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1st SESSION, 67th GENERAL ASSEMBLY
Province of Prince Edward Island
2 CHARLES III, 2023

(Bill No. 30)

An Act to Amend the Police Act (No. 2)

Hon. Bloyce Thompson
Minister of Justice and Public Safety and Attorney General

GOVERNMENT BILL

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**For House
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**Prince Edward Island
Legislative Assembly**

AMENDMENTS

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TITLE: An Act to Amend the Police Act (No. 2)

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<p>NOTED:</p> <p>_____</p> <p style="text-align: center;">COMMITTEE CLERK</p>	<p>CERTIFIED CORRECT:</p> <p>_____</p> <p style="text-align: center;">CHAIR, IN COMMITTEE</p>
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AN ACT TO AMEND THE POLICE ACT (NO. 2)

BILL NO. 30

2023

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. **Clause 1(e) of the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1, is amended by the deletion of the words “Part VII or Part VIII” and the substitution of the words “Part 7 or Part 8”.**
2. **The heading immediately before section 3 of the Act is amended by the deletion of the words “PART I” and the substitution of the words “PART 1”.**
3. **Subsection 3(3) of the Act is amended in the words immediately before clause (a), by the deletion of the words “his or her” and the substitution of the words “the Minister’s”.**
4. **The Act is amended by the addition of the following immediately after section 3:**
 - 3.1 **Provision of policing services or transfer of investigation**
 - (1) The Minister may, at any time the Minister considers it appropriate to do so, by order,
 - (a) require the police department of a municipality to provide policing services for another municipality;
 - (b) require the Royal Canadian Mounted Police, or the Provincial Police Service, to provide policing services in a municipality; and
 - (c) require a police service to transfer the investigation of an alleged offence to another police service, and require that other police service to complete the investigation of the alleged offence.
 - Notice**
 - (2) Where the Minister makes an order under subsection (1), the Minister shall ensure that a copy of the order is provided, as soon as possible, to the chief officer of each police service affected by the order.
 - Duty to deliver records for criminal case**
 - (3) A member of a police service shall, upon the request of the Minister, deliver to any person named by the Minister, all warrants, papers, exhibits, photographs and other information or

records in the member's possession or under the member's control dealing with any criminal case that is the subject of an investigation by another police service.

Reimbursement of costs

- (4) Where the police department of a municipality has, pursuant to an order made under subsection (1), provided policing services for another municipality, the Government shall, upon written request of the municipality whose police department provided the policing services, reimburse that municipality for the salary and other expenses incurred by its police department in order to provide those policing services.

Responsibility for costs

- (5) A municipality that receives policing services from the police department of another municipality, or from the Royal Canadian Mounted Police or the Provincial Police Service, pursuant to an order made under subsection (1), shall reimburse the Government for the costs incurred by the Government in respect of the provision of the policing services pursuant to subsection (4), unless the Government waives the payment of those costs under subsection (7).

Recovery of costs

- (6) The costs for which a municipality is required, under subsection (5), to reimburse the Government are a debt due by the municipality to the Government, are payable on demand and
- (a) may be recovered, with costs, by the Government by action in any court of competent jurisdiction; or
 - (b) may be deducted, by the Government, from any grant payable out of provincial funds to the municipality.

Waiver of debt due

- (7) The Government may waive the payment of all or any part of any debt due by a municipality to the Government under this section.

5. **The Act is amended by the addition of the following heading immediately after section 3.1:**

PART 1.1 - INVESTIGATIONS

6. **Subsection 4(4) of the Act is amended by the deletion of the words "his or her" and the substitution of the words "the investigator's".**

7. **The Act is amended by the addition of the following immediately after section 4:**

PART 1.2 – SERIOUS INCIDENT INVESTIGATIONS

4.1 Definitions

- (1) In this Part,
- (a) **"head of the investigative body"** means the administrative head of an investigative body;

