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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-SIXTH LEGISLATURE

**Bill 112**

(2000, chapter 20)

**Fire Safety Act**

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**Introduced 2 May 2000**  
**Passage in principle 6 June 2000**  
**Passage 14 June 2000**  
**Assented to 16 June 2000**

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## **EXPLANATORY NOTES**

*The object of this bill is the protection of persons and property against fires of any nature. The bill determines the parameters of fire safety in its main aspects, namely fire prevention, emergency response procedures, emergency response operations, the training of fire safety services personnel, and the determination of the point of origin, probable causes and circumstances of fires.*

*The bill sets out the general obligations incumbent on every person regarding fire prevention and the reporting of fire hazards.*

*As regards the responsibilities of municipalities, the bill proposes the establishment of a fire safety cover plan for determining protection objectives and the actions necessary to achieve them. The powers and duties of municipal fire safety services and their personnel are determined in the bill.*

*A firefighters school called École nationale des pompiers du Québec will be established, and its mission, organization and powers are defined.*

*The duties of the fire investigation commissioner and the roles of firefighters and police officers in the determination of the point of origin, probable causes and circumstances of fires are specified in the bill.*

*The bill defines the responsibilities of the Minister of Public Security in fire safety matters.*

### **LEGISLATION REPLACED BY THIS BILL :**

- Fire Investigations Act (R.S.Q., chapter E-8);
- Act respecting municipal fire fighting cooperation (R.S.Q., chapter E-11);
- Fire Prevention Act (R.S.Q., chapter P-23).

**LEGISLATION AMENDED BY THIS BILL :**

- Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);
- Building Act (R.S.Q., chapter B-1.1);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Communauté urbaine de l’Outaouais (R.S.Q., chapter C-37.1);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);
- Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3);
- Act respecting municipal regulation of public buildings (R.S.Q., chapter R-18);
- Act respecting the Québec sales tax (R.S.Q., chapter T-0.1).



## **Bill 112**

### **FIRE SAFETY ACT**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

#### **CHAPTER I**

##### **OBJECT AND APPLICATION**

1. The object of this Act is the protection of persons and property, except forest resources which are protected pursuant to the Forest Act (R.S.Q., chapter F-4.1), against fires of any nature.

For the purposes of this Act, any explosion likely to cause a fire shall be considered to be a fire.

2. This Act does not operate to limit the obligations imposed or powers granted by or under other Acts.

3. This Act is binding on the Government, on government departments and on bodies that are mandataries of the State.

#### **CHAPTER II**

##### **PERSONS**

4. It is the duty of all persons to seek to remove or reduce fire hazards by acting with foresight and prudence in that regard.

5. Every person whose activities or property constitute a high or particular fire hazard, according to any regulation that may be made by the Government, is bound to report the hazard to the secretary-treasurer or clerk of the local municipality where the fire hazard is located. The report shall set out, in addition to the particulars required by regulation, the hazard the activity or property constitutes, the location of the hazard, the measures taken to reduce the probability and consequences of a fire, and the private firefighting resources at the disposal of or enlisted by the person.

In the case of significant changes making the particulars set out in the report inaccurate, the person making the report is bound to make the necessary corrections. The person is also bound, upon ceasing the activity or disposing of the property, to give the person having received the report a notice to that effect together with a statement describing the manner in which the property or the elements that constituted a fire hazard have been disposed of.

The person receiving fire hazard reports, corrections and notices must, within 30 days of receipt, transmit copies to the regional authority whose territory includes the municipality and to the fire safety service serving the territory where the fire hazard is located.

6. Where a particular property is a threat to public safety owing to the presence of fire hazards or to damage caused by a fire, the owner is bound, on receipt of a formal notice from the local municipality where the property is located, to take the measures necessary to ensure the protection of persons and property.

If there is an emergency, if the owner fails to act within the time specified or if the owner is unknown, cannot be found or cannot be ascertained, the remedies provided for in sections 231, 232 and 233 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) apply, with the necessary modifications.

7. Insurers and claims adjusters whose services are required following a fire must, not later than 31 March of the year that follows the fire, report to the Minister the date, time and place of occurrence, the findings of the insurer and adjuster and any information they possess regarding the nature and assessment of the damage, the point of origin and probable causes of the fire and the characteristics of the damaged immovable or property.

However, any information whose disclosure would be likely to affect judicial proceedings in which the insurer or claims adjuster has an interest may be communicated only once the judgment in the case has become *res judicata*.

### **CHAPTER III**

#### **LOCAL AND REGIONAL AUTHORITIES**

##### **DIVISION I**

###### **FIRE SAFETY COVER PLAN**

8. The regional county municipalities, urban communities and the Kativik Regional Government shall, in conjunction with the local municipalities within their territorial limits, establish, in compliance with the policies determined by the Minister, a fire safety cover plan designed to determine, for the whole of their territory, fire protection objectives and the actions required to achieve them.

The cities of Laval and Mirabel have the same responsibility with regard to their territories. For the purposes of this division, the cities of Laval and Mirabel shall be considered to be regional authorities.

Unless it is also considered to be a regional authority with the authorization of the Minister, any other local municipality whose territory is not within the territorial limits of a regional authority must make an agreement with a regional authority or a local authority whereby the territory of the local municipality is to be considered to be within the territorial limits of that authority for the purposes of this division, or with other municipalities in the same situation to associate for the purpose of establishing a fire safety cover plan for the whole of their territory. In the latter case, one of the municipalities, designated for that purpose in the agreement, shall be considered to be a regional authority for the purposes of this division.

9. All or part of the fire safety cover plan of a regional authority may be established jointly with other regional authorities so as to take into account the risks and resources within their territorial limits as well as the risks and resources within contiguous local municipalities.

10. The fire safety cover plan shall include, in addition to the fire hazard reports made under section 5, an inventory, evaluation and classification of the fire risks present in the territory concerned and specify their location. The fire safety cover plan shall also include an inventory and evaluation of existing or planned fire protection measures, the human, physical and financial resources allocated to fire safety by the local or regional authorities or by intermunicipal boards, and the infrastructures and water sources available for fire safety purposes. In addition, the fire safety cover plan shall include an analysis of the functional relations between those resources and an evaluation of the operational procedures in force.

The fire safety cover plan shall determine, for each class of risk listed or each part of the territory defined, optimum fire protection objectives that can be achieved having regard to the measures and resources in place. The fire safety cover plan shall also specify the actions to be taken by the municipalities and, where applicable, the regional authority to achieve the determined objectives on incorporating their implementation plans.

Lastly, the fire safety cover plan shall contain a procedure for the periodic assessment of the effectiveness of the actions taken and the degree to which the determined objectives have been attained.

11. The fire safety cover plan may include similar elements with regard to other emergency situations likely to require the use of the same resources. However, those elements create obligations only to the extent determined by the local or regional authority concerned and only if expressly specified.

12. The fire safety cover plan must be established, in accordance with the procedure set out in the following sections, after notification to that effect from the Minister.

13. Local municipalities must provide the regional authority with the information necessary for the drawing up of the fire safety cover plan. Local municipalities must also indicate the means they can resort to to optimize their resources as regards fire safety matters.

14. After making a list and an evaluation of the risks, means, measures and resources reported, the regional authority shall propose the optimum protection objectives that may be achieved by the development of appropriate measures and the efficient management of all available resources. The objectives may pertain to prevention, personnel training, emergency preparedness and emergency response procedures.

The regional authority shall also propose strategies for achieving those objectives, such as the adoption of minimum safety rules, the development of uniform operational procedures and the establishment or sharing of services.

15. The municipalities shall convey their opinion to the regional authority concerning its proposals, mentioning in particular the impact the implementation of the proposals would have on the organization of their human, physical and financial resources.

Once the exchanges are completed, the regional authority shall determine optimum protection objectives for each class of risk or part of the territory it defines as well as the actions needed, on a regional or local scale or over part of the territory, to achieve the objectives. The regional authority shall also determine a procedure for the periodic assessment of the effectiveness of the actions taken and the degree to which the determined objectives have been attained.

