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Bill 102

**An Act to amend various Acts relating to the justice system,
fire protection and prevention and animal welfare**

The Hon. M. Kerzner
Solicitor General

Government Bill

1st Reading April 25, 2023

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

SCHEDULE 1 COMMUNITY SAFETY AND POLICING ACT, 2019

The Schedule amends the *Community Safety and Policing Act, 2019* with respect to various matters. The amendments include the following:

1. Section 5 of the Act is amended to require the Minister to comply with any prescribed requirements regarding the de-identification and linking of personal information collected under subsection 4 (1) or (2) of the Act. A similar requirement is added to section 105 of the Act in respect of the Inspector General regarding personal information collected under subsection 104 (1) or (2) of the Act.
2. The Schedule repeals section 72 of the Act, which provides for the establishment of the Ontario Provincial Police Governance Advisory Council. All references to the Advisory Council are removed from the Act.
3. A chief of police may be required to postpone or suspend the commencement of an investigation under section 81 of the Act if advised to do so by a Crown Attorney or prosecutor, to avoid interfering with a prosecution.
4. The Schedule amends clause 83 (1) (f) of the Act to provide that a secondary school diploma or equivalent is sufficient education for the purposes of being appointed as a police officer. Currently, a secondary school diploma is sufficient only if any additional prescribed criteria have been satisfied.
5. The Inspector General is required, when determining whether to impose a measure under subsection 126 (1) of the Act, to consider whether any lesser measure available in the circumstances would remedy the non-compliance.

Housekeeping amendments are also made to the Act and to various other Acts, including the *Missing Persons Act, 2018*, the *Pay Transparency Act, 2018* and the *Workplace Safety and Insurance Act, 1997*.

SCHEDULE 2 CORONERS ACT

Clause 56 (1) (g) of the *Coroners Act* currently authorizes the Lieutenant Governor in Council to make regulations governing the retention, storage and disposal of tissue samples, implanted devices and body fluids obtained in performing a *post mortem* examination of a body or conducting examinations or analyses under section 28. The Schedule amends the Act to expand this regulation-making authority as follows:

1. Whereas the current authority refers only to retention, storage and disposal, the re-enacted provision also refers to collection.
2. Whereas the current authority refers to tissue samples, implanted devices and body fluids obtained in performing examinations or analyses, the re-enacted provision refers to these items obtained from a body that is the subject of examinations or analyses but does not limit the items to those obtained in the course of such examinations or analyses.

The amendments provide that the regulation may be in respect of tissue samples or body fluids that are collected, retained or stored for the purpose of enabling genetic analysis.

SCHEDULE 3 COURTS OF JUSTICE ACT

The Schedule amends section 23 of the *Courts of Justice Act* to provide that an action that is within the Small Claims Court's jurisdiction shall not be commenced in the Superior Court of Justice except with the latter's leave.

The Schedule also amends the Act to prohibit a person from being appointed as a provincial judge unless the person undertakes to participate in courses designated for newly appointed judges by the Chief Justice of the Ontario Court of Justice. The Chief Justice is authorized to establish courses for newly appointed judges and for the continuing education of judges, including courses respecting the following: sexual assault law; intimate partner violence; coercive control in intimate partner and family relationships; and social context, which includes systemic racism and systemic discrimination. The Chief Justice is required to submit a report to the Attorney General respecting courses on these topics.

SCHEDULE 4 FIRE PROTECTION AND PREVENTION ACT, 1997

The Schedule makes various amendments to the *Fire Protection and Prevention Act, 1997*, including amendments that authorize the Lieutenant Governor in Council to appoint more than one Deputy Fire Marshal. Other amendments include the repeal of the requirement that three members of the Fire Safety Commission constitute a quorum. Instead, the chair or vice-chair of the Commission may appoint a panel consisting of one or more members of the Commission.

**SCHEDULE 5
JUSTICES OF THE PEACE ACT**

The Schedule amends the *Justices of the Peace Act* to prohibit a person from being appointed as a justice of the peace unless the person undertakes to participate in courses designated for newly appointed justices of the peace by the Associate Chief Justice Co-ordinator of Justices of the Peace.

The Associate Chief Justice Co-ordinator of Justices of the Peace is authorized to establish courses for newly appointed justices of the peace and for the continuing education of justices of the peace, including courses respecting the following: sexual assault law; intimate partner violence; coercive control in intimate partner and family relationships; and social context, which includes systemic racism and systemic discrimination. The Associate Chief Justice Co-ordinator of Justices of the Peace is required to submit a report to the Attorney General respecting courses on these topics.

**SCHEDULE 6
PROVINCIAL ANIMAL WELFARE SERVICES ACT, 2019**

The Schedule amends the *Provincial Animal Welfare Services Act, 2019* with respect to various matters, including the following:

1. The Act currently includes provisions (sections 28 and 29) that authorize an animal welfare inspector to enter and search a place in circumstances where the inspector has reasonable grounds to believe that an animal is in distress or critical distress in the place. The Schedule amends these provisions to provide that the purpose of such an entry and search is to determine whether to exercise powers under sections 30 to 33.
2. New provisions are added to the Act to impose requirements on the owner or custodian of an animal that is the subject of an order under section 30. If there is a transfer of ownership or a transfer of ongoing custody, the former owner or custodian must collect prescribed contact information from the new owner or custodian and immediately provide written notice to an animal welfare inspector.
3. Section 33 of the Act is re-enacted to expand the authority of an animal welfare inspector who is lawfully in any place and who finds an animal in distress. Whereas the current provision authorizes the inspector to supply the animal with necessaries to relieve its distress, the re-enacted provision authorizes the inspector to take any reasonable steps to relieve the animal's distress.
4. Amendments are made to section 35 of the Act with respect to statements of account. Currently, this section of the Act authorizes the service of a statement of account on the owner or custodian of an animal where an animal welfare inspector has provided the animal with necessaries to relieve its distress. The statement of account is limited to the cost of necessaries. The amended provision authorizes the service of a statement of account in a broader range of circumstances, including where an animal welfare inspector has taken steps to relieve the animal's distress or has removed the animal from a place. The costs may include any costs in relation to the animal if incurred in relation to the specified circumstances. Amendments also provide that the unpaid amount of a statement of account is a debt due to the Crown.

**SCHEDULE 7
PROVINCIAL OFFENCES ACT**

Subsection 141 (2) of the *Provincial Offences Act* is amended so that if a notice under section 140 of the Act in respect of an application for relief in the nature of certiorari is served on the person making the decision, order or warrant or holding the proceeding giving rise to the application, it is the clerk of the court and not that person who is required to ensure that all related materials are filed with the Superior Court of Justice for the purposes of the application.

**An Act to amend various Acts relating to the justice system,
fire protection and prevention and animal welfare**

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

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

(3) If a Schedule to this Act provides that any provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3 The short title of this Act is the *Strengthening Safety and Modernizing Justice Act, 2023*.

SCHEDULE 1
COMMUNITY SAFETY AND POLICING ACT, 2019

1 (1) The definition of “Advisory Council” in subsection 2 (1) of the *Community Safety and Policing Act, 2019* is repealed.

(2) The French version of the definition of “de-identify” in subsection 2 (1) of the Act is revoked and the following substituted:

«dépersonnaliser» Relativement à des renseignements personnels concernant un particulier, s’entend du fait d’en retirer les renseignements qui permettent de l’identifier ou à l’égard desquels il est raisonnable de prévoir, dans les circonstances, qu’ils pourraient servir, seuls ou avec d’autres, à l’identifier. («de-identify»)

(3) Clause (b) of the definition of “misconduct” in subsection 2 (1) of the Act is amended by striking out “a First Nation O.P.P. board or the Advisory Council” and substituting “or a First Nation O.P.P. board”.

(4) Subsection 2 (1) of the Act is amended by adding the following definition:

“former member of a police service” includes any person who was appointed under the *Police Services Act*, as it read at the time, as an auxiliary member of the police service; (“ancien membre d’un service de police”)

(5) The definition of “research ethics board” in subsection 2 (1) of the Act is repealed.

2 Subclause 3 (1) (i) (ii) of the Act is amended by striking out “First Nation O.P.P. boards and the Advisory Council” and substituting “and First Nation O.P.P. boards”.

