

Bill No. 57 of 1948.

A BILL RESPECTING PRIVATE DETECTIVES

NOTE.

This Bill proposes the enactment of a new Act respecting private detectives.

Generally, the Bill provides for the licensing of private detectives and for some degree of regulation and supervision of their activities similar to that in effect in other provinces where legislation of this nature is already in force.

Sections 2 and 3 define the business of a private detective and explain the application of the Act which does not apply to peace officers, the Corps of Commissionaires, insurance adjusters, watchmen and others.

Sections 4 and 5 require every private detective and every private detective's agent to be licensed by the Attorney General and set out some of the requirements in connection with applications for licenses.

Section 6 requires the applicant for a private detective's license to deposit a bond of twenty-five hundred dollars with the Minister conditioned on the faithful, honest and lawful conduct by the private detective and his employees and agents of his business.

By sections 7 and 8 the Attorney General is authorized to issue licenses to private detectives and private detectives' agents expiring on the thirty-first day of December of the year in which they are issued.

By sections 9 and 10 the Attorney General is authorized to cancel or suspend licenses if the licensee is convicted of certain offences, gives false information to the Minister, etc., and the procedure to be followed in such cases is set out.

Section 11 requires a private detective to display his license and the licenses of his agents in his principal office or place of business.

Sections 12, 13 and 14 require certain records to be kept and returns to be made. A private detective is required to notify the Minister if he ceases to employ any licensed agent and the license of the agent is thereupon cancelled.

By section 15 a private detective is liable for all damages caused by the acts or omissions of any of his agents in the course of their employment.

Section 16 enables any person damaged to recover on the security deposited by a private detective with the Minister.

By section 17 a licensee when outside the office where his license is displayed must carry a license card on his person at all times when engaged in his business, which card must be produced upon request.

By section 18 a licensee shall not act as a collector of accounts.

By sections 19 to 22 the making of regulations is authorized and penalties are prescribed for violation of the Act.

The Act is to come into force upon proclamation.

W. S. GRAY,
Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 57 of 1948.

An Act respecting Private Detectives.

(Assented to _____, 1948.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Private Detectives Act.*"

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
 - (a) "Minister" means the Attorney General;
 - (b) "Person" includes any partnership, association or corporation;
 - (c) "Private detective" means a person who for hire, profit or reward of any kind, engages in the business of,—
 - (i) being a private investigator; or
 - (ii) obtaining and furnishing information as to the personal character or actions of any person or as to the character or kind of the business or occupation of any person; or
 - (iii) searching for offenders against the law; or
 - (iv) searching for missing persons; or
 - (v) furnishing guards or watchmen;
 - (d) "Private detective's agent" means any employee of a private detective other than an office employee who actively assists in the business of a private detective.

APPLICATION OF ACT.

3. This Act shall not apply to,—
 - (a) Peace officers as defined by the Criminal Code of Canada while acting within the authority of their appointments;
 - (b) Barristers or solicitors in the regular practice of their professions;
 - (c) The Corps of Commissionaires while acting within the scope of their authority;

- (d) Insurance adjustment agencies, insurance companies, and their employees or agents while acting in the usual and regular scope of their employment;
- (e) Any person in respect only of the business of obtaining or furnishing information as to the financial rating or standing of persons;
- (f) Any watchman, guard, or other person who is permanently employed to do watching, guarding, or detective work for one employer only, which employer is not engaged in the business of a private detective, in respect of the watching, guarding, or detective work done for that employer for the protection of persons or property or arising out of the business carried on by him.

LICENSES.

4.—(1) No person shall within the Province engage in or advertise himself as engaged in the business of a private detective, or in any way hold himself out as so engaged, unless he is the holder of a license as a private detective or as a private detective's agent.

(2) Where a person who resides outside the Province and is *bona fide* employed there by or on behalf of an employer or client who resides outside the Province to make an investigation or inquiry partly without the Province and partly within the Province, and where that person comes into the Province temporarily and solely for the purpose of that investigation or inquiry, nothing in this section shall require that person or his employer to be the holder of a private detective's license under this Act, so long as the work of that person within the Province is confined to the making of the investigation or inquiry for which he was so employed outside the Province.

