



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 48

(2004, chapter 11)

An Act to repeal the Act respecting the Société de la faune et des parcs du Québec and to amend other legislative provisions

Introduced 12 May 2004

Passage in principle 26 May 2004

Passage 10 June 2004

Assented to 16 June 2004

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EXPLANATORY NOTES

The purpose of this bill is to transfer to the Minister of Natural Resources, Wildlife and Parks the responsibilities conferred on the Société de la faune et des parcs du Québec by its constituting Act, which is repealed by this bill.

The Minister's new responsibilities consist mainly in managing wildlife harvesting activities and supervising and monitoring the use of wildlife resources within the framework of the Act respecting the conservation and development of wildlife. They also include the administration, monitoring and protection of Québec's parks.

The bill also entrusts the Société des établissements de plein air du Québec with the operation of wildlife reserves and all parks situated south of the territories covered by the Act respecting hunting and fishing rights in the James Bay and New Québec territories, subject to the rights and authorizations granted to a third party by the Minister.

Moreover, the bill empowers the Minister of Natural Resources, Wildlife and Parks and the Minister of the Environment to sign a memorandum of agreement for cooperation between their departments prior to the determination of policies and priorities by the Minister in the area of wildlife and parks.

Lastly, the bill includes transitional provisions and consequential amendments.

LEGISLATION AMENDED BY THIS BILL:

- Financial Administration Act (R.S.Q., chapter A-6.001);
- Health Insurance Act (R.S.Q., chapter A-29);
- Natural Heritage Conservation Act (R.S.Q., chapter C-61.01);
- Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);
- Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., chapter D-13.1);

- Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01);
- Forest Act (R.S.Q., chapter F-4.1);
- Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs (R.S.Q., chapter M-25.2);
- Act respecting Mauricie Park and its surroundings (R.S.Q., chapter P-7);
- Act respecting Forillon Park and its surroundings (R.S.Q., chapter P-8);
- Act respecting the Saguenay–St. Lawrence Marine Park (R.S.Q., chapter P-8.1);
- Parks Act (R.S.Q., chapter P-9);
- Act respecting the support program for Inuit beneficiaries of the James Bay and Northern Québec Agreement for their hunting, fishing and trapping activities (R.S.Q., chapter P-30.2);
- Act respecting the Société des établissements de plein air du Québec (R.S.Q., chapter S-13.01).

LEGISLATION REPEALED BY THIS BILL:

- Act respecting the Société de la faune et des parcs du Québec (R.S.Q., chapter S-11.012).

Bill 48

AN ACT TO REPEAL THE ACT RESPECTING THE SOCIÉTÉ DE LA FAUNE ET DES PARCS DU QUÉBEC AND TO AMEND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE SOCIÉTÉ DE LA FAUNE ET DES PARCS DU QUÉBEC

1. The Act respecting the Société de la faune et des parcs du Québec (R.S.Q., chapter S-11.012) is repealed.

ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE

2. Section 1.2 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is repealed.

3. Section 4 of the said Act is repealed.

4. Section 12 of the said Act is amended

(1) by striking out “, the Société” in the first and second lines of the first paragraph;

(2) by replacing “the Société” in the second line of that paragraph by “the Minister”.

5. Section 24.0.1 of the said Act is amended

(1) by replacing “of the Société” in the first line by “of the Ministère des Ressources naturelles, de la Faune et des Parcs”;

(2) by replacing “the Société” in the fifth line by “the Minister”.

6. Section 47 of the said Act is amended

(1) by replacing “The Société” in the first paragraph by “The Minister”;

(2) by replacing “the Société, or, as the case may be, by the Minister,” in the third paragraph by “the Minister”.

7. Section 54 of the said Act is amended

(1) by replacing “The Société” in the first line of the first paragraph by “The Minister”, “it” in that line by “the Minister”, and “the Société” in the third line of that paragraph by “the Minister or the person the Minister authorizes”;

(2) by replacing “The Société” in the first line of the third paragraph by “The Minister”, and “The person” in the third line of that paragraph by “The Minister”.

