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**SECTION 32**  
**Application of the Charter**

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Compilation of primary documents to assist in interpreting the public  
meaning of Section 32 of the *Constitution Act, 1982*

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**Second Edition**

**August, 2025**



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**The Constitution Act, 1982**  
Part I. Canadian Charter of Rights and Freedoms  
Application of Charter

Application of Charter

**Section 32(1)** *This Charter applies*

- (a) to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and*
- (b) to the legislature and government of each province in respect of all matters within the authority of the legislature of each province.*

Exception

**Section 32(2)** *Notwithstanding subsection (1), section 15 shall not have effect until three years after this section comes into force.*

**PART 1:**

**Drafting History of the Charter of Rights and Freedoms Pertaining to  
Section 32's Public Meaning**

**Drafts of the Charter of Rights and Freedoms:**

**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

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**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)

**February 13, 1981:** Special Joint Committee, Final Report Submitted to Parliament (February 13, 1981)

**April 24, 1981:** Consolidation of proposed constitutional resolution tabled by the Minister of Justice in the House of Commons on February 13, 1981 with the amendments approved by the House of Commons on April 23, 1981 and by the Senate on April 24, 1981 (April 24, 1981)

**November 5, 1981:** Working Draft (November 5, 1981)

**November 18, 1981:** Resolution Respecting Constitution Act (November 18, 1981)

**Statutes and International Agreements:**

*[This section is incomplete]*

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## Drafts of the Charter of Rights and Freedoms

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

29.(1) This Charter applies to the Parliament and government of Canada and to all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories.

(2) This Charter, except sections 7 to 15, applies to the legislature and government, and to all matters within the authority of the legislature, of each province.

(3) Notwithstanding subsection (2), in each province the legislative assembly may, by resolution, authorize the issue by the Governor General of a proclamation under the Great Seal of Canada declaring that all legal rights set out in sections 7 to 14 or the non-discrimination right set out in section 15, or all rights set out in sections 7 to 15, shall apply to the legislature and government and to all matters within the authority of the legislature of the province.

(4) Where a proclamation has been issued under subsection (3) in respect of a province, sections 7 to 14 or section 15, or all of those sections, as provided in the proclamation, apply to the legislature and government and to all matters within the authority of the legislature of the province.

(5) Sections 7 to 14 or section 15 may be amended or repealed

(a) if proclamations have been issued relating to those sections or that section under subsection (3) in respect of one or more but less than six provinces, by the procedure for amending a provision ~~for amending a provision~~ of the Constitution of Canada that applies to one or more but not all, provinces; or

(b) if proclamations have been issued relating to those sections or that section under subsection (3) in respect of six or more provinces, by the procedure for amending other provisions of this Charter.

(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]

29.(1) This Charter applies to the Parliament and government of Canada and to all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories.

~~(2) This Charter, except sections 7 to 15, applies to the legislature and government, and to all matters within the authority of the legislature, of each province.~~

~~(3) The legislative assembly of each province may, by resolution, authorize the issue by the Governor General of a proclamation under the Great Seal of Canada declaring that all rights set out in sections 7 to 14, section 15 or sections 7 to 15 apply to the legislature and government, and to all matters within the authority of the legislature, of the province.~~

~~(4) Where a proclamation has been issued under subsection (3) in respect of a province, sections 7 to 14, section 15 or sections 7 to 15, as provided in the proclamation, apply to the legislature and government, and to all matters within the authority of the legislature, of the province.~~

~~(5) Sections 7 to 14 or section 15 may be amended or repealed <sup>[non discrimination in 3 years]</sup>~~

~~(a) if proclamations have been issued relating to those sections or that section under subsection 93) in respect of one or more but less than six provinces, by the procedure for amending a provision of the Constitution of Canada that applies to one or more, but not all, provinces; or~~

~~(b) in any other case, by the procedure for amending other provisions of this Charter.~~

(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]**

29. (1) This Charter applies

(a) to the Parliament and government of Canada and to all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and  
(b) to the legislature and government of each province and to all matters within the authority of the legislature of each province.

