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SECTION 17
Right of English or French in Debates

Compilation of primary documents to assist in interpreting the public meaning of Section 17 of the *Constitution Act, 1982*

Second Edition

August, 2025

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The Constitution Act, 1982

Part I. Canadian Charter of Rights and Freedoms

Official Languages of Canada

Proceedings of Parliament

Section 17(1) *Everyone has the right to use English or French in any debates and other proceedings of Parliament.*

Proceedings of New Brunswick legislature

Section 17(2) *Everyone has the right to use English or French in any debates and other proceedings of the legislature of New Brunswick.*

PART 1:

Drafting History of the Charter of Rights and Freedoms Pertaining to Section 17's Public Meaning

Drafts of the Charter of Rights and Freedoms:

January 22, 1979: Proposed Charter of Rights & Freedoms, Ontario Draft tabled at the Continuing Committee of Ministers on the Constitution (January 22-24, 1979)

October 17, 1979: Rights and Freedoms within the Canadian Federation, Federal Draft, tabled at the Continuing Committee of Ministers on the Constitution (October 22-23, 1979)

November 5, 1979: Rights and Freedoms within the Canadian Federation, Federal Draft, tabled at the Meeting of Officials on the Constitution (November 15-16, 1979)

July 4, 1980: Continuing Committee of Ministers on the Constitution, Rights and Freedoms within the Canadian Federation, Discussion Draft (July 8-11, 1980)

July 4, 1980: Comité Permanent des Ministres sur la Constitution, Droits et Libertés à l'Interieur de la Fédération Canadienne, Document de Travail (July 8-11, 1980)

July 16, 1980: Revised Discussion Draft with Memo re Section 1 (July 18, 1980)

August 5, 1980: Revised Discussion Draft with Memo (August 5, 1980)

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August 22, 1980: Discussion Draft (Federal) (August 26-29, 1980)

September 3, 1980: Revised Discussion Draft (September 8-12, 1980)

September 3, 1980 : Conference Fédérale-Provinciale des Premiers Ministres, Document de Travail, Charte Canadienne des Droits et Libertés (September 3, 1980)

September 24, 1980: Resolution for joint address to Her Majesty the Queen respecting the constitution of Canada (September 24, 1980)

October 2, 1980: Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada with Handwritten Notes [Draft, Version1] (October 2, 1980)

October 2, 1980: Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada with Handwritten Notes [Draft, Version 2] (October 2, 1980)

October 2, 1980: Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada

December 5, 1980: Addendum to Ministers dated November 25, 1980 from the Minister of Justice re: Possible Amendments to Proposed Resolution on Constitution of Canada (December 5, 1980)

December 8, 1980: Addendum to Memorandum to Ministers Dated November 25, 1980 from the Minister of Justice re: Possible Amendments to Proposed Resolution on Constitution of Canada (December 5, 1980)

December 12, 1980: Draft [No Title]

December 19, 1980: Consolidation of Proposed Amendments to the Proposed Resolution Respecting the Constitution of Canada (December 19, 1980)

December 30, 1980: Regroupement des Modifications Éventuelles à Apporter au Projet de Résolution concernant la Constitution du Canada, Version Provisoire (December 30, 1980)

January 9-12, 1981: Briefing Book for Clause by Clause Consideration of the Resolution (January 1981)

January 12, 1981: Version formally presented to Special Joint Committee by Jean Chretien (January 12, 1981)

Statutes and International Agreements:

1978: Bill C-60: An Act to amend the Constitution of Canada

[*This section is incomplete*]

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Drafts of the Charter of Rights and Freedoms

January 22, 1979: Proposed Charter of Rights & Freedoms, Ontario Draft tabled at the Continuing Committee of Ministers on the Constitution (January 22-24, 1979)

> 11. (1) Everyone has the right to use English or French, as he or she may choose, in any of the debates or other proceedings of Parliament.
>
> (2) Everyone has the right to use English or French, as he or she may choose, in the debates of the legislative assembly of any province.

(**Source:** Continuing Committee of Ministers on the Constitution, *Proposed Charter of Rights & Freedoms, Ontario Draft*, Doc 830-70/042 (Vancouver: 22-24 January, 1979). Click HERE)

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October 17, 1979: Rights and Freedoms within the Canadian Federation, Federal Draft, tabled at the Continuing Committee of Ministers on the Constitution (October 22-23, 1979)

> 8. Everyone has the right to use English or French, as he or she may choose, in any of the debates or other proceedings of Parliament.
>
> […]
>
> 12. Everyone has the right to use English or French, as he or she may choose, in the debates of the legislative assemblies of (named provinces).

