



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 14

**An Act to amend various provisions
relating to public security and to
enact the Act to assist in locating
missing persons**

Introduction

**Introduced by
Mr. François Bonnardel
Minister of Public Security**

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EXPLANATORY NOTES

This bill makes various amendments relating to public safety.

The Police Act is amended to provide for the payment, by the Government and to the École nationale de police du Québec, of an annual contribution based on the total payroll of the members of the specialized police forces.

The bill establishes the principle of the independence of police forces and their members in conducting police investigations and interventions, and states their obligation to act in concert and in partnership with the persons and various stakeholders from the communities concerned by their mission. It also specifies that all police forces have jurisdiction to prevent and repress statutory offences throughout Québec.

The bill allows certain members of the selection committee formed to evaluate the qualifications of the candidates to the office of Director General of the Sûreté du Québec to be replaced when special circumstances warrant it, and entrusts the Director General with responsibility for appointing certain officers.

The bill allows the Government to determine, by regulation, the areas in which a person who does not hold a diploma from the École nationale de police du Québec may be hired as a police officer to exercise investigative functions within a police force other than a specialized police force as well as the selection criteria and minimum qualifications to be hired in that capacity. The Government may also determine, by regulation, the continuing training requirements for police officers and the training required to exercise certain functions within a police force other than a specialized police force.

The bill makes various amendments relating to police ethics. It confers on the Police Ethics Commissioner an educative and preventive role in such matters. A complaint against a police officer for conduct that may constitute a transgression of the Code of ethics of Québec police officers may be lodged only by a person present during an event involving a police intervention or by a person with respect to whom the conduct of a police officer may constitute such a transgression. However, any other person may report such conduct to the Commissioner, anonymously or not, within one year after the

date of the event or knowledge of the event, in accordance with the procedure established by the Commissioner. The Commissioner may hold an investigation on the Commissioner's own initiative in certain circumstances and may hold conciliation proceedings at a distance using technological means. The Commissioner's obligation to notify certain people of the status of an investigation is withdrawn, and the Commissioner is entrusted with the obligation to notify them if the investigation report cannot be submitted within a six-month period. Furthermore, a complaint alleging discriminatory conduct may, at the complainant's discretion, be submitted to conciliation, in which case the conciliator must have received the appropriate training on racism and discrimination.

The bill replaces the name "Comité de déontologie policière" by "Tribunal administratif de déontologie policière". It updates the penalties the Tribunal may impose where the conduct of a police officer is found to be a transgression of the Code of ethics, and allows it to impose measures on the police officer, in addition to penalties, after allowing the parties to be heard. The chair of the Tribunal is granted powers to ensure proper case management, including the power to make a directive for that purpose. A member of the Tribunal is also allowed, at any time, to take the measures the member considers necessary for case management purposes. The bill replaces the appeal as of right from any final decision rendered by the Tribunal by an appeal with leave, and sets out the applicable procedure and the effects of such an appeal.

In addition, the bill provides that the Government determines, by regulation, the minimum content of an internal discipline by-law for members of a police force, and that a labour contract or a collective agreement may not depart from that by-law.

The bill establishes that the priorities and guidelines prepared with respect to police forces must be in writing and be made public, and provides for restrictions regarding their content. Moreover, the director or a member of a police force must refuse to communicate or to confirm the existence of information where its disclosure could have an impact on the administration of justice and public security.

The bill specifies that the object of an investigation relating to a police intervention or police custody held by the Bureau des enquêtes indépendantes is to shed light on the event and the related circumstances with impartiality and transparency. The director of the Bureau may decide, in certain circumstances, to terminate an investigation if a person, other than an on-duty police officer, dies or sustains a serious injury during a police intervention. In such a

case, the director communicates the reasons for the decision to the public. The Bureau is allowed, once the investigation has been completed, to send its investigation record to certain bodies.

In addition, the bill establishes additional accountability requirements for the Police Ethics Commissioner and police forces. It broadens the power of the Minister of Public Security to establish guidelines on any matter relating to police activity and requires the Minister to establish a guideline concerning police street checks, including vehicles stopped, within two months after the date of assent to this bill. It specifies on whom a role assigned by the Police Act is to be conferred when the police officer who is to exercise the role is involved.

The bill also amends the Act respecting the Ministère de la Sécurité publique to entrust the Minister of Public Security with the power to devise measures and programs, propose them to the Government and see to their implementation.

The bill enacts the Act to assist in locating missing persons, whose purpose is to facilitate the obtaining, by members of a police force, of information concerning a missing person and, if the missing person is a minor or a person in a vulnerable situation, the person accompanying them. For that purpose, the Act provides that a judge of the Court of Québec or a presiding justice of the peace may, on an application from a member of a police force, order the communication of certain information concerning a missing person or the person accompanying them. The judge or presiding justice of the peace may also, on an application of a member of a police force, grant authorization to enter premises, including a dwelling house. No one is excused from complying with an order made under that Act on the ground that information or documents they are required to communicate are protected by professional secrecy or may tend to incriminate them or subject them to a proceeding or penalty. It also allows the director of a police force to communicate certain information to the public if it is necessary in order to assist in locating a missing person or when the missing person has been located.

The bill amends the Act respecting the Québec correctional system, in particular to provide that the review of all decisions of discipline committees established in correctional facilities is to be carried out by a person designated by the Minister and that an offender's temporary absence automatically ends as soon as the offender is the subject of a decision refusing their conditional release. Decisions of the Commission québécoise des libérations conditionnelles

concerning offenders are to be made public, with the exception of certain information they may contain.

The bill makes various amendments to the Fire Safety Act relating to fire safety cover plans. The bill amends the revision period for the plans. It sets out the cases where a plan must be amended and specifies the applicable procedure. It allows the Minister to order a regional authority to amend or revise its fire safety cover plan in certain cases. The bill gives the Commission municipale du Québec jurisdiction over certain disputes between local municipalities or intermunicipal boards that prevent one of them from complying with the optimum protection objectives. It amends the accountability requirements that regional authorities and local municipalities must meet regarding the implementation of their fire safety cover plans.

Lastly, the bill makes certain technical corrections and contains various consequential and transitional provisions.

LEGISLATION ENACTED BY THIS BILL:

– Act to assist in locating missing persons (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act to assist in locating missing persons*).

LEGISLATION AMENDED BY THIS BILL:

- Tax Administration Act (chapter A-6.002);
- Cannabis Regulation Act (chapter C-5.3);
- Cities and Towns Act (chapter C-19);
- Municipal Code of Québec (chapter C-27.1);
- Tobacco Tax Act (chapter I-2);
- Tobacco Control Act (chapter L-6.2);
- Act respecting the Ministère de la Sécurité publique (chapter M-19.3);
- Police Act (chapter P-13.1);
- Youth Protection Act (chapter P-34.1);

- Act to promote the protection of persons by establishing a framework with regard to dogs (chapter P-38.002);
- Consumer Protection Act (chapter P-40.1);
- Fire Safety Act (chapter S-3.4);
- Act respecting the Québec correctional system (chapter S-40.1).