8. Section 56 of the said Act is amended

(1) by replacing “the Société” in the first line and the second line of the second paragraph by “the Minister”;

(2) by replacing “The Société” in the first line of the fourth paragraph by “The Minister”, and “the Société” in the third line of subparagraphs 1 and 2 of that paragraph by “the Minister”;

(3) by striking out the fifth paragraph.

9. Section 78 of the said Act is amended by striking out the second paragraph.

10. Section 84.3 of the said Act is amended by replacing “A decision made by the Société under section 84.1 or an order made by the Minister under section 84.2” by “An order made by the Minister under section 84.1 or 84.2”.

11. Section 85 of the said Act, amended by section 6 of chapter 8 of the statutes of 2003, is again amended by striking out “, after consultation with the Minister of Natural Resources, Wildlife and Parks,” in the first and second lines of the first paragraph.

12. Section 87 of the said Act is repealed.

13. Section 89 of the said Act is amended by replacing “the Société” in the second line by “the Minister”.

14. Section 92 of the said Act, amended by section 6 of chapter 8 of the statutes of 2003, is again amended

(1) by replacing “the Société” in the first and second lines by “the Minister”;

(2) by striking out “of Natural Resources, Wildlife and Parks” in the sixth line;

(3) by adding “under the Act respecting the lands in the domain of the State (chapter T-8.1)” at the end.

15. Section 104 of the said Act, amended by section 6 of chapter 8 of the statutes of 2003, is again amended by striking out “, after consultation with the Minister of Natural Resources, Wildlife and Parks,” in the first and second lines of the first paragraph.

16. Section 106.0.2 of the said Act, amended by section 6 of chapter 8 of the statutes of 2003, is again amended

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

“**106.0.2.** Subject to a prohibition enacted by the Government under subparagraph 2.1 of the first paragraph of section 110, the Minister may approve the plan referred to in section 106.0.1, with or without amendment, for the duration the Minister determines.”;

(2) by replacing “The Société” in the first line of the second paragraph by “The Minister”;

(3) by replacing “the Société” in the fifth line of the second paragraph and the first line and the second line of the third paragraph by “the Minister”.

17. The said Act is amended by adding the following section after section 110.5:

“**110.6.** The Minister may, in writing, generally or specially delegate the powers conferred by the second paragraph of section 106 and sections 106.0.2 and 110.2 to a personnel member of the department or a position holder.”

18. Section 111 of the said Act, amended by section 6 of chapter 8 of the statutes of 2003, is again amended by striking out “, after consultation with the Minister of Natural Resources, Wildlife and Parks,” in the first paragraph.

19. The said Act is amended by adding the following section after section 118:

“**118.0.1.** Subject to the rights and authorizations granted to a third party by the Minister, the Société des établissements de plein air du Québec may make improvements or erect structures on a wildlife reserve. It may likewise organize activities or provide services for profit or operate a commercial undertaking for the development or utilization of wildlife or for recreational activities.

The fees collected for travelling about the territory or carrying on any activity devolve to the Société.”

20. Section 118.1 of the said Act is amended

(1) by replacing “may” in the first line by “and the Société may” after “section 118”;

(2) by inserting “and 110.6” after “106.0.4” in the fourth line.

21. Section 119 of the said Act is repealed.

22. Section 120 of the said Act is amended

(1) by inserting “except the Société” after “person” in the first line of the first paragraph, and by replacing “the Société” in the fourth line of that paragraph by “the Minister”;

(2) by replacing “The Société” in the first line of the second paragraph by “The Minister”, and “the Société” in the third line of that paragraph by “the Minister”.

23. Section 122 of the said Act, amended by section 6 of chapter 8 of the statutes of 2003, is again amended by striking out “, after consulting the Minister of Natural Resources, Wildlife and Parks in the case of lands in the domain of the State,” in the second and third lines of the first paragraph.

