

THIRD SESSION

THIRTY-FIRST LEGISLATURE

# ASSEMBLÉE NATIONALE DU QUÉBEC

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## Bill 71

**An Act to amend the Wild-life Conservation Act**

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First reading .....

Second reading .....

Third reading .....

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M. YVES DUHAIME

Ministre du tourisme, de la chasse et de la pêche

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L'ÉDITEUR OFFICIEL DU QUÉBEC

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## EXPLANATORY NOTES

*This bill proposes many amendments to the Wild-Life Conservation Act, with the aim of making its application more precise and its administration easier.*

*Its main effects are:*

*(a) to authorize the Lieutenant-Governor in Council to establish wild life sanctuaries, development and conservation zones and restricted zones for the development, exploitation and conservation of wild life resources;*

*(b) to grant to the Minister a right of pre-emption on any land designated by the Lieutenant-Governor in Council for the purposes of establishing a wild life sanctuary;*

*(c) to enable the Minister to lease exclusive hunting or fishing rights only on the trapping lands, outfitting territories or salmon rivers being part of the public domain;*

*(d) to specify the indemnification scheme applicable to lessees whose exclusive hunting and fishing rights are not renewed;*

*(e) to specify the functions and powers of conservation officers;*

*(f) to enable the Minister to appoint persons to assist conservation officers in the carrying out of their duties;*

*(g) to specify the prohibitions provided for in the act and respecting hunting or fishing;*

*(h) to specify the obligations of hunting or fishing outfitters;*

*(i) to restrict the right to receive an indemnity granted by the Minister only to the holder of a hunting licence being injured in the practice of that sport;*

*(j) to amend the penalties provided for in the act;*

*(k) to grant more regulatory powers to the Lieutenant-Governor in Council.*

Sec. 1. *The object of the proposed amendment is to replace the interpretative provisions of the present act.*

# Bill 71

## An Act to amend the Wild-life Conservation Act

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

1969, c. 58,  
s. 1,  
replaced.      **1.** Section 1 of the Wild-life Conservation Act (1969, chapter 58) is replaced by the following section:

Interpre-  
tation:      **“1.** In this act and the regulations, unless the context indicates otherwise,

“conserva-  
tion  
officer”;      (a) “conservation officer” means any person contemplated by section 5 and any conservation officer appointed under section 2;

“animal”;      (b) “animal” means any wild bird, wild mammal, wild reptile or wild batrachian whose reproduction is ordinarily effected in the outdoors;

“loaded  
fire-  
arm”;      (c) “loaded firearm” means any firearm containing an unfired cartridge placed in the chamber, the charger or the magazine when the latter is attached to the arm;

“hunter’s  
certifi-  
cate”;      (d) “hunter’s certificate” means the document issued by the Minister, establishing that a person is recognized competent in the handling of firearms for hunting purposes;

“to hunt”;      (e) “to hunt” means to pursue, to bait or to follow an animal, to stalk it, to follow its track, to trap it or to attempt to do so, to shoot it or to attempt to do so, whether or not the animal is captured, killed or wounded;

“hunting”;      (f) “hunting” means the action of “hunt”;

“case”;      (g) “case” means any envelope or container specially designed, by its form and arrangement, to receive a firearm;

“big  
game”;      (h) “big game” means moose, deer, caribou or any other animal defined as such by regulation;

“Min-  
ister”;      (i) “Minister” means the Ministre du tourisme, de la chasse et de la pêche;



- "night"; (j) "night" means the period of time elapsing between the half-hour after sunset and the half-hour before sunrise;
- "licence"; (k) "licence" means any licence issued under this act or the regulations;
- "trap"; (l) "trap" means any gear intended to capture an animal, including a spring, a gin or a pit;
- "projector"; (m) "projector" means any apparatus projecting or used to project light rays;
- "yard"; (n) "yard" means the winter quarters of moose, deer or caribou;
- "regulation"; (o) "regulation" means any regulation of the Lieutenant-Governor in Council made under this act;
- "wild life sanctuary"; (p) "wild life sanctuary" means any territory designated by regulation of the Lieutenant-Governor in Council, the terms and conditions of utilization of the resources of which are fixed primarily with a view to the conservation of wild life;
- "resident"; (q) "resident" means any person domiciled in Québec, or having ordinarily resided in Québec during the period of twelve consecutive months preceding his fishing or hunting activities or his application for a licence, and the members of the Canadian Armed Forces and the Royal Canadian Mounted Police stationed in Québec;
- "Canadian non-resident"; (r) "Canadian non-resident" means any person who is not a resident but who is domiciled in Canada;
- "foreign non-resident"; (s) "foreign non-resident" means any person who is not a resident and is domiciled outside Canada;
- "vehicle"; (t) "vehicle" means any means of land transportation propelled, hauled or pushed by any power other than muscular force, and includes a "combination of vehicles", such as a tractor or other vehicle hauling or pushing a trailer, a semi-trailer or a sledge;
- "to sell"; (u) "to sell" means to deliver or to offer to deliver or exchange an animal or a fish for a consideration, to exhibit an animal or a fish in order to obtain a consideration, or, for a consideration promised or obtained, directly or indirectly, or by any means whatsoever, to obtain an animal or a fish for another person or allow him to obtain it;
- "sale"; (v) "sale" means the action of selling;
- "management and conservation zone"; (w) "management and conservation zone" means any territory designated by regulation of the Lieutenant-Governor in Council for wild-life management and conservation purposes;
- "controlled operation zone". (x) "controlled operation zone" means any territory designated by regulation of the Lieutenant-Governor in Council for wild-life operation purposes."

