

2008 Bill 10

---

First Session, 27th Legislature, 57 Elizabeth II

---

THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 10**

## **SECURITY SERVICES AND INVESTIGATORS ACT**

---

MR. ANDERSON

---

First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

---

---



*Bill 10*  
*Mr. Anderson*

## **BILL 10**

2008

### **SECURITY SERVICES AND INVESTIGATORS ACT**

*(Assented to , 2008)*

#### *Table of Contents*

1 Definitions

#### **Part 1 Licensed Activities**

- 2 Investigators
- 3 Security services
- 4 Guard dog handlers
- 5 Locksmiths and by-pass tools
- 6 Loss prevention workers
- 7 Security alarm responders
- 8 Business licences
- 9 Offence

#### **Part 2 Exemptions from Licensing Requirements**

- 10 Exemptions from licensing
- 11 Exemption from licensing by the Registrar

#### **Part 3 Licence Applications, Renewals, Suspensions and Cancellations**

- 12 Designation of Registrar
- 13 Registrar's functions
- 14 Individual licence
- 15 Business licence

- 16 Refusal of licence application
- 17 Licence not transferable
- 18 Individual licensee obligations
- 19 Business licensee obligations
- 20 Suspension or cancellation of licence
- 21 Return of licence
- 22 Registrar's decision
- 23 Review by Director
- 24 Appeal to Board

#### **Part 4 Complaints and Discipline**

- 25 Complaints about individual licensees
- 26 Investigation and disposition of complaints
- 27 Review by Registrar
- 28 Complaints about a business licensee

#### **Part 5 Inspections**

- 29 Inspection and investigation

#### **Part 6 Display of Licence, Records, Annual Returns**

- 30 Display of licence
- 31 Records
- 32 Annual returns

#### **Part 7 General**

- 33 Uniforms and weapons
- 34 Peace officers
- 35 Collection agency or collector of debts
- 36 Prohibition
- 37 Unlicensed employees
- 38 Identification
- 39 Prohibited titles
- 40 Prohibited terminology
- 41 Proof of being licensed

**Part 8  
Offences and Penalties**

- 42, 43 Offences
- 44 Penalties

**Part 9  
Regulations**

- 45 Lieutenant Governor in Council regulations
- 46 Ministerial regulations

**Part 10  
Transitional Provisions,  
Consequential Amendments,  
Repeal and Coming into Force**

- 47 Licences
- 48 Complaints and appeals
- 49 Actions barred
- 50 Consequential amendment
- 51 Repeal
- 52 Coming into force

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

**Definitions**

**1** In this Act,

- (a) “applicant” means a person who applies to the Registrar for a licence or for the renewal of a licence;
- (b) “Board” means the Law Enforcement Review Board established under the *Police Act*;
- (c) “business” means a corporation, partnership, sole proprietorship, society or not-for-profit organization;
- (d) “business licensee” means a business to whom a business licence is issued under this Act or the regulations;

- (e) “Court” means the Court of Queen’s Bench;
- (f) “Director” means the Director of Law Enforcement appointed under section 8 of the *Police Act* or a person designated by the Director to act on his or her behalf;
- (g) “individual licensee” means an individual to whom an individual licence is issued under this Act or the regulations;
- (h) “licence” means a business licence or an individual licence issued under this Act or the regulations;
- (i) “licensee” means a business licensee or an individual licensee;
- (j) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (k) “Registrar” means an individual designated as Registrar, or any other individual designated to exercise the powers and perform the duties of the Registrar, under section 12;
- (l) “security or investigative work” means any activity for which a licence is required under this Act or the regulations.

## **Part 1 Licensed Activities**

### **Investigators**

**2(1)** No person may, without a licence to do so, for remuneration, investigate, conduct surveillance activities or seek or obtain information about

- (a) crimes, offences, contraventions of enactments or misconduct, or allegations of crimes, offences, contraventions of enactments or misconduct,
- (b) the cause of an accident, incident, property damage, personal injury or damage to premises,
- (c) the activity, conduct, character or reputation of a person,
- (d) the location of property, or

(e) the whereabouts of a person.

