

Bill 107

**An Act to increase the jurisdiction and
independence of the Anti-Corruption
Commissioner and the Bureau des
enquêtes indépendantes and expand the
power of the Director of Criminal and
Penal Prosecutions to grant certain
benefits to cooperating witnesses**

Section 5

AMENDMENT:

Insert the following paragraph after the third paragraph of proposed section 5.1:

If, once the evaluation is concluded, fewer than three candidates are considered qualified to hold the office of Commissioner, the Minister must publish a new invitation for applications.

*C. Paquette
adopté*

Bill 107

**An Act to increase the jurisdiction and
independence of the Anti-Corruption
Commissioner and the Bureau des
enquêtes indépendantes and expand the
power of the Director of Criminal and
Penal Prosecutions to grant certain
benefits to cooperating witnesses**

Section 14

AMENDMENT:

Replace by:

14. Section 14 of the Act is amended by replacing the first and second paragraphs by the following paragraphs:

“The Commissioner may designate, from among the Commissioner’s personnel, persons to act as investigators within a specialized investigation unit under the authority of the Associate Commissioner for Investigations.

Any member of a police force on secondment to the Commissioner by agreement between the Commissioner and the competent authority in respect of the police force may also act as an investigator within the unit.

The investigators of the unit are peace officers throughout Québec.”

*C. Paquette
adopté*

Bill 107

**An Act to increase the jurisdiction and
independence of the Anti-Corruption
Commissioner and the Bureau des
enquêtes indépendantes and expand the
power of the Director of Criminal and
Penal Prosecutions to grant certain
benefits to cooperating witnesses**

Section 7

AMENDMENT:

Replace paragraph 3 of proposed section 8.4 by:

(3) the members of the Commissioner's personnel appointed in
accordance with section 12.

*C. Poirault
adopté*

Bill 107

**An Act to increase the jurisdiction and
independence of the Anti-Corruption
Commissioner and the Bureau des
enquêtes indépendantes and expand the
power of the Director of Criminal and
Penal Prosecutions to grant certain
benefits to cooperating witnesses**

Section 10

AMENDMENT:

Replace paragraph 1 of proposed section 10.1 by:

(1) to direct the activities of the specialized investigation unit formed under section 14 and coordinate the activities of any investigation unit designated by the Government; and

*C. Paquette
adopté*

Bill 107

**An Act to increase the jurisdiction and
independence of the Anti-Corruption
Commissioner and the Bureau des
enquêtes indépendantes and expand the
power of the Director of Criminal and
Penal Prosecutions to grant certain
benefits to cooperating witnesses**

Section 11

AMENDMENT:

Withdraw.

*C. Paquette
adopté*

Bill 107

**An Act to increase the jurisdiction and
independence of the Anti-Corruption
Commissioner and the Bureau des
enquêtes indépendantes and expand the
power of the Director of Criminal and
Penal Prosecutions to grant certain
benefits to cooperating witnesses**

Section 21.1

*adopté
C. Paquin*

AMENDMENT:

Insert after section 21:

21.1. The Act is amended by inserting the following chapter before Chapter IV:

“CHAPTER III.1

“UNITÉ PERMANENTE ANTICORRUPTION OVERSIGHT COMMITTEE

“DIVISION I

“ESTABLISHMENT AND MANDATE

“35.2. The Unité Permanente Anticorruption Oversight Committee is established.

“35.3. The mandate of the Committee is to give its opinion, after conducting the necessary verifications and examinations at the times and intervals and in the manner it determines,

(1) on the administration of penal and criminal investigations conducted by the Unité permanente anticorruption;

(2) on the follow-up given under this Act to disclosures of wrongdoings received by the Anti-Corruption Commissioner, except when such disclosures are the subject of an investigation or a proceeding relating to a penal or criminal offence under a federal or Québec law;

(3) on the Anti-Corruption Commissioner’s annual management report; and

(4) on any other matter relating to the activities of the Unité permanente anticorruption.

The Committee also gives its opinion on any matter within its jurisdiction whenever the Minister requests it.

