

No. 44

2nd Session, 15th Legislature, Alberta
13 Elizabeth II

BILL 44

A Bill respecting Private Investigators and Security Guards

HON. MR. MANNING

Explanatory Note

General. This Bill will replace The Private Detectives Act which is chapter 240 of the Revised Statutes. The present Act provides for two types of licence, "private detectives" and "private detectives' agents". The definitions of these terms include persons who act as guards or watchman. This Bill will provide four types of licences, namely:

- private investigation agency,
- private investigator,
- security guard agency, and
- security guard.

The section references in the explanatory notes to various clauses are to the sections in the present Act which contain similar provisions.

2. Definitions.

3. Non-application of Act to certain classes of people. The present section 3.

BILL

No. 44 of 1965

An Act respecting Private Investigators and
Security Guards

(Assented to _____, 1965)

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

1. This Act may be cited as "*The Private Investigators
and Security Guards Act*".

2. In this Act,

- (a) "Administrator" means the employee in the Department of the Attorney General designated by the Attorney General as the Administrator of this Act;
- (b) "private investigator" means a person who
 - (i) obtains or furnishes information as to the personal character or actions of a person or as to the character or kind of business of or the occupation of a person, or
 - (ii) searches for missing persons;
- (c) "security guard" means a person who acts as a guard or watchman.

3. This Act does not apply to

- (a) members of the Royal Canadian Mounted Police, of the Alberta Municipal Police or of any municipal police force while acting within the authority of their appointments,
- (b) barristers and solicitors in the regular practice of their professions,
- (c) members of the Canadian Corps of Commissionaires while acting within the scope of their authority,
- (d) insurance adjustment agencies, insurance companies or the Fire Underwriters' Investigation Bureau of Canada Incorporated while engaged in the usual course of their business or their employees or agents while acting in the usual and regular scope of their employment,
- (e) a person who is engaged only in the business of obtaining or furnishing information as to the financial rating or standing of persons, or
- (f) the watching, guarding or investigation work done by a person who is permanently employed to do watching, guarding or investigation work for a single employer who is not engaged in the busi-

4. Requirement to be licensed as a private investigation agency and a private investigator. Subclauses (1) and (2) are taken from the present section 4 (1) in part. Subclause (3) is the present section 4 (2).

5. Requirement to be licensed as a security guard agency and as a security guard. Taken from the present section 4 (1) in part.

6. Application for a licence. The present section 5 in part, revised.

ness of a private investigator, if the watching, guarding or investigation work is done for the protection of persons or property or arises out of the business carried on by the employer.

4. (1) No person shall engage in the business of a private investigator for hire or reward without a private investigation agency licence issued under this Act.

(2) No person shall act as a private investigator for a person who is engaged in the business of a private investigator without a private investigator licence issued under this Act.

(3) Where a person

(a) 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 outside the Province and partly within the Province, and

(b) temporarily comes into the Province solely for the purpose of that investigation or inquiry,

nothing in this section requires that person or his employer to be the holder of a licence 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) No person shall engage in the business of providing security guard service for hire or reward without a security guard agency licence issued under this Act.

(2) No person shall act as a security guard for a person who is in the business of providing security guard service without a security guard licence issued under this Act.

(3) For the purposes of this Act a person is providing security guard service when he acts as a security guard for more than one person or furnishes security guards for one or more persons.

6. (1) An application for a licence shall be made, in the prescribed form, to the Administrator and shall be accompanied by

(a) the prescribed licence fee,

(b) the security required under section 7, and

(c) such other information as may be required by the regulations.

(2) An application for a private investigation agency licence or a security guard agency licence shall be accompanied by an affidavit

(a) of the applicant, or

(b) where the applicant is a partnership, of each of the partners, or

7. Requirement for the deposit of security.

8. (1) Issue of a licence. The present section 7 (1) revised.
(2) The present section 5 (5).

9. (1) Expiry of licence. The present section 8.

(2) Temporary licences.

(3) and (4) Automatic termination, suspension and cancellation of private investigators' and security guards' licences in certain cases. Taken in part from the present sections 9 and 10.

(c) where the applicant is a corporation, of each of the directors,
showing what, if any, convictions there are against him.

(3) An application for a private investigator's licence or a security guard's licence shall be accompanied by

(a) an affidavit of the applicant showing what, if any, convictions there are against him, and

(b) a letter signed by a private investigation agency or a security guard agency stating that the applicant is or will be employed by the agency as a private investigator or security guard, as the case may be.

7. A licence shall not be issued to any person until there is deposited with the Administrator security, in the amount and form prescribed by the regulations, for faithful, honest and lawful performance by that person of the business or employment in respect of which the licence is to be held.

8. (1) The Administrator may make whatever inquiry and investigation he considers sufficient regarding

(a) an applicant for a licence, or

(b) where the applicant is a partnership, each partner, or

(c) where the applicant is a corporation, each director, and may issue or refuse to issue the licence applied for where in his opinion that action is in the public interest.

