

*RCMP Act*

Another important recommendation being made is that where a complaint is made directly to the commissioner or to the Public Complaints Commission, the Attorney General of the province within which that complaint is initiated should be informed of the complaints. Currently, a serious complaint can be made to the commission or indeed to the Commissioner of the RCMP. That complaint will not be forwarded automatically to the provincial Attorney General. I suggest that provincial Attorneys General have the right to know when there are complaints about the functioning of the force within their particular jurisdiction. That is a concern which was raised by the Attorney General of Saskatchewan as well as the Attorney General of Newfoundland and I suspect others would share that concern.

Finally, in dealing with the general concerns of the provincial Attorneys General, I note the suggestion that has been made by the Attorney General of the Province of Saskatchewan, Gary Lane, with respect to the ultimate powers of the Public Complaints Commission. He suggests that it is just not good enough that the commission should consider complaints, have findings and make those recommendations to the Minister, which then would be forwarded to the Commissioner of the RCMP who can then completely ignore those recommendations. If this process is to have any integrity at all, particularly in the eyes of the public, I would suggest that the representation of the Attorney General of Saskatchewan and many others on this point should be carefully taken into consideration and indeed adopted. It is that the commission's findings with respect to whether or not there has been misconduct by a member of the RCMP should in fact be final and binding. It should not be up to the Commissioner to ignore those findings after a study. The Attorney General of Saskatchewan goes on to say that if in fact as a result of such a finding there is a recommendation for discipline, the disciplinary consequences must flow. Once again, it is not good enough that there should be a finding of wrongdoing which is then turned over to the Commissioner of the RCMP who can proceed to ignore the recommendation made with respect to discipline. Obviously, there can be some discretion left in the hands of the Commissioner with respect to the nature or degree of punishment, but it is not good enough to suggest that he can simply ignore those recommendations with impunity.

In summary, those were the concerns raised by the Attorneys General with respect to the predecessor Bill, Bill C-13. There are two other fundamental concerns with respect to this public complaints process. Before dealing with those concerns which relate to who will investigate complaints and who will make the final decision, let me raise one further issue with respect to the appointments process to this Public Complaints Commission. It is essential that Parliament itself play a role in that appointments process. As early as 1976, the Marin Commission Report recommended that the external agencies—which were recommended by Marin—report not to a Minister but directly to Parliament. I suggest that not only is it essential that these committees report to Parliament, where the Standing Committee on Justice and Legal Affairs can consider them

and in fact make recommendations for legislative change if necessary, but that Parliament should be involved as well in the process of appointment to both of these commissions.

The report of the Special Committee on Reform of the House of Commons is before the House. That is an outstanding committee which has done a great service to this Parliament in making recommendations for change to the process of appointments by Government. I would urge the Government to ensure that Parliament plays a role when appointments are to be made to the Public Complaints Commission and the External Review Commission. Furthermore, whatever process is envisaged for reviewing federal government appointments, that process should apply to appointments to these commissions as well. Not only would Parliament be involved in the appointment of these commissions, it would also be involved subsequently when the commissions would submit their annual reports to Parliament. I think that the involvement of those of us who are elected representatives, representing all parts of this country, is very important in terms of the integrity of this process.

I mentioned that there are two very serious concerns, both with this Bill and the predecessor legislation, in the area of the investigation of public complaints. The first concern is that as the Bill is now drafted, the investigation of any complaints against the RCMP will not be made by an independent investigator or investigators who are on the staff of the Public Complaints Commission but in fact will be made by the people who are being investigated. The Bill provides that public complaints about the RCMP shall be investigated by the RCMP. I do not think that is good enough. I do not think that is an appropriate means of dealing with the concerns of individual Canadians or groups of Canadians with respect to possible wrongdoing by the RCMP. My friend, the Hon. Member for York South-Weston (Mr. Nunziata) referred yesterday to the very positive perception with which the RCMP is regarded in Canada. He is absolutely right about that. It is essential where there is a possibility of wrongdoing, either institutionally or on the part of an individual member, that complaints about wrongdoing should not be investigated by the force that is itself subject to a complaint, but should be investigated independently.

● (1140)

I mentioned that the counsel for the Canadian Civil Liberties Association appeared before the Senate committee studying this Bill. He pointed out that if we leave it up to the RCMP to investigate the RCMP, there are at least three serious concerns.

First, in a number of cases people will simply just not be prepared to make a complaint. Even though it is quite possible that the RCMP would fully investigate, the perception on the part of many members of the public would be that if there is not an outside investigation, they will not bother complaining. People who have legitimate complaints will simply not make them because they feel they do not want an internal review process.