

NOTICE OF AMENDMENT

BILL 201

SCRAP METAL DEALERS AND RECYCLERS IDENTIFICATION ACT

A1 Agreed to November 19, 2012

Mr. Quest to move that Bill 201, *Scrap Metal Dealers and Recyclers Identification Act*, be amended as follows:

A. Section 1 is amended by striking out clause (b) and substituting the following:

- (b) “peace officer” means
 - (i) a police officer under the *Police Act*, while the police officer is in the exercise or discharge of the police officer’s powers or duties,
 - (ii) a member of a police service under the *Police Act*, while the member is in the exercise or discharge of the member’s powers or duties, or
 - (iii) a peace officer appointed under the *Peace Officer Act*, while the peace officer is in the exercise or discharge of the peace officer’s powers or duties;

B. Section 3 is amended by adding the following after subsection (2):

(2.1) A scrap metal dealer or recycler shall, at the time of the transaction, take reasonable measures to ensure that the proof of identity provided under subsection (1)

- (a) has not been altered or defaced to misrepresent the age or identity of the person,
- (b) was issued by the issuing agency to the person, and

(c) is not otherwise forged or fraudulently made.

C. The following is added after section 3:

Stolen property

3.1 If a scrap metal dealer or recycler has reasonable grounds to believe that metal in the possession of the scrap metal dealer or recycler is stolen property, the scrap metal dealer or recycler shall immediately report the matter to a law enforcement agency.

D. Section 4 is amended

(a) by striking out subsections (1) and (2) and substituting the following:

4(1) A peace officer may conduct an investigation for the purpose of determining whether a person is in compliance with this Act.

(2) For the purposes of an investigation, a peace officer may, during normal business hours, do any of the following:

- (a) enter the person's business premises;
- (b) inspect, audit or examine any books, records, documents or other things in the premises;
- (c) demand that a book, record, document or any other thing be produced for inspection;
- (d) remove any books, records, documents or other things for review and copying;
- (e) remove and retain any books, records, documents or other things that may be required as evidence from the premises;
- (f) question a person.

(b) by striking out subsection (4).

E. Section 5 is amended

(a) in subsection (1)(a) by adding "at a specified time or within a specified period of time" after "to enter";

(b) by striking out subsection (2) and substituting the following:

(2) The Court of Queen’s Bench may grant an order under subsection (1) if satisfied on evidence given under oath by the peace officer that an order is necessary to conduct an investigation under this Act.

F. The following is added after section 5:

Obstructing a peace officer

5.1 No person shall obstruct, impede or refuse entry to a peace officer who is exercising powers or performing duties under section 4, or under an order issued pursuant to section 5, for the purposes of enforcing this Act.

G Section 8 is amended

(a) in clause (c) by adding “, including retention periods,” after “recorded and maintained”;

(b) in clause (h)

(i) in subclause (ii) by striking out “, peace officer or other persons” and substituting “or peace officer”;

(ii) by striking out subclause (iii).

H The following is added after section 8:

Collection of personal information by law enforcement agency

8.1 For the purposes of sections 33 and 34 of the *Freedom of Information and Protection of Privacy Act*, a peace officer or a law enforcement agency may collect personal information other than from the individual provided that such collection pertains to the discharge of their duties and obligations under this Act.