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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 61  
(1999, chapter 36)

## **An Act respecting the Société de la faune et des parcs du Québec**

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**Introduced 13 May 1999**  
**Passage in principle 2 June 1999**  
**Passage 18 June 1999**  
**Assented to 19 June 1999**

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## **EXPLANATORY NOTES**

*The “Société de la faune et des parcs du Québec” is established by this bill.*

*The mission of the Société is to oversee the conservation and development of wildlife and the development and management of parks in a manner consistent with sustainable development.*

*The rules governing the operation of the Société and the composition of its board of directors are defined in the bill.*

*The Act respecting the conservation and development of wildlife is amended to transfer certain powers of the Minister responsible for the administration of that Act to the Société, in particular the powers relating to the development of standards and the monitoring of their application and the powers to issue authorizations, licences and permits.*

*The Parks Act and the Act respecting the Saguenay — St. Lawrence Marine Park are amended to transfer certain powers of the minister responsible for the administration of those Acts to the Société as regards the issue of authorizations, licences and permits and control of how standards are applied.*

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

## **LEGISLATION AMENDED BY THIS BILL :**

- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Health Insurance Act (R.S.Q., chapter A-29);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Communauté urbaine de l’Outaouais (R.S.Q., chapter C-37.1);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);

- Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);
- Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);
- Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., chapter D-13.1);
- Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01);
- Act respecting the establishment and enlargement of certain waste elimination sites (R.S.Q., chapter E-13.1);
- Executive Power Act (R.S.Q., chapter E-18);
- Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);
- Hydro-Québec Act (R.S.Q., chapter H-5);
- Retail Sales Tax Act (R.S.Q., chapter I-1);
- Taxation Act (R.S.Q., chapter I-3);
- Mining Act (R.S.Q., chapter M-13.1);
- Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (R.S.Q., chapter M-14);
- Act respecting the Ministère de l’Environnement et de la Faune (R.S.Q., chapter M-15.2.1);
- Government Departments Act (R.S.Q., chapter M-34);
- Act respecting the implementation of international trade agreements (R.S.Q., chapter M-35.2);
- Parks Act (R.S.Q., chapter P-9);
- Pesticides Act (R.S.Q., chapter P-9.3);
- Tree Protection Act (R.S.Q., chapter P-37);
- Act respecting the protection of non-smokers in certain public places (R.S.Q., chapter P-38.01);

- Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1);
- Act respecting the artificial inducement of rain (R.S.Q., chapter P-43);
- Environment Quality Act (R.S.Q., chapter Q-2);
- Watercourses Act (R.S.Q., chapter R-13);
- Ecological Reserves Act (R.S.Q., chapter R-26.1);
- Act respecting the Société des établissements de plein air du Québec (R.S.Q., chapter S-13.01);
- Act respecting the Société québécoise d’assainissement des eaux (R.S.Q., chapter S-18.2.1);
- Act respecting the Société québécoise de récupération et de recyclage (R.S.Q., chapter S-22.01);
- Act respecting the sale and distribution of beer and soft drinks in non-returnable containers (R.S.Q., chapter V-5.001);
- Cree Villages and the Naskapi Village Act (R.S.Q., chapter V-5.1);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);
- Act respecting administrative justice (1996, chapter 54);
- Act respecting the Saguenay — St. Lawrence Marine Park (1997, chapter 16);
- Act to provide for the protection of groundwater (1998, chapter 25).

# Bill 61

## AN ACT RESPECTING THE SOCIÉTÉ DE LA FAUNE ET DES PARCS DU QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

### CHAPTER I

#### ESTABLISHMENT AND MISSION

1. The “Société de la faune et des parcs du Québec” is hereby established.

The Société may also use the name “Faune et Parcs Québec” or the acronym “FAPAQ”.

2. The Société is a legal person and a mandatary of the State.

The property of the Société forms part of the domain of the State, but the execution of its obligations may be levied against its property. The Société binds none but itself when it acts in its own name.

3. The mission of the Société is to oversee the conservation and development of wildlife and wildlife habitats, in a manner consistent with sustainable and harmonious development from a cultural, social, economic and regional standpoint; it shall also oversee, in the same manner, the development and management of parks to allow for conservation, education and the pursuit of recreational activities.

4. In pursuing its mission, the Société shall, in particular,

(1) oversee the management of wildlife harvesting activities within the scope of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1), in particular with regard to the development and application of related standards, and with regard to authorizations, licences, permits and the leasing of exclusive rights;

(2) ensure adequate control of and monitor the use of wildlife resources;

(3) administer the territory within the boundaries of a park pursuant to the Parks Act (R.S.Q., chapter P-9) and the Act respecting the Saguenay — St. Lawrence Marine Park (1997, chapter 16), in particular with regard to authorizations, licences and permits;

- (4) ensure adequate control and protection of parks ;
- (5) promote joint action and ensure coordination, in connection with wildlife and wildlife habitats and as concerns park development and management, among and with the partners in the sectors concerned ;
- (6) participate, where appropriate, in concerted action regarding the management of forest resources ;
- (7) propose policies to the Minister as regards wildlife, wildlife habitats and parks, assume responsibility for their implementation and coordinate their application.

## **CHAPTER II**

### **ORGANIZATION AND OPERATION**

5. The head office of the Société shall be located in the territory of the Communauté urbaine de Québec. Notice of the location of the head office shall be published in the *Gazette officielle du Québec*. The Société may hold its meetings at any place in Québec.

