

CANADIANA

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**FIRST MINISTER'S CONFERENCE ON ABORIGINAL
CONSTITUTIONAL MATTERS**

Equality Rights

Alternate Wording for Section 35

Nova Scotia Proposal

OTTAWA
March 8-9, 1984

Alternate Wording for Section 35

1. The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.
 2. In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Metis Peoples of Canada.
 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 of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.
1. The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed and are constitutionally guaranteed.
 2. In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Metis Peoples of Canada.
 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.(1) Notwithstanding any other provision in this Act, the aboriginal and treaty rights that pertain to the aboriginal peoples of Canada are hereby guaranteed without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.
 - 4.(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physically disabled.
 5. Anyone whose rights as guaranteed by this Part have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.