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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 66

**An Act to amend various legislative provisions respecting pension plans in the public and parapublic sectors and amending other legislative provisions**

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**Introduction**

**Introduced by  
Mr Daniel Johnson  
Minister for Administration and the Public Service  
and Chairman of the Conseil du trésor**

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## EXPLANATORY NOTES

*This bill amends the pension plans in the public and parapublic sectors in order, in particular, to bring them into conformity with the revised fiscal legislation concerning retirement savings. Thus, the bill introduces an annual limit on benefits applicable in respect of the redemption of years or parts of a year of service prior to 1990. It also enables the Government to make regulations limiting the periods of leave without pay subsequent to 1991 that may be credited to a member of a pension plan and specifies the application of the average minimum salary for the purpose of computing the pension and computing the minimum amount of the pension.*

*The bill also makes other amendments of a more technical nature to facilitate the administration of the pension plans. For this purpose, it amends, among others, the Act respecting the Pension Plan of Peace Officers in Correctional Services, the Act respecting the Government and Public Employees Retirement Plan, the Act respecting the Teachers Pension Plan and the Act respecting the Civil Service Superannuation Plan, in particular by adjusting the methods of calculating a pension and the redemption of periods of leave without pay.*

*Finally, the bill contains provisions for concordance or of a transitional nature.*

## ACTS AMENDED BY THIS BILL:

- Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1);
  - Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1);
  - Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2);
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- Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);
- Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);
- Courts of Justice Act (R.S.Q., chapter T-16).



## Bill 66

### **An Act to amend various legislative provisions respecting pension plans in the public and parapublic sectors and amending other legislative provisions**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE CONDITIONS OF EMPLOYMENT AND THE PENSION PLAN OF THE MEMBERS OF THE NATIONAL ASSEMBLY

**1.** Section 51 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1), enacted by section 2 of chapter 9 of the statutes of 1992, is amended by replacing the words “as the case may be” in the first line by the words “where there is no spouse”.

**2.** Section 53 of the said Act, enacted by section 2 of chapter 9 of the statutes of 1992, is amended

(1) by inserting the words “, upon application,” after the word “paid” in the fifth line of the first paragraph;

(2) by inserting, after the first paragraph, the following paragraph:

“Where the payment of the actuarial value of the reduced retirement pension, made pursuant to the second paragraph of section 34, is less than twice the Member’s contributions, with interest accrued, in the manner and at the rate prescribed by regulation, until the date on which the reduced retirement pension would have been payable for the purpose of computing that value, the difference shall be paid, upon application, to the deceased Member’s assigns in a lump sum provided that, on the date of the application, there is no surviving spouse or children in a position to satisfy the conditions for the obtention of a pension set out in section 41.”;

(3) by replacing the word “However” in the first line of the second paragraph by the words “For the purposes of the first and second paragraphs”.

**3.** Section 67 of the said Act, enacted by section 2 of chapter 9 of the statutes of 1992, is replaced by the following section:

**“67.** The benefits acquired each year shall not exceed the difference between 4 % of the annual indemnity provided for in section 25, 26 or 27, as the case may be, regardless of the limit provided for in the second and third paragraphs of section 23, and the amount of the pension credit to which those benefits are added.”

**4.** Section 69 of the said Act, enacted by section 2 of chapter 9 of the statutes of 1992, is amended

(1) by replacing the words “to which a Member is entitled” in the first line of the first paragraph by the words “accumulated by a Member”;

(2) by replacing the words “they become payable” in the second line of the first paragraph by the words “on which he ceases to be a Member”.

#### ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS

**5.** Section 16 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1) is amended by striking out the last sentence of the first paragraph.

**6.** Section 19 of the said Act, amended by section 2 of chapter 77 of the statutes of 1991, is again amended by replacing the fourth paragraph by the following paragraph:

“A person who becomes a Member of the National Assembly before a pension or a deferred pension is granted to him is entitled to such a pension in respect of the years and parts of a year of service that have been credited to him under this plan if these years and parts of a year have not been transferred to another pension plan, if he acquires the right to a pension as a Member and if he repays the contributions that have been refunded to him, where such is the case.”

**7.** Section 28 of the said Act, amended by section 6 of chapter 77 of the statutes of 1991, is again amended by replacing the last sentence by the following: “The pension referred to in the fourth paragraph of section 19 is payable from the time the person begins

to receive the retirement pension acquired as a Member of the National Assembly if that person became a Member before 1 January 1992. However, the increase provided for in section 20 and the pension credits, if any, are payable from the sixty-fifth birthday of the person."

**8.** Section 31 of the said Act is amended by replacing the words "where such is the case" in the first line by the words "where there is no spouse".

**9.** The said Act is amended by inserting, after section 41.7, the following heading:

## "CHAPTER VI.2

### "REGULATIONS".

**10.** Section 41.8 of the said Act is amended by adding, at the end, the following paragraphs:

"(6) establish, for the purposes of section 59.2, the limit applicable to the pensionable salary and to the service credited, and the rules and procedures for computing the pension;

"(7) establish, for the purposes of section 59.3, the periods of absence that may be credited for each type of absence and in total."

**11.** Section 59.1 of the said Act, amended by section 7 of chapter 77 of the statutes of 1991, is again amended by adding, at the end, the following paragraph:

"No interest is computed for the period during which the redemption proposal provided for in the first paragraph is valid. Where the Commission refuses the redemption of years or parts of years and its decision is quashed on review or on appeal on the basis of the data contained in the record at the time of the refusal, no interest is computed between the date of the refusal and the date on which the redemption proposal expires."

**12.** The said Act is amended by inserting, after section 59.1, the following sections:

**"59.2** No benefit resulting from the redemption under this plan of years or parts of years prior to 1 January 1990 may exceed the defined benefit limit applicable in respect of such years or parts of years under the Income Tax Act (Statutes of Canada).