3 Subsections 5 (5) to (9) of the Act are repealed and the following substituted:

De-identification, linking

(5) The Minister shall comply with any prescribed requirements regarding the de-identification and linking of personal information collected under subsection 4 (1) or (2).

4 Sections 6, 7 and 8 of the Act are repealed.

5 Subsection 9 (1) of the Act is amended by striking out “sections 5 to 8 and any regulations relating to those sections” and substituting “section 5 and any regulations relating to that section”.

6 (1) Subsection 10 (1) of the Act is amended by striking out “shall provide adequate and effective policing” and substituting “shall ensure adequate and effective policing is provided”.

(2) Subsection 10 (5) of the Act is amended by striking out “shall provide adequate and effective policing” and substituting “shall ensure adequate and effective policing is provided”.

7 Section 13 of the Act is amended by adding the following subsection:

Referral

(3) If responsibility for providing a policing function in relation to a specific investigation, vehicle pursuit, or other instance is referred to the chief of police of a different police service or otherwise transferred to a member of a different police service or to a police service board that maintains a different police service, the following rules apply:

1. If the different police service is the Ontario Provincial Police, the Commissioner is responsible for complying with subsections (1) and (2).
2. If the different police service is maintained by a police service board, the board is responsible for complying with subsections (1) and (2).

8 Subsection 16 (3) of the Act is amended by striking out “shall provide adequate and effective policing” and substituting “shall ensure adequate and effective policing is provided”.

9 Section 17 of the Act is repealed and the following substituted:

Additional services

17 (1) A police service board may enter into a written agreement with a municipality or with any other person to provide policing, or other specified services, that would not otherwise be provided or be required to be provided by the police service board.

Same

(2) The Minister may enter into a written agreement with a municipality or with any other person to have the Commissioner provide policing, or other specified services, that would not otherwise be provided or be required to be provided by the Commissioner.

Costs

(3) Section 65 applies to the cost of policing provided by the Commissioner in accordance with an agreement under this section.

10 Section 18 of the Act is amended by adding the following subsection:

Costs of agreement

(2.1) An agreement under subsection (2) shall provide for the amount that the person will be charged by the police service board or by the Minister under section 65.

11 Subsection 20 (1) of the Act is amended by striking out “provide policing in an area” and substituting “ensure adequate and effective policing is provided in an area”.

12 Subsection 25 (3) of the Act is amended by striking out “will provide adequate and effective policing” and substituting “will ensure adequate and effective policing is provided”.

13 Section 29 of the Act is repealed and the following substituted:

Promotion of appointments by municipality

29 (1) If the need to appoint a new member of a police service board by resolution of a municipality is reasonably foreseeable, the municipality shall take reasonable steps to promote the availability of the appointment, having regard to the need to ensure that police service boards are representative of the communities they serve.

Promotion by Minister

(2) The Minister shall take reasonable steps to promote the availability of public appointments to police service boards, having regard to the need to ensure that police service boards are representative of the communities they serve.

Definition

(3) In this section,

“public appointment” means an appointment by the Lieutenant Governor in Council or the Minister.

14 Subsection 32 (1) of the Act is amended by striking out “to provide adequate and effective policing” and substituting “to ensure that adequate and effective policing is provided”.

15 Subsection 33 (8) of the Act is repealed and the following substituted:

Ministerial recommendations

(8) The Minister shall, in accordance with the regulations, make recommendations to the Lieutenant Governor in Council regarding appointments to police service boards that are made by the Lieutenant Governor in Council.

16 (1) Clause 37 (1) (a) of the Act is amended by striking out “provide adequate and effective policing” at the beginning and substituting “ensure that adequate and effective policing is provided”.

(2) Clause 37 (1) (j) of the Act is amended by striking out “owned” and substituting “used”.

17 Paragraph 5 of subsection 39 (1) of the Act is repealed and the following substituted:

5. Interactions with persons who appear to have a mental illness or a neurodevelopmental disability.

18 Subsection 40 (2) of the Act is repealed and the following substituted:

No direction to other members of the police service

(2) For greater certainty, the police service board shall not direct members of the police service other than the chief of police, unless that direction is specifically authorized under Part XII (Discipline and Termination).

19 (1) Clause 50 (1) (a) of the Act is repealed and the following substituted:

(a) comply with this Act and the regulations; and

(2) Clause 50 (2) (a) of the Act is repealed and the following substituted:

(a) comply with this Act and the regulations, including the amounts required to provide the police service with required equipment and facilities, having regard for the various ways that the board can discharge this obligation; and

(3) Clause 50 (10) (a) of the Act is amended by adding “and the Commission Chair has been notified by either party” at the end.

(4) Subsection 50 (13) of the Act is repealed and the following substituted:

Costs and expenses

(13) The municipal board and the municipality shall share equally the costs and expenses of the arbitration and any prescribed types of expenses of the arbitrator.

20 (1) Clause 51 (1) (a) of the Act is repealed and the following substituted:

(a) comply with this Act and the regulations, including the amounts required to provide the police service with required equipment and facilities, having regard for the various ways that the board can discharge this obligation; and

(2) Clause 51 (6) (a) of the Act is amended by adding “and the Commission Chair has been notified by either party” at the end.

(3) Subsection 51 (7) of the Act is amended by striking out “provide adequate and effective policing” at the end and substituting “ensure adequate and effective policing is provided”.

21 (1) Subsection 56 (4) of the Act is repealed.

(2) Subsection 56 (5) of the Act is amended by adding “and are deemed to have been appointed under this section” at the end.

22 Section 59 of the Act is amended by striking out “and” at the end of clause (c), by adding “and” at the end of clause (d) and by adding the following clause:

(e) perform such other duties in respect of the Ontario Provincial Police as are assigned to the Minister by or under this Act, including any prescribed duties.

23 Subsection 60 (2) of the Act is repealed.

24 Paragraph 5 of subsection 61 (1) of the Act is repealed and the following substituted:

5. Interactions with persons who appear to have a mental illness or a neurodevelopmental disability.

25 Subsection 64 (1) of the Act is amended by striking out “for the policing” and substituting “for the policing and court security”.

26 (1) Subsection 67 (1) of the Act is amended by adding “made by the Minister” after “regulations”.

(2) Section 67 of the Act is amended by adding the following subsection:

Exemptions

(1.1) Subsection (1) is subject to any exemptions set out in the regulations made by the Minister.

(3) Subsection 67 (2) of the Act is amended by adding “made by the Minister” at the end.

(4) Subsection 67 (3) of the Act is amended by adding “made by the Minister” at the end.

(5) Paragraph 2 of subsection 67 (6) of the Act is repealed and the following substituted:

2. Subsections 35 (1) to (5) (Oath, training and conduct).

27 Clause 68 (1) (a) of the Act is amended by adding “made by the Minister” after “regulations”.

28 Paragraph 2 of subsection 69 (2) of the Act is repealed and the following substituted:

2. The local policy must not relate to specific investigations, the conduct of specific operations, the management or discipline of specific police officers or other prescribed matters.

29 Paragraph 5 of subsection 70 (1) of the Act is repealed and the following substituted:

5. Interactions with persons who appear to have a mental illness or a neurodevelopmental disability.

30 (1) Subsection 71 (1) of the Act is amended by adding “made by the Minister” after “regulations”.

(2) Subsection 71 (2) of the Act is amended by adding “made by the Minister” at the end.

31 Sections 72 to 75 of the Act are repealed.

32 Subsection 81 (2) of the Act is repealed and the following substituted:

Time for investigation

(2) The investigation shall occur promptly, subject to the following rules:

1. The investigation shall not be conducted during the time period described in subsection 208 (3).

2. If the matter that is the subject of an investigation under this section becomes the subject of a prosecution of an offence under a law of Canada, a province or a territory, the following rules apply:

i. The chief of police shall consult a Crown Attorney or prosecutor and, if advised by a Crown Attorney or prosecutor to do so, postpone the commencement of the investigation under this section, or suspend it, for as long as is necessary in the Crown Attorney’s or prosecutor’s opinion to avoid interfering with the prosecution.

ii. Whether or not postponement or suspension is required under subparagraph i, the chief of police may postpone the commencement of the investigation under this section, or suspend it, for as long as is necessary in the chief’s opinion to avoid interfering with the prosecution.

