

*Government Orders*

**Mr. Barrett:** I hear the nervousness of the Liberal Party. I enjoy the banter of this House. I enjoy the cross-fire and all the pleasure, but the real issue is where does it stand? Will it pledge to the Canadian people, through the mouth of its leader and its trade critic, that should it be elected government in Canada before January 1, 1994, it will not implement the North American free trade agreement?

That is the question of the election. That is the question that every Canadian has a right to know and no duplicity, no dodging, no weaving, no hiding behind the Tories will escape that question. We insist that the Liberals tell the Canadian people that if they get the trust of the Canadian people through the vote, they will not implement NAFTA. Anything less than that is mere puffery, it is mere politics, it is mere denying the Canadian people exactly where the Liberals stand as the Official Opposition.

With all the yap, yap, yap from the Liberals, all the interjections, the reality is where does the Liberal Party stand? Is it with Canadians against this bill or is it really just playing a game with the government? January 1, 1994, will it implement? Let every Canadian know the value of that question.

**Mr. Rey Pagtakhan (Winnipeg North):** Mr. Speaker, I too would like to rise and speak to the report stage of this bill, Bill C-91, an act to amend the Patent Act that has few, if any, redeeming features and an act that government members should be ashamed to defend.

• (1150)

Before I proceed further I would like to seize this opportunity to congratulate and thank my Liberal colleague, the member for Dartmouth, who has provided true leadership in this House and has challenged the conscience of all members of Parliament.

I would also like to seize this opportunity to thank the immediate member from the NDP for recognizing the imminent victory of the Liberal Party of Canada.

I will speak today on Motion No. 1, an amendment to the bill. The motion relates to the retroactivity clause, an amendment setting a doubtful precedent in Canadian legislation and to the restoration of compulsory licensing.

There is a tradition of democracy whereby no one may be penalized for an action taken before the birth or enactment of any law. We know of the truism *no ex post*

*facto* law shall be enacted. This democratic tradition, specifically this fundamental tenet of our common law, has found itself even in sports, where no one may change the rules of the game midstream. You cannot expect people to plan in a vacuum of uncertainty.

That very thing has been demanded directly of our generic drug industry by this government and indirectly of all Canadians in a despicable display of arrogance and hypocrisy by this federal government.

Generics will be penalized by a government that is a lap-dog to the multinationals, nudging our own home-grown industries into oblivion. This is especially true when the bad medicine of Bill C-91 is swallowed with the hemlock of NAFTA, where the drug industry has made our international trade minister and our own Prime Minister rush to praise and sign.

It becomes even more repugnant to think that this retroactive clause would find itself in this bill, particularly when it is being proposed by this government which has lost the trust of Canadians.

While I am not surprised that the government has spawned retroactivity in legislation, I am embarrassed for the government's lack of honour and integrity.

The minister is not even clear on the intent of the pharmaceutical industry; not specific with respect to drugs for which licences have been granted by December 20, 1991, and for which licences, issued later, should be permitted. Without such clarity, there could be a second class of monopoly among generics themselves. One can only imagine a company issued a licence after December 20, 1991 but filed before that date and which has spent substantial amounts of time and money preparing this product for the market could be severely prejudiced by the proposed legislation.

This is truly a flawed deal.

At this point I would like to indicate to the House why the retroactivity clause is even more alarming and obnoxious. We know that it is a result of lobbying by the U.S. drug companies through their intellectual property committee, as reported in the media. Apparently, in its February 26, 1992 letter to the U.S. trade representative Carla Hills, the committee wrote: "In clear, straightforward language, NAFTA must require Canada to dismantle its discriminatory compulsory generic licensing requirements for pharmaceutical products and to suspend the granting of any compulsory generic licences from December 20, 1991 and onward".