

file

Ta'an Kwäch'än Judicial Council

Decision on Complaint Regarding Removal of a Board Member

Case Numbers: TKJC06-09

Applicant: Bonnie Harpe
38-606 Main Street
Whitehorse, Yukon Y1A 2C1

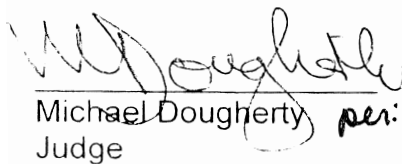

The Ta'an Kwäch'än Judicial Council received a complaint from the applicant, dated September 6, 2006, requesting that Acting Chief Ruth Massie be removed from her position. This complaint questions the veracity of a media release issued on August 4, 2006 and whether the Board conducted business in the absence of quorum. The Judicial Council has considered this to be a charge filed pursuant to the provisions of 12.2 of the Constitution of the Ta'an Kwäch'än.

The Judicial Council received a response to the allegations of the applicant from legal counsel for the Board, dated September 13, 2006. This submission rebuts the charges in the application and requests that the matter be dismissed summarily.

Based on consideration of the material provided in the application and the submission on behalf of the Board, and with consideration of a number of other charges filed by this applicant directed at the Acting Chief, the Judicial Council finds that the matters raised in this application are either non-justiciable, i.e. not within the jurisdiction of the Judicial Council to consider, or frivolous, and appear to the Judicial Council to be largely aimed at disrupting the regular working of the Acting Chief and Board.

12.2.4 of the Constitution provides for the Judicial Council to make a final determination on requests to remove Board members in an expedient manner.

As we have concluded that the application raises matters that are either non-justiciable or frivolous, we dismiss the application and will take no further action on the application.

 
Michael Dougherty per: John Bailey
Judge Judge

c. TKC Board