



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Draft Bill

Fire Safety Act

**Tabled by
Mr Serge Ménard
Minister of Public Security**

**Québec Official Publisher
1999**

EXPLANATORY NOTES

The object of this draft bill is to ensure the protection of persons and property against fires of any nature.

The draft bill determines the parameters of fire safety and its main aspects, namely fire prevention, the organization of emergency response, intervention, the training of fire safety services personnel, and the determination of the point of origin, probable causes and circumstances of fires and explosions.

The draft bill sets out the general obligations incumbent on all citizens regarding fire prevention and the reporting of fire hazards.

As regards the responsibilities of municipalities, regional authorities will be required to establish a regional scheme, the fire safety cover plan, for determining optimum protection objectives. Local authorities will be required to prepare a plan for the implementation of the regional planning scheme. The powers and duties of municipal fire safety services and their personnel are determined in the draft bill.

A firefighters school called l'École nationale des pompiers du Québec will be established, and its mission, organization and powers are defined.

As concerns the determination of the point of origin, probable causes and circumstances of fires and explosions, the functions of the fire investigation commissioner and the roles of firefighters and police officers are specified in the draft bill.

The draft bill defines the responsibilities of the Minister of Public Security in fire safety matters.

LEGISLATION REPLACED BY THE DRAFT BILL :

- Fire Investigations Act (R.S.Q., chapter E-8);
- Act respecting municipal fire fighting cooperation (R.S.Q., chapter E-11);
- Fire Prevention Act (R.S.Q., chapter P-23).

LEGISLATION AMENDED BY THE DRAFT BILL :

- Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);
- Building Act (R.S.Q., chapter B-1.1);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Taxation Act (R.S.Q., chapter I-3);
- Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3);
- Act respecting municipal regulation of public buildings (R.S.Q., chapter R-18);
- Act respecting the Québec sales tax (R.S.Q., chapter T-0.1).

Draft Bill

FIRE SAFETY ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

CHAPTER I

OBJECT AND APPLICATION

1. The object of this Act is to ensure the protection of persons and property, except forest resources which are protected pursuant to the Forest Act (R.S.Q., chapter F-4.1), against fires of any nature.
2. This Act does not operate to limit the obligations imposed or powers granted by or under other Acts.
3. This Act is binding on the Government and on government departments and bodies.

CHAPTER II

PERSONS

4. It is the duty of all persons to seek to remove or reduce fire hazards and show due vigilance and prudence in that regard.

It is also the duty of all persons, to the extent of their capabilities and without putting themselves or others at risk, to seek to limit the damage caused by a fire.

5. Every person whose activities or property constitute a high or particular fire hazard, according to government regulation, is bound to report the hazard to the secretary-treasurer or the clerk of the local municipality in whose territory the fire hazard is located. The report shall set out, in addition to the particulars required by regulation, the hazard the activity or property constitutes, the measures implemented to reduce the risks and consequences of a fire, and the private firefighting resources at the disposal of or enlisted by the person.

The person is bound, upon ceasing the activity or disposing of the property, to give the person having received the report a notice to that effect together with a statement describing the manner in which the property or the elements that constituted a fire hazard have been disposed of.

The person receiving fire hazard reports and notices must, within 30 days of receipt, transmit copies to the regional authority whose territory includes the municipality and to the fire safety service serving the territory where the fire hazard is located.

6. Where a particular property is a threat to public safety owing to the presence of fire hazards or to damage caused by a fire or explosion, the owner is bound, on receipt of a formal notice from the local municipality where the property is located, to implement the measures necessary to ensure the protection of persons and property.

If the owner fails to act within the time allotted or in an emergency, the remedies provided for in sections 231, 232 and 233 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) apply, with the necessary modifications.

7. Insurers and claims adjusters whose services are required following a fire or explosion must disclose their findings to the Minister within 90 days of the fire or explosion, and transmit any information they possess regarding the point of origin and the probable causes and circumstances of the fire or explosion, as well as a description of the nature and extent of the damage.

CHAPTER III

REGIONAL AND LOCAL AUTHORITIES

DIVISION I

REGIONAL AUTHORITIES

8. The regional county municipalities, urban communities and the Kativik Regional Government shall, in conjunction with the local municipalities within their territorial limits, establish, for the whole of their territory and in compliance with the policies determined by the Minister, a fire safety cover plan designed to determine the optimum fire protection objectives that may be achieved, having regard to all the resources available for that purpose.

The cities of Laval and Mirabel have the same responsibility with regard to their territories. For the purposes of this division, the cities of Laval and Mirabel shall be considered to be regional authorities. The same applies to a local municipality whose territory is not within the territorial limits of a regional authority, unless the local municipality makes an agreement with another local authority or with a regional authority whereby the territory of the local municipality is to be considered to be within the territorial limits of the regional authority for the purposes of this division, or to associate with other municipalities in the same situation to establish a fire safety cover plan for the whole of their territory. In the latter case, only the municipality designated for that purpose in the agreement is considered to be a regional authority for the purposes of this division.

9. All or part of the fire safety cover plan of a regional authority may be established jointly with other regional authorities so as to take into account the risks and resources within their territorial limits or the risks and resources of contiguous local municipalities.

10. The fire safety cover plan shall include, in addition to the fire hazard reports made under section 5, an inventory, evaluation and classification of the fire risks present in the territory concerned and their location. The fire safety cover plan shall also include a list and evaluation of existing fire protection measures, the human, physical and financial resources allocated to fire safety by the local or regional authorities or by intermunicipal boards, and the infrastructures and water sources available for fire safety purposes. The fire safety cover plan shall include an analysis of the functional relations between those resources and an evaluation of the operational procedures applicable. It shall also include a list and assessment of the additional measures or resources the local municipalities are willing to develop and the means that may be employed to optimize their resources.

The fire safety cover plan shall determine, for each class of risk listed or each risk zone defined, the optimum fire protection objectives that local municipalities are capable of achieving through efficient management of all available resources. The fire safety cover plan shall also determine the actions expected of the municipalities, on a regional or local scale or over part of the territory or for a class of risk, to achieve the objectives, such as the establishment or pooling of services and the adoption of minimum safety rules. Where applicable, the fire safety cover plan shall determine the implementation schedule and time frame applicable to those actions.

11. The fire safety cover plan may include the same elements with regard to other emergency situations likely to require the use of the same resources. However, those elements create obligations only where expressly provided.

12. The fire safety cover plan must be established, in accordance with the procedure provided in the following sections, within three years after notification of a notice of the Minister to that effect.

Additional time may, however, be granted by the Minister following an application made no later than six months before the deadline.

13. A draft fire safety cover plan shall be submitted for consultation to the population of the territory of the regional authority during a public meeting held by the authority, and shall also be submitted to contiguous regional authorities.

14. Once consultations are completed, a final draft of the fire safety cover plan shall be submitted to the Minister who shall verify that it is in compliance with ministerial policies.

The fire safety cover plan must be submitted with

- (1) the opinion of each local municipality affected by the plan ;
- (2) a report on the consultations held, the results of the consultations, and the reasons for any disagreement ;
- (3) a document setting out the approximate costs of the various intermunicipal measures proposed, and the method of apportionment of the costs.

Within 90 days after receipt of all the documents, the Minister shall issue a certificate of compliance to the regional authority or propose any amendments the Minister considers necessary to remedy any deficiency. Such amendments may be made by the regional authority and do not require consultation.

15. Once the certificate of compliance has been issued, the fire safety cover plan is adopted, without amendment, by way of a by-law.

16. The fire safety cover plan comes into force on the day the regional authority publishes a notice to that effect in a newspaper circulated in its territory, or on any later date specified in the notice.

