

Rules of procedure relating to the conduct of public hearings [R.R.Q., 1981, c. Q-2, r.45]

DIVISION I INTERPRETATION

1. Definitions : In these Rules, unless the context indicates otherwise, the following terms mean :

(a) « hearing » : a public hearing provided for in the third paragraph of section 31.3 of the Act ;

(b) « Bureau » : the Bureau d'audiences publiques sur l'environnement provided for in section 6.1 of the Act ;

(c) « commission » : member(s) designated by the president to conduct a hearing pursuant to the second paragraph of section 6.4 of the Act ;

(d) « file » : the file referred to in section 12 of the Regulation ;

(e) « impact assessment statement » : an environmental impact statement referred to in section 31.2 of the Act ;

(f) « proponent » : person who has filed a notice with the Minister in accordance with section 31.2 of the Act ;

(g) « Act » : the *Environment Quality Act* (R.S.Q., c. Q-2) ;

(h) « member » : a member of the Bureau ;

(i) « Minister » : the Minister of the Environment and Wildlife ;

(j) « president » : the president of the Bureau ;

(k) « report » : a report of an inquiry referred to in section 6.7 of the Act ;

(l) « Regulation » : the *Regulation respecting environmental impact assessment and review* (c. Q-2, r.23) ;

(m) « applicant » : a person, group or municipality that applied for the holding of a hearing that has subsequently been ordered by the Minister.

DIVISION II COMMISSION

2. Formation : After receiving a mandate from the Minister to hold a hearing, the president forms a commission and designates one of its members to act as the person responsible therefor.

3. Notice : After the commission has been formed and the person responsible designated, the secretary of the Bureau gives notice to that effect to the Minister, the proponent and the applicant.

4. Coordination : The commission coordinates the activities of the Bureau related to the carrying out of the mandate of hearing entrusted to it.

DIVISION III NOTICE OF HEARING

5. Publicizing : In accordance with section 15 of the Regulation, the secretary of the Bureau has the notice published in the newspapers to announce each of the two parts of the hearing prescribed in Division V.

The Bureau announces each of the two parts of the hearing on its Internet site and by issuing a press release as well as any change, correction or precision brought to the particulars published in the notice provided for in the first paragraph.

6. Period of time between notice and hearing : No fewer than 5 clear days must elapse between the first day on which the notice prescribed in section 5 is published and the beginning of the hearing.

7. Period of time between the public consultation and the hearing : No fewer than 30 days may elapse between the first day on which file is made available for consultation by the public and the beginning of the hearing.

8. Continuous period of consultation : After publication of the notice referred to in section 5 and until the end of the hearing, the file remains available for consultation by the public in a reference centre in Québec and Montréal and in an information centre in the region where the project is likely to be carried out.

DIVISION IV
PREPARATORY MEETING

9. Applicant : Before the hearing is held, the commission may meet with the applicant to define the chief aims of the hearing and explain the procedure thereof.

10. Proponent : Before the hearing is held, the commission may meet with the proponent to outline to him the chief aims of the hearing and the procedure relating to its conduct.

DIVISION V
HEARING

11. Parts of hearing : A hearing comprises two parts, as defined in Divisions VII and VIII.

12. Public nature of hearing : All hearings are public and must be held in a place accessible to the public.

13. Duration : Each part of a hearing may be extended over several days that are consecutive or non-consecutive.

14. Period of time between each part of a hearing : No fewer than 21 days may elapse between the first and second parts of a hearing.

15. Chairmanship : The person responsible for the commission chairs the hearing and establishes the order of interventions and the speaking time allotted to each intervenant.

16. Absence of person responsible : Where the person responsible for the commission is absent, another member of the commission chairs the hearing in his place.

17. Adjournment of hearing : The hearing may be adjourned for any reason deemed valid by the commission ; the new date is then announced on the Internet site of the Bureau, by a press release or a notice on the door of the room where the hearing was supposed to be held.

18. Briefs and documents : The briefs and copies of documents required by these Rules must be addressed to the secretary of the Bureau.

DIVISION VI
CONVENING

19. Proponent and applicant : The Bureau convenes the proponent and the applicant to the hearing.

20. Other persons : The Bureau may also convene any person whose testimony is considered necessary by the commission to the hearing.

21. Government Departments : Where the Bureau wishes to know the opinion of a government Department on a given subject, the Deputy-Minister of the Department concerned is also convened.

DIVISION VII

FIRST PART OF THE HEARING

22. Preliminary explanations : The member who chairs the meeting reads the mandate entrusted to the Bureau and explains the role and competence of the Bureau and the conduct of the hearing.

23. Explanations of applicant : During the first part of the hearing, the applicant explains his reasons for applying for the hearing to the commission and to the public.

24. Submission of the proponent : During the first part of the hearing, the proponent summarizes and explains the items in the file submitted in support of his project, the impact assessment statement in particular.

25. Deposition of other persons : During the first part of the hearing, the commission may hear any other person convened in accordance with sections 20 and 21.

26. Questions : During the first part of the hearing and after the depositions provided for in sections 23, 24 and 25, any person may ask pertinent questions to the commission to complement the information already provided with respect to the file submitted to the Bureau.

DIVISION VIII

SECOND PART OF THE HEARING

27. Persons heard : During the second part of a hearing, the commission hears any person who submits a brief or who wishes to make known orally his opinion and suggestions pertaining to the project, the assessment study, the technical review, or any other document forming part of the file.

28. Prior submission of brief : Any person, municipality or group wishing to submit a brief must file a copy thereof with the secretary of the Bureau at least 4

days before the second part of the hearing begins.

29. Right to rectify the facts : After or during the interventions referred to in section 27, the commission may hear any person, including the proponent and the applicant, to rectify any point pertaining to the file that was raised during the hearing.

DIVISION IX

REPORT

30. Drafting : The report is drafted by the commission and constitutes the report of the Bureau with regard to the hearing mandate entrusted to it by the Minister. The report may become part of the report of a mandate to inquire entrusted to the Bureau pursuant to the first paragraph of section 6.3 of the Act where the mandate to inquire is related to the project that is the subject of the hearing.

31. Signing of report : The report referred to in section 30 is signed only by the members of the commission who participated in both parts and in all sittings of the hearing.

32. Copies : Where the Minister has made public the report referred to in section 30, the Bureau sends a copy thereof to the proponent, to the applicant, and to any other person, group or municipality that so requests.

DIVISION X

OTHER PUBLIC HEARINGS

33. Application of these Rules : These Rules apply, *mutatis mutandis*, in cases where the Bureau must hold a public hearing pursuant to a provision other than the third paragraph of section 31.3 of the Act.

Notwithstanding the foregoing, section 31 of these Rules does not apply to that hearing, since the sittings may be conducted by one or more members of the commission.

This administrative compilation makes the consultation of legal documents easier but has no official value. Decisions of 12.06.81, (1981) 113 G.O.II, 3003, and of 21.08.02, (2002) 134 G.O.II, 4546.