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—
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Mr. Steven Blaney

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• (0905)

[Translation]

The Chair (Mr. Steven Blaney (Lévis—Bellechasse, CPC)): Pursuant to Standing Order 108, the Standing Committee on Official Languages is commencing its study of the Court Challenges Program.

Good morning to all committee members, witnesses and participants. Today, we have appearing before us Mr. Matte, Mr. Badiou and Ms. Tansey, from the Court Challenges Program of Canada. Also with us this morning is Mr. Gratton, from the Montfort Hospital, and Ms. Lalonde, from SOS Montfort.

Mr. Luc Harvey (Louis-Hébert, CPC): I would like to make a point of order before we begin the meeting.

On the weekend, the leader of the Liberal Party made a statement that I find of grave concern. He said that your behaviour was similar to that of the former chairman and that, all things considered, you did not deserve the confidence of the committee. I do not think we can overlook such a statement. I would now like to know whether my Liberal friends have confidence in our chairman or if they want to start playing petty politics once again.

The Chair: If I understood correctly, your point of order deals with the legitimacy of the chairman. We might discuss that if you move a motion to challenge the legitimacy of the chairman. However, I am not sure whether this is the right time to do so.

Ms. Gisèle Lalonde (former President of SOS Montfort, As an Individual):

You could perhaps wait until we've left, because you did tell us not to engage in politics during our appearance.

The Chair: Indeed, unless a proposal to that effect is moved, we will pursue our meeting.

Mr. Nadeau, do you have a point of order?

Mr. Richard Nadeau (Gatineau, BQ): No, Mr. Chairman, I have a point of clarification. At the last meeting, I promised to submit both the French and English versions of the report that we tabled. At the time, we only had a French copy; we now have a copy in both official languages. I would like to give you a copy so that it becomes an official committee document, for informational purposes.

The Chair: Very well; I thank you for that. I am told that you distributed a copy to members of the committee.

Mr. Richard Nadeau: I handed out copies to committee members and witnesses.

The Chair: Well done. That way we will be able to read it.

Without further ado, I call on witnesses from the Court Challenges Program to make their opening remarks. You have the floor.

Mr. Guy Matte (President, Court Challenges Program of Canada): Thank you, Mr. Chairman. As you indicated, with me are Mr. Noël Badiou, Executive Director of the Court Challenges Program of Canada, and Ms. Kathleen Tansey, member of the board of directors.

I know that it would probably be more useful to answer your questions, if you have any, but I would first like to say a few words. For example, giving people rights without access to justice is meaningless. A charter of rights without the means to uphold those rights is a denial of justice. The Court Challenges Program of Canada has helped advance rights in this country. We believe that its cancellation will lead to a democratic deficit.

Mr. Badiou.

Mr. Noël Badiou (Executive Director, Court Challenges Program of Canada): If I may, I will try to briefly highlight a few points.

The Contribution Agreement signed between Canadian Heritage and the Court Challenges Program of Canada in 2004 clearly states the program's mandate, which is to clarify language and equality rights in order to get people to better understand, respect and apply those rights. By their nature and wording, the provisos in the agreement are intended to broaden those fundamental rights. The objective is to ensure that all citizens are equal under the law and have access to services in the official language of their choice. The underlying principle of that provision is one of inclusion. Challenges based on that provision are naturally intended to increase people's ability to participate. This program does not exclude anyone; rather, it gives people access to the justice system.

It would be contrary to that objective to support cases that jeopardize the rights of groups that are suppose to be protected by equality and linguistic rights. Unlike what our critics claim, this is not only an issue of diverging views on equality. The program does not fund cases that would likely undermine the quality and linguistic rights of protected groups.

When it decided to cancel the Court Challenges Program, the government said that the program was not cost-effective. We do not know what they based that affirmation on. In fact, program officials were never informed that the CCP was under review. Nobody contacted the staff and members of the board, and no one asked them for information on the CCP. The government did not base its decision on any result whatsoever.

The program was assessed on two occasions, in 1997 and 2003. Each time the Contribution Agreement expired, the CCP was subject to an in-depth evaluation carried by an independent organization, and both times, it was found to be effective and accountable. Canadian taxpayers did indeed get value for their money. Our brief includes excerpts from those evaluations.

The issue of accountability with respect to public funds was scrutinized as part of the in-depth, independent evaluation of the CCP in 2003. The evaluators confirmed that the program regularly reported its activities to Canadian Heritage and that PricewaterhouseCoopers, an independent accounting firm, audited its financial statements. Those audited financial statements are included in the CCP annual report.

With regard to the funding recipients, the program does not immediately disclose the names of those who applied for financial assistance, owing to the solicitor-client privilege. The CCP funding policy is very similar to that of legal aid programs. It is impossible to obtain information on the identity of legal aid clients, given the provisions protecting people's privacy and solicitor-client privilege.

We also have to account for the recent Supreme Court of Canada ruling in *Goodis v. Ontario*. The Court upheld the solicitor-client privilege and found that it was an integral part of procedural fairness.

That said, in order to ensure full accountability, the program regularly asks for authorization to disclose and make public personal information, as it does in its annual reports. The program accounts for every dollar of public funds it receives.

I have three other points I would like to raise in response to criticism and concerns.

The cancellation of the CCP will have an even greater impact on traditionally-disadvantaged groups in light of the recent Supreme Court of Canada ruling in *Little Sisters*, whereby an order for money to pay legal fees should only be allowed under exceptional circumstances.

As well, in the case of *Attorney General of British Columbia v. Christie* of May 27, the Supreme Court of Canada determined that a general right to legal aid did not apply in cases where judicial or administrative tribunals had to rule on constitutional rights. Consequently, without the CCP, historically disadvantaged people do not have true access to the courts when their fundamental rights have been violated. The CCP has paid special attention to conflicts of interest and, over the years, has assessed and revised its ethics policy in that regard. As many members of the board of directors, various committees and the staff are lawyers, they are subject to the rules of their respective bar associations.

The current policy includes very high standards to ensure that no committee member or program staff benefit directly or indirectly from the use of public funds. Furthermore, to ensure greater accountability, the program posts the names and biographical notes of the members of its board of directors, committees and staff on its website. That allows for greater transparency, given that the program wishes to be accountable for all its activities, which is ultimately beneficial for all Canadians.

●(0910)

In response to the suggestion that only the linguistic rights component of the CCP should be reinstated, I want to underscore the fact that Canada's official language minority communities include a number of people belonging to protected groups under section 15 of the Charter, such as people with physical and psychological disabilities, as well as aboriginals, and that depriving them of the equality rights component would put them at risk.

Mrs. Kathleen Tansey (Vice-President of the Board of Directors, Court Challenges Program of Canada): Thank you very much.

I will only speak a few minutes on the impact the Court Challenges Program has had on the rights of linguistic minorities across Canada. My work has already been done. If you have had the opportunity to read the report prepared by the Commissioner of Official Languages, you will have seen that it includes a very useful schedule, prepared by Mr. Roy, with lists the key language rights cases that were funded by the Court Challenges Program, for either the Anglophone minority in Quebec or Francophones outside Quebec, including in the provinces and territories.

I will only name the cases, such as *Doucet-Boudreau*, which was a case from Nova Scotia and was heard by the Supreme Court of Canada in 2003. It is a landmark case for all people living in minority situations in Canada: for Francophones, because it is a case from Nova Scotia, but also for anglophones and other minorities, given that the Supreme Court imposed a preservation right, a right to monitor the protection and implementation of decisions rendered.

The *Montfort Hospital*—I will repeat it, I apologize, Ms. Lalonde—is the only Francophone hospital in Ottawa. It is a teaching hospital. Ms. Lalonde will talk about the efforts made by the community to save the hospital with support and financial assistance from the Court Challenges Program.

Arsenault-Cameron v. Prince Edward Island is another major case, in that it yet again strengthens the right of Francophone minorities to have their own schools in accordance with section 23 of the Charter. That was another case that was funded by the Court Challenges Program.

[English]

R. v. Beaulac was a criminal case, but a criminal case that has impact on all minority right holders, francophone and anglophone, the right to be heard and the right of an accused to be heard, to have a fair hearing in the language of his own choice by someone, a *décideur* who understands and who can rule.

There are so many key cases that I would never have the time. I invite you to look at them. What will be the impact of the closing of the program? There are already 38 cases pending before various levels of appeal that are not going to be financed further. These are cases in peril. There are cases concerning anglophone education in Quebec.

There is the case of *Chubbs v. Newfoundland and Labrador*. That's another extraordinarily important case. If this case goes on to appeal further—and it will—there's no financing. The government said on September 25 that there would be no new financing. They could not finance cases beyond the level they were currently at before the program.

La Fédération FrancoTénoise v. Canada. This case took from 1999 to 2006 to get a decision in first instance. It's determining the rights of the francophonie and the obligations of the Government of Canada and the territories. A decision was just rendered in this case in 2006 by Hon. Judge Mary Moreau favouring the *Fédération FrancoTénoise* and saying yes, the government is an institution that has obligations in this regard. This case is in peril.

There are so many cases. *R. v. Caron* is another one from Alberta. This case has been funded up to a certain level and will fall. You might realize what it's doing to the right holders of our country, the minority language right holders, and as well, our section 15 right holders, when a program like the court challenges program is cancelled in this manner.

Merci beaucoup.

● (0915)

[*Translation*]

The Chair: Thank you very much, Ms. Tansey.

Mr. Guy Matte: Excuse me, Mr. Chairman. I would like to add something.

We urge the committee to recommend the full reinstatement of the Court Challenges Program and its budget as prior to September 26, 2006. Thank you, Mr. Chairman.

The Chair: Thank you.

We will now proceed with our second group of witnesses, representatives from the Montfort Hospital.

Ms. Gisèle Lalonde: Mr. Chairman, first of all, I would like to congratulate you on having been elected to the chair. We can now continue discussing with the government. I hope the government will listen to what we have to say about this program, which was essential to us.

Before the implementation of the Court Challenges Program, Franco-Ontarians, among others, had to struggle unrelentingly to uphold their right to use French, even in their schools. The infamous Regulation 17 was imposed in 1910, at a time when there were no court challenges, and do you know how long it took to rescind the regulation? It took over 40 years. It was only after the Second World War that we were able to have the regulation repealed.

