

Government Orders

[Translation]

Mrs. Venne: Mr. Speaker, I would like another clarification about section 487.08.

It is stated that DNA analysis will be conducted in the course of an investigation of the designated offence. I thought it would be for identification purposes. I would like to know how much of a distinction the minister makes between identification and investigation. How far will the investigation go?

Mr. Rock: I am sorry, Mr. Speaker, but I am not sure I caught the hon. member's question. Is she inquiring about the difference between identification and investigation?

Mrs. Venne: I will rephrase my question, Mr. Speaker.

We are dealing with the restriction concerning the use of the sample to be collected. My question refers to the provision relating to this restriction. It reads:

487.08(1) No person shall use a bodily substance that is obtained in execution of a warrant except in the course of an investigation—

The word investigation is the one I have trouble with.

—of the designated offence—

Instead of referring to an investigation, why did we not use the word "identification", since the ADN test is supposed to be used for identification purposes and not for general investigation purposes?

• (2015)

[English]

Mr. Rock: Mr. Chairman, while it may be true to say that ultimately the results of the DNA sample test will be to identify, nonetheless the process—that is to say taking the sample and putting it to use—occurs in the context of an investigation. It is the greater word encompassing the narrower. The choice of word was to delimit the greater activity.

The purpose of the sample is in connection with an investigation generally, although ultimately it may be for the purpose of identifying the culprit.

I would have thought we were safer with the broader word because we want to refer to the entire transaction, not just the ultimate function. While I take the hon. member's point, I think it might unduly limit the purpose to say just identification.

I will read the section with that in mind. If we were to say that no person shall use a bodily substance obtained in execution of a warrant except in the course of identification of the person who might be responsible, for one thing there might be other phases of the investigation or the prosecution where the sample has a purpose that would be excluded unintentionally. Particularly when the act is enhanced by the subsequent amendments creating a data bank we might also have purposes that are not strictly

identification of a person in a specific offence; it might be broader than that.

I think we are safer to use the broader word, "investigation". That is certainly what I would recommend.

Mrs. Diane Ablonczy (Calgary North, Ref.): Mr. Chairman, I have a quick question for the minister.

There is quite a long list of designated offences. This list may need to be expanded in the future, even by one or two offences. I wonder what the procedure would be if that became necessary.

Mr. Rock: Mr. Chairman, it would be necessary to amend this act.

I might say that in the course of preparing the bill we looked at some of the recommendations from the people who responded in the consultation process. Some of them would have had us provide simply that in any indictable offence the warrant should be available on application.

This bill is an innovation in the criminal law to the extent to which it provides an express recognition of DNA sampling. We are very conscious of the charter and privacy considerations. We chose to go with a specific list of the offences that upon a review of the code struck us as most serious for the reasons I recited earlier. The list can be added to; indeed, it could be replaced with reference to just indictable offences. But any of those changes would require statutory amendment.

I have committed tonight in the House to a review in a year. It may be that after we accumulate experience we might want to look at the question of whether the list should be expanded or whether we should take a different approach. I think for now this is a prudent approach. It captures the crimes that are obviously of gravest concern to the public and to the authorities and will provide a very good place from which we can learn more about how we can better serve the public by improving the justice system.

[Translation]

The Chairman: Shall clause 2 carry?

Some hon. members: Agreed.

(Clause 2 agreed to.)

The Chairman: Shall clause 3 carry?

Some hon. members: Agreed.

(Clause 3 agreed to.)

The Chairman: Shall the title carry?

Some hon. members: Agreed.

(Title agreed to.)

The Chairman: Shall the bill carry?