33 Clause 83 (1) (f) of the Act is repealed and the following substituted:

- (f) meets one of the following conditions:
- (i) The person has a secondary school diploma or equivalent.
 - (ii) The person has,
 - (A) a university degree,
 - (B) a degree from a college of applied arts and technology established under the *Ontario Colleges of Applied Arts and Technology Act, 2002* that is authorized to grant the degree, or
 - (C) a degree from an Indigenous Institute that is approved under the *Indigenous Institutes Act, 2017* to grant the degree.
 - (iii) The person has a diploma or advanced diploma granted by a college of applied arts and technology described in sub-subclause (ii) (B), or an Indigenous Institute described in sub-subclause (ii) (C), following successful completion of a program that is the equivalent in class hours of a full-time program of at least four academic semesters.
 - (iv) The person has been granted a certificate or other document by a post-secondary institution evidencing successful completion of a program that the regulations prescribe as being equivalent to a degree or diploma described in subclause (ii) or (iii).

34 (1) Subsection 91 (7) of the Act is amended by striking out “possess” and substituting “carry”.

(2) Section 91 of the Act is amended by adding the following subsection:

Transition

(9) An appointment as an auxiliary member of a police force under the *Police Services Act* that a person held immediately before that Act was repealed continues under this Act and is deemed to have been made under this section.

35 (1) Clause 92 (1) (g) of the Act is repealed and the following substituted:

- (g) meets one of the following conditions:
- (i) The person has a secondary school diploma or equivalent.
 - (ii) The person has,
 - (A) a university degree,
 - (B) a degree from a college of applied arts and technology established under the *Ontario Colleges of Applied Arts and Technology Act, 2002* that is authorized to grant the degree, or
 - (C) a degree from an Indigenous Institute that is approved under the *Indigenous Institutes Act, 2017* to grant the degree.
 - (iii) The person has a diploma or advanced diploma granted by a college of applied arts and technology described in sub-subclause (ii) (B), or an Indigenous Institute described in sub-subclause (ii) (C), following successful completion of a program that is the equivalent in class hours of a full-time program of at least four academic semesters.
 - (iv) The person has been granted a certificate or other document by a post-secondary institution evidencing successful completion of a program that the regulations prescribe as being equivalent to a degree or diploma described in subclause (ii) or (iii);

(2) Clause 92 (7) (e) of the Act is amended by striking out “possess” and substituting “carry”.

(3) Subsection 92 (9) of the Act is amended by striking out “possess” wherever it appears and substituting in each case “carry”.

(4) Paragraph 1 of subsection 92 (12) of the Act is amended by striking out “continues under this Act” and substituting “continues under this Act and is deemed to have been made under this section”.

(5) Paragraph 2 of subsection 92 (12) of the Act is amended by striking out “possession” and substituting “carrying”.

36 (1) Subsection 95 (1) of the Act is repealed and the following substituted:

Employment only by employer specified in certificate

(1) A person appointed as a special constable under section 92 or whose appointment is continued under that section shall be employed as a special constable only by the employer specified in the certificate of appointment.

(2) Subsection 95 (6) of the Act is amended by,

(a) striking out “possess” wherever it appears and substituting in each case “carry”; and

(b) striking out “possession” in clause (a) and substituting “carrying”.

37 Subsection 98 (5) of the Act is repealed and the following substituted:

(5) A special constable employer shall comply with any investigations conducted by the Complaints Director or the SIU Director and any inspections conducted by the Inspector General.

38 Subsection 101 (8) of the Act is amended by striking out “First Nation Constable” and substituting “First Nations Constable”.

39 Part VI of the Act is amended by adding the following section:

COMMISSIONS UNDER THE GREAT SEAL

Commissions under the Great Seal

101.1 (1) The Lieutenant Governor in Council may authorize the issue of a commission under the Great Seal to,

- (a) a chief of police;
- (b) a deputy chief of police; or
- (c) a police officer who has attained a prescribed rank.

Commissioned First Nation Officers

(2) Subject to subsection (4), the Lieutenant Governor in Council may authorize the issue of a commission under the Great Seal to a First Nation Officer who has achieved a prescribed rank.

Commission may be revoked

(3) The Lieutenant Governor in Council may authorize the revocation of a commission issued under the Great Seal.

Consultation

(4) The Lieutenant Governor in Council may not authorize the issue of a commission under the Great Seal to a First Nation Officer whose specified duties relate to a reserve without first consulting with the reserve’s police governing authority or band council that approved the Officer’s appointment.

40 (1) Clause 102 (4) (a) of the Act is amended by striking out “prescribed policing providers and the Advisory Council” and substituting “and prescribed policing providers”.

(2) Clause 102 (4) (b) of the Act is amended by striking out “prescribed entities and the Advisory Council” and substituting “and prescribed entities”.

(3) Clause 102 (4) (c) of the Act is amended by striking out “First Nation O.P.P. boards and the Advisory Council” and substituting “and First Nation O.P.P. boards”.

(4) Clause 102 (4) (d) of the Act is amended by striking out “conduct analyses” and substituting “conduct research and analyses”.

(5) Subsection 102 (9) of the Act is amended by striking out “appointed by the Inspector General”.

41 Paragraph 2 of subsection 103 (1) of the Act is amended by striking out “prescribed policing providers and the Advisory Council” and substituting “and prescribed policing providers”.

42 Subsections 104 (1) and (2) are repealed and the following substituted:

Information to Inspector General in accordance with regulations

(1) The police service boards, O.P.P. detachment boards, First Nation O.P.P. boards, chiefs of police, special constable employers, prescribed policing providers and administrators appointed under Part VII shall provide the Inspector General with information prescribed by the Minister related to the discharge of the Inspector General’s duties under subsection 102 (4) at the frequency and in the manner set out in the regulations made by the Minister.

Information to Inspector General on request

(2) The police service boards, O.P.P. detachment boards, First Nation O.P.P. boards, chiefs of police, special constable employers, prescribed policing providers and administrators appointed under Part VII shall provide the Inspector General with such information as the Inspector General may request from time to time.

43 (1) Subsection 105 (1) of the Act is repealed and the following substituted:

Personal information

(1) The Inspector General may collect personal information under subsection 104 (1) or (2), directly or indirectly, only if the collection is necessary for the purpose of,

- (a) discharging the Inspector General's duties under clause 102 (4) (a), (c), (d) or (e); or
- (b) discharging the Inspector General's duties under this Act or the regulations related to referrals of conduct that may constitute criminal conduct or misconduct.

(2) Subsection 105 (5) of the Act is repealed and the following substituted:

De-identification, linking

(5) The Inspector General shall comply with any prescribed requirements regarding the de-identification and linking of personal information collected under subsection 104 (1) or (2).

44 (1) Subsection 106 (1) of the Act is amended by striking out "a First Nation O.P.P. board or the Advisory Council" and substituting "or a First Nation O.P.P. board".

(2) Subsection 106 (2) of the Act is amended by striking out "about a member of a board received" in the portion before clause (a) and substituting "made".

45 (1) Clause 107 (1) (b) of the Act is amended by striking out "prescribed policing provider or the Advisory Council" and substituting "or prescribed policing provider".

(2) Subsection 107 (2) of the Act is amended by striking out "dismiss the complaint and take no further action under this section if" and substituting "refuse to investigate a complaint received under subsection (1) if".

(3) Subclause 107 (6) (a) (i) of the Act is repealed.

46 Paragraph 8 of subsection 108 (1) of the Act is repealed.

47 (1) Subsection 111 (2) of the Act is repealed and the following substituted:

Power to inspect

- (2) The Inspector General may cause an inspection to be conducted by an inspector for the purpose of,
- (a) determining whether a member of a police service board, an O.P.P. detachment board, or a First Nation O.P.P. board has committed or is committing misconduct;
 - (b) determining whether a police service board, O.P.P. detachment board, First Nation O.P.P. board, chief of police, special constable employer, police service or prescribed policing provider is complying with or has complied with this Act and the regulations; or
 - (c) discharging any other duties assigned to the Inspector General under this Act or the regulations.

May be in response to complaints

(2.1) For greater certainty, the Inspector General may cause an inspection to be conducted under subsection (2) to respond to a complaint made under section 106 or 107.

(2) Subsection 111 (8) of the Act is repealed and the following substituted:

Limitation on authority

(8) The Inspector General may limit the inspector's authority in such manner as the Inspector General considers necessary or advisable, and any such limitation shall be identified in the inspector's certificate of appointment.

