

1973 Bill 14

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Second Session, 17th Legislature, 21 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

## **BILL 14**

**The Private Investigators and Security Guards Amendment Act,  
1973**

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THE ATTORNEY GENERAL

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**First Reading** .....

**Second Reading** .....

**Third Reading** .....

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## BILL 14

1973

### THE PRIVATE INVESTIGATORS AND SECURITY GUARDS AMENDMENT ACT, 1973

(Assented to \_\_\_\_\_, 1973)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. *The Private Investigators and Security Guards Act is hereby amended.*

2. *Section 2 is amended by striking out clause (a) and by substituting therefor the following clauses:*

- (a) "Administrator" means the employee in the Department of the Attorney General designated by the Attorney General
  - (i) as the Administrator of this Act, or
  - (ii) as Deputy Administrator to perform any or all of the duties of the Administrator during the absence or inability to act of the Administrator or in the event of a vacancy in the office of Administrator;
- (a1) "Board" means Law Enforcement Appeal Board established under *The Police Act, 1973*;

3. *Section 3 is amended by striking out clause (f) and by substituting therefor the following clause:*

- (f) private investigators and security guards who are permanently employed by one employer in a business or undertaking other than the business of providing private investigators or security guards and whose work is confined to the affairs of that employer.

4. *Section 8, subsection (2) is amended by striking out the words "A licence shall not be issued" and by substituting therefor the words "A private investigator agency licence or security guard agency licence shall not be issued".*

## **Explanatory Notes**

**1.** This Bill will amend chapter 283 of the Revised Statutes of Alberta 1970.

**2.** This amendment will permit the designation of a Deputy Administrator to eliminate delays in processing licences. The Law Enforcement Appeal Board is introduced into the Act to have appellate functions.

**3.** This amendment will restrict exemptions to such things as night watchmen or department store surveillance personnel, which was the original intent rather than security guard services for shopping centres, for example.

**4.** This amendment will restrict the necessity for 6 months' prior residence to applicants for agency services.

*5. Section 11 is struck out and the following section is substituted therefor:*

**11.** (1) Where the Administrator refuses to issue or renew a licence, or has suspended or proposes to suspend or cancel an existing licence issued under the Act, he shall inform the applicant or licensee of his decision in writing by registered mail stating the reasons therefor and informing the applicant or licensee that he may, within 15 days from receipt of the notification of the Administrator's decision, submit a request in writing to the Administrator requesting that the decision be reviewed and providing any further submissions or material relevant to the consideration.

(2) When requested to review a decision that may affect the granting of a licence or the right of a person to retain an existing licence, the Administrator shall consider the additional information provided and after reviewing the circumstances upon which he based his original decision, within 30 days after receiving the request for a review, shall notify the applicant or licensee of his decision in writing by registered mail stating the reasons therefor and advising the applicant or licensee of his right of appeal to the Law Enforcement Appeal Board.

(3) Notification of a decision of the Administrator under subsection (1) or subsection (2) may be sent to a person who is not a licensee by sending the notice by registered mail to the last known address of the person.

(4) Where the Administrator has given his decision upon the review, the person who requested the review may appeal from the decision to the Board by serving a notice of appeal upon the Administrator and upon the secretary of the Board not later than 15 days after the time the appellant receives notification of the Administrator's decision and the notice of appeal shall set forth the grounds upon which the appeal is based.

(5) The Board may, before or after the expiration of the time for service of the notice of appeal, extend the time for service of the notice of appeal for a further period not exceeding 30 days from the date upon which the time limit for service under subsection (4) expired or would expire.

(6) The Board shall notify the appellant and the Administrator of the time and place for the hearing of the appeal and the appellant and the Administrator are entitled to appear and be represented by counsel.

(7) The Board may decide the appeal from the record or evidence adduced before it.

(8) The Board may confirm, reverse or vary the decision of the Administrator and may make any decision with respect to the subject matter of the appeal that the Administrator might have made in the first instance and the Administrator shall comply with the order of the Board.

**5. Appeal. Section 11 presently reads:**

11. (1) A person who is refused a licence under section 8 or whose licence is suspended or cancelled under section 10 may, within 30 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.

6. *Section 12 is amended*

- (a) *as to subsection (1) by striking out the words “and the licences of his employees”, and*
- (b) *by adding after subsection (2) the following subsection:*

(3) The licences of private investigators or security guards shall be filed in the principal office of the private investigation agency or the security guard agency which employs them.

7. *Section 14, subsection (2) is amended*

- (a) *by striking out the word “and” at the end of clause (a) and by adding the word “and” at the end of clause (b) , and*
- (b) *by adding after clause (b) the following clause:*
  - (c) *where an employee or agent has commenced or terminated employment during the year, the date of the commencement or termination.*

8. *Section 16 is struck out.*

9. *Section 19 is struck out and the following section is substituted therefor:*

**19.** A person holding a licence under this Act shall not

- (a) hold himself out in any manner as performing or providing services or duties ordinarily performed or provided by police, or
- (b) at any time, whether by agreement with a municipality or municipal police commission or otherwise, act as a member of the police force or perform the duties of a peace officer, including a special constable or by-law enforcement officer, unless
  - (i) such duties or services are restricted to the enforcement of municipal by-laws pertaining to the parking of vehicles, and
  - (ii) he is acting as a security guard and possesses an appointment as a by-law enforcement officer.

10. *Section 26, clause (j) is amended by adding after the words “that may be worn” the words “and the equipment that may be used”.*

11. *This Act comes into force on July 1, 1973.*

**6. Section 12 (1) presently reads:**

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.

It is impractical for a large agency to have on display the licences of all its employees.

**7. Section 14(2) presently reads:**

(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.

**8. Section 16 reads:**

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.

This can be dealt with by general regulations dealing with temporary licences under section 26.

**9.** This amendment will provide the necessary restriction to prevent security guards from being employed by municipalities to provide a police function for which they are not qualified to act and yet will permit the municipality to appoint security guards as by-law enforcement officers for servicing parking meters and enforcing by-laws that restrict parking on private property. There is a need for this service.

**10. Regulations. Section 26(j) presently reads:**

26. The Lieutenant Governor in Council may make regulations

- (j) governing the uniforms that may be worn by security guards and prohibiting the wearing of uniforms by private investigators, and