

FOURTH SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 72

**An Act respecting the Ministère de
l'énergie et des ressources**

First reading
Second reading
Third reading

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Ministre de l'énergie et des ressources

L'ÉDITEUR OFFICIEL DU QUÉBEC

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EXPLANATORY NOTES

This bill provides for the establishment and organization of a department of energy and resources.

The bill ascribes, to the Ministre de l'énergie et des ressources, the functions, duties and powers of the Ministre des terres et forêts and the Ministre des richesses naturelles, except those that devolve to the Ministre de l'environnement.

The Ministre de l'énergie et des ressources will be responsible for the management, development and use of the lands of the public domain, and the enhancement, development and transformation in Québec of forest, hydraulic, mineral and energy resources.

Lastly, the bill vests in the Minister the powers he requires to carry out his mandate, and makes the necessary amendments in other acts to provide concordance.

Bill 72

An Act respecting the Ministère de l'énergie et des ressources

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'énergie et des ressources, designated in this act as the "Minister", has the direction and administration of the Ministère de l'énergie et des ressources.

He is also the Surveyor-General of Québec.

2. The Government shall appoint a deputy minister to the Ministère de l'énergie et des ressources, hereinafter called the "Deputy Minister", and associate deputy-ministers and assistant deputy-ministers.

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

4. Under the authority of the Deputy Minister, each associate deputy-minister shall have charge of a sector of activity as may be determined by the Government.

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

6. The personnel necessary for the proper administration of the Department shall be appointed and remunerated in conformity with the Civil Service Act (1978, c. 15).

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

8. No deed, document or writing binds the Department or may be attributed to the Minister unless it is signed by him, by the Deputy Minister or a member of the personnel of the Department and only, in this last case, 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 a case, the facsimile has the same force as the signature itself, if the document is countersigned by a person authorized by the Minister.

9. 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 8, is authentic and has the same force as the original.

10. The Photographic Proof of Documents Act (R.S.Q., c. P-22) applies to documents and copies of documents emanating from the Department or forming part of its records or archives save that, notwithstanding section 2 of the said act, the documents or copies may be destroyed at all times after they have been reproduced.

11. 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

12. The functions and powers of the Minister include

(1) the management and granting of rights of ownership and rights of use of forest, hydraulic, mineral and energy resources of the public domain;

(2) the management and granting of rights of ownership and rights of use of lands of the public domain, subject to the powers that may be conferred on another minister, to such extent as may be provided by an act or by government order;

(3) the devising and carrying out of plans and programmes for the enhancement, development and transformation in Québec of forest, hydraulic, mineral and energy resources;

(4) the setting up of laboratories for research in mineralogy, metallurgy, hydraulics, forestry and energy;

(5) the construction and maintenance of logging roads;

(6) the development, conservation and improvement of the forest lands and resources of the public domain;

(7) the protection of forest resources against fire, epidemics and diseases on lands of the public domain and, if he deems it advisable in the public interest, on private lands;

(8) the establishment of the official cartography of Québec;

(9) the survey of the lands of the public domain;

(10) the definition, maintenance and respect of the territorial integrity of Québec;

(11) the control of the development of all hydraulic resources conceded;

(12) the accelerated expansion of Hydro-Québec, particularly by securing for it the development of the hydraulic power available;

(13) the control of energy supplies;

(14) the control of the quality of energy production and the supervision of the safety of its distribution;

(15) the keeping of registers of conceded rights pertaining to the public domain;

(16) the application of the legislation relating to surveying, cadastre and cartography and forest, mineral, hydraulic and energy resources.

13. The Minister may issue letters patent relating to the concession of land of the public domain.

Letters patent issued under the signature of the Minister have the same effect as if they were issued and delivered by the Lieutenant-Governor and the Attorney-General under the great seal.

The letters patent shall be registered by the Ministre de la justice acting as registrar of Québec.

The Ministre de la justice may provide copies of the letters patent or issue certificates of their registration.

14. The Minister shall notify the secretary-treasurer of the municipalities concerned of the granting or cancellation of any concession, lease or occupation licence affecting land of the public domain. From the notice of cancellation, the land contemplated again becomes non-taxable.

He shall also notify the registrar of the registration divisions concerned of the granting or cancellation of letters patent affecting land of the public domain.

