

Caution:

This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the consultation draft are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.

CONSULTATION DRAFT

ONTARIO REGULATION

to be made under the

COMMUNITY SAFETY AND POLICING ACT, 2019

ONTARIO POLICE ARBITRATION AND ADJUDICATION COMMISSION

Composition

1. (1) The Ontario Police Arbitration and Adjudication Commission shall consist of,

- (a) the Commission Chair;
- (b) any Commission Vice Chairs; and
- (c) the members of the committees referred to in subsection 147 (5) of the Act.

(2) The Commission Chair and any Commission Vice Chairs shall be appointed by the Lieutenant Governor in Council.

(3) All other members of the Commission shall be appointed by the Minister.

Arbitration committee

2. (1) The committee referred to in clause 147 (5) (a) of the Act shall consist of the following members:

1. Three members appointed by the Minister on the recommendation of a police association or an organization representing police associations.
2. Three members appointed by the Minister on the recommendation of a police service board or an organization representing police service boards.
3. If at least one First Nation board has been constituted under section 32 of the Act,
 - i. one member appointed by the Minister on the recommendation of a police association representing the members of a police service maintained by a First Nation board or an organization representing such police associations, and
 - ii. one member appointed by the Minister on the recommendation of a First Nation board.
4. The Commission Chair.

(2) The Commission Chair shall act as the chair of the committee.

(3) The committee shall select members of, and maintain, one or more registers of arbitrators who are available for appointment to conduct an arbitration under Part XIII of the Act.

(4) The committee shall fix fees of arbitrators appointed by the Commission Chair under section 229 of the Act.

(5) The committee shall fix fees of conciliation officers appointed by the Commission Chair under the Act.

Adjudication committee

3. (1) The committee referred to in clause 147 (5) (b) of the Act shall consist of the following members:

1. Three members appointed by the Minister on the recommendation of a police association or an organization representing police associations.
2. Three members appointed by the Minister on the recommendation of a chief of police or an organization representing chiefs of police.
3. If at least one First Nation board has been constituted under section 32 of the Act,
 - i. one member appointed by the Minister on the recommendation of a police association representing the members of a police service maintained by a First Nation board or an organization representing such police associations, and
 - ii. one member appointed by the Minister on the recommendation of a chief of police of a police service maintained by a First Nation board or an organization representing such chiefs of police.
4. The Commission Chair.

(2) The Commission Chair shall act as the chair of the committee.

(3) The committee shall consider the following factors in selecting members of, and maintaining, a roster of adjudicators who are available for appointment to hold hearings under the Act:

1. A prospective member's legal education and experience.
2. A prospective member's understanding of policing in Ontario.
3. A prospective member's experience and training as an adjudicator in any field.

(4) To be selected as a member of the roster of adjudicators until 18 months after clause 147 (5) (b) of the Act comes into force, an individual must,

- (a) be a member of the Law Society of Ontario in good standing who is licensed to practise as a barrister and solicitor;
- (b) be a former judge of an Ontario court;
- (c) have conducted proceedings to which the *Statutory Powers Procedures Act* applies, such as hearings under the *Police Services Act*; or
- (d) have conducted arbitrations in Ontario.

(5) During the first 18 months after the day clause 147 (5) (b) of the Act comes into force, an individual selected as a member of the roster of adjudicators must complete the training approved by the Minister within three months of being selected to the roster or within three months of the training being approved by the Minister, whichever is later, in order to remain on the roster.

(6) To be selected as a member of the roster of adjudicators as of the day that is 18 months after the day clause 147 (5) (b) of the Act comes into force, an individual must meet the following criteria:

1. The individual must have completed, within the previous year, training approved by the Minister.
2. The individual must not be a member or former member of a police service.
3. The individual must,
 - i. be a member of the Law Society of Ontario in good standing who is licensed to practise as a barrister and solicitor,
 - ii. be a former judge of an Ontario court,

- iii. have conducted proceedings to which the *Statutory Powers Procedures Act* applies, such as hearings under the *Police Services Act*, or
- iv. have conducted arbitrations in Ontario.

(7) If an individual is qualified to be selected as a member of the roster of adjudicators under clause (4) (a) or subparagraph 3 i of subsection (6), and they do not meet any of the other qualifications to be selected as a member of the roster, they must remain a member of the Law Society of Ontario in good standing who is licensed to practise as a barrister and solicitor in order to remain a member of the roster.

(8) As of the day that is 18 months after the day clause 147 (5) (b) of the Act comes into force, an individual selected as a member of the roster of adjudicators must meet the following requirements to remain a member:

1. They must not be a member or former member of a police service.
2. They must have successfully completed, within the previous 36 months, the training approved by the Minister.

(9) The committee shall promptly remove from the roster any individual who is no longer eligible to remain a member of the roster.

(10) An individual who is no longer eligible to remain a member of the roster of individuals available to be appointed as adjudicators may complete any hearings that the individual has already been appointed to hear.

(11) The Chair shall not appoint an individual who is a member or former member of a police service to be an adjudicator at a hearing involving a member of the same service.

(12) If the Minister has not made a regulation under section 149 of the Act fixing the amount of fees for adjudicators appointed to hold hearings under the Act, the committee shall fix those fees.

(13) If the Minister has made a regulation under section 149 of the Act fixing the amount of fees referred to in subsection (12) of this section, but has fixed a minimum fee, maximum fee or

a permissible range of fees rather than the exact amount, the committee shall fix the exact amount in accordance with the Minister's minimum, maximum or permissible range.

Commencement

4. [Commencement]