16. Each municipality concerned and, where applicable, the regional authority shall then determine the specific actions they must take and the conditions for their implementation, specifying, in particular, the area of jurisdiction of the authority or the intermunicipal board in charge, the resources allocated to the measures envisaged, any necessary intermunicipal agreements, the actions that may be implemented immediately and, in other cases, the phases and schedule of implementation. Such specific actions may include the adoption of regulatory measures, the establishment of inspection measures and of procedures for the calling, mobilization and deployment of resources, or the planning of personnel training activities.

Such actions and the conditions of implementation shall be set out in a plan adopted by the authority responsible for the implementation of the plan or, in the case of an intermunicipal board, in a joint plan adopted by the municipalities concerned.

17. Before incorporating the implementation plans into the draft fire safety cover plan, the regional authority shall verify that they are in compliance with the objectives determined and the actions needed.



18. A draft fire safety cover plan shall then be submitted for consultation to the population of the territory of the regional authority at a public meeting held by the authority, and shall also be transmitted to contiguous regional authorities.

19. Changes may be made to the draft of the fire safety cover plan and, if applicable, to the implementation plans, to reflect the results of consultations.

20. The draft of the fire safety cover plan shall then be submitted to the Minister who shall verify that it is in compliance with ministerial policies determined under section 137.

The draft plan must be submitted with

(1) the opinion of each local municipality having taken part in its preparation;

(2) a report on the consultations held, the results of the consultations, and the reasons for any disagreement;

(3) a document setting out the approximate costs of the various measures proposed, the mode of financing of the measures, and, in the case of intermunicipal measures, the method of apportionment of the costs.

The draft must be submitted before the second anniversary of the notice prescribing the establishment of a fire safety cover plan. Additional time may, however, be granted by the Minister following an application made no later than 120 days before the deadline.

21. Within 120 days after receipt of all the documents, the Minister shall issue a certificate of compliance to the regional authority or propose any amendments the Minister considers necessary to remedy any deficiency within the time indicated by the Minister.

22. Any amendments proposed by the Minister may be made by the regional authority or, in the case of amendments to an implementation plan, by the authority concerned, and do not require consultation.

23. Once the certificate of compliance has been issued, the fire safety cover plan is adopted without amendment.

Only the council of the regional authority may adopt the fire safety cover plan. On pain of nullity, such adoption must be preceded by a notice of motion or a notice calling a meeting of the council, accompanied with a copy of the draft fire safety cover plan.

24. The fire safety cover plan comes into force on the day the regional authority publishes a notice to that effect in a newspaper circulated in its territory, or on any later date specified in the notice.

However, the date of its coming into force shall not be later than 60 days after the date of issue of the certificate of compliance.

25. Once in force, the fire safety cover plan is binding on the regional authority and the local municipalities concerned, subject to section 11.

26. As soon as practicable after the coming into force of the fire safety cover plan, a certified copy and a summary of the plan shall be transmitted to each local municipality concerned, to each contiguous regional authority and to the Minister.

The same applies in the case of any subsequent amendment to the fire safety cover plan.

27. Every local municipality must, for the information of its citizens, keep all the documents transmitted in its office and make them available for consultation and reproduction.

28. Once the fire safety cover plan is in force, it may be amended to reflect technological change, a change in territorial limits or an increase in risk levels or for any other valid reason, provided that the plan continues to be in compliance with ministerial policies.

The fire safety cover plan must be amended to reflect new ministerial policies with which it is not in compliance. In such a case, the amendments necessary must be made within 12 months after transmission of the new policies.

29. The fire safety cover plan must, in addition, be revised during the sixth year following the date of its coming into force or of its last certificate of compliance.

30. Any amendment to the fire safety cover plan made to bring the plan into compliance with ministerial policies or to amend the protection objectives, reduce the measures or extend the schedule of implementation and any revision thereof must be made according to the procedure prescribed for the establishment of the plan.

31. The fire safety cover plan and any amendment made thereto and in respect of which the Minister has issued a certificate of compliance are deemed to be in compliance with ministerial policies and the implementation plans are deemed to be in compliance with the determined objectives of the fire safety cover plan, once they have been adopted in accordance with the procedure set out in this division.

## **DIVISION II**

### **OTHER RESPONSIBILITIES AND MUTUAL ASSISTANCE**

32. Every local municipality shall be responsible for the application, in its territory, of the provisions of section 5 concerning fire hazard reporting.

In that respect, the inspectors of the municipality or of any authority to which the municipality delegates responsibility have the power to

(1) enter, at any reasonable time, premises where the inspectors have reasonable grounds to believe that an activity or property that constitutes a reportable fire hazard is carried on or is situated;

(2) take photographs of the premises;

(3) require any information or any explanation relating to the enforcement of the provisions of section 5 and the production of any relevant document;

(4) test, or order the owner or occupant to test, any reported fire detector, alarm, extinguisher or emergency equipment to ascertain its effectiveness.

An inspector must, on request, produce identification and proof of appointment.

A municipality, an authority to which responsibility is delegated or an inspector cannot be prosecuted by reason of any act performed in good faith in the exercise of such functions.

33. If a fire in the territory of a local municipality or the territory served by its fire safety service exceeds the capabilities of its service, the local municipality may, through its mayor or, in the absence of the mayor, the acting mayor or two other members of the municipal council or any municipal officer designated for that purpose by way of a by-law, call upon any of their municipal counterparts to obtain the intervention or assistance of the fire safety service of another municipality.

The cost of the intervention or assistance shall be borne by the municipality having requested it, according to a reasonable tariff established by resolution by the providing municipality.

However, outside assistance shall not be taken into account in the preparation of the fire safety cover plan or implementation plan.

This section applies, with the necessary modifications, to a regional authority or an intermunicipal board in charge of the application of emergency response procedures.

34. A local municipality in whose territory a fire has occurred must, not later than 31 March of the year that follows the fire, report to the Minister the date, time and place of occurrence, the nature and assessment of the damage and, if known, the point of origin, probable causes and immediate circumstances of the fire, including the characteristics of the damaged property and the sequence of events.

However, any information whose disclosure would be likely to affect judicial proceedings in which the municipality has an interest may be communicated only once the judgment in the case has become *res judicata*.

35. Every local or regional authority and every intermunicipal board in charge of the implementation of measures provided for in a fire safety cover plan must, within three months after the end of their fiscal year, adopt, by resolution, and transmit to the Minister a report of their fire safety activities for the preceding fiscal year and their fire safety projects for the coming year to their council.

### **DIVISION III**

#### **MUNICIPAL FIRE SAFETY SERVICES**

36. The fire safety service established by a local or regional authority or by an intermunicipal board shall be in charge of firefighting and rescue operations in the event of a fire.

It may also be in charge, together with the other services concerned, of emergency response in the case of other emergencies, assistance to accident victims, disaster assistance and emergency evacuation.

In exercising its functions, the fire safety service shall also participate in the evaluation of fire risks and other hazards, the prevention of fires, emergency response procedures as well as in the determination of the point of origin, probable causes and circumstances of fires.

37. The fire safety service shall be staffed by full-time or part-time firefighters or by volunteer firefighters. The fire chief must be a firefighter.

38. Conditions governing the exercise of functions related to the areas of practice mentioned in section 53 in a fire safety service may be prescribed by regulation of the Government. Such conditions may be fixed according to classes of personnel. The regulation may include exemptions or provisional conditions for the personnel in office.

Any training received to meet the conditions fixed by the Government must be validated by the École nationale des pompiers du Québec.

39. Emergency response operations in the event of a fire shall be conducted under the authority of the fire chief or, if the fire chief is absent, of a firefighter designated by the fire chief.

Where a fire requires the joint intervention of several fire safety services, all the emergency response operations shall be under the direction of the fire chief of the fire safety service serving the locality where the fire occurs, unless otherwise agreed. If there is no fire safety service in the municipality concerned, the operations shall be under the direction of the fire chief designated by the person having required the intervention under section 33.

However, until the fire chief or designated firefighter arrives at the scene of the fire, the first firefighter to arrive at the scene shall direct operations.

40. Firefighters may, in the performance of their duties, enter any premises affected or threatened by a fire or any other hazard or emergency, and any adjacent premises for the purpose of fighting the fire or providing assistance.

