

Government Orders

I believe that the bill is crafted wisely and carefully and that it imposes criteria, for example, that justices of the peace cannot issue warrants. First, a preliminary warrant has to be issued, and in addition to that, justices of the peace cannot issue warrants, it has to be at least a provincial court judge who issues the warrant. And decisions will have to be made case by case. The judge will have to weigh the pros and the cons in each case. In addition, for a warrant to be issued, the case must pass three tests: one, it must be demonstrated that an offence in particular was committed; two, it must be demonstrated that the person from whom the mandatory samples are to be taken took part in the crime committed, therefore preventing the possibility of someone being framed; and three, it must be demonstrated that the samples can be linked to a substance found at the scene of the crime and is evidence necessary for the investigation and will further the investigation.

• (1945)

All that having been said, I think that all of the major precautions have been taken, that the act is quite simple and that it covers the main points. However, the official opposition felt that it would be prudent to incorporate in the legislation a mandatory review after one year, because we cannot predict exactly what the courts will do and how they will administer it. Is there a risk that it will be abused and that the courts will go too far?

There is no reason to doubt our judicial system, which is one of the world's finest, I must say, compared to what goes on in some other countries. Even in very democratic countries, the justice system often gets quite out of hand. But we are fortunate enough to have a wonderful judicial system and excellent judges in Canada. I think that the appointment system has given good results. The way our investigations are carried out and the almost complete lack of instances of judicial corruption for many years now in our country should make us proud of this system.

I think that we can be fully confident that this legislation will be administered properly. But, the minister was right to adopt one of the Bloc Québécois' proposals, which was to add the mandatory review to the legislation. In one year, therefore, when Parliament examines the second part of the issue, a bill concerning data banks in particular, it could review how the courts, crown attorneys and police investigators handled this new tool for obtaining evidence.

And I can say that we are going to vote in favour of the bill before us. We are proud to vote for it, to contribute to this judicial and legislative progress. We are confident that the courts will administer this bill and use their new powers in a balanced way which will take equally into consideration the rights of individuals and the need to ensure the public's safety.

Some hon. members: Hear, hear.

[*English*]

Mrs. Diane Ablonczy (Calgary North, Ref.): Mr. Speaker, I would like to say at the outset of the debate on Bill C-104 that the Reform Party, as the other opposition party, supports this legislation.

I am sure the justice minister must be extremely pleased to be going out on this kind of note after the vehement objections he has been facing on some of the other legislation he has introduced.

We support this bill. We applaud the government for bringing it in. We believe that this type of legislation should be a priority for this government. In fact, if we have one criticism it would be to ask why it took 18 months to bring in such a sensible piece of legislation to facilitate the proper workings of our justice system and assist in the protection of citizens.

As the House knows, the member for Wild Rose from our caucus has been pressing the justice minister to present this bill as quickly as possible. We are pleased and we thank the justice minister for responding to those requests.

The bill has been described both by the justice minister and by the Leader of the Opposition very well as to its technical details. I do not intend to repeat those. However, one important thing to remember and perhaps the key important thing to remember is that DNA testing is a virtually certain way of establishing not only guilt where proper samples are available at the scene of a crime but also innocence. This is a real protection for our citizens.

There was a recent case in Ontario, as most members will recall, where there was a miscarriage of justice on circumstantial evidence, but when DNA testing was able to be carried out the accused person was exonerated and found to be innocent.

My understanding is that in 25 per cent of cases DNA testing proves innocence. This is a test to make our justice system fairer to protect innocent people who are wrongfully accused of crimes.

The other comment I have is with respect to the proposal of the Bloc that the legislation be reviewed after one year. I think that is a very sensible thing to do; that is, to revisit legislation like this and see what weaknesses may be disclosed once the procedure is operating.

• (1950)

I would raise a question on timing. Given the fact that the bill will have to receive royal assent, be proclaimed, and put into operation across the country, will a year be enough time to allow the bill to operate to disclose the weaknesses? However, we certainly would support a thorough review after the bill has been operating for a reasonable period of time.