

2020 Bill 25

Second Session, 30th Legislature, 69 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 25

**PROTECTING ALBERTA INDUSTRY
FROM THEFT ACT, 2020**

THE MINISTER OF JUSTICE AND SOLICITOR GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 25

2020

PROTECTING ALBERTA INDUSTRY FROM THEFT ACT, 2020

(Assented to _____, 2020)

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

Amends SA 2013 cS-3.5

1 The *Scrap Metal Dealers and Recyclers Identification Act* is amended by this Act.

2 Section 1 is amended

(a) by renumbering clause (a) as clause (a.1) and adding the following before clause (a.1):

(a) “law enforcement agency” means a police service as defined in the *Police Act*;

(b) by adding the following after clause (a.1):

(a.2) “non-ferrous metal” means a metal or alloy that does not contain a significant amount of iron;

(c) by repealing clause (d) and substituting the following:

(d) “scrap metal” means all new or used items substantially made of non-ferrous metal, including, but not limited to, aluminum, brass, bronze, copper and tin, and other metal or material prescribed by the regulations;

(d) by adding the following after clause (e):

Explanatory Notes

1 Amends chapter S-3.5 of the Statutes of Alberta, 2013.

2 Section 1 presently reads in part:

1 In this Act,

- (a) “Minister” means the Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act;*
- (d) “scrap metal” means new or used items substantially made of aluminum, brass, bronze, copper, stainless steel, steel, tin or other metal prescribed by the regulations;*
- (e) “scrap metal dealer or recycler” means a person engaged in the business of purchasing, trading or bartering scrap metal and includes employees of that person.*

- (f) “traceable currency” means a method of payment in which the transfer of money is able to be followed from the sender to the recipient by a third party, and in which the sender and recipient are not anonymous, and does not include payment by cash or any electronic currency in which the sender and recipient are anonymous.

3 Section 3 is amended

(a) by adding the following after subsection (1):

(1.1) No scrap metal dealer or recycler shall purchase or receive scrap metal from a person who fails to provide proof that the person meets age eligibility requirements for engaging in a scrap metal transaction, as prescribed by the regulations.

(b) in subsection (5) by striking out “not to exceed one year after the transaction” and substituting “of at least 2 years from the time of the transaction or for such other period as may be prescribed by the regulations”;

(c) by repealing subsection (6) and substituting the following:

(6) Within 24 hours of purchasing or receiving restricted metal, as defined by the regulations, or purchasing or receiving scrap metal of a weight that is greater than a weight prescribed in the regulations, a scrap metal dealer or recycler shall provide the prescribed information collected under this section to a peace officer or a law enforcement agency in the manner and form prescribed by the regulations.

4 The following is added after section 3:

Mandatory use of traceable currency

3.1 If the total value of a transaction is more than the value specified in the regulations, a scrap metal dealer or recycler must use traceable currency to purchase scrap metal.

5 Section 4 is amended

(a) by renumbering section 4 as section 4(1);

3 Section 3 presently reads in part:

3(1) No scrap metal dealer or recycler shall purchase or receive scrap metal from a person who fails to provide

(a) proof of identity as prescribed by the regulations, and

(b) information respecting the transaction prescribed by the regulations.

(5) A scrap metal dealer or recycler shall maintain the prescribed information obtained pursuant to this section for a period not to exceed one year after the transaction.

(6) Within 24 hours of purchasing or receiving scrap metal of a weight that is greater than a weight prescribed in the regulations, a scrap metal dealer or recycler shall provide the prescribed information collected under this section to a law enforcement agency.

4 Mandatory use of traceable currency.

5 Section 4 presently reads:

4 If a scrap metal dealer or recycler has reasonable grounds to believe that metal in the possession of the scrap metal dealer or

(b) in subsection (1) by adding “a peace officer or” after “matter to”;

(c) by adding the following after subsection (1):

(2) A peace officer or a law enforcement agency may require a scrap metal dealer or recycler to hold metal that a scrap metal dealer or recycler, peace officer or law enforcement agency suspects is stolen property for a period prescribed by the regulations.