15. The Minister may make grants for the carrying out of research in mineralogy, metallurgy, hydraulics, forestry and energy on such conditions as may be determined by government regulation published in the *Gazette officielle du Québec*.

16. The Minister, in conformity with the act and with the authorization of the Government, may enter into an agreement with any government or agency in conformity with the interests and rights of Québec to facilitate the carrying out of this act.

17. The Government may authorize the Minister to acquire, by agreement, exchange or expropriation any land, territory or immovable right where it considers such acquisition advisable for the administration of this act or of any other act under the responsibility of the Minister.

DIVISION III

TRANSITIONAL AND FINAL PROVISIONS

18. Section 4 of the Executive Power Act (R.S.Q., c. E-18), amended by section 12 of chapter 49 of the statutes of 1979, is again amended by replacing paragraphs 8 and 9 by the following paragraph:

“(8) A Ministre de l’énergie et des ressources;”.

19. Section 1 of the Government Departments Act (R.S.Q., c. M-34), amended by section 14 of chapter 49 of the statutes of 1979, is again amended by replacing paragraphs 7 and 8 by the following paragraph:

“(7) The Ministère de l’énergie et des ressources, presided by the Ministre de l’énergie et des ressources;”.

20. In any act, proclamation, regulation, order in council, order, directive, contract or other document, the expressions “Ministre des richesses naturelles” and “Ministre des terres et forêts”, “Ministère des richesses naturelles” and “Ministère des terres et forêts”, “Sous-ministre des richesses naturelles” and “Sous-ministre des terres et forêts” designate, respectively, the “Ministre de l’énergie et des ressources”, the “Ministère de l’énergie et des ressources” and the “Sous-ministre de l’énergie et des ressources”.

The following, in particular, are amended:

(1) Section 2 of the Act respecting the acquisition of colonization lands (R.S.Q., c. A-4);

(2) Sections 1, 3, 14, 15, 18 and 19 of the Act respecting land survey (R.S.Q., c. A-22);

(3) Section 1 of the Land Surveyors Act (R.S.Q., c. A-23);

(4) Sections 1 and 2 of the Escheat and Confiscation Act (R.S.Q., c. B-5);

(5) Sections 1, 3, 9, 17 and 21 of the Cadastre Act (R.S.Q., c. C-1);

(6) Sections 1, 34 and 36 of the Petroleum Products Trade Act (R.S.Q., c. C-31);

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

(8) Section 56 of the Wild-life Conservation Act (R.S.Q., c. C-61);

(9) Sections 1 and 53 of the Forestry Credit Act (R.S.Q., c. C-78);

(10) Sections 70, 76, 96 and 97 of the Mining Duties Act (R.S.Q., c. D-15);

(11) Sections 5 and 9 of the Electric Power Exportation Act (R.S.Q., c. E-23);

(12) Section 32 of the Hydro-Québec Act (R.S.Q., c. H-5), as amended by chapter 41 of the statutes of 1978;

(13) Section 1 of the Taxation Act (R.S.Q., c. I-3);

(14) Sections 1 and 6 of the Forestry Merit Act (R.S.Q., c. M-11);

(15) Sections 1, 3, 4, 5, 8, 10, 11, 12, 14, 16 and 17 of the Cullers Act (R.S.Q., c. M-12);

(16) Sections 1, 125, 130, 131, 134, 242, 256, 265, 268, 270, 298 and 305 of the Mining Act (R.S.Q., c. M-13);

(17) Section 42 of the Special Corporate Powers Act (R.S.Q., c. P-16);

(18) Section 2 of the Act respecting the sale price of pulpwood sold by farmers and settlers (R.S.Q., c. P-25);

(19) Sections 18, 57 and 61 of the Act to establish the Société nationale de l'amiante (1978, c. 42) as amended by chapter 44 of the statutes of 1979;

(20) Sections 1, 56, 58, 83, 84, 86, 89, 90, 148, 167, 168, 170, 173, 174, 191.38, 191.40, 191.62, 191.63, 191.65, 191.68 and 191.69 of the Act respecting the land regime in the James Bay and New Québec Territories (1978, c. 93) as amended by chapter 25 of the statutes of 1979;

(21) Sections 1, 2 and 3 of the Forestry Schools and Research Act (R.S.Q., c. R-1);