Once in force, the fire safety cover plan is binding on the local municipalities concerned.

17. As soon as practicable after the coming into force of the fire safety cover plan, a certified copy and a summary of the plan shall be transmitted to each local municipality concerned, to each contiguous regional authority and to the Minister.

18. Once the fire safety cover plan is in force, it must be amended to reflect new ministerial policies with which it is not in compliance. The amendments necessary must be made before the end of the year following transmission of the new policies and a document setting out the nature of the required changes.

The plan may also be amended to reflect technological change, a change in territorial limits or an increase in risk levels or for any other valid reason, provided that the plan continues to be in compliance with ministerial policies.

The procedure for drawing up the plan applies to all amendments made to the plan.

DIVISION II

LOCAL AUTHORITIES

19. Every local municipality shall ensure enforcement of the provisions of section 5 concerning fire hazard reporting in its territory.

To that end, the inspectors of the municipality or of any authority to which the municipality delegates responsibility have the power to

(1) enter, at any reasonable time, premises where an activity or property that constitutes a reportable fire hazard is carried on or is situated;

(2) take photographs of the premises;

(3) test, or order the owner or occupant to test, any fire detector, alarm, extinguisher or emergency equipment to ascertain its effectiveness.

An inspector must, on request, produce identification and an inspector's certificate.

A municipality, an authority to which responsibility is delegated or an inspector cannot be prosecuted by reason of any act performed in good faith in the exercise of such powers.

20. For the purpose of providing information to its citizens, every local municipality shall, upon receipt, keep a certified copy and a summary of the applicable fire safety cover plan available for consultation at the office of the municipality.

21. Every local municipality bound to implement protection measures pursuant to a fire safety cover plan shall establish, for the whole of its territory, an implementation plan for such measures.

22. The implementation plan for the fire safety cover plan shall list, for each class of risk or each risk zone, prevention measures, including inspection measures or regulatory measures, personnel training measures or public information measures, and emergency response procedures, such as procedures for the calling, mobilization and deployment of the available resources, to be implemented to achieve the objectives determined in the fire safety cover plan.

The implementation plan shall specify and describe intermunicipal agreements concerning those measures and procedures and the responsibilities entrusted to or exercised by other authorities on a regional or local scale. The implementation plan shall also specify the services established by the municipality and the resources assigned to each measure or procedure.

23. The implementation plan may also include measures and procedures to ensure protection in the event of other emergency situations, even if the fire safety cover plan does not mention them, provided the objectives determined in the fire safety cover plan are not compromised.

24. The implementation plan must be established in accordance with the procedure prescribed in the following sections before the latest of the dates specified in respect of the municipality in the fire safety cover plan or, where

there is no date specified, within 90 days of the coming into force of the fire safety cover plan.

25. A draft implementation plan shall be submitted to the regional authority which shall verify that it is in compliance with its fire safety cover plan.

Within 90 days of receipt of the draft implementation plan, the regional authority shall issue a certificate of compliance to the local municipality or propose any amendments it considers necessary to remedy any deficiency.

26. Once a certificate of compliance has been issued, the implementation plan shall be adopted, without amendment, by way of a by-law.

The implementation plan established by a regional county municipality acting for an unorganized territory is deemed to be in compliance upon its adoption by way of a by-law.

27. The implementation plan comes into force on the day the municipality publishes a notice to that effect in a newspaper circulated in its territory, or on any later date specified in the notice.

28. As soon as practicable after the coming into force of the implementation plan, a certified copy of the implementation plan shall be transmitted to the regional authority having established the fire safety cover plan, to any other authority that is a party to an agreement specified in the implementation plan and to the Minister.

29. Once in force, the implementation plan must be amended to reflect any amendment made to the fire safety cover plan with which it is not in compliance.

It may also be amended for other reasons, provided it continues to comply with the fire safety cover plan.

The procedure and time frame for drawing up the implementation plan apply to all amendments made to the plan.

30. Except where so provided in the implementation plan or in the fire safety cover plan applicable to the local municipality, no measure or decision of the municipality affecting any of the analytical elements of the fire safety cover plan may, once the fire safety cover plan is in force, take effect until the regional authority has attested that the measure or decision is not inconsistent with the fire safety cover plan.

31. If a fire or explosion in the territory of a local municipality or the territory served by its fire safety service exceeds the capabilities of its service, the local municipality may, through its mayor or, in the absence of the mayor, two other members of the municipal council or any municipal officer designated by way of a by-law, call upon any of their municipal counterparts to obtain the intervention or assistance of the fire safety service of another municipality.

The cost of the intervention or assistance shall be borne by the receiving municipality according to a reasonable tariff established by resolution by the providing municipality.

However, this exceptional emergency procedure cannot be incorporated into the fire safety cover plan or the implementation plan.

32. A local municipality in whose territory a fire or explosion has occurred shall, as soon as practicable, give notice of the fire or explosion to the Minister. The notice shall contain, in addition to the description of the fire or explosion, the date and place of occurrence, the measures implemented or means used to reduce the consequences of the fire or explosion, and, if known, the point of origin, probable causes and circumstances of the fire or explosion and the extent of the damage.

Every local municipality shall keep a register of such notices. The point of origin, probable causes and circumstances of every fire or explosion shall, once determined, be recorded in the register by the municipality, together with a description of the damage.

33. Every local municipality shall, within three months after the end of its fiscal year, submit an annual report of its fire safety activities for the year and its fire safety projects for the coming year to its council and transmit a copy to the Minister.

34. Sections 30, 31 and 33 apply, with the necessary modifications, to a regional authority or an intermunicipal board in charge of the implementation of measures provided for in an implementation plan.

DIVISION III

MUNICIPAL FIRE SAFETY SERVICES

35. The fire safety service established by a local or regional authority or by an intermunicipal board shall be in charge of firefighting and rescue operations.

It may also be in charge, together with the other services concerned, of response procedures in the case of other emergencies or disasters, assistance to victims of accidents involving a particular risk as well as disaster assistance and emergency evacuation.

In exercising its functions, the fire safety service shall also participate in the evaluation and reduction of risks of fire or other hazards as well as in the determination of the point of origin, probable causes and circumstances of fires or explosions.

36. The fire safety service shall be under the direction of a fire chief.

It shall be staffed by full-time or part-time firefighters or by call firefighters.

37. In order to be a member of a fire safety service in any given class, a person must meet the training requirements and other conditions established by government regulation, in addition to meeting the conditions prescribed by the authority in charge of the service.

38. Emergency response operations in the event of a fire or explosion shall be conducted under the authority of the fire chief or, if the fire chief is absent, of a firefighter designated by the fire chief.

Where a fire or explosion requires the joint intervention of several fire safety services, all the emergency response operations shall be under the direction of the fire chief of the fire safety service serving the locality where the fire or explosion occurs, unless otherwise agreed. If the municipality concerned is not served by a fire safety service, the operations shall be under the direction of the fire chief designated by the person having required the intervention pursuant to section 31.

However, until the fire chief or designated officer arrives at the site, the first firefighter to arrive at the site shall direct operations.

39. Firefighters may, in the performance of their duties, enter any premises affected or threatened by a fire or explosion or any other hazard or emergency, and any adjacent premises for the purpose of fighting the fire or providing assistance.