24. Section 127.1 of the said Act is amended by inserting “and 110.6” after “106.0.4” in the third line.

25. Section 128 of the said Act is repealed.

26. Section 128.2 of the said Act, amended by section 6 of chapter 8 and section 250 of chapter 19 of the statutes of 2003, is again amended by striking out “the Minister of Natural Resources, Wildlife and Parks,” in the first paragraph.

27. Section 128.4 of the said Act is replaced by the following section:

“**128.4.** The Minister has custody of the originals of the charts the Minister prepares and shall transmit a copy to any person on request.”

28. Section 128.5 of the said Act, amended by section 6 of chapter 8 of the statutes of 2003, is again amended

(1) by replacing the text preceding paragraph 1 by “The Minister shall enter every wildlife habitat chart in the land use plan prepared in accordance with section 21 of the Act respecting the lands in the domain of the State (chapter T-8.1) and shall transmit a copy of the chart to”;

(2) by striking out paragraph 1.

29. Section 128.6 of the said Act is amended by striking out “the Société,” in subparagraph 3 of the second paragraph.

30. Section 128.12 of the said Act is amended by replacing “The Société, or the Minister in the cases referred to in sections 128.8 and 128.9,” by “The Minister”.

31. Section 128.13 of the said Act is amended by replacing “the Société, or the Minister in the cases referred to in sections 128.8 and 128.9,” by “the Minister”.

32. Section 128.14 of the said Act is amended by replacing “the Société, or the Minister in the cases referred to in sections 128.8 and 128.9” by “the Minister”.

33. Section 128.15 of the said Act is amended

(1) by replacing “The Société” in the first line of the first paragraph by “The Minister”;

(2) by replacing “of the Société” in the second line of the fourth paragraph by “of the Minister”, and “the Société” in the fourth line of that paragraph by “the Minister”;

(3) by replacing “the Société” in the second line of the fifth paragraph by “the Minister”;

(4) by striking out the sixth paragraph.

34. Section 128.18 of the said Act is amended by replacing “the Société or the Minister in the cases referred to in sections 128.8 and 128.9” in paragraph 3 by “the Minister to”.

35. Section 164 of the said Act is amended by striking out “by the Société”.

36. Section 192 of the said Act is replaced by the following section:

“**192.** The Minister of Natural Resources, Wildlife and Parks is responsible for the administration of this Act, except sections 42 and 43, which come under the administration of the minister designated by the Government, to the extent determined by the Government.”

37. Sections 8, 8.1, 13.1, 17, 22, 24, 26, 26.1, 36, 37, 44, 51, 54.1, 56.1, 58, 70.1, 73, 74, 75, 76, 78.6, 79, 80, 81, 82, 84.1, 86, 86.1, 86.2, 90, 91, 93, 94, 95, 105, 106, 106.0.1, 107, 109, 110.1, 110.2, 112, 118, 123, 126, 127, 128.7, 128.10, 128.11, 128.16, 128.17, 155.1, 155.2, 171.3, 171.5, 175 and 177 of the said Act are amended by replacing “Société” wherever it appears by “Minister” and making the necessary modifications.

38. The English text of the said Act is amended

(1) by replacing “it” in the third paragraph of section 26, the first paragraph of section 58, wherever it appears in section 80, in the first paragraph of section 86.1, in the first, second and third paragraphs of section 107, wherever it appears in the second paragraph of section 109, wherever it appears in the first and second paragraphs of section 127, in the second paragraph of section 128.7, in the second paragraph of section 128.10, in section 128.11 and in the first paragraph of section 128.16 by “the Minister”;

(2) by replacing “It” in the second sentence of the second paragraph of section 106 by “The Minister”;

(3) by replacing “for its decision” in the second paragraph of section 128.10 by “to make a decision”;

(4) by replacing “its powers” in the first paragraph of section 128.16 by “the Minister’s powers”.

