

*Private Bills*

date in the general sense, and second, to make it comply with the Quebec Hospitals Act. I have some wonderment as to what we are really seeking to accomplish, apart from the general purpose of endorsing the hospital itself, its concepts, and what it seeks to do in the medical and health areas. I do not think there is any disagreement about that fact.

• (5:10 p.m.)

When the bill was before the Senate, it was referred to the Senate Committee on Legal and Constitutional Affairs. I have not followed the proceedings of that Senate committee, so I really do not know at this point what matters the Senate committee inquired into in so far as legalities and constitutional matters are concerned. But perhaps some consideration should be given to just what it is we are seeking to do. Before I get to that, I understood the hon. member for Notre-Dame-de-Grâce to say that the gentlemen who were the initial sponsors and promoters and who incorporated the Royal Victoria Hospital have long since died. Yet, I see that the names of these individuals who are enumerated in clause 1 of the bill, namely, Sir George Stephen, Baronet, the Honourable Sir Donald Alexander Smith, and the others are the same individuals who are enumerated in the statute of 1887 under section 1.

In this bill we are seeking to repeal section 1 of the statute of 1887 and to replace it with clause 1 of this bill, and yet we still carry on the names of the individuals mentioned in the statute of 1887 as being the incorporators of the Royal Victoria Hospital. I have no argument with that. I assume that it is done out of historic recognition, not out of any legality inasmuch as these gentlemen were the ones who initially incorporated the Royal Victoria Hospital. If it is done out of recognition of the contribution they made to the establishment of a Protestant faith hospital in the city of Montreal with the intention of establishing other hospitals in other provinces, then it is fine with me, although if it is not for the purpose of the recognition of these gentlemen I do not see the legal necessity of saying that there are a number of gentlemen in the city of Montreal in the province of Quebec together with such other persons as are hereafter associated with them. From the point of view of draftsmanship, I do not see any sense in talking in the present tense, about people who are deceased, and saying that there are other persons who are likely to be associated with them, all of whom will carry on the functions of the Royal Victoria Hospital so that it may be a continuing organization and so that it does not decline if individual members of it pass on. This, it seems to me, is a strange sort of approach for Parliament to be taking, and I wonder whether perhaps an explanation could be given by the sponsor of the bill when he has the opportunity to speak in closing the debate.

The other thing that disturbs me and makes me wonder about what precisely we are doing here is the very simple fact that when the Royal Victoria Hospital was incorporated in 1887 it was authorized to do certain things, one of which was to establish a hospital in the city of Montreal to be called the Royal Victoria Hospital. That is fine. The charter goes on to say, also convalescent cottage hospitals as branches thereof at Banff, in the Northwest Territories and in Caledonia Springs in the province of Ontario. Such being the case, I think it was necessary in 1887, since

under the provisions of the constitution health is under provincial jurisdiction, to superimpose on top of that a national authority, a federal corporation giving the incorporated Royal Victoria Hospital authority to extend itself beyond the boundary of the province of Quebec, or indeed beyond the boundaries of any other province as the case may be. Presumably, this is what the Parliament did in 1887. It said, yes, we will incorporate the Royal Victoria Hospital with a federal or a national identity and give it a national complexion and a charter, thus authorizing it to go beyond the provincial boundary and into Alberta, the Northwest Territories and Ontario as specified in section 1 of the statute of 1887.

What we seek to do here is to repeal section 1 of the statute and to replace it with something else. Some of the things we replace it with are extracts from the statute of 1887, but there are some things that are left out and one of those is the authority to establish convalescent cottage hospitals in Banff, in the Northwest Territories and in Caledonia Springs in the province of Ontario. We are now saying that all the authority which the Royal Victoria Hospital has under the statute of the Parliament of Canada is to establish a hospital, one only, in the city of Montreal in the province of Quebec, and this is a continuing thing. In fact, the explanatory note to clause 1 reads as follows:

The purpose of this amendment is to remove the Hospital's power to establish branches outside Quebec. The Quebec Hospitals Act contemplates the establishment of "a hospital" only.

In other words, we are now removing the authority of the hospital to establish itself or branches thereof in other provinces, and we say that its sole authority will be confined to the city of Montreal in the province of Quebec. So, the need to have a national charter seems to disappear. In fact, the constitutional requirement under the BNA Act that health, civil rights, medical care and so on, be under the authority and the exclusive jurisdiction of the respective provinces makes me wonder even more why the Parliament of Canada is involved in this situation. In addition to that, the province of Quebec, probably more so than any other province over the years on a continuing basis, has been extremely jealous, and rightly so, of the constitutional jurisdiction it has under the BNA Act. When the late premier Duplessis was in office, he even contended against becoming involved in expenditures under the Trans-Canada Highway Act and becoming involved in receiving federal grants to universities. There was a strong concern about constitutional jurisdiction within that province. Because of that concern, I wonder whether we as the Parliament of Canada are embarking upon the correct course in seeking to do what we now do under the bill. I wonder whether, in fact, we should not be paying respect to the constitutional jurisdictions of the provinces, in this case the province of Quebec because that is where the hospital is, and is to remain, and whether we should not simply repeal the statute of 1887.

• (5:20 p.m.)

All throughout the explanatory notes to the subsequent clauses of the bill, those following clause 1, as was mentioned by the hon. member for Notre-Dame-de-Grâce and as also—I am not getting into the details of them now—there are three or four references that I can see, just at a