

Politically, it makes sense to protect ministers from the firing line and from decisions about which Charter challenges will be funded. That is what this Committee recommended in its previous report. We do, however, recognize that this situation leaves departmental officials responsible for an item in the *Estimates* that they cannot control and, in a sense, for decisions that they do not take. We cannot help but wonder whether this arm's length arrangement has lessened departmental commitment and lowered the place of the Program in departmental priorities.

The Court Challenges Program's future appeared to be assured, however, when the University of Ottawa assumed responsibility for its administration in August 1990. The terms under which the University has been administering the Program were set out in a Contribution Agreement (Appendix B). Since that time, the Human Rights Research and Education Centre, as the agent of the University, has supervised the administration of the Program. Both the Program's Equality Rights Panel and the Language Rights Panel have met regularly to make funding decisions about applications for support that were submitted to the Program.

Two new features were added to the Program by the Human Rights Centre:

1. an appointments committee was established to ensure a fair and independent appointment process to the Equality and Language Rights Panels which adjudicate the applications for funds from the Program; and
2. the Human Rights Centre had committed itself to devote 80% of the University's share of the Centre's budget to provide research and library services that support both the Program itself and the users of the Program.

CANCELLATION OF THE PROGRAM

When the cancellation of the Court Challenges Program was announced on 27 February 1992, there were two reasons given:

1. a solid body of jurisprudence has been established by the Program and consequently, there is no reason to continue it; and
2. the contention that, during a period of fiscal restraint there are cheaper ways to manage the funding of Charter challenges, in particular; a department of government (i.e. the Department of Justice) could undertake this role on an *ad hoc* basis.