



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 16
(1996, chapter 18)

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

**Introduced 9 May 1996
Passage in principle 5 June 1996
Passage 19 June 1996
Assented to 20 June 1996**

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EXPLANATORY NOTES

The purpose of this bill is to amend the Act respecting the conservation and development of wildlife to facilitate its administration. The definition of the word “animal” is modified so as to expressly include any part of an animal and animal flesh and thereby prohibit the sale of certain animal parts. The inspection powers of conservation officers are expanded and the Minister of the Environment and Wildlife is empowered to issue a greater number of permits than determined by regulation and to modify or cancel a hunting or trapping period determined by regulation.

In addition, the Minister is authorized to acquire improvements and constructions that are useful for the management of a controlled zone or authorize a body managing a controlled zone to acquire such improvements or constructions. The Minister is further authorized to transfer the ownership of such improvements or constructions, on the conditions he determines, to such bodies or to persons, associations or bodies that provide services or organize activities in a wildlife preserve or sanctuary.

Moreover, the Minister is given the power to classify, by regulation, the fishing licences provided for in a federal statute respecting fisheries and to fix issuance fees.

Finally, the bill provides that the three-year plan of the Fondation de la faune du Québec will in future be submitted to the Minister for approval rather than to the Government.

Bill 16

An Act to amend the Act respecting the conservation and development of wildlife

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is amended by adding, at the end of the definition of “animal”, the following: “this term also applies, wherever permitted by the context, to any part or to the flesh of such an animal;”.

2. Section 13.1 of the said Act is amended

(1) by inserting the word “, fish” after the word “animal” in the third line of the first paragraph;

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

“He may, to that end, require any person to stop the vehicle, boat or aircraft to be inspected. The person must comply forthwith.”

3. Section 18 of the said Act is amended by inserting the words “a live animal, fish or a” after the word “or” in the second line of the second paragraph.

4. Section 46 of the said Act is amended by inserting the words “determined by regulation” after the word “animal” in the first line.

5. Section 54.1 of the said Act is replaced by the following section:

54.1 The Minister may, by order, for conservation or management purposes, issue fewer or more licences than the number fixed by regulation, or decide not to issue any licences.

The Minister may, notwithstanding section 11 of the Regulations Act (chapter R-18.1), make such an order upon the expiry of 15 days following the date of its publication as a draft in the *Gazette officielle du Québec*. The order comes into force, notwithstanding section 17 of the said Act, on the date of its publication in the *Gazette officielle du Québec*.”

6. The said Act is amended by inserting, after section 56, the following section:

“**56.1** Notwithstanding the third paragraph of section 56, the Minister may, by order, for conservation or management purposes, modify a hunting or trapping period determined by regulation, or cancel it.

The Minister may, notwithstanding section 11 of the Regulations Act, make such an order upon the expiry of 15 days following the date of its publication as a draft in the *Gazette officielle du Québec*. The order comes into force, notwithstanding section 17 of the said Act, on the date of its publication in the *Gazette officielle du Québec*.”

7. Section 69 of the said Act is replaced by the following section:

“**69.** No person may sell, purchase or offer to purchase an animal the sale of which is prohibited by regulation.

However, the Government may, by regulation, authorize the sale of an animal referred to in the first paragraph according to such norms and conditions as the Government may determine.”

8. Section 71 of the said Act is amended

(1) by replacing the word “or” in the fourth line of paragraph 3 by a comma;

(2) by adding, at the end of paragraph 3, the words “or a ministerial order issued under section 56.1”.

9. Section 107 of the said Act is amended by adding, at the end, the following paragraphs:

“The Minister may, without obtaining authorization under section 11, acquire improvements or constructions that are useful for the management of a controlled zone or authorize, on the conditions he determines, an agency managing a controlled zone that is a party to a memorandum of agreement to acquire improvements or constructions.

The Minister may also, on the conditions he determines, transfer the ownership of improvements or constructions to an agency managing a controlled zone that is a party to a memorandum of agreement.”

10. Section 118 of the said Act is amended by adding the following sentence at the end of the second paragraph: “He may, to that end and on the conditions he determines, transfer to such person, association or body the ownership of improvements or constructions.”

11. Section 127 of the said Act is amended by adding the following sentence at the end of the second paragraph: “He may, to that end and on the conditions he determines, transfer to such person, association or body the ownership of improvements or constructions.”

12. Section 146 of the said Act is replaced by the following section:

146. The Foundation shall each year, three months before the end of its fiscal year, submit a three-year plan of operations to the Minister for approval. The plan must include the Foundation’s intervention priorities, objectives, lines of development and budgetary policy. It must also be in keeping with any instructions given to the Foundation by the Minister.”

13. The said Act is amended by adding, after section 162, the following section:

162.1 The Minister may, to the extent provided in a federal statute respecting fisheries, make regulations classifying the fishing licences provided for therein, determining the form of such licences and the conditions attached to them, in particular as regards issuance, suspension and revocation, and determining issuance fees for such licences according to their class.”

14. Section 165 of the said Act is amended by inserting the words “, a ministerial order under section 56.1” after the figure “56” in the second line of subparagraph 2 of the first paragraph.

15. Section 167 of the said Act is amended by inserting the words “, a ministerial order under section 56.1” after the figure “56” in the second line of subparagraph 1 of the first paragraph.

16. Section 171 of the said Act is amended by inserting the words “the second paragraph of section 13.1, section” after the figure “12,” in the first line of paragraph 2.

17. This Act comes into force on 20 June 1996, except sections 4, 7 and 13, which come into force on the dates to be fixed by the Government.