

Draft Regulations

Draft Regulation

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Animals in captivity — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting animals in captivity, the text of which appears below, may be made by the Gouvernement du Québec upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to allow the killing of certain exotic species (buffalo, cervidae, boar, peccary) and of white-tailed deer on game ranches, as well as the marketing of the venison of the latter species.

To that end, the Regulation proposes a framework for the keeping of exotic species and the obligation to hold a game ranch licence to cause the killing of a buffalo, cervidae, boar or peccary in an enclosure. As for white-tailed deer, the draft Regulation renews the licence to keep white-tailed deer with a limit on the maximum number of animals that may be kept, and it establishes the game ranch and breeding licence which allows its holder, subject to certain obligations, to raise that species with a view to marketing the meat and to kill animals in an enclosure.

To date, study of the matter has revealed no negative impact on businesses, particularly on small and medium-sized businesses. The draft Regulation will legalize the killing of certain exotic species on game ranches, which is already tolerated. In the case of white-tailed deer, the public can choose between two types of licences, subject to certain restrictions on the number of animals kept under a licence to keep white-tailed deer. Furthermore, the Regulation will allow the marketing of the venison of that species, which will provide holders of game ranch and breeding licences with a new outlet for their businesses.

Further information may be obtained by contacting:

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Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of the Environment and Wildlife, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 30^e étage, Québec (Québec) G1R 5V7.

PAUL BÉGIN,
Minister of the Environment and Wildlife

Regulation to amend the Regulation respecting animals in captivity (*)

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, ss. 42, 43 and 162,
pars. 1, 7, 8, 9, 10, 14, 16 and 22)

1. Section 1 of the Regulation respecting animals in captivity is amended

(1) by substituting a “;” for the “.” at the end of paragraph 7;

(2) by adding the following after paragraph 7:

“(8) a game ranch licence for exotic species;

(9) a game ranch and breeding licence for white-tailed deer.”

* The Regulation respecting animals in captivity, made by Order in Council 1029-92 dated 8 July 1992 (1992, G.O. 2, 3447), was amended once by Order in Council 310-93 dated 10 March 1993 (1993, G.O. 2, 1817).

2. The words “Subject to section 69.1, no” are substituted for the word “No” in section 9.

3. Section 10 is amended

(1) by substituting the words “such animal; in the case of a boar, peccary, buffalo or cervidae mentioned in that Schedule, the person shall comply with the provisions of paragraph 3 of section 55 and those of section 56 relating to enclosures except for a buffalo in the latter case” for the words “such animal” in the first paragraph; and

(2) by inserting the following paragraph after the second paragraph:

“Anyone who keeps in captivity a cervidae mentioned in Schedule II, a boar or a peccary shall erect any new enclosure by surrounding it with a fence in accordance with the relevant provisions of paragraph 1 or 2 of section 69.6.”.

4. Section 50 is amended

(1) by striking out the words “, scientific or breeding” after the word “recreational”; and

(2) by adding the following paragraph:

“As of 1 April 2000, the licence referred to in the first paragraph authorizes the keeping of white-tailed deer, no more than 5 of which shall be 6 months old or over, on the condition that they all bear the tag provided by the Ministère de l'Environnement et de la Faune for that purpose.”.

5. Sections 51 and 52 are revoked.

6. The following paragraph is added at the end of section 54:

“(4) as of 31 March 2000, keeps in captivity white-tailed deer, no more than 5 of which shall be 6 months old or over, on the condition that they all bear the tag provided by the Ministère de l'Environnement et de la Faune for that purpose.”.

7. Section 55 is amended

(1) by substituting “2.4” for “2.5” in paragraph 1;

(2) by inserting the following after paragraph 1:

“(1.1) erect and maintain any new enclosure by surrounding it with a fence in accordance with the provisions of paragraph 1 of section 69.6;” and

(3) by adding the words “without delay” after the word “notify” in paragraph 3.

8. Section 56 is amended

(1) by substituting “Subject to the circumstances provided for in paragraph 3 of section 55, it is” for the words “It is”; and

(2) by substituting the words “outside or on the perimeter fence” for the words “on the fence”.

9. Section 57 is amended by substituting the words “A holder of a licence to keep white-tailed deer may kill a deer he keeps in captivity; he may also, until 31 March 2000, dispose” for the words “A holder of a licence to keep white-tailed deer may dispose”.

10. The following Division is inserted after Division X:

**“DIVISION X.1
GAME RANCH**

§1. Game ranch for exotic species

69.1 A game ranch licence for exotic species authorizes the keeping in captivity of buffalo, cervidae mentioned in Schedule II, peccaries or boar for the purposes of operating a game ranch.