Subject to the same conditions and under the authority of the person directing operations, firefighters may also

(1) use the necessary means to enter premises where there is serious threat to persons or property or adjacent premises for the purpose of removing or reducing the threat or providing assistance ;

(2) prohibit access to and interrupt or divert road traffic in a protection zone ;

(3) order evacuation of the premises as a safety measure in a perilous situation where there are no other means of protection ;

(4) order the shutting off of an establishment's energy supply or, where a simple procedure suffices, shut off the supply themselves ;

(5) authorize the demolition of a structure to prevent the spread of fire ;

(6) order any other measure necessary to secure the premises ;

(7) require, where the firefighting personnel available is insufficient, the assistance of any person capable of providing assistance ;

(8) requisition the necessary private firefighting resources where the resources of the service are insufficient or not readily accessible in an emergency.

40. During an emergency, common repute shall be sufficient proof of the appointment of a firefighter and of the firefighter's right to act in that capacity.

41. Where firefighters have required or requisitioned a person's assistance or property under section 39, the authority responsible for the service is bound, within one month from the date a claim is filed with the authority by that person, to grant to the person compensation determined on the basis of the current rates for the hiring of that type of service or property.

42. Subject to section 44, the fire chief or a qualified person designated by the fire chief for that purpose shall, in respect of every fire or explosion having occurred in the territory served by the service, determine the point of origin, probable causes and immediate circumstances, including the characteristics of the damaged immovable or property, the presence of persons or witnesses and the sequence of events.

43. For the purposes of section 42, the fire chief or the designated person may, within 24 hours after the fire or explosion,

(1) prohibit access to the scene of the fire or explosion to facilitate the search for or the preservation of any thing relevant for the purposes of his or her functions;

(2) inspect the damaged premises and examine or seize any document or thing found on the premises and which the fire chief believes may be of assistance in determining the point of origin, probable causes or immediate circumstances of the fire or explosion;

(3) take photographs of the premises and of any thing;

(4) make copies of any documents;

(5) conduct or commission, on the premises, the expert appraisals considered necessary;

(6) collect the accounts of witnesses.

44. The fire chief or the designated person shall, without delay and before beginning any search, report to the police service having jurisdiction in the territory, any fire or explosion

(1) involving loss of life;

(2) the probable cause of which is not obviously accidental or in respect of which there is reason to believe an indictable offence has been committed;

(3) that is a particular case specified by the police service.

45. The provisions respecting things seized in the Code of Penal Procedure (R.S.Q., chapter C-25.1) apply, with the necessary modifications, to the documents and things seized under section 43, once they have been seized.

46. A member of a fire safety service and any person who volunteers assistance or whose assistance is required under section 39, are exempt from liability for any damage that may result from their intervention during an emergency, unless the damage results from their intentional or gross fault.

The exemption applies to the authority having established the service or having required the person's intervention or assistance, except if the authority has failed to adopt a plan for the implementation of the fire safety cover plan as required or if the measures or procedures provided for in the applicable implementation plan and relating to the acts complained of were not implemented in accordance with the plan. Where an authority not exempt from liability is bound to compensate the damage, the authority may not exercise any remedy against the person having committed the fault.

47. The authority having established a fire safety service shall assume the representation or defence of a member of the service, or of a person who volunteered assistance to the firefighters or whose assistance was required under section 39, in a coroner's inquest or a fire investigation commissioner's inquiry or in a proceeding concerning an act in the performance of the tasks entrusted to the member or person during an emergency and referred to a court, a tribunal or a body exercising adjudicative functions.

The authority may, rather than assuming a person's representation or defence, agree with the person on the reimbursement of reasonable costs incurred by the person or the person's representative.

The authority is dispensed from such an obligation where

- (1) the person waives it in writing in a particular case;
- (2) the authority is the plaintiff in the proceeding;
- (3) the act complained of amounts to a gross or intentional fault; or

(4) the person is convicted of an offence or crime and had no reasonable grounds to believe that his or her conduct was in conformity with the law.

48. Any undertaking that provides, under a contract with a local or regional authority or intermunicipal board, fire safety services in the territory of a municipality, and the firefighters in its employ, have, for the purposes of this division, the obligations, powers, rights and immunity of a local municipality and the members of its fire safety service.

CHAPTER IV

ÉCOLE NATIONALE DES POMPIERS DU QUÉBEC

DIVISION I

ESTABLISHMENT

49. A firefighters school to be known as the École nationale des pompiers du Québec is hereby established.

50. The school is a legal person and a mandatary of the Government.

The school binds none but itself when it acts in its own name.

The execution of the obligations of the school may be levied against its property even though its property forms part of the domain of the State.

51. The head office of the school shall be located at the place determined by the Government. Notice of the location of the head office shall be published in the *Gazette officielle du Québec*.

DIVISION II

MISSION AND POWERS

52. The mission of the school is to ensure, through instruction, approval of activities, and research, that firefighters and other municipal fire safety personnel in Québec receive high-quality qualifying professional training.

53. Qualifying professional training of municipal fire safety personnel means training that prepares individuals for a specific professional activity and entitles them to exercise the activity in the following areas of firefighting :

- (1) fire safety resource management ;
- (2) fire prevention ;
- (3) emergency response management ;
- (4) disaster intervention ;

(5) determination of the point of origin, probable causes and circumstances of fires and explosions.

54. The qualifying professional training of municipal fire safety personnel consists of basic professional training and advanced professional training.

Basic professional training enables individuals to acquire the skills and knowledge required in a given area of firefighting.

Advanced professional training enables firefighters to upgrade their skills or to acquire a particular skill in any of the areas of firefighting.

55. The school may offer training activities to any person and conduct training-oriented fire safety research.

The school may certify instructors to give its training courses.

The school may approve the basic professional training and advanced professional training activities offered by educational institutions, fire safety services or other organizations providing fire safety training and that may be incorporated into its programs or receive its accreditation.

The school may also participate in the development of fire safety study programs and activities provided by such educational institutions or organizations.

56. The school may, by agreement, give a mandate to educational institutions or fire safety services or other organizations offering fire safety training, to develop or teach the school's training courses or study programs. Every such agreement must state the validation standards, if any, applicable to the courses and programs concerned.

The school may also enter into any agreement it considers relevant to the pursuit of its mission with researchers, experts, fire safety services and educational or research institutions.

57. The school shall advise fire safety services, the associations representing their members and the associations representing other members of municipal fire safety personnel in professional training matters.

The school shall encourage cooperation among the various institutions offering training for municipal fire safety personnel and shall keep the Minister informed in that regard.

The school shall conduct or commission research or studies in areas related to the work of municipal fire safety personnel and that may have an impact on their training; the results shall be published and disseminated by the school, in particular among fire safety practitioners.

58. The school shall encourage, facilitate and plan exchanges of expertise with persons or bodies outside Québec and, in particular, encourage participation by Québec specialists in international exchange missions on fire safety training.

The school may, subject to the applicable legislative provisions, enter into an agreement with a government in Canada or abroad, a department or agency of such a government, an international organization or an agency of an international organization.

59. The Minister may give to the school any mandate within the scope of the school's mission.

The Minister may also issue guidelines concerning the objectives and policies of the school. The guidelines must be approved by the Government after consultation with the governing board. The guidelines come into force on the day of approval and shall be tabled in the National Assembly within 15 days of being approved or, if the Assembly is not in session, within 15 days of resumption.

60. The school shall establish, by by-law, standards for its professional training activities, admission requirements, teaching requirements, examinations, graduation requirements and certificates of studies and diplomas, as well as standards of equivalence.

The school shall keep registers in the manner determined in its by-laws.

61. The school may provide lodging services to its students.

DIVISION III

OPERATION

62. The governing board of the school shall be composed of 14 members.

The following are permanent members :

(1) the Deputy Minister of Public Security or the Deputy Minister's representative ;

(2) the fire chief of the fire safety service of Ville de Montréal, or the fire chief's representative ;

(3) the fire chief of the fire safety service of Ville de Québec, or the fire chief's representative ;

(4) the executive director of the school ;

(5) a member of the personnel of the Ministère de l'Éducation, designated by the Deputy Minister of Education.

