



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 29

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

Introduction

**Introduced by
Mr Clifford Lincoln
Minister of the Environment**

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EXPLANATORY NOTES

This bill provides for the establishment of an advisory body to be called the Conseil de la conservation et de l'environnement.

The main function of the council, which will be composed of not over eleven members appointed by the Government on the recommendation of the Minister of the Environment, will be to advise the Minister of the Environment on any matter related to conservation and the environment.

The council may also, on its own initiative or at the request of any person, body or association, formulate an opinion on any matter pertaining to conservation and the environment.

Finally, the council shall replace the existing Conseil consultatif de l'environnement and the Conseil consultatif sur les réserves écologiques.

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

ESTABLISHMENT AND ORGANIZATION

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

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

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

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

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

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

At the end of their terms, the members remain in office until they are replaced or reappointed.

5. Every vacancy occurring during the term of office of a member of the council shall be filled by following the mode of appointment prescribed in section 3, for the remainder of the term of the member to be replaced.

Any term of office completed by a new member in accordance with the first paragraph is not a term of office under the second paragraph of section 4.

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

6. The president shall administer the council and direct the staff.

The vice-president shall assist the president in the performance of his duties and replace him when he is prevented from acting.

7. The president shall devote his full time to his official duties.

The Government shall fix the remuneration, social benefits and other conditions of employment of the president.

8. Members of the council other than the president shall receive no remuneration, except in such cases, on such conditions and to such extent as may be determined by the Government.

They are, however, entitled, on the conditions and to the extent determined by the Government, to the reimbursement of expenses incurred in the performance of their duties.

9. The council may hold its sittings at any place in Québec.

The majority of the members, including the president, are a quorum at sittings of the council.

In case of an equality of votes, the president has a casting vote.

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

DIVISION II

FUNCTIONS AND POWERS

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

12. In the discharge of its function, the council may

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

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

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

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

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

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

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

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

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

DIVISION III

REPORT

17. The fiscal year of the council ends on 31 March each year.

18. Not later than 30 June each year, the council shall transmit a report of its activities for the preceding fiscal year to the Minister.

19. The Minister shall table the report in the National Assembly within 30 days of receiving it if it is in session or, if it is not sitting, within 30 days of the opening of the next session or resumption.

DIVISION IV

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

20. The Environment Quality Act (R.S.Q., chapter Q-2) is amended by replacing section 6.8 by the following sections:

“**6.8** The secretary and the other officers and employees of the Bureau shall be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

“**6.9** The secretariat of the Bureau shall be in the territory of the Communauté urbaine de Québec.

The Bureau shall hold its hearings at any place in Québec.

“**6.10** Where the president is absent or unable to act, he shall be replaced by the vice-president.

“**6.11** Not later than 30 June each year, the Bureau shall transmit a report of its activities for the preceding fiscal year to the Minister.

“**6.12** The Minister shall table the report in the National Assembly within 30 days of receiving it if it is in session or, if it is not sitting, within 30 days of the opening of the next session or resumption.”

21. Division III of Chapter I of the said Act is repealed.

22. The Act respecting ecological reserves (R.S.Q., chapter R-26) is amended by replacing the words “consultatif sur les réserves écologiques”, in paragraph *a* of section 5, by the words “de la conservation et de l’environnement”.

23. Division III of the said Act is repealed.

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

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

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

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

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

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