For the purposes of the first paragraph, the limit applicable to the pensionable salary for the purpose of establishing the cost of redemption, the limit applicable to the service that may be credited, and the rules and procedures for computing that part of the pension which relates to the years or parts of years redeemed, may be established by regulation.

**“59.3** The periods of absence of an employee occurring after 31 December 1991 which may be credited under this plan, for each type of absence and in total, are determined by regulation.”

ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS IN CORRECTIONAL SERVICES

**13.** Section 1.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2), enacted by section 8 of chapter 77 of the statutes of 1991 and amended by section 1 of chapter 16 of the statutes of 1992, is again amended by replacing the word “an” in the second line of subparagraph 1 of the first paragraph by the words “a regular”.

**14.** Section 2 of the said Act, amended by section 2 of chapter 14 of the statutes of 1991 and by section 9 of chapter 77 of the statutes of 1991, is again amended by replacing the words and figures “section 1 or 1.1 applies” in the first line by the words and figures “this plan applies pursuant to section 1 or 1.1”.

**15.** The said Act is amended by inserting, after section 5, the following section:

**“5.1** Every intermediate officer who, following a career reorientation pursuant to the Directive concernant la classification et la gestion des emplois de cadres intermédiaires et de leurs titulaires (C.T. 179775 dated 25 March 1992) or a demotion pursuant to section 18 of the Public Service Act and the assignment of a new classification under section 101 of that Act, where, in the latter case, he is assigned employment in an intermediate officer class inferior to the class to which he belonged, or employment that is not in an intermediate officer class and for which the maximum point on the salary scale is equal to or less than the maximum point on the salary scale of the class of employment to which he belonged, shall continue to be a member of this plan as long as he is appointed and remunerated in accordance with the Public Service Act.”

**16.** Section 7 of the said Act, amended by section 10 of chapter 77 of the statutes of 1991, is again amended by inserting, after paragraph 4, the following paragraph:



“(4.1) was an intermediate officer who could have elected to become a member of this plan under the second paragraph of section 1.1 but did not do so, provided he has not ceased to be a member of his pension plan;”.

**17.** Section 14.1 of the said Act, enacted by section 14 of chapter 77 of the statutes of 1991, is amended by replacing the second paragraph by the following paragraphs:

“For the purposes of the first paragraph, the pensionable salary of an employee who, for his service in a calendar year, is credited with less than one year of service is, without exceeding the salary required to arrive at the limit referred to in the first paragraph, equal to the amount obtained by carrying out, in order, the following operations:

(1) dividing the salary referred to in sections 9 to 14, reduced by the amount established in accordance with the third paragraph of section 46.1, by the service credited; and

(2) adding to the result of that operation the amount established in accordance with the third paragraph of section 46.1.

For the purposes of the second paragraph, the pensionable salary referred to in the third paragraph of section 46.1 does not take account of the limit provided for in the first paragraph.”

**18.** Section 24 of the said Act, amended by section 17 of chapter 77 of the statutes of 1991 and by section 3 of chapter 16 of the statutes of 1992, is again amended by striking out the last sentence of the first paragraph.

**19.** Section 29 of the said Act is amended by striking out the last sentence of the second paragraph.

**20.** Section 30 of the said Act is amended by striking out the last sentence of the second paragraph.

**21.** The said Act is amended by inserting, after section 46, the following section:

**“46.1** For the purposes of section 46, any lump sum paid by way of an increase in or adjustment to the pensionable salary for a previous year and any amount paid during the year in which the employee ceases to be a member of this plan and pertaining to the pensionable salary earned in the previous year shall be excluded from the salary referred to in subparagraphs 1 and 3 of the first paragraph of section

46 and from the salary referred to in the corresponding subparagraphs of the second paragraph of that section.

However, such lump sums or amounts shall be added to the result obtained under those subparagraphs for the purposes of subparagraphs 2 and 4 of the first paragraph of section 46 and the corresponding subparagraphs of the second paragraph of that section.

The amounts referred to in the first and second paragraphs correspond, for the years and parts of a year of service credited after 31 December 1989, to the amount by which the pensionable salary of the employee exceeds the annual basic salary paid to him or, as the case may be, that would have been paid to him under the conditions of employment applicable on the last credited day of the year, multiplied by the service credited to that employee in the course of the year or, if he holds more than one pensionable employment in the course of a year, to the amount by which his pensionable salary exceeds the total annual basic salary for each employment multiplied by the credited service pertaining to each employment.

The service credited under section 98 and, in respect of the years 1990 and 1991, the service credited under sections 18 and 31, shall not be counted for the purposes of the third paragraph.”

**22.** Section 47 of the said Act, amended by section 21 of chapter 77 of the statutes of 1991, is repealed.

**23.** Section 49 of the said Act is replaced by the following section:

**“49.** For the purposes of paragraph 1 of section 45, the average pensionable salary may in no case be less than \$7 000.”

**24.** Section 55 of the said Act is amended by replacing the words “as the case may be” in the first line by the words “if there is no spouse”.

**25.** Section 102 of the said Act is amended by adding, at the end, the following paragraph:

“However, the first paragraph applies only with respect to that part of the pension established under paragraph 1 of section 45, and the amount provided for in that paragraph is multiplied by the fraction that the number of years of service credited before 1 January 1992 is of the total number of years of service credited.”

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**26.** Section 130 of the said Act, amended by section 10 of chapter 14 of the statutes of 1991, by section 31 of chapter 77 of the statutes of 1991 and by section 4 of chapter 16 of the statutes of 1992, is again amended

(1) by striking out paragraph 6;

(2) by adding, at the end, the following paragraphs:

“(10) establish, for the purposes of section 132.2, the limit applicable to the pensionable salary, the limit applicable to the service credited, and the rules and procedures for computing the pension;

“(11) establish, for the purposes of section 132.3, the periods of absence that may be credited for each type of absence and in total.”

