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R.S.Q., chapter M-15.2.1

An Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs

DIVISION I

ORGANIZATION OF THE DEPARTMENT

Minister.

1. The Ministère du Développement durable, de l'Environnement et des Parcs shall be under the direction of the Minister of Sustainable Development, Environment and Parks appointed under the Executive Power Act (chapter E-18).

1994, c. 17, s. 1; 1999, c. 36, s. 137; 2006, c. 3, s. 35.

Deputy Minister.

2. The Government, in accordance with the Public Service Act (chapter F-3.1.1), shall appoint a person as Deputy Minister of Sustainable Development, Environment and Parks.

1994, c. 17, s. 2; 1999, c. 36, s. 137; 2006, c. 3, s. 35.

Functions.

3. Under the direction of the Minister, the Deputy Minister shall administer the department.

Functions.

He shall, in addition, perform any other function assigned to him by the Government or the Minister.

1994, c. 17, s. 3.

Authority.

4. In the performance of his functions, the Deputy Minister has the authority of the Minister.

1994, c. 17, s. 4.

Delegation.

5. The Deputy Minister may, in writing and to the extent he indicates, delegate the exercise of his functions under this Act to a public servant or the holder of a position.

Subdelegation.

He may, in the instrument of delegation, authorize the subdelegation of the functions he indicates, and in that case shall specify the title of the public servant or holder of a position to whom they may be subdelegated.

1994, c. 17, s. 5.

Personnel.

6. The personnel of the department shall consist of the public servants required for the performance of the functions of the Minister; they shall be appointed in accordance with the Public Service Act (chapter F-3.1.1).

Duties.

The Minister shall determine the duties of the public servants where they are not determined by law or by the Government.

1994, c. 17, s. 6; 2000, c. 8, s. 242.

Signature.

7. The signature of the Minister or Deputy Minister gives authority to any document emanating from the department.

Signature.

No deed, document or writing is binding on the Minister or may be attributed to him unless it is signed by him, the Deputy Minister, a member of the personnel of the department or the holder of a position and, in the latter two cases, only so far as determined by the Government.

1994, c. 17, s. 7.

Signature.

8. The Government may, on the conditions it determines, allow the signature of the Minister or Deputy Minister to be affixed by means of an automatic device to the documents it determines.

Facsimile.

The Government may also allow a facsimile of the signature to be engraved, lithographed or printed on the documents it determines. The facsimile must be countersigned by a person authorized by the Minister.

1994, c. 17, s. 8.

Document.

9. Any document or copy of a document emanating from the department or forming part of its records, signed or certified by a person referred to in the second paragraph of section 7, is authentic.

1994, c. 17, s. 9.

DIVISION II

FUNCTIONS AND POWERS

Functions.

10. The Minister is responsible for the protection of the environment.

Functions.

The Minister is also responsible for coordinating government action in the area of sustainable development and for promoting compliance with the principles of sustainable development, especially in their environmental aspects, within the Administration and among the public.

1994, c. 17, s. 10; 1999, c. 36, s. 138; 2006, c. 3, s. 23.

Policies.

11. The Minister shall elaborate and propose to the Government policies regarding, in particular,

- 1) the protection of ecosystems and biodiversity;
- 2) the prevention, abatement or elimination of water, air and soil contamination;
- 3) (subparagraph repealed) ;
- 4) the establishment and management of aquatic reserves, biodiversity reserves, ecological reserves and man-made landscapes;
- 5) the protection of threatened or vulnerable plant species;
- 6) the development and carrying out of activities related to observation and knowledge of nature.

Policies.

The Minister shall be responsible for the implementation and coordination of these policies.

1994, c. 17, s. 11; 1999, c. 36, s. 139; 2002, c. 74, s. 82.

Functions.

11.1. In addition, the Minister shall, with respect to parks,

1) develop and propose to the Government policies concerning parks, see to their implementation and coordinate their application; and

2) be responsible for the management, development, supervision and protection of parks under the Parks Act (chapter P-9) and the Act respecting the Saguenay-St. Lawrence Marine Park (chapter P-8.1).

