are so angry is it wasn't a citizens' forum. It was just a very wealthy woman, I don't know who she was, probably in California and I'm guessing from the way things go in the World (digital) as a plebiscite to make this ranked voting system, put it into Alaska. On, and I think it was partly a disgruntlement about how long this one congressman had been in power, now he, how irrelevant he had made himself over time and how Indigenous people

had never had any representation, I don't think that was their main area. And that we needed to open up the system and the, her idea of opening up the system is something that we could do here because it's not just about the size of constituencies or where the traditional voting system. You can have proportional representation you can have, you know, dear, our dear friend, Mr .Brekkie has always having ideas about doing things.

But on the ranking vote thing, I noticed interesting enough reading the news, I confess I don't read it every week, but the Yukon Economist actually saw the Yukon, the Alaskan system and actually recommended it for Yukoners. So, there wasn't a big debate, but there was a plebiscite and being Americans, if you got money and a plebiscite and a vote, it made it happen. And it had a happy result, but I'm not sure that that result will stand in time, because it's an oil rich state and there are some people, there have lots of money to maybe undo it. But it had, I think a good result for what it is. I'm not defending the process. I'm actually happy with the result. But what I'm saying is you should, we need to open our minds to some other possibilities than the ones we've always used.

(Sara McPhee-Knowles)

Thank you for that.

(Member)

Thank you. Thanks very much. A couple of things. There was a lot you said that resonated with me. Two things I want to pull out are avoiding gutter partisanship and not over complicating things. And with sort of that and all you've said in mind, I feel I'd like to ask you as an expert, what do you think is achievable through the work that we're tasked with? Thank you.

(Tony Penikett)

Well, if I were involved, I'd want to do a few things well. Not to do dozens and dozens of new adornments or extras, or, you know. Complications in the current system. Yes, our voting system isn't terribly difficult, but it has consequences. I say we lost the government by three votes in one constituency. If I could have changed that, I would, because we have still had, we thought we had work to do, but the next 20 years for mostly conservative governments, and I wasn't part of that. And that was, you know, that's that was the electorate decision.

I think, it's worthwhile spending time because everybody has laptops now, looking at ideas from other jurisdictions and not just the ones that were narrowly put to you earlier today, which was about the size of constituencies and makeup. I mean, I ran in 1970, Dawson City and Old Crow were in the same constituency. They had zero interest in common. I mean, even the Han people in Dawson City are very different people than the Gwitchin in Old Crow. And the Gwitchin had been promised a separate constituency, I don't know who by Eric Nelson or someone, and it made sense because they were so far away from it. Also in that constituency was a mining town, Clinton Creek, which is where I lived at the time. Well, my parents lived in Dawson, but I lived in, and there were three very distinct communities.

If you were going to be brilliant about doing something completely different, you might put all the mining communities together in the territory. I mean in the electronic age, you could do that. I mean Faro, whether that would be in mine again, I don't know or but Mayo is being mined again. But I'm not, I'm just

throwing that out as a possibility. I just think you should think deep, but don't come up with the what mistake the UFA makes, which is a 293 page document.

If you can't put it down in a few pages and a few words and clear ideas, you have some chance of selling it. The problem with the citizens assemblies that went on electoral reform in BC, I may as well mention this in BC and Ontario, BC had two expert advisers who both agreed on one particular model and because nobody in the process had any experience in politics or government, they bought their idea of these two guys. And when it went to the public, it got voted down massively because it was multi-party constituencies, which nobody does that in North America anymore. They what there was a time when you had two party seats in Regina in Vancouver, you know at the end of the Second World War. That's not going to happen anymore. And it was just a silly idea.

In the case of the Ontario Citizens Assembly, and I was watching John Turner, who had observed it, former Liberal leader actually, was he Prime Minister, he was briefly, but yes, he was. And he said the problem with this process is they're all good people, decent people, but none of them had any experience in politics. That they were thinking about politics from what they know about politics from West Wing ,watching West Wing on television, they'd never been to the legislature. They didn't really know how it worked. And the point I made earlier about, you know, this access to MLA's, this is important.

