

Government Orders

shelters from him wanting her to take him back. He thought that he had the right to control her.

The police for a very long time did not take this behaviour seriously. Everything he did was well within a defence that he did not intend to harass her. He could say he did not know he was harassing her. He did not know of the risks that he would be harassing her. All he wanted to do was to express his love, so he could get back with her.

If that mental element cannot be proven, he can be acquitted even though her life and movements have been seriously curtailed by his controlling her and her fear for her safety. The problem is engaging in conduct that causes another person to fear for their safety. Proving the attention to engage in the contact should be the issue rather than proving knowledge that the other person feels harassed.

The government addressed the concerns about reasonable fear by adding to the bill "in all the circumstances" but I do not believe that this makes the bill clearer at all.

The committee stage of this bill was a rush process. It was pushed through in undue haste. The whole process of clause by clause was only a few hours.

Most of my amendments were defeated, including one to provide minimum penalties for repeat offenders and an exemption for labour disputes which was turned down again today. I proposed other amendments that were recommended by women's organizations, by provincial governments, such as the removal of the word "reasonable" and the addition of "lawful authority or purpose".

• (1140)

As well, I proposed an amendment to the child witness portion. The bill reads that "if so ordered a child and a support person cannot communicate with each other during testimony". If a very frightened five-year old child who has been sexually assaulted and is now in a court room surrounded by strangers in a very intimidating area, turns to the support person and says: "I am scared. I want to go home", this might give the defence counsel grounds to throw out the case.

The problem is not the child communicating with the support person or the support person nodding or passing

a Kleenex. That is not the problem. What the bill is trying to get at, and what my amendment clarified, is that the support person should not communicate with the child in order to lead the testimony.

I am glad that in response to one of my amendments the government withdrew clause 7 of its bill on spousal conspiracy. More efforts need to be put into educating the judiciary about violence and control in spousal relationships to ensure that abused women are not revictimized by charges of conspiracy.

However I was generally disappointed that this bill was brought forward so late and that we did not have the time to review it very thoroughly to ensure that what we are doing is what we really want to do as parliamentarians.

Otto Von Bismarck once said that if you like sausages or if you like laws, do not watch either being made. I think that is quite appropriate in this case.

The consultation on the child protection portions of the bill was deemed to be adequate by child advocates. There was contact with the concerned organizations over many years and the justice committee has been reviewing the implementation of Bill C-15 which addresses some similar issues.

The consultation around the stalking portion unfortunately was very minimal and inadequate and I believe we have the potential to see problems arise because of it.

I hope that all members will support this amendment to review the bill after five years. I think it is important. It will give parliamentarians and the public at large a mandated opportunity to examine how the bill has been interpreted.

Mr. Rob Nicholson (Parliamentary Secretary to Minister of Justice and Attorney General of Canada and Minister of State (Agriculture)): Mr. Speaker, let me give a couple of comments with respect to the whole process by which this bill is before Parliament.

It has been my experience with all the changes we have made to the Criminal Code, that among other criticisms directed at us, we are told that either we are too slow in bringing in the legislation or we are rushing the legislation. It is usually one or the other.