2006, c. 3, s. 24.

Functions.

12. For the purpose of performing his functions, the Minister may, in particular,

1) enter into an agreement, according to law, with a government other than that of Québec, a department of such a government, an international organization or an agency of such a government or organization;

2) enter into agreements with any person, municipality, group or body;

2.1) prepare plans and programs to promote the sustainability of development and, with the authorization of the Government, see to the carrying out of those plans and programs;

3) carry out or commission research, inventories, studies and analyses;

4) obtain from government departments and public bodies the information required to elaborate and implement his policies, plans and programs;

5) compile, analyze, communicate, publish and disseminate the information available to him, in particular that obtained pursuant to section 2.2 of the Environment Quality Act (chapter Q-2);

6) advise the Government on any matter within his competence.

1994, c. 17, s. 12; 2004, c. 24, s. 2; 2006, c. 3, s. 25.

Functions.

13. The Minister shall have authority over the water in the domain of the State and shall be responsible for the management of water as a natural resource.

Functions.

For these purposes, the Minister may carry out or commission studies concerning the dangers of flooding, soil erosion and landslides and implement long-term programs to prevent or lessen the damage caused by those phenomena.

1994, c. 17, s. 13; 1999, c. 40, s. 181; 2000, c. 60, s. 1.

Rights and powers of Minister.

13.1. The Minister shall exercise in respect of the lands in the domain of the State under the Minister's authority the rights and powers inherent in the right of ownership, excluding any alienation, transfer or exchange of property. The exercise by the Minister of those rights and powers must be compatible with the use of the land under the Minister's authority or on which the property is situated.

Maintenance, development and construction work.

In respect of such land, the Minister may, in particular, authorize or carry out such maintenance, development and construction work as is advisable to maintain or improve its quality.

Damage.

The Minister may also take any necessary measures to remedy or mitigate any damage sustained by the natural environment on such lands and may claim the costs incurred from the person responsible in the same manner as any debt due to the Government.

Lands excluded.

The lands in the domain of the State referred to in section 2 of the Watercourses Act (chapter R-13) are excluded from the lands to which the first paragraph applies.

2002, c. 74, s. 83.

Private land.

14. Any person authorized by the Minister may, in the performance of his duties, enter upon land in the private domain. He shall, if so required, identify himself and show the certificate of his capacity signed by the Minister.

Free access.

The person who, as owner or lessee or in any other capacity has the custody of the land shall give free access to the land at any reasonable time to the person referred to in the first paragraph, in particular for the purpose of carrying out the research, inventories, studies or analyses required to assess the location, quantity, quality or vulnerability of groundwater present in the land, subject, however, to that person restoring the premises to their former state and compensating the owner or custodian of the land, as the case may be, for any damage. In addition, access to the land is subject to the requirement that the owner or custodian be given prior notice of at least 48 hours of the person's intention to enter upon the land for the above-mentioned purposes.

Fines.

Whoever contravenes the provisions of the second paragraph or hinders an authorized person in the exercise of the person's duties, is liable to a fine of not less than \$500 and not more than \$5,000. The fine is doubled in the case of a second or subsequent offence.

1994, c. 17, s. 14; 2002, c. 53, s. 19.

Report of activities.

15. The Minister shall table a report of the activities of the Ministère du Développement durable, de l'Environnement et des Parcs in the National Assembly for each fiscal year, within six months after the end of the year if the Assembly is in session or, if it is not sitting, within 30 days after resumption.

1994, c. 17, s. 15; 1999, c. 36, s. 140; 2006, c. 3, s. 35.

DIVISION II.1

GREEN FUND

Establishment.

15.1. A Green Fund is established.

Object of fund.

The Fund is dedicated to the financing of measures or programs that the Minister may carry out within the scope of ministerial functions.