But the problem in what Yukon has often been access to ministers, and the ministers usually represent Whitehorse constituencies, and people in rural communities don't have a lot of access to ministers. They may because they may, there have been rural ministers from time to time, but the majority of minister are in Whitehorse. And that's a problematic arrangement.

We tried at one point in the government to try and move some departments, part of them because Whitehorse was growing so much and communities were shrinking, to move some, not whole departments, but agencies out in rural Yukon. And to maintain the employment there and to give more direct contact with the public service. I don't think it stood up for very long. I don't know it. It didn't last. I don't know whether the employees didn't like it or whether the communities didn't like it. I don't remember.

But you shouldn't be afraid of suggesting ideas like that. The one of the things about electronic technology I've seen lots of political meetings now, carried on in zoom. In fact, I lecture regularly at the Strategic Studies at the military school in the University of Alaska Officer training program and I do it by zoom. I only go there once a year and those (digital) kind of Gunter, very interesting Indigenous business with connections to both Teslin and White River, dealt with the COVID challenge when they were required by law, in the land claims agreements, to have annual general meetings, they did them by satellite and by television and by zoom. And it was, it was brilliant. It actually gave communities ways to connect.

I think the opportunity for me would be to use the committee system. I think committees don't have to be partisan. Ian Mackay and I were both in opposition, persuaded the government to adopt A Public Accounts Committee, which is a British thing. An audit committee, which happens in many jurisdictions and he was a natural guy that I suggested because he was a chartered accountant. And I said, well,

obviously you should be chair, but he said no, no, you should chair it because you also understand it, because I had studied public accounts committees in in political science university. But he said I will be the prosecutor, you know, and the witnesses will not be ministers. The witnesses will be deputy ministers. Because we're not going to be asking partisan questions, we'll be going to ask him factual questions about money. And we built that committee so that when it sat for one week every year and when the legislature wasn't sitting, the hearings were broadcast live over CBC. Ohh no, not over CBC over the legislative network. And there were, thousands of people listened in all over the country. Because it was their money.

They're very interested and to be brutally frank, I'm not being nasty when I say this, when you have Deputy Minister of Highways before a committee like that, that deputy minister knows a hell of a lot more about highways than whoever the Minister is that week. And they got answers. Why wasn't this part of the road fixed? How are we measuring when to fix roads? Was it the number of accidents and number of fatalities? These were numbers, questions which were actually very useful. I think if you have more of that kind of engagement, in the American system, works a lot on focuses on committees, you get away from the rigid partisan stuff a bit. Not sure that's happens in Congress, but in and you enable people to actually talk about facts and talk about figures and get away from personnel attacks. And actually do some useful work.

(Sara McPhee-Knowles)

Hey, are there is there anybody who hasn't asked a question yet today? Has a question in the back?

(Member)

Hi. I agree with you entirely about the ranked choice voting system in Alaska being a success. And I think one of the reasons is that the money that was thrown towards educating the public about the system, when it was implemented, people knew the purpose and how to fill out their ballots. I'm a bit afraid that there might be a problem with any recommendation made by this Assembly in getting any change promoted past conservative ...

(Tony Penikett)

Because there are too many people invested with the existing system? Yeah.

(Member)

Yeah, exactly and when we see one party saying that this assembly is not a legitimate body. I get worried immediately. I think that's the big ...

(Tony Penikett)

Yeah, you're not legislators. You're advisors, yeah.

(Speaker 6)

Anyway, I'm worried that enough resources won't be spent educating people about why we came to the conclusion that we will come to.

(Tony Penikett)

Say too.

(Sara McPhee-Knowles)

I can speak to bits of that. I can confirm that there are plans for public education after the process, but I don't know a budget that's been associated with that or exact details, at this point in time. We as an assembly, we have a mandate until our report and then after that the Citizens Assembly is that you're the Assembly struck to be something really specific. And then so we can keep having conversations about education campaigns and things that will follow and I can get more information. (digital) And I can turn it over to ...

(Member)

As part of the electoral reforms, we are supposed to be part of, for me it's important to voice my opinion using my vote. But as well as keeping the MLAs or even, we are voting accountable and making sure the promises they have made, we measure their performance. The issue is as an employer if I hire an employee or a contractor and say I'll hire you, but I'll measure performance four years later, it becomes difficult, but I also understand the nature of the government. We cannot keep rotating MLAs. So, in your years of experience, have you ever come across discussions to solve this problem or have you seen in your experience or in your network, solutions out there for public to be able to measure the performance of MLAs on faster pace.

