

FOURTH SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 38

**An Act respecting the police force of Cree villages
and of the Naskapi village**

First reading

Second reading

Third reading

M. MARC-ANDRÉ BÉDARD
Ministre de la justice



L'ÉDITEUR OFFICIEL DU QUÉBEC

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EXPLANATORY NOTE

This act follows up the engagements made by the Government in police matters under Section 19 of the James Bay Agreement and Section 13 of the Northeastern Québec Agreement.

Sec. 1. *This section replaces the second paragraph of section 52 of the Police Act so as to give the Cree village municipalities and the Naskapi village municipality the power to create a police force.*

Sec. 2. *This section inserts in the Police Act a special division dealing with the police forces in the Cree villages and in the Naskapi village.*

It provides that those police forces will be composed of special constables appointed in conformity with section 64 of the Police Act, and that certain municipal by-laws will prevail over the by-laws to the same effect made by the Police Commission; it also provides that each such police force will have jurisdiction in Category IA or IA-N lands intended for the community whose members form the municipal corporation and in the other territories indicated; that, with the approval of the Attorney General and of the Ministre des affaires municipales, a municipal corporation may make various agreements in police matters and, finally, that the Attorney General will pay the sums required for the creation and maintenance of the police force.

Finally, the Government is empowered to create, by regulation, an advisory board on policing in Cree territory.

Bill 38

An Act respecting the police force of Cree villages
and of the Naskapi village

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

1. Section 52 of the Police Act (1968, chapter 17) is amended by replacing the second paragraph by the following paragraph:

“Local municipalities within the meaning of the Municipal Code, and Cree village municipalities and the Naskapi village municipality constituted by the Cree Villages Act (1978, chapter 88), are authorized to establish and maintain such a police force.”

2. The said act is amended by inserting, after section 63, the following:

“DIVISION IV A

“POLICE FORCE OF CREE VILLAGES AND OF THE NASKAPI VILLAGE

“**63 a.** The police force that a Cree village municipality or the Naskapi village municipality is authorized to establish must be composed of special constables appointed in accordance with section 64.

Section 55 does not apply to such a force if it is composed of not more than two members.

“**63 b.** A Cree village municipality or the Naskapi village municipality may, by by-law submitted to the approval of the Attorney General, determine the physical characteristics and the educational level required and the other qualifications required for admission as a member of its police force.

Such a by-law prevails over any by-law to the same effect made by the Commission.

“63c. The members of the police force established by the Naskapi village municipality may also be members of the regional police force established by the Kativik Regional Government under the Act concerning Northern villages and the Kativik Regional Government (1978, chapter 87).

“63d. Category IA lands which are intended for the Community whose members form a Cree village municipality and Category II or Category III lands situated within the perimeter of the aggregate of the Category I lands intended for that community constitute territories over which that municipality has jurisdiction within the meaning of section 54.

The lands contemplated in this section shall be delimited in accordance with the Act respecting the land regime in the James Bay and New Québec territories (1978, chapter 93) and, for the purposes of sections 62 to 62*d*, are deemed to form part of the territory of the municipality.

“63e. Subject to section 29, the Kativik Regional Government, established by the Act concerning Northern villages and the Kativik Regional Government has exclusive jurisdiction in police matters in the territory of the Naskapi village municipality.

“63f. Territories over which the Naskapi village municipality has jurisdiction within the meaning of section 54 are composed of the Category IA-N and Category III lands situated within their perimeter.

These lands shall be delimited in accordance with the Act respecting the land regime in the James Bay and New Québec territories and are deemed to form part of the territory of the municipality for the purposes of sections 62 to 62*d*.

“63g. Notwithstanding section 61, a Cree village municipality or the Naskapi village municipality may make an agreement with the Attorney General in order to enable the Police Force to provide all or part of the police services in the lands on which the police force and each of its members may exercise their functions.

Furthermore, such a municipality may, notwithstanding section 60, make by-laws to make agreements in police matters with the Cree Regional Government established by the Act respecting the Cree Regional Authority (1978, chapter 89) or the Kativik

Sec. 3. *This section is for concordance.*

Regional Government or, notwithstanding the Intergovernmental Affairs Department Act (1974, chapter 15), a band within the meaning of the Cree Villages Act.

The by-laws authorizing such agreements require the approval of the Attorney General and of the Ministre des affaires municipales.

“63h. The Lieutenant-Governor in Council may, by regulation, create an advisory board to advise him on the maintenance of peace, order and public safety in a Cree environment.

For these purposes, he may:

(a) state the name under which the board may be designated and permit a Cree or English designation;

(b) determine the composition of the board, of which at least one-third of the members shall be appointed by the Cree Regional Authority, and the term of office of the members;

(c) provide that the Naskapis are to be represented on the board where matters concerning them are under discussion; and

(d) provide any other measure required for the proper operation of the board.

A regulation comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

[**“63i.** The budget of the police force of a municipality contemplated in this division must be submitted for approval to the Attorney General.

The Attorney General shall pay to the municipality, according to the budget he approves, the sums required for the establishment and maintenance of the police force.”]

3. Section 102 of the Cree Villages Act (1978, chapter 88), amended by section 138 of chapter (*insert here the chapter number of Bill 26*) of the statutes of 1979, is repealed.

4. The agreements and by-laws made under section 102 of the Cree Villages Act remain in force until they are replaced or repealed and the special constables appointed under that section remain in office until the expiry of the period for which they were vested with that office, or until they are dismissed in accordance with the Police Act or resign.

[**5.** The sums required for the application of this act shall be taken for the fiscal period 1979/1980 out of the consolidated reve-

nue fund, and for the subsequent years out of the sums granted annually for such purpose by the Legislature.}]

6. This act will come into force on the date to be fixed by proclamation of the Government.