Firefighters may also, in the performance of their duties and under the authority of the person directing operations,

(1) use the necessary means to enter premises where there is serious threat to persons or property or adjacent premises for the purpose of removing or reducing the threat or providing assistance ;

(2) prohibit access to and interrupt or divert traffic in a protection zone or impose special rules in that zone ;

(3) order evacuation of the premises as a safety measure in a perilous situation where there are no other means of protection ;

(4) order the shutting off of an establishment's energy supply or, where a simple procedure suffices, shut off the supply themselves to guarantee the safety of operations after ensuring that such an action will not put others at risk ;

(5) authorize the demolition of a structure to prevent the spread of fire ;

(6) order any other measure necessary to secure the premises ;

(7) accept or require, where the firefighting personnel available is insufficient, the assistance of any person capable of providing assistance ;

(8) accept or requisition the necessary private firefighting resources where the resources of the service are insufficient or not readily accessible in an emergency.

41. During an emergency, common repute shall be sufficient proof of the appointment of a firefighter and of the firefighter's right to act in that capacity.

42. The authority responsible for a service that has expressly accepted, required or requisitioned a person's assistance or property under subparagraph 7 or 8 of the second paragraph of section 40 is bound, within one month from the date a claim is filed with the authority by that person in the year following the emergency, to grant to the person compensation determined on the basis of the current rates for the hiring of that type of service or property.

The authority responsible for the service must also assume the representation or defence of such a person in a coroner's inquest or a fire investigation commissioner's inquiry or in a proceeding concerning an act in the performance of the tasks entrusted to the person during the emergency and referred to a court, a tribunal or a body exercising adjudicative functions.

The authority may, rather than assuming a person's representation or defence, agree with the person on the reimbursement of reasonable costs incurred by the person or the person's representative. However, the authority is dispensed from that obligation where

- (1) the person specifically consents thereto in writing;
- (2) the authority is the plaintiff in the proceeding;
- (3) the act in question amounts to a gross or intentional fault; or
- (4) the person is convicted of an offence or indictable offence and had no reasonable grounds to believe that his or her conduct was in conformity with the law.

43. Subject to any restrictions that may be imposed by a police service in the cases referred to in section 45, the fire chief or a qualified person designated by the fire chief for that purpose must, in respect of every fire having occurred in the territory served by the service, determine the point of origin, probable causes and immediate circumstances, including the characteristics of the damaged immovable or property and the sequence of events.

44. For the purposes of section 43, the fire chief or the person designated by the fire chief may, during the 24 hours following the fire,

- (1) prohibit access to the scene of the fire to facilitate the search for or the preservation of any thing relevant for the purposes of his or her functions;
- (2) inspect the damaged premises and examine or seize any document or thing found on the premises and which the fire chief believes may be of assistance in determining the point of origin, probable causes or immediate circumstances of the fire;
- (3) take photographs of the premises and of any thing;
- (4) make copies of any documents;

(5) conduct or commission, on the premises, the expert appraisals considered necessary ;

(6) collect the accounts of witnesses.

45. The fire chief or the person designated by the fire chief shall, without delay and before beginning any search, report to the police service having jurisdiction in the territory, any fire

(1) involving loss of life ;

(2) the probable cause of which is not obviously accidental or in respect of which there is reason to believe an indictable offence has been committed ;

(3) that is a particular case specified by the police service.

46. The provisions respecting things seized in the Code of Penal Procedure (R.S.Q., chapter C-25.1) apply, with the necessary modifications, to the documents and things seized under section 44, once they have been seized.

47. The members of a fire safety service and the persons whose assistance is expressly accepted or is required under subparagraph 7 of the second paragraph of section 40, are exempt from liability for any damage that may result from their intervention during a fire or other emergency in respect of which mandatory emergency procedures are set out in the fire safety cover plan pursuant to section 11, unless the damage results from their intentional or gross fault.

The exemption applies to the authority having established the service or having required the person's intervention or assistance, except if the authority has failed to adopt a plan for the implementation of the fire safety cover plan as required or if the measures or procedures provided for in the applicable implementation plan and relating to the acts in question were not implemented as established.

48. Any undertaking that provides, under a contract with a local or regional authority or intermunicipal board, fire safety services in the territory of a municipality, and the firefighters in its employ, have, for the purposes of this division, the obligations, powers, rights and immunity of a local municipality and the members of its fire safety service under this division.

**CHAPTER IV****ÉCOLE NATIONALE DES POMPIERS DU QUÉBEC****DIVISION I****ESTABLISHMENT**

49. A firefighters school to be known as the École nationale des pompiers du Québec is hereby established.

50. The school is a legal person and a mandatary of the Government.

The school binds none but itself when it acts in its own name. The execution of the obligations of the school may be levied against its property even though its property forms part of the domain of the State.

51. The head office of the school shall be located at the place determined by the Government. Notice of the location of the head office and of any change in its location shall be published in the *Gazette officielle du Québec*.

**DIVISION II****MISSION AND POWERS**

52. The mission of the school is to ensure that firefighters and other municipal fire safety personnel in Québec receive pertinent, high-quality and coherent qualifying professional training.

53. Qualifying professional training of municipal fire safety personnel means training that prepares individuals for a specific professional activity and entitles them to exercise the activity in the following areas of firefighting:

- (1) fire safety service management;
- (2) fire prevention;
- (3) emergency management;
- (4) disaster intervention;

(5) determination of the point of origin, probable causes and circumstances of fires.

54. The qualifying professional training of municipal fire safety personnel consists of basic professional training and advanced professional training.

Basic professional training enables individuals to acquire the skills and knowledge required in a given area of firefighting.



Advanced professional training enables firefighters to upgrade their skills or to acquire a particular skill in any of the areas of firefighting.

55. The school may offer basic professional training activities. It may not, however, except with the authorization of and in compliance with the conditions determined by the Minister of Education, offer a vocational training program leading to a vocational studies diploma, a diploma of college studies or an attestation of college studies, or offer an equivalent program.

The school may also offer, for the benefit of municipal personnel, advanced training activities and conduct training-oriented fire safety research. It may also, with the authorization of and in compliance with the conditions determined by the Minister of Public Security, offer similar activities to any person working in the field of fire safety or in a related field in the public or private sector.

The school may participate in the development of fire safety study programs and training activities offered by educational institutions, fire safety services or other organizations. The school shall recognize the equivalence of diplomas and attestations of studies and approve the basic and advanced professional training activities that are offered by such educational institutions or organizations or by fire safety instructors and that meet its standards. It may also develop internship programs or examinations designed to measure the skills acquired outside the context of the school.

56. The school may, by agreement, give a mandate to educational institutions or fire safety services or other organizations offering fire safety training, to develop or teach the school's training courses or study programs. Every such agreement must set out the validation standards, if any, applicable to the courses and programs concerned.

The school may also enter into any agreement it considers relevant to the pursuit of its mission with researchers, experts, fire safety services and educational or research institutions.

57. The school shall advise fire safety services, the associations representing their members and the associations representing other members of municipal fire safety personnel in professional training matters.

The school shall encourage cooperation among the various institutions offering training for municipal fire safety personnel and shall keep the Minister informed in that regard.

The school shall conduct or commission research or studies in areas related to the work of municipal fire safety personnel and that may have an impact on their training; the results shall be published and disseminated by the school, in particular among fire safety services providers.

58. The school shall foster, facilitate and plan exchanges of expertise with persons or bodies outside Québec and, in particular, encourage participation by Québec specialists in international exchange missions on fire safety training.

The school may, subject to the applicable legislative provisions, enter into an agreement with a government in Canada or abroad, a department or agency of such a government, an international organization or an agency of an international organization.

59. The Minister may give to the school any mandate within the scope of the school's mission.

The Minister may also issue guidelines concerning the objectives and policies of the school. The guidelines must be approved by the Government after consultation with the governing board. The guidelines come into force on the day of approval and shall be tabled in the National Assembly within 15 days of being approved or, if the Assembly is not in session, within 15 days of resumption.