6. The affairs of the Société shall be administered by a board of directors composed of 11 members, including the chair of the board and the chief executive officer, appointed by the Government ; the members, except the chair of the board and the chief executive officer, shall be appointed after consultation with the persons, organizations or associations concerned.

The function of chief executive officer shall be exercised on a full-time basis.

The chief executive officer shall be appointed for a term not exceeding five years, and the other members of the board of directors shall be appointed for a term not exceeding three years.

7. The members of the board of directors shall designate from among their number a person to act as chair of the board when the chair of the board is absent or unable to act.

8. The Government shall determine the remuneration, employment benefits and other conditions of employment of the chief executive officer.

The other members of the board shall receive no remuneration except in such cases, on such conditions and to such extent as may be determined by the Government. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

9. On the expiry of their term, the members of the board shall remain in office until replaced or reappointed.

A vacancy occurring before the expiry of a member's term shall be filled in the manner and for the time specified in section 6.

Absence from the number of board meetings determined in the internal by-laws of the Société constitutes a vacancy, in the cases and circumstances indicated therein.

10. The quorum at meetings of the board of directors is the majority of its members, including the chair.

Decisions of the board are made by a majority vote of the members present. In the case of a tie-vote, the chair of the meeting has a casting vote.

11. The chair of the board of directors shall call and preside at the meetings of the board and see to the proper operation of the board. The chair shall exercise any other functions assigned to the chair by the board.

12. The chief executive officer is responsible for the administration and direction of the Société within the scope of its by-laws and policies.

13. The members of the board of directors may waive notice of a meeting. The attendance of a member at a meeting of the board constitutes a waiver of notice, unless the member is present to contest the legality of the calling of the meeting.

14. The members of the board may, if they all agree, take part in a meeting using means which allow them to communicate with each other orally, such as the telephone. The participants are, in such a case, deemed to have attended the meeting.

15. A written resolution, signed by all the members entitled to vote, has the same value as if adopted during a meeting of the board of directors.

A copy of all such resolutions shall be kept with the minutes of the proceedings or other equivalent record book.

16. The Government may appoint up to three vice-chairs of the Société for a term not exceeding five years; the vice-chairs shall hold office on a full-time basis.

The Government shall determine the remuneration, employment benefits and other conditions of employment of the vice-chairs of the Société.

17. The secretary and the other members of the personnel of the Société shall be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

The chief executive officer shall exercise in that regard the powers assigned by the Public Service Act to a chief executive officer.

18. The Société may make by-laws concerning its internal management.

19. The minutes of meetings of the board of directors, approved by the board and certified by the chair of the board, the chief executive officer, the secretary or any other person so authorized by the by-laws of the Société, are authentic, as are documents and copies emanating from the Société or forming part of its records where so certified.

20. An intelligible transcription of a decision or other data stored by the Société on a computer or on any other computer storage medium is a document of the Société and is proof of its contents where certified true by a person referred to in section 19.

21. A document is binding on the Société or may be attributed to it only if it is signed by the chief executive officer, the chair of the board, the secretary or another member of the board or, in the cases determined in a by-law of the Société, by a member of the Société's personnel or by the holder of a position.

22. The internal by-laws of the Société may allow, subject to the conditions and on the documents determined therein, that a signature be affixed by means of an automatic device, that a signature be electronic or that a facsimile of a signature be engraved, lithographed or printed. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person referred to in section 19.

23. The members of the board of directors of the Société or its personnel, and the holders of a position may not be prosecuted by reason of an official act performed in good faith in the exercise of their functions.

### **CHAPTER III**

#### **POWERS**

24. The Société may, according to law, enter into an agreement with a government other than that of Québec, with a department of such a government, with an international organization or with a body of such a government or organization.

25. The Société may not, without the authorization of the Government,

(1) contract a loan that causes the total of its current outstanding loans to exceed the amount determined by the Government;

(2) make a financial commitment in excess of the limits or in contravention of the terms and conditions determined by the Government;



(3) acquire or hold shares in a legal person or an interest in a partnership in excess of the limits or in contravention of the terms and conditions determined by the Government;

(4) transfer shares in a legal person or an interest in a partnership in excess of the limits or in contravention of the terms and conditions determined by the Government;

(5) acquire or transfer other assets in excess of the limits or in contravention of the terms and conditions determined by the Government;

(6) accept a gift or legacy to which a charge or condition is attached.

The Government may prescribe that one of the provisions of the first paragraph applies to all subsidiaries of the Société or to only one of them.

However, the provisions of the first paragraph do not apply to transactions between the Société and its subsidiaries or between the subsidiaries.

26. The Société may, by by-law, delegate the exercise of its powers or functions to the chief executive officer, a member of its personnel or the holder of a position designated in the by-law.

## **CHAPTER IV**

### **ACCOUNTS AND REPORTS**

27. The fiscal year of the Société ends on 31 March.

28. The Société shall, not later than 31 July each year, file with the Minister its financial statements and a report of its operations for the preceding fiscal year.

The financial statements and report of operations must contain all the information required by the Minister.

29. The Minister shall table the report of operations and financial statements of the Société in the National Assembly within 30 days of receiving them or, if the Assembly is not sitting, within 30 days of resumption.

30. The Société shall formulate, according to the form, content and intervals fixed by the Government, a development plan that must, where applicable, include the operations of its subsidiaries. The plan must be submitted to the Government for approval and reflect all the functions specified in section 4.

31. The books and accounts of the Société shall be audited by the Auditor General each year and whenever so ordered by the Government.

The auditor's report must be submitted with the report of operations and financial statements of the Société.