The following members shall be appointed by the Government for a term of two years :

(1) two representatives of the fire chiefs, after consultation with the associations representing Québec fire chiefs ;

(2) a fire prevention technician, after consultation with the association representing Québec fire prevention technicians ;

(3) four persons from the associations representing members of the fire safety services established by local or regional authorities or by intermunicipal boards, after consultation with those associations;

(4) two representatives from the associations representing local or regional authorities, after consultation with those associations.

At the end of their terms, the non-permanent members shall remain in office until replaced or reappointed. Any vacancy occurring before the end of a term shall be filled for the remainder of that term.

63. The members of the governing board shall elect annually from among their number a chair and a vice-chair. The executive director of the school is not eligible for the position of chair or vice-chair.

64. The members of the governing board, other than the executive director, shall receive no remuneration, except in the cases, on the conditions and to the extent determined by the Government.

They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

65. The governing board shall meet at least once every three months.

The quorum of the board is eight members, including the chair or vice-chair. The board may, however, proceed with the business of the meeting even if the quorum is not attained because certain members have left the meeting temporarily owing to a conflict of interest. In the case of a tie-vote, the chair or, in the absence of the chair, the vice-chair, has a casting vote.

66. The Government shall appoint an executive director for a term not exceeding five years and, where required, assistant directors. At the end of their terms, the executive director and assistant directors shall remain in office until replaced or reappointed.

The Government shall fix the remuneration, employee benefits and other conditions of employment of the executive director and assistant directors.

67. The staffing plan as well as the selection criteria and terms of appointment of the members of the school's personnel shall be determined in a by-law made by the school.

Subject to the provisions of any collective agreement, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of the personnel shall also be determined in the by-law in accordance with the conditions defined by the Government.

68. No member of the personnel of the school may, on pain of dismissal, hold a direct or indirect interest in an enterprise or body whose interest may conflict with that of the school. Where the interest devolves by succession or gift, it must be renounced or disposed of with dispatch.

69. No instrument, document or writing binds the school or may be attributed to it unless it is signed by the chair of the governing board, the executive director or a member of the personnel authorized by a resolution of the board published in the *Gazette officielle du Québec*.

The board may, also by a resolution published in the *Gazette officielle du Québec*, on the conditions and documents it determines, allow a signature to be affixed by automatic or electronic means, or allow a signature to be engraved, lithographed or printed. However, the facsimile has the value of the signature only if the document is countersigned by a person referred to in the first paragraph.

A document or copy of a document emanating from the school is authentic if it is respectively signed or certified by a person referred to in the first paragraph.

70. The school may make by-laws for its internal management, in particular, by-laws

(1) to establish an administrative committee or any other standing or temporary committee and determine its functions and powers and the term of office of its members;

(2) to determine the functions and powers of the chair and vice-chair of the governing board and of the executive director, the assistant directors and the other members of the school's personnel.

DIVISION IV

FINANCIAL PROVISIONS AND REPORTS

71. The school may not, except with the authorization of the Government,

(1) construct, acquire, alienate or lease or hypothecate any immovable;

(2) make a financial commitment for a term or amount exceeding that determined by the Government;

(3) contract a loan that increases its total outstanding borrowings to more than the amount determined by the Government.

72. The Government may, subject to the terms and conditions it determines,

(1) guarantee the payment of the principal of and interest on any loan contracted by the school;

(2) guarantee the performance of any other obligation of the school;

(3) authorize the Minister of Finance to advance to the school any amount considered necessary for the pursuit of its mission.

Any sums paid by the Government as a consequence of such guarantee or as an advance to the school shall be taken out of the consolidated revenue fund.

73. Where the school acquires an immovable that forms part of the domain of the State, the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) does not apply.

74. The school may not operate a commercial enterprise or acquire shares issued by an enterprise. The school may not grant loans, make gifts, give grants or act as surety.

75. The school may charge tuition fees on such conditions as it may prescribe by by-law. The school may also, with the authorization of the Minister, impose charges or fees for its other services.

76. The fiscal year of the school ends on 30 June.

77. The books and accounts of the school shall be audited by the Auditor General each year and whenever so ordered by the Government. The auditor's report must be submitted with the financial statements of the school.

78. Within four months after the end of its fiscal year, the school shall forward to the Minister its financial statements and a report of its activities for the preceding fiscal year. The Minister shall request and, where appropriate, cause to be included in the report of activities any information the Minister considers to be relevant.

The Minister shall table the financial statements and the report of activities in the National Assembly within 30 days of receiving them or, if the Assembly is not in session, within 30 days of resumption.

79. Every year, the school shall submit its budgetary estimates for the following fiscal year in accordance with the procedure determined by the Minister.

CHAPTER V

FIRE INVESTIGATION COMMISSIONER

DIVISION I

JURISDICTION AND IMMUNITY

80. It is the function of the fire investigation commissioner to determine the point of origin, probable causes and circumstances of a fire or explosion and to examine any causes and circumstances having a connection with other fires or explosions and, where appropriate, to make any recommendation aimed at ensuring better protection of persons and property against fires or explosions.

The fire investigation commissioner shall first conduct an investigation in accordance with Division IV and, if the conditions described in Division V exist, the commissioner shall then hold an inquiry.

In no case may the fire investigation commissioner draw a conclusion as to civil or criminal liability.

81. A fire or explosion involving loss of life is not within the jurisdiction of the fire investigation commissioner. In such a case, the coroner shall exercise, in addition to the responsibilities entrusted to the coroner under the Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2), the responsibility for determining the probable causes and the circumstances of the fire or explosion according to the procedure determined in that Act. Once they have been established, however, the fire investigation commissioner may examine the probable causes and the circumstances if they have any connection with other fires or explosions.

82. The fire investigation commissioner and any person acting under the commissioner's authority may not be prosecuted by reason of any act performed in good faith in the exercise of their functions.

83. Except on a question of jurisdiction, no proceeding under article 33 of the Code of Civil Procedure (R.S.Q., chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised and no injunction may be granted against the fire investigation commissioner acting in an official capacity or against any person acting under the commissioner's authority.

A judge of the Court of Appeal may, upon a motion, summarily annul any proceeding brought or decision rendered contrary to the first paragraph.

DIVISION II

APPOINTMENT AND ORGANIZATION

84. Upon the recommendation of the Minister, the Government shall appoint fire investigation commissioners and, where needed, substitute fire investigation commissioners.

The instrument of appointment of a fire investigation commissioner may determine the territory to which the commissioner is assigned.

85. In exceptional cases, the Minister may appoint a fire investigation commissioner to investigate a particular fire or explosion or a series of similar fires or explosions.

86. The term of fire investigation commissioners appointed by the Government shall not exceed five years.

Notwithstanding the expiry of their term, fire investigation commissioners other than substitute fire commissioners shall remain in office until replaced or reappointed.

87. The remuneration, employee benefits and other conditions of employment of fire investigation commissioners shall be determined by the Government, and the necessary sums shall be paid out of the appropriations voted annually by the National Assembly, subject to the exceptions provided in the charters of the cities of Québec and Montréal with regard to the fire investigation commissioners appointed for those cities.

88. In addition to the persons and resources assigned to fire investigation commissioners by municipalities, the Minister of Public Security shall place at the disposal of the fire investigation commissioners the personnel and physical resources necessary for the purposes of this chapter.

