



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 161

**An Act to amend the Act respecting the
conservation and development of wildlife**

Introduction

**Introduced by
Mr. Luc Blanchette
Minister of Forests, Wildlife and Parks**

**Québec Official Publisher
2017**

EXPLANATORY NOTES

This bill amends the Act respecting the conservation and development of wildlife in a number of ways.

The bill grants wildlife protection officers new powers, including the power to make sound and visual recordings and to apply to a judge for authorization to enter upon private land and use a GPS locator. The bill gives these officers and veterinary surgeons the power to kill or capture an animal that could compromise the health or safety of persons or the conservation of wildlife and its habitat.

The bill defines the rules governing the custody of animals and the confiscation of certain property seized in accordance with the Act. It also requires veterinary surgeons to inform the Minister of Forests, Wildlife and Parks upon discovering cases of abuse or mistreatment of an animal as well as the presence of any fact indicating the existence of a disease or certain pathogenic agents.

The bill prohibits using an aircraft for hunting activities, including to locate or drive animals. It also prohibits the hunting of big game using lighting, night vision or thermal imaging devices and determines the cases where the possession of an air rifle is prohibited.

The bill regulates the possession, sale and purchase of animal by-products. Under the bill, the granting of rights of occupation in wildlife preserves becomes subject to the Minister's written authorization.

The bill requires the Minister, when authorizing the carrying on of an activity that alters a wildlife habitat, to foster activities so as to avoid the loss of wildlife habitats or minimize the scope of such loss and, where it is impossible to avoid or minimize loss, gives the Minister the power to require adequate compensation measures, including financial compensation. The bill requires the Minister to develop and implement programs to restore or create wildlife habitats in order to ensure that the principle of no net loss of such habitats is respected.

The bill gives the Minister the power to authorize the implementation of pilot projects concerning the protection or development of wildlife.

In penal matters, the bill increases the amount of most fines, increases the prescription period for bringing proceedings from two to three years and allows the imposition of a term of imprisonment upon a first conviction for the most serious offences.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting the conservation and development of wildlife (chapter C-61.1).

Bill 161

AN ACT TO AMEND THE ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF
WILDLIFE

1. Section 1 of the Act respecting the conservation and development of wildlife (chapter C-61.1) is amended

(1) by inserting “animal by-product,” after “an animal,” in the definition of “**to purchase**”;

(2) by striking out the definition of “**resident**”;

(3) by inserting the following definition in alphabetical order:

“**animal by-product**” means any fluid, excretion or secretion, or any product derived therefrom, from an animal or fish;”;

(4) by inserting “animal by-product,” after “an animal,” in the definition of “**to sell**”.

2. The Act is amended by inserting the following section after section 1.1:

“**1.2.** For the purposes of this Act, a resident means any person who

(1) is domiciled in Québec and has resided there for at least 183 days during the year preceding his fishing, hunting or trapping activities or his application for a licence or a certificate; or

(2) meets the conditions determined by regulation.”

3. Section 6 of the Act is amended by adding the following paragraph at the end:

“Any wildlife protection officer designated as a fishery officer for the purposes of the Fisheries Act (Revised Statutes of Canada, 1985, chapter F-14) or as a game officer deemed necessary for the purposes of the Migratory Birds Convention Act, 1994 (Statutes of Canada, 1994, chapter 22) is subject to the Code of ethics of Québec police officers (chapter P-13.1, r. 1) when exercising his functions in Québec.”

4. Section 7 of the Act is amended by replacing the second paragraph by the following paragraph:

“A person acting under the orders of a wildlife protection officer appointed under section 3 is also a wildlife protection officer, *ex officio*, if

(1) that person is a member of the Royal Canadian Mounted Police; or

(2) that person’s principal function is to enforce the provincial or federal laws concerning wildlife, or those applicable in the States adjacent to Québec.”

5. The Act is amended by inserting the following section after section 11:

“**11.1.** The Minister may acquire by agreement, or accept as a gift or legacy, a real right necessary for the conservation and development of wildlife or its habitat.”

