

NATIONAL ASSEMBLY
Thirty-third Legislature, first session

1987, chapter 73

AN ACT RESPECTING THE CONSEIL DE LA CONSERVATION ET DE L'ENVIRONNEMENT

Bill 29

Introduced by Mr Clifford Lincoln, Minister of the Environment

Introduced 6 May 1987

Passage in principle 28 October 1987

Passage 14 December 1987

Assented to 17 December 1987

Coming into force: on the date fixed by the Government

Acts amended:

Environment Quality Act (R.S.Q., chapter Q-2)

Act respecting ecological reserves (R.S.Q., chapter R-26)



Éditeur officiel
Québec



CHAPTER 73

An Act respecting the Conseil de la conservation et de l'environnement

[Assented to 17 December 1987]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

ESTABLISHMENT AND ORGANIZATION

Establishment **1.** A council called the “Conseil de la conservation et de l’environnement” is hereby established.

Secretariat **2.** The secretariat of the council shall be in the territory of the Communauté urbaine de Québec at the place determined by the Government. A notice of the location or of any relocation of the secretariat shall be published in the *Gazette officielle du Québec*.

Members of council **3.** The council shall be composed of not over eleven members appointed by the Government on the recommendation of the Minister of the Environment; the president and the vice-president shall also be designated by the Government.

Term of office **4.** The president of the council shall be appointed for a term of not over five years.

Terms of office The other members of the council shall be appointed for a term of two years. However, at the appointment of the first members of the council, one shall be appointed for a term of three years, and another, for one year.

Renewal The terms of the members may be renewed consecutively once only.

Continuance in office	At the end of their terms, the members remain in office until they are replaced or reappointed.
Vacancy	5. Every vacancy occurring during the term of office of a member of the council shall be filled by following the mode of appointment prescribed in section 3, for the remainder of the term of the member to be replaced.
Completion of term	Any term of office completed by a new member in accordance with the first paragraph is not a term of office under the second paragraph of section 4.
Absence from meet- ings	Absence from a number of meetings determined by the by-laws of internal management of the council constitutes a vacancy in the cases and circumstances indicated therein.
President	6. The president shall administer the council and direct the staff.
Vice- president	The vice-president shall assist the president in the performance of his duties and replace him when he is prevented from acting.
Exclusivity of office	7. The president shall devote his full time to his official duties.
Remunera- tion	The Government shall fix the remuneration, social benefits and other conditions of employment of the president.
Remunera- tion	8. Members of the council other than the president shall receive no remuneration, except in such cases, on such conditions and to such extent as may be determined by the Government.
Reimburse- ment of ex- penses	They are, however, entitled, on the conditions and to the extent determined by the Government, to the reimbursement of expenses incurred in the performance of their duties.
Sittings	9. The council may hold its sittings at any place in Québec.
Quorum	The majority of the members, including the president, are a quorum at sittings of the council.
Tie-vote	In case of an equality of votes, the president has a casting vote.
Remunera- tion	10. The secretary and the other members of the staff of the council shall be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

DIVISION II

FUNCTIONS AND POWERS

Function of council **11.** The function of the council is to advise the Minister on any matter related to conservation and the environment.

"conservation"
The word "conservation" means the preservation, maintenance, lasting use, restoration and improvement of the natural milieu.

Powers **12.** Without restricting the generality of section 11, the council may

(1) advise the Minister of the Environment on the planning of the guidelines, policies and strategies related to Acts under the authority and administration of the Minister;

(2) on its own initiative or at the request of persons, bodies or associations, formulate an opinion on any matter pertaining to Acts under the authority and administration of the Minister;

(3) hold consultations, ask for opinions, and receive and hear requests and suggestions from persons, bodies or associations and conduct or commission any studies or research it deems advisable or necessary for the purposes of subparagraphs 1 and 2 of this section.

Advice to Minister **13.** The council shall advise the Minister on any matter he submits to it in connection with conservation and the environment and the carrying out of the Act respecting ecological reserves (R.S.Q., chapter R-26) and any other Acts under the authority and administration of the Minister.

Studies and research It shall also conduct or commission any studies or research at the request of the Minister.

Opinions **14.** The council shall send to the Minister its opinions formulated to implement paragraph 2 of section 12 and make such recommendations to him as it may deem appropriate.

Copy The Minister shall send a copy of the opinions to the departments referred to in such opinions within thirty days of receiving them.

Publicity **15.** The council may publicize the opinions it formulates pursuant to paragraph 2 of section 12, sixty days after transmitting them to the Minister.

By-laws **16.** The council shall make by-laws for its internal management. Such by-laws shall be submitted to the Government for approval.

DIVISION III

REPORT

- Fiscal year **17.** The fiscal year of the council ends on 31 March each year.
- Report of activities **18.** Not later than 30 June each year, the council shall transmit a report of its activities for the preceding fiscal year to the Minister.
- Tabling **19.** The Minister shall table the report in the National Assembly within 30 days of receiving it if it is in session or, if it is not sitting, within 30 days of the opening of the next session or resumption.

DIVISION IV

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

- c. Q-2, s. 6.8, replaced **20.** The Environment Quality Act (R.S.Q., chapter Q-2) is amended by replacing section 6.8 by the following sections:
- Remuneration **"6.8** The secretary and the other officers and employees of the Bureau shall be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).
- Secretariat **"6.9** The secretariat of the Bureau shall be in the territory of the Communauté urbaine de Québec.
- Hearings The Bureau shall hold its hearings at any place in Québec.
- Absence **"6.10** Where the president is absent or unable to act, he shall be replaced by the vice-president.
- Report of activities **"6.11** Not later than 30 June each year, the Bureau shall transmit a report of its activities for the preceding fiscal year to the Minister.
- Tabling **"6.12** The Minister shall table the report in the National Assembly within 30 days of receiving it if it is in session or, if it is not sitting, within 30 days of the opening of the next session or resumption."
- c. Q-2, c. 1, div. III, repealed **21.** Division III of Chapter I of the said Act is repealed.
- c. R-26, s. 5, am. **22.** The Act respecting ecological reserves (R.S.Q., chapter R-26) is amended by replacing the words "consultatif sur les réserves écologiques", in paragraph *a* of section 5, by the words "de la conservation et de l'environnement".
- c. R-26, div. III, repealed **23.** Division III of the said Act is repealed.

Matters
pending

24. Matters pending before the Conseil consultatif de l'environnement established by the Environment Quality Act and before the Conseil consultatif sur les réserves écologiques established by the Act respecting ecological reserves are continued by the Conseil de la conservation et de l'environnement established by this Act.

Records and
documents

25. The records and other documents of the Conseil consultatif de l'environnement and those of the Conseil consultatif sur les réserves écologiques are transferred to the Conseil de la conservation et de l'environnement.

Designation

26. In any Act, regulation, order, order in council, proclamation, contract or document, the name "Conseil consultatif de l'environnement" and the word "Council" where it designates that council, or the name "Conseil consultatif sur les réserves écologiques" and the word "board" where it designates that board are replaced by the name "Conseil de la conservation et de l'environnement", unless the context indicates otherwise.

Appropriations

27. The appropriations allocated for the fiscal year 1987-88 to the Conseil consultatif de l'environnement and to the Conseil consultatif sur les réserves écologiques are, to the extent determined by the Government, transferred to the Conseil de la conservation et de l'environnement for the unexpired portion of that fiscal year.

Minister
responsible

28. The Minister of the Environment is responsible for the administration of this Act.

Coming into
force

29. This Act comes into force on the date fixed by the Government.