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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 398

**An Act to end the precedence of mining  
rights over other land uses and to again  
amend the Act respecting land use  
planning and development**

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**Introduction**

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

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## **EXPLANATORY NOTES**

*The purpose of this bill is to repeal the provision of the Act respecting land use planning and development that gives precedence to the Mining Act. Thus, a provision of the Act respecting land use planning and development, of the land use and development plan of a metropolitan community or a regional county municipality or of an interim control by-law or resolution or a zoning, subdivision or building by-law could have the effect of preventing the staking or designation on a map of a claim, or exploration for or the development or exploitation of mineral substances or underground reservoirs under the Mining Act.*

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

– Act respecting land use planning and development (R.S.Q., chapter A-19.1).

## **Bill 398**

### **AN ACT TO END THE PRECEDENCE OF MINING RIGHTS OVER OTHER LAND USES AND TO AGAIN AMEND THE ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT**

AS land use planning is under the responsibility of elected representatives and not simply a technical process;

AS it is a task shared by the various levels of decision making;

AS that task requires concerted choices and action on the part of the various levels of government;

AS land use planning must promote active public participation in decision making and take sustainable development into account; and

AS the precedence of mining rights is contrary to the above and, more specifically, to the concept of sustainable development, which involves long-term planning and the harmonious coexistence of land uses and various economic sectors;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Section 246 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is repealed.
- 2.** The Government may, by regulation, prescribe any measure necessary for carrying out this Act.
- 3.** This Act comes into force on *(insert the date of assent to this Act)*.