REGULATIONS AMENDED BY THIS BILL:

- Rules of evidence, procedure and practice of the Comité de déontologie policière (chapter P-13.1, r. 2.1);
- By-law to establish the Training Plan Regulation of the École nationale de police du Québec (chapter P-13.1, r. 4).

Bill 14

AN ACT TO AMEND VARIOUS PROVISIONS RELATING TO PUBLIC SECURITY AND TO ENACT THE ACT TO ASSIST IN LOCATING MISSING PERSONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PROVISIONS RELATING TO POLICE

POLICE ACT

1. Section 2 of the Police Act (chapter P-13.1) is amended by striking out the second sentence of the second paragraph.

2. Section 5 of the Act is repealed.

3. Section 43 of the Act is amended by inserting “and the members of specialized police forces, except those on secondment to the Anti-Corruption Commissioner in accordance with the second paragraph of section 14 of the Anti-Corruption Act (chapter L-6.1)” at the end of the first paragraph.

4. Section 48 of the Act is amended

(1) by striking out “as set out in sections 50, 69 and 89.1” in the first paragraph;

(2) by inserting “act in collaboration and in partnership with the persons and various stakeholders from the communities concerned by their mission so as to foster the complementarity and effectiveness of their interventions,” after “freedoms,” in the second paragraph;

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

“When conducting police investigations and interventions, they act with full independence, free of any interference.”

5. Section 50 of the Act is amended

(1) by replacing “enforce law” in the first paragraph by “prevent and repress statutory offences”;

(2) by replacing “enforce applicable municipal by-laws” in the second paragraph by “prevent and repress offences under the municipal by-laws applicable”.

6. Section 56.2 of the Act is amended, in the second paragraph,

(1) by inserting “or, where special circumstances warrant it, the Deputy Minister’s representative” after “Public Security”;

(2) by inserting “or, where special circumstances warrant it, the executive director’s representative” after “École nationale de police du Québec”.

7. Section 56.9 of the Act is replaced by the following section:

“56.9. Senior officers other than the Director General and deputy directors, junior officers, constables and auxiliary constables shall be appointed by the Director General.”

8. Section 64 of the Act is amended by replacing the second paragraph by the following paragraph:

“The Director General may, for cause, suspend with or without pay any member under investigation, other than a deputy director, or, for serious cause, dismiss the member.”

9. Section 69 of the Act is replaced by the following section:

“69. Each municipal police force shall have jurisdiction to prevent and repress statutory offences throughout Québec. It shall also have jurisdiction to prevent and repress offences under municipal by-laws in the territory of the municipality to which it is attached and in any other territory in which it provides police services.”

10. Section 90 of the Act is amended by replacing “The Government may enter into an agreement with one or more Native communities, each represented by its band council,” in the first paragraph by “One or more Indigenous communities, each represented by its band council, may enter into an agreement with the Government”.

11. Section 93 of the Act is replaced by the following section:

“93. Each Indigenous police force shall have jurisdiction to prevent and repress statutory offences throughout Québec. It shall also have jurisdiction to prevent and repress offences under by-laws applicable in the territory in which it is established.”

12. Section 105 of the Act is amended by replacing “to enforce” by “offences under”.

13. Section 115 of the Act is amended by inserting the following paragraph after the fourth paragraph:

“The Government may, by regulation, determine the areas in which a person who does not meet the requirement set out in subparagraph 4 of the first paragraph may be hired as a police officer to exercise investigative functions, within a police force other than a specialized police force, and the selection criteria and minimum qualifications required, including training, to be hired in that capacity.”

14. Section 116 of the Act is amended

(1) by replacing the first paragraph by the following paragraphs:

“The Government may, by regulation, determine the requirements relating to continuing training with which police officers must comply as well as, in the cases determined in the regulation, the minimum qualifications required, including training, to exercise, within a police force other than a specialized police force, investigative or managerial functions or any other function that it determines.

The regulation may prescribe methods for monitoring, supervising or evaluating the training requirements, penalties for a failure to comply with those requirements and, where applicable, exemptions from training.”;

(2) by inserting “including training,” before “that apply” in the second paragraph.

15. Section 120.1 of the Act is repealed.

16. Section 126 of the Act is amended by replacing “to them” in the first paragraph by “to highway controllers”.

17. Section 128 of the Act is amended

(1) by replacing “against a police officer by any person” in the first paragraph by “against or report made respecting a police officer”;

(2) by inserting the following paragraph after the first paragraph:

“The Police Ethics Commissioner shall also assume an educative and preventive role in matters of police ethics, in particular through the development and implementation of prevention and information programs in such matters.”

18. Section 129 of the Act is amended by replacing “social benefits” by “employee benefits”.

19. Section 131 of the Act is amended by replacing “employment benefits” by “employee benefits”.

20. Section 134 of the Act is amended by replacing “second” by “fourth”.

21. Section 139 of the Act is amended

(1) by inserting “a report or an investigation held by the Commissioner,” after “complaint,”;

(2) by replacing “their duties” by “such duties”;

(3) by replacing “ethics committee” by “Tribunal administratif de déontologie policière”.

22. Section 140 of the Act is amended by striking out “general”.

23. Section 141 of the Act is amended

(1) by replacing “received and the action taken in connection therewith” in the second paragraph by “and reports received, the investigations held by the Commissioner and the action taken in connection with them”;

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

“The report shall also include any other information required by the Minister.”

24. The heading of subdivision 2 of Division II of Chapter I of Title IV of the Act is amended by adding “*and reports*” at the end.

25. Section 143 of the Act is replaced by the following section:

“143. Any person present during an event involving a police intervention may lodge a complaint with the Commissioner against a police officer for conduct, in the performance of his duties during that event, that may constitute a transgression of the Code of ethics. The same applies to a person with respect to whom the conduct of a police officer in the performance of his duties may constitute a transgression of that Code.

Any other person may report to the Commissioner the conduct of a police officer, in the performance of his duties, that may constitute a transgression of the Code of ethics.

The complaint or report shall be made in writing or, where the Commissioner allows it given the circumstances, orally. The report may be made anonymously.”

26. Section 143.1 of the Act is amended by replacing “constitutes” in the first paragraph by “may constitute”.

27. The Act is amended by inserting the following section after section 143.1:

“143.2. A report relating to the conduct of a police officer in the performance of his duties shall be made and dealt with in accordance with the procedure established by the Commissioner.

That procedure must, in particular,

- (1) specify the applicable terms for making a report;
- (2) specify the support measures available to help a person make a report;
- (3) provide the Commissioner’s procedure for dealing with a report and the measures aimed at ensuring, where applicable, the anonymity of the person who made the report;
- (4) determine the follow-up required in response to a report and the time limit for carrying it out; and
- (5) specify the time limit to deal with a report.

The Commissioner shall see to the dissemination of the procedure.”

