

**LEGISLATIVE ASSEMBLY OF THE
NORTHWEST TERRITORIES
9TH ASSEMBLY, 8TH SESSION**

TABLED DOCUMENT NO. 31-82(2)

TABLED ON MAY 21, 1982

CONFIDENTIAL: Not
for release before
1st reading during
the 9th Session of
the 9th Council.

Tabled Document No. 31-82(2)
Tabled May 21-82

COUNCIL OF THE NORTHWEST TERRITORIES
1982 SESSION

BILL ..- 82()

AN ORDINANCE RESPECTING THE LICENSING OF
SECURITY AGENCIES, ARMoured CAR SERVICES,
PRIVATE INVESTIGATORS AND RELATED MATTERS

Statement of Purpose

The purpose of this Ordinance is to provide for the licensing of security agencies, armoured car services, private investigators and related matters.

DISPOSITION

Date of Notice	1st Reading	2nd Reading	To Committee	Chairman	Reported	3rd Reading	Date of Assent

BILL - 82()

AN ORDINANCE RESPECTING THE LICENSING OF
SECURITY AGENCIES, ARMoured CAR SERVICES,
PRIVATE INVESTIGATORS AND RELATED MATTERS

The Commissioner of the Northwest Territories,
by and with the advice and consent of the Council
of the said Territories, enacts as follows:

- Short title 1. This Ordinance may be cited as the Private
Investigators and Security Guards Ordinance.
- Definitions
- "administrator" 2. (1) In this Ordinance,
(a) "administrator" means the employee in the
Department of Justice and Public Services
designated by the Executive Member as the
administrator of this Ordinance;
- "prescribed" (b) "prescribed" means prescribed by regulation
pursuant to this Ordinance;
- "private
investigator" (c) "private investigator" means a person who:
(i) obtains or furnishes information as to
the personal character or actions of a
person or as to the character or kind of
business of, or the occupation of a
person, or
(ii) searches for missing persons;
- "security
business" (d) "security business" means the business
carried on by
(i) an alarm service,
(ii) an armoured car service,
(iii) a locksmith,
(iv) a private investigator,
(v) a security consultant, or
(vi) a security patrol;
- "security
guard" (e) "security guard" means a person who acts
as a guard or watchman.
- Exemptions (2) This Ordinance does not apply to
(a) members of the Royal Canadian Mounted Police
or of any municipal police force while acting
within their authority,
(b) barristers and solicitors in the regular
practice of their profession,
(c) members of the Canadian Corps of Commission-
naires while acting within the scope
of their authority,

- (d) insurance adjustment agencies, insurance companies or the Fire Underwriters' Investigation Bureau of Canada incorporated while engaged in the usual course of their business or their employees or agents while acting in the usual and regular scope of their employment,
- (e) a person who is engaged only in the business of obtaining or furnishing information as to the financial rating or standing of persons, or
- (f) private investigators and security guards who are permanently employed by one employer in a business undertaking other than the business of providing private investigators or security guards and whose work is confined to the affairs of that employer.

Requirement
for licence

3.(1) No person shall engage in the business of a private investigator for hire or reward without a private investigation agency licence issued under this Ordinance.

(2) No person shall act as a private investigator for a person who is engaged in the business of a private investigator without a private investigator's licence issued under this Ordinance.

(3) When a person

(a) resides outside of the Northwest Territories, and is bona fide employed there, by or on behalf of an employer or client who resides outside of the Northwest Territories to make an investigation or inquiry partly outside of the Territories and partly within the Territories,

(b) temporarily comes into the Territories solely for the purpose of that investigation or inquiry,

nothing in this section requires that person or his employer to be the holder of a licence under this Ordinance so long as the work of that person within the Territories is confined to the making of the investigation or inquiry for which he was so employed outside of the Territories.

Requirement
for licence

4.(1) No person shall engage in the business of providing security guard service for hire or reward without a security guard agency licence issued under this Ordinance.

