

*Government Orders*

It is also important that our children be protected from the parasites of society. The legislation in question takes that into effect. We all have the goal of having legislation that will control what many people consider to be a profession, a profession at the price and at the cost of our young people in society. We cannot have young people destroyed. We must not allow it. Apart from educating the public we still need legislation controlling, as I have indicated, these parasites in society.

● (1530)

We cannot take legislation such as the legislation that has been proposed and rubber stamp it. Perhaps we have consensus on that as well. The legislation is so different. It is not just amending legislation but is new legislation which has been drafted, trying to foresee all the problems that may arise. By trying to foresee problems one tends either to overlook certain matters or give it too great a scope.

We must be vigilant that we do not throw out human rights. When we are dealing with legislation such as this innocent people will also be involved. We must not trample on their rights. In enforcing rights against individuals who breach the law we sometimes come into contact with people who are innocent and their rights are trampled upon. We must look at the legislation in this light.

In other words we generally have to balance the rights of the innocent people with the objectives of the statute itself. What better way to do this but in committee. It appears all people in the Chamber favour the legislation and its goals. We must be careful as we look at the legislation not to get to the stage where we in fact trample on the rights of individual people, innocent people.

Let me just give an example in this respect. We must be careful with the definition of trafficking. I am not saying the definition in the statute is adequate or inadequate, but let us just take a look at it. The definition of trafficking deals with selling. Traffic means to sell, administer, provide, transport, send or deliver.

Is that a definition we wish to have? Do we want people who simply send or deliver an item or provide an item to be trafficking? Then we have the definition of provide which means to give, transfer or otherwise provide in any manner. Do we want such a definition?

The problems we run into with such a definition of provide is that we could have too many people covered. We could have innocent people covered. We could have people who simply give medication to others within a home, people who have a proper prescription to a controlled substance, being guilty of trafficking.

Let me give an example. An individual, a spouse, may have a prescription for a controlled substance. The other spouse may be requested to fetch that particular item. By giving that substance

to a child to bring to the other spouse the initial spouse is guilty of trafficking. We do not want that. We cannot have that. We must be vigilant that innocent people are not covered by the legislation in this manner. In other words we have to balance here again. The balance requires that the innocent people be protected against the objectives of the statute.

We must also look at the provisions of the statute in certain procedural matters where preliminary inquiries are taken away from certain individuals.

The summary convictions portion of the statute is expanded thus eliminating preliminary inquiries. This may not be something suitable for the public. This may not be something we require or desire in the administration of justice. Depending on discussions in this area, discussions as to disclosure by the crown to the defence, this may be reasonable but it may not be reasonable. What better place to deal with it but in a committee.

We have to look at what the controlled substances are. What are we looking at? Part of the definitions in the schedules refer to derivatives and similar synthetic preparations.

● (1535)

One has to look at the objectives of the legislation again which are to prevent the designer drugs, slight alteration to drugs and in that way getting around the legislation. We also have to look at the innocent people who can possess these particular items and not know that it is an offence.

Unless we have specific items indicated in the statute that we know are offences or not offences, it is difficult to function in society. We have to balance again. What better way to balance but to discuss it in committee. Let the committee take a look at it and thus be able to protect the innocent who may come into contact with the statute and also see to it that those who are trying to circumvent the legislation are duly dealt with.

One area that may create some problems is the area of possessing property or proceeds of any property knowing that all or part was obtained or derived directly or indirectly. I look at this matter and I have problems. The problems that arise are that individuals may have property they received. Store owners may receive money from people who they believe may be selling drugs but also have legitimate jobs. Those store owners are not protected if they sell products to that individual. This particular legislation might be too broad.

As well we have a problem with respect to legislation that deals with the Governor General being able to exempt police from the statute. Exempting police from the statute allows police in the investigation of offences under the statute to traffic. If police can traffic they can instigate offences. If they can instigate offences and if it is allowed we may have a problem in our criminal justice system with individuals who are too vigilant or too aggressive in attempting to protect society, and