

## Ta'an Kwäch'än Judicial Council

### In the Matter of an Appeal of the Ta'an Kwäch'än Council Election held November 20, 2006

#### DECISION

**Case Number:** TKJC06-24

**Applicant:** Barbara Hare et al

The Judicial Council received an application from Barbara Hare dated December 19, 2006, appealing the results of the November 20, 2006, Ta'an Kwäch'än Council election for Chief and Deputy Chief.


As provided under subsection 143(2) of the *Elections Act*, TKC July 2006, c. 1, several parties filed written submissions in response to the appeal. These submissions were distributed to all parties by the Office of the Judicial Council. In a Direction on Procedure issued January 26, 2007, the Judicial Council decided it would consider this appeal based on written submissions and affidavit evidence, and allowed the parties additional time until February 9, 2007 to file supplementary submissions.

The Judicial Council recognizes that a timely decision in this appeal is of considerable importance, not only to the immediate parties to the appeal, but to the citizens of the Ta'an Kwäch'än Council generally. The issue of timeliness is also underscored by the wording in subsection 142(3) of the *Elections Act*, which directs that the Judicial Council determine an election appeal "as soon as possible".

Having carefully considered the submissions of the parties, the Judicial Council is satisfied that the results of the November 20, 2006 election for Chief and Deputy Chief should be confirmed valid. The Judicial Council, however, will require some additional time to finalize its written reasons for this decision. Rather than delay the release of its decision until the written reasons are finalized, and extend the period of uncertainty about whether the election results are valid or not, the Judicial Council has determined it would be appropriate and in the public interest to issue its decision at this time, with its written reasons for the decision to follow.

As a result, the Judicial Council declares that the results of the November 20, 2006 election for Chief and Deputy Chief are valid and will issue its written reasons for this decision as soon as practicable.

Issued by the Ta'an Kwäch'än Judicial Council this 24 day of February 2007.



Michael Dougherty  
Judge

*per* John Bailey  
Judge

Chuck Hume  
Judge