

Patent Act—Trade Marks Act

industry. This suggestion would also give effect to the statement made by the minister on October 17, that the government does indeed wish to extend a minimum degree of protection to the original drug patent holders as well as the small Canadian chemical manufacturers. Unless we are to eliminate the small Canadian chemical manufacturers altogether, some minimal protection is needed. Unless such a manufacturer enjoys the advantages of lead time over foreign competitors he cannot hope to effectively compete, and the existence of the remaining small manufacturers in Canada will be jeopardized.

I have outlined three areas of economic consequence of Bill C-102 which I hope the committee of this house will study as thoroughly as time permits. I do not think there is any question but that Bill C-102 will be adopted by the House of Commons. But I hope that in its final form it will more closely than is now the case give effect to the basic principles enunciated by the Harley committee when it stated, and I quoted this earlier, that no recommendation could be considered which, although designed to lower drug prices in Canada, might have a detrimental effect on other aspects of the Canadian economy.

● (9:10 p.m.)

I believe strongly that a relatively minor amendment could go a long way toward meeting the criticism which I have outlined. I would hope that both the government and the committee would consider an amendment which would give statutory effect to the five year protective period which the Harley committee in its recommendation, and the minister, assumed existed. I suggest that when the committee of the House of Commons is considering amendments to Bill C-102, it consider adding to section 41(4) of the Patent Act words along these lines:

A compulsory licence may be granted at any time during the life of the patent to anyone who wishes to manufacture a compound in Canada, while compulsory licences shall only be granted for imported material five years after the patent issues.

I suggest that the amendment would continue the use of competitive market factors as a means of reducing drug prices because it would permit compulsory licences to be granted immediately for drugs manufactured in Canada. It would give the originator a five year protection from the compulsory licensing

of foreign imports of drugs and drug ingredients. All this amendment would do would be to put into law what is already an implied protection, but I am convinced it would clear the air and vastly improve the investment climate for the drug industry in Canada.

I might add that the issues I have raised are solely economic. I wonder if the minister would consider referring Bill C-102 to the trade and commerce committee rather than to the Health, Welfare and Social Affairs Committee. I realize it is a little late in the game to suggest this. However, in support of my suggestion I would point out that witnesses have been heard covering all health aspects including safety factors and the cost of drugs, but the various committees and commissions have not had full discussion on the economic aspects of the proposed changes to the Patent Act. I hope the minister will consider referring this bill to the trade and commerce committee.

Some hon. Members: Hear, hear.

Mrs. Grace MacInnis (Vancouver-Kingsway): Mr. Speaker, no measure that has come before the house this year has more interest for large numbers of people across Canada in every riding, I am sure, from the Atlantic right through to the west coast. It is now nearly ten years since the Director of Investigation and Research under the Combines Investigation Act reached the conclusion that "prices of drugs in Canada are among the highest in the world". Since then no government has done anything worth while to get away from this unenviable distinction for Canada.

For thousands of Canadians the price of drugs has been, and continues to be, a crushing burden. One member of the house the other day stated that a quarter of our population cannot afford to buy the drugs they must have in order to live. These are the people on low income, people with large families, the chronically ill, the elderly, the pensioners. For far too many of these people, the only way they can get the life-giving drugs they need is to cut down on the food they ought to be having. They are consequently aggravating the vicious cycle of poor physical and nervous health. But I was rather shocked to hear the hon. member, for whom I have very high regard, make the suggestion that the best way for the government to show the people of Canada that they want to help in the problem of drugs would be to bonus the 25 per cent who need help the worst and, presumably,