

2025 Bill 49

First Session, 31st Legislature, 3 Charles III

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 49

PUBLIC SAFETY AND EMERGENCY SERVICES STATUTES AMENDMENT ACT, 2025

THE MINISTER OF PUBLIC SAFETY AND EMERGENCY SERVICES

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 49

2025

PUBLIC SAFETY AND EMERGENCY SERVICES STATUTES AMENDMENT ACT, 2025

(Assented to _____, 2025)

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

Emergency Management Act

Amends RSA 2000 cE-6.8

1(1) The *Emergency Management Act* is amended by this section.

(2) The following is added before the enacting clause:

Preamble

WHEREAS emergencies require the prompt coordination of action or special regulation of persons or property to protect the safety, health or welfare of people or to limit damage to property or the environment;

WHEREAS the Government of Alberta and local authorities must be vested with sufficient powers to meet emergencies; and

WHEREAS the Government of Alberta and local authorities must have regard to individual rights and freedoms in the exercise of powers under this Act to meet emergencies;

(3) The enacting clause is amended by adding “THEREFORE” before “HER MAJESTY”.

Explanatory Notes

Emergency Management Act

1(1) Amends chapter E-6.8 of the Revised Statutes of Alberta 2000.

(2) Adds preamble.

(3) The enacting clause presently reads:

(4) Section 1(1) is amended

(a) in clause (f) by striking out “an event” and substituting “a sudden and temporary event”;

(b) by repealing clause (g.1) and substituting the following:

(g.1) “Managing Director” means the Senior Assistant Deputy Minister and Managing Director designated under section 3.1(2), and includes any person acting in the capacity of the Senior Assistant Deputy Minister and Managing Director;

(5) Section 3.1(2) is amended by striking out “Managing Director of the Agency” and substituting “Senior Assistant Deputy Minister and Managing Director of the Agency”.

(6) Section 6 is amended

(a) by renumbering it as section 6(1);

(b) in subsection (1)

(i) in clause (c) by striking out “payment of compensation” and substituting “provision of financial or other assistance”;

(ii) by repealing clause (c.1) and substituting the following:

(c.1) respecting the provision of financial or other assistance in connection with measures taken to reduce or mitigate potential hazards, including regulations

(i) respecting the measures to be taken to reduce or mitigate potential hazards that are eligible for the provision of financial or other assistance, and

(ii) respecting the procedures applicable to and the proof required for the provision of financial or other assistance;

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

(4) Section 1(1) presently reads in part:

1(1) In this Act,

- (f) “emergency” means an event that requires prompt co-ordination of action or special regulation of persons or property to protect the safety, health or welfare of people or to limit damage to property or the environment;*
- (g.1) “Managing Director” means the person designated under section 3.1(2), and includes any person acting in the capacity of the Managing Director;*

(5) Section 3.1(2) presently reads:

(2) The Minister shall designate a person employed in the Minister’s department as the Managing Director of the Agency.

(6) Section 6 presently reads in part:

6 The Lieutenant Governor in Council may make regulations

- (c) governing the assessment of damage or loss caused by a disaster and the payment of compensation for the damage or loss;*
- (c.1) respecting the providing of funding for the reimbursement of costs incurred by local authorities and individuals in connection with measures taken to reduce or mitigate potential flood hazards, including, without limitation, regulations*
 - (i) prescribing or describing the measures to be taken to reduce or mitigate potential flood hazards that are eligible for the reimbursement of costs, and*
 - (ii) governing the procedures applicable to and the proof required for the reimbursement of costs;*
- (c.2) respecting the filing and removal of caveats against titles to land in a flood fringe or floodway, as those terms are defined in the regulations, for which funding has been provided*

(c.11) respecting the applicants to whom financial or other assistance may be provided, including establishing classes of applicants and providing differently for those classes;

(iii) **in clause (c.2) by striking out** “disaster recovery program” **and substituting** “program for financial or other assistance”;

(iv) **by adding the following after clause (f):**

(f.1) defining any word or expression used but not defined in this Act;

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

(2) A regulation made under subsection (1)(c), (c.1), (c.11) or (d) may be made retroactive to the extent set out in the regulation and to a date not earlier than April 1, 2025.

(7) The following is added after section 6:

Transitional matters and regulations

6.1(1) In this section,

(a) “amended Act” means the *Emergency Management Act* as it reads on the coming into force of this section;

(b) “former Act” means the *Emergency Management Act* as it read immediately before the coming into force of this section.

(2) Subject to any regulations made under subsection (3)(b), the former Act and regulations made under section 6(c), (c.1), (c.2) or (d) of the former Act as they read immediately before April 1, 2025 continue to apply in respect of the matters referred to in those regulations as they read immediately before April 1, 2025 to a disaster or emergency that occurred before April 1, 2025.

(3) The Lieutenant Governor in Council may make regulations

(a) respecting the transition of anything under the former Act to the amended Act relating to the following matters in respect of a disaster or emergency occurring on or after April 1, 2025:

pursuant to a disaster recovery program administered under the regulations;

(7) Transitional matters and regulations.

- (i) the assessment of damage or loss caused by a disaster and the provision of financial or other assistance for the damage or loss;
 - (ii) the provision of financial or other assistance in connection with measures taken to reduce or mitigate potential hazards, including
 - (A) measures to be taken to reduce or mitigate potential hazards that are eligible for the provision of financial or other assistance, and
 - (B) procedures applicable to and the proof required for the provision of financial or other assistance;
 - (iii) the applicants to whom financial or other assistance may be provided, including establishing classes of applicants and providing differently for those classes;
 - (iv) the sharing of costs incurred by the Government of Alberta or by a local authority in conducting emergency operations;
- (b) applying a provision of the amended Act or a regulation made under section 6(1)(c), (c.1), (c.11) or (d) of the amended Act in respect of a matter referred to in clause (a) to a disaster or emergency occurring before April 1, 2025 for which a program for financial or other assistance administered under the regulations is approved on or after April 1, 2025;
- (c) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the transition of anything under this Act relating to the matters referred to in clause (a).
- (4)** A regulation made under subsection (3) may be made retroactive to the extent set out in the regulation and to a date not earlier than April 1, 2025.
- (5)** A regulation made under subsection (3) is repealed on the earliest of the following:
- (a) the coming into force of an amendment that adds the subject-matter of the regulation to this Act;

- (b) the coming into force of a regulation that repeals the regulation made under subsection (3);
- (c) 3 years after the regulation comes into force.

(6) The repeal of a regulation under subsection (5)(b) or (c) does not affect anything done, incurred or acquired under the authority of the regulation before the repeal of the regulation.

(8) Section 7(1)(a) is amended by striking out “payments of compensation” and substituting “the provision of financial or other assistance”.

(9) The following is added after section 7:

Establishment of directives and guidelines

7.01(1) The Minister may, in writing, do the following as it relates to a matter for which a regulation may be made under section 6(1)(c), (c.1), (c.11) or (d):

- (a) establish a directive or guideline setting out rules or requirements relating to the matter;
- (b) amend the directive or guideline.

(2) As soon as practicable after establishing or amending a directive or guideline under subsection (1), the Minister must make the directive or guideline or an amendment to it publicly available.

Incorporation of directives or guidelines

7.02(1) A regulation made under section 6(1)(c), (c.1), (c.11) or (d) may adopt or incorporate, in whole or in part or with modifications, a directive or guideline, including a directive or guideline established by the Minister under section 7.01 that relates to any matter in respect of which a regulation may be made under section 6(c), (c.1), (c.11) or (d).

(8) Section 7(1)(a) presently reads:

7(1) The Lieutenant Governor in Council may make regulations establishing that His Majesty in right of Alberta has a right of subrogation with respect to

(a) payments of compensation made by His Majesty in right of Alberta for damage or loss caused by a disaster, or

(9) Establishment of directives and guidelines; incorporation of directives or guidelines.

