

Court File: 05-CV-303001PD2

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

CANWEST MEDIAWORKS INC.

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

AFFIDAVIT OF MAURICE NELSON GRAHAM DUKES

I, **MAURICE NELSON GRAHAM DUKES**, of the City of Oslo, Norway, MAKE OATH AND SAY (*or AFFIRM*):

1. I am a medical doctor, licensed to practice medicine in the United Kingdom since 1955 and (under more recent legislation) throughout the countries of the European Union; I was awarded a higher degree in social medicine in the University of Leiden, The Netherlands, in 1963. I am also a lawyer, having received a Bachelor of Laws degree in 1957 and a Master of International Law from Cambridge University in 1985.

2. Presently I hold the post of Emeritus Professor of Drug Policy Studies at the University of Groningen, in the Netherlands, a post which I have held since 1986. Concurrently, I hold the post of Lecturer on Drug Policies at the University of Oslo in Norway. I am also a Senior Consultant on Drug Policy for

the World Bank, a position I have held since 1990, working in a range of European and developing countries.

3. Earlier in my career I was the Regional Officer for Pharmaceuticals for the World Health Organization (Europe) from 1982 to 1991, as well as Director of the Regional Programme from 1987 onwards. Before that I held the position of Vice-Chairman and Medical Director, Netherlands Drug Regulatory Agency, from 1972 to 1982. I was employed in the pharmaceutical industry from 1961 to 1972 as a Physician (latterly Research Manager) for Organon International (Pharmaceuticals).

4. I am the editor of several journals or publications related to health and the regulation of drugs, including the *International Journal of Risk and Safety in Medicine* and the publication *Drugs and Money*, the latter published by the World Health Organization. I have authored eight books, the most recent being *The Law and Ethics of the Pharmaceutical Industry* (2005). I have published over 270 articles on national and international health and drug policies and pricing

5. From 1992 to the present I have been continuously engaged by the World Bank, the World Health Organization and other non-governmental organizations to conduct projects, policy reviews and prepare reports in respect of drug policy and regulation matters, principally in Australia, Bosnia, East Timor, Ghana, India, Laos, Macedonia, Mozambique, Saudi Arabia, Serbia, the former

Soviet Union, South Africa, Uganda, Ukraine, Vietnam, the West Bank and Gaza, Yemen and Zimbabwe. More recently I was retained by the United Nations to produce the Policy Analysis Report for the UN Millennium Commission (Working Group on Drug Supply). I also served as a member of the Committee on Proprietary Medicinal Products for the European Union and am currently a member of the International Advisory Panel on Medicines for the World Health Organization.

6. As a result of both my medical and legal professional credentials and the drug regulation policy work I have carried out throughout my career, I am familiar with the laws and underlying policies of many nations or regions throughout the world in respect of drug advertising in general and DTCA in particular.

7. Over the years, my work, writing and study has been concentrated in the following areas of specialization: (1) Drug Policies, Regulation, Organization and Financing; (2) Drug Safety: Systems, Legislation and Litigation; (3) Drug Procurement and Supply; (4) Self-medication norms; (5) Donor Health Programmes; (6) Health Legislation; and (7) Ethics of the Pharmaceutical Industry. These areas of specialization have developed my expertise in respect of DTCA laws and policies outside of Canada. My full curriculum vitae is attached to this affidavit as "Exhibit 1".

8. I was asked by counsel for the Attorney General of Canada to prepare a report outlining and explaining the laws, policies and policy considerations in respect of DTCA of prescription drugs that have been generated in countries and regions outside Canada, and particularly in the developed world. I understand that this report will be tendered as part of the evidence in the Attorney General's defence of the constitutional challenge to Canada's laws in respect of DTCA in the case brought by CanWest Mediaworks Inc. The report I have prepared specifically for this purpose is attached to this affidavit as "Exhibit 2".

Sworn before me at the City of
Oslo, Norway, the _____ day of
_____, 2006.

(Consular Officer)

Graham Dukes

CANWEST MEDIAWORKS INC.

AND

ATTORNEY GENERAL OF CANADA

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Proceeding Commenced at Toronto

**AFFIDAVIT OF MAURICE NELSON
GRAHAM DUKES
(Sworn , 2006)**

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