



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 79

An Act to amend the Mining Act

Introduction

**Introduced by
Mr. Serge Simard
Minister for Natural Resources and Wildlife**

**Québec Official Publisher
2009**

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 mining exploration, 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 mining exploration 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 10 years.

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

Provisions are introduced that permit the Minister 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 of Québec, claim holders will henceforth be required to report to the Minister on all exploration work performed and for which an allowance was granted under the Mining Duties Act.

A public consultation is required before a mining lease or a peat lease is issued.

The bill grants to the owners of the land the ownership of surface mineral substances on private land that belong to the State.

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 (R.S.Q., chapter M-13.1).

Bill 79

AN ACT TO AMEND THE MINING ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 5 of the Mining Act (R.S.Q., chapter M-13.1) is replaced by the following section:

“**5.** Surface mineral substances belong to the owner of the soil if they are found in lands granted or alienated by the State for purposes other than mining purposes.”

2. Section 6 of the Act is repealed.

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

4. 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.”

5. Section 10 of the Act is repealed.

6. 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:

– exploration licences for petroleum, natural gas and underground reservoirs;

– 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.”

7. Section 14 of the Act is amended by striking out “, whether or not it is exempt from registration at the registry office of the registration division,” in the second paragraph.

8. Section 26 of the Act is repealed.

9. Section 32 of the Act is amended by striking out paragraph 5.

10. Section 42 of the Act is amended by replacing “ministerial order” in the third paragraph by “the Minister”.

11. Section 46 of the Act is amended by replacing “ministerial order” by “the Minister”.

12. Section 47 of the Act is amended by replacing “ministerial order” in the second paragraph by “the Minister”.

13. Section 48 of the Act is amended by striking out “official” in paragraph 1.

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

15. Section 52 of the Act is amended

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

(2) 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 be required under section 32 or 33 were the parcel of land open for staking.”

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

17. Section 65 of the Act is amended by adding the following paragraph at the end:

“As well, with respect to lands granted, alienated or leased by the State for purposes other than mining purposes or lands under an exclusive lease to mine surface mineral substances, the claim holder must notify the owner,

lessee or 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.”

18. 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 purposes of determining the extent and probable value of the deposit” 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 by the fee prescribed by regulation.”

19. Section 72 of the Act is amended by replacing “shall report thereon to the Minister” in the second paragraph by “shall report to the Minister on all the work performed and for which an exploration allowance or additional exploration allowance is deducted from the claim holder’s annual profit under the Mining Duties Act (chapter D-15)”.

20. Section 73 of the Act is amended by inserting “during the first term” after “performed by the holder of a claim”.

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

“**75.** An amount disbursed during a term to perform work in excess of the prescribed requirements in respect of a 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 four subsequent terms of the claim.”

22. Section 76 of the Act is amended

(1) by replacing “4.5” by “3”;

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

“However, if the claim is situated north of 50 degrees 30 minutes latitude, that radius is 4 kilometres.

A claim that straddles two territories is considered to be situated south of that limit.”

23. Section 77 of the Act is repealed.

24. 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.”

25. 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 any discovery of mineral substances containing 0.05% or more of uranium within 60 days of the discovery.”

26. Section 83.1 of the Act is repealed.

27. 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.

28. Section 83.6 of the Act is repealed.

29. 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.”

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

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

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

33. Section 101 of the Act is amended

(1) by striking out “or a mining concession limited to certain mineral substances mentioned in section 5” in the first paragraph;

(2) by replacing “workable deposit and” in the first paragraph by “workable deposit,” and by adding “, and if the rehabilitation and restoration plan is approved in accordance with section 232.5” at the end of that paragraph;

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

“Before applying for a mining lease, the holder must hold a public consultation in the region concerned, in the manner prescribed by regulation. The rehabilitation and restoration plan must be available to the public at least 30 days before the consultation begins. The Minister shall decide on the adequacy of the consultation and may impose additional measures.”;

(4) by replacing the third paragraph by the following paragraph:

“The holder of a mining right shall provide the Minister with any document or information useful for the determination of the existence of the indicators or relating to the public consultation that the Minister may request.”;

(5) by adding the following paragraphs at the end:

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

The holder of a mining right must establish a monitoring committee, in the manner prescribed by regulation, to ensure compliance with the commitments the holder made following the observations made during the public consultation.”

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

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

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

“140.1. An applicant for a peat lease shall hold a public consultation on the project in the region concerned and in the manner prescribed by regulation before submitting the application.

The applicant shall provide the Minister with any document or information relating to the public consultation that the Minister may request. The Minister shall decide on the adequacy of the consultation and may impose additional measures.

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

The holder of the mining right must establish a monitoring committee, in the manner prescribed by regulation, to ensure compliance with the commitments the holder made following the observations made during the public consultation.”