Each time we went in front of the court, it was as a last recourse. Everything had been tried. Efforts were made to talk, discuss and debate. In the case of the Montfort Hospital, we went to Toronto some 50 times. The premier, in a scrum, said that the government had never negotiated with a hospital. The community wanted to discuss the issue, but the government did not. All language crises are really caused by the governments, whether provincial, federal or municipal, as was the case here in Ottawa.

Mr. Chairman, it is unfair to accuse us of playing politics when we are demanding our most fundamental rights. On the contrary, we want to talk to you about our most precious assets: our language, culture and everything we have to preserve, in short, our identity.

I will be brief because I would like that Michel Gratton talk to you about the law itself, which shows that it was illegal for the Prime Minister and government to cancel the program.

We are not an interest group. We belong to one of the founding peoples of this country, and if you are against the concept of founding peoples, I am sorry to hear that. We went before the Supreme Court 10 years ago in a case dealing with education. We also went before the Ontario Court of Appeal, which is a highly esteemed institution. We wanted to bring the case before the Supreme Court, but the government got cold feet.

It really pains us to see that you do not understand how much we depend on financial assistance. Do you know how much the government spends on the program? On a per capita basis, it amounts to 50¢ for Francophones, but if you include Quebec Anglophones living in a minority situation just like us, that amount decreases to approximately 30¢. Do you not think that Canadians, who know how much the government is currently spending across Canada, would be outraged to learn that you refuse to give us a meagre 30¢? That money would allow us to defend our rights against the government and its army of lawyers. This to me is hard to understand.

That is what I would like you to tell the Prime Minister. You have a significant role to play, as Francophones and members of this committee: you have to tell Mr. Harper that we urgently need the program to be reinstated. By cancelling the program, you have infringed upon our rights and taken away what is most dear to us. Mr. Chairman, we are being humiliated. Humiliating a minority is not something to do lightly. That is something that has led to many revolutions around the world. I tell you, this is something we cannot accept. Our fundamental rights are being infringed upon.

Mr. Chairman, I thank you very much for having allowed us to appear again. I hope we won't have to repeat this and that you will have news for us shortly. I would simply like to report, without engaging in politics, what Ms. Verner said last weekend. She was very nice to come meet with us, but she said, among other things, that there was still a need for indepth studies and large-scale consultations. I just met a member who told me that he went across Canada and consulted people on the Court Challenges Program.

Mr. Chairman, when a government does not want to act, as you well know, it drags its feet for years. I am not a politician, but I know full well that governments carry out small studies and strike small committees. What I'm asking you to do is to tell Mr. Harper and his government that this is a pressing issue. Some 700 delegates attended the summit here last weekend. There were leaders representing Francophones from across Canada—although there were not many Quebec representatives: imagine if Quebec had joined us! All of them were asking for the program to be reinstated. I ask you to do so as soon as possible.

● (0920)

I will turn the floor over to Michel.

Mr. Michel Gratton (Communications Consultant, Montfort Hospital): Thank you, Ms. Lalonde. As we say in English, Ms. Lalonde is always a tough act to follow.

I would like to discuss the decision to cancel the Court Challenges Program as it pertains to language decisions and what they mean, and more specifically, the Montfort decision.

The Ontario Court of Appeal saved the Montfort Hospital primarily because, had it been shut down, there would have been a greater assimilation of Ontario's francophones, which would have been against the fundamental constitutional principles pertaining to the respect and protection of minorities. Another minor reason was that Franco-Ontarians were entitled to a French-speaking hospital.

I'm going to read a short excerpt from the Montfort decision, which speaks specifically about the significance of this principle. I am quoting from paragraph 81 of the Ontario Court of Appeal Montfort decision:

The protections accorded linguistic and religious minorities are an essential feature of the original 1867 Constitution without which Confederation would not have occurred.

In other words, without the respect and protection of minorities throughout Canada, there would have been no Canada, because the signatories would never have signed the 1867 agreement. And I'm not the one who is saying this, but rather the judiciary of the Ontario Court of Appeal. They based their ruling, among other things, on Supreme Court decisions.

The Montfort decision was the first to apply the principle of protection and respect of minorities. This is the first decision of this type. The principle was set forth in the Quebec secession reference to the Supreme Court of Canada.

Mr. Matte told us that we were depriving people of access to justice. It is clear that we are denying communities access to justice because they can never collect enough money to go to court. Hence we are directly encouraging the assimilation of Francophone minorities in two ways. On the one hand, we are cutting funding and, on the other hand, we are sending the message to all Canadians that this is not an important issue. This is a message that leads to assimilation throughout the country. This is a message that governments have been sending us for more than a century. They are saying this is not important, that it is secondary, an afterthought. We are told that decisions will be translated should someone submit a request. That is the problem.

Before concluding, I would like to discuss another decision. I would like to refer to the Beaulac decision, which is extremely important for the interpretation of our language rights. Before this decision, the Supreme Court said that language rights had to be interpreted narrowly because such rights were political. The Beaulac decision changed the law in Canada in 1999. It stipulated that:

Language rights must in all cases be interpreted purposively, in a manner consistent with the preservation and development of official language communities in Canada.

The words "in all cases" were underscored by the Supreme Court of Canada. By abolishing the Court Challenges Program, it is clear that language rights are not being interpreted in a generous fashion.

Since the Mahé decision by the Supreme Court of Canada in 1990, another basic principle used by all the courts in the land to interpret language rights is redress. Why did New Brunswick become constitutionally bilingual? Why did Ontario adopt the French Services Act? What is the purpose of section 23 of the Canadian Charter of Rights and Freedoms? All of these measures are designed to halt assimilation. The courts interpret this section as being one that provides redress. What does that mean?

• (0925)

That means that harm was done and that the governments must make additional efforts—and the Court is very clear on this matter—to invest more in an effort to repair the damage caused, among other things, by false interpretation and historic disinformation that persisted throughout the duration of the 20th century, namely, that minorities outside of Quebec were not protected under the Canadian Constitution of 1867. It is now clear that they are and that this protection is significant.

Mr. Chairman, I think that this issue is of concern to all Canadians. Our linguistic duality is part of who we have become, at the very least. The Commissioner of Official Languages has told us that the success of Canada depended directly on the success of our linguistic duality. I don't think that is an exaggeration, nor do I think that this is a political matter.

Thank you.

The Chair: I would like to thank the witnesses who were able to convey their message in the allotted time.

We will now begin the first round of funding—

Some hon. members: Oh, oh!

The Chair: This was a slip of the tongue, of course.

I will now give the floor to Mr. Murphy, of the Liberal Party.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Thank you for announcing the funding.

First of all, I would like to express my support for you, Mr. Chairman. We traveled together in the Canadian West. I am very confident that you are a person of integrity. I note that you have not brought the Conservative Party accountant with you in order to run this committee today. That is a good start.

I would also like to congratulate the witnesses. I am from New Brunswick and I am clearly an Anglophone, but I am part of the Acadian community through marriage. I am fully aware of the fact that in the Greater Moncton community, we had the requisite tools in the CCP toolbox to advocate for a school. We had to fight, among others, the provincial government to ensure that new schools were built in order to prevent assimilation. I am using your words, Mr. Gratton, because these are issues that affect us as well. We are indeed grappling with the problem of assimilation.

I have a question for Ms. Tansey and another for Mr. Matte.

I apologize, but I am a lawyer. It's not my fault: I was assimilated when I was young. I see that the objectives of the program have been divided into two parts. The first part underscores the importance of linguistic rights in Canada's Constitution and the second pertains to other human rights, which are obviously very important. As a lawyer, construction rules come to mind. Would it be accurate to say that the primary objective of this program is to protect the language rights enshrined in the Constitution? Do these rights supercede the others or are they on an equal footing with them? As a lawyer, I know that government lawyers use the words that give meaning to the document. In these circumstances, I am wondering whether that is the intent of the document.

Mr. Matte is it true that the government did not consult the people managing this program before abolishing it? Is it true that the Minister, Ms. Oda, simply telephoned you to inform you that the program had come to an end?

● (0930)

[English]

Mrs. Kathleen Tansey: Monsieur Murphy, may I answer in English? Okay.

The object of the program is the clarification of constitutional and charter rights and freedoms. Under both, language is extraordinarily important, obviously, and you are right that it did get the one...or it came first. I would be loath, though, to tell you, because it's a fundamental right, part of our Constitution, part of our law....

The only thing I caution you on is that you can't pick and choose your minorities. I know we're here for official languages, and I'm on the language panel. I'm the anglophone from Quebec; I'm the co-president of the panel. But it's extremely important to me that there's no division and conquering here. While I agree with your legal reading that you see a...I don't think we can negate the others, because you cannot choose your minorities. It's important to understand that the linguistic minorities—the francophonie and the anglophones of Quebec—comprise among themselves other minorities as well. It's an extremely essential thing for me that you are aware of that issue, and I thank you for it.

[Translation]

Mr. Guy Matte: Thank you, Mr. Chairman.

I would like to add to what you said, Mr. Murphy. There are two parts because the first version of the Court Challenges Program pertained exclusively to language rights. When the program was re-established, after 1982, that is, after the implementation of the Charter of Rights and Freedoms, the second part was added. The intent was not that one part would be more important than the other. The program developed this way because of historical reasons.

As for your other question, I can tell you that, indeed, there was absolutely no consultation from the government, a department, a minister or even officials regarding our program. We simply received a call, at the Court Challenges Program Office, from the minister advising us that the program would be cancelled as of September 26, 2006, and that no new cases could be funded by the program.

Mr. Brian Murphy: How much time do I have left?

The Chair: You have one minute remaining.

[English]

Mr. Brian Murphy: Just for summary, then, if I get it right, the program was established in 1978 and had the linguistic character, essentially, first; then there was the Charter of Rights and Freedoms in 1982 for the other rights. It wouldn't be unfair to say—this would be a sort of yes or no thing, because of the time—that this was first a program for the protection of entrenched language rights in the Constitution, and then because of the passage of time and new developments, it became a program for the protection of other rights.

● (0935)

[Translation]

Mr. Guy Matte: You're right.

