



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 197

**An Act respecting wealth and job
creation through sustainable mining
development**

Introduction

**Introduced by
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Member for Rivière-du-Loup–Témiscouata**

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EXPLANATORY NOTES

This bill amends the Mining Act in a number of ways, mainly to stimulate mining exploration. More particularly, with respect to claims, it will no longer be possible to make a payment instead of carrying on exploration work, the area of the land in respect of which any excess amount disbursed may be used to renew other claims is reduced, it will no longer be possible to use excess amounts disbursed to carry on exploration work under a mining lease or mining concession to renew a claim, and, lastly, the period during which excess amounts credited to a claim may be carried over is limited to 20 years.

In addition, the scope of the financial guarantee that must accompany a rehabilitation and restoration plan is broadened.

Provisions are introduced that permit the Minister of Natural Resources to exclude certain zones from mining activities and to refuse to grant certain types of mining rights in order to avoid conflicts with other uses of the territory.

Moreover, in order to advance geoscientific knowledge in Québec, claim holders will henceforth be required to report to the Minister on all exploration work performed for which an allowance may be claimed under the Mining Tax Act.

A public consultation must be held before a mining lease, a peat lease or a lease to mine surface mineral substances, required to carry on an industrial activity or to engage in commercial export, may be issued. Obligations relating to exploration for and discovery of uranium are imposed.

Amendments are made to the conditions under which the holder of a mining right or the owner of mineral substances may acquire property necessary to access the land or carry out exploration work or mining operations.

A requirement is introduced for the Minister to prepare a policy to promote the processing of mineral substances extracted in Québec.

Lastly, the penalty system under the Mining Act is updated and various technical amendments are made to that Act.

LEGISLATION AMENDED BY THIS BILL:

- Mining Act (chapter M-13.1).

REGULATION AMENDED BY THIS BILL:

- Regulation respecting environmental impact assessment and review (chapter Q-2, r. 23).

Bill 197

AN ACT RESPECTING WEALTH AND JOB CREATION THROUGH SUSTAINABLE MINING DEVELOPMENT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The title of the Mining Act (chapter M-13.1) is replaced by the following title:

“ACT RESPECTING WEALTH AND JOB CREATION THROUGH SUSTAINABLE MINING DEVELOPMENT”.

2. The Act is amended by inserting the following after the title of the Act:

“AS mineral resources are present throughout Québec and constitute social wealth for present and future generations;

AS mining has helped forge Québec’s identity and should be a source of pride;

AS it is necessary to promote the optimal use of mineral resources in order to create as much wealth as possible for the people of Québec;

AS it is necessary to engage in mineral development in a manner respectful of the environment;

AS it is necessary to promote development that is associated with Québec communities and integrated into their environment;

AS it is necessary to pursue sustainable diversification of the regions’ economies;”.

3. Section 1 of the Act is amended by inserting the following definition in alphabetical order:

“**residential immovable**” means any building or part of a building that provides sleeping accommodation for persons but is not used for the housing or detention of persons who require medical care or who are involuntarily detained;”.

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

“2.1. This Act must be construed in a manner consistent with the obligation to consult Native communities. The Minister must consult Native communities separately, having regard to all the circumstances.”

5. Section 6 of the Act is replaced by the following section:

“6. The lessee of land leased by the State for purposes other than mining purposes may use any surface mineral substances in the territory covered by the lease for the lessee’s domestic needs.”

6. Section 8 of the Act is amended by striking out “— mining exploration licences;”, “— seabed exploration licences;”, “— seabed mining leases;” and “— exploration licences for surface mineral substances;”.

7. Section 9 of the Act is replaced by the following section:

“9. The ownership of every real and immovable mining right is separate from the ownership of the soil involved.

Use of the soil, before or after a mining right is granted, by a third person does not in any case confer a right to compensation on the holder of the mining right.

This section is declaratory.”

8. Section 10 of the Act is repealed.

9. Section 13 of the Act is amended by replacing paragraph 3 by the following paragraphs:

“(3) register any other instrument relating to the following mining rights:

— mining leases;

— mining concessions;

— leases to mine surface mineral substances;

— leases to produce petroleum and natural gas;

— leases to operate an underground reservoir; and

— authorizations to produce brine;

“(4) register promises to purchase relating to claims.”

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

“13.1. The registrar shall register the authorizations granted under sections 66, 67, 69, 70, 106, 107, 140 and 150 in the public register of real and immovable mining rights.

The registrar shall make an entry in the register relating to the declarations of lease or claim holders concerning exploration for uranium or the discovery of mineral substances that contain or may contain 0.05% or more of triuranium octaoxide.”

11. Section 14 of the Act is amended

- (1) by replacing “paragraph 3” in the first paragraph by “paragraph 3 or 4”;
- (2) by striking out “, whether or not it is exempt from registration at the registry office of the registration division,” in the second paragraph.

12. Section 17 of the Act is amended

- (1) by replacing “taking into account other possible uses of the land in the territory” by “in keeping with the principle of sustainable development and taking into account other possible uses of the territory”;
- (2) by replacing “and development” by “, development and processing”.