(2) A directive or guideline may be adopted or incorporated under subsection (1) as it reads on a specific date or as amended from time to time.

(10) The following is added after section 18:

Duty to consult

18.1(1) Subject to subsection (2), before the Minister

- (a) exercises a power under section 19(1) or (1.1), including the exercise of those powers when the Minister makes an order under section 24(1.011), or
- (b) makes an order under section 19(7) or 24(1.015) to authorize the Managing Director or another person to exercise some or all of the powers given to the Minister under section 19(1) or (1.1),

the Minister must consult at least one of the Premier, the Executive Council or, if a Cabinet Committee has been appointed prior to the exercise of those powers or the making of those orders, the Cabinet Committee.

(2) Subsection (1) does not apply if in the Minister's opinion immediate action is required to protect the safety, health or welfare of people or to limit damage to property or the environment.

(3) Subsection (1) does not apply to the Managing Director or another person authorized by an order of the Minister under section 19(7) or 24(1.015) to exercise some or all of the powers given to the Minister under section 19(1) or (1.1).

(11) Section 19 is amended by adding the following after subsection (7):

(7.1) As soon as practicable after an order is made under subsection (1)(e), (f), (g) or (j), the Minister shall make the details of the order publicly available in any manner that the Minister considers is most likely to make the details of the order known to the majority of the population of the area affected by the contents of the order.

(12) Section 21 is amended by adding the following after subsection (3):

(10) Duty to consult.

(11) Section 19(7) presently reads:

(7) On the making of an order under section 18(1), the Minister may, by order, authorize the Managing Director or any other person to exercise some or all of the powers given to the Minister under subsection (1) or (1.1).

(12) Moves contents of section 22(1) and (4) to section 21.

(3.1) The local authority must, immediately on making a declaration of a state of local emergency, provide a copy of the declaration to the Minister.

(3.2) A declaration of a state of local emergency made by the local authority lapses at the end of 7 days, or at the end of 90 days if the declaration is in respect of a pandemic, unless it is earlier cancelled by the Minister under section 22 or terminated by the local authority under section 23 or unless it is renewed by the local authority.

(13) Section 22 is amended

(a) by repealing subsections (1) and (4);

(b) in subsection (5) by striking out “21(3)” and substituting “21(3), (3.1) and (3.2)”.

(14) Section 24 is amended

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

(1.001) As soon as practicable after exercising a power under section 19(1)(e), (f), (g) or (j), the local authority must make the details of the exercise of the power publicly available in a manner that it considers is most likely to make the details of the exercise of the power known to the population of the area of the municipality affected by the exercise of the power.

(b) in subsection (1.012)(a) by striking out “22(4)” and substituting “21(3.2)”.

Police Act

Amends RSA 2000 cP-17

2(1) The *Police Act* is amended by this section.

(13) Section 22 presently reads in part:

22(1) The local authority shall forthwith on making a declaration of a state of local emergency forward a copy of the declaration to the Minister.

(4) A declaration of a state of local emergency lapses at the end of 7 days, or at the end of 90 days if the declaration is in respect of a pandemic, after its making by the local authority unless it is earlier cancelled by the Minister or terminated by the local authority or unless it is renewed by the local authority.

(5) This section and sections 21(3) and 24 apply to any renewal of a state of local emergency.

(14) Section 24 presently reads in part:

(1.012) If an order is made under subsection (1.011),

(a) section 22(4) does not apply,

Police Act

2(1) Amends chapter P-17 of the Revised Statutes of Alberta 2000.

(2) Section 4 is amended

(a) in subsection (2) by adding the following after clause (d):

- (e) enter into an agreement for the provision of municipal policing services under section 33.75.

(b) in subsection (5) by adding the following after clause (c):

- (d) enter into an agreement for the provision of municipal policing services under section 33.75.

(3) Section 33.4 is repealed and the following is substituted:

Independent agency police services

33.4(1) On the recommendation of the Minister, the Lieutenant Governor in Council may, by regulation, establish independent agency police services for the provision of policing services to all or any part of Alberta as specified in the regulations and for any additional purposes prescribed in the regulations.

(2) An independent agency police service is a corporation, and a regulation made under subsection (1) may address any matters that the Lieutenant Governor in Council considers necessary or advisable for the establishment and operation of an independent agency police service as a corporation or for the winding up of the affairs of an independent agency police service.

(3) An independent agency police service has the capacity and, subject to this Act and the regulations, the rights, powers and privileges of a natural person.

(4) An independent agency police service shall be, subject to section 33.94(2), under the general direction of the Minister in matters respecting the provision of policing services to all or any part of Alberta and in matters respecting any additional purposes prescribed for the purpose of subsection (1).

(5) An independent agency police service shall perform additional duties and responsibilities prescribed in the regulations.

(2) Section 4 presently reads in part:

(2) Notwithstanding subsections (1) and (1.1), a municipality referred to in subsection (1) or (1.1) may, for the purpose of providing policing services specifically for the municipality, do one of the following:

(5) A city, town, village or summer village that has a population that is greater than 5000 shall, for the purpose of providing policing services specifically for the municipality, do one of the following:

(3) Section 33.4 presently reads:

33.4(1) The Lieutenant Governor in Council, by order, may authorize the Minister to establish one or more independent agency police services for the provision of policing services to all or any part of Alberta in accordance with the regulations.

(2) An independent agency police service established under subsection (1) shall be, subject to the regulations, under the general direction of the Minister in matters respecting policing services to all or any part of Alberta.

(3) An independent agency police service established under subsection (1) shall perform additional duties and responsibilities prescribed in the regulations.

(4) Section 33.7(4) is repealed.

(5) The following is added after section 33.7:

Power of chiefs of independent agency police services to release employees

33.71 Where an employee other than a police officer is employed for an independent agency police service, the chief of the independent agency police service may release the employee from the independent agency police service subject to the provisions of any collective agreement that applies to that employee.

Independent agency police service records, reports, accounts, returns

33.72 An independent agency police service shall prepare and keep records, reports, accounts and returns and submit them to the Minister in accordance with the regulations.

Independent agency police service budgets and fiscal updates

33.73(1) An independent agency police service shall prepare budgets and fiscal updates and submit them to the Minister in accordance with the regulations.

(2) The Minister shall review a budget submitted under subsection (1) and, subject to an annual appropriation from the Legislature, allocate funds to the independent agency police service that submitted the budget.

(3) The independent agency police service that submitted the budget shall disburse the funds allocated by the Minister.

Independent agency police service annual reports

33.74 An independent agency police service shall prepare annual reports and submit them to the Minister in accordance with the regulations.

(4) Section 33.7(4) presently reads:

(4) The Oversight Board shall not issue an instruction respecting policies that is inconsistent with the duties and responsibilities conferred on a chief of an independent agency police service under this section.

(5) Power of chiefs of independent agency police services to release employees; independent agency police service records, reports, accounts, returns; independent agency police service budgets and fiscal updates; independent agency police service annual reports; independent agency police service agreements; independent agency police service policing committees.

Independent agency police service agreements

33.75 The council of a municipality referred to in section 4(2) or (5) may enter into an agreement with an independent agency police service for the provision of policing services specifically for the municipality.

Independent agency police service policing committees

33.76(1) A council that has entered into an agreement for the provision of municipal policing services under section 33.75 shall establish an independent agency police service policing committee in accordance with the regulations.

(2) An independent agency police service policing committee shall have the powers and perform the duties and functions set out in the regulations.

(3) Each member of an independent agency police service policing committee shall take the oath set out in Schedule 2, with necessary modifications.

(4) A council that has established an independent agency police service policing committee may provide for the payment of reasonable remuneration or of a gratuity or allowance to members of the committee in accordance with the regulations.