(Tony Penikett)

Well, the simplest thing when I was an MLA, not only did I do regular meetings in each of the neighborhoods in my constituency because I had the largest constituency in those days until they divided, cut it up, made it three. And I mean obviously put out newsletters and did the other things that you do. Umm. And I think in some form or another, all MLAs should or ought to do that kind of thing. But it's probably not enough.

I belong to a political party that used to send out from its MLA's and MP's, detailed reports on what they had done, what they'd spoken on. Actually, I still know some British MP's that sent magazine length monthly reports on what's speeches they've given and where they, what they've done and so forth. I belong to a party that sends out nothing now except financial appeals. And it drives me crazy. I mean, there's no content whatsoever. I have a friend in BC who's a retired physics professor who writes angry letters every time he gets one of these January to the party, I wish you'd stop sending me these appeals, especially because they're content free. And if you keep doing this, I'm going to stop donating. What he. That's what he threats, but he still gives money.

But it is frustrating because the assumption that you can just do things on the Internet or I mean, I know MLAs, I won't mention any names, who think that Facebook is adequate to communicate with their constituents. I think that's ridiculous. If you're in a small neighborhood, small community like this, if you're not knocking on doors all the time in your constituency, when you have an evening off, you're not doing your job. Because Facebook won't do it.

(Sara McPhee-Knowles)

(indiscernable)

(Member)

My question is, do you feel that MLAs can provide adequate representation to their constituents if they're holding ministerial positions and the premiership given all the extra duties and work and time involved, trying to do both?

(Tony Penikett)

Well, it's a lot easier here than, say, being the premier BC, who has a swing constituency with, as I mentioned, 50,000 plus voters. But interesting enough, he, I go to a lot of meetings, recently there was a celebration for the 15th anniversary of Tsawwassen First Nation Treaty, I went, he was there. There was a major soccer game you may have heard about recently, and a hockey game. He's there, so he obviously makes an effort to go out. The people who pay the price for him, he's got very young kids, he probably doesn't see his young kids very often. But there is absolutely, my reason in this, given the size of the constituencies here, even, I mean, let's say the numbers of voters, but they are, some of them are very large geographically, and you have to work hard. I remember I used to be scared stiff, about when I was in government, Piers MacDonald would drive home to his constituency of Mayo and Elsa every weekend, as would Dave Porter in Watson Lake and Maurice Byblow in Faro, Art Webster into Dawson City and the roads are not always, I don't know, you've heard this, but the roads are not always perfectly safe in winter and the Yukon. And during our time there was an MLA died in a car accident. In fact, in my time here, they've been two MLAs died in car accidents.

So, I think some of them make an effort. I think if they try and do it just on the Internet or by, you know, e-mail, you're probably not going to succeed because people want to see your face and they want to shout at you. So, it's tough, it's tough, in rural conditions as ever, but it's not as bad as being an MLA and Nunavut. You know where there are no roads. Basically.

(Member)

Thanks for the segue because speaking of Nunavut. My understanding that that is that they use the Westminster parliamentary democracy in Nunavut and NWT as we do here. And I'd be interested in learning more on your perspective, the good and the bad of the system they're using there because they don't acknowledge political parties. They sit in circle. I'd like to know more about your thoughts on that.

(Tony Penikett)

Well, my thoughts are, I know when I used to work in both those places, I knew whether they were Liberals or NDP's or Conservatives in the legislature, but that wasn't the dominant top of mind thing for them. Usually, their communities and family connections and tribal connections were actually more important. In, I mean this is an important thing on languages. Some things you know, I want changes that last. And there was a time in the NWT legislature, certainly after federal government made, in Nunavut and NWT, adopt the Official Languages Act. Which they grumped about, but they did, and they, we here did not.

