

NATIONAL ASSEMBLY

FIRST SESSION

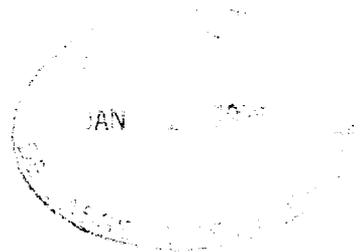
THIRTY-FIFTH LEGISLATURE

Bill 57

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

Introduction

**Introduced by
Mr Serge Ménard
Minister of Public Security**



**Québec Official Publisher
1994**

EXPLANATORY NOTES

This bill adds a new division to the Police Act to provide for the establishment and maintenance by agreement of a Native police force on a reserve within the meaning of the Indian Act.

The bill provides that an agreement must include provisions concerning the hiring and swearing-in of police officers and provisions concerning the independence of the administration of the police force. It also provides that the hiring standards for the members of such a police force may vary from the regulatory provisions applicable to municipal police forces.

The Act respecting police organization is also amended to require the presence of members of a Native community on the police ethics committee.

Bill 57

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

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

“79.0.1 A Native police force is established and maintained on a reserve within the meaning of the Indian Act (R.S.C., 1985, c. I-5) according to the conditions determined in an agreement between the Government and the Native community represented by its council.

“79.0.2 The agreement must include provisions relating to

- (1) standards governing the hiring of police officers;
- (2) the swearing-in of police officers;
- (3) the independence of the administration of the police force.

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.

“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.

“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.”

2. Section 99 of the said Act is amended by adding the following paragraph:

“As well, the expressions “municipal police force” and “municipal police officer” mean, unless the context indicates a different meaning, a Native police force and a member of a Native police force governed by Division IV.0.1, with the necessary adaptations.”

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

“Certain of the members of the municipal police force division must belong to a Native community that is a signatory to an agreement made under Division IV.0.1 of the Police Act.”

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.

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

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