

Adjournment Debate

[English]

SUSPENSION OF SITTING

The Deputy Speaker: The late show will have to wait for 10 or 15 minutes, until 6.30 p.m. Is there unanimous consent to suspend the House until 6.30 p.m.?

Some hon. members: Agreed.

(The sitting of the House was suspended at 6.12 p.m.)

SITTING RESUMED

The House resumed at 6.30 p.m.

ADJOURNMENT PROCEEDINGS

[English]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

COURT CHALLENGES PROGRAM

Hon. Warren Allmand (Notre-Dame-de-Grâce): Mr. Speaker, in the recent speech from the throne the new Liberal government promised to restore the court challenges program which had been cancelled by the previous Conservative government in 1992.

The court challenges program was originally established by the Liberal government of Pierre Trudeau in 1978 and it was expanded in 1982. Its purpose was to assure that Canadians could enforce their constitutional rights before the courts.

In 1981 we established a Canadian Charter of Rights and Freedoms which guaranteed certain basic rights to all Canadians, rights such as fundamental freedoms, equality rights, democratic rights, mobility rights, legal rights and language rights.

It is one thing to have these rights guaranteed in the Constitution, but it is another thing to enforce these rights in court, especially against big government or big business. One needs the funds to hire lawyers over a long period of time, very often in appeal to the Supreme Court of Canada. Without the funds to enforce your rights in court, these rights become meaningless. That is why a Liberal government established the court challenges program: to provide funds to individuals and groups who had important constitutional rights to enforce, especially where a precedent was involved.

During the life of the program the most important cases dealt with language rights and equality rights. In my constituency in particular there is great concern over the erosion of language rights. On several occasions there were important court actions taken against Quebec Bills 101 and 178 which were successful in knocking out repressive sections of those laws. There were similar actions in other provinces by francophones. The battle has not ended. There are still sections of those and other laws

which must be challenged and citizens need help from the government to do that.

I would like to know today when the government will bring back the court challenges program as promised in the speech from the throne. I want a clear commitment that it will cover court challenges to legislation which restricts or rescinds language rights.

Ms. Albina Guarnieri (Parliamentary Secretary to Minister of Canadian Heritage): On behalf of the Minister of Canadian Heritage I am pleased to have the opportunity to clarify the scope of the court challenges program for my colleague from Notre-Dame-de-Grâce.

As the hon. member mentioned, this government initially indicated its intention to reinstate the court challenges program in the red book and recently reinforced the commitment in the speech from the throne.

• (1835)

In fact the government is committed to not only the reinstatement but also the expansion of the court challenges program. In addition to language and equality rights the new program will fund test cases of national significance involving challenges to fundamental freedoms as outlined under section 2 of the charter.

[Translation]

I am pleased to reassure my colleague that the reinstated program will continue to support national test cases concerning federal and provincial statutes that come under sections 93 and 133 of the Constitutional Act of 1867, section 23 of the Manitoba Act, 1870, and sections 16 to 23 of the Canadian Charter of Rights and Freedoms.

The program will also financially support challenges to federal statutes, practices and policies under sections 15 and 38 of the Charter or when an argument based on section 27 of the Charter confirms arguments based on section 15.

[English]

The minister hopes to have the new program operational early in the new fiscal year as he indicated to my colleague previously. As a result of the broad range of interests, experience and expertise that will be taken into account by the government, the Minister of Canadian Heritage is confident the program will be implemented as quickly as possible in a manner accountable to the government and the people of Canada.

SMALL BUSINESS

Mr. David Iftody (Provencher): Mr. Speaker, I rise today to continue with some comments and questions I raised in the House a couple of weeks ago having to do with small business in Canada.

We know that in 1993 small business bankruptcies reaped a heavy toll on the Canadian economy. Nonetheless, of one million businesses registered in Canada 97 per cent have 50