32. The Société shall communicate to the Minister any information required by the Minister concerning its operations.

## **CHAPTER V**

### **FUNDING**

33. The sums required for the purposes of this Act shall be taken out of the appropriations voted annually for that purpose by the National Assembly.

34. The Société may collect, in particular, the fees for the issue, modification or renewal of licences and permits.

The sums collected by the Société shall be paid into the consolidated revenue fund. They constitute, for all intents, an appropriation for the fiscal year in which they are paid into the consolidated revenue fund, to the extent and on the terms and conditions determined by the Government.

## **CHAPTER VI**

### **POWERS OF THE MINISTER**

35. The Minister may issue directives concerning the policy and general objectives to be pursued by the Société.

The directives must be approved by the Government and come into force on the day of their approval. Once approved, they are binding on the Société, and the Société must comply with them.

Every directive shall be tabled before the National Assembly within 15 days of being approved by the Government or, if the Assembly is not sitting, within 15 days of resumption.

36. The Minister may designate public servants to assist the Minister in exercising the powers and functions conferred on the Minister by this Act; they shall be appointed and remunerated in accordance with the Public Service Act.

## **CHAPTER VII**

### **AMENDING PROVISIONS**

#### **HEALTH INSURANCE ACT**

37. Section 65 of the Health Insurance Act (R.S.Q., chapter A-29), amended by section 128 of chapter 63 of the statutes of 1997, section 90 of chapter 73 of the statutes of 1997 and section 180 of chapter 39 of the statutes of 1998, is again amended by striking out “Ministère de l’Environnement et de la Faune” in the fifth paragraph and by inserting “, the Société de la faune et des parcs du

Québec established under section 1 of the Act respecting the Société de la faune et des parcs du Québec (1999, chapter 36)” after “Société de l’assurance automobile du Québec” in the same paragraph.

## ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE

38. The Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is amended by inserting the following section after section 1.1 :

“1.1.2. In this Act, “Société” means the Société de la faune et des parcs du Québec, established under section 1 of the Act respecting the Société de la faune et des parcs du Québec (1999, chapter 36)”.

39. Section 2 of the said Act is repealed.

40. Section 4 of the said Act, amended by section 1 of chapter 95 of the statutes of 1997, is replaced by the following section :

“4. The Minister may designate public servants to assist the Minister in exercising the powers and functions conferred on the Minister by this Act; they shall be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

The Minister may also, for the same purpose, assign a mandate to the Société or to any other person or partnership.”

41. Section 8 of the said Act, replaced by section 2 of chapter 62 of the statutes of 1996, is amended

(1) by replacing “Minister” in the first, third and fifth lines of the first paragraph by “Société”;

(2) by replacing “Minister” in the second line of the fourth paragraph by “Société”.

42. Section 8.1 of the said Act is amended by replacing “Minister of the Environment and Wildlife” in the third line by “Société”.

43. Section 11 of the said Act is replaced by the following section :

“11. The Government may authorize the Minister to expropriate an immovable or a real right necessary for wildlife conservation or management or for the conservation of a wildlife habitat.”

44. Section 12 of the said Act is amended by inserting “the Société or a person acting on behalf of the Société,” after “Minister,” in the first line of the first paragraph.

45. Section 13.1 of the said Act, amended by section 8 of chapter 62 of the statutes of 1996, is again amended by replacing “Minister” in the second paragraph by “Société”.

46. Section 17 of the said Act, amended by section 48 of chapter 62 of the statutes of 1996, is again amended by replacing “Minister” in the second line by “Société”.

47. Section 22 of the said Act is amended by replacing “Minister” in the first line of the second paragraph by “Société”.

48. Section 24 of the said Act is amended by replacing “Minister” in the fourth line by “Société”.

49. Section 26 of the said Act is amended by replacing “Minister” in the first line of the third paragraph by “Société”, and by replacing “he” in that first line by “it”.

50. Section 26.1 of the said Act, replaced by section 1 of chapter 29 of the statutes of 1998, is amended by replacing “Minister” in the third line of the first paragraph and in the second line of the second paragraph by “Société”.

51. Section 36 of the said Act is amended

(1) by striking out the comma after “privé” in the first line of the French text of the first paragraph;

(2) by striking out “a member of an organization accredited by the Minister or if the owner is” in the second and third lines of the first paragraph;

(3) by replacing “Minister” in the third line of the first paragraph by “Société”;

(4) by replacing “The document evidencing the accreditation or” in the first line of the second paragraph by “The”.

52. Section 37 of the said Act is amended by replacing “Minister” in the first line by “Société”.

53. Section 44 of the said Act is amended by replacing “Minister” in the first line by “Société”.

54. Section 47 of the said Act, amended by section 2 of chapter 95 of the statutes of 1997 and by section 2 of chapter 29 of the statutes of 1998, is again amended

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

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

“The holder of the licence must comply with the conditions specified by the Société or, as the case may be, by the Minister, on the licence.”

55. Section 54 of the said Act is amended

(1) by replacing “Minister” in the first line of the first paragraph by “Société”, by replacing “he” in the first line of the first paragraph by “it” and by replacing “Minister” in the third line of the first paragraph by “Société”;

(2) by replacing “Minister” in the first line of the third paragraph by “Société”.

56. Section 54.1 of the said Act, replaced by section 7 of chapter 29 of the statutes of 1998, is amended by replacing “Minister” in the first line by “Société”.

