



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 88

(2006, chapter 23)

Private Security Act

Introduced 16 December 2004

Passage in principle 31 May 2006

Passage 14 June 2006

Assented to 14 June 2006

**Québec Official Publisher
2006**

EXPLANATORY NOTES

The purpose of this bill is to provide a framework for private security activities in the sectors of guarding, watching or protecting persons, property or premises, investigation, locksmith work, electronic security systems, valuables transport and security consulting. Under the bill, a person operating an enterprise that carries on such private security activities is required to hold an agency licence. A natural person carrying on a private security activity and that person's immediate superior must hold agent licences. However, a natural person carrying on a private security activity exclusively for an employer whose business does not consist in carrying on a private security activity must hold an agent licence only if the private security activity is that person's main activity.

The bill furthermore creates a private security bureau called the "Bureau de la sécurité privée". The mission of the Bureau is to protect the public, in the sectors covered by the bill, by issuing and controlling licences and processing complaints against licence holders, among other means. The bill specifies the powers and duties of the Bureau, including the maintenance of a register of licence holders.

The bill defines the Bureau's rules of organization and operation. It provides for the administration of the Bureau by a board of directors made up of eleven members. Of the eleven, four are appointed by the Minister and seven are appointed by associations representative of the industry that are recognized by the Minister.

Moreover, the bill confers inspection and inquiry powers on the Minister of Public Security. In addition, it gives the Minister the power, in certain circumstances, to issue orders to the Bureau and designate a provisional administrator.

The bill grants various regulatory powers to the Bureau, including the power to determine standards of conduct for agent licence holders, and to the Government as well. Finally, it contains penal provisions, consequential amendments and transitional provisions.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting administrative justice (R.S.Q., chapter J-3);
- Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3);
- Police Act (R.S.Q., chapter P-13.1);
- Act respecting the protection of personal information in the private sector (R.S.Q., chapter P-39.1).

LEGISLATION REPLACED BY THIS BILL:

- Act respecting detective or security agencies (R.S.Q., chapter A-8).

Bill 88

PRIVATE SECURITY ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

SCOPE AND INTERPRETATION

1. This Act applies to the following private security activities:

(1) security guarding, namely, watching or protecting persons, property or premises mainly to prevent crime and maintain order;

(2) investigation, namely, searching for persons, information or property, particularly searching for information on an offence or collecting information on the character or conduct of individuals;

(3) locksmith work, namely, installing, maintaining and repairing mechanical and electronic locking devices, installing, maintaining and repairing, and changing the combinations of, safes, vaults and safety deposit boxes, designing and managing master key systems, maintaining key code records, cutting keys otherwise than by duplicating existing keys, and unlocking a building door, piece of furniture or safe otherwise than by using a key or following the prescribed procedure;

(4) activities related to electronic security systems, namely, installing, maintaining and repairing, and ensuring the continuous remote monitoring of, burglar or intrusion alarm systems, video surveillance systems and access control systems, except vehicle security systems;

(5) the transport of valuables; and

(6) security consulting, namely, providing consulting services on protection against theft, intrusion or vandalism independently from the other activities referred to in this section and particularly by developing plans or specifications or presenting projects.

2. This Act does not apply to activities referred to in section 1 when carried on by the following persons:

(1) peace officers and persons holding certain powers of peace officers;

(2) persons responsible for conducting inspections and investigations to ensure the enforcement of an Act and persons vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37);

(3) members in good standing of a professional order governed by the Professional Code (R.S.Q., chapter C-26) in the practice of their profession;

(4) holders of certificates or licences issued under the Act respecting the distribution of financial products and services (R.S.Q., chapter D-9.2) and the Act respecting insurance (R.S.Q., chapter A-32);

(5) police force employees who are not peace officers and persons called on by a police force for the purposes of an investigation;

(6) persons who search for information for media or scientific purposes or as part of a hiring process;

(7) personal information agents within the meaning of the Act respecting the protection of personal information in the private sector (R.S.Q., chapter P-39.1) who do not otherwise carry on an activity referred to in section 1;

(8) persons who carry on those activities on a volunteer basis;

(9) persons licensed or otherwise authorized to carry on investigation activities outside Québec who must conduct part of an investigation in Québec; and

(10) any other person or class of persons exempted by regulation.