In addition, the Minister shall have custody of the records of fire investigation commissioners, which shall consist of the original copies of their investigation or inquiry reports and of the documents appended to their inquiry reports.

89. Before taking office, fire investigation commissioners shall take the following oath before a judge or any person authorized to receive oaths under section 219 of the Courts of Justice Act (R.S.Q., chapter T-16):

“I swear that I will faithfully, truly and impartially discharge the duties of my office of fire investigation commissioner and that I will not accept any sum of money or other consideration for what I may do in discharging the duties of my office apart from what is allowed to me by law.”

The writing evidencing the oath shall be transmitted to the Minister.

90. Fire investigation commissioners shall not, on pain of forfeiture of office, have any direct or indirect interest in an enterprise, association or body where an interest of that enterprise, association or body is likely to conflict with their functions as commissioner. However, forfeiture of office is not incurred where the interest devolves by succession or gift, provided it is renounced or disposed of with diligence.

91. Not later than 31 March each year, every fire investigation commissioner shall transmit to the Minister a report of activities for the preceding calendar year.

The report may include the recommendations or a summary of the recommendations made following investigations.

The Minister shall table the report in the National Assembly within 30 days of receiving it or, if the Assembly is not in session, within 30 days of resumption.

DIVISION III

NOTICE OF FIRE OR EXPLOSION

92. The fire chief of the fire safety service that directed the emergency response operations or, if there was no intervention, the secretary-treasurer or clerk of the local municipality in whose territory the fire or explosion occurred shall notify the competent fire investigation commissioner as soon as practicable

(1) if the fire chief has been unable to determine the point of origin and the probable causes of the fire or explosion ;

(2) if the circumstances of the fire or explosion are unclear to the fire chief ; or

(3) if there is any connection between the probable causes or the circumstances of the fire or explosion and other fires or explosions.

Moreover, if an investigation was conducted under section 42, the fire chief shall deliver to the fire investigation commissioner a copy of the investigation report as well as any thing seized on the scene of the fire or explosion under that section.

Where a fire or explosion involves loss of life, the report and things must be transmitted to the coroner.

DIVISION IV
INVESTIGATION

93. The fire investigation commissioner shall, on his or her initiative or on the Minister's request, conduct an investigation to determine the point of origin, probable causes and circumstances of any fire or explosion in the commissioner's area of jurisdiction or to examine the causes or circumstances of the fire or explosion if there is any connection with other fires or explosions.

94. The fire investigation commissioner may require a firefighter or a peace officer to conduct or pursue a search in connection with a fire or explosion being investigated by the commissioner.

95. A firefighter or peace officer having conducted a search in connection with a fire or explosion that is being investigated by the fire investigation commissioner shall, upon request and with due diligence, deliver to the commissioner a copy of the report as well as any thing seized for the purposes of section 42 if it is not being detained for the purposes of a judicial proceeding.

96. The fire investigation commissioner, a firefighter or a peace officer or any other person specially authorized in writing by the commissioner for a specified period may, to determine the point of origin, probable causes and circumstances of a fire or explosion or to establish any connection with other fires or explosions,

(1) prohibit access to the scene of the fire or explosion, for the time needed for the investigation, to facilitate the search for or the preservation of any thing relevant to the investigation;

(2) inspect the scene of the fire or explosion and any other premises where the commissioner has reason to believe an inspection may prove of assistance in the investigation, and examine or seize documents or things on the premises that, in the commissioner's opinion, may be of assistance in determining the point of origin, probable causes or circumstances of the fire or explosion or establishing any connection with other fires or explosions;

(3) enter any premises to search for and seize any document or thing relevant to the investigation if the commissioner has reason to believe the document or thing can be found on those premises;

(4) take photographs of the premises and of any thing;

(5) make copies of documents;

(6) conduct or order an expert appraisal; and

(7) collect the accounts of witnesses.

However, premises may not be entered for inspection purposes or for the purpose of searching for, examining or seizing any things without the prior authorization of a justice of the peace. Prior authorization may be granted, subject to the conditions specified, if the justice of the peace is satisfied on the basis of a sworn statement of the fire investigation commissioner or the authorized person that the point of origin, probable causes or circumstances have not been determined or that connections with other fires or explosions have not been established and that there is reason to believe that inspecting the premises and searching for, examining or seizing any things found on the premises may prove relevant to the investigation. The authorization, whether acted upon or not, shall be returned to the justice of the peace who granted it not later than 15 days after its issue.

However, no authorization is required for access to the damaged premises within 24 hours after a fire or explosion or where the conditions for obtaining the authorization exist and, owing to the urgency of the situation, the time required to obtain an authorization may seriously endanger human health or safety or the safety of property, or result in the disappearance, destruction or loss of something that may be relevant to the commissioner's investigation.

97. Subject to the conditions determined by the justice of the peace, the inspection of occupied premises shall be conducted at a reasonable hour except where it is necessary to proceed without delay in order to collect or preserve any thing relevant to the investigation.

Subject to the same conditions, the time and place, other than the scene of the fire or explosion, at which powers delegated under section 96 may be exercised by an authorized person and the documents and things to which the authorization of the fire investigation commissioner applies shall be determined by the latter.

98. A fire investigation commissioner or an authorized person who enters premises must, if so requested, produce identification and state his or her capacity.

99. The provisions respecting things seized in the Code of Penal Procedure (R.S.Q., chapter C-25.1) apply, with the necessary modifications, to the documents and things seized in an investigation, once they have been seized.

100. Any person who conducts an expert appraisal pursuant to subparagraph 6 of the first paragraph of section 96 shall, with due diligence, draft a report and send it to the person who ordered the appraisal.

101. On completing an investigation, the fire investigation commissioner shall, with due diligence, draft the investigation report and send a certified copy to the Minister and to the person who sent the notice of fire or explosion.

The report shall contain

- (1) the date and place where the fire or explosion occurred;
- (2) all relevant information concerning the point of origin, probable causes and circumstances of the fire or explosion or any information relating to any connection with other fires or explosions;
- (3) where appropriate, recommendations aimed at ensuring better protection of persons and property against fires and explosions;
- (4) the opinion of the fire investigation commissioner concerning the expediency of holding an inquiry.

DIVISION V

INQUIRY

102. An inquiry concerning the point of origin, probable causes or circumstances of a fire or explosion or concerning any connection with other fires or explosions may be initiated if the fire investigation commissioner is of the opinion, following his or her investigation, that an inquiry would be expedient and would not impede the progress of any current police investigation.

To determine whether an inquiry would be expedient, the fire investigation commissioner shall consider whether it is necessary to hear witnesses, particularly

- (1) to obtain information that may be of assistance in determining the point of origin, probable causes or circumstances of the fire or explosion or establishing any connection with other fires or explosions;
- (2) to inform the public concerning those matters;
- (3) to enable the fire investigation commissioner to make recommendations aimed at ensuring better protection of persons and property against fires and explosions.

103. An inquiry must be held by the fire investigation commissioner whenever the Minister so requests.

104. Notwithstanding sections 102 and 103, where criminal proceedings have been brought against a person in connection with a fire or explosion, the fire investigation commissioner may not hold or continue an inquiry into the matter until the judgment has become *res judicata*. In such a case, the fire investigation commissioner shall inform the Minister and the person who sent the notice of fire or explosion.

105. A single inquiry shall be held by the fire investigation commissioner concerning a fire or explosion even if it caused damage to several properties.

A common inquiry may be held concerning fires or explosions the probable causes or the circumstances of which appear to be the same.

