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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 88

## **Private Security Act**

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### **Introduction**

**Introduced by  
Mr. Jacques Chagnon  
Minister of Public Security**

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## EXPLANATORY NOTES

*The purpose of this bill is to provide a framework for private security activities in the sectors of guarding, watching or protecting persons, property or premises, investigation, locksmith work, electronic security systems, security transport and security consulting. Under the bill, a person operating an enterprise that carries on such private security activities is required to hold an agency permit. A natural person carrying on one of these activities on behalf of an agency permit holder must hold an agent permit, as must that person's immediate superior. A natural person carrying on a private security activity as his or her main activity on behalf of a person who does not hold an agency permit must also hold an agent permit.*

*The bill furthermore creates a private security bureau called the "Bureau de la sécurité privée". The mission of the Bureau is to protect the public, in the sectors covered by the bill, by issuing and controlling permits and processing complaints against permit holders, among other means. The bill specifies the powers and duties of the Bureau, including the maintenance of a register of permit holders.*

*The bill defines the Bureau's rules of organization and operation. It provides for the administration of the Bureau by a board of directors made up of eleven members. Of the eleven, four are appointed by the Minister and seven are appointed by associations representative of the industry that are recognized by the Minister.*

*Moreover, the bill confers inspection and inquiry powers on the Minister of Public Security. In addition, it gives the Minister the power, in certain circumstances, to issue orders to the Bureau and designate a provisional administrator.*

*The bill grants various regulatory powers to the Bureau, including the power to determine standards of conduct for agent permit holders, and to the Government as well. Finally, it contains penal provisions, consequential amendments and transitional provisions.*

**LEGISLATION AMENDED BY THIS BILL:**

- Act respecting administrative justice (R.S.Q., chapter J-3);
- Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3);
- Police Act (R.S.Q., chapter P-13.1);
- Act respecting the protection of personal information in the private sector (R.S.Q., chapter P-39.1).

**LEGISLATION REPLACED BY THIS BILL:**

- Act respecting detective or security agencies (R.S.Q., chapter A-8).



# **Bill 88**

## **PRIVATE SECURITY ACT**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### **CHAPTER I**

#### **SCOPE AND INTERPRETATION**

**1.** This Act applies to the following private security activities:

(1) security, namely, guarding, watching or protecting persons, property or premises mainly to prevent crime and maintain order;

(2) investigation, namely, searching for persons, information or property, particularly searching for information on an offence or collecting information on the character or conduct of individuals;

(3) locksmith work, namely, installing, maintaining and repairing mechanical and electronic locking devices, installing, maintaining and repairing, and changing the combinations of, safes, vaults and safety deposit boxes, designing and managing master key systems, maintaining key code records, cutting keys otherwise than by duplicating existing keys, and unlocking a building door, piece of furniture or safe otherwise than by using a key or following the prescribed procedure;

(4) activities related to electronic security systems, namely, installing, maintaining and repairing, and ensuring the continuous remote monitoring of, burglar or intrusion alarm systems, video surveillance systems and access control systems, except vehicle security systems;

(5) security transport of valuables, especially by armed guards; and

(6) security consulting, namely, providing consulting services on protection against theft, intrusion or vandalism independently from the other activities referred to in this section and particularly by developing plans or specifications or presenting projects.

**2.** This Act does not apply to activities referred to in section 1 when carried on by the following persons:

(1) peace officers and persons holding certain powers of peace officers;

(2) inspectors and investigators appointed under an Act in order to ensure its enforcement and persons vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37);

(3) members in good standing of a professional order governed by the Professional Code (R.S.Q., chapter C-26) in the practise of their profession;

(4) holders of certificates or permits issued under the Act respecting the distribution of financial products and services (R.S.Q., chapter D-9.2) and the Act respecting insurance (R.S.Q., chapter A-32);

(5) police force employees who are not peace officers and persons called on by a police force for the purposes of an investigation;

(6) persons who search for information for media or scientific purposes;

(7) personal information agents within the meaning of the Act respecting the protection of personal information in the private sector (R.S.Q., chapter P-39.1) who do not otherwise carry on an activity referred to in section 1;

(8) persons who carry on those activities on a volunteer basis;

(9) persons authorized to carry on those activities outside Québec who come to Québec for the sole purpose of working on a case started outside Québec; and

(10) any other person or category of persons exempted by regulation.

