

FOURTH SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 50

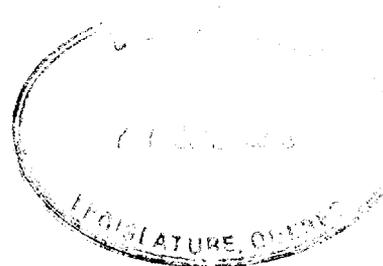
An Act respecting the Ministère de l'environnement

First reading

Second reading

Third reading

M. MARCEL LÉGER
Ministre délégué à l'environnement



L'ÉDITEUR OFFICIEL DU QUÉBEC

1979

EXPLANATORY NOTES

This bill provides for the creation and organization of the Ministère de l'environnement.

The bill assigns to the Ministre de l'environnement the functions and powers contemplated in section 2 of the Environment Quality Act (1972, chapter 49).

In addition, the Minister is to be responsible for the management of the public water supply and of water considered as a natural resource, and for ecological reserves.

The bill confers on the Minister the powers necessary to carry out his mandate and makes the amendments necessary for concordance with other legislative provisions.

Bill 50

An Act respecting the Ministère de l'environnement

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

DIVISION I

ORGANIZATION OF THE DEPARTMENT

1. The Ministre de l'environnement, designated in this act as the "Minister", has the direction and administration of the Ministère de l'environnement.

2. The Government shall appoint a sous-ministre de l'environnement, hereinafter called the "Deputy Minister".

3. Under the direction of the Minister, the Deputy Minister has the supervision of the personnel of the Department; he shall administer its day-to-day business and exercise the other functions assigned to him by the Government.

4. The orders of the Deputy Minister must be carried out in the same manner as those of the Minister; his authority shall be that of the Minister and his official signature shall give force and effect to every document within the jurisdiction of the Department.

5. The other officers necessary for the proper administration of the Department shall be appointed and remunerated in conformity with the Civil Service Act (1978, chapter 15).

6. The respective duties of the officers of the Department not expressly defined by the act or by the Government shall be determined by the Minister.

7. No deed, document or writing shall bind the Department or be attributed to the Minister unless it is signed by him, by the Deputy Minister or by an officer and only, as regards the latter, to the extent determined by regulation of the Government published in the *Gazette officielle du Québec*.

The Government may, however, upon the conditions it fixes, allow the required signature to be affixed by means of an automatic device to such documents as it determines.

The Government may also allow a facsimile of the required signature to be engraved, lithographed or printed on such documents as it determines; in such case the facsimile shall have the same force as the signature itself, if the document is countersigned by a person authorized by the Minister.

8. Any copy of a document forming part of the records of the Department, certified true by a person contemplated in the first paragraph of section 7, shall be authentic and have the same force as the original.

9. The Minister shall table a report of the activities of his Department before the Assemblée nationale for each fiscal period, within six months following the end of that period if the Assemblée nationale is sitting or, if it is not, within thirty days following the opening of the next session or following resumption.

DIVISION II

FUNCTIONS AND POWERS OF THE MINISTER

10. The Minister has the functions and powers vested in him by section 2 of the Environment Quality Act (1972, chapter 49).

11. In addition, the Minister is responsible for the management of the public water supply and of water considered as a natural resource, and for ecological reserves.

For these purposes he may, in addition to the powers conferred on him under section 10, carry out or cause to be carried out studies concerning the dangers of flooding, soil erosion and landslides and implement long-term programmes to prevent or lessen the damage caused by those phenomena.

DIVISION III

TRANSITIONAL AND FINAL PROVISIONS

12. Section 4 of the Executive Power Act (Revised Statutes, 1964, chapter 9), amended by section 19 of chapter 16 of the statutes of 1965 (1st session), by section 4 of chapter 23 and section 17 of chapter 72 of the statutes of 1966/1967, by section 18 of chapter 68 of the statutes of 1968, by section 13 of chapter 14, section 7 of chapter 26 and section 13 of chapter 65 of the statutes of 1969, by section 12 of chapter 42 of the statutes of 1970, by section 1 of chapter 10 of the statutes of 1971, by section 13 of chapter 54 of the statutes of 1972, by section 23 of chapter 22 and section 13 of chapter 27 of the statutes of 1973, by section 9 of chapter 76 of the statutes of 1975 and by section 1 of chapter 7 of the statutes of 1976, is again amended by inserting, at the end, the following paragraph:

“(26) A minister of the Environment.”