**27.** Section 132.1 of the said Act, amended by section 32 of chapter 77 of the statutes of 1991, is again amended by adding, at the end, the following paragraph:

“No interest is computed for the period during which the redemption proposal provided for in the first paragraph is valid. Where the Commission refuses the redemption of years or parts of years and its decision is quashed on review or on appeal on the basis of the data contained in the record at the time of the refusal, no interest is computed between the date of the refusal and the date on which the redemption proposal expires.”

**28.** The said Act is amended by inserting, after section 132.1, the following sections:

**“132.2** No benefit resulting from the redemption under this plan of years or parts of years prior to 1 January 1990 may exceed the defined benefit limit applicable in respect of such years or parts of years under the Income Tax Act (Statutes of Canada).

For the purposes of the first paragraph, the limit applicable to the pensionable salary for the purpose of establishing the cost of redemption, the limit applicable to the service that may be credited, and the rules and procedures for computing that part of the pension which relates to the years or parts of years redeemed, may be established by regulation.

**“132.3** The periods of absence of an employee occurring after 31 December 1991 which may be credited under this plan, for each type of absence and in total, are determined by regulation.”

**29.** Section 133 of the said Act is amended

(1) by replacing the first three lines of the first paragraph by the following:

**“133.** The Commission may, with the authorization of the Government, enter into a transfer agreement with a body having a pension plan or any other body maintaining or administering a pension”;

(2) by replacing the second paragraph by the following paragraphs:

“The Commission may, according to law, enter into such an agreement with a government in Canada or any of its departments or agencies.

Such agreements may provide the terms and conditions of a transfer and provide for the case of an employee who enters the service of a government in Canada or of one of its departments or of any other agency.”

#### ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

**30.** Section 41 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) is amended by replacing the words “as the case may be” in the first line by the words “where there is no spouse”.

#### ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

**31.** Section 10.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), amended by section 37 of chapter 77 of the statutes of 1991, is again amended

(1) by adding, at the end of the first paragraph, the following: “However, any employee who belongs to a class so designated may elect not to benefit from the special provisions by making an application to that effect to the Commission within a period of one year from the day on which those provisions began to apply to him, and his election shall apply from that day. The employee may, even after making that election, reconsider his decision and elect to benefit from the special provisions by sending a notice to that effect to the Commission, and his election shall apply from the date on which the notice is received by the Commission.”;

(2) by adding, at the end of the third paragraph, the following: “After making that election, the person may reconsider his decision

and elect to benefit from the special provisions established pursuant to the first paragraph by sending a notice to that effect to the Commission, and his election shall apply from the date on which the notice is received by the Commission.”;

(3) by replacing the words “transmitting a notice to that effect within one year from the day on which he joins such a class, and he participates in this plan from that day” in the fourth, fifth and sixth lines of the fourth paragraph by the words “sending a notice to that effect to the Commission, and his election shall apply from the date on which the notice is received by the Commission”.

**32.** Section 18.1 of the said Act, enacted by section 40 of chapter 77 of the statutes of 1991, is amended by replacing the second paragraph by the following paragraphs:

“For the purposes of the first paragraph, the pensionable salary of an employee who, for his service in a calendar year, is credited with less than one year is, without exceeding the salary required to arrive at the limit referred to in the first paragraph, equal to the amount obtained by carrying out, in order, the following operations:

(1) dividing the salary referred to in sections 14 to 18, reduced by the amount established in accordance with the third paragraph of section 36.0.1, by the service credited; and

(2) adding to the result of that operation the amount established in accordance with the third paragraph of section 36.0.1.

For the purposes of the second paragraph, the pensionable salary referred to in the third paragraph of section 36.0.1 does not take account of the limit provided for in the first paragraph.”

**33.** Section 24 of the said Act is amended

(1) by replacing the words “immediately following” in the first line of the second paragraph by the words “which relates to”;

(2) by adding, at the end of the second paragraph, the words “, provided the unpaid leave is permitted under his conditions of employment”;

(3) by adding, at the end, the following paragraph:

“An employee on leave without pay who holds pensionable employment under this plan for part of that period may be credited, in accordance with the first or second paragraph, with only the days and parts of a day during which he did not hold such employment.”

**34.** The said Act is amended by inserting, after section 24, the following section:

**“24.0.1** A teacher or officer who ceases to be a member of his plan and becomes a member of this plan may, unless he has elected to become a member under section 13, be credited under this plan with all years or parts of years that could have been credited under section 21 of the Act respecting the Teachers Pension Plan or section 66.1 of the Civil Service Superannuation Plan, as the case may be, provided he satisfies the conditions prescribed therein.”

**35.** Section 26 of the said Act is amended by striking out the last paragraph.

**36.** Section 31 of the said Act is amended

(1) by replacing the first line of the first paragraph by the words

**“31.** Employers, except those listed in Schedule II.2, shall pay to the”;

(2) by replacing the words “The employers” in the first line of the second paragraph by the words “Employers listed in Schedule III”.

**37.** The said Act is amended by inserting, after section 36, the following section:

**“36.0.1** For the purposes of section 36, any lump sum paid by way of an increase in or adjustment to the pensionable salary for a previous year and any amount paid during the year in which the employee ceases to be a member of this plan and pertaining to the pensionable salary earned in the previous year shall be excluded from the salary referred to in subparagraphs 1 and 3 of the first paragraph of section 36 and from the salary referred to in the corresponding subparagraphs of the second paragraph of that section.

However, such lump sums or amounts shall be added to the result obtained under those subparagraphs for the purposes of subparagraphs 2 and 4 of the first paragraph of section 36 and the corresponding subparagraphs of the second paragraph of that section.