106. The fire investigation commissioner must hold the inquiry with due diligence.

107. The provisions respecting an investigation apply, with the necessary modifications, to an inquiry.

108. The inquiry must be held in the municipality or judicial district where the fire or explosion or, in the case of a common inquiry, one of the fires or explosions occurred unless exceptional circumstances warrant its being held in another locality.

The secretary-treasurer or the clerk of the local municipality where the inquiry is to be held must, on request of the fire investigation commissioner, allow the fire investigation commissioner to use the premises required for the inquiry and take all necessary steps to ensure that the inquiry is conducted in a peaceful and orderly manner. If the inquiry is to be held in a locality where a court of justice sits, the clerk of the court must, on the request of the fire investigation commissioner, fulfil the same obligations, unless the premises are being used for court sittings.

109. The fire investigation commissioner may, if he or she considers it necessary, retain the services of a secretary or an interpreter and of a sufficient number of peace officers to keep order during the inquiry.

The persons whose services are so retained are entitled to the fees and indemnities indicated in the tariff established by regulation by the Government, unless they are already being remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

110. The fire investigation commissioner must give reasonable notice of the place, date and time of the inquiry to the Minister, to the Attorney General and to any person or body the fire investigation commissioner recognizes as an interested person.

111. The inquiry is open to the public.

However, the fire investigation commissioner may order that the inquiry or any part thereof be held *in camera* in the interests of public order.

112. The fire investigation commissioner has the duty to protect the confidentiality of information disclosed to an attorney or a member of the clergy by reason of their position or profession.

The fire investigation commissioner may, on the commissioner's own initiative or upon request, ban the disclosure, publication or release of any information that is or may be disclosed during the inquiry if the fire investigation

commissioner considers it necessary in the public interest or for the protection of a person's privacy, reputation or right to a fair trial or if the information is confidential.

The fire investigation commissioner may also prohibit the inquiry from being photographed, sketched, filmed, videotaped, broadcast on radio or televised.

113. At the beginning of the inquiry, the fire investigation commissioner shall inform the persons present of the purpose of the inquiry, the grounds that warrant it and, where applicable, the reasons why the fire investigation commissioner decided to hold the inquiry in a locality other than the locality where the fire or explosion occurred.

Such information shall be recorded in writing and attested under the fire investigation commissioner's oath of office.

114. The fire investigation commissioner has full authority over the inquiry and must conduct the proceedings fairly.

The fire investigation commissioner is authorized to administer the oath to any person summoned.

115. The fire investigation commissioner shall summon any person who, in the opinion of the commissioner, can provide information that is relevant to the inquiry, in order to examine the person or order the person to produce any document or thing the commissioner considers necessary as specified by the commissioner. The fire investigation commissioner may also summon a person at the request of the Attorney General or of an interested person.

The summons shall be effected by means of a writing signed and served in accordance with the rules of the Code of Civil Procedure (R.S.Q., chapter C-25), except where the person is present at the inquiry.

Persons summoned to or required to testify at the inquiry are entitled to the compensation and expenses indicated in the tariff established by regulation by the Government.

116. Where a person who has been duly summoned and to whom expenses have been advanced fails to appear, the fire investigation commissioner may apply to a judge of the Court of Québec for the issue of a warrant for the person's arrest pursuant to article 284 of the Code of Civil Procedure (R.S.Q., chapter C-25), which shall then apply with the necessary modifications.

117. Every person under 18 years of age who is arrested under a warrant of arrest shall be entrusted to the director of youth protection until the person's appearance. The director of youth protection shall entrust the person so arrested to the care of an institution operating a rehabilitation centre within the meaning of the Act respecting health services and social services (R.S.Q.,

chapter S-4.2) or a reception centre within the meaning of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) and shall without delay notify the parents, or any other person having parental authority, of the place where the person is being kept, of the time and place at which the person is to appear and of the nature of the warrant issued against the person.

118. The fire investigation commissioner shall require every person summoned as a witness to take an oath.

The commissioner may, however, hear the testimony of a person who has not taken an oath if, in the commissioner's opinion, the person does not understand the nature of an oath but understands his or her duty to tell the truth and can report facts that came to his or her knowledge.

119. The fire investigation commissioner shall inform every person under 18 years of age of the right to be represented by an advocate, grant the person reasonable time to retain the services of an advocate and, if necessary, delay the inquiry of the person's testimony.

120. The fire investigation commissioner shall inform every person summoned as a witness of the right to abstain from giving testimony in the cases and subject to the conditions provided in articles 307 and 308 of the Code of Civil Procedure (R.S.Q., chapter C-25), and of the right of witnesses not to have any testimony given by them used to incriminate them in any other proceedings, except in a prosecution for perjury or for the giving of contradictory evidence.

121. Witnesses shall testify out of each other's presence if the fire investigation commissioner so orders.

122. The Attorney General and interested persons or their attorneys may be heard at an inquiry, put to the witnesses any relevant question to the extent that it is necessary for the purposes of the inquiry and, at the end of the inquiry, make representations.

123. No person who is competent to testify may refuse to take the oath, to answer the questions lawfully put to the person or to produce the documents or things required by the fire investigation commissioner, subject to the person's right to abstain in the cases and subject to the conditions provided in articles 307 and 308 of the Code of Civil Procedure (R.S.Q., chapter C-25).

124. The depositions of witnesses, the representations made to the fire investigation commissioner and the statements or decisions made by the commissioner shall be taken down by stenography or recorded in any other manner allowed before the courts.

The Minister and the Attorney General may require the transcription of the stenographic notes or recordings and obtain a copy of the transcript. Upon

payment of the fee prescribed by regulation of the Government, any interested person may also require such transcription and obtain a copy of the transcript.

125. The stenographer or the person charged with recording the depositions shall, before acting, take the following oath before the fire investigation commissioner:

“I swear that I will faithfully and accurately take down by stenography or record the depositions of witnesses, the representations made and the statements and decisions made by, fire investigation commissioner, at the inquiry held on the day of, concerning the fire/explosion of and that the copies or transcripts that I will furnish will be true and accurate.”

126. The fire investigation commissioner may adjourn an inquiry to visit the scene of the fire or explosion or to carry out any examination the fire investigation commissioner considers expedient.

127. The fire investigation commissioner may adjourn an inquiry when it appears absolutely impossible to the fire investigation commissioner to arrive at the truth immediately.

However, the fire investigation commissioner must resume the inquiry whenever the Minister so requires.

128. Where warranted by new facts, the fire investigation commissioner may close or reopen an inquiry.

The fire investigation commissioner must reopen an inquiry or hold a new inquiry whenever the Minister so requires.

129. Once the inquiry is closed, the fire investigation commissioner shall, with due diligence, draft a report and send a certified copy to the Minister and to the person who sent the notice of fire or explosion.

The report shall contain

- (1) the date and place where the fire or explosion occurred;
- (2) all relevant information concerning the point of origin, probable causes and circumstances of the fire or explosion or any information relating to any connection with other fires or explosions; and
- (3) where appropriate, recommendations aimed at ensuring better protection of persons and property against fires and explosions.

130. The following shall be appended to the original of the report:

- (1) all documents produced during the investigation, which may include

- (a) the investigation report of a firefighter or a peace officer;
 - (b) a copy of the minutes of seizure;
 - (c) photographs taken and copies made during the investigation;
 - (d) expert reports; and
 - (e) any other document required by the fire investigation commissioner;
- and
- (2) all documents pertaining to the inquiry
 - (a) a copy of the summons issued to witnesses;
 - (b) where applicable, a copy of the warrants of arrest and of any decision rendered by a judge before whom an arrested person appeared;
 - (c) a copy of the writing recording the information given pursuant to section 112;
 - (d) the original stenographic notes or recordings made at the inquiry and, where applicable, the original transcript of the stenographic notes or recordings; and
 - (e) where applicable, a copy of the order banning the disclosure, publication or release of information reported at the inquiry or prohibiting inquiry proceedings from being photographed, sketched, filmed, videotaped, broadcast on radio or televised.

