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# Bill 95

## **An Act to amend the Police Services Act and the Community Safety and Policing Act, 2019 with respect to a Commissioner Appointment Advisory Committee**

### **Co-sponsors:**

Mrs. N. Des Rosiers

Mr. M. Schreiner

### **Private Members' Bill**

1st Reading      April 3, 2019

2nd Reading

3rd Reading

Royal Assent



#### EXPLANATORY NOTE

The Bill amends the *Police Services Act* and the *Community Safety and Policing Act, 2019* to enact a Commissioner Appointment Advisory Committee.

Both Acts are amended to require the Commissioner of the Ontario Provincial Police to be appointed on recommendation. These recommendations will be derived from a list of potential candidates prepared by the new Commissioner Appointment Advisory Committee.

This Committee is charged with advertising a vacancy in the office of the Commissioner, assessing candidates and preparing a ranked list of at least two candidates it recommends. The Minister or the Solicitor General can reject this list and require the Committee to provide a fresh list.

**An Act to amend the Police Services Act and the Community Safety and Policing Act, 2019  
with respect to a Commissioner Appointment Advisory Committee**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**POLICE SERVICES ACT**

**1 (1) Subsection 17 (1) of the *Police Services Act* is repealed and the following substituted:**

**Commissioner**

(1) The Lieutenant Governor in Council shall, on the recommendation of the Solicitor General, appoint a Commissioner of the Ontario Provincial Police.

**(2) Section 17 of the Act is amended by adding the following subsection:**

**Transition**

(5) Despite subsection (1), an appointment of a Commissioner that was made before the day the *Independent Ontario Provincial Police Commissioner Appointment Act, 2019* received Royal Assent continues to be valid even if it was not made on the recommendation of the Solicitor General.

**2 The Act is amended by adding the following section:**

**Commissioner Appointment Advisory Committee**

**17.1** (1) When the Solicitor General receives notice that the office of the Commissioner is or will become vacant, the Solicitor General shall establish a committee known as the Commissioner Appointment Advisory Committee in English and as Comité consultatif sur la nomination du commissaire in French.

**Membership**

(2) The Committee shall be composed of,

- (a) three persons appointed by the Solicitor General, which must include representatives of at least two of the following organizations:
  - (i) the Ontario Human Rights Commission,
  - (ii) the Ontario Civilian Police Commission,
  - (iii) the special investigations unit;
- (b) two representatives of the Ontario Provincial Police Association recommended to the Solicitor General by the Association; and
- (c) two other persons with expertise in policing issues appointed by the Solicitor General.

**Criteria**

(3) In the appointment of members under subsection (2), the Solicitor General shall recognize the importance of reflecting, in the composition of the Committee as a whole, Ontario's linguistic duality and the diversity of its population, including its First Nation, Inuit and Métis communities and the importance of ensuring overall gender balance.

**Term of office**

(4) The members hold office for three-year terms and may be reappointed.

**Chair**

(5) The Solicitor General shall designate one of the members to chair the Committee for a three-year term.

**Term of office**

(6) The same person may serve as chair for multiple terms.

**Function**

(7) The function of the Committee is to make recommendations to the Solicitor General for the appointment of individuals to the office of the Commissioner.

**Manner of operating**

(8) The Committee shall perform its function in the following manner:

1. The Committee shall advertise the vacancy in the office of the Commissioner and review all applications.
2. The Committee shall conduct the advertising and review process in accordance with the criteria it has established and shall, at a minimum, assess the professional excellence, community awareness and personal characteristics of the candidates.
3. In assessing the candidates, the Committee shall recognize the desirability of reflecting the diversity of Ontario society, including First Nation, Inuit and Métis communities.
4. The Committee shall prepare a ranked list of at least two candidates whom it recommends, with brief supporting reasons.
5. The Committee may make recommendations from among candidates interviewed within the preceding year, if there is not enough time for a fresh advertising and review process.

**Qualifications**

(9) A candidate shall not be considered by the Committee unless he or she has substantial experience in policing and holds or has previously held the rank of deputy Commissioner or an equivalent rank.

**Recommendation by the Solicitor General**

(10) The Solicitor General shall recommend a candidate who has been recommended by the Committee to the Lieutenant Governor in Council for appointment to fill a vacancy for the office of the Commissioner.