13. Section 45 of the Civil Service Superannuation Plan (Revised Statutes, 1964, chapter 14), amended by section 16 of chapter 15 of the statutes of 1965 (1st session), section 8 of chapter 6 of the statutes of 1966, section 72 of chapter 9, section 39 of chapter 11, section 3 of chapter 12, section 5 of chapter 13, section 83 of chapter 17, section 4 of chapter 18 and section 31 of chapter 60 of the statutes of 1968, by section 17 of chapter 15, section 34 of chapter 17, section 78 of chapter 28, section 40 of chapter 48 and section 30 of chapter 62 of the statutes of 1969, by section 2 of chapter 8, section 87 of chapter 17 and section 21 of chapter 43 of the statutes of 1970, by section 2 of chapter 17, section 199 of chapter 19, section 65 of chapter 20 and section 26 of chapter 77 of the statutes of 1971, by section 96 of chapter 14, section 133 of chapter 49, section 66 of chapter 53, section 175 of chapter 55 and section 11 of chapter 58 of the statutes of 1972, by section 162 of chapter 12, section 28 of chapter 21, section 265 of chapter 43 and by section 28 of chapter 67 of the statutes of 1973, by section 12 of chapter 10 of the statutes of 1974, by section 22 of chapter 22 of the statutes of 1977 and by section 28 of chapter 38 of the statutes of 1978, is again amended by replacing paragraph 6 by the following paragraph:

“(6) The chairman and vice-chairman of the Commission d'aménagement du Québec, the general manager of the Société des alcools du Québec, the chairman of the Caisse de dépôt et placement du Québec, the president of the Société québécoise d'exploration minière, the members of the Régie de l'assurance-récolte du Québec who are appointed for ten years, the president

and general manager of the Office de radio-télédiffusion du Québec, the members of the Société d'habitation du Québec, the general manager of the Société du parc industriel du centre du Québec, the president of the Régie de l'assurance-maladie du Québec, the manager of the Raffinerie de sucre de Québec, the president and the vice-president of the Commission des services juridiques, the president of the Régie des rentes du Québec, the chairman of the board of directors of the Société de récupération, d'exploitation et de développement forestiers du Québec if he is a member of the civil service, the chairman of the Office des professions du Québec, the members of the Bureau de révision de l'évaluation foncière du Québec, except the persons contemplated in the fourth paragraph of section 65 of chapter 31 of the statutes of 1973, the chairman of the Council of arbitration appointed under section 41 of the Manpower Vocational Training and Qualification Act (1969, chapter 51);”.

14. Section 1 of the Government Departments Act (Revised Statutes, 1964, chapter 15), amended by section 20 of chapter 16 of the statutes of 1965 (1st session), by section 5 of chapter 23 and section 18 of chapter 72 of the statutes of 1966/1967, by section 19 of chapter 68 of the statutes of 1968, by section 16 of chapter 14, section 9 of chapter 26 and section 14 of chapter 65 of the statutes of 1969, by section 13 of chapter 42 of the statutes of 1970, by section 14 of chapter 54 of the statutes of 1972, by section 24 of chapter 22 and section 14 of chapter 27 of the statutes of 1973 and by section 10 of chapter 76 of the statutes of 1975, is again amended by adding, at the end, the following paragraph:

“(25) The Ministère de l'environnement.”

