

Texte à jour au 1 avril 1998

AN ACT RESPECTING PUBLIC INQUIRY COMMISSIONS

L.R.Q., c. C-37.

s. 1

Appointment of commissioners.

1. Whenever the Government deems it expedient to cause inquiry to be made into and concerning any matter connected with the good government of Québec, the conduct of any part of the public business, the administration of justice or any matter of importance relating to public health, or to the welfare of the population, it may, by a commission issued to that effect, appoint one or more commissioners by whom such inquiry shall be conducted.

R.S. 1964, c. 11, s. 1.

s. 2

Oath.

2. The commissioners so appointed shall, before acting, take the following oath of office before a judge of the Superior Court:

«I, A. B., do swear that I will exercise and perform the powers and duties vested in me by the provisions of the Act respecting public inquiry commissions (Revised Statutes of Québec, 1977, chapter C-37), according to the best of my knowledge and judgment. So help me God.»

R.S. 1964, c. 11, s. 2.

s. 3

Secretary.

3. The Government may also appoint a secretary to the commission.

Personnel.

The commissioners may, with the authorization of the Minister of Justice, employ stenographers, clerks and messengers.

Expenses.

They may also incur such further expenses as may be necessary for the performance of their duties.

R.S. 1964, c. 11, s. 3; 1965 (1st sess.), c. 16, s. 21.

s. 4

Salaries.

4. The salaries of the commissioners, secretary, stenographers, clerks and messengers shall be fixed by the Government.

R.S. 1964, c. 11, s. 4.

s. 5

Meetings.

5. The commissioners shall, within a reasonable time after their appointment, hold meetings for the purposes of the inquiry, at the place where the necessary information is to be obtained.

Notice.

They shall give notice of the time and place of their first meeting, in two French and two English newspapers published nearest to the place of meeting.

Adjournments.

The commissioners shall not adjourn the inquiry for a period of more than one week, unless they be duly authorized to that effect by the Minister of Justice.

R.S. 1964, c. 11, s. 5; 1965 (1st sess.), c. 16, s. 21.

s. 6

Inquiry.

6. The commissioners may, by all such lawful means as they may think best fitted to discover the truth, inquire into the matters referred to them for investigation.

Report.

As soon as the inquiry is completed, they shall report the result, with all evidence taken during the inquiry, to the Government, which shall order such action to be taken in the matter as shall be warranted by the evidence and report.

R.S. 1964, c. 11, s. 6.

s. 7

Powers of commissioners.

7. A majority of the commissioners must attend and preside at the hearing of witnesses, and they, or a majority of them, shall have, with respect to the proceedings upon the hearing, all the powers of a judge of the Superior Court in term.

R.S. 1964, c. 11, s. 7.

s. 8

Indemnities.

8. Notwithstanding any legislative provision inconsistent herewith, the Government may grant to commissioners appointed under the authority of this act such indemnity as it deems advisable.

R.S. 1964, c. 11, s. 8.

s. 9

Summoning of witnesses.

9. The commissioners or any of them may, by a summons under his or their hand or hands, require the attendance before them, at a place and time therein specified, of any person whose evidence may be material to the subject of inquiry, and may order any person to bring before them such books, papers, deeds and writings as appear necessary for arriving at the truth.

Persons to attend.

Every such person shall attend and answer all questions put to them by the commissioners touching the matter to be inquired into, and shall produce before the commissioners all books, papers, cheques, promissory notes, deeds and writings required of him and in his custody or control, according to the tenor of the summons.

Taking of Oath.

The commissioners or any one of them may require the usual oath or affirmation from every person examined before them, and may administer the same.

R.S. 1964, c. 11, s. 9.

s. 10

Default to appear.

10. Any person on whom any summons has been served, in person or by leaving a copy thereof at his usual residence, who fails to appear before the commissioners, at the time and place specified therein, may be proceeded against by the commissioners in the same manner as if he had failed to obey any subpoena or any process lawfully issued from a court of justice.

R.S. 1964, c. 11, s. 10.

s. 11

Refusal to swear.

11. Any person refusing to be sworn when duly required, or omitting or refusing, without just cause, sufficiently to answer any question that may be lawfully put to him, or to render any testimony in virtue of this Act, shall be deemed to be in contempt of court and shall be punished accordingly.

Protection of witnesses.

No answer given by any person so heard as a witness may be used against him in any prosecution under any Act, except in the case of prosecution for perjury or for the giving of contradictory evidence.

R.S. 1964, c. 11, s. 11; 1986, c. 95, s. 100.

s. 12

Refusal to produce documents.

12. If any person refuse to produce, before the commissioners, any paper, book, deed or writing in his possession or under his control which they deem necessary to be produced, or if any person be guilty of contempt of the commissioners or of their office, the commissioners may proceed for such contempt in the same manner as any court or judge under like circumstances.

R.S. 1964, c. 11, s. 12.

s. 13

Expenses of witnesses.

13. The commissioners may allow to any witness summoned to appear before them, and who resides at more than 16 km from the place of examination, the actual cost of his travelling expenses and cost of maintenance during the time he is detained by the inquiry.

R.S. 1964, c. 11, s. 13; 1984, c. 47, s. 213.

s. 14

Power to hold inquiries.

14. The Conseil du trésor and the commissioners named by it, the inspectors of houses of detention and other institutions, any inspector of registry offices and any inspector of public offices, and each of such inspectors, the incumbent minister of a department or the persons appointed by him, the Comptroller of Finance and the Deputy Minister of Education, shall have, by law, the powers mentioned in sections 9, 10, 11, 12 and 13.

Extension.

The Lieutenant-Governor may, by order-in-council, whenever he deems it advisable in the interest of the public service, confer the same powers upon any other board, body or person applying therefor, for the purpose of any inquiry to be made by such board, body or person.

R.S. 1964, c. 11, s. 14; 1969, c. 21, s. 26; 1970, c. 17, s. 86, s. 102; 1971, c. 48, s. 161; 1977, c. 5, s. 14; 1978, c. 15, s. 140; 1985, c. 38, s. 83; 1988, c. 84, s. 562; 1992, c. 21, s. 141; 1993, c. 51, s. 72; 1994, c. 16, s. 50.

s. 15

15. (Repealed).

R.S. 1964, c. 11, s. 15; 1971, c. 48, s. 161; 1977, c. 5, s. 14; 1992, c. 21, s. 142.

s. 16

Immunity of commissioners.

16. The commissioners shall have the same protection and privileges as are conferred upon judges of the Superior Court, for any act done or omitted in the execution of their duty.

R.S. 1964, c. 11, s. 16.

s. 17

No remedies.

17. No injunction or writ contemplated in articles 846 to 850 of the Code of Civil Procedure or any other legal proceeding shall interfere with or stay the proceedings of the commissioners in the inquiry.

R.S. 1964, c. 11, s. 17; 1965 (1st sess.), c. 80, a. 1.

s. 18

Copies of evidence.

18. Certified copies of the evidence taken by the commissioners may be obtained by any person applying therefor, on payment therefor at the rate of \$0.10 per 100 words.

R.S. 1964, c. 11, s. 18.

s. 19

Completion of inquiry.

19. The Government shall fix the date when the commissioners shall complete their labours and reports, and the limit of the expenditure on such commission; after which date all expenses of the commission shall cease.

R.S. 1964, c. 11, s. 19.

s. 20

20. (This section ceased to have effect on 17 April 1987).

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 11 of the Revised Statutes, 1964, in force on 31 December 1977, is repealed effective from the coming into force of chapter C-37 of the Revised Statutes.

C-37.1: