

Narcotics

Control Act. The fact that the Hon. Member earlier made this mistake is not untypical of the confusion regarding the current laws on cannabis and the proposals contained in the Speech from the Throne for reform of these laws.

Since the announcement in the Speech from the Throne, the Minister of Justice (Mr. MacGuigan) and his colleagues, the Solicitor General (Mr. Kaplan) and the Minister of National Health and Welfare (Miss Bégin), have received many letters and phone calls from individuals concerned that the Government intends to legalize cannabis or in fact reduce the status of the offence to that of a traffic violation. They are concerned that the Government is condoning the use of a potentially noxious substance. Let me state categorically that this is not and was never the intention of the Government, and surely it was no intention of mine as a Private Member. As was stated by the Minister of Justice in an appearance before the Justice and Legal Affairs Committee of the House of Commons on May 26, 1981, concerning cannabis, he said:

It is our intention to bring about changes which will serve to lessen the severity of the penalties for possession of this substance, without "legalizing" or even "decriminalizing" marijuana. The Government believes that marijuana is a health hazard and intends to launch an active public education program among Canadians, especially the younger members of our society, to continue to discourage its use. Furthermore, we will continue to prosecute with vigor all those who traffic in this drug.

This statement is self-evident and is a direct quotation.

The Government does not condone the use of marijuana and other cannabis products by Canadians. That should be clearly understood by all Members of the House as well as the general public. We are concerned with the adverse health and safety effects of drug use and will be doing more to inform Canadians in this area.

As a high school teacher some years ago we found in many of the schools in our area cannabis was beginning to be a problem. I am happy to say from the information forthcoming in the last few years this problem has subsided somewhat. This is an encouraging sign for those still in education and for myself in public life who must deal with these problems on a weekly basis.

Why did the Government propose to change the cannabis laws? The pressure for change stems from the inadequacies and unfortunate consequences of the application of the present law. Under the current legislation, possession of cannabis, even in minimal quantity, exposes a person to the possibility of damaging criminal records entailing difficulties in terms of social stigma, employment and immigration. In the past ten years more than 200,000 Canadians have been found guilty of possession of cannabis, and in spite of considerable enforcement efforts, an increasing number of Canadians use cannabis, indicating an apparent lack of effectiveness of the law. The cost to society of using the full weight of the criminal process to discourage cannabis use has been very high, and I might add with very little return.

● (1750)

During the course of the next few minutes, I would like to indicate some of the background factors which influenced the

Government to initiate its study on the problems of cannabis use and cannabis laws per se. Cannabis is not an opiate narcotic in any pharmacological sense, yet the control of cannabis is now under the Narcotic Control Act along with such other substances as heroin and cocaine. This may be due to the fact that little was known about cannabis back in 1923 when it was first added to the schedule of prohibited narcotics under the Opium and Narcotic Drug Act of 1920.

It is unfortunate that cannabis has been grouped together with narcotics because in the public mind they are seen to be equally harmful substances with the same addictive properties, producing the same physiological damage. The Narcotic Control Act is reserved for more harmful drugs, the narcotics. Therefore, the law regulating the control of these substances is much more severe. This fact is worth nothing because I think the general public is unaware of the penalties listed in the law when they hear or read about courts giving discharges to offenders. The Food and Drugs Act is the statute reserved for the control of non-narcotic drugs that may be subject to abuse. Many argue that cannabis more properly belongs under that statute. I want to make clear at this point that this is not my view. I am not convinced as a Private Member that it should come under the Food and Drugs Act.

It may come as a surprise to Hon. Members to learn that the maximum penalty in law for possession of cannabis is seven years, if it is proceeded with as an indictable offence. Normally it is proceeded with as a summary conviction offence, in which case the maximum penalty is \$1,000 and/or six months for a first offence and \$2,000 and/or one year for a subsequent offence. The offences of trafficking and importing carry very severe penalties, up to life imprisonment. In the case of importing, it is further specified that the minimum sentence is to be seven years imprisonment, with a maximum of life imprisonment also. I state categorically that for those people trafficking in drugs and importing them, I believe the full force of the law should be applied.

Unauthorized or simple possession of cannabis is the offence which concerns us most. I believe it is what we are discussing today. It is the most frequent offence and the one that results in so many of our young people being perceived as criminals. Simple possession is a hybrid offence, that is to say, punishable either on summary conviction or by way of indictment. However, at the initial stage it is treated as an indictable offence, which means that the individual is usually fingerprinted and photographed and a centralized permanent police record is created. Hundreds of thousands of Canadians, many of whom would not have otherwise become involved in this stigmatizing process, have been fingerprinted and photographed for simple possession of cannabis; some have even been imprisoned. In addition, the majority of those charged are found guilty and now bear the burden of a damaging record.

The fact that many people are breaking the law and being convicted is not reason enough to change it. However the law should reflect the gravity of the conduct penalized. The current high maximums relating to simple possession of cannabis products bear no relationship to present sentencing practices