- (b) **“intimate partner”** means, in relation to a person, a person with whom the person is or has been
 - (i) married or cohabiting in a spousal or sexual relationship, or
 - (ii) in a dating relationship or romantic relationship;
- (c) **“intimate partner violence”** means, in relation to a person, violence against that person by an intimate partner or another person who has been encouraged or solicited by the intimate partner to commit violence against that person, including
 - (i) an assault of the person,
 - (ii) a reckless act or omission that causes injury to the person or damage to property,
 - (iii) an act or threat that causes a reasonable fear of injury to the person or damage to property,
 - (iv) forced confinement of the person,
 - (v) actions or threat of sexual abuse, physical abuse or emotional abuse of the person, and
 - (vi) depriving the person of food, clothing, medical attention, shelter, transportation or other necessities of life;
- (d) **“investigative body”** means an entity that enters into an agreement with the Minister under subsection 4.2(1) to investigate serious incidents;
- (e) **“relevant disciplinary authority”** means,
 - (i) where the subject officer is a member of a police department, the chief officer of that police department,
 - (ii) where the subject officer is a chief officer of a police department, the Police Commissioner,
 - (iii) where the subject officer is a member or chief officer of a Provincial Police Service, the Police Commissioner, and
 - (iv) where the subject officer is a member or chief officer of the Royal Canadian Mounted Police, the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police established by subsection 45.29(1) of the *Royal Canadian Mounted Police Act* (Canada);
- (f) **“serious incident”** means any death, serious injury, sexual assault or act of intimate partner violence involving a subject officer, or any matter that is determined under this Act to be in the public interest to be investigated;
- (g) **“subject officer”** means any of the following persons who is the subject of an investigation of a serious incident or whose actions may have resulted in a serious incident:
 - (i) a member of a police service,
 - (ii) a chief officer of a police service.

4.2 Agreement to investigate serious incidents

- (1) The Minister shall, in accordance with section 10 of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12, enter into an agreement with any of the following persons or entities for the purpose of ensuring that an investigative body conducts investigations of serious incidents:
 - (a) the Government of Canada or any of its agencies;
 - (b) the government of another province or territory of Canada, or an agency of that government;

- (c) a police agency, municipality, person or other entity in another province or territory of Canada;
- (d) a municipality, police service or other entity in the province.

Agreement to provide assistance to investigative body

- (2) The Minister may, in accordance with section 10 of the *Executive Council Act*, enter into an agreement with any of the following persons or entities to provide assistance to an investigative body in conducting investigations of serious incidents:
 - (a) the Government of Canada or any of its agencies;
 - (b) the government of another province or territory of Canada, or an agency of that government;
 - (c) a police agency, municipality, person or other entity in another province or territory of Canada;
 - (d) a municipality, police service or other entity in the province.

4.3 Assistance of personnel, resources

- (1) The Minister may direct that a chief officer make available one or more members of the police service and other resources to assist in an investigation of a serious incident.

Responsibility of chief officer

- (2) Where the Minister makes a direction under subsection (1) to a chief officer, the chief officer shall
 - (a) select one or more members of the police service for that purpose; and
 - (b) notify the head of the investigative body of
 - (i) which members of the police service have been selected to provide assistance in the investigation of the serious incident, and
 - (ii) other resources that are being made available to the investigative body in accordance with the Minister's direction.

Assignment of members of police service

- (3) In consultation with the chief officer, the head of the investigative body may assign the members of the police service selected under subsection (2) to the investigation and, after they are assigned, the members are under the sole command and direction of,
 - (a) with respect to an investigation conducted under clause 4.5(1)(a), the head of the investigative body; or
 - (b) with respect to an investigation referred to a police service under clause 4.5(1)(b), the officer in charge of the investigation.

Restriction on assignment

- (4) Where a member of a police service that is assigned by the head of the investigative body is a member of the same police service as the subject officer, the member shall not act as a team commander or lead investigator in the investigation.

4.4 Notification by chief officer

- (1) A chief officer who has reason to believe that a serious incident may have occurred shall, as soon as the circumstances permit, notify the head of the investigative body and submit to the

head of the investigative body a notification report, in the form and manner determined by the head of the investigative body, within the time prescribed.

Notification by Minister

- (2) The Minister may notify the head of the investigative body, in the form and manner determined by the head of the investigative body, where
- (a) the Minister has reason to believe that a serious incident may have occurred; or
 - (b) in the Minister's opinion, it would be in the public interest for the investigative body to investigate an incident alleged to have occurred from the actions of a subject officer to determine whether a serious incident did occur.

Notification by member of public

- (3) Any other person who has reason to believe that a serious incident may have occurred may notify the head of the investigative body in the form and manner determined by the head of the investigative body.

