

FOURTH SESSION
THIRTY-FIRST LEGISLATURE

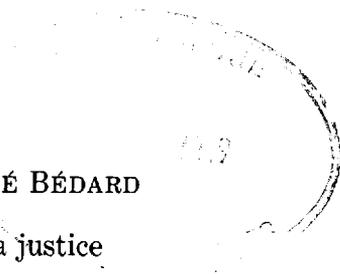
ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 49

**An Act to amend the Courts of Justice Act,
the Government and Public Employees Retirement
Plan and other legislation**

First reading
Second reading
Third reading

M. MARC-ANDRÉ BÉDARD
Ministre de la justice



L'ÉDITEUR OFFICIEL DU QUÉBEC

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EXPLANATORY NOTE

The intent of this bill is to amend the Courts of Justice Act and other legislation to add minor corrective measures.

Sec. 1. *The object of the proposed amendment to section 21 of the Courts of Justice Act is to increase the number of judges of the Superior Court from 110 to 111.*

Sec. 2. *The proposed addition of section 240a to the Courts of Justice Act is designed to allow the reimbursement of certain contributions in specific cases.*

Bill 49

An Act to amend the Courts of Justice Act, the Government and Public Employees Retirement Plan and other legislation

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

1. Section 21 of the Courts of Justice Act (Revised Statutes, 1964, chapter 20), replaced by section 1 of chapter 7 of the statutes of 1966, section 2 of chapter 18 of the statutes of 1966/1967, section 1 of chapter 15 of the statutes of 1968 and by section 1 of chapter 14 of the statutes of 1971, amended by section 3 of chapter 11 of the statutes of 1972 and section 1 of chapter 13 of the statutes of 1973, and replaced by section 13 of chapter 11 of the statutes of 1974, section 1 of chapter 10 of the statutes of 1975, section 1 of chapter 8 of the statutes of 1976 and by sections 3 and 4 of chapter 17 of the statutes of 1977, is again amended by replacing therein the words “one hundred and ten” by the words “one hundred and eleven” and the words “one hundred and seven” by the words “one hundred and eight”.

2. The said act is amended by inserting, after section 246, the following section:

“246a. A judge who is prevented from performing his duties for a reason that qualifies him to receive, in place of his salary, benefits under a fringe benefits plan contemplated in section 100c is exempt, for the period during which he receives or is qualified to receive such benefits, from payment of the contributions that would have been deducted from his salary had he performed his duties.

In the case of the reimbursement to a judge of his contributions, any contribution that he was exempted from paying shall be considered as having effectively been paid.”

Sec. 3. *The object of the proposed amendment to section 93 of the Government and Public Employees Retirement Plan is to follow up on an agreement reached in 1979 between the representatives of the employees and the social affairs and public service departments regarding the apportionment of the benefits provided under that section in 1973.*

3. Section 93 of the Government and Public Employees Retirement Plan (1973, chapter 12), amended by section 22 of chapter 9 of the statutes of 1974, is replaced by the following section:

“93. (1) This section applies to union employees and employees who may be, but are not, unionized, in the employment, on 31 December 1977, of public and private establishments contemplated in subparagraph *a* of paragraph 2 of section 2 and of establishments enumerated in Schedule III.

It also applies to the employees of the establishments mentioned in the first paragraph who, on 31 December 1977, receive an annual pension or are entitled to a deferred pension under this plan or under the C.S.N. — A.H.P.Q. — M.A.S. supplemental pension plan.

Notwithstanding the aforesaid, only the employees born on or before 30 June 1913 are contemplated by this section.

(2) Each employee who receives an annual pension under the terms of the second paragraph of subsection 1 must be granted an annual pension of an amount equal to the difference between \$916.00 and the annual amount of the pension received by him in the year under this plan and under any other supplemental pension plan in which his participation was mandatory and to which the employer contributed.

The same rule applies to the employee who is entitled to a deferred pension the payment of which began on or before 31 December 1977.

(3) Each employee who qualifies for an annual pension on or after 1 January 1978 must be granted an annual pension of an amount equal to the difference between \$916.00 and twelve times the original monthly amount payable to him under this plan or any other supplemental pension plan in which his participation was mandatory and to which the employer contributed.

The same rule applies to the employee who is entitled to a deferred pension the payment of which began on or after 1 January 1978.

(4) Notwithstanding any contrary provision, the annual pension granted under this section shall not be reduced by the amount of pension credit that may be credited to an employee under sections 71, 83 and 88.

(5) The pension granted under this section shall be paid to the employee in the manner provided in section 54.

(6) Sections 68 and 75 do not apply to this section.”