60. The school shall establish, by by-law, standards relating to its professional training activities, the approval of training activities developed outside the context of the school, admission requirements, teaching requirements, internship programs, examinations and the certificates and attestations of studies awarded by the school and shall establish standards of equivalence. The by-laws must be submitted to the Minister for approval.

The school shall keep registers in the manner determined in its by-laws.

61. The school may provide lodging services to its students.

### **DIVISION III**

#### **OPERATION**

62. The governing board of the school shall be composed of 15 members.

The following are permanent members :

(1) the Deputy Minister of Public Security or the Deputy Minister's representative ;

(2) the fire chief of the fire safety service of Ville de Montréal, or the fire chief's representative ;

(3) the fire chief of the fire safety service of Ville de Québec, or the fire chief's representative ;

(4) the director general of the school ;

(5) a member of the personnel of the Ministère de l'Éducation, designated by the Deputy Minister of Education.

The following members shall be appointed by the Government for a term of two years, after consultation of the associations concerned :

(1) two persons from the associations representing Québec fire chiefs ;

(2) one person from the association representing Québec fire prevention technicians ;

(3) one person from the association representing Québec firefighting instructors ;

(4) three persons from the associations representing members of the fire safety services established by local or regional authorities or by intermunicipal boards ;

(5) three persons from the associations representing local or regional authorities.

At the end of their terms, the non-permanent members shall remain in office until replaced or reappointed. Any vacancy occurring before the end of a term shall be filled for the remainder of that term.

63. The Government shall appoint a chair and a vice-chair for a term of two years from among the members of the governing board. The director general of the school is not eligible for the position of chair or vice-chair.

64. In the exercise of their functions, the members of the governing board must act in accordance with the rules of ethics and professional conduct applicable to public office holders and in the interests of the school.

65. The members of the governing board, other than the director general, shall receive no remuneration, except in the cases, on the conditions and to the extent determined by the Government. They are, however, entitled to be reimbursed for expenses they incur in the exercise of their functions, on the conditions and to the extent determined by the Government.

66. The governing board shall meet at least once every three months.

The quorum of the board is eight members, including the chair or vice-chair. The board may, however, proceed with the business of the meeting even if the quorum is not attained because certain members have left the meeting temporarily owing to a conflict of interest. In the case of a tie-vote, the chair or, in the absence of the chair, the vice-chair has a casting vote.

67. The Government shall appoint a director general for a term not exceeding five years and, where required, assistant director generals. At the end of their terms, the director general and assistant director generals shall remain in office until replaced or reappointed.

The Government shall fix the remuneration, employee benefits and other conditions of employment of the director general and assistant director generals.

68. The staffing plan as well as the selection criteria and procedure of appointment of the members of the school's personnel shall be determined in a by-law made by the school.

Subject to the provisions of any collective agreement, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of the personnel shall also be determined in the by-law in accordance with the conditions defined by the Government.

69. No member of the personnel of the school may, on pain of dismissal, hold another employment or a direct or indirect interest in an enterprise or body which may cause the member's personal interest to conflict with that of the school. Where the interest devolves by succession or gift, it must be renounced or disposed of with dispatch.

70. No instrument, document or writing binds the school or may be attributed to it unless it is signed by the chair of the governing board, the director general or a member of the personnel authorized by a resolution of the board published in the *Gazette officielle du Québec*.

The board may, also by a resolution published in the *Gazette officielle du Québec*, subject to the conditions and on the documents it determines, allow a signature to be affixed by automatic or electronic means, or allow a signature to be engraved, lithographed or printed. However, the facsimile has the value of the signature only if the document is countersigned by a person referred to in the first paragraph.

A document or copy of a document emanating from the school is authentic if it is signed or certified true by a person referred to in the first paragraph.

71. The school may make by-laws for its internal management, in particular, by-laws

(1) to establish an administrative committee or any other standing or temporary committee and determine its functions and powers and the term of office of its members;

(2) to determine the functions and powers of the chair and vice-chair of the governing board and of the director general, the assistant director generals and the other members of the school's personnel.

**DIVISION IV****FINANCIAL PROVISIONS AND REPORTS**

72. The school may not, except with the authorization of the Government,

- (1) construct, acquire, alienate or lease or hypothecate any immovable ;
- (2) make a financial commitment for a term or amount exceeding that determined by the Government ;
- (3) contract a loan that increases its total outstanding borrowings to more than the amount determined by the Government.

73. The Government may, subject to the terms and conditions it determines,

- (1) guarantee the payment of the principal of and interest on any loan contracted by the school ;
- (2) guarantee the performance of any other obligation of the school ;
- (3) authorize the Minister of Finance to advance to the school any amount considered necessary for the pursuit of its mission.

Any sums paid by the Government as a consequence of such guarantee or as an advance to the school shall be taken out of the consolidated revenue fund.

74. Where the school acquires an immovable that forms part of the domain of the State, the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) does not apply.

75. The school may not operate a commercial enterprise or acquire shares issued by an enterprise. The school may not grant loans, make gifts, give grants or act as surety.

76. The school may charge tuition fees on the conditions it fixes by by-law. The school may also, with the authorization of the Minister, impose charges or fees for its other services.

77. The fiscal year of the school ends on 30 June.

78. The books and accounts of the school shall be audited by the Auditor General each year and whenever so ordered by the Government. The auditor's report must be submitted with the financial statements of the school.

79. Within four months after the end of its fiscal year, the school shall forward to the Minister its financial statements and a report of its activities for the preceding fiscal year. The Minister shall request and, where appropriate, cause to be included in the report of activities any information the Minister considers to be relevant.

The Minister shall table the financial statements and the report of activities in the National Assembly within 30 days of receiving them or, if the Assembly is not in session, within 30 days of resumption.

80. Every year, the school shall submit to the Minister its budgetary estimates for the following fiscal year in accordance with the procedure determined by the Minister.

## **CHAPTER V**

### **FIRE INVESTIGATION COMMISSIONER**

#### **DIVISION I**

##### **JURISDICTION AND IMMUNITY**

81. It is the function of the fire investigation commissioner, subject to the power vested in the coroner by section 82, to determine the point of origin, probable causes and circumstances of a fire and to examine any causes and circumstances having a connection with other fires and, where appropriate, to make any recommendation aimed at ensuring better protection of persons and property against fires.

The fire investigation commissioner shall first conduct an investigation in accordance with Division IV of this chapter and, if the conditions described in Division V exist, the commissioner shall then hold an inquiry.

In no case may the fire investigation commissioner draw any conclusion as to civil or criminal liability.

82. Where a fire involves loss of life, the coroner shall exercise, in addition to the responsibilities entrusted to the coroner under the Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2), the responsibility for determining the point of origin, probable causes and circumstances of the fire according to the procedure determined in that Act.

Once the causes and circumstances have been established, the fire investigation commissioner may examine them if they have any connection with other fires.

83. The fire investigation commissioner and any person acting under the commissioner's authority may not be prosecuted by reason of any act performed in good faith in the exercise of their functions.

84. Except on a question of jurisdiction, no proceeding under article 33 of the Code of Civil Procedure (R.S.Q., chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised and no injunction may be granted against the fire investigation commissioner acting in an official capacity or against any person acting under the commissioner's authority.

A judge of the Court of Appeal may, upon a motion, summarily annul any proceeding brought or decision rendered contrary to the first paragraph.

## **DIVISION II**

### **APPOINTMENT AND ORGANIZATION**

85. Upon the recommendation of the Minister, the Government shall appoint fire investigation commissioners and, if needed, substitute fire investigation commissioners.

The instrument of appointment of a fire investigation commissioner may determine a territory to which the commissioner is assigned.

86. In exceptional cases, the Minister may appoint a fire investigation commissioner to investigate a particular fire or a series of similar fires.

87. The term of fire investigation commissioners appointed by the Government shall not exceed five years.

Notwithstanding the expiry of their term, fire investigation commissioners other than substitute fire investigation commissioners shall remain in office until replaced or reappointed.