57. Section 56 of the said Act, amended by section 8 of chapter 29 of the statutes of 1998, is again amended

(1) by replacing “Minister” in the second paragraph by “Société”;

(2) by replacing “Minister” in the fourth paragraph by “Société”;

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

“A regulation made by the Société under this section must be submitted to the Minister for approval.”

58. Section 56.1 of the said Act, replaced by section 9 of chapter 29 of the statutes of 1998, is amended by replacing “Minister” wherever it occurs in the first line by “Société”.

59. Section 58 of the said Act is amended by replacing “Minister” and “he” in the first line of the first paragraph by “Société” and “it”, respectively, and by inserting “du troisième alinéa” before “de l’article 56” in the fifth line of the first paragraph of the French text.

60. Section 70.1 of the said Act is amended by replacing “Minister” in the first line of the first paragraph by “Société”.

61. Section 73 of the said Act, amended by section 11 of chapter 29 of the statutes of 1998, is again amended by replacing “Minister” in the third line of paragraph 6 by “Société”.

62. Section 74 of the said Act is amended by replacing “Minister” in the first line of the first paragraph and in the second line of the second paragraph by “Société”.

63. Section 75 of the said Act, amended by section 208 of chapter 43 of the statutes of 1997, is again amended

(1) by replacing “Minister” in the second line of the first paragraph by “Société”;

(2) by replacing “Minister” in the fourth line of the first paragraph by “Société”;

(3) by replacing “Minister” in the fifth line of the first paragraph by “Société”;

(4) by replacing “Minister” in the second and fifth lines of the second paragraph by “Société”.

64. Section 76 of the said Act is amended by replacing “Minister” in the first and second lines by “Société”.

65. Section 78 of the said Act is amended by adding the following paragraph:

“For the purposes of this section and of section 77, “Minister” means the minister designated by the Government as the minister responsible for the administration of those sections.”

66. Section 79 of the said Act is amended by replacing “Minister” in the first line by “Société”.

67. Section 80 of the said Act is amended by replacing “Government” in the first line by “Société” and “the Minister of Justice” in the fifth line by “it”.

68. Section 81 of the said Act is amended

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

(2) by striking out “, in the opinion of the Minister of Justice or according to a judgment of the court,” in the first and second lines of the first paragraph;

(3) by replacing “Government” in the fifth line of the first paragraph by “Société”;

(4) by replacing “Government” in the first line of the second paragraph by “Société”.

69. Section 82 of the said Act is amended by replacing “Minister of Justice” in the second line by “Société” and “Government” in the fourth line by “Société”.

70. Section 84.1 of the said Act, enacted by section 12 of chapter 29 of the statutes of 1998, is amended by replacing “Minister” in the first line of the first and second paragraphs by “Société”.

71. Section 84.3 of the said Act, enacted by section 12 of chapter 29 of the statutes of 1998, is amended by replacing “An order made by the Minister under section 84.1 or 84.2” in the first line by “A decision made by the Société under section 84.1 or an order made by the Minister under section 84.2”.

72. Section 86 of the said Act is amended

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

(2) by replacing “He” in the first line of the second paragraph by “The Société”.

73. Section 86.1 of the said Act is amended by replacing “Minister” and “he” in the sixth line of the first paragraph by “Société” and “it”, respectively.

74. Section 86.2 of the said Act, amended by section 14 of chapter 29 of the statutes of 1998, is again amended by replacing “Minister” in the fourth line of the first paragraph by “Société”.

75. Section 87 of the said Act is amended by replacing “Minister” in the seventh line by “Société”.

76. Section 89 of the said Act, amended by section 15 of chapter 29 of the statutes of 1998, is again amended by replacing “Minister” in the second line by “Société”.

77. Section 90 of the said Act is amended by replacing “Minister” in the first line by “Société”.

78. Section 91 of the said Act is amended

(1) by replacing “Minister” in the second and third lines of the first paragraph by “Société”;

(2) by replacing “Minister” in the first line of the second paragraph by “Société”;

(3) by replacing “Minister” in the second line of the third paragraph by “Société”.

79. Section 92 of the said Act is amended by replacing “Minister” in the second line by “Société”.

80. Section 93 of the said Act, amended by section 16 of chapter 29 of the statutes of 1998, is again amended by replacing “Minister” in the second line of the first paragraph by “Société”.

81. Section 94 of the said Act is amended by replacing “Minister” in the second and third lines of the first paragraph by “Société”.

82. Section 95 of the said Act is amended by replacing “Minister” in the first and fourth lines of the second paragraph by “Société”.

83. Section 102 of the said Act is amended by replacing “Minister” in paragraph 7 by “Société”.

84. Section 105 of the said Act is amended by replacing “Minister” in the third line by “Société”.

85. Section 106 of the said Act is amended

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

(2) by replacing “Minister” in the first line of the second paragraph by “Société”;

(3) by replacing “He” in the fourth line of the second paragraph by “It”.

86. Section 107 of the said Act is amended

(1) by replacing “Minister” in the first line of the first paragraph by “Société” and “he” in the first and second lines of the first paragraph by “it”;

(2) by replacing “Minister may, without obtaining authorization under section 11,” in the first line of the second paragraph by “Société may”;

(3) by replacing “he” in the third line of the second paragraph by “it”;

(4) by replacing “Minister” and “he” in the first line of the third paragraph by “Société” and “it”, respectively.

87. Section 108 of the said Act is repealed.

88. Section 109 of the said Act is amended

(1) by replacing “Minister” in the first line by “Société” and “he” in the second line by “it”;

(2) by striking out “, by order,” in the third line.