Sec. 4. *The object of the proposed amendment to section 94 of the Government and Public Employees Retirement Plan is to specify that the sums necessary for the payment of pension credits acquired under section 93 are taken out of the consolidated revenue fund.*

Sec. 5. *The object of the amendment proposed to paragraph 24 of Schedule II of the Government and Public Employees Retirement Plan is to change the date on which that act becomes applicable to the Commission des droits de la personne.*

Sec. 6. *Section 6 adds to the Government and Public Employees Retirement Plan the list of the establishments mentioned in section 93 as amended by section 3.*

4. Section 94 of the said act is replaced by the following section:

“**94.** The pension credit acquired under section 93 is entirely at the expense of the government. The amounts necessary for that purpose are taken out of the consolidated revenue fund and transmitted to the Commission by the Ministre des finances in the manner provided for in the fourth paragraph of section 114.”

5. Schedule II to the said act, enacted by section 43 of chapter 21 of the statutes of 1977, is amended by replacing paragraph 24 by the following paragraph:

“(24) Commission des droits de la personne27 06 75”.

6. The said act is amended by adding, after Schedule II, the following schedule:

“SCHEDULE III

“ESTABLISHMENTS RECOGNIZED FOR THE PURPOSES OF SECTION 93

- 1) L'Accueil St-Jacques Enr.
- 2) Les Ateliers Écoles Saint-André Inc.
- 3) Auberge des Quatre Vents Inc.
- 4) Le Centre hospitalier Bayview Inc.
- 5) Bussey Chronic Hospital Reg'd
- 6) The Cedars Home for Elderley People
- 7) Centre d'Accueil de Brossard Inc.
- 8) Centre d'accueil Grandes-Piles Inc.
- 9) Centre d'accueil Lorrain Inc.
- 10) Centre d'Accueil Montréal Nord
- 11) Centre d'Accueil Pavillon St-Théophile Inc.
- 12) Centre d'Accueil Relda Enr.
- 13) Centre d'Accueil Richelieu Inc.
- 14) Centre d'Accueil de Ripon Inc.
- 15) Centre d'Accueil St-Louis Enr.
- 16) Centre d'Accueil St-Stanislas Inc.

- 17) Centre d'accueil Socio-Professionnel Salaberry
- 18) Centre Le Cardinal Inc.
- 19) Centre Hospitalier de l'Assomption Inc.
- 20) Centre Hospitalier Beloeil Inc.
- 21) Centre Hospitalier Deux-Montagnes Inc.
- 22) Centre Hospitalier Notre-Dame du Chemin Inc.
- 23) Centre Hospitalier St-François Inc.
- 24) Centre Hospitalier St-Georges Inc.
- 25) Centre Hospitalier St-Sacrement Ltée
- 26) Centre Joie St-Pie X Inc.
- 27) Centre Pédiatrique Château Pierrefonds Inc.
- 28) Centre de Réadaptation Jean-Michel Inc.
- 29) Clinique Médicale de l'Est Inc.
- 30) Courville Nursing Home Inc.
- 31) École Anbar Inc.
- 32) L'Éveil
- 33) Foyer Beaupré
- 34) Foyer Le Blanc Sommet Inc.
- 35) Foyer Notre-Dame de Foy Enr.
- 36) Foyer Notre-Dame de la Prairie Inc.
- 37) Foyer Saints-Anges
- 38) Foyer Ste-Anne Marie Inc.
- 39) Foyer Ste-Bernadette
- 40) Foyer St-Cyprien Enr.
- 41) Foyer St-François B.B.G. Inc.
- 42) Foyer St-François
- 43) Foyer St-Hilaire Enr.
- 44) Foyer Ste-Marie-de-Sayabec Enr.
- 45) Foyer Ste-Rose Inc.
- 46) Foyer Soleil
- 47) Centre-Joie Ste-Thérèse Inc.

- 48) Greenfield Park Private Chronic Hospital Inc.
- 49) Hôpital Bellechasse
- 50) Hôpital Belmont Enr.
- 51) Hôpital Bois-Menu Inc.
- 52) Hôpital Bourget Inc.
- 53) Hôpital Le-Château-de-Berthier Inc.
- 54) Hôpital Fleur-de-Lys (1968) Inc.
- 55) Hôpital Jeanne-Mance Inc.
- 56) Hôpital Marie Claret
- 57) Hôpital Notre-Dame-du-Côteau-Landing Ltée
- 58) Hôpital Notre-Dame de Gatineau Ltée
- 59) Hôpital Notre-Dame de Lourdes Inc.
- 60) Hôpital Régina Limitée
- 61) Hôpital St-Albert-le-Grand
- 62) Hôpital St-Denis Enr.
- 63) Hôpital St-Félix de Longueuil Inc.
- 64) Hôpital Ste-Germaine Cousin Inc.
- 65) Hôpital St-Jude de Laval Ltée
- 66) Hôpital Ste-Marie des Convalescents
- 67) Hôpital Ste-Monique (1970) Inc.
- 68) Hôpital Ste-Rita Inc.
- 69) Hôpital Ste-Thérèse Inc.
- 70) Centre hospitalier St-Vincent-Marie Inc.
- 71) Hôpital du Très St-Rédempteur Enr.
- 72) West End Hospital Inc.
- 73) Institut Anbar
- 74) Jardins Versailles Inc.
- 75) Maison Reine-Marie Inc.
- 76) Manoir Aylmer Inc.
- 77) Le Manoir de Berthier Inc.
- 78) Manoir du Repos
- 79) Manoir St-Patrice Inc.

