



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 9

(2011, chapter 23)

An Act to enhance the regulation of the verification carried out for licence purposes and otherwise amend the Private Security Act

Introduced 12 May 2011

Passed in principle 28 September 2011

Passed 27 October 2011

Assented to 2 November 2011

EXPLANATORY NOTES

The purpose of this Act is mainly to enhance the verification that must be carried out in connection with private security licences.

It amends the procedure for the verification carried out by the Sûreté du Québec before the issue, renewal or maintenance of these licences. To that effect, it prescribes that the Sûreté du Québec must inform the Bureau de la sécurité privée of the results of its verification and give its opinion with regard to compliance with the conditions of the Act. It extends the verification to all partners or shareholders of a partnership or a legal person that is a partner or shareholder of the enterprise concerned. It authorizes the Sûreté du Québec to carry out verifications with respect to licence holders at any time during the term of their licence. It also provides that the Minister of Public Security may, after consulting the Bureau, issue a directive establishing the minimal verification that must be carried out.

It makes various other amendments to the Private Security Act. It divides the locksmith and electronic security systems class of both the agency licence and the agent licence into two separate categories. It also breaks down the electronic security systems class of the agent licence into three sectors of activity, namely, installing, repairing and maintaining, continuous remote monitoring, and technical consulting.

It increases the term for which an agent licence is issued or renewed from three to five years.

It gives the Bureau the power to adjust the annual fees that licence holders must pay according to the verification required. It also empowers the Government to establish by regulation the conditions subject to which the Minister, on the recommendation of the Bureau, may recognize training or a training instructor or a training body for the purposes of the Act.

It also amends the Regulation under the Private Security Act in order to adjust the annual fees charged for agent licences and, in the case of applications for the issue or renewal of agency or agent licences, to adjust the fees according to the verification required.

Lastly, this Act contains transitional provisions.

LEGISLATION AMENDED BY THIS ACT:

- Private Security Act (R.S.Q., chapter S-3.5).

REGULATION AMENDED BY THIS ACT:

- Regulation under the Private Security Act (R.R.Q., chapter S-3.5, r. 1).

Bill 9

AN ACT TO ENHANCE THE REGULATION OF THE VERIFICATION CARRIED OUT FOR LICENCE PURPOSES AND OTHERWISE AMEND THE PRIVATE SECURITY ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Private Security Act (R.S.Q., chapter S-3.5) is amended by inserting “keying,” after “namely,” in paragraph 3.

2. Section 5 of the Act is amended

(1) by replacing “Agency licences of one or more of the following classes are issued by the Bureau de la sécurité privée:” in the portion of the first paragraph before subparagraph 1 by “The Bureau de la sécurité privée issues agency licences for the following classes:”;

(2) by replacing subparagraphs 3 to 5 of the first paragraph by the following subparagraphs:

“(3) locksmith agency;

“(4) electronic security systems agency;

“(5) valuables transport agency; and

“(6) security consulting agency.”

3. Section 8 of the Act is amended by adding the following sentence at the end of the first paragraph: “If the owner or a partner or a shareholder of the enterprise is a partnership or a legal person, every partner or shareholder having a major interest in the partnership or legal person and every director of the partnership or legal person must meet the same conditions.”

4. Section 10 of the Act is amended by adding the following paragraph after the first paragraph:

“The same applies if the owner or a partner or a shareholder of the enterprise is a partnership or a legal person and a partner or a shareholder having a major interest in the partnership or legal person or a director of the partnership or legal person 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.”

5. Section 16 of the Act is amended by replacing the second paragraph by the following paragraph:

“However, if they are carrying on the private security activity exclusively for an employer whose business does not consist in carrying on a private security activity, they are required to hold an agent licence only if the private security activity is their main activity.”

6. Section 17 of the Act is amended

(1) by replacing “Agent licences of one or more of the following classes are issued by the Bureau:” in the portion before paragraph 1 by “The Bureau issues agent licences for the following classes:”;

(2) by replacing paragraphs 3 to 5 by the following paragraphs:

“(3) locksmith agent;

“(4) electronic security systems agent for one or more of the following sectors of activity:

(a) installing, repairing and maintaining;

(b) continuous remote monitoring;

(c) technical consulting;

“(5) valuables transport agent; and

“(6) security consulting agent.”

7. Section 21 of the Act is amended by replacing “three” by “five”.

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

“**22.** The Bureau may issue a temporary licence for a term of not more than 120 days in the cases and on the conditions determined by regulation.”

9. Section 27 of the Act is replaced by the following section:

“**27.** On the filing of a licence issue or renewal application, and in the case of an agency licence, on the anniversary date of its issue, the Bureau sends the Sûreté du Québec the information needed to do the verification required to determine whether the conditions prescribed in subparagraphs 1 and 2 of the first paragraph of section 7, section 8 and paragraphs 2 and 3 of section 19 are met.