3. No provision of this Act may be construed as granting the status of peace officer to the holder of an agent licence.

CHAPTER II

LICENCES

DIVISION I

AGENCY LICENCES

§1. — General provisions

4. Any person operating an enterprise that carries on a private security activity must hold an agency licence of the appropriate class.

5. Agency licences of one or more of the following classes are issued by the Bureau de la sécurité privée:

- (1) security guard agency;
- (2) investigation agency;
- (3) locksmith and electronic security systems agency;
- (4) valuables transport agency; and
- (5) security consulting agency.

When issuing an agency licence, the Bureau also issues a copy for each establishment operated by the applicant.

6. An application for an agency licence must be filed by a natural person engaged full-time in the activities of the enterprise who acts as the representative of the enterprise for the purposes of this Act. The form in which the application must be filed and the documents and fee that must be submitted with it are determined by regulation.

7. The representative must meet the following conditions:

- (1) be of good moral character;
- (2) never have been convicted, in any place, of an offence for an act or omission that is an offence under the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or an offence referred to in section 183 of that Code under one of the Acts listed in that section and is related to the activity for which the agency licence application is filed, unless the representative has obtained a pardon; and
- (3) meet any other condition determined by regulation.

The representative must also take the training provided by the Bureau within six months after the date on which the representative is designated or, if the representative is designated before the agency licence is issued, within six months after the date on which the agency licence is issued.

8. The owner of the enterprise, every partner or shareholder having a major interest in the enterprise and every director of the enterprise must be of good moral character and never have been convicted, in any place, of an offence for an act or omission that is an offence under the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or an offence referred to in section 183 of that Code under one of the Acts listed in that section and is related to the activity for which the agency licence application is filed, unless the person has obtained a pardon.

A partner holding more than 10% of the shares or a shareholder directly or indirectly holding more than 10% of the voting shares is considered to have a major interest in the enterprise.

9. The enterprise for which the agency licence application is filed must meet the following conditions:

- (1) operate at least one establishment in Québec;
- (2) be solvent;
- (3) be covered by liability insurance with the coverage and other features determined by regulation; and
- (4) furnish security in the amount and form determined by regulation to guarantee the performance of its obligations.

10. The Bureau may refuse to issue an agency licence if, in the five years preceding the application, the owner of the enterprise, the representative, a partner or shareholder having a major interest in the enterprise within the meaning of section 8 or a director of the enterprise was denied an agent licence or agency licence or a renewal of such a licence, or held an agent licence or agency licence that was subsequently suspended or cancelled.

11. An agency licence is issued or renewed for three years if the conditions prescribed by this Act or a regulation under this Act are met.

§2. — *Obligations under licence*

12. The holder of an agency licence must pay the annual fee determined by regulation.

13. The holder of an agency licence must keep the licence or a copy of it on display in a conspicuous place in each establishment operated by the licence holder.

14. The holder of an agency licence must inform the Bureau without delay of any change likely to affect the validity of the licence.

15. The holder of an agency licence planning to cease operations must notify the Bureau in writing. The Bureau cancels the licence on the date specified in the notice.

DIVISION II

AGENT LICENCES

§1. — *General provisions*

16. A natural person carrying on a private security activity and that person's immediate superior must hold an agent licence of the appropriate class.

However, a natural person carrying on a private security activity exclusively for an employer whose business does not consist in carrying on a private security activity must hold an agent licence only if the private security activity is that person's main activity.

17. Agent licences of one or more of the following classes are issued by the Bureau:

- (1) security guard agent;
- (2) investigation agent;
- (3) locksmith and electronic security systems agent;
- (4) valuables transport agent; and
- (5) security consulting agent.

18. The form in which an application for an agent licence must be filed and the documents and fee that must be submitted with it are determined by regulation.

19. The applicant must meet the following conditions:

- (1) have the training required by regulation;
- (2) be of good moral character;
- (3) never have been convicted, in any place, of an offence for an act or omission that is an offence under the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or an offence referred to in section 183 of that Code under one of the Acts listed in that section and is related to the activity for which the agent licence application is filed, unless the applicant has obtained a pardon;
- (4) be at least 18 years of age; and
- (5) meet any other condition determined by regulation.

20. The Bureau may refuse to issue an agent licence if, in the five years preceding the application for the licence, the applicant was denied a licence or a licence renewal or held a licence that was subsequently suspended or cancelled.

21. An agent licence is issued or renewed for three years if the conditions prescribed by this Act or a regulation under this Act are met.

