
NATIONAL ASSEMBLY

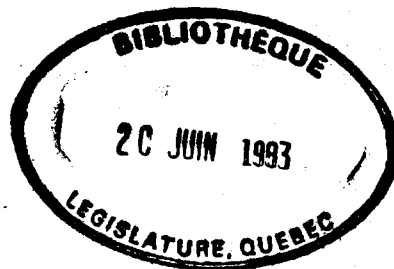
THIRTY-SECOND LEGISLATURE

FOURTH SESSION

Bill 9

An Act respecting the conservation and development of wildlife

First reading



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

EXPLANATORY NOTES

The object of this bill is to propose amendments to the Wild-life Conservation Act in view of promoting wildlife conservation, increasing animal population and developing wildlife resources, and consolidate existing legislation.

For these purposes, the bill specifies the modalities for harvesting wildlife, establishes basic distinctions between hunting and trapping and determines the mode of practice of each of these activities.

The bill renews and simplifies the provisions concerning the capture, keeping and sale of animals and fish and eases the prohibitions to sell, purchase or serve game meat and game fish.

While maintaining leases for exclusive hunting, fishing or trapping rights, the bill clarifies the compensation procedure attached to the revocation of a lease. It introduces the notion of lodging as a fundamental operation of an outfitter. The definition of wildlife preserves reaffirms the role of such territories in respect of wildlife conservation, development and increased utilization.

The bill proposes to group penalties on the basis of the seriousness of the contraventions and the vulnerability of the various species.

Finally, the bill provides transitional provisions and specifies that every lease granted remains in force subject to the new provisions introduced.

ACTS AMENDED BY THIS BILL

- the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., chapter D-13.1)
- the Parks Act (R.S.Q., chapter P-9)

Bill 9

An Act respecting the conservation and development of wildlife

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

DEFINITIONS

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

“animal” means any mammal, bird 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” means moose, bear, Virginia deer, caribou or musk-ox, including their genera, species and subspecies;

“fish” means any fish of tideless waters in Québec, the eggs and sexual products of such fish, and any batrachian, arthropod or mollusc of those waters, including the anadromous Atlantic salmon;

“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” means the skin of any animal declared by regulation to be a fur-bearing animal;

“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” 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” means to capture a fur-bearing animal with a trap;

“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” means the winter habitat of big game other than the black bear and the polar bear.

CHAPTER II

ADMINISTRATION

2. The Minister of Recreation, Fish and Game shall see to the conservation and management of wildlife.

3. Conservation officers and other officers are appointed and remunerated in accordance with the Civil Service Act (R.S.Q., chapter F-3.1) for seeing to the enforcement of this Act.

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.

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.

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.

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

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

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*.

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.

They also have a duty to promote wildlife conservation.

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

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.

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;

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

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.

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.

14. A conservation officer may, without a warrant, arrest any person found committing an offence or who he has reasonable and plausible 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.

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 plausible 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 or fish, or a dog, which has been used to commit an offence against this Act or the regulations under it.

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.

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 plausible 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.

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

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

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.

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.

However, in the case of a resident, the conservation officer who seizes a vehicle or an aircraft shall 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.

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.

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.

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

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.

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.

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

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.

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

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.

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.

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, 33, 38, 40, 41, 51, 52 or 55, shall comply with the conditions determined by the Minister.

CHAPTER III

CONDITIONS OF HARVESTING WILDLIFE

DIVISION I

GENERAL PROVISIONS

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.

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

However, a person may derogate from the first paragraph if he complies with the conditions determined by regulation.

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

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

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 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.

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.

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.

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 without the person operating it himself.

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

However, the first paragraph does not apply to the capture or destruction of an animal determined by regulation.

33. No person may kill or capture more animals than the number prescribed by regulation.

34. Killing or capturing animals in accordance with section 24, 42, 45, 57 or 58 or the second paragraph of section 32 does not constitute hunting or trapping.

