



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 44

(2001, chapter 63)

An Act to amend the Parks Act

Introduced 25 October 2001

Passage in principle 27 November 2001

Passage 19 December 2001

Assented to 20 December 2001

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EXPLANATORY NOTES

This bill makes amendments to the Parks Act that concern the classification of parks, the addition of work authorization powers and the delegation of management services relating to park operations, activities and services.

The bill removes the former classification of parks as conservation or recreation parks and introduces the qualifier “national” and a new definition of the term “park” founded on the conservation and protection of areas or natural sites with outstanding features, in particular because of their biological diversity.

The bill authorizes the Minister responsible for Wildlife and Parks to transfer to the Société de la faune et des parcs du Québec authority over property acquired by the Minister and considered necessary to establish a park or to change a park’s boundaries.

The bill authorizes a delegation, by the Société, of the power to operate a business, provide a service or organize an activity necessary to the operations of a park to the Kativik Regional Government, a municipality constituted under the Act respecting Northern villages and the Kativik Regional Government or under the Cree Villages and the Naskapi Village Act, or to the Cree Regional Authority or a Native community represented by its band council, and provides for the devolution of fees collected in that regard.

The bill further authorizes a delegation by the Société of the power to carry out maintenance, development or construction work necessary to the operations of a park to the Kativik Regional Government, the municipalities or the communities referred to in the preceding paragraph.

Lastly, the bill contains consequential amendments.

Bill 44

AN ACT TO AMEND THE PARKS ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 1 of the Parks Act (R.S.Q., chapter P-9) is amended

(1) by replacing paragraph *b* by the following paragraph :

“(b) “park” means a national park whose primary purpose is to ensure the conservation and permanent protection of areas representative of the natural regions of Québec and of natural sites with outstanding features, in particular because of their biological diversity, while providing the public with access to those areas or sites for educational or cross-country recreation purposes;”;

(2) by striking out paragraphs *c*, *d* and *f*.

2. Section 2 of the said Act is amended by replacing “set aside any part of the lands in the domain of the State that it may indicate, as a park for the exclusive purposes of conservation or outdoor recreation” in the first, second and third lines by “establish a park on any part of the lands in the domain of the State it indicates”.

3. Section 2.1 of the said Act is amended

(1) by replacing “acquire, by agreement or by expropriation, any property he” in the first and second lines by “, without restricting the powers of the Société to acquire property, acquire by agreement or expropriation any property the Minister”;

(2) by adding the following sentence at the end: “The Minister may also, by order, transfer to the Société authority over property acquired under this section.”

4. Section 3 of the said Act is repealed.

5. Section 4 of the said Act is amended

(1) by replacing “or abolish, or change the boundaries or classification of,” in the first and second lines of the first paragraph by “, abolish or change the boundaries of”;

(2) by replacing “or abolish or to change the boundaries or classification” in the first and second lines of subparagraph *a* of the first paragraph by “, abolish or change the boundaries”.

6. Section 6 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph :

“6. The Société has authority over the whole of the territory within the boundaries of a park and is responsible for the management thereof.”;

(2) by adding the following sentence at the end of the second paragraph :
“The Société may also, subject to the applicable legislative provisions, authorize or carry out such work outside the boundaries of a park insofar as the work is necessary to the operations of the park.”;

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

“In addition, the Société may delegate, by contract, to the Kativik Regional Government or a municipality constituted under the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1) or under the Cree Villages and the Naskapi Village Act (chapter V-5.1), or to the Cree Regional Authority constituted under the Act respecting the Cree Regional Authority (chapter A-6.1) or a Native community represented by its band council, the power to carry out the work referred to in the second paragraph both within and outside the boundaries of a park and in the latter case, subject to the applicable legislative provisions.”

7. Section 8.1 of the said Act is amended by replacing “or provide a service” in the first line of the first paragraph by “, provide a service or organize an activity”.

8. The said Act is amended by inserting the following section after section 8.1 :

“8.1.1. The Société may delegate, by contract, to the Kativik Regional Government or a municipality constituted under the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1) or under the Cree Villages and the Naskapi Village Act (chapter V-5.1), or to the Cree Regional Authority constituted under the Act respecting the Cree Regional Authority (chapter A-6.1) or a Native community represented by its band council, the power to operate a business, provide a service or organize an activity necessary to the operations of a park, both within and outside the boundaries of the park and in the latter case, subject to the applicable legislative provisions.

The contract may provide that all or part of the fees paid to enter a park or to stay, travel or engage in an activity in a park devolve on the other contracting party.”

9. Section 8.2 of the said Act is amended by striking out “, in accordance with the primary intention of the park” in the third and fourth lines.
10. Section 9 of the said Act is amended by replacing “employees” in the first line of paragraph *n* by “the employees of the Société or the employees of the other party to a contract made under section 8.1 or 8.1.1”.
11. Section 9.1 of the said Act is amended by replacing “of a park or of” in the first line of subparagraph *c* of the first paragraph by “of the Société or” and by inserting “or 8.1.1” after “8.1” in the second line of that subparagraph.
12. Sections 13 and 14 of the said Act are repealed.
13. Unless the context indicates otherwise, in any Act, statutory instrument or other document, the words “conservation park” and “recreation park” used in relation to a park established under section 2 of the Parks Act are replaced by the words “national park”.
14. This Act comes into force on 20 December 2001.