22. The Bureau may issue a temporary licence for a term of 120 days in the cases and on the conditions determined by regulation.

§2. — *Obligations under licence*

23. The holder of an agent licence must pay the annual fee determined by regulation.

24. The holder of an agent licence must inform the Bureau without delay of any change likely to affect the validity of the licence.

25. No holder of an agent licence may hold employment that is incompatible with the private security activity for which the licence was issued, including any employment in a police force.

26. The holder of an agent licence planning to cease operations must notify the Bureau in writing. The Bureau cancels the licence on the date stated in the notice.

DIVISION III

VERIFICATION OF CONDITIONS

27. On the filing of a licence application and every year after the issue of a licence, the Bureau sends the Sûreté du Québec the information needed to verify whether the conditions prescribed in paragraphs 1 and 2 of section 7, section 8 and paragraphs 2 and 3 of section 19 are met by the licence holder. The Sûreté du Québec sends the conclusions of the verification to the Bureau.

28. Exceptionally, after obtaining the Minister's approval, the Bureau may ask another police force to do the verification referred to in section 27.

DIVISION IV

UNFAVOURABLE DECISIONS OF THE BUREAU

29. The Bureau may suspend, cancel or refuse to renew the agency licence of a licence holder that

(1) no longer meets the conditions prescribed by this Act or a regulation under this Act for obtaining an agency licence;

(2) fails to pay the annual fee;

(3) was found guilty of an offence under this Act or a regulation under this Act;

(4) fails to follow the directives issued by the Bureau; or

(5) fails to comply with the Bureau's request to replace the representative designated by the licence holder.

30. The Bureau may suspend, cancel or refuse to renew the agent licence of a licence holder who

(1) no longer meets the conditions prescribed by this Act or a regulation under this Act for obtaining an agent licence;

(2) fails to pay the annual fee;

(3) holds employment that is incompatible with the private security activity for which the agent licence was issued;

(4) was found guilty of an offence under this Act or a regulation under this Act; or

(5) has violated the standards of conduct determined by regulation.

Despite the first paragraph, the Bureau cancels the agent licence of a licence holder who is convicted of an offence described in paragraph 3 of section 19 that is related to the activity carried on by the licence holder or who is no longer of good moral character.

31. Before suspending, cancelling or refusing to renew a licence, the Bureau may order the licence holder to take the necessary corrective measures within the time it specifies.

If the licence holder does not comply with the order, the Bureau must suspend, cancel or refuse to renew the licence.

32. The Bureau must notify the applicant or licence holder in writing as prescribed by section 5 of the Act respecting administrative justice (R.S.Q., chapter J-3) and allow the applicant or licence holder at least 10 days to submit observations before

(1) refusing to issue or renew a licence;

(2) suspending or cancelling a licence.

The Bureau may make a decision without being bound by that prior obligation if urgent action is required or so as to prevent irreparable harm. In such a case, the person affected by the decision may, within the time specified in the decision, submit observations to the Bureau for a review of the decision.

33. A decision to refuse to issue or renew a licence or to suspend or cancel a licence must give reasons.

34. The Bureau notifies the employer of an agent licence holder that the licence has been suspended or cancelled or has not been renewed.

35. A licence holder whose licence has been suspended may obtain its reinstatement if the necessary corrective measures are taken within the time specified by the Bureau.

If the licence holder fails to take the necessary corrective measures within the time specified, the Bureau must cancel or refuse to renew the licence.

36. A licence holder whose licence has been cancelled or has not been renewed must surrender it to the Bureau within 15 days after the decision is made.

As well, the Bureau may require that a licence holder whose licence has been suspended surrender it.

DIVISION V

PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

37. An applicant who has been denied a licence or a licence holder whose licence has been suspended or cancelled or has not been renewed may contest the Bureau's decision before the Administrative Tribunal of Québec.

38. When a decision of the Bureau is contested before the Administrative Tribunal of Québec under section 37, the Bureau is party to the proceeding within the meaning of section 101 of the Act respecting administrative justice, and must send the secretary of the Tribunal the documents and information required under the first paragraph of section 114 of that Act within 30 days after receiving a copy of the motion.

CHAPTER III

BUREAU DE LA SÉCURITÉ PRIVÉE

DIVISION I

ESTABLISHMENT AND MISSION

39. A private security bureau called the "Bureau de la sécurité privée" is hereby established.

The Bureau is a legal person.

