

public complaints, internal discipline and grievance procedures within the RCMP.

As the Minister indicated, the report was commissioned in 1974 and it was released in early 1976. However, unfortunately it has taken a great deal of time to reach the floor of the House of Commons for debate. There is little doubt that the Bill has been on the legislative backburner for far too long. The first Bill, Bill C-19, based on the Marin report was introduced in 1978 during the third session of the thirtieth Parliament by the Hon. Jean-Jacques Blais, Solicitor General. It was followed subsequently by another Bill, Bill C-50, also introduced by Mr. Blais in the fourth session of Parliament.

Another Bill, Bill C-69, based on the Marin report was introduced by my colleague, the Hon. Member for York Centre (Mr. Kaplan), in the first session of the thirty-second Parliament. The same Bill was reintroduced during the second session of the thirty-second Parliament as Bill C-13, which was virtually identical to the Bill before us today. With time running out for the thirty-second Parliament, Bill C-13 was introduced in the Senate. Although it was debated and considered in committee, it died on the Order Paper. Essentially the measure which we are considering is a Liberal piece of legislation.

While we are supportive of the objectives of this legislation, we on this side of the House would also like to see it pass in the best form possible. I think we can and should approach this Bill in a spirit of non-partisanship.

As we know, and as the Minister indicated, the Bill has two main objectives. It proposes the establishment of a public complaints commission, and it also seeks to update the internal discipline and grievance procedures within the force.

The public complaints commission is intended as an external and independent authority composed of a permanent chairman and up to 12 members, as I indicated earlier.

Under the legislation any member of the public, whether or not he or she is affected by the subject matter of the complaint, will be able to file a complaint with the commission, with any member of the RCMP or with the provincial agency responsible for the receipt and investigation of public complaints against the police. The Bill also circumscribes the commission's authority in so far as they are limited to making recommendations to the Commissioner of the RCMP. The Bill also provides for the complainant and the Minister to receive a report on the outcome of the complaints.

● (1750)

As I indicated, I think we should approach this Bill in a spirit of non-partisanship. After all, what we are attempting to do is to find the proper administrative mechanics to deal with the problems before us. As such, there are a number of suggestions I would like to offer. In my view, for instance, the section dealing with the definition of a public complaint is rather restrictive. Part VII of the Bill, Section 45.35(1) states the following:

RCMP Act

Any member of the public having a complaint concerning the conduct of any member or other person appointed or employed under the authority of this Act may, whether or not he is affected by the subject matter of the complaint, make the complaint—

The operative words are in Subsection (1) which states, "the conduct of any member or other person appointed or employed under the authority of this Act".

As I indicated earlier, the Marin Commission offered a much broader definition which I think is the sort of approach we should be taking in this particular Bill. After all, members of the public have to be assured that if they do have a complaint, they are not going to be tripped up in the process by an overly restrictive definition of what constitutes a complaint.

The Marin Commission offers a more expanded definition of a public complaint. The report reads:

—any communication received from a member of the public, either orally or in writing, which criticizes the behaviour of a member of the force or alleges the failure of the force itself to meet public expectations.

The commission suggested that complaints received by the force could be divided into two categories: first, complaints alleging specific injury or abuse by a member or members of the force; and second, complaints of a more general nature such as matters of police service or the operational policies of the force.

The manner in which the legislation is presently worded, for instance, precludes a person from complaining to the force if he or she feels that certain RCMP policies or administrations are not effective or appropriate. If a person lives in a remote community and feels that the force has allocated insufficient resources to police that particular area, then that person, under the proposed legislation, is not entitled to complain. The question of high-speed chases has attracted considerable attention lately as well. This Bill would not allow someone to complain about RCMP procedures in that respect.

Obviously there is a balance that must be reached if the interests of the general public and the interests of the force are to be respected. The last thing any of us would want to see is a system which encourages complaints for the sake of complaints. Having said that, however, we must make sure that if legitimate complaints do exist, they are considered and dealt with.

One of the problems the Marin Commission discovered was that many people are reluctant to bring their complaints to the attention of the force. Among the reasons given to the commission were that the person involved did not know how to bring the complaint to the attention of the force and that some felt that a complaint would do no good since the force would simply cover it up. Others felt that retaliation in some form by the force would follow the lodging of a complaint. As well, some people who sought the advice of friends were discouraged from filing a complaint.

I think our object in connection with this aspect of the legislation must be to make the procedures as open as possible. I think that that is the only way one can instil public confidence in this type of a system.