6. Section 12 of the Act is amended by inserting “molest, insult, obstruct or” after “may purposely” in the second paragraph.

7. Section 13.1 of the Act is amended

(1) by inserting “animal by-product,” after “any animal,” in the first paragraph;

(2) in the third paragraph,

(a) by inserting “animal by-product,” after “animal,” in subparagraph 1;

(b) by inserting “animal by-product,” after “animal,” in subparagraph 4;

(c) by inserting the following subparagraph after subparagraph 5:

“(5.1) make a recording by means of videos or any other sound or visual recording methods;”.

8. The Act is amended by inserting the following section after section 13.1:

“13.1.1. A wildlife protection officer who has reasonable grounds to believe that an offence under an Act that he has the duty to enforce has been or will be committed may, at the time of an inquiry relating to the offence, apply to a judge for authorization to enter any place to perform any act described in section 13.1 or to use a GPS locator, which, without such authorization, would constitute an unreasonable search or seizure.

The judge may not, however, authorize the interception of a private communication, as defined in section 183 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46). Nor may the judge authorize the observation by means of a video camera or other similar electronic device of any person who is engaged in an activity in circumstances in which the person has a reasonable expectation of privacy.

The application for authorization shall be accompanied with a sworn declaration in writing of the wildlife protection officer.

The declaration shall include, in particular, the following information:

- (1) the description of the offence that is the subject of the inquiry;
- (2) the reasons why performance of the act that is the subject of the application will provide evidence of the commission of the offence;
- (3) the description of the place referred to in the application;
- (4) the time needed to perform the act that is the subject of the application; and
- (5) the period when the act that is the subject of the application is to be performed.

The judge may grant the authorization on the terms and conditions the judge determines if satisfied, on the basis of the declaration, that performance of the act that is the subject of the application will provide information relating to the commission of the offence. The judge who grants the authorization may order any person to lend assistance if it may reasonably be necessary for performance of the authorized act.

In the case of an authorization to covertly perform the act described in the application, the judge shall require that notice of it be given after its execution within the period that the judge considers appropriate in the circumstances.

The judge who grants an authorization to covertly perform the act described in the application or any other judge having jurisdiction to do so may grant an extension or subsequent extension of the period referred to in the sixth paragraph, each extension not to exceed one year, if the judge is satisfied, upon request for such extension made on the basis of an affidavit submitted in support of the request, that the interests of justice warrant it.”

9. Section 16 of the Act is amended

- (1) by inserting “animal by-product,” after “animal,” in the first paragraph;
- (2) by inserting “animal by-product,” after “animal,” in the fourth paragraph.

10. Section 18 of the Act is amended

- (1) by inserting “or until it has been disposed of in accordance with this chapter” after “owner” in the first paragraph;
- (2) by inserting “or a third party” at the end of the second paragraph;
- (3) in the third paragraph,
 - (a) by inserting “or until it has been disposed of in accordance with this chapter” after “owner”;
 - (b) by striking out “on pain of a fine equivalent to the value of the seized property” at the end;
- (4) by inserting “animal by-product,” after “animal,” in the fourth paragraph.

11. The Act is amended by inserting the following sections after section 20:

“20.1. On the service of a statement of offence, the wildlife protection officer must apply to a judge for permission to dispose of the live animal, fish or dog seized, unless custody has been entrusted to the offender.

At least three days’ prior notice of the application must be served on the offender, who may contest the application.

The judge rules on the application taking into consideration the health or safety of persons, the conservation and development of wildlife and, if applicable, the costs incurred by the detention under seizure. The judge may order that the animal, fish or dog be returned, kept under seizure until a final judgment, or that it be given away, sold, euthanized, killed or disposed of in any other manner.

If the judge orders that the animal, fish or dog be kept under seizure until a final judgment is made, the judge orders the offender to pay an advance on future care expenses to the Minister in accordance with the terms the Minister determines and in addition to the care expenses already incurred as a result of the seizure. The judge may order the confiscation of the animal, fish or dog if the offender fails to comply with the terms of payment of the advance.