Sec. 2. *The object of the proposed amendment is to entrust the Minister rather than the Wild-Life Conservation Branch of Tourism, Fish and Game with the mandate of seeing to the conservation of wild life.*

Sec. 3. *The proposed amendments are for concordance.*

Sec. 4. *The object of the proposed amendment is to enable the Minister to appoint persons to assist the conservation officers without being conservation officers.*

Sec. 5. *The effect of the proposed amendment is to confer on a conservation officer the rights and privileges of a peace officer, and this over all the Québec territory.*

Sec. 6. *The effect of the proposed amendment is to enable a conservation officer to seize without a warrant a dog, where he has reasonable grounds to*

1969, c. 58,  
s. 2,  
replaced.  
Duty of  
Minister.  
Appoint-  
ments.

**2.** Section 2 of the said act is replaced by the following section:

**“2.** The Minister must see to the conservation of wild life.

For that purpose, conservation officers, functionaries or other employees are appointed and remunerated in accordance with the Civil Service Act (1965, 1st session, chapter 14).

Duties of  
conserva-  
tion  
officers.

The conservation officers shall in particular see that the laws and regulations respecting wild life are carried out and inform the public as to the provisions of these laws and regulations.”

1969, c. 58,  
ss. 3, 4,  
repealed.  
Id., s. 6,  
replaced.

**3.** Sections 3 and 4 of the said act are repealed.

**4.** Section 6 of the said act is replaced by the following section:

Persons to  
assist  
conserva-  
tion  
officers.

**“6.** The Minister may appoint persons to ensure the carrying out of this act and in particular to assist the conservation officers in the performance of their duties.

Provisions  
not to  
apply.  
Regula-  
tions.

These persons are not governed by the Civil Service Act.

The Lieutenant-Governor in Council may make regulations

(a) prescribing the standards and conditions of selection, appointment and removal of these persons, and their terms of office;

(b) classifying these persons, and prescribing the powers, duties and functions of the persons assigned to each class;

(c) designating the territories where these persons have competence and fixing the maximum number of these persons who may be assigned in each territory;

(d) prescribing the modes of identification of these persons;

(e) instituting training and refresher programmes for these persons.

Coming  
into force.

These regulations come into force on the date of their publication in the *Gazette officielle du Québec* or on any later date fixed therein.”

1969, c. 58,  
s. 7,  
replaced.

**5.** Section 7 of the said act is replaced by the following section:

Rights and  
privileges  
of  
officers.

**“7.** For the purposes of the carrying out of this act, every conservation officer has the rights and privileges of a peace officer.”

1969, c. 58,  
s. 12, am.

**6.** Section 12 of the said act is amended by replacing paragraph *b* by the following paragraph:

*believe that it is being used or has been used to infringe the Wild-Life Conservation Act or its regulations.*

*Sec. 7. The effect of the proposed amendment is to enable the owner of an object seized, other than the offender, to recendicate that object, even during a suit for the confiscation of that object, until the final judgment.*

*Sec. 8. Section 16 of the act presently reads as follows:*

**"16.** Every animal or fish found in the possession of a person within the limits of the province of Québec shall be presumed to have been hunted or caught therein, unless such person proves that such animal or fish was hunted or caught outside the province of Québec."

*Sec. 9. The proposed amendments are new law.*

*Sec. 10. The proposed amendment is new law.*

*Sec. 11. Section 19 of the act presently reads as follows:*

**"19.** No person who is hunting shall conceal or attempt to conceal his identity or wear a mask or a disguise."

*Sec. 12. Section 20 of the act presently reads as follows:*

**"20.** Hunting at night is prohibited, unless done solely by means of a trap.

Hunting is also prohibited for any class of animals indicated by the regulations, during any period of the year or any part of the day for which the regulations prohibit it, and in any region of the province of Québec for which they prohibit it."

“(b) any dog or any vehicle, aircraft, boat or other object, where he has reasonable grounds to believe that it is being used or has been used to infringe this act or the regulations.”

1969, c. 58,  
s. 15, am.

**7.** Section 15 of the said act is amended by replacing the first paragraph by the following paragraph:

Revendi-  
cation by  
third  
person.

“**15.** The owner of an object seized, other than the offender, may revendicate that object even during a suit for the confiscation of that object and thereafter until the final judgment, by presenting to the court a motion alleging under oath the nature of his right to the object seized.”

1969, c. 58,  
s. 16,  
replaced.

**8.** Section 16 of the said act is replaced by the following section:

Possession  
creates  
presump-  
tion.

“**16.** Every animal or fish or part thereof found in the possession of a person within the limits of Québec is presumed to have been hunted or caught therein, unless such person proves that such animal or fish was hunted or caught outside Québec.”

1969, c. 58,  
s. 17a,  
added.

**9.** The said act is amended by inserting after section 17, the following section:

Hunter's  
certificate  
required;  
exception.

“**17a.** To obtain the hunting licence contemplated in section 17, a person must be in possession of a hunter's certificate. However, that certificate is not required for hunting with a trap, bow or cross-bow.”

1969, c. 58,  
s. 18, am.

**10.** Section 18 of the said act is amended by adding, at the end, the following paragraph:

Delay to  
produce  
licence.

“Every person who declares that he holds a hunting licence and that he has forgotten to wear it must produce it to a conservation officer within a period of seven days following the report of the offence.”

1969, c. 58,  
s. 19,  
replaced.

**11.** Section 19 of the said act is replaced by the following section:

Conceal-  
ment of  
identity.

“**19.** No person who is hunting may conceal or attempt to conceal his identity from a conservation officer in the performance of his duties.”

1969, c. 58,  
s. 20,  
replaced.

**12.** Section 20 of the said act is replaced by the following section:

Hunting at  
night.

“**20.** Hunting at night is prohibited unless done solely by means of a trap used to capture a hare or an animal designated by regulation as a fur-bearing animal.

Sec. 13. *The object of the amendment submitted is to enable the Lieutenant-Governor in Council to specify which animals, in addition to which classes of animals, the possession of the flesh of which is prohibited as provided in the act.*

Sec. 14. *Section 24 presently reads as follows:*

**"24.** It is prohibited to use any device which connects a firearm to a trap or to a remote control or delayed-action mechanism, or which causes a firearm to discharge without the hunter himself pressing upon the trigger of such arm.

