

*RCMP Act*

recommendations included measures relating to public complaints, internal discipline and grievance procedures.

When the Government received the Marin Report, it set up an interdepartmental committee of officials to co-ordinate and review implementation of recommendations. The interdepartmental committee concluded that a modernization of the RCMP Act and regulations was needed to reflect current times and changes in the Force's management. A significant concern of the committee was to maintain a balance between the needs and interests of the public and members of the RCMP, and the responsibilities of those charged with the management and continued effectiveness of the Force. Of the 135 total recommendations, 122 were accepted in whole or in part. Bill C-65 is the product of this process of fundamental reappraisal. The Bill addresses the essential themes of the Marin Commission in a number of innovative and effective ways.

The proposed RCMP Act set out in Bill C-65 is in eight parts. Let me briefly provide the House with an overview of the essential elements of each of these with the hope that the clearer understanding of these proposals can be achieved.

One of the most important proposed amendments to the RCMP Act is the manner in which it provides for the handling of public complaints against RCMP members. Bill C-65 proposes the creation of a Public Complaints Commission, an independent and impartial authority, which would be outside the structure of the RCMP. The major proponent for the establishment of such a body, I am pleased to say, has been Force management itself. The provinces also view public complaints as an extremely important issue. This is especially true for the eight provinces and two territories that contract for the use of the Force to provide policing services. As judicial decisions have ruled that the provinces cannot conduct investigations into the administration and management of the Force for constitutional reasons, the Public Complaints Commission becomes an avenue for ensuring that complaints are adequately investigated, that members of the Force whose behaviour has been found unacceptable are disciplined.

The Public Complaints Commission would consist of a chairman, a vice-chairman, a member for each contracting province and not more than three other members, all to be appointed by the Governor in Council. The fact of provincial representation means that the commission will be a truly national body. Members of the commission for contract provinces and territories will be empanelled to review complaints against the conduct of members of the RCMP providing provincial or municipal policing services under contract.

Let me digress briefly to say that in earlier versions of the Bill, concerns were expressed by the contracting provinces, suggesting that they should have the authority through provincial police commissions to locally investigate complaints addressed by residents of that province against members of the RCMP acting in their capacity as a contracting Force. Obviously, the Government recognizes the need to ensure that there is indeed provincial input where there are complaints relating to the Force's provincial activity. At the same time, the Force

is a national Force. It is important for us to ensure that national standards are followed and that a member of the Force who is operating in British Columbia is treated in the same way as a member of the Force would be if he were operating in Saskatchewan or New Brunswick.

● (1730)

What the Government hopes to do with this provision is to ensure that we integrate the concerns of the provinces, that the provinces have a right to be heard when complaints are raised but also that national standards are met as well. What this provision will ensure is where a complaint is raised, the nominee of the provincial Government will be able to be present. He may well be the only member of the complaints commission who sits at the hearing. I think this is a measure that will help to reconcile the various concerns that we find arising in our federal system.

[*Translation*]

In addition, the Bill describes the procedure to be followed with respect to public complaints. Any citizen, whether or not he is involved under what constitutes the complaint, will be able to file a complaint directly with the board, a member of the RCMP or the provincial authority concerned. Normally, complaints will lead to an investigation by the RCMP. However, if in the opinion of its chairman a public hearing is in the public interest, the Commission may hold a public hearing to inquire into the complaint whether or not the RCMP has investigated it. The mandate of the Commission is to make recommendations to the Solicitor General and to the Commissioner.

[*English*]

I see the establishment of the public complaints commission an amendment of paramount importance. It is a contemporary response to a need for objective, open and fair handling of complaints against RCMP members in a manner which will command public confidence.

What I view as the other most significant amendment is the creation of an external review committee. It will be made up of five members appointed by the Governor in Council. This committee, in an unprecedented way, will guarantee the rights of RCMP members themselves and will ensure to Parliament and to Canadians at large that individual members of the Force are dealt with fairly. This review authority will be external to the RCMP, independent of it, and will be able to look into certain grievance decisions, formal disciplinary sanctions and discharge or demotions.

[*Translation*]

After a review of the file, with a hearing if necessary, the Commission will submit its recommendations to the RCMP Commissioner. The Commission will be empowered to call and swear in witnesses and to take testimonies under oath. In cases where a hearing is required, the Commission will be authorized to travel and set its own practice and proceeding rules.