

*Statements by Ministers*

I would indicate to the Minister that we are worried about the lack of consultation which went into this issue. I have personally phoned several organizations and have been told by them that they were not consulted on how this program would be put together. That worried me because there are different interests, be they covered by Sections 15 or 27. We have a panel which will be chosen, I take it, by the Canadian Council on Social Development, or on the advice of someone who will represent various interests. We do not know how large the council will be, nor do we know how the people will be named to it. All we know is that there will be a panel of competent, we hope, and understanding people, who will report annually to the Minister. We still have to see the modalities, as we say *en français*—

[Translation]

—in French, modalities of application, criteria, and we are anxious to hear the answers to these questions.

Mr. Speaker, I must also tell you that I consulted with my colleague from Outremont (Mrs. Pépin) and she made it quite clear that women do not agree. In this field she knowledgeably speaks on behalf of the Liberal Party. They do not agree because they had a council—the Women's Legal Education and Action Fund, if my memory serves me right—which was funded and whose role was to support legal or other action to promote the cause of women.

Through you, Mr. Speaker, I say to the Minister that perhaps the whole approach will have to be reconsidered so as to involve several organizations, not just one. I had suggested the Canadian Bar Association because I thought it was an independent body which, at least in case of litigation, might have given a reasonable judgment devoid of any special interest. My recommendation was rejected, but there are many other such organizations.

For instance I can tell you that the *Fédération des francophones hors Québec* has not been consulted. It feels frustrated, it feels ignored and it even feels hurt because the Prime Minister had told all those groups: "We will consult with you." Well, they were not consulted. So we are faced with the imposition of an administrative measure which makes us feel somewhat hesitant.

The Secretary of State (Mr. Bouchard)—I conclude with this and wish him well—must become the champion of official languages minority groups, the champion as well of all individuals affected by this court challenges program, be they handicapped, women, official languages minority groups or anyone covered under Sections 15, 27 and 28; the Secretary of State will be their spokesman in the House. We warn him that we expect much from him and we hope he will keep the House up to date on the program and its operation.

**Mr. Svend J. Robinson (Burnaby):** On behalf of all my colleagues of the NDP caucus, Mr. Speaker, I am pleased to address the very important issue of the establishment of a fund to achieve equality rights in Canada.

Mr. Speaker, I emphasize that I am speaking on behalf of all these Hon. Members, including the Hon. Member for Vancouver-East (Ms. Mitchell) who is our party's critic on the status of women, the Hon. Member for Beaches (Mr. Young) who is our critic on the rights of the handicapped, as well as the Hon. Member for Churchill (Mr. Murphy) who is our critic on federal-provincial relations.

Mr. Speaker, I wish the Liberal Party critic had spoken out on this issue, because I am well aware that she does not agree with the views of the Government's spokesman and, frankly, I share her disappointment.

[English]

Mr. Speaker, I am pleased to indicate that while we in the New Democratic Party welcome at long last the announcement by the Government with respect to the funding of challenges of national importance under the provisions of Sections 15, 27 and 28 of the Charter of Rights and Freedoms, as well as the language rights provisions of the Charter, we are disappointed with the process which led to this announcement, as well as with significant elements of the substance.

It was with the objective, which I believe all Members of the House would share, that Canadians should not be forced into the courts that we welcomed the adoption of Section 15 of the Charter of Rights on April 17, 1982. However, we had hoped that in the three years which was given by Parliament and by the provincial Governments to change laws and practices to bring them into conformity with the spirit and letter of Sections 15, 27 and 28 there would have been far more substantial work done and that Canadians would not have to go to the courts. We were most disappointed with the minimal response, both by the previous Government and by this Government, to the challenge posed by Section 15.

Indeed, as a member of the committee of the House of Commons on equal rights, which travelled across the country, from one side to the other, I have heard from many witnesses who emphasized the importance of adequate funding for Charter challenges. In August of 1984 the Prime Minister announced that there would be adequate funding mechanisms established to ensure that potential litigants who wanted to bring forward important challenges under Section 15 of the equality rights section would have the resources to do so.

We know that the Minister of Justice (Mr. Crosbie) was not too excited about this prospect. In fact, in May of this year in response to a question from me he said:

Mr. Speaker, there is a Charter of Rights here in Canada. It is alive and doing well. Any citizen or any group can apply to the courts if they believe they have a case under the Charter. They do not require financing by the Government. If they believe they have a good cause, they can find the money for that cause. That, Mr. Speaker, is the way it is and always has been in our country.

Fortunately, saner heads prevailed. I am pleased to note that the view of the Minister of Justice was a minority view. In fact, it was recognized that funding was essential to make equality a reality in Canada today. Now, over a year later, the Government has in fact established a fund. What about the fund?