**3.** No provision of this Act may be construed as granting the status of peace officer to the holder of an agent permit.

## **CHAPTER II**

### **PERMITS**

#### **DIVISION I**

##### **AGENCY PERMITS**

###### *§1. — General provisions*

**4.** Any person operating an enterprise that carries on a private security activity must hold an agency permit of the appropriate class.

**5.** Agency permits of one or more of the following classes are issued by the Bureau de la sécurité privée:

(1) security agency;

- (2) investigation agency;
- (3) locksmith agency;
- (4) electronic security systems agency;
- (5) security transport agency; and
- (6) security consulting agency.

When issuing an agency permit, the Bureau also issues a copy for each establishment operated by the applicant.

**6.** An application for an agency permit must be filed by a natural person engaged full-time in the activities of the enterprise who acts as the representative of the enterprise for the purposes of this Act. The form in which the application must be filed and the documents and fee that must be submitted with it are determined by regulation.

**7.** The representative must meet the following conditions:

- (1) have the training required by regulation;
- (2) be of good moral character;
- (3) never have been convicted, in any place, of a criminal offence related to the activity for which the agency permit application is filed, unless the representative has obtained a pardon; and
- (4) meet any other condition determined by regulation.

**8.** The owner of the enterprise, every partner or shareholder having a major interest in the enterprise and every director of the enterprise must be of good moral character and never have been convicted, in any place, of a criminal offence related to the activity for which the agency permit application is filed, unless the person has obtained a pardon.

A partner holding more than 10% of the shares or a shareholder directly or indirectly holding more than 10% of the voting shares is considered to have a major interest in the enterprise.

**9.** The enterprise for which the agency permit application is filed must meet the following conditions:

- (1) operate at least one establishment in Québec;
- (2) be solvent;

(3) be covered by liability insurance with the coverage and other features determined by regulation; and

(4) furnish security in the amount and form determined by regulation to guarantee the performance of its obligations.

**10.** The Bureau may refuse to issue an agency permit if, in the five years preceding the application, the owner of the enterprise, the representative, a partner or shareholder having a major interest in the enterprise within the meaning of section 8 or a director of the enterprise was denied an agent permit or held an agent permit that was subsequently suspended, cancelled or not renewed, or was denied an agency permit or held an agency permit that was subsequently suspended, cancelled or not renewed.

**11.** An agency permit is issued or renewed for three years if the conditions prescribed by this Act or a regulation under this Act are met, unless the Bureau fixes a shorter term because it considers the protection of the public so warrants.

#### *§2. — Obligations under permit*

**12.** The holder of an agency permit must pay the annual fee determined by regulation.

**13.** The holder of an agency permit must keep the permit or a copy of it on display in a conspicuous place in each establishment operated by the permit holder.

**14.** The holder of an agency permit must inform the Bureau without delay of any change likely to affect the validity of the permit.

**15.** The holder of an agency permit planning to cease operations must notify the Bureau in writing. The Bureau cancels the permit on the date specified in the notice.

## **DIVISION II**

### **AGENT PERMITS**

#### *§1. — General provisions*

**16.** A natural person carrying on a private security activity on behalf of an agency permit holder must hold an agent permit of the appropriate class. A person in a position of direct authority over that person must also hold an agent permit of the same class.

A natural person carrying on a private security activity on behalf of a person who does not hold an agency permit must hold an agent permit of the appropriate class if that activity is his or her main activity.



**17.** Agent permits of one or more of the following classes are issued by the Bureau:

- (1) security agent;
- (2) investigation agent;
- (3) locksmith agent;
- (4) electronic security systems agent;
- (5) security transport agent; and
- (6) security consulting agent.

**18.** The form in which an application for an agent permit must be filed and the documents and fee that must be submitted with it are determined by regulation.

**19.** The applicant must meet the following conditions:

- (1) have the training required by regulation;
- (2) be of good moral character;
- (3) never have been convicted, in any place, of a criminal offence related to the activity for which the agent permit application is filed, unless the applicant has obtained a pardon;
- (4) be at least 18 years of age; and
- (5) meet any other condition determined by regulation.