(2) No person shall act as a security guard for a person who is in the business of providing security guard service without a security guard's licence issued under this Ordinance.

(3) For the purposes of this Ordinance a person is providing security guard service when he acts as a security guard for more than one person or furnishes security guards for one or more persons.

Application
for licence

5.(1) An application for a licence shall be made, in the prescribed form, to the Administrator and shall be accompanied by

- (a) the prescribed licence fee,
- (b) the security required under section 6, and
- (c) any information required by the regulations.

(2) An application for a private investigation agency licence or a security guard agency licence shall be accompanied by an affidavit

- (a) of the applicant,
 - (b) if the applicant is a partnership, of each of the partners, or
 - (c) if the applicant is a corporation, of each of the directors,
- showing what, if any, convictions there are against the applicant.

(3) An application for a private investigator's licence or a security guard's licence shall be accompanied by

- (a) an affidavit of the applicant showing what, if any, convictions there are against him, and
- (b) a letter signed by a private investigation agency or a security guard agency stating that the applicant is or will be employed by the agency as a private investigator or security guard, as the case may be.

Security for
licence

6. A licence shall not be issued to any person until there is deposited with the Administrator, security in the amount and form prescribed by the regulations, for faithful, honest and lawful performance by that person of the business or employment in respect of which the licence is to be held.

Issue of
licence

7.(1) The Administrator may make whatever inquiry and investigation he considers sufficient regarding

- (a) an applicant for a licence,
- (b) if the applicant is a partnership, each partner, or
- (c) if the applicant is a corporation, each director,

and may issue or refuse to issue the licence applied for when in his opinion that action is in the public interest.

(2) A private investigation agency licence or security guard agency licence shall not be issued to a person who has not been residing in or carrying on business in the Northwest Territories for 6 months immediately preceding the date of application for a licence unless the applicant

- (a) is a resident of the Northwest Territories at the date of application, and
- (b) is the holder of a subsisting licence in another province of a type similar to the one applied for.

Expiry of
licence

8. (1) Subject to this section, a licence issued pursuant to this Ordinance, expires on December 31 of the year for which it was issued, unless sooner cancelled.

(2) A temporary licence terminates in accordance with the regulations.

- (3) The licence of a private investigator
 - (a) terminates on his ceasing to be employed by a private investigation agency as a private investigator, and
 - (b) is suspended or cancelled, as the case may be, on the suspension or cancellation of the private investigation agency licence of his employer.
- (4) The licence of a security guard
 - (a) terminates on his ceasing to be employed by a security guard agency as a security guard, and
 - (b) is suspended or cancelled, as the case may be, on the suspension or cancellation of the security guard agency licence of his employer.

Suspension or
cancellation
of licence

9. The Administrator, in his discretion, may suspend or cancel a licence when the licensee, or one of the partners or directors of the licensee,
- (a) is convicted of an indictable offence or an offence punishable by imprisonment for 2 or more years,
 - (b) is convicted of a contravention of this Ordinance or the regulations,
 - (c) fails to pay a judgment against himself for damages sustained by reason of an act or omission of his or of an employee of his done or occurring in or in connection with the business or employment in respect of which the licence is held,
 - (d) has made an untrue statement
 - (i) in his application for a licence, or
 - (ii) in a return made or information produced to the Administrator,
 - (e) neglects or refuses to make a return or to produce to the Administrator any information required pursuant to this Ordinance or the regulations, or
 - (f) is not, in the opinion of the Administrator, a fit and proper person to hold a licence.

Appeal from
suspension or
cancellation
of licence

10.(1) When the Administrator refuses to issue or renew a licence, or has suspended or proposes to suspend or cancel an existing licence issued under this Ordinance, he shall inform the applicant or licensee of his decision in writing by registered mail stating the reasons therefor and informing the applicant or licensee that he may, within 15 days from receipt of the notification of the Administrator's decision, submit a request in writing to the Administrator requesting that the decision be reviewed and providing any further submissions or material relevant to the consideration.

