



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 397

**An Act to impose a moratorium on shale
gas exploration and development
projects**

Introduction

**Introduced by
Mr. Amir Khadir
Member for Mercier**

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EXPLANATORY NOTES

The purpose of this bill is to impose a moratorium on shale gas exploration and development projects in Québec in order to protect the health and safety of Quebecers and preserve the quality of the environment. The moratorium applies to all shale gas exploration and development projects, including those in progress. It applies initially for a three-year period that may be renewed by government order after a parliamentary committee has held a general consultation on the subject.

The bill prescribes that its provisions have effect from the date of its introduction and their application entails no compensation from the State.

Fines are imposed on natural and legal persons who fail to observe the moratorium; technical provisions are also made.

Bill 397

AN ACT TO IMPOSE A MORATORIUM ON SHALE GAS EXPLORATION AND DEVELOPMENT PROJECTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The purpose of this Act is to impose a moratorium on shale gas exploration and development projects in order to protect the health and safety of Quebecers and preserve the quality of the environment.

2. For the purposes of this Act,

“exploration and development” means all well drilling operations for shale gas exploration or development, well completion and conversion operations, including stimulation operations known as “fracturing”, and production testing;

“shale gas” means the natural gas contained in gas-bearing shale in Québec, including the Utica and Lorraine shales.

3. As of (*insert the date of introduction of this bill*), no person may commence or continue a shale gas exploration or development project.

This prohibition applies for a period of three years. It may be renewed on expiry for three years at a time by an order of the Government published in the *Gazette officielle du Québec*. However, such an order may not be made before the competent committee of the National Assembly has tabled its report in accordance with section 5.

4. The application of this Act entails no compensation from the State.

5. The Minister of Sustainable Development, Environment and Parks must, not later than (*insert the date that occurs two years after the introduction of this bill*) and subsequently every three years, report to the Government on the implementation of this Act and on the advisability of maintaining it in force or amending it. The report must consider the environmental impacts of shale gas exploration and development projects and the evolution of the shale gas industry.

The report must be laid before the National Assembly within 30 days or, if the Assembly is not sitting, within 30 days of resumption.

The competent committee of the National Assembly examines the report within six months after its tabling and hears the views of concerned persons and bodies. The committee may make recommendations on, among other things, the advisability of renewing the prohibition imposed by section 3.

6. A person who contravenes section 3 commits an offence and is liable

(a) in the case of a natural person, to a fine of not less than \$2,000 nor more than \$20,000 for a first offence and not less than \$4,000 nor more than \$40,000 for a subsequent offence, or, in either case, to imprisonment for not more than one year or to both the imprisonment and fine, despite article 231 of the Code of Penal Procedure (R.S.Q., chapter C-25.1);

(b) in the case of a legal person, to a fine of not less than \$6,000 nor more than \$250,000 for a first offence, not less than \$50,000 nor more than \$1,000,000 in the case of a second offence, and not less than \$500,000 nor more than \$1,000,000 for a subsequent offence.

7. If an offence under section 3 continues for more than one day, it constitutes a separate offence for each day during which it continues.

8. Penal proceedings for an offence under this Act are prescribed two years after the commission of the offence.

9. This Act has precedence over any contrary provision contained in a prior Act, regulation or order and, barring an express override clause, over any contrary provision contained in a subsequent Act, regulation or order.

10. The Government may, by regulation, prescribe any measure required for the carrying out of this Act.

11. This Act has effect from (*insert the date of introduction to this bill*).

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