We were warned by the First Nations here that if you would make us officially bilingual before we have land claims and before our languages are recognized, you're gonna have trouble. So, we explained this to the federal government and three different ministers, federal ministers, over a number of years, tried to force us to become. And there was and there was a time, eventually it led to the Conservative backbenchers in Ottawa summoning me, subpoenaing me to appear before the Official Languages Committee, cause they were ending the French-English land. And my explanation of why we were not was we actually wanted to maintain the idea that Indigenous languages matter here and their societal matters, and we don't want psychologically to have a situation where they become third, third ranked languages.

And Ray Hnatyshyn, who was the Minister of Justice the time in charge of the bill but knew that I've been summoned to the parliamentary committee, and he asked me to come to see his office an hour before I was due to appear before the committee. And he handed me a piece of paper and said if you agree not to appear before, this committee we will sign the agreement we have with you about equally funding French and Indigenous languages in the Yukon $1.00 for each. The dollar was for the French language thing was largely for the court system, and the language is for using the Territorial Act.

There used to be many, many years ago, decades ago, there used to be a thing called the territorial agent in the Yukon, which was a generic official who, in every rural community who do everything from license plates to whatever. And we simply readvertised for all those positions except we didn't put anything about you had to be Indigenous, it simply had said that you had to be able to speak the language, Indigenous language of that community. And we filled those positions with the federal money and we provided French language, we translated all our bills and we provided court services in French. But I don't know what happened to that legislation. I don't know whether it's still in effect. Carol, do you know?

(Indiscernible)

(Tony Penikett)

OK. OK, so are the is. Is the territorial agent program still existing? Oh well, I'm glad to hear that, because I haven't heard anything about it for years, so I thought maybe it just died like somethings do.

(Member)

Yeah, but I'm not aware of any of them speaking the language (digital)

(Tony Penikett)

Well, see, we made that as a condition.

(Member)

Yeah, I don't.

(Tony Penikett)

For well, for while they had nine interpreters doing live translation of the legislative debates. But I don't think they have nine MLA's in there who speak their own language. Which is why it, it's not surviving,

which is what I'm recommending about, you don't make changes that might not survive. You want things that will last.

(Member)

Thanks. I guess my question is shifting gears a bit from the legislative branch to the executive branch. They are related to the system and ultimately my question is, from your perspective, is 19 MLA's the right number for Yukon's legislature? So, we've looked at that from the representation point of view, and it's awesome, you know, 1600 people per MLA from the point of view of having to form a cabinet out of maybe 8 or 10. And then trying to run a government, you know, people are not just ministers. People are multi portfolio ministers while they're trying to represent their constituents so. Is 19 enough? Too much?

(Tony Penikett)

It really does depend on how responsible parties are in choosing their candidates, but I mean, I was minister of, Premier, Minister of Finance, Minister response for Land claims negotiations, and I think I had a couple of other things. But I didn't find it taxing and I still knocked on doors in the evenings. I, my kids didn't, didn't always like it, but you know, that was you'd, you'd do it.

I think there's a problem in cabinet government here, which is of a different kind. Morning after I got elected, I won't mention any names here, but there were, senior, the most senior deputy ministers, came to see me and said, we have a problem. We as a collegiate group, there were several deputy ministers who went to the Tory convention, had photographs on the white front page of the Whitehorse Star in their party hats, and we don't think that was a proper and we think they should be fired.

And I asked the polite question, well, what are you going to do if they're not, and they said, we will quit. And these two of them happen to be the most important, in my opinion, the most important public servants in the in the system. And so, I had a quiet word with these two gentlemen who'd been there in the funny hats. And they were happy to seek opportunities and other jurisdictions.

But it was a problem because when my first, I remember, I have studied this stuff when I was in university. I don't claim to be a good student, but I had studied. And my first cabinet submission that came from the service after I was Premier was absolutely shocking to me. We had, it was not the number one thing, but it was very high on our list of priorities or something we wanted to do quickly and it doesn't matter what it was now, but that's not important. And the first cabinet submission came to me and it, you know, every cabinet submission offers you options, that's just a good plan. And the options presented me were the Tory option, the Liberal option, or do nothing.

