



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 391

**An Act to amend the Environment
Quality Act in order to assert the
primacy of Québec's jurisdiction in
this area**

Introduction

**Introduced by
Mr. Sylvain Gaudreault
Member for Jonquière**

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EXPLANATORY NOTES

This bill asserts the primacy of Québec's jurisdiction in environmental matters so that the Québec state fully exercises the powers relating to its jurisdiction throughout the territory of Québec.

It gives precedence to application of the rules arising from Québec's legislative and constitutional jurisdiction in environmental matters.

Lastly, the bill provides that the Government may designate any project, activity or undertaking, in particular in the transport, natural resources and environment sectors, in which Québec has exclusive jurisdiction in environmental matters.

LEGISLATION AMENDED BY THIS BILL:

- Environment Quality Act (chapter Q-2).

Bill 391

AN ACT TO AMEND THE ENVIRONMENT QUALITY ACT IN ORDER TO ASSERT THE PRIMACY OF QUÉBEC'S JURISDICTION IN THIS AREA

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Environment Quality Act (chapter Q-2) is amended by inserting the following chapter after Chapter V:

“CHAPTER V.1

“PRIMACY OF QUÉBEC LAW

“**105.1.** No provision of an Act of the Parliament of Canada or the Parliament of Québec and no regulation, directive, decision, ruling or other enforceable instrument of the Government of Canada or the Gouvernement du Québec may, on pain of nullity, derogate from this Act or from instruments made under it.

“**105.2.** In the event of a conflict of law between the provisions referred to in section 105.1, their interpretation must favour the exercise of Québec's legislative and constitutional jurisdiction in environmental matters.

“**105.3.** The Government may designate any project, activity or undertaking, in particular in the transport, natural resources and environment sectors, in which Québec has exclusive jurisdiction in environmental matters.

“**105.4.** Subject to this Act, the Government of Canada and the Gouvernement du Québec may enter into any agreement to facilitate and promote the enforcement of this Chapter.”

2. Any provision of an Act of the Parliament of Canada or the Parliament of Québec and any regulation, directive, decision, ruling or other enforceable instrument of the Government of Canada or the Gouvernement du Québec in effect on (*insert the date of assent to this Act*) is null and void if it derogates from or otherwise contravenes Chapter V.1 of the Environment Quality Act, enacted by section 1.

3. This Act is declaratory.

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

