

NATIONAL ASSEMBLY
Thirty-fifth Legislature, first session

1995, chapter 12
**AN ACT TO AMEND THE POLICE ACT
AND THE ACT RESPECTING POLICE ORGANIZATION
AS REGARDS NATIVE POLICE**

Bill 57

Introduced by Mr Serge Ménard, Minister of Public Security

Introduced 20 December 1994

Passage in principle 27 January 1995

Passage 2 February 1995

Assented to 8 February 1995

Coming into force: on the date fixed by the Government

- 5 April 1995: ss. 1-5
 G.O., 1995, Part 2, p. 1189

Legislation amended:

Act respecting police organization (R.S.Q., chapter O-8.1)

Police Act (R.S.Q., chapter P-13)



CHAPTER 12

An Act to amend the Police Act and the Act respecting police organization as regards Native police

[Assented to 8 February 1995]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. P-13,
ss. 79.0.1-
79.0.4,
added

1. The Police Act (R.S.Q., chapter P-13) is amended by inserting, after section 79, the following division:

“DIVISION IV.0.1

“NATIVE POLICE FORCE

Agreement

“79.0.1 The Government may enter into an agreement with a Native community represented by its council to establish or maintain a police force in a territory determined under the agreement.

Agreement

A police force thus established or maintained shall, for the duration of the agreement, be a police force for the purposes of this Act.

Content

“79.0.2 The agreement must include provisions relating to the swearing-in of police officers and the independence of the administration of the police force.

Content

The agreement may also include, in particular, provisions relating to

(1) standards governing the hiring of police officers;

(2) the appointment of members to the Comité de déontologie policière charged with hearing an application for review or a citation concerning the conduct of a police officer pursuant to the Act respecting police organization (R.S.Q., chapter O-8.1).

Standards The provisions relating to the standards governing the hiring of police officers may vary from the standards established by regulation of the Government under this Act and shall, in case of incompatibility, take precedence over the latter. The provisions of the agreement relating to the appointment of members to the Comité de déontologie policière are binding on the Comité.

Tabling **“79.0.3** The Minister shall table the agreement before the National Assembly within 15 days of the day on which it is signed if the Assembly is in session or, if it is not sitting, within 15 days of resumption.

**Responsi-
bilities** **“79.0.4** A Native police force and its members are responsible for maintaining peace, order and public safety in the territory for which it is established, preventing crime and offences under the laws and regulations applicable in that territory and seeking out offenders.”

**c. P-13,
s. 99, am.** **2.** Section 99 of the said Act is amended

(1) by inserting, after the word “policeman” in the fifth line, the words “a member of a Native police force referred to in Division IV.0.1”;

(2) by adding the following paragraph:

**Provisions
applicable** **“In all such documents, any provision applicable to a municipal police force or to a municipal policeman is, unless the context indicates a different meaning, a provision applicable to a Native police force referred to in Division IV.0.1 or to a member thereof, adapted as required.”**

**c. O-8.1,
s. 94, am.** **3.** Section 94 of the Act respecting police organization (R.S.Q., chapter O-8.1) is amended by adding the following paragraph:

**Native
community** **“Certain of the members of the municipal police force division must belong to a Native community.”**

**c. O-8.1,
s. 97, am.** **4.** Section 97 of the said Act is amended by adding the words “or, as the case may be, the bodies which represent the Native communities concerned” after the word “concerned” in the fifth line of the third paragraph.

**c. O-8.1,
s. 269, am.** **5.** Section 269 of the said Act is amended by adding the words “or the director of a police force established or maintained under an agreement made under Division IV.0.1 of the Police Act” after the words “special constable” in paragraph 4.

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Police and Native Police

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Coming into
force

6. This Act will come into force on the date fixed by the Government.