So, I called a meeting of everybody in Executive Council and I invited other deputies to attend. And I said I hoped I didn't know how long, because we weren't already going, how long I've been in office, in two terms, but I didn't know that. This is the last cabinet submission I want to see like this, and I said I want to make it perfectly clear, I do not expect, nor do I want senior officials, even junior officials, in this government, to be members of my party, or to be telling me they're partisans of my party. But what I do expect them as professionals to understand what the range of options for Social Democratic Party are. And when they present cabinet options, in the cabinet initiative, I expect them to have option A to be one kind of thing, maybe let's just say for the sake of argument, an environmentalist option. Option B a

welfare state kind of option or third, that kind of something that helps the labor movement. You know for example. I don't want a Tory option or liberal option, and I certainly don't want to do nothing option. And I hope you understand and if you don't, you should probably be seeking a job in highways or something because Executive Council is the people who are supposed to funnel this stuff towards the cabinet.

And I didn't have to have that conversation twice. But I don't know if they'd ever had it before, and I think that was a problem. And I think there's many ways in which the government here I'm not, this is not an insult, it's still a fairly immature institution. And it has time to grow, and so it's not just about how we vote, it's also about how we train people to be public servants. And frankly, having taught at YU, not very much, they do a terrible job.

You know, you go to a town of the similar size in Finland, for example in Lapland, which is a jurisdiction about the same size as this, has Indigenous people it has, it has a, it was a town that was destroyed in the Second World War and then rebuilt afterwards. And when they were building a university, they did a 10 year planning process. They ended up with four faculties. First faculty was we, we're a regional public service cause it's a regional government, we need and an entry level to the civil service in Finland is a Masters degree in administrative law. And you can't be a public servant unless, you have, that degree. So we're going to have, one of the faculties is going to be that. Second faculty is we have a desperate trouble keeping and, hiring and retaining teachers. So we're going to have a teachers college and in Finland the entry level for teaching is a Masters degree in education. So, and they take the highest trained teachers for elementary, for kindergarten and elementary schools. And they have the best public education system in the world. Probably. Arguably.

And those were the two main faculties. And then, because the town had been burned down by the Nazis when they were retreating, they hired Finland's most famous architect to rebuild all the public buildings in the town and the beautiful blonde wood angled towards Northern Lights and quite spectacular facilities. And all the altos, the name of the architect, and so they have the third school was designed. There's a fourth one, but I don't remember what it is, but it's a pretty impressive, focused place and a lot of Canadians go there to do PHD's because the standard of education is very high. But it's focused on three or four things and we're not.

We're a Polytechnic, trying to do too many things, I suspect. I mean, I mean we've been doing that for years, so you can't change it quickly. But when I was in government, a lot of our deputy ministers who had PhDs and masters degrees were teaching at the college at night, you know, master's level courses. Which was problematic in the sense that the students taking the courses were teachers because they got better pay for taking these courses. And then the faculty members were actually civil servants who we were already paying, but now we had to pay them extra to teach. But apart from the cost thing, it was actually, I went up there in the evenings and the college was full, busy. I was up there last time in the evening, the only thing going on was at the Art Center. So I don't know, it's different. It's a different time.

(Sara McPhee-Knowles)

Ok. I'm going to see if there more questions. I see. Sam, I would also endeavor to ask the women in the room who have not asked this many questions, if they have any questions before I go. But no question.

(Member)

I just want to thank you for the kind of history lesson and overview of someone who is like relatively new to the Yukon. It was really...

(Tony Penikett)

Apologize about that.

(Member)

No, that's great, and I think it kind of helps center us, and I was wondering if you talk a little bit more and I'm hoping that we maybe as a group and maybe this is planned that we'll talk about. But I really like when you said that along with not over complicating, we should try and do something that's authentic and rooted in the tradition of the territory. So, I was wondering if you could maybe speak a bit more about what you view as those kinds of values being of, like you kind of alluded to some examples and stories about how you've had, how the Yukon said no to the disenfranchisement of like. Are there more of those things that you think are important for us to consider? Because it seems like you have a very good kind of long view of what some of those things are here. So, I'd love to.

(Tony Penikett)

Mmm hmm, okay, what's your professional background.

(Member)

Me, I'm, I have a background in social work, yes.

