

1990  
CHAPTER P-15.01

An Act respecting Police Services

(Assented to June 22, 1990)

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

PART I

Short Title and Interpretation

Short title

1 This Act may be cited as The Police Act, 1990.

Interpretation

2 In this Act:

- "board"
- (a) "board" means, with respect to a municipality:
- (i) where the municipality has established a board of police commissioners pursuant to section 27, the board of police commissioners;
  - (ii) where the municipality has not established a board of police commissioners, the council;
- "chief"
- (b) "chief" means a chief of police appointed pursuant to section 35;
- "civilian member"
- (c) "civilian member" means a civilian employee of a police service;
- "commission"
- (d) "commission" means the Saskatchewan Police Commission continued pursuant to section 3;
- "commissioner"
- (e) "commissioner" means a member of the commission;
- "council"
- (f) "council" means the council of a municipality;
- "department"
- (g) "department" means the department over which the minister presides;
- "hearing officer"
- (h) "hearing officer" means a hearing officer appointed pursuant to section 17;
- "investigator"
- (i) "investigator" means the complaints investigator appointed pursuant to section 16;
- "local police association"
- (j) "local police association" means a bargaining unit as determined by the Labour Relations Board;
- "member"
- (k) "member" means a member of a police service and, unless otherwise specifically provided, includes:

- (i) the chief of police;
  - (ii) an officer;
  - (iii) a non-commissioned officer;
  - (iv) a constable; and
  - (v) a special constable, unless otherwise indicated in his or her appointment;
- "member at large" (l) "member at large" means a member of a board of police commissioners appointed as a member at large pursuant to section 27;
- "minister" (m) "minister" means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- "municipality" (n) "municipality" means, unless otherwise specifically provided:
- (i) an urban municipality within the meaning of The Urban Municipality Act, 1984 that has a population of at least 500; or
  - (ii) a northern municipality within the meaning of The Northern Municipalities Act that has a population of at least 500;
- "officer" (o) "officer" means a member who holds the rank of inspector or above;
- "personnel" (p) "personnel" means the members and civilian members employed within a police service;
- "police service" (q) "police service" means a police department, police service or police force established by a board;
- "regional police service" (r) "regional police service" means a police service established pursuant to section 28.

## PART II

## Administration

## SASKATCHEWAN POLICE COMMISSION

Commission continued

- 3(1) The Saskatchewan Police Commission is continued.
- (2) The commission is constituted as a body corporate.
- (3) The head office of the commission is to be at a place in Saskatchewan designated by the Lieutenant Governor in Council.
- (4) The Lieutenant Governor in Council may create a seal for the commission.

## Members of commission

4(1) The commission is to consist of not less than three commissioners to be appointed by the Lieutenant Governor in Council.

(2) Each person appointed as a commissioner:

(a) shall hold office at pleasure for a term not exceeding three years;

(b) shall continue in office until a successor is appointed; and

(c) may be re-appointed;

but no person shall be appointed for more than two successive terms.

(3) The Lieutenant Governor in Council shall designate a commissioner as chairperson and another commissioner as vice-chairperson.

(4) The chairperson may designate a member of the commission:

(a) to exercise any of the powers conferred; or

(b) to perform any of the duties imposed;

on the chairperson pursuant to this Act.

## Oath of office

5 Before entering on the duties of office, a commissioner shall take and subscribe to an oath of office or affirmation in the form prescribed in the regulations before a person authorized to administer an oath or affirmation.

## Remuneration

6 The commission shall:

(a) pay to the commissioners the remuneration determined by the Lieutenant Governor in Council; and

(b) reimburse commissioners for travelling and living expenses at rates determined by the Lieutenant Governor in Council.

## Staff

7(1) The commission may:

(a) employ any employees that the commission considers necessary for the purposes of its operations;

(b) determine the duties, powers and conditions of employment and remuneration of the employees mentioned in clause (a);

(c) enter into agreements to engage the services of persons or agencies it considers necessary for the purposes of its operations;

- (d) engage the services of persons who have special, technical or other knowledge to advise and report on matters related to the purposes of the commission; and
- (e) pay remuneration to and reimburse the expenses of the persons mentioned in clauses (c) and (d).

(2) The Public Service Act, The Public Service Superannuation Act and The Superannuation (Supplementary Provisions) Act apply to the persons employed pursuant to clause (1)(a).

(3) The commission may establish and support any employee benefit program for the benefit of the employees of the commission and the dependants of those employees.

#### Orders of commission

8(1) The chairperson or, in the absence of the chairperson, the vice-chairperson shall sign any order, consent, certificate or other document issued or made by the commission.

(2) An order, consent, certificate or other document purporting to be signed in accordance with subsection (1) is admissible in evidence as prima facie proof of the facts contained in the order, consent, certificate or document in any court or tribunal conducting a hearing pursuant to this Act without proof of the signature or official character of the person who signed the order, consent, certificate or document.

#### Sittings

9(1) The commission may hold sittings at any place in Saskatchewan that it considers appropriate.

(2) The commission shall make rules respecting practice and procedure before the commission and may prescribe forms for that purpose.

(3) Each commissioner has all the powers conferred on a commissioner pursuant to The Public Inquiries Act.

(4) The commission may pay to any witness or interpreter that it requires to attend an inquiry or a hearing those fees and expenses that would be payable to a witness or interpreter pursuant to The Queen's Bench Fees Regulations.

#### No action against commission, etc.

10 No action lies or shall be instituted against the minister, the department, the commission, a commissioner, a hearing officer, the investigator or any person employed or engaged by the commission or the investigator, where the minister, department, commission, commissioner, hearing officer, investigator or person is acting pursuant to the authority of this Act, the regulations or an order made pursuant to this Act, for any loss or damage suffered by any person by reason

of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done, by any of them, pursuant to or in the exercise of or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or any duty imposed by this Act or the regulations.

#### Commissioners not compellable

11 A commissioner or a person employed or engaged by the commission is not compellable in any civil proceedings:

- (a) to testify with respect to any information obtained in the discharge of his or her duties pursuant to this Act; or
- (b) to produce any files, papers, information, reports, correspondence or other documents relating to the business or activities of the commission.

#### Regulations of commission

12(1) Subject to the approval of the Lieutenant Governor in Council, the commission may make regulations:

- (a) prescribing minimum standards for the selection and training of members;
- (b) prescribing a police training program for members or any category of members;
- (c) prescribing an orientation program and code of ethical conduct for board members;
- (d) prescribing a communications system for all or any police services, and regulating the operations and procedures of the communications system;
- (e) prescribing the minimum number of members that a municipality shall employ:
  - (i) on the basis of:
    - (A) population;
    - (B) area; or
    - (C) any combination of the factors mentioned in paragraphs (A) and (B);
  - (ii) on any other basis; or
  - (iii) on the basis of any combination of the factors mentioned in subclause (i) and (ii);
- (f) prescribing the records, returns, books and accounts to be maintained by police services or personnel;
- (g) prescribing the method of accounting for fees, costs and other moneys that come into the hands of personnel;
- (h) prescribing the procedures, requirements and forms for the appointment of special constables;

- (i) prescribing requirements respecting clothing and equipment to be provided to police services by municipalities;
  - (j) establishing a uniform disciplinary code for all police services, including the procedure to be followed in hearing and determining breaches of discipline, unsuitability or incompetence;
  - (k) prescribing offences under any code established pursuant to clause (j) and the penalties that may be administered;
  - (l) providing for and prescribing rules respecting appeals with respect to discipline, breaches of conduct, suspensions or dismissals from employment;
  - (m) prescribing terms and conditions respecting financial aid to:
    - (i) boards, councils or police services for police training or education programs conducted or approved by the commission; and
    - (ii) members to participate in the programs described in subclause (i);
  - (n) prescribing the minimum number of meetings to be held by boards;
  - (o) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
  - (p) prescribing any other matter or thing that it considers necessary to fulfil its duties or exercise its powers pursuant to this Act.
- (2) Prior to making regulations pursuant to subsection (1), the commission shall:
- (a) inform the boards, the Saskatchewan Association of Chiefs of Police and the Saskatchewan Federation of Police Officers of the proposed regulations; and
  - (b) provide an opportunity for the boards, the Saskatchewan Association of Chiefs of Police and the Saskatchewan Federation of Police Officers to make representations to the commission with respect to the proposed regulations.

Fiscal year                    13 The fiscal year of the commission is the period commencing on April 1 in one year and ending on March 31 in the next year.

Audit                            14 The Provincial Auditor or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint shall:

- (a) annually; and
  - (b) at any other time that the Lieutenant Governor in Council may require;
- audit the accounts of the commission.

## Annual report

- 15(1) The commission, in each fiscal year, in accordance with The Tabling of Documents Act, shall prepare and submit to the minister a report of the commission on its business for its preceding fiscal year.
- (2) The minister shall, in accordance with The Tabling of Documents Act, lay before the Legislative Assembly each report received pursuant to subsection (1).

## COMPLAINTS INVESTIGATOR

## Complaints investigator

- 16(1) The Lieutenant Governor in Council shall appoint a person as complaints investigator.
- (2) The investigator shall perform any duties:
- (a) imposed by this Act or any other Act on the investigator; or
  - (b) specified by the Lieutenant Governor in Council.
- (3) Where the investigator is sick or otherwise unable to perform the duties of the investigator, the Lieutenant Governor in Council may appoint another person as an acting investigator.
- (4) In the absence of the investigator, an acting investigator shall perform the duties imposed on, and may exercise the powers given to, the investigator.
- (5) Sections 5, 7, 13, 14 and 15 of this Act apply, with any necessary modification, to the investigator.