5.—(1) Each applicant for a license as a private detective or as a private detective's agent under this Act shall deliver to the Minister an application in the form prescribed in the regulations and shall pay the fees set out in the regulations.

(2) A partnership, association or corporation may apply for a license as a private detective, but upon making application shall nominate an officer or member thereof, whose name shall appear on the license and who shall hold the license on its behalf.

(3) Each applicant for a license as a private detective's agent shall forward with his application a letter signed by a licensed private detective stating that the applicant is or will be employed by him and authorizing the applicant to apply for a license as his agent.

(4) Each application shall be accompanied by an affidavit or a statutory declaration sworn to by the applicant showing what, if any, convictions there may be against him.

(5) No license shall be issued to any person who has not been a resident in or carrying on business in the Province for six months immediately preceding the date of application.

6.—(1) Each applicant for a private detective's license shall, prior to the issuance of the license applied for, deposit with the Minister security pursuant to this section by way of a bond or policy of an insurer licensed under *The Alberta Insurance Act* in the sum of twenty-five hundred dollars for the faithful, honest, and lawful conduct by the applicant and his employees and agents of his business of a private detective during the term of the license applied for.

(2) The security shall be in a form approved by the Minister and shall be taken in the name of the Minister and his successors in office.

7.—(1) Upon receipt of the application, the affidavit or statutory declaration, and the fee, and in the case of an application for a private detective's license upon the deposit of the security, the Minister may in his discretion,—

- (a) make such inquiry and investigation as he may deem proper regarding the character and competence of the applicant and the truth of the facts stated in the application;
- (b) issue or refuse to issue to the applicant a license as a private detective or as a private detective's agent, as the case may be.

(2) The Minister shall issue with each license a license card to be carried by the licensee showing the period for which he is licensed.

(3) The license and license card issued to a private detective's agent shall state the name of the licensed private detective by whom the agent is employed.

EXPIRATION, SUSPENSION AND CANCELLATION OF LICENSES.

8. Each license issued pursuant to this Act shall expire on the thirty-first day of December of the year for which it is issued, unless previously suspended or cancelled by the Minister.

9.—(1) The Minister in his discretion may suspend or cancel the license of any private detective or private detective's agent if the licensee,—

- (a) is convicted of an offence under the Criminal Code of Canada;
- (b) is convicted of a violation of the provisions of this Act or the regulations;
- (c) fails to pay any judgment against the licensee for damages sustained by reason of any act or omission of the licensee or of any agent or employee of the

licensee done or occurring in or in connection with the licensee's business of a private detective or a private detective's agent;

- (d) has made any untrue statement in his application for a license or in any return made or information produced to the Minister;
- (e) neglects or refuses to make any return or to produce any information required by the Minister pursuant to this Act or to the regulations, or otherwise violates any provision of this Act or of the regulations;
- (f) is not in the opinion of the Minister a fit and proper person to hold a license.

(2) Upon the suspension or cancellation of the license of a private detective, the licenses of all agents of the private detective shall also be suspended or cancelled forthwith.

10.—(1) The Minister shall give notice in writing,—

- (a) in the case of the suspension or cancellation of a private detective's license to the private detective and to all licensed agents of the private detective;
- (b) in the case of the suspension or cancellation of a private detective's agent's license to the private detective's agent and to the private detective by whom the agent is employed.

(2) A private detective upon receipt of notice that his license is suspended or cancelled shall forward to the Minister his license and license card and the licenses and license cards of all his agents.

(3) A private detective upon receipt of notice that the license of one of his agents is suspended or cancelled shall forward to the Minister the license and license card of that agent.

(4) If for any reason a private detective is unable to forward the license or license card of any agent, he shall advise the Minister of the reason.

(5) Each private detective's agent shall give his license and license card to the private detective by whom he is employed on the suspension or cancellation of his license or of his employer's license and if for any reason he is unable to do so, he shall forward the same to the Minister.

(6) Each private detective or private detective's agent who neglects or refuses to comply with the provisions of this section shall be guilty of an offence.

GENERAL.

11.—(1) Each holder of a private detective's license shall display his license and the licenses of his agents in a conspicuous position in the principal office or place in the Province where he is engaged in or carries on the business of a private detective.