(3) During the period referred to in subsection (2), the scrap metal dealer or recycler shall not sell or otherwise dispose of the metal that is suspected to be stolen property.

6 Section 5(1) is amended by adding “or a law enforcement agency” after “peace officer”.

7 Section 9(1) is amended

(a) in clause (a)

(i) in subclause (i) by striking out “\$5000” and substituting “\$10 000”;

(ii) in subclause (ii) by striking out “\$15 000” and substituting “\$50 000”;

(b) in clause (b)

(i) in subclause (i) by striking out “\$15 000” and substituting “\$25 000”;

(ii) in subclause (ii) by striking out “\$50 000” and substituting “\$200 000”.

recycler is stolen property, the scrap metal dealer or recycler shall immediately report the matter to a law enforcement agency.

6 Section 5(1) presently reads:

5(1) A peace officer may conduct an investigation for the purpose of determining whether a person is in compliance with this Act.

7 Section 9(1) presently reads:

9(1) A person who contravenes this Act or the regulations is guilty of an offence and liable on conviction

(a) for a first offence

(i) in the case of an individual, to a fine not exceeding \$5000 or to imprisonment for a term of not more than one year or to both,

(ii) in the case of a corporation, to a fine not exceeding \$15 000,

and

(b) for a 2nd or subsequent offence

(i) in the case of an individual, to a fine not exceeding \$15 000 or to imprisonment for a term not exceeding one year or to both,

(ii) in the case of a corporation, to a fine not exceeding \$50 000.

8 Section 10 is amended

(a) by adding the following after clause (d):

(d.1) prescribing a time period for the purpose of section 3(5);

(b) by adding the following after clause (e):

(e.1) defining materials as restricted metal for the purpose of this Act;

(c) by adding the following after clause (f):

(f.1) prescribing age eligibility requirements for engaging in a scrap metal transaction;

(d) in clause (h)

(i) by adding the following after subclause (i):

(i.1) the manner and form in which recorded information must be provided to the Minister;

(ii) by repealing subclause (ii) and substituting the following:

(ii) the information that must be provided and the manner and form in which recorded information must be provided to a peace officer or a law enforcement agency;

(e) by adding the following after clause (h):

(h.1) respecting the value of a transaction requiring the use of traceable currency;

(h.2) prescribing a time period for the purpose of section 4(2);

(h.3) respecting the collection, use and disclosure of personal information by the Minister;

9 Section 11 is amended by striking out “duties and obligations” and substituting “powers, duties or obligations”.

8 Section 10 presently reads in part:

10 The Lieutenant Governor in Council may make regulations

- (d) prescribing materials as scrap metal for the purpose of this Act;*
- (e) prescribing a weight for the purpose of section 3(6);*
- (f) prescribing conditions that a person selling or providing scrap metal must meet before a scrap metal dealer or recycler may purchase or receive the scrap metal;*
- (h) for the purpose of section 3, prescribing
 - (i) additional information that must be obtained and recorded with respect to a transaction or purchase and the manner of recording that information;*
 - (ii) the manner in which recorded information must be provided to a law enforcement agency or peace officer;**

9 Section 11 presently reads:

11 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

10 The following is added after section 11:

Collection of personal information by Minister

11.1 The Minister may collect, use and disclose personal information as defined in the *Freedom of Information and Protection of Privacy Act* in accordance with the regulations.

11(1) Sections 2(a), (b) and (c), 3(a) and (b), 6, 7, 8(a), (b) and (c) and 9 have effect on September 1, 2020.

(2) Sections 2(d), 3(c), 4, 5, 8(d) and (e) and 10 have effect on November 1, 2020.

from the individual provided that such collection pertains to the discharge of their duties and obligations under this Act.

10 Collection of personal information by Minister.

11 Coming into force.

