

chapter D-8.1.1

**SUSTAINABLE DEVELOPMENT ACT**

**TABLE OF CONTENTS**

**TITLE I**

GOVERNANCE FOR SUSTAINABLE DEVELOPMENT

**CHAPTER I**

PRELIMINARY PROVISIONS..... 1

**CHAPTER II**

SUSTAINABLE DEVELOPMENT STRATEGY AND MEASURES TO BE  
TAKEN BY THE ADMINISTRATION

**DIVISION I**

SUSTAINABLE DEVELOPMENT PRINCIPLES AND STRATEGY..... 5

**DIVISION II**

IMPLEMENTATION OF THE STRATEGY AND ACCOUNTABILITY..... 15

**TITLE II**

AMENDING AND FINAL PROVISIONS..... 18

**REPEAL SCHEDULE**

## TITLE I

### GOVERNANCE FOR SUSTAINABLE DEVELOPMENT

#### CHAPTER I

##### PRELIMINARY PROVISIONS

**1.** The object of this Act is to establish a new management framework within the Administration to ensure that powers and responsibilities are exercised in the pursuit of sustainable development.

The measures introduced by this Act are intended, more specifically, to bring about the necessary change within society with respect to non-viable development methods by further integrating the pursuit of sustainable development into the policies, programs and actions of the Administration, at all levels and in all areas of intervention. They are designed to ensure that government actions in the area of sustainable development are coherent and to enhance the accountability of the Administration in that area, in particular through the controls exercised by the Sustainable Development Commissioner under the Auditor General Act (chapter V-5.01).

2006, c. 3, s. 1.

**2.** Within the scope of the proposed measures, “sustainable development” means development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Sustainable development is based on a long-term approach which takes into account the inextricable nature of the environmental, social and economic dimensions of development activities.

2006, c. 3, s. 2.

**3.** In this Act, unless otherwise indicated by the context, “Administration” means the Government, the Conseil exécutif, the Conseil du trésor, all government departments, and government agencies within the meaning of the Auditor General Act (chapter V-5.01).

A person appointed or designated by the Government or by a minister, when exercising functions assigned by law, the Government or that minister, together with the personnel directed by that person, is considered to be an agency.

The Administration does not include courts of justice within the meaning of the Courts of Justice Act (chapter T-16), bodies whose membership is wholly made up of judges of the Court of Québec, the Conseil de la magistrature, the committee on the remuneration of the judges, the committee on the remuneration of criminal and penal prosecuting attorneys, or administrative bodies established to exercise adjudicative functions, when exercising those functions.

2006, c. 3, s. 3; 2011, c. 31, s. 18; 2013, c. 16, s. 95; I.N. 2015-11-01.

**4.** The Government may determine as of what dates, according to what timetable and, if applicable, with what modifications one or more provisions of this Act that apply to the Administration also apply to

(1) one or more municipal bodies referred to in section 5 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1); or

(2) one or more school bodies and health and social services institutions respectively referred to in sections 6 and 7 of that Act.

Before the issue of any Order in Council making provisions of this Act applicable to them, the bodies and institutions are to be consulted directly or through their associations or competent regional bodies.

2006, c. 3, s. 4.

## CHAPTER II

### SUSTAINABLE DEVELOPMENT STRATEGY AND MEASURES TO BE TAKEN BY THE ADMINISTRATION

#### DIVISION I

##### SUSTAINABLE DEVELOPMENT PRINCIPLES AND STRATEGY

**5.** The implementation of sustainable development within the Administration is to be based on the sustainable development strategy adopted by the Government and is to be carried out in a manner consistent with the principles stated in the strategy and those established by this division.

2006, c. 3, s. 5.