13. Section 26 of the Act is repealed.

14. Section 27 of the Act is amended

- (1) by striking out “a mining exploration licence,”;
- (2) by replacing “staking, designation on a map, mining exploration or mining operations by ministerial order” by “prospecting, exploration or mining operations under this Act”.

15. Section 29 of the Act is amended by striking out “Subject to section 92,” and “any land that is subject to a mining exploration licence, or”.

16. Section 30 of the Act is amended by replacing “staking, map designation, mining exploration or mining by ministerial order” in the first paragraph by “prospecting, exploration or mining operations under this Act”.

17. Section 32 of the Act is amended

- (1) by striking out paragraph 1;
- (2) by replacing paragraph 4 by the following paragraph:
“(4) reserved to the State under section 304 or 304.2;”;

(3) by striking out paragraph 5.

18. Section 33 of the Act is amended by replacing “Migratory Birds Convention Act (Revised Statutes of Canada, 1985, chapter M-7)” in paragraph 2 by “Migratory Birds Convention Act, 1994 (Statutes of Canada, 1994, chapter 22)”.

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

“38. No person may stake or designate on a map any land that is subject either to a claim whose registration has been refused or to an abandoned, revoked, unrenewed or expired claim before 7 a.m. in the case of staking, or before 9 a.m. in the case of map designation, on the thirty-first day after the date on which the refusal to register, the refusal to renew or the revocation became enforceable, the date of registration of the abandonment by the registrar, or the date of expiry, as the case may be.”

20. Section 42 of the Act is amended

(1) by striking out “a mining exploration licence,” in the second paragraph;

(2) by replacing “on the maps kept at the office of the registrar. Any modification of the area and form of the parcel of land shall be recorded in a notice posted in a conspicuous place in the regional offices designated by ministerial order and in the office of the registrar, and shall take effect on the date indicated in the notice” in the third paragraph by “in the public register of real and immovable mining rights. Any modification takes effect on the date specified in the notice”.

21. Section 42.5 of the Act is amended by striking out “and if no mining exploration licence held by a third person is contiguous to that excess portion”.

22. Section 45 of the Act is amended by replacing “Except with the Minister’s authorization issued under section 58” by “Except in the cases provided for in sections 58 and 83”.

23. Section 46 of the Act is amended by striking out “or in a regional office designated by ministerial order”.

24. Section 47 of the Act is amended by striking out the second paragraph.

25. Section 48 of the Act is amended

(1) by replacing “The notice of staking must be accompanied with the following documents” in the introductory clause by “The following documents must be forwarded to the office of the registrar within 20 days from the staking”;

(2) by striking out “official” in paragraph 1;

(3) by striking out paragraphs 3 and 4.

26. Section 49 of the Act is amended by striking out subparagraph 2 of the second paragraph.

27. Section 50 of the Act is amended by striking out all occurrences of “or of map designation” and “or notice of map designation”.

28. Section 51 of the Act is amended by inserting “30.1,” after “30,” in subparagraph 3 of the first paragraph.

29. Section 52 of the Act is amended

(1) by inserting “, 30.1” after “30” in subparagraph 3 of the first paragraph;

(2) by adding the following subparagraph at the end of the first paragraph:

“(5) where the territory has an area of 0.1 hectares or less.”;

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

“The registrar shall forward to the Minister every notice of map designation that relates to a parcel of land for which authorization from the Minister would have been required under section 32 or 33 had the parcel of land been open for staking.”

30. Section 59.1 of the Act is amended by striking out “, the agreement referred to in subparagraph 2 of that paragraph”.

31. Section 61 of the Act is amended by striking out “following an application under section 83.2 or 83.6” and “, except where the date of expiry of a claim is changed following an application made under subdivision 6 of this division for the determination of a common claim expiry date or for the reduction of the term of a claim” in the first paragraph.

32. Section 62 of the Act is repealed.

33. Section 64 of the Act is amended by striking out “an exploration licence for surface mineral substances or” in paragraph 3.

34. Section 65 of the Act is amended by adding the following paragraphs at the end:

“With respect to lands granted, alienated or leased by the State for purposes other than mining purposes and lands under an exclusive lease to mine surface mineral substances, the claim holder must notify the owner, the lessee or the holder of the exclusive lease to mine surface mineral substances of the claim obtained within 60 days following its registration, in the manner prescribed by regulation.

If the claim is in the territory of a local municipality, a regional county municipality or a metropolitan community, the claim holder must also notify the municipality or the community, at least 90 days before the work begins, of the work to be performed.”

35. Section 67 of the Act is amended by striking out “Where such an addition is made after the registration of a claim on the land, compensation shall be paid to the claim holder.” in the second paragraph.

36. Section 69 of the Act is amended

(1) by replacing “geological or geochemical sampling” in the first paragraph by “sampling,”;

(2) by adding “for the purpose of determining the characteristics of the ore” at the end of the first sentence in the second paragraph;

(3) by striking out “metallurgical” in the second paragraph;

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

“The application for authorization must be accompanied with the fee prescribed by regulation.”