40. The Bureau has its head office in Québec, at the place it determines. Notice of the location and of any change in location of the head office is published in the *Gazette officielle du Québec*.

The Bureau may hold its meetings at any place in Québec.

41. The mission of the Bureau is to protect the public and, to that end, it
- (1) ensures the enforcement of this Act and the regulations under this Act;
 - (2) issues agency licences and agent licences;
 - (3) processes complaints lodged against licence holders;
 - (4) provides training for the representatives of agency licence holders;
 - (5) fosters cohesive action by the private security and public security sectors; and
 - (6) advises the Minister on any matter the Minister submits to it in connection with private security.

42. To protect the public, the Bureau may at any time

- (1) issue directives to an agency licence holder regarding the agency licence holder's activities; or
- (2) require that an agency licence holder replace its representative if the representative no longer meets the conditions prescribed in section 7.

43. For the sole purpose of making the Bureau subject to the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), the Bureau is deemed a public body within the meaning of that Act.

DIVISION II

ORGANIZATION

44. The Bureau is administered by a board of directors composed of 11 members, as follows:

- (1) four members appointed by the Minister, one of whom must be from the police community; and
- (2) seven members appointed by associations representative of the private security industry that are recognized by the Minister.

45. An association may apply for recognition as an association representative of the private security industry by sending a written notice to the Minister.

The application must be authorized by a resolution of the association and signed by representatives specially mandated for that purpose.

46. The Minister recognizes the seven associations that, in the Minister's opinion, are most representative of the private security industry from among all the associations that have applied for recognition.

The Minister may establish a committee to advise and make recommendations to the Minister on assessing the associations' representativeness.

47. Within 30 days after obtaining recognition, an association must appoint a board member in the manner it determines.

The Minister may, in the public interest, require at any time that an association replace a board member it has appointed.

48. Board members are appointed for a term of three years from the date on which all board members have been appointed.

49. Any vacancy occurring on the board of directors during the course of a board member's term is filled in the manner prescribed in section 44 for the remainder of the term. The Minister or the association concerned must fill a vacancy on the board of directors within 30 days after receiving notice of the vacancy from the board of directors.

Unexplained absence from the number of board meetings stipulated in the internal management by-laws, in the cases and circumstances provided in those by-laws, constitutes a vacancy.

50. A board member may resign by sending a notice in writing to that effect to the board of directors. A vacancy occurs on acceptance of the resignation by the board of directors.

51. Six months before the board members' term expires, the Bureau must take measures to ensure that the Minister and the associations recognized by the Minister appoint, replace or reappoint board members, as appropriate.

The Minister may reassess the representativeness of those associations, particularly if new associations have applied for recognition in accordance with section 45 in the six months before the board members' term expires, and withdraw the recognition of an association if the Minister considers it has lost its status as most representative association.

52. The Bureau may make internal management by-laws.

53. The board members elect a chair and a vice-chair from among their number. The chair and vice-chair exercise their respective functions for the course of their term.

54. The chair of the board of directors calls board meetings, presides over them and sees that they proceed smoothly.

The vice-chair replaces the chair if the chair is absent or unable to act.

55. The Bureau appoints an executive director in charge of the Bureau's administration and general management within the framework of the Bureau's regulations and policies. The position of executive director is a full-time position.

The conditions prescribed in paragraphs 2 and 3 of section 19 apply to the executive director, with the necessary modifications.

56. The Bureau may delegate to the executive director, in writing and to the extent specified, the functions and powers assigned to it by this Act, except those assigned by sections 107 and 108.

57. The quorum at board meetings consists of a majority of the board members, including the chair or vice-chair.

Decisions are made by a majority vote of the board members present. In the case of a tie vote, the person presiding has a casting vote.

58. A board member with a direct or indirect interest in an enterprise causing that member's personal interest to conflict with the Bureau's interest must, on pain of forfeiture of office, disclose that personal interest and abstain from participating in any decision involving the enterprise in which the member has the interest. The member must also withdraw from the meeting while the decision is being discussed.

59. A board member may waive notice of a meeting. Attendance at the meeting constitutes a waiver of notice unless the member is attending for the purpose of objecting to the meeting on the ground that it was not lawfully called.

60. Board members may, in the cases and on the conditions specified in the Bureau's internal management by-laws, take part in a board meeting from separate locations by means of equipment allowing all board members to communicate directly with one another.

61. A written resolution, signed by all board members, has the same value as if adopted during a board meeting.

A copy of all such resolutions is kept with the minutes of the proceedings or other equivalent record book.

