



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 199

**An Act to amend the Environment
Quality Act to establish a right of citizen
initiative in environmental matters and
reinforce the powers and independence
of the Bureau d'audiences publiques
sur l'environnement**

Introduction

**Introduced by
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Member for Mercier**

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EXPLANATORY NOTES

This bill amends the Environment Quality Act to allow the Bureau d'audiences publiques sur l'environnement to take up mandates arising out of citizen initiatives. It also aims to reinforce the Bureau's powers and independence.

The bill amends the process for selecting the Bureau's president and vice-president so that they will be appointed by the National Assembly after an in camera meeting with the Members.

The bill extends the Bureau's powers in relation to the mandates entrusted to it by allowing it to require a report quantifying the greenhouse gas emissions attributable to a project and describing the reduction measures the project may entail.

The bill creates a right of citizen initiative which, when certain conditions are met, has the effect of compelling the Bureau to hold a public hearing or a targeted consultation at citizens' request.

Lastly, the bill abolishes the Strategic Environmental Assessment Advisory Committee and entrusts all the Committee's responsibilities to the Bureau.

LEGISLATION AMENDED BY THIS BILL:

- Environment Quality Act (chapter Q-2).

REGULATION AMENDED BY THIS BILL:

- Regulation respecting the procedure for selecting persons qualified for appointment as members of the Bureau d'audiences publiques sur l'environnement (chapter Q-2, r. 35.3).

Bill 199

AN ACT TO AMEND THE ENVIRONMENT QUALITY ACT TO ESTABLISH A RIGHT OF CITIZEN INITIATIVE IN ENVIRONMENTAL MATTERS AND REINFORCE THE POWERS AND INDEPENDENCE OF THE BUREAU D'AUDIENCES PUBLIQUES SUR L'ENVIRONNEMENT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ENVIRONMENT QUALITY ACT

1. Section 6.2 of the Environment Quality Act (chapter Q-2) is replaced by the following sections:

“6.2. The Bureau is composed of not more than five members, including a president and a vice-president, appointed for a renewable term of up to five years.

On a motion of the Prime Minister and with the approval of two-thirds of its Members, the National Assembly appoints the president and the vice-president.

Before being proposed by the Prime Minister, the person must meet with Members at a single in camera meeting. To that end, the Prime Minister shall designate a Member from the Government party and request the leader of each other authorized party represented in the National Assembly to do likewise.

Within 15 days after the request, the Members must submit a joint report to the Prime Minister containing each Member's recommendation regarding the candidacy of the person with whom they met.

The other members are appointed by the Government, on the Minister's proposal.

“6.2.0.1. The Government shall fix, as the case may be, the salary, additional salary, allowances or indemnities to which the members are entitled and their other conditions of employment.

Despite section 6.2, where required for the carrying out of the business of the Bureau, the Government may appoint additional members on a part-time basis for the time and with the remuneration it determines.

Similarly, if a member's term expires in the course of work relating to a matter that was already before the member, the term is extended until the work is completed."

2. The Act is amended by inserting the following section after section 6.5:

"6.5.1. In the exercise of its functions, the Bureau may, among other things,

(1) reformulate a question submitted to it without, however, modifying its subject matter, if it considers it necessary in order to properly address the issues the question raises;

(2) address several mandates jointly if it is of the opinion that the environmental issues raised justify doing so;

(3) require that the proponent of a project produce a report quantifying the greenhouse gas emissions attributable to the project and describing the reduction measures the project may entail; and

(4) produce a gender-based analysis."

3. The Act is amended by inserting the following chapter after section 19:

"CHAPTER II.2

"RIGHT OF CITIZEN INITIATIVE

"19.0.1. A right of citizen initiative may be exercised with regard to any question relating to the quality of the environment and any project requiring the Minister's authorization under section 22.

"19.0.2. The right of citizen initiative is exercised by filing a petition which must

(1) be addressed to the Minister;

(2) clearly and concisely state its object;

(3) be signed by at least 1,000 persons; and

(4) include the names and contact information of at least three persons designated as the group's representatives and one person designated as contact person.

