

and son could free themselves of suspicion was to voluntarily undergo DNA testing.

DNA is what gives all of us a unique and lasting print of our identity. It is practically impossible to confuse one print with another. Because Mr. Manning and his son were able to use the test, they established their innocence. However, biological substances were found on the girl's body that were not hers. An investigation in another matter revealed that an individual involved in a similar assault on another victim had left the substances on young Tara. Following a long legal saga—which, it appears, is not over yet—the crown has been unable, or in any case, has found it extremely difficult in its prosecution to use the biological substance to prove the individual in question committed the crime. This person will soon be released in connection with the other crime, unless found guilty in the one involving Tara.

Why are we debating this in the House today? It is not in order to bring Tara Manning back to life. The sacrifice of the family has been made. However, Mr. and Mrs. Manning, the parents, along with the entire family have made a huge effort nationwide. They have toured Canada far and wide with petitions in order to convince the justice system to come up with the means to arrest criminals in the future. While Tara Manning paid for this flaw in the Criminal Code, others will be spared, because we will now be able to equip police investigators and the justice system with the means to provide the vital evidence.

It is, of course, a complex question, one which, yet again, puts the requirements of public safety and the need to preserve individual privacy in the balance. What could be more private than one's genetic inheritance, which is a part of oneself and of one's being? The question is very serious and very important, of course. I think we have to acknowledge the wisdom of the minister, who, in this case, wanted to divide up the bill and the matters involved to enable us to deal as quickly as possible, before the summer, in Bill C-104, simply with the admissibility as evidence of this type of test, leaving for later and more detailed consideration the issue of data banks that would be set up with this type of sample collecting.

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We know that some important issues will be raised when this bill comes before the House. We will have to look at this very seriously, because although it is true that it is entirely appropriate, as the House will decide unanimously today, to let the courts use these samples as evidence, and especially to oblige a person suspected of a crime to submit to compulsory testing, the fact remains that this information should not be used to constitute huge data banks whose information could be used indiscriminately.

Government Orders

We know that this information has many uses, that these gene prints contain a tremendous amount of data and can be used in a lot of different ways, some of which are excessive, and we will therefore need a very strict regulatory framework.

We will need more detailed studies when the time comes to consider the issue of data banks which, according to the minister, will be the subject of another bill that will not be rushed through the House as is the case today.

Why should we allow this kind of testing? Because there is a gap, I would even say a disparity between where we are from the technological point of view, especially in the biological sciences, and the resources available to the Crown and the judicial system when evidence must be established.

The gap has become very obvious now that biology has made such tremendous progress. Scientists are now completing the entire genetic chain, an operation that seemed impossible a few years ago, and that now, thanks to computers, is perfectly feasible. We have made giant strides. We are on the verge of new and exciting discoveries.

All the major diseases affecting humankind today, AIDS and the rest, will probably be demystified and the key to these diseases will be determined as biological sciences progress. In this particular instance science has given us some very important techniques that are even more reliable than fingerprints and will help the police avoid judicial errors.

This is not just about convicting people who should be convicted and keeping them from escaping justice when they commit a crime and we cannot prove it, there is also the advantage that with this kind of testing we will be able to avoid judicial errors. It is a fact that major judicial errors have been made but could be reversed after the fact, when it became possible to use this kind of evidence in criminal proceedings.

I think we all felt some initial reluctance. Of course we understand the legitimate concerns of the Manning family, and we try to imagine the horrific situation facing this family as a result of this atrocity. Just think how we would feel if it happened to us.

But beyond that, as legislators, we have a duty to ensure that we do not go too far, that we do not make ill considered decisions and that our good intentions do not lead us to discriminate against other people and, above all, that we do not create an imbalance with respect to the burden of proof and change the dynamics of our criminal law. Therefore, I am convinced that we all hesitated, momentarily.

I discussed this issue frankly with Mr. Manning when I met with him in my office, and I think that he is a reasonable person and that he understood that it was important to put safeguards in the bill to prevent abuses. I think that there are some in the bill now.