If the judge orders that the animal, fish or dog be returned, it may be returned only on payment of the care expenses not yet paid by the offender.

If the judge orders that the animal, fish or dog be sold, the proceeds of the sale are remitted to the owner, after deduction of the care expenses not yet paid by the offender.

Care expenses include the costs incurred as a result of the seizure, in particular the costs incurred to provide shelter, veterinary care, treatment, medication, transportation and food.

“20.2. Care expenses incurred as a result of the seizure of a live animal, fish or dog are to be borne by the offender, except where no proceedings are instituted. They bear interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002).

“20.3. On application by the offender, the Minister provides a statement of the care expenses. Not later than seven days after receiving the statement, the offender may apply to a judge to have the judge examine the statement and the contested expenses and determine the amount to be paid for care expenses.

In case of non-payment of the care expenses set out in the Minister’s statement, the wildlife protection officer may confiscate the animal, fish or dog.”

12. Section 23 of the Act is amended

(1) by replacing “endanger the life or safety of people” at the end of subparagraph 2 of the first paragraph by “compromise human health or the safety of persons, or the conservation of wildlife and its habitat”;

(2) by inserting the following paragraph after the first paragraph:

“A veterinary surgeon may, in the exercise of his functions, euthanize or capture an animal referred to in subparagraph 2 of the first paragraph.”;

(3) by replacing “An officer” at the beginning of the second paragraph by “A veterinary surgeon, officer”.

13. The Act is amended by inserting the following section after section 23:

“23.1. A veterinary surgeon who has reasonable cause to believe that an animal has been subjected to abuse or mistreatment must, without delay, inform the Minister of his findings and provide the following information to the Minister:

(1) the name and address of the owner or custodian of the animal, as applicable; and

(2) the animal’s identification.

The veterinary surgeon must also inform the Minister when he ascertains the presence of any fact indicating the existence of a disease or pathogenic agent determined by regulation and provide to the Minister the identification of the disease or pathogenic agent in addition to the information set out in the first paragraph.

No judicial proceedings may be instituted against a veterinary surgeon who, in good faith, fulfills the obligation to report under this section.”

14. Section 24.0.1 of the Act is amended by inserting “27.1,” after “section 26, 27,”.

15. The Act is amended by inserting the following section after section 27:

“27.1. No person may use an aircraft for hunting activities, including to locate or drive animals.”

16. Section 30.1 of the Act is amended

(1) by replacing “with a spotlight” at the end of the first paragraph by “using a reflector or a lighting, night vision or thermal imaging device”;

(2) by replacing the second paragraph by the following paragraph:

“Any person in possession of an object contemplated in the first paragraph and a firearm, crossbow or bow at night in a place frequented by big game shall, in the absence of any evidence to the contrary, be presumed to be in possession of that object and firearm, crossbow or bow in order to hunt.”

17. Section 30.2 of the Act is amended by replacing “spotlight” by “reflector or a lighting, night vision or thermal imaging device”.

18. The Act is amended by inserting the following section after section 35:

“35.1. The Minister may, by regulation, determine, on the basis of area, territory or place, hunting season and category of persons, the conditions under which a person is authorized to kill a fatally wounded animal, which cannot flee, following hunting activities conducted in compliance with the Act and the regulations, and the types of arms that may be used.

Killing animals in the conditions and by means of an arm determined by regulation does not constitute hunting.”

19. Section 47 of the Act is amended by inserting “27.1,” after “section 26, 27,” in the first paragraph.

20. Section 57 of the Act is amended, in the first paragraph,

(1) by replacing subparagraph 1 by the following subparagraph:

“(1) have in his possession an armed crossbow or a firearm having an unfired cartridge in the chamber, magazine or charger if the latter is attached to the firearm or, in the case of a muzzle-loading firearm, having powder and a projectile in the chamber and a cap in the barrel sleeve or powder in the pan, or an air rifle having a projectile in the chamber, magazine or charger if the latter is attached to the air rifle, and, except in the case of a pre-charged air rifle, if a cylinder containing compressed air is attached to the air rifle or if the piston is armed;”;

(2) by inserting “air rifle,” after “firearm,” in subparagraph 2;

(3) in subparagraph 3,

(a) by inserting “unloaded air rifle,” after “firearm,”;

(b) by inserting “cette carabine à air comprimé,” after “cette arme à feu,” in the French text.

