

Regulations and other acts

Gouvernement du Québec

O.C. 1188-2006, 18 December 2006

Forest Act
(R.S.Q., c. F-4.1)

Forestry fund — Contributions — Amendment

Regulation to amend the Regulation respecting contributions to the forestry fund

WHEREAS, under the first paragraph of section 73.4 of the Forest Act (R.S.Q., c. F-4.1), every holder of a timber supply and forest management agreement must, at such intervals as are determined by regulation of the Government, pay to the Minister of Natural Resources and Wildlife a contribution for the financing of activities related to forest management;

WHEREAS, under the second paragraph of that section, the contribution, paid into the forestry fund under section 73.5 of the Forest Act, is to be established by the Minister on the basis of a rate per cubic metre of timber, fixed by regulation of the Government, that is applicable to the volume of timber allotted to the agreement holder in the agreement and is determined on the date or dates fixed by the regulation;

WHEREAS, under section 176 of the Act to amend the Forest Act and other legislative provisions (2001, c. 6), amended by section 58 of chapter 16 of the Statutes of 2003, the provisions of sections 73.4 to 73.6 of the Forest Act concerning the contributions to be paid into the forestry fund apply to forest management agreements and forest management contracts taking effect or renewed after 26 June 2001, which is the day before the date of coming into force of section 176;

WHEREAS, under section 95.2.1 of the Forest Act, sections 73.4 and 73.5 of the Act apply to the holder of a wood processing plant operating permit who has entered into an auxiliary timber supply guarantee agreement as if the permit holder were the holder of a timber supply and forest management agreement;

WHEREAS, under the second paragraph of section 184 of the Act to amend the Forest Act and other legislative provisions, the provisions respecting the contributions

to be paid into the forestry fund do not apply to auxiliary timber supply guarantee agreements in force on 27 June 2001;

WHEREAS, under the second paragraph of section 92.0.2 of the Forest Act, a holder of a wood processing plant operating permit who acquires timber from an agreement holder authorized to send it to the permit holder must pay a contribution to the Minister for the financing of activities related to forest management;

WHEREAS, under the third paragraph of that section, the contribution paid into the forestry fund is to be established by the Minister on the basis of a rate per cubic metre of timber, set by regulation of the Government, applicable to the volume of timber acquired by the holder of a wood processing plant operating permit from the agreement holder;

WHEREAS, under subparagraph 3 of the first paragraph of section 92.0.3 of the Forest Act, the Minister may, if considered expedient by the Minister, accredit the holder of a wood processing plant permit to enable the permit holder to obtain a management permit in a management unit to supply the holder's plant where a volume of timber is made available following a person's waiver of the right provided for in a reservation agreement entered into pursuant to section 170.1 or by reason of the failure by that person to exercise that right in a previous year;

WHEREAS, under the second paragraph of section 92.0.11 of the Forest Act, in such a case the holder of a wood processing plant permit must also pay a contribution to the Minister for the financing of activities related to forest management;

WHEREAS, under the third paragraph of that section, the contribution paid into the forestry fund is to be established by the Minister on the basis of a rate per cubic metre of timber, set by regulation of the Government, applicable to the volume of round timber indicated in the accreditation;

WHEREAS, under subparagraphs 18.2 and 18.2.1 of the first paragraph of section 172 of the Forest Act, the Government may, by regulation, set the rate referred to in the second paragraph of section 73.4 and in the third paragraph of sections 92.0.2 and 92.0.11 and determine the date and other terms of payment of the contribution referred to in those sections;

WHEREAS the Government made the Regulation respecting contributions to the forestry fund by Order in Council 328-2002 date 20 March 2002;

WHEREAS it is expedient to amend the regulation to set new rates, as of 1 January 2007, to implement the measure consisting in resuming charge of forest seedling production, as announced on 20 October 2006 by the Government to enhance the Silvicultural Investment Strategy to support the forest industry;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as provided in section 8 of that Act, if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that makes it is of the opinion that the urgency of the situation requires it;

WHEREAS, under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and such coming into force:

— the importance for the Ministère des Ressources naturelles et de la Faune to resume charge of forest seedling production costs to ensure fulfilment of the Silvicultural Investment Strategy;

— the measures totalling \$721.8 M announced on 20 October 2006 by the Government, consisting in two strategic forest management measures under the responsibility of the Minister of Natural Resources and Wildlife, set in place to assist the industry;

— the need to act promptly to adjust, before 1 January 2007, the rates referred to in sections 2 and 3.3 of the Regulation respecting contributions to the forestry fund to implement the recently announced measure consisting in resuming charge of forest seedling production in connection with the responsibilities of the Minister of Natural Resources and Wildlife;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife:

THAT the Regulation to amend the Regulation respecting contributions to the forestry fund, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting contributions to the forestry fund *

Forest Act
(R.S.Q., c. F-4.1, ss. 73.4, 92.0.2, 92.0.11, 95.2.1 and 172, 1st par., subpars. 18.2 and 18.2.1)

1. Section 2 of the Regulation respecting contributions to the forestry fund is amended by adding the following paragraph:

“Despite the foregoing, the rate in the first paragraph is set at \$0 per cubic metre of timber for the period from 1 January 2007 to 31 March 2009.”.

2. Section 3.3 is amended by adding the following paragraph:

“Despite the foregoing, the rate in the first paragraph is set at \$0 per cubic metre of timber for the period from 1 January 2007 to 31 March 2009.”.

3. This Regulation comes into force on the day of its publication in the *Gazette officielle du Québec*.

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* The Regulation respecting contributions to the forestry fund, made by Order in Council 328-2002 dated 20 March 2002, (2002, *G.O.* 2, 1673), was last amended by the regulation made by Order in Council 1205-2005 dated 7 December 2005 (2005, *G.O.* 2, 5168). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2006, updated to 1 September 2006.