



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 110

An Act respecting the Commission des droits de la personne and the Comité de la protection de la jeunesse

Introduction

**Introduced by
Mr Herbert Marx
Minister of Justice**

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EXPLANATORY NOTE

This bill amends various legislation to permit the integration of the Comité de la protection de la jeunesse with the Commission des droits de la personne.

ACTS AMENDED BY THIS BILL

- Charter of human rights and freedoms (R.S.Q., chapter C-12);
- Code of Civil Procedure (R.S.Q., chapter C-25);
- Labour Code (R.S.Q., chapter C-27);
- Youth Protection Act (R.S.Q., chapter P-34.1).

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHARTER OF HUMAN RIGHTS AND FREEDOMS

1. Section 58 of the Charter of human rights and freedoms (R.S.Q., chapter C-12) is replaced by the following section:

“**58.** The commission shall be composed of at least seven members, of whom one shall be the president and not more than two shall be vice-presidents. They shall be appointed by the National Assembly upon the motion of the Prime Minister, for a term not exceeding ten years. Such appointments must be approved by two-thirds of the members of the National Assembly.

The president and the two vice-presidents shall hold office on a full-time basis.”

2. Section 60 of the said charter is replaced by the following section:

“**60.** The members of the personnel of the commission shall be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).”

3. The said charter is amended by inserting, after section 61, the following section:

“61.1 The members of the commission or of its personnel cannot be prosecuted for any act or omission done in good faith in the performance of their functions.”

4. Section 66 of the said charter is amended by adding the following paragraph:

“It shall also have the functions and powers vested in it under the Youth Protection Act (R.S.Q., chapter P-34.1).”

5. The said charter is amended by inserting, after section 67, the following section:

“67.1 The commission may delegate all or part of its powers and duties of investigation under this charter to a committee formed of three members.

The president of the commission or the vice-president designated by him shall be a member of the committee.”

CODE OF CIVIL PROCEDURE

6. Article 823.3 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing the first sentence by the following sentence: “The court must admit to its sittings any member of the Commission des droits de la personne or any other person authorized in writing by the Commission to assist thereat.”

LABOUR CODE

7. Article 111.0.3 of the Labour Code (R.S.Q., chapter C-27) is amended by striking out the words “the Comité de la protection de la jeunesse” in the third line of subparagraph *c* of the second paragraph.

YOUTH PROTECTION ACT

8. Section 1 of the Youth Protection Act (R.S.Q., chapter P-34.1) is amended by replacing subparagraph *a* of the first paragraph by the following subparagraph:

“(a) “Commission” means the Commission des droits de la personne established by the Charter of human rights and freedoms (R.S.Q., chapter C-12);”.

9. The heading of Division I of Chapter III of the said Act is replaced by the following:

"DIVISION I

"COMMISSION DES DROITS DE LA PERSONNE".

10. Subdivision 1, comprising sections 12 to 22, and the heading of subdivision 2 of Division I of Chapter III of the said Act are repealed.

11. Section 23 of the said Act is amended by replacing paragraphs *e* and *f* by the following paragraph:

"(e) it may, on any question related to children's rights, carry out or cause to be carried out studies or make recommendations, particularly to the Minister of Health and Social Services and the Minister of Justice."

12. Sections 23.1 and 24 of the said Act are repealed.

13. Section 25 of the said Act is amended by replacing the words "within the competence of the Comité" in the second line of the first paragraph by the words "related to children's rights".

14. Section 25.1 of the said Act is repealed.

15. The said Act is amended by inserting, after section 27, the following section:

"**27.1** The delegating powers provided by section 67.1 of the Charter of human rights and freedoms apply in respect of duties and powers of inquiry vested in the Commission by this Act.

Sections 71, 74 to 80 and 86 of the Charter also apply for the purposes of inquiries."

16. Sections 28 to 30 of the said Act are repealed.

17. In the said Act, the word "Comité" is replaced by the word "Commission", with the necessary adaptations, wherever it appears in sections 9, 10, 23 to 27, 37, 41, 63, 74.1, 76, 81, 82, 94, 96, 101, 134 and 155.

18. The Commission des droits de la personne shall acquire the rights and assume the obligations of the Comité de la protection de la jeunesse.

19. Proceedings to which the Comité de la protection de la jeunesse is a party are continued, without continuance of suit, by the Commission des droits de la personne.

20. The Public Service Act (R.S.Q., chapter F-3.1.1) becomes, without any other formalities, applicable to the employees of the Commission des droits de la personne.

21. The employees of the Comité de la protection de la jeunesse become employees of the Commission des droits de la personne.

22. The appropriations granted to the Comité de la protection de la jeunesse for the administration of the Youth Protection Act are, to the extent determined by the Government, transferred to the Commission des droits de la personne.

23. In the statutes as well as their statutory instruments, the word “Comité”, if it designates the Comité de la protection de la jeunesse and the expression “Comité de la protection de la jeunesse” are replaced, making the necessary changes, by the word “Commission” and the expression “Commission des droits de la personne” respectively.

24. This Act comes into force on (*insert here the date of assent to this Act*).