37. The Act is amended by inserting the following section after section 71:

“71.1. The notice of staking or the notice of map designation of the claim must be accompanied with a plan of the work to be performed in the coming year. Such a plan must also be sent in on each anniversary date of the registration of the claim.

A report of the work performed under the plan in the previous year must be sent to the Minister on each anniversary date of the registration of the claim.”

38. Section 72 of the Act is amended by replacing the first sentence in the second paragraph by the following sentence: “The claim holder shall report to the Minister, before the same date, on all the work performed, including work for which an exploration allowance or a pre-production development allowance can be claimed under the Mining Tax Act (chapter I-0.4), whether or not it actually is.”

39. Section 73 of the Act is amended

(1) by inserting “twice” after “an amount equal to”;

(2) by replacing “equal to the difference” by “twice the difference”.

40. Section 75 of the Act is replaced by the following section:

“75. An amount disbursed during a term of a claim to perform work in excess of the minimum cost determined by regulation in respect of the claim and an excess amount accumulated for a claim as at (*insert the date of coming into force of this Act*) may be applied to the six subsequent terms, subject to the special rules for the conversion of staked claims into map designated claims.”

41. Section 76 of the Act is amended by replacing “4.5” by “4”.

42. Section 77 of the Act is repealed.

43. Section 78 of the Act is replaced by the following section:

“78. An excess amount disbursed in respect of a claim by its holder may be applied, in accordance with section 76, towards the renewal of another claim in respect of which the holder has made a promise to purchase by way of an instrument registered in the public register of real and immovable mining rights.

If the amount is disbursed by a person who is not the holder of the claim in question but who has made a promise to purchase in the manner described in the preceding paragraph, the amount disbursed may be applied, with the written consent of the holder of the claim, towards the renewal of a claim of which the person is the holder or in respect of which the person has made a promise to purchase in the manner described in the preceding paragraph.”

44. The Act is amended by inserting the following section after section 81:

“81.1. The holder of a claim is required to declare to the Minister and to the Minister of Sustainable Development, Environment, Wildlife and Parks any discovery of mineral substances containing 0.05% or more of triuranium octaoxide within 60 days of the discovery.”

45. Section 83 of the Act is amended by adding the following paragraph at the end:

“However, a claim holder may abandon only part of his right with a view to its classification as an outstanding geological site. In such a case, the Minister may give the claim holder authorization to move, disturb or replace a picket marking a boundary of the staked land.”

46. Section 83.1 of the Act is repealed.

47. Section 83.2 of the Act is amended by striking out “with respect to a parcel of land situated in Îles-de-la-Madeleine or in any territory other than a territory referred to in section 83.1,” and “also” in the first paragraph.

48. Section 83.6 of the Act is repealed.

49. Section 83.6.1 of the Act is replaced by the following section:

“83.6.1. The Minister may, ex officio, convert a claim obtained by staking into a map designated claim in accordance with sections 83.3 to 83.5.”

50. Sections 83.7 and 83.8 of the Act are repealed.

51. Subdivision 6 of Division III of Chapter III of the Act, comprising sections 83.9 to 83.13, is repealed.

52. Division IV of Chapter III of the Act, comprising sections 84 to 99, is repealed.

53. Section 100 of the Act is amended by striking out “, except where he is authorized to do so pursuant to a seabed mining lease”.

54. Section 101 of the Act is replaced by the following section:

“101. The Minister shall grant a lease in respect of all or part of a parcel of land that is subject to one or more claims if the claim holder establishes the existence of indicators of the presence of a workable deposit, meets the conditions and pays the annual rental prescribed by regulation.

The lease cannot be granted before the rehabilitation and restoration plan is approved in accordance with this Act, and the certificate of authorization referred to in section 31.5 of the Environment Quality Act (chapter Q-2) has been issued.

The Minister shall make public the rehabilitation and restoration plan as submitted to the Minister for approval and register it in the public register of real and immovable mining rights for the purposes of the application of the environmental impact assessment and review procedure provided for in the Environment Quality Act.

Every application for a mining lease must be accompanied with a survey of the land involved, unless it has already been entirely surveyed, and with a report, certified by an engineer or geologist who meets the qualification requirements prescribed by regulation, describing the nature, extent and probable value of the deposit.

The holder of a mining lease shall establish a monitoring and economic spinoff maximization committee, in the manner prescribed by regulation. The committee shall monitor the work incidental to the mining lease and endeavour to maximize the jobs, contracts and other economic spinoffs for local communities.

At the Minister’s request, the holder of the mining right shall provide the Minister with any document or information useful for the determination of the existence of indicators of the presence of a workable deposit.

The Minister may subject the mining lease to conditions designed to avoid conflicts with other uses of the territory.”

55. Section 103 of the Act is amended by replacing “shall be reduced by the area of the land subject to the lease and, in the case of a mining exploration licence, the required work” by “is reduced by the area of the land subject to the lease, and the work”.

56. Section 106 of the Act is amended by striking out “Where such an addition is made after the granting of a lease on the land, compensation shall be paid to the lessee.” in the second paragraph.

