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# NATIONAL ASSEMBLY OF QUÉBEC

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SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 996

**An Act to promote public access to  
watercourses and lakes**

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**Introduction**

**Introduced by  
Madam Émilise Lessard-Therrien  
Member for Rouyn-Noranda-Témiscamingue**

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## **EXPLANATORY NOTES**

*This bill amends various legislative measures in order to promote public access to watercourses and lakes.*

*The bill amends the Civil Code to allow, subject to certain conditions, any person carrying on non-motorized aquatic or nautical activities to set foot on the banks. It also provides for immunity for any owner or lessee of an immovable who authorizes another person to have access to a watercourse or lake.*

*The bill then amends the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments, mainly to promote the development of public water access points and to better inform citizens of their existence.*

*Lastly, the Dam Safety Act is amended to allow persons carrying on non-motorized aquatic or nautical activities to safely circumvent dams.*

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

- Civil Code of Québec;
- Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2);
- Dam Safety Act (chapter S-3.1.01).

## Bill 996

### AN ACT TO PROMOTE PUBLIC ACCESS TO WATERCOURSES AND LAKES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CIVIL CODE OF QUÉBEC

**1.** Article 920 of the Civil Code of Québec is amended by adding the following paragraph at the end:

“Despite the first paragraph, any person carrying on non-motorized aquatic or nautical activities may temporarily, for reasons of safety and in accordance with the terms and conditions determined by government regulation, set foot on the banks.”

**2.** The Code is amended by inserting the following article after article 920:

**“920.1.** No judicial proceeding may be brought against the owner or lessee of an immovable who authorizes another person to have access to a watercourse or lake for damages for any injury related to the authorization, unless the injury results from the intentional or gross fault of the owner or lessee.”

ACT TO AFFIRM THE COLLECTIVE NATURE OF WATER RESOURCES AND TO PROMOTE BETTER GOVERNANCE OF WATER AND ASSOCIATED ENVIRONMENTS

**3.** Section 3 of the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2) is amended by replacing the second paragraph by the following paragraph:

“The Minister of Sustainable Development, Environment and Parks takes measures to promote public access to the St. Lawrence River and other bodies of water or watercourses, particularly to allow any person to have access to them to carry on non-motorized aquatic or nautical activities and to travel on them in accordance with the conditions set out in article 920 of the Civil Code.”

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

**“7.1.** Every municipality must prepare, keep up to date and make available a map of the water access points situated in its territory.

The map must be permanently published on the website of the municipality or, if the municipality does not have a website, on the website of the regional county municipality whose territory includes that of the municipality.”

**5.** Section 13.1 of the Act is amended, in the second paragraph,

(1) by inserting “and develop” after “protect”;

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

“(7) acting as a site for the carrying on of non-motorized sports and recreational activities.”

**6.** Section 13.3 of the Act is amended by inserting “and to promote the development of an adequate number of public water access points distributed in an equitable manner” at the end of the first paragraph.

**7.** Section 13.5 of the Act is amended by inserting the following paragraph after paragraph 3:

“(3.1) objectives to allow an increase in public water access points;”.

**8.** Section 15.2 of the Act is amended by inserting the following subparagraph after subparagraph 2 of the second paragraph:

“(2.1) identify sites where public water access points could potentially be developed;”.

**9.** Section 15.4 of the Act is amended by inserting the following subparagraph after subparagraph 3 of the second paragraph:

“(3.1) the plan’s measures promote the development of public water access points; and”.

**10.** Section 17.2 of the Act is amended by inserting the following subparagraph after subparagraph 3 of the first paragraph:

“(3.1) the results obtained in relation to the objective to promote the development of public water access points, including the number of new public water access points for non-motorized sports and recreational activities; and”.

#### DAM SAFETY ACT

**11.** The Dam Safety Act (chapter S-3.1.01) is amended by inserting the following section after section 2.1:

**“2.1.1.** The immediate environment of a dam must be maintained in a condition that allows it to be safely circumvented by persons carrying on non-motorized aquatic or nautical activities.

The Government shall prescribe, by regulation, the manner in which the first paragraph is to be implemented, in particular with regard to the development of circumvention routes and portage trails.”

#### TRANSITIONAL AND FINAL PROVISIONS

**12.** All water master plans, integrated management plans for the St. Lawrence and regional wetlands and bodies of water plans must be updated in compliance with this Act not later than *(insert the date that is two years after the date of assent to this Act)*.

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