The Committee may, in its opinions, make the recommendations it considers appropriate.

“35.4. In carrying out its mandate, the Committee may not act in a way that interferes with the penal or criminal investigations of the Unité permanente anticorruption and the resulting judicial proceedings or that compromises legally recognized privileges, in particular those relating to the confidentiality of investigation methods and the identity of police informants.

Also, the Committee may not request or accept information that could compromise the independence of peace officers with authority to investigate offences against the law.

“35.5. The Committee makes its opinions public. However, it must first consult the Director of Criminal and Penal Prosecutions to ensure compliance with section 35.4.

The Committee may communicate to the government authorities and the persons in charge its opinions on any matter which, in its opinion, is within their jurisdiction.

“35.6. To fulfil its mandate, the Committee or the person it designates may, after having agreed on the applicable procedures with the Anti-Corruption Commissioner,

(1) examine, in relation to the activities of the Unité permanente anticorruption, any person acting within the unit; and

(2) examine any document, book, register or account that, in the opinion of the Committee or designated person, may contain information relevant to the mandate and take notes or make copies.

Any person who has the custody, possession or control of such documents, books, registers or accounts must, if so required, communicate them to the Committee or the person designated by it and facilitate their examination by the Committee or that person.

Committee members and designated persons must, on request, produce identification and show the documents attesting their authorization.

“35.7. Any person who

(1) hinders or attempts to hinder the work of a member of the Committee or of a person designated by it in the exercise of his or her functions, misleads the member or designated person by concealment or misrepresentation or refuses to provide the member or designated person with information,

(2) by an act or omission, helps a person to commit an offence under subparagraph 1, or

(3) by encouragement, advice or consent or by an authorization or order, induces another person to commit an offence under subparagraph 1,

is guilty of an offence and is liable to a fine of \$4,000 to \$20,000.

For any subsequent offence, the amounts are doubled.

“DIVISION II

“COMPOSITION AND OPERATION

“35.8. The Committee is composed of three members, including a chair, appointed by the National Assembly on a motion of the Prime Minister and with the approval of two-thirds of its Members.

“35.9. A person must meet the following minimum requirements to be appointed as a member of the Committee and remain as such:

(1) be of good moral character; and

(2) not have been convicted anywhere of an offence for an act or omission that is either an offence under the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or an offence, referred to in section 183 of that Code, under any of the Acts listed in that section and that is related to the employment, unless he or she has obtained a pardon.

“35.10. A candidate for the office of Committee member is first chosen from a list of persons declared qualified to be appointed as such by the selection committee formed by the Minister for that purpose.

The selection committee is made up of the Deputy Minister of Public Security or that Deputy Minister's representative, an advocate recommended by the Bâtonnier of the Province of Québec, and an associate professor or full professor at a Québec university in a field relevant to the Committee's mandate.

The selection committee promptly evaluates the candidates on the basis of their knowledge, experience and qualifications, according to the criteria it determines. Without delay, the selection committee presents to the Prime Minister a report in which it lists the candidates it has met whom it considers qualified to be Committee members. The list must include three, four or five candidates according to whether one, two or three offices are to be filled. All information and documents regarding the candidates and the proceedings of the selection committee are confidential.

The members of a selection committee receive no remuneration, except in the cases, on the conditions and to the extent the Government may determine. They are, however, entitled to the reimbursement of any expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

“35.11. The chair of the Committee is appointed for a seven-year term and other Committee members, for a five-year term. A Committee member may not be reappointed, whether for a consecutive term or otherwise, in any capacity.

At the expiry of the term, a Committee member remains in office until replaced. A Committee member may resign at any time by giving written notice to the President of the National Assembly.

A Committee member may be dismissed only by a resolution of the National Assembly approved by two-thirds of its Members.

“35.12. The Government determines the remuneration and other conditions of employment of the Committee members.

“35.13. The Committee holds meetings at the times and intervals it determines.

It may hold its meetings anywhere in Québec. The quorum consists of the chair and one other member.

“35.14. The members of the Committee’s personnel are appointed in accordance with the Public Service Act (chapter F-3.1.1).