The Chair: Mr. Badiou, you have a little bit of time left. Do you wish to add anything?

Mr. Noël Badiou: No.

The Chair: We will therefore go to Mr. Nadeau.

Mr. Richard Nadeau: Thank you, Mr. Chairman.

Ladies and gentlemen, good morning. I'm very pleased that you are here with us in a so-called official setting. At least your words will be reported to the House of Commons, to Parliament, to Quebeckers, Canadians and Acadians, and as well to all those individuals who may be affected by the work you do throughout Canada.

That being said, I would like to, at the outset, draw your attention to the excellent report adopted by this committee last May, which is entitled "The Vitality of Official Language Minority Communities". It was tabled by Mr. Lauzon in the House of Commons. Because your first meeting was so tumultuous, not much media coverage was given to the report, but the fact remains that the document exists and it is excellent.

The issue of the Court Challenges Program is covered on pages 144 to 146. In recommendation 26, we ask the Canadian Parliament to restore the program. This was a unanimous request. I would like you to know that this document constitutes an additional tool for you. It was not done haphazardly, but was the result of extensive travel last fall. Indeed, for the first time in our history, the Standing Committee on Official Languages met with minority official language communities throughout Canada.

The report includes various issues, including that one. It is very important that people know about this, and I wanted to bring it to your attention. I will not read the report: I think that the message has been conveyed. Nevertheless, I would like to point out that, with respect to the Court Challenges Program, no fewer than 21 advocacy organizations—and in saying this I'm not inferring that some organizations are more important than others—who are at the very centre of these minority communities, both Francophone and Anglophone, expressed their opinions on this matter. The report gives some good examples. You mentioned these earlier.

We have taken a look at the theoretical side, the legislation and all of that, and that is important. Indeed, in some instances we have had to fight to ensure that the legislation was amended and the Constitution analyzed. We had to determine whether or not it was appropriate to abolish this program or provide services in relation to school management, the Montfort Hospital, the disabled, or other causes.

We have with us the people who fought for the Montfort Hospital and they are watching. My question is for these two representatives, either Mrs. Lalonde or Mr. Gratton. I would like to know who these people are who supported you, who contributed to this process. How did you arrive at the conclusion that the Court Challenges Program should be maintained?

Ms. Gisèle Lalonde: As you know, this happened on February 24. The next day, the head stakeholders met, particularly leaders representing Franco-Ontarian associations. Our objective was to try to convince the government that they had made a mistake. In passing, I was a member of a major provincial committee, called the Who does what? or Qui fait quoi?, which had in fact been extremely close to the government in power at the time of the infamous mergers, etc. I felt that the government would understand if it realized that it had made a mistake. We immediately rented the Ottawa Civic Centre and held a gathering three weeks later. It was almost a miracle to be able to attract so many people. They came from Ottawa and the region. Some of them came from Quebec; others from Toronto, Kapuskasing and Hearst. Buses also came from Windsor. So people throughout the province were joining the fight. Furthermore, I think Michel and I met each individual from each town, I think. We told them everything about Montfort and their rights.

Then, young people joined in the fight, giving us extremely important support because they formed a human chain around Montfort and chanted our slogan, "Leave our hospital alone". We were really touched to see that young people, although it wasn't really their hospital—because their hospital was really the Children's Hospital—were with us nevertheless because they knew that it was the hospital used by their grandmothers, grandfathers, and where they had died. It was their parents' hospital or even where they themselves had been born.

We continued to fight. We wanted to make it an election issue. Unfortunately, the woman who was supposed to ask our question on Montfort fainted in public. She was moderating the leaders' debate and she fainted. So we missed our opportunity with regard to the federal government and the election campaign.

Then, we organized brick sales at the Festival franco-ontarien. We did all kinds of things to raise money. We didn't rely on the government. We tried to find our own solution. And we went on. Then the media throughout Canada started taking an interest in our cause. There were even people from Romania, Papua-New-Guinea, Morocco and ambassadors who came, because they had heard about it. The world became interested in our fight. They were trying to take away the only Francophone hospital in the province from the Franco-Ontarian minority.

You know, every year, Montfort trains some 40 Francophone doctors, family doctors, who are in demand across the country. They

also train doctors who studied in an immersion program and who want to specialize.

We continued to fight. When the government offered to give us a clinic instead of a hospital, we did not accept, but rather we said that we would continue to negotiate with it. We worked for a year. In May, when Mr. Harris said that we had never tried to negotiate a solution, we realized that we were wasting our time. That is when we tabled in July...

You see, we weren't stupid, we didn't immediately turn to the courts. That is not what Francophones do. First they try because they know full well that it will cost them an arm and a leg to take the government to court, particularly the wealthiest provincial government and, at the time, the strongest government. It was like David and Goliath. Then we turned to the Ontario Divisional Court.

Ultimately, we won our case in the lower courts with the support of three out of three judges, two of whom were Anglophones. We won again in the Court of Appeal. Then, the government sent three ministers to tell us that it would not appeal the decision to the Supreme Court of Canada. That was a victory. All this to say that one doesn't turn to the courts for no reason. In answer to Mr. Nadeau, we got money from across Canada.

● (0940)

The Chair: Thank you, Ms. Lalonde.

Ms. Gisèle Lalonde: I mean that we got money from a wide variety of sources, we received letters from across the country, we had everyone's support. And on the weekend, we are going to give them medals and many other things to thank all the Francophones in Canada and the Anglophones who supported us.

The Chair: Thank you, Ms. Lalonde.

I will now recognize Mr. Godin.

Mr. Yvon Godin (Acadie—Bathurst, NDP): Thank you, Mr. Chairman.

I'd like to thank you for appearing before the committee for the third time. Apparently, it takes 28 meetings before the government side hears the message, which means that we still have a few meetings to go. This is called advertising. It takes time before it works. Coca-Cola didn't sell its first bottle on the first day. I want to thank you.

When it comes to minorities, we are trying to change the terminology. We no longer want to use the word "minority"; we are a people. I think that this has already been well said: if Confederation happened, it's because two peoples came together. We want people to stop seeing us as a second-class group or a group that always has to fight. It's unfortunate that we still have to do so.

Ms. Lalonde, I want to really thank you on behalf of Canadian Francophones for the work that you have done with your team to save Montfort Hospital. Personally, one day, I gave a short speech at Montfort Hospital. I will always remember this. The fact that you fought for this cause was quite simply incredible. It wasn't easy.

In New Brunswick, the government wanted to do the same thing, in other words, shut down the schools in Saint-Sauveur. Mistakes were made. Police officers hit people on the head, people who weren't even part of the protest. In Quebec, a magazine said that it was police brutality, that there was blood on the hood of a car. It was incredible to see the government acting like this. Once again, these were French schools. Quite recently, hospitals were closed in Caraquet, Lamèque and Dalhousie. The government wants to build small local clinics and take away from communities their means of meeting health care needs. Battles are still being fought.

I keep asking myself this question. Why did the government make the decision without talking to you about it? It's as if it had already made this decision while it was still in opposition. We can only speculate. Something must have instigated this situation. Sometimes the government tells us not to worry, that it might table legislation in the fall. At present, a motion by a Conservative member, a government member, is demanding that something be done for Francophones. I think they're completely mixed up. Something somewhere is bothering them. Is it because the Court Challenges Program funded the same-sex marriage case? Is that the problem? Is there just one reason behind this decision? Do they want to take away the rights of one group in particular and have everybody pay? Is that the problem?

I would like to hear your opinion. I think that you must have an opinion. The Court Challenges Program has existed for a long time. You should know whether the program refused to give money to a majority opposed to a minority. Did someone ask for funding and didn't get it? Is it because, when the Conservatives were in the opposition, they weren't happy? Is it because they said that if they ever became the government, the program would have to go? I'd like to know your opinion on this subject.

● (0945)

Mr. Guy Matte: Thank you, honourable member. First, to quickly respond to a previous question, let me reassure you that we have read the report tabled by the Standing Committee on Official Languages. This is an extremely important document. It is long and has a lot for communities to think about. I think that the entire committee should be proud of having tabled such a document and made it available to Canadians.

As for your question, Mr. Godin, it's clear that we can only speculate since there were no consultations and the reasons given don't hold water. I can say, however, that some majority groups were not happy with some decisions made by the board of directors of the Court Challenges Program. However, that is part of the job. When it comes to ensuring minority rights, some members of the majority—no matter whether it is a linguistic majority or whether it concerns equality—will never believe in some of the rights recognized by the Charter of Rights and Freedoms. That is why the Charter was written. If we didn't need to recognize some rights in the Canadian Constitution if those rights were recognized by all Canadians, particularly with regard to section 15, which refers to race, religion, handicap and so forth, we would not need the Charter of Rights and Freedoms. You believed that it was necessary to have the Charter of Rights and Freedoms; now, it has to be tested to see how it will be applied in reality. Sometimes, not everyone is happy. Some groups don't like some decisions made by the courts. At the very least, the

Charter had to be tested. Even if people are not happy, this right has been recognized.

Is that why the Court Challenges Program was abolished? We cannot say.

Mr. Yvon Godin: The program was not designed to make everyone happy, but rather to ensure that the minorities or individuals who felt wronged by legislation know that they're entitled to the Court Challenges Program. It was not designed to allow an unhappy majority to be able to benefit so that both groups could take each other to court.

Mr. Guy Matte: I simply want to remind the committee that when a minority or a disadvantaged group goes before the courts on the issue of language rights, it is going against the government, be it federal or provincial. So it is already working against the majority, since a Parliament or a government represent the majority. When the government goes to court, it spends money doing so; that's normal.

● (0950)

Mr. Yvon Godin: When the government says that the Court Challenges Programs was simply there to give money to lawyers with ties to the Liberal Party, what do you say to that? Is it true that the money was given to friends of the Liberal Party? I am not making anything up, this was said in the House of Commons. I would like to know what your answer is to this because you represented the Court Challenges Program.

Mr. Guy Matte: We are not able to provide that answer because we never asked the lawyers what their affiliation was. I'm convinced that if it was in our power to do so, we probably would have discovered people of all political stripes and, without a doubt, many without one.

