

**Mr. Nunziata:** Bob Rae?

**Mr. Skelly (Comox—Alberni):** Madam Speaker, the member can stand up in the House and make a speech if he wishes. But he should be called to order at this point for his irrelevances.

**Madam Deputy Speaker:** Heckling during debate is sometimes part of this House. The Speaker will not intervene unless things being said are really unparliamentary or if the person who has the floor asks the Speaker to intervene because he or she finds it difficult to continue. I will give the floor to the hon. member for Comox—Alberni.

**Mr. Skelly (Comox—Alberni):** Madam Speaker, we do have a Constitution and a Charter of Rights and Freedoms and they do create problems for people in this country.

Not all constitutions are protective of people's rights on the face of them. I recall that back in 1933 the best constitution in the world was delivered to the Soviet people by Joseph Stalin. It guaranteed minority rights, it guaranteed national rights, it guaranteed individual rights. It guaranteed all sorts of things, but nobody had access to the courts in order to establish their access to those rights. As a result, millions of people went to the Gulag and millions of people died when they tried to establish their rights that were guaranteed in that Soviet constitution.

The same thing applies here in Canada. Unless there are the mechanisms and the provisions in effect for people to guarantee their rights under this Constitution and the Charter of Rights and Freedoms it does not operate on its own. It does not have a mechanism to enforce itself. People have to challenge for their rights and that is why we have that Constitution.

Without assistance, the vast majority of people in this country would not have access to the judicial system in order to pursue their rights. That has been demonstrated hundreds of times over. That is the reason we have this Court Challenges Program in the first place.

I would like to quote a section from a paper written by the now hon. Andrew Petter who is the Minister of Aboriginal Affairs in the Government of British Columbia. He wrote this paper when he was an assistant law professor at the University of Victoria. He notes how in

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charter cases the judicial process discriminates against the financially disadvantaged and in favour of the wealthy.

Let me make a few quotes from Mr. Petter's paper. He says: "There are two features of this system that make it a particularly inappropriate forum for advancing the interests of the disadvantaged. One is the cost of gaining access to the system. It will come as no surprise to those familiar with the process of litigation to discover that the cost of mounting a charter challenge is extremely high. The successful action of Southam newspapers to have a search of its business records by anti-combine officers struck down under the charter took two and a half years and cost Southam about \$200,000.

The charter challenge brought by Merv Lavigne against the compulsory collection of union dues for political purposes at the time this paper was written, had already cost the National Citizens' Coalition, the right-wing lobby funding the challenge, about \$400,000 and the case, at that point, had only proceeded as far as the Ontario Supreme Court.

For people to take actions under the Charter of Rights through the whole court process is an extremely expensive undertaking and many of the people in Canada who need access to that process simply cannot afford it. Without the assistance provided in this program those people are not going to be able to take advantage of the Canadian Charter of Rights in order to establish what their rights are."

Now Southam corporation and the National Citizens' Coalition, which is financed by a large number of corporate donations, do not have any problems getting government funding because their court actions are considered a cost of doing business. They can right it down against their income taxes so that you and I and rich and poor alike in this country end up paying for their challenges under the charter.

The only problem is that for those poor, for those disadvantaged people in this country there is no access to the courts if this program is done away with.

A number of cases have been mentioned by my colleagues speaking in this House over the last short period of time. Some of them in fact come from my riding. One of the cases in fact was the case of Jim Egan and John Nesbitt who are residents of the Comox valley in my riding.