

Our bill bears little or no resemblance to those American bills. Obviously there are similarities because we are dealing with similar problems, but this is not what we are looking at here. We are looking at what happens to ordinary people in Canada when they are faced with a stalker. The vast majority of ordinary persons in Canada who are faced with stalkers are women, not always and not in every case, but certainly the vast majority. I think that criticism was unfair and unfounded.

There are a couple of criticisms however that were not unfounded. The first is consultation, and I mentioned it before. To a degree the government probably now realizes that it did make a mistake on this. Certainly the consultation process on Bill C-49 created a good feeling, a good sense of support, and all the things we needed to bring forth what was in Bill C-49, which was good legislation as well. It was not perfect but good.

The precedent had been set for the hon. member for Vancouver Centre, who was then the Minister of Justice. I understand she is involved in something else over these next few days. I congratulate the current Minister of National Defence for that consultative process.

• (1230)

I understand why the women's groups were angry and why they felt left out. The front line workers asked: "Why did you not talk to us?" It was a mistake.

However, given the fact that a number of people continue to say we need this bill, such as the assistant deputy attorney general of Manitoba, the attorney general of Ontario, various police associations, the Canadian Bar Association and all kinds of witnesses who came before us, was the lack of consultation sufficient to jettison the bill?

No, it was not. It was a mistake but women, in particular, in this country need this bill. Therefore we should not go to the root of the matter and say we must go back to square one. I would hope in future that any and all governments would reinstate the consultative process but it should not kill this bill.

Government Orders

I am going to get a bit into technical legal arguments. I worry about this because there is a tendency for people with law degrees to sound pompous but I am certain that my colleagues will—

Mrs. Gaffney: Never.

Mr. Mifflin: Never.

Ms. Clancy: The hon. members for Nepean and Bonavista—Trinity—Conception have both reassured me, and neither one of those hon. members are lawyers.

The question of the preamble was one that was brought forward by a number of women's groups because the preamble sets out the intention of the legislation. They were particularly concerned about the specific fears and circumstances of women.

I understand that concern absolutely. I understand it to the very marrow of my bones because I know what it is like. I have represented hundreds of women who were hard done by in the legal system in a variety of manners. I understand that.

Martin's Annual Criminal Code of Canada comes out every year with all the amendments to the code. This one does not yet have the amendments as a result of Bill C-49. That will be in next year's Criminal Code.

Bill C-49 had a preamble but it is only the bill. It is only in the paper we have here that Bill C-49 includes the preamble. When Bill C-49 goes into the Criminal Code the preamble will not be there.

Consequently, when lawyers, defence or prosecution, and judges are sitting in the courtrooms of the land looking at this bill, looking at the amendments, then even if we had created a preamble it would not have made it into the Criminal Code. The odds on its affecting the judicial process are slim and none.

Second, part of the way trials are conducted and the legal process works in a courtroom is that we cannot cite a preamble. We can only cite the body of the bill. My consequent prejudice with regard to every one of these things is that we should not waste them in a preamble. If we want to say it then we should say it in the body of the bill.