- 80) Mont Saint-Jude Inc.
- 81) Pavillon Bellevue Inc.
- 82) Pavillon Ste-Marie Inc.
- 83) Pavillon St-Raphaël Inc.
- 84) Refuge Notre-Dame-de-la-Paix
- 85) Résidence Castel Claire Mathieu Inc.
- 86) Résidence Marois Ltée
- 87) Résidence Marie Christine Enr.
- 88) Résidence Melbourne Inc.
- 89) Résidence Rivière Inc.
- 90) Résidence St-Bernard
- 91) Résidence St-François Enr.
- 92) Résidence Ste-Marguerite Inc.
- 93) Résidence Tracy Enr.
- 94) La Résidence du Troisième Age Inc.
- 95) Maison de santé Roxboro Ltée
- 96) St-Mary's Nursing Home Inc.
- 97) Shriners Hospital for crippled Children (Qué.) Inc.
- 98) Twilight Haven Inc.
- 99) Villa du Lac Champlain Inc.
- 100) Villa Marie-André Inc.
- 101) Villa Médica Inc.
- 102) Villa Notre-Dame-des-Anges Inc.
- 103) Villa de la Paix Inc.
- 104) Villa Rosemont Enr.
- 105) Villa St-Lucien Enr.
- 106) Wheeler Convalescent Home Inc.
- 107) Les Ateliers A.P.A.M. Inc.
- 108) Ateliers Flèche de Fer Inc.
- 109) Les Ateliers du Godendard Inc.
- 110) Les Ateliers du Grand Portage Inc.
- 111) Atelier Protégé pour Déficients Mentaux La Ruche Inc.

- 112) Atelier protégé le Fil d'Ariane Inc.
- 113) Atelier Protégé de la Mauricie Inc.
- 114) Les Ateliers de Réadaptation de l'Outaouais Inc.
- 115) Atelier de réadaptation pour adultes Drummondville (A.R.P.A.D.) Inc.
- 116) Atelier de Réadaptation au travail de Beauce Inc.
- 117) Les Ateliers Richelieu Inc.
- 118) Les Ateliers R-10 Inc.
- 119) Capar Inc.
- 120) Caprol Inc.
- 121) Centrart Inc.
- 122) Centre d'apprentissage et de développement industriel."

Sec. 7. *The object of the amendment proposed to section 8 of the Election Act is to render the pension plan provided under Part VI of the Courts of Justice Act applicable to the director general of elections.*

Sec. 8. *The object of the proposed amendment to section 5 of the Teachers Pension Plan is to allow the thirty days that may be added to the years of service of a teacher after 30 June 1965 to complete a year of service that would otherwise be incomplete, to serve for the purpose of qualification for a pension or a deferred pension.*

Sec. 9. *The object of the proposed amendment to section 3 of the Act respecting the consolidation of the statutes and regulations is to provide that the Government and Public Employees Retirement Plan applies to the full-time members of the Commission de refonte.*

Sec. 10. *The object of the proposed amendment to section 42 of the Act to amend the Courts of Justice Act and the Code of Civil Procedure and to establish the Conseil de la magistrature is to provide for the reimbursement of the sums that a judge may have paid under sections 39 and 40 of that act, with interest.*

Sec. 11. *The addition of section 43a to the Act to amend the Courts of Justice Act and the Code of Civil Procedure and to establish the Conseil de*

7. Section 8 of the Election Act (Revised Statutes, 1964, chapter 7), amended by section 3 of chapter 12 of the statutes of 1965 (1st session), section 1 of chapter 16 of the statutes of 1966/1967, section 20 of chapter 19 of the statutes of 1969, section 1 of chapter 5 of the statutes of 1972, section 3 of chapter 8 of the statutes of 1975 and section 1 of chapter 10 of the statutes of 1977, is again amended by replacing the second paragraph by the following paragraph:

“Sections 76 and 119 and Part VI of the Courts of Justice Act (Revised Statutes, 1964, chapter 20) apply to the Directeur général des élections, *mutatis mutandis*, as if he were chief judge of the Provincial Court.”