(2) A licence shall not be issued to a person who has not been residing in or carrying on business in the Province for six months immediately preceding the date of application for a licence unless the applicant

(a) is a resident of the Province at the date of application, and

(b) is the holder of a subsisting licence in another province of a type similar to the one applied for.

9. (1) Subject to this section, a licence issued pursuant to this Act, expires on the thirty-first day of December of the year for which it was issued, unless sooner suspended or cancelled.

(2) A temporary licence terminates in accordance with the regulations.

(3) The licence of a private investigator

(a) terminates upon his ceasing to be employed by a private investigation agency as a private investigator, and

(b) is suspended or cancelled, as the case may be, upon the suspension or cancellation of the private investigation agency licence of his employer.

(4) The licence of a security guard

10. Suspension and cancellation of licences. The present section 9 (1).

11. Right of appeal on a suspension or cancellation to an appeal board. This procedure replaces an advisory board provision in the present section 9.

12. Display of licences in office. The present section 11.

- (a) terminates upon his ceasing to be employed by a security guard agency as a security guard, and
- (b) is suspended or cancelled, as the case may be, upon the suspension or cancellation of the security guard agency licence of his employer.

10. The Administrator, in his discretion, may suspend or cancel a licence when the licensee, or one of the partners or directors of the licensee,

- (a) is convicted of an indictable offence or an offence punishable by imprisonment for two or more years, or
- (b) is convicted of a contravention of this Act or the regulations, or
- (c) fails to pay a judgment against himself for damages sustained by reason of an act or omission of his or of an employee of his done or occurring in or in connection with the business or employment in respect of which the licence is held, or
- (d) has made an untrue statement
 - (i) in his application for a licence, or
 - (ii) in a return made or information produced to the Administrator,
 or
- (e) neglects or refuses to make a return or to produce to the Administrator any information required pursuant to this Act or the regulations, or
- (f) is not in the opinion of the Administrator a fit and proper person to hold a licence.

11. (1) A person who is refused a licence under section 8 or whose licence is suspended or cancelled under section 10 may, within thirty days thereafter appeal the decision of the Administrator by filing a notice of appeal with the Deputy Attorney General.

(2) The Deputy Attorney General shall refer the appeal to an appeal board consisting of three persons appointed by him, one of whom shall be a judge of a district court.

(3) The Deputy Attorney General shall not be a member of an appeal board.

(4) After holding a hearing the appeal board may uphold the Administrator's decision or it may direct him to issue the licence applied for or reinstate the suspended or cancelled licence.

12. (1) The holder of a private investigation agency or security guard agency licence shall display his licence and the licences of his employees in a conspicuous position in the principal office or place in the Province where he is engaged in or carries on the business in respect of which the licences are held.

13. Records are required to be kept. The present section 12.

14. Annual returns. The present section 13.

15. Enforcement of the security given under clause 7. The present section 17 revised.

(2) Each person in charge of or employed in an office or place of business of a private investigation agency or security guard agency, other than in the principal office or place of business, shall on 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 licences are displayed.

13. The holder of a private investigation agency or security guard agency licence shall keep complete records

- (a) of the names and addresses of all persons acting for or employed by the holder in the carrying on of the business in respect of which the licence is held, and
- (b) of each investigation or other work undertaken, and shall produce those records for inspection at any time on the request of the Administrator or of any person authorized in writing by the Administrator to inspect the records.

14. (1) In the month of January in each year, a person who held a private investigation agency licence or a security guard agency licence in the preceding year shall file a return with the Administrator.

(2) The return

- (a) shall give the address of each office in which he carried on the business in respect of which the licence was issued in the immediately preceding calendar year, and
- (b) shall give the names and addresses of each of his agents and employees who have been acting for or employed by him during the immediately preceding calendar year.

(3) The return shall contain such other information with respect to the agency as may be prescribed by the regulations.

15. (1) Where a person in respect of whom security is deposited under section 7 is liable to another person for damages sustained by that other person by reason of an act or omission of the secured person, or his servant,

- (a) during the course of the business or employment in respect of which the security was given, and
- (b) during the period in respect of which the security was given,

the insurer on the security is, to the amount set out in the bond or policy, liable to indemnify the person who sustained the damage and that person may in an action for the damages join the insurer on the security, notwithstanding that he is not a party to the security.

(2) This section does not apply to any action commenced more than two years after the expiration or cancellation of the licence to which the security relates.

16. Temporary licence to an executor or administrator.

17. Any information obtained in the course of an investigation is to be kept confidential.

18. Prohibition against acting as a collection agency.

19. Prohibition against acting as municipal policeman.

20. Prohibition against the use of unlicensed employees. The present section 15 revised.

21. Prohibition of the use of badges, shields or identification cards, except as authorized. See present section 18.

22. Prohibition re the use of the term "private detective".

16. Where a person who holds a private investigation agency licence or security guard agency licence dies, the Administrator may grant a temporary licence to his executor or administrator, and in such a case all employees of the deceased person who hold licences under this Act shall be deemed to be licensed as employees of the executor or administrator.

