

*The Constitution*

deemed to have been reported by the Standing Committee on Indian Affairs and Northern Development.

**GOVERNMENT ORDERS**

[English]

**CONSTITUTION AMENDMENT PROCLAMATION,  
1983**

**MOTION TO AMEND CONSTITUTION OF CANADA**

The House resumed from Monday, June 27, 1983, consideration of the motion of Mr. MacGuigan:

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 Commons and resolutions of the legislative assemblies as provided for in section 38 thereof;

And Whereas the Constitution of Canada, reflecting the country and Canadian society, continues to develop and strengthen the rights and freedoms that it guarantees;

And Whereas, after a gradual transition of Canada from colonial status to the status of an independent and sovereign state, Canadians have, as of April 17, 1982, full authority to amend their Constitution in Canada;

And Whereas historically and equitably it is fitting that the early exercise of that full authority should relate to the rights and freedoms of the first inhabitants of Canada, the aboriginal peoples;

Now Therefore the House of Commons resolves that His Excellency the Governor General be authorized to issue a proclamation under the Great Seal of Canada amending the Constitution of Canada as follows:

**PROCLAMATION AMENDING THE  
CONSTITUTION OF CANADA**

1. Paragraph 25(b) of the Constitution Act, 1982 is repealed and the following substituted therefor:

"(b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired."

2. Section 35 of the Constitution Act, 1982 is amended by adding thereto the following subsections:

"(3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.

(4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons".

3. The said Act is further amended by adding thereto, immediately after section 35 thereof, the following section:

"35.1 The government of Canada and the provincial governments are committed to the principle that, before any amendment is made to Class 24 of section 91 of the Constitution Act, 1867, to section 25 of this Act or to this Part,

(a) a constitutional conference that includes in its agenda an item relating to the proposed amendment, composed of the Prime Minister of Canada and the first ministers of the provinces, will be convened by the Prime Minister of Canada; and

(b) the Prime Minister of Canada will invite representatives of the aboriginal peoples of Canada to participate in the discussions on that item."

4. The said Act is further amended by adding thereto, immediately after section 37 thereof, the following Part:

**"PART IV.1 CONSTITUTIONAL CONFERENCES**

37.1 (1) In addition to the conference convened in March 1983, at least two constitutional conferences composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada, the first within three years after April 17, 1982 and the second within five years after that date.

(2) Each conference convened under subsection (1) shall have included in its agenda constitutional matters that directly affect the aboriginal peoples of Canada, and the Prime Minister of Canada shall invite representatives of those peoples to participate in the discussions on those matters.

(3) The Prime Minister of Canada shall invite elected representatives of the governments of the Yukon Territory and the Northwest Territories to participate in the discussions on any item on the agenda of a conference convened under subsection (1) that, in the opinion of the Prime Minister, directly affects the Yukon Territory and the Northwest Territories.

(4) Nothing in this section shall be construed so as to derogate from subsection 35(1)."

5. The said Act is further amended by adding thereto, immediately after section 54 thereof, the following section:

"54.1 Part IV.1 and this section are repealed on April 18, 1987.

6. The said Act is further amended by adding thereto the following section:

"61. A reference to the Constitution Acts, 1867 to 1982 shall be deemed to include a reference to the Constitution Amendment Proclamation, 1983."

7. This Proclamation may be cited as the Constitution Amendment Proclamation, 1983.

**Hon. John C. Munro (Minister of Indian Affairs and Northern Development):** Mr. Speaker, fellow Parliamentarians, the resolution before us today is the culmination of a dialogue that has been going on between the aboriginal people of Canada and political leaders since the Royal Proclamation of 1763. If that seems to overstate the significance of the resolution that calls primarily for a continuing dialogue between native leaders and First Ministers, I ask my colleagues to remember the nature of our historic relationship with Indian and Inuit people in Canada.

Before Confederation, Canadians were engaged in a purposeful search for identity as founding members of a new order in an unfamiliar land. The preoccupations of the day involved war, survival, wilderness and disease. Challenges were met head-on and dealt with directly. All the while the promise of peace and plenty was like a powerful magnet drawing upper and lower Canadians into the twentieth century.

It was in this context and with strong momentum that Canadians faced and resolved the great issues of the day. When it came to creating a new dominion, linking its regions by rail or fashioning ties between cultures, Canadians did what I trust we will always do, the best we can do in our time.

In the eighteenth and nineteenth centuries, aboriginal peoples and the new settlers tried to find some reasonable accommodation between their various needs and the contending forces. Native people were often displaced from one part of the country to another. Treaty arrangements were struck on an as needed, ad hoc basis; some of them before Confederation, the majority after.