

Constitution Amendment, 1987

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."

(h) in paragraph 13 of the Schedule by deleting subsection 50.(2) and substituting the following therefor;

"(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, representation in the Senate.
- (c) roles and responsibilities in relation to fisheries at the first meeting only;
- (d) such other matters as are agreed upon."

(i) by deleting paragraph 16 of the Schedule and substituting the following therefor:

"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*".

And the amendment of Mr. Broadbent:

That the motion be amended

(a) by adding in paragraph 2 subsection 25(1) the words "and the elected government of each territory" immediately after the word "province";

(b) by adding in paragraph 2 subsection 25(2) the words "or the elected government of a territory" immediately after the word "province";

(c) by adding in paragraph 6 subsection 101C.(1) the words "or the elected government of a territory" immediately after the word "province";

(d) by adding in paragraph 6 subsection 101C.(4) the words "or the elected government of a territory" immediately after the word "province";

(e) by deleting in paragraph 9, section 41 paragraph (i);

(f) by adding to paragraph 13 subsection 50(2) the following new paragraph:

"(c) aboriginal rights, in particular self-government;"

(g) by adding to paragraph 13 section 50 the following new subsection:

"(3) The Prime Minister shall invite to the Conferences designated in section 50 subsection (2)(c) representatives of the aboriginal peoples of Canada and the governments of the Northwest Territories and Yukon Territory and those groups and governments shall participate fully in all matters that affect aboriginal rights."

(h) by deleting paragraph 16 and substituting the following therefor:

"16. Nothing in section 2 of the *Constitution Act, 1867* affects section 25, 27 or 28 of the *Canadian Charter of Rights and Freedoms*, section 35 of the *Constitution Act, 1982* or class 24 of section 91 of the *Constitution*.—

And the amendment of Mr. Caccia:

That the motion be amended in paragraph 1 of the Schedule

(a) by deleting Section 2.(1) and substituting the following therefor:

"2.(1) The Constitution of Canada shall be interpreted in a manner consistent with the recognition that Canada consists of aboriginal and multicultural societies, with English and French as the official languages of Canada, French-speaking Canadians being centred in Quebec but also present elsewhere in Canada and English-speaking Canadians concentrated outside Quebec but also present in Quebec";

(b) by deleting Section 2.(3).

And the amendments of Mr. Johnston (Saint-Henri—Westmount):

That the motion be amended by deleting paragraph 1 of the Schedule and substituting the following therefor:

"1. The *Constitution Act, 1867* is amended by adding to the preamble thereto, the following

"AND WHEREAS Canadians recognize their commitment to maintain and reinforce across Canada the bilingual nature of the Canadian federation;

AND WHEREAS Canadians recognize their commitment to the distinctive character of Quebec as the principal but not the exclusive source of the French language and culture in Canada;

AND WHEREAS Canadians recognize their commitment to the multicultural nature of Canadian society, and in particular their respect for the many origins, creeds and cultures, as well as the differing regional identities that help shape Canadian society;

AND WHEREAS Canadians recognize their commitment to the contribution of Canada's aboriginal peoples;

AND WHEREAS Canadians recognize their commitment to the advantages of developing the Canadian economic union;"—

And:

That the motion be amended in paragraph 3 of the Schedule by deleting subsection 95C (2) and substituting the following therefor:

"95C.(2) An amendment to or the termination of an agreement referred to in subsection 95B(1) may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized by resolutions of the Senate and House of Commons."—

And:

That the motion be amended in paragraph 6 of the Schedule by deleting section 101C and substituting the following therefor:

"101C.(1) Where a vacancy arises in the Supreme Court of Canada and the Attorney General of Canada is considering a person for appointment to fill the vacancy, he shall inform the attorney general of the appropriate province.

(2) When an appointment is one falling within section 101B or the Attorney General of Canada has determined that the appointment shall be made from among persons who have been admitted to the Bar of a specific province, he shall make all reasonable efforts to reach agreement with the attorney general of the appropriate province, before a person is appointed to the Court.

(3) No person shall be appointed to the Supreme Court of Canada unless the Attorney General of Canada and the attorney general of the appropriate province agree to the appointment, or such person has been recommended for appointment to the Court by a nominating council described in