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## R.S.Q., chapter P-9

### **PARKS ACT**

#### **DIVISION I**

#### **INTERPRETATION**

Definitions:

**1.** In this Act, unless the context indicates a different meaning,

“Minister”;

(a) “Minister” means the Minister of Natural Resources, Wildlife and Parks;

“park”;

(b) “park” means a national park whose primary purpose is to ensure the conservation and permanent protection of areas representative of the natural regions of Québec and of natural sites with outstanding features, in particular because of their biological diversity, while providing the public with access to those areas or sites for educational or cross-country recreation purposes;

(c) *(paragraph repealed)* ;

(d) *(paragraph repealed)* ;

“cross-country recreation”;

(e) “cross-country recreation” means a type of recreation characterized by the use of little frequented territory and the use of relatively simple equipment;

(f) *(paragraph repealed)* .

1977, c. 56, s. 1; 1979, c. 77, s. 34; 1985, c. 30, s. 58; 1986, c. 109, s. 43; 1994, c. 17, s. 76; 1999, c. 36, s. 141; 2001, c. 63, s. 1; 2004, c. 11, s. 46.

Société.

**1.1.** In this Act, “Société” means the Société des établissements de plein air du Québec, established under section 1 of the Act respecting the Société des établissements de plein air du Québec (chapter S-13.01).

1999, c. 36, s. 142; 2004, c. 11, s. 47.

#### **DIVISION II**

#### **ESTABLISHMENT OF PARKS**

Establishment.

**2.** The Government, by regulation, may establish a park on any part of the lands in the domain of the State it indicates.

1977, c. 56, s. 2; 1987, c. 23, s. 76; 1999, c. 40, s. 208; 2001, c. 63, s. 2.

Acquisition of property.

**2.1.** The Minister may acquire by agreement or expropriation any property the Minister considers necessary for the establishment of a park or for making changes in its boundaries.

Leasing of buildings.

For the same purposes, the Minister may also lease any building situated within or outside the boundaries of a park.

1985, c. 30, s. 59; 2001, c. 63, s. 3; 2004, c. 11, s. 48.

**3.** (*Repealed*).

1977, c. 56, s. 3; 1985, c. 30, s. 60; 1986, c. 109, s. 44; 2001, c. 63, s. 4.

Conditions of establishment or abolishment.

**4.** The Government may establish, abolish or change the boundaries of a park, if the Minister has previously:

(a) given notice of his intention to establish, abolish or change the boundaries of the park in the *Gazette officielle du Québec* and in one or two newspapers published in the region concerned, or, if no newspaper is published in that region, in one or two newspapers published in the closest neighbouring region;

(b) granted 60 days from the publication of such notice to enable interested persons to submit their objections to him in writing;

(c) received in a public hearing the persons contemplated in paragraph b.

Public hearing.

The public hearing provided for in paragraph c may be held by a person designated by the Minister.

1977, c. 56, s. 4; 1985, c. 30, s. 61; 1999, c. 40, s. 208; 2001, c. 63, s. 5.

## DIVISION III

### ADMINISTRATION

No sale or exchange.

**5.** No part of the lands forming a park may be sold or exchanged.

1977, c. 56, s. 5.

Authority.

**5.1.** The Minister has authority over the whole territory of a park and is responsible for its management.

Operation of parks.

The Société shall operate all parks situated south of the territories covered by the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1); for that purpose, the Société shall exercise the powers and duties conferred on it by this Act, subject to the rights and authorizations granted to a third party by the Minister.

2004, c. 11, s. 49.

Maintenance and development.

**6.** The Minister may authorize or carry out any work of maintenance, development or construction in a park that may serve to maintain or improve the quality of the park. The Minister may also, subject to the applicable legislative provisions, authorize or carry out such work outside the boundaries of a park insofar as the work is necessary to the operations of the park.

Delegation.

In addition, the Minister may delegate, by contract, to the Kativik Regional Government or a municipality constituted under the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1) or under the Cree Villages and the Naskapi Village Act (chapter V-5.1), or to the Cree Regional Authority constituted under the Act respecting the Cree Regional Authority (chapter A-6.1) or a Native community represented by its band council, the power to carry out the work referred to in the first paragraph both within and outside the boundaries of a park and in the latter case, subject to the applicable legislative provisions.

Power of the Société.

The Société may also carry out the work referred to in the first paragraph.

No immunity.

Every provision of law or of a regulation not inconsistent with this Act and the regulations applies in a park.

1977, c. 56, s. 6; 1999, c. 36, s. 143; 2001, c. 63, s. 6; 2004, c. 11, s. 50.

Authorization.

