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# NATIONAL ASSEMBLY OF QUÉBEC

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FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 88  
(2021, chapter 24)

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

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**Introduced 11 March 2021  
Passed in principle 21 April 2021  
Passed 11 June 2021  
Assented to 11 June 2021**

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**Québec Official Publisher  
2021**

## EXPLANATORY NOTES

*This Act amends the Act respecting the conservation and development of wildlife in a number of ways.*

*Certain functions and powers of wildlife protection officers and other persons involved in enforcing that Act, in particular powers relating to inspection and control and powers relating to seizure and confiscation of property, are defined.*

*The Act proposes regulating in particular the possession, sale and importing of wildlife by-products and invertebrates, defines the situations in which persons may kill or capture animals or alter their habitat, and introduces the requirement that veterinary surgeons and agrologists report various situations to the Minister of Forests, Wildlife and Parks, including if they suspect the presence of a contagious or parasitic disease in an animal.*

*The Act amends the Minister's powers of control over leases of exclusive hunting, fishing or trapping rights, in particular to allow the Minister to revoke or refuse to issue or renew a lease if offences are committed and if the revocation or refusal is necessary. The Act also amends the mechanisms for controlled zone management and governance, in particular by providing that the internal by-laws of an agency managing such a zone shall be approved by the Minister. The Act also provides that the Minister may designate a person to assume the provisional administration of the managing agency in certain circumstances, and amends wildlife sanctuary management mechanisms.*

*Under the Act, the procedure for establishing wildlife preserves is amended, as are the conditions for carrying on activities in these preserves and in wildlife habitats. The Act also allows the Minister to require that carrying on an activity in a wildlife habitat be conditional on payment of financial compensation.*

*The Act allows the Minister to implement pilot projects and gives him certain powers to intervene and issue orders in case of real or apprehended threats of serious or irreversible damage or injury to wildlife, its habitat or human health or safety.*

*The scope of certain offences is defined and new hunting and trapping offences are prescribed, in particular regarding hunting using detection devices or an aircraft.*

*The Act increases the amounts of most fines, and allows the minimum and maximum amounts of a fine to be determined by government regulation in certain cases. In addition, it extends the prescription period for instituting penal proceedings from two to three years and, in cases involving the most serious offences, allows, in particular, a person to be sentenced to imprisonment the first time he is found guilty.*

*The consequences of certain findings of guilt, in particular regarding recognition of training that may be taken in the period during which a hunting or trapping licence is suspended, are amended.*

*The Act amends the Act respecting threatened or vulnerable species to allow the minister responsible for that Act to require that carrying on an activity having adverse effects on threatened or vulnerable plant species or to their habitats be conditional on payment of financial compensation. It specifies that the amount of such compensation is paid into the Fund for the Protection of the Environment and the Waters in the Domain of the State established under the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs and is used to finance programs promoting the conservation and management of threatened or vulnerable plant species, of plant species likely to be so designated and of their habitats.*

*The Act also amends the Act respecting the Ministère des Ressources naturelles et de la Faune to provide that the amount of financial compensation required to carry on an activity in a wildlife habitat is credited to the Natural Resources Fund.*

*The Act also amends the penal provisions of the Parks Act and, exclusively as regards fine amounts, the Act respecting hunting and fishing rights in the James Bay and New Québec territories.*

*Lastly, the Act contains consequential and transitional provisions.*

**LEGISLATION AMENDED BY THIS ACT:**

- Animal Welfare and Safety Act (chapter B-3.1);

- Act respecting the conservation and development of wildlife (chapter C-61.1);
- Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1);
- Act respecting threatened or vulnerable species (chapter E-12.01);
- Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2);
- Parks Act (chapter P-9);
- Environment Quality Act (chapter Q-2).

**REGULATIONS AMENDED BY THIS ACT:**

- Regulation respecting hunting and fishing controlled zones (chapter C-61.1, r. 78);
- Regulation respecting salmon fishing controlled zones (chapter C-61.1, r. 79).

## Bill 88

### AN ACT TO AMEND THE ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE CONSERVATION AND DEVELOPMENT  
OF WILDLIFE

**1.** Section 1 of the Act respecting the conservation and development of wildlife (chapter C-61.1) is amended

(1) by inserting the following definitions in alphabetical order:

“**aircraft**” means any machine capable of deriving support in the atmosphere from reactions of the air, including a drone;

“**domestic animal**” means a domestic animal within the meaning of subparagraph *a* of paragraph 1 of section 1 of the Animal Welfare and Safety Act (chapter B-3.1);

“**invertebrate**” means any organism of the animal kingdom other than an aquatic mollusc or crustacean that does not belong to the chordates (phylum *Chordata*);

“**wildlife by-product**” means any fluid, excretion or secretion, or any product derived therefrom, from an animal, invertebrate or fish;”;

(2) by replacing “pelt or fish” in the definition of “**to purchase**” by “fish, invertebrate, wildlife by-product or pelt”;

(3) by inserting “or to set a trap” after “trap” in the definition of “**to trap**”;

(4) by striking out the definition of “**resident**”;

(5) by replacing “pelt or fish” in the definition of “**to sell**” by “fish, invertebrate, wildlife by-product or pelt”;

(6) by replacing “indigenous stock” in the definition of “**animal**” by “a bloodline not selected by man”;

(7) by replacing “Virginia deer” in the definition of “**big game**” by “white-tailed deer”.

**2.** The Act is amended by inserting the following section after section 1.1:

**“1.2.** For the purposes of this Act, a resident means any person who

(1) is domiciled in Québec and lived there for at least 183 days during the year preceding his fishing, hunting or trapping activities or his application for a licence or certificate issued under this Act; or

(2) meets the conditions determined by government regulation.”

**3.** Section 5 of the Act is amended by adding the following subparagraph at the end of the first paragraph:

“(11) a provision of an Act of the Parliament of Canada or of a regulation made under it, which they are assigned to enforce.”

**4.** Section 7 of the Act is amended by inserting “or the Royal Canadian Mounted Police” after “Québec” in the first paragraph.

**5.** Section 8.1 of the Act is replaced by the following section:

**“8.1.** In the exercise of their functions, wildlife protection officers, wildlife protection assistants, area wardens and officers of the Ministère des Ressources naturelles et de la Faune must, on request, identify themselves and, if applicable, show the certificate or authorization issued by the Minister attesting their capacity.”

**6.** The Act is amended by inserting the following section after section 11:

**“11.1.** The Minister may acquire by agreement, or accept as a gift or legacy, any immovable property or be granted an immovable real right necessary for the conservation and development of wildlife or its habitat after consultation with the minister responsible for the administration of the Act respecting the lands in the domain of the State (chapter T-8.1).

As soon as land obtained in accordance with the first paragraph is no longer necessary for the conservation and development of wildlife or its habitat, it is returned, by way of a notice, to the minister responsible for the administration of the Act respecting the lands in the domain of the State in accordance with that Act.”

**7.** Section 12 of the Act is amended

(1) by replacing all occurrences of “referred to in section 3” by “of the Ministère des Ressources naturelles et de la Faune referred to in sections 3 and 13.1 and in the third paragraph of section 128.2”;

(2) by inserting “insult, harass, intimidate or” after “purposely” in the second paragraph.

**8.** Section 13.1 of the Act is amended by replacing the first four paragraphs by the following paragraphs:

“A wildlife protection officer or wildlife protection assistant may, at any reasonable time, enter upon land, enter premises other than a dwelling-house, or enter a vehicle, boat or aircraft if he has reason to believe there is an animal, fish, invertebrate, wildlife by-product, pelt, object that can be used for hunting or trapping animals, plant of a species designated as threatened or vulnerable under the Act respecting threatened or vulnerable species (chapter E-12.01) or document relating to the enforcement of this Act and the regulations or of any other Act or regulation he is assigned to enforce, with a view to inspecting it. The wildlife protection officer or wildlife protection assistant may be accompanied by an officer of the Ministère des Ressources naturelles et de la Faune authorized for that purpose by the Minister.

The wildlife protection officer, wildlife protection assistant or officer of the Ministère des Ressources naturelles et de la Faune accompanying him may enter a dwelling-house without the consent of the owner, lessee or person in charge of the premises only if he has reason to believe that there is an animal or invertebrate that is a risk to wildlife or its habitat or to human health or safety and for which the person in charge of the premises must hold a licence under an Act or regulation wildlife protection officers are assigned to enforce.

The wildlife protection officer, wildlife protection assistant or officer of the Ministère des Ressources naturelles et de la Faune accompanying him, readily identifiable as such by means determined by the Minister, may require any person to stop the vehicle, boat or aircraft to be inspected. The person must comply without delay.