## HEARING OFFICER

## Hearing officer

- 17(1) The Lieutenant Governor in Council shall appoint one or more persons:
- (a) who, at the date of their appointment, have been members in good standing of any law society of one of the provinces of Canada for the immediately preceding five years; or
  - (b) who have been members of the judiciary;
- as hearing officers.

- (2) A hearing officer shall perform any duties:
  - (a) imposed by this Act, the regulations or any other Act on a hearing officer; or
  - (b) specified by the Lieutenant Governor in Council.
- (3) Where a hearing is held with respect to a member of a police service, the board responsible for that police service shall:
  - (a) pay all expenses related to the conduct of the hearing, including transcription expenses;
  - (b) pay to the hearing officer the remuneration determined by the Lieutenant Governor in Council; and
  - (c) reimburse the hearing officer for expenses at rates determined by the Lieutenant Governor in Council.
- (4) A hearing officer has all the powers conferred on a commissioner pursuant to The Public Inquiries Act.

PART III  
Policing Services  
MINISTER AND COMMISSION

Ministerial responsibility

- 18 The minister shall promote:
  - (a) adequate and effective policing throughout Saskatchewan; and
  - (b) the preservation of peace, the prevention of crime, the efficiency of police services and the improvement of police relationships with communities within Saskatchewan.

Duty and powers of commission

- 19(1) The commission shall promote:
  - (a) adequate and effective policing throughout Saskatchewan; and
  - (b) the preservation of peace, the prevention of crime, the efficiency of police services and the improvement of police relationships with communities within Saskatchewan.
- (2) In fulfilling its responsibilities pursuant to subsection (1), the commission may:
  - (a) develop and maintain programs to:
    - (i) create a public understanding of police functions; and
    - (ii) promote the improvement of police relationships with, and crime prevention within, communities in Saskatchewan;
  - (b) conduct research studies to assist and improve policing services and law enforcement in Saskatchewan;

- (c) facilitate the co-ordination of police activities on a provincial and municipal basis to ensure uniform law enforcement and optimum co-operation between police services and other services;
- (d) operate the Saskatchewan Police College and provide for the training of members;
- (e) conduct audits and reviews of police services to ensure that policing services are provided to meet the requirements of this Act;
- (f) develop and supervise police training programs for members or categories of members;
- (g) compile and distribute to boards, chiefs and police services a policy and procedure instruction manual;
- (h) subject to the regulations, provide financial aid to:
  - (i) boards or police services for police training or education programs conducted or approved by the commission; and
  - (ii) members to participate in the programs described in subclause (i);
- (i) establish and maintain a central information and statistics service for all police services in Saskatchewan.

#### PROVINCIAL POLICING

##### Government to provide police services

- 20 The Government of Saskatchewan shall cause policing services to be provided in:
- (a) rural municipalities within the meaning of The Rural Municipality Act, 1989;
  - (b) municipalities that have a population of less than 500;
  - (c) the Northern Saskatchewan Administration District, other than in towns within the meaning of The Northern Municipalities Act that have a population of at least 500.

##### Policing agreement

- 21(1) Subject to the approval of the Lieutenant Governor in Council, the minister, on behalf of the Government of Saskatchewan, may enter into an agreement with the Government of Canada to employ the Royal Canadian Mounted Police to aid in the administration of justice and the enforcement of the laws in force in Saskatchewan.
- (2) Where an agreement has been entered into pursuant to subsection (1), the Royal Canadian Mounted Police are responsible for policing all or any portion of Saskatchewan that may be directed by the minister.

(3) Notwithstanding subsection (2), the Royal Canadian Mounted Police are not responsible for policing a municipality unless there is an agreement made pursuant to section 22 or 23 respecting that municipality.

(4) During the period of an agreement entered into pursuant to subsection (1), members of the Royal Canadian Mounted Police:

(a) are peace officers; and

(b) shall fulfil the duties and may exercise the powers conferred by any Act or law on peace officers or constables with respect to the preservation of peace, the prevention of crime and the enforcement of laws in force in Saskatchewan.

#### Provincial-municipal agreement

22(1) Where an agreement has been entered into pursuant to subsection 21(1), the minister, on behalf of the Government of Saskatchewan, may enter into an agreement with a municipality having a population of 1500 or less for the services of the Royal Canadian Mounted Police in aiding the administration of justice and providing policing services within the municipality.

(2) During the period of an agreement entered into pursuant to subsection (1), members of the Royal Canadian Mounted Police shall fulfil the duties and may exercise the powers conferred on constables or peace officers by the municipality or any Act or law in force in Saskatchewan.

#### Federal-municipal agreement

23(1) Subject to the approval of the Lieutenant Governor in Council, a municipality having a population of more than 1500, but not more than 20,000, may enter into an agreement with the Government of Canada to employ and pay for a sufficient number of members of the Royal Canadian Mounted Police to provide policing services within the municipality.

(2) During the period of an agreement entered into pursuant to subsection (1), members of the Royal Canadian Mounted Police shall fulfil the duties and may exercise the powers conferred on constables or peace officers by the municipality or any Act or law in force in Saskatchewan.

#### Emergency policing by Royal Canadian Mounted Police

24(1) Notwithstanding any other provision of this Act or any other Act, where, in the opinion of the minister:

(a) an emergency exists; and

(b) it is in the best interests of the administration of justice in Saskatchewan that the services of the Royal Canadian Mounted Police be used in any municipality to provide adequate policing services;

the Lieutenant Governor in Council, by order, may make provision for the employment of the Royal Canadian Mounted Police to provide policing services to the municipality for any time that the Lieutenant Governor in Council considers advisable.

(2) Where an order is made pursuant to subsection (1), the Lieutenant Governor in Council, by order, may direct the municipality to pay to the Government of Saskatchewan any amount that the Lieutenant Governor in Council considers necessary for the policing services.

(3) Where a municipality refuses or neglects to pay the amount required pursuant to subsection (2), that amount:

- (a) may be deducted from any grant payable by the Government of Saskatchewan to the municipality; or
- (b) may be recovered by an action in any court of competent jurisdiction as a debt due to Her Majesty in right of Saskatchewan.

#### MUNICIPAL POLICE

##### Municipality responsible for policing

25 A municipality:

- (a) is responsible for the maintenance of law and order within its boundaries;
- (b) shall provide policing services to maintain a reasonable standard of law enforcement; and
- (c) shall provide adequate and reasonable facilities required for the policing services mentioned in clause (b).

##### Establishment of police service or agreement for policing

26(1) A municipality shall:

- (a) establish its own police service; or
- (b) enter into an agreement with the Government of Saskatchewan, pursuant to section 22, or the Government of Canada, pursuant to section 23, to have policing services provided by the Royal Canadian Mounted Police.

(2) Where a municipality establishes its own police service, the police service is to consist of:

- (a) a chief; and
- (b) any other personnel that the board considers necessary.

##### Board of police commissioners

27(1) Unless the minister directs otherwise in writing, a municipality:

- (a) that has a population of 5,000 or more; or
- (b) that:

- (i) has a population under 5,000; and
  - (ii) has established a police service;shall establish, by bylaw, a board of police commissioners.
- (2) A municipality that:
  - (a) has a population of 5,000 or less; and
  - (b) has entered into an agreement pursuant to section 22 or 23 to have its policing service provided by the Royal Canadian Mounted Police;may establish, by bylaw, a board of police commissioners.
- (3) A board established pursuant to subsection (1) or (2) is a body corporate.
- (4) A board is to:
  - (a) consist of either:
    - (i) three board members; or
    - (ii) five board members;appointed annually by the council; and
  - (b) include the mayor of the municipality and:
    - (i) where the board consists of three board members, one member of the council in addition to the mayor and one other person, other than a member of council, as a member at large; and
    - (ii) where the board consists of more than three board members, two members of the council in addition to the mayor and two other persons, other than members of council, as members at large.
- (5) Subject to subsection (6), a board member other than the mayor holds office for the term prescribed in the bylaw and until a successor is appointed.
- (6) Where a board member who holds office as a member of the council loses office as a member of the council, that board member also loses office as a board member.
- (7) If provided in the bylaw, any board member may be reappointed for a further term in accordance with the bylaw.
- (8) A board shall appoint one of the board members to be chairperson and another board member to be vice-chairperson.
- (9) Where a vacancy occurs on the board, the council, within one month of the occurrence of the vacancy, shall appoint a person to replace the former board member for the remaining term of the former board member.

- (10) Where a board member other than the mayor is ill or otherwise unable to perform his or her duties, the council may appoint a person to act during the illness or inability of that board member.
- (11) Where the mayor is ill or otherwise unable to perform his or her duties, the person appointed as presiding officer of the council:
- (a) shall act instead of the mayor; and
  - (b) shall fulfil the duties of, and may exercise all the powers conferred on, the mayor pursuant to this Act;
- during the illness or inability of the mayor.
- (12) Where a board consists of:
- (a) three board members, two board members constitute a quorum; and
  - (b) more than three board members, three board members constitute a quorum.
- (13) A council may provide for the payment of a reasonable remuneration to:
- (a) each board member; and
  - (b) any person appointed to act during the absence or illness of a board member.
- (14) Subject to subsection (15), the board shall hold its meetings open to the public.
- (15) The board may conduct meetings relating to contract negotiations, personnel, security and specific police operations in private.
- (16) Before entering on the duties of office, a board member shall take and subscribe to an oath or affirmation in the form prescribed in the regulations before a person authorized to administer an oath or affirmation.
- (17) Each board member has all the powers conferred on a commissioner pursuant to The Public Inquiries Act.