(6) Section 33.8(1) is amended by striking out “8” and substituting “up to 8”.

(7) Section 33.9 is amended

(a) **in subsection (1) by striking out “The Oversight Board” and substituting “Subject to subsection (1.1), the Oversight Board”;**

(b) **by adding the following after subsection (1):**

(1.1) The Oversight Board shall not

(a) provide direction to any member of an independent agency police service other than the chief,

(6) Section 33.8(1) presently reads:

33.8(1) The Independent Agency Police Service Oversight Board is established, consisting of the Deputy Minister of Public Safety and Emergency Services and 8 other members appointed by the Minister in accordance with the regulations.

(7) Section 33.9 presently reads in part:

33.9(1) The Oversight Board shall oversee the policing services provided by independent agency police services, including additional duties and responsibilities performed by independent agency police services under this Act and the regulations.

(2) The Oversight Board, in consultation with the chiefs of the independent agency police services, shall

(a) cause to be prepared estimates of all money required for the fiscal year to

- (b) issue any instruction respecting policies that is inconsistent with the duties and responsibilities conferred on a chief of an independent agency police service under section 33.7,
- (c) provide any direction, policy, priority, strategy or plan to the chief of an independent agency police service respecting
 - (i) specific investigations,
 - (ii) the conduct of specific operations,
 - (iii) the discipline of any specific member of the independent agency police service,
 - (iv) the day to day administration of the independent agency police service, or
 - (v) any other matters prescribed in the regulations,

or

- (d) provide any direction, policy, priority, strategy or plan that
 - (i) requires a member of an independent agency police service to do anything or refrain from doing anything that is inconsistent with the member's duties under this Act, or
 - (ii) prohibits a member of an independent agency police service from collecting information for the purpose of investigating an offence or assisting with the prosecution of an offence.

(c) in subsection (2)

- (i) by repealing clauses (a) to (c);**
- (ii) in clause (d) by adding “, with a focus on merit and increased community engagement,” after “develop”;**

(d) by repealing subsection (3).

(8) Section 33.94 is amended

- (i) pay the remuneration of the police officers of the independent agency police services and other persons employed for the independent agency police services, and*
 - (ii) provide and pay for the maintenance of accommodation, equipment and operating costs of the independent agency police services,*
- and submit those estimates to the Minister,*
- (b) allocate funds for the purposes referred to in clause (a),*
 - (c) ensure that sufficient numbers of persons are employed for the independent agency police services for the purposes of carrying out the functions of the independent agency police services,*
 - (d) develop a diversity and inclusion plan in conjunction with the independent agency police services, and*
- (3) Where an employee other than a police officer is employed for the independent agency police service, the Oversight Board may release the employee from the independent agency police service subject to the provisions of any collective agreement that applies to that employee.*

(8) Section 33.94 presently reads:

- (a) by renumbering it as subsection (1);**
- (b) in subsection (1) by striking out “The Minister shall” and substituting “Subject to subsection (2), the Minister shall”;**
- (c) by adding the following after subsection (1):**
 - (2) The Minister shall not**
 - (a) perform the powers, duties or functions of the Oversight Board,
 - (b) provide direction to any member of an independent agency police service, including to the chief,
 - (c) provide any direction, policy, priority, strategy or plan respecting
 - (i) specific investigations,
 - (ii) the conduct of specific operations,
 - (iii) the discipline of any specific member of an independent agency police service,
 - (iv) the day to day administration of an independent agency police service, or
 - (v) any other matters prescribed in the regulations,
 - or
 - (d) provide any direction, policy, priority, strategy or plan that
 - (i) requires a member of an independent agency police service to do anything or refrain from doing anything that is inconsistent with the member’s duties under this Act, or
 - (ii) prohibits a member of an independent agency police service from collecting information for the purpose of investigating an offence or assisting with the prosecution of an offence.

33.94 The Minister shall

- (a) develop policies and priorities for independent agency police services,*
- (b) provide general directions to the Oversight Board regarding the operations of independent agency police services, and*
- (c) perform additional duties and functions provided for in the regulations for the purposes of this Part.*

(3) The Minister shall publish on the website of the Minister's department the policies and priorities developed for independent agency police services under subsection (1)(a).

(9) The following is added after section 33.94:

Part 3.2 regulations

33.95 The Lieutenant Governor in Council may make regulations

- (a) specifying for the purpose of section 33.4(1) whether an independent agency police service may provide policing services to all or a part of Alberta and, if an independent agency police service may provide policing services to a part of Alberta, the part of Alberta to which the independent agency police service may provide policing services;
- (b) prescribing additional purposes for the purpose of section 33.4(1);
- (c) respecting any matters that the Lieutenant Governor in Council considers necessary or advisable for the establishment and operation of an independent agency police service as a corporation or for the winding up of the affairs of an independent agency police service, including regulations
 - (i) determining or providing for the manner of determining the head office of an independent agency police service,
 - (ii) respecting the appointment of corporate officers of an independent agency police service,
 - (iii) respecting the size and composition of the board of directors of an independent agency police service,

(9) Part 3.2 regulations.

- (iv) respecting the appointment of members of the board of directors of an independent agency police service, eligibility and qualifications for membership, the terms of office of members, the termination and disqualification of members, the filling of vacancies and the remuneration and expenses payable to members,
- (v) respecting the designation of a chair and vice-chair of the board of directors of an independent agency police service,
- (vi) respecting the powers of the board of directors of an independent agency police service, including regulations respecting the ability of the board of directors to delegate those powers,
- (vii) respecting the bylaws of an independent agency police service, including regulations authorizing or requiring the board of directors of an independent agency police service to make bylaws respecting the general conduct, operation, management and financial matters of the independent agency police service,
- (viii) respecting the financial matters of an independent agency police service, including regulations respecting
 - (A) the borrowing and investment powers of an independent agency police service and matters relating to borrowing and investment by an independent agency police service,
 - (B) the giving of indemnities and guarantees by an independent agency police service, including regulations authorizing the giving of indemnities and guarantees, respecting the persons to whom indemnities and guarantees may be given and respecting any terms and conditions that apply to indemnities and guarantees,

- (C) the acquisition, leasing and disposal of assets and equipment by an independent agency police service,
 - (D) money donated to an independent agency police service,
 - (E) the surpluses and deficits of an independent agency police service, and
 - (F) requirements relating to the preparation of the financial records of an independent agency police service,
- (ix) specifying whether an independent agency police service is an agent of the Crown in right of Alberta, and
 - (x) authorizing the Minister to wind up or provide for the winding up of the affairs of an independent agency police service;
- (d) prescribing and governing, subject to this Act, additional duties and responsibilities of an independent agency police service for the purpose of section 33.4(5);
 - (e) prescribing and governing, subject to this Act, additional functions and responsibilities of a chief of an independent agency police service for the purposes of section 33.7(1)(f) and (3)(f);
 - (f) respecting the records, reports, accounts and returns of an independent agency police service for the purpose of section 33.72, including regulations
 - (i) specifying the information that records, reports, accounts and returns must contain,
 - (ii) respecting the form and manner in which records, reports, accounts and returns must be kept, and
 - (iii) respecting the time at or within which and the form and manner in which records, reports, accounts and returns must be submitted to the Minister;

- (g) respecting the budgets and fiscal updates of an independent agency police service for the purpose of section 33.73(1), including regulations
 - (i) specifying the information that budgets and fiscal updates must contain, and
 - (ii) respecting the time at or within which and the form and manner in which budgets and fiscal updates must be submitted to the Minister;
- (h) respecting the annual reports of an independent agency police service for the purpose of section 33.74, including regulations
 - (i) specifying the information that annual reports must contain, and
 - (ii) respecting the time at or within which and the form and manner in which annual reports must be submitted to the Minister;
- (i) respecting the establishment of independent agency police service policing committees;
- (j) governing the powers, duties and functions of independent agency police service policing committees;
- (k) respecting the payment of remuneration, gratuities and allowances to members of independent agency police service policing committees under section 33.76(4);
- (l) respecting, subject to this Act, the appointment of members of the Oversight Board by the Minister for the purpose of section 33.8(1);
- (m) prescribing matters for the purpose of section 33.9(1.1)(c)(v);
- (n) respecting, subject to this Act, other powers, duties and functions of the Oversight Board for the purpose of section 33.9(2)(e);

- (o) respecting, subject to this Act, additional duties and functions of the Minister for the purpose of section 33.94(1)(c);
- (p) prescribing matters for the purpose of section 33.94(2)(c)(v).

