

Plant Breeders' Rights

My colleague, the Hon. Member for Algoma (Mr. Foster), has suggested that the period be reduced to seven years. Not only would this tend to have an inflationary effect upon prices but it would do nothing to improve our external situation.

We have indicated our intention to join the 18-member international convention so that we might enjoy the benefits of reciprocity with these major trading partners. Lowering our period of protection in this way would no longer meet the requirements of the convention and we could not ratify the agreement. We would remain incapable of securing foreign imports or of protecting our varieties abroad.

The absence of variety protection can also have a detrimental effect on the industry by artificially restricting and extending attempts to control seed. Contractual arrangements are currently made between growers and some seed companies in an attempt to ensure some return on their product. Members of the House of Commons who are farmers know that to grow a variety of seed that they know by name, they have to sign a contract to obtain that seed and they have to agree to return it back to that supplier because there is a lack of patent protection for the variety. To me, that makes a mockery of the system and is not fair to farmers because it restricts good seeds to certain individuals and puts us in an uncompetitive position.

This creates a great deal of paperwork and complicates matters for the grower and the company alike. The agreements have no cut-off. This Bill C-15 offers. Nor does the current situation allow the Government to intervene in the national interest. As well, foreign countries do not recognize this contractual agreement as a parallel system and will not enter into reciprocal agreements.

We need plant breeders' rights. I am very happy to see this legislation read the second time tonight and go to a legislative committee for deliberations. This issue has been debated for many years. Finally, it will provide great assistance to the agricultural producers in Canada in competing on the world market.

The Government has been far-sighted enough to ensure that some means exist by which we can maintain the system in an equitable manner. Clauses 32 and 33 provide for a compulsory license which could be granted in the event of unnecessarily high royalty rates or unfair

distribution. This system is in place in many UPOV nations but its use has rarely been necessary.

The enforcement of this Act will not be applied to our grandmothers who wish to trade plant slips. The Hon. Member for Skeena (Mr. Fulton) referred to the clauses in the plant breeders' rights Bill relating to penalties for offences. He implied that the penalties applied to people giving away seeds of protected varieties, and this is not so. The offences in Bill C-15 relate to such issues as false representation and abuse of trust. They do not relate to the selling of protected varieties. If someone sells another person's protected variety, it is a civil and not a criminal offence.

Mr. Fulton: Mr. Speaker, I rise on a point of order. I suggest that the Hon. Member who just misquoted me read Clause 6 of the Bill and Clause 51, the offence clause. He just misquoted the legislation his Government has brought in. I think that is quite improper and quite misleading to those viewing these proceedings.

The Acting Speaker (Mr. Paproski): That is debate. The Hon. Parliamentary Secretary has the floor.

Mr. Cardiff: Mr. Speaker, I simply want to say again that if someone sells another person's protected variety, it is a civil, not a criminal offence. It would be up to the owner of the rights to enforce his or her own rights, and that is quite clear in the legislation.

Mr. Fulton: Mr. Speaker, I rise on a point of order. I know what the Hon. Member just said. What he said was false. It is improper for a Member of the House to impute false statements to another Member.

The Acting Speaker (Mr. Paproski): The Hon. Parliamentary Secretary has the floor.

Mr. Cardiff: Mr. Speaker, to make compulsory automatic licensing as effective as possible, we have chosen the route of maximum flexibility. By selecting an advisory committee and implementing specifics by species with regulations, we have allowed for a system which will take the nuances of this vast nation into account. With this method, the unique situation of maritime potatoes will be handled in a manner different from that of Red Spring wheat or that of a new breed of red roses, or of any roses.

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It has been suggested that those provisions are not enough, that multinationals will take over and gain a strangle-hold on our farmers. At this time, seed development and marketing in Canada is largely in public or small private hands. Large multinationals do not at this time play a significant role in the industry. The ongoing global process of mergers and diversification in all