

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"54.1 Part IV.1 and this section are repealed on April 18, 1987.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

Mr. André Maltais (Parliamentary Secretary to Minister of Industry, Trade and Commerce and Minister of Regional Economic Expansion): Mr. Speaker, I am very pleased to be taking part in this debate on an amendment to the Canadian Constitution which concerns the first people who settled in this country. I think that today, on June 29, 1983, we are truly making history. This is the first time, since the Canadian Constitution was adopted, that Parliament is proposing amendments. The nature of this motion proves that the Canadian Government is extremely aware of the issue and that it will do everything in its power to ensure that in the coming months and years, the genuine aspirations of native peoples will now be discussed on equal terms.

Mr. Speaker, as the Member for Manicouagan, a riding that has a large population of native peoples, including Montagnais, Naskapi and also the Inuit on Ungava Bay, I am proud to be able to stand up in the House and express my support for the motion moved by the Minister of Justice (Mr. MacGuigan). Often when we talk about native peoples, it seems almost like an abstract concept, although we know they are there across the country. However, anyone who has been in close contact with these people realizes how great their contribution is to Canada's culture, and when we talk about the founding peoples in referring to the English and the French, we must never forget that the first people who populated this country are the native peoples. Today, by amending the Constitution in order to start major negotiations with the native peoples, with the provinces and with the federal Government we are proving that the debate on the Constitution in 1982 was not a mass of meaningless words and that it is now becoming a reality that

will make it possible for native peoples to truly participate in the affairs of this country.

Mr. Speaker, I wish to congratulate the nine provinces who have already agreed to sit down with the native peoples and the Canadian Government, in order to amend their own provincial legislation so as to embody therein various amendments regarding native peoples which the Canadian Government wishes to include in the Constitution. I hope that the Province of Quebec, which has not yet agreed to negotiate with the Canadian Government and with the native peoples will do so in the near future, because the issue here is to establish clearly the rights of native men and women. I therefore call once again on the Province of Quebec to sit down as soon as possible with the nine other provinces and the Canadian Government, so that at last our native peoples will be able to live on equal terms with all Canadians, whatever their origin may be. This is a fundamental principle.

Mr. Speaker, I think that what should be emphasized today is the fact that the Constitutional Conferences that will be starting shortly will now be held on a truly legal basis. Before, native peoples were practically obliged to negotiate from scratch every time, on the basis of ancestral treaty rights or rights acquired through various pieces of legislation adopted since 1931, while now, through the Constitution, the Canadian Government and the native peoples will be negotiating on equal terms. It is truly a new beginning for these people who had to work extremely hard to obtain recognition of their status and their rights. Often, legal distinctions have been made regarding the nature of a treaty, compared with an Act or the rules of custom, and often the legal experts, and here perhaps I might point out what the Department of Justice has done at the federal level to bring about the entrenchment of all these rights but, before, tradition was more or less ignored. The usual comment was: Listen, it is not a statute, and it is not something that is recognized by the statutes. With the various constitutional conferences, what used to be called traditions or vested interests will now become a daily reality well supported in our statutes, and that is the important thing because we were too inclined in the past to leave the matter open without ensuring that native rights were truly recognized in legislative, legal and judicial terms. The resolution introduced by the Minister of Justice will now allow us to do so.

As I said earlier, I am especially happy to support this resolution because it is the first time that the Constitution approved by the House of Commons is amended, and I want to congratulate the Minister of Justice on being first to propose an amendment. It could have been amended in other areas, but the change was made directly for the benefit of our native people, and in this regard, the concern of the Minister of Justice for human rights, which are at the very root of our Constitution, should be singled out. I therefore believe that both sides of the House should congratulate the Minister of