37. Section 142 of the Act is amended by striking out “, an exploration licence for surface mineral substances” 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.

38. 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 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.”

39. 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.

40. Section 144 of the Act is amended 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.”

41. Section 207 of the Act is amended

(1) by striking out “to a licence to explore for surface mineral substances or” in the second paragraph;

(2) by replacing all occurrences of “ministerial order” by “the Minister”.

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

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

44. Section 213.2 of the Act is repealed.

45. Section 215 of the Act is amended by replacing “, 94 or 137” in the first paragraph by “or 94”.

46. Section 216 of the Act is amended

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

(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 remaining on land of” in the third paragraph by “mineral substances remaining on land in”.

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

“230.1. The holder of a mining right or an operator who is engaged in exploration for or discovers or mines mineral substances that contain or may contain 0.05% or more of uranium must take the protective measures prescribed by regulation and any other measure the Minister may impose.”

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

“231. In addition to the protective measures prescribed by regulation, the Minister may, if mining activities are temporarily or permanently discontinued, order the holder of mining rights or the operator to take the protective measures imposed by the Minister.

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

Protective measures prescribed by regulation do 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 underground works.”

49. Section 232 of the Act is repealed.

50. 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:”.

51. Section 232.2 of the Act is amended by replacing “to whom section 232.1 applies” in the first paragraph by “described in subparagraph 1 of the first paragraph of section 232.1”.

52. Section 232.3 of the Act is amended by replacing “an estimate of the expected costs to be incurred for” in paragraph 4 of section 232.3 by “a detailed estimate of the anticipated cost of”.

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

“232.4. A person described 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.”

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

“232.4.1. A person described in subparagraph 1 of the first paragraph of section 232.1 must furnish a guarantee covering the anticipated cost of completing the work required under the rehabilitation and restoration plan.

A person described in any of subparagraphs 2 to 4 of the first paragraph of section 232.1 must furnish a guarantee covering the anticipated cost of

- (1) the rehabilitation and restoration of accumulation areas;
- (2) geotechnical soil stabilization;
- (3) stabilizing mine openings and surface pillars;
- (4) water treatment; and
- (5) roadwork.

However, if the rehabilitation and restoration plan was approved by the Minister before (*insert the date of coming into force of this Act*), the guarantee must cover 70% of the anticipated cost of carrying out the part of the work required under the plan that relates to the rehabilitation and restoration of accumulation areas. For mining activities that ended before 9 March 1997, the amount of the guarantee is limited to 15% of the anticipated cost.

In the case described in the preceding paragraph, the object and the amount of the guarantee that must be furnished by a person described in any of subparagraphs 2 to 4 of the first paragraph of section 232.1 are revised three years after (*insert the date of coming into force of this Act*) so that they correspond to the requirements of the second paragraph.

If a water treatment plant is constructed for mining purposes, the amount of the guarantee is reduced by the cost of construction.

“232.4.2. A person described in subparagraph 1 of the first paragraph of section 232.1 must furnish the guarantee determined in accordance with section 232.4 to the Minister before the work begins.

However, if the rehabilitation and restoration plan was approved by the Minister before (*insert the date of coming into force of this Act*), the person must furnish the guarantee determined in accordance with section 232.4 to the Minister and comply with the following terms of payment:

(1) if the exploration work is expected to last not more than one year, the total guarantee must be furnished within 15 days following receipt of approval of the rehabilitation and restoration plan;

(2) if the exploration work is expected to last more than one year, the guarantee must be furnished in annual payments, as follows:

(a) the first payment must be made within 15 days following receipt of approval of the rehabilitation and restoration plan; it must correspond to the anticipated cost of the rehabilitation and restoration work required under the plan, in respect of activities that have already been carried out or that will be carried out during the year; and

(b) each subsequent payment must be made on the anniversary of the date of approval of the plan; it must correspond to the anticipated cost of the rehabilitation and restoration work required under the plan in respect of activities that will be carried out during the year.

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

(1) the guarantee must be furnished in five annual payments;

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

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

(4) the first payment represents 25% of the total amount of the guarantee, the second, third and fourth payments each represent 20% and the last payment represents 15%.

However, if the rehabilitation and restoration plan was approved by the Minister before (*insert the date of coming into force of this Act*), the person must furnish the guarantee determined in accordance with the third paragraph of section 232.4.1 to the Minister and comply with the terms of payment prescribed by regulation.

If the object and amount of the guarantee are revised in accordance with the fourth paragraph of section 232.4.1, any amount of the guarantee that was not due and payable before the revision is subject to the terms of payment set out in the first paragraph.

“232.4.4. Despite sections 232.4.2 and 232.4.3, a person described in subparagraph 1 of the first paragraph of section 232.1 who must furnish more than one guarantee during a given year may furnish during that year a single guarantee covering the total amount of the guarantees payable.