(3) Subsection 111 (9) of the Act is amended by striking out "clause (2) (b)" and substituting "clause (2) (a)".

48 Subsection 113 (1) of the Act is amended by striking out "prescribed entity or the Advisory Council" in the portion before clause (a) and substituting "or prescribed entity".

49 Clause 114 (1) (b) of the Act is amended by striking out "a First Nation O.P.P. board or the Advisory Council" and substituting "or a First Nation O.P.P. board".

50 (1) Paragraphs 3 and 4 of subsection 115 (1) of the Act are repealed and the following substituted:

- 3. Require the production of any thing, document or data, in any form, required to be kept under this Act or the regulations and of any other thing, document or data, in any form, related to the purpose of the inspection.
- 4. Remove from the place, for the purpose of making copies, things, documents or data produced under paragraph 3.

(2) Subsection 115 (7) of the Act is repealed and the following substituted:

Closed meetings

(7) An inspector has the authority to enter a meeting of a police service board, an O.P.P. detachment board, a First Nation O.P.P. board or a committee of such a board for the purpose of monitoring the meeting or conducting an inspection under this Part, except,

- (a) any part of the meeting in which the subject matter being considered is advice that would be inadmissible in a court by reason of any privilege under the law of evidence; or
- (b) in prescribed circumstances.

51 Paragraph 3 of subsection 116 (1) of the Act is repealed and the following substituted:

- 3. A member or employee of an O.P.P. detachment board or a First Nation O.P.P. board.

52 (1) Subsections 120 (1) to (3) of the Act are repealed and the following substituted:

SIU notification

(1) If, in the course of an inspection under this Part, an inspector becomes aware of an incident that a designated authority would have a duty to report under section 16 of the *Special Investigations Unit Act, 2019*, the inspector shall notify the Inspector General.

Inspector General's duty

(1.1) After receiving notice under subsection (1), the Inspector General shall provide notice to the SIU Director unless the Inspector General believes that the SIU Director has already been notified.

Misconduct notice

(2) If, in the course of an inspection under this Part, an inspector becomes aware that a police officer, a special constable employed by the Niagara Parks Commission, a member of a police service board, an O.P.P. detachment board or a First Nation O.P.P. board or a peace officer in the Legislative Protective Service may have engaged in conduct that constitutes misconduct,

- (a) the inspector shall notify the Inspector General; and
- (b) if the misconduct is alleged to have been committed by a police officer, a special constable employed by the Niagara Parks commission or a peace officer in the Legislative Protective Service, the Inspector General shall notify the Complaints Director.

Police criminal offence or incapacity notice

(3) If, in the course of an inspection under this Part, an inspector reasonably suspects that a member of a police service may have committed a criminal offence that does not meet the criteria to notify the SIU Director under subsection (1) or may be incapable of performing the duties of the member's position, the inspector shall notify the Inspector General and, unless the member is a chief of police or deputy chief of police, the Inspector General shall notify the member's chief of police.

(2) Subsection 120 (5) of the Act is repealed and the following substituted:

Other persons, criminal offences

(5) If, in the course of an inspection under this Part, an inspector reasonably suspects that a member of a police service board, an O.P.P. detachment board or a First Nation O.P.P. board or a member, director, officer or employee of a special constable employer, prescribed policing provider or prescribed entity may have committed a criminal offence, the inspector shall notify the Inspector General.

53 Section 122 of the Act is repealed and the following substituted:

Board member duties during and after investigation

122 (1) The Inspector General may direct a member of a police service board, an O.P.P. detachment board or a First Nation O.P.P. board to decline to exercise their powers or perform their duties as a member of the board from the period that begins at the outset of an investigation into the member's conduct under this Part and ends on the earlier of the following:

- 1. The day the member receives notice from the Inspector General that no further action will be taken in respect of the investigation.
- 2. The day the Inspector General exercises a power under section 124 as a result of the investigation.

Not enough members

(2) If the application of subsection (1) results in a board not having enough members able to exercise their powers or perform their duties in order to constitute a quorum, the Inspector General may appoint the number of persons necessary to constitute a quorum, who shall act in the place of the members who are unable to exercise their powers or perform their duties.

Same

(3) The Inspector General shall,

- (a) specify in an appointment made under subsection (2) that the appointee may only exercise such powers or perform such duties as are necessary for the effective operation of the board during the investigation and, for such purpose, may specify the powers or duties the appointee may or may not exercise or perform; and
- (b) cancel an appointment made under subsection (2) as soon as the period described in subsection (1) ends.

54 (1) Subsection 124 (1) of the Act is repealed and the following substituted:

Inspector General's powers

(1) If, in the opinion of the Inspector General, the report made under subsection 123 (1) discloses evidence that a member of a board has committed misconduct, the Inspector General may,

- (a) reprimand the member of the board;
- (b) suspend the member of the board for a specified period or until the member has complied with specified conditions; or
- (c) remove the member from the board.

(2) **Subsection 124 (4) of the Act is amended by striking out “or the Advisory Council, as applicable”.**

(3) **Subsection 124 (7) of the Act is amended by striking out “a First Nation O.P.P. board or the Advisory Council” and substituting “or a First Nation O.P.P. board”.**

55 (1) Subsection 125 (1) of the Act is amended by striking out “prescribed policing provider or the Advisory Council” and substituting “or prescribed policing provider”.

(2) **Section 125 of the Act is amended by adding the following subsection:**

Monitoring, inspection

(1.1) If, in the opinion of the Inspector General, the report made under subsection 123 (1) discloses evidence of non-compliance with a requirement of this Act or the regulations, or evidence that an act or omission will likely result in such non-compliance, the Inspector General may, in addition to or instead of issuing any directions under subsection (1) of this section, monitor or conduct further inspections in accordance with this Act.

56 (1) Paragraph 4 of subsection 126 (1) of the Act is repealed.

(2) **Section 126 of the Act is amended by adding the following subsection:**

Consideration of lesser measures

(1.1) Without limiting the discretion of the Inspector General under subsection (1), the Inspector General shall, when determining whether to impose a measure under subsection (1), consider whether any lesser measure available in the circumstances would remedy the non-compliance.

(3) **Clause 126 (4) (b) of the Act is amended by striking out “a First Nation O.P.P. board or the Advisory Council” and substituting “or a First Nation O.P.P. board”.**

(4) **Subsection 126 (7) of the Act is amended by striking out “First Nation O.P.P. board or the Advisory Council or removes him or her from office” and substituting “or First Nation O.P.P. board or removes the member from office”.**

(5) **Subsection 126 (8) of the Act is amended by striking out “First Nation O.P.P. board or the Advisory Council” and substituting “or First Nation O.P.P. board”.**

(6) **Subsection 126 (11) of the Act is amended by striking out “a First Nation O.P.P. board or the Advisory Council” and substituting “or a First Nation O.P.P. board”.**

57 Subsection 133 (7) of the Act is amended by adding “unless the Complaints Director believes that the SIU Director has already been notified” at the end.

58 (1) Subsection 143 (7) of the Act is repealed.

(2) **Subsection 143 (8) of the Act is amended by striking out “under subsection (7)”.**

(3) **The French version of subsection 143 (8) of the Act is amended by striking out “anonymisés” wherever it occurs and substituting in each case “dépersonnalisés”.**

(4) **Clause 143 (9) (a) of the Act is amended by striking out “under subsection (7)”.**

(5) **The French version of clause 143 (9) (a) of the Act is amended by striking out “l’anonymisation” and substituting “la dépersonnalisation”.**

59 Subsections 147 (9) and (10) of the Act are repealed and the following substituted:

Appointment of Commission Chair and Commission Vice Chairs

(9) The Lieutenant Governor in Council may appoint a person as the Commission Chair and may appoint one or more persons as Commission Vice Chairs, subject to subsection (10).

Consultation before appointments

(10) No person shall be appointed as Commission Chair or as a Commission Vice Chair unless the Minister or his or her delegate has first consulted with or attempted to consult with,

- (a) bargaining agents that, in the opinion of the Minister or his or her delegate, are reasonably representative of the bargaining agents that represent members of police services;
- (b) employers or employers' organizations that, in the opinion of the Minister or his or her delegate, are reasonably representative of the employers of members of police services; and
- (c) any other entities that are prescribed.