Ms. Gisèle Lalonde: Mr. Chairman, I would like to clarify something. In our case, we had a dozen lawyers who met free-of-charge for a year, the whole time we were discussing this issue with governments. They met for a year in order to prepare the case. These 12 lawyers—who were certainly not all Liberals, I can assure you—who got together to choose Mr. Caza. Everyone knows that Mr. Caza is a Liberal, but he defends all minorities, regardless of who they vote for.

The Chair: Thank you for the clarification.

Ms. Gisèle Lalonde: When the government goes to court, it uses our money to defend itself.

The Chair: We are finished with that, and we are now going to continue our round of questioning.

Mr. Yvon Godin: Mr. Chairman, he can continue to answer the question in the second round.

The Chair: You can continue as you like.

Ms. Gisèle Lalonde: This is what happens. I find it upsetting that the Prime Minister said that.

The Chair: I would ask you to stop now so that everyone can have a turn. We will now go to our parliamentary secretary, Ms. Boucher.

Mrs. Sylvie Boucher (Beauport—Limoilou, CPC): Thank you, Mr. Chairman. I would like to thank everyone who took the trouble to come to this official meeting. It is good to be here.

I am going to be very frank with you: personally and on behalf of my government colleagues, I was a bit offended and disappointed to see that you attended the May 17 consultation, from which we were absent. We also went across Canada and heard different points of view about the Court Challenges Program. I simply wanted to say that because I felt targeted and was personally offended.

I will address my question to Mr. Matte. To begin with, I would like you to explain exactly what criteria or conditions make someone eligible or ineligible for funding under the program. I want to know how the criteria or conditions are set and what the rules are. Who is consulted when these criteria or conditions are established? Have they changed since the program was created in 1994? If so, can you tell us what the changes are?

Mr. Guy Matte: I will respond to the first part of your comment about your concern regarding our participation on the committee. We respond to all requests that we receive. Whether the invitation comes from a Richelieu Club, the Association des juristes du Manitoba or the press, when we are asked for facts about the Court Challenges Program, we have no hesitation, since it is part of our mandate to clarify the rationale for the Court Challenges Program and its purpose. So I am sorry that you are disappointed. I am sure that if you had been there, we would still have presented the program. If you had personally requested us to have a meeting with you, we would also have been very pleased to meet with you and explain this issue. Whenever and wherever we are asked to explain the program, we do so because we believe that it is part of our mandate.

As for your question about the criteria, I will let the executive director give you the specifics on that.

• (0955)

Mr. Noël Badiou: I will answer very quickly. Very simply, the funding criteria or eligibility criteria are contained in the Contribution Agreement. They have remained unchanged since 1994.

Mrs. Sylvie Boucher: They have never been changed.

Mr. Noël Badiou: They have never been changed; the criteria are still the same. The program is aimed at members of groups that have historically been disadvantaged and members of minority official language groups. There has been no change in the criteria since the beginning.

Mrs. Sylvie Boucher: You said that there were criteria for disadvantaged people. What is taken into account in order to determine whether a given group can be funded and another one cannot? There must be something that guides the decision at some point. Surely some groups have been refused funding since 1994?

Mr. Noël Badiou: Yes, of course. Since 1994, our annual report simply gives the figures in detail: the number of applications received, the number funded as well as the number rejected. There have certainly been applications rejected, either because they did not fall within the mandate of the Court Challenges Program, because

the case was not well enough prepared or because it could undermine or violate minority language rights or equality rights.

Mrs. Sylvie Boucher: Who is consulted when the criteria are set? Who makes up the working group?

Mr. Noël Badiou: There are two groups.

Mr. Guy Matte: First of all, we need to keep in mind that the Contribution Agreement is signed with the federal government. So it is the government that establishes the criteria. We are responsible for implementing the Contribution Agreement after it is signed.

Mr. Noël Badiou: I included in your information kit an organizational chart that gives details on the two decision-making committees: the equality rights committee and the language rights committee. The two committees include experts on equality rights and language rights, respectively. The names of these experts and biographical notes on them can be found on our website. They receive the funding applications and make decisions on whether a given group meets the criteria.

The Chair: I am sorry, Mr. Badiou. You referred to a document that was distributed to one member of the committee. I simply want to check whether it was distributed to all members of the committee in both official languages. Do all members of the committee have the document that Mr. Badiou is referring to?

Mr. Guy Matte: Yes, it is the brick you have in front of you.

The Chair: Very well. Thank you.

Mrs. Sylvie Boucher: I still want to understand how this works.

Mr. Noël Badiou: The two decision-making committees apply the funding criteria contained in the Contribution Agreement signed with the Department of Canadian Heritage.

Mrs. Sylvie Boucher: All right. When someone wants to launch a court challenge or something, some kind of file is sent, someone studies the file and decides that it is acceptable and that another application is not, for whatever reason.

Mr. Noël Badiou: That is correct.

Mrs. Sylvie Boucher: When it is not accepted, for whatever reason, it is because it is not properly prepared or because it may constitute a rights violation. Is that right? Have I understood correctly?

Mr. Noël Badiou: And the details are laid out in the letter of decision.

Mrs. Sylvie Boucher: So the letter of decision is always very detailed. And there have been no changes since 1994?

Mr. Noël Badiou: I have been working with the program only since 2001, but I can tell you that the Contribution Agreement has not changed since 1994.

Mrs. Sylvie Boucher: Do you think that it would be appropriate to make changes at some point, or is it fine the way it is?

Mr. Noël Badiou: I think the Contribution Agreement is really quite satisfactory. If you look at the most recent evaluation, done in 2003, it clearly states that the Court Challenges Program is working very well, that its purpose is to protect rights and addresses the issues of equality and language rights as set out in the Contribution Agreement, fulfilling the government's mandate.

The Chair: Thank you, Ms. Boucher.

We will now move to Ms. Folco. We are beginning our second round of five minutes each for the questions and the answers. So it will be a little shorter.

Ms. Folco.

Ms. Raymonde Folco (Laval—Les Îles, Lib.): Thank you, Mr. Chairman.

I would also like to welcome our witnesses, as they are becoming regulars here. The fact that you've been here three times is a testament to the importance of this program for Canadians in general. This will be the third time you've appeared before us, and you are now repeating for a third time what you said on your first visit. Where I used to work, we said that the more you repeat something the better the message gets through to people. That is exactly what you are doing.

I have several comments to make. First off, Ms. Boucher's question as to whether changes should be brought to the Contribution Agreement is important. I find it unfortunate that Minister Oda did not ask this question before making a unilateral decision. She should have. The question was worth asking.

I would like to ask you for some clarification, but before I ask my question, I would like to say something. Mr. Dion, who was invited to the Summit for francophones outside Quebec last weekend, did a good job of presenting the Liberal Party's position in my opinion. He stated that we not only initiated the Court Challenges Program but that we wanted to restore it. It is an important program. I believe this as Liberal Party critic, and Mr. Dion, our party leader, not only thinks it and believes it, but he has worked to that end. In fact, I will be introducing a motion to that effect during the second part of this morning's meeting.

However, each time I have asked Ms. Oda or Ms. Verner questions in the House on the Court Challenges Program, the answer has been that the program no longer exists, but that we shouldn't worry because the money will still be given to non-governmental organizations, that they still have access to this money.

I would like to hear what you have to say to that. I'm asking the question of all witnesses. Someone must be willing to answer that. Is the government right to say that although the program as such no longer exists, this money will be going to NGOs and that they will be able to continue to receive money to challenge government decisions relating to their Charter rights? If so, how? And if not, why not?

Thank you.

• (1000)

Mr. Guy Matte: I will answer this question with the help of my colleagues. I should say the following. NGOs receiving funding from the Government of Canada via the Department of Canadian Heritage through contribution agreements have very well-defined agreements. They serve two purposes. The first is to meet the operational needs of an organization. Take for instance one of the best-known organizations, the Fédération des communautés francophones et acadienne. They receive core funding to provide premises or office space allowing the federation to do its work of bringing

together francophone and Acadian communities politically. The funds received through contribution agreements also go to projects but they are always extremely well-defined; the money cannot be used to do anything other than to complete specific projects as defined by specific contribution agreements.

Ms. Raymonde Folco: Some of these projects were done in parallel with—

Mr. Guy Matte: No. To our knowledge, no project has been submitted which would fit Canadian Heritage criteria as they currently exist. The criteria of the federal government and the Department of Canadian Heritage to grant, say, \$500,000, \$1 million or \$2.8 million to the Fédération des communautés francophones et acadienne would not allow for legal challenges. It is impossible for an organization like that to use these funds. In fact, a case has now been filed by the FCFA in the Federal Court regarding the Court Challenges Program and all of the funding will have to come from monies not allocated by the federal government.

To get back to the \$2.8 million example, which is a small amount for the Court Challenges Program, funds may be distributed for various projects and given to the communities, but certainly not for the purposes of the Court Challenges Program.

Ms. Raymonde Folco: I would also like to hear from Ms. Tansey whom I met last Friday at the anglophone provincial association in Quebec, perhaps she could answer my question.

[English]

Mrs. Kathleen Tansey: Thank you.

The English minority community in Quebec is devastated by the cancellation of the court challenges program. The access that they used for education rights to get through... We were at a QCGN meeting. I'm on the language panel and I had calls after the cancellation of the program from people who said, "Where do we go from here? Where do we go? They're closing our schools."

There's a real anguish there, Madame Folco.

• (1005)

Ms. Raymonde Folco: Excuse me for interrupting you, Madam Tansey, but are you aware—you would be aware if such a thing had existed—that the association was able or would be able, through the contributions of the government, to pursue the court challenges program under this different forum?

Mrs. Kathleen Tansey: No, just as Mr. Matte said, there is no other available measure for them to get access to justice—for any of the minorities, the francophones or the anglophones. This is exactly the problem they're facing.

[Translation]

That is, in fact, why we complained to the Commissioner of Official Languages. We have no voice. That is the problem. I don't think there are other means. Mr. Badiou mentioned *The Little Sisters Book and Art Emporium v. Canada* case, in the Okanagan, because people are saying they're going to use that case in order to try to obtain the necessary funding to have access to the justice system and to the Supreme Court of Canada. You see how strict the limits are. They have provided nothing for this case. It is one example. These complaints speak volumes; minorities are crying out and wondering what they're going to do. Justice is being denied.

