



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 52

(1999, chapter 33)

An Act to amend the Fire Investigations Act

Introduced 13 May 1999

Passage in principle 27 May 1999

Passage 17 June 1999

Assented to 19 June 1999

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EXPLANATORY NOTES

This bill amends the Fire Investigations Act so as to redefine the powers and obligations of the fire investigation commissioner as regards investigations and inquiries. The bill empowers the investigation commissioner to investigate the cause, origin and circumstances of any fire or explosion that has caused bodily injuries or property damage and then hold an inquiry if there is reason to do so.

The bill provides that the investigation commissioner is not authorized to render a verdict or to draw a conclusion as to civil liability or criminal responsibility. Before deciding to hold an inquiry, the commissioner must make sure that it will not hinder any police investigation in progress. Finally, the investigation commissioner is authorized to make any recommendation designed to better ensure the safety of persons and property.

Bill 52

AN ACT TO AMEND THE FIRE INVESTIGATIONS ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 11 of the Fire Investigations Act (R.S.Q., chapter E-8) is amended by replacing the first paragraph by the following paragraph :

“11. The fire investigation commissioner may investigate the cause, origin and circumstances of any fire or explosion that has caused bodily injuries or property damage.”

2. Section 13 of the said Act is amended

(1) by replacing “the fire or explosion was the result of mere negligence or was purely accidental, he” in the second and third lines of the first paragraph by “no inquiry is necessary, the investigation commissioner”;

(2) by replacing “inquiry was held” in the fifth line of the first paragraph by “fire or explosion occurred”.

3. The said Act is amended by inserting the following section after section 13:

“13.1. In no case may an investigation commissioner making an investigation draw a conclusion as to civil liability or criminal responsibility.”

4. Section 14 of the said Act is amended by replacing the first paragraph by the following paragraph :

“14. Following an investigation, the fire investigation commissioner may hold an inquiry into the cause, origin and circumstances of any fire or explosion that has caused bodily injuries or property damage if the investigation commissioner has reason to believe that holding an inquiry would be expedient and would not impede the progress of any police investigation.”

5. The said Act is amended by inserting the following section after section 14:

“14.1. In determining whether it is expedient to hold an inquiry, the investigation commissioner shall consider whether it is necessary to hear witnesses, in particular

(1) to obtain information that will allow the cause, origin and circumstances of the fire or explosion to be determined;

(2) to inform the public about the cause, origin and circumstances of the fire or explosion;

(3) to allow recommendations to be made to better ensure the safety of persons and property.”

6. Section 15 of the said Act is replaced by the following section:

“15. Notwithstanding section 14, where criminal proceedings are brought against a person in connection with a fire or explosion, the investigation commissioner may not hold or continue an inquiry into the fire or explosion until the judgment on those proceedings has become *res judicata*.”

7. Section 25 of the said Act is replaced by the following section:

“25. The investigation commissioner has authority over the presentation of evidence and the conduct of the inquiry. The investigation commissioner must ensure that the inquiry is conducted in a fair manner. The investigation commissioner may admit any evidence the commissioner considers relevant to the purposes of the inquiry, exclude any evidence that is repetitious or the conclusiveness of which is minimal, and limit any vexatious examination or cross-examination of a witness.”

8. Section 28 of the said Act is amended

(1) by striking out “containing his verdict,” in the third line of the first paragraph;

(2) by replacing the second, third and fourth paragraphs by the following paragraphs:

“The return shall state, in relation to the fire or explosion,

(1) the date and place;

(2) the probable origin and cause;

(3) the circumstances;

(4) any recommendation designed to better ensure the safety of persons and property.”

9. The said Act is amended by inserting the following section after section 28:

“28.1. In no case may an investigation commissioner holding an inquiry draw a conclusion as to civil liability or criminal responsibility.”

10. The said Act is amended by inserting the following section after section 29:

“29.1. If the investigation commissioner considers it necessary in the public interest or for the protection of a person’s privacy, reputation or right to a just and fair trial, the investigation commissioner may ban the publication or release of all or some of the documents referred to in subparagraphs *b* and *c* of the first paragraph of section 29 for the period determined by the investigation commissioner. The investigation commissioner shall inform accordingly the Minister of Public Security and the clerk of the Court of Québec at whose office the investigation commissioner’s return is deposited.

However, where warranted in the public interest, the Minister may publish or release information that is subject to the ban.”

11. Section 34.1 of the said Act is amended by replacing “in a fire or explosion in a building” in the first and second lines of the first paragraph by “in a fire or an explosion”.

12. This Act comes into force on 19 June 1999.