

1983, chapter 39

AN ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE

Bill 9

Introduced by Mr Guy Chevrete, Minister of Recreation, Fish and Game

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Assented to: 21 December 1983

Coming into force: by proclamation of the Government

Acts amended:

Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., chapter D-13.1)

Parks Act (R.S.Q., chapter P-9)

Act replaced:

Wild-life Conservation Act (R.S.Q., chapter C-61)





CHAPTER 39

An Act respecting the conservation
and development of wildlife

[Assented to 21 December 1983]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

DEFINITIONS

Interpreta-
tion

1. In this Act, unless the context indicates otherwise,

“animal”

“**animal**” means any mammal, bird, amphibian or reptile of any genus, species or subspecies propagating naturally in the wild in Québec or elsewhere from indigenous stock, or not easily distinguishable from wild species by its size, colour or shape, whether or not it is born or kept in captivity;

“big game”

“**big game**” means moose, bear, Virginia deer, caribou or muskox, including their genera, species and subspecies;

“breeding
pond”

“**breeding pond**” means a body of water used for breeding fish for non-commercial purposes with a view to restocking;

“fish”

“**fish**” means any fish, the eggs and sexual products of such a fish, or any mollusc or crustacean;

“fish-
breeding
plant”

“**fish-breeding plant**” means a plant within the meaning of section 12 of the Act respecting commercial fisheries and aquaculture and amending other legislation (1983, chapter *insert here the chapter number of Bill 48*);

“fishing
pond”

“**fishing pond**” means a body of water having an area of not more than 10 hectares containing exclusively breeding fish, closed on all sides to hold the fish captive, situated on private property and used for angling;

- “to hunt” **“to hunt”** means to pursue, chase, worry, stalk, mutilate, call, follow after, lie in wait for or search for an animal or attempt to do so, while in possession of an arm, or to shoot, kill or capture an animal or attempt to do so, except by trapping it;
- “pelt” **“pelt”** means the skin of any animal declared by regulation to be a fur-bearing animal;
- “resident” **“resident”** means a person domiciled in Québec and having ordinarily resided there for twelve consecutive months immediately preceding his fishing, hunting or trapping activities or his application for a licence;
- “to sell” **“to sell”** means to dispose of, offer to dispose of or exchange any animal, pelt or fish or obtain for a person or allow a person to obtain an animal, pelt or fish by any means, in return for a promised or received benefit;
- “to trap” **“to trap”** means to capture a fur-bearing animal with a trap;
- “vehicle” **“vehicle”** means a motorized means of land transportation that is capable of transporting, hauling or pushing persons or property, except a vehicle used as a residence and permanently immobilized or a vehicle that operates exclusively on rails;
- “yard” **“yard”** means the winter habitat of big game other than the black bear and the polar bear.

CHAPTER II

ADMINISTRATION

- Duties of the Minister **2.** The Minister of Recreation, Fish and Game shall see to the conservation and management of wildlife.
- Conservation officers **3.** Conservation officers and other officers are appointed and remunerated in accordance with the Civil Service Act (R.S.Q., chapter F-3.1) to see to the enforcement of this Act.
- Deputy Minister **4.** The Government may authorize the Deputy Minister of Recreation, Fish and Game or any officer to exercise powers vested in the Minister under this Act.
- Orders Any order made under this section comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.
- Enforcement **5.** Wildlife conservation officers and their immediate superiors have a special duty to see to the enforcement of

- (1) this Act and the regulations under it;
- (2) section 46 of the Lands and Forests Act (R.S.Q., chapter T-9);
- (3) those provisions of the Environment Quality Act (R.S.Q., chapter Q-2) and of the regulations under it that are specified by regulation;
- (4) those provisions of the Act respecting ecological reserves (R.S.Q., chapter R-26) and of the regulations under it that are specified by regulation;
- (5) the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., chapter D-13.1) and the regulations under it;
- (6) the Parks Act (R.S.Q., chapter P-9) and the regulations under it.

Information

They also have a duty to inform the population on the provisions of the said Acts and regulations and to promote wildlife conservation.

Peace officers

6. For the exercise of their duties under section 5, conservation officers and their immediate superiors are peace officers.

Conservation officers *ex officio*

7. For the application of this Act, every member of the Sûreté du Québec and every immediate superior of a conservation officer is a conservation officer *ex officio*.

Deputy conservation officers

8. The Minister may appoint deputy conservation officers to assist conservation officers in the performance of their duties and, in particular, to see to the enforcement of

- (1) this Act and the regulations under it;
- (2) section 46 of the Lands and Forests Act;
- (3) those provisions of the Environment Quality Act and of the regulations under it that are specified by regulation;
- (4) the Act respecting hunting and fishing rights in the James Bay and New Québec territories and the regulations under it.

Wildlife conservation

They also have a duty to promote wildlife conservation.

Status

9. Deputy conservation officers are not governed by the Civil Service Act.

Regulations

10. The Government may, by regulation, in respect of deputy conservation officers,

- (1) prescribe the conditions of their selection, appointment and removal, and the term of their appointment;

(2) classify them and determine the duties and functions of each class;

(3) determine the territories where they have competence and fix the minimum or maximum number of these officers who may be assigned to each territory;

(4) prescribe their modes of identification;

(5) set up training and refresher programs for them.

Authoriza-
tion

11. The Government may authorize the Minister

(1) to acquire by agreement, lease or expropriation any immovable property or immovable real right necessary for wildlife conservation and management or for the conservation of the wildlife habitat;

(2) to accept any gift or legacy of property that is of special interest for wildlife or the wildlife habitat.

False
information

12. No person may knowingly give false information to the Minister, a conservation officer or a deputy conservation officer acting in the discharge of his duties.

Powers

13. A conservation officer or a deputy conservation officer may, in the discharge of his duties, enter upon and pass through or over private land; he must identify himself on request.

Arrest
without
warrant

14. A conservation officer may, without a warrant, arrest any person found committing an offence or who he has reasonable and probable cause to believe is about to commit or has committed an offence against this Act or the regulations under it or against any other Act or regulation he has a duty to enforce.

Search
without
warrant

15. A conservation officer or a deputy conservation officer may, without a warrant, enter and search any vehicle, boat, aircraft or any premises other than a dwelling house, and open or cause to be opened any receptacle, if he has reasonable and probable cause to believe that it contains

(1) any animal, fish or pelt held contrary to this Act or the regulations under it;

(2) any object, animal, fish or dog which has been used to commit an offence against this Act or the regulations under it.

“dwelling
house”

In this section, “dwelling house” means a building or structure or a part thereof kept or occupied as a permanent or temporary residence, and a building or structure or a part thereof connected to it by a doorway or by a covered and enclosed passageway.

Seizure
without
warrant

16. A conservation officer or a deputy conservation officer may, without a warrant, seize any animal, fish or pelt in respect of which he has reasonable and probable cause to believe that an offence against this Act or the regulations under it has been committed, or which has been used to commit such an offence.

Seizure
without
warrant

A conservation officer may also, without a warrant, seize any vehicle, aircraft, boat, dog or object where he has reasonable and probable cause to believe that it has been used to commit an offence against this Act or the regulations under it.

Seized
property

The deputy conservation officer who has made a seizure under the first paragraph shall deliver the animal, fish or pelt to a conservation officer.

Report

17. A conservation officer shall, without delay, make a written report to the Minister of every seizure made by a deputy conservation officer or that he makes under this Act or the regulations under it.

Custody

18. A conservation officer is responsible for the custody of property he has seized or which has been delivered to him by a deputy conservation officer until a judge declares it confiscated or orders it returned to its owner.

Custody

However, in the case of a resident, the conservation officer who seizes a vehicle or an aircraft shall, as soon as possible, after making the appropriate expertise, as the case may be, place it in the custody of the offender and, in the case of a dog or a boat, he may place it in the custody of the offender.

Custody

The offender must accept custody of the seized property until a judge has declared it confiscated or has ordered it returned to its owner. In no case may the offender remove, deteriorate or alienate the property, on pain of a fine equivalent to the value of the seized property.