28. Section 144 of the Act is amended

- (1) by inserting “and shall ensure the preservation of the evidence collected by the complainant” at the end of the second paragraph;
- (2) by replacing the third paragraph by the following paragraph:

“Where the complaint is lodged orally, the members of the staff of the Commissioner shall send the complainant a writing describing the complaint. Where the complaint is in writing, they may, on request, send the complainant a copy of the complaint. In addition, whether the complaint is in writing or oral, they shall send the complainant a list of the documents and evidence collected by the complainant.”

29. Section 145 of the Act is replaced by the following section:

“145. The members of the staff of the Commissioner shall, within five days of receipt of the complaint, send the director of the police force concerned a copy of the evidence collected and of the complaint or, if it was lodged orally, a writing describing it.”

30. Section 147 of the Act is amended by inserting “, except the complaint referred to in section 147.1” after “to conciliation” in the first paragraph.

31. The Act is amended by inserting the following section after section 147:

“147.1. A complaint alleging discriminatory conduct by a police officer may be submitted to conciliation, at the discretion of the complainant. The complainant shall notify his choice in writing to the Commissioner within 30 days after the lodging of the complaint. Failing that, the complainant is presumed to have refused conciliation.

The Commissioner shall hold an investigation if the complainant refuses conciliation.”

32. Section 150 of the Act is amended

- (1) by inserting “or to make a report” after “lodge a complaint”;
- (2) by inserting “or to the report” at the end.

33. Section 153 of the Act is replaced by the following section:

“153. The Commissioner shall keep, in the form and manner he determines, a register of the complaints and reports he receives.

The Commissioner shall send a written notice of receipt of the complaint or report to the person who lodged or made it, if the person’s identity is known.”

34. The Act is amended by inserting the following after section 153:

“§2.1.— *Conciliation of complaints*”.

35. Section 154 of the Act is amended by adding the following paragraph at the end:

“To be designated to act as conciliator with regard to a complaint alleging discriminatory conduct by a police officer, a conciliator must have received the appropriate training on racism and discrimination.”

36. Section 157 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: “The complainant may also be accompanied by a member of the staff of the Commissioner to assist him.”;

(2) by replacing “of both parties; however, the conciliator may meet separately with each party in order to arrive at a settlement” in the second paragraph by “of both parties, except where the Commissioner considers it necessary, given the circumstances, that the proceedings be held at a distance using a means that allows the persons to hear and see one another in real time.

Where the Commissioner intends to use such means, he shall notify the complainant and the police officer within a reasonable time before the proceedings”;

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

“The conciliator may meet separately with each party in order to arrive at an agreement.”

37. Section 165 of the Act is replaced by the following section:

“165. Failing a settlement, the Commissioner may decide to hold an investigation. However, he is required to hold one in the case of a complaint alleging discriminatory conduct by a police officer.

The holding of an investigation shall not prevent the conciliation procedure from being resumed if the parties consent.”

38. Section 166 of the Act is repealed.

39. Section 168 of the Act is amended

(1) by replacing paragraph 1 by the following paragraph:

“(1) the complaint or the report is frivolous, vexatious or made in bad faith;”;

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

“If, following a report, the Commissioner refuses to hold or terminates an investigation, no reference to the report shall be made in the personal record of the police officer concerned.”

40. Section 169 of the Act is amended

(1) by inserting “, where applicable,” after “notify”;

(2) by replacing “subject-matter of the complaint” by “subject of the complaint or of an investigation held by the Commissioner”;

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

“Where the Commissioner makes a decision pursuant to section 168, he shall notify the director of the police force concerned and the police officer whose conduct is the subject of the report, and state the reasons for his decision. The Commissioner shall also notify the person who made the report, if the person’s identity is known, of the decision and, if he considers it appropriate, of the reasons for it.”

41. Section 170 of the Act is replaced by the following section:

“**170.** The Commissioner, taking all circumstances into account, including the nature of and facts alleged in the complaint or report, may decide to hold an investigation.

The Commissioner may also, on his own initiative, decide to hold an investigation if it is brought to his attention or he becomes aware that the conduct of a police officer, in the performance of the police officer’s duties, may constitute a transgression of the Code of ethics.

The Commissioner is required to hold an investigation into the conduct of a police officer, in the performance of the police officer’s duties, that may constitute a transgression of the Code of ethics where the Minister requests the Commissioner to do so or in the cases provided for in sections 147.1 and 165.

If an investigation is held, the Commissioner shall notify, in writing and without delay, where applicable, the complainant or the person who made the report, the police officer concerned and the director of the police force of which the police officer is a member. In the case of a complaint about the conduct of a Québec police officer in another province or a territory, the Commissioner shall also notify the competent authority with which the complaint has been lodged in that province or territory.”

42. Section 171 of the Act is amended by replacing the first paragraph by the following paragraph:

“The Commissioner shall designate a person to act as investigator, not later than the 15th day following

- (1) his decision or the Minister’s request to hold an investigation; or
- (2) the refusal or failure of the conciliation, in the case of a complaint alleging discriminatory conduct by a police officer.”

43. Section 174 of the Act is amended by replacing “the complaint under” by “an”.

44. Section 175 of the Act is repealed.

45. Section 176 of the Act is amended by adding the following sentence at the end: “If the investigation report cannot be submitted within that time period, the Commissioner shall notify in writing, where applicable, the complainant, the police officer concerned and the director of the police force of which the police officer is a member.”

46. Section 178 of the Act is amended

(1) in the first paragraph,

(a) by inserting the following subparagraph after subparagraph 1:

“(1.1) not follow up on the investigation held following a report, on his initiative or at the request of the Minister, if he is of the opinion that the evidence is insufficient.”;

(b) by replacing “Comité” in subparagraph 2 by “Tribunal administratif”;

(2) by replacing “to subparagraph 1” in the second paragraph by “to subparagraphs 1 and 1.1”.

47. Section 187 of the Act is amended by replacing the first paragraph by the following paragraph:

“The Commissioner may, where he dismisses a complaint or does not follow up on an investigation held following a report, on his initiative or at the request of the Minister, transmit observations to the police officer concerned for the purpose of improving the police officer’s professional conduct and preventing any transgression of the Code of ethics.”

48. Section 190 of the Act is amended by replacing “the complaint he is investigating” by “an investigation”.

49. Section 192 of the Act is amended

(1) by replacing “subject-matter of a complaint” in the first paragraph by “subject of an investigation”;

(2) by replacing “in whose respect no complaint has been made and who cooperates with the Commissioner or the investigators during an investigation carried out following a complaint made against another police officer,” in the second paragraph by “who cooperates with the Commissioner or the investigators during an investigation concerning another police officer”.

50. The heading of Division III of Chapter I of Title IV of the Act is amended by replacing “COMITÉ” by “TRIBUNAL ADMINISTRATIF”.