**20.** The Bureau may refuse to issue an agent permit if, in the five years preceding the application for that permit, the applicant was denied a permit or held a permit that was subsequently suspended, cancelled or not renewed.

**21.** An agent permit is issued or renewed for three years if the conditions prescribed by this Act or a regulation under this Act are met, unless the Bureau fixes a shorter term because it considers the protection of the public so warrants.

**22.** The Bureau may issue a temporary permit for a term of 120 days in the cases and on the conditions determined by regulation.

§2. — *Obligations under permit*

**23.** The holder of an agent permit must pay the annual fee determined by regulation.

**24.** The holder of an agent permit must inform the Bureau without delay of any change likely to affect the validity of the permit.

**25.** The holder of an agent permit planning to cease operations must notify the Bureau in writing. The Bureau cancels the permit on the date stated in the notice.

### **DIVISION III**

#### **VERIFICATION OF CONDITIONS**

**26.** On the filing of a permit application and every year after the issue of a permit, the Bureau sends the Sûreté du Québec the information needed to verify whether the conditions prescribed in paragraphs 2 and 3 of sections 7 and 19 and in section 8 are met by the permit holder. The Sûreté du Québec sends the conclusions of the verification to the Bureau.

**27.** Exceptionally, after obtaining the Minister's approval, the Bureau may ask another police force to do the verification referred to in section 26.

### **DIVISION IV**

#### **UNFAVOURABLE DECISIONS OF THE BUREAU**

**28.** The Bureau may suspend, cancel or refuse to renew the agency permit of a permit holder who

(1) no longer meets the conditions prescribed by this Act or a regulation under this Act for obtaining an agency permit;

(2) fails to pay the annual fee;

(3) was found guilty of an offence under this Act or a regulation under this Act;

(4) fails to follow the directives issued by the Bureau; or

(5) fails to comply with the Bureau's request to replace the representative designated by the permit holder.

**29.** The Bureau may suspend, cancel or refuse to renew the agent permit of a permit holder who

(1) no longer meets the conditions prescribed by this Act or a regulation under this Act for obtaining an agent permit;

(2) fails to pay the annual fee;

(3) was found guilty of an offence under this Act or a regulation under this Act; or

(4) has violated the standards of conduct determined by regulation.

Despite the first paragraph, the Bureau cancels the agent permit of a permit holder who is convicted of a criminal offence related to the activity carried on by the permit holder or who is no longer of good moral character.

**30.** Before suspending, cancelling or refusing to renew a permit, the Bureau may order the permit holder to take the necessary corrective measures within the time it specifies.

If the permit holder does not comply with the order, the Bureau must suspend, cancel or refuse to renew the permit.

**31.** The Bureau must notify the applicant or permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (R.S.Q., chapter J-3) and allow the applicant or permit holder at least 10 days to submit observations before

(1) refusing to issue or renew a permit;

(2) issuing or renewing a permit for a term of less than three years; or

(3) suspending or cancelling a permit.

The Bureau may make a decision without being bound by that prior obligation if urgent action is required or so as to prevent irreparable harm. In such a case, the person affected by the decision may, within the time specified in the decision, submit observations to the Bureau for a review of the decision.

**32.** A decision to refuse to issue or renew a permit, to issue or renew a permit for a term of less than three years or to suspend or cancel a permit must give reasons.

**33.** The Bureau notifies the employer of an agent permit holder that the permit has been suspended or cancelled or has not been renewed.

**34.** A permit holder whose permit has been suspended may obtain its reinstatement if the necessary corrective measures are taken within the time specified by the Bureau.

If the permit holder fails to take the necessary corrective measures within the time specified, the Bureau must cancel or refuse to renew the permit.

**35.** A permit holder whose permit has been cancelled or has not been renewed must surrender it to the Bureau.

As well, the Bureau may require that a permit holder whose permit has been suspended surrender it.

## **DIVISION V**

### **PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC**

**36.** An applicant who has been denied a permit or whose permit has been issued for a term of less than three years or a permit holder whose permit has been suspended, cancelled, not renewed or renewed for a term of less than three years may contest the Bureau's decision before the Administrative Tribunal of Québec.