(Tony Penikett)

Ok

(Speaker)

Yes

(Tony Penikett)

Ok. Well, let me stretch from social work a little bit to health policy and social work. One of the things that the Arctic does very well is every year, every 10 years, they have a circumpolar Arctic health conference. It was here not so long ago, and I spoke at one of them. My father was a doctor, the last doctor in Dawson City before Medicare came in. So, I have an interest in that stuff.

There are a couple of things that the last time I read, they come out and they publish all the papers and so it's a big fat report comes out every 10 years. One, a couple of things that I I've never forgotten. One is that if you're looking at health comes outcomes in northern communities, the communities with the best outcomes do not have doctors. They have nurse practitioners, which is maybe not surprising for those people, but it actually is an argument for us training nurse practitioners and actually making sure that communities have them because we have trouble keeping nurses anyway, and we have trouble keeping doctors, but if you specialized.

And Russia has this thing, I mean, they know they're nobody's favorite country right now, but they have an occupation between nurse, nurse and doctors, not called the same thing, that they have in all of rural north, who are very highly praised at being extremely practical people in terms of dealing with health issues. They don't, the first thing they don't do is send for a lab test. They actually do something for patients and I think there's something to that style of medicine that we should pursue. And we should specialize, and where do we really need these needs, and in rural Yukon, there's lots of needs. But we could maybe we can create new occupational boundaries.

In fact, I was once in charge of, briefly, in charge doing the negotiation with doctors in BC. And, they were very difficult to deal with. And I actually slightly jokingly suggested that, well, if they were going to act like a union, maybe we should give the membership in the BC Federation of Labor, give them a seat on the Labor Relations Board and all that, kind of stuff. They were horrified and suddenly became very well behaved anyway, but I think there's an argument here for instead of just trying to replicate what we're doing everywhere else in the country, at Yukon College but actually reinventing or redesigning certain kind of occupations as needs. I mean, is the social worker of 1950, the baby snatcher really what we want in this time and age? It's just maybe we should be redesigning these things and maybe we have to elect some of those kind of people to the legislature in order to get the legislature thinking outside the box.

(Member)

Echoing what was just said, thank you so much for coming and kind of centering us. It's a very good history lesson, brings back a lot of memories growing up here. I was just wondering if you could maybe elaborate a little bit further on the on the committee systems that you had spoken to just because it perked an interest for me. I just find that the, it's been brought up a few times where, we talk about, you know, it's a four year cycle, how do we keep people accountable? And I feel like that is one way and it'd be just interesting to hear a little bit more about how that worked because it obviously isn't happening anymore. Just out of curiosity.

(Tony Penikett)

I don't know what committees have life here, which are the which of the committees that people want to be on. In my time, the Public Accounts Committee, after we created it, became a very newsworthy committee and people, not because it was partisan, but because it was actually getting at details about what departments were doing with the money. And people were interested and I think. I mean, I don't know what committees are operating nowadays, because I don't read the Daily News for the Yukon. But you can always invent new committees, all an MLA has to do is propose a new committee, and, but I think you should start thinking about doing committees that actually deal with some of the problems that have been mentioned earlier today.

Rural disenfranchisement. I mean, it's not just the populations, it's the fact that, I mean, we used to deal with two departments a year and one we dealt with highways the year we dealt with highways was really interesting because every single member of the MLA that was on the committee, because remember there were two opposition members and there were three conservatives, had questions and got answers. They totally staggered and surprised them because they didn't know because the people who knew in the

department, the deputy minister and the ADM, they came and answered the questions. I mean you could do the same thing in health and social services and education.

I mean, my, I walk around, I hear lots of comments about education here. I know there's been a big reform in terms of the First Nation school. But there's, I think, a 50 year failure here to develop apprenticeship systems in the high school. And I don't mean apprenticeships necessarily, all on the southern model, because in northern Manitoba in 1995, where they had a major dam project, there was a young deputy minister. He was only 27. But he was a Rhodes scholar. Brilliant guy. And he said, look, I can't, I promised all these northern communities that at the end of this project, there's a 10 year hydro project, every community is going to have an electrician, a plumber, a carpenter and something else left behind the community and going to be people from the community. We're going to train them.