51. Section 194 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“An administrative tribunal is established under the name “Tribunal administratif de déontologie policière”.”;

(2) by replacing “ethics committee” in the introductory clause of the second paragraph by “Tribunal”.

52. Section 195 of the Act is amended by replacing “a complaint concerning the conduct of a police officer, the purpose of which is to” by “an investigation concerning the conduct of a police officer, and its purpose is to”.

53. Section 196 of the Act is amended

(1) by replacing “ethics committee is located in the territory of the Communauté urbaine de Québec” in the first paragraph by “Tribunal is located in the territory of Ville de Québec”;

(2) by replacing the second paragraph by the following paragraph:

“The Tribunal may sit anywhere in Québec. It may hold a hearing at a distance using any means that allows the persons to hear and see one another in real time.”

54. Section 197 of the Act is amended

(1) in the first paragraph,

(a) by replacing “sitting of the ethics committee” by “hearing of the Tribunal”;

(b) by replacing “the committee” by “the Tribunal”;

(2) by replacing “the ethics committee hold a sitting” in the second paragraph by “the Tribunal hold a hearing”.

55. Section 198 of the Act is replaced by the following section:

“**198.** The Tribunal shall be composed of advocates who have been members of the Barreau for not less than 10 years.”

56. Section 199 of the Act is amended

(1) by replacing the first and second paragraphs by the following paragraph:

“The Government shall appoint the Tribunal’s full-time and part-time members, at least one of which is a member of an Indigenous community to act where an investigation relates to an Indigenous police officer, for a term not exceeding five years and in such number the Government determines. Their term may be renewed.”;

(2) by replacing “chairman of the ethics committee” in the third paragraph by “chair”.

57. Section 201 of the Act is amended by replacing “and social benefits of the full-time members and shall determine the other conditions attached to their office” by “, employee benefits and other conditions of employment of the full-time members”.

58. Section 202 of the Act is amended by striking out “committee”.

59. Section 216 of the Act is amended by replacing “constituting” by “that may constitute”.

60. Section 217 of the Act is replaced by the following section:

“**217.** The clerk shall notify the citation to the police officer concerned by any means that provides proof of the date of its notification.

The clerk shall send a copy of the citation to the complainant.”

61. Section 220 of the Act is replaced by the following section:

“**220.** Upon receipt of the declaration or at the expiry of the time allowed for filing it, the chair shall fix the date and place of the hearing or, if it is held at a distance, the means to be used to hold the hearing. The clerk shall notify the parties not less than 30 days before the date fixed for the hearing by any means that provides proof of the date of receipt of the notice.”

62. Section 222 of the Act is amended by replacing “ethics committee adjourn a sitting” by “Tribunal adjourn a hearing”.

63. Section 231 of the Act is replaced by the following section:

“**231.** The chair, after consulting the members of the Tribunal, may make a directive to ensure proper case management and the orderly conduct of proceedings. The chair shall make any such directive public.

A member may also, at any time, take the measures it considers necessary for case management purposes, such as ordering that any proceeding, documentary evidence, report or information be communicated before the hearing. It may also convene the parties to a case management conference or a preparatory conference.”

64. Section 233 of the Act is amended

(1) in the first paragraph,

(a) by replacing “committee” by “Tribunal”;

(b) by inserting “and, where appropriate, a measure” at the end;

- (2) in the second paragraph,
 - (a) by inserting “and, if applicable, a measure” after “a penalty”;
 - (b) by replacing “committee” by “Tribunal”;
 - (c) by replacing “the penalty” by “them”.

65. Section 234 of the Act is amended

- (1) in the first paragraph,
 - (a) by replacing “ethics committee” by “Tribunal”;
 - (b) by striking out subparagraphs 1 and 3;
 - (c) by striking out “for a period not exceeding 60 working days” in subparagraph 4;

- (2) by inserting the following paragraph after the first paragraph:

“The Tribunal may impose on the police officer, in addition to the penalties set out in the first paragraph, one or more of the following measures:

- (1) successfully complete training or a period of refresher training;
- (2) undergo a medical evaluation;
- (3) participate in an assistance or support program or therapy in relation to the police officer’s needs;
- (4) participate in a community involvement program or a social and community immersion program;
- (5) submit to a supervision plan; and
- (6) participate in an administrative follow-up program.”;

- (3) by replacing “a period of not more than five years” in the second paragraph by “the period determined by the Tribunal”.

66. Section 235 of the Act is amended

- (1) by inserting “and a measure” after “penalty” in the first paragraph;
- (2) by replacing “ethics committee” and all occurrences of “committee” by “Tribunal”.

67. Section 236 of the Act is amended, in the first paragraph,

(1) by replacing “ethics committee” by “Tribunal”;

(2) by replacing “registered mail” by “any means that provides proof of its notification”.

68. Section 238 of the Act is replaced by the following section:

“238. A final decision of the Tribunal may be appealed to the Court of Québec, with leave of a judge of that court, where the matter at issue is one which ought to be submitted to that court. However, where a penalty is to be imposed, the decision may be the subject of an application for leave to appeal only once the penalty has been imposed.”

69. Section 239 of the Act is amended

(1) by replacing “ethics committee” in the first paragraph by “Tribunal”;

(2) by striking out “of the ethics committee” in the second paragraph;

(3) by replacing “the imposition of the penalty decided by the ethics committee” in the third paragraph by “the enforcement of the penalty and, if applicable, the measure imposed by the Tribunal”.

70. Section 241 of the Act is replaced by the following section:

“241. Any person who is a party to a proceeding before the Tribunal may file, with the Court of Québec, an application for leave to appeal any final decision of the Tribunal.”

71. Section 243 of the Act is replaced by the following section:

“243. The application for leave to appeal must be made at the office of the Court of Québec of the judicial district where the Tribunal heard the matter in first instance and be accompanied by a copy of the decision and of the documents of the contestation, if they are not reproduced in the decision.

The application, accompanied by a notice of presentation, must be served on the other party, the director of the police force of which the police officer concerned is a member, the Tribunal and the person who lodged the complaint, and filed in the office of the Court. The application must state the conclusions sought and contain a brief statement by the applicant of the grounds he intends to argue.

The application must be made within 30 days of the decision. The time limit may be extended only if a party establishes that it was unable to act.

The respondent may bring an incidental appeal in the same manner and within 30 days of the service of the application.”

72. Section 244 of the Act is repealed.

73. The Act is amended by inserting the following section after section 244:

“244.1. An application for leave to appeal does not suspend the execution of the Tribunal’s decision. However, a judge of the Court of Québec may, on an application, suspend execution of the decision if the applicant shows that execution would cause him serious prejudice and that he has filed an application for leave to appeal.”

74. Sections 245 and 246 of the Act are replaced by the following sections:

“245. If an application for leave to appeal is granted, the judgment authorizing the appeal shall stand for the inscription in appeal.

The clerk of the Court of Québec shall, without delay, send a copy of that judgment to the Tribunal, to the parties and their advocates, to the director of the police force of which the police officer concerned is a member and to the person who lodged the complaint.

