



NATIONAL ASSEMBLY

THIRD SESSION

THIRTY-FOURTH LEGISLATURE

Bill 12

**An Act to amend the Act respecting
hunting and fishing rights in the
James Bay and New Québec
territories**

Introduction



**Introduced by
Mr Christos Sirros
Minister for Native Affairs**

**Québec Official Publisher
1994**

EXPLANATORY NOTES

The object of this bill is to amend the Act respecting hunting and fishing rights in the James Bay and New Québec territories in order to give effect to the "Complementary Agreement No. 12" to the Agreement concerning James Bay and Northern Québec and to the "Complementary Agreement No. 1" to the Northeastern Québec Agreement. The bill allows Native people, in exclusive fashion, to hunt for commercial purposes and to keep in captivity or raise certain species of wildlife. The exercise of these activities will, with the authorization of the Native authorities concerned, be shared with non-Natives.

The exercise of such activities will be subject to the obtaining of a licence or authorization from the Minister and a favourable recommendation from the Native community concerned.

The bill also contains administrative and penal provisions and provisions for concordance designed to facilitate the administration of the new provisions.

Bill 12

An Act to amend the Act respecting hunting and fishing rights in the James Bay and New Québec territories

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 7 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., chapter D-13.1) is amended

(1) by replacing the word “and” at the end of paragraph *a* by a semicolon;

(2) by adding, after paragraph *b*, the following paragraph:

“(c) in the Cree traplines referred to in paragraph *b*, where the persons referred to in that paragraph have the exclusive right to hunt for commercial purposes.”

2. Section 8 of the said Act is amended by adding, at the end, the following paragraph:

“(d) the exclusive right of the Native people to keep in captivity or raise species of wildlife in this zone, in accordance with section 32.2, does not exclude the right of non-Natives to keep in captivity or raise species of wildlife in and around non-Native settlements.”

3. Section 14 of the said Act is amended

(1) by inserting the words “the right to hunt for commercial purposes and the right to keep in captivity or raise species of wildlife” after the word “harvest” in the second line of the first paragraph;

(2) by inserting the words “, the right to hunt for commercial purposes and the right to keep in captivity or raise species of wildlife” after the word “harvest” in the first line of the second paragraph.

4. Section 15 of the said Act is amended by inserting the words “, the right to hunt for commercial purposes and the right to keep in captivity or raise species of wildlife” after the word “harvest” in the second line of paragraph *a*.

5. The said Act is amended by inserting, after section 32, the following chapter:

“CHAPTER VII.1

“COMMERCIAL HUNTING AND THE KEEPING IN CAPTIVITY AND RAISING OF WILDLIFE SPECIES

“32.1 Only the Native people have, in accordance with the provisions of this chapter, the right to hunt any species of wildlife for commercial purposes until 10 November 2024.

Such exclusive right may be exercised in respect of the species listed in Schedule 8.

“32.2 Only the Native people have, in accordance with the provisions of this chapter, the right to keep in captivity or raise the species of wildlife listed in Schedule 9 until 10 November 2024.

Such exclusive right shall apply only in the northern zone and the middle zone but not, in the latter zone, in and around non-Native settlements, where non-Natives may also engage in the keeping in captivity or raising of the species of wildlife listed in Schedule 9.

“32.3 Subject to the authorization of the bodies referred to in the first paragraph of sections 32.7 to 32.11, the exercise of the right to hunt for commercial purposes or the right to keep in captivity or raise species of wildlife may be shared with Native people or non-Natives.

“32.4 The exercise of the right to hunt for commercial purposes or the right to keep in captivity or raise the species of wildlife listed in Schedule 8 or Schedule 9 is subject to the obtaining of a licence or authorization issued by the Minister.

The licence or authorization shall be issued for a period not exceeding 12 months, on the conditions determined by the Minister. Native people may obtain the licence or authorization upon payment, in each case, of one dollar.

The Minister may, after giving the interested person an opportunity to present his views, suspend or cancel a licence or an

authorization if the interested person fails to comply with a condition of the licence or authorization.