Return of
seized
property

19. Property seized by a conservation officer or deputy conservation officer must be returned to its owner if no charge is laid in respect of the property within 90 days of the date of seizure.

Extension

The justice of the peace may, however, order the period of seizure extended by not over 90 days.

Confiscation

20. Property seized by a conservation officer or deputy conservation officer, the owner of which is unknown, is confiscated 60 days from the date of seizure, and is disposed of in the manner prescribed by regulation.

Ownership
of seized
property

21. The owner of seized property, if he is not the offender, may claim the ownership thereof during penal proceedings and thereafter

until final judgment, by presenting to the judge a motion alleging the nature of his right in the property seized and proving his title of ownership.

Return of
property

The judge to whom the motion is referred may, on the conditions he determines, order the property returned to the claimant.

Uniforms,
badges and
markings

22. No person except a conservation officer may wear or use a uniform or badge identifying him as a conservation officer, nor use a vehicle with distinctive markings identifying it as a vehicle used for the work of conservation officers.

Applicability

The first paragraph does not apply to a person authorized by the Minister to wear or use a uniform, badge or vehicle described therein.

Powers of
conservation
officers

23. A conservation officer, an officer contemplated in section 3 or a deputy conservation officer under the supervision of the conservation officer or other officer may, in the discharge of his duties,

(1) kill a dog found running at large in a place where big game is habitually found; or

(2) kill or capture any animal that is seriously injured, diseased or noxious or that may endanger the life or safety of people.

Information

An officer or deputy conservation officer who captures or kills an animal in accordance with the first paragraph must deliver the animal to a conservation officer or inform him of the killing or capture.

Conditions

24. A conservation officer or an officer contemplated in section 3 who, in the discharge of his duties and owing to his office, must disregard section 26, 27, 28, 30, 32, 34, 39, 41, 42, 56, 57 or 60 shall comply with the conditions determined by the Minister.

CHAPTER III

CONDITIONS OF HARVESTING WILDLIFE

DIVISION I

GENERAL PROVISIONS

Presumption

25. Every animal hunted, trapped or acquired, every fish caught or acquired, and every pelt acquired that is found in the possession of a person is presumed to have been hunted, trapped, caught or acquired, as the case may be, in Québec, unless he proves otherwise.

Eggs, nest
and den

26. No person may disturb, destroy or damage the eggs, the nest or the den of an animal determined by regulation.

Derogation A person may derogate from the first paragraph, however, if he complies with the conditions determined by regulation.

Vehicle, aircraft and motor-boat **27.** No person may pursue, mutilate or deliberately kill an animal with a vehicle, aircraft or motor-boat.

Disturbing big game **28.** No person may hunt or disturb big game while it is in its yard, except as provided by regulation.

Authorizations **29.** The Government may, by regulation, authorize

(1) the training of an animal or a dog in places where an animal or an animal of a class of animals determined by regulation is habitually found;

(2) the training of an animal or a dog by using an animal;

(3) a field trial for testing the hunting skills of an animal or a dog in places where an animal or an animal of a class of animals determined by regulation is habitually found;

(4) a field trial for testing the hunting skills of an animal or a dog by using another animal.

Regulations The Government may also determine, by regulation, the animals or classes of animals and fix the conditions, places and periods for practising the activities contemplated in the first paragraph.

Hunting and trapping **30.** No person may hunt or trap an animal determined by regulation or attempt to do so with an object, an animal, a domestic animal or a dog other than those determined by regulation.

Remote shooting device **31.** No person may use a device connecting a firearm, bow or crossbow to a mechanism that may cause the firearm, bow or crossbow to discharge or shoot without the person operating it himself.

Poison and explosives **32.** No person may use poison, explosives, deleterious substances or electrical discharges to hunt or trap animals.

Alcoholic beverages **33.** No person may hunt while he is under the influence of an alcoholic beverage within the meaning of the Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1).

Prescribed number **34.** No person may kill or capture more animals than the number prescribed by regulation.

Exception **35.** Killing or capturing animals in accordance with section 24, 43, 47, 67 or 68 does not constitute hunting or trapping.

- 36.** No person may hunt or trap on private land if it is owned by a member of an organization accredited by the Minister or if the owner is a party to a memorandum of agreement entered into with the Minister for the purposes of wildlife management and accessibility, without having first obtained the authorization of the owner or his representative.
- 37.** The Minister may, for purposes of wildlife management and accessibility, sign a memorandum of agreement with a land owner or group of land owners.

DIVISION II

CERTIFICATES AND CLASSES OF LICENCES

- 38.** No person may hunt unless he holds a licence issued for such purpose.
- 39.** No person may trap unless he holds a licence issued for such purpose.
- 40.** To obtain certain hunting or trapping licences provided for by regulation, a person must first be the holder of the certificate provided for by regulation attesting that he has the skills necessary to engage in the activity concerned.
- 41.** No person may fish with a line or with rod and line in a place determined by regulation unless he holds a licence issued for such purpose.
- 42.** To keep an animal in captivity or to capture it with a view to keeping it in captivity and, where such is the case, to dispose thereof, a person must hold a licence issued for such purpose and comply with the norms, number and conditions prescribed by regulation.
- However, the licence is not required for such animals and in such cases as are determined by regulation.
- 43.** Notwithstanding any other provision of this Act or any regulation under it, any person may kill any animal or any animal of a class of animals kept in captivity in accordance with the first paragraph of section 42. He must, however, do so in accordance with the regulations.
- 44.** The Minister may, where required by regulation, issue a licence for each of the activities contemplated in section 29.

- Licence **45.** Every person who engages in hunting, trapping or fishing in a place contemplated in section 41 must have his licence on his person. He must show it to any conservation officer or deputy conservation officer who requests it.
- Licence Any resident who declares that he forgot his licence shall, within seven days thereafter, produce it to a conservation officer.
- Export **46.** No person may export an animal unless he holds a licence issued for that purpose.
- Special licences **47.** The Minister may, for scientific, educational or wildlife management purposes, issue a licence authorizing a person to disregard a provision of section 26, 27, 28, 30, 32, 34, 42, 57 or 60, or of the first paragraph of section 56 or of the regulations made pursuant to that section.
- Food purposes The Minister may also, for food purposes, issue a licence authorizing a person to disregard a provision of section 34, 38, 39 or 41 or of the regulations made pursuant to any of subparagraphs 1, 2, 3 and 5 of the third paragraph of section 56.
- Conditions The holder of the licence must comply with the conditions specified by the Minister on the licence.
- Fishing and breeding pond **48.** No person may operate a fishing pond, a breeding pond or a fish-tank for baitfish unless he holds a licence issued for that purpose.
- Transportation of fish or amphibians **49.** No person may transport or use for stocking purposes fish or amphibians or classes of live fish or amphibians except those intended for consumption, unless he holds a licence issued for that purpose.
- Fish eggs **50.** No person may extract eggs from fish living in their natural environment for breeding or restocking purposes unless he holds a licence issued for that purpose.
- Operation of a fish-breeding plant **51.** No person may obtain a licence to operate a fish-breeding plant under section 14 of the Act respecting commercial fisheries and aquaculture and amending other legislation if the application for a licence does not comply with the regulations made under paragraphs 1 and 4 of section 73.
- Outfitting operation **52.** No person may, unless he holds a licence issued for such purpose, carry on an outfitting operation, within the meaning of section 98 of this Act and section 42 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories, except in the cases prescribed by regulation.

- 53.** No person may, unless he holds a licence issued for such purpose, sell, trade or dress pelts or serve as an intermediary for the sale or trade of pelts in exchange for any benefit.
- 54.** The Minister, or the person he authorizes, shall issue a certificate or licence to every person who fulfils the conditions and pays the fees prescribed by regulation.
- 55.** No person may use a certificate or licence issued to another person.
- The Government may, however, determine by regulation the conditions on which a person determined by regulation may use a licence issued to another person.