**(2)** No person may advertise, hold out or offer to provide a service or perform an activity described in subsection (1) unless the person has a licence to provide the service or perform the activity.

#### **Security services**

**3(1)** No person may, without a licence to do so, for remuneration,

- (a) patrol, guard or provide security for another person or for the property or premises of another person, or
- (b) detect loss of or damage to the property or premises of another person.

**(2)** No person may advertise, hold out or offer to provide a service or perform an activity described in subsection (1) unless the person has a licence to provide the service or perform the activity.

#### **Guard dog handlers**

**4(1)** No person may, without a licence to do so, for remuneration,

- (a) engage in the activity of training, handling or controlling a dog for the purpose of providing security to a person, property or premises, or
- (b) supply a dog to provide security for a person, property or premises.

**(2)** No person may advertise, hold out or offer to provide a service described in subsection (1) unless the person has a licence to provide the service.

#### **Locksmiths and by-pass tools**

**5(1)** No person may, without a licence to do so,

- (a) possess or operate tools designed to operate the switches or locks of a motor vehicle,
- (b) possess locksmith tools,
- (c) for remuneration, make, install, maintain, repair, code, recode, rekey or repin locking devices,

- (d) design or maintain master key systems,
- (e) maintain key code records, or
- (f) cut, make or sell keys or other lock-operating devices that
  - (i) are stamped or marked to prohibit or restrict duplication or copying, including, without limitation, keys marked “Master”, “Do not copy”, “Do not duplicate” or “Restricted”, or
  - (ii) can be duplicated or copied or coded only by equipment unique to that type of key or lock-operating device.

**(2)** No person may advertise, hold out or offer to provide a service or to perform an activity described in subsection (1) unless the person has a licence to provide the service or to perform the activity.

#### **Loss prevention workers**

**6(1)** No person may, without a licence to do so, for remuneration, in plain clothes,

- (a) prevent loss of or damage to the commercial, industrial or retail property or premises of another person, or
- (b) detect loss of or damage to the commercial, industrial or retail property or premises of another person.

**(2)** No person may advertise, hold out or offer to provide a service or to perform an activity described in subsection (1) unless the person has a licence to provide the service or to perform the activity.

#### **Security alarm responders**

**7** No person may, without a licence to do so, for remuneration, respond in person to the location of a security alarm.

#### **Business licences**

**8** No person may, without a business licence to do so, engage in the business of providing individual licensees, or employ or engage

an individual licensee, to do or to provide security or investigative work.

**Offence**

**9** A person who engages in security or investigative work without a licence in contravention of section 2, 3, 4, 5, 6, 7 or 8 is guilty of an offence.

## **Part 2 Exemptions from Licensing Requirements**

**Exemptions from licensing**

**10** The following persons and classes of persons are exempt from the requirement to be licensed under this Act and the regulations:

- (a) members of the Royal Canadian Mounted Police, members of a police service as defined in the *Police Act*, and peace officers while acting within the scope of their authority and in the course of their employment or designation;
- (b) barristers and solicitors acting within the scope of their profession;
- (c) insurance adjustment agencies, insurance companies and the Fire Underwriters' Investigation Bureau of Canada Incorporated while engaged in the normal scope of their business, and their employees or agents while acting within the scope of their employment;
- (d) a person who obtains or provides information about the financial rating, credit rating or financial standing of another person while engaged within the scope of that activity;
- (e) a person engaged in a business who
  - (i) engages an individual licensee employed on contract by a business licensee to provide security or investigative work, and
  - (ii) does not employ an individual licensee to perform that security or investigative work;