(10) Section 61(1) is amended

- (a) by repealing clauses (d.3) to (d.8);**
- (b) by adding the following after clause (n):**
 - (o) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the amendments to this Act made by the *Public Safety and Emergency Services Statutes Amendment Act, 2025*.

(11) Section 62(1)(f) is amended

- (a) by striking out** “the Oversight Board,”;
- (b) by adding** “other than independent agency police services” **after** “police services”.

(12) Subsections (2), (3), (7)(c)(i) and (11) come into force on Proclamation.

(10) Section 61(1) presently reads in part:

61(1) The Lieutenant Governor in Council may make regulations

(d.3) governing, subject to this Act, the jurisdiction of an independent agency police service for the purpose of section 33.4;

(d.4) governing, subject to this Act, additional duties and responsibilities of independent agency police services for the purpose of section 33.4(3);

(d.5) governing, subject to this Act, additional functions and responsibilities of the chiefs of independent agency police services for the purposes of section 33.7(1)(f) and (3)(f);

(d.6) respecting, subject to this Act, the appointment of members of the Oversight Board by the Minister for the purpose of section 33.8(1);

(d.7) respecting, subject to this Act, other powers, duties and functions of the Oversight Board for the purpose of section 33.9(2)(e);

(d.8) respecting, subject to this Act, additional duties and functions of the Minister for the purpose of section 33.94(c);

(11) Section 62(1)(f) presently reads:

62(1) The Minister may make regulations

(f) prescribing the information and statistical data to be kept and reported to the Minister by commissions, the Oversight Board, policing committees and police services;

(12) Coming into force.

(13) Subsection (5), to the extent that it enacts sections 33.72 to 33.76 of the *Police Act*, comes into force on Proclamation.

(14) Subsection (9), to the extent that it enacts section 33.95(a) to (l) and (n) of the *Police Act*, comes into force on Proclamation.

(15) Subsection (10)(a), to the extent that it repeals section 61(1)(d.3) to (d.7) of the *Police Act*, comes into force on Proclamation.

Police Amendment Act, 2022

Amends SA 2022 c22

3(1) The *Police Amendment Act, 2022* is amended by this section.

(2) Section 3 is amended by renumbering clause (a) as clause (a.1) and by adding the following before clause (a.1):

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

(b.1) “chief executive officer” means the chief executive officer of the Police Review Commission;

(3) Section 8(a) is repealed and the following is substituted:

(a) by repealing clause (a.1);

(4) Section 15(a)(ii)(A)(l) and (d)(ii)(E) are amended by striking out “of the Police Review Commission” after “the chief executive officer”.

(5) Section 23(b) is amended by striking out “as a complaint”.

(6) Section 23.2 is amended by striking out “as a complaint”.

(13) Coming into force.

(14) Coming into force.

(15) Coming into force.

Police Amendment Act, 2022

3(1) Amends chapter 22 of the Statutes of Alberta, 2022.

(2) Section 3 presently reads in part:

3 Section 1 is amended

(a) in clause (c) by adding “, but does not include the Police Review Commission” after “33.1(2)”;

(3) Section 8(a) presently reads:

8 Section 8(2) is amended

(a) in clause (a.1) by striking out “chiefs of police services, commissions and the Oversight Board” and substituting “the Police Review Commission”;

(4) Updates terminology.

(5) Section 23(b) presently reads:

23 Section 32 is amended

(b) in subsection (9) by adding “by forwarding the matter to the Police Review Commission as a complaint” after “Part 5”.

(6) Section 23.2 presently reads:

(7) Section 24 is repealed and the following is substituted:

24 Section 37(2) to (4) are repealed and the following is substituted:

(2) Notwithstanding the provisions of a collective agreement, and subject to subsection (3) and the regulations, the chief of a police service may terminate a police officer from the service by serving a notice of termination to the police officer

- (a) for reasons other than disciplinary reasons, or
- (b) if the chief of the police service is of the opinion that the police officer is unfit to be employed as a police officer.

(3) For a notice of termination served under subsection (2) to take effect, the commission must confirm the termination of the police officer within 30 days of serving the notice of termination.

(4) Subject to subsection (3), where a collective agreement provides a process for terminating a police officer for the reasons referred to in subsection (2)(a) or (b), that process shall be used for terminating the services of a police officer under subsection (2).

(5) Sections 43.5, 47 and 48 do not apply in respect of a police officer terminated from the police service under subsection (2).

(8) Section 25(b) is repealed and the following is substituted:

(b) by repealing subsection (3)(e) and substituting the following:

- (e) the reporting to the commission of any Level 5 complaint, any actions taken to address the complaint and the disposition of the complaint.

(c) by adding the following after subsection (3):

23.2 Section 33.92(9) is amended by adding “by forwarding the matter to the Police Review Commission as a complaint” after “Part 5”.

(7) Section 24 presently reads:

24 Section 37(4) is amended by striking out “Sections 45 to 48” and substituting “Sections 43.5, 47 and 48”.

(8) Section 25(b) presently reads:

25 Section 41 is amended

(b) by repealing subsection (3)(e) and substituting the following:

(e) the reporting to the commission and the Police Review Commission of any complaint focused on the policies of or services provided by a police service, any actions taken to address the complaint and the disposition of the complaint.

(3.1) Where the Police Review Commission is responsible for administering a Level 1, Level 2 or Level 3 complaint and a police service referred to in subsection (1) is responsible for a related Level 4 or Level 5 complaint made by the same complainant, the chief of the police service referred to in subsection (1) is accountable to report to the Police Review Commission the disposition of the Level 4 or Level 5 complaint under section 42.2(7)(d) or (e).

(9) The following is added after section 25:

25.1 The heading to Part 5 is amended by adding “Police Review Commission,” before “Complaints and Discipline”.

(10) Section 26 is amended by repealing the new section 42.01(2) and (3) and substituting the following:

(2) The Minister may appoint

- (a) a chief executive officer for the Police Review Commission, and
- (b) a registrar for the Police Review Commission.

(3) The registrar appointed under subsection (2)(b) shall have the following powers and duties, subject to the regulations:

- (a) appointing and maintaining a roster of presiding officers;
- (b) arranging for and administering a hearing;
- (c) receiving submissions of the record of proceedings;
- (d) collecting the record of investigation of complaints;
- (e) any other powers and duties set out in the regulations.

(4) The chief executive officer and registrar appointed under subsection (2) may delegate their powers to any person in the Police Review Commission.

(5) The chief of each police service

(9) The heading to Part 5 of RSA 2000 cP-17 presently reads:

*Part 5
Complaints and Discipline*

(10) Section 26 presently reads in part:

(2) The Minister may appoint a

(a) chief executive officer for the Police Review Commission, and

(b) registrar for the Police Review Commission.

(3) The chief executive officer or registrar may delegate their powers to any person in the Police Review Commission.

- (a) shall designate a liaison to the Police Review Commission, and
- (b) may delegate their powers to any person within their own police service.

(6) For the purposes of this Part, the Minister may, in the public interest, refer a matter to the Police Review Commission.