It is prohibited to use any poison, explosive or deleterious substance for hunting purposes.

Nevertheless, the Director of the Branch may permit any employee of the Branch to disregard this section in order to destroy any harmful animal or a class of harmful animals in such cases as are determined by regulation."

Sec. 15. *The first paragraph of section 25 presently reads as follows:*

**"25.** No person shall:

(a) be in possession of a firearm while he is in a vehicle at night, unless such firearm is kept in the trunk of the vehicle or, if there is no trunk, is placed in a closed case;"

Sec. 16. *The amendment submitted authorizes the conservation officer to kill any animal seriously injured or ill or that might be a danger to human life or safety. Finally, it authorizes the Minister or any person authorized by him to kill any dangerous animal by any appropriate means.*

Sec. 17. *The first paragraph of section 28 presently reads as follows:*

**"28.** No one shall have in his possession an animal which has been killed contrary to the provisions of this act or the regulations."

Raccoon  
hunting.

However, the Lieutenant-Governor in Council may by regulation determine the conditions allowing raccoon hunting at night.

Hunting  
prohibited.

Hunting is also prohibited for any animal or any class of animals indicated by the regulations, during any period of the year or any part of the day for which the regulations prohibit it, and in any region, zone or place in Québec for which they prohibit it."

1969, c. 58,  
s. 21, am.

**13.** Section 21 of the said act is amended by replacing the second paragraph by the following paragraph:

Variation  
of period.

"Such period may vary according to the animals or classes of animals indicated by the regulations."

1969, c. 58,  
s. 24,  
replaced.

**14.** Section 24 of the said act is replaced by the following section:

Devices,  
poison,  
etc.,  
prohibited.

**"24.** No person may

(a) use any device which connects a firearm, bow or cross-bow to a mechanism that causes or may cause the discharge of one or more projectiles without the hunter's operating such arm himself, or

(b) use any poison, explosive or deleterious substance for hunting or fishing purposes."

1969, c. 58,  
s. 25, am.

**15.** Section 25 of the said act is amended by replacing the first paragraph by the following paragraph:

Prohibi-  
tions re-  
specting  
firearms.

**"25.** No person may,

(a) in or on a vehicle or aircraft, have in his possession, keep or transport a loaded firearm;

(b) in or on a vehicle or aircraft, have in his possession, keep or transport an unloaded firearm, unless it is placed in a closed case;

(c) fire a shot from a vehicle or aircraft."

1969, c. 58,  
s. 27, am.

**16.** Section 27 of the said act is amended by adding, at the end, the following paragraph:

Killing  
permitted.

"However, any conservation officer may kill an animal that is seriously hurt or ill or that might be a danger to human life or safety. The Minister or any person authorized by him may also authorize any employee to kill a dangerous animal by any appropriate means."

1969, c. 58,  
s. 28, am.

**17.** Section 28 of the said act is amended by replacing the first paragraph by the following:

Sec. 18. *The objects of the amendment submitted are:*

(a) *to prohibit the opening of the lair of a muskrat to set a trap without closing it immediately;*

(b) *to prohibit the deliberate mutilation or killing of an animal with a vehicle, aircraft or motor boat.*

Sec. 19. *The second paragraph of section 13 presently reads as follows:*

"Any person or group of persons found in possession of a firearm and a projector at night in a place where big game is habitually found shall be presumed to have hunted contrary to this section."

Sec. 20. *The object of the amendment submitted is to widen the scope of section 33 which presently reads as follows:*

**"33.** No person shall sell or purchase moose, deer or caribou, or serve the same in a restaurant or hotel establishment."

Sec. 21. *The object of the amendment submitted is to replace the title of Division VI of the act, reading presently as follows:*

**"FUR-BEARING GAME".**

Sec. 22. *The object of the amendment submitted is to prohibit the transporting outside the province of Québec of the skin of a fur-bearing animal without having complied with the formalities of the act.*

Illegal  
possession.

**“28.** No person may have in his possession an animal or any part of an animal which has been hunted contrary to the provisions of this act or the regulations.”

1969, c. 58,  
s. 30,  
replaced.

**18.** Section 30 of the said act is replaced by the following section:

Prohibited  
acts.

**“30.** No person may

- (a) disturb or destroy the nest or eggs of any wild bird;
- (b) damage or destroy the lair of any animal;
- (c) open the lair of a muskrat to set a trap without closing it immediately;
- (d) use any artificial means other than field-glasses to detect, from a distance, the presence of an animal;
- (e) pursue, mutilate or deliberately kill an animal with a vehicle, aircraft or motor boat.

Big game  
shooting.

However one may shoot big game from a motor boat, provided this does not occur after pursuing it and the motor of the boat is then stopped.”

1969, c. 58,  
s. 31, am.

**19.** Section 31 of the said act is amended by replacing the second paragraph by the following paragraph:

Presump-  
tion of  
offence.

“Every person or group of persons is presumed to have hunted contrary to this section if found in possession

- (a) by night, of a projector and a firearm, bow or cross-bow in a place where big game is habitually found;
- (b) of a snare, pitfall or trap designed to catch big game in a place where it is habitually found.”

1969, c. 58,  
s. 33,  
replaced.

**20.** Section 33 of the said act is replaced by the following section:

Sale, etc.,  
of big game  
meat.

**“33.** No person may sell or purchase big game meat or serve it in a public or commercial establishment.”

1969, c. 58,  
Div. VI,  
tit.  
replaced.

**21.** The said act is amended by replacing the title of Division VI by the following title:

“FUR-BEARING ANIMALS”.

1969, c. 58,  
s. 36,  
replaced.

**22.** Section 36 of the said act is replaced by the following section:

Conditions  
for sale  
of skin.

