

equality" test rejected by the Supreme Court. But there will not be an appeal if this program is cut off.

Why is that important? It is important because what happens in our law is that often you lose at trial division and then you go to the Supreme Court of Canada and you win, and that changes the law.

The best example is the Nisga Indian case where Tom Berger, acting as a lawyer for the Nisga Indians back in the early seventies, appealed the case all the way to the Supreme Court of Canada after losing at the trial court. The Supreme Court was split, and as a result of that decision we have the modern law of aboriginal rights today in Canada. That is why it is so important to fund these cases. That is why it is so important to go to appeal.

I could quote more cases, but the minister knows that these cases have been successful. The question is: Is it finished? I quote Ms. Coté again: "Furthermore, issues involving discrimination based on ethnic origin and colour, as well as issues affecting low income people, have barely been touched on by the courts. Very few court challenges to systemic discrimination have come before the courts. The program just recently funded three case development projects concerning some aspects of the discrimination suffered by Afro-Canadians in the prison system. Without financial support to undertake their legal proceedings, it is quite possible that the agency that received funding to complete this research will not have the means to take the subsequent court action".

There is work to be done. We have just begun to test it.

In the language area, as the hon. member for Vanier pointed out, we just had the Dobbie-Beaudoin report *Constitutional Suggestions for French Language Rights Outside Quebec*, the concept of duality and promotion of those rights. Who is going to take the cases? Charity? Is that what we are going to say to francophones outside Quebec?

I have before me a letter that was sent by La Fédération des Franco-Colombiens to the Prime Minister. It says: "Without the Court Challenges Program the charter's scope is seriously curtailed. From now on it will be virtually impossible for ordinary Canadians to force governments to respect their constitutional obligations, especially with respect to the language rights of the minority French speaking communities across Canada".

Supply

It provides evidence—and I will send it to the minister and table it in the House—of a case right now on French Canadians using French in the criminal courts of British Columbia.

What do you want to do? Do you want to turn it over to the provinces? Do you want Albertans to say to Mr. Getty: "Give us some money so we can finance something on bilingualism"? That is absurd. It is absurd and it does not do justice to this minister.

An hon. member: Or to the country.

Mr. Waddell: "Or to the country". The minister has asked if there is another way. What about the provinces? I would be prepared to concede that the provinces would have some role. We are a federation. Let us expand this program and get the provinces playing a role. The minister cannot do that overnight. He cannot just end this program and then expect the provinces to come in. I urge him to find some additional funds from that big department of his so that he can continue this program in a temporary way.

I see the minister talking to one of his friends. I hope he is listening because a lot of people want the minister to hear this. He is a fair minister. Therefore, I say to the minister: take some money from the department, keep the program going, work with the provinces. He wanted suggestions. I am prepared to work with my colleagues in Ontario, Saskatchewan and British Columbia or their NDP governments. I know my friends in the other part of the House would do likewise and say: "Come on, maybe we can find some money to provide for challenges for provincial laws and for federal laws as well".

I would like to conclude with a couple of quotes. Again the government has to explain. John Tait, the Deputy Minister of Justice, when asked about the program the other day said: "I would say as deputy attorney general that we have gained a tremendous amount of good jurisprudence from this program and that is all—not go on to say that the jurisprudence is now sufficiently developed. It is not".

There is still somewhere to go, according to the Deputy Minister of Justice.

Perhaps money is the problem. However, as I pointed out, the government found money for the PM's clipping service, for judges' increases, and for all kinds of other matters.