[English]

Justice delayed is justice denied. It has been nine months since the government cancelled this program. It is now nine months and there's nothing to take its place.

[Translation]

Ms. Folco, that is what I would have to say to you.

Ms. Raymonde Folco: Do I have any time left, Mr. Chairman?

The Chair: Yes, but not much, Ms. Folco.

Thank you.

Ms. Raymonde Folco: I would simply like to add that, to my knowledge—I've worked a great deal in the field of immigration—many francophone minority groups in Canada are working hard to recruit francophone immigrants, not only from Quebec, but from outside of Canada. It seems unfortunate to me therefore, and I will be closing on this point, Mr. Chairman, that the elimination of this program will once again interfere with the rights of francophones, not only making their lives more difficult but also hindering their ability to grow.

Thank you.

The Chair: Let's now go to Mr. Chong.

Mr. Chong.

Hon. Michael Chong (Wellington—Halton Hills, CPC): Thank you, Mr. Chairman.

I want to thank the witnesses for their presentations.

It is very important to keep in mind that the Court Challenges Program's objective of clarifying certain constitutional provisions regarding language and minority rights does not consist in providing legal aid. The provincial programs are responsible for this.

[English]

I think that's been forgotten in this whole controversy, this whole debate, about what has been done here.

The principal reason for the court challenges program—and that's been outlined in the contribution agreement—was not to assist those who did not have access to legal aid, those who couldn't afford to go to court. The principal reason for the program, since its inception in 1978, was to provide clarification, to fund certain cases so that we could build a foundation of case law to clarify minority and linguistic rights in this country. That was the primary purpose of the program. Because in the 1970s, when the program was first created, there was a bit of a vacuum.

Now, why was there a vacuum in the 1970s? Quite simply, it was because in the preceding 10 years there had been a lot of significant pieces of legislation introduced that really brought Canada into a new age—a new age of rights, a new age of protection of minorities and the like. We had the Official Languages Act, 1969. *Au Québec* we had the 1977 *Chartre de la langue française*. In 1982, we had the Canadian Charter of Rights and Freedoms. So in that 10- to 15-year period, there was this massive...in some ways one could call it a revolution in terms of rights in this country, and a lot of it led to a lot of confusion about what exactly our rights were, because there wasn't a substantial body of case law.

So in the late 1970s, the Government of Canada decided to assist in the clarification and the establishment of this foundation of case law by funding this program. That has been the primary purpose of the program since the beginning.

However, I would argue, and the government has argued, that after three decades of court challenges, of case law, we now have a substantial body, a substantial foundation of case law that now defines what minority and linguistic rights are in this country. Is it completely defined? Of course not. The law is an evolving thing, and each year new cases come forward and things are further clarified. But I think it's a reasonable proposition to say that after three decades we have that substantial body, that substantial foundation in case law; and a substantial, significant, if not overwhelming, portion of minority and linguistic rights has been now defined in this country. I think that's something that has been forgotten, because I think a lot of people are conflating legal aid with the court challenges program, with the purpose of the court challenges program.

Second, I don't doubt that one of the criteria to receive funds under the program, under your program, was financial need. But the primary purpose of the program was not legal aid; that's a responsibility of the provinces. I think we also have to put into context the fact that the legal aid programs of the provinces are massive, more than half a billion dollars a year spent by provinces, through the assistance of the Government of Canada through the Canada social transfer, for legal aid programs for this country. So if people need access to courts, it's through provincial legal aid. And it's our contention that after close to three decades we have that substantial basis in case law.

• (1010)

[Translation]

The Chair: Thank you.

Could you give us a brief answer, please?

Mr. Guy Matte: Certainly. In the first place, the Court Challenges Program was not created in order to provide funds to all and sundry. As you said yourself, one of the criteria does state that:

[English]

prior to approving the case for funding, the panel should be satisfied that the applicant or the individual or group the applicant represents requires financial assistance to proceed with the case.

[Translation]

Therefore we cannot deny the fact that there is an element—

[English]

There's a means test that has to be done in order to make sure that the applicants who can afford to go to court and to clarify the Constitution and the charter and the cases don't use public money to do so. Only in cases where one can show that there's a lack of funds can this be applied.

As to legal aid, I'm not a lawyer, but I know that in many provinces you cannot use legal aid to fund constitutional cases against any government anyway. So it's not a question of whether there are alternatives to that program. And you talk about there being billions and billions. I would say that for \$2.5 million, you had quite a good case law built, and this case law is not finished because of the number of cases that are still outstanding and coming to us all the time. So it is building, and it is, I think, useful to continue to build that case law.

[*Translation*]

The Chair: Thank you, Mr. Matte.

Ms. Tansey, perhaps you could have the floor later on.

We will now continue with Mr. Bellavance of the Bloc Québécois.

Mr. André Bellavance (Richmond—Arthabaska, BQ): Thank you very much, Mr. Chairman.

Mr. Yvon Godin: Mr. Chairman, I have a point of order.

Do I have five minutes this time?

The Chair: Yes, you have five minutes.

Mr. Yvon Godin: Seven?

The Chair: Five.

Mr. Yvon Godin: I thought that it was seven.

The Chair: Mr. Godin, the last two interventions lasted seven and six minutes respectively. I am having some trouble with getting adjusted. When I listen to you, I get totally absorbed.

Some hon. members: Oh, oh!

The Chair: We will stick to six minutes for everyone.

Mr. Bellavance.

Mr. André Bellavance: Thank you, Mr. Chairman. I hope that my five minutes are beginning right now, because I want to use every second that I have.

Thank you very much for your presentations. We should note that usually, when a government comes power, it abolishes programs implemented by previous governments and creates new ones. There is nothing surprising in this. Nevertheless, we always try to find out why a program was abolished and a new one created. When a government creates a new program, it uses the opportunity to make it known to the public and it has no shortage of reasons supporting it. When a program is abolished, things are often a bit more difficult, and this is when the opposition and the other stakeholders try to find the reasoning behind the decision.

Intentionally or unintentionally, people sometimes think of unbelievably insidious reasons. In the case at hand, no reasonable or comprehensible explanation was given to justify the decision. Conceivably, one of the insidious reasons that motivated the government to make this decision might be an intention to muzzle linguistic minorities. If this is not the reason, it is nevertheless the result. In fact, abolishing the Court Challenges Program deprives linguistic minorities from the means to uphold their rights.

This was discussed at length. Mr. Godin referred to several cases in his province where rights have been trampled, but these things

have happened all over Canada. There are many reasons for defending one's rights. It is obviously a crucial matter, and for certain groups, it involves their dignity.

Mr. Matte, could you or someone from your group tell us how many cases are still pending and will never be resolved without funding from the Court Challenges Program? I wonder whether you have any data regarding this. Generally, when an individual wants to make his case heard by a court, he is told that he had better back off because it would cost far too much. We know that a great many cases have not been proceeded with and never will be.

•(1015)

Mr. Noël Badiou: I do not have the exact figures for both aspects with me. I know that the Commissioner of Official Languages did a study. He certainly identified 38 pending cases.

In answer to the previous question regarding the importance of the two aspects, let me say that equality rights cases account for three quarters of the budget of the Court Challenges Program, and language rights cases one quarter. Therefore, we can imagine that there are at least two or three times as many pending cases regarding equality rights and that these cases may never be resolved.

I have here the names of a few cases in both categories. I can certainly hand out this information later or send it to you by e-mail. A number of cases are in jeopardy. Some very important cases are at the first stage and they might not go any further if the government decides to appeal them.

Mrs. Kathleen Tansey: Mr. Bellavance, I can also tell you that other cases were supposed to be heard by the committees, both regarding language rights and equality rights, when the abolition of the program was announced. Now these cases have been effectively muzzled. They have lost their voice. We never had the opportunity to hear these people's applications for funds.

Mr. André Bellavance: Unfortunately, such cases often create precedents. There is a domino effect whereby many other cases will never see the light of day.

Ms. Lalonde, I followed your entire saga, of course, even before becoming an MP. I congratulate you for everything that you did. I was appalled when I found out that the Court Challenges Program had such a tiny budget of less than \$3 million. Instead of discussing the program's survival, we should be discussing an increase in funding for it. It would be far more effective and useful.

In the Montfort Hospital case, you raised money. You worked very hard at collecting the money through \$5 contributions, as we also sometimes do in our fundraising campaigns. After all, large companies are not the ones that contribute to the Bloc Québécois. Your outstanding fundraising campaign brought in about \$400,000, but you did not get much money from the Court Challenges Program.

I would like to know why it was so important to receive less than \$100,000, if I remember correctly, from the Court Challenges Program, whereas, thanks to your volunteers, you managed to raise nearly \$400,000.

Ms. Gisèle Lalonde: What is hardest, Mr. Chairman, is that there are no major francophone corporations located outside of Quebec. We had to raise money by turning to ordinary citizens. As I said the last time, a young boy from Rimouski sent us \$5, and the cloistered sisters sent us \$11.23. We received those kinds of amounts from everywhere, and in some cases, it almost reduced us to tears. I felt like sending cheques back to certain people and telling them that they needed the money more than we did.

Professionals such as francophone doctors and accountants, people with a little more money, are the ones who sent us higher amounts. The money we were able to raise was unbelievable. We even received donations from the Northwest Territories and from Nunavut. The people who helped us were not necessarily the wealthiest. All these people supported the Montfort Hospital cause, and that is why we wanted to thank them.

We worked for five years, and I am still working at raising money today. The modest amount of \$85,000 which we received may not be a lot of money for you, but it is what we needed to take our case to court. First, it was the provincial government which committed this injustice. So we had to go to Toronto to fight. They certainly would not have come to Ottawa. Getting everyone to Toronto cost an enormous amount of money. We also had to bring everyone together, to see whether they really cared about the Montfort Hospital. We had to meet with them. When we realized they numbered 10,000, we had to find the biggest room in town. That was also expensive. The amount of money we had to raise was unbelievable.

• (1020)

The Chair: I think that you have been very eloquent, Ms. Lalonde.