**“36.** No person may sell or send outside Québec the skin or fur of an animal contemplated in section 35

Sec. 23. *The object of the amendment submitted is to replace, in section 38 of the act, the expression "an individual who has been domiciled in the province of Québec" by the expression "a resident" as defined.*

Sec. 24. *The amendment submitted is new legislation.*

Sec. 25. *Section 40 of the act forbids anyone to capture an animal or keep it in captivity unless he holds a licence issued for such purpose.*

*Section 41 presently reads as follows:*

**"41.** The licence contemplated in section 40 shall be issued only for scientific, educational, recreational or raising purposes; it shall be issued upon such conditions as are fixed by the regulations."

Sec. 26. *The amendment submitted enables the Lieutenant-Governor in Council to determine the conditions to obtain a licence to operate a zoological garden or piscicultural establishment.*

Sec. 27. *Paragraphs b and c of section 44 presently read as follows:*

**"44.** The Minister may:

(a) ...

(b) determine the conditions for the admission of visitors to the zoological gardens, piscicultural establishments, aquariums and laboratories of natural science contemplated in section 43;

(c) make with any zoological society any agreement calculated to promote the development of any establishment that he has established under section 43."

(a) unless the duties fixed by the regulations for each skin or fur derived from an animal hunted down in Québec have been paid;

(b) in the case of skin or fur derived from an animal hunted down outside of Québec, unless the document prescribed for such purpose by the regulations is attached thereto."

1969, c. 58,  
s. 38,  
replaced. **23.** Section 38 of the said act is replaced by the following section:

Provisions  
not to  
apply. **"38.** Sections 35 to 37 do not apply to the sale by a resident of the product of his own hunting."

1969, c. 58,  
s. 39, am. **24.** Section 39 of the said act is amended by adding at the end the following paragraph:

Dues to be  
paid. **"No** person may deliver a skin or fur he has treated without having paid the dues fixed by regulation."

1969, c. 58,  
s. 41,  
replaced. **25.** Section 41 of the said act is replaced by the following section:

Purposes of  
licence. **"41.** No licence contemplated in section 40 may be issued except for scientific, educational, recreational or breeding purposes.

Conditions. The Lieutenant-Governor in Council may fix, by regulation, the conditions for obtaining such a licence.

Licence for  
commercial  
purposes. However, the Lieutenant-Governor in Council may determine, by regulation, for which animals or classes of animals the licence contemplated in the first paragraph may be issued for commercial purposes."

1969, c. 58,  
s. 42, am. **26.** Section 42 of the said act is amended by adding, at the end, the following paragraph:

Conditions  
for licence. **"The** Lieutenant-Governor in Council may fix, by regulation, the conditions for obtaining the licence."

1969, c. 58,  
s. 44, am. **27.** Section 44 of the said act is amended by replacing paragraphs *b* and *c* by the following paragraphs:

**"(b)** determine the conditions of admission and visiting times of visitors to the zoological gardens, piscicultural establishments, aquariums and laboratories of natural science contemplated in section 42;

**(c)** make with any zoological society or similar group any agreement giving it the management of the whole establishment or undertaking mentioned in section 43 or make with that society

Sec. 28, 29 and 30. *The amendments submitted are new legislation.*

Sec. 31. *The second paragraph of section 48 presently reads as follows:*

“However the Lieutenant-Governor in Council may determine by regulation the terms and conditions under which any person may use the licence issued to another member of his family.”

Sec. 32. *The amendment submitted sets concordance with section 30 of the bill.*

*Section 49 of the act presently reads as follows:*

“**49.** Every conviction of a licensee for an infringement of this act or the regulations shall automatically cancel the licence of such licensee.

The holder so convicted shall not apply for or hold a new licence before the expiry of fifteen months following the date of his conviction.”

Sec. 33. *The object of the proposed amendment is to replace section 49a of the act which presently reads as follows:*

“**49a.** The Minister shall grant an indemnity, the amount of which shall be determined by regulation, to every licensee who sustains an injury in consequence of an accident resulting directly from hunting or fishing for recreational purposes in the province of Québec, or, if he dies in consequence of such accident, to his legal representatives, but the amount of the indemnity shall not exceed \$5,000 in respect of the same accident.”

*Sections 49b to 49d are replaced for concordance.*

or body an agreement to promote the development of that establishment or undertaking.”

1969, c. 58,  
s. 46, am. **28.** Section 46 of the said act is amended by adding at the end the following paragraph:

Delay to  
produce  
licence. “Every person who declares that he holds a fishing licence and has forgotten to wear it must produce it to a conservation officer within seven days after the offence has been reported.”

1969, c. 58,  
s. 46*a*,  
added. **29.** The said act is amended by adding after section 46 the following section:

Sale of  
fish. “**46*a*.** No person may serve in a public or commercial establishment any fish the sale of which is prohibited by regulation.”

1969, c. 58,  
s. 47, am. **30.** Section 47 of the said act is amended by adding at the end the following paragraph:

Suspension, etc. “The Minister may suspend, cancel or refuse to renew the licence of a holder who has been convicted of an offence against this act or any regulations hereunder.”

1969, c. 58,  
s. 48, am. **31.** Section 48 of the said act is amended by replacing the second paragraph by the following paragraph:

Exception. “However, the Lieutenant-Governor in Council may determine by regulation the terms and conditions under which any person may use the licence issued to his spouse or another member of his family.”

1969, c. 58,  
s. 49,  
repealed. **32.** Section 49 of the said act is repealed.

