

Supply

it was under the Secretary of State. The program continued in 1985 and was expanded to cover federal equality rights cases. It was under the same department. Then in 1990 the government put it under an independent organization, the Ottawa Human Rights Centre, which is at the University of Ottawa.

This was a good program. This has been a good minister, Mr. Speaker. This is the minister who brought in redress to Japanese Canadians. He will go down in Canadian history for that but he will also go down in Canadian history for ending the Court Challenges Program, which I ask the minister to have another look at. I am going to make some suggestions in a few minutes as to why.

The program has been declared a good program. The House of Commons Standing Committee on Human Rights and the Status of Disabled Persons conducted an examination in 1990 of the program and unanimously recommended not only its continuance, but its expansion. The most surprised person on budget night was the Conservative chair of that committee.

I have a letter before me from Bertha Wilson, the former Justice of the Supreme Court of Canada. She says: "I saw for myself when I was a member of the Supreme Court how invaluable this program had been to minority groups and to the disadvantaged. It has clearly been well and efficiently administered. The public has unquestionably received full value for its money".

How many government programs could you say that about? Could you say it about the Prime Minister's clipping service or sending his limo down to Costa Rica? Come on, this program is working. Three hundred cases have been funded through this program. The program has made a crucial difference in the most important equality and language rights cases to come before the courts. A maximum of \$35,000 can be provided for a case at each level of court.

I have been a trial lawyer. That amount is peanuts. You should see the money that the government is spending, for example in the aboriginal rights cases in British Columbia, to fund their lawyers. They would take the whole program in a year.

Mr. Speaker, \$2.7 million is not a large amount of money in terms of government expenses or legal expenses.

There is strong support from academics, from the Canadian Bar Association, from the media, all over the place, for this program. The question is this. Is there an alternative available? Well, we could have volunteer lawyers, but that is a hit and miss program, it is charity.

We could have the Canadian Human Rights Commission, but the human rights commission is responsible for the human rights act, not for the Charter of Rights and Freedoms.

We could have ad hoc funding, which the minister appears to suggest in different cases. But many deserving cases would be excluded. There would be duplication of cases, and it would cost the government more in the long run. That would mean the government would choose which cases to fund. That is the key it seems to me.

I would like to talk about some of the cases that the program has dealt with. In *Andrews v. the Law Society of British Columbia*, the program funded the Women's Legal Education and Action Committee to intervene, and the result was to present to the court a new approach to equality rights that had a major impact on the result.

In the *Swain* case, *Regina v. Swain*, the case concerned the question of evidence in insanity cases. The result was that we in Parliament had to totally amend the Criminal Code on insanity. I was a member of that committee, as was the hon. member for Cape Breton—The Sydneys, and we participated in that. That case, in fact, forced the government to update the law and we now have a modern law as a result, sponsored and supported by all the parties in this House. *Shacter* against the Queen is another case on sexual discrimination at UI. CEIC against *Tetreault-Gaboury*, against UI. Also seniors, discriminating against people over the age of 65, *Egan* and *Nesbit* against the Queen.

• (1630)

Let me just quote what Ms. Coté, director of the program, said to the standing committee a few days ago: "The program provided funding to Jim Egan and John Nesbit to challenge the definition of spouse in the Old Age Security Act under which same sex spouses are eligible for the spousal allowance available to eligible heterosexual, common law and married spouses".

Egan and Nesbit have lived together for 40 years and they lost the case in the trial division. Now they want to appeal. The trial judge erred by using the "formal