

1988, chapter 46
**AN ACT TO AMEND VARIOUS
LEGISLATION RESPECTING
PUBLIC SECURITY**

Bill 81

Introduced by Mr Herbert Marx, Minister of Public Security

Introduced 15 November 1988

Passage in principle 24 November 1988

Passage 9 December 1988

Assented to 13 December 1988

Coming into force: on the date or dates fixed by the Government

— 1 January 1989: ss. 1, 3 to 9, 24, 25
G.O., 1989, Part 2, p. 1

Acts amended:

Act respecting detective and security agencies (R.S.Q., chapter A-8)
Act respecting tear bombs (R.S.Q., chapter B-6)
Railway Act (R.S.Q., chapter C-14)
Highway Safety Code (R.S.Q., chapter C-24.2)
Safe-Deposit Boxes Act (R.S.Q., chapter C-28)
Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2)
Fire Investigations Act (R.S.Q., chapter E-8)
Executive Power Act (R.S.Q., chapter E-18)
Act respecting explosives (R.S.Q., chapter E-22)
Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1)
Act to promote the parole of inmates (R.S.Q., chapter L-1.1)

(Cont'd on next page)

Acts amended (Cont'd):

Act respecting the Ministère de la Justice (R.S.Q., chapter M-19)
Act respecting the Ministère des Affaires municipales (R.S.Q., chapter M-22.1)
Act respecting the Ministère du Solliciteur général (R.S.Q., chapter M-31.01)
Government Departments Act (R.S.Q., chapter M-34)
Act respecting liquor permits (R.S.Q., chapter P-9.1)
Police Act (R.S.Q., chapter P-13)
Fire Prevention Act (R.S.Q., chapter P-23)
Act respecting probation and houses of detention (R.S.Q., chapter P-26)
Bicycle Ownership Act (R.S.Q., chapter P-31)
Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1)
Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2)
Act respecting the Syndical Plan of the Sûreté du Québec (R.S.Q., chapter R-14)
Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13)
Courts of Justice Act (R.S.Q., chapter T-16)
Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1)



CHAPTER 46

An Act to amend various legislation respecting public security

[Assented to 13 December 1988]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

EXECUTIVE POWER ACT

c. E-18, s. 4,
am. **1.** Section 4 of the Executive Power Act (R.S.Q., chapter E-18) is amended by replacing subparagraph 31 of the first paragraph by the following subparagraph:

“(31) A Minister of Public Security.”

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES

c. M-22.1,
s. 7, am. **2.** Section 7 of the Act respecting the Ministère des Affaires municipales (R.S.Q., chapter M-22.1) is amended by striking out subparagraph 7 of the second paragraph.

ACT RESPECTING THE MINISTÈRE DU SOLLICITEUR GÉNÉRAL

c. M-31.01,
title,
replaced **3.** The title of the Act respecting the Ministère du Solliciteur Général (R.S.Q., chapter M-31.01) is replaced by the following title:

“An Act respecting the Ministère de la Sécurité publique”.

c. M-31.01,
s. 1,
replaced **4.** Section 1 of the said Act is replaced by the following section:

Minister **1.** The Ministère de la Sécurité publique is under the direction of the Minister of Public Security appointed under the Executive Power Act (R.S.Q., chapter E-18).”

c. M-31.01,
s. 2, am. **5.** Section 2 of the said Act is amended

(1) by replacing the words “Deputy Solicitor General” in the second and third lines of the first paragraph by the words “Deputy Minister of Public Security”;

(2) by striking out the second paragraph.

c. M-31.01,
s. 8, am.

6. Section 8 of the said Act is amended by adding the following paragraph:

Civil protec-
tion

“In addition, the Minister shall exercise, as regards civil protection and fire prevention, the duties and powers conferred on him by the Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1) and the Fire Prevention Act (R.S.Q., chapter P-23).”

c. M-31.01,
s. 12, am.

