

● (1510)

Hon. Lowell Murray (Leader of the Government): Honourable senators, I accept both the representations and the assurances of the honourable senator. I shall convey them both to Mr. Andre.

TRANSPORT

ARROW AIR CRASH IN GANDER, NEWFOUNDLAND—CRIMINAL INVESTIGATION COMMENCED BY U.S. FEDERAL AVIATION AUTHORITY—GOVERNMENT POSITION

Hon. P. Derek Lewis: Honourable senators, I have a question for the Leader of the Government in the Senate. It concerns the terrible air disaster that occurred a few years ago in Gander, Newfoundland, just before Christmas, known as the Arrow air crash.

It has come to my attention that the Federal Aviation Administration of the United States has started a criminal investigation into the worst disaster that ever occurred in Canada, a disaster which involved the deaths of 256 people. Up until now the Government of Canada has refused to re-open this case, even though Mr. Justice Willard Estey concluded in his report that the findings of the Canadian Aviation Safety Board were erroneous.

Is the government aware of the investigation that is now being carried out in the United States? Will the Government of Canada insist upon taking part in this investigation which would afford the people of Canada the opportunity of obtaining full particulars and any information from the American military and other authorities there? Is the government prepared to undertake such a task?

Hon. Lowell Murray (Leader of the Government): Honourable senators, I appreciate the question that the honourable senator has put concerning a tragedy and an investigation into a tragedy which was the source of considerable controversy for a long time, both here and in the United States. I shall have to ask my colleague, Mr. Corbeil, the Minister of Transport, to let me have his comments on the questions that the honourable senator has put.

JUSTICE

CANCELLATION OF COURT CHALLENGES PROGRAM—GOVERNMENT POLICY

Hon. Joyce Fairbairn: Honourable senators, I wish to ask a question of the Leader of the Government in the Senate that is based on a question asked yesterday by my colleague, the Leader of the Opposition, concerning the Court Challenges Program. He referred to a letter which had been written to the Minister of Justice, the Honourable Kim Campbell, by the former Supreme Court Justice Bertha Wilson. I wanted to refresh the memory of senators with what was in that letter. However, unfortunately, we do not have *Hansard*, as Senator Molgat pointed out.

I might just refer to comments that Bertha Wilson made in addition to the letter with reference to the cancellation in the

last budget of the Court Challenges Program which, as all senators know, has been in place for some five years to enable the most vulnerable in our society to benefit from the Charter of Rights and Freedoms by having an opportunity to take their cases to court in order to protect them from arbitrary and unfair actions following through from government law.

On hearing of the cancellation of the Court Challenges Program Ms Wilson said:

I'm stunned . . . As a Supreme Court judge, I saw what an invaluable contribution this program made. It was exciting; it made you think governments can't be all that bad. And then . . . bingo! This policy makes the people who can least afford it bear the brunt. There's no point in giving people rights if they don't have the wherewithal to go to court.

Has the Leader of the Government in the Senate had an opportunity to receive from the Minister of Justice her response to Bertha Wilson? I am sure she would have wished to respond quickly to that letter.

Hon. Lowell Murray (Leader of the Government): I am sure she will, honourable senators, but my colleague, Mrs. Campbell, is in Vancouver attending meetings at the present time, at least she was yesterday, and I have not had an opportunity to discuss the matter with her. As soon as I have such an opportunity, I will of course do so and obtain a copy of any reply that she sends to the former Justice Wilson.

Senator Fairbairn: Honourable senators, I have another question to ask of the government leader. Leaving aside the correspondence between the minister and the former Supreme Court Justice, will he use his authority within the federal cabinet to have the government take another look at this action that was taken by the Minister of Finance? This is a program which helps the vulnerable—aboriginal people, racial and ethnic minorities, disabled Canadians, as well as women, who, through the Women's Legal Education and Action Fund, have probably made more use of this program to protect their rights through the courts on gender issues than any other group.

Given that members from all parties in Parliament support this program most heavily, would the Leader of the Government in the Senate use his good offices within cabinet to have another look at reinstating this program?

Senator Murray: The honourable senator will understand when I tell her that I can only undertake to convey her representations to my colleague, the Minister of Justice, and to ask if that minister wishes to comment on them in any way.

Senator Fairbairn: Perhaps the Leader of the Government in the Senate could also convey these representations to his friend the Minister of Finance. At a time when we are apparently funding something called a Museum of Humour in Montreal, it seems a little incongruous, in terms of where our priorities are, that we should be cutting from federal expenditures the ability of minority groups, the disabled, women and other vulnerable Canadians to be able to defend themselves in the courts against violations of their rights under the Charter of Rights and Freedoms.