



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 122

**An Act to amend the Act respecting
the lands in the domain of the State
and other legislative provisions**

Introduction

**Introduced by
Mr. Pierre Corbeil
Minister of Natural Resources and Wildlife**

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EXPLANATORY NOTES

This bill amends the Act respecting the lands in the domain of the State to revise the process for drawing up the public land use plan and update the list of bodies that must be consulted. It provides that no further consultation will be necessary when a protected area constituted by the Government is registered on the land use plan.

The bill provides for the establishment of a new register called the Register of the domain of the State. It determines the content of the Register by specifying the information that must be registered in it, including natural resource development rights, territories with special legal status, restrictions on use, acquisitions and alienations.

The bill requires the registrar to enter in the Register any transactions affecting state lands published in the land register, and authorizes the charging of fees for consulting or using the Register.

Furthermore, the bill adds a provision to the Act allowing the Government to enter into agreements with Native communities in order to achieve a better balance between the management of the lands in the domain of the State and the pursuit of activities by Native people for food, ritual or social purposes. The bill provides that the agreements will take precedence over the Act and the regulations, and will be published in the Gazette officielle du Québec and tabled in the National Assembly.

The bill grants the Minister of Natural Resources and Wildlife the power to establish, by notice, zones on state lands where camping will be prohibited and other zones where camping will be allowed with varying maximum lengths of stay.

Lastly, the bill amends the Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs and the Act respecting land survey to specify the responsibilities of the Surveyor-General of Québec, a function assumed by the Minister.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting land survey (R.S.Q., chapter A-22);

- Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs (R.S.Q., chapter M-25.2);
- Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1).

Bill 122

AN ACT TO AMEND THE ACT RESPECTING THE LANDS IN THE DOMAIN OF THE STATE AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1) is amended by inserting the following chapter after section 1:

“CHAPTER I.1

“PROVISIONS SPECIFIC TO NATIVE COMMUNITIES

“**1.1.** To achieve a better balance between the management of the lands in the domain of the State and the pursuit of activities by Native people for food, ritual or social purposes, the Government is authorized to enter into agreements with Native communities represented by their band council on any matter set out in Division II of Chapter III or Chapter IV.

The agreements have precedence over this Act and the regulations. However, a community, undertaking or person governed by an agreement is exempted from the application of inconsistent provisions of this Act or the regulations only to the extent that the terms of the agreement are respected.

The agreements entered into under this section must be tabled in the National Assembly within 15 days of the date on which they are signed if the Assembly is sitting, or, if it is not sitting, within 15 days of resumption. They must also be published in the *Gazette officielle du Québec*.”

2. Section 10 of the Act is replaced by the following section:

“**10.** A minister may, by notice, entrust the administration of land under the Minister’s authority to a public body for the purposes and on the conditions determined in the notice.

As soon as the land is no longer used for the purposes specified in the notice, the public body is to return the administration of the land to the Minister.”

3. Section 11 of the Act is repealed.

4. Sections 14, 15 and 16 of the Act are repealed.

5. Section 17 of the Act is amended

(1) by replacing “the Minister” in the first and second paragraphs by “the Surveyor-General of Québec”;

(2) by adding the following paragraph after the second paragraph:

“The documents prepared by the land surveyor must be filed in the office of the Surveyor-General of Québec.”

6. Division II of Chapter II of the Act is replaced by the following division:

“DIVISION III

“LAND USE PLAN

“21. In collaboration with the government departments and public bodies concerned, the Minister shall prepare a land use plan for any part of the domain of the State determined by the Minister.

The land use plan is to define and indicate government policy with regard to the protection and use of the lands and resources in the domain of the State and establish their vocation and the objectives to be pursued in respect of them.

The plan must be approved by the Government.

“22. The managers of the lands and resources must provide the Minister with the information needed to ensure that the plan is prepared and a follow-up is carried out.

“23. The Minister shall send a draft land use plan to the following bodies or associations for their opinion if they have an interest in the land concerned:

(1) metropolitan communities, regional county municipalities, or local municipalities not comprised in the metropolitan communities or regional county municipalities;

(2) regional conferences of elected officers;

(3) Native communities or groups of communities;

(4) the Kativik Regional Government;

(5) the James Bay Advisory Committee on the Environment;

(6) the Kativik Environmental Advisory Committee;

(7) the Coordinating Committee on hunting, fishing and trapping;

(8) associations and bodies representing interest groups or user groups identified by the Minister.

“24. The land use plan may not be submitted for government approval before the expiry of 120 days from the date the draft plan was sent out, unless the Minister has received a written notice from each of the bodies consulted indicating agreement with the draft plan.

“25. Interventions on state lands must comply with the policy set out in the land use plan.

The land use plan binds the Government, its departments, and bodies that are mandataries of the State.

“25.1. The land use plan may be revised or amended in the same way it is prepared.

The consultation period may be adjusted to reflect the scope of the proposed amendment, but may not be shorter than 45 days.