Commission Vice Chair duties

(11) A Commission Vice Chair shall,

- (a) act in the place of the Commission Chair if the Commission Chair is absent or unable to act and, when so acting, may exercise all the powers and shall perform all the duties of the Commission Chair; and
- (b) perform any other prescribed duties.

Regulations

(12) The registers and the roster referred to in this section shall be established and maintained in accordance with the regulations, if any.

60 Subsection 148 (3) of the Act is repealed and the following substituted:

Delegation

(3) The Commission Chair may, in writing, delegate any of their powers and duties under this Act or the regulations to a Commission Vice Chair, subject to any limitations, conditions or requirements that are set out in the delegation or that may be prescribed.

61 Section 150 of the Act is amended by striking out “in accordance with” and substituting “subject to”.

62 Paragraph 8 of subsection 155 (1) of the Act is repealed.

63 Subsections 166 (5) and (6) of the Act are repealed and the following substituted:

Delay

(5) Subsection (4) does not apply until the Complaints Director determines that compliance with that subsection will not interfere with an investigation of an offence under a law of Canada, a province or a territory, or the prosecution of such an offence.

Same

(6) If the Complaints Director has been advised by a Crown Attorney or prosecutor that compliance with subsection (4) may, in the Crown Attorney's or prosecutor's opinion, interfere with an investigation or proceeding, subsection (4) does not apply until the Crown Attorney or prosecutor advises otherwise.

64 (1) The French version of subsection 167 (2) of the Act is amended by striking out “anonymisé” and substituting “dépersonnalisé”.

(2) Subsection 167 (4) of the Act is amended by striking out “30” and substituting “60”.

65 Subsection 173 (2) of the Act is repealed and the following substituted:

Exception

(2) Subsection (1) does not apply if the Complaints Director believes that the SIU Director has already been notified about the issue.

Same

(2.1) A requirement to give notice under clause (1) (a), (b) or (c) does not apply if, in the Complaints Director's opinion, giving the notice may prejudice an investigation under this Part or under the *Special Investigations Unit Act, 2019*.

66 Section 188 of the Act is repealed and the following substituted:

Allegation of criminal conduct

188 (1) If the Inspector General receives a disclosure of misconduct under section 185 and does not refuse to deal with it under section 187, or if the Complaints Director provides the Inspector General with notice of potential criminal conduct, the Inspector General shall refer the matter to the chief of police of an unrelated police service if the Inspector General reasonably believes that,

- (a) the alleged events may constitute a criminal offence; and
- (b) the matter has not already been investigated by an unrelated police service or the Special Investigations Unit.

Chief of police shall investigate

(2) A chief of police who receives a referral under subsection (1) shall investigate the matter.

67 (1) Subsection 201 (6) of the Act is repealed and the following substituted:

Hearing

(6) The police officer who is the subject of the disciplinary measure or measures may apply to the Commission Chair to appoint an adjudicator to hold a hearing regarding the disciplinary measure or measures.

Application timing

(6.1) An application under subsection (6) must be made within the prescribed period, if such a period has been prescribed.

Appointment of adjudicator

(6.2) The Chair shall appoint an adjudicator within 30 days after receiving an application under subsection (6), except in exceptional circumstances.

(2) Subsection 201 (10) of the Act is amended by striking out “the adjudicator may impose” and substituting “the adjudicator may make an order to impose”.

68 Subsection 216 (5) of the Act is repealed and the following substituted:

Ontario Civilian Police Commission

(5) The Ontario Civilian Police Commission is continued until the day on which it is dissolved, as provided for in the regulations.

Same

(5.1) Until it is dissolved, the Ontario Civilian Police Commission shall,

- (a) complete any hearings or appeals under section 25 or Part V of the *Police Services Act* that were initiated before the day the *Police Services Act* was repealed and that were not finally determined as of that day; and
- (b) carry out any other duties of the Commission under the *Police Services Act* as may be prescribed, as if the *Police Services Act* were still in force, subject to such modifications as may be prescribed.

69 Subsection 219 (4) of the Act is amended by striking out “the police association and the police service” and substituting “and the police association”.

70 Subsection 220 (2) of the Act is amended by striking out “shall not become or remain a member of a police association” and substituting “shall not become or remain a member of or be represented by a police association”.

71 Subsection 227 (8) of the Act is repealed and the following substituted:

Time for decision

(8) The arbitration board shall give a decision before the earlier of the following:

- 1. The day that is 90 days after the day the chair is appointed or, if the arbitration board consists of one person, the day that is 90 days after the day the person is appointed.
- 2. The day that is 30 days after the completion of the arbitration hearing.

72 Subsections 228 (1) and (2) of the Act are repealed and the following substituted:

Dispute, appointment of conciliation officer

(1) The Commission Chair shall appoint a conciliation officer, at a party’s request, if,

- (a) an arbitrator is not seized of the matter; and
- (b) a difference arises between the parties concerning an agreement or an arbitrator’s decision or award made under this Part or it is alleged that an agreement or award has been violated.

73 Subsection 258 (2) of the Act is repealed and the following substituted:

Sale by police service maintained by a police service board

(2) The chief of police of a police service maintained by a police service board may cause the property to be sold, and the police service board may use the proceeds for any purpose that it considers in the public interest, including a charitable donation.

Sale by O.P.P.

(2.1) The Commissioner may cause the property to be sold, and any proceeds shall be deposited in the Consolidated Revenue Fund.

74 Subsections 259 (2) and (3) of the Act are repealed and the following substituted:

Money to be dealt with in accordance with procedures

(2) The money shall be dealt with in accordance with any procedures prescribed by the Minister.

Use of money by police service maintained by a police service board

(3) If three months have elapsed after the day the money came into the possession of a police service maintained by a police service board and the owner has not claimed it, the police service board may use it for any purpose that it considers in the public interest.

Use of money by O.P.P.

(3.1) If three months have elapsed after the day the money came into the possession of the Ontario Provincial Police and the owner has not claimed it, the Commissioner may deposit it into the Consolidated Revenue Fund.

75 (1) Paragraphs 20 to 25 of subsection 261 (1) of the Act are repealed.

(2) Paragraph 30 of subsection 261 (1) of the Act is repealed and the following substituted:

30. prescribing certificates or other documents that are equivalent to a degree or diploma described in subclauses 83 (1) (f) (iv) and 92 (1) (g) (iv), including by prescribing characteristics of a document or certificate-granting program that make the certificate or other document equivalent to such a degree or diploma;

(3) Paragraph 53 of subsection 261 (1) of the Act is repealed.

(4) Paragraph 58 of subsection 261 (1) of the Act is repealed and the following substituted:

58. governing the conduct of adjudication hearings under this Act, including,
- i. prescribing regular procedures or rules and expedited procedures or rules for the conduct of adjudication hearings,
 - ii. authorizing adjudicators to issue orders they consider necessary to prevent the public disclosure of matters disclosed at an adjudication hearing, including orders banning the publication or broadcasting of those matters,
 - iii. prescribing timelines for the conduct of adjudication hearings, and
 - iv. establishing sentencing guidelines containing considerations that adjudicators must consider when determining whether to impose a disciplinary measure;

(5) Paragraph 64 of subsection 261 (1) of the Act is repealed.

(6) Subsection 261 (1) of the Act is amended by adding the following paragraph:

- 69.1 clarifying or defining “emergency” or prescribing criteria that must be satisfied for an emergency to exist for the purposes of this Act;

(7) Paragraph 2 of subsection 261 (2) of the Act is amended by striking out “First Nation O.P.P. boards and the Advisory Council” and substituting “and First Nation O.P.P. boards”.

(8) Paragraph 4 of subsection 261 (2) of the Act is amended by striking out “unit” and substituting “division”.

(9) Paragraph 11 of subsection 261 (2) of the Act is amended by striking out “or of the Advisory Council” at the end.

(10) Paragraph 15 of subsection 261 (2) of the Act is amended by striking out “sections 43, 44, 74 and 75” at the end and substituting “section 43 or 44”.

(11) Paragraph 16 of subsection 261 (2) of the Act is amended by striking out “by a chief of police”.