#### Regional police agreement

- 28(1) Subject to the approval of the Lieutenant Governor in Council, two or more municipalities may:
- (a) enter into an agreement between themselves to have one regional police service provide policing services in those municipalities; or

(b) where the region to be policed pursuant to the agreement includes an area described in section 20 that is not within the geographical limits of those municipalities, enter into an agreement with the minister and:

(i) if the area is a rural municipality within the meaning of The Rural Municipality Act, 1989, with the minister responsible for the administration of that Act; and

(ii) if the area is:

(A) a municipality that has a population of less than 500; or

(B) in the Northern Saskatchewan Administration District other than in a town within the meaning of The Northern Municipalities Act that has a population of at least 500;

with the minister responsible for the administration of The Urban Municipality Act, 1984;

on behalf of the Government of Saskatchewan to have one regional police service provide policing services in those municipalities and in that area.

(2) As soon as reasonably possible after entering into an agreement pursuant to subsection (1), a municipality shall confirm its participation by bylaw.

(3) No municipality shall withdraw from an agreement described in subsection (1) without the approval of the Lieutenant Governor in Council.

#### Regional police board

29(1) Subject to the regulations, the parties to an agreement mentioned in section 28 shall establish a regional police board in accordance with the agreement.

(2) The appointment of a regional police board member may only be revoked:

(a) for cause; and

(b) in accordance with the agreement entered into pursuant to section 28.

(3) Before entering on the duties of office, a regional police board member shall take and subscribe to an oath or affirmation in the form prescribed in the regulations before a person authorized to administer an oath or affirmation.

(4) Subject to the agreement entered into pursuant to section 28, this Act and the regulations, other than those provisions of this Act and the regulations prescribed in the regulations, apply to:

(a) a regional police board established pursuant to this section; and

(b) a member of a regional police service established pursuant to section 28.

- (5) Subject to the agreement entered into pursuant to section 28 and without limiting the generality of subsection (4):
- (a) a regional police board established pursuant to this section:
    - (i) may exercise the powers conferred; and
    - (ii) shall fulfil the duties imposed;
 on a board pursuant to this Act; and
  - (b) a member of a regional police service established pursuant to section 28:
    - (i) may exercise the powers conferred; and
    - (ii) shall fulfil the duties imposed;
 on a member pursuant to this Act.

#### Regional board responsibilities

- 30 A regional police board, on behalf of the parties to an agreement entered into pursuant to section 28, is responsible:
- (a) for the delivery of policing services within the area specified in that agreement; and
  - (b) for:
    - (i) providing general direction, policy and priorities; and
    - (ii) developing long-term plans;
 for the regional police service.

#### Board responsible for police

- 31(1) Where a municipality has established a police service pursuant to section 26, the board is responsible:
- (a) for the delivery of policing services within the municipality; and
  - (b) for:
    - (i) providing general direction, policy and priorities; and
    - (ii) developing long-term plans;
 for the police service.
- (2) For the purposes of this Act and The Trade Union Act:
- (a) a board is deemed to be the employer of the personnel of the police service; and
  - (b) the chief and any person holding the position of deputy chief of police are deemed to be agents of the employer.
- (3) Subject to subsection (4), a board may make directives that are not inconsistent with this Act or the regulations, setting general policy for the governing and administration of the police service.
- (4) No directive made pursuant to subsection (3) is a directive of the board unless it is supported by a majority of the board members.

## Civil action against member

32 Where a claim for damages is made, or a civil action is instituted against a member as the result of an act committed while acting in the scope of employment as a member, the employer of the member shall:

- (a) retain and pay for the services of a legal counsel to act on behalf of that member; and
- (b) pay any sum required in connection with a judgment or settlement of a claim for damages and costs awarded against the member.

## Financial estimates

33(1) On or before a day set by bylaw, a board shall submit to the council, for the council's approval, the board's estimates of all moneys the board requires for the next fiscal year for the board and police service.

(2) Where the council does not approve the estimates submitted by the board, the council shall immediately cause the estimates to be returned to the board together with the council's reasons for not approving the estimates.

(3) Where the estimates are returned pursuant to subsection (2), the board shall submit revised estimates to the council for the council's approval.

(4) If the council does not approve the revised estimates submitted pursuant to subsection (3), the council shall determine the gross amount of the estimates, and the council's determination is final.

(5) When the council has:

- (a) approved the estimates; or
- (b) determined the gross amount of the estimates;

the board shall submit a copy of the estimates to the commission.

(6) No board shall, without the prior approval of the council:

- (a) authorize the expenditure of any moneys in excess of the gross amount of the estimates approved by the council; or
- (b) authorize any expenditure of moneys for any matter or purpose not included in the estimates.

## Board advisory to Royal Canadian Mounted Police

34 Where, pursuant to section 22 or 23, an agreement exists between a municipality and the Government of Saskatchewan or Canada for the employment of the Royal Canadian Mounted Police to provide policing services in the municipality:

- (a) Part IV and sections 83 to 85 do not apply to the Royal Canadian Mounted Police; and
- (b) the board shall act in an advisory capacity to the member in charge of the Royal Canadian Mounted Police detachment responsible for providing the policing services.

## Chief of police

- 35(1) Where a police service is established pursuant to section 26, the board shall appoint a chief of police.
- (2) Subject to the general direction of the board and to this Act and the regulations, the chief is responsible for:
- (a) the management, administration and operation of the police service;
  - (b) the maintenance of law and order in the municipality; and
  - (c) the maintenance of discipline within the police service.
- (3) To carry out the responsibilities imposed on a chief of police by this Act and the regulations, the chief may:
- (a) appoint any personnel to positions designated by the board and assign their duties;
  - (b) delegate to any member or civilian member any authority vested in the chief that, in the opinion of the chief, is required to properly manage the police service; and
  - (c) make directives necessary to carry out the daily administration and operations of the police service.

## Members

- 36(1) Before entering on the duties of a member, a member of a police service shall take and subscribe to an oath or affirmation in the form prescribed in the regulations before a person authorized to administer an oath or affirmation.
- (2) Unless otherwise indicated in his or her appointment, a member has the power and the responsibility to:
- (a) perform all duties that are assigned to constables or peace officers in relation to:
    - (i) the preservation of peace;
    - (ii) the prevention of crime and offences against the laws in force in the municipality; and
    - (iii) the apprehension of criminals, offenders and others who may lawfully be taken into custody;
  - (b) execute all warrants and perform all duties and services under or in relation to them that, pursuant to the laws in force in the municipality, may lawfully be executed and performed by constables or peace officers; and

(c) perform all duties that may lawfully be performed by constables or peace officers in relation to the escorting and conveyance of persons in lawful custody to and from courts, places of confinement, correctional facilities or camps, hospitals or other places.

(3) Unless otherwise indicated in the member's appointment, a member has authority to exercise the powers and perform the duties mentioned in subsection (2) throughout Saskatchewan.

PART IV  
Complaints  
COMPLAINTS PROCEDURE

- |   |  |
|---|--|
| Interpretation of Part<br>"internal discipline" | 37 In this Part:   |
| "major disciplinary offence"                    | (a) "internal discipline" means disciplinary proceedings initiated within the police service;  |
| "member"  | (b) "major disciplinary offence" means an offence designated in the regulations as a major disciplinary offence;                       |
| "minor disciplinary offence"                    | (c) "member" does not include the chief;   |
| "public complaint"                              | (d) "minor disciplinary offence" means an offence designated in the regulations as a minor disciplinary offence;                       |
|   | (e) "public complaint" means a complaint initiated by a member of the public outside the police service.                               |
| Complaint made                                  | 38(1) A member of the public may make a public complaint at:   |
|   | (a) the police station or board office of the affected police service;   |
|   | (b) the office of the investigator; or   |
|   | (c) the department.  |
|   | (2) A person who receives a public complaint shall:  |
|   | (a) record the complaint in the prescribed form; and   |
|   | (b) inform the person making the complaint of:   |
|   | (i) the procedures that will be followed; and  |
|   | (ii) the rights of appeal pursuant to this Act.  |
|   | (3) A person who receives a public complaint with respect to a police service or a member shall immediately:                           |
|   | (a) transmit the complaint to the chief; and   |
|   | (b) provide copies of the complaint to the board, the investigator, the department and the member who is the subject of the complaint. |

- (4) A person who receives a public complaint with respect to a chief shall immediately:
  - (a) transmit the complaint to the board; and
  - (b) provide copies to the investigator, the department and the chief.
- (5) No public complaint shall be received pursuant to this section after the expiry of six months from the day on which the complainant should have been aware of the incident complained of.

#### Duties and powers of investigator

- 39(1) Where the investigator receives a public complaint pursuant to section 38, the investigator shall:
- (a) record the complaint received;
  - (b) establish and maintain a record of all public complaints received by police services and their dispositions;
  - (c) inform, advise and assist complainants;
  - (d) advise and assist the chiefs and boards, the hearing officer and the commission with respect to the handling of public complaints;
  - (e) monitor the handling of public complaints and ensure that public complaints are handled in a manner consistent with the public interest;
  - (f) inspect annually, or at those times directed by the minister, the records, operations and systems of administration for the handling of public complaints by police services.
- (2) In exercising the duties of the investigator pursuant to this section, the investigator:
- (a) shall receive and obtain information respecting a public complaint from the complainant;
  - (b) may receive and obtain information respecting a public complaint from the member or chief who is the subject of the complaint, the chief or the board, in any manner that the investigator considers appropriate;
  - (c) may request access to any files or other material in the possession of the police service relevant to a public complaint; and
  - (d) may interview and take statements from the chief, board, complainant and the member or chief who is the subject of the public complaint.

