

*Government Orders*

who were before the legislative committee and threw up their hands and said they did not like what we were doing because they were not consulted.

Part of the consultation process is the legislative committees. Those who are backbenchers sometimes make speeches in which we say we want more involvement and influence. I truly believe the legislative committee process is a way of consulting people who are directly involved and have an interest in legislation and I think it can make a difference.

I have been on all the legislative committees in the justice area for the last nine years. I can think of only one or two pieces of legislation that were not changed at the committee stage. I think that is the way it should work. Whether a suggestion comes from a member of the government, a member of the NDP or the Liberals, I think we as committee members have a responsibility apart from any partisan considerations to have a look at it to see whether we can incorporate it.

Some good changes were made to this bill. I am not saying it was not a good bill. It was tremendous legislation and a tremendous step forward but I believed it could be improved at the committee stage.

I think anyone who wants to seriously and without partisan consideration have a look at what we did at the legislative committee will agree that this bill was improved and that is the way it should be. That is the way the parliamentary system should work for private members who give their time and become involved with pieces of legislation. I think it is good for the groups that appear before the committee.

The hon. members who sat on that legislative committee will remember that one of the last witnesses, Professor Bala, said a lot of interesting things to the committee. He asked why we were making a distinction on the question of uncorroborated evidence of children. It is a good question and I believe I know why that distinction was made. It is because it has taken Parliament a long time to come to grips with the question of children's evidence.

We made substantive changes with Bill C-15 several years ago but I think we are still clearing away some of the common law misconceptions about children testifying in court. There are presumptions that the testimony of children is suspect or that children will lie on the stand. I think this 19th century concept has been discredited.

When a man like Professor Bala comes before the committee and asks why that distinction is being made and why we do not remove any reference to corroborated or uncorroborated children's evidence, if it makes sense why should we not do it? That is a healthy process and the way committee works.

That is why I have complete confidence in this bill that was carefully drafted by the individuals in the Department of Justice under the leadership and direction of the Minister of Justice. This wonderful piece of legislation that makes this country a better place to live was substantially improved at the legislative committee process.

This bill sends out a message to individuals who want to lavish unwanted attention on others, usually women. In the vast majority of cases when we talk about stalking women are the victims and recipients of continuous and repeated unwanted attention. We have sent the message out to those individuals through the Criminal Code saying if they want to engage in that kind of activity, it is a criminal offence in Canada for which they can be charged and imprisoned.

I think the actual wording of the legislation is improved. This bill went to the legislative committee as what was known as a specific intent offence. Several individuals and members of the legislative committee agreed that instead of making it a specific intent offence we would make it a general intent offence.

• (1215)

Again, we widened the scope of the bill to send a message to those individuals that the kind of activity that is sometimes engaged in by one individual against another is not going to be tolerated in Canada.

We also heard people say there may be problems with the reasonable test. Traditionally in the English common law and the interpretation of the criminal justice system the test was that of a reasonable man. For the most part the victims of criminal harassment and stalking are women. Groups came forward and said they wanted to make sure there was not a reasonable man test. All the circumstances that might be faced by an individual had to be looked at.

One of the changes is that the fear the individual feels for his or her safety must be reasonable under all the circumstances. We are sending a signal to the courts to take into consideration the total place that person has in society and any fears and concerns he or she may have.