

The CHAIRMAN: Dr. Hardman, it seems to me that you could in a very simple way cover what Senator Molson is talking about, and that is by simply enlarging the offence of trafficking to include promoting.

Senator MOLSON: Exactly.

Dr. HARDMAN: We are on to a legal point here, and I defer to the legal expert.

The CHAIRMAN: Let us hear from Mr. McCarthy. He is the legal adviser.

Senator KINLEY: Mr. Chairman, I want to ask a question.

The CHAIRMAN: We are going to get Mr. McCarthy's answer on the question that is already standing.

Mr. MCCARTHY: I think the answer to Senator Molson's question is: Yes, this could be provided for by an alteration of the definition of "trafficking". At the moment the definition of "trafficking" does not contemplate the sort of thing he has in mind.

The CHAIRMAN: Do you not think it should?

Mr. MCCARTHY: Well, it—

The CHAIRMAN: If it is a policy matter then do not answer.

Mr. MCCARTHY: I think, on the technical point, it could be done, Mr. Chairman. There is no provision in the Narcotic Control Act which attempts to do this sort of thing. There is no prohibition against this in respect of narcotics.

The CHAIRMAN: There should be.

Senator LEONARD: There is as to advertising, and that is a form of promotion, although Senator Molson's definition goes further than mere advertising. Would there be any great harm in your defining "trafficking" in section 41 itself by providing that no person shall traffic in or promote the traffic in—

Mr. MCCARTHY: I think, Mr. Chairman, it could be done, but we would have to define what we mean by "promotion".

The CHAIRMAN: Let the courts decide that?

Senator LEONARD: Would not this have a good effect so far as the kind of people who are experimenting are concerned. They may not be trafficking in this drug under the present definition, but they are experimenting and encouraging other people to experiment.

The CHAIRMAN: You might add the words "promote or encourage the use of".

Senator MOLSON: Would not that, for example, make the rather unattractive young man who went on television in the instance I am speaking of hesitate? Maybe it would have done a useful thing at that one point in time.

Mr. MCCARTHY: Again, I think the difficulty might be, sir, in determining whether or not he had done what the act would then prohibit.

Senator MOLSON: I am saying that perhaps he would not have then done what he did if he felt it would come under such a prohibition.

Senator CROLL: May I follow up that question and suggest that perhaps the C.B.C. would have hesitated to devote two half hours to this Project 67, or whatever it was, last year, when—

The CHAIRMAN: I am not sure of that, Senator. I think they might defend themselves on the basis that this is some type of dissemination of scientific knowledge.

Senator CROLL: Yes, but I used the word "hesitate". Do you not think they would have hesitated in respect of giving that sort of time, when the program might be construed as promotion.

Mr. MCCARTHY: I am not sure of what the C.B.C. might have thought under those circumstances.

The CHAIRMAN: I agree.

Mr. MCCARTHY: May I add one thing that I meant to add before as to why this is not made part of the Narcotic Control Act? It is a matter of the difference in penalty.