Purpose.

The Fund is intended, among other purposes, to support measures promoting sustainable development, especially in its environmental aspects, and make it possible for the Minister to grant financial assistance, within the framework of the law, in particular to municipalities and non-profit organizations working in the environmental field.

2006, c. 3, s. 26.

Management.

15.2. In managing the Fund, the Minister sees to it that the revenue derived from fees related to the use, management or purification of water provided for in section 31 of the Environment Quality Act (chapter Q-2) are allocated to the funding of measures the Minister may take to ensure water governance, including measures to protect and develop water resources and measures to ensure that there is an adequate quality and quantity of water in a sustainable development perspective.

2006, c. 3, s. 26.

Parc national du Mont-Orford.

15.2.1. In managing the Fund, the Minister sees to it that the sums from the sale of lands, buildings, improvements and movable property under Chapter III of the Act to ensure the enlargement of Parc national du Mont-Orford, the preservation of the biodiversity of adjacent lands and the maintenance of recreational tourism activities (2006, chapter 14) are allocated first to the funding of the acquisitions the Minister may make under the first paragraph of section 2.1 of the Parks Act (chapter P-9) for the purpose of enlarging Parc national du Mont-Orford, and second, to the funding of parkland enhancement work in that park.

2006, c. 14, s. 28.

Operation.

15.3. The Government fixes the date on which the Fund begins to operate and determines its assets and liabilities and the nature of the costs that may be charged to it.

2006, c. 3, s. 26.

Composition.

15.4. The Fund is made up of

- 1) the sums paid into the Fund by the Minister of Finance under sections 15.6, 15.7 and 15.11;
- 2) the gifts, legacies and other contributions paid into the Fund to further the achievement of the objects of the Fund;
- 3) the sums paid into the Fund by a minister out of the appropriations granted for that purpose by Parliament;
- 4) the revenue allocated to that purpose by the Government, and any contribution determined by the Government on a proposal of the Minister of Finance, including all or part of the revenue from taxes or other economic instruments intended to promote sustainable development that are identified by the Government;
- 5) the revenue derived from fees or other amounts collected under the Acts or regulations under the administration of the Minister, including revenue from economic instruments for the purpose of achieving environmental objectives prescribed under paragraph e.1 of section 31 of the Environment Quality Act (chapter Q-2), except revenue specifically allocated, in accordance with the applicable Act or regulation, as in the case provided for in the third paragraph of section 31 of the Environment Quality Act, or in the case of a specified purpose account or a net voted appropriation;
- 6) the fines paid by offenders for an offence against a provision of an Act or regulation under the administration of the Minister;

7) the fees or other amounts collected by the Minister to compensate expenditure or costs incurred for the measures the Minister is authorized to take, within the scope of ministerial functions, to protect or restore the environment, such as the costs and other amounts referred to in sections 113, 114.3, 115, 115.0.1, 115.1, 116.1 and 116.1.1 of the Environment Quality Act;

8) damages, including punitive damages, paid following a civil suit instituted on behalf of the Minister;

8.1) any other sum provided for by law, in particular the sums provided for by section 15 of the Act to ensure the enlargement of Parc national du Mont-Orford, the preservation of the biodiversity of adjacent lands and the maintenance of recreational tourism activities (2006, chapter 14); and

9) the income generated by the investment of the sums making up the Fund.

2006, c. 3, s. 26; 2006, c. 14, s. 29.

Management.

15.5. The management of the sums making up the Fund is entrusted to the Minister of Finance. The sums are paid to the order of the Minister of Finance and deposited with the financial institutions designated by the Minister of Finance.

Bookkeeping.

The Minister of Sustainable Development, Environment and Parks keeps the books of account of the Fund and records the financial commitments chargeable to it. The Minister also ensures that such commitments and the payments arising from them do not exceed and are consistent with the available balances.

2006, c. 3, s. 26.

Advances to Funds.