(2) When requested to review a decision that may affect the granting of a licence or the right of a person to retain an existing licence, the Administrator shall consider the additional information provided and after reviewing the circumstances on which he based his original decision, within 30 days after receiving the request for a review, shall notify the applicant or licensee of his decision in writing by registered mail stating the reasons therefor and advising the applicant or licensee of his right of appeal to the Executive Member.

(3) Notification of a decision of the Administrator under subsection (1) or (2) may be sent to a person who is not a licensee by sending the notice by registered mail to the last known address of the person.

(4) When the Administrator has given his decision on the review, the person who requested the review may appeal from the decision to the Executive Member by serving a notice of appeal on the Administrator and on the Executive Member not later than 15 days after the time the appellant receives notification of the Administrator's decision and the notice of appeal shall set forth the grounds on which the appeal is based.

(5) The Executive Member may, before or after the expiration of the time for service of the notice of appeal, extend the time for service of the notice of appeal for a further period not exceeding 30 days from the date on which the time limit for service under subsection (4) expired or would expire.

(6) The Executive Member shall notify the appellant and the Administrator of the time and place for the hearing of the appeal and the appellant and the Administrator are entitled to appear and be represented by counsel.

(7) The Executive Member may decide the appeal from the record or evidence adduced before it.

(8) The Executive Member may confirm, reverse or vary the decision of the Administrator and may make any decision with respect to the subject matter of the appeal that the Administrator might have made in the first instance and the Administrator shall comply with the order of the Executive Member.

Display of
licence

11. (1) The holder of a private investigation agency or security guard agency licence shall display his licence in a conspicuous position in the principal office or place in the Northwest Territories where he is engaged in or carries on the business in respect of which the licence is held.

(2) Each person in charge of or employed in an office or place of business of a private investigation agency or security guard agency, other than in the principal office or place of business, shall on request of any person inform that person of the address or location of the office or place of business in the Northwest Territories in which the licence is displayed.

(3) The licences of private investigators or security guards shall be filed in the principal office of the private investigation agency or the security guard agency which employs them.

Records

12. The holder of a private investigation agency or security guard agency licence shall keep complete records

(a) of the names and addresses of all persons acting for or employed by the holder in the carrying on of the business in respect of which the licence is held, and

(b) of each investigation or other work undertaken,

and shall produce those records for inspection at any time on the request of the Administrator or of a person authorized in writing by the Administrator to inspect the records.

Annual returns

13.(1) In the month of January in each year, a person who held a private investigation agency licence or a security guard agency licence in the preceding year shall file a return with the Administrator.

(2) The return

(a) shall give the address of each office in which he carried on the business in respect of which the licence was issued in the immediately preceding calendar year,

(b) shall give the names and addresses of each of his agents and employees who have been acting for or employed by him during the immediately preceding calendar year, and

(c) if an employee or agent has commenced or terminated employment during the year, the date of the commencement or termination.

(3) The return shall contain any other information with respect to the agency prescribed by the regulations.

Enforcement
of security

14.(1) When a person in respect of whom security is deposited under section 6 is liable to another person for damages sustained by that other person by reason of an act or omission of the secured person, or his servant,

(a) during the course of the business or employment in respect of which the security was given, and

(b) during the period in respect of which the security was given,

the insurer on the security is, to the amount set out in the bond or policy, liable to indemnify the person who sustained the damage and that person may in an action for the damages join the insurer on the security, notwithstanding that he is not a party to the security.

(2) This section does not apply to any action commenced more than 2 years after the expiration or cancellation of the licence to which the security relates.

Information
confidential

15. Except as legally authorized or required, a person who holds or has held a licence under this Ordinance shall not divulge to anyone any information acquired by him in the course of the business or employment in respect of which the licence is or was held.

Prohibition

16. A person who holds a licence under this Ordinance shall not act, either with or without remuneration, as a collection agency or a collector of debts or accounts, nor shall he hold himself out or advertise himself as a collection agency or a collector of debts or accounts for any person.