(22) Section 32 of the Act respecting the Régie de l'électricité et du gaz (R.S.Q., c. R-6);

(23) Sections 68 and 70 of the Watercourses Act (R.S.Q., c. R-13);

(24) Section 1 of the Act to authorize the grant of certain timber limit (1964, c. 31);

(25) Sections 13, 14, 16.1, 17 and 20 of the Act respecting the Société de cartographie du Québec (R.S.Q., c. S-9) as amended by chapter 21 of the statutes of 1979;

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

(27) Section 25 of the Act respecting the Société québécoise d'exploration minière (R.S.Q., c. S-19);

(28) Sections 20 and 23 of the Act respecting the Société québécoise d'initiative pétrolière (R.S.Q., c. S-22);

(29) Section 1 of the Act respecting mineral exploration partnerships (R.S.Q., c. S-26);

(30) Section 55 of the Colonization Land Sales Act (R.S.Q., c. T-8);

(31) Sections 1, 3, 5, 6, 7, 8, 11, 13, 17, 21, 24, 30, 34, 36, 39, 43, 44, 54, 58, 63, 65, 66, 67, 71, 82, 83, 90 to 93, 98, 113, 114, 117, 129, 136, 137, 139, 143, 144, 154 and 164 of the Lands and Forests Act (R.S.Q., c. T-9);

(32) Sections 1 and 2 of the Act respecting land titles in certain electoral districts (R.S.Q., c. T-11);

(33) Section 63 of the Securities Act (R.S.Q., c. V-1);

(34) Section 2 of the Unwrought Metal Sales Act (R.S.Q., c. V-5);

(35) Sections 1 and 7 of the Mining Villages Act (R.S.Q., c. V-6);

(36) Section 30 of the Roads Act (R.S.Q., c. V-8);

(37) Sections 1, 2, 6, 9 and 11 of the Act to provide for a rational exploitation of certain forest lands (1946, c. 25);

(38) Section 62 of the Act to promote rural electrification by means of electricity cooperatives (1945, c. 48) as amended by chapter 33 of the statutes of 1964;

(39) Articles 2166, 2174, 2174*a*, 2175 and 2176*b* of the Civil Code.

21. Section 24 of the Hydro-Québec Act (R.S.Q., c. H-5) is amended by striking out paragraph 4 of the second paragraph.

22. Section 25 of the said act is amended by replacing the second paragraph by the following paragraph:

“Available funds in the possession of the Corporation after the establishment of the reserves contemplated in paragraphs 1 to 3 of the second paragraph of section 24 shall be paid to the Ministre des finances, upon his requisition, and form part of the consolidated revenue fund as soon as they are received by him.”

23. The Act respecting the acquisition of certain forest lands (1951-1952, c. 38) is repealed.

24. Public forest lands under the management of the Minister are withdrawn from the application of the Tree Protection Act (R.S.Q., c. P-37).

25. The regulations and the orders made pursuant to the Act respecting the Ministère des richesses naturelles or the Act respecting the Ministère des terres et forêts continue to be in force until they are repealed, amended or replaced by regulations or orders made pursuant to this act.

26. The personnel of the Ministère des richesses naturelles and the personnel of the Ministère des terres et forêts, in office at the coming into force of this act, become, without further

formality, the personnel of the Ministère de l'énergie et des ressources, as may be determined by the Government.

27. The appropriations allocated to the Ministère des richesses naturelles and the appropriations allocated to the Ministère des terres et forêts are transferred to the Ministère de l'énergie et des ressources, as the Government may determine.

28. The records of the Ministère des richesses naturelles and the records of the Ministère des terres et forêts devolve upon the Ministère de l'énergie et des ressources.

29. The Ministre de l'énergie et des ressources becomes a party to any proceeding to which the Ministre des terres et forêts or the Ministre des richesses naturelles was a party, without continuance of suit, from the coming into force of this act.

30. The Act respecting the Ministère des richesses naturelles (R.S.Q., c. M-26) and the Act respecting the Ministère des terres et forêts (R.S.Q., c. M-27) are repealed.

31. This act will come into force on the date to be fixed by government proclamation, except the sections or parts thereof excluded by the proclamation, which will come into force on any other date fixed by government proclamation.