**37.** When a decision of the Bureau is contested before the Administrative Tribunal of Québec under section 36, the Bureau is party to the proceeding within the meaning of section 101 of the Act respecting administrative justice, and must send the secretary of the Tribunal the documents and information required under the first paragraph of section 114 of that Act within 30 days after receiving a copy of the motion.

## **CHAPTER III**

### **BUREAU DE LA SÉCURITÉ PRIVÉE**

## **DIVISION I**

### **ESTABLISHMENT AND MISSION**

**38.** A private security bureau called the "Bureau de la sécurité privée" is hereby established.

The Bureau is a legal person.

**39.** The Bureau has its head office in Québec, at the place it determines. Notice of the location and of any change in location of the head office is published in the *Gazette officielle du Québec*.

The Bureau may hold its meetings at any place in Québec.

**40.** The mission of the Bureau is to protect the public as regards activities governed by this Act carried on by permit holders.

To that end, the Bureau

(1) ensures the enforcement of the provisions of this Act and the regulations under this Act to which permit holders are subject;

(2) issues agency permits and agent permits;

- (3) processes the complaints it receives against permit holders; and
- (4) advises the Minister on any matter the Minister submits to it in connection with private security.

**41.** To protect the public, the Bureau may at any time

- (1) issue directives to an agency permit holder regarding the agency permit holder's activities; or
- (2) require that an agency permit holder replace its representative.

**42.** The Bureau is subject to the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

## **DIVISION II**

### **ORGANIZATION**

**43.** The Bureau is administered by a board of directors composed of eleven members as follows:

- (1) four members appointed by the Minister; and
- (2) seven members appointed by associations representative of the private security industry that are recognized by the Minister.

**44.** An association may apply for recognition as an association representative of the private security industry by sending a written notice to the Minister.

The application must be authorized by a resolution of the association and signed by representatives specially mandated for that purpose.

**45.** The Minister recognizes the seven associations that, in the Minister's opinion, are most representative of the private security industry from among all the associations that have applied for recognition.

The Minister may withdraw the recognition granted to an association at the end of the term of the board member appointed by the association if the Minister considers it has lost its status as an association most representative of the security industry.

**46.** Within 30 days after obtaining recognition, an association must appoint a board member in the manner it determines.

**47.** Board members are appointed for a term of three years from the date on which all board members have been appointed.

**48.** Any vacancy occurring on the board of directors during the course of a board member's term is filled in the manner prescribed in section 43 for the remainder of the term. The Minister or the association concerned must fill a vacancy on the board of directors within 30 days after receiving notice of the vacancy from the board of directors.

Unexplained absence from the number of board meetings stipulated in the internal management by-laws, in the cases and circumstances provided in those by-laws, constitutes a vacancy.

**49.** A board member may resign by sending a notice in writing to that effect to the board of directors. A vacancy occurs on acceptance of the resignation by the board of directors.

**50.** Six months before the board members' term expires, the Bureau must take measures to ensure that the Minister and the associations recognized by the Minister appoint, replace or reappoint board members, as appropriate.

**51.** The Bureau may make internal management by-laws.

**52.** The board members elect a chair and a vice-chair from among their number. The chair and vice-chair exercise their respective functions for the course of their term.

**53.** The chair of the board of directors calls board meetings, presides over them and sees that they proceed smoothly.

The vice-chair replaces the chair if the chair is absent or unable to act.

**54.** The Bureau appoints an executive director in charge of the Bureau's administration and general management within the framework of the Bureau's regulations and policies. The position of executive director is a full-time position.

The conditions prescribed in paragraphs 2 and 3 of section 19 apply to the executive director, with the necessary modifications.

**55.** The Bureau may delegate to the executive director, in writing and to the extent specified, the functions and powers assigned to it by this Act, except those assigned by sections 110 and 111.

**56.** The quorum at board meetings consists of a majority of the board members, including the chair or vice-chair.

Decisions are made by a majority vote of the board members present. In the case of a tie vote, the person presiding has a casting vote.

**57.** A board member with a direct or indirect interest in an enterprise causing that member's personal interest to conflict with the Bureau's interest

must, on pain of forfeiture of office, disclose that personal interest in writing and abstain from participating in any decision involving the enterprise in which the member has the interest. The member must also withdraw from the meeting while the decision is being discussed.