21. Section 59 of the Act is amended by replacing “abandon the edible flesh” by “abandon, waste or allow the spoilage of the flesh”.

22. Section 62 of the Act is amended by inserting “after consultation with the Minister of Agriculture, Fisheries and Food,” after “year,” in the first paragraph.

23. Section 65 of the Act is replaced by the following section:

“65. A plan is published on the website of the Minister’s department.”

24. Section 69 of the Act is amended

- (1) by inserting “or animal by-product” after “animal” in the first paragraph;
- (2) by inserting “or animal by-product” after “animal” in the second paragraph.

25. Section 71 of the Act is amended

- (1) by adding the following paragraph after paragraph 3:
“(4) any animal by-product that has been obtained, sold or purchased;”;
- (2) by inserting “27.1,” after “section 27,” in what follows paragraph 3.

26. Section 88 of the Act is amended by inserting “with the authorization of the Minister,” after “may,” in the first paragraph.

27. Section 104 of the Act is amended by inserting “, in upper or lower case characters” at the end of the third paragraph.

28. Section 105 of the Act is amended by inserting “, in upper or lower case characters,” after “ZEC”.

29. Section 106.8 of the Act is amended

- (1) by striking out the first paragraph;
- (2) by inserting “certified by the Minister” after “The legal person” in the second paragraph.

30. Section 121 of the Act is amended by inserting the following subparagraph after subparagraph 1 of the first paragraph:

“(1.1) set the maximum number and the categories of persons that may carry on a recreational, hunting or fishing activity in a sector of the territory, on the conditions it determines;”.

31. Section 125 of the Act is amended by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) authorize or prohibit any activity, including a commercial, industrial, recreational, hunting, trapping or fishing activity on the conditions it determines;”.

32. The Act is amended by inserting the following section after section 127.1:

“128. No right of occupation may be granted in a wildlife preserve without the written authorization of the Minister.”

33. Section 128.2 of the Act is amended by replacing the first paragraph by the following paragraph:

“The Minister shall prepare the chart of a wildlife habitat after consultation with, as the case may be, the Minister of Agriculture, Fisheries and Food, the Minister of Transport, the Minister of Municipal Affairs, Regions and Land Occupancy or the minister responsible for the environment.”

34. Section 128.3 of the Act is amended by replacing the second paragraph by the following paragraph:

“The notice shall indicate the class of the wildlife habitat and give a summary indication of its location.”

35. Section 128.5 of the Act is amended by replacing the introductory clause by the following:

“128.5. The wildlife habitat chart is entered into the land use plan prepared in accordance with section 21 of the Act respecting the lands in the domain of the State (chapter T-8.1) and is made available or sent through technological means to”.

36. Section 128.6 of the Act is amended

(1) by replacing “the habitat of the animal or fish concerned” in the first paragraph by “the class of wildlife habitat concerned”;

(2) by replacing “catastrophe” and “apprehended catastrophe” in subparagraph 4 of the second paragraph by “major disaster” and “apprehended major disaster”, respectively.

37. Section 128.7 of the Act is amended

(1) by inserting “or financial compensation” after “security” in the second paragraph;

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

“Before issuing an authorization, the Minister shall take into account, in particular, the physical features of the area, the nature of the proposed activities, the economic and social consequences of the proposed activities and the impact of the activity on the conservation of the wildlife and its habitat. The Minister shall also foster activities so as to avoid the loss of wildlife habitats or minimize the scope of such loss, and where it is impossible to avoid or minimize loss, require adequate compensation measures, giving priority to the possibility of substituting another habitat.”

38. Section 128.8 of the Act is replaced by the following section:

“128.8. The Minister may issue a general authorization, for such activities, on such conditions and for such time as he determines, to a public body, a local municipality or a regional county municipality in respect of activities carried on in a wildlife habitat by or on behalf of that public body, local municipality or regional county municipality.