DIVISION III

HUNTING AND TRAPPING

- 56.** The hunting and trapping of animals is prohibited.
- However, the Government may, by regulation, allow the hunting and trapping of any animal or any animal of a class of animals it determines.
- The regulations may also determine,
- (1) on the basis of sex, what animal or animal of a class of animals may be hunted;
 - (2) the period of the year, day or night during which the animal may be hunted or trapped;
 - (3) the territory or the area in which the animal may be hunted or trapped;
 - (4) the types of arms or traps which may be used; and
 - (5) on the basis of age, what animal or animal of a class of animals may be hunted.
- 57.** No person may board a vehicle, including a vehicle that operates exclusively on rails, or an aircraft, and
- (1) have in his possession a firearm having an unfired cartridge in the chamber, charger or magazine if the latter is attached to the firearm or, in the case of a muzzle-loading firearm, having powder and

a projectile in the chamber and a cap in the barrel sleeve or powder in the pan; or

(2) discharge a firearm, bow or crossbow from the vehicle or aircraft.

Exception The first paragraph does not apply to a person who is authorized by law to be in possession of a firearm by reason of his office or duties.

Handicapped person **58.** The Minister may, on the conditions he determines, authorize a handicapped person prevented by his handicap from hunting in accordance with this Act to disregard subparagraph 1 or 2 of the first paragraph of section 57 or any provision of the regulations made pursuant to subparagraph 2 or 4 of the third paragraph of section 56.

Authoriza-
tion The application for such an authorization must be made in writing and accompanied with a medical certificate attesting the physical disability and specifying its nature.

Edible flesh **59.** No person may abandon the edible flesh of a big game animal he has killed, except bear's flesh.

Restraining
device **60.** No person may capture, kill or attempt to capture or kill any big game animal, except a bear, by the use of a device designed to restrain such an animal.

Dogs **61.** No person owning or harbouring a dog may allow it to run at large in any place where big game is habitually found.

DIVISION IV

FISHING MANAGEMENT PLAN

Fishing
management
plan **62.** Every year, the Minister shall establish a fishing management plan.

Object The purpose of a plan is to optimize the social and economic benefits related to wildlife harvesting while ensuring the conservation of animal species.

Order of
priorities **63.** A plan must determine the apportionment of halieutic resources according to the following order of priorities:

- (1) the reproductive stock;
- (2) fishing for food purposes;
- (3) sport fishing;
- (4) commercial fishing.

- Factors** **64.** A plan must determine the following factors:
- (1) the stretches of water where each kind of fishing listed in section 63 may be done;
 - (2) the species that may be fished;
 - (3) the authorized harvest for each species;
 - (4) the conditions governing fishing, namely, the open seasons, the sites and the nature, size and number of fishing implements.
- Approval** **65.** A plan is subject to approval by the Government, which may amend it.
- Commercial fisheries** **66.** The fishing management plan and the limits thereunder must be taken into account in the devising of the program to promote the development of commercial fisheries and the commerce of aquatic products contemplated in section 1 of the Act respecting commercial fisheries and aquaculture and amending other legislation.

DIVISION V

CAPTURE, KEEPING AND SALE OF ANIMALS, FISH AND PELTS

- Attacking animal** **67.** No person nor any person coming to his aid may
- (1) kill or capture an animal that is attacking him or causing damage to his property or to property under his custody or care, or
 - (2) destroy the den of an animal situated on his property or the property under his custody or care,
- unless he is unable to frighten the animal away or prevent it from causing damage.
- Animal killed or found** **68.** In the case provided for in paragraph 1 of section 67 or in the case of an animal that has been found or an animal that has been killed or captured by accident, a person shall, without delay, in the case of an animal determined by regulation,
- (1) if it is unharmed and alive, set it free;
 - (2) if it is wounded or dead, declare the fact to a conservation officer and, if he requires, deliver it to him so he may confiscate it.
- Sale of flesh** **69.** No person may sell, purchase or offer to purchase the flesh of an animal.

Authorized
sale

The Government may, however, by regulation, authorize the sale of the flesh of an animal of such species and according to such norms and conditions as it may determine.

Sale of fish

70. No person may sell, purchase or offer to purchase fish the sale of which is prohibited by regulation.

Authorized
sale

Notwithstanding the first paragraph, the Government may, by regulation, authorize the sale of any class of fish of a species contemplated in the first paragraph according to such norms and conditions as it may determine.

Conditions

The sale so authorized must also comply with the norms and conditions prescribed in the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29).

Possession

71. No person may have in his possession

(1) any animal that has been hunted, obtained, sold, purchased or trapped,

(2) any fish that has been caught, obtained, sold or purchased, or

(3) any pelt that has been obtained, sold or purchased,

in contravention of section 27, 31, 32, 34, 38, 39, 41, 60 or 68, the first paragraph of section 56 or 69 or the regulations made pursuant to section 56.

Transporta-
tion

72. Every person who transports an animal, fish or undressed pelt shall, at the request of a conservation officer or deputy conservation officer, identify himself and indicate the origin of the animal, fish or pelt.

Regulations

73. The Government may, by regulation,

(1) establish fish-breeding areas and determine the fish, amphibians or classes of live fish or amphibians that may be produced, used for stocking purposes, kept in captivity, propagated or transported;

(2) determine the fish or classes of live fish that may be kept in captivity, produced or propagated in a fishing pond, a breeding pond or a fish-tank for baitfish and the norms and obligations relating to such activities;

(3) determine the norms and obligations relating to the transport and use for stocking purposes of fish or amphibians or classes of live fish or amphibians, except those intended for consumption;

(4) determine territories where the operation of fishing ponds, breeding ponds, fish-tanks for baitfish or fish-breeding plants may be

prohibited or restricted for wildlife conservation purposes and, for such purposes, fix special norms relating to the construction, layout and equipment thereof;

(5) establish norms relating to the construction, layout and equipment of a fishing pond, a breeding pond or a fish-tank for baitfish;

(6) prescribe the books, accounts and registers which the holder of a licence to operate a fishing pond, a breeding pond or a fish-tank for baitfish shall keep, the reports he shall furnish to the Minister and the documents or forms he shall use in carrying on his activities;

(7) make provisions respecting contagious or parasitic diseases for the purposes of sections 74 and 75.

Inspection **74.** The Minister may at any time order the inspection of a fishing pond, a breeding pond, a fish-tank for baitfish or a fish-breeding plant.

Diseases **75.** The holder of a licence to operate a place mentioned in section 74 shall, at his own expense, cause any treatment required by the Minister for the contagious or parasitic diseases determined by regulation to be administered within the time fixed by the Minister; he shall also quarantine or destroy his fish if the Minister requires.

Required measures **76.** Where a person refuses to take a measure required by the Minister within the prescribed time, the Minister may cause it to be taken at the expense of the offender.

Research purposes **77.** The Minister may establish, develop and administer an establishment for the keeping of animals or fish, in particular for research purposes.

Powers of the Minister **78.** The Minister may, for the purposes of section 77,
(1) determine the conditions for the capture, keeping in captivity, acquisition, sale or exchange of animals or fish;
(2) determine the conditions of admission and visiting hours;
(3) make, with a zoological society, a body or a person, an agreement entrusting the society, body or person with the management of an establishment, or an agreement to promote the development of that establishment.

DIVISION VI

INDEMNITIES

Indemnity for hunting injury **79.** The Minister shall grant an indemnity, the amount of which shall be determined by regulation, to every holder of a hunting or

trapping licence who sustains an injury in consequence of an accident resulting directly from hunting or trapping for recreational purposes in Québec, or, if he dies in consequence of such an accident, to his legal representatives, but the amount of the indemnity shall not exceed \$5 000 in respect of the same accident.

Subrogation

80. The Government shall be *ipso facto* subrogated in the right of recovery of any person who receives an indemnity contemplated in section 79 following injury to or the death of a holder of a hunting or trapping licence caused by the fault of a third party, up to the amount of the indemnity; it is not bound by a settlement or discontinuance unless the Minister of Justice participates therein.

Damages to
third parties

81. The Government shall pay the damages for which a licensee is, in the opinion of the Minister of Justice or according to a judgment of the court, liable to third parties in consequence of an accident resulting directly from hunting or trapping for recreational purposes in Québec, but the amount paid by the Government shall not exceed \$10 000 in addition to interest and the costs respecting such sum.