**6.1.** Every person who enters a park or stays, travels or engages in an activity in a park must, in the cases determined by regulation, hold an authorization issued for that purpose by the Minister or the Société or a person designated by the Minister or the Société. The authorization shall be issued on payment of the fees fixed in the regulation.

1995, c. 40, s. 1; 1999, c. 36, s. 144; 2004, c. 11, s. 51.

Prohibitions.

**7.** Notwithstanding any provision of law,

(a) hunting or trapping of every kind is prohibited in a park;

(b) all forms of prospecting, and any utilization, harvesting or harnessing of resources related to logging, mining or the production of energy, and the laying of oil or gas pipelines or power lines, are prohibited within the confines of a park.

Exceptions for park operation.

Notwithstanding subparagraph *b*, the electric power transmission equipment, electric power control and transformer stations and the telecommunications equipment required for the operation of a park may, at the request of the Minister or the Société, be constructed, operated and maintained in a park.

Existing electrical installations exempt.

Subparagraph *b* of the first paragraph does not apply to rights relating to electric power generating works or equipment, electric power or communications transmission equipment or to control and transformer stations already in existence, or to changes made to them with the authorization of the Minister.

1977, c. 56, s. 7; 1986, c. 109, s. 45; 1999, c. 36, s. 145; 2004, c. 11, s. 52.

Authorization from Minister.

**8.** No person may do other maintenance, development or construction work in or make changes to the grounds of a park without prior authorization from the Minister pursuant to the first paragraph of section 6.

1977, c. 56, s. 8; 1985, c. 30, s. 62; 1999, c. 36, s. 146; 2004, c. 11, s. 53.

Contract.

**8.1.** No person except the Société may operate a business, provide a service or organize an activity in a park without priorly making a contract to that effect with the Minister or obtaining the Minister's authorization.

Fees.

The contract may provide that all or part of the fees paid to enter a park or to stay, travel or engage in an activity in a park devolve on the other contracting party; in the case of the Société, the fees devolve on the Société.

1985, c. 30, s. 62; 1988, c. 39, s. 43; 1995, c. 40, s. 2; 1999, c. 36, s. 147; 2001, c. 63, s. 7; 2004, c. 11, s. 54.

Delegation.

**8.1.1.** The Minister may delegate, by contract, to the Kativik Regional Government or a municipality constituted under the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1) or under the Cree Villages and the Naskapi Village Act (chapter V-5.1), or to the Cree Regional Authority constituted under the Act respecting the Cree Regional Authority (chapter A-6.1) or a Native community represented by its band council, the power to operate a business, provide a service or organize an activity necessary to the operations of a park, both within and outside the boundaries of the park and in the latter case, subject to the applicable legislative provisions.

Devolution of fees.

The contract may provide that all or part of the fees paid to enter a park or to stay, travel or engage in an activity in a park devolve on the other contracting party.

2001, c. 63, s. 8; 2004, c. 11, s. 55.

Conservation of environment.

**8.2.** The Minister may authorize a project contemplated in sections 8 and 8.1 to proceed, provided its execution is compatible with continued conservation of the natural environment or preservation of the recreational potential of the park.

1985, c. 30, s. 62; 1999, c. 36, s. 148; 2001, c. 63, s. 9; 2004, c. 11, s. 56.

## **DIVISION IV**

### **REGULATIONS**

Regulations.

**9.** The Government may make regulations, in respect of a park, to

(a) ensure the protection and conservation of the natural environment, or any specific element thereof;

(b) divide it into different zones;

(c) determine to what extent and for what purposes the public may be admitted;

(d) fix the conditions governing any person staying, travelling or engaging in an activity in a park;

(e) prohibit or regulate the possession and transport of arms, hunting gear or fishing tackle;

(f) prohibit or regulate the use of boats, aircraft or any type of vehicle, motorized or not;

(g) absolutely or partially prohibit fishing and determine the conditions on which fishing may be allowed;

(h) regulate the transportation and possession of animals or fish;

(i) prohibit or regulate the posting of bills;

(j) ensure that the park is kept clean and orderly and the persons enjoy peace and quiet;

(k) prohibit certain outdoor activities;

(l) fix the conditions for participation in outdoor activities;

(m) determine the cases where a person may be refused admittance or ejected;

(n) entrust the employees of the Société or the employees of the other party to a contract made under section 8.1 or 8.1.1 with any power or duty connected with admissions or activities;

(o) prescribe the rules of procedure to be followed at public hearings;

(p) determine which of the prescriptions of regulations made under this section entail penalties under section 11.3 for their contravention.