88. The remuneration, employee benefits and other conditions of employment of fire investigation commissioners shall be determined by the Government, and the necessary sums shall be paid out of the appropriations granted each year to the Minister by the National Assembly, subject to the exceptions provided in the charters of the cities of Québec and Montréal with regard to the fire investigation commissioners appointed for those cities.

89. In addition to the persons and resources assigned to fire investigation commissioners by municipalities, the Minister of Public Security shall place at the disposal of the fire investigation commissioners the personnel and physical resources necessary for the purposes of this chapter.

In addition, the Minister shall have custody of the records of fire investigation commissioners, which shall consist of the original copies of their investigation or inquiry reports and appended documents.

90. Before taking office, fire investigation commissioners shall take the following oath before a judge or any person authorized to receive oaths under section 219 of the Courts of Justice Act (R.S.Q., chapter T-16):

*“I declare under oath that I will faithfully, truly and impartially discharge the duties of my office of fire investigation commissioner and that I will not accept any sum of money or other consideration for what I may do in discharging the duties of my office apart from what is allowed to me by law.”*

The writing evidencing the oath shall be transmitted to the Minister.

91. Not later than 31 March, every fire investigation commissioner shall transmit to the Minister a report of activities for the preceding calendar year.

The report may include the recommendations or a summary of the recommendations made following investigations.

The Minister shall table the report in the National Assembly within 30 days of receiving it or, if the Assembly is not in session, within 30 days of resumption.

### **DIVISION III**

#### **NOTICE OF FIRE**

92. The fire chief of the fire safety service that directed the emergency response operations or, if there was no intervention, the secretary-treasurer or clerk of the local municipality in whose territory the fire occurred shall notify the competent fire investigation commissioner as soon as practicable

(1) if the point of origin and the probable causes of the fire have not been determined;

(2) if the circumstances of the fire are unclear; or

(3) if a connection seems to exist between the probable causes or the circumstances of the fire and other fires.

Moreover, if an investigation was conducted under section 43, the fire chief must send to the fire investigation commissioner a copy of the investigation report and, if applicable, of the minutes of a seizure under section 44.

Where a fire involves loss of life, the notice and documents must be transmitted to the coroner.

### **DIVISION IV**

#### **INVESTIGATION**

93. The fire investigation commissioner shall, on his or her initiative or on the Minister's request, conduct an investigation to determine the point of origin, probable causes and circumstances of any fire in the commissioner's area of jurisdiction or to examine the causes or circumstances of the fire if there is any connection with other fires.



94. A firefighter or peace officer having conducted a search in connection with a fire that is being investigated by the fire investigation commissioner shall, upon request and with due diligence, deliver to the commissioner a copy of the report and, if applicable, of the minutes of a seizure under section 44, as well as the things seized if they are not being detained for the purposes of a judicial proceeding.

The fire investigation commissioner may require a firefighter or a peace officer to conduct or pursue a search in connection with a fire being investigated by the commissioner.

95. The fire investigation commissioner or any firefighter, peace officer or other person specially designated in writing by the commissioner for a specified period may, to determine the point of origin, probable causes and circumstances of a fire or to establish any connection with other fires,

(1) prohibit access to the scene of the fire, for the time needed for the investigation, to facilitate the search for or the preservation of any thing that may be useful to the investigation ;

(2) inspect the scene of the fire and any other premises if there is reasonable cause to believe an inspection may be useful to the investigation, and examine or seize documents or things on the premises that, in the person's opinion, may be of assistance in determining the point of origin, probable causes or circumstances of the fire or establishing any connection with other fires ;

(3) enter any premises to search for and seize any document or thing that may be useful to the investigation if there is reasonable cause to believe the document or thing can be found on those premises ;

(4) take photographs of the premises and of any thing ;

(5) make copies of documents ;

(6) conduct or order such expert appraisals as are considered necessary ;  
and

(7) collect the accounts of witnesses.

However, premises may not be entered for inspection purposes or for the purpose of searching for, examining or seizing any things without the prior authorization of a justice of the peace. Prior authorization may be granted, subject to the conditions specified, if the justice of the peace is satisfied on the basis of a sworn statement of the fire investigation commissioner or the person designated by the latter that the point of origin, probable causes or circumstances have not been determined or that connections with other fires have not been established and that there is reason to believe that inspecting the premises and searching for, examining or seizing any things found on the premises may prove relevant to the investigation. The authorization, whether acted upon or not, shall be returned to the justice of the peace who granted it not later than 15 days after its issue.

However, no authorization is required for access to the damaged premises within 24 hours after a fire or where the conditions for obtaining the authorization exist and, owing to the urgency of the situation, the time required to obtain an authorization may seriously endanger human health or safety or the safety of property, or result in the disappearance, destruction or loss of anything that may be useful to the commissioner's investigation.

96. Subject to the conditions determined by the justice of the peace, the inspection of occupied premises shall be conducted at a reasonable hour except where it is necessary to proceed without delay in order to collect or preserve any thing that may be useful to the investigation.

Subject to the same conditions, the fire investigation commissioner shall determine the time and place, other than the damaged premises, within which powers delegated under section 95 may be exercised by the person designated by the fire investigation commissioner and the documents and things the investigation commissioner wishes to investigate.

97. A fire investigation commissioner or the person designated by the latter who enters premises must, if so requested, produce identification and proof of appointment.

98. The provisions respecting things seized in the Code of Penal Procedure (R.S.Q., chapter C-25.1) apply, with the necessary modifications, to the documents and things seized in an investigation, once they have been seized.

99. On completing an investigation, the fire investigation commissioner shall, with due diligence, draft the investigation report and send a certified copy to the Minister and to the person who sent the notice of fire.

The report shall contain

- (1) the date and place where the fire occurred;
- (2) all relevant information concerning the point of origin, probable causes and circumstances of the fire and any information relating to any connection with other fires;
- (3) where appropriate, recommendations aimed at ensuring better protection of persons and property against fires;
- (4) the opinion of the fire investigation commissioner concerning the expediency of holding an inquiry.

If the fire investigation commissioner does not intend to hold an inquiry, he or she must append the documents mentioned in subparagraph 1 of the first paragraph of section 124 to the original of the report.

**DIVISION V****INQUIRY**

100. An inquiry concerning the point of origin, probable causes or circumstances of a fire or concerning any connection with other fires may be initiated if the fire investigation commissioner is of the opinion, following his or her investigation, that an inquiry would be expedient and would not impede the progress of any current police investigation.

To determine whether an inquiry would be expedient, the fire investigation commissioner shall consider whether it is necessary to hear witnesses, particularly

(1) to obtain information that may be of assistance in determining the point of origin, probable causes or circumstances of the fire or establishing any connection with other fires ;

(2) to inform the public concerning those matters ;

(3) to enable the fire investigation commissioner to make recommendations aimed at ensuring better protection of persons and property against fires.

101. An inquiry must be held by the fire investigation commissioner whenever the Minister so requests.

102. Notwithstanding sections 100 and 101, where criminal proceedings have been brought against a person in connection with a fire, the fire investigation commissioner may not hold or continue an inquiry into the matter until the judgment has become *res judicata*. In such a case, the fire investigation commissioner shall inform the Minister and the person who sent the notice of fire.

103. A single inquiry by the fire investigation commissioner shall be held concerning a fire even if the fire caused injury to several persons.

A single inquiry may be held concerning two or more fires the probable causes or the circumstances of which are similar.

104. The fire investigation commissioner must hold the inquiry with diligence.

105. The provisions respecting an investigation apply, with the necessary modifications, to an inquiry.

106. Where an inquiry is held, the hearing must take place in the territory of the local municipality or in the judicial district where the fire or, in the case of an inquiry concerning two or more fires, where one of the fires occurred unless exceptional circumstances warrant its being held in another locality.

The secretary-treasurer or the clerk of the local municipality where the hearing is to be held must, on request of the fire investigation commissioner, allow the fire investigation commissioner to use the necessary premises. If the hearing is to be held in a locality where a court of justice sits, the clerk of the court shall have the same obligations, unless the premises are being used for court sittings or sittings of other bodies exercising adjudicative functions.

107. The fire investigation commissioner may, if he or she considers it necessary, retain the services of a secretary, an interpreter and a sufficient number of peace officers to keep order during the hearing.