- (3) Where the investigator has requested access to files or other material pursuant to clause (2)(c), the police service shall comply with that request.
- (4) Where a board, police service, chief or member refuses to comply with a request made pursuant to clause (2)(c), the investigator may apply to Her Majesty's Court of Queen's Bench for Saskatchewan for an order compelling the board, police service, chief or member to comply with the request.
- (5) Subject to this Act and the regulations, the investigator shall hold all information obtained pursuant to clause (2)(c) in confidence.
- (6) The investigator shall not provide a complainant with any information regarding a complaint which may jeopardize a police investigation.
- (7) Subject to subsection (8):
  - (a) no oral or written statement received by the investigator shall be used or received as evidence in any civil proceeding or in any proceeding under any other Act; and
  - (b) the investigator is not compellable to give testimony or to produce a statement obtained in exercising a power or performing a duty pursuant to this section.
- (8) Subsection (7) does not apply to a proceeding pursuant to this Act or a disciplinary code prescribed in the regulations.
- (9) The investigator may delegate to any employee or agent of the investigator any powers vested in the investigator pursuant to this section, subject to any conditions that the investigator may specify.
- (10) Where a public complaint has been resolved pursuant to this Part and all time limits for appeal have expired with respect to that public complaint, the investigator, within 30 days, shall provide to the commission a report in the prescribed form regarding the resolution of that public complaint.
- (11) The commission, with the approval of the minister, may issue written directions to the investigator regarding the general conduct of the investigator's duties but shall not comment on the handling of specific cases.

#### Other proceedings not precluded

- 40(1) This Part does not preclude the taking or continuing of civil or criminal proceedings against a member or chief.
- (2) Except where specifically allowed by this Act, every collective bargaining agreement or contract that provides that:

- (a) this Act or any provision of this Act does not apply;
  - (b) any benefit or remedy provided by this Act is not available; or
  - (c) any benefit or remedy provided by this Act is in any way limited or modified;
- is null and void and of no effect.

#### Reports re status of complaint

41(1) In the case of a public complaint as to the conduct of a member, the chief shall give notice in writing to the complainant and the member complained against of the status of the complaint:

- (a) not later than 45 days after the day on which the report is recorded by the person who received it; and
- (b) every 30 days after the expiry of the period mentioned in clause (a) during the course of an investigation.

(2) In the case of a public complaint as to the conduct of a chief, the board shall give notice in writing to the complainant and the chief of the status of the complaint:

- (a) not later than 45 days after the day on which the report is recorded by the person who received it; and
- (b) every 30 days after the expiry of the period mentioned in clause (a) during the course of the investigation.

#### Notice of expansion or alteration

42 Where a complaint or charge against a member or chief pursuant to this Part is expanded or altered as a result of an investigation, the chief or board conducting the investigation shall provide that member or chief with written notice of that expansion or alteration.

#### Nature of complaint

43(1) Where proceedings pursuant to this Part are based on a public complaint with respect to a member, the chief, in consultation with the investigator, shall determine whether the complaint or a portion of the complaint is a complaint as to:

- (a) the policies of or the services provided by the police service; or
- (b) the actions of the member.

(2) Where proceedings pursuant to this Part are based on a public complaint with respect to a chief, the board, in consultation with the investigator, shall determine whether the complaint or a portion of the complaint is a complaint as to:

- (a) the policies of or the services provided by the police service; or
- (b) the actions of the chief.

- (3) A public complaint that concerns:
- (a) the policies of or services provided by a police service is to be disposed of in accordance with section 44;
  - (b) the actions of a member is to be disposed of in accordance with sections 45 to 48;
  - (c) the actions of a chief is to be disposed of in accordance with sections 49 to 52.

#### PUBLIC COMPLAINT AS TO POLICIES AND SERVICES

##### Public complaints as to policies and services

- 44(1) Where a public complaint concerns the policies of or the services provided by a police service, the chief shall immediately on receipt of the public complaint forward the public complaint to the board to be dealt with as the board considers appropriate.
- (2) On the disposition of a matter by the board pursuant to subsection (1), the board, within 15 days after the disposition, shall give notice in writing to the complainant as to the disposition of the matter that is the subject of the complaint.

#### PUBLIC COMPLAINT AS TO ACTIONS OF A MEMBER

##### Investigation

- 45(1) Where a public complaint is a complaint concerning the actions of a member, the chief, in consultation with the investigator, shall cause an investigation into the complaint to be conducted immediately on receipt of the complaint.
- (2) Notwithstanding subsection (1) or any other provision of this Part, where the chief and the investigator are of the opinion that a public complaint is trivial, frivolous, vexatious, unfounded or made in bad faith, the chief may direct that:
- (a) no investigation be undertaken; or
  - (b) an investigation of that complaint be terminated.
- (3) Where, in the opinion of the investigator, it is advisable to do so, the investigator may:
- (a) conduct an investigation pursuant to subsection (1);
  - (b) assume responsibility and control of an existing investigation pursuant to subsection (1); or
  - (c) make a report with respect to an investigation pursuant to subsection (1).
- (4) Where the investigator has proceeded pursuant to subsection (3), the investigator shall provide the chief with a written report and, where the investigator considers it advisable, may make that report available to the chairperson of the commission or a commissioner designated by the chairperson for this purpose.

(5) The chairperson or the chairperson's designate, on receipt and consideration of a report of the investigator pursuant to subsection (4), may direct the chief to proceed pursuant to subsection 48(1).

(6) Where a public complaint is dealt with pursuant to subsection (2), the chief shall so advise the complainant and the member within 15 days after the direction of the chief.

#### Informal resolution

46(1) The chief:

(a) shall consider whether a public complaint mentioned in subsection 45(1) can be resolved informally; and

(b) with the consent of the complainant and the member concerned, may attempt to resolve the public complaint informally.

(2) Where a public complaint mentioned in subsection 45(1) is resolved informally, the chief shall cause a record to be made of the manner in which the complaint was resolved.

(3) The chief shall cause a copy of a record made pursuant to subsection (2) to be furnished immediately to:

(a) the complainant;

(b) the member who is the subject of the public complaint; and

(c) the investigator, if the investigator was not directly involved in the informal resolution.

(4) A public complaint mentioned in subsection 45(1) may be resolved informally by the chief in accordance with this section at any time.

(5) A public complaint mentioned in subsection 45(1) may be resolved informally by the investigator, and subsections (1) to (4) apply, with any necessary modification, to an informal resolution by the investigator.

#### Complaint respecting an offence

47 Notwithstanding any other provision of this Part, where, after an investigation of a public complaint mentioned in subsection 45(1), a chief or the investigator is of the opinion that the actions of a member may constitute an offence pursuant to an Act or an Act of the Parliament of Canada, the chief or investigator shall refer the matter to the minister or to the Attorney General for Canada, as the case may be.

#### Complaint respecting contravention of regulations

48(1) Where, after an investigation of a public complaint mentioned in subsection 45(1), the chief is of the opinion that the actions of the member may constitute a contravention of the regulations governing the discipline of members:

- (a) the chief, in accordance with the regulations and with the consent of the investigator and the member who is the subject of the complaint, may order remedial action to be taken without charging the member; or
  - (b) where the chief does not proceed pursuant to clause (a), the chief shall:
    - (i) charge the member who is the subject of the public complaint with a major or minor disciplinary offence; and
    - (ii) order a hearing into the matter as it relates to the contravention.
- (2) Subject to subsection (4), where a matter is disposed of pursuant to clause (1)(a), the chief, within 15 days after the disposition, shall give notice in writing of the disposition to the member and the complainant.
- (3) Subject to subsection (4), where a hearing is conducted for the purposes of clause (1)(b), the complainant has the right to:
- (a) attend the hearing; and
  - (b) be represented by legal counsel at the complainant's own expense;
- but is not entitled to call or cross-examine witnesses.
- (4) Where the hearing officer is satisfied that it is not in the public interest that a complainant attend all or any part of the hearing, the hearing officer may exclude the complainant from all or that part of the hearing.

#### PUBLIC COMPLAINT AS TO ACTIONS OF CHIEF

##### Responsibility for discipline of chief

- 49(1) The board is responsible for disciplining the chief.
- (2) On receipt of a public complaint concerning the actions of a chief, the board shall cause an investigation into the complaint to be conducted immediately on receipt of the complaint.
- (3) At the request of the board, an investigation pursuant to subsection (2) may be conducted by:
- (a) the investigator; or
  - (b) subject to the approval of the minister, another chief or police service.
- (4) The person conducting an investigation pursuant to subsection (2), on completion of the investigation, shall make a report to the board.

(5) Where, in the opinion of the investigator, it is advisable to do so, the investigator may:

- (a) conduct an investigation;
- (b) assume responsibility and control of an existing investigation; or
- (c) make a report with respect to an investigation;

pursuant to subsection (2).

(6) Where the investigator has proceeded pursuant to subsection (5), the investigator:

- (a) shall provide the board with a report; and
- (b) where the investigator considers it advisable, may make that report available to the chairperson of the commission or a commissioner designated by the chairperson for this purpose.

(7) The chairperson of the commission or the chairperson's designate, on receipt and consideration of a report of the investigator made pursuant to subsection (5), may direct the board to proceed pursuant to subsection 52(1).

(8) Notwithstanding subsection (2) or any other provision of this Part, where the board and the investigator are of the opinion that a public complaint is trivial, frivolous, vexatious, unfounded, or made in bad faith, the board may direct that:

- (a) no investigation be undertaken; or
- (b) an investigation of that complaint be terminated.

(9) Where a public complaint is dealt with pursuant to subsection (8), the board shall so advise the complainant and the chief within 15 days after the direction of the board.