"19.0.3. On receiving a petition that meets the conditions prescribed by section 19.0.2, the Minister shall publish, on the Minister's department's website or by any other means the Minister considers appropriate, a notice indicating the object of the petition as stated in the text filed, the number of signatures required and the date on which the petition signing period ends.

The petition signing period begins on the date the notice is published.

“19.0.4. To be entrusted to the Bureau, a mandate relating to a petition must,

(1) for a national-scale question or project, receive the support of at least 40,000 citizens from at least three administrative regions, including at least 5,000 citizens from each of those three regions; in such a case, the petition signing period is 180 days;

(2) for a regional-scale question or project, receive the support of at least 15,000 citizens, including at least 7,500 citizens residing in the region concerned; in such a case, the petition signing period is 120 days.

“19.0.5. If the petition meets the criteria set out in section 19.0.4, the Minister must send a copy of it to the Bureau within 30 days after the expiry of the petition signing period.

The Bureau shall then determine the type of mandate it intends to carry out, that is, whether it will

(1) hold a public hearing; or

(2) hold a targeted consultation on the object of the petition or as to the persons, groups or municipalities to be consulted.”

4. Section 23 of the Act is amended by inserting “and to the Bureau” in the fifth paragraph after “carried out”.

5. Section 31.0.3 of the Act is amended by adding the following subparagraph at the end of the second paragraph:

“(5) after analyzing the authorization application on receiving a copy of it under section 23, the Bureau recommends to the Minister that the project be made subject to the environmental impact assessment and review procedure provided for in subdivision 4 of Division II of Chapter IV of Title I.”

6. Section 31.3.7 of the Act is amended by adding the following paragraphs at the end:

“The Bureau shall recommend to the Minister whether to issue an authorization for a project, with or without amendment, or to refuse to issue the authorization.

The Bureau may also propose any standard, condition, restriction or prohibition it considers necessary.”

7. The Act is amended by inserting the following section after section 31.5:

“31.5.1. Despite section 31.5, if the Government intends to authorize, in whole or in part, a project for which the Bureau recommended refusing to issue an authorization, the Government must state the reasons for its decision in a special report submitted to the National Assembly.

The competent committee of the National Assembly must examine the report within 60 days after it is tabled in the National Assembly.”

8. Section 95.11 of the Act is repealed.

9. Section 95.13 of the Act is amended by striking out the third paragraph.

10. Sections 95.12 to 95.14 and 95.16 of the Act are amended by replacing all occurrences of “Strategic Environmental Assessment Advisory Committee” and “Committee” by “Bureau” and all occurrences of “Committee’s” by “Bureau’s”.

REGULATION RESPECTING THE PROCEDURE FOR SELECTING PERSONS QUALIFIED FOR APPOINTMENT AS MEMBERS OF THE BUREAU D’AUDIENCES PUBLIQUES SUR L’ENVIRONNEMENT

11. Section 25 of the Regulation respecting the procedure for selecting persons qualified for appointment as members of the Bureau d’audiences publiques sur l’environnement (chapter Q-2, r. 35.3) is amended by replacing the second paragraph by the following paragraph:

“Where the position of president or vice-president of the Bureau is to be filled, the Prime Minister proposes the name of a member or that of a person entered on the list of declarations of qualification.”

12. Section 26 of the Regulation is amended by replacing the second paragraph by the following paragraph:

“If the Prime Minister is of the opinion that, owing to exceptional circumstances, no proposal for the appointment of a president or vice-president can be made from among the members in office or the persons declared qualified for appointment as members, the Prime Minister is to provide supporting reasons and propose the name of a person recognized as qualified for appointment as president or vice-president by an ad hoc selection committee established by the Associate Secretary General, in light of the criteria set out in section 17 and the skills required for those duties.”

13. This Act comes into force on *(insert the date of assent to this Act)*.

