

Nova Scotia, without amendment, and Quebec and amendments thereto.

Mr. Beatty: Mr. Speaker, I hesitate to rise on a point of order because, as Your Honour knows, I have never raised a point of order before in respect to a decision made by Your Honour. However, in this instance I believe it is appropriate. I should like to seek clarification of the decision Your Honour made earlier with respect to the motion that I attempted to move under Standing Order 43, and to bring to Your Honour's attention some of my concerns about the implications of such a decision. I recognize that it would be inappropriate for me to challenge the decision that you made; I am merely seeking clarification of it.

Mr. Speaker: Order, please. I wonder whether I might be permitted to hear the point of order that is being raised by the hon. member for Wellington-Grey-Dufferin-Waterloo.

Mr. Beatty: In your ruling, Your Honour indicated that the federal government did not have jurisdiction with respect to the issue of hospital closings in Ontario. The effect of your decision prevented one of the members of the House, myself, from attempting to get the government to take effective action through the powers it has both legally and morally to try to prevent the closure of hospitals in Ontario.

The reason I raised the motion was necessitated by the decision given yesterday by a court in Ontario which held that the decision of the provincial government to close a number of hospitals, including one in my constituency, was illegal. At this point the Ontario government has indicated that it is reconsidering the decision that it made and an announcement will be made by the minister or acting minister, probably tomorrow. What I was attempting to do in my motion was to have the House require the government to take action, through whatever powers it possesses, to mitigate against the closure of the hospital.

As Your Honour may or may not know, the federal government pays about one-half the cost of hospital services in Ontario. About two weeks ago Your Honour allowed me to move a motion under Standing Order 43—the terms of which were very similar—with respect to a legal agreement to which both the federal and provincial governments were party. I refer to the memorandum of agreement that was signed in 1957 and which constitutes a contract between the federal and provincial authorities. That agreement outlines the terms under which federal assistance is given to the province for the provision of medical services and it specifically mentions provision of services by the hospital in Durham, Ontario.

One of the provisions in that memorandum of agreement was that neither party could change the terms of the agreement without the agreement of the second party. In other words, the provincial government could not discontinue provision of services that it had agreed to provide in the agreement without the consent of the federal authority, specifically the Minister of National Health and Welfare.

The point that I was trying to make in my motion, Mr. Speaker, was that there is a direct federal involvement here, both financially and legally. My motion was designed to get the government to act directly on the legal powers it

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has to prevent the closure of that hospital. By making the ruling you did, Your Honour prevented the House from instructing the government to take whatever action it could to keep the hospital open. It would allow the federal minister to claim that he has no responsibility in this matter when clearly, if the federal government refuses to use what moral and legal authority it has to keep the hospital open, it is complicit in the decision that has been made to close the hospital. This is a matter of extreme urgency since the health and lives of the residents of the area will be placed in jeopardy as a consequence.

Mr. Speaker: The hon. member raises a point of great interest and importance. Nevertheless, it has been repeated here several times over the past few weeks, in various question periods and in other ways when attempts have been made to raise this subject, that the question of the decision to close hospitals in the province of Ontario is solely within the authoritative jurisdiction of the province.

The hon. member has raised a point of disagreement. The Chair has to take the view that, regardless of the liberties enjoyed under Standing Order 43, that order is certainly not wide enough to permit us to put before the House, even with unanimous consent, the suggestion that the House can debate a matter that is beyond its jurisdiction.

I have taken the view that the decision to close a hospital in the province of Ontario is perhaps similar to questions of education, one of the very few which seems to be clearly within the jurisdiction of the provinces. If there is some aspect of it that the hon. member feels brings it within the jurisdiction of this House, I would be delighted to see him phrase a motion that might spell that out. But certainly his motion today fell far short of that.

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[Translation]

COMMITTEES OF THE HOUSE

FINANCE, TRADE AND ECONOMIC AFFAIRS

Fifteenth report of Standing Committee on Finance, Trade and Economic Affairs, in both official languages (Mr. Comtois).

[Editor's Note: For text of above report, see today's Votes and Proceedings.]

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[English]

EXTERNAL AFFAIRS

TRANSIT PIPELINES—TABLING OF AGREEMENT BETWEEN CANADA AND UNITED STATES

Hon. Allan J. MacEachen (Secretary of State for External Affairs): Mr. Speaker, I wish to table, in both official languages, the ad referendum text of an agreement between the government of Canada and the government of the United States of America concerning transit pipelines.