#### Informal resolution

50(1) The board:

- (a) shall consider whether a public complaint mentioned in subsection 49(2) can be resolved informally; and
- (b) with the consent of the complainant and the chief concerned, may attempt to resolve the public complaint informally.

(2) Where a public complaint mentioned in subsection 49(2) is resolved informally, the board shall cause a record to be made of the manner in which the complaint was resolved.

(3) The board shall cause a copy of a record made pursuant to subsection (2) to be furnished immediately to:

- (a) the complainant;
  - (b) the chief concerned; and
  - (c) the investigator, if the investigator was not directly involved in the informal resolution.
- (4) A public complaint mentioned in subsection 49(2) may be resolved informally by the board in accordance with this section at any time.
- (5) A public complaint mentioned in subsection 49(2) may be resolved informally by the investigator, and subsections (1) to (4) apply, with any necessary modification, to an informal resolution by the investigator.

#### Complaint respecting an offence

51 Notwithstanding any other provision of this Part, where, after an investigation of a public complaint mentioned in subsection 49(2), a board or the investigator is of the opinion that the actions of a chief may constitute an offence pursuant to an Act or an Act of the Parliament of Canada, the board or the investigator shall refer the matter to the minister or to the Attorney General for Canada, as the case may be.

#### Complaint respecting contravention of regulations

52(1) Where, after an investigation of a public complaint mentioned in subsection 49(2), a board is of the opinion that the actions of the chief may constitute a contravention of the regulations governing discipline:

- (a) the board, in accordance with the regulations and with the consent of the investigator and the chief who is the subject of the complaint, may order remedial action to be taken without charging the chief; or
  - (b) where the board does not proceed pursuant to clause (a), the board shall:
    - (i) charge the chief who is the subject of the public complaint with a major or minor disciplinary offence; and
    - (ii) order a hearing into the matter as it relates to the contravention.
- (2) Where a matter is disposed of pursuant to clause (1)(a), the board, within 15 days after the disposition, shall give notice in writing of the disposition to the chief and the complainant.
- (3) Subject to subsection (4), where a hearing is conducted for the purposes of clause (1)(b), the complainant has the right to:
- (a) attend the hearing; and

- (b) be represented by legal counsel at the complainant's own expense; but is not entitled to call or cross-examine witnesses.
- (4) Where the hearing officer is satisfied that it is not in the public interest that a complainant attend all or any part of the hearing, the hearing officer may exclude the complainant from all or that part of the hearing.

#### SUSPENSION

#### Suspension

- 53(1) A chief may suspend a member from duty in accordance with the regulations where, in the opinion of the chief:
- (a) there are reasonable grounds to believe that the member has contravened a provision of:
    - (i) this Act, the regulations or a directive of the chief made pursuant to section 35; or
    - (ii) any other Act or an Act of the Parliament of Canada; or
  - (b) suspension of the member is necessary to maintain:
    - (i) public confidence in the police service; or
    - (ii) the security of police operations.
- (2) A board may suspend a chief from duty in accordance with the regulations where, in the opinion of the board:
- (a) there are reasonable grounds to believe that the chief has contravened a provision of:
    - (i) this Act, the regulations or a board directive made pursuant to section 31; or
    - (ii) any other Act or an Act of the Parliament of Canada; or
  - (b) suspension of the chief is necessary to maintain:
    - (i) public confidence in the police service; or
    - (ii) the security of police operations.
- (3) A suspension pursuant to subsection (1) may be continued after 30 days from the day of the decision of the chief to suspend only:
- (a) if the decision is reviewed by the board within 30 days after the day of the decision; and
  - (b) within the period allowed by subsection (5).
- (4) In reviewing the decision of a chief pursuant to clause (3)(a), the board shall decide whether the suspension is to:

- (a) continue in effect; or
  - (b) be rescinded;
- subject to any conditions that the board may impose.
- (5) A suspension pursuant to this section may occur only pending a disposition pursuant to this Part.
- (6) A member or chief suspended pursuant to this section may appeal to the commission for a review:
- (a) of his or her suspension; or
  - (b) of any terms or conditions of the suspension set pursuant to the regulations.
- (7) The chairperson of the commission or the chairperson's delegate may hear an appeal pursuant to subsection (6) to review a suspension.
- (8) On a review of a suspension pursuant to subsection (6), the chairperson or his or her delegate may:
- (a) dismiss the appeal;
  - (b) allow the appeal; or
  - (c) vary the terms or conditions of the suspension.
- (9) Where a member or chief:
- (a) has been suspended pursuant to this section; and
  - (b) subsequently:
    - (i) is not disciplined pursuant to clause 48(1)(a), 52(1)(a), 54(4)(a) or 55(4)(a);
    - (ii) is not the subject of an order made pursuant to subsection 60(1);
    - (iii) has not been dismissed pursuant to section 68; and
    - (iv) is acquitted on all charges brought against him or her pursuant to this Act, the regulations, any other Act or any Act of the Parliament of Canada;
- that member or chief shall receive all of the pay, remuneration, pension benefits and seniority to which he or she would have been entitled during the period of suspension.

#### INTERNAL DISCIPLINE

##### Internal discipline re member

- 54(1) Where internal discipline proceedings are initiated pursuant to this Part with respect to a member, the chief shall immediately:
- (a) in writing, advise:

- (i) the member who is the subject of the proceedings; and
  - (ii) where the matter directly relates to a member of the public, the investigator;
- of the substance of the matter; and
- (b) cause an investigation into the matter to be conducted.
- (2) Where internal discipline proceedings against a member are initiated with respect to a matter that directly relates to a member of the public:
  - (a) the proceedings shall be conducted pursuant to sections 45 to 48;
  - (b) the matter is deemed to be a public complaint; and
  - (c) the member of the public to whom the matter directly relates is deemed to be the complainant.
- (3) Notwithstanding any other provision of this Part, where, after an investigation pursuant to clause (1)(b), the chief is of the opinion that the actions of the member may constitute an offence pursuant to any Act or an Act of the Parliament of Canada, the chief shall refer the matter to the minister or the Attorney General of Canada, as the case may be.
- (4) Where, after an investigation pursuant to clause (1)(b), the chief is of the opinion that the actions of a member may constitute a contravention of the regulations governing the discipline of members:
  - (a) the chief, subject to the consent of the member, may order remedial action to be taken in accordance with the regulations without charging the member; or
  - (b) where the chief does not proceed pursuant to clause (a), the chief shall:
    - (i) charge the member with a major or minor disciplinary offence; and
    - (ii) order a hearing into the matter as it relates to the contravention.
- (5) Where a matter is disposed of pursuant to clause (4)(a), the chief, within 15 days after the disposition, shall give notice in writing of the disposition to the member.

#### Internal discipline re chief

- 55(1) Where internal discipline proceedings are initiated pursuant to this Part with respect to a chief, the board shall immediately:

- (a) in writing, advise:
    - (i) the chief; and
    - (ii) where the matter directly relates to a member of the public, the investigator;
      - of the substance of the matter; and
  - (b) cause an investigation into the matter to be conducted.
- (2) Where internal discipline proceedings against a chief are initiated with respect to a matter that directly relates to a member of the public:
- (a) the proceedings shall be conducted pursuant to sections 49 to 52;
  - (b) the matter is deemed to be a public complaint; and
  - (c) the member of the public to whom the matter directly relates is deemed to be the complainant.
- (3) Notwithstanding any other provision of this Part, where, after an investigation pursuant to clause (1)(b), the board is of the opinion that the actions of the chief may constitute an offence pursuant to an Act or an Act of the Parliament of Canada, the board shall refer the matter to the minister or the Attorney General for Canada, as the case may be.
- (4) Where, after an investigation pursuant to clause (1)(b), the board is of the opinion that the actions of the chief may constitute a contravention of the regulations governing discipline:
- (a) the board, subject to the consent of the chief, may order remedial action to be taken in accordance with the regulations without charging the chief; or
  - (b) where the board does not proceed pursuant to clause (a), the board shall:
    - (i) charge the chief with a major or minor disciplinary offence; and
    - (ii) order a hearing into the matter as it relates to the contravention.
- (5) Where a matter is disposed of pursuant to clause (4)(a), the board, within 15 days after the disposition, shall give notice in writing of the disposition to the chief.

#### HEARING

Evidentiary rules

56(1) Where a hearing is proceeded with pursuant to section 48, 52, 54 or 55, the rules prescribed in this section apply to the hearing.

- (2) All hearings pursuant to this Part are to be conducted by a hearing officer designated by the minister from the hearing officers appointed pursuant to section 17.
- (3) All hearings governed by this Part shall be conducted within 60 days after the designation of the hearing officer by the minister, but may be adjourned from time to time.
- (4) At least 10 days before the commencement of a hearing governed by this Part, the hearing officer shall cause a notice in writing of the time, place and purpose of the hearing to be served on:
  - (a) the person who is the subject of the hearing;
  - (b) where a public complaint is involved, the complainant and the investigator; and
  - (c) any other person that the hearing officer considers appropriate.
- (5) The rules of evidence for all hearings conducted pursuant to this Part are the same as in civil cases in Her Majesty's Court of Queen's Bench for Saskatchewan.
- (6) No evidence given by a chief, member or civilian member during a hearing governed by this Part is to be used or received against him or her in any civil proceedings or in any proceedings pursuant to any other Act if it tends to incriminate him or her, subject him or her to punishment or establish his or her liability.
- (7) A member or chief with respect to whom a public complaint is made or who is the subject of internal discipline proceedings is entitled to:
  - (a) appear before the hearing officer; and
  - (b) be represented by legal counsel or an agent.
- (8) Subject to the regulations, a witness or interpreter, other than one employed by a police service, attending a hearing governed by this Part is entitled to those fees and expenses that would be payable to a witness or interpreter pursuant to The Queen's Bench Fees Regulations.
- (9) A hearing governed by this Part is private unless the hearing officer, the person who is the subject of the public complaint or who is the subject of internal discipline proceedings, the investigator, the complainant and the person prosecuting the complaint agree otherwise.
- (10) All oral evidence received at a hearing conducted pursuant to this Part, is to be taken down in writing or recorded by electronic means.

