



la Convention
de la Baie-James
et du Nord québécois

**Comité consultatif
pour l'environnement
de la Baie-James**

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**MINUTES OF THE 97th MEETING
OF THE JAMES BAY ADVISORY COMMITTEE
ON THE ENVIRONMENT
(ADOPTED)**

DATE: March 26, 1997

LOCATION: Conference call, 2:00 p.m. - 3:15 p.m.

PRESENT: Yves Désilets, Canada, Vice-Chairman
Robert Daigneault, Québec, Chairman
Susanne Hilton, CRA
Ginette Lajoie, CRA
Jacques Lefebvre, Québec
Pierre Paulhus, Canada
Denis Bernatchez, Secretary

ABSENT: Luc Bouthillier, Québec
Louise Filion, Québec
Willie Iserhoff, CRA
Diane Morneau, Canada
Diom Roméo Saganash, CRA
Denis Vandal, HFTCC

**GUEST
PARTICIPANT:** Alain Cossette, Political Attaché, MEF



1. **CALL TO ORDER AND ADOPTION OF THE AGENDA**

The Chairman welcomed the members participating in the conference call and called the 97th meeting of the JBACE to order.

The following agenda was adopted.

1. Call to order and adoption of the agenda
2. Moving of the JBACE secretariat to the DRNQ
3. Adjournment of meeting

2. **MOVING OF THE JBACE SECRETARIAT TO THE DRNQ**

Pierre Lefebvre, director of northern land projects, gave the Secretary verbal confirmation that the JBACE secretariat was being moved to the Nord-du-Québec regional office in early May.

The Chairman wrote to MEF twice with regard to this matter. In his first letter, dated March 10, 1997 and addressed to the Deputy Minister, Diane Gaudet, the Chairman pointed out that "under section 138 of the Environment Quality Act, it is up to the JBACE to establish its office and direct its secretariat. Due to a lack of resources, the Committee currently has no choice but to depend on MEF for its material and human resource needs. However, this dependency in no way justifies or allows for moving the secretariat without the JBACE's approval." [Translation]

In his second letter, dated March 26, 1997 and addressed to the Assistant Deputy Minister, Suzanne Giguère, the Chairman invited Madame Giguère to participate in today's conference call. She declined due to previous engagements. Prior to his letter, the Chairman had met with Madame Giguère to establish contact and inform her of the Committee's main concerns.

Following Mr. Lefebvre's announcement, the Chairman also met with Alain Cossette, political attaché to the Minister of the Environment and Wildlife, to sensitize him to the JBACE's role and mandate and to discuss the secretariat's planned relocation. Mr. Cossette stated that he was not aware of any decision to move the secretariat and that he would ask the Deputy Minister's office for an explanation.

Mr. Cossette agreed to participate in today's conference call. However, he still had not heard anything about the secretariat's being moved and said he would try again to get some information from Madame Gaudet's office.

A Cree-appointed member made the observation that the Minister's Office does not seem to be aware of the administrative decisions being made and deplored the fact that MEF had not responded to the JBACE's brief and proposed administrative agreement. In the member's opinion, there is no reason to move the secretariat to the DRNQ. The JBACE wants to be closer to the Minister's Office and the decision makers at MEF. Furthermore, it is up to the JBACE to determine where its secretariat will be located. MEF is treating the JBACE as one of its administrative units, which was not the intent of the EQA or JBNQA.

The members unanimously agreed that MEF is acting prematurely and must respond to the JBACE's brief and proposed administrative agreement before making any changes that will affect the Advisory Committee.

The members agreed to draft the following resolution and send a copy to the Minister, Deputy Minister and Assistant Deputy Minister of the Environment and Wildlife.

JBACE RESOLUTION 97-03-26-01

- WHEREAS** the James Bay Advisory Committee on the Environment ("JBACE") has been informed that its secretariat is to be moved to a regional office of the Ministère de l'Environnement et de la Faune and placed under its administration;
- WHEREAS** section 138 of the *Environment Quality Act*, R.S.Q., c. Q-2 ("EQA"), stipulates that the JBACE "may establish offices anywhere in Québec for the carrying on of its business" and "directs [its] secretariat";
- WHEREAS** section 150 of the EQA stipulates that the JBACE shall provide the Evaluating Committee established by section 148 of the same act with the necessary secretarial services;
- WHEREAS** having never obtained sufficient resources from the federal or provincial governments to sustain its secretariat, the JBACE has been forced to rely on the Ministère de l'Environnement et de la Faune ("MEF") for this purpose;
- WHEREAS** the James Bay Advisory Committee on the Environment was created by section 134 of the EQA as **body independent** from MEF;
- WHEREAS** the fact that a permanent secretariat is under MEF's administration does not change the rules of management established by the EQA and its attendant regulations;

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- WHEREAS** section 16 of the *Rules of internal management of the James Bay Advisory Committee on the Environment* (R.R.Q., 1981, c. Q-2, r.21) stipulates that any document or agreement related to the expenditures of the Advisory Committee, **or any other matter under its authority**, must be the subject of a decision by said Committee;
- WHEREAS** MEF, being an independent body with no administrative authority over the JBACE or its secretariat, can only assume administrative responsibility for said secretariat where mandated by the JBACE;
- WHEREAS** subject to the *Financial Administration Act* and the *Public Service Act*, MEF must therefore take orders from the JBACE with regard to the administration of its secretariat;
- WHEREAS** on December 20, 1996, the JBACE submitted a brief to the Minister of the Environment and Wildlife clearly explaining this context and stating the problems in the JBACE's operations due to its financial position and the administration of its secretariat;
- WHEREAS** the JBACE had previously raised these same issues with the Minister on November 7, 1996;
- WHEREAS** the above brief is an attempt to find an integrative solution to the JBACE's problems and proposes specific interim measures;
- WHEREAS** as provided for in said brief, the JBACE and MEF officials entered into administrative discussions and whereas these discussions are ongoing and MEF has made no official proposals to the JBACE;
- WHEREAS** the JBACE is still waiting for an official reply stating MEF's position with regard to its brief;
- WHEREAS** any major administrative decision related to the secretariat that does not respect this context would therefore be premature;
- WHEREAS** the JBACE is one of the crucial components of the environmental and social protection regime established by Section 22 of the James Bay and Northern Québec Agreement, and whereas one of its functions is to ensure that the regime's guiding principles are respected;
- WHEREAS** to fulfil this mandate, the JBACE needs an efficient secretariat and full control over its resources and operation;

WHEREAS the time has come for the JBACE to reassert its administrative authority over its secretariat and that of the Evaluating Committee;

It is hereby unanimously resolved:

- TO REASSERT the JBACE's administrative authority over its secretariat in accordance with section 138 of the *Environment Quality Act*;
- TO INFORM MEF that any decision regarding the relocation of the secretariat without the JBACE's first assessing the effects and without the Minister's stating his position with regard to the brief submitted by the JBACE would, at this point in time, be premature;
- TO ASK THAT MEF postpone any decision regarding the relocation of the JBACE/COMEV secretariat and not make any administrative changes without prior approval from the JBACE;
- TO ASK THAT MEF confirm with the JBACE, no later than ten days following receipt of this opinion, that no decision regarding the secretariat's administration will be made without prior approval from the Advisory Committee;
- TO REMIND the Minister of the Environment and Wildlife that the issues addressed in the brief submitted to him by the JBACE on December 20, 1996, require his immediate attention.

Adopted March 26, 1997, in Montréal

3. ADJOURNMENT OF MEETING

The conference call ended at 3:15 p.m. The Chairman thanked the members for taking part.



DENIS BERNATCHEZ
Secretary