

1990, chapter 64
**AN ACT RESPECTING THE MINISTÈRE
DES FORÊTS**

Bill 111

Introduced by Mr Albert Côté, Minister for Forests

Introduced 15 November 1990

Passage in principle 5 December 1990

Passage 14 December 1990

Assented to 14 December 1990

Coming into force: on the date or dates to be fixed by the Government

— 30 January 1991: ss. 1 to 43

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Acts amended:

Highway Safety Code (R.S.Q., chapter C-24.1)

Highway Safety Code (R.S.Q., chapter C-24.2)

Timber-Driving Companies Act (R.S.Q., chapter C-42)

Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1)

Forestry Credit Act (R.S.Q., chapter C-78)

Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1)

Executive Power Act (R.S.Q., chapter E-18)

Act respecting municipal taxation (R.S.Q., chapter F-2.1)

Forest Act (R.S.Q., chapter F-4.1)

Cullers Act (R.S.Q., chapter M-12.1)

Mining Act (R.S.Q., chapter M-13.1)

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Acts amended (Cont'd):

Act respecting the Ministère de l'Énergie et des Ressources (R.S.Q., chapter M-15.1)
Government Departments Act (R.S.Q., chapter M-34)
Special Corporate Powers Act (R.S.Q., chapter P-16)
Act respecting the sales price of pulpwood sold by farmers (R.S.Q., chapter P-25)
Tree Protection Act (R.S.Q., chapter P-37)
Environment Quality Act (R.S.Q., chapter Q-2)
Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1)
Act respecting the Société de récupération, d'exploitation et de développement forestiers du Québec (R.S.Q., chapter S-12)
Roads Act (R.S.Q., chapter V-8)
Act respecting the forestry fund (1980, chapter 8)
Act respecting threatened or vulnerable species and amending the Act respecting the conservation and development of wildlife (1989, chapter 37)
Forestry Merit Act (1989, chapter 44)



CHAPTER 64

An Act respecting the Ministère des Forêts

[Assented to 14 December 1990]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ORGANIZATION OF THE DEPARTMENT

Minister **1.** The Ministère des Forêts is under the direction of the Minister of Forests appointed under the Executive Power Act (R.S.Q., chapter E-18).

Deputy Minister **2.** The Government, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), shall appoint a person as Deputy Minister of Forests.

Administration **3.** Under the direction of the Minister, the Deputy Minister shall administer the department.

Duties He shall, in addition, perform any other duties assigned to him by the Government or the Minister.

Authority **4.** In the performance of his duties, the Deputy Minister has the authority of the Minister. His orders shall be executed in the same manner as those of the Minister.

Delegation **5.** The Deputy Minister may, in writing and to the extent he indicates, delegate the performance of his duties under this Act to a public servant or the holder of a position.

Subdelegation He may, in the instrument of delegation, authorize the subdelegation of the duties he indicates, and in that case shall name

the title of the public servant or the holder of the position to whom they may be subdelegated.

Staff **6.** The staff of the department shall consist of the public servants required for the performance of the duties of the Minister; they shall be appointed and remunerated in accordance with the Public Service Act.

Duties The Minister shall determine the duties of the public servants where they are not determined by law or by the Government.

Signature **7.** The signature of the Minister or the Deputy Minister gives effect to any document emanating from the department.

Documents No deed, document or writing is binding on the Minister or may be attributed to him unless it is signed by him, by the Deputy Minister, by a member of the staff of the department or by the holder of a position and only, in the last two cases, to the extent determined by the Government.

Automatic device **8.** The Government may, on the conditions it determines, allow the signature of a person referred to in section 7 to be affixed by means of an automatic device to the documents it determines.

Facsimile The Government may also allow a facsimile of such a signature to be engraved, lithographed or printed on the documents it determines. The facsimile must be countersigned by a person authorized by the Minister.

Authenticity **9.** Any document or copy of a document emanating from the department or forming part of its records, signed or certified by a person referred to in the second paragraph of section 7, is authentic.

Report **10.** The Minister shall table in the National Assembly a report of the activities of the Ministère des Forêts for each fiscal year, within six months after the end of the fiscal year, if the Assembly is sitting or, if it is not sitting, within 30 days after the opening of the next session or resumption.

CHAPTER II

DUTIES AND POWERS OF THE MINISTER

Forestry policy **11.** The Minister shall devise a forestry policy, propose it to the Government and ensure its implementation.

Objectives

12. The objectives of the forestry policy shall be, in particular, the preservation or renewal of the forest cover, the protection of all forest resources, the optimum utilization of those resources and the expansion of economic activities relating to the development and processing of forest resources.

