



Ottawa, October 12, 2021 – A decision was issued today by Justice Sébastien Grammond of the Federal Court in file T-1186-20:

**IN THE MATTER OF
CALVIN WAQUAN v. MIKISEW CREE FIRST NATION**

Translation of Summary into Cree

The Federal Court is committed to being more accessible to Indigenous people when they wish to bring legal disputes for resolution by the Court. For example, many Court hearings are held directly in the Indigenous community or via webcast from a Courthouse; and where appropriate, Court procedure is adapted to make space for Indigenous protocols and legal traditions. In selected cases, the Court also makes its decisions more accessible by having a summary prepared and recorded in the Indigenous language of the parties. The Court thanks the language keeper who assisted with preparation of this summary in Cree.

[1] Mr. Waquan was an unsuccessful candidate in the 2020 election for the Council of the Mikisew Cree First Nation [Mikisew]. The Election Appeal Committee [the Committee] dismissed his appeal of the results of the election. He now seeks judicial review of this decision.

[2] The Court dismisses Mr. Waquan's application. Mr. Waquan first alleges that two other candidates, Mr. Kaskamin and Ms. McKenzie, were ineligible because they owed a debt to Mikisew. According to the information provided to the Court, however, Mr. Kaskamin's and Ms. McKenzie's nomination was accepted only after Mikisew's CFO certified that they did not owe any debt. The Committee dismissed Mr.

[1] Mr. Waquan môya kî-ohci kaskiho kamawînêskâkêt ôma 2020 pimipahtâwin kiki Okimâhkân ohci Mikisew Nistam Nêhiyaw Mâdawâyâwinihk [Mikisew]. Ôki Pimipahtâwin Nîsohkamâkêwin Pimohtêstamâkêwak [Pimohtêstamâkêwak] ânwêhtamwak ô-kakwêcihkêmwîn ka-kîsihcikâtêk ohci pimipahtâwin. Natonam êkwa kihci kanawâpahcikêwin ohci ôma oyasiwêwin.

[2] Wiyasiwêwinohk ânwêhtam Mr. Waquan ô-natotamawin. Mr. Waquan nistam itwêw êwako nîso kotakak mawînêskâkêwak, Mr. Kaskamin êkwa Ms. McKenzie, namôy kî- kaskihtamâsowak ayis kî-masinahikêpayiwak isi Mikisew. Isi tipêyimowin asici ôma kiskêyihitamohiwêwin ka-mêkâtêk isi Wiyasiwêwinohk, mâka, Mr. Kaskamin êkwa Ms. McKenzie ô-nawasônîkêwiniwâw kî-otinikâtîyow piko



Waquan's appeal because the two candidates were "approved to run." The Committee also noted that they were unaware of the debt and that it related to an ongoing court case.

[3] The Court concludes that the Committee reasonably relied on the CFO's certification and did not have to reach its own conclusions as to the existence of a debt. Requiring the CFO's certification is aimed at providing some degree of predictability regarding the existence of the debt and fairness to the candidates. Mr. Waquan has not brought any evidence of impropriety in the process leading to the CFO's certification of Mr. Kaskamin and Ms. McKenzie.

[4] Mr. Waquan also challenges the fact that polling stations were held at locations other than those provided in the Customary Election Regulation. The Committee found that the changes had been in place for a long time and had become customary. In the Court's view, the Committee's decision in this regard is compatible with the manner in which this Court understands the sources of Indigenous law, including custom.

mwêstas ispîhk Mikisew ohci CFO kêhcinâhiwêw êka kîkway ê-masinahikêcik. Opaminikêwak ânwêhtamwak Mr. Waquan ô-kakwêcihkêmwîn ayis ôki nîso mawinêskâkêwak kî- "pakitinâwak ta-pimipahtâcik." Opaminikêwak mîna wîhtamwak namôya ê-kî-kiskêyihahkik ohci mawinêskâkêwin mîna êwako ohci âhkami wiyasiwêwinohk paminikêwin.

[3] Wiyasiwêwinohk kîsihtâw êkwânima Opaminikêwak kwayas ôma aspêyimowak CFO ô-kêhcinâhiwêwin mîna namôya katac ta-kâhcitinikâtêk ô-kîsihtâwin kiki isi ka-ihakohk masinahikêwin. Ka-nitawêyihcikâtêk ôma CFO ô-kêhcinâhiwêwin êwako ka-oyâpahcikâtêk isi ka-pamihiwêhk tâh-têpi iyikohk ka-ihakohk ôma masinahikêwin mîna kwayaskwatisiwin isi mawinêskâkêwak. Mr. Waquan êka kîkway kî-pêtâw wanitôtamakêwin kêhcinâhowin pîhci ôma paminikêwin êwako ka-tôcikêmakahk isi CFO ô-kêhcinâhiwêwin ohci Mr. Kaskamin êkwa Ms. McKenzie.

[4] Mr. Waquan mawinêskam êwako mîna pimipahtâwin tasihkêwina kî-miciminikâtêwa ohpimê isi namôy êkwânihi piko ka-masinahikâtêkîhk pîhci Pimipahtâwin Pakitêyimowin Wiyasiwêwin. Opaminikêwak miskamwak êkwânihi mêskotastâwina kayahtê aspin kî-astêwa mîna pakitêyimowina. Isi Wiyasiwêwinohk ô-wâpahcikêwin, Opaminikêwak oyasiwêwin pîhci ôma nisitohcikâtêwin êwako nahiyikohk nâkatohkêwin êkosi isi ôma Wiyasiwêwinohk



ka- nisitohtahk takahki-pimohtatâwin ohci
Nêhiyaw wiyasiwêwina, asici iyinihkêwin.

[5] Moreover, Mr. Waquan complains about the manner in which the Committee conducted its hearing. He asserts that he was constantly interrupted and was not able to put forward his arguments to set aside the results of the election. However, based on the evidence submitted by both parties, the Court concludes that Mr. Waquan was not interrupted and had the opportunity to present his view of the matter to the Committee. There was no breach of procedural fairness.

[5] Mîna, Mr. Waquan wiyotam ohci nâkatohkêwin êwako ita Opaminikêwak ka-paminahkik māmawapiwin. Wîhtam tâpitawi ê-wanâmihk mîna namôya kî-kaskow ta-nêhpêminahk ô-kîhkâhtowina ta-îkatêtastahk kîsihcikatêwina ohci pimipahtâwin. Mâka, kêhcinâhiwêwin ka-pakitêyihcikatêk ohci nânapo mawinêhikêwak, Wiyasiwêwinohk kîsihtâw êkwânimâ Mr. Waquan namôya kî-wanâmaw mîna kî-ayâw nahipayiwîn ta-pakitinahk ô-pîkiskwâtamowin wâpahcikêwin isi Opaminikêwak. Nama kîkway kî-ohci pîkonikâtêw kwayaskwatisiwin pimipayihtâwin.

An audio recording of this summary in Cree is available on the Court website at:

<https://www.fct-cf.gc.ca/en/pages/media/webcast>

A copy of the decision can be obtained via the website of the Federal Court:

<https://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/514212/index.do>.