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

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

“232.10. The Minister may release a person from the obligations under sections 232.1 to 232.7 and issue a certificate to that effect to the person if

(1) the rehabilitation and restoration work has been carried out, in the Minister’s opinion, 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) in the Minister’s opinion, 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 under sections 232.1 to 232.7 and issue a certificate to that effect to the person 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 and Parks.”

56. Section 235 of the Act is replaced by the following section:

“235. The holder of mining rights or the owner of mineral substances may acquire, by agreement, any immovable, part of an immovable, real right or other property permitting access to or necessary for the performance of exploration work or mining operations on land granted, alienated or leased by the State for purposes other than mining purposes or on land subject to an exclusive lease to mine surface mineral substances.

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

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.”

57. Section 236 of the Act is repealed.

58. Section 281 of the Act is amended by replacing “, a mining exploration licence or an exploration licence for surface mineral substances,” in paragraph 1 by “or a mining exploration licence” and by replacing “, 97 or 138” in that paragraph by “or 97”.

59. Section 288 of the Act is amended by replacing “mining right relating to the seabed or” in the first paragraph by “lease to mine”.

60. Section 291 of the Act is amended by replacing “, 120, 134 or 138” by “or 120”.

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

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

(2) by adding “, except creditors having registered an instrument relating to an exploration licence for petroleum, natural gas and underground reservoirs” after “section 13” at the end;

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

62. Section 304 of the Act is amended

(1) by replacing “the performance of the following work” in subparagraph 1 of the first paragraph by “for the performance of the following work and for the following purposes”;

(2) by replacing “ecological reserves” in 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 staking, map designation, mining exploration or mining operations any land containing mineral substances that are part of the domain of the State 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 or withdraw from staking, map designation, mining exploration or mining operations any land containing mineral substances that are part of the domain of the State for which a mining title has been refused under section 142.0.1 or for which the Minister has terminated a lease to mine surface mineral substances under section 142.0.2.”

63. Section 306 of the Act is amended

(1) by inserting the following paragraphs after paragraph 8:

“(8.1) set the fee payable by the holder of 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;”;

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

(3) by replacing “, 119 and 137” in paragraph 10.1 by “and 119”;

(4) 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 sections 83 and 122;”;

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

(6) 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;

(7) 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;

(8) by striking out paragraphs 12.7 and 12.8;

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

“(12.11) prescribe how the public consultation required under sections 101 and 140.1 is to be held;

“(12.12) determine the manner in which the monitoring committee required under sections 101 and 140.1 is to be established;”;

(10) by striking out paragraph 13;

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

“(26.0.1) prescribe protective measures in the case of mineral substances containing 0.05% or more of uranium;”;

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

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

(13) 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 the issue of a certificate of release under section 232.10;”;

(14) by inserting the following paragraph after paragraph 29:

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

64. 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, stakes a parcel of land or carries on mining exploration or mining operations on land withdrawn from staking, map designation, mining 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 of \$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 of \$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 of \$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 of \$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 extracted ore is south of 50 degrees 30 minutes latitude, and to a fine of \$100,000 if it is 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 of \$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 of \$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 of \$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 and 232.7 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 of \$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 of \$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 of \$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 of \$3,000 in the case of a legal person.”

65. Section 320 of the Act is repealed.

66. Section 321 of the Act is replaced by the following section:

“321. A person who prohibits or hinders access to a parcel of land containing mineral substances that forms part of the domain of the State by a person who is authorized by the Minister to do geological research and inventories and who, on request, identifies himself and produces a certificate of authority signed by the Minister is guilty of an offence and is liable to a fine of \$2,000.

In the case of a second or subsequent conviction, the offender is liable to a fine of \$6,000.”

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

TRANSITIONAL PROVISIONS

68. The mining exploration rights and mining rights to mineral substances listed in section 5 of the Mining Act (R.S.Q., chapter M-13.1), as it read on *(insert the date preceding the date of coming into force of this Act)*, cease to have effect on *(insert the date of coming into force of this Act)*. However, if the holder of the 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, and the Mining Act, as it read on *(insert the date preceding the date of coming into force of this Act)* continues to apply.

69. The holder of a seabed exploration licence issued under section 127 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 map designated claim.

70. 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.

71. Territories delimited for non-exclusive purposes of recreation, tourism, plant-life or wildlife conservation or the preservation of an exceptional forest ecosystem classified by the Minister under section 24.4 of the Forest Act (R.S.Q., chapter F-4.1) are deemed to be reserved to the State under section 304 of the Mining Act.

72. 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 (Order in Council 1042-2000, G.O. 2, 4512) after (*insert the date of assent to this Act*).

