



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 54
(2008, chapter 13)

An Act to amend the Police Act and other legislative provisions

Introduced 14 November 2007
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Assented to 12 June 2008

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EXPLANATORY NOTES

This Act 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.

It also 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 ACT:

- 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 replacing “326-92 (1992, G.O. 2, 1115)” in the second paragraph by “497-2002 (2002, G.O. 2, 2293)”;

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

(4) 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 the first paragraph by the following paragraph:

“**100.** The Naskapi Village may, particularly if its police force is unable to provide the services under its jurisdiction on the lands on which the police force and its members are authorized to exercise their functions, make an agreement with the Minister to have the Sûreté du Québec provide those services.”;

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

(3) 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 that apply to members of the regional police force in addition to those specified in subparagraphs 1 to 3 of the first paragraph of section 115 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 agreed area of 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 in providing 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) that are not situated within the perimeter of the Category I lands and shall do so in accordance with the arrangements to be determined by agreement between the Government and the Cree Regional Authority after consultation with the police forces concerned.

An agreement under the first paragraph cannot operate to alter the jurisdiction of the Sûreté du Québec over the territories of the towns of Chapais, Chibougamau, Lebel-sur-Quévillon and Matagami, and the parts of the territory of Municipalité de Baie-James corresponding to the localities of Radisson, Valcanton and Villebois as they existed on 14 November 2007.

“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, particularly if the regional police force is unable to provide the services under its jurisdiction in all or part of the territory described in section 102.6, make an agreement with the Minister to have the Sûreté du Québec provide those services.

“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. The heading of Title XI of the Act is replaced by the following heading:

“INTERPRETATION AND FINAL PROVISIONS”.

13. Section 354 of the Act is replaced by the following section:

“354. In any Act, regulation, order in council, contract or other document, unless the context indicates otherwise, the terms “constable”, “peace officer”, “policeman”, “police officer”, “officer of the peace” and any other similar terms mean a member of the Sûreté du Québec, a member of the police department of Ville de Montréal, a member of a municipal police force, a member of a Native police force referred to in Division IV of Chapter I of Title II, a member of the Naskapi Village, Cree Regional Authority or Kativik Regional Government police force or a special constable, according to their respective powers and authority under the law.

In all such documents, any provision applicable to a municipal police force or to a municipal police officer is, unless the context indicates otherwise, a provision applicable to the police department of Ville de Montréal, a Native police force or the Naskapi Village, Cree Regional Authority or Kativik Regional Government police force or to a member of such a police department or force, with the necessary modifications.

Until the Cree Regional Authority establishes a regional police force, references in this section to the Cree Regional Authority police force are presumed to be references to the police forces of the Cree villages.”

ACT RESPECTING THE CREE REGIONAL AUTHORITY

14. 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

15. 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

16. The provisions of this Act come into force on the date or dates to be set by the Government, except sections 3, 4 and 12, which come into force on 12 June 2008.