89. Section 110.1 of the said Act is amended

(1) by replacing “Minister” in the first line of subparagraph 1 of the second paragraph by “Société”;

(2) by replacing “Minister” in the second line of the third paragraph by “Société”.

90. Section 110.2 of the said Act is amended

(1) by replacing “Minister” in the second line of the first paragraph by “Société”;

(2) by replacing “Minister” in the first line of the second and third paragraphs by “Société”.

91. Section 112 of the said Act is amended by replacing “Minister” in the third line by “Société”.

92. Section 118 of the said Act is amended

(1) by replacing “Minister” in the first line of the first paragraph by “Société” and “he” in the first and second lines of the first paragraph by “it”;

(2) by replacing “He” and “he” in the first and fourth lines of the second paragraph by “The Société” and “it”, respectively.

93. Section 119 of the said Act is amended by replacing “Minister” in the sixth line by “Société”.

94. Section 120 of the said Act is amended

(1) by replacing “Minister” in the first line by “Société” and “he” in the second line by “it”;

(2) by striking out “, by order,” in the third line.

95. Section 120.1 of the said Act is amended by replacing “Minister” in the first line by “Société” and “him” in the third line by “it”.

96. Section 122 of the said Act, amended by section 20 of chapter 29 of the statutes of 1998, is again amended by replacing the first paragraph by the following paragraph:

“122. The Minister may establish on lands in the domain of the State, on private lands or on both, after consulting the Minister of Natural Resources in the case of lands in the domain of the State, a wildlife preserve the resources whereof may be used on conditions fixed with a view to preserving the wildlife habitat or the habitat of a species of wildlife.”

97. Section 123 of the said Act is amended by replacing “Minister” in the third line by “Société”.

98. Section 124 of the said Act is repealed.

99. Section 126 of the said Act is amended

(1) by replacing “Minister” in the first line and “he” in the second line by “Société” and “it”, respectively;

(2) by striking out “, by order,” in the third line.

100. Section 127 of the said Act is amended

(1) by replacing “Minister” and “he” in the first line and “he” in the second line of the first paragraph by “Société”, “it” and “it”, respectively;

(2) by replacing “Minister” and “he” in the first line and “He” and “he” in the fourth line of the second paragraph by “Société”, “it”, “The Société” and “it”, respectively.

101. Section 128 of the said Act is amended by replacing “Minister” in the second line by “Société”.

102. Section 128.4 of the said Act is amended by replacing “Minister” by “Société”, “he prepares” by “prepared by the Minister” and “he shall transmit” by “it shall transmit”.

103. Section 128.5 of the said Act is amended by replacing “The Minister shall” by “The Société shall”.

104. Section 128.6 of the said Act, amended by section 21 of chapter 29 of the statutes of 1998, is again amended by inserting “the Société,” after “authorized by” in subparagraph 3 of the second paragraph.

105. Section 128.7 of the said Act is amended

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

(2) by replacing “He” and “he” in the first line of the second paragraph by “The Société” and “it”, respectively;

(3) by replacing “Minister” in the first line of the third paragraph by “Société”.

106. Section 128.9 of the said Act is amended by striking out the second paragraph.

107. Section 128.10 of the said Act is amended

(1) by replacing “Minister” in the second line of the first paragraph by “Société”;

(2) by replacing “Minister”, “he” and “his” in the first line of the second paragraph by “Société”, “it” and “its”, respectively.

108. Section 128.11 of the said Act is amended by replacing “Minister” and “he” in the first line and “his” in the second line by “Société”, “it” and “its”, respectively.

109. Section 128.12 of the said Act is amended by replacing “Minister” in the first line by “Société, or the Minister in the cases referred to in sections 128.8 and 128.9,”.

110. Section 128.13 of the said Act is amended by replacing “Minister” in the second line by “Société, or the Minister in the cases referred to in sections 128.8 and 128.9,”.

111. Section 128.14 of the said Act, amended by section 209 of chapter 43 of the statutes of 1997, is again amended by replacing “Minister” in the second line by “Société, or the Minister in the cases referred to in sections 128.8 and 128.9”.

112. Section 128.15 of the said Act, amended by section 210 of chapter 43 of the statutes of 1997, is again amended

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

(2) by replacing “Minister” in the second and fourth lines of the fourth paragraph by “Société”;

(3) by replacing “Minister” in the second line of the fifth paragraph by “Société”;

(4) by adding the following paragraph:

“The Minister may, in the cases referred to in sections 128.8 and 128.9, make an order under the first paragraph in accordance with the conditions set out in this section.”

113. Section 128.16 of the said Act is amended

(1) by replacing “Minister” in the first line, “he” in the second line and “his” in the third line of the first paragraph by “Société”, “it” and “its”, respectively;

(2) by replacing “Minister” in the first line of the third paragraph by “Société”.

114. Section 128.17 of the said Act is amended by replacing “Minister” in the first line by “Société”.

115. Section 128.18 of the said Act is amended by replacing “Minister” in the second line of paragraph 3 by “Société or the Minister in the cases referred to in sections 128.8 and 128.9”.

116. Section 155.1 of the said Act is amended by replacing “Minister” by “Société” and “he” by “the Société”.

117. Section 155.2 of the said Act is amended by replacing “Minister” in the first and second paragraphs by “Société” and “he” in the second paragraph by “the Société”.

118. Section 164 of the said Act, replaced by section 23 of chapter 29 of the statutes of 1998, is amended by replacing “Minister” in the first line by “Société”.

