

NATIONAL ASSEMBLY

FIRST SESSION

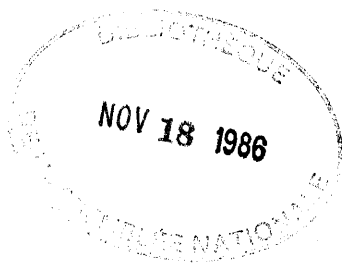
THIRTY-THIRD LEGISLATURE

Bill 138

An Act respecting the Ministère du Solliciteur général and amending various legislation

Introduction

**Introduced by
Mr Gérard Latulippe
Solicitor General**



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EXPLANATORY NOTES

This bill provides for the establishment and organization of Ministère du Solliciteur général.

It specially provides that the Solicitor General will be responsible devising and proposing to the Government policies relating to maintenance of public safety, to crime prevention, to the implementation and improvement of methods to detect and repress crime and to imprisonment and social rehabilitation of inmates.

A further duty of the Solicitor General will be to carry out duties relating to police, detention, probation, road traffic control and alcohol, and in respect of coroners, fire commissioners and detective and security agencies.

ACTS AMENDED BY THIS BILL

- the Act respecting detective or security agencies (R.S. chapter A-8);
- the Act respecting tear bombs (R.S.Q., chapter B-6);
- the Railway Act (R.S.Q., chapter C-14);
- the Highway Safety Code (R.S.Q., chapter C-24.1);
- the Safe-Deposit Boxes Act (R.S.Q., chapter C-28);
- the Act respecting the Communauté urbaine de Montréal (R.S. chapter C-37.2);
- the Fire Investigations Act (R.S.Q., chapter E-8);
- the Executive Power Act (R.S.Q., chapter E-18);
- the Act respecting explosives (R.S.Q., chapter E-22);

- the Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1);
- the Act to promote the parole of inmates (R.S.Q., chapter L-1.1);
- the Act respecting the Ministère de la Justice (R.S.Q., chapter M-19);
- the Government Departments Act (R.S.Q., chapter M-34);
- the Act respecting liquor permits (R.S.Q., chapter P-9.1);
- the Police Act (R.S.Q., chapter P-13);
- the Act respecting probation and houses of detention (R.S.Q., chapter P-26);
- the Bicycle Ownership Act (R.S.Q., chapter P-31);
- the Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2);
- the Act respecting the Syndical Plan of the Sûreté du Québec (R.S.Q., chapter R-14);
- the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13);
- the Courts of Justice Act (R.S.Q., chapter T-16);
- the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);
- the Temperance Act (Revised Statutes, 1964, chapter 45).

Bill 138

An Act respecting the Ministère du Solliciteur général and amending various legislation

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

ORGANIZATION OF THE DEPARTMENT

1. The Ministère du Solliciteur général is under the direction of the Solicitor General appointed under the Executive Power Act (R.S.Q., chapter E-18) and designated as the “Minister” in this Act.

2. The Government, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), shall appoint a person as Deputy Solicitor General.

The Deputy Solicitor General shall be the Deputy Minister of the Ministère du Solliciteur général.

3. Under the direction of the Minister, the Deputy Minister shall administer the department.

He shall, in addition, perform any other duties assigned to him by the Government or the Minister.

4. In the performance of his duties, the Deputy Minister has the authority of the Minister.

5. The Deputy Minister may, in writing and to the extent he indicates, delegate the performance of his duties contemplated by this Act to a public servant or the holder of a position.

He may, in the instrument of delegation, authorize the subdelegation of the duties he indicates, and in that case shall name the title of the holder of the position or the public servant to whom they may be subdelegated.

6. On the recommendation of the Prime Minister, the Government may appoint one or several persons as associate Deputy Ministers in accordance with the Public Service Act.

The Minister shall determine the duties of each associate Deputy Minister where these are not determined by law or by the Government.

7. The staff of the department shall consist of the public servants required for the performance of the duties of the Minister; they shall be appointed and remunerated in accordance with the Public Service Act.

The Minister shall determine the duties of the public servants where these are not determined by law or by the Government.

DIVISION II

DUTIES AND POWERS OF THE MINISTER

8. The Minister shall devise and propose to the Government policies relating to the maintenance of public safety, to crime prevention, to the implementation and improvement of methods of crime detection and repression and to the imprisonment and social rehabilitation of inmates.

9. The duties of the Minister shall be, more particularly,

(1) to administer or supervise the administration, as the case may be, of the laws respecting the police;

(2) to further and promote the coordination of police activities;

(3) to maintain a documentation and statistics service to allow the assessment of the crime situation and the effectiveness of police action;

(4) to administer houses of detention;

(5) to ensure the availability of services of probation officers and to supervise the carrying out of probation orders;

(6) to see to the supervision of road traffic;

(7) to see to it that coroners carry out investigations on the causes and circumstances of deaths;

(8) to see to it that fire commissioners carry out investigations on damage caused to buildings by fire or explosion so as to determine if the damage results from criminal behaviour;

(9) to issue, renew, suspend or revoke detective or security agency permits or agent's permits;

(10) to see to the control of the distribution and sale of alcoholic beverages, in particular through the agency of the Régie des permis d'alcool du Québec, but subject to the powers of the Minister of Industry and Commerce and of the Société des alcools du Québec;

(11) to perform any other duties assigned to him by the Government.