Authority

13. All forest management activities in forests in the public domain shall be under the authority of the Minister.

Duties

14. The duties of the Minister shall be, more particularly:

(1) to oversee all aspects of forest management in forests in the public domain;

(2) to ensure, in forests in the public domain, the compatibility of forest management activities with the uses provided for in land use plans referred to in Division III of Chapter II of the Act respecting the lands in the public domain (R.S.Q., chapter T-8.1);

(3) to encourage the development of private forests;

(4) to establish, in forests in the public domain, forest management units and to allocate thereto, up to the maximum allowable annual cut and taking account of other available sources of supply, volumes of round timber to supply wood processing plants;

(5) to carry out, according to law, forest management activities;

(6) to devise and carry out plans and programs for the conservation, development and processing in Québec of forest resources;

(7) to devise and implement research and development programs in the fields of forestry and the processing of forest resources;

(8) to ensure the protection of forest resources against fire, epidemics and diseases and to carry out phytosanitary tests on such resources;

(9) to contribute to the development, adaptation and modernization of wood processing plants and other activities using timber;

(10) to encourage the marketing and sale of forest products;

(11) to ensure the participation of the forestry sector in regional development;

(12) to enforce legislation relating to forests;

(13) to perform any other duty assigned to him by the Government with respect to forests.

Financial
assistance

15. The Minister may, for the performance of his duties, grant financial assistance on the conditions determined by regulation of the Government.

Private
domain

16. Any employee of the department may, in the performance of his duties and at any reasonable time, enter on and pass over land in the private domain. He shall, if so required, identify himself and show the certificate of his capacity signed by the Minister.

CHAPTER III

TRANSITIONAL AND FINAL PROVISIONS

Staff

17. The members of the staff of the Ministère de l'Énergie et des Ressources who are assigned to duties devolving upon the Minister of Forests shall, in the manner determined by the Government, become the members of the staff of the Ministère des Forêts.

Documents

18. The records and other documents of the departments and services of the Ministère de l'Énergie et des Ressources necessary for the performance of the duties devolving upon the Minister of Forests shall become, in the manner determined by the Government, the records and other documents of the Ministère des Forêts.

Matters
pending

19. Matters pending before the Ministère de l'Énergie et des Ressources concerning matters devolving upon the Minister of Forests shall be continued and decided by the latter from the date of the coming into force of this section.

Actions

20. The Minister of Forests shall become a party to every action to which the Minister of Energy and Resources or the Minister for Forests was a party and which pertains to a matter coming under the jurisdiction of the Minister of Forests, without continuance of suit, on the date of the coming into force of this section.

Authoriza-
tion

21. The Minister of Forests is authorized to use any document or means of identification prepared in the name of the Minister of Energy and Resources or the Ministère de l'Énergie et des Ressources, or the Minister for Forests, until he replaces it with documents or means of identification prepared in his name or in the name of the Ministère des Forêts.

Appropriations **22.** The appropriations allocated to the Ministère de l'Énergie et des Ressources in respect of matters devolving upon the Minister of Forests are transferred, to the extent determined by the Government, to the Ministère des Forêts.

Consolidated revenue fund The other sums required for the carrying out of this Act are taken, for the fiscal year 1990-91, out of the consolidated revenue fund to the extent determined by the Government.

Words replaced **23.** In any proclamation or agreement and in any order in council, order, regulation, contract or other document, the words "Minister of Energy and Resources" and "Ministère de l'Énergie et des Ressources" are replaced by the words "Minister of Forests" and "Ministère des Forêts", respectively, if such document concerns a matter coming under the jurisdiction of the Minister of Forests, and the words "Minister for Forests" are replaced by the words "Minister of Forests".

Words replaced **24.** The words "of Energy and Resources" and the words "de l'Énergie et des Ressources" are replaced by the words "of Forests" and "des Forêts", respectively, everywhere they appear in the following provisions:

(1) sections 6, 8, 10, 14, 27, 28, 43, 44, 49 and 66 of the Timber-Driving Companies Act (R.S.Q., chapter C-42);

(2) sections 1 and 53 of the Forestry Credit Act (R.S.Q., chapter C-78);

(3) sections 30, 69 and 70 of the Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1);

(4) section 245 of the Mining Act (R.S.Q., chapter M-13.1);

(5) section 42 of the Special Corporate Powers Act (R.S.Q., chapter P-16);

(6) section 2 of the Act respecting the sales price of pulpwood sold by farmers (R.S.Q., chapter P-25);

(7) sections 144 and 178 of the Environment Quality Act (R.S.Q., chapter Q-2);

(8) sections 174 and 191.69 of the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1);

(9) sections 19, 19.1, 25 and 28 of the Act respecting the Société de récupération, d'exploitation et de développement forestiers du Québec (R.S.Q., chapter S-12);

(10) section 30 of the Roads Act (R.S.Q., chapter V-8);

(11) sections 2, 4, 5, and 6 of the Act respecting the forestry fund (1980, chapter 8).

c. C-24.1,
s. 1, am.

