

Patent Act

whether the drug patent Bill was part of the election platform of the Progressive Conservative Party during the last election campaign. The answer is clearly that it was not.

We can then move on to the next question, namely, whether there is any convention which says that the Senate is bound to pass a Bill on which the electors have never been consulted and which might be passed by the Commons only in its dying moments. Is there any convention which says that the Senate must pass a Bill to which the majority of the provinces object? As you know, six provinces object to this Bill. After all, the Senate was created partly to protect the interests of the provinces in matters under federal jurisdiction.

Is there any convention which says that the Senate cannot, in a matter which it considers sufficiently grave, insist that the Government submit that matter to the test of the general election? It did precisely that with Borden's naval aid Bill in 1913 and it passed the first old age pension Bill only after the Government which proposed it had been returned in the election of 1926.

I am not one to quote readily, but I thought that Sir John A. Macdonald summed it up well when he said: "It is only valuable as being a regulating body calmly considering the legislation initiated by the popular branch and preventing any hasty or ill-considered legislation which may come from that body, but it will never set itself against the deliberate and understood wishes of the people".

These are the words of a Prime Minister who cannot be accused of being a wide-eyed radical, a member of the political left. Everyone knows to which Party Sir John A. Macdonald belonged.

We know that the Fathers of Confederation wanted the Senate to bring sober second thought to bear on radical legislation passed by the House of Commons. The phrase "sober second thought" is often used. The Fathers of Confederation feared radical legislation of the left. However, why should the principle not apply equally to radical legislation of the right? I invite any Member on the government side to answer the question.

I will now deal with the issue which must be of particular interest to most Canadians, that is, the cost of this legislation to them. I am told that in 1983, according to the studies carried out by the Eastman commission, the savings to Canadians resulting from the direct substitution of generic products was \$211 million. It is estimated that in today's figures that would be worth over \$500 million. This does not include the savings derived from lower brand name prices because of competition. The proposed change in Bill C-22 would eliminate those savings for all new products for a period of 10 years. This could cost provincial drug plans and individual consumers hundreds of millions, in fact billions, of dollars over the years ahead.

• (1820)

It is also important to remember that the protection of the public interest is deeply entrenched in our philosophy and the reason which motivates the participation in the debate on this Bill. The public interest is protected by means of a compulsory licensing system that engages early enough in the process so as to moderate prices through competition. That is why we object to the time period being proposed to multinational companies for new products that they will bring on the market.

The interesting point in this debate is that the Senate, in its second round of amendments, has given the House of Commons a set of proposals which reflect, virtually word for word, the commitments made by the Minister of Consumer and Corporate Affairs in his appearance as a witness and in his speeches on Bill C-22. The amendments are nothing more and nothing less than that.

In other words, the Senate has taken to task this invisible Minister. It has challenged the Minister to put into the legislation what he has claimed that this Bill will do, so that we can protect Canadians and also protect the jobs and ensure that the investment being promised to the workers in Quebec, Ontario and other parts of Canada will materialize.

There is nothing in the Bill to ensure that these commitments will be fulfilled and, in that sense, I submit that the Senate has performed a phenomenal service to Canadians from coast to coast by taking the painstaking trouble to set into precise language a commitment on reinvestment matters which was made by the Minister, in a manner that will ensure that these commitments become part of the law and legally binding. This is the matter that is before us today.

I cannot understand for the life of me why the Government and the Minister of Consumer and Corporate Affairs in particular would say that he cannot accept the totality of the amendments. The reasons he gives for not being able to do so are so weak, shallow and superficial that they make him a laughing stock. Furthermore, he said that the Senate is exerting veto powers on the House of Commons.

We want this matter to be resolved soon. We know that there are a number of companies whose workers have been promised future jobs and expanded jobs. We understand their concern very well. At the same time, we know that the Canadian consumer has benefited greatly by virtue of the generic prices of drugs. Everyone who goes to the drugstore counter knows the difference between \$6 for a generic drug and \$18 for a drug that is not available generically. It hurts the pocket-book and it hurts Canadians of all incomes.

So far, we have had a good system. We want to build on that system rather than change it drastically and in a manner such that we do not know whether the Minister's promises will become a reality. We believe the Senate has performed a fine role and its amendments are extremely sensible and desirable. I still hope the Government will reconsider its stand and accept the amendments that have come from the Senate at this time