We will now move on to Mr. Godin.

Mr. Yvon Godin: Thank you, Mr. Chairman.

Ms. Lalonde—

Ms. Gisèle Lalonde: It's Lalonde.

Mr. Yvon Godin: What did I say?

Voices: Lalonde. That's the beauty of Yvon's accent.

Mr. Yvon Godin: I sincerely apologize, but that was my Acadian accent.

Isn't it ironic—and I think you already talked about this—that when the new government made those changes, the three senior ministers from the Harris government, namely Mr. Baird, Mr. Clement and Mr. Flaherty, were all involved?

Ms. Gisèle Lalonde: I would not include Mr. Clement in that bunch. When he became the Minister of Health, he truly understood —

Mr. Yvon Godin: So someone in that group understood?

Ms. Gisèle Lalonde: He understood, even though it was only after we had won, and he came to see us to say—

Mr. Yvon Godin: He's a saviour.

Ms. Gisèle Lalonde: He is the one who asked us what we really wanted and what we really needed. That is entirely to his credit. Mr. Clement understood, but the other two just don't get it.

Mr. Yvon Godin: And they are now here.

Ms. Gisèle Lalonde: Indeed. They wanted to turn the page and not talk about it anymore. Yet they had very senior positions when they arrived. One of them held the purse strings and the other was with the Defence Department. There is no doubt that for us it was fairly easy to make the connection.

If Mr. Harris got it about two months ago and sent me a nice letter, which is entirely to his credit, then why don't the two other guys get it and tell their government that they made a mistake? Why don't they try to acknowledge what happened as soon as possible?

Don't even talk about another study, otherwise we will all come back. I will mobilize everyone I can. You will get sick of it to the point where you will not be able to take it anymore. We don't want to have another study or another small group tasked with finding ways of improving it: we want the old program reinstated and even enhanced, if you will. Indeed, we find that having only one third of the budget available is unfair.

Mr. Yvon Godin: Mr. Chairman, I only have five minutes. I really like you, but perhaps you could table this letter with the committee, and we can send a copy to both ministers, if they have not yet received it. We will do that for you, Ms. Lalonde.

Ms. Boucher said that she was sad when she met you, but I can tell you that we were also sad that we could not be here the first time to meet with you. I am sad that you were forced to come back again. The francophone minority—I know that people don't like the word "minority"—was forced to come to Ottawa three times to speak to the same issue.

Legal aid is not available for communities. I hope that they will understand. It would have been better for the government to study the issue before eliminating the Court Challenges Program. But no study was done. It was a impulsive decision. Baird himself told the House of Commons that the government would not give money to people to challenge the government's own laws. Let's tell it like it is. That's where the problem lies. It's a setback for francophone communities outside Quebec. It's a setback for Quebec's anglophones. It is a setback which is completely unacceptable. That is the message we must send the government.

Do you agree with me?

• (1025)

Mr. Guy Matte: Do I have any time left, Mr. Chairman?

Some members: Oh, oh!

Mr. Guy Matte: I believe that the words Mr. Godin has spoken and the way he expressed himself reflect the opinions of a vast number of Canadians about the Court Challenges Program.

We are extremely concerned by the elimination of this program, which has reduced the right to equality of francophones, linguistic minorities and Quebec's anglophones. However, the same Parliament, the same group which had adopted Bill S-3, said that not only would it participate in the development and the growth of official language communities, but that it would also adopt positive measures to ensure their development.

I really don't see how the elimination of the Court Challenges Program represents a positive measure.

The Chair: Thank you for your intervention. You finished exactly on time, Mr. Godin. Congratulations.

We will now move on to the third and last round, in accordance with the usual formula. This will allow those committee members who have not yet had the chance to speak to ask questions.

So without further ado, Mr. D'Amours, you have the floor.

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Thank you, Mr. Chairman.

I'd like to raise a few points. Mr. Matte, you have just talked about Bill S-3. I was on the same committee during the last Parliament when we debated the bill. We wanted to do everything we could to get it adopted because we knew that if an election was called, it would die on the order paper, and francophone communities and minority communities would pay the price.

It is strange to see the government members of the committee on the other side of the table who have already voted to implement the positive measures contained in Bill S-3, but when it comes to implementing those measures... Everyone remembers the official languages commissioner talking about "window dressing". The fact remains that no real and concrete measures have been implemented. It basically all comes down to a big fat zero. Back home, we would say that it was "diddly squat", which is even less than zero. That's basically what we have with the present government in Ottawa.

I would like to have a clarification on the issue of costs, because I don't think it's been made clear enough. Some people think that the program costs billions of dollars. You said that the overall budget of the Court Challenges Program was approximately \$2.8 million. What part of that amount goes to language rights? We're not talking about millions of dollars, are we?

Mr. Guy Matte: The funding for language cause represents \$525,000.

Mr. Jean-Claude D'Amours: There are some things which cost the federal government much more money. God knows that we are not facing a financial crisis, unless the government is hiding something we don't know about. The current government came to power when there was such a huge surplus that it did not know what to do with it; money was spilling out from everywhere. When the time came, it made cutbacks. But it was not as if there were no money. Even in the toughest times, the program remained. It costs peanuts to defend the rights of linguistic communities. That's a reality the government has not understood.

Ms. Lalonde, you said something at the beginning of your testimony. I have also heard the same thing elsewhere. You were told not to engage in politics. Before you appeared before the committee, did anyone warn you not to engage in politics? When someone says something like this, it's because they think something has happened.

What do you have to say about that, Ms. Lalonde?

Ms. Gisèle Lalonde: I read in the papers, specifically in *Le Droit*, that a committee member had said that coming back before the committee would not change anything because it was a matter of policy. But it was all right. I spoke to this member and he was just fine.

• (1030)

Mr. Jean-Claude D'Amours: Was it in fact a committee member for the government?

Ms. Gisèle Lalonde: Yes.

Mr. Jean-Claude D'Amours: You can see how—

Ms. Gisèle Lalonde: When you talk about \$500,000, don't forget that this is for all minorities. It includes the women of Canada, who account for more than 50%. If we just take a third, about \$550,000, and we are a million francophones living outside Quebec, that comes to 50¢ per person. But since there are also half a million anglophone Quebecers, that comes down to about 30¢ per person.

If Canadians—

Mr. Jean-Claude D'Amours: Do you mean 30¢ for francophones, 20¢—

Ms. Gisèle Lalonde: —knew that for just 30¢ per person, to uphold our rights... It's a shame, it's a scandal! It doesn't make any sense. It's disgusting, pardon the expression, but there you have it. There is no other way to describe it.

Mr. Jean-Claude D'Amours: So you're saying it's about 30¢ for francophones and 20¢ for Quebec anglophones.

Ms. Gisèle Lalonde: No. It's 50¢ for francophones only—

Mr. Jean-Claude D'Amours: Yes.

Ms. Gisèle Lalonde: —but since we include Quebec anglophones in our group, since they are in a minority situation like us, it comes down to about 30¢ per person. Does that make any sense?

Mr. Jean-Claude D'Amours: If I understand correctly, it means that the cancellation of the Court Challenges Program by the Conservatives trampled on the rights of francophones outside Quebec and anglophones in Quebec.

Ms. Gisèle Lalonde: For 30¢ per person.

Mr. Jean-Claude D'Amours: For peanuts.

Ms. Gisèle Lalonde: Yes, for peanuts. It's ridiculous! It's the price of a tank without air conditioning like we have just bought from the Netherlands.

Mr. Jean-Claude D'Amours: Not even. It's peanuts.

Mr. Gratton.

Mr. Michel Gratton: I'm trying to understand the political logic underlying this decision, but I don't see it. I worked on Parliament Hill for 15 years, as many of you know, and I know the system and how decisions are taken. The fact is that Quebec unanimously supported Montfort and it seems to me that it is also unanimously supporting this program, because we need to protect French everywhere in Canada.

The Chair: Thank you, Mr. D'Amours.

We will now continue with a representative from the Bloc Québécois, Mr. Nadeau.

Mr. Richard Nadeau: Thank you, Mr. Chairman.

We talked about the different areas in which the Court Challenges Program has been used. I have an education background. I have had the pleasure of teaching in three different Canadian provinces. I have taught mostly in minority communities in Saskatchewan and Ontario. I am very proud to say that the last school I taught at was the École Gisèle-Lalonde.

That being said, I would like Mr. Matte and Mr. Gratton to describe to what extent the Court Challenges Program has helped eradicate the decades-old and flagrant injustice that has prevailed in certain provinces, and how the program has allowed for the emergence of French-speaking schools. How important is the program for French-speaking minorities in the education system?

Mr. Guy Matte: Thank you, Mr. Nadeau.

I think it is fair to say that since 1982, when the first education case was brought before the Ontario Court of Appeal under section 23, there have been other cases, including the Mahé case. Had the Court Challenges Program not existed, today we would still be fighting, as francophones, to start schools, or to have French-language schools in areas where there were mixed schools and no French-language school boards. We would be fighting not only for the right to manage the system, but to have the schools.

In some provinces, there probably wouldn't be any system at all, such as in the province represented by Mr. Chong, British Columbia. Had there been no court ruling on this matter, there would be no French-language school board, which is continuing to develop each year. In fact, it is one of the provincial school boards that is developing the most quickly. None of these programs would have existed. Now I can say this. I believe that all those who have been involved in language cases would also agree with me in this regard.

•(1035)

Mrs. Kathleen Tansey: May I add something?

Mr. Nadeau, francophone schools in Prince Edward Island, Nova Scotia and Alberta invited the Court Challenges Program committee to meet with them. We were given an invitation from parents whose children are enrolled at Sainte-Marguerite Bourgeoys School, to visit the facilities and see the results for ourselves. We also visited a school in Nova Scotia and met with a parent who was crying while explaining that had the Court Challenges Program not existed, this school wouldn't be there. I believe it is the parents and those benefiting who are most aware of this.

Mr. Michel Gratton: The case which opened the floodgates to recognizing the increasing scope of minority francophone rights was the Mahé case, which dates back to 1990. It was during this case that the major principles were established, principles that would guide future cases. This case was launched by Franco-Albertans; this should not be forgotten. That community could not afford to pay for lawyers.

