

Regulations and other Acts

Gouvernement du Québec

O.C. 220-2012, 21 March 2012

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

Natural Resources Fund — Contributions to the forestry component — Amendment

Regulation to amend the Regulation respecting contributions to the forestry component of the Natural Resources 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 section 73.4 of the Forest Act, the contribution, paid into the forestry component of the Natural Resources Fund in accordance with 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 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 holder were the holder of a timber supply and forest management agreement;

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 section 92.0.2 of the Forest Act, the contribution paid into the forestry component of the Natural Resources 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 operating 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, in such a case, under the second paragraph of section 92.0.11 of the Forest Act, the holder of a wood processing plant operating permit must also pay a contribution to the Minister for the financing of activities related to forest management;

WHEREAS, under the third paragraph of section 92.0.11 of the Forest Act, the contribution paid into the forestry component of the Natural Resources 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, fix or 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 component of the Natural Resources Fund (R.R.Q., c. F-4.1, r. 2);

WHEREAS the current provisions of the Regulation determining the applicable rates are in force until 31 March 2012;

WHEREAS it is expedient to amend the Regulation in order to extend until 31 March 2013 the period during which the rates referred to in sections 2 and 3.3 of the Regulation will be effective;

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, 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 has made 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 of the Regulation to amend the Regulation respecting contributions to the forestry component of the Natural Resources Fund:

— the amendments in the Regulation attached to this Order in Council extend by one year the assistance measure; without the extension, the forest industry would have to pay the costs for forest seedling production for the reforestation of Québec's forests during that period;

— since the forest industry is already greatly affected by the current economic conditions, any delay in the coming into force of the Regulation would expose the industry to additional expenses, which could lead to layoffs and plant closures in the regions;

WHEREAS it is expedient to make the Regulation;

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 component of the Natural Resources Fund, attached to this Order in Council, be made.

GILLES PAQUIN,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting contributions to the forestry component of the Natural Resources 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. The Regulation respecting contributions to the forestry component of the Natural Resources Fund (R.R.Q., c. F-4.1, r. 2) is amended in section 2 by replacing “31 March 2012” in the second paragraph by “31 March 2013”.

2. Section 3.3 is amended by replacing “31 March 2012” in the second paragraph by “31 March 2013”.

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

1954