

1981 BILL 17

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Third Session, 19th Legislature, 30 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 17**

**THE POLICE AMENDMENT ACT, 1981**

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MR. WEISS

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First Reading .....  
Second Reading .....  
Committee of the Whole .....  
Third Reading .....  
Royal Assent .....

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Bill 17  
Mr. Weiss

## BILL 17

1981

### THE POLICE AMENDMENT ACT, 1981

(Assented to \_\_\_\_\_, 1981)

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

1 *The Police Act, 1973 is amended by this Act.*

2 *Section 1 is amended*

*(a) by repealing clause (c) and substituting the following:*

(c) "council" means

- (i) the council of a city, town or village,
- (ii) the board of administrators of a new town, or
- (iii) in the case of a hamlet, the council of the county or municipal district in which the hamlet is situated;

*(b) by repealing clause (e) and substituting the following:*

(e) "mayor" includes

- (i) the chairman of the board of administrators of a new town, and
- (ii) in the case of a hamlet, the reeve of the county or municipal district in which the hamlet is situated;

*(c) by repealing clause (f) and substituting the following:*

(f) "urban municipality" means

- (i) a city, town, new town or village, or
- (ii) in the case of a hamlet that has a population in excess of 1500 persons, the county or municipal district in which the hamlet is situated.

## Explanatory Notes

**1** This Bill will amend chapter 44 of the Statutes of Alberta, 1973.

**2** Section 1 presently reads in part:

*1 In this Act,*

*(c) "council" means*

*(i) the council of a city, town or village, or*

*(ii) the board of administrators of a new town;*

*(e) "mayor" includes the chairman of the board of administrators of a new town;*

*(f) "urban municipality" means a city, town, new town, village or hamlet.*

3 Section 2 is amended by striking out “laws of Alberta” and substituting “laws in force in Alberta”.

4 Section 3 is amended by striking out “having a population in excess of 1,500 persons” and substituting “that is responsible for providing and maintaining a police force under section 18 unless the urban municipality has entered into an agreement under section 36”.

5 Section 18(3) is amended by striking out “The council of an” and substituting “An”.

6 Section 21(1) is amended

(a) by striking out “the council of any urban municipality” and substituting “an urban municipality”, and

(b) by striking out “notify the council” and substituting “notify the council of the urban municipality”.

7 Section 23(1) is repealed and the following is substituted:

**23(1)** An urban municipality that

(a) is responsible for providing and maintaining a police force under section 18, and

(b) has not entered into an agreement under section 36,

shall by by-law establish a municipal police commission.

(1.1) If an urban municipality has entered into an agreement under section 36, the council of that urban municipality may by by-law establish a municipal police commission.

8 Section 25 is amended by adding the following after subsection (2):

(2.1) The power to appoint members of a police force other than the chief of police may be delegated by the commission to the chief of police.

**3** Section 2 presently reads:

*2 The Lieutenant Governor in Council may, from time to time, authorize the Solicitor General on behalf of the Government of Alberta to enter into an agreement with the Government of Canada for the use or employment in all or any portion of Alberta of the Royal Canadian Mounted Police in aiding in the administration of justice and in carrying into effect the laws of Alberta.*

**4** Section 3 presently reads:

*3 Where an agreement is in force under section 2, the Royal Canadian Mounted Police shall be responsible for the policing of all or any part of Alberta as provided in the agreement but not including any urban municipality having a population in excess of 1,500 persons.*

**5** Section 18(3) presently reads:

*(3) The council of an urban municipality having a population in excess of 1,500 persons shall provide lock-up accommodation adequate for the needs of the municipality.*

**6** Section 21(1) presently reads:

*21(1) When, in the opinion of the Solicitor General, the council of any urban municipality to which section 18 applies is not providing or maintaining an adequate and efficient police force or is not complying with this Act or the regulations, the Solicitor General may notify the council of that fact and request the council to take such steps as he considers necessary.*

**7** Section 23(1) presently reads:

*23(1) The council of an urban municipality having a population of more than 1,500 persons shall provide for a municipal police commission.*

**8** Section 25(2) presently reads:

*(2) The members of the police force in an urban municipality shall be appointed by the commission but the appointment of a chief of police is subject to ratification by the council.*

9 *Section 29 is repealed and the following is substituted:*

**29**(1) The chief of police of an urban municipality shall be a Canadian citizen.

(2) Subject to subsection (1), every member of a police force of an urban municipality shall be a Canadian citizen or lawfully admitted to Canada for permanent residence.

