



NATIONAL ASSEMBLY

FIFTH SESSION

THIRTY-SECOND LEGISLATURE

Bill 13

National Parks Act

Introduction

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



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EXPLANATORY NOTES

This bill replaces the Parks Act and sets out the modalities governing the establishment and management of parks established by the Government of Québec.

First, the bill proposes that the parks be designated as national parks and thereby distinguish them from regional parks and urban parks and stipulates that the order made for the establishment of a national park must indicate the intended purposes of the Government.

The bill states that the Minister must give a notice of his intention to establish or abolish a park or to change the limits of a park and determines the information that must then be made public. The bill provides that public hearings are to be held except where the boundaries of a park are changed to add a territory to it, in which case the Minister decides whether it is expedient to hear the persons concerned. The bill allows the Minister to designate a representative responsible for holding any of the hearings.

The bill empowers the Minister to acquire, by agreement or expropriation, any property he considers necessary for the establishment of a national park or the alteration of its boundaries.

The bill provides that the operation of a business or the supply of a service by a third party, in a national park, requires a prior agreement with the Minister or his authorization.

The bill also proposes that the regulatory powers of the Government be adapted to the requirements of the management of national parks, particularly in respect of the division of a park into different zones, the duties exigible from users and the powers and duties of the employees.

The bill prohibits hunting and trapping in national parks but the Minister is empowered to authorize a person he designates to take any measure designed to ensure the safety of persons, the protection of improvements and facilities and the control of predators, animal disease and excessive breeding.

The bill sets out new penal provisions similar to the provisions of the Act respecting the conservation and development of wildlife.

Finally, the bill amends various legislation to ensure concordance with this bill.

ACTS AMENDED BY THIS BILL

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

(2) The Mining Act (R.S.Q., chapter M-13);

(3) The Act respecting the Ministère du Loisir, de la Chasse et de la Pêche (R.S.Q., chapter M-30.1);

(4) The Act respecting liquor permits (R.S.Q., chapter P-9.1);

(5) The Act respecting the conservation and development of wildlife (1983, chapter 39).

Bill 13

National Parks Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT OF A NATIONAL PARK

1. The Government may establish a national park on Crown lands for the purposes of

(1) the protection and development of natural sites presenting exceptional features or of territories representative of natural regions;

(2) the promotion of the practice of outdoor activities.

Every order establishing a national park must specify for which of those purposes the park is established.

The order comes into force on the day of its publication in the *Gazette officielle du Québec*.

2. The Minister of Recreation, Fish and Game may acquire, by agreement or expropriation, any property he considers necessary for the establishment of a park or for a change of the boundaries of a park.

3. Before establishing or abolishing a park or changing the boundaries of a park, the Minister shall

(1) give notice of his intention in the *Gazette officielle du Québec* and in two newspapers published in Québec, one of which is circulated in most regions of Québec and the other in the region concerned, or,

if no newspaper is circulated in that region, in a newspaper circulating in the closest neighbouring region;

(2) grant a period of sixty days from the day of the publication of the notice to enable every interested person to submit his opinion to him in writing;

(3) receive in a public hearing the persons contemplated in paragraph 2, except in the case of a change of the boundaries of a park intended to add a territory to it, in which case the Minister shall decide whether it is expedient to hear the interested persons.

4. The notice prescribed in paragraph 1 of section 3 must set out,

(1) in the case of the establishment of a park, the purposes and boundaries contemplated;

(2) in the case of the abolition of a park, the reasons therefor;

(3) in the case of a change of the boundaries of a park, the new boundaries contemplated.

The public hearing provided for in paragraph 3 of section 3 shall be held by the Minister or the person designated by him.

5. At a public hearing held for the establishment of a park, the Minister or the person designated by him must set out his intentions regarding the development of the park.

CHAPTER II

ADMINISTRATION

6. The Minister has the control and administration of all the territory comprised in a park.

He may authorize or carry out any work of maintenance, development, construction or alteration of the sites that may serve to maintain or improve the quality of a park.

7. No person may, in a park, prospect, use or exploit resources related to logging, mining or the production of energy, or lay oil or gas pipelines, or set up power transmission equipment, communications equipment or power control and transformer stations.

However, the Minister may authorize any person he designates to construct, operate or maintain, in a park, power transmission equipment, communications equipment or power control and transformer stations required for the operation of the park.

The first paragraph does not apply in the case of the operation or maintenance of oil or gas pipelines, of works or of power production, power transmission and communications equipment, or of power control and transformer stations installed in a park at its establishment.

8. No person may carry out, in a park, other works of maintenance, development, construction or alteration of sites except with the prior authorization of the Minister provided for in the second paragraph of section 6.

9. No person may hunt or trap in a park within the meaning of the Act respecting the conservation and development of wildlife (1983, chapter 39).

However, the Minister may authorize any person he designates to take measures regarding the safety of persons, the protection of improvements and facilities, the control of predators, the control of a disease that may endanger a species, or to check excessive breeding of a species.

10. No person may operate a business or provide a service in a park unless he has made a contract for that purpose with the Minister or obtained his authorization.