(2) Where the holder of a private detective's license has more than one office or place of business in the Province, he shall display his license and the licenses of his agents in his principal office or place of business only, and every person in charge of or employed in any office or place of business of the private detective, other than the principal office or place of business, shall on the request of any person, inform that person of the address or location of the office or place of business in the Province in which the licenses are displayed.

12.—(1) Each holder of a private detective's license shall keep complete records of,—

(a) the names and addresses of all agents and other persons acting for or employed by the holder from time to time in the carrying on of the business of a private detective;

(b) each investigation or other work undertaken.

(2) Each holder of a private detective's license shall produce such records for inspection at any time on the request of the Minister or of any person authorized by the Minister in writing to inspect the same.

13.—(1) Each holder of a private detective's license shall in the month of January in each year file an annual return in which he shall give the address of each office in which he carried on the business of a private detective in the immediately preceding calendar year, and the names and addresses of each of his agents and employees who have been acting for or employed by him from time to time during the year for which the return is filed.

(2) The return shall contain such other information as may be from time to time prescribed by the regulations.

14.—(1) Each holder of a private detective's license shall notify the Minister in writing immediately he ceases to employ any person who is licensed as a private detective's agent and shall forward to the Minister the license and the license card of such person.

(2) If for any reason a private detective is unable to forward the license or the license card with the notice in writing he shall advise the Minister of the reason.

(3) Upon receipt of the notice by the Minister the private detective's agent's license shall be cancelled forthwith.

(4) For the purposes of this Act a private detective's agent shall be deemed to continue to be an agent of the private detective until the said notice in writing is received by the Minister.

(5) Each private detective's agent shall on the cessation of his employment give his license and license card to the

private detective by whom he is employed and any private detective's agent who refuses or neglects to do so shall be guilty of an offence.

15. Each holder of a private detective's license shall be liable for all damages caused by the act or omission of any of his agents or employees done or occurring in or in connection with his business of a private detective as if that act or omission were his own act or omission.

16. Any person to whom a private detective or any agent or employee of a private detective is liable for any damages sustained by reason of any act or omission of the private detective or his employee or agent done or occurring in or in connection with the business of a private detective during the term of his license, may bring an action therefor in his own name against the insurer on the security deposited with the Minister by the private detective, notwithstanding that the person bringing the action is not a party to the security, and the insurer shall be liable to indemnify that person up to the amount of the security against all damages sustained by reason of any act or omission of the private detective or any of his employees or agents.

17.—(1) No person licensed pursuant to this Act shall within the Province and outside the principal office or place of business in the Province in which his license is displayed carry on any part of the business of a private detective unless he carries on his person his license card.

(2) Every person so licensed shall on the request of any person to whom he states he is acting or employed in connection with the business of a private detective, or on the request of any officer or constable of the Royal Canadian Mounted Police, or of the police force of any municipality, forthwith produce his license card for inspection.

18. A licensee under this Act shall not act as a collector of accounts, nor hold himself out nor advertise as undertaking to collect accounts for any person, either with or without remuneration.

19. The Lieutenant Governor in Council may make regulations,—

- (a) prescribing forms for licenses, license cards, applications for licenses, returns, and other documents referred to in this Act;
- (b) prescribing tariffs of fees for licenses and renewals of licenses;
- (c) requiring records to be kept and returns to be made to the Minister;
- (d) respecting advertising by private detectives;

- (e) prescribing such other requirements as may be necessary or convenient for the purpose of carrying out the provisions of this Act.

PENALTIES.

20. Any person who violates any of the provisions of subsection (1) of section 4 shall be liable on summary conviction to a fine of not less than two hundred dollars and not more than five hundred dollars.

21. Any person who violates any of the provisions of this Act for which no specific penalty is prescribed shall be liable on summary conviction to a fine not exceeding two hundred dollars.

22. Any person convicted of a second or subsequent offence against this Act may in addition to or in lieu of any other penalty be sentenced to a period of imprisonment not exceeding six months.

23. This Act shall come into force upon a day to be fixed by Proclamation of the Lieutenant Governor in Council.

FIFTH SESSION
TENTH LEGISLATURE
12 GEORGE VI
1948

BILL

An Act respecting Private Detectives.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MAYNARD.

EDMONTON:
A. Shnitka, King's Printer
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