Prohibitions

17. A person holding a licence under this Ordinance shall not

(a) hold himself out in any manner as performing or providing services or duties ordinarily performed or provided by police, or

(b) at any time, whether by agreement with a municipality or municipal police commission or otherwise, act as a member of the police force or perform the duties of a peace officer, including a special constable or by-law enforcement officer, unless

- (1) the duties or services are restricted to the enforcement of municipal by-laws pertaining to the parking of vehicles, and
- (11) he is acting as a security guard and possesses an appointment as a by-law enforcement officer.

Unlicensed employees

18.(1) No private investigation agency shall employ any person as a private investigator unless that person holds a private investigator licence.

(2) No security guard agency shall employ any person as a security guard unless that person holds a security guard licence.

Identification

19.(1) No person shall have in his possession or display any badge, shield, card or other object purporting to indicate that he is licensed under this Ordinance except a prescribed identification card issued to him under the regulations.

(2) Every licensee shall, while engaged in the business or employment in respect of which the licence is held, carry on his person the prescribed identification card issued to him under the regulations and shall produce it for the inspection of any person who requests to see it.

(3) No person other than the licensee to whom it has been issued shall have in his possession any prescribed identification card.

Use of title "private detective"

20. No person engaged in any business or employment shall use the expression "private detective" in connection with that business or employment or hold himself out in any manner as a private detective.

Prohibition

21.(1) No person shall
(a) advertise himself, or
(b) in any way hold himself out,
as acting as a private investigator or as engaged in the business of a private investigator unless he holds a private investigation agency licence.

- (2) No person shall
(a) advertise himself, or
(b) in any way hold himself out.

as acting as a security guard or as engaged in the business of providing security guard service unless he holds a security guard agency licence.

Offences and penalties

22.(1) A person who contravenes section 3 or 4 is guilty of an offence and liable, upon summary conviction, to a fine of not more than \$500 and in default of payment to imprisonment for a term not exceeding 12 months.

(2) A person who contravenes any provision of this Ordinance or the regulations for which a penalty is not otherwise provided is guilty of an offence and liable upon summary conviction to a fine of not more than \$200 and in default of payment to imprisonment for a term not exceeding 6 months.

(3) A person who is convicted of a second or subsequent offence under this Ordinance may, in addition to or in lieu of any other penalty, be sentenced to a term of imprisonment of not more than one year.

Proof of being licensed

23.(1) A certificate purporting to be signed by the Administrator and to the effect that the person named therein did or did not at any given time or during any given period hold a licence as

- (a) a private investigation agency,
(b) a private investigator,
(c) a security guard agency, or
(d) a security guard

shall be admitted in evidence as prima facie proof of the facts stated therein, without proof of the signature or appointment of the person signing the certificate.

(2) A statement in a letter, advertisement, card or other document or paper to the effect that a person is engaged in the business of a private investigator or is acting as a private investigator is admissible in evidence as prima facie proof that he is so engaged or acting, as the case may be.

Regulations

24. The Commissioner may make regulations
- (a) prescribing the fees payable for different classes of licences;
 - (b) prescribing the amount and form of security to be given under section 6 for different classes of licences;
 - (c) prescribing forms and providing for their use;
 - (d) providing for, and prescribing the term and other conditions of, temporary licences;
 - (e) requiring records to be kept and returns to be made to the Administrator;
 - (f) respecting advertising by persons licensed under this Ordinance;
 - (g) requiring and governing the surrender of licences that have been suspended or cancelled or that have terminated;
 - (h) prescribing and regulating the issue and use of identification cards by persons licensed under this Ordinance;
 - (i) governing the uniforms that may be worn and the equipment that may be used by security guards and prohibiting the wearing of uniforms by private investigators;
 - (j) respecting any matter he considers necessary or advisable to carry out effectively the intent and purpose of this Ordinance.
25. This Ordinance shall come into force on a day or days to be fixed by the Commissioner.