Upon receipt of the judgment, the clerk of the Tribunal shall send the record of the case and all documents relating to it to the clerk of the Court of Québec.

“246. Unless provisional execution has been ordered, the appeal suspends execution of the Tribunal’s decision.”

75. Section 247 of the Act is repealed.

76. Section 253 of the Act is amended by replacing “the imposition of the penalty decided” in the second paragraph by “the enforcement of the penalty and, if applicable, the measure imposed”.

77. Section 255.2 of the Act is amended

(1) by replacing “a warning, reprimand or rebuke” in the first paragraph by “a reprimand”;

(2) by replacing “ethics committee” in the fourth paragraph by “Tribunal”.

78. Section 255.4 of the Act is amended

(1) by replacing “penalty imposed” by “penalty and, if applicable, the measure imposed”;

(2) by replacing “imposed the penalty” by “enforced them.”.

79. Section 255.5 of the Act is amended

- (1) by replacing “ethics committee” in the first paragraph by “Tribunal”;
- (2) by replacing “imposed” in the second paragraph by “enforced”.

80. Section 255.6 of the Act is amended

- (1) in the first paragraph,

(a) by replacing “was a warning, reprimand or rebuke, and the Commissioner raises no objection. If the penalty was a suspension or demotion, or the Commissioner” in the first paragraph by “imposed is a reprimand, and the Commissioner raises no objection. If a measure was imposed under the second paragraph of section 234, if the penalty imposed is a suspension or demotion or if the Commissioner”;

- (b) by replacing “ethics committee” by “Tribunal”;

- (2) by replacing “ethics committee” in the second paragraph by “Tribunal”.

81. Section 255.7 of the Act is amended

- (1) by replacing “imposed” in the second paragraph by “enforced”;
- (2) by replacing all occurrences of “ethics committee” by “Tribunal”.

82. Section 255.9 of the Act is amended by replacing “ethics committee” in the second paragraph by “Tribunal”.

83. Section 258 of the Act is amended by replacing the third and fourth paragraphs by the following paragraph:

“The Government shall determine, by regulation, the minimum content of a discipline by-law made under section 256. The minimum content shall apply to any regulation made under section 257.”

84. Section 259 of the Act is amended by adding the following sentence at the end: “However, those provisions may not depart from the provisions of the government regulation made under the third paragraph of section 258.”

85. Section 262 of the Act is amended

- (1) by striking out “written statement and sign the” in the first paragraph;
- (2) by replacing “personal notes and reports” in the third paragraph by “documents”.

86. The Act is amended by inserting the following chapter after section 263.3:

“CHAPTER V

“COMMUNICATION WITH A POLICE FORCE

“263.4. The priorities and guidelines prepared by the Minister, the municipality, the intermunicipal board, the public security committee established under section 78 or the band council with respect to a police force acting under its authority shall be brought to the attention of the police force concerned in writing and be made public.

The priorities and guidelines shall not concern a police investigation or intervention in particular.

“263.5. The director or a member of a police force must refuse to communicate or to confirm the existence of information if its disclosure could have an impact on the administration of justice and public security, in particular where it could adversely affect a police investigation or intervention, reveal an investigation procedure or result in danger to human life or safety.”

87. Section 264 of the Act is amended by inserting “the number of police officers who participated in a training activity referred to in section 116 or an activity to maintain skills, specifying the training activity or activity to maintain skills participated in and the number of hours spent on the activity,” after “in particular.”

88. Section 265 of the Act is replaced by the following section:

“265. The director of a police force must transmit to the Minister, before 1 April each year, according to the form and content determined by the Minister,

(1) a report indicating the search warrants applied for; and

(2) a report indicating the police street checks made, including the vehicles stopped under section 636 of the Highway Safety Code (chapter C-24.2).”

89. Section 267 of the Act is amended

(1) by replacing “and within the time prescribed by the Minister” in the introductory clause by “, within the time and in the form and manner determined by the Minister”;

(2) by adding the following paragraphs after paragraph 2:

“(3) the statements, statistical data and other information necessary to assess the crime situation and the effectiveness of police action; and

“(4) the information and documents necessary for the exercise of the Minister’s functions.”

90. Section 289.1 of the Act is amended by adding the following sentence at the end of the first paragraph: “The purpose of the investigation is to shed light on the event and the related circumstances with impartiality and transparency.”

91. The Act is amended by inserting the following section after section 289.1:

“289.1.1. The director of the Bureau may decide, unless public confidence in police officers would be severely undermined, to terminate an investigation if convinced, after consulting, if the director considers it necessary, the Director of Criminal and Penal Prosecutions, that the police intervention did not contribute to the death or to the serious injury.

However, the Bureau must complete the investigation if it is informed of a new fact which, had it been known in time, would have justified completion of the investigation.”

92. The Act is amended by inserting the following section after section 289.3:

“289.3.1. Once the investigation referred to in section 289.1 or section 289.3 has been completed, the director of the Bureau shall send the file to the Director of Criminal and Penal Prosecutions and to, where appropriate, the coroner, the Police Ethics Commissioner, the internal affairs of the police force of which the police officer involved is a member or the Public Protector in order for them to process it.”

93. Section 289.21 of the Act is repealed.

94. The Act is amended by inserting the following section before section 289.22:

“289.21.1. The director of the Bureau shall communicate to the public the reasons for the decision to terminate an investigation under the first paragraph of section 289.1.1.”

95. Section 304 of the Act is amended by replacing “general policy concerning police organization and crime prevention.” in the first paragraph by “general policy directions concerning police organization and crime prevention. The policy directions shall be brought to the attention of the police forces concerned in writing and be made public.”

96. Section 307 of the Act is replaced by the following section:

“307. The Minister shall advise and supervise the police forces and the authorities that the police forces report to as regards the implementation of the measures provided for in this Act and shall verify the effectiveness of the police services they provide.

To that end, the Minister shall establish and make public guidelines on any matter coming under this Act or the regulations and on any matter relating to police activity. The guidelines may concern, among other things, collaboration and concerted action between police forces and between police forces and the various stakeholders concerned. The guidelines shall not concern a police investigation or intervention in particular.

The authorities to which the police forces report shall communicate to the Minister all relevant information concerning their priorities, projects and achievements.”

97. The Act is amended by inserting the following section after section 307:

“307.1. The Minister must establish, with respect to police forces and their members, a guideline concerning police street checks, including vehicles stopped under section 636 of the Highway Safety Code (chapter C-24.2), and make it public.”

98. Section 308 of the Act is amended by replacing “other social stakeholders” by “various stakeholders from the communities concerned by the mission of police forces”.

99. Section 353.3 of the Act is amended by replacing “employment benefits” in the third paragraph by “employee benefits”.