57. Section 119 of the Act is amended by striking out the second paragraph.

58. Divisions VI and VII of Chapter III of the Act, comprising sections 127 to 139, are repealed.

59. Section 140 of the Act is amended, in the second paragraph,

(1) by replacing “Notwithstanding the first paragraph” by “In the event of a disaster”;

(2) by inserting “to the Minister of Finance and the Economy” after “pay”.

60. The Act is amended by inserting the following section after section 140:

“140.1. An applicant for a peat lease or a lease to carry on an industrial activity or to engage in commercial export shall hold a public consultation on the project in the region concerned and in the manner prescribed by regulation after submitting the application.

At the Minister’s request, the applicant shall provide the Minister with any document or information relating to the public consultation. The Minister shall decide on the adequacy of the consultation and may impose any additional measure.

The Minister may subject the lease to conditions designed to avoid conflicts with other uses of the territory or to follow up on comments received during the public consultation.

The holder of a mining lease shall establish a monitoring and economic spinoff maximization committee, in the manner prescribed by regulation.

The committee shall monitor the work incidental to the lease to mine surface mineral substances and endeavour to maximize the jobs, contracts and other economic spinoffs for local communities.”

61. Section 142 of the Act is amended by striking out “, an exploration licence for surface mineral substances”, both occurrences of “or mining

exploration licence” and “except for the part of the land subject to a licence to explore for surface mineral substances held by the applicant,” in the third paragraph.

62. The Act is amended by inserting the following sections after section 142:

“**142.0.1.** The Minister may refuse an application for a lease, in the public interest. The Minister may also refuse an application for a sand and gravel lease in order to avoid conflicts with other uses of the territory.

“**142.0.2.** The Minister may terminate a lease at any time, in the public interest. In such a case, the Minister shall grant the lease holder a lease in respect of another parcel of land. Failing that, the Minister shall compensate the holder for the loss suffered.

The Minister may reduce the leased area for the same reasons and subject to the same conditions.”

63. Section 142.1 of the Act is amended by striking out “on a parcel of land subject to a licence to explore for surface mineral substances held by the applicant, or to an application” in the fifth paragraph.

64. Section 144 of the Act is amended

(1) by replacing “paragraphs 1, 4 and 5 of section 32” in the first paragraph by “paragraph 4 of section 32”;

(2) by adding the following sentence at the end of the second paragraph: “Moreover, no lease may be granted in respect of an outstanding geological site classified under section 305.1 or land on which an improvement consistent with the regulations is being made.”

65. Section 150 of the Act is amended by striking out “Where such an addition is made after the granting of a lease on the land concerned, compensation shall be paid to the lessee.” in the second paragraph.

66. Section 155 of the Act is amended by replacing “The report must be submitted with” in the first paragraph by “On the same dates, the lessee shall transmit to the Minister of Finance and the Economy”.

67. Section 204 of the Act is amended by inserting “of Finance and the Economy” after “Minister” in the second paragraph.

68. Section 207 of the Act is amended

(1) by striking out “or at a regional office designated by ministerial order. A notice of map designation is deemed to have been filed on the date on which it is received at the office of the registrar or, if it is filed in person at a regional

office designated by ministerial order, on the date on which it is received at that office” in the first paragraph;

(2) by striking out “to a licence to explore for surface mineral substances or” and both occurrences of “or map designated” in the second paragraph;

(3) by striking out “or a regional office designated by ministerial order” and “or, if they are filed in person at a regional office designated by ministerial order, according to the order in which they are received at that office” in the third paragraph;

(4) by inserting the following sentence after the first sentence in the fourth paragraph: “Map designation notices for which the order of receipt cannot be determined in accordance with the preceding paragraph shall also be admitted according to the order determined by drawing of lots.”

69. Section 207.1 of the Act is repealed.

70. Section 212 of the Act is amended by striking out “, pursuant to paragraph 2 of section 236, section 239 or 241,” in paragraph 1.

71. Section 213 of the Act is amended by replacing “Il” in the first paragraph in the French text by “Le titulaire de droit minier”.

72. Section 213.2 of the Act is repealed.

73. Section 215 of the Act is amended

(1) by replacing “section 72, 94 or 137” in the first paragraph by “section 72”;

(2) by striking out the third paragraph.

74. Section 216 of the Act is amended

(1) by striking out “, mining exploration licence or exploration licence for surface mineral substances” in the first paragraph;

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

“Before the date of expiry of the lease, the holder of a lease to mine surface mineral substances shall remove all property and any extracted surface mineral substances from the parcel of land subject to the lease.”;

(3) by replacing “ore” and “or” in the third paragraph by “mineral substances” and “and”, respectively.

75. Section 226 of the Act is amended, in the first paragraph,

(1) by inserting “and the Minister of Sustainable Development, Environment, Wildlife and Parks” after the first occurrence of “transmit to the Minister”;

(2) by replacing “informing the Minister” by “informing them” and by replacing the second occurrence of “transmit to the Minister” by “transmit to those Ministers”.