Before issuing an authorization, the Minister shall foster activities so as to avoid the loss of wildlife habitats or minimize the scope of such loss, and where it is impossible to avoid or minimize loss, require adequate compensation measures, giving priority to the possibility of substituting another habitat. The Minister may, in particular, require financial compensation for damage caused in a wildlife habitat by the activities covered by the general authorization.

“Public body” means a department or any body that meets one of the following conditions:

(1) a majority of its members or directors are appointed by the Government or by a minister;

(2) its personnel is appointed by law in accordance with the Public Service Act (chapter F-3.1.1);

(3) at least half of its expenditures are borne directly or indirectly by the Consolidated Revenue Fund; or

(4) its capital stock forms part of the domain of the State.”

39. The Act is amended by inserting the following division after section 128.15:

“DIVISION II.1

“WILDLIFE HABITAT RESTORATION AND CREATION PROGRAM

“128.15.1. To ensure that the principle of no net loss of wildlife habitat is respected, the Minister must, after consultation with the ministers mentioned in section 128.2, as the case may be, develop and implement one or more programs to restore or create wildlife habitats.

Such a program must take into consideration the objectives related to the protection, conservation and development of wildlife habitats established in accordance with this Act.

Such a program must provide for a resource envelope for eligible projects. This envelope shall be established on the basis of the regions concerned by the loss of wildlife habitat, and out of the financial compensations received under sections 128.7 and 128.8 and amounts paid to the Minister to restore or create wildlife habitats pursuant to an order made by a judge under the third paragraph of section 171.5.1 with respect to such loss.

“128.15.2. A program must, in particular, set out the following:

(1) the eligibility criteria for projects, which criteria must ensure that

(a) priority is given to projects carried out in the territory of the regional county municipality in which the wildlife habitat has been or is likely to be altered or in the territory of a watershed all or part of which is included in the regional county municipality’s territory; and

(b) projects maintain the surface areas and classes of wildlife habitats or make gains in that regard;

(2) the eligibility criteria for the persons and bodies, as well as the partnerships and associations not endowed with juridical personality, that may submit a project;

(3) the eligibility criteria for the costs associated with carrying out the projects;

(4) the objectives and targets to be reached;

(5) the minimum content of the agreements to be entered into to implement the program, which agreements must stipulate the conditions, restrictions and prohibitions applicable to work carried out to restore and create wildlife habitats and the prescribed schedule to carry out the work;

(6) the measures to be put in place to monitor the progress of the projects selected and assess their effectiveness; and

(7) follow-up measures to ensure the sustainability of the restored or created habitats.

Such a program is published on the website of the Minister’s department.

“128.15.3. Work carried out in wildlife habitats under an agreement entered into under a program referred to in section 128.15.1 is exempted from the requirement to obtain a prior authorization pursuant to this division.

The conditions, restrictions and prohibitions applicable to the work carried out in wildlife habitats are deemed to be those set out in an authorization issued by the Minister under any of sections 128.7 and 128.8, as the case may be. Any activity not covered remains subject to the requirement to be authorized under this Act.

The provisions establishing penalties for non-compliance with an authorization issued under this Act apply to work carried out in contravention of the conditions, restrictions and prohibitions applicable to the work.

“128.15.4. The Minister may, by agreement, delegate management of all or part of a program developed under section 128.15.1 to an organization dedicated to the management, oversight, conservation, protection, laying out, restoration, creation or development of wildlife habitats.

The exercise of powers by a delegatee within the scope of such an agreement is not binding on the State.

“128.15.5. The delegation agreement must, as a minimum, stipulate

(1) the powers delegated and the responsibilities and obligations of the delegatee;

(2) the objectives and targets to be reached, in particular with regard to efficiency and effectiveness;

(3) the specific rules relating to the contracts the delegatee may award to have work carried out;

(4) the terms governing the data and information to be sent to the Minister, in particular regarding the sites where work is carried out under the program, and the terms governing the conservation of such data and information;

(5) the reports required on the achievement of the objectives and targets set;

(6) the Minister’s oversight measures with regard to the delegatee’s management, and how and when the Minister may intervene if the objectives and targets imposed on the delegatee have not been reached or seem likely not to be reached;

(7) the penalties applicable for failing to meet the obligations stipulated in the delegation agreement; and

(8) the duration of the agreement and the terms and conditions for renewing or terminating it.