35. No person may hunt or trap on private land if it is owned by a member of an association 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, without having first obtained the authorization of the owner or his representative.

The document evidencing the accreditation or agreement must contain a description of the land that is subject to the application of the first paragraph.

36. The Minister may, for wildlife management purposes, sign a memorandum of agreement with a land owner or group of land owners.

DIVISION II

CERTIFICATES AND CLASSES OF LICENCES

37. No person may hunt unless he holds a licence issued for such purpose.

38. No person may trap unless he holds a licence issued for such purpose.

39. 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.

40. 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.

41. 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.

42. 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 41. He must, however, do so in accordance with the regulations.

43. The Minister may, where required by regulation, issue a licence for each of the activities contemplated in section 29.

44. Every person who engages in hunting, trapping or fishing in a place contemplated in section 40 must have his licence on his person. He must show it to any conservation officer or deputy conservation officer who requests it.

Any resident who declares that he forgot his licence shall, within seven days thereafter, produce it to a conservation officer.

45. The Minister may, for scientific, educational and wildlife management purposes, issue a licence authorizing a person to disregard a provision of section 26, 27, 28, 30, 32, 33, 52 or 55, or of the first paragraph of section 51 or of the regulations made pursuant to that section.

The Minister may also, for food purposes, issue a licence authorizing a person to disregard a provision of section 33, 37, 38 or 40 or of the regulations made pursuant to any of subparagraphs 1, 2, 3 and 5 of the third paragraph of section 51.

The holder of the licence must comply with the conditions specified by the Minister on the licence.

46. No person may engage in the breeding of fish for sale and restocking purposes unless he holds a licence issued for such purpose.

47. No person may, unless he holds a licence issued for such purpose, carry on an outfitting operation, within the meaning of section 78 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 provided for by regulation.

48. 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.

However, no licence is required of a resident if the pelts are a product of his own trapping activities.

49. 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.

50. 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

51. 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.

52. 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.

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.

53. 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 52 or any provision of the regulations made pursuant to subparagraph 2 or 4 of the third paragraph of section 51.

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.

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

55. 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.

56. 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

CAPTURE, KEEPING AND SALE OF ANIMALS, FISH AND PELTS

57. No person nor 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.

58. In the case provided for in paragraph 1 of section 57 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.

59. No person may sell, purchase or offer to purchase the flesh of an animal or fish.

The Government may, however, by regulation, authorize a person to sell, purchase or offer to purchase the flesh of an animal or fish of such species and according to such norms and conditions as it may determine.

60. 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, 33, 37, 38, 40, 55 or 58, the first paragraph of section 51 or 59 or the regulations made pursuant to section 51.

61. 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.

62. The Government may, by regulation, establish piscicultural areas and determine

(1) the norms according to which fish eggs, fish or classes of live fish may be kept in captivity, propagated, sold, transported or used for stocking purposes;

(2) the licences or classes of licences required in such areas.

63. The Minister may establish, develop and administer an establishment for the keeping of animals or fish.

64. The Minister may, for the purposes of section 63,

(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.

CHAPTER IV

CONTROLLED TERRITORIES

DIVISION I

CROWN LANDS DESIGNATED FOR INCREASED UTILIZATION OF WILDLIFE RESOURCES

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

66. The Minister may lease exclusive hunting, fishing or trapping rights on all or part of the Crown lands contemplated in section 65.

67. On the Crown land areas contemplated in section 65, 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 may be granted without the written consent of the Minister.

68. 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.

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

69. 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.

70. 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.

71. Upon the revocation of a lease under section 69 or the non-renewal of a lease by the Minister for reasons other than those provided in section 73, 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.

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 73 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.

72. Upon the revocation of a lease pursuant to section 69, 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.

73. Upon the revocation of a lease pursuant to section 70, 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 ac-

quire 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.

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.

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.

74. 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 71 and 73, the Minister shall appoint an assessor agreed by the parties; the assessment of the appointed assessor is without appeal.