7. Section 12 of the said Act is amended by replacing the words “regulation of the Government published in the *Gazette officielle du Québec*” in the fourth and fifth lines by the words “the Government”.

c. M-31.01,
s. 42,
repealed

8. Section 42 of the said Act is repealed.

GOVERNMENT DEPARTMENTS ACT

c. M-34, s. 1,
am.

9. Section 1 of the Government Departments Act (R.S.Q., chapter M-34) is amended by replacing paragraph 29 by the following paragraph:

“(29) The Ministère de la Sécurité publique, presided over by the Minister of Public Security.”

FIRE PREVENTION ACT

c. P-23, s. 3,
am.

10. Section 3 of the Fire Prevention Act (R.S.Q., chapter P-23) is amended by replacing the words “Municipal Affairs” in the first line by the words “Public Security”.

c. P-23,
s. 11, am.

11. Section 11 of the said Act is amended by replacing the words “Municipal Affairs” in the first line by the words “Public Security”.

ACT RESPECTING THE PROTECTION OF PERSONS AND PROPERTY IN THE EVENT OF DISASTER

c. P-38.1,
s. 1, am.

12. Section 1 of the Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1) is amended

(1) by striking out paragraph *a*;

(2) by replacing the words "Supply and Services" in paragraph c by the words "Public Security".

c. P-38.1,
ss. 2 to 10,
replaced

13. Sections 2 to 10 of the said Act are replaced by the following section:

Establish-
ment

"2. A civil protection service called "Bureau de la protection civile du Québec" is established within the Ministère de la Sécurité publique."

c. P-38.1,
heading,
am.

14. The heading of Division II of Chapter II of the said Act is amended by replacing the word "BUREAU" by the word "MINISTER".

c. P-38.1,
ss. 11 to 14,
am.

15. Sections 11 to 14 of the said Act are amended by replacing the words "Bureau" and "director", wherever they appear, by the word "Minister" and making the required grammatical adjustments.

c. P-38.1,
s. 15,
repealed

16. Section 15 of the said Act is repealed.

c. P-38.1,
s. 19, am.

17. Section 19 of the said Act is amended by striking out the words "or order the Bureau to do so" in the third line of the second paragraph.

c. P-38.1,
ss. 20, 21
and 27, am.

18. Sections 20, 21 and 27 of the said Act are amended by striking out the words ", the director" in the first or second line, as the case may be.

c. P-38.1,
s. 32, am.

19. Section 32 of the said Act is amended by replacing the words "the director" in the first and second lines of the first paragraph by the words "a person designated by the Minister".

c. P-38.1,
ss. 38, 40,
43.1 and 46,
am.

20. Sections 38, 40, 43.1 and 46 of the said Act are amended by replacing the word "Bureau", wherever it appears, by the word "Minister".

c. P-38.1,
s. 50, am.

21. Section 50 of the said Act is amended by striking out the words ", the director" in the first line.

c. P-38.1,
s. 51,
replaced

22. Section 51 of the said Act is replaced by the following section:

Inquiries

"51. The Minister may directly or through a person designated by him for such purpose, inquire into any matter contemplated in this Act and the regulations."

c. P-38.1,
s. 59, am.

23. Section 59 of the said Act is amended by replacing the words “Supply and Services” by the words “Public Security”.

TRANSITIONAL AND FINAL PROVISIONS

Words
replaced

24. The words “Solicitor General” are replaced by the words “Minister of Public Security” wherever they appear in the legislative provisions listed in Schedule I.

Words
replaced

25. Subject to paragraph *b* of section 4 of the Act respecting the Ministère de la Justice (R.S.Q., chapter M-19), in any Act or statutory instrument and in any contract or document, the words “Minister of Justice”, “Attorney General” or “Solicitor General”, “Deputy Minister of Justice”, “Deputy Attorney General” or “Deputy Solicitor General” and “Ministère de la Justice” or “Ministère du Solliciteur général” designate the Minister of Public Security, the Deputy Minister of Public Security and the Ministère de la Sécurité publique, respectively, where they pertain to a matter devolved upon the latter Minister, Deputy Minister and department.