**58.** A board member may waive notice of a meeting. Attendance at the meeting constitutes a waiver of notice unless the member is attending for the purpose of objecting to the meeting on the ground that it was not lawfully called.

**59.** Board members may, in the cases and on the conditions specified in the Bureau's internal management by-laws, take part in a board meeting from separate locations by means of equipment allowing all board members to communicate directly with one another.

**60.** A written resolution, signed by all board members, has the same value as if adopted during a board meeting.

A copy of all such resolutions is kept with the minutes of the proceedings or other equivalent record book.

**61.** The minutes of board meetings, approved by the board of directors and certified by the chair or vice-chair of the board or the secretary of the Bureau, are authentic. The same applies to documents and copies emanating from the Bureau or forming part of its records if so certified.

**62.** An intelligible transcription of a decision or of other data stored by the Bureau on a computer or any data storage medium is a document of the Bureau and constitutes proof of its contents if certified by a person referred to in section 61.

**63.** No act, document or writing binds the Bureau or may be attributed to it unless it is signed by the chair or vice-chair of the board of directors or the secretary of the Bureau.

**64.** The Bureau's internal management by-laws may allow, subject to the conditions and on the documents specified, that a signature be affixed using an automatic device, that a signature be electronic or that a facsimile of a signature be engraved, lithographed or printed. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person referred to in section 61.

**65.** The Bureau may appoint a secretary and hire the personnel it needs to carry out its functions.

The executive director may make the conditions prescribed in paragraphs 2 and 3 of section 19 applicable, with the necessary modifications, to the secretary and personnel of the Bureau if it is warranted by their functions.

**66.** A member of the Bureau's personnel who has a direct or indirect interest in an enterprise causing that member's personal interest to conflict with the Bureau's interest must, on pain of forfeiture of office, disclose that personal interest in writing to the chair of the board of directors.

**67.** Neither the Bureau nor members of the Bureau's board of directors or personnel may be sued for any act performed in good faith in the exercise of their functions.

### **DIVISION III**

#### **INSPECTIONS AND INVESTIGATIONS**

**68.** To verify compliance with this Act or a regulation under this Act, the Bureau may designate any member of its personnel to inspect the establishment of an agency permit holder.

The Bureau may, in writing, authorize a person other than a member of its personnel to carry out an inspection and report to it.

**69.** An inspector may, to that end,

(1) enter the establishment of an agency permit holder at any reasonable time;

(2) examine and make copies of the books, registers, accounts, records and other documents relating to the permit holder's activities; and

(3) require any information or document relating to the application of this Act or of the regulations made under this Act.

**70.** On request, an inspector must identify himself or herself and produce a certificate of authorization.

**71.** An inspector may not be sued for any act performed in good faith in the exercise of inspection functions.

**72.** The Bureau may, on its own initiative or following a complaint, conduct an investigation on a permit holder if it has reasonable grounds to believe this Act or a regulation under this Act has been contravened.

If, after a preliminary analysis of a complaint, it appears that a criminal offence may have been committed, the Bureau refers the complaint to the competent police force for the purposes of a criminal investigation.

**73.** The Bureau may entrust a person referred to in section 68 with the conduct of an investigation. The person is vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions, except the power to order imprisonment.



**74.** The investigator submits an investigation report to the Bureau.

## **DIVISION IV**

### **REGISTER OF PERMIT HOLDERS**

**75.** The Bureau maintains a register of permit holders.

**76.** The register must contain the following information for each agency permit holder:

(1) the name and contact information of the agency permit holder's representative as well as the names and contact information of the owner of the enterprise, the directors of the enterprise and the partners or shareholders having a major interest in the enterprise within the meaning of section 8;

(2) the class and term of the permit; and

(3) the operative part of any decisions concerning the permit holder.

**77.** The register must contain the following information for each agent permit holder:

(1) the permit holder's name and contact information;

(2) the name of the permit holder's employer;

(3) the class and term of the permit;

(4) the permit holder's training; and

(5) the operative part of any decisions concerning the permit holder.

**78.** A permit holder must inform the Bureau of any change in the information relating to the permit holder contained in the register.

**79.** An enterprise that does not hold an agency permit and that employs persons referred to in the second paragraph of section 16 must disclose the names and functions of those persons to the Bureau, in the form it determines.