- (f) a person whose primary business is to provide an armoured vehicle service to transport property;
- (g) volunteer security guards when no remuneration is provided to the volunteer or to the volunteer organization of which the volunteer security guards are members, unless the volunteer organization competes for a tender for a contract to perform security work;
- (h) a person who is employed or engaged for services only to provide advice to another person about that other person's security requirements;
- (i) persons who obtain or provide information about
  - (i) the qualifications and suitability of an applicant for insurance or an indemnity bond, or
  - (ii) the qualifications and suitability of a prospective employee
 while obtaining or providing that information;
- (j) a person licensed under the *Gaming and Liquor Act* or an employee of such a person, while carrying out duties and functions under the *Gaming and Liquor Act*;
- (k) a person licensed under the *Safety Codes Act* or an employee of such a person, while carrying out duties and functions under the *Safety Codes Act*;
- (l) a person who is employed or engaged by the Crown or an agent of the Crown to perform security or investigative work, while acting within the scope of that employment or engagement;
- (m) except with respect to the activities described in section 4 or 5, an employer and a person who is employed or engaged to perform security or investigative work solely with respect to employees or contractors of the employer, while acting within the scope of that employment or engagement;
- (n) a person engaged in an investigative capacity under an enactment governing a profession or occupation;

- (o) an officer of the Legislature, including the Auditor General, the Ombudsman, the Chief Electoral Officer, the Ethics Commissioner and the Information and Privacy Commissioner, while acting within the scope of that person's office and any person employed or engaged in any of those offices while acting within the scope of that employment or engagement capacity;
- (p) any person designated or described in the regulations or any person engaged to perform any security or investigative work described in the regulations.

**Exemption from licensing by the Registrar**

**11(1)** The Registrar may exempt a person from holding a licence if the person

- (a) resides in a jurisdiction outside Alberta and is employed or engaged for services in good faith in that jurisdiction by or on behalf of an employer or client who resides outside Alberta, to carry out an investigation or inquiry partly outside Alberta and partly in Alberta,
- (b) wishes to carry out a temporary investigation or inquiry in Alberta solely for the purpose of an investigation or inquiry described in clause (a),
- (c) notifies the Registrar of his or her intended presence in Alberta and provides the Registrar with particulars of the work he or she proposes to undertake, and
- (d) applies for an exemption in the form and manner required by the Registrar.

**(2)** An exemption under subsection (1) may be granted for any period of time or for any purpose the Registrar considers appropriate.

### **Part 3 Licence Applications, Renewals, Suspensions and Cancellations**

#### **Designation of Registrar**

**12** The Minister may designate an individual as Registrar and may designate any other individuals to exercise the powers and perform the duties of the Registrar.

#### **Registrar's functions**

**13(1)** The Registrar may, in accordance with this Act and the regulations,

- (a) issue or renew a licence in respect of any matter for which a licence is required under this Act or the regulations,
- (b) prescribe any terms and conditions of a licence,
- (c) specify the term of a licence, and
- (d) exercise any other power and perform any other duty or function conferred or imposed by this Act or the regulations.

**(2)** The terms and conditions of a licence and the term of a licence may vary depending on the applicant, the security or investigative work for which the licence is issued, or both.

#### **Individual licence**

**14** An individual who requires a licence to engage in security or investigative work or to advertise, hold out or offer to provide the services or activities described under Part 1, or who requires a renewal of such a licence, must

- (a) meet the requirements for being issued an individual licence or the requirements for the renewal of the individual licence as specified in the regulations,
- (b) apply to the Registrar in a form and manner acceptable to the Registrar,
- (c) pay the prescribed fee,

- (d) provide any information requested by the Registrar for the purpose of determining the individual's eligibility for an individual licence or the renewal of the individual licence, and
- (e) provide any other information prescribed by the regulations, which may include personal information as defined in the *Freedom of Information and Protection of Privacy Act*.

#### **Business licence**

**15** A person that requires a business licence or a renewal of a business licence must

- (a) meet the requirements for being issued a business licence or the requirements for the renewal of the business licence as specified in the regulations,
- (b) apply to the Registrar in a form and manner acceptable to the Registrar,
- (c) pay the prescribed fee,
- (d) provide any information requested by the Registrar for the purposes of determining the person's eligibility for a business licence or the renewal of the business licence,
- (e) provide any other information prescribed by the regulations, which may include personal employee information as defined in the *Personal Information Protection Act*, and
- (f) provide evidence that the business has and will maintain liability insurance as prescribed by the regulations.

