

Publisher's Note

42730197

2020-5

Woodward

Native Law

This Release includes some updates to the law, and important revisions to the section Words and Phrases:

Words and Phrases. The field of aboriginal law is inherently about definitions. Ever since 1763, when the Royal Proclamation created special laws for the protection of the lands of the "several Tribes and Nations of Indians" it has been necessary for Canadian courts to understand and define exactly who are "Indians", what is a "tribe", what are "Indian lands", and a multitude of consequential words and phrases needing clarity and definition. The Words and Phrases annex to this publication provides a useful collection of case law where particular words and phrases of legal significance are collected. Update to **Words and Phrases**.

Charter section 25. Requirement that a band councilor live on reserve. Although the general rule is that a band's election code cannot discriminate by preventing an off-reserve member from serving on council, the Yukon Territory Supreme Court recently found that a requirement that once elected, the councilor must move to the reserve, is not discriminatory, invoking s. 25 of the Charter. [Dickson v. Vuntut Gwitchin First Nation, 2020](#)

[CarswellYukon 44, 2020 YKSC 22](#). See paragraph **6§620**, **6§1180**, **6§1220**, **7§1030**.

Reserves, reversion to reserve status. The principle of minimal impairment applies at the time that the land is taken, but will not necessarily apply when determining whether a reversionary clause has subsequently been triggered: [Snaw-Naw-As First Nation v. Attorney General of Canada, 2020 CarswellBC 1628, 2020 BCSC 979](#). See paragraph **8§1310**.