**80.** The Bureau may require that an agency permit holder, an agent permit holder or the employer of an agent permit holder communicate any information needed to maintain the register.

**81.** The register is available for public consultation during the Bureau's usual business hours.

An extract from the register may be obtained on payment of a fee fixed by the Bureau.

## **DIVISION V**

### **FINANCIAL PROVISIONS AND REPORTS**

**82.** The Bureau finances its activities out of the fees paid to it by permit holders and out of the other revenues derived from the administration of this Act.

**83.** The Bureau must have its books and accounts audited every year by an auditor. The auditor's report must be submitted with the Bureau's annual report.

If the Bureau fails to have its books and accounts audited, the Minister may have the audit conducted and may, for that purpose, designate an auditor whose remuneration will be charged to the Bureau.

**84.** The auditor has access to all the Bureau's books, registers, accounts, other accounting records and vouchers. Persons having custody of those documents must facilitate their examination by the auditor.

The auditor may require from the Bureau's board members, mandataries or employees the information and documents needed to conduct the audit.

**85.** The auditor may require the holding of a board meeting on any question related to the audit.

**86.** The Bureau's fiscal year ends on 31 March.

**87.** Within four months after the end of its fiscal year, the Bureau submits an activity report for the preceding fiscal year to the Minister. The report must contain all the information required by the Minister.

**88.** The Minister lays the Bureau's financial statements and activity report before the National Assembly within 30 days of receiving them or, if the Assembly is not sitting, within 30 days of resumption.

**89.** The sums received by the Bureau must be applied to the payment of its obligations.

## **CHAPTER IV**

### **INFORMATION AND REPORT**

**90.** An agent permit holder who, in the exercise of his or her functions, becomes aware of the commission of any of the following offences must inform the competent police force without delay:

(1) an offence against public order within the meaning of Part II of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46);

(2) a terrorism-related offence within the meaning of Part II.1 of the Criminal Code; or

(3) an offence that endangers the physical well-being of a person.

**91.** No person may harass or intimidate an agent permit holder, exercise or threaten to exercise retaliatory measures against an agent permit holder or attempt or conspire to do so because the permit holder has informed or intends to inform a police force of the commission of an offence referred to in section 90.

Nor may any person attempt to dissuade an agent permit holder from fulfilling the duty incumbent on the agent permit holder under section 90.

**92.** Not later than 31 December each year, an agency permit holder must send the Bureau a report on the steps taken by agent permit holders in that agency permit holder's employ on becoming aware of the commission of criminal offences in the exercise of their functions.

## **CHAPTER V**

### **MINISTER'S POWERS**

#### **DIVISION I**

##### **INSPECTIONS AND INQUIRIES**

**93.** To verify compliance with this Act or a regulation under this Act, the Minister may designate any member of the Minister's personnel to inspect the affairs of the Bureau.

The Minister may, in writing, authorize a person other than a member of the Minister's personnel to carry out the inspection and report to the Minister.

**94.** An inspector may, to that end,

(1) enter the Bureau's head office at any reasonable time;

(2) examine and make copies of the books, registers, accounts, records and other documents relating to the Bureau's activities; and

(3) require any information or document relating to the application of this Act or the regulations made under this Act.

**95.** On request, an inspector must identify himself or herself and produce a certificate of authorization signed by the Minister.

**96.** An inspector may not be sued for any act performed in good faith in the exercise of inspection functions.

**97.** The Minister may order an inquiry into any matter relating to the application of this Act if the Minister is of the opinion that the public interest requires it.

**98.** The Minister may entrust a person referred to in section 93 with the conduct of an inquiry. The person is vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions, except the power to order imprisonment.

## **DIVISION II**

### **MINISTER'S ORDER AND PROVISIONAL ADMINISTRATION**

**99.** If the Minister is of the opinion that the Bureau is engaging in practices or tolerating a situation likely to undermine the protection of the public or that there has been a serious fault, such as embezzlement, breach of trust or other misconduct by one or more members of the board of directors, or if the board of directors is seriously remiss in the performance of its obligations under the law, the Minister may order the Bureau to cease such conduct and take the necessary corrective measures.