119. Section 171.3 of the said Act is amended by replacing “Minister” in the first and third lines of the second paragraph by “Société”.

120. Section 171.5 of the said Act is amended

(1) by replacing “Minister” in the second line of the first paragraph by “Société”;

(2) by replacing “Minister” in the first line of the second paragraph by “Société”.

121. Section 175 of the said Act is amended by replacing “Minister” in the second line of the third paragraph by “Société”.

122. Section 177 of the said Act, amended by section 211 of chapter 43 of the statutes of 1997, is again amended

(1) by replacing “Minister” in the first line of the first, second and third paragraphs by “Société”;

(2) by replacing “Minister” in the fourth line of the second paragraph by “Société”.

123. Section 188 of the said Act is repealed.

124. Section 191.1 of the said Act, amended by section 27 of chapter 29 of the statutes of 1998, is again amended by striking out “of the Environment and Wildlife” in the second line of the second paragraph.

125. Section 192 of the said Act is amended by replacing “Minister of the Environment and Wildlife” by “minister designated by the Government”.

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

126. Section 1 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., chapter D-13.1) is amended by replacing “Minister of Environment and Wildlife” in paragraph *o* by “minister designated by the Government”.

127. The said Act is amended by inserting the following sections after section 101 :

“101.1. The Minister may designate public servants to assist the Minister in exercising the powers and functions conferred on the Minister by this Act; they shall be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

The Minister may also, for the same purpose, assign a mandate to the Société de la faune et des parcs du Québec, established under section 1 of the Act respecting the Société de la faune et des parcs du Québec (1999, chapter 36), or to any other person or partnership.

“101.2. A document is binding on the Minister or may be attributed to the Minister only if it is signed by the Minister or by a public servant designated by the Minister and, in the latter case, only to the extent determined by the Minister.”

#### ACT RESPECTING THREATENED OR VULNERABLE SPECIES

128. Section 6 of the Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01) is amended

(1) by striking out “and Wildlife” in the first line of the first and second paragraphs ;

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

“With regard to species of wildlife, the policy shall be proposed jointly with the minister designated by the Government, and implemented by that minister.”

129. Section 7 of the said Act is amended by replacing “and Wildlife may” in the first line by “or the minister designated by the Government may, according to their respective responsibilities,”.

130. Section 9 of the said Act is amended by replacing “and Wildlife, by order, may establish” in the first line of the first paragraph by “and the minister designated by the Government may establish jointly, by order,”.

131. Section 10 of the said Act is amended by replacing “recommendation of the Minister of the Environment and Wildlife” in the first and second lines by “joint recommendation of the Minister of the Environment and the minister designated by the Government”.

132. Section 11 of the said Act is amended by replacing “Minister of the Environment and Wildlife” in the second and third lines by “minister designated by the Government”.

133. Sections 8, 12 to 19, 23, 25, amended by section 231 of chapter 43 of the statutes of 1997, 26, 28, 29, 33, 39, 41 and 47 of the said Act are amended by striking out the words “and Wildlife” wherever they appear.

134. Section 57 of the said Act is replaced by the following section :

“57. The Minister of the Environment is responsible for the administration of this Act, except where it applies to the protection and management of wildlife species and their habitats ; the administration of the provisions relating to wildlife species and their habitats shall be under the responsibility of the minister designated by the Government.

The latter minister may designate public servants to assist the minister in exercising the powers and functions conferred on the minister by this Act ; they shall be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

The latter minister may also, for the same purpose, assign a mandate to the Société de la faune et des parcs du Québec, established under section 1 of the Act respecting the Société de la faune et des parcs du Québec (1999, chapter 36), or to any other person or partnership.”

#### ACT TO SECURE THE HANDICAPPED IN THE EXERCISE OF THEIR RIGHTS

135. Section 7 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1), amended by section 128 of chapter 63 of the statutes of 1997, is again amended by striking out “, the Deputy Minister of Environment and Wildlife”.

#### ACT RESPECTING THE MINISTÈRE DE L'ENVIRONNEMENT ET DE LA FAUNE

136. The title of the Act respecting the Ministère de l'Environnement et de la Faune (R.S.Q., chapter M-15.2.1) is amended by striking out “et de la Faune”.

137. Sections 1 and 2 of the said Act are amended by striking out the words “et de la Faune” and “and Wildlife” wherever they occur.

138. Section 10 of the said Act is amended by striking out “and Wildlife” and “and the conservation and development of wildlife habitats”.

139. Section 11 of the said Act is amended

(1) by striking out subparagraph 3 of the first paragraph;

(2) by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) the establishment and management of ecological reserves;”;

(3) by striking out “animal and” in subparagraph 5 of the first paragraph.

140. Section 15 of the said Act is amended by striking out “et de la Faune”.

#### PARKS ACT

141. Section 1 of the Parks Act (R.S.Q., chapter P-9) is amended by replacing “Minister of the Environment and Wildlife” in paragraph *a* by “minister designated by the Government”.

142. The said Act is amended by inserting the following section after section 1:

“1.1. In this Act, “Société” means the Société de la faune et des parcs du Québec, established under section 1 of the Act respecting the Société de la faune et des parcs du Québec (1999, chapter 36).”

143. Section 6 of the said Act is amended by replacing “Minister” in the first line of the first paragraph by “Société” and “He” in the first line of the second paragraph by “The Société”.

144. Section 6.1 of the said Act is amended by replacing “Minister” in the third and fourth lines by “Société”.

145. Section 7 of the said Act is amended by replacing “Minister” in the fourth line of the second paragraph by “Société”.

