

Government Orders

Ms. Mary Clancy (for Mr. Rideout) moved:

Motion No. 3.

That Bill C-126 be amended by adding immediately after line 16 at page 13 the following:

REVIEW OF ACT

"19. (1) A comprehensive review of the provisions of this Act shall be undertaken by December 31, 1998, by such committee of the House of Commons as may be designated or established by the House for that purpose.

(2) The committee referred to in subsection (1) shall, within a year after the review is undertaken or within such further time as the House of Commons may authorize, submit a report on the review to the House including a statement of any changes the committee recommends."

She said: Mr. Speaker, this amendment builds into the legislation a five-year review clause.

I want to congratulate my colleague, the hon. member for Moncton, for his private member's bill in this area and also for bringing forward this amendment. The reason for this, among other things, is the concern about the lack of consultation.

I would like at this point to commend the work done in the legislative committee by the chair, by the parliamentary secretary, by the NDP status of women critic. All members worked together to try to create the best bill we could in this area. I think one thing we may have forgotten at the committee stage was the possibility of a five-year review.

This is not an unprecedented move in this House. There have been review clauses in other bills. I am thinking of the legislation on prostitution on the civil side. The Employment Equity Act was subject to a five-year review.

I have been asked why five years when certain other bills have had three years or thereabouts as a review. The reason for the five years in this particular case was the probable necessity for a case on this matter to filter its way through to the highest court in the land. Five years seemed a reasonable compromise in that case.

• (1135)

I merely suggest that this might be something that could give us an opportunity to redress some of the ill feeling arising from the lack of consultation. I would ask for the support of the House on this amendment.

Ms. Dawn Black (New Westminster—Burnaby): Mr. Speaker, I am pleased to rise in support of this motion, which calls for a statutory review of the bill.

There is the potential that five years down the road we will see some difficulties with the bill because of the way it is worded or the way that the wording is interpreted. In fact one of the government amendments that added to the bill the words "in all the circumstances" I am concerned may serve only to confuse the issue rather than clarify it. The amendment that is proposed would give us the opportunity to correct the legislation as we watch how it is interpreted by the courts.

I hope that whatever government is in power at the time would then engage in a full consultation rather than the process we have gone through here in trying to rush the bill through within a few days, and actually rush amendments through within a few short hours.

I am concerned that down the road we may have women coming to us saying that the bill is not as effective as it could be because of the way it has been interpreted or the lack of enforcement around the bill. We may be told that because criminal harassment is a hybrid offence, because of the way the bill is currently worded with no minimum penalties for repeated offences, that the men who are harassing these women are still stalking them because all these offenders received was probation or a small fine. I am concerned that more women may die.

Down the road we may have the labour movement coming to us with examples of where this legislation was misused to intimidate those who are engaged in legitimate labour disputes. It is clear that the government is not willing to move on some of the more serious flaws that some of us have identified in the bill.

For instance, it moved on the question of intent but not in the way recommended by the Government of Manitoba. The wording of the Government of Manitoba on this was explicit and very clear. It would have made it a crime to engage in harassing conduct which causes another person to reasonably fear for their safety.

This would be a crime of general intent where one must address the issue of intending to engage in the conduct. It is simpler and more direct than adding the test of knowing the other person is harassed or proving recklessness.

In a rather typical case which took place in Toronto, a woman was harassed by an ex-boyfriend for six months. She would stop at a restaurant, he would walk in and sit at the next table. She would go shopping, he would be lurking around. She would try to sleep at night and he would be banging on her doors and windows in a rage. She found notes on her car, on utility poles, on bus