Such an agreement is published on the department’s website.”

40. Section 128.18 of the Act is amended by adding the following paragraph at the end:

“(4) determine the elements, scales and methods for establishing the amount of financial compensation for damage caused in a wildlife habitat that the Minister may require under section 128.7, as well as the terms of payment and any applicable interest and penalties.”

41. Section 162 of the Act is amended

(1) by inserting the following paragraph before paragraph 2:

“(1) determining the conditions that a person must meet to be deemed a resident, the cases and conditions in and on which a person maintains that status despite his or her absence from Québec and the period during which it may be maintained;”;

(2) by inserting the following paragraph after paragraph 3.1:

“(3.2) specifying, according to species, the diseases and pathogenic agents of which veterinary surgeons must report to the Minister;”;

(3) by striking out “and fixing, according to species, the fees exigible for the registration” at the end of paragraph 16;

(4) in paragraph 23,

(a) by inserting “animal by-product,” after “an animal;”;

(b) by inserting “or animal by-product” after “any animal”.

42. Section 163 of the Act is amended by inserting the following subparagraph after subparagraph 11 of the first paragraph:

“(11.1) fixing, according to species, the fees exigible for the registration of animals or fish;”.

43. The Act is amended by inserting the following section after section 164:

“164.1. The Minister may, by order, authorize pilot projects designed to experiment or innovate in the area of management, oversight, protection, conservation or development of wildlife and its habitat or to study, improve or define standards applicable to that area.

The Minister may also, within the scope of such pilot projects, authorize any person or body to offer or conduct wildlife and wildlife habitat management, oversight, protection, conservation or development activities in compliance with standards and rules prescribed by the Minister that differ from those set out in any Act or regulation whose administration falls under the Minister’s responsibility.

Such pilot projects are to be conducted for a period of up to four years, which the Minister may extend by up to one year. The Minister may modify or terminate a pilot project at any time. The Minister may also determine the provisions of a pilot project whose violation constitutes an offence and determine the minimum and maximum amounts of fines for which the offender is liable, which may not be less than \$500 or more than \$5,000.

The details of the pilot project must be published on the department's website at least 20 days before its implementation.

The results of the pilot project must be published on the department's website not later than one year after the end of the project."

44. Section 165 of the Act is amended

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

"Every person who contravenes

(1) in respect of big game, any provision of section 30, 38, 59 or 67 or of a regulation made under subparagraph 4 of the third paragraph of section 56,

(2) in respect of fish or animals other than big game, any provision of section 27, 27.1 or 30.1, the first paragraph of section 56, subparagraph 2 of the first paragraph of section 57, the first paragraph of section 69, section 71, or a regulation made under the first paragraph of section 35.1 or under subparagraph 1, 2 or 3 of the third paragraph of section 56, or

(3) any provision of section 1.4, the third paragraph of section 18, section 30.2, 30.3, 42, 43 or 46, the third paragraph of section 47, or section 48, 49, 50, 53, 55, 72, 78.2 or 176,

is guilty of an offence and is liable, for a first offence, to a fine of not less than \$1,000 nor more than \$5,000 and, for any subsequent offence within five years of conviction of an offence under the same provision, to a fine of not less than \$2,000 nor more than \$10,000.";

(2) by striking out "In the case of a subsequent offence," in the second paragraph.

45. Section 166 of the Act is amended

(1) in paragraph 2,

(a) by striking out "1.4";

(b) by replacing ", 45 or 68 or of a regulation under section 29" by "or 45, subparagraph 1 or 3 of the first paragraph of section 57 or a regulation made under section 29,";

(2) by replacing "\$250 nor more than \$750", "three years" and "\$750 nor more than \$2,200" in what follows paragraph 2 by "\$500 nor more than \$1,500", "five years" and "\$1,000 nor more than \$3,000", respectively.

