

Darlene Thomas v One Arrow First Nation

Decision Date: 2019-12-31

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Translation of Summary into Plains Cree

The Federal Court is committed to being more accessible to Indigenous people when they wish to bring legal disputes for resolution. The Court thanks the language keeper who assisted with preparation of this summary in Plains Cree.

[1] Ms. Darlene Thomas was a candidate for the position of Chief of One Arrow First Nation [One Arrow]. Because of a mistake made by One Arrow’s Election Officer, her name was omitted from the ballot. She brought an appeal against the results of the election. According to the One Arrow First Nation Custom Election Regulation, One Arrow’s election appeal process is to be presided over by a Justice of the Peace. However, a Justice of the Peace declined to act, because the provincial legislation that creates her office does not give her the power to enforce First Nation election laws. As a result, the appeal process became unworkable.

[1] Ms. Darlene Thomas kī-pimipahtāw ta-itapit Okimāskwēw ita Ka-Pēyakwāskonam Nistam-Iyiniwak [Ka-Pēyakwāskonam]. Māka ayisk māyinikēwin ohci Ka-Pēyakwāskonam Pimipahtāwin Okanawēyihcikēw, ō-wīhowin kī-patāpatamwan ohci pimipahtāwin. Natotam nīsōhkamākēwin asicāyihk ōhi ka-kīsihcikatēkihik pimipahtāwina. Itēyihṭikwan ochi ōma Ka-Pēyakwāskonam Nistam Iyiniwak Iyinihkēwin Pimipahtāwin Wiyasiwēwina, Ka-Pēyakwāskonam pimipahtāwin nīsōhkamākēwin paminikēwin ta-kī-paminikatēk ohci Owiysiwekwimāw. Māka, Owiysiwekwimāw asēnam ta-pimohtēstamakēt, ayis okimānāhk wiyasiwēwin ka-osihcikatek ōma otatoskēwin namōya miyikowisiw ta-āhtas iwatahk Nistam-Iyiniwak pimipahtāwin itasiwēwina. Ēwako ohci, nīsōhkamākēwin paminikēwin namōya kī-atoskēmakan.

[2] Ms. Thomas brought an application for judicial review to the Court, seeking several remedies with respect to both the Election Officer’s mistake and the council’s conduct after they learned that the appeal process was unworkable.

[2] Ms. Thomas itohtatāw masinahikan ta-wapahcikātēyik ohci opaminikēw ita Wiyasiwēwinohk, natonam itahto kwayask wēyihcikēwina asici nisitawēyihṭākosiwin nānapo ōki Pimipahtāwin Okanawēyihcikēw ō-māyinikēwin ēkwa okimāhkān itātisiwin ispihk ka-kiskēyihṭākwahk ēwako ōma nīsōhkamākēwin paminikēwin namōya atoskēmakan.

[3] The Court concluded that Ms. Thomas was wrongly excluded from the ballot and that this omission could have affected the result of the election. The next general election is set to take place within the next three months. Therefore, the Court declined to grant the usual remedy of calling a new election. The Court nevertheless awarded the costs of the application to Ms. Thomas.

[3] Wiyasiwēwinohk kīsēyihṭam ēkwānima Ms. Thomas kī-māyi-tōtākawow ka-patāpatamihk ōhi ohci pimipahtāwin ēkwa ōma patāpahcikēwin ta-kī-mēskocipayin ka-kīsihcikatēk ōma pimipahtāwin. Kīhtwām ka-nisitawēyihṭākwahk pimipahtāwin ēwako ta-ispayin nānitaw nisto pīsim. Ēkosi, Wiyasiwēwinohk asēpayihowak tapakitēyihcikatek ēkwanihi māna kwayask wēyih-cikēwina ta-tēpwātahk osk-āyi pimipahtāwin. Wiyasiwēwinohk kīhkīhk tipahikēhew mēstinikēwina Ms. Thomas ōma ohci masinahikan.