15.6. The Minister of Finance may, with the authorization of the Government and subject to the conditions it determines, advance to the Fund sums taken out of the consolidated revenue fund.

Advances from Funds.

Conversely, the Minister of Finance may, subject to the conditions determined by that minister, advance to the consolidated revenue fund on a short-term basis any part of the sums making up the Fund that is not required for its operation.

Repayment.

Any sum advanced to a fund is repayable out of that fund.

2006, c. 3, s. 26.

Power to borrow.

15.7. The Minister, as manager of the Fund, may borrow sums from the Minister of Finance out of the financing fund of the Ministère des Finances.

2006, c. 3, s. 26.

Dispositions applicable.

15.8. Sections 20, 21 and 26 to 28, Chapters IV and VI and sections 89 and 90 of the Financial Administration Act (chapter A-6.001) apply to the Fund, with the necessary modifications.

2006, c. 3, s. 26.

Fiscal year.

15.9. The fiscal year of the Fund ends on 31 March.

2006, c. 3, s. 26.

Judgment against State.

15.10. Despite any provision to the contrary, the Minister of Finance must, in the event of a deficiency in the consolidated revenue fund, pay out of the Green Fund the sums required for the execution of a judgment against the State that has become res judicata.

2006, c. 3, s. 26.

Sums to begin operations.

15.11. The Minister of Finance advances the required start-up sums to the Fund. The Government determines the amount of the sums advanced and the date on which they must be paid into the Fund. The sums are taken out of the consolidated revenue fund.

2006, c. 3, s. 26.

DIVISION III

AMENDING PROVISIONS

16. (Omitted).

1994, c. 17, s. 16.

CITIES AND TOWNS ACT

17. (Amendment integrated into c. C-19, s. 412).

1994, c. 17, s. 17.

18. (Amendment integrated into c. C-19, s. 573.5).

1994, c. 17, s. 18.

19. (Amendment integrated into c. C-19, s. 573.7).

1994, c. 17, s. 19.

20. (Amendment integrated into c. C-19, s. 573.8).

1994, c. 17, s. 20.

MUNICIPAL CODE OF QUÉBEC

21. (Amendment integrated into c. C-27.1, a. 555).

1994, c. 17, s. 21.

22. (Amendment integrated into c. C-27.1, a. 939).

1994, c. 17, s. 22.

23. (Amendment integrated into c. C-27.1, a. 941).

1994, c. 17, s. 23.

24. (Amendment integrated into c. C-27.1, a. 942).

1994, c. 17, s. 24.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE L'OUTAOUAIS

25. (Amendment integrated into c. C-37.1, s. 83.3).

1994, c. 17, s. 25.

26. (Amendment integrated into c. C-37.1, s. 83.5).

1994, c. 17, s. 26.

27. (Amendment integrated into c. C-37.1, s. 83.6).

1994, c. 17, s. 27.

28. (Amendment integrated into c. C-37.1, ss. 113, 114, 118, 126).

1994, c. 17, s. 28.

29. (Amendment integrated into c. C-37.1, s. 144).

1994, c. 17, s. 29.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

30. (Amendment integrated into c. C-37.2, s. 120.1).

1994, c. 17, s. 30.

31. (Amendment integrated into c. C-37.2, s. 120.3).

1994, c. 17, s. 31.

32. (Amendment integrated into c. C-37.2, s. 120.4).

1994, c. 17, s. 32.

33. (Amendment integrated into c. C-37.2, ss. 133, 141 to 144, 151.0.1, 151.2, 151.2.1).

1994, c. 17, s. 33.

34. (Amendment integrated into c. C-37.2, s. 223).

1994, c. 17, s. 34.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

35. (Amendment integrated into c. C-37.3, s. 92.1).

1994, c. 17, s. 35.

36. (Amendment integrated into c. C-37.3, s. 92.3).

1994, c. 17, s. 36.

37. (Amendment integrated into c. C-37.3, s. 92.4).

1994, c. 17, s. 37.

