



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 94
(2005, chapter 19)

**An Act to amend the Act respecting
the Ministère des Ressources naturelles,
de la Faune et des Parcs and other
legislative provisions**

**Introduced 14 April 2005
Passage in principle 5 May 2005
Passage 14 June 2005
Assented to 17 June 2005**

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EXPLANATORY NOTES

This bill amends the Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs to create the position of chief forester, which is to be filled by government appointment. The chief forester is to hold the position of associate deputy minister for a five-year term in accordance with the Public Service Act.

The bill specifies that the chief forester supervises the operations for calculating annual allowable cuts, identifies the forest and ecological data required to make that calculation, and prepares the forest management manual. It provides that from now on the power to determine annual allowable cuts will be exercised by the chief forester and that the decisions made in that regard will be made public. The chief forester also advises the Minister on the content of the plans required under the Forest Act, on the plans submitted to the Minister for approval, and on policy and planning in forest research and development.

The bill provides that the chief forester must draw up and send the Minister a five-year review of the state of the forests in the domain of the State and the results achieved with respect to sustainable forest development within the meaning of the Forest Act. The review is to be tabled in the National Assembly.

Under the bill, the chief forester may require a public body to provide the information and documents necessary for the exercise of the chief forester's functions of office.

The bill specifies that the Minister's mission includes facilitating the ecosystem-based, integrated and regionalized management of the activities carried on in the forests in the domain of the State.

Finally, the bill extends the special rules concerning advance harvesting applicable to the years 2005-2006, 2006-2007 and 2007-2008 enacted under the Act to amend the Forest Act and other legislative provisions applicable to forest management activities, passed on 22 March 2005, to the territory referred to in Chapter 3 of the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs (R.S.Q., chapter M-25.2);
- Act to amend the Forest Act and other legislative provisions and to enact certain special provisions applicable to forest management activities prior to 1 April 2008 (2003, chapter 16).

Bill 94

AN ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE DES RESSOURCES NATURELLES, DE LA FAUNE ET DES PARCS AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs (R.S.Q., chapter M-25.2) is amended by inserting the following section after section 11.1:

“11.2. In pursuing this mission, the Minister shall facilitate the ecosystem-based development of the forest and the integrated and regionalized management of the activities carried on in the forests in the domain of the State.”

2. The Act is amended by inserting the following division after section 17.1:

“DIVISION II.01

“CHIEF FORESTER

“17.1.1. This Act establishes the position of chief forester. The chief forester shall exercise the functions entrusted to the chief forester by this Act, with the independence granted by the Act, and in keeping with the principle of sustainable development.

The Government shall appoint a chief forester from among at least three persons approved by a committee following a selection process established by the Government. The committee is to be composed of three members appointed by the Government.

The chief forester shall hold the position of associate deputy minister for a five-year term in accordance with the Public Service Act (chapter F-3.1.1).

The term may be renewed by the Government.

“17.1.2. The chief forester is responsible for

(1) supervising the operations for calculating the annual allowable cut for each forest management unit and each forest reserve, and proposing special requirements to be imposed on the holders of a timber supply and forest management agreement or a forest management agreement in determining the cut;

- (2) preparing the forest management manual; and
- (3) determining the forest and ecological data required and the steps that must be taken to calculate the annual allowable cut.

The Minister may entrust to the chief forester any other forestry mandate.

“17.1.3. The power provided for in section 35.4 of the Forest Act to determine annual allowable cuts by species or group of species is exercised by the chief forester.

The chief forester shall make public the annual allowable cuts and the reasons for them.

“17.1.4. The chief forester shall advise the Minister on

- (1) the content of the plans required under the Forest Act;
- (2) the plans submitted to the Minister for approval in accordance with the Forest Act; and
- (3) policy and planning in forest research and development.

“17.1.5. The chief forester shall advise the Minister on any forestry matter the latter submits to the chief forester in respect of either private forests or forests in the domain of the State.

The chief forester shall refer to the Minister any forestry matter that, in the opinion of the chief forester, requires the Government’s attention or action.

“17.1.6. The advice of the chief forester may be accessed by the public.

“17.1.7. The chief forester shall draw up a five-year review of the state of the forests in the domain of the State and the results achieved for those forests with respect to sustainable forest development within the meaning of the preliminary provision of the Forest Act, as well as recommendations to facilitate the pursuit of the chief forester’s mission, and send them to the Minister, at the time and subject to the conditions determined by the Minister.

The Minister shall table the review in the National Assembly within 30 days of receiving it, or, if the Assembly is not in session, within 30 days of resumption. The review is examined by the appropriate committee of the National Assembly.

“17.1.8. A public body referred to in the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) must provide the chief forester with the information and documents the latter requires to exercise the functions provided for in this division.

“17.1.9. Carrying out any investigations the chief forester considers necessary is included in the functions of office.

For the purposes of an investigation, the chief forester is vested with the powers and immunity provided for in the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

“17.1.10. Within three months of the end of each fiscal year, the chief forester shall send the Minister an activities report. That report is appended to the report referred to in section 11.”

3. Section 67.4 of the Act to amend the Forest Act and other legislative provisions and to enact certain special provisions applicable to forest management activities prior to 1 April 2008 (2003, chapter 16), enacted by section 12 of chapter 3 of the statutes of 2005, is amended by striking out “who carries on forest management activities in a common area that is not located entirely or partially in the territory referred to in section 95.7 of the Forest Act” in the first paragraph.

4. Section 3 has effect from 1 April 2005.

5. This Act comes into force on 17 June 2005, except section 2, which comes into force on the date or dates to be set by the Government.

