

Supply

Mr. Russell MacLellan (Cape Breton—The Sydneys): Mr. Speaker, I am very pleased to be participating in this debate this afternoon. I would like to say at the outset that our party, the Liberal Party, will be dividing our 20 minute segments so that we will get twice as many speakers. Therefore, I will be speaking for 10 minutes and the member for Halifax will follow for a subsequent 10 minutes.

I want to say to the Secretary of State how disappointed I am in the government at the cancellation of the Court Challenges Program. This is a tragic decision for this country because a lot of what Canada stands for is embodied in the Court Challenges Program. Over the last few years it has been our court system that has really been holding this country together. It certainly has not been the federal government.

The minister said that this government spent more than any other government on this type of program. However he also said, and truthfully so, that this is the only Court Challenges Program in the world. It has been in existence for 15 years and this government has been in power for more than half of that 15 years.

Sure, this government has spent more on this type of program. It is the only one and the Conservatives have been the only party in power for more than half of that period. That does not make them in any way sensitive to the needs of the disadvantaged, the minorities and the women in this country who are being abused by society and who no longer have the ability to challenge this abuse in our court system.

This is an absolutely detestable decision. In this country we have an excellent Charter of Rights and Freedoms. It is something that we can be very proud of, but this charter is not going to work if we prevent a large segment of our population from being able to utilize it to protect themselves and the rights which they have every reason to believe in and take for granted in this country of Canada.

We have now, as a result of the decision of this government to cancel the Court Challenges Program, a rich man's charter. The disadvantaged, the minorities and the women in this country cannot enforce their rights in a court of law unless they are very wealthy indeed. In 1989 the standing committee on human rights issued a report which said: "The virtually unanimous verdict of witnesses who appeared before the committee

is that the reasons for continuation are not merely sufficient but compelling".

• (1650)

The member of Parliament for Oxford, who is now chairman of that committee, upon hearing that this Court Challenges Program had been cancelled wrote to the Prime Minister asking him to reconsider his decision.

I want to say under no circumstances is it a sound argument to say that there is now a sufficient body of jurisprudence based on charter decisions and the Court Challenges Program is no longer needed. That is what the Solicitor General told me when I posed a question in Question Period on this subject. He says it is no longer necessary.

Any legal academic will tell you that it takes at least another 10 years from now to be able to get a proper body of jurisprudence on the Charter of Rights and Freedoms we have at the present time.

The government is sponsoring through its constitutional dialogue changes to the Charter of Rights and Freedoms which means there are going to be changes that will have to be interpreted in our courts. How can the government possibly say that we have sufficient jurisprudence not only on what we already have in our charter but the changes that are going to be made to our charter? I want to say as well, now 200 years later, the Americans are still interpreting their charter of rights and freedoms.

Even if there was a substantial body of legal decisions on which we could base the future rights of Canadians, that does not take away from the fact that we as a Canadian people have to protect the disadvantaged people in our society.

The minister talks about the fact that he is interested in abolishing racism, in promoting unity. We need court decisions if we are going to have that kind of battle against these dreaded spectres that all people confront. We have to have court decisions. We have to know where the courts stand.

It is ironic that the government would cancel this program immediately after the Butler decision on pornography. It was an excellent decision which was decided nine to zero by the Supreme Court of Canada and which challenge was financed by the Court Challenges Program.