**6.** In order to better integrate the pursuit of sustainable development into its areas of intervention, the Administration is to take the following set of principles into account when framing its actions:

(a) *“Health and quality of life”*: People, human health and improved quality of life are at the centre of sustainable development concerns. People are entitled to a healthy and productive life in harmony with nature;

(b) *“Social equity and solidarity”*: Development must be undertaken in a spirit of intra- and inter-generational equity and social ethics and solidarity;

(c) *“Environmental protection”*: To achieve sustainable development, environmental protection must constitute an integral part of the development process;

(d) *“Economic efficiency”*: The economy of Québec and its regions must be effective, geared toward innovation and economic prosperity that is conducive to social progress and respectful of the environment;

(e) *“Participation and commitment”*: The participation and commitment of citizens and citizens’ groups are needed to define a concerted vision of development and to ensure its environmental, social and economic sustainability;

(f) *“Access to knowledge”*: Measures favourable to education, access to information and research must be encouraged in order to stimulate innovation, raise awareness and ensure effective participation of the public in the implementation of sustainable development;

(g) *“Subsidiarity”*: Powers and responsibilities must be delegated to the appropriate level of authority. Decision-making centres should be adequately distributed and as close as possible to the citizens and communities concerned;

(h) *“Inter-governmental partnership and cooperation”*: Governments must collaborate to ensure that development is sustainable from an environmental, social and economic standpoint. The external impact of actions in a given territory must be taken into consideration;

(i) *“Prevention”*: In the presence of a known risk, preventive, mitigating and corrective actions must be taken, with priority given to actions at the source;

(j) *“Precaution”*: When there are threats of serious or irreversible damage, lack of full scientific certainty must not be used as a reason for postponing the adoption of effective measures to prevent environmental degradation;

(k) *“Protection of cultural heritage”*: The cultural heritage, made up of property, sites, landscapes, traditions and knowledge, reflects the identity of a society. It passes on the values of a society from generation

to generation, and the preservation of this heritage fosters the sustainability of development. Cultural heritage components must be identified, protected and enhanced, taking their intrinsic rarity and fragility into account;

(l) “*Biodiversity preservation*”: Biological diversity offers incalculable advantages and must be preserved for the benefit of present and future generations. The protection of species, ecosystems and the natural processes that maintain life is essential if quality of human life is to be maintained;

(m) “*Respect for ecosystem support capacity*”: Human activities must be respectful of the support capacity of ecosystems and ensure the perennality of ecosystems;

(n) “*Responsible production and consumption*”: Production and consumption patterns must be changed in order to make production and consumption more viable and more socially and environmentally responsible, in particular through an ecoefficient approach that avoids waste and optimizes the use of resources;

(o) “*Polluter pays*”: Those who generate pollution or whose actions otherwise degrade the environment must bear their share of the cost of measures to prevent, reduce, control and mitigate environmental damage;

(p) “*Internalization of costs*”: The value of goods and services must reflect all the costs they generate for society during their whole life cycle, from their design to their final consumption and their disposal.

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2006, c. 3, s. 6.

**7.** The Government’s sustainable development strategy must state the selected approach, the main issues, the directions or areas of intervention, and the objectives to be pursued by the Administration in the area of sustainable development. Where appropriate, it must also state the sustainable development principles to be taken into consideration by the Administration, in addition to those enumerated in section 6 and those set out in sections 152 and 186 of the Environment Quality Act (chapter Q-2).

For the purposes of its implementation by the Administration, the strategy must identify certain means selected to foster a concerted approach that is in keeping with all the principles of sustainable development; it must also state the roles and responsibilities of each player or certain members of the Administration in order to ensure internal efficiency and coherence. The strategy must also specify monitoring mechanisms or means.

A status report on sustainable development in Québec must also be presented upon periodic reviews of the strategy based on sustainable development indicators or other criteria set out in the strategy to monitor or measure progress in the economic, social and environmental fields.

Moreover, in order to foster a synergy of interventions for sustainable development, the strategy may specify which objectives, among those that have been set, all or some of the bodies and institutions referred to in section 4 are encouraged to pursue, even before an Order in Council is issued under that section.

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2006, c. 3, s. 7.

**8.** The Minister of Sustainable Development, Environment and Parks, in collaboration with the other ministers concerned, is to ensure that the strategy is developed in a way that reflects the range of concerns of citizens and communities and all living conditions in Québec, so that the differences between the rural and urban areas and the situation of Native communities are taken into account.