10. The Minister shall table in the National Assembly a report of the activities of the department for each fiscal year, within six months after the end of the fiscal year, if the Assembly is sitting or, if it is not sitting, within thirty days after the opening of the next session or resumption.

DIVISION III

DOCUMENTS OF THE DEPARTMENT

11. The signature of the Deputy Minister gives effect to any document emanating from the department.

12. No deed, document or writing is binding on the Minister or may be attributed to him unless it is signed by him, by the Deputy Minister or by a member of the staff of the department and only, in the case of such a member, to the extent determined by regulation of the Government published in the *Gazette officielle du Québec*.

13. The Government, by regulation published in the *Gazette officielle du Québec*, may, on the conditions it determines, allow the signature of a person referred to in section 12 to be affixed by means of an automatic device to the documents it determines.

The Government may similarly allow a facsimile of the signature of such a person to be engraved, lithographed or printed on the documents it determines. The facsimile must be countersigned by a person authorized by the Minister.

14. Any document or copy of a document emanating from the department or forming part of its records, signed or certified by a person referred to in section 12, is authentic.

DIVISION IV

TRANSITIONAL AND FINAL PROVISIONS

15. Section 16 of the Act respecting detective or security agencies (R.S.Q., chapter A-8) is repealed.

16. The said Act is amended by inserting, after section 16, the following section:

“16.1 The Solicitor General is responsible for the administration of this Act.”

17. The Act respecting tear bombs (R.S.Q., chapter B-6) is amended by inserting, after section 9, the following section:

“9.1 The Solicitor General is responsible for the administration of this Act.”

18. Section 565 of the Highway Safety Code (R.S.Q., chapter C-24.1) is replaced by the following section:

“565. The Minister of Transport is responsible for the carrying out of this Code, except the provisions respecting traffic supervision that come under the jurisdiction of the Solicitor General and the provisions respecting proceedings for infractions that come under the jurisdiction of the Attorney General.”

19. Section 9 of the Safe-Deposit Boxes Act (R.S.Q., chapter C-28) is amended by striking out, at the end, the following words: “, recoverable by the Attorney General, for the use of Her Majesty”.

20. The said Act is amended by inserting, after section 9, the following section:

“9.1 The Solicitor General is responsible for the administration of this Act.”

21. Section 15 of the Fire Investigations Act (R.S.Q., chapter E-8) is amended by replacing, at the beginning, the words “No investigation commissioner, without an order from” by the words “Notwithstanding

section 14, no investigation commissioner, without a joint authorization of the Solicitor General and of”.

22. Section 35 of the said Act is replaced by the following section :

“**35.** The Solicitor General is responsible for the administration of this Act.”

23. Section 4 of the Executive Power Act (R.S.Q., chapter E-18), amended by section 16 of chapter 52 of the statutes of 1986, is again amended by adding, at the end of the first paragraph, the following subparagraph:

“(31) A Solicitor General who is of right the Minister of the Ministère du Solliciteur général.”

24. Section 5 of the said Act is repealed.

25. Section 132 of the Act respecting offences relating to the alcoholic beverages (R.S.Q., chapter I-8.1) is amended by replacing the word “authorizes”, in the second line of subparagraph *c*, by the words “and the Solicitor General jointly authorize,”.

26. Section 3 of the Act respecting the Ministère de la Justice (R.S.Q., chapter M-19) is amended

(1) by adding, at the end of paragraph *c*, the following words: “except those assigned to the Solicitor General”;

(2) by replacing the third line of paragraph *e* by the following: “of the courts and of registry offices;”.

27. Section 4 of the said Act is amended by replacing paragraphs *c*, *d*, *e* and *f* by the following paragraph:

“(c) takes measures, in particular, by his action before the courts, to prevent crime;”.

28. Section 12 of the said Act is repealed.

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

“**13.** In any civil or penal action, any document signed by the Minister or Attorney General or by the deputy minister or Deputy Attorney General shall be *prima facie* evidence of its contents and of the capacity of the signatory.”

30. Section 1 of the Government Departments Act (R.S.Q., chapter M-34), amended by section 20 of chapter 52 of the statutes of 1986, is again amended by adding, at the end, the following paragraph:

“(29) the Ministère du Solliciteur général, presided over by the Solicitor General.”

31. The Bicycle Ownership Act (R.S.Q., chapter P-31) is amended by inserting, after section 5, the following section:

“**5.1** The Solicitor General is responsible for the administration of this Act.”

32. Section 156 of the Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2) is amended

(1) by replacing the word “In”, in the first line, by the words “Notwithstanding sections 104 and 106, in”;

(2) by replacing the word “authorization” in the third line by the words “Joint authorization of the Solicitor General and”.