Government
contribution

Notwithstanding any provision of an insurance contract, the Government is bound to contribute to the payment of the damages for which the holder of a hunting or trapping licence is liable only to the extent to which they exceed the obligation of an insurer under a liability insurance policy covering the same damages.

Notice of
claim

82. A holder of a hunting or trapping licence contemplated in section 81 must give notice in writing forthwith to the Minister of Justice of every claim made or civil suit instituted against him. Failing such a notice or one given by any person able to benefit from section 81, the Government is not bound to pay the damages provided for in the said section.

Regulations

83. The Government may make regulations for the carrying out of this division and especially to

(1) determine the form and content of applications for indemnities and accident reports;

(2) prescribe the time for making an accident report or claim, or for instituting a suit for the carrying out of section 79 or 81;

(3) determine the nature of the accidents contemplated by this division;

(4) specify what hunting or trapping for recreational purposes includes;

(5) determine the conditions which a licensee or, as the case may be, his legal representatives must fulfil to benefit from this division;

(6) determine the medical examinations which may be required before granting an indemnity under section 79;

(7) fix an amount deductible from the damages for damage to property for the purposes of the application of the first paragraph of section 81;

(8) determine the additional cost of a licence which each applicant must pay to benefit from this division.

Publication Such regulations shall be published in the *Gazette officielle du Québec*.

Payment **84.** Indemnities paid for the carrying out of this division shall be taken out of the consolidated revenue fund.

CHAPTER IV

CONTROLLED TERRITORIES

DIVISION I

CROWN LANDS DESIGNATED FOR INCREASED UTILIZATION OF WILDLIFE RESOURCES

Designated
Crown land **85.** The Government may, by regulation, designate and delimit areas on Crown land in view of increased utilization of wildlife resources.

Exclusive
rights **86.** The Minister may lease exclusive hunting, fishing or trapping rights on all or part of the Crown lands contemplated in section 85.

Right of
occupation **87.** On the Crown land areas contemplated in section 85, except the areas established for trapping purposes only, no right of occupation for purposes other than forest operations under the Lands and Forests Act, mining operations under the Mining Act (R.S.Q., chapter M-13) or the construction of a power transmission line, and subject to the renewal of rights granted under the Watercourses Act (R.S.Q., chapter R-13), may be granted without the written consent of the Minister.

Lessee's
rights **88.** The lessee of exclusive hunting, fishing or trapping rights may, in view of the increased utilization of wildlife resources, erect buildings and structures on the land assigned to him without being required to comply with the provisions of the Lands and Forests Act concerning leases or occupation licences for Crown land.

Right of
occupation The lessee has a right of occupation on the land where the buildings and structures are erected, for the term of the lease.

Revocation
of lease **89.** Where the Government repeals or amends a regulation that has designated and delimited Crown land areas, the Minister must

revoke the lease of exclusive hunting, fishing or trapping rights for the territory contemplated by the repeal or amendment.

Revocation
and
non-renewal

90. The Minister may revoke or refuse to renew a lease of exclusive hunting, fishing or trapping rights if

- (1) the lessee has failed to comply with the conditions of his lease;
- (2) the lease was obtained pursuant to a fraudulent declaration.

Compensa-
tion

91. Upon the revocation of a lease under section 89 or the non-renewal of a lease by the Minister for reasons other than those provided in section 93, the Minister shall

(1) compensate the lessee, if no other lease has been granted elsewhere to the satisfaction of both parties, in consideration of, in particular, his loss of revenue derived from the exercise of his rights under the lease; and

(2) acquire the buildings and structures situated in the territory identified in the lease by paying to the lessee who owns them an amount equivalent to their real value or compensate the lessee in consideration of the decrease in value of the buildings and structures.

Acquisition
by new
lessee

However, if the exclusive hunting, fishing or trapping rights under the lease not being renewed by the Minister for reasons other than those provided in section 93 are granted to a new lessee, the new lessee has an obligation to acquire the buildings and structures for an amount equivalent to their real value and in no case may he exercise his rights under the lease until he becomes their owner.

Removal of
buildings

92. Upon the revocation of a lease pursuant to section 89, if the Minister compensates the lessee in consideration of the decrease in value of the buildings and structures, the lessee shall, within one year of the date of compensation, remove the buildings situated in the territory identified in the lease, or obtain from the Minister of Energy and Resources, the right to continue to occupy the land concerned.

Acquisition
by new
lessee

93. Upon the revocation of a lease pursuant to section 90, or where the lessee has, before the expiry of his lease, notified the Minister of his intention not to renew it, every new lessee has an obligation to acquire the buildings and structures situated in the territory described in the lease by paying to the owner of the buildings and structures an amount equivalent to their real value.

Right of
occupation

The lessee whose lease is revoked retains his right of occupation only until a new lessee is designated or until the regulation designating and delimiting the Crown land area is repealed or amended so as to exclude the land where the buildings owned by him are situated.

Rights of new lessee No new lessee may exercise the rights conferred by his lease until he becomes the owner of the buildings and structures contemplated in the first paragraph.

Appointment of assessor **94.** If a difference of opinion arises between the new lessee and the former lessee or between the Minister and the former lessee on the real value of the buildings and structures contemplated in sections 91 and 93, the Minister shall appoint an assessor agreed by the parties; the assessment of the appointed assessor is without appeal.

Costs of assessment The costs incurred for the assessment are assumed equally by both parties.

Trapping rights **95.** In the case of a lease where only exclusive trapping rights are granted, the provisions concerning the purchase of the buildings contemplated in subparagraph 2 of the first paragraph of section 91 and in section 93 do not apply if the real value of the buildings owned by the former lessee is higher than the maximum value determined by regulation and if the former lessee refuses to sell them for a price equivalent to that maximum value.

Demolition Where the Minister or the new lessee does not acquire the buildings, the lessee whose lease is revoked shall, within one year of the date of revocation of the lease, demolish or remove them, failing which the Minister may cause them to be removed or demolished at the expense of the lessee.

Lessee's authorization **96.** No person may, except with the lessee's authorization, carry on an activity for which exclusive rights have been granted on any land on which exclusive hunting, fishing or trapping rights have been granted.

Regulations **97.** The Government may, by regulation, determine

- (1) classes of leases of exclusive hunting, fishing or trapping rights;
- (2) for each class of lease, the conditions for obtaining, transferring and renewing a lease, the term of a lease and the method of computing and conditions of payment of the annual rent for a lease;
- (3) the standards and conditions the lessee must observe regarding the construction and location of buildings and structures and the maximum value of such improvements or structures;
- (4) the types or categories of buildings and structures that are not subject to compensation or purchase under this division;
- (5) the criteria for fixing the amount of compensation payable under this division;

(6) the territories in which exclusive hunting, fishing and trapping rights have been leased and, where the practice of and access to recreational activities are controlled, the control period and the obligations of the lessee;

(7) the conditions to be observed by a person who carries on, in the territories contemplated in paragraph 6, a recreational activity other than the activities for which exclusive rights have been leased or enters such territories for the purpose of carrying on such an activity.

DIVISION II

OUTFITTING OPERATIONS

“outfitting
operation”

98. In this division, “outfitting operation” means an undertaking which, in return for payment, provides lodging and services or equipment for the practice of hunting, fishing or trapping activities for recreational purposes.

Services

99. No person holding an outfitter’s licence may provide services related to his outfitting operation, other than transportation service, outside the territory identified in his licence.

Classification
standards

100. The Minister may determine standards of quality and quantity for the classification of outfitting operations and fix the minimum standards required to allow the publication of the designation, classification, category of and the services offered by an outfitting operation in any repertory published with the authorization of the Minister.

Classification

101. Where an outfitter’s licence holder refers in his advertising to his classification, he must state the classification assigned by the Minister.

Regulations

102. The Government may, by regulation, determine

(1) classes and the term and cost of outfitter’s licences, and the maximum number of licences of each class for any part of territory;

(2) the conditions for obtaining, transferring, and renewing each class of licence;

(3) the obligations with which holders of licences of each class must comply;

(4) the standards respecting the quality of services for each class of licence;

(5) the standards relating to the protection of the users of the services of an outfitting operation;

(6) the cases where an outfitter's licence is not required to operate an outfitting operation;

(7) the reports that the holder of an outfitter's licence must forward to the Minister as well as their form and content.

