

be added to the schedule in order that maximum protection to the public health can be achieved with legitimate research and experimentation still permitted.

I mentioned earlier that the provisions of this bill go back two years when they began as parts of two predecessor bills. A great deal has happened in the field of drug abuse in that time and this has been reflected in the enormous increase in the number of prosecutions under both the Food and Drugs Act and the Narcotic Control Act.

The numbers of prosecutions for possession of a drug listed under paragraph 3 of the Schedule to the Narcotic Control Act increased between 1966 and 1968 from 493 to 1,727. But in spite of the enormous variety of individual situations involved in that number of cases, the relevant section of that act provides very little scope for flexibility, either on the part of Crown prosecutors or presiding judges or magistrates. There is no provision for the Crown to choose to proceed summarily; it is obliged to proceed by way of indictment. There is no provision for a judge or magistrate to impose a fine as the penalty; they are obliged to impose a penal sentence, though they can, of course, suspend it.

This rigidity has been the subject of increasing criticism from a wide variety of sources such as the addiction research agencies of several provinces, the John Howard Society, the Elizabeth Fry Society, the United Church, university-sponsored conferences, and judges and magistrates themselves. Clearly there is need for the introduction of scope for flexibility into this section. For that reason, Mr. Speaker, I propose that a further amendment to the Narcotic Control Act be included in this bill and I intend to move at committee stage as follows:

That Bill S-15 be amended by striking out line 29 on page 8 and substituting the following:

"(2) Every person who violates subsection (1) is guilty of an offence and is liable

(a) upon summary conviction for a first offence, to a fine of one thousand dollars or to imprisonment for six months or to both fine and imprisonment, and for a subsequent offence, to a fine of two thousand dollars or to imprisonment for one year or to both fine and imprisonment; or

(b) upon conviction on indictment, to imprisonment for seven years."

Section 2 of the amendment will read, "Section 9 of the said Act". The amendment will be passed around to hon. members.

You will note, Mr. Speaker, that provision remains for the Crown to choose to proceed by way of indictment and for the court, in

Food and Drugs Act—Narcotic Control Act such a case, to impose a penalty to the extent of the present maximum. But provision will also now exist, if this amendment becomes law, for the Crown to proceed summarily, in which case the maximum penalties, both for first and subsequent offences, will be the same as the maximums set out for possession of a restricted drug under the section being created by this bill in the Food and Drugs Act.

This bill covers a number of areas in the health field. I hope its provisions and the amendment I have proposed will commend themselves to hon. members.

Hon. J. W. Monteith (Perth): Mr. Speaker, I do not intend to speak very long at this stage. I know that the bill is to be referred to the standing committee. By and large I think the minister has given a very complete explanation of the provisions of the bill. He mentioned a further amendment which he proposes to move when we get to the committee. Of course at that time we will be in a position to study the matter completely.

● (4:00 p.m.)

I was interested in the evidence given by Mr. Curran, general counsel for the department, before the Banking and Commerce Committee of the other place when they were studying this bill. The minister in his remarks made a statement concerning the advertising of contraceptives. I believe that such advertising is to be limited to a degree. I think the minister said that associations might be permitted so to advertise but probably only in professional magazines, or that type of thing, rather than through the general media of television, radio, newspapers, and so on. Personally I am in favour of all the amendments proposed in the bill. One or two members of my party wish to say a few words on the details, but generally speaking I believe we are in favour of it. We will, of course, be looking forward to giving it closer study in committee.

Mrs. Grace MacInnis (Vancouver-Kingsway): Mr. Speaker, I think a great many people across the country feel that this is an occasion which ought to be welcomed and of which special notice should be taken because it is the end of a very long road and a long campaign to legalize the dissemination of birth control information and the sale of contraceptives. The minister introduced the bill in a very clear way. He explained its genesis and how it is composed of the remains of two