#### **Refusal of licence application**

**16(1)** The Registrar may refuse to issue a licence or refuse to renew a licence if the Registrar is satisfied that the applicant

- (a) has contravened or is contravening this Act or the regulations,
- (b) has not met the requirements of this Act or the regulations,

- (c) has provided false or misleading information in the application for a licence or renewal of a licence or in any report or information required to be provided under this Act or the regulations,
- (d) in the case of an application for renewal of a licence,
  - (i) has not complied with the terms or conditions of a licence, or
  - (ii) has not provided a report or information required by this Act, the regulations or the Registrar,
- (e) in the opinion of the Registrar, is not a fit and proper person to be issued or to continue to hold a licence, or
- (f) has been charged with a criminal offence.

**(2)** If the Registrar, on reasonable grounds, believes that it is not in the public interest to issue or renew a licence, the Registrar may refuse to do so.

**(3)** For the purpose of determining whether to issue or renew a licence, the Registrar may collect personal information as defined in the *Freedom of Information and Protection of Privacy Act* or personal employee information as defined in the *Personal Information Protection Act* from the applicant or, if the applicant's employer is a business licensee, from the applicant's employer.

#### **Licence not transferable**

**17** A licence issued under this Act or the regulations is not transferable.

#### **Individual licensee obligations**

**18** An individual licensee must, in accordance with the regulations, report in writing to the Registrar

- (a) a change of address,
- (b) a change in any information provided to the Registrar when the application for the individual licence or the renewal of the individual licence was made, and

- (c) any other information prescribed by the regulations or requested by the Registrar.

**Business licensee obligations**

**19** A business licensee must, in accordance with the regulations, report in writing to the Registrar

- (a) a change of address of the principal office for the business,
- (b) a change in any information provided to the Registrar when the application for the business licence or the renewal of the business licence was made,
- (c) the names of the individual licensees employed or engaged for services by the business licensee,
- (d) the use of a weapon or the allegation of use of excessive force by an individual licensee employed or engaged for services by the business licensee in the course of the individual licensee's duties,
- (e) a criminal charge or any conviction of a criminal offence against the business licensee or an employee of the business licensee,
- (f) any incident allegedly involving a breach by a licensee of the code of conduct established pursuant to the regulations,
- (g) any incident involving serious injury to or the death of an individual licensee employed or engaged for services by the business licensee,
- (h) any incident involving serious injury to or the death of another person alleged to have resulted from the actions of an individual licensee employed or engaged for services by the business licensee, or
- (i) any other information prescribed by the regulations or requested by the Registrar.

### **Suspension or cancellation of licence**

**20** The Registrar may suspend or cancel the licence of an individual licensee or a business licensee if

- (a) the licensee is convicted of a criminal offence,
- (b) the licensee is convicted of an offence under this Act or the regulations,
- (c) the licensee fails to comply with a term or condition of the licensee's licence,
- (d) the licensee fails to comply with the code of conduct established pursuant to the regulations for that class of licensees,
- (e) the licensee makes an untrue statement or misleading statement
  - (i) in the licensee's application for a licence or renewal of a licence, or
  - (ii) in a report made or information provided to the Registrar,
- (f) the licensee fails or refuses to make a return or to provide to the Registrar any information required under this Act or the regulations,
- (g) in the opinion of the Registrar, the licensee is not a fit and proper person to hold a licence, or
- (h) in the opinion of the Registrar, it is in the public interest to suspend or cancel the licence.

### **Return of licence**

**21** If the Registrar suspends or cancels a licence, the licensee must return the licence to the Registrar forthwith.

### **Registrar's decision**

**22(1)** If the Registrar refuses to issue or renew a licence under section 16, the Registrar must inform the applicant in writing of the decision, with reasons.

**(2)** The Registrar must inform the licensee in writing of the decision, with reasons, when the Registrar

- (a) suspends or cancels a licence under section 20, 27, 28 or 29, or
- (b) varies the terms and conditions of a licence under section 27, 28 or 29.

**Review by Director**

**23(1)** Within 30 days from the date that the applicant or licensee is advised in writing of the Registrar’s decision under section 22, the applicant or licensee may, in writing, request the Director to review the Registrar’s decision.

**(2)** The Director may, in the course of reviewing the Registrar’s decision, engage in or refer the matter to mediation in an attempt to resolve the issues.