Enforcement **103.** The Government may also, by regulation, designate persons to see to the enforcement of the provisions of this Act and the regulations thereunder relating to the operation of an outfitting operation.

Powers and duties The Government may also, by regulation, determine the powers, duties and functions of such persons.

DIVISION III

WILDLIFE MANAGEMENT AREAS

Crown land **104.** The Government may, by regulation, establish wildlife management areas on Crown land for the development, harvesting and conservation of wildlife.

Private land The Government may also, by regulation, include in a wildlife management area any private land subject to agreement between the owner and the Minister.

"ZEC" The areas may be designated by the initials "Z.E.C." (zone d'exploitation contrôlée) or by the acronym "ZEC".

Use of designation **105.** In no case may the expression "wildlife management area", the initials "Z.E.C." or the acronym "ZEC" be used to designate any immovable, undertaking or organization without the written authorization of the Minister.

Management **106.** The Minister may, by way of a memorandum of agreement, entrust to an agency the management of all or part of a wildlife management area.

Improvement and structures **107.** The Minister may, if he considers it appropriate and on the conditions he determines, make improvements or erect structures in a wildlife management area.

Trapping **108.** The Minister may, on the conditions determined by regulation of the Government, authorize a person trapping in a wildlife management area to erect buildings and structures on the land assigned to him without having to comply with the provisions of the Lands and Forests Act concerning leases and occupation licences for Crown lands.

Conditions Notwithstanding the first paragraph, the person shall comply with the norms and conditions determined under paragraph 3 of section 97.

Commercial undertaking **109.** The Minister may authorize the operation of a commercial undertaking in a wildlife management area on the conditions he determines by contract with the interested person, association or organization or, by order, prohibit its operation.

Regulations **110.** The Government may, by regulation, in respect of wildlife management areas,

(1) determine the conditions on which hunting, fishing and trapping activities are permitted and fix the maximum fees exigible for the practice of these activities;

(2) determine the registration procedures with which a person who, for recreational purposes, has access to or stays in the territory or engages therein in any activity must comply, and fix the maximum fees exigible for the practice of these activities;

(3) determine the categories of persons who are required to pay a fee to travel about the territory and the maximum amount of the fee exigible for that purpose;

(4) determine the conditions governing the use, for recreational purposes, of vehicles, boats, motor-boats or aircraft, or prohibit the use of certain types thereof;

(5) determine the types of engines permitted for boats, or prohibit certain types thereof;

(6) permit any agency that is a party to a memorandum of agreement to determine the cases where the registration of persons is required and establish, within the maximum amounts fixed by regulation, the amount of the fee exigible for access to the territory and for the practice of any activity.

DIVISION IV

WILDLIFE PRESERVES

Crown land **111.** The Government may, by regulation, establish wildlife preserves on Crown lands and dedicate them to the conservation, development and utilization of wildlife.

Private land The Government may include in a wildlife preserve any private land subject to an agreement between the owner and the Minister.

Registration Where a wildlife preserve includes private land, a copy of the regulation establishing the wildlife preserve and a copy of the agreement referred to in the second paragraph are registered by deposit in the registry office of the registration division where the land is situated, and the registration must be entered in the index of immovables.

Authorized use **112.** In no case may the expression “wildlife preserve” be used to designate any immovable, undertaking or organization without the written authorization of the Minister.

Designated land **113.** The Government may designate Crown lands or private lands with a view to later establishing a wildlife preserve.

Notice Notice of the designation must be served on the person indicated as the owner in the registers in the registry office of the registration division where the land is situated. The designation takes effect from the registration by deposit of the notice in the registry office of the division and remains in force so long as it is not cancelled.

Publication The designating order must be published in the *Gazette officielle du Québec*.

Prior notice **114.** No person may sell all or part of the private land contemplated in section 113 without giving the Minister prior written notice of at least 60 days.

Content The notice must contain the designation of the land to be sold, the name and the place of domicile of the owner and of the prospective purchaser, an attestation to the effect that an offer in writing was made by the prospective purchaser and, if the sale is made by adjudication, the date and place of the sale.

Right of preemption **115.** The Minister may exercise a right of preemption at the price of the written offer or, as the case may be, that of the adjudication, in respect of all or part of the land contemplated in section 113 if he notifies his intention in writing within the time prescribed in section 114.

Nullity of sale **116.** Every sale made in contravention of section 114 or 115 is null.

Authorized sale **117.** At the expiry of the time prescribed in section 115, the land contemplated in section 113 may be sold if the Minister has not notified his intention to exercise his right of preemption.

Notice to the Minister The vendor must notify the Minister in writing of the sale within 15 days following the date of the deed of sale.

Improvements and structures **118.** The Minister may, if he considers it appropriate and on the conditions he determines, make improvements or erect structures in a wildlife preserve.

Development The Minister may also, on the conditions he determines, authorize a person to organize activities or provide services in view of the development and utilization of wildlife in a wildlife preserve.

Right of occupation **119.** In a wildlife preserve, no right of occupation for purposes other than forest operations under the Lands and Forests Act, mining operations under the Mining Act or the construction of a power transmission line, and subject to the renewal of the rights granted under the Watercourses Act, may be granted except with the written consent of the Minister.

Commercial undertaking **120.** The Minister may authorize the operation of a commercial undertaking in a wildlife preserve on the conditions he determines by contract with the interested person, association or organization or, by order, prohibit its operation.

Regulations **121.** The Government may, by regulation, in respect of a wildlife preserve,

(1) determine the conditions on which hunting, fishing or trapping activities are permitted, fix the amount of the fees exigible for carrying on such activities, or prohibit such activities;

(2) determine the conditions governing the carrying, possession or transportation of hunting, fishing or trapping implements, or prohibit them;

(3) determine the categories of persons who are required to pay a fee to travel about the territory and the fee exigible for that purpose;

(4) determine the conditions that must be complied with by a person who, for recreational or trapping purposes, enters, stays in or travels about a wildlife preserve or engages there in any activity, or prohibit such activities;

(5) determine the conditions governing the use for recreational purposes of vehicles, boats or motor-boats or aircraft, or prohibit their use;

(6) determine the types of engines permitted for boats or prohibit certain types thereof;

(7) determine the conditions on which the presence of a domestic animal or dog is permitted, or prohibit its presence;

(8) determine the conditions governing the use of the land and the standards and conditions governing the erection and location of buildings to be observed by the holder of a licence for trapping in a wildlife preserve, the period during which they may be used and the manner in which the licence holder must dispose of them at the expiry of his licence.

DIVISION V

WILDLIFE SANCTUARIES

Crown land **122.** The Government may, by regulation, establish on Crown lands, on private lands or on both, a wildlife sanctuary the resources whereof may be used on conditions fixed in view of preserving the wildlife habitat, and determine norms and conditions for using the territory or resources for other than recreational purposes.

Private land Notwithstanding the first paragraph, where the Government wishes to include private land in a wildlife sanctuary, the Minister shall first enter into an agreement to that effect with the owner.

Authorized use **123.** In no case may the expression “wildlife sanctuary” be used to designate any immovable, undertaking or organization without the written authorization of the Minister.

Provisions applicable **124.** Sections 113 to 117 apply to a wildlife sanctuary, with the necessary changes.

Regulations **125.** The Government may, by regulation, in respect of a wildlife sanctuary,

(1) determine the conditions on which hunting, fishing or trapping activities are permitted, fix the amount of the fees exigible for carrying on such activities or prohibit such activities;

(2) determine the categories of persons who are required to pay a fee to travel about the territory and the fee exigible for that purpose;

(3) determine the conditions that must be complied with by a person who enters, stays in or travels about a wildlife sanctuary or engages there in any activity, or prohibit such activities;

(4) determine the conditions governing the use of vehicles, boats or motor-boats or aircraft, or prohibit their use.

Commercial undertaking **126.** The Minister may authorize the operation of a commercial undertaking in a wildlife sanctuary on the conditions he determines by contract with the interested person, association or organization or, by order, prohibit its operation.