17. Except as legally authorized or required, a person who holds or has held a licence under this Act shall not divulge to anyone any information acquired by him in the course of the business or employment in respect of which the licence is or was held.

18. A person who holds a licence under this Act shall not act, either with or without remuneration, as a collection agency or a collector of debts or accounts, nor shall he hold himself out or advertise himself as a collection agency or a collector of debts or accounts for any person.

19. A person who holds a licence under this Act shall not at any time, whether by agreement with a municipality or board of police commissioners or otherwise, act as a member of a police force.

20. (1) No private investigation agency shall employ any person as a private investigator unless that person holds a private investigator licence.

(2) No security guard agency shall employ any person as a security guard unless that person holds a security guard licence.

21. (1) No person shall have in his possession or display any badge, shield, card or other object purporting to indicate that he is licensed under this Act except a prescribed identification card issued to him under the regulations.

(2) Every licensee shall, while engaged in the business or employment in respect of which the licence is held, carry on his person the prescribed identification card issued to him under the regulations and shall produce it for the inspection of any person who requests to see it.

(3) No person other than the licensee to whom it has been issued shall have in his possession any prescribed identification card.

22. After the thirty-first day of December, 1965, no person engaged in any business or employment shall use the expression "private detective" in connection with that business or employment or hold himself out in any manner as a private detective.

23. Prohibition against advertising or holding out as a private investigator or as a security guard when not licensed. The present section 4 (1) in part.

24. Offence and penalty. The present sections 21, 22 and 23.

25. (1) Proof of licensing. The present section 24.

(2) Prima facie proof from advertising and other statements.

26. Authority to make regulations.

23. (1) No person shall

(a) advertise himself, or

(b) in any way hold himself out,

as acting as private investigator or as engaged in the business of a private investigator unless he holds a private investigation agency licence.

(2) No person shall

(a) advertise himself, or

(b) in any way hold himself out,

as acting as a security guard or as engaged in the business of providing security guard service unless he holds a security guard agency licence.

24. (1) A person who contravenes section 4 or section 5 is guilty of an offence and liable on summary conviction to a fine of not more than five hundred dollars and in default of payment to imprisonment for a term not exceeding twelve months.

(2) A person who contravenes any provision of this Act or the regulations for which a penalty is not otherwise provided is guilty of an offence and liable on summary conviction to a fine of not more than two hundred dollars and in default of payment to imprisonment for a term not exceeding six months.

(3) A person who is convicted of a second or subsequent offence under this Act may, in addition to or in lieu of any other penalty, be sentenced to a term of imprisonment of not more than one year.

25. (1) A certificate purporting to be signed by the Administrator and to the effect that the person named therein did or did not at any given time or during any given period hold a licence as

(a) a private investigation agency, or

(b) a private investigator, or

(c) a security guard agency, or

(d) a security guard,

shall be admitted in evidence as *prima facie* proof of the facts stated therein, without proof of the signature or appointment of the person signing the certificate.

(2) A statement in a letter, advertisement, card or other document or paper to the effect that a person is engaged in the business of a private investigator or is acting as a private investigator is admissible in evidence as *prima facie* proof that he is so engaged or acting, as the case may be.

26. The Lieutenant Governor in Council may make regulations

27. Repeal of present Act and transitional provisions.

28. Commencement of Act.

- (a) prescribing the fees payable for different classes of licences,
- (b) prescribing the amount and form of security to be given under section 7 for different classes of licences,
- (c) prescribing forms and providing for their use,
- (d) providing for, and prescribing the term and other conditions of, temporary licences,
- (e) requiring records to be kept and returns to be made to the Administrator,
- (f) respecting advertising by persons licensed under this Act,
- (g) requiring and governing the surrender of licences that have been suspended or cancelled or that have terminated,
- (h) regulating the appointment of and procedure before an appeal board,
- (i) prescribing and regulating the issue and use of identification cards by persons licensed under this Act,
- (j) governing the uniforms that may be worn by security guards and prohibiting the wearing of uniforms by private investigators, and
- (k) respecting any matter he considers necessary or advisable to carry out effectively the intent and purpose of this Act.

27. (1) *The Private Detectives Act* is repealed.

(2) Every licence issued under *The Private Detectives Act* that is subsisting at the commencement of this Act shall continue to subsist

- (a) until the thirty-first day of December, 1965, or
- (b) until it is cancelled or it terminates for any reason that a licence may be cancelled or does terminate under this Act, or
- (c) until it is replaced by a licence issued under this Act,

whichever first occurs.

(3) For the purposes of this Act,

- (a) a person who holds a private detective's licence subsisting pursuant to subsection (2) shall be deemed to hold a private investigation agency licence or a security guard agency licence, and
- (b) a person who holds a private detective's agent's licence subsisting pursuant to subsection (2) shall be deemed to hold a private investigator licence or a security guard licence,

or both, as the nature of his business or employment requires.

28. This Act comes into force on the first day of August, 1965.

No. 44

SECOND SESSION

FIFTEENTH LEGISLATURE

13 ELIZABETH II

1965

BILL

An Act respecting Private
Investigators and Security Guards

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MANNING