The wildlife protection officer, wildlife protection assistant or officer of the Ministère des Ressources naturelles et de la Faune accompanying him may, in enforcing this section,

(1) open any container or require any person to open any container kept under lock and key if the wildlife protection officer or wildlife protection assistant has reason to believe that it contains an animal, fish, invertebrate, wildlife by-product, pelt, specimen of a plant species, object or document referred to in the first paragraph;

(2) examine information and documents or require information and documents for examination or copying;

(3) take samples from an animal, fish, invertebrate, wildlife by-product, pelt or specimen of a plant species referred to in the first paragraph;

(4) take photographs and make a sound or visual recording; and

(5) require any person on the premises to provide all reasonable assistance to enable the wildlife protection officer or wildlife protection assistant to exercise his functions.

Every person referred to in the fourth paragraph shall comply with any request without delay.

A wildlife protection officer or wildlife protection assistant may, in exercising his powers of inspection, make a seizure in accordance with section 16.”

**9.** The Act is amended by inserting the following section after section 13.1:

**“13.1.0.1.** A wildlife protection officer or wildlife protection assistant may, by a request sent by registered mail or personal service, require a person to file by registered mail or personal service, within a reasonable time specified by the officer or assistant, any information or document relating to the application of this Act or the regulations.

The person to whom the request is made must comply with it within the specified time regardless of whether he has already filed such information, document or reply to a similar request made under this Act or the regulations.”

**10.** Section 16 of the Act is amended

(1) by inserting “, invertebrate, wildlife by-product” after “fish” in the first paragraph;

(2) by replacing “the animal, fish, pelt or specimen of a plant species or any of its parts” in the fourth paragraph by “the seized property”.

**11.** Section 18 of the Act is replaced by the following sections:

**“18.** A wildlife protection officer is responsible for the custody of property he has seized or which has been delivered to him by a wildlife protection assistant until it is disposed of, confiscated, sold or returned. The wildlife protection officer is also responsible for the custody of the property seized and submitted in evidence, unless the judge to whom it was submitted in evidence decides otherwise.

A wildlife protection officer who seizes a vehicle, aircraft, boat or live animal, domestic animal, fish or invertebrate may entrust custody of it to a third party, on the conditions the officer and the third party agree on, or to the seized party, on the conditions the officer determines. The seized party must accept custody of the seized property.

The wildlife protection officer may return the property to the seized party or the owner rather than entrusting him with custody of it.

The person entrusted with custody of the seized property may not deteriorate or alienate it, on pain of a fine equivalent to the value of the seized property.

The third party may not be prosecuted for an act performed or omitted in good faith during custody.



**“18.0.1.** If an animal, domestic animal, fish, invertebrate, wildlife by-product, pelt or plant species referred to in section 13.1 is seized, the owner may, after obtaining authorization from a wildlife protection officer, abandon it to the State.”

**12.** The Act is amended by inserting the following section after section 18.1:

**“18.2.** The owner of an animal, domestic animal, fish or invertebrate seized alive while in the custody of another person may apply to a judge of the Court of Québec or a presiding justice of the peace to have the animal, domestic animal, fish or invertebrate returned to him. At least three clear days’ prior notice of the application must be served on the wildlife protection officer responsible for the custody of the animal, domestic animal, fish or invertebrate seized.

The application is heard and decided by preference and the judge or presiding justice of the peace rules on the application taking into consideration the conservation and development of wildlife, human health and safety, the health and safety of the animal, domestic animal, fish or invertebrate, and, if applicable, the costs incurred by the detention under seizure.

The seized property may be returned to the owner only on his payment of the care expenses. If no proceedings are instituted against him, he is reimbursed for the care expenses incurred by the seizure.”

**13.** Section 19 of the Act is amended by replacing the second paragraph by the following paragraph:

“The wildlife protection officer may apply for an extension of that time limit in accordance with article 133 of the Code of Penal Procedure (chapter C-25.1), with the necessary modifications.”

**14.** Section 20 of the Act is amended by adding the following paragraph at the end:

“An animal, domestic animal, fish or invertebrate is confiscated 10 days from the date of seizure if it is seized alive and the owner is unknown.”

**15.** The Act is amended by inserting the following sections after section 20:

**“20.1.** On the service of a statement of offence, the wildlife protection officer must apply to a judge of the Court of Québec or a presiding justice of the peace to have him order the confiscation of a live animal, domestic animal, fish or invertebrate that is still under seizure.

At least three clear days’ prior notice of the application must be served on the seized party and all known owners, who may oppose the application.

The application is heard and decided by preference and the judge or presiding justice of the peace rules on the application taking into consideration the conservation and development of wildlife, human health and safety, the health and safety of the animal, domestic animal, fish or invertebrate, and, if applicable, the costs incurred by the detention under seizure.

If the judge or presiding justice of the peace refuses to order the confiscation, he may order that the animal, domestic animal, fish or invertebrate be sold, be returned to the seized party or the owner or be kept under seizure until the final judgment on the conditions the judge or justice of the peace determines.

If the judge or presiding justice of the peace orders that the animal be sold, the proceeds of the sale are remitted to the owner, after deduction of the care expenses incurred, if they are to be borne by him.

The property seized may be returned to the seized party or to the owner only on the latter's payment of the care expenses, if they are to be borne by him.

If a judge or presiding justice of the peace orders that the animal, domestic animal, fish or invertebrate be kept under seizure until the final judgment, he may order the seized party or the owner to pay an advance on future care expenses to the Minister in addition to the care expenses incurred as a result of the seizure, on the conditions the judge or justice of the peace determines.

**“20.2.** Care expenses incurred as a result of the seizure of a live animal, domestic animal, fish or invertebrate are to be borne by the seized party or the owner against whom proceedings are instituted. The care expenses bear interest at the rate set under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002).

Care expenses include the costs incurred as a result of the seizure, in particular the costs incurred to provide shelter, veterinary care, treatment, medication, transportation and food, after deduction of the expenses borne by the seized party or the owner if he is given custody.

Within 30 days of the end of the period during which the animal, domestic animal, fish or invertebrate is kept under seizure, the Minister serves a statement of the care expenses on the seized party or the owner. Not later than 30 days after receiving the statement, the seized party or the owner may apply to a judge of the Court of Québec or a presiding justice of the peace to have him examine the statement and the expenses he is contesting, set the amount of care expenses and determine the conditions of payment.

Care expenses paid are reimbursed if no proceedings are instituted against the seized party or the owner, as applicable.

If the owner fails to comply with the conditions determined by the judge or presiding justice of the peace for payment of the advance or for payment of the care expenses, or if the owner fails to pay the care expenses within 30 days of receiving the statement notified by the Minister, a wildlife protection officer may confiscate the animal, domestic animal, fish or invertebrate.”

**16.** Section 21 of the Act is amended by replacing “if he is not the offender” in the first paragraph by “other than the owner referred to in the first paragraph of section 20.1 and who is not the defendant”.

**17.** Sections 23 to 24.0.1 of the Act are replaced by the following sections:

**“23.** A veterinary surgeon, wildlife protection officer, immediate superior of a wildlife protection officer, wildlife protection assistant or, on the conditions determined by the Minister, any other officer of the Ministère des Ressources naturelles et de la Faune may, in the exercise of his functions, kill or capture

- (1) an animal, fish or invertebrate that is seriously injured;
- (2) an animal, fish or invertebrate that is or could be diseased; and

(3) an animal, domestic animal found running at large, fish or invertebrate that could compromise human health or safety or that is a serious risk to the conservation of wildlife or its habitat.

A veterinary surgeon, officer of the Ministère des Ressources naturelles et de la Faune who is not the immediate supervisor of a wildlife protection officer or wildlife protection assistant must report the fact that he captured or killed an animal, domestic animal, fish or invertebrate in accordance with the first paragraph to a wildlife protection officer without delay and, if the latter so requires, deliver it to him so that he may confiscate it.

The person referred to in the first paragraph may not be prosecuted for an act performed or omitted in good faith in the application of this section.

**“23.1.** A veterinary surgeon or agrologist who has reasonable grounds to believe that an animal has been abused or mistreated or that it is, or has been, in distress must, as soon as possible, report it to the Minister and provide the Minister with the following information:

- (1) the name and address of the owner or custodian of the animal, as applicable; and
- (2) a description of the animal.

A veterinary surgeon or agrologist must inform the Minister of all cases where he suspects the presence of a contagious or parasitic disease, infectious agent or syndrome in an animal, fish or invertebrate that is a serious risk to the conservation of wildlife or its habitat or to human health. In addition to the information set out in the first paragraph, the veterinary surgeon or agrologist must provide the Minister with the identification of the disease, infectious agent or syndrome.

This section applies even with regard to information protected by professional secrecy and despite any other provision relating to the concerned person's duty to maintain confidentiality. A veterinary surgeon or agrologist who, in good faith, informs the Minister or provides information in the application of this section may not be prosecuted.

**“23.2.** A wildlife protection officer or any other person referred to in sections 3 and 13.1 and the third paragraph of section 128.2 may not be prosecuted for an act performed or omitted in good faith in the exercise of his investigative or control functions.