(7) Any employees that are necessary for the purposes of carrying out the business and affairs of the Police Review Commission may be appointed in accordance with the *Public Service Act*.

(11) Section 27 is amended

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

(a) in subsection (2) by adding the following after clause (d):

- (e) the chief of a police service;
- (f) the chief executive officer.

(a.1) in subsection (4)

(i) by adding “, or in a manner that the chief executive officer considers appropriate,” after “writing”;

(ii) by repealing clause (b) and substituting the following:

- (b) the complainant’s contact information;

(iii) by repealing clause (f) and substituting the following:

- (f) any other information requested by the chief executive officer;

(b) in clause (c) in the new subsection (6) by striking out “42.2(4)” and substituting “42.2(5)”.

(12) Section 28 is repealed and the following is substituted:

(11) Section 27 presently reads in part:

27 Section 42.1 is amended

(a) in subsection (4)

(i) by repealing clause (b) and substituting the following:

(b) the complainant's contact information;

(ii) by repealing clause (f) and substituting the following:

(f) any other information requested by the chief executive officer of the Police Review Commission;

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

(6) A complaint is considered to be made on the date it is received by the Police Review Commission or, in the case of a Level 4 or Level 5 complaint under section 42.2(4), by the relevant police service, as the case may be.

(12) Section 28 presently reads:

28 The following is added after section 42.1:

Complaint intake and assessment

42.2(1) Subject to subsections (2) and (9), when the chief of a police service, the officer in charge of a police service, a commission or the Oversight Board receives a Level 1, Level 2 or Level 3 complaint as described in subsection (5), the chief of the police service, officer in charge, commission or Oversight Board must review and forward the complaint to the Police Review Commission, as soon as practicable, to be administered in accordance with this section.

(2) The chief of a police service or officer in charge of a police service, on receiving a complaint with respect to that police service, shall not forward the complaint to the Police Review Commission if the chief of the police service or officer in charge determines that it is a Level 4 or Level 5 complaint under subsection (5).

(3) When it is determined under subsection (2) that it is a Level 4 or Level 5 complaint, the chief of the police service or officer in charge may forward the complaint to another police service or the Police Review Commission if the chief of the police service or officer in charge considers it not appropriate to investigate the complaint by the originating police service, and the Police Review Commission or the other police service, as the case may be, shall investigate the complaint in accordance with this Part.

(4) After receiving a Level 1, Level 2 or Level 3 complaint forwarded to the Police Review Commission under subsection (1), the chief executive officer shall assess the complaint and may

- (a) categorize the complaint in accordance with subsection (5), or
- (b) in the case of a Level 2 or Level 3 complaint, dismiss the complaint if it appears to the chief executive officer that the complaint is frivolous, vexatious or made in bad faith.

(5) The chief executive officer shall assess and categorize a complaint based on the following criteria:

28 *The following is added after section 42.1:*

42.2(1) Subject to subsection (7), any complaint received by the chief of a police service, a commission, the Oversight Board, a municipal policing committee or a regional policing committee must be forwarded to the Police Review Commission, as soon as practicable and in any case within 30 days of being received, to be administered in accordance with this section.

(2) The Police Review Commission, as soon as practicable and in any case within 2 business days, shall notify

- (a) a complainant when a complaint has been received by or forwarded to the Police Review Commission with respect to the complainant,*
- (b) the chief or officer in charge for the relevant police service when a complaint has been received by or forwarded to the Police Review Commission with respect to a member of that police service, and*
- (c) the commission or the Oversight Board, as the case may be, for the relevant police service when a complaint has been received by or forwarded to the Police Review Commission with respect to the chief of the police service.*

(3) The Police Review Commission shall assess all complaints that are received by or forwarded to it and may,

- (a) in the case of a Level 2 or Level 3 complaint, dismiss the complaint if it appears to the Police Review Commission that the complaint is frivolous, vexatious or made in bad faith, or*
- (b) in any other case, assess and categorize the complaint in accordance with subsection (4).*

(4) The Police Review Commission shall assess and categorize a complaint based on the following criteria:

Complaint Level	Criteria
Level 1	<p>An incident has occurred involving serious injury to or the death of any person that may have resulted from the actions of a police officer, or a complaint alleges that</p> <ul style="list-style-type: none"> (a) serious injury to or the death of any person may have resulted from the actions of a police officer, or (b) there is a matter of a serious or sensitive nature related to the actions of a police officer.
Level 2	<p>A complaint alleges that a police officer has committed an offence under an Act of the Parliament of Canada or the Legislature of Alberta, but the complaint does not relate to an incident or complaint meeting the criteria of a Level 1 complaint.</p>
Level 3	<p>A complaint alleges that a police officer has committed a contravention of the regulations governing the discipline of police officers and relates to non-criminal conduct or conduct where the criminal matter has concluded, but the complaint does not relate to an incident or complaint meeting the criteria of a Level 1 or Level 2 complaint.</p>

<i>Complaint Level</i>	<i>Criteria</i>
<i>Level 1</i>	<p><i>An incident has occurred involving serious injury to or the death of any person that may have resulted from the actions of a police officer, or a complaint alleges that</i></p> <p><i>(a) serious injury to or the death of any person may have resulted from the actions of a police officer, or</i></p> <p><i>(b) there is a matter of a serious or sensitive nature related to the actions of a police officer.</i></p>
<i>Level 2</i>	<p><i>A complaint alleges that a police officer has committed an offence under an Act of the Parliament of Canada or the Legislature of Alberta, but the complaint does not relate to an incident or complaint meeting the criteria of a Level 1 complaint.</i></p>
<i>Level 3</i>	<p><i>A complaint alleges that a police officer has committed a contravention of the regulations governing the discipline of police officers, but the complaint does not relate to an incident or complaint meeting the criteria of a Level 1 or Level 2 complaint.</i></p>
<i>Level 4</i>	<p><i>A complaint alleges unsatisfactory performance by a police officer, but the complaint does not relate to an incident or complaint meeting the criteria of a Level 1, Level 2 or Level 3 complaint.</i></p>
<i>Level 5</i>	<p><i>A complaint primarily focuses on the policies of or services provided by a police service.</i></p>

Level 4	A complaint alleges unsatisfactory performance by a police officer, but the complaint does not meet the threshold of a Level 1, Level 2 or Level 3 complaint.
Level 5	A complaint focuses on the policies of or services provided by a police service.

(6) After assessing and categorizing a complaint in accordance with subsection (5), the chief executive officer shall, if the complaint is a Level 1, Level 2 or Level 3 complaint, advise, as soon as practicable and in writing, the following persons of the findings of the assessment, the disposition of the complaint, any action taken or to be taken and the right of appeal provided for under this Act:

- (a) the complainant;
- (b) the member of the police service against whom the complaint is made and the chief of that police service or officer in charge of that police service;
- (c) in the case of a complaint made against the chief of a police service, the commission or Oversight Board, as applicable.

(7) If the chief executive officer, after an assessment under subsection (5), determines that

- (a) a complaint is a Level 1 complaint, the complaint shall be administered in accordance with section 43.2 and the regulations,
- (b) a complaint is a Level 2 complaint, the complaint shall be administered in accordance with sections 43 and 43.4 and the regulations,
- (c) a complaint is a Level 3 complaint, the complaint shall be administered in accordance with sections 43, 43.1, 43.5, 47 and 48 and the regulations,

(5) The Police Review Commission shall notify the complainant of the result of the complaint assessment process as soon as possible and, if the Police Review Commission has dismissed the complaint under subsection (3)(a), shall notify the complainant of the complainant's right to request the Board to review the decision within 30 days of receiving the notice.