1969, c. 58,  
ss. 49*a*-  
49*d*,  
replaced. **33.** Sections 49*a* to 49*d* of the said act, enacted by section 1 of chapter 60 of the statutes of 1971, are replaced by the following sections:

Indemnity  
to victims  
of hunting  
accidents. “**49*a*.** The Minister shall grant an indemnity, the amount of which shall be determined by regulation, to every holder of a hunting licence who sustains an injury in consequence of an accident resulting directly from hunting for recreational purposes in the province of Québec, or, if he dies in consequence of such accident,

Sec. 34. *The proposed amendment is for concordance.*

Sec. 35. *The object of the proposed amendment is to enable the Minister to lease exclusive hunting or fishing rights only on the trapping lands, outfitting territories or salmon rivers forming part of the public domain.*

Sec. 36. *The object of the proposed amendment is to substitute the Minister for the Lieutenant-Governor in Council to authorize a lessee to make improvements or structures on the territory being the object of the lease.*

to his legal representatives, but the amount of the indemnity shall not exceed \$5 000 in respect of the same accident.

Subroga-  
tion in  
right of  
recovery.

**“49b.** The government shall be *ipso facto* subrogated in the right of recovery of any person who receives an indemnity contemplated in section 79 following injury to or the death of a holder of a hunting licence caused by the fault of a third party, up to the amount of the indemnity; it is not bound by a settlement or discontinuance unless the Ministre de la justice participates therein.

Payment of  
damages  
to third  
parties.

**“49c.** The government shall pay the damages for which a licensee is, in the opinion of the Ministre de la justice or according to a judgment of the court, liable to third parties in consequence of an accident resulting directly from hunting for recreational purposes in the province of Québec, but the amount paid by the government shall not exceed \$10 000 in addition to interest and the costs respecting such sum.

Contribu-  
tion in  
case of  
insurance  
contract.

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

Notice of  
claim or  
suit.

**“49d.** A holder of a hunting licence contemplated in section 49c must give notice in writing forthwith to the Ministre de la justice of every claim made or civil suit instituted against him. Failing such a notice or one given by any person able to benefit from section 49c, the government is not bound to pay the damages provided for in the said section.”

1969, c. 58,  
s. 49e, am.

**34.** Section 49e of the said act, enacted by section 1 of chapter 60 of the statutes of 1971, is amended by replacing paragraph *d* by the following paragraph:

“(d) specify what hunting for recreational purposes includes;”.

1969, c. 58,  
s. 50, am.

**35.** Section 50 of the said act is amended by replacing the first paragraph by the following paragraph:

Territory  
for leasing  
hunting  
and fishing  
rights.

**“50.** Upon the recommendation of the Ministre du tourisme, de la chasse et de la pêche and of the Ministre des terres et forêts, the Lieutenant-Governor in Council shall determine by regulation the portions of the territory of the public domain in which the Minister may lease exclusive hunting or fishing rights for salmon rivers, trapping lands or outfitting territories.”

1969, c. 58,  
s. 51,  
replaced.

**36.** Section 51 of the said act is replaced by the following section:

Sec. 37. *The first paragraph of section 56 presently reads as follows:*

**"56.** The Minister may cancel any lease made to a lessee who is convicted of an infringement of this act or of the regulations or who fails to comply with the conditions of his lease."

Sec. 38. *Section 57 presently reads as follows:*

**"57.** Not later than the 1st of January each year, the lessee shall send to the Minister a statement of the species, number and weight of the animals and fish captured or caught in the territory covered by the lease during the preceding year."

Sec. 39. *Section 58 presently reads as follows:*

**"58.** If at the expiry of the lease the exclusive hunting and fishing rights are not renewed in favour of the lessee or are not granted to another lessee, the minister may indemnify the lessee whose lease has expired for the improvements or structures which he has made in the territory covered by the lease, to the extent that he deems that such improvements or structures have given a permanent increase in value to such territory."

Sec. 40. *Division XII of this act presently reads as follows:*

Authoriza-  
tion for im-  
prove-  
ments, etc. **“51.** No lessee shall make improvements or structures in the territory covered by the lease unless he has obtained the previous authorization of the Minister for such purpose and unless he conforms to the standards and conditions determined by regulation of the Lieutenant-Governor in Council.”

1969, c. 58,  
s. 56, am. **37.** Section 56 of the said act is amended by replacing the first paragraph by the following paragraph:

Cancellat-  
ion. **“56.** The Minister may cancel any lease made to a lessee who is convicted of an infringement of this act or of the regulations, or of any act or regulation respecting hunting or fishing and applicable in Québec, or who fails to comply with the conditions of his lease.”

1969, c. 58,  
s. 57,  
replaced. **38.** Section 57 of the said act is replaced by the following section:

Report to  
Minister. **“57.** The lessee shall send to the Minister an annual report of his operations, in accordance with the form, content and method determined by regulation of the Lieutenant-Governor in Council.”

1969, c. 58,  
s. 58,  
replaced. **39.** Section 58 of the said act is replaced by the following section:

Rights not  
renewed. **“58.** If at the expiry of the lease the exclusive hunting and fishing rights are not renewed in favour of the lessee or are not granted to another lessee and the Minister wishes to acquire improvements or structures made by the lessee in the territory covered by the lease, he indemnifies the lessee to the extent that he deems that these improvements or structures have given a permanent increase in value to such territory.

Regula-  
tions. The Lieutenant-Governor in Council may, by regulation, determine the criteria used for the fixing of the indemnity paid under the first paragraph. He may also, by regulation, determine types or classes of improvements or structures that cannot be the subject of such an indemnity.

Coming  
into force. Such regulation comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.”

1969, c. 58,  
Div. XII,  
replaced. **40.** Division XII of the said act is replaced by the following division:

"DIVISION XII

"HUNTING OR FISHING OUTFITTERS

"60. No person shall assume the title of hunting outfitter or fishing outfitter, or hunting and fishing outfitter, or act as such, unless he holds a licence issued for such purpose.

"61. A person acts as a hunting or fishing outfitter when, for purposes of pecuniary gain, he organizes or offers to organize for hunters or fishermen, on the occasion of a hunting or fishing trip in the province of Québec, services intended:

- (a) to facilitate their access to places where fish or game are habitually found;
- (b) to provide them with arms, gear, tackle or any necessary equipment which he lends, leases or otherwise makes available to them; or
- (c) to provide them with transport, food and shelter."