**“23.3.** An officer of the Ministère des Ressources naturelles et de la Faune or a person referred to in section 8 may not be prosecuted for an act performed or omitted in good faith in the exercise of his functions on the conditions determined by the Minister and for research, study, analysis, inventory, appraisal or wildlife conservation or management purposes.”

**18.** The Act is amended by inserting the following section before section 24.1:

**“24.0.2.** This Act must be interpreted in a manner consistent with the obligation to consult the Native communities. The Government shall consult the Native communities separately if the circumstances so warrant.”

**19.** The Act is amended by inserting the following section after section 24.2:

**“24.3.** The Minister shall send copies of the following documents, by technological means and within a reasonable time after they come into force, to the Native communities concerned:

- (1) the order and the plan referred to in section 85, 104 or 111;
- (2) the decision referred to in section 122.1;
- (3) the decision and the plan referred to in section 122.2; and
- (4) the notice and the chart referred to in section 128.3.”

**20.** Section 25 of the Act is amended by inserting “, every invertebrate acquired, every wildlife by-product acquired” after “fish caught or acquired”.

**21.** Section 26 of the Act is amended by adding the following paragraph at the end:

“The Minister may, by regulation, prescribe the cases in which and conditions under which a person who captures or kills an animal, in accordance with section 67, or a person lending him assistance, may derogate from this section without the Minister’s authorization.”

**22.** The Act is amended by inserting the following section after section 27:

“**27.1.** No person may use an aircraft to locate or drive an animal so that it can be hunted.

In this section, the term “drive” means “to guide animals in a given direction.”

**23.** Section 30 of the Act is amended by replacing “, a domestic animal or a dog” by “or a domestic animal”.

**24.** Section 30.2 of the Act is replaced by the following section:

“**30.2.** No person may use a reflector or a lighting, night vision or thermal imaging device at night to detect the presence of big game in a place frequented by it.”

**25.** Section 33 of the Act is amended by replacing “within the meaning of the Act respecting offences relating to alcoholic beverages (chapter I-8.1)” by “or a drug, including cannabis, included in the types of drugs listed in subsection 5 of section 320.28 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46)”.

**26.** Section 35 of the Act is amended by inserting “searching for” and “47.1, 61.1, 61.2,” after “Killing,” and “47,” respectively.

**27.** The Act is amended by inserting the following section after section 42:

“**42.1.** A person must hold the licence issued for that purpose and comply with the norms, number and conditions prescribed by regulation to keep in captivity, capture in order to keep in captivity or dispose of an invertebrate

(1) belonging to a species designated as threatened or vulnerable under paragraph 1 of section 10 of the Act respecting threatened or vulnerable species (chapter E-12.01);

(2) belonging to a species designated likely to be designated as threatened or vulnerable under section 9 of that Act; or

(3) belonging to another species designated by regulation.”

**28.** Section 45 of the Act is replaced by the following section:

**“45.** A person who engages in hunting, trapping or fishing must prove, at the request of a wildlife protection officer or wildlife protection assistant, that he holds the licence, certificate, authorization or lease needed to carry on that activity.

When required to provide such proof, the person must produce the licence, certificate, authorization or lease referred to in the first paragraph, and photo identification issued by a government, government department or public body allowing the person’s identity to be confirmed.

A resident who is unable to provide such proof at the time it is requested must provide it to a wildlife protection officer within the following seven days.”

**29.** Section 47 of the Act is amended by replacing “28, 30, 30.1, 30.2, 32, 34, 42,” in the first paragraph by “27.1, 28, 30, 30.1, 30.2, 32, 34, 42, 42.1,”.

**30.** The Act is amended by inserting the following section after section 47:

**“47.1.** The provisions of sections 26, 27, 27.1, 30, 30.2, 32, 34, the first paragraph of section 56, sections 57 and 67 or a regulation made under section 56 do not apply to a person who carries on an activity authorized by a scientific permit, avicultural permit, migratory bird damage permit or airport-kill permit issued in accordance with the Migratory Birds Convention Act, 1994 (Statutes of Canada, 1994, chapter 22) or a regulation made under that Act.”

**31.** Section 56 of the Act is amended

(1) by inserting “by a person or category of persons,” at the end of subparagraph 2 of the third paragraph;

(2) by striking out “and dogs” in subparagraph 1 of the fourth paragraph.

**32.** Section 57 of the Act is amended, in the first paragraph,

(1) by replacing subparagraph 1 by the following subparagraph:

“(1) have in his possession

(a) an armed crossbow whose string is taut and connected to the firing mechanism;

(b) a firearm having an unfired cartridge in the chamber, magazine or charger if the latter is attached to the firearm or, in the case of a muzzle-loading firearm, having powder and a projectile in the chamber and a cap in the barrel sleeve or powder in the pan; or

(c) an air rifle having a projectile in the chamber, magazine or charger if the latter is attached to the air rifle, and, except in the case of a pre-charged air rifle, if a cylinder containing compressed air is attached to the air rifle or if the piston is armed;”;

(2) by inserting “air rifle,” after “firearm,” in subparagraph 2;

(3) in subparagraph 3,

(a) by inserting “unloaded air rifle,” after “firearm,”;

(b) by inserting “cette carabine à air comprimé,” after “cette arme à feu,” in the French text.

**33.** Section 59 of the Act is replaced by the following section:

**“59.** No person may abandon the flesh of a big game animal he has hunted or neglect to conserve the flesh, except in the cases and on the conditions prescribed by regulation of the Minister.”

**34.** The Act is amended by inserting the following sections after section 61:

**“61.1.** The Minister may, by regulation, determine, according to areas, zones, territories, places, periods and categories of persons, the conditions under which a person is authorized to kill an animal that is fatally injured as a result of a hunting or trapping activity and which type of arm the person may use to do so.

**“61.2.** A person may, on the conditions determined by regulation of the Minister, help search for an animal referred to in section 61.1 with the help of a dog.

**“61.3.** The Minister may, by regulation, prescribe the cases in which and the conditions under which a person referred to in sections 61.1 and 61.2 may derogate from sections 30.2 and 30.3.”

**35.** Section 62 of the Act is amended by inserting “after consultation with the Minister of Agriculture, Fisheries and Food,” after “year,” in the first paragraph.

**36.** Section 65 of the Act is replaced by the following section:

**“65.** The plan shall be published on the department’s website.”

**37.** The heading of Division V of Chapter III of the Act is amended by inserting “, INVERTEBRATES, WILDLIFE BY-PRODUCTS” after “FISH”.

**38.** Section 69 of the Act is amended

(1) by inserting “, invertebrate or wildlife by-product” after “animal” in the first paragraph;

(2) by replacing “the sale of an animal referred to in the first paragraph” in the second paragraph by “its sale”.

**39.** Section 71 of the Act is amended

(1) by adding the following subparagraphs after subparagraph 3:

“(4) any invertebrate that has been obtained, sold or purchased, or

“(5) any wildlife by-product that has been obtained, sold or purchased.”;

(2) by replacing the portion after subparagraph 3 by “in contravention of any provision of sections 27 to 28, 30, 30.1, 31, 32, 34, 38, 39, 41, 42, 42.1, the first paragraph of section 56, subparagraph 2 of the first paragraph of section 57, sections 60, 67 and 68 and the first paragraph of section 69 or 70, or any provision of a regulation made under section 56 or under sections 61.1 to 61.3.”

**40.** Section 88 of the Act is amended by inserting “and with the Minister’s written authorization” after “resources” in the first paragraph.

**41.** Section 90 of the Act is amended by inserting “, if necessary,” and “transfer or” after “may” and “refuse to”, respectively, in the introductory clause.

**42.** The Act is amended by inserting the following section after section 90:

“**90.1.** The Minister may, if necessary, amend, revoke or refuse to issue, transfer or renew a lease of exclusive hunting, fishing or trapping rights if the lessee or a person wishing to become a lessee, or any of his or its shareholders, officers or directors was found guilty, in the last three years, of an offence under a provision of section 12, the third and fifth paragraphs of section 13.1, sections 26 to 28, 30 to 32, 34 and 38 to 41, the third paragraph of section 47, sections 49, 50, 52 and 53, the first paragraph of sections 55 and 56, sections 57, 59, 60, 67 and 68, the first paragraph of sections 69 and 70, the second paragraph of section 70.1 and sections 71, 96 and 128.6, or of a regulation made under the third paragraph of section 56.”

**43.** Section 93 of the Act is amended by inserting “or 90.1” after “90” in the first paragraph.

**44.** Section 104 of the Act is amended by inserting “, in upper case or lower case letters” at the end of the third paragraph.



**45.** Section 105 of the Act is amended by inserting “, in upper case or lower case letters,” after ““ZEC””.

**46.** Section 106 of the Act is amended by replacing the first paragraph by the following paragraphs:

“The Minister may, by a memorandum of agreement, entrust all or part of the management of a controlled zone to an agency. The agency’s internal by-laws must be adopted in compliance with the memorandum of agreement, the policies and directives set out for it by the Minister and the following principles:

- (1) encourage equitable access to the territory;
- (2) ensure citizen participation;
- (3) encourage the conservation of wildlife and its habitat; and
- (4) encourage the controlled zone’s self-financing.