“35.15. The chair of the Committee directs the activities of the Committee and coordinates its work.

If the chair is absent or unable to act, or if the office of chair is vacant, the Minister designates one of the other Committee members to act as interim chair.

“35.16. Before taking office, the Committee members must take the oath set out in Schedule III before the President of the National Assembly.

4 de 6

The members of the Committee's personnel and any person designated under section 35.6 must do the same before the chair of the Committee.

“DIVISION III

“REPORTS

“35.17. The Committee must, not later than *(insert the date that is one year after the date on which all the members of the Unité permanente anticorruption Oversight Committee referred to in section 35.8 have been appointed)* and each year after that, submit its activity report to the President of the National Assembly.

The President of the National Assembly tables the report in the National Assembly within 30 days after it is received if the Assembly is sitting or, if it is not, within 15 days of resumption.

“35.18. At least once a year, the competent committee of the National Assembly hears the chair of the Committee on the activities of the latter.

“35.19. The Committee may, at any time, submit a special report to the President of the National Assembly on any matter of such importance or urgency that the Assembly may not, in its opinion, wait for the tabling of its activity report.

The President of the National Assembly tables the report in the National Assembly within 30 days after it is received if the Assembly is sitting or, if it is not, within 15 days of resumption.

“35.20. Before submitting a report under this division, the Committee must consult the Director of Criminal and Penal Prosecutions to ensure compliance with section 35.4.

“35.21. The Committee must, not later than *(insert the date that is the fifth anniversary of the date on which all members of the Unité Permanente Anticorruption Oversight Committee referred to in section 35.8 have been appointed)* report to the Minister on the carrying out of this chapter.

The Minister tables the report in the National Assembly within 30 days after it is received if the Assembly is sitting or, if it is not, within 15 days of resumption.

“DIVISION IV

“IMMUNITIES

“35.22.No civil action may be instituted for the publication of a notice or a report of the Committee under this Act or the publication in good faith of an extract from or summary of such a notice or report.

“35.23.No judicial proceedings may be brought against the Committee, its members, the members of its personnel or persons designated under section 35.6 for an act or omission in good faith in the exercise of their functions.

“35.24.Despite any provision to the contrary in any Act, members of the Committee, members of its personnel or persons designated under section 35.6 may not be compelled, in a judicial proceeding or a proceeding before a person or body exercising adjudicative functions, to make a deposition on information obtained in the exercise of their functions or to produce a document containing such information.

“35.25.Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be filed nor any injunction granted against the Committee, its members, members of its personnel or persons designated under section 35.6 acting in the exercise of their functions.”

Bill 107

An Act to increase the jurisdiction and independence of the Anti-Corruption Commissioner and the Bureau des enquêtes indépendantes and expand the power of the Director of Criminal and Penal Prosecutions to grant certain benefits to cooperating witnesses

*C. Paquette
adopté*

Section 22.1

AMENDMENT:

Insert after section 22:

22.1. The Act is amended by adding the following schedule after Schedule II:

“SCHEDULE III
“(Section 35.16)

“OATH

“I, (*name*), declare under oath that I will fulfill my duties with honesty and justice and that I will not accept any sum of money or benefit of any kind for what I do or may do in the discharge of the duties of my office, other than what is allowed me by law.

I further declare under oath that I will not reveal or disclose, unless duly authorized, anything that may come to my knowledge in or in connection with the discharge of my duties.”

Bill 107

**An Act to increase the jurisdiction and
independence of the Anti-Corruption
Commissioner and the Bureau des
enquêtes indépendantes and expand the
power of the Director of Criminal and
Penal Prosecutions to grant certain
benefits to cooperating witnesses**

Section 24.1

AMENDMENT:

Insert after section 24:

24.1. Section 120.1 of the Act is amended by replacing “the director of the Bureau des enquêtes indépendantes” in paragraph 1 by “the person acting as director of a specialized police force”.