The amounts referred to in the first and second paragraphs correspond, for the years and parts of a year of service credited after 31 December 1989, to the amount by which the pensionable salary of the employee exceeds the annual basic salary paid to him or, as the case may be, that would have been paid to him under the conditions of employment applicable on the last credited day of the year,

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multiplied by the service credited to that employee in the course of the year or, if he holds more than one pensionable employment in the course of a year, to the amount by which his pensionable salary exceeds the total annual basic salary for each employment multiplied by the credited service pertaining to each employment.

The service credited under section 74 and, in respect of the years 1990 and 1991, the service credited under sections 22, 85.1 and 221.1 shall not be counted for the purposes of the third paragraph."

**38.** Section 36.1 of the said Act, amended by section 43 of chapter 77 of the statutes of 1991, is repealed.

**39.** Section 37 of the said Act is replaced by the following section:

**"37.** For the purposes of paragraph 1 of section 35, the average pensionable salary may in no case be less than \$7 000."

**40.** Section 42 of the said Act is amended by replacing the words "as the case may be" in the first line by the words "if there is no spouse".

**41.** Section 88 of the said Act is amended by replacing the second paragraph by the following paragraph:

"For each year of service, the pension credit is reduced by 0.7 % of that part of the annual pensionable salary which does not exceed the Maximum Pensionable Earnings within the meaning of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) for that year."

**42.** Section 111 of the said Act is amended by striking out the last sentence of the last paragraph.

**43.** Section 127 of the said Act is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

"(3) the contributory amounts received from the employers listed in Schedule III.1 and the contributions paid pursuant to section 31;"

**44.** Section 129 of the said Act is repealed.

**45.** Section 134 of the said Act, amended by section 19 of chapter 14 of the statutes of 1991 and by section 35 of chapter 39 of the statutes of 1992, is again amended

(1) by striking out paragraph 7;

(2) by inserting, after paragraph 22.1, the following paragraphs:

“(22.2) establish, for the purposes of section 216.2, the limit applicable to the pensionable salary and the limit applicable to the service credited, and the rules and procedures for computing the pension;

“(22.3) establish, for the purposes of section 216.3, the periods of absence that may be credited for each type of absence and in total;”.

**46.** Section 158 of the said Act is amended

(1) by replacing the first two lines of the first paragraph by the following:

**“158.** The Commission may, with the authorization of the Government, enter into a transfer agreement with a government in Canada or any”;

(2) by replacing the second paragraph by the following paragraphs:

“The Commission may, according to law, enter into such an agreement with a government in Canada or any of its departments or agencies.

Such agreements may provide the terms and conditions of a transfer and provide for the case of an employee who enters the service of a government in Canada or of one of its departments or of any other agency.”

**47.** Section 203 of the said Act is amended

(1) by replacing that which precedes subparagraph 1 of the first paragraph by the following:

**“203.** Every person under 65 years of age who belongs to a category or sub-category determined by regulation, in particular, in relation to his employer, may, according to the rules, conditions and procedures determined by the regulation, cause the following amount to be added to his pension:”;

(2) by replacing the second paragraph by the following paragraph:

“However, the total of the annual amounts so added shall be actuarially reduced in accordance with the regulation.”



**48.** The said Act is amended by adding, after section 209, the following section:

**"209.1** Except with respect to persons who have availed themselves of this chapter, the Government may determine the date on which this chapter will cease to apply and, where applicable, any other date until which it may continue to apply.

Any order made under the first paragraph may have effect 12 months or less before the day it is adopted."

**49.** Section 216.1 of the said Act, amended by section 61 of chapter 77 of the statutes of 1991, is again amended by adding, at the end, the following paragraph:

"No interest is computed for the period during which the redemption proposal provided for in the first paragraph is valid. Where the Commission refuses the redemption of years or parts of years and its decision is quashed on review or on appeal on the basis of the data contained in the record at the time of the refusal, no interest is computed between the date of the refusal and the date on which the redemption proposal expires."

**50.** The said Act is amended by inserting, after section 216.1, the following sections:

**"216.2** No benefit resulting from the redemption under the pension plan provided for in this Act of years or parts of years prior to 1 January 1990 may exceed the defined benefit limit applicable in respect of such years or parts of years under the Income Tax Act (Statutes of Canada).

For the purposes of the first paragraph, the limit applicable to the pensionable salary for the purpose of establishing the cost of redemption, the limit applicable to the service that may be credited, and the rules and procedures for computing that part of the pension which relates to the years or parts of years redeemed, may be established by regulation.

**"216.3** The periods of absence of an employee occurring after 31 December 1991 which may be credited under the pension plan provided for in this Act, for each type of absence and in total, are determined by regulation."

**51.** Section 220 of the said Act is amended by replacing the figure "III," in the first line of the first paragraph by the figures "II.2, III, III.1,".

**52.** Section 221 of the said Act is amended by striking out the last sentence of the last paragraph.

**53.** Schedule I to the said Act, amended by orders in council 353-91 of 20 March 1991, 1353-91 of 9 October 1991, 398-92 and 399-92 of 25 March 1992, 669-92 of 6 May 1992 and 1263-92 of 1 September 1992 and by section 30 of chapter 14 of the statutes of 1991, section 293 of chapter 21 of the statutes of 1992 and section 71 of chapter 44 of the statutes of 1992, is again amended by inserting, in paragraph 1 and in alphabetical order, the following:

“the Séminaire Marie-Reine-du-Clergé, in respect of the employees who were participating in the plan on 28 June 1987

“the Séminaire de St-Hyacinthe d’Yamaska, in respect of the employees who were participating in the plan on 30 June 1992”.

