

the hearings. There was some concern about whether that was the most efficient method.

Honourable senators, still dealing with the first subject, the second complaint deals with the powers of the commission. This commission is much more limited than was recommended by Judge Marin. I am sure honourable senators understand that the question we are dealing with relates to complaints from the public. This is the first time the public has been in a position to have a formal structure for laying complaints against the Royal Canadian Mounted Police. This second area deals with the powers of the commission. It can make no final decision; it can only make recommendations.

Honourable senators, I notice that Senator Doyle has just returned to the chamber. I am going through the hearings and trying to isolate or focus on what is left of some lingering doubts or nagging questions concerning this legislation. The first matter I mentioned was the Public Complaints Commission and the bill model versus the Marin model. Secondly, I mentioned the limitation of the powers. What are those limitations? First, there is no final decision to be made by this commission; it can only make recommendations. Running through these proceedings there was quite a bit of doubt and reservation concerning the second problem with regard to the powers—which is, that they cannot conduct their own investigation. If any member of the public makes a complaint to the commission, the complaint is investigated by the RCMP. In other words, in essence, the defendant investigates the complaint against him. There is also the fact that the commissioner, despite the existence of this commission, still has the power to refuse or terminate an investigation of a complaint.

• (1500)

The third major branch under this heading—and I believe there are only these three, basically—is the definition of “complaint”. The problem with that is that the definition of “complaint” in the Marin commission was wider than the definition of “complaint” here. It boils down to the fact that a person can make a complaint under this legislation against an officer or other person with regard to behaviour, but he cannot make a complaint with regard to the administration of the RCMP, or whether it has sufficient force to police an area. If, for example, someone in a remote area wishes to complain that the area is not being properly policed, such a complaint does not fall under this legislation and could not go to the commission.

Therefore, for the first main branch of this bill—namely, the Public Complaints Commission—I believe there is a good deal of support. As Senator Doyle has pointed out, there has been a long history associated with this legislation. A good deal of work has gone into this bill, and it has many good features; but those three features are shown as *Leitmotifs* through all of the proceedings before the Senate committee that dealt with the bill's predecessor.

Now, on the second and main part of this bill—namely, the private or internal side dealing with the question of grievance procedures and discipline within the force—there is plenty of evidence of quite widespread support among members of the

force for this aspect of the legislation. That, of course, should weigh heavily with us, because while I believe that we should be very particular about the provisions as they relate to complaints coming from outside, naturally, insofar as the discipline within the force is concerned, if most of the members of the force are in favour of it, then that should weigh heavily with us in supporting this part of the bill.

The only substantial—I think I can call it that—complaint about this branch of the bill came from the Association of 17 Divisions. I thought they had some rather serious reservations, which they outlined quite clearly. They were questions of interpretation, it is true, but they were questions of interpretation with important consequences, as they outlined them. Essentially they emphasized the question of suspension without pay where only a charge exists. There have been examples given of how, in their view, the power, which the commissioner has, to suspend without pay where any serious charge is made has had unfair consequences.

Therefore, honourable senators, I believe that we should support the principle of this bill on second reading. There are four or five subject matters which have a question mark, as I have outlined them from the material I have read, and I believe that quite clearly they should go before the very committee where the questions were raised. Certainly the committee should have an opportunity to update its work. It has held four meetings and has received very heterogeneous and eclectic submissions. The committee should have an opportunity to consider those matters which are the subject of question marks and which I found to be still outstanding, plus any other questions that might be raised. Therefore, I recommend that we give second reading to the bill—but, of course, if any other honourable senator wishes to speak on second reading, he may do so—and that we refer the bill to the Standing Senate Committee on Legal and Constitutional Affairs for study and report.

Hon. Richard J. Doyle: Honourable senators—

The Hon. the Speaker *pro tempore*: I wish to inform the Senate that if the Honourable Senator Doyle speaks now, his speech will have the effect of closing the debate on the motion for second reading of this bill.

Senator Doyle: Honourable senators, I apologize to the Deputy Leader of the Opposition for not being in the chamber for the first part of his presentation. I agree that we should give the bill second reading now and that we should be prepared to refer it to the Standing Senate Committee on Legal and Constitutional Affairs for further study.

Senator Frith: Since Senator Doyle has been good enough to locate some quotations for me, perhaps he will not consider it impertinent of me to make the following comment. The honourable senator, in the course of his speech yesterday, said:

... the only thing we have in common with the gods is our infinite capacity to grind slowly.

It had occurred to me that it was not “the gods” that grind slowly; so I took the trouble to look up the quotation. I found that it came from a person who is not exactly a household