

*Government Orders*

the drug trade who prey on that vulnerability. It is in order to protect our youth that I support the bill.

The controlled drugs and substances bill addresses the problem broadly. It broadens the scope of controlled substances with certain other provisions and consequently will make it more difficult to reach children. Drug dealing in and around schools, sales to minors and use of the services of a minor during a transaction will constitute an aggravated factor at the time of sentencing. This means that judges will have to justify their decisions for not imposing a jail sentence on a dealer.

Right now as we debate the bill designer drugs have the identical basic properties of the more familiar substances such as stimulants, tranquillizers and pain killers. Only their chemical properties have been slightly altered. The result is that these substances are not covered by the existing legislation and can be sold with impunity. They cannot be subject for prosecution until they are included in the schedule of drugs. Under the bill law enforcement officials will no longer have to wait for these drugs to appear on a statutory schedule in order to stop criminals from selling them.

• (1350)

Then of course there is the problem of so-called precursors which are legal substances used in the manufacture of illicit substances. They can be obtained right now in large enough quantities through various legal means. My government is concerned about the current lack of legislation governing precursor chemicals. We are concerned that Canada may be a conduit for precursor chemicals. We have become a weak link in the chain of drug control among the signatories of the international conventions because many of these precursor substances are not yet controlled in our country.

Lack of effective control over benzodiazepines is another issue of concern. There is more pressure than ever from our co-signature countries for Canada to bring on more effective legislation. The Controlled Drugs and Substances Act is the much needed legislation to respond to these issues.

I would like to respond to the other criticisms raised by members of the opposition during recent debate of the bill with regard to its perceived impact on certain health care professionals.

The absence of regulations for these groups was identified as a fundamental impediment to obtaining the full impact of the legislation. The activities of pharmacists, physicians, dentists and veterinarians are currently subject to regulations under the Narcotic Control Act and under parts III and IV of the Food and Drug Act. The regulations under the new legislation will not

differ substantively from those that currently apply to prescribing activities under the existing legislation.

One of the purposes of the regulation making power in the bill is to enable the government to respond quickly and appropriately to changing professional practices. Any substantive changes in regulations will only be made following full consultation with all affected professional parties, using a regulatory consultation process that has been used for years by the department of health.

Both the Official Opposition and the Reform Party members suggested that there would be inconsistencies between various provisions of the bill and the Charter of Rights and Freedoms, particularly with regard to the powers of inspectors. We do not believe this is so. Inspections referred to in the bill are inspections conducted to determine whether regulated persons are complying with the requirements under which they must carry on their business or their professional duties.

There are many acts, both federal and provincial, which confer broad powers of entry on inspectors in the interests of ensuring public health and safety. These are not criminal law provisions; they are really administrative provisions.

For example, an inspector performing an administrative seizure under section 30 of the act would not be able to use the seized substances as evidence before the courts. Similar provisions have been in force in Canada under federal drug control legislation for over 80 years. They effectively establish a federal regulatory scheme that governs the distribution and use of schedule drugs in Canada in a manner that limits their diversion to the illicit market and consistent with Canada's international obligations under the United Nations drug control convention.

I would also like to respond to the concerns raised by both opposition members of Parliament about the powers given to the minister. All hon. members should be aware that one of the ultimate goals of the department of health is to ensure the safety and to protect the health of all Canadians, and to reassure them that they are protected by giving Parliament the means to do so. To that effect the legislation must contain the appropriate prevention measures.

For example, as a member of the opposition mentioned, the minister may make an interim order cancelling or suspending an authorization when the minister is of the opinion that as a result of a contravention of a designated regulation there is a substantial risk of immediate danger to the health or safety of any person. This has been going on for years. The legislation protects not only the population; it also protects the health professionals.

Contravention of designated regulations gives rise to a hearing before an adjudicator. This is indicated in part IV of the bill. It may result in a ministerial order which should effectively prevent a recurrence. A person who is believed to have made a