(6) If the Police Review Commission determines that

(a) a complaint is a Level 1 complaint, the complaint shall be referred to the chief executive officer of the Commission and administered in accordance with section 43.2,

(b) a complaint is a Level 2 complaint, the complaint shall be referred to the chief executive officer of the Commission and

(i) the chief executive officer shall notify the Minister, and

(ii) the complaint shall be administered in accordance with sections 43 and 43.4,

(c) a complaint is a Level 3 complaint, subject to the regulations, the complaint shall be administered in accordance with sections 43, 43.1, 43.5, 47 and 48,

(d) a complaint is a Level 4 complaint, the complaint shall be forwarded to the chief of the relevant police service, who shall administer the complaint in accordance with any internal performance management procedures of the police service, any applicable collective agreement that has been entered into in respect of that police service and section 43.6, and

(e) a complaint is a Level 5 complaint, the Police Review Commission shall forward the complaint to the relevant police service, who shall administer the complaint in accordance with sections 43 and 44.

(7) Subject to subsection (9), this section does not apply to a complaint against a member of the Royal Canadian Mounted Police.

(8) For greater certainty, and subject to subsection (9), if the Police Review Commission receives a complaint against

- (d) a complaint is a Level 4 complaint, the chief executive officer shall, subject to subsection (8), forward the complaint to the chief of the relevant police service, who shall administer the complaint in accordance with any internal performance management procedures of the police service, any applicable collective agreement that has been entered into in respect of that police service, section 43.6 and the regulations, and
- (e) a complaint is a Level 5 complaint, the chief executive officer shall, subject to subsection (8), forward the complaint to the chief of the relevant police service, who shall administer the complaint in accordance with sections 43 and 44 and the regulations.

(8) The chief executive officer may forward a Level 4 or Level 5 complaint to another police service if the chief executive officer considers it appropriate, and the other police service shall investigate the complaint in accordance with this Part.

(9) Subject to subsection (10), if the chief executive officer receives a complaint against a member of the Royal Canadian Mounted Police, the chief executive officer shall, as soon as practicable, forward the complaint to

- (a) the Royal Canadian Mounted Police, and
- (b) the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police or the Public Complaints and Review Commission under the *Public Complaints and Review Commission Act* (Canada), as applicable.

(10) If the Royal Canadian Mounted Police agree that complaints relating to members of the Royal Canadian Mounted Police shall be assessed and administered by the Police Review Commission, this section and sections 42.1 and 43 to 48 apply to the complaints relating to members of the Royal Canadian Mounted Police with necessary modifications.

(13) Sections 29 and 30 are amended by striking out “of the Police Review Commission” wherever it occurs.

(14) Section 31 is amended

a member of the Royal Canadian Mounted Police, the Police Review Commission shall forward the complaint to the Royal Canadian Mounted Police.

(9) If the Royal Canadian Mounted Police has agreed that complaints relating to members of the Royal Canadian Mounted Police shall be assessed and administered by the Police Review Commission, then despite anything to the contrary in this Act, this section and sections 42.1 and 43 to 48 apply to complaints relating to members of the Royal Canadian Mounted Police to the extent agreed on, with any necessary modifications.

(13) Updates terminology.

(14) Section 31 presently reads in part:

(a) in the new section 43.2

- (i) by striking out** “of the Police Review Commission”
wherever it occurs;
- (ii) in subsection (5) by striking out** “The chief or” **and substituting** “The chief of a police service or”;
- (iii) by repealing subsection (7) and substituting the following:**

(7) The Minister may delegate to the Director or the chief executive officer the power to authorize and provide for the payment of remuneration and expenses to a person appointed under subsection (4)(b).

- (iv) in subsection (8) by striking out** “A chief or” **and substituting** “A chief of a police service or”;

(v) in subsection (9)

(A) by striking out “A chief or” **and substituting** “A chief of a police service or”;

(B) by striking out “45 days” **and substituting** “60 days”;

- (vi) in subsection (10) by striking out** “the commission or the Oversight Board, as the case may be, for”;
- (vii) in subsection (11) by adding** “of a police service” **after** “a chief”;
- (viii) by repealing subsection (12);**
- (ix) in subsection (14) by striking out** “or municipal” **and substituting** “, municipal or First Nation”;

(b) in the new section 43.3

- (i) in subsection (1) by striking out** “section 43.2 of this Act, or section 19(3) or (3.1) of the *Peace Officer Act*” **and substituting** “section 43.2 or 43.4 of this Act or section 19(3) or (3.1) of the *Peace Officer Act* or as required by a regulation made under the *Legislative*

31 *The following is added after section 43.1:*

43.2(2) The chief of a police service as soon as practicable shall notify the relevant commission or the Oversight Board, as the case may be, and the chief executive officer of the Police Review Commission where

(3) The chief executive officer of the Police Review Commission, when notified under subsection (2) or section 42.2 of an incident or complaint described in subsection (2), shall notify the Minister within a period of 24 hours.

(4) The chief executive officer of the Police Review Commission, when notified under subsection (2) or section 42.2 of an incident or complaint, or on the chief executive officer's own initiative where the chief executive officer becomes aware of an incident or complaint described in subsection (2), shall do one or more of the following:

(5) The chief or officer in charge of a police service acting under subsection (4)(a) or (c), or a person appointed under subsection (4)(b), shall report as required to the chief executive officer of the Police Review Commission.

(6) If, during or on the conclusion of an investigation, the chief executive officer of the Police Review Commission forms the opinion that the actions of the police officer that are the subject of the investigation constitute

(a) an offence under an Act of the Parliament of Canada or the Legislature of Alberta, the chief executive officer of the Police Review Commission shall

(c) a matter of the policies of or services provided by the police service under investigation, the chief executive officer of the Police Review Commission shall refer the matter to the chief of the police service to be administered in accordance with sections 43 and 44.

(7) The Minister may authorize and provide for the payment of remuneration and expenses to a person appointed under subsection (4)(b).

(8) A chief or police officer in charge of another police service who is conducting an investigation under subsection (4)(a) or (c) has, for the purposes of assisting with or conducting that

Assembly Act with respect to a matter or incident involving a legislative security officer”;

(ii) by repealing subsection (3) and substituting the following:

(3) For the purposes of section 43.2(5), (8), (9) and (10), subject to the terms of the Minister’s authorization under subsection (1),

(a) the head of the integrated investigative unit is deemed to be

(i) a chief of police, or

(ii) a peace officer for the purposes of the *Peace Officer Act*, and

(b) any person acting as an investigator is deemed to be a police officer.

(iii) in subsection (5) by striking out “and the Director”;

(c) by repealing the new section 43.4 and substituting the following:

Level 2 complaints

43.4(1) A Level 2 complaint may be investigated by the integrated investigative unit or another police service.

(2) A chief of another police service or officer in charge of another police service conducting an investigation of a Level 2 complaint must advise a complainant, if any, in writing at least once every 60 days as to the status of the complaint.

(3) Where a police officer of another police service or any other person who is not a police officer conducts an investigation according to arrangements made by the chief executive officer under section 43.5(2),

(a) the police officer has, for the purpose of conducting the investigation, the same powers as the Police Review Commission as prescribed in the regulations, and

investigation, the same powers and duties as the Police Review Commission is prescribed by regulation.

(9) A chief or police officer in charge of another police service referred to in subsection (8) must advise a complainant, if any, in writing at least once every 45 days as to the status of the complaint.

(10) A copy of the document sent to a complainant under subsection (9) must be provided to the commission or the Oversight Board, as the case may be, for the police service being investigated.

(11) Where a chief or police officer in charge of another police service carries out any functions pursuant to a request or direction made under subsection (4), that police officer may also be requested to present the case at a hearing of the complaint.

(12) The Minister may delegate in writing the Minister's powers, functions and responsibilities under this section to the Director of Law Enforcement.

(13) The costs and expenses that result from

(a) a request or direction made by the chief executive officer of the Police Review Commission under subsection (4)(a) or (c) shall be borne by the police service that is the subject of the investigation, unless otherwise directed by the Minister, and

(14) For the purposes of this section and section 43.5, "police service" includes the Royal Canadian Mounted Police and a regional, provincial or municipal police service established under an enactment of another province or territory.

