

# BILL

No. 107

## An Act respecting Provincial Protective Services and making related amendments to *The Court Security Act*

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(Assented to )

HIS 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 Provincial Protective Services Act*.

#### Definitions

2 In this Act:

“**assistant commissioner**” means an Assistant Commissioner of the PPS appointed pursuant to section 5;

“**commissioner**” means the Commissioner of the PPS appointed pursuant to section 5;

“**court facility**” means a court facility as defined in *The Court Security Act*;

“**deputy commissioner**” means a Deputy Commissioner of the PPS appointed pursuant to section 5;

“**member**” means a member of the PPS described in section 6;

“**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

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**“ministry”** means the ministry over which the minister presides;

**“PPS legislation”** means any enactment pursuant to which a member, whether through the member’s appointment as a special constable or otherwise, is granted any powers, functions or duties, including:

- (a) providing protective or security services in Saskatchewan, including protective services related to persons, property and natural resources;
- (b) enforcing any provisions of an enactment;
- (c) enforcing, overseeing or monitoring any bylaw, permit, approval, licence or order adopted, developed or issued pursuant to an enactment;
- (d) making an order to:
  - (i) require, prohibit or guide any measure or activity; or
  - (ii) implement any rules, standards, guidelines or objectives;
- (e) enforcing an order or rule of any court, public officer or administrative tribunal; or
- (f) any other prescribed powers, functions or duties;

**“prescribed”** means prescribed in the regulations;

**“Provincial Protective Services”** or **“PPS”** means the Provincial Protective Services described in section 4;

**“special constable”** means a special constable appointed pursuant to *The Police Act, 1990*.

**Minister’s responsibilities**

3(1) The minister is responsible for all matters not by law assigned to any other minister, ministry, branch or agency of the Government of Saskatchewan relating to the PPS.

(2) Without limiting the generality of subsection (1), for the purposes of carrying out the minister’s responsibilities, the minister may do any of the following:

- (a) coordinate, develop, implement and promote policies, strategies, objectives, guidelines, programs, services and administrative procedures respecting the PPS;
- (b) provide financial, administrative, technical and other support services respecting the PPS;
- (c) coordinate and carry out plans, programs, services and projects respecting the PPS that involve one or more other ministries of the Government of Saskatchewan, any agencies or Crown corporations of the Government of Saskatchewan or one or more jurisdictions other than Saskatchewan;
- (d) cooperate with other public and private organizations, agencies and police services to carry out plans, programs, services and projects respecting the PPS;

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- (e) enter into agreements or other arrangements respecting the provision of protective and security services by the PPS to any ministries, agencies, Crown corporations, organizations or jurisdictions mentioned in clauses (c) and (d);
- (f) sponsor, undertake and coordinate planning and research respecting the PPS;
- (g) collect, process, correlate, analyze and maintain data respecting the PPS;
- (h) establish, implement and promote programs for public education respecting the PPS;
- (i) determine any criteria, terms, conditions or requirements that must be met by a person in order to carry out any activity governed by this Act;
- (j) develop or establish standards or requirements respecting any matter governed by this Act;
- (k) do any other thing that the minister considers appropriate to carrying out the minister's responsibilities or exercising the minister's powers pursuant to this Act.

**Provincial Protective Services**

4 The Provincial Protective Services consists of the commissioner, deputy commissioners, assistant commissioners, members and any other prescribed persons.

**Commissioner**

5(1) The minister may appoint the following:

- (a) a Commissioner of the PPS;
- (b) one or more Deputy Commissioners of the PPS.

(2) The commissioner may appoint:

- (a) one or more Assistant Commissioners; and
- (b) any other employees, in accordance with *The Public Service Act, 1998*, that the commissioner considers necessary for the conduct of the operations of the PPS.

(3) The commissioner is responsible for the administration and management of the PPS.

(4) A deputy commissioner and an assistant commissioner shall act under the direction of the commissioner.

(5) If the commissioner is absent or unable to act or the office of the commissioner is vacant, a deputy commissioner may exercise all of the powers and shall perform all of the functions and responsibilities of the commissioner, including any statutory duties imposed on the commissioner by this Act.

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(6) If the commissioner and any deputy commissioner are all absent and unable to act, or the office of the commissioner and deputy commissioners are all vacant, an assistant commissioner may exercise all of the powers and duties and shall perform all of the functions and responsibilities of the commissioner and deputy commissioners, including any statutory duties imposed on the commissioner by this Act.

(7) The commissioner may, in writing, authorize any person to perform any of the functions or responsibilities imposed, including statutory duties, or to exercise any of the powers conferred on the commissioner by this Act.

(8) The performance or exercise by a person authorized pursuant to subsection (7) of the functions or responsibilities imposed or powers conferred on the commissioner by this Act is deemed to be a performance or exercise by the commissioner.

(9) The commissioner may, in writing, set any limit or condition on an authorization pursuant to subsection (7) that the commissioner considers reasonable.

(10) No authorization pursuant to subsection (7) prevents the performance or exercise of any power, function or responsibility by the commissioner.

