



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 491

An Act to prohibit asbestos and uranium exploration and mining in Québec

Introduction

**Introduced by
Mr. Amir Khadir
Member for Mercier**

**Québec Official Publisher
2010**

EXPLANATORY NOTES

The purpose of this bill is to prohibit all asbestos and uranium exploration and mining activities in Québec in order to gradually bring the mining industry into line with sustainable development, which is based on a long-term approach that takes into account the inextricable environmental, social and economic dimensions of development activities, in accordance with the principles established in the Sustainable Development Act.

As of the 30th day after the date of assent to the proposed legislation, no new asbestos mining exploration and development activities may be undertaken; activities already in progress must cease not later than 31 December 2015.

The Government determines, by regulation, the transitional measures that will apply between the date of coming into force of the proposed legislation and 31 December 2015, to allow for the closing down of asbestos exploration and mining activities already in progress.

All uranium exploration and mining activities must cease within 30 days after the date of assent.

The application of the proposed legislation entails no compensation from the State.

Fines are imposed for offences and technical provisions are made.

Bill 491

AN ACT TO PROHIBIT ASBESTOS AND URANIUM EXPLORATION AND MINING IN QUÉBEC

CONSIDERING that Canada is the only Western industrialized country that still mines and processes asbestos for export, and that Québec's production is almost entirely exported;

CONSIDERING that there is a scientific consensus linking asbestos fibres to lung cancer and other cancers, and that it is not possible for the Gouvernement du Québec to obtain unconditional guarantees as to the safe use of asbestos exported to countries that lack both the means and the legislative and regulatory framework to ensure such use;

CONSIDERING that uranium exploration and mining present significant public health risks;

CONSIDERING the significant ecological footprint of this industry, in particular with regard to the very long-term storage of tailings generated by uranium mining and milling activities;

CONSIDERING the military use to which uranium is put;

CONSIDERING that Nova Scotia and British Columbia have prohibited uranium extraction;

CONSIDERING that there are alternative solutions for ensuring sustainable and responsible mining development in Québec;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The purpose of this Act is to prohibit all asbestos and uranium exploration and mining activities in order to gradually bring the mining industry into line with sustainable development, which is based on a long-term approach that takes into account the inextricable environmental, social and economic dimensions of development activities, in accordance with the principles established in the Sustainable Development Act (R.S.Q., chapter D-8.1.1).

2. As of (*insert the date that is 30 days after the date of assent to this Act*), no person may commence asbestos exploration or mining activities.

3. As of 1 January 2016, no person may continue asbestos exploration or mining activities.

4. As of (*insert the date that is 30 days after the date of assent to this Act*), no person may commence or continue uranium exploration or mining activities.

However, for the purposes of this section, a person who extracts mineral substances containing not more than 0.01% uranium while mining another mineral is not considered to be mining uranium.

5. The application of this Act entails no compensation from the State.

6. A person who contravenes section 2, 3 or 4 commits an offence and is liable

(a) in the case of a natural person, to a fine of not less than \$2,000 nor more than \$20,000 for a first offence and not less than \$4,000 nor more than \$40,000 for a subsequent offence, or, in either case, to imprisonment for not more than one year or to both the imprisonment and fine, despite article 231 of the Code of Penal Procedure (R.S.Q., chapter C-25.1);

(b) in the case of a legal person, to a fine of not less than \$6,000 nor more than \$250,000 for a first offence, not less than \$50,000 nor more than \$1,000,000 in the case of a second offence, and not less than \$500,000 nor more than \$1,000,000 for a subsequent offence.

7. If an offence under section 2, 3 or 4 continues for more than one day, it constitutes a separate offence for each day during which it continues.

8. Penal proceedings for an offence under this Act are prescribed two years after the commission of the offence.

9. This Act has precedence over any contrary provision contained in a prior Act, regulation or order and, barring an express override clause, over any contrary provision contained in a subsequent Act, regulation or order.

10. The Government determines, by regulation,

(1) the transitional measures applicable between (*insert the date of assent to this Act*) and 31 December 2015 to allow for the closing down of asbestos exploration and mining activities already in progress; and

(2) any other measure required for the carrying out of this Act.

11. This Act comes into force on (*insert the date of assent to this Act*).