The order issued by the Minister must set out the reasons on which it is based.

**100.** In the circumstances referred to in section 99, the Minister may designate a person to assume the provisional administration of the Bureau for a period of up to 90 days.

**101.** If the Bureau is placed under provisional administration, the powers of the members of the board of directors are suspended and the person designated by the Minister exercises all the powers of the board of directors.

**102.** At least 30 days before the date on which the provisional administrator's term is set to expire, the provisional administrator must file a report with the Minister setting out findings and recommendations. The report must contain all the information required by the Minister.

**103.** On receiving the provisional administrator's report, the Minister must send the Bureau a copy and allow the Bureau at least 10 days to submit observations.

**104.** After examining the provisional administrator's report and considering the Bureau's observations, the Minister may, if the Minister considers it warranted in order to remedy a situation referred to in section 99 or avoid the recurrence of such a situation,

(1) extend the provisional administration for a period of up to 90 days or terminate the provisional administration subject to specified conditions; or

(2) remove one or more members of the board of directors from office.

Any extension of the provisional administration may be renewed by the Minister for the same reasons provided each renewal does not exceed 90 days.

**105.** If the provisional administrator's report does not confirm the existence of a situation referred to in section 99, the Minister must terminate the provisional administration without delay.

**106.** A decision of the Minister must give reasons and be forwarded with dispatch to the members of the board of directors.

**107.** On the termination of the provisional administration, the provisional administrator must render a final account of the provisional administration to the Minister. The account must be sufficiently detailed to allow verification of its accuracy and be submitted with the related books and vouchers.

**108.** The costs, fees and expenses of the provisional administration are borne by the Bureau, unless the Minister decides otherwise.

**109.** The provisional administrator exercising powers and functions under this division may not be sued for any act performed in good faith in the exercise of such powers and functions.

## **CHAPTER VI**

### **REGULATORY POWERS**

**110.** The Bureau must make regulations determining

(1) the form in which an application for a permit must be filed and the document and fee that must be submitted with the application;

(2) the annual fee that a permit holder must pay;

(3) the coverage and other features of the liability insurance that an agency permit holder must take out;

(4) the amount and form of the security that an agency permit holder must furnish;

(5) the cases in and conditions on which a temporary agent permit may be issued; the conditions set in a regulation under this paragraph may be different from those set in section 19 or in a regulation made under paragraph 2 of section 111; and

(6) the standards of conduct to be followed by agent permit holders in the exercise of their functions.

**111.** The Bureau may make regulations

(1) determining the nature, form and content of the books, registers and records that an agency permit holder must keep and the rules relating to their preservation, use and destruction; and

(2) setting conditions additional to those prescribed in this Act for the issue of a permit.

**112.** Regulations made by the Bureau under this chapter must be submitted to the Minister, who may approve them with or without amendments.

Despite the first paragraph, a regulation made under paragraph 6 of section 110 must be submitted to the Government, which may approve it with or without amendments.

**113.** If the Bureau fails to make regulations under section 110 within six months after the coming into force of this section or fails to make amendments to a regulation within the time specified by the Minister or the Government, the Government may make or amend the regulations. Such regulations are deemed to be regulations of the Bureau.

**114.** The Government may make regulations determining

(1) the persons or categories of persons exempted from the application of this Act;

(2) standards for badges and other identification, and the characteristics of the uniforms to be worn by agent permit holders;

(3) standards for the equipment used by agent permit holders and conditions for the use of that equipment, including the required training; and

(4) standards for the identification of vehicles used in the private security industry and the equipment allowed in such vehicles.

The Government may also determine, among the provisions of a regulation under any of subparagraphs 2 to 4 of the first paragraph, those whose contravention constitutes an offence.

**115.** The Government may make a regulation determining the training required to obtain a permit. The regulation may include exemptions or provisional conditions for existing personnel. It also defines the Bureau's role as regards training.

**116.** Regulatory provisions made under this chapter may vary according to the class of permit to which they apply.

## **CHAPTER VII**

### **PENAL PROVISIONS**

**117.** Any person who contravenes section 4 is guilty of an offence and is liable to a fine of \$500 to \$5,000 or, if that person's permit has been suspended or cancelled under section 28, an additional fine of \$1,000 to \$10,000.