(12) Subsection 261 (2) of the Act is amended by adding the following paragraphs:

- 16.1 governing the composition of O.P.P. detachment boards, including the number of members of a board, eligibility for appointment to the board and the mechanism for appointing members of the board;
- 16.2 governing the term of office, remuneration and expenses of members of O.P.P. detachment boards;
- 16.3 establishing and governing exemptions from the requirement in subsection 67 (1) to have one O.P.P. detachment board per detachment and clarifying or modifying the application of any provision of this Act with respect to the exemption;
- 16.4 governing the participation of O.P.P. detachment boards and First Nation O.P.P. boards in the selection of the detachment commander;
- 16.5 governing the estimates prepared by an O.P.P. detachment board under section 71, including establishing the rules for calculating a municipality’s share of the costs, which may require municipalities to pay more for the services they have received or less for the services they have received based on their financial capacity;

(13) Subparagraph 18 i of subsection 261 (2) of the Act is amended by adding “which may include prescribing training approved by the Minister” at the end.

(14) The French version of paragraph 30 of subsection 261 (2) of the Act is amended by striking out “d’anonymisation” and substituting “de dépersonnalisation”.

(15) Subsection 261 (7) of the Act is amended by striking out “paragraph 70” in the portion before clause (a) and substituting “paragraph 71”.

76 The French version of the Act is amended by striking out “groupes racialisés” wherever it occurs and substituting in each case “groupes racisés”.

Missing Persons Act, 2018

77 Subsection 1 (1) of the *Missing Persons Act, 2018* is amended by adding the following definitions:

“chief of police” means,

- (a) a chief of police as defined in subsection 2 (1) of the *Community Safety and Policing Act, 2019*, or
- (b) a First Nation Officer who is in charge of a group of First Nation Officers described in clause (b) of the definition of “police service”; (“chef de police”)

“First Nation Officer” means a First Nation Officer as defined in subsection 2 (1) of the *Community Safety and Policing Act, 2019*; (“agent de Première Nation”)

“member of a police service” means,

- (a) a member of a police service as defined in subsection 2 (1) of the *Community Safety and Policing Act, 2019*, or
- (b) a First Nation Officer in a group described in clause (b) of the definition of “police service”; (“membre d’un service de police”)

“officer” means,

- (a) a police officer as defined in subsection 2 (1) of the *Community Safety and Policing Act, 2019*, or
- (b) a First Nation Officer; (“agent”)

“police service” means,

- (a) a police service as defined in subsection 2 (1) of the *Community Safety and Policing Act, 2019*, or
- (b) a group of First Nation Officers who are employed by an entity that has an agreement with the Minister; (“service de police”)

Pay Transparency Act, 2018

78 (1) Subsection 8 (7) of the *Pay Transparency Act, 2018* is repealed and the following substituted:

Exception

(7) Despite subsection (2), a police officer under the *Community Safety and Policing Act, 2019* shall have their complaint in relation to an alleged contravention of subsection (1) dealt with under section 191 of that Act, with necessary modifications.

(2) Section 21 of the Act is repealed.

(3) Subsection 22 (2) of the Act is repealed.

Workplace Safety and Insurance Act, 1997

79 (1) Paragraph 17 of subsection 14 (2) of the *Workplace Safety and Insurance Act, 1997* is amended by striking out “*Police Services Act*” at the end and substituting “*Community Safety and Policing Act, 2019*”.

(2) Paragraph 18 of subsection 14 (2) of the Act is amended by,

- (a) striking out “police force” wherever it appears and substituting in each case “police service”; and
- (b) striking out “as defined in the *Police Services Act*” and substituting “as defined in subsection 2 (1) of the *Community Safety and Policing Act, 2019*”.

Comprehensive Ontario Police Services Act, 2019

80 Subsection 264 (1) of Schedule 1 (*Community Safety and Policing Act, 2019*) to the *Comprehensive Ontario Police Services Act, 2019* is repealed.

Plan for Care and Opportunity Act (Budget Measures), 2018

81 Subsections 1 (4) and (5) of Schedule 37 to the *Plan for Care and Opportunity Act (Budget Measures), 2018* are repealed.

Safer Ontario Act, 2018

82 Subsection 12 (2) of Schedule 7 (*Missing Persons Act, 2018*) to the *Safer Ontario Act, 2018* is repealed.

Commencement

83 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Strengthening Safety and Modernizing Justice Act, 2023* receives Royal Assent.

(2) Subsections 1 (2) to (4), sections 2 and 3, sections 5 to 20, subsection 21 (2), sections 24 to 30, sections 32 to 44, subsections 45 (1) and (2), sections 47 to 55, subsections 56 (2) to (6), section 57, subsections 58 (2) to (5), sections 59 to 74, subsections 75 (2) and (5) to (15) and sections 76 and 77 come into force on a day to be named by proclamation of the Lieutenant Governor.

(3) Subsection 78 (1) comes into force on the latest of the following days:

1. The day section 191 of Schedule 1 to the *Comprehensive Ontario Police Services Act, 2019* comes into force.
2. The day subsection 8 (7) of the *Pay Transparency Act, 2018* comes into force.
3. The day the *Strengthening Safety and Modernizing Justice Act, 2023* receives Royal Assent.

**SCHEDULE 2
CORONERS ACT**

1 (1) Clause 56 (1) (g) of the *Coroners Act* is repealed and the following substituted:

- (g) governing the collection, retention, storage and disposal of tissue samples, implanted devices and body fluids obtained from a body that is the subject of a *post mortem* examination or other examinations or analyses under section 28.

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

Tissue samples, body fluids

- (1.1) Without limiting the generality of clause (1) (g), a regulation made under that clause may be in respect of tissue samples or body fluids that are collected, retained or stored for the purpose of enabling genetic analysis.

Commencement

2 This Schedule comes into force on the day the *Strengthening Safety and Modernizing Justice Act, 2023* receives Royal Assent.

**SCHEDULE 3
COURTS OF JUSTICE ACT**

1 Section 23 of the *Courts of Justice Act* is amended by adding the following subsections:

Commencement of actions in Small Claims Court

(1.1) An action that is within the Small Claims Court's jurisdiction shall not, despite subsection 11 (2), be commenced in the Superior Court of Justice except with leave of the Superior Court of Justice as provided in the rules of court.

Same

(1.2) Subsection (1.1) does not apply with respect to a counterclaim, crossclaim or third or subsequent party claim, where the main action was commenced in the Superior Court of Justice.

2 Subsection 42 (2) of the Act is repealed and the following substituted:

Qualification

(2) No person shall be appointed as a provincial judge unless the person satisfies the following criteria:

1. The person has,
 - i. been a member of the bar of one of the provinces or territories of Canada for at least 10 years, or
 - ii. for an aggregate of at least 10 years, been a member of a bar mentioned in subparagraph i and, after becoming a member of such a bar, exercised powers and performed duties of a judicial nature on a full-time basis in respect of a position held under a law of Canada or of one of its provinces or territories.
2. The person undertakes to participate in such courses as may be designated for newly appointed judges by the Chief Justice of the Ontario Court of Justice under subsection 51.10.1 (3).

3 The Act is amended by adding the following section:

Establishment of courses

51.10.1 (1) The Chief Justice of the Ontario Court of Justice may establish courses for newly appointed judges and for the continuing education of judges, which may include courses respecting,

- (a) sexual assault law;
- (b) intimate partner violence;
- (c) coercive control in intimate partner and family relationships; and
- (d) social context, which includes systemic racism and systemic discrimination.

Courses re sexual assault and intimate partner violence, consultation

(2) The Chief Justice may, in establishing courses respecting matters mentioned in clauses (1) (a) to (d), consult with such persons, groups and organizations as the Chief Justice considers appropriate, which may include survivors of sexual assault, survivors of intimate partner violence and persons, groups and organizations that support these survivors, including Indigenous leaders and representatives of Indigenous communities.

Designated courses

(3) The Chief Justice may designate courses, including courses established under subsection (1), for newly appointed judges.

Report

(4) No later than February 28 in each year, the Chief Justice shall submit to the Attorney General a report setting out the following information:

1. The title, duration and dates of each course established by the Chief Justice respecting matters mentioned in clauses (1) (a) to (d) that was offered to judges during the previous calendar year.
2. A description of the topics covered in each course.
3. The number of judges who attended each course.

