



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 54

**An Act to amend the Police Act and
other legislative provisions**

Introduction

**Introduced by
Mr. Benoît Pelletier
Minister responsible for Aboriginal Affairs**

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EXPLANATORY NOTES

This bill amends the Police Act, the Cree Villages and the Naskapi Village Act and the Act respecting the Cree Regional Authority to provide for the establishment and maintenance of a regional police force to serve the Cree communities.

The bill authorizes the Government to enter into an agreement with two or more Native communities in order to establish a joint police force to serve those communities.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting the Cree Regional Authority (R.S.Q., chapter A-6.1);
- Police Act (R.S.Q., chapter P-13.1);
- Cree Villages and the Naskapi Village Act (R.S.Q., chapter V-5.1).

Bill 54

AN ACT TO AMEND THE POLICE ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

POLICE ACT

1. Section 43 of the Police Act (R.S.Q., chapter P-13.1) is amended by replacing “to Cree and Naskapi villages, nor to the Kativik Regional Government” in the fourth paragraph by “to the Naskapi Village, to the Cree Regional Authority or to the Kativik Regional Government”.

2. Section 72 of the Act is amended

(1) by replacing “10” in the second paragraph by “5”;

(2) by inserting “The territory described in section 102.6” at the beginning of the third paragraph;

(3) by replacing “a Cree or Naskapi village” in the third paragraph by “the Naskapi Village”.

3. Section 90 of the Act is amended by replacing “a Native community represented by its council” in the first paragraph by “one or more Native communities, each represented by its band council,”.

4. Section 91 of the Act is amended by replacing the first paragraph by the following paragraph:

“**91.** The agreement must include provisions relating to the employment status and swearing-in of police officers, the independence of the administration of the police force, civil liability, internal discipline and accountability.”

5. The heading of Division V of Chapter I of Title II of the Act is replaced by the following heading:

“NASKAPI VILLAGE POLICE FORCE”.

6. Section 94 of the Act is amended

(1) by replacing “of the police force that a Cree village or the Naskapi Village” in the first paragraph by “of the police force that the Naskapi Village”;

(2) by replacing “such a” in the second paragraph by “the”.

7. Section 95 of the Act is amended

(1) by replacing “A Cree or Naskapi village” in the first paragraph by “The Naskapi Village”;

(2) by replacing “with the Cree Regional Authority established under the Act respecting the Cree Regional Authority (chapter A-6.1), or with a Cree village or the Naskapi Village” in the second paragraph by “with the Naskapi Village”;

(3) by replacing the third paragraph by the following paragraph:

“The agreement may also provide for the matters that may be determined in a by-law under the first paragraph, in case the Naskapi Village does not pass such a by-law.”

8. Section 97 of the Act is repealed.

9. Section 100 of the Act is amended

(1) by replacing “A Cree or Naskapi village” in the first paragraph by “The Naskapi Village”;

(2) by replacing “aux fins de permettre à la Sûreté” in the first paragraph in the French text by “afin de permettre à la Sûreté du Québec”;

(3) by replacing “such a municipality” in the second paragraph by “the Naskapi Village”;

(4) by striking out “or, notwithstanding the Act respecting the Ministère des Relations internationales (chapter M-25.1.1) and the Act respecting the Ministère du Conseil exécutif (chapter M-30), a band within the meaning of the Cree Villages and the Naskapi Village Act (chapter V-5.1)” at the end of the second paragraph.

10. Section 101 of the Act is repealed.

11. The Act is amended by inserting the following division after Division V of Chapter I of Title II:

“DIVISION V.1

“POLICE FORCE OF THE CREE REGIONAL AUTHORITY

“102.1. The Cree Regional Authority is authorized to establish and maintain a regional police force. If it does so, the Cree Regional Authority is considered a municipality for the purposes of this Act and this Act applies to it with the necessary modifications, subject to this division.

“102.2. As of the establishment of a regional police force by the Cree Regional Authority, the existing police forces in Cree villages are amalgamated with the regional police force and the members of those police forces are integrated into the regional police force.

As of the establishment of such a regional police force, the existing police force in the community of Oujé-Bougoumou is abolished and police services in that community are provided by the regional police force.