**118.** Any person who contravenes section 13, 14, 15, 24, 25, 35, 78 or 79 is guilty of an offence and is liable to a fine of \$250 to \$2,500.

**119.** Any person who contravenes section 16 is guilty of an offence and is liable to a fine of \$150 to \$1,500 or, if that person's permit has been suspended or cancelled under section 29, an additional fine of \$300 to \$3,000.

**120.** Any person who employs a person referred to in section 16 who does not hold an agent permit as required under that section is guilty of an offence and is liable to a fine of \$500 to \$5,000.

**121.** Any person who orders or advises or who issues a directive or policy causing an agent permit holder to violate a standard of conduct is guilty of an offence and is liable to a fine of \$500 to \$5,000.

**122.** Any person who hinders an inspector or investigator in the exercise of inspection or investigation functions, refuses to provide any information or document the inspector or investigator is entitled to require or examine, or conceals or destroys any document or other object relevant to an inspection, investigation or inquiry is guilty of an offence and is liable to a fine of \$500 to \$5,000.

**123.** Any person who helps, incites, advises, encourages, allows, authorizes or orders another person to commit an offence under this Act is guilty of an offence. Any person found guilty under this section is liable to the same penalty as prescribed for the offence committed by the other person.

**124.** Any person who contravenes a regulatory provision whose contravention constitutes an offence under the second paragraph of section 114 is guilty of an offence and is liable to a fine of \$150 to \$5,000.

**125.** In the case of a second or subsequent offence, the minimum and maximum fines prescribed in this Act are doubled.

## CHAPTER VIII

### CONCORDANCE AND TRANSITIONAL PROVISIONS

**126.** This Act replaces the Act respecting detective or security agencies (R.S.Q., chapter A-8).

**127.** Unless the context indicates otherwise, in any text or document, whatever the nature or medium, a reference to the Act respecting detective or security agencies or any of its provisions is a reference to this Act or the corresponding provision of this Act.

**128.** Schedule IV to the Act respecting administrative justice (R.S.Q., chapter J-3) is amended by adding the following paragraph after paragraph 30:

“(31) section 36 of the Private Security Act (*insert the year and chapter number of this Act*).”

**129.** Section 9 of the Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3) is amended by replacing paragraph 9 by the following paragraph:

“(9) to administer the Private Security Act (*insert the year and chapter number of this Act*);”.

**130.** Section 117 of the Police Act (R.S.Q., chapter P-13.1) is amended by replacing “private investigator, security guard, collection agent or representative of a collection agent, and detective” in the first paragraph by “collection agent or representative of a collection agent, and with functions for which a permit is required under the Private Security Act (*insert the year and chapter number of this Act*)”.

**131.** Section 18 of the Act respecting the protection of personal information in the private sector (R.S.Q., chapter P-39.1) is amended by replacing “A detective or security agency holding a permit issued under the Act respecting detective or security agencies (chapter A-8),” in the fourth paragraph by “The holder of a security agency permit or investigation agency permit issued under the Private Security Act (*insert the year and chapter number of this Act*)”.

**132.** Section 39 of the said Act is amended by replacing “a detective or security agency in accordance with the Act respecting detective or security agencies (chapter A-8)” in paragraph 1 by “the holder of a security agency permit or investigation agency permit issued under the Private Security Act (*insert the year and chapter number of this Act*)”.

**133.** A permit issued under the Act respecting detective or security agencies (R.S.Q., chapter A-8) that is valid on the date of coming into force of this section remains valid until the date on which it would have expired under that Act. This Act applies to that permit as if it had been issued by the Bureau under this Act.



## **CHAPTER IX**

### **FINAL PROVISIONS**

**134.** The Minister must see that an independent report be made on this Act and its implementation no later than *(insert the date occurring five years after the date of coming into force of this section)* and every five years after that date. The Bureau and every public body must give the person in charge of making such a report any information needed for the purposes of the report and required by that person.

The Minister lays the report before the National Assembly within 30 days of receiving it if the Assembly is sitting or, if it is not sitting, within 30 days of resumption.

**135.** The Minister of Public Security is responsible for the administration of this Act.

**136.** The provisions of this Act come into force on the date or dates to be set by the Government.

# PRIVATE SECURITY ACT

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