**54.** The said Act is amended by inserting, after Schedule II.1, the following schedule:

“SCHEDULE II.2

“(Section 31)

“EMPLOYERS FOR WHOM THE GOVERNMENT PAYS THE CONTRIBUTORY AMOUNTS

“General and vocational colleges within the meaning of the General and Vocational Colleges Act (R.S.Q., chapter C-29).

“School boards within the meaning of the Education Act (R.S.Q., chapter I-13.3) or the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14).

“Health and social service councils and public establishments within the meaning of the Act respecting health services and social services for Cree and Inuit Native Persons (R.S.Q., chapter S-5).

“Educational institutions at the university level within the meaning of paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (R.S.Q., chapter E-14.1).

“Private educational institutions declared of public interest or recognized for purposes of grants by virtue of the Act respecting private education (R.S.Q., chapter E-9).

“Private educational institutions having an agreement of association under section 215 of the Education Act to the extent that

the agreement entitles them to subsidies of a level at least equal to those paid to private educational institutions recognized for purposes of grants by virtue of the Act respecting private education.

“Government departments and bodies all or part of whose operating budget is voted by the National Assembly, except to the extent provided by law.

“Regional health and social services boards and public institutions and private institutions under agreement within the meaning of the Act respecting health services and social services and amending various legislation (1991, chapter 42), except to the extent provided by law.”

**55.** Schedule III to the said Act, amended by orders in council 353-91 of 20 March 1991, 398-92 and 399-92 of 25 March 1992, 669-92 of 6 May 1992 and 1263-92 of 1 September 1992, and by section 31 of chapter 14 of the statutes of 1991 and section 73 of chapter 44 of the statutes of 1992, is again amended

(1) by replacing the words “CONTRIBUTORY AMOUNTS” in the heading by the words “**THE SHARE REFERRED TO IN THE SECOND PARAGRAPH OF SECTION 31**”;

(2) by striking out the heading of paragraph 1;

(3) by inserting, in paragraph 1 and in alphabetical order, the following:

“the Commission des affaires sociales

“the Séminaire Marie-Reine-du-Clergé, in respect of the employees who were participating in the plan on 28 June 1987

“the Séminaire de St-Hyacinthe d’Yamaska, in respect of the employees who were participating in the plan on 30 June 1992”;

(4) by inserting, in paragraph 1 and in alphabetical order, the employers listed in paragraph 2;

(5) by striking out paragraph 2.

**56.** Schedule III.1 to the said Act, amended by section 295 of chapter 21 of the statutes of 1992, is again amended by striking out the following:

“the Commission des affaires sociales

“the Commission des services juridiques”.

## ACT RESPECTING THE TEACHERS PENSION PLAN

**57.** Section 10.1 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11), amended by section 66 of chapter 77 of the statutes of 1991, is again amended by adding, at the end, the following paragraph:

“No interest is computed for the period during which the redemption proposal provided for in the first paragraph is valid. Where the Commission refuses the redemption of years or parts of years and its decision is quashed on review or on appeal on the basis of the data contained in the record at the time of the refusal, no interest is computed between the date of the refusal and the date on which the redemption proposal expires.”

**58.** The said Act is amended by inserting, after section 10.1, the following sections:

**“10.2** No benefit resulting from the redemption under this plan of years or parts of years prior to 1 January 1990 may exceed the defined benefit limit applicable in respect of such years or parts of years under the Income Tax Act (Statutes of Canada).

For the purposes of the first paragraph, the limit applicable to the pensionable salary for the purpose of establishing the cost of redemption, the limit applicable to the service that may be credited, and the rules and procedures for computing that part of the pension which relates to the years or parts of years redeemed, may be established by regulation.

**“10.3** The periods of absence of a teacher occurring after 31 December 1991 which may be credited under this plan, for each type of absence and in total, are determined by regulation.”

**59.** Section 15.1 of the said Act, enacted by section 69 of chapter 77 of the statutes of 1991, is amended by replacing the second paragraph by the following paragraphs:

“For the purposes of the first paragraph, the pensionable salary of a teacher who is credited with less than one year of service in a calendar year for the service he accomplishes is, without exceeding the salary required to arrive at the limit referred to in the first paragraph, equal to the amount obtained by carrying out, in order, the following operations:

(1) dividing the salary referred to in sections 11 to 15, reduced by the amount established in accordance with the third paragraph of section 35.0.1, by the service credited; and

(2) adding to the result of that operation the amount established in accordance with the third paragraph of section 35.0.1.

For the purposes of the second paragraph, the pensionable salary referred to in the third paragraph of section 35.0.1 does not take account of the limit provided for in the first paragraph.”

**60.** Section 21 of the said Act is amended by adding, at the end, the following paragraphs:

“If the teacher held pensionable employment under this plan or the Government and Public Employees Retirement Plan during his leave without pay, he may be credited under this plan with the days and parts of a day of service credited during that period under the Government and Public Employees Retirement Plan, unless his contributions have been refunded to him or unless he is a pensioner under the plan. Where such days and parts of a day are so credited to him, all sums deposited with the Caisse de dépôt et placement du Québec in respect of such days and parts of a day, after deduction of those reimbursed in accordance with the third paragraph, shall be transferred, with interest accrued to the date of transfer, to the consolidated revenue fund. The teacher must, in that case, cause the days and parts of a day during which he did not hold such employment to be credited to him in accordance with the first paragraph.

The difference between the contributions he would have had to pay under this plan and the contributions actually paid under the Government and Public Employees Retirement Plan during the period of leave without pay shall be added to the amount of contributions referred to in subparagraph 2 of the first paragraph if the rate of contribution of that plan is less than the rate of contribution of this plan. If the rate of contribution of that plan is higher than the rate of contribution of this plan, the difference shall be reimbursed with accrued interest, in accordance with the Act respecting the Government and Public Employees Retirement Plan.”

