

Adjournment Debate

help clarify language rights guaranteed under the Constitution. The House will recall that it covers Sections 93 and 133 of the Act of 1867, Section 23 of the Manitoba Act and, since 1982, Section 23 of the Canadian Charter of Rights and Freedoms, the section that deals with language rights.

Since 1978, fourteen cases have been accepted under the program and subsidies totalling \$580,000 were granted. This year, an additional \$60,000 was transferred to the \$200,000 already granted by Treasury Board, bringing this year's budget to \$260,000.

Mr. Speaker, Hon. Members will recall that I asked the Prime Minister (Mr. Mulroney) about this program some time ago, and I reminded him that the court challenges program was due to expire on March 31, which means in three days. There will be no more money and thus no program. Interestingly, the expiry date of March 31 is rather symbolic, because on the 17th, in two weeks, we will have here in Canada a Charter of Rights recognizing Section 15 that deals with fundamental rights and which, I think, should make it possible for Canadians to challenge the interpretation of the Charter before the courts.

Mr. Speaker, I would remind my hon. colleagues that during the election campaign, the Progressive Conservative Party fully supported the court challenges program to assist legal actions. This was clear from their comments. In a letter sent to the Fédération des francophones hors Québec, the Prime Minister or rather the Leader of the Conservative party gave his unconditional support to the program. He said that his Government would continue to support and strengthen the program.

In a question put to the Minister of Justice (Mr. Crosbie) on March 20, the Minister was asked whether the Government was looking into the possibility of expanding the program. Before the Committee on Justice and Legal Affairs, on March 20, the Minister of Justice said, and I quote:

● (1820)

[English]

The question is whether the court challenges program should be extended beyond language rights. Those rights are covered in Section 133 and Section 23 of the Manitoba Act and Article 23 of the Charter of Rights. He asked whether we are to go forward and expand the financing of the court actions and appeals where the Government is on one side arguing one thing, and financing someone on the other side who is arguing the direct opposite. He asked how far this was to go. How far do the Canadian people want it to go? Who is to decide which are the worthy cases and which are not? If we are going to do this, should the money be given to some independent organization?

[Translation]

Mr. Speaker, I then asked myself: Is the Government seriously considering transferring the program to the Canadian Civil Liberties Association, the Ligue des droits de l'homme or the Canadian Foundation for Human Rights, or is it thinking

of transferring the program to the Canadian Bar Association which might be interested in administering this program which, I feel, is essential if we are to develop a just and fair society?

Mr. Speaker, in recent months we have been told that certain provinces, and especially the Western provinces, were a little embarrassed by the program because residents of these provinces were using a federal program and receiving federal money to challenge before the courts certain interpretations of the Charter of Rights and Freedoms or of Sections 133 and 93 of the Act of 1867.

[English]

I would just like to say that personally I feel the Government must come to this House soon and satisfy Canadians that indeed it has a vehicle, a program, some system in place which gives Canadians a means of getting support in order to go before the courts to clarify and obtain decisions from the courts.

[Translation]

In concluding, Mr. Speaker, I would like to evoke a passage from a letter from the Prime Minister to the Fédération des Francophones hors Québec, and I quote:

We shall maintain the present program to assist legal actions, which helps individuals and groups seeking to obtain a decision by the courts on litigious points relating to language rights in terms of the Constitution of 1867 and the Charter of Rights and Freedoms. We shall be consulting with members of minority groups and other interested parties to ensure that the program is efficient and effective.

I hope the Government has consulted, I hope the Government is going to act and I hope the Government is going to announce this evening that the program will not expire on March 31 and that on April 1, we will have a sound and generous program that will help minorities to defend their rights before Canadian courts.

● (1825)

Mr. Pierre Blais (Parliamentary Secretary to Minister of Agriculture): Mr. Speaker, whenever Canadians manage to go two or three weeks without arguing about something, the Opposition does not waste a second and tries to find a situation or an opportunity to raise some kind of problem.

Mr. Speaker, the purpose of the court challenges program is to obtain court rulings on the precise extent of linguistic rights guaranteed under our Constitution. That is why the Government gives financial assistance to pay for legal costs in cases deemed to be important. Naturally, the State has to be careful every time it intervenes in that field. Quite obviously, if the Government is to pay court costs for people who may at times take proceedings against the State, there has to be a limit, otherwise it would not make sense.

This program was established in 1978 as one of the initiatives taken by the Government to promote national unity. It may come as a surprise to hear me say that the previous Government may at one time or another have done something