

Goodswimmer v. Canada (Minister of Indian Affairs and Northern Development), [1997]

1 S.C.R. 309

**Alfred Goodswimmer, Keith Goodswimmer,  
Jerry Goodswimmer and Ron Sunshine  
on their own behalf and on behalf of other  
members of the Sturgeon Lake Indian Band,  
the Council of the Sturgeon Lake Indian Band,  
Mary Kappo, Mary Delphine Goodswimmer,  
Lucy Sunshine, Louise Redhead, Cecile Kiyawasew,  
Marina Plante, Florestine Chowace,  
Florence Standingribbon, Wilfred Goodswimmer  
and the Lesser Slave Lake Indian Regional Council**

*Appellants*

v.

**The Attorney General of Canada, the Minister of  
Indian Affairs and Northern Development and  
Darlene Desjarlais, in her capacity as  
Chief of the Sturgeon Lake Indian Band**

*Respondents*

**Indexed as: Goodswimmer v. Canada (Minister of Indian Affairs and Northern  
Development)**

File Nos.: 24737, 24745.

1997: February 18.

Present: Lamer C.J. and La Forest, L'Heureux-Dubé, Sopinka, Gonthier, Cory,  
McLachlin, Iacobucci and Major JJ.

on appeal from the federal court of appeal

*Appeals -- Appeals to Supreme Court of Canada -- Mootness -- Court not  
exercising discretion to hear appeal notwithstanding mootness -- Appeal quashed.*

APPEAL from a judgment of the Federal Court of Appeal, [1995] 2 F.C. 389, 180 N.R. 184, 123 D.L.R. (4th) 93, [1995] 3 C.N.L.R. 72, affirming an order of the Federal Court, Trial Division (1993), 66 F.T.R. 279, [1994] 2 C.N.L.R. 56, answering a question of law. Appeal quashed.

*Catherine M. Twinn, Martin J. Henderson and Philip P. Healey*, for the appellants.

*Kirk N. Lambrecht*, for the respondents the Attorney General of Canada and the Minister of Indian Affairs and Northern Development.

*//The Chief Justice//*

The judgment of the Court was delivered orally by

1 THE CHIEF JUSTICE -- It has been conceded by the appellants that this appeal is moot. In all of the circumstances we are of the view that this is not one of those appeals in which the Court should exercise its discretion to hear the appeal notwithstanding its mootness.

2 Accordingly, this appeal is quashed. However, the Crown not having moved to quash with due diligence, costs of the appeal on a party to party basis are granted to the appellants.

*Judgment accordingly.*

*Solicitor for the appellants: Catherine M. Twinn, Slave Lake, Alberta.*

*Solicitor for the respondents the Attorney General of Canada and the  
Minister of Indian Affairs and Northern Development: George Thomson, Ottawa.*