A certified copy of such documents shall be sent to the Minister on request.

131. Once the inquiry has been completed, the witnesses must recover the documents and things they produced or forwarded.

Any unrecovered document or thing may be destroyed after the expiry of one year following the end of the inquiry.

DIVISION VI

DOCUMENTS AND INFORMATION

132. Where the fire investigation commissioner considers it appropriate, the commissioner shall communicate to the government departments, bodies or persons concerned the recommendations contained in his or her investigation report or inquiry report.

133. The investigation report and the inquiry report are public, except for the documents appended to them and the passages of the inquiry report that are subject to an order banning disclosure, publication or release.

However, once the fire investigation commissioner has transmitted the inquiry report to the Minister and to the person who sent the notice of fire or explosion, the documents appended to the report, except for the report of a peace officer, become public and may be consulted by any person, unless the fire investigation commissioner considers it necessary to ban their disclosure, publication or release in the public interest, for the protection of a person's privacy, reputation or right to a fair trial or because the information is confidential.

134. The disclosure, publication or release at any time of any information that would reveal the name or address or allow the identification of a person under 18 years of age who was involved in a fire or explosion or called upon to testify at an inquiry is prohibited.

135. The fire investigation commissioner and any person acting under the commissioner's authority shall, before allowing access to a report or appended documents that have not been made public, or before transmitting a certified copy, expunge any passages that are subject to an order banning disclosure, publication or release.

The first paragraph does not apply to reports and documents communicated or transmitted to the Minister.

136. Notwithstanding the first paragraph of section 135, the fire investigation commissioner may allow consultation of an unexpurgated report or unexpurgated appended documents or transmit certified copies of them to

(1) the Attorney General;

(2) a government department, body or person that has established to the satisfaction of the fire investigation commissioner that the documents will be used for the purpose of ascertaining or asserting the rights of the person, association or organization;

(3) a department or public body that has established to the satisfaction of the fire investigation commissioner that the documents will be used in the pursuit of the public interest.

However, the report of a peace officer not filed as evidence at an inquiry cannot be consulted or transmitted except with the express permission of the Minister or a person authorized by the Minister for that purpose.

137. Notwithstanding the foregoing, where required in the public interest, the Minister or the fire investigation commissioner may disclose, publish or release information that has not been made public contained in an investigation report or inquiry report or in appended documents.

However, the report of a peace officer not filed as evidence at an inquiry cannot be disclosed, published or released by the fire investigation commissioner except with the express permission of the Minister or a person authorized by the Minister for that purpose.

138. Access to or receipt of an investigation report or inquiry report or an appended document does not constitute an authorization to disclose, publish or release information it contains that has not been made public, unless it is necessary for ascertaining or asserting the rights of the government department, body or person, or necessary in the public interest, where the department, body or person consulted or received the report or document for that purpose.

139. This chapter applies notwithstanding any inconsistent provision of a general law or special Act providing for the confidentiality or non-disclosure of certain information or documents.

However, no advocate or member of the clergy may be forced to disclose confidential information revealed to them by reason of their profession or position, unless they are so authorized by the person who confided such information.

140. The orders of the fire investigation commissioner banning the disclosure, publication or release of information apply notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

DIVISION VII

CONTEMPT

141. Any person who contravenes an order of the fire investigation commissioner or a provision of section 123, disrupts an inquiry or discloses, publishes or releases information or a document in contravention of the provisions of Division VI is in contempt of court and may be condemned accordingly by the Superior Court on a motion of the fire investigation commissioner.

CHAPTER VI

MINISTER OF PUBLIC SECURITY

142. The Minister of Public Security is responsible for fire safety.

The Minister is in charge of setting general policies and co-ordinating the actions of government departments and bodies in connection with fire safety. The Minister shall ensure that regional authorities determine optimum fire protection objectives, that local authorities implement prevention measures and emergency response procedures, that fire safety personnel members are

properly trained, that research and development is carried out in the field of fire safety, and that an appropriate response is made to the recommendations of the fire investigation commissioner.

143. The Minister shall advise government departments and bodies on fire safety.

The Minister may require government departments and bodies to provide relevant information on their policies, projects and achievements in the field of fire safety, and a copy of their fire hazard reports.

144. The Minister is, more specifically, in charge of determining fire prevention and emergency response policies for regional and local authorities.

For that purpose, the Minister shall classify fire risks and list and describe the protection objectives to be taken into account by regional and local authorities in preparing their fire safety cover plan or implementation plan.

The Minister may grant financial assistance to a regional or local authority for the preparation of its fire safety cover plan or implementation plan, or for the carrying out of the measures contained in such a plan.

145. The Minister shall provide advice to local and regional authorities and intermunicipal boards in charge of implementing measures or procedures provided for by this Act. The Minister shall monitor their actions to ensure that they meet the responsibilities incumbent upon them pursuant to this Act, and verify the effectiveness of the fire safety services they provide.

For that purpose, the Minister may transmit guidelines to the authorities or their fire safety services concerning any matter relating to this Act or the regulations under it, and request any relevant information concerning their projects and achievements.

146. The Minister shall foster or encourage fire safety initiatives by local or regional authorities, insurers and other fire safety stakeholders and facilitate the formation of associations working in the same field.

147. The Minister shall contribute to public awareness so as to ensure public participation in the achievement of the objectives of this Act, in particular by disseminating information and advice on preventing fires or reducing their consequences.

148. In addition, the Minister may

(1) conduct, commission or promote research on risk management or research aimed at improving fire protection and firefighting methods and equipment;

(2) propose, coordinate and carry out activities or work designed to reduce or remove the risks or consequences of fires ;

(3) conduct analyses of statistical data and studies on the fire safety situation throughout Québec and at the regional and local levels, or on the repercussions of that situation, in particular on the regional economy or on fire insurance, and make the data or studies public.

149. In carrying out ministerial functions, the Minister may, subject to the applicable legislative provisions, enter into an agreement with a government in Canada or abroad, a department or agency of such a government, an international organization or an agency of an international organization, or with a local or regional authority or any natural or legal person.

150. The Minister may establish any form for the purposes of this Act and determine, by regulation, the statistics and documents that local and regional authorities, intermunicipal boards in charge of implementing measures or procedures under this Act, fire safety services, insurers and claims adjusters must keep or transmit to the Minister and the form and content of the notices, registers and reports prescribed by this Act.

151. For the purpose of ascertaining the effectiveness of the actions implemented pursuant to this Act or the effectiveness of fire safety services, or to assess compliance with the applicable provisions of this Act and the regulations, the Minister or a member of the Minister's personnel designated for that purpose by the Minister may

(1) require a local or regional authority, an intermunicipal board in charge of implementing measures or procedures provided for by this Act or a fire safety service, its personnel, insurers, claims adjusters and other fire safety stakeholders to communicate, for examination or reproduction, any document, information or explanation the Minister considers necessary for the carrying out of ministerial functions ;

(2) enter a fire station or any other place where there is equipment or an infrastructure to inspect the fire safety equipment or infrastructures and to conduct or order tests to verify their effectiveness.

152. An inspector must, on request, produce identification and an inspector's certificate.

153. Where there is a deficiency in the actions of a local or regional authority or a fire safety service, the Minister may, after an overall assessment of the situation, recommend corrective measures or, if the Minister is of the opinion that public security so requires, order that the measures the Minister considers necessary be implemented to ensure the protection of persons and property against fire.