Mr. Chong said that this is a matter of clarifying rights. Very well, but who wants these clarifications to be made? It is the groups who are affected. The government signaled its intention to clarify certain rights by creating a program, but it is not taking any action to clarify the rights. It is doing exactly the opposite. The government is saying that it is not seeking clarification, and it would not give access to groups who seek this.

The program is geared to all of Canadian society. Yes, it does target certain specific groups. As Ms. Lalonde was saying, this program is there for women and any other group whose members may be victims of discrimination. There is no political logic to this decision; there seems to be no logic at all. It appears to be a purely ideological decision.

Mr. Richard Nadeau: Mr. Chairman, I have one last question.

The reinstatement of the Court Challenges Program will not just benefit francophones outside Quebec. This program is being called for by Canadians across the country. Is this not correct?

The Chair: That ends your comments. Thank you, Mr. Nadeau.

We now move to Mr. Luc Harvey.

Mr. Luc Harvey: Mr. Matte, as a member of Parliament, I meet with all groups that have wished to speak to me. I also meet with individuals. However, as an elected official, I could not meet with the Hells Angels, or take part in a public demonstration waving a flag of Hezbollah. In meeting with groups, when we are fully aware that our actions will be followed by the media, and there are problems in a committee, we have to be careful.

Mr. Yvon Godin: Point of order.

Quite frankly, I'm insulted by what Mr. Harvey is saying, and I'd like for him to retract his comments. We are not Hezbollah supporters. He should withdraw his remarks immediately.

Mr. Luc Harvey: I'm not talking about anyone specific, I'm just saying that a member should avoid—

Mr. Yvon Godin: We are not here to represent either the Hells Angels or Hezbollah. We were elected by our fellow citizens, and he should respect that. We are not here for the benefit of television or radio; we have responsibilities. He should withdraw his remarks immediately. It is an insult to the committee.

The Chair: Your argument has been taken, Mr. Godin. We will allow Mr.—

Mr. Yvon Godin: We will talk about this later, so that no time is taken away from our witnesses.

Mr. Luc Harvey: That being said, Mr. Matte, the total budget for the Court Challenges Program is slightly more than \$2 million, of which \$525,000 is spent on court challenges dealing with the language rights.

What are the administrative costs of the Court Challenges Program?

Mr. Noël Badiou: Currently, administrative costs amount to \$750,000 per year. Details of this are outlined regularly in our annual report.

•(1040)

Mr. Guy Matte: The administrative costs are negotiated with Canadian Heritage during discussions over what proportion of the budget is assigned to respective areas.

Mrs. Kathleen Tansey: One must also consider administrative costs for both components of the program. Equality rights is a distinct component.

Mr. Noël Badiou: Court challenges concerning equality rights receive \$1.575 million, out of a total of \$2.1 million for all court challenges.

Mr. Luc Harvey: Therefore, it costs \$750,000 to manage a budget of \$2.1 million?

Mr. Noël Badiou: That is correct.

Mr. Guy Matte: Yes, sir, but you must understand that we follow the rules set out in the Contribution Agreement. Under this agreement, there are many, many rules and provisions to ensure that public monies are spent transparently and in compliance with the requirements. I must say these choices are not made by the Court Challenges Program, but are imposed by the Contribution Agreement with the federal government. In fact, everything from photocopies to other services is determined ahead of time.

To address your initial comments, I can assure that as an ordinary citizen, if either Hezbollah or the Hells Angels asked me to meet with them to talk about the Court Challenges Program, I would also decline.

Ms. Gisèle Lalonde: A number of ministers supported us, such as Ms. Copps. Mr. Sauvageau and Senator Gauthier supported us too. Many people helped us, including one belonging to the party in power.

Mr. Luc Harvey: We have mentioned administrative costs amounting to \$750,000. With regard to other activities, does the overall \$2.1 million budget include costs relating to the delivery of the program? Is there some kind of allocation?

Mr. Noël Badiou: The ways in which funding is distributed among the various types of cases eligible for funding are set out in the Contribution Agreement. There are different funding categories available. All are set out in detail, and the exact figures are compiled with. You will see that if you look at our annual report.

Mr. Luc Harvey: Of the \$2.1 million, how much goes directly to court costs?

Mr. Noël Badiou: If you look at the contribution agreement, under section... Please give me a moment.

Mr. Jean-Rodrigue Paré (Committee Researcher): This document shows that \$1.6 million goes to court cases.

Mr. Noël Badiou: That's correct.

The Chair: We have the information here. If you look at the Contribution Agreement, which was distributed to members, page 2

Mr. Noël Badiou: It's under section 3.2(d).

Mr. Guy Matte: It reads as follows:

The budgeted amount approved by the minister... in each fiscal year shall not exceed \$1,880,000... for litigation, an amount not to exceed, in each fiscal year, \$1,600,000 plus the carry-over amount.

Mr. Luc Harvey: So that's \$1.6 million for litigation, and \$550,000 for official languages. Two-thirds of the amount is still missing. What vote were those funds allocated to?

Mr. Noël Badiou: I could read you section 3, which is entitled "Maximum amount per area of funding", in its entirety. The total amount is provided under section 3.5, and stands at \$2.85 million a year. The amounts that can be spent under the program are set out in detail, to the nearest \$100. The financial statements set out in each of

our annual reports are audited by an independent firm, PricewaterhouseCoopers, which ensures that all spending complies with the rules and is properly reported and published.

The Chair: Thank you, Mr. Harvey. We are now moving to our last speaker in this third round.

Mr. Godin.

Mr. Yvon Godin: Thank you, Mr. Chairman.

A few moments ago, I think you clearly explained that, when a case goes to court, it is not to benefit a single individual but rather the community as a whole. In the case of food inspectors from Shippagan who were transferred to Shédiac, people challenged the decision—I believe the case was funded under the Court Challenges Program—and won the case. In the circumstances, the Liberals had nothing to brag about because they were the ones who had to defend their decision in court. There was a battery of Liberal lawyers against ordinary people. If money was spent on lawyers, it is the government we should look to blame. Ms. Lalonde said it very well. In the case I'm talking about, the community as a whole benefited from the decision. The court ruled that services could not be withdrawn from a minority region and transferred elsewhere.

In another case, which concerned the RCMP in New Brunswick, once again the Liberals have nothing to brag about because they were in power when the government appealed a ruling in favour of Ms. Marie-Claire Paulin. At the end of the day, the winner will not just be Ms. Paulin, but the entire francophone community in New Brunswick, as well as all francophones who travel to New Brunswick and might be arrested by the RCMP. The lower court stated that the RCMP was required to comply with constitutional linguistic obligations particular to New Brunswick, Canada's only officially bilingual province. The case was won, and once again, the only reason for which they ended up back in court was that the government appealed the ruling. The lower court is not that expensive. But every time you have to go to a higher court, it costs more. And since people don't have the money it takes to go to those higher courts, communities will lose cases.

It's all well and good to boast about Bill S-3. Yesterday again, I heard the minister declare in the House of Commons that the Bloc Québécois had not wanted to vote for the bill. I can tell you that the Conservatives didn't want to vote for it either. But we were on the brink of elections in Quebec, and at the official languages committee I said that I personally would like to see the Conservatives vote against Bill S-3 just before an election. In the end, Bill S-3 passed. But don't we have to test it? Do you think that if we test it, everything will be all right? Section 41 of part VII of the Official Languages Act stipulates that bilingualism will be promoted in federal institutions, in Quebec and across Canada, so that both English and French are recognized in Canadian society. We still have some way to go. Unlike what Mr. Chong was saying, the Court Challenges Program did not serve only individuals and did not represent some sort of legal aid. It's not that at all. He is missing the point entirely.

It might have been good for the government to test the bill before cancelling the program. The government probably did not know what it was doing. Alternatively, it might have known all too well—it was taking away the rights of minorities. I'm not from Quebec, and I'm not part of the French majority. The reason we have French-language schools in New Brunswick, the reason we have our own school boards, the reason we have furthered our cause and preserved our French language, and the reason there are still 250,000 francophones in New Brunswick is that we fought for it.

Aside from that, I don't know whether I have any questions. However, I would like to hear our witnesses' comments.

•(1045)

Mr. Guy Matte: I will certainly comment on the issue of legal aid. We need to remember that, when cases are assessed, one of the criteria is that the funding is not used to further individual cases, cases that affect only one person. Test cases that affect groups of people are funded. The point is to establish a right that will be recognized for a particular group of Canadians cited in section 15, or, in some cases, for all Canadians, particularly women, because the issue is gender discrimination. That is my first point.

My second point is on former Bill S-3. You said that we have enough case law, but when we pass a bill and promulgate a new statute, its scope has to be tested. You passed Bill S-3, so testing it is important. However, I should say that the Court Challenges Program could not be used to test Bill S-3 directly, since Bill S-3 amended the Official Languages Act, and we cannot fund cases associated with the Official Languages Act. If there was some accommodation to be made, we would certainly be happy to extend the Court Challenges Program to cover the OLA and establish a whole new area of case law.

I would also like to be more specific on something—I think I understood Mr. Harvey to say that the funding allocation might be unfair, with too much of it going to administration. As a program, we would have no problem in reviewing the distribution of funding with the government and the department. We are merely an instrument. We were an instrument of the federal government for years, as we supported cases. That was our purpose. Thus, if there are any aspects of the program that are not appropriate, or if you believe that some things should be changed, we are bound by a contribution agreement which comes from the federal government. We are always ready to consider changes to the program with the federal government.

•(1050)

Mr. Yvon Godin: I know that my time is up, but I would like to know whether the names of the 38 unheard cases could be submitted to the committee.

The Chair: You mean 38 pending cases, but you want the names of the language-related cases, or of all cases?

An honourable member: The language-related cases.

The Chair: Could your organization give us the list, or is it confidential?

Mr. Guy Matte: Some cases are still pending and have not yet come before the courts. Parties are in the process of deciding whether they want to take it further. In those cases, confidentiality

must be maintained. However, we will determine what names we can give you.