Improvements and structures **127.** The Minister may, if he considers it appropriate and on the conditions he determines, make improvements or erect structures in a wildlife sanctuary.

Development The Minister may also, on the conditions he determines, authorize a person to organize activities or provide services in view of the utilization or development of the wildlife habitat.

Right of
occupation

128. In a wildlife sanctuary, no right of occupation may be granted except with the written consent of the Minister.

CHAPTER V

FONDATION POUR LA CONSERVATION ET LA MISE EN VALEUR DE LA FAUNE ET DE SON HABITAT

DIVISION I

ESTABLISHMENT AND ORGANIZATION

Establish-
ment

129. A Foundation called the “Fondation pour la conservation et la mise en valeur de la faune et de son habitat” is hereby established.

Corporation

130. The Foundation is a corporation.

Mandatory
of the
Government
Public
Domain

131. The Foundation is a mandatory of the Government.

The property of the Foundation forms part of the public domain but the performance of its obligations may be levied against its property.

Liability

The Foundation binds only itself when it acts in its name.

Corporate
seat

132. The corporate seat of the Foundation is at the place determined by the Government. Notice of the location or of any change of location of the corporate seat must be published in the *Gazette officielle du Québec*.

Board of
directors

133. The Foundation is administered by a board of directors consisting of seven members, including a chairman, appointed by the Government.

Appointment
of members

The members, except the chairman, are appointed after consulting the persons and organizations or associations interested in preserving and developing wildlife and the wildlife habitat.

Vice-
chairman

134. The members of the board of directors shall designate a vice-chairman from among the members of the board of directors. Where the chairman is temporarily absent or unable to act, the vice-chairman shall perform his duties.

Terms of
office

135. The term of office of the chairman and of the members is not over three years.

Renewal

The term of office of the chairman or of the other members is not renewable more than once consecutively.

Continuance
in office

136. At the end of their term, the members of the board of directors remain in office until they are replaced or reappointed.

- Vacancies **137.** Any vacancy occurring during a term is filled according to the mode of appointment provided in section 133.
- Absence Absence from a number of meetings determined by the internal management by-laws of the Foundation, in the cases and under the circumstances indicated therein, constitutes a vacancy.
- Chairman **138.** The chairman, who holds office on a full-time basis, shall manage the Foundation and supervise its staff.
- Remuneration The Government shall fix the remuneration, social benefits and other conditions of employment of the chairman.
- Remuneration **139.** The members other than the chairman are not remunerated.
- Attendance allowance The members are entitled, nevertheless, in the cases and to the extent provided for by by-law of the Foundation approved by the Government, and on presentation of vouchers, to an attendance allowance and reimbursement of their reasonable costs incurred in performing their duties.
- Secretary and employees **140.** The Foundation may appoint a secretary and any other employee it requires in order to carry on its activities.
- Appointment and remuneration **141.** The secretary and the other employees are appointed and remunerated according to the norms, scales and staffing plan established by by-law of the Foundation.
- By-law The by-law comes into force from the date of its approval by the Government.
- Conflict of interest **142.** In no case may the chairman, on pain of forfeiture of office, have any direct or indirect interest in any undertaking causing his personal interest to conflict with that of the Foundation. However, forfeiture is not incurred if such an interest devolves to him by succession or gift, provided he renounces or disposes of it with dispatch.
- Conflict of interest Any other member of the board of directors having an interest in an undertaking described in the first paragraph shall, on pain of forfeiture of office, disclose it in writing to the chairman and abstain from participating in any deliberation and decision concerning the undertaking.
- Sittings **143.** The Foundation may hold its sittings anywhere in Québec.
- Quorum Four members are a quorum at sittings of the board of directors.
- Tie-vote In case of a tie-vote, the chairman has a casting vote.

Decisions

144. A decision signed by all the members of the board of directors has the same force as if it had been made at a sitting.

DIVISION II

FUNCTIONS AND POWERS

Functions

145. The functions of the Foundation are

(1) to receive gifts, legacies, subsidies and other contributions and inform the population on the related advantages;

(2) to lease or acquire immovables for and on behalf of the Government, or to enter into agreements with persons, organizations or associations for the upgrading and development of wildlife and the wildlife habitat;

(3) to promote or give financial assistance to programs intended to restore, upgrade and develop wildlife and the wildlife habitat on immovables that are subject to agreements with the Ministère du Loisir, de la Chasse et de la Pêche, or acquired by the department, in accordance with its plan of activities provided for in section 146.

Acceptance
of gifts

In no case may the Foundation, in carrying out the functions described in subparagraph 1 of the first paragraph, accept gifts, legacies, subsidies or other contributions to which an obligation or condition is attached, except in the cases and on the conditions determined by by-law of the Foundation.

Publication
and coming
into force

Any by-law passed under the second paragraph is subject to approval by the Government. It comes into force ten days after its date of publication in the *Gazette officielle du Québec* or on any later date indicated therein.

Three-year
plan

146. The Foundation shall, each year, three months before the end of its fiscal year, send a three-year plan of its activities to the Minister. The plan must take into account any instructions the Minister may give to the Foundation on its objectives and orientation.

First year

For the first year, the plan must indicate separately the amounts budgeted for the administration costs and capital expenditures of the Foundation and the amounts budgeted for each program of leasing, acquisition, agreement and financial assistance. The plan must be accompanied with the budget estimates for the following two years.

Approval

The plan is subject to approval by the Government.

Financial
assistance

147. The Foundation may grant financial assistance by means of subsidies, within the scope of its plan of activities approved by the Government and on the conditions determined by the Government.

Financial assistance Similarly, the Foundation may grant financial assistance by any other means authorized by the Government.

By-laws of the Foundation **148.** The Foundation may pass by-laws concerning
(1) the form and content of applications for financial assistance, the information they must contain and the documents that must accompany them;

(2) the procedures for making and the criteria for evaluating applications for financial assistance.

Approval The by-laws are subject to approval by the Government.

Coming into force A by-law passed under this section comes into force ten days after its date of publication in the *Gazette officielle du Québec* or on any later date indicated therein.

Honorary members **149.** The Foundation may create a category of honorary members of the Foundation, without voting rights or a share in its management, and determine their conditions of membership, their privileges and their obligations.

Required authorization **150.** In no case may the Foundation, without the authorization of the Government,

(1) contract a loan that would increase its total outstanding borrowings to more than \$100 000;

(2) enter into a contract for a term and an amount exceeding those determined by the Government.

Investment **151.** In no case may the Foundation make any investment, except

(1) deposits with a bank that is subject to the Bank Act (Statutes of Canada 1980-81, chapter 40) or to the Quebec Savings Banks Act (Revised Statutes of Canada 1970, chapter B-4), or with a registered institution within the meaning of the Deposit Insurance Act (R.S.Q., chapter A-26);

(2) the acquisition of bonds or other evidences of indebtedness issued by the government of Québec, of Canada or of any Canadian province, or by any municipal or school corporation;

(3) such other investments as are determined by regulation of the Government.

Publication and coming into force A regulation passed under subparagraph 3 of the first paragraph comes into force ten days after its date of publication in the *Gazette officielle du Québec* or on any later date indicated therein.

Agreements **152.** The Foundation may, with the authorization of the Government and according to law, enter into an agreement with a government other than the Gouvernement du Québec, or any of its departments, any international organization, or any agency of such a government or organization, with a view to carrying out its functions.

Internal management **153.** The Foundation may pass internal management by-laws.

DIVISION III

FINANCIAL PROVISIONS

Guarantees and advances **154.** The Government may, on the conditions it may determine,

(1) guarantee payment in capital and interest of any borrowing of the Foundation and the performance of any of its obligations;

(2) authorize the Minister of Finance to advance to the Foundation any amount deemed necessary for the carrying out of its functions, at the rate of interest, for the period and on such other conditions as are determined by the Government.

Consolidated revenue fund Sums the Government may be required to pay under the guarantees or to advance to the Foundation are taken out of the consolidated revenue fund.

Appropriations **155.** The Minister may, from 1 April 1984, pay to the Foundation the sums he determines and which are voted each year for that purpose by Parliament.