The persons whose services are so retained are entitled to the fees and allowances specified in the tariff established by regulation by the Government, unless they are already being remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

108. The fire investigation commissioner must give reasonable notice of the place, date and time of the hearing to the Minister, to the Attorney General and to any person or body the fire investigation commissioner recognizes as an interested person.

109. The hearing is open to the public.

However, the fire investigation commissioner may order that the hearing or any part thereof be held in private in the interests of public order.

110. The fire investigation commissioner has the duty to ensure the confidentiality of information disclosed to an attorney or a member of the clergy by reason of their position or profession.

The fire investigation commissioner may, on the commissioner's own initiative or on request, ban the disclosure, publication or release of any information that is or may be disclosed during the hearing if the fire investigation commissioner considers it necessary in the public interest or for the protection of a person's privacy, reputation or right to a fair trial or if the information is confidential.

The fire investigation commissioner may also prohibit picture-taking, sketching, filming, videotaping, or radio or television broadcasting during a hearing.

111. At the beginning of the hearing, the fire investigation commissioner shall inform the persons present of the purpose of the hearing, the grounds that warrant it and, where applicable, the reasons why the fire investigation commissioner decided to hold the hearing in a locality other than the locality where the fire occurred.

Such information shall be recorded in writing and attested under the fire investigation commissioner's oath of office.

112. The fire investigation commissioner has full authority over the conduct of the hearing and must conduct the proceedings fairly.

The fire investigation commissioner is authorized to administer the oath to any person summoned and may order that witnesses testify outside each other's presence.

113. The fire investigation commissioner shall summon to the hearing any person who, in the opinion of the commissioner, can provide information that is relevant to the inquiry, in order to examine the person or order the person to produce any document or thing the commissioner considers necessary as specified by the commissioner. The fire investigation commissioner may also summon a person at the request of the Attorney General or of an interested person.

The summons shall be effected by means of a writing signed and served in accordance with the rules of the Code of Civil Procedure (R.S.Q., chapter C-25), except where the person is present at the hearing.

Persons summoned or required to testify are entitled to the allowances and expenses specified in the tariff established by regulation by the Government.

114. Where a person who has been duly summoned and to whom expenses have been advanced fails to appear, the fire investigation commissioner may apply to a judge of the Court of Québec for the issue of a warrant for the person's arrest pursuant to article 284 of the Code of Civil Procedure, which shall then apply with the necessary modifications.

115. Every person under 18 years of age who is arrested under a warrant of arrest shall be entrusted to the director of youth protection until the person's appearance. The director of youth protection shall entrust the person so arrested to the care of an institution operating a rehabilitation centre within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-4.2) or a reception centre within the meaning of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) and shall without delay notify the parents, or any other person having parental authority, of the place where the person is being kept, of the time and place at which the person is to appear and of the nature of the proceedings.

116. The fire investigation commissioner shall require every person summoned as a witness to take an oath.

The commissioner may, however, hear the testimony of a person who has not taken an oath if, in the commissioner's opinion, the person does not understand the nature of an oath but understands his or her duty to tell the truth and is able to report facts that came to his or her knowledge.

117. The fire investigation commissioner shall inform every person summoned as a witness of the right to abstain from giving testimony in the cases and subject to the conditions provided in articles 307 and 308 of the Code of Civil Procedure, and of the right of witnesses not to have any testimony given by them used to incriminate them in any other proceedings, except in a prosecution for perjury or for the giving of contradictory evidence.

The fire investigation commissioner shall also inform every person under 18 years of age of the right to be represented by an advocate, grant the person reasonable time to retain the services of an advocate and, if necessary, delay the giving of the person's testimony.

118. The fire investigation commissioner may compel any person to disclose anything that has been revealed to him or her by reason of his or her profession or position notwithstanding any inconsistent provision of a general law or special Act, except articles 307 and 308 of the Code of Civil Procedure and any provisions ensuring the confidentiality of information revealed to an advocate or minister of religion.

119. The Attorney General and interested persons or their attorneys may be heard at the hearing, put to the witnesses any relevant question to the extent that it is necessary for the purposes of the inquiry and, at the end of the hearing, make representations.

120. The depositions of witnesses, the representations made to the fire investigation commissioner and the statements or decisions made by the commissioner shall be taken down by stenography or recorded in any other manner allowed before the courts.

The Minister and the Attorney General may require the transcription of the stenographic notes or recordings and obtain a copy of the transcript. Upon payment of the fee prescribed by regulation of the Government, any interested person may also require such transcription and obtain a copy of the transcript.

121. The stenographer or the person charged with recording the depositions shall, before acting, take the following oath before the fire investigation commissioner:

*“I declare under oath that I will faithfully and accurately take down by stenography or record the depositions of witnesses, the representations made and the statements and decisions made by the fire investigation commissioner ..... concerning the fire that occurred at..... on ..... and that the copies or transcripts that I will furnish will be true and accurate.”*

122. The fire investigation commissioner may adjourn an inquiry when it appears absolutely impossible to the fire investigation commissioner to arrive at the truth immediately.

However, the fire investigation commissioner must resume the inquiry whenever the Minister so requires.

123. Once the hearing is completed, the fire investigation commissioner shall, with diligence, draft a report and send a certified copy to the Minister and to the person who sent the notice of fire.

The report shall contain

(1) the date and place where the fire occurred;

(2) all relevant information concerning the point of origin, probable causes and circumstances of the fire and any information relating to any connection with other fires; and

(3) where appropriate, recommendations aimed at ensuring better protection of persons and property against fires.

124. The following shall be appended to the original of the report:

(1) all documents produced during the investigation, which may include

(a) the investigation report of a firefighter or a peace officer;

(b) a copy of the minutes of seizure;

(c) photographs taken and copies made during the investigation;

(d) expert reports; and

(e) any other document required by the fire investigation commissioner; and

(2) all documents pertaining to the inquiry:

(a) a copy of the summons issued to witnesses;

(b) where applicable, a copy of the warrants of arrest and of any decision rendered by a judge before whom an arrested person appeared;

(c) a copy of the writing recording the information given under section 111;

(d) the original stenographic notes or recordings made at the hearing and, where applicable, the original transcript of the stenographic notes or recordings; and

(e) where applicable, a copy of the order banning the disclosure, publication or release of information reported at the hearing or prohibiting picture-taking, sketching, filming, videotaping or radio or television broadcasting during the hearing.

A certified copy of such documents shall be sent to the Minister on request.

125. Once the inquiry has been completed, the witnesses must recover the documents and things they produced or forwarded.

Any unrecovered document or thing may be destroyed after the expiry of one year following the end of the inquiry.

## **DIVISION VI**

### **DOCUMENTS AND INFORMATION**

126. Where the fire investigation commissioner considers it appropriate, the commissioner shall transmit to the government departments, bodies or persons concerned the recommendations contained in his or her investigation report or inquiry report.

127. The investigation report and the inquiry report are public, except the documents to be appended and the passages that are subject to an order banning disclosure, publication or release.

However, once the fire investigation commissioner has transmitted a report to the Minister and to the person who sent the notice of fire, the documents appended to the report, except for the report of a peace officer, become public and may be consulted by any person, unless the fire investigation commissioner considers it necessary to ban their disclosure, publication or release in the public interest, for the protection of a person's privacy, reputation or right to a fair trial or because the information is confidential.

128. The disclosure, publication or release at any time of any information that would reveal the name or address or the identity of a person under 18 years of age involved in a fire or called upon to testify at an inquiry is prohibited.

129. The fire investigation commissioner and any person acting under the commissioner's authority shall, before allowing access to a report or appended documents, or before transmitting a copy, delete any passages banned from publication or release.

The first paragraph does not apply to reports and documents communicated or transmitted to the Minister.

130. Notwithstanding the first paragraph of section 129, the fire investigation commissioner may allow consultation of an unexpurgated report or unexpurgated appended documents or transmit certified copies of them to

(1) the Attorney General;



(2) a government department, body or person that has established to the satisfaction of the fire investigation commissioner that the documents will be used for the purpose of ascertaining or asserting the rights of the department, body or person;

(3) a government department or public body that has established to the satisfaction of the fire investigation commissioner that the documents will be used in the pursuit of the public interest.