**Rejection of list**

(11) The Solicitor General may reject the Committee's recommendations and require it to provide a fresh list.

**Dissolution of Committee**

(12) The Committee is dissolved after the Solicitor General accepts its list of recommendations.

**COMMUNITY SAFETY AND POLICING ACT, 2019**

**3 (1) Subsection 56 (1) of the *Community Safety and Policing Act, 2019* is repealed and the following substituted:**

**Commissioner**

(1) The Lieutenant Governor in Council shall, on the recommendation of the Minister, appoint a Commissioner of the Ontario Provincial Police.

**Deputy commissioners**

(1.1) The Lieutenant Governor in Council may appoint one or more deputy Commissioners.

**(2) Section 56 of the Act is amended by adding the following subsection:**

**Same**

(7) Despite subsection (1), an appointment of a Commissioner that was made before the day the *Independent Ontario Provincial Police Commissioner Appointment Act, 2019* received Royal Assent continues to be valid even if it was not made on the recommendation of the Minister.

**4 The Act is amended by adding the following section:**

**Commissioner Appointment Advisory Committee**

**56.1** (1) When the Minister receives notice that the office of the Commissioner is or will become vacant, the Minister shall establish a committee known as the Commissioner Appointment Advisory Committee in English and as Comité consultatif sur la nomination du commissaire in French.

**Membership**

(2) The Committee shall be composed of,

- (a) three persons appointed by the Minister, which must include representatives of at least two of the following organizations:
  - (i) the Ontario Human Rights Commission,

- (ii) the Law Enforcement Complaints Agency,
- (iii) the Special Investigations Unit;
- (b) two representatives of the Ontario Provincial Police Association recommended to the Minister by the Association; and
- (c) two other persons with expertise in policing issues appointed by the Minister.

**Criteria**

(3) In the appointment of members under subsection (2), the Minister shall recognize the importance of reflecting, in the composition of the Committee as a whole, Ontario's linguistic duality and the diversity of its population, including its First Nation, Inuit and Métis communities and the importance of ensuring overall gender balance.

**Term of office**

(4) The members hold office for three-year terms and may be reappointed.

**Chair**

(5) The Minister shall designate one of the members to chair the Committee for a three-year term.

**Term of office**

(6) The same person may serve as chair for multiple terms.

**Function**

(7) The function of the Committee is to make recommendations to the Minister for the appointment of individuals to the office of the Commissioner.

**Manner of operating**

(8) The Committee shall perform its function in the following manner:

1. The Committee shall advertise the vacancy in the office of the Commissioner and review all applications.
2. The Committee shall conduct the advertising and review process in accordance with the criteria it has established and shall, at a minimum, assess the professional excellence, community awareness and personal characteristics of the candidates.
3. In assessing the candidates, the Committee shall recognize the desirability of reflecting the diversity of Ontario society, including First Nation, Inuit and Métis communities.
4. The Committee shall prepare a ranked list of at least two candidates whom it recommends, with brief supporting reasons.
5. The Committee may make recommendations from among candidates interviewed within the preceding year, if there is not enough time for a fresh advertising and review process.

**Qualifications**

(9) A candidate shall not be considered by the Committee unless he or she has substantial experience in policing and holds or has previously held the rank of deputy Commissioner or an equivalent rank.

**Recommendation by the Minister**

(10) The Minister shall recommend a candidate who has been recommended by the Committee to the Lieutenant Governor in Council for appointment to fill a vacancy for the office of the Commissioner.

**Rejection of list**

(11) The Minister may reject the Committee's recommendations and require it to provide a fresh list.

**Dissolution of Committee**

(12) The Committee is dissolved after the Minister accepts its list of recommendations.

**COMMENCEMENT AND SHORT TITLE**

**Commencement**

**5 (1) Subject to subsection (2), this Act comes into force on the day it receives Royal Assent.**

**(2) Sections 3 and 4 come into force on the later of the day subsection 56 (1) of Schedule 1 to the *Comprehensive Ontario Police Services Act, 2019* comes into force and the day this Act receives Royal Assent.**

**Short title**

**6 The short title of this Act is the *Independent Ontario Provincial Police Commissioner Appointment Act, 2019*.**