(2) Notwithstanding subsection (1), section 15 shall not have application until three years after this Act, except Part V, comes into force.

(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**

29. (1) This Charter applies

(a) to the Parliament and government of Canada and to all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and  
(b) to the legislature and government of each province and to all matters within the authority of the legislature of each province.

(2) Notwithstanding subsection (1), section 15 shall not have application until three years after this Act, except Part V, comes into force.

(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 12, 1980: Draft [No Title]

30. (1) This Charter applies

(a) to the Parliament and government of Canada and to all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and  
(b) to the legislature and government of each province and to all matters within the authority of the legislature of each province.

(2) Notwithstanding subsection (1), section 15 shall not have application until three years after this Act, except Part V, comes into force.

(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

29. (1) This Charter applies

(a) to the Parliament and government of Canada and to all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and  
(b) to the legislature and government of each province and to all matters within the authority of the legislature of each province.

(2) Notwithstanding subsection (1), section 15 shall not have application until three years after this Act, except Part V, comes into force.

(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:**

29. (1) This Charter applies

(a) to the Parliament and government of Canada and to all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and  
(b) to the legislature and government of each province and to all matters within the authority of the legislature of each province.

(2) Notwithstanding subsection (1), section 15 shall not have application until three years after this Act, except Part V, comes into force.

(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:**

29. (1) This Charter applies

(a) to the Parliament and government of Canada and to all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and  
(b) to the legislature and government of each province and to all matters within the authority of the legislature of each province.

(2) Notwithstanding subsection (1), section 15 shall not have application until three years after this Act, except Part V, comes into force.

(Source: Canada, Parlement, *Procès-verbaux et témoignages du Comité mixte spécial du Sénat et de la Chambre des communes sur la Constitution du Canada*, 32e parl, 1re sess, n° 36 (12 janvier 1981). Click [HERE](#).)

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**February 13, 1981: Special Joint Committee, Final Report Submitted to Parliament:**

31. (1) This Charter applies

(a) to the Parliament and government of Canada and to all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and  
(b) to the legislature and government of each province and to all matters within the authority of the legislature of each province.

(2) Notwithstanding subsection (1), section 15 shall not have effect until three years after this Act, except Part VI, comes into force.

(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 57 (13 February 1981). Click [HERE](#).)

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**April 24, 1981: Consolidation of proposed constitutional resolution tabled by the Minister of Justice in the House of Commons on February 13, 1981 with the amendments approved by the House of Commons on April 23, 1981 and by the Senate on April 24, 1981:**

32. (1) This Charter applies

- (a) to the Parliament and government of Canada and to all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and
- (b) to the legislature and government of each province and to all matters within the authority of the legislature of each province.

(2) Notwithstanding subsection (1), section 15 shall not have effect until three years after this Act, except Part VI, comes into force.

(Source: Canada, Department of Justice, *Consolidation of proposed constitutional resolution tabled by the Minister of Justice in the House of Commons on February 13, 1981 with the amendments approved by the House of Commons on April 23, 1981 and by the Senate on April 24, 1981* (1981). Click [HERE](#).)

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**November 5, 1981: Working Draft**

32. (1) This Charter applies

- (a) to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and
- (b) to the legislature and government of each province in respect of all matters within the authority of the legislature of each province.

(2) Notwithstanding subsection (1), section 15 shall not have effect until three years after this Act comes into force.

(Source: Consolidation of proposed constitutional resolution tabled by the Minister of Justice in the House of Commons on February 13, 1981 with the amendments approved by the House of Commons on April 23, 1981 and by the Senate on April 24, 1981 as further revised on instructions from the Prime

Minister of Canada and the Premiers of nine Provinces at their Meeting at Ottawa on November 5, 1981,  
Working Draft (5 November 1981). Click [HERE.](#))

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**November 18, 1981: Resolution Respecting Constitution Act:**

32. (1) This Charter applies

(a) to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and  
(b) to the legislature and government of each province in respect of all matters within the authority of the legislature of each province.