**ACT RESPECTING THE MINISTÈRE DES RESSOURCES
NATURELLES, DE LA FAUNE ET DES PARCS**

39. The Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs (R.S.Q., chapter M-25.2), amended by chapters 8 and 16 of the statutes of 2003, is again amended by inserting the following section before section 12:

“**11.1.** The mission of the Minister is to ensure, in a manner consistent with sustainable development and the integrated management of resources, the conservation and development of natural resources, including wildlife and wildlife habitats, and of the lands in the **domain** of the State, including parks.

In keeping with the principles of sustainable development and integrated management, the Minister of Natural Resources, Wildlife and Parks and the Minister of the Environment shall sign a memorandum of agreement for cooperation between their departments prior to any determination of policies and priorities by the Minister in the area of wildlife and parks. The memorandum of agreement must deal, among other things, with the subjects on which there must be cooperation, the manner of cooperating, the issue of advisory opinions on wildlife as well as their communication between and implementation by the departments.”

40. The said Act is amended by inserting the following section after section 12:

“**12.1.** With respect to wildlife and parks, the functions and powers of the Minister consist in

(1) managing wildlife harvesting activities within the scope of the Act respecting the conservation and development of wildlife (chapter C-61.1) and the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1), in particular with regard to the development and application of related standards, and with regard to authorizations, certificates, licences, and the leasing of exclusive rights;

(2) ensuring adequate supervision and monitoring of the use of wildlife resources, and safeguarding the integrity of wildlife biodiversity and wildlife settings;

(3) promoting joint action and ensuring coordination among the stakeholders in the fields of wildlife and wildlife habitats and park development and management;

(4) formulating policies concerning wildlife, wildlife habitats and parks, implementing those policies and coordinating their application;

(5) fostering the development of wildlife on private lands;

(6) promoting hunting, fishing and trapping, particularly by educating the younger generation;

(7) managing, developing, supervising and protecting parks, pursuant to the Parks Act (chapter P-9) and the Act respecting the Saguenay–St. Lawrence Marine Park (chapter P-8.1).”

ACT RESPECTING MAURICIE PARK AND ITS SURROUNDINGS

41. Section 1 of the Act respecting Mauricie Park and its surroundings (R.S.Q., chapter P-7) is amended by replacing “minister designated by the Government as the minister responsible for the administration of the Act respecting the Société de la faune et des parcs du Québec (chapter S-11.012)” by “Minister of Natural Resources, Wildlife and Parks”.

ACT RESPECTING FORILLON PARK AND ITS SURROUNDINGS

42. Sections 1, 3 and 5 of the Act respecting Forillon Park and its surroundings (R.S.Q., chapter P-8) are amended by replacing “minister designated by the Government as the minister responsible for the administration of the Act respecting the Société de la faune et des parcs du Québec (chapter S-11.012)” by “Minister of Natural Resources, Wildlife and Parks”.

ACT RESPECTING THE SAGUENAY–ST. LAWRENCE MARINE PARK

43. Section 3 of the Act respecting the Saguenay–St. Lawrence Marine Park (R.S.Q., chapter P-8.1) is amended

(1) by replacing “minister responsible for the administration of this Act” in subparagraph 3 of the first paragraph by “Minister of Natural Resources, Wildlife and Parks”;

(2) by replacing the text following “means” in the second paragraph by “the Société des établissements de plein air du Québec, established under section 1 of the Act respecting the Société des établissements de plein air du Québec (chapter S-13.01)”.

44. Section 23.1 of the said Act is repealed.

45. Section 24 of the said Act is amended by replacing “minister designated by the Government” by “Minister of Natural Resources, Wildlife and Parks”.

PARKS ACT

46. Section 1 of the Parks Act (R.S.Q., chapter P-9) is amended by replacing “minister designated by the Government” in paragraph *a* by “Minister of Natural Resources, Wildlife and Parks”.

47. Section 1.1 of the said Act is replaced by the following section:

“1.1. In this Act, “Société” means the Société des établissements de plein air du Québec, established under section 1 of the Act respecting the Société des établissements de plein air du Québec (chapter S-13.01).”

