

1977 BILL 43

---

---

Third Session, 18th Legislature, 26 Elizabeth II

---

---

THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 43

THE POLICE AMENDMENT ACT, 1977

---

---

THE SOLICITOR GENERAL

---

---

First Reading .....

Second Reading .....

Third Reading .....

## BILL 43

1977

### THE POLICE AMENDMENT ACT, 1977

(Assented to . 1977)

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

1. *The Police Act, 1973 is hereby amended.*

2. *Section 14 is amended by adding after subsection (3) the following subsections:*

(4) A notice to enforce the attendance of a witness at any proceeding before the Board may be issued by the chairman and shall state the time and place at which the witness is to attend.

(5) A witness may be examined on oath on all matter relevant to the proceeding and shall not be excused from answering any question on the ground that the answer

- (a) might tend to criminate him, or
- (b) might subject him to punishment under this Act, or
- (c) might tend to establish his liability
  - (i) to a civil proceeding at the instance of the Crown or of any other person, or
  - (ii) to prosecution under any statute,

but the answer so given, if it is such as tends to criminate him or to establish his liability to a civil proceeding, shall not be used or received against him in any civil proceedings or in any proceedings under any other Act of Alberta.

(6) A witness

- (a) who fails to attend before the Board, or
- (b) who refuses to be sworn or to answer any question allowed by the Board,

### **Explanatory Notes**

1. This Bill will amend chapter 44 of the Statutes of Alberta, 1973.
2. Attendance of witnesses before Board.

is liable to attachment upon application to a judge of the Supreme Court of Alberta.

(7) A witness attending at any proceeding before the Board is entitled to be paid a fee therefor at the prescribed rate out of moneys appropriated by the Legislature for that purpose.

3. Section 32 is renumbered as subsection (1) and the following subsections are added thereafter:

(2) A notice to enforce the attendance of a witness at any disciplinary hearing may be issued by the chief of police and shall state the time and place at which the witness is to attend.

(3) A witness may be examined on oath on all matters relevant to the hearing and shall not be excused from answering any question on the ground that the answer

- (a) might tend to criminate him, or
- (b) might subject him to punishment under this Act, or
- (c) might tend to establish his liability
  - (i) to a civil proceeding at the instance of the Crown or of any other person, or
  - (ii) to prosecution under any statute,

but the answer so given, if it is such as tends to criminate him or to establish his liability to a civil proceeding, shall not be used or received against him in any civil proceedings or in any proceedings under any other Act of Alberta.

(4) A witness

- (a) who fails to attend the disciplinary hearing, or
- (b) who refuses to be sworn or to answer any question,

is liable to attachment upon application to a judge of the Supreme Court of Alberta.

(5) A witness attending at a disciplinary hearing under this section is entitled to be paid a fee therefor by the municipality concerned at the prescribed rate.

4. Section 33, subsection (14) is amended by striking out the words "that a prima facie case appears".

3. Attendance of witnesses at disciplinary hearings.

k. Section 33 (14) presently reads:

*(14) When the Board is satisfied that a prima facie case appears that the conduct of the member or members of a police force who are involved in the investigation or appeal may constitute an offence under an Act of the Parliament of Canada or the Legislature of Alberta, the investigation or appeal shall be adjourned indefinitely and the Board shall forthwith inform the Attorney General of its conclusion.*

5. *Section 37 is struck out and the following section is substituted therefor:*

**37.** Where, pursuant to section 36, an agreement exists between an urban municipality and the Government of Canada, section 25, subsection (2), section 28 and section 30, subsection (1) do not apply.

6. *Section 43, subsection (1) is amended by adding after clause the following clause:*

(f.1) prescribing rates of fees payable to witnesses at investigation, hearing or other proceeding under the Act;

7. *This Act comes into force on the day upon which it is assented to.*

Section 37 presently reads:

*7. Where, pursuant to section 36, an agreement exists between an urban municipality and the Government of Canada and where the urban municipality has a commission as provided for in section 23, the provisions of sections 25 to 32 do not apply but the commission shall act in an advisory capacity to the senior member of the Royal Canadian Mounted Police located in the urban municipality, the Solicitor General and to the council of the urban municipality with respect to the policing of the urban municipality.*

This amendment will permit regulations to be made prescribing less fees.