**Members**

**6(1)** Subject to subsection (2), the commissioner may designate the following as members of the PPS:

(a) conservation officers appointed as environment officers pursuant to *The Environmental Management and Protection Act, 2010* who are employed by the ministry and are appointed as special constables;

(b) traffic officers who are employed by the ministry and are appointed as special constables;

(c) any director, deputy director, investigator or inspector appointed or designated pursuant to *The Safer Communities and Neighbourhoods Act* who is appointed as a special constable;

(d) deputy sheriffs appointed pursuant to *The Court Officials Act, 2012* who are employed by the ministry and are appointed as special constables;

(e) community safety officers employed by the ministry who are appointed as special constables to perform enforcement duties within the boundaries of Wascana Centre as defined in *The Provincial Capital Commission Act*;

(f) any other prescribed individual or class of individuals.

(2) No person shall be designated as a member unless that person meets the prescribed qualifications.

(3) Subject to the regulations and *The Public Service Act, 1998*, the commissioner may establish member ranks, designations and titles, and assign members to those ranks, designations and titles.

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**Powers, functions and duties of PPS**

7(1) The PPS is responsible for:

- (a) providing protective and security services;
  - (b) exercising or carrying out powers, functions and duties pursuant to PPS legislation, including:
    - (i) preventing offences and ensuring compliance with PPS legislation;
    - (ii) laying charges and participating in prosecutions in relation to offences pursuant to PPS legislation;
    - (iii) executing warrants and performing other related duties;
    - (iv) conducting audits, inspections and investigations and performing other related duties;
    - (v) providing protective and security services to court facilities; and
    - (vi) performing all duties that may be lawfully performed by peace officers in relation to the escort and conveyance of persons in custody to and from any court facilities or other places;
  - (c) providing protective and security services to ministries and agencies of the Government and court facilities, in accordance with the terms of agreements or arrangements entered into by the minister with those ministries and agencies;
  - (d) providing assistance to any police service or any other law enforcement agency in Saskatchewan regarding the exercise of any powers, functions or duties of the police service or law enforcement agency; and
  - (e) performing any other prescribed functions or duties and exercising any other prescribed powers.
- (2) All members have the powers of peace officers to carry out the powers, functions and duties mentioned in subsection (1) and are entitled, while performing those powers, functions and duties, to all the protection to which peace officers are entitled pursuant to the *Criminal Code*.
- (3) A member shall:
- (a) complete all training required by this Act, the regulations, PPS legislation or the commissioner;
  - (b) comply with any prescribed code of conduct; and
  - (c) perform any other functions or duties assigned to the member by this Act, the regulations, PPS legislation or the commissioner.
- (4) Nothing in this section expands or limits a power, function or duty of a member, a minister or any other person set out in PPS legislation.

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**Immunity**

**8** No action or proceeding lies or shall be commenced against the Crown, the minister, the ministry, the commissioner, any deputy commissioner or assistant commissioner, any member or any other employee or agent of the ministry if that person is acting pursuant to the authority of this Act or the regulations, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise 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 or decision made pursuant to this Act or any duty imposed by this Act or the regulations.

**Regulations**

**9(1)** 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 any enactment as PPS legislation, or excluding any enactment as PPS legislation;
- (c) prescribing individuals or classes of individuals for the purposes of clause 6(1)(f);
- (d) prescribing qualifications for the purposes of subsection 6(2);
- (e) prescribing any powers, functions or duties for the purposes of subsection 7(1);
- (f) prescribing a code of conduct for the purposes of clause 7(3)(b);
- (g) prescribing a training program or other training requirements for members;
- (h) prescribing requirements respecting clothing and equipment for members;
- (i) prescribing any oaths or declarations that are required for the commissioner, deputy commissioners, assistant commissioners or members;
- (j) respecting the discipline of members;
- (k) respecting member ranks, designations and titles;
- (l) respecting other matters related to the administration and operation of the PPS, including:
  - (i) record-keeping requirements; and
  - (ii) reporting requirements;
- (m) with respect to any matter governed by this Act:
  - (i) adopting, as amended from time to time or otherwise, all or any part of any code or regulation that is made pursuant to *The Police Act, 1990*;
  - (ii) amending for the purposes of this Act or the regulations any code or regulation adopted pursuant to subclause (i); and
  - (iii) requiring compliance with a code or regulation adopted pursuant to subclause (i);

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- (n) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
  - (o) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.
- (2) If there is a conflict between a regulation made pursuant to subsection (1) and a regulation made pursuant to *The Police Act, 1990* or *The Public Service Act, 1998*, the regulation made pursuant to this Act prevails.

SS 2007, c C-43.11 amended

**10(1)** *The Court Security Act* is amended in the manner set forth in this section.

**(2) Section 2 is amended:**

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

“(b.1) ‘**enforcement officer**’ means:

- (i) a member of the Royal Canadian Mounted Police;
- (ii) a member of a police service as defined in *The Police Act, 1990*; or
- (iii) a member of the Provincial Protective Services as defined in *The Provincial Protective Services Act*”;

**(b) by repealing clause (d); and**

**(c) in clause (h) by striking out “a police officer” and substituting “an enforcement officer”.**

**(3) Clause 7(b) is repealed and the following substituted:**

“(b) an enforcement officer”.

**Coming into force**

**11** This Act comes into force by order of the Lieutenant Governor in Council.

THIRD SESSION

# Twenty-ninth Legislature

SASKATCHEWAN

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## BILL

No. 107

An Act respecting Provincial Protective Services and making related amendments to *The Court Security Act*

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Received and read the

First time

Second time

Third time

And passed

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Honourable Christine Tell

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