(11) All the evidence taken down in writing or recorded by electronic means and all documentary evidence and things received in evidence at a hearing conducted pursuant to this Part forms the record of the hearing.

(12) All evidence heard before a hearing officer shall be taken under oath or affirmation.

(13) At any hearing governed by this Part, the burden of proof lies with the person prosecuting the offence.

#### Suspension of proceeding

57 Notwithstanding anything in this or any other Act, where a matter has been referred to the minister or the Attorney General for Canada, the minister may order that any proceeding pursuant to this Act be suspended until the minister directs otherwise.

#### Powers of hearing officers

58(1) For an offence designated in the regulations as a major disciplinary offence, a hearing officer may, in accordance with the regulations:

- (a) order dismissal of the member or chief;
- (b) order demotion of the member or chief;
- (c) order suspension of the member or chief with or without pay for a period up to 60 days;
- (d) order the member or chief to pay a fine not exceeding \$1,000;
- (e) order a period of probation or close supervision of the member or chief;
- (f) order the member or chief to undergo counselling, treatment or training;
- (g) issue a reprimand to the member or chief;
- (h) make any order he or she deems fit;
- (i) do any combination of the things mentioned in clauses (a) to (h); or
- (j) dismiss the matter.

(2) For an offence designated in the regulations as a minor disciplinary offence, a hearing officer may, in accordance with the regulations:

- (a) order a period of probation or close supervision for the member or chief;
- (b) order the member or chief to pay a fine not exceeding \$200;

- (c) order the member or chief to undergo counselling, treatment or training;
- (d) issue a reprimand to the member or chief;
- (e) make any order he or she deems fit;
- (f) do any combination of the things mentioned in clauses (a) to (e); or
- (g) dismiss the matter.

## Notice of decision

59(1) A hearing officer, after making a decision with respect to a public complaint, shall give notice in writing to:

- (a) the person against whom the complaint is made;
- (b) the complainant;
- (c) the investigator; and
- (d) the chief or board, as the case may be;

of the findings of the hearing, any action taken pursuant to section 58 and of the rights of appeal provided for pursuant to this Act.

(2) A hearing officer, after making a decision with respect to internal discipline proceedings, shall immediately give notice in writing to:

- (a) the person who is subject of the proceedings; and
- (b) the board or the chief, as the case may be;

of the findings of the hearing, any action taken pursuant to section 58 and the rights of appeal provided for pursuant to this Act.

(3) Within 30 days after the day on which a member, chief, board or complainant is given notice of a decision of a hearing officer pursuant to section 58, the member, chief, board or complainant may apply to the commission for permission to appeal that decision to the commission pursuant to section 69.

## INCOMPETENCE AND UNSUITABILITY

## Notice of incompetence or unsuitability

60(1) Where, in the opinion of the chief, a member has:

- (a) been convicted of an offence pursuant to:
  - (i) the Criminal Code (Canada), as amended from time to time;
  - (ii) any other Act of the Parliament of Canada; or
  - (iii) any Act;

that may render the member unsuitable for police service;

(b) conducted himself or herself in a manner that, despite remedial efforts, renders the member unsuitable for police service or establishes the member as incompetent for police service;

the chief may, on the grounds of the unsuitability or incompetence of the member:

- (c) order dismissal of the member;
- (d) order demotion of the member;
- (e) order suspension of the member with or without pay for a period of up to 60 days;
- (f) order a period of probation or close supervision of the member;
- (g) order the member to undergo counselling, treatment or training;
- (h) issue a reprimand to the member;
- (i) make any order he or she deems fit; or
- (j) do any combination of the things mentioned in clauses (c) to (i).

(2) Where the chief has made an order pursuant to subsection (1), the chief shall immediately give notice in writing to the member of the basis for that decision.

(3) Where a collective bargaining agreement provides a procedure for terminating the services of a member for reasons other than those provided in this Part, that procedure shall be used for terminating the services of a member for the reasons provided in the collective bargaining agreement.

## Hearing

61(1) Within 30 days after the day on which a member is given notice of a decision of a chief pursuant to section 60, the member may appeal that decision to a hearing officer.

(2) A member is entitled to be represented at a hearing pursuant to subsection (1) by legal counsel or an agent.

(3) At a hearing pursuant to subsection (1), the burden of proof lies with the chief.

(4) Section 56 applies, with any necessary modification, to a hearing conducted pursuant to subsection (1).

## Decision or order final

62 Subject to any right of appeal to the commission under this Act, every decision or order of the hearing officer is final, and no order, decision or proceeding of the hearing officer shall be questioned, reviewed, restrained or removed by prohibition, injunction, certiorari, mandamus or any other process or proceeding in any court.

## Duty to consider circumstances

63 Where a hearing officer hears an appeal pursuant to section 61, the hearing officer shall consider whether:

- (a) the member's deficiencies were brought to the member's attention;
- (b) the member was given a reasonable opportunity to bring his or her performance up to an acceptable level or standard; and
- (c) where it was reasonable to do so, the member was afforded appropriate treatment, training, guidance, coaching or counselling to assist the member in reaching a suitable level or standard of performance.

## Evidence of conviction or discharge

64 For the purpose of a hearing conducted pursuant to section 61, the hearing officer shall receive evidence of a member's conviction, absolute discharge or conditional discharge for an offence pursuant to:

- (a) the Criminal Code (Canada), as amended from time to time;
- (b) any other Act of the Parliament of Canada; or
- (c) any Act;

as proof that the member in question committed that offence, and no further evidence establishing that the member committed the offence is required.

## Powers of hearing officer

65(1) With respect to a hearing conducted pursuant to section 61, the hearing officer may, after hearing any representations made by the member and the chief:

- (a) dismiss the appeal;
- (b) allow the appeal;
- (c) vary the decision or order of the chief; or
- (d) make any other order that the hearing officer considers appropriate.

(2) Without limiting the generality of subsection (1), where a member has been dismissed, the hearing officer may order that the member be reinstated.

(3) The hearing officer, within 15 days of making a decision pursuant to subsection (1), shall give written notice to the member and the chief of that decision.

Appeal 66 Within 30 days after the day on which a member is informed of a decision pursuant to section 65, the member or the chief may apply to the commission for permission to appeal the decision pursuant to section 69.

Probationary members 67 Sections 60 to 66 do not apply to probationary members.

Dismissal of chief 68(1) Notwithstanding anything in this Act, a chief may be dismissed:  
 (a) for cause; or  
 (b) on any terms and conditions that the chief and the board may otherwise agree.  
 (2) Where a chief is dismissed pursuant to clause (1)(a), the chief may apply to the commission within 30 days of the dismissal for permission to appeal the decision of the board to the commission pursuant to section 69.

#### APPEAL TO COMMISSION

Procedure on application for permission

69(1) A person entitled to apply to the commission for permission to appeal shall serve on the commission a notice of application for permission to appeal all or part of the decision to the commission.

(2) The investigator may apply to the commission for permission to appeal a decision pursuant to this Part and, where the investigator applies, this section applies to that application.

(3) An application for permission to appeal is to:

- (a) be in writing;
- (b) be in the form prescribed in the regulations; and
- (c) set out the reasons for requesting an appeal.

(4) The commission shall grant permission to appeal where:

- (a) the investigator seeks permission to appeal on the investigator's own behalf or on behalf of a complainant;
- (b) the decision affecting the member or chief seeking an appeal imposes:

- (i) dismissal; or
  - (ii) a demotion in rank;
  - (c) after considering:
    - (i) the notice of application;
    - (ii) the record; and
    - (iii) any other information the commission considers necessary;
 the commission has concerns regarding the thoroughness or fairness of the investigation or hearing;
  - (d) in the opinion of the commission, the disciplinary action imposed may not be comparable to disciplinary action imposed with respect to similar proceedings; or
  - (e) there are any other grounds that the commission considers appropriate.
- (5) An application for permission to appeal may be heard and disposed of pursuant to this section by the chairperson of the commission or by a commissioner designated by the chairperson for that purpose.

#### Procedure on appeal

- 70(1) An appeal to the commission pursuant to this section shall proceed on the basis of the record unless the commission orders otherwise.
- (2) The commission shall cause all proceedings on an appeal pursuant to this section to be recorded.
- (3) An appeal pursuant to this section is to be open to the public unless the commission orders otherwise.
- (4) An appeal to the commission pursuant to this Part is to be proceeded with in accordance with this Act and the regulations.
- (5) Subject to subsection (7), not less than three commissioners shall hear an appeal.
- (6) A decision of the majority of the commissioners hearing an appeal is the decision of the commission.
- (7) Where all parties involved in an appeal agree, the appeal may be heard by one commissioner and, in that case, the decision of that commissioner is the decision of the commission.
- (8) No evidence given by a chief, member or civilian member during an appeal pursuant to this section is to be used or received against him or her in any civil proceedings or in any proceedings under any other Act if it tends to incriminate him or her, subject him or her to punishment or establish his or her liability.

- (9) All evidence heard before the commission or a commissioner shall be taken under oath or affirmation.
- (10) Where through the absence, illness, death or resignation of one or more commissioners, or for any other reason, one or more of the commissioners are not available, the chairperson of the commission may request that a hearing officer who has had no previous involvement with the matter sit as a commissioner and take part in the hearing and decision of any appeal before the commission.
- (11) A hearing officer who takes part in a hearing and decision of an appeal before the commission pursuant to subsection (10) has all the powers, duties and rights of a commissioner in a hearing and decision of an appeal.