4.5 Investigations of serious incidents

- (1) On notification under section 4.4, or otherwise becoming aware that a serious incident has occurred, the head of an investigative body may
- (a) arrange for the investigative body to conduct an investigation of the serious incident, which may include taking over an ongoing investigation at any stage;
 - (b) refer the investigation of the serious incident to a police service, which may include taking over an ongoing investigation at any stage;
 - (c) in consultation with the relevant chief officer, assign any member of the police service selected under subsection 4.3(2) to assist the investigative body or a police service in the investigation of the serious incident;
 - (d) enter into an agreement to have an investigative unit, police agency, person or other entity in another province or territory of Canada conduct an investigation of the serious incident;
 - (e) direct that the investigative body oversee, observe, monitor or review an investigation conducted under clause (b) or (d);
 - (f) appoint an observer or community liaison officer to work with the investigative body, police agency or investigative unit, police force, police service or other entity in another province or territory of Canada that conducts the investigation of the serious incident;
 - (g) file a complaint under section 21 or 35 with the relevant disciplinary authority;
 - (h) refer the matter under the complaints process in Part VII of the *Royal Canadian Mounted Police Act* (Canada); or
 - (i) determine that the matter is not within the mandate of the investigative body.

Powers, authority of investigative body, member

- (2) An investigative body and a member of an investigative body engaged in an investigation has all of the powers, authority, privileges, rights and immunities of a police officer under subsection 15(2) during the investigation and any proceedings relating to the matter under investigation.

4.6 Report respecting investigation

- (1) On the conclusion of an investigation conducted under clause 4.5(1)(a), (b) or (d) or at the request of the head of the investigative body, a report shall be provided to the head of the investigative body in the form and manner determined by the head.

Report to relevant disciplinary authority

- (2) The head of the investigative body shall provide the report respecting an investigation conducted under clause 4.5(1)(a), (b) or (d) to the relevant disciplinary authority.

4.7 Decision by head of investigative body

- (1) On the conclusion of an investigation by the investigative body under clause 4.5(1)(a) and receipt of a report under subsection 4.6(1), the head of the investigative body shall decide whether a charge will be laid.

Decision by police service

- (2) On the conclusion of an investigation by a police service under clause 4.5(1)(b), that police service shall decide whether a charge will be laid.

Decision by investigative unit, etc.

- (3) On the conclusion of an investigation by an investigative unit, police agency, person or other entity in another province or territory of Canada under clause 4.5(1)(d), that investigative unit, police agency, person or other entity, as the case may be, shall decide whether a charge will be laid.

4.8 Summary to be provided to Minister, relevant disciplinary authority

- (1) The head of the investigative body shall, within the time prescribed by regulation, provide to the Minister and the police service in which the subject officer is or was employed a summary of an investigation conducted under clause 4.5(1)(a), (b) or (d) containing the information prescribed by regulation.

Summary may be made public

- (2) The head of the investigative body may make the summary of the investigation available to the public in the manner determined by the head.

4.9 Annual report by investigative body

- (1) The investigative body shall provide the Minister with an annual report that contains the following information:

- (a) the number of investigations started and concluded in the year;
- (b) the nature of each investigation;
- (c) the result of each investigation;
- (d) the number of charges laid against subject officers in the year;
- (e) any administrative or financial information that the Minister requires;
- (f) any other prescribed information.

Publication of annual report

- (2) The Minister shall cause the annual report to be made available to the public.

- 8. Section 5 of the Act is repealed.**
- 9. The heading immediately before section 6 of the Act is amended by the deletion of the words “PART II” and the substitution of the words “PART 2”.**
- 10. The heading immediately before section 8 of the Act is amended by the deletion of the words “PART III” and the substitution of the words “PART 3”.**
- 11. The heading immediately before section 9 of the Act is amended by the deletion of the words “PART IV” and the substitution of the words “PART 4”.**
- 12. Subsection 9(1) of the Act is amended by the deletion of the words “of the municipality”.**
- 13. Section 9.1 of the Act is amended by the deletion of the words “of a municipality”.**
- 14. Section 9.2 of the Act is amended by the deletion of the words “of a municipality”.**
- 15. (1) Subsections 10(2) and (3) of the Act are amended by the deletion of the words “his or her” and the substitution of the words “the person’s”.**
- (2) Subsection 10(4) of the Act is amended by the deletion of the word “therein” and the substitution of the words “on it”.**
- (3) Clause 10(6)(f) of the Act is amended by the deletion of the words “his or her” and the substitution of the words “the officer’s or constable’s”.**
- 16. Section 12 of the Act is amended by the deletion of the word “therein” and the substitution of the words “in it”.**
- 17. Subsection 14(1) of the Act is amended by the deletion of the words “his or her duties, and exercise his or her powers” and the substitution of the words “the member’s duties, and exercise the member’s powers”.**
- 18. Subsection 14.1(2) of the Act is amended by the deletion of the words “of the municipality”.**
- 19. Section 14.2 of the Act is amended**
 - (a) in clauses (1)(a) and (b), by the deletion of the words “of the municipality”; and**
 - (b) in subsection (2), by the deletion of the words “of a municipality”.**
- 20. The heading immediately before section 14.4 of the Act is repealed and the following substituted:**