15. Section 1 of the Natural Resources Department Act (Revised Statutes, 1964, chapter 83) is amended:

(a) by replacing subparagraphs *a* to *d* of the second paragraph by the following subparagraphs:

“(a) to promote the development and utilization of the mineral and energy resources of Québec for the benefit of its people;

“(b) to supervise the carrying out of the laws respecting the production, transmission, distribution and sale of electricity and gas;

“(c) to accelerate the expansion of Hydro-Québec and secure for it the development of all unconceded waterpower wherever it can economically harness the same;

“(d) to prepare plans for the turning to account, developing and processing in Québec of the mineral and energy resources found therein and, with the authorization of the Lieutenant-

Governor in Council and in collaboration with other ministers, see to the carrying out of such plans;”;

(b) by striking out subparagraph *f* of the second paragraph.

16. Section 1 of the Watercourses Act (Revised Statutes, 1964, chapter 84) is replaced by the following section:

“**1.** The Ministre de l’environnement shall have charge of the carrying out of this act, with the exception of section 3 and of Division VIII, which are under the jurisdiction of the Ministre des richesses naturelles.”

17. Section 59 of the said act, amended by section 130 of chapter 49 of the statutes of 1972, is again amended by replacing the first paragraph by the following paragraph:

“**59.** Any corporation, partnership or person intending to construct any such work must apply by petition to the Lieutenant-Governor in Council, and forward such petition to the Ministre de l’environnement, with plans, specifications and a memorandum showing:”.

18. Section 74 of the said act, enacted by section 4 of chapter 34 of the statutes of 1968 and amended by section 131 of chapter 49 of the statutes of 1972, is again amended by replacing the first paragraph by the following paragraph:

“**74.** Any corporation, partnership or person intending to construct any such work must apply by petition to the Lieutenant-Governor in Council, and forward such petition to the Ministre de l’environnement, with plans, specifications and a memorandum showing:”.

19. Section 1 of the Tree Protection Act (Revised Statutes, 1964, chapter 95), amended by section 101 of chapter 38 of the statutes of 1973, is again amended by replacing the first paragraph by the following paragraph:

“**1.** Notwithstanding any general or special law authorizing same, any person or any corporation constituted in this Province or elsewhere by any authority whatsoever, destroying or damaging, wholly or partly, a tree, sapling or shrub, or any underwood, wherever the same is growing, without having obtained, upon petition therefor served upon the interested parties, the authorization of the Ministre de l’environnement, unless a consent has been previously given by the owner of such tree, sapling, shrub or underwood, shall be bound to pay to the owner of such tree, sapling, shrub or underwood, in addition to actual damages,

exemplary damages in an amount not exceeding twenty-five dollars for each such tree, sapling, shrub or underwood so wholly or partly destroyed or damaged.”

20. Section 1 of the Mining Act (1965, 1st session, chapter 34), amended by section 1 of chapter 36 of the statutes of 1968, by section 1 of chapter 27 of the statutes of 1970, by section 1 of chapter 31 of the statutes of 1977, is again amended by replacing paragraph 27 by the following paragraph:

“(27) “Minister”: the Ministre des richesses naturelles, except in Division XVII;”.

21. The said act is amended by adding, after section 194, the following section:

“**194 a.** The Ministre de l’environnement is responsible for the application of this division and shall exercise all the powers conferred for such purpose by this act on the Ministre des richesses naturelles.

The Sous-ministre de l’environnement shall exercise the powers established by section 275 respecting the matters contemplated in this division.”

22. Section 1 of the Act respecting the artificial inducement of rain (1970, chapter 28) is amended by replacing paragraph *b* by the following paragraph:

“(b) “Minister”: the Ministre de l’environnement.”

23. Section 1 of the Environment Quality Act (1972, chapter 49) is amended:

(a) by replacing paragraph 3 by the following paragraph:

“(3) “soil”: any land or underground space even if submerged in water, including an area of land covered by a structure;”;

(b) by replacing paragraph 18 by the following paragraph:

“(18) “Minister”: the Ministre de l’environnement;”.

24. The heading of Division II of Chapter I of the said act is replaced by the following heading: “FUNCTIONS AND POWERS OF THE MINISTER”.

25. Section 2 of the said act is amended by replacing subparagraph *c* of the third paragraph by the following subparagraph:

“(c) prepare plans and programmes for the conservation, protection and management of the environment and emergency

plans to fight any form of contamination or destruction of the environment and, with the authorization of the Lieutenant-Governor in Council, see to the carrying out of those plans and programmes;”.