154. The Minister or a person designated by the Minister may inquire into any matter to which this Act applies, subject to the jurisdiction of the fire investigation commissioner.

The Minister may transmit the inquiry findings to the persons concerned.

Where the Minister recommends corrective measures, the Minister may require the persons concerned to inform the Minister of their intentions in that respect, within the time determined by the Minister. Where the Minister recommends to a local or regional authority or to a fire safety service measures which the Minister considers to be imperative to ensure the safety of persons and property, the Minister may order their implementation and a compliance report within the time determined by the Minister.

155. The Minister, an inspector or an investigator cannot be prosecuted by reason of any act performed in good faith in the exercise of their functions.

CHAPTER VII

REGULATORY POWERS

156. In addition to the powers otherwise conferred on it by this Act, the Government may, by regulation,

(1) as regards municipal fire safety personnel, determine the required qualifications and the minimum training, hiring and retention requirements applicable to the various classes of personnel, and provide for transitional provisions to apply to the personnel in place the day before the coming into force of the new provisions ;

(2) as regards municipal fire safety services,

(a) determine the various functions exercised by and the ranks assigned to the various classes of personnel ;

(b) determine the standards applicable to deeds of appointment, badges and other identification papers of firefighters ;

(c) determine the characteristics of the uniforms and the equipment, the conditions governing the wearing and use of uniforms and equipment, and vehicle identification standards ;

(3) fix the amounts payable to obtain a certified copy of a report of the fire investigation commissioner or of documents appended to the investigation report ;

(4) determine a tariff of fees, compensation and expenses payable in connection with an investigation made by the fire investigation commissioner, the terms and conditions of payment and the classes of persons to which the tariff applies.

CHAPTER VIII

PENAL PROVISIONS AND PROCEEDINGS

157. Every person who, in contravention of section 5, fails to report a hazard is guilty of an offence and is liable to a fine of \$500 to \$3,000.

158. Every insurer or claims adjuster who does not make a report to the Minister in accordance with section 7 is guilty of an offence and is liable to a fine of \$500 to \$3,000.

159. Every employer who, by discriminatory measures or reprisals, a change of conditions of employment, transfer, suspension or dismissal or any other sanction, prevents any member of the personnel from assisting firefighters, on a voluntary basis or because the personnel member's assistance was required pursuant to section 39, or attempts to sanction the personnel member for having assisted firefighters, is guilty of an offence and is liable to a fine of \$200 to \$1,000.

The same applies in respect of the employer of a call firefighter, provided the firefighter has informed the employer of his or her duties as a firefighter and has made arrangements to apply in the event the firefighter must leave work precipitously or cannot report for work.

In addition, a person who feels aggrieved by a measure referred to in the first paragraph may exercise a recourse before a labour commissioner as if it were a recourse related to the exercise of a right under the Labour Code (R.S.Q., chapter C-27). Sections 15 to 20, 118 to 137, 139, 139.1, 140, 146.1 and 150 to 152 of the Code apply, with the necessary modifications.

160. Every person who hinders the Minister, an investigator, inspector, municipal inspector, firefighter or peace officer in the exercise of the powers vested in them under this Act, refuses to obey an order they are entitled to give, to communicate the information or documents they are entitled to require or to provide the help or assistance they may require, knowingly makes false statements, or conceals or destroys documents or other things relevant for the purposes of their functions is guilty of an offence and is liable to a fine of \$1,000 to \$5,000.

161. In the case of a second or subsequent offence, the minimum and maximum fines shall be doubled.

162. Penal proceedings for an offence under a provision of section 5 that a local municipality is in charge of enforcing may be instituted by the municipality.

Where that is the case, proceedings may be brought before the competent municipal court.

Where the municipality is the prosecuting party, the fine imposed belongs to the municipality.

Where proceedings are brought before a municipal court, the costs relating to the proceedings belong to the municipality in which the court has jurisdiction, except any part of the costs remitted by the collector to another prosecuting party under article 366 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) and any costs remitted to the defendant or imposed on the prosecuting municipality under article 223 of that Code.

CHAPTER IX

AMENDING PROVISIONS

163. This Act replaces the Fire Investigations Act (R.S.Q., chapter E-8), the Act respecting municipal fire fighting cooperation (R.S.Q., chapter E-11) and the Fire Prevention Act (R.S.Q., chapter P-23).

A reference to any of those Acts is a reference to the corresponding provisions of this Act.

164. The Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by inserting the following after section 12:

“PERSONS ASSISTING FIREFIGHTERS

“12.0.1. Every person who assists firefighters voluntarily or whose assistance is required pursuant to section 39 of the Fire Safety Act (*insert here the year and chapter number of this Act*) without being an employee of the authority responsible for the fire safety service is considered, while providing assistance, to be call firefighter of that authority.”

165. Section 267 of the Building Act (R.S.Q., chapter B-1.1), enacted by chapter 34 of the statutes of 1985, is repealed.

166. Article 555 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), amended by section 40 of chapter 31 of the statutes of 1998 and by section 158 of chapter 36 of the statutes of 1999, is again amended by striking out the second paragraph of paragraph 4.

167. Section 78.7 of the Taxation Act (R.S.Q., chapter I-3) is amended by replacing “volunteer fireman” in the first and third paragraphs by “call firefighter” and by replacing “fireman” in the second and third paragraphs by “firefighter”.

168. Section 8 of the Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3) is amended by replacing “prevention” in the second

paragraph by “protection” and by replacing “Fire Prevention Act (chapter P-23)” at the end by “Fire Safety Act (*insert here the year and chapter number of that Act*)”.

169. Section 9 of the said Act, amended by section 13 of chapter 28 of the statutes of 1998 and by section 20 of chapter 8 of the statutes of 1999, is again amended by replacing paragraph 8 by the following paragraph :

“(8) to see to it that fire investigation commissioners investigate the point of origin, probable causes and circumstances of a fire or explosion and any connection with other fires or explosions with a view to making recommendations to improve the protection of persons and property against fires and explosions;”.

170. Section 7 of the Act respecting municipal regulation of public buildings (R.S.Q., chapter R-18) is amended in subsection 2

(1) by replacing “civilian firemen” by “firefighters”;

(2) by inserting “or the fire safety service of the municipality” after “police force”.

171. Section 162 of the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1) is amended by replacing “fire prevention service” in paragraph 7 by “fire safety service”.

CHAPTER X

TRANSITIONAL PROVISIONS

172. The Minister shall, within 18 months of (*insert here the date of coming into force of section 12*), send the notices required under section 12 to the regional authorities.

173. Every intermunicipal agreement relating to fire safety entered into before the coming into force of the first fire safety cover plan applicable to any of the parties to the agreement shall continue to have effect until its date of expiry, except in the case of any renewal not approved by the Minister, unless otherwise agreed by the parties.

174. No person may be required to comply with section 5 before 60 days after the date of the coming into force of the first regulation respecting the reportable fire hazards.

175. An investigation or inquiry in progress at the time of coming into force of Chapter V of this Act shall be completed in accordance with the provisions of that chapter.

176. A regulation made under the Fire Investigations Act (R.S.Q., chapter E-8) or the Fire Prevention Act (R.S.Q., chapter P-23) is deemed to have been made under this Act, insofar as it is consistent with this Act.

177. The fire investigation commissioner in office on 21 December 1983 is *ex officio* coroner in the case referred to in section 81.

CHAPTER XI

FINAL PROVISIONS

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

179. The provisions of this Act come into force on the date or dates to be fixed by the Government.