100. The Act is amended by inserting the following section after section 354:

“354.1. For the purposes of the provisions of this Act that confer a role on the director of a police force or on the competent authority in respect of a special constable, the role is conferred on

(1) the Minister, if the police officer involved is the Director General of the Sûreté du Québec or the director of a specialized police force;

(2) the director general of the municipality, if the police officer involved is the director of a municipal police force; or

(3) the employer

(a) if the police officer involved is the director of any other police force; or

(b) if the special constable involved acts as the competent authority in respect of special constables under the first paragraph of section 107.

For the purposes of Chapter I of Title IV, if the complaint is lodged against a highway controller or a person having authority over a highway controller, the role conferred on the director of a police force is conferred on the highway controller's employer."

CANNABIS REGULATION ACT

101. Section 72 of the Cannabis Regulation Act (chapter C-5.3) is repealed.

CITIES AND TOWNS ACT

102. Section 114.1 of the Cities and Towns Act (chapter C-19) is amended

(1) by replacing “, in the opinion of the head of the police department, it would disclose the content of a record concerning a police investigation” in paragraph 1 by “the director or a member of the police force must refuse to communicate or to confirm the existence of information in accordance with section 263.5 of the Police Act (chapter P-13.1)”;

(2) by replacing “provided that the report does not, in the opinion of the head of the police department, tend to disclose the content of a record concerning a police investigation; and, he shall, where he considers it expedient,” in paragraph 6 by “, with the exception of any information referred to in section 263.5 of the Police Act; where he considers it expedient, he shall”.

MUNICIPAL CODE OF QUÉBEC

103. Article 176.5 of the Municipal Code of Québec (chapter C-27.1) is amended by replacing the second paragraph by the following paragraph:

“However, the report concerning the police force may contain no information referred to in section 263.5 of the Police Act (chapter P-13.1).”

104. Article 212 of the Code is amended by replacing “where, in the opinion of the head of the police department, it would disclose the content of a record concerning a police investigation” in paragraph 1 by “where the director or a member of the police force must refuse to communicate or to confirm the existence of information in accordance with section 263.5 of the Police Act (chapter P-13.1)”.

TOBACCO TAX ACT

105. Section 13.2.0.1 of the Tobacco Tax Act (chapter I-2) is replaced by the following section:

“13.2.0.1. Despite the second paragraph of section 72.4 of the Tax Administration Act (chapter A-6.002), a member of the Sûreté du Québec or a member of a municipal police force may sign and issue a statement of offence for any offence under sections 9.2 and 9.2.1.”

TOBACCO CONTROL ACT

106. Section 38.2 of the Tobacco Control Act (chapter L-6.2) is replaced by the following section:

“38.2. A member of a police force may stop a motor vehicle to enforce paragraph 10.1 of section 2 if the member has reasonable grounds to believe that a person is smoking in the vehicle while a minor under 16 years of age is present in it.”

ACT RESPECTING THE MINISTÈRE DE LA SÉCURITÉ PUBLIQUE

107. Section 8 of the Act respecting the Ministère de la Sécurité publique (chapter M-19.3) is amended by replacing the first paragraph by the following paragraph:

“The Minister shall devise and propose to the Government policies, measures and programs relating, in particular, to the maintenance of public safety, to crime prevention, to the implementation and improvement of methods of crime detection and repression and to the imprisonment and rehabilitation of inmates, and shall, where applicable, see to their implementation.”

108. The Act is amended by inserting the following section after section 9:

“9.1. For the purpose of performing his duties, the Minister may provide a grant or any other form of financial assistance in accordance with the Public Administration Act (chapter A-6.01), in particular for carrying out programs, projects, research, studies or analyses.”

YOUTH PROTECTION ACT

109. Section 135.2.2 of the Youth Protection Act (chapter P-34.1) is repealed.

ACT TO PROMOTE THE PROTECTION OF PERSONS BY ESTABLISHING A FRAMEWORK WITH REGARD TO DOGS

110. Section 10 of the Act to promote the protection of persons by establishing a framework with regard to dogs (chapter P-38.002) is repealed.

CONSUMER PROTECTION ACT

III. Section 260.32 of the Consumer Protection Act (chapter P-40.1) is repealed.

RULES OF EVIDENCE, PROCEDURE AND PRACTICE OF THE COMITÉ DE DÉONTOLOGIE POLICIÈRE

II2. Section 19 of the Rules of evidence, procedure and practice of the Comité de déontologie policière (chapter P-13.1, r. 2.1) is repealed.

BY-LAW TO ESTABLISH THE TRAINING PLAN REGULATION OF THE ÉCOLE NATIONALE DE POLICE DU QUÉBEC

II3. Sections 8 and 10 of the By-law to establish the Training Plan Regulation of the École nationale de police du Québec (chapter P-13.1, r. 4) are repealed.

AMENDING AND TRANSITIONAL PROVISIONS

II4. Unless the context indicates otherwise and with the necessary modifications,

(1) in the Police Act (chapter P-13.1),

(a) all occurrences of “Comité de déontologie policière” are replaced by “Tribunal administratif de déontologie policière”;

(b) all occurrences of “Comité”, “committee” and “ethics committee” in sections 91, 185, 203 to 205, 207 to 214, 221, 223, 225, 227 to 230, 232, 237, 240, 255.1, 255.8, 255.10 and 255.11 and the heading of subdivision 3 of Division III of Chapter I of Title IV are replaced by “Tribunal”;

(c) all occurrences of “Native”, “Aboriginal” and “aboriginal” are replaced by “Indigenous”;

(d) all occurrences of “chairman” and “vice-chairman” are replaced by “chair” and “vice-chair”, respectively;

(2) in section 24 of the By-law respecting the internal discipline of members of the Sûreté du Québec (chapter P-13.1, r. 2.01), “Comité de déontologie policière” is replaced by “Tribunal administratif de déontologie policière”;

(3) in the Rules of evidence, procedure and practice of the Comité de déontologie policière (chapter P-13.1, r. 2.1), all occurrences of “Comité de déontologie policière”, “ethics committee” and “ethics committee’s” are replaced by “Tribunal administratif de déontologie policière”, “Tribunal” and “Tribunal’s”, respectively;

(4) in any other Act or regulation, “Comité de déontologie policière” is replaced by “Tribunal administratif de déontologie policière”.

115. Unless the context indicates otherwise and with the necessary modifications, in any other document, a reference to the “Comité de déontologie policière” is a reference to the “Tribunal administratif de déontologie policière”.

116. Sections 233, 234 and 235 of the Police Act, as amended by, respectively, sections 64, 65 and 66 of this Act, apply to the conduct of a police officer that constitutes a derogatory act under the Code of ethics of Québec police officers (chapter P-13.1, r. 1) prior to (*insert the date of assent to this Act*).

CHAPTER II

ENACTMENT OF THE ACT TO ASSIST IN LOCATING MISSING PERSONS

117. The Act to assist in locating missing persons, the text of which appears in this chapter, is enacted.

“ACT TO ASSIST IN LOCATING MISSING PERSONS

“CHAPTER I

“INTERPRETATIVE PROVISIONS

“1. For the purposes of this Act, a missing person is a person

(1) who has not been in contact with the persons they would normally be in contact with or regarding whom it is reasonable to fear for the health or safety in the circumstances; and

(2) whose whereabouts are unknown, despite reasonable efforts made by a police force to locate the person.