The memorandum of agreement may include a recreational activity development plan specifying, among other things, the recreational activities to be offered and the fees, which may vary, applicable to each activity.”

**47.** The Act is amended by inserting the following sections after section 106:

**“106.0.0.1.** The internal by-laws of an agency that is a party to a memorandum of agreement and any amendments to them must be submitted to the Minister for approval before being ratified by the agency’s members.

The Minister may approve the internal by-laws with or without amendment.

The internal by-laws or amendments to them may be ratified as of the date the agency receives a notice of approval from the Minister or, failing such a notice, 30 days after the by-laws were sent to the Minister.

**“106.0.0.2.** If the Minister is of the opinion that the agency responsible for managing a controlled zone is acting in such a way or tolerating a situation that constitutes a serious breach of the memorandum of agreement, policies, directives or principles referred to in section 106, the Minister may order the agency to cease such conduct and remedy the situation within the time period the Minister indicates.

The order issued by the Minister shall set forth the reasons on which it is based.

For the purposes of the first paragraph, repeated failure to comply with the memorandum of agreement, policies, directives or principles referred to in section 106 may, in particular, constitute a serious breach.

**“106.0.0.3.** If the agency fails to remedy the situation within the time period indicated in the order issued under section 106.0.0.2, the Minister may designate a person to assume the provisional administration of the agency for a period of not more than 90 days.

Before appointing a provisional administrator, the Minister must give the agency concerned the opportunity to submit its observations.

**“106.0.0.4.** If the agency is placed under provisional administration, the powers of the members of the board of directors are suspended and the person designated by the Minister shall exercise all the powers of the board of directors.

**“106.0.0.5.** Before the provisional administrator’s term expires, the provisional administrator must file a report with the Minister, within the time period the latter determines, setting out findings and recommendations. The report must contain all the information required by the Minister.

**“106.0.0.6.** On receiving the provisional administrator’s report, the Minister must send a copy to the agency’s board of directors and allow it at least 10 days to submit its observations.

**“106.0.0.7.** After examining the provisional administrator’s report and the agency’s observations, the Minister may, if the Minister considers it warranted in order to remedy a situation referred to in section 106.0.0.2 or avoid the recurrence of such a situation,

(1) extend the provisional administration for a period of not more than 90 days or terminate the provisional administration subject to conditions determined by the Minister; or

(2) remove the members of the board of directors from office.

Any extension of the provisional administration may be renewed by the Minister for the same reasons, provided each renewal does not exceed 90 days.

A director who has been removed from office under subparagraph 2 of the first paragraph may not sit as a board member of the agency for a period of five years following the Minister’s declaration.

**“106.0.0.8.** If the provisional administrator’s report does not confirm the existence of a situation referred to in section 106.0.0.2, the Minister must terminate the provisional administration without delay.

**“106.0.0.9.** Any decision of the Minister must give reasons and be forwarded promptly to the members of the board of directors.

**“106.0.0.10.** On termination of the provisional administration, the provisional administrator must render a final account to the Minister. The account must be sufficiently detailed to allow verification of its accuracy and be submitted with the related books and vouchers.

**“106.0.0.11.** The costs, fees and expenses of the provisional administration shall be borne by the agency, unless the Minister decides otherwise.

**“106.0.0.12.** A provisional administrator exercising the powers and duties conferred under sections 106.0.0.2 to 106.0.0.11 may not be prosecuted for an act performed or omitted in good faith in the exercise of those powers and duties.”

**48.** Section 106.0.1 of the Act is replaced by the following section:

**“106.0.1.** Fees may be charged by an agency that is a party to a memorandum of agreement for the carrying on of recreational activities in the territory of a controlled zone, provided that a recreational activity development plan stipulating the amount of those fees is included in the memorandum of agreement.”

**49.** Section 106.0.2 of the Act is repealed.

**50.** Section 106.0.3 of the Act is amended by replacing “106.0.2” by “106.0.1”.

**51.** Section 106.4 of the Act is amended by replacing paragraph 3 by the following paragraph:

“(3) exercising any other function or carrying out any other mandate, at the Minister’s request, that is useful for fulfilling its role of representative.”

**52.** Section 106.6 of the Act is amended

(1) by striking out “, for a period of three years from the date determined by the Government,” in the first paragraph;

(2) by striking out the third paragraph.

**53.** Section 106.8 of the Act is amended

(1) by striking out the first paragraph;

(2) by inserting “certified by the Minister” after “The legal person” in the second paragraph.

**54.** Section 106.10 of the Act is amended by replacing the first paragraph by the following paragraph:

“The Minister shall, before 1 June 2022, and subsequently every three years, report to the Government on the application of sections 106.3 to 106.9.”

**55.** Section 107 of the Act is amended

(1) by replacing “in a” in the first paragraph by “that are useful for the management of a”;

(2) by adding the following paragraph at the end:

“If the improvement or construction is located on land in the domain of the State without being in a controlled zone, the Minister must obtain the authorization of the minister or body that has authority over the land.”

**56.** Section 109 of the Act is amended by replacing “development plan approved by the Minister under section 106.0.2” in the second paragraph by “recreational activity development plan”.

**57.** Section 110.2 of the Act is amended by inserting “with the memorandum of agreement, policies, directives and principles referred to in section 106 or if” after “regulation or” in the first paragraph.

**58.** Section 110.6 of the Act is amended by replacing “a personnel member of the department or a position holder” and “second paragraph of section 106 and sections 106.0.2 and” by “an officer of the Ministère des Ressources naturelles et de la Faune” and “third paragraph of section 106 and sections 106.0.0.1 and”, respectively.

**59.** Section 111 of the Act is amended by replacing “The” in the first paragraph by “After consultation with the minister responsible for natural resources, the”.

**60.** Section 118 of the Act is amended

(1) by replacing “in a wildlife” in the first paragraph by “that are useful for the management of a wildlife”;

(2) by inserting “acquire improvements or constructions or authorize, on the conditions the Minister determines, the person, association or body to acquire improvements or constructions. The Minister may also,” after “to that end,” in the second paragraph;

(3) by inserting the following paragraph after the second paragraph:

“If the improvement or construction is located on land in the domain of the State without being in a wildlife sanctuary, the Minister must obtain the authorization of the minister or body that has authority over the land.”

**61.** Section 118.1 of the Act is amended

(1) by striking out “and the Société”;

(2) by replacing “sections 106.0.1 to 106.0.4 and 110.6” by “the second paragraph of section 106 and sections 106.0.1 to 106.0.4”;

(3) by adding the following paragraphs at the end:

“The Société may set the amount of the fees payable for the carrying on of recreational activities in the territory of a wildlife sanctuary, provided the Société first has a recreational activity development plan complying with the directives of the Minister approved by the Minister. The plan must include a list of the recreational activities to be offered and the fees, which may vary, applicable to each activity.

The Minister may approve the plan with or without amendment, for such time as the Minister determines. Any amendment to the fees prescribed in the plan must be approved by the Minister.

Sections 106.0.3 and 106.0.4 apply, with the necessary modifications, to the fees prescribed in the Société’s recreational activity development plan.”

**62.** The Act is amended by inserting the following section after section 120:

“**120.1.** No right may be granted by the minister responsible for natural resources in a wildlife sanctuary without first consulting the Minister.”

**63.** Section 121 of the Act is amended by inserting the following subparagraph after subparagraph 1 of the first paragraph:

“(1.1) set the maximum number and categories of persons that may hunt, fish or carry on a recreational activity in a sector of the territory, on the conditions it determines;”.

**64.** Sections 122 and 122.1 of the Act are replaced by the following sections:

“**122.** A wildlife preserve is a territory delimited for the conservation of wildlife and its habitat. Activities may be carried on in a wildlife preserve on conditions complying with that objective.

“**122.1.** After consultation with the minister responsible for natural resources, the Minister may set aside lands in the domain of the State, and, if applicable, private lands in order to establish a wildlife preserve there.

The Minister may set aside private lands only after entering into an agreement to this effect with the owner, including a municipality or metropolitan community.

The Minister’s decision is published in the *Gazette officielle du Québec*, giving a summary indication of the territory set aside, and comes into force on the date of its publication, or on any later date indicated therein. The setting aside has a five-year term.

The Minister sends the decision referred to in the third paragraph to the minister responsible for natural resources and to the regional county municipalities and local municipalities whose territory is included in the setting aside.

The setting aside of land may be renewed by the Government for the term it determines.

If land in the domain of the State that has been set aside is sold or transferred, it continues to be set aside without further formality.

**“122.2.** The Minister may establish a wildlife preserve on land that has been set aside under section 122.1.

The Minister may establish a wildlife preserve on private land only after entering into an agreement to this effect with the owner, including a municipality or metropolitan community.