33. The Act respecting the Syndical Plan of the Sûreté du Québec (R.S.Q., chapter R-14) is amended by inserting, after section 19, the following section:

“**19.1** The Solicitor General is responsible for the administration of this Act.”

34. Section 46 of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13) is amended by replacing the word “authorizes”, in the second line of paragraph c, by the words “and the Solicitor General jointly authorize”.

35. Section 4 of the Courts of Justice Act (R.S.Q., chapter T-16), amended by section 209 of chapter R-0.2 of the Revised Statutes of Québec, is again amended by striking out the words “the gaoler”, in the third line of the first paragraph.

36. Section 136 of the said Act is amended by adding, at the end of subparagraph 6, the following words: “or the Solicitor General, as the case may be.”

37. The Temperance Act (Revised Statutes, 1964, chapter 45) is amended by inserting, after section 43, the following section:

“43.1 The Solicitor General is responsible for the administration of this Act.”

38. The words “Minister of Justice” are replaced by the words “Solicitor General” wherever they appear in the following legislative provisions:

(1) sections 190, 192, 193 and 196 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);

(2) sections 47 and 57 of the Act to promote the parole of inmates (R.S.Q., chapter L-1.1);

(3) sections 21, 22, 24 and 175 of the Act respecting liquor permits (R.S.Q., chapter P-9.1);

(4) section 64.1 of the Police Act (R.S.Q., chapter P-13);

(5) sections 1 and 26 of the Act respecting probation and houses of detention (R.S.Q., chapter P-26);

(6) sections 5, 7, 14, 15, 29, 45, 73, 83, 99, 100, 103.1, 106, 131, 135, 158, 159, 166 and 184 of the Act respecting the determination of the causes and circumstances of death;

(7) section 377 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1).

39. The word “Minister” is replaced by the words “Solicitor General” wherever it appears in the following legislative provisions:

(1) sections 47 and 48 of the Act to promote the parole of inmates;

(2) section 64.1 of the Police Act.

40. The words “Ministère de la Justice” are replaced by the words “Ministère du Solliciteur général” wherever they appear in the following legislative provisions:

(1) section 90 of the Police Act;

(2) section 2 of the Act respecting probation and houses of detention.

41. The words “Attorney General” are replaced by the words “Solicitor General” wherever they appear in the following legislative provisions:

(1) sections 2, 3, 4, 5, 6, 7, 10 and 14 of the Act respecting detective or security agencies;

(2) sections 3 and 8 of the Act respecting tear bombs;

(3) section 231 of the Railway Act (R.S.Q., chapter C-14);

(4) sections 5, 8, 11, 13, 14, 17, 18, 27, 28, 29 and 30 of the Fire Investigations Act;

(5) sections 1 and 23 of the Act respecting explosives (R.S.Q., chapter E-22);

(6) sections 115, 125, 175, 177, 178 and 193 of the Act respecting offences relating to alcoholic beverages;

(7) sections 85, 96, 99 and 111 of the Act respecting liquor permits;

(8) sections 2.1, 2.3, 9, 21, 33, 35, 37, 39, 41, 45, 47, 55, 56, 64.2, 64.3, 73.1, 75, 79.2, 79.7, 79.9, 80, 81, 84, 85, 86, 89, 92, 93, 94, 95, 97, 98.2 and 101 of the Police Act;

(9) sections 31, 100 and 101 of the Act respecting the determination of the causes and circumstances of death;

(10) sections 7, 8, 9 and 13 of the Act respecting the Syndical Plan of the Sûreté du Québec;

(11) sections 40, 50 and 52 of the Act respecting the Société des alcools du Québec;

(12) sections 373, 374 and 375 of the Act respecting Northern villages and the Kativik Regional Government.

42. In any Act or proclamation and in any order in council, order, regulation, by-law, contract or document, the words “Minister of Justice”, “Deputy Minister of Justice” and “Ministère de la Justice” designate the Solicitor General, the Deputy Solicitor General and the Ministère du Solliciteur général where they relate to any matter devolved upon them.

Subject to paragraph *b* of section 4 of the Act respecting the Ministère de la Justice, the same rule applies to the words “Attorney General” and “Deputy Attorney General”.

43. The public servants of the Ministère de la Justice who perform duties relating to matters devolved upon the Solicitor General become,

without other formality, public servants of the Ministère du Solliciteur général.

44. Records and other documents of the Ministère de la Justice relating to matters devolved upon the Solicitor General are transferred to the Ministère du Solliciteur général.

45. Matters pending before the Ministère de la Justice relating to matters devolved upon the Solicitor General are continued and decided by him.

46. The Solicitor General is authorized to use any document or means of identification already prepared in the name of the Minister and of the Ministère de la Justice until he replaces it with documents or means of identification prepared in his name.

47. The appropriations granted to the Ministère de la Justice in respect of the matters devolved upon the Solicitor General are transferred to the Ministère du Solliciteur général, according as the Government may determine.

[[The other sums required for the administration of this Act are taken, for the fiscal year 1986-87, out of the consolidated revenue fund, to the extent determined by the Government.]]

48. This Act comes into force on the date fixed by the Government.