76. Sections 228 and 229 of the Act are repealed.

77. The Act is amended by inserting the following section after section 230:

“230.1. The holder of a mining right who discovers or mines mineral substances that contain 0.05% or more of triuranium octaoxide must take the safety measures prescribed by regulation and any other measure the Minister may impose.”

78. Section 231 of the Act is replaced by the following section:

“231. In addition to the protective measures necessary to prevent any damage and the safety measures prescribed by regulation, the Minister may, if mining activities are temporarily or permanently discontinued, order the holder of a mining right or the operator to take any measure imposed by the Minister.

The Minister may cause the work to be done at the expense of a holder of a mining right or operator who fails to comply with the Minister’s orders or the regulatory prescriptions.

The first paragraph does not apply in the case of a strike, lock-out, cessation of underground exploration or operation of a mine for a period of less than six months or for a longer period if the mine is under the supervision of a watchman who carries out a weekly inspection of the underground works.”

79. Section 232 of the Act is replaced by the following section:

“232. The holder of a mining right who is engaged in exploration for mineral substances that contain uranium may not drill at a distance of less than 500 metres from a groundwater catchment work without written authorization from the owner of the work.”

80. Section 232.1 of the Act is amended by replacing the introductory clause by the following introductory clause:

“232.1. The following persons must submit a rehabilitation and restoration plan to the Minister for approval and carry out the work provided for in the plan.”.

81. Section 232.2 of the Act is amended

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

“232.2. The rehabilitation and restoration plan submitted by a person to whom section 232.1 applies, except a person holding a mining lease or a mining concession who is referred to in section 100, must be approved by the Minister before mining activities begin.”;

(2) by striking out the second paragraph.

82. Section 232.3 of the Act is amended

(1) by replacing “an estimate” in paragraph 4 by “a detailed estimate”;

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

“(5) in the case of an open-pit mine, a backfill analysis when the pit is situated less than five kilometres from an urbanization perimeter.”

83. Section 232.4 of the Act is amended by replacing the first paragraph by the following paragraph:

“232.4. A person identified in section 232.1 must furnish a guarantee covering the anticipated cost of completing the work required under the rehabilitation and restoration plan to the extent provided for in this Act and in accordance with the standards established by regulation.”

84. The Act is amended by inserting the following sections after section 232.4:

“232.4.1. A person identified in subparagraph 1 of the first paragraph of section 232.1 must furnish the Minister with the guarantee required under section 232.4 before the exploration work begins.

“232.4.2. A person identified in any of subparagraphs 2 to 4 of the first paragraph of section 232.1 must furnish the Minister with the guarantee determined in accordance with section 232.4 and comply with the following terms of payment:

(1) the guarantee must be furnished in three annual instalments;

(2) the first instalment must be made within 90 days following receipt of approval of the plan;

(3) each subsequent instalment must be made on the anniversary of the date of approval of the plan; and

(4) the first instalment represents 50% of the total amount of the guarantee and the second and third instalments each represent 25%.

“232.4.3. Despite sections 232.4.1 and 232.4.2, a person identified in section 232.1 who must furnish more than one guarantee during a given year may make a single instalment during that year, covering the total amount of the guarantees payable.

The single instalment must be made on the first of the dates during the given year on which a guarantee had to be furnished.”

85. The Act is amended by inserting the following section after section 232.7:

“232.7.1. Rehabilitation and restoration work must begin within three years after operations cease. However, the Minister may require by way of exception that the work begin before that deadline, or authorize one or more extensions, each of which may not exceed three years.”

86. Section 232.8 of the Act is amended by replacing “232.7” in the first paragraph by “232.7.1”.

87. Section 232.9 of the Act is amended by replacing “231, 232 or 232.8” by “231 or 232.8”.

88. Section 232.10 of the Act is replaced by the following section:

“232.10. The Minister may release a person from the obligations set out in sections 232.1 to 232.7.1 and issue a certificate to that effect if, in the Minister’s opinion,

(1) the rehabilitation and restoration work has been carried out in accordance with the rehabilitation and restoration plan approved by the Minister, and no sum of money is due to the Minister with respect to the performance of the work; and

(2) the condition of the land affected by the mining activities no longer presents a risk for the environment or for the health and safety of individuals.

The Minister may also release a person from the obligations set out in sections 232.1 to 232.7.1 and issue a certificate to that effect if the Minister agrees to let a third person assume the obligations.

The Minister shall issue the certificate after obtaining a favourable opinion from the Minister of Sustainable Development, Environment, Wildlife and Parks.”

89. Section 235 of the Act is replaced by the following sections:

“235. The holder of a mining right or the owner of mineral substances must obtain written authorization granting access to land granted, alienated or leased by the State for purposes other than mining purposes or to land subject to an exclusive lease to mine surface mineral substances, or may acquire, by

agreement, any real right or property necessary to access the land or carry out exploration work or mining operations.

If there is no agreement for that purpose, the holder of a mining right or the owner of mineral substances may acquire, solely for mining purposes, the property described in the first paragraph by expropriation.

Any acquisition or expropriation for the purpose of moving a residential immovable must be authorized by the Minister before the immovable is moved.