The Minister’s decision and a plan of the wildlife preserve are published in the *Gazette officielle du Québec*. The Minister’s decision comes into force on the date of its publication, or on any later date indicated therein.

The Minister shall send the plan of the wildlife preserve to the minister responsible for natural resources and to the regional county municipalities and local municipalities whose territory is included in the plan.

The Minister shall publish the decision referred to in the third paragraph and the plan of the wildlife preserve, and, if applicable, the agreement entered into under the second paragraph, in the land register.

**“122.3.** No person may, in a wildlife preserve or a territory set aside for the establishment of a wildlife preserve, carry on the following activities:

(1) forest development activities within the meaning of the Sustainable Forest Development Act (chapter A-18.1) carried on for commercial purposes;

(2) activities carried on for mineral substances exploration or mining purposes;

(3) activities carried on for petroleum or underground reservoir exploration, petroleum production or storage, or brine production purposes;

(4) oil or gas pipeline construction;

(5) activities carried on for the production, transformation, distribution and transmission of electricity for commercial purposes; or

(6) any other activity that could be detrimental to the conservation of wildlife or its habitat, except the activities determined by regulation.

The Government may, if it is consistent with the wildlife preserve's objective under section 122, determine, by regulation,

(1) the activities that could be detrimental to the conservation of wildlife or its habitat, other than those referred to in subparagraphs 1 to 5 of the first paragraph, which may be carried on in a wildlife preserve or a territory set aside for the establishment of a wildlife preserve;

(2) the cases in which and conditions under which an activity referred to in subparagraph 1 may be carried on; and

(3) the cases in which and conditions under which any activity other than the activities referred to in subparagraphs 1 to 5 of the first paragraph is subject to the Minister's authorization.

Despite the first paragraph, the Government may, by regulation, and on the conditions it determines, authorize any activity carried on in exercising a right granted by the Government or any of its ministers at the time of publication of the setting aside of land for the establishment of a wildlife preserve in the territory concerned or in exercising such a right when it is renewed or amended. The same applies to any activity carried on in exercising a right to mineral substances mining, petroleum production or storage, or brine production granted to the holder of a mining or exploration right granted at the time of publication of the setting aside of land for the establishment of a wildlife preserve in the territory concerned.

**“122.4.** No person may travel about in a wildlife preserve or a territory set aside for the establishment of a wildlife preserve, except persons, categories of persons or vehicles authorized on the conditions determined by government regulation.

**“122.5.** The Minister shall, by an order published in the *Gazette officielle du Québec*, determine the period, sectors or places where activities may be carried on under section 122.3 and those where persons, categories of persons or vehicles are authorized to travel about there under section 122.4.

The Minister's decision comes into force on the 30th day following the date of its publication, or on any later date indicated therein.

**“122.6.** If the Minister considers it necessary and urgent, in order to avoid, limit or repair damage or injury caused to wildlife or its habitat, he may, by an order published in the *Gazette officielle du Québec*, prohibit carrying on an activity or travelling about in a wildlife preserve or determine the conditions under which carrying on an activity or travelling about there are authorized, for a period of not more than one year.

**“122.7.** The Minister shall publish, on the department's website and within a reasonable time after the Minister's decision concerned comes into force, the plans of the wildlife preserves and maps of the territories set aside for the establishment of a wildlife preserve.

For each, the Minister shall specify the activities that may be carried on, the conditions under which they may be carried on, and the persons, categories of persons and vehicles authorized to travel about there.

**“122.8.** The Minister may, by regulation, set the fees or maximum fees payable, which may vary for each of the wildlife preserves to carry on an activity in a wildlife preserve or a territory set aside for the establishment of a wildlife preserve, in particular to carry on a recreational, hunting or fishing activity, to register for a draw or to travel about the wildlife preserve or territory.”

**65.** Section 125 of the Act is repealed.

**66.** Section 126 of the Act is amended by replacing “development plan approved by the Minister under this Act” in the second paragraph by “recreational activity development plan”.

**67.** Section 127.1 of the Act is amended by replacing “sections 106.0.1 to 106.0.4 and 110.6” by “the second paragraph of section 106 and sections 106.0.1 to 106.0.4”.

**68.** The Act is amended by inserting the following section after section 127.1:

**“128.** No right of occupation may be granted in a wildlife preserve or a territory set aside for the establishment of a wildlife preserve without the Minister’s written authorization.”

**69.** Section 128.2 of the Act is amended

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

“The Minister shall prepare the wildlife habitat chart after consultation with the ministers concerned.”;

(2) by adding the following paragraph at the end:

“An officer of the Ministère des Ressources naturelles et de la Faune authorized for that purpose by the Minister may enter upon private land with a view to preparing, replacing or amending the wildlife habitat chart. The officer may also, for management and oversight purposes, enter upon private land part of which is included in a wildlife habitat.”

**70.** Section 128.5 of the Act is amended by replacing the introductory clause by the following introductory clause:

**“128.5.** The Minister shall send a copy of the wildlife habitat chart by technological means to

(1) the minister responsible for natural resources so that he can enter the copy in the land use plan and take it into account in exercising his functions;”.



**71.** Section 128.6 of the Act is amended by replacing subparagraph 4 of the second paragraph by the following subparagraphs:

“(4) an activity necessary to avoid, limit or repair damage caused by a disaster within the meaning of the Civil Protection Act (chapter S-2.3); or

“(5) work carried out under a program prepared under section 128.17.1.”

**72.** Section 128.7 of the Act is amended

(1) by inserting “or pay financial compensation that corresponds to the sums necessary for the conservation, management and development of a replacement habitat” after “security” in the second paragraph;

(2) in the third paragraph,

(a) by inserting “, the use of the habitat by a threatened or vulnerable species of animal, fish or invertebrate” after “its habitat”;

(b) by adding the following sentence at the end: “Before issuing the authorization, the Minister shall also inform the applicant of the amount of financial compensation he will be required to pay.”

**73.** Section 128.8 of the Act is replaced by the following section:

**“128.8.** The Minister may issue a general authorization, for such activities, on such conditions and for such time as he determines, to another minister, a public body or a municipality with regard to carrying on activities in wildlife habitats that cause limited damage to those habitats. The Minister may, in particular, require financial compensation corresponding to the sums necessary for the conservation, management and development of a habitat to replace the altered habitat and established in accordance with the elements, scales and methods determined by regulation.

Before issuing a general authorization, the Minister shall take into account the elements set out in the third paragraph of section 128.7.”

**74.** Section 128.17 of the Act is amended by adding the following paragraphs at the end:

“The Minister may, by agreement, delegate management of the granting of the financial assistance, and of the sums allocated to it, to an organization dedicated in particular to the management, conservation or development of wildlife habitats.

The agreement shall be published on the department’s website.”

**75.** The Act is amended by inserting the following sections after section 128.17:

**“128.17.1.** The Minister may, after consultation with the ministers concerned, develop and implement a program to manage, conserve and develop wildlife habitats.

Programs developed under the first paragraph must allow for the allocation of measures implemented based on the needs identified in all regions of Québec.

**“128.17.2.** The Minister may, by agreement, delegate management of all or part of a program developed under section 128.17.1 to an organization dedicated, in particular, to the management, conservation or development of wildlife habitats.

The agreement shall be published on the department’s website.”

**76.** Section 128.18 of the Act is amended by adding the following paragraphs at the end:

“(4) determine the applicable elements, scales and methods for establishing the amount of the financial compensation that the Minister may require under sections 128.7 and 128.8 and the applicable terms of payment, fines and interest;

“(5) determine the proportion of the financial compensation required by the Minister that can be reduced in cases where compensation or another type of contribution is required by the minister responsible for the administration of the Environment Quality Act (chapter Q-2) if an activity is carried on in a wetland or body of water in accordance with that Act or if an activity is authorized under the Act respecting threatened or vulnerable species (chapter E-12.01) in respect of a threatened or vulnerable plant species; and

“(6) determine the areas in wildlife habitats in which activities that could alter a biological, physical or chemical component specific to the habitat may be carried on.”

**77.** Section 162 of the Act is amended

(1) in paragraph 16,

(a) by replacing “and registration” by “, registration and disposal”;

(b) by striking out “and fixing, according to species, the fees exigible for the registration”;

(2) by replacing all occurrences of “animals” in paragraph 22 by “animals or invertebrates”;

(3) in paragraph 23,

- (a) by inserting “, invertebrate, wildlife by-product” after “fish”;
- (b) by inserting “invertebrate or wildlife by-product” after “any animal”.

**78.** Section 163 of the Act is amended by inserting the following paragraph after subparagraph 5 of the first paragraph:

“(5.1) setting the fees payable for the registration of animals or fish;”.

**79.** Section 164 of the Act is amended by inserting “or an order made under section 122.6” after “section 163” in the first paragraph.