8. Section 5 of the Teachers Pension Plan (1965, 1st session, chapter 68), amended by section 4 of chapter 64 of the statutes of 1966/1967, section 5 of chapter 56 of the statutes of 1970 and by section 192 of chapter 12 of the statutes of 1973 and section 11 of chapter 23 of the statutes of 1977, is again amended by replacing the second paragraph by the following paragraph:

“In addition, for the purposes of qualification for and computation of the pension or, as the case may be, the deferred pension, the Commission may add not more than ninety days to the duration of the services rendered by a teacher after 30 June 1965, to allow him to complete a school year which otherwise would be incomplete for pension purposes and which precedes the year in which he leaves teaching or dies.”

9. Section 3 of the Act respecting the consolidation of the statutes and regulations (1976, chapter 11) is amended by adding the following paragraph:

“The pension plan of the full-time members is that provided by the Government and Public Employees Retirement Plan (1973, chapter 12).”

10. Section 42 of the Act to amend the Courts of Justice Act and the Code of Civil Procedure and to establish the Conseil de la magistrature (1978, chapter 19) is amended by adding the following paragraph:

“That judge is entitled, if he has availed himself of section 39, to the reimbursement of the sums that he has effectively paid under section 40, with accrued interest at the rate provided by section 239 of the Courts of Justice Act.”

11. The said act is amended by inserting, after section 43, the following section:

la Magistrature is designed to render the pension plan provided under Part VI of the Courts of Justice Act applicable to the director general of elections.

Sec. 12. The object of the proposed amendment to section 47 of the Youth Protection Act is to change the period during which the youth director may withdraw a child from his milieu to place him in a more appropriate environment.

Sec. 13. The object of the proposed amendment to section 58 of the Youth Protection Act is to allow the president or another member of the Comité de protection de la jeunesse to give the required authorization for the disclosure of certain information.

Sec. 14. The proposed amendment to section 74 of the Youth Protection Act is intended mainly to reduce the administrative load of the director.

“43a. Part VI of the Courts of Justice Act also applies, *mutatis mutandis*, to the director general of elections if, on 1 June 1979, he benefits by the pension plan provided for in sections 91 to 97 and 100 of that act, and if he makes the election provided for in section 37.

In that case, sections 37 to 43 apply, *mutatis mutandis*. For that purpose, the reference to the year 1979 in sections 37 to 43, except the third paragraph of section 38, must be read as a reference to the year 1980, and the reference to 30 January 1978 made in sections 37 and 42, as a reference to 1 January 1979; however, the salary used as the basis for the computations provided for in sections 38 to 40 is the salary of that person on 1 June 1979.”

12. Section 47 of the Youth Protection Act (1977, chapter 20) is amended by adding, at the end, the following paragraph:

“When the twenty-four hour period ends on a Saturday or on a non-judicial day, and the judge and the clerk are absent or unable to act and the interruption is likely to cause serious damage to the child, the director may, without an order, prolong the application of urgent measures, which shall then terminate on the next following judicial day.”

13. Section 58 of the said act is amended by replacing the first paragraph by the following paragraph:

“58. The director and any person under his authority, a member or an employee of the Comité, a person designated by the said Comité to act as arbitrator under paragraph *f* of section 23 and a person designated by the Ministre de la justice to decide jointly with the director on the directing of the child shall not divulge and shall not be compelled to divulge, without the authorization of the Comité, its president or one of its members generally or specially authorized in writing for that purpose by the president, any information obtained in the performance of their duties.”

14. Section 74 of the said act is replaced by the following section:

“74. Except in the cases of urgency contemplated in section 47, the Court shall be seized of the case of a child whose security or development is considered to be in danger or to whom an act contrary to any act or regulation in force in Québec is imputed, only by the director acting in cooperation with a person designated by the Ministre de la justice, or, in the case contemplated in paragraph *f* of section 23 by the Comité or by the arbitrator

designated by it, or by another person acting pursuant to a decision taken by them to seize the Court of the case of a child.

The Court may also be seized of the case of a child by the child himself or at his request, or his parents or at their request, if they disagree with

(a) a joint decision of the director and a person designated by the *Ministre de la justice* or a decision of the *Comité* or the arbitrator under paragraph *f* of section 23,

(b) the decision to prolong the period of voluntary foster care in a reception centre or a foster family.”

15. Section 3 takes effect on 1 January 1978, section 8 takes effect on 1 July 1976 and section 9 takes effect on 15 April 1979.

16. This act comes into force on the day of its sanction.