“32.5 There shall be no hunting for commercial purposes in respect of a population of a species of wildlife in the territory in a given year unless the harvesting needs of the Native people above guaranteed interim harvesting levels or guaranteed harvesting levels to be established, and the needs for sport hunting by non-Natives in respect of that population, may be satisfied.

“32.6 Every application for a licence or authorization for hunting for commercial purposes or for keeping in captivity or raising a species of wildlife in the territory shall be submitted to the Minister, who shall transmit a copy to the Coordinating Committee indicating the conditions, if any, that he proposes to establish.

The Coordinating Committee shall assess an application principally on the basis of the possible or probable impact of such commercial hunting, keeping in captivity or raising on the conservation of species of wildlife and populations of such species, on harvesting and on sport hunting.

On the basis of its assessment, the Coordinating Committee shall make recommendations to the Minister with respect to such application.

“32.7 In the case of the Crees, the Minister may not issue any licence or authorization for commercial hunting or keeping in captivity or raising of wildlife without the affirmative notice in writing of

(a) the interested Cree band for Category IA lands;

(b) the interested Cree village corporation for Category IB and II lands;

(c) any interested Cree village corporation, when an area of the proposed commercial hunting or proposed installation for keeping in captivity or raising species of wildlife in Category III lands is situated in the traplines or area of harvesting rights of the Cree community concerned.

The interested Cree band on Category IA lands, or the interested Cree village corporation on Category IB, II or III lands, may establish by by-law conditions for the commercial hunting, keeping in captivity or raising of wildlife that are more restrictive than those established by the Minister.

The affirmative notice referred to in the first paragraph is not required and the by-laws referred to in the second paragraph do not apply in the case of the keeping in captivity or raising of wildlife in and around non-Native settlements located in the middle zone.

"32.8 In the case of the Inuit, the Minister may not issue any licence or authorization for the commercial hunting, keeping in captivity or raising of wildlife without the affirmative notice in writing of

(a) the interested Inuit landholding corporation for Category I and II lands;

(b) Makivik Corporation for Category III lands.

The interested Inuit landholding corporation on Category I or II lands or the Kativik Regional Government on Category III lands, may establish by by-law conditions for the commercial hunting, keeping in captivity or raising of wildlife that are more restrictive than those established by the Minister.

The Kativik Regional Government may adopt such by-laws only on the recommendation of a committee composed exclusively of Inuit and created in accordance with section 248 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1), and such recommendation shall be binding on the Regional Government.

"32.9 In the case of the Naskapis, the Minister may not issue any licence or authorization for the commercial hunting, keeping in captivity or raising of wildlife without the affirmative notice in writing of

(a) the Naskapi band in the case of Category IA-N lands;

(b) the Naskapi Village Corporation in the case of Category IB-N, II-N and III lands.

The band on Category IA-N lands, or the Naskapi Village Corporation on Category IB-N, II-N and III lands, may establish by by-law conditions for the commercial hunting, keeping in captivity or raising of species of wildlife that are more restrictive than those established by the Minister.

"32.10 In the Category II and III lands referred to in section 13 and in the areas referred to in sections 14 and 15, the Minister may

not issue any licence or authorization for the commercial hunting, keeping in captivity or raising of wildlife without the affirmative notice in writing of

(a) the interested Inuit landholding corporation and the interested Cree village corporation in the case of Category II lands;

(b) Makivik Corporation and any interested Cree village corporation in the case of Category III lands.

No by-law adopted pursuant to sections 32.7 and 32.8 shall have effect in any area referred to in the first paragraph unless it has been approved by all the bodies that have the power to adopt by-laws in such area.

"32.11 In the areas referred to in section 13.1, the Minister may not issue any licence or authorization for the commercial hunting, keeping in captivity or raising of wildlife without the affirmative notice in writing of Makivik Corporation and the Naskapi Village Corporation.

No by-law adopted pursuant to sections 32.8 and 32.9 shall have effect in any area referred to in the first paragraph unless it has been approved by the Naskapi Village Corporation and the Kativik Regional Government.