**80.** The Act is amended by inserting the following chapters after section 164:

#### “CHAPTER VI.1

##### “PILOT PROJECTS

“**164.1.** The Minister may, by order, authorize pilot projects designed to experiment or innovate in the area of management, oversight, protection, conservation or development of wildlife or its habitat or to study, improve or define standards applicable to those areas.

The Minister may also, within the scope of such pilot projects, authorize any person or body to offer or conduct wildlife and wildlife habitat management, oversight, protection, conservation or development activities in compliance with standards and rules prescribed by the Minister that differ from those set out in any Act or regulation whose administration falls under the Minister’s responsibility.

Such pilot projects shall be conducted for a period of up to four years, which the Minister may extend by up to one year. The Minister may modify or terminate a pilot project at any time. The Minister may also determine the provisions of a pilot project whose violation constitutes an offence and determine the minimum and maximum amounts for which the offender is liable, which may not be less than \$500 nor more than \$3,000.

The results of a pilot project shall be published on the department’s website not later than one year after the end of the pilot project.

#### “CHAPTER VI.2

##### “POWERS AND ORDERS

“**164.2.** If there is a real or apprehended threat of serious or irreversible damage or injury to wildlife or its habitat or to human health or safety, the Minister may, by order, for a period of not more than 60 days in the area or zone where it is necessary in order to avoid, limit or repair that damage or

injury, prohibit or authorize under the conditions that he determines all hunting and trapping activities as well as the possession, transportation, registration and disposal of an animal, fish, invertebrate or wildlife by-product.

The order comes into force on the date of its publication in the *Gazette officielle du Québec*, or on any later date indicated therein.

Such an order is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1).

**“164.3.** If there is a real or apprehended threat of serious or irreversible damage or injury to wildlife or its habitat or to human health or safety, the Minister is authorized to take all necessary measures to limit the propagation of an invasive exotic species, a contagious or parasitic disease, an infectious agent or a syndrome if, in his opinion, these measures are required to avoid or reduce any adverse effects on wildlife or its habitat or on human health or safety.

The Minister may claim the direct and indirect costs related to these measures from a person who had custody or control of the animal, fish, invertebrate or wildlife by-product or custody of the premises where the animal, fish, invertebrate or wildlife by-product is found or could be found, regardless of whether proceedings were instituted against that person for an offence under this Act.

**“164.4.** If there is a real or apprehended threat of serious and irreversible damage or injury to wildlife or its habitat or to human health or safety, the Minister may, for a period of not more than 90 days, order the owner of an animal, fish or invertebrate, the person having custody or possession of the animal, fish or invertebrate or the owner of movable or immovable property that poses such a threat to:

(1) cease an activity or take specific safety measures if the activity is a source of threat;

(2) isolate, treat, kill or destroy the animal, fish, invertebrate or wildlife by-product, in the manner the Minister indicates, if it is or could be a source of threat; and

(3) take any measure that the Minister considers necessary to prevent a greater threat or to avoid or reduce the effects of or eliminate this threat.

Before issuing an order against a person, the Minister shall notify the notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to him and give him at least 15 days to submit his observations. The Minister may, however, if urgent action is required, issue an order without being bound by those prior obligations. In that case, the person may, within the time period indicated, submit his observations with a view to obtaining a review of the order.

A judge of the Superior Court may reduce the order's effective period or cancel the order, on application by an interested person.

On application by the Minister, a judge of that Court may order the person to comply with the order. The judge may also extend the order, make it permanent or make any other amendment to it that appears reasonable to him in the circumstances.

Any order issued to the owner of immovable property must be registered against the property in the land register.

**“164.5.** An application to a judge under section 164.4 shall be made according to the rules applicable to contentious proceedings under the Code of Civil Procedure (chapter C-25.01).

Applications made by the Minister must be notified to the person or persons they concern, but the judge may waive that requirement if he considers that the delay resulting therefrom could unnecessarily imperil wildlife or its habitat or human health or safety.

All orders issued must be notified to the person concerned and may be executed by a peace officer.

Applications are decided by preference and orders issued are enforceable despite an appeal.

A judge of the Court of Appeal may, however, suspend the execution of an order if the judge considers it necessary in the interests of justice.

**“164.6.** The Minister may claim the direct and indirect costs related to issuing the order from any person concerned by an order made under section 164.4.

If the order is contested before the Superior Court, the claim is suspended until the Court confirms all or part of the order.

**“164.7.** In the case of non-compliance with an order, the Minister may require the order to be executed at the offender’s expense.

The costs and resulting interest constitute a prior claim on any private immovable concerned of the same nature and with the same rank as the claims referred to in paragraph 5 of article 2651 of the Civil Code.

Articles 2654.1 and 2655 of the Civil Code apply to such a claim, with the necessary modifications.”

**81.** Section 165 of the Act is replaced by the following section:

**“165.** Every person who contravenes

(1) in respect of big game, any provision of section 30, 38, 59 or 67 or of a regulation made under subparagraph 4 of the third paragraph of section 56,

(2) in respect of fish or animals other than big game, any provision of section 27, 27.1 or 30.1, the first paragraph of section 56, subparagraph 2 of the first paragraph of section 57, the first paragraph of section 69, section 71, or a regulation made under subparagraph 1, 2 or 3 of the third paragraph of section 56 or under section 61.1, 61.2 or 61.3, or

(3) any provision of section 1.4, 30.2, 30.3, 42, 42.1, 43 or 46, the third paragraph of section 47, section 48, 49, 50, 53, 55, 72, 78.2 or 176,

is guilty of an offence and is liable, for a first offence, to a fine of not less than \$1,000 nor more than \$5,000 and, for any subsequent offence within five years of conviction for an offence under the same provision, to a fine of not less than \$3,000 nor more than \$15,000.

In the case of a subsequent offence, the judge may, in addition to sentencing the offender to payment of a fine, sentence him to imprisonment for a term of not more than 90 days, despite article 231 of the Code of Penal Procedure (chapter C-25.1).”

**82.** Section 166 of the Act is amended

(1) in paragraph 2,

(a) by striking out “1.4,”;

(b) by replacing “, 45 or” by “or 45, subparagraph 1 or 3 of the first paragraph of section 57, section”;

(2) by replacing “\$250 nor more than \$750”, “three years” and “\$750 nor more than \$2,200” in what follows subparagraph 2 by “\$500 nor more than \$1,500”, “five years” and “\$1,500 nor more than \$4,500”, respectively.

**83.** Section 167 of the Act is replaced by the following section:

**“167.** Every person who contravenes

(1) in respect of big game, any provision of section 27, 27.1, 28, 30.1, 34 or 60, the first paragraph of section 56, subparagraph 2 of the first paragraph of section 57, the first paragraph of section 69, section 71, or a regulation made under subparagraph 1, 2 or 3 of the third paragraph of section 56 or under section 61.1, 61.2 or 61.3,

(2) any provision of section 31 or 32, the first paragraph of section 70, the first paragraph of sections 109, 120 and 126 or a regulation made under paragraph 1 or 3 of section 73,

(3) a fish-stocking plan established under section 73.1, or

(4) an order of a judge made under section 171.5.1,

is guilty of an offence and is liable to a fine of not less than \$2,500 nor more than \$12,500 for a first offence.

In the cases covered by subparagraphs 1 to 3 of the first paragraph, the judge may, in addition to sentencing the offender to payment of a fine, sentence him to imprisonment for a term of not more than one year, despite article 231 of the Code of Penal Procedure (chapter C-25.1).

For any subsequent offence within five years of conviction for an offence under the same provision, the offender is liable to a fine of not less than \$7,500 nor more than \$37,500.

For the application of the penalty prescribed in the case of a subsequent offence in respect of big game, a previous conviction for an offence under any of sections 27, 27.1, 28, 31, 32 or 60, subparagraph 2 of the first paragraph of section 57 or a regulation made under section 61.1 or 61.2 constitutes a first offence.”

**84.** Section 167.1 of the Act is amended by replacing “\$1,825 nor more than \$5,475” and “\$5,475 nor more than \$16,400” by “\$2,500 nor more than \$12,500” and “\$7,500 nor more than \$37,500”, respectively.

**85.** Section 169 of the Act is amended

(1) by replacing “\$275 nor more than \$775” in paragraph 1 by “\$2,000 nor more than \$10,000”;

(2) by replacing “\$1,275 nor more than \$3,825” in paragraph 2 by “\$5,000 nor more than \$25,000”.

**86.** Section 171 of the Act is amended

(1) by replacing paragraph 2 by the following paragraph:

“(2) any provision of section 12, the third or fifth paragraph of section 13.1, section 13.1.0.1, the second paragraph of section 13.2, section 22, 23.1, 30.4, 33, 36, 36.1, 40 or 61, the second paragraph of section 70.1, section 78.5, 88, 96, 105, 112 or 123, the first paragraph of section 175 or of a regulation for which no penalty is specifically provided;”;

(2) by replacing “\$250 nor more than \$750”, “three years” and “\$750 nor more than \$2,200” in what follows paragraph 2 by “\$500 nor more than \$1,500”, “five years” and “\$1,500 nor more than \$4,500”, respectively.

