



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 121

(2005, chapter 45)

An Act to amend the Mining Act

Introduced 1 November 2005
Passage in principle 1 December 2005
Passage 13 December 2005
Assented to 16 December 2005

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EXPLANATORY NOTES

This bill amends the Mining Act to establish a classification system for outstanding geological sites where mining activities are to be forbidden. It also provides that the Minister may take the measures needed to ensure the development and preservation of such sites.

The bill clarifies the interdiction to prospect on certain parcels of land and the powers granted to inspectors authorized by the Minister.

It also introduces changes to the time at which certain reports must be submitted, the length of the temporary suspension of certain rights and the time at which such a suspension takes effect.

Bill 121

AN ACT TO AMEND THE MINING ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Mining Act (R.S.Q., chapter M-13.1) is amended by inserting the following definition after the definition of “**natural gas**”:

“**outstanding geological site**” means land whose geological, geomorphic, landscape or biological characteristics are of educational value, or of interest for scientific research or conservation purposes, and that deserves to be protected, in particular because it is threatened, rare or vulnerable;”.

2. Section 27 of the Act is amended by adding “, or on land referred to in section 304.1 or withdrawn from staking, designation on a map, mining exploration or mining operations by ministerial order or, to the extent provided for therein, by the effect of another Act” at the end.

3. The Act is amended by inserting the following section after section 30:

“30.1. No person may stake, designate on a map or carry on mining exploration or mining operations work on an outstanding geological site classified under section 305.1.”

4. Section 222 of the Act is amended by replacing “before the fifteenth day of the following month” in the second line of the second paragraph by “within 30 days after the end of the period referred to in the report”.

5. Section 251 of the Act is amended by adding the following paragraph at the end:

“(4) take photographs of the premises and the property located there.”

6. The Act is amended by inserting the following before the heading “SPECIAL POWERS” in Chapter X:

“POWERS OF THE MINISTER

“DIVISION I”.

7. Section 304.1 of the Act is amended

(1) by inserting “or to the publication of a notice of classification of an outstanding geological site under section 305.1” after “section 304” in the second line of the first paragraph;

(2) by replacing “maximum period of six months” in the third line of the first paragraph by “period of 18 months”;

(3) by replacing “on the date of filing of a notice in the office of the registrar” in the second paragraph by “after the filing of a notice in the office of the registrar, on the date indicated in the notice”.

8. The Act is amended by inserting the following division after section 305:

“DIVISION II

“OUTSTANDING GEOLOGICAL SITE

“**305.1.** The Minister may classify an outstanding geological site and establish the boundaries of the site after consulting the Minister of Sustainable Development, Environment and Parks, associations in the Québec mining industry and, where applicable, the holders of mining rights, municipalities, urban communities or Native communities concerned.

The notice of classification must be published in the *Gazette officielle du Québec*.

The boundaries of a classified outstanding geological site are shown on maps kept at the office of the registrar.

“**305.2.** The Minister may extend the boundaries of an outstanding geological site classified under section 305.1 or, if the Minister considers that the grounds for classification no longer exist, declassify part or all of the site after consulting the Minister of Sustainable Development, Environment and Parks.

“**305.3.** The Minister may take the measures needed to ensure the development or the preservation of an outstanding geological site classified under section 305.1.

“**305.4.** Before classifying an outstanding geological site located on private property, extending its boundaries or exercising the power described in section 305.3, the Minister must enter into an agreement with the owner.

“**305.5.** The Minister must request the registration in the land register of the agreement referred to in section 305.4 and forward to the owner a certified statement of registration. The agreement, once registered, is binding on all subsequent acquirers.

The agreement must also be filed in the office of the registrar.”

9. The Act is amended by inserting the following section after section 321:

“321.1. Every person who contravenes section 30.1, damages an outstanding geological site classified by the Minister under section 305.1, or destroys or damages property located on such a site is liable to a fine of \$500 to \$100,000 in the case of a natural person and of \$1,000 to \$200,000 in the case of a legal person.

In the case of a second or subsequent conviction, the fines prescribed in the first paragraph are doubled.”

10. This Act comes into force on 16 December 2005.