26. Sections 3, 4, 5 and 6 of the said act are repealed.

27. Section 35 of the said act, amended by section 5 of chapter 51 of the statutes of 1974, is again amended:

(a) by replacing the first paragraph by the following paragraph:

“**35.** When the Minister, after inquiry made on his own initiative or upon the application of anyone interested, considers that necessity or advantage requires that two or more municipalities have a common waterworks, sewer system or water treatment plant, he may prescribe the necessary measures.”;

(b) by replacing the third paragraph by the following paragraph:

“In all such cases, the Minister may, establish the cost and apportionment of the cost of the works and the maintenance and operating costs and the mode of payment or fix the indemnity, periodic or otherwise, payable for the use of the works or for the service provided by a municipality.”

28. Section 125 of the said act is replaced by the following section:

“**125.** Notwithstanding section 7 of the Act respecting the Ministère de l’environnement (1979, chapter *insert here the chapter number of Bill 50*), the powers conferred on the Minister under this act may not be delegated to another person.

The powers conferred on the Deputy Minister, under the first paragraph of section 30 of the Act respecting the Ministère de l’environnement, with regard to a decision susceptible of appeal pursuant to section 96 of this act, must be exercised by the Deputy Minister himself or by an assistant deputy minister, provided the latter has been generally or specially authorized by a writing of the Minister.”

29. Section 6 of the Act respecting the city of Longueuil (1975, chapter 93) is amended by replacing the last paragraph by the following paragraph:

“This section becomes effective thirty days after its publication in the *Gazette officielle du Québec* by the Ministre de l’environnement.”

30. In any act, regulation, order in council, ordinance, directive, contract or other document, the expression "Director of environment protection services" and the word "Director", wherever they are used to designate the Director of environment protection services, are replaced, respectively, by the expressions "Sous-ministre de l'environnement" and "Deputy Minister".

Section 7 applies, *mutatis mutandis*, to the documents for which the Deputy Minister is responsible under this section.

31. The Deputy Minister exercises the functions and powers vested in the Director of environment protection services, even with regard to any request addressed to the latter before (*insert here the date of coming into force of section 30 of Bill 50*).

32. In any act, regulation, order in council, ordinance, directive, contract or other document, the expressions "Minister responsible for the application of the Environment Quality Act", "Minister responsible for the application of the Environment Quality Act (1972, chapter 49)" or "Minister-Delegate, Environment", are replaced by the expression "Ministre de l'environnement".

33. The Minister exercises the functions and powers vested in the Ministre des richesses naturelles in any act, regulation, order in council, directive, contract or document concerning water management and water supply, except those matters contemplated in section 3 and Division VIII of the Watercourses Act.

34. In the Watercourses Act, the expression "Minister of Natural Resources" is replaced, except in section 3 and Division VIII, by the expression "Ministre de l'environnement".

35. The Ministère de l'environnement is substituted of right for the environment protection services in any act, regulation, order in council, ordinance, directive, contract or other document where those services are mentioned.

36. The officers of the Direction générale des eaux and of the Direction générale de l'administration of the Ministère des richesses naturelles, those of the Ministère des terres et forêts assigned to the administration of ecological reserves and those of the environment protection services, in office (*insert here the date of the coming into force of Bill 50*), become, without further formality, officers of the Ministère de l'environnement, as determined by the Government.

37. The appropriations allocated to the Ministère des richesses naturelles for the activities of the Direction générale des eaux and of the Direction générale de l'administration, those allocated to the Ministère des terres et forêts for the administration of ecological reserves and those granted for the environment protection services are transferred to the Ministère de l'environnement, as determined by the Government.

38. The records of the Ministère des richesses naturelles respecting those matters contemplated in Division II of this act, those of the Ministère des terres et forêts respecting ecological reserves and those of the environment protection services devolve upon the Ministère de l'environnement.

39. 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 on any later date which may be fixed by proclamation of the Government.