(**Source:** Continuing Committee of Ministers on the Constitution, *Rights and Freedoms within the Canadian Federation Federal Draft* , [October 17, 1979] (Halifax: 22-23 October, 1979). Click HERE)

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November 5, 1979: Rights and Freedoms within the Canadian Federation, Federal Draft, tabled at the Meeting of Officials on the Constitution (November 15-16, 1979)

> 8. Everyone has the right to use English or French, as he or she may choose, in any of the debates or other proceedings of Parliament.
>
> […]
>
> 12. Everyone has the right to use English or French, as he or she may choose, in the debates of the legislative assemblies of (named provinces).

(**Source:** Meeting of Officials on the Constitution, Rights & Freedoms within Canadian Federation, *Federal Draft*, [November 5, 1979], Doc 840-177/005 (Toronto: 15-16 November, 1979). Click HERE)

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July 4, 1980: Continuing Committee of Ministers on the Constitution, Rights and Freedoms within the Canadian Federation, Discussion Draft

> 11. (1) Everyone has the right to use English or French in any of the debates or other proceedings of Parliament.
>
> (2) Everyone has the right to use English or French in the debates of the legislative assembly of any province.

(Source: Meeting of the Continuing Committee of Ministers on the Constitution, *Rights and Freedoms within the Canadian Federation, Discussion Draft. Tabled by the Delegation of the Government of Canada, 4 July 1980*, Doc 830-81/027 (Montreal: 8-11 July 1980). Click HERE.)

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July 16, 1980: Revised Discussion Draft with Memo re Section 1

> 11. (1) Everyone has the right to use English or French in any of the debates or other proceedings of Parliament.
>
> (2) Everyone has the right to use English or French in the debates of the legislative assembly of any province.

(Source: Memo from Fred Jordan to Roger Tassé re Charter of Rights – Possible Modifications [with Possible Alternatives to Section 1 of July 4, 1980 Draft & Revised Discussion Draft (16 July 1980)] (18 July 1980). This text is found on p. 2. Click HERE.)

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August 5, 1980: Revised Discussion Draft with Memo

> 11. (1) Everyone has the right to use English or French in any of the debates or other proceedings of Parliament.
>
> (2) Everyone has the right to use English or French in the debates of the legislative assembly of any province.

(Source: Memo from Deputy Minister of Justice to Prime Minister, Charter of Rights incl. Discussion Draft, The Canadian Charter of Rights and Freedoms (5 August 1980). Click HERE.)

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August 8, 1980: Formalities to Bill: Joint Resolution

> 11. (1) Everyone has the right to use English or French in any of the debates or other proceedings of Parliament.
>
> (2) Everyone has the right to use English or French in the debates of the legislative assembly of any province.

(Source: Canada, Formalities to Bill, Draft Joint Resolution, An Act to Amend the Constitution of Canada (8 August 1980). Click HERE.)

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August 22, 1980: Discussion Draft (Federal)

> 19. (1) Everyone has the right to use English or French in any debates and other proceedings of Parliament.
>
> (2) Everyone has the right to use English or French in the debates of the legislative assembly of any province.

(Source: Continuing Committee of Ministers on the Constitution, *The Canadian Charter of Rights and Freedoms, Discussion Draft [Federal]*, (August 22, 1980), Doc 830-84/004 (Ottawa: 26-29 August 1980). Click HERE.)

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September 3, 1980: Revised Discussion Draft

> 17. (1) Everyone has the right to use English or French in any debates and other proceedings of Parliament.
>
> (2) Everyone has the right to use English or French in the debates of the legislative assembly of any province.

(Source: Federal-Provincial First Ministers' Conference, *The Canadian Charter of Rights and Freedoms, Revised Discussion Draft, Federal*, [September 3, 1980] Doc 800-14/064 (Ottawa: 8-12 September 1980). Click HERE.)

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September 24, 1980: Resolution for joint address to Her Majesty the Queen respecting the constitution of Canada

> 17. Everyone has the right to use English or French in any debates and other proceedings of Parliament.

(Source: Canada, Parliament, DRAFT, "Resolution for joint address to Her Majesty the Queen respecting the constitution of Canada" (24 September 1980). Click HERE.)