69.2 To obtain a game ranch licence for exotic species, the applicant shall supply the following information:

(1) his full name and address; in the case of a legal person, its name and the address of its principal place of business; in the case of a partnership, its name and the address of its principal place of business; in the case of a natural person doing business under another name, that name, the applicant’s name and the address of its principal place of business;

(2) the exotic species the applicant wishes to keep in captivity;

(3) the site where those species will be kept in captivity and its characteristics regarding the percentage of wooded area and the nature of the principal trees species;

(4) the layout and area of the enclosures, which shall have a minimum area of 10 hectares and be surrounded by a fence complying with the relevant provisions of paragraph 1 or 2 of section 69.6.

69.3 The Minister shall issue a game ranch licence for exotic species provided that the applicant:

(1) pays the fee determined pursuant to the Regulation respecting the scale of fees and duties related to the development of wildlife;

(2) fulfils the conditions of section 69.2.

69.4 A game ranch licence for exotic species covers a 1-year period expiring on 31 March.

69.5 The Minister shall renew such licence where its holder:

(1) applies for renewal thereof;

(2) pays the fee determined pursuant to the Regulation respecting the scale of fees and duties related to the development of wildlife;

(3) has complied with the provisions of Division II, section 10 and Subdivision 1 of this Division.

69.6 A holder of a game ranch licence for exotic species shall:

(1) maintain, in the case of cervidae and buffalos, an enclosure surrounded by a game fence at least 2.4 metres high, having square meshes not larger than 15 cm between the vertical strands and comprising at least 20 horizontal strands; that perimeter fence shall be clear of any obstacle that could reduce the above-mentioned minimum height over a distance of 3 m on either side; the distance between the posts of the fence may not exceed 8 metres;

(2) maintain, in the case of peccaries and boars, an enclosure surrounded by a fence at least 1.8 m above ground level and made of:

(a) steel chain links of 13 gauge at the minimum, 1.24 m high including 30 cm in the ground. The 86 additional centimetres may be made of game fencing; or

(b) steel chain links of 13 gauge at the minimum, from 92 cm to 1.24 m high. The 88 or 56 additional centimetres may be made of game fencing. That enclosure shall be fitted on the inside with an electric wire running 30 cm above ground level, situated 30 cm from the fence and kept at a minimum energy of 10 joules;

(3) notify the Minister of the Environment and Wildlife of any modification he wishes to make to the fence referred to in paragraph 1 or 2;

(4) notify without delay a wildlife conservation officer where he notices that an animal has escaped from the enclosure;

(5) submit to the Minister, on or before 31 January of each year, a report indicating:

(a) the number of animals of each species kept in captivity;

(b) the number of animals of each species born during the year;

(c) the number of animals of each species that died during the year;

(d) the number of animals of each species that escaped and the number of animals recovered, if any, during the year;

(e) the number of animals of each species killed by the licence holder during the year and the number of animals killed by third persons;

(f) the number of animals of each species sent to the slaughterhouse during the year;

(6) comply with the provisions of Division II, section 10 and section 56 respecting the enclosure.

69.7 Any person may kill a buffalo, a cervidae mentioned in Schedule II, a peccary or a boar kept in captivity by a holder of a game ranch licence for exotic species, provided that the person fulfils the following conditions:

(1) the animal shall be killed in an enclosure at least 10 hectares and no more than 200 hectares in area and at least 100 metres in width; at least 80 % of its surface shall be wooded land and it shall be surrounded by a fence complying with the relevant provisions of paragraph 1 or 2 of section 69.6;

(2) the animal shall be killed using a method that causes instant death or that does not cause the animal to suffer unnecessarily.

§2. Breeding and game ranch for white-tailed deer

69.8 A game ranch and breeding licence for white-tailed deer authorizes the keeping of white-tailed deer for breeding purposes or for the purposes of operating a game ranch.

69.9 To obtain a game ranch and breeding licence for white-tailed deer, a person shall hold the licence to keep

white-tailed deer referred to in section 50 on 31 December 1998 and comply with the provisions of section 69.10; the person may apply therefor only upon renewing the latter licence; he may not hold both licences at the same time.

69.10 To obtain a game ranch and breeding licence for white-tailed deer, a person shall:

- (1) keep at least 25 white-tailed deer in captivity;
- (2) submit a development plan for the site where the animals will be kept indicating its characteristics regarding the percentage of wooded land and the principal trees species, the layout and area of the enclosures, which shall be at least 10 hectares in area and be surrounded by a fence complying with the provisions of paragraph 2 of section 69.14.

69.11 The Minister shall issue a game ranch and breeding licence for white-tailed deer provided that the applicant:

- (1) pays the fee determined pursuant to the Regulation respecting the scale of fees and duties related to the development of wildlife;
- (2) fulfils the conditions of sections 69.9 and 69.10.