146. Section 8 of the said Act is amended by replacing “Minister” in the third line by “Société”.

147. Section 8.1 of the said Act is amended by replacing “Minister” and “his” in the second line of the first paragraph by “Société” and “its”, respectively.

148. Section 8.2 of the said Act is amended by replacing “Minister” in the first line by “Société”.

149. Section 9.1 of the said Act is amended by replacing “Minister” in the first line of subparagraph *a* of the first paragraph by “Société”.

150. The said Act is amended by inserting the following section after section 15:

“15.1. The Minister may designate public servants to assist the Minister in exercising the powers and functions conferred on the Minister by this Act; they shall be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

The Minister may also, for the same purpose, assign a mandate to the Société or to any other person or partnership.”

#### ACT RESPECTING THE SOCIÉTÉ DES ÉTABLISSEMENTS DE PLEIN AIR DU QUÉBEC

151. Section 4 of the Act respecting the Société des établissements de plein air du Québec (R.S.Q., chapter S-13.01) is amended

(1) by replacing “seven” in the second line by “nine”;

(2) by replacing “six” in the first line of paragraph 2 by “eight”.

#### ACT RESPECTING THE SAGUENAY—ST. LAWRENCE MARINE PARK

152. Section 3 of the Act respecting the Saguenay—St. Lawrence Marine Park (1997, chapter 16) is amended

(1) by replacing “Minister of the Environment and Wildlife” in subparagraph 3 of the first paragraph by “minister responsible for the administration of this Act”;

(2) by adding, at the end of the second paragraph, “and “Société” means the Société de la faune et des parcs du Québec established under section 1 of the Act respecting the Société de la faune et des parcs du Québec (1999, chapter 36)”.

153. Section 11 of the said Act is amended by replacing “Minister” in the first line of the first paragraph by “Société”.

154. Section 12 of the said Act is amended by replacing “Minister” and “he” by “Société” and “it”, respectively.

155. Section 13 of the said Act is replaced by the following section:



“13. The Société shall appoint a park superintendent. The superintendent shall, under the authority of the Société, exercise the powers and perform the duties assigned to the Société under this Act that the Société delegates to the superintendent.”

156. The said Act is amended by inserting the following section after section 23:

“23.1. The Minister may designate public servants to assist the Minister in exercising the powers and functions conferred on the Minister by this Act; they shall be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

The Minister may also, for the same purpose, assign a mandate to the Société or to any other person or partnership.”

157. Section 24 of the said Act is amended by replacing “Minister of the Environment and Wildlife” by “minister designated by the Government”.

## **CHAPTER VII**

### **TRANSITIONAL AND FINAL PROVISIONS**

158. The words “Minister of the Environment and Wildlife”, “Deputy Minister of the Environment and Wildlife” and “Ministère de l’Environnement et de la Faune”, wherever they occur in the following provisions, are replaced by “Minister of the Environment”, “Deputy Minister of the Environment” and “Ministère de l’Environnement”, respectively :

(1) sections 165.2 and 227.1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1);

(2) section 412 of the Cities and Towns Act (R.S.Q., chapter C-19);

(3) article 555 of the Municipal Code of Québec (R.S.Q., chapter C-27.1);

(4) sections 113, 114, 115, 118 and 126 of the Act respecting the Communauté urbaine de l’Outaouais (R.S.Q., chapter C-37.1);

(5) sections 133, 141, 142, 143, 144, 151.0.1 and 151.2 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);

(6) sections 126, 127, 128, 130, 136 and 136.2 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);

(7) section 2 of the Act respecting the establishment and enlargement of certain waste elimination sites (R.S.Q., chapter E-13.1);

(8) section 4 of the Executive Power Act (R.S.Q., chapter E-18);

- (9) section 32 of the Hydro-Québec Act (R.S.Q., chapter H-5);
- (10) section 18.2 of the Retail Sales Tax Act (R.S.Q., chapter I-1);
- (11) section 710.0.1 of the Taxation Act (R.S.Q., chapter I-3);
- (12) sections 122, 156, 164, 206, 232.5 and 232.11 of the Mining Act (R.S.Q., chapter M-13.1);
- (13) section 2 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (R.S.Q., chapter M-14);
- (14) section 1 of the Government Departments Act (R.S.Q., chapter M-34);
- (15) section 7 of the Act respecting the implementation of international trade agreements (R.S.Q., chapter M-35.2);
- (16) sections 8, 128 and 132 of the Pesticides Act (R.S.Q., chapter P-9.3);
- (17) section 1 of the Tree Protection Act (R.S.Q., chapter P-37);
- (18) sections 10 and 36 of the Act respecting the protection of non-smokers in certain public places (R.S.Q., chapter P-38.01);
- (19) section 79.10 of the Act to preserve agricultural land and agricultural activities (R.S.Q., chapter P-41.1), as replaced by section 47 of chapter 26 of the statutes of 1996;
- (20) section 1 of the Act respecting the artificial inducement of rain (R.S.Q., chapter P-43);
- (21) sections 1, 116.1 and 118.4 of the Environment Quality Act (R.S.Q., chapter Q-2);
- (22) sections 1, 2, 2.2, 7, 8, 23, 24, 34, 35, 40, 41, 58, 59, 65, 73, 74, 81 and 84 and the forms of the Watercourses Act (R.S.Q., chapter R-13);
- (23) sections 2, 4, 6 and 23 of the Ecological Reserves Act (R.S.Q., chapter R-26.1);
- (24) sections 24 and 27 of the Act respecting the Société québécoise d’assainissement des eaux (R.S.Q., chapter S-18.2.1);
- (25) section 42 of the Act respecting the Société québécoise de récupération et de recyclage (R.S.Q., chapter S-22.01);
- (26) sections 2 and 10 of the Act respecting the sale and distribution of beer and soft drinks in non-returnable containers (R.S.Q., chapter V-5.001);

(27) section 21 of the Cree Villages and the Naskapi Village Act (R.S.Q., chapter V-5.1);

(28) section 20 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);

(29) Schedule III to the Act respecting administrative justice (1996, chapter 54);

(30) sections 1 and 2 of the Act to provide for the protection of groundwater (1998, chapter 25).