The Chair: That concludes our three rounds of questioning. I would like to thank our witnesses for having shared their opinions and their comments, and also for having given us testimony that at times was very touching. I will paraphrase Mr. Godin, and say that Quebec within North America is a minority as well. Thus, as Quebecers, we are extremely interested in the progress and efforts achieved by members of francophone communities across Canada.

I would like to thank you for promoting linguistic duality across Canada. There are statutes and regulations, but behind those, there are people who make a difference. Some of those people are around this table today.

Thank you.

Mr. Guy Matte: Thank you. I would reiterate our recommendation that the Court Challenges Program and its budget, as it was before September 26, 2006, be restored in its entirety.

Thank you, Mr. Chairman.

The Chair: Thank you.

We now have a number of questions to discuss.

Ms. Boucher, do you have a point of order?

Mrs. Sylvie Boucher: No, I would like to present my conclusion.

The Chair: Fine.

We still have some time left, but there are a number of points we need to discuss, including the budget.

Ms. Boucher.

Mrs. Sylvie Boucher: I would like to thank everyone who came here today. I have heard a great deal this morning, and one of the things I heard is something I would like to put back on the table. We have heard about the Court Challenges Program, but as a member of the government, I would like the communities to know...

Ms. Raymonde Folco: Point of order, Mr. Chairman. I thought that part of the meeting was over.

The Chair: Ms. Boucher, could you please conclude.

Mr. Jean-Claude D'Amours: Mr. Chairman, point of order. The time allocated to each member on this issue is up. We should respect that.

The Chair: Very well.

Ms. Boucher, thank you.

The next point is very important. If we are to receive witnesses during the three other meetings, we have to look at the budget. On the whole, it is fairly standard. I would invite you to read through it. Our goal is to give witnesses from outside Ottawa an opportunity to come here and appear over the next three meetings, which will be on the Court Challenges Program. With your consent, I will authorize the clerk to move the budget forward.

Ms. Raymonde Folco: Mr. Chairman, could I make a suggestion?

The Chair: Yes.

Ms. Raymonde Folco: I suggest that we approve the operational budget request before us.

The Chair: Mr. Godin.

Mr. Yvon Godin: How was this budget established? How was the amount arrived at? The number of witnesses is not specified.

The Chair: Look at item 2—ten witnesses, with \$1,200 budgeted for each. This would mean ten witnesses from outside the National Capital Region, Mr. Godin. The estimate is based on those figures.

Mr. Yvon Godin: I see.

The Chair: So then we can move forward. The clerk will have the opportunity to call witnesses for the upcoming meetings and authorize the expenditure.

Thank you. Is everyone agreed?

•(1055)

Mr. Yvon Godin: Have we agreed on the witnesses?

The Chair: We are looking at committee business now. The list of witnesses should be distributed. As you know, the official languages commissioner will appear next Thursday. I have asked the clerk to put forward a list of witnesses for the three other meetings, which will be on the Court Challenges Program.

Mr. Yvon Godin: I submitted a list of witnesses, which included Ms. Marie-Claire Paulin. I would like to take her name off the list, since she is to appear in court. I don't think it's appropriate to hear a witness who is the principal complainant in a case to be heard by the court. I would like to take her name off the list.

The Chair: That has been noted.

Mr. Yvon Godin: I would like you to look at the rest of the list. I think the main witnesses should appear immediately.

The Chair: If there are witnesses you consider important, I suggest you tell me who they are. The lists are long and since we can see only a limited number of people I would ask each party to set priorities and give us the names of the most important witnesses.

Mr. Richard Nadeau: I agree to allow Mr. Godin's list to take priority.

The Chair: Mr. Godin did not want to make his list the priority, he just wanted to take one name off it.

Mr. Richard Nadeau: I realize that, but there are still other names on that list.

The Chair: Yes, there are.

Mr. Richard Nadeau: Yesterday, you were asking me to provide details...

The Chair: Yes, and I'm asking everyone the same thing.

Mr. Richard Nadeau: At the last meeting, we talked about seeing five witnesses today and suggested that they be included in a second round, except for the person whose name has been withdrawn. I would agree to using Mr. Godin's list. Thursday, I will submit other priorities, as will my colleagues...

The Chair: No, those priorities have to be submitted before Thursday, and preferably today, because on Thursday we would like to have a preliminary list ready for you.

Mr. Richard Nadeau: So are you giving us until tomorrow?

The Chair: I would prefer you to have those names in today, by 5 p.m. It would be very much appreciated.

Mr. Richard Nadeau: Very well, Mr. Chairman. I will try to do that.

The Chair: Thank you.

There is a motion on the agenda. Do committee members want to discuss it?

Ms. Raymonde Folco: I would like to introduce my motion, Mr. Chairman.

The Chair: Yes, of course.

Ms. Folco.

Ms. Raymonde Folco: Colleagues, this motion is further to other motions that...

Mr. Richard Nadeau: Forgive me, Ms. Folco, but I do not have your motion.

Ms. Raymonde Folco: It is printed on the agenda itself, on both sides of the paper.

The Chair: We will now consider the motion, which is item 2 on today's agenda.

•(1100)

Ms. Raymonde Folco: As I was about to say, this motion is in keeping with previous motions tabled not only by myself, but other colleagues, mainly from the opposition. The intent of this motion is to have ministers appear before this committee and show accountability by addressing certain questions. I'm referring specifically to the five-year action plan that will expire in the spring of 2008. Some people may surely be aware that I have raised this matter during question period in the House of Commons, to which I was not given an adequate answer, be it negative or positive.

Moreover, representatives from official language minority communities have spoken to me and other colleagues about the fact that they should know where things stand concerning the action plan. These people are wondering whether or not the action plan will be amended or renewed. This is the object of my motion. I have named in it two ministers, the minister responsible, Ms. Oda, and Minister Verner. From experience, I happen to know that very often when one minister answers, the other is not necessarily aware. Regardless, I thought it would be important to have the minister responsible make a few comments, since she is the one who holds the purse strings, since we are talking about the action plan, and funding, Ms. Verner, who is responsible for official languages, should also appear.

The third paragraph refers to "reporting on what strategic plans are now being designed". This essentially means determining whether the ministers are discussing an action plan, and if so, where they are at. Since I am well aware that this committee may no longer be sitting during the weeks to come, because the House may adjourn for the summer, I have requested, bearing in mind our limited time, that the two ministers answer this question, to be found in paragraph 3, before the resumption of the Parliamentary session on September 18. This will give the ministers ample time to reply. We can then discuss this matter when we resume our work.

You are aware how important the Court Challenges Program is to me, but we absolutely must know what the government has in mind for the five-year action plan.

Thank you.

The Chair: Two people have asked to speak. I simply want to inform members of this committee that it is 11 o'clock. We have set aside 15 minutes at the next meeting. The Commissioner of Official Languages is scheduled to appear at 11:45 a.m. Everyone received a notice of meeting 15 minutes ago.

I would like to know if members wish to debate the motion this morning or on Thursday.

Ms. Raymonde Folco: Pardon me, Mr. Chairman, but the motion is already on the table. We don't know what's going to happen after Thursday. I believe that it is important we discuss the motion now and then move to a vote. We did not have the 15 minutes required to debate the motion, and it is now 10:55. I would ask that the discussion and vote be held today.

The Chair: Ms. Folco, I simply want to clarify that following the meeting with the Commissioner of Official Languages, we have scheduled two meetings to discuss the Court Challenges Program. However, it is up to you to decide. We can discuss the motion now. We do not necessarily have the time today for this discussion, but you could have presented your motion—

Ms. Raymonde Folco: Pardon me, Mr. Chairman, but time was set aside on the committee's agenda.

The Chair: It is on today's agenda, but I have also set aside 15 minutes for committee business at our next meeting. It is up to you.

Ms. Raymonde Folco: I would like to know what my colleagues think of this.

The Chair: All right. I will give the floor to the speakers following the order on my list.

Michael Chong, please go ahead.

Hon. Michael Chong: Thank you, Mr. Chairman.

We do not support this motion because it is not reasonable.

[*English*]

Programs, when they expire in a fiscal year on March 31, often have to go through cabinet processes, through a memorandum to cabinet to have a discussion among the government, among the ministry, whether or not to extend the program. I don't know with certainty, but I would imagine that this hasn't happened yet. That typically happens in the fall, during the budget cycle, as they plan for the next year's budget.

To have the minister appear in June 2007, so early in the cycle before they've had a chance to have discussions among their cabinet colleagues and among deputy ministers about whether or not and how the program might be extended, I don't think is reasonable. You'll get a lot of speculation and, frankly, a lot of non-information, because I don't think they've had those fulsome discussions yet at the cabinet level.

I suggest this would be much better discussed at committee as we go into the fall, maybe into.... Later on this year or early next year, I'm certain the government will have a very clear idea as to whether or not and how they're going to extend this program. But now, I think, it's premature. You'll simply get a lot of conjecture. You'll get a lot of non-answers and a lot of non-information. It's not because the minister is trying to hide anything; it's because, frankly, I don't think they've had a memorandum to cabinet, or that discussions between the minister and her deputy have taken place yet. It's pretty early in the cycle right now.

Typically, we have these discussions closer to the announcement of the budget, and not so early. So I'm not sure it's productive use of the committee's time.

[*Translation*]

The Chair: Thank you, Mr. Chong.

I wanted to note that I had to be at a committee at 9 o'clock, and now another one at 11 o'clock. We can continue if the committee wants to. We could begin the discussion today. What I propose to do...

Yes?

Mr. Yvon Godin: I have to be at the Standing Committee on Procedure and House Affairs and the meeting is beginning right now. I think that we should postpone the discussion until Thursday.

A member: Me too.

Ms. Raymonde Folco: Will all due respect, Mr. Chairman, I would like to note that point 2 is reserved for committee work. I was expecting to have 15 or 20 minutes to discuss my motion. Certainly, I do not want us to go in a rush. I understand, but I would like to be sure that on Thursday, when we deal with committee work, we will have at least 15 minutes to discuss this. This is the only thing I am asking for.

Mr. Yvon Godin: The agenda says that there is a notice of motion. Therefore, the committee has received a notice of motion. We will discuss it on Thursday.

The Chair: If that is the pleasure of the committee. We have noted Ms. Folco's point. Thank you for your attendance today. The meeting is adjourned.

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