25. Section 1 of the Highway Safety Code (R.S.Q., chapter C-24.1) is amended by inserting the words “the Ministère des Forêts,” after the word “by” in the first line of paragraph 1 of the definition of “public highway”.

c. C-24.2,
s. 4, am.

26. Section 4 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by inserting the words “Ministère des Forêts, the” after the words “by the” in the first line of paragraph 1 of the definition of “public highway”.

c. C-61.1,
s. 128.2,
am.

27. Section 128.2 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is amended by inserting the words “the Minister of Forests,” after the word “be” in the second line of the first paragraph.

c. E-18,
s. 4, am.

28. Section 4 of the Executive Power Act (R.S.Q., chapter E-18) is amended by inserting, after subparagraph 31 of the first paragraph, the following subparagraph:

“(32) A Minister of Forests.”

c. F-2.1,
s. 220.2,
am.

29. Section 220.2 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by replacing the words “for Forests” in the third line by the words “of Forests”.

c. F-4.1,
s. 257,
replaced

30. Section 257 of the Forest Act (R.S.Q., chapter F-4.1) is replaced by the following section:

Minister
responsible

“257. The Minister of Forests is responsible for the administration of this Act.”

c. M-12.1,
s. 44,
replaced

31. Section 44 of the Cullers Act (R.S.Q., chapter M-12.1) is replaced by the following section:

Minister
responsible

“44. The Minister of Forests is responsible for the administration of this Act.”

c. M-13.1,
s. 244, am.

32. Section 244 of the Mining Act (R.S.Q., chapter M-13.1) is amended by inserting the words “and the Minister of Forests,” after the word “Resources” in the third line.

c. M-15.1,
s. 12, am.

33. Section 12 of the Act respecting the Ministère de l'Énergie et des Ressources (R.S.Q., chapter M-15.1) is amended

(1) by striking out of the words “forest” and “forestry” in paragraphs 1, 3, 4 and 17 and making the necessary changes;

(2) by replacing the words “forest lands and resources” in paragraph 6 by the word “lands”;

(3) by striking out paragraph 7.

c. M-15.1,
s. 15, am.

34. Section 15 of the said Act is amended by striking out the word “, forestry” in the second line.

c. M-15.1,
s. 25,
repealed

35. Section 25 of the said Act is repealed.

c. M-34,
s. 1, am.

36. Section 1 of the Government Departments Act (R.S.Q., chapter M-34) is amended by inserting, after paragraph 29, the following paragraph:

“(30) The Ministère des Forêts.”

c. P-37,
s. 1, am.

37. Section 1 of the Tree Protection Act (R.S.Q., chapter P-37) is amended by replacing the words “wherever the same is growing” in the fourth and fifth lines by the words “anywhere other than in a forest under the management of the Minister of Forests”.

1989, c. 37,
s. 6, am.

38. Section 6 of the Act respecting threatened or vulnerable species and amending the Act respecting the conservation and development of wildlife (1989, chapter 37) is amended by inserting the words “, the Minister of Forests” after the word “Resources” in the third line of the third paragraph.

1989, c. 37,
s. 12, am.

39. Section 12 of the said Act is amended by inserting the words “the Minister of Forests” after the word “Resources,” in the fourth line of the first paragraph.

1989, c. 44,
s. 4, am.

40. Section 4 of the Forestry Merit Act (1989, chapter 44) is amended by replacing the words “responsible for the administration of this Act” in the first and second lines by the words “of Forests”.

1989, c. 44,
s. 9, am.

41. Section 9 of the said Act is amended by inserting the words “of Forests” after the word “Minister” in the first line.

1989, c. 44,
s. 11,
replaced **42.** Section 11 of the said Act is replaced by the following section:

Minister
responsible **“11.** The Minister of Forests is responsible for the administration of this Act.”

Coming into
force **43.** The provisions of this Act will come into force on the date or dates to be fixed by the Government.