**(3)** The Director must, within 30 days of receiving a request under subsection (1), inform the applicant or licensee in writing of the Director’s decision confirming, reversing or varying the Registrar’s decision, and the Director may direct the Registrar to issue, suspend or cancel the licence or to impose additional terms and conditions on the licence.

**(4)** Notwithstanding subsection (3), the Director may, on notice to the applicant or licensee, extend the time referred to in subsection (3) if additional time is required to review the Registrar’s decision.

**(5)** No action lies against a person who conducts a mediation in good faith under this section for any act done or omitted to be done with respect to the mediation.

**Appeal to Board**

**24(1)** An applicant or licensee may, within 30 days from the date that the applicant or licensee is informed in writing of the Director’s decision under section 23, appeal the decision to the Board by filing a written notice of appeal setting out the grounds on which the appeal is based.

**(2)** The Board may, before or after the expiration of 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 on which the time for service under subsection (1) expires.

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

(4) The Board may confirm, reverse or vary the Director's decision and may direct the Registrar to issue, suspend or cancel the licence or to impose additional terms and conditions on the licence.

(5) A decision of the Board is final.

(6) No appeal may be made to the Board where a licence is suspended or cancelled because the licensee has been convicted of a criminal offence.

## **Part 4 Complaints and Discipline**

### **Complaints about individual licensees**

**25** Any person may make a complaint in writing about an individual licensee to the individual licensee's employer within 90 days after the action or circumstance giving rise to the complaint occurs.

### **Investigation and disposition of complaints**

**26(1)** Subject to subsection (2), where a complaint is made under section 25, the employer must investigate and dispose of the complaint in accordance with the procedures set out in this Act and the regulations.

(2) An employer may refuse to investigate or may discontinue the investigation of a complaint if, in the opinion of the employer,

- (a) the complaint is frivolous, vexatious or made in bad faith, or
- (b) having regard to all of the circumstances, no investigation is necessary.

(3) If the employer refuses to investigate a complaint or discontinues the investigation of a complaint under subsection (2), the employer must notify the complainant of the refusal or

discontinuance in writing, with reasons, within 90 days of receiving the complaint.

**(4)** The employer must, within 90 days of receiving a complaint, notify the complainant, the individual licensee who is the subject of the complaint and the Registrar in writing of

- (a) the employer's disposition of the complaint and the reasons for the disposition, and
- (b) the right of the complainant to have the employer's disposition of the complaint reviewed by the Registrar.

#### **Review by Registrar**

**27(1)** Within 30 days of receiving notice of the employer's disposition of the complaint under section 26, the complainant may, in writing, request the Registrar to review the employer's disposition.

**(2)** If the employer has not completed the investigation of the complaint in accordance with section 26, the complainant may, in writing, request the Registrar to review the complaint.

**(3)** The Registrar must conduct a review of the employer's disposition if the Registrar receives a request from a complainant under subsection (1) or investigate the complaint if the Registrar receives a request from a complainant under subsection (2).

**(4)** The Registrar may refuse to investigate or may discontinue the investigation of a complaint if, in the opinion of the Registrar,

- (a) the complaint is frivolous, vexatious or made in bad faith, or
- (b) having regard to all of the circumstances, no investigation is necessary.

**(5)** If the Registrar refuses to investigate a complaint or discontinues the investigation of a complaint under subsection (4), the Registrar must notify the complainant of the refusal or discontinuance in writing, with reasons, within 90 days of receiving the complaint.

**(6)** After completing an investigation of the complaint or a review of the employer's disposition of a complaint, the Registrar may

vary the terms and conditions of or cancel or suspend the individual licensee's licence or the employer's business licence.

(7) The Registrar must, in writing, notify the complainant, the individual licensee who is the subject of the complaint and the individual licensee's employer of the Registrar's decision and the reasons for the decision, and the decision of the Registrar is final.

#### **Complaints about a business licensee**

**28(1)** Any person may make a complaint in writing about a business licensee to the Registrar within 90 days after the action or circumstance giving rise to the complaint occurs.

(2) The Registrar may refuse to investigate or may discontinue the investigation of a complaint if, in the opinion of the Registrar,

- (a) the complaint is frivolous, vexatious or made in bad faith, or
- (b) having regard to all of the circumstances, no investigation is necessary.