“25.2. Protected areas established under the Natural Heritage Conservation Act (chapter C-61.01) or the Parks Act (chapter P-9) may be included in the land use plan without following the amendment process.

However, the Government may not decide to establish or approve the establishment of a protected area unless the Minister has had the opportunity to give an opinion on the impact of including the area in the land use plan.”

7. Division IV of Chapter II of the Act is replaced by the following division:

“DIVISION IV

“REGISTER OF THE DOMAIN OF THE STATE

“26. As Surveyor-General of Québec, the Minister shall establish and update a public register called the “Register of the domain of the State”, in the form and containing the particulars the Minister determines, in which alienations and acquisitions of land and immovable rights, names of parties, transfers of authority, administration and other rights, natural resource development rights, special legal status under an Act, restrictions on use, management delegations and land surveys are registered.

Insofar as such data is available, the Register is also to include information on the private or public character of lands, the name of the government department or public body having authority over the lands, and the geographical location and geometric representation of land divisions.

“27. Except in the cases referred to in section 28, a minister or a public body designated by the Minister must immediately register any deed referred to in section 26, as well as the geographical location and the geometric representation of the land concerned, determined in accordance with the instructions of the Surveyor-General of Québec.

“28. The registrar must send the Surveyor-General the information required to register the deeds of acquisition or alienation of lands or immovable rights by the State that are published in the land register, as well as any other deed concerning the State identified in a list drawn up jointly with the Surveyor-General.

“29. The Minister must determine, by order, the fees payable to consult the Register, register a deed, right or special legal status, or obtain a copy or the certification of an entry or piece of information in the Register.

A ministerial order under this section is published in the *Gazette officielle du Québec* and comes into force in accordance with the Regulations Act (chapter R-18.1).”

8. Section 38 of the Act is amended

(1) by inserting “or the deed of transfer” after “letters patent” in the first paragraph and “or a deed of transfer” after “letters patent” in the third paragraph;

(2) by replacing the second paragraph by the following paragraph:

“However, the gratuitous transfer of land to a municipality for port or airport infrastructures, water or sewer systems, residual material upgrading or elimination sites or the construction or improvement of a public road is irrevocable from the date of the letters patent or the deed of transfer, provided the land is used for the intended purpose.”

9. Section 39 of the Act is amended by inserting “or the deed of transfer” after “letters patent” in the first line.

10. Section 40 of the Act is amended by inserting “or a deed of transfer” after “letters patent” in the first line of the first paragraph.

11. Section 50 of the Act is amended by replacing “a rough shelter” in the third line of the second paragraph by “a temporary construction”.

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

“54.1. The Minister may, by notice, determine zones set for camping on the lands under the Minister’s authority and specify the maximum length of stay allowed depending on the category assigned to them by the Minister. The

Minister may also determine in the same way zones where camping is prohibited.

The notice must be published in a newspaper in the zone concerned.

In the case of camping in protected areas established under the Natural Heritage Conservation Act, the Minister must first consult the Minister responsible for the administration of that Act.”

13. Section 58 of the Act is amended by inserting the following paragraph after the second paragraph:

“The Minister may remove any unauthorized obstacle from the right of way of a road if the obstacle blocks access to a road or obstructs traffic.”

14. Section 68 of the Act is amended by replacing “or” in the second line of the first paragraph by “who camps on land in contravention of a notice given under section 54.1,”.

15. Section 71 of the Act is amended by striking out subparagraphs 1 and 2 of the first paragraph.

16. Sections 74 and 77 of the Act are repealed.

17. The Act respecting land survey (R.S.Q., chapter A-22) is amended by replacing “of the Minister of Natural Resources, Wildlife and Parks” in sections 3, 15, 18 and 19 by “of the Surveyor-General of Québec”.

18. Section 5 of the Act is amended by replacing “of the Minister having the control of surveys” by “of the Surveyor-General of Québec”.

19. Section 14 of the Act is amended by replacing “the Minister of Natural Resources, Wildlife and Parks” by “the Surveyor-General of Québec”.

20. Section 12 of the Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs (R.S.Q., chapter M-25.2) is amended

(1) by striking out paragraphs 9 and 17.5;

(2) by replacing “surveying,” in paragraph 17 by “the”;

(3) by replacing “to 17.5” in paragraph 17.6 by “, 17.4 and paragraph 3 of section 12.2”.

21. The Act is amended by inserting the following section after section 12.1:

“**12.2.** The functions and powers of the Minister, as Surveyor-General of Québec, consist in

(1) surveying the lands in the domain of the State and the borders of Québec;

(2) describing the administrative limits and the limits of territories with special legal status in the cases under the Minister's authority;

(3) establishing and updating the Register of the domain of the State;

(4) administering the Act respecting land survey (chapter A-22)."

22. Section 17.12.3 of the Act is amended by replacing "17.3 to 17.7 of section 12" by "17.3, 17.4, 17.6 and 17.7 of section 12 and paragraph 3 of section 12.2".

23. In any other Act, regulation, order in council or document, unless the context indicates otherwise, a reference to the Terrier is a reference to the Register of the domain of the State.

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