(2) Notwithstanding subsection (1), section 15 shall not have effect until three years after this section comes into force.

(Source: Canada, *House of Commons Debates*, 32nd Parl, 1st Sess, 1981 at 12982-13060. Click [HERE.](#))

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**French:**

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

29. (1) La présente charte s'applique au Parlement et au gouvernement du Canada, ainsi qu'à toutes les questions relevant du Parlement, y compris celles qui concernent le territoire du Yukon et les territoires du Nord-Ouest.

(2) La présente charte, sauf les articles 7 à 15, s'applique à la législature et au gouvernement de chaque province ainsi qu'à toutes les questions relevant de cette législature.

(3) L'assemblée législative de chaque province peut prendre une résolution autorisant le gouverneur général à déclarer, par proclamations sous le grand sceau du Canada, l'application, à la législature et au gouvernement de la province, ainsi qu'à toutes les questions relevant de cette législature, soit de tous les droits visés aux articles 7 à 14, soit du droit visé à l'article 15, soit de l'ensemble de ces droits.

(4) A compter de la proclamation visée dans le présent article, les articles 7 à 14, l'article 15 ou l'ensemble de ces articles, selon le cas, s'appliquent à la législature et au gouvernement de la province concernée ainsi qu'à toutes les questions relevant de cette législature.

(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]**

29. (1) La présente charte s'applique au Parlement et au gouvernement du Canada, ainsi qu'à tous les domaines relevant du Parlement, y compris ceux qui concernent le territoire du Yukon et les territoires du Nord-Ouest.

(2) La présente charte, sauf les articles 7 à 15, s'applique à la législature et au gouvernement de chaque province, ainsi qu'à tous les domaines relevant de cette législature.

(3) L'assemblée législative de chaque province peut adopter une résolution autorisant le gouverneur général à déclarer, par proclamation sous le grand sceau du Canada, que tous les droits visés aux articles 7 à 14, à l'article 15 ou aux articles 7 à 15 sont applicables à la législature et au gouvernement de la province, ainsi qu'à tous les domaines relevant de cette législature.

(4) A compter de la proclamation visée dans le présent article, les articles 7 à 14, l'article 15 ou les articles 7 à 15 s'appliquent, selon le cas, à la législature et au gouvernement de la province concernée ainsi qu'à tous les domaines relevant de cette législature.

- (5) La modification ou l'abrogation des articles 7 à 14 ou de l'article 15 sont subordonnées :
- a) à la procédure de modification des dispositions de la Constitution du Canada applicables à certaines provinces seulement, si une à cinq provinces ont fait l'objet de la proclamation visée au paragraphe (3);
  - b) à la procédure de modification des autres dispositions de la présente charte, dans tous les autres cas.

(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]**

29. (1) La présente charte s'applique :
- a) au Parlement et au gouvernement du Canada, ainsi qu'à tous les domaines relevant du Parlement, y compris ceux qui concernent le territoire du Yukon et les territoires du Nord-Ouest;
  - b) à la législature et au gouvernement de chaque province, ainsi qu'à tous les domaines relevant de cette législature.
- (2) Par dérogation au paragraphe (1), l'article 15 ne s'applique que trois ans après l'entrée en vigueur, exception faite de la partie V, de la présente loi.

(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**

29. (1) La présente charte s'applique :
- a) au Parlement et au gouvernement du Canada, ainsi qu'à tous les domaines relevant du Parlement, y compris ceux qui concernent le territoire du Yukon et les territoires du Nord-Ouest;
  - b) à la législature et au gouvernement de chaque province, ainsi qu'à tous les domaines relevant de cette législature.
- (2) Par dérogation au paragraphe (1), l'article 15 ne s'applique que trois ans après l'entrée en vigueur, exception faite de la partie V, de la présente loi.