1977, c. 56, s. 9; 1985, c. 30, s. 63; 1995, c. 40, s. 3; 2001, c. 63, s. 10.

Regulations.

**9.1.** The Government may also, by regulation,

(a) determine the cases in which an authorization is required to enter a park or to stay, travel or engage in activities in a park and the fees payable to obtain such authorization;

(b) exempt, in the cases it determines, any person or class or group of persons it identifies from all or part of the obligations imposed by section 6.1 or those prescribed in the regulation, on the basis, in particular, of a person's age;

(c) confer on the employees of the Minister or the Société or the other party to a contract made under section 8.1 or 8.1.1 any power or duty relating to the carrying out of section 6.1 and of the regulations made under this section;

(d) determine the obligations of persons who enter a park or stay, travel or engage in an activity in a park;

(e) determine which of the provisions of a regulation made under this section entail penalties under section 11.3 for their contravention.

Fees.

The fees prescribed in subparagraph a of the first paragraph may vary according to the persons or classes or groups of persons which the Government may determine, in particular, on the basis of a person's age.

Fees.

The fees may also vary according to the times of the year or of the day determined by the Government at which persons enter the park, or stay, travel or engage in an activity in the park and, in the case of fishing, according to whether they hold a fishing licence for resident or for non-resident and according to the species to be fished.

Fees.

Finally, the fees may vary according to the places frequented or the means used to enter or travel in such places, namely, on foot, in a vehicle or by boat or aircraft and, in the latter three cases, according to the type of vehicle, boat or aircraft or according to whether they are motorized or not.

1995, c. 40, s. 4; 1999, c. 36, s. 149; 2001, c. 63, s. 11; 2004, c. 11, s. 57.

**10.** *(Repealed).*

1977, c. 56, s. 10; 1995, c. 40, s. 5.

## **DIVISION V**

### **PENAL PROVISIONS**

Fine.

**11.** Every person who infringes subparagraph a of the first paragraph of section 7 in respect of big game within the meaning of the Act respecting the conservation and development of wildlife (chapter C-61.1) is liable to a fine of \$1 825 to \$5 475 for the first offence and to a fine of \$5 475 to \$16 400 for any subsequent offence within 3 years of conviction for an offence under the said provision in respect of big game, and the judge may, in addition, sentence the offender to imprisonment for a term of not over one year, notwithstanding article

231 of the Code of Penal Procedure (chapter C-25.1).

1977, c. 56, s. 11; 1985, c. 30, s. 64; 1986, c. 58, s. 68; 1986, c. 109, s. 53; 1986, c. 109, s. 46; 1990, c. 4, s. 622; 1991, c. 33, s. 89.

Fine.

**11.1.** Every person who infringes subparagraph *a* of the first paragraph of section 7 in respect of animals other than big game within the meaning of the Act respecting the conservation and development of wildlife (chapter C-61.1) is liable to a fine of \$500 to \$1 475 for the first offence and to a fine of \$1 475 to \$4 375 for any subsequent offence within 3 years of conviction for an offence under the said provision in respect of animals other than big game and the judge may, in addition, sentence the offender to imprisonment for a term of not over 3 months, notwithstanding article 231 of the Code of Penal Procedure (chapter C-25.1).

1985, c. 30, s. 64; 1986, c. 109, s. 47; 1990, c. 4, s. 623; 1991, c. 33, s. 90.

Offences, penalties.

**11.2.** Every person who infringes subparagraph *b* of the first paragraph of section 7 or section 8 or 8.1 is liable to a fine of \$325 to \$7 000.

1985, c. 30, s. 64; 1986, c. 109, s. 48; 1990, c. 4, s. 624; 1991, c. 33, s. 91.

Offences, penalties.

**11.3.** Every person who infringes section 6.1 or any regulation the contravention of which is an offence under paragraph *p* of section 9 or under subparagraph *e* of the first paragraph of section 9.1 is liable to a fine of \$50 to \$1 400.

1985, c. 30, s. 64; 1986, c. 109, s. 49; 1990, c. 4, s. 624; 1991, c. 33, s. 92; 1995, c. 40, s. 6.

Confiscation.

**11.4.** Any conviction for an offence under a provision of subparagraph *a* of the first paragraph of section 7 entails the confiscation of the thing seized.

Confiscation.

Upon pronouncing a conviction for an offence under a provision of subparagraph *b* of the first paragraph of section 7, section 8 or 8.1 or a provision of any regulation the contravention of which constitutes an offence under paragraph *p* of section 9, a judge may, on the application of the prosecutor, order the confiscation of the thing seized. However, where fish is seized, the conviction entails the confiscation thereof.

Prior notice.