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

75. 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 71 and in section 73 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.

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.

76. 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.

77. 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;

(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

78. 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.

79. 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.

80. 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.

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

82. 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.

83. 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.

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

DIVISION III

WILDLIFE MANAGEMENT AREAS

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

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

85. 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.

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

87. 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 modalities 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) fix the conditions for the operation of a commercial undertaking or prohibit its operation;

(7) 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

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

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

89. Where a wildlife preserve includes private land, notice of the establishment of the wildlife preserve must be served on the person entered as owner in the register of the registry office of the registration division where the land is situated. From the filing of the notice in the registry office, the private land is included in the preserve.

90. No person may sell all or part of the private land contemplated in section 89 without giving the Minister prior written notice of at least 60 days.

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 of the sale.

91. 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 89 if he notifies his intention in writing within the time prescribed in section 90.

92. Every sale made in contravention of section 90 or 91 is null.

93. At the expiry of the time prescribed in section 91, the land contemplated in section 89 may be sold if the Minister has not notified his intention to exercise his right of preemption.

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

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

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

95. 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 may be granted except with the written consent of the Minister.

96. The Government may, by regulation, in respect of a wildlife preserve,

(1) determine the conditions on which hunting, fishing or trapping activities are permitted, 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 maximum fee exigible for that purpose;

(4) determine the conditions that must be complied with by a person who, for recreational or trapping purposes, has access to, 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 governing the operation of a commercial undertaking or prohibit its operation;

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

(9) 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.

CHAPTER V

REGULATIONS

97. In addition to the other regulatory powers conferred on it by this Act, the Government may make regulations

(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 animals, fish or classes of animals or fish that may be destroyed by means of poison, explosives, deleterious substances or electric discharges;

(5) determining the places where no person may fish except with a licence issued for that purpose;

(6) 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;

(7) 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;

(8) 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;

(9) fixing types and classes of licences and certificates and limiting the number of licences of each class for a territory or area it indicates;

(10) 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;

(11) 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;

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

(13) determining, for the purposes of section 58, what animals must be declared or delivered to a conservation officer;

(14) determining, in respect of a territory under a lease of exclusive trapping rights, the maximum value of authorized improvements or structures;

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

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

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

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

(19) 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;

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

(21) 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;

(22) 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;

(23) determining, for each pelt purchased or obtained, the duty that must be paid by the holder of a licence contemplated in section 48 and the conditions with which he must comply;

(24) 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;

(25) determining the obligations to be observed by the holder of a licence for the breeding of fish for sale or restocking purposes;

(26) determining the conditions required for importing or exporting an animal, fish or pelt to or from Québec.

These regulations and every other regulation contemplated by this Act come into force on the date of their publication in the *Gazette officielle du Québec* or on any later date fixed therein.

CHAPTER VI

PENAL PROVISIONS

DIVISION I

OFFENCES

98. Every person who contravenes a provision of section 30, 37, 54, 57 or 60, of subparagraph 2 of section 52 or of the regulations made pursuant to subparagraph 4 or 5 of section 51 in the case of big game, a provision of section 27, of the first paragraph of section 59 or of the regulations made pursuant to subparagraph 1, 2 or 3 of section 51 in the case of animals other than big game, or a provision of section 41, 42, 46, 47, 48, 50, 70, 70 or 81 or of the first paragraph of section 107, is guilty of an offence and liable, in addition to costs, for a first offence, to a fine of not less than \$200 and not more than \$600 and, for any subsequent offence within two years of a conviction for a same offence, to a fine of not less than \$600 and not more than \$1000.

99. Every person who contravenes a provision of section 30, 33, 37, 57 or 60 in the case of fish or animals other than big game, a provision of section 26, 38, 40, 44 or 58 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 and not more than \$400.