*Sec. 41. The object of the proposed amendment is to replace the penalties provided for by the act.*

## "DIVISION XII

## "HUNTING OR FISHING OUTFITTERS

Licence  
required.

**"60.** No person shall carry on the activities of hunting outfitter, fishing outfitter or hunting and fishing outfitter or assume the title of hunting outfitter, fishing outfitter or hunting and fishing outfitter, unless he holds a licence issued for such purpose.

Categories  
of permits.

The Lieutenant-Governor in Council may establish different categories of outfitters' permits and determine the conditions for obtaining each category of permit.

Acting as  
outfitter  
defined.

**"61.** A person carries on the activities of hunting, fishing or hunting and fishing outfitting when, against payment, he organizes or offers to organize for hunters or fishermen, on the occasion of a hunting or fishing trip in the province of Québec, services intended:

(a) to facilitate their access to places where fish or game are habitually found;

(b) to provide them with arms, gear, tackle or any equipment required for the carrying out of such activities;

(c) to provide them with transport, food and shelter.

Suspension, etc.,  
of licence.

**"61a.** The Minister may suspend, cancel or refuse to renew the licence of an outfitter who is guilty of an offence against this act, the regulations, or any other act or regulation respecting hunting or fishing, and applicable in the province of Québec."

1969, c. 58,  
Div. XIII,  
replaced.

**41.** Division XIII of the said act is replaced by the following:

## "DIVISION XIII

## "PENALTIES

Offences  
and  
penalties.

**"62.** Whoever contravenes sections 18, 27, 34, 35, 36, 39, 40, 42, 45, 46a, 51, 53 or 60 of this act is guilty of an offence and liable, in addition to the payment of the costs, for a first offence to a fine of \$50 and for any subsequent offence within two years to a fine of \$200 to \$400 and to imprisonment for not less than fifteen days and not more than thirty days.

Id.,  
animals  
other  
than big  
game.

**"63.** Whoever contravenes sections 17, 20 or 28, in the case of animals other than big game, or sections 21, 23, 25b, 29, 30a, 30b, 30c or 30d of this act is guilty of an offence and liable, in addition to the payment of the costs, for a first offence to a fine of \$50, and for any subsequent offence within two years to a fine of \$200



to \$400 and to imprisonment for not less than fifteen days and not more than thirty days.

Offences and penalties, big game.

**“64.** Whoever contravenes sections 17, 20 or 28, in the case of big game, or sections 19, 22, 24, 25*a*, 25*c*, 30*e*, 31, 32, 33 or 48 of this act is guilty of an offence and liable, in addition to the payment of the costs, for a first offence to a fine of \$300 to \$1 000 or to imprisonment for not less than one month and not more than three months or to both penalties together, and for any subsequent offence within two years to a fine of \$500 to \$1 500 and to imprisonment for not less than one month and not more than six months.

Id., for soliciting licence.

**“65.** Every person who solicits or who holds a hunting licence or a hunter's certificate, while his hunter's certificate is suspended, is guilty of an offence and liable, in addition to the payment of the costs, to a fine of \$300 to \$1 000 or to imprisonment for not less than one month nor more than three months or to both penalties at the same time and for any subsequent offence within two years, to a fine of \$500 to \$1 500 and to imprisonment for not less than one month nor more than six months.

Confiscation.

**“66.** Every judgment which imposes a penalty under one of the sections enumerated in section 63 or 64 or under section 70 or 72 shall, if arms or any other hunting implements, animals, fish, or part thereof have been seized, the confiscation thereof, and such judgment may, if other objects have been seized, declare such other objects to be confiscated.

Idem.

Every judgment which imposes a penalty under a provision of this act or a regulation, except the sections enumerated in section 63 or 64 and section 70 or 72, may, if such objects, pelts or furs have been seized, declare the confiscation thereof.

Offence and penalty, false information.

**“67.** Whoever wilfully gives false information to the Minister or to a conservation officer in the performance of his duties is guilty of an offence and liable, in addition to the payment of the costs, to a fine of \$50 to \$100 or to imprisonment for not less than seven days, or to both these penalties at the same time.

Id., conservation officers, etc.

**“68.** Every conservation officer or any person appointed under section 6 who infringes this act or the regulations is liable, in addition to the penalties contemplated for such offence, to an additional fine,

(*a*) in the case of a conviction under one of the sections enumerated in section 62 or 63, of \$50 to \$100 or to imprisonment for not less than seven days nor more than fifteen days;



(b) in the case of a conviction under of one of the sections enumerated in section 64, of \$100 to \$200 or to imprisonment for not less than fifteen days nor more than thirty days.

Offence  
and  
penalty,  
persons  
other than  
conserva-  
tion  
officers.

**“69.** Any person other than a conservation officer who wears a uniform or a badge similar to the uniform or the badge of a conservation officer or who uses a vehicle provided with distinguishing marks similar to those of the vehicle of a conservation officer is guilty of an offence and liable, in addition to the payment of the costs, to a fine of \$100 to \$200 or to imprisonment for not less than seven days or to both these penalties at the same time.

Id., for-  
bidden  
arm, etc.

**“70.** Whoever hunts with an arm or other hunting gear the use of which is prohibited by the law or the regulations is guilty of an offence and liable, in addition to the payment of the costs, to a fine of \$50 to \$200 or to imprisonment for not less than seven days or to both these penalties at the same time.

Id., selling,  
etc., game.

**“71.** Whoever aids or abets another person to infringe this act or the regulations, or participates therein, is a party to that offence and is liable to the same penalties as the person who commits the infringement.

Id., selling  
etc., game.

**“72.** Whoever sells, purchases or offers to purchase, serves or offers to serve in a public or commercial establishment game other than big game or fish, the sale of which is prohibited by regulation, is guilty of an offence and liable, in addition to the payment of the costs, to a fine of \$50 to \$100 for each offence or to imprisonment for not less than seven days or to both these penalties at the same time.