69.12 A game ranch and breeding licence for white-tailed deer covers a 1-year period expiring on 31 March.

69.13 The Minister shall renew such licence where its holder:

- (1) applies for renewal thereof;
- (2) pays the fee determined pursuant to the Regulation respecting the scale of fees and duties related to the development of wildlife;
- (3) keeps in captivity a minimum of 25 white-tailed deer identified, as of 1 April 1999, by a tattoo and a tag recognized for that purpose by the Minister of the Environment and Wildlife;
- (4) has complied with the provisions of Division II and Subdivision 2 of this Division.

Upon renewing the licence referred to in the first paragraph, the Minister may convert it into a licence to keep white-tailed deer referred to in section 50, following an application by the licence holder and provided that the latter complies with section 54.

69.14 A holder of a game ranch and breeding licence for white-tailed deer shall:

(1) keep a minimum of 25 deer identified, as of 1 April 1999, by a tattoo and a tag recognized for that purpose by the Minister of the Environment and Wildlife;

(2) maintain an enclosure surrounded by a game fence at least 2.4 metres high, having square meshes not larger than 15 cm between the vertical strands and comprising at least 20 horizontal strands; that perimeter fence shall be clear of any obstacle that could reduce the above-mentioned minimum height over a distance of 3 m on either side; the distance between the posts of the fence may not exceed 8 metres;

(3) notify the Minister of the Environment and Wildlife of any modification he wishes to make to the fence referred to in paragraph 2;

(4) notify without delay a wildlife conservation officer where he notices that an animal has escaped from the enclosure;

(5) submit to the Minister, on or before 31 January of each year, a report indicating:

- (a) the number of deer kept in captivity during the year;
- (b) the number of deer born during the year;
- (c) the number of deer that died during the year;
- (d) the number of deer that escaped and the number of deer recovered, if any, during the year;
- (e) the number of deer killed by the licence holder during the year and the number of deer killed by third persons;
- (f) the number of deer sent to the slaughterhouse during the year;

(6) keep a register up-to-date, indicating for each animal:

- (a) the tattoo and tag numbers;
- (b) the animal's sex;
- (c) the date of birth;
- (d) the dates of the various transactions concerning the animal, i.e purchase, sale, donation or sending to a slaughterhouse, and the coordinates of the persons who are parties to those transactions;

(e) the date on which the animal is killed and the coordinates of the person who did it;

(7) comply with the provisions of Division II, section 56 respecting the enclosure and sections 58 and 59.

69.15 A holder of a game ranch and breeding licence for white-tailed deer may dispose of a live or dead deer or its parts.

69.16 A holder of a game ranch and breeding licence for white-tailed deer may have a deer killed by a slaughterhouse provided that its operator:

(1) holds the permit referred to in subparagraph *a* of the first paragraph of section 9 of the Agricultural Products, Marine Products and Food Act (R.S.Q., c. P-29) authorizing him to kill cervidae; or

(2) he is exempt from the obligation to hold a permit referred to in paragraph 1, under the second paragraph of section 9 of the Agricultural Products, Marine Products and Food Act because he is operating a plant registered under the Meat Inspection Act (Revised Statutes of Canada (1985), c. 25, 1st Supp).

69.17 Any person may kill a white-tailed deer kept in captivity by a holder of a game ranch and breeding licence for white-tailed deer, provided that the person fulfils the following conditions:

(1) the animal shall be killed in an enclosure at least 10 hectares and no more than 200 hectares in area and at least 100 metres in width; at least 80 % of its surface shall be wooded land and it shall be surrounded by a fence complying with the provisions of paragraph 2 of section 69.14;

(2) the animal shall be killed using a method that causes instant death or that does not cause the animal to suffer unnecessarily;

(3) the identification tag shall remain on the animal until it is stored or cut up.

69.18 Any person who carries an animal killed under section 69.16 shall have in his possession a proof of purchase of the animal.”

11. The numbers “, 69.6, 69.7, 69.14, 69.16, 69.17, 69.18” are inserted in section 70 after the number “68”.

12. The following is inserted after section 75:

“**75.1** A licence to keep white-tailed deer issued under the Regulation respecting animals in captivity (O.C.

1029-92 dated 8 July 1992) before (*insert here the date of coming into force of this Regulation*) remains in force until 31 March 1999; it may be renewed in accordance with section 54 or 69.9 of this Regulation.”

13. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Draft Regulation

Education Act
(R.S.Q., c. I-13.3)

Construction contracts for immovables of school boards — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting construction contracts for immovables of school boards, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is

— to ensure compliance with the Québec-New Brunswick and Québec-Ontario agreements to liberalize public procurements;

— to ensure concordance with the provisions of the Civil Code of Québec;

— to raise the maximum amount that may be charged for providing tender documents; and

— to introduce specific rules adapted to the awarding of contracts to save energy as a result of improved energy efficiency, that is, rules based on the quality and financial value of the projects.

To date, study of the matter has shown the following principal impact: businesses would be allowed to submit proposals for both the services and construction work required to carry out projects that save energy as a result of improved energy efficiency. The cost of the contracts would be covered by the savings generated.