

# BILL

No. 149

## An Act to amend *The Police Act, 1990* respecting Regional Policing

(Assented to \_\_\_\_\_)

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

### Short title

1 This Act may be cited as *The Police (Regional Policing) Amendment Act, 2018*.

### SS 1990-91, c P-15.01 amended

2 *The Police Act, 1990* is amended in the manner set forth in this Act.

### Section 2 amended

3 **The following clauses are added after clause 2(q):**

“(q.1) **‘region’** means a region mentioned in section 28 for which a regional police service provides policing services;

“(q.2) **‘regional participant’** means a person or entity mentioned in subsection 28(1) that has entered into a regional policing service agreement pursuant to section 28”.

### Section 21 amended

4 **Subsection 21(3) is repealed and the following substituted:**

“(3) Notwithstanding subsection (2) but subject to section 28, the Royal Canadian Mounted Police are not responsible for policing:

- (a) a municipality unless there is an agreement made pursuant to section 22, 22.1 or 23 respecting that municipality; or
- (b) a region”.

### Section 22.1 amended

5 **Subsection 22.1(2) is repealed and the following substituted:**

“(2) Subsection (1) does not apply to a municipality if:

- (a) it has established a police service pursuant to section 26; or
- (b) it is a regional participant”.

**Section 23.1 amended**

**6 Subsection 23.1(1) is repealed and the following substituted:**

“(1) In this section, ‘**specified municipality**’ means:

- (a) a rural municipality; or
- (b) any other municipality within the meaning of *The Municipalities Act* that has a population of less than 500;

but does not include a regional participant”.

**New section 24**

**7 Section 24 is repealed and the following substituted:**

**“Emergency policing by Royal Canadian Mounted Police**

24(1) Notwithstanding any other provision of this Act or any other Act, the Lieutenant Governor in Council, by order, may make provision for the employment of the Royal Canadian Mounted Police to provide policing services to a municipality or region for any time that the Lieutenant Governor in Council considers advisable if, 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 the municipality or region to provide adequate policing services.

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

(3) If a municipality or regional participant 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 regional participant; or
- (b) may be recovered by an action in any court of competent jurisdiction as a debt due to the Crown right of Saskatchewan”.

**Section 26 amended**

**8 Subsection 26(1) is amended:**

- (a) by striking out “or” after clause (b);
- (b) by adding “or” after clause (c); and
- (c) by adding the following clause after clause (c):

“(d) enter into a regional policing agreement pursuant to section 28 to have policing services provided by a regional police service throughout the municipality or any part of the municipality for which policing services are not provided pursuant to clause (a), (b) or (c)”.

**New sections 28 to 30****9 Sections 28 to 30 are repealed and the following substituted:****“Regional policing service agreement**

**28(1)** Subject to the other provisions of this section and sections 28.1 to 30, a regional policing service agreement for a region may be entered into by all or any of the following that are located at least partly within the region:

- (a) a municipality;
- (b) a municipality within the meaning of *The Municipalities Act* that has a population of less than 500;
- (c) a rural municipality;
- (d) a municipality within the meaning of *The Northern Municipalities Act, 2010* that has a population of less than 500;
- (e) an entity that is prescribed in the regulations.

(2) Notwithstanding any other provision of this Act, but subject to the regulations, the Lieutenant Governor in Council may, by order:

- (a) authorize the establishment of a regional police service to provide policing services to a region; and
- (b) approve the entering into of a regional policing service agreement.

(3) An order pursuant to subsection (2) may do all or any of the following:

- (a) specify the jurisdiction, including the territorial jurisdiction, of the regional police service;
- (b) include provisions respecting the establishment, designation or continuance of a police board for the regional police service;
- (c) include provisions respecting the ongoing membership of a police board for the regional police service;
- (d) set out any powers, duties and responsibilities of the chief of police, the board and the members of the regional police service;
- (e) include provisions respecting the requirement to take and subscribe to oaths or affirmations by police board members of the regional police service;
- (f) include any provisions respecting the costs and funding of the regional police service;
- (g) if any portion of the region is, on the day on which an agreement comes into force, provided policing services by the Royal Canadian Mounted Police pursuant to this Act, include any provisions respecting the transfer of policing responsibilities for that jurisdiction or jurisdictions, as the case may be, from the Royal Canadian Mounted Police to the regional police service;
- (h) if any portion of the region, on the day on which an agreement comes into force, includes an area described in section 20, include any provisions respecting the transfer of policing responsibilities for that jurisdiction or jurisdictions, as the case may be, to the regional police service;

- (i) if any portion of the region is, on the day on which an agreement comes into force, provided policing services by another police service, include any provisions respecting the transfer of policing responsibilities for that jurisdiction or jurisdictions, as the case may be, from the other police service to the regional police service;
  - (j) include any provisions, including the distribution of costs, respecting any policing services that may be provided by the Royal Canadian Mounted Police or any other police service:
    - (i) within the region; or
    - (ii) in any portion of the region that will not receive policing services from the regional police service;
  - (k) include any provisions respecting any future expansion, reduction or withdrawal of policing services by the regional police service;
  - (l) approve the terms of a regional policing service agreement between the regional participants that will receive policing services by the regional police service and, if applicable, the Government of Saskatchewan and any other parties, respecting:
    - (i) any of the matters in clauses (a) to (k); and
    - (ii) any other matters respecting the establishment and operation of the regional police service;
  - (m) exempt the regional police service and its police board and members from the application of any provision of this Act or the regulations; and
  - (n) include any other provisions prescribed in the regulations.
- (4) Subject to the regulations, or unless specifically exempted by an order made pursuant to subsection (2), the following are subject to this Act, including Part IV, and the regulations:
- (a) the board of a regional police service; and
  - (b) the members of a regional police service.

**“Withdrawal from regional policing and amending regional policing service agreements**

**28.1** Subject to the regulations, and unless otherwise provided by an order made pursuant to section 28 or the regional policing service agreement:

- (a) no regional police service shall withdraw the provision of policing services, in whole or in part, without the approval of the Lieutenant Governor in Council;
- (b) no regional participant that receives policing services from a regional police service shall withdraw from the regional police service without the approval of the Lieutenant Governor in Council; and
- (c) the parties to the regional policing service agreement shall not amend the terms of the agreement without the approval of the Lieutenant Governor in Council.

**“Funding for regional policing**

**29** Every regional participant that receives policing services from a regional police service shall pay the moneys owing, including moneys owing for any services provided by the Royal Canadian Mounted Police or any other police service, calculated in accordance with:

- (a) the order made pursuant to section 28 that establishes the regional police service; or
- (b) the regional policing service agreement.

**“Board for a regional police service**

**30(1)** Without limiting the authority of the Lieutenant Governor in Council pursuant to section 28, if a board has previously been established pursuant to this Act for one or more of the regional participants that will receive policing services from a regional police service, an order made pursuant to section 28 may do any of the following:

- (a) continue that board as the board of the regional police service;
- (b) amalgamate two or more boards into the board of the regional police service;
- (c) transfer all or any personnel of any board to the regional police service.

(2) Subject to the regulations, and unless otherwise provided by an order made pursuant to section 28:

- (a) a regional police service:
  - (i) may exercise any powers conferred on a board by this Act; and
  - (ii) shall fulfil any duties imposed on a board by this Act; and
- (b) a member of a regional police service:
  - (i) may exercise any powers conferred on a member by this Act; and
  - (ii) shall fulfil any duties imposed on a member by this Act”.

**New section 80.01**

**10 The following section is added after section 80:**

**“Special constables for regional police services**

**80.01** This Part applies, with any necessary modification, to a special constable for a regional police service”.

**Section 80.1 amended**

**11 Clause 80.1(g) is repealed and the following substituted:**

“(g) ‘**municipal police service**’ means a police service established for a municipality, an authority designated in the regulations or a region pursuant to section 24.1, 26 or 28”.

**New section 91.2**

**12 The following section is added after section 91.1:**

**“Inquiries and investigations re a regional police service**

**91.2** Sections 88 to 91.1 apply, with any necessary modification, to an inquiry or investigation respecting a regional police service”.

**Section 95 amended**

**13 The following clauses are added after clause 95(e.1):**

“(e.11) prescribing entities for the purposes of subsection 28(1);

“(e.12) prescribing provisions for the purposes of subsection 28(3);

“(e.13) exempting the board and members of a regional police service from any provisions of this Act or the regulations;

“(e.14) prescribing any other rules, requirements or matters that the Lieutenant Governor in Council considers necessary for the purposes of sections 28 to 30”.

**Coming into force**

**14** This Act comes into force on assent.



THIRD SESSION  
**Twenty-eighth Legislature**  
SASKATCHEWAN

---

**B I L L**

No. 149

An Act to amend *The Police Act, 1990*  
respecting Regional Policing

---

Received and read the

First time

Second time

Third time

And passed

---

Honourable Christine Tell

---