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October 2, 1980: Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada with Handwritten Notes [Draft, Version1]

> 17. Everyone has the right to use English or French in any debates and other proceedings of Parliament.

(Source: Canada, Parliament, DRAFT, Proposed Resolution for Joint Address to Her Majesty the Queen Respecting the Constitution of Canada, Version 1 (2 October 1980). Click HERE.)

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October 2, 1980: Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada with Handwritten Notes [Draft, Version 2]

> 17. Everyone has the right to use English or French in any debates and other proceedings of Parliament.

(Source: Canada, Parliament, DRAFT, Proposed Resolution for Joint Address to Her Majesty the Queen Respecting the Constitution of Canada, Version 2 with Handwritten Notes (2 October 1980). Click HERE.)

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October 2, 1980: Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada

> 17. Everyone has the right to use English or French in any debates and other proceedings of Parliament.

(Source: Canada, Parliament, "Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada" in *Sessional Papers* (1980). Click HERE.)

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December 5, 1980: Addendum to Ministers dated November 25, 1980 from the Minister of Justice re: Possible Amendments to Proposed Resolution on Constitution of Canada:

> 17. (1) Everyone has the right to use English or French in any debates and other proceedings of Parliament.
>
> (2) Everyone has the right to use English or French in any debates and other proceedings of the legislature of New Brunswick.

(Source: Memo from E.I. MacDonald, Addendum to Ministers dated November 25, 1980 from the Minister of Justice re: Possible Amendments to Proposed Resolution on Constitution of Canada (5 December 1980). Click HERE.)

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December 8, 1980: Addendum to Memorandum to Ministers Dated November 25, 1980 from the Minister of Justice re: Possible Amendments to Proposed Resolution on Constitution of Canada:

> 17. (1) Everyone has the right to use English or French in any debates and other proceedings of Parliament.
>
> (2) Everyone has the right to use English or French in any debates and other proceedings of the legislature of New Brunswick.

(Source: Memo from E.I. MacDonald, Addendum to Ministers dated November 25, 1980 from the Minister of Justice re: Possible Amendments to Proposed Resolution on Constitution of Canada (5 December 1980). Click HERE.)

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December 12, 1980: Draft [No Title]

> 17. (1) Everyone has the right to use English or French in any debates and other proceedings of Parliament.
>
> (2) Everyone has the right to use English or French in any debates and other proceedings of the legislature of New Brunswick.

(Source: [Department of Justice?], [DRAFT], Constitution Act, 1980. Click HERE.)

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December 19, 1980: Consolidation of Proposed Amendments to the Proposed Resolution Respecting the Constitution of Canada

> 17. (1) Everyone has the right to use English or French in any debates and other proceedings of Parliament.

> (2) Everyone has the right to use English or French in any debates and other proceedings of the legislature of New Brunswick.

(Source: Consolidation of Proposed Amendments to the Proposed Resolution Respecting the Constitution of Canada (19 December 1980). Click HERE.)

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January 9-12, 1981: Briefing Book for Clause by Clause Consideration of the Resolution:

> 17. (1) Everyone has the right to use English or French in any debates and other proceedings of Parliament.
>
> (2) Everyone has the right to use English or French in any debates and other proceedings of the legislature of New Brunswick.

(Source: Canada, *Briefing Book for Clause by Clause Consideration of the Resolution* (January 1981). Click HERE.)

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January 12, 1981: Version formally presented to Special Joint Committee by Jean Chretien[1]

> **17**. (1) Everyone has the right to use English or French in any debates and other proceedings of Parliament.
>
> (2) Everyone has the right to use English or French in any debates and other proceedings of the legislature of New Brunswick

(Source: Canada, Parliament, *Minutes of Proceedings and Evidence of the Special Joint Committee of the Senate and of the House of Commons on the Constitution of Canada*, 32nd Parl, 1st Sess, No 36 (12 January 1981). Click HERE.)

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[1] See also January 9-12, 1981: Briefing Book for Clause by Clause Consideration of the Resolution.

French:

July 4, 1980: Comité Permanent des Ministres sur la Constitution, Droits et Libertés à l'Interieur de la Fédération Canadienne, Document de Travail

> 11. (1) Toute personne a le droit de participer aux débats et procédures du Parlement en français ou en anglais.
>
> (2) Toute personne a le droit de participer aux débats des assemblées législatives provinciales en français ou en anglais.

(Source: Comité Permanent des Ministres sur la Constitution, *Droits et Libertés à l'Interieur de la Fédération Canadienne, Document de Travail*, Doc: 830-81/027 (Montréal: 8-11 juillet 1980). Click HERE.)