159. The words “Minister of the Environment and Wildlife”, wherever they occur in the following provisions, are replaced by the words “minister designated by the Government as the minister responsible for the administration of the Act respecting the Société de la faune et des parcs du Québec (1999, chapter 36)”:

(1) section 207 of the Forest Act (R.S.Q., chapter F-4.1), renumbered as section 28.2 by section 37 of chapter 55 of the statutes of 1993;

(2) section 1 of the Act respecting Mauricie Park and its surroundings (R.S.Q., chapter P-7);

(3) sections 1, 3 and 5 of the Act respecting Forillon Park and its surroundings (R.S.Q., chapter P-8);

(4) sections 7 and 19 of the Act respecting the support program for Inuit beneficiaries of the James Bay and Northern Québec Agreement for their hunting, fishing and trapping activities (R.S.Q., chapter P-30.2).

160. Unless otherwise indicated by the context and subject to such modifications as are necessary, in every other Act and in every regulation, order in council, order, proclamation, authorization, ordinance, contract, lease, agreement, accord or other legal deed or document,

(1) the words “Minister of the Environment and Wildlife”, “Deputy Minister of the Environment and Wildlife” or “Ministère de l’Environnement et de la Faune” are replaced, according to the subject matter concerned, respectively by “Minister of the Environment”, “Deputy Minister of the Environment” or “Ministère de l’Environnement”, “minister designated by the Government as the minister responsible for the administration of the Act respecting the Société de la faune et des parcs du Québec (1999, chapter 36)” or “Société de la faune et des parcs du Québec established under section 1 of the Act respecting the Société de la faune et des parcs du Québec (1999, chapter 36)”;

(2) the words “minister responsible for Wildlife and Parks” are replaced, according to the subject matter concerned, by “minister designated by the Government as the minister responsible for the administration of the Act respecting the Société de la faune et des parcs du Québec (1999, chapter 36)”

or “Société de la faune et des parcs du Québec established under section 1 of the Act respecting the Société de la faune et des parcs du Québec (1999, chapter 36)”;

(3) a reference to the Act respecting the Ministère de l’Environnement et de la Faune or to a provision of that Act is, according to the subject matter concerned, a reference to the Act respecting the Ministère de l’Environnement or the Act respecting the Société de la faune et des parcs du Québec (1999, chapter 36) or to the corresponding provision of either of those Acts.

161. The files, documents and records of the minister designated by the Government as the minister responsible for wildlife and parks shall, according to the subject matter concerned, become the files, documents and records of the Société de la faune et des parcs du Québec or of the minister designated by the Government as the minister responsible for the administration of this Act.

162. The civil proceedings to which the Attorney General of Québec is a party in connection with files transferred to the Société de la faune et des parcs du Québec shall be continued by or against the Attorney General.

163. Appropriations granted, for the fiscal year 1999-2000, to the Wildlife and Parks portfolio shall be, to the extent and according to the terms and conditions determined by the Government, used for the purposes of the administration of this Act.

164. All employees of the Ministère de l’Environnement et de la Faune who exercise functions in connection with wildlife and parks on (*insert here the date of coming into force of this section*) and who are designated by government order shall, subject to the conditions of employment applicable to them, become employees of the Société de la faune et des parcs du Québec.

165. All employees of the Ministère de la Justice who are exercising functions on (*insert here the date of coming into force of this section*) and who are designated by government order shall, subject to the conditions of employment applicable to them, become employees of the Société de la faune et des parcs du Québec.

166. The order made by the Minister of the Environment and Wildlife on 31 August 1998 under section 4 of the Act respecting the conservation and development of wildlife shall remain in force until replaced or repealed by a by-law of the Société de la faune et des parcs du Québec under section 26 of this Act.

167. The rules governing the signing of certain documents of the Ministère de l’Environnement et de la Faune and concerning the wildlife and parks sectors, made by Order in Council 677-95 dated 17 May 1995, shall remain in force until replaced or repealed by a by-law of the Société de la faune et des parcs du Québec under section 21 of this Act.

168. All regulations or by-laws made by the Minister under section 26.1, 54.1 or 56, or the second paragraph of section 110.2 of the Act respecting the conservation and development of wildlife before (*insert here the date of coming into force of this section*) shall remain in force until replaced or repealed by a by-law of the Société de la faune et des parcs du Québec made under those sections.

All orders made by the Minister under sections 84.1 and 120.1 of the said Act before (*insert here the date of coming into force of this section*) shall remain in force until replaced or repealed by a decision of the Société de la faune et des parcs du Québec made under those sections.

169. The Government may, by regulation, enact any other transitional provisions necessary for the carrying out of this Act.

170. The minister designated by the Government is responsible for the administration of this Act.

171. The provisions of this Act come into force on the date or dates to be fixed by the Government.