CHAPTER III

REGULATIONS

11. The Government may, in respect of a park, make regulations to

(1) ensure the protection and conservation of the natural environment, and of its features;

(2) divide a park into different zones;

(3) determine to what extent and for what purposes the public may be admitted;

(4) fix the conditions governing any person visiting, travelling or partaking in any activity in a park and the duties payable to fish in a park according as he holds a resident or a non-resident fishing licence and according to the species of fish sought;

(5) prohibit or regulate the possession and transport of arms, hunting gear or fishing tackle;

(6) prohibit or regulate the use of boats, aircraft, snowmobiles or any other vehicle;

- (7) absolutely or partially prohibit fishing and determine the conditions on which fishing may be allowed;
- (8) regulate the transportation and possession of animals or fish;
- (9) prohibit or regulate the posting of bills;
- (10) ensure that the park is kept clean and orderly and that users enjoy peace and quiet;
- (11) prohibit certain recreational activities;
- (12) fix the conditions for participation in recreational activities;
- (13) determine the cases where a person may be refused admittance or expelled;
- (14) entrust the employees with any power or duty on a matter relating to admittance or activities;
- (15) prescribe the formalities and procedures to be followed at public hearings;
- (16) determine every provision of a regulation the contravention of which constitutes an offence.

Every regulation made under the first paragraph comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* or a later date fixed therein.

CHAPTER IV

PENAL PROVISIONS

12. Every person who contravenes the first paragraph of section 9, in respect of big game within the meaning of the Act respecting the conservation and development of wildlife, is liable, in addition to costs, for a first offence, to a fine of not less than \$1 000 nor more than \$3 000 and, for any subsequent offence within two years of a conviction for the same offence, to a fine of not less than \$3 000 nor more than \$5 000.

13. Every person who contravenes the first paragraph of section 9, in respect of animals other than big game within the meaning of the Act respecting the conservation and development of wildlife, is 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 \$1 000.

14. Every person who contravenes the first paragraph of section 7, section 8 or 10 or a provision of a regulation made under section 11 the contravention of which constitutes an offence, is liable, in addition to costs, to a fine of not less than \$200 nor more than \$5 000.

15. A judge who imposes a penalty for an offence committed against a provision of the first paragraph of section 9 must, where a seizure has been made, declare the confiscation of the seized property.

A judge who imposes a penalty for an offence committed against the first paragraph of section 7, of section 8 or 10 or of a provision of a regulation made under section 11, the contravention of which constitutes an offence, may, where a seizure has been made, declare the confiscation of the seized property. However, he must declare the confiscation of any fish that has been seized.

16. Every person who, by performing or omitting to perform an act, helps a person to commit an offence or who, by his encouragement, advice or order, causes a person to commit an offence, is guilty of the offence as if he had committed the offence himself.

17. A conviction for an offence committed against the first paragraph of section 9 may entail, as may be decided by the judge, the suspension of the offender's hunting or trapping licence or certificate for a period of 24 months from the date of conviction.

However, in the case of big game, any conviction for an offence committed against the first paragraph of section 9 entails, *pleno jure*, the revocation of any hunting licence and certificate of the offender for a period of 24 months from the date of conviction.

18. The hunting or trapping licence or, as the case may be, the hunting or trapping certificate of a person convicted of an offence committed against the first paragraph of section 9, 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 the first paragraph of section 17, suspended *pleno jure* for an additional period of 24 months subsequent to the first revocation or suspension.

19. Sections 175 and 176 of the Act respecting the conservation and development of wildlife apply in the case of any revocation or suspension of a licence or certificate made pursuant to this Act.

20. Proceedings are instituted under the Summary Convictions Act (R.S.Q., chapter P-15).

CHAPTER V

TRANSITIONAL AND FINAL PROVISIONS

21. This Act replaces the Parks Act (R.S.Q., chapter P-9).

22. The parks governed by the Parks Act are deemed to have been established under section 1 of this Act and are subject to it.

23. Every provision of a regulation made by the Government under section 9 of the Parks Act continues to be in force to the extent that it is consistent with this Act.

Every provision of any regulation made by the Government under sections 2 and 13 of the Parks Act continues to be in force; the Government may, by order, change the name of a park to add to it the word “national” and reclassify a park on the basis of the purposes set out in paragraphs 1 and 2 of section 1 of this Act.

24. In any proclamation, regulation, by-law, order in council, order, ordinance or other document, a reference to the Parks Act or to any of its provisions is deemed to be a reference to this Act or to the equivalent provision of this Act.

25. Any formality already begun before the coming into force of this Act in view of the establishment or abolition of a park, or to change boundaries of a park has the same validity as if it had been done under section 3, 4 or 5 and is continued in accordance with this Act.

26. Proceedings brought under the Parks Act are continued in accordance with the said Act.

27. Section 21 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 words “Parks Act (chapter P-9)” in the fifth line of the second paragraph by the words “National Parks Act (1984, chapter *insert here the chapter number of this Act*)”;

(2) by inserting the word “national” before the word “parks” in the sixth line of the second paragraph.

28. Section 75 of the said Act is amended by inserting the word “national” before the word “parks” in the first line of paragraph *b*.

29. Section 76 of the said Act is amended by inserting the word “national” before the word “park” in the first line of paragraph *m*.

30. Section 28 of the Mining Act (R.S.Q., chapter M-13) is amended by replacing the word “provincial” in the first line of paragraph *c* by the word “national”.

31. Section 2 of the Act respecting the Ministère du Loisir, de la Chasse et de la Pêche (R.S.Q., chapter M-30.1) is amended by replacing the word “provincial” in the first line of paragraph *h* by the word “national”.

32. Section 171 of the Act respecting liquor permits (R.S.Q., chapter P-9.1) is repealed.

33. Section 5 of the Act respecting the conservation and development of wildlife (1983, chapter 39) is amended by replacing, in paragraph 6 of the first paragraph, the words “the Parks Act (R.S.Q., chapter P-9)” by the words “the National Parks Act (1984, chapter *insert here the chapter number of this Act*)”.

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

35. 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).

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