In collaboration with the other ministers concerned, the Minister may take any measure to consult the public and bring the public to take part in the development of any project or any review of the strategy, in order to promote discussion and enrich the content of the strategy, make it known and promote its implementation.

In addition, the strategy and any review of the strategy must be submitted to public consultation in the form of parliamentary committee hearings.

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2006, c. 3, s. 8.

**9.** The sustainable development strategy takes effect on the date on which it is adopted by the Government or on any later date determined by the Government.

The Government must review the whole content of the strategy every five years. However, the Government may defer a review for a period not exceeding two years.

In the intervals between reviews, the Government may also make any amendment to the strategy that allows the viability of development to be better promoted.

2006, c. 3, s. 9.

**10.** The sustainable development strategy, and any review of the strategy, are to be published and made accessible, among other ways, in the manner and under the conditions the Government considers appropriate.

They must be laid before the National Assembly by the Premier. The same applies to the implementation status reports that must be prepared under paragraph 3 of section 13.

2006, c. 3, s. 10.

**11.** The first version of the sustainable development strategy must be adopted by the Government in the year following the year of assent to this Act.

The first version of the strategy must, in particular, address the following issues:

(1) the sustainable development information and education measures to be implemented, in particular for certain classes of the personnel of the Administration;

(2) the development of tools or models for the design, determination and analysis of projects in terms of sustainable development, among other things to take into account all the principles of sustainable development or to implement approaches related to those principles, in particular concerning the life cycle of products and services;

(3) the mechanisms to be implemented to encourage the participation of the various stakeholders in society; and

(4) the means selected to foster an integrated approach and the coherence of the various interventions undertaken in the area of sustainable development by the local and regional authorities concerned, including those undertaken by Native communities.

2006, c. 3, s. 11.

**12.** Not later than one year after the end of the year in which the strategy is adopted, the Minister of Sustainable Development, Environment and Parks submits to the Government for adoption a first list of sustainable development indicators designed to monitor and measure progress in Québec in the area of sustainable development.

Sections 8 and 10 apply, with the necessary modifications, to the adoption of the indicators.

2006, c. 3, s. 12.

**13.** To ensure the carrying out of this Act, the functions of the Minister of Sustainable Development, Environment and Parks consist more specifically in,

(1) promoting sustainable development within the Administration and among the general public, and fostering joint and cohesive action in order to harmonize interventions;

(2) coordinating the efforts of the government departments to define, renew or revise the components of the sustainable development strategy, including sustainable development indicators, and recommending the adoption of the strategy and indicators by the Government;

(3) coordinating efforts to prepare periodic assessments of the implementation of the sustainable development strategy within the Administration and, at least every five years, drafting, in collaboration with the other government departments concerned, an implementation status report and submitting it to the Government for approval;

(4) enhancing knowledge and analyzing experiences elsewhere in the field of sustainable development, in particular as regards the directions pursued by strategies and action plans and their implementation, and the development of indicators and other methods for measuring the progression of sustainable development and the integration of related environmental, social and economic concerns; and

(5) advising and providing expertise and assistance to the Government and third persons as regards sustainable development to help achieve the objectives of the strategy and to ensure that the principles of sustainable development are applied and complied with.

2006, c. 3, s. 13.

**14.** When so requested by the Minister, government departments and agencies in the Administration provide assistance for sustainable development to the Minister in the areas under their jurisdiction. In particular, they provide the information needed by the Minister to develop, revise or assess the implementation of the sustainable development strategy, including indicators or any other monitoring and accountability mechanisms.

This section also applies to bodies and institutions mentioned in section 4, whether or not an Order in Council has been issued under that section.

2006, c. 3, s. 14; 2013, c. 16, s. 96.

## **DIVISION II**

### **IMPLEMENTATION OF THE STRATEGY AND ACCOUNTABILITY**

**15.** In order to focus its priorities and plan its actions in a way that will foster sustainable development in keeping with the strategy of the Government, every government department and agency in the Administration must identify, in a document to be made public, the specific objectives it intends to pursue in order to contribute to a progressive and compliant implementation of the strategy, as well as the activities or interventions it plans on carrying out to that end, directly or in collaboration with one or more stakeholders in society.

