



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 179
(1997, chapter 95)

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

**Introduced 28 November 1997
Passage in principle 10 December 1997
Passage 19 December 1997
Assented to 19 December 1997**

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EXPLANATORY NOTES

This bill again amends the Act respecting the conservation and development of wildlife, mainly to allow the Minister to certify a non-profit legal person to act as the representative of all the agencies that manage controlled zones, or as the representative of all the agencies that manage controlled zones belonging to one or more classes of zones defined by regulation.

The bill also provides that every agency that manages a controlled zone and that is represented by such a legal person must pay part of the fees it collects pursuant to this Act to the legal person as a contribution toward the financing of the legal person. That obligation applies for a period of three years which may be extended by the Government. The terms and conditions of the payment of fees are to be determined by regulation of the Government.

In addition, the bill will allow the Minister to issue a licence authorizing a person, for scientific, educational or wildlife management purposes, to disregard a provision of a regulation concerning aquaculture and fish-breeding zones. The regulatory powers of the Government regarding controlled zones, wildlife sanctuaries and wildlife preserves are also amended to allow the fees payable by persons travelling in or pursuing an activity in those areas to vary according to the period or the class of licence concerned.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);
- Act respecting off-highway vehicles (1996, chapter 60).

Bill 179

AN ACT TO AGAIN AMEND THE ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 4 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is amended

(1) by replacing the word “Government” in the first line of the first paragraph by the word “Minister”;

(2) by inserting the word “ministerial” after the word “Any” in the first line of the second paragraph.

2. Section 47 of the said Act is amended by replacing the words “or of the first paragraph of section 56 or of the regulations made pursuant to that section” in the third and fourth lines of the first paragraph by the words “of the first paragraph of section 56 or of the regulations under that section or of any of paragraphs 1 to 5 of section 73”.

3. Section 106.1 of the said Act is amended by inserting the words “shall, subject to section 106.6,” after the word “and” in the third line.

4. The said Act is amended by inserting, after section 106.2, the following sections :

“106.3. The Minister may, on the conditions determined by the Minister, certify a non-profit legal person to act as the representative of all the agencies that are parties to a memorandum of agreement, or of all such agencies that manage a controlled zone belonging to one or more classes of zones defined by regulation and specified by the Minister.

“106.4. The functions of a legal person certified under section 106.3 shall consist in

(1) consulting the agencies that are parties to the memorandum of agreement and on whose behalf the legal person acts as the representative;

(2) promoting consultation among the agencies;

(3) exercising any other function necessary to fulfil its role as representative as may be assigned to the legal person by the Minister.

“106.5. In order to be certified by the Minister, a non-profit legal person must have a membership comprising at least 50% plus one of all the agencies that are parties to a memorandum of agreement, or of all such agencies that manage a controlled zone belonging to one or more classes of zones defined by regulation, as the case may be.

The Minister shall publish notice of the certification in the *Gazette officielle du Québec*. The certification takes effect from the date of publication.

“106.6. Every agency that is a party to a memorandum of agreement and on whose behalf a legal person certified by the Minister acts as the representative must pay to the legal person, for a period of three years from the date determined by the Government, a part of the fees that devolve to the agency under this Act as a contribution toward the financing of the legal person.

The Government shall determine by regulation the part of the fees to be paid and the terms and conditions of payment.

The Government may extend the period during which the financing requirement provided for in the first paragraph is applicable.

“106.7. The Minister shall send a copy of the notice of certification to each agency that is a party to a memorandum of agreement and on whose behalf the legal person is to act as the representative, in which the Minister shall indicate the part of the fees to be paid under section 106.6 and the terms and conditions of payment.

“106.8. The fiscal year of a legal person certified by the Minister ends on 30 November.

The legal person must, each year, within four months after the end of its fiscal year, send a report to the Minister on its activities together with a financial statement audited by an accountant. The annual report must also contain any other information required by the Minister.

“106.9. The Minister may cancel the certification of a legal person if

(1) membership in the legal person falls below the number required for certification; or

(2) the legal person fails to comply with the conditions prescribed by the Minister at the time of certification or does not fulfil the obligations set out in section 106.8.

The Minister shall publish notice of the cancellation in the *Gazette officielle du Québec*; the cancellation takes effect on the date of publication.

The Minister shall send a copy of the notice of cancellation to each agency on whose behalf the legal person acted as the representative.

“106.10. The Minister shall, not later than six months before the expiry of the three-year period referred to in the first paragraph of section 106.6 or of the extension determined by the Government under the third paragraph of that section, make a report to the Government on the application of sections 106.3 to 106.9 and, if necessary, on the advisability of extending that period.

The report shall be tabled in the National Assembly by the Minister within 15 days if the Assembly is sitting or, if it is not sitting, within 15 days after resumption.”

5. Section 110 of the said Act is amended by inserting the words “or licences” after the words “of persons” in the second line of the second paragraph, and by replacing the words “stay, or the sector” in the third and fourth lines of the second paragraph by the words “stay or the sector, or the period”.

6. Section 121 of the said Act is amended by inserting the words “or licences” after the words “of persons” in the third line of paragraph 1, and by inserting the words “the period during which or” after the words “carried on or” in the sixth line of paragraph 1.

7. Section 125 of the said Act is amended by inserting the words “or licences” after the words “of persons” in the third line of paragraph 1, and by inserting the words “the period during which or” after the words “carried on or” in the sixth line of paragraph 1.

8. Section 83 of the Act respecting off-highway vehicles (1996, chapter 60) is repealed.

9. A regulation made under section 106.6 of the Act respecting the conservation and development of wildlife, enacted by section 4 of this Act, is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

10. This Act comes into force on 19 December 1997.