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September 3, 1980 : Conference Fédérale-Provinciale des Premiers Ministres, Document de Travail, Charte Canadienne des Droits et Libertés

> 17. (1) Toute personne a le droit de participer aux débats et travaux du Parlement en français ou en anglais.
>
> (2) Toute personne a le droit de participer aux débats des législatures provinciales en français ou en anglais.

(Source: Conference Fédérale-Provinciale des Premiers Ministres, *Document de Travail, Charte Canadienne des Droits et Libertés* (3 septembre 1980). Click HERE.)

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September 24, 1980: Resolution for joint address to Her Majesty the Queen respecting the constitution of Canada

> 17. Chacun a le droit d'employer le français ou l'anglais dans le débats et travaux du Parlement.

(Source: Canada, Parliament, DRAFT, "Resolution for joint address to Her Majesty the Queen respecting the constitution of Canada" (24 September 1980). Click HERE.)

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October 2, 1980: Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada with Handwritten Notes [Draft, Version1]

> 17. Chacun a le droit d'employer la langue officielle de son choix dans le débats et travaux du Parlement

(Source: Canada, Parliament, DRAFT, Proposed Resolution for Joint Address to Her Majesty the Queen Respecting the Constitution of Canada, Version 1 (2 October 1980). Click HERE.)

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October 2, 1980: Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada with Handwritten Notes [Draft, Version 2]

> 17. Chacun a le droit d'employer la langue officielle de son choix dans le débats et travaux du Parlement

(Source: Canada, Parliament, DRAFT, Proposed Resolution for Joint Address to Her Majesty the Queen Respecting the Constitution of Canada, Version 2 with Handwritten Notes (2 October 1980). Click HERE.)

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October 2, 1980: Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada

> 17. Chacun a le droit d'employer la langue officielle de son choix dans le débats et travaux du Parlement

(Source: Canada, Parliament, "Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada" in *Sessional Papers* (1980). Click HERE.)

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December 8, 1980: Addendum to Memorandum to Ministers Dated November 25, 1980 from the Minister of Justice re: Possible Amendments to Proposed Resolution on Constitution of Canada:

> 17. (1) Chacun a le droit d'employer la langue officielle de son choix dans le débats et travaux du Parlement
>
> (2) Chacun a le droit d'employer la langue officielle de son choix dans les débats et travaux de la Législature du Nouveau-Brunswick.

(Source: Memo from E.I. MacDonald, Addendum to Ministers dated November 25, 1980 from the Minister of Justice re: Possible Amendments to Proposed Resolution on Constitution of Canada (5 December 1980). Click HERE.)

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December 30, 1980: Regroupement des Modifications Éventuelles à Apporter au Projet de Résolution concernant la Constitution du Canada, Version Provisoire

> 17. (1) Chacun a le droit d'employer la langue officielle de son choix dans le débats et travaux du Parlement
>
> (2) Chacun a le droit d'employer la langue officielle de son choix dans les débats et travaux de la Législature du Nouveau-Brunswick.

(Source: Regroupement des Modifications Éventuelles à Apporter au Projet de Résolution concernant la Constitution du Canada, Version Provisioire (30 décembre 1980). Click HERE.)

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January 9-12, 1981: Briefing Book for Clause by Clause Consideration of the Resolution:

> 17. (1) Chacun a le droit d'employer la langue officielle de son choix dans le débats et travaux du Parlement
>
> (2) Chacun a le droit d'employer la langue officielle de son choix dans les débats et travaux de la Législature du Nouveau-Brunswick.

(Source: Canada, *Briefing Book for Clause by Clause Consideration of the Resolution* (January 1981). Click HERE.)

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Statutes and International Agreements

June 20, 1978: Bill C-60: An Act to amend the Constitution of Canada

> 14. (1) Any individual has the right to use English or French, as he or she may choose, in any of the debates or other proceedings of the Parliament of Canada.
>
> (2) Any individual has the right to use English or French, as he or she may choose, in any of the debates or other proceedings of the legislative assembly of any province.

(**Source:** Bill C-60, *An Act to amend the Constitution of Canada with respect to matters coming within the legislative authority of the Parliament of Canada, and to approve and authorize the taking of measures necessary for the amendment of the Constitution with respect to certain other matters*, 3rd Sess, 30th Parl, SC, 1978 (June 20, 1978). Click HERE)

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