(3) If the Registrar refuses to investigate a complaint or discontinues the investigation of a complaint under subsection (2), the Registrar must notify the complainant of the refusal or discontinuance in writing, with reasons, within 90 days of receiving the complaint.

(4) After completing an investigation, the Registrar may vary the terms and conditions of the business licensee's licence or cancel or suspend the business licensee's licence.

(5) The Registrar must, in writing, notify the complainant and the business licensee who is the subject of the complaint of the Registrar's disposition of the complaint and the reasons for the disposition, and the Registrar's decision is final.

## **Part 5 Inspections**

#### **Inspection and investigation**

**29(1)** The Registrar may enter a business licensee's premises for the purposes of conducting an investigation under this Act or to inspect the premises and the records of the business licensee to

ensure compliance with this Act, the regulations and the terms and conditions of the business licence.

**(2)** An inspection under subsection (1) must be conducted during normal business hours or at any other time agreed on by the business licensee and the Registrar.

**(3)** When acting under the authority of this section, the Registrar must carry identification and produce it to any person on request.

**(4)** The Registrar may in the course of an inspection require a person

- (a) to give written or oral replies to questions,
- (b) to produce any books, records, reports, documents or other items, including electronic records or documents, and
- (c) to provide any other information requested by the Registrar that may be related to the administration of this Act or the regulations.

**(5)** The Registrar may in the course of an inspection inspect, examine and make copies of or temporarily remove books, records, reports, documents or other items that may be related to the administration of this Act and the regulations.

**(6)** When the Registrar removes any books, records, reports or documents or other items under subsection (5), the Registrar

- (a) must give a receipt for them to the person from whom they were taken,
- (b) may make copies of, take photographs of or otherwise record them, and
- (c) must, within a reasonable time, return them to the person to whom the receipt was given or to any person authorized to receive them.

**(7)** If entry under subsection (1) is refused or a person refuses to co-operate or interferes with the Registrar's performance of duties under this section, the Registrar may apply to the Court by way of originating notice for an order that the Registrar may

- (a) at any reasonable time enter the premises and inspect the premises and records, and
- (b) require the production of any books, records, reports, documents or other items and examine them, make copies of, take photographs of or otherwise record them or remove them temporarily for the purpose of making copies,

and the Court may, on being satisfied that the order is necessary for the purpose of this section, make any order that it considers appropriate.

**(8)** An application under subsection (7) may be made ex parte if the Court considers it appropriate.

**(9)** After an inspection the Registrar may vary the terms and conditions of the business licence or suspend or cancel the business licence.

## **Part 6 Display of Licence, Records, Annual Returns**

### **Display of licence**

**30(1)** A business licensee must display the business licence in a conspicuous location in each office of that business and in any other place in Alberta where the business licensee is engaged in or carries on the business in respect of which the business licence is held.

**(2)** Each individual licensee employed by a business licensee must provide a copy of the individual licensee's licence for filing in the principal office of the business licensee.

**(3)** Every individual licensee must carry his or her licence and produce it to any person on request.

### **Records**

**31** A business licensee must keep complete records

- (a) of the names and addresses of all persons acting for or employed by the business licensee in the carrying on of

the business in respect of which the business licence is held, and

- (b) in accordance with the regulations, of all security or investigative work undertaken,

and must produce those records for inspection at any time on the request of the Registrar.

#### **Annual returns**

**32(1)** Each year a business licensee must file a return for the preceding year with the Registrar in a form and manner acceptable to the Registrar.

**(2)** A return

- (a) must give the address of each office in which the business licensee carried on the business in respect of which the business licence was issued in the preceding calendar year, and
- (b) must give the names and addresses of each of the business licensee's agents and employees licensed under this Act or the regulations acting for, engaged or employed by the business licensee during the preceding calendar year.

**(3)** A return must contain any other information with respect to the business licensee as prescribed by the regulations.

## **Part 7 General**

#### **Uniforms and weapons**

**33(1)** An individual licensee must wear the uniform and insignia specified in the regulations for that class of licensees.