Tabling of report

(5) The Attorney General shall cause a copy of a report submitted under subsection (4) to be tabled in the Legislative Assembly on any of the first 10 days on which that House is sitting after the Attorney General receives the report.

Commencement

4 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Strengthening Safety and Modernizing Justice Act, 2023* receives Royal Assent.

(2) Section 1 comes into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 4
FIRE PROTECTION AND PREVENTION ACT, 1997

1 Section 8 of the *Fire Protection and Prevention Act, 1997* is repealed and the following substituted:

Fire Marshal, Deputy Fire Marshals

8 (1) The Lieutenant Governor in Council shall appoint a Fire Marshal and one or more Deputy Fire Marshals.

Deputy Fire Marshals

(2) A Deputy Fire Marshal shall act in the place of the Fire Marshal if the Fire Marshal is absent or unable to act and, when so acting, may exercise all the powers and shall perform all the duties of the Fire Marshal.

2 Section 26 of the Act is amended by adding the following subsection:

Same

(4.1) Despite subsection (4), an application for an extension of time may be made at any time following the 30 days referred to in subsection (4) if the Fire Safety Commission is satisfied that there are reasonable grounds for accepting the application at that time.

3 Clause 36 (3) (b) of the Act is amended by striking out “or” at the end of subclause (i) and by adding the following subclause:

(i.1) that was done to cause land or premises to be closed immediately under clause 21 (2) (b), or

4 Paragraph 2 of subsection 38 (1) of the Act is amended by striking out “or” at the end of subparagraph i and by adding the following subparagraph:

i.1 expenses incurred in doing anything to cause land or premises to be closed immediately under clause 21 (2) (b), or

5 Paragraph 2 of subsection 39 (1) of the Act is amended by striking out “or” at the end of subparagraph i and by adding the following subparagraph:

i.1 expenses incurred in doing anything to cause land or premises to be closed immediately under clause 21 (2) (b), or

6 Subsection 58 (4) of the Act is repealed and the following substituted:

Composition of panels for hearings

(4) A proceeding before the Commission shall be heard and determined by a panel consisting of one or more members of the Commission, as assigned by the chair or vice-chair of the Commission.

7 (1) Subsection 62 (2) of the Act is amended by striking out “or if he or she is absent or unable to act, the Deputy Fire Marshal”.

(2) Subsection 62 (4) of the Act is amended by striking out “or if he or she is absent or unable to act, the Deputy Fire Marshal”.

(3) Subsection 62 (6) of the Act is repealed and the following substituted:

Same

(6) If the Fire Marshal is absent from a meeting of the board, or is unable to act and no Deputy Fire Marshal is able to take the place of the Fire Marshal at the meeting, a vice-chair shall act as and have all the powers of the chair.

8 Subsection 74 (1) of the Act is amended by striking out “the Deputy Fire Marshal” and substituting “a Deputy Fire Marshal”.

9 (1) Subsection 75 (1) of the Act is amended by striking out “the Deputy Fire Marshal” and substituting “a Deputy Fire Marshal”.

(2) Clause 75 (2) (b) of the Act is amended by striking out “the Deputy Fire Marshal” and substituting “a Deputy Fire Marshal”.

Commencement

10 This Schedule comes into force on the day the *Strengthening Safety and Modernizing Justice Act, 2023* receives Royal Assent.

**SCHEDULE 5
JUSTICES OF THE PEACE ACT**

1 Section 2 of the *Justices of the Peace Act* is amended by adding the following subsection:

Same

(1.4) No person shall be appointed as a justice of the peace under subsection (1) unless the person undertakes to participate in such courses as may be designated for newly appointed justices of the peace by the Associate Chief Justice Co-ordinator of Justices of the Peace under subsection 14 (6).

2 Section 14 of the Act is amended by adding the following subsections:

Establishment of courses

(4) The Associate Chief Justice Co-ordinator of Justices of the Peace may establish courses for newly appointed justices of the peace and for the continuing education of justices of the peace, which may include courses respecting,

- (a) sexual assault law;
- (b) intimate partner violence;
- (c) coercive control in intimate partner and family relationships; and
- (d) social context, which includes systemic racism and systemic discrimination.

Courses re sexual assault and intimate partner violence, consultation

(5) The Associate Chief Justice Co-ordinator of Justices of the Peace may, in establishing courses respecting matters mentioned in clauses (4) (a) to (d), consult with such persons, groups and organizations as the Associate Chief Justice Co-ordinator of Justices of the Peace considers appropriate, which may include survivors of sexual assault, survivors of intimate partner violence and persons, groups and organizations that support these survivors, including Indigenous leaders and representatives of Indigenous communities.

Designated courses

(6) The Associate Chief Justice Co-ordinator of Justices of the Peace may designate courses, including courses established under subsection (4), for newly appointed justices of the peace.

Report

(7) No later than February 28 in each year, the Associate Chief Justice Co-ordinator of Justices of the Peace shall submit to the Attorney General a report setting out the following information:

- 1. The title, duration and dates of each course established by the Associate Chief Justice Co-ordinator of Justices of the Peace respecting matters mentioned in clauses (4) (a) to (d) that was offered to justices of the peace during the previous calendar year.
- 2. A description of the topics covered in each course.
- 3. The number of justices of the peace who attended each course.

Tabling of report

(8) The Attorney General shall cause a copy of a report submitted under subsection (7) to be tabled in the Legislative Assembly on any of the first 10 days on which that House is sitting after the Attorney General receives the report.

Commencement

3 This Schedule comes into force on the day the *Strengthening Safety and Modernizing Justice Act, 2023* receives Royal Assent.

SCHEDULE 6
PROVINCIAL ANIMAL WELFARE SERVICES ACT, 2019

1 Section 27 of the *Provincial Animal Welfare Services Act, 2019* is amended by adding the following subsection:

Power to exclude persons

(7) An animal welfare inspector who exercises the power set out in subsection (1) may exclude any person from questioning, except counsel for the individual being questioned.

2 (1) Subsections 28 (1) and (2) of the Act are repealed and the following substituted:

Entry where animal is in distress

(1) An animal welfare inspector who believes on reasonable grounds that an animal in distress is to be found in a place may enter and search that place with the consent of the occupier for the purposes of determining whether to exercise powers under sections 30 to 33.

Warrant

(2) On application without notice, a justice may issue a warrant authorizing an animal welfare inspector to enter and search a place for the purposes mentioned in subsection (1) if the justice is satisfied by information under oath or affirmation that there are reasonable grounds to believe that an animal in distress is to be found there.

(2) Subsection 28 (4) of the Act is amended by striking out “for the purpose of entering and inspecting an accredited veterinary facility” and substituting “in relation to an accredited veterinary facility”.

3 Subsection 29 (1) of the Act is amended by striking out “search for an animal” and substituting “search for an animal for the purposes of determining whether to exercise powers under sections 30 to 33”.

4 (1) Subsection 30 (2) of the Act is amended by striking out “(1), (3)” and substituting “(1), (2), (3)”.

(2) Subsection 30 (4) of the Act is repealed and the following substituted:

Required compliance with order

(4) Every person who is served with an order under this section shall comply with it in accordance with its terms until such time as it may be revoked by an animal welfare inspector or the Board.

Same

(4.1) If an order under this section is modified or confirmed by the Board, subsection (4) applies in respect of the order as modified or confirmed.

(3) Section 30 of the Act is amended by adding the following subsections:

Change of ownership

(6) If an animal that is the subject of an order under this section is transferred to a different owner, the former owner of the animal shall collect prescribed contact information from the new owner and immediately provide written notice to an animal welfare inspector of the transfer and the prescribed contact information.

Change of ongoing custody

(7) If custody of an animal that is the subject of an order under this section is transferred from a person who has ongoing custody of the animal to a different person to have ongoing custody of the animal, the former custodian shall collect prescribed contact information from the new custodian and immediately provide written notice to an animal welfare inspector of the transfer and the prescribed contact information.

5 (1) Subsection 31 (1) of the Act is amended by striking out “for the purpose of providing it with necessaries to relieve its distress” in the portion before clause (a) and substituting “for the purpose of relieving its distress”.

(2) The English version of clause 31 (1) (a) of the Act is amended by striking out “alleviating” and substituting “relieving”.