PART 4.1 - APPOINTMENT OF CONSERVATION OFFICERS AS POLICE OFFICERS

- 21. (1) Subsections 14.4(5) and (6) of the Act are amended by the deletion of the words “his or her” and the substitution of the words “the officer’s”.**
- (2) Subsection 14.4(9) of the Act is amended by the deletion of the words “his or her” and the substitution of the words “the conservation officer’s”.**
- (3) Subsection 14.4(10) of the Act is amended by the deletion of the words “his or her duties, and exercise his or her powers” and the substitution of the words “the officer’s duties, and exercise the officer’s powers”.**
- (4) Subsection 14.4(12) of the Act is amended**
- (a) in clause (a), by the deletion of the words “his or her” and the substitution of the words “the officer’s”; and**
 - (b) by the repeal of clause (c) and the substitution of the following:**
 - (c) engaged in conduct that was reasonable having regard to all of the circumstances.
- 22. The heading immediately before section 15 of the Act is amended by the deletion of the words “PART V” and the substitution of the words “PART 5”.**
- 23. Subsection 15(3) of the Act is amended**
- (a) in clause (a), by the deletion of the words “his or her” and the substitution of the words “the officer’s”; and**
 - (b) by the repeal of clause (c) and the substitution of the following:**
 - (c) engaged in conduct that was reasonable having regard to all of the circumstances.
- 24. The heading immediately before section 16 of the Act is amended by the deletion of the words “PART VI” and the substitution of the words “PART 6”.**
- 25. (1) Subsection 16(2) of the Act is amended in the words immediately preceding clause (a), by the deletion of the words “shall appoint a person” and the substitution of the words “may appoint a person”.**
- (2) Subsection 16(4) of the Act is amended by the deletion of the words “The Police Commissioner and Deputy Police Commissioner may, at any time, resign his or her office” and the substitution of the words “A person who is appointed under this section may, at any time, resign the person’s office”.**

26. The Act is amended by the addition of the following immediately after section 16:

16.1 Acting Police Commissioner

- (1) The Minister may, in writing, temporarily designate the Manager to act as the Police Commissioner where
- (a) the Police Commissioner is unable to act as Police Commissioner by reason of illness, a conflict of interest or other cause and
 - (i) a Deputy Police Commissioner has not been appointed under section 16, or
 - (ii) the Deputy Police Commissioner is unable to act as Deputy Police Commissioner by reason of illness, a conflict of interest or other cause; or
 - (b) no Police Commissioner has been appointed under section 16 and
 - (i) a Deputy Police Commissioner has not been appointed under section 16, or
 - (ii) the Deputy Police Commissioner is unable to act as Deputy Police Commissioner by reason of illness, a conflict of interest or other cause.

Temporary powers

- (2) Where the Manager is designated under subsection (1), the Manager has the powers, responsibilities and functions of the Police Commissioner under this Act for the duration of the designation, subject to any conditions or restrictions specified in the designation.

Duration of designation

- (3) The designation of the Manager under subsection (1) as the acting Police Commissioner continues
- (a) until the Police Commissioner or Deputy Police Commissioner, as the case may be, is able to resume the duties of the office under this Act;
 - (b) until a Police Commissioner or Deputy Police Commissioner is appointed under section 16; or
 - (c) for a term specified by the Minister.

27. (1) Subsection 17(2.3) of the Act is amended by the deletion of the words “his or her office” and the substitution of the words “the Manager’s office”.

(2) Subsection 17(6) of the Act is amended

- (a) **by the deletion of the words “his or her approval” and the substitution of the words “the Minister’s approval”; and**
- (b) **by the deletion of the words “his or her functions” and the substitution of the words “the Police Commissioner’s functions”.**

28. Clause 18(3)(c) of the Act is amended by the deletion of the words “his or her” and the substitution of the words “the person’s”.