**87.** The Act is amended by inserting the following section after section 171:

**“171.0.1.** Despite section 171, the Government or the Minister, as the case may be, may set the minimum and maximum fines to which a person who contravenes a regulatory provision the Government or Minister makes, whose violation constitutes an offence for which no penalty is specifically prescribed under this Act, is liable.

The maximum amounts set under the first paragraph may not exceed those prescribed in section 171.”

**88.** Section 171.1 of the Act is amended

(1) by replacing “\$20,000” and “\$40,000” by “\$60,000” and “\$120,000”, respectively;

(2) by adding the following paragraph at the end:

“Notwithstanding the second paragraph of sections 165, 167 and 171.2, if an offence has been committed in respect of a threatened or vulnerable species of animal or fish, the judge may, in addition to sentencing the offender to payment of a fine, sentence him to imprisonment for a term of not more than 18 months, despite article 231 of the Code of Penal Procedure (chapter C-25.1).”

**89.** Section 171.2 of the Act is replaced by the following section:

**“171.2.** Every person who contravenes

(1) section 122.3 or 122.4 or fails to observe a condition for carrying on an activity or travelling about in a wildlife preserve prescribed by regulation under those sections on the terms provided for by an order made under section 122.5,

(2) the provisions of an order made under section 122.6,

(3) section 128.6 or an order made under section 128.15 or fails to comply with a condition attached to an authorization issued under section 128.7, 128.8 or 128.9 or a standard or condition of wildlife habitat management prescribed by regulation, or

(4) the provisions of an order made under section 164.2 or an order made under section 164.4,

is guilty of an offence and liable,

(1) in the case of a natural person, to a fine of not less than \$1,000 nor more than \$25,000 and, for a subsequent conviction within five years, to a fine of not less than \$3,000 nor more than \$75,000; and



(2) in any other case, to a fine of not less than \$2,000 nor more than \$50,000 and, for a subsequent conviction within five years, to a fine of not less than \$6,000 nor more than \$150,000.

In the case of a natural person, the judge may, in addition to sentencing the offender to payment of a fine, sentence him to imprisonment for a term of not more than one year, despite article 231 of the Code of Penal Procedure (chapter C-25.1).”

**90.** Section 171.4 of the Act is amended by replacing “\$250 nor more than \$750” in the first paragraph by “\$500 nor more than \$1,500 and, for a subsequent offence within five years, to a fine of not less than \$1,500 nor more than \$4,500”.

**91.** Section 171.5 of the Act is amended by replacing “described in” in the first paragraph by “described in subparagraph 3 of the first paragraph of”.

**92.** Section 171.5.1 of the Act is amended

(1) by replacing “described in” in the first paragraph by “described in paragraph 3 of the first paragraph of”;

(2) by replacing “to an organization dedicated to the conservation, protection, improvement, restoration or development of wildlife habitats so that it may create a replacement habitat or other type of wildlife habitat in the region where the offence was committed” in the third paragraph by “to the Minister for the management, conservation or development of wildlife habitats”.

**93.** Section 171.6 of the Act is amended

(1) by replacing all occurrences of “two” by “three”;

(2) by inserting “by a wildlife protection officer. In the latter case, no judicial proceedings may be instituted if more than seven years have elapsed since the date the offence was committed” after “offence was ascertained”.

**94.** Section 172 of the Act is amended

(1) in the third paragraph,

(a) by inserting “27.1,” after “section 27,”;

(b) by striking out “30.4,”;

(c) by inserting “or under sections 61.1, 61.2 and 61.3” after “under section 56”;

(2) by replacing “three years” in the fourth and fifth paragraphs by “five years”.

**95.** Section 176 of the Act is amended

(1) by inserting “, in Québec or another Canadian province or territory,” after “holding a certificate or licence”;

(2) by inserting “or an equivalent class” after “same class”;

(3) by adding the following paragraph at the end:

“The training required prior to the issue of the licence or certificate and taken by the person during the revocation suspension or prohibition period is not recognized by the Minister for the purposes of renewal of the licence or certificate or issue of a new licence or new certificate.”

**96.** Section 177 of the Act is amended

(1) in the first paragraph,

(a) in the introductory clause,

i. by inserting “, if necessary,” after “may”;

ii. by inserting “issue, transfer or” after “refuse to”;

(b) by inserting “or the right of occupation granted under the Act respecting the lands in the domain of the State (chapter T-8.1)” after “trapping rights” in subparagraph 1;

(c) by replacing subparagraph 2 by the following subparagraph:

“(2) if a shareholder, officer or director of a legal person, or one of its subsidiaries, that is the holder of or applicant for an outfitter’s licence or the holder of or applicant for an outfitter’s licence has been convicted of an offence against this Act or its regulations, against any other Act or regulation respecting hunting, fishing, trapping or outfitting, against an Act of Canada or of another Canadian province or territory or against a regulation made under one of those Acts, or against the Sustainable Forest Development Act (chapter A-18.1), the Building Act (chapter B-1.1), the Consumer Protection Act (chapter P-40.1), the Environment Quality Act (chapter Q-2) or the Act respecting the lands in the domain of the State (chapter T-8.1);”;

(2) by inserting the following paragraph after the first paragraph:

“The Minister may, if necessary, revoke, suspend or refuse to issue, transfer or renew any licence required under section 42 or 42.1 if the holder or applicant fails to comply with the conditions determined by regulation or for reasons of public interest.”;

- (3) in the second paragraph,
- (a) by inserting “, if necessary” after “may”;
- (b) by inserting “issue, transfer or” after “refuse to”;
- (4) by inserting “issue, transfer or” after “refuse to” in the third paragraph.

#### ANIMAL WELFARE AND SAFETY ACT

**97.** Section 1 of the Animal Welfare and Safety Act (chapter B-3.1) is amended, in the second paragraph,

(1) by inserting “, a subspecies” after “species” in subparagraph *a* of subparagraph 1;

(2) by inserting “, subspecies” after “species” in subparagraph 5.

**98.** Section 3 of the Act is amended by inserting “, subspecies” after “species”.

**99.** Section 64 of the Act is amended

(1) by replacing “or breed” in paragraph 2 by “, subspecies or breed”;

(2) by inserting “, subspecies” after “species” in paragraphs 9 and 20.

#### ACT RESPECTING HUNTING AND FISHING RIGHTS IN THE JAMES BAY AND NEW QUÉBEC TERRITORIES

**100.** Section 4 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1) is amended, in the second paragraph,

(1) by replacing “18” by “18.0.1”;

(2) by adding the following sentence at the end: “Similarly, section 21 applies to all property under seizure under this Act.”

**101.** Section 95 of the Act is amended by replacing “\$100 to \$300” and “\$500 to \$1,000” by “not less than \$500 nor more than \$5,000” and “not less than \$1,500 nor more than \$7,500”, respectively.

**102.** Section 96 of the Act is amended

(1) by replacing “\$1,825 nor more than \$5,475” and “\$5,475 nor more than \$16,400” in paragraph 1 by “\$2,500 nor more than \$25,000” and “\$7,500 nor more than \$75,000”, respectively;

(2) by replacing “\$500 nor more than \$1,475” and “\$1,475 nor more than \$4,375” in paragraph 2 by “\$1,000 nor more than \$5,000” and “\$3,000 nor more than \$15,000”, respectively.

**103.** Section 96.1 of the Act is amended by replacing “more than \$10,000” and “more than \$30,000” by “less than \$2,500 nor more than \$25,000” and “less than \$5,000 nor more than \$50,000”, respectively.

**104.** Section 97 of the Act is amended by replacing “more than \$300” in the first paragraph by “less than \$500 nor more than \$5,000”.

**105.** Section 97.1 of the Act is amended by replacing “more than \$10,000” and “more than \$30,000” by “less than \$2,500 nor more than \$25,000” and “less than \$5,000 nor more than \$50,000”, respectively.

**106.** Section 98 of the Act is amended by replacing “more than \$1,000” by “less than \$500 nor more than \$5,000”.

#### ACT RESPECTING THREATENED OR VULNERABLE SPECIES

**107.** The Act respecting threatened or vulnerable species (chapter E-12.01) is amended by inserting the following sections after section 8:

**“8.1.** The Minister of Sustainable Development, Environment and Parks may, after consultation with the ministers concerned, develop and implement programs to promote the conservation and management of designated threatened or vulnerable plant species, of plant species likely to be so designated and of their habitats.

Programs developed under the first paragraph must allow for the allocation of measures implemented based on the needs identified in all regions of Québec.

**“8.2.** The Minister of Sustainable Development, Environment and Parks may, by agreement, delegate management of all or part of a program developed under section 8.1 to an organization dedicated in particular to the conservation or management of plant species and of their habitats.

The agreement shall be published on the department’s website.”