**(2)** An individual licensee shall not have in the licensee's possession any weapons or equipment except those specified in the regulations or authorized by the Registrar.

#### **Peace officers**

**34** A peace officer appointed under the *Peace Officer Act* may be issued an individual licence and may be employed by a business

licensee as an individual licensee only while the peace officer is not acting within the scope of the peace officer's duties.

**Collection agency or collector of debts**

**35** A licensee shall not

- (a) act, either with or without remuneration, as a collection agency or a collector of debts or accounts, or
- (b) hold out or advertise that the person is a collection agency or a collector of debts or accounts for any person.

**Prohibition**

**36** A licensee shall not hold out in any manner that the licensee performs or provides services or duties ordinarily performed or provided by police.

**Unlicensed employees**

**37** A business licensee shall not employ an individual to perform security or investigative work unless that individual is licensed under this Act or the regulations.

**Identification**

**38** A person shall not

- (a) possess, display or permit to be displayed an altered or fraudulently obtained licence,
- (b) transfer a licence to another person or permit another person to use the licence,
- (c) display or represent a licence as the person's own licence if that licence was not issued to the person,
- (d) display or represent as a valid licence a licence that has expired or that has been suspended or cancelled, or
- (e) possess or display any badge, shield, card or other object purporting to indicate that the person is licensed under this Act unless the person is so licensed.

#### **Prohibited titles**

**39** A licensee shall not use the expression “private detective”, “law enforcement officer”, “protection officer” or “security officer” in connection with a business or employment, or hold out in any manner that the person is a private detective, law enforcement officer, protection officer or security officer or use any derivation of these terms that is likely to confuse the public.

#### **Prohibited terminology**

**40** A business licensee shall not use the term “police”, “law enforcement”, “protection officer” or “security officer” in the name of the business, its letterhead or its advertising material or in any other way that may create the impression that the business performs a police or law enforcement function.

#### **Proof of being licensed**

**41(1)** A certificate purporting to be signed by the Registrar to the effect that indicates that the person named in it did or did not at any given time or during any given period hold a licence issued under this Act or the regulations shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in it, 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 providing security or investigative work or is acting on behalf of a business and is providing security or investigative work is admissible in evidence as proof, in the absence of evidence to the contrary, that the person is so engaged or acting, as the case may be.

## **Part 8 Offences and Penalties**

#### **Offences**

**42(1)** A person who hinders, obstructs or interferes with the Registrar in the performance of the Registrar’s functions or duties under this Act is guilty of an offence.

**(2)** A person who knowingly makes a false or misleading statement to the Registrar or knowingly provides false information

in any application, statement or return required under this Act is guilty of an offence.

**Offences**

**43(1)** A person who contravenes or fails to comply with any of the following provisions is guilty of an offence:

- section 18;
- section 19;
- section 21;
- section 30;
- section 31;
- section 32;
- section 33(1), (2);
- section 34;
- section 35;
- section 36;
- section 37;
- section 38;
- section 39;
- section 40.

**(2)** A person who contravenes the regulations is guilty of an offence.

**Penalties**

**44(1)** A person who is guilty of an offence under section 9, 42 or 43 is liable

- (a) in the case of an individual, to a fine of not more than \$5000 or to a term of imprisonment not exceeding one year or to both a fine and imprisonment, and
- (b) in the case of a business, to a fine of not more than \$250 000.

**(2)** If a business commits an offence, any officer or director of the business who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and liable to the penalties mentioned in this section whether or not the business has been prosecuted or convicted.

(3) A prosecution under subsection (1) may be commenced within 2 years of the commission of the alleged offence but not afterwards.