29. Subsection 19(1) of the Act is amended

- (a) **in subclause (d)(i), by the deletion of the words “Police Commissioner” and the substitution of the word “Adjudicator”; and**

- (b) in clause (f), by the deletion of the words “his or her” and the substitution of the words “the Police Commissioner’s”.
30. The heading immediately before section 19.1 of the Act is amended by the deletion of the words “PART VI.1” and the substitution of the words “PART 6.1”.
31. Subsection 19.1(3) of the Act is amended by the deletion of the words “The Adjudicator may at any time resign his or her office” and the substitution of the words “A person who is appointed under this section may at any time resign the office of Adjudicator”.
32. Clause 19.2(3)(c) of the Act is amended by the deletion of the words “his or her” and the substitution of the words “the person’s”.
33. The heading immediately before section 20 of the Act is amended by the deletion of the words “PART VII” and the substitution of the words “PART 7”.
34. Clause 23(1)(a) of the Act is amended by the deletion of the word “therein” and the substitution of the words “in it”.
35. (1) Clause 27(1)(b) of the Act is amended by the deletion of the words “his and her” and the substitution of the words “the investigator’s”.
- (2) Clause 27(9)(c) of the Act is amended by the deletion of the words “his and her” and the substitution of the words “the chief officer’s”.
36. (1) Subsection 28(1) of the Act is amended by the deletion of the words “his or her complaint” and the substitution of the words “the complainant’s complaint”.
- (2) Subsection 28(2) of the Act is amended by the deletion of the words “his or her” and the substitution of the words “the complainant’s”.
- (3) Subsection 28(4) of the Act is amended by the deletion of the word “therein” and the substitution of the words “in it”.
37. (1) Subsection 29(1) of the Act is repealed and the following substituted:
29. Referral to investigator
- (1) The Manager shall
- (a) refer any request made under section 28 for a review of a decision and a complaint to an investigator; or
- (b) review the request in the Manager’s capacity as an investigator.
- (2) Clause 29(2)(b) of the Act is amended by the deletion of the words “he or she” and the substitution of the words “the investigator”.

- 38. Subsection 30(2) of the Act is amended by the deletion of the words “his or her” and the substitution of the words “the investigator’s”.**
- 39. Subsection 31(2) of the Act is amended by the deletion of the word “therefor” and the substitution of the words “for dismissal”.**
- 40. (1) Subsection 32(7.1) of the Act is amended by the deletion of the words “his or her” and the substitution of the words “the respondent’s”.**
- (2) Subsection 32(11) of the Act is amended by the deletion of the word “thereupon”.**
- 41. Clause 34(b) of the Act is amended by the addition of the following after subclause (ii.1):**
- (ii.2) in the case of a complaint concerning a provincial police officer of a Provincial Police Service, the provincial police officer who is the subject of the complaint;**
- 42. Subsection 40(1) of the Act is repealed and the following substituted:**
- 40. Complaint referred for review**
- (1) After a complaint is received by the Manager about the conduct of a chief officer, the Manager shall, subject to subsections 39(1), (1.1), (2) and (4), refer the complaint**
- (a) to an investigator for review and investigation; or**
- (b) for review and investigation by the Manager in the Manager’s capacity as an investigator.**
- 43. Subsection 41(2) of the Act is amended by the deletion of the words “his or her” and the substitution of the words “the investigator’s”.**
- 44. (1) Subsection 43(1) of the Act is amended by the deletion of the words “he or she” and the substitution of the words “the investigator”.**
- (2) Subsection 43(7.1) of the Act is amended by the deletion of the words “his or her” and the substitution of the words “the respondent’s”.**
- 45. The heading immediately before section 45 of the Act is amended by the deletion of the words “PART IX” and the substitution of the words “PART 9”.**
- 46. (1) Subsections 45(5) and (6) of the Act are amended by the deletion of the words “his or her” and the substitution of the words “the constable’s”.**
- (2) Subsection 45(7) of the Act is amended by the deletion of the word “therein” and the substitution of the words “on it”.**