**108.** Section 16 of the Act is amended by replacing subparagraph 4 of the second paragraph by the following subparagraphs:

“(4) an activity necessary to avoid, limit or repair damage caused by a disaster within the meaning of the Civil Protection Act (chapter S-2.3); or

“(5) an activity carried on under a program developed under section 8.1.”

**109.** Section 17 of the Act is amended, in the second paragraph,

(1) by replacing subparagraph 4 by the following subparagraph:

“(4) an activity necessary to avoid, limit or repair damage caused by a disaster within the meaning of the Civil Protection Act (chapter S-2.3);”;

(2) by adding the following subparagraph at the end:

“(6) an activity carried on under a program developed under section 8.1.”

**110.** Section 18 of the Act is amended

(1) by inserting “or pay financial compensation that corresponds to the sums necessary to offset any adverse effects on threatened or vulnerable plant species or on their habitats,” after “security” in the second paragraph;

(2) by adding the following sentence at the end of the third paragraph: “Before issuing the authorization, the Minister shall also inform the applicant of the amount of financial compensation he will be required to pay.”;

(3) by adding the following paragraph at the end:

“Financial compensation received under the second paragraph is paid into the Fund for the Protection of the Environment and the Waters in the Domain of the State established under the Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs (chapter M-30.001) and is used to finance programs developed under section 8.1.”

**111.** Section 39 of the Act is amended by inserting the following subparagraphs after subparagraph 5 of the first paragraph:

“(5.1) determine the applicable elements, scales and methods for establishing the amount of financial compensation that the Minister of Sustainable Development, Environment and Parks may require under section 18 and the applicable terms of payment, fines and interest;

“(5.2) determine the proportion of the financial compensation required by the Minister of Sustainable Development, Environment and Parks under section 18 that can be reduced in cases where compensation or another type of contribution is required by the Minister under the Environment Quality Act (chapter Q-2) if an activity is carried on in a wetland or body of water or in cases where it is required by the Minister of Natural Resources and Wildlife if the activity is carried on in a wildlife habitat;”.

ACT RESPECTING THE MINISTÈRE DES RESSOURCES  
NATURELLES ET DE LA FAUNE

**112.** Section 17.12.12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) is amended by inserting the following subparagraph after subparagraph 2 of the first paragraph:

“(3) a wildlife conservation and development component, whose purpose is to finance activities relating to wildlife habitat conservation, management and development;”.

**113.** The Act is amended by inserting the following section after section 17.12.15:

**“17.12.16.** The following sums are credited to the wildlife conservation and development component of the Fund:

(1) the securities confiscated under section 128.13, 171.5 or the second paragraph of section 171.5.1 of the Act respecting the conservation and development of wildlife (chapter C-61.1);

(2) the financial compensation required under sections 128.7 and 128.8 of the Act respecting the conservation and development of wildlife to carry on activities necessary for the conservation, management and development of a replacement wildlife habitat and any interest or fines applicable to the financial compensation’s payment;

(3) the fines paid by offenders for an offence under section 128.6 of the Act respecting the conservation and development of wildlife;

(4) the fines paid by offenders who fail to comply with an order made under section 128.15 or the first paragraph of section 175.5.1 of the Act respecting the conservation and development of wildlife or who fail to comply with a condition attached to an authorization issued under section 128.7, 128.8 or 128.9 of that Act;

(5) the fines paid by offenders who fail to comply with a standard or condition of wildlife habitat management prescribed by regulation;

(6) the amount paid by an offender to reimburse the costs incurred by the Minister under section 171.5 or the second paragraph of section 171.5.1 of the Act respecting the conservation and development of wildlife to restore a wildlife habitat;

(7) the additional amount paid by an offender under the third paragraph of section 171.5.1; and

(8) the income from investments of the sums credited to the wildlife conservation and development component.

The surpluses accumulated in the wildlife conservation and development component are transferred to the general fund on the dates and to the extent determined by the Government.”

#### PARKS ACT

**114.** Sections 11 and 11.1 of the Parks Act (chapter P-9) are replaced by the following sections:

“**11.** Every person who infringes subparagraph *a* of the first paragraph of section 7 in respect of big game within the meaning of the Act respecting the conservation and development of wildlife (chapter C-61.1) is liable to a fine of \$2,500 to \$12,500 for a first offence and to a fine of \$7,500 to \$37,500 for any subsequent offence within five years of conviction for an offence under that provision in respect of big game.

The judge may, in addition to sentencing the offender to payment of a fine, sentence him to imprisonment for a term of not more than one year, despite article 231 of the Code of Penal Procedure (chapter C-25.1).

“**11.1.** Every person who infringes subparagraph *a* of the first paragraph of section 7 in respect of animals other than big game within the meaning of the Act respecting the conservation and development of wildlife (chapter C-61.1) is liable to a fine of \$1,000 to \$5,000 for a first offence and to a fine of \$3,000 to \$15,000 for any subsequent offence within five years of conviction for an offence under that provision in respect of animals other than big game.

The judge may, in addition to sentencing the offender to payment of a fine, sentence him to imprisonment for a term of not more than three months, despite article 231 of the Code of Penal Procedure (chapter C-25.1).”

**115.** Section 11.2 of the Act is amended by replacing “\$325 to \$7,000” by “\$500 to \$25,000”.

**116.** Section 11.3 of the Act is amended by replacing “\$50 to \$1,400” by “\$125 to \$3,125”.

#### ENVIRONMENT QUALITY ACT

**117.** Section 46.0.22 of the Environment Quality Act (chapter Q-2) is amended by inserting “by the Minister under the Act respecting threatened or vulnerable species (chapter E-12.01) in respect of a threatened or vulnerable plant species or” after “required” in paragraph 4.

## REGULATION RESPECTING HUNTING AND FISHING CONTROLLED ZONES

**118.** Section 3 of the Regulation respecting hunting and fishing controlled zones (chapter C-61.1, r. 78) is amended by replacing “development plan approved by the Minister in accordance with section 106.0.1 of the Act” in subparagraph 3 of the second paragraph by “recreational activity development plan”.

**119.** Section 19.1 of the Regulation is amended by replacing “development plan approved by the Minister in accordance with section 106.0.1 of the Act respecting the conservation and development of wildlife (chapter C-61.1)” and “the amount of fees fixed under that provision” by “recreational activity development plan” and “fees required”, respectively.

**120.** Section 25.1 of the Regulation is amended by replacing “development plan approved by the Minister in accordance with section 106.0.1 of the Act” in the first paragraph by “recreational activity development plan”.

## REGULATION RESPECTING SALMON FISHING CONTROLLED ZONES

**121.** Section 3 of the Regulation respecting salmon fishing controlled zones (chapter C-61.1, r. 79) is amended by replacing “development plan approved by the Minister in accordance with section 106.0.1 of the Act” in subparagraph 3 of the second paragraph by “recreational activity development plan”.

## TRANSITIONAL AND FINAL PROVISIONS

**122.** A person’s, association’s or agency’s recreational activity development plan, approved by the Minister under section 106.0.1 of the Act respecting the conservation and development of wildlife (chapter C-61.1), as it reads on 10 June 2021, is deemed to be included in the memorandum of agreement or, if applicable, the agreement to which the person, the association or the agency is a party.

**123.** Sections 122.3, 122.4, 122.5 and 122.6 of the Act respecting the conservation and development of wildlife, enacted by section 64 of this Act, apply to the activities and travel carried on in exercising a right granted by the Government or any of its ministers at the time of coming into force of section 64 of this Act or in exercising such a right when it is renewed or amended. The same applies to activities carried on in exercising a right to mineral substances mining, petroleum production or storage, or brine production granted to the holder of a mining or exploration right granted at the time of coming into force of section 64 of this Act.



**124.** Section 128 of the Act respecting the conservation and development of wildlife, enacted by section 68 of this Act, does not apply to the renewal of a right of occupation granted in a wildlife preserve before 11 June 2021 or to a right of occupation that must be granted in order to exercise a right granted by the Government or a minister before that date, or in order to exercise such a right when it is renewed or amended.

**125.** The provisions of this Act come into force on 11 June 2021, except

(1) the provisions of section 27 and paragraph 2 of section 77, which come into force on the date of coming into force of the first regulation respecting invertebrates made under paragraph 22 of section 162 of the Act respecting the conservation and development of wildlife, amended by section 77 of this Act;

(2) the provisions of section 33, which come into force on the date of coming into force of the first regulation made under section 59 of the Act respecting the conservation and development of wildlife, replaced by section 33 of this Act;

(3) the provisions of sections 64, 65 and 123, which come into force on the date of coming into force of the first regulation made under section 122.3 of the Act respecting the conservation and development of wildlife, enacted by section 64 of this Act; and

(4) the provisions of sections 86 and 87, which come into force on the date of coming into force of the first regulation made under section 171.0.1 of the Act respecting the conservation and development of wildlife, enacted by section 87 of this Act.