



chapter C-61.01, r. 1

Rules of procedure governing public consultation on proposed protected areas

Natural Heritage Conservation Act
(chapter C-61.01, s. 40)

Environment Quality Act
(chapter Q-2, s. 6.6)

DIVISION I GENERAL PROVISIONS

1. These Rules of procedure govern public consultations held by the Bureau d'audiences publiques sur l'environnement under the Natural Heritage Conservation Act (chapter C-61.01).

O.C. 523-2004, s. 1.

2. The public notices referred to in these Rules must be at least 10 cm by 10 cm or occupy a minimum of 175 agate lines of space.

O.C. 523-2004, s. 2.

3. Any change, correction or clarification to the particulars stated in the notices referred to in these Rules may be announced in a news release and posted on the Bureau's website.

O.C. 523-2004, s. 3.

DIVISION II ACCESS TO RECORD

4. After receiving a mandate from the Minister of Sustainable Development, Environment and Parks to hold a public consultation, the Bureau shall make accessible the record relating to the proposed protected area.

O.C. 523-2004, s. 4.

5. The record must include the plan of the proposed protected area and the proposed conservation plan for the land set aside.

O.C. 523-2004, s. 5.

6. The Bureau shall make the record accessible through the reference centres in Québec and Montréal and an information centre in the region concerned or in the region closest to the proposed protected area.

O.C. 523-2004, s. 6.

7. The record must remain accessible through the centres until the Bureau has submitted its report to the Minister.

O.C. 523-2004, s. 7.

8. The secretary of the Bureau shall publish a notice of the mandate given to the Bureau in a regional newspaper

distributed in the region concerned or in the region closest to the proposed protected area if there is no such newspaper in the region concerned.

The notice must state the location of the centres through which the record can be accessed.

The notice must also state the date, place and time of the first part of the hearing, if known.

O.C. 523-2004, s. 8.

9. The information contained in the notice must also be published in a news release issued by the Bureau and on the Bureau's website.

O.C. 523-2004, s. 9.

DIVISION III COMMISSION

10. The president of the Bureau shall form a commission and designate one of its members as its head.

O.C. 523-2004, s. 10.

11. If a member of the commission is unable to act, the president may appoint another person to replace the member and continue the commission's work.

O.C. 523-2004, s. 11.

12. The secretary of the Bureau shall give notice to the Minister of the formation of a commission and designation of its head as well as notice of any replacement of a member of the commission.

O.C. 523-2004, s. 12.

13. The commission shall coordinate the activities of the Bureau relating to the carrying out of the public consultation mandate it has received.

O.C. 523-2004, s. 13.

14. Before the beginning of the hearing, the commission may hold pre-hearing meetings to prepare the sessions and to ensure all required documents are available.

O.C. 523-2004, s. 14.

15. The Bureau may summon to the hearing any person whose testimony the commission considers necessary.

O.C. 523-2004, s. 15.

16. When the commission wishes to hear the opinion of a Government department or body, the summons shall be addressed to the Deputy Minister of the department or the president of the body concerned.

O.C. 523-2004, s. 16.

DIVISION IV HEARING

§I. Announcement of the hearing sessions

17. The secretary of the Bureau shall publish a notice of the beginning of the hearing in a regional newspaper distributed in the region concerned or in the region closest to the proposed protected area if there is no such

newspaper in the region concerned.

The notice is not necessary if the beginning of the hearing was announced in the notice published pursuant to section 8.

O.C. 523-2004, s. 17.

18. The Bureau shall announce the hearing sessions in a news release and on its website.

O.C. 523-2004, s. 18.

19. The hearing may not begin before the expiry of 30 days after the publication of the notice referred to in section 8 and, where applicable, before the expiry of 10 days after the publication of the notice referred to in section 17.

O.C. 523-2004, s. 19.

§II. Conduct of hearings

20. Hearings are conducted in two parts, as described in Subdivisions III and IV.

O.C. 523-2004, s. 20.

21. All hearings are public and must be accessible to the public.

O.C. 523-2004, s. 21.

22. Each part of a hearing may be held over several consecutive or non-consecutive days.

O.C. 523-2004, s. 22.

23. No fewer than 28 days must elapse between the first and second parts of a hearing.

O.C. 523-2004, s. 23.

24. The head of the commission shall chair the hearing and establish the order of interventions and the speaking time allotted to each participant.

O.C. 523-2004, s. 24.

25. If the head of the commission is absent, another member of the commission shall chair the hearing in his or her place.

O.C. 523-2004, s. 25.

26. A hearing may be adjourned for any reason considered valid by the commission; the new date must be announced in a news release, on the Bureau's website or in a notice posted on the door of the room where the adjourned hearing was to be held.

O.C. 523-2004, s. 26.

27. The commission shall determine in what manner the interventions are to be recorded.

O.C. 523-2004, s. 27.

28. The content of the interventions must be made accessible through the reference centres and information centres.

O.C. 523-2004, s. 28.

29. All documents and briefs filed must be made accessible through the reference centres and information centres.

O.C. 523-2004, s. 29.

30. The commission may hear any person in order to correct facts relating to the record that have been raised before the commission.

O.C. 523-2004, s. 30.

§III. First part of the hearing

31. The member who chairs the hearing shall read the mandate given to the Bureau and explain the Bureau's role and jurisdiction, the principal provisions of the code of ethics and professional conduct of the members of the Bureau, and how the hearing will be conducted.

O.C. 523-2004, s. 31.

32. The representative of the Ministère du Développement durable, de l'Environnement et des Parcs shall summarize the proposal to create the protected area, its proposed boundaries and the proposed conservation plan.

O.C. 523-2004, s. 32.

33. The commission may hear any other person summoned pursuant to sections 15 and 16.

O.C. 523-2004, s. 33.

34. After the testimony referred to in sections 32 and 33, any person may raise relevant questions before the commission to complement the information already provided, bring matters of interest to the commission's attention, or give an opinion on any matter relevant to the record.

O.C. 523-2004, s. 34.

§IV. Second part of the hearing

35. The Bureau shall announce the second part of the hearing at least 10 days before the beginning of the hearing in a news release and on its website.

O.C. 523-2004, s. 35.

36. Any person may submit a brief to the commission, present orally an opinion and suggestions on the proposal to the commission or send a brief to the commission before the end of the second part of the hearing.

Any person wishing to submit a brief must send it to the commission at least 4 days before the beginning of the second part of the hearing.

O.C. 523-2004, s. 36.

DIVISION V REPORT

37. The commission shall write the report constituting the Bureau's report on the public consultation mandate given to it by the Minister.

O.C. 523-2004, s. 37.

38. After the Minister has made the report public, the Bureau shall forward a copy to any person who requests one.

O.C. 523-2004, s. 38.

39. (Omitted).

O.C. 523-2004, s. 39.

REFERENCES

O.C. 523-2004, 2004 G.O. 2, 1779