

convened by the Prime Minister of Canada at least once each year to discuss the state of the Canadian economy and such other matters as may be appropriate.

### XIII—REFERENCES

**149.** A reference to this Act shall be deemed to include a reference to any amendments thereto."

#### *Constitution Act, 1982*

**9.** Sections 40 to 42 of the *Constitution Act, 1982* are repealed and the following substituted therefor:

**"40.** Where an amendment is made under subsection 38(1) that transfers legislative powers from provincial legislatures to Parliament, Canada shall provide reasonable compensation to any province to which the amendment does not apply.

**41.** An amendment to the Constitution of Canada in relation to the following matters may be made by proclamation issued by the Governor General under the Great Seal of Canada only where authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province:

- (a) the office of the Queen, the Governor General and the Lieutenant Governor of a province;
- (b) the right of a province to a number of members in the House of Commons not less than the number of Senators by which the province was entitled to be represented on April 17, 1982;
- (c) the principle of proportionate representation of the provinces in the House of Commons prescribed by the Constitution of Canada;
- (d) subject to section 43, the use of the English or the French language;
- (e) the Supreme Court of Canada; and
- (f) an amendment to this Part.

**42.** (1) An Amendment to the Constitution of Canada in relation to the following matters may be made only in accordance with subsection 38(1):

- (a) the powers of the Senate and the method of selecting Senators; and
- (b) the number of members by which a province or territory is entitled to be represented in the Senate and the residence qualifications of Senators.

(2) Subsections 38(2) to (4) do not apply in respect of amendments in relation to matters referred to in subsection (1).

**42A.** Notwithstanding subsection 42(1) of the *Constitution Act, 1982*, the establishment of new provinces and the extension of existing provinces into territories shall be a matter exclusively for the Governor General

in Council and the elected government of the territory affected."

[10. Deleted.]

[11. Deleted.]

[12. Deleted.]

**13.** Part VI of the said Act is repealed and the following substituted therefor:

#### "PART VI CONSTITUTIONAL CONFERENCES

**50.** (1) A constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada at least once each year, commencing in 1988.

(2) The conferences convened under subsection (1) shall have included on their agenda the following matters:

- (a) the aboriginal and treaty rights of the aboriginal peoples of Canada, including self-government;
- (b) Senate reform, including the role and functions of the Senate, its powers, the method of selecting Senators and representation in the Senate;
- (c) roles and responsibilities in relation to fisheries at the first meeting only; and
- (d) such other matters as are agreed upon."

**14.** Subsection 52(2) of the said Act is amended by striking out the word "and" at the end of paragraph (b) thereof, by adding the word "and" at the end of paragraph (c) thereof and by adding thereto the following paragraph:

"(d) any other amendment to the Constitution of Canada."

**15.** Section 61 of the said Act is repealed and the following substituted therefor:

**"61.** A reference to the *Constitution Act 1982*, or a reference to the *Constitution Acts 1867 to 1982*, shall be deemed to include a reference to any amendments thereto."

#### *General*

**16.** Nothing in the *Constitution Amendment, 1987* derogates from any of the rights and freedoms guaranteed by the *Canadian Charter of Rights and Freedoms* or affects Part II of the *Constitution Act, 1982*.

#### CITATION

**17.** This amendment may be cited as the *Constitution Amendment, 1987*.—(Honourable Senator Flynn, P.C.).