Offences  
and  
penalties.

**“72a.** Whoever contravenes any other provision of this act or a regulation for which no penalty is specifically provided for is guilty of an offence and is liable, in addition to the payment of the costs, for a first offence, to a fine of \$50 to \$200 or to imprisonment for not less than seven days nor more than fifteen days, and for every subsequent offence within two years, to a fine of \$200 to \$400 or to imprisonment for not less than fifteen days nor more than thirty days.

Separate  
offence.

**“72b.** For the application of section 28, 33 or 72, a separate offence exists in respect of each animal or part of an animal sold, purchased, served or held illegally.

Only one  
offence.

However, not more than one offence may be connected with one and the same animal.”

*Sec. 42. The proposed amendment is for concordance with the Summary Convictions Act, Part II of which has been repealed.*

*Sec. 43. The object of the proposed amendment is to compel the Minister to send a notice of offence, in the cases provided for therein, before instituting penal proceedings.*

*Sec. 44. The object of the proposed amendment is to authorize the Lieutenant-Governor in Council to establish wild life sanctuaries, development and conservation zones and restricted zones for the development of wild life resources.*

*Furthermore, it authorizes the Lieutenant-Governor in Council to designate any public or private land with a view to establish a wild life sanctuary and to grant to the Minister a right of pre-emption on a land so designated.*

1969, c. 58,  
s. 73, am.

**42.** Section 73 of the said act is amended by striking out the last paragraph.

1969, c. 58,  
s. 76a,  
added.

**43.** The said act is amended by adding, after section 76, the following section:

Prior  
notice to  
accused.

**“76a.** (1) No penal proceeding is instituted under one of the sections enumerated in section 62 or 63, unless the Minister or any other person authorized by him has mailed to the accused a prior notice describing the offence, the objects or animals seized, specifying the fine and suspension or revocation of a licence or of a hunter's certificate, and indicating the place where payment of the fine and of the costs of \$2 must be made within 10 days after the notice.

Proceeding  
prevented  
by  
payment.

(2) The payment of the amount required within the delay fixed by the notice prevents the penal proceeding.

No admis-  
sion of  
liability.

(3) This payment shall not however be invoked as an admission of civil liability.

Effect of  
payment.

(4) After that payment, the accused must be considered as having been found guilty of the offence, the objects or animals seized considered confiscated and the suspension or revocation of a licence or hunter's certificate considered effected.

Omission  
to give  
notice.

(5) The omission to give the notice required by this section shall not be invoked against a proceeding for an offence and it is not necessary to allege that it has been given nor to make the proof thereof. But, if the accused, when appearing, admits that he is guilty and thereafter proves that the notice has not been given to him, he shall not be condemned to pay an amount greater than the amount he would have been called upon to pay under the notice.

Non-  
applica-  
bility.

(6) This section does not apply

(a) to an offence other than the first offence;

(b) when the accused is not a resident;

(c) when the accused is a person contemplated in section 68;

(d) to an offence relating to the trapping of fur-bearing animals or to the trade of pelts or furs.”

1969, c. 58,  
Div. xivA,  
added.

**44.** The said act is amended by inserting, after section 76a, the following:



## "DIVISION XIV A

"WILD LIFE SANCTUARIES, DEVELOPMENT AND CONSERVATION ZONES,  
RESTRICTED ZONESRegula-  
tions.

**"76b.** The Lieutenant-Governor in Council may, by regulation, establish wild life sanctuaries, development and conservation zones, and restricted zones, and

(a) determine the conditions under which hunting or fishing are permitted there;

(b) totally or partially prohibit the carrying, transportation or possession of hunting or fishing gear;

(c) determine the conditions with which a person must comply to have access to, stay or travel in such zones or sanctuaries or to engage in any activity, and the duties such person must pay;

(d) prohibit or regulate the use of vehicles, boats or motor boats, outboard motors or aircraft, in such zones or sanctuaries;

(e) authorize the Minister to make or order such improvements or structures as he deems expedient, and entrust bodies approved by the Minister with the management or with responsibilities respecting the management of such zones or sanctuaries for purposes of development, conservation and exploitation of wild-life resources;

(f) prohibit or regulate commercial operations therein;

(g) determine the cases in which a person or a group of persons may be kept out or expelled;

(h) prohibit or regulate the presence of dogs in such zones or sanctuaries.

Such regulations come into force on the date of their publication in the *Gazette officielle du Québec* or on any later date fixed therein.

"Designated  
territory".

**"76c.** In sections 76d to 76g, the expression "designated territory" means any public or private land designated by the Lieutenant-Governor in Council for the establishment of a wild life sanctuary.

Designa-  
tion of  
land by  
order in  
council.

**"76d.** The Lieutenant-Governor in Council may designate any public or private land for the establishment of a wild life sanctuary. The order in council to that effect must be published in the *Gazette officielle du Québec*.

Notice of  
designa-  
tion.

Notice of that designation must be served on the person indicated as owner in the register of the registry office of the

*Sec. 45. The object of the proposed amendment is to replace the provision of this act which authorizes the Lieutenant-Governor in Council to make the regulations required for the administration and application of the act.*

division where the land is situated. The designation has effect from the filing of the notice in the registry office of that division.

Notice of  
alienation  
to Min-  
ister.

**"76e.** No person may alienate all or any part of a designated territory without giving the Minister prior written notice of at least sixty days.

Content of  
notice.

That notice must contain the designation of the land to be alienated, the indication of the name and domicile of its owner and of the person interested in acquiring it, an attestation to the effect that an offer in writing has been made by that person, and in the case of a public sale, an indication of its date.

Minister  
has prefer-  
ence.

**"76f.** The Minister may acquire by preference over any other purchaser, at the price of the written offer or, as the case may be, that of the adjudication, any parcel of designated territory. To exercise that right of pre-emption, the Minister must notify in writing the person offering it for sale of his intention to acquire all or a parcel of that territory not more than sixty days after the expiry of the delay provided in section 76e.

