

*Patent Act*

ing bill. I think that was a distinct advance, because it gave the committee an opportunity to deal with matters which have been the subject of complaint from time to time by those practising patent law or those having dealings with the patent office.

I should like also to say a word of commendation of certain members of the committee. It seemed to me that in its deliberations on this bill that committee had only one object in view. There were no partisan considerations in the work of that committee. I believe members of all parties worked together with a view to making improvements in the bill. We did not see eye to eye on all sections, but at any rate we worked together to make this a better bill and to draft amendments to the Patent Act which would make it more workable. After all, as far as the act itself is concerned, in the twelve years it has been on the statute books it has shown itself to be pretty satisfactory; not in all respects, but on the whole the statute has proved to be sound. Unfortunately, this could not be said of the administration, because of the fact that the staff was inadequate in numbers and the space was insufficient, as has been pointed out, but I do not intend to go into that question again. I wish to commend the committee for having proposed to the house that it should appoint from its own number a subcommittee to go farther into this question of accommodation and increased staff for the patent office in order that the public may be given a more efficient service. After all, in this case the public pays for a service through fees, and it is entitled to that service. So that I trust the report of that subcommittee will be forthcoming in due course.

I should like also to commend the chairman of the committee for his fairness and the businesslike way in which he conducted the proceedings. While the minister in charge of this bill, the Secretary of State, to judge from his remarks during a speech he made in Toronto last week, likes opposition, nevertheless I wish to say here that I commend him for the willingness with which he accepted amendments to this bill.

That all adds up to this, Mr. Chairman. I have not been in this house so very long, but I have been here long enough to appreciate the fact that some of the best work done by this House of Commons is done in its committees. I should like to see more bills, particularly those dealing with more or less technical matters, go to the standing committees of the house. The work done in amending this bill could not possibly have been done in committee of the whole. In

[Mr. Fleming.]

the banking and commerce committee we had before us officials of the department. We were able to question them; we were able to make drafts and redrafts right in the committee, without the formality which so often precludes work of that kind being done when the house is in committee of the whole. These improvements could not have been made if this bill had not gone to a standing committee; and I think that practice has proved to be absolutely sound. Some members of that committee made an outstanding contribution. I do not want to single out any hon. members in particular, but I would pay special tribute to such hon. gentlemen as the hon. member for Montmagny-L'Islet, the hon. member for Kamouraska and others, who obviously devoted much study to this bill and contributed suggestions which were of great value.

Now, Mr. Chairman, to deal particularly with the section now before us, this introduces into the act entirely new provisions which had their antecedents in an order in council passed during time of war. Some of the provisions did not have to be used to any great extent during the war, such as the provision having to do with patents being taken over in the name of the Minister of National Defence, though, of course, the right was used to preserve secrecy in regard to any patents and inventions which had to do with the national security. This kind of legislation we accept, as I am sure all parties in the house accept it, because occasion may arise when in the public interest, and particularly having regard to the relations existing between this country, the United States and Great Britain, it is absolutely necessary that we have legislation of the kind provided in section 4. However I wish to say that the original section brought before the house was open to strong criticism in many respects, and not least in regard to the concluding clause. Section 19A conferred upon the governor in council power to make rules for the purpose of ensuring secrecy with respect to the patents to which the section applied; then in subsection 13 it added these words:

... and such rules may modify any of the provisions of this section in their application to such patents as aforesaid so far as may appear necessary for the purpose aforesaid.

That is the sort of legislation no government should introduce in time of peace. What was proposed in that subsection was that power be reserved to the governor in council to change the terms of the legislation itself by means of rules. In my submission, there can be no excuse for any government asking