In addition, a person accompanying a missing person is a person regarding whom there are reasonable grounds to suspect that they are accompanying a missing person who is a minor or a person in a vulnerable situation within the meaning of the fifth paragraph of section 2 of the Act to combat maltreatment of seniors and other persons of full age in vulnerable situations (chapter L-6.3).

“2. This Act does not prevent a person, partnership or other group of persons from communicating information to a member of a police force to assist the member in locating a missing person in the absence of a communication order issued to third parties if the law does not otherwise prohibit them from doing so.

“CHAPTER II

“COMMUNICATION ORDER ISSUED TO THIRD PARTIES AND AUTHORIZATION TO ENTER PREMISES

“**3.** A judge of the Court of Québec or a presiding justice of the peace may, on an application made on the basis of an affidavit by a member of a police force, order a person, partnership or other group of persons to communicate information that is referred to in section 4 concerning the missing person or the person accompanying the missing person and that is in the possession or under the control of the person, partnership or other group of persons when they receive the order. The judge or presiding justice of the peace may also order the preparation of a document based on that information and order that the document be communicated.

The judge or presiding justice of the peace may make the order if satisfied that there are reasonable grounds to believe that the information will assist the police force in locating the missing person and that the person, partnership or group of persons has possession or control of the information.

The order specifies the information that must be communicated, the place and form of communication, the name of the member of the police force to whom it must be communicated and the time limit for communicating it. The order may contain any terms and conditions the judge or presiding justice of the peace considers appropriate, in particular to protect lawyers’ and notaries’ professional secrecy.

Where the judge or presiding justice of the peace who makes the order or any other judge having jurisdiction to make such an order is satisfied, on an application made on the basis of an affidavit by a member of a police force, that public interest warrants it, the judge or justice may vary or revoke the order or set a new time limit.

“**4.** The order made under section 3 may concern, among other things,

- (1) information relating to identity;
- (2) telephone communications, electronic communications and information relating to a communication device, including
 - (a) signals or other data from a device that may indicate the location of the device;
 - (b) inbound and outbound text messages and calls;
 - (c) Internet browsing history; and
 - (d) the brand and model of the device;

- (3) positioning signals and location data, including those provided by a global positioning system (GPS);
- (4) photos and videos, including closed-circuit television footage;
- (5) health and social services information, including information relating to registration, enrolment, admission, transfer, discharge or absence kept by a facility maintained by an institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5);
- (6) information relating to a child who receives childcare;
- (7) information relating to a student or a homeschooled child;
- (8) information relating to an employment, a position or an office;
- (9) information relating to means of transportation, travel and accommodation;
- (10) financial information, including the place, date and time of the most recent transactions; and
- (11) any other information specified in the order that the judge or presiding justice of the peace considers appropriate.

“5. No one is excused from complying with an order made under this Act on the ground that information or documents they are required to communicate or prepare are protected by professional secrecy or may tend to incriminate them or subject them to a proceeding or penalty. However, no information or document that a natural person is required to communicate or prepare may be used or received in evidence against them in a proceeding that is subsequently instituted against them, except in a prosecution for perjury, the giving of contradictory testimony or the fabrication of evidence.

However, the lifting of professional secrecy authorized under this section does not apply to professional secrecy between a lawyer or a notary and a client.

“6. A judge of the Court of Québec or a presiding justice of the peace may, on an application made on the basis of an affidavit by a member of a police force, grant authorization to enter premises, including a dwelling house, subject to the conditions specified, if the judge or presiding justice of the peace is satisfied that there are reasonable grounds to believe that the missing person is located in the premises and that it is necessary to enter them in order to ensure the missing person’s health or safety.

“7. Applications under sections 3 and 6 are made in the sole presence of the member of the police force who makes the application and may be made at a distance using technological means.

“CHAPTER III

“COMMUNICATION TO THE PUBLIC

“**8.** The director of a police force or the person designated by the director may, if they consider it necessary in order to assist in locating the missing person, communicate, among other things, the following information to the public:

(1) the name of the missing person and, if applicable, of the person accompanying them;

(2) the age and the physical description of the missing person and, if applicable, of the person accompanying them;

(3) a photo or other visual representation of the missing person and, if applicable, of the person accompanying them;

(4) the condition of the missing person where it represents a risk for their safety or health;

(5) information relating to a means of transportation or mode of travel used by the missing person and, if applicable, by the person accompanying them; and

(6) the location where the missing person was last seen and the circumstances surrounding the disappearance.

“**9.** When the missing person is located, the director of the police force or the person designated by the director may communicate to the public that the missing person has been located or is deceased.

“CHAPTER IV

“AMENDING AND FINAL PROVISIONS

“TAX ADMINISTRATION ACT

“**10.** Section 69.0.0.13 of the Tax Administration Act (chapter A-6.002) is amended by replacing “69.0.0.12 or 69.0.2” in the first paragraph by “69.0.0.12, 69.0.2 or 69.0.4.1”.

“**11.** The Act is amended by inserting the following section after section 69.0.4:

“**69.0.4.1.** An employee of the Agency may, without the consent of the person concerned, communicate to the member of a police force named in an order made under section 3 of the Act to assist in locating missing persons (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act to assist in locating missing persons*) information contained in a tax record and covered by the order.”

“12. The Minister of Public Security is responsible for the administration of this Act.”

CHAPTER III

PROVISIONS WITH RESPECT TO CORRECTIONS

ACT RESPECTING THE QUÉBEC CORRECTIONAL SYSTEM

118. The Act respecting the Québec correctional system (chapter S-40.1) is amended by replacing “convicted” in the first and second paragraphs of section 10 and in section 11 by “found guilty”.

119. Section 41 of the Act is amended by replacing the second paragraph by the following paragraph:

“An inmate may apply for a review of a decision of the discipline committee. The review shall be carried out by a person designated by the Minister.”

120. Section 66 of the Act is amended by striking out “to a young person within the meaning of the Young Offenders Act (R.S.C. 1985, c. Y-1) who has been committed to custody under that Act or”.

121. Section 134 of the Act is amended by replacing “June” in the first paragraph by “September”.

122. Section 139 of the Act is amended by replacing “, terminating or cancelling” by “or revoking such an absence or following the automatic end of”.

123. Section 150 of the Act is repealed.

124. The Act is amended by inserting the following sections after section 156.1:

“156.2. A person serving a sentence for contempt of court in a civil or penal matter is not eligible for temporary absence or conditional release if the person is required to return before the court pursuant to a condition of his or her sentence.

“156.3. The parole board is not required to examine the case of an offender if, at the time fixed for the examination,

- (1) the person is unlawfully at large;
- (2) the person is the subject of an order for preventive detention;
- (3) the person has ceased to be eligible for temporary absence or conditional release; or

(4) the person has served his or her entire term of imprisonment.

