

Mr. Doug Lewis (Parliamentary Secretary to President of the Privy Council): Mr. Speaker, I am naturally very pleased to have the opportunity to speak on this report. I know that the Standing Committee on Regulations and other Statutory Instruments worked very hard to prepare this document which is now before the House. I think the members of that committee are to be complimented on their efforts. There were two reports made on the same day, Mr. Speaker, and we are now dealing with concurrence in one of those reports. I think it is commendable that the committee could make two reports on the same day.

I intend, Mr. Speaker, to hold the floor and discuss this at length until we have a message from the other House. I will be pleased to discuss the things which the Patent Act goes into. The Patent Act requires a register of patent agents on which are to be mentioned the names of all the persons entitled to represent applicants in the presentation of and application for patents before the patent office.

It is very important that we have, in Canada, a patent system which does not allow for interference with the very important Canadian patents which exist, and also does not allow for interference in things which are going to take place later this evening. I want to take some time to discuss this. I am pleased that my hon. friend has seen fit to move concurrence and give me a chance to debate it. Had we moved immediately to the vote the bells may have rung. I want to take this opportunity to thank him for being so observant as to give me the opportunity to debate this very important matter of the Patent Act until there is an interruption.

● (1630)

I would point out that prior to 1923, any person appointed in writing by a patent applicant could represent that applicant in the presentation and prosecution of a patent application. There was a subsequent change and the committee has quite properly pointed out that according to Section 57 of the Patent Act, it was enacted that:

A register of attorneys shall be kept in the Patent Office on which shall be entered the names of all persons entitled to represent applicants in the presentation and prosecution of applications for patents or in other business before the Patent Office.

That is a very important change that this Parliament brought into effect in order to protect—

Mr. Tobin: Mr. Speaker, I rise on a point of order. If the Parliamentary Secretary is going to insist on reading the Patent Act, he has an obligation to at least be entertaining.

Mr. Lewis: Mr. Speaker, I have made an effort to be entertaining on easier things than the Patent Act. This does strain one's credibility. I do not have the same familiarity with the Patent Act as my hon. friend across the way. I am working my way through this as a lawyer who was recently defrocked of his Queen's Counsel by Premier Peterson. We all come to the House in sorrow these days. We used to practise as representatives of the Queen, another representative of whom will be coming through the door in a minute. Now we must

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practise without that honour. Since the matter has been brought up, the Hon. Member who moved concurrence in this report was also a Queen's Counsel. He has now been defrocked by the Premier of Ontario and he paid good money for that gown.

When we practised law we often thought about the Patent Act and Section 23. I suppose that on occasion we were frightened that we would be asked to advise on it.

In any event, once we got through with that Section of the Patent Act, the Standing Joint Committee on Regulations and Other Statutory Instruments dealt with the provisions of the United Kingdom legislation which is referred to on page 2 of this very important report.

That committee did not take its obligations lightly. The then Minister of Consumer and Corporate Affairs, who I believe was Mrs. Erola at that time—late of this House and late of the riding of Nickel Belt—replied that her Department was advised by the Department of Justice that Sections 153 to 156 of the Patent Rules were validly enacted pursuant to Section 12(1)(a) of the Patent Act and were *intra vires* the Act. I would point out that the relevant correspondence is appended to this report. Members opposite could be sitting in another committee meeting instead of hassling me. Then they would have something else to concur in.

Page 4 of the Report contains some items that should be taken into account. The executive is now asserting—

Mr. Blaikie: A point of order, Mr. Speaker.

Mr. Lewis: Thank you.

Mr. Blaikie: Mr. Speaker, the Hon. Member has only one oratorical equal, the Hon. Roy MacLaren, the former Member of this House who was equally entertaining.

Mr. Lewis: You have said a lot of nasty things to me in your days here but that is about the worst. That is close to a question of privilege. I am not sure that I could wear one of those double-breasted suits. I am waiting for them to come back into style.

The Hon. Roy MacLaren wrote a book about the new liberalism. I think the subtitle is "Life with 40 Members in the Dark". Roy has gone on to greater things. He was a good colleague and ran in the last election, but ran into a little difficulty as did many of his colleagues. They were here yesterday, wearing carnations. I should state for the record that there was a party yesterday for those who won and those who lost. Unfortunately, there were more there who lost than won. It is a party with which we, as colleagues, did not interfere. There was no loud clanging of bells during that party and I do not think you will find that there will be loud clanging of bells tonight either.

In any event, before my hon. friend interrupted, I was dealing with paragraph 4 of the report. It states:

While the Executive is now asserting that authority for the rules under Report is to be found in Section 12(1)(a) of the Act, the Committee notes its position has not been consistent in the past.