“102.3. The Cree Regional Authority shall appoint the director and the other members of the regional police force and shall notify the Minister of the appointments.

The director of the regional police force shall take the oaths set out in Schedules A and B before the chair of the Cree Regional Authority. The other members of the regional police force shall take the oaths set out in Schedules A and B before the director of the regional police force.

“102.4. The hiring requirements for members of the regional police force are determined by agreement between the Government and the Cree Regional Authority.

“102.5. With the Government’s authorization, the Cree Regional Authority may place the regional police force under the authority of another body.

“102.6. The regional police force has jurisdiction over

(1) the Category IA lands;

(2) the Category IB lands, including Special Category IB lands, as well as any other lands forming the territory of a Cree village within the meaning of the Cree Villages and the Naskapi Village Act (chapter V-5.1);

(3) the Category II or Category III lands situated within the perimeter of the Category I lands of a Cree community;

(4) if the Category I lands of a Cree community are bounded on any side by navigable or other waters, or by the bank or shore of such waters, the expanse in front of those lands, to the middle of such waters, including the islands and

outcrops in such waters, if it is not already part of the Category I lands of a Cree community; if, however, the waters fronting those lands are wider than 3 kilometres, jurisdiction may not be exercised beyond 1.5 kilometres from the bank or shore without the agreement of the Government and the Cree Regional Authority; and

(5) any path or road determined by agreement between the Government and the Cree Regional Authority, and the adjacent lands.

The lands described in subparagraphs 1 to 4 of the first paragraph are delimited in conformity with the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1).

“102.7. The regional police force shall assume a role and responsibilities for police services, in collaboration with the Sûreté du Québec, on the Category II and Category III lands described in paragraph 22.1.6 of the James Bay and Northern Québec Agreement approved by the Act approving the Agreement concerning James Bay and Northern Québec (chapter C-67), in accordance with the arrangements to be determined by agreement between the Government and the Cree Regional Authority in consultation with the police forces concerned.

“102.8. In order to carry out their mission, the regional police force and its members shall provide police services as set out in this Act and as determined by agreement between the Government and the Cree Regional Authority.

“102.9. The Cree Regional Authority may make an agreement with the Minister for the Sûreté du Québec to provide all or part of the police services in the territory described in section 102.6.

“102.10. The Cree Regional Authority may create a committee dedicated to public security and assign the committee the functions it determines as regards the administration of the regional police force.”

12. Section 354 of the Act is amended

(1) by replacing “a member of the police force of a Cree village or the Naskapi Village referred to in Division V of Chapter I of Title II,” in the first paragraph by “a member of the Naskapi Village police force established under Division V of Chapter I of Title II, a member of the regional police force established by the Cree Regional Authority under Division V.1 of Chapter I of Title II”;

(2) by adding the following sentence at the end of the first paragraph: “Those expressions also include a member of the police force of the Kativik Regional Government established under Division IV of Chapter II of Title V of Part II of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1), according to the powers and authority conferred by law on such a member.”

ACT RESPECTING THE CREE REGIONAL AUTHORITY

13. Section 6 of the Act respecting the Cree Regional Authority (R.S.Q., chapter A-6.1) is amended

(1) by adding the following subparagraph at the end of the first paragraph:

“(n) to establish and maintain a regional police force.”;

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

“The Cree Regional Authority also exercises the other functions vested in it by the applicable laws in Québec or by the Agreement. It may, in addition, exercise certain responsibilities under an agreement, provided the Government is party to it.”.

CREE VILLAGES AND THE NASKAPI VILLAGE ACT

14. The Cree Villages and the Naskapi Village Act (R.S.Q., chapter V-5.1) is amended by inserting the following section after section 27:

“**27.1.** Sections 28 and 29 of the Cities and Towns Act (Revised Statutes, 1964, chapter 193), as replaced by section 27 of this Act, do not apply for police purposes to Cree villages as of the establishment of a regional police force by the Cree Regional Authority.”

FINAL PROVISION

15. The provisions of this Act come into force on the date or dates to be set by the Government, except sections 3, 4 and 14, which come into force on *(insert the date of assent to this Act)*.

