

Government Orders

Mr. Vic Althouse (Mackenzie): Madam Speaker, I rise to speak at third reading of Bill C-15, an act to introduce a form of plant breeders' rights to Canada.

The previous two speakers have indicated that this proposal has come about after a fair length of time, however, I would argue that, just because the proposal has been on the block for 15 years and has been rejected for 15 years, by age alone that does not suddenly make it a good proposition.

I think there are a number of technical, ethical, moral and international considerations to be dealt with here but, for some simplicity, let me simply constrict my remarks today to what I see this bill doing.

To me and I think to a lot of other analysts, it does change the power structure that exists in the market. It is a fairly fundamental shift. The seed industry across the globe is becoming controlled more and more by a very few multinational corporations. The seed industry is fairly big business, even in this country. More than \$400 million annually is expended by farmers for seed, seed stock and nursery stock to get the crops that we eat and produce fibre with, and also those crops that we look at and enjoy, such as flowers and shrubs.

There is over \$400 million a year expended in our country alone, a very large market. The trade in new varieties has gone on between Canada and the developed world in the past by a simple expedient of contract law. A seed company or an individual in this country would sign a contract with a developer outside of the country, and agree to pay them for the use of their seeds. There is nothing particularly wrong with that system, except that a lot of the other developed countries have an even better deal going. Within their law, they have developed plant breeders' rights or plant patenting in some countries which permits the developer to have a much cheaper way of enforcing the contract.

Essentially, with this particular law coming into effect in Canada, a foreign developer of a seed makes a contract with a seed producer or a seed seller in this country. If the contract is broken and the royalties for the use of the seed are not forwarded out of the country, he does not face an expensive legal process under contract law to collect those fees.

This proposal changes that quite considerably in favour of the developer in that he simply has to go to the

court and ask that the payments be made. The law is much strengthened on his or her behalf and on behalf of the company, and the extraction process is much cheaper from a legal viewpoint. If that was the end of it, the debate would probably have petered out fairly quickly.

However, when we look at other developed countries in western Europe and south of our border in the United States, which has been going this route much further and much faster over a much longer period of time, we find that that is not the end of it. There is always more being demanded, and we are getting very close on the U.S. side to slipping into the whole process of patenting life.

Much has been made by the previous two speakers of the alleged support of the various farm groups and farm organizations. The hon. member for Prince Edward—Hastings pointed out that a lot of those supporters had conditions on the support. I just want to take the most moderate of the various groups that were mentioned, the Canadian Federation of Agriculture, and go through for just a moment, the conditions that they posed on this legislation to show that the committee met virtually none of their conditions. Yet we are hearing that it was support from the Canadian Federation of Agriculture that led to the caving in on the Liberal benches of some, what I perceive to be, anti-C-15 speeches at second reading.

• (1150)

The CFA, I recognize and they recognize, have some problems. The view of plant breeders' rights legislation varies throughout the farming community. The nursery and horticultural side of the industry that is producing flowering plants and items and have to respond very quickly to new colours and new shapes would like to have a freer exchange and access to material from Holland, Europe, and the United States, where a lot of money is expended on this kind of horticulture.

For the reasons I outlined at the beginning of my remarks, there is some hesitancy and reticence on the part of those countries to put material into Canada without having an easy way of collecting the royalties because the user in Canada might not live up to the contractual agreement.

Canada is simply not permitted to have those new varieties which are propagated by Americans and Europeans. They are shipped into Canada for purchase by the