**61.** The said Act is amended by inserting, after section 21, the following section:

**“21.1** An officer who ceases to be a member of the Civil Service Superannuation Plan and becomes a member of this plan may be

credited under this plan with all years or parts of years that could have been credited under section 66.1 of the Civil Service Superannuation Plan provided he satisfies the conditions prescribed therein.”

**62.** Section 31 of the said Act, amended by section 39 of chapter 39 of the statutes of 1992, is again amended by replacing the first line by the words

“**31.** Employers, except those listed in Schedule II.2 of the Act respecting the Government and Public Employees Retirement Plan, shall pay to the”.

**63.** The said Act is amended by inserting, after section 35, the following section:

**“35.0.1** For the purposes of section 35, any lump sum paid by way of an increase in or adjustment to the pensionable salary for a previous year and any amount paid during the year in which the teacher ceases to be a member of this plan and pertaining to the pensionable salary earned in the previous year shall be excluded from the salary referred to in subparagraphs 1 and 3 of the first paragraph of section 35 and from the salary referred to in the corresponding subparagraphs of the second paragraph of that section.

However, such lump sums or amounts shall be added to the result obtained under those subparagraphs for the purposes of subparagraphs 2 and 4 of the first paragraph of section 35 and the corresponding subparagraphs of the second paragraph of that section.

The amounts referred to in the first and second paragraphs correspond, for the years and parts of a year of service credited after 31 December 1989, to the amount by which the pensionable salary of the teacher exceeds the annual basic salary paid to him or, as the case may be, that would have been paid to him under the conditions of employment applicable on the last credited day of the year, multiplied by the service credited to that teacher in the course of the year or, if he holds more than one pensionable employment in the course of a year, to the amount by which his pensionable salary exceeds the total annual basic salary for each employment multiplied by the credited service pertaining to each employment.

The service credited under section 62 and, in respect of the years 1990 and 1991, the service credited under section 19 shall not be counted for the purposes of the third paragraph.”

**64.** Section 35.1 of the said Act, amended by section 78 of chapter 77 of the statutes of 1991, is repealed.

**65.** Section 36 of the said Act is replaced by the following section:

**“36.** For the purposes of paragraph 1 of section 34, the average pensionable salary may in no case be less than \$7 000.”

**66.** Section 43 of the said Act is amended by replacing the words “where such is the case” in the first line by the words “if there is no spouse”.

**67.** Section 65 of the said Act is amended by adding, at the end, the following paragraph:

“However, the first paragraph applies only with respect to that part of the pension established under paragraph 1 of section 34 and the amount provided for in that paragraph is multiplied by the fraction that the number of years of service credited before 1 January 1992 is of the total number of years of service credited”.

**68.** Section 73 of the said Act, amended by section 36 of chapter 14 of the statutes of 1991, is again amended

(1) by inserting, after paragraph 3, the following paragraphs:

“(3.1) establish, for the purposes of section 10.2, the limit applicable to the pensionable salary and to the service credited, and the rules and procedures for computing the pension;

“(3.2) establish, for the purposes of section 10.3, the periods of absence that may be credited for each type of absence and in total;”;

(2) by striking out paragraph 7.

**69.** Section 76 of the said Act is amended by striking out the last sentence of the last paragraph.

**70.** Section 76.1 of the said Act is amended by striking out the last sentence of the last paragraph.

**71.** Schedule III to the said Act is repealed.

#### ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

**72.** Section 62.1 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12), enacted by section 93 of chapter 77 of the statutes of 1991, is amended by replacing the second paragraph by the following paragraphs:

“For the purposes of the first paragraph, the pensionable salary of an officer who is credited with less than one year of service in a calendar year for the service he accomplishes is, without exceeding the salary required to arrive at the limit referred to in the first paragraph, equal to the amount obtained by carrying out, in order, the following operations:

(1) dividing the salary referred to in sections 51, 52 and 60.2 to 62, reduced by the amount established in accordance with the third paragraph of section 63.1.0.1, by the service credited; and

(2) adding to the result of that operation the amount established in accordance with the third paragraph of section 63.1.0.1.

For the purposes of the second paragraph, the pensionable salary referred to in the third paragraph of section 63.1.0.1 does not take account of the limit provided for in the first paragraph.”

**73.** The said Act is amended by inserting, after section 63.1, the following section:

**“63.1.0.1** For the purposes of section 63, any lump sum paid by way of an increase in or adjustment to the pensionable salary for a previous year and any amount paid during the year in which the officer ceases to be a member of the plan provided for in this division and pertaining to the pensionable salary earned in the previous year shall be excluded from the salary referred to in subparagraphs 1 and 3 of the first paragraph of section 63 and from the salary referred to in the corresponding subparagraphs of the second paragraph of that section.

However, such lump sums or amounts shall be added to the result obtained under those subparagraphs for the purposes of subparagraphs 2 and 4 of the first paragraph of section 63 and the corresponding subparagraphs of the second paragraph of that section.

The amounts referred to in the first and second paragraphs correspond, for the years and parts of a year of service credited after 31 December 1989, to the amount by which the pensionable salary of the officer exceeds the annual basic salary paid to him or, as the case may be, that would have been paid to him under the conditions of employment applicable on the last credited day of the year, multiplied by the service credited to that officer in the course of the year or, if he holds more than one pensionable employment in the course of a year, to the amount by which his pensionable salary exceeds the total annual basic salary for each employment multiplied by the credited service pertaining to each employment.



The service credited under section 67.1 and, in respect of the years 1990 and 1991, the service credited under section 67, shall not be counted for the purposes of the third paragraph."