Relative  
nullity.

**"76g.** Every sale or alienation made in contravention of sections 76e and 76f entails relative nullity.

Alienation  
possible;  
notification  
to Min-  
ister.

At the expiry of the delay provided in section 76f, the land offered for sale in a designated territory may be alienated if the Minister has not notified his intention to exercise the right of pre-emption contemplated in the said section. The alienation must however be notified in writing to the Minister within fifteen days after it is effected."

1969, c. 58,  
s. 77,  
replaced.

**45.** Section 77 of the said act is replaced by the following section:

Regu-  
lations.

**"77.** In addition to the other regulatory powers assigned to him by this act, the Lieutenant-Governor in Council may make regulations

(a) fixing classes of licences, for residents or Canadian or foreign non-residents, limiting the number of licences of each category and determining the conditions to be fulfilled by applicants for and holders of licences, the form, cost, tenor and term of such licences, the manner of replacing them in case of loss and the cost of such replacement, the obligations of trustees authorized to sell such licences and their fees, and indicating the obligations of a licence holder in case of a change of address;

(b) establishing the conditions with which a person must comply to hold a hunter's certificate, determining its form, cost, tenor, and term, its replacement in case of loss and the cost of such replacement, and indicating the obligations of a certificate holder in case of a change of address;



(c) establishing the conditions with which any person other than a resident must comply or the documents he must exhibit to obtain licences for which a hunter's certificate is required;

(d) establishing grounds for and conditions, modes and procedures and periods of suspension of a hunter's certificate;

(e) determining the calibre of firearms, munitions, and the particulars of the hunting implements which may be used for hunting the animals he indicates and prohibiting certain modes or methods of hunting;

(f) dividing the province of Québec into hunting zones and determining, within each zone or part of a zone, the animals or classes of animals which may be hunted and the periods of the year or the parts of the day during which hunting for such animals or classes of animals is prohibited;

(g) authorizing the Minister to change the close season for hunting, in any hunting zone or part of a hunting zone indicated by him, and in respect of such animals or classes of animals as he indicates, where he considers it necessary in the interest of wild life conservation, and permitting the capture during such a season of such animals or classes of animals as he indicates for scientific or educational purposes;

(h) determining the periods of the year during which a person may have in his possession such animals or classes of animals as are indicated therein, and fixing the quantity thereof;

(i) prohibiting the transportation, possession, propagation, repopulation and sale of the classes of fish or fish-eggs of such classes as he indicates, and prohibiting the sale of any class of animals he indicates;

(j) prescribing standards for the transportation, possession, propagation, repopulation and sale of animals or fish;

(k) fixing the maximum number of animals of such class as he indicates which may be killed by one person or a group of persons during any open season;

(l) determining classes of animals which may or may not be kept in captivity or which are harmful;

(m) determining the manner of disposing of fire-arms or any other hunting implements, animals, fish or objects confiscated under this act;

(n) determining the animals belonging to the class of big game, small game, fur-bearing animals or any other class;

(o) fixing the fees to be paid, by every person carrying on the fur trade, for each pelt or fur in his possession derived from an animal hunted in Québec, and determining the required

Sec. 46, 47 and 48. *These provisions are transitional and introduce new law.*

documents which must accompany the pelts or furs of animals hunted outside Québec;

(p) determining in what cases the use of a vehicle or aircraft is prohibited in yards;

(q) determining the rent payable for the leases granted under Division XI of this act;

(r) establishing standards respecting the construction and repair of hunting or fishing outfittings;

(s) prescribing standards for the protection and well-being of the public in hunting or fishing outfittings and determining in what manner the presence of the customers of such establishments is to be registered;

(t) prescribing standards for the possession of hunting implements at forest or mining operations;

(u) determining the conditions, places and periods where hunting activities with dogs are permitted;

(v) exempting, in such places as he may determine, any class of persons from the obligation of holding the licence contemplated in section 45;

(w) determining the manner in which every trap must be indicated and prohibiting the use of traps in the cases which he indicates;

(x) determining the safety standards for hunting or fishing.

Coming  
into force.

Such regulations come into force on the date of their publication in the *Gazette officielle du Québec* or on any later date fixed therein.

Badges,  
etc.,  
issued  
before  
1 April  
1978.

**46.** Any badge, commission as game-warden, fishery overseer, game-warden assistant, fishery overseer assistant, club guardian, auxiliary agent, conservation auxiliary officer, or any other badge or commission with the same effect, issued, before 1 April 1978, to persons other than conservation officers subject to the Civil Service Act, shall be without effect or, as the case may be, cancelled and shall be returned to the Minister and may be seized and confiscated by any conservation officer.

Regula-  
tions to  
remain in  
force.

**47.** The regulations made by the Lieutenant-Governor in Council under the provisions of the Wild-life Conservation Act replaced by this act remain in force so far as they are in accordance with this act, until they are repealed, replaced or amended by regulations made under this act.

*Sec. 49. This provision determines the indemnification scheme applicable in all cases where exclusive hunting and fishing rights have not been renewed in favour of a lessee or have not been granted to another lessee.*

Leases to  
remain in  
force.

**48.** Subject to this act, every lease made under the provisions of the Wild-life Conservation Act replaced by this act remain in force.

Indemnifi-  
cation  
scheme.

**49.** The indemnification which the Minister may effect under section 58 of the Wild-life Conservation Act replaced by section 39 of this act in the case where exclusive hunting and fishing rights have not been renewed in favour of the lessee or have not been granted to another lessee is that provided for in section 39 of this act.

Provision  
declara-  
tory.

This section is declaratory.

Coming  
into force.

**50.** This act will come into force on the date to be fixed by proclamation of the Government, except the provisions excluded by that proclamation, which will come into force, in whole or in part, on any later date or dates fixed by proclamation of the Government.