

Government Orders

this regard. I wish we had a more severe penalty for repeat offenders.

Mr. Russell MacLellan (Cape Breton—The Sydneys): Mr. Speaker, it is a pleasure to speak at third reading of the bill. It is a very important bill, particularly for all women and children. Not only is it relating to stalking but it relates to a lot of the problems being experienced by children who are witnesses in court and who are subject to sexual offences. There is a good deal in the bill that has to be addressed. That is why my party and I feel it is important the bill be passed.

It is very unfortunate the process has been rushed. It would have been much better had the government allowed proper time for dialogue on this important question. It has not. I do not think it is a bad bill as a result. I want to say it is largely because of the work of the legislative committee that this is the case, particularly the work of the members from Halifax and Moncton who did a good deal of work for our party on this bill and other members from other parties as well.

• (1525)

I want to say that in dealing with legislation it is important to have dialogue. There has been criticism of this legislation and I think it has been justified. There are a lot of national groups in Canada that have been working very hard on women's and children's issues. They were not consulted before this bill was formulated.

That is wrong. It is not a question of looking to determine what any particular group can add. People working in these circumstances and dealing with the problems we want to address in the legislation should be contacted.

The member for New Westminster—Burnaby mentioned the real heroes regarding this bill. We are talking about people who have worked on children's problems and violence against women. They have known about the phenomenon of stalking for years. They have watched thousands of women suffer through the terror of being stalked.

These front line workers are the real experts in this field. However their expertise was overlooked by the government in its rush to pass this piece of pre-election legislation.

This is unfortunate particularly when the Minister of Justice said in a letter to METRAC: "The government of

which I am a member believes in the value of consultations with stakeholders in an issue". That is directly contrary to the practice of the government.

On last year's bill dealing with the rape shield, Bill C-49, there was consultation. I think that as a result there was more of a consensus when the bill was introduced in the House.

I would hope that the government will consult in the future, which means all of three sitting days of the House in this Parliament. It might consult with only one or two people but it is a beginning. Unfortunately it will not have the chance to perfect it beyond that modest beginning. That is the way it is. If those members cannot learn in nine years the chances of them learning now or in the future seem rather remote.

This bill has been improved as a result of the legislative committee process. I want to talk about some of the amendments that have been put forward and passed. One is that there is no longer a need for prosecutors to prove that a pursuer had a specific intent to harass his victim.

The legislation now says that prosecutors need prove only that a stalker acts "knowing that another person is harassed". I think that is important. To emphasize it I want to use the words of one of the witnesses who gave very good testimony, Mr. Stewart Whitley, the assistant deputy attorney general for the province of Manitoba.

The words he used are very important. They set it out very well. He says: "From the legal framework point of view, it is our view that the bill need only prohibit the conduct that we are attempting to discourage. We are indifferent to the man's intent. If A throws a bottle at B and hits C, he is not relieved from criminal liability simply because he has been heard to say: 'I did not intend to harm that person'. The intent requisite for assault is sufficient to make out the crime of assault. Why is it not good enough for stalking?" That is very important. We have made a major improvement here and I want to congratulate the committee.

The test for reasonable fear has also been amended. Originally a person had to reasonably fear for her safety before a charge could be laid. The bill now refers to a reasonable fear for safety taking into account "all of the circumstances". That is a major improvement.