*C. Paquette
adopté*

Bill 107

**An Act to increase the jurisdiction and
independence of the Anti-Corruption
Commissioner and the Bureau des
enquêtes indépendantes and expand the
power of the Director of Criminal and
Penal Prosecutions to grant certain
benefits to cooperating witnesses**

Section 25

AMENDMENT:

Strike out paragraph 1.

*C. Laguerre
adopté*

Bill 107

**An Act to increase the jurisdiction and
independence of the Anti-Corruption
Commissioner and the Bureau des
enquêtes indépendantes and expand the
power of the Director of Criminal and
Penal Prosecutions to grant certain
benefits to cooperating witnesses**

Section 28

AMENDMENT:

Replace by:

28. Section 286 of the Act is amended

(1) by inserting “or a peace officer within the meaning of section 14 of the Anti-Corruption Act” after “against a police officer” in the first paragraph;

(2) by adding the following paragraph at the end:

“The director of a police force must also notify the Bureau des enquêtes indépendantes without delay in the case of an allegation against a police officer concerning a criminal offence of a sexual nature committed in the performance of duties.”

C. Paquet
adopté

Bill 107

**An Act to increase the jurisdiction and
independence of the Anti-Corruption
Commissioner and the Bureau des
enquêtes indépendantes and expand the
power of the Director of Criminal and
Penal Prosecutions to grant certain
benefits to cooperating witnesses**

*C. Paquette
adopté*

Section 29

AMENDMENT:

Replace by:

29. Section 287 of the Act is replaced by the following section:

“287. Not later than 45 days after the date the Minister is notified under section 286 and every three months thereafter, the director of the police force, the Bureau des enquêtes indépendantes or the competent authority in respect of a special constable, as the case may be, shall notify the Minister in writing of the progress of the file the director, Bureau or authority is processing.”

Bill 107

An Act to increase the jurisdiction and independence of the Anti-Corruption Commissioner and the Bureau des enquêtes indépendantes and expand the power of the Director of Criminal and Penal Prosecutions to grant certain benefits to cooperating witnesses

*adopté
C. Paquette*

Section 29.1

AMENDMENT:

Insert after section 29:

29.1. Section 288 of the Act is amended by inserting “or the competent authority in respect of a special constable” after “director of the police force”.

Bill 107

An Act to increase the jurisdiction and independence of the Anti-Corruption Commissioner and the Bureau des enquêtes indépendantes and expand the power of the Director of Criminal and Penal Prosecutions to grant certain benefits to cooperating witnesses

Section 29.2

*adopté
C. Paquet*

AMENDMENT:

Insert after section 29.1:

29.2. Section 289 of the Act is amended

(1) by inserting “, a peace officer within the meaning of section 14 of the Anti-Corruption Act” after “police officer” in the first paragraph;

(2) by inserting “or the peace officer within the meaning of section 14 of the Anti-Corruption Act” after “police officer” in the second paragraph.

AM 14
s. 30 (289.1)

Bill 107

An Act to increase the jurisdiction and independence of the Anti-Corruption Commissioner and the Bureau des enquêtes indépendantes and expand the power of the Director of Criminal and Penal Prosecutions to grant certain benefits to cooperating witnesses

*C. Paquin
adopté*

Section 30

AMENDMENT:

Strike out “in accordance with the third paragraph of section 286” in the proposed paragraph.

Bill 107

**An Act to increase the jurisdiction and
independence of the Anti-Corruption
Commissioner and the Bureau des
enquêtes indépendantes and expand the
power of the Director of Criminal and
Penal Prosecutions to grant certain
benefits to cooperating witnesses**

*adopté
C. Paquette*

Section 19.1

AMENDMENT:

Insert after section 19:

19.1. Section 25 of the Act is amended by adding the following paragraph at the end:

“Within 15 days after the report is laid before the National Assembly, the Commissioner presents it publicly in the national capital.”