Cemeteries within the meaning of the Act respecting Roman Catholic cemetery companies (chapter C-40.1) and cemeteries established in accordance with the Non-Catholic Cemeteries Act (chapter C-17) are not subject to expropriation.

“235.1. The owner of a residential immovable is entitled to the payment of financial assistance by the holder of a mining right or the owner of mineral substances if the immovable is property described in section 235.

The amount and the terms of payment of the financial assistance are set by government regulation.”

90. Section 236 of the Act is repealed.

91. The Act is amended by inserting the following section after section 255:

“255.1. A person specially or generally authorized by the Minister to perform work related to protective measures or rehabilitation and restoration work may enter, at any reasonable time, any place where an activity governed by this Act or the regulations is carried on.”

92. Section 270 of the Act is amended by inserting “of Finance and the Economy” after “Minister”.

93. Section 281 of the Act is amended

(1) by striking out “, a mining exploration licence or an exploration licence for surface mineral substances,” in paragraph 1;

(2) by replacing “section 74, 97 or 138” and “those sections” in paragraph 1 by “section 74” and “that section”, respectively;

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

“(5) a mining lease or a mining concession where the holder does not comply with the rules relating to the determination of the value of gemstones contained in the Mining Tax Act (chapter I-0.4).”

94. Section 286 of the Act is amended by replacing “executory” by “enforceable”.

95. Section 288 of the Act is amended, in the first paragraph,

(1) by striking out “mining exploration licence,”;

(2) by replacing “mining right relating to the seabed or surface mineral substances has become executory” by “lease to mine surface mineral substances has become enforceable”;

(3) by replacing “, a lease to mine surface mineral substances or a mining right relating to the seabed” by “or a lease to mine surface mineral substances”.

96. Section 289 of the Act is amended by replacing “executory” in the first paragraph by “enforceable”.

97. Section 291 of the Act is amended by striking out “62,” and “90, 97,” and by replacing “, 120, 134 or 138” by “or 120”.

98. Section 293 of the Act is amended, in the first paragraph,

(1) by replacing “Il” in the French text by “Le ministre”;

(2) by striking out “that is not exempt, under section 10, from registration at the registry office”.

99. Section 294 of the Act is amended by replacing “executory” by “enforceable”.

100. Section 304 of the Act is amended

(1) by replacing the introductory clause of subparagraph 1 of the first paragraph by the following introductory clause:

“(1) reserve to the State or withdraw from prospecting, exploration and mining operations any mineral substance forming part of the domain of the State and necessary for any purpose that the Minister considers to be in the public interest, particularly the building or carrying out of”;

(2) by replacing “ecological reserves” in the text of the fifth dash of subparagraph 1 of the first paragraph by “protected areas”;

(3) by adding the following at the end of subparagraph 1 of the first paragraph:

“—plant-life and wildlife conservation;

—protection of eskers that may be a source of drinking water;

—protection of the rehabilitation and restoration work carried out in accumulation areas under sections 232.1 and 232.11;”;

(4) by replacing subparagraph 1.1 of the first paragraph by the following subparagraph:

“(1.1) reserve to the State or withdraw from prospecting, exploration and mining operations any mineral substance forming part of the domain of the State, taking into account, among other things, regional land use planning, to avoid conflicts with other uses of the territory;”;

(5) by striking out subparagraph 4 of the first paragraph;

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

“The Minister must, by order, reserve to the State any mineral substances that are part of the domain of the State if the Minister refused to grant a lease to mine surface mineral substances under section 142.0.1 or if the Minister terminated a lease to mine surface mineral substances under section 142.0.2.”

101. The Act is amended by inserting the following section after section 304.1:

“304.2. Any mineral substance forming part of the domain of the State that is within an urbanization perimeter, a residential sector incompatible with mining activity, or a recreational tourism or vacation sector within the meaning of the Act respecting land use planning and development (chapter A-19.1) is withdrawn from prospecting, exploration and mining operations.

In order to perform work, the holder of a claim in an area in which the mineral substances have been so withdrawn must obtain the consent of the local municipality, the regional county municipality or the metropolitan community concerned. If the holder fails to obtain such an authorization, the services of a mediator may be required by the claim holder in order to foster discussion between the parties. The mediator is appointed by the parties and the mediation fees are paid by the claim holder.

In case of disagreement between the local municipality and the regional county municipality or the metropolitan community, the local municipality’s authorization is sufficient.

No compensation is paid by the State or the municipalities concerned for the consequences of an inability to perform work because of failure to obtain such an authorization, except a reimbursement by the State of 50% of the amounts spent to perform work under section 72 after 24 October 1988. In that case, the holder must abandon the claim.

The amount of the reimbursement for each claim is made public and registered in the public register of real and immovable mining rights.

At the request of the regional county municipality concerned, the Minister may terminate the withdrawal for all or part of the area or replace it by a reserve to the State, allowing the mineral exploration and mining the Minister determines. The Minister takes account, in particular, of

- (1) the reasons presented by the regional county municipality and any other concern raised;
- (2) the economic impact of the activity on the community;
- (3) the incidence of the activity on development needs.

