

The Constitution

Messrs.		
Lapointe (Beauce)	Munro (Esquimalt-Saanich)	Rose
LeBlanc	Munro (Hamilton East)	Rossi
Lefebvre	Murphy	Roy
Lewis	Murta	Sargeant
Lewycky	Neil	Savard
Loiselle	Nicholson (Miss)	Schellenberger
Lonsdale	Nickerson	Schroder
Lumley	Nowlan	Scott (Hamilton-Wentworth)
MacBain	Nystrom	Scott (Victoria-Haliburton)
MacDonald (Miss)	Ogle	Shields
MacEachen	Olivier	Siddon
MacGuigan	Orlikow	Simmons
Mackasey	Ostiguy	Skelly
MacKay	Ouellet	Smith
MacLaren	Paproski	Speyer
MacLellan	Parent	Stevens
Malépart	Parker	Stewart
Malone	Patterson	Stollery
Maltais	Pelletier	Tardif
Manly	Penner	Taylor
Marceau	Pepin	Tessier
Massé	Peterson	Thacker
Masters	Pinard	Thomson
Mayer	Portelance	Tobin
Mazankowski	Rac	Tousignant
McCain	Regan	Towers
McCaulley	Reid	Trudeau
McCuish	(St. Catharines)	Turner
McDermid	Reid (Kenora-Rainy River)	Vankoughnet
McGrath	Riis	Veillette
McKenzie	Roberts	Watson
McKinnon	Robinson	Weatherhead
McKnight	(Burnaby)	Wenman
McLean	Robinson (Etobicoke-Lakeshore)	Whelan
McMillan	Roche	Wilson
McRae	Rompkey	Wise
Miller	Rooney	Wright
Mitchell (Mrs.)		Yanakis
Mitges		Young
		Yurko—265.

NAYS

Messrs.
NIL

● (2230)

[Translation]

Madam Speaker: I therefore declare the amendment carried.

Amendment (Mr. Knowles) agreed to.

Madam Speaker: The question is therefore on the amendment of the hon. member for Nepean-Carleton (Mr. Baker), seconded by Mr. Clark:

That Motion Number 36 in the name of the Minister of Justice, be amended as follows:

(a) by deleting Clause 1 of Part I and substituting the following therefor:

"1. Affirming that

(a) the Canadian nation is founded upon principles that acknowledge the supremacy of God, the dignity and worth of the human person and the position of the family in a society of free individuals and free institutions, and

(b) individuals and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law,

the *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."

(b) by deleting Clause 7 of Part I and substituting the following therefor:

"7. Everyone has the right to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except in accordance with the principles of fundamental justice."

(c) by adding after Clause 27 of Part I the following new Clause:

"28. Notwithstanding anything in this Charter, the rights and freedoms set out in it are guaranteed equally to male and female persons."

(d) by adding after new Clause 28 of Part I the following new Clause:

"29. Nothing in this Charter affects the authority of Parliament to legislate in respect of abortion and capital punishment."

(e) by deleting Clause 35 of Part IV and substituting the following therefor:

"35. (1) No later than two months after the coming into force of this Act, the Prime Minister of Canada and the first ministers of the provinces shall constitute a permanent conference to be designated the "Constitutional Conference of Canada" hereinafter referred to as the "Conference".

(2) The conference shall examine all Canadian constitutional laws and propose amendments necessary for the development of the Canadian federation.

(3) A conference convened under subsection (1) shall have included in its agenda an item respecting constitutional matters that directly affect the aboriginal peoples of Canada, including the identification and definition of the rights of those peoples to be included in the Constitution of Canada and the Prime Minister of Canada shall invite representatives of those peoples to participate in the discussions on that item.

(4) 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.

(5) The conference shall meet at least twice each year.

(6) The conference shall be assisted by the Continuing Committee of Ministers on the Constitution."

(f) by deleting Part V.

(g) by deleting Clause 45 of Part VI and substituting the following therefor:

"45. (1) 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

(a) resolutions of the Senate and House of Commons; and

(b) resolutions of the legislative assemblies of at least two-thirds of the provinces that have in the aggregate, according to the then latest decennial census, at least fifty per cent of the population of all the provinces.

(2) Any amendment made under subsection (1) derogating from the legislative powers, the proprietary rights or any other rights or privileges of the legislature or government of a province shall require a resolution supported by a vote of a majority of the members of each of the Senate, of the House of Commons, and of the requisite number of legislative assemblies.

(3) Any amendment made under subsection (1) derogating from the legislative powers, the proprietary rights or any other rights or privileges of the legislature or government of a province shall not have effect, financially or otherwise, in and for any province whose legislative assembly has expressed its dissent thereto by resolution supported by a majority of the members prior to the issue of the proclamation, provided, however, that the legislative assembly, by resolution supported by a majority of the members, may subsequently withdraw its dissent and approve the amendment.

(4) The provisions of subsections (2) and (3) do not apply to the *Canadian Charter of Rights and Freedoms*."

● (2235)

(h) by adding after Clause 48 of Part VI the following new Clause:

"49. An amendment to the Constitution of Canada may be made by proclamation under section 45 or section 47, as appropriate, without a resolution of the Senate authorizing the issue of the proclamation if, within one hundred and eighty days after the passage by the House of Commons of a resolution authorizing its issue, the Senate has not passed such a resolu-