

Constitution Amendment Proclamation, 1983

SI/84-102

By Her Excellency the Right Honourable Jeanne Sauv , Governor General and Commander-in-Chief of Canada.

To All to Whom these Presents shall come.

Greeting:

JEANNE SAUV 

A Proclamation

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

And Whereas a constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces was convened pursuant to section 37 of the "Constitution Act, 1982;

And Whereas that conference had 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 Whereas the Prime Minister of Canada invited representatives of the aboriginal peoples of Canada and elected representatives of the governments of the Yukon Territory and the Northwest Territories to participate in discussions at that conference;

And Whereas, following that conference, the Senate, the House of Commons and the legislative assemblies of at least two-thirds of the provinces that have, in the aggregate, according to the latest general census, at least fifty per cent of the population of all the provinces, have, by resolution, authorized an amendment to the Constitution of Canada to be made by proclamation issued by the Governor General under the Great Seal of Canada;

And Whereas one year, and not more than three years, have expired from the adoption of the resolution initiating the amendment procedure relating to the amendment to the Constitution of Canada set forth in the schedule hereto;

And Whereas the Queen's Privy Council for Canada has advised me to issue this proclamation;

Now Know You that I do issue this proclamation amending the Constitution of Canada in accordance with the schedule hereto.

In Testimony Whereof I have caused these Letters to be made Patent and the Great Seal of Canada to be hereunto affixed.

At Government House, in the City of Ottawa, this twenty-first day of June in the Year of Our Lord one thousand nine hundred and eighty-four.

By Command,

JUDY EROLA

Registrar General of Canada

MARK MacGUIGAN

Attorney General of Canada

P. E. TRUDEAU

Prime Minister of Canada

SCHEDULE

PROCLAMATION AMENDING THE CONSTITUTION OF CANADA

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 Paragraph 25(b) of the "*Constitution Act, 1982*" is repealed and the following substituted thereof:

"(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 in 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 the representatives of the aboriginal peoples of Canada to participate in the discussion 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 discussion of 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 discussions on any item in 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".