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

29. (1) La présente charte s'applique :

- a) au Parlement et au gouvernement du Canada, ainsi qu'à tous les domaines relevant du Parlement, y compris ceux qui concernent le territoire du Yukon et les territoires du Nord-Ouest;
- b) à la législature et au gouvernement de chaque province, ainsi qu'à tous les domaines relevant de cette législature.

(2) Par dérogation au paragraphe (1), l'article 15 ne s'applique que trois ans après l'entrée en vigueur, exception faite de la partie V, de la présente loi.

(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:**

29. (1) La présente charte s'applique :

- a) au Parlement et au gouvernement du Canada, ainsi qu'à tous les domaines relevant du Parlement, y compris ceux qui concernent le territoire du Yukon et les territoires du Nord-Ouest;
- b) à la législature et au gouvernement de chaque province, ainsi qu'à tous les domaines relevant de cette législature.

(2) Par dérogation au paragraphe (1), l'article 15 ne s'applique que trois ans après l'entrée en vigueur, exception faite de la partie V, de la présente loi.

(Source: Canada, Parlement, *Procès-verbaux et témoignages du Comité mixte spécial du Sénat et de la Chambre des communes sur la Constitution du Canada*, 32e parl, 1re sess, n° 36 (12 janvier 1981). Click [HERE](#).)

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**February 13, 1981: Special Joint Committee, Final Report Submitted to Parliament:**

31. (1) La présente charte s'applique:

- a) au Parlement et au gouvernement du Canada, ainsi qu'à tous les domaines relevant du Parlement, y compris ceux qui concernent le territoire du Yukon et les territoires du Nord-Ouest;
- b) à la législature et au gouvernement de chaque province, ainsi qu'à tous les domaines relevant de cette législature.

(2) Par dérogation au paragraphe (1), l'article 15 n'a d'effet que trois ans après l'entrée en vigueur, exception faite de la partie VI, de la présente loi.

(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 57 (13 February 1981). Click [HERE](#).)

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**April 24, 1981: Consolidation of proposed constitutional resolution tabled by the Minister of Justice in the House of Commons on February 13, 1981 with the amendments approved by the House of Commons on April 23, 1981 and by the Senate on April 24, 1981:**

32. (1) La présente charte s'applique:

- a) au Parlement et au gouvernement du Canada, ainsi qu'à tous les domaines relevant du Parlement, y compris ceux qui concernent le territoire du Yukon et les territoires du Nord-Ouest;
- b) à la législature et au gouvernement de chaque province, ainsi qu'à tous les domaines relevant de cette législature.

(2) Par dérogation au paragraphe (1), l'article 15 n'a d'effet que trois ans après l'entrée en vigueur, exception faite de la partie VI, de la présente loi.

(Source: Canada, Department of Justice, *Consolidation of proposed constitutional resolution tabled by the Minister of Justice in the House of Commons on February 13, 1981 with the amendments approved by the House of Commons on April 23, 1981 and by the Senate on April 24, 1981* (1981). Click [HERE](#).)

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**November 18, 1981: Resolution Respecting Constitution Act:**

32. (1) La présente charte s'applique:

- a) au Parlement et au gouvernement du Canada, pour tous les domaines relevant du Parlement, y compris ceux qui concernent le territoire du Yukon et les territoires du Nord-Ouest;
- b) à la législature et au gouvernement de chaque province, pour tous les domaines relevant de cette législature.

(2) Par dérogation au paragraphe (1), l'article 15 n'a d'effet que trois ans après l'entrée en vigueur du présent article.

(Source: Canada, *House of Commons Debates*, 32nd Parl, 1st Sess, 1981 at 12982-13060. Click [HERE](#).)

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