The interventions may include a review of existing Acts, regulations, policies or programs to ensure better compliance with the strategy and the principles on which it is based.

On a voluntary basis, a body or an institution mentioned in section 4 may also, without waiting for an Order in Council under that section, submit to the same obligation to identify, in a document to be made public, the objectives, actions and interventions it intends to pursue or carry out within its jurisdiction and its powers and functions, in order to contribute to sustainable development and to the implementation of the strategy.

2006, c. 3, s. 15; 2013, c. 16, s. 97.

**16.** The Government may specify the terms and conditions under which the obligation set out in section 15 must be performed. It may, in particular, issue directives concerning the form and content of the proposed planning operation and the frequency of or intervals between required updates.

2006, c. 3, s. 16.

**17.** Each government department and agency in the Administration that is subject to section 15, must state in a special section of its annual report

(1) the objectives it had set in keeping with those of the strategy, in order to contribute to sustainable development and the progressive implementation of the strategy or, if applicable, the reasons why no specific objective was identified for the year given the content of the strategy adopted;

(2) the various activities or interventions aimed at achieving those objectives which it successfully carried out or failed to carry out during the year, the degree to which target results were achieved, the sustainable development indicators and other monitoring mechanisms or means used; and

(3) if applicable, the measures taken following comments or recommendations by the Sustainable Development Commissioner.

2006, c. 3, s. 17; 2013, c. 16, s. 98.

## TITLE II

### AMENDING AND FINAL PROVISIONS

**18.** *(Amendment integrated into c. A-2.1, s. 41).*

2006, c. 3, s. 18.

**19.** *(Amendment integrated into c. C-12, s. 46.1).*

2006, c. 3, s. 19.

**20.** *(Omitted).*

2006, c. 3, s. 20.

**21.** *(Amendment integrated into c. I-13.011, s. 3.1).*

2006, c. 3, s. 21.

**22.** *(Amendment integrated into c. M-30.001, title of the Act).*

2006, c. 3, s. 22.

**23.** *(Amendment integrated into c. M-30.001, s. 10).*

2006, c. 3, s. 23.

**24.** *(Amendment integrated into c. M-30.001, s. 11.1).*

2006, c. 3, s. 24.

**25.** *(Amendment integrated into c. M-30.001, s. 12).*

2006, c. 3, s. 25.

**26.** *(Amendment integrated into c. M-30.001, Division II.1).*

2006, c. 3, s. 26.

**27.** *(Amendment integrated into c. M-25.2, s. 11.1).*

2006, c. 3, s. 27.

**28.** *(Amendment integrated into c. M-25.2, s. 12.1).*

2006, c. 3, s. 28.

**29.** *(Amendment integrated into c. Q-2, s. 31).*

2006, c. 3, s. 29.

**30.** *(Amendment integrated into c. S-13.01, s. 18).*

2006, c. 3, s. 30.

**31.** *(Amendment integrated into c. V-5.01, s. 17).*

2006, c. 3, s. 31.

**32.** *(Amendment integrated into c. V-5.01, s. 22).*

2006, c. 3, s. 32.

**33.** *(Amendment integrated into c. V-5.01, s. 26).*

2006, c. 3, s. 33.

**34.** *(Amendment integrated into c. V-5.01, s. 43.1).*

2006, c. 3, s. 34.

**35.** *(Amendment integrated into c. P-7, P-8, P-8.1, P-9).*

2006, c. 3, s. 35.

**36.** The Minister of Sustainable Development, Environment and Parks is responsible for the administration of this Act.

2006, c. 3, s. 36.

**37.** At the latest on 19 April 2013, and every 10 years thereafter, the Minister must report to the Government on the carrying out of this Act.

The report must be laid before the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption.

2006, c. 3, s. 37.

**38.** *(Omitted).*

2006, c. 3, s. 38.



REPEAL SCHEDULE

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 3 of the statutes of 2006, in force on 1 January 2007, is repealed, except section 38, effective from the coming into force of chapter D-8.1.1 of the Revised Statutes.