62. The minutes of board meetings, approved by the board of directors and certified by the chair or vice-chair of the board or the secretary of the Bureau, are authentic. The same applies to documents and copies emanating from the Bureau or forming part of its records if so certified.

63. An intelligible transcription of a decision or of other data stored by the Bureau on a computer or any data storage medium is a document of the Bureau and constitutes proof of its contents if certified by a person referred to in section 62.

64. No act, document or writing binds the Bureau or may be attributed to it unless it is signed by the chair or vice-chair of the board of directors or the secretary of the Bureau.

65. The Bureau's internal management by-laws may allow, subject to the conditions and on the documents specified, that a signature be affixed using an automatic device, that a signature be electronic or that a facsimile of a signature be engraved, lithographed or printed. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person referred to in section 62.

66. The Bureau may appoint a secretary and hire the personnel it needs to carry out its functions.

The executive director may make the conditions prescribed in paragraphs 2 and 3 of section 19 applicable, with the necessary modifications, to the secretary and personnel of the Bureau if it is warranted by their functions.

67. A member of the Bureau's personnel who has a direct or indirect interest in an enterprise causing that member's personal interest to conflict with the Bureau's interest must, on pain of forfeiture of office, disclose that personal interest in writing to the chair of the board of directors.

68. Neither the Bureau nor members of the Bureau's board of directors or personnel may be sued for any act performed in good faith in the exercise of their functions.

DIVISION III

INSPECTIONS AND INVESTIGATIONS

69. The Bureau may authorize any person to act as an inspector for the purpose of verifying compliance with this Act or the regulations under this Act.

70. An inspector may, in the exercise of inspection functions,

(1) at any reasonable time enter any premises where a private security activity is sold as a service or carried on, or where the inspector has reasonable grounds to believe that such an activity is sold as a service or carried on;

(2) take photographs of the premises and equipment;

(3) require the persons present to provide any information about the activities sold as services or carried on in those premises that is necessary for the discharge of inspection functions and to produce any document or extract of a document containing such information for examination or the making of copies.

71. On request, an inspector must identify himself or herself and produce a certificate of authorization.

72. An inspector may not be sued for any act performed in good faith in the exercise of inspection functions.

73. The Bureau may, on its own initiative or following a complaint, conduct an investigation if it has reasonable grounds to believe this Act or a regulation under this Act has been contravened.

If, after a preliminary analysis of a complaint, it appears that a criminal offence may have been committed, the Bureau refers the complaint to the competent police force without delay for the purposes of a criminal investigation.

74. The Bureau may entrust the conduct of an investigation to a person it designates for that purpose. The person is vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

75. The investigator submits an investigation report to the Bureau.

DIVISION IV

REGISTER OF LICENCE HOLDERS

76. The Bureau maintains a register of licence holders.

77. The register must contain the following information for each agency licence holder:

(1) the licence holder's name and licence number, contact information for the licence holder's head office and for each establishment operated by the licence holder, the name of the licence holder's representative and the representative's workplace contact information;

(2) the class and term of the licence; and

(3) the operative part of any decisions concerning the licence holder.

78. The register must contain the following information for each agent licence holder:

- (1) the licence holder's name and licence number;
- (2) the name of the licence holder's employer;
- (3) the class and term of the licence;
- (4) the licence holder's training; and
- (5) the operative part of any decisions concerning the licence holder.

79. A licence holder must inform the Bureau of any change in the information relating to the licence holder contained in the register no later than the thirtieth day after the change occurs.

80. The Bureau may require that an agency licence holder, an agent licence holder or the employer of an agent licence holder communicate any information needed to maintain the register.

81. The register is public.

However, on application by the holder of an investigation agent licence, the Bureau may decide that the information the register contains about the licence holder is to remain confidential if it is satisfied that disclosure of the information would be likely to hinder the licence holder's activities and pose a serious threat to the licence holder's safety. The decision to keep the information confidential ceases to have effect on the expiry of the licence, unless the Bureau grants an extension on application by the licence holder on renewal of the licence. The extension may not exceed the term for which the licence is renewed. Subsequent extensions may be granted on the same conditions.

This section applies despite sections 9 and 57 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 V

FINANCIAL PROVISIONS AND REPORTS

82. The Bureau finances its activities out of the fees paid to it by licence holders and out of the other revenues derived from the administration of this Act.

