

Once these facts are recognized, then the fear exists that if the Supreme Court of Canada in its wisdom follows the somewhat unrealistic reasoning of the United States court, Section 7 of the proposed constitutional resolution could be interpreted as interfering with the right of liberty of the mother, and on constitutional grounds the remedy of abortion could be upheld by the court and abortion on demand constitutionally authorized.

**Mr. Ron Irwin (Parliamentary Secretary to Minister of Justice and Minister of State for Social Development):** Mr. Speaker, I thank the hon. member for Hamilton West (Mr. Hudecki) for bringing this question to the attention of the House. We have answered it several times, but that does not take away from its importance.

On March 5 this point was raised by the hon. member for Edmonton South (Mr. Roche). I answered at that time, and I refer the hon. member for Hamilton West to the proceedings of that day. I extensively quoted various people who came before the joint committee.

● (2205)

On March 23, the hon. member for Hamilton West asked a question in the House, to which the Minister of Justice (Mr. Chrétien) said:

—the question of abortion is dealt with in the Criminal Code and in no way can the charter be used to interfere with the actions of this Parliament in relation to the Criminal Code and abortion.

That is still the position of the government. The charter of rights will remain neutral on the position of abortion.

What is very important is that just last week, His Excellency Cardinal Carter put out a release in which he indicated he had received a long and courteous hearing from the Prime Minister (Mr. Trudeau). He looked at the opinions of the senior counsel of the Department of Justice and he looked also at another reputable legal source. In conclusion he said:

—while I am not satisfied with the protection accorded the unborn, I do not consider the proposed charter as worsening the position and because of its many positive values I do not oppose its passage on moral or religious grounds.

I am sure this statement from His Excellency will go a long way in assuring the hon. member for Hamilton West that the opinion of the government is well founded and consistent.

#### HEALTH CARE—EXTRA BILLING BY DOCTORS—CO-OPERATION OF ONTARIO IN BANNING PRACTICE

**Mr. Maurice Foster (Algoma):** Mr. Speaker, my question to the Minister of National Health and Welfare (Miss Begin) on March 20, 1981 referred to the minister's indication that she planned to negotiate an end to extra billing under the medicare program. It has been indicated recently that the cost of extra billing runs to some \$56 million a year and that at least \$43 million of this is paid by people in the province of Ontario. I asked the minister at that time if she had any indication that the province of Ontario would be willing to co-operate in restoring medicare to its original concept of universality with-

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out extra billing. The minister stated she was hoping a consensus would develop and she felt that Ontario could take a positive lead in this regard. But, of course, at that time the provincial election had just taken place and she did not say what the response had been from the province of Ontario since the announcement that she planned to negotiate toward this.

It is important to remember that the federal government contributes through medicare and other transfer payments some \$8 billion a year, so obviously the federal government has a big stake in ensuring that the health programs are run in an effective and equitable way.

It is interesting to note in the report of the Hall Commission, which was prepared in the past year, that Mr. Justice Hall indicated that extra billing denies access to many of the poorer elements of society and violates the principle of accessibility to all. He stated in the report that extra billing would create a two-tier system of health care, casting the poor, the aged and the unemployed into a category apart from those who can afford the extra charges. He also indicated that if extra billing is permitted, it would destroy the program over the years. He went on to say:

A solution must be found to solve the conflict, otherwise medicare as Canada has known it since 1970-71 can fail in time.

I think it is terribly important that the position of Ontario, because of its strategic nature, because of the large number of physicians in the province, be clarified, because if other provinces were to opt out, doctors would cross over the provincial boundaries and perhaps settle in the province of Ontario. With the large population of physicians in Ontario, this is not likely to happen.

● (2210)

It is interesting that the province of Quebec has not experienced opting out; it has an excellent service. British Columbia and Saskatchewan have indicated that they want to move toward the position of no extra billing. I hope the minister will receive a positive response from the province of Ontario.

Mr. Justice Hall indicated in his report that there must be a fair and equitable way for doctors to be paid. We all recognize this, and that mechanisms must be put in place in that regard which are fair to Canadians.

It seems to me we have had the best medicare system in the world in the past decade. Approximately 20 or 30 years ago many of us only dreamed of having a complete, comprehensive medicare program which was portable, accessible and covered the costs of doctors and hospitals. This is something of which people in the United States only dream of even today; the United States is the strongest, richest and most powerful nation in the world.

We should be moving to restore the medicare program to its previous greatness. We should protect the health of our rich and poor equally. We should give the poor, the young, the weak and the old equal opportunity to one of life's greatest blessings, good health.