And he discovered that under existing rules in Manitoba, nobody could get into these apprenticeships because they didn't have the Grade 8 or grade 10 formal education that was required. So he's, he threw the manual out the window, hired Indigenous tribes master tradesman in each of those careers, then did, what he called an experiential learning thing, where those old men and they were mostly men, taught kids how to become carpenters, electricians or whatever, didn't teach them in Winnipeg, taught them in their communities on the hydro project. And they were all guaranteed that they have jobs back in the communities. And it was a huge success. And but then I asked what happened, then another government came in and they just did away with the program. And it was brilliant. But I think we should be brilliant too. We should think about ways of doing things which aren't, out-of-the-box.

(Sara McPhee-Knowles)

We can take one last question from the room if there is one, and then we have one on zoom. Question.

(Member)

Quick questions, but they're related, and one is, how would you feel about the actual ballots that we used to vote with, that we not only have the candidates names on them, but extra check box. That said, none of the above and the process of recall where the electorate constituents can fire their MLA.

(Tony Penikett)

Well, there are jurisdictions, I think you know in the world where you actually have the picture of the candidate, so if you actually don't recognize the name in written spelling, you might recognize them as someone who stole your car or, whatever you know. I think recall petitions, I know they operate and they work in places and their people have been recalled, but sometimes I think it's they're just nasty things, you know. Someone who legitimately got elected with 35% of the vote, if some (digital) their money getting the 60% who voted against that person to recall them in endless recalls. I don't know whether that's a good use of people's time, but, you know, if it's democratically done, so be it.

(Sara McPhee-Knowles)

OK, we'll do our zoom questions. I'm just going to pass the mic to Michael to read out.

(Zoom Viewer question)

So, this question is related to the size of the Legislative Assembly and the ratio of constituents to elected MLAs. Has the ratio of MLA's to constituents changed significantly over time in the Yukon? And do you have any thoughts on what might be a reasonable representation ratio?

(Tony Penikett)

At some point, if you start increasing the numbers of MLA's, you're going to have a debate in some quarters about what they're getting paid and are they really paid to part, paid part time jobs or if you want to have a large legislature, which some places do, maybe we should be paying them as part time except for ministers, part time people because they don't have enough to do as MLA's and they should have another job and blah blah blah.

I confess I was a full time MLA the whole time I was an MLA. I think in my year ‘78 I was the only one, but I was also the only one doing, under those days, if you got injured in a mine, you couldn't appeal the decision of the award yourself, you had to get a lawyer, which most people couldn't afford, or a friend. And I acted as a friend for injured miners all over the territory.

Now it's useful to know that in Britain it is illegal for you to do casework for people outside your own constituency. It is considered ungentlemanly, improper, bad show, whatever. And I think, I understand why they have that done, but, because so many of the MLAs of my time had other jobs, they weren't able to do the stuff I was doing. And maybe they weren't interested, but, and I did it a lot to the point where we actually ended up having to change the compensation law because it was, the boards were so cavalier.

So, I think there's, it was mentioned this morning, it may be an argument if you start saying we're going to 21 or 24 legislators that you have to recognize other than the ministers, maybe it should be recognized as part time job and paid accordingly. Otherwise you're going to have public dissatisfaction with this. I mean, when I ran in 1970, I remember knocking on doors in Dawson City and they referred to the Territorial Council as then recalled as the small fries frolic. They didn't see, they didn't see it as a terribly serious body. Is that, was that the question?

(Michael)

Just about the ratio, if you felt what was the reasonable ratio?

(Tony Penikett)

Yeah.

(Sara McPhee-Knowles)

Well, please join me in thanking Tony (digital)

(Tony Penikett)

Thank you. I believe you. Thank you. Thank you. And we are going on tomorrow?

(Sara McPhee-Knowles)

We're going on tomorrow. I was just going to do a bit of a recap.

(Tony Penikett)

But let me ask you about tomorrow. Are observers, wandering people are out in or is it a closed shop?

(Sara McPhee-Knowles)

In general, the, there will be a public the public zoom for Tosh's presentation and otherwise the afternoon will be small group discussions.

(Tony Penikett)

OK. When is Tosh performing?

(Sara McPhee-Knowles)

Can I come back to you after the break?

(Tony Penikett)

OK.

*** End Transcription ***