Bureau de la
protection
civile du
Québec

Similarly, in any Act, except the Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1), or statutory instrument and in any contract or document, the words “Bureau de la protection civile du Québec” or “Bureau” designate the Minister of Public Security or the Minister, as the case may be.

c. A-3.001,
s. 12, words
replaced

26. Section 12 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by replacing the words “Bureau de la protection civile du Québec” in the last line by the words “Minister of Public Security”.

Personnel

27. The public servants of the Bureau de la protection civile du Québec and those of the Direction générale de la prévention des incendies of the Ministère des Affaires municipales become, without further formality, public servants of the Ministère de la Sécurité publique.

Rights and
obligations

28. The Minister of Public Security acquires the rights and shall assume the obligations of the Bureau de la protection civile du Québec; he shall also assume the obligations of the Minister of Municipal Affairs as regards fire prevention.

Records and
documents

29. The records and other documents of the Bureau de la protection civile du Québec and those of the Direction générale de la prévention des incendies of the Ministère des Affaires municipales are transferred to the Ministère de la Sécurité publique.

Appropriations

30. The appropriations granted to the Ministère des Approvisionnement et Services in respect of civil protection, and those granted to the Ministère des Affaires municipales in respect of fire safety are transferred, to the extent determined by the Government, to the Ministère de la Sécurité publique.

Coming into force

31. This Act comes into force on the date or dates fixed by the Government.

SCHEDULE I

(Section 24)

- sections 2 to 7, 10, 14 and 16.1 of the Act respecting detective or security agencies (R.S.Q., chapter A-8);
- sections 8 and 9.1 of the Act respecting tear bombs (R.S.Q., chapter B-6);
- section 231 of the Railway Act (R.S.Q., chapter C-14);
- section 650 of the Highway Safety Code (R.S.Q., chapter C-24.2);
- section 9.1 of the Safe-Deposit Boxes Act (R.S.Q., chapter C-28);
- sections 190, 192, 193 and 196 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- sections 5, 8, 11, 13 to 15, 17, 27 to 30 and 35 of the Fire Investigations Act (R.S.Q., chapter E-8);
- sections 1 and 23 of the Act respecting explosives (R.S.Q., chapter E-22);
- sections 115, 125, 132, 175, 177, 178 and 193 of the Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1);
- sections 47, 48 and 57 of the Act to promote the parole of inmates (R.S.Q., chapter L-1.1);
- section 3 of the Act respecting the Ministère de la Justice (R.S.Q., chapter M-19);
- sections 21, 22, 24, 85, 96, 99, 111 and 175 of the Act respecting liquor permits (R.S.Q., chapter P-9.1);
- sections 2.1, 2.3, 9, 21, 33, 35, 37, 39, 41, 45, 47, 55, 56, 64.1 to 64.3, 73.1, 75, 79.2, 79.7, 79.9, 80, 81, 84 to 86, 89, 92 to 95, 97, 98.2 and 101 of the Police Act (R.S.Q., chapter P-13);
- sections 1 and 26 of the Act respecting probation and houses of detention (R.S.Q., chapter P-26);
- section 5.1 of the Bicycle Ownership Act (R.S.Q., chapter P-31);

- sections 5, 7, 14, 15, 29, 31, 45, 73, 83, 99, 100, 101, 103.1, 106, 131, 135, 156, 158, 159, 166 and 184 of the Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2);
- sections 7 to 9, 13 and 19.1 of the Act respecting the Syndical Plan of the Sûreté du Québec (R.S.Q., chapter R-14);
- sections 34, 40, 46, 50 and 52 of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13);
- section 136 of the Courts of Justice Act (R.S.Q., chapter T-16);
- sections 373 to 375 and 377 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1).