However, the report of a peace officer not filed as evidence during a hearing cannot be consulted or transmitted except with the express permission of the Minister or a person authorized by the Minister for that purpose.

131. Notwithstanding the foregoing, where required in the public interest, the Minister or the fire investigation commissioner may disclose, publish or release information that has not been made public contained in an investigation report or inquiry report or in appended documents.

However, the report of a peace officer not filed as evidence during a hearing cannot be disclosed, published or released by the fire investigation commissioner except with the express permission of the Minister or a person authorized by the Minister for that purpose.

132. Access to or receipt of an investigation report or inquiry report or an appended document does not constitute an authorization to disclose, publish or release information it contains that has not been made public, unless it is necessary for ascertaining or asserting the rights of the government department, body or person, or necessary in the public interest, where the department, body or person consulted or received the report or document for that purpose.

133. The orders of the fire investigation commissioner banning the disclosure, publication or release of information apply notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

## **DIVISION VII**

### **CONTEMPT**

134. Any person who

(1) contravenes an order of the fire investigation commissioner,

(2) is competent to testify, but refuses to take the oath, to answer questions that are lawfully put or to produce the documents or things required by the fire investigation commissioner,

(3) disrupts a hearing, or

(4) discloses, publishes or releases information or a document in contravention of the provisions of Division VI,

is in contempt of court and may be condemned accordingly by the Superior Court on a motion of the fire investigation commissioner.

## **CHAPTER VI**

### **MINISTER OF PUBLIC SECURITY**

135. The Minister of Public Security is responsible for fire safety.

The Minister is in charge of setting general policies in the field of fire safety. The Minister shall ensure that regional authorities determine optimum fire protection objectives, that the actions required to achieve such objectives are implemented, that fire safety personnel members are properly trained, that research and development is carried out in the field of fire safety, and that an appropriate response is made to the recommendations of the fire investigation commissioner.

136. The Minister shall coordinate the actions of government departments and bodies that are mandataries of the State and advise them on fire safety.

The Minister may require such departments and bodies to provide all relevant information on their policies, projects and achievements in the field of fire safety, and a copy of their fire hazard reports.

137. The Minister is, more specifically, in charge of determining policies concerning fire prevention, personnel training, emergency preparedness and emergency response procedures for regional and local authorities.

For that purpose, the Minister shall classify fire risks and list and describe the fire protection objectives and the minimum measures to be considered by regional and local authorities in the establishment of their fire safety cover plan and in their implementation plan.

The Minister may, subject to the conditions determined by the Minister, grant financial assistance to a regional or local authority for the establishment, amendment or revision of a fire safety cover plan or for the implementation of planned actions.

138. The Minister shall publish the policies the Minister intends to establish for regional or local authorities in the *Gazette officielle du Québec* together with a notice inviting interested persons to submit their views to the Minister within the time specified.

Once established, the policies shall be published in the *Gazette officielle du Québec*.

139. The Minister shall advise regional or local authorities and intermunicipal boards in charge of the implementation of measures to which this Act applies. The Minister shall monitor their actions to ensure that they meet the responsibilities incumbent upon them under this Act, and verify the effectiveness of the fire safety services they provide.

For that purpose, the Minister may transmit guidelines to the authorities and to the boards concerning any matter relating to this Act or its regulatory instruments, and request any relevant information concerning their projects and achievements.

140. The Minister shall foster or encourage fire safety initiatives by regional or local authorities, insurers and other fire safety stakeholders and facilitate the formation of associations working in the same field, in particular by providing financial or technical support on the conditions determined by the Minister.

141. The Minister shall contribute to the information of the public so as to ensure public participation in the achievement of the objectives of this Act, in particular by disseminating information and advice on preventing fires or reducing their consequences.

142. In addition, the Minister may

(1) conduct, commission or promote research on risk management or the planning of emergency response procedures or research aimed at improving fire prevention, fire detection, fire alarm and firefighting techniques, methods and equipment;

(2) propose, coordinate and carry out activities or work designed to remove or reduce the risks or consequences of a fire;

(3) conduct analyses of statistical data and studies on the fire safety situation throughout Québec and at the regional and local levels, or on the repercussions of that situation, in particular on the regional economy or on fire insurance, and make the data or studies public.

143. In carrying out his or her functions, the Minister may, subject to the applicable legislative provisions, enter into an agreement with a government in Canada or abroad, a department or agency of such a government, an international organization or an agency of an international organization, or with a regional or local authority or any natural or legal person.

144. The Minister may establish any form for the purposes of this Act and determine, by regulation, the statistics and documents relating to this Act that regional or local authorities, intermunicipal boards in charge of the implementation of measures to which this Act applies, insurers and claims adjusters must keep or transmit to the Minister and the form and content of the notices and reports prescribed by this Act.

145. To ascertain the effectiveness of the actions implemented pursuant to this Act or the effectiveness of fire safety services, or to assess compliance with the applicable provisions of this Act and the regulations, the Minister or a member of the Minister's personnel designated for that purpose by the Minister may

(1) require a local or regional authority, an intermunicipal board in charge of the implementation of measures to which this Act applies or a fire safety service, its personnel, insurers, claims adjusters and other fire safety stakeholders to communicate, for examination or reproduction, any document, information or explanation the Minister considers necessary for the carrying out of his or her functions ;

(2) enter a fire station or any other place where there is equipment or an infrastructure identified in a fire safety cover plan to inspect the fire safety equipment or infrastructure and to conduct or order tests to verify their effectiveness.

146. An inspector must, on request, produce identification and proof of appointment.

147. Where there is a deficiency in the actions of a local or regional authority or an intermunicipal board, the Minister may, after an overall assessment of the situation and after giving the authority or board an opportunity to present observations, recommend corrective measures or, if the Minister is of the opinion that public security so requires, order that the measures the Minister considers necessary be taken to ensure the protection of persons and property against fire.

148. The Minister or a person designated by the Minister may inquire into any matter to which this Act applies, subject to the powers conferred on the fire investigation commissioner or the coroner under Chapter V.

The Minister may transmit the conclusions of the inquiry to the persons concerned.

Where corrective measures are recommended, the Minister may require the persons concerned to indicate their intentions, within the time determined by the Minister. The Minister may, when recommending to a local or regional authority or to an intermunicipal board measures which the Minister considers to be imperative to ensure public safety, order their implementation and a compliance report within the time determined by the Minister.

149. The Minister, an inspector or an investigator cannot be prosecuted by reason of any act performed in good faith in the exercise of their functions.

150. Neither the Minister nor any person under the authority of the Minister may disclose any information reported to the Minister or person pursuant to section 7 or 34 in relation to the point of origin, probable causes or circumstances of a fire, nor may the Minister or the person communicate any document obtained under either of those sections without the consent of their author.

## **CHAPTER VII**

### **REGULATORY POWERS OF THE GOVERNMENT**

151. In addition to the powers otherwise conferred on it by this Act, the Government may, by regulation,

(1) determine standards applicable to badges and other identification papers of firefighters ;

(2) determine standards applicable to the equipment of a fire safety service, the conditions governing the use of the equipment, and vehicle identification standards ;

(3) determine the decorations and citations that may be awarded, the cases in which they may be awarded, the procedure for awarding decorations and citations, and the classes of persons or bodies that may qualify therefor ;

(4) fix the amounts payable to obtain a certified copy of a report of the fire investigation commissioner or of appended documents ;

(5) determine a tariff of fees, compensation and expenses that may be paid during an investigation made by the fire investigation commissioner and taken out of the appropriations granted each year to the Minister for the purposes of this Act, the terms and conditions of payment and the classes of persons to which the tariff applies.

## **CHAPTER VIII**

### **PENAL PROVISIONS AND PROCEEDINGS**

152. Every person who, in contravention of section 5, fails to report a hazard is guilty of an offence and is liable to a fine of \$500 to \$3,000 in the case of a natural person and to a fine of \$1,500 to \$10,000 in the case of a legal person.