In the cases referred to in subparagraphs 1 and 2 of the first paragraph, the parole board must, however, examine the case as soon as possible after being informed of the offender's recommitment or interim release, as applicable."

125. Section 160 of the Act is amended by replacing "The decision to grant temporary absence or conditional release shall not take effect" in the first paragraph by "The parole board or a person designated in writing by the parole board may suspend the decision to grant a temporary absence or conditional release".

126. Section 161 of the Act is amended by adding the following paragraph at the end:

"Despite the first paragraph, an offender's temporary absence automatically ends as soon as the offender is the subject of a decision refusing his or her conditional release. In such a case, the parole board or a person designated in writing by the parole board may, if appropriate, issue a warrant of apprehension and order the commitment of the offender."

127. Section 169 of the Act is replaced by the following section:

"169. A person may apply for a review of a decision of the parole board refusing or revoking the person's temporary absence or conditional release or ordering its termination.

The examination of an application for review is entrusted exclusively to the permanent review committee of the parole board, composed of members designated by the chair. A member of that committee may also make any other decision that cannot be the subject of an application for review.

An application for review shall be examined by three members of the review committee who did not participate in the decision under review."

128. The heading of Division X of Chapter IV of the Act is replaced by the following heading:

"DECISIONS OF A PUBLIC NATURE".

129. Section 172.1 of the Act is replaced by the following section:

"172.1. Parole board decisions rendered under sections 136, 138, 140 and 143, the second paragraph of section 160 and sections 163, 167 and 171 are of a public nature, except information they contain that could

(1) disclose personal information concerning a person to whom such a decision does not apply;

- (2) endanger the safety of a person;
- (3) reveal a source of information obtained confidentially; or
- (4) hinder the reintegration of the offender.”

CHAPTER IV

FIRE SAFETY PROVISIONS

FIRE SAFETY ACT

130. Section 24 of the Fire Safety Act (chapter S-3.4) is amended

(1) by replacing “published in a newspaper in the territory of the regional authority” in the second paragraph by “disseminated by any means enabling the population concerned to be informed”;

(2) by replacing both occurrences of “published” in the third paragraph by “disseminated”.

131. Section 28 of the Act is repealed.

132. Sections 29 and 30 the Act are replaced by the following sections:

“29. The regional authority must revise its fire safety cover plan, beginning not later than eight years after the date it came into force, according to the same procedure as the one prescribed for establishing the plan. The revised plan must come into force not later than 10 years after that date.

The Minister or a person designated by the Minister shall notify the regional authority when it must begin the revision and shall specify the steps required to carry it out.

“30. Once the fire safety cover plan is in force, it must, so as to remain up to date, be amended to reflect technological change, a change in territorial limits or an increase in risk levels, or for any other valid reason.

The plan must also be amended to reflect new ministerial policies with which it is not in compliance. In such a case, the amendments necessary must be made within 12 months after transmission of the new policies.

Any amendment to the plan to bring it into compliance with ministerial policies or to amend the protection objectives, reduce the measures or extend the deadlines set out in the plan must be made according to the same procedure as the one prescribed for establishing the plan, except an amendment referred to in the first paragraph, which can be made without any special formality provided the plan remains in compliance with ministerial policies, and the amendment referred to in section 30.1.”

133. The Act is amended by inserting the following sections after section 31:

“31.1. The Minister may order a regional authority to proceed with the amendment or revision of its fire safety cover plan within the time the Minister determines if the Minister finds that the plan must be amended or revised under this Act.

“31.2. If a municipality or an intermunicipal board finds that a disagreement with another municipality or another intermunicipal board prevents it from complying with the optimum protection objectives proposed or determined by the regional authority, it may submit the dispute to the Commission municipale du Québec for arbitration, unless the Minister of Municipal Affairs has already exercised the power provided for in either article 618 or 624.1 of the Municipal Code of Québec (chapter C-27.1) or section 468.49 or 469.2 of the Cities and Towns Act (chapter C-19). Likewise, a power provided for in any of those articles or sections may not be exercised by the Minister of Municipal Affairs if the dispute has been submitted to arbitration under this section.

In addition, if the disagreement concerns the implementation of a signed intermunicipal agreement, the municipality or the intermunicipal board cannot apply for the conciliation provided for in article 622 of the Municipal Code of Québec or section 468.53 of the Cities and Towns Act.

The Commission may, after hearing the regional authority concerned, the interested municipalities and, if applicable, the intermunicipal boards, render any decision it considers equitable so that the municipalities or intermunicipal boards referred to in the first paragraph comply with the proposed or determined optimum protection objectives.

Without limiting the scope of the preceding paragraphs, such a decision may provide that the municipality or intermunicipal board concerned exercises its jurisdiction with respect to fire safety outside its territory, to the extent specified in the decision. In such a case, the municipality or intermunicipal board has all the powers required to comply with the decision.”

134. Section 35 of the Act is replaced by the following section:

“35. Every local authority and every intermunicipal board in charge of the implementation of measures provided for in a fire safety cover plan must adopt by resolution and transmit to the regional authority, within three months after the end of their fiscal year, a report on their fire safety activities for the preceding fiscal year as well as their fire safety projects for the coming year.

The regional authority must also adopt such a report by resolution and transmit it to the Minister within three months after the end of the second fiscal year that follows the date of coming into force of the fire safety cover plan and, subsequently, every two years. The report must include a status report on the achievement of the determined optimum protection objectives and of the expected actions provided for in the plan.

The regional authority may request from the local authority or the intermunicipal board concerned any information it considers necessary for the purposes of this section. The local authority or the intermunicipal board must provide the regional authority with the requested information within the time determined by the regional authority.”

135. Section 47 of the Act is amended by adding the following paragraph at the end:

“The authority referred to in the second paragraph is not entitled to the above exemption if the fire safety cover plan of the regional authority has not been amended or revised as required under this Act.”

TRANSITIONAL PROVISION

136. Despite sections 24 and 29 of the Fire Safety Act (chapter S-3.4), as amended by sections 130 and 132 of this Act, if, on (*insert the date preceding the date of coming into force of this section*), the fire safety cover plan of a regional authority has reached the end of the fifth year following the date of its coming into force, the authority must begin or continue the revision of the plan in accordance with section 29 of the Fire Safety Act, as it read before being replaced by section 132 of this Act. However, the regional authority is entitled, in such a case, to an additional year in order to complete the revision of the plan.

CHAPTER V

FINAL PROVISIONS

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

(1) sections 1 and 2, 13, 14, 87, 88 and 114, which come into force on the date or dates to be set by the Government;

(2) sections 83 and 84, which come into force on the date of coming into force of the first regulation made under section 258 of the Police Act (chapter P-13.1), amended by section 83 of this Act; and

(3) section 97, which comes into force on (*insert the date that is two months after the date of assent to this Act*).