48. Section 2.1 of the said Act is amended

(1) by striking out “, without restricting the powers of the Société to acquire property,” and the last sentence;

(2) by adding the following paragraph:

“For the same purposes, the Minister may also lease any building situated within or outside the boundaries of a park.”

49. The said Act is amended by inserting the following section after section 5:

“5.1. The Minister has authority over the whole territory of a park and is responsible for its management.

The Société shall operate all parks situated south of the territories covered by the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1); for that purpose, the Société shall exercise the powers and duties conferred on it by this Act, subject to the rights and authorizations granted to a third party by the Minister.”

50. Section 6 of the said Act is amended

(1) by striking out the first paragraph;

(2) by replacing “The Société” in the first line of the second paragraph by “The Minister”, by inserting “in a park” after “construction” in the second line of that paragraph, by replacing “of a park” in the third line of that paragraph by “of the park” and by replacing “The Société” in the third line of that paragraph by “The Minister”;

(3) by replacing “the Société” in the third paragraph by “the Minister”;

(4) by inserting the following paragraph after the third paragraph:

“The Société may also carry out the work referred to in the first paragraph.”

51. Section 6.1 of the said Act is amended by replacing “the Société” in the third line by “the Minister or the Société”, and “the Société” in the fourth line by “the Minister or the Société”.

52. Section 7 of the said Act is amended

(1) by replacing “of the Société” in the second paragraph by “of the Minister or the Société”;

(2) by adding “, or to changes made to them with the authorization of the Minister” at the end of the third paragraph.

53. Section 8 of the said Act is amended by replacing “of the Société pursuant to the second paragraph” by “from the Minister pursuant to the first paragraph”.

54. Section 8.1 of the said Act is amended

(1) by inserting “except the Société” after “person” in the first line of the first paragraph, and by replacing “the Société or obtaining its authorization” in the second and third lines of that paragraph by “the Minister or obtaining the Minister’s authorization”;

(2) by adding “; in the case of the Société, the fees devolve on the Société” at the end of the second paragraph.

55. Section 8.1.1 of the said Act is amended by replacing “The Société” in the first paragraph by “The Minister”.

56. Section 8.2 of the said Act is amended by replacing “The Société” by “The Minister”.

57. Section 9.1 of the said Act is amended

(1) by striking out “issued by the Société” in subparagraph *a* of the first paragraph;

(2) by replacing “of the Société” in subparagraph *c* of the first paragraph by “of the Minister or the Société”.

58. Section 15.1 of the said Act is repealed.

59. Section 16 of the said Act is amended by inserting “of Natural Resources, Wildlife and Parks” after “Minister”.

**ACT RESPECTING THE SOCIÉTÉ DES ÉTABLISSEMENTS
DE PLEIN AIR DU QUÉBEC**

60. Section 18 of the Act respecting the Société des établissements de plein air du Québec (R.S.Q., chapter S-13.01) is amended by adding the following subparagraph at the end of the first paragraph:

“(3) to operate, subject to the conditions set out in the Parks Act (chapter P-9), the Act respecting the Saguenay–St. Lawrence Marine Park (chapter P-8.1) or the Act respecting the conservation and development of wildlife (chapter C-61.1), and in a manner consistent with the policies established by the Minister of Natural Resources, Wildlife and Parks, all parks situated south of the territories covered by the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1) and wildlife reserves; the management costs calculated according to the method determined by the Government are borne by the Government to the extent it determines.”

OTHER AMENDMENTS

61. Schedule 1 to the Financial Administration Act (R.S.Q., chapter A-6.001) is amended by striking out “Société de la faune et des parcs du Québec”.

62. Section 65 of the Health Insurance Act (R.S.Q., chapter A-29), amended by section 20 of chapter 66 of the statutes of 2002, is again amended

(1) by inserting “the Ministère des Ressources naturelles, de la Faune et des Parcs,” after “Finances,” in the ninth line of the sixth paragraph;

(2) by striking out “the Société de la faune et des parcs du Québec established under section 1 of the Act respecting the Société de la faune et des parcs du Québec (chapter S-11.012),” in the eleventh, twelfth, thirteenth and fourteenth lines of that paragraph.

