

THE AMENDMENTS TO THE CONSTITUTION AS OF
FEBRUARY 15 & 16, 1983

1. Ontario Proposal

The proposed text for Section 35.3

DRAFT

That the following sub-section be added to Section 35 to protect the rights of Native Women. 35.3 The rights of the aboriginal peoples of Canada are guaranteed equally to male and female persons.

Proposed text Section 37

DRAFT

That the following Section replace the existing Section 37 to provide for an ongoing process. 37.1 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 from time to time but in any event no less frequently than once every year (2 years) beginning one (2 years) after the section comes into force and shall continue to be convened every year (2 years) until the expiry of the 5 (6) years from the date on which the Section comes into force.

2. The conference convened under sub-section 1 shall have included in its agenda an item or items respecting Constitutional matters that directly affect the aboriginal peoples of Canada and the Prime Minister of Canada shall invite representatives of these people to participate in a discussion on that item or those items.

3. The Prime Minister of Canada shall invite elected representatives of the Government of the Yukon Territories and the North West Territories to participate in the discussion on any item on the agenda of the Conference convened under the sub-section 1 that, in the opinion of the Prime Minister, directly affects the Yukon Territories and the North West Territories.

Draft 54 Section 54 of the Constitutional Act 1982, is repealed.
The proposed text for Section 38.5

DRAFT

That the following sub-section be added to Section 38 to provide a formula of consultation with the Native peoples on Constitutional changes. 38.5 An amendment made under sub-section 1 in relation to the rights of the aboriginal peoples set out in part 2, or that specifically refer to the aboriginal peoples of Canada shall not be proclaimed until the Government of Canada and the Government of the Provinces have consulted with the representatives of the aboriginal peoples of Canada on the amendment to a meeting called for that purpose. 38. (6) for the purposes of this section "representatives of the aboriginal peoples of Canada " shall mean the representatives of the national groups generally representing Indian, Inuit and the Metis people of Canada.

FEDERAL DRAFT AMENDMENT

Draft for Discussion Purposes

Native Womens Rights Section 25 (2) The aboriginal, treaty and other rights and freedom that pertain to the aboriginal peoples of Canada apply equally to male and female persons.

Consultation on Constitutional Change. 35.1 No amendment shall be made to Class 24, for Section 91 of the Constitution Act 1867, to Section 25 of this Act, or to this part unless:

- A. Constitutional Conference composed of the Prime Minister of Canada and the First Ministers of the Province have been convened that includes in its agenda an item relating to that amendment.
- B. The Prime Minister of Canada has invited representatives of the aboriginal peoples of Canada to participate in the discussion on that item.

Constitutional Conference in 4 years. Part 4.1 Constitutional Conference 37.1 (1) No addition to the Conference convened in March 1983. 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 within 5 years after April 17, 1982.

(2) The Conference convened under sub-section 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 shall invite representatives of those peoples to participate in the discussion on that item.

(3) the Prime Minister of Canada shall invite elected representatives of the Government of the Yukon Territories and the North West Territories to participate in the discussion on any item on the agenda of the conference convened under sub-section 1. that, in the opinion of the Prime Minister directly affects the Yukon Territories and the North West Territories.

Consequential Amendment Section 54.1

54.1 Part 4.1 In this Section are repealed on April 18, 1987.

Creation of new provinces Section 42 Paragraph 42.(1)(e)(ns) of the Constitutional Act 1982 are repealed.