**74.** Section 63.1.1 of the said Act, amended by section 96 of chapter 77 of the statutes of 1991, is repealed.

**75.** Section 63.2 of the said Act is replaced by the following section:

**"63.2** For the purposes of paragraph 1 of section 63, the average pensionable salary may in no case be less than \$7 000."

**76.** Section 63.7 of the said Act is amended by striking out the last sentence of the last paragraph.

**77.** Section 65 of the said Act is amended by adding, at the end, the following paragraph:

"However, the first paragraph applies only with respect to that part of the pension established under paragraph 1 of section 63 and the amount provided for in that paragraph is multiplied by the fraction that the number of years of service credited before 1 January 1992 is of the total number of years of service credited."

**78.** Section 66.1 of the said Act is amended by adding, at the end, the following paragraphs:

"If the officer has held pensionable employment under the Government and Public Employees Retirement Plan during his leave without pay, he may be credited under the plan provided for in this division with the days and parts of a day of service credited during that period under the Government and Public Employees Retirement Plan, unless his contributions have been refunded to him or unless he is a pensioner under the plan. Where such days and parts of a day are so credited to him, all sums deposited with the Caisse de dépôt et placement du Québec in respect of such days and parts of a day, after deduction of those reimbursed in accordance with the third paragraph, shall be transferred, with interest accrued to the date of transfer, to the consolidated revenue fund. The officer must, in that case, cause the days and parts of a day during which he did not hold such employment to be credited to him in accordance with the first paragraph.

The difference between the contributions he would have had to pay under the plan provided for in this division and the contributions

actually paid under the Government and Public Employees Retirement Plan during the period of leave without pay shall be added to the amount of contributions referred to in subparagraph 2 of the first paragraph if the rate of contribution of that plan is higher than the rate of contribution of the plan provided for in this division. If the rate of contribution of that plan is higher than the rate of contribution of the plan provided for in this division, the difference shall be reimbursed to him with accrued interest, in accordance with the Act respecting the Government and Public Employees Retirement Plan.”

**79.** The said Act is amended by inserting, after section 66.1, the following section:

**“66.1.1** A teacher who ceases to be a member of the Teachers Pension Plan and who is a member of the plan provided for in this division may be credited under that plan with all years or parts of years that could have been credited under section 21 of the Act respecting the Teachers Pension Plan provided he satisfies the conditions prescribed therein.”

**80.** Section 72 of the said Act is amended

(1) by replacing the first line of the first paragraph by the words

**“72.** Employers, except those listed in Schedule II.2 of the Act respecting the Government and Public Employees Retirement Plan, shall pay to the”;

(2) by inserting the words “listed in Schedule IV” after the word “employers” in the first line of the second paragraph.

**81.** Section 75 of the said Act is amended by replacing the words “where such is the case” in the first line by the words “if there is no spouse”.

**82.** Section 82 of the said Act is amended by striking out the last sentence of the second paragraph.

**83.** Section 90 of the said Act is amended by striking out the last sentence of the fourth paragraph.

**84.** Section 99 of the said Act is amended by striking out the last sentence of the sixth paragraph.

**85.** The said Act is amended by inserting, after section 99.4, the following section:

**“99.4.1** Officers who became employees of the Société de récupération, d'exploitation et de développement forestiers du Québec before 1 January 1991 continue to be members of this plan.”

**86.** Section 109 of the said Act, amended by section 42 of chapter 14 of the statutes of 1991, is again amended

(1) by striking out paragraph 6;

(2) by inserting, after paragraph 8.6, the following paragraphs:

“(8.7) establish, for the purposes of section 111.0.2, the limit applicable to the pensionable salary and to the service credited, and the rules and procedures for computing the pension;

“(8.8) establish, for the purposes of section 111.0.3, the periods of absence that may be credited for each type of absence and in total;”.

**87.** Section 111.0.1 of the said Act, amended by section 103 of chapter 77 of the statutes of 1991, is again amended by adding, at the end, the following paragraph:

“No interest is computed for the period during which the redemption proposal provided for in the first paragraph is valid. Where the Commission refuses the redemption of years or parts of years and its decision is quashed on review or on appeal on the basis of the data contained in the record at the time of the refusal, no interest is computed between the date of the refusal and the date on which the redemption proposal expires.”

**88.** The said Act is amended by inserting, after section 111.0.1, the following sections:

**“111.0.2** No benefit resulting from the redemption under the plan provided for in Division II of years or parts of years prior to 1 January 1990 may exceed the defined benefit limit applicable in respect of such years or parts of years under the Income Tax Act (Statutes of Canada).

For the purposes of the first paragraph, the limit applicable to the pensionable salary for the purpose of establishing the cost of redemption, the limit applicable to the service that may be credited, and the rules and procedures for computing that part of the pension which relates to the years or parts of years redeemed, may be established by regulation.

**“111.0.3** The periods of absence of an officer occurring after 31 December 1991 which may be credited under the plan provided for

in Division II, for each type of absence and in total, are determined by regulation.”

**89.** Section 112 of the said Act is amended by striking out the last sentence of the last paragraph.

**90.** Section 112.1 of the said Act is amended by striking out the last sentence of the last paragraph.

**91.** Schedule I to the said Act is amended by striking out the word “PERMANENT” in paragraphs 10 and 15.

**92.** Schedule IV to the said Act, amended by section 74 of chapter 44 of the statutes of 1992, is again amended

(1) by replacing the words “CONTRIBUTORY AMOUNTS” in the heading by the words “**THE SHARE REFERRED TO IN THE SECOND PARAGRAPH OF SECTION 72**”;

(2) by inserting, in alphabetical order, the following:

“the Commission des affaires sociales”.

**93.** Schedule IV.1 to the said Act, amended by section 296 of chapter 21 of the statutes of 1992, is again amended by striking out the following:

“the Commission des affaires sociales

“the Commission des services juridiques”.