- (3) **Subsection 45(8) of the Act is amended**
- (a) **by the deletion of the words “his or her” wherever they occur and the substitution of the words “the constable’s”; and**
 - (b) **by the deletion of the words “him or her” and the substitution of the words “the constable”.**
- (4) **Subsection 45(10) of the Act is amended by the deletion of the words “his or her” and the substitution of the words “the constable’s”.**
- (5) **Subsection 45(12) of the Act is amended by the deletion of the word “therein” and the substitution of the words “in it”.**
- (6) **Subsection 45(15) of the Act is amended**
- (a) **in clause (a), by the deletion of the words “his or her” and the substitution of the words “the constable’s”; and**
 - (b) **by the repeal of clause (c) and the substitution of the following:**
 - (c) **engaged in conduct that was reasonable having regard to all of the circumstances.**
47. **The heading immediately before section 47 of the Act is amended by the deletion of the words “PART XI” and the substitution of the words “PART 10”.**
48. **Subsection 47(4) of the Act is amended by the deletion of the words “his or her” and the substitution of the words “the Director’s”.**
49. (1) **Subsections 48(4) and (5) of the Act are amended by the deletion of the words “his or her” and the substitution of the words “the officer’s”.**
- (2) **Subsection 48(6) of the Act is amended by the deletion of the word “therein” and the substitution of the words “on it”.**
- (3) **Subsection 48(7) of the Act is amended**
- (a) **by the deletion of the words “his or her” wherever they occur and the substitution of the words “the officer’s”; and**
 - (b) **by the deletion of the words “him or her” and the substitution of the words “the officer”.**
- (4) **Subsection 48(8) of the Act is amended by the deletion of the word “therein” and the substitution of the words “in it”.**
50. **Subsection 49(1) of the Act is amended by the deletion of the words “his or her duties, and exercise his or her powers” and the substitution of the words “their duties, and exercise their powers”.**

- 51. (1) Subsections 50(5) and (6) of the Act are amended by the deletion of the words “his or her” and the substitution of the words “the cadet’s”.**
- (2) Subsection 50(7) of the Act is amended by the deletion of the word “therein” and the substitution of the words “on it”.**
- (3) Subsection 50(8) of the Act is amended**
- (a) by the deletion of the words “his or her” wherever they occur and the substitution of the words “the cadet’s”; and**
 - (b) by the deletion of the words “him or her” and the substitution of the words “the cadet”.**
- (4) Clause 50(10)(a) of the Act is amended by the deletion of the words “his or her” and the substitution of the words “the cadet’s”.**
- (5) Subsection 50(12) of the Act is amended by the deletion of the word “therein” and the substitution of the words “in it”.**
- (6) Subsection 50(14) of the Act is amended**
- (a) in clause (a), by the deletion of the words “his or her” and the substitution of the words “the cadet’s”; and**
 - (b) by the repeal of clause (c) and the substitution of the following:**
 - (c) engaged in conduct that was reasonable having regard to all of the circumstances.**
- 52. (1) Subsections 51(5) and (6) of the Act are amended by the deletion of the words “his or her” and the substitution of the words “the instructor’s”.**
- (2) Subsection 51(7) of the Act is amended by the deletion of the word “therein” and the substitution of the words “on it”.**
- (3) Subsection 51(8) of the Act is amended**
- (a) by the deletion of the words “his or her” wherever they occur and the substitution of the words “the instructor’s”; and**
 - (b) by the deletion of the words “him or her” and the substitution of the words “the instructor”.**
- (4) Clause 51(10)(a) of the Act is amended by the deletion of the words “his or her” and the substitution of the words “the instructor’s”.**
- (5) Subsection 51(12) of the Act is amended by the deletion of the word “therein” and the substitution of the words “in it”.**

- (6) **Subsection 51(14) of the Act is amended**
- (a) **in clause (a), by the deletion of the words “his or her” and the substitution of the words “the instructor’s”; and**
 - (b) **by the repeal of clause (c) and the substitution of the following:**
 - (c) engaged in conduct that was reasonable having regard to all of the circumstances.
53. **Clause 52(1)(d) of the Act is amended by the deletion of the words “his or her” and the substitution of the words “the person’s”.**
54. **The heading immediately before section 53 of the Act is amended by the deletion of the words “PART XII” and the substitution of the words “PART 11”.**
55. **Section 53 of the Act is amended**
- (a) **in clause (c), by the deletion of the words “; or” and the substitution of a semicolon;**
 - (b) **by the addition of the following after clause (c):**
 - (c.1) an investigative body as defined in clause 4.1(1)(d) and a member of an investigative body; or
 - (c) **in clause (d), by the deletion of the words “clauses (a), (b) or (c)” and the substitution of the words “clauses (a), (b), (b.1), (c) or (c.1)”.**
56. (1) **Subsection 54(1) of the Act is amended**
- (a) **in subclauses (b)(i) and (ii) by the deletion of the words “his or her” and the substitution of the words “the person’s”; and**
 - (b) **in subclauses (c)(i) and (ii) by the deletion of the words “his or her” and the substitution of the words “the person’s”.**
- (2) **Subsections 54(2) and (3) of the Act are amended by the deletion of the words “no fault of his or her own, he or she did not in fact receive it” and the substitution of the words “no fault of the person, the person did not in fact receive it”.**
57. **Clauses 56(a) and (b) of the Act are amended by the deletion of the words “his or her” and the substitution of the words “that person’s”.**
58. **Section 58 of the Act is amended**
- (a) **in the words immediately before clause (a), by the addition of the word “The” before the words “Lieutenant Governor in Council”; and**