100. Every person who contravenes a provision of section 27, 28, 33 or 55, of the first paragraph of section 59 or of the regulations made pursuant to subparagraphs 1, 2 and 3 of section 51, in the case of big

game or a provision of section 31 or 32, of the third paragraph of section 45 or of the regulations made pursuant to paragraph 1 of section 62, is guilty of an offence and liable, in addition to costs, for a first offence, to a fine of not less than \$1000 and not more than \$3000, and for any subsequent offence within two years of a conviction for a same offence, to a fine of not less than \$3000 and not more than \$5000.

101. A judge who imposes a penalty for an offence committed against a provision of section 27, 28, 33, 37 or 55 in the case of big game, or a provision of section 31 or 32, of the third paragraph of section 45, of the regulations made pursuant to section 51, of the first paragraph of section 59 or of section 60, must, where a seizure has been made pursuant to section 16, declare the confiscation of the 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.

102. 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 and not more than \$600 in the case of conviction for an offence against any provision referred to in section 98;

(2) of not less than \$1000 and not more than \$3000 in the case of conviction for an offence against any provision referred to in section 100.

103. 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.

104. Every person who contravenes a provision of paragraph 2 of section 52 or of a regulation made pursuant to subparagraph 4 or 5 of section 51 in the case of animals other than big game, a provision of section 12, 39, 56 or 61 or of subparagraph 1 of section 52 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 \$50 and not more than \$200.

DIVISION II

ADMINISTRATIVE PENALTIES

105. 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.

However, in the case of big game, any conviction for an offence committed against a provision of section 27, 28, 30, 31, 33, 37, 54 or 55, of the first paragraph of section 59 or of the regulations made pursuant to section 51, 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.

106. 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 105, suspended *pleno jure* for an additional period of 24 months subsequent to the first revocation or suspension.

107. The holder of a licence or certificate that has been revoked or suspended must, when a notice to that effect is served on him, forward his revoked or suspended licence or certificate within 15 days to the address indicated in the notice.

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

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

108. In no case may a person whose licence or certificate has been revoked or suspended hold 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.

109. 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.

The Minister may revoke, suspend or refuse to renew any licence contemplated in section 46 where the holder fails to comply with the conditions determined by regulation.

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

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

111. 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 99 or 104. The notice constitutes an information.

112. 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 or pelt seized, and includes any other relevant information.

The amount of the costs contemplated in the first paragraph is \$5.

113. 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.

Failing payment, a summons is served on the offender.

114. Sections 111 to 113 do not apply

- (1) where the offender is not a resident;
- (2) where the offender is a person contemplated in section 102;
- (3) in the case of a subsequent offence.

CHAPTER VII

TRANSITIONAL AND FINAL PROVISIONS

115. This Act replaces the Wild-life Conservation Act (R.S.Q., chapter C-61) with the exception of sections 50 to 55, which will cease to have effect on the date which will be fixed by proclamation of the Government.

116. This Act applies subject to the Act respecting hunting and fishing rights in the James Bay and New Québec territories.

117. 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.

118. Every lease granted pursuant to the Wild-life Conservation Act remains in force until the date on which it would have expired.

Such a lease is governed and renewed in accordance with this Act.

119. Within three months after (*insert here the date of coming into force of this section*), 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 75 of this Act applies.

120. 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.

121. 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.

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

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

124. 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:

“3. The Act respecting the conservation and development of wild-life (1983, chapter *insert here the chapter number of Bill 9*) and the regulations thereunder apply in the Territory; however, where any provision thereof is incompatible with any provision of this Act, the latter prevails.”

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

"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 *insert here the chapter number of Bill 9*) are in the same manner responsible for seeing to the enforcement of this Act and the regulations thereunder.

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

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

"15. The conservation officer within the meaning of the Act respecting the conservation and development of wildlife (1983, chapter *insert here the chapter number of Bill 9*) 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."

127. 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).

128. This Act will come into force on the date to be fixed by the proclamation of the Government, except those provisions excluded by such proclamation, which will come into force on such later dates as will be fixed by proclamation of the Government.

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