

Government Orders

trade in wildlife generally and commercialization of endangered species in particular.

By means of the prohibitions regarding possession of wild animal and plant specimens, the act makes a significant contribution to stopping poaching and illegal trade in wildlife. The act ensures that all those involved in illegal trafficking in wild specimens, not just poachers, shippers or transporters, are liable to prosecution.

For example, those who receive wild animals and plants which they know have been imported or transported illegally can be prosecuted, even though they were not involved in the actual import or transport. Thus the act will strike at the market for illegal traffickers. All too often it is these people who encourage others to commit the import or transport offence.

At the same time, however, legitimate trade in endangered species must be protected. Regulations will be put into place which ensure that zoos and others who captively breed or artificially propagate endangered species may continue to do so. This will ensure that the benefits these important conservation activities bring to endangered species are not compromised.

These regulations will be developed in close co-operation with our many government and non-government partners, and in particular those who will be directly affected by this legislation. Organizations such as the Canadian Association of Zoological Parks and Aquariums, the Avian Preservation Foundation and the Pet Industry Joint Advisory Council of Canada support the objectives of the legislation. These organizations have offered their assistance in preparing the regulations, and the zoo and aquarium association wishes to assist with implementation of the act in ways such as public awareness, species identification, the temporary or permanent holding of detained or seized live specimens and the development of guide lines for the private breeding of endangered species.

The poaching and smuggling of wild animals and plants is a lucrative, large and growing business, and I say that with regret. Domestically illegal trade in such wild species as bears continues in order to satisfy demand for live specimens or their parts. As I have mentioned, WAPPA contains stiff new penalties for those who would

prey upon Canada's wildlife heritage and that of the world as well.

Undoubtedly members of this House have heard the term "polluter pay principle" applied with reference to environmental matters. In seeking to stamp out poaching and smuggling, the new act applies the "poacher pays principle".

By providing for both summary conviction offences and more serious indictable offences, the act enables the punishment to fit the crime. Under the act a prosecutor may elect to proceed either by way of indictable offence or summary conviction. For an indictable offence a more severe penalty is provided: up to \$100,000 in fine and/or up to five years imprisonment. Less serious summary conviction offences are punishable up to \$10,000 in fine and/or six months imprisonment.

Under this act an offence will be considered serious when it is detrimental to survival of a species; in other words when it involves an endangered species or large quantity of specimens of a threatened or other species. Offences where there is or has been serious harm or risk of harm to Canadian ecosystems will also be considered to be serious.

• (1140)

Like the Game Export Act which it replaces WAPPA includes a fines cumulation provision, that is a court can multiply any fine imposed by the number of specimens in a shipment. This provision eliminates the need for a prosecutor to lay a separate charge for each specimen in a shipment.

Furthermore, the new act includes a proceeds of crime provision. Such provisions are now commonly included in legislation controlling undertakings where large profits from illegal commercial activities are possible. The high value of a growing number of wild animal and plant specimens is encouraging people to poach and smuggle wildlife, and thus earn such illegal profits. The proceeds of crime provision will allow a court to impose an additional financial penalty where such profits have been made.

On the other hand, some minor offences such as contraventions of various regulations are more effectively and fairly dealt with if the accused is presented with options other than a court appearance. Therefore the