“304.3. Withdrawal of a mineral substance forming part of the domain of the State from prospecting, exploration and mining operations, or reserve to the State, under section 304.2, is effective from the date the area concerned is reproduced on the maps kept in the office of the registrar.

An area may be added to that in which mineral substances forming part of the domain of the State have been so withdrawn or reserved under section 304.2 in a residential sector incompatible with mining activity or a recreational tourism or vacation sector only every 20 years after the area concerned has been reproduced on the maps kept in the office of the registrar.”

102. The Act is amended by inserting the following after section 305.16:

“CHAPTER X.1

“PROCESSING POLICY

“305.17. The Minister shall prepare a policy to promote the processing of mineral substances extracted in Québec and propose it to the Government for approval. The policy is to contain

- (1) an evaluation of the quantity of each mineral substance extracted; and
- (2) a provincial mineral processing plan.

The Minister shall supervise the policy’s implementation.”

103. Section 306 of the Act is amended

- (1) by striking out “or advance renewal” and “and for renewal of a” in paragraph 3;
- (2) by inserting “, claim” after “licence” in paragraph 2;
- (3) by inserting “, claim” after “licence” in paragraph 5;
- (4) by inserting the following paragraphs after paragraph 8:

“(8.1) set the fee payable by the applicant for a mining right in the case of a referral to the Minister under section 53;

“(8.2) determine how the notification under section 65 is to be given;

“(8.3) set the fee payable under section 69;”;

(5) by replacing “section 70” in paragraph 9 by “sections 70 and 144”;

(6) by replacing “sections 72, 94, 119 and 137” in paragraph 10.1 by “sections 72 and 119”;

(7) by inserting the following paragraph after paragraph 12.1:

“(12.1.1) set the fee payable by a holder of a mining right who submits an application to abandon the right in accordance with the first paragraph of section 83 and sections 122 and 156;”;

(8) by striking out “or 83.6” in paragraph 12.2;

(9) by replacing “sections 83.2 and 83.6” in paragraph 12.3 by “section 83.2” and by striking out “or of the exploration licences for surface mineral substances to be converted,” in that paragraph;

(10) by replacing “sections 83.2 and 83.6” in paragraph 12.4 by “section 83.2” and by striking out “or to the exploration licences for surface mineral substances to be converted,” in that paragraph;

(11) by replacing “sections 83.2 and 83.6” in paragraph 12.5 by “section 83.2”;

(12) by striking out paragraphs 12.7, 12.8 and 12.9;

(13) by inserting the following paragraphs after paragraph 12.10:

“(12.11) prescribe how the public consultation required under section 140.1 is to be held;

“(12.12) determine how the monitoring and economic spinoff maximization committee required under sections 101 and 140.1 is to be established;”;

(14) by striking out paragraph 13;

(15) by replacing “sections 207 and 207.1” in paragraph 21.1 by “section 207”;

(16) by inserting the following paragraph after paragraph 26:

“(26.0.1) prescribe safety measures in the case of mineral substances containing 0.05% or more of triuranium octaoxide;”;

(17) by replacing paragraph 26.2 by the following paragraph:

“(26.2) determine standards relating to the guarantee described in section 232.4;”;

(18) by inserting the following paragraphs after paragraph 26.2:

“(26.3) set the fee payable for an analysis of rehabilitation and restoration plans with a view to their approval or revision;

“(26.4) set the fee payable for an analysis of the issue of a certificate of release under section 232.10;”;

(19) by inserting the following paragraphs after paragraph 29:

“(29.1) set the fee payable for searching the public register of real and immovable mining rights, the fee payable for making copies of documents or of extracts from the register, and any other related fees;

“(29.2) set the fee payable by a person to whom an inspector has given a written notice of non-compliance with this Act or the regulations;”;

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

“(32) set the fee payable for the issue of an attestation related to mining rights referred to in section 32 of the Groundwater Catchment Regulation, enacted by Order in Council 696-2002 (2002, G.O. 2, 2657).”

104. Section 311 of the Act is repealed.

105. Sections 314 to 319 of the Act are replaced by the following sections:

“314. A person who contravenes section 19 or 25 is liable to a fine of \$500.

In the case of a second or subsequent conviction, the offender is liable to a fine of \$4,000.

“315. A person who contravenes section 27 or 30 or carries on exploration work or mining operations on land withdrawn from staking, map designation, exploration or mining operations is liable to a fine of \$10,000 and, in the case of a second or subsequent conviction, to a fine of \$20,000.

“316. A person who contravenes section 45 is liable to a fine of \$1,000.

In the case of a second or subsequent conviction, the offender is liable to a fine of \$2,000.

“317. A person who contravenes section 81.1 is liable to a fine of \$5,000.

“318. A person who contravenes section 100, 140, 160, 185, 193, 240 or 241 is liable to a fine of \$2,000 in the case of an individual and \$10,000 in the case of a legal person.

In the case of a second or subsequent conviction, the offender is liable to a fine of \$4,000 in the case of an individual and \$30,000 in the case of a legal person.