43.3(1) The Minister may by order establish an integrated investigative unit and authorize it to act as another police service for the purposes of conducting an investigation under section 43.2 of this Act, or section 19(3) or (3.1) of the Peace Officer Act.

(3) Subject to the terms of the Minister's authorization under subsection (1), the head of the integrated investigative unit is deemed to be a chief of police, and any person acting as an

- (b) the other person is deemed to be a police officer for the purpose of conducting the investigation under this section.
- (4) Except to the extent that they are inconsistent with this Act, and subject to the regulations, all provisions of Part XV of the *Criminal Code* (Canada) respecting search and seizure powers apply in respect of a Level 2 complaint.
- (5) A chief of a police service or officer in charge of a police service conducting an investigation of a Level 2 complaint shall, as soon as practicable, notify the chief executive officer when the chief of the police service or officer in charge becomes aware of a statutory matter dealt with under another piece of legislation not otherwise reported as a Level 1 complaint.
- (6) The chief executive officer, when notified under subsection (5), shall review the outcome of the investigation of the Level 2 complaint or, if the chief executive officer considers it necessary, conduct further investigation of the complaint.
- (7) At any time during an investigation into a Level 2 complaint, the chief executive officer may, if the chief executive officer considers it proper, resolve the matter through an alternative dispute resolution process.
- (8) The chief executive officer may dismiss a Level 2 complaint if, at any time before or during an investigation into the complaint, it appears to the chief executive officer that
 - (a) the complaint is frivolous, vexatious or made in bad faith,
 - (b) the complainant refuses to cooperate, or
 - (c) having regard to all the circumstances, the investigation or further investigation is not necessary or practicable.
- (d) in the new section 43.5**
 - (i) by striking out “of the Police Review Commission” wherever it occurs;**
 - (ii) in subsection (2)**

investigator is deemed to be a police officer, for the purposes of section 43.2(5), (8), (9) and (10).

(5) Where the head of the integrated investigative unit intends to conduct an investigation into a further incident in accordance with subsection (4), the head of the integrated investigative unit shall notify the chief executive officer of the Police Review Commission and the Director as soon as possible.

43.4(1) The chief executive officer shall assess a Level 2 complaint and, having regard to all the circumstances, shall decide whether to administer the complaint as a Level 1 complaint in accordance with the process set out in section 43.2 or as a Level 3 complaint in accordance with the process set out in sections 43, 43.1, 43.5, 47 and 48.

(2) Notwithstanding anything to the contrary in subsection (1), section 43 applies to a Level 2 complaint that the chief executive officer has decided to administer as a Level 1 complaint.

43.5(1) Where the Police Review Commission has received a Level 3 complaint, subject to sections 42.2, 43 and 43.1, the chief executive officer of the Police Review Commission shall cause the complaint to be investigated.

(2) The chief executive officer of the Police Review Commission may make arrangements for another police service to provide the necessary police officers to conduct the investigation if, in the opinion of the chief executive officer, it would be in the public interest to have one or more police officers of another police service conduct the investigation.

(3) Where a police officer of another police service conducts an investigation according to arrangements made by the chief executive officer of the Police Review Commission under subsection (2), that police officer has, for the purpose of conducting the investigation, the same powers as the Police Review Commission is prescribed by regulation.

(4) Where the chief executive officer of the Police Review Commission has formed the opinion that a police officer

(6) Notwithstanding subsection (4)(a), if the chief executive officer of the Police Review Commission is of the opinion that the alleged contravention is not of a serious nature, the chief

- (A) **by striking out** “to conduct” **and substituting** “or for any other person who is not a police officer to conduct”;
 - (B) **by striking out** “another police service conduct” **and substituting** “another police service or any other person who is not a police officer conduct”;
- (iii) **by repealing subsection (3) and substituting the following:**
- (3) Where a police officer of another police service conducts an investigation according to arrangements made by the chief executive officer under subsection (2), the police officer has, for the purpose of conducting the investigation, the same powers as the Police Review Commission as prescribed in the regulations.
 - (3.1) Where another person who is not a police officer conducts an investigation according to arrangements made by the chief executive officer under subsection (2), the other person is deemed to be a police officer for the purpose of conducting the investigation under this section.
- (iv) **in subsection (9) by striking out** “commission of the police service of the police officer or to the Oversight Board” **and substituting** “police service being investigated”;
- (v) **by adding the following after subsection (9):**
- (10) At any time during an investigation into a Level 3 complaint, the chief executive officer may, if the chief executive officer considers it proper, offer an alternative dispute resolution process to the complainant and the police officer who is the subject of the complaint.
 - (11) Except to the extent that they are inconsistent with this Act, and subject to the regulations, all provisions of Part XV of the *Criminal Code* (Canada) respecting search and seizure powers apply in respect of a Level 3 complaint.

executive officer may, subject to the regulations, dispose of the matter without conducting a hearing.

(7) Where the chief executive officer of the Police Review Commission disposes of a matter under subsection (6), the decision of the chief executive officer is final.

(8) If a complaint is being investigated under this section, the chief executive officer of the Police Review Commission must advise the complainant in writing at least once every 60 days as to the progress of the investigation.

(9) A copy of the document sent to the complainant under subsection (8) must be provided to the commission of the police service of the police officer or to the Oversight Board.

43.6(2) For greater certainty, the chief of a police service may dispose of a Level 4 complaint against a police officer in accordance with any internal performance management procedures of the police service, and any applicable collective agreement that has been entered into in respect of that police service, without a complaint being made under this Part.

(e) in the new section 43.6 by adding the following after subsection (2):

(3) A chief of another police service or officer in charge of another police service conducting an investigation of a Level 4 complaint must advise a complainant, if any, in writing at least once every 60 days of the status of the complaint.

(15) The following is added after section 31:

31.1 Section 44(11) is amended by striking out “45 days” and substituting “60 days”.

(16) Section 38 is amended

(a) in clause (a) by repealing the new section 47(1) and substituting the following:

Conduct of hearing

47(1) For the purposes of a hearing under this Part,

- (a) the registrar of the Police Review Commission shall appoint a presiding officer from a roster established by the registrar, and
- (b) the chief executive officer shall appoint presenting officers to represent the Police Review Commission.

(b) by repealing clause (b)(ii);

(c) in clause (f)

(i) in the new subsection (5) by striking out “of the Police Review Commission”;

(ii) by adding the following after the new subsection (5):

(6) The standard of review for decisions of the Police Review Commission is reasonableness.

(15) Section 44(11) of RSA 2000 cP-17 presently reads:

(11) The chief of the police service, in the case of a complaint under this section, must advise the complainant in writing at least once every 45 days as to the status of the complaint.

(16) Section 38 presently reads in part:

38 Section 47 is amended

(a) by renumbering subsection (1) as subsection (1.1) and by adding the following before subsection (1.1):

47(1) In accordance with the regulations, the Police Review Commission shall appoint a roster of persons who may serve as presiding officers for the purposes of a hearing under this Part.

(b) in subsection (1.1)

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

(a) the Police Review Commission shall select a presiding officer from the roster established under subsection (1);

(f) by repealing subsections (4) and (5) and substituting the following:

(5) On making a decision after considering the matter in respect of which a complaint is made, the presiding officer shall advise in writing the person against whom the complaint is made, the complainant, the chief executive officer of the Police Review Commission and the chief of the relevant police service of the findings of the hearing and any action taken or to be taken under subsection (4) and the right of appeal provided for under this Act.

