entirely possible that, when future amendments are made, the officials will decide to remove those sections. I merely indicate the present reasoning behind this procedure.

Senator Tremblay then referred to the fact that certain words have been deleted from the new sections of Part IV.1. In particular, the words "including the identification and definition of the rights of those peoples to be included in the Constitution of Canada" have now been deleted. This is one of the very matters to which our committee addressed a good deal of its efforts during all of its hearings. We felt—as I think our subsequent comments here in this chamber have emphasized—that the committee, as a whole, believes that the identification and definition of the rights of these peoples must be established at the earliest time, before negotiations can be proceeded with in any meaningful or successful way.

● (1520)

Senator Tremblay asked why the change was necessary. We cannot give an answer to that except to say that it was obvious to us that all parties to the negotiations—that is, the government officials and the representatives of the various native groups—seemed content that those words should be omitted so that they could deal with them at a later time. I do not think that allays the uneasiness or concerns that we have, but, as it appears satisfactory to those people who are going to be negotiating, I think we must simply rest our case with the observations that we have made.

The other interesting point raised by Senator Tremblay dealt with the question of when the resolution may be proclaimed, if adopted, as it undoubtedly will be today. Senator Tremblay is quite correct in noting that the resolution cannot take effect before June 1, 1984. This is covered by section 39(1) which states:

> A proclamation shall not be issued under subsection 38(1) before the expiration of one year from the adoption of the resolution initiating the amendment procedure thereunder, unless the legislative assembly of each province has previously adopted a resolution of assent or dissent.

When our report was presented, we noted that five provinces, at that point, had adopted the resolution. It had also then, of course, been adopted in the other place. I have been advised that, since the commencement of our discussions in this chamber, the Province of Ontario, after a three-day debate, unanimously adopted the resolution on October 18. I am also advised that the Province of British Columbia, amid all the other business that that legislature has been involved in, debated this resolution for one day and adopted it on October 21. If this chamber adopts the resolution today, as I hope and expect it will, it means that the requirements under the Constitution Act, 1982 will be fulfilled insofar as the number of provinces is concerned.

However, as Senator Tremblay has pointed out, it can only be proclaimed after the expiration of one year. Since the Province of Nova Scotia initiated the resolution and passed it on May 31, 1983, we must wait till May 31, 1984 before proclamation.

After discussions with the Department of Justice, my understanding is that the meaning of the section is that it will automatically be adopted on June 1, 1984, whether or not the Province of Quebec takes any action with respect to it. If all ten provinces register their assent or dissent before that date, then it could be proclaimed before that time. That is the only clarification I would make with respect to that particular point which Senator Tremblay raised.

I would now turn to the subject of the first ministers' conference as required in the amendment we are considering. It was pointed out that, if a conference of first ministers is held prior to the date on which the proposed amendment to the Constitution is adopted, it will not be a conference authorized or required by the Constitution, and I think that is quite true. The amendment cannot take effect until next June 1, so, if a meeting is held prior to that date, it will not be a constitutional conference within the meaning of this amendment. However, I do not think that that is of particular concern because I am sure the native groups would be glad to have a conference before then as a forerunner to the formal constitutional conference.

The only requirement then is that there must be one conference before the appropriate date in 1985. However, they could, perhaps, have any number of preliminary conferences before that time. They will still be entitled to two constitutional conferences as required by this amendment.

Honourable senators, I believe that these are the only points on which I wish to make special comment. I would conclude by suggesting to you that we endorse the suggestions and observations made by Senator Tremblay in his concluding remarks concerning the role the Senate should play in future amendments to the Constitution. His suggestion that our committee should convene a special meeting to look into the procedures is something I take seriously. I believe this could be done very well by our committee. We shall certainly proceed with his suggestion.

The Hon. the Acting Speaker: As no other honourable senator wishes to participate, this report is considered debated.

CONSTITUTION ACT, 1982

ABORIGINAL RIGHTS—AMENDMENT PROCLAMATION ADOPTED

On the Order:

> Resuming the debate on the motion of the Honourable Senator Frith, seconded by the Honourable Senator Petten:
>
> That:
>
> Whereas the *Constitution Act 1982* provides that an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of