Quebecois, but also and mainly to the representations made by Michael Manning, Tara Manning's father.

We support the principle of this bill, but we cannot help but think that the justice minister is walking a tight rope without a net. He has legislated in dribs and drabs, taking a piecemeal, case–by–case approach. Let us hope that this will not become a habit.

The minister himself said that his department had been working on this case since September 1994. Yet, he waited until today to act. Let us hope that he will be quicker to act next time and will initiate discussions instead of being forced to react after the fact.

Mrs. Christiane Gagnon (Quebec, BQ): Mr. Speaker, this legislation builds a bridge between science and human justice. These two fields are now joined and intertwined to improve life in our modern society.

• (2000)

Bill C–104 seeks to promote justice as we perceive it from an early age. Justice is aimed at punishing those who are guilty of an offence. It also seeks to protect the innocent and the victim.

The use of DNA evidence is relatively new in the criminal justice system. In Canada, it was first introduced in the fall of 1988. As we can see today, DNA evidence is still not regulated in Canada. From a legislative standpoint, Canada lags behind other countries such as England, Australia, the United States and New Zealand.

Today, the government is trying to make up some of that ground. I applaud this initiative, but I regret the way in which we are expediting matters. A few months ago, the Minister of Justice announced that his department was working on a bill to deal with this issue. One wonders why it took so long to table this legislation, considering that it was known as early as last September that there were legal problems regarding the admissibility of DNA test results.

Indeed, in its September 1994 decision in R. v. Borden, the Supreme Court of Canada dealt with the admissibility as evidence of these results. Mr. Justice Iacobucci wrote that there was no legislative provision authorizing the collection of a blood sample in a case of sexual assault, and that the defendant's consent was required to make such a procedure legally valid. This implies that, if an accused refuses to give his consent, the collection of that blood sample is illegal and could therefore be ruled inadmissible as evidence by the court.

This could be the case in the trial for the murder of Tara Manning, a teenager killed in her house, during the night, in May 1994, since the suspect refused to give his consent. Consequently, police officers obtained a search warrant under section 487.01 of the Criminal Code. However, this section specifically prohibits the issuance of a warrant when the physical integrity of a person could be affected. This is a problem, since the courts have made several rulings to the effect that the collection of hair, saliva or blood violates the physical integrity of a person.

We can see why quick action was needed. It resulted in Bill C–104 being tabled in this House today.

There are several reasons justifying this legislation on DNA evidence. The fact that such tests violate one's physical integrity must be weighed against the need to preserve justice. In other words, are we as a community ready to allow the physical integrity of some suspected criminals to be violated to a certain extent, in an attempt to establish the degree of guilt and to eventually impose a sentence? If so, what degree of violation are we willing to tolerate?

At the same time, we can ask how much importance we give the harm suffered by the victim and the accused's right to physical integrity. In addition, in a society subject to the rule of law, we must protect all citizens against unreasonable seizures. This principle is recognized and accepted in both Canada and Quebec. We simply do not want to live in a police state where any officer could demand that anyone undergo tests against his or her will and for no valid reason.

We must also determine in what specific cases these tests may be ordered. We must decide whether or not we should allow bodily substances to be seized in minor criminal cases or if this procedure should be reserved for crimes that are considered serious. Finally, the legislation must spell out all the conditions to be met and all enforcement mechanisms.

It goes without saying that a seizure warrant can only be issued when there are valid reasons to believe that a person has committed a crime. It is also obvious that, to protect individual privacy, tests must not be carried out publicly and the chain of custody must be well established and protected.

Finally, let us keep in mind that, because of the very nature of DNA, these tests can help identify those responsible for certain crimes in which the direct evidence is rather flimsy, thus allowing us to punish the guilty, clear the innocent and avoid subsequent offences against new victims.

Those are some of the reasons why Parliament must look at DNA testing. Let us now examine our reaction to the bill before us.

• (2005)

I would like to start by saying that I support the underlying principle of the bill which provides for a warrant to be issued to obtain samples of bodily substances when there is reason to believe that a person has committed a serious crime.