#### Powers of commission

- 71(1) On hearing an appeal pursuant to section 70, the commission may:
- (a) adjourn the appeal from time to time;
  - (b) dismiss the appeal;
  - (c) allow the appeal;
  - (d) vary the decision or order;
  - (e) order a new hearing by the hearing officer.
- (2) Without limiting the generality of subsection (1), where a member has been dismissed, the commission may order that the member be reinstated.
- (3) Without limiting the generality of subsection (1), where a chief has been dismissed for a contravention of the regulations governing discipline, the commission may order that the chief be reinstated.
- (4) Where a chief has been dismissed pursuant to section 68 the commission, where it considers the dismissal to have been unjust, may reinstate the chief or award damages for unjust dismissal.
- (5) A decision of the commission to award damages for unjust dismissal, within 30 days of that decision, may be appealed by the chief or board to Her Majesty's Court of Queen's Bench for Saskatchewan.

#### No certiorari, etc.

72 Subject to subsection 71(5), every decision or order of the commission is final, and no order, decision or proceeding of the commission shall be questioned or reviewed, restrained or removed by prohibition, injunction, certiorari, mandamus or any other process or proceeding in any court.

- Compliance required 73 Subject to any appeal, every member, chief, board or investigator that is subject to an order or decision of the hearing officer or the commission shall comply with that order or decision, as the case may be.
- Prosecution 74 A hearing or appeal conducted pursuant to this Part is to be prosecuted:
- (a) by the chief who or board which brought the charge or allegation of unsuitability or incompetence against the member or chief; or
  - (b) by the individual designated by the chief or board to conduct the prosecution on their behalf.

PART V  
Special Constables

- Interpretation of Part, "municipality"
- 75 In this Part, "municipality" means:
- (a) an urban municipality within the meaning of The Urban Municipality Act, 1984;
  - (b) a northern municipality within the meaning of The Northern Municipalities Act; or
  - (c) a rural municipality within the meaning of The Rural Municipality Act, 1989.
- Appointment
- 76(1) The minister may:
- (a) appoint any special constables that the minister considers necessary, on any terms and conditions that the minister considers advisable; and
  - (b) suspend or cancel the appointment of any special constable.
- (2) The appointment of a special constable:
- (a) is to be in writing; and
  - (b) subject to the regulations, is to specify:
    - (i) the authority, responsibilities and duties of the special constable;
    - (ii) the territorial jurisdiction of the special constable;
    - (iii) whether Part IV of this Act applies to the special constable;
    - (iv) where Part IV of this Act is to apply to the special constable and there is no applicable chief or board, the person or category of persons who, for disciplinary purposes, shall fill the role of the chief or board; and
    - (v) the employer of the special constable.

(3) Where a chief, board or council of a municipality wishes to have a special constable appointed, the chief, board or council shall apply, in the form prescribed in the regulations, to the minister.

(4) On receipt of an application pursuant to subsection (3) and where the minister considers it to be appropriate, the minister may approve the appointment of the special constable mentioned in the application.

(5) The minister shall advise the commission of all appointments of special constables made pursuant to this section.

#### Responsibility for special constables

77 The employer of a special constable is responsible for ensuring that the special constable fulfils the duties imposed by this Act and exercises the powers conferred by this Act in a proper manner.

#### Status of special constable

78 Subject to the limitations of the appointment pursuant to section 76, a person who is appointed as a special constable is, while carrying out the duties of a special constable, a peace officer.

#### Oath or affirmation

79 A special constable, before entering on the duties of a special constable, shall take and subscribe to an oath or affirmation in the form prescribed in the regulations before a person authorized to administer an oath or affirmation.

#### Complaints re special constable

80(1) Where the minister has specified in the appointment of a special constable that Part IV applies to the special constable, a complaint initiated by a member of the public with respect to that special constable is deemed to be a public complaint within the meaning of Part IV and shall be dealt with pursuant to that Part, with any necessary modification.

(2) Where the minister has not specified in the appointment of a special constable that Part IV applies to the special constable, and a complaint initiated by a member of the public is received with respect to that special constable, the complaint shall be forwarded to the minister, and the minister is responsible for handling the complaint.

PART VI  
General

## Authority to enforce weight restriction laws

81 For the purpose of enforcing a regulation, permit, bylaw or order imposing vehicle weight restrictions in a city, town, village, rural municipality or northern municipality or the northern administration district:

- (a) a member and a member of the Royal Canadian Mounted Police have all the powers conferred on police constables by section 71 of The Highways and Transportation Act; and
- (b) the section mentioned in clause (a) applies, with any necessary modification, where that member or member of the Royal Canadian Mounted Police has reason to believe that the maximum gross weights contained in a regulation, permit, bylaw or order have been exceeded.

## Firearms

82 No member who has not attended and successfully completed a course of training established or approved by the minister shall at any time carry firearms while acting in the scope of his or her employment as a member.

## Application for conciliation

83(1) Where:

- (a) a dispute arises between a local police association and a board during proceedings:
  - (i) to conclude a collective bargaining agreement; or
  - (ii) to revise an existing collective bargaining agreement; and
- (b) no request for arbitration has been made pursuant to section 84;

either party may request, in writing, that the minister responsible for the administration of The Human Resources, Labour and Employment Act appoint a conciliator to assist the parties in resolving their dispute.

(2) The minister responsible for the administration of The Human Resources, Labour and Employment Act, within 14 days of receiving a written request pursuant to subsection (1), may appoint a conciliator to assist the parties in resolving their dispute.

(3) A conciliator appointed pursuant to subsection (2), immediately on his or her appointment, shall:

- (a) confer with the parties; and
- (b) endeavour to assist the parties in resolving their dispute.

- (4) The conciliator, within 30 days of his or her appointment, shall submit a written report to the parties on the results of the conciliation.
- (5) Where a conciliator has been appointed pursuant to subsection (2), no member shall strike and no board shall lock out a member until the conciliator has made his or her report to the parties pursuant to subsection (4).
- (6) Each party shall assume its own costs of the conciliation and shall share equally the cost of the conciliator and any other general costs of the conciliation.

#### Collective bargaining agreements

- 84(1) Where proceedings to conclude a collective bargaining agreement, or to revise an existing collective bargaining agreement, between a local police association and a board have, in the opinion of the parties, reached a point where agreement cannot be achieved, the parties may have all or any matters relating to hours and conditions of work, wages or employment referred to a board of arbitration.
- (2) A board of arbitration shall consist of three persons.
- (3) Each party, within seven days after agreeing to refer a matter to a board of arbitration pursuant to subsection (1), shall nominate its representative and shall immediately notify the other party of the person nominated, and the two persons so nominated shall meet and agree on the third member who shall be the chairperson of the board of arbitration within five days after those notifications have been given.
- (4) If:
  - (a) either party fails to nominate its representative to the board of arbitration within the time specified in subsection (3);
  - (b) a person nominated is unable or unwilling to act; or
  - (c) the representatives nominated by the two parties fail to agree on the third member of the board of arbitration within the time specified in subsection (3);the minister responsible for the administration of The Human Resources, Labour and Employment Act, on the written request of either party, shall appoint a representative of the defaulting party or the chairperson of the board of arbitration, as the case may require.
- (5) Where:
  - (a) the minister responsible for the administration of The Human Resources, Labour and Employment Act appoints a representative of a defaulting party; and

(b) that representative and the representative nominated by the other party fail to agree within five days after the appointment on the third member of the board of arbitration;

the minister described in clause (a), on the written request of either party, shall appoint the chairperson of the board of arbitration.

(6) Each member of a board of arbitration shall, before acting as such, take and subscribe to an oath or affirmation in the form prescribed in the regulations before a person authorized to administer an oath or affirmation.

(7) The hearings of a board of arbitration shall be open to the public, but where, in the opinion of the board of arbitration, it is necessary in the interests of a fair hearing that any portion of an arbitration proceeding be held privately, the board of arbitration may exclude the public.

(8) A board of arbitration may require any evidence to be given under oath or affirmation, and each of its members has the power to administer an oath or affirmation for that purpose.

(9) If a majority of the members of a board of arbitration fail to agree on any matter referred to it, the decision of the chairperson is deemed to be the decision of the board of arbitration.

(10) The decision of the board of arbitration shall be in writing, and the chairperson shall:

(a) forward a copy of the decision to both parties; and

(b) file a copy of the decision with the minister responsible for the administration of The Human Resources, Labour and Employment Act.

(11) Subject to subsection (12), every decision or award of a board of arbitration is binding on the council, the board and the members of the local police association, and:

(a) where a collective bargaining agreement has not previously been entered into, shall be put into effect by both parties within 30 days after the decision or award is made or given; or

(b) where a collective bargaining agreement has previously been entered into, shall be:

(i) incorporated into the agreement on its revision; or

(ii) included in a new agreement.

(12) Where the estimates of expenditures of a municipality and the rate or rates of taxation proposed to be struck are required to be submitted annually to the Saskatchewan Municipal Board for review and approval, the council or the board shall not conclude a collective bargaining agreement or give effect to any decision or award of a board of arbitration until the approval of the Saskatchewan Municipal Board has been obtained.

(13) Each party shall assume its own costs of the arbitration and shall share equally the cost of the chairperson and any other general expenses of the board of arbitration.