(3) Clause 31 (1) (b) of the Act is repealed and the following substituted:

(b) the inspector has inspected the animal and has reasonable grounds for believing that,

- (i) the animal is in distress and the owner or custodian of the animal is not present and cannot be found promptly, or
- (ii) the animal is in critical distress; or

(4) Subsection 31 (5) of the Act is amended by striking out “immediately” and substituting “promptly”.

(5) Subsection 31 (7) of the Act is amended by striking out “immediately” and substituting “promptly”.

(6) Subsection 31 (8) of the Act is amended by striking out “(1), (4)” and substituting “(1), (2), (4)”.

6 Subsection 32 (2) of the Act is amended by striking out “immediately” and substituting “promptly”.

7 Section 33 of the Act is repealed and the following substituted:

Take steps to relieve distress

33 An animal welfare inspector who is lawfully in any place and who finds an animal in distress may, in addition to any other action the inspector is authorized to take under this Act, take any reasonable steps to relieve the animal’s distress, which may include providing the animal with necessaries to relieve its distress.

8 (1) Subsections 35 (1) and (2) of the Act are repealed and the following substituted:

Liability of owner or custodian for costs

(1) The Chief Animal Welfare Inspector may, from time to time, serve on the owner or custodian of an animal a statement of account respecting any costs incurred in relation to the animal if the costs were incurred in relation to any of the following circumstances:

1. An animal welfare inspector has taken steps to relieve the animal’s distress, including by providing it with necessaries to relieve its distress under section 33.
2. An animal welfare inspector has removed the animal from the place where it was under subsection 31 (1) or (2).
3. The Chief Animal Welfare Inspector has kept the animal in the Chief Animal Welfare Inspector’s care under subsection 31 (6) or taken the animal into the Chief Animal Welfare Inspector’s care under subsection 44 (8).

Costs

(2) For the purposes of subsection (1), the costs may include but are not limited to the following:

1. Costs incurred to relieve the animal’s distress.
2. Costs incurred in removing the animal or taking it into care.
3. Costs of providing care for an animal that has been removed.
4. Costs of providing care for an animal that the Chief Animal Welfare Inspector has kept or taken into care.
5. Costs of taking any prescribed action in relation to the animal.

Statement of account

(2.1) The statement of account must have printed or written on it the content of subsections 38 (1), (2) and (5).

(2) Subsection 35 (4) of the Act is amended by striking out “subsection 38 (2)” wherever it appears and substituting in each case “section 38”.

(3) Clause 35 (4) (a) of the Act is amended by striking out “after receiving the statement of account” and substituting “after being served the statement of account”.

(4) Section 35 of the Act is amended by adding the following subsections:

Debt due to the Crown

(6) Subject to subsection (8), if, after the prescribed period of time referred to in clause (4) (a) or the extended period of time referred to in subsection (5), any part of the statement of account is unpaid, the unpaid amount is a debt due to the Crown and the Crown may recover the debt by action or by any other remedy or procedure available by law to the Crown for the collection of debts owed to the Crown.

Same

(7) Subsection (6) applies regardless of whether the animal has been forfeited.

Debt disputed

(8) A statement of account may not be enforced under subsection (6) while the obligation to pay the statement of account is being appealed under section 38.

9 Section 36 of the Act is amended by striking out “takes an animal into” and substituting “keeps an animal in or takes an animal into”.

10 (1) Subsections 38 (1) and (2) of the Act are repealed and the following substituted:

Appeal to Board

(1) An owner or custodian of an animal may appeal any of the following to the Board:

1. An order from an animal welfare inspector.
2. A decision by an animal welfare inspector to remove an animal from a place.

3. A decision to keep an animal in or take an animal into the Chief Animal Welfare Inspector's care.
4. A statement of account.

Prescribed time to appeal

(2) An appeal under subsection (1) shall be made by notice in writing and must be made within the prescribed period after being served the order, notice of decision or statement of account, as the case may be.

(2) Subsection 38 (4) of the Act is repealed and the following substituted:

Application for return of animal

(4) An owner or custodian of an animal that has been kept in or taken into the Chief Animal Welfare Inspector's care may apply to the Board by notice in writing to have the animal returned if the conditions that caused the animal to be kept in or taken into the Chief Animal Welfare Inspector's care have ceased to exist.

(3) The English version of subsection 38 (5) of the Act is amended by striking out "reasons" and substituting "grounds".

(4) Subsection 38 (6) of the Act is amended by striking out the portion before clause (a) and clause (a) and substituting the following:

Board to notify re proceedings

- (6) Within five business days after receiving a notice under subsection (1), (3) or (4) in respect of a matter, the Board shall,
- (a) fix a time, date and place at which the Board will commence the proceedings regarding the matter, which proceedings may commence by conducting a pre-hearing conference; and

(5) Subsection 38 (7) of the Act is repealed and the following substituted:

Date to commence proceedings

(7) The matter shall be dealt with on an expedited basis and the date fixed for commencing the proceedings shall be not more than 10 business days after the receipt of the notice in respect of the matter under subsection (1), (3) or (4).

(6) Paragraph 3 of subsection 38 (9) of the Act is repealed and the following substituted:

3. By order, revoke a statement of account.
- 3.1 Confirm or vary a statement of account and order that the costs be paid, as confirmed or varied, to the Minister of Finance.

(7) Paragraph 5 of subsection 38 (9) of the Act is repealed and the following substituted:

5. Order that the whole or any part of any costs described in subsection 35 (1) in relation to an animal, including but not limited to the costs set out in subsection 35 (2), be paid by the owner or custodian of the animal to the Minister of Finance.

(8) Section 38 of the Act is amended by adding the following subsections:

Regulations

(10.1) The Lieutenant Governor in Council may make regulations governing orders made by the Board under paragraph 3, 3.1, 4 or 5 of subsection (9), which may include prescribing factors that the Board shall or shall not consider when making such an order.

Application of *Statutory Powers Procedure Act*

(10.2) For greater certainty, an order made under paragraph 3.1, 4 or 5 of subsection (9) is an order for the payment of money for the purpose of subsection 19 (3) of the *Statutory Powers Procedure Act*.

(9) Subsection 38 (11) of the Act is amended by striking out "(1), (2), (3)" and substituting "(1), (3)".

11 (1) Clause 49 (1) (a) of the Act is amended by striking out "or" at the end of subclause (ix) and by striking out subclause (x) and substituting the following:

- (x) subsection 30 (6) (Change of ownership),
- (xi) subsection 30 (7) (Change of ongoing custody), or
- (xii) subsection 34 (7) (No obstruction);

(2) Clause 49 (1) (c) of the Act is repealed and the following substituted:

- (c) knowingly provides false or misleading information to the Chief Animal Welfare Inspector or to another animal welfare inspector.

(3) Subsection 49 (10) of the Act is amended by striking out "the cost of providing food, care or treatment to an animal" and substituting "the costs incurred in relation to an animal".

12 Section 53 of the Act is repealed and the following substituted:

Crown debt

53 An administrative penalty imposed under section 51 that is not paid within the time required under that section is a debt due to the Crown and the Crown may recover the debt by action or by any other remedy or procedure available by law to the Crown for the collection of debts owed to the Crown.

13 Section 65 of the Act is amended by adding the following paragraphs:

5. Contravening subsection 30 (6) (Change of ownership).
6. Contravening subsection 30 (7) (Change of ongoing custody).

14 Section 68 of the Act is amended by adding the following subsection:

When service effective

(2) The regulations may prescribe when service, other than personal service, of any order, notice or statement of account is effective for the purposes of this Act.

15 Clause 69 (2) (n) of the Act is amended by striking out “supply necessities in section 33 (Supply necessities to animals)” and substituting “take any reasonable steps in section 33 (Take steps to relieve distress)”.

Commencement

16 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Strengthening Safety and Modernizing Justice Act, 2023* receives Royal Assent.

(2) Subsections 4 (1) and (3), 5 (1), (3) and (6), section 7, subsections 8 (1) and (2), 10 (1) and (4) to (9) and 11 (1) and (3) and sections 13 and 15 come into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 7
PROVINCIAL OFFENCES ACT**

1 Subsection 141 (2) of the *Provincial Offences Act* is amended by striking out “such person” and substituting “the clerk of the court”.

Commencement

2 This Schedule comes into force on the day the *Strengthening Safety and Modernizing Justice Act, 2023* receives Royal Assent.