(b) by the addition of the following after clause (s.1):

- (s.2) respecting the information that is to be provided in an investigation report referred to in section 4.6, including requirements respecting the de-identification of any individually identifying information included in the report;
- (s.3) respecting the information to be included in the annual report that is submitted to the Minister by an investigative body under section 4.9;
- (s.3) respecting the powers, privileges and immunities of an investigative body acting under Part 1.2;
- (s.4) respecting investigations conducted by an investigative body under Part 1.2, included but not limited to
 - (i) prescribing the time within which a notification report shall be submitted to the head of the investigative body, and
 - (ii) prescribing the time within which a summary shall be made available to the public;
- (s.5) respecting the operation and functions of an investigative body acting under Part 1.2;

59. This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.

EXPLANATORY NOTES

SECTION 1 amends section 1 of the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1, to change a reference from “Part VII or Part VIII” to “Part 7 or Part 8” of the Act. Part headings are being changed from Roman to Arabic numerals throughout the Act.

SECTION 2 amends the heading preceding section 3 of the Act to change “Part I” to “Part 1”.

SECTION 3 amends subsection 3(3) of the Act to substitute gender-neutral wording.

SECTION 4 amends the Act by adding a new section 3.1 following section 3. Section 3.1 is the former section 5 of the Act and has been moved to Part 1 – Administration.

SECTION 5 amends the Act by adding a new heading, “Part 1.1 - Investigations”, immediately preceding section 4.

SECTION 6 amends subsection 4(4) of the Act to substitute gender-neutral wording.

SECTION 7 amends the Act by adding a new Part 1.2 and new sections 4.1 to 4.9 to provide necessary authority and a process for the investigation of serious incidents by an investigative body, pursuant to an agreement between the investigative body and the Minister.

SECTION 8 repeals section 5 of the Act, which has been moved – see Note for Section 4.

SECTION 9 amends the heading preceding section 6 of the Act to change “Part II” to “Part 2”.

SECTION 10 amends the heading preceding section 8 of the Act to change “Part III” to “Part 3”.

SECTION 11 amends the heading preceding section 9 of the Act to change “Part IV” to “Part 4”.

SECTION 12 amends subsection 9(1) of the Act to delete the words “of the municipality”. The term “council” is defined in the Act to mean “the council of a municipality”.

SECTION 13 amends section 9.1 of the Act to delete the words “of a municipality”.

SECTION 14 amends section 9.2 of the Act to delete the words “of a municipality”.

SECTION 15 amends subsections 10(2) and (3) and clause 10(6)(f) of the Act to substitute gender-neutral wording, and subsection 10(4) of the Act to update the terminology.

SECTION 16 amends section 12 of the Act to update the terminology.

SECTION 17 amends subsection 14(1) of the Act to substitute gender-neutral wording.

SECTION 18 revokes the heading preceding section 14.4 of the Act and substitutes the new heading “Part 4.1- Appointment of Conservation Officers as Police Officers”.

SECTION 19 amends subsection 14.1(2) of the Act to delete the words “of the municipality”.

SECTION 20 amends subsections 14.2(1) and (2) of the Act to delete two instances of “of the municipality” and one instance of “of a municipality”.

SECTION 21 amends subsections 14.4(5), (6), (9), (10) and (12) of the Act to substitute gender-neutral wording.

SECTION 22 amends the heading preceding section 15 of the Act to change “Part V” to “Part 5”.

SECTION 23 amends subsection 15(3) of the Act to substitute gender-neutral wording.

SECTION 24 amends the heading preceding section 16 of the Act to change “Part VI” to “Part 6”.

SECTION 25 amends subsection 16(2) of the Act by changing “shall” to “may”, for consistency with the usual authorization for the Lieutenant Governor in Council to appoint a person to a public office, and subsection 16(4) to substitute gender-neutral wording.

SECTION 26 amends the Act by adding a new section 16.1 that authorizes the Minister to designate the Manager temporarily as an Acting Police Commissioner in the specified circumstances, specifies the Manager’s powers when acting under the designation and specifies the duration of the designation.