83. The Bureau must have its books and accounts audited every year by an auditor. The auditor's report must be submitted with the Bureau's annual report.

If the Bureau fails to have its books and accounts audited, the Minister may have the audit conducted and may, for that purpose, designate an auditor whose remuneration will be charged to the Bureau.

84. The auditor has access to all the Bureau's books, registers, accounts, other accounting records and vouchers. Persons having custody of those documents must facilitate their examination by the auditor.

The auditor may require from the Bureau's board members, mandataries or employees the information and documents needed to conduct the audit.

85. The auditor may require the holding of a board meeting on any question related to the audit.

86. The Bureau's fiscal year ends on 31 March.

87. Within four months after the end of its fiscal year, the Bureau submits an activity report for the preceding fiscal year to the Minister. The report must contain all the information required by the Minister.

88. The Minister lays the Bureau's financial statements and activity report before the National Assembly within 30 days of receiving them or, if the Assembly is not sitting, within 30 days of resumption.

89. The sums received by the Bureau must be applied to the payment of its obligations.

CHAPTER IV

MINISTER'S POWERS

DIVISION I

INSPECTIONS AND INQUIRIES

90. The Minister may authorize any person to inspect the affairs of the Bureau in order to verify compliance with this Act and the regulations under this Act.

91. An inspector may, to that end,

(1) enter the Bureau's head office at any reasonable time;

(2) examine and make copies of the books, registers, accounts, records and other documents relating to the Bureau's activities; and

(3) require any information or document relating to the application of this Act or the regulations made under this Act.

92. On request, an inspector must identify himself or herself and produce a certificate of authorization signed by the Minister.

93. An inspector may not be sued for any act performed in good faith in the exercise of inspection functions.

94. The Minister may order an inquiry into any matter relating to the application of this Act if the Minister is of the opinion that the public interest requires it.

95. The Minister may entrust the conduct of an inquiry to a person the Minister designates for that purpose. The person is vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

DIVISION II

MINISTER'S ORDER AND PROVISIONAL ADMINISTRATION

96. If the Minister is of the opinion that the Bureau is engaging in practices or tolerating a situation likely to undermine the protection of the public or that there has been a serious fault, such as embezzlement, breach of trust or other misconduct by one or more members of the board of directors, or if the board of directors is seriously remiss in the performance of its obligations under the law, the Minister may order the Bureau to cease such conduct and take the necessary corrective measures.

The order issued by the Minister must set out the reasons on which it is based.

97. In the circumstances referred to in section 96, the Minister may designate a person to assume the provisional administration of the Bureau for a period of up to 90 days.

98. If the Bureau is placed under provisional administration, the powers of the members of the board of directors are suspended and the person designated by the Minister exercises all the powers of the board of directors.

99. At least 30 days before the date on which the provisional administrator's term is set to expire, the provisional administrator must file a report with the Minister setting out findings and recommendations. The report must contain all the information required by the Minister.

100. On receiving the provisional administrator's report, the Minister must send the Bureau a copy and allow the Bureau at least 10 days to submit observations.

101. After examining the provisional administrator's report and considering the Bureau's observations, the Minister may, if the Minister considers it warranted in order to remedy a situation referred to in section 96 or avoid the recurrence of such a situation,

(1) extend the provisional administration for a period of up to 90 days or terminate the provisional administration subject to specified conditions; or

(2) remove one or more members of the board of directors from office.

Any extension of the provisional administration may be renewed by the Minister for the same reasons provided each renewal does not exceed 90 days.

102. If the provisional administrator's report does not confirm the existence of a situation referred to in section 96, the Minister must terminate the provisional administration without delay.

103. A decision of the Minister must give reasons and be forwarded with dispatch to the members of the board of directors.

104. On the termination of the provisional administration, the provisional administrator must render a final account of the provisional administration to the Minister. The account must be sufficiently detailed to allow verification of its accuracy and be submitted with the related books and vouchers.

105. The costs, fees and expenses of the provisional administration are borne by the Bureau, unless the Minister decides otherwise.

106. The provisional administrator exercising powers and functions under this division may not be sued for any act performed in good faith in the exercise of such powers and functions.