(17) The following is added after section 39:

39.1 Section 48(1) is repealed and the following is substituted:

Appeals to Board

48(1) A chief of a police service or another police officer in respect of whom a complaint is made may, within 30 days from the day the chief of the police service or police officer was advised under section 47(5) of the findings and any action taken, appeal the matter to the Board by filing with the secretary to the Board a written notice of appeal on one or more grounds as prescribed in the regulations.

(18) Section 40 is amended by striking out “1(d.1), 42.1 and” and substituting “1(d.1), 42.1, 42.2 and”.

(19) The following is added after section 40:

40.1 Section 51 is repealed and the following is substituted:

Use of evidence

51 The following evidence or statement given by a police officer or peace officer appointed under the *Peace Officer Act* shall not be used in any civil proceeding or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence:

- (a) evidence during
 - (i) a hearing under this Act, or
 - (ii) an appeal under this Act arising out of a hearing referred to in subclause (i);
- (b) a voluntary or involuntary statement during an investigation under this Act in an explanatory report or through an interview.

(20) Section 46 is amended

(a) by repealing clause (b) and substituting the following:

(17) Section 48(1) of RSA 2000 cP-17 presently reads:

48(1) Where a chief of a police service or another police officer in respect of whom a complaint is made feels aggrieved by the findings or any action taken against the chief or police officer under section 47(4), the chief or police officer may, within 30 days from the day the chief or police officer was advised under section 47(5) of the findings and any action taken, appeal the matter to the Board by filing with the secretary to the Board a written notice of appeal setting out the grounds on which the appeal is based.

(18) Section 40 presently reads:

40 Section 49 is amended by adding "1(d.1), 42.1 and" after "sections".

(19) Section 51 of RSA 2000 cP-17 presently reads:

51 Where a police officer or peace officer appointed under the Peace Officer Act gives evidence during

- (a) a hearing under this Act, or*
- (b) an appeal under this Act arising out of a hearing referred to in clause (a),*

that evidence, or an explanatory report made to an investigator on a voluntary or involuntary basis by a police officer in respect of whom an investigation is being carried out, if it tends to incriminate him or her, subject him or her to punishment or establish his or her liability, shall not be used or received against the police officer or peace officer appointed under the Peace Officer Act in any civil proceeding or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.

(20) Section 46 presently reads in part:

46 Section 61(1) is amended

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

- (f.1) governing and respecting the Police Review Commission, including respecting
 - (i) the administration of Level 1, Level 2, Level 3, Level 4 and Level 5 complaints under Part 5, including
 - (A) receiving and assessing complaints,
 - (B) conducting investigations, reviews and hearings and compelling evidence,
 - (C) governing the conditions in which the chief executive officer may extend the time for making a complaint under section 43(2),
 - (D) allowing submissions on mitigation and aggravating factors related to a police officer who is the subject of a complaint,
 - (E) establishing alternative dispute resolution procedures, and
 - (F) sharing and releasing information, including holding and disseminating personal information,
 - and
 - (ii) the appointment of staff of the Police Review Commission;
- (f.2) applying alternative dispute resolution processes, appeals and the grounds for appeal to the Law Enforcement Review Board;
- (f.3) respecting the Law Enforcement Review Board regarding the conduct of appeal hearings and compelling evidence;
- (f.4) respecting the powers and duties of the registrar of the Police Review Commission;

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

(f.1) governing and respecting the Police Review Commission, including respecting the intake and assessment of complaints, the conduct of investigations, the calling and conduct of hearings, the appointment of staff, information sharing and the release of information by the Commission;

(f.2) governing the conditions in which the chief executive officer of the Police Review Commission may extend the time for making a complaint under section 43(2);

(f.3) governing and respecting the administration of Level 4 complaints;

(f.4) addressing any impossibility or difficulty with applying sections 42.1 to 48 to members of the Royal Canadian Mounted Police;

(e) by adding the following after clause (g.1):

(g.2) defining “serious” or “sensitive” for the purposes of sections 42.2 and 43.2;

- (f.5) respecting the powers and duties of the chief executive officer, including, for the purposes of Part 5,
 - (i) administering and overseeing complaints,
 - (ii) collecting, storing and disseminating information,
 - (iii) conducting investigations on the chief executive officer's own initiative relating to an incident, complaint or trend,
 - (iv) conducting systemic reviews,
 - (v) designating the staff of the Police Review Commission as police officers, and
 - (vi) making rules governing the process and procedure with respect to complaints and the collection of social demographic and race-based data in relation to the submission of complaints;
- (f.6) prescribing grounds of appeal to the Board for the purpose of section 48(1);
- (f.7) respecting costs for a hearing under Part 5;
- (f.8) addressing any impossibility or difficulty in applying sections 42.1 to 48 to members of the Royal Canadian Mounted Police;

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

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

- (l.1) defining any term used but not defined in this Act;

(21) Section 48(2) is amended

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

(a) by repealing subsection (1) and substituting the following:

(21) Section 48(2) presently reads in part:

(2) Section 19 is amended

(a) in subsection (1)(b) by adding “that may be” before “of a serious or sensitive nature”;

(c) by adding the following after subsection (3):

Duty to report and investigation

19(1) An authorized employer must notify and provide a report to the Director as soon as the authorized employer becomes aware of an incident in which a peace officer while carrying out the peace officer's duties may have

- (a) used excessive force,
- (b) used a weapon or equipment prescribed in the regulations in circumstances referred to in the regulations,
- (c) been involved in an incident involving a weapon used by another person, or
- (d) been involved in any other circumstances referred to in the regulations.

(1.1) An authorized employer must contact the chief executive officer as defined in the *Police Act* and provide a report to the Director as soon as the authorized employer becomes aware of

- (a) an incident involving serious injury to or the death of any person that may have resulted from the actions of a peace officer, or
- (b) a complaint alleging that
 - (i) serious injury to or the death of any person may have resulted from the actions of a peace officer, or
 - (ii) there is a matter of a serious or sensitive nature related to the actions of a peace officer.

(b) in clause (c) by repealing the new subsection (3.1) and substituting the following:

(3.1) The chief executive officer, as defined in the *Police Act*, must request the integrated investigative unit established under section 43.3 of the *Police Act* to conduct an investigation as soon as the chief executive officer becomes aware of an investigation under this section.

(3.1) The Director must request the integrated investigative unit established under section 43.3 of the Police Act to conduct an investigation when

- (a) an incident occurs involving serious injury to or the death of any person that may have resulted from the actions of a peace officer, or*
- (b) a complaint is made alleging that*
 - (i) serious injury to or the death of any person may have resulted from the actions of a peace officer, or*
 - (ii) there is any matter of a serious or sensitive nature related to the actions of a peace officer.*
- (d) in subsection (4) by striking out “police service or other person conducts an investigation of an incident or matter under subsection (3)” and substituting “police service, the integrated investigative unit established under section 43.3 of the Police Act or any other person conducts an investigation under subsection (3) or (3.1)”.*

(c) in clause (d) by striking out “or (3.1)”;

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

(e) by adding the following after subsection (4):

(4.1) If the chief executive officer requests an investigation under subsection (3.1), the chief executive officer must notify the peace officer who is the subject of the investigation and the peace officer’s authorized employer in writing

(a) at least once every 60 days as to the status of the investigation until the investigation is concluded, and

(b) as to the results of the investigation.

Scrap Metal Dealers and Recyclers Identification Act

Amends SA 2013 cS-3.5

4(1) The *Scrap Metal Dealers and Recyclers Identification Act* is amended by this section.

(2) Section 2(1) is repealed.

(3) This section comes into force on Proclamation.

Scrap Metal Dealers and Recyclers Identification Act

4(1) Amends chapter S-3.5 of the Statutes of Alberta, 2013.

(2) Section 2(1) presently reads:

2(1) This Act does not apply where a scrap metal dealer or recycler purchases or receives scrap metal from a body corporate that is duly authorized to carry on business in Alberta.

(3) Coming into force.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To