38. (Amendment integrated into c. C-37.3, ss. 126 to 128, 130, 136, 136.2, 136.3).

1994, c. 17, s. 38.

39. (Amendment integrated into c. C-37.3, s. 158).

1994, c. 17, s. 39.

ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE

40. (Amendment integrated into c. C-61.1, s. 2).

1994, c. 17, s. 40.

41. (Amendment integrated into c. C-61.1, s. 4).

1994, c. 17, s. 41.

42. (Amendment integrated into c. C-61.1, s. 128.2).

1994, c. 17, s. 42.

43. (Amendment integrated into c. C-61.1, s. 128.9).

1994, c. 17, s. 43.

44. (Amendment integrated into c. C-61.1, s. 188).

1994, c. 17, s. 44.

45. (Amendment integrated into c. C-61.1, s. 192).

1994, c. 17, s. 45.

ACT RESPECTING THREATENED OR VULNERABLE SPECIES

46. (Amendment integrated into c. E-12.01, s. 6).

1994, c. 17, s. 46.

47. (Amendment integrated into c. E-12.01, s. 7).

1994, c. 17, s. 47.

48. (Amendment integrated into c. E-12.01, s. 8).

1994, c. 17, s. 48.

49. (Amendment integrated into c. E-12.01, s. 9).

1994, c. 17, s. 49.

50. (Amendment integrated into c. E-12.01, s. 10).

1994, c. 17, s. 50.

51. (Amendment integrated into c. E-12.01, s. 11).

1994, c. 17, s. 51.

52. (Amendment integrated into c. E-12.01, s. 12).

1994, c. 17, s. 52.

53. (Amendment integrated into c. E-12.01, ss. 13 to 19, 23, 25, 26, 28, 29, 33, 39, 41, 47).

1994, c. 17, s. 53.

54. (Amendment integrated into c. E-12.01, s. 57).

1994, c. 17, s. 54.

EXECUTIVE POWER ACT

55. (Amendment integrated into c. E-18, s. 4).

1994, c. 17, s. 55.

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES

56. (Amendment integrated into c. M-22.1, s. 7.1).

1994, c. 17, s. 56.

GOVERNMENT DEPARTMENTS ACT

57. (Amendment integrated into c. M-34, s. 1).

1994, c. 17, s. 57.

ENVIRONMENT QUALITY ACT

58. (Amendment integrated into c. Q-2, s. 1).

1994, c. 17, s. 58.

59. (Amendment integrated into c. Q-2, s. 2).

1994, c. 17, s. 59.

60. (Amendment integrated into c. Q-2, ss. 116.1, 118.4).

1994, c. 17, s. 60.

WATERCOURSES ACT

61. (Amendment integrated into c. R-13, ss. 1, 2).

1994, c. 17, s. 61.

62. (Amendment integrated into c. R-13, s. 2.2).

1994, c. 17, s. 62.

63. (Amendment integrated into c. R-13, ss. 7, 8, 23, 24, 34, 35, 40, 41, 58, 59, 65, 73, 74, 81, 84, forms 1 to 3).

1994, c. 17, s. 63.

ACT RESPECTING SAFETY IN SPORTS

64. (Amendment integrated into c. S-3.1, s. 17).

1994, c. 17, s. 64.

65. (Amendment integrated into c. S-3.1, s. 73).

1994, c. 17, s. 65.

ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE D'ASSAINISSEMENT DES EAUX

66. (Amendment integrated into c. S-18.2.1, s. 21).

1994, c. 17, s. 66.

67. (Amendment integrated into c. S-18.2.1, s. 27).

1994, c. 17, s. 67.

68. (Amendment integrated into c. S-18.2.1, s. 27.1).

1994, c. 17, s. 68.

69. (Amendment integrated into c. S-18.2.1, s. 37).

1994, c. 17, s. 69.

70. (Amendment integrated into c. S-18.2.1, s. 38).

1994, c. 17, s. 70.