## **Part 9 Regulations**

### **Lieutenant Governor in Council regulations**

**45(1)** The Lieutenant Governor in Council may make regulations

- (a) prescribing the amount and form of security to be given in respect of different classes of licences;
- (b) describing activities or services for which a licence is required and prohibiting engaging in, providing or advertising those activities or services without a licence;
- (c) describing activities or services for which a person may engage in the business of providing individual licensees, or employing or engaging individual licensees, and prohibiting engaging in the business of providing individual licensees or employing or engaging individual licensees for those activities or services without a licence;
- (d) respecting records that must be kept, including records respecting security or investigative work undertaken by a licensee;
- (e) respecting returns to be filed with the Registrar;
- (f) respecting the prohibition, regulation and control of advertising by persons licensed under this Act;
- (g) defining “armoured vehicle service”;
- (h) respecting the types of weapons and equipment that may be used by individual licensees or classes of individual licensees generally or in particular circumstances, and prohibiting the use of weapons and equipment;
- (i) respecting the training, use and control of dogs used for the security of persons, property or premises, and prohibiting or regulating the use of those dogs with respect to activities described in the regulations;

- (j) respecting the collection, use and disclosure of personal information as defined in the *Freedom of Information and Protection of Privacy Act* for the purposes of making and approving applications, reviewing, cancelling or suspending or imposing terms and conditions on licences, conducting reviews, inspections, investigations and appeals and providing reports under this Act;
- (k) prescribing information that must be provided to the Registrar by a licensee under section 18 or 19;
- (l) respecting the collection, use and disclosure of personal employee information as defined in the *Personal Information Protection Act* for the purpose of administering this Act;
- (m) respecting any matter that the Lieutenant Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Regulations made under subsection (1) may apply generally or to particular types or classes of licensees, and different regulations may be made in respect of different classes of licences.

#### **Ministerial regulations**

**46(1)** The Minister may make regulations

- (a) respecting the requirements for being issued a licence and for the renewal of a licence;
- (b) prescribing different classes of licences;
- (c) respecting businesses that must be licensed;
- (d) respecting business activities that must be licensed;
- (e) respecting terms and conditions that may be imposed on a licence;
- (f) prescribing the fees payable for different classes of licences;
- (g) requiring and governing the return of licences that have been suspended or cancelled or that have terminated;

- (h) respecting the issue, term, use, retention and destruction of licences;
- (i) respecting the uniforms that may or must be worn by individual licensees;
- (j) respecting vehicle markings for businesses or classes of businesses;
- (k) respecting employment, qualifications, training, duties, discipline and performance of the duties of individual licensees;
- (l) respecting the information that must be provided and conditions that must be met by an applicant for a licence or the renewal of a licence;
- (m) respecting the investigation and disposition of complaints under Part 4;
- (n) respecting the establishment of a code of conduct for classes of individual licensees and classes of business licensees licensed under this Act.

(2) Regulations made under subsection (1) may apply generally or to particular types or classes of licensees, and different regulations may be made in respect of different classes of licences.

## **Part 10 Transitional Provisions, Consequential Amendments, Repeal and Coming into Force**

### **Licences**

**47** A person who is licensed under the *Private Investigators and Security Guards Act*, RSA 2000 cP-23, when this Act comes into force is deemed to be licensed under this Act.

### **Complaints and appeals**

**48** Where a person has made a complaint or commenced an appeal under the *Private Investigators and Security Guards Act*, RSA 2000 cP-23, before this Act comes into force and the

complaint or appeal process has not been concluded by the time this Act comes into force, the complaint or appeal must continue to be dealt with in accordance with the *Private Investigators and Security Guards Act* and the regulations under the *Private Investigators and Security Guards Act* as they read immediately before the coming into force of this section.

**Actions barred**

**49** No action may be brought to appeal, quash or set aside any decision or act of an Administrator made pursuant to the *Private Investigators and Security Guards Act*, RSA 2000 cP-23, on the ground that the Administrator was not an employee of the Department of Justice at the time of such decision or act.

**Amends RSA 2000 cP-17**

**50** The *Police Act* is amended in section 17(1) by striking out “and” at the end of clause (c), adding “and” at the end of clause (d) and adding the following after clause (d):

- (e) shall conduct appeals under section 24 of the *Security Services and Investigators Act*.

**Repeal**

**51** The *Private Investigators and Security Guards Act*, RSA 2000 cP-23, is repealed.

**Coming into force**

**52** This Act comes into force on Proclamation.

## **Explanatory Notes**

**50** Consequential amendment.

**51** Repeals chapter P-23 of the Revised Statutes of Alberta 2000.

**52** Coming into force.