Bill 107

**An Act to increase the jurisdiction and
independence of the Anti-Corruption
Commissioner and the Bureau des
enquêtes indépendantes and expand the
power of the Director of Criminal and
Penal Prosecutions to grant certain
benefits to cooperating witnesses**

*adopté
C. Paquette*

Section 38

AMENDMENT:

1. Replace “interests of justice so require as part of” in the first paragraph of proposed section 24.1 by “public interest allows it in the context of”.
2. Insert the following paragraph after the first paragraph of proposed section 24.1:

Before entering into a cooperation agreement to terminate the hearing of a complaint filed before the disciplinary council of a professional order, the Director, if able to do so without revealing the identity of the witness or interfering with an ongoing police investigation, consults the syndic of the professional order concerned and takes into account the syndic’s opinion on the effects of such an agreement on the protection of the public and the importance of maintaining public trust in the members of the order.

3. Add the following sentence at the end of the second paragraph of proposed section 24.2: “Before sending such a notice, the Director shall consult the syndic of the professional order concerned with regard to the evidence contained in the syndic’s investigation record that concerns the complaint and is subject to a disclosure requirement in the context of the disciplinary process.”

Bill 107

An Act to increase the jurisdiction and independence of the Anti-Corruption Commissioner and the Bureau des enquêtes indépendantes and expand the power of the Director of Criminal and Penal Prosecutions to grant certain benefits to cooperating witnesses

*adopté
C. Paquet*

Section 41.1

AMENDMENT:

Insert before section 42:

41.1. Section 124 of the Professional Code (chapter C-26) is amended by inserting “or between the syndics and the Director of Criminal and Penal Prosecutions within the scope of the powers conferred on the Director by Chapter II.1 of the Act respecting the Director of Criminal and Penal Prosecutions (chapter D-9.1.1)” at the end of the second paragraph.

AM 18
s. 42 (139.2)

Bill 107

**An Act to increase the jurisdiction and
independence of the Anti-Corruption
Commissioner and the Bureau des
enquêtes indépendantes and expand the
power of the Director of Criminal and
Penal Prosecutions to grant certain
benefits to cooperating witnesses**

Section 42

*adopté
C. Laguerre*

AMENDMENT:

Insert “; the notice is public information from the time it is notified” at the end of the first paragraph of proposed section 139.2”.

Bill 107

An Act to increase the jurisdiction and independence of the Anti-Corruption Commissioner and the Bureau des enquêtes indépendantes and expand the power of the Director of Criminal and Penal Prosecutions to grant certain benefits to cooperating witnesses

*adopté
C. Paquet*

Section 45

AMENDMENT:

Replace by:

45. Section 1 of the Code of ethics of Québec police officers (chapter P-13.1, r. 1) is amended by striking out “the Anti-Corruption Commissioner,”.

Bill 107

**An Act to increase the jurisdiction and
independence of the Anti-Corruption
Commissioner and the Bureau des
enquêtes indépendantes and expand the
power of the Director of Criminal and
Penal Prosecutions to grant certain
benefits to cooperating witnesses**

Section 46.1

*adopté
C. Laquerre*

AMENDMENT:

Insert after section 46:

46.1. For the first application of the fourth paragraph of section 35.10 of the Anti-Corruption Act, enacted by section 21.1, the Government is deemed to have determined that the members of the selection committee who are not employees of a government department are entitled to

- (1) fees of \$200 per half-day of attendance at meetings; and
- (2) the reimbursement of the expenses incurred in the exercise of their functions in accordance with the Directive concernant les frais de déplacement des personnes engagées à honoraires par des organismes publics issued by the Conseil du trésor on 26 March 2013 (French only) and its subsequent amendments.

Bill 107

An Act to increase the jurisdiction and independence of the Anti-Corruption Commissioner and the Bureau des enquêtes indépendantes and expand the power of the Director of Criminal and Penal Prosecutions to grant certain benefits to cooperating witnesses

*adopté
C. Faguth*

Section 47

AMENDMENT:

Replace by:

47. This Act comes into force on (*insert the date of assent to this Act*), except

(1) section 21.1, to the extent that it enacts Divisions I, III and IV of Chapter III.1 of the Anti-Corruption Act (chapter L-6.1), which comes into force on the date on which all the members referred to in section 35.8 of that Act have been appointed;

(2) section 24.1, which comes into force on the date to be set by the Government.