10 *The following is added after section 32:*

**32.1**(1) Notwithstanding section 32, if a member of a police force is the subject of a disciplinary hearing and, in the opinion of the Solicitor General, there is no member of that police force who has sufficient rank to conduct an investigation in respect of the hearing, the Solicitor General may designate a senior member of another police force to conduct the investigation.

(2) A member of the police force of an urban municipality shall be designated under subsection (1) only with the oral or written consent of the chairman of the commission or, if there is no commission, of the mayor of that urban municipality.

(3) The urban municipality shall be reimbursed by the Solicitor General for the salary and expenses of any member of the police force designated under subsection (1).

(4) A member of a police force designated under subsection (1) has authority throughout Alberta for the purposes of the investigation.

11 *Section 33(14) is repealed and the following is substituted:*

(14) If the Board is of the opinion 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 Board shall, subject to subsections (14.1) and (14.2), adjourn that investigation or appeal and refer the matter to the Attorney General.

(14.1) If the Attorney General is satisfied that a matter referred to him under subsection (14) does not involve conduct that constitutes an offence under an Act of the Parliament of Canada or the Legislature of Alberta, he may refer the matter back to the Board for disposition.

(14.2) If the Attorney General is satisfied that a matter referred to him under subsection (14) may involve conduct that constitutes an offence under an Act of the Parliament of Canada or the Legislature of Alberta, the Attorney General may refer the matter back to the Board for disposition under this section

**9** Section 29 presently reads:

*29 The chief of police of a city, town or new town having a population in excess of 5,000 persons shall be a Canadian citizen.*

**10** Disciplinary hearing by an outside police officer.

**11** Section 33(14) presently reads:

*(14) When the Board is satisfied 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.*

(a) at any time, if no court proceedings are instituted in respect of that matter, or

(b) if court proceedings are instituted in respect of that matter, after those proceedings have been concluded.

(14.3) If court proceedings are instituted at any time after a matter has been referred back to the Board under subsection (14.1) or (14.2), the Attorney General may adjourn the investigation or appeal before the Board until the court proceedings have been concluded.

(14.4) If a matter is referred to the Attorney General under subsection (14), the Board shall not further deal with that matter unless it is referred back to the Board under subsection (14.1) or (14.2).

12 *Section 36(2) is amended by*

(a) *striking out* "the council of";

(b) *striking out* "on behalf of" *and substituting* "with respect to".

13 *Section 43 is amended by adding the following after clause (e.2):*

(e.3) governing discipline respecting special constables, including procedures and penalties;

14 *Section 44(1) is amended by adding the following after clause (c):*

(c.1) governing security clearances to be met by persons recruited as special constables;

(c.2) prescribing courses of training for special constables;

(c.3) prescribing the information and statistical data to be kept by a municipal police force, an employer of a special constable and a government agency involved in law enforcement;

(c.4) governing the reporting to the Solicitor General of any information and statistical data required to be kept pursuant to this Act or the regulations;

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*In accordance with section 4(1) of The Interpretation Act, 1980, this Bill comes into force on the date it receives Royal Assent.*



**12** Section 36(2) presently reads:

*(2) In the case of a hamlet, the council of the county or municipal district in which the hamlet is situated may enter into an agreement under subsection (1) on behalf of the hamlet.*

**13** Section 43 presently reads in part:

*43(1) The Lieutenant Governor in Council may make regulations*

*(e.2) governing discipline within police forces, including procedures and penalties;*

**14** Section 44(1) presently reads in part:

*44(1) The Solicitor General may make regulations*

*(c) prescribing basic courses of training for members of municipal police forces;*

*(d) prescribing the records, returns, books and accounts to be kept and made by municipal police forces or the members thereof;*