46. Section 167 of the Act is replaced by the following section:

“167. Every person who contravenes

(1) in respect of big game, any provision of section 27, 27.1, 28, 30.1, 34 or 60, the first paragraph of section 56, subparagraph 2 of the first paragraph of section 57, the first paragraph of section 69, section 71, or a regulation made under the first paragraph of section 35.1 or under subparagraph 1, 2 or 3 of the third paragraph of section 56,

(2) any provision of section 31 or 32, the first paragraph of section 70, the first paragraph of sections 109, 120 and 126 or a regulation made under paragraph 1 or 3 of section 73,

(3) a fish-stocking plan established under section 73.1, or

(4) an order of a judge made under section 171.5.1,

is guilty of an offence and is liable to a fine of not less than \$2,500 nor more than \$12,500 for the first offence.

In the cases covered by subparagraphs 1 to 3 of the first paragraph, the judge may sentence the offender to imprisonment for a term of not more than one year, notwithstanding article 231 of the Code of Penal Procedure (chapter C-25.1).

For any subsequent offence within five years of conviction for an offence under the same provision, the offender is liable to a fine of not less than \$7,500 nor more than \$37,500.

For the application of the penalty prescribed in the case of a subsequent offence in respect of big game, a previous conviction for an offence under any of sections 27, 27.1, 28, 31, 32 and 60, subparagraph 2 of the first paragraph of section 57 or a regulation made under the first paragraph of section 35.1 constitutes a first offence.”

47. Section 167.1 of the Act is amended by replacing “\$1,825 nor more than \$5,475” and “\$5,475 nor more than \$16,400” by “\$2,500 nor more than \$12,500” and “\$7,500 nor more than \$37,500”, respectively.

48. Section 168 of the Act is amended by replacing the third paragraph by the following paragraph:

“However, such conviction entails the confiscation of the seized animal, animal by-product, pelt or fish, as well as any document such as a licence or certificate, carrier bag, sharp, jagged or blunt object, cordage or ammunition seized under section 16.”

49. Section 169 of the Act is amended

(1) by replacing “\$275” and “\$775” in paragraph 1 by “\$2,000” and “\$10,000”, respectively;

(2) by replacing “\$1,275” and “\$3,825” in paragraph 2 by “\$5,000” and “\$25,000”, respectively.

50. Section 171 of the Act is amended

(1) by replacing “33, 36, 36.1, 40, 61, 78.5, 96” by “23.1, 30.4, 33, 36, 36.1, 40, 61, 78.5, 88, 96”;

(2) by replacing “\$250 nor more than \$750”, “three years” and “\$750 nor more than \$2,200” in what follows paragraph 2 by “\$500 nor more than \$1,500”, “five years” and “\$1,000 nor more than \$3,000”, respectively.

51. Section 171.1 of the Act is amended

(1) by replacing “\$20,000” and “\$40,000” by “\$30,000” and “\$60,000”, respectively;

(2) by adding the following paragraph at the end:

“Notwithstanding the second paragraph of sections 165, 167 and 171.2, where an offence has been committed in respect of a threatened or vulnerable species of animal or fish, the judge may sentence the offender to imprisonment for a term of not more than 18 months.”

52. Section 171.2 of the Act is amended

(1) in paragraph 1,

(a) by replacing “\$500”, “\$20,000”, “three years”, “\$1,000” and “\$40,000” by “\$1,000”, “\$25,000”, “five years”, “\$2,000” and “\$50,000”, respectively;

(b) by striking out “; in addition, in the latter case, the judge may order imprisonment for not more than one year, notwithstanding article 231 of the Code of Penal Procedure (chapter C-25.1)”;

(2) by replacing “\$1,000”, “\$40,000”, “three years”, “\$2,000” and “\$80,000” in paragraph 2 by “\$2,000”, “\$50,000”, “five years”, “\$4,000” and “\$100,000”, respectively;

(3) by adding the following paragraph at the end:

“In the case of a natural person, the judge may also sentence the offender to imprisonment for a term of not more than one year, notwithstanding article 231 of the Code of Penal Procedure (chapter C-25.1).”

