

others have recommended, that the final decision with respect to discipline be in the hands not of the Commissioner of the RCMP but of the Public Complaints Commission itself.

I refer as well in this context to a letter which was written by Clay Ruby, a very distinguished and outstanding Canadian lawyer who, in referring to the previous Bill, said the Government's Bill:

—leaves the final decision on a complaint by a member of the public against a member of the RCMP to be decided by the RCMP itself. The independent commission of inquiry can be ignored by the RCMP. Based on their track record of ignoring ministerial directives, the law of the land, the Criminal Code and standards of ordinary decency, this does not give one much room for hopeful expectations.

● (1150)

When will politicians understand that the public is no longer prepared to accept that it is proper, fair or just for a police force to investigate itself and make decisions about what disciplinary action to follow from its own misdeeds?

I think Mr. Ruby puts it very well, and I wholly support the concerns which he raised.

My final point in this particular area concerns the nature of complaints which can be investigated by the Public Complaints Commission. My colleague, the Hon. Member for York South-Weston (Mr. Nunziata), touched on this issue yesterday. Before the previous Government got cold feet on this question, it introduced Bill C-19 in 1978. Both in that Bill and in the report of the Marin Commission there was a recommendation that the Public Complaints Commission should have the power not only to investigate individual complaints by members of the public with respect to individual acts of wrongdoing, but a broader power to investigate matters of general concern, allegations of general wrongdoing or questions about RCMP policy. That was the strong recommendation of the Marin Commission in 1976, and it was contained in a predecessor Bill. As it stands now, the Bill would allow a complaint only with respect to the conduct of any member or other person appointed or employed under the authority of the Act. I suggest that that is far too narrow. If there is a concern on the part of a man or woman anywhere in Canada with respect to RCMP policies or administrative matters, he or she should have the right to bring that concern before the Public Complaints Commission.

The next major area in the Bill is the one which deals with discipline and demotion. The major representations made in this area were those made by the Association of 17 Divisions. I should like to take this opportunity to say a few words about that association. I believe that its 2,500 or 2,700 members are very well represented, and I believe that its fundamental objective, which is to accord collective bargaining rights to members of the RCMP, is one that the House should in fact support. This Bill does not remove the impediments in the Public Service Staff Relations Act to the right to full and free collective bargaining on the part of members of the RCMP. The history of the response of senior officers within the RCMP, indeed the Commissioner, to the Association of 17 Divisions is not a particularly happy one. As far back as 1980, the Commissioner of the RCMP sent out a directive indicating

*RCMP Act*

the position of the force with respect to that association—"do not recognize it either positively or negatively".

The RCMP is the only major police force in North America which does not have the right to collective bargaining. I emphasize that we are not talking about the right to strike. The Association of 17 Divisions made very clear that it was not seeking the right to strike. Surely we should recognize in this day and age the right of members of the RCMP, under the provisions of the Charter of Rights which accord freedom of information, to collective bargaining on issues of concern to those members, issues of concern such as pay and working conditions. The fundamental right to full and free collective bargaining continues to be denied to members of the force. In effect there is a staff relations representative system, but that so-called Div. Rep system has not worked well at all. It is perceived by many to be too closely aligned to management within the RCMP. The reality is that one divisional representative under the present scheme has to speak for some 800 to 1,000 constables, NCOs and certain civilian personnel. Quite simply, he cannot deal with the many complaints about transfers and so on with which a union such as the Association of 17 Divisions could deal.

I should like to note a couple of the successes of the Association of 17 Divisions. It was thanks to the work of that association in a court case in British Columbia, the Husted case, that members of the RCMP who were up on internal disciplinary proceedings within the RCMP were given the right to counsel. It was not until the association intervened that they got that basic right to counsel. In fact, after that, a superintendent in Vancouver went on to say that a ruling may have been won with respect to two officers but that in all fairness the accused should not get the benefits of counsel which had previously been denied to others. I do not think we should pursue that logic too far. Unfortunately it is a mentality which is a little too prevalent within the RCMP hierarchy.

The second major victory of the association was with respect to pay. The previous Government brought forward a pay package which was to take effect four months after the expiry of the previous pay package. Members of the RCMP right across Canada voiced their outrage or their sense of betrayal that the previous Government was prepared to allow three months to go by without any form of pay increase whatsoever. It was only when that association intervened very forcefully right across the country that the previous Government backed down on the decision to deny retroactive pay to members of the force. It left a bitter taste in the mouths of many members. Unfortunately it demonstrates that without full bargaining rights that kind of thing could happen tomorrow, that members of the force are still at the whim of the Government. The association speaks with a voice which should be heeded by the Government and the committee which will study the Bill.

The provisions with respect to discipline contain a number of areas which we will want to consider closely in the course of this debate. For example, an informal disciplinary action can be taken against a member, that is, a recommendation for transfer can be imposed without recourse by management to