153. Every insurer or claims adjuster who does not make a report to the Minister in accordance with section 7 is guilty of an offence and is liable to a fine of \$500 to \$3,000.

154. Every employer who, by discriminatory measures or reprisals, a change of conditions of employment, transfer, suspension or dismissal or any other sanction, prevents any member of the personnel from acting as a volunteer firefighter or attempts to sanction the personnel member for having acted in that capacity, is guilty of an offence and is liable to a fine of \$200 to \$1,000, provided the firefighter has informed the employer of his or her duties as a firefighter and has made arrangements that are to apply in the event the firefighter must leave work precipitously or cannot report for work.

In addition, a person who feels aggrieved by a measure referred to in the first paragraph may exercise a recourse before a labour commissioner as if it were a recourse related to the exercise of a right under the Labour Code (R.S.Q., chapter C-27). Sections 15 to 20, 118 to 137, 139, 139.1, 140, 146.1 and 150 to 152 of the Code apply, with the necessary modifications.

155. Every person who hinders the Minister, an investigator, inspector, municipal inspector, firefighter or peace officer in the exercise of the powers vested in them under this Act, refuses to obey an order they are entitled to give, to communicate the information or documents they are entitled to require or, without valid cause, to provide the help or assistance they may require, knowingly makes false statements, or conceals or destroys documents or other things relevant for the purposes of their functions is guilty of an offence and is liable to a fine of \$1,000 to \$5,000.

The same applies in respect of any person who enters damaged premises contrary to a prohibition ordered under section 95 by the fire investigation commissioner or the person designated by the fire investigation commissioner pursuant to that section, who knowingly makes false statements or who conceals or destroys documents or other things relevant for an investigation.

156. In the case of a second or subsequent offence, the minimum and maximum fines shall be doubled.

157. Penal proceedings for an offence under a provision of section 5 that a local municipality is in charge of enforcing may be instituted by the municipality.

Where that is the case, proceedings may be brought before the competent municipal court.

Where the municipality is the prosecuting party, the fine imposed belongs to the municipality.

Where proceedings are brought before a municipal court, the costs relating to the proceedings belong to the municipality in which the court has jurisdiction, except any part of the costs remitted by the collector to another prosecuting party under article 366 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) and any costs remitted to the defendant or imposed on the prosecuting municipality under article 223 of that Code.

**CHAPTER IX****AMENDING PROVISIONS**

158. This Act replaces the Fire Investigations Act (R.S.Q., chapter E-8), the Act respecting municipal fire fighting cooperation (R.S.Q., chapter E-11) and the Fire Prevention Act (R.S.Q., chapter P-23).

A reference to any of those Acts is a reference to the corresponding provisions of this Act.

159. The Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by inserting the following after section 12:

**“PERSONS ASSISTING MEMBERS OF A MUNICIPAL FIRE SAFETY SERVICE**

“12.0.1. Every person who, during a fire, assists the firefighters of a municipal fire safety service after the person’s assistance has been expressly accepted or required pursuant to subparagraph 7 of the second paragraph of section 40 of the Fire Safety Act (2000, chapter 20), is considered to be a worker in the employ of the authority responsible for the service.

The right to return to work does not, however, apply to a person referred to in the first paragraph.”

160. Section 77 of the said Act is amended by inserting “, 12.0.1” after “12” in the first paragraph.

161. Section 78 of the said Act is amended by inserting “, 12.0.1” after “12” in the first paragraph.

162. Section 81 of the said Act is amended by inserting “or 12.0.1” after “12”.

163. The said Act is amended by inserting the following section after section 293:

“293.1. An authority responsible for a municipal fire safety service which, during a calendar year, has used the services of persons referred to in section 12.0.1 must, before 15 March of the following year, transmit to the Commission a statement setting out

(1) the nature and average duration of the work performed by those persons ;

(2) the number of persons involved in the course of the past year and an estimate of the number of persons likely to be involved in the current year.”

164. Section 296 of the said Act is amended by inserting the following paragraph after the second paragraph :

“An authority responsible for a municipal fire safety service described in section 293.1 shall keep a detailed register of the names and addresses of the persons referred to in section 12.0.1.”

165. Section 310 of the said Act is amended by inserting the following paragraph after paragraph 3 :

“(3.1) the authority responsible for a municipal fire safety service as the employer of a person referred to in section 12.0.1 ;”.

166. Section 440 of the said Act is amended by inserting “, 12, 12.0.1” after “11”.

167. Section 267 of the Building Act (R.S.Q., chapter B-1.1) is repealed.

168. Article 555 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), amended by section 158 of chapter 36 of the statutes of 1999, is again amended by striking out the second paragraph of paragraph 4.

169. Section 84.1 of the Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1), amended by section 38 of chapter 75 of the statutes of 1999, is again amended by adding the following paragraph at the end :

“(4) the Fire Safety Act (2000, chapter 20).”

170. Section 121.1 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2), amended by section 39 of chapter 75 of the statutes of 1999, is again amended by adding the following paragraph at the end :

“(4) the adoption of a fire safety cover plan for its territory under the Fire Safety Act (2000, chapter 20).”

171. Section 94.1 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3), amended by section 40 of chapter 75 of the statutes of 1999, is again amended by adding the following paragraph at the end :

“(4) the Fire Safety Act (2000, chapter 20).”

172. Section 8 of the Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3) is amended by replacing “prevention” in the second paragraph by “protection” and by replacing “Fire Prevention Act (chapter P-23)” at the end by “Fire Safety Act (2000, chapter 20).”



173. Section 9 of the said Act, amended by section 20 of chapter 8 of the statutes of 1999, is again amended by replacing paragraph 8 by the following paragraph:

“(8) to see to it that fire investigation commissioners investigate the point of origin, probable causes and circumstances of a fire or explosion and any connection with other fires or explosions with a view to making recommendations to improve the protection of persons and property against fires;”.

174. Section 7 of the Act respecting municipal regulation of public buildings (R.S.Q., chapter R-18) is amended

(1) by replacing “civilian firemen” and “firemen” wherever they appear in subsection 2 by “firefighters”;

(2) by inserting “or the municipal fire safety service” after “police force” in the third line of subsection 2.

175. Section 162 of the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1) is amended by replacing “fire prevention service” in paragraph 7 by “fire safety service”.

## **CHAPTER X**

### **TRANSITIONAL PROVISIONS**

176. The Minister shall, within 18 months after the publication of the first ministerial policies destined for regional authorities, send the notices required under section 12 to the regional authorities.

177. Any intermunicipal agreement relating to fire safety entered into before the coming into force of the first fire safety cover plan applicable to any of the parties to the agreement and not incorporated in the agreement, shall continue to have effect until its date of expiry except in the case of any renewal not approved by the Minister, unless the parties agree to terminate the agreement prematurely.

178. No person may be required to comply with section 5 earlier than 60 days after the date of the coming into force of the first regulation respecting reportable fire hazards.

179. The quality of firefighter required by section 37 for the exercise of the functions of fire chief is not required in respect of the persons holding the position of fire chief on 2 May 2000, even upon a renewal of their contract, for as long as they continue to hold that position.

180. Every by-law made by the École nationale des pompiers du Québec under section 68 must be submitted to the Government for approval; such approval shall be in lieu of the conditions defined by the Government referred to in that section, until the date of the coming into force of section 37 of the Public Administration Act (2000, chapter 8).

181. An investigation or inquiry in progress at the time of coming into force of Chapter V of this Act shall be completed in accordance with the provisions of that chapter.

182. A regulation made under the Fire Investigations Act (R.S.Q., chapter E-8) or the Fire Prevention Act (R.S.Q., chapter P-23) is deemed to have been made under this Act, insofar as it is consistent with this Act.

183. The fire investigation commissioner in office on 21 December 1983 is *ex officio* coroner in the case referred to in section 82.

184. The five-year term specified in section 87 shall not affect the current term of the fire investigation commissioner, which shall continue until the expiry of the term provided.

## **CHAPTER XI**

### **FINAL PROVISIONS**

185. The Minister of Public Security is responsible for the administration of this Act.

186. The provisions of this Act come into force on the date or dates to be fixed by the Government.