SECTION 27 amends subsections 17(2.3) and (6) of the Act to substitute gender-neutral wording.

SECTION 28 amends clause 18(3)(c) of the Act to substitute gender-neutral wording.

SECTION 29 amends subclause 19(1)(d)(i) of the Act by correcting a reference to the “Police Commissioner” that should be a reference to the “Adjudicator”. The section also amends clause 19(1)(f) to substitute gender-neutral wording.

SECTION 30 amends the heading preceding section 19.1 of the Act to change “Part VI.1” to “Part 6.1”.

SECTION 31 amends subsection 19.1(3) of the Act to substitute gender-neutral wording.

SECTION 32 amends clause 19.2(3)(c) of the Act to substitute gender-neutral wording.

SECTION 33 amends the heading preceding section 20 of the Act to change “Part VII” to “Part 7”.

SECTION 34 amends clause 23(1)(a) of the Act to update the wording.

SECTION 35 amends clauses 27(1)(b) and (9)(c) of the Act to substitute gender-neutral wording.

SECTION 36 amends subsections 28(1) and (2) of the Act to substitute gender-neutral wording, and subsection 28(4) to update the wording.

SECTION 37 repeals subsection 29(1) of the Act and substitutes a new subsection 29(1) to clarify the wording and substitutes gender-neutral wording in subsection 29(2).

SECTION 38 amends subsection 30(2) of the Act to substitute gender-neutral wording.

SECTION 39 amends subsection 31(2) of the Act to update the wording.

SECTION 40 amends subsection 32(7.1) of the Act to substitute gender-neutral wording, and subsection 32(11) to update the wording.

SECTION 41 amends clause 34(b) of the Act to add a new subclause 34(b)(ii.2), respecting a complaint concerning a provincial police officer.

SECTION 42 repeals subsection 40(1) of the Act and substitutes a new subsection 40(1) to clarify the wording and to substitute gender-neutral wording.

SECTION 43 amends subsection 41(2) of the Act to substitute gender-neutral wording.

SECTION 44 amends subsections 43(1) and (7.1) of the Act to substitute gender-neutral wording.

SECTION 45 amends the heading preceding section 45 of the Act to change “Part IX” to “Part 9”.

SECTION 46 amends subsections 45(5), (6), (7), (8), (10), (12) and (15) of the Act to substitute gender-neutral wording throughout and update the wording.

SECTION 47 amends the heading preceding section 47 of the Act to change “Part XI” to “Part 10”.

SECTION 48 amends subsection 47(4) of the Act to substitute gender-neutral wording.

SECTION 49 amends subsections 48(4), (5), (6), (7) and (8) of the Act to substitute gender-neutral wording throughout and update the wording.

SECTION 50 amends subsection 49(1) of the Act to substitute gender-neutral wording.

SECTION 51 amends subsections 50(5), (6), (7), (8), (12) and (14) and clause 50(10)(a) of the Act to substitute gender-neutral wording throughout and update the wording.

SECTION 52 amends subsections 51(5), (6), (7), (8), (12) and (14) and clause 51(10)(a) of the Act to substitute gender-neutral wording throughout and update the wording.

SECTION 53 amends clause 52(1)(d) of the Act to substitute gender-neutral wording.

SECTION 54 amends the heading preceding section 53 of the Act to change “Part XII” to “Part 11”.

SECTION 55 amends section 53 of the Act to add a new clause (c.1) that includes an investigative body and a member of it as entities protected from personal liability in respect of their actions under the Act, and corrects the cross references accordingly.

SECTION 56 amends section 54 of the Act to substitute gender-neutral wording throughout.

SECTION 57 amends clauses 56(a) and (b) of the Act to substitute gender-neutral wording throughout.

SECTION 58 amends section 58 of the Act to add the word “The” before the words “Lieutenant Governor in Council” and to add new clauses (s.2) to (s.5) to authorize the making of regulations respecting the specified matters.

SECTION 59 provides for the coming into force of the Act.

(Bill No. 30)

An Act to Amend the Police Act (No. 2)

<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	
<i>2nd Reading:</i>	
<i>To Committee:</i>	
<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

SIGNATURES:

Honourable Antoinette Perry, Lieutenant Governor

Honourable Darlene Compton, Speaker

Joseph Jeffrey, Clerk

Hon. Bloyce Thompson
Minister of Justice and Public Safety and Attorney General

GOVERNMENT BILL

2023
1st SESSION, 67th GENERAL ASSEMBLY