- 63.** Section 14 of the Natural Heritage Conservation Act (R.S.Q., chapter C-61.01), amended by section 6 of chapter 8 of the statutes of 2003, is again amended by striking out “the Société de la faune et des parcs du Québec, the Minister responsible for the Société and”.
- 64.** Section 22 of the said Act, amended by section 6 of chapter 8 of the statutes of 2003, is again amended by striking out “and the Société de la faune et des parcs du Québec” in subparagraph 9 of the first paragraph.
- 65.** Section 27 of the said Act, amended by section 6 of chapter 8, section 250 of chapter 19 and section 138 of chapter 29 of the statutes of 2003, is again amended by striking out “the minister responsible for the Société de la faune et des parcs du Québec, the Société,” in the third and fourth lines of the second paragraph.
- 66.** Section 1 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., chapter D-13.1) is amended by replacing “minister designated by the Government” in paragraph *o* by “Minister of Natural Resources, Wildlife and Parks”.
- 67.** Section 101.1 of the said Act is repealed.
- 68.** Section 102 of the said Act is amended by inserting “of Natural Resources, Wildlife and Parks” after “Minister”.
- 69.** Section 57 of the Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01) is amended by striking out the second and third paragraphs.
- 70.** Sections 7, 9, 10, 11 and 57 of the said Act are amended by replacing “minister designated by the Government” by “Minister of Natural Resources, Wildlife and Parks”.
- 71.** Section 25.4 of the Forest Act (R.S.Q., chapter F-4.1) is repealed.
- 72.** Section 28.2 of the said Act is amended by replacing “minister designated by the Government as the minister responsible for the administration of the Act respecting the Société de la faune et des parcs du Québec (chapter S-11.012)” by “Minister”.
- 73.** Sections 7 and 19 of the Act respecting the support program for Inuit beneficiaries of the James Bay and Northern Québec Agreement for their hunting, fishing and trapping activities (R.S.Q., chapter P-30.2) are amended by replacing “minister responsible for the administration of the Act respecting the Société de la faune et des parcs du Québec (chapter S-11.012)” by “Minister of Natural Resources, Wildlife and Parks”.

TRANSITIONAL AND FINAL PROVISIONS

74. The Minister of Natural Resources, Wildlife and Parks replaces the Société de la faune et des parcs du Québec; the Minister acquires the rights and assumes the obligations of the Société.

75. The terms of the members of the board of directors and the vice-chairs of the Société de la faune et des parcs du Québec in office on *(insert the date preceding the date of coming into force of this section)* end on *(insert the date of coming into force of this section)*.

Those who were members of the public service when appointed are reinstated in the public service on the conditions determined at the time of their appointment.

76. The personnel members of the Société de la faune et des parcs du Québec become personnel members of the Ministère des Ressources naturelles, de la Faune et des Parcs.

However, those designated by decision of the Conseil du trésor become personnel members of the Ministère de la Justice.

77. The records and other documents of the Société de la faune et des parcs du Québec become the records and documents of the Ministère des Ressources naturelles, de la Faune et des Parcs.

78. Civil proceedings to which the Société de la faune et des parcs du Québec is a party are continued by the attorney acting for or on behalf of the Attorney General of Québec, on an appearance on behalf of the Attorney General of Québec and without continuance of suit.

79. The regulations made under sections 26.1, 54.1 and 56 of the Act respecting the conservation and development of wildlife are deemed to have been made by the Minister of Natural Resources, Wildlife and Parks.

The same applies to the territorial delimitations established pursuant to section 84.1 of that Act.

80. Unless the context indicates otherwise, in any other Act, text or document, a reference to the minister designated by the Government as the minister responsible for the administration of the Act respecting the Société de la faune et des parcs du Québec, the Minister responsible for Wildlife and Parks or to the Société de la faune et des parcs du Québec is a reference to the Minister of Natural Resources, Wildlife and Parks.

81. This Act comes into force on the date or dates to be set by the Government.