DIVISION IV

DOCUMENTS, ACCOUNTS AND REPORTS

Signature **156.** No act, deed, document or writing binds the Foundation unless it is signed by the chairman, the secretary or a member of the staff of the Foundation but, in the case of the staff, only to the extent determined by by-law of the Foundation.

Automatic device The signatures may be affixed by means of an automatic device to the documents determined by by-law of the Foundation.

Publication and coming into force A by-law passed under this section comes into force ten days after its date of publication in the *Gazette officielle du Québec* or on any later date indicated therein.

Authenticity of documents **157.** Any document or a copy of a document emanating from the Foundation or forming part of its records and signed or certified by a person referred to in section 156 is authentic.

Fiscal year	158. The fiscal year of the Foundation ends on 31 March each year.
Report and financial statements	159. The Foundation shall send its financial statements and a report of its activities to the Minister not later than 31 July each year.
Information	The financial statements and the report of activities must also contain all the information that the Minister may prescribe.
Tabling	160. The Minister shall table the report of activities and the financial statements of the Foundation in the National Assembly within thirty days of receiving them if the Assembly is in session or, if it is not sitting, within thirty days of the opening of the next session or of resumption.
Audit	161. The books and accounts of the Foundation must be audited each year by the Auditor General, and also whenever ordered by the Government.
Auditor's report	The auditor's report must accompany the financial statements and the report of activities.

CHAPTER VI

REGULATIONS

Regulations	162. In addition to the other regulatory powers conferred on it by this Act, the Government may make regulations <ol style="list-style-type: none">(1) determining the classes of animals and the animals belonging to those classes;(2) determining the provisions of the Environment Quality Act and the regulations thereunder and the Act respecting ecological reserves and the regulations thereunder that may be enforced by a conservation officer and the provisions of the Environment Quality Act and the regulations thereunder that may be enforced by a deputy conservation officer;(3) determining the manner of disposing of a seized object or animal confiscated under this Act or of an animal captured or object recovered pursuant to this Act;(4) determining the places where no person may fish except with a licence issued for that purpose;(5) determining the means and their characteristics, the animals including domestic animals and dogs with which hunting, trapping or capturing an animal it indicates is permitted;
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(6) determining the maximum number of animals that may be killed or captured by a person or group of persons, during a period and in a place it indicates;

(7) determining the animals for which no licence is required for keeping them in captivity, capturing them for the purpose of keeping them in captivity or disposing of them;

(8) fixing types and classes of licences and certificates, in particular, for residents and non-residents, and limiting the number of licences of each class for a territory or area it indicates;

(9) determining the conditions that must be fulfilled by the applicant or holder of a licence or certificate, and the obligations with which the holder of a licence or certificate must comply;

(10) determining the form, tenor, cost and term of a licence or certificate, the mode and cost of its replacement and the obligations of holders respecting a change of address;

(11) determining the conditions on which a person is authorized to disturb, destroy or damage the eggs or the den of an animal;

(12) determining, for the purposes of section 68, what animals must be declared or delivered to a conservation officer;

(13) determining cases where a person may hunt or disturb big game in its yard;

(14) determining the provisions of a regulation the infringement of which constitutes an offence;

(15) dividing Québec into hunting areas, fishing areas or trapping areas, and delimit the areas;

(16) prescribing norms and obligations respecting the transportation, possession and registration of animals or fish;

(17) determining a period of time for an area or territory and a given period between sunset and sunrise which constitutes night for that sector during that period;

(18) determining for an area or territory the safety conditions required for the practice of hunting, fishing or trapping activities;

(19) fixing, for a territory it delimits and in respect of animals or classes of animals according to sex and age, the period during which hunting or trapping is prohibited and the means with which the hunting, trapping or capture of an animal is permitted where necessary for scientific, educational or wildlife management purposes;

(20) determining the conditions for trapping and the norms used for establishing the minimum and maximum numbers of fur-bearing animals that may be captured in a territory where only trapping rights are granted;

(21) determining, for each pelt purchased or obtained, the duty that must be paid by the holder of a licence contemplated in section 53 and the conditions with which he must comply;

(22) fixing the norms and conditions respecting the capture of animals to be kept in captivity, the keeping of animals in captivity, the killing and, where such is the case, the disposal of animals, and fixing their number;

(23) determining the conditions required for importing or exporting an animal, fish or pelt to or from Québec or prohibiting the importing of any animal it may indicate.

Publication **163.** Every draft regulation prepared under this Act, except draft regulations prepared under section 111 or 122, draft by-laws under Chapter V or draft regulations under paragraph 19 of section 162, must be published by the Government in the *Gazette officielle du Québec*, with notice that at the expiry of a period of not less than 60 days following the publication, it will be submitted to the Government for adoption.

Coming into force **164.** Regulations made under this Act, but not by-laws made under Chapter V, come into force on their date of publication in the *Gazette officielle du Québec* or on any later date indicated therein.

CHAPTER VII

PENAL PROVISIONS

DIVISION I

OFFENCES

Offences and penalties **165.** Every person who contravenes a provision of section 30, 38, 59, 67, 71, of subparagraph 2 of section 57 in the case of a vehicle, or of the regulations made pursuant to subparagraph 4 or 5 of section 56 in the case of big game, a provision of section 27, of the first paragraph of section 69 or of the regulations made pursuant to subparagraph 1, 2 or 3 of section 56 in the case of animals other than big game, or a provision of section 42, 43, 46, 48, 49, 50, 52, 53, 55, 99 or 101 or of the first paragraph of section 175, is guilty of an offence and liable, in addition to costs, for a first offence, to a fine of not less than \$200 nor more than \$600 and, for any subsequent offence within two years

of a conviction for the same offence, to a fine of not less than \$600 nor more than \$1000.

Offences and
penalties

166. Every person who contravenes a provision of section 30, 34, 38, 67 or 71 in the case of fish or animals other than big game, a provision of section 26, 39, 41, 45 or 68 or of the regulations made pursuant to section 29, is guilty of an offence and liable, in addition to costs, to a fine of not less than \$100 nor more than \$400.

Offences and
penalties

167. Every person who contravenes a provision of section 27, 28 or 34, of subparagraph 2 of section 57 in the case of an aircraft, of section 60, of the first paragraph of section 69 or of the regulations made pursuant to subparagraph 1, 2 or 3 of section 56, in the case of big game or a provision of section 31 or 32, of the third paragraph of section 47, of the first paragraph of section 70 or of the regulations made pursuant to paragraph 1 or 3 of section 73 or of section 176, is guilty of an offence and liable, in addition to costs, for a first offence, to a fine of not less than \$1000 nor more than \$3000, and for any subsequent offence within two years of a conviction for the same offence, to a fine of not less than \$3000 nor more than \$5000.

Confiscation
of seized
property

168. A judge who imposes a penalty for an offence committed against a provision of section 27, 28, 34, 38 or 60 in the case of big game, or a provision of section 31 or 32, of the third paragraph of section 47, of the regulations made pursuant to section 56, of the first paragraph of section 69 or of section 71, must, where a seizure has been made pursuant to section 16 or section 8 of the Summary Convictions Act (R.S.Q., chapter P-15), declare the confiscation of the seized property.

Confiscation
of seized
property

A judge who imposes a penalty for an offence committed against a provision other than a provision referred to in the first paragraph, may, where a seizure has been made pursuant to section 16, declare the confiscation of the seized property. However, he must declare the confiscation of any animal, pelt or fish that has been seized.

Additional
fine

169. Every conservation officer, officer contemplated in section 3, or deputy conservation officer who, in the discharge of his duties, commits an offence against this Act or the regulations thereunder or any other Act respecting hunting, trapping or fishing is liable, in addition to the fines prescribed for such an offence, to an additional fine

(1) of not less than \$200 nor more than \$600 in the case of conviction for an offence against any provision referred to in section 165;

(2) of not less than \$1000 nor more than \$3000 in the case of conviction for an offence against any provision referred to in section 167.

Party to an
offence

170. Every person who knowingly performs or omits to perform an act in view of aiding a person to commit an offence or who advises, encourages or incites a person to commit an offence is himself party to the offence and liable to the same penalty as that provided for the person who has committed the offence, whether or not the latter has been prosecuted or found guilty.