71. (Amendment integrated into c. S-18.2.1, s. 46).

1994, c. 17, s. 71.

ECOLOGICAL RESERVES ACT

72. (Amendment integrated into c. R-26.1, s. 2).

1994, c. 17, s. 72.

73. (Amendment integrated into c. R-26.1, s. 4).

1994, c. 17, s. 73.

74. (Amendment integrated into c. R-26.1, ss. 6, 23).

1994, c. 17, s. 74.

75. The words “Minister of the Environment”, “Ministère de l'Environnement” and “Deputy Minister of the Environment” are replaced respectively by the words “Minister of the Environment and Wildlife”, “Ministère de l'Environnement et de la Faune” and “Deputy Minister of the Environment and Wildlife”, wherever they appear in

1) (amendment integrated into c. A-19.1, ss. 165.2, 227.1);

2) (amendment integrated into c. C-56.1, ss. 3, 12, 28);

3) (amendment integrated into c. H-5, s. 32);

4) (amendment integrated into c. I-1, s. 18.2);

5) (amendment integrated into c. M-13.1, ss. 122, 156, 164, 206, 232.5, 232.11);

6) (amendment integrated into c. P-9.2, ss. 3, 4, 6);

7) (amendment integrated into c. P-9.3, ss. 8, 128, 132);

8) (amendment integrated into c. P-37, s. 1);

9) (amendment integrated into c. P-38.01, ss. 10, 36);

10) (amendment integrated into c. P-43, s. 1);

11) (amendment integrated into c. V-5.1, s. 21);

12) (amendment integrated into c. V-6.1, s. 20);

13) (amendment integrated into c. E-13.1, ss. 2, 5, 7).

1994, c. 17, s. 75.

76. The words “Minister of Recreation, Fish and Game”, “Ministère du Loisir, de la Chasse et de la Pêche” and “Deputy Minister of Recreation, Fish and Game” are replaced respectively by the words “Minister of the Environment and Wildlife”, “Ministère de l'Environnement et de la Faune” and “Deputy Minister of the Environment and Wildlife”, wherever they appear in

1) (amendment integrated into c. A-29, s. 65);

2) (amendment integrated into c. D-13.1, s. 1);

3) (amendment integrated into c. E-20.1, s. 7);

4) (amendment integrated into c. F-4.1, s. 28.2);

5) (amendment integrated into c. P-7, s. 1);

6) (amendment integrated into c. P-8, ss. 1, 3, 5);

7) (amendment integrated into c. P-9, s. 1);

8) (amendment integrated into c. P-30.2, ss. 7, 19).

1994, c. 17, s. 76.

FINAL PROVISIONS

References.

77. Unless the context indicates otherwise, in any other Act and in any regulation, by-law, order in council, ministerial order, proclamation, order, contract, agreement, accord or other document,

1) a reference to the Minister or Deputy Minister of the Environment or the Ministère de l'Environnement or to the Minister or Deputy Minister of Recreation, Fish and Game or the Ministère du Loisir, de la Chasse et de la Pêche is, according to the matter concerned, a reference to the Minister or Deputy Minister of the Environment and Wildlife or the Ministère de l'Environnement et de la Faune or to the Minister or Deputy Minister of Municipal Affairs or the Ministère des Affaires municipales;

2) a reference to the Act respecting the Ministère de l'Environnement (chapter M-15.2), the Act respecting the Ministère du Loisir, de la Chasse et de la Pêche (chapter M-30.1) or any provision thereof is, according to the matter concerned, a reference to this Act, the Act respecting the Ministère des Affaires municipales (chapter M-22.1) or the corresponding provision of either Act.

1994, c. 17, s. 77.

78. (Omitted).

1994, c. 17, s. 78.

REPEAL SCHEDULE

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 17 of the statutes of 1994, in force on 1 September 1994, is repealed, except section 78, effective from the coming into force of chapter M-15.2.1 of the Revised Statutes.