To ensure compliance with the conditions referred to in the first paragraph, the Sûreté du Québec may carry out verifications with respect to licence holders

at any time during the term of their licence. The Bureau sends the Sûreté du Québec information concerning the licence holders for this purpose.

The Sûreté du Québec informs the Bureau of the result of its verification and gives its opinion as to compliance with prescribed conditions.”

10. The Act is amended by inserting the following sections after section 27:

“**27.1.** The verification prescribed in the first paragraph of section 27 is not required for a licence issue or renewal application if the persons mentioned in sections 7 and 8, or the person mentioned in section 19 have already undergone such a verification for the issue or renewal of a licence of another class and that licence is still valid.

“**27.2.** The Minister may, after consultation with the Bureau, issue a directive establishing the minimal verification required, in compliance with section 27, at the time of an application for the issue or renewal of a licence as well as during the term of a licence.

This verification may vary depending on the licence class.”

11. Section 28 of the Act is amended by adding “and to give the opinion” after “verification”.

12. Section 81 of the Act is amended by adding “or valuables transport agent” after “investigation agent licence” in the second paragraph.

13. Section 107 of the Act is amended by adding “, which may vary according to the verification required” at the end of paragraph 2.

14. Section 112 of the Act is replaced by the following section:

“**112.** The Government may, by regulation,

- (1) determine the training required to obtain an agent licence;
- (2) prescribe the role of the Bureau de la sécurité privée in relation to training;
- (3) establish the conditions subject to which the Bureau may recommend to the Minister training other than that determined in accordance with paragraph 1; and
- (4) establish the conditions subject to which the Bureau may recommend to the Minister a training instructor or a training body.

A regulation under subparagraph 1 of the first paragraph may include exemptions or provisional conditions for personnel who are in place at the time it comes into force.”

15. The Act is amended by inserting the following section after section 112:

“**112.1.** The Minister may, on the recommendation of the Bureau, recognize training other than that determined in the regulation made by the Government under subparagraph 1 of the first paragraph of section 112.

The Minister may also, on the recommendation of the Bureau, recognize a training instructor or a training body.

Before recommending training, a training instructor or a training body to the Minister, the Bureau takes into account the conditions established in the regulation made by the Government under subparagraphs 3 and 4 of the first paragraph of section 112.”

REGULATION UNDER THE PRIVATE SECURITY ACT

16. Section 1 of the Regulation under the Private Security Act (R.R.Q., chapter S-3.5, r. 1) is amended by inserting the following subparagraph after subparagraph 4 of the second paragraph:

“(4.1) the name and head office contact details of the partnership or the legal person who is the owner or a partner or a shareholder of the enterprise and the name, date of birth, if applicable, and residential contact details of every partner or shareholder having a major interest in the partnership or legal person, within the meaning of section 8, and of every director of the partnership or legal person, as well as their status and interest in the partnership or legal person; and”.

17. Section 3 of the Regulation is replaced by the following section:

“**3.** An agency licence application is also accompanied by the following fees, depending on the class of licence, which are reimbursed to the applicant if the licence is not issued or renewed:

- (1) security guard agency: \$2,556;
- (2) investigation agency: \$1,810;
- (3) locksmith agency: \$1,171;
- (4) electronic security systems agency: \$1,171;
- (5) valuables transport agency: \$1,171; and

(6) security consulting agency: \$1,810.

A non-reimbursable fee of \$104 must also accompany the application for each person referred to in sections 7 and 8 of the Act who is required to undergo verification under the first paragraph of section 27 of the Act. The fee is \$39 for each person who, under section 27.1 of the Act, is not required to undergo such verification.”

18. Section 12 of the Regulation is replaced by the following section:

“**12.** An agent licence application is also accompanied by the following fees:

(1) a fee of \$39, reimbursed to the applicant if the licence is not issued or renewed; and

(2) a non-reimbursable fee of \$84 to cover the cost of the verification referred to in section 27 of the Act. The fee does not apply if, under section 27.1 of the Act, the verification is not required.”

19. Section 15 of the Regulation is amended by replacing “\$82” by “\$67”.

TRANSITIONAL AND FINAL PROVISIONS

20. On the anniversary date of the issue of locksmith and electronic security systems agent or agency licences, the Bureau de la sécurité privée must replace them with a licence of the new class corresponding to the activity carried on by the licence holder.

21. Agent licences issued for three years and that are valid on 2 November 2011 are deemed to have been issued for five years.

22. The third paragraph of section 27 of the Private Security Act (R.S.Q., chapter S-3.5), enacted by section 9, does not apply to pending applications for the issue or renewal of a licence for which the Sûreté du Québec has already sent verification results to the Bureau de la sécurité privée.

23. This Act comes into force on 2 November 2011.