CHAPTER V

REGULATORY POWERS

107. The Bureau must make regulations determining

(1) the form in which an application for a licence must be filed and the documents and fee that must be submitted with the application;

(2) the annual fee that a licence holder must pay;

(3) the coverage and other features of the liability insurance that an agency licence holder must take out;

(4) the amount and form of the security that an agency licence holder must furnish;

(5) the cases in and conditions on which a temporary agent licence may be issued; the conditions set in a regulation under this paragraph may be different from those set in section 19 or in a regulation made under paragraph 2 of section 108; and

(6) the standards of conduct to be followed by agent licence holders in the exercise of their functions.

108. The Bureau may make regulations

(1) determining the nature, form and content of the books, registers and records that an agency licence holder must keep and the rules relating to their preservation, use and destruction; and

(2) setting conditions additional to those prescribed in this Act for the issue of a licence.

109. Regulations made by the Bureau under this chapter must be submitted to the Minister, who may approve them with or without amendments.

Despite the first paragraph, a regulation made under paragraph 6 of section 107 must be submitted to the Government, which may approve it with or without amendments.

110. If the Bureau fails to make regulations under section 107 within six months after the coming into force of this section or fails to make amendments to a regulation within the time specified by the Minister or the Government, the Government may make or amend the regulations. Such regulations are deemed to be regulations of the Bureau.

111. After consulting with the Bureau, the Government may make regulations determining

(1) the persons or classes of persons exempted from the application of this Act and conditions for any such exemptions;

(2) standards for badges and other identification, and the characteristics of the uniforms to be worn by agent licence holders;

(3) conditions for the use of equipment and animals by agent licence holders, particularly the training required; and

(4) standards for the identification of vehicles used in the private security industry and the equipment allowed in such vehicles.

The Government may also determine, among the provisions of a regulation under any of subparagraphs 2 to 4 of the first paragraph, those whose contravention constitutes an offence.

112. The Government may make a regulation determining the training required to obtain an agent licence. The regulation may include exemptions or provisional conditions for existing personnel. It also defines the Bureau's role as regards training.

113. Regulatory provisions made under this chapter may vary according to the class of licence to which they apply.

CHAPTER VI

PENAL PROVISIONS

114. Any person who contravenes section 4 is guilty of an offence and is liable to a fine of \$500 to \$5,000 or, if that person's licence has been suspended or cancelled under section 29, an additional fine of \$1,000 to \$10,000.

115. Any person who contravenes section 13, 14, 15, 24, 25, 26, 36 or 79 is guilty of an offence and is liable to a fine of \$250 to \$2,500.

116. Any person who contravenes section 16 is guilty of an offence and is liable to a fine of \$150 to \$1,500 or, if that person's licence has been suspended or cancelled under section 30, an additional fine of \$300 to \$3,000.

117. Any person who employs a person referred to in section 16 who does not hold an agent licence as required under that section is guilty of an offence and is liable to a fine of \$500 to \$5,000.

118. Any person who orders or advises or who issues a directive or policy causing an agent licence holder to violate a standard of conduct is guilty of an offence and is liable to a fine of \$500 to \$5,000.

119. Any person who hinders an inspector or investigator in the exercise of inspection or investigation functions, refuses to provide any information or document the inspector or investigator is entitled to require or examine, or conceals or destroys any document or other object relevant to an inspection, investigation or inquiry is guilty of an offence and is liable to a fine of \$500 to \$5,000.

120. Any person who helps, incites, advises, encourages, allows, authorizes or orders another person to commit an offence under this Act is guilty of an offence. Any person found guilty under this section is liable to the same penalty as prescribed for the offence committed by the other person.

121. Any person who contravenes a regulatory provision whose contravention constitutes an offence under the second paragraph of section 111 is guilty of an offence and is liable to a fine of \$150 to \$5,000.

122. In the case of a second or subsequent offence, the minimum and maximum fines prescribed in this Act are doubled.

CHAPTER VII**CONSEQUENTIAL AND TRANSITIONAL PROVISIONS**

123. This Act replaces the Act respecting detective or security agencies (R.S.Q., chapter A-8).

124. Unless the context indicates otherwise, in any text or document, whatever the nature or medium, a reference to the Act respecting detective or security agencies or any of its provisions is a reference to this Act or the corresponding provision of this Act.

125. Schedule IV to the Act respecting administrative justice (R.S.Q., chapter J-3) is amended by adding the following paragraph after paragraph 30:

“(31) section 37 of the Private Security Act (2006, chapter 23).”

126. Section 9 of the Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3) is amended by replacing paragraph 9 by the following paragraph:

“(9) to administer the Private Security Act (2006, chapter 23);”.

