



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 147
(2002, chapter 82)

**An Act to amend the Act respecting
the conservation and development
of wildlife**

Introduced 3 December 2002
Passage in principle 12 December 2002
Passage 19 December 2002
Assented to 19 December 2002

Québec Official Publisher
2002

EXPLANATORY NOTES

This bill amends the Act respecting the conservation and development of wildlife to legislatively recognize the right to hunt, fish and trap. The bill provides for a prohibition against hindering a person who is legally carrying on a hunting, fishing or trapping activity.

The bill also provides for a new prohibition against hunting, trapping or fishing on land under private ownership where the owner is a party to an agreement, for wildlife accessibility purposes, with an association or body whose object is the access by hunters, fishers or trappers to such land, unless so authorized. The bill grants the Société de la faune et des parcs du Québec the power to recognize that association or body for that purpose, subject to the terms and conditions the Société may determine.

Bill 147

AN ACT TO AMEND THE ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is amended by inserting the following before Chapter I:

“PRELIMINARY PROVISION

The object of this Act is the conservation of wildlife and its habitat, their development in keeping with the principle of sustainable development, and the recognition of every person’s right to hunt, fish and trap in accordance with the law. To that end, this Act establishes various prohibitions that relate to the conservation of wildlife resources and various standards of safety, and sets forth the rights and obligations of hunters, fishers and trappers.”

2. Section 1.1.1 of the said Act, enacted by section 38 of chapter 36 of the statutes of 1999, is renumbered “1.2”.

3. The said Act is amended by inserting the following chapter after Chapter I:

“CHAPTER I.1

“RIGHT TO HUNT, FISH AND TRAP

1.3. Every person has a right to hunt, fish and trap in accordance with the law.

The first paragraph does not, however, operate to give precedence to that right over other activities that may be carried on in the same territory.

1.4. No person may knowingly hinder a person who is lawfully carrying on an activity referred to in the first paragraph of section 1.3, including an activity preparatory to such an activity.

For the purposes of the first paragraph, “hinder” means, in particular, preventing access by hunters, fishers or trappers to a hunting, fishing or trapping area to which they have lawful access, damaging a hunter’s tree stand or field blind, disturbing or frightening an animal or fish by human, animal or

any other presence, a noise or an odour, or rendering ineffectual any bait, decoy, gear, trap or implement used to hunt, fish or trap that animal or fish.”

4. Section 36 of the said Act is amended by adding the following paragraph after the second paragraph :

“The prohibition under the first paragraph also applies in the case of land under private ownership where the owner, including a municipality or a metropolitan community, is a party to an agreement with an association or a body whose object is to facilitate the access of hunters, fishers or trappers to private lands, and that is recognized to that effect by the Société, for the purposes of wildlife accessibility, if the hunter, trapper or fisher has not first obtained the authorization of the owner or the owner’s representative or of such an association or body.”

5. Section 37 of the said Act is amended by adding the following paragraph after the first paragraph :

“The Société may also, to facilitate wildlife accessibility, recognize an association or body whose object is to facilitate access to private lands for hunters, fishers or trappers, subject to such terms and conditions as the Société may determine.”

6. Section 166 of the said Act is amended by inserting “1.4,” after “section” in the first line of paragraph 2.

7. This Act comes into force on 19 December 2002.