

DRAFT REGULATION

Environment Quality Act (chapter Q-2)

Rules of procedure of the Bureau d'audiences publiques sur l'environnement

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 6.6 of the Environment Quality Act (chapter Q-2), that the Rules of procedure of the Bureau d'audiences publiques sur l'environnement, appearing below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

The Draft Regulation replaces the Rules of procedure relating to the conduct of public hearings (chapter Q-2, r. 45) currently in force. It ensures compliance with the requirements set out in section 6.6 of the Environment Quality Act and section 309 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4), enacted on 23 March 2017, which makes various amendments to the provisions governing environmental impact assessment and review procedure.

The purpose of the Regulation is to set rules of procedure for the conduct of targeted consultations and mediation sessions in environmental matters and to revise the current rules of procedure governing the conduct of public hearings to reflect the recent legislative amendments made to the Environment Quality Act and to the Regulation respecting environmental impact and assessment review of certain projects which is to come into force at the latest on 23 March 2018.

More specifically, the Regulation prescribes the procedure to apply to all mandates entrusted by the Minister to the Bureau under the fifth paragraph of section 31.3.5 of the Environment Quality Act, in particular with regards to formation of commissions, publication of notices, access to documents, summons, preparatory meetings, publicity of sessions, the commission's report and the terms and conditions of public participation by any appropriate technological means.

The Regulation also establishes specific procedures to apply to each public hearing, targeted consultation and mediation mandate.

The division relating to public hearings sets the terms that apply to the first part of the mandate, the filing of briefs and the presentation of briefs and opinions, those presentations being the subject of the second part of the public hearing. It also provides for the possibility of a commission holding sessions supplementary to those in the first and second parts of the public hearing.

The Regulation prescribes specific terms that apply to targeted consultation mandates and accordingly makes various references to the provisions that apply to public hearing mandates. This division allows however the commission greater discretion over the time period for the filing of briefs and over the presentation of briefs and opinions. That division also empowers the commission to consider any concern raised during a session.

Regarding mediation in environmental matters, the Regulation specifies among other things the commissioner's role and powers and sets forth a requirement for the commissioner to ensure that the parties' commitments do not adversely affect the rights of third parties or environment quality. It also determines



the specific terms to apply to the holding of private meetings and the publicity of minutes, as well as the conditions that terminate a mediation mandate.

The Regulation provides that the rules of procedure, with the necessary modifications, will apply if the Bureau is required to carry out a mandate under another Act or any provision of the Environment Quality Act other than section 31.3.5.

The Regulation also provides that the public hearing provisions, with the necessary modifications, will apply if the Bureau is required to carry out a mandate under section 40 of the Natural Heritage Conservation Act (chapter C-61.01).

Lastly, the draft Regulation contains transitional provisions.

Further information on the draft Regulation may be obtained by contacting David Boisvert, legal adviser, Bureau d'audiences publiques sur l'environnement, édifice Lomer-Gouin, 2^e étage, 575 rue Jacques-Parizeau, Québec (Québec) G1R 6A6, by telephone: 418 643-7447; by fax: 418 643-9474 or by e-mail at david.boisvert@bape.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the above-mentioned person using the referenced contact information.



PHILIPPE BOURKE
President of the Bureau d'audiences
publiques sur l'Environnement