Prior notice of the application for confiscation shall be given by the prosecutor to the person from whom the thing was seized or to the offender, except where they are in the presence of the judge.

1985, c. 30, s. 64; 1992, c. 61, s. 428.

Assistance in committing offence.

**11.5.** Every person who, by act or omission, aids another person to commit an

offence is guilty of the offence as if he had committed it himself, if he knew or should have known that his act or omission would probably lead to aiding the commission of the offence.

Encouragement to commit offence.

Every person who, by encouragement, advice or order, induces another person to commit an offence is guilty of the offence and of any other offence committed by the other person as a result of the encouragement, advice or order, if he knew or should have known that they would probably lead to the commission of the offence.

1985, c. 30, s. 64.

Conviction.

**11.6.** Any conviction for an offence committed in contravention of subparagraph *a* of the first paragraph of section 7 may entail, as the judge decides, the suspension of every certificate or hunting or trapping licence held by the offender or, as the case may be, a prohibition against applying therefor for a period of not more than 24 months from the date of conviction.

Prior notice.

Prior notice of the application for suspension shall be given to the offender by the prosecutor, except where the parties are in the presence of the judge.

Conviction.

In the case of big game, any conviction for an offence committed in contravention of subparagraph *a* of the first paragraph of section 7 entails of right the cancellation of every certificate or hunting or trapping licence held by the offender or, as the case may be, a prohibition against applying therefor for a period of 24 months from the date of conviction.

Subsequent offence.

In the case of a subsequent offence in respect of the same class of animals, either big game or animals other than big game, within 3 years of the previous conviction, the period of suspension, cancellation or prohibition shall be twice the period provided in this section.

Third offence.

In the case of a third offence in respect of the same class of animals within 3 years of the first conviction, the period of suspension, cancellation or prohibition shall be three times the period provided in this section.

1985, c. 30, s. 64; 1986, c. 109, s. 50; 1992, c. 61, s. 429.

Additional suspension or cancellation.

**11.7.** The hunting or trapping licence or, as the case may be, the hunting or trapping certificate of a person convicted for an offence committed in contravention of subparagraph *a* of the first paragraph of section 7 while his permit or, as the case may be, his certificate is already cancelled or suspended shall be, as the case may be, cancelled of right or, notwithstanding the first paragraph of section 11.6, suspended of right for an additional period of 24 months subsequent to the first cancellation or suspension.

Application for certificate prohibited.



Every person prohibited from holding a certificate or a hunting or trapping licence who is convicted of an offence under subparagraph a of the first paragraph of section 7 while the prohibition is in effect shall be prohibited from applying for such a certificate or licence for an additional period of 24 months subsequent to the first period of prohibition.

1985, c. 30, s. 64; 1986, c. 109, s. 51.

Applicable provisions.

**11.8.** Sections 175 and 176 of the Act respecting the conservation and development of wildlife (chapter C-61.1) apply in the case of a cancellation or suspension of permit or certificate effected under this Act.

1985, c. 30, s. 64.

**12.** *(Repealed).*

1977, c. 56, s. 12; 1990, c. 4, s. 625.

## DIVISION VI

### TRANSITIONAL AND FINAL PROVISIONS

**13.** *(Repealed).*

1977, c. 56, s. 13; 1979, c. 59, s. 1; 2001, c. 63, s. 12.

**14.** *(Repealed).*

1977, c. 56, s. 14; 1979, c. 59, s. 1; 2001, c. 63, s. 12.

Enforcement.

**15.** The protection officer within the meaning of the Act respecting the conservation and development of wildlife (chapter C-61.1) is empowered to see to the enforcement of this Act and the regulations thereunder and he shall have, for the purposes of this Act, the powers of a peace officer.

1977, c. 56, s. 16; 1983, c. 39, s. 195; 2000, c. 48, s. 36.

**15.1.** *(Repealed).*

1999, c. 36, s. 150; 2000, c. 8, s. 242; 2004, c. 11, s. 58.

Minister responsible.

**16.** The Minister of Natural Resources, Wildlife and Parks is entrusted with the application of this Act.

1977, c. 56, s. 17; 2004, c. 11, s. 59.

*The Minister for Forests, Wildlife and Parks exercises, under the authority of the Minister of Natural Resources, Wildlife and Parks, the functions provided for in this Act as regards forests, wildlife and parks. Order in Council 570-2003 dated 29 April 2003, (2003) 135 G.O. 2 (French), 2531.*

**17.** *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

**REPEAL SCHEDULE**

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 56 of the statutes of 1977, in force on 31 December 1977, is repealed, except section 18, effective from the coming into force of chapter P-9 of the Revised Statutes.