127. Section 117 of the Police Act (R.S.Q., chapter P-13.1) is amended by replacing “private investigator, security guard, collection agent or representative of a collection agent, and detective” in the first paragraph by “collection agent or representative of a collection agent, and with functions for which a licence is required under the Private Security Act (2006, chapter 23)”.

128. Section 18 of the Act respecting the protection of personal information in the private sector (R.S.Q., chapter P-39.1) is amended by replacing “A detective or security agency holding a permit issued under the Act respecting detective or security agencies (chapter A-8),” in the fourth paragraph by “The holder of a security guard agency licence or investigation agency licence issued under the Private Security Act (2006, chapter 23)”.

129. Section 39 of the Act is amended by replacing “a detective or security agency in accordance with the Act respecting detective or security agencies (chapter A-8)” in paragraph 1 by “the holder of a security guard agency licence or investigation agency licence issued under the Private Security Act (2006, chapter 23)”.

130. A permit issued under the Act respecting detective or security agencies (R.S.Q., chapter A-8) that is valid on the date of coming into force of this section remains valid until the date on which it would have expired under that Act. This Act applies to that permit as if it had been issued by the Bureau under this Act.

131. Any person that, on (*insert the date of coming into force of section 4*), operates an enterprise that carries on a private security activity for which an agency licence is required under this Act, but that was not subject to the Act respecting detective or security agencies (R.S.Q., chapter A-8) must obtain an agency licence of the appropriate class in accordance with this Act within six months after that date. The person may continue to operate the enterprise after that date until those six months expire unless, in the interval, the Bureau refuses to issue the person a licence.

Likewise, any person who, on (*insert the date of coming into force of section 16*), carries on a private security activity for which an agent licence is required under this Act, but who was not subject to the Act respecting detective or security agencies must obtain an agent licence of the appropriate class in accordance with this Act within six months after that date. The person may continue to carry on the activity after that date until those six months expire unless, in the interval, the Bureau refuses to issue the person a licence. The same rules apply to the immediate superior of a person referred to in the first paragraph of section 16.

To be certain to obtain a licence within the six-month period provided for in the first and second paragraphs, applicants must make sure their applications are received by the Bureau at least three months before the expiry of that period.

CHAPTER VIII

FINAL PROVISIONS

132. The Minister must see that an independent report be made on this Act and its implementation no later than (*insert the date occurring five years after the date of coming into force of section 1*) and every five years after that date. The Bureau and every public body must give the person in charge of making such a report any information needed for the purposes of the report and required by that person.

The Minister lays the report before the National Assembly within 30 days of receiving it if the Assembly is sitting or, if it is not sitting, within 30 days of resumption.

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

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

PRIVATE SECURITY ACT

TABLE OF CONTENTS

	SECTIONS
CHAPTER I	SCOPE AND INTERPRETATION 1-3
CHAPTER II	LICENCES 4-38
DIVISION I	AGENCY LICENCES 4-15
	§1. — <i>General provisions</i> 4-11
	§2. — <i>Obligations under licence</i> 12-15
DIVISION II	AGENT LICENCES 16-26
	§1. — <i>General provisions</i> 16-22
	§2. — <i>Obligations under licence</i> 23-26
DIVISION III	VERIFICATION OF CONDITIONS 27,28
DIVISION IV	UNFAVOURABLE DECISIONS OF THE BUREAU 29-36
DIVISION V	PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC 37,38
CHAPTER III	BUREAU DE LA SÉCURITÉ PRIVÉE 39-89
DIVISION I	ESTABLISHMENT AND MISSION 39-43
DIVISION II	ORGANIZATION 44-68
DIVISION III	INSPECTIONS AND INVESTIGATIONS 69-75
DIVISION IV	REGISTER OF LICENCE HOLDERS 76-81
DIVISION V	FINANCIAL PROVISIONS AND REPORTS 82-89
CHAPTER IV	MINISTER'S POWERS 90-106
DIVISION I	INSPECTIONS AND INQUIRIES 90-95
DIVISION II	MINISTER'S ORDER AND PROVISIONAL ADMINISTRATION 96-106
CHAPTER V	REGULATORY POWERS 107-113
CHAPTER VI	PENAL PROVISIONS 114-122
CHAPTER VII	CONSEQUENTIAL AND TRANSITIONAL PROVISIONS 123-131
CHAPTER VIII	FINAL PROVISIONS 132-134