53. Section 171.4 of the Act is amended by replacing “\$250” and “\$750” in the first paragraph by “\$500” and “\$1,500 and, for a subsequent offence within five years, to a fine of \$1,000 to \$3,000”, respectively.

54. The Act is amended by inserting the following sections after section 171.4:

“171.4.1. In any proceedings instituted under this Act, an expert report signed by the expert who prepared the document is admissible in lieu of the testimony under oath of its author as regards the facts declared in it if its author attests that he personally observed the facts. The report or document is proof, in the absence of any evidence to the contrary, of the quality of the signatory.

“171.4.2. In any civil or penal proceedings instituted under this Act, the cost of any sampling, analysis, inspection or investigation shall be included in the cost of the proceedings, at the rate fixed by regulation of the Minister.”

55. Section 171.5.1 of the Act is amended by replacing the first sentence of the third paragraph by the following sentence: “If the premises cannot be restored, the judge may order that an additional amount be paid to the Minister for the creation, restoration, oversight or management of wildlife habitats.”

56. Section 171.6 of the Act is amended

- (1) by replacing all occurrences of “two” by “three”;
- (2) by inserting “by a wildlife protection officer” at the end.

57. Section 172 of the Act is amended

- (1) in the third paragraph,
 - (a) by inserting “27.1,” after “section 27,”;
 - (b) by striking out “30.4,”;
 - (c) by inserting “the first paragraph of section 35.1 or under” after “made under”;
- (2) by replacing “three years” in the fourth and fifth paragraphs by “five years”.

58. Section 176 of the Act is amended

- (1) by inserting “in Québec or in another province or territory of Canada” after “holding a certificate or licence”;
- (2) by inserting “or equivalent class” after “same class”.

59. Section 177 of the Act is amended

(1) in the first paragraph,

(a) by inserting “issue, transfer or” after “refuse to” in the introductory clause;

(b) by inserting “, or one of its subsidiaries,” after “legal person” in subparagraph 2;

(c) by replacing “or the Public Buildings Safety Act (chapter S-3)” at the end of subparagraph 2 by “, the Building Act (chapter B-1.1) or the Act respecting the lands in the domain of the State (chapter T-8.1)”;

(2) by inserting “issue, transfer or” after “refuse to” in the second paragraph;

(3) by inserting “issue, transfer or” after “refuse to” in the third paragraph.

TRANSITIONAL AND FINAL PROVISIONS

60. Section 128 of the Act respecting the conservation and development of wildlife (chapter C-61.1), as enacted by section 32 of this Act, does not apply to the renewal of rights of occupation granted in a wildlife preserve before *(insert the date of assent to this Act)*.

61. Not later than *(insert the date that is 24 months following the date of assent to this Act)*, the Minister must make public the first program to restore or create wildlife habitats developed in accordance with section 128.15.1 of the Act respecting the conservation and development of wildlife, as enacted by section 39 of this Act.

62. Not later than *(insert the date that is 24 months following the date of assent to this Act)*, the Government must publish a draft regulation covering all the elements referred to in paragraph 4 of section 128.18 of the Act respecting the conservation and development of wildlife, as amended by section 40 of this Act.

63. Until the coming into force of section 18, sections 165 and 167 of the Act respecting the conservation and development of wildlife, amended by sections 44 and 46, respectively, of this Act, shall be read without reference to any regulation made under the first paragraph of section 35.1 of the Act respecting the conservation and development of wildlife.

64. This Act comes into force on (*insert the date of assent to this Act*), except paragraph 2 of section 1, section 2, section 13 where it enacts the second paragraph of section 23.1 of the Act respecting the conservation and development of wildlife, section 18, paragraphs 1, 2 and 4 of section 41, section 54 where it enacts section 171.4.2 of the Act respecting the conservation and development of wildlife and subparagraph *c* of paragraph 1 of section 57, which come into force on the date or dates to be fixed by the Government.