Offences
and
penalties

171. Every person who contravenes a provision of paragraph 2 of section 57 or of a regulation made pursuant to subparagraph 4 or 5 of section 56 in the case of animals other than big game, a provision of section 12, 33, 36, 40, 61, 72, 105, 112 or 123 or of subparagraph 1 of section 57, of the first paragraph of section 175, or a provision of the regulations for which no penalty is specifically provided, is guilty of an offence and liable, in addition to costs, to a fine of not less than \$75 nor more than \$200 and, for any subsequent offence within two years of conviction for the same offence, to a fine of not less than \$200 nor more than \$400.

DIVISION II

ADMINISTRATIVE PENALTIES

Suspension
of licence or
certificate

172. A conviction for an offence committed against this Act or the regulations thereunder may entail, as may be decided by the judge, the suspension of the offender's licence or certificate for a period of 24 months.

Revocation
of hunting
licence

However, in the case of big game, any conviction for an offence committed against a provision of section 27, 28, 30, 31, 34, 38, 59 or 60, of the first paragraph of section 69 or of the regulations made pursuant to section 56, entails, *pleno jure*, the revocation of any hunting licence and any certificate of the offender for a period of 24 months from the date of conviction.

Revocation
of licence

173. A conviction for an offence committed against section 70 entails, *pleno jure*, the revocation of the licence of the offender described in section 48, for a period of three months from the date of conviction.

Revocation
and
suspension

174. The licence or, as the case may be, the certificate of a person convicted of an offence committed against any provision of this Act or the regulations thereunder, while his licence or, as the case may be, his certificate is already revoked or suspended, is, as the case may be, revoked *pleno jure* or, notwithstanding section 172, suspended *pleno jure* for an additional period of 24 months subsequent to the first revocation or suspension.

Return of
suspended or
revoked
licence

175. The holder of a licence or certificate that has been revoked or suspended must, when a notice to that effect is served on him, for-

ward his revoked or suspended licence or certificate within 15 days to the address indicated in the notice.

End of
period of
revocation

At the end of the period of revocation, a person must comply with the conditions established by regulation for obtaining a certificate or licence.

End of
period of
suspension

At the end of the period of suspension, a person may reclaim his certificate or licence from the Minister.

Prohibition

176. In no case may a person whose licence or certificate has been revoked or suspended obtain or apply for, during the period of revocation or suspension, a licence or certificate of the same class as the revoked or suspended licence or certificate.

Outfitter's
licence

177. The Minister may suspend, revoke, or refuse to renew an outfitter's licence, if the holder has been found guilty of an offence against this Act, the regulations thereunder or any Act or regulation respecting hunting, fishing, trapping or outfitting.

Failure to
comply with
requirements

The Minister may revoke, suspend or refuse to renew any licence contemplated in section 48, 49 or 50 where the holder fails to comply with the conditions determined by regulation or, in the case of section 48, where he refuses or neglects to comply with an order given by the Minister under section 75.

Representa-
tions

The Minister shall, before deciding to revoke, suspend or refuse to renew a licence, give the person concerned the opportunity to make representations.

DIVISION III

PROCEEDINGS AND RULES OF PROOF

Penal actions

178. Penal actions taken under this Act are brought in accordance with the Summary Convictions Act (R.S.Q., chapter P-15) and this division.

Notice of
contraven-
tion

179. The Minister or any person authorized by him may cause a notice of contravention to be served on a person who contravenes any provision of the Act or of the regulations referred to in section 166 or 171. The notice constitutes an information.

Content

180. The notice of contravention states the nature of the offence, specifies whether or not a seizure was made and the objects seized, indicates the minimum fine and the amount of the costs, informs the offender that he may pay the required amount within 20 days at the place indicated, notifies, where such is the case, the offender that payment entails the confiscation of the animal, fish, pelt or objects seized, and includes any other relevant information.

Costs	The amount of the costs contemplated in the first paragraph is \$5.
Payment	181. If the offender pays the required amount within the time and at the place fixed, he is considered to have pleaded guilty. In no case, however, may the payment be considered an admission of civil liability.
Failure to pay	Failing payment, a summons is served on the offender.
Service	182. In no case may failure to serve a notice of contravention be invoked against the prosecutor, and it is not necessary to allege that it was served or to prove it.
Amount	No offender who pleads guilty on appearance and then proves that the notice was not served on him may be sentenced to pay a greater amount than he would have been bound to pay under the notice of contravention.
Provisions not applicable	183. Sections 179 to 181 do not apply <ol style="list-style-type: none"> (1) where the offender is not a resident; (2) where the offender is a person contemplated in section 169; (3) in the case of a subsequent offence.

CHAPTER VIII

TRANSITIONAL AND FINAL PROVISIONS

c. C-61, replaced	184. The provisions of the Wild-life Conservation Act (R.S.Q., chapter C-61) are replaced by the corresponding provisions of this Act on the date of their coming into force and to the extent indicated by the proclamations made under section 197.
Applicability	185. This Act applies subject to the Act respecting hunting and fishing rights in the James Bay and New Québec territories.
Existing regulation	186. Every provision of a regulation, order in council or order made by the Government under the Wild-life Conservation Act, continues to be in force to the extent that it is consistent with this Act.
Existing leases	187. Every lease granted pursuant to the Wild-life Conservation Act remains in force until the date on which it would have expired.
Renewal	Such a lease is governed and renewed in accordance with this Act.
Legalization of occupation	188. Within three months after (<i>insert here the date of coming into force of this section</i>), a lessee of exclusive trapping rights must, in respect of buildings belonging to him on the land forming the object of the

lease, and having a real value greater than that determined by regulation, cause his occupation to be legalized with the Ministère de l'Énergie et des Ressources or the Ministère du Loisir, de la Chasse et de la Pêche and, in the latter case, section 95 of this Act applies.

Existing
licences

189. Every licence issued under the Wild-life Conservation Act remains in force until the date on which it would have expired under the said Act, and its holder, until that date, may engage in the activities authorized by the licence, subject to this Act and the regulations thereunder.

Possession
of animals

190. Every person who is in possession of an animal at the time of the coming into force of this Act, must, not later than (*insert here the date occurring two years after the date of coming into force of this section*), comply with this Act.

Proceedings

191. Any proceedings brought under the Wild-life Conservation Act is continued in accordance with the said Act.

Minister
responsible

192. The Minister of Recreation, Fish and Game is responsible for the administration of this Act.

c. D-13.1, s.
3, replaced

193. Section 3 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., chapter D-13.1) is replaced by the following section:

Wildlife con-
servation

“3. The Act respecting the conservation and development of wildlife (1983, chapter 39) and the regulations thereunder apply in the Territory; however, where any provision thereof is incompatible with any provision of this Act, the latter prevails.”

c. D-13.1,
s. 4. am.

194. Section 4 of the said Act is amended by replacing the first and second paragraphs by the following paragraphs:

Enforcement

“4. A conservation officer, his immediate superior and a deputy conservation officer responsible for seeing to the enforcement of the Act respecting the conservation and development of wildlife (1983, chapter 39) are in the same manner responsible for seeing to the enforcement of this Act and the regulations thereunder.

Provisions
applicable

For that purpose, sections 6, 13 to 18, 21 and 25 of the said Act apply, *mutatis mutandis*.”

c. P-9, s. 15,
replaced

195. Section 15 of the Parks Act (R.S.Q., chapter P-9) is replaced by the following section:

Enforcement

“15. The conservation officer within the meaning of the Act respecting the conservation and development of wildlife (1983, chapter 39) is empowered to see to the enforcement of this Act and the

regulations thereunder and he shall have, for the purposes of this Act, the powers of a peace officer.”

Exception **196.** This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

Coming into force **197.** This Act will come into force on the date to be fixed by proclamation of the Government, except those sections excluded by such proclamation, which will come into force in whole or in part on such later dates as may be fixed by proclamation of the Government.

Proclamation A proclamation must indicate the provisions of the Wild-life Conservation Act that are replaced by the sections of this Act brought into force by the proclamation.

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