

*RCMP Act*

revised discipline and grievance procedures and which formalizes rights for members of the force in these matters. These provisions include the establishment of a right to counsel. Prior to this point in time, members of the force who were subject to disciplinary action and who were involved in an investigation, either for criminal activity or for a breach of the code of conduct, did not have the entrenched right of representation by counsel. The legislation before us gives the RCMP officer who is under review the right to a lawyer. That is a tremendous step forward.

Members of the Opposition look forward to hearing from members of the force with respect to the whole aspect of Bill C-65 which deals with the internal discipline and grievance procedures, which have been long awaited by members of the force. Indeed, the Opposition is looking forward to the input from members of the force to hear what their views are with respect to the proposed legislation.

As Hon. Members know, Bill C-65 will create an external review committee composed of a chairman and four members appointed by the federal Cabinet to review grievances, serious discipline cases and orders for discharge or demotion. The committee will have the authority to make recommendations to the Commissioner who retains the authority to make the final decision. There are those who argue that this review committee should have the final authority to decide upon a particular grievance. There are others who argue that if that is allowed, then two separate reins of command will be established and the functioning of the RCMP and discipline within the force will be jeopardized as a result of giving a body outside of the RCMP the authority to make the final determination with respect to a grievance which has been filed. The committee which will be established under this legislation, like the complaints commission, will report annually to Parliament as opposed to the Solicitor General. That is a visible and appropriate provision in the Bill.

In June of 1984, a group known as the Association of 17 Divisions appeared before the Senate Standing Committee on Legal and Constitutional Affairs on Bill C-13 to respond on behalf of RCMP members. As I indicated yesterday, Bill C-13 was a Bill almost identical to the Bill which is before us today. That Bill was introduced by the previous Liberal administration. The Association of 17 Divisions appeared before the Senate committee and raised some interesting points which, in my view, should be considered and acted upon.

With respect to the issue of the suspension of a member from the force, Clause 13.1 of the proposed legislation gives the Commissioner of the RCMP considerable power. For instance, he can suspend without pay an officer who has contravened or is suspected of contravening the RCMP code of conduct, any Act of Parliament or any legislature. It would seem that in the case of a member who is simply suspected of having contravened the code of conduct, or any other law, that person should be presumed innocent until proven guilty by due process of law. That, of course, is guaranteed under the Constitution Act but not under Bill C-65. I think it would be an advisable amendment to the Act to provide that the Com-

missioner have the authority to suspend a member but to suspend that member with pay until a final determination is made with respect to the particular complaint against that officer.

● (1115)

Suspension from duty without pay also presupposes guilt and constitutes immediate punishment before due process has been completed. Whether rightly or wrongly, it is also perceived as exerting extreme pressure on a member of the force to resign, perhaps. It should be noted that suspension from duty with pay, pending completion of an investigation for an alleged offence, is considered an acceptable administrative practice. As a matter of fact, it was one of the recommendations of the Marin Commission. I should also add, Mr. Speaker, that one of the problems associated with suspension without pay is that the member of the RCMP who is suspended is prohibited by current RCMP regulations from obtaining other employment. For example, a member who is suspended without pay can demonstrate how this power could cause untold personal trauma as well as much income loss.

In June of 1982, a member of the RCMP was arrested for an alleged offence under the Narcotic Control Act. Based upon preliminary information, the Commissioner had reason to believe that this member had committed a serious offence. In the Commissioner's judgment, the circumstances were so serious and extreme that he ordered the member suspended without pay notwithstanding that basic and fundamental principle of our justice system that one is presumed innocent until proven guilty.

When the Commissioner's legal authority was questioned in this particular case, the suspension was changed and the individual officer in question was suspended with pay. The officer was charged under the Narcotic Control Act. However, these charges were subsequently withdrawn by the Crown since the Crown was of the opinion that there was no evidence to warrant a prosecution.

In these particular circumstances, Mr. Speaker, one should ensure that these officers are not suspended without pay. It is not difficult to assume that if the Commissioner had possessed the authority to suspend this particular officer without pay, he could have been suspended without pay for the two-year period which was involved from the moment this person was suspected of contravening the Narcotic Control Act to that point in time when the charges were withdrawn.

Certainly, Mr. Speaker, there are situations which might arise in which a member of the force is alleged to have committed a serious criminal offence or has seriously contravened the code of conduct. In cases where the continued service of a member of the force cannot be tolerated, that person can be processed for a discharge on an urgent basis. In my view, at least, this section on suspension should be changed to allow the Commissioner to suspend the officer from duty with pay until the final disposition of that particular grievance.

In Part II of the Bill there is a section relating to eligibility to sit on the RCMP External Review Committee. As the Bill