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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 390

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

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**Introduction**

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

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## **EXPLANATORY NOTES**

*This bill amends the Environment Quality Act in order to assert the primacy of Québec's jurisdiction in this area.*

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

*A rule of interpretation to that effect is established, granting the Government regulatory power to identify any project, activity or enterprise, particularly in the transportation, natural resources and environmental sectors, that has a significant impact justifying the primacy of Québec law in environmental matters within its territory.*

## **LEGISLATION AMENDED BY THIS BILL:**

- Environment Quality Act (chapter Q-2).

## Bill 390

### 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 division after Division XII:

#### “DIVISION XII.1

#### “PRIMACY OF QUÉBEC LAW

“**105.1.** No provision of an Act of the Parliament of Canada or the Parliament of Québec, regulation, directive, decision or other enforceable document of the Government of Canada, the Gouvernement du Québec or entities like the National Energy Board constituted under the National Energy Board Act (Revised Statutes of Canada, 1985, chapter N-7) may, on pain of nullity, derogate from this Act or from instruments made under this Act.

“**105.2.** In the event of a conflict of laws 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.** For the purposes of this division, the Government may, by regulation, identify any project, activity or enterprise, particularly in the transportation, natural resources and environmental sectors, that has a significant impact.

“**105.4.** Subject to this Act, the Government of Canada and the Gouvernement du Québec may enter into any agreement whose purpose is to facilitate and favour the application of this division.”

**2.** Any provision of an Act of the Parliament of Canada or the Parliament of Québec, regulation, directive, decision or other enforceable document of the Government of Canada, the Gouvernement du Québec or entities like the National Energy Board in force on (*insert the date of assent to this Act*) is null and void if it derogates from or otherwise contravenes Division XII.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*).