“319. A person who contravenes section 155 is liable to a fine of \$2,000 in the case of an individual and \$6,000 in the case of a legal person.

In the case of a second or subsequent conviction, the offender is liable to a fine of \$4,000 in the case of an individual and \$18,000 in the case of a legal person.

“319.1. A person who contravenes the first or second paragraph of section 216 is liable to a fine of \$50,000 if the property or mineral substances are south of 50°30' latitude, and to a fine of \$100,000 if they are north of that limit.

“319.2. An operator who contravenes any of sections 220 to 226 or 282 is liable to a fine of \$500 in the case of an individual and \$1,500 in the case of a legal person.

In the case of a second or subsequent conviction, an operator is liable to a fine of \$1,000 in the case of an individual and \$6,000 in the case of a legal person.

“319.3. A person who contravenes section 230.1 is liable to a fine of \$10,000.

“319.4. A person who contravenes section 232.1 or 232.2, the first paragraph of section 232.6 or section 233 is liable to a fine of \$50,000 in the case of an individual and \$100,000 in the case of a legal person.

“319.5. A person who fails to furnish a guarantee in accordance with sections 232.4 to 232.5, 232.7 and 232.7.1 and the standards prescribed by regulation is liable to a fine corresponding to 10% of the total amount of the guarantee.

“319.6. A person who contravenes section 252 is liable to a fine of \$1,000 in the case of an individual and \$2,000 in the case of a legal person.

In the case of a second or subsequent conviction, the offender is liable to a fine of \$5,000 in the case of an individual and \$10,000 in the case of a legal person.

“319.7. A person who contravenes a provision of a regulation which it is an offence to contravene under paragraph 31 of section 306 is liable to a fine of \$500 in the case of an individual and \$1,500 in the case of a legal person.

In the case of a second or subsequent conviction, the offender is liable to a fine of \$1,000 in the case of an individual and \$3,000 in the case of a legal person.”

106. Section 320 of the Act is repealed.

107. Sections 342, 343, 346 to 359, 364, 366, 367, 370, 372, 380 and 381 of the Act are repealed and the second paragraph of section 360 of the Act is struck out.

108. Section 2 of the Regulation respecting environmental impact assessment and review (chapter Q-2, r. 23) is amended

(1) by replacing subparagraph *n.8* of the first paragraph by the following subparagraph:

“(n.8) the construction and operation of an ore processing plant;”;

(2) by replacing subparagraph *p* of the first paragraph by the following subparagraph:

“(p) the opening and operation of a mine.

Excluded are works subject to the Regulation respecting petroleum, natural gas, brine and underground reservoirs (chapter M-13.1, r. 1) and not otherwise referred to in this Regulation, as well as the mining of surface mineral substances as defined in the Act respecting wealth and job creation through sustainable mining development (chapter M-13.1) and the mining of the tilth.”

TRANSITIONAL AND FINAL PROVISIONS

109. The mining rights to surface mineral substances on lands granted by the State for purposes other than mining purposes cease to have effect on (*insert the date of coming into force of this Act*). However, if the holder of a right is not the owner of the soil, the right remains in force until it expires, is abandoned, surrendered or revoked, or is not renewed.

110. The holder of a seabed exploration licence issued under section 127 of the Mining Act (chapter M-13.1), as it read on (*insert the date preceding the date of coming into force of this Act*), becomes the holder of a map designated claim.

111. The holder of a seabed mining lease issued under section 128 of the Mining Act, as it read on (*insert the date preceding the date of coming into force of this Act*), becomes the holder of a mining lease.

112. Territories delimited for non-exclusive purposes of recreation, tourism or plant-life and wildlife conservation under subparagraph 1.1 of the first paragraph of section 304 of the Mining Act, as it read on (*insert the date preceding the date of coming into force of section 100*), are deemed to be reserved to the State under section 304 of the Mining Act.

113. Sections 111 and 112 of the Regulation respecting mineral substances other than petroleum, natural gas and brine (chapter M-13.1, r. 2) continue to apply, as they read on (*insert the date preceding the date of coming into force of this Act*), to a person identified in subparagraph 1 of the first paragraph of section 232.1 of the Mining Act whose plan was approved by the Minister before (*insert the date of coming into force of this Act*), until the plan is revised.

114. Sections 111 and 113 of the Regulation respecting mineral substances other than petroleum, natural gas and brine continue to apply, as they read on (*insert the date preceding the date of coming into force of this Act*), to a person identified in any of subparagraphs 2 to 4 of the first paragraph of section 232.1 of the Mining Act whose plan was approved by the Minister before (*insert the date of coming into force of this Act*), for three years after that date.

115. Unless the context indicates otherwise, in every Act and regulation, “Mining Act” is replaced by “Act respecting wealth and job creation through sustainable mining development”.

116. This Act comes into force on the date of coming into force of the first regulation to amend the Regulation respecting mineral substances other than petroleum, natural gas and brine after (*insert the date of assent to this Act*), except

(1) section 57, which comes into force on 1 February after (*insert the date that is one year after the date of coming into force of this Act*);

(2) section 101, which comes into force on (*insert the date of introduction of this bill*).