#### Notice of strike or lock-out

85 Notwithstanding:

(a) clause 11(6)(a) of The Trade Union Act, no strike on the part of a local police association may commence unless the association gives the board or board's agent at least 120 hours' written notice of the date and time that the strike will commence; and

(b) clause 11(7)(a) of The Trade Union Act, no board may cause a lock-out unless the board gives the local police association or the association's agent at least 120 hours' written notice of the date and time that the lock-out will commence.

#### Police association to provide copies of constitution and bylaws

86 A local police association of which members of a police service are members shall provide the commission and the minister with a copy of its constitution and bylaws and any amendments that may be made to the constitution and the bylaws.

#### Calculation of population

87 For the purposes of this Act, the population of a city, town or village is deemed to be that:

(a) recorded with the minister responsible for the administration of The Urban Municipality Act, 1984 or the minister responsible for the administration of The Rural Municipality Act, 1989; and

(b) appearing in the current Saskatchewan Municipal Directory.

#### Special inquiry

88(1) If the minister considers it advisable, the minister may order a special inquiry to be made with respect to:

(a) the operation and administration of any police service;

(b) the conduct of any member; or

(c) any other matter relating to policing.

- (2) The minister may:
- (a) appoint any person the minister considers appropriate to conduct a special inquiry;
  - (b) enter into agreements to engage the services of persons or agencies the minister considers necessary for the purposes of a special inquiry;
  - (c) engage the services of persons who have special, technical or other knowledge to advise and report on matters related to the purposes of a special inquiry;
  - (d) pay remuneration to and reimburse the expenses of the persons mentioned in clauses (a) to (c).
- (3) Any persons appointed by the minister to conduct a special inquiry have all the powers conferred on a commissioner pursuant to The Public Inquiries Act.
- (4) The persons appointed to conduct a special inquiry shall provide the minister with a written report within the time prescribed by the minister.
- (5) On receipt of a written report pursuant to subsection (4), the minister may:
- (a) cause the report to be published in whole or in part and in any manner that the minister considers appropriate; and
  - (b) take any action that the minister considers appropriate.
- (6) A board shall comply with any direction made pursuant to clause (5)(b) and received by the board.
- (7) Where a board has:
- (a) failed within a reasonable time to respond; or
  - (b) responded inadequately;
- to a direction of the minister pursuant to clause (5)(b), the minister may take any action that the minister considers necessary to achieve compliance with that direction.
- (8) Any expenses incurred by the minister pursuant to subsection (7):
- (a) are a debt due from the municipality to Her Majesty in right of Saskatchewan; and
  - (b) may be:

- (i) deducted from any grant payable to the municipality by the Government of Saskatchewan; or
- (ii) recovered by an action in any court of competent jurisdiction as a debt due to Her Majesty in right of Saskatchewan.

## Commission inquiry

- 89(1) Subject to the approval of the minister, the commission may:
- (a) conduct an inquiry respecting:
    - (i) the extent of crime or standard of law enforcement in any municipality;
    - (ii) the competency or adequacy of personnel of a police service;
    - (iii) the adequacy and standard of equipment used by a police service;
    - (iv) the suitability of accommodation, including lock-up facilities, provided by a police service; or
    - (v) any other matter which is related to the standard of policing and law enforcement provided within a municipality; and
  - (b) take any action arising from the inquiry that it considers appropriate.
- (2) The commission may appoint any person it considers appropriate to conduct an inquiry pursuant to subsection (1).
- (3) Where the commission conducts an inquiry pursuant to subsection (1), the commission:
- (a) shall make a report to the minister and the affected board; and
  - (b) may in its report made pursuant to clause (a) make any recommendations to the board that the commission considers appropriate.
- (4) Where the board has:
- (a) failed within a reasonable time to respond; or
  - (b) responded inadequately;
- to a report of the commission pursuant to subsection (3), the commission or the board may refer the matter to the minister.
- (5) On consideration of the report of the commission made pursuant to subsection (3), the minister may take any action that the minister considers necessary.
- (6) All expenses incurred by the minister pursuant to subsection (5):

- (a) are a debt due from the municipality to Her Majesty in Right of Saskatchewan; and
- (b) may be:
  - (i) deducted from any grant payable to the municipality by the Government of Saskatchewan; or
  - (ii) recovered by an action in any court of competent jurisdiction as a debt due to Her Majesty in right of Saskatchewan.

## Inquiry by board

- 90(1) Subject to the approval of the minister, a board may:
- (a) conduct an inquiry respecting the policies of or the services provided by its police service; and
  - (b) take any action arising from an inquiry conducted pursuant to clause (a) that:
    - (i) is consistent with this Act and the regulations; and
    - (ii) the board considers appropriate.
- (2) For the purposes of an inquiry conducted pursuant to subsection (1), a board may:
- (a) appoint any person the board considers appropriate to conduct the inquiry;
  - (b) enter into agreements to engage the services of persons or agencies the board considers necessary for the purposes of the inquiry;
  - (c) engage the services of persons who have special, technical or other knowledge to advise and report on matters related to the purposes of the inquiry;
  - (d) pay remuneration to and reimburse the expenses of the persons mentioned in clause (a) to (c).
- (3) Any persons appointed by a board to conduct an inquiry pursuant to subsection (1) have all the powers conferred on a commissioner pursuant to The Public Inquiries Act.

## Inquiries open to public

91 Unless otherwise directed by the authority conducting the inquiry, an inquiry conducted pursuant to section 88, 89 or 90 is to be open to the public.

## Notice

92 Where notice is required to be given pursuant to this Act, notice may be given in person or by registered mail.

## Standard of proof

- 93 No finding of:
- (a) a contravention of the regulations governing discipline;
  - (b) unsuitability; or
  - (c) incompetence;

is to be made pursuant to this Act unless the alleged contravention, unsuitability or incompetence is proven on a balance of probabilities.

No limitation

94 Nothing in this Act shall be interpreted as limiting in any way the powers of the minister relating to the administration of justice and to the enforcement of the laws in force in Saskatchewan.

Regulations

95 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) prescribing the forms for use pursuant to this Act;
- (c) prescribing any other matter or thing that is required to be prescribed in the regulations.

#### PART VII

#### Repeal, Transitional and Consequential Amendments

R.S.S. 1978, c.P-15 repealed

96 The Police Act is repealed.

Transitional

97 Notwithstanding the repeal of The Police Act pursuant to section 96:

- (a) every appointment of a special constable that:
  - (i) was made pursuant to that Act; and
  - (ii) has not been cancelled or suspended on the day on which Part V comes into force;
 remains in force as if made pursuant to this Act and may be dealt with as if made pursuant to this Act;
- (b) that Act remains in force for the purposes of determining any investigation, hearing or appeal undertaken pursuant to that Act but not yet finally completed on the day on which Part IV comes into force; and
- (c) every federal-provincial and federal-municipal agreement with respect to policing by the Royal Canadian Mounted Police that:
  - (i) was made pursuant to that Act; and
  - (ii) has not been cancelled or suspended on the day on which Part III comes into force;
 remains in force as if made pursuant to this Act and may be dealt with as if made pursuant to this Act;

(d) every person who held office as a member of the Saskatchewan Police Commission pursuant to The Police Act, as the Act existed on the day before the coming into force of section 1 of this Act, continues to hold office as if appointed pursuant to this Act until that person resigns or that person's successor is appointed pursuant to this Act.

S.S. 1988-89, c.A-18.02, section 2 amended

98 Subclause 2(1)(n)(iii) of The All Terrain Vehicles Act is amended by striking out "The Police Act" and substituting "The Police Act, 1990".

S.S. 1986, c.H-3.1, section 2 amended

99 Subclause 2(1)(s)(iii) of The Highway Traffic Act is amended by striking out "The Police Act" and substituting "The Police Act, 1990".

S.S. 1979, c.M-11.1, section 74 amended

100 Section 74 of The Meewasin Valley Authority Act is amended:

(a) by striking out "take an oath in the same form, mutatis mutandis, as form 1 in the schedule of The Police Act" in subsection (5) and substituting "take and subscribe to an oath or affirmation in the same form, with any necessary modification, as the form prescribed in the regulations made pursuant to The Police Act, 1990"; and

(b) by striking out "The Police Act" in subsection (8) and substituting "The Police Act, 1990".

S.S. 1986, c.M-21.2, section 2 amended

101 Subclause 2(1)(j)(iii) of The Motor Carrier Act is amended by striking out "The Police Act" and substituting "The Police Act, 1990".

S.S. 1983-84, c.P-39.1, section 84 amended

102 Section 84 of The Public Libraries Act, 1984 is amended by striking out "The Police Act" and substituting "The Police Act, 1990".

S.S. 1980-81, c.W-1.1, section 68 amended

103 Section 68 of The Wakamow Valley Authority Act is amended:

(a) by striking out "take an oath in the same form, mutatis mutandis, as Form 1 in the Schedule to The Police Act" in subsection (4) and substituting "take and subscribe to an oath or affirmation in the same form, with any necessary modification, as the form prescribed in the regulations made pursuant to The Police Act, 1990"; and

(b) by striking out "The Police Act" in subsection (7) and substituting "The Police Act, 1990".

R.S.S. 1978, c.W-4, section 68 amended

104 Section 68 of The Wascana Centre Act is amended:

(a) by striking out "take an oath in the same form, mutatis mutandis, as the form of oath set forth in form 1 of the schedule to The Police Act" in subsection (4) and substituting "take and subscribe to an oath or affirmation in the same form, with any necessary modification, as the form prescribed in the regulations made pursuant to The Police Act, 1990"; and

(b) by striking out "The Police Act" in subsection (7) and substituting "The Police Act, 1990".

PART VIII

Coming into Force

Coming into force

105 This Act or any provision of this Act comes into force on a day or days to be fixed by proclamation of the Lieutenant Governor.