The Kativik Regional Government may adopt such by-laws only on the recommendation of a committee composed exclusively of Inuit and created in accordance with section 248 of the Act respecting Northern villages and the Kativik Regional Government, and such recommendation shall be binding on the Regional Government.

"32.12 The grant or existence of concessions or rights with respect to resources in the territory shall not in themselves be considered incompatible with the hunting for commercial purposes, keeping in captivity or raising of wildlife by Native people; likewise, the hunting for commercial purposes, keeping in captivity or raising of wildlife by Native people shall not in themselves be considered incompatible with the grant or existence of concessions or rights with respect to resources in the territory."

6. Section 35 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

"In addition, those persons may hunt for commercial purposes, keep in captivity or raise wildlife in accordance with the provisions of this Act."

7. Section 76 of the said Act is amended by adding, after paragraph *p*, the following paragraph:

“(q) regulations or other measures respecting hunting for commercial purposes and the keeping in captivity or raising of species of wildlife.”

8. Section 77 of the said Act is amended by adding, after paragraph *f*, the following paragraphs:

“(g) review applications for licences or authorizations for hunting for commercial purposes and for the keeping in captivity or raising of species of wildlife;

“(h) review, before the expiry of the period set out in section 32.1 or 32.2, on the basis of past experience and existing circumstances, including the actual and future needs of Native people and non-Natives, the exclusive right of Native people to hunt for commercial purposes or to keep in captivity or raise species of wildlife.”

9. Section 78 of the said Act is amended by adding, after subparagraph *h* of the first paragraph, the following subparagraph:

“(i) make recommendations to the interested bodies referred to in the first paragraph of sections 32.7, 32.8 and 32.9 on the shared exercise of the right to hunt for commercial purposes or the right to keep in captivity or raise species of wildlife.”

10. Section 79 of the said Act is amended by inserting the words and figures “in sections 32.1 and 32.2 and” after the word “contemplated” in the first line.

11. Section 86 of the said Act is amended by replacing subparagraph *h* of the first paragraph by the following subparagraph:

“(h) licences and authorizations for the purposes of this section.”

12. Section 87 of the said Act is amended by replacing the word “section” in the first line by the word and figures “sections 32.7 to 32.11,”.

13. The said Act is amended by inserting, after section 88, the following section:

“**88.1** All by-laws made pursuant to sections 32.7 to 32.11 come into effect on the date a true copy thereof, certified by the secretary

of each body concerned, is submitted to the Minister, who may disallow such by-laws within ninety days from such submission.”

14. Section 94 of the said Act is amended by adding, after subparagraph *e* of the first paragraph, the following subparagraph:

“(f) pursuant to negotiations with the Cree Regional Authority, Makivik Corporation and the Naskapi Landholding Corporation, renewing, on its expiration, the exclusive right to hunt for commercial purposes, keep in captivity or raise species of wildlife provided for in sections 32.1 and 32.2.”

15. The said Act is amended by inserting, after section 97, the following section:

“97.1 Every person who engages in hunting for commercial purposes, keeps in captivity or raises species of wildlife without holding a licence or authorization issued by the Minister or without complying with the conditions established in the licence or authorization is liable to a fine of not more than \$10 000 in the case of a natural person and of not more than \$30 000 in the case of a corporation.”

16. The said Act is amended by adding, after Schedule 7, the following schedules:

“SCHEDULE 8

“(Sections 32.1, 79 and 94)

“SPECIES OF WILDLIFE THAT MAY BE HUNTED COMMERCIALY

1. Caribou
2. Willow ptarmigan
3. Rock ptarmigan
4. Arctic hare
5. Showshoe hare
6. Spruce grouse

"SCHEDULE 9
"(Sections 32.2, 79 and 94)

"SPECIES OF WILDLIFE THAT MAY BE
KEPT IN CAPTIVITY OR RAISED

1. Caribou
2. Willow ptarmigan
3. Rock ptarmigan
4. Arctic hare
5. Showshoe hare
6. Spruce grouse
7. Musk ox".

17. This Act comes into force on *(insert here the date of assent to this Act)*.