#### COURTS OF JUSTICE ACT

**94.** Section 122 of the Courts of Justice Act (R.S.Q., chapter T-16), amended by section 2 of chapter 79 of the statutes of 1991, is again amended by striking out the last paragraph.

**95.** Section 232 of the said Act, amended by section 13 of chapter 79 of the statutes of 1991, is repealed.

**96.** Section 232.1 of the said Act, enacted by section 14 of chapter 79 of the statutes of 1991, is amended by striking out the second paragraph.

**97.** Section 237 of the said Act, amended by section 17 of chapter 79 of the statutes of 1991, is again amended

- (1) by striking out the first paragraph;
- (2) by striking out the words "In addition," in the first line of the second paragraph.

**98.** Section 244.11 of the said Act, amended by section 23 of chapter 79 of the statutes of 1991, is again amended by striking out the second paragraph.

#### MISCELLANEOUS AND TRANSITIONAL PROVISIONS

**99.** Notwithstanding the second paragraph of section 10.0.1 of the Act respecting the Government and Public Employees Retirement Plan, enacted by section 12 of chapter 14 of the statutes of 1991, the first order made under that section has effect from 1 January 1992.

**100.** Notwithstanding section 71 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly, enacted by section 2 of chapter 9 of the statutes of 1992, a regulation made under that section before 1 July 1993 has effect from 1 January 1992.

**101.** Division IV of Chapter V.1 of Title I of the Act respecting the Government and Public Employees Retirement Plan continues to apply on and after 2 November 1992 until the date determined in the first order made after 1 November 1992 pursuant to the first paragraph of section 85.17 of that Act and subsequently, until any other date determined in accordance with the said paragraph.

**102.** Sections 30 and 31 of the Act to amend the Courts of Justice Act in matters relating to the pension plan and social benefits (1991, chapter 79) shall read, for the municipality of Montréal, as if the date 31 December 1992 were replaced by the date 1 July 1993.

**103.** Notwithstanding the period of one year prescribed in the first paragraph of section 10.1 of the Act respecting the Government and Public Employees Retirement Plan, an employee to whom that paragraph applies who, before 1 April 1992, belongs to a category of employees designated by the Government under that paragraph may, until 1 April 1993, make the application provided for in that paragraph and his election applies from the day on which he joined such a category of employees.

**104.** Section 28 of the Act respecting the Pension Plan of Certain Teachers is deemed, for the period from 1 January 1987 to

31 December 1991, to have referred to the fourth paragraph of section 19 and not the third paragraph thereof.

**105.** The employees of the Société générale du cinéma du Québec who, on 30 March 1988, became the employees of the Société générale des industries culturelles were not members of the Government and Public Employees Retirement Plan before 1 July 1992.

**[[106.** The Minister of Finance may pay to the Commission administrative des régimes de retraite et d'assurances the contributory amount of the Commission des services juridiques as an employer listed in Schedule III.1 to the Act respecting the Government and Public Employees Retirement Plan, entered for the period beginning on 1 April 1984 and ending on 19 December 1989 in the pension plan account appearing in the financial statements of the Government, for the purposes of any cost-sharing agreement between the governments of Canada and of Québec entered into by virtue of section 94 of the Legal Aid Act (R.S.Q., chapter A-14).

The Commission administrative des régimes de retraite et d'assurances shall pay to the Caisse de dépôt et placement du Québec the contributory amount received under the first paragraph.

Any sums paid by the Minister of Finance under this section are taken out of the consolidated revenue fund.]]

**107.** Section 41 has effect from 1 July 1973.

**108.** Sections 34, 61 and 79 apply in respect of a leave without pay in progress on 20 June 1985 or beginning after that date.

**109.** Section 53, to the extent that it refers to the Séminaire Marie-Reine-du-Clergé, has effect from 29 June 1987.

**110.** Section 22, paragraph 1 of section 26, section 38, paragraph 1 of section 45, section 64, paragraph 2 of section 68, section 74 and paragraph 1 of section 86 have effect from 1 July 1987.

**111.** Section 91 has effect from 1 January 1988.

**112.** Paragraphs 1 and 2 of section 33 apply in respect of a leave without pay following a maternity, paternity or adoption leave in progress on 1 January 1991 or beginning after that date.

**113.** Paragraph 3 of section 55 and sections 56 and 93, to the extent that they refer to the Commission des affaires sociales, and paragraph 2 of section 92 have effect from 1 January 1991.

**114.** Sections 21, 37, 63 and 73 apply to the computation of every pension granted on or after 12 March 1991.

**115.** Sections 2 to 4, 6, 7, 9, 10, 12 to 16, 23, 25, paragraph 2 of section 26, sections 28 and 39, paragraph 2 of section 45, section 50, paragraph 3 of section 55 to the extent that it refers to the Séminaire Marie-Reine-du-Clergé, sections 58, 65, 67, paragraph 1 of section 68, sections 75 and 77, paragraph 2 of section 86, and sections 88 and 94 to 98 have effect from 1 January 1992.

**116.** Section 53 and paragraph 3 of section 55, to the extent that they refer to the Séminaire de St-Hyacinthe d'Yamaska, have effect from 1 July 1992.

**117.** Paragraph 3 of section 33 and sections 60 and 78 apply in respect of every leave without pay in progress on (*insert here the date of assent to this Act*) or beginning after that date.

**118.** This Act comes into force on (*insert here the date of assent to this Act*), except sections 17, 32, 36, 43, 44, 51, 54, paragraphs 1, 2, 4 and 5 of section 55, section 56 to the extent that it refers